



COMMISSION ON HUMAN RIGHTS
AND
ADMINISTRATIVE JUSTICE

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R e p o r t

**ANNUAL REPORT
2001**

**COMMISSION ON HUMAN RIGHTS
AND
ADMINISTRATIVE JUSTICE**

Foreword

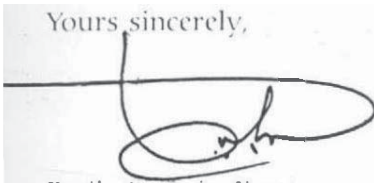
Commission On Human Rights
And Administrative Justice
Old Parliament House
Accra

The Speaker Of Parliament
Parliament House
Accra

Mr. Speaker,

In accordance with the provisions of Article 218 (g) of the 1992 Constitution, and Section 7 (1) (h) of the Commission on Human Rights and Administrative Justice Act 1993 (Act 456), I have the honor to present the Seventh Annual Report of the Commission for the period January 1, 2001 to December 31, 2001.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emile Francis Short', written over a horizontal line.

Emile Francis Short
Commissioner

TABLE OF CONTENTS

	Pages
Mission Statement	4
Commissioner's Remarks	5
Organizational Framework of the Commission	7
Program Reports	10
■ Human Resource Development	
■ Protecting The Fundamental Human Rights of Prisoners	
■ Public Relations	
■ Relations With Human Rights NGO's	
■ Public Education	
■ Foreign Visitors To The Commission	
Overview of Cases and Commentary	19
Statistical Review	21
Sample of Decided Cases	30
2001 Programme Outline	39
State Of Human Rights In Ghana	40
Chapter 18 - 1992 Constitution Of Ghana	47
CHRAJ ACT (Act 456)	50
Constitutional Instrument No.7	59

MISSION STATEMENT

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

These objectives will be achieved by:

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

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

THE COMMISSIONER'S REMARKS

Introduction

The year 2001 witnessed the historic transfer of power from one elected civilian government to another. The new government took office asserting democratic credentials, its commitment to the rule of law and respect for human rights. It also declared a policy of zero tolerance for corruption. This new development gave hope to the Commission that it would function in a much better political environment.

The Commission continues to face a number of challenges. The most pressing and disturbing is the exodus of staff, particularly lawyers, from the Commission to other cognate institutions due to the Commission's low salary structure and unattractive conditions of service. The previous administration did little or nothing to address this problem despite numerous petitions the Commission submitted to it. It is my hope that the fortunes of the Commission would change with the advent of the new administration.

In the middle of this year, one of the Deputy Commissioners, Mrs. Angelina M. Domakyaareh, returned to The Volta River Authority from where she joined the Commission. I hereby wish to acknowledge her immense contribution to the building of the Commission and wish her the best in her new endeavors. The vacancy created by her departure has yet to be filled.

The growth of the Commission has necessitated a review of its organizational structure. The Legal and Investigation Departments have been merged in order to better coordinate their respective functions and broaden the work experience of both investigators and lawyers. Another significant change has been the establishment of a specialized anti-corruption unit to combat more effectively the scourge of corruption.

After nine years of existence, it has become evident that the three-member Commission cannot effectively discharge the multiple functions vested in it by the Constitution and its enabling legislation. The framers of the Constitution opted for a single institution that combines the functions of a Human Rights Commission and an Ombudsman Office as well as an anti-corruption mandate. The overriding factor in arriving at that decision was the thinking that Government could fund better a single institution with multiple functions than several complaints handling institutions. While this rationale was commendable and has probably made it possible for Government to establish so far 10 regional offices and 100 District Offices, the ever-increasing workload of the Commission arising from its multiple functions has placed the Commissioners under extreme pressure. The Commission continues to experience a steady increase in the number of complaints filed. For example, in its first annual report issued in 1994, the Commission recorded 3,197 complaints, whereas in the year under review, the Commission received 10,595 complaints. Cases pending from last year were 8822, bringing the number of cases handled this year to a total of 19,417.

For the foregoing reasons, I appeal to Parliament to consider as soon as possible an amendment of the Constitution to expand the membership of the Commission to a minimum of seven members. An expanded membership would enable the Commissioners share the multiple responsibilities of the Commission and establish thematic committees that would assist the Commission to formulate and implement policies and strategies concerning special thematic issues.

Apart from the overwhelming number of cases the Commission has to deal with, it has recently been very proactive, as a leading member of the Anti-Corruption Coalition, in the fight against corruption. It has investigated a number of corruption cases, and in some cases has ordered huge sums of money to be paid into government chest.

Another matter of concern is the inadequacy of the budgetary allocations made by Government

to the Commission. The Ministry of Finance invariably does not disburse to the Commission the total budget estimates approved by Parliament for the Commission, even though article 227 of the 1992 Constitution provides that 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.

Inadequate funding has continued to bedevil our efforts at carrying out our public education mandate as comprehensively and as effectively as we would have wished, or indeed is desirable. Nonetheless, this year, most of our officials in the districts and regions did their best to promote human rights education by adopting the strategy of mounting platforms, erected by other organizations, as well as relying on direct donor funding and our NGO allies to raise public awareness of human rights.

However, the Commission has continued to enjoy the goodwill and support of international donors. Such support has enabled the Commission to undertake training for its staff, conduct of workshops and conferences, public education and the purchase of some much-needed logistics. I hereby wish to express our heartfelt gratitude to all donors, particularly, the Royal Danish Embassy which is our biggest longstanding benefactor.

It would be very much appreciated if the Consolidated Fund became our principal source of funding for this activity, as the Constitution stipulates.

Conclusion

In spite of the foregoing constraints, the Commission has made progress. It has received commendation from international human rights NGOs such as Human Rights Watch and the International Council for Human Rights Policy. We continue to count on the government, donors, and all who benefit from our services to continue to support our efforts in order that we may maintain the public confidence and legitimacy we presently enjoy. In this regard, I wish to express my appreciation to my Deputies, Directors and staff of the Commission for their commitment and dedication to the work of the Commission.

ORGANIZATIONAL FRAMEWORK

The Commission comprises a Commissioner and two Deputy Commissioners.

The Commission has been restructured this year by making one Deputy Commissioner responsible for the Legal and Investigations Department and the other in charge of the Public Education and Anti-Corruption Department. This change was part of a Strategic Plan the Commission has recently adopted. The other Departments are the Administration and Accounts Departments.

The proposal to expand the structure of the Commission by the appointment of more Deputy Commissioners or Assistant Commissioners, as reported last year, is yet to be implemented.

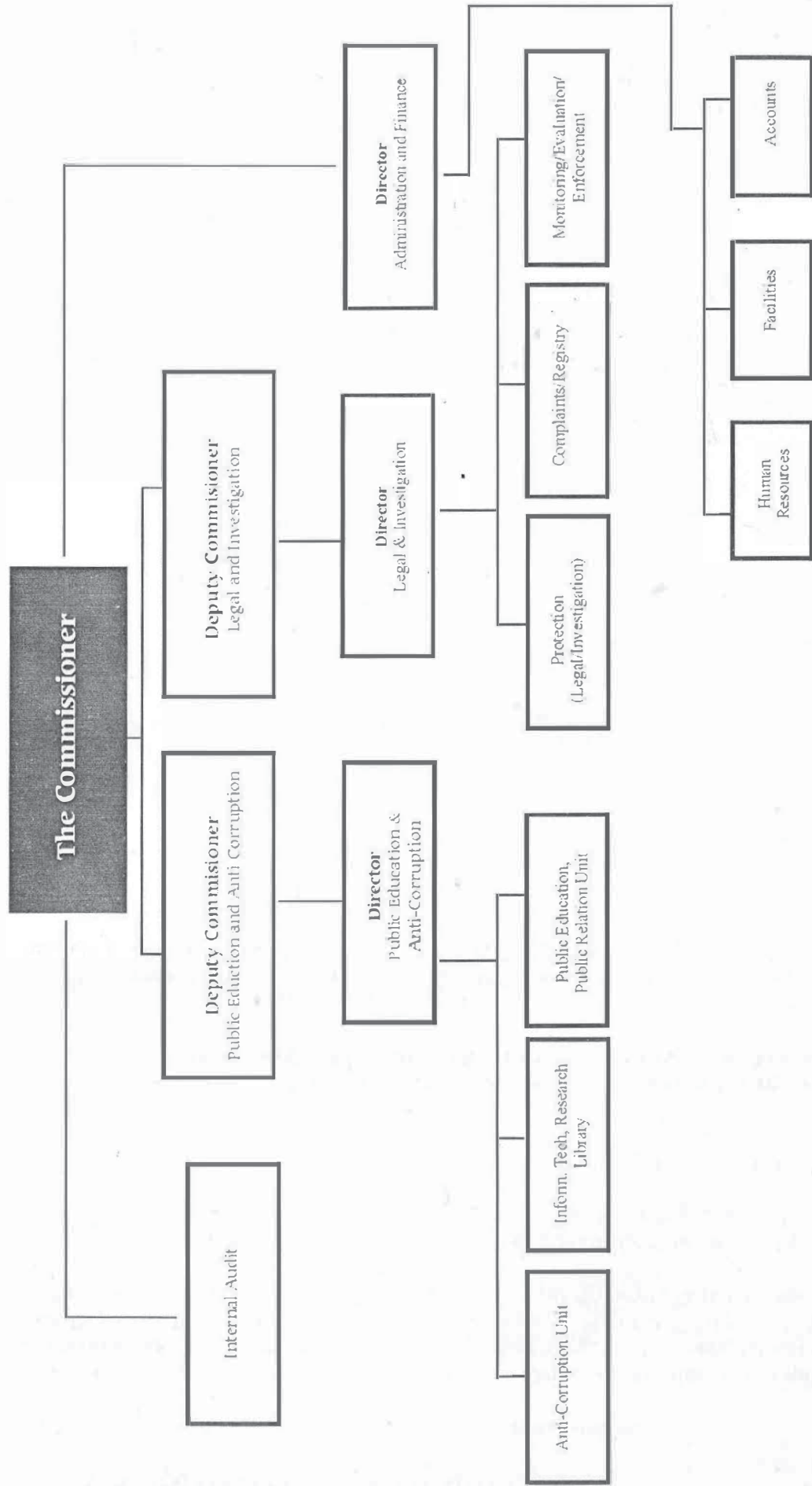
The three-member Commission and the Directors of the four Departments constitute the Management of the Commission.

There are ten Regional Directors who perform the functions of the Commission at the regional level, and there are 89 district offices headed by District Directors who report to the Regional Directors.

The Commission is yet to open 21 more district offices to meet the constitutional requirement that all the 110 Districts in Ghana should have a district office. Ten districts will be opened in the year 2002.

