

**IN THE SECOND SESSION OF THE SEVENTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE
SPECIAL BUDGET COMMITTEE**

ON THE

**2019 ANNUAL BUDGET ESTIMATES OF THE
COMMISSION ON HUMAN RIGHTS AND
ADMINISTRATIVE JUSTICE**

December 2018

REPORT OF THE SPECIAL BUDGETS COMMITTEE ON THE 2019 ANNUAL BUDGET ESTIMATES OF THE COMMISSION FOR HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

1.0 INTRODUCTION

Following the presentation of the Budget Statement and Economic Policy of Government for the year ending 31st December 2019 by the Hon. Minister for Finance, Mr. Ken Affori Ata on Thursday 15th November 2018, the 2019 Annual Budget Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ) were referred to the Special Budgets Committee for consideration and report in accordance with Article 179 of the 1992 Constitution and Order 140(4) of the Standing Orders of the House

2.0 DELIBERATIONS

The Committee met with the Commissioner of CHRAJ, Mr. Joseph Wittal, Officials of the Commission and a technical team from the Ministry of Finance in the consideration of the Estimates. The Committee acknowledges the inputs of the Commissioner and officials during the deliberations and extends its profound appreciation to them for attending upon the Committee.

3.0 REFERENCE DOCUMENTS

In considering the Estimates of CHRAJ the Committee referred to the following documents:

1. The 1992 Constitution of the Republic of Ghana;
2. Standing Orders of Parliament;
3. CHRAJ Act 1993, Act 456
4. The Budget Statement and Economic Policy of the Government for the 2019 Financial Year and;
5. The 2019 MTEF Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ).

4.0 OBJECTIVE AND VISSION OF THE COMMISSION

The Commission on Human Rights and Administrative Justice exists to promote good governance, democracy, integrity, peace, and social development by promoting, protecting and enforcing, fundamental human rights and freedoms and administrative justice for all persons in Ghana.

The vision of the Commission is to ensure a society that is truly fair, just and equitable, where human rights and human dignity are respected, where power is accountable and governance is transparent.

5.0 MANDATE OF THE COMMISSION

The mandate of the Commission for Human Rights and Administrative Justice include;

- 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 exercise of his or her official duties
- Investigate complaints concerning the functioning of the public services and the administrative organs of the state relating to the failure to achieve a balance structuring or equal access by all citizens;
- Investigate complaints concerning practices and actions by persons, where those complaints allege violations of fundamental rights and freedoms under the 1992 constitution
- Investigating complaints and allegations of corruption and misappropriation of public resources
- Educate the public on Human rights and freedoms.

6.0 2018 BUDGET ALLOCATION AND EXPENDITURE RETURNS

During the year under review, the Commission on Human Rights and Administrative Justice again were allocated an amount of **Thirty-two Million, Five Hundred and Sixty-five Thousand, and Four Hundred and Twenty-one**

Ghana Cedis (GH¢32,565,421). This amount was made up of Twenty-five Million, Six Hundred and Eighteen Thousand, Four Hundred and Seventy Ghana Cedis (GH¢25,618,470.00) from GoG and Six Million, Nine Hundred and Forty-six Thousand, Nine Hundred and Fifty-one Ghana Cedis (GH¢6,946,951.00) from Development Partners Funds (DP) The allocation was disbursed among the three main cost centers as summarized below.

Summary of 2018 Budget Allocation to CHRAJ

Compensation of Employees	- 17,618,470
Goods and Services	- 4,389,390
Capital Expenditure	- 10,557,561
Total Approved budget	- <u>32,565,470</u>

As at 30th October, 2018 an amount of **GH¢20,245,835.80** representing 79.028% of the GoG allocation to the Commission was released leaving a balance of **GH¢5,372,634.18** or 20.972%

The detail breakdown of GoG approved budgeted allocation and releases as at 30th October, 2018 is presented in table 1 below.

Table 1: Summary of 2018 GoG expenditure returns of CHRAJ

SN	Cost Centre	2018 Approved Budget (GH¢)	Actual Expenditure 30/10/2018 (GH¢)	Variance (GH¢)
1	Compensation	17,618,470	14,762,012.71	2,856,457.71
2	Goods and Services	3,000,000	2,400,000	600,000
3	Capital Expenditure	5,000,000	3,083,823.12	1,916,176.88
	Total	25,618,470	20,245,835.80	5,372,634.18

7.0 PERFORMANCE IN 2018

The 2018 Budget Allocated to the Commission was exhausted in undertaking the following activities:

- ❖ During the year under review, CHRAJ began the reconstruction of the burnt section of its Head office. Work is in progress and expected to be completed in Eighteen (18) months.
- ❖ The Commission also collated reports from Implementing Partners (IPs) and issued NACAP Annual Progress report for 2017.
- ❖ Prepared and disseminated the 2018/2019 NACAP Annual work Plan (AWP) to IPs and organised over thirty- five (35) workshops on NACAP for Implementing Partners.
- ❖ The Commission also provided support to over 200 MDAs and MMDAs to implement NACAP, and organised 779 public education and sensitization programmes in the regions.
- ❖ CHRAJ continued to investigate complaints of violation of fundamental human rights and freedoms, administrative injustice, abuse of power and unfair treatment as well as corruption, conflict of interest and breaches of the code of conduct for public officers. It is worth noting that as at August 2018, the Commission had investigated 7,541 cases made up of 7250 human rights, 265 on administrative justice, and 236 corruption related crimes.
- ❖ CHRAJ again organised 3099 Public Education Programmes in all its commands and continued to work as Africa's Representative on the Working Group of the International Coordinating Committee (ICC) of the UNOHCHR on the Sustainable Development Goals (SDGs)

