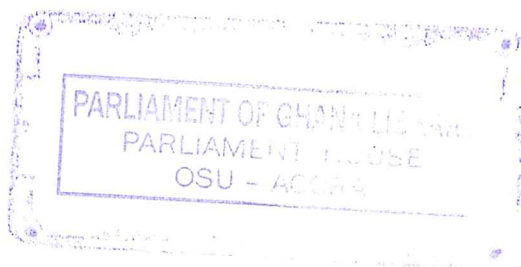


**IN THE FIRST SESSION OF THE SEVENTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA**

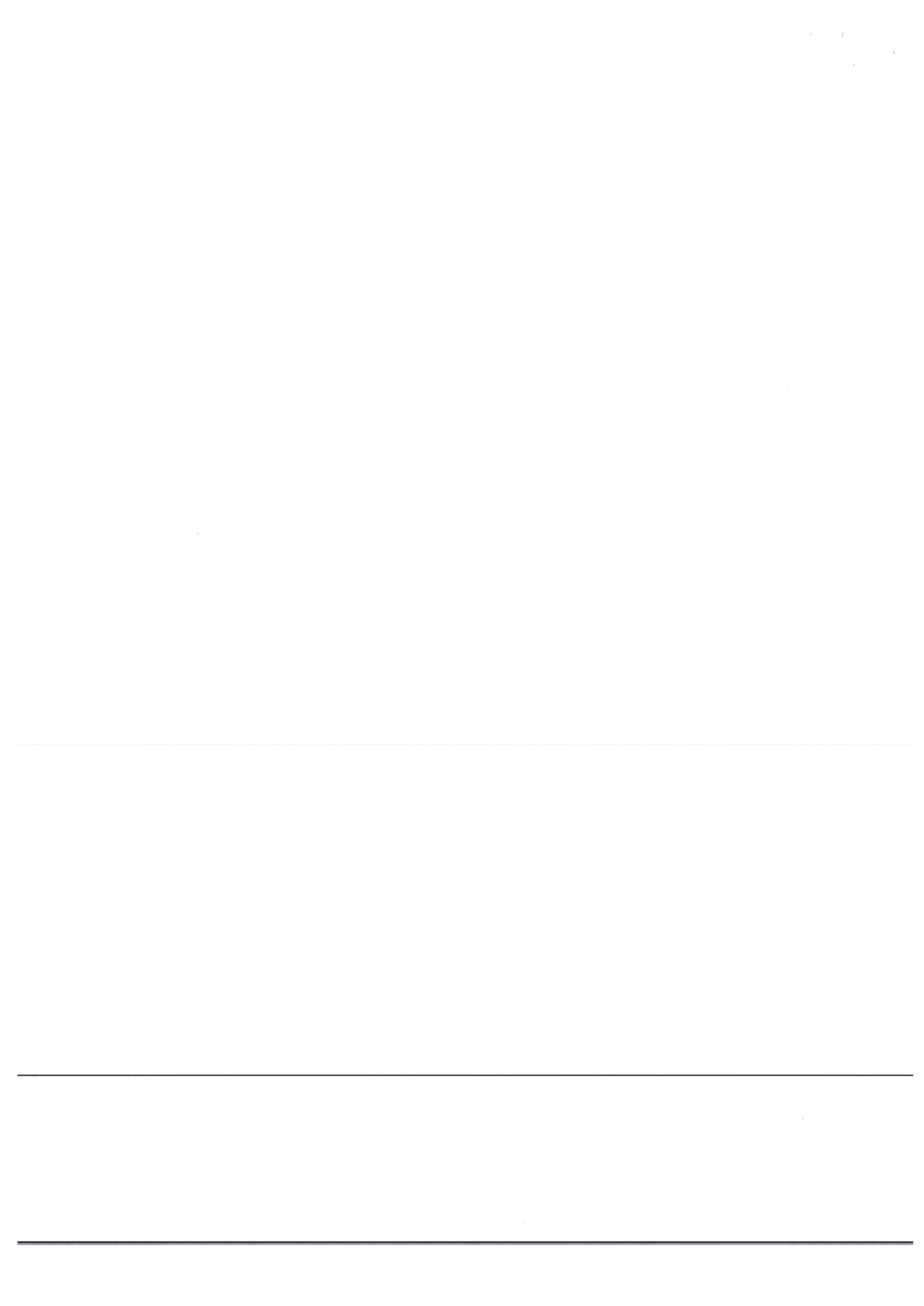
**REPORT OF THE COMMITTEE ON CONSTITUTIONAL,
LEGAL & PARLIAMENTARY AFFAIRS**



ON THE

**ANNUAL BUDGET ESTIMATES OF THE MINISTRY OF
JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT
FOR THE 2017 FINANCIAL YEAR**

MARCH, 2017



**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE ANNUAL BUDGET ESTIMATES OF
THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT
FOR THE 2017 FINANCIAL YEAR**

1.0 INTRODUCTION

- 1.1 The Budget Statement and Economic Policy of Government for the 2017 Financial Year was presented to Parliament on Thursday, 2nd March, 2017 by the Hon. Minister for Finance, Mr. Ken Ofori-Atta in accordance with Article 179 (1) of the Constitution.
- 1.2 Pursuant to Article 103 (1) and (3) of the Constitution and Standing Orders 140 (4) and 179 of the Standing Orders of the House, the 2017 Annual Budget Estimates of the Ministry of Justice and Attorney-General's Department were referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

2.0 DELIBERATIONS

- 2.1 The Committee met with the Hon. Minister for Justice and Attorney-General, Ms. Gloria Akuffo and officials from the Ministry to consider the Estimates. Schedule Officers of the Ministry of Finance were in attendance to assist the Committee in the deliberations.

