



Commission on Human Rights  
& Administrative Justice



International Human Rights Day  
*Dignity & Justice for all of us*

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**HIGHLIGHTS OF THE 2008 REPORT  
ON THE  
STATE OF HUMAN RIGHTS  
IN GHANA<sup>1</sup>**

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**The Chamber, Old Parliament House**

**December 10 2008**

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<sup>1</sup>This statement is an extract from the full SOHR 2008 report which will be distributed subsequently.

## Introduction

The year 2008 has been an eventful year and for the CHRAJ as indeed for the human rights community, today 10<sup>th</sup> December 2008, marks the end of a year long campaign of activities in commemoration of the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights under the theme: “**Dignity and Justice for All of Us**” thus reinforcing the fact that human rights are inalienable and inherent in all human beings and that everyone of us is born equal and free. Therefore every human being must be allowed to live in dignity and deserving of equity and justice.

Throughout the year, the Commission raised awareness particularly of the relevance of the Declaration in our lives and in the promotion of the dignity of human beings. Furthermore the Commission ensured that the theme “Dignity and justice for all of us” reflected in its work and in particular in its human rights education. To begin with, thousands of leaflets and posters of a simplified version of the Universal Declaration of Human Rights were distributed nationwide. Our campaign culminated on the 4<sup>th</sup> of December 2008 in the presentation of awards to 10 senior high school who were the proud winners of an Essay Competition organized by the Commission. The ten essays were published in a booklet entitled “Everyone has a right to education”.

Of course the main focus of all Ghanaians this year was on elections as the nation and political parties prepared for keenly contested Presidential and Parliamentary elections to be held on December 7, 2008 just after country’s Golden Jubilee celebrations last year.

Ghana returned to constitutional rule in 1992 after several years of military rule. Since then it has held four elections under the country’s Fourth Republican Constitution. The fifth election held a few days ago gives the nation strong hope that Ghana is indeed the beacon of hope for Africa.

In recognition of this historic event, one of our main focuses this year was monitoring the right to vote. The Commission thus received training and obtained accreditation from the Electoral Commission to observe the 2008 elections. In all, 318 of the Commission’s staff were deployed as observers before and during December 7, 2008. Details of this activity as well as our observations , findings and recommendation will be more fully presented in the second part of this programme.

Following our usual tradition the Commission, once again, joins the International Community to celebrate **International Human Rights Day** by issuing a statement on the State of Human rights in Ghana, 2008. The Statement which covers January to date 2008 is culled from a detailed report to be published in the 1<sup>st</sup> Quarter of 2009.

The Report is compiled, relying on the Commission’s monitoring activities and accomplishments, including investigations, research, observations and some decisions it made during the year. The Report is based on the Commission’s own findings through its investigations and monitoring activities, research, decisions and recommendations and is complemented by reports and information received from NGOs, CSOs, academia, partner organizations ,other monitoring bodies, the media and the public at large.

The Statement on the State of Human Rights in Ghana 2008 presents briefly, some highlights of the State of Human Rights Report including the following;

1. Law and Order
2. Children's Rights
3. Cultural practices
4. The December 7, 2008 elections
5. Right to shelter / housing,
6. Right to Health
7. Right to education
8. Detention Facilities
9. Protection of the Rights of Mining Communities in Ghana
10. Media monitoring and Press Statements issued by the CHRAJ
11. Corruption and Human Rights
12. The Universal Periodic Review (UPR)
13. Conclusion

## **1. Law and Order**

### **• Communal Violence**

The Commission remains concerned about the outbreak of violence following an ethnic dispute in Bawku between the Kusasi and Mamprusi since December 31, 2007. This led to the needless deaths of 10 persons and 16 persons were injured. 127 houses were burnt down and vehicles were set ablaze.

This situation led to the imposition of a curfew in the affected communities which remained in force during the entire reporting period of 2008. The Commission expresses concern about the continuing insecurity in the Bawku municipality and the huge cost to the nation in protecting life and property. The Commission calls upon the residents of Bawku and all concerned citizens and institutions to work earnestly towards peace in the Bawku community to ensure development and progress in that part of the country.

### **• Reports of Police Brutality and Mob Justice**

Regrettably, this year like last year, there have been numerous confirmed and unconfirmed reports of police brutality, sometimes leading to loss of life. We note the Ashaiman shooting incident which led to the death of two persons;<sup>2</sup> the alleged opening of fire into a peaceful demonstration at Akyem-Ayirebi in the Eastern region<sup>3</sup> and the shooting of a young man suspected to be a galamsey operator a week after the attorney-general announced the governments discontinuation of military protection for mining companies<sup>4</sup>.-

Furthermore, the Commission is gravely concerned that the spate of mob "justice" which was prevalent last year still persists. The barbaric, inhuman and cruel acts such as stoning, lynching, beating and burning of suspected criminals, which are a flagrant abuse of fundamental freedoms, in particular, the right to life, without recourse to the criminal justice system must not be justified by any means.

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<sup>2</sup>See Daily Graphic, June 5, 2008

<sup>3</sup> See Daily Graphic, February 18, 2008, p 16

<sup>4</sup> See Public Agenda, May 19,2008

All citizens must to hand over suspects to the police to let the legal process take its course. The Commission further calls on the Inspector General of Police as a matter of urgency, to investigate all reports on suspected police brutality and mob action and expedite necessary action against the perpetrators.

