

**KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY
COLLEGE OF ARCHITECTURE AND PLANNING
DEPARTMENT OF PLANNING**

MASTER OF SCIENCE IN DEVELOPMENT POLICY AND PLANNING

**ASSESSMENT OF THE CAPACITY OF COMMISSION ON HUMAN RIGHTS
AND ADMINISTRATIVE JUSTICE (CHRAJ) IN EXERCISING ITS
MANDATE IN GHANA**

**BY:
DANIEL DARKO
PG 1861307**

**A Thesis submitted to the School of Graduate Studies, Kwame Nkrumah
University of science and Technology in partial fulfilment of the requirements for
the degree of**

MASTER OF SCIENCE IN DEVELOPMENT POLICY AND PLANNING

**SUPERVISOR:
DR. DANIEL.K.B INKOOM**

JUNE, 2014

DECLARATION

I hereby declare that, under supervision I have personally undertaken the study herein submitted. All references made in the study are duly acknowledged and all aspects of this study have been discussed with and approved by my supervisor, Dr. Daniel K.B. Inkoom.

Daniel Darko (PG 1861307)

(Name of Student and ID)

.....

Signature

.....

Date

KNUST

Certified by:

Dr. Daniel K. B. Inkoom

(Name of supervisor)

.....

Signature

.....

Date

Certified by:

Prof. Imoro Braimah

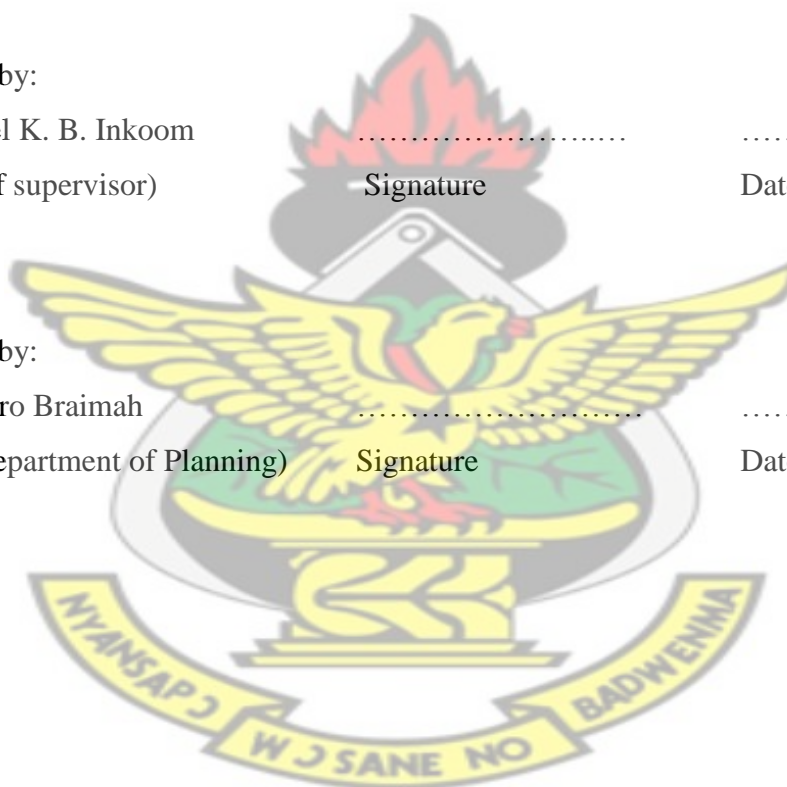
(Head, Department of Planning)

.....

Signature

.....

Date



DEDICATION

I dedicate this work to my parents: Madam Faustina Aborah and the late, Mr. Alexander Osei for the heavy financial investment they made towards my education and to my wife, Mrs. Martha Darko for her support and words of encouragement, and my lovely children, Pearl Achiaa Darko and Alexander Osei Darko.

KNUST



ACKNOWLEDGEMENTS

I would like to express my appreciation to the staff of the Department of Planning, Kwame Nkrumah University of Science and Technology (KNUST) for their help with this project. Specifically, I would like to thank Dr. Daniel K.B. Inkoom for his guidance throughout the whole project. I was always scared coming to you with my thesis for scrutiny but you have proved to me that your concern was to ensure that I produce an excellent work.

I also wish to express my deep appreciation to the Director of Development Policy and Planning (DEPP) Programme, Dr. Owusu Ansah for his words of encouragement. Thanks are also due to all fellow master students with whom it has been possible to discuss this work.

I would also want to express my sincere appreciation to my father, Alexander Osei for his financial support and fatherly advice throughout my education. It is his support that had brought out the potential in me.

Advice and constructive criticism was received on selected parts of the work from Prince Amoako, a colleague staff member; I appreciate all the comments received and have made good use of them. I would also like to thank the management and staff of CHRAJ at various District offices in Ashanti Region, particularly the late Mr. James Dawson-Amoah, former Administrator at the Regional CHRAJ office Nuhu Halimatu, Anastasia Tang, all at CHRAJ Regional office, Kumasi for their cooperation.

Finally, I am thankful to pastors and church members who supported me through encouraging words and prayers. I would like to say that it was through all these supports that the project was completed successfully.

TABLE OF CONTENT

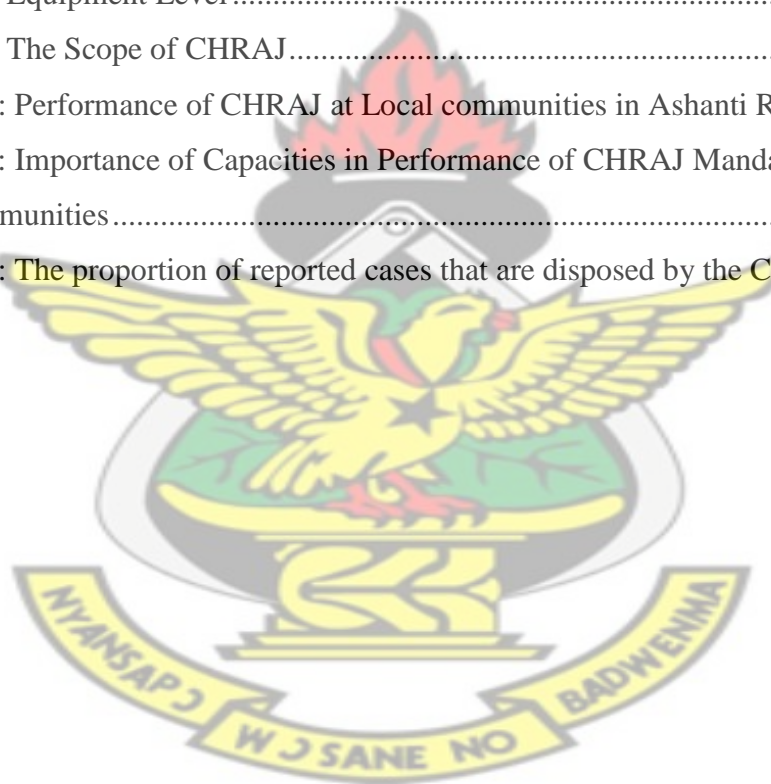
DECLARATION-----	ii
DEDICATION -----	iii
ACKNOWLEDGEMENTS -----	iv
TABLE OF CONTENT-----	v
LIST OF TABLES -----	viii
LIST OF FIGURES-----	ix
LIST OF ABBREVIATIONS -----	x
ABSTRACT -----	xi
 CHAPTER ONE-----	 1
INTRODUCTION-----	1
1.1 Background-----	1
1.2 Statement of the problem-----	2
1.3 Objectives of the study -----	4
1.4 Research questions -----	4
1.5 Scope of the study -----	4
1.6 Significance of the study -----	5
1.7 Limitations of the research -----	5
1.8 Organization of the study-----	5
 CHAPTER TWO -----	 6
UNDERSTANDING THE CONCEPTUAL AND THEORETICAL	
UNDERPINNINGS OF HUMAN RIGHTS AND JUSTICE -----	6
2.0 Introduction-----	6
2.1 Definitions and Explanations of Concepts-----	6
2.1.1 Human Rights-----	6
2.1.2 Justice -----	7
2.2 Features of Human Rights-----	8
2.2.1 Universal and inalienable -----	8
2.2.2 Interdependent and indivisible -----	8
2.2.3 Equal and non-discriminatory -----	9
2.2.4 Both Rights and Obligations-----	9
2.3 Political theories -----	9

2.3.1 Social Contract Theory -----	9
2.3.2 Good Governance -----	11
2.3.3 The Theory of Separation of Power -----	15
2.4 Mandates of CHRAJ, Ghana-----	16
2.4.1 Human Rights Mandate -----	16
2.4.2 Ombudsman Mandate -----	18
2.4.3 Anti-Corruption Mandate -----	19
2.5 Challenges Facing CHRAJ, Ghana -----	22
2.6 Human Rights Commission in Africa -----	25
2.6.1 Human Right Commission in Mexico-----	26
2.7 The Conceptual view of Institutional Capacity for Human Rights Protection-----	28
2.7.1 Mandate as an Indicator of Institutional Capacity -----	29
2.7.2 Institutional Structures-----	29
2.7.3 Managerial and Human Resources -----	30
2.7.4 Financial Resources-----	30
2.7.5 Logistics (infrastructure, vehicles, computers) -----	31
2.8 Summary-----	33
CHAPTER THREE -----	34
RESEARCH METHODOLOGY AND STUDY AREA PROFILE -----	34
3.0 Introduction-----	34
3.1 Research Design -----	34
3.2 Population of the Study -----	34
3.3 Sampling Techniques -----	35
3.4 Sample Size Determination -----	36
3.5 Data Requirements and Sources-----	36
3.5 Data Collection Instruments and Method -----	38
3.6 Key Study Variables -----	38
3.7 Unit of Analysis and Reporting-----	38
3.8 Profile of the Study Area -----	40
3.8.1 Location and Size -----	40
3.8.2 Population Characteristics -----	41
3.8.3 Educational Characteristics -----	41
3.8.4 Economic Characteristics -----	42

3.9 Profile of CHRAJ-----	42
3.10 Summary -----	44
CHAPTER FOUR -----	45
ANALYSIS AND PRESENTATION OF FINDINGS OF THE STUDY -----	45
4.0 Introduction-----	45
4.1 Number of Districts covered by CHRAJ in the Region-----	45
4.2 Characteristics of Respondents -----	46
4.2.1 Gender of Staff -----	46
4.2.2 Age of Staff -----	46
4.2.3 Educational Level of Staff -----	47
4.3 Assessment of Capacity of CHRAJ at the Local Level. -----	48
4.3.1 Human Resource Capacity-----	48
4.3.1.1 Number of Personnel -----	48
4.3.1.2 Training and Development of Staff -----	50
4.3.2 Logistical Capacity of CHRAJ-----	52
4.3.2.1 District Office Accommodation -----	52
4.3.2.2 Office Equipment -----	52
4.3.2.3 Means of transport -----	54
4.4.3 Financial Capacity of CHRAJ-----	54
4.4 Execution of Mandate of CHRAJ -----	55
4.4.1 Scope of Mandates -----	55
4.4.2 CHRAJ's Performance at Local Level -----	57
4.4.3 Comparison of Cases Received and Resolved -----	58
CHAPTER FIVE -----	59
SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION-----	59
5.0 Introduction-----	59
5.1 Summary of Findings -----	59
5.2. Recommendations -----	60
5.3 Conclusion-----	61
REFERENCES-----	62
Appendix 1: Questionnaire -----	68

LIST OF TABLES

Table 3.1: Data Requirements and Sources	37
Table 3.2: Districts covered by CHRAJ in Ashanti Region.....	43
Table 4.1: Districts covered by CHRAJ in Ashanti Region.....	45
Table 4.2: Age Group and Sex	47
Table 4.3: Educational Level of Respondents.....	48
Table 4.4: Distribution of Personnel in the Districts.....	48
Table 4.5: Upgrading/ Promotion in the Districts	49
Table 4.6: Vacancies in the Districts.....	50
Table 4.7: Competence Score of Staff of CHRAJ	51
Table 4.8: Equipment Level	53
Table 4.9: The Scope of CHRAJ.....	56
Table 4.10: Performance of CHRAJ at Local communities in Ashanti Region.....	57
Table 4.11: Importance of Capacities in Performance of CHRAJ Mandates in Local Communities.....	57
Table 4.12: The proportion of reported cases that are disposed by the Commission.....	58



LIST OF FIGURES

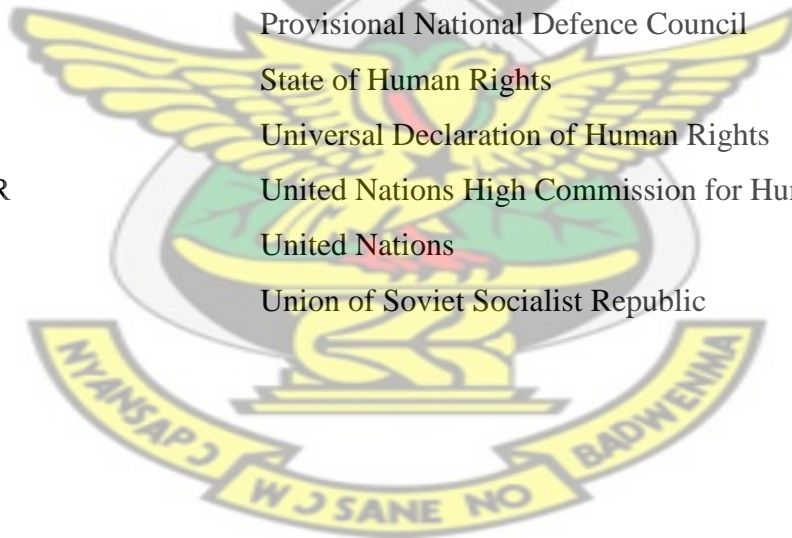
Figure 2.1: The Link between Capacity Development of CHRAJ and Human Rights Protection	32
Figure 3.1 Techniques of Analysis and Reporting of Data	39
Figure 3.2: Location of the Ashanti Region	40

KNUST



LIST OF ABBREVIATIONS

BNI	Bureau of National Investigation
CPP	Convention Peoples' Party
CHRAJ	Commission on Human Rights and Administrative Justice
CNDH	Comisión Nacional de Derechos Humanos
CSCE	Conference on Security and Cooperation in Europe
FGC	Female Genital Cutting
HR	Human Resources
NGOs	Non Governmental Organizations
NLC	National Liberation Council
NRC	National Reconciliation Commission
OAU	Organization of African Unity
OSCE	Organization on Security and Cooperation in Europe
PCE	Permanent Commission of Enquiry
PDA	Preventive Detention Act
PNDC	Provisional National Defence Council
SOHR	State of Human Rights
UDHR	Universal Declaration of Human Rights
UNHCHR	United Nations High Commission for Human Rights
UN	United Nations
USSR	Union of Soviet Socialist Republic



ABSTRACT

There have been several reports and allegations of human rights abuses and administrative injustices perpetrated by present and past governments, individuals and some institutions in Ghana and successive governments since 1966 have instituted measures to protect human rights and ensure administrative justice. As a result Commission on Human Rights and Administrative Justice (CHRAJ) was established under the 1992 Constitution with the responsibility to investigate human rights abuses and administrative injustices. The study therefore assessed the financial, human resources and logistical capacities of the Commission in carrying out its mandates. The study was conducted in Ashanti Region using a case study design. The study used convenience and purposive sampling techniques to select 15 District offices of the Commission and 60 permanent staff as respondents respectively. The data was analysed using SPSS, version 16.0. From the analysis, it was realized that the Commission is not able to perform its functions effectively due to financial, human resources and logistical constraints but financial capacity was the most challenge. These constraints have resulted in slow mediation and settlement of cases and the cases resolved in the period of consideration was below 50 per cent of the reported cases. The following recommendations were made based on the findings: the Commission should attract and retain experienced staff through good motivation or incentive package. Moreover, the Commission should be allowed to directly submit its annual budget to parliament and adequately resourced financially and logistically.

CHAPTER ONE

INTRODUCTION

1.1 Background

Addressing human rights abuses and ensuring administrative justice is one of the greatest challenges facing governments and development aid agencies in developing countries. The Government of Ghana has made the move to address these challenges by establishing Commission for Human Rights and Administrative Justice (CHRAJ) which replaced the office of Ombudsman.

The office of the Ombudsman was created to forestall the bitter experiences such as arbitrary arrest and imprisonment without trial, restriction on freedom of speech Ghanaians suffered under the dictatorship of the Nkrumah regime. The National Liberation Council (NLC) Government which emerged after the overthrow of the Nkrumah's Convention People's Party Government, in 1966, established in November 1966 an Expediting Committee headed by A.A. Tivo. The office of Ombudsman was established by Articles 100 and 101 of the 1969 Second Republican Constitution but the drafters of the Constitution failed to make it obligatory for the incoming civilian administration of the Progress Party (P.P.) to appoint somebody to the office (Asibuo, 2000).

