REPORT

Mobilising Grass-Root Level Participation for Effective Implementation of Anti-Corruption Laws:

A Focus on the Whistleblower Act 2006 (Act 720)
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EXECUTIVE SUMMARY

INTRODUCTION AND BACKGROUND

Corruption continues to permeate all sections of social life and its effect is detrimental to national development. Anti-corruption Legislations such as the Whistleblower Act provides opportunities for persons to make disclosures on improprieties and be protected under the law. However, since its passage in Ghana in 2006, there have been challenges that impede its smooth implementation. These issues include lack of effective education on the complexities of the law for the ordinary Ghanaian to access it, lack of dedicated oversight institutions to coordinate its implementation, possible infringement on the confidentiality provisions of the Act, the ineffectiveness of the reward or fund paid to the whistleblower and the lack of preventive measures. There have therefore been calls for amendment of the Act to factor in the issues so identified.

PURPOSE OF PROJECT

In line with its mission, the Ghana Anti-Corruption Coalition (GACC), with financial support from the Open Society Initiative for West Africa (OSIWA) implemented a one-year project to sensitize citizens on the knowledge and enhance utilization of basic anti-corruption laws especially the
whistleblower Act 2006. The theme of the project was "Mobilising grass-root level participation for effective implementation of anti-corruption laws: a focus on the Whistleblower Act 2006 (Act 720)". The project was implemented in the Northern, Western, Greater Accra and the Volta regions of Ghana and the overall goal was to promote the effective utilization of the basic anti-corruption laws for increased accountability and transparency at the local level. This final report captures issues collated from the policy engagements as well as activities organised to inform the public and build the capacity of CSOs, CBOs, the media, traditional authorities and whistleblower institutions on the use of the anti-corruption laws.

**PROJECT IMPLEMENTATION**

The project was implemented under three key areas: Public Education and Awareness Creation, Capacity Building and Policy Engagement in each of the four regions. To initiate the project implementation process, GACC first held consultations and shared the detailed project proposal with relevant stakeholders. A baseline study was then conducted in two (2) regions and eight (8) communities within the project regions to collect data that will serve as the reference point for measuring progress.

Further, a stakeholder analysis was also conducted to ensure that the project targets appropriate stakeholders. Other activities held during the implementation were: a review of the 'Guide to whistle blowing '; The Whistle Blower 'Training Manual' and translation of the Whistle Blower Guide into three Ghanaian languages (Twi, Ewe and Hausa) Again, public forums and media engagements were held in all four regions to further sensitize the public on the Whistleblower Act, 2006.

In addition, Capacity Building workshops were held to equip CSOs, Traditional Authorities and Media with the skills to demand transparency and accountability from duty bearers. There were Policy engagements for institutions mandated to implement the whistleblower Act to share their experiences and, critically discuss challenges in implementing the laws. On the whole, eight (8) capacity building workshops for CSOs, CBOs media and traditional authorities, four (4) public forums to sensitize the general public and twelve (12) media engagements were organized in Twenty (20) districts of the four project regions. There were also four (4) policy dialogues with 80 officials of institutions mandated to receive whistle blowing in Ghana.

**PROJECT FINDINGS**

The project was found to be relevant to the fight against corruption. The project design, activities and implementation were very useful and contributed to solving some of the problems identified. Many of the stakeholders, though aware of the existence of the Whistleblower Act, lacked knowledge on its provisions. The end of project evaluation results show that after the
project implementation the number of people who have an understanding of this aspect of the
laws has increased from 70% to 88% over the year. Comparing the evidence from the baseline
with the survey conducted at the end of project, it was revealed that the project has achieved its
purpose educating the CSOs, CBOs, Traditional Authorities and the media about the Act. About
74% of respondents now know about the Act at least.

The policy engagements and interactions with participants revealed that the issues that
impede the effective implementation of the whistleblower Act include: fear of victimization,
infringement on the confidentiality provisions of the Act, ineffectiveness of the fund, the time limit
for paying rewards not specified, lack of trust in some of the institutions mandated to receive
whistle blowing, negative connotation of the name ‘whistles blowing’ in local parlance and
lack of preventive measures in the law, limiting the actions of the law enforcement agencies
on corruption prevention exercises. GACC strongly believes that the project has successfully
engaged key partners in the fight against corruption.

CONCLUSION AND RECOMMENDATIONS

The project has contributed immensely to increasing the awareness on the whistleblower Act
2006 and its application. The outcome of the project activities was substantially encouraging.
The capacity of most of the participants on the use of the Act has been enhanced. The project
has also successfully engaged and generally impacted upon key actors and institutions crucial
to the whistle blowing process and anti-corruption measures in Ghana.

GACC urges the need for clarity on the application of the law to both public and private institutions
in order to minimise the perception that the law applies only to the public sector.

Mrs. Florence Dennis, the Executive Secretary of GACC grants a media interview
on the project findings
Similarly, it is imperative to establish a clear definition of impropriety in the Act to include financial gain, involvement of loss and the cause of loss, mismanagement or misappropriation of public funds. GACC also advocates for the right to know and provide feedback to the whistleblower in the spirit of transparency and accountability. An amendment should mandate the Attorney-General and the investigative agencies to provide a feedback to the whistleblower.

