



REPORT OF THE SPECIAL BUDGET COMMITTEE ON THE 2022
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 2022 financial year to Parliament on Wednesday 17th November, 2021 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 to the House.

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 and discussed the Estimates. The Committee expresses its gratitude to the Commissioner and the technical team for attending upon the Committee for 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. Commission for Human Rights and Administrative Justice Act 1993, Act 456;
4. The Budget Statement and Economic Policy of the Government for the 2021 Financial Year and;
5. Report of the Special Budgets Committee on the Annual Estimates of CHRAJ for the 2021 financial year; and
6. Medium Term Expenditure Framework (MTEF) for 2021 –2024;

3.0 VISION AND MISSION OF THE COMMISSION

As an independent constitutional body, 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 Commission exists 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 include;

- a. 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.
- b. Investigate 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. To investigate 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. To investigate 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. Investigate complaints of human rights violations by persons and institutions in both private and public sectors.

- f. Investigating complaints and allegations of corruption and misappropriation of public resources.

6.0 2021 BUDGET ALLOCATION AND EXPENDITURE RETURNS.

During the year under review, an amount of **Forty-Five Million, Two Hundred and Sixty-Eight Thousand, and Three Hundred and Thirteen Ghana Cedis (GH¢45,268,313)** was allocated to the Commission for its programs and activities in 2021. The allocation was disbursed among the three main cost centers as summarised below:

Cost Center		GH¢
Employee Compensation	-	25,048,581
Goods and Services	-	13,894,732
Capital Expenditure	-	6,325,000
Total Appropriated Budget	-	<u>45,268,313</u>

As at 30th September, 2021 an amount of **GH¢33,286,094.41** representing 73.5% of the 2021 appropriation to the Commission was released leaving a balance of GH¢11,982,218.59 or 26.5%.

Detail breakdown of the 2021 appropriation and releases as at 30th September, 2021 is presented in table 1 below.

Table 1: 2021 Expenditure Returns of CHRAJ

ITEM	2021 Appropriation on GH¢	Actual Release as at 30/09/2021 GH¢	Outstanding GH¢	% Released
Compensation	25,048,581	18,500,456.63	6,548,124.37	73.90

Goods & Services	13,894,732	9,099,558.16	4,795,173.84	65.50
CAPEX	6,325,000	5,686,079.62	638,920.38	89.90
TOTAL	45,268,313	33,286,094.41	11,982,218.59	73.50

7.0 2021 PERFORMANCE REVIEW

The 2021 Budget Allocated to the Commission was expended in pursuit of the core mandate of the Commission. To this end, the following activities were undertaken in 2021:

a. Management and Administration

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

- The Commission continued work on the reconstruction of its office complex. Work is currently 50% complete;
- The Commission opened thirty-two (32) new districts offices across the country;
- Two hundred and twenty (220) new staff, made up of investigators, registrars and other key staff were recruited to augment the Commission's staff strength;
- The Commission upgraded six (6) new regional offices, renovated one regional office and rehabilitated and refurbished residential accommodation and the Commission's head office;
- The Commission also commenced process to acquire office tools and equipment to improve service delivery.

Under Human Rights the following were achieved;

- Intensified its program to create safe space for Covid-19 related complaints bordering on stigma and discrimination issues;
- Carried out baseline assessment of Business and Human Rights;
- Revised Stigma and discrimination reporting systems and trained officers on the new system;
- 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;
- Strengthen capacity of Public and Private Sector workers on using Human Rights Based Approach in Development Planning;
- Continued work on albinism; and
- Investigated 7,346, rights cases and carried out 4,410 public education and sensitisation activities on human rights.

Administrative Justice the following activities were carried;

- 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;
- Completed investigation into 257 administrative justice cases;

Anti-Corruption and NACAP

- In line with its anti-corruption program the Commission visited 135 MMDAs to verify the NACAP implementation reports for 2017-2019;

- The Commission commenced Corruption Risk Assessment for Ministry of Fisheries and Aquaculture and Ghana Health Service;
- Commenced Preparations for the first actual corruption survey in Ghana in partnership with UNDOC, Ghana Statistical Service and Other stakeholders;
- 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;
- The Commission carried out 1,406 public education and sensitisation activities on anti-corruption and NACAP.

