

Commission on
Human Rights and
Administrative Justice - Ghana



FOURTH ANNUAL REPORT

1997

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The Honourable Justice D.F. Annan
Speaker Of The Parliament Of The
Fourth Republic of Ghana
Office of Parliament
Accra

Dear 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 submit to you and to Parliament the Fourth Annual Report of the Commission for the period January 1, 1997 to December 31, 1997.

Sincerely,

Emile Francis Short
Commissioner

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COMMISSIONER'S REMARKS

A Productive Year

The year under review was, on the whole, a remarkable success thanks to the continuing hard work of our staff and the provision of much-needed additional resources by the donor community, notably the British High Commission, the US Embassy and the Konrad Adenauer Foundation. The Commission is most grateful to the Danish Embassy for its substantial financial and technical support.

The German Embassy also donated a number of radio equipment for use by a number of the Commission's District Offices, which lacked telephone facilities. As a result of this gift, the Commission's head office and those district offices have been able to maintain regular communication as necessary.

The generosity of the donor community was crucial to the Commission's capacity-building process and institutional strengthening in 1997. It enabled the Commission to train some of its staff and to provide equipment for the operation of some Regional and District Offices. By virtue of these donations, the Commission was also able to organize seminars for segments of the judiciary.

As immensely helpful as these donations were, the Commission continued to face several major challenges to its operations and performance. The challenges ran the gamut from inadequate financial and logistical support due to limited budgetary allocation from government to low salaries and emoluments of the Commission staff compared with other cognate institutions such as the Serious Fraud Office.

These problems had the potential of limiting the Commission's capability to adequately meet its statutory and constitutional obligations of:

- *investigating human rights and administrative justice complaints and allegations of corruption;*
- *preventing human rights violations, acts of administrative injustice and corruption;*
- *providing an effective and expeditious redress or remedy through a fair process;*
- *increasing societal awareness of human rights and responsibilities through a comprehensive programme of education and information;*
- *monitoring and commenting on equality trends and patterns; and*
- *correcting persistent patterns of inequality affecting groups.*

The net effect of these challenging operational circumstances was the relatively high rate of staff turn-over, especially from our legal department. Most of our lawyers who left went into private legal practice or joined other statutory bodies with similar objectives but better salaries and conditions of service. Thus 1997 was a watershed year which served to highlight the challenges of balancing human rights and responsibilities in volatile economic times.

Achievements

Nevertheless, the Commission continued to operate at a high level of commitment. It performed its regular statutory functions with dedication and also conducted a thorough inspection of the country's prisons and police cells. During the year under the review, the Commission received and investigated 5,876 complaints. In all, the Commission disposed of 3,742 cases through mediation and adjudication.

The Commission opened 10 new District Offices across the country. This brought to 39 the total number of District Offices opened since the inception of the Commission in July 1993.

During the year, the Commission participated in several international and domestic human rights activities. Most of these activities contributed to further enhancing the Commission's human resource development efforts. Others served to expand societal awareness of human rights and responsibilities. For instance, in March the Commission organized a national youth seminar in Kumasi with the objective of inculcating in our youth a sound appreciation of human rights values and norms, and encouraging them to respect the rights of others. The Commission also collaborated with the British Council to stage an international conference for human rights commissions and human rights NGOs in the West African sub-region.

Regret

The 1997 Annual Report is being released behind schedule. This was due to considerable operational difficulties occasioned by inadequate staff and other resources. The delay is deeply regretted.

The Commission believes that annual reporting by constitutional and statutory agencies is an important hallmark of accountability for operations and performance. Accordingly, the Commission will take steps to ensure a timely reporting of its stewardship in future.

Emile Francis Short
Commissioner

PROGRAMMES REPORT

SEMINARS

The Commission continued to organize programmes aimed at promoting and protecting the fundamental human rights of the people.

Local

The Commission organized a number of local seminars during the year. The target groups included 17 bodies of the National Youth Council, major human rights NGOs, Community and Circuit Tribunal Chairpersons and Panel Members.

International

The Commission participated in a number of international seminars and conferences. Two conferences were organized by the Commission: one for Human Rights Commissions and NGOs in the West African sub-region and the other for African Ombudsmen. Both took place in Accra.

The Commission was represented by the Commissioner or his Deputies at the following events:

- Conference on Strengthening National Human Rights Institutions and the Promotion of Human Rights held in Kampala, Uganda, from 3rd- 8th November, 1997.
- Fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights, Merida, Mexico, November 27-29, 1997.
- Pan-African Human Rights Consultative Movement: Towards an African Human Rights Movement, Johannesburg, South Africa: 16th -19th November 1997.
- Conference on the Legal Profession and the Protection of Human Rights in Africa held in Maastricht, Netherlands, from 27th-29th November 1997.

2. PILOT PUBLIC EDUCATION PROJECT

The Pilot Educational Programme in human rights for the rural communities was implemented in 1997. The programme fulfilled the Commission's constitutional mandate in Article 218(f) to educate the public on fundamental human rights and freedoms. The programme took place in the Upper East and Volta Regions and was launched at Ho, the capital of the Volta Region on the 11th of February 1997. The objectives of the programme were to :

educate the public on general fundamental human rights as stipulated in the 1992 constitution and on specific abuses prevalent in particular areas;
educate the communities on their civic responsibilities;
highlight the appropriate places for redress in the event of violations;

- d. **create** a human rights culture among the various communities through the formation of human rights clubs;
- e. assess the educational needs in relation to these objectives; and
- f. formulate recommendations for future programmes by the Commission.

The programme took various forms including public lectures facilitated by officials from the two regional offices of the Commission and active community participation. The following is a list of the wide variety of topics covered under the programme:

- (a) the mandate, nature and functions of the Commission;
- (b) the rights of women and children;
- (c) the rights of individuals to the property left by their deceased spouses;
- (d) obsolete and dehumanizing cultural practices such as female genital mutilation, the trokosi system and aspects of widowhood rites; and
- (e) "You and the Police".

3. TROKOSI

The Commission continued to collaborate with International Needs (Ghana) to secure the liberation of girls undergoing customary servitude in fetish shrines in certain parts of the country.

4. INSPECTION OF PRISONS

The results of this year's inspection were reminiscent of the follow-up inspections of 1996; little change had been made to improve prison conditions.

Findings

(a) Feeding Grants

The feeding grant per day per capita at the time of inspection was ₵800.00. This amount, which had risen from ₵200 in 1995 to ₵800 in 1997, could not meet the feeding requirements of inmates in all the prisons.

(b) Clothing

Prisoners' clothing and bedding allotments were inadequate. For instance, at the Tamale Central Prison, only 150 out of 175 prisoners had beds; those with mattresses were 120. Only 128 had blankets and 88 had cover cloths. Thus, 25 prisoners did not have beds and were sleeping on the floor. As many as 55 prisoners who did not have mattresses and 47 had no blankets, while 87 had no cover cloths.

(c) Health and Medicare

The health situation appeared to have improved in 1997. Reports from our Regional Directors indicated that prisoners no longer paid for hospital treatment themselves.

(d) Remand Prisoners

The quandary of remand prisoners remained. Three hundred and eighty-eight (388) out of 1,200 prisoners in the Ashanti Region were remand prisoners. The time of remand ranged from 3 days to five years.

Eighty prisoners awaiting sentence claimed to have pleaded guilty at their first court appearance.

Most inmates complained of harsh bail conditions and the inability of the police to thoroughly investigate their cases before being sent on remand. Some also claimed they were on remand because their dockets were missing or the police handling their cases had been posted to other stations.

(e) Convicted Pregnant Women

Conviction of pregnant women to prison terms continued despite calls by CHRAJ to suspend such sentences till the women involved had delivered their babies.

At the Female Section, of the Kumasi Central Prisons two pregnant women, aged 22 and 25 years, were serving 3-year terms each.

(f) Juveniles in Adult Prisons

The problem of keeping juvenile offenders in adult prisons has been reduced considerably. During the 1997 inspection exercise, only six juveniles were found at the Koforidua prison. These six juveniles claimed that they were advised by the police to inflate their ages as that would enable them get speedy trials and shorter sentences in prison as against three years at the borstal homes. One juvenile was found at the Anomabu Prison in the Central Region. Two juveniles were at the Winneba Prison on remand charged with stealing.

(g) Mentally Disabled Prisoners

Three mentally disabled prisoners were found at the Anomabu Prison. There was one mentally disabled prisoner at the Tamale Central Prison (TCP). Four inmates were observed to be developing mental problems at the TCP and were under consideration for transfer to psychiatric homes for treatment.

(h) Vocational Training in Prison

Facilities for the vocational training of inmates were inadequate in the country's major prisons. In most of the walled prisons vocational facilities were non-existent or outmoded. The vocational or artisan workshops available were there to provide maintenance of the prison. If provided with modern facilities and machinery, there would be room for vocational training in carpentry, kente weaving, black smithing, etc.

(i) Agriculture

A majority of the prisons operate agricultural projects, with inmates engaging in the cultivation of various food crops. The produce is used to supplement the prisoners' meals. Prisoners in settlement camps are usually employed in agricultural production.

It is worth exploring more effective ways of enabling prisoners to generate more income to supplement their meals, pay their medical bills and improve their health, living conditions and general welfare.

(j) Recreational Facilities

Prisons inspected by the Commission since 1995 showed sparse recreational facilities. The report from the Upper West Region stated "since our maiden visit in 1995, there has been no improvement in the recreational and learning facilities in the prison. The two (2) sets of Ludo and one (1) set of "Oware" games which had been there since 1995 are now thoroughly worn out". The Male Section of the Nsawam Prison had a variety of recreational facilities for inmates such as a sports/football field and video shows.

(k) Congestion/Overcrowding in Prisons

The spread of contagious diseases due to congestion is common in the country's walled prisons. The James Fort Prison in Accra was overcrowded with remand prisoners. A major reason for over-crowding was trial delay. An expedited trial process would reduce congestion by sending convicted prisoners to settlement farms or camps.

(l) Wrongfully Convicted Persons in Prison

A number of prisoners tried and convicted by the erstwhile revolutionary tribunals claimed that they were denied due process of law. The Commission is currently investigating one such claim of unlawful trial and conviction.

Throughout the year, the Commission reiterated its call for a serious national effort to address the severe problems of congestion, malnutrition, ill-health and unhygienic living conditions in the countries' prisons. It also publicly highlighted the key findings of the prisons inspection.

SAMPLE OF DECIDED CASES

CHRAJ/UER/LD/95/115 - Petition for Formal Divorce

The Petitioner was married to the son of the Respondent. The Petitioner's husband moved in with his second wife, and the Petitioner went to live with another man. The Petitioner's husband died and she appealed to the Respondent for a divorce. The Respondent rejected her request and a dowry finalized payment to the Petitioner's paternal uncle on behalf of the deceased husband.

The Respondent and the Petitioner's paternal uncle refused to let the petitioner remarry. According to Frafra custom she must marry a brother of her deceased husband. The paternal uncle would not grant the needed divorce or perform customary marriage rites. Both the uncle and the Respondent claimed these refusals were within their rights under Frafra custom.

The Commission acknowledged the woman's right to initiate divorce proceedings. It determined that the Petitioner effectively communicated her intention to dissolve the marriage. The Commission held that the customary practice of forcing a woman to marry within her deceased husband's family or remain a widow was dehumanizing and sexually discriminatory. Therefore, the Petitioner was to be allowed to remarry whomever she chose. The Respondent and paternal uncle were to perform all necessary customary rites including the settlement of dowry payments. The Commission recommended that the elders of the community be brought in to arrange a dowry if necessary.

CHRAJ/GAR/311/96 – Claim for Promotion Benefits

The Petitioner retired from employment with the Respondent as Principal Superintendent. Following her retirement, however, the Respondent calculated her retirement benefits on the basis of her previous lower rank as a Senior Superintendent. The Petitioner claimed that she was entitled to a three-range higher promotion and retirement benefits based on the range of an Assistant Director. The Respondent provided the Commission with evidence of the promotion code applicable to this case.

The Commission found that according to this code the Petitioner should have been promoted to the rank of Assistant Director. The Commission ordered the Respondent to pay the Petitioner retroactive salary and pension benefits commensurate with the salary range applicable to the position of Assistant Director.

Case No. GAR/19/97 - Suit over Craft shop

The Petitioner alleged that her craft and groceries shop, located in the terminal building of the Kotoka International Airport (KIA), was seized unjustly by the Ghana Civil Aviation Authority. The Respondent claimed that, because of renovation works in the building, the Petitioner was requested to close her shop and leave the premises until further notice.

In March 1995, the Petitioner evacuated the premises. When she sought to return in November of that year following the renovations, she learned that her space had been allocated to someone else. This was in spite of the fact that she owed no outstanding fees, having paid ¢150,000.00 to meet her total tax and rental obligations.

The Respondent stated that it requested all concessionaires at the terminal to vacate in order to enable it implement the "second phase of the KIA Rehabilitation Project". The Respondent stated further that only a few concessionaires who satisfied the following conditions were allowed to return to the premises:

1. a formal written application
2. no default on rent payment
3. a good variety of items to adequately satisfy the public desire

According to the Respondent, the Petitioner did not meet all three requirements and, as a result, she was not allocated business space.

