



ANNUAL REPORT

CHRAJ

COMMISSION FOR HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE

2003




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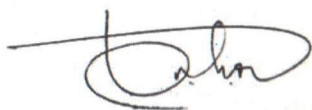
Commission on Human Rights
And Administrative Justice
Old Parliament House
AC 489
Arts Center
Accra

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, 2003 to December 31, 2003.

Yours sincerely,



Emile Francis Short
Commissioner

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COMMISSIONER'S FOREWORD

This year marked the 10th anniversary of the Commission's existence. The event was celebrated in headquarters as well as in all the regions in September, with a week of activities including symposia, lectures, media encounters, fun and games with other governance institutions. The theme of the celebrations "Ten Years of the Commission on Human Rights and Administrative Justice (CHRAJ) - Achievements Prospects and Challenges" afforded us the opportunity to review our progress thus far. The Vice - President His Excellency Aliu Mahama graced the occasion and the key note speech was given by Dr. Victor Ayeni, Director, Governance and Institutions of the Commonwealth Secretariat. The full text of the Commissioner's speech is reproduced in this annual report.

This year, the Commission continued the process of restructuring and refocusing with a view of improving its service delivery and also make the best use of its resources.

In that regard, the Legal and Investigation Department introduced "Commission Selected Investigations (CSIs)," designed to prompt the Commission to be more pro-active in its approach and to initiate investigations into systemic abuses. During the year, Regional Directors were directed to propose research topics on prevalent human rights violations in their regions. The various reports would be compiled and eventually published.

A priority during the year under review was the reduction of backlog of cases. So an intense exercise was undertaken to review and close cases which have been pending for want of interest and/or lack of prosecution by petitioners. In conjunction with this exercise, the Deputy Commissioner L/I directed that matters of jurisdiction should be more strictly adhered to and that complaints and petitions that could be handled more appropriately in an alternative forum should be so transmitted. This would allow us to be more focused on our mandate. The Department also continued its in-house training and education sessions designed to keep the lawyers and investigators abreast with current issues.

The Public Educations Department undertook a series of programs for religious and educational institutions along the High Street of Accra, dubbed the "High Street Project". These programs focused mainly on the rights of women and children focusing extensively on child maintenance which is a big problem in Ghana.

In spite of the undoubted achievements the Commission continues to face a number of challenges, the most serious of which is the attrition of legal officers. The complaints continue to be the uncompetitive conditions of service and the disparity between their salary and that of their counterparts in the judicial service and the Attorney-General's department. The Commission held a series of meetings with the Ministry of Finance in this regard and it seems that there might be a solution to this sooner rather than later. At a meeting with the Parliamentary Committee for Legal and constitutional Affairs on the

presentation of the 2002 Annual Report, the Commissioners emphasized that there was the need for stronger cooperation between the Commission and Parliament. The only formal contact with Parliament it appeared was through this Committee and it would be preferable to have the opportunity to address the full house if Parliamentary procedures so permitted. Hon. Koi Larbi indicated that the Commission should highlight its challenges more aggressively in the Annual Reports it submitted to Parliament, especially with regards to its budgetary allocations and also the poor conditions of service resulting in exit of core staff, thus hampering the effective discharge of our functions.

Finally, the Commission wishes again to thank its various donors for the invaluable assistance and support that they continue to give. Special mention goes to Danida who from the early years assisted us materially and with technical advice. Thanks also to USAID who supported us with internet capabilities and UNDP through NGP. The French Embassy also donated a computer and accessories within their programme of supporting networks of NHRIs.

The Commission also wishes to recognize and thank its staff and employees for their contribution, especially those who were pioneers in setting up the Commission 10 years ago.



Anna Bossman
Deputy Commissioner, L/I

MISSION STATEMENT

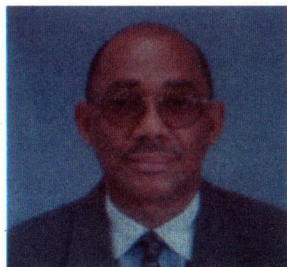
The Commission on Human Rights and Administrative Justice exists to enhance the scale of good governance, democracy, integrity, peace and social development by promoting, protecting and enforcing fundamental human rights and freedoms and administrative justice for all persons in Ghana.

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

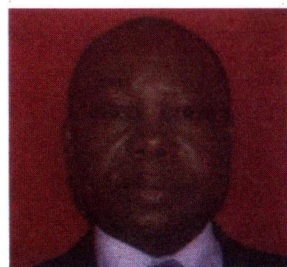
COMMISSION MEMBERS AND MANAGEMENT



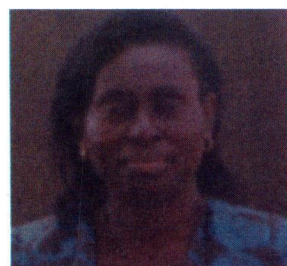
EMILE FRANCIS SHORT
Commissioner



ANNA BOSSMAN
Deputy Commissioner,
Legal and Investigations



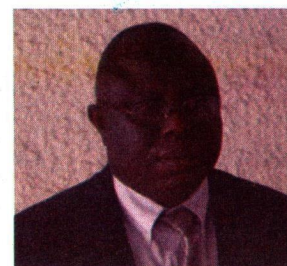
B. K. OPPONG
Deputy Commissioner,
Public Education & Anti Corruption



CHRIS DADZIE
Director, Public Education & Anti
Corruption



DR. PHILLIP BONDZI - SIMPSON
Director, Legal and Investigation
(on contract)



DUKE HAMMOND
Ag. Director Administration

ORGANISATIONAL FRAMEWORK

The Commission comprises a Commissioner and two Deputy Commissioners.

The Commissioner is directly responsible for the administrative and finance function, while the Deputy Commissioners have oversight of the Legal and Investigations, Public Education and the Anti-corruption mandates. At the headquarters, the Commissioners are supported by three Directors who have direct responsibility for the core functions of the institution.

The three-member Commission and the Directors constitute the Management of the Commission

There are ten Regional Directors who perform the functions of the Commission at the regional level, and currently, there are District Directors in 100 districts of the country.

The Commission is yet to open 21 more district offices to meet the constitutional requirement that the Commission should have offices in all the 130 districts in Ghana.

THE FUNCTIONS OF THE COMMISSION

As spelt out under the Commission on Human Rights and Administrative Justice Act, Act 456 the functions of the Commission are: -

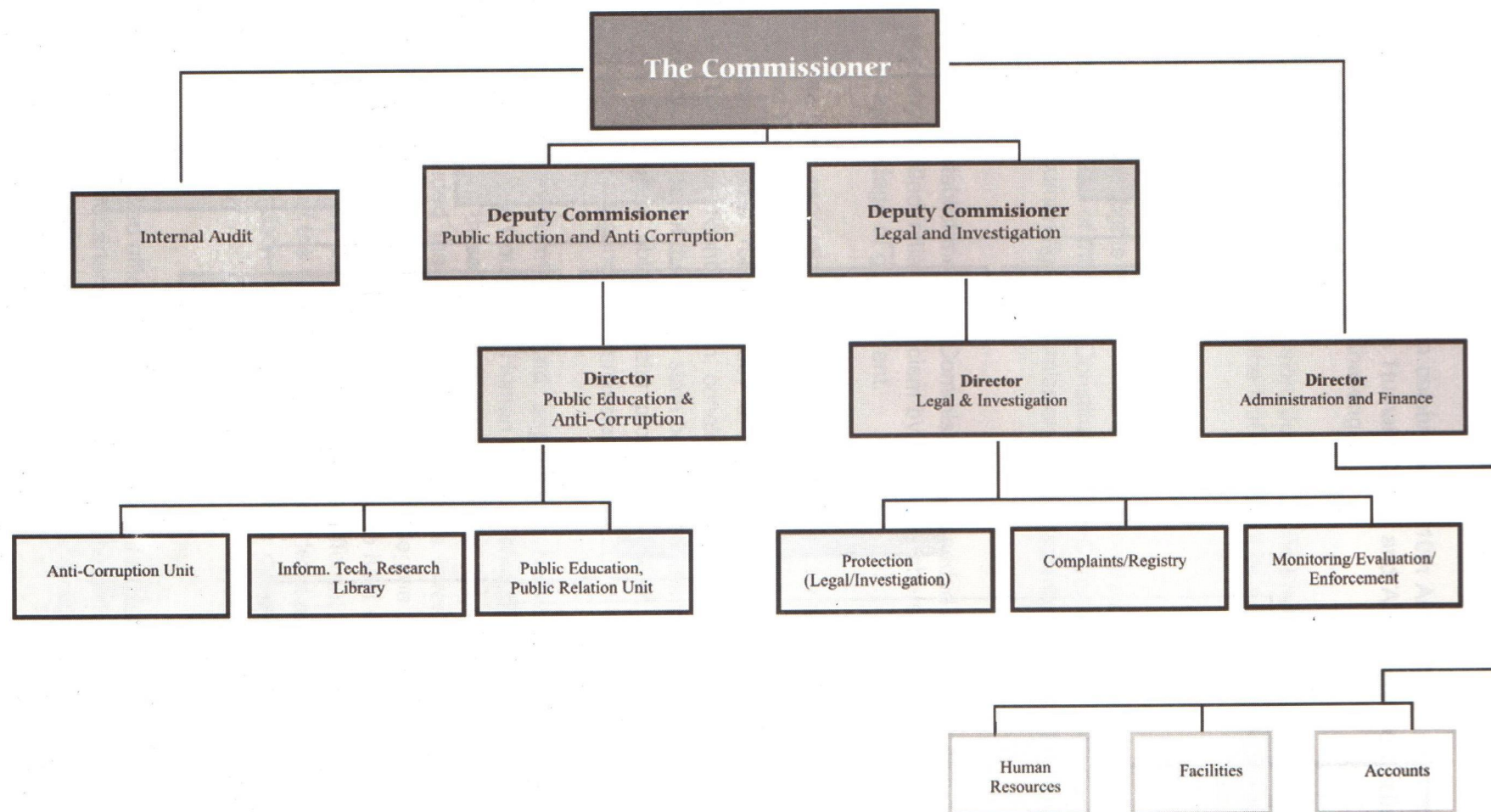
- To investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties;
- To investigate complaints concerning the functioning of the Public Services Commission, 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;
- 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;
- 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: -
 - Negotiation and compromise between the parties concerned; causing the complaint and its finding on it to be reported to the superior of an offending person;
 - 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
 - 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;
- 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;
- 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;

- To educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; and
- To report annually to Parliament on the performance of its functions.