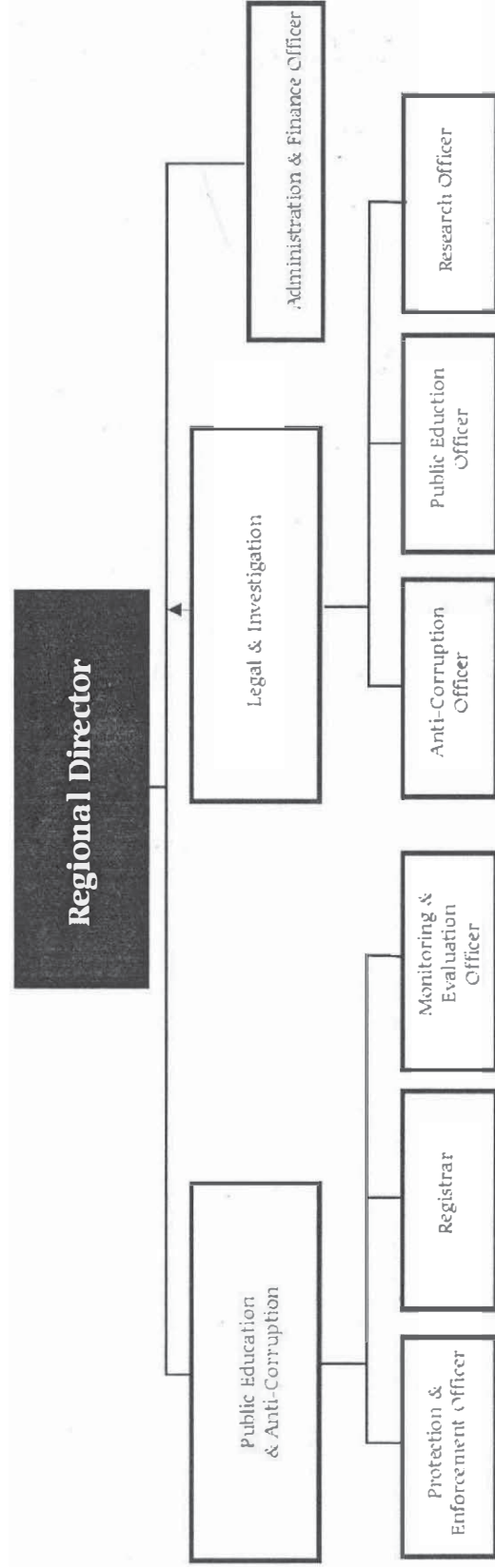
ORGANISATIONAL FRAMEWORK

HEADQUARTERS

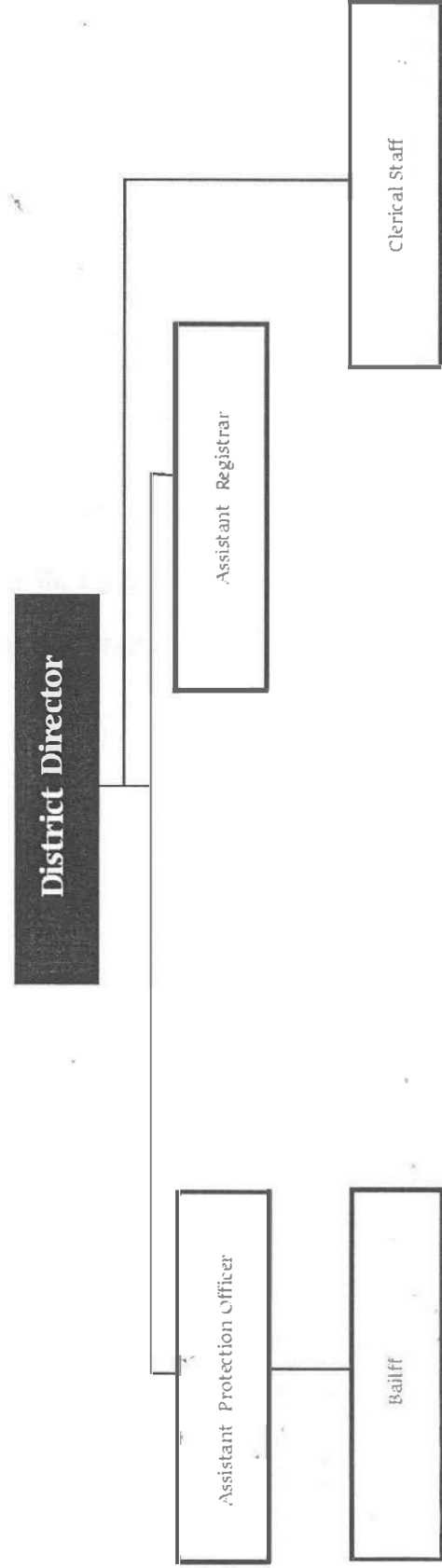


ORGANISATION FRAMEWORK

REGIONAL



DISTRICT



PROGRAMME REPORTS

Human Resource Development

During the reporting year the Commission continued to place great emphasis on staff training with the aim of achieving the highest possible level of ability and professionalism among its employees. To achieve this goal a number of training activities were undertaken. Below is a summary of such activities:

1. Training Workshop on Human Rights Education for newly recruited Investigators & Legal Officers
2. Introduction to Basic Law for Human Rights and Administrative Justice Workers for newly recruited District Directors
3. Principles and Techniques of Mediation for Investigators, District and Regional Directors
4. Adjudication and Decision Writing Skills for Regional Directors, Legal Officers and Investigators.
5. Computer Training for Regional Directors of the Central and Western regions
6. Computer Training for all Secretaries of the Commission
7. Human Rights Education for Second Cycle Institutions for Regional and District Directors

Staff Training Abroad

Some legal officers were given the opportunity to undertake short courses abroad to improve their competence. They were;

Mr. C B Nimako, and Mrs. Apori-Nkansah	-	France
Mrs. Ama Poma Bonsu	-	Netherlands
Ms. Doris Okyere-Adu	-	Sweden
Mr. O. K. Garr	-	United Kingdom

Public Relations

Aware of the powerful role the media plays in national affairs and its influence on public opinion, the Commission maintained regular interaction with media practitioners and publicized its major decisions widely through media houses, and succeeded in enjoying the goodwill and confidence of the general public.

Throughout the year the Commissioners and Regional Directors educated the public on human rights through live radio programmes and TV interviews and succeeded in achieving increased awareness of human rights issues. They regularly dealt with inquiries on human rights issues raised by the public through the media.

Press Releases

During the year, the Commission issued a number of press releases to address the Commission's standpoint on some human rights issues and other topics relating to its constitutional mandate.

They included the:

1. **The Declaration Of Assets by Public Officers:** In the second week of January this year following the change of government, the Commissioner reminded public officers of both the out-going and in-coming administrations to comply with the provisions of the Code of Conduct for public officers by declaring their assets. He drew attention to the provision in Article 286 (1) of the 1992 Constitution that the declaration must be made before the officer takes office and at the end of the officer's term of office.

The Commissioner, however, expressed concern about the absence of any administrative machinery for checking the veracity of the declaration as no official or institution is mandated to undertake this task, and the declarations are also not accessible to the public and shall only be produced in evidence before a court, a commission of inquiry or an investigator appointed by the Commission On Human Rights And Administrative Justice. The Commissioner, therefore, called on the government and Parliament, in the interest of justice and fairness, to give these concerns urgent attention.

2. **May 9th Stadium Disaster:** The Commission issued a press release on May 11, 2001, to express its deep regret at the needless death of some one hundred and twenty-six (126) soccer fans at the Accra Sports Stadium on May 9, 2001. The Commission was dismayed at the behavior of some irate fans, and the inordinate response of the police that eventually led to such a great loss of life. The Commission, therefore, admonished soccer fans to be well behaved and disciplined during football matches.

The Commission lauded efforts by the Government and other well wishers who went to assist the victims and their families, and expressed the hope that measures that would be put in place to ensure that such a national disaster never occurred again.

3. **Religious Conflict On Ban on Drumming and Noise Making:** Violent religious confrontations between some churches and some Ga youths were the subject of another press release. These confrontations occurred when the Ga Traditional Council announced the annual ban on drumming and noise making in May 2001. The Commission stressed that the nation had been traumatized enough by the May 9, stadium disaster and it was not the wish of any well meaning Ghanaian to see the nation plunged into another tragedy again. The Commission admonished the parties to exercise restraint, desist from taking the law into their own hands, and enter into dialogue without delay to bring the situation under control. The press release encouraged the parties to quickly meet and seriously evaluate the current situation, the previous agreements entered into by them, and come out with a comprehensive agreement that would reflect the concerns of all the parties involved in order to avoid another catastrophe.

National Consultation On Racism, Tribalism, Xenophobia, and Related Intolerance

As a prelude to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa from August 31 to September 7, 2001, the Commission organised a National Consultation on Racism Tribalism Xenophobia and Related Intolerance from August 21-23, 2001 in Accra to:

- a. Generate widespread public awareness of the historic World Conference Against Racism (WCAR) and develop a common preparatory platform for the WCAR;
- b. Make Ghanaians aware of the dangers of racism in its various forms and ramifications;
- c. Foster the creation of a positive and non-partisan approach towards combating the evils of racism/tribalism, nepotism, xenophobia and related intolerance;

- d. Develop viable strategies/mechanism for combating racism, racial discrimination, xenophobia and related intolerance; and
- e. Foster harmony among the various ethnic group and foreigners in Ghana.

Thematic plenary presentations by Ghanaian experts on Racisms/Tribalism, Xenophobia, Discrimination and, Related Intolerance were interspersed with "Voices of Victims" and Voices of Hope; they demonstrated the challenges and explored solutions to the problems of tribalism, xenophobia, intolerance and racism in the country.

Syndicate group discussions were held. They focused on four major subject areas, namely,

- Multiculturalism: The strength of the Nation;
- Embracing Diversity in the School and Workshop
- Cultural Competence and Skills for Cross-cultural Communication, and
- Characteristics and skills of effective inter-culturalism.

The discussions were geared towards the production of an action plan and a resolution detailing strategies for combating tribalism, discrimination, xenophobia and related intolerance. Some participants cited personal experiences of discrimination and intolerance in their local areas.

Strategies for promoting national integration and ethnic harmony were discussed, and the role of government, civil society, and the media in fostering a culture of peace and democracy was emphasized.

More importantly, perhaps, the National Consultation recognized that there is considerable racial/ethnic discrimination, xenophobia and related intolerance in Ghana. It was recommended that the government adopt a preventive approach to combating racism/tribalism, xenophobia and related intolerance.

The essential elements of this approach were stated to be:

- a. Institutionalization of an early warning system to help nip conflicts in the bud;
- b. Use of preventive diplomacy by traditional rulers (chiefs and queen-mothers);
- c. Greater use of mediation, especially community mediation and conciliation by social dialogue bodies such as the Commission and the National House of Chiefs in resolving inter-tribal and intra-group conflicts;
- d. Ensuring better representation of all segments of society in key institutions of state; and
- e. Implementation of affirmative action and economic equity programs to reduce the structural (socio-economic) imbalances that generate, sustain and reflect racism, tribalism, xenophobia and related intolerance.

It was also recommended that regional and district fora should be organised to educate and raise public awareness about the dangers of racial discrimination, tribalism, xenophobia and related intolerance in Ghanaian society.

Participants called upon the Government of Ghana to develop and implement a national multi-culturalism policy.

Furthermore, the Government of Ghana was called upon to provide the Commission On Human

Rights And Administrative Justice with adequate resources to enable it intensify and deepen public education and, be able to offer training to strategic sections of the Ghanaian society in basic principles and skills in mediating inter-group conflicts as well as conciliation.

The Conference entreated all member states of the United Nations to adhere strictly to international Human Rights norms and resolutions of the UN with respect to racism and racial discrimination. Governments were reminded of their obligation to: promote a social order (based on equity, solidarity and social justice) which provides for social integration; reduces inequalities in the distribution of wealth; and ensures more equitable distribution of the benefit of economic growth within and between nations, in a way that the rights and freedoms of everyone, as well as the rights to development, can be fully realized as an important contribution towards the elimination of racial and ethnic discrimination.

Cooperation With NGO's

Recognizing that it cannot alone achieve the objective of fostering a culture of human rights in Ghana, the Commission continued to pursue a policy of co-operation and collaboration with human rights NGO's.

The Commission maintained the bi-monthly meetings of the Human Rights NGO's Forum, instituted to assist it in establishing direct contact with NGO's. The Commission seeks to engineer effective networking among them, and offer them training on a variety of human rights issues.

The Commission successfully organized two zonal workshops to equip leaders of Human Rights NGO's to better protect and defend human rights in their regions.

The Southern Ghana Zone workshop was held in Accra from February 22 - 23, 2001. Participants were drawn from human rights NGOs in Volta, Eastern, Central and Greater Accra Region.

The Northern Ghana Zone workshop was held in Tamale from April 18 - 19, 2001. It brought together NGOs from the Upper East, Upper West and Northern Regions. Human Rights NGOs across the country are now better prepared to establish links and collaborate more effectively and efficiently.

The Commission had earlier organized the first workshop for Human Rights NGO's in the middle belt comprising Eastern, Ashanti and Brong Ahafo Regions in November 2000.

Public Education

During the reporting year, in compliance with its constitutional and statutory mandate to promote human rights, the Commission carried out a series of promotional and educational activities throughout the country.

The Commission undertook a number of training workshops in human rights for personnel of various institutions and opinion leaders:

1. Human Rights Education for Prison Officers drawn from the Eastern and Volta regions
2. Capacity Building for Human Rights NGO's in the Promotion, Protection and Defense of Human Rights for Human Rights NGO's countrywide.
3. Seminar: National Consultation on Racism, Tribalism, Xenophobia and Related Intolerance for Chiefs, Religious Leaders, Youth Groups, Diplomatic Missions, Media Practitioners etc.

