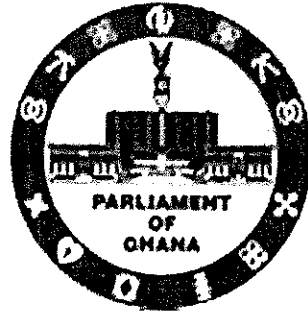


**IN THE FIRST SESSION OF THE EIGHT PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA**



**REPORT OF THE SPECIAL BUDGET COMMITTEE ON THE 2023
ANNUAL BUDGET ESTIMATES OF THE COMMISSION FOR
HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

1.0. INTRODUCTION

The Minister for Finance Hon Ken Ofori-Atta presented the Budget Statement and Economic Policy of the Government of Ghana for the 2023 financial year to Parliament on Thursday 24th November, 2022 in accordance with Article 179 of the 1992 Constitution and Section 21(3) of the Public Financial Management Act, 2016 (Act 921).

Pursuant to Order 140 (4) of the Standing Orders of the House, the Rt. Hon. Speaker referred the Annual Budget Estimates of the Commission for Human Rights and Administrative Justice (CHRAJ) to the Special Budget Committee for consideration and report.

In the consideration of the estimates, the Committee was assisted by the Commissioner of CHRAJ, Mr Joseph Akanjolenur Whittal, Officials of the Commission and a technical team from the Ministry of Finance.

The Committee expresses its gratitude to the Commissioner and the technical team for attending upon it and assisting in the deliberations.

2.0. 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. Public Financial Management Act, 2016 (Act 921)
4. Commission for Human Rights and Administrative Justice Act 1993, (Act 456);
5. The Budget Statement and Economic Policy of the Government for the 2023 Financial Year and;
6. Report of the Special Budgets Committee on the Annual Estimates of CHRAJ for the 2022 financial year; and
7. Medium Term Expenditure Framework (MTEF) for 2023 –2026;

3.0. VISION AND MISSION OF THE COMMISSION

The vision of the Commission for Human Rights and Administrative Justice 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.

In this regard, the mission of the Commission is to ensure respect for Human Rights, hold power accountable and make governance transparent for all.

4.0. MANDATE OF THE COMMISSION

CHRAJ has three broad mandates, namely; Human Rights Protection, Administrative Justice in Public Services and Anti-Corruption and Enforcement of Code of Conduct for Public Officers under Chapter 24 of the Constitution.

The mandate of the Commission for Human Rights and Administrative Justice as enshrined in the 1992 Constitution and Act 456 include the following;

- a. Investigation of 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.
- b. Investigation of complaints concerning the functioning of the Public Services, the Administrative services the Offices of the Regional Co-ordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prisons Service in so far as the complaints relate and the administrative organs of the state relating to the failure to achieve a balance structuring or equal access by all citizens.
- c. Investigation of complaints concerning practices and actions by persons, private enterprises and other Institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution.
- d. Investigation of all instances of alleged or suspected corruption and the misappropriation of public monies by officials and to take appropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such investigation.
- e. Investigation of complaints of human rights violations by persons and institutions in both private and public sectors.
- f. Investigation of complaints and allegations of corruption and misappropriation of public resources.

5.0. 2022 PERFORMANCE REVIEW

The Commission on Human Right and Administrative Justice recorded the following key achievement under its programme areas during the year under review:

I. Management and Administration

Under the Management and Administration sub-program, the Commission undertook the following activities:

- a. Continued work on the reconstruction works at the Old Parliament House to reach 46.3% complete;
- b. Opened thirty-six (36) new districts offices across the country; and
- c. Recruited One hundred and eighty (180) new staff, made up of investigators, registrars and other key staff to augment the Commission's staff strength.

II. Promotion of Human Rights and SDGs

The following were achieved on the efforts to promote human rights and SDGs-16;

- a. Carried out baseline assessment of Business and Human Rights;
- b. Commenced processes for the amendment of the CHRAJ Act, 1993 (456) to designate CHRAJ as a National Preventive Mechanism (NPM) for preventing corruption;
- c. Completed, validated and printed a baseline study on Access to Justice project report on gender-based violence against elderly women accused of witchcraft;
- d. The Commission engaged duty-bearers, rights-holders and other key actors including Parliament, the Judiciary, NDPC, MDAs, MMDAs, CSOs to raise awareness and build trust, promote dialogue and concerted efforts for a human rights based approach to implementing the SDGs and safeguarding space for engagement of rights-holders and civil society;
- e. Strengthen capacity of Public and Private Sector workers on using Human Rights Based Approach in Development Planning;
- f. Investigated 8,318 human rights cases and closed 7,442 as at October, 2022;
- g. Carried out 6,039 out of the estimated 3,000 public education and sensitization activities on human rights;

- h. Successfully submitted report on UPR to the Human Rights Council;
- i. Finalized and Launched the National Baseline Assessment Report on Business and Human Rights in Ghana; and
- j. Undertook national consultation on NAP on Business & Human Rights in Ghana.

