

IN THE THIRD SESSION OF THE SIXTH
PARLIAMENT OF THE FOURTH REPUBLIC OF
GHANA

REPORT OF THE SPECIAL BUDGET COMMITTEE

ON

THE 2016 BUDGET ESTIMATES OF THE
COMMISSION FOR HUMAN RIGHTS AND
ADMINISTRATIVE JUSTICE (CHRAJ)

DECEMBER, 2015

IN THE SECOND SESSION OF THE SIXTH PARLIAMENT
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1.0 INTRODUCTION

1.1 The Hon. Minister for Finance, Mr. Seth Terkper, in accordance with article 179 of the 1992 Constitution presented the Budget Statement and Economic Policy of the Government of Ghana for the 2016 fiscal year to Parliament on Friday, 13th November, 2015.

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 met with the Deputy Commissioner of 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

In considering the Draft Annual Estimates for the Commission, the under listed documents were used as reference documents:

- 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 2016 Financial Year
- e. The Budget Statement and Economic Policy of the Government of Ghana for the 2016 Financial Year

3.0 MISSION

The Commission 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 STRATEGIC DIRECTION

- Promote and protect fundamental human rights and freedoms
- Promote fair administration of public services and contribute to public demand for better service delivery
- Promote national integrity and combat corruption
- Build the Capacity of CHRAJ to Prosecute its Mandate

5.0 PERFORMANCE IN 2015

5.1 Allocation

In 2015, an amount of *Twenty Four Million, Four Hundred and Twenty Nine Thousand, Two Hundred and Sixty Ghana Cedis (GH¢24,429,260.00)* was allocated to the Commission for its programmes. The breakdown of the allocation is as follows:

GH¢

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

Table 1
APPROPRIATION Vs EXPENDITURE IN 2015
JANUARY – NOVEMBER

CLASSIFICATION	APPROPRIATION	EXPENDITURE	% EXP.
COMPENSATION	12,954,457.56	12,377,932.79	95.5%
GOODS AND SERVICES	3,427,024.00	1,208,521.76	35.3%
CAPEX	8,047,777.00	402,419.22	5%
TOTAL	24,429,260.00	13,988,873.77	57%

5.3 Appropriation and Releases in 2015 from January – November

Compensation of Employees for 2015 amounted to GH¢12,954,457.56. GH¢12,377,932.79 has been expended representing 95.5% of the entire Compensation budget. Out of the total allocation of GH¢3,427,024.00 for Goods and Services, only GH¢1,208,521.76 has been expended as at November 2015. For Capex, an amount of GH¢8,047,777.00 was allocated

but only GH¢402,419.22 has been released but cash is yet to be credited to the Account of CHRAJ.

5.4 Human Rights Programme

The Commission received 6,575 human rights complaints and investigated and resolved 6,275. In addition, the commission conducted 719 public education programmes on human rights in communities and schools.

The Commission trained Regional and District Directors on the web-based Discrimination Reporting System and its Privacy and Confidentiality Policy to strengthen the protection mechanisms of the vulnerable in the regions and districts.

As part of monitoring the “Obligation of the State programme” under international human rights, treaties and conventions, the Commission in collaboration with UNICEF and other stakeholders completed the mapping of Institutions, Agencies and organizations involved in Child Protection nationwide.

5.5 Administrative Justice Programme

The Commission received 229 administrative justice complaints, out of which 185 complaints of maladministration, unfair treatment and abuse of office by public officials cases were investigated and resolved.

The Commission conducted 379 public education programmes to enable citizens demand better service delivery from duty bearers and

trained 125 members of staff on Ombudsman investigations (Panel Hearings).

5.6 Anti-Corruption Mandate

In collaboration with the Office of the President, the Commission rolled out implementation of the National Anti-Corruption Action Plan (NACAP) by organizing sensitization workshops for the Regional Coordinating Councils (RCCs) and Heads of Decentralized Departments (MDAs and MMDAs).

The Commission developed and disseminated public education materials to MDAs, MMDAs, Private Sector and Civil Society Organisations. Two Hundred and fifty-one (251) outreach programmes were organized through electronic media to increase public awareness on the role of NACAP.

In the course of the year, the Commission received 43 complaints and allegations of corruption, out of which 13 were investigated and resolved in 2015.

6.0 OUTLOOK FOR 2016

Administrative Justice Programme

In 2016, the Commission will continue to strengthen its oversight role as public sector Ombudsman to citizenry to hold duty bearers accountable and sustain effective citizen's engagement.