The empowered partners are expected to impart the knowledge acquired to support the fight against corruption. It is hoped that the Local Anti-Corruption Networks (LANET), implementing agencies and the other stakeholders will maintain the successes chalked to sustain the impact of the project.
Ghana has over the years enjoyed a global acclaim for sustained socio-economic and political progress in the sub region. However, a cancerous corruption is suffusing the Ghanaian society that fetters Ghana’s progress and threatens to cause irreparable damage to the country. Corruption is described as a “symptom of a poorly functioning state” where the perpetuators expropriate the national wealth leaving little for its poorest citizens (Sowunmi et al 2010). Corruption, waste and mediocrity have gripped almost all sectors of Ghanaian society and many fear Ghana is fast learning from some of Africa’s most corrupt states. This endemic and systemic corruption is having devastating effects on the Ghanaian economy.

Regrettably, the accessibility and application of Ghana’s laws are usually left in the hands of the literates, journalists and a handful of individuals who are not directly affected and in most cases use it for their own selfish ends. Thus, the final essence of allowing ordinary citizens the right to utilize such opportunities that will impact on their daily lives in terms of accessing social amenities and participation in the governance process is very limited. There is therefore the need for very effective grassroots sensitization drive on the whistleblower Act 2006 not only from the efforts of state sponsored institutions but also from a complementary and more targeting activities of civil society organizations.
1.1 Project Background

The enactment and implementation of Ghana’s anti-corruption laws over the years sought to infuse transparency and accountability in the management of public resources in an effort to ensure prudent public resource management and good governance. The expectation is that these will open up the management of public resources to greater scrutiny by citizens to expose corruption and inefficiencies. However, these laws are highly centralized and the citizenry at the local level are not well equipped to use laws like the Whistleblower Act 2006 to report on some of the numerous incidence of petty or quite corruption.

Although the Whistleblower Act was enacted in 2006, some of the institutions and individuals mandated to receive whistleblowers do not attach much importance to the exercise. GACC 2009 Assessment revealed that, apart from the Commission of Human Rights and Administrative Justice (CHRAJ), The Attorney General’s department and to a lesser extent Parliament, all the other institutions do not have a designated desk officer to receive whistleblowers. Again major law enforcement agencies hardly distinguish between normal procedures for receiving complaints and Whistleblowers. CHRAJ stands out as the only institution on record to have some data in this regard which recorded twelve (12) cases since the passage of the Act - two in 2007, four in 2008 and six in 2009. The study further revealed a lack of clear cut distinction between the whistleblower and a complainant using the normal processes of receiving complaints by these institutions. The findings generally reveal a lack of serious attention to the implementation of the Whistleblower Act.

The project therefore sought to equip CSOs, CBOs, Community Leaders, Traditional Authorities and media and the general public with the knowledge and skills to educate citizens on the anti-corruption laws and how to effectively use it to the benefit of their communities. Given the critical role these players have in the development process, especially at the local level, it is believed that building their capacity to be able to utilise anti-corruption legal provisions could yield enormous benefits including increased participation in governance, increase in quality of social services and eventually deepening of democracy at the local level.

1.2 Project Objectives

The project generally sought to promote the effective utilization of the basic anti-corruption laws especially the whistle blower Act 2006 for increased accountability and transparency at the local level. The specific project objectives include:

1. To assess the implementation of the Whistleblower Act - assessing the institutions that receive whistleblowers and the citizens’ accessibility to these institutions
2. Create a critical mass of well educated Civil Society Organizations, Community Base Groups, Traditional Authorities and the media to effectively use the law in improving the provision of basic social services in their communities for poverty reduction

3. Provide a platform for interaction among institutions mandated to receive whistleblowers to learn and share and improve upon their role in the implementation of the law

4. Influence the Whistle Blower Act Amendment process.

1.3  Project Justification

GACC believes that the only way to reduce inequality, poverty and promote growth is to reduce corruption in all sectors of our economy. In Ghana, majority of the poor who resides at the local level are more affected by corruption than the rich. Poverty makes them more vulnerable to the effects of corruption. Therefore, the fight against corruption needs to be strengthened at the local level to make the decentralization agenda have pro-poor impact. GACC also recognises the importance of averting challenges that stem from lack of transparency and accountability such as abuse of power and resource, and mistrust which could subsequently result in violent reactions by aggrieved citizens.

As a result, Ghana Anti-corruption Coalition (GACC) sought support from the Open Society of West Africa (OSIWA) to implement a project to promote the effective utilization of the basic anti-corruption laws especially the whistleblower Act 2006 for increased accountability and transparency at the local level. The project was expected to equip and enhance the capacity of mandated institutions receiving whistle blowers and other key stakeholders. Key public institutions, CSO’s, CBO’s, Traditional Authorities and the Media were trained to strengthen them for effective advocacy roles in their various communities. The project also engaged policy makers to influence the input into the whistleblower Act Amendment process.

The project is in line with GACC’s mission to facilitate anti-corruption activities in Ghana through the concerted efforts of its membership and in collaboration with other stakeholders, and OSIWA’s objective that seeks vigorous citizens’ participation in decision making to promote transparency and accountability and enhance management and distribution of national resources.
The project sought to promote the effective utilization of the basic anti-corruption laws especially the whistle blower Act 2006 for increased accountability and transparency at the local level. The project was implemented under three key areas: Public Education and Awareness Creation, Capacity Building, and Policy Engagement in twenty (20) districts within four (4) regions of Ghana: Northern, Volta, Western and Greater Accra. All activities were implemented in collaboration with the national and regional offices of Commission for Human Rights and Administrative Justice (CHRAJ) and National Commission for Civic Education (NCCE).

