

Introduction

The submission is prepared in line with Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism. It covers the methodology for the preparation of the submission and measures undertaken by Ghana to entrench democracy, which has implications for human rights, constitutionalism, rule of law and the fight against corruption in the country. The information was further discussed at a pre-UPR submission workshop organized by Ghana Human Rights NGOs Forum (POS Foundation-Secretariat) using the UN UPR Ghana portal, on 29th and 30th June, 2022 which was attended by more than 70 civil society organizations in Accra, and validated by the same on 13th July, 2022. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to various media articles, press statements, reports by various civil society organizations.

Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), the Second Optional Protocol to the International Covenant on Civil and Political Rights, the UN Convention against Corruption (UNCAC), the UN Convention against Transnational Organized Crimes, The African Union Convention on Preventing and Combating Corruption, The UN Declaration against Corruption and Bribery in International Commercial Transactions, The International Code of Conduct for Public officials, The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and FATF 40+9 Recommendations. Additionally, Ghana is a member of the Inter-Governmental Action Group against Money Laundering in West Africa, the Financial Action Task Force and the Open Government Partnership (OGP).

Ghana's domestic legal foundation is provided by the 1992 Constitution. Chapter 5 of the Constitution promotes and ensures the protection of the human rights of the citizenry. Subsequent Acts and legislation derived from the Constitution have been enacted by Parliament of Ghana under the 4th Republic, which include, but are not limited to the establishment of the Commission of Human Rights and Administrative Justice and The National Anti-Corruption Action Plan (NACAP) in 2014.

The State of Corruption in Ghana

The state of Algeria recommended (No. 146.84) that Ghana continue efforts to tackle corruption during the third cycle of the 2017 UPR, for which Ghana accepted. The government should increase its efforts to reduce corruption to the barest minimum. The government was expected to pass legislation to make corruption more punitive, enforce the existing anti-corruption laws and resource existing anti-corruption institutions. Unfortunately there has been little action enacted to meet these expectations. Corruption continues to be a drawback to the fight against poverty. Corruption exists in all branches of government and accompanies a lack of accountability and justice. According to Afrobarometer 2017, 73% of Ghanaians want corrupt officials prosecuted and jailed, and 64% feel that corrupt officials should return stolen funds and be publicly named and shamed¹.

Based on the 2021 Corruption Perception Index produced by GII, Ghana received a score of 43 out of 100 causing the country to rank 73rd out of 180. This score indicates that Ghana has failed to make any progress to fight against corruption in the year 2021. Ghana's current performance is still below 50 which is the accepted global average. Ghana's score on the democracy index has been on a decline between 2015 and 2021. Currently many Ghanaians do not trust law enforcement agencies, government officials and state institutions. The Afrobarometer 2019 survey revealed that most Ghanaians perceive state institutions as corrupt because the staff extort money and engage in other illicit corrupt activities that have caused many Ghanaians to lose faith in the system².

The Auditor General's audit of 2020 revealed that there has been consistent mismanagement and abuse of public funds. According to the Auditor General report on Public Accounts of Ghana-Public Boards, Corporations and Other Statutory

¹Kaunain Rahman, 'Overview of corruption and anti-corruption in Ghana' (11 September 2018) <<https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ghana-2018.pdf>>

²Afrobarometer Round 8 Survey in Ghana, 2019 <https://www.afrobarometer.org/wp-content/uploads/migrated/files/publications/Summary%20of%20results/summary_of_results-ghana_r8-19feb20-updated.pdf>

Institutions for the Year Ended 31 December 2020, the total irregularities stood at GH¢12,856,172,626 of irregularities of public funds³. The irregularities cover tax irregularities, cash irregularities, indebtedness/loans/advances, payroll irregularities, stores/procurement irregularities, rent payment irregularities and contract irregularities. The Auditor General's report from the years 2017 to 2020 indicates a rising number of irregularities with public funds. The trend is as follows⁴:

	2017	2018	2019	2020
Total (Ghc)	12,002,880,339	3,007,258,924	5,468,398,431	12,856,172,626

Achievements

Nevertheless, Ghana should be commended for certain actions and procedures it has achieved since 2017. In Ghana's bid to reduce corruption to the barest minimum, a number of sunshine legislations were passed namely:

1. Witness Protection Act, 2018 (Act 975);
2. The Right to Information, 2019 (Act 989) and the subsequent establishment of the Right to Information Commission;
3. Amendment of the Companies Act, 2019 (Act 992) to provide for beneficial ownership disclosure.

