

SIDE EVENT: HUMAN RIGHTS, GENDER AND CORRUPTION - LINKAGES, GOOD PRACTICES, POTENTIAL AND LIMITATIONS
(WEDNESDAY, 18 DECEMBER 2019, 13:00 - 14:00, CR1)

TOPIC: THE EXPERIENCE OF THE CHRAJ IN INCREASING AWARENESS OF THE NEGATIVE IMPACT OF CORRUPTION ON HUMAN RIGHTS AND PROMOTING GENDER EQUALITY

NOTES FOR PRESENTATION BY CHARLES AYAMDOO, CHRAJ-GHANA

1. NATURE OF THE COMMISSION

- The Commission on Human Rights and Administrative Justice (CHRAJ) was established in 1993 pursuant to article 216 of the 1992 Constitution of the Republic of Ghana (the Constitution), among others, to investigate complaints of violations of fundamental human rights and freedoms, injustice and corruption, abuse of power and unfair treatment of persons by public officers.
- It combines three institutions under one umbrella. These are:
 - National Human Rights Institution
 - Ombudsman Institution, and
 - Anti-Corruption Agency
- As such, it investigates:
 - complaints of violations of human rights and provides remedies for victims of human rights violations;
 - all instances of alleged or suspected corruption and the misappropriation of public monies by officials as well as breaches of the code of conduct for public officers(including assets declaration and conflict of interest) and protects whistleblowers
- It is also the Ombudsman of Ghana, responsible for ensuring fair administration
- It has a constitutional duty to educate the Ghanaian public as to human rights and freedoms by the means that the Commissioner may decide, including publications, lectures and symposia; and to report annually to Parliament on the performance of its functions.

This triple mandate puts the CHRAJ in a unique position to lead in the creation of awareness of the link between corruption and human rights.

2. INTITIAL EFFORTS

Accra Conference: We hosted an international conference on the role of human rights institutions in the fight against corruption in Accra.

Since then, the Commission has intensified its efforts on raising awareness on the linkage:

- **Anti-Corruption and Human Rights Education in Schools:**
 - **CHRAJ produced a Manual on Teaching Human Rights in Basic Schools**, which incorporates sessions on corruption and integrity.
 - It trained teachers how to use the Manual
 - It printed over 50,000 copies, which it delivered to the Ghana Education Service for distribution to schools.

 - CHRAJ facilitated establishment of several **Human Rights and Integrity Clubs** in senior high schools, who are targets for awareness raising on human rights, integrity and anti-corruption.

 - **Human Rights And Integrity Camps:** the CHRAJ organises an annual two-week human rights and integrity camps for students covering over 100 students per each camp. Lessons taught include human rights, integrity and anti-corruption.

3. National Anti-Corruption Action Plan (NACAP).

In 2015, the country made a paradigm shift in this endeavour with the adoption of the National Anti-Corruption Action Plan (NACAP). This Plan acknowledges the connection between human rights and corruption. The low appreciation of the linkage between human rights and corruption is identified as a cause of corruption in Ghana. On that score, the NACAP makes it imperative that more awareness be undertaken on the subject, assigning the responsibility to CHRAJ and other stakeholders including civil society, private sector and public sector organisations. CHRAJ is the coordinating institution.

- On the linkage, NACAP provides: *“The fight against corruption will bear little fruit without raising the awareness of public officials and the general public on the dangers of corruption and the duty of every citizen to combat corruption. **The education must foster a broad societal appreciation of the causes, costs and ramifications of corruption and its linkage to the erosion of human rights...**”*

- Thus, under strategic Objective 1: **“To Build Public Capacity to Condemn corruption and make its practice a high risk low gain activity”**, CHRAJ and the other implementers are *“intensify public education on the linkage between corruption and fundamental human rights to the general public, MDAs and civil society organisations”*

