

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



**REPORT OF THE SPECIAL BUDGET
COMMITTEE**

ON THE

**2015 ANNUAL BUDGET ESTIMATES
OF THE COMMISSION ON HUMAN
RIGHTS AND ADMINISTRATIVE
JUSTICE (CHRAJ)**

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

**REPORT OF THE SPECIAL BUDGET COMMITTEE ON THE
2015 BUDGET ESTIMATES OF THE COMMISSION FOR
HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)**

1.0 INTRODUCTION

1.1 The Budget Statement and Economic Policy of the Government for the year ending 31st December, 2015 was presented to Parliament on Wednesday, 19th November, 2014 by the Hon. Minister for Finance, Mr. Seth Terkper, in accordance with article 179 of the 1992 Constitution.

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

1.2 The Committee subsequently met with the Deputy Commissioner of the CHRAJ, Mr. Richard Quayson, officials of the Commission and the Ministry of Finance and discussed the Estimates. The Committee acknowledges the inputs of the Deputy Commissioner and the other officials during the deliberations on the Estimates and wishes to extend its appreciation to them for attending upon the Committee.

2.0 REFERENCE DOCUMENTS

The following documents were referred to by the Committee during its deliberations:

- a. The 1992 Constitution of the Republic of Ghana
- b. The Standing Orders of the Parliament of Ghana
- c. The Budget Statement and Economic Policy of the Government of Ghana for the 2014 Financial Year
- d. The Budget Statement and Economic Policy of the Government of Ghana for the 2015 Financial Year
- e. A presentation by the Commission on the 2015 Budget

3.0 MISSION

The Commission on Human Rights and Administrative Justice exists to enhance the scale of 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.

4.0 MANDATE OF THE COMMISSION

The Commission has a threefold mandate namely, human rights, administrative justice, and anti- corruption. The Commission is therefore:

- The National Human Rights Institution of Ghana which is mandated to protect fundamental Human rights and freedoms.

- The Ombudsman, the agency which promotes administrative justice to make public institutions and official accountable, transparent and efficient
- The Anti-Corruption Agency and Ethics Office of the Public Service to combat economic crime, waste, mismanagement, misappropriation of public resources, and other malfeasance.

5.0 PERFORMANCE IN 2014

In 2014, an amount of **Twenty Six Million, Three Hundred and Ninety Six Thousand, Eight Hundred and Fifty One Ghana Cedis (GH¢26,396,851.00)** was allocated to the Commission for its programmes. The breakdown of the allocation is as follows:

	GH¢
Employee Compensation	11,363,277.00
Goods and Services	4,110,171.00
Assets	<u>10,923,403.00</u>
T O T A L	<u>26,396,851.00</u>

5.1 Human Rights Programme

5.1.1 As a key requirement for the development of the National Human Rights Action Plan (NAHRAP), the Commission completed the baseline survey into the human rights situation in Ghana to mainstream rights-based approach in national development planning and ensure a more coordinated approach to promoting and protecting human rights.

5.1.2 The Commission conducted human rights education and sensitization programmes in 1,555 rural communities and schools to build a culture of respect for human rights. The Commission also investigated about 6,000 human rights complaints and conducted special investigations into human rights abuses.

5.2 Administrative Justice Programme

Under the Administrative Justice Programme, a total number of five hundred and forty eight (548) public education and sensitization programmes were organized to sensitize the public to demand high quality service from public service institutions and hold public officials accountable. In addition, the Commission investigated 482 complaints of abuse of power, unfair treatment of persons by public officers, injustice, hardship and general maladministration.

5.3 Anti-Corruption Mandate

5.3.1 The Commission facilitated the adoption of National Anti-Corruption Action Plan (NACAP), which was approved by Parliament and also conducted a number of training programmes for Chief Executives of State Owned Enterprises (SOEs) and Chief Directors of Ministry Departments and Agencies (MDAs) as part of efforts to build capacity to secure high integrity in the public service under the National Integrity Programme (NIP).

