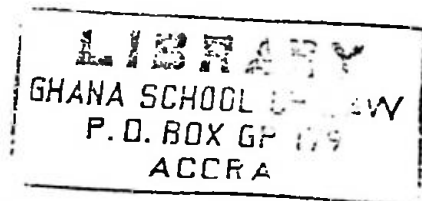


COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
(INVESTIGATIONS PROCEDURE) REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

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IN exercise of the powers conferred on the Commission on Human Rights and Administrative Justice by section 26 of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and pursuant to section 7 (f) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and article 296 (c) of the 1992 Constitution of the Republic of Ghana, these Regulations are made this 22nd day of March, 2010.

Lodging of complaints

1. (1) A complaint made to the Commission shall be submitted to
 - (a) the national office of the Commission; or
 - (b) a representative of the Commission at the regional and district branch of the Commission.
- (2) A complaint made to the Commission may be made
 - (a) in writing,
 - (b) orally,
 - (c) by facsimile, or
 - (d) by electronic mail.
- (3) A complaint made in writing may be addressed to the Commissioner or the Commissioner's regional or district representative and the complainant shall
 - (a) sign,
 - (b) thumb print, or
 - (c) authenticate,the written complaint.
- (4) Where a complaint is made orally or a complainant cannot read and write, the complaint shall be reduced into writing by
 - (a) the officer to whom the complaint is made at the registry of the Commission, or
 - (b) a person chosen by the complainant.
- (5) A person who reduces into writing an oral complaint of a complainant shall
 - (a) read and explain the contents of the written complaint to the complainant;
 - (b) write on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and

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- (c) ensure that the complainant appends the complainant's signature or thumb print on the written complaint.

Contents of complaint

2. (1) A person who lodges a complaint with the Commission shall include

- (a) the full name and contact address of the complainant;
- (b) the body, organisation or person against whom the complaint is made;
- (c) particulars of the complaint together with copies of relevant documents;
- (d) the nature of injustice perpetrated as a result of the action, inaction or omission of the body, organisation or person against whom the complaint is made;
- (e) the relief sought by the complainant; and
- (f) any other information relevant to the complaint.

(2) A person who lodges a complaint with the Commission on behalf of another person shall put into writing

- (a) the capacity in which the person lodges the complaint, and
- (b) the reason for lodging the complaint.

(3) The Commission shall determine the time frame within which a complainant shall receive a response to a complaint lodged with the Commission.

(4) A complainant shall provide additional information requested by the Commission in respect of a complaint within three months after receipt of the request in writing from the Commission.

(5) Subject to sub-regulation (4), a complaint may lapse if information requested is not provided within the stipulated time.

(6) Sub-regulation (5) shall not affect a complaint that is of public interest.

Transmission of complaint

3. (1) The Commission shall transmit a copy of the complaint to and request a response from

- (a) the person against whom the complaint is made, and
- (b) the head of the body or organisation of the person against whom the complaint is made after receiving a complaint that is within the mandate of the Commission.

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(2) A person against whom a complaint is made or the head of the body or organisation of the person against whom a complaint is made, shall submit a response to the Commission

- (a) ten days after the date of receipt of the complaint, or
- (b) within a period that the Commission shall determine.

(3) The Commissioner or a representative of the Commissioner, may assign

- (a) an investigator, or
- (b) an officer of the Commission,

to conduct preliminary investigations into a complaint lodged with the Commission.

(4) The Commission may request

- (a) the services of a police officer,
- (b) a public institution, or
- (c) a person with expert knowledge relevant to the subject matter of the Commission's investigations in the performance of its functions.

(5) The Commission may, without limiting sub-regulation (4), obtain information from a person in a manner that the Commission considers necessary.

(6) The Commission may forward a report of its preliminary investigations to the parties for their comments.

Mediation

4. (1) The Commission may invite the parties concerned after receiving a response to a complaint and settle the matter by mediation.

(2) The Commission is not precluded from inviting the parties for a settlement by mediation after receipt of a complaint.

(3) The Commission shall reduce into writing the terms of settlement of a complaint by mediation and ensure that the parties concerned and the mediator sign the written terms of settlement.

(4) The Commission shall keep a copy of the signed terms of settlement.

(5) The terms of settlement after mediation are binding on the parties.

Allegations of corruption

5. (1) The Commission may receive or act on an allegation from any

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source in respect of

- (a) alleged or suspected corruption, and
- (b) misappropriation of public moneys by officials.

(2) The Commission may conduct a preliminary investigation into the allegation.

(3) Where the Commission is of the view that further investigation is required, the Commission shall transmit a copy of the allegation to and request a response from the

- (a) person against whom the allegation is made, and
- (b) superior officer of the person against whom the allegation is made.

(4) A person against whom an allegation is made or the superior officer of a person against whom an allegation is made shall submit a response to the Commission

- (a) ten days after the date of receipt of the allegation, or
- (b) within a period that the Commission shall determine.

(5) The Commission may employ the services of another person to assist in its investigations.

Full investigation

6. (1) Where the Commission decides to institute a full investigation into a complaint or an allegation, the Commission shall invite

- (a) a person likely to be affected by the investigation, and
- (b) a person that the Commission may consider necessary to assist in the investigation.

(2) The invitation from the Commission shall be in writing and shall state the date, time and place of the meeting.

(3) The date for attendance shall not be less than seven days after the date of the notice.

(4) The Commission shall inform a person who appears before the Commission in answer to a complaint or allegation

- (a) of the particulars of the complaint or allegation, and
- (b) of the opportunity to provide a response to the complaint or allegation and question a witness.

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(5) A person to be investigated before the Commission may appear in person and may be presented by a lawyer of the person's choice.

(6) The Commission shall give a person before the Commission in an investigation a fair hearing and shall conduct an investigation informally and expeditiously.

(7) The Commission shall not be bound by a legal or technical rule of evidence applicable to proceedings before a court of law.

(8) The Commission shall keep the record of the Commission's investigation in writing.

Investigation panels

7. (1) The Commission may constitute a panel to investigate a complaint or allegation of corruption and misappropriation of public moneys on the recommendation of

- (a) a member of the Commission,
- (b) an investigator of the Commission, or
- (c) an officer of the Commission.

- (2) A panel constituted under sub-regulation (1) shall comprise
- (a) a member of the Commission or a lawyer in the employment of the Commission who shall be the chairperson, and
 - (b) not less than two officers of the Commission.

(3) Without limiting sub-regulation (2), the Commission may co-opt a person to join an investigative panel constituted by the Commission.

(4) A person appearing before an investigative panel may object to the membership of the panel to the Commission and the Commission shall rule in respect of the objection.

Report to the Commission

8. (1) A panel constituted under these Regulations, other than the three members of the Commission, shall report on a matter the panel has investigated with recommendations to the Commission.

- (2) The Commission shall consider the report and may
- (a) accept the recommendations,
 - (b) reject the recommendations, or
 - (c) request further investigation to be conducted.

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Institution of action

9. The Commission may for the purpose of sections 9 and 18 (3) of the Act authorise a person in writing to institute an action in court in the name of the Commission.

Employment of other persons

10. The Commission may employ the services of any person to assist the Commission during the Commission's investigations.

Interpretation

11. In these Regulations unless the context otherwise requires.

“mediation” means a process under which the parties discuss their dispute with an impartial person who assists them to reach a resolution”

“writing” includes letter, electronic mail and facsimile.

Revocation

12. The Commission on Human Rights and Administrative Justice (Complaint Procedure) Regulations, 1994 (C.I. 7) is hereby revoked.

Date of *Gazette* notification: 30th April, 2010.

Entry into force: 12th July, 2010.