Speaking Engagements

Representatives from the Commission made presentations at human rights conferences, seminars and workshops and other forums on topics such as:

- The Role Of The Commission On Human Rights And Administrative Justice In The Administration Of Juvenile Justice.
- Sexual Abuse
- Parents Protecting The Rights Of Their Children
- The Role Of The Church In Promoting And Protecting Fundamental Human Rights And Freedoms
- Fundamental Human Rights And The Security Services
- Collaboration Against Corruption, at ECOWAS Sub-regional Conference of Ministries of Justice.
- Racism, Tribalism, Xenophobia and Related Intolerance.
- HIV-AIDS and Human Rights Education, for Prison Officers
- First Commonwealth Law Lectures, organized by the British Council
- Human Rights Awareness Education -Training of Trainers, for Staff of the Commission
- Press Soiree, organized by the Integrated Social Development Center (ISODEC)
- Corruption, on Radio Gold and Choice FM
- Seminar On Child Labor at IPEC (ILO)
- Role Of National Human Rights Institutions, at the Department Of Political Science, Legon
- YOUTH & HUMAN VALUES, at the Great Hall, Legon

Foreign Programs

The Commissioner and other senior staff attended numerous international conferences and workshops on human rights, administrative justice and corruption outside the country. The Commission was represented at the:

- Third Regional Meeting of African National Human Rights Institutions, -Lome, Togo.
- Meeting of the Commissioners of the African Charter on Human and Peoples Rights, - Tripoli, Libya
- Capacity Building of Oversight and Watchdog Institutions, -Abidjan, Cote d'Ivoire
- National Workshop On Developing The Role Of The Ombudsman Office In The Gambia, Banjul - 23-25 January 2001
- Commonwealth Experts Group Meeting On Best Practices For National Human Rights Institutions - London - 26-29 March 2001

- 57th Session On The United Nations High Commission For Human Rights - 17-20 April 2001
- 10th International Anti-Corruption Conference - Prague, Czech Republic 7-12 October 2001
- East Africa Sub-Regional Seminar On International Labor Standards For Labor Court Judges And Assessors - Kampala Uganda - 22-25 May 2001
- Regional Workshop On Enhancing The Public Profile Of The Ombudsman's Office In Africa - Midrand, South Africa - 4-8 June 2001
- Seminar On Capacity Building For Oversight And Watchdog Institutions. Abidjan, Cote D'Ivoire - 25-27 June 2001.
- 7th African Regional Ombudsman Conference - Victoria, Seychelles - 23-26 July 2001
- Conference Of National Institutions 26-28 August 2001
- World Racism Conference - Durban, South Africa - 30 August -7 September 2001
- Equal Status And Human Rights Of Women - 24 September 2001

Co-operation with sister African human rights institutions

The Commissioner, Mr. Emile Short and the Director of Public Education and Anti-corruption Department, Dr. Ken Attafuaah provided consultancy services for some sister human rights institutions in Africa to enhance their capacity.

- Commissioner Emile F. Short conducted a two-week training for the Uganda Human Rights Commissioners on **Conducting Hearings And Writing Decisions** from 24th October -7th November 2001. The programme was sponsored by the United Nations Development Programme.
- Mr. Short and Dr. Ken Attafuaah provided assistance to the Ministry of Justice and Constitutional Affairs in Tanzania towards the establishment of the Tanzania Commission on Human Rights and Good Governance. The programme was sponsored by the Danish Center For Human Rights, Denmark.

VISITORS TO THE COMMISSION

Foreign Visitors

The Swiss Federal Councilor for Foreign Affairs, Mr. Joseph Deiss, led a seven-man delegation, including the Swiss Ambassador to Ghana, on a visit to the Commission on February 12, 2001, to meet with the Commissioner.

Ms. Helen Peters, an African American visited Ghana as a guest of Amnesty International on May 1, 2001. She had expressed interest in the work done by African Human Rights Institutions and therefore visited the Commission where she held a meeting with Mrs. Angelina Domakyaareh, a Deputy Commissioner.

Miss Ghana in Canada, Miss Harriet Dwamena, paid a courtesy call on the Commissioner on 13th August 2001, to inform him about a project she was about to launch in aid of street

children in Accra. Mr. Ataa Lartey, Director of Street Children's Academy accompanied her.

On August 8, 2001, three Interns from the University of Pretoria, South Africa, arrived at the Commission to acquaint themselves with the work of the Commission. They stayed for a month.

Local Visitors

A group of 50 students from Swedru Secondary School, who study Government, paid a visit to the Commission. The Commissioner met with them and gave them a talk on basic human rights and the work of the Commission

REPORTS FROM THE REGIONS

■ **Ashanti Region**

This year, the Ashanti region carried out an extensive community based public education program that covered more than seventy towns and villages. Topics covered included:

- a) The Functions And Powers Of The Commission
- b) The Fundamental Human Rights Of Citizens
- c) The Rights Of Women And Children
- d) You And The Police
- e) Types Marriages Under The Laws Of Ghana
- f) Intestate Succession Law, PNDCL 111
- g) Abuses Against Women And Children.
- h) The Rights Of Christians To Co-Exist With Traditional Rulers

The Commission also accepted invitations from various organizations to educate their members on the functions of the Commission and to speak to them on various thematic issues. A notable example was the celebration of the Constitutional Week to which the National Commission For Civic Education invited almost all the District Directors of the Commission in the region to present papers on various human rights issues.

Radio Programs

The local FM radio stations also played a very significant role in our campaigns this year. The phone-in sessions that followed our interventions provided listeners the opportunity to interact with our officers and to get answers to their questions relating to diverse issues of interest to them.

Collaboration with NGO's

The Ashanti region has also cultivated a very healthy relationship with NGO's that continues to pay dividends in the form of numerous opportunities to carry out public education through and with them. The Tepa, Konongo and Effiduase Districts, for example, organized educational programs for selected schools in collaboration with the Integrated Social Development Carter (ISODEC), and in Kumasi, the Konrad Adenauer Foundation sponsored a two-day seminar for the staff of the Commission and the Justice and Peace Commission of the Catholic Church.

■ **Greater Accra Region**

The Greater Accra Region carried out very limited public education this year due to the competing demands of dealing with numerous complaints, and lack of funding for the programs. The

Accra office, however organized a lecture for students on, **Making Democracy Work In Ghana**, at the Ghana Institute of Languages. As part of the celebration of the anniversary of the adoption of the Universal Declaration Of Human Rights, the Commission organized a very successful seminar for the Assemblymen and women of Damangbe East District on the theme, **Promoting Fundamental Human Rights - The Role Of The Assembly Member**.
(The anniversary was in 1998?)

■ Northern Region

Inadequate funding has continued to hamper the region's efforts at carrying out public education campaigns effectively. The Northern region, however, covered about fifty communities, targeting community chiefs, traders, farmers and fishermen, District Assembly members, heads of departments and their staff, members of the Armed Forces and the Police, teachers and school children, Moslems and Christians. Private organizations such as the Trades Union Congress, hair-dresser's, tailors' and seamstresses' associations, youth and women's groups and civic education clubs were also covered.

Topics were selected to suit the target groups and included:

- The Powers and Functions of the Commission On Human Rights And Administrative Justice
- Fundamental Human Rights
- Concepts of Administrative Justice
- The Exchange Marriage System and Human Rights
- The Constitutional Rights of the Ghanaian Child
- The Rights of Individuals to have Equal Access to Education
- Violence Against Women
- Women and Children's Rights with regard to PNDC laws 111 and 112 (Interstate Succession Laws)
- The Rights of the Physically Challenged

■ Upper East

Much public education was done this year, in spite of severe financial constraint. The Regional Office submitted proposals for funding to several funding organizations. However, it is Action Aid, Ghana that has showed considerable interest in providing direct funding and logistics support for the region's public education programs.

Radio was used to educate the public on children's rights, violence against women and other human rights issues.

The Commission maintains close association with NGO's and readily accepted invitations from some NGO's and institutions like Action on Disability and Development, National Commission On Civic Education, Rural Women's Association, Legal Resources Center, and Save the Children Fund, UK, to present papers on topics such as:

1. The Essential Features Of The Children's Act

- Views On The National Reconciliation Bill
- Human Rights Begin With Breakfast
- Human Rights, A Basic Necessity For Sustainable Development
- The Role Of The Citizen In The Protection Of Human Rights
The Legal Rights Of Women And Children

Much was done in collaboration with NGO's. Workshops on, **Awareness Creation And Sensitization On Human Rights And Social Justice**, were organized and follow-ups were carried out. In addition the Bongo District, with sponsorship from World Vision International, organized zonal workshops on, **The Rights Of Women And Children- Duties And Responsibilities Of Spouses/Guardians As Required By Statute**.

Peace And Reconciliation in the Bawku District

The Commission, in partnership with the United Nations Information Center and some NGO's organized a workshop on peace in the Bawku area, aimed at reconciling the various ethnic factions involved in the conflict in the area.

■ Volta Region

The Regional Office carried out public education on human rights abuses predominant in the area. The target groups were churches, schools, market women and similar organizations.

Radio stations were used to good effect in public education campaigns.

The Commission participated in seminars organized by NGO's. such the Institute Of Women In Religion And Culture, University Of Ghana And Fetish Slave Liberation Movement (FESLIM), and WILDAF. In particular, the Commission collaborated with the Peace Commission to organize a three-day workshop on the functions of the Commission On Human rights And Administrative Justice. In the South Tongu District, the Planned Parenthood Association of Ghana (PPAG) collaborated with the Commission to educate the public on the Commission's functions and children's rights.

■ Western Region

The Western Region regularly carried out public education activities in all its Districts, reaching out to schools, churches, professional associations, communities and NGO's. Eighty outings were made. These were planned such that every month some target group was reached.

The Regional Directorate organized a Human Rights Week - from August 27 to 31 2001- on the theme Freedom And Justice: Renewing Our National Vision

On March 6 2001, the United Nations Day For Women's Rights And International Peace, and the Commission organized a forum for women, in conjunction with the National Council For Women And Development, during which the rights of women were highlighted.

OVERVIEW OF CASES AND COMMENTARY

Table X

Year	Cases Received	Treated in Active Year	Total Closed in Active year	Total Pending at the end of 2001
1993/94	3,197	3,197	1,004	2,193
1995	4,012	6,205	3,762	2,443
1996	5,200	7,643	4,009	3,634
1997	5,876	9,510	3,742	5,768
1998	5,459	11,227	4,121	7,106
1999	8,892	15,998	8,073	7,925
2000	9,265	17,190	8,378	8,812
2001	10,523	19,335	9,347	9,988

Complaints Received and Handled

In 2001, the Commission received 10,523 complaints, 1258 more than the number received in 2000.

Of the 10,523 complaints received in 2001, 9683, representing 92%, were lodged against private individuals and institutions, 233 (2.2%) against organizations under the Ministry of Interior, and 211 (2%) against organizations under the Ministry of Education. Only 1.1% was against specific Ministries.

The majority of the complaints lodged against private individual and institutions related to human rights issues.

A total of 9,988 complaints were pending at the end of the year 2001. The actual number of complaints dealt with in the year under review was, therefore, 19,335. Nine thousand three hundred and forty seven complaints were disposed of. This figure represented an increase of 11.6% over the number closed in 2000.

Forty nine percent of the cases disposed of (4552) were settled through mediation whilst the parties themselves amicably settled 608 complaints by negotiation. Two hundred and sixteen cases, constituting 2.3%, were outside the Commission's jurisdiction. A further 446 cases were referred to other appropriate forums.

The Commission dismissed or rejected 1211 of the closed cases because they were considered frivolous or vexatious, or not made in good faith or because the complainants did not have sufficient personal interest in the matter.

Nine hundred and twenty five of the closed cases, constituting 9.9%, were upheld, 625 withdrawn by parties whilst 111 representing 1.2% were not pursued.

The Commission has since its inception handled 52,424 cases out of which 42,436 have been disposed of. A percentage of 19.1 of the total received since 1993 remain pending.

Regional Distribution of Cases Received

The Brong-Ahafo region received the greatest number of cases, 27.3% of the total received nationwide. Most of these cases were family-related issues. The Eastern and Volta regions together

accounted for 2446 (22.3%) whilst the Upper East region registered the lowest of only 1.3%.

The headquarters office received 874 complaints, representing 8.3% but the cases were generally of a more complex nature.

Nature of Complaints

Complaints have been divided into the following categories: Administrative Justice, Human Rights, Family-related, Property-related, and miscellaneous complaints.

One thousand seven hundred and nineteen complaints related to administrative justice, 1619 were property-related issues, 235 represented human rights complaints whilst 5424, 58% of the total cases received, were family-related cases.

Maintenance of spouse and children constituted 67.2% of the family-related cases.

Contrary to previous years, labour-related complaints filed with the Commission during the year under review accounted for only 16.1%(1508) of the total cases received nationwide. These complaints ranged from dismissals, termination of appointments, retirements, non-payment of pensions/gratuities, social security deductions, end-of-service benefits, salary arrears, discrimination, suspensions, interdictions, transfers, promotions and demotions.

The downward trend in labour-related cases can be attributed to the Commission's insistence on complainants exhausting other available non-judicial remedies before filing complaints with the Commission.

The significant increase in the number of complaints received in 2000 and 2001 affected to a large extent the Commission's capacity to process complaints expeditiously. This increase resulted in delays and a greater backlog of cases. The high turnover of staff, mainly lawyers, also accounted partly for the delay and backlog.

