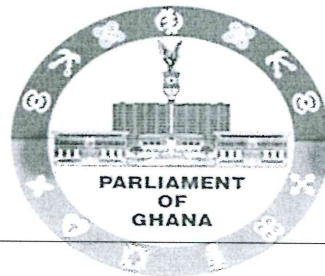




**IN THE SECOND SESSION OF THE  
SIXTH PARLIAMENT OF THE FOURTH  
REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE ON  
CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS**

**ON THE**

**2010 ANNUAL REPORT OF THE  
COMMISSION ON HUMAN RIGHTS  
AND ADMINISTRATIVE JUSTICE**

**JUNE 2014**

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PARLIAMENTARY AFFAIRS ON THE 2010 ANNUAL REPORT OF THE  
COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE**

**1.0 INTRODUCTION**

1.1 The Annual Report of the Commission on Human Rights and Administrative Justice (CHRAJ) for the year ended 31<sup>st</sup> December, 2010 was laid before Parliament on **Monday, 16<sup>th</sup> September, 2013** pursuant to Article 218(g) of the 1992 Constitution and Section 7(1)(h) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456). In accordance with Order 177 of the Standing Orders of the House, the Annual Report was referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

1.2 The Committee met with the Commissioner on Human Rights and Administrative Justice, Ms. Laretta Vivian Lamptey, her two (2) Deputies, Mr. Richard Ackom Quayson and Mr. Joseph Whittal and other Officials from CHRAJ to consider the Report.

**2.0 REFERENCE**

2.1 The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution
- ii. The Commission on Human Rights and Administrative Justice Act, 1993, (Act 456)

iii. The Whistleblower Act, 2006, (Act 720)

iv. The Standing Orders of the House

### **3.0 ESTABLISHMENT AND MANDATE OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE**

3.1 Chapter 18 of the 1992 Constitution of Ghana and the Commission on Human Rights and Administrative Justice (CHRAJ) Act, 1993 (Act 456) establish CHRAJ and gave it the mandate to generally protect fundamental human rights and promote good governance in Ghana. The Commission's mandate is three-fold – human rights, administrative justice and anti-corruption.

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#### **3.2 THE HUMAN RIGHTS MANDATE**

3.2.1 CHRAJ is mandated to protect fundamental human rights and freedoms. This includes civil and political rights; economic, social, and cultural rights; and other international human rights instruments which Ghana has ratified. The human rights mandate of the Commission are in two (2) categories, namely **enforcement** and **promotion of human rights**.

3.2.2 In the area of **enforcement of human rights**, CHRAJ is mandated to investigate individual complaints of human rights violations by persons and institutions in both the private and public sectors. The complaints are resolved by mediation, negotiation and hearing. Additionally, when the

Commission deems it necessary, it can seek remedies in court to enforce its recommendations on the complaints.

3.2.3 CHRAJ is also mandated to **promote human rights** by educating the public on human rights and freedoms. This is done through the media, lectures, symposia and outreaches to rural communities and schools. In addition to educating the public, the Commission also conducts research on how bills and policies impact on human rights and freedoms and make appropriate recommendations.

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### 3.3 THE ADMINISTRATIVE JUSTICE MANDATE

3.3.1 The Commission is the Ombudsman of Ghana and therefore has the mandate to promote administrative justice to make governance institutions and officials accountable, transparent and efficient. CHRAJ performs this mandate through investigation of complaints of maladministration, arbitrariness, discrimination, abuse of power, unfair treatment of workers, neglect, delay, among others made against public institutions and officials. This mandate ensures improvement in public sector service delivery and eliminates arbitrariness and discrimination.

### 3.4 THE ANTI-CORRUPTION MANDATE

3.4.1 On the issue of anti-corruption, the Commission is mandated to investigate abuse of power, all instances of alleged or suspected corruption and the misappropriation of public funds by government officials.

3.4.2 CHRAJ also performs the anti-corruption mandate by organizing training programs for public officials to increase awareness regarding the causes and dangers of corruption and assisting public officials in the proper management and resolution of conflict of interest cases among others. CHRAJ performs this mandate by sensitizing the general public on corruption as well as foster public support to fight corruption at all levels in the society. The Whistleblower Act, 2006 (Act 720) confers an additional mandate on the Commission to investigate disclosures of impropriety (economic crime, waste, mismanagement, misappropriation of public resources, environmental degradation) and complaints of victimizing of whistleblowers.