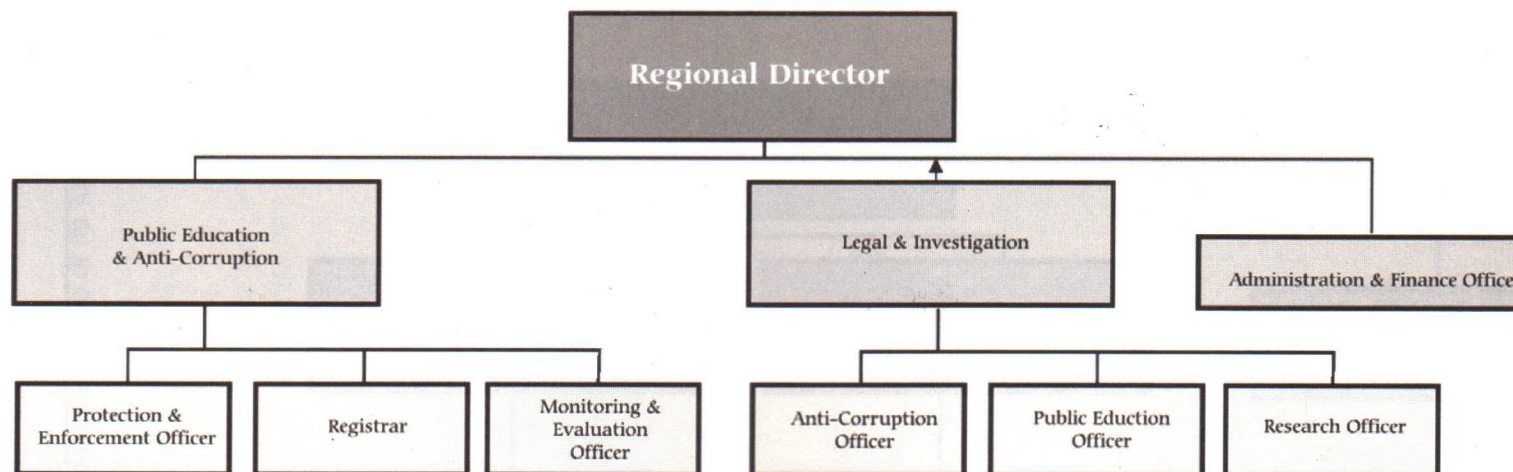
ORGANISATIONAL FRAMEWORK

HEADQUARTERS

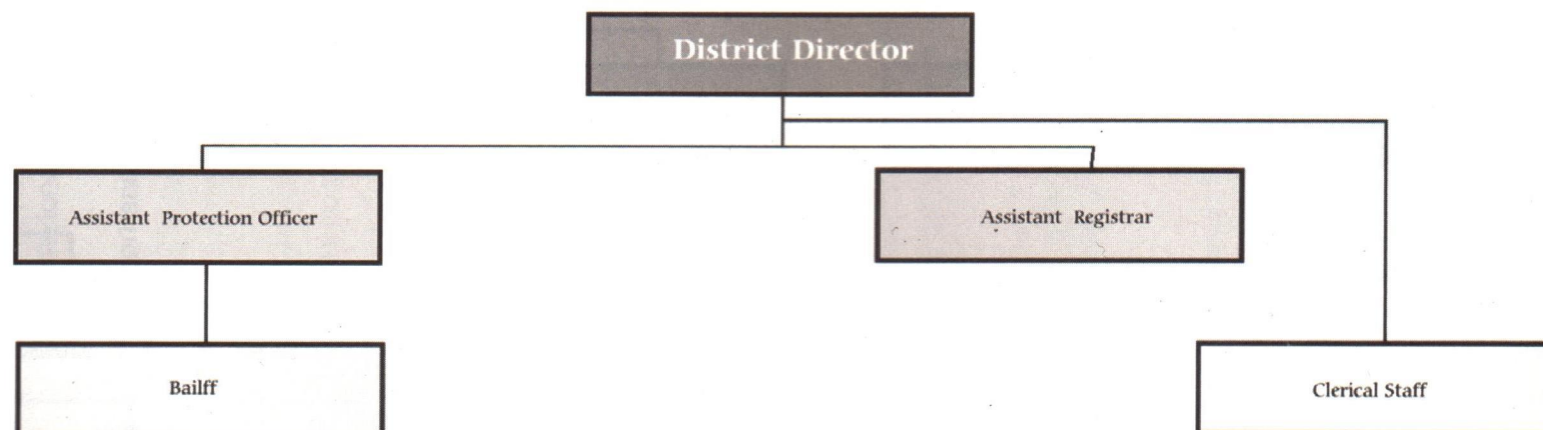


ORGANISATIONAL FRAMEWORK

REGIONAL



DISTRICT



COMMISSIONER'S REMARKS ON TEN YEARS OF CHRAJ

On September 15th 2003, the Commission celebrated its 10th Anniversary under the theme: "Ten Years of the Commission on Human Rights and Administrative Justice (CHRAJ) – Achievements, Prospects and Challenges"

On this occasion, the Chair of the Commission, Justice Emile Francis Short, reviewed the performance of the Commission during the first decade of its existence. The full text of his speech is reproduced below.

Introduction

The Commission on Human Rights and Administrative Justice was established on July 6 1993 pursuant to Article 216 of the 1992 Constitution. The Commission is vested with the functions of a national human rights commission, an ombudsman and an anti-corruption agency.

Within a short time of its establishment the Commission succeeded in asserting its independence and thereby quelled initial skepticism by some members of the public that it would be merely an appendage of government.

The Commission has been recognized as a reliable institution by a number of international bodies such as Human Rights Watch, a reputable human rights non-governmental organization based in New York. A study of African human rights commissions conducted in 2000 by Human Rights Watch, concluded that "the activities of the more promising commissions are proof that these state bodies have the potential to strengthen a human rights culture and obtain greater protection against abuses. In this the Ghanaian, South African, and Ugandan Commissions stand out."

Again a report entitled "Performance and Legitimacy: National Human Rights Institutions" by the International Council on Human Rights Policy based in Switzerland, examined the performance of three human rights institutions, namely Ghana, Mexico and Indonesia, and concluded that "The research team's investigation seemed to confirm that the CHRAJ has succeeded in winning a high degree of public legitimacy. This primarily derives without question from its willingness to hold senior public figures to account over sensitive matters such as corruption. At a different level, it also derives from the relative accessibility of the Commission at the local level and its willingness to adopt a problem solving approach to dealing with people's complaints rather than a legalistic one..."

Operations of CHRAJ

The Commission has established offices in all the ten regional capitals and in 99 district offices in addition to its Headquarters in Accra. The remaining district offices will be opened as and when the Ministry of Finance makes funds available. The total staff strength of the Commission is 738.

Development of Information Technology Infrastructure

With support from USAID, the Commission has developed a **website, an email service, and intranet connectivity** between the headquarters and all its **regional offices** and sub-regional office in Tema.

Complaints Handling

An important question facing all national human rights institutions is how much priority should be given to complaints handling as opposed to what is considered as the “soft” side of human rights emphasizing promotion and education, but avoiding or downplaying more politically sensitive and challenging human rights protection issues.

For members of the public, a commission’s effectiveness is judged by its willingness to accept and handle complaints in a fair, expeditious and informal manner. “Complainants are in many ways the motor and the prime function of a national human rights institution,” says Richard Carver in his book *Performance and Legitimacy: National Rights Institutions*. He points out that in developing countries where the courts are not accessible to the vast majority of people, the competence of a national institution to handle individual complaints is crucial. The value of this mechanism, he observes, is that it is much more accessible to the ordinary person than the alternative route of legal proceedings.

The Commission has experienced steady increases in the number of complaints filed. For example, in 1994, the Commission recorded 3,197 complaints. The number of complaints increased to 8,892 in 1999 and in 2001, there were 10,538 complaints. Altogether, the Commission has received a total of 64,804,000 complaints since its inception.

These cases cover diverse areas: labour issues, family related cases, restoration of confiscated properties, claims for social security, end-of-service benefits and other general human rights violations.

The significance of our success in the area of complaints handling lies not just in the willingness to investigate a wide variety of cases but also because about seventy percent of these cases were disposed of by mediation.

The advantage of this mode of conflict resolution is that it is relatively faster, informal, non-confrontational, relatively cheaper and thus more suitable for the majority of our clients who fall within the lower income bracket and are among the most vulnerable groups in our society.

Through this approach, the Commission has been able to preserve precious relationships between disputing parties and in some cases defuse tension and prevent potentially destructive outcomes in some communities troubled by inter-group conflict.

Publication of Decisions

With financial assistance from Danida, the Commission published a hardback volume of some of the important and landmark decisions it has given from 1994 to 2000.

Public Education

As part of its objective of inculcating in society a culture of respect for human rights, the Commission has since its establishment organized workshops, seminars and training programs for many different groups including the Police and Prisons Services, District Assemblies, NGOs, the youth, traditional leaders, religious leaders, judicial officers of the lower courts.

Combating Corruption

The Commission has played a pioneering role in the crusade against corruption in Ghana and has investigated numerous complaints of corruption, abuse of office, and conflict of interest. The Commission's credibility in the fight against corruption and its ability to discharge its anti-corruption mandate was put to test in 1995/96 when it conducted investigations into media allegations of corruption and illegal acquisition of assets made against four Ministers of State and some senior government officials. After conducting public hearings into the allegations the Commission made adverse findings against three of the Ministers and exonerated one.

The Government of the day issued a White Paper disagreeing with the findings. The Commission subsequently published a rejection of the White Paper. The public objection to the White Paper and support for the findings of CHRAJ resulted in the affected Ministers of State eventually resigning their ministerial positions. This high profile investigation of Ministers propelled CHRAJ into prominence and enhanced its public image.

In 1998 the Commission saw the need to develop a comprehensive, all inclusive and more sustainable approach in the fight against corruption. It is in recognition of this fact that CHRAJ convened the first National Integrity Workshop in October 1998 in Accra. This workshop brought together participants from both the public and private sectors. One recommendation to establish a local chapter of Transparency International (TI) was implemented in December 1999, with the launch of the Ghana Integrity Initiative (GII) Ghana's local chapter.

Anti-Corruption Unit

The CHRAJ has also recently set up an Anti-Corruption Unit. The unit is presently drawing up guidelines on conflict of interest and gifts and will eventually put out a draft in the public domain for discussion.

The Commission plans that as soon as the unit receives adequate financial resources and more personnel, it will investigate public officers against whom adverse findings of corruption or embezzlement of state funds have been made in the Auditor General's annual report to Parliament, but which have hardly received any follow-up action. The

Commission would not only recommend criminal prosecution where its investigation disclosed a criminal offence but would also, in appropriate circumstances, institute civil proceedings to recover monies embezzled or diverted.

Annual Inspection of Police Cells and Prisons

Since 1995, the Commission has conducted annual inspection of police cells and prisons. This exercise has resulted in the creation of greater public awareness of the unsatisfactory conditions in our detention centers, increase in the feeding allowance for prisoners, release of some remand prisoners held without trial for unreasonably long periods, transfer of juveniles from the prisons to borstal institutions, and greater attention to the plight of pregnant and nursing mothers in prison.

The Rights of Women and Children

The Commission has played a significant role in advancing the promotion of the rights of women and children in Ghana. Several years ago a desk was established as the Women and Children's Unit to provide increased and specialized attention to the rights of these groups.

Outmoded Cultural and Traditional Practices

The Commission has also played an important role in combating outmoded customary and traditional practices in the country. In Ghana, superstition and deeply entrenched beliefs in certain outmoded and negative traditional and customary practices are responsible for the survival of practices such as Trokosi, female genital mutilation and cruel widowhood rites. In the case of Trokosi, the Commission, in close collaboration with International NEEDS (Ghana) Ltd, a local NGO and a member of the National Commission on Civic Education, worked together from 1994 for a number of years to secure the liberation of over two thousand women and children held in bondage for long periods in various fetish shrines for sins or crimes allegedly committed by their family members. The strategy used included workshops, dialogue, and discussions between the practitioners, the victims, chiefs and respected leaders of the affected communities in an effort to convince the practitioners to voluntarily give up the practice. These efforts were part of broader efforts in the country that eventually resulted in the enactment of a law criminalizing any form of customary servitude. However, the apparent unwillingness of the law enforcement agencies to prosecute those recalcitrant fetish priests who have refused to give up the practices continues to remain a matter of great concern for the Commission.

"Witches" Camps

The Commission has also done some advocacy work in the Northern Region to address the plight of women who are sometimes lynched, assaulted or banished from their communities because they are suspected of being witches.

Gender Discrimination in Employment

The Commission has also declared as unlawful and discriminatory, provisions in the con-

ditions of service of employers, which hinder the progress and economic empowerment of women at the workplace. For example, in a case involving Ghana Airways, the Commission decided that provision in the conditions of service, which prohibited female flight attendants from getting pregnant during the first three years of their employment, was discriminatory, oppressive and unjust. The outcome of this case encouraged a nurse undertaking a midwifery course to challenge successfully before the Commission a provision of the Ministry of Health which also penalized women who got pregnant during their midwifery course by suspending them from continuing with the course for an unreasonable period.

Sexual Harassment

The Commission handed down the first decision in this country on sexual harassment in January 2000, holding that sexual harassment constitutes gender discrimination within the meaning of article 17 of the 1992 Constitution and also violates women's right to human dignity. This decision, which was serialized in one of the private newspapers, paved the way for many other complaints of sexual harassments and greater awareness of this rampant but least recognized violation of the rights of women, who invariably are the victims. The court has now approved the Commission's decision, as well as its legal reasoning.

The Rights of Children

It is significant that in the District offices, about 80% of the complaints involve women who have brought complaints against their husbands or fathers of their children, for either failing to maintain the children or pay their school fees. The Commission has been able to provide a remedy in many of these cases. The recognition of the work in this area resulted in a provision in the Children's Act of 1998 that empowers the Commission to apply to a Family Tribunal for a maintenance order against a parent, guardian or other person who is legally liable and has failed or refused to maintain a child.

Support of Donors

The Commission appreciates its local and international development partners for their support and encouragement over the years. Worthy of mention, among many others, are the US Embassy and more recently the French Embassy whose assistance has contributed to our ability to undertake many of our public education and training programs. Special commendation should be made to the Commission's biggest benefactor, the Royal Danish Government for its continuous and substantial support over the last six years.

Challenges

Coping with its broad mandate has been one of the greatest challenges: it has meant that the Commission has had to deal with a high volume of cases, particularly at the headquarters where some case officers have to handle as many as 200 cases at any given time.

Another challenge has been uncompetitive salary levels and unattractive conditions of service for the staff. This situation has resulted in trained, competent staff, especially lawyers, leaving the Commission for other public and private sector institutions. This problem, coupled with the high volume of cases, has occasionally caused a delay in the disposal of cases. However, the Commission's budgetary allocation was substantially increased this year and the Government has demonstrated a willingness to address the problem of our conditions of service.

In spite of its achievements, the Commission could have achieved a lot more if it had received better resources.

Recommendations for Reform

It has been suggested that the Commission's mandate is too unwieldy and needs to be trimmed. The Commissioners have accordingly recommended an amendment of the Constitution to expand the membership of the Commission from three to at least seven full time Commissioners. This would enable the inclusion of qualified persons from other disciplines (apart from law) such as sociologists, political scientists, administrators and members from the NGO community. The suggested change would enable the Commission to handle its broad mandate more efficiently.

A further suggestion has been made for the repeal of Article 223 (1) of the 1992 Constitution, which equates the terms and conditions of service of the Commissioner and Deputy Commissioners with those of a Justice of the Court of Appeal and High Court respectively. While this provision guarantees the security of tenure of the Commissioners, it creates a number of anomalies and disincentives. First, the Commissioner and Deputy Commissioners, who hold office until they retire, will during their entire term of office continue to enjoy the terms and conditions of service of a Justice of the Court of Appeal and High Court respectively without any opportunity for promotion or career progression.

