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**Statement submitted by the UNCAC Coalition, a  
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with the Economic and Social Council\***

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**Ghana: Civil Society Report  
by Ghana Anti-Corruption Coalition  
An input to the UNCAC Implementation Review Mechanism:  
Third year of review of UNCAC chapters II and V**

*-Executive Summary-*

This is the executive summary of a civil society shadow report from November 2021 that reviews Ghana's implementation and enforcement of all articles in the United Nations Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Ghana covering those two chapters. The full report is available on the UNCAC Coalition's website.<sup>1</sup>

Ghana has made significant efforts in improving its legislative and institutional anti-corruption frameworks in line with UNCAC provisions under both Chapters II and V. In practice, however, the impact of preventive measures on a national scale has been minimal, as challenges of effective implementation remain. An evaluation of the effectiveness of the National Anti-Corruption Action Plan, stronger inter-agency collaboration, and the political will to enforce existing legislation are needed to advance UNCAC implementation in the country.

**Assessment of the review process**

Has the government disclosed information about the country focal point?	Yes	The focal point is well known.
Was the review schedule published somewhere?	No	The review schedule was not known ahead of time. However, the days for consultation with particular institutions were communicated to them.
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	Civil Society was generally consulted to contribute to the review process. The stakeholders involved included media, anti-corruption groups, governance groups, women's groups and academia.
Was the self-assessment checklist published online or made available to civil society?	Yes	The checklist was provided to CSOs, but has not been published online.

<sup>1</sup> <https://uncaccoalition.org/new-civil-society-report-on-ghana-political-will-on-uncac-implementation-and-enforcement-hinders-the-fight-against-corruption-in-ghana/>.

Did the government agree to a visit to the country?	Yes	Ghana has been open to country visits.
Was a country visit undertaken?	Yes	The country visit took place from 28-30 October 2019.
Was civil society invited to provide input to the official reviewers?	Yes	CSOs, including the Ghana Anti-Corruption Coalition (GACC) and the Ghana Integrity Initiative (GII), were invited to provide input and validate information provided by other sources. The CSOs provided information relating to their assessment of the enforcement of anti-corruption legislation and policy, as well as the participation of society.
Was the private sector invited to provide input to official examiners?	Yes	Private sector umbrella bodies such as the Private Enterprise Federation (PEF) were invited to provide input. Their input had a lot to do with assessment of corruption in the private sector.
Has the government committed to publishing the full country report?	No	The government has only been committed to publishing the executive summary, which is mandatory.

## Main findings and Recommendations (R)

### Preventive policies and practices

Ghana has a comprehensive anti-corruption policy - the National Anti-Corruption Action Plan (NACAP) – with strategic objectives on corruption prevention. Institutional structures to review the progress made on NACAP implementation have further been set up under the auspices of the Commission for Human Rights and Administrative Justice (CHRAJ). However, despite these efforts, the practical implementation of the NACAP has been weak, as many institutions are still unaware of the policy and its implementation protocol.

**R:** *Undertake a comprehensive mid-term assessment of the National Anti Corruption Action Plan (NACAP), focusing on capacity, structures and outcomes.*

### Public sector, codes of conduct and asset declarations

Ghana has legislation and policies that regulate recruitment, training, salaries, promotion and retirement in the public service. There has been a significant emphasis on conflicts of interest as public service is incorporating this into their code of conduct and ethics. Conflict of Interest was detailed in the Conduct of Public Officers Bill during the last parliamentary term (2016 - 2020), to which CSOs provided input, and which is likely to be re-introduced by the current Parliament. Despite these provisions, recruitment into public service is lacking in transparency and fairness. Moreover, the current law on asset declarations for public office holders lacks the robust features of an asset declaration regime; namely verification, publication and explicit sanctions.