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#### 4.0 **PERFORMANCE FOR YEAR 2010**

During the year under review, CHRAJ undertook the following activities:

##### 4.1 **HUMAN RIGHTS MANDATE**

4.1.1 During the year, the Commission worked intensively with stakeholders towards the development of the **National Human Rights Action Plan (NAHRAP)** for Ghana. Significant progress was made from the stakeholder engagement, regarding consensus building on the key framework around which the Plan should evolve. Processes for engaging a team of consultants to assist in the development of the Plan was scheduled for completion in 2011.

4.1.2 The Commission designed and implemented a special program for health professionals in the Country, including doctors and nurses to promote and

protect fundamental human rights and freedoms in the Health Sector. The Program started in Ankaful in Cape Coast and was extended to the Upper East, Brong Ahafo and Northern Regions. A total of three hundred and thirty-eight (338) final year nurses were taken through the Program. According to CHRAJ, feedback had been very positive.

4.1.3 The Commission undertook nationwide monitoring visits with the objective of ensuring State compliance with international human rights obligations. The monitoring bothered on issues relating to economic, social and cultural rights and was done through structured interviews and focus group discussions. The issues included right to education, right to health, children's rights, women's rights, harmful cultural practices and activities of prayer/healing camps and the rights of people living in extremely deprived communities like slums. The Respondents included ordinary members of selected communities, students/pupils, traditional authorities and leadership of relevant institutions including District Chief Executives. They were selected from three hundred and two (302) public schools, two hundred and eighteen (218) health facilities, five hundred and twenty (520) communities, three (3) refugee camps for persons accused of witchcraft, fifty-one (51) healing camps and nineteen (19) extremely deprived communities.

4.1.4 Findings made by the Commission concerning the **right to education** included the following:

- a. Majority (60 per cent) of the schools visited continued to charge fees because the authorities of those institutions claim the Capitation Grant was inadequate.
- b. The School Feeding Program reduced the financial burden on poor parents by 15 per cent. Majority of the schools did not have kitchens or dining facilities. In some of the schools, the conditions under which food was prepared and served were poor and unhygienic.
- c. The phenomenon of extremely vulnerable children forced into labor to survive existed due to widespread poverty levels in the Country.
- d. Potable water and toilet facilities in basic schools were found to be woefully inadequate. Approximately four (4) out of every ten (10) basic schools had no supply of potable water whereas three (3) out of every ten (10) had no toilet facility.
- e. Some schools had poor infrastructure and generally poor environment for teaching and learning.
- f. Only three (3) out of every ten (10) basic schools had programs organized for teachers and head teachers on the right to education.

4.1.5 Regarding **right to health**, it was found out among others that;

- a. free maternal health care under the National Health Insurance Scheme (NHIS) and community-based health interventions had been implemented;



- b. Non-Governmental Organisations that focus on health issues continued to contribute immensely towards the promotion of maternal and infant health in the Country;
- c. insufficient health personnel and facilities, cultural barriers, attitudes of health workers and Ghanaians on the whole remain a significant stumbling block in the promotion of infant and maternal health in the Country.

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4.1.6 On the issue of **children's rights**, findings included the following:

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- a. 38.5 per cent of adult Respondents interviewed noted that there were reported cases of child sexual abuse in their communities. About 61.5 per cent said there were no such reports.
- b. Approximately, 85.1 per cent of the Respondents from eighty-nine (89) Government offices noted that their institutions received reports of child sexual abuse.
- c. Measures put in place by Government officials to protect victims of child abuse which included the prosecution of perpetrators, public education and protection of the identity of the victims were successful.
- d. Child trafficking did not experience any significant reduction.
- e. Child neglect, poor maintenance and lack of maintenance were still relatively high although there had been considerable improvement over the years.

- f. About 50.2 per cent of the Respondents indicated that children in their communities still engage in labor that deprive them of their health, education or development. Children between the ages of 11 and 16 years were said to form the bulk of those engaged in child labor in those communities. The worst forms of child labor were street hawking, fishing, portering, shepherding of cattle and quarrying. About 82 per cent of the respondents claimed that the campaigns by Governance institutions whose mandate include complaints handling, counselling and implementation of policies on the worst forms of child labor, had positive impact. Community members were becoming aware of the harmful effects of child labor leading to a reduction of its incidence.
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4.1.7 The following form part of the findings made regarding **women's rights**:

- a. Women's right to inheritance was still not fully recognized and there was also unequal access to jointly acquired property and sharing of income from jointly owned businesses.
- b. Some traditional practices still placed women in disadvantageous positions.
- c. About 64.4 per cent of the Respondents indicated that abuses against women still persisted in the communities and 47.6 per cent revealed that verbal and psychological abuse was most common. In addition, 23.4 per cent of the respondents

indicated that women were still denied control over their own bodies in terms of their reproductive health.