These conditions of service also create a glass ceiling, effectively preventing any staff below the Deputy Commissioners from moving upwards to the level of a Deputy Commissioner, which itself remains permanently fixed at the status of a High Court Judge. This limitation is a big disincentive to staff, particularly lawyers, some of whom by virtue of their qualification and experience qualify to be appointed to the Supreme Court. A career in CHRAJ for most of them looks bleak.

The Commission also recommends that it should be granted express power to prosecute persons it has found guilty of corruption or embezzlement of state funds.

PROGRAMME REPORTS

2003 REPORT ADMINISTRATION

The Ghana Poverty Reduction Strategy (GPRS) identifies good governance as a key to development and as a result addresses four main areas of governance. These are:

- Public Policy Management
- Involvement of people in the formulation and delivery of development
- Managing Public Spending
- Transparency and Accountability

To address these issues the Commission undertook a number of activities. The Administration department's main focus was on enhancing the capacity of staff of the Commission.

Staff Capacity Development

In 2003, it was emphasized that good quality does not necessarily mean high quality but means a predictable degree of uniformity and dependability at low cost with a quality suited to the market. The task therefore was to ensure that everybody in the organization was affected and every job, every process was carried out right first time and every time. Training focused mainly on staff at the lower levels.

Accordingly, Registrars and Bailiffs underwent relevant training programmes, the objectives of which were to:

- Assess the quality of each piece of work
- Prevent the occurrence of errors
- Demonstrate whether the quality criteria had been met
- Review procedures used
- Improve quality of work

- i. A three-day programme in Records and Information Systems was organized for 110 Regional and District Registrars. The Registrars were introduced to the new Records Management System that had been set up at the Head Office. The goal of the training was to increase their confidence in using the new system and develop their understanding of the current trends in records management
- ii. 80 Bailiffs from the Regions and Districts were given relevant training in bailiff duties to enable them to have a fuller appreciation of the legal implications of their work and on their reporting relationship within the institution. The Commission collaborated with the Institute of Continuing Judicial Education in the running of the course.

The training programmes achieved their goal of improving the knowledge, attitude and skills of the staff.

Training For Police Station Officers In Human Rights

Protection of fundamental human rights in a nation is crucially dependent upon effective policing and an appreciation by law enforcement officials of the moral and legal requirements to respect human rights. The Commission organized human rights training programmes for 400 police officers. The training was designed to assist the Police to develop their own training programmes on a more sustainable basis.

REPORT OF LEGAL AND INVESTIGATIONS DEPARTMENT

Introduction

Between January 1 and April 30 2003, Mrs. Chris Dadzie was the director of the Legal and Investigations Department. On May 2, 2003, Dr. P.E. Bondzi-Simpson assumed duty as Director.

Functions and Mandate of the Department

The department's main functions are to investigate complaints lodged with the Commission and to take appropriate action for their resolution. Various methods of investigation and resolution are employed such as mediation, negotiation and formal hearing panels to ascertain relevant facts and make recommendations for redress of complaints. The department is responsible for handling litigation, including enforcement of the Commission's decisions in court. The department submits advice to Commission members and staff on questions of law, and conducts legal research and investigations into selected topics on human rights, administrative justice and anti-corruption.

During the reporting year, the department implemented a number of the Commission's policy changes and new measures were introduced. These new policies and measures, some of which are highlighted below, were intended to make the department more effective and efficient in the discharge of its duties.

Introduction of Commission-selected Investigations (CSIs):

In the past, the Commission's investigations dealt almost exclusively with complaints that had been lodged. In order to make a greater impact on exposing and addressing human rights violations, systemic administrative injustices and corrupt practices by public bodies or officers, the Commission decided to become more pro-active and to initiate investigations on its own initiative in matters that relate to human rights, administrative justice and corruption. In November 2003, Regional Directors were directed to propose topics for investigations for approval by Head office. It is expected that the various investigations reports shall be compiled and eventually published.

Compiling and updating records:

After ten years of the existence of the Commission, it was deemed appropriate to compile a record of all cases investigated by the Commission - including Headquarters and all Regional, Sub-regional, and District offices - covering both pending and closed cases.

This exercise included the submission of simplified monthly returns to the department. Consequently, statistics relative to investigations activity are more readily available.

Reduction in backlog of cases:

There was a huge backlog of cases at the Commission. At Head Office, the Department had to re-assess its operations and issue directives on case handling with a view to ensuring a just, fair and expeditious resolution of cases. By the year's end, there was a net reduction by over 800 cases

Enhanced contacts with Regions and Districts:

The department increased contacts with the Regions and Districts through invitations for discussions at the Head Office and visits by the Director, Registrar and other staff of the department to a number of Regions and Districts. This marked the beginning of the implementation of the Commission's change in policy to facilitate direct supervision of the Regions and Districts by the Department.

Staff Appraisals:

The Department appreciates the need for annual staff appraisals not merely for the purpose of considering staff for promotion but also to address the needs and concerns of staff and to provide the basis for formulating appropriate training programmes. Consequently, all members of staff of the Department as well as verbatim reporters and secretaries were formally appraised.

Monthly Meetings of Unit Heads:

The Department introduced joint monthly meetings for all heads of units for the presentation of monthly reports, determination of targets or activities and discussion of policy matters within the department's mandate.

Monthly Educational Programmes:

The Department continued educational sessions as a component of the existing monthly meeting of Case Officers. Topics discussed included, Critique of the Domestic Violence Bill, Pensions/SSNIT, Investigation Planning, Interviewing Skills, Handling Complaints and Critique of the Whistle Blower's Bill.

Challenges

The Department faced a number of challenges, the most critical being the departure of three lawyers from the Head Office. This situation was further exacerbated by the loss of eight national service personnel who had completed their assignment. It was months later that five national service personnel were posted to the Department. The Department remains heavily under-resourced in terms of personnel and logistics and staff motivation remains, regrettably, low.

Nevertheless it is hoped that with enhanced logistical support and an improvement in the conditions of service, staff of the Department will be well motivated to render their best

services to achieve the Department's and the Commission's mandate.

HUMAN RIGHTS EDUCATION

The mandate of Public Education and Anti-Corruption Department is to educate the public on human rights. In the year under review, the Head Office Public education unit undertook a number of programmes some of which are reported below.

The High Street Project

Between August and October, the Public Education Unit at Head Office conducted a series of programs for educational and religious organizations on the High Street and its environs in Accra. Some of the organizations were: Faith Evangelical Church, James Town, the Church of Pentecost, Palladium Assembly, James Town Presbyterian Church, Adabraka Assembly of the Church of Pentecost, Holy Trinity Anglican Church and the Ghana Muslim Mission Headquarters-Korle Gonno.

These educational programmes focused on the rights of women and children with special emphasis on maintenance, girl education and non-discrimination.

At the Adabraka Assembly of the Church of Pentecost, participants comprised a mixed group of 90 men and 160 women. 68 members of the Good Shepherd Women's Fellowship of the Holy Trinity Anglican Church gathered for a similar programme. Among the issues raised by the participants were the sanctions that should be imposed on a father who rapes his own child. At the Ghana Muslim Mission Headquarters at Korle Gorno, 185 members, comprising 100 women, 70 men and 15 children were sensitized on their fundamental human rights. Reacting to a picture showing female genital mutilation, a woman questioned whether the male genital organ is considered mutilated when circumcision takes place.

Co-operative League of the USA (CLUSA) Ghana

Following discussions with the CLUSA Deputy Director for Africa and the Result Package Manager, the Public Education Unit collaborated with the Co-operative League of the USA to organize an information-sharing meeting on human rights with 50 leaders of civil society organizations in Dangme-West district. Participants were drawn from co-operatives and trade unions, farmers, artisans, bankers associations, traditional authorities, civil servants and legal literacy associations. A second meeting was organized in the Ga District at Amasaman for 24 participants.

CIVITAS Ghana

CIVITAS is a network of private and public servants with a mission of conducting human rights education by reaching out to workers in the local environment: practicing street law. CIVITAS, Ghana, usually meets with the artisans during lunchtime to educate them on human rights issues.

The Commission's Public Education team collaborated with CIVITAS in implementing two educational programmes which were sponsored by the NGO, Open Society Initiative for West Africa (OSIWA). On one occasion, 51 mechanics and apprentices of the Emmanuel Workshop, Nungua were educated on the theme "Combating Violence Against Women: A Focus On Men". The method of education was a role-play depicting domestic violence: a woman who had been battered by her husband because she had not managed to get his supper ready on time.

Collaboration With The Armed Forces

With a view towards increased collaboration, a number of discussions were held between the CHRAJ Director of Public Education & Anti-corruption and the Armed Forces Director of Legal Service. The discussions resulted in an invitation to the Commission to join the Directorate of Legal Services during their annual Legal Seminar for officers and men of both the Northern and Southern Commands of the Ghana Armed Forces. The programme was carried out in three phases from 27th November to 11th December on the theme: "Enhancing Military Professionalism in the Armed Forces through Legal Education". The Director of Public Education and Anti-corruption and the Principal Public Education Officer of the Commission made presentations on "Basic Human Rights and Responsibilities under the 1992 4th Republican Constitution".

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During all three seminars, participants expressed concerns about human rights provisions that affect their work. They stated that soldiers are normally called into operation in extraordinary situations such as a state of emergency or war. Therefore, they felt justified in believing that those situations called for a suspension of what they perceived as "slow judicial processes and fine rules of social behavior" if they were to be effective in their operations.

The participants' attention was drawn to the constitutional provisions and international guidelines governing their operations and they were engaged in discussions on the need for adherence to those legal provisions. However, many pertinent issues could not be meaningfully addressed within the limited time.

Newsletter

The Commission published its first Newsletter, CHRAJNews, in the reporting year. The project was funded by the Danish International Development Agency (DANIDA). CHRAJNews made its debut in September 2003 during the celebration of the 10th Anniversary of the establishment of the Commission. The newsletter will be used to inform both staff members and the general public about the Commission's activities as well as offer a platform for the discussion of human rights and administrative justice issues.

PUBLIC RELATIONS

Press Statements

Disclosure of Names of Suspected Serial Killers to Police

The Commission appealed for the submission of any evidence or information that would assist the police in the resolution of the atrocious crimes committed by suspected serial killers of several women in 1999 and 2000. In the press statement, the Commission appealed in particular to the former President, Flight Lt. (Rtd.) J.J. Rawlings to cooperate with the police in the investigation of the matter without setting any preconditions. In June and July 2003, it was recalled, the former President made public statements that he had knowledge or evidence of the perpetrators of the murders of thirty-four Ghanaian women who had been killed in a merciless and gruesome manner. The former President intimated that fifteen cabinet ministers of the present government were involved in those murders. However, when the police authorities subsequently interviewed him about his statement, it was reported that he refused to disclose the said information without the administration of a lie-detector test or a chemical interrogation.

Human Rights and HIV/AIDS

The Commission expressed great concern about discrimination against people living with HIV in Ghana and cautioned that HIV/AIDS has become an epidemic partly because many people do not have access to information on the disease. The Commission stated that the promotion and protection of human rights is a key to effectively containing the spread of the epidemic and alleviating its impact on the nation.

The Commission reiterated its commitment to continue working with other agencies to heighten awareness of the epidemic and to protect the rights of people living with HIV/AIDS. Finally, the Commission called upon the government to urgently introduce the Anti-Retroviral Drugs Program and urged all Ghanaians to show compassion and empathy towards people living with HIV/AIDS.

Defamation of public officials and state institutions by the Media

In a news conference on 14th May 2003, the Commissioner of CHRAJ cautioned media practitioners against destroying the stature and credibility of important state institutions and public officials without just or probable cause. The Commissioner emphatically pointed out to media practitioners that freedom of expression was best promoted by sound research, thoughtful reflection, and objectivity.

The Commission was compelled to react to a spate of negative media publications charging CHRAJ with various forms of wrongdoing.

The Commissioner said that the publications were malicious and false and that, contrary to the ethics of the profession of journalism, publishers often failed to verify or cross-check the information they used with any member of the Commission or other

authorized persons.

He cited a publication in the "Ghana Palaver" which suggested that he had abandoned his post and was also having problems with the government. He denied both suggestions and confirmed that he was very much at post and had healthy relations with the government.

He also commented on another publication in "the Free Press" which alleged that a CHRAJ employee had been dismissed for exposing a deal involving some members of the Commission and some top civil servants. The Commissioner pointed out that the employee in question was dismissed after being found guilty of misconduct by a committee of enquiry. This fact, the Commissioner stressed, could easily have been ascertained by contacting any authorized official of the Commission.

He concluded that a formal complaint would be lodged with the National Media Commission about the conduct of the two newspapers and CHRAJ would not hesitate to resort to other legal remedies if the newspapers continued to malign the Commission.

MEDIA REPORTS OF CHRAJ ACTIVITIES

Times Interviews the Commissioner

"When people are excluded from the political or decision making system of their country, they will become aggrieved and resort to violence as last a resort". The Commissioner said this after opening a three-day workshop on human rights in Accra.

He called on African leaders to recognize that the issue of political inclusion was central to peace and stability and should therefore be taken seriously; that politics of exclusion and xenophobia are partly responsible for the conflicts in the West African sub-region.