Additionally, the Judicial Service's Public Complaints and Court Inspectorate Unit has been extended from 2 regions to 10 regions. Also an electronic procurement platform termed the Ghana Electronic Procurement System (GHANEPs) was launched to make public procurement more transparent. For the first time, a corruption risk assessment was conducted on the Agyapa Royalties deal, a special purpose vehicle, and assessment findings made publicly accessible to the citizenry.⁵ The Agyapa deal was halted by the President of the Republic, H.E. Nana Addo Dankwa AkufoAddo, following the release of the Special Prosecutor's corruption risk assessment report, with instructions to the Minister of Finance and the Attorney General to revise the transaction documents, address the concerns of civil society, and to return the deal back to Parliament for approval.⁶

Despite these achievements, corruption continues to persist and the following are the major areas of concern that require immediate action.

Monetization Of Electoral Politics

The monetization of electoral politics continues to undermine the multiparty democracy of the country and is an obstacle to the fight against corruption. According to a 2017 Westminster Foundation for Democracy (WFD) and CDD- Ghana survey, it costs approximately \$693,000 (Ghc 4 million) to get elected to Parliament and \$100million (Ghc 575 million) to be elected President.

This phenomenon raises the cost of political campaigns thereby excluding citizens and marginalized groups with economic disadvantages from venturing into politics. Politicians who buy votes invariably regain the amount invested in buying the votes through corrupt means while in office. In addition, candidates who are sponsored by financiers are compelled to do the bidding of their sponsors, thereby entrenching corruption.

³ Report of the Auditor-General on the Public Account of Ghana: Ministries, Departments and Other Agencies (MDAs) For the Year Ended 31 December 2020 <<https://ghaudit.org/web/wp-content/uploads/Reports/2020/2020-MDAs-Report-Final-Reviewed.pdf>>

⁴ Auditor General's Reports <<https://ghaudit.org/web/reports/>>

⁵ Graphic.com 'Full text of Special Prosecutor's corruption risk assessment of Agyapa deal' (02 November ,2020) <<https://www.graphic.com.gh/news/general-news/full-text-of-special-prosecutor-s-corruption-risk-assessment-of-agyapa-deal.html>>, <(12 November 2020), Ghana: What is going on with the controversial Agyapa gold royalties deal? (26 November 2020) Financial institutions in the UK urged to review and withdraw from Ghana gold royalties deal (22 December 2020)

⁶ Enoch Darfah Frimpong, 'Amidu submits Agyapa risk assessment report to Akufo Addo' (02 November 2020) <<https://www.graphic.com.gh/news/general-news/amidu-completes-corruption-risk-assessment-on-agyapa-deal.html>> Ghana Parliament asked to overturn risky Agyapa gold royalties deal>

A case in point is the exposé by the Corruption Watch, where the deputy MASLOC CEO, Hajia Abibata Shani Mahama Zakaria was allegedly inducing delegates in the Yendi Constituency⁷ with money during the 2020 NPP Parliamentary primaries.

Lack of enforcement of auditing of political party accounts (expenditure, income, assets) and the Electoral Commission is under-resourced and overburdened.

Recommendation:

- I. The current legislation to regulate political party financing is the Political Parties Act, 2000 (Act 574) and Chapter 7, Article 55 (15) of the 1992 Constitution. Therefore, there needs to be campaign financing reform and Parliament needs to pass a law or amend the Political Parties Act for campaign and political party financing reform.
- II. Separate office or a new department under the EC with the mandate to regulate political parties so that the EC could focus on handling all matters directly related to the conduct of elections in the country.