8.0 OUTLOOK FOR 2019

The Commission will pursue the under-listed programmes in 2019:

- ↓ CHRAJ will continue with the reconstruction of its offices that were destroyed by fire in 2013.
- ↓ The Commission will Coordinate the implementation of NACAP monitor and compile Annual Progress Report.
- ↓ CHRAJ intends to Partner with Public Sector Reform Secretariat to roll out implementation of Service Charters for MDAs & MMDAs in response to public demand for better service delivery and strengthen its Regional and District Offices to improve service delivery in the regions
- ↓ Under its human Rights mandate, CHRAJ will investigate about 9,000 cases on human rights, administrative justice and corruption and breaches of code of conduct for public officers.
- ↓ The Commission will also Partner with NDPC and other stakeholders to implement the SDGs and undertake about 5,000 public education and sensitization activities on Human Rights, Administrative Justice and Corruption.

9.0 2019 BUDGET ALLOCATION TO CHRAJ

For the implementation of its planned programmes and activities, the Commission on Human Rights and Administrative Justice have been allocated an amount of **Thirty-One Million, Nine Hundred and Forty-Eight Thousand, and Seventy Ghana Cedis (GH¢31,948,070)** for the 2019 financial year. The Budget allocation will be disbursed among the following cost centres in table 2:

Table 2: 2019 Budget Allocation for CHRAJ

SN	Cost Centre	GoG (GH¢)
1	Compensation of Employee	24,000,000
2	Goods and Services	5,438,185
3	Capex	2,509,885
4	Total	31,948,070

The 2019 Budget of the Commission will be expended amongst four programme namely; Management and Administration, Human Rights, Administrative Justice and Anti-Corruption. The allocation will be disbursed among four programme areas as in table 3 below:

Table 3: Summary of 2019 Budgetary Allocation by Program

S/N	Programme Area	2019 Allocation			
		Compensation (GH¢)	Goods & Services (GH¢)	CAPEX (GH¢)	Total (GH¢)
1	Management and Administration	24,000,00	3,282,185	2,509,885	30,018,070
2	Promote & Protect Fundamental Human Rights	-	250,000	-	250,000
3	Administrative Justice	-	180,000	-	180,000
4	Anti-Corruption	-	1,500,000		1,500,00
	Total	24,000,000	5,438,185	2,509,885	31,948,070

The 2019 GoG allocation for Goods and Services will be expended among the following programmes:

Program	GoG Allocation (GH¢)
General Administration	1,627,785
Human Rights	250,000
Administrative Justice	180,000
NACAP/Anti-corruption	1,500,000
Finance and Admin	575,000
Total	<u>5,438,185</u>

10.0 OBSERVATIONS

The Committee has carefully scrutinized the estimates of the Commission on Human Rights and Administrative Justice and made the following observations:

10.1 Lack of Full staff Complement in the Management of CHRAJ

The Committee noted that the Commission lacks its full complement in the administration of its mandate in accordance with Article 216 of the 1992 Constitution which provides that "there shall be established by an Act of Parliament, within Six months after Parliaments first meet, after the coming into force of this Constitution, a Commission of Human Rights and Administrative Justice which shall consist of (a) A Commissioner for Human Rights and Administrative Justice and (b) two deputy Commissioners for Human Rights and Administrative Justice".

The Committee observed that despite this provision, the managerial structure of the Commission on Human Rights and Administrative Justice is incomplete and currently has only one Deputy Commissioner at post who is assisting the Commissioner.

The Committee recommends to His Excellency the President of the Republic of Ghana to consider appointing an additional Deputy Commissioner of CHRAJ to meet the full complement of the establishment of CHRAJ as provided under

Article 216 of the 1992 Constitution in order to hasten the implementation of the Commissions mandate.

10.2 Inadequate Budgetary Allocation

The Committee observed that notwithstanding the continues increase of GoG,s budgetary allocation to CHRAJ, over the past years, there has been a consistent dwindling budgetary support from Development Partners. For instance, in 2017, CHRAJ was allocated a budget of **(GH¢37,816,401)** for the 2017 financial year. This was made up of **(GH¢24,514,470.00)** from GoG, and **(GH¢13,301,931.00)** from Development Partners Funds (DP).

For the implementation of its planned programmes and activities, for the financial year 2018 the Commission on Human Rights and Administrative Justice again were allocated an amount of **(GH¢32,565,421)**. Out of this amount, **(GH¢25,618,470.00)** from GoG allocation whilst the sum of **(GH¢6,946,951.00)** was received from Development Partners Funds (DP).