The Commissioner explained that xenophobia creates friction and tension in a country and conflicts would ensue when minorities' rights are not respected and they are not allowed to participate fully in the affairs of the nation.

54th Annual New Year School

The Commissioner of CHRAJ, Mr. Short presented a paper on "Building a Culture of Discipline in the Ghanaian Body Politic" at the New Year School.

He stated that the year 2002 saw a disturbing increase in the number of conflicts and many outbreaks of violence across the country. Among them were the bloody conflicts between the two royal houses of the Abudu and Andani gates in the Dagbon Traditional Area, clashes over land and chieftaincy by the Tampongs, and disputes among factions in Bechem, Wenchi and Wamfie in the Brong Ahafo Region.

Mr. Short pointed out that research studies had established a strong link between drug and alcohol abuse and indiscipline. He also noted that leadership by example is the best way forward if the country wanted to fight the increasing level of indiscipline. Further, the rule of law demanded that “we have an efficient, transparent and corruption free criminal justice system”.

Seminar for Police Officers :

In April, CHRAJ joined the Ghana Police Service to organize a week-long seminar on human rights at the Police Depot, Accra, 2003. Sixty-five police officers were drawn from Accra, Tema and the Eastern region.

Opening the seminar, the Inspector General of Police admonished police personnel to operate within the parameters of the law in order to win the respect of the public.

Seminar on CHRAJ and the Institutionalization of a Human Rights Regime in Ghana:

The Speakers at the seminar were the Director for the Legon Center for International Affairs (LECIA) and the Executive Director of the Center for Democratic Development (CDD), Ghana and the Commissioner of CHRAJ,

Fixed terms of office were recommended for Commissioners of independent governance institutions of State such as the Commission on Human Rights and Administrative Justice.

The Commissioner of CHRAJ believed that the procedure for appointments and dismissals to national human rights institutions (NHRIs) were critical to ensuring their independence. Best practice required that the executive branch of government should not be exclusively responsible for the selection of members of NHRIs. He said that the Ghanaian model of indefinite appointment was not advisable and suggested that appointments should instead, be for a fixed term of five years with the possibility of re-appointment for one additional term.

He emphasized that a key factor to achieving independence was the provision of adequate funding and that financial autonomy could be achieved if CHRAJ had its own budget rather than having it subsumed under the budget of another ministry or department.

The Director of LECIA expressed the view that the general public sees CHRAJ as a genuine, sensitive and legitimate commission of human rights. In relation to the Paris Principles, he said that CHRAJ's effectiveness depended on whether the Ghanaian environment remained democratic and the rule of law flourished.

He agreed with the suggestion of a fixed term of tenure for members of CHRAJ and further suggested that if CHRAJ was to strengthen and make its structure effective, it

needed to plan and implement its programs in collaboration with the Electoral Commission (EC) National Media Commission (NMC), Public Services Commission (PSC) and the National Commission for Civic Education (NCCE),

The Executive Director of the Center for Democratic Development (CDD), Ghana viewed the establishment of CHRAJ in 1993 as a national recognition of the importance of human rights protection in the country and this constituted a systematic step in the development of the nation.

He noted that CHRAJ had gained credibility in spite of the doubtful financial and operational independence it is supposed to enjoy. He believed that money spent to adequately resource CHRAJ would help Ghana to stem corruption, thereby saving the country enormous sums of taxpayer's money.

However, the CDD director stated that, in relation to the Paris Principles, CHRAJ had not done much to help break the barriers which disabled persons are confronted in so far as access to livelihood and dignity is concerned; neither had it done much to push the government and parliament to take the Disability Bill seriously. He also thought that CHRAJ's cooperation with other bodies, notably the Judiciary, appeared to be weak and this was clearly reflected in the failure of the courts to minimize custodial sentencing in spite of horrible overcrowding in Ghanaian prisons.

COLLABORATION WITH HUMAN RIGHTS NGOS

The Commission recognizes that it cannot, on its own, effectively discharge its responsibility of advancing and entrenching a culture of human rights in the country. Consequently, the Commission has continued to work closely with, and has supported the Human Rights NGOs Forum. Though attendance at the Forum's bi-monthly meetings had been low, members of the Forum rallied to support the Commission during its 10th year anniversary celebrations.

PROVISION OF INFORMATION BY CHRAJ

The Commission continued to provide information to several visitors who were interested in its work. Notable among the visitors was the delegation from the Kenyan Constitutional Review Commission that paid a courtesy visit to the Commission on 19th December. The delegation was the host of the Office of Parliament and was on a study and consultative tour of Ghana aimed at learning, first hand, the challenges Ghana has encountered in implementing the Fourth Republican Constitution.

WEBSITE FOR AFRICAN HUMAN RIGHTS INSTITUTIONS

The French Ambassador to Ghana presented a computer and its accessories to CHRAJ to enable the Commission hook on to a website France has created for eleven human rights institutions in African countries it considers as having democratic institutions and dynamic civil societies. The aim is to assist African human rights institutions to possess a more expeditious means of sharing their knowledge and experiences in the advancement of human rights.

INTERNATIONAL CONFERENCES ATTENDED BY THE COMMISSIONERS

The Commissioners attended a number of international conferences during the reporting year. These included

- An International Workshop for Promoting the Rights of People with Disabilities: Towards a New UN Convention, held in New Delhi, India from 26-29 May 2003
- The 8th Regional Conference of African Ombudsman held in Ouagadougou, Burkina Faso from 22-25 July 2003
- A seminar on National Human Rights Institutions: Effective or Just Existing? in Belfast, Northern Ireland from 26th October to 1st November.
- Seminar Good Governance in South Africa from 7th to 18th July 2003

10th ANNIVERSARY CELEBRATIONS

The Commission marked its tenth milestone in 2003 with a number of activities all over the country particularly from 15th to 21st September. Activities undertaken in the regions are reported in the respective regional reports. Activities undertaken by the Head Office are highlighted below;

Highlights of the Anniversary Week

The celebrations sparked off with a well attended official opening on Monday 15th September 2003 at the Parliamentary Chamber of Old Parliament House. The Vice-President, Alhaji Aliu Mahama was the guest of honour. Prof Kwadwo Asenso-Okyere, Vice Chancellor of the University of Ghana Legon chaired the function. Dr. Victor Ayeni, Director, Governance and Institutions of the Commonwealth Secretariat, UK gave the key note address.

These are some of the highlights of our anniversary celebrations;

- Immediately after the ceremony, guests were invited to view a photo exhibition in the reception area of the CHRAJ which remained open throughout the week.
- On Tuesday 16th September, there was a float procession by members and staff through some principal streets of Accra.
- Wednesday, 17th September was a day set aside to focus on the rights of detainees and also the rights of women and children. Commission members and Management planned to visit Akuse prisons to ascertain the state of prisons. However, the prison authorities refused to allow access to the press and for that reason, the Commission decided not to enter the premises and subsequently registered its protest to the Interior Minister. Later that afternoon, there was a forum with our network partners and NGOs focusing on the rights of women and children.
- Thursday 18th September was dubbed "OPEN DAY at the CHRAJ". The general public was invited to our premises to learn more about our functions and operations. School Children visited the offices and were given a tour and refreshments.
- Friday , 19th September : CHRAJ in collaboration with CDD-Ghana organized a roundtable discussion on the theme "Ten Years of the Commission on Human Rights and Administrative Justice, - Achievements ,Prospects and Challenges"
- Employees were also invited to join in Moslem prayers
- The morning event on Saturday 20th September was a football tournament between CHRAJ and other governance institutions including, SFO, EC and NCCE. CHRAJ won the tournament and were presented with a gold cup donated by Ms. Anna Bossman, Deputy Commissioner, Legal and Investigations.
- Saturday evening, Dinner Dance and Award ceremony at which certain members of staff were recognized and given awards for long meritorious service.
- Celebration activities were rounded off on Sunday 21st September with a Thanksgiving service at the Accra Ridge Church.

REGIONAL REPORTS

ASHANTI REGION

Public Education

The increase in the number of district offices widened the coverage of the Commission in the region and enabled the expansion of its human rights promotional activities. More than 150 communities, organized groups, and educational institutions benefited from the expanded coverage. The regional offices interacted with the authorities and inmates of prisons and police cells and assisted the relatives of some inmates who wanted to appeal against their convictions and sentences.

The Regional Office collaborated with other organizations in the conduct of public educational programmes. Examples of such collaborating institutions are Ghana National Association of Private Schools (GNAPS), the Center for Development Studies of the University of Cape Coast, Emmanuel Assemblies of God Church, Amakom Branch. Staff of the Commission made presentations on a wide range of topics covering labour relationships and gender issues, including sexual harassment in Ghana.

District Offices

In view of limited funds, District offices relied mostly on programs organized by other institutions to conduct public education on human rights. In villages, public education programmes were mainly held either in churches, assembly halls, palaces or open places.

Challenges

At both the Regional and District levels, lack of adequate financial resources limited the offices' ability to hire chairs, canopies, public address systems and other logistics for conducting effective educational programmes. There was also a lack of appropriate education materials, such as handouts on human rights issues and on the functions of the Commission for distribution to enhance effectiveness of delivery. Many communities could not be reached due to lack of transportation.

The 10th anniversary celebrations afforded the opportunity to organize a series of educational programs including "Meet-the-Press-Session" to account for the Commission's stewardship in the region. The occasion was also used to organize visits and a donation to the inmates of the Remand Home, Children's Home and an Infirmary.

Complaints Resolution

There was a 30% increase in the number of complaints received over last year's. The total number of complaints received was 2105, out of which 1579 were resolved.

This year, the regional office filed the following cases to enforce its decisions at the courts:

CHRAJ vs. The General Manager, John Bitar and Co. Ltd. Kumasi
 CHRAJ vs. The Regional Commander, Ghana Police Service, Kumasi

In both cases the court granted the applications that the Respondents should implement the Commission's decisions.

CHRAJ vs. The Managing Director, Logs and Lumber Ltd. Kumasi

After a preliminary objection by Counsel for the Respondent was dismissed, the Respondent indicated its willingness to settle the matter out of court. The settlement was being pursued at the end of the year.

Capacity Building Programmes For Staff

Internal Training

Almost all categories of staff, except secretaries, participated in seminars organized by the Commission to update their knowledge and skills. Provision has been made for training of the secretaries in the next training programs.

Participation of Staff In Programmes Organized by NGO's

Several Non governmental organizations supplemented the Commission's capacity building programmes. A few examples are cited below:

- A human rights training workshop in Accra on Housing Rights organized by the Center for Public Interest in Law (CEPIL).
- Legon Center for International Affairs (LECIA): Seminar on "The Operations of The Constitution".
- CEDEP in Kumasi: "Alternative Dispute Resolution"
- Center for Democratic Development in Kumasi: the Juvenile Justice Bill District Assembly and the NCCE: 2 workshops on 'Indiscipline' and the "Defense of the 1992 Constitution".
- Domestic Violence Coalition: workshop on Domestic Violence
- Save The Children Fund (S.C): project review-training workshop on Child Protection Project (CPP)

NGO's and departments that were of immense help to the Commission in the region included NCCE, FIDA, and NCWD and the office intends to deepen cooperation with these organisations in the future.

BRONG AHAFO REGION

The Commission operated from thirteen offices during the year under review.

Public Education

The Regional office collaborated with other agencies and departments to undertake several public education programs in some communities and institutions in the region. These included, the National Commission on Women And Development (NCWD), Ghana National Commission on Children (GNCC), and NGOs such as ISODEC.

Below is a summary of some educational activities:

- Lecture for the Ghana Police Service Brong Ahafo on "Unlawful Arrest and Detention, Debt Collection, Parental Care, and Modern Police Investigation".
- Education on human rights topics such as the Rights of the Child for various groups and branches of the Seventh Day Adventist (SDA) Church within the Sunyani District
- Lectures on the Preparation of Wills and general human rights issues for the Central Branch and laws affecting women particularly pregnant and nursing mothers for the Estate Branch of the Presbyterian Church.
- Sensitization programme on Intestate Succession Law 1985 (PNDCL 111) for queen mothers, traditional rulers and opinion leaders of the Nkoranza District.
- A programme on The Law of Defamation for the Sunyani branch of the Ghana Journalists Association.

Collaboration with State Institutions and NGO's

Some of the collaborative activities are as follows:

- Consultative meeting with the Ghana National Commission On Children (GNCC) and other institutions in Sunyani. The effect of this meeting was the setting up of a network to coordinate the activities of these institutions for the promotion and protection of children's rights.
- ISODEC: A workshop on the "The Right of the Disabled in Sunyani"; a presentation was made by the Regional office on the "Provision of Social Amenities for the Disabled".
- FIDA and Ghana Legal Service Center, Sunyani: A workshop on Domestic Violence

- The National Commission On Women And Development (NCWD) Sunyani: A programme for women and selected men on "The Rights of Women and the Domestic Violence Bill".
- The CHRAJ Regional Office and NCWD: Seminar on "Harmful Traditional Practices and HIV/AIDS", and "Domestic Violence Legislation" for the whole township of Badu in Wenchi District, and in Hwidiem for women groups in Asutifi District.
- The ICU sponsored a public lecture organized by the Commission on Child Labor at Sunyani.