The Commission is also concerned about situations where such actions are extended to public officers in line of duty. According to The Ghanaian Times of January 22, 2008, p7,<sup>5</sup> mob attacked and dented a fire tender and destroyed its windscreen when officers responded to distress call at Old Tulaku, Ashiaman. The crew retreated and reported the issue to the Ashiaman police. The mob followed up to the police station, reinforcement of policemen was called in to protect the firemen. According to the report, the Assistant Divisional Officer, Prince Billy Anaglate noted that, the Ashiaman fire station had experienced 11 of such attacks since the office was opened about 11 years ago.

- **37 Military Hospital Incident**

The CHRAJ investigated a media report, alleging dehumanizing treatment and punishment meted out to some commercial drivers and their mates by military personnel at the 37 Military Hospital on 27<sup>th</sup> June, 2008. The commercial drivers were taken to the military hospital mortuary and made to wash and handles corpses while the mortuary attendant ridiculed them. The CHRAJ commended the military authorities for immediately investigating and subsequently offering compensation to the aggrieved commercial drivers. The Commission further recommended to the authorities that :

- The outcome of investigations being carried out by the 37 Military Hospital and the military police should be made public to promote public trust and human rights
- Passengers waiting for vehicles at the 37 Hospital should be made to wait at the designated bus stop instead of standing close to the entrance of the hospital.
- In times of breakdown of traffic lights at the interchange, police personnel at the 37 Hospital should be stationed to direct traffic.
- Victims should be adequately counselled and compensated.
- Perpetrators of the heinous act should be identified and made to face the full rigors of the law for human rights abuses to serve as deterrent to others

There however still remains the issue of level of compensation offered which the commercial drivers deem to low.

## **2. Children's Rights**

### **Child Sexual Exploitation**

CHRAJ is alarmed about the growing incidence of children some as young as 11 years being exploited for commercial sex.. The Consolidated Criminal Code of Ghana states that whoever has custody, care or charge of a child under 16 years, and encourages that child to become a prostitute or to commit an indecent act has committed a crime under the laws of Ghana. Among other things, the Commission is reiterating its call on the police, prosecutors and public services working directly with children for immediate action.

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<sup>5</sup> Also see Daily Guide, January 22 2008, p17

Anecdotal evidence seems to suggest that the police are too lenient with perpetrators or does not take the reports made in this regard seriously/

### **Child Labour**

Incidences of *child labour* were monitored in 30 communities across the country. Fifteen of these communities are located in nine (9) ILO/IPEC Time Bound Districts<sup>6</sup>.

The Commission interviewed a total of 457 (four hundred and fifty-seven) working children between the ages of 6 and 17 in about 30 communities monitored. The children were engaged in fishing, mining, quarrying, agriculture, head portering and petty trading. Most work under very difficult conditions. Children in 22 (twenty-two) of the communities monitored noted that they worked long hours especially during the peak seasons. Those who worked in the quarry, carpentry shops and mining sectors did so without any form of protective gadgets exposing them to dust and other pollutants in contravention to the Children's Act, 1998 (No. 560), Section 12, No person shall subject a child to exploitative labour as provided under section 87 of this Act.

There are varied views on the causes of child labour. At Amutinu in Ketu District of the Volta Region respondents regarded work done by children as part of an apprenticeship programme. Even though the Ghana Millennium Development Goals 2006 Report indicated that the country has halved the proportion of people living in extreme poverty from about 36.5% in 1991/92 to about 18.2% in 2005/06, poverty still remain the underlying cause for child labour

### **3. Cultural practices & Cruel inhuman and degrading treatment**

#### **Prayer Camps**

The Commission investigated a report by TV3 of alleged cruel, inhuman, and degrading treatment meted to some physically and mentally ill people in prayer camps in Accra. Commission's investigation revealed that some of the persons who had been taken to these camps were chained or lying on the bare ground. The Commission has observed that most of the human rights violations are perpetuated out of ignorance. As part of its human rights education the Commission has decided to commission a wider enquiry into such incidences and identify prayer centres across the country with the help of our Regional and District offices. The owners and pastors of such Camps and Centres would be given basic training in human rights and basic law.

#### **Witch Camps**

The Commission also monitored witch camps, and the plight of persons suspected of witchcraft in the three northern regions.

It is important to note that the practice of condemning persons to mob-attack and lynching or ostracising them for alleged or suspected acts especially for the practice of witchcraft which cannot be proved by any court of law or any scientific methods, violates the following

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<sup>6</sup> 6. The Time-Bound Programme approach is designed primarily to assist member States with an integrated approach for implementing ILO Convention No. 182 on the Worst Forms of Child Labour. Convention 182 has brought focus and a sense of urgency to the complex endeavor of progressively eliminating all forms of child labour, driven by the ILO Minimum Age Convention (No. 138). Elimination of child labour remains the long-term goal. Elimination of its worst forms, however, is the priority target, and these forms must be dealt with in an integrated and time-bound fashion. Districts participating in the ILO/IPEC Time-Bound Programme

fundamental human rights guaranteed by the 1992 Constitution of Ghana and some of which rights derive from the Universal Declaration of Human Rights (UDHR).

