

## ANNEX 2

### Core Grant Narrative Progress Report

**Report period** 1<sup>st</sup> August 2008 to 31<sup>st</sup> December 2008

**Contract Ref. No.** 03/core/31/LRC  
**Contact Tel. No.** 233-21-766756

**Organisation** Legal Resources Centre  
**Report Date** Friday 27<sup>th</sup> February 2009

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**Signature & date**

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**Signature & date**

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*Please do not write in green coloured sections; refer to notes at last page for explanations*

#### 1. Institutional/Organisation Development: Evidence of significant progress / change

What are major changes in the organisation's circumstances that are likely to have impacted your outputs over the period?

- Organisational structure / board / management team
- Strategy / planning / decision making / knowledge management
- Human resource issues
- Marketing / communication / public relations

What are major changes in the organisation's circumstances that are likely to have impacted your outputs over the period?

- Board re-structuring commenced and is underway
- Participation in organizational development training
- Organizational culture assessment being conducted with all staff involvement
- Sustained advocacy on issues of concern – prisoners right to vote
- Two key professional members of staff are on study leave
- Funding for some of the LRC's projects have come to an end. Such projects include the Parliamentary Advocacy Project (PAP) as funded by the United States Agency for International Development (USAID), Education on Human Trafficking as funded by the International Labour Organization (ILO), Facilitating training on the Rights Based Approach to Development as supported by Action Aid, and Promoting Citizen – Government Engagement as funded by the Rights and Voice Initiative (RAVI).

#### Organisational Structure/board/ management team

The Board composition remained the same over the period. However, the Board has decided to recruit new members to accommodate more diversity on the composition of the Board.

The Senior Management Team (SMT) has reduced from four (4) persons to three (3) as a result of staff restructuring to make Management smaller and more cost effective.

#### Strategy/planning/decision making/knowledge management

- Revision of fund raising strategy and re-planning

- Preparation of gender policy
- Documenter role strengthened
- Decision making continues to be collective respecting the organizational structure and the chain of command
- Strategic litigations conducted on prisons advocacy

### **Human resource issues**

Two (2) key members of staff are on study leave for advanced legal studies. They both are pursuing advanced degrees in law in the North-western University School of Law and the Indiana University School of Law, Indianapolis. They are expected back to strengthen middle level staff and programming deficits.

Professional staffs have been exposed to the High Court, Rules of Court (C.I.) as preparation for training on these rules to improve legal advocacy capacity of staff.

The Public Relations Office remains vacant. The Executive Director is acting in the capacity so as to ensure visibility and marketing of the LRC..

### **Marketing/communication/public relations**

The LRC has over the course of the reporting period carried out programmes in the public domain with a view to improving its visibility and pushing policy decisions to take account of pro poor initiatives. The LRC has expert opinion of issues of legal, governance and human rights character. The LRC had interactions with all categories of media houses, electronic and print media: TV 3, Metro Television and radio shows on Joy Fm, Citi Fm, Peace Fm, Happy Fm, Radio Universe, and Atlantis Radio. Such programmes have included discussions cutting across civil and political rights and economic, social and cultural rights. The specific thematic areas include:

1. Enforcing the rights of persons with disabilities;
2. Improving Juvenile Justice delivery in Ghana;
3. Unlawful detentions by law enforcement at Military guardrooms, police stations and immigration offices;
4. Curbing Mob violence (Instant Justice) in Ghana;
5. Promoting and Protecting the rights of refugees in Ghana;
6. Enforcing the rights of prisoners, remand and convict, including their right to vote;
7. Renewal of warrants of remand prisoners
8. Regulating corporal punishment in schools in Ghana;
9. Respecting the right to demonstrate;
10. Human trafficking and illegal migration;
11. The emergency powers of the President in article 31 of the 1992 Constitution and imposition of curfews by the Minister for Interior under the Public Order Act ( 1994), Act 491;
12. Unlawful arrests and torture, inhuman and degrading treatment in Ghana;
13. The legality of the ban on the former President and ex Security Capos by the National Security Council from entering Military and Police installations and garrisons;
14. Freedom of association and the right of civil servants to openly associate with political parties.
15. Chieftaincy and good governance in Ghana

The LRC was reported by the Daily Graphic of Friday, 27<sup>th</sup> February, 2009 at page 20, to have supported the Federation of Youth Clubs, to organize a forum for the discussion of the challenges facing residents of the Ayawaso Sub Metropolitan Area.