Limited Legislative Enforcement And Procedure Of Public Procurement And Sole Sourcing

Section 1 of the Public Procurement Act, 2003 (Act 663) established the Public Procurement Authority (PPA) to serve as a regulatory body responsible for the effective implementation of the Public Procurement Law in Ghana. One of its key objectives is to ensure fairness, transparency and non-discrimination in public procurement⁸, which they have failed to enact in recent years. Unfortunately, the public procurement processes are constantly abused through sole source and restricted tendering methods. The International Growth Centre conducted surveys with 864 local bureaucrats in five regions: Central, Eastern, Brong Ahafo, Ashanti, and Volta. Out of a total of 128 MMDAs, 80 were selected and interviewed concerning those who are involved in the awarding of public contracts⁹. The local bureaucrats admitted to abuse of power, as well they displayed ineffective contract management. The Controller and Accountant General's Department purchased value books without consulting the MDAs, leading to unused value books. In 2018, value books amounting to Ghc 3,539,858 for eight MDAs remained unused due to poor stock management on the part of the Controller and Accountant-General. In 2017, the AGs report cited the purchase of over 10million value books costing about Ghc 17,779,500 between 2000 and 2009 remained unused and wasting. Similarly, over 14million booklets procured for some Ministries at a cost of Ghc 21,568,386 were not in use, resulting in a procurement loss of Ghc 39,437,886 on value books wasted. Despite the clear financial loss to the state, no sanctions were charged to the institution¹⁰.

There has been flagrant abuse of the PPA Act by public institutions as the major causes of procurement irregularities. A report published by IMANI Africa¹¹ showed 120 contracts were single sourced and the value of these contracts added to GHC 18,706.20. An example of their gross misconduct and abuse of power was the recent 'Contracts for Sale' scandal. Mr. A. B. Adjei, former PPA CEO, had used his company Talent Discovery Limited to gain government contracts through restricted tendering and selling those contracts to others for profit. The contracts were public works contract

⁷ Corruption Watch Investigations Desk, 'Exposed: How Candidates bought votes in NPP Primaries (09 July 2020) <<https://corruptionwatchghana.org/2020/07/09/exposed-how-candidates-bought-votes-in-npp-2020primaries/>>

⁸ <https://ppa.gov.gh/>

⁹ Sarah Brierley, 'Procurement mismanagement and the politicization of bureaucratic transfers in Ghana' (August 2018) <<https://www.wathi.org/wathinote-election-ghana-situation-politique/procurement-mismanagement-and-the-politicisation-of-bureaucratic-transfers-in-ghana-international-growth-centre-sarah-brierley/>>

¹⁰ IMANI Africa, 'Public Procurement Reforms: An Analysis of The Drivers of Procurement Irregularities in Ghana' (April 2022), <[https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false](https://imaniafrica.org/wp-content/plugins/pdf-poster/pdfjs/web/viewer.html?file=https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false)>

¹¹ 'Public Procurement: Reforms: An Analysis of the Drivers of Procurement Irregularities in Ghana' (April 2022) <[https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false](https://imaniafrica.org/wp-content/plugins/pdf-poster/pdfjs/web/viewer.html?file=https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false)>

awarded by the Ministry of Works and Housing, Ministry of Education, Ministry of Special Development Initiatives, Ministry of Inner-City & Zongo Development and the Ghana Ports and Harbour Authority¹². The former boss of the PPA was charged with eight counts of using public office for profit and nine counts of directly and indirectly influencing the procurement process to obtain an unfair advantage in the award of a procurement contract by the Office of the Special Prosecutor (OSP). Francis Kwaku Arhin, his brother-in-law, was also charged with using public office for profit. The OSP reported that he had violated section 179C(a) of the Criminal Offences Act, 1960 (Act 29) and section 92(b) of the Public Procurement Act, 2003 (Act 663).