For the 2019, budgetary allocation, the Commission on Human Rights and Administrative Justice have been allocated an amount of **(GH¢31,948,070)** for the 2019 financial year from GoG source only and there is no budgetary support from Development Partners (DP).

The Committee opined that donor support, which hitherto used to be the major source of funding for the Commission has been dwindling over the years following the attainment of middle-income status by the country and this has accounted for the inadequate funding of CHRAJs activities. The Committee therefore recommends to Ministry of Finance to endeavor to increase the budgetary allocation to CHRAJ to make up for the shortfall from the declining development Partners support.

10.3 Inadequate Budgetary allocation of Capex for the 2019 Financial Year.

The Committee in its deliberation observed that the Commission on Human Rights and Administrative Justice was allocated an amount of Two Million, Five Hundred and Nine Thousand, and Eight Hundred and Eighty- Five Ghana Cedis (**GH¢2,509,885**) for its capital expenditure in 2019 and the Committee consider to be woefully inadequate.

The Committee was informed that CHRAJ submitted an estimate of Fourteen Million Ghana Cedis **GH¢14,000.000** to the Ministry of Finance to meet capital expenditure for the construction of the burnt office at the old Parliament House and for the purchase of office equipment. However the Ministry of Finance approved only **GH¢2,509,885**.

The Commission stated this will adversely affect their resolve to implement some key activities outlined for 2019 budget especially relating to major capital expenditure programs such as the reconstruction of the burnt old Parliament House office and the purchases of office equipment's as estimated by CHRAJ .

The Commissioner argued that a Supreme Court ruling in the case of William Brown v. Attorney General, that the Court interpreted the provisions of the Auditor- General on administrative expenses, Salaries, and Gratuities being a charge on the Consolidated fund to mean that Independent Constitutional Bodies which have the same provisions should not be subjected to budget ceilings, or hearings at the Ministry of Finance but should be insulated by having their budgets prepared and submitted straight to Parliament for approval, in this regard, CHRAJ expected the Ministry of Finance would have complied

with and allow them to apply same to their budgets like other independent institutions such as the Audit Service.

The Committee recommends that, since CHRAJ is an independent body as spelt out in Article 225 of the 1992 Constitution, the CHRAJ Act 456 should be presented to Parliament for an amendment to provide for the Commission to be insulated from budget hearings of the Ministry of Finance in order to have their budget be forwarded to the President in future for his reviewing comments and forwarded to Parliament for approval. This will strengthen the independence of the Commission on Human Rights and Administrative Justice.

The Committee is of the view that insulating CHRAJ would enable it to present a meaningful budget estimate to meet its expenditure requirements without budgetary cuts from the Ministry of Finance.

The Committee again recommends to the Ministry of Finance to consider increasing the budgetary allocation on Capex for CHRAJ in the Mid-Year budget review in order not to exacerbate the cost of materials for the construction of its office and purchase of equipment's.

10.4 Legal framework of CHRAJ as a Constraint for its effectiveness.

The Committee noted that one major constraints affecting the effective discharge of the Commission's mandate over the years has been the weaknesses in the legal framework of CHRAJ among others.

According to the Commissioner of CHRAJ, its mandate is triggered by an official complaint before CHRAJ can take action on any issues of Human Rights and Administrative Justice. The Commissioner of CHRAJ stated that until a complaint is made by a citizen, his outfit is unable to take action and this has been a major constraint that impedes upon their functions.

The Committee recommends to the House to consider taking a proactive measure to introduce an amendment to the House to amend the CHRAJ Act

to enable the Commission, act even without formal complaints on matters relating to reported abuse of Human Rights and Administrative Justice.

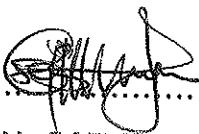
Additionally, the Commission is constrained by inadequate office space to accommodate staff, over-aged and broken down vehicles, lack of ICT equipment and transport, inadequate technical staff and lower conditions of service, attract and retain professionals amongst others.

The Committee again recommends to the Ministry of Finance to consider granting clearance to the Commission to enable CHRAJ to employ the needed staff.

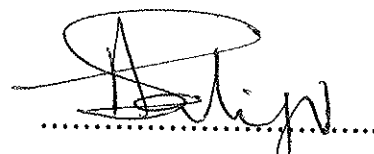
11.0 CONCLUSION

After a critical examination of the 2019 Annual Estimates of the Commission on Human Rights and Administrative Justice and considering its role in the promotion and protection of fundamental human rights, the Committee recommends to the House to adopt and approve the sum of **Thirty-One Million, Nine Hundred and Forty-Eight Thousand, and Seventy Ghana Cedis (GH¢31,948,070)** for the implementation of its programmes for the Financial Year commencing 1st January and ending 31st December 2019

Respectfully submitted.



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HON. OSEI KYEI-MENSAH-BONSU
MAJORITY LEADER AND CHAIRMAN,
(SPECIAL BUDGETS COMMITTEE)



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AYISHA SALIFU (HAJIA)
ASSIST CLERK,
(SPECIAL BUDGET COMMITTEE)