Housing facilities in the camps generally are poor. Majority of houses or huts in the camps are built with mud. The only sand crete buildings are found in the Kpatinga camp where corrugated iron sheets were also used in the roofing.

Pipe borne water is available to one of the camps even though it is not regular. One camp depends on a bore hole and the rest rely on streams, lake, rivulets, ponds etc for water. Borehole water appears to be more regular than the rest.

Suspected witches and wizards are still banished to the camps. The number of persons banished has increased slightly in two of the camps. At the Kukuo camp the number has decreased significantly. In 2008 about 28 suspected witches were admitted to three camps while 16 were released back to their societies.

#### **4. Right to shelter / housing,**

##### **Slum Areas**

Seven very deprived communities (*slum* areas) were selected for monitoring across the country. We focused on the number of occupants of household, sex, age, occupation, average income of a household, house ownership, type of buildings and roofing, availability and adequacy of water, toilet facility, sanitation, bath facility, refuse disposal ; educational and health facilities , as well as means of transport.

The United Nations Settlements Programme (UN Habitat) defines slums as featuring lack of durable housing, insufficient living area, lack of access to clean water, inadequate sanitation and insecure tenure. This was the characteristic of the slums visited; inadequate housing and standard of accommodation, lack of potable water, and educational facilities, non-existent toilet facilities and slum dwellers often have to do their “business” in open gutters and/or plastic bags which they dispose off in the gutters or on open rubbish heaps. This contributes to precarious sanitary conditions and is a threat to health. . For instance, Kaadem a suburb of Bolgatanga in the Upper-East Region, Ekon in the Central Region, and Abonkor in the Tema Municipality have no toilet facilities in the homes.

Slum dwellers are vulnerable to the vagaries of the weather such as rainstorms, excessive heat and leakages. Households are infested with pests such as mosquitoes, cockroaches and in some cases rodents such as rats and mice. The commonest diseases in these communities were malaria, diarrhoea, cholera and typhoid fever. Majority of the slum dwellers were not covered by the NHIS.

Crime rates in the slum communities are comparatively high with Ahanta West in the Western Region and Nima in the Greater Accra Region reported having very high crime rates.

#### **5. Right to Health**

The Commission monitored a total of 26 *health* institutions including two psychiatric hospitals across the country. Among other areas of focus included quality of healthcare facilities; service and personnel; availability of immunizations and drugs; right to physical and mental health for persons with disabilities; HIV/AIDS; national health insurance scheme; patients’ charter and right to complain.

### **Quality of Facility, Services and Personnel**

The monitoring exercise revealed that approximately half of hospitals monitored do not have adequate facilities including consultation rooms, it was noted that observation rooms laboratories, and beds were inadequate. (Eg. Ningo Health Centre, Tema)

About 76 percent of hospitals monitored had no ambulance. These hospitals either had to rely on commercial vehicles or call the nearest Regional hospital in the event of an emergency.

The doctor patient ratio did not improve over last year's. Medical teams had to work under pressure because of shortage of health personnel. For instance, this year the highest doctor-patient ratio recorded was 1: 109,069, as compared last years of 1:79,000. Both records were obtained from two different hospitals from the Upper West and East Regions respectively.

Similar patterns were recorded with respect to the nurse patient ratio as well as the laboratory technician patient ratio. The worst nurse-patient ratio and laboratory technician to patient for last and this year of 1: 9,616 and 1:164,458 were recorded at the Fomena Health Centre and Kaneshie Polyclinic in the Greater Accra region respectively.

The situation at the Pantang and Ankaful psychiatric hospitals were no different, doctor patient ratio was 1:2960 and 1:4802, respectively. The Pantang hospital had only 3 doctors at post for the numerous psychiatric cases reported daily, whilst Ankaful, as at the time of monitoring, had two specialist (expatriate) doctors. Nurse to patient ratio was 1:30 in Pantang and 1: 181 in Ankaful. Laboratory technician-patient ratio at Pantang was 1:4770, whereas that for Ankaful was 1: 3201.

### **Availability of Immunizations and Drugs**

A significant percentage of health institutions monitored had not got adequate resources to undertake immunization against the seven major diseases.<sup>7</sup> The Kaneshie Polyclinic in the Greater Accra Region, for instance, does not provide vaccination against polio, typhoid and Hepatitis A. as at the time of visit, the Ayomso Rural Clinic in the Brong Ahafo had no multi-vitamins, syrups, Mag. Trancilate mixtures and cough mixtures. This calls for the availability of drugs for immunization and medical treatment.

### **Physical and Mental Health for Persons with Disabilities**

It was observed that some health institutions were not easily accessible to Persons Living with Disabilities. Patients had to be lifted out of his wheelchair up a flight of stairs to reach the OPD. This was the situation at Our Lady of Grace Hospital in the Central Region, Ashiaman Health Centre in Tema and Ayomso Rural Clinic in the Brong Ahafo region.