In all, the capacity of Two Hundred and Twenty-Eight (228) participants including 52 females and 5 physically challenged people was enhanced during the capacity building workshops. This number comprises 112 representatives of CSOs and 116 traditional authorities. The one year project was extended to one and half years from January 2012 to June 2013 due to some challenges encountered after the first six months of project implementation.

This final report captures issues collated from the policy engagements as well as activities organised to inform the public and build the capacity of CSOs, CBOs, the media, traditional authorities and mandated institutions that receive whistleblowers on the use of the anti-corruption laws with a focus on the Whistleblower Act.
2.1 Public Education and Awareness Creation

To deepen the understanding of Ghanaians on anti-corruption legislations and collate issues that inhibit the smooth implementation of the laws for policy engagement, publicity and educational materials were produced and distributed widely. Similarly, public forums and media engagements through radio discussions were also held in all four regions to further engage on the importance of the Whistleblower Act, 2006.

2.1.1 Publicity and Educational Materials

A stakeholder analysis and lobbying strategy was developed to ensure that the project targets appropriate stakeholders to enhance the advocacy for policy input to influence the amendment of the Whistleblower Act 2006. The analysis depicted the influence, roles and potential contributions and responsibility of key institutions for targeted impact.

In addition, two documents published by GACC i.e. in 2010, the ‘Guide to whistle blowing’ and ‘Training manual’ were reviewed and validated by experts to reflect the project objectives and enhance their use. The Guide was later translated into three Ghanaian languages (Twi, Hausa, and Ewe) by consultants from the Bureau of Ghana Languages and printed together with posters and stickers that were developed. The revised documents, posters and stickers were distributed widely for public sensitization and impact. The training manual was used as the key resource for the capacity building of CSOs, CBOs, media and traditional authorities in the four regions.

To further enhance public sensitization on the project, an animation of the whistleblowing process developed by GACC was translated into the Ewe and Dagbani for public education in the Volta and Northern regions respectively.

2.1.2 Public Forums

In addition to these, four (4) regional level public forums were also held in Ho, Tamale, Takoradi and Ashaiman. A total of three hundred and seventy-four (374) participants with an average of 93 participants in each region were recorded. Sixteen (16) physically challenged persons participated in the forum. The physically challenged included three (3) visually impaired and six (6) deaf and dumb participants. A sign language translator was therefore engaged to interpret the proceedings through sign language to the six (6) deaf and dumb participants during the forum in Ho.
The forums were organised to discuss effects of corruption on development and how to utilise the Whistleblower Act as a tool to fight corruption in our communities. The forum sought to educate the public on the importance of the Whistleblower Act as tool towards the fight against corruption and collate experiences and challenges on assessing the Whistleblower Act from participants for incorporation into the Whistleblower Act Amendment process. The forum had state anti-corruption institutions, MMDAs, Civil Society- and Community Based Organizations, media, religious group leaders, opinion leaders, youth group leaders, National Commission for Civic Education (NCCE), women’s group leaders and private sector players in attendance. Included were physically challenged persons; in Ho for instance a sign language professional was engaged to assist the visually and hearing impaired.

Overview on corruption and the Whistleblower Act 2006 and presentations from representatives of Commission for Human Rights and Administrative Justice (CHRAJ) and National Commission for Civic Education (NCCE). The forums discussed the manifestations and effects of corruption on the economy and development. Participants were made to understand that corruption constraints investment and retards growth. When corruption is pervasive it affects investment negatively. Investors are asked for bribes before setting up enterprises and this becomes a tax to them and discourages investment. Corruption was emphasized to result in increased unemployment; kills competition; and weakens the capacity of institutions to deliver on their mandate.
2.13 Radio Education programmes

The radio education programmes sought to empower citizens to use the legislation to speak out against corruption at the local level. A total of twelve (12) radio stations were engaged to educate the public on the Whistleblower Act 2006. The radio stations engaged include:

<table>
<thead>
<tr>
<th>REGION</th>
<th>RADIO STATION</th>
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<tbody>
<tr>
<td>Western Region</td>
<td>Liberty FM, Twin City FM and Ankobra FM</td>
</tr>
<tr>
<td>Volta Region</td>
<td>Volta Star Radio, Lorlonyo FM, US FM, Radio Tongu</td>
</tr>
<tr>
<td>Greater Accra Region</td>
<td>Obonu FM, Radio Ada and Sena Radio</td>
</tr>
<tr>
<td>Northern Region</td>
<td>Radio Justice and North Star Radio</td>
</tr>
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The live radio discussion programmes in English and the local languages created a platform for dialogue between the guest speakers and listeners through expert discussion, and live phone in segments for interaction and instant feedback. Resource Persons were sourced from the Commission on Human Rights and Administrative Justice (CHRAJ) and the National Commission for Civic Education (NCCE). In addition, trained participants whose capacities were enhanced were engaged to share their learning from the capacity building workshop with listeners.
MOBILISING GRASS-ROOT LEVEL PARTICIPATION FOR EFFECTIVE IMPLEMENTATION OF ANTI-CORRUPTION LAWS:

Similarly a number of the programme hosts also participated in the capacity building programmes to ensure that they were also informed on the issues. The programmes lasted between 30mins to an hour depending on arrangements with the targeted radio station. The English programme was also used as a platform for training and confidence building of some of the trained participants. Consequently, the trained participants also served as the key resource persons in the various local languages in the regions.

