

2025 NEW YEAR'S MESSAGE FROM THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE

The year 2024 presented our dear country with challenges as well as opportunities for nation building. More specifically, Ghana was once again called upon to demonstrate to the world its democratic credentials through the conduct of the Presidential and Parliamentary elections. The outcome of the elections and peaceful transfer of power demonstrated a growing commitment of the Ghanaian people to democratic ideals.

The elections also offered the country an opportunity to elect its first female Vice President, Her Excellency Professor Jane Naana Opoku Agyemang. The Commission takes this opportunity to congratulate His Excellency John Dramani Mahama and Her Excellency the Vice President on the occasion of their decisive election to the high offices of President and Vice President respectively of the Republic of Ghana. The Commission further congratulates the Rt Hon. Speaker of Parliament, Alban Sumana Kingsford Bagbin on the occasion of his re-election as Speaker of the ninth Parliament and all the 276 Members elected to the ninth Parliament.

As an Independent Constitutional Body with the mandate to promote good governance and the rule of law through the performance of its triple mandates, the Commission wishes at the outset through this message to draw the attention of the new government, its appointees, Members of Parliament and persons serving in the public service generally of the following important governance compliance issues within the Commission's mandate as the country travels the new year 2025.

CODE OF CONDUCT FOR PUBLIC OFFICERS

Public office is an office of trust. It establishes a fiduciary relationship between public officers and citizens. Thus, public officers are expected to uphold integrity and advance the public interest at all times in the exercise of their official functions.

Public officials are to eschew all forms of unethical behavior such as conflict of interest, abuse of power, and corruption. Against this expectation, the Commission wishes to draw public officers' attention to the obligations imposed on them under Chapter 24 of the 1992 Constitution (the Constitution) titled **"CODE OF CONDUCT FOR PUBLIC OFFICERS."** Article 284 stipulates that *"A public officer shall not put himself in a position where his personal interest conflicts or likely to conflict with the performance of the functions of his office."*

A "conflict of interest", refers to a situation where a public official's personal interest conflicts with or is likely to conflict with the performance of the functions of his/her office

Closely related to conflict of interest is compliance with Declaration of assets and liabilities under Article 286 (1) of the Constitution and Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550). *Article 286(1) provides that "A person who holds a public office mentioned in clause(5) of this article shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him directly or indirectly - (a) within three months after the coming into force of this Constitution or before taking office, as the case may be; (b) at the end of every four years; and (c) at the end of its term of office."* (emphasis supplied)

As the body with the exclusive jurisdiction to investigate breaches and noncompliance of the provisions of the Chapter 24 Code of Conduct of the Constitution and as affirmed by the Supreme Court in **Ablakwa & Another v. Attorney-General and Another [2012] GHASC 32 (the Jake Obetsebi Lampitey Bungalow Case)**, the Commission notes from experience that Public Officers have either treated the Code of Conduct with contempt or as in the case of new public officers simply ignorant of same thereby occasioning all manner of unethical conduct and behaviour. Consequently, the Commission urges public officers of the new government and the ninth Parliament in particular and all public officers generally to take immediate steps to apprise themselves of the Code of Conduct and to declare their assets in accordance with law before taking office. The Commission further calls on government to take steps to prioritize the passage of the Conduct of Public Officers Bill.

ADMINISTRATIVE JUSTICE

The concept of Administrative Justice deals with how administrative bodies and officials exercise public power in a manner consistent with the law establishing them, other laws and the Constitution. Article 23 of the Constitution provides that *“Administrative bodies and administrative officials shall act fairly and reasonably and comply with requirements imposed on them by and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal”*. It is worthy to mention that Ghana and other jurisdictions including Australia and Namibia have elevated administrative justice from a common law right referred to as “right to natural justice” to a constitutional/fundamental human right status. This is in recognition of growing influence of the administrative state and its significant implications for the rights of citizens. In the celebrated case of *Awuni v West African Examination Council [2003-2004] SCGLR 47* the Supreme Court underscored the constitutional imperative of administrative bodies and officials in observing fair administrative practices in their interactions with the public. Failure to do which would attract consequences for the administrative body and officials.

It therefore must be emphasized that administrative justice as a constitutional imperative should constitute a key guiding principle of the Ghanaian administrative State going forward. As the Body charged with oversight under the constitution to conduct administrative review of the decisions, acts and omissions of public institutions and public officials, the Commission wishes to entreat all public institutions to always ensure the legality and lawfulness of their decisions and actions.

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

The Constitution is anchored on fundamental human rights and freedoms as one of the core values. Ghana has also ratified several international human rights instruments to further demonstrate its resolve to respect, protect, and fulfil human rights. The Constitution further enjoins the Executive, Legislature and Judiciary and all other organs of government and agencies to uphold and defend human rights. Particularly, article 12(1) states that *“the fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies,*

and where applicable to them, by all natural and legal persons in Ghana...” This provision together with article 37 under the Directive Principles of State Policy envisage a society where human rights take center stage in socio-economic development. This is even more crucial at a time where human rights are increasingly under attack and the rights of vulnerable groups are treated with contempt. To engender an equitable, safe and peaceful society the wishes to remind all persons in Ghana that human rights are to be respected and protected by all organs and agencies of State as well as all non-state actors as envisaged under the Constitution.

In conclusion, the Commission wishes to congratulate all Ghanaians for generally peaceful elections and transfer of power. It demonstrates our collective resolve to create a successful democratic story in Africa. As we begin a new year, public officers should rededicate themselves to the solemn oaths they take and the constitutional values of human rights, social justice, transparency, probity and accountability.

A Happy New Year to All!

May God Bless our Homeland Ghana!!

DATED 16TH JANUARY 2025 AT OLD PARLIAMENT HOUSE, ACCRA



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COMMISSIONER