8.0 OUTLOOK FOR 2022

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 will pursue the under-listed programs in 2022 financial year:

- Continue reconstruction work on the burnt section of CHRAJ Head Office at the Old Parliament House.
- Continue to coordinate and monitor the implementation of NACAP and compile Annual Progress Report;
- 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;
- Continue to partner NDPC and other stakeholders to implement the SDGs;
- Investigate about 9,900 Human Rights cases on Human Rights, administrative justice and corruption and breaches of code of conduct for public officers.

- Carry out about 5000 public educational and sensitisation activities on Human Rights, Administrative Justice and Corruption;
- 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;
- Complete corruption risk assessment for Ministry of Fisheries and Aquaculture and Ghana Health Service and expand the risk assessment to ten more MDAs.
- Complete 2021 Ghana Corruption Survey in partnership with UUNODC and Ghana Statistical Service
- Commence the implementation of the National Cultural Review Programme.

9.0 2022 BUDGET ALLOCATION TO CHRAJ

For the implementation of its planned programs and activities, an amount of **Sixty Million, Eight Hundred and Fifty-Two Thousand, Ghana Cedis (GH¢60,852,000)** was allocated to the Commission on Human Rights and Administrative Justice for the 2022 financial year. The allocation would be disbursed among the following cost centers of the Commission as follows:

Cost Center	2022 Allocation (GH¢)
Compensation	- 39,527,000
Good and Services	- 15,325,000
CAPEX	- 6,000,000
Total	- <u>60,852,000</u>

The 2022 allocation to the Commission will be further expended among four programs namely; Management and Administration, Human Rights, Administrative Justice and Anti-Corruption as in table 3 below:

Table 3: Summary of 2022 Budgetary Allocation by Program

Programme Area	2022 Allocation			
	Compensation (GH¢)	Goods & Services (GH¢)	CAPEX (GH¢)	Total (GH¢)
Management Administration	39,527,000	11,258,500	6,000,000	56,785,500
Promote & Protect Fundamental Human Rights	-	500,000		500,000
Administrative Justice	-	400,000		400,000
Anti-Corruption	-	3,166,500		3,166,500
Total	39,527,000	15,325,000	6,000,000	60,852,000

The allocation for Goods and Services amounting to GH¢15,325,000 will be disbursed to support the activities of the Commission at the Headquarters, Regions and Districts as follow:

Cost Center	Allocation (GH¢)
Head Office -	9,850,000
Regions/Districts -	5,475,000
Total -	<u>15,325,000</u>

Table 4 provides details of the uses of Goods and Services allocation among the budget sub-programmes at the national, regional and district levels.

Table 4: 2022 allocation of Goods and Services by Budget sub-Programme

Budget sub-Programme	Head Office (GH¢)	Regions & District (GH¢)	Total (GH¢)
General Administration	4,659,000	0	4,659,000
Human Rights	500,000	2,500,000	3,000,000
Administrative Justice	400,000	2,100,000	2,500,000
Anti-Corruption	600,000	0	600,000
NACAP	2,091,000	475,000	2,566,000
Public Education	100,000	400,000	500,000
Research & Monitoring	500,000	0	500,000
National Preventive Mechanism	1,000,000	0	1,000,000
Total	9,850,000	5,475,000	15,325,000

An amount of GH¢6,000,000.00 allocated for the Commission to meet its capital expenditure requirements would be disbursed for the maintenance, rehabilitation, refurbishment and upgrade of existing Assets and the acquisition of immovable and movable properties in 2022. The specific activities in which the funds would be spent are as follow:

Table 5: Proposed utilization of 2022 Capex

Activity	Details	Allocation (GH¢)
Maintenance, rehabilitation, refurbishment and upgrade of existing Assets	Office Buildings	495,000
the acquisition of immovable and movable properties	Construction of offices	3,000,000
	Motor Vehicles	1,174,850
	Furniture and Fixtures	250,000
	Construction of 1 Regional Office	700,000
	Computer & Accessories	380,150
Total		6,000,000

10 OBSERVATIONS

The Committee after a careful examination of the 2021 estimates of the Commission on Human Rights and Administrative Justice, made the following observations.