### **HIV/AIDS**

According to the 2007 Sentinel Surveillance report, the prevalence rate of HIV/AIDS is 1.9%.<sup>8</sup> Currently there are 95 treatment sites where anti-retroviral drugs can be accessed throughout the country. These treatment sites include all the teaching hospitals, the 37 Military Hospital, Police hospitals and three private hospitals.<sup>9</sup>

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<sup>7</sup> Yellow fever ,TB, Polio, Typhoid, Hepatitis A, Hepatitis B and Measles

<sup>8</sup> Interview with Prof. S.A. Amoa, DG GAC ( 17-11-2008)

<sup>9</sup> Source: Daily Graphic, September 29, 2008, Page 28.

## **6. Right to Education**

30 schools were selected from across the country for the monitoring exercise. Out of this number, 12 are special schools for the deaf and blind while 24 were government schools, comprising six senior high schools and 18 primary and junior high schools.

The quality of school structures vary from well constructed concrete block to dilapidated wooden structures. Only a few school buildings covered by this exercise were in good shape for effective teaching and learning. Schools in the Northern and Volta regions had the worst form of accommodation. Most of the schools covered did not have water, toilet and other sanitary facilities.

### **Availability of learning materials**

Some of the school authorities complained about the quality of teaching materials. Congestion in schools is still a challenge. Seventeen of the schools covered were found to be congested, six of them being special schools. In all cases the student population far exceeded the expected capacity. In some schools, pupils sit in threes and fours on chairs meant for two. A typical situation was observed at Moree Methodist Pre-School (Kindergarten) where the only available space was where the teacher could stand. Long benches were being used extensively.

### **Persons with disabilities**

Although 12 of the non-special schools each had at least three students with physical disabilities, none of these schools had facilities and structures to meet the needs of the physically disabled. In specially created schools for persons with disability some steps have been taken to make facilities readily accessible to them. At Okuapemang Special School for the blind, sign boards had been erected to warn drivers to be careful, special walkways, friends of the blind program and a brail library. At Wa School for the Deaf, students with intellectual, sensory or mental disabilities had special instructions such as an audiometer for the hearing impaired and sign language for the dumb. The school also had a Bsc Physiotherapist but there were no equipment to work with. Clearly, all the schools complained of inadequate facilities

### **Capitation grant**

On capitation grant, heads of 30 schools lamented about the inadequacy of grant, considering the number of pupils they were admitting each year, and the cost of repair of furniture, among others. They also bemoaned the snail pace at which the fund is disbursed.<sup>10</sup>

### **School levies**

In spite of the capitation grant, some public schools still levy parents and guardians for things like sports fees, house dues, health dues, and computer use. The collection of these levies, according to heads of schools, has been necessitated by the inadequacy of the quantum of the capitation grant and slow way the amount is disbursed.

## **7. DETENTION FACILITIES**

This year, the Commission inspected a total of 22 Prisons, 1 Borstal Institute and 26 Police cells across the country. There were 5218 inmates in the Prisons, 113 in the Borstal Institute and 245 in the Police Cells .

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<sup>10</sup> See also *The Insight*: 7<sup>th</sup> -9<sup>th</sup> November , 2008 , front page

In both the prison and police cells inspections, however, the focus was on accommodation, nutrition, healthcare of inmates, as well as sanitation. Other areas of focus are the issues of women (in pre- and post-natal care) and children/babies as well as the general conditions under which inmates and prison officers/ police officers personnel live and operate.

## **Prisons**

### **Category of Inmates**

The inspections revealed a probable adherence to the law by prison officers not to keep babies and or pregnant women in the cells, since all the stations visited had neither a baby nor a pregnant woman. This was an improvement on previous year's visits where babies and pregnant women were found in the cells.

This obviously is a great improvement in our penal system and deserves commendation.

It was noted that there were some persons with either physical or mental disability in the some of the prisons visited. This was the case in Amanfrom Prison and Kpando prisons in the Ashanti and Volta Regions respectively.

### **Accommodation**

The general problem of congestion among remand prisoners and suspects has not improved. Factors that account for this situation include, as usual, failure of police officers to send suspects to courts, inability of remand prisoners to meet bail conditions, frequent adjournments of cases, and abrupt transfers or postings of investigators handling cases.

It must be noted, however, that there are credible efforts on-going to decongest the remand prisons, including the "Justice for all" programme introduced by the Ministry of Justice.

## **Police Cells**

### **Category of Inmates**

. The inspection revealed a high percentage of inmates to be within the 19-29 and 30-39 age brackets. Out of the 45 inmates in Aflao Police Station, 38 were aged between 19-29; whilst 20 out of 43 inmates in Ashiaman, were between age 30-39. There were a few foreigners, however; 4 in Aflao Police Station, 3 in Kumasi Central Police Station, and one each in Madina and Ashaiman Police Stations.

### **Accommodation**

Police cell detainees were confronted daily with unhealthy and unsanitary conditions, including that of their own cells. These cells were often overcrowded, poorly ventilated and poorly illuminated. Coupled with that some of cells had no planks for beds, no beds, mattresses and no extra blankets for suspects to use as bedding. Suspects are also not allowed to provide their own beddings. Such was the situation in Obawale and Koforidua Police Stations in the Eastern Region

### **Nutrition**

Feeding of inmates or suspects in detention centres is the responsibility of government. In majority of police stations visited, however, inmates said they were fed by either relatives or friends. A few, however, said that Station Officers sometimes fed them with their own

money. At the Ashaiman Police Station, for instance, officers disclosed that suspects were normally fed once a day by relatives, friends and philanthropists. Suspects present at the time of visits complained of the inadequacy of meals. At the Old Ningo Police Station officers on duty said suspects were normally fed thrice a day by relatives and friends. This situation poses great challenge to suspects who have no relations in or around their detention place.