The 1979 Third Republican Constitution also provided for the office of an Ombudsman. However, unlike the 1969 Constitution, the 1979 Constitution was innovatively progressive for it did not only stipulate that an Ombudsman office should be established, but more importantly made it mandatory for the government of the Third Republic to appoint somebody to the office one year after the coming into force of the Constitution. The Ombudsman Act (Act 400) was passed by Parliament in March 1980. The Act empowered the Ombudsman to investigate all acts of commission and omission by the public service, the armed forces, the Police Service and the Prison Service.

The office of the Ombudsman faced some difficulties which hampered its work. Some of the challenges include lack of a permanent office accommodation, lack of

cooperation from some public organizations, especially Ministry of Health, non enforcement of its recommendations, inadequate skilled personnel (Asibuo, 2000).

Commission on Human Rights and Administrative Justice (CHRAJ) was established by the 1992 Constitution of Ghana. The establishment was recommended by the Committee of Experts on proposal for a draft constitution of Ghana. Pursuant to Article 216 of the 1992 Constitution, CHRAJ was established by the act of parliament, the Commission on Human Rights and Administrative Justice Act (Act 456), 1993. CHRAJ evolved from the office of the Ombudsman as provided under both the 1969 and 1979 Constitutions of the Republic of Ghana.

The establishment of CHRAJ was as a result of the concerns of Ghanaians for the human rights promotion. The Committee on the human rights of the Consultative Assembly argued that it is the concern of the Amnesty International, the Organization of Africa Unity (OAU), and now African Union (AU), multinational and all multilateral corporations for all states to promote human rights. The Committee was of the view that, it would be in the interest of Ghana to establish the CHRAJ as it would keep the nation abreast with global political development. CHRAJ was established as a result of inability of the office of the Ombudsman to perform its functions effectively. (Consultative Assembly Report, 2002). The CHRAJ was established because there was the need to promote good governance. There was the need for Ghanaians to have an insight into the conduct of public officers so as to ensure that powers are exercised within their limits.

The CHRAJ has the mandates to ensure that individuals enjoy their fundamental rights to the fullest in order to contribute their quota to the development of Ghana.

1.2 Statement of the problem

There have been several reports and allegations of human rights abuses and administrative injustices perpetrated by present and past governments, individuals and some institutions in Ghana. Violations of human rights and administrative injustices have been cited as one of the reasons for the overthrow of governments. For instance, the National Liberation Council (NLC) military government that overthrew Dr. Nkrumah's Convention Peoples' Party (CPP) regime justified its action largely on

Nkrumah's alleged human rights violations, particularly with the passage of the Preventive Detention Act (PDA).

During the early days of the Provisional National Defence Council (PNDC) regime, a dusk-to-dawn curfew was imposed on the country. This restriction constituted gross violation of the citizens' right to freedom of movement. Nevertheless, there was no way citizens could challenge this violation of their right to freedom of movement because there was no rule of law; the judiciary was not independent and could therefore not determine the legality of acts emanating from executive organ of the state. Extra-judicial killings and disappearance of persons were the most heinous and widespread of crimes and violations of human rights during the PNDC era. As noted in the report of the National Reconciliation Commission (NRC), killings of persons started immediately after the coup. A few of the instances captured in the report are cited: these included 'Victoria Osei's husband, WO 1 Kingsley Sarpong was shot dead on January 1st, 1982 by Private Adjei in the Mystery School Compound near Apremdo Barracks in Takoradi. In another instance the report noted; one Joseph Ocansey Numo, a Ghanaian resident in Italy returned home on holidays. On 6th March, 1989 he was arrested at the Accra Sports Stadium on suspicion of plotting to assassinate the Chairman of the PNDC. He was shot and killed while allegedly trying to escape from custody at the Bureau of National Investigation (BNI).

It must be noted that, successive governments since 1966 instituted measures to protect human rights and ensure administrative justice. The establishment of Commission on Human Rights and Administrative Justice (CHRAJ) emanated from the office of the Ombudsman provided by both the 1969 and 1992 Constitutions of Ghana. The office of the Ombudsman received complaints lodged by members of the public against public officials who violated the fundamental rights of individuals. Thus, the Ombudsman was confined to administrative complaints. The establishment of CHRAJ by the 1992 Constitution with the responsibility to investigate human rights abuses and administrative injustices seems laudable. The Commission has a vision statement: To create a free, just and equitable society where fundamental human rights and freedoms are respected and power is accountable and governance is transparent. However, the problem is that most people are unable to access the services rendered by the Commission perhaps, due to certain institutional challenges which hamper service

delivery. These concerns among others are what the research seeks to unravel in addressing human rights issues in Ghana. Thus, the institutional capacity of CHRAJ in terms of its mandates, institutional structures, logistics (resources and personnel) and collaboration with other institutions ought to be assessed. These concerns are what this literary work seeks to address.

1.3 Objectives of the study

The main purpose of the study is to examine the capacity of CHRAJ in carrying out its mandates in Ghana. To this end, the study specifically seeks to achieve the following objectives:

1. To examine the scope of the mandates of the Commission on Human Rights and Administrative Justice (CHRAJ).
2. To examine financial, human resource and logistical capacities of CHRAJ and how these affect CHRAJ in carrying out its mandates.
3. To assess the performance of CHRAJ at the local communities within the Ashanti Region.

1.4 Research questions

The study seeks to raise the following fundamental questions that need to be addressed:

1. What is the core mandate of the Commission on Human Rights and Administrative Justice in Ghana?
2. What are financial, human resource and logistical capacities of CHRAJ and how do these affect CHRAJ in carrying out its mandate?
3. What is the performance of CHRAJ at the local communities within the Ashanti Region?

1.5 Scope of the study

The study focused on the Commission on Human Rights and Administrative Justice in Ashanti Region particularly, the operation of the institution at the local levels. The period under review was from 1993 to 2012.

Moreover, the study considered human resource capacity, logistical capacity, and financial capacity.

1.6 Significance of the study

The study is worth pursuing since it will help to identify some pertinent issues with respect to safeguarding human rights and ensuring administrative justice in Ghana. For instance, an assessment of the capacity of CHRAJ will help to identify whether the Commission has the right calibre of people to deal with human rights issues in Ghana. This will serve as a guide to future social development planners who will be adequately informed in addressing the challenges and constraints that limit the capacity of the Commission in exercising its mandate.

Again, since development is about people, there is the need to identify and assess the capacity of the institutions that work to ensure that the fundamental human rights of individuals are safeguarded so that they will go about their work without discrimination and to develop their potentials within the limits of the law.

1.7 Limitations of the research

The researcher is mindful of the probable shortfalls of the research because of time and resource constraints and access to relevant data. Hence, the study did not cover the entire country where the institutional capacity of CHRAJ could be assessed in terms of exercising its mandates. Moreover, the researcher considered only institutional capacity of CHRAJ but not how accessible it is to the general public.

1.8 Organization of the study

The study is divided into five chapters. Chapter One which is the introduction, deals with background, the statement of the problems, relevance of the study, research questions and objectives, and organization of the study. Chapter Two provides an overview of existing literature. This chapter provides a review of already existing literature on this topic.

Moreover, Chapter Three gives the profile of the district chosen. It also describes the data that form the basis for the research that are reported in this paper and provides an overview of methodology that was used in the study. Chapter Four deals with the presentation, analysis and discussion of the data collected from the field. Chapter Five which is the last chapter looks at the findings, recommendation and conclusion.

CHAPTER TWO

UNDERSTANDING THE CONCEPTUAL AND THEORETICAL UNDERPINNINGS OF HUMAN RIGHTS AND JUSTICE

2.0 Introduction

Prior to this chapter was the background to the study highlighting on the problem statement, research questions and objectives, scope and the significance of the study. This chapter therefore focuses on the theoretical basis of the research emphasizing on the definitions and explanations of the relevant and related concepts relating to the issue under investigation. Issues on the characteristics and types of human rights as well as human rights abuses, among others are presented in this chapter.

2.1 Definitions and Explanations of Concepts

The International Bill of Rights declares rights to be universal and it is the Universal Declaration of Human Rights which is regarded as the parent instrument in this regard. The basic philosophy of the UDHR states all human beings are born free and equal in dignity and rights. They are endowed with reason and of conscience and should act towards one another in the spirit of brotherhood. Thus, the dominant human rights ideology proclaims universality (Maina, 2007).

2.1.1 Human Rights

According to the United Nations (1996), Human Rights are rights inherent to all human beings, whatever nationality, and place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations for Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Feldman (2006) stated that Human Rights are "rights and freedoms to which all humans are entitled". He further argued that the proponents of the concept usually assert that everyone is endowed with certain entitlements merely by reason of being human. Human rights are thus conceived in a universalist and egalitarian fashion. Such

entitlements can exist as shared norms of actual human moralities, as justified moral norms or natural rights supported by strong reasons, or as legal rights either at a national level or within international law (Nickel, 2009).

Human rights, from the above explanations, can therefore be understood as the total conditions that are necessarily in ensuring peaceful and sustainable environment for human beings to realize their implicit potentialities.

2.1.2 Justice

Functionally, "justice" is a set of universal principles which guide people in judging what is right and what is wrong, no matter what culture and society they live in. Justice is one of the four "cardinal virtues" of classical moral philosophy, along with courage, temperance (self-control) and prudence (efficiency) (Center of Economic and Social Justice, 2008).

Two types of justice are identified: social and economic. Social justice encompasses economic justice. Social justice is the virtue which guides society in creating those organized human interactions called institutions. In turn, social institutions, when justly organized, provide society with access to what is good for the person, both individually and in their associations with others. Social justice also imposes on each of the individual of a society a personal responsibility to work with others to design and continually perfect the institutions as tools for personal and social development (Adler, 1958).

Economic justice, which touches the individual person as well as the social order, encompasses the moral principles which guide society in designing economic institutions. These institutions determine how each person earns a living, enters into contracts, exchanges goods and services with others and otherwise produces an independent material foundation for his or her economic sustenance. The ultimate purpose of economic justice is to free each person to engage creatively in the unlimited work beyond economics, that of the mind and the spirit.

In understanding the concept of Justice, it is evident that there cannot be any effective protection of the human rights without the prevalence of justice. Justice is thus the situation of ensuring fairness in the social system.

2.2 Features of Human Rights

The United Nations (1996) outlined certain characteristics that every human rights charter and activists should contain and agitate for. Among these principles include the following:

2.2.1 Universal and inalienable

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations. Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

2.2.2 Interdependent and indivisible

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

2.2.3 Equal and non-discriminatory

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.”

2.2.4 Both Rights and Obligations

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.

2.3 Political theories

This section reviews social contract theory and good governance as important political theories and concepts, related to this study.

2.3.1 Social Contract Theory

The social contract or political contract is a theory originating during the Age of Enlightenment, that typically addresses the questions of the origin of society and the legitimacy of the authority of the state over the individual (Harrison, *Locke & Hobbs*, 2003). Social contract arguments typically posit that individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority of the ruler or magistrate (or to the decision of a majority), in exchange for protection of their remaining rights (Hobbes, 2003).

Although the antecedents of social contract theory are found in antiquity, in Greek and Stoic philosophy and Roman and Canon Law, as well as in the Biblical idea of the

covenant, the heyday of the social contract was the mid-17th to early 19th centuries, when it emerged as the leading doctrine of political legitimacy. The starting point for most social contract theories is a heuristic examination of the human condition absent from any political order that Thomas Hobbes termed the “state of nature”. In this condition, individuals' actions are bound only by their personal power and conscience. From this shared starting point, social contract theorists seek to demonstrate, in different ways, why a rational individual would voluntarily consent to give up his or her natural freedom to obtain the benefits of political order.

Hugo Grotius (1625), Thomas Hobbes (1651), Samuel Pufendorf (1673), John Locke (1689), Jean-Jacques Rousseau (1762), and Immanuel Kant (1797) are among the most prominent of 17th- and 18th-century theorists of social contract and natural rights. Each solved the problem of political authority in a different way. Grotius posited that individual human beings had natural rights; Hobbes (2003) asserted that humans consent to abdicate their rights in favor of the absolute authority of government (whether monarchical or parliamentary).

There are two principal elements to the social contract (Rousseau, 2005). The first is an initial pre-political situation called a “state of nature” by the modern philosophers and the “original position”, the most significant contemporary exponent of social contract theory. In this initial situation, all individuals are equal, they are all situated symmetrically relative to one another, and they all have some incentive to leave the initial situation in favor of some relative advantage gained by entry into civil society (Rousseau, 2005). The second element is a normative characterization of the parties to the contract. The parties are described as (1) motivated by self-interest, in as much as they will only agree to the contract if they perceive that they will benefit from social interaction; (2) concerned for the welfare of others, if only because they recognize that the advantages they expect to derive from the social contract will be conditional on their willingness to guarantee the same advantages to their counterparts; and (3) rational or reasonable with respect to the way they understand their own interests, the interests of others, and the just or moral principles that ought to govern their pursuit of those interests.

The point of morality according to Hobbes's social contract theory is to help us escape or avoid a state of nature, so that we can live better and more productive lives. The nature of morality is as follows: it is "the set of rules, governing behaviour, that rational people will accept, on the condition that others accept them as well" (Piker, 2010). Rational people accept the social contract because it facilitates harmonious social living.

Critics have sometimes objected to social contract theory on the grounds that we do not sign or even implicitly agree to a contract setting out the moral rules of our society. Piker (2010) acknowledges that we do not actually agree (explicitly or implicitly) to a social contract, but does not see this as a problem for the theory. Another objection to social contract theory discussed by Piker (2010) is that the theory does not show why we should obey ethical rules governing the way we treat members of "vulnerable groups" – (e.g., oppressed minorities). If members of such groups have little or no power, and therefore pose little or no threat to other members of society, then it is not clear why it would be rational for those other members of society to accept a contract requiring fair or ethical treatment of them – they seem to have nothing to gain from ethical treatment of the disempowered. Piker (2010) regards this as a serious problem for social contractarians.

For social contract to be useful in our modern days, there must be a state institution to check the parties (the government and its institutions and the individuals). This makes CHRAJ very important institution in Ghana. CHRAJ plays critical roles in the social contract by protecting the vulnerable groups of the society and by ensuring that people in the social contract live in harmony.

2.3.2 Good Governance

World Bank (1992) in a report entitled "Governance and Development" defined good governance as the manner in which power is exercised in the management of a country's economic and social resources for development". The World Bank (1992) identified three distinct aspects of governance as: the form of the political regime; the process by which authority is exercised in the management of a country's economic and social resources for development; and the capacity of governments to design, formulate and implement policies and discharge functions.

In the 1994, World Bank's report entitled "Governance: The World Bank's Experience", four key elements of good governance can be observed as:

1. *Public-sector management.* This is the most readily identified dimension of the World Bank's governance work. The language of public-sector management is predominantly technical, changing the organizational structure of a sector agency to reflect new objectives, making budgets work better, sharpening civil-service objectives and placing public-enterprise managers under performance contracts.
2. *Accountability.* Governments and their employees should be held responsible for their actions.
3. *Legal framework for development.* Appropriate legal systems should be created that provides stability and predictability, which are the essential elements in creating an economic environment in which business risks may be rationally assessed.
4. *Transparency and information.* The themes of transparency and information pervade good governance and reinforce accountability. Access to information for the various players in the market is essential to a competitive market economy.

The Asian Development Bank (AsDB) (1995) in a policy paper called "Governance: Sound Development Management", defined good governance as "the manner in which power is exercised in the management of a country's economic and social resources for development". Further, in the opinion of the AsDB General Counsel, good governance has at least two dimensions: political (e.g., democracy, human rights); and economic (e.g., efficient management of public resources).

The AsDB has identified four basic elements of good governance:

1. *Accountability.* Public officials should be answerable for government behaviour and responsive to the entity from which they derive authority. The accountability of public sector institutions is facilitated by evaluation of their economic performance. The suggested specific areas of action would be in the building of government capacity through, for example, public-sector management, public-enterprise management and reform, public financial management and civil-service reform.

2. *Participation.* Government structures should be flexible enough to offer beneficiaries and others affected the opportunity to improve the design and implementation of public programmes and projects. The specific areas of action would be in the development of participatory development processes through, for example, participation of beneficiaries, a public/private-sector interface, decentralization/empowerment of local government and cooperation with non-governmental organizations (NGOs).
3. *Predictability.* Laws and policies should exist that regulate society and that are applied fairly and consistently. Predictability requires the state and its subsidiary agencies to be bound by and answerable to the legal system in the same way as private enterprises individuals. The specific area of action could be the development of predictable legal frameworks for private-sector development.
4. *Transparency.* Information should be made available to the general public and there should be clarity as to rules and regulations. Access to timely information on the economy can be vital to economic decision-making by the private sector and can also serve to inhibit corruption.

The United Nations Development Programme (UNDP) (1997) in a policy document entitled “Governance for Sustainable Human Development”, defined good governance as the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. **UNDP (1997)**, explained that good governance has three dimensions: economic, political and administrative. Economic governance includes the decision-making processes that affect a country’s economic activities and its relationships with other economies. Political governance is the process of decision-making to formulate policy. Administrative governance is the system of policy implementation.

