

SPECIAL EDITION



# CHRAJ

COMMISSION ON HUMAN RIGHTS & ADMINISTRATIVE JUSTICE

Issue No. 001

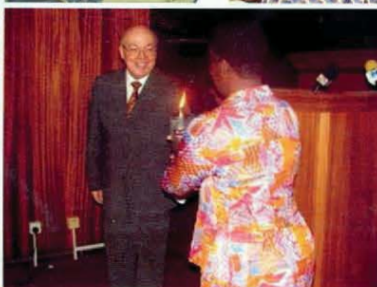
Aug/ Sept 2008



60  
YEARS OF  
UNIVERSAL  
DECLARATION  
OF HUMAN  
RIGHTS



COMMISSION ON HUMAN  
RIGHTS & ADMINISTRATIVE  
JUSTICE

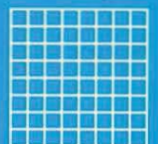


**CHRAJ LAUNCHES REPORT** ON THE  
STATE OF HUMAN RIGHTS IN MINING  
COMMUNITIES IN GHANA

DANISH AMBASSADOR HANDS OVER THE TORCH TO  
**MS ANNA BOSSMAN**

**CHRAJ** INTERACTS WITH JOURNALISTS

**CHRAJ TRAINS DIRECTORS** ON  
EFFECTIVE MEDIA RELATIONS



[www.chrajghana.org](http://www.chrajghana.org)





# UNIVERSAL DECLARATION OF HUMAN RIGHTS

(Dignity and justice for all)

1. All Human beings are free and equal in dignity and rights.
2. All people are entitled to rights without distinction based on race, colours, sex, language, religion, opinion, origin, property, birth or residency.
3. Right to life liberty and security of person
4. Freedom from slavery.
5. Freedom from torture.
6. Right to be treated equally by the law.
7. Right to equal protection by the law.
8. Right for all to effective remedy by competent tribunal.
9. Freedom from arbitrary arrest.
10. Right to fair public hearing by Independent Tribunal
11. Right to presumption of innocence until proven guilty at public trial with all guarantees necessary for defence.
12. Right to privacy in home, family and correspondence.
13. Freedom of movement in your own country and the right to leave and return to any countries.
14. Right to political asylum in other countries.
15. Right to nationality.
16. Right to marriage and family and to equal right of men and women during and after marriage.
17. Right to own property.
18. Freedom of thought and conscience and religion.
19. Freedom of opinion and expression and to seek, receive and impart information.
20. Freedom of Association and assembly.
21. Right to take part in and select government
22. Right to social security and realisation of economic, social and cultural rights.
23. Right to work, to equal pay for equal work and to form and join trade unions.
24. Right to reasonable hours of work and paid holidays.
25. Right to adequate living standard for self and family, including food, housing, clothing, medical care and social security.
26. Right to education.
27. Right to participate in cultural life and to protect intellectual property rights.
28. Right to social and international order permitting these freedoms to be realized.
29. Each person has responsibilities to the Community and others as essential for a democratic society.
30. Nothing in this Declaration may be interpreted as implying for any State group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms forth herein.

**DISCLAIMER:** Your rights made simple is given only as a guide. For an exact rendering of each principle please refer to [www.unhcr.org](http://www.unhcr.org). Due to difficulties in Translation, the original Article 30 was used in all simplified versions



# COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

## NEWSLETTER

(Aug/Sep, 2008)

### VISION STATEMENT

To create a free, just and equitable society where fundamental human rights and freedoms are respected and power is accountable.

### MISSION STATEMENT

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.

# CHRAJ NEWSLETTER

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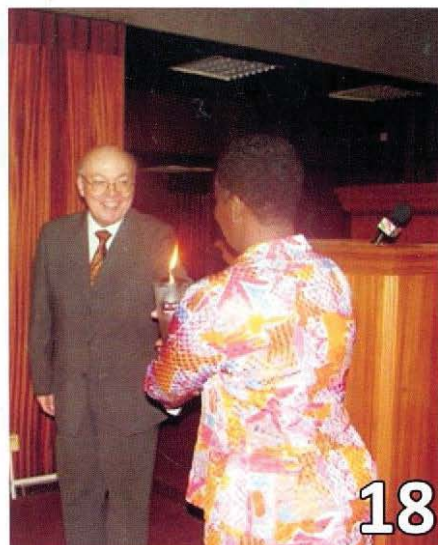
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## UN SPECIAL DAYS

### United Nation-Special Days -Calendar of "UNO Special Days"

21 February	International Mother Language Day
8 March	International Women's Day
21 March	International Day for Elimination of Racial Discrimination
21 March	World Poetry Day
22 March	World Day for Water
23 March	World Forestry Day
24 March	World Tuberculosis Day
7 April	World Health Day
23 April	World Book and Copyright Day
3 May	Sun Day - World Press Freedom Day
15 May	International Day of Families
17 May	World Telecommunication Day
25 May	Week of Solidarity with the People of Non-Self-Governing territories
31 May	World No Tobacco Day
4 June	International Day of Innocent Children Victims of Aggression
5 June	World Environment Day
17 June	World Day to Combat Desertification and Drought
20 June	World Refugee Day
26 June	International Day against Drug Abuse and Illicit Trafficking
26 June	UN International Day in Support of Victims of Torture
1 <sup>st</sup> Sat. of July	International Day of Cooperatives
11 July	World Population Day
9 August	International Day of the World's Indigenous People
12 August	International Youth Day
23 August	International Day for the Remembrance of the Slave Trade
1 <sup>st</sup> September	United Nations General Assembly
4 September	International Day of Peace
8 September	International Literacy Day
16 September	International Day for the Preservation of the Ozone Layer
1 <sup>st</sup> October	International Day of Elderly
4-10 October	World Space Week
5 October	World Teachers Day
9 October	World Habitat Day
10 October	World Mental Health Day
16 October	World Food Day
17 October	International Day for the Eradication of Poverty
21 October	UN Day of Human Right
24 October	World Development Information Day
16 November	International Day for Tolerance

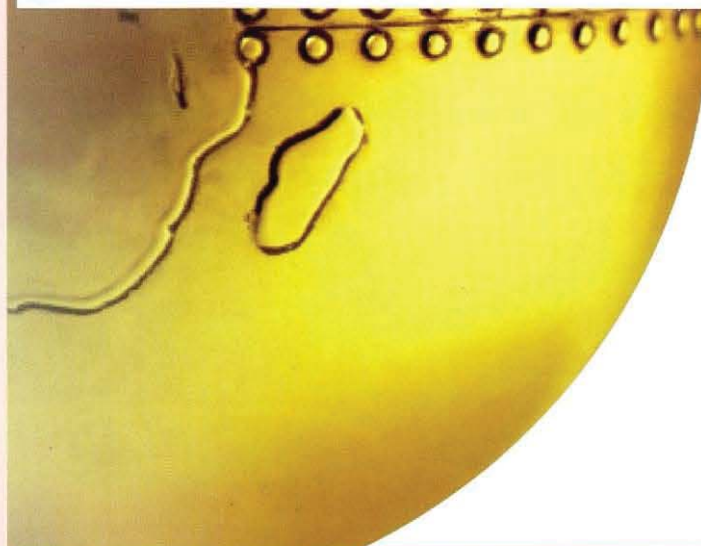
18-26 November	Week for International Solidarity
20 November	Africa Industrialization Day
20 November	Universal Children's Day
21 November	World Television Day
25 November	International Day for the Elimination of Violence against Women
1 <sup>st</sup> December	World Aids Day
2 December	International Day for Abolition of Slavery
3 December	International Day of Disabled Persons
5 December	International Volunteer Day
9 December	Anti - Corruption Day
10 December	Human Rights Day
29 December	International Day for Biological Diversity

## REGIONAL OFFICES

HEAD OFFICE - Accra.....	021-668839/664267
GREATER ACCRA - Accra.....	021-227111/226920
WESTERN - Takoradi.....	031-23730/256667
CENTRAL - Cape Coast.....	042322280/33158
EASTERN - Koforidua.....	081-22321/25168
ASHANTI - Kumasi.....	051-27445/81653
BRONG AHAFO - Sunyani.....	061-23573
VOLTA - Ho.....	091-26797
NORTHERN - Tamale.....	071-22035
UPPER EAST - Bolgatanga.....	072-22312
UPPERWEST - Wa.....	0756-22393

## SUB - REGIONAL OFFICES

TEMA.....	022-208002/3
OBUASI.....	0582-40214/41757



## ABOUT CHRAJ

The Commission on Human Rights and Administrative Justice (CHRAJ) represents the model of a national institution that has fused in one-office different institutional mandates namely,

- a) A Human Rights Institution
- b) The Ombudsman
- c) An Anti-Corruption Agency

### 1. Human Rights Mandate

The Commission has the duty to investigate all complaints of violation of fundamental human rights and freedoms. This mandate applies to complaints against public officials and institutions, individuals and private enterprises. However, in the case of the private sector, it is restricted to human rights and freedoms under Chapter 5 of the 1992 Constitution. The Commission promotes human rights through Public Education in order to deepen public understanding of the functions of the Commission and to enhance public awareness of human rights, freedoms and responsibilities as enshrined in the 1992 Constitution.

The Commission has undertaken the task of examining social and customary practices in the society, which it considers dehumanizing and a violation of the human rights provisions of the Constitution.

Since 1995, the CHRAJ has been carrying out nation-wide inspection of Police Cells and Prisons to ensure that the conditions therein meet minimum international standards. This exercise was also intended among other things, to find out the details and particulars of suspects who have been remanded into custody pending trial for an unreasonable period of time. The Commission publishes an Annual Prisons Report which is widely circulated and submitted to the relevant authorities.

### 2. Ombudsman Mandate

CHRAJ also operates as a classical Ombudsman; (S18, Act 456) The "core business" of the office of Ombudsman is the pursuit of administrative justice in a manner that is confidential, informal and flexible and which provides people with an opportunity to complain about "maladministration" by public officials. In the context of Ghana, public sector officials are constitutionally required to observe the principles of administrative justice.

Article 23 of the 1992 Constitution states "*Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of*

*such acts and decisions shall have the right to seek redress before a court or other tribunal"*

CHRAJ falls into the category of other "tribunal" from which aggrieved persons may seek redress and is empowered to investigate complaints of administrative injustice.

