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GHANA

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REPORT OF THE SPECIAL BUDGET COMMITTEE  
ON THE 2018 ANNUAL BUDGET ESTIMATES OF  
THE COMMISSION FOR HUMAN RIGHTS AND  
ADMINISTRATION JUSTICE (CHRAJ)

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**1.0 INTRODUCTION**

The Budget Statement and Economic Policy of the Government of Ghana for the 2018 Financial Year was presented to the House on Wednesday 15<sup>th</sup> November, 2017 by the Hon. Minister for Finance, Mr. Ken Affori Ata 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 Budgets Committee for consideration and report.

**2.0 DELIBERATIONS**

The Committee met and discussed the Estimates with the Commissioner of the CHRAJ, Mr. Richard Quayson, officials of the Commission and a technical team from the Ministry of Finance and therefore present its report as follows.

The Committee extends its profound gratitude to the Commissioner and officials of the Commission for the assistance.

### **3.0 REFERENCE DOCUMENTS**

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

- i. The 1992 Constitution of the Republic of Ghana;
- ii. Standing Orders of Parliament;
- iii. CHRAJ Act 1993, Act 456
- iv. The Budget Statement and Economic Policy of the Government for the 2018 Financial Year;
- v. The Budget Statement and Economic Policy of the Government for the 2017 Financial Year; and
- vi. The 2018 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 Humana Rights and Administrative Justice include;

- 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 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 practices and actions by persons, where those complains allege violations of fundamental rights and freedoms under the 1992 constitution; and
- Educate the public on Human rights and freedoms.

## **6.0 2017 BUDGET ALLOCATION AND EXPENDITURE RETURNS**

The Commission was allocated an amount of **Thirty-Seven Million, Eight Hundred and Seven Thousand, Four Hundred and One Ghana Cedis (GH¢37,807,401)** for the 2017 financial year. This is made up of **Twenty-four Million, Five Hundred and Fourteen Thousand, Five Hundred and Five Ghana Cedis (GH¢24,505,470.00)** from GoG and **Thirteen Million, Three Hundred and One Thousand, Nine Hundred and Thirty-one Ghana Cedis (GH¢13,301,931.00)** from Development Partners (DP). The allocation was disbursed among the various cost centres of the Commission as presented in table 1.

**Table 1: Summary of 2017 Budget Allocation to CHRAJ**

ITEM	COMPENSATION	GOODS & SERVICES	CAPEX	TOTAL
<b>GOG</b>	14,823,550	4,681,920	5,000,000	<b>24,505,470</b>
<b>DONOR</b>	-	2,660,386	10,641,545	<b>13,301,931</b>
<b>TOTAL</b>	<b>14,823,550</b>	<b>7,342,306</b>	<b>15,641,545</b>	<b>37,807,401</b>

As at 30<sup>th</sup> November, 2017 an amount of **GH¢17,509,532.35** representing 71.4% of the GoG allocation to the Commission was released leaving a balance of **GH¢6,995,937.65** or 28.6%.

The releases were in respect of the following:

Compensation for employees-	GH¢13,512,437.08	(91.5%)
Goods and Services	- GH¢ 3,658,644.00	(78.1%)
Capital Expenditure	- GH¢ 338,450.55	(6.8%)
<b>TOTAL</b>	- <b>GH¢17,509,532.35</b>	<b>(71.4%)</b>

The details of the breakdown of GoG approved budget allocation and releases as at 30<sup>th</sup> November, 2017 is presented in table 2.

**Table 2: Summary of 2017 GoG expenditure returns of CHRAJ**

SN	Cost Centre	2017 Approved Budget (GH¢)	Actual Expenditure 30/11/2017 (GH¢)	Variance (GH¢)
1	Compensation	14,823,550	13,512,437.08	1,311,112.92
2	Goods and Services	4,681,920	3,658,644.00	1,023,276.00
3	Capital Expenditure	5,000,000	338,450.55	4,661,549.45
	<b>Total</b>	<b>24,505,470</b>	<b>17,509,531.63</b>	<b>6,995,938.37</b>

## 7.0 PERFORMANCE IN 2017

The 2017 Budget Allocated to the Commission was expended in pursuit of the Commissions mandate. The following activities were undertaken:

**a. Promotion of Human Rights**

- i. The Commission investigated 6,440 complaints and resolved and closed 6,402 cases;
- ii. Provided Public Education for 1,820 Communities and Schools nationwide on human rights.
- iii. Completed research into the worse forms of Child Labour in three districts (Winneba, South Dayi and Afadjato South)
- iv. Participated in a Commonwealth Observer Team that monitored national elections of Papua New Guinea.
- v. Completed Basic Human Rights Courses for Health Professions in 10 Nursing/Midwifery Training Colleges.