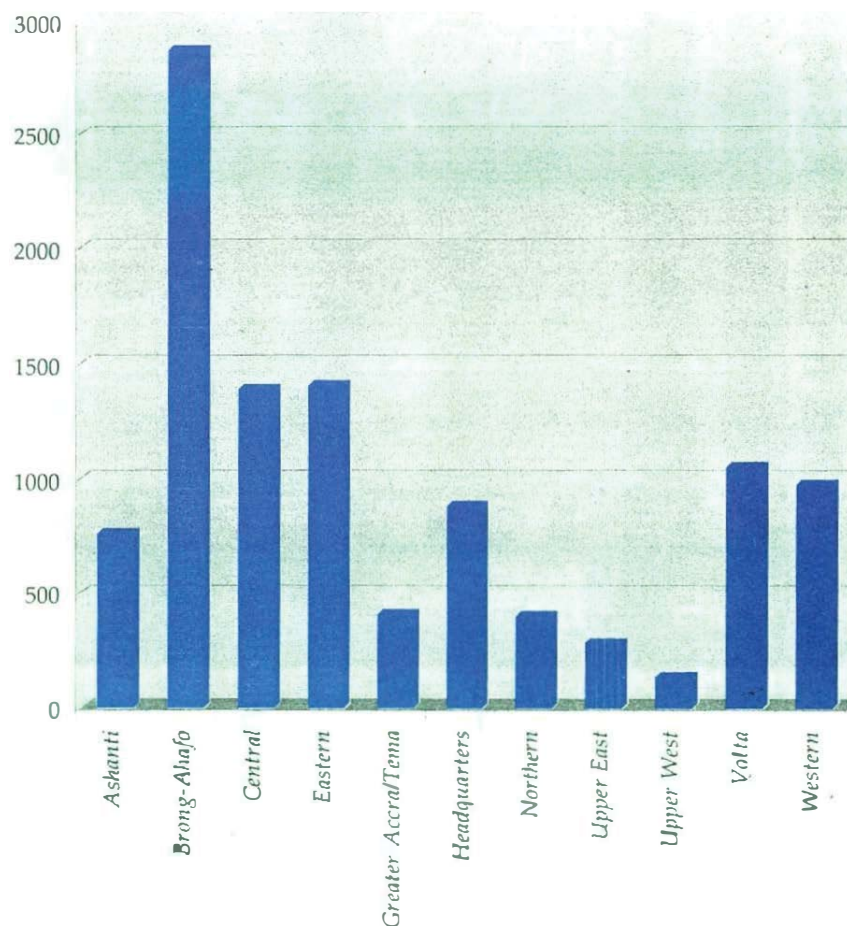
Given the Commission's limited financial and human resources, its ability to process complaints quickly, and to thoroughly investigate those requiring investigation, has not kept pace with the rapid increase in the volume of complaints.

STATISTICAL REVIEW

Complaints Received

FIG 1

Offices	Number of Cases Received	%
<i>Ashanti</i>	757	7.2
<i>Brong-Ahafo</i>	2874	27.3
<i>Central</i>	1383	13.1
<i>Eastern</i>	1401	13.3
<i>Greater Accra/Tema</i>	405	3.8
<i>Headquarters</i>	874	8.3
<i>Northern</i>	400	3.8
<i>Upper East</i>	282	2.7
<i>Upper West</i>	137	1.3
<i>Volta</i>	1045	9.9
<i>Western</i>	965	9.2
<i>Total</i>	10,523	100



Complaints Resolved

FIG

Offices	Number of Cases Resolved	%
<i>Ashanti</i>	908	9.7
<i>Brong-Ahafo</i>	2720	29.1
<i>Central</i>	1123	12.0
<i>Eastern</i>	1027	11.0
<i>Greater Accra/Tema</i>	294	3.1
<i>Headquarters</i>	682	7.3
<i>Northern</i>	320	3.4
<i>Upper East</i>	216	2.3
<i>Upper West</i>	108	1.2
<i>Volta</i>	987	10.6
<i>Western</i>	962	10.3
<i>Total</i>	<i>9,347</i>	<i>100</i>

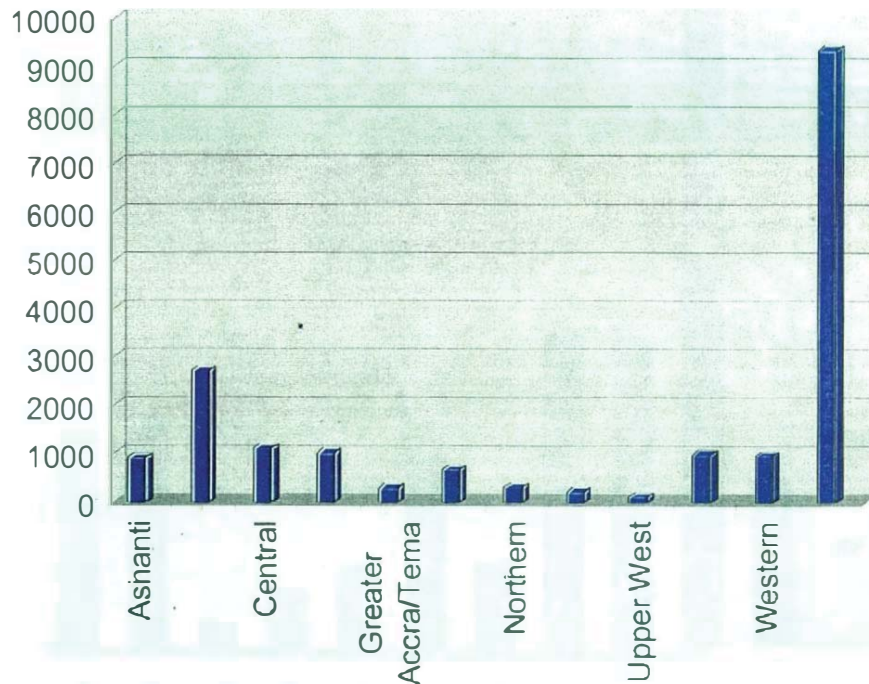
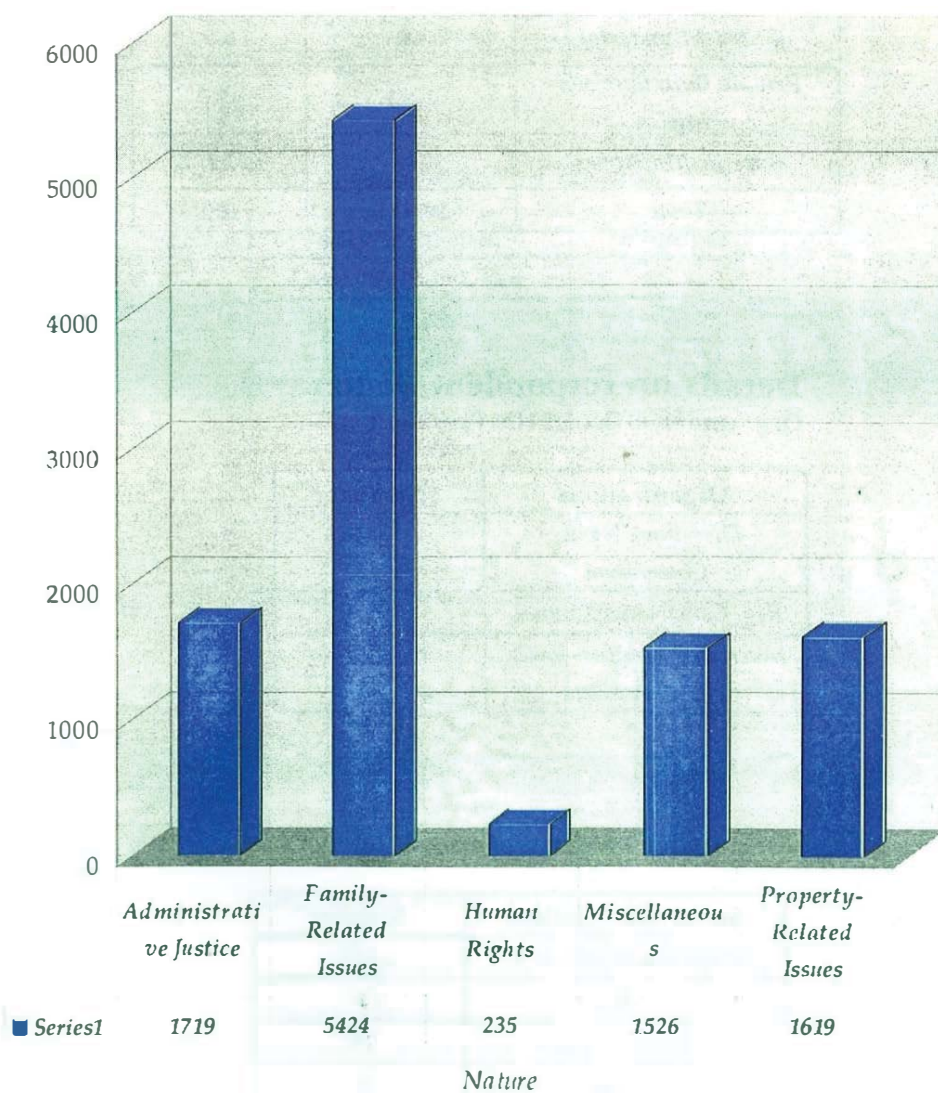


FIG 3

Nature	Number	%
<i>Administrative Justice</i>	1719	16.3
<i>Family-Related Issues</i>	5424	51.5
<i>Human Rights</i>	235	2.2
<i>Miscellaneous</i>	1526	14.5
<i>Property-Related Issues</i>	1619	15.4
<i>Total</i>	10,523	100



Respondent Bodies

FIG 4

Bodies	Number	%
<i>Org. under office of the President</i>	32	0.3
<i>Org. under Ministry of Finance</i>	82	0.8
<i>Org. under Ministry of Education</i>	211	2.0
<i>Org. under Ministry of Justice</i>	33	0.3
<i>Org. under Ministry of Roads & Highways</i>	16	0.2
<i>Org. under Ministry of Local Government</i>	74	0.7
<i>Org. under Ministry of Interior</i>	233	2.2
<i>Extra-Ministerial</i>	48	0.5
<i>Private Individuals & entities</i>	9683	92.0
<i>Specific Ministries</i>	111	1.1
<i>Total</i>	10,523	100

Details on respondent Bodies

Org. under office of the President

FIG 5

Organizations	Number
<i>Divestiture Impln., Commission</i>	2
<i>Reg. Coordination Council</i>	9
<i>Miscellaneous offices under Off. Of President</i>	21

Org. under Ministry of Education

FIG 6

Services/Institutions	Number
<i>Ghana Education Service</i>	121
<i>WAEC</i>	6
<i>Schools/Colleges</i>	79
<i>Universities</i>	5

Road & Highways

FIG 7

Authority/Dept.	Number
<i>Dept. of Feeder Rds.</i>	4
<i>Ghana Highway Authority</i>	12

Extra-Ministerial Org.