2.2 Capacity Building

The GACC engaged and built the capacity of 112 CSOs, CBOs, and media and 116 traditional authorities from 20 districts in the Volta, Western, Northern and Greater Accra Regions of Ghana. The capacity building sought to ensure an enhanced utilization of the anti-corruption laws particularly the Whistleblower law.

“As media personnel, I can make very good use of the whistleblower Act 2006 to educate the citizens to fight against corruption...”

A media participant in the Northern Region
The capacity building workshops which were carried out at the regional level equipped participants with practical understanding of issues of corruption, conflict of interest and the process of whistleblowing. Participants were also educated on the effects of corruption on the development of the ordinary citizen. This was to ensure that participants were well equipped for grass-root level sensitisation and advocacy on the utilisation of the anti-corruption laws especially the Whistleblower Law. The workshop adopted a combination of presentations, group discussions and exercises where participants worked on some practical issues related to corruption and its prevention.

The revised whistleblower training manual reviewed under the project was used as the main resource material to build the capacity of all participants. The manual was revised to capture some of the challenges that important stakeholders such as traditional authorities and religious leaders encounter in the implementation of the law at the local level. A number of the participants expressed satisfaction about the training manual which serves as a reference point educating others or functioning as receivers of whistleblowing in the case of the traditional authorities: “with the help of this training manual, I can now develop an effective and efficient community outreach programme on whistleblowing” a participant in Tamale stated.
MOBILISING GRASS-ROOT LEVEL PARTICIPATION FOR EFFECTIVE IMPLEMENTATION OF ANTI-CORRUPTION LAWS:

“The training will enable me effectively perform my role well [as a receiver of whistleblowing] in my community”

A traditional authority in Accra

Most of the participants especially the traditional authorities maintained that they have never had training on anti-corruption and the programme offered a good opportunity for them to gain...
insights into some of the legal framework on anti-corruption especially the Whistleblower Act.

“I understand that it is not only politicians or police officers who are corrupt...”

A participant in the Volta Region

The CSO’s, CBO’s and media as part of the capacity building workshops, formed local anti-corruption networks (LANet) in each region. The LANet is expected to build a collective action to strengthen GACC’s work at the local level. Focal institutions were selected by the members to co-ordinate the network’s activities. The four focal institutions comprised Voice Ghana for the Volta Region, Centre for Active Learning and Integrated Development (CALID) for the Northern Region, Advocates and Trainers for Children and Women Advancement and Right (ACTWAR) for the Western Region and Society for Youth Policy and Poverty Alleviation (SYPPA) for the Greater Accra Region.

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“I feel more equipped and my knowledge base has been vastly improved to educate others and propagate the message of anti-corruption and the Whistleblower Act 2006.”

A participant in the Volta Region

The capacity building workshops were carried out separately for traditional authorities in all the regions due to the nature of cultural values and the observation of protocol procedures in dealing with Traditional Authorities. The traditional authorities were specifically engaged on their role as mandated institutions in the implementation of the Whistle Blower Act. A number of the chiefs engaged expressed ignorance of their expected role as a mandated institution that receives whistleblowers. A Chief in Accra lamented on how government expected them to function under the Whistleblower Act when “… we have not been educated on our expected roles and responsibilities...” Others called for the amendment of the confidentiality law which could attract a penalty of three years imprisonment. These chiefs pointed out that the issues of confidentiality in receiving whistleblowers was against their traditional setup of speaking through interpreters, and they emphasized this could compromise confidentiality change in the Act.
“[This training] has actually awakened me as a traditional ruler to be very careful...”

A Traditional Authority in Greater Accra

“The era of being used for cutting of sod and commissioning of project without our knowledge and understanding of the projects content and costs are over. This training programme has been an eye-opener for us”

A traditional Authority in Greater Accra

2.3 Policy Engagement

A total of four (4) dialogues were held to provide an opportunity for institutions and organizations which have been mandated to implement the whistleblower Act to share their experiences and, critically discuss challenges that they have been faced with in implementing the law.

Three of the dialogues were held in the three regional capitals: Ho, Tamale and Takoradi.
Participants were drawn from the institutions and agencies that have been given the authority to deal with various aspects of the Whistleblower Act 2006. A total of 80 participants drawn from the Ghana Police Service, the Narcotic Control Board (NACOB), Commission on Human Rights and Administrative Justice (CHRAJ), Economic and Organised Crime Office (EOCO), Bureau of National Investigation (BNI) and Customs Excise and Preventive Services (CEPS),
MOBILISING GRASS-ROOT LEVEL PARTICIPATION FOR EFFECTIVE IMPLEMENTATION OF ANTI-CORRUPTION LAWS:

Ghana Immigration Service (GIS), Religious Leaders: (Imams, Rev. Fathers and pastors) as well as Traditional Authorities participated in the dialogue. These engagements revealed the flaws in the provisions of the Act as well as implementing challenges.

Finally, a national policy dialogue was held with the key institutions in Accra. Issues collated over the project implementation were proposed especially to the Commission for Human Rights and Administrative Justice (CHRAJ) and the Attorney General’s Office for consideration into the amendment of Whistleblower Act. Mr. Henry Tackey and Mr. Richard Quayson respectively represented Attorney General’s Department and the Commission for Human Rights and Administrative Justice at the policy engagement. As part of the project implementation, GACC engaged the Attorney General’s Office to facilitate Cabinet’s approval of the Whistleblower Amendment bill.

