

Ghana

Summary

Ghana has a whistleblower protection law that is considered to be among the strongest and most progressive in Africa. Passed in 2006, the Whistleblower Act provides legal protections for all people – employees and citizens – who report crime and misconduct in the public interest. Though the law contains many internationally recognized standards, it suffers from weaknesses that make it less effective than it otherwise could be. The government’s stated willingness to correct these problems has yet to be acted upon.

The Whistleblower Act is administered by the country’s Commission on Human Rights and Administrative Justice (CHRAJ). The Commission also serves as Ghana’s Anti-Corruption Agency and official Ombudsman. Parallel to this, the Ghana Anti-Corruption Coalition (GACC) is a group of public, private and civil society organizations that works on a range of anti-corruption issues, including enhancing the effectiveness of the whistleblower law.

Both organizations have recommended strengthening the law based on Ghana’s National Anti-Corruption Action Plan. One important problem with the law’s effectiveness is a lack of public awareness. Many citizens have little or no knowledge of the law’s purpose and benefits, particularly in rural areas. Additional funding and media exposure would greatly enhance the understanding and use of the law.

An important complement to the Whistleblower Act was the establishment of Citizen Complaint Centers operated by the President’s Citizens Complaints Unit. Any citizen can report bribes, poor public services, and other problems at offices throughout the country, or via telephone hotlines and the Unit’s [website](#).

Legal and Policy Framework

The Whistleblower Act provides legal protections to people who report “impropriety,” which includes economic crimes, violations of law, miscarriages of justice, misappropriation of public resources, and dangers to public health or to the environment.

Whistleblowers are legally protected from retaliation in the workplace, including dismissal, suspension, denial of promotion, involuntary transfer, and harassment. To ensure protections, disclosures must be made in good faith and with a reasonable belief that the information is true. Unless it can be proven that the information disclosed was knowingly false, whistleblowers are not liable to civil lawsuits or criminal prosecution.

Information may be reported to a wide range of people, institutions, and organizations, including employers, police, the Attorney General, members of parliament, ministers, CHRAJ, the National Media Commission, tribal chiefs, and religious groups. Investigations must be completed within 60 days.

The law requires whistleblowers to provide their name, address and occupation, and does not make provisions for the acceptance of anonymous reports. The law includes procedures for illiterate people to make reports.

People who believe they have been or may be victimized for blowing the whistle may file a complaint with the CHRAJ. The Commission can order anyone who is victimizing or harassing a whistleblower to stop. This order has the same effect as a judgment from the High Court. If the person disobeys the order, the Commission can seek a court order compelling the person to comply and the victim may collect damages.

The law created a Whistleblower Reward Fund, from which a whistleblower whose report leads to an arrest and conviction can receive 10 percent of all money recovered or an amount set by the Attorney General and Police Inspector General. Victimized whistleblowers can seek compensation in the High Court, and if necessary may receive police protection, be relocated, or have their identity changed.

Failure to maintain a whistleblower's confidentiality and suppression of evidence in an investigation are crimes, and the perpetrators face fines and imprisonment.

Legal, Legislative, and Policy Gaps

The Whistleblower Act has a number of weaknesses that prevent it from providing truly comprehensive protections. Among them:

- Victimized whistleblowers seeking compensation for financial losses must file an action with the High Court, which can be a lengthy process. Specific forms of compensation are not specified.
- There are no requirements for organizations to set up internal disclosure mechanisms.
- There are no penalties for people or organizations that retaliate against whistleblowers.

In addition to these weaknesses in the law itself, a 2013 study by the GACC and Open Societies Foundation found a lack of public awareness of the law's provisions, particularly in rural areas. The German network Deutsche Welle reported in August 2016 that only two people in Ghana's northern Tamale region had used the Whistleblower Act during the previous two years, presumably because other would-be whistleblowers did not know of the law's existence.

To overcome this lack of awareness, the GACC repeatedly has recommended improving public education on whistleblowing. To help, it released *A Guide to Whistleblowing in Ghana* in 2010. Because the publication is only available in English, the group has recommended translating it into local languages.

Possible Legal Improvements

Though it contains many recognized international standards, the Whistleblower Act lacks several critical elements that may be hampering its effectiveness. Among them, there are no provisions:

- for reporting crime or corruption to the media or the public, even in cases of urgent or grave public health dangers;
- for making reports anonymously;
- requiring employers to have internal reporting procedures;

- to penalize people and organizations that retaliate against the whistleblower; and
- for the transparent review of the law.

Whistleblower cases

Very few cases of whistleblowing have been reported publicly in Ghana.

Among the most notable in recent years, Martin Amidu was fired as Attorney General by President John Atta Mills in January 2012 following his role in exposing questionable payments to the construction company Waterville Holdings. Waterville had been hired to refurbish Ohene Djan Stadium in Accra for the 2008 African Cup of Nations. Amidu was vindicated in June 2013 when the Supreme Court ruled unanimously that Waterville should refund €40 million it obtained illegally from the state. The affair is viewed as one of the largest financial scandals the country's history.

Laws and Policies Governing Freedoms of Speech and Press

According to the 2018 Freedom of the Press report by Freedom House, the media in Ghana is ranked "free." Media freedom is legally guaranteed and the government typically respects this right in practice. Criminal libel and sedition laws were repealed in 2001. However, it is a crime to publish false news to "cause fear or alarm to the public or to disturb the public peace." This provision occasionally has been utilized to harass journalists. Self-censorship has resulted from defamation lawsuits filed by public officials and private citizens seeking large awards.

In November 2017, the parliament approved legislation to establish the Office of the Special Prosecutor. The office is now headed by whistleblower and former Attorney General Martin Amidu.

Ghana ranks high in Reporters Without Borders' 2018 World Press Freedom Index– 23rd out of 180 countries surveyed. This is a jump of 40 places since 2005.

Relevant legislation

- Whistleblower Act

Organizations of Interest

Commission on Human Rights and Administrative Justice (CHRAJ)

This government agency provides legal advice to whistleblowers and has the authority to order retaliation and harassment to stop. Retaliation complaints can be made in person, or by phone or e-mail.

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Ghana Anti-Corruption Coalition (GACC)

The GACC is cross-sectoral group of public, private and civil society organizations that promotes good governance and anti-corruption efforts. It promotes anti-corruption and good governance through capacity-building, research and advocacy.

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Further information

Letter from Ghana's Permanent Mission of the UN Office of the High Commissioner for Human Rights to the Special Rapporteur on the Promotion of the Right to Freedom of Opinion and Expression

Keeping Score: Ghana versus International Standards

The following standards for whistleblower laws are derived from guidelines developed by the OECD, Council of Europe, Government Accountability Project, Blueprint for Free Speech and Transparency International.

Key

1 = National law is recognized as consistent with international standards

2 = National law is partially recognized as consistent with international standards

3 = No national law or national law is not recognized as consistent with international standards

	Standard	Public Sector	Private Sector
1.	A broad range of organisations and workplaces are covered	1	1
2.	A broad range of offenses may be reported as whistleblowing	1	1
3.	The definition of who may qualify as a whistleblower is broad	1	1
4.	A range of disclosure channels to report internally or to regulators is in place	1	1

5.	People who make disclosures to external organizations, the media or the public are protected	3	3
6.	The threshold for protection is a reasonable belief that the information disclosed is true	1	1
7.	There are opportunities and protections for anonymous disclosures	3	3
8.	Whistleblower confidentiality is protected unless expressly waived	1	1
9.	Organizations are required to establish internal disclosure procedures	3	3
10.	Whistleblowers are protected from a broad range of retaliatory acts	1	1
11.	Victimized whistleblowers have access to a full range of remedies and compensation	2	2
12.	Those who retaliate against a whistleblower are subject to sanctions	3	3
13.	A whistleblower oversight or regulatory agency has been designated	1	1
14.	Whistleblower laws are administered and reviewed transparently	1	1