FIG 8

Organizations	Number
<i>Public Services Commission</i>	20
<i>Chieftaincy Secretariat</i>	3
<i>Lands Commission</i>	12
<i>Electoral Commission</i>	1
<i>CHRAJ</i>	1
<i>NCCE</i>	2
<i>Lands Valuation Board</i>	4
<i>Media Commission</i>	5

Org. under Ministry of Finance

FIG 9

Services/Depts.	Number
<i>Controller & Acct. Gen.</i>	22
<i>Banking Institutions</i>	40
<i>CEPS</i>	15
<i>IRS</i>	5
<i>Audit Service</i>	*

Ministry of Justice

FIG 10

Services/Depts.	Number
<i>Judicial Service</i>	30
<i>Attorney-General's Dept.</i>	3

Org. under Ministry of Local

FIG 11

Assemblies	Number
<i>Dist/Muni/Metro. Assemblies</i>	74

Respondent Bodies

Org. under Ministry of Interior

FIG 12

Security Services	Number
<i>Prisons Service</i>	19
<i>Immigration Service</i>	8
<i>Police Service</i>	187
<i>Bureau of National Investigation</i>	2
<i>Ghana Nat. Fire Service</i>	3
<i>Ghana Armed Forces</i>	14

FIG 13

Private(Indiv., Org., Comp)	Number
<i>Private Individuals</i>	8520
<i>GPRTU</i>	15
<i>Pr. Organisations</i>	533
<i>NGOs</i>	17
<i>Companies/Corp.</i>	598

Specific Ministries

FIG 14

Ministries	Number
<i>Communication</i>	1
<i>Food & Agric.</i>	14
<i>Head of Civil Service</i>	6
<i>Health</i>	30
<i>Lands & Forestry</i>	2
<i>Interior</i>	13
<i>Off. of President</i>	*
<i>Works & Housing</i>	5
<i>Emply. & Soc. Welfare</i>	5
<i>Defense</i>	5
<i>Foreign Affairs</i>	4
<i>Finance</i>	5
<i>Mines & Energy</i>	2
<i>Education</i>	19

Nature of Complaints

FIG 15

Administrative Justice	Number
<i>Abuse of Office</i>	83
<i>Labour</i>	1508
<i>Delay in Dispensing Justice (Police)</i>	90
<i>Delay in Dispensing Justice (Court)</i>	23
<i>Denial of Trial</i>	15

FIG 16

Family-Related Complaints	Number
<i>Maintenance (Sp./Ch)</i>	3647
<i>Paternity</i>	245
<i>Child Custody</i>	279
<i>Deprivation of Educ.</i>	69
<i>Family/Marital Status</i>	502
<i>Medicare</i>	43
<i>Intestate Succession</i>	241
<i>Other Family Matters</i>	398

FIG 17

Property-Related Complaints	Number
<i>Land Title</i>	125
<i>Inheritance</i>	613
<i>Tenancy</i>	428
<i>Tresspass</i>	163
<i>Confisc'n of Property</i>	151
<i>Destruc'n of Property</i>	139

FIG 18

Human Rights	Number
<i>Unlawful Arrest/Detention</i>	74
<i>Sexual Harassment</i>	30
<i>Rape</i>	54
<i>Victimization/ Discrimination</i>	77

Nature of Complaints

FIG 19

Miscellaneous	Number
<i>Breach of Contract</i>	551
<i>Threats</i>	32
<i>Assault</i>	46
<i>Environmental Hazard</i>	5
<i>Examination Matters</i>	26
<i>Others</i>	865

Grounds of Closure

FIG 20

Nature	Number
<i>Withdrawn by Parties</i>	625
<i>Referred to other forums</i>	446
<i>Lack of Personal Interest</i>	406
<i>Discontinued</i>	235
<i>Lapse of Time</i>	363
<i>Transferred (CHRA) off.</i>	90
<i>Complaints Upheld</i>	925
<i>Complaint Dismissed</i>	207
<i>Mediation</i>	4552
<i>Amicable Settlement by Parties</i>	608
<i>Abandoned</i>	563
<i>Not Pursued</i>	111
<i>Lack of Jurisdiction</i>	216
Total	9347

Number

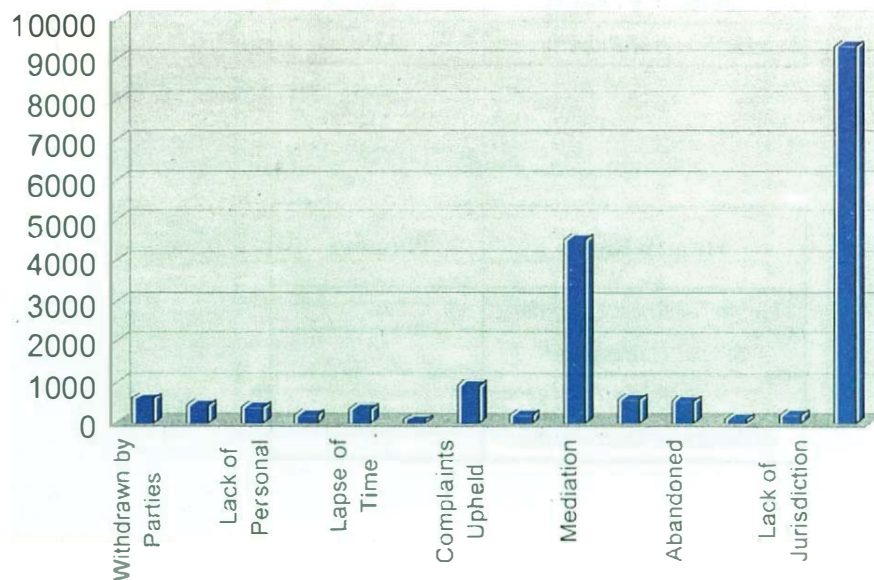
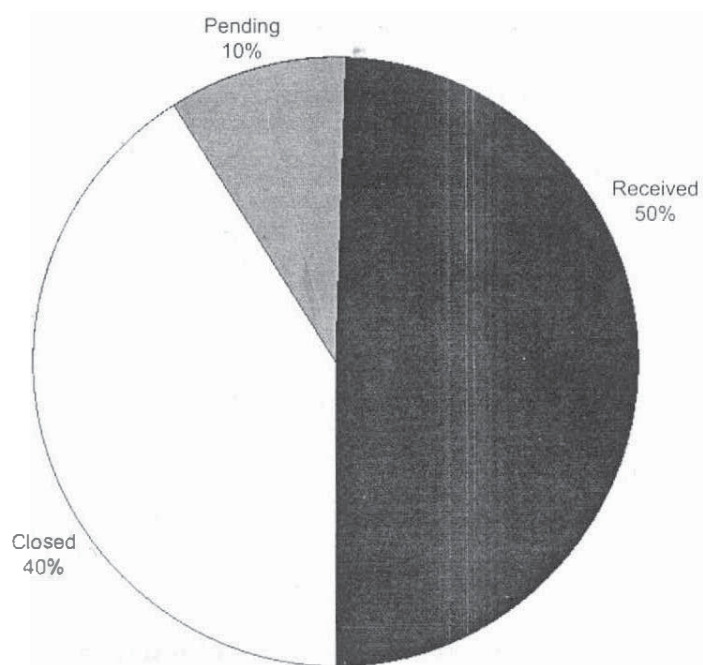


FIG 21

Year of Closure	Number	%
1993 cases closed in 2001	8	0.1
1994 cases closed in 2001	15	0.2
1995 cases closed in 2001	47	0.5
1996 cases closed in 2001	89	1.0
1997 cases closed in 2001	219	2.3
1998 cases closed in 2001	345	3.7
1999 cases closed in 2001	812	8.7
2000 cases closed in 2001	2162	23.1
2001 cases closed in 2001	5650	60.4
Total	9347	100

FIG 22

Since Inception	Number
Received	52,424
Closed	42,436
Pending	9,988



CASE SUMMARIES

CASE NO.138/2000: ALLEGATION OF CAPRICIOUS TRANSFER OF ELEVEN MEDICAL DOCTORS

The Ghanaian Chronicle published in its issue of 28th - 30th January 2001 that eleven medical officers of the Ridge Hospital, Accra, had been sent on transfer; that they considered this as punitive because the doctors had resisted the militarization of the Ridge Hospital in the year 2000. Following this publication, a human rights activist wrote to the Commission asking for an investigation into the matter, because, in his opinion, this was similar to a case involving the misuse of a state owned helicopter, investigated by the late Justice Andoh, then Ombudsman, and reported in the 4th Annual Report of the Ombudsman.

The Complainant said further that the transfer of the eleven doctors was not in response to the exigencies of the Civil Service as they were not replaced, and because their transfer denied patients access to quick medical care. He concluded that the transfers were an abuse of power and a violation of Article 23 of the 1992 of the Constitution, which states that:

"Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law, and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunals".

The Respondent replied that early in the year 2000 many medical officers working in the Upper East and Upper West regions vacated their posts. As a result the Upper West had about 3 medical officers and the Upper East had 6. Investigations conducted by the Respondent revealed that Ridge Hospital with 170 beds had 41 doctors whereas Wa and Jirapa hospitals with 250 beds each had only 1 medical officer each, and Tumu, Nandom, Lawra and Nadoli hospitals were without medical officers. The Human Resource Director of the Respondent had been requested to discuss transfers with the medical officers individually and they had agreed to the transfers. Twenty-six medical officers were involved. Out of this number 9 were from the Ridge Hospital.

The Complainant disputed the figures given by the Respondent and requested for statistical data on total attendance and admissions at the Ridge, Wa, and Jirapa hospitals for the years 1998 - 2000 to support a proper assessment of the situation.

The Commission found that in the case investigated by the Ombudsman, and cited by the Complainant, the matter concerned the misuse of government property, a malfeasance, whereas in the instant case the Complainant was questioning the authority of the Respondent to transfer its own personnel, which it has a right to do. Moreover, none of the officers involved in the transfers has complained against it. Further, the Complainant had neither proved corruption, administrative injustice nor abuse of human rights in the transfer of the medical officers. The Commission, therefore, dismissed the complaint.

CASE NO. 673/2000: SEX DISCRIMINATION

The Complainant, a teacher at the Mercy Childhood Development Center, alleged that the Respondent terminated her appointment on grounds that she took her child to school whereas two other teachers did the same but their appointments were not terminated. She further alleged that the Respondent deducted social security contributions from her salary but did not pay them to the Social Security And National Insurance Trust (SSNIT).

She was therefore claiming compensation for the wrongful termination of her appointment and payment of her social security contributions to SSNIT.

The Respondent contended that the Complainant concentrated on her child to the detriment of

the fee-paying pupils in her charge. This had been pointed out to her on several occasions but to no avail. Further, the Complainant's general attitude to work left a lot to be desired. She could not attend refresher courses to improve her performance because she was burdened with caring for her child. The Respondent therefore, suggested to her that she could not combine schoolwork with childcare.

The Respondent however admitted that due to its weak financial position it was in arrears in payment of social security contributions but added that records of the deductions were kept and the teachers had been informed about this. The Respondent said that as soon as the financial position of the school improved, the teachers' contributions would be paid to SSNIT.

The Commission's investigations revealed that there was no evidence to support the allegation of discrimination on grounds of gender contrary to Article 17(2) of the 1992 Constitution of Ghana, which provides that:

'A person shall not be discriminated against on grounds of gender (emphasis ours), race, color, ethnic origin, religion creed, social or economic status'

Rather the Complainant's child disturbed constantly and this took her attention away from her work. The Complainant's case would have been strengthened had the other teachers who brought their children to school been similarly terminated

The Commission, therefore, dismissed the complaint about her termination but upheld the claim of non-payment of her SSNIT contributions and ordered the Respondent to effect the payments.

CASE No. 536/20: COMPENSATION FOR BODILY HARM

The Complainant sustained serious bodily injuries when some kerosene he was pouring into a lantern exploded and caught fire. It was the Complainant's case that his injuries were directly traceable to the kerosene he was using and therefore the manufacturer must be held liable for his injuries and had to pay him compensation

The Respondent produced a copy of a report of the investigations it had conducted into the case and which revealed that the Complainant had admitted pouring the kerosene into the lantern while the flame was on. The report stated further that the kerosene was not stored in a proper container, and the Complainant had told the Respondent that he had used the kerosene for about one week before the explosion took place and had also used some of the same kerosene after the explosion.

The Respondent said a sample of the kerosene tested in its laboratory proved that it satisfied all the approved quality standards and was suitable for use in lanterns and stoves and for general domestic use. The explosion must, therefore, have resulted from spillage of excess kerosene while the Complainant was pouring it into the lantern with the flame burning.

The Complainant admitted all the statements made by the Respondent but denied that he used the kerosene after the explosion.

The Commission could not conduct an independent test of the kerosene, as no sample was available. It was therefore difficult to controvert the findings in the report tendered by the Respondent. The Complainant's case could therefore not be supported, especially as he was unable to indicate the filling station where he procured the kerosene. His claim for compensation could not, therefore, be sustained as he had failed to prove that the Respondent was responsible for his injuries. The case was therefore dismissed.

CASE No. 629/99: RIGHTS OF CHILDREN BORN OUT OF WEDLOCK

The Complainant alleged that she had had a relationship with the Respondent with whom she

had a child and that he had promised to marry her. She also alleged that he had also promised to reimburse all her antenatal expenses but had failed to do so. The Complainant, however, only requested the Commission to compel the Respondent to maintain his child.

The Respondent replied that he had paid the "knocking fee" to indicate to the family of the Complainant that he wanted to marry her. However, he had no money to complete the marriage rites, or pay the antenatal bills.

The Commission undertook a mediation of the case. The parties agreed that the Respondent would pay six thousand cedis (¢6000.00) towards the maintenance of the child and pay all its medical bills, provided that they came from a government hospital, and that the Complainant would give the Respondent access to the child. Both agreed that, in the interest of the child, they would maintain a cordial relationship.

The agreement was implemented for about six months but it was difficult to get the Respondent to commit himself to making regular maintenance payments. The Commission therefore advised the Complainant to get a maintenance order from a Family Tribunal and ceased further investigation of the case.

CASE NO. 403/95: WRONGFUL INTERDICTION

The Complainant, formerly an Assistant Accountant with the Respondent, alleged that he had been wrongly interdicted in 1987 and had been on half salary since 1991, for his failure to account for ¢164,180.