Electronic Media

Twice a week, the Commission went on air for at least 30 minutes on both BAR and SKY FM's to educate the public on human rights issues.

Complaints Resolution

Enforcement of decisions in Court

CHRAJ vs. The Acting Chief Executive, Ghana Cocoa Board, Accra Ex Parte S.G. Arthur:

CHRAJ vs. Olam Ghana Ltd. Ex Parte Nana Takyi Yeboah

In both of these enforcement cases, the respondents initially appealed against the court's ruling in favour of the Commission. However, they later discontinued the appeals and paid the Complainants the compensations ordered by the High Court.

Intervention in Prisons

The Regional office inspected the Sunyani Central Prison and the Sunyani District Police Station. In Sunyani Central Prison, there were four pregnant women, four nursing mothers and a young boy who complained that he was less than 16 years. The Commission intervened in those cases and subsequently initiated discussions on the rights of pregnant women in custody on local F.M. stations and at other programmes in order to educate the public on such human rights issues.

The following are some of the prison cases:

- The Commission filed a notice of appeal upon which one of the female prisoners, Bintu Abubakari, was cautioned and released. She had been 8 months pregnant when she was sentenced to 12 months imprisonment in hard labor.
- Another prisoner Felicia Yaa Asamoah was serving a sentence of five years in hard labor when she was about two months pregnant. The Commission initially

procured bail for her and also appealed against the sentence. The High Court upheld the appeal and she was cautioned and released from prison. At the time of her release, she was about 8 months pregnant.

- The Commission's intervention in the case of another prisoner was not so fruitful. The prisoner Akua Febiri was 8 months pregnant and had been sentenced to a fine of 50 penalty units or in default three years in hard labor for stealing and unlawful entry. She had been four months pregnant at the time of the sentence. The Commission contacted members of her family who agreed to pay her fine. However, the fine was still not paid and she delivered in prison. At the end of the reporting year, The Commission was continuing efforts to persuade the family to pay the fine.
- Vida Owusuwaa, a 6- month pregnant inmate was standing trial on a charge of stealing and causing damage to property. She was initially granted bail by the trial court but she could not secure sureties. When attempts by the CHRAJ office in Tamale failed to make contact with her parents, the Commission pleaded with the court to grant her self-recognizance bail. The court granted the application. The Regional office continued to monitor the case and received information that she was attending court.
- Another prisoner Nana Ama Alias claimed to be 3 months pregnant. However, after the Regional office's intervention, the prison authorities took her to the Sunyani Hospital where a medical examination established that she was not pregnant, but rather had a menstrual disorder.
- A 16-year old juvenile Yaw Asiedu Poku Edwin was convicted for stealing and sentenced to two years in hard labor. An examination of the proceedings revealed errors in the records. The Commission initially applied to the High Court and he was granted bail in the sum of five million cedis with one surety. The application was repeated to quash the proceedings, conviction and sentence. The juvenile was cautioned and released.

CENTRAL REGION

With the opening of the Kommenda-Edina-Eguafo-Abrem (KEEA) District office the Commission now has offices in 12 administrative districts in the region.

Public Education

10th Anniversary Celebration:

Public education activities were organized in 2003 in connection with the 10th anniversary celebrations:

- A Quiz on Human Rights issues was organized for schools in Cape Coast and its surrounding villages. Printed exercise books with the logo of the Commission, and human rights principles and summaries of some human rights instruments were given to deserving students.
- Seminar for Cape Coast Nursing Training College on The Rights Of The Patient and The Rights of Women.

Activities in the Districts

Public education programs were organized on topics such as:

- Domestic Violence
- Interstate Succession Law (PNDC Law 111)
- Rights and Responsibilities of the Child.
- The Property Rights of Women and Children In Ghana.
- You and The Police:
- A Decade of Constitutionalism in Ghana; Strategies for Consolidation:

Open Day

A cross section of clients were invited to visit the district office to find out how they evaluated the Commission's services to them.

They were encouraged to use dialogue to resolve differences and the clients were advised as well to report any abuses of their rights to CHRAJ, the police, WAJU, Department of Social Welfare or the family tribunal. Husbands were advised to maintain their wives and children since spouse and child neglect are very common in the district.

Open fora

"Knowing Your Fundamental Human Rights, Duties and Responsibilities" was organized with invited guests from the heads of departments, traditional leaders, Assembly members and the general public.

Radio Programs

Talks and interviews on various radio stations on CHRAJ's Achievements, Prospects and Challenges and also the issue of Child Neglect and Teenage Pregnancy

Visits to Prison and Police Cells

An inspection team visited various police and prison cells in the districts and interacted with inmates. The primary complaint was about the unsanitary conditions in the cells. The team found in some cases, that the police did not abide by the forty-eight (48) hour deadline, which requires that suspects be given bail or sent to court. There were prisoners who had remained on remand for far too long (two to five years) without being taken to court. Others, though granted bail, had no relatives to stand surety for them.

GREATER ACCRA

The office managed to resolve a fair number of complaints through mediation. Mediation is preferred as an efficient, flexible, effective, and faster way of resolving or remedying conflicts between parties.

Complainants at the Regional office were mostly male who have been wrongfully dismissed or cheated in one way or the other, while at the District level complaints were family-related matters and mainly involved women.

A total number of 436 complaints were received by the Regional Office and Districts. Below is the breakdown:

Regional Office, 116; Ada-Foah District, 153; Ga District (Amasaman), 114, and Dodowa District, 53. The total number of closed cases was 378: Regional Office, 189; Ada-Foah District, 69; Ga District (Amasaman), 80; Dodowa District Office, 40.

Public Education

The Regional and the District Offices conducted public education on human rights to create awareness on conflict prevention and management. This initiative is to enhance discipline, self-respect and democratic values in the formal and informal sectors of our society. A Human Rights Club was formed at the Accra High School.

The Dodowa District office conducted about eighteen (18) public education programs. Some of the topics covered included: "Discrimination Against Women", "Functions of the Commission", "UN Declaration of Human Rights and Freedoms", "Human Rights and Outmoded Customs", 'The Rights of the Child' and "Domestic Violence".

The Ada-Foah District office organized public education in seven (7) Junior Secondary Schools on the topic, "The Meaning of Human Rights and the Rights and Duties of the Ghanaian Child". It also established a Human Rights club at the Ada Secondary School.

The Ga District (Amasaman) office undertook some public education in Amasaman Secondary Technical School and some selected Junior Secondary schools, and assisted Child Rights Clubs in the district to organize quizzes.

Lack of funds impacted the capacity of the Region, especially the Regional office, to organize more public education activities for the year 2003.

Celebration of the 10th Anniversary of the Commission.

Members of staff at the regional office participated fully in the activities organized by Head office during the 10th Anniversary Celebration.

Visits to police cells in the districts.

Some of the cells visited were: Old Ningo, Afienea, Doryumu, Dodowa, Prampam and New Ningo.

The Dodowa District office organized 10 public education programs in churches, schools, and for women and men's groups. It also organized a forum for leaders of Civil Society with (CLUSA-GAIT). Some of the topics covered were: 'The Functions of the Commission', 'Fundamental Human Rights and Freedoms', 'Domestic Violence', "Child Labor, the Rights and the Responsibilities of the Child".

The Ga District Amasaman also organized an educational program for hairdressers and beauticians at Oboom. The topic was: "What are Human Rights?" A similar program was organized at Ayikei Doblo and the topic was: "The Responsibilities of Parents".

Staff Development :

Some members of staff have benefited a lot from seminars the Commission organized. This improved productivity at the various offices. Those who benefited were: the Regional Director, the Registrar, the Administrative Officer, the Accountant, Clerks and Bailiffs. It is for secretaries to be covered in subsequent training programmes.

TEMA SUB-REGIONAL OFFICE REPORT

The Sub-regional office organized the following public education programs:

- At St. Augustine's Cosra on "Differences between a Bribe and a Gift ";
- At Bethel Methodist Church Community 8, on "The Rights of the Child" ; and
- For officers of Communities 1,4,8 & New Town Police Stations of the Ghana Police Service on, "Arrest and arrest Procedure, Detention & Bail Rights"

Legal education books from FIDA on The Rights of Ghanaian Women, Children's Rights, Domestic Violence, Wills Act, And Intestate Succession were sold after educational programs. CHRAJ brochures and posters were distributed. The Abridged Constitution from NCCE was also given out.

Radio Stations:

Efforts have been made to conduct education on the 2 most popular radio stations in the municipality, i.e. ADOM FM & MERIDIAN FM. Communicating in the local language, which the radio stations use, presents an obstacle to personnel engaged in public education. We have therefore been unable to utilize this media effectively. The radio stations are also asking for ₵400, 000.00 a slot. Sponsorship for the program is being sought.

Collaboration With NGO's :

Collaboration with FIDA continues and the Sub-Regional Office has been asked to assist in handling cases where one or both of the parties are resident in the Tema Sub-Region. There was also collaboration with the only operational human rights NGO in Tema, the Abibiman Foundation, which organized a programme this year.

NORTHERN REGION

Operational Areas

During the year under review, two more district offices namely, Zabzugu/Tatale and East Mamprusi became fully operational. Now the Commission operates in all the twelve (12) districts in the region.

Complaints Received :

In 2003 a total of 525 complaints were recorded compared to 417 in 2002, representing an increase of 55.7%, out of which 369 were closed. The breakdown is as follows: Labour-related Issues, 67; Family-Related Issues, 282; Property-Related Issues, 56; General Basic Rights Issues, 22; Miscellaneous Issues, 98

Public Education:

The Regional Office organized a number of public education programs to sensitize the public to fundamental human rights and the state of emergency. The office relied heavily on programs on the three (3) radio stations namely, Radio Savannah (RST), Diamond FM and Radio Fiila to speak on a wide range of human rights issues such as violence against women, rights of suspected witches, rights of children with special emphasis on the Children's Act (Act 560, 1998), rights of workers and rights of disabled persons.

The Regional Director featured weekly on all the three FM Stations to sensitize the public on fundamental human rights under the state of emergency.

Collaboration with NGOs

Joint Project with Go Home Project and The Human Help and Development Group (THUHDEG) and the German Development Service (DED) : During the period under review, the Regional Directorate teamed up with THUHDEG and DED to implement a project dubbed "Campaign Against Anti-Witchcraft Allegation" aimed at fostering respect for the rights of women suspected of witchcraft. The collaborators employed fliers, posters, drama, FM talk shows, public lectures and jingles as methods to drive their message home.

The target groups of the project were the chiefs, religious leaders, caretakers (Tindanas) of witch camps, the youth, opinion leaders, youth leaders, Assemblymen and Unit Committee members.

Workshops and Training Programs:

The Commission facilitated two (2) workshops for the newly recruited Armed Forces (soldiers) from the 6BN at Kamina Barracks, Tamale on the topics "Operation of Armed Forces and the Fundamental Human Rights of People" and "The Role of Soldiers in the Protection and Promotion of Fundamental Human Rights".

The Regional Director also served as the main resource person in workshops and training programs organized by NGO's, Civil Society Organizations and Community-Based Organizations including Rights Of Women & Children, (RWEDO) Trafficking In Persons, Village Aid/Simili Project, CODYAC, The Youth and Democracy, NCWD and Ghana National Commission on Children (GNCC).

The Regional Directorate organized a training workshop sponsored by THUHDEG/DED on "Campaign Against anti-Witchcraft Allegation" for thirty, (30) members of staff of the Commission.

Public Education for Rural Communities:

During the period under review, the Regional and District Offices embarked on vigorous educational activities within their areas of operation. The Regional Directorate, for example, organized forty one (41) public education programs for rural communities.

District Offices:

All the District Offices organized public education programs with a view to sensitizing the general public to fundamental human rights and on human rights abuses and issues that were prevalent in their respective operational communities. The programs targeted first and second cycle institutions, chiefs, opinion leaders, youth associations and women associations/organizations.

The Savelugu/Nanton District office secured financial assistance of ₵4,800,000.00 from the World Vision and another 6,000,000 from Hope for Children to carry out its educational programs. The programs aimed at reducing violence against women and children. Topics treated included:

- Human Rights
- Violence against Women and Children
- Children's Rights and Parental Responsibilities
- Functions of the Commission.

Quarterly Meetings with District Directors:

The Regional Director held quarterly meetings with District Directors to review performance.

Visits to Districts:

The Regional Director visited six (6) out of the twelve (12) District Offices to familiarize himself with what actually pertained in those offices. The District Offices visited were

Tolon, Savelugu, Walewale, Gambaga, Gushiegu and Zabzugu.

Inspection of Prisons, Police Camps and Cells :

The Regional office inspected all the prisons, police cells and camps in the region and found that generally, all the inmates of the prisons were treated with respect by the prison authorities. Apart from Salaga Prisons, the environment of the other prisons inspected was neat and clean and the cells were not congested.

The 10th Anniversary Celebration

The 10th anniversary celebration was marked by the Regional and District offices. The program of activities used to intensify public education in the region included the following.