The Commission held a hearing into the petition during which the nature of the contractual relationship between the Respondents and the Petitioner was examined. The Commission found that the Petitioner was not simply a "concessionaire" as the Respondents claimed but a "tenant". The Petitioner had had contractual relationship with KIA for over fifteen years. Because of the long duration the Petitioner was regarded as a tenant and not a mere licensee.

Second, the Commission considered whether the Petitioner was given adequate notice to vacate the premises by the Respondent. The Respondent gave one-month notice to the Petitioner. The Commission held this period of notice to be insufficient. To evacuate a tenant after prior notice of one month did not comply with the rent law of Ghana which stipulates the statutory notice required for business premises of the Petitioner's kind as being at least six months. The notice must also be in accordance with section 17(i)(h) of the *Rent Act* 1963, Act 220.

The Commission ruled in favour of the Petitioner. The Respondent was to restore the shop to the Petitioner and pay a sum of ¢500,000.00, being the cost of a year's lost profit margin.

CHRAJ/277/94 - Wrongful Dismissal

The Petitioner was a member of the Ghana Civil Service working as Treasurer of the Tema Municipal Assembly. He claimed that he was unjustly dismissed and should, therefore, be reinstated. The Respondent stated that the Petitioner was dismissed because he was incompetent. It also claimed that a Committee of Enquiry into allegations that he had embezzled state funds had found him guilty. The Petitioner countered that the Government White Paper on the investigation recommended his reinstatement.

The Commission noted that the embezzlement charges cited by the Government White Paper were not mentioned in the Committees' Report. The Committee of Enquiry found that the Petitioner received a loan from the District Administrative Officer and had constructed a pigsty at his official residence with council material. The Petitioner complied with the Committee's suggestion that he immediately repaid the council for both expenses. There was no mention of money or any charges of embezzlement in the Committee's findings. The Respondent's claim that the Petitioner was unable to do the job of Tema Municipal Assembly Treasurer was found to be false. The Committee recommended that the Petitioner be transferred to his previous position.

The Commission, therefore, found the Respondents' decision to dismiss the Petitioner in accordance with the Government White Paper as inequitable. The Commission recommended that the Petitioner be reinstated by the Respondent and transferred to his previous position in accordance with the Committee of Enquiry's findings. Given that the Petitioner did not work during the period of his dismissal, the Commission recommended he be paid 50% of his salary arrears from the time of his dismissal up to the date of reinstatement.

CHRAJ/73/96/224 - Unlawful Detention/Request for Reinstatement

The Petitioner, an accountant, the Ghana Education Service, deposited payment vouchers and other accounting books at the Central Police Station as requested by a Special Audit Task Force. He was then ordered to account for a missing Payment Voucher. The Petitioner claimed that his request for an opportunity to find the voucher among the papers lodged at the Police Station was refused. His request was granted after paying ₵30,000. He was allowed to retrieve the voucher which showed that the money in question covered the Cost of Living Allowance payable to all government employees. The Respondent's task force refused to accept this voucher and detained the Petitioner on charges of embezzlement. The Petitioner paid part of the amount he allegedly owed, in an effort to gain his release but was still held in custody with no redress.

The Commission found that a copy of the initial payment voucher and receipts covering additional payments made by the Petitioner to the Respondent subsequent to his detainment supported the Petitioner's claims. The Respondent's charges of embezzlement against the Petitioner were unfounded. The Commission recommended that the Petitioner be released immediately and reinstated as an accountant. He should be paid all arrears of salary up to date. In addition, the Commission asked the Respondent to refund to the Petitioner the amount he paid to the Task Force while he was in custody.

CHRAJ/492/94/1130 – Claim for Promotion Benefits

The Petitioner was employed with the Respondent for nine years, yet had not received a promotion or annual salary increment. He claimed his probation period had been unfairly extended and requested a promotion with the appropriate salary increase. The Petitioner also claimed the Respondent owed him a refund for work-related travel.

The Respondent claimed that the Petitioner's probation had been continued as a result of unsatisfactory work assessment reports. The Respondent also contended that no further airfare reimbursement was owed because the Petitioner was paid an approved rate for flights on Ghana Airways in accordance with government policy.

The Commission found that the Respondent was responsible for either addressing the quality of the Petitioner's performance or ending the probation after two years as was guaranteed by the agreed conditions of appointment. The Commission recommended that the Respondent should pay appropriate salary increments owed to the Petitioner.

The Respondent accepted this decision and began new assessment interviews with the Petitioner in order to best implement the Commission's recommendations. The Commission found that the Respondent provided an adequate travel refund according to government policy and no additional funds were owed to the Petitioner.

The Petitioner appealed against this decision but provided no new evidence to support his claim.

CHRAJ/VR/CN.96/97/10 - Unauthorized Deductions from Pay

The Petitioner was a blind typist employed by the Ghana Education Service. Since April 1997, the Respondent had made unauthorized deductions on behalf of the Blind Teacher's Association from the Petitioner's salary. The Petitioner claimed that he was not a blind teacher or a member of the Association and did not have to make a contribution. The Petitioner never gave permission for these deductions. He requested reimbursement and that no further deductions be made.

The Respondent tried to persuade the Petitioner to become a member of the Blind Teacher's Association and continue payments claiming the association served all blind persons regardless of their occupation.

The Commission settled this case through mediation. It was agreed that it was against the Petitioner's rights to force him to pay membership fees in a voluntary organization of which he was not a part. The total amount taken in monthly deductions for dues and a Housing Scheme was determined.

The Petitioner accepted the Respondent's claim that a portion of the deduction was used in the service of the blind generally. The Respondent was to refund all monies to the Petitioner except the portion used in general services and delete his name from the deductible list.

CHRAJ/GAR/147/95 - Termination of Employment and Severance Payment

The Petitioner claimed that his termination from employment with the Respondent was unfair and, as a result, he requested reinstatement and financial redress. The Respondent refused to honor this request stating that the Petitioner was legally

declared redundant and could not be re-instated. A supplementary petition filed by the Petitioner requested the payment of leave benefits in addition to his severance award.

The Commission found that the Respondent followed the Collective Bargaining Agreement to legally determine which workers would be declared redundant. The Respondent also provided the three months salary severance award necessary to compensate the Petitioner.

The Commission found that the redundancy exercise and consequent dismissal of the Petitioner were justified. The Respondent did not, however, provide compensation for lost leave benefits. The Commission found that the Petitioner was entitled to financial redress on the basis of his last salary and length of leave.

CHRAJ/VER/D/96/291 - Workman's Compensation

The Petitioner was employed as a boarder guard by the Respondent. While on duty he was stabbed by another border guard and was subsequently hospitalized. Treatment and further medical complications caused the Petitioner to take six months leave from work.

The Petitioner said that he applied for compensation under the Workmen's Compensation Act, filed the necessary medical report forms, and forwarded them to his employer to be transmitted to the District Labour Office. Despite several reminders, the Respondent had still not paid any compensation to the Petitioner. The Respondent claimed that the Petitioner's recent health problems and poor performance were not due to the work-related injury and, therefore, compensation would be granted only after examination and recommendation by the Ghana Police Medical Board.

The Respondent confirmed that the Petitioner was promoted to detective and transferred as a result of his injury. The Commission found this to be adequate evidence in support of the Petitioner's claim that his injuries were work-related to warrant a change in position. Therefore, the Commission found the health or performance problems cited by the Respondent to be irrelevant to the Petitioner's initial claim.

The Commission recommended that adequate compensation be paid to the Petitioner without prejudice to the current investigations being conducted by the Police Medical Board.

CHRAJ/VER/LD/95/114 - Petition against Jury Summons (on Religious Grounds)

The Petitioner was summoned by the Respondent to serve as a juror in accordance with the Criminal Procedure Code. The Petitioner requested exemption from the service on the grounds that such service would violate his religious beliefs. He also cited his heavy workload as a reason for requesting the exemption. The Respondent rejected the petition claiming that it was the civic responsibility of the Petitioner to serve as a juror despite religious conviction or workload.

The Commission did not investigate this matter. The Petitioner was not "actually officiating" as a priest or minister and did not qualify for exemption under the statutes listed in Section 207 of the Criminal Procedure Code 1960 (Act 30). No statute allowed work responsibilities (outside those held by persons in government positions, medical practitioners and court officers) to be adequate grounds for exemption. The Commission considered the Petitioner's appeal to be unfounded and dismissed accordingly.

Case No. CHRAJ/13/97/83

The Petitioner traveled on Air Alitalia to Accra through Tokyo and Rome in November 1996. The Petitioner claimed that his passport was impounded during a layover at Tokyo Airport. He was detained and made to pay a fine of 24,000 Yen or \$224.00 by a security agency.

The Petitioner blamed the Respondent for the unjust treatment and asked for a refund of the sum of US\$ 224.00 he was made to pay at the Tokyo airport.

In the absence of a clear identity of the security agency which caused the alleged unfair treatment, no investigation could be conducted. The Commission's response is in accordance with a letter submitted to it by Air Alitalia in response to the Petitioner's claim. Furthermore, due to logistical reasons, the Commission was unable to investigate cases involving considerable distance such as Japan. Nevertheless, the Commission was concerned with the ill treatment of a Ghanaian whilst traveling abroad.

Case No. CHRAJ/NR/WMD/008/3/97

The Petitioners, a married couple, filed this petition on behalf of a thirteen-year old girl. They sought the Commission's assistance to stop the forced marriage of the child to an elderly man.

The child at the centre of the petition had been married off by her parents at a very early age but had not moved into her matrimonial home because of her rather tender age. She was approximately eight years old when she went to live with the Petitioners in Accra as a junior house-help. The Petitioners educated the child, traveled widely with her, and treated her as a member of the family; she was happy in her new home.

In 1997, the parents of the girl demanded to take the child back from the Petitioners so that, now that she was "old enough", she could go and live with her husband. She was approximately 13 years at the time.

The Commission affirmed parental right to custody of their children. However, it explained to the parents the illegality of forced marriages in Ghana. In the special circumstances of this case, the Commission concluded that the child's right to

education was paramount and that the child should be allowed to continue living with the Petitioners in order to further her education. The Respondents agreed.

In addition, the Northern Regional Director visited the parents in their hometown and met with them and the opinion leaders in the community. The purpose of this meeting was to mediate the matter and also educate the community on the legal rights of children in Ghana in such circumstances. The Commission took the opportunity, pursuant to its constitutional and statutory mandate to educate the public on human rights issues, to underscore the importance of complying with international human rights norms and values. This conciliatory approach was preferred in order to prevent friction between the child and her parents and the wider community.

ORGANISATIONAL STRUCTURE OF THE COMMISSION

Three flowcharts, illustrating the organisational structure of the Commission at the National, Regional and District levels, appear at pages 14, 15 and 16 respectively.

The Commissioner and two Deputies constitute the governing body of the Commission as stipulated by the Constitution. A Chief Legal Officer, Chief Investigator and Chief Administrator head the Legal, Operations and Administration Departments respectively. A Chief Accountant heads the Finance Department.

At the National level, the Legal Department is made up of lawyers with a supporting staff of a Registrar and bailiffs. The Research Unit forms part of the Legal Department. The Operations Department is made up of investigators and includes a Public Education unit.

The Administration Department has a Personnel outfit, Public Relations, Statistics and Computer Unit and general, clerical and secretarial staff. The Finance department is made up of Accounting personnel, the Internal Audit Unit and Finance officers. The Internal Auditor reports directly to the Deputy Commissioner in charge of Finance and Administration.

As shown in diagram B, each Regional Office of the Commission in all ten regions of the country is headed by a Regional Director, who is a lawyer. Legal officers and investigators assist the Regional Director. The most senior of the investigators is designated the Regional Officer in charge of Operations, who assists the Regional Director in the operations and investigative work of the region.

As diagram C illustrates a District officer who must be a university graduate heads the District office. An Assistant Investigator, Assistant Registrar, Bailiff and secretarial and clerical staff assist the District Officer.

ORGANISATIONAL FRAMEWORK OF THE COMMISSION

The following flow charts illustrate the organizational framework of the Commission from the National to Regional and District levels.