- d. About 59.3 per cent of the respondents interviewed indicated that interventions such as public education and sensitization on the rights of women by both State institutions and Civil Society Organisations; the formation of gender advocacy groups; the passage of bye-laws by chiefs; and the provision of credit facilities helped to reduce discrimination against women in their communities.
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4.1.8 The Commission monitored three (3) **camp**s for persons suspected of **witchcraft** in the Northern Region to assess the living conditions of the camps. These were the Kukuo Settlement, Tindaan Shayili-Kpatinga Settlement and the Gnani Settlement. In spite of efforts made by the Commission and civil society organisations to end discrimination, stigmatization and banishment of persons suspected of witchcraft, the practice still persisted. Sanitation conditions at the camps were found to be generally deplorable as there had been no improvement since the last inspection by the Commission in 2009. The Kukuo Camp for instance, had no access to potable water. Their main sources of water are stream and rain. There were no toilet facilities, a situation which also compounded the poor sanitary condition in the Camp.

4.1.9 In the year under review, the Commission visited twenty-eight (28) **Prisons and Prison Camps** out of the total of forty-two (42) in the Country. The

monitoring showed that the general living condition of the prisons had not improved much compared to that of the previous year. Congestion was still a major problem in the Country's prisons.

## 4.2 ADMINISTRATIVE JUSTICE MANDATE

4.2.1 The Commission continued performing its administrative justice oversight role. Among others, the Commission:

- a. collaborated with the Ghana Broadcasting Corporation (GBC) to organize educational programs in four (4) Ghanaian Languages (Ewe, Ga, Akan and Dagbani) on its administrative justice mandate. The Program was broadcast via GTV Adult Education air time;
- b. organized a number of public education and sensitization programs on its administrative justice mandate using the plethora of FM stations in the regional and district capitals; and
- c. reached out to many rural communities and schools in the year to sensitize them on the Commission's administrative justice mandate.

4.2.2 In 2010, the Commission received a total of nine hundred and seventy-eight (978) administrative justice related complaints for investigation and resolved five hundred and twenty-one (521) of them.

### 4.3 ANTI-CORRUPTION MANDATE

- 4.3.1 The Commission continued to apply the three-pronged approach to combating corruption in the public service, namely prevention, education and investigations/enforcement.
- 4.3.2 In the year under review, a Consultant was engaged by the Commission to assist in developing the **National Anti-Corruption Action Plan (NACAP)**. By the end of the year, the Consultant had completed an assessment of the corruption situation in both the private and public sectors and submitted a draft Report to the Commission. The Report was to help stakeholders gain better understanding of the actual level of corruption, reasons for the phenomenon and its trend in Ghana. It also identified gaps and challenges in the approaches adopted over the years to combat corruption in the country and provided the basis for development of the Action Plan and the key issues to be addressed.
- 4.3.3 The Commission developed materials during the year to enhance its anti-corruption education among public officers. The Commission combined the **Conflict of Interest Guidelines** issued in 2006 with the **Code of Conduct** launched in 2009 to produce a more reader-friendly booklet. Fifty thousand (50,000) copies of the new version were printed for distribution to public officers. Ultimately, the Commission aims at providing a copy of this booklet to five hundred thousand (500,000) public officers in the country by 2015. The Commission developed a **Code of Conduct specific to the Commission (the CHRAJ Code)**. The CHRAJ Code is a supplement to Chapter

twenty-four (24) of the 1992 Constitution and the Code of Conduct for Public Officers of Ghana. The CHRAJ Code was expected to be published for dissemination in 2011.

4.3.4 The Commission re-doubled its efforts aimed at nationwide awareness creation and sensitization on corruption and also undertook certain activities including the following:

- a. Training programs on Conflict of Interest Guidelines for about hundred (100) Members of Parliament (MPs). CHRAJ reported that Honorable Members said the program was useful.
- b. Workshops on Code of Conduct for Public Officials were held in the Central, Western and Volta Regions for some public officers. About three hundred (300) public officers, including Heads of Department in the three (3) Regions mentioned benefited from the training.
- c. Training and public awareness programs on the whistleblower Act, were organized in three (3) Regions – Central, Western and Volta – to encourage whistleblowing in the Country.
- d. Public education was organized in collaboration with the Ghana Integrity Initiative (GII) on corruption for ten (10) communities in the Country to raise public awareness about the evils of corruption; empower the citizenry to report corruption; and sensitize them about available mechanism for redress. The communities were Bolgatanga, Tamale,

Bole/Bomboi, Mampong-Ashanti, Kumasi, Offinso, Obuasi, Takoradi, Axim/Elubo and Tarkwa.