Indicators	Baseline	Prior Period	Current Period	Cumulative
<b>1. HR Management</b>				
LRC's First Semi-annual Report to G-RAP – Feb. 2009				
i) <i>Leadership</i>	i) The Senior Management Team (SMT) consisted of four (4) members	Not applicable	i) SMT is now composed of three (3) members	Not applicable
ii) <i>Core staff</i>	ii) Professionals – 8	Not applicable	ii) Number has reduced to 6	Not applicable
iii) <i>Support staff</i>	iii) 8	Not applicable	iii) Remains 8	Not applicable
<b>2. Governance</b>				
i) <i>Board</i>	i) Board composed of seven (7) members: Chairman; Co-chair in charge of fundraising; Board Secretary; Member in Charge of International Relations; Member in Charge of Constituent Mobilization; Member in Charge of Legal Services; and Executive Director	Not applicable	i) Composition of the Board remained the same. Board Chairman; Co-chair in charge of fundraising; Board Secretary; Member in Charge of International Relations; Member in Charge of Constituent Mobilization; Member in Charge of Legal Services; Executive Director	Not applicable
ii) <i>Committees</i>	ii) Fundraising; International Relations; Constituent Mobilization; Legal Services	Not applicable	ii) Fundraising	Not applicable
iii) <i>Documented board meetings</i>	iii) 5 Jan. 07 2 Jan. 08	Not applicable	iii) Documented board meetings:  13 August 08 20 January 09	Not applicable
iv) <i>Management meetings</i>	Fri. 4 <sup>th</sup> Jan 08 Fri, 25 <sup>th</sup> Jan. 08 Fri. 1 <sup>st</sup> Feb 08	Not applicable	Management meetings: 8th	Not applicable

## 2. Collaboration, coalitions and networking

Using the format below, list the most important organisations you collaborated with over the period. For each organisation, give an indication of the issues or themes you worked on, its status and the outcomes.

	Organisation /Coalition	Policy issue / theme / nature Starting / ongoing / ending	Outcome
<b>Government</b> - executive - judiciary - legislature	Judicial Service, Commission on Human Rights and Administrative Justice (CHRAJ), Attorney General's Department, Prison Service and Nsawam Prisons within the context of conducting an assessment of the access to justice programme funded by the United Nations Development Programme	Improving access to justice in Ghana within the context of the Rights Based Approach to Development	Relationship established at the management level of the various Ministries, Departments and Agencies visited for future collaboration on issues of common concern
<b>Coalition, network</b>	NGOs Working on Police Accountability	Police Accountability and Improving Community and Police Relations, Status of Ghana's Human Rights efforts in relation to Ghana's first periodic reporting to the United Nations Human Rights Council	Commitment on the part of the CSOs to work more closely together
<b>Peers NGOs/CBOs</b>	Ghana Federation of the Disabled	Enforcement of the Persons with Disability Act	Working together to improve CSOs participation in local governance. Held programmes jointly.
	Zasilari Ecological Farms Project	Civil Society participation in local governance on Environment and organic methods of farming	
	Bongo Civic Union	Patients Rights Club formation to undertake training	
	Ghana Community Radio Network (GCRN)	Facilitating the establishment of Community radios in Walewale in the West Mamprusi District of the Northern Region and Bongo in the Bongo District of the Upper East Region	Collaborating to facilitate the setting up of community radio stations in Bongo and Walewale
	Friedrich Ebert Stiftung (FES)	Review the effectiveness of public Commissions and Boards - Pensions Reform implementation and the role of the Presidential Commission on Chieftaincy in good governance	Organized joint programmes on Pensions Reforms in Ghana and the role of the Presidential Commission on Chieftaincy in good