The project drew attention of policy makers to the following weaknesses of the Whistleblower Act after seven years of enactment:

1. Limited awareness of the Act

   The lack of awareness of the Whistleblower Act has prevented the ordinary people from making disclosures; hence investigative agencies responsible for the receipt of disclosures of impropriety including the Economic and Organised Crime Office, the Commission on Human Rights and Administrative Justice and the Attorney-General’s Department have not handled many cases.
2. Public sector focus

- Whistleblowing is believed to be a public sector phenomenon but it actually applies to public and private institutions. This is because “person” is defined in section 32 to include an individual, a body of persons, an institution or a corporation. There needs to be more awareness that it also applies to private institutions.

- Section 1(1) (d) of the Act restricts a disclosure of impropriety as far as waste and misappropriation are concerned to State actors and creates an impression that public resources can only be wasted or mismanaged in a public institution. However, private people can also waste or mismanage public resources. Illegal tapping of electricity or the illegal connection to a water supply are examples of this where a private person can waste or undermine the management of public resources.

- Section 1(1) (d) of the Act should be amended by the deletion of the word “public” so that disclosures will be cross cutting in the public and private sector. This will make the Act compliant with the UN Convention against Corruption.

3. Disclosures of impropriety

- The issue of whether or not the whistleblower received a specific payment for a disclosure affects the credibility of the information supplied. This needs to be addressed in the law, as the inducement of money may cloud the veracity of the information.

- Disclosure under the Act can be made to a number of persons and institutions, there is ambiguity under the Act as to whether follow up reports from all the persons and institutions listed are required to the Attorney-General. The law needs to clarify that it is only the persons subject by law to the direction of the Attorney-General who are required to report to the Attorney-General on an investigation. This will emphasize the independence of the Commission on Human Rights and Administrative Justice.

4. Confidentiality of whistleblowing

   The circumstances under which disclosures can be made needs to be widened to include:

   - Where the person making the disclosure is unable to identify a particular person to whom the disclosure relates;

   - Situations where the improper conduct or impropriety occurred before the Act came into force in 2006;
Information acquired by a person who is no longer an officer of an institution or an officer of a private body;

Improper conduct of a person while that person was an officer of an institution or an officer of a private body.

The actions to be taken by a person who receives a disclosure of impropriety to ensure confidentiality under the Act require further expansion in section 6. Strict confidentiality to protect the whistleblower is necessary for those frightened by public exposure and the identity of the whistle blower or identifying information should not be revealed without prior consent or reasonable advance warning when the disclosure is required by law.

The obstruction of an authorised officer in the performance of official duty needs to be criminalised as in the Economic and Organised Crime Office Act, 2010 (Act 804), the Police Service Act, 1970 (Act 350) and the Criminal Offences Act, 1960 (Act 29).

5. Feedback to whistleblowers

Act 720 does not provide for timely feedback to be given to the whistleblower who naturally would want to know the outcome of his or her disclosure. The Attorney-General or an investigative agency should be able to provide feedback to the whistleblower on the action taken on the impropriety where this is considered expedient. The opportunity should also be given to the accused person or institution to provide feedback on the Attorney-General's findings.

6. Protection of whistleblowers

Whistleblower protection is not to be effected where disciplinary action is taken against the subject of the disclosure or when that person is prosecuted.

Whistleblowers who give evidence should provide their evidence in camera or behind a screen to obscure their identity. The current law is silent on the mode of providing testimony.

Where the employee feels that the disclosure will affect him or her, the employee should be able to request a transfer to another post or to another Ministry.

The law should be strengthened to protect confidential information and any
documentation used in court process in which the whistleblower’s identity may be revealed should be concealed.

- The law should provide that a whistleblower can obtain advice from a lawyer or spiritual head.
- The law needs to provide for “make whole relief” so that whistleblowers are given the assurance that they will not be worse off. Back pay for lost wages and any other action to eliminate direct or indirect acts of victimisation should be included in the Act.

7. Reward to whistleblowers

- The source of the Whistleblower Reward Fund should be extended to include 20% of any amount covered when a disclosure is made.
- It should be possible for the Legal Service Board to give a reward even when there has not been a conviction.
- A person should not receive a monetary award when there is bad faith or where the whistleblower has made a personal gain from the disclosure. Currently this is not stated in the law. The Commission on Human Rights and Administrative Justice should be empowered to order the whistleblower to pay compensation to a person against whom an allegation has been made in bad faith.

8. Coordination of implementation of the Whistleblower Act

- Limited collaboration among the key anti-corruption institutions such as CHRAJ, EOCO, Ghana Police, and the Attorney General’s Department
3.1 Introduction and background

GACC conducted a baseline survey before the commencement of the project. This was to collect data to inform the implementation and as a reference point for the end of project evaluation. Again, at every stage of the project implementation, time was allocated for participants to assess and analyze the progress of the project. This end of project evaluation shares experience on good practices, challenges and lessons learnt during the project implementation.

3.2 Purpose/objectives of the evaluation

The evaluation was conducted mainly to assess the extent to which results have been achieved and to measure change based on the realities of the findings of the baseline. The results include the outcomes and immediate impact of the project on the capacity of beneficiaries and application of knowledge acquired. This serves as useful source of information and knowledge for future project design and implementation. The information collected was based on:

- Knowledge of existence of the whistle blower Act
- Knowledge of application of the Act
3.3 Evaluation Design and Methodology

The Evaluation study sought to collect data on the level of implementation. The level and sources of knowledge of potential beneficiaries including CSOs, traditional authorities and other citizenry was assessed. Questionnaires were used to gather information on the level of knowledge on whistle blowing by CSOs and Media as well as the traditional Authorities while Focus Group Discussion was used to assess the effectiveness of the radio programmes on educating community members about the Act. There was also a review of project activities and project management team meeting minute as well as interviews with project staff on opportunities, challenges and lessons learnt in the implementation of the project.

