

**IN THE FIRST MEETING OF THE SECOND
SESSION OF THE THIRD PARLIAMENT OF
THE FOURTH REPUBLIC OF GHANA**

**REPORT
OF
THE COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS
ON
THE 2002 ANNUAL ESTIMATES OF THE
MINISTRY OF JUSTICE**

11TH MARCH 2002

1.0 INTRODUCTION

Following the motion for the approval of the Budget Statement and Economic Policy of the Government for the 2002 Financial Year by the Minister of Finance on 21st February, 2002, the Annual Estimates of the Ministry of Justice was referred to the Committee in accordance with Article 179 of the Constitution and Order 140 (4) and 178 of the Standing Orders of the House for consideration and report.

In its deliberation, the Committee met with the Hon. Minister for Justice and Attorney General, his team of officials as well as the various heads of the Departments and Agencies under the Ministry and officials from the Ministry of Finance.

The Committee acknowledges the warm co-operation of the Minister of Justice and his team of officials as well as the officials from the Ministry of Finance.

2.0 REFERENCES

The Committee was guided by the following documents in its deliberations:

- a. The Constitution of the Republic
- b. The Standing Orders of the House

- c. The Budget Statement and Economic Policy of the government of Ghana for the 2002 fiscal year
- d. Report of the Committee on the 2001 Annual Estimates of the Ministry of Justice.

3.0 BACKGROUND INFORMATION

3.1 Mission Statement of the Ministry

The Ministry of Justice, headed by the Attorney General, exists to entrench at the core of the body politic and abiding respect for the rule of law and a constant observance of human rights, to ensure equity of access to justice and equality of treatment before the law for all citizens, to promote by law social justice, to facilitate the operations of a fair, efficient and transparent legal system, and to propagate a culture of due process and legality. For these purposes the Ministry acts as a defender of the constitutional order, the guarantor of the rights and liberties of the citizen, the protector of the state's legal interests, the enforcer of the criminal laws, the developer of the human resources of the legal sector, and the champion of the rule of law. In helping to create and sustain a reputable legal system and an enabling legal environment, the Ministry contributes not only to fostering good governance and social peace, but also to strengthening the investment prospects of the national economy. The Ministry like other agencies of the

State is thus fully engaged in the fight against poverty. The highest standards of professionalism in its dealings and transparency in its conduct will be the bedrock of the Ministry in carrying out its statutory responsibilities.

3.2 MINISTRY'S POLICY OBJECTIVES

The Ministry intends to fulfill the following objectives:

- i. To formulate policies, monitor and evaluate their impact for fair and efficient operation of the legal system
- ii. To prepare, revise and reform laws for the realization of the policy objectives of Government with regard to national economic and social growth
- iii. To broaden the scope of legal aid services
- iv. To provide and develop the requisite legal and paralegal manpower
- v. To accelerate the disposal of criminal prosecutions
- vi. To heighten public awareness of the nation's laws and statutes, and publish the official law reports
- vii. To improve crime prevention and public accountability in the utilization and management of the nation's financial and economic resources.

3.3 2002 DRAFT ANNUAL ESTIMATES

For the 2002 fiscal year, the Ministry of Justice has been allocated a total amount of Twenty-Four Billion and Five Hundred Million cedis (¢24,500,000,000). This amount comprises a donor component of Two Billion and Four Hundred and Eighty Seven Million cedis (¢2,487,000,000) and the Government of Ghana (GOG) allocation of Twenty Two Billion and Forty-Nine Million cedis (¢22,049,000,000). Below is the breakdown:

NO.	SUB-ITEM	AMOUNT ALLOCATED
i.	Personnel Emolument	¢9,803,000,000
ii.	Administration Expenses	¢5,966,000,000
iii.	Services Expenses	¢2,934,000,000
iv.	Investments Expenses	¢3,346,000,000
v.	Donor Component	¢2,487,000,000
	TOTAL	¢24,536,000,000

Personnel Emoluments

A sum of Nine Billion, Eight Hundred and Three Million and Ten Thousand cedis (¢9,803,010,000) has been allocated to the Ministry for the 2002 fiscal year. This would cater for the payment of basic salaries and the recruitment of Thirty Four (34) Legal Staff and Seventy-Two (72) non-legal staff so as to strengthen the staff number of the Ministry and its agencies.

Administration

A total allocation of Five Billion and Nine Hundred and Sixty-Six Million cedis (¢5,966,000,000) was given to the Ministry for its Administration expenses. This amount is to cater for logistics, operating costs, payment of allowances of staff as well as payment of international contributions.

Services Expenses

The Ministry was given a total amount of Two Billion and Nine Hundred and Thirty-Four Million cedis (¢2,935,000,000) to meet its expenses on training and conference (Local and International), printing and publications, travel and transport (both local and international), etc.

Investment Expenses

For its investment activities, the Ministry was given an amount of Three Billion, Three Hundred and Forty Six Million cedis (¢3,346,000,000). This is to equip, rehabilitate and complete offices and residential accommodation in nine (9) Regions as well as opening twelve (12) sub regional offices aimed at bringing justice closer to the people.

4.0 OBSERVATIONS

4.1 Law Reform Commission

The Committee noted with concern that due to the insignificant amount voted for the Commission's service activities, it would find it difficult to train its legal officers in the area of research.