According to UNDP (1997), good governance comprises the existence of effective mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. The essential characteristics of good governance in the view of UNDP (1997) are:

1. *Participation.* All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as on the capacity to participate constructively.
2. *Rule of law.* Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.
3. *Transparency.* This concept is built on the free flow of information. Processes, institutions and information should be directly accessible to those concerned, and enough information should be provided to render them understandable and monitorable.
4. *Responsiveness.* Institutions and processes should serve all stakeholders.
5. *Consensus orientation.* Good governance should mediate differing interests in order to reach broad consensus on the best interests of the group and, where possible, on policies and procedures.
6. *Equity.* All men and women should have equal opportunity to maintain or improve their well-being.
7. *Effectiveness and efficiency.* Processes and institutions should produce results that meet needs while making the best use of resources.
8. *Accountability.* Decision-makers in government, the private sector and civil-society organizations should be accountable to the public as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization.
9. *Strategic vision.* Leaders and the public should have a broad and long-term perspective on good governance and human development, together with a sense of what is needed for such development. There should also be an understanding of the historical, cultural and social complexities in which that perspective is grounded.

From the above, good governance is about accountability and transparency, rule of law and the freedom for the enjoyment of human rights. Governments or political authorities by their nature would be selfish and may not prefer good, accountability and transparency and their actions and inaction may violate rule of law of the country. CHRAJ is therefore established and mandated to promote good governance in Ghana.

CHRAJ protects the rights of people and fights against corruption, thereby promoting accountability and transparency in Ghana.

2.3.3 The Theory of Separation of Power

The foundations of theory of separation of powers were laid by the French Jurist Baron De Montesquieu (1689-1755) in his great work *Espirit De Lois* (the spirit of Laws) published in 1748. Montesquieu, a great advocate of human dignity, developed the theory of separation of powers as a weapon to uphold the liberty of the people. Montesquieu (1689-1755) believed that the application of this theory would prevent the overgrowth of a particular organ which spells danger for political liberty. According to Montesquieu (1689-1755) every man entrusted with some power is bound to misuse it. When the executive and the legislative powers are given to the same person there can be no liberty. It is apprehended that the same person may enact oppressive laws to execute them whimsically. Again there is no liberty, if the judicial power is not separated from the legislature and executive. If the judicial and legislative powers are exercised jointly the life and liberty of the subjects could be exposed to arbitrary control; for the judge could then be the legislator. If it joined to the executive power the judges might behave with violence and oppression. If the same person or body of persons exercises these three powers that of enacting laws, executing them and of trying the cases of individuals, Montesquieu (1689-1755) maintained, that could spell the doom of the whole system of governance.

Montesquieu's view is that concentration of legislative, executive and judicial functions either in one single person or a body of persons results in abuse of authority and such an organisation becomes tyrannical. Montesquieu (1689-1755) argued that the three organs of government should be so organized that each should be entrusted to different persons and each should perform distinct functions within the sphere of power assigned to it. Separation of powers, therefore, refers to the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another.

According to Wade and Phillips (1991) the doctrine of separation of powers implies:

- i. The same person should not form more than one organ of the Government.

- ii. One organ of the Government should not exercise the function of other organs of the Government.
- iii. One organ of the Government should not encroach on the function of the other two organs of the Government.

The intent is to prevent the concentration of power and provide for checks and balances. Check and balances is when the powers of Government is distributed in such a way that each check and is checked by the others so that an equilibrium is achieved which imparts a remarkable stability to the constitutional structure. It is from the work of Polybius that political theorist in the 17th Century evolved that theory of separation of powers and the closely related theory of checks and Balances.

It was in the spirit of separation of powers and checks and balances that independent institution such as CHRAJ was established to check the activities and actions of government, its agencies and institutions. The Commission on Human Rights and Administrative Justice has been able to check the actions of individuals and state agencies since its establishment and given the needed resources, CHRAJ would be able to take on high profile cases involving member of the executive branch of government. The checks and balances enter into the domain of interactions between individuals and group of people and CHRAJ as an independent body is entrusted to maintain human dignity and liberty in Ghana.

2.4 Mandates of CHRAJ, Ghana

CHRAJ represents the model of a national institution that has fused in one-office different institutional mandates namely a Human Rights Institution, The Ombudsman and an Anti-Corruption Agency (Bossman, 2007). This section therefore reviews the various mandates of CHRAJ and how it has performed those mandates.

2.4.1 Human Rights Mandate

Human Rights are rights inherent to all human beings, whatever nationality, and place of residence, sex, national or ethnic origin, colour, religion, language, or any other status (United Nations, 1996). Therefore, Human rights are 'rights and freedoms' to which all humans are entitled.

In this regard, CHRAJ is mandated to promote and protect right of individuals and entities in Ghana. Under its human rights mandate, the Commission has the duty to investigate all complaints of violation of fundamental human rights and freedoms as enshrined in chapter 5 of the 1992 Constitution and to educate public on human right. This jurisdiction applies to complaints against public officials and institutions, individuals and private enterprises. Chapter 5 of 1992 Constitution contains a comprehensive list of human rights and freedoms embracing civil and political rights as well as economic, social and cultural rights including the right to life, personal liberty, fair and speedy trial, human dignity, protection from slavery and forced labor, freedom of speech and expression, freedom of association, freedom of assembly and movement, freedom from discrimination etc.

The Commission since its inception has received several complaints and typical among them are wrongful detention and assault by the security agencies, delay in the trial of suspects remanded into custody, gender discrimination and sexual harassment at the work place and domestic violence and the greatest number of complaints received by the Commission are family related and maintenance cases (The Commission's 2010 Annual Report, page 6). However, recently the Commission has been receiving more complaints regarding violations of economic, social and cultural rights. In that regards, individuals and communities have petitioned on their rights to housing, (Agbobloshie and Dzidjah) their rights to education and schooling (expulsion of girls from Achimota School) their rights to health and social security.

The Commission under its Human Rights mandate is empowered to educate public on Human right issues since the most ideal way of preventing human rights violations is to promote the understanding and respect of the rights in society (Short, 2009). For the Commission to achieve this objective, the youth especially, should to be educated and encouraged to be advocates of human rights. According to Short, human rights education is an integral part of the learning environment both in classroom and beyond traditional educational settings and thus "Human rights education is a life-long process by which people at all levels of society acquire the respect for the dignity of others in society,". The Commission therefore accords human rights education with a very high level of prominence in the execution of its functions," and the Commission has

practicalized this by launching some publications on human rights training for teachers at the basic schools.

Public education activities are undertaken to promote and deepen the culture of respect for human rights in Ghana using:

1. Electronic & print media – TV, Radio, Newspapers, Newsletters, etc;
2. Workshops, seminars, conferences, training programmes, lectures, debates, quiz competitions, etc; and
3. Outreach programmes to religious institutions, civil society groups, schools, markets, rural communities, etc.

2.4.2 Ombudsman Mandate

The Commission took over the role of the Ombudsman as a result of the repeal of the Ombudsman Act of 1980, CHRAJ thus operates as a classical Ombudsman; pursuing administrative justice in a manner that is confidential, informal and flexible and which provides the people with an opportunity to complain about "maladministration" by public officials.

The "core business" of the office of Ombudsman is the pursuit of administrative justice in a manner that is confidential, informal and flexible and which provides people with an opportunity to complain about (*mis*)conduct or "maladministration" by public officials.

The Commission has performed this mandate by investigating administrative injustice meted out to some staff by some corporate bodies. For example, in 1994 some Police Officers were found with sums of money they could not account for while on duty at various road barriers were acquitted and discharged by Adjudicating Panels of Committee of Inquiry set up by the Police Service to investigate the matter. The Inspector General of Police (IGP) claimed the petitioners were found guilty and convicted for the offence and dismissed from the Ghana Police Service. CHRAJ's investigation into the case pointed out the unjust nature of the dismissals which borders on arbitrariness and misuse of power. The Commission therefore recommended the reinstatement of the dismissed officers (1994 Case No. CHRAJ/200/93). Moreover in 1995, the Commission ordered the immediate reinstatement, without loss of promotion,

and with payment of all emoluments due to a lady worker at the Ministry of Trade which wrongfully terminated her appointment (Case No. CHRAJ 169/95).

In 1997 the Commission ordered the respondent to pay the petitioner retroactive salary and pension benefits commensurate with salary range applicable to the position of Assistant Director [Ghana Education Service (GES)]. The petitioner retired from employment as Principal Superintendent. Following her retirement the respondent calculated her retirement benefits on the basis of her previous lower rank as a senior Superintendent. The petitioner claimed that she was entitled to a three-range higher promotion and retirement benefits based on the range of an Assistant Director. The respondent provided the Commission with evidence of the promotion code applicable to this case which supported the petitioner's claim that she should have been promoted to the rank of Assistant Director (Case No. CHRAJ/GAR/311/96).

According to Tsikata (1994), CHRAJ has achieved some measure of success in fulfilling its ombudsman task. This, he argued, was against the background of limited resources with which the institution operates. Moreover, Oquaye (1993) stated that the creation of the Commission has strengthened its institutional base and brought certain advantages. Among the advantages he noted, included the move of the system from dependence on an individual to a collegial approach that fosters continuity. He observed that CHRAJ faces certain challenges which included autonomy, accessibility and enforcement of its decisions.

2.4.3 Anti-Corruption Mandate

With regards to its corruption mandate, the Commission is expected to investigate complaints of corruption and abuse of power (Article 218(a) of the 1992 Constitution) and all instances of alleged or suspected corruption and the misappropriation of public moneys by officials. (Article 218(e)). The Commission is also expected to investigate allegations of violations of Code of Conduct for Public Officers (Chapter 24 of the 1992 Constitution), which states that “a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office” (Article 284). “No person shall be appointed or act as the Chairman of the governing body of a public corporation or authority while he holds a position in the service of that corporation or authority” (Article 285). “persons who

hold public offices shall submit to the Auditor-General written declarations of all property or assets owned by, or liabilities owed by, them whether directly or indirectly within

1. three months after the coming into force of this Constitution or before taking office, as the case may be;
2. at the end of every four years; and
3. at the end of their terms of office(Article 286(1)(2).

If a public officer who has contravened or has not complied with the above stated provisions (Chapter 24), fails to make a written admission of the contravention or non-compliance of the provisions of the said Chapter, the Commission shall cause the matter to be investigated and may take such action as appropriate in respect of the results of the investigation or the admission.

The Commission is therefore entrusted to investigate corruption, misappropriation and mismanagement of public money by public officials, as well as conflict of interest and with regard to breaches of the code of conduct of public officials, the President of the Republic of Ghana is first on the list of public officials, whose conduct the Commission may investigate. The Commission therefore needs power to exercise this mandate effectively. However, the Commission is powerless in dealing with the numerous cases of corruption brought before it (Short, 2009). According to him, Anti-Corruption Department of the Commission is not adequately equipped to investigate such cases. The Commission therefore needs power to deal or handle this mandate. According to Short, out of the 21 cases of corruption brought before the Commission last year, it investigated 13 but was able to initiate legal action against only one person. He said though the Commission had demonstrated its willingness to investigate cases of corruption and human rights abuses, it lacked the power to do so adding that the procedures used in investigating complaints of human rights abuses and proving corruption charges against individuals had been very difficult for the Commission. He therefore suggested the introduction of a bill by the government in Parliament to give full powers to the anti-corruption department of CHRAJ to investigate such cases. The passage of such a bill into law, he said, would empower the department to arrest and prosecute all those found to have misused state funds adding that the state could not

continue to lose billions of cedis through court actions due to the inefficiency of the department.

Moreover, Attafuah (2010) has proposed that the Commission on Human Rights and Administrative Justice (CHRAJ) should be given exclusive mandate as the sole anti-corruption institution. He said designating CHRAJ as the sole anti-corruption agency would allow for effective resource concentration, and foster efficiency and clarity, which would be in consonance with emerging international best practices. He further stated that “Under the current arrangements, there are too much cognitive confusion, forum-shopping, overlaps in investigations and turf wars arising from the existence of multiple anti-corruption agencies,” CHRAJ is the only ombudsman or administrative justice institution in Ghana by virtue of article 218 (a), which mandated it to investigate all instances of alleged or suspected corruption and the misappropriation of public moneys by officials, hence it must be strengthened to perform this task effectively.

The Commission on Human Rights and Administrative Justice (CHRAJ) has called for an amendment of its enabling statute to specifically give it powers of seizure and prosecution to fight corruption in the society (Attafuah, 1999). He identified corruption as constituting a violation of individual's economic and social life. The socio-economic costs of corruption, he noted, is enormous because it fosters public loss of confidence in systems and institutions, distorts reality, nourishes mediocrity and undermines the merit system of rewards, appointments and entitlements. He regretted, however, that CHRAJ lacks powers of seizure and prosecution even where there is clear evidence of corruption. "CHRAJ is currently loaded with the functions of both an Ombudsman and a Human Rights Commission and, as a result, cannot effectively carry its anti-corruption mandate"(Attafuah, 1999).

There should therefore be governmental readiness and leadership to grapple with the problem. The Government must commit adequate resources to the CHRAJ to investigate corruption, educate the public against corruption and to prosecute corruption cases. There is therefore the need for a well resourced special anti-corruption unit within the CHRAJ to enable it to perform its constitutional and statutory duties of preventing and investigating corruption.

2.5 Challenges Facing CHRAJ, Ghana

There are several challenges facing CHRAJ in performance of its three broad mandates and some the key challenges are grouped into internal and external. Some of the key internal challenges are outlined below.

1. Very Broad Mandate – The Commission has been granted very wide extensive powers and functions and there has been much debate concerning the desirability or wisdom in concentrating all these functions and powers in one institution. Moreover, the institution is unduly bureaucratic and overburdened with work which in turn can and does affect efficiency and quality. The CHRAJ found this to be true as it has not been able to discharge its anti-corruption mandate as efficiently as it would wish due to a very heavy workload in complaint resolution (Bossman, 2006). The Commissioner added ‘It is also clear that the wide and vague nature of our human rights mandate creates a problem of jurisdiction especially at our district level, where a very wide and varied nature of complaints ranging from landlord – tenancy issues to property related matters and intestate succession’.
2. Lack of complete financial autonomy – and insufficient funding from Central Government. CHRAJ continues to rely on the “largesse” from the Ministry of Finance. The procedure for budgetary allocation is cumbersome and usually there are budget cuts and irregular remittance of agreed allocations which tends to undermine the independence of the Commission. The Commission has asked to be permitted to submit its annual budget directly to Parliament as it believes is envisaged in the Constitution (Bossman, 2006). Moreover, section 21 of Commission for Human Rights and Administrative Justice Act (Act 456) provides for its administrative expenses, including all salaries, allowances and pensions to be charged on the Consolidated Fund. However, in practice, CHRAJ cannot obtain funds without recourse to the Ministry of Finance. The independence of CHRAJ would be more meaningful if it were granted some financial autonomy (Bossman, 2006). The lengthy budgetary hearings and cuts it is subjected to by the Ministry of Finance severely undermine its autonomy as provided for in Article 222 of the 1992 Constitution. Even parliamentary approval is no guarantee that the funds will be released promptly by the Ministry of Finance. Budgetary cuts disrupt effective planning. Due to

budgetary constraints CHRAJ has not been able to open offices in all districts of the country. The reason for this situation is that office accommodation and other logistics such as vehicles and equipment cannot be provided. Further linked with the financial difficulties of CHRAJ is its inability to reach out to the majority of Ghanaians, especially the rural dwellers who constitute about 70% of Ghana's population, with its educational programmes. Again, due to financial difficulties the Commission basically has to rely on charity from NGOs to partly carry out its public awareness programmes (Bossman, 2006).

3. Inability to enforce its decision without recourse to the traditional judicial process, that is, the courts, serves as a severe limitation. Section 18 of the Commission on Human Rights and Administrative Justice Act (Act 456) provides that after arriving at a decision on an issue, the Commission should submit its report including its findings and recommendations to the appropriate person, minister, department or authority concerned, with a copy to the complainant. If after three months the recommendations are not enforced, the Commissioner may bring an action before any court and seek remedy as may be appropriate for an enforcement of its decision. CHRAJ is dissatisfied with these provisions as precious time could be wasted before going to court (Short, 2002). For example, as already pointed out, although the CHRAJ made adverse findings against top government officials in 1996, it could not enforce them. It is unfortunate that a Commission of three experienced lawyers qualified for appointment as High or Appeal Court Judges still have to initiate proceedings before a High Court before they can enforce their decisions. Observations made at a National Integrity Workshop organized by CHRAJ in October 1998 in Accra concerning the weaknesses of the Commission, included among others: the lack of power to prosecute corruption cases and to fine and commit individuals for contempt other than for failure to honour a subpoena. Various recommendations on institutions such as the Police and Prisons Services concerning the conditions of Accra Central Police Station Cell and those of the Prisons generally in the country are hardly implemented; yet, CHRAJ is unable to enforce them. This is because implementation of some of CHRAJ recommendations has wider legal implications. It will involve institutional and legal reforms in government machinery.