HEADQUARTERS

Diagram A

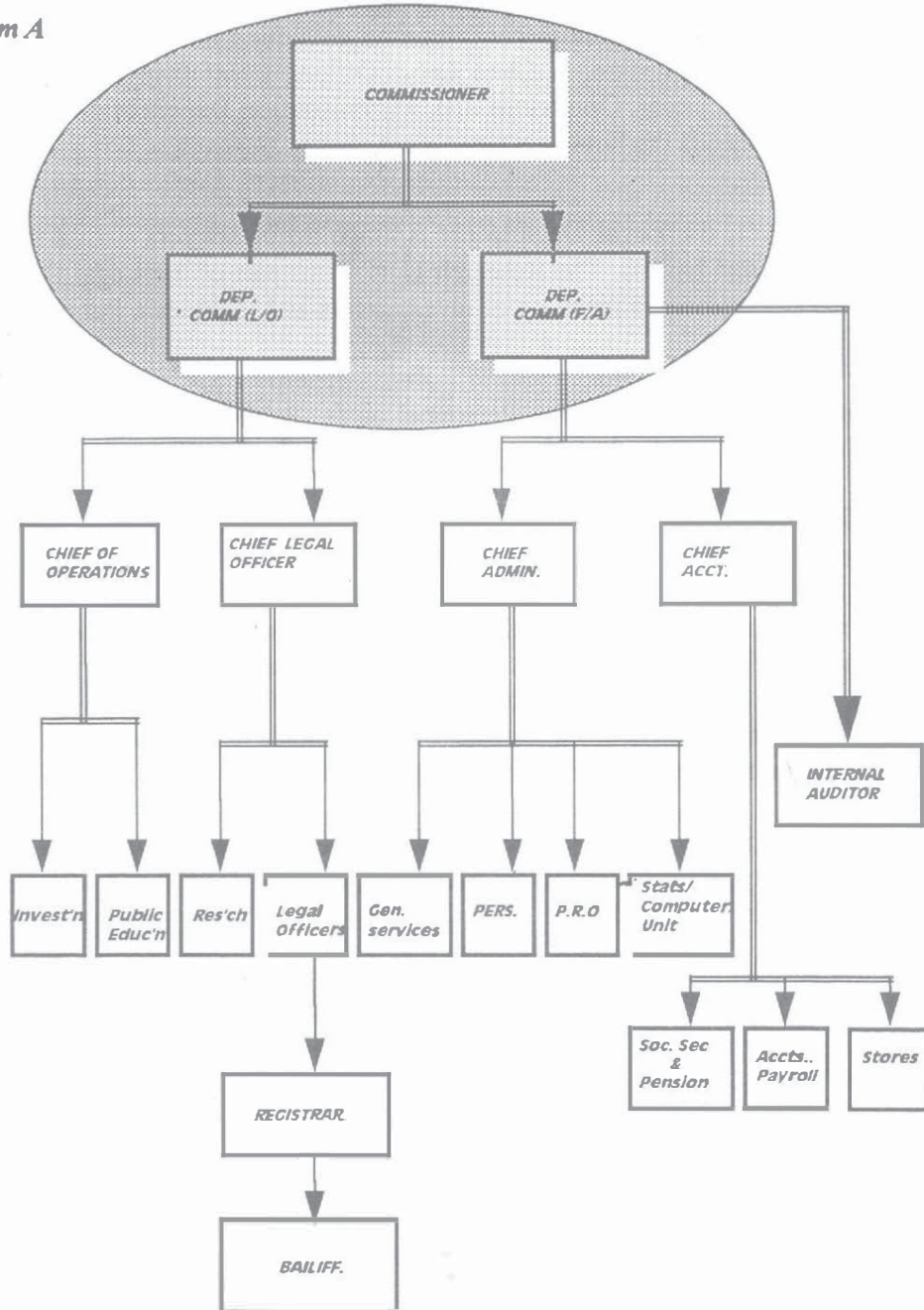


Diagram B

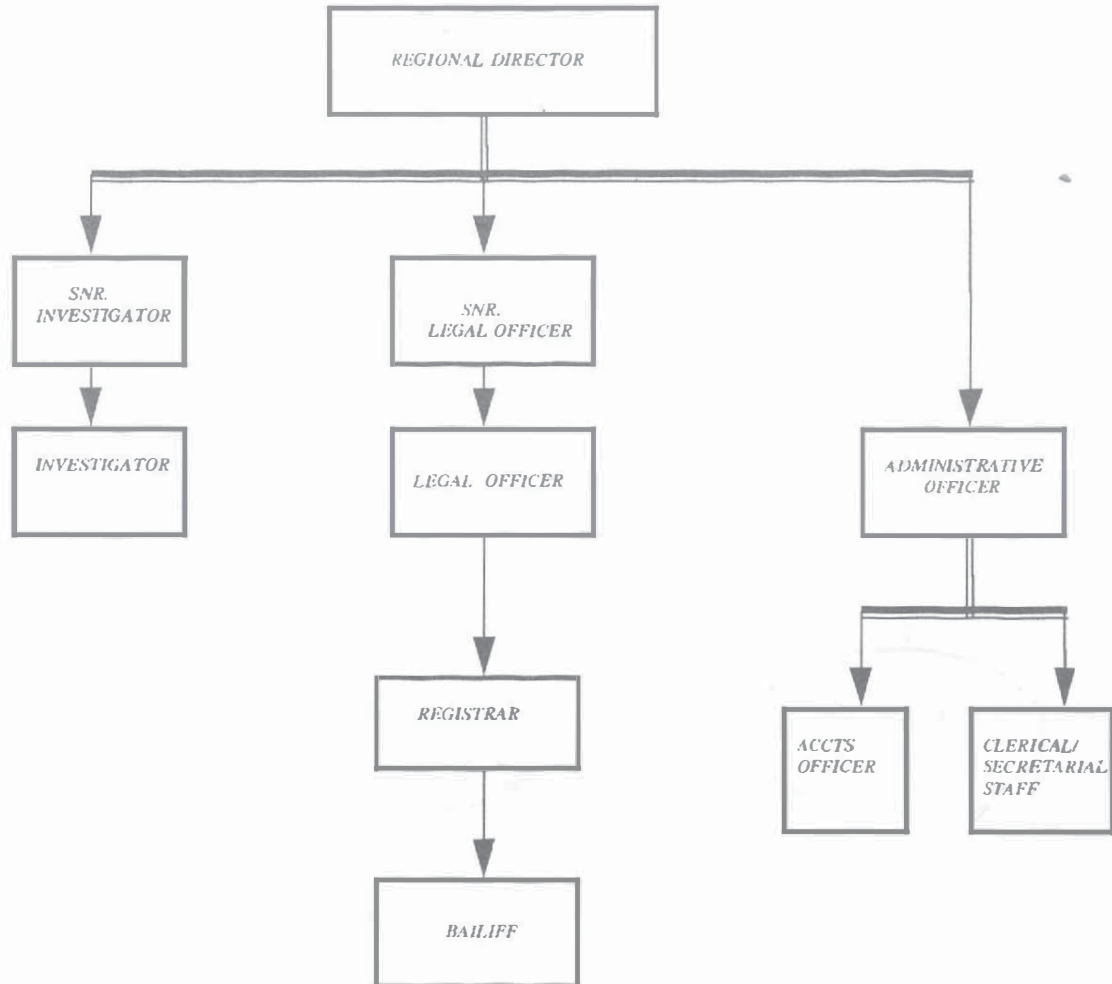
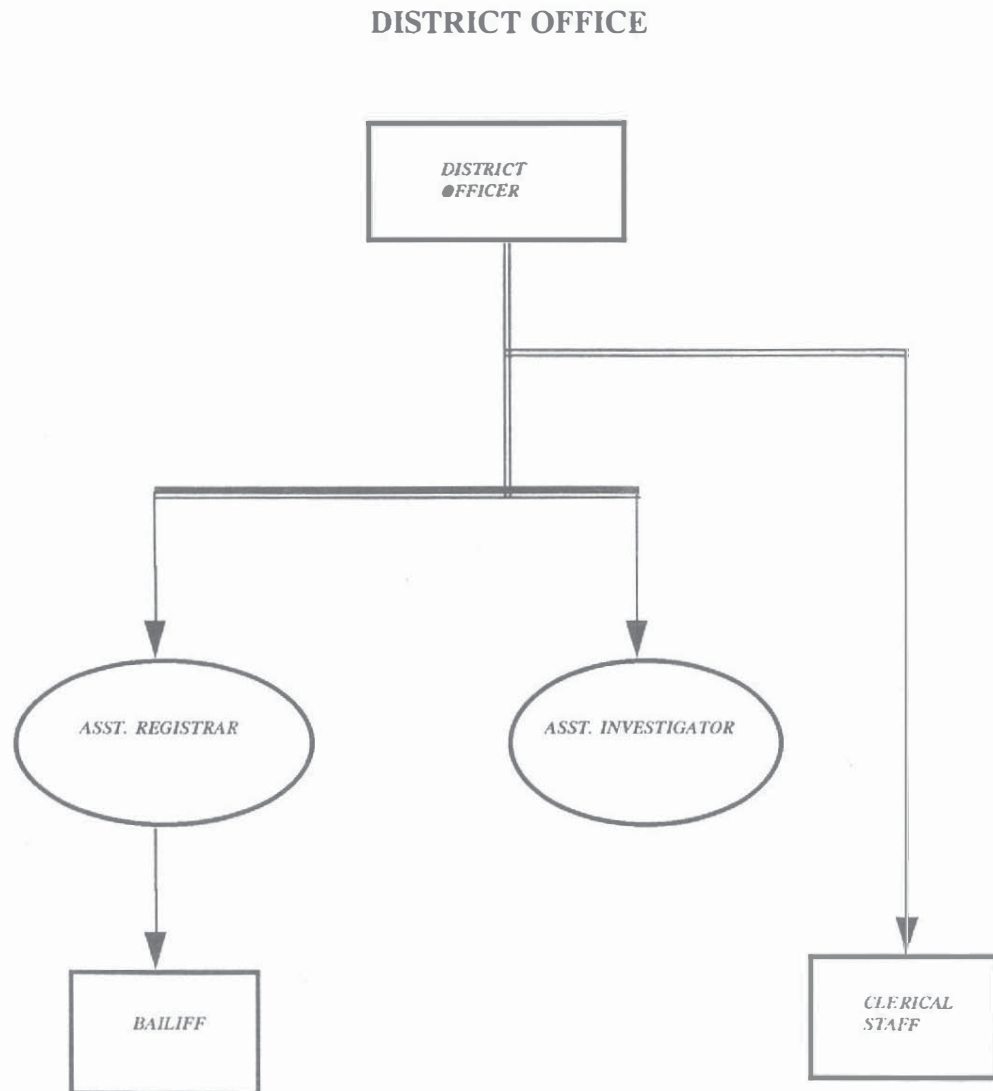
REGIONAL OFFICE

Diagram C



STATISTICAL COMMENTARY

The Commission received 5,876 cases nation-wide in 1997 representing a 13% increase over 1996. This brings to 18,285 the total number of cases received by the Commission since its inception.

In 1997, the Commission disposed of 3,742 cases (see Table 10). This constituted 64% of the total number of cases received in the year.

Table 5 explains the general Status of Cases categorised under the headings *Labour-Related, Property, Family Cases and other fundamental human rights cases*.

Labour-Related cases accounted for 32.8% whilst Property & Family cases collectively constituted 38.4% of the cases received by the Commission in the year. Cases on Basic Rights also accounted for 20.8%.

Dismissal & Termination of Appointment constituted 37.6% of the labour-related cases. *End-of-Service Benefits* accounted for 18.4% whilst petitions that bordered on *Salary Arrears* and *Salary Discrimination* constituted 12.5% of cases on Labour-Related issues. Refer to Fig. 1 for graphical representation.

For details on Status of Cases, refer to *Tables 1,2,3,4*. *Figure 5* is a pictorial representation of the *Status of Cases*.

As with the previous years, the trend in the volume of complaints relating to Dismissal and Termination of Appointment presented continued to rise.

In Table 3, the percentage distribution indicates a higher value, for various undefined forms of *Unfair Treatment*, which accounted for 80.5%. *Unlawful Arrests/Detention* constituted only 10.5% of cases on Basic Rights.

▪ See next page for detailed information on statistics of cases

National Statistics

Table 1

Labour Related Cases	Number	%
Dismissal	454	23.5
Termination of Appt.	272	14.1
Resignation	1	0.1
Redundancy/Redeployment	47	2.4
Retirement	41	2.1
Pension/Gratuity	205	10.6
SS Deduction/Payment	45	2.3
End-of-Service Benefits	355	18.4
Severance Award	38	2.0
Salary Arrears & Discrimination	241	12.5
Insurance Claims	7	0.4
Suspension/Interdiction	30	1.6
Transfer	6	0.3
Promotion	10	0.5
Demotion	6	0.3
Compensation(Admin)	64	3.3
Provident Fund	5	0.3
Taxation	1	0.1
Abuse of office	53	2.7
Other Service Entitlements	48	2.5
Total	1929	100

Fig. 1

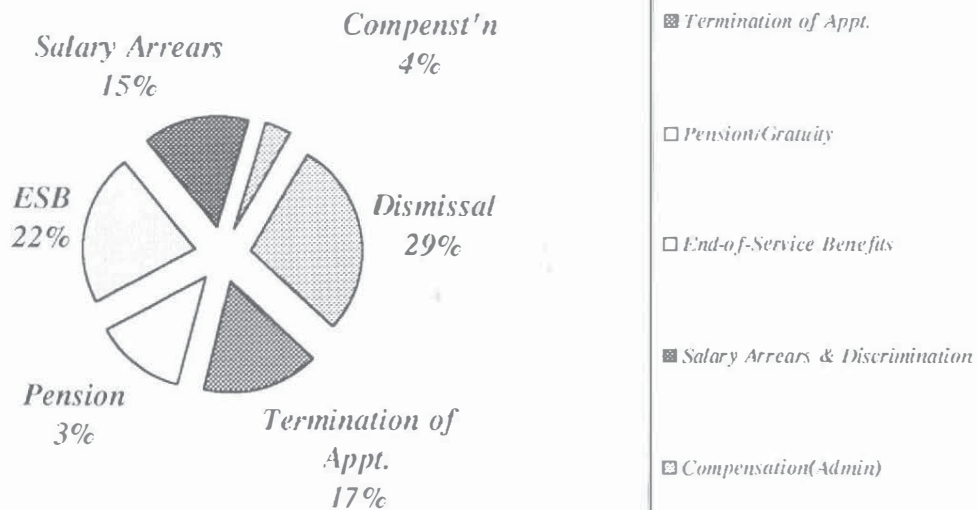


Table 2

Property	Number	%
Land Property	296	22.0
Inheritance	352	26.2
Tenancy	369	27.5
Confiscation	149	11.1
Destruction of Property	177	13.2
Total	1343	100