This is provided for by Article 218 of the Constitution and Section 7 of Act 456. A very important constitutional provision regarding the exercise of discretionary power is to be found in article 296 of 1992 Constitution,:

"Where in this Constitution or in any law discretionary power is vested in any person or authority-

- (a) That discretionary power shall be deemed to imply a duty to be fair and candid;
- (b) The exercise of the discretionary power shall not be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law; and
- (c) Where the person or authority is not a judge or other judicial officer, there shall be published by constitutional instrument or statutory instrument, regulations that are not inconsistent with the provisions of this Constitution or that other law to govern the exercise of the discretionary power.

The judicial interpretation of "fair and candid" given in the Case of PPP v AG (1971) was that when the police refuse to grant a permit, they must assign reasons and if they fail to do so, the court can enquire into the grounds and reasons for police action. So for example, where CHRAJ has made adverse findings of corruption against a public official and has forwarded a copy of its report to the AG recommending prosecution, if the AG refuses to prosecute the official, he may be compelled under Article 296(a) to provide good reasons for his decision.

### 3. Anti-Corruption Mandate

With regards to its Anti-Corruption Mandate, the Commission is expected to:

- 1 S 7 (1) (a) – Investigate complaints of violations of fundamental human 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.

- 2 S 7 (1) (e) – Investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four of the Constitution . ie (Code of Conduct for Public Officers)
- 3 S 7 (1) (f) – 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 with regard to the violations of the Code of Conduct for Public Officers, Misconduct in (Chapter 24 of the constitution includes the following:

- A public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office(Article 284).
- No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority (Article 285).
- Persons who hold public offices shall submit to the Auditor-General written declarations of all property or assets owned by, or liabilities owed by, them whether directly or indirectly within (a) three months after the coming into force of this Constitution or before taking office, as the case may be; (b) at the end of every four years; and (c) at the end of their terms of office (Article 286(1)(2)

If a public officer who has contravened or has not complied with the above stated provisions (Chapter 24), fails to make a written admission of the contravention or non-compliance of the provisions of the said Chapter, the Commission shall cause the matter to be investigated and may take such action as appropriate in respect of the results of the investigation or the admission. Thus the Commission is entrusted to investigate corruption, misappropriation and mismanagement of public money by public officials, as well as conflict of interest. Public Officer includes the President of the Republic.

Furthermore, the Constitution guarantees the Commission's operational independence which was put to test in 1995/6.

## International Cooperation

Members of the Commission and other staff of the Commission have attended a number of conferences and courses aimed at enhancing the Commission's capacity and strengthening international cooperation between the Commission and its counterpart organizations abroad.

## HOW A COMPLAINT IS LODGED

### Written Complaints

**A** written complaint addressed to the Commission, the Regional Director or the District Officer should always include the following:

- (a) Names and addresses of both the complainant and respondent including Postal and Residential Address and Telephone number, if any.
- (b) Nature of the complaint and all relevant documents.
- (c) The relief being sought.
- (d) The Complaint shall be signed by the Complainant or his agent.

### Oral Complaints

Where the complaint is made orally or the complainant cannot read and write, the complaint shall be reduced 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.

A person who reduces into writing the oral complaint of any person shall:

- (i) Read over and explain the contents to the complainant;
- (ii) Declare on the document that the complainant has fully understood or appeared to understand and appreciate the content of the complaint.
- (iii) Cause the complainant to append his or her signature or thumbprint to the written complaint.

## HOW DOES ONE CONTACT THE COMMISSION ?

The Commission has 10 regional offices, 98 district offices, and 2 sub-regional offices in the country. Anyone wishing to lodge a complaint with the Commission can do so either orally or submit a written complaint to any of the Commission's offices nearest to his/her locality.



## SOME EXISTING DISTRICT OFFICES IN THE COMMISSION

### GREATER ACCRA

Tema Sub-Regional Office	Tema
Dangme East District	Ada Foah
Ga District	Amasaman
Dangme West	Dodowa

### WESTERN REGION

Wassa West District	Tarkwa
Nzema East District	Axim
Sefwi Wiawso District	Sefwi Wiawso
Wassa Amenfi District	Asankrangwa
Juabeso Bia District	Juabeso-Bia
Ahanta West	Agona-Nkwanta Junction
Mpohor Wassa District	Daboase
Aowin Suaman District	Enchi
Jomoro District	Half-assini
Bibiani/Anhwiaso/Bekwai	Bibiani

### CENTRAL REGION

Abura-Sebu-Kwamankese	Abura Dunkwa
Awutu-Efutu-Senya	Winneba
Agona District	Agona Swedru
Assin District	Assin Fosu
Upper Denkyira	Dunkwa-on-Offin
Asikuma-Odoben-Brakwa	Breman Asikuma
Twifo-Heman Lower Denkyira	TwifoPraso
Mfantisiman District	Saltpond
Gomoa District	Apam
Ajumako-Enyan-Assaim	Ajumako
Komenda, Edina, Eguafu	Abirem Elimina

### VOLTA REGION

Hohoe District	Hohoe
Kadjebi District	Kadjebi
North Tongo	Adidome
Akatsi District	Akatsu
Ketu District	Denu
Jasikan District	Jasikan
Kpando District	Kpando
Kranchi District	Kete-Krachi
Keta District	Keta
Nkwanta District	Nkwanta
South Tongo	Sogakope

### ASHANTI REGION

Sekyere West	Mampong
Asante-Akim North	Konongo-Odumase
Adansi West	Obuasi
Amansie East	Bekwai
Offinso District	Offinso
Adansi East	New Edubiase
Ahafo Ano District	Tepa
Sekyere East	Ashanti Effiduase
Atwima District	Nkawie
Amansie West District	Manso Nkwanta
Ejura-Sekyedumase District	Ejuru
Kwabre District	Mampong
Bosomtwi-Atwima Kanwoma	Kuntense
Ahanti Akim South	Juaso
Ahafo Ano South	Mankranso
Afigya-Sekyere	Agona

### NORTHERN REGION

Zabzugu-Tatale District	Zabzugu
Savelugu-Nanton District	Savelugu
Nanumba District	Bimbilla
East Mumprusi District	Gambaga
Yendi District	Yendi
West Gonja District	Damongo
West Mamprusi District	Walewale
East Gonja	Salaga
Bole District	Bole
Saboba Chaereponhi	Saboba
Gusheigu Karaga	Karaga
Tolon Kumbungu	Tolon
East Mamprusi	Gambaga
Zabzugu-Tatale	Zabzugu

### EASTERN REGION

Kwahu South	Nkawaw
Birim South	Akim Oda
Afram Plains	Donkorkrom
Manya-Krobo	Odumasi-Krobo
Akwapim North	Akropong
Kwaebibir	Kade
Suhum-Krabo-Coaltar District	Suhum
Asuogyaman District	Akomsobo East
Akim District	Kibi
Fanteakwa District	Begoropse
West Akim	Asamankese
Birim North	Abirem
Akwapim South	Nsawam

## BRONG AHAFO REGION

Techiman District  
Asunafo District  
Atebubu  
Kintampo District  
Jaman District  
Dormaa District  
Asutifi District  
Wenchi District  
Tano District  
Nkoranza District  
Berekum District  
Sena

Sena  
Goaso  
Atebubu  
Kintampo  
Drobo  
Dormaa Ahenkro  
Keyasi No. 1  
Wenchi  
Bechem  
Nkoranza  
Berekum  
Kwame Danso

## UPPER EAST REGION

Bawku East District  
Bulsa District  
Bawku West  
Kassena Nankana  
Bongo District

Bawku  
Sandema  
Zebila  
Navrongo  
Bongo

## UPPER WEST REGION

Lawra District  
Sissala District  
Nadowli District  
Jirapa-Lambussie

Lawra  
Tumu  
Nadowli  
Jirapa

## EDITORIAL BOARD



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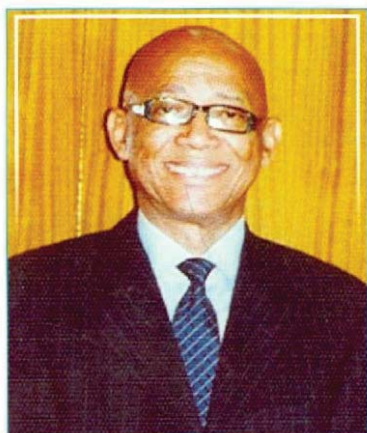


**MRS. COMFORT AKOSUA  
EDU**  
*Head, Public Relations*

# CHRAJ



## PERSONALITY PROFILE



**EMILE FRANCIS SHORT**  
*COMMISSIONER, CHRAJ*

**E**MILE FRANCIS SHORT is a lawyer by profession. He was called to the English Bar in 1966 and is a member of the Ghana and Sierra Leone Bar. He received a Masters Degree in Law from the London School of Economics and Political Science in 1967.

He lectured in Law at the Hendon College of Technology in London from 1967 to 1968. He was appointed a State Attorney at the Sierra Leone Law Office for a brief period in 1968.

From 1970 to 1970 to 1973, he worked as an Editorial Assistant with a Legal Publishing Company called Lawyer's Co-operative Company in New York and had a number of his articles published in the American Law Series 2<sup>nd</sup> Edition. From 1974 to 1993 he was Head of a private legal firm in Cape Coast and practiced in Cape Coast and Accra. During this period, he was also a part-time Lecturer in law at the University of Cape Coast. He has many other publications.

In 1993 he was appointed Ghana's first Commissioner for Human Rights and Administrative Justice, an independent constitutional body that combines the functions of Human Rights Commission, an Ombudsman Office and an Anti-Corruption Agency. In March 2004, he was granted leave of absence from this position to take up an appointment as a Judge of the United Nation International Criminal Tribunal for Rwanda located in Arusha, Tanzania.

He has worked as a Consultant for the United Nations Development Programme, the Commonwealth Secretariat and the Danida.

He has been the Chairman of the Ghana Integrity Initiative, the local chapter of the Transparency International. He was also a member of the Board of Trustees of Ghana Legal Literacy Foundation and he was the President of the African Ombudsman Association. He has held many other positions.

In 2005 he was awarded an Honorary Doctorate Degree of Laws by the prestigious Northwestern University of the United States, the citation of which read as follows:

In the face of daunting financial constraints and persistent political obstacles, you have achieved a truly remarkable record of accomplishment as the head of Ghana's Commission on Human Rights and Administrative Justice. As an advocate for a broad spectrum of human rights, you have fearlessly fought corruption at the highest levels of government, expanded citizen's access to judicial redress, and maintained a staunch independence from political pressures. By helping democracy take root in Ghana, you have become one of your country's most widely respected public servants and have assumed an increasingly prominent role in fostering human rights in the African continent as a whole. In honouring you today, we add our voice to yours in advocating peace, democracy, and social justice."