III. Promotion of Administrative Justice

The following activities were carried out as part of efforts at ensuring administrative justice;

- a. Collaborated with the Public Sector Reforms Secretariat to implement the Public Sector Reforms for Results Project (PSRRP) through grievance redress and capacity building of client service units in MDAs as well as CHRAJ's policies, policies, procedures and practices;
- b. Investigated two hundred and ninety-five (295) administrative justice cases and closed two hundred and forty-five (245) including some outstanding cases from 2021;
- c. Organized One Thousand, Seven Hundred and Nineteen (1,719) public education and sensitization activities on Administrative Justice as at September, 2022; and
- d. Collaborated with the Ghana Police Service, Civil Societies and Media to undertake Police Accountability Project.

IV. Anti-Corruption and NACAP the following activities were carried out:

- a. Organized two (2) Completion and Validation Workshops on Risk Mitigation plans for Ministry of Fisheries and Aquaculture and Ghana Health Service as part of Corruption Risk Assessment (CRA) for the two sectors;
- b. Prepared 2021 Annual Progress Report;
- c. Conducted the Ghana Integrity of Public Services Survey and launched the survey report;
- d. The Commission completed investigation into 337 cases of breach of code of conduct for public officers;
- e. The Commission engaged MDAs on Public Service Integrity Program (PSIP), including the enforcement of the Code of Conduct for Public Officers,

Asset Declaration regime, Conflict of Interest rules and Gift Policy in public sector institutions; and

- f. The Commission carried out 1,911 public education and sensitization activities on anti-corruption and NACAP.

5.1. 2022 BUDGET ALLOCATION AND EXPENDITURE RETURNS

The Commission on Human Rights and Administrative Justice was allocated an amount of **Sixty Million, Eight Hundred and Fifty-Two Thousand Ghana Cedis (GH¢60,852,00)** for its programmes and activities in 2022. The 2022 allocation was revised to during the Midyear budget review to **Fifty-Two Million, Five Hundred and Fifty-One Thousand, Eight Hundred and Forty-Two Ghana Cedis Only (GH¢52,551,842)**. The expenditure returns as at 30th November, 2022 is presented in table 1 below.

Table 1: 2022 Expenditure Returns of CHRAJ

ITEM	2022 Appropriation GH¢	2022 Revised Budget GH¢	Actual Expenditure as at Nov. 2022 GH¢	Outstanding GH¢	% Released
Compensation	39,527,000	39,527,000	39,302,261.35	224,738.65	99.43
Goods & Services	15,325,000	8,963,309	2,713,536.56	6,249,772.44	30.27
CAPEX	6,000,000	4,061,533	504,170.60	3,557,362.40	12.41
TOTAL	60,852,000	52,551,842	42,519,968.51	10,031,873.49	80.41

6.0. OUTLOOK FOR 2023

6.1. Operational Activities

In pursuit of the mandate of the Commission under Article 23 of the 1992 Constitution and Commission for Human Rights and Administrative Justice Act 1993, Act 456, the Commission plans to pursue the under-listed programmes in 2023 financial year:

- a. Continue the reconstruction work on the burnt section of CHRAJ Head Office at the Old Parliament House;

- b. Maintain, refurbish and rehabilitate regional and district offices
- c. Continue to coordinate and monitor the implementation of NACAP and compile Annual Progress Report;
- d. Partner with Public Sector Reform Secretariat to roll out implementation of Service Charter for MDAs and MMDAs in response to public demand for better service delivery;
- e. Investigate about 9,900 cases on Human Rights, 600 cases on administrative justice and 200 on corruption and breaches of code of conduct for public officers;
- f. Conduct corruption risks assessment, issue advisories and assist public offices identify and plug corruption vulnerabilities and loopholes;
- g. Monitor State of Human Rights & Implementation of SDGs;
- h. Carry out about 5,000 public educational and sensitisation activities on Human Rights, Administrative Justice and Corruption;
- i. Assume role as National Preventive Mechanism of Ghana, and conduct baseline study on all detention facilities in Ghana under the OPCAT, and submit report to government and the UN system;
- j. Conduct baseline on Schools infrastructure under the FCUBE and Free SHS Policy; and
- k. In 2023, the Commission will continue to coordinate and monitor the implementation of NACAP and partner with NDPC and other stakeholders to implement the relevant SDGs. It will also continue with the partnership with Public Sector Reform Secretariat to roll out implementation of the Service Charters for MDAs and MMDAs in response to public demand for better service delivery.