Fig. 2

Chart on Cases on Property

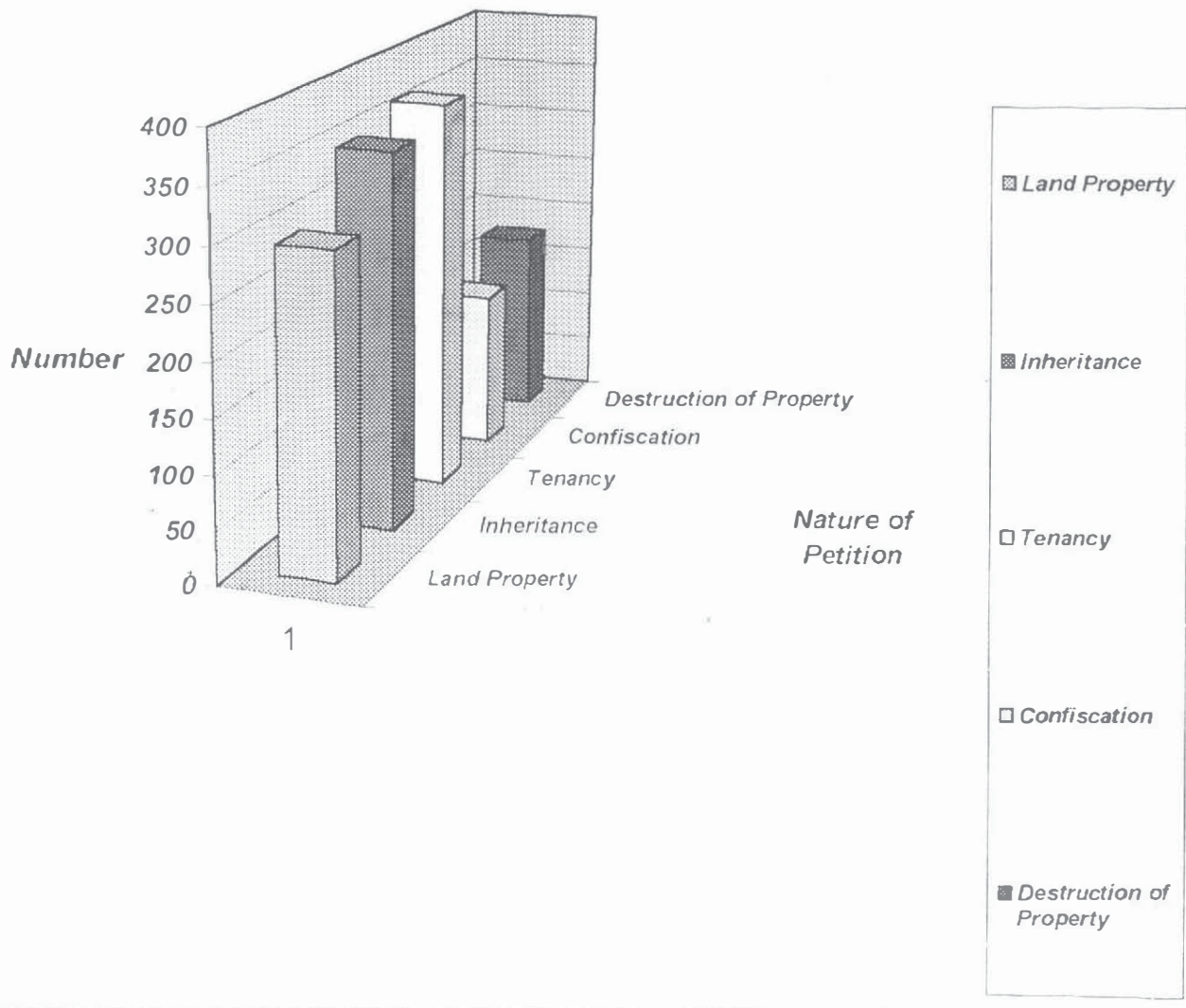
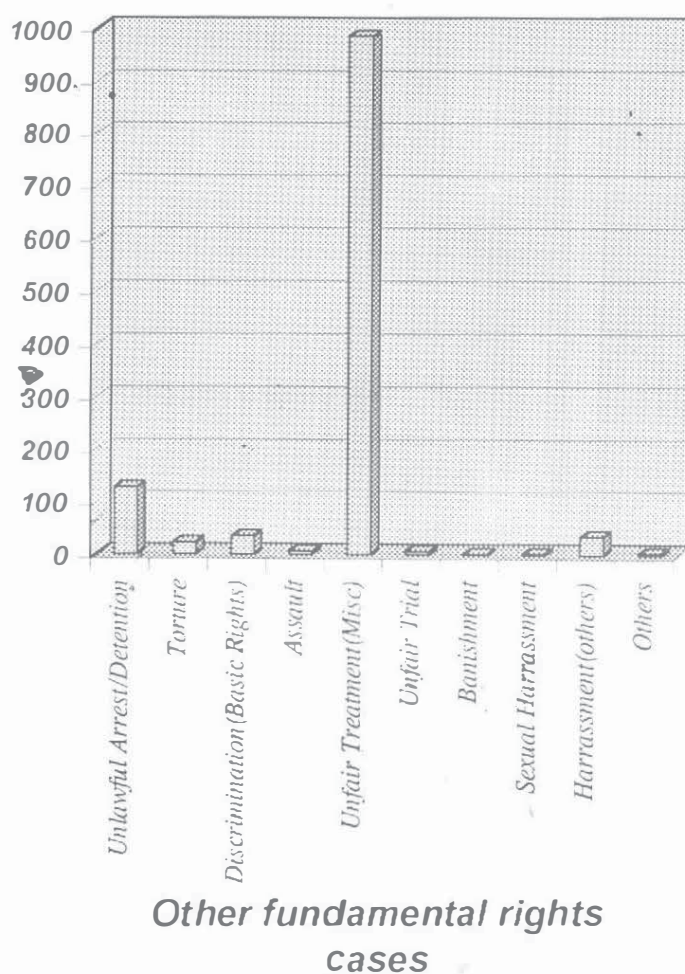


Table 3

Basic Rights	Number	%
Unlawful Arrest/Detention	128	10.5
Torture	23	1.9
Discrimination(Basic Rights)	35	2.9
Assault	6	0.5
Unfair Treatment(Misc)	985	80.5
Unfair Trial	6	0.5
Banishment	1	0.1
Sexual Harrassment	2	0.2
Harrassment(others)	35	2.9
Others	3	0.2
Total	1224	100

Fig. 3

Pictorial Representation of cases on Basic Rights



Family Cases	Number	%
Maintenance of Child/Spouse	645	70.9
Marriage Causes	157	17.3
Child Custody	63	6.9
Deprivation of Education	23	2.5
Medical Care	22	2.4
Total	910	100

Fig. 4

Graph on Family Cases

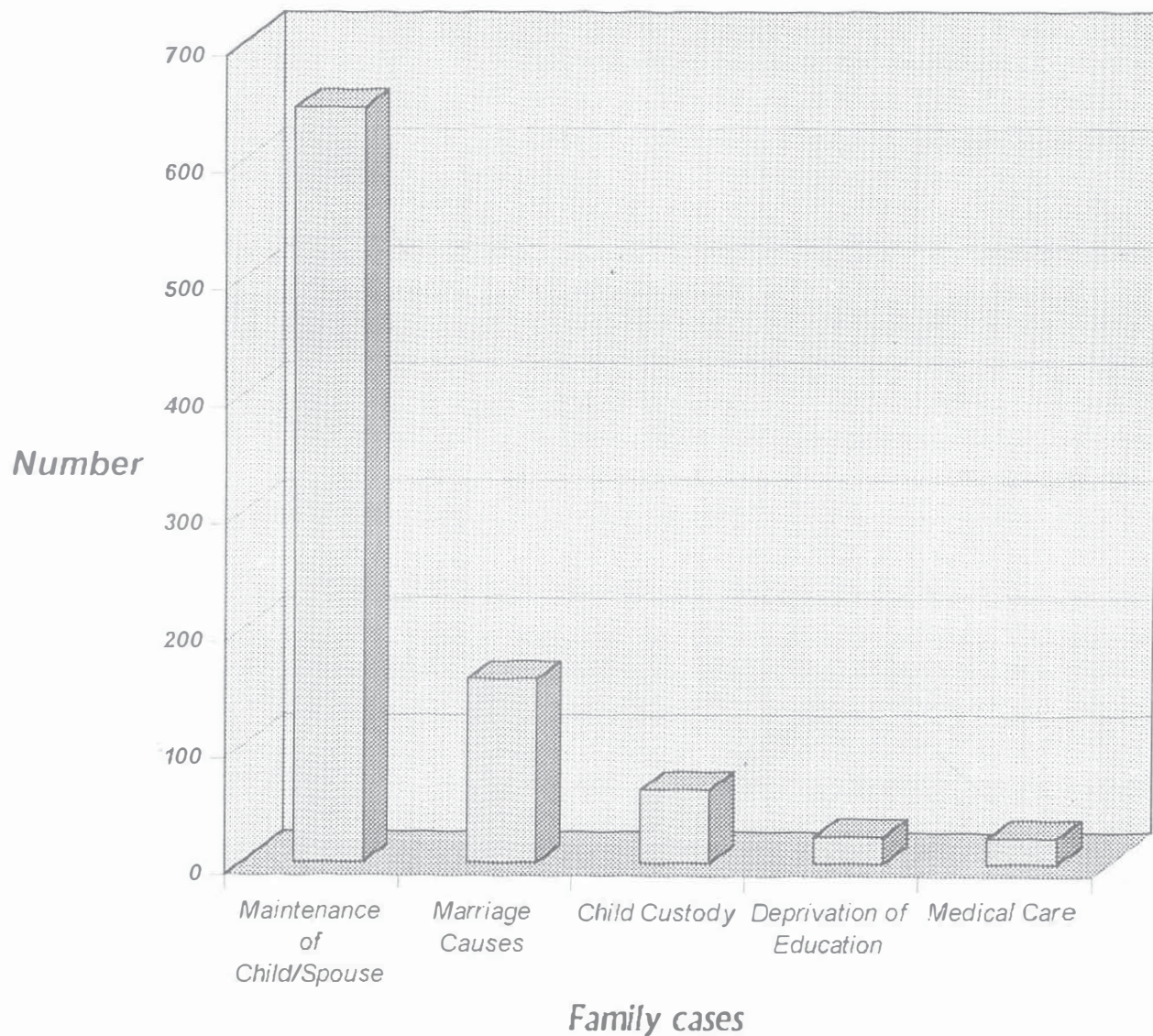
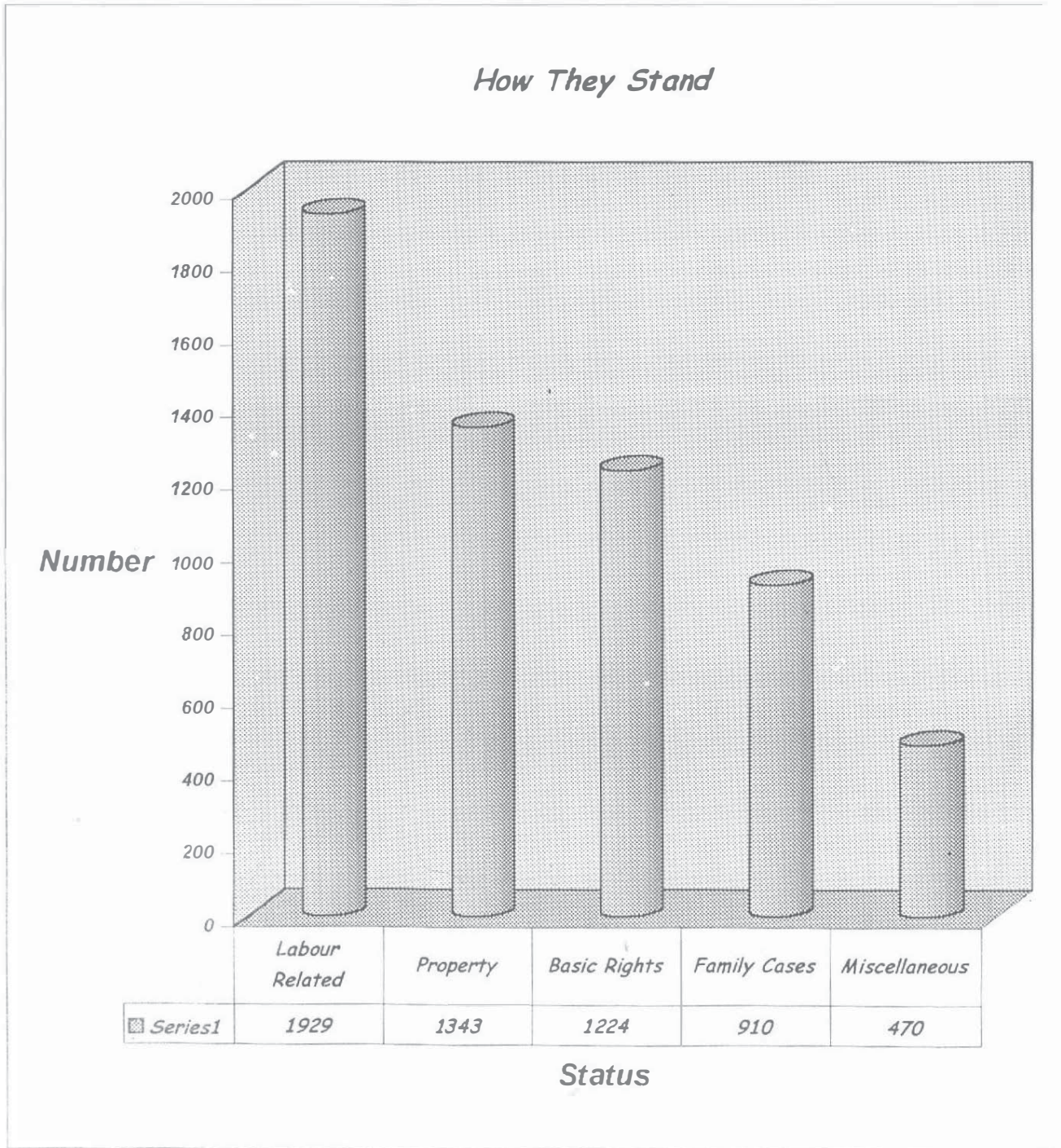