4. High exit rate of staff, especially among the Legal class due to poor remuneration. Low salaries and unattractive conditions of service for staff of the Commission have resulted in the exodus of competent and trained personnel from the Commission for other institutions.
5. Need to streamline the mandates and be more focused. The heavy workload of cases Commission's Headquarters Office has to handle. The inordinate number of petitions received by the Commission is due mainly to its extensive functions, functions that in other jurisdictions would be shared among three or more different institutions. The fact that the Commission's services, which are provided by professional lawyers and investigators, are delivered free coupled with its informal procedure has made it a more attractive forum than the traditional Courts for dispute resolution. In addition to that we have taken the firm decision to move away from being so complaint driven and to focus more on commission selected investigations and public enquiries (Bossman,2006)

Moreover, the external challenges include the following:

6. Responsible Media: The media occupies an important part in curbing corruption and enhancing the stature of the Commission through raising awareness about corruption, investigating and reporting on corruption. The media is therefore a strong ally in any strategic fight against corruption and that is why we deem it crucial to keep constantly engaged with the media. However, the media must be more responsible in their reportage and guard against media tyranny. The Commission has found that in reporting what is perceived to be corruption the media has not been motivated by personal integrity or reasons of public interest but rather by malice (Bossman, 2006).
7. Lack of Political Will: Government must demonstrate political will and commitment to the fight against corruption by adequately resourcing CHRAJ. Government influence in case against government official undermines the integrity and powers of the Commission. The government must therefore exercise probity and accountability to promote transparent government of integrity.

2.6 Human Rights Commission in Africa

In 1986 the Organization of African Unity (OAU) created the African Commission on Human and People's Rights. Hitherto, the organization and African leaders were constantly accused of adopting double standards in their fight for respect for human rights: for condemning apartheid in South Africa while remaining silent in the face of massive human rights violations within member states. The organization had to take steps to ameliorate the human rights situation on the continent (Gregory and Pearson 1992).

By the 1970s, mounting international pressure from Western countries, non-governmental organizations (NGOs), and churches, together with some support and encouragement from the UN, introduced some flexibility into the OAU approach to human rights issues. In 1979, the organization took a bold step to adopt a positive approach towards respecting human rights in Africa. At its 16th Ordinary Session, the OAU Assembly of Heads of States and Government meeting in Monrovia, Liberia, requested the secretary general of the organization ‘...to convene a meeting of government experts...’ to prepare a ‘preliminary draft of an African CHARTER on Human and Peoples’ Rights, providing inter alia for the establishment of bodies to promote and protect human and peoples’ rights...’ The charter was adopted and came into force on 21 October 1986 (United Nations, 1996).

Eno (2002) pointed out that the charter stands out as one of the most comprehensive human rights treaties currently in existence, recognizing a wide range of human and peoples’ rights. Eno further observed that the charter is the only human rights instrument that incorporates into one document all generations of human rights and gives them equal importance in terms of recognition, promotion and protection, thereby adhering to the principle of indivisibility and interdependency of all human rights.

The African Charter has been criticized for being too ambitious providing for ‘unenforceable rights’, and questions have been asked whether such an ambitious document could ever be implemented. The African Charter provides for the establishment of an African Commission on Human and People’s Rights. From its inception to date, the Commission has been criticized for being ineffective and failing to meet the expectations of the African people. There have been calls for the establishment of a more credible human rights mechanism, in particular, the

establishment of a human rights court to supplement the work of the Commission (Gregory and Pearson 1992).

2.6.1 Human Right Commission in Mexico

This study considers Human Right Commission in Mexico to serve as a guide on what CHRAJ, Ghana can do to improve its capacity to promote and protect human rights of Ghanaians. The Human Right Commission in Mexico was considered because; it is one of the best commissions on human rights in North America.

The National Human Rights Commission (*Comisión Nacional de Derechos Humanos*) was established in June, 1990 to pre-empt criticism of Mexico's human rights record. The measure was rushed through and there was no consultation with non-governmental activists in the NGO field – nor with anyone else, for that matter. In 1992, under considerable pressure to ensure the autonomous nature of the commission, the government introduced a constitutional amendment that provided for independent “non-jurisdictional” human rights commissions at both federal and state level. These bodies were to be for the “protection of the human rights recognised by Mexican law”.

The power of nomination of the president of the Commission is in the hands of senate but not president of Mexico. The National Human Rights Commission law is unusual in that it makes a number of provisions about the procedures of the CNDH that are directly relevant to the question of accessibility. Article 4 states that the commission's procedures shall be “brief and simple” and only involve those formalities that are essential. Investigations shall also be implemented in accordance with “the principles of immediacy, concentration and speed”. The article also states that as far as possible complainants should be dealt with on a face-to-face basis “to avoid the delays inherent in written communications”. Article 29 obliges the CNDH to provide a translator at no cost if a complainant does not speak Spanish. Article 4 also states that all information and documents received should be treated with “strict confidentiality”. These terms have specific meaning in Spanish law. “Immediacy” means that the adjudicator must receive the evidence directly and personally and not through third parties. “Concentration” means that, as far as possible, all the evidence should be heard and discussed in one single hearing. “Speed” is self-explanatory. In line with its mandate and procedures, the commission is well resourced even though, the executive, through

the *Secretaría de Hacienda y Crédito Público*, allocates the budget of the CNDH.. The commission has more than 600 staff. Many of the staff of the CNDH have a background in government employment and return there after working at the commission.

The CNDH (in common with Federal District Commission) has a 24-hour complaints service. Normally a case will take three days to register in the complaints directorship before being passed to one of four “visitorships” which are responsible for the investigation. However, in urgent cases they will be transmitted more quickly. The complaints directorate will determine whether the complaint falls within the CNDH’s mandate.

The CNDH has the power to refer to the Procurator General of the Republic any case where it believes that there should be a criminal investigation. One frequently voiced criticism is that it does not refer cases early enough – rather it allows its own investigation to run its course before handing the matter on for prosecution. Aside from the fact that this may sometimes make a prosecution vulnerable to the statute of limitations, it will almost invariably make an investigation more difficult, because of the long passage of time, and a successful prosecution consequently less likely.

The fourth visitorship, which deals solely and specifically with indigenous affairs, was established as a result of the 1996 San Andrés accords between the Mexican government and Zapatista rebels of the *Ejército Zapatista de Liberación Nacional* (EZLN). It works in three main areas:

1. Indigenous people in prison, whom it visits to monitor conditions and to establish if there is a possibility of early release.
2. specific indigenous human rights issues, such as agrarian matters or labour issues, where the visitorship provides advice and guidance; and
3. Training of indigenous authorities on human rights issues.

In addition, the visitorship conducts investigations into complaints or reports of human rights violations against indigenous people. Many of these cases are generated in Chiapas, which has led the CNDH to create an office in the state.

The procedures and powers of the Commission makes it one of the best in North America. Mexico has arguably one of the best resourced systems of human rights protection of any country in the world. In addition to the National Commission with a staff in excess of 600, there are 32 local commissions, each with a staff running into dozens, if not hundreds. Its comparative ineffectiveness is not due simply to the massive failure of the judicial system, both civil and military, to tackle the problem of gross human rights violations, since that is a matter that is beyond the control of the commissions.

2.7 The Conceptual view of Institutional Capacity for Human Rights Protection

Human Rights Commissions play an important role in the promotion and protection of human rights (Sekaggya, 2004). They are supplementing the efforts of already established institutions and make unique contributions to a country's efforts to protect its citizens and to develop a culture that is respectful of human rights and fundamental freedoms. Several African countries have established human rights institutions but they vary considerably in terms of mandate and mode of establishment, and also in terms of the willingness of the State concerned to be subjected to human rights standards (Maina, 2007)

The conceptual foundation of the study is institutional capacity. Human rights institutions set up by the state have the duty of ensuring the promotion and protection of human rights of individuals especially with the emergence of modern democracy (Arturo, 1987). The question that comes to mind is whether the institutions have the capacity to render the services required by the individuals in the states.

Institutional capacity, generally refers to the process of improving the ability of institutions to make effective use of the human and financial resources available (Arturo, 1987). Typically, institutional capacity is concerned with management systems, including monitoring and evaluation; organizational structure and changes; planning, including planning for an efficient investment process, staffing and personnel policies; staff training, accounting, and auditing; maintenance and procurement (Arturo, 1987). Other issues, especially under a sectoral or sub-sectoral focus, are inter-agency co-ordination and sectoral policies regarding institutions.

With regards to the link between promoting human rights and capacity as a concept, the Commission on Human Rights and Administrative Justice (CHRAJ) would be able to carry out its constitutional mandate if there are institutional/legal framework and arrangements in place.

In sum, the effectiveness of all the capacity areas depends on the relationships among them together with the appropriate institutional or legal framework and arrangements as a system. This would contribute in no small way to the effective functioning of the institution and eventually ensure the promotion, and protection of human rights and administrative justice.

2.7.1 Mandate as an Indicator of Institutional Capacity

It is often argued that mandates provide an enabling environment for the promotion, protection of human rights and ensuring administrative justice. In many developing countries like Ghana, some existing laws impede initiative and therefore discourage change which may lead to development. In many occasion, central and local governments are constrained by legal abilities in their effort at ensuring the enjoyment of rights. The consistency or inconsistencies of mandates also have an important influence on the activities of institutions.

It is also noted, the stronger the mandate in terms of issuing authority and of continuing commitment, the more favourable is the context for the performance of duties. For instance, CHRAJ is one of the constitutional bodies established under the 1992 Constitution with anti-corruption as part of its mandate. Its anti-corruption powers stem from Articles 218(a)(e) and 284 to 288 of the 1992 Constitution and Section 7(1)(a), (e) and (f) of Act 456 that established it. There is the need for a strong legislative framework to strengthen CHRAJ's mandates and improve its effectiveness. The CHRAJ must have powers to initiate investigations into corruption on its own without prior complaint.

2.7.2 Institutional Structures

Effective promotion and protection of human rights and administrative justice involve the creation of new institutions, the improvement in the capacity of existing staff, and the transfer of knowledge and technology. District levels active participation in human

rights protection is imperative but it requires increased knowledge and co-operation on the part of government officials, community groups and others and according to Lendman (2010) local structures of institutions must carefully consider whether they possess institutional resources to be able to perform their functions.

Institutional structures established for protection of rights often reflects decisions about the organizational channels and national-local levels relationships that are established for programme implementation, management and funding. National-local levels relationships concerns the mode of operation by which the national, regional and local levels relate to one another, in terms of co-operation and co-ordination among these institutional levels and between governmental and non-governmental organizations involved in promoting and ensuring human rights protection. The Commission on Human Rights and Administrative Justice (CHRAJ) is expected to decentralise its operations to the localities by creating new branches and adequately resourcing them in order to enhance service delivery to people at the local communities.

2.7.3 Managerial and Human Resources

Managerial approach concerns the way in which the higher-level government exercises influence or control to induce local institutions to carry out assigned functions and activities. Rules and regulations established should be flexible both to meet unusual circumstances and to foster innovation

The human resources (HR) of an organization consist of all staff (research, teaching, managerial, and technical support staff) engaged in any of the organization's activities. It is well-recognized that the human resources of any organization are its most valuable asset. This is particularly true in research centres, where the people required doing the core work of the organization are highly trained individuals. The Human Resource management function is charged with planning and controlling this resource to make sure that peoples' needs are met.

2.7.4 Financial Resources

Management of Finance involves prediction of financial resource requirements (operating and capital budgets) and cash management as well as the financial accounting functions. Good management of budgeting and financial record-keeping is

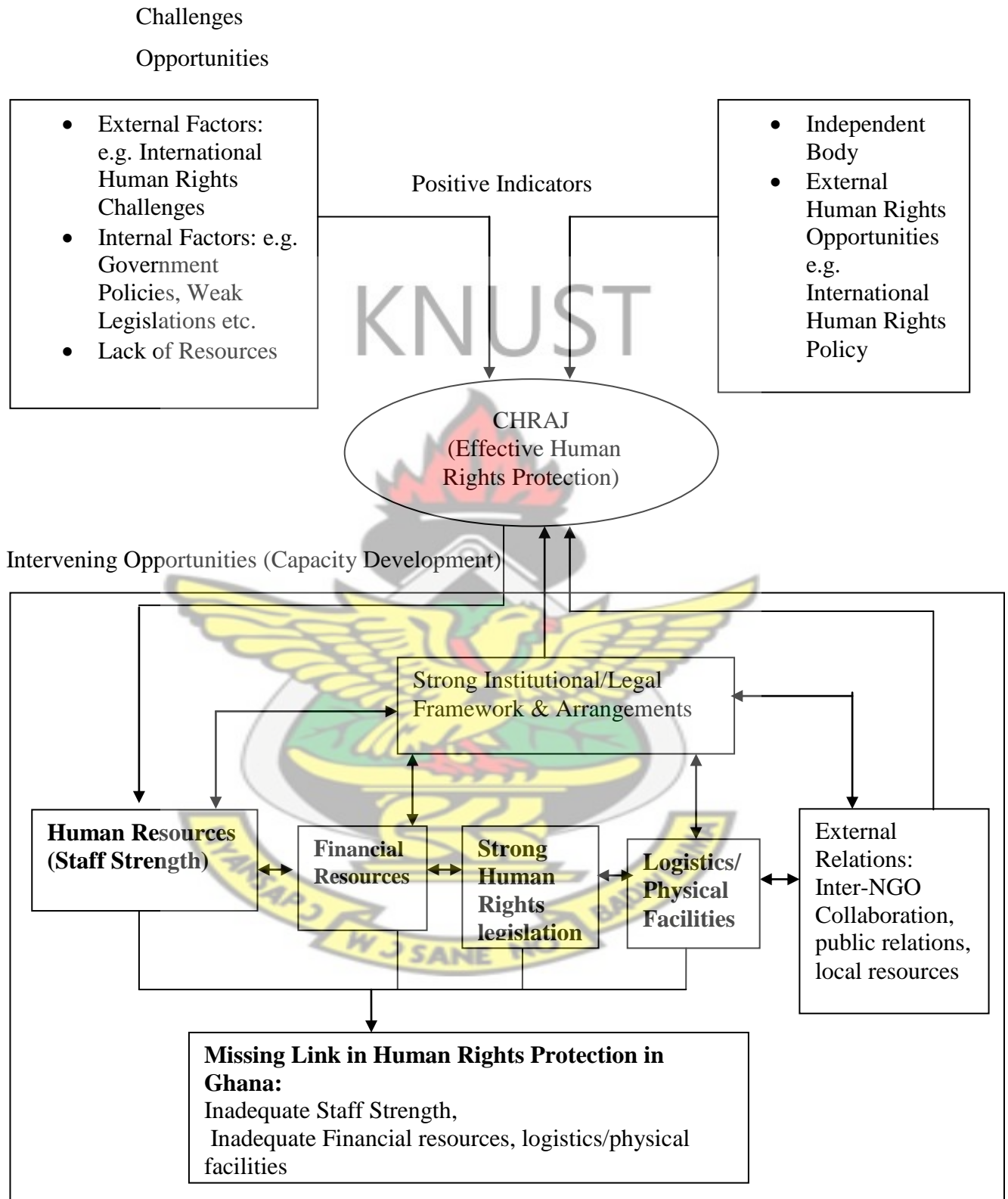
critical to overall organizational functioning. It enables essential information to be provided to the board and to those managers responsible for organizational resources. Good financial management also inspires confidence in funders who are interested in financial accountability and sound financial management.

Financial statements are good indicator of success or otherwise of organization. Sound internal financial procedures regarding the administration of the organization's operating funds and likewise, of individual program grants, offer assurance to donors that their monies are being directed properly. Scrutinizing an organization's financial system is assessing what information the financial system can provide to decision makers. Overall, important organizational goals should be supported by the budget. Lendman (2010) asserted that if international exchange of information is an organizational priority, there should be evidence of funds allocated for electronic data systems, for hosting international visitors, and other related activities in support of this goal.

2.7.5 Logistics (infrastructure, vehicles, computers)

The capacity to manage resources is crucial not only to the performance of institutions but also to organizational survival. It is likely that assessments of the current status of resource management will provide insights into how future resources or grants will be used. As part of understanding capacity, one has to consider the extent to which inadequate infrastructure interferes with the functioning or the potential functioning of a specific institution. Most of the time, deficiencies in one or more elements of infrastructure do not interfere with day-to-day work; however, at some point, work will be impacted. Typically, the crux of the infrastructure issue is maintenance, which suffers due to the lack of recurrent budgets providing for upkeep (Lendman, 2010).

Figure 2.1: The Link between Capacity Development of CHRAJ and Human Rights Protection



Source: Author's Construct, October, 2013

2.8 Summary

From the literature, most authors are of the view that human rights is universal implying that every individual is entitled to certain fundamental rights irrespective of the kind of society in which they find themselves. One of the shortcomings from the literature was that the institutions established to promote and protect human rights focused on the national structures to the neglect of local and community levels where human rights violations are likely to prevail. Again, it has been revealed that, the effective performance of any human rights institution is influenced by factors such as financial, Material, and human resources. Other factors include political will, the extent to which the institution is independent, monitoring and publicity, among others

From the literature, CHRAJ has succeeded in winning a high degree of public legitimacy. This primarily derives, without question, from its willingness to hold senior public figures to account over sensitive matters such as corruption. At a different level it also derives from the relative accessibility of the Commission at a local level and its willingness to adopt a problem-solving approach to dealing with people's complaints rather than a legalistic one.

