

**COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
(COMPLAINT PROCEDURE) REGULATIONS, 1994**

ARRANGEMENT OF REGULATIONS

Regulation

1. Lodging a Complaint.
2. Contents of Complaint.
3. Transmission of Complaint and Preliminary Investigation.
4. Mediation.
5. Full Investigation.
6. Investigation Panels.
7. Report to Commission.
8. Investigation by Regional and District Offices.
9. Submission of Monthly Reports.
10. Final Decision on Complaints.
11. Interpretation of Action.
12. Interpretation.

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

Regulation 1—Lodging a Complaint.

(1) A complaint to the Commission shall be made in writing or orally to the national office of the Commission or to a representative of the Commission at the regional or district branch of the Commission.

(2) Where the complaint is in writing, it shall be addressed to the Commissioner or to his regional or district representative and shall be signed or thumb printed by the complainant or his agent.

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

(4) A person who reduces into writing the oral complaint of any person shall—

(a) read over and explain the contents to the complainant;

(b) Declare on the document that the complainant has fully understood or appeared to understand and appreciate the content of the complaint; and

(c) Cause the complainant to append his signature or thumbprint to the written complaint.

Regulation 2—Contents of Complaint.

(1) A complaint lodged with the Commission shall contain—

(a) The full name and contact address of the complainant;

(b) The body, organisation or person against whom the complaint is made;

(c) Particulars of the nature of the complaint together with copies of any document in support of the complaint;

(d) The nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of the body or organisation or person against whom the complaint is made; and

(e) The relief sought by the complainant.

(2) A person who lodges a complaint with the Commission on behalf of another person shall state in writing the capacity in which he does so and the reason for so doing.

(3) A complainant shall be given a reasonable time (depending on the circumstances of the case) within which to check on his complaint.

(4) Where a complaint lodged with the Commission is not pursued for three months from the date it is lodged, the complaint shall lapse thereafter.

Regulation 3—Transmission of Complaint and Preliminary Investigation.

(1) Where the Commissioner considers that a complaint lodged with the Commission is a matter within the function of the Commission, he shall cause a copy of the complaint to be transmitted to the head of the body or organisation or the person against whom the complaint is made with a request for comment and response.

(2) The head of the body or organization or person against whom the complaint is made shall within ten days from the date of receipt of the complaint or such further period as the Commissioner may specify submit his comments or response to the Commissioner.

(3) The Commissioner or his representative may assign an investigator or officer of the Commission to make a preliminary investigation into any complaint lodged with the Commission.

(4) The Commission may for the purposes of performing its functions require the services of a member of the Police Force or any public institution with expert knowledge relevant for redressing any particular complaint.

Regulation 4—Mediation.

(1) Upon receipt of the comments or response the Commissioner, where he considers that in view of the response, the complaint could be mediated upon and settled, may invite the parties concerned and attempt a settlement of the issue between the parties.

(2) No provision of these regulations shall preclude the Commission on receipt of a complaint from inviting the parties concerned and attempting a settlement of the issue between the parties.

Regulation 5—Full Investigation.

(1) Where the Commission decides to institute a full investigation into a complaint, the Commission shall in writing invite—

(a) The complainant;

(b) A representative of the body, organisation or person against whom the complaint is made; and

(c) Such other persons as are considered by the Commission to be concerned in the investigation to attend to be interviewed by the Commission at a date, time and place specified in the notice.

(2) The date for attendance shall not be less than seven days from the date of the notice.

(3) A person appearing before the Commission in answer to a complaint shall—

(a) Be informed again of the particulars of the complaint and the relief sought;

- (b) Be afforded full opportunity to answer the complaint and to question any witness.
- (4) Any person who appears before the Commission in any investigation shall be given a fair hearing.
- (5) Persons appearing before the Commission to be investigated shall appear in person and may be represented by counsel.
- (6) Records of the investigation shall be kept in writing.

Regulation 6—Investigation Panels.

For the purposes of Regulation 5 the Commissioner may on the recommendation of any other member of the Commission, an investigator of the Commission or any other officer of the Commission, constitute a panel to investigate any complaint and report to the Commission.

- (2) The panel shall be composed of a chairman who shall be a member of the Commission or any legal officer in the employment of the Commission and not less than two other officers of the Commission.
- (3) Notwithstanding sub regulation (2) of this regulation there may be co-opted on any such panel such person as the Commissioner may approve.
- (4) A person appearing before a panel under these regulations may raise an objection to the membership of the panel to the Commissioner who shall determine the issue.

Regulation 7—Report to Commission.

- (1) A panel composed under these regulations shall make a full report in any matter before it with its recommendations to the Commission.
- (2) The Commission shall consider every report submitted under sub-regulation (1) and may accept or reject the recommendations or ask for further investigations.

Regulation 8—Investigation by Regional and District Offices.

An officer appointed as the regional or district head of a branch of the Commission shall ensure the prompt investigation by officers in the region or district of all complaints and may refer complaints to the national office where he considers it necessary or where directed by the commissioner.

Regulation 9—Submission of Monthly Reports.

- (1) The head of a district office of the Commission shall within five days of the end of every months submit to the head of the regional branch of the Commission, a report of all complaints investigated by the district office in the preceding month and recommendation of the office on the complaints.

(2) The designated head of a regional branch of the Commission shall submit a monthly report on all complaints investigated by the district offices and the regional office together with the recommendations to the national office.

Regulation 10—Final Decision on Complaints.

The final decision in any complaint lodged with the Commission shall be taken by the Commission.

Regulation 11—Interpretation of Action.

For the purpose of sections 9 and 18 (2) of the Act, the Commission may by writing authorise any public officer to bring an action in any court in the name of the Commissioner.

Regulation 12—Interpretation.

In these Regulations—

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

Dated at Accra this 1st day of September, 1994.

EMILE FRANCIS SHORT

Commissioner for Human Rights and Administrative Justice

Date of Gazette Notification: 14th October, 1994.