			governance
	Neighbour in Need Foundation (NENFOUND)	Forum to educate civil society on avenues to participate in local governance	Working together to improve CSOs participation in local governance. Held programmes jointly.
	Programme for Co-operation, Economic and Social Sustenance (PROCESS)	Educating on bushfire management policy, engage District Assembly subcommittee on Environment to review wildlife management policy	
	Federation of Youth Clubs (FYC)	Forum to educate civil society on avenues to participate in local governance	
	Mothers Club	Advocacy for cementing and covering of small drains in the Nima-Mamobi community	
	Vision for Alternative Development (VALD)	Advocating and enforcing the upgrading of the Nima-Mamobi market	
	Resource Centre for Persons with Disability	Enforcing the proper allocation and disbursement of the 2% of District Assemblies Common Fund for persons with disability	
<b>Donor agencies</b>	Rights and Voice Initiative (RAVI)	Organizational Development Training	Executive Director of LRC trained
	European Union Delegation in Ghana	Civil Society Participation in Local Governance	Received funding to implement programme on civil society participation in local governance
	Department for International Development (DFID)	Improving Community – Police Relations in Nima-Mamobi	Received funding to implement project on improving police – community relations
<b>DA (please indicate district)</b>	East Ayawaso, West Mamprusi and Bongo District Assemblies	Civil Society participation in local governance	Collaborated in holding forum on civil society participation in local governance
<b>Private Sector</b>	Harvard School of Law Harvard School of Government	Improving Health Insurance Scheme in Ghana	Undertook a joint research on Health Insurance Scheme in Bongo and Walewale

### 3. National pro-poor policies

<b>Identified Policy Issue</b>	<b>Research activities in relation to the identified policy area</b>	<b>What are the policy gaps identified from the research conducted</b>	<b>What is your organisations position on these issues supported by your research</b>	<b>What policy alternatives do you propose and how do you hope to achieve this policy change</b>
Disability rights as they relate to HIV / AIDS and the implementation of the provisions of the Disability Act, 2006 (Act 715)	Review of the Persons with Disability Act, 2006 (Act 715)	Lack of enforcement of rights provided for persons with disability under the Persons with Disability Act, 2006 (Act 715)	Rights of persons with disability will be promoted and protected if national institutions are held accountable for their responsibilities under the Act .	Sustained enforcement efforts, if necessary through public interest litigation
	Review of the United Nations Convention on Persons with Disability	There are loopholes in Ghana's Persons with Disability Act which could be filled with the ratification or accession of the UN Convention on Persons with Disability	UN Convention on Persons with Disability should be ratified by Ghana	Accession to the United Nations Disability Convention.
The need and processes for the introduction of Private Members Bill in Parliament	Literature review carried out, correspondence with the Government Assembly Press on gazetting the Muslim Marriages Bill to be introduced in Parliament as a Private Member's Bill	Under article 108 of the 1992 Constitution of Ghana, only a Member of Parliament who is part of the Executive arm of government could introduce a bill which has financial implication for Ghana in	The real intention behind the provisions of article 108 cannot be to deprive the legislature of its independence in order to introduce bills it thinks fit to introduce.	A true and proper interpretation of article 108 of the 1992 Constitution has to be sought in the Supreme Court.

		Parliament. Theoretically, all bills could have financial implication for Ghana and therefore, the independence of the legislature to introduce its own bills is compromised		
The rights of prisoners to vote in presidential and Parliamentary elections	Web research on case law and practice in other jurisdictions particularly those with similar legal systems i.e. common law jurisdictions	Although an abundance of case law exists indicating the likelihood of the Supreme Court bench ruling in the affirmative on the subject there is nonetheless an absence of clear policy guidelines on inclusion of prisoners on the voters register	That case law buttressed by current international trends is abundantly clear on the issue: prisoners must be allowed to vote in public elections. Though the prisoner's right to liberty is curtailed as a necessary result of penal sanctions; it is unnecessary and indeed ineffective for the purposes of deterrence and reform to further disenfranchise prisoners	There must be clear direction given with regard to the issue either by the courts or by Parliament.
	Desk research on the current status of Ghanaian case law on the subject			
	Inquiries directed at the Electoral Commission to ascertain why the Commission does not include prisoners on its voters register			
	Litigation in the			