Comparing CHRAJ to other Human Right Institutions in other countries like Mexico and Indonesia, CHRAJ has some similarities with them and that has to do budgetary allocation. In all these countries, the budget is in a way controlled by the executives or government, however, in Mexico there is no budgetary constraint and the Commission is well resourced and this raises issue of government commitment which is a major challenge to CHRAJ, Ghana. Lack of resources severely hampers the operation of the district offices with the result that local outreach is much less effective than it could be. The objective of opening offices in all districts is seriously questionable if the resources do not exist to make the existing offices function properly

For the purpose of this research however, factors such as Human Resources and Logistics were used to assess the capacity of CHRAJ in relation to exercising its mandate because data on these factors were readily available and accessible.

CHAPTER THREE

RESEARCH METHODOLOGY AND STUDY AREA PROFILE

3.0 Introduction

Preceding this chapter were discussions on the assessment of the capacity of Commission on Human Rights and Administrative Justice (CHRAJ) in exercising its mandate in Ghana. These previous chapters focused on the overview of the research, problem statement, research questions and objectives in addition to the literature review on existing and relevant issues of concern to the phenomenon being researched into. This chapter highlights on the research design and methods employed by examining the techniques and procedures used in carrying out the study. The chapter thus accentuates on the study design, data collection techniques and methods, sampling methods, study variables and the unit of analysis. Again, this chapter captures the profile of the study area emphasizing on the physical, social and economic characteristics.

3.1 Research Design

The study adopted case study design since it is useful in investigating a contemporary phenomenon (Frankfort- Nachmias and Nachmias, 1996), and the contemporary phenomenon under investigation in this study is 'an assessment of capacity of CHRAJ in relation to its mandate'. Moreover case study design offers an opportunity to gather data from various sources (Yin, 2009), and this would make the study more reliable. To satisfy the principles of multi data sources, the study conveniently selected 15 districts with CHRAJ offices in Ashanti Region of Ghana on the basis of proximity and familiarity, from which data were sourced from staff.

The study purposively gathered extensive data from the permanent staff of CHRAJ using questionnaires. The questionnaires covered the objectives of the study, outlined in chapter one and was self- administered. The data were analyzed descriptively using SPSS, version 16.0.

3.2 Population of the Study

The population of this study is staff of CHRAJ in all the districts with CHRAJ offices in Ashanti Region. CHRAJ had evidence of offices in 17 districts in Ashanti Region and these were Kumasi Metropolis, Offinso District, Amansie district, Mampong

District, Sekyere East District, Adansi East District, Ejura Sekyedumase District, Bosomtwe District, Ahafo Ano District, Atwima District, Amansie West District, Asante Akim North Municipal, Asante Akim South Municipal, Sekyere South District, Ahafo Ano North District, Kwabre East district and Obuasi District. The total population of staff of CHRAJ in the Region was 79.

3.3 Sampling Techniques

The difficulty of collecting data from the whole population due to financial and time constraints make sampling inevitable element in research work. According to Agyedu, (1999) the process of sampling makes it possible to limit a study to a relatively small portion of the population. A sample is thus a representative selection of a population that is investigated into in acquiring statistical information of the whole.

The study used a cross-sectional survey to select staff of CHRAJ in the Ashanti Region of Ghana. This helped to get varied and reliable views of staff of CHRAJ on capacity and mandate of CHRAJ. Moreover, the study used convenience and purposive sampling techniques to identify and select the districts with CHRAJ office and respondents of the study. The respondents were staff of CHRAJ. The study selected conveniently selected the districts with CHRAJ offices on the basis of availability of the required data. Within Districts the study purposively selected permanent staff of CHRAJ. The study selected only permanent staff of CHRAJ because permanent staff unlike casual had more insight into the study and could share their views more than casual staff. The staff respondents who were purposively selected were stratified into management staff (Directors, Registrars, and Administrators) and junior (bailiffs, investigators, stenographers, drivers etc). The study then randomly selected the respondents according to the staff classification.

The study employed purposive sampling because it helps to identify most suitable respondents and respondents with specific type of knowledge (Patton, 1990; Kuzel, 1999). The study more employed stratified sampling method because, it is the most representative of a population and provides greater precision than a simple random sampling (Hunt, Neville, Tyrrell and Sidney, 2001). Stratified random sampling is used instead of simple random sampling when the categories of the respondents are thought to be too distinct (Agresti & Finlay, 2008).

3.4 Sample Size Determination

This study adopted determination of sample size by Kish, (1965). Kish set the sample size criteria as the total population, standard error of sampling distribution and the maximum standard deviation of the population elements which is also a confidence level of 95%. The sample size determination formula is given below:

$n = n^1 / (1 + n^1/N)$, where:

n = sample size

$n^1 = S^2/V^2$

N = Total population

V = Standard error of sampling distribution. This is 0.05

S = Maximum Standard deviation of the population elements (Total error = 0.1 at a confidence level of 95%)

$S^2 = P(1-P)$

P = the proportion of the population element that belong to the defined class

At 95 % confidence level

$S^2 = 0.5(1-0.5) = 0.25$

$n^1 = 0.25/0.05^2 = 100$

From the Kish formula above, the sample size for offices CHRAJ were determined.

Sample size for CHRAJ Offices

The population of the offices was 17. Therefore $N = 17$

$n = \frac{100}{(1+100/17)}$

$= \frac{100}{(6.882)} = 14.531 = 15$

Within each CHRAJ office, four (4) staff were sampled as respondents and two (2) were management staff and other two (2) were junior staffs. In all 60 staff out of 79 staff of CHRAJ in Ashanti Region were used as sample size.

3.5 Data Requirements and Sources

The data required for the research includes data on the human, financial, managerial and logistical resources of the Commission on Human Rights and Administrative Justice in the Ashanti region particularly at various districts levels. Furthermore, data on the cases of human rights abuses and activities of the Commission, adequacy and

effectiveness of constitutional provisions of the Commission general structure and staffing as well as how the Commission is financed, were required. In addition, data were needed on the contributions of the Commission on Human Rights and Administrative Justice to the protection of human rights in the region particularly at the district levels.

In undertaking the study, both secondary and primary data sources were used. The secondary data comprised data on cases received and resolved and data on finance of CHRAJ in the Districts in the Region. The secondary data were collected from journals, articles, publications and Regional Annual Reports of CHRAJ.

The primary data were collected on the operations and activities of the Commission on Human Rights and Administrative Justice at the district levels, and the challenges of the Commission. These data were collected from 17 district offices including the regional office in the Ashanti region. Table 3.1 shows data requirement and sources for the study. Table 3.1 shows the data requirements and the sources for the study.

Table 3.1: Data Requirements and Sources

Data Required	Source of Data	Mode of Collection
The operations and activities of CHRAJ	CHRAJ, District, Regional and Sub-Regional Offices	Structured Institutional Questionnaire and Interview Guide
The adequacy and effectiveness of constitutional provisions of CHRAJ	CHRAJ District, Regional and Sub-Regional Offices	Structured Institutional Questionnaire and Interview Guide
Financial capacity of CHRAJ	CHRAJ	Structured Institutional Questionnaire and Interview Guide
General Structure of the CHRAJ	CHRAJ	Interview Guide
Staffing Strengths of CHRAJ	CHRAJ	Structured Questionnaire and Interview Guide
Contributions of CHRAJ to Human Rights protection	CHRAJ	Structured Questionnaire and Interview Guide
Coordination of CHRAJ with other human rights stakeholders	CHRAJ	Structured Questionnaire and Interview Guide
Challenges of CHRAJ in the performance of its operations	CHRAJ	Structured Questionnaire and Interview Guide

Source: Author's Construct, October, 2013

3.5 Data Collection Instruments and Method

The selection of data collection tools and methods is very significant in research. This is due to the fact that the choice of an appropriate tool offers adequate flexibility in addressing respondents differently while investigating into the phenomenon under study. The study employed structured institutional questionnaire to gather data from staff of CHRAJ. Different set of questions were posed to the staffs of CHRAJ at the district offices in Ashanti Region. Under this, a number of close and open ended questions were posed and administered through purposive sampling technique targeting staffs of CHRAJ at all the districts administrative offices.

3.6 Key Study Variables

According to Krueger and Neuman (2006) a variable as a concept that varies implying that a variable may take on two or more values. Miller and Brewer (2003) viewed a variable as an empirical property which can take on two or more values. They emphasized that variables aid in moving a research from conceptual to empirical levels, using the variables as key elements of the research problem. It is to this end that Babbie (2007) indicated that variables are therefore the logical groupings of attributes.

In carrying out the survey, the variables that were adopted for this research include;

1. the operations, staff strengths and the challenges confronting the Commission on Human Rights and Administrative Justice in protecting and safeguarding the human rights of the people;
2. the level of coordination and involvement between and among the various institutions in the area of human rights protection; the financial capacity and the adequacy of constitutional provision in the operations of the Commission and;
3. the attempts/efforts being made to ensure efficient and effective operation and management of the Commission.

3.7 Unit of Analysis and Reporting

A unit of analysis is 'the 'what' or 'whom' being investigated', Babbie (2007) highlighted that units of analysis in a study are usually the units of observation or enquiry. He further pointed out in his explanation that units of analysis are those examined in order to create summary descriptions of all such units and to further

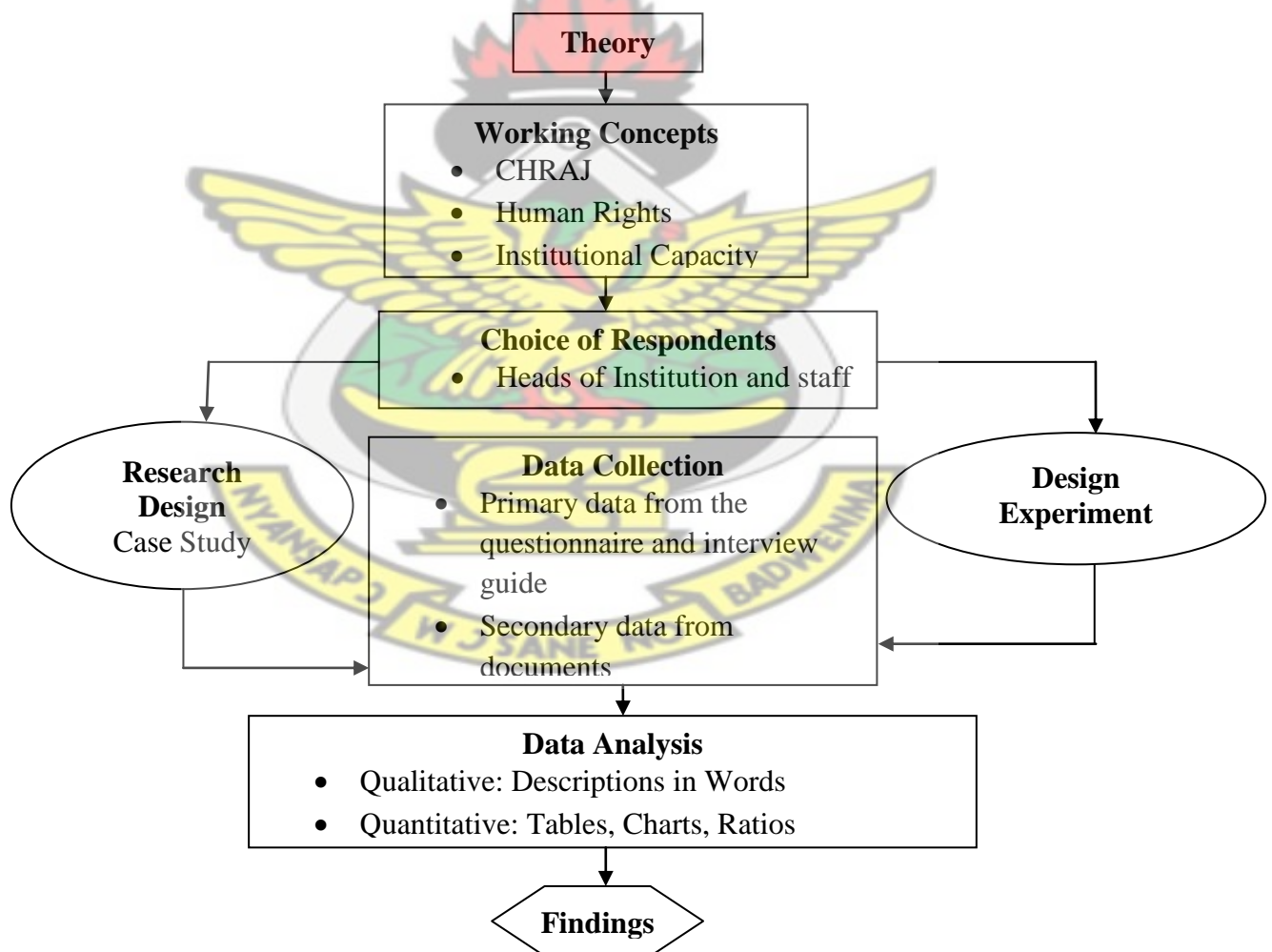
explain the differences among them. It is therefore understood as the most fundamental part of the phenomenon being researched into.

The unit of analysis for the study included;

1. the district Heads of the Commission for Human Rights and Administrative Justice; and
2. the staff of the Commission.

The collected data were analyzed by employing both qualitative and quantitative research techniques. The qualitative analytical technique uses descriptions, observations, explanations and plates to highlight and emphasize on major issues relating to the research. Tables, charts among others are however employed in the case of the quantitative analysis. The data analysis and reporting is illustrated in Figure 3.1.

Figure 3.1 Techniques of Analysis and Reporting of Data



Source: Author's Construct, October, 2011 Based on Waugh (1995), Geography, An integrated Approach (2nd Ed): Page 403.

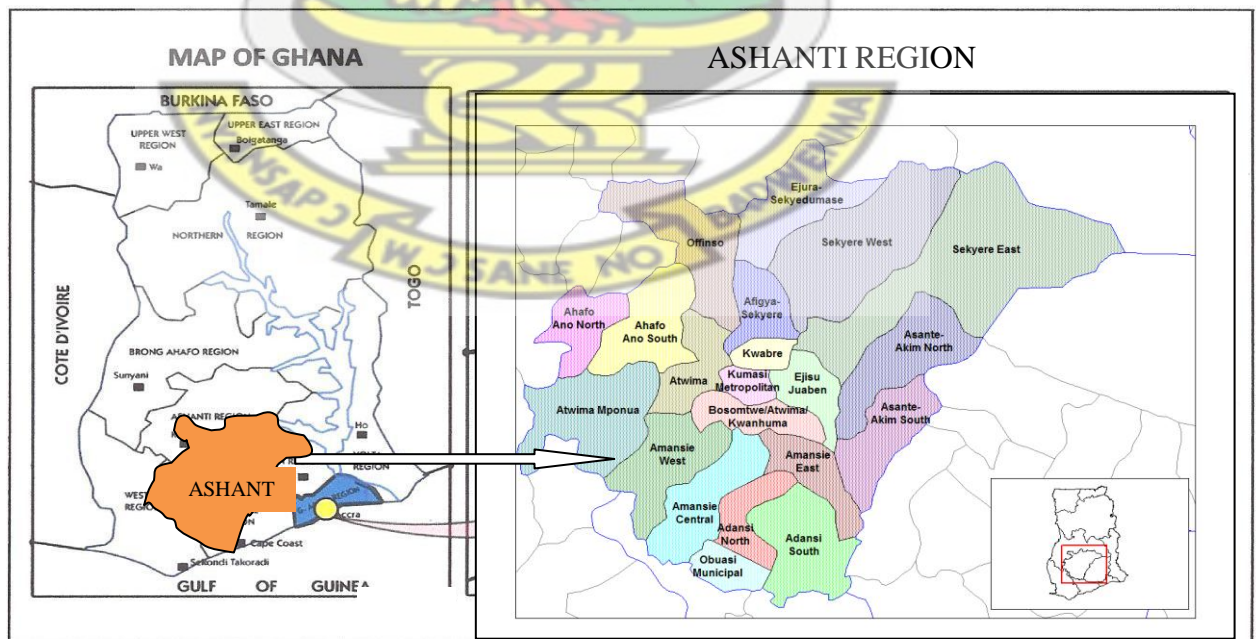
3.8 Profile of the Study Area

This part of the chapter highlights on the study area that is the Ashanti Region of Ghana. Physical characteristics, demographic characteristics and economic characteristics are examined in this section. This provides an in-depth insight of the area under study.