## PERSONALITY PROFILE

**Ms. ANNA BOSSMAN**

*Acting Chairperson  
Acting Commissioner*

**M**s. Anna Bossman is

an Attorney and was until her appointment as Deputy Commissioner in the Commission on Human Rights and Administrative Justice, the principal of Bossman Consultancy (Ghana) Ltd, a bilingual management firm which provides legal and business advisory assistance to private

investors, oil and gas companies, utilities and government agencies.

She graduated from the University of Ghana Legon in 1978 with a combined degree in Law and Political science (BA comb) and was called to the Ghana Bar in 1980. Ms. Bossman began her legal career as an Assistant State Attorney in the Criminal Division of the Ministry of Justice and Attorney-General's Department. Soon thereafter, Ms. Bossman joined the law firm of Okai, Anderson & Co specializing in company and tax law. During that period, she also tutored final year law students in Family Law.

In 1982 Ms. Bossman left Ghana to join the multinational oil company, Tenneco Oil Exploration and Production Company operating in Gabon, in Central Africa. This marked the beginning of a 25 year career in the oil and gas industry working in legal & negotiations, managerial and consultant capacities and representing major oil & gas companies including Tenneco, British Gas, Occidental Petroleum in their overseas operations in Gabon, Congo, Côte d'Ivoire and Angola. From 1988-94, Ms. Bossman held the position of Secretary General to the Gabonese Union of Petroleum Companies (UPEGHA), an association of multinational oil and gas companies operating in West and Central Africa whose objective included assisting government on energy and environmental regulations and legislation and ensuring best practices in oil and gas operations. Companies represented included, Shell, Elf, Amerada Hess, British Gas, Exxon, Occidental, NorskHydro, Total to name a few.

During that period Ms. Bossman co-founded the legal firm Sey and Bossman in Ghana specializing in corporate practice, banking, and company and mining law.

Ms. Bossman has been an ardent advocate in human rights matters, specifically in the areas of women and children's rights and is committed to the empowerment of women in all spheres. As a Commissioner her focus has been on vigorously campaigning against corruption and promoting integrity and ethical conduct within the public service and transforming the CHRAJ into a center of excellence. As a MDG3 Torch Bearer, Ms. Bossman is to promote gender mainstreaming and continually monitor and influence government policies to ensure gender equality and consistency in this regard. She is the Vice President of the recently established Network of West African National Human Rights Institutions. She is a member of the Legal and Ethical Committee of the Ghana Aids Commission, a member of AWLA (African Women Lawyer's Association) and a member of the International Bar Association.

Ms. Bossman is a recipient of the prestigious award of the "Chevalier de L'Ordre du Merite Gabonais" conferred by the Gabonese Government and the "Medaille du Travail" also conferred by the Gabonese Government. She has recently been awarded by the French Government with the distinction of "Chevalier dans l'Ordre National du Merite"

In November 2002, Ms. Bossman was appointed Deputy Commissioner in the Commission on Human Rights and Administrative Justice with overall responsibility over the Legal and Investigations Department. Currently She is Acting Chair of the Commission on Human Rights and Administrative Justice. The Commission has the triple mandate of human rights, the office of the Ombudsman and an Anti-Corruption Agency.

Ms. Bossman is fluent in French and English. She has one daughter. Her hobbies include reading and writing.



## PERSONALITY PROFILE



**MR. RICHARD QUAYSON**

*Deputy Commissioner*

**M<sup>R</sup>**  
**RICHARD**

QUAYSON is the Deputy Commissioner with overall responsibility of both the Public Education and Anti Corruption Departments of the CHRAJ. He is a Lawyer by profession and a Human Rights activist.

He served as a Senior Legal Officer and a Regional Director for the Commission in the Western Region of Ghana for over twelve years until his appointment as the Deputy Commissioner.

He has attended and undertaken various training courses with respect to Human Rights, Monitoring and the Fight against Corruption, some of which are the following:

- \* Workshop on Public Inquiries and Formal Hearings by Human Commissions in the Commonwealth;
- \* Workshop on Enhancing Critical Skills in the Fight against Corruption;
- \* Workshop on making Findings in an Investigation;
- \* International Human Rights Training Programme;
- \* International Gender Conference;
- \* Applied Research and Skills Management Consultants, Corporate (Strategic Planning) and
- \* Applied Research and Skills Management Consultants, Management and Communication.

He has also delivered various seasoned topics in these areas both locally and internationally including Justifiability of Economic, Social and Cultural Right and

Legal Protection, New Delhi, India and Enhancing the Public Profile of the Ombudsman Office in Africa, Abuja, Nigeria.

## EXECUTIVE SUMMARY OF THE STATE OF HUMAN RIGHTS REPORT IN MINING COMMUNITIES IN GHANA

*Culled From The Mining Report*

Over the years, there have been increasing reports of violations of the rights of people living in mining communities. Community leaders in mining areas and civil society campaign groups claim large scale surface mining activities are responsible for widespread social and environmental degradation and demand urgent action and compensation.

Allegations of violations of rights and fundamental freedoms of people living in mining communities include:

- Violent, illegal arrest and detention of community members.
- Torture of persons illegally arrested and detained.
- Assault and battery (sometimes involving the use of firearms and other deadly weapons) of youth accused of trespassing on mine property and illegal mining.
- Interference (often violent, involving the use of firearms) against citizens engaged in public protests against activities of mining companies.

In view of the human rights situation in the mining communities and the nature of allegations, the Commission decided to conduct a nation-wide investigation to determine in a systematic manner, the nature and causes of these violations.

The investigation was launched on December 12, 2006. Its foremost aim was to examine critically the state of human rights in mining communities and the underlying reasons for the increasing reports of human rights violations in mining areas in the country. Even though the investigation is not a fault-finding one, it does not overlook obligations and responsibility of any of the stakeholders as it explores ways of advancing human rights in the mining areas. All role players had an opportunity to address the issues in a co-operative manner.

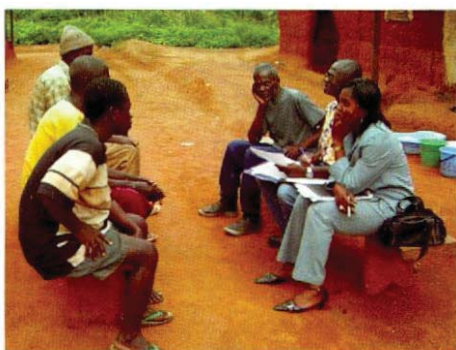
The investigation also seeks to protect the rights and fundamental freedoms of people affected by mining operations across the country; the rights to livelihood, a home, clean water, safe environment and the nation's rights to development. It further aims to restore cordial relations between all groups in areas where mining takes place in the country, and create the most conducive atmosphere for development.

## THE REPORT

The Report provides an accurate reflection of the broad trends of the human rights situation in mining communities and the underlying causes of human rights abuses that continue to dominate the headlines of our newspapers and radio. This final Report is in two parts: The first part provides information on the state of human rights in communities covered in the study based on Focus Group Discussion (FGD) and the second part states the findings and recommendations.

## FOCUS GROUP DISCUSSIONS

Focus Group Discussion with strategic sections of mining communities including traditional rulers, women's groups, farmers, artisanal miners and illegal artisanal



miners (galamseys) and the youth allowed the team of investigators to delve into the relevant issues in considerable

depths. Consultations with mining companies also allowed the companies to respond to the issues raised by community representatives and comment on evidence gathered by the investigators.

## FINDINGS AND RECOMMENDATIONS

The results show that there is evidence of widespread violations of human rights of individual members of communities and communities' water sources, deprivation and loss of livelihoods. Several examples of excesses by the security agencies and the security contractors of the mining companies were provided

and documented. Some of these excesses had resulted in serious injuries and were sometimes fatal.

The findings include the following: inadequate compensation for destroyed properties; unacceptable alternative livelihood projects, absence of effective channels of communications/ consultations between companies and communities; excesses against galamseys; health problems attributed to mining, reckless spillage of cyanide, and unfulfilled promises of employment

The study results showed that both mining companies and communities recognise the importance of effective channels of communication between them as an effective means of resolving differences and preventing the escalation of conflicts. It must however be noted that there have been commendable efforts by some mining companies to address some of the problems identified. Some mining companies have provided alternative sources of water for polluted or destroyed ones, established community relations departments to handle grievances of communities, particularly those concerning compensations for destroyed property and the planning of community development projects. Some companies have undertaken specific projects, such as malaria control programme, to address specific health concerns of communities.

The nature and degree of these rights abuses vary in scale based on a variety of considerations: the specific company operating in the area; the stage of mining activities, proximity of community to mining and processing facilities, the mining culture of local population; whether one is dealing with large scale or small-scale mining.

The most serious complaints of abuses came from communities within the operational areas of long history of mining and least in those at mine development phase. While issues of excess force against individuals and of deprivation of livelihoods are more endemic in large-scale mining areas. Complaints of human rights violations were more prevalent in communities affected by Anglo Gold Ashanti (AGA) operations in Obuasi and Golden Star Resource operations in Prestea and Dumasi. In many of these cases the violations were against alleged galamseys encroaching upon concessions of these companies. The investigations also show that state institutions with monitoring responsibility for the mining sector have not performed optimally due to capacity constraints.



## WATER AND WATER SOURCES

Access to water is a problem in many communities. Many rivers and streams, which hitherto, provided water for the communities have been destroyed, polluted or either dried up. Cyanide spillages into rivers and streams by mining companies were recorded. There was evidence that mercury was widely used in small-scale mining in the communities visited.

The companies provide alternative water supply to the communities: stand pipes, bore holes and pipe borne water, some of which were malfunctioning. Apart from some malfunctioning, communities complained that some provided water that was unsafe for drinking. District Assemblies also provided some potable water to some of the communities.

Tests of water sampled from water sources in 22 out of 28 mining communities show that, at least, two water quality parameters, with health implications, were present and in concentrations significantly higher than the World Health Organization(WHO) maximum allowable limits for drinking water.

## ENVIRONMENT (POLLUTION AND BLASTING)

Widespread complaints about dust and noise pollution from mining activities resonated in many communities. It was evident that the companies did not take dust suppression measures seriously and often limited sprinkling to the areas where they were actively operating.