**b. Administrative Justice Mandate**

- i. Organised Sensitization Workshops for Security Agencies, with participation from Ghana Armed Forces, Prisons Services and Ghana Police Service on public service delivery and good administrative practices.
- ii. Investigated and resolved 300 Administrative Justice complaints.
- iii. Organised 380 Public Educational Programmes to build capacity of the public to demand better service delivery.

**c. Anti-Corruption Mandate**

- i. Reviewed a number of anti-corruption legislations namely; the Conduct of Public Officers Bill, Right to Information Bill and Witness Protection Bill.
- ii. Printed 5,000 copies of NACAP document for distribution.
- iii. Completed First draft of 2016 NACAP report for validation by the HILIC.
- iv. Organised Training Programmes for MDAs and MMDAs to facilitate implementation of NACAP

## 8.0 **OUTLOOK FOR 2018**

In the 2018 financial year, the Commission intends to carry out the following activities amongst others:

- i. Reconstruction of burnt section of the Commission's head Office;
- ii. Coordinate the implementation of NACAP and combating corruption;
- iii. Promote the protection of Fundamental Human Rights across the country; and
- iv. Improve Standards and Service Delivery in Public Services through the implementation of Client Service Charters across public institutions.

## 9.0 **2018 BUDGET ALLOCATION TO CHRAJ**

For the implementation of its planned programmes and activities, the Commission on Human Rights and Administrative Justice has been allocated an amount of **Thirty-two Million, Five Hundred and Sixty-five Thousand, Four Hundred and Twenty-one Ghana Cedis (GH¢32,565,421)** for the 2018 financial year. This is 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 2018 Budget allocation will be disbursed among the various cost centres as presented in table 3:

**Table 3: 2018 Budget Allocation for CHRAJ**

SN	Cost Centre	GoG (GH¢)	Donor Funds (GH¢)	Total (GH¢)
1	Compensation of Employee	17,618,470	-	17,618,470
2	Goods and Services	3,000,000	1,389,390	4,389,390
3	Capex	5,000,000	5,557,561	10,557,561
4	<b>Total</b>	<b>25,618,470</b>	<b>6,946,951</b>	<b>32,565,421</b>

The 2018 Budget of the Commission will be implemented along four programme outlines namely; Management and Administration, Promotion and Protection of Fundamental Human Rights, Administrative Justice and Anti-Corruption. The allocation will be disbursed among the four programme areas as detailed in table 4.

**Table 4: Summary of 2018 Budgetary Allocation by Program**

S/N	Programme Area	2018 Allocation			
		Compensation (GH¢)	Goods & Services (GH¢)	CAPEX (GH¢)	Total (GH¢)

1	Management and Administration	17,618,470	2,433,549	10,557,561	<b>30,609,580</b>
2	Promote & Protect Fundamental Human Rights	-	630,000	-	<b>630,000</b>
3	Administrative Justice	-	170,000	-	<b>170,000</b>
4	Anti-Corruption	-	1,155,841		<b>1,155,841</b>
	<b>Total</b>	<b>17,618,470</b>	<b>4,389,390</b>	<b>10,557,561</b>	<b>32,565,421</b>

The 2018 GoG allocation for Goods and Services will be disbursed among the various programs of the Commission as follow:

<b>Program</b>	<b>GoG Allocation (GH¢)</b>
NACAP	837,051
Human Rights	180,000
Administrative Justice	100,000
Finance and Administration	982,949
Transfer to Regions and Districts	<u>900,000</u>
<b>Total</b>	<b><u>3,000,000</u></b>

## **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 Decreased Budgetary Allocation

The Committee noted that notwithstanding the increasing demand on the Commission to extend its activities to many more Ghanaians, the budgetary allocation to the Commission has reduced from **GH¢37,816,401** to **GH¢32,565,470** representing a 13.9% reduction. The detailed analysis of the 2017 and 2018 allocations is as follows:

**Table 4: CHRAJ 2017 Allocation as Against 2018 Allocation:**

S N	ITEM	2017 Allocation (GH¢)	2018 Allocation (GH¢)	Variance (GH¢)
1	Employees Compensation	14,823,550	17,618,470	2,794,920
2	Goods and Services	7,351,306	4,389,390	2,961,916
3	Capital Expenditure	15,641,545	10,557,561	5,083,984
	<b>Total</b>	<b>37,816,401</b>	<b>32,565,470</b>	<b>2,250,931</b>

The Commissioner informed the Committee that, due to financial constraints, the Commission is only present in 100 Districts leaving the remaining 116 districts largely unattended to. He explained that, though the 100 District Offices oversee activities in the other districts, distance and resource limitations constrain the ability of officers and citizens to effectively access the services of the Commission.