Table 5

Status of Cases	Number	%
Labour Related	1929	32.8
Property	1343	22.9
Basic Rights	1224	20.8
Family Cases	910	15.5
Miscellaneous	470	8.0
Total	5876	100

Fig. 5



RESPONDENT BODIES

Table 6

Ministries	Number	%
Health	22	28.9
Lands	24	31.6
Roads	2	2.6
Information	1	1.3
Interior	1	1.3
Defence	1	1.3
Science & Technology	1	1.3
Finance	3	3.9
Social Welfare	6	7.9
Education	2	2.6
Works & Housing	1	1.3
Foreign Affairs	3	3.9
Food & Agric.	9	11.8
Total	76	100

Table 7

Services	Number	%
Audit	7	1.6
Internal Revenue	9	2.0
Customs & Excise	21	4.7
Civil	230	51.8
Judicial	27	6.1
Postal	4	0.9
Statistical	5	1.1
Immigration	4	0.9
Ghana Education	137	30.9
Total	444	100

Table 8

Security Services	Number	%
Ghana Police Services	239	73.5
Ghana Armed Forces	26	8.0
Ghana Prisons Services	53	16.3
Gh. National Fire Services	7	2.2
Total	325	100.0

Table 9

<i>OTHERS</i>	Number	%
District Assemblies	84	2.5
Banking Institutes	37	1.1
Diplomatic Missions	12	0.4
Electricity Corporation	9	0.3
House of Chiefs	8	0.2
Private individuals	3274	95.6
Total	3424	100

Fig. 6

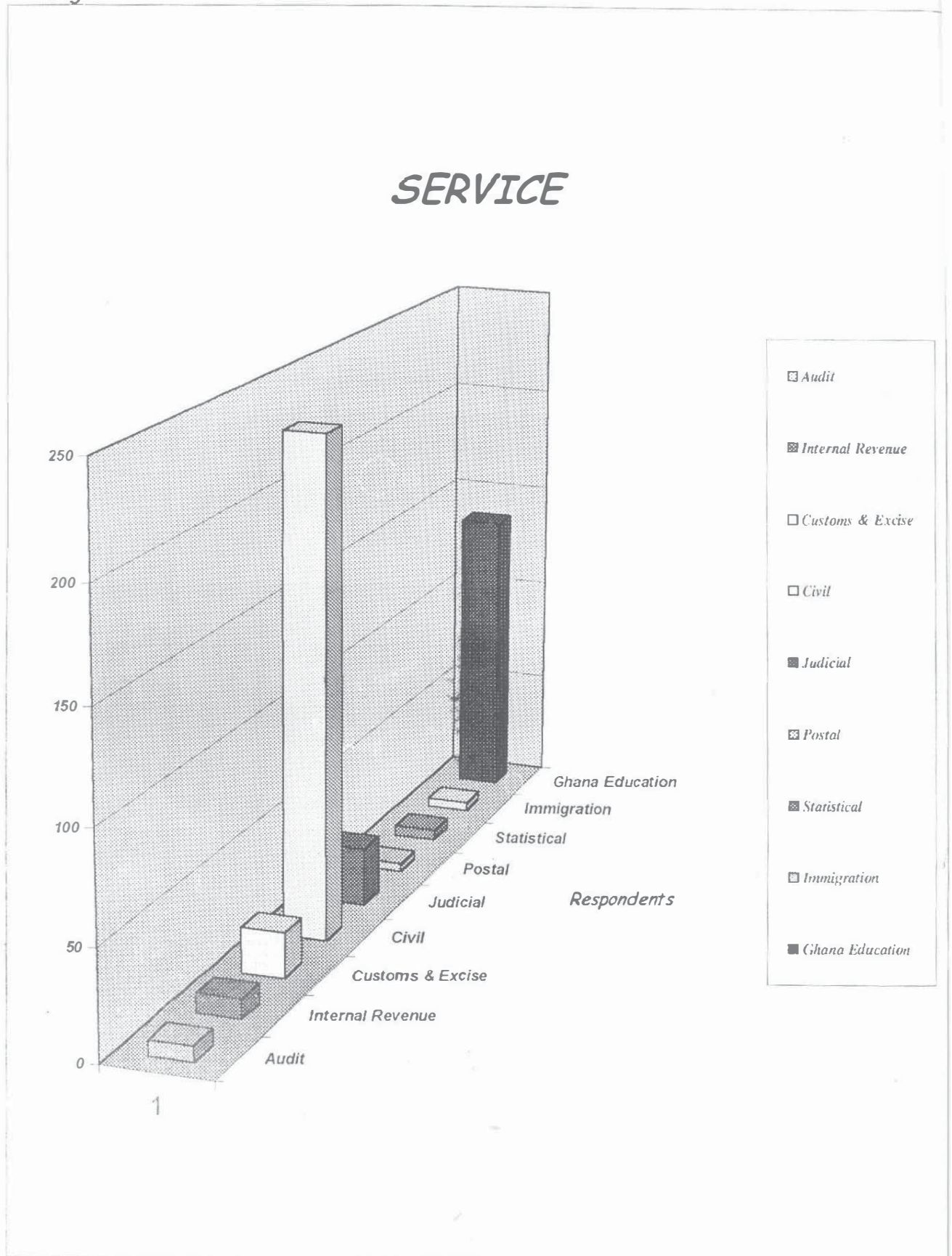


Table 8

CLOSED CASES	No.	%
Headquarters	451	12.1
Greater Accra	171	4.6
Central Region	624	16.8
Western Region	337	9.0
Ashanti Region	616	16.5
Eastern Region	272	7.3
Tema	62	1.7
Upper East	42	1.1
Upper West	76	2.0
Northern Region	108	2.9
Volta Region	98	2.6
Brong-Ahafo Region	885	23.8
Total	3742	100

Fig. 7

Chart on case distribution

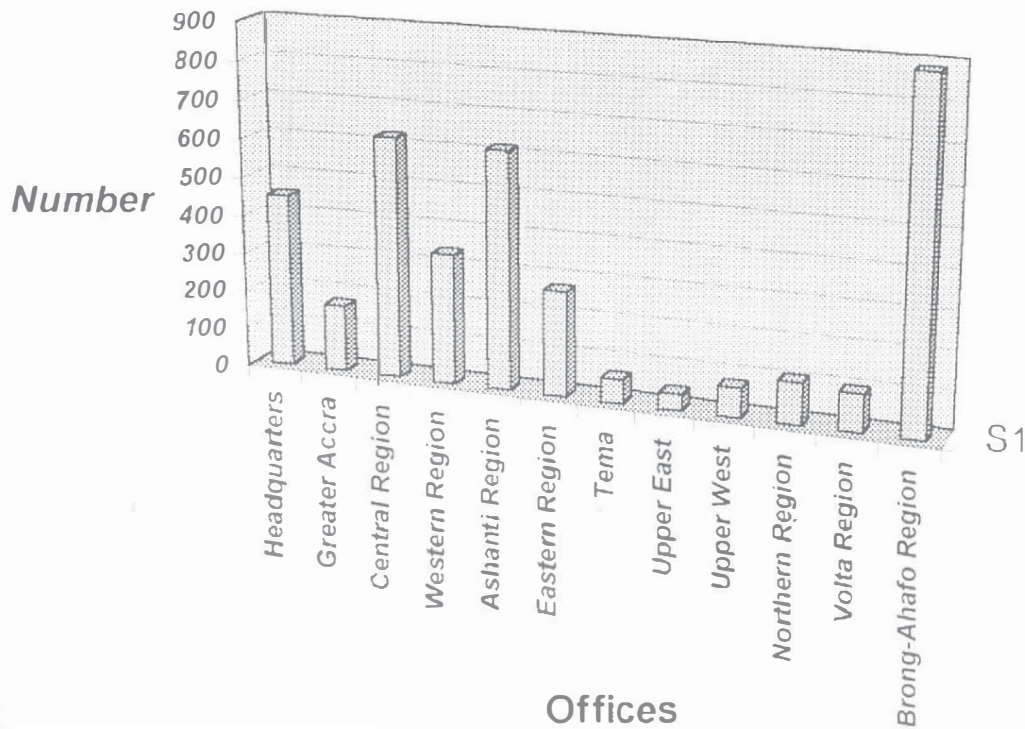


Table 11

Year	1993/94	1995	1996	1997
Cases Received	3197	3197	1004	2193
Total Rec'd + Pending Prev.	4012	6538	3762	2776
Total Closed in the year	5200	7976	4009	3967
Total Pending at the end of the year	5876	9843	3742	6101