The Respondent defended the decision to interdict the Complainant by pointing out that he had initially refused to cooperate with the Respondent and the police during investigations into the missing money. The Respondent added that the Complainant was, in fact, only dismissed after he voluntarily appeared before its Committee of Inquiry and admitted misappropriating ¢38,000.00. However, the Complainant denied misappropriating any money, and claimed that the Respondent's Committee of Inquiry comprised favorites of the Chief Executive. He denied that he had attempted to evade justice; rather he had returned to his village due to hardship.

The Commission took notice that the Complainant had admitted misappropriating ¢38,000, and ruled that the interdiction was not wrongful. However, the Commission directed that the Respondent should comply with the recommendations of its Committee of Inquiry and pay the Complainant his end-of-service benefits, totaling ¢155,151.72.

CASE NO. 763/2000: CLAIM FOR PENSION AND GRATUITY BENEFITS

The Complainant alleged that in 1963 he was appointed a security officer/guardsman of the former Presidential Detail Department (PDD); that he was at post on 24th February 1966 when the military take-over occurred. He claimed his salary was 710 pounds annually. Subsequently, his appointment was terminated without notice and no salary was paid in lieu of notice. He had also been denied his gratuity and pension.

The Complainant's allegations were supported by evidence given on oath before the Commission by Mr. John Ayipeh Quicoe, one of the security officers employed at the PDD in early 1965.

The Commission ruled that the Complainant was entitled to be paid all gratuity and pension benefits due him under his contract of employment at the PDD; and that the pension benefits should be computed in accordance with the guidelines set out by the former Office of the Ombudsman on "The Determination of the PDD Petitions" dated 20th September 1989.

CASE NO. 238/2000: WRONGFUL DEMOLITION OF BUILDING

The Complainant alleged that despite having obtained authorization from the Chief of Adieso, the

Public Works Department and the Department of Town and Country Planning before commencing building on his land, his building was demolished by the Public Works Department in 1998.

The Respondent alleged that the Complainant had not, in fact, built on his own land, but on land belonging to the Adeiso Lorry Station; that the Complainant had obtained a building permit by deceptively claiming that the land was his; that the building permit was withdrawn when the deception was discovered; and that he had been notified to remove the building.

The Commission's investigations revealed that the Complainant had, in fact, bought the land from the British Petroleum Company, with the consent of the Odikro of Adeiso; that he had been granted a building permit on 12 May 1994 by the Engineer-in-Chief of the District Public Works Department, mandating him to develop the land within two years or suffer withdrawal of the permit; and that he had commenced work on the land. However, by a letter dated 12th June 1996, the Public Works Department at first notified the Complainant that he did not have the right to build a permanent structure on the land; and by a letter dated 24th September 1996 the Public Works Department formally withdrew the permit.

The Commission, therefore, held that it was unfair to ask the Complainant to remove an almost completed building, constructed with express permission obtained from those legally authorized to give it. He was, therefore, entitled to compensation for the wrongful demolition. The Commission therefore, ordered that the Asamankese District Administration should pay the actual cost of the building to the Complainant, as assessed by an independent valuer.

CASE NUMBER 363/2000: CHILD MAINTENANCE OF GIRL TWIN -MEDIATION

The Complainant petitioned the Commission claiming that the Respondent was refusing to pay for the school fees of their daughter, (a twin, the other twin being a boy) to enable her to undertake a course in catering.

The Respondent replied that he had been solely responsible for maintaining both children who had been in his custody since infancy. After some time, the Complainant requested that the girl should go and spend some holidays with her and he obliged. The Complainant however never returned the daughter to him and only came to see him when she wanted the child's school fees.

The Commission invited the couple for a mediation of the matter.

During the mediation, the couple appreciated the importance of educating their children together harmoniously. Both thereafter committed themselves to jointly contribute towards their children's education. The Respondent agreed to pay a quarter of his daughter's fees and also provide her with enough allowance.

The Commission therefore, considered the matter as settled and closed.

CASE 545/2000: RIGHT TO NOTICE OF TERMINATION OF APPOINTMENT -MEDIATION

The Complaint's case was that the Respondent terminated his employment as driver without giving him notice, nor did he pay him the statutory one-month's salary in lieu of notice. When he demanded the reason for the sudden termination of his employment, he was told there was no more work for him to do.

The Respondent confirmed the allegations made by the Complainant

Upon mediation, the Respondent agreed to pay to the Complainant one month's salary in lieu of

notice, and to send a Xerox copy of the payment voucher to the Commission to confirm payment

The case was, therefore, amicably settled.

**CASE NO. 898/2000: RIGHT TO REINSTATEMENT AND
WORKMEN'S COMPENSATION**

The Complainant worked for the Respondent as a security officer. He alleged that a taxi knocked him down on his way to work but the Respondent failed to pay for his hospital bills as well as compensation for the injury he suffered. Rather, the Respondent terminated his appointment over a minor incident. He was therefore, claiming Workman's Compensation, a refund of the total cost of his treatment amounting to two million and six hundred thousand cedis as well as reinstatement.

The Respondent replied that the Complainant's appointment was terminated because he committed an act of misconduct by allowing a woman to sleep in one of its bungalows. The Respondent also contended that his injury was not connected in any way with his work. His claim for reinstatement and compensation was not justified.

In any case, the Respondent alleged that it had refunded the 98,800.00 cedis medical bill incurred at the 37 Military Hospital and had paid him full salary for six months when he had been away receiving treatment elsewhere. Further, the Complainant had collected two million and nine hundred thousand cedis from the taxi driver to cover the cost of herbal treatment and compensation for the injury he suffered.

The issues to be decided were: whether the termination of the Complainant was wrongful, whether he was entitled to a refund of the cost of his treatment and whether he was entitled to compensation for his injuries.

The Commission's investigations established that the Respondent's action was not wrongful as the Complainant's misconduct merited dismissal but the Respondent had only terminated his appointment and paid him a month's salary in lieu of notice. Also, the Complainant was aware that the Respondent refunded the cost of treatment received at only government and recognized hospitals. Besides, the Respondent had paid the Complainant's full salary for six months while he was away from work receiving treatment instead of the graduated reduced salary stipulated in the Collective Bargaining Agreement. Furthermore, the Complainant had indeed received from the taxi driver a refund of the cost of treatment and compensation for his injuries. Significantly, the Complainant made the claim for compensation two years and three months after his accident and only when his employment was terminated. The complaint was therefore dismissed in accordance with Section 13 (2) (b) (ii) of Act 456 which provides that:

"The Commission may refuse to investigate any complaint,

- (a) if the Commission considers that,
- (b) the complaint is frivolous or vexatious or is not made in good faith."

**CASE NO. 964/2000: APPLICATION FOR REVIEW OF
COMMISSION'S DECISION**

The Complainant alleged that the Respondent wrongfully terminated his appointment at the end of a 6-month probation period. He claimed reinstatement, or in the alternative, damages of fifty million cedis.

The Commission held after investigation that the appointment was properly terminated and

accordingly dismissed the complaint.

The Complainant applied for a review of this decision on the following grounds:

1. That the Commission did not give him the opportunity to see the reaction of the Respondent to his complaint to enable him comment on it and he was, therefore, applying for a copy of the reaction.
2. That the Respondent had not shown him the appraisal record on his performance covering the period he served, much less discuss it with him.

The Commission held that it would review its decision where a fresh compelling evidence is adduced, and where the grounds canvassed for review show that the Commission had misled itself or had been misled by the winning party through deliberate or innocent misrepresentation of fact or law. (Aschkar v. Karam 1972 GLR)

With respect to ground one, the Commission was satisfied that the Complainant was aware of the contents of the Respondent's response.

With regard to ground two, it was immaterial whether the Complainant was shown the appraisal record or not as that could not preclude the Respondent from exercising its right to terminate the complainant's appointment. This argument was therefore rejected as untenable.

The Commission therefore dismissed the application for review as being without merit.

CASE NO. 361/2000: SPOUSAL CONSENT REQUIRED BEFORE DISPOSAL OF JOINTLY ACQUIRED PROPERTY

The Complainant had been married to the Respondent for twenty- eight years and they had a child. The Respondent bought a plot of land at Ashiaman and the Complainant contributed eight million and nine hundred thousand cedis towards its development. The Respondent promised to give the house to the Complainant and her son. However, he lost his job and decided to sell it without the consent of the Complainant. When challenged, he said that the property was in his name and that the Complainant was flirting around. The Complainant, therefore, petitioned the Commission to intervene to enable her recover the amount of money she had contributed.

The Commission invited both spouses for a mediation.

During the mediation, the parties agreed that the Complainant did contribute towards the purchase of building materials, payment for work done on the house, and she financed the Respondent's trip to Gabon. The Respondent could not sell the house without the Complainant's consent.

However, the parties agreed that the Respondent should refund to the Complainant her total contribution within four months. This was done, and the case was, therefore, closed as settled.

CASE NO354/98: ALLEGATION OF OFFICIAL HARASSMENT AND THREATS TO LIFE

The Complainant requested the Commission to provide him protection as he had received threats to his life. He said he was at a church service when he was called and interrogated over the telephone by a man who identified himself as the Commander of Eastern Ground Forces and a member of the National Special Forces On State Security. He was asked what his political affiliation was and was told he was a threat to the state. He was finally warned not to divulge to anyone any information about the investigation or attempt to leave the country or else he would have

himself to blame.

The Commission undertook investigations into the allegations and found that the military institution mentioned by the complainant did not exist. The Commission's investigations also revealed that the Complainant had had an amorous relationship with a lady who later got married and moved to Israel to join her husband.

The Commission concluded that the alleged harassment was a hoax that more likely than not was instigated by the lady's husband. The Commission advised the Complainant to report the matter to the District Commander of the Tesano Police for the necessary action to be taken, if he still felt threatened.

CASE NO. 766/96: UNFAIR TREATMENT BY GOVERNMENT OFFICIALS

The Complainant was a farm manager of the Government Household Farm at Peduase Lodge. He was alleged to have misappropriated certain sums of money from the farm. A committee set up to investigate the allegations established that the Complainant had misappropriated a total sum of €2,938,883.10, and ordered him to refund the amount. In addition, it was ordered that he should be either transferred to the Ministry of Agriculture to work under the immediate supervision of a senior officer or have his appointment terminated without loss of benefits.

Furthermore, the then PNDC Liaison Office decided that some of the Complainant's personal belongings should be seized and sold to defray the sum of money he misappropriated. His electronic equipment was also seized.

In addition, another directive came from the office of the Chief of Staff that the Complainant's indebtedness to the state should be deducted from his benefits and this was done. Some officials of the PNDC Liaison Office used the items seized from him but the Complainant managed to retrieve them.

The Commission invited comments from the Office of the President. It replied that the matter arose during the era of the PNDC, and the investigators who handled the matter were no longer in office to assist in the investigations.

The Commission decided to invite the parties for mediation. The outcome was that the Respondent agreed to compensate the Complainant with an amount of €5,000,800.00.

CASE No. GAR 144/2000: THE RENEGADE PASTOR

A Reverend Pastor of a Pentecostal church alleged that his church, the Respondent, had discriminated against him and victimized him in a reshuffling exercise by keeping him in suspense for seven years without assigning him to any branch of the church. He also alleged that other colleague pastors had all been duly posted and the Respondent was neglecting to care for his needs. The Complainant, therefore, claimed seventy-five million cedis as compensation.

The Respondents replied that the delay in posting the Complainant arose from the fact that he has a bad temperament and it was the church's policy not to impose pastors on branches and it was the branches that paid pastors. Secondly, the Complainant had left the church for about ten years before returning. Furthermore, they had helped him to settle some of his financial problems. The Respondents supported this with documents.

The Commission invited the parties for mediation. The Complainant, in the end, settled for five million cedis as compensation and left the church.

CASE NO. UE 2/2001: RIGHT OF SURVING SPOUSE TO MARITAL HOME

The Complainant had been living in an estate at Bolgatanga with her husband and three children

until her husband's death. Since then, the Respondent, the eldest sister of her husband, had been putting persistent pressure on the Complainant to leave her marital home. The Complainant sought the intervention of her mother-in-law to resolve the impasse to no avail. The Complainant, therefore, sought redress from the Commission.

The Respondent's reaction was that she told the Complainant to vacate the house because of her uncooperative attitude towards her husband's family members.

The Commission's investigations established that the Complainant's husband bought the house on high purchase in 1974 and completed payment for it in 1986. There has since not been any change in ownership. However, the name in which the house is registered is Zakari Tamale, a combination of the mother-in-law and the deceased's names.

It is common practice in the north of Ghana to acquire property in more than one name, but this is illegal. However, Section 4 (a) of the Intestate Succession Law, 1985, PNDC Law 111, ensures the right of a spouse and children to the estate of the spouse who dies intestate. Therefore, the Complainant has a right to live in the house and the Respondent cannot forcibly eject the Complainant, more so as she has no proof of ownership of the said house.