	high court for an order of mandamus to compel the Electoral Commission to register prisoners to vote in upcoming presidential and parliamentary elections			
Human Trafficking and the implementation of the provisions of the Human Trafficking Act	Review of the Human Trafficking Act	Victim Protection provisions inadequate in the law.  Lack of enforcement of victim protection provisions		Enforcement of the Human Trafficking Act provisions such as establishment of the Human Trafficking Fund with allocation of resources from the Consolidated Fund. Management Board established under the Human Trafficking Act needs to inject some level of urgency in the implementation of the National Plan of Action developed in December, 2007.
State funding of political parties	Desk research Gathered information on the topic from workshops attended  Reading of other literature	That in Ghana the problem of funding political parties is a big issue and no government has yet found a solution to it.  That as a result parties with smaller following find it extremely difficult to finance their political campaigns.  That this makes it difficult for such parties to sell their	The position of the organisation is that either position may be taken with regards to the funding. In other words, the State may or may not choose to fund political parties. What is important is that in either case there should be closer monitoring of the sources from which political parties receive their funds to	Funding for political parties should be more closely monitored to ensure a level playing field for all parties. This may be accomplished through the establishment of an independent regulatory body with representatives from each of the political parties or by the Electoral Commission. Again, legislation should be passed with clear guidelines on what is acceptable and what is not.

		ideas to the citizenry.	ensure that illegalities are eliminated	
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## **4. Success Story**

### **Briefly describe your organisation's landmark achievement this period**

#### **a) National Health Insurance Research**

LRC with the help of eight (8) Harvard law students, three (3) law students from the University of Ghana, Legon, a Louis Horvitz Professor of Law at the Harvard Law School, and one Teaching Fellow undertook a right to health Campaign in Northern Ghana especially in Bongo and Walewale of the Bongo District and West Mamprusi District respectively.

In August 2003, Ghana passed the National Health Insurance Act (NHIA) to replace the existing "cash and carry" healthcare delivery system. The stated policy objective of the Act is that:

Within the next five years, every resident of Ghana shall belong to a health insurance scheme that adequately covers him or her against the need to pay out-of-pocket at the point of service use in order to obtain access to a defined package of acceptable, quality health services. (Government of Ghana 2004).

Some six (6) years after the passage of the Act, it appears not all is well with the National Health Insurance regime. After weeks of investigation, interviews and research of the team composed of staff of the LRC, Harvard students and professors, a number of findings were made directed to areas which affect realization of the goal of universal access to quality healthcare set out in the Act. The findings involved action centred around:

- (1) changes in the Act and Regulations,
- (2) changes in implementation of the Act and Regulations, and
- (3) improvements in staffing and other healthcare infrastructure.

**Recommendations presented to the National Health Insurance Commission covered areas such as:**

#### **(1) Affordability - Review the Act and Regulations to make health insurance affordable for all Ghanaians**

Despite language in the National Health Insurance Act of 2003 requiring all Ghanaians to be insured, health insurance remains out of reach for many of the people the team interviewed in Bongo and West Mamprusi. Many people interviewed simply cannot afford to pay the premiums and registration fees necessary for membership in District Mutual Health Insurance schemes. In order to realize the goal of health insurance for all, the premiums should be eliminated, or the number of people exempt from premium payments should be expanded.

#### **(2) Coverage - Review the Act and Regulations to cover a wider range of illnesses, drugs, and healthcare providers**

The Act and the Regulations dictate the minimum services covered under the NHIS, and define the types of healthcare providers that can provide those services. People in Bongo and Walewale repeatedly mentioned gaps between the health care services they needed, and what was covered under the scheme. The Act and Regulations should be revised to expand the list of covered illnesses and drugs, and to allow accreditation and reimbursement of traditional healers.

#### **(3) Roadblock Removal - Revise the Act and Regulations to change provisions that make it more difficult for NHIS members to access care**

In Bongo and Walewale people repeatedly mentioned complications that arose for NHIS members after they had enrolled in the scheme. The provisions of the Act and Regulations which permit a six-month waiting period for the Health ID card, and which require a penalty payment to renew membership in a district scheme after suspension should be revised.

**(4) Registration & Renewal - Improve processes for issuing and renewing cards, to allow more people to successfully access healthcare**

In the course of conducting interviews with compound residents in Bongo and Walewale, one main objective was to get a sense of what percentage of residents in these areas are registered in their district mutual health insurance scheme and whether those who are registered are satisfied with the insurance. Though many enrolled individuals stated that they thought that NHIS was a good thing and expressed satisfaction with the fact that they could access free healthcare services, many also voiced frustration with obstacles to accessing care under the scheme. A significant portion of these obstacles relate to the issuing and renewal of insurance cards. Because individuals enrolled in their district health insurance scheme cannot access free healthcare services without showing a valid insurance card at their local hospital or clinic, improving the processes for issuing and renewing insurance cards should be a priority issue.