It was clear that some communities are bearing considerable negative brunt of the mining activities of some companies. In some cases some of these affected communities have appealed to the companies for resettlement or relocation. Communities such as Binsere, Dokyiwa, who feel threatened by the



unacceptable stench from a cyanide pond located very close to these communities and Anwiam as well as Anyinam located within active mining areas demand resettlement.

Blasting activities of mining companies have caused cracks in several buildings in Obuasi and Prestea. Blasting and the consequent vibration of the ground result in the shaking and cracking of buildings and the music of underground workings aggravates the vibration from blasting. The communities visited in these areas contend that noise and dust from blasts, and the movement of large haulage trucks constitute major nuisance to the communities. It was also alleged that

noise from blasting detracts school children from paying attention in class, while residents have sleepless nights when blasting occurs in the night. The women complain that people usually experience shock and children especially are frightened when sudden loud blasting sound is heard. They have to constantly re-plaster these cracked building at their own cost.

## HEALTH AND RELATED ISSUES

Most mining communities visited attributed a variety of health problems prevalent in their environment to mining activities. At Obuasi medical officers at the Bryant Mission and Obuasi Government medical facilities acknowledged that some of the diseases prevalent in communities in the periphery of the mine are in part attributable to mining.

Common diseases suffered by community dwellers are skin diseases, chest diseases including TB, diarrhoea and malaria, as well as typhoid. Communities located very close to centres of mining activities like Anyinam claim air pollution makes them experience



dizziness and headache. Mining communities in Akatakyieso, Binsere and Dokyiwa complained of the prevalence of mosquitoes in their

communities due to stagnant in abandoned pits and trenches dug by the mining company.

The communities claim that water born diseases they suffer are caused by the bad quality of water after their rivers and streams were destroyed by large scale surface mining operations of the mining companies. For instance, the people of Abekoase in the Western region complained of episodes of cyanide spillage which polluted their main source of water and contaminated fish in the river. They further alleged that those who ate the contaminated fish suffered stomach disorder.

The Commission recommends further testing of fruit, fish and bush meat samples from Obuasi, in order to ascertain whether chemical use in mining are present in them.

The Commission urges Government and the Ministry of Health to urgently assess the overall health needs of rural communities, especially mining communities with a view to providing health care to these communities in the most efficient manner.



## SAFETY AND SECURITY

Mining companies maintain private security personnel to protect their concessions and property from encroachers/ trespassers. Apart from the private security of the companies, all the mining companies, with the assistance of the Government (various REGSECs) deploy state security personnel (especially police and military) to protect their property/ concessions.

In the case of large-scale concessionaires there is evidence that gamlams are harassed, and inhumanely treated often with the help of state security. The study found evidence to show that AGA Obuasi had engaged state security and used guard dogs in its fight against the encroachment of gamlams. The worse affected communities are (Sansu, Dokyiwa, Binsere, Akatakyieso), where the investigation team received individual complaints.

Almost all the companies operating in the communities visited, including Anglo Gold Ashanti (AGA), Abooso Goldfields Limited (AGL), Chirano Gold Mines Limited (CGML), Central African Gold Ghana Limited (CAGGL) and Bogoso Gold Limited (BGL) have established permanent posts in their concessions for the military, the police or both. The Military/Police operate from these posts thus established by the companies on rotation bases.

Incidents of police and military excesses occur in mining communities. There were periodic exercises carried out by the Police/military code name Operation Flush Out", during which excesses occurred.

The commission calls upon the Government to review the use of the military in the mining communities unless in exceptional circumstances which are beyond the control of the police service.

## ROYALTIES

The study established that communities impacted by mining activities do not directly benefit from mining royalties. In most cases most communities did not even



know of the existence of the facility. In communities where people expressed knowledge of the facility, they said the chief was the main beneficiary of these funds.

The Commission urges the Office of the Administrator of Stool Lands (OASL) and the Chamber of Mines to take steps to publish an annual report on all mining benefits paid by companies with actual amount received by the Government of Ghana and traditional authorities.

The periodic announcement by mining companies of their mineral royalties payments is highly commendable. Apart from this measure, the commission advises strongly that the Government and the Chamber of Mines should publish in their entirety figures of mining production and all payments made to the state, local government and the traditional authorities.

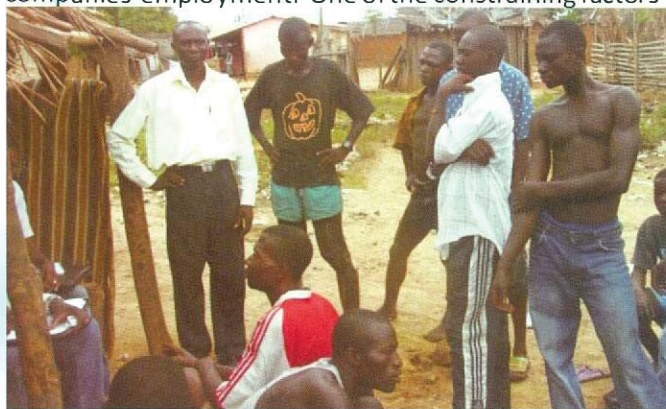
## COMPENSATION AND RESETTLEMENT

Most communities were highly dissatisfied with compensation paid by mining companies for affected property. These complaints were pervasive throughout large scale mining sites but were more topical in areas operated by Anglo Gold Ashanti (AGA), Obuasi and Newmont Ahafo and Akyem. Community members complained that they received highly inadequate compensation from the companies for destroyed farms and crops.

Problems relating to compensation and resettlement would seem to be some of the key challenge in the communities affected by mining activities in Ghana.

## LIVELIHOOD AND EMPLOYMENT

There was high discontent among communities with the inability of mining companies in their area to employ the youth of the communities. The communities are highly dissatisfied with the number of their members in companies' employment. One of the constraining factors





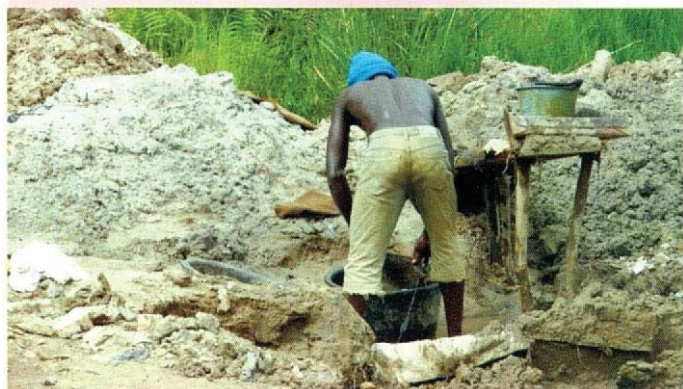
why communities do not benefit much from employment is the apparent lack of skills required by the mines in some of these communities. Communities have complained of appropriation of their land by mining companies without compensation and thereby depriving them of their sources of livelihood.

Artisanal mining and the illegal form, generally known as *galamsey* is pervasive in almost all the mining areas visited. *Galamsey* is bolstered by lack of viable employment or livelihood alternatives. However, their activities provoked mixed reactions from the various stakeholders consulted. It is regarded by most communities visited as a legitimate livelihood endeavour; in some communities they are seen as a nuisance and accused of destroying farms and polluting water bodies. In areas where they operate in concessions of large-scale and registered small scale concessions, they are regarded as criminal encroachers.

The study showed that mining companies have provided a variety of projects such as schools, boreholes, community centres and electricity. They have built and renovated existing facilities in some of the communities in their operational areas. In some cases communities have expressed appreciation for these facilities. However, some of the communities felt they were not consulted and would prefer other facilities. To make these projects more meaningful to the beneficiary communities, it is recommended that companies adequately consult communities on the selection, design and implementation of these projects.

## ARTISANAL AND SMALL SCALE MINING

The study assessed the state of human rights in the artisanal small-scale mining areas of Yale and Kadema, in the Upper East Region as case studies. The artisanal and small scale mining sector has a complex structure. The existence of simmering conflicts was observed among some of the actors. The involvement of children in artisanal and small scale mining is worrying. Despite efforts by government to regularize the sector, particularly



at the Yale area, illegal mining is still pervasive, and poses a big challenge to both registered miners and the Minerals Commission. It was observed that the intense nature of the conflict between large-scale mining companies and *galamseys* and the associated brutalities, observed in southern Ghana did not exist in the study site in the Upper East Region. This is largely because of the absence of large scale mining operations in the Upper East.

The small scale miners do the mining the same way as the so called '*galamsey*' miners do. The distinction between the two is therefore merely as to form and not of substance.

Giving formal education to children of the mining areas and training and equipping youth people with skill other than those fit for digging minerals provides a way of opening other job opportunities. This may stem the tide of children and youth engaging in illegal mining.

## AG. COMMISSIONER OF CHRAJ, MS ANNA BOSSMAN SPEAKS ABOUT THE REPORT ON THE STATE OF HUMAN RIGHTS IN MINING COMMUNITIES IN GHANA

*Culled From The Mining Report*

Community leaders in mining areas and civil society campaign groups in Ghana claim large scale surface mining activities are responsible for widespread poverty, social and environmental degradation and demand urgent action and compensation.

Awareness of environmental and human rights concerns within the gold mining industry has increased over the years. Extensive media coverage of these concerns has attracted critical public debates.

The mining industry in Ghana is a major contributor and player in national development. However, notwithstanding its positive contribution to national development it is not without its own attendant problems, challenges and constraints including alleged human rights abuses in mining areas, which when not addressed holistically can undermine the country's juvenile democracy and threaten the benefits of mining for national development.

The commission on Human Rights and Administrative Justice (CHRAJ), which has primary responsibility in the country to protect and promote the rights of all persons, has received many complaints on human rights violations



from people living in mining communities across the country.

The commission has since 2001 investigated human rights violations in mining areas. Earlier in 2001-2002, the commission investigated complaints of violations of human rights in some mining areas. Public hearings were organized in the Wassa West district that has the greatest concentration of mining companies to solicit views from all stakeholders and to ensure that the basic rights of



individual, groups and companies and communities affected by mining operations are respected and preserved. A key emerging issue concerned the lack of mutual understanding between the mining companies and communities.

A verification mission undertaken by a team of investigators from the Commission to the mining communities of Sansu and Binsere in the Obuasi Municipality of the Ashanti region and Kenyasi and Ntotroso in the Brong Ahafo region in October, 2006 confirmed some of the reports of widespread violent abuses of human rights by mining company officials and their security contractors.