Fig 8

Status of Cases in 1997

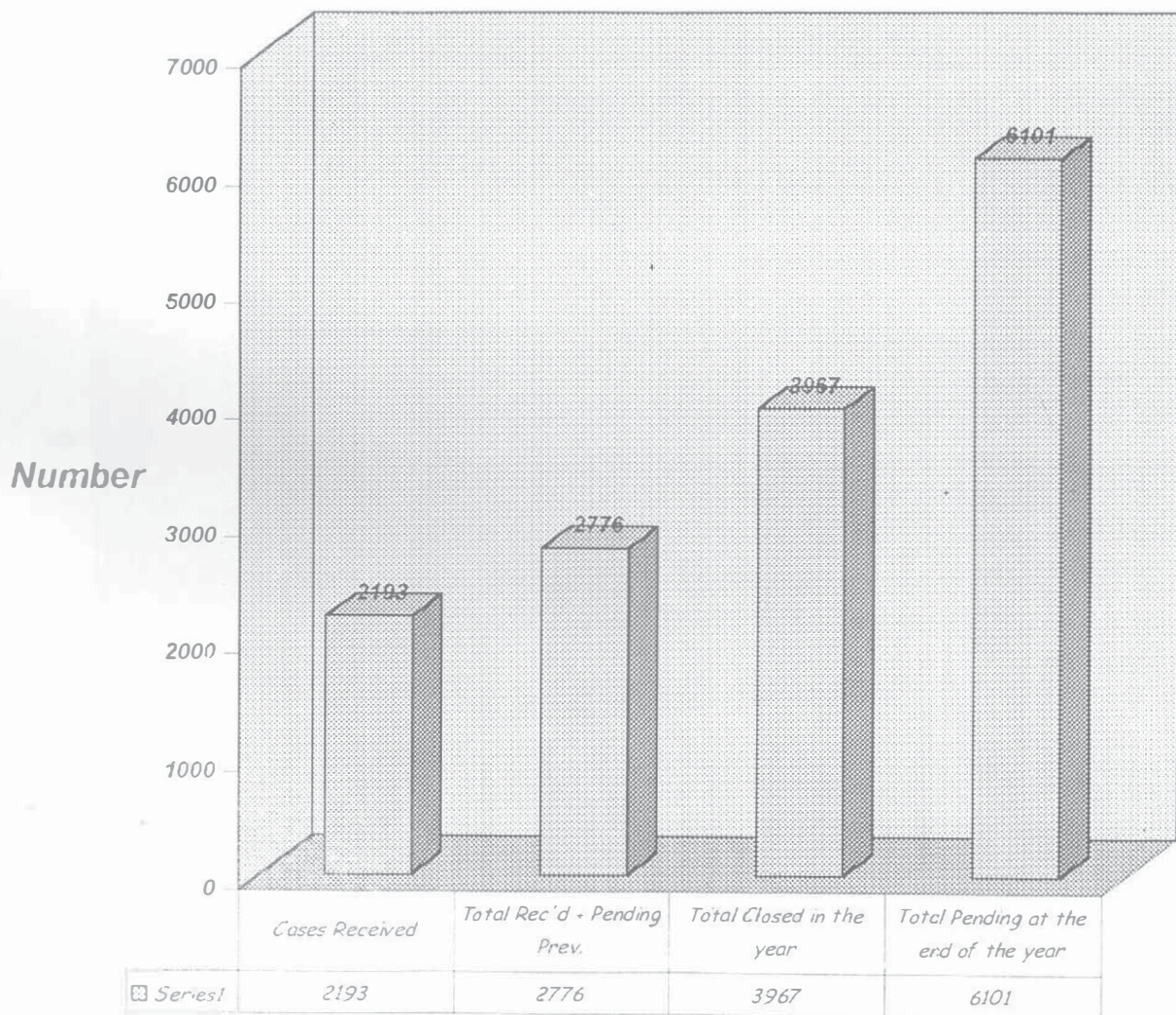


Table 12

Headquarters		
Nature of Petition	Number	%
Dismissal	126	17.3
Termination of Appt.	103	14.2
Resignation	1	0.1
Redundancy/Redeployment	23	3.2
Retirement	22	3.0
Pension/Gratuity	46	6.3
SS Deduction/Payment	6	0.8
End-of-Service Benefits	43	5.9
Severance Award	5	0.7
Salary Arrears & Discriminat'n	23	3.2
Insurance Claims	4	0.6
Suspension/Interdiction	22	3.0
Transfer	1	0.1
Promotion	4	0.6
Demotion	3	0.4
Judiciary(Delay in Court)	6	0.8
Unfair Treatment(Nuisance)	3	0.4
Deportation	1	0.1
Compensation(Admin)	18	2.5
Unlawful Arrest/Detention	47	6.5
Torture	6	0.8
Discrimination(Basic Rights)	3	0.4
Assault	1	0.1
Landed Property	33	4.5
Inheritance	22	3.0
Tenancy	6	0.8
Confiscation	36	5.0
Destruction of property	9	1.2
Maintenance of Child/Spouse	12	1.7
Marriage Causes	10	1.4
Child Custody	1	0.1
Deprivation of Education	5	0.7
Medical Care	1	0.1
Unfair Treatment (Misc)	62	8.5
Debt Collection	8	1.1
Examination Matters	1	0.1
Embezzlement	1	0.1
Corruption	1	0.1
Breach of Contract	1	0.1
Loss of Property	1	0.1
Total	727	100

Table 13

Respondent Bodies	Number	%
Audit Service	5	0.7
Ghana Police Service	64	8.8
Ghana Prisons Service	5	0.7
Ghana Armed Forces	10	1.4
Ghana Education Service	31	4.3
Ghana National Fire Service	2	0.3
Internal Revenue Service	1	0.1
CEPS	16	2.2
Other Public Services	9	1.2
Private Individuals	144	19.8
Private Organisations	146	20.1
Civil Service	6	0.8
Acct. General's Dept	24	3.3
Attorney General	4	0.6
Registrar General	2	0.3
SSNIT	10	1.4
District Assembly	30	4.1
Banking Institutions	22	3.0
Diplomatic Missions	11	1.5
UNDP	1	0.1
CAC	11	1.5
Universities	5	0.7
Judicial Service	17	2.3
Churches	6	0.8
House of Chiefs	1	0.1
Ministry of Foreign Affairs	3	0.4
Ministry of Food & Agric.	3	0.4
Ministry of Health	3	0.4
Ministry of Lands	9	1.2
Ministry of Science & Tech.	1	0.1
Ministry of Finance	2	0.3
Ministry of Social Welfare	1	0.1
Ministry of Education	1	0.1
Ministry of Works & Housing	1	0.1
YMCA	1	0.1
Ghana Cocobod	5	0.7
Pharmacy Board	1	0.1
Midwives Council	1	0.1
SCC	3	0.4
ECG	2	0.3
National Sports Council	1	0.1
STC	5	0.7
Postal Services	3	0.4

Gov't/Presidents Office	13	1.8
TDC	6	0.8
State Publishing	2	0.3
SHC	4	0.6
GBC	3	0.4
Graphic Corporation	1	0.1
BNI	2	0.3
GPHA	1	0.1
Atomic Energy Commission	1	0.1
OSA	2	0.3
PWD	1	0.1
GCAA	3	0.4
VRA	9	1.2
GNPA	5	0.7
NCCE	1	0.1
SIC	3	0.4
GIHOC	4	0.6
CHRAJ	10	1.4
Ghana Airways	1	0.1
Other Airlines	6	0.8
City Express	3	0.4
Schools/Colleges	11	1.5
Statistical Services	4	0.6
Immigration Service	3	0.4
GWSC	1	0.1
Total	727	100

STATUS OF CLOSED CASES

Table 14

Nature of Petition	Number	%
Dismissal	99	22.0
Pension/Gratuity	31	6.9
Promotion	5	1.1
Termination of Appt.	39	8.6
Retirement	23	5.1
Retrenchment/Redeployment	15	3.3
End-of-Service Benefits	37	8.2
SS Contribution	9	2.0
Insurance Claims	3	0.7
Resignation	5	1.1
Transfer	2	0.4
Interdiction	14	3.1
Salary Arrears	21	4.7
Land property	9	2.0
Destruction of property	9	2.0

	Tresspass	17	3.8
	Consfication	19	4.2
	Tenancy	3	0.7
	Inheritance	11	2.4
	Child Maintenance	9	2.0
	Child Custody	2	0.4
	Abduction	1	0.2
	Banishment	3	0.7
	Violation of Basic Rights	5	1.1
	Denial of Justice	2	0.4
	Torture	1	0.2
	Diverstiture(company)	1	0.2
	Deprivation of Education	1	0.2
	Sexual Harrassment	2	0.4
	Court Decisions	3	0.7
	Discrimination	1	0.2
	Workplace Compensation	25	5.5
	Delay in Court	9	2.0
	Unlawful Arrest/Detention	15	3.3
	Total	451	100
Table 15	Nature of Closure	Number	%
	Dismissed	145	32.2
	Discontinued	113	25.1
	Rejected	78	17.3
	Justified	54	12.0
	Settled	28	6.2
	Unmeritorious	11	2.4
	Lapse of time	13	2.9
	Withdrawn by Petitioner	2	0.4
	Upheld	7	1.6
	Total	451	100
Table 16	GREATER ACCRA		
	Nature of Petition	Number	%
	Dismissal	92	20.8
	Termination of Appt.	34	7.7
	Redundancy/Redeployment	2	0.5
	Retirement	2	0.5
	Pension/Gratuity	23	5.2
	Provident Fund	2	0.5
	End-of-Service Benefits	102	23.1
	Severance awards	15	3.4

Table 17	Salary(Arrears etc.)	6	1.4
	Insurance Claim	1	0.2
	Suspension/Interdiction	1	0.2
	Transfer	1	0.2
	Promotion	1	0.2
	Demotion	1	0.2
	Judiciary(Delay in Court)	5	1.1
	Unlawful Arrest/Detention	25	5.7
	Slavery/Forced Labour-Trokosi)	1	0.2
	Others(Basic rights)	2	0.5
	Landed Property	2	0.5
	Inheritance	18	4.1
	Tenancy	15	3.4
	Tresspass	6	1.4
	Confiscation	3	0.7
	Maintenance of Child/Spouse	5	1.1
	Marriage causes	1	0.2
	Child Custody	1	0.2
	Medical care	1	0.2
	Unfair treatment(Miscellaneous)	74	16.7
	Total	442	100
	Respondent Bodies	Number	%
	Police Service	17	3.8
	Prisons Service	2	0.5
	Ghana Armed Forces	4	0.9
	Ghana Education Service	7	1.6
	Ghana National Fire Service	1	0.2
	Internal Revenue Service	1	0.2
	Other Public Services	22	5.0
	Private Individuals	82	18.6
	Private Organisations	112	25.3
	Civil Service	23	5.2
	Accountant General's Dept.	7	1.6
	Registrar General	1	0.2
	SSNIT	3	0.7
	District Assembly	10	2.3
	Banking Institutions	3	0.7
	Diplomatic Missions	1	0.2
	Public Services Commission	82	18.6
	CAC	1	0.2
	National Service Secretariat	3	0.7
	Universities	1	0.2

Table 18	Judicial Service	5	1.1
	Mines	3	0.7
	Health	8	1.8
	Finance	1	0.2
	Social Welfare	2	0.5
	Defence	1	0.2
	SCC	1	0.2
	National Sports Council	1	0.2
	STC	18	4.1
	BNI	1	0.2
	GWSC	1	0.2
	GCAA	3	0.7
	GIHOC	1	0.2
	Ghana Highways	1	0.2
	City Express	1	0.2
	Schools/Colleges	8	1.8
	Postal Services	1	0.2
	The Gov't/President's Office	1	0.2
	State Publishing	1	0.2
	Total	442	100
	Nature of Closure	Number	%
	Dismissed for lack of merit	25	14.6
	Want of Prosecution	44	25.7
	Rejected	1	0.6
	Justified	15	8.8
	Settled	53	31.0
	Lack of Jurisdiction	20	11.7
	Lapse of time	5	2.9
	Withdrawn by Petitioner	7	4.1
	Hearing on merit	1	0.6
	Total	171	100
Table 19	Central Region		
	Nature of Petition	Number	%
	Dismissal	45	5.2
	Termination of Appt.	16	1.9
	Pension/Gratuity	14	1.6
	Social Security/Ded./Payment	13	1.5
	End-of-Service	61	7.1
	Salary(Arrears etc.)	74	8.6
	Severance Awards	11	1.3

Table 20	Judiciary(Delay in Court)	24	2.8
	Unlawful Arrest/Detention	24	2.8
	Torture	3	0.3
	Discrimination(Basic rights)	2	0.2
	Harrassment(various forms)*	16	1.9
	Unfair trial	5	0.6
	Landed Property	19	2.2
	Inheritance	54	6.3
	Tenancy	80	9.3
	Tresspass	29	3.4
	Confiscation	24	2.8
	Destruction of property	40	4.6
	Maintenance of Child/Spouse	98	11.4
	Marriage causes	42	4.9
	Child Custody	13	1.5
	Medical care	11	1.3
	Others(Forceful Marriage)	2	0.2
	Deprivation of Education	8	0.9
	Unfair Treatment	56	6.5
	Debt Recovery	30	3.5
	Abuse of Office	24	2.8
	Breach of Contract	23	2.7
	Total	861	100
	RESPONDENT BODIES	No.	%
	Audit Service	2	0.2
	Police Service	46	5.3
	Prisons Service	5	0.6
	Ghana Armed Forces	3	0.3
	Ghana Education Service	24	2.8
	Ghana National Fire Service	3	0.3
	Internal Revenue Service	5	0.6
	Public Services Commission	24	2.8
	CEPS	3	0.3
	Other Public Services	62	7.2
	Private Individuals	437	50.8
	Public/Private Organisations	86	10.0
	Civil Service	61	7.1
	Accountant General's Dept.	2	0.2
	SSNIT	8	0.9
	District Assembly	21	2.4
	Banking Institutions	8	0.9
	Judicial Service	3	0.3

House of Chiefs	5	0.6
Ministry of Food & Agriculture	2	0.2
Ministry of Health	3	0.3
Ministry of Lands	3	0.3
Ministry of Social Welfare	3	0.3
WAEC	6	0.7
Ghana Cocobod	5	0.6
OSA	5	0.6
VRA	3	0.3
P&T	5	0.6
Schools/Colleges	8	0.9
GPRTU	8	0.9
31st December Movement	2	0.2
Total	861	100

Table 21

Closed Cases

Nature of Closure	Number	%
Withdrawn by Petitioner	70	11.2
Dismissed for lack of prosecution	28	4.5
Lapse of Time	34	5.4
Settled by Commission	238	38.1
Decided on merit without hearing	23	3.7
Decided on merit after hearing	18	2.9
Rejected in Exercise Discretion	34	5.4
Lack of Jurisdiction	39	6.3
Transferred to other Registries	47	7.5
Transferred to other Jurisdiction	93	14.9
Total	624	100

Western Region

Table 22

Respondent Bodies	Number	%
Public Services Commission	16	2
Civil Service	15	1.9
Police Service	12	1.5
Prison Service	1	0.1
Armed Forces	2	0.3
Ghana Education Service	5	0.6
Revenue Service	1	0.1
Corporations	36	4.5
Companies	137	17.3
Private Individuals	498	62.9

Table 23	Private Organisations	44	5.6
	Others	25	3.2
	Total	792	100
	Nature of Petition	Number	%
	Dismissal	49	6.2
	Termination of Appointment	20	2.5
	Refundancy/Redeployment	10	1.3
	Pension/Gratuity	11	1.4
	Social Security	7	0.9
	End-Of-Service Benefits	43	5.4
	Severance Award	3	0.4
	Salary (Arrears, Discr'n)	22	2.8
	Leave Allowance	1	0.1
	Provident Fund	2	0.3
	Compensation	5	0.6
	Suspension/Interdiction	2	0.3
	Transfer	2	0.3
	Promotion	2	0.3
	Judicial-Delay in Court	2	0.3
	Police - Delay in Prosecution	2	0.3
	Unlawful Arrest/Detention	4	0.5
	Torture	3	0.4
	Discrimination	16	2.0
	Harassment	19	2.4
	Sex Harassment	1	0.1
	Unfair Treatment	127	16.0
	Abuse of Office by Public Officers	6	0.8
	Title of Property	13	1.6
	Inheritance	81	8.8
	Tenancy	20	2.5
	Trespass	26	3.3
	Confiscation	9	1.1
	Destruction of property	31	3.9
	Ejection	7	0.9
	Maintenance of Child/Spouse	144	18.2
	Custody of Child	7	0.9
	Marriage causes	35	1.3
	Deprivation of Education	3	0.4
	Medical care	8	1.0
	Rights of Child	22	2.8
	Miscellaneous	27	3.2
	Total	792	100