Anti-Corruption mandate

- In 2016, the Commission will co-ordinate and monitor the implementation of the National Anti-Corruption Action Plan (NACAP) adopted as the blueprint for fighting corruption in Ghana and intensify public education on NACAP.
- In compliance with the Conduct of Public Officers' Law, the Commission will enforce the law and assist MDAs and MMDAs to develop internal Codes of Conduct for their staff.
- The Commission will also conduct training for ethics and compliance officers and Heads of departments on the Conduct of Public Officers Law and assist public offices to strengthen internal mechanisms for preventing and reducing opportunities for corruption, including Whistle blowing reporting mechanisms.
- In 2016, the Commission will continue to investigate complaints and allegations of corruption, conflict of interest, breaches of code of conduct, and impropriety under the whistle-blowers Act.

7.0 2016 BUDGETARY ALLOCATION

- 7.1 For year 2016, an amount of *Thirty Million, Five Hundred and Twenty Three Thousand, and Seven Hundred and Seventy Seven (GH¢30,523,777.00)* has been allocated to the Commission.

Out of this, GH¢15,722,770.00 is GoG and GH¢14,801,007.00 is from Development Partners. The breakdown is as follows:

Table 2
2016 BUDGETARY ALLOCATION FOR CHRAJ

ITEM	COMPENSATION	GOODS AND SERVICES	CAPEX	TOTAL
GOG	13,722,770	2,000,000	-	15,722,770
DONOR	-	2,960,201	11,840,806	14,801,007
GRAND TOTAL	13,722,770	4,960,201	11,840,806	30,523,777

Table 3
GAP – 2015 ALLOCATION Vs 2016 CEILING

EXPENDITURE	2015	2016	% CHANGE
Compensation	12,954,458.00	13,722,770.00	+5.9%
Goods and Services (GoG)	1,590,080.00	2,000,000.00	+25.8%
Goods and Services (Donor)	1,836,945.00	2,960,201.00	+61.1%
Capex (GoG)	700,000.00	-	-
Capex (Donor)	7,347,777.00	11,840,806.00	+61.1%
Total	24,429,260.00	30,523,777.00	+24.95%

7.2 The 2015 approved budget in comparison with the 2016 budgetary allocation is shown in the above Table 3:

8.0 OBSERVATIONS AND RECOMMENDATIONS

8.1 Capex Vote

The Committee was informed that, the Commission used over 60% of its 2015 Goods and Services Votes to offset an outstanding debt from 2014. As a result, CHRAJ could not achieve most of its target for 2015. On the 2015 CAPEX Vote, the Committee was learnt that, only 6% has been released as of now, but it's yet to hit the Accounts of the Commission.

The Committee was pleased to observe, a 61% increase in the 2016 CAPEX votes of CHRAJ. However the CAPEX is wholly captured under Donor funds. Upon inquiry from the Committee about the identity of DPs, both the officials of the Commission and the Ministry of Finance had no idea which Development Partner/s was responsible for the allocation for CAPEX. The Commission made reservations about allocations made under Donor sources in the previous years which could not be accessed.

The Committee, instructed the MOF Officer responsible for DP funding to provide the sources of the DP allocations to the Committee and all the IGIs as soon as possible.

8.2 Goods and Services

The Committee continues to observe a consistent decrease in the Budgetary Allocation of CHRAJ over the years. This situation continues to affect the delivery of the mandate of the Commission. Erratic releases and in some cases, non-releases of goods and services have also contributed to the problem.

8.2.1 The Committee also regrettably observed that, outstanding bills on administrative and operational expenses continue to mount, whilst rents for regional and district offices of CHRAJ have been outstanding for about two (2) years. The Commission is inundated with threats of eviction from some of the offices for non-payment of rent. Utility bills, transfer grants, medical bills, etc are also in arrears. The Committee was further informed that suppliers are even threatening to take legal action against the Commission for non-payment for services rendered.

8.2.2 The Committee was made to know that, the debt portfolio of the Commission stands at **GH¢108,000,000** as at the time of reporting. The debt is mainly deriving from outstanding expenditure made on the rehabilitation works of the headquarters building. Meanwhile, the GOG 2016 Goods and Service Allocation of the Commission is **GH¢2,000,000**. Whilst no allocation was made from GOG for capital expenditure. The Committee was anxious to know how the Commission will survive in 2016.