**(5) Education & Outreach - Increase NHIS-related community education and outreach efforts**

Certain problems with implementation are based on a lack of education regarding the NHIS. Community members are generally uninformed about the concept of health insurance as an investment system that benefits the common good. People were often resistant to paying for health insurance without a guarantee of direct benefits. In addition, during the course of interactions with community leaders and members as well as NHIS and hospital representatives, a need for education on the workings, benefits, and limitations of the health insurance scheme became apparent. Specifically, community members expressed disappointment and frustration in their lack of knowledge with regard to NHIS coverage. Lastly, there was a lack of education relating to preventive healthcare measures. By speaking to and observing community members in their daily lives, it became obvious that most were not taking preventive healthcare measures, but there was some indication that most would like to. Accordingly, there is an unambiguous need to increase education and outreach efforts in order to improve and advance the implementation of the NHIS.

**(6) Sustainability - Maintain reimbursement rates at levels that allow hospitals and clinics to meet their expenses, and drug inventories at levels that allow hospitals and clinics to meet patient need**

During our research team's time in Bongo and Walewale, it was made clear to us that there are serious problems with the interactions between the National Health Insurance Authority and the district NHIS offices. The district offices are largely responsible for carrying out the mission of the National Health Insurance Scheme and complying with the procedures and policies set forth by the NHI Authority, but some of the policies set forth by the NHI Authority serve as obstacles to implementing and sustaining the scheme. If the scheme cannot be sustained at the district level, then sick and injured individuals may be unable to obtain the treatment that they need and their insurance cards will be worthless.

**(7) Staffing - Increase staffing and promote staff retention in hospitals and clinics in Northern Ghana through incentives and enforcement of postings**

In both Bongo and Walewale, woefully inadequate numbers of doctors and nurses was one of the most pressing challenges facing the provision of quality healthcare in those communities. At the Bongo District Hospital, one doctor attends to a population of about 30,000. In the West Mamprusi district, one Ghanaian doctor (who also serves as the administrator of the district office of the GHS) and two temporary Cuban doctors attend to a population of about 150,000. In total, there are only 32 doctors practicing in the three northern regions of Ghana. In stark contrast, the Komfo Anokye Hospital in Kumasi has 400 doctors. While the North bears its share of the national shortage of healthcare professionals, the scarcity of such professionals in the north is exacerbated by the failure of those posted to report. The team therefore recommends a two-prong approach of incentives and enforcement of postings to address this problem.

**(8) Infrastructure - Update healthcare infrastructure (particularly at the sub-district level) and implement an emergency transit system to support safe and effective patient care**

In both Walewale and Bongo, healthcare providers identified the lack of very basic infrastructure as one of the most pressing challenges hindering the range and effectiveness of healthcare services the centers could provide. The Walewale district hospital operates without a single x-ray machine, patient wards are crowded, and the facility has no kitchen to cater to the nutritional needs of admitted patients. Bed springs serve as desks at the Valley Zone Clinic in Bongo, and wards remain unused due to lack of furniture. Both communities also face significant constraints in transportation during medical emergencies. Insured patients in these communities also reported longer waits compared to uninsured patients. While many factors could potentially contribute to the waits, the team identified extremely poor record-keeping procedures for medical history folders for insured patients as a major contributing factor.

The LRC believes the above findings are representative of the issues surrounding the operations of the National health Insurance Scheme across the country. The recommendations therefore are to be implemented at the national level.

**b) Legal Aid cases – Prisoners right to vote advocacy**

The prisoners' right advocacy under the Legal Aid scheme received much attention from the LRC over the course of the reporting period. The prisoners' right to vote advocacy was meant to draw attention to the bigger problems facing justice delivery and prison conditions in Ghana. Since the LRC raised the issue and filed an application on behalf of the prisoners in August, 2008, prisoners' issues have received considerable attention. In January 2009, a team from the LRC led by the Executive Director visited the Nsawam prisons to interact with the prisoners and prison officials.