Recommendations:

- I. The PPA must ensure effective use of the Ghana Electronic Procurement System (GHANEPS) to enhance the oversight function of the PPA. The Ministry of Finance must integrate GHANEPS with the Government Integrated Financial Management System (GIFMIS) , and ensure that Internal Auditors have full access to the GIFMIS.
- II. The Due Diligence Unit at the PPA must be resourced to consider critical issues such as beneficial ownership when evaluating applications.
- III. Ensure strict enforcement of the advertisement of notice of contracts (on a public board outside the assembly) details of each infrastructure project; that should include details about the chosen contractor, location of the project and contracted amount as purported by the Ghana Local Governance Act, 2016 (Act 936).
- IV. Ghana's Local Governance Act, 2016 (Act 936), demands that members of the Entity Tender Committee declare their assets to the Auditor General within three months of taking office. Members of the Entity Tender Committees should declare their assets to the Auditor General upon taking their position.

Public Asset Declaration

Article 286 (1), the Second Schedule of the 1992 Constitution and the Public Officer Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550) mandates that a public office holder must submit to the Auditor General a written declaration of all property or assets. In addition, Article 286 (5) obligates the President, Vice-President, the Speaker, Deputy Speakers of Parliament, ministers and deputy ministers of state, ambassadors, the Chief of Justice and managers of public institutions in which the state has interest submit to the Auditor General a written declaration of all property or assets owned by, or liabilities owned by them, whether directly or indirectly. When a public officer declares their assets, it is put in a sealed envelope and deposited with the Auditor General's Office¹³. Ignorance of this obligation and non enforcement of the laws prevents effective compliance of the law. Public officials have displayed complete disregard for the law and their duty to the public. Ghana's current asset declaration lacks verification of the declared assets and failure to enforce the legislation¹⁴. For instance, the Fourth Estate uncovered that 28 ministers and deputy ministers of state who are currently serving under the Akufo-Addo administration did not declare their assets at all¹⁵. Only the President and 19 of his ministers have complied with the asset declaration law.

Recommendations:

- I. The Commission on Human Rights and Administrative Justice (CHRAJ) needs to take action against all ministers and deputy ministers who have failed to declare their assets. CHRAJ must commence an investigation into whether the failure of the above-mentioned public officials to declare their assets amounts to a breach of the oaths of office.

¹² Manasseh Azure Awuni, 'Contracts for Sale: Special Prosecutor slaps former PPA boss and brother-in-law with 18 charges' (18 May 2022) <<https://thefourthestategh.com/2022/05/18/contracts-for-sale-special-prosecutor-slaps-former-ppa-boss-and-brother-in-law-with-18-charges/>>

¹³ Raphael Gharthey, 'What is lacking in Ghana's asset declaration regime is verifying what has been declared - Domelevo' (25 May 2022) <<https://www.myjoyonline.com/what-is-lacking-in-ghanas-asset-declaration-regime-is-verifying-what-has-been-declared-domelevo/>>.

¹⁴ Raphael Gharthey, 'We need a robust asset declaration regime - CHRAJ Commissioner' (26 May 2022) <<https://www.myjoyonline.com/we-need-a-robust-asset-declaration-regime-chraj-commissioner/>>

¹⁵ Seth J. Bokpe 'Asset Declaration: Bawumia, Ofori Atta, Osafo-Maafa, Kyei Mensah-Bonsue, and 89 others did not fully comply' (02 June 2022) <<https://thefourthestategh.com/2022/06/02/bawumia-ken-ofori-atta-osafo-marfo-kyei-mensah-bonsu-adwoa-safo-and-87-others-did-not-fully-comply-with-asset-declaration-law/>>

- II. Parliament needs to pass the Conduct of Public Officers Bill for a robust asset declaration regime with verification and publication of the declared assets and sanctions for non-compliance .
- III. The passage of Illicit enrichment Law in line with the UNCAC Provision.

Security Recruitment Scandals

Though there have been marked improvements in the recruitment process of security agencies¹⁶¹⁷, politicians and their surrogates are being accused of involvement in a “pay to serve” scheme by the media¹⁸¹⁹. On April 2, 2022 a man believed to be an officer in mufti who was captured in a video brandishing a weapon and attacking a motorist along the Kasoa-Winneba highway was arrested. The man was seen allegedly slapping a motorist while brandishing his gun. After an individual has been recruited there is no information as to the nature of the training and the code of conduct for which they must follow. A Member of Parliament for Tamale North, Alhassan Sayibu Suhuyini has called for a second look at how people get recruited into the Army and the Ghana Police Service²⁰.

The police have come under scrutiny in recent times after some personnel in the Ashanti Region specifically Kumasi, issued warning shots and opened tear gas to disperse students who were protesting the absence of speed ramps at the Kumasi Islamic SHS, hospitalizing at least 30 students²¹. There was also another incident of a police officer with the Formed Police Unit in Tesano-Accra, Sergeant Lotsu Agbeko, 36, who was found with substances suspected to be Indian Hemp being transported in his personal Toyota Corolla car²².

The pay to serve action has decreased the quality of security officers in the streets and protecting the people. World War II veteran, Corporal Wisdom Edmond Kudowor stated that the current recruitment process for the various security agencies in Ghana has become so bad. The act of paying money before one gets recruited has contributed to the indiscipline in the security agencies being witnessed today.²³

Recommendations:

- I. State party should periodically publish the procedures of recruitment into security agencies to encourage transparency and avoid claims of corruption from those who may not understand the process.
- II. The national anti-corruption institutions should prosecute those involved in recruitment scams should be made public to serve as a deterrent to other would-be offenders.

Corruption Accountability Institutions Are Underfunded

The Ghana Office of the Special Prosecutor (OSP) was instituted in 2018 to aid the Government of Ghana in the investigation and prosecution of cases and allegations of corruption and other criminal wrongdoing. Since the formation of the OSP, a number of corruption complaints lodged with the OSP have not been expediently addressed. In early 2018, the CEO of Chamber Petroleum Consumers (COPEC), Duncan Amoah, petitioned the OSP on a case involving the financial loss of an estimated GHS 30 million to the state at BOST. COPEC alleges that BOST decided to sell 1.8 million

¹⁶ Edna Agnes Boakyee, 'Ghana Police Service recruitment: Applicants 'satisfied' with smooth process' (04 Novemebr, 2021) <<https://citinewsroom.com/2021/11/ghana-police-service-recruitment-applicants-satisfied-with-smooth-process/>>

¹⁷ Priscilla Aklorbortu, 'Ghana Police recruitment: Process was smooth and orderly as compared to the others- Applicants reveal', (15 November, 2021)<<https://yen.com.gh/ghana/197745-police-recruitment-process-smooth-orderly-compared-applicants-reveal/>>

¹⁸ 'MP's boy caged over GHc 800k recruitment scam' (30 May 2022) <<https://www.modernghana.com/news/1161200/mps-boy-caged-over-gh800k-recruitment-scam.html>>

¹⁹ Eric Nana Yaw Kwafo, 'You have done a good job but investigate last year's Police recruitment - CPP chair tells Dampare' <<https://www.modernghana.com/news/1130429/you-have-done-a-good-job-but-investigate-last-year.html>>

²⁰ 'Review recruitment process into Police - Suhuyini'(04 April 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Review-recruitment-process-into-Police-Suhuyini-1506881>>

²¹ <https://www.myjoyonline.com/education-ministry-investigates-kumasi-islamic-shs-chaos/>

²² 'Politicians pushing crooks into police service to protect their interests - Criminologists' (15 June 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Politicians-pushing-crooks-into-police-service-to-protect-their-interests-Criminologist-1561751>>

²³ 'Paying bribes to be recruited into security services is a 'national disease' - War veteran' (14 March, 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Paying-bribes-to-be-recruited-into-security-services-is-a-national-disease-War-veteran-1489904>>

barrels of contaminated fuel to BB Energy. The OSP had acknowledged receipt and commenced investigation but the case is yet to be concluded²⁴.

