



### SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

The state of Algeria recommended Ghana to continue its 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 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 shamed.

### NATIONAL FRAMEWORK

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).

In addition, the 1992 Constitution promotes and ensures the protection of the human rights of the citizenry. Ghana has subsequent legislation passed by Parliament to fight corruption, the Public Financial Management Act (PFMA) 2016 (ACT 921), to sanction public officers who violate the provisions of the PFMA per the issues raised in the reports of the auditor-general over the years; the Right to Information Act, 2019 (Act 989) and the establishment of the Right to Information Commission; the amendment of the Companies Act, 2019 (Act 992) to provide for beneficial ownership disclosure and the Witness Protection Act. Ghana also has provisions for asset recovery and management as captured in the laws setting up the Office of the Special Prosecutor (OSP), Economic and Organized Crime Office (EOCO), the Police Service under the Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 and the adoption of the National Anti-Corruption Action Plan (NACAP- 2015-2024) with the Commission on Human Rights and Administrative Justice (CHRAJ) to undertake its coordinating and monitoring responsibilities under the NACAP. Subsequent legislation in place to fight corruption is the Audit Service Act which has advanced the process of making asset declarations by verifying asset declaration forms, enabling online submission of forms and verifying the actual number of qualified declarants who fill their declaration forms. The promulgation of the Code of Conduct for Judges and Magistrates and the adoption of e-case management, among other reforms, are significant indications of the commitment of the Judiciary to combat corruption.

### CURRENT ISSUES , CHALLENGES / IMPACT

1. **Public Asset Declaration:** The Public Officer Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550) mandates public office holders to declare their assets and liabilities to the Auditor General. Public officials have displayed complete disregard for the law because of internal weaknesses such as a lack of verification and a lack of sanctions for non-compliance or false declaration. According to Occupy Ghana, a pressure group there are as many as 10,000 eligible public officers who are yet to declare their assets. In June, 2022 the Fourth Estate reported that there were 27 ministers who did not declare assets at all during President Nana Akufo-Addo first and second term.
2. **Monetization of Electoral Politics:** The monetization of electoral politics continues to undermine the multiparty democracy of the country. Candidates who are sponsored by financiers are compelled to do the bidding of their sponsors, thereby entrenching corruption. A survey by the WFD and CDD-Ghana in 2017 estimated that it costs \$693,000 (Ghc 4 million) to be elected into Parliament and \$100million (Ghc 575 million) to be elected President.
3. **Limited Legislative Enforcement and Procedure of Public Procurement and Sole Sourcing:** The key objective of the Public Procurement Act, 2003 (Act 663) is to ensure fairness, transparency and non-discrimination in public procurement. Authorities have failed to enact this piece of legislation in recent years, and there has been flagrant

abuse of the Act by public institutions as the major cause of procurement irregularities. An example of their gross misconduct and abuse of power was the recent 'Contracts for Sale' scandal. Mr. A. B. Adjei, the former Public Procurement Authority (PPA) CEO, had used his company Talent Discovery Limited to gain government contracts through restricted tendering and selling those contracts to others for profit.

4. **Enforcement of the Public Financial Management Act (Act 921) and the Auditor Generals' power of disallowances and surcharges under the 1992 Constitution:** The current PFM law is hardly enforced even though it is comprehensive and has sufficient provisions to prevent corruption, mismanagement and wastage of public resources. In the recent past where the laws on surcharge and disallowances have been enforced by the Auditor-General, it has served as a deterrent. The Finance Minister also has surcharge powers but has not used it. The Ministry of Finance and Economic Planning (MOFEP) also does not have the ability to exercise these powers effectively. Such matters are dealt with by the legal department which is inappropriate.
5. **Regulate Illicit Enrichment:** The passage Illicit Enrichment Law in line with UNCAC Provision to shift the burden of proof from investigators to individuals in proving the source of wealth.
6. **Office of the Special Prosecutor:** The Office of the Special Prosecutor (OSP) was established in 2018 under the Office of the Special Prosecutor Act 2017 (Act 959), to investigate and prosecute specific cases of alleged or suspected corruption and corruption-related offences in the public and private sectors, recovering the proceeds of such acts by disgorging illicit and unexplained wealth and taking steps to prevent corruption. Since its inception the office had commenced investigations but did not live up to expectations. However the Office is to be commended for taking action against Labianca Company Limited and recovering GHC 1,074,627.15. This new development has restored a little confidence but citizens wish to see more from the office in executing its mandate.

## RECOMMENDATION

1. Amend the Political Parties Act, 2000 (Act 574), Representation of Peoples' Law 1992 (PNDCL 284) and related laws or draft a new comprehensive law to effectively regulate political campaign and party financing in alignment with Chapter 7, Article 55(15) of the 1992 Constitution.
2. Separate office or establish a new department under the Electoral Commission (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.
3. The Public Procurement Authority (PPA) must ensure the 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.
4. Establish a due diligence unit at the PPA that is resourced to consider critical issues such as beneficial ownership when evaluating applications.
5. 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.
6. The passage of Illicit Enrichment Law in line with the UNCAC Provision.
7. Auditor General to comply with the Constitution and issue surcharge certificates following a disallowance.
8. Resource the OSP and other anti-corruption institutions to deliver on their mandate i.e. prosecution and recovery of funds

## ABOUT THIS FACTSHEET

This information sheet was coordinated by the Ghana Anti-Corruption Coalition, Ghana Integrity Initiative, the Ghana Center for Democratic Development, the Center for Security Policy and Research, the Institute for Democratic Governance, Reformation of Hope Foundation and POS Foundation under the UN UPR CSO Platform Ghana Activities.

## REFERENCE

1. <https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ghana-2018.pdf>
2. <https://corruptionwatchghana.org/2020/07/09/exposed-how-candidates-bought-votes-in-npp-2020primaries/>>
3. <https://thefourthestategh.com/2022/05/18/contracts-for-sale-special-prosecutor-slaps-former-ppa-boss-and-brother-in-law-with-18-charges/>>



4. <https://thefourthestategh.com/2022/06/02/akufo-ados-first-second-term-27-ministers-who-didnt-declare-assets-at-all/>

