

ALAC SUCCESS STORIES



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Ghana Integrity Initiative
Local Chapter of Transparency International

gacc
Ghana Anti-Corruption Coalition
Ghana Anti-Corruption Coalition



ADVOCACY & LEGAL ADVICE CENTRE

Ghana Chapter



ALAC Success Stories

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ACKNOWLEDGEMENT

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DISCLAIMER

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ALAC Profile

WHAT IS ALAC

The Advocacy and Legal Advice Centre (ALAC) is an office set up by the Ghana Integrity Initiative (GII), the local chapter of Transparency International (TI).

It is a free, confidential and professional service that offers victims and witnesses of corruption an avenue to report and pursue incidences of corruption for redress.

AIMS OF ALAC

The ALAC aims to:

- empower citizens to make and pursue corruption related complaints
- provide legal advice and assistance to victims and witnesses of corruption
- set up a database on corruption in the country based on complaints received from the public
- use data on complaints to advocate for greater structural and institutional changes

SERVICES OFFERED BY ALAC

Services offered by ALAC include:

- Consultation with a Lawyer
- Referrals of complaints to Anti-Corruption Agencies and other state bodies for investigation and sanctioning
- Follow up on all referred

cases until a resolution is achieved

Our services are confidential and free of charge.

CASES THAT ALAC DEALS WITH INCLUDE

Bribery and other types of

- Petty corruption
- Grand corruption
- Conflict of interest

Cases may come from across sectors such as:

- Health;
- Education;
- Mining;
- Land Administration;

Media as well as various processes such as licensing, procurement and registration affecting both the private and public sectors.

THE DON'TS OF THE ALAC

The ALAC does not:

- Pronounce judgment
- Campaign against individuals or institutions
- Represent victims of corruption in courts
- Publicize individual cases of corruption without the prior consent of the parties involved in the matter
- Pursue anonymous complaints

01 Oil Check!

When you buy oil from a popular and well patronized company with a retail network of about 290 filling stations across the country for your vehicle, you trust the lube company and the attendant to dispense exactly the amount you pay for. But do you actually get the exact quantity you paid for? A case reported to GII's ALAC uncovered systematic malpractices in some of the service stations of a private, limited liability, Oil Company.

Mr K.¹ was an employee who was victimized and eventually dismissed for revealing some malpractices in one of such stations. He alleged that the filling station was using unapproved and adjusted measuring instruments in their daily operations in order to increase litre sales, and as a result cheat unsuspecting customers who patronize the filling station.

ALAC referred the case to the Ghana Standards Authority (GSA), petitioning its Inspectorate Division to investigate the matter and to also have the station forward their litre cans for testing. Investigations by the GSA on the measuring instruments known as decanters confirmed the allegations - two decanters were dented on the side as a result reducing its volume.



¹ Name has been changed for anonymity.



In addition, the investigators uncovered and seized one unapproved oil decanter. The station manager was queried and summoned to the Authority's Head Office for further deliberations and later fined for using unapproved and adjusted instruments. The case resulted in corrections at the station and an internal evaluation of measuring instruments within the station was conducted and all instruments fixed at the appropriate levels.

Unfortunately, Mr K, who lodged the complaint, was dismissed. Even though Mr K. was raising a concern that was leading to systematic cheating of clients, the employer saw it as a threat to their reputation and forced Mr K. out of a job. ALAC wanted to assist Mr K. in challenging his undue dismissal by referring his case to the Ghana Legal Aid Board for assistance. Mr K. however, chose not to pursue it further and secured employment at another company.

Employer retaliation is a typical issue many whistle blowers face. According to Ghanaian law, Whistle Blower Act, (Act 720, 2006) whistle blowers are protected against unfair dismissal when they blow the whistle on corruption or other types of wrongdoing. In practice, however, implementation of the law remains abysmal, insufficiently enforced with important loopholes in terms of disclosure procedures. GII's ALAC supports whistle blowers, victims and witnesses of corruption in the pursuit of their grievances.

02

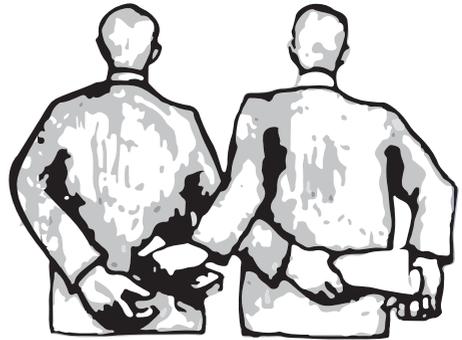
Who watches the watcher of the thief?

Anti-Corruption Agencies can be decisive weapons in the fight against corruption in every country when properly established and sufficiently resourced. They are the gatekeepers of transparency and accountability and often perceived as the institutions whose employees adhere to the highest moral and ethical standards. Unfortunately not all of their employees do and when they don't it is a great disappointment.

The complainant reported a case of abuse of office by a District Director of Ghana's anti-corruption agency who was using his office to protect corrupt officials. The accused had prevented an official of the Ghana Education Service (GES) from facing corruption charges for drawing double salaries - one from the GES and another from the National Youth Employment Programme. He was of the view that considering the societal status of the Director, he had an obligation to identify and sanction corrupt practices; instead he was using his power to support and shield the corrupt.

The complainant had lodged a complaint against the District Director of the anti-corruption agency at its head office. No action was taken by the agency. He therefore later reported the case to GII seeking support to help him follow-up the case.

GIJ wrote officially to the head office of the anti-corruption agency and later followed up on the case. Two weeks later, the anti-corruption agency commissioned an investigation into the allegation. Meanwhile, the accused was interdicted. A report is yet to be provided on the outcome of the investigations. GIJ's ALAC also plays an intermediary role by following up on the reported cases to ensure speedy resolution.



03

Advocate or Adversary? Nobody knows

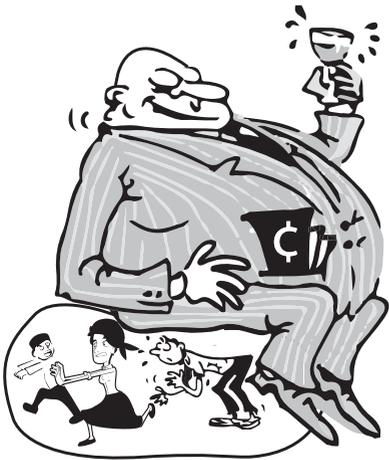
In 2005, an oil palm development company decided to take over some community lands in the Eastern Region of Ghana. This meant that over 1,200 community members would lose their main source of livelihoods and their homes in a region where more than half of its population are farmers, this action would not only affect their economic status but also the well-being of their relatives including their children's education.

In 2012, a glimmer of hope appeared. A High Court ruled that all affected farmers should receive a compensation package to resettle themselves in communities of their choice. The company awarded a total compensation sum of GHC 4,747,515.08 million (slightly over USD 1 million) to the affected farmers which was to be allocated through their legal representative. The farmers only received symbolic amounts of a couple of hundred Ghana Cedis. The rest of the money was allegedly withheld by their lawyer. The farmers accepted

the little funds they received and put the matter to rest because they had no means to uphold their rights due to limited education as well as no access to meaningful support,

However, during one of GII's public sensitization programs in their community, the farmers with little hope of getting back their monies from the lawyer, lodged a complaint with the GII Officers who were on the field. They reported that, a Terms of Settlement Agreement was entered into by the plaintiffs and the defendants after the

Court's ruling. They claimed that their Lawyer and the first



plaintiff connived to dupe them and could not account for some of the monies that were paid into the lawyer's account for them.

With the intervention of ALAC, a total of GHC 225,400.00 (nearly USD 50 thousand) was retrieved from the accused Lawyer with the support of the Economic and Organized Crime Office (EOCO) in 2016. The outstanding amount due the farmers is GHC 4,522. 055.08. In addition to providing legal advice and assistance via ALAC, GII worked with two investigative journalists who pursued the case and were able to support the investigations subsequently taken up by EOCO. ALAC was instrumental in putting the case high on EOCO's agenda. While the first retrieval of money has been a success, EOCO continues to retrieve the remainder and compensate the farmers as requested by Court. They continue to provide feedback on updates to GII.

04

The microfinance magic wand

The microfinance sector in Ghana has thrived and evolved over the years and more Ghanaians have adopted the habit of saving and taking small loans from micro finance institutions with the aim of helping themselves to start small to medium businesses or farming ventures. Likewise, people have also developed the habit of investing monies with financial institutions with the hope of retrieving them in double folds.

This was the case of fifteen (15) farmers who worked in a remote area in the Eastern Region of Ghana. They invested a huge chunk of compensation funds they received when their





buildings and farms were destroyed in destruction demolition exercise, with a branch of a financial institution. This was going to be their big break. Their investments were going to yield huge returns.

Soon after, the branch closed down and the farmers were left with no way of retrieving their monies. They have endeavoured to get the financial institution to pay back their monies, without any success. Subsequent to this, the affected farmers lodged an official complaint at the GII ALAC office in May 2017, seeking the organization's support to assist them retrieve their deposited monies. The farmers also presented to GII a petition they had written to the financial institution, but had not yet submitted.

GIIL ALAC met with the leadership of the group to get a better understanding of the issue. The case was referred to the Economic Organized Crime Office (EOCO) and Bank of Ghana (BoG) for further investigations. In July, 2017 the Director of the institution was interrogated during which he agreed to pay back to the farmers their deposits if they could prove their claim. The farmers have since submitted their savings booklet to EOCO to aid their investigations. EOCO has given the assurance that the monies will be retrieved from the institution.

05 Justice denied or delayed

According to Ghana's constitution, justice emanates from the people, notwithstanding; the power to administer it is vested in the Judiciary; which is required to openly and courageously fault and correct citizens for either wrongdoing or failure to respect uphold and defend the constitution and laws of the land. With this responsibility backed by the constitution of Ghana, Judges are considered to be the most honourable people in Ghanaian society.

In 2015, a case of bribery and corruption was brought against a Circuit Court Judge. The complainant reported that the Judge who was adjudicating a case involving him had accepted a bribe from the defendant with the intention of turning the hand of justice.

ALAC forwarded a petition on behalf of the complainant to the Judicial Complaints Unit of the Ghana Judicial Service calling on the unit to intervene in the matter by commissioning an inquiry into the allegation and the appropriate sanctions applied where necessary. An investigation into the matter was concluded. The Judicial Complaints Unit informed GII that no foul play was found in the case and the accused Judge was vindicated.

It is imperative to state that although, the case did not go in the favour of the complainant, ALAC considers this a success as it was able to intervene in the matter by getting the Judicial Service to act on the complaint. Nonetheless, corruption permeates every aspect of society. In 2015, a documentary by famous investigative journalist Anas shook Ghana and the world by exposing corruption in the judicial system.



06

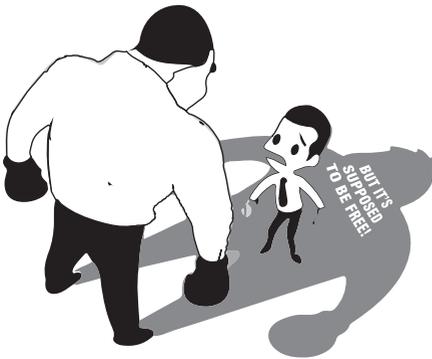
Complainant versus a Tax Agency

A pupil teacher walked into the office of ALAC to lodge a complainant of alleged bribery. According to him, 17 teachers of an Islamic Basic School in the Volta Region of Ghana, including himself applied to a Revenue collection agency's district office to apply for tax identification numbers. According to him, an official at the district office requested the teachers to pay GHC50.00 before their application forms were forwarded to the registration office for processing. He said 14 of the teachers negotiated for a reduction in the amount and subsequently were made to pay GHC30.00 each. However, the other three who refused to pay the said amount did not have their tax identification applications processed. Following this, complainant sought GII's support to help him get his card without having to pay any money and also to investigate the allegation and bring the culprits to book.

Being privileged to have a representative from the revenue collection agency on the ALAC steering committee, we enquired about the application process from him. Realizing that such applications are free, ALAC advised the complainant not to pay any amount of money to have his application processed. ALAC lodged an official complaint on behalf of the complainant at the agency's head office. One week after, the complainant registered for and received a new Tax

ID number without having to pay for it, and with the advice and support of the agency's ALAC representative.

Meanwhile, the agency's head office went ahead to investigate the complaint. About four months after the complaint was lodged, the agency's official informed GII that his office had gone under cover to obtain some evidence that will help them





punish the accused. However, on all the occasions they visited the district office, the information they gathered from the district officers did not appear to be a classic corruption case. Notwithstanding, his office gave the assurance that the investigators will tighten their monitoring of district level activities to ensure that applicants are not made to pay for the processing of their tax identification numbers and those agency officials who are caught demanding for money from applicants will be sanctioned appropriately.

GII's ALAC plays a key role in contributing to unraveling corruption in various sectors in Ghana. Recognizing that it does not have the powers to investigate and sanction corrupt practices in Ghana, it partners with key state anti-corruption institutions with that mandate and as a result refers corruption complaints made by the public to ALAC to the appropriate state institutions for redress. Furthermore, follow-ups on referred cases from ALAC is of utmost importance to ALAC as it provides an opportunity for GII to not only put pressure on institutions to resolve reported corruption cases, but to also ensure that they are actually resolved.

07 A woman seeks for legal advice from ALAC

In Ghana, women continue to be relegated to the background due to culture and tradition. Though the status quo is gradually changing with many women attaining an education and a career thus becoming economically and financially independent, many women continue to be financially dependent on their husbands. Therefore, in an event where there is a breakup in the marriage, these women are often left with nobody to fend for them and sometimes, the children also get affected by this. This was the case of an uneducated mother of three who contacted the ALAC for legal advice and assistance, early this year.



Her husband, a well-educated wealthy man who is also a traditional ruler had filed for divorce in court which she had reluctantly agreed to grant him. However, she had no legal counsel and representation in court to help her claim for damages and adequate maintenance for her children. Having already been thrown out of her matrimonial home together with her children and with just a day to the first appearance in court against her husband and her husband's legal counsel, she decided to contact ALAC for legal advice on the nature of the court proceedings and what the consequences will be for her and her children.

ALAC provided initial legal advice on the matter and referred her to the International Federation of Women Lawyers (FIDA), Ghana, who provide free legal aid to women and children unable to afford legal aid of any kind because of their economic condition.

Considering the circumstances leading to the divorce and the very limited time before her first appearance in court, the ALAC lawyer had to place a call to the FIDA Accra office, before ALAC followed -up with an official letter.

Though the case is still ongoing in court, the good news is that she is currently in court with legal counsel representation and has a clear understanding of what she wants as compensation for herself and maintenance for her children. ALAC's focus does not include family and domestic violence issues, however, ALAC records a high number of domestic violence and family related cases from the public.

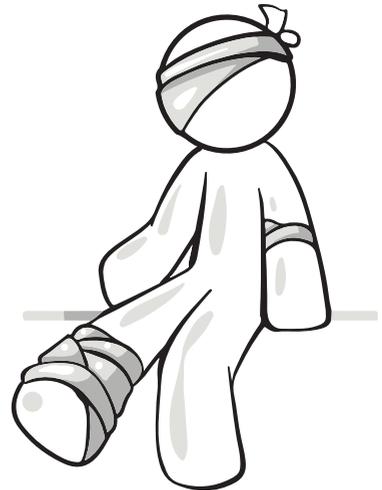
With an interest to bring rights education to citizens and also provide an opportunity for citizens to access justice, ALAC also partners with some state and non-state agencies such as the Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service and the Legal Aid Ghana programme, among others. This enables ALAC to immediately refer such cases, so that, even though they may not be corruption related cases, the victims can still seek relief from other institutions.

08

Non-payment of compensation allowance

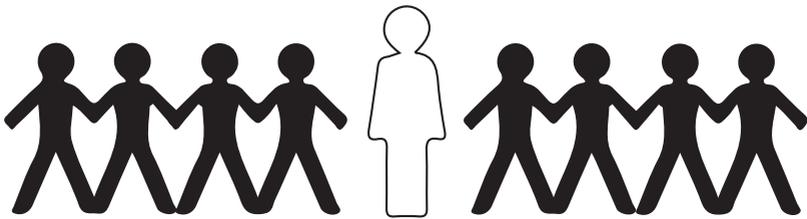
Many people in Ghana are unaware of the appropriate institutions to seek redress in Ghana concerning challenges they may be facing. Thus, most of them, without ascertaining the mandate and focus of ALAC still go ahead to lodge complaints not necessarily linked to ALAC. An employee of an Oil Palm Research Institute reported a case of non-payment of compensation allowance. He alleged that in November 2011, he sustained an injury in the line of duty and had since not received any form of compensation from his company. According to the complainant, he had lodged an official complaint with the management of the company; however, there had been no feedback from them. He further reported that he had been directed to seek relief with the company's insurers, however, no contact details had been provided to him.

ALAC requested for a number of organizational documents from the complainant to help us understand the dealings of the organization. ALAC on behalf of the complainant lodged an official complaint with the leadership of the organization. ALAC was later informed by the administrator of the organization that the allegation made by the complainant was untrue. According to him, the organization has evidence that all his medical bills including those of his wife and children had been paid for. He, however, explained that the complainant at a point in time resorted to herbal medicine, adding that since then the complainant had not submitted any medical bills to



the company. ALAC was also informed that per the company's policy, compensation packages are only given to employees who become incapacitated in the line of duty.

ALAC was glad to learn that as a result of this case, the company had resorted to putting in place a system that allows for management to periodically educate employees on organizational policies. An aim of ALAC is to advocate for greater structural and institutional changes; and though this incident may not be a direct example, it is still encouraging to know that the work of ALAC is contributing to enhance organizational structures, systems and processes.

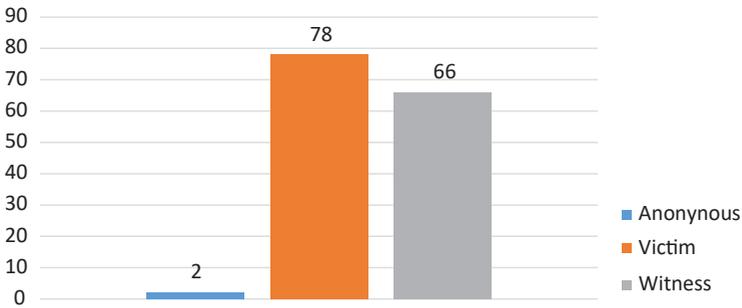


BREAK THE CORRUPTION CHAIN

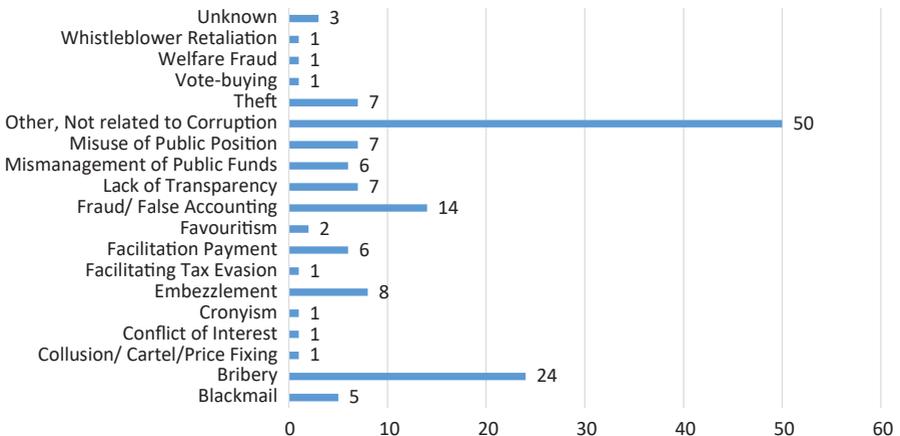


Advocacy and Legal Advice Centre Cases Summary

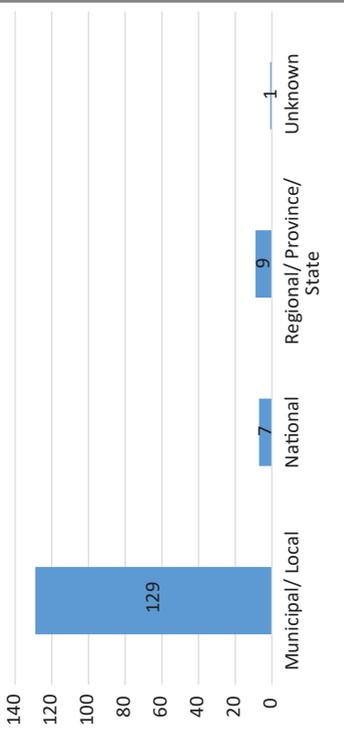
ALAC Clients in Relation to Alleged Wrongdoing



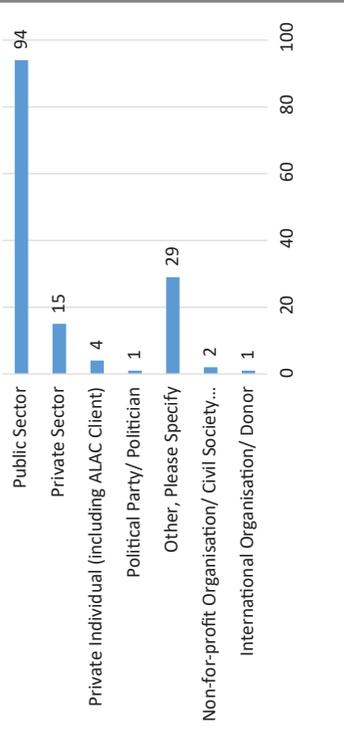
Type of Corrupt Practice



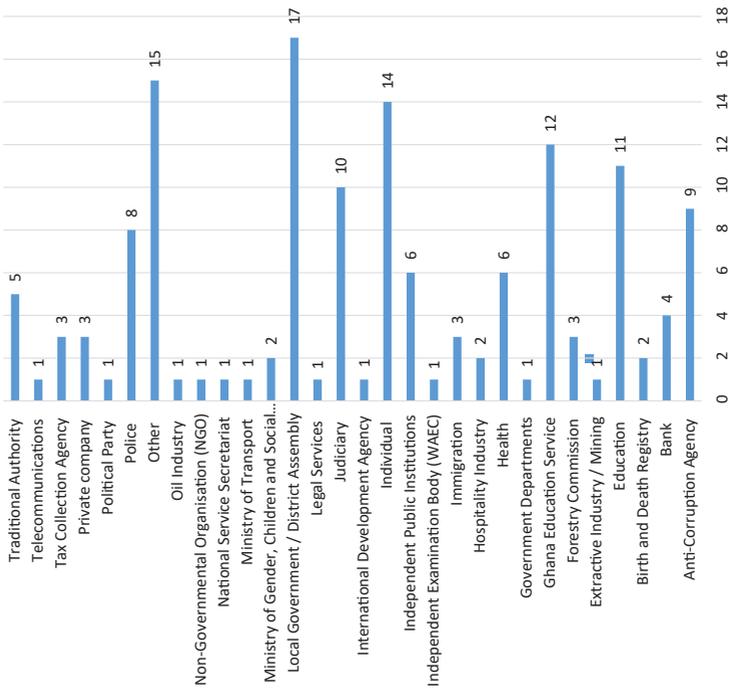
Where did the Case Happen?



Who Was Allegedly Involved in Reported Cases?



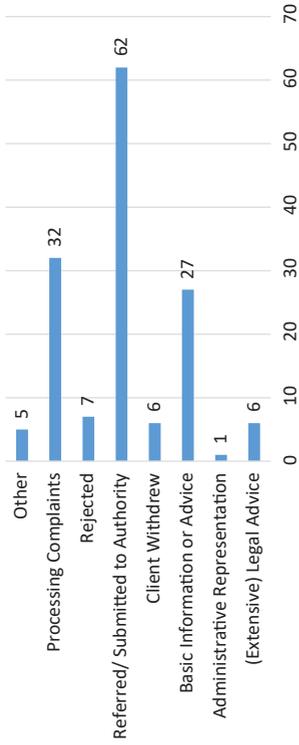
Implicated Institution



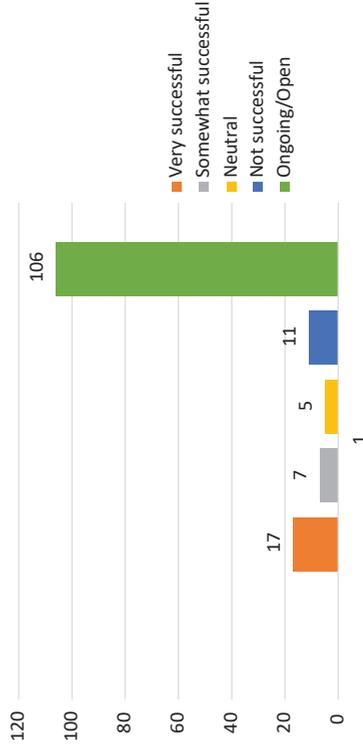
OTHER TYPES OF REPORTED CASES

Chieftaincy issues	1
Child Non-Maintenance	1
Gerrymandering	1
Delay in court processes for compensation	1
Delay in issuance of passport	1
Delay in payment of gratuity of deceased employers	1
Delay in release of marriage certificate	1
Destruction of state property	1
Eviction from rented apartment by Landlord	1
Eviction with allegedly falsified court order	1
Family Issue / Gender-Based Violence	4
Human Rights Violation	1
Impersonation	1
Labor Issue	2
Non-formalization of appointment	1
Non-payment / delay of Insurance Claim	2
Non-payment of compensation	1
Non-payment of salary	3
Non-representation of client in court	1
Promotion changes not effected	1
Property / Family Issue	1
Reposting of Service Personnel	1
Unfair treatment towards a remand prisoner	1
Unlawful dismissal	1
Unlawful seizure of property	1
Workplace abuse	1
Wrongful withholding of client property document	1
Not applicable	16

Action Taken by ALAC



Case Outcome



Partners

The ALAC Ghana works in collaboration with key partner institutions in Ghana. These are the Commission on Human Rights and Administrative Justice (CHRAJ), the Economic and Organized Crime Office (EOCO), the Attorney General's Office (AG), the Auditor General's Office (AuG), the Public Procurement Authority (PPA), Controller and Accountant General's Department (C&AGD), Bureau of National Investigations (BNI), Judicial Service, Public Accounts Committee of Parliament, the Ghana Police Service, Legal Aid Scheme (LAS), Labour Commission, Criminal Investigations Department (CID) and the Narcotic Control Board.

Others include the Trade Union Congress (TUC), the Ghana Lands Commission, Ghana Revenue Authority (GRA) and the Ghana Standards Authority (GSA).



ALAC Public Address Sessions In Pictures



ADISS Profile

ACCOUNTABLE DEMOCRATIC INSTITUTIONS STRENGTHENING (ADISS) is a 4-year USAID funded project being implemented by the Ghana Integrity Initiative Consortium (GII Consortium) comprising GII, Ghana Anti-Corruption Coalition and SEND Ghana, in fifty (50) districts across all the ten regions of Ghana. ADISS is a comprehensive anti-corruption programme that seeks to scale up the fight against corruption and strengthen citizen's demand for accountability. ADISS's purpose is to renew and build upon anti-corruption efforts and increase the capacities of anti-corruption Civil Society Organisations (CSOs) to motivate citizens to apply pressure on policy makers and institutions with the aim of reducing corruption in Ghana. Overall, ADISS pursues two key objectives:

- Promote a robust and effective legal framework that prevents and sanctions corruption
- Improve civil society reporting, tracking and advocacy for stronger anti-corruption efforts.

To achieve its objectives, the project has established and strengthened partnerships with major accountability actors in Ghana both from the public sector and from civil society. The project creates periodic opportunities for harmonization of efforts by institutions through expert forums and other multi-stakeholder initiatives.

Furthermore, ADISS empowers victims and witnesses of corruption to pursue their corruption related grievances through an Advocacy & Legal Advice Centre (ALAC) and to share their experience with bribery in Ghana using a web-based corruption reporting platform (www.ipaidabribe.org.gh). To further increase exposure of corruption, the Activity works to promote effective collaboration with the media. It has trained and is currently working with a selected group of investigative journalists who are interested in specializing in corruption reporting.



Since its inception in September 2014, the project has built capacity of hundreds of Ghanaians throughout 50 districts in the 10 regions of Ghana. Over 9,661 citizens were engaged through community durbars on the socio-cultural practices that hinder the fight against corruption

The GII Consortium was also the first to take the anti-corruption advocacy to the common Ghanaian citizen. In the course of 2016, GII facilitated the collection of a total of 3,440 signatures in a petition to Parliament lobbying for the passage of the Right to Information (RTI) Bill.

The ADISS Activity has also generated and continues to generate new knowledge on the causes, impact and extent of corruption in Ghana. Some of the research (to be released in 2017) includes:

- Existing gaps in Ghana's Anti-Corruption Legislation
- A district level survey on people's experience and perception of corruption throughout Ghana
- A study on the cost and impact of corruption in the health and education sectors
- A study on the degree to which Ghana's main accountability institutions are fulfilling their anti-corruption mandate
- Various advocacy interventions are currently ongoing both at the national and the regional level all seeking to bring to the fore the enormity of the corruption challenge and the need to collectively fight to reduce if not totally eradicate it.

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REPORT CORRUPTION



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tigo

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