The causes of the violations of human rights appear systemic in nature requiring, in part, a solution that will tackle the systemic causes of those concerns and violations. Based on the Commission's concern for the protection of basic human rights of all persons and in line with its mandate, the Commission in 2006 proposed a systematic investigation to determine the state of rights and fundamental freedoms of people living in mining communities in Ghana.

In undertaking this exercise, the Commission is mindful of the economic objectives of the Fourth Republican Constitution of Ghana, 1992 which, among other things, requires the state to take:

'All necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy'.

It appears most people living in mining communities in Ghana believe that the right to development remains an empty promise to them even though the UN General Assembly officially recognized this right in a Declaration over two decades ago.

The Declaration on the Right to Development recognizes that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well being of the entire population and all individuals on the basis of their meaningful participation in development and in fair distribution of its benefits resulting.

Article 8 of the Declaration provides that: "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices".

Claims of greater justice by people living in mining communities do indeed merit serious attention. The price of not addressing these concerns is the resulting tense relations between companies and communities that could make the communities drift into violence.

The project entailed two types: systemic and normal complaints investigations. This systemic investigation was not a fault finding one. It was rather directed at studying the systemic causes of human rights violations. Investigation of individual complaints is being undertaken as part of the Commission's routine investigation of complaints of violations of human rights and freedoms.

The investigation seek to critically examine the broad trends of the human rights situation in mining communities and the underlying reasons for increasing reports of human rights violations in mining areas in the country.

The specific aims of the investigation are:



1. To assess the human rights situation in the mining communities.
2. To examine the extent of pollution of water bodies and causes of environmental degradation.
3. To promote cordial relations between mining companies and mining communities.

A foremost aim of the investigation, in the long term, is to find solutions to the problem of allegations of abuses of the rights of people living in mining communities across the country.

The investigation was launched in December, 2006 at a Stakeholder's Forum on the State of Human Rights in Mining Communities. Village community leaders and civil society campaign groups in the meeting reiterated that large scale surface mining activities in the country are responsible for widespread poverty, social and environmental degradation in the mining areas in the country. This report covers the above processes.

The investigation is not a fault finding one, however, it does not overlook the obligations and responsibility of any of the stakeholders as it explores ways of advancing human rights in places where mining takes place in the country. All role-players have an opportunity to address the issues with the Commission in a cooperative manner.

The investigation was based on Focus Group Discussions with community leaders, local authorities, women and youth groups, consultations with local police service and mining companies, and interviews with complainants. These were done in a confidential manner in order to elicit the nature and cases of alleged violation with a view to exploring solutions with the various groups.

Most importantly, the Commission extends its sincere gratitude to those living in mining communities who willingly discussed with the team of researchers what in their view constituted violations in the mining areas. In addition, the Commission is very grateful to the representatives of institutions and mining companies who shared with the interviewers their views on pertinent rights issues raised during the consultations.

We hope that this report and project will contribute to a better understanding of the reality of life in mining communities in Africa and will become a tool that will assist in taking measures to tackle the numerous problems that beset mining communities in particular. We envisage that the report will also help in promoting tolerance and restore cordial relations between all groups in areas where mining takes place in the country and create the most conducive environment for development.

I take this opportunity to thank DFID, DANIDA and UNDP for providing funding support for this timely and important initiative.

**Acting Commissioner**  
**Anna Bossman (Ms)**

## LAUNCHING OF REPORT ON THE STATE OF HUMAN RIGHTS IN MINING COMMUNITIES IN GHANA

The Deputy Commissioner of the Commission on Human Rights and Administrative Justice, (CHRAJ), Mr. Richard Quayson has reiterated the Commission's position that the investigation of the State of Human Rights in the Mining Communities,



and the report that has been launched is not an attempt to find faults with anyone but is a genuine attempt to enlist the support of all the stakeholders and give them the necessary opportunity to address issues in a co-operative manner.

According to him, it has become evident that the Commission in leading the process has demonstrated a genuine commitment to peace.

He stated that as emphasized in the report, claims of greater justice by people living in mining communities do indeed merit serious attention.

He, however, noted that to the casual observer, there was no doubt that the mining communities are neglected, under developed and impoverished.

Mr. Quayson stated that although some of the mining companies are genuinely making efforts to provide social amenities in some of the communities, these pale into insignificance compared to the entrenched deprivations and hardships these communities are exposed to daily.

He recalled that, at the last Universal Periodic Review of Ghana's Human Rights situation by the UN Human Rights Council, the question of human rights concerns in the mining communities came up strongly.

The Deputy Commissioner said Ghana at that forum reported that the Commission was working with all stakeholders to find a lasting solution to the problem, and therefore made a firm commitment to the UN Human Rights Council to implement the outcome of the investigation.

He also recalled that at the 1<sup>st</sup> Stakeholders meeting organized on December 12, 2006 the Commission pledged to undertake a comprehensive study of the State of Human Rights of people living in mining communities across the country to enable the Commission find solutions that would help tackle the systematic causes of the alleged violations of rights and concerns raised about fundamental freedoms and rights of people living within the mining communities.

Mr. Quayson expressed great joy, that the Commission was able to redeem its pledge with the funding support from DFID, DANIDA and UNDP.

Mr. Quayson commended all the stakeholders for demonstrating ample commitment and empathy to addressing the problem and also reminded them of the fact that it was in their own interest to approach the report with the highest level of candidness and open mindedness to enable them have the full benefit of the important exercise.

He therefore urged the government to take the "difficult but necessary decisions" on the report to ensure that those critical concerns which required government interventions were promptly and decisively addressed.

The Attorney General and Minister of Justice Joe Ghartey, who launched the report title "The State of Human Rights in Mining Communities in Ghana", said that the law on mining was going to be reviewed to accommodate a new law which would be passed to reflect the activities of mining industries in mining communities.

He therefore encouraged Civil Society Organizations to work hand in hand with government to help solve the problem associated with the mining industries.

A 27 minute documentary on the investigations and the entire report was shown to participants present at the launching.

## HANDING OVER OF MILLENNIUM DEVELOPMENT GOAL 3 TORCH TO THE ACTING COMMISSIONER

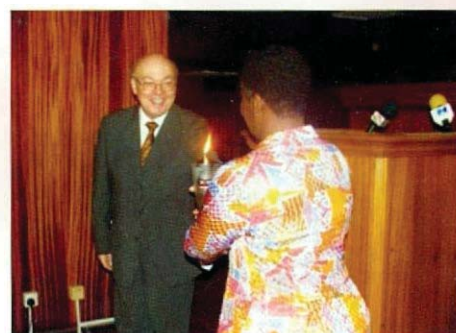
**MS. ANNA BOSSMAN**

The Royal Danish Ambassador to Ghana, H.E. Flemming B'jork Pedersen has handed over the Millennium Development Goal 3 (MDG3) torch to Ms. Anna Bossman, Ag. Commissioner, Commission on Human Rights and Administrative Justice, (CHRAJ) at a ceremony held at the Commission's Head Office, Old Parliament House, Accra.

The Ag. Commissioner was nominated as one of the three women torch bearers to champion the global call to action in promoting the MDG3 in Ghana.

The Millennium Development Goals are eight (8) goals that 189 United Nations member countries have agreed to achieve by the year 2015 at the Millennium summit held in the year 2000. The eight Millennium Development Goals are the followings:-

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal Primary Education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce Child Mortality
- Goal 5: Improve Maternal Health
- Goal 6: Combat HIV/AIDS, malaria and other diseases
- Goal 7: Ensure Environmental Sustainability
- Goal 8: Develop a Global Partnership for Development.



The MDG3 seeks not only to eliminate gender disparity in Primary and Secondary Education by 2005 at all levels by 2015, but also

aims at promoting gender equality and empowerment of women.



The Royal Danish Ambassador commended the Ag. Commissioner for accepting the challenge to be a torch bearer for the course of women's empowerment and observed that Ms. Bossman as over the years dedicated herself to fighting against inequalities between men and women in the Ghanaian Society. He also noted how she reaffirmed her commitment at every forum, regarding her contribution towards the excelling of women in their various fields, rising above the current reproach brought upon them by society.

Giving a background to the MDG3 torch handing over, Mr. B'jork said on March 7, 2008, the Danish Minister for Development Co-operation. Ms. Ula Tornaes launched a campaign on the Millennium Development Goal 3 known as-"MDG3-Global call to Action".

The campaign, he said, had been initiated with the view to protect women, encourage and empower them to contribute their quota towards societal development without fear of any form of intimidation.

He further explained that the MDG3 had been categorized into three (3) components: the MDG3 Champion Network composed of twelve (12) prominent persons from various countries who have committed themselves to contributing towards the Economic empowerment of women; constituting people the Global MDG3 Torch campaign committed to ensuring gender equality and empowerment of women, and the MDG3 conference, a high level forum which discussed solutions for accelerating the implementation of MDG3 which has held in April 17, 2008.

The Danish Ambassador disclosed that the empowerment of women is one of the key priority areas guiding Denmark's development policy which seek to reduce poverty by promoting sustainable development through proper economic growth, equal participation by men and women in the development process and promotion of respect for human rights including women's rights.

He emphasized that, Denmark acknowledges the efforts the Government of Ghana is making in raising the status of women in Ghana for national development.

On behalf of the Government of Denmark and the MDG3 campaign, Mr. B'jork thanked Ms. Bossman for accepting to join the spirited team of people who are igniting a wave of global resolve in support of gender equality and women's empowerment. Ms. Bossman on her part expressed appreciation on her own behalf, and that of the Commission to the Danish Government and deemed it a great privilege for her to be chosen as one of the MDG3 Champion torch bearers.

She reiterated the Commission's vision to create a free, just and equitable society where fundamental human rights and freedoms are respected and power is accountable.

The Ag. Commissioner expressed the Commission's commitment to enhancing and contributing its quota towards the enhancement of good government and democracy by promoting integrity, a culture of respect for rights and enforcing rights and freedoms as well as administrative justice in Ghana.

She explained, that, the aim of this campaign of "call to action" was primarily to obtain a commitment by all governments to make gender equality and women's empowerment key issues especially if the world was to achieve the Millennium Development Goals by 2015, adding, that, there was no doubt that the MDG3 is core to the progress and success of all the other goals.

In her opinion, women and girls had great potential to be factors of positive change, and therefore appealed to them to strive to recognize and accept the fact that they are capable of doing exploits. She remarked, that, there are several obstacles which impede women from realizing their potentials and therefore used the occasion to entreat the general public not to add to these obstacles burdening women.