6.2. 2023 Budget Allocation to CHRAJ

For the implementation of its planned programmes and activities, an amount of **Forty-Five Million Four Hundred Thousand Three Hundred and Eight (GH¢45,400,308)** has been allocated to the Commission on Human Rights and Administrative Justice for the 2023 financial year. The

breakdown of the allocation in terms of economic classification and programmes are provided in tables 3 and 4 below:

Table 2: Summary 2023 budgetary allocation by economic classification

s/n	Expenditure Item	(GoG) Allocation (GH₵)	(Donor) Allocation (GH₵)	Total (GH₵)
1	Compensation	418,98,620	-	418,98,620
2	Goods and services	2,413,688	-	2,413,688
3	Capex	1,088,000	-	1,088,000
	Total	45,400,308	-	45,400,308

Source: The Budget Statement and Economic Policy of the Government for 2023 financial year

Table 3: Summary 2023 budgetary by programmes

Programme Area	Compensation (GH₵)	Goods & Services (GH₵)	CAPEX (GH₵)	Total (GH₵)
Management Administration	41,898,620	1,813,688	1,088,000	44,800,308
Promote & Protect Fundamental Human Rights		100,000		100,000
Administrative Justice		100,000		100,000
Anti-Corruption		400,000		400,000
Total	41,898,620	2,413,688	1,088,000	45,400,308

7.0. OBSERVATIONS

The Committee after a careful examination of the 2023 estimates of the Commission on Human Rights and Administrative Justice, made the following observations.

7.1. Challenges with expanding access of service

Pursuant to Section 10 of the CHRAJ Act, 1993 (Act 456), and Article 220 of the 1992 Constitution the Commission is required to establish offices in each Region and district in the country. The Committee however noted that the Commission had so far not been able to fulfil this Constitutional requirements due mainly to financial constraints. During the year under review the Commission was able to establish 35 additional offices across the country with support from the various Metropolitan Municipal and District Assemblies bringing the total offices established in the Regions and District to 175.

The Committee further noted that an effort to fulfil this constitutional imperative in 2023 has been hampered by inadequate resources allocation to the Commission for the 2023 financial year.

The Committee is of the view that the inability of the Commission to open offices at the districts to make the services of the Commission accessible to people does not augur well for the protection of the fundamental human rights and freedoms of the citizens. The Committee accordingly urges the Minister for Local Government Decentralisation and Rural Development to urge MMDAs to make space available to the Commission for the establishment of the District Offices across the country in accordance of statute.

7.2. Weakness in the Assets Declaration Regime

Expressing his views on how the existing asset declaration regime could be improve to help fight corruption and unexplained wealth, the Commissioner indicated that the existing gaps in the Assets Declaration Regime makes it rather difficult to sanction offenders. This ultimately undermines the fight against corruption and unexplained wealth among public office holders.

The Commissioner opined that the **Public Office Holders (Declaration of Assets and Disqualification Act, 1998 (Act 550))** seeks to provide the legal framework for the enforcement of the declaration of assets and liabilities by public office holders in conformity with Article 286 (1) of the 1992 Constitution. However, the weaknesses and gaps in the Act makes it difficult to achieve the ultimate objective as a tool for fighting corruption among public office holders. He indicated that CHRAJ has taken initiative to address the gaps by replacing Act 550 with a proposed Conduct of Public Officers Bill which would soon be re-introduced to Parliament to deal with the gaps identified.

The Committee noted that Asset declaration is one of the main accountability measures embedded in the 1992 Constitution to promote accountability and reduce corruption amongst Public office holders. The Committee reiterates its recommendation that CHRAJ should not limit its investigations on Asset declaration to only political appointees but to expand the scope to cover all public officers and Civil servant including their immediate families in accordance with Article 286 (1) and (5) of the 1992 Constitution..

The Committee further urges CHRAJ to collaborate with the Attorney-General and Minister for Justice to take steps to re-submit the proposed Conduct of Public Officers Bill to Parliament as soon as possible.

7.3. Delay in the reconstruction of the Old Parliament House

The Committee noted that the Commission, as at September 2022, had completed 46.3% of the reconstruction works at the Old Parliament House. This reconstruction work is aimed at building an office Complex that will House CHRAJ headquarters as well ultramodern conference facilities which could be used to generate IGF in support of the works of the commission.


The Commission intended to complete this project in 2023 to ease some of its burden. However, due to inadequate budgetary allocation for the Commission, the project will fall behind schedule. The Committee is of the view that continues delays in the completion of the project will lead to cost overruns imposing additional financial burden on the Commission.

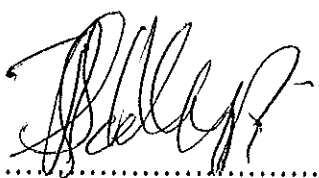
The Committee noted that the Commission requires an amount of GH¢2,500,297 to complete this project but an allocation of GH¢600,000 has been for the project in 2023 budget. The Committee urges the Ministry of finance to consider allocating additional resources during the Midyear Budget Review to complete the project should the revenue situations improves, and to also ensure timely release of the 2023 capital expenditure allocation of the Commission for the reconstruction work to continue.

8.0. CONCLUSION

The Committee, having carefully examined the 2023 Annual Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ), recommends to the House to adopt its report and approve the sum of **Forty-Five Million, Four Hundred Thousand, Three Hundred and Eight (GH¢45,400,308)** for the implementation of the programs of the Commission for the 2023 Financial Year commencing 1st January and ending 31st December 2023.

Respectfully submitted.


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HON. PATRICIA APPIAGYEI
VICE-CHAIRMAN,
SPECIAL BUDGETS COMMITTEE


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JOANA A. S. ADJEI (MRS.)
CLERK, COMMITTEE ON SEPCIAL
BUDGET

21st December, 2022