3.8.1 Location and Size

The Ashanti Region is centrally located in the middle belt of Ghana. It lies between longitudes 0.15W and 2.25W, and latitudes 5.50N and 7.46N (Maks Publication and Media Services, 2006). The region shares boundaries with four of the ten political regions, Brong-Ahafo in the north, Eastern region in the east, Central region in the south and Western region in the South west. There are 27 administrative districts in the Ashanti Region including the Kumasi metropolis. The region occupies a total land area of 24,389 square kilometres representing 10.2 per cent of the total land area of Ghana (Maks Publication and Media Services, 2006). It is the third largest region after Northern (70,384 sq. kms) and Brong Ahafo (39,557 sq. kms) regions (Maks Publication and Media Services, 2006). Figure 3.2 shows the location of the region in the national context.

Figure 3.2: Location of the Ashanti Region



Source: Maks Publication and Media Services, 2006

3.8.2 Population Characteristics

The region is the most populous and one of the most rapidly growing regions in the country. The region's population as at the last census in 2000 is 3,612,950, representing 19.1 per cent of the country's population. The region's share of the national population increased steadily from 16.5 per cent in 1960 to 17.3 per cent in 1970 but remained almost the same (17.0 per cent) in 1984 before increasing to its current level (19.1 per cent) (Maks Publication and Media Services, 2006).

The region's population growth rate was 2.9 per cent per annum in 1970, dropped to 2.5 per cent per annum in 1984 and increased to 3.4 per cent in 2000, 1.3 times higher than the national average growth rate of 2.7 percent (Maks Publication and Media Services, 2006). The population growth rate of the region in 2000 is the second highest in the country, after the Greater Accra Region (4.4 per cent). Although the region is the most populous, its density (148.1/sqkm) is lower than those of the Greater Accra (895.5/sq km) and the Central (162.2/sq km) Regions (Maks Publication and Media Services, 2006).

3.8.3 Educational Characteristics

Information on the levels of educational attainment and literacy show that between 40.0 and 50.0 percent of the population in the districts, particularly, females either have no formal education or have only pre-school education. The proportions of the population with basic education vary from 67.7 per cent in the Kumasi metropolis to 86.9 per cent in the Amansie West District. Between 51.3 per cent (Kumasi metropolis) and 73.0 per cent (Amansie West) of the population currently in school are in the primary school. The proportions in Junior High School are low, ranging from 16.1 per cent to 22.4 per cent, tapering down further to lower proportions at higher levels of education (Maks Publication and Media Services, 2006).

Illiteracy levels are high in the districts and higher for females than the males; the level is also higher in rural areas than in urban areas. Illiteracy rates vary from 26.0 per cent in Kumasi metropolis to 64.7 per cent in the Ejura Sekyedumase District. Only three Districts, Kumasi metropolis, Adansi West and Ejisu-Juaben, have illiteracy levels lower than the regional average of 40.4 per cent (Maks Publication and Media Services, 2006).

3.8.4 Economic Characteristics

The economically active population in the Region is engaged mainly in Agriculture (excluding Fishing), with 44.5 per cent of them employed in the branch of activity. This represents a decline from the 1984 level of 61.9 per cent. The next highest proportion of the economically active population is employed in Wholesale and Retail Trade (18.0 per cent), followed by Manufacturing (12.2 per cent) and Community, Social and Personal Services etc., (9.9 per cent) (Maks Publication and Media Services, 2006). These four major economic activities employ a total of 85.0 per cent of the economically active population, which is lower than that of 1984 (94.4 per cent).

The proportion of the economically active population engaged in other economic activities is less than 5.0 per cent in each case. Water and Transport, Storage and Communications, Electricity, Gas and all the other activities increased their proportions of the economically active population employed in 2000 compared with 1984, except Agriculture, Hunting and Forestry (Maks Publication and Media Services, 2006).

3.9 Profile of CHRAJ

The Commission on Human Rights and Administrative Justice (CHRAJ) 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.

The Commission on Human Rights and Administrative Justice was established by an Act of Parliament on 6th July, 1993 (Act 456) to investigate complaints of Violations of Fundamental Human Rights and Freedom, Injustice and Corruption, Abuse of Power and Unfair Treatment of persons by Public Officers in the exercise of their duties with power to seek remedy in respect of such acts or commissions and to provide for other related purposes.

CHRAJ has administrative offices in Ashanti Region of Ghana. The Ashanti Region is made up of 29 Administrative Districts, but CHRAJ is visible in only 17 districts. Municipality like Ejisu is without an office of the Commission. Ejisu which is a municipality relies on either Konongo or Effiduase District offices for redress, though Ejisu is far bigger than both Effiduase and Konongo. The Ashanti Regional Directorate is made up of 15 districts, a Sub-Regional (Obuasi) and a Regional office at Kumasi.

The other twelve Municipal and District Administration have no CHRAJ office at all making the work of nearby District officers burdensome since they have travel far and wide to cover them in addition to theirs especially during the SOHR monitoring exercise. The table 3.2 shows the Districts with CHRAJ Offices.

Table 3.2: Districts covered by CHRAJ in Ashanti Region

NAME OF OFFICE	DISTRICT/MUNICIPAL/METROPOLITAN
Regional office	Kumasi Metro
Offinso	Offinso
Bekwai	Amansie East
Mampong	Mampong Municipal
Effiduase	Sekyere East
New Edubiase	Adansi East
Ejura	Ejura Sekyedumase
Kuntense	Bosomtwe
Mankranso	Ahafo Ano South
Nkawie	Atwima Nwabiagya
Manso Nkwanta	Amansie West
Konongo	Asante Akim North Municipal
Juaso	Asante Akim South
Agona	Sekyere South
Tepa	Ahafo Ano North
Mampong	Kwabre East
Obuasi	Obuasi

Source: 2010 Regional Annual Report, Ashanti Region, CHRAJ

All the 17 offices in the Region are accommodated by their various assemblies except the Kumasi Regional Office which is not in any of the Assemblies. The Kumasi office is the only one in a private accommodation where huge bills are paid regularly. Some of the district offices are one room office – Ejura, Mampong, Mankranso and Nkawie. The Regional Office in Kumasi is within the premises of the State Insurance Company (SIC) at Bompata opposite the Prempeh Assembly Hall. The office is old fashion, needs to be painted, new curtains bought and redesigned/partitioned since the

rooms are not spacious enough for effective service delivery by the staff. All the toilet facilities are a distance away from the office and it is the only office in the block that has its washroom door in the open, making the use of the washroom very difficult. The Regional Directorate is determined to relocate to a better and a modern accommodation at the Centre of Kumasi. Only two offices in the Region have government accommodation which are not even duty post as such. Efforts are being made for the MCE's to allocate them to the Commission as duty posts.

3.10 Summary

The research methodology has clearly spelt out the processes and procedures that would be followed in the conduct of the research. The study area profile indicated high level of illiteracy in the region. Again, the dominance of agriculture sector in the Region coupled with the high rate of illiteracy is also an indication of the people's inability to know and understand their human rights which would be a possible difficulty in the operations of the Commission on Human Rights and Administrative Justice.



CHAPTER FOUR

ANALYSIS AND PRESENTATION OF FINDINGS OF THE STUDY

4.0 Introduction

In this chapter, the results of the study are presented and discussed. The presentation and discussion of data were done in accordance with the arrangement of objectives of the study. Data were collected from staff of CHRAJ in 17 districts of Ashanti Region. The main instrument used was questionnaire.

4.1 Number of Districts covered by CHRAJ in the Region

The researcher wanted to know whether CHRAJ has its offices in all the districts in the Ashanti Region or not and if not the percentage of the districts covered by CHRAJ in the Region. From the data gathered from the regional office of CHRAJ, Ashanti Region is made up of 29 Administrative Districts, but CHRAJ is visible in only 17 and this is made up of 15 districts, a Sub-Regional (Obuasi) and a Regional office at Kumasi. The offices are shown in the Table 4.1.

Table 4.1: Districts covered by CHRAJ in Ashanti Region

NAME OF OFFICE	DISTRICT/MUNICIPAL/METROPOLITAN
Regional office	Kumasi Metro
Offinso	Offinso
Bekwai	Amansie East
Mampong	Mampong Municipal
Effiduase	Sekyere East
New Edubiase	Adansi East
Ejura	Ejura Sekyedumase
Kuntenase	Bosomtwe
Mankranso	Ahafo Ano South
Nkawie	Atwima
Manso Nkwanta	Amansie West
Konongo	Asante Akim North Municipal
Juaso	Asante Akim South
Agona	Sekyere South
Tepa	Ahafo Ano North
Mampong	Kwabre East
Obuasi	Obuasi

Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ

This means that CHRAJ Administratively covers 58.6 per cent of Ashanti Region. Municipality like Ejisu is without an office of the Commission. Ejisu which is a municipality relies on either Konongo or Effiduase District offices for redress (2010 Regional Annual Report, Ashanti Region, CHRAJ), though Ejisu is far bigger than both Effiduase and Konongo (Maks Publications, 2006). Ejisu has no CHRAJ office because it is closer to the Regional Office (Kumasi Metropolis) and people of Ejisu can bring their cases to Kumasi for redress. However, people of Ejisu prefer to go to Konongo and Effiduase CHRAJ offices for redress to the regional office due to high pressure at the Regional Office (2010 Regional Annual Report, Ashanti Region, CHRAJ).

4.2 Characteristics of Respondents

Under the human resource capacity, the study considered gender gap, age of staff and number of personnel, knowledge and skills development of staff.

4.2.1 Gender of Staff

Out of the 60 respondents interviewed, 46 representing 76.7per cent were males. The remaining 14 respondents forming 23.3per cent were females. This is due to the fact that throughout the world and for much of history, women have had dual roles as income generators (workers) and wives/mothers/caregivers, while men have largely functioned as income generators (Glick and Sahn 1998; Glick, 2002). Although women's representation in the workforce has increased dramatically over the past 30 years, they continue to have most of the family and household responsibilities (Glick and Sahn 1998; Glick, 2002). This has implication for service delivery at local level. According to CHRAJ's report (2012) and district directors of CHRAJ, most of the human right cases are reported by women against men and women mostly report cases to female staff of CHRAJ than male staff since women mostly share the passion of the victims. This has the tendency to negatively affect service delivery at the local level.

4.2.2 Age of Staff

From Table 4.2, majority of the respondents (48.3per cent) fell between 35 and 44 years. The remaining 33.3per cent, 11.6per cent and 6.7per cent of the respondents fell between 25 and 34 years, 45 and 54 years and above 55 years respectively. Given the age distribution of staff, majority of the staff are below 55 years and this reduces the propensity of retirement in the nearby future and more experienced staff are retained

for effective delivery. This suggests that CHRAJ in Ashanti Region has more energetic and experienced staff to reach out to majority of communities in the districts in which it operates. As more staff could be retained through motivation, the Commission at the district level in the Ashanti Region could have energetic, motivated and experienced staff to carry out its mandates in local communities.

Table 4.2: Age Group and Sex

Age group	Gender				Total (%)	
	Males		Females			
	N	%	N	%	N	%
25 – 34	15	25.0	5	8.3	20	33.3
35 - 44	22	36.7	7	11.7	29	48.4
45 – 54	5	8.3	2	3.3	7	11.6
55+	4	6.7	-	-	4	6.7
Total	46	76.7	14	23.3	60	100.0

Source: Author's Field Data, October, 2013

4.2.3 Educational Level of Staff

All the staff interviewed had post SSS education. Most of the respondents (35.0per cent) had 1st degree as their highest level of education followed by those with diploma (26.7per cent). Those with HND formed 26.7percent and the remaining 8.3percent went to Post Graduate education. This is provided in Table 4.3. This suggests that the Commission employs qualified staff and professionals in carrying out its mandates. Data at the Ashanti Regional Office of CHRAJ on Human resources for the Region revealed that out of the 79 staff, 6 forming 7.6per cent have 2nd degree, 31 forming 39.2per cent have 1st degree and 42 forming 53.2per cent have Diploma and this is consistent with the result of the study. Better educated staff is more efficient and effective in work performance when well motivated. Hence CHRAJ with more qualified staff suggests that CHRAJ could better carry out its mandates at the local levels in Ashanti Region of Ghana. The Commission's staff exhibited professionalism in matters brought before it because of their higher educational levels.

Table 4.3: Educational Level of Respondents

Educational level	N	%
Diploma	18	30.0
HND	16	26.7
1 st Degree	21	35.0
Post graduate	5	8.3
Total	60	100.0

Source: Author's Field Data, October, 2013

4.3 Assessment of Capacity of CHRAJ at the Local Level.

The capacities of CHRAJ considered in this study were human resource capacity, logistical capacity and financial capacity.

4.3.1 Human Resource Capacity

The adequacy of number of staff and training of staff were considered in this study as two main key human resource factors and their impact on service delivery.

4.3.1.1 Number of Personnel

The Region had permanent staff strength of 79 and 13 National Service personnel and the staff strength for each district and their gender distribution is shown in Table 4.4.

Table 4.4: Distribution of Personnel in the Districts

CHRAJ OFFICE	NO. OF STAFF	GENDER		NAT. SERVICE PERSONNEL
		MALE	FEMALE	
Kumasi	14	9	5	5
Offinso	5	4	1	2
Bekwai	3	2	1	
Mampong	3	2	1	
Effiduase	4	3	1	
New Edubiase	3	2	1	
Ejura	4	4	0	1
Kuntense	4	3	1	
Mankranso	4	3	1	
Nkawie	4	3	1	
Manso Nkwanta	4	3	1	
Agona	4	3	1	
Konongo	5	4	1	1
Juaso	4	3	1	1
Tepa	3	3	0	
Mampong	4	3	1	
Obuasi	7	5	2	3
Total	79	59	20	13

Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ

With reference to the organizational structure of CHRAJ for districts, each district office was to have a minimum staff capacity of 5 and for the 16 district offices (excluding the Regional Office) a minimum staff capacity would be 80 which and this was 15 staff more than the current staff strength of 65 for the 16 districts. From 4.4, many districts had staff strength below the minimum staff capacity. Only Obuasi office had staff strength above the minimum staff capacity stipulated by the organizational structure and this according to Ashanti Regional Director of CHRAJ, Obuasi is a Municipal and was expected to serve more people within and outside the municipality. .

The staff respondents were asked whether the number of staff currently at post is adequate for the office and Commission to perform its mandate effectively. From 60 staff interviewed, 51 staff constituting 85.0per cent were of the view that the number of staff was not adequate for the Commission to carry out its mandate at the District levels. The remaining 9 staff forming 15.0per cent believed the Commission had adequate staff at the District Levels and this number even believed that if other factors which they work with were improved the existing staff could work effectively. The inadequate number of staff, according to them delays cases and most cases are not attended to. The finding is consistent with Ashanti Region CHRAJ Annual Report (2012). According to this report, there were number of vacancies created by transfers (Kumasi: 1 and New Edubiase: 1)), upgrading/ promotion (the number of promotion and rank in the districts are detailed in Table 4.5) and death of staff (Juaso: 1 and Kumasi: 1) (Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ).

Table 4.5: Upgrading/ Promotion in the Districts

NO.	RANK	PROMOTION	DISTRICT
1.	Stenographer Gd I/Sec	Stenographer Secretary	Kumasi
2.	Driver Gd I	Transport Asst.	Kumasi
3.	Prin. Asst. Registrar	Chief Assit. Registrar	Offinso
4.	Prin. Asst. Registrar	Investigator D/D	Bekwai
5.	Prin. Bailiff	Chief Bailiff	Offinso
6.	Snr. Stenographer	Stenographer Secretary	Bekwai
7.	Snr. Bailiff	Prin. Bailiff	Nkawie
8.	Snr. Bailiff	Prin. Bailiff	New Edubiase
9.	Jnr. Bailiff Gd 1	Snr. Bailiff	Mankranso
10.	Asst. Registrar	Prin. Asst. Registrar	Mankranso
11.	Jnr. Bailiff	Bailiff	Konongo
12.	Prin. Asst. Registrar	Chief Asst. Registrar	Nkawie

Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ

These vacancies created suggest that the Ashanti Region needs more staff for the Commission and some of the specific staff needed is shown in the Table 4.6.

Table 4.6: Vacancies in the Districts

NO.	NAME OF DISTRICT	VACANCY
1.	Regional office	Regional Director
2.	Juaso	District Director
3.	New Edubiase	Asst. Registrar
4.	Mampong	Asst. Registrar
5.	Bekwai	Asst. Registrar
6.	Tepa	Secretary
7.	Regional office	Bailiff
8.	New Edubiase	District Director
9.	Regional office	Legal Officers 2

Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ

The above analysis on number of personnel clearly shows that the CHRAJ offices in districts of Ashanti Region had inadequate number of staff and majority of CHRAJ offices in the districts (13 offices out of 16 offices) had staff strength below the 5 staff capacity (minimum staff strength). Human resource is an essential asset of any organization and its quantity and quality influences performance in any organization; hence the inadequate staff strength in the districts would adversely affect the ability of CHRAJ to perform its mandate.