3.4 Limitations

Since the Evaluation was conducted by GACC, the implementer of the project, it may not be credited with the highest level of objectivity. However, the research unit is not directly involved in the implementation. The good side of it is that it enabled project implementers to learn faster from the lessons in the study which can easily be incorporated into the future project implementation process.

3.5 Findings/Emerging Issues

3.5.1 Relevance

The project was found to be relevant to the fight against corruption since the target beneficiaries who include CSOs, traditional authorities, media, public institutions and the general public covers the critical stakeholders needed to create the demand for transparency and accountability. These critical groups of people could also spread the knowledge of the Act and increase the usage of the Act. The media and CSOs in particular are expected to inform the public about corruption issues and avenues to expose and report corruption particularly using the whistle blower Act. They are also to advocate and create pressure on authorities to promote the Act and also advocate for an amendment of the act to enhance its usage. The chiefs and most of the public institutions targeted by the project had responsibility carved out by the Act.

A chief remarked that the Whistleblower Act gave them a responsibility but government did
not equip them with the requisite knowledge to undertake their mandated responsibility. Also, in the Accra workshop with Traditional Authorities one of them said "I am going to discuss with my MCE and the MP in Ga West Municipal to invite GACC to come and share it (Whistleblowers ACT) with the Assembly members: I feel this is long overdue" he also continued that "everything that was discussed today is useful and will be very much spread in communities around my area. The Whistleblowers Act will be explained to them vividly. My first meeting will be with my Chief and elders who are corrupt and have no idea on what corruption is (about). I will change them completely." Similarly, a feedback from radio programmes across the beneficiary districts also indicated that the content of the project met the felt need of the people.

The objectives of the project were also well aligned to GACC’s strategic objectives and the National Anti-Corruption Plan (NACAP) objectives. The first three objectives of NACAP consider capacity building and public education on anti corruption laws as critical to achieving its vision of creating "a sustainable democratic society founded on good governance and imbued with high ethics and integrity" (NACAP 2011). It is also well situated within GACC strategic objective in creating a broad platform on anti-corruption in Ghana and the building capacity of its members and others to enhance anticorruption work in the country.

3.5.2 Efficiency and value for money

In the implementation of the project consistent efforts were made during planning and implementation of activities to ensure efficiency in the implementation of the project. Four management teams and project implementation and review meetings were held to discuss the implementation of the project. These meetings reviewed activities implemented and activities to be implemented. The meetings focused on how to efficiently implement the project, as well as setting deadlines for activities to be implemented.

Another approach that ensured efficiency is the collaborative approach to project implementation. In almost all the activities, GACC collaborated with its partners within the implementing regions and districts to implement the activities to reduce cost and build trust among its partners. In the Western, Northern and Volta regions GACC collaborated with Advocates and Trainers for Children and Women Advancement and Right (ACTWAR), Center for Active Learning and Integrated Development (CALID) and Voice Ghana respectively.

GACC also worked closely with CHRAJ which is legally mandated to chart the course of anti-corruption activities in the country. GACC also worked with the National Commission for Civic Education (NCCE) which is mandated to provide public education on critical issues including the laws of Ghana. These collaborations tapped into their expertise at limited cost and built the relationship for future collaboration. At the higher level, collaboration with CHRAJ gave GACC
access to top government officials to lobby and advocate for promotion and amendment of the Act. The last policy engagement was co-chaired by CHRAJ and the Ministry of Justice and Attorney General; the latter has the sole power to effect amendment to the Act.

Also, in implementing the media sensitisation on radio, GACC used the trained CSO participants as panellists for discussion of the Act on radio. As a result, out of the four in all the four radio programmes implemented, three were done with the presence of GACC at the region or radio stations. This reduced cost of implementation and gave a sense of shared responsibility to participants who were trained on the Whistleblower Act.

3.5.3 Effectiveness

This section assesses the extent to which the project objectives were met. It assesses the achievement of targets and outcomes set by the project.

Specific Objective 1

To assess the implementation of the Whistleblower Act - assessing the institutions that receive whistleblowers and the citizens’ accessibility to these institutions

The project was expected to conduct a stakeholder Analysis showing influence, roles, and potential contributions to whistle blowing and skill needs. The stakeholder analysis was to start before the other project activities. However, it was done almost in the middle of project implementation. Though a very useful documentation for future work, its benefit to the project implementation as initially proposed might have diminished.

However, there were reasons for the delay of the stakeholder analysis report; GACC had underestimated the cost associated with conducting such a study which affected the timely engagement of a consultant resulting in undue delay in delivery. Consequently, the report was delivered late, almost at the middle of project implementation.
Specific Objective 2

To create a critical mass of well educated Civil Society Organizations, Community Base Groups, Traditional Authorities and the media to effectively use the law in improving the provision of basic social services in their communities for poverty reduction.

All the proposed activities under this objective were delivered. Capacity building workshops were organised for CSOs, traditional Authorities and Media. Four radio programmes were organised for each of the beneficiary region to educate the public about the Whistleblower Act. The innovation was to use some members of the trained CSOs to discuss corruption and the application of the Whistleblower Act. Also, the CSOs training led to an idea of forming a Local Anti-corruption Networks (LANETs) to promote the anti-corruption campaigns at the local level. These LANETs were formed as part of the project implementation and in the four implementing regions; they have drawn an action plan to work together on anti-corruption issues in the regions. The LANETs are loose group of CSOs committed to using their collective advantage to promote accountability and transparency as well as anti-corruption laws at the regional and district levels.