Miss Bossman whose campaign is under the banner borrowed from the devotional title "Not because of our perfection but because of our potential" urged everybody to help lift the continent out of poverty and misery. To her, "we are not perfect human beings, but we have the potential to do great things.

She reiterated the Commission's commitment to promote gender mainstreaming within its corridors together with MDAs and to continually monitor and influence government policy to ensure gender equality and consistency in this regard.

The Ag. Commissioner gave the assurance that, the Commission will pay particular attention to government's Affirmative Action Policy and monitor the recommendations contained in the women's manifesto with a view of passing legislation in favour of women rights as regards women's economic empowerment.

She announced, that, Commission has upgraded its women and children's desk to a Unit and already set up training programmes for its staff and sectors of the public in gender issues.

Ms. Bossman, however, expressed her commitment to speaking, motivating and encouraging young girls and women in all social spheres within her capabilities to identify and develop their potentials to achieve economic.

She therefore, pledged not only the full support and commitment of the Commission for the empowerment of women with respect to their public and private lives, but also to be fully involved in aspects of implementation of this support.

## EDITORIAL

The right to development apart from being a constitutional obligation on the Government of Ghana is also an international convention, recognized by the United Nations General Assembly since 1986.

This, however, is one of the contributive factors that encouraged the Commission on Human Rights and Administrative Justice (CHRAJ) to investigate allegations of specific human rights abuses in the mining communities in Ghana.

The Commission over the years has persistently been following several reports of incidence of human rights violation and environmental degradation in the mining communities and investigating them.

The investigation which begun as far back as 2001 recorded key emerging issues with regard to lack of mutual understanding between the mining companies and communities.

As a result, a full-scale investigation into the claims was launched in 2006 since the Commission at that time thought that the nature of the claims deserved attention.

The investigations, therefore, found evidence of widespread violations of human rights of both individual members, as well as the collective rights of the communities.

These involved widespread pollution of communities' water sources, deprivation and loss of livelihoods, excesses by state security agencies and security contractors of mining companies, inadequate compensation for destroyed properties, unacceptable alternative livelihood projects and absence of effective channels of communication. Issues of mining activities

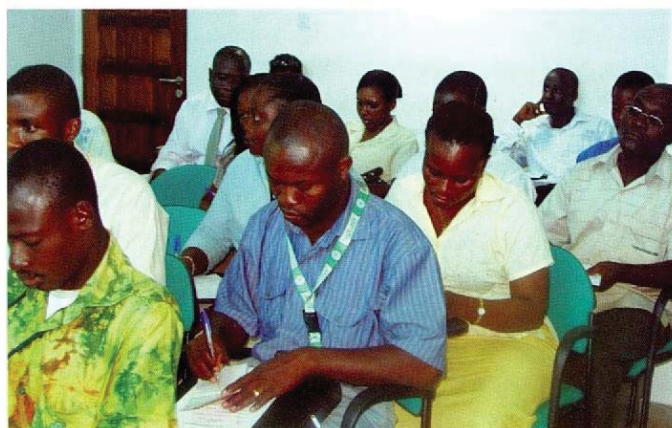
that depleted the environment of its natural cover and strength also came up.

Indeed the Commission had made frantic efforts right from the stage of opening up investigations into this issue to the time of launching its report on the *State of Human Rights in Mining Communities in Ghana* and believes Government and other stakeholders will take a clue from this report and take necessary actions to forestall the situation in the interest of Ghanaians living in such communities.

Additionally, as regards the issue of finding lasting solutions to the problem, the Commission is of the view that with the constitutional imperative in Article 36(1) of the 1992 Constitution that enjoins the Government to ensure that all the necessary steps are taken to guarantee that the national economy is managed in a way that increases the rate of economic development which is aimed at serving the **maximum welfare, freedom and happiness of every person living in Ghana, and also providing adequate means of livelihood, suitable employment and public assistance to the needy**, the Commission takes this opportunity to urge all stakeholders to collectively pay serious attention to this menace and contribute their quota in order to address this unpleasant phenomenon.

## SOME MAJOR EVENTS OF THE COMMISSION

### CHRAJ INTERACTS WITH JOURNALISTS



The Commission on Human Rights and Administrative justice (CHRAJ) is organizing media sensitization programmes for journalists throughout the country. This encounter with the Media is to sensitize journalists on the functions and activities of the CHRAJ, enlighten and equips them with the necessary skills on media reportage on human rights issues, and also strengthen the cordial relationship which already exists between the



Commission and the Media.

So far, the Commission has successfully organized seven (7) media sensitization programmes for Journalists in the Greater Accra, Western, Central, Eastern, Northern, Upper West and Ashanti Regions.

Human rights is not the preserve of the CHRAJ alone. It is every body's business and so the Commission counts on the support of the government, organizations, institutions, individuals and Civil Society Organizations and NGO's operating in the human rights field as well as the media to inculcate the respect of human rights in the citizenry and prevent human rights violations in our country.

## 2<sup>ND</sup> ANNIVERSARY OF THE AU CONVENTION ON PREVENTING AND COMBATING CORRUPTION AND RELATED OFFENCES

The Commission on Human Rights and Administrative Justice (CHRAJ) on August 5, 2008 organized a roundtable discussion to commemorate the 2<sup>nd</sup> Anniversary of the African Union Convention on preventing and combating corruption and related offences. The theme for the occasion was *"Curbing Election Corruption and Related Offences"*.

Participants were drawn from the Media, Non-Governmental Organizations (NGOs), Civil Society Organizations and Staff of the Commission. The Convention which sought to promote, facilitate and regulate cooperation among State Parties to ensure the effectiveness of measures in preventing, detecting, punishing and eradicating corruption and related offences in Africa, also sought to promote socio-economic development by removing economic obstacles to the enjoyment of economic, social, cultural and political rights and to establish the necessary condition to foster transparency and accountability in the management of public affairs.

The Commissioner of the CHRAJ Mr. Emile Short indicated that commemorating the day was to encourage all citizens of Ghana about their commitment to fight corruption as Ghana prepares for the 2008 elections.

## CONSULTATIVE MEETING ON THE RATIFICATION OF THE OPTIONAL PROTOCOL TO THE UN CONVENTION AGAINST TORTURE (OPCAT)

The commission on Human Rights and Administrative justice (CHRAJ) in line with its advocacy efforts towards the ratification of the optional Protocol to the convention against (OPCAT) has organized a one-day consultative workshop to identify and appeal to relevant organizations to form a working committee to campaign for an early ratification of the OPCAT. The workshop also sought to develop strategies for its implementation after it had been ratified. The OPCAT which is the first international instrument that seeks to prevent torture and all forms of ill-treatment through the establishment of a system of regular visits to places of detention carried out by independent international

bodies requires states to implement their own national preventive mechanisms (NPM) to be mentioned at the domestic level which will serve as an effective preventive tool against torture and abuse of persons deprived of their liberty through an increased transparency within detention centres.

## JUSTICE FOR ALL

The Deputy Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ), Mr. Richard Quayson, the Attorney General (AG) and the Minister of Justice has paid a familiarization tour of the Kumasi Central and Female Prisons.

The Justice for all Programme initiated by the Attorney-General's Department was to help expedite Justice on cases involving remand prisoners who had spent a considerable period on remand and for minor crimes.

The tour revealed how congested the remand block where inmates who slept in shifts was. This congestion, it was noted, caused most inmates to develop swollen feet and other health related problems.

It is hoped, that, this tour will aid speedy adjudication of cases in a bid to reduce overcrowding in the Prisons which was mainly due to the delay in trying remand prisoners.

The Prison Authorities, however appealed to the AG to liaise with the Chief Justice and the Courts to speed up the trial of remand prisoners to help ease the congestion.



## HUMAN RIGHTS STAKEHOLDERS MEETING

Stakeholders against human rights abuse in Ghana have called on Government to involve them on discussions before it submits its report on Human Rights situation in the country for scrutiny under the Universal Periodic Review (UPR) system of the United National Human Right Council.

The UPR system is a new co-operative mechanism process in the UN framework, which comes from a lineage of UN sponsored human rights work in the past six decades. The basis of the UPR is to reinforce the Universal Declaration of Human Rights (UDHR), the UN Charter and voluntary pledges and commitments made by member states including undertakings when presenting their candidature for election to the Human Rights Council and the Human Rights instruments to which a State is party'.

A report submitted by CHRAJ on Human Rights situation in Ghana indicated that the Commission was not aware of any national consultation on the UPR by the Government of Ghana though it urged the Attorney General and the Ministry of Justice to do so.

The Commission recommended that Government should take active steps to ratify Human Rights Instruments recommended by the AU and significant instruments on governance and human rights referred to by the APRM – Country Review Report and Programme of Action of the Republic Ghana, published in June 2005.

The Commission also urged Parliament to make relevant amendments in the Domestic Violence Act, the Disability Act, the Whistleblower Act, and also expedite the passage of the freedom of Information Bill and People's Representative Bill in the law.

*Source: Daily Graphic, May 5, 2008*

## TRAINING

### INVESTIGATIVE SKILLS AND REPORT WRITING

The Commission on Human Rights and Administrative Justice (CHRAJ) has organized a five-day intensive workshop on investigative skills, investigative report writing, adjudication, decision writing and validation of case statistics for its key officials.

The participants who were, legal officers, investigators and registrars from the regional offices were exposed to modern skills on complaints handling processes,

mediation, formal hearing, investigative techniques, investigative report writing, decision writing and validation of uniform indicators to guide collation of case statistics.

The objective is to improve their skills to enhance their performances in their various offices.

## ROUNDTABLE DISCUSSION ON THE WHISTLEBLOWER'S ACT

The Acting commissioner of the commission on Human Rights and Administrative Justice (CHRAJ), Ms Anna Bossman, has expressed grave concern over the failure of people with information to blow the whistle against suspected corrupt public officials or criminals for fear of being victimized in the society.

She said so far, most of the complaints CHRAJ received in that regard had been disposed off with a few still under investigation.

She assured the general public that, the commission will ensure that issues related to whistle blowers are kept highly confidential to forestall the fear of being exposed to public or societal ruin.

The security agencies who took part in the discussion called for a Memorandum of Understanding (MOU) among the investigative bodies to coordinate and supplement their investigation into disclosures to address issues that may arise.

They, however, appealed to whistleblowers to desist from giving out disclosures to the media and have confidence in the investigative bodies to handle the situation. They said they are unable to guarantee any form of confidentiality if the whistleblower after making the disclosures to them, decides to go public with the information.