- e. Sensitization programs on corruption were organized for basic and second cycle schools in one hundred and ten (110) districts where the Commission had offices.

4.3.5 During the year under review, thirty-eight (38) corruption cases were received, three (3) being whistle-blower cases. The cases included abuse of office/power, extortion of money and fraud. Out of the total number of the corruption cases, misappropriation/embezzlement were eleven (11), the highest.

## **5.0 OBSERVATIONS/RECOMMENDATIONS**

5.1 The Committee observed that lack of resources was a major challenge to CHRAJ. The Institution therefore prioritized its activities and as a result was more responsive to human rights issues rather than corruption investigation, since the latter is more expensive. The Committee noted however that the Danish International Development Agency (DANIDA) provided the core Budget for the activities of CHRAJ. The Committee was informed that unlike other donors who support only specific activities, DANIDA's support is extensive in that it covers the operations of CHRAJ, including the provision of computers.

5.2 The Committee noted that CHRAJ did not perform as expected in the area of anti-corruption. The Committee therefore suggested to the Commission

to consider partnering with some Agencies such as Ghana Integrity Initiative (GII) as a way of addressing the problem of lack of resources.

5.3 The Committee again noted the high attrition rate of Staff of the Commission, especially, those of the upper level. The Committee was informed that the high attrition rate was as a result of poor conditions of service. Consequently, there were no dedicated Staff to man the Ombudsman Unit to undertake education on the ombudsman function to make CHRAJ more proactive. CHRAJ could therefore not do much to be more visible for people to understand its human rights and administrative justice mandates. The Committee recommends that CHRAJ comes out with its own conditions of service to attract competent staff to enhance its work.

5.4 The Committee commended CHRAJ for taking the initiative to educate nurses and other health personnel. The Committee appeals to CHRAJ to extend its educational program to include quality care to ensure that patients are treated with dignity and respect. The Committee also appeals to CHRAJ to intensify its educational program for teachers whilst encouraging schools to form human rights clubs to have joint activities with civic education clubs formed under the auspices of the National Commission for Civic Education (NCCE) to strengthen collaboration. The Committee would want CHRAJ to find a way of coordinating their activities with civil society organisations, particularly those on advocacy, to ensure harmony.



5.5 The issue of witches' camps was of a concern to the Committee. The perception of Ghanaians is that CHRAJ is slow in addressing issues of the witches' camps. CHRAJ explained that the delay in re-integrating those from the witches' camps into the society was due to the long time involved in investigations and consultations with traditional authorities and communities. CHRAJ made an undertaken to ensure that those in the witches camps, prayer camps and prisons do not suffer any form of human rights abuses. Whilst urging the CHRAJ to continue with the various forms of education on witchcraft, the Committee would like to appeal to churches and those in the creative industry to educate people on superstitious beliefs to disabuse their minds of practices that are tantamount to human rights abuses.

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5.6 The Committee further observed that the establishment of an independent ombudsman police investigative body would ensure high professional standards of police personnel. As pertains in other jurisdictions, the presence of such a body would encourage Citizens to report unprofessional conduct of police personnel. The Committee's sentiments were shared by CHRAJ.

5.7 The Committee noted that whereas the Budget of CHRAJ was considered by the Special Budget Committee, the Annual Report of CHRAJ was referred to the Committee on Constitutional, Legal and Parliamentary Affairs. It is the view of the Committee that, this be harmonized to allow the appropriate Committee to have a holistic view of the Commission. The Commission

informed the Committee that it lacked the necessary resources to undertake its activities. The Committee was however not in a position to speak to the issue as it had no input into their Budget. The Committee appeals to Government to resource the Commission to enable it perform its constitutionally mandated functions.

**6.0 RECOMMENDATION**

6.1 The Committee commends CHRAJ for the good work it is doing and urges the House to adopt the Report.

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Respectfully submitted



**ERIC OWUSU MENSAH**

Clerk, Committee on Constitutional  
Legal and Parliamentary Affairs



**HON. ALBAN S.K. BAGBIN**

Chairman, Committee on Constitutional  
Legal and Parliamentary Affairs

**JUNE 2014**