The Commission, therefore upheld the Complainant's right to continue to reside in her matrimonial home with her children without any let or hindrance from the Respondent or any member of her deceased husband's family.

CASE NO. UE149/2001: LIMIT OF PARENTAL RESPONSIBILITY

The Complainant was a 32-year-old woman, who alleged that her father remitted her mother for her upkeep for only 1 year when he left them to study abroad when she was three months old. However the Complainant managed to communicate with her father in 1999 for some time until he failed or refused to reply to her letters or respond to her telephone calls. The Complainant, therefore, sought the Commission's assistance in tracing the Respondent and prevailing upon him to live up to his parental responsibilities.

The complaint raises the issue of the limits of parental responsibility, and there is a prevalence of such complaints emanating from grown up men and women in the north of Ghana.

The Commission's investigations revealed that the Complainant is of age, responsibly married and has a daughter and cannot, therefore, be described as a child under any statute currently existing in Ghana. Secondly, the Complainant is not seeking the arrears of maintenance her father denied her over the years.

Given the circumstances, the Commission dismissed the complaint as being without merit whatsoever.

CASE NO. 503/97: WITHDRAWAL OF ALLOWANCES: UNLAWFUL DISMISSAL

The Complainant, PSK, was the Executive Chairman of GR, (i.e. the 1st Respondent), a public corporation incorporated as a private limited liability company in July 1995 with the Government as the sole shareholder. Upon the President's directive, the Sector Minister (i.e. the 2nd Respondent) interdicted PSK on 4th September, 1995, relying on the report of preliminary investigations conducted by N into the management and investment of funds by GR.

On 4th December, 1995, IC (i.e. the 3rd Respondent) who oversees GR, chaired a three-member committee to investigate the affairs of GR. The board of GR also conducted its own investigation through KPMG, a firm of accountants. Both committees found that GR's offshore dealings with

M (an international financial institution) had to be underwritten as a bad debt.

Upon the directive of IC, the Acting Executive Chairman of GR interdicted the Complainant on 29th August, 1996 and withheld 50% of his salary. In addition, the following facilities enjoyed by the complainant were withdrawn: a company car and driver, watchman and other domestic servants as well as his utility bills.

The Complainant's protests to both the sector Minister and the President received no responses. PSK lodged his complaint dated 8th September, 1997 with the Commission. On 29th October, 1997, while the matter was still pending before the Commission, the Board summarily dismissed the Complainant with effect from the date of his interdiction, 4th September, 1995. After his summary dismissal, the Complainant amended his complaint and sought, among others, the following reliefs:

- A declaration that his interdiction was wrongful and unconstitutional; and
- An order against GR to pay him all his salaries, allowance, benefits and facilities unlawfully withheld;

The Respondents cross-petitioned for an order to compel the complainant to refund all the losses that GR had sustained as shown by the report of the Committee.

The Commission conducted a formal hearing. It found that PSK's summary dismissal was justified because he acted in breach of the existing law by investing £3.2 in M without the consent of IC or GR's Board and, more importantly, because he failed to make adequate enquiries about the profile and credit rating of M. It, therefore, rejected the Complainant's claim for wrongful dismissal but held that, during his interdiction, the Respondent was obliged to pay all the Complainant's utility bills as well as the cost of keeping his domestic servants and other allowances withheld during the period.

With regard to the respondent's claim that the Complainant should refund the amounts allegedly lost to the state due to the Complainant's imprudent investments, the Commission held that it had no power either under the Constitution or its enabling Act 456 to enquire into such a matter.

PROGRAM OUTLINE FOR 2001

2ND MARCH	-	SEMINAR ON CHILD LABOUR AT IPEC (ILO)
2ND APRIL,	-	2001 ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS DEPARTMENT OF POLITICAL SCIENCE, LEGON
6/7/8 MAY	-	TRAINING WORKSHOP FOR THE MEDIA
8TH JULY	-	YOUTH & HUMAN VALUES - GREAT HALL
18/10/01	-	MEETING WITH SUTDENTS FROM HAROLD "ROLE OF CHRAJ"
7-9/2/01	-	TROKOSI WORKSHOP AT HO
22/2/01	-	HUMAN RIGHTS NGO FORUM
16/3/01	-	DISCUSSION AT CDD " GHANA NATIONAL INTEGRITY SYSTEM"
6/4/01	-	" GOOD GOVERNANCE" WORKSHIOP CDD
4/4/01	-	PUBLIC HEARING, ENVIRONMENTAL RIGHTS VIOLATION
22/8/01	-	RACISM (WACR) CONFERENCE DEMOCRACY & CONFLICT IN AFRICA AT CDD

STATE OF HUMAN RIGHTS 2001

Introduction

The Commission on Human Rights and Administrative Justice is an independent constitutional and statutory body established with the primary aim of protecting and promoting the human rights of Ghanaians within their national boundaries. The Commission has demonstrated impartiality and courage to face injustice, and the perseverance to fearlessly pursue a high standard of fundamental human rights.

Besides its promotional and protectional role the Commission is also an anti-corruption agency. It exists to promote integrity and decency in Ghanaian public life. This is accomplished through the investigation of allegations of corruption and the education of the public to understand the consequences of corruption. The Commission also explains the significant benefits of a relatively corrupt-free society.

Although this year has seen landmark developments, it has also endured some of the worst atrocities on the local, regional and international human rights front. There is a no more opportune time to issue a statement on the state of human rights.

On the international front, the UN Conference on racism in September provided the first international forum that acknowledged the experience of slavery and colonialism and urged governments to work towards the implementation of the plan of action against racism, racial discrimination, xenophobia and related intolerance.

The Commission also organized its first ever seminar on '**Racism, Tribalism, Ethnic Conflict and Related Intolerance**' in Accra this year. It maintains that discrimination on the grounds of gender, nationality, tribe and colour is one of the major causes of violent conflicts.

Human rights in retrospect

Eleven months have almost elapsed since the dawn of a new government: the people of Ghana have continued to demonstrate a sustained enthusiasm and determination to commit themselves to political pluralism, democracy, freedom and justice. The repeal of the Criminal Libel Law; the formation of a National Integrity System and efforts towards a National Information Bill have attested to this claim. Sadly however, the glum news of May 9th of the loss of 126 persons in the stadium disaster is an indication that though we have come this far, no room should be created for complacency.

Economic Social and Cultural Rights

While recognizing the importance of civil and political rights, the Commission is particularly committed to the promotion of economic, social and cultural rights. In Ghana's 1992 Constitution, economic, social and cultural rights are embodied in the Directive Principles of State Policy.

Article 22, which is about the property rights of spouses, provides that each spouse is accorded equal access to and equitable distribution of property that is acquired jointly during marriage. The article empowers the Court to make reasonable provision for a surviving spouse whether or not the other spouse died having made a will. The interpretation and application of this provision under the Intestacy Succession Law, 1985 PNDCL 111 may present many problems. The Commission recognizes concerns raised by the African Women Lawyers' Association in August of this year regarding the need to re-visit certain provisions of the law with particular attention to the distribution mechanism; for property built on family land and also the payment mechanism for property on family land.

Article 24(1) of the Constitution provides that:

Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind

The Commission has adopted such a broad and purposive interpretation of this provision in order to guarantee security of tenure of an increasing number of persons who, as a result of privatization of state enterprises, have now become employees in the ever-expanding private sector. Such an approach is particularly important in a developing country like Ghana where unemployment or welfare benefits do not exist and the loss of a job can spell the doom for an entire family.

The Commission continues to express concern about the misconduct of foreign nationals and expatriates who violate the human rights of Ghanaians. A notable example was demonstrated in a media report about a 90-year-old man who was asked by his Indian employer to work till his death. There have also been persistent reports of Ghanaians being treated unfairly in terms of job security and safety, and being subjected to abuse and inhuman treatment. As human beings, Ghanaians have a right to self-respect and dignity. The Commission urges victims of such brutality to report any form of harassment suffered. The commissioners remind Ghanaians that much as they expect foreigners to uphold their dignity, they also have the responsibility to respect the rights of all, regardless of their race or tribe and eschew all forms of xenophobia and tribalism.

Other socio-economic rights, which the Commission has been called upon to enforce, are maternity leave benefits, women's rights, and children's rights. Ghanaian society, this year, has been traumatized by the upsurge of rape and sexual abuse of girls as young as nine months. The Commission calls for an immediate reduction/waiver of fees charged by medical personnel who examine rape and defilement victims. These victims are usually poor and would rather bear the scourge of abuse than pay to be examined and treated. Perpetrators of these heinous crimes should not be allowed to escape with impunity. Victims should be discouraged from remaining silent and should fight their battles actively. The plight of house helps and their subjection to neo-slavery, sexual abuse and overburdening house chores, is also a substantial concern.

The Commission expresses disgust at the international trade of women and girls who stand the risk of unwanted pregnancies, HIV/AIDS and sexually transmitted diseases, and other forms of violence. The Commission supports the call by the Attorney General and the Minister of Justice for an Anti-Human Trafficking Unit within the ECOWAS and for the requisite legislation and legal framework to utilize harsher punishments for international organized crime groups involved in trafficking.

The Commission deplores the inhumane treatment meted to women and girls through the practice of widowhood rites, ritual servitude, female genital mutilation and other practices in the name of culture and tradition. These practices have devastating consequences for victims. The Commission registers its dissatisfaction with the forced circumcision of five girls at Gbao near Banda Ahenkro (Banda traditional area), just last November.

Article 19 (1) of the Convention on Rights of the Child states that:

State parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parents, legal guardians or any other person who has the care of the child.

The Commission has also ensured, a couple of times that the right to health of its citizenry is protected. In the case of a seven-year-old boy, it ensured that the boy received an open-heart surgery, when there was a dispute between the parents as to whether the boy had been spiritually healed. In the case of *Association of Flight Attendants of Ghana Airways v. Ghana Airways Ltd. (2001)*, the Commission held that a provision in the contract of flight attendants that a female flight attendant may not get pregnant during the first three years of her employment was unconstitutional and discriminatory on the basis of sex. Also in *Agnes Somie v. Tema General Hospital*, the Commission awarded compensation of fifty million cedis against the hospital for the death of a pregnant woman caused by the unavailability of a doctor for about four hours after she was rushed to the emergency ward in a critical condition.

CORRUPTION

In Ghana, we are all too much aware of the depth of poverty. We are also familiar with cases of people who enter political, public and private positions of responsibility with the intent of abusing their power to acquire wealth. Hardly a day passes without our newspapers reporting alleged corrupt practices of public officials. This year has indeed seen a vivid and aggressive exposure of corrupt practices (thanks to a vibrant media) and a revisit to our cherished traditional value system, characterized by generosity and gift giving. Democracy is sacrificed when the judiciary, which is expected to act in compliance with the law and enforce constitutional values, is partial, not independent and corrupt. The report of watchmen and cleaners assuming the positions of financial controllers and accountants through the use of fraudulent documents demonstrates the challenge ahead of us.

The Commission commends the efforts of the Ghana Anti-Corruption Coalition, and the formation of the National Integrity System. They encourage the concept of fast track high courts and the resulting court computerisation, which has enhanced the efficiency of the delivery of justice. This will undoubtedly expedite the process of litigation and allow for better case management techniques. Needless to say, it is making a positive impact to uphold justice. It is the hope of the Commission that the government will consider this concept a high priority anti-corruption strategy and extend it to other regions and the appellate courts.

Repeal of the Criminal Libel law

The Commission indeed encourages the repeal of the criminal/seditious laws as this supports democracy, freedom of expression and the rule of law. The repeal ensures that corrupt acts are regularly exposed without fear or reprisal, thus attempt at corrupt behaviour will be met head-on. The Commission, however, wishes to remind the media to carry out their duty with all professionalism, support allegations in their publications with credible evidence and avoid speculative journalism. The Commission congratulates the Institute of Economic Affairs for having taken a bold lead since 1999 to commission a draft Right to Information Bill and for launching a document on the 6th of September 2001, to serve as the basis of the Freedom of Information Law in the country. These initiatives are timely and opportune, and the bill, if passed, will eventually remove the veil of secrecy and give true meaning to the repeal of the Criminal Libel Law.

Obviously, the reporting on corrupt acts is potentially dangerous. Where corruption is systematically institutionalized, there is the possibility of corrupt superiors and co-workers issuing threats. The Commission recalls a newspaper report in September about a man who comes from Togbloku near Big Ada, who revealed information to the police and who was curiously found dead and without feet. Sometimes, these whistle blowers are even accused of corruption themselves. Worthy deterrent measures include enforcing the protection of whistle blowers, for taking risks to ensure justice, and appropriately rewarding them for revealing evidence of corruption. Promulgating laws that offer reward and protection to those who report malfeasance is timely and worthwhile.