It was also noted that, the Commission originally asked for One Hundred and Fifty Three Million ceddis (¢153,000,000) for its investments activities but was given only eight Million ceddis (¢8,000,000). This amount is grossly inadequate since the Commission still has transportation problems. It has one old vehicle for its operations. The Chairperson and her Deputy who are of the rank of Court of Appeal Judges have no cars, which is part of their conditions of service. Every effort must be made to provide them with vehicles.

4.2 General Legal Council

The Committee observed that the allocation for the Council's Personnel Emoluments was based on the actual expenditure for last year without making room for salary increases.

Again, it was revealed that the council originally requested for an amount of One Hundred and Twenty Three Billion ceddis

(¢123,000,000,000) for its administrative expenses but was given Seven Hundred and Sixteen Million cedis (¢716,000,000). This amount is insignificant since the Council would hold a Commonwealth General Legal Conference for the Africa Region this year.

Moreover, due to the amount given and inadequate classrooms and other facilities the Council would not be able to increase its student intake this year.

4.3 Council For Law Reporting

It came to light that the Council's building project is at a stand still due to lack of funds.

It was also observed that, last year no provision was made to the Council in respect of item three (3) as such there was no training for its staff.

The Committee also noted that, the Council has a high rate of staff turnover due to poor conditions of service.

4.4 Legal Aid Board

The Committee's attention was drawn to the fact that the Council originally requested for an amount of Eight Hundred and Fifty Two

Million ceđis (¢852,000,000) for its Administrative expenses but was allocated an amount of **Four Hundred and Twelve Million ceđis (¢412,000,000)**. The Committee was also informed that this amount would not be able to pay for all the allowances due the legal staff since the total allowances amounts to **Five Hundred and Fifty-two Million ceđis (¢552,000,000)**. Moreover, if extra funds are not released, the council would not be able to carry out other duties related to administration.

The Committee realized that the Boards is faced with transportation problems at the regions especially the Northern Sector. The absence of vehicles affect the Boards work at the Regional level.

It was also revealed that most of the Regional Offices buildings are nearly completion but have been left in the bush. It is therefore necessary for the Ministry of Finance to release funds for their completion.

4.5 Registrar General's Department

The Committee further noted that the Registrar General's Department cannot presently use any percentage of the revenue it generates.

Again, it was observed that, the Department has a problem with the storage of files. The Department needs enough space to keep cabinets for this purpose.

The Committee is happy to note that the World Bank is helping to computerize the Department.

4.6 Serious Fraud Office

The Committee was informed that the Headquarters Building complex project was at a stand still since funds were not released last year in that respect.

4.7 Ministry Of Justice Headquarters/Attorney General's Department

The Committee noted with concern that the amount allocated for the Ministry in respect of its administration expenses is woefully inadequate in that the Ministry is expected to effect some payments in respect of international contributions. It was revealed that the Ministry was already in arrears of **\$368,092.63** to some international organizations. In the year 2002, the Ministry is expected to honour the payment of international contributions to the tune of **\$33,386.00**. The total payment in respect of international contributions (arrears and current) when converted amounts to Two Billion, Eight Hundred and Ninety Million, six

Hundred and forty-six Thousand, One Hundred and Thirty-Six cedis (¢2,890,646,136).

In view of this, the amount allocated falls far below what was estimated.

The Committee learnt that approved allowances of State Attorneys would not be paid if extra funds were not released to top the Ministry's allocation.

The Committee was also informed that the Library at the Head Office and those at the regional offices lacks adequate law publications for references and research.

It also came to light that some of the regional offices either do not have official cars or have vehicles which have broken down beyond repairs. This situation is retarding effective delivery of services in the regions. As part of the conditions of service for the Chief State Attorneys, the Ministry is to provide them with means of transport to facilitate their work. There are twelve (12) Chief State Attorneys who are due to benefit from these facilities. However, due to the inadequate budgetary allocation made to the Ministry, it would not

be able to provide the required vehicles to the Chief State Attorneys as well as some of the regional offices that lack vehicles.

5.0 RECOMMENDATIONS

The Committee views effective delivery of Justice to be a vital tool in our democratic dispensation. It therefore, wishes to make the following recommendations in respect of the observations made:

The Committee wishes to make a passionate appeal to the Ministry of Finance to release extra funds to the General Legal Council in respect of its Personnel Emoluments which was based on the actual expenditure of last year so as to make room for salary increases that may come in the course of the year.

On the issue of Transport, the Committee recommends that adequate provisions are made to enable the Ministry, Departments and Agencies acquire vehicles to enable them discharge their duties effectively and efficiently in both the headquarters and the regions. At least each of the Regional Offices should be provided with a cross-country vehicle to enable them perform effectively.

To enhance staff performance in the Legal Sector, the Committee recommends that more funds should be released to the Ministry to

enable it embark on training programmes it has drawn for the staff so as to sharpen their skills effectively and efficiently.

The Committee also recommends that measures should be taken to stock the Libraries of the Ministry and its Departments and Agencies and their regional centres with adequate law publications for references and research purposes.

The Committee takes a serious view of the high turnover of staff of the Ministry. It therefore recommends that conditions of service of the personnel of the Ministry and its Departments and Agencies be highly improved so as to maintain them and boost their morale.

Approval should be given to the Ministry to recruit more staff to fill vacancies and increase its low staff strength.

Since the Ministry and its Departments and Agencies have a lot of on-going projects the Committee wishes to recommend that funds be released as soon as possible to equip, rehabilitate and complete offices and residential accommodations in nine (9) regions as well as opening twelve (12) sub-regional offices aimed at bringing justice closer to people of Ghana.