- Public Lecture on the Theme: "10 Years of CHRAJ: Achievement, Prospects And Challenges" at the Tohizie Hotel, Tamale.
- Radio Discussion on Radio Savanna (Rts), Tamale on Violence Against Women Suspected Of Witchcraft.
- Visits to Tamale Central Prison and Nyohini Children's Home, Tamale, Tamale Girls Secondary School, Tamale Girls J.S.S., Tamale Central International School

WESTERN REGION

The Directorate joined the rest of the Commission to celebrate the 10th anniversary in the reporting year under the theme "10 Years of CHRAJ: Achievements, Prospects and Challenges" The Directorate clocked its highest figures ever in complaint management. Public education activity was equally impressive, though the figures were lower than those of the preceding year. Twelve (12) workshops and public education on Human Rights were organized for 231 rural communities and Civil Society Organizations (CSO). The office also collaborated with CIVITAS [GH] to implement a project on Violence Against Women. The Directorate also organized a Quiz Combating Competition on Human Rights for selected Senior Secondary Schools in the Central and Western Regions, and inspected prisons and police cells.

Case Work

The Region received and investigated 1724 complaints during the period under review, representing a 31.9% increase over complaints received in the previous year. Cases pending at the beginning of the year were 318, bringing to 2042 the total number of cases available for investigation in the year.

The total number of cases disposed off was 1655, representing an increase of 28% over

year 2002. (The figure includes 313 cases pending at the beginning of the year 2003.) 387 cases were pending at the close of the year, including 5 cases brought over from the previous year.

Public Education

10th Anniversary Celebration:

Between September 15 – 21, 2003 the Western Regional Directorate engaged in a number of activities to celebrate the 10th anniversary of the Commission's existence. This included a formal launching of the anniversary celebration, a radio presentation, talk shows, public education for market women and fishing communities, and inspection of prisons and police cells.

Human Rights Quiz Competition:

The Directorate organized human rights quiz competition for schools and colleges selected through a ballot. Twelve schools (12) from Western Region and 4 from the Central Region were selected to commemorate the 10th Anniversary of CHRAJ. Ghana National College emerged the winner, followed by Sekondi College, Fiaseman Secondary School and St. Mary's Secondary School respectively. Prizes awarded were: 1st prize, a "21" Sanyo Coloured Television, 2nd prize, a VCD 3-Head Player, 3rd prize, ₵300,000.00, and 4th prize, ₵200,000.00

Workshops and Training Program;

The Directorate organized 12 workshops in the year; Nine (9) on employer/employee relations for workers and management of selected companies, Two (2) on police-civilian relations for police personnel, and One (1) on basic law for pastors and church leaders.

Joint project with CIVITAS [GH];

The Directorate collaborated with CIVITAS [GH] to implement a project aimed at combating violence against women with focus on men. The project targeted male-dominated occupations like welders, sprayers, auto mechanics, auto-electricians, vulcanizers, spare part dealers, hardware dealers, upholsterers, mica cutters and timber board sellers. The project was carried out in two phases and covered 1159 artisans. The project was financed by CIVITAS [GH.].

Rural Communities & Organizations;

The Directorate provided public education for 231 rural communities and organizations during the period under review.

Radio Program;

The Directorate continued with its radio programs, extending them to Eight (8) radio stations; Five (5) in Sekondi-Takoradi, One (1) at Tarkwa and Two (2) at Enchi. The frequency of our appearance on air has, however, reduced. This is mainly because we depend on the generosity of the stations to provide us free airtime.

VOLTA REGION

The Volta Region has eleven (11) District Offices in addition to the Regional Office, out of the twelve (12) administrative districts of the region as at December 2003.

- The Region received a total of 127 complaints, and took eleven (11) cases to the courts for enforcement. The following are the cases pending at Court:
- Commissioner, CHRAJ vs., the Project Manager, Keta Sea Defense Project, Great Lakes Docks Co Ltd., Keta. Respondents are yet to file an affidavit in opposition, if any.
- Commissioner, CHRAJ vs. the D.C. E, North Tongu District. Assembly, P. O. Box 19, Adidome. Respondents are yet to enter appearance
- Commissioner, CHRAJ vs. the Director –General, G. E. S, Per the Volta Regional Office, G. E. S, Ho. The Respondent to enter appearance
- Commissioner, CHRAJ, vs. The Regional Director, G. E, S, and Ho. Judgment given in favor of CHRAJ but execution is yet to be effected or upheld.
- Commissioner, CHRAJ vs. The Regional Director Department of Community - Dev. Ho. Respondent to reply
- Commissioner, CHRAJ vs. D.C.E Ho District Assembly Ho. Respondent to reply
- Commissioner, CHRAJ vs. Regional Director, Department of Forestry, Ho Respondent to reply
- Commissioner, CHRAJ, vs. Engineer In-Chief, P.W.D, Accra. Respondent has yet to reply.
- Commissioner, CHRAJ vs. I.G. Upheld
- Commissioner, CHRAJ vs. E.P Church, per moderator. Not upheld
- Commissioner, CHRAJ vs. Managing Director, Asare Original Pay All Enterprise, P. O. Box 120. Ho. Not upheld

Mediation

Mediation has been a successful strategy in resolving most of the cases that came before the Commission. Most of our clients heartily accept our terms of settlement.

Public Education:

The Region paid much attention to education of the public on their rights during the year. Of particular significance was education tailored to the needs of various identifiable groups in the region. For instance, in response to numerous complaints received from apprentices, the Regional office decided to organize an educational program on the following topics:

- (a) "Laws on Apprenticeship in the Informal Sector"
- (b) The Role and responsibilities of the Craftsman, and Duties of an apprentice,
- (c) The nature and form of apprenticeship agreements.
- (d) The Release of the Apprentice and Resolution of Disputes;

Members of the Pensioners Association were also educated on the "Rights of the Aged" with special reference to the government pensioner

The CHRAJ officials also visited various communities to educate them on human rights abuses such as unlawful detentions, abuses for alleged offences of witchcraft, impregnation of mental patients, etc.

There were radio discussions on human rights issues such as, property rights of spouses, the rights of children, testate and intestate succession laws, and economic rights, among others.

The Region also marked the 10th Anniversary of the Commission with, public fora, radio talkshows, clean up exercises at both the regional and district levels of the Commission.

CASE SUMMARIES

CASE NO. 1: WRONGFUL DETENTION AND DISMISSAL

A Public Servant May Not Be Dismissed Without Stated Just Cause

The complainant a former Director of Medical Services at the Police Hospital, Accra was claiming against the Ghana Police Service, the Respondent, payment of his salary and benefits from May 1989; clarification of his status with the Ghana Police Service; reinstatement or proper retirement with full benefits and pension; and compensation for his wrongful arrest and detention.

The Respondent stated that the Complainant was taken into custody by the Bureau of National Investigation on 20th May 1989, released from custody on 6th November 1989 and dismissed on the same day. There was nothing on record to indicate the grounds for the Complainant's dismissal.

The Commission decided to conduct a hearing into the matter.

The issues to be determined were: whether the Complainant's arrest and detention by the BNI, the "freezing" of his salary and benefits during his arrest and detention by the BNI, and his removal or dismissal from the Respondent institution, were justified.

The Commission found that: the Complainant's arrest and detention for six months was illegal; his right to personal liberty and human dignity had been infringed; the non-payment of his salary and other allowances during the period of his incarceration was equally without any justification; his "removal" from the position of Director of Medical Services at the Ghana Police Hospital without complying with the laid down disciplinary procedure as a public officer was null and void and resulted in his losing promotion and benefits he would have enjoyed with such promotion.

Therefore, in the exercise of its discretion, the Commission awarded 36 months salary as at the time of his de facto dismissal as the measure of damages for the wrongful dismissal of the Complainant. Two years' salary to be paid at the present value of that amount, using the inflation rates published by the Bank of Ghana for the relevant period. In addition all allowances, increments, value of earned leave and entitlements, should be calculated with interest and paid to him, as well as any gratuity and full retiring benefits with interest at current bank rate as if he had retired voluntarily from the Respondent institution. The above retirement package payable to the Complainant should be computed at the current level of a Commissioner of Police, a position he would have risen to, but for his unlawful removal.

Having regard to the arrest and detention of the Complainant, the Commission awarded him compensation of one hundred and fifty million cedis for the infringement of his

human right to personal liberty, damage to his dignity, feelings and self-respect, loss of reputation, and mental suffering. All the amounts awarded should attract interest at the current bank rate from the date of this decision to the date of payment.

CASE NO.2: PREMATURE RETIREMENT – PHYSICAL DISABILITY

The Complainant was an ex-foreman at the Engineering Department of Ghana Airways Company. The Respondent had retired him on grounds that he fell within the category of employees with a record of continuous absence from duty due to sickness. He therefore sought a declaration by the Commission that his retirement by the Respondent was premature, discriminatory, unwarranted and unlawful; therefore the Respondents should re-employ him, or in the alternative, pay him compensation and outstanding monies it owed him, as well as exemplary damages for his premature retirement.

The Commission conducted a hearing to determine whether his retirement on medical grounds was wrongful and discriminatory and whether he was owed any entitlements.

The Commission found that the Respondent's medical officer had recommended, after examining the Complainant, that he could be employed in an administrative capacity where his experience could be of use to the Respondent. His retirement was therefore premature and inconsistent with the Respondent's own administrative rules and procedures. The Respondent did not show enough diligence in finding an alternative placement for the Complainant. However, there was no reasonable basis to deem the retirement discriminatory.

The Commission therefore decided that the Complainant's accumulated leave of 142 days, denied him, should be converted into cash and paid him. It was ordered that the Complainant should be reinstated and placed in a capacity commensurate with his present medical/physical condition and paid all his arrears in salary and allowances from the date of the purported retirement to the date of the decision.

The Respondent showed good faith and complied fully with the Commission's directives.

CASE NO. 3: GOVERNMENT FAILS TO PAY COMPENSATION FOR COMPULSORILY ACQUIRED FARM LANDS

A farmer filed a complaint against the Respondents, the Volta River Authority, VRA and the Land Valuation Board, LVB, alleging that over 30 years ago government compulsorily acquired his arable lands of about 32,057.6 acres for the Volta River Development Project without payment of compensation to him. The Commission joined the Attorney General.

The Commission held a formal hearing to determine the merits of the complaint, relying on Article 218 of the 1992 Constitution, which defines the powers of the Commission to include:

“218 (a) to investigate complaint of violation 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...”.

During the hearing, the Ministry of Finance admitted liability for the payment of the compensation to the complainant, stating in addition that the complainant's claim was one of similar claims listed for Cabinet's approval before payment could be effected. Counsel for the Attorney General's Department also conceded liability.

In the circumstance, the Commission directed that, the Ministry of Finance and the Attorney General should pay to the complainant the sum of eight hundred and fifty five million and two hundred and forty six thousand (855,246,000) cedis with simple interest on the sum at the prevailing Bank of Ghana interest within 21 days: the interest payable on the sum shall continue to accrue until the date of final payment.

CASE NO.4: NO CONTRACT OF EMPLOYMENT FOR TEN YEARS ESTABLISHED

The Complainant sought the assistance of the Commission to compel the Respondent, a foreign NGO, to pay her compensation of one hundred and twenty million cedis as compensation for breach of contract of employment she had been persuaded to believe was to last for ten years.

The issue for determination was whether the Complainant had a contract of employment for ten years, which the Respondent had wrongfully terminated.

The Commission found that although the advertisement announcing vacancies for Extension Supervisors in the Danida Funded Rural Drinking Water Supply Program specified that the project be for ten years, it did not specify that the Extension Supervisors would be employed for ten years. The Complainant took a risk to gain a lucrative employment with Danida when she resigned from the Ministry of Agriculture on realizing that the Director was reluctant to release her upon a request from an official of Danida. She was therefore not seconded to Danida by the Ministry of Agriculture and could not return to it.

None of the contracts of employment stipulated that the Complainant's employment was for ten years. Specific offers were made in short-term contracts and the Complainant duly accepted them.

In the circumstances, the Commission found that the evidence did not support the Complainant's claim that she had an employment contract of ten years with the

Respondent and dismissed the complaint as being unmeritorious.

CASE NO.5: CHRISTEN MY 30 YEAR-OLD CHILD

The Complainant alleged that she had an issue with the Respondent 30 years ago, but that he had failed to christen their boy child and was not properly maintaining him and therefore requested the Commission to compel the Respondent to do so.

The complaint was dismissed on grounds that it was frivolous and action barred, as the Complainant's child is now a 30-year-old man who has legal capacity in his own right.

CASE NO.6: FREEDOM OF WORSHIP IS A HUMAN RIGHT

The Complainant alleged that the Respondent dismissed her wrongfully on grounds that she failed to attend the school Christmas carols service.

The issues raised for resolution were whether: the Respondent's school was a registered religious school; the carols service was held during or after school hours; the carols service, being a religious event, was optional or compulsory to staff and pupils; and whether the termination was connected to the carols service or other reasons accounted for her dismissal.

The Commission declared, after its investigations, that the Respondent wrongly terminated the employment of the Complainant on the ground of the Complainant's failure to attend the carols service, which event did not accord with her religious beliefs; and awarded monetary compensation of three million cedis (¢3,000,000.00) to her.

CASE NO.7: AN ACCUSED HAS A RIGHT TO BE HEARD

Four dismissed persons complained to the Commission that following an allegation that they had engaged in active partisan politics they were given three (3) months suspension without pay and subsequently unlawfully dismissed by the Respondent.