The Commissioner indicated that, office accommodation remains the primary challenge limiting the ability of the Commission to expand its operations to all the Districts in the country. The

Commission assured the Committee of its preparedness to post the requisite staff to any district that provide office space for the Commission.

The Committee therefore wishes to urge MMDAs to provide office space to allow the Commission extend its services closer to the inhabitants of the districts. This, in the view of the Committee will facilitate the promotion and protection of fundamental Human Rights of all citizens as enshrined in the 1992 Constitution.

### **10. 2 Development Partner Expenditure Returns**

The Committee noted that CHRAJ was allocated an amount of GH¢13,301,931 from development partner's funds to be expended on its operations in 2017. The allocation was to be expended on Goods and Services (GH¢2,660,386) and Capital expenditure (GH¢10,641,545) for the 2017 financial year. The Commission however as part of its expenditure returns failed to report on how these resources were utilized. The Deputy Commissioner informed the Committee that, the Commission is unable to report on the use of the funds because donor support to the Commission was disbursed directly by the funding agencies. The disbursement records, he explained are thus not available to the Commission.

The Committee expressed its dissatisfaction with the inability of the Commission to account for donor funds allocated in 2017. The Committee is of the considered opinion that, donor funded projects are jointly implemented by the funding agency and the beneficiary institution. By the joint implementation of the projects CHRAJ has developed a working relationship with the funding partners and should be in the position to get information relating

actual expenditure from donor funds allocated to it in the 2017 budget.

The Committee recommends that, going forward, the CHRAJ should keep its own financial records on the disbursements from donor funds allocated to it and render properly account on the utilization of all donor funds appropriated to the Commission in the annual Budget.

### **10.3 Delays in the Release of Fund**

The Committee noted that the major constraints affecting the effective discharge of the Commission's mandate over the years has been delays in the release of funds for the Commission to carry out its administrative functions and to undertake critical investment related activities. The Committee noted that, only GH¢338,450.55 or 9.3% out of GH¢5,000,000 allocated to the Commission for capital expenditure had been released as at 30<sup>th</sup> November, 2017. This constrained the ability of the Commission to implement critical capital expenditure programs including the reconstruction of the burnt section of its head office, repair and refurbishment of five regional and 15 district offices, acquisition of vehicles and other office equipment and furniture. The Commission is also constrained by inadequate office space to accommodate staff, over-aged and broken down vehicles, inadequate technical staff amongst others. The non-release of the Capital Expenditure allocation to the Commission adversely affected its determination to implement some key activities outlined for 2017, which has implication for the achievement of key National anticorruption Activities.

The Committee is of the view that, the activities of CHRAJ are very essential to the Promotion and Protection of Fundamental Human Rights, Anti-Corruption and Administrative justice as envisaged by NACAP.

The Committee therefore recommends to the Ministry of Finance to ensure timely release of resources to meet the capital expenditure requirements CHRAJ to enable it surmounts some of its long standing challenges.

#### **10.4 United Nations Convention Against Corruption**

The Committee noted that, as part of its programs for 2018 the Commission will be subjected to review on the state of implementation of recommendations of the United Nations Convention on anti-Corruption. The Commissioner informed the Committee that, Ghana is ready for the assessment. He explained that, Ghana's effort in combating corruption in various sectors of the economy since joining the United Nations Convention against Corruption (UNCAC) was first put to test by anti-corruption experts through a peer review system and Ghana performed very well on the first assessment. He informed the Committee that, the next review is due in 2018 where Ghana will be assessed on asset recovery and prevention of corruption. The Commissioner was optimistic that Ghana will again perform creditably given that the National Anti-Corruption Action Plan which was approved by Parliament made substantial provisions to deter and prevent corruption. He explained that, the Commission has over the past few years focused its attention on implementing programs that makes corruption a high risk but low yield activity.

The Committee is of the opinion that, the review will present opportunities to ensure that Ghana's National Anti-Corruption Action Plan (NACAP) and other anti-corruption efforts are put to test to determine whether they are yielding the expected results and whether they are in line with global best practices.

## 11.0 CONCLUSION

The Committee, having considered the significance of CHRAJ in the promotion and protection of fundamental human rights, anti-corruption and promotion of administrative justice the Committee recommends to the House to adopt its report and approve the sum of **Thirty- five Million, Five Hundred and Sixty-five Thousand, Four Hundred and Twenty-one Ghana Cedis (GH¢35,565,421)** for the implementation of the programmes of the Commission on Human Rights and Administrative Justice (CHRAJ) for the 2018 Financial Year.

Respectfully submitted

  
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**HON. OSEI KYEI-MENSAH-BONSU**  
**(CHAIRMAN, SPECIAL BUDGETS COMMITTEE)**

  
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**MR. INUSAH MOHAMMED**  
**(CLERK, SPECIAL BUDGETS COMMITTEE)**

November, 2017