Limited budget allocation to the office of the OSP. According to Mr. Agyebeng, the Special Prosecutor, his office is under-resourced. He warned that *“Without money, we can’t do anything. We will be reduced to writing long letters without any force²⁵.”*

Similarly, the CHRAJ also does not have the necessary funds to operate as it should. For years now, the Commission has been under-funded which has led to debt payment delays, hindering the operation of the Commission in the process. Despite a budget allocation of 45 million cedis, only Ghc 2 million has been released for operations and Ghc 9 million for salaries and compensation. Poor resource has prevented the Commission from fully investigating corruption cases²⁶. In April 2018, Metro Mass Transport MD Mr. Bennet Aboagye was ordered to proceed on leave with immediate effect. It later emerged in 2019 that a former security coordinator of the Metro Mass Transit Company (MMT), Lawal Fuseini confirmed that the Ministry of Transport had inflated the prices of about 50 buses purchased from China by over US\$5 million. The former MMT security coordinator then petitioned CHRAJ over the scandal. There have been no updates about the outcome and silence from both the OSP and CHRAJ²⁷.

Recommendation:

- I. The state should strengthen the OSP and CHRAJ by allocating more resources to allow them to effectively fulfill their anti-corruption mandate.

COVID Fund Scandal

Ghana was flagged by the Transparency International as one of the high corruption risk countries which have failed to put in place anti-corruption measures as part of the COVID-19 financial assistance and debt relief²⁸. In March 2022, the Parliamentary Minority also filed a motion for an inquiry into the government’s expenditure of Ghc 8.1 billion during the COVID-19 period. When the motion was admitted to Parliament it was dismissed. The Deputy Majority Leader, Alexander Afenyo-Markin, felt that auditing of the COVID-19 expenditure should be left to the appropriate state agencies. On Wednesday, February 23, Speaker Alban Bagbin expressed dissatisfaction his deputy, Joesph Osei-Owusu, for dismissing the motion and described the act as illegal and unconstitutional²⁹. Mr. Bagbin has directed two Parliamentary Committees (Finance and Health) to probe the utilisation of the COVID-19 expenditure by the government³⁰.

Recommendations

- I. The Auditor-General should perform a full audit of the COVID-19 funds and publish the report.

²⁴ Good Governance Africa 'Reviewing the Office of the Special Prosecutor(OSP), Ghana: Assessing Progress On The Renewed Anti-Corruption Fight' <https://digitalmallblobstorage.blob.core.windows.net/wp-content/2022/04/Final-Report-Assessing-Progress-on-the-Renewed-Anti-Corruption-Fight_29.03.22.pdf>

²⁵ Hanson Agyemang & Delali Adogla-Bass, "2022 budget allocation not enough, we'll push for more resources' -Special Prosecutor", (09 December 2021) <<https://citinewsroom.com/2021/12/2022-budget-allocation-not-enough-well-push-for-more-resources-special-prosecutor/>>

²⁶ 'CHRAJ Laments Insufficient Funding Undermines its Ability To Operate Efficiently' (07 June 2022) <<https://thevaultznews.com/news/general-news/chraj-laments-insufficient-funding-undermines-its-ability-to-operate-efficiently/>>

²⁷ Good Governance Africa 'Reviewing the Office of the Special Prosecutor(OSP), Ghana: Assessing Progress On The Renewed Anti-Corruption Fight' <https://digitalmallblobstorage.blob.core.windows.net/wp-content/2022/04/Final-Report-Assessing-Progress-on-the-Renewed-Anti-Corruption-Fight_29.03.22.pdf>

²⁸ 'Citizens Report Corruption in Covid-19 Humanitarian Aid, Quarantine, Health Care' (14 September, 2020) <https://www.transparency.org/en/press/citizens-report-corruption-in-covid-19-humanitarian-aid-quarantine-health-care>

²⁹ <https://www.myjoyonline.com/staff-of-3-state-institutions-to-be-prosecuted-for-misappropriating-covid-funds/>

³⁰ <https://www.graphic.com.gh/news/politics/speaker-directs-two-committees-to-investigate-covid-19-expenditure.html>