Police Community Relations

The Commission was dismayed at the excessive use of force by the police resulting in the stampede of May 26 2001 that claimed the lives of 126 persons.

It also expresses concern about the Police Officer who mercilessly beat an 11-year-old pupil to avenge an assault on his own son at Konongo.

The Commissions also deem as very unprofessional conduct, the crime of extortion committed by a police officer arrested at the Tema Fishing Harbour.

The Commission holds the view that the police shoulder an onerous responsibility and need to exercise circumspection in their interactions with the public. It reissues the call to the general public to also respect the police and offer them maximum support in the performance of their duties.

The mob action of ten people alleged to have beaten up four policemen in October, rendering two of them unconscious is equally much regretted by the Commission.

Environmental Rights

The Commission considers any activity that deprives communities of their livelihood, their right to food and health, such as large-scale mining, destruction of farms and the pollution of water, a violation of their fundamental human rights. It recognizes the right to protest of residents of Kwabenya Agyemang near Accra and the people of Gbawe, a suburb of Mallam, against the dumping of garbage in their respective areas through the citing of a landfill projects there. These residents are only expressing a legitimate concern of having to contend with the stench and the flies and mosquitoes likely to breed there over the years. The Commission maintains that the rights of residents and landowners must be respected at all times through adequate and prior notifications and the payment of compensation.

Article 21 (k) of the 1992 Constitution imposes a duty on the government and every Ghanaian to protect and safeguard the environment. Some of the dire concerns of the Commission are:

The haphazard dumping of garbage from the Accra Metropolis into the tributaries of the Densu River, a major source of drinking water;

The recent cyanide spillage at a mine site at Wassa Akyepim in the Western Region;

The illegal mining done along our railway lines and also the dumping of human faeces there resulting in the derailment of a train.

Conditions In Ghana's Prisons And The Plight Of The Detained And Other Vulnerable Persons

The Commission continues to embark on its annual inspection of Ghana prisons and police cells. It continues to create public awareness about the deplorable conditions of health, food, sanitation, overcrowding, the plight of remand prisoners, juveniles, and pregnant and nursing mothers in our prisons, pursuant to its obligations under Article 15 of the 1992 Fourth Republican Constitution. Although moderate improvements have been realised over the years since the commencement of inspections in 1996, conditions in Ghana's prisons still fail to protect human dignity and woefully fall short of the United Nations Standard Rules for The Treatment of Prisoners.

The Commission maintains that prisoners have rights as human beings. Those who hold the sentenced in custody must respect these rights. While it concedes that a convicted or remand prisoner loses his or her right to personal liberty and association, all other rights, especially the right

to human dignity, remains intact.

The Commission is particularly concerned about the following:

- The imposition of custodial sentences for minor offences by courts. This has compounded the problem of severe congestion in the prisons, resulting in the contraction of skin and other contagious diseases by prison in-mates;
- The conviction and committal into prison of nursing mothers and pregnant women who invariably give birth in prison. There was an instance of a female convict with a nine-month baby admitted to one of the prisons for having stolen palm fruits! The child developed skin rashes while in prison and continued to reside there when all attempts to get the child admitted to the Osu Children's home failed;
- The incarceration and committal of juveniles below the age of 18 years of age into adult prisons. Many juveniles appeared to be clearly below 18 years and yet were either convicted to jail terms or were on remand. Some of them disclosed that they were advised by the police to inflate their ages so as to avoid serving extended sentences in Borstal institutions;
- The committal into prisons of frail elderly people. The Commission expresses dismay at the death of a 90 year old man at the Sunyani Central Prisons, eleven days after being sentenced to seven years imprisonment in August 2001 for defiling a 16 year old girl.
- The inability of the courts to expedite the trial of suspects remanded in prison custody. Year 2000 prison inspection reports indicate that remand prisoners constitute 19.2 % of the total inmate population. The plight of remand prisoners has been one of the serious concerns of the Commission. Some of the suspects complain of harsh bail conditions; inability of the police to thoroughly investigate their cases; missing dockets and the transfer of police to other stations without any other officer being assigned the dockets they were handling;
- The indefinite holding of condemned prisoners under mentally excruciating and mentally tortuous conditions in condemned cells. The inspection of the Nsawam Medium Security Prison and the Police Striking Force cells on 26th February 2001 revealed that about 46 out of the 286 condemned prisoners had been in condemned cells from between 12 and 15 years. The spokesperson that presented the prisoners' grievances pointed out that the erstwhile public tribunals had sentenced many of them to very harsh sentences and they sometimes had no chances of appeal;
- And the increase in the death rate of prisoners and the prevalence of HIV/AIDS, tuberculosis and pneumonia.

Incidence of Violence, Crime and Armed Robbery

Violence retards progress and development, and a conflict-prone zone repels social and economic growth. Yet again, this year has seen violent clashes between some members of the Ga traditional community and the Christian community during the period of the ban on drumming and dancing. There were also reports of clashes in August between two ethnic groups in the Nkwanta district in the Volta Region resulting in the alleged kidnapping of a Kokomba girl by the Ewe community.

Young students in our schools have also become more prone to violence due to the influence of alcohol and drug abuse. It is unimaginable that even basic school pupils have become consumers of alcoholic beverages that are laced with 'wee', popularly known as 'under'. Students are found in possession of live ammunition and the incidence of rape and assault has become rampant while

violent bullying is done in the name of entertainment.

Politically motivated clashes do not augur well for either the peace or the stability of the nation. A notable one is the clash between some members of the Defense of the Revolution (ACDRs) and some supporters of the New Patriotic Party, resulting in injury. Political parties must also guard against ethnic politics and ensure fair electoral practices during intra-party activities.

This year has also seen an upsurge of crime and an increase in armed robbery. Robbers armed with AK 47 assault rifles and pump-action guns constitute a threat to peaceful existence, security and stability of the nation. Consequently, there has been a rise in mob action and the subjection of suspects to instant justice. This is in contravention of **Article 13 (1) & (2) of the 1992 Constitution of Ghana** and is incompatible with civilization and the rule of law. The Judiciary should consider innovative ways of expediting the prosecution of suspected robbers and the police should be supported with the appropriate manpower and logistics and furnished with the relevant information.

THE WAY FORWARD

The efforts of the human family over the years to create a genuine international human family were heartlessly and deliberately struck in the face. The attack on the September 11, which affected the entire world, was an attack on freedom, peace and stability and the rule of law, and constitutes a gigantic challenge to the human rights movement. The Commission appeals to the Government of Ghana to attach urgency to the ratification of all existing international conventions on terrorism. It is necessary to consider the following pertinent questions if adequate preparation for the New Year are to be made, where lies Freedom and Justice when ...

- all forms of exploitation, child-labour, female genital mutilation; customary servitude, such as 'Trokosi', torture, cruel and inhuman treatment and the abuse of other social, economic and cultural rights remain prevalent in our society?
- the pandemic of corruption is deeply rooted in every sector of the Ghanaian society?
- there is a frightening rise in crime and violence and yet a growing culture of impunity continues to undermines integrity and administrative justice?
- the scourge of HIV/AIDS is rising to an epidemic level?

As we renew our national vision, let us learn to apportion blame fairly and cease to continue pointing accusing fingers at our colonial masters. The dawn of a new year offers us the opportunity to examine what has proven successful and what has failed in the last one. Let us seek to perform our functions independently, fearlessly, impartially and free of prejudice; resisting selective activism which results in exposing certain human rights violations while we turn a blind eye to others.

It is also incumbent on us to create opportunities for our young democracy to grow through the development of efficient and competent public and private institutions an active civil society; an independent judiciary and an accountable executive and legislature.

The Commission On Human Rights And Administrative Justice wishes to congratulate the Government of Ghana for ratifying the following major International Conventions:

- **The International Convention On Civil And Political Rights (ICCPR)**
- **The International Convention On Economic, Social And Cultural Rights (ICESCR)**
- **The Convention On The Elimination Of All Forms Of Racial Discrimination (CERD)**

- The Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW)
- The Convention Against Torture And Other Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment (Cat)
- The Convention On The Rights Of The Child (Crc)

Having ratified these human rights instruments, the government has a duty to ensure that local laws and the constitution reflect the provisions they contain, and that positive steps are taken towards the promotion and protection of these provisions. It is incumbent on the government to ensure the full application of the provisions of these conventions, particularly the Second Optional Protocol under the ICCPR, which deals with the abolition of the death penalty. The Commission also wishes to encourage the Government to submit country reports regularly to the appropriate monitoring bodies.

The Commission On Human Rights And Administrative Justice will continue to co-operate with the state and other human rights non-governmental organizations to ensure the promotion and protection of the fundamental human rights of the Ghanaian citizenry.

Conclusion

The Commission wishes to reemphasize that the promotion of the fundamental rights and freedoms of the Ghanaian citizenry does not lie in the hands of only a few. As Bishop Mphahlele Desmond Tutu once said, **"Human rights are too serious a matter to be left to politicians"**. Let us all get involved in the promotion of the rule of law, democracy, good governance and the fundamental human rights and freedoms of our people for the betterment and development of mother Ghana.

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

- (e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;
 - (f) to investigate all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation;
 - (g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
 - (h) to report annually to Parliament on the performance of its functions.
- (2) All costs and expenses related to investigations conducted by the Commission into a complaint shall be borne by the Commission.
8. (1) The Commission shall for the purposes of performing its functions under this Act have power -
- (a) to issue subpoenas requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
 - (b) to cause any person contemptuous of any such subpoena to be prosecuted before a competent court;
 - (c) to question any person in respect of any subject matter under investigation before the Commission;
 - (d) to require any person to disclose truthfully and frankly any information within his knowledge relevant to any investigation by the Commissioner.
- (2) The Commissioner shall not investigate -
- (a) a matter which is pending before a court or judicial tribunal; or
 - (b) a matter involving the relations or dealings between the Government and any other Government or an international organization; 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 favor 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 authorized the act or omission complained of, an opportunity to comment on any allegations contained in the complaint and the representative of the authority or person concerned shall submit his comments within such time as the Commission may specify.
 - (2) The public may be excluded from investigations conducted by the Commission.
 - (3) Without prejudice to the generality of the provisions of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries, as it considers necessary.
 - (4) The Commission may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation under this Act -
 - (a) sums in respect of expenses properly incurred by them; and
 - (b) allowances by way of compensation for the loss of their time,in accordance with such scales and subject to such conditions as may be determined by the Commission having regard to the rates for the time being applicable to the courts.
- 15.**
- (1) Subject to this section the Commission may require any person who, in its opinion, is able to give any information relating to a matter being investigated by the Commission -
 - (a) to furnish the information to it;

- (b) to produce any document, paper or thing that in its opinion relates to the matter being investigated and which may be in the possession or control of that person.
 - (2) The Commission may summon before it and examine on oath or affirmation -
 - (a) a person required to give information or produce anything under subsection (1) of this section;
 - (b) a complainant;
 - (c) any other person who the Commission considers will be able to give information required under subsection (1) of this Section.
 - (3) Subject to subsection (4) of this section, a person who is bound by law to maintain secrecy in relation to, or not to disclose, any matter may not -
 - (a) supply information to or answer a question put by the Commission in relation to that matter; or
 - (b) produce to the Commission a document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
 - (4) A person to whom subsection (3) of this section applies may be required by the Commission to supply information or answer a question or produce a document, paper or thing that relates to a matter under investigation; and subject to section 16 of this Act, it shall be the duty of that person to comply with the requirement.
 - (5) A witness before the Commission shall be entitled to the same privileges to which he would have been entitled if he were a witness before the High Court.
 - (6) No person shall be liable to prosecution for an offence under any enactment by reason of his compliance with a requirement of the Commission under this section.
- 16.** Article 135 of the Constitution, which relates to production of official documents in court shall apply to proceedings before the Commission as it applies to proceedings before a court.
- 17.**
- (1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.
 - (2) Every person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall before proceeding to carry out his functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.
 - (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.
21. 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.
22. (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.
23. 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 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, willfully obstructs, hinders or resists a member of the Commission or an officer authorized by the Commission in the exercise of any powers under this Act; or
 - (b) without lawful justification or excuse, refuses or willfully fails to comply with any lawful request of the Commissioner or a Deputy Commissioner or any other person under this Act; or
 - (c) willfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his functions under this Act commits an offence and is liable on summary conviction to a fine not exceeding \$500,000.00 and in default of payment to imprisonment for a term not exceeding six months or to both.
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 INSTRUMENT 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 thumb printed 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, organization 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 organization 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 organization or the person against whom the complaint is made with a request for comment and response.
- (2) The head of the body or organization 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, organization 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 region 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 Commission shall submit a monthly report on all complaints investigated by the District offices and the Regional Offices 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 authorize 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.

EMILE FRANCIS SHORT
Commissioner

COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE