

16th July, 2024

**The Commissioner
Commission on Human Rights
& Administrative Justice (CHRAJ)
Old Parliament House
Accra**

**COMPLAINT OF UNEQUAL ACCESS BY ALL IN RESPECT OF
RECRUITMENTS INTO THE GHANA IMMIGRATION SERVICE (GIS),
GHANA NATIONAL FIRE SERVICE (GNFS), GHANA POLICE SERVICE
(GPS), GHANA PRISONS SERVICE AND THE NARCOTICS CONTROL
COMMISSION (NACOC)**

Our attention has been drawn to a newspaper publication namely, "The Chronicle" of Monday 8th July, 2024 captioned "Cutting down youth unemployment - GIS, FIRE, POLICE, IMMIGRATION AND NACOC TO RECRUIT 11K PERSONNEL...recruitments starts this week". Additionally, we wish to refer to a Press Release Ref. No. PAD/PRESS/VOL.4/1/80 dated 7th July, 2023 ("The Press Release") in respect of purported conclusion of a recruitment exercise carried out by the GPS.

We wish to state that the intended recruitments by the GIS, GNFS, GPS, Prisons and NACOC offend the 1992 Constitution ("the Constitution") as well as the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

With specific reference to the functions of your esteemed institution, the Commission on Human Rights and Administrative Justice (CHRAJ), both the Constitution and your enabling legislation, Act 456 empower CHRAJ to investigate administrative acts and/or omissions by public bodies and public officials that lead to unfair and unjust outcomes.

Specifically, Article 218(a)(b) of the Constitution provides that:

The functions of the Commission (i.e. CHRAJ) shall be defined and prescribed by Act of Parliament and shall include the duty -

- a. to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the performance or in the exercise of his official duties; and
- b. to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the state, the

Armed Forces, the Police Service and the Prisons Service in so far as complaints relate to the failure to achieve a balanced structuring of those services or equal access by all to the recruitment of those services or fair administration in relation to those services.

Additionally, Section 7(a)(b) of Act 456 has restated the functions of the Commission thus:

The functions of the Commission are:

- a. to investigate complaints of violation of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties; and
- b. to investigate complaints of the Public Services Commission, administrative organs of the state, the offices of the Regional Coordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or fair administration in relation to those services.

Furthermore, it is our considered view that, as administrative organs of the State and being part of the Public Services of Ghana as stated under Article 190 (1)(a)(b) of the Constitution, any recruitment exercise carried out by the GIS, GNFS, GPS, Prisons and NACOC must meet the constitutional and statutory thresholds, to wit, adherence to a **balanced structuring, equal access (equal opportunity to all) and fair administration** in relation to recruitments into the above-mentioned administrative organs of State/Public Services.

Besides, it is our contention that, the intended and purported recruitments by the GIS, GNFS, GPS, Prisons and NACOC violate Articles 23 and 296(a)(b) of the Constitution and same amount to a flagrant abuse of power, unfair and unreasonable treatment, and above all, arbitrary exercise of power by the above-mentioned public bodies and their officials responsible for the recruitment.

We further contend that, the instant complaint invokes CHRAJ's exclusive mandate as the Ombudsman, and hereby humbly petition that, in order to meet the constitutional and statutory threshold as alluded to above, the intended and purported recruitments by the GPS, GIS, GNFS, Prisons and NACOC, be investigated by CHRAJ to ascertain the extent of transparency of the recruitments as follows;

1. the processes and procedures, including the eligibility criteria resorted to or being resorted to by the GPS, GIS, GNFS, Prisons and NACOC for the reported recruitments;
2. the processes and procedures resorted by the GPS, GIS, GNFS, Prisons and NACOC in selecting candidates from the purported backlog; and
3. concerning GPS the processes and procedures, including the eligibility criteria resorted to in the selection of the last batch of successful candidates to conclude its 2021-2022 recruitment exercise.

In view of the above, we pray for the following remedies/reliefs after the Commission's investigation into this complaint;

1. as means of ensuring equal access to all, the security services and other administrative organs of the state, including the Respondent (GIS, GNFS, GPS, Prisons and NACOC) and indeed, the Customs, Excise and Preventive Services CEPS, CHRAJ should direct that recruitments into these Public Services should be effected through public advertisements in the national newspapers/dailies setting out eligibility criteria for potential applicants/candidates for such recruitments.
2. Concerning applicants/candidates already shortlisted or being prepared for recruitments based on a purported backlog as announced per the "The Chronicle" publication on the 8th July, 2024 as well as the GPS and Prisons Press Release of 7th July, 2023. CHRAJ should direct the GIS, GNFS, GPS, Prisons and NACOC to provide details of the process and procedures adopted by them in line with the Constitution as well as Section 7(a)(b) of Act 456.
3. Any other remedies/reliefs that CHRAJ may deem fair and just to ensure transparency and equal access to security services, particularly the GIS, GNFS, GPS Prisons and NACOC in terms of recruitment.

Petitioners

1. Hon. Armah Kofi Buah,
MP for Elembele
2. Hon. James Agalga
MP for Builsa North

The image shows two handwritten signatures in black ink. The top signature is large and stylized, while the bottom signature is smaller and more compact. Both are placed to the right of the list of petitioners.



3. Hon. Peter Lancheni Toobu
MP for Wa West

- cc:
1. Minister of the Interior
Ministries, Accra
 2. The Inspector General of Police
Ghana Police Service, Accra
 3. The Chief Fire Officer
Ghana National Fire Service, Accra
 4. Director General,
Ghana Prison Service, Accra
 5. The Comptroller General
Ghana Immigration Service, Accra
 6. The Director General
Narcotics Control Commission, Accra