The Commission informed the Committee that the dire financial situation often times forces the Commission to resort to the staff

Association (CHRAJSA) for financial support. The Committee bemoaned the current dire plight of CHRAJ and in its view CHRAJ has reached its breaking-point of financial struggle as a government institution. The independence and respect for CHRAJ as an institution is in question.

The Committee is of strong conviction that, if nothing is done about the current condition of the Commission, CHRAJ will only exist in our books or in our minds and when this happens, the current democratic dispensation would be in jeopardy.

The Committee is making a passionate appeal to Government and the Ministry of Finance to look for adequate resources to inject into CHRAJ to enable it perform its constitutional mandate.

8.3 Office and Residential Accommodation

The Committee observed that despite, several appeals in its Reports over the years, CHRAJ continues to struggle with the problem of office accommodation for its Headquarters, Regional and District offices nationwide. The December 2013 fire outbreak in the Headquarters which was under rehabilitation further worsened an already bad situation. The Committee learnt that, construction work has stalled as a result of failure to honour outstanding bills owed to the Contractors.

As at now, the Commission reported that, it has not received any funding for the rehabilitation works to continue. Whereas other State

agencies in the Building have been appropriately re-housed, the Commission complained that, no efforts has been made by Government to locate an alternative office accommodation for the Commission. Residential accommodation for its Commissioners also remains in an appalling state.

The Committee was seriously worried about the deplorable state of CHRAJ offices across the country. It is of the view that, if immediate intervention is not made to reverse the deterioration, it will kill morale and dedication of the already scant staff of the Commission.

8.4 Under staffing

CHRAJ is a constitutional body established to promote and protect human rights and human dignity, improve public service delivery and combat corruption and enhance integrity in the society. CHRAJ therefore needs to enhance its capacity to execute this mandate. Unfortunately, over the years, the Committee has observed that, CHRAJ continues to suffer from under-staffing. Recruitment of experienced professional staff with requisite core skills and specializations is still outstanding and the situation is worsening with retirements and resignations.

The Commission's service conditions are also not attractive to retain professionals. The Committee was informed that, remunerations of staff of similar ranks in the Attorney Generals Department and similar state institutions, are almost double of that of the staff of CHRAJ.

This results in a rather high attrition rate at the Commission. The Acting Commissioner, further informed the Committee that, just recently, six experienced staff of the Commission with ranks akin to the position of high court judges have resigned to join the Judiciary.

The Committee foresees an alarming situation where CHRAJ will become a shadow structure, too weakened to deliver its mandate. More so now with the additional responsibilities that, the Constitutional Reviews recommendations imposes on the Commission. The Committee is of the conviction that, CHRAJ needs massive injection of resources to be able to retain experience staff and attract competent ones to execute its functions.

8.5 Operational Vehicles

The Commissioner also talked about the state of operational vehicles of the Commission. Members were told that, the vehicles are more than 8 years old with persistent breakdowns and high overhead cost. Most of them have been grounded which delays activities of the Commission because staff have no access to vehicles for core activities. Irrespective of their predicament, allocation and releases on CAPEX Votes continue to go down.

8.6 Undermining the Independence of CHRAJ

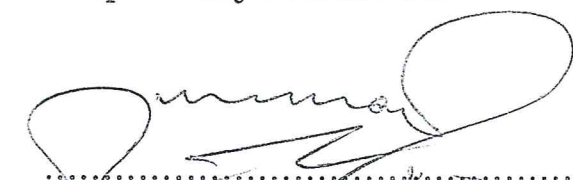
The Committee strongly holds the view that, the Government through the Ministry of Finance is consistently undermining the operational independence of CHRAJ through the budget processes of imposition of ceilings, cuts, erratic and non-release of allocations to the Commission. These actions continue to erode the effectiveness

of the Commission in the performance of its constitutionally mandated responsibilities.

9.0 CONCLUSION

The Committee is of the view that if CHRAJ can achieve the purpose for which it was established, it would require massive injection of resources and experienced professionals to execute its programmes. Notwithstanding, the Committee, recommends to the House to approve the sum of *Thirty Million, Five Hundred and Twenty Three Thousand, and Seven Hundred and Seventy Seven (GH¢30,523,777.00)* for implementation of the programmes of the Commission on Human Rights and Administrative Justice for the 2016 financial year.

Respectfully submitted.



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



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

17th DECEMBER, 2015