5.3.2 To hold public officers accountable, the Commission investigated 25 complaints and allegations of corruption, conflict of interest and contravention of and or non-compliance with the Code of Conduct.

5.3.3 In addition, the Commission prepared the memorandum on the Conduct of Public Officers Bill towards the development of a legal framework for fighting corruption.

6.0 **OUTLOOK FOR 2015**

6.1 The 2015 budget proposals of the Commission was prepared in accordance with the Commission's five-year Strategic Plan (2011-2015) and the Guidelines for the preparation of the 2015-2017 Budget issued by the Ministry for Finance. This has been largely shaped and influenced by the broad policy framework of the Ghana Shared Growth and Development Agenda (GSGDA) under the broad policy objective of Transparent and Accountable Governance.

To this end, the Commission will pursue the under-listed programmes in 2015:

- 6.2 Efforts will be made to further decrease the incidence of corruption, public perception of corruption and increase the integrity of public office holders. In addition, the Commission will coordinate the implementation of the National Anti-corruption Action Plan.
- 6.3 In 2015, the Commission will continue the implementation of the National Human Rights Action Plan, investigate and redress human rights violations in the regions, carry out public education and sensitization programmes on human rights in the regions and districts and strengthen international cooperation with other Human Rights institutions.

6.4 The Commission will continue to investigate complaints of administrative injustice in the regions, conduct public education on principles of good administrative justice and strengthen international cooperation with other ombudsman institutions and bodies.

7.0 2015 BUDGETARY ALLOCATION

7.1 For year 2015, an amount of **Twenty Four Million, Four Hundred and Twenty Nine Thousand, Two Hundred and Sixty Ghana Cedis (GH¢24,429,260.00)** has been allocated to the CHRAJ to enable it undertake its programmes. Out of this, GH¢15,244,538 is GoG, and GH¢9,184,722 is from Development Partners. The breakdown is as follows:

	GH¢
Government of Ghana (GoG)	15,244,538
Donor	9,184,722
IGF	<u>-</u>
TOTAL	<u>24,429,260</u>

7.2 The 2014 approved budget for GoG in comparison with the 2015 GoG budgetary allocation is shown in the Table below:

Table
Comparison – 2014/2015

Expenditure	2014	2015	% Change
Compensation	11,363,277	12,954,458	14% rise
Goods and Services (GoG)	1,560,159	1,590,080	2% rise
Goods and Services (Donor)	2,550,012	1,836,945	-27.9%
Assets (GoG)	723,352	700,000	-3.2%
Assets (Donor)	10,200,051	7,347,777	-27.9%
Total	26,396,851	24,429,260	-7.4%

8.0 **OBSERVATIONS AND RECOMMENDATIONS**

8.1 **2015 Budgetary Allocation**

The Committee observed a decrease of about 7.4% in the total allocation to the Commission for 2015 as against the approved allocation in 2014.

As shown in the Table above, the Commission has been allocated an amount of GH¢12,954,458 as compensation for employees, for the 2015 financial year, representing an increase of 14% over 2014 allocation. For Goods and Services from GoG, the Commission was allocated GH¢1,590,080 for 2015, representing an increase of 2%. However, there is a reduction of 27.9% for its allocation for Goods and Services from Donor Partners. GH¢700,000 was allocated for Assets from GoG funds, representing a 3.2% reduction in the approved budget for 2015. For 2015, it has been granted an amount of GH¢7,347,777, for Assets from Donor Funds representing a decrease of 27.9%.

It was worrying to note that 38% of the 2015 budgetary allocation to the Commission is donor funded. This suggests the weakness in Government's commitment to build the capacity of CHRAJ to effectively execute its mandate.

8.2 Perennial under-funding

The Committee observed that the under-funding situation is worsening and undermining the independence of CHRAJ. It was noted that the Commission was understaffed and subjected to an overbearing workload. Moreover, the Commission is unable to recruit competent and professional staff to support its expanding operations due to under-funding and a freeze on recruitment.