### **Remand Information**

From the investigations, it seemed as though the 48 hour rule is being adhered to. Several cells visited had inmates who had spent less than 48 hours; however, very few like in Koforidua and Wenchi police Stations where 1 inmate (each) had spent over 3 months and 7 days respectively.

## **8. Protection of the Rights of People Living in Mining Communities**

The state of human rights in mining communities in Ghana

Based on the Commission's concern for the protection of basic human rights of all persons and in line with its mandate, the Commission this year completed a systemic investigation it began in 2001 into the state of rights and fundamental freedoms of people living in mining communities in Ghana.

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

The commission organized public hearing and solicited views from individuals, groups, companies and communities affected by mining operations. It was undertaken a verification mission to some mining communities.

The results showed evidence of widespread violations of human rights of individual members of communities and communities collective rights in some mining areas in the country; pollution of communities water sources; deprivation and loss of livelihoods and excesses by the security agencies. In addition to that, inadequate compensation for destroyed properties; absence of effective channels of communications/ consultation between companies and communities; health problems attributed to mining and unfulfilled promises were also a contributing factor to the rising tension between the communities and the mining companies.

The Report covering this trail-blazing work by Ghana's National Human Rights Institution (NHRI) was released on the 4<sup>th</sup> of September, 2008. Copies of the reports containing recommendations were made available to all stakeholders.

We hope a holistic approach would be adopted to ensure that the needs of communities affected by mining are addressed.<sup>11</sup>

We believe strongly that the results of this investigation and our recommendations have significance for the entire extractive industries and would certainly provide insights into good management of our oil resources. The lessons from our mining enquiry could assist in the making of good policies with

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<sup>11</sup> See The State Of Human Rights In Mining Communities In Ghana, March 2008 for full details

respect of our oil resources thereby we will avoid being an economy blessed with most natural resources with a substantial part of our population living in poverty. The fruits of the expected bounty from the oil find will accrue to the entire nation but not the minority of the country's elite.

## **9. Corruption and Human Rights -2008**

### **Allegations and Reports**

The most serious threat to the enjoyment of fundamental human rights and freedoms is corruption. During the period under review, several allegations, reports of and concerns about corruption have been raised about the prevalence and consequences of corruption in the country. The reports allege various types of corruption, perpetrated by public officials namely, bribery, fraud, nepotism, abuse of office and incumbency, conflict of interest, embezzlement, misappropriation of public moneys by public officials, conflict of interest and insider dealings in public procurement, among others. Election corruption, abuse of incumbency and treating of the electorate were also reported in the year<sup>12</sup>. The Public meetings of the Public Accounts Committee of Parliament, begun in October 2007 to consider the Report of the Auditor-General on Public Accounts of Ghana for the Year ended 2004/2005, as well as the current Report of the Auditor-General on Public Accounts of Ghana for the Year ended 2007, reveal financial mismanagement, fraud and dishonesty in the management of public funds.

More disturbing is the issue of judicial corruption. Allegations of "... corruption and connivance in perverting the cause and ends of justice have been rife, and have generally tended to erode a measure of confidence..." in the work of the judiciary.<sup>13</sup>

In the year, Ghana scored 3.9 on the Transparency International Corruption Perception Index (CPI) and was ranked 67<sup>th</sup> of the 180 countries surveyed. This score was what Ghana obtained in 2002. Though, a slight improvement over the other previous years, the score of 3.9, is far below the average clean score of 5.0. Combined with fact that Ghana has continuously scored between 3.3. and 3.9 since 1999, this year's score should be a source of worry for Ghanaians requiring special attention than has been.

Thus, in the year 2008, there has not been any significant change in the perception of Ghanaians about the prevalence of corruption in the country, which indicates that more efforts and resources must be directed to the fight against corruption.

### **Efforts to combat Corruption**

Within the period under review, the fight against corruption in the country, just as the previous year, remained an important activity. The Commission notes the efforts of members of the GACC, especially, the CDD and the GII in this direction.

### **CSOs**

#### **Assets Disclosure**

The Commission and its stakeholders have time and again stated that the current assets disclosure regime in Ghana does not represent an adequate tool for combating corruption in the country. In the period under review a number of public awareness programmes, including discussion in the media, on the assets declaration laws, were organised. The Ghana integrity Initiative (GII) facilitated a number of initiatives on this subject and as a result, proposals on the review of the Assets Declaration Act 1998, as well as a draft LI were presented to the Auditor-General and the Attorney-General for

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<sup>12</sup> See for instance the CODEO Reports on the Pre-Election Environment for 2008

<sup>13</sup> *Corruption is worrying us all, Theodora wings her hands in frustration*, The Chronicle, 13<sup>th</sup> November 2008, p.1

consideration. Proposed constitutional amendments were also presented for the consideration of government.

The media continued its watchdog role in highlighting issues of corruption in the country. The Commission monitored over 17 media facilities and reviewed over 66 reports in the media on corruption and related misconduct. Highlights of these reports include allegations of extortion, collection unauthorized levies by heads of institutions, embezzlement of capitation grants and misappropriation of funds.

### **Government**

We note that some modest efforts were made by Government to combat corruption, including legislative. The Financial Administration (Amendment) Act 2008, Act 760 was passed. However, the following Bills laid earlier in the year, are pending: Electronic Transactions Bill; Mutual Legal Assistance Bill;

### **The Commission**

On its part, the Commission continued to receive and investigate allegations of corruption, create awareness of the evils of corruption and to build capacity of its investigators to handle corruption cases.

Within the period, the Commission collaborated with the GII in conducting public forums in four regions to create awareness of the Conflict of Interest Guidelines issued by the Commission in 2006. The regions are Greater Accra, Northern, Upper West, Western Region and Volta. An average of 80 public officers attended the forums in each region.

In the year, the Commission organized a 4-day Training Workshop for Investigators and Lawyers. Over forty participants attended the workshop which was organized around three thematic areas, namely, *Investigating Corruption, Role of Ethics in Investigations, and Anticorruption Research and Education*

The Commission produced draft code of conduct for public officials, which would be subjected to public discussion in 2009.

Steps were taken in 2008 to strengthen collaboration with the Anticorruption Agencies outside Ghana. A memorandum of understanding between y the Anti-Corruption agency of Malaysia (ACA) and the Commission was signed in August. The MOU provided the framework for establishing and enhancing mutual efforts between the two organisations to increase capacity and capability building of their officers in the sphere of combating corruption, which is corruption investigation, intelligence, training, community education and prevention.

Efforts were made to educate the populace on the effect of the decision of the Supreme Court in the case of *The Republic v CHRAJ: Ex Parte, Dr. Richard Anane*, on the anti-corruption mandate of the Commission.

For the sake of those who may not have read the decision, On 21<sup>st</sup> December 2007, the Supreme Court delivered its ruling on the matter stating among others that:

- **The Commission requires a complainant to investigate matters under Article 218(a) and (b)(human rights, abuse of power and administrative injustice);**
- **It can however investigate matters under the said Article but it must be for the purposes of education only;**
- **The Commission can investigate media allegations of corruption and misappropriation of public monies by public officials under Article 218(e);**

- **CI 7 does not regulate 218(e) and therefore the Commission should make regulations pursuant to Article 230 regarding how it would investigate all instances of alleged or suspected corruption.**

The decision, though, did not bar the Commission from investigating allegations of corruption made in the media, was understood by the ordinary person to affect corruption cases and nonetheless affected the intake of complaints on conflict of interest and on corruption.

The Commission received about 24 cases between January and November, including whistleblower disclosures. It could not, however, investigate issues of conflict of interest raised in the media and other fora in view of the Supreme Court Decision.

Despite all these measures in the year under review, the challenges of fighting corruption remain unaddressed in a significant measure. These challenges include the following:

- The fusing of the position of the A-G and public prosecutor in one person. The decoupling of the position of the Attorney-General and Minister of Justice. We are advocating for an independent non-partisan public prosecutor;
- The delay in the passage of the Freedom of Information Law to enable individuals, CSOs, and particularly, the media to access information from public officials more easily;
- The frequent interference in the operations of the SFO and creating uncertainty and fear in the leadership of the organisation.
- Inadequate resource allocation to anticorruption agencies and frequent budget cuts to these organisations, and
- Weak political will to fight corruption

In that regard the Commission has noted the various campaign pledges and promises of the presidential candidates and will hold them to that, increasing our lobbying in 2009 so that more attention would be given to the challenges made with a view to intensifying the fight against corruption, which has become the most significant obstacle to the enjoyment of human rights and freedoms in the country.

### **The Universal Periodic Review (UPR)**

The Working Group on the Universal Periodic Review (UPR) established in accordance with UN Human Rights Council resolution 5/1 of 18 June 2007, reviewed Ghana's human rights performance during its second meeting on 5 May 2008.

The Review based on:

- National Report submitted by Government
- Stakeholders' submissions including CHRAJ's report, CHRI, & other NGOs and Civil Society Organizations. (*Note that a number of the issues that we have addressed in our SOHR were submitted to the HRC*)
- Compilation of Treaty Body reports by OHCHR

In the three hour review session , Ghana 's delegation led by the Hon Minister of Justice and Hon. Minister of State for Education had to answer a number of questions posed by about 44 member states. At the end of the review 30 recommendations were made to Ghana by the WG of the HRC , 22 of which were accepted delegation and 6 rejected . Report of Review of Ghana adopted including recommendations formally adopted on 11th June 2008.

The discussions and report pertaining to Ghana can be accessed on the HRC website. But the Commission would like to highlight some of the salient commitments that Ghana made to this august body and which the Commission would be monitoring and assisting the government to follow up and implement:

### **Recommendations accepted by Ghana**

- To take the necessary measures in to reinforce the campaign against discriminatory practices and violence against women and to take further steps to address discrimination against women and vulnerable groups, including children ;
- To adopt legislative and other necessary measures including awareness-raising campaigns against harmful traditional practices and stereotypes eliminate FGM, put an end to harmful widowhood rites and implement protective measures for this group in relation to eviction and inheritance, and halt the practice of trokosi .
- To strengthen the funding for implementation and to effectively implement the 2007 Domestic Violence Act and strengthen the funding and improve the functioning of the Domestic Violence and Victim Support Units within the Police Service;
- . To adopt necessary steps to ensure that victims of violence are not obliged to pay costs of their medical examination and that trials of alleged perpetrators take place in due time to avoid their release in accordance with Art. 14 (4) of the Constitution, which may amount to impunity of perpetrators;
- To strengthen its efforts to fully implement the recommendations adopted by the CRC and to prohibit all forms of violence against children ; to take further measures to implement the overarching and setting-specific recommendations of the UN Study on violence against children; to take the necessary measures to prevent child abuse and neglect and investigate cases of domestic violence, ensuring that sanctions be applied to perpetrators ; and to enhance its efforts in protecting children rights
- To remove impediments women may face in gaining access to justice and take special measures, in collaboration with the CHRAJ, to enhance women's awareness of their rights, and legal literacy to claim their rights; to inform the general public on their rights and how to gain access to justice; and to expand the legal aid services, in particular to rural areas;
- To further strengthen judicial structures, adopt measures against corruption in the judiciary and introduce more education and training for police, courts and social services to ensure their effective and appropriate reaction to all cases of domestic as well as other kinds of violence against women; to complete the reform of the judicial system;
- To take steps to ensure that the initial and second reports (overdue since 2001) on the implementation of measures contained in the ICCPR, as well as in the CAT are submitted in the near future ;
- To remove impediments women may face in gaining access to justice and take special measures, in collaboration with the CHRAJ, to enhance women's awareness of their rights, and legal literacy to claim their rights ;

- to inform the general public on their rights and how to gain access to justice and to expand the legal aid services, in particular to rural areas
- To ratify the Convention on the Protection of Persons with Disabilities ;
- To ratify the Optional Protocol on the Convention Against Torture (OP-CAT) and to do so as soon as possible ;
- To take further action to combat corruption , especially in the public sector ; To share its experiences, inter alia, regarding the African Peer Review Mechanism and the National Reconciliation Commission ;
- To intensify necessary measures to combat and sanction police brutalities ;
- To allocate more resources, including through multilateral cooperation, to enhance the implementation of its respective laws, combating impunity, and to raise human rights and rule of law awareness where needed ;
- To further strengthen the capacities of the CHRAJ by increasing its funding and resources ;

Expectation of a “follow up “ committee convened by the A-G to work on implementation of these recommendations were overshadowed by the Government’s schedule and preparations for Presidential and Parliamentary elections in December 2008. However as has been said above, this will be one of our first priorities in 2009.

## **MAJOR PRESS STATEMENTS ISSUED BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

### **CHILD PROSTITUTION**

The Commission on February 6, 2008 issued a press statement on Child Prostitution expressing its utmost concern about the spate of Child Prostitution in Ghana. Describing the Act as illegal and undignifying, the statement said it was more horrendous and extremely injurious when it involved children. It further condemned the alarming situation where Ghana’s children were increasingly being exploited on commercial sex cautioning that it posed a great threat to the nation.

### **INTERNATIONAL WOMEN’S DAY**

The Commission on this day (March 8, 2008) commended all Ghanaian women for their great commitment and contributions to Ghana’s development and progress. The statement acknowledged the critical role of women in nurturing and their endeavours towards the maintenance of families in the country and called for an end to disgraceful cultural practices such as female genital mutilation, widowhood rites, as well as gender based violence like rape, sexual harassment, domestic violence, discrimination, etc.

### **WORLD REFUGEE DAY**

The Government and people of Ghana were on this day June 20, 2008, commended for their continued support for refugees in the country. The statement noted that Ghana had over the years traditionally played host to a large number of refugees for Africa. This it said spoke volume of the country’s readiness to help citizens from neighbouring countries in times of

crisis and admonished Ghanaians to reject xenophobia. The statement, however, bemoaned 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 and appealed passionately to refugees, as a matter of necessity to always operate within the confines of the laws of their host countries, as enshrined in the International Refugee Convention.

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

The CHRAJ on June 26, 2008 expressed its abhorrence of torture and other cruel, inhuman or degrading treatment or punishment. The Commission held that freedom from torture was a right that must be protected in all circumstances. The statement described torture as any act by severe pain or suffering whether physical or mental which was intentionally inflicted on a person for such purposes as obtaining from the person being tortured or a third person information or a confession.

The Commission believed that the surest way to prevent torture in Ghana, was to train and well equip the security agencies to perform their functions in a more professional manner and also, to prosecute officials and other persons who violated the law and inflict such psychological and physical pain on others. It therefore once again, called on the government to ratify the Optional Protocol to the Convention against Torture which it had already signed.

### **INTERNATIONAL DAY FOR TOLERANCE**

On November 16, 2008 the Commission joined the International Community to mark the International Day for promoting Tolerance by calling on the Government and people of Ghana to exhibit the highest sense of tolerance during the elections.

It stated in its statement, that tolerance was respect and appreciation of variety or diversity of views, ideas, cultures as well as forms of expression by individuals trying to relay whatever information they wanted to put within the public domain.

The Commission describing tolerance further as the ability to agree to disagree and to express different point of views and still befriends, encouraged the media, civil society organizations , and the general public to intensify public education in promoting tolerance in Ghana and also prepare the minds of the electorate as well as their attitudes towards peaceful elections.

The CHRAJ finally called on the Government to ensure the enforcement of Ghana's criminal justice system so that people are not tempted to take the law into their own hands and resort to violence by way of settling disputes.

### **INTERNATIONAL DAY OF PERSONS WITH DISABILITY**

The CHRAJ in a press statement on December 3, 2008 noted with pride the passing of the Persons with Disability Act 2006, but said that was only the beginning as persons with disability continued to be excluded and discriminated against in many ways.

The Commission also expressed great Joy and satisfaction as regards steps taken by State to ensure that all persons with disability voted independently in the just ended elections, despite the fact that their challenges were still enormous.

The Government was therefore called upon to put in place with utmost urgency a comprehensive national action programme to ensure that all persons with disability fully benefitted from the objects of the Disability Act.

## **CONCLUSION/RECOMMENDATIONS**

### **General Status of Cases**

The Commission as at September 2008 had received a total of 8,905 cases and closed 5,653. The nature of complaints ranged from family related cases, child and spouse maintenance to inheritance, administrative injustice, discrimination and other human rights violations cases.

### **Health**

The Commission calls on government to expedite work on the Mental Health Bill. In addition, more effort should be made to educate the society and families of mental patients to support them to help speed up recovery and re-integration into the society.

### **Education**

- Provision of adequate educational infrastructure [including health and toilet facilities] should be ensured in all schools to under-gird the dignity of our children.
- Teaching and learning materials [including I.C.T materials], especially those on the new educational programs, must be made available in all schools.
- To ensure the success of the FCUBE Program, the Capitation Grant must be administered in a manner that would ensure that all Ghanaian children benefit from high quality education.

### **Slums**

- Clear policies must be formulated to improve slum communities particularly in term of schools, toilet facilities and better shelter.

### **Suspected Witches and Witch Camps**

- The law enforcement agencies must be more active in providing the necessary protection for victims of this dehumanizing cultural practice, and prosecute the offenders.
- The State must take practical steps to provide basic facilities such as electricity, decent housing to improve the quality of life for the victims.

### **Prisons and Police Cells**

Though conditions in detention institutions in the country have improved over the years, there is still need for improvement. In light of the above, the commission would like to make the following recommendations:

- That the Ministries of Justice and Interior, and the Police and Prisons Councils continue with their efforts to decongest the country's prisons and police cells
- That the judiciary favour non-custodial sentencing for minor offences and first offenders as a way of decongesting our prisons.
- That sanitary and health condition in all detentions facilities are improved by ensuring that there are sufficient toilets and baths for inmates.

On behalf of the Commission and on my own behalf, I take this opportunity to thank sincerely all our development partners for the invaluable support and technical assistance that they continue to give us. I would like to mention, Danida through the Royal Danish Embassy, DFID, the UNDP who variously supported our public education activities, our publications and specifically supporting our publication of the Mining Report. There are other partners including CSOs and NGOs who continue to partner us as human rights defenders and who assist us in research and collaborate us in our initiatives. The media has been an invaluable partner to us in raising awareness and it is clear from the very many human rights related carried by media in recent times that there is certainly a greater appreciation and awareness of the importance of adherence and promotion of human rights for development of our country. The media has also been at the forefront of exposing corruption. We also will acknowledge that the Government of Ghana through the Ministry of Finance has over the past 4 years recognized our triple mandate and has made some upward adjustments to resource allocation. I would also thank the staff and employees and my fellow commissioners at the Commission for their continued commitment to this fine institution through their tireless work. This year especially has been pretty hectic and I will take the opportunity to commend you all especially for your work in monitoring the right to vote. Some of you I know slept on couches in your offices in order to ensure that all the information that we required to present our report would be submitted by the deadline. This you cheerfully did in spite of the fact that you already had other assignments which could not be postponed. Ayeeko.

To the good people of Ghana, the Commission thanks you for your continued confidence and the fact that you recognize as we do that there can be no true development in our country without the presence of the rule of law, freedom and social justice. Furthermore the enjoyment of human rights and civil liberties are of crucial importance if democracy is to thrive and be consolidated.

It was Martin Luther King Jr who said *“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”*

No government can be truly democratic or claim to be promoting good governance if that government fails to recognize the link between *human rights* and sustainable development, *human rights* and poverty alleviation and eradication, and if it fails to understand the impact of corruption on *human rights* and indeed if that government does not recognize that the institutions set up under the constitution to promote human rights and thereby enforce the Constitution **must** be **empowered** and fully supported to deliver on the aspirations of the people.

I shall now deliver our preliminary report on the 2008 Elections.

## **PRELIMINARY REPORT ON THE 2008 ELECTION**

I wish all of you a Merry Christmas and a Prosperous New Year.

Signed by:

**Anna Bossman**

**Acting Commissioner**