The Commission had to rely on Article 48 (1) of the Respondent's CBA which states that, " No disciplinary action shall be taken against an employee until an opportunity is given him/her to be heard within a reasonable time", as the Respondents totally ignored an invitation to react to the complainant.

The Commission found that there were no disciplinary proceedings in this instance and decided that the Complainants should be re-instated, their salary arrears, including 3 months' unlawful suspension, be paid to them with interest at the prevailing rates.

CASE NO.8. A CASE OF TWO ACTS OF OBSTRUCTION

Main plot : The Respondents, three members of the family of the Complainant's late husband prevented her from entering her husband's room to collect her personal belongings. She, therefore, sought the Commission's assistance to enable her do so.

The Commission found that the Respondents could not prevent the Complainant from retrieving all of her personal effects from her late husband's room, also mindful of all the agony she had suffered from the loss of her husband. The Commission decided that the Respondents had to permit her to do so under police protection and pay a penalty of nine million cedis (¢9,000,000.00) for their violation of her dignity as a person, and for preventing her from retrieving her personal effects without lawful authority.

Sub-plot: The 1st Respondent assaulted an official of the Commission sent to investigate the substantive complaint, thereby obstructing the Commission in the performance of its duties. Despite the officer's preference not to pursue the charges, the Commission would want to drive this point home to members of the public that members of the public are required to assist the Commission perform its functions and not obstruct or assault its officers.

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CASE NO. 9(A): RECOVERY OF SEIZED DOCUMENTS

Administrative Injustice

The Complainant sought the Commission's assistance to recover the plans of his cocoa farms misplaced by the Respondents after they seized them.

There was evidence on record that an officer of the Respondents signed for the documents received from the Complainant; and that the Complainant had been very vigilant in pursuing the recovery of his documents, though unsuccessfully from the Respondents.

The Commission therefore ordered the Respondents to prepare new site plans for the Complainant at its expense within eight weeks of the date of this decision, and made an award of ten million cedis (10,000,000.00) payable by the Respondent to the Complainant for the latter's costs in vigilantly pursuing the recovery of his documents though the Complainant did not lead evidence on losses he may have suffered and did not even petition for an award of compensation.

CASE NO.9 (B): REVIEW DECISION

Aggrieved by the decision cited in Case No. 9 (a) The Respondent requested the Commission to review its decision citing the following grounds:

- That the Commission incorrectly described the Respondent's action as "seizing" the Complainant's documents rather than having "misplaced" them.
- That CHRAJ should establish clearly that the Complainant owns the lands in issue before asking the Respondent to bear the expense of new site plans to be prepared for him.
- That it does not see the justification for the directive to it to pay ten million cedis to the Complainant as costs in his vigilantly pursuing the matter with the Respondent and ultimately and successfully with this Commission

The Commission agreed to make the necessary change and reformulate the issue as follows: Whether or not the Respondent misplaced the Complainant's documents.

However, the Respondent conceded that it received those documents from the Complainant. The Commission, therefore, decided that the Respondent shall pay the amount covering fees and expenses in respect of the preparation of the replacement of the documents.

For incurring much cost to himself, and because the value of the cedi devalued considerably over the many years the Complainant spent in pursuing the recovery of his documents misplaced by the Respondent, the Commission made an award of ten million cedis, payable by the Respondent to the Complainant

CASE NO. 10: EMPLOYEES OF THE OFFICE OF BUSINESS PROMOTION QUALIFY FOR CAP 30

The Complainant sought the assistance of the Commission to compel the Respondent to re-compute his pension and gratuity and pay the correct amount due him.

The bone of contention was the period the Complainant worked with the Office of Business Promotion, which the Respondent did not recognize as part of the Civil Service.

At a meeting with both the Complainant and the Respondent, the latter's representative finally conceded, after thorough investigation, that the Office of Business Promotion was to be included on the list of those organizations which are on Cap 30 Pension Scheme.

In view of this fact, the Complainant is entitled to be paid pension under Cap 30. The Commission therefore decided that the Respondent should pay the Complainant the correct amount of pension due him for the complete period of his working life.

CASE NO.11: INSTANCE OF UNFAIR AND UNJUST TREATMENT

The Complainant sought the Commission's assistance for the recovery of his pension, which had not been paid to him by the Respondent as he was deemed unqualified for pension by reason of vacating his post without authorization.

The Complainant's unchallenged evidence was that he stayed on for three months awaiting response to his request to be released to take up appointment with another organization in the same Ministry. In the face of the Respondent's inaction, he left on the assumption that they had consented.

In direct contravention of cardinal principles of natural justice, the Respondent had not conducted any formal hearing to establish whether or not the Complainant's action actually constituted a break in service.

The Commission considered that the Complainant could not be made to suffer or sacrifice his retiring benefits due to the tardiness, negligence or administrative error of the Respondent. It therefore upheld this petition and decided that the Complainant should be paid all his retiring benefits and pension at current rates with effect from the date of his retirement. All computations were to be made from the highest position he served with the Respondent

CASE NO.12: SINGING AND RECITAL OF NATIONAL ANTHEM AND PLEDGE IN SCHOOLS

The Complainants alleged that the Respondent school threatened to expel their children for failing to take part in religious ceremonies as well as the singing of the National Anthem and reciting of the National Pledge, and prayed the Commission to prevail upon the Respondent to desist from doing so.

The issue that arose was whether or not the Respondent's action of compelling the children to recite the National Pledge and sing the National Anthem amounted to a violation of the rights and freedoms of the children.

Article 41 (a) of our Constitution provides:

"It is the duty of every citizen to promote the prestige and good name of Ghana and respect the symbols and the nation"

The Commission, however, observed that there were other ways of promoting the prestige and good name of Ghana apart from singing the National Anthem and reciting the National Pledge. The Commission therefore directed the Respondent not to threaten any pupil with expulsion where the child refused to recite the pledge and sing the national anthem.

The Respondent admitted that it could not insist on the children's participation in all religious ceremonies and the singing of the school's anthem. This is in the right direction, as the 1992 Constitution provides for freedom of religion and association.

The Complainants on their own accord had withdrawn their children from the Respondent school, the Commission therefore ceased further investigation into the matter by virtue of Section 13 (1) (b) of the Commission on Human rights and Administrative Justice Act 1993 (Act 456) which provides that:

"When in the course of the investigations of any complaint it appears to the Commission that having regard to all the circumstance of the case, any further investigation is unnecessary It may refuse to investigate the matter further"

APPENDIX 1

STATE OF HUMAN RIGHTS IN GHANA (2003)

A Statement by the Commission on Human Rights and Administrative Justice
(CHRAJ)

Introduction

The 10th of December is commemorated throughout the world as International Human Rights Day. Commission uses this occasion to issue a statement on the State of Human Rights in Ghana.

This year also marked the tenth Anniversary of the establishment of the Commission on Human Rights and Administrative Justice in Ghana and gave us the opportunity to review our own effectiveness as a national human rights institution as well as to assess whether a greater culture of human rights is beginning to embed itself in our society.

There is no doubt that on the whole, Ghanaians have a greater awareness of fundamental human rights and freedoms. There is greater sense of freedom and a more conducive environment for developing sustainable democracy through good governance. The institutionalization of the rule of law is being pursued, and a firm foundation is laid for sustainable socio-economic development, a culture of civic awareness and responsibility, as well as a culture of peace and tolerance of diversity.

National Reconciliation

The National Reconciliation Commission set up under The National Reconciliation Act, (Act 611), began its public hearings in the first part of the year. The national reconciliation exercise aims at giving victims and witnesses the opportunity to tell their stories and thus to help free victims of human rights violation from continuing to suffer in silence. It is also providing an opportunity for the formal acknowledgement of the suffering of Ghanaians from past human rights abuses.

It is hoped that, the NRC will be able to establish a true historical account of the gross human rights violations in our past with a view to providing remedies including reparation and rehabilitation for the identified victims and recommendation for them.

Arbitrary Arrests and Detention

This year, the annual inspections of police cells show that there is a greater compliance with the rule that no one should be detained beyond 48 hours without being put before court or being released on bail. The number of suspects detained for more than 48 hours has reduced considerably.

However, in the prisons, there is still evidence of increasing numbers of remand prisoners who have been incarcerated over long periods without trial. The reasons offered by prisons authorities for the congestion are:

- Failure of police officers to send suspects to courts,
- Inability of remand prisoners to meet harsh bail conditions,
- Frequent adjournment of cases, and
- Transfers/postings of police investigators handling cases.

The Commission found as many as 399 remand prisoners (at the time of its inspection of the Kumasi Central Prison); some have been on remand for years. The resulting congestion is so serious that any outbreak of an epidemic could have very severe consequences.

Torture, Cruel and Degrading Treatment

(Article 15 of the Constitution prohibits torture, cruel and degrading treatment). The continued deplorable condition of our police and prison cells constitute a violation of the rights of the prisoners.

The Commission wishes to express its profound disappointment that very little has been done to change the inhuman conditions of police and prison cells, in spite of our repeated requests to the Government to improve these conditions.

Freedom of Speech and Expression

The Constitution 1992 provides for freedom of speech and of the press. In July 2001, Parliament repealed the Criminal Libel and Seditious Laws, inasmuch as they hindered freedom of expression; particularly press freedom.

In recent times, the Commission has actively participated in the deliberations of and supported the Freedom of Information Bill, which would further strengthen the hand of the media. And the Commission urges the entire citizenry to make their views known so that, when the bill is enacted it will reflect the wish of the people and gain widespread acceptance.

However, the Commission is very concerned about some negative trends, which are marring the exercise of this freedom of expression. In the reporting year there have been numerous complaints to the National Media Commission about the failure of journalists and editors to rectify inaccuracies in media report. There have been many incidences of failure by journalists and reporters to check and cross check their information, resulting in unfortunate situations of people's reputation being damaged. And sadly, calls to order by the National Media Commission (NMC) have often been blatantly disregarded by guilty journalists.

The Commission reiterates that while it wholeheartedly supports press freedom, the NMC and the Ghana Journalists Association, the media personnel too must act responsibly and honorably in order to safeguard our democracy.

Religious Tolerance

The Constitution guarantees freedom of worship, belief, conscience and thought to every person without discrimination. However, in previous years there were confrontations between traditional authorities and some local churches, resulting in the destruction of property worth millions of cedis and injuries to quite a number of people.

However since last year little (or no) violence has occurred as a result of the establishment of a Conflict Resolution Committee, set up by the Greater Accra Regional Administration to promote tolerance between followers of traditional religion and various Christian churches during the annual ban on drumming by the Ga Traditional Council as a prelude to the Homowo festival.

The Commission wishes to remind the entire citizenry that promoting religious freedom and tolerance is closely linked to the advancement of democracy.

Respect for Political Rights:

The 1992 Constitution protects the political rights of all Ghanaians. It is in this connection that, the Commission commends Government for its efforts to further decentralize and transfer authority and responsibility from central to local governments and districts. The Commission however entreats Government to listen to a wider range of voices and draw from the perceptions and reflections of opinion leaders, (traditional rulers, religious leaders and civil society groups) to ensure that the process of district creation is fair and transparent. We urge district assemblies to utilize the District Assembly Common Fund, the Highly Indebted Poor Country's Fund and all revenue collected and resources generated, judiciously and demonstrate responsiveness to the needs of the poor and vulnerable in their communities.

Representation of Women

The Commission remains gravely concerned about the continuing gender inequalities in Ghanaian society and the fact that women are still under-represented in decision-making positions, in spite of the fact that women constitute 51 percent of the Ghanaian population and contribute immensely to the overall social and economic growth and development of the country.

The Commission challenges Ghanaian society to support and promote women's participation in local and central governance and also entreats women to broaden their knowledge on issues of political, social and economic development so they may be well equipped to compete favorably with their male counterparts

Violence Against Women

The Commission notes with dismay that domestic violence against women and girls, including rape, defilement and wife battering still remains a significant problem. The rise in reported cases of defilement and sexual abuse of children is most regrettable. On 15th July 2003, about 500 women staged a three-hour demonstration in Accra

demanding that the former President, Jerry John Rawlings disclose the names of people in authority who he alleged were responsible for the bizarre killing of women during his last term of office.

Domestic Violence Bill

It is proposed to pass a law on domestic violence, which seeks to afford greater protection for victims of some domestic violence including marital rape. It is disconcerting to note that critics of this bill base their opposition on the issue of marital rape alone, claiming that if women are encouraged to report rape by their husbands, this would lead to a breakdown of many marriages. The Commission calls on the general public to give its overwhelming support to the Domestic Violence Bill.

A major survey undertaken by the African Women Lawyers Association (AWLA) reveals that a large percentage of women in the formal workplace and academia are subjected to sexual harassment. The Commission reiterates its call on victims of sexual harassment and domestic violence to speak out. These acts against women constitute a serious violation of their dignity, the right to personal security and the right to be free from discrimination on the basis of sex.

Witches Camps

A report received from Northern Regional office confirmed that there was approximately a 1,090 women suspected to be witches permanently resident at 'witches camps in Yendi, Bimbilla and Gambaga. Most of these witches are elderly people who have been accused of being the cause of problems in their villages. Attempts to rehabilitate them have been frustrated because when some of them return to their villages, they are subjected to lynching and other forms of violence and so they prefer to continue living in the 'camps'.

The Commission wishes to renew its pledge to work with other stakeholders to re-integrate the alleged witches into their communities.

Child Maintenance

This year the Commission received, 6,850 complaints on family-related issues constituting 55.3% of the total number of complaints received. The majority of these were about child and spouse maintenance. Brong-Ahafo recorded the highest of these cases. Since 1999 the Commission's annual statistics have revealed that many men are negligent of their responsibility to maintain their children and mothers. (Children and their mothers suffer denial of their basic socio-economic rights such as rights to food and education.)

Child Trafficking (and Dehumanizing Cultural Practices)

There have been reports of high rates of child trafficking in the Jamang district of the Brong Ahafo Region. Traffickers are alleged to arrange with parents of innocent children and smuggle them to countries such as La Cote D'Ivoire, Mali and Niger, where they engage in all sorts of menial jobs and prostitution. The girls among these unfortu-

nate children also stand the risk of unwanted pregnancies, HIV/AIDS and sexually transmitted diseases. The Commission lauds the efforts of the Ministry of Women and Children's Affairs and the Parent and Child Foundation in securing the freedom of these children and re-uniting them with their families, enrolling them in schools, and providing them with attractive educational packages.

Environmental Rights

The Ghanaian Constitution imposes a duty on every Ghanaian to protect and safeguard the environment. Despite efforts made by the Ministry of Environment, Science and Technology, the Department of Forestry, the Environmental Protection Agency and non governmental organizations towards the promotion of a healthy environment, the country is still confronted with enormous challenges on environmental issues and there have been regular reports about the degradation of farmlands and the pollution of water sources used for domestic purposes by communities in mining areas. It is the duty of mining companies to ensure that basic needs of the communities in which they operate, are taken care of. Basic amenities like good drinking water, health care facilities and other basic social needs must be protected. The Commission maintains that these communities should participate in any decisions that affect their well-being.

HIV/AIDS And Human Rights

Much commendable work has been done in Ghana to create awareness about the epidemic and the recent initiative to get Ghanaians to show compassion and empathy towards people living with HIV/AIDS (PLWHA) is very welcome.

However, not enough attention has been paid to the human rights dimension of the problem. People living with HIV/AIDS continue to be stigmatized and discriminated against. There is still much superstition, ignorance (and intolerance) and negative societal attitudes attached to this pandemic. This undermines efforts to encourage voluntary testing and discourages individuals infected with and affected by HIV from accessing health and social services. In this connection the Commission calls upon the government to introduce the anti-retroviral drugs program that is contemplated

The Commission calls on the general public to recognize that persons living with HIV/AIDS are still human beings and as such are entitled to the right to life and all the fundamental human rights enshrined in Chapter 5 of the 1992 Constitution, especially the right to be free from torture and other cruel, inhuman or degrading treatment (or punishment).

On the other hand, rights go with responsibilities; and PLWHA, also have a duty to behave responsibly towards other persons. They should, therefore, disclose their status to their partners/spouses, and should not engage in unprotected sex so as not to infect other people. They are also expected to undergo counseling and treatment. Persons who willfully transmit HIV/AIDS could be prosecuted under the Criminal Code 1960 (Act 29).

Corruption

Article 284 of the 1992 Constitution provides that people holding public office shall not put themselves in positions where their personal interest conflict or is likely to conflict with the performance of their official duties.

The Commission commends the efforts of the Chief Justice for: instituting performance measurement systems that would result in annual reporting on judges and magistrates in the country; efforts at simplifying court procedures and promoting transparency by the display of court fees for all processes. It also welcomes the opening of the Public complaints Unit of the Judicial Service in Accra. The Commission maintains that the efficient administration of justice and the respect for the rule of law in any country ought to be the foundation of any anti-corruption strategy.

Indiscipline, Crime and Violence

Indiscipline undermines the rule of law, and together with crime and violence poses major threat to the safety, security and development of the nation. But the pervasiveness of indiscipline led the Vice President to launch a campaign against indiscipline in 2002. In spite of this laudable initiative, which the Commission wholeheartedly supports, the Commission regrets to note that this campaign does not seem to have made the necessary impact.

Armed robbery, which appeared to have subsided for sometime, has resurfaced with greater ferocity and poses a tremendous challenge to the security agencies. This year, armed robberies have led to needless loss of lives among civilians and personnel of the security agencies. A constable from the Peki Police Station was killed when his patrol car was ambushed in a roadblock. Another incident involved a Constable at the Tema Community One Police station who was overpowered while on duty, was shot and left in a pool of blood by gangsters who also tied up the watchman and placed him outside the fence. Incidents in which civilians were killed in armed robberies include:

- Along the Tema-Kpong highway, when 12 men attacked and inflicted serious injuries on a cattle owner, and took an amount of ₵200 million from him.
- Robbery and infliction of brutalities on commuters on the Tema-Aflao road;

In November, the Accra Regional Police command confirmed that ex-convicts and remand prisoners committed most of the armed robberies in the metropolis and that there was a strong link between prisoners in jail and armed robbers.

To combat this menace the Government set up joint police and military patrols and provided the Police Service with much-needed logistics such as vehicles to equip them to discharge their functions more effectively and efficiently.

The Commission enjoins the public to support the police and other security personnel in their efforts to maintain law and order.

APPENDIX 2

DETAILED STATISTICAL DATA

OVERVIEW OF STATISTICAL DATA

From its inception to 31st December 2003 the Commission has received 78,531 cases and resolved 64,024 with 14,507 unresolved carried over to the year 2004 from previous years.

For the reporting year 2003, the total number of cases received nationwide was 13,726 and unresolved cases brought forward from 2002 were 12,873 making a total of 26,599 cases handled by the Commission in the year. By the end of the year, 12,065 or 45.5% of these had been resolved.

Complaints Turnover

The 64,024 resolved cases represent 81.5% of total cases handled by the Commission. Taken globally, this is a good reflection on the Commission's complaints handling. However, a closer look at the cases pending reveals that 17 complaints that came to the Commission since 1993 have only just been resolved this year. Similarly of the 1995 cases 32 were resolved in 2003; of the 1996 – 85, the 1997 – 95, the 1998 – 118, the 1999 – 302. The trend is an increasing number of cases left over with each passing year up to till 2003, when 13,726 cases were received out of which 6,885 or 50.2% were resolved. However a total of 12,065 cases were resolved in the year indicating that 49.8% or 5,180 of the cases form part of the accumulated cases pending since the inception of the Commission.

This indicates that a large number of complainants have to wait a very long time before their cases are resolved. The Commission seems to be gradually being submerged by the volume of complaints it is called upon to resolve.

Nature of Complaints

There were 7,923 family-related cases. These constitute or 57.7% of the cases and are, by far, the largest portion of cases handled by the Commission. Administrative justice or labor related cases that used to form the bulk or 76% of complaints handled by the Commission now constitute only 16.4% of cases.

And complaints reflecting violations of general basic rights constitute only 12.8%.

This trend is perhaps a positive reflection of the impact the Commission has had, since its inception, on public service institutions in particular and the general public in general, as administrative justice cases and basic human rights complaints together constitute only 29.1% of the total cases handled in the reporting year.

Another positive indicator of the Commission's influence is the reflecting the effect of increased campaign for children and women's rights is the increase in reported family related cases. Of the 7,923 family related Complaints, cases concerning children were 4,956; mainly child maintenance cases. Marital issues made up 1,619 cases and inheritance cases 1,348.

Respondents

It is significant that state organizations now account for only 899 or 6.9% of total respondents of 13,726. However, of the state institutions, the Ghana Education Service and the Police Service continue to be the worst offenders.

Private individuals and organizations constitute 12,917 or 94.1% of the respondents

Grounds for Closure

Of the 12,065 resolved cases 2,186 or 18.1% were dismissed for lack of prosecution and 274 or 2.3% were rejected for lack of jurisdiction.

This Implies that a good 20% of cases coming to the Commission should probably not have come to swell the number of complaints received.

It is significant that the Commission's informal method of case resolution is bearing fruit. This is reflected in 7,275 of the cases or 60.3% having been resolved through mediation and only 471 or 3.9% were handled through formal processes of hearing or decision-making.

STATISTICAL DATA

Complaints Received			Cases Resolved		
Offices	Number	%	Offices	Number	%
Headquarters	910	6.6	Headquarters	479	4.0
Volta	1060	7.7	Volta	1008	8.4
Northern	525	3.8	Northern	369	3.1
Western	1724	12.6	Western	1655	13.7
Ashanti	2044	14.9	Ashanti	1434	11.9
Upper West	156	1.1	Upper West	84	0.7
Eastern	1750	12.7	Eastern	1357	11.2
Brong-Ahafo	3556	25.9	Brong-Ahafo	3259	27.0
Central	1100	8.0	Central	1578	13.1
Greater Accra/ Tema	524	3.8	Greater Accra/ Tema	534	4.4
Upper East	377	2.7	Upper East	308	2.6
Total	13,726	100			

Summary on Respondent Bodies/Nature of Complaint

Nature of Complaint (Nationwide)

Nature	Number	%
Administrative Justice	2251	16.4
Family-Related Issues	7923	57.7
Property-Related Issues	1802	13.1
General Basic Rights	1750	12.7
General Basic Rights	1750	12.7
Total	13,726	100

Respondent Bodies (Nationwide)

Bodies	Number	%
Org. under office of the President	19	0.1
Org. under Ministry of Finance	66	0.5
Org. under Ministry of Education	254	1.9
Org. under Ministry of Justice	34	0.2
Org. under Ministry of Justice	34	0.2
Org. under Ministry of Roads & Highways	10	0.1
Org. under Ministry of Local Government	79	0.6
Org. under Ministry of Interior	161	1.2
Extra-Ministerial	47	0.3
Private Individual / organ'tns / Companies	12,917	94.1
Specific Ministries	139	1.0
Total	13,726	100

Details on Respondent Bodies(Nationwide summary)

Org. under office of the President

Organizations	Number
Divestiture Impln., Commission	4
Reg. Coordination Council	10
Miscellaneous offices under Off. Of President	5
Total	19

Org. under Ministry of Finance

Services/Depts.	Number
Controller & Acct. Gen.	19
Banking Institutions	36
CEPS	7
IRS	3
Audit Service	1
Total	66

Org. under Ministry of Education

Services/Institutions	Number
Ghana Education Service	136
West African Exams Council	6
Schools/Colleges	102
Universities	10
Total	254

Org. under Ministry of Justice

Services/Depts.	Number
Judicial Service	29
Attorney-General's Dept.	5
Total	34

Org. under Ministry Roads & Highways		Org. under Ministry of Local Gov't	
Authority/Dept.	Number	Assemblies	Number
Dept. of Feeder Rds.	4	Dist/Muni/Metro.	
Ghana Highway Authority	6	Assemblies	78
Total	10		

Extra-Ministerial Org.		Org. under Ministry of Interior	
Organizations	Number	Security Services	Number
Public Services Commission	1	Prisons Service	11
Chieftaincy Secretariat	4	Immigration Service	1
Lands Commission	8	Police Service	121
Electoral Commission	5	Ghana Nat. Fire Service	5
CHRAJ	2	Ghana Armed Forces	23
NCCE	1	Total	161
Lands Valuation Board	8		
Media Commission	1		
VRA	6		
SSNIT	11		
Total	47		

Private Ind./Org/Comp		Specific Ministries	
Bodies	Number	Ministries	Number
Private Individuals	11,414	Communication	5
GPRTU	72	Food & Agric.	13
Pr. Organisations	318	Head of Civil Service	6
NGOs	36	Health	44
Companies/Corp.	785	Lands & Forestry	3
Others	292	Interior	33
Total	12,917	Off. of President	2
		Works & Housing	3
		Empl. & Soc. Welfare	3
		Defense	8
		Foreign Affairs	2
		Roads & Highways	1
		Tourism	1
		Education	15
		Total	139

Details on Nature of Complaints (Nationwide Summary)

Family-Related Complaints		Property-Related Complaints	
Complaints	Number	Complaints	Number
Children	4956	Land Title	79
Inheritance	1348	Tenancy	714
Family/Marital Status	1619	Tresspass	178
Total	7923	Confisc'n /Destr'n of Property	365
		Other Property-Related Issues	466
		Total	1802

Administrative Justice		General Basic Rights	
Administrative Justice	Number	General Basic Rights	Number
Abuse of Office	282	Miscellaneous Issues	1750
Labour & Employment	1400		
Delay in Dispensing Justice (Police/Court)	167		
Other Admin. Justice issues	402		
Total	2251		

Grounds of Closure		
Grounds of Closure	Number	%
Withdrawn by Complainants	879	7.3
Dismissed for lack of Prosecution	2186	18.1
Settled (Mediation & Self-Settled by Parties)	7275	60.3
Decided	471	3.9
Rejected for lack of Jurisdiction	274	2.3
Justified in Exercise of Discretion	892	7.4
Transferred (CHRAJ)off.	88	0.7
Total	12,065	100

Year Case Closed in 2003	
Year Case Closed in 2003	Number
1993/ 1994	17

APPENDIX 3

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.

APPENDIX 4

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

67

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.

APPENDIX 5

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

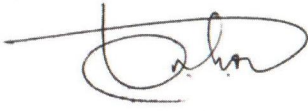
settlement of the issue between the parties.

- (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

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