CSOs, Traditional Authorities and the media
Knowledge and Application of the Whistleblower Act

Comparing the evidence from the baseline with the survey conducted during the end of project evaluation, it was revealed that the project has achieved its purpose of educating the CSOs, CBOs, Traditional Authorities and the media about the Act. From figure 1, it is revealed that all respondents now, at least, have heard about the act as against the baseline score of 74%.
Knowledge about the Act has also improved over the year. Specific questions about the Act were asked and the responses are indicated below. Many more people now know where to make a disclosure related to whistle blowing than a year ago (see figure 2). In the baseline, about 64% of respondents indicated they know where to make a disclosure of wrong doing using the Whistleblowers Act. This increased to 94% after the implementation of the project.

One aspect of the law that is crucial to getting people to utilise it is the protection for the whistleblower. If people do not feel they are safe after blowing the whistle, they will not do so. Thus peoples’ understanding of this aspect of the law is critical to encourage others to blow the whistle. The evaluation results show that after the project implementation the number of people who have an understanding of this aspect of the laws has increased from 70% to 88% over the year (see Table 1).
Also peoples’ understanding of the type of protection available has increased over the project implementation period. Peoples’ understanding of the types of protection provided under the law improved, from 47% to 84%. The number of people who are not aware of the various protection provided by the Act has also reduced drastically from 35% to 12%.

**Does the law protect whistleblowers?**

<table>
<thead>
<tr>
<th>Response</th>
<th>Baseline</th>
<th></th>
<th>Evaluation</th>
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<td>Number</td>
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<td>3.9</td>
<td>4</td>
<td>8</td>
</tr>
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<td>11.8</td>
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<td>4</td>
</tr>
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<td>0</td>
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</tr>
<tr>
<td>Total</td>
<td>51</td>
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<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

**Do you know the forms of protection provided for under the whistleblower Act?**

<table>
<thead>
<tr>
<th>Response</th>
<th>Baseline</th>
<th></th>
<th>Evaluation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>17.6</td>
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<td>4</td>
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<tr>
<td>Total</td>
<td>51</td>
<td>100.0</td>
<td>50</td>
<td>100</td>
</tr>
</tbody>
</table>

Majority of respondents indicated that they felt equipped to report corruption under the Whistleblowers Act. This may show that they now have enough information about the Whistleblower Act. This is consistent with the responses on knowledge about the Act.
3.5.4 COMMUNITY LEVEL

In the communities, the level of awareness of the Act is still very limited. In all, the 11 focus group discussions that were held in Greater Accra and Northern regions, only a few people indicated they had heard about the Act. Those in the urban areas were found to be better. The communities in urban areas had at least heard about the Act but had very limited information about it. Some indicated that they heard of it from the radio, TV and newspapers. Some people recalled the TV adverts and some radio programmes about Whistle blowing but these were only a few. In all the six FGDs in Northern Region, it was only two people who had fair knowledge of the Act.

People in the rural areas indicated that the choice of radio for the programme could have affected their access to the information. Most of the people said they do not listen to the radio station used. Some cited quality of programmes and others said it was political bias. They recommended that the local Radio, Daallom is widely accessible and highly patronised by rural folks in Northern Region.

Southern Ghana was also better informed about the Act than northern Ghana. A good number of people in Greater Accra Region said they had heard about the act than that in Northern Region. In the urban communities, about 30% of the people said they had heard about the Act. They had all seen the animation developed by GACC on TV, explaining how to report corruption under the Act. Some also indicated that they had read it from newspapers. One person in the urban community FGD understood the Whistleblower Act and this was because he was a journalist and had attended a workshop on whistleblowing.
Specific Objective 3

Provide a platform for interaction among institutions mandated to receive whistleblowers; to learn and share and improve upon their role in the implementation of the law, and influence the Whistleblower Act amendment process.

Four workshops were organized in the four project regions. The dialogues were expected to create platforms for stakeholder collaboration, lessons and experience-sharing in the implementation of the Act. The dialogues were also supposed to collate issues to be considered in the amendment of the Act. The dialogues attracted key public institutions related to the implementation of the act. These included the Ghana Police Service, Food and Drugs Authority, CHRAJ, Economic and Organised Crime Office, Regional House of chiefs, Catholic Secretariat, Muslim leaders, Bureau of National Investigation (BNI) etc.

Instead of gathering the experience from the implementation of the Act and recommendations for improvement in the implementation, the dialogues rather served as education platforms. It was observed that many of the key institutions mandated to receive whistleblowers had limited knowledge of the Act, and had never utilised the Act. The dialogues presented the issues for debate. Issues were also raised about the concentration on GACC to building CSOs capacity on the Act. When institutions are not utilising the law of lack of knowledge, the enhanced capacity of CSOs and public through GACC advocacy will not yield the desired outcome.

Specific Objective 4

Influence the Whistleblower Act amendment process

The issues from the review of the Act, stakeholder analysis and responses from the workshops and dialogues were collated and presented to key public officials and other related critical stakeholders at the national level. The policy makers and implementers were presented with the crucial drawbacks to the implementation of the Act.
3.5.5 IMPACT OF THE PROJECT

The project’s overall objective was “to promote the effective utilization of the basic anti-corruption laws especially the Whistleblowers Act 2006 for increased accountability and transparency at the local level”. Given that the project was implemented over a year, there is likely to be limited results in term of impact. However, many of the target group who were civil actors with good knowledge of the Act indicated they had been well equipped to blow the whistle, this is good feat achieved.