The Committee views these conditions as worrisome especially when the Commission is supposed to augment its staff strength to enable it achieve its objectives for 2015.

The Committee is of the view that if CHRAJ can achieve the purpose for which it was established as envisaged under the Constitution, then adequate funding by the State is key.

8.3 Lack of Accommodation

The Committee observed that CHRAJ is still battling with the problem of office accommodation for its Headquarters, Regional and District offices. The Committee was informed that after several attempts to rehabilitate the deplorable headquarters building had failed, the Commission was compelled to negotiate with DANIDA to allow it to use some of its donor funds which was set-aside for other purposes, to rehabilitate the former Economic and Organized

Crime Office (EOCO) building as office accommodation. They took the opportunity to express their gratitude to Danish Development Agency (DANIDA).

The Committee therefore urges Government to be more committed to meet the financial requirements of CHRAJ to enhance its performance and reduce its dependency on donors.

8.4 Public Perception

The Committee was concerned about public perception of the institution of CHRAJ, and is of the view that every Ghanaian should be concerned, mainly because it is an institution that exists to protect the fundamental human rights and freedoms of all persons in the country. The Committee is also of the view that in order to moderate the negative perception about CHRAJ that have risen or may arise as a result of some actions or inactions of individuals in the organization, there was the need to make a distinction between the work of the organization and issues relating to individuals in the organisation. This would help maintain and uphold the integrity and sanctity of CHRAJ as an institution.

8.5 Noncompliance of the Constitutional Provision

The Committee expressed concern about the noncompliance in full of the Constitutional provision which provides for the independence of CHRAJ especially with regard to financial independence.

The Committee observed that budgetary requirements proposed by the Commission continue to be subjected to executive control and downward revision by the Ministry of Finance before submission to Parliament. In certain cases, a ceiling is set by the Ministry for

Finance for the Commission to use in the planning of its programmes and activities. This always leads to the Commission's inability to realize planned programmes and activities.

For instance, the Ministry of Finance communicated a ceiling of GH¢31,950,000 to the Commission for the 2015 financial year. This ceiling guided the Commission in the drawing up of its budget for 2015. Irrespective of that, the budget of the Commission still suffered a downward review.

The Committee is of the view that the Commission must assert its financial independence as stipulated in the Constitution and forward its Budget Estimates directly to the President rather than through the Ministry of Finance.

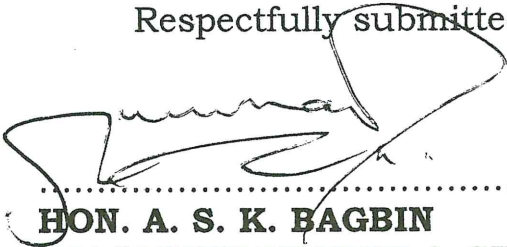
The Committee also takes this opportunity to urge Government to implement the Supreme Court ruling in the case of *Brown vs. Attorney-General* on the administrative and financial independence of all independent governance institutions.

9.0 CONCLUSION


In order for the Commission to continue to improve on the practice of good governance, enhance integrity in public affairs, improve public service delivery, and entrench the culture of respect for human rights and human dignity, CHRAJ must be well resourced.

The Committee however, recommends to the House to approve the sum of ***Twenty Four Million, Four Hundred and Twenty Nine Thousand, Two Hundred and Sixty Ghana Cedis (GH¢24,429,260.00)*** for the implementation of the programmes and activities of the Commission on Human Rights and Administrative Justice for the 2015 financial year.

Respectfully submitted.



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HON. A. S. K. BAGBIN
(MAJORITY LEADER & CHAIRMAN,
SPECIAL BUDGET COMMITTEE)



.....
AKUA DUROWAA OWUSU AGYEKUM (MRS)
(CLERK TO THE COMMITTEE)

17TH DECEMBER, 2014