The participants therefore called for the amendment of the whistleblowers Act, 2006 to ease its procedures.

The Commission therefore proposed the promulgation of a Legislative Instrument (LI) to ensure the effective implementation of the whistleblower Act in the country.



## FORUM ON CHILDREN WITH INTELLECTUAL DISABILITY

A seminar on the nature, causes and promotion of human rights of children with intellectual disability organized by the Parents Association of Children with Intellectual Disability (PACID) has been held in Accra.

The forum formed part of the Greater Accra Intellectual Disability and Human Rights (GAIDHRP) Project.

A senior Research Officer, Mr. Muhammed Kpakpo Addo speaking on behalf of the Commission stated that an individual is said to have an intellectual disability when the person's intellectual functioning level/ Intelligent Quota (IQ) is between 70 and 75.



*Children with disability at the school of the blind - Akropong*

According to him, low IQ leads to limitation in adoptive skill areas such as social conceptual practical and adoptive skills among others.

Human beings, he said have rights that must be respected by all stressing that children are vulnerable and need care and attention to ensure their harmonious development.

## HUMAN RIGHTS FORUM AT HO

The Volta Regional Office of the Commission organized a forum to sensitize a cross-section of the public on the need to respect human rights, educate the public on human rights issues and to operate in conformity with laid down regulations.

Participants at the forum included Civil Servants, the Private Sector, and some Non-Governmental Organizations (NGOs).

The forum called for collaboration with relevant stakeholders to tackle the chronic and emerging issues confronting humanity which has been touted at several regional and international conferences and convention over the years.

## SEXUAL HARASSMENT AND GENDER MAINSTREAMING

The Commission on Human Rights and Administrative Justice (CHRAJ) as part of its capacity building has organized a four day training workshop on Sexual Harassment and Gender Mainstreaming for its staff at the head office.

The aim of the training was to promote efforts at ensuring understanding of sexual harassment, gender equality, gender mainstreaming and support of the affirmative Action by staff of the Commission.

In her opening address, the Acting Commissioner of the CHRAJ, Miss Anna Bossman said sexual harassment is an embarrassing, unpleasant and unethical act which demean the dignity of a person and so there was the need to create public awareness of such unwelcome acts to sensitize the entire public as regard which attitudes constituted sexual harassment.

She pointed out that female workers were the most affected since such acts existed mostly at their workplaces.

The Acting Commissioner, however, encouraged, victims to report incidents of sexual harassment regardless of wherever it is taking place without the fear of any form of victimization.

The Executive Director of the Ark Foundation, Ghana, Mrs Angela Dwamena-Aboagye, who was one of the resource persons, described sexual harassment as unwelcome sexual advance, or request for sexual favors which occurs when there is disparity of power between the parties involved such as employer-employee, teacher-student, etc.

She emphasized that most men use insulting and demeaning comments, sexual innuendoes and persistent proposition for dates to harass women in their workplaces and schools.

Addressing the issue on Gender Equality in International and National Policy Framework. A law practitioner, Mrs. Sheila Minka-Premo, also a resource person expressed dissatisfaction with regard to the extent of

discrimination on the grounds of sex being exhibited in both national and international circles.

She, however, recommended the implementation and enforcement of laws and regulations that prohibit direct and indirect discrimination on the grounds of sex.

Speaking on Gender Equality in Health with regard to Reproductive Health of women and HIV/AIDS, Dr. Mrs. Ama Edwin disclosed that gender-based violence sex such as forced sexual initiation, childhood sexual abuse, rape, sexual coercing, sexual abuse in conflict situation, female genital mutilation, etc were acts that exposed women to reproductive health related problems and HIV/AIDS infections. She condemned the act of coercing women into having sex noting that sexual intimacy between partners must be mutual.

The Executive Director of Abantu for Development Dr. Rose Mensah-Kutin who handled the topic-Gender Equality stated that inadequate data had made assessing the impact of gender equality and women's empowerment intervention difficult.

According to her, the gender equality, the Poverty Reduction Strategy Papers (PRSP) and the Millennium Development Goals (MDG's) budget support lay credence to the opportunities made available by the government of Ghana in support of women empowerment, education and economic activities,

Dr. Mensah-Kutin therefore called for development assistance to be channeled towards addressing issues on gender equality, women's empowerment and human rights concerns in government systems, procedures and institutions.

## SOME PRESS RELEASES ISSUED BY THE COMMISSION BETWEEN JANUARY AND JULY THIS YEAR

### CHILD PROSTITUTION IN GHANA FEBRUARY 6, 2008

The Commission on Human Rights and Administrative Justice (CHRAJ) wishes to express its utmost concern about the spate of Child Prostitution in the Country. This alarming situation where Ghana's children are increasingly being exploited or commercial sex, poses a great threat to the nation. Prostitution is illegal and undignifying even when it is



practiced among adults. And it is even more horrendous and extremely injurious when it involves children. It is particularly difficult to assess the extent of child prostitution because this type of exploitation and abuse is usually hidden, taking place behind closed doors and most children feel too much guilt, shame and fear to seek help.

The unfortunate incident of about 140 children alleged to have escaped from the Social Welfare Department after being rescued from prostitution by the Police presents a critical setback, since it creates more opportunity for these children to be continually abused.

An awareness creation campaign of the intractable challenges of poverty exploitation and rights abuses facing these children is vital to enable the facilitation of a safer world for them. Entry into prostitution should not be imputed to economic necessity.

This campaign must be implemented urgently. Government must scale up efforts through resource allocation, political action, increased co-operation and more focused partnerships with the law enforcement agencies, media and civil society or organisations.

It also calls for the spirit of alertness, by all to ensure that these children enjoy maximum protection. The duty to ensure that Ghana's children are not exposed to abuse, stigmatization and psychological trauma is for all of us, each and every adult in this country.

Communities and family members in the position to report such abuses to the relevant authorities are urged to do so without delay to expose such heinous crimes from threatening our nation.

The Commission is therefore not only calling on the police, prosecutors and those public service working directly with children for immediate action but also entreating all persons in Ghana to strive to achieve children's well being



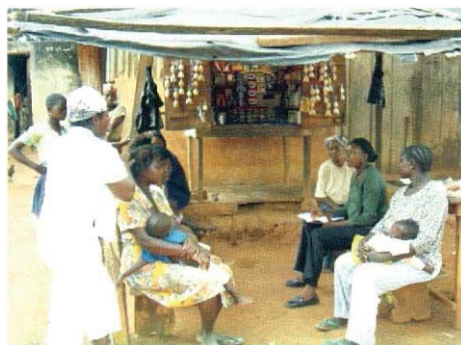
in the areas of health, education, protection from abuse and violence, as well as combating HIV/AIDS. Our children are after all, the future of our nation.

ANNA BOSSMAN  
AG. COMMISSIONER

## INTERNATIONAL WOMEN'S DAY

MARCH 8, 2008

The Commission on Human Rights and Administrative Justice (CHRAJ) wishes to use this day, International Women's Day to commend all Ghanaian women for their great commitment and contributions to the nation's development and progress. The critical role of women in nurturing and their endeavours towards maintenance of our families is highly commendable.



Notwithstanding the immense contribution of women, Ghanaian women are faced with several challenges. Despite the ratification of CEDAW by about

184 countries, millions of women and girls in particular remain powerless, voiceless and without rights. Many horrendous human rights abuses together with other forms of gender based violence such as rape, sexual harassment, female genital mutilation (FGM), widowhood rites, victims of domestic violence; discrimination among others has affected the smooth development of many women. These violations of women's rights are mainly based on cultural and religious beliefs.

The Commission takes cognizance of the fact that many Ghanaian women have excelled in the various professions including those that were considered the traditional preserve of men. It is in this connection that the Commission urges all the political parties to consider giving the opportunities they deserve to contribute to the nation's political development. In the view of the Commission it is not too late to field women candidates in the upcoming general elections in December 2008. The Commission believes strongly that Ghanaian women are capable of doing exploits if the opportunity is given to them to serve.

All over the world, women who have served in high political positions have excelled. A typical example is the current President of Liberia, Madam Ellen Johnson Sirleaf.

## WORLD REFUGEE DAY – 20<sup>TH</sup> JUNE 2008

The Commission on Human Rights and Administrative Justice (CHRAJ) on this day commends the government and people of Ghana for their continued support for refugees. Ghana has over the years traditionally played host to a large number of refugees from Africa. This speaks volume of the Country's readiness to help citizens from neighbouring countries in times of crisis.

The Commission wishes to remind the Ghanaian public particularly those communities hosting refugees and asylum seekers that, the UN Refugee Convention and OAU Refugee Convention to which Ghana is a party, impose certain obligation on host nations to protect the rights of refugees and asylum seekers and uphold certain social and economic rights for refugees.

The Commission admonishes Ghanaians to reject xenophobia. Ghanaians must see refugees as people who need their help. They should create an enabling environment for a smooth integration of refugees into the Ghanaian society.

Article 2 of the OAU Refugee Convention recognizes the granting of asylum as a mechanism to protect refugees, in particular, it notes that states shall "use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees, who for well-founded reasons, are unable or unwilling to return to their country of origin of nationality".

The Commission however, bemoans the unfortunate disturbances which occurred at the Buduburam Camp which resulted in some refugees being kept at the Kordiabe Youth Camp in the Eastern Region.

We therefore avail ourselves of this day to appeal passionately to refugees to, as a matter of necessity, always operate within the confines of the laws of their host countries, as enshrined in the International Refugee Convention.

The issue of increased maternal and infant mortality is another worrying situation. This is as a result of lack of adequate maternal health facilities and education of expectant mothers to seek medical attention early in order to prevent pregnancy related and child bearing complications.

The Commission urges all Ghanaian women to seek maternal health care at the earliest stage of their pregnancy.

The Commission urges the government and the Ministry of Health to redouble their efforts at improving maternity and childhood care to reduce pre and post maternal mortality and the high infant mortality in the country. The Commission on this note, wishes to commend the government for instituting free medical care for pregnant mothers in Ghana.

### "MOB JUSTICE"

The Commission on Human Rights and Administrative Justice (CHRAJ) is gravely concerned about the increasing spate of mob lynching of suspected criminals in several places in the country that seem to have subsided temporally after a recent public outcry against the practice.



Such lawlessness and gross injustice reminds us that we still have a long way to go on establishing a law bound society that is respectful of human rights.