The conceptualization of LANET, its formation at the regional levels and uptake of the concept by UNDP and other CSOs show the project’s effect on the broader fight against corruption. The wide publication of discussions on the Act promoted the Act beyond the documented target group.

The Project collected enough information that pushed key actors including CHRAJ to look at the review of the Act. The information collected during the project implementation raised a broad debate about the effectiveness of the promotion measures put up by key institutions as part of the implementation of the ACT. CHRAJ was particularly surprised by the low levels of awareness of the Act by public institutions mandated to receive whistleblowers despite the training they provide for selected officials of such institutions.

Even though CSO and CBOs have a good appreciation of the Act, people especially at the grassroots level are still not aware of the Act. Another core segment of stakeholders who have been left out are civil servants, public servants and private sector workers. These people have limited understanding of the Act and may not take advantage of the Act when they encounter corruption in their institutions. Given that these segments of stakeholders are likely to encounter issues of corruption with inordinate consequence, their understanding of the Act is critical to exposing corruption at these institutions.

The public institutions that are mandated to receive whistleblowers have limited knowledge and therefore if the demand for the usage of the Whistleblowers Act is increased, the receiving institutions may not be ready to respond to this increased demand. The public institutions’ understanding of whistle blowing is critical to enhancing the utilisation of the Whistleblowers Act.

3.5.6 SUSTAINABILITY

The empowered partners are expected to impart the knowledge acquired to support the fight against corruption. Though the project implementation encountered some challenges, GACC hopes to use the information on some of the challenges encountered to improve upon future projects. It is hoped that the LANET, implementing agencies and the other stakeholders will maintain the successes chalked to sustain the impact of the project.
4.1 CONCLUSION

The one year project has made significant progress in increasing awareness of the citizenry on the anti-corruption laws especially the Whistleblower Act 2006. The project admits that even though many people have heard about the Whistleblowers Act, knowledge on its implementation is limited. The project findings reveal that the Act is less known to ordinary people, especially in rural areas due to limited education about the law. However, there is a high worrying feeling about the increasing corruption level in Ghana and the perception of lack of will by authorities to combat the monstrous canker of corruption. There is also a sense of helplessness by community members in their inability to fight corruption that confronts them.

This notwithstanding, people in the grassroots appreciate the need and their role in confronting corruption issues. They need to be empowered through sustained sensitisation and education to arm them with the right information about how to battle corruption in their communities.
4.2 LESSONS LEARNT

The project noted that the assumption that the public institutions were implementing the Act was wrong. There should have been some check on the level of implementation of the Act by mandated institutions.

The need for targeted, continued and sustained sensitization activities was noted as a key lesson learnt. As well as the use of publicity and education materials and radio provided opportunity to disseminate the message to a wider public who could not be immediately reached by the programme. The project however acknowledged the difficulty in measuring the impact of this approach even though the live phone in segments of the radio programmes provided some feedback from the listeners. This notwithstanding, the use of radio programmes when not sustained may also not yield the much needed results. One-off radio programmes give little information and cannot reach a wider audience. When a message is broadcast severally, it stays in peoples’ minds.

The project assumed that translating into the local language would increase access of the information people who are literate in the local language. However, the project observed that majority of the people literate in the local language was also literate in the English language. A number of people preferred to read in the English language. A very small group of people were identified who could only read in the local languages.

Finally, the fact that this project was an upscale of previous programmes of GACC on the whistleblowing facilitated increased commitment of the key anti-corruption institutions such as CHRAJ, EOCO, GHANA POLICE, and the Attorney General’s Department and also encouraged innovative approaches for the achievement of the desired outcomes.

4.3 RECOMMENDATIONS

GACC recommends the need to:

- **Intensify the public education on the Whistleblower Act.**
  The public education should be deliberately segmented to reach all the various unique and critical stakeholders including the youth, public/civil servants, employees in private sector, etc. The possible use of religious events and leaders could be explored.

- **Increase direct community level whistleblower sensitisation activities**
  GACC notes that even though people at the grassroots are also affected by corruption, very little is known about how to report or deal with corruption issues. There is therefore the need to
Mobilising Grass-Root Level Participation for Effective Implementation of Anti-Corruption Laws:

Educate and sensitise community members about corruption and how to handle corruption cases, including education on the various anti-corruption laws, the institutions mandated to deal with general anti-corruption issues, among others.

- **Develop targeted and sustained radio publicity and educational programmes on whistleblowing**

  Radio stations, especially those that broadcast programmes in local languages, should be actively engaged in getting the message about fighting corruption to the critical mass of people at the grassroots. In urban areas, TV is also a good option for spreading the message about anti-corruption.

**Citizens should:**

- Set high personal standards of integrity coupled with patriotism in order to blow the whistle on wrong-doings;

- Boldly report any suspicious behavior in their communities or any acts of impropriety they witness.

**Government should:**

- Enhance the capacity of the key anti-corruption institutions such as CHRAJ, EOCO, and Ghana Police to effectively receive and protect whistleblowers for increased public trust.

- Resource the National Commission for Civic Education (NCCE) to facilitate a sustained nationwide public education campaign on the Whistleblower Act.

- Mandate an independent government institution to coordinate the activities of the whistleblower mandated institutions for increased effectiveness and impact.