10.1 Presence in the Newly Created Regions and Districts

The Committee noted that the Commission is unable to establish its presence in all the sixteen Regions and the two Hundred and Sixteen (216) Districts across the country in contravention of Section 10 of the CHRAJ Act, 1993 (Act 456), which is pursuant to Article 220 of the 1992 Constitution which provides that: **"There shall be established in each Region and district, regional and district branches of the Commission."**

The Committee noted that, the Commission presently has 154 offices in across the country. This is made up of all the 16 Regional Offices and 148 district offices. To enable the Commission meets its statutory obligation of establishing its presence in all the districts, the Commission must establish additional 68 district offices across the country. The Committee further noted that, the Commission intends to open 40 new offices in the year 2022. The efforts of the Commission to establish its presence in all districts is however, hampered by unavailability of office space to accommodate the staff.

The Capital Expenditure allocated to the Commission over the years is woefully inadequate to enable it construct offices in the Districts. The Commission presently relies mostly on the benevolence of MMDAs for office space in the Districts. The Committee is expressed concern about the failure of government to provide adequate resources to CHRAJ to establish its presence in all the districts as it does not augur well for the protection of the fundamental human rights and freedoms of our citizens.

The Committee, therefore, 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.

10.2 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 Commission 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. He opined that the **Public Office Holders (Declaration of Assets and Disqualification Act, 1998 (Act 550)** seeks to make provision for the enforcement of the declaration of assets and liabilities by public office holders in conformity with Chapter 24, 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 the proposed Conduct of Public Officers Bill (CoPO Bill), which was presented to the House in 2008 but was not passed. He explained that in the absence of a comprehensive Act, the Commission has reviewed Chapter 24 of the Constitutions for ease of implementation as a stop-gap measure to strengthen the Asset Declaration regime in Ghana pending the passage of the proposed Conduct of Public Officers Bill (CoPO Bill),. This decision the Commission is hopeful would help to strengthen the Asset Declaration Regime in Ghana.

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 holder. 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.

The Committee further urges CHRAJ to collaborate with the Attorney General and Minister of Justice to take steps to re-submit the proposed Conduct of Public Officers Bill (CoPo) Bill) to Parliament.

10.3 Protecting LGBTQI+ Rights

Commenting on how the Commission intends to marry its responsibility of protecting the sanctity of the 1992 Constitution and protecting LGBTQI+ rights, the Commissioner explained that the Commission is mandated to protect the rights of all persons as enshrined in the Constitution including the rights of minority groups. He assured the Committee that CHRAJ in accordance with its mandate would resist any form of legislation that seeks to undermine the rights of citizens or infringe on the fundamental human rights, liberties, freedoms, privileges and privacy of citizens. He indicated that the Commission has presented memoranda to Parliament expressing its position on the proposed Proper Human Rights and Ghanaian Family Values Bill, 2021 which is currently before the House.

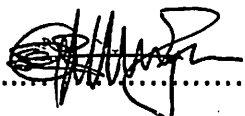
He however indicated that, human rights activities of the Commission will be carried out within the confines of Ghanaian laws, traditions and customs on which the 1992 Constitution is anchored. He lamented the efforts of some donor agencies to tie donor support to the Commission on conditions that the Commission undertakes to influence government to legalise and recognise the sexual orientations of homosexuals, lesbians, Gays, Bisexuals, transgender among others.

11.0 CONCLUSION

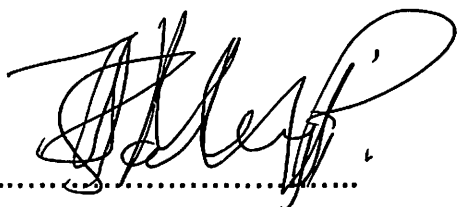
The Committee, having carefully examined the 2022 Annual Estimates of the Commission on Human Rights and Administrative Justice (CHRAJ), recommends to the House to adopt its report and approve the sum of **Sixty Million, Eight Hundred and Fifty-Two Thousand, Ghana Cedis**

(GH¢60,852,000) for the implementation of the programs of the Commission for the 2022 Financial Year commencing 1st January and ending 31st December 2022.

Respectfully submitted.



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



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JOANA ABENA SAKYI ADJEI (MRS)
CLERK, SPECIAL BUDGET COMMITTEE

14TH DECEMBER, 2021