The Commission wishes to remind the entire citizenry that faith in democratic institutions and citizens' contribution to entrench a culture of human rights are essential in promoting democracy and development of the nation.

Mob attacks have taken various forms of inhuman and degrading treatment such as lynching and burning of suspected criminals; sometimes the mob attack police officers whose duty is to arrest suspects and put them before court.

The Commission condemns in no uncertain terms, any mob killings. Such unlawful actions are a blot on the conscience of our nation. It undermines the democratic society that we must collectively create.

Human rights reforms commends the Police Service for the timely manner in which it has, this time, arraigned the thirty-one persons suspected of stoning Mr. Anthony Yeboah, Presiding Member of Asunafo North District Assembly to death on April 9, 2007 before the magistrate. In that horrific incident, the deceased victim happened to be conveying a corpse to the Sunyani General Hospital Mortuary.

The Commission calls on all law abiding citizens to do their civic duty to apprehend any suspects and hand them over to the police, who must arraign such persons promptly before court. There is much needed co-operation between the police and civilians in combating crime in the country. The Commission calls on the IGP to urgently investigate mob action in future, and speedily take further necessary action against the perpetrators of these crimes.

We must redouble our efforts at educating the public on human rights and fundamental freedoms and apprehend any perpetrator of mob injustice to face the full rigors of the law. To this end the Commission invites other educators to join hands in conducting mass public education on the issue in our communities.

This is an important step that demonstrates our resolve as a nation to tackle the perennial problem of mob injustice in the country.

### UN INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

(JUNE 26, 2008.)

The Commission on Human Rights and Administrative Justice on this day expresses its abhorrence of torture and other cruel, inhuman or degrading treatment or punishment. The Commission holds that freedom from torture is a right that must be protected in all circumstances. Torture refers to any act by severe pain or

suffering whether physical or mental which is intentionally inflicted on a person for such purposes as obtaining from





the person being tortured or a third person information or a confession. Such pain or suffering is usually inflicted by or at the instigation of or with the consent of a public official or other persons acting in an official capacity.

Through such acts as torture, the values and principles upon which democracy stands lose their significance.

Despite efforts to combat the practice of torture, to sanction perpetrators and to adopt programmes that help victims and their families, nothing has stopped those who around the world continue to torture with or without official consent.

Also, despite the absolute prohibition of torture under international law and in Ghana, its practice remains widespread, particularly in places of detention and for that matter out of public view.

The Commission, however, believes the surest way to prevent torture in the country is to train and well equip the security agencies to perform their function in a professional manner and also, to prosecute officials and other persons who violate the law and inflict such psychological and physical pain on others.

The Commission once again calls upon the government to ratify the Optional Protocol to the Convention against Torture which it has already signed. This will give a big boost to the protection of suspects in the country.

**ANNA BOSSMAN**  
AG. COMMISSIONER, CHRAJ.

## Child Trafficking

In spite of the passage in December 2005 of the Human Trafficking Law, Act 694 which prohibits all forms of trafficking in persons, child trafficking is still rife in Ghana. The Commission notes with concern that Ghana is a source, transit, and destination country for children trafficked for



forced labour and sexual exploitation<sup>8</sup>. Children are trafficked within and outside the country as domestic servants, labourers, for work in the fishing industry,

and for use in sexual exploitation. The International Organisation for Migration (IOM) estimates that the number of trafficked children in the country is in the thousands.

## CHRAJ SIGNS MOU WITH ACA MALAYSIA

The Commission on Human Rights and Administrative Justice (CHRAJ) has signed a Memorandum of Understanding (MOU) with the Anti-Corruption Agency (ACA) of Malaysia to establish and enhance mutual effort between parties to increase capacity and capability building of their officers in the sphere of combating corruption.



*Mr. Quayson and Kassim signing the MOU*

The MOU also covers enhancing views, information and expertise in the areas of corruption investigation, intelligence, training, community education and prevention.

The MOU, together with its Terms of Reference were finalized in Malaysia after, a two day meeting attended by representatives of both parties.

The Deputy Commissioner of the CHRAJ, Mr. Richard Quayson, signed for the Commission, while the Deputy Director-General, Dato Abu Kassim Mohammed signed for the ACA. Ms. Akua Ahenkora, of the Ghana High Commission in Malaysia witnessed the signing on CHRAJ's side while the Director General witnessed on ACA side.

The MOU was therefore executed in Malaysia after a workshop on corruption organized by the ACA at the Malaysia Institute of Integrity.

The MOU which extends to 2013 (5 years) comes into force on the day it was signed, (August 21, 2008) and may be renewed for another period of 5 years.



## CHRAJ TRAINS DIRECTORS ON EFFECTIVE MEDIA RELATIONS

The Commission on Human Rights and Administrative Justice (CHRAJ) is organizing training for its Regional and District Directors on Effective Media Relations throughout the country. The training is to equip the Directors with the necessary skills to work more effectively with the media.



It will also expose them to Basic Mass Communication and Public Relations Skills aimed at preparing them by way of building their confidence in handling the media whenever it becomes necessary to work with them.

When the Commission began its work about 14 years ago, there were few FM Stations in Ghana which were concentrated in Accra and the regional capitals.

Currently, issues relating to the media have taken a new direction and so the Commission deems it fit to strategize to deepen this developing partnership for the best interest of its Directors.

The Commission firmly believes that it must change with the inevitable changing times, but hold on prodigiously to unchanging principles.

Obviously, it would be impracticable for the Commissioners alone to deal with all matters involving the Media. While the Commissioners may continue to have prerogative on policy-matters, it should be more practicable to delegate levels of authority to a core of Directors with the mandate to engage the Press in a more pro-active fashion.

The Commission entreats all Directors to take the training very seriously as it continues to pursue its vision of a free, just and equitable society, where fundamental human rights are protected and power is accountable. With this, the Directors will be needed to play more public and visible roles in dealing with the media.

## WHISTLEBLOWER ACT

The Act imposes two main responsibilities on the Commission which are, investigation of disclosures and the protection of victimized whistleblowers. The Act provides that a person may make a disclosure of information where that person has reasonable cause to believe that the information tends to show, among others, that:

- i. An economic crime has been committed, is about to be committed, or is likely to be committed;
- ii. Another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;
- iii. A miscarriage of justice has occurred, is occurring or is likely to occur;
- iv. In a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources.
- v. The environment has been degraded, is being degraded or is likely to be degraded; or
- vi. The health or safety of an individual or community is endangered, has been endangered, or is likely to be endangered.

Person to whom disclosures may be made includes the Commission. Therefore, according to the directive of the Commission, "any officer to whom a disclosure is made shall:

- i. Record the information in accordance with Section 4, and shall ensure that all relevant particulars are present;
- ii. Provide a Certificate or jurat in accordance with Section 5, if the whistleblower is blind or illiterate;
- iii. Acknowledge in writing to the whistleblower receipt of the disclosure within 48 hours, and advise him/her privileges available under the Act;
- iv. Treat the disclosure with utmost confidentiality pending investigation of the impropriety; and
- v. Shall inform the commissioners within 24 hours or in their absence either of the directors in charge of Anti-Corruption or Legal and Investigations Departments or region as the case may be.

In all cases, a letter notifying the A-G of the whistleblowing should be dispatched within 5 working days upon receipt of the disclosure, together with copy of the disclosure.

The investigator assigned to investigate the disclosure must complete his/her investigations and submit a report to the Commissioners within 45 days for study, approval and submission to the A-G for action. The purpose of the Act is to encourage individuals to make disclosure of information relating to unlawful, corrupt or other illegal conduct or practices in the country, to protect individuals who make such disclosures. It also provides a system for any person who makes disclosures to receive monetary reward, in appropriate cases, from a Whistleblower Reward Fund.



# Jokes

A man was arraigned before court for violating the freedoms and liberties of innocent and ignorant children in a mining village. The lawyer of the plaintiff interrogated him and this was the dialogue.

**Lawyer:** Have you any grounds with the charges?

**Man:** YA, YA, we have an acre and half and a nice little home with three bedrooms.

**Lawyer:** No. I mean what is the foundation of this case?

**Man:** It is made of concrete, bricks and mortar he responded.

## HUMAN RIGHTS

**Kweku:** Look, I just found more about my human rights.

**Ama:** How do you know its lost?

**Kweku:** Because the kids down the street are still looking for theirs.

## BUILT BACKWARDS

**Joe:** I was built "backwards"

**Mary:** How?

**Joe:** Because I'm being denied all my freedoms and liberties.

A school mistress visits a class four pupil just the time of their break to acquaint herself with human rights violations of children for a research work and this was her experience.

**Headmistress:** What are some of the daily hurdles you face in school everyday?

**Children:** The headmistress taking our break time.

A teacher and a class six pupil of ten years in a village school had a lesson on human rights. The teacher questioned the child on human rights and this was the dialogue.

**Teacher:** What do you understand by human rights?

**John:** When every part of your body is in shape.

**Teacher:** No, I mean human rights.

**John:** Oh okay, when your right arm is amputated.



## COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

# YOU AND THE POLICE

### WHAT THE POLICE CAN DO:

- THE POLICE CAN ARREST YOU AT ANY TIME
- CAN SEARCH YOUR PREMISES WITH A WARRANT

### WHAT YOUR RIGHTS ARE:

You are presumed innocent upon arrest until the contrary is proved.

You must be told of your offence in the language you speak on arrest.

You have a right to be treated courteously by the Police even when you have been arrested.

You have the right to refuse a search of your premises without a warrant.

Your permission is needed for a search without a warrant.

Unless you resist arrest unnecessarily the Police do not have to use any violence at all in effecting your arrest.

You have the right to ask for a lawyer of your choice.

You have a right to be brought before court within 48 hours of your arrest unless you are sooner released.

You have a right to institute legal proceedings against the police when you are kept longer.

You have a right not to make any statement at the Police Station until you are brought before court.

You have a right (if you decide to speak) to make your statement in the presence of an independent witness.

Whatever you say must be voluntary. No force must be applied to you.

You have a right to write a statement if you can write.

You have the right to speak in any language of your choice if you can't write, and the Police must have an interpreter.

Whatever you say and recorded must be read over and explained to you in a language you speak and understand.

You must agree to the final document and sign.

Remember you are not a prisoner while in custody and therefore you are not to be subjected to any form of labour.

## INSIST ON YOUR RIGHTS NOW !

**OLD PARLIAMENT HOUSE, HIGH STREET, ACCRA.**  
**FAX: 660020; TEL: 664267; 668839; 664561; 662150**

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