4.3.1.2 Training and Development of Staff

Staff training enhances knowledge and skills to make staff more efficient in delivering their responsibilities. For this reason, the staff of CHRAJ at the District Levels undergo training to equip them to perform effectively and the study found out whether training/seminars and workshops are organised for these staff on regular basis and the responses of staff are categorized under: 'Not regular' and 'Regular'. Out of 60 staff, 71.7per cent and 28.3per cent of the staff were of opinion that organization of trainings programmes such as seminars, workshops and conferences for them were 'Not regular' and 'Regular' respectively. According to the respondents the District directors were mostly the target of training programmes, seminars and conferences. This clearly shows that staff training and development were not regularly organised to update the knowledge of staff on the new and better ways of carrying out their mandate in an efficient manner.

The management of each CHRAJ office cited inadequate funds which are hardly received on time, and unreliable donor supports as major reasons for the Commission's inability to organise training programmes regularly.

Moreover, the researcher asked the respondents to evaluate the training/ seminars/ conferences participated by them and the evaluation cantered on 'relevance of the training programme' and their 'informative nature'. In looking at the 'relevance of the training programme (s)', majority of the respondents described the training programmes participated by them as 'very relevant' (68.3per cent) with the remaining 31.7per cent describing their respective training programmes as 'relevant'. Also, on the informative nature of training programmes, majority of the respondents described their training programmes as 'very informative' (70.0per cent) with 30.0per cent of the respondents describing their respective training programmes as 'informative'.

Furthermore, a Training Needs Assessment was used to separate the job tasks into those for which training is needed and those for which it is not. There are many methods to determining individual training needs and these include using pencil and paper assessment tests, performance assessment, performance capability interviews and job incumbent surveys. The study used Performance Capability Interview or Survey method. The researcher made the workers assessed their own training needs by evaluating their own competencies on what every staff of CHRAJ must know with a scale ranging from 1 as the lowest to 6 as the highest. The key tasks selected were mediation, customer care, booking of complaints, mandate of CHRAJ, communication skills and computer literacy (Word, Excel, Internet usage etc). The responses are summarized in the Table 4.7.

Table 4.7: Competence Score of Staff of CHRAJ

Core Tasks (%)	Score	Percentage Score
Computer Literacy	198	55.0
Customer Care	274	76.0
Mandates	100	28.0
Communication Skills	254	71.0
Mediation	143	40.0
Booking of Complaints	246	68.0

Source: Author's Field Data, October, 2013

From Table 4.7, customer care has the highest score (274; 76.0per cent) followed by communication skills (254; 71.0per cent). According to the staff, most of the training programmes were focused on customer care, communications skills and booking of complaints and this explains why they had the highest score. The knowledge on mandates of CHRAJ by its staff had the lowest score (100; 28.0per cent) followed by mediation (143; 40.0per cent), each below 50.0per cent. It further revealed on the mandates that most of the training on the mandates are focused on Human Rights aspect to the neglect of the other two (Anti- corruption and Administrative Justices). Computer literacy is of great concern since in today's business environment information communication technology is a key to business success. The knowledge of staff on computer literacy in the area of 'Word', 'Excel' and 'Internet' is little above 50.0per cent.

4.3.2 Logistical Capacity of CHRAJ

The logistic capacities considered in this study were office equipment and means of transport at the district levels of CHRAJ.

4.3.2.1 District Office Accommodation

All the 17 offices in the Region are accommodated by their various Assemblies except the Kumasi Regional office which is not in any of the Assemblies' building. The Kumasi office is the only one in a private accommodation. Some of the district offices are one room office – Ejura, Mampong, Mankranso and Nkawie and the offices are not spacious enough to accommodate five people at a time. Respondents indicated that hearing of complaint from public on a busy day sometimes inconvenient staff and public alike as their offices becomes so congested that they sometimes drive some clients away.

4.3.2.2 Office Equipment

Most of the offices in the region have no office equipment at all. Out of the 17 offices in the region, only 6 (35.3per cent), 6 (35.3per cent), 2 (11.8per cent), 3 (17.6per cent) and 1 (5.9per cent) had computers, printers, fax machine, telephone and television respectively. It is only the regional office (Kumasi) that had all the essential equipment. Most of the District offices (Effiduase office, New Edubiase office, Ejura office,

Mankranso office, Nkawie office, Manso Nkwanta office, Agona office, Juaso office, Tepa office) had none of the essential equipment as shown in Table 4.8.

Table 4.8: Equipment Level

N o.	Name of Office	Computers	Manual Typewriters	Electric Typewriters	Printers	Fax	Telephone	Television
1.	Regional, Kumasi	1 (old) HP	-	0	1	1	3	1
2.	Offinso	1 new	-	-	1	-	-	-
3.	Bekwai	1 new	-	-	1	1	-	-
4.	Mampong	-	-	1	-	-	-	-
8.	Kuntense	1 new	-	-	1	-	-	-
13	Konongo	-	-	-	-	-	1	-
16	Mampong	1 new	-	-	1	-	-	-
17	Obuasi(Sub Regional)	2 new	-	1	1	-	1	-

Source: 2012 Regional Annual Report, Ashanti Region, CHRAJ

The lack of essential equipment reduces labour efficiency thereby making the staff of the Commission unable to deal with all the cases on time. Labour does not work in isolation but rather work with other factors and the quality and quantity of which are essential in order to increase efficiency and productivity. An appreciation of table 4.8 demonstrates how the organisation is handicapped in fulfilling its mandate as ordinary office equipment like computers, printers, telephone, fax machine etc which every office should have are not provided to them to facilitate their operation.

In the View of the respondents the activities of the CHRAJ in the district offices have always been constrained by inadequate logistics particularly means of transport to reach the remotest parts of the district in its quest to educate and make the service of the Commission accessible to all. The respondents further noted that, in this age of information technology, most of the CHRAJ district offices do not even have a single computer, all registry procedures are done manually. The problems notwithstanding,

CHRAJ is striving to reach every district and everyone in all districts who one way or the other needs the services of the Commission.

4.3.2.3 Means of transport

All the District offices have motor cycles as means of transport and none of the district offices have a car as means of transport. Moreover, out of the 16 District offices (the regional office is excluded), 9 representing 56.3per cent had their motor cycle properly functioning at the time of visit. The remaining 7 District offices constituting 43.7per cent had their motor cycle not functioning. The means of transport is one of the major challenges confronting the District offices in carrying out their mandates. The monitoring team are not able to visit all the communities as scheduled from time to time and educate the communities on Human Right issues etc. This according to the respondents makes the Commission unable to reach all communities and people as planned by the Commission.

4.4.3 Financial Capacity of CHRAJ

With regard to financial capacity, the salaries and expenses of the Commission are charged to the Consolidated Fund as provided by Article 227 of the Constitution. The Commission's budget is not linked to any government ministry or other body. It prepares and submits its own budget to the Ministry of Finance for approval and the Ministry cuts the budget after stringent budget hearings. According to the District Directors, the Commission on the average gets not more than 60per cent of its proposed budget. Moreover, the District Directors of CHRAJ were of the view that the Commission does not allocate its financial resources evenly and the rural districts are disadvantaged. The district directors reluctantly indicated that CHRAJ offices in the districts all over the country operate with an imprest of GH¢620 every quarter for administrative expenses, transport and travel (T & T), and general operations.

They further complained that most of the district offices were deprived and get little assistance from the district assemblies, since they are considered separate by their independence from any ministry. The respondents attested that funding is not released on time for the Commission at the district levels to embark on its activities on time.

The finding is consistent with literature. Bossman (2006) indicates in practice, CHRAJ cannot obtain funds without recourse to the Ministry of Finance and this in her opinion

undermines the independence of CHRAJ. The Annual CHRAJ Report (2010) indicates that the Commission faces budgetary constraints and this has made the Commission unable to open offices in all districts of the country (Annual Report, CHRAJ, 2012). The result of this budgetary constraint is that, office accommodation and other logistics such as vehicles and equipment cannot be provided. Further linked with the financial difficulties of CHRAJ is its inability to reach out to the majority of Ghanaians, especially the rural dwellers who constitute about 70per cent of Ghana's population, with its outreach educational programmes (Bossman, 2006). Again, due to financial difficulties the Commission basically has to rely on charity from NGOs to partly carry out its public awareness programmes (Bossman (2006), Annual Report, CHRAJ, 2012).

4.4 Execution of Mandate of CHRAJ

This sub-section considered the scope of mandates of CHRAJ and performance at the local level.

4.4.1 Scope of Mandates

The Commission is mandated to ensure human rights; investigate complaints of acts of administrative injustice; investigate all instances of alleged corruption; restore all legally- acquired properties that were confiscated by governments; enforce a code of conducts for public officers; and monitor human rights abuses. This section thus looks at the scope of the mandate and strength of the Commission in relation to its workload.

The respondents who are staff of CHRAJ were asked to give their opinion on the scope of the mandate of CHRAJ. The responses were grouped the responses as: 'OK' (the Commission can effectively handle its mandates), 'Broad' (the mandates is bigger than the Commission) and 'Very Broad' (the mandate is far bigger than the Commission) and are summarised in the Table 4.15. From Table 4.9, 51.7per cent, 43.3per cent and 5.0per cent had the opinion that the Commission's scope is 'Very Broad' , 'Broad' and ' OK' respectively. This is because; CHRAJ is currently designed as three- member commission and therefore inadequate to carry out its mandate. They therefore called for amendment of 1992 Constitution to expand the composition of CHRAJ since the current workload is too much for only three Commissioners to handle successfully. This finding is consistent with notion of Bossman, (2006). According to Bossman (2006), the institution is unduly bureaucratic and overburdened with work which in turn

can and does affect efficiency and quality. The CHRAJ found this to be true as it has not been able to discharge its anti-corruption mandate as efficiently as it would wish due to a very heavy workload in complaint resolution (Bossman, 2006). It is also clear that the wide and vague nature of human rights mandate of CHRAJ creates a problem of jurisdiction especially at its district level, where a very wide and varied nature of complaints ranging from landlord – tenancy issues to property related matters and intestate succession (Bossman, 2006).

Table 4.9: The Scope of CHRAJ

Scope of Mandate	N	%
Very Broad	31	51.7
Broad	26	43.3
OK	3	5.0
Total	60	100.0

Source: Author's Field Data, October, 2013

Moreover, the respondents identified an overlap of functions between CHRAJ and the Economic and Organised Crime Office (EOCO), since there is uncertainty as to which institution should address the problem of combating corruption. CHRAJ has a clear mandate of investigating corruption and EOCO is mandated to investigate situations where there is financial loss to the state. Based on the foregoing, as much as 71.7 per cent of the respondents had the opinion that the anti-corruption mandate should be undertaken by different institution but not CHRAJ.

Given, the broad mandate, the staff respondents were further asked to indicate, the aspect of the mandates of CHRAJ, effectively carried out in the local communities in the Ashanti Region of Ghana. All staff respondents indicated that human right mandate was effectively carried out by CHRAJ in the local communities. They added that the Commission educate the local communities, including religious bodies on culture of respect for human right through electronic & print media – TV, radio, newspapers, newsletters, etc; workshops, seminars, conferences, training programmes, lectures, debates, quiz competitions, etc; and outreach programmes to religious institutions, civil society groups, schools, markets, rural communities, etc

4.4.2 CHRAJ's Performance at Local Level

The study assessed the performance level of CHRAJ at the local level by asking the staff to indicate the level of performance by using the indicators: excellent performance (80per cent +), very good performance (70-80per cent), good performance (60-70per cent), average performance (50per cent-60per cent) and below average performance (50per cent and below). The responses are summarized in Table 4.10. From Table 4.10, majority of the staff (51.57per cent) had the perception that CHRAJ was performing averagely at the local level. According to this group of staff, CHRAJ had not been able to adequately resolve all cases brought before it and most cases were left unresolved. Also, according to them, the Commission had not been able to embark on regular educational outreach programmes in the localities.

Table 4.10: Performance of CHRAJ at Local communities in Ashanti Region

Performance indicators	Frequency (F)	Percentage (%)
Good performance	17	28.33
Average performance	31	51.57
Below average performance	12	20.0
Total	60	100.0

Source: Field Data, October, 2013

The study further asked the staff to rank the importance of human resource, logistics and financial capacities in relation to their impact on CHRAJ's execution of its mandates. The least ranked capacity had score of 60 and the highest ranked capacity had score of 180. The responses are shown in Table 4.11. From the Table 4.11, the staff perceived financial capacity as the major capacity which influenced the performance of CHRAJ in the local communities. However, human resource was perceived by staff as least capacity relative to financial and logistical capacities.

Table 4.11: Importance of Capacities in Performance of CHRAJ Mandates in Local Communities

Capacities	Ranking score	Grading
Human capacity	90	3 rd ranking
Financial capacity	180	1 st ranking
Logistical capacity	140	2 nd ranking

Source: Author's Field Data, 2013

4.4.3 Comparison of Cases Received and Resolved

The Commission since its inception has received several complaints and typical among them are wrongful detention and assault by the security agencies, delay in the trial of suspects remanded into custody, gender discrimination and sexual harassment at the work place and domestic violence and the greatest number of complaints received by the Commission are family related and maintenance cases (The Commission's 2012 Annual Report). Table 4.16 below contains total reported cases of human rights abuses/infringements vis-à-vis total number of cases successfully disposed off by the Commission in all the 17 different districts in the Ashanti Region from 2002 to 2012.

From figure 4.12, while total reported cases at the Commission have increased consistently, total cases disposed off have increased slowly over the study period (from 2002 to 2012). For this reason, total cases disposed off have remained far below 50 percent of total reported cases given cause for worry. For example in 2002, total cases disposed off formed 10.43per cent of total reported cases at the Commission. It is clear that the total cases disposed off formed 59.75per cent of total reported cases increased in 2004, but decreased continuously to 2012. At the end of 2012 total cases disposed off formed 20.87per cent of total reported cases. This clearly confirmed that the Commission is not effectively performing its mandates in the local communities of Ashanti Region.

Table 4.12: The proportion of reported cases that are disposed by the Commission

Year	Total Reported Cases	Total cases disposed off	Proportion of Total Reported Cases that are disposed off
2002	12654	1213	10.43
2003	13072	2154	16.48
2004	14434	8625	59.75
2005	35336	16301	46.13
2006	56340	14445	25.64
2007	87206	36506	41.86
2008	180898	50711	28.03
2009	193638	68945	35.61
2010	255226	71678	28.08
2011	389370	78254	20.10
2012	551436	115085	20.87

Source: Regional Annual Reports (2012), Ashanti Region, CHRAJ

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.0 Introduction

This chapter looks at the summary of findings, conclusion and recommendation.

5.1 Summary of Findings

1. CHRAJ had administrative offices in only 17 Districts including the Regional office. This means that CHRAJ administratively covers 58.6per cent of the Ashanti Region of Ghana. This suggests that the Commission was unable to provide services to many people due to constraint imposed on it by its areas of operation.
2. The Commission was handicapped with qualified and competent personnel and also its staff strength generally was inadequate and this was partly due to poor conditions of service.
3. Most of the District offices (Effiduase office, New Edubiase office, Ejura office, Mankranso office, Nkawie office, Manso Nkwanta office, Agona office, Juaso office, Tepa office) had no equipment to work with. Only the Regional office (Kumasi) had all the needed equipment to work with.
4. All the District offices had motor cycle as means of transport and none of the district offices had car as means of transport and 56.3per cent had their motor cycle properly functioning at the time of visit.
5. Majority of staff (51.7per cent) had the opinion that the Commission's mandate was very broad and the Commission was over loaded hence the need for Constitutional amendment to expand the composition of CHRAJ. The respondents moreover, called for separate body to handle anti- corruption mandate.
6. The knowledge of staff on mandate and mediation was below 50.0per cent.
7. Cases received had increased and among the cases received, child related cases such as child neglect which is very common in the Region dominated.
8. The Commission is performing averagely in the local communities and the most challenge was financial capacity.

5.2. Recommendations

1. **Creation of more administrative offices.** CHRAJ has administrative offices in only 17 Districts including the Regional office and for the Commission to reach all people and to be able to carry out its mandate effectively; the Commission must have administrative offices in all other Districts. The Commission can collaborate with respective District Assemblies to donate office accommodation to the Commission.
2. **Improvement of working environment.** The District offices of the Commission lack most of the essential equipment to deliver their mandates. The Government and Human Rights related NGOs should assist the Commission to procure more quality office equipment like computers, printers, type writers and telephone to each District office to efficiently and effectively deliver its mandates.
3. **Expanding the composition of the Commission.** CHRAJ's current design as a three- member commission is inadequate to carry out its mandate. Therefore as done in other African countries like South Africa, Uganda and Malawi, the 1992 Constitution of Ghana should be amended to expand the composition of CHRAJ since workload is too great for only three commissioners to handle successfully. As it is now the mandate of the Commission is broad or very broad and the Commission lacks the capacity to carry out its broad mandate. With regards to overlap between CHRAJ and EOCO, anti- corruption issues should be handled by separate body like EOCO.
4. The Commission should be permitted to submit its budget directly to Parliament after it has presented it to the Ministry of Finance for consultation as is the case with the judiciary. This would make its institutionally guaranteed independence more meaningful.
5. **New areas of training.** The knowledge of staff on mandate and mediation is below 50.0per cent. The Commission should therefore refocus the training of staff on its mandates; especially Anti- corruption mandate and Administrative mandate and mediation. Moreover the staff should be encouraged to enroll for computer programmes on 'Word', 'Excel' and 'internet'.