**5. Stakeholder Perception**

**How has the credibility and legitimacy of RAOs changed in the eyes of GoG and the Ghana public? What is your interpretation? Is there a reference to this evidence of change?**

**6. What is your perception on the general policy making environment in Ghana**

The general policy making environment in Ghana is still very much in its formative stages. Fundamental flaws are often apparent in many of the policies that are made with the result that more often than not the policies do not achieve what they are intended to. The LRC has formed this view after having worked with members of Parliament (MPs) under its Parliamentary Advocacy Project. The LRC has maintained a close working relationship with Parliament for the last six (6) years.

Some of the problems with the policies are that they are formulated as a response to demands made by international actors. They are usually passed as a matter of urgency in order to secure some funds that have been promised. Consequently they are hardly ever grounded in sufficient research to ensure that they are workable. Civic input in such Bills is frequently absent and Parliament considers the Bills so quickly that often the Parliamentarians themselves do not know the contents of the Bill. A case in point is the High Court Civil Procedure Rules (C.I. 47). On the admission of an official of Parliament, these rules were actually "smuggled" through Parliament. The requisite number of days that should elapse between the first, second and third reading of the Bill, as provided for in the Standing Orders of Parliament are regularly abridged such that not enough time is given for the consideration of these bills.

There have been several occasions when it has been embarrassingly obvious that large sections of legislation were simply lifted from legislation of some other country or from a treaty, convention or protocol with no regard to the unique circumstances of Ghana. This happened for instance with earlier editions of

Bills such as the Geneva Convention Bill and the Human Trafficking Bill and were amended after civil society had drawn the attention of the Legislative Drafting office of the Attorney-General's Department to these blunders. These situations reflect the general tendency to make policies without proper regard to their relevance for Ghana.

With regard to Bills with financial implications, Parliament does not have the capacity to provide adequate oversight. Data gathered in the course of the third as well as the fourth Parliaments of the Fourth Republic showed that financial Bills were consistently passed with absolutely no civic input. Civic input for the purpose of research was defined as any public comment forwarded to the Committee(s) considering the Bill. Civic input could include general support, recommendations for amendments, or general criticism of the Bill. Civic input could be received from both governmental and non-governmental bodies as long as it was not from the Ministry sponsoring the Bill. This indicator only tracked civic input that was recorded in the Committee's report on this Bill and thus, only civic input that Parliamentary Committee(s) received through:

- 1) Memoranda from interested civic groups or individuals on the particular Bill;
- 2) Open Committee meetings that the Committee held to receive civic input on the Bill; or
- 3) Open public forums or hearings that the Committee(s) held on the Bill. The second reading was the stage that marked the Committee having completed its review of the Bill and having formally submitted its report to the full house. So, this indicator tracked only civic input received and reported by the Committee reviewing the Bill.

The 2007 Appropriation Bill provides an excellent illustration. The first reading of the Appropriation Bill was on the 18<sup>th</sup> of December 2007. There were no public announcements inviting civic input into the Bill, there were no public forums or committee sittings open to the public for the purpose of receiving civic input into the Bill. The Finance Committee met, considered the Bill and reported on the Bill all on the 18<sup>th</sup> of December 2007. Thereafter, the second and third readings promptly followed on the same day: the 18<sup>th</sup> of December 2007. The Finance Committee in its report on the Bill made only 3 amendments one of which was to increase the MP's share of the Common Fund. There was only one other amendment made to the Bill on the floor of the House. It is therefore not remarkable that the ex-gratia awards went unnoticed.

It is clear that at least with regard to the passage of Bills, not a thorough enough approach to policy making is taken. Not enough consultation is undertaken as a basis for the drafting of Bills, hardly any civic input is permitted or invited into Bills particularly financial Bills, rarely any substantive amendments are made to Bills of such immense importance as the Appropriation Bill. Suffice it to say there needs to be a drastic improvement in the policy making environment of the legislature.

## **7. Grant and report related issues**

### **7.1 What issues do you wish to raise relating to the Grant or to G-RAP management?**

The reporting system appears to be difficult to manage. It could be improved.

### **7.2 What parts of the report are confidential or cannot be shared without prior consent?**

None