Table 24

Nature of Closure	Number	%
Lack of Jurisdiction	74	22.0
Out of Time	1	0.3
Lack of Personal Interest	63	18.7
Other Reasons	46	13.7
Withdrawn by Petitioner	43	12.8
Lack of Prosecution	44	13.1
Commission Ceases Investigation	43	12.8
Referred to other Jurisdiction	23	6.8
Total	337	100

Ashanti Region

Table 25

Nature of Petition	Number	%
Dismissal	48	8
Termination of Appt.	34	6
Pension/Gratuity	11	2
End-of-Service Benefits	25	4
Severance awards	1	0.2
Salary(Arrears,Discr, Withholding)	16	3
Judiciary(Delay in Court)	2	0.3
Unlawful Arrest/Detention	3	1
Land Property	16	2
Inheritance	18	3
Tenancy	69	12
Confiscation	4	1
Destruction of property	5	1
Maintenance of Child/Spouse	22	4
Unfair treatment(Miscellaneous)	295	50
Abuse of Office	6	1
Breach of Contract	3	1
Compensation(Injuries)	2	0.3
Total	580	100

Table 26

Respondent Bodies	Number	%
Police Service	14	2
Ghana Armed Forces	4	1
Ghana Education Service	14	2
Public Services Commission	13	2
Civil Service	26	4
Private Individuals	326	56
Private Organisations	90	16
Public Organisation	19	3

Table 27

Others	74	13
Total	580	100
CLOSED CASES IN 1997		
Nature of Closure	Number	%
Decided on merit without hearing	6	1
Decided on merit after hearing	24	4
Settled	293	48
Withdrawn by Petitioner	45	7
Want of prosecution	115	19
Lack of Jurisdiction	48	8
Referred to other Fora	26	4
Lack of Personal Interest	42	7
Rejected in exercise of discretion	17	3
Total	616	100

Eastern Region

Table 28

Nature of Petition	Number	%
Dismissal	32	9.3
Termination of Appt.	5	1.5
Redundancy/Red'ment	2	0.6
Retirement	5	1.5
Pension/Gratuity	4	1.2
Social Security/Ded./Payment	5	1.5
End-of-Service Benefits	22	6.4
Salary(Arrears, Discr, Withholding)	15	4.4
Taxation	1	0.3
Suspension/Interdiction	1	0.3
Judiciary(Delay in Court)	4	1.2
Unfair Arrest/Detention	2	0.6
Torture	1	0.3
Discrimination(Basic rights)	2	0.6
Assault	4	1.2
Environmental Hazard	3	0.9
Land Property	14	4.1
Inheritance	11	3.2
Tenancy	16	4.7
Confiscation	15	4.4
Destruction of property	20	5.8
Maintenance of Child/Spouse	22	6.4
Marriage causes	1	0.3

Table 29	Child Custody	5	1.5
	Medical Care	1	0.3
	Others (Divorce)	3	0.9
	Unfair treatment(Misc)	42	12.2
	Debt Collection	62	18.1
	Abuse of office	7	2.0
	Breach of Contract	16	4.7
	Total	343	100
	Respondents	Number	%
	Police Service	8	2.3
	Ghana Armed Forces	1	0.3
	Ghana Education Service	5	1.5
	Internal Revenue Service	1	0.3
	CEPS	1	0.3
	Private Individuals	259	75.5
	Private Organisations	22	6.4
	Accountant General's Dept	3	0.9
	Attorney General's	1	0.3
	SSNIT	1	0.3
	District Assemblies	2	0.6
	CAC	1	0.3
	Universities	1	0.3
	Judicial Service	2	0.6
	Hospitals	1	0.3
	Min. of Health	1	0.3
	Min. of Lands	1	0.3
	Ghana Cocobod	1	0.3
	ECG	2	0.6
	GBC	2	0.6
	GWSC	7	2.0
	VRA	5	1.5
	City Express	4	1.2
	Schools/Colleges	4	1.2
	Statistical Service	1	0.3
	Immigration Service	1	0.3
	Lands Commission	3	0.9
	Dept of Feeder Roads	2	0.6
	Total	343	100

Table 30

Nature of Closure	Number	%
Lack of Jurisdiction	50	18.4
Unmeritorious	40	14.7
Withdrawn by Petitioner	17	6.3
Settled	96	35.3
Referred to other Fora	2	0.7
Want of Prosecution	59	21.7
Dismissed	8	2.9
Total	272	100

Table 31

Tema Sub-Regional Office		
Nature of Closure	Number	%
Withdrawn by Petitioner	10	16.1
Settled by Commission	23	37.1
Decided on merit without hearings	12	19.4
Transferred to other registries	5	8.1
Referred to other jurisdictions	4	6.5
Dismissed for Lack of Prosecution	6	9.7
Rejected for lack of jurisdiction	2	3.2
Total	62	100

Table 32

Respondent Bodies	Number	%
Private Organisation	53	67.9
Private Individuals	7	9.0
Public Corporations	10	12.8
Ghana Police Service	6	7.7
Municipal Assembly	2	2.6
Total	78	100

Table 33

Nature of Petition	Number	%
Unlawful Dismissal	23	29.5
Service Entitlement	34	43.6
Abuse of Office	4	5.1
Delay in Dispensing Justice	1	1.3
Arbitrary/Unlawful Arrest	1	1.3
Administrative Discrimination	4	5.1
Others	11	14.1
Total	78	100

Volta Region

Table 34

Nature of Petition	Number	%
Dismissal	9	2.9
Termination of Appt.	19	6.1
Redundancy/Redeployment	4	1.3
Retirement	4	1.3
Pension/Gratuity	3	1.0
SS Contribution, Payment	5	1.6
End-of-Service Benefit	15	4.9
Severance Awards	2	0.6
Salary Arrears/Disc etc	20	6.5
Accident Claim	2	0.6
Suspension/Interdiction	1	0.3
Transfer	1	0.3
Judiciary(Delay in Court)	6	1.9
Admin. Compensation	8	2.6
Unlawful Arrest/Detention	9	2.9
Banishment	3	1.0
Discrimination	3	1.0
Assault	1	0.3
Others(Basic Rights)	1	0.3
Land property	32	10.4
Inheritance	13	4.2
Tenancy	10	3.2
Confiscation	14	4.5
Destruction of property	12	3.9
Seizure	3	1.0
Compensation(Property)	7	2.3
Maintenance of Child/Spouse	18	5.8
Unfair Treatment(Misc)	38	12.3
Injustice	10	3.2
Breach of Contract	20	6.5
Fraud/Embezzl'mt	5	1.6
Pollution	1	0.3
Examination Matters	2	0.6
Marriage Causes	4	1.3
Child Custody	1	0.3
Deprivation of Education	2	0.6
Others(Forced Marriage)	1	0.3
Total	309	100

Table 35

Respondent	Number	%
Police Service	23	7.5
Prisons Service	2	0.7
Ghana Education Service	12	3.9
Ghana Nat. Fire Service	1	0.3
CEPS	1	0.3
Private Individuals	176	57.7
Private Organisation	19	6.2
SSNIT	1	0.3
District Assembly	12	3.9
Judicial Service	1	0.3
Catholic Mission	2	0.7
Min. of Agric.	3	1.0
Min. of Health	1	0.3
Min. of Lands	6	2.0
Min. of Interior	1	0.3
Min. of Education	1	0.3
Min. of Info.(Comm)	1	0.3
Lands Evaluation Board	2	0.7
ECG	6	2.0
STC	1	0.3
The Gov't/President's Off.	1	0.3
Graphic Corp.	1	0.3
Centre for Nat. Culture	1	0.3
OSA	1	0.3
PWD	3	1.0
GWSC	10	3.3
VRA	4	1.3
GPRTU	1	0.3
Highways	3	1.0
City Express	2	0.7
Schools/Colleges	5	1.6
Town & Country Plan	2	0.7
NGO	3	1.0
Total	309	100

Table 36

Nature of Closure	Number	%
Discontinued	6	6.12
Justified	10	10.20
Settled	37	37.76
Unmeritorious	15	15.31
Want of Prosecution	10	10.20
Lack of Jurisdiction	20	20.41
Total	98	100

Brong-Ahafo Region

Table 37

RESPONDENT BODIES		
1997 CASES	Number	%
Public Service Commission	7	0.6
Police Service	23	2.1
Prisons Service	2	0.2
Armed Forces	2	0.2
Civil Service	12	1.1
Corporations	11	1.0
Companies	59	5.5
Private Individuals	848	78.5
Individual Organisations	67	6.2
Ghana Education Service	16	1.5
Others	33	3.1
Total	1080	100

Table 38

NATURE OF PETITION	Number	%
Unlawful Dismissal	26	2.4
Termination of Application	9	0.8
Service Entitlement	14	1.3
Victim'tion/Disct'n/Favt'sm	6	0.6
Delay in Dispensing Justice	5.0	0.5
Abuse of office by Public Officers	11	1.0
Ejection (Landlord/Tenant)	99	9.2
Unlawful Arrest& Detention	8.0	0.7
Pension and Gratuity	5	0.5
End of Service Benefit	12	1.1
Salary(Arrears, Disct'n, With'ding)	32	3.0
Promotion	1	0.1
Demotion	2	0.2
Inheritance	124	11.5
Destruction of Property	23	2.1
Landed property	61	5.6
Maintainance of Child/Spouse	274	25.4
Paternity Declaration	35	3.2
Alimony/Compensation of Divorce	47	4.4
Unfair Treatment	194	18.0
Fraud	3	0.3
Confication of Property	6	0.6
Custody of Child	22	2.0
Others	61	5.6
Total	1080	100

Northern Region

Table 39

Nature of Petition	Number	%
Dismissal	12	5.0
Termination of Appt.	15	6.3
Pension/Gratuity	6	2.5
End-of-Service	15	6.3
Salary(Ar,Disc.,With'g)	5	2.1
Suspension/Interdiction	1	0.4
Severance awards	1	0.4
Promotion	1	0.4
Judiciary(Delay in Court)	1	0.4
Unlawful Arrest/Detention	2	0.8
Unfair Trial	1	0.4
Land property	17	7.1
Inheritance	8	3.4
Tenancy	19	8.0
Confiscation	15	6.3
Destruction of property	20	8.4
Maintenance of Child/Spouse	25	10.5
Marriage causes	2	0.8
Child Custody	2	0.8
Deprivation of Education	1	0.4
Abuse of office	5	2.1
Others(Family)	1	0.4
Unfair treatment(Misc)	30	12.6
Debt collection	19	8.0
Breach of Contract	14	5.9
Total	238	100

Table 40

Respondent Bodies	Number	%
Prisons Service	10	4.2
Ghana Education Service	13	5.5
Private Individuals	89	37.4
Private Organisations	16	6.7
Public Organisations	39	16.4
Civil Service	25	10.5
Accountant General's Dept.	1	0.4
District Assembly	3	1.3
House of Chiefs	2	0.8
Food & Agriculture	1	0.4
Health	2	0.8
VRA	12	5.0
Schools/Colleges	3	1.3

Table 41	Others	22	9.2
	Total	238	100
	Nature of Closure	Number	%
	Lack of Jurisdiction	5	4.6
	Out of Time	7	6.5
	Discretion	3	2.8
	Withdrawn by Petitioner	12	11.1
	Lack of Prosecution	13	12.0
	Settled (mediation)	40	37.0
	Dismissed for lack of merit	8	7.4
	Referred to other fora	20	18.5
	Total	108	100
Table 42	Upper West Region		
	Nature of Petition	Number	%
	Dismissal	10	3.0
	Termination of Appt.	11	3.3
	Redundancy/Redeployment	4	1.2
	Retirement	5	1.5
	Pension/Gratuity	72	21.8
	Social Security/Ded./Payment	9	2.7
	End-of-Service	10	3.0
	Salary(Arrears etc)	19	5.8
	Compensation(Administrative)	7	2.1
	Suspension/Interdiction	2	0.6
	Transfer	1	0.3
	Judiciary(Delay in Court)	2	0.6
	Unlawful Arrest/Detention	2	0.6
	Land property	18	5.5
	Inheritance	10	3.0
	Tenancy	25	7.6
	Confiscation	15	4.5
	Destruction of property	10	3.0
	Maintenance of Child/Spouse	15	4.5
	Marriage causes	2	0.6
	Child Custody	8	2.4
	Deprivation of Education	3	0.9
	Unfair treatment(Miscell)	22	6.7
	Debt collection	33	10.0
	Breach of Contract	15	4.5
	Total	330	100