- Other complementary activities considered “critical” have also been identified under the NACAP for implementation. They include measures to
 - foster an environment of meritocracy in both the public and private sectors and introducing a result-oriented culture,
 - address issues of values, ethics and culture in the public service, and
 - train public officers on human rights
- Thus the Commission leverages its coordinating role under the NACAP and its mandate to intensify the advocacy and also forge alliance to undertake research and organise other awareness raising events.
- Since 2015, over 3000 awareness raising programmes have been organised, using a mix of strategies such as radio presentations, roundtable dialogues, community outreach programmes, dissemination of research findings, and workshops. In 2018 alone, CHRAJ organised about 1,772 public education programmes nationwide.
- **4. Dissemination of Research Findings:** A consortium of CSOs published a report on the Cost and Impact of corruption on Education and Health Sectors in Ghana. A similar research on Petty Corruption in Public Health Care Delivery in Five Regions of Ghana, considered the poorest in the country, was also carried out: the Report of the Centre for Development Alliance Ghana (**attached**) shows, among others:
 - 67% of patients and 62% of healthcare workers agree that corruption is accepted as normal in the delivery of health care;
 - About 66% of patients have often/very often heard/seen or experience informal payments in a health facility within the last one year;
 - Majority (83%) of the patients indicated that corruption affect the quality of care they received, and
 - The acts of petty corruption adversely compromise the access and quality delivery of basic healthcare services to people, especially the poor, pregnant women and children.
- These findings were shared at a roundtable discussion on 10 December 2019, as part of the International Human Rights Day, which day CHRAJ and partners and stakeholders also used to raise awareness. The round table which was supported by the UNDP, brought together over 100 participants.

5. Highlighting significant decisions:

The CHRAJ also uses some of its decisions that impact on corruption and human rights as tool to raise awareness. The following come into mind:

- **SOMI v Tema General Hospital: abuse of official time-absence /lateness** to duty by a medical officer caused the life of a baby and the mother. The Commission after investigations, awarded compensation to the surviving spouse. This case was widely publicised. It is also reported in the CHRAJ Report of Decisions 1994-2000
- **Discrimination against Women: Tetteh v Norvor**
[also ref: CHRAJ v. Novor [2001-2002] 1 GLR 78]

The CHRAJ found the conduct of the respondent to constitute sexual harassment in the workplace and which amounted to sex discrimination within the meaning of article 17(1)-(3) of the 1992 Constitution. It awarded the sum of five million cedis as compensation to the complainant for **injury to the dignity, feelings and self-respect.**

Earlier, in a similar case [Manso v Norvor] where the jurisdiction of the Commission was challenged, the Court held, inter alia:

Sexual harassment constitutes a form of sex discrimination and is also an unwarranted impediment to the individual's right to work in an environment free from discrimination. And by virtue of articles 27(3) and 33(5) of the 1992 Constitution, sexual harassment should be read into the list of prohibited grounds of discrimination found in article 17(2).

Both the 1992 Constitution, arts 17(2) and 35(5), and the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), give the commission jurisdiction to investigate complaints alleging sexual discrimination and/or violation of fundamental human rights.

6. International Human Rights day: is also an opportunity to raise awareness. In 2018, we marked the International Anti-Corruption day and the International Human rights day together on 9th December, to demonstrate the connection.

7. International Collaboration /Engagements: CHRAJ collaborates with its partners on the subject including the following.

- **Kenya National Human Rights Commission, 2005:** The CHRAJ participated in a Conference in Nairobi hosted by the then Kenya National Human Rights Commission where the communiqué, among others, urged the international community to make corruption a crime against humanity.
- **Raoul Wallenberg Institute:** Round Table on Anti-Corruption and Human Rights-How to become mutually reinforcing, organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), Nov. 2017
- **OHCHR-Right to development Section):** Expert workshop on good practices of United Nations-system support to States in preventing and

fighting against corruption, with a focus on human rights, Organised by the
Right to Development Section of the OHCHR in June 2018

- **Centre Civil and Political Rights**, Geneva: expert consultation on the
practitioner guide on corruption and human rights, June 2018

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