**R:** *Make asset declarations public and accessible in a standardized online format, and put in place a system of effective and dissuasive sanctions for non-compliance with the asset disclosure requirements.*

### Judiciary and prosecution services

In recent years, the judiciary has taken steps to strengthen integrity and ethics among their members by adopting its own code of ethics. The judicial service has strengthened its Public Relations and

Complaints Unit, creating platforms to report corruption and related impropriety in the courts. In addition, electronic services allow citizens to obtain information and documents online, thus minimizing human contact. Nevertheless, there have been limited assurances to guarantee the public confidentiality and redress when judicial issues are indeed reported through available platforms.

*R: Sustain and update the Judicial Service's Anti-Corruption Action Plan and publicize the Judicial Service's corruption reporting platforms widely and regularly to citizens.*

### **Private sector**

Ghana has laws in place on the maintenance of books and records, financial statement disclosures and accounting and auditing standards relating to the private sector, with sanctions for non-compliance. The country's Companies Act 1963 (as amended) is a cardinal law that regulates the business of the private sector. This law also provides for beneficial ownership disclosure. However, the very close relationship between business and politicians has led to concerns in the area of conflicts of interest and public procurement, as has been the decision not to make Ghana's forthcoming beneficial ownership register available to the public.

*R: Complete the beneficial ownership register and make it publicly accessible.*

### **Access to information & participation of society**

Citizens of Ghana enjoy the right to information, as provided in both the Constitution and the Right to Information Act, 2019. The participation of citizens in governance underpins Ghana's decentralized system (local government). There has been a lot of public education on corruption issues by state institutions like the CHRAJ, supported by civil society organizations like the Ghana Anti-Corruption Coalition and the Ghana Integrity Initiative. The media have also been vocal in the anti-corruption fight as they enjoy a lot of freedom in what they publish and disseminate.

Despite the availability of platforms and services, corruption reporting in Ghana is quite low: in 2018 the Eastern Regional Division of the CHRAJ recorded 359 reported cases of impropriety in its half year report. 351 were related to human right abuses, while 8 cases were related to administrative injustice and there were no reported corruption cases. In addition, the current media climate in Ghana has been deemed unsafe for journalists, as a culture of impunity for attacks against media personnel has proliferated, with further media freedoms being threatened during the Covid-19 crisis.

*R: Publicize corruption reporting platforms widely and regularly and make corruption reporting convenient and confidential by adopting electronic platforms. Take appropriate actions to protect the freedom of the media.*

### **Anti-money laundering**

In terms of cooperation among institutions, Ghana has legislation and practices in place that enable cooperation between national institutions and encourage information sharing. Ghana is also part of international efforts to counter money laundering and the financing of terrorism through the Economic Community of West African States (ECOWAS) and the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA). The country enforces Financial Action Task Force (FATF) standards and other relevant international instruments with a view to combating money laundering and terrorist financing.

However, despite these instruments, Ghana's ability to comply with checks that could forestall possible money laundering is limited. As a result, the EU Commission has listed Ghana among third countries in need of more robust Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) frameworks.

*R: Improve the monitoring of financial activities and enhance inter-agency collaboration.*

**Asset recovery**

The Mutual Legal Assistance Act, 2010, obliges Ghana to work with foreign entities on asset recovery. While there is no record that Ghana has successfully cooperated with another country to return the proceeds of crime under this law, it has nevertheless taken the first step to facilitate such cooperation in the future. Ghana has further established the Financial Intelligence Centre (FIC), which actively receives, analyses, and disseminates information to the appropriate institutions on suspicious transaction reports. The FIC is still in the process of building its institutional capacity, as well the capacity of key stakeholders such as other financial institutions to detect suspicious transactions and report back to it.

However, Ghana is currently not in compliance with UNCAC Article 53 on measures for the direct recovery of property, as no mechanism exists that would permit another State Party to initiate civil action in Ghana's courts to establish title to or ownership of property acquired through the commission of an offence.

*R: Ensure compliance with UNCAC Article 53, by amending the Acts on the Office of the Special Prosecutor and the Economic and Organized Crime Office to enable other States Parties to initiate civil action in Ghana's courts to establish title to or ownership of property acquired through the commission of an offence.*