5.3 Conclusion

Public service accountability and good governance should be seen not only as global but also national issues which should be addressed seriously. Since its inception, CHRAJ has served as the spokesman for the voiceless, has offered many services to the people especially the less privileged in the society who do not have sufficient means to prosecute their grievances in the law courts. CHRAJ has had an impact, particularly in highlighting prison conditions, harmful traditional practices against women and girls and also in providing public education on human rights. CHRAJ has established itself as a credible institution which enjoys public confidence. It must therefore continue to be firm and must not shy away from taking on some of the more politically sensitive issues, such as governmental corruption.

CHRAJ has been ambitious both in creating a nationwide network of offices and in taking on a broad array of issues, though the heavy workload and the poor conditions of service have led to high staff turnover. Considering the fact that CHRAJ has administrative offices in only 17 Districts coupled with calibre and adequacy of the staff, makes the Commission unable to provide services to many people due to constraint imposed on it by its areas of operation and staff strength. The result is that, to some citizens, the Commission's services are not available to some who may want to access it.

In conclusion, it can be stated that if the above mentioned recommendations are put in place the Commission would at least be able to chalk some modest gains which may have eluded it since its establishment.

REFERENCES

- Adler J. (1958): 'Curing World Poverty: The New Role of Property', Random House, Washington D.C
- African Commission on Human and Peoples' Rights (1979): 'Human Rights in Africa', http://www.achpr.org/english/_info/charter_en.html. (Retrieved on 2010-08-29).
- Agresti, A. and Finlay, B. (2008): Statistical Options for the Social Sciences, 4th edition. (Upper Saddle River, NJ: Prentice Hall).
- Anderson, G., (1993): 'Fundamentals of Educational Research', Falmer Press, London, pp: 152- 160.
- Attafuah, K.A. (2010): Lecture on "Governance in Ghana: Challenges to Administrative Justice, Anti-corruption and Access to Justice". June 14, 2010.
- Asibuo, S.K. (2000): The Role of the Commission on Human rights and Administrative Justice in Promoting Public Sector Accountability under Ghana's Fourth Republic.
- Ayee, J.R.A. (1994) 'Notes on the Commission on Human Rights and Administrative Justice under the 1992 Constitution', *Verfassung Und Recht in libersee*, 27 Jahrgang 2 Quartal. Page 160; 164.
- Ayee, J.R.A. (1998): 'The Ombudsman Experiment in the Kingdom of Swaziland: A Comment', *Verfassung Und Recht in libersee*, 21 Jahrgang 1 Quartal. Pages 4-15.
- Ayeni, V. (1977): 'Evolution and Prospects of the Ombudsman in Southern Africa', *International Review of Administrative Sciences*, Vol.63.
- Babbie E. (2007): 'The Practice of Social Research (5tr Ed)', Wadsworth Publishing Company, United Kingdom
- Bosman, A. (2006): 'Promoting and Protecting Human Right, Ensuring Administrative Justice and Fighting Corruption in Ghana', Commonwealth Conference of National Human Rights
- Bromley, D. B. (1990): 'Academic Contributions to Psychological Counseling', *A Philosophy of Science for the Study of Individual Cases. Counseling Psychology Quarterly*, 3(3), p 299- 307.

- Centre for Economic and Social Justice (2008): 'Defining Economic Justice and Social Justice', CESJ is a non-profit 501(c)(3) educational and research organization USA. www.cesj.org (Accessed on 18th October, 2010)
- Chadwick, G. (1978): 'A Systems View of Planning: Towards a Theory of the Urban and Regional Planning Process', Second Edition. .Page 16
- Cook, R. J. and Fathalla M. F. (1996): 'Advancing Reproductive Rights Beyond Cairo and Beijing, International Family Planning Perspectives', Guttmacher Institute.
- Commission on Human Rights and Administrative Justice; Newsletter (August / September, 2008), Institutions Malborough House, London
- Constitution of the Republic of Ghana (1992): Commission on Human and Administrative Justice Pages 130-134.
- Cornides, J. (2008): 'Human Rights Pitted Against Man', The International Journal of Human Rights 12.1 (2008): 107-134
- David M. and C. Sutton (2004): 'Social Research', The Basics. Sage Publications Ltd, London
- Eide, A. (2001). Economic, Social and Cultural Rights, Kluwer Law International.
- Emile, S.F. (2002): 'Operating a Viable Human Rights Institution', CHRAJ Seminar Report, November, 26-29. Page 3.
- Emile, S.F. (2002): 'Operations and Challenges of the CHRAJ', Report on Workshop Proceedings of the CHRAJ, July 19-21.
- Eno R.W (2002) 'The jurisdiction of the African Court of Human and Peoples' Rights *African Human Rights Law Journal* 223
- Frankel, M. E. (1998): 'Encarta Yearbook: Reasons of Hope', The International Human Rights Movement at 50.
- Feldman, D (2006): 'Civil Liberties and Human Rights in England and Wales', United Kingdom, Oxford University Press. p. 5.1
- Freedman, L.P. and Isaacs S. L. (1993): 'Human Rights and Reproductive Choice', Studies in Family Planning (Population Council) **24** (1): 18-30. <http://links.jstor.org/sici?sici=0039>.

- Glendon, M. A. (2004): 'The Rule of Law in The Universal Declaration of Human Rights', *Northwestern, University Journal of International Human Rights* 2 (5).
<http://www.law.northwestern.edu/journals/jihr/v2/5/>
- Gregory R. and Pearson J. (1992): 'The Parliamentary Ombudsman after twenty Five years', *Public Administration*, Vol.70, winter.
- Haggett P. and D.C. Frey (1977); *Locational Analysis in Human Geography* (2nd Ed). Edward Arnold Ltd, London.
- Hartley, J., (1994): 'Case Studies in Organizational Research in Casell and Symon', *Qualitative Methods in Organizational Research*. Sage Publication, London, pp: 208-229.
- Hilderland and Grindle (1997): 'Institutional Assessment Measurement Tools', <http://www.pactworld.org>. (Accessed on 20th June, 2008)
- Hunt, Neville; Tyrrell, Sidney (2001): "Stratified Sampling". Webpage at Coventry University. Retrieved 12 July 2012
- International Conference on Human Rights, (1968): 'Proclamation of Teheran', Archived from the original on October 17, 2007. Retrieved on 16th October, 2010.
<http://web.archive.org/web/20071017025912/http://www.unhchr.ch/html/menu3/b/bteheran.htm>
- Johnson, D., (1994): 'Research Methods in Educational Management', Longman Group, Essex, United Kingdom.
- Kreuger, L. W. and W.L. Neuman (2006): 'Social Work Research Methods', *Qualitative and Quantitative Applications*. Pearson Education, Boston.
- Lauren, P. G. (2003). 'Philosophical Visions': Human Nature, Natural Law, and Natural Rights. *The Evolution of International Human Rights: Visions Seen*. Philadelphia: University of Pennsylvania Press. ISBN 081221854X.
- Laski, H. (1938): 'A Grammar of Politics', Rights 4th Edition.
- Lendman, S. (2010): 'Human Rights Abuses in Israel and Occupied Palestine', *A Radical Newsletter in the Struggle for Peace and Justice*.
<http://dissidentvoice.org/author> (Accessed on 16th October, 2010)

- Locke D. (2001): 'Political Philosophy' Stanford Encyclopedia of Philosophy <http://plato.stanford.edu/entries/lockes-political> (Accessed on 16th October, 2010)
- Maina, C. P. (2007): 'Human Rights Commissions In Africa – Lessons And Challenges', South Africa
- Mark Saunders, Philip Lewis and Adrian Thorn hill (1998): 'Research Methods for Business Students'.
- Mayer, T. (2000). 'Human Rights in the 19th Century', United Kingdom, Cambridge University Press. p. 110
- Miller R. L. and J. D. Brewer (2003): 'A-Z of Social Research', SAGE Publication Limited, London
- Mohd Noor, K., B. (2008): 'Case Study: A Strategic Research Methodology', American Journal of Applied Sciences 5 (11): 1602-1604, 2008 Science Publications.
- Montesquieu, De L Esprit des lois, 1748 quoted in Justice D.D. Basu: Administrative Law, Edn. 199,
- Morgan, G., and L. Smircich, (1980): 'The Case for Qualitative Research, Academic Management Review', 5 (4): 491-500. Falmer Press, London
- Nachmias C.F. (1992); 'Research Methods in Social Sciences', Edward Arnold Ltd, London
- Patton, M., (1987): 'How to Use Qualitative Methods in Evaluation', Sage Publication, California, pp: 18-20.
- National Reconciliation Commission Report, (2004): Executive Summary, Page 96.
- Oquaye (1993): 'Human Rights and Conflict Resolution in Ghana's Fourth Republic', The Case of the Commission on Human Rights and Administrative Justice; Page 23.
- Organization of American States (1995): 'Democracy for Peace, Security, and Development', <http://www.oas.org/juridico/english/sigs/a-52.html>.
- Oquaye, M. (1993): 'Human Rights and Conflict Resolution in Ghana's Fourth Republic: The Case of the Commission on Human Rights and Administrative Justice; Page 23. Accra

- Piechowiak, M. (2002): 'An Introduction to the International Protection of Human Rights', Edited by Raija Hansk and Markus Suksi, Printed by Gummens Kirjapaino Oy
- Republic of Ghana (2002): Official Report on Proceedings of the Consultative Assembly, Ghana Publishing Corporation, Number 164, January 29, Col. 1755.
- Republic of Ghana (1986): Sixth Annual Report of the Ombudsman, Ghana Publishing Corporation, Accra-Tema.
- Robertson, A. H. and Merrills, J. G. (1996): 'Human Rights in the World', An Introduction to the Study of the International Protection of Human Rights. Manchester: Manchester University Press. ISBN 9780719049231
- Roosevelt, E. (1948): 'Address to the United Nations General Assembly', 10 December 1948 in Paris, France
- Schwartz, T and Griffis, D. (2001): 'Secret Weapons', Far Hills, NJ: New Horizon Press. Australia
- Sekaggya, M. (2004): 'Value of human rights institutions: Human Rights Commission processes', Unpublished paper presented at the Regional Workshop on Human Rights Commissions and Accountability in East Africa, organised by the East African Centre for Constitutional Development (Kituo Cha Katiba), 12–13 November 2004, Arusha, Tanzania.
- Stacey, F. (1971): 'The British Ombudsman', Clarendon Press, Oxford Page 3.
- Sutherland, B. (2003): 'Water Forum', No 'Talking Shop. BBC News. <http://news.bbc.co.uk/2/hi/science/nature/2856755.stm>
- Theordorson, G. and Theordorson, A (1969): 'A Modern Dictionary of Sociology', Thomas Y. Crowell, New York
- Tsikata, F. S., (1994): 'The Commission on Human Rights and Administrative Justice: Mission and Prospects', The Journal of Management Studies, Third Series, Vol. 11 Jan.-Dec. Page 30.
- United Nations (1996). United Nations Human Rights. OHCHR 1996-2010
- United Nations (2003): 'International Year Of Water Website Press Kit'. United Nations Department of Public Information. <http://www.wateryear2003.org/en/ev.php-201.html>.

Wade, E Phillips, G (1991): Constitutional and Administrative Law. 9th ed. (A.W. Bradley ed.) Longman, New York.

Waugh D. (1995): 'Geography', An Integrated Approach (2nd Ed). Nelson House, Mayfield Road, UK.

Yin, R., (1989): 'Case Study Research', Sage Publication, California, pp: 22-26.

Zucker D.M. (2001): 'The Use of Case Study Methodology in Nursing Research', The Qualitative Report (Volume 6). www.nova.edu/ssss/QR/QR6-2/zucker.html (Accessed: 3rd October, 2010).



Appendix 1: Questionnaire

RESEARCH QUESTIONS

QUESTIONNAIRE FOR THE STAFF OF THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ): ASSESSMENT OF THE CAPACITY OF THE CHRAJ IN EXERCISING ITS MANDATE

1. Is the Legislative Framework of the Commission adequate in exercising its mandate? Yes [☐] No [☐]

2. How is the Commission limited in exercising its mandate?

.....

.....

.....

3. A. Does your institution have financial autonomy? Yes[☐] NO[☐]

B. Give reasons for your answer.

.....

.....

.....

4. A. How are resources allocated within the Commission?

.....

.....

.....

B. Is there a fair balance in the human and financial resources allocated to each of the branches of the Commission in the region? Yes [☐] No [☐]

5. A. Does the Commission have adequate staff in all key positions? Yes [☐] No [☐]

B. Give reasons for your answer.

.....

.....

.....

.....

.....

6. Does the Commission possess the necessary office accommodation and other logistics?

Yes [] No []

b. Give reasons for your answer.

.....

.....

.....

.....

.....

7. How many district offices of the Commission have been established in Ashanti Region?

.....

.....

.....

.....

8. A. Has the Commission been able to decentralize its operations to such lower structures as towns and villages? Yes [] No []

8. B. If No, how does this affect the Capacity of the CHRAJ in terms of service delivery?

A. Very much affected [] B. Affected [] C. Not affected in any way []

9. How many vehicles does the CHRAJ possess in carrying out its activities in the districts?

A. One [] B. Two [] C. Three [] D. Other, Specify.

.....

.....

.....

10. Does the Commission have other means of transport? A. Yes [] B. No []

Please specify the kind of transport.

.....

.....

11. In what way does it affect service delivery at the local level?

.....

.....

.....

12. Does the Commission have access to resources in line with planning budgets?

Yes [☐] No [☐]

13. What percentage of your budget do you spend on Public Education and Sensitization Programmes, particularly at the local level? A. 10-20% [☐]

B. 20-30% [☐] C. 30-40% [☐] D. Other, specify.

.....

.....

14. In what ways would improvement in capacity of the CHRAJ ensure the protection of the fundamental rights of individuals?

.....

.....

.....

15. What challenges does the CHRAJ face in its operations in the following areas?

a. Adequacy of the Constitutional Provisions

.....

.....

.....

b. Staffing

.....

.....

.....

.....

.....

c. Funds/Finances

.....

.....

.....

.....

.....

.....

d. Logistics

.....

.....

.....

e. Others (specify)

.....

.....

.....

B. How can these challenges be addressed in order to enhance service delivery at the localities?

.....

.....

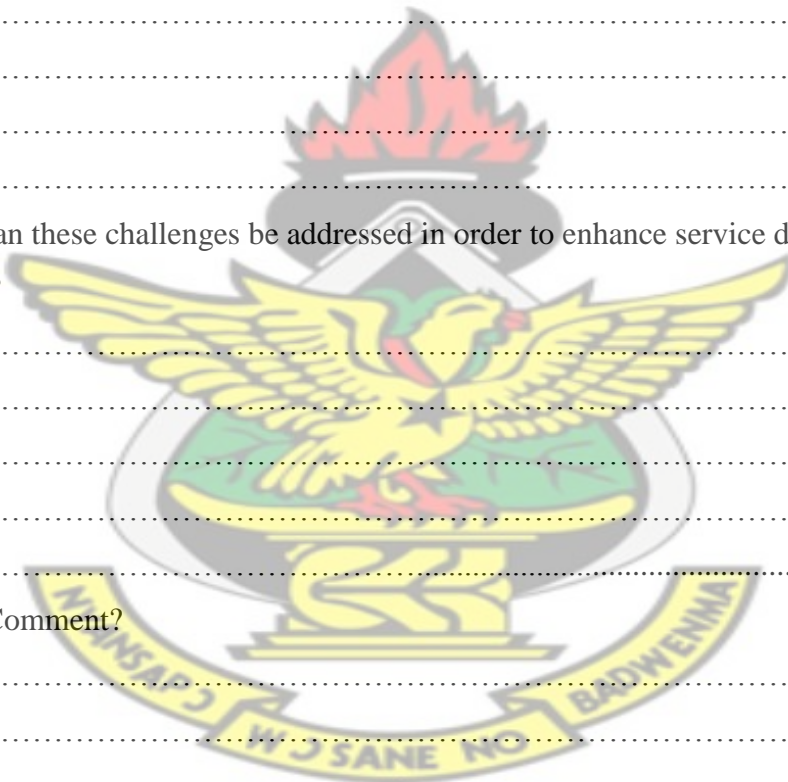
.....

16. Any Comment?

.....

.....

KNUST



MONTH	NO. OF CASES RECVD. BY THE CHRAJ		NO. OF CASES DEALT WITH	
	MALE	FEMALE	MALE	FEMALE
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

Competence; please assess your own competence by ticking the appropriate score. The score range from 1 as lowest score to 6 the highest score.

Core Tasks	Score					
	1	2	3	4	5	6
Computer Literacy						
Customer Care						
Mandate						
Communication Skills						
Mediation						
Booking of Complaints						