Table 43

Respondent Bodies	Number	%
Police Service	11	3.3
Prisons Service	2	0.6
Ghana Education Service	5	1.5
Other Public Services	29	8.8
Private Individuals	202	61.2
Private Organisations	33	10.0
Civil Service	31	9.4
Attorney General	1	0.3
SSNIT	4	1.2
District Assembly	3	0.9
Banking Institutions	2	0.6
Health	2	0.6
OSA	5	1.5
Total	330	100

Upper East Region

Table 44

Nature of Petition	Number	%
Dismissal	5	3.3
Termination of Appt.	6	3.9
Redundancy/Redeployment	2	1.3
Retirement	3	2.0
Pension/Gratuity	10	6.5
Social Security/Ded./Payment	7	4.6
End-of-Service Benefit	5	3.3
Salary(Arrears etc)	9	5.9
Compensation(Administrative)	4	2.6
Judiciary(Delay in Court)	2	1.3
Unlawful Arrest/Detention	2	1.3
Land property	8	5.2
Inheritance	7	4.6
Tenancy	10	6.5
Confiscation	8	5.2
Destruction of property	7	4.6
Maintenance of Child/Spouse	12	7.8
Child Custody	4	2.6
Deprivation of Education	1	0.7
Unfair treatment(Miscell)	22	14.4
Debt collection	8	5.2
Breach of Contract	11	7.2
Total	153	100

<i>Table 45</i>	Respondent Bodies	Number	%
	Police Service	11	7.2
	Prisons Service	2	1.3
	Ghana Education Service	5	3.3
	Other Public Services	15	9.8
	Private Individuals	67	43.8
	Private Organisations	5	3.3
	Civil Service	31	20.3
	Attorney General	1	0.7
	SSNIT	4	2.6
	District Assembly	3	2.0
	Banking Institutions	2	1.3
	Health	2	1.3
	OSA	5	3.3
	Total	153	100

CHAPTER EIGHTEEN OF THE 1992 CONSTITUTION

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

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

clause through such means as are fair, proper and effective, including

-
- (i) negotiation and compromise between the parties concerned;
- (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
- (iii) bringing proceedings in a competent Court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
- (iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires;
- (e) to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigations;
- (f) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- (g) to report annually to Parliament on the performance of its functions.

219. (1) The powers of the Commission shall be defined by Act of Parliament and shall include the power -

- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent Court;
- (c) to question any person in respect of any subject matter under investigation before the Commission;

- (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.

(2) The Commissioner shall not investigate -

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

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

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

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

222. The Commissioner and Deputy Commissioners shall not hold any other public office.

223. (1) The Commissioner and Deputy Commissioners shall enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively.

(2) The Commissioner and Deputy Commissioners shall cease to hold office upon attaining the ages of seventy and sixty-five years respectively.

224. Where the Commissioner dies, resigns or is removed from office or is for any other reason unable to perform the functions of his office, the President shall, acting in consultation with the Council of State, appoint a person qualified to be appointed Commissioner to perform those functions until the appointment of a new Commissioner.

- 225.** Except as provided by this Constitution or by any other law not inconsistent with this Constitution, the Commission and the Commissioners shall, in the performance of their functions, not be subject to the direction or control of any person or authority.
- 226.** The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.
- 227.** The administrative expenses of the Commission including salaries, allowances and pensions payable to, or in respect of, persons serving with the Commission, shall be charged on the Consolidated Fund.
- 228.** The procedure for the removal of the Commissioner and Deputy Commissioners shall be the same as that provided for the removal of a Justice of the Court of Appeal and a Justice of the High Court respectively under this Constitution.
- 229.** For the purposes of performing his functions under this Constitution and any other law, the Commissioner may bring an action before any court in Ghana and may seek any remedy which may be available from that court.
- 230.** Subject to the provisions of this Constitution and to any Act of Parliament made under this Chapter, the Commission shall make, by constitutional instrument, regulations regarding the manner and procedure for bringing complaints before it and the investigation of such complaints.

THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, 1993

ACT 456

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

DATE OF ASSENT: 6th July, 1993

BE IT ENACTED by Parliament as follows-

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

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

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

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

3. (1) A person shall not be qualified for appointment as Commissioner or a Deputy Commissioner for Human Rights and Administrative Justice, unless he is -

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

PART II - FUNCTIONS OF THE COMMISSION

7. (1) The functions of the Commission are -
- (a) to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
 - (b) to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the State, the offices of the Regional Co-ordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the

recruitment of those services or fair administration in relation to those services;

- (c) to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;
- (d) to take appropriate action to call for the remedying, correction and reversal of instances specified in paragraphs (a), (b) and (c) of this subsection through such means as are fair, proper and effective, including -
 - (i) negotiation and compromise between the parties concerned;
 - (ii) causing the complaint and its finding on it to be reported to the superior of an offending person;
 - (iii) bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and
 - (iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires
- (e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;
- (f) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation;
- (g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- (h) to report annually to Parliament on the performance of its functions.
- (g) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.

8. (1) The Commission shall for the purposes of performing its functions under this Act, have power -

- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent court;
- (c) to question any person in respect of any subject matter under investigation before the Commission;
- (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.

(2) The Commissioner shall not investigate -

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

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

10. (1) There shall be established in each Region and District of Ghana Regional and District branches respectively of the Commission.

(2) There shall be appointed by the Commission an officer who shall be the head of a Regional or District branch of the Commission.

(3) The Commission may create such other lower structures as would facilitate its operations.

11. (1) A representative of the Commission in a Regional or District office of the Commission shall -

- (a) receive complaints from the public in the Region or District;
 - (b) make such on-the-spot investigation as may be necessary;
- and

- (c) discharge any other duties relating to the functions of the Commission that may be assigned to him by the Commissioner.

PART III - PROVISIONS RELATING TO COMPLAINTS AND INVESTIGATIONS

12. (1) A complaint to the Commission shall be made in writing or orally to the national offices of the Commission or to a representative of the Commission in the Regional or District branch.

(2) Where a complaint is made in writing it shall be signed by the complainant or his agent.

(3) Where a complaint is made orally, the person to whom the complaint is made shall reduce the complaint into writing and shall append his signature and the signature or thumbprint of the complainant.

(4) Notwithstanding any law to the contrary, where a letter written by -

(a) a person in custody; or

(b) a patient in a hospital;

is addressed to the Commission, it shall be immediately forwarded unopened and unaltered to the Commission by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is a patient.

(5) A complaint under this Act may be made by any individual or a body of persons whether corporate or unincorporated.

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

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

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

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

it may refuse to investigate the matter further.

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

- (a) if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commission; or
- (b) if the Commission considers that -
 - (i) the subject matter of the complaint is trivial;
 - (ii) the complaint is frivolous or vexatious or is not made in good faith; or
 - (iii) the complainant does not have sufficient personal interest in the subject matter of the complaint.

(3) Notwithstanding subsection (2) of this section, if within six months after the Commission's refusal or ceasing to investigate any complaint under this section, fresh evidence in favour of the complainant becomes available, the Commissioner shall, at the request of the complainant, re-open the case.

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

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

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

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

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

- (a) sums in respect of expenses properly incurred by them; and
- (b) allowances by way of compensation for the loss of their time

in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.

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

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

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

- (a) a person required to give information or produce anything under subsection (1) of this section;
- (b) a complainant;
- (c) any other person who the Commission considers will be able to give information required under subsection (1) of this Section.

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

- (a) supply information to or answer a question put by the Commission in relation to that matter; or
- (b) produce to the Commission a document, paper or thing relating to it,

if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

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

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

- (6) No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.
16. Article 135 of the Constitution which relates to production of official documents in court shall apply to proceedings before the Commission as it applies to proceedings before a court.
17. (1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.
- (2) Every person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall before proceeding to carry out his functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.
- (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

18. (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 persons 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.

19. (1) The Commissioner shall, annually submit a report to Parliament which shall include a summary of the matters investigated, and the action 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

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

20. 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.

21. (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.

22. 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.

24. Any person who -

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists a member of the Commission or an officer authorised by the Commission in the exercise of any powers under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful request of the Commissioner or a Deputy Commissioner or any other person under this Act; or
- (c) wilfully 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.

25. 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.

26. (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.

27. 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.

28. (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.

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

(COMPLAINT PROCEDURE) REGULATIONS, 1994

CONSTITUTIONAL INSTRUMENTS NO. 7

In exercise of the powers conferred on the Commission on Human Rights and Administrative Justice under Section 26 of the Commission on Human Rights and Administrative Justice Act 1993 (Act 456) these Regulations are made this 1st day of September, 1994.

1. (1) A complaint to the Commission shall be made in writing or orally to the national office of the Commission or to a representative of the Commission at the regional or district branch of the Commission.
- (2) Where the complaint is in writing, it shall be addressed to the Commissioner or to his regional or district representative and shall be signed or thumbprinted by the complainant or his agent.
- (3) Where the complaint is made orally or the complainant cannot read and write, the complaint shall be reproduced into writing by the officer at the registry of the Commission or its branch to whom the complaint is made or by any other person chosen by the complainant.
- (4) A person who reduces into writing the oral complaint of any person shall -
 - (a) read over and explain the contents to the complainant;
 - (b) declare on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint;
 - (c) cause the complainant to append his signature or thumbprint to the written complaint.
2. (1) A complaint lodged with the Commission shall contain -

- (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 nature of the complaint together with copies of any document in support of the complaint;
 - (d) the nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of the body or organisation or person against whom the complaint is made; and
 - (e) the relief sought by the complainant.
 - (2) A person who lodges a complaint with the Commission on behalf of another person shall state in writing the capacity in which he does so and the reason for so doing.
 - (3) A complainant shall be given a reasonable time (depending on the circumstances of the case) within which to check on his complaint.
 - (4) Where a complaint lodged with the Commission is not pursued for three months from the date it is lodged, the complaint shall lapse thereafter.
- 3.
- (1) Where the Commissioner considers that a complaint lodged with the Commission is a matter within the function of the Commission, he shall cause a copy of the complaint to be transmitted to the head of the body or organisation or the person against whom the complaint is made with a request for comment and response.
 - (2) The head of the body or organisation or person against whom the complaint is made shall within ten days from the date of receipt of the complaint or such further period as the Commissioner may specify submit his comments or response to the Commissioner.
 - (3) The Commissioner or his representative may assign an investigator or officer of the Commission to make a preliminary investigation into any complaint lodged with the Commission.
 - (4) The Commission may for the purposes of performing its functions require the services of a member of the Police Force or any public institution with expert knowledge relevant for redressing any particular complaint.
- 4.
- (1) Upon receipt of the comments or response the Commissioner, where he considers that in view of the response, the complaint could be

mediated upon and settled, may invite the parties concerned and attempt a settlement of the issue between the parties.

- (2) No provision of these regulations shall preclude the Commission on receipt of a complaint from inviting the parties concerned and attempting a settlement of the issue between the parties.
5. (1) Where the Commission decides to institute a full investigation into a complaint, the Commission shall in writing invite -
 - (a) the complainant
 - (b) a representative of the body, organisation or person against whom the complaint is made; and
 - (c) such other persons as are considered by the Commission to be concerned in the investigation to attend to be interviewed by the Commission at a date, time and place specified in the notice.
 - (2) The date for attendance shall not be less than seven days from the date of the notice.
 - (3) A person appearing before the Commission in answer to a complaint shall -
 - (a) be informed again of the particulars of the complaint and the relief sought;
 - (b) be afforded full opportunity to answer the complaint and to question any witness.
 - (4) Any person who appears before the Commission in any investigation shall be given a fair hearing.
 - (5) Persons appearing before the Commission to be investigated shall appear in person and may be represented by counsel.
 - (6) Records of the investigation shall be kept in writing.
6. (1) For the purposes of regulation 5 the Commissioner may on the recommendation of any other member of the Commission, an investigator of the Commission or any other officer of the

Commission, constitute a panel to investigate any complaint and report to the Commission.

- (2) The panel shall be composed of a chairman who shall be a member of the Commission or any legal officer in the employment of the Commission and not less than two other officers of the Commission.
 - (3) Notwithstanding sub-regulation (2) of this regulation there may be co-opted on any such panel such person as the Commissioner may approve.
 - (4) A person appearing before a panel under these regulations may raise an objection to the membership of the panel to the Commissioner who shall determine the issue.
7.
 - (1) A panel composed under these regulations shall make a full report in any matter before it with its recommendations to the Commission.
 - (2) The Commission shall consider every report submitted under sub-regulation (1) and may accept or reject the recommendations or ask for further investigations.
8. An officer appointed as the regional or district head of the branch of the Commission shall ensure the prompt investigation by officers in the regional or district of all complaints and may refer complaints to the national office where he considers it necessary or where directed by the Commissioner.
9.
 - (1) The head of a district office of the Commission shall within five days of the end of every month submit to the head of the regional branch of the Commission, a report of all complaints investigated by the district office in the preceding month and recommendation of the office on the complaints.
 - (2) The designated head of a regional branch of the office together with the recommendations to the national office.
10. The final decision in any complaint lodged with the Commission shall be taken by the Commission.
11. For the purpose of sections 9 and 18(2) of the Act, the Commissioner may by writing authorise any public officer to bring an action in any court in the name of the Commissioner.

12. In these Regulations -

"Act" means the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

Dated at Accra this 1st day of September, 1994. Commission shall submit a monthly report on all complaints investigated by the District offices and the Regional Offices.

EMILE FRANCIS SHORT

*COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE*