

**WELCOME AND OPENING REMARKS BY JOSEPH WHITTAL,  
COMMISSIONER FOR HUMAN RIGHTS AND ADMINISTRATIVE  
JUSTICE (CHRAJ) AT THE COMMEMORATION OF THE 2022  
INTERNATIONAL ANTI-CORRUPTION DAY (IACD) ON 9  
DECEMBER 2022 AT THE CHRAJ CONFERENCE ROOM**

**Your Excellency, Mr. Charles Abani, the United Nations Resident Co-ordinator, and our Special Guest,**

**Hon. Godfred Yeboah Dame, Attorney General and Minister for Justice,**

**Deputy Commissioners of CHRAJ-Richard Quayson and Mercy Larbi,**

**The Coordinator, United Nations Office on Drugs and Crime (UNODC),  
Ghana Office,**

**The Executive Director, Ghana Anti-Corruption Coalition (GACC) Mrs  
Beauty Nartey**

**Executive Directors and Heads of Institutions present,**

**Representatives of Heads of Institutions present,**

**Directors of CHRAJ present,**

**Members of the Media,**

**Distinguished Ladies and Gentlemen,**

**All Protocols duly acknowledged,**

**Good morning to you all.**

**Permit me on behalf of the Commission on Human Rights and  
Administrative and its partners to welcome you to the Conference Hall of**

the Commission at the Old Parliament House to receive the UN Secretary-General's 2022 Message from the UN Resident Coordinator in Ghana on the theme UNCAC@20: UNITING THE WORLD AGAINST CORRUPTION and to a symposium on the local theme Anti-corruption Partners have adopted this year to focus attention on based on our peculiar circumstances as a country: CURBING CORRUPTION IN GHANA THROUGH A ROBUST CONDUCT OF PUBLIC OFFICERS LAW

Every year the Commission on Human Rights and Administrative Justice and its partners always join the international community on the 9 of December to commemorate the International Anti-Corruption Day (IACD), and the rationale for this is simple and easy to appreciate.

Paragraph 7 of UN Resolution 58/4 which adopted the United Nations Convention against Corruption (UNCAC), designated December 9 as the International Anti-Corruption Day to raise awareness of corruption and of the role of UNCAC in combating and preventing it.

Since then, the day is being observed globally on the 9<sup>th</sup> December to create awareness of the harmful effects of corruption and the need for concerted and sustained partnership among stakeholders to effectively and efficiently address it.

Distinguished Ladies and Gentlemen,

My understanding of the 2022 theme, UNCAC@20: UNITING THE WORLD AGAINST CORRUPTION is that this is a clarion call for international cooperation and partnership among and between nations all over the world, and domestic agencies and institutions to see the fight against corruption as a collective effort. This is because, corruption has no borders and its consequences cut across borders affecting states where it has been

perpetrated to states which may have short term benefits of the corrupt acts but whose reputation and image would in the long term suffer.

The Commission and its partners are excited about this theme because Ghana has since 2014 adopted the National Anti-Corruption Action Plan (NACAP), following the realisation that previous efforts at fighting corruption were individualistic, uncoordinated, and sporadic. The strategic focus of the National Anti-Corruption Action Plan (NACAP) is unity. Unity because, NACAP realises that no one person, institution or state can fight corruption alone.

That is why the mission of NACAP is to contextualise and mobilise efforts and resources of stakeholders, including government, individuals, civil society, private sector, and the media, to prevent and fight corruption through the promotion of high ethics and integrity and the vigorous enforcement of applicable laws. In actualising this Mission activities have been formulated under Four (4) Strategic Objectives and are being executed by all sectors of the economy.

Ladies and Gentlemen,

Our successes in almost 8 years of implementation of NACAP have been quite significant especially in the area of law reform because NACAP has triggered the passage of not less than 14 pieces of legislation. Among these are the **Security and Intelligence Agencies Act, 2020 (Act 1030)**, the **Real Estate Agency Act, 2020 (Act 1047)**, the **Criminal Offences(Amendment) Act ,2020 (Act 1034)**, the **Anti-Money Laundering Act, 2020 (Act 1044)**, the **Narcotics Commission Act, 2020 (Act 1019)**, **Companies Act, 2019 (Act 992)**, the **Right to Information Act ,2019 (Act 989)**, **Payment Systems and Services Act, 2019 (Act 987)**,**Witness Protection Act, 2018(Act 975)**, **Public Financial Management Act, 2016(Act 921)**, and the **Public**

**Procurement(Amendment), Act 2016 (Act 914)** etc. All these pieces of legislation are aimed at combatting corruption one way or another; and I wish to commend the Office of the Attorney-General and Minister for Justice for the roles played in the passage of these laws.

However, one key legislation remains outstanding.

Distinguished Ladies and Gentlemen,

As you are no doubt aware, Chapter 24 of the 1992 Constitution provides for the Code of Conduct for Public Officers in Ghana dealing with conflict of interest, declaration of assets and liabilities and oaths of office. However, there is no legislation or Act of Parliament to give effect to the constitutional provisions on the code of conduct.

In the circumstances, the implementation of the Code of Conduct under Chapter 24 remains a challenge despite the mandate given the Commission on Human Rights and Administrative Justice and the Chief Justice to investigate breaches of the Code of Conduct and take such action **“that is considered appropriate in respect of the results of the investigations”** under article 287 of the Constitution.

Distinguished Guests,

Investigation of cases in general is not a problem for this Commission. Our enabling Act, the Commission on Human Rights and Administrative Justice Act, 1993(Act 456) as well as the Commission on Human Rights and Administrative Justice (Investigations Procedure) Regulations,2010 (C.I 67) have given the Commission the framework within which to conduct investigations and we have been doing so over the years.

However, the peculiar challenge has been what “appropriate action” to take resulting from investigations of breaches of the code of conduct under article

287 of the Constitution. The Commission has struggled in many of its decisions following investigations under Chapter 24 to consider what is meant by “appropriate action”. I dare say that in common law times, the expression appropriate action would have enured to the proponents of the Chancellor’s foot principle. However, the Commission has always been measured in terms of the exercise of its discretion given the strictures imposed on public offices under article 296 of the Constitution.

In the case of **Alliance for Social Equity and Public Accountability (ASEPA) and Jean Mensah, Electoral Commissioner**, this Commission took pains to bemoan the absence of a piece of legislation to guide investigations under the code of conduct particularly that relating to declaration of assets and liabilities when it held thus:

**In the course of this investigation, the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550) came under scrutiny again. The long title of Act 550 describes it as an Act to provide for the declaration of assets and liabilities by public office holders in conformity with Chapter 24 of the Constitution. However, the same Act has been criticized several times for not having sufficiently elaborated or fleshed out the provisions of Articles 286 and 287 of the constitution.**

In the course of the investigation of the **Jean Mensah case**, it was discovered that the Electoral Commissioner filed her assets after the complaint was lodged against her.

In the case of **ASEPA vrs His Lordship Justice Anin Yeboah, Chief Justice of the Republic of Ghana**, the Commission found in the course of investigations that the Respondent had filed his assets and liabilities before the complaint was brought against him.

Naturally in both cases, the Commission was bound to give a decision that would accord with the ends of justice and to refuse the invitation to disqualify them from holding office. In some other cases we have had to disqualify some persons from holding public office for a number of years.

Despite this, the Commission has come under serious scrutiny and criticism for taking what some have described as “mild decisions” against the affected persons especially high-profile personalities. There are some, among whom are legal practitioners, who have described the Commission as “the weakest link” in the enforcement of the code of conduct under Chapter 24 without reference to the challenges of implementation posed by the law and without even reading the decisions that we have rendered in some of the cases.

Distinguished Participants,

No one can deny the importance of a code of conduct for public officers in the fight against corruption. Indeed, allegations of non-compliance with Chapter 24 of the Constitution especially conflict of interest and non-declaration of assets and liabilities continue to bedevil the media space. This year alone, the Commission received a record number of cases bordering on non-compliance and contravention of Chapter 24 of the Constitution and are investigating same.

Ladies and Gentlemen,

Efforts to give practical effect to Chapter 24 of the Constitution has resulted in the introduction of the Conduct of Public Officers Bill (CoPO Bill), which has been laid in Parliament three times between 2008 and 2020 without being enacted into law, and which is presently pending before Cabinet for consideration. This is quite troubling. Our fear is that if action is not taken, the COPO Bill might suffer the same challenges that the Right to Information Bill faced before it was passed into law. This situation is not desirable.

The Commission and its partners therefore intend to use this year’s International Anti-Corruption Day to build a broad coalition among the

Public and Private Sectors and Civil Society for a robust Conduct of Public Officers Law that can effectively curb corruption and ensure that it is passed into law. Accordingly, we have chosen as a theme: **Curbing Corruption in Ghana through a robust Conduct of Public Officers Law.**

The objective for this year's celebration is therefore two (2) fold:

- 1. Create awareness of the UNCAC, and the provisions on the CoPO Bill as a means of addressing corruption in general and conflict of interest issues, illegal acquisition of wealth and illicit enrichment in particular;**
- 2. Mobilise State, Private and Civil Society to facilitate the speedy passage of the CoPO Bill into Law.**

It is our hope that the 2022 Anti-Corruption Day would make critical contributions to the national effort at tackling issues of corruption and provide the country an opportunity to do a soul searching into public sector integrity as provided under the NACAP, and consolidate the gains made in reducing corruption in Ghana.

**On this note, let me WELCOME all of you once again to this event and to request your cooperation and support as we celebrate this day.**

**THANK YOU.**