3.0 REFERENCE DOCUMENTS

- 3.1 The Committee referred to the under-listed documents during its deliberations:
- i. The 1992 Constitution;
 - ii. The Standing Orders of Parliament;
 - iii. The Annual Budget Estimates of the Ministry of Justice and Attorney-General's Department for the 2016 Financial Year;
 - iv. The Budget Statement and Economic Policy of the Government for the 2017 Financial Year.

4.0 DEPARTMENTS AND AGENCIES UNDER THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT

The Ministry consists of the following Departments and Agencies:

- i. Attorney-General's Department (Legal Service);
- ii. Registrar-General's Department;
- iii. Law Reform Commission;
- iv. General Legal Council (Ghana School of Law);
- v. Council for Law Reporting;
- vi. Legal Aid Scheme;
- vii. Economic and Organized Crime Office (EOCO); and
- viii. Copyright Office.

5.0 THE GOAL AND CORE FUNCTIONS OF THE MINISTRY

5.1 The goal of the Ministry, within the Medium Term, is to provide quality advice and legal service to the Government and the people of Ghana.

5.2 The core functions of the Ministry are to:

- i. provide legal advice to the Government;
- ii. initiate and conduct all criminal prosecutions;
- iii. initiate and conduct all civil litigations for and on behalf of the State and have presence in all the Courts in Ghana;
- iv. draft legislations and vet subsidiary legislations for State institutions;
- v. provide professional legal education and ensure high standards of professional conduct of Lawyers;
- vi. prevent and detect organized crime and generally to facilitate the confiscation of proceeds of crime;
- vii. produce and publish the Ghana Law Reports and the Review of Ghana Law to strengthen the capacity of Lawyers and Judges;
- viii. provide free legal services to indigents and the vulnerable and to resolve conflicts among them through mediation;
- ~~ix. implement copyright and copyright related laws and provide for copyright administration;~~
- x. conduct research and make recommendations for reform of the law in the country; and

- xi. undertake the registration of businesses, marriages, protection of industrial property rights and administration of estates.

6.0 APPROVED BUDGET AND EXPENDITURE FOR THE MINISTRY FOR THE 2016 FINANCIAL YEAR

- 6.1 The sum of **Seventy-Four Million, Six Hundred and Eighty-Seven Thousand, Five Hundred and Eighty-Four Ghana Cedis (GH¢74,687,584.00)** was approved by the House for the activities of the Ministry and its Departments and Agencies for the 2016 Financial Year. However, by the close of the year, the total sum of Eighty-Eight Million, Six Hundred and Sixty-One Thousand and Sixty-Five Ghana Cedis, Eleven Pesewas (GH¢88,661,065.11) had been expended. The details are shown in Table 1 on the next page.

Table 1: **Details of the 2016 Approved Budget and Actual Expenditure for the Ministry of Justice and Attorney-General's Department.**

COST CENTRE	2016 ALLOCATION GH¢	2016 ACTUAL EXPENDITURE GH¢	VARIANCE GH¢
MINISTRY OF JUSTICE	6,534,944.00	7,915,460.43	1,380,516.43
ATTORNEY-GENERAL'S DEPARTMENT	26,397,005.00	26,380,247.29	(16,757.71)
COUNCIL FOR LAW REPORTING	3,504,644.00	2,669,150.10	(835,493.90)
REGISTRAR-GENERAL'S DEPARTMENT	11,509,463.00	22,507,140.56	10,997,677.56
COPYRIGHT OFFICE	590,208.00	472,567.25	(117,640.75)
LEGAL AID SERVICES	4,963,623.00	3,199,401.75	(1,764,221.25)
LAW REFORM COMMISSION	804,021.00	671,883.44	(132,137.56)
ECONOMIC AND ORGANISED CRIME OFFICE	12,139,697.00	15,642,586.08	3,502,889.08
GENERAL LEGAL COUNCIL	8,243,979.00	9,202,628.11	958,649.11
GRAND TOTAL	74,687,584.00	88,661,065.01	13,973,481.01

7.0 ACHIEVEMENTS OF THE MINISTRY FOR THE YEAR 2016

The Ministry in 2016 achieved the following:

- i. Under the implementation of the Legal and Justice Sector Reform Programme, the Ministry developed Standard Operating Procedures (SOPs) for selected institutions to promote transparency in their operations;
- ii. Four (4) residential bungalows in Accra for both Senior Legal and Administrative Staff were rehabilitated;
- iii. Conducted about 347 new cases involving land compensation, constitutional, human rights, torts, and other legal suits against the State;
- iv. Prosecuted 720 offences including murder, rape, robbery, causing harm and cybercrime.
- v. Initiated about 20 legal cases against some entities for various reliefs on behalf of the State and secured judgments in favour of the State;
- vi. Worked on 60 draft Bills, 99 draft Subsidiary Legislations and 148 Executive Instruments;
- vii. Handled 172 cases under the Justice for all Programme out of which 18 inmates were cautioned and discharged, and 59 granted bail.
- viii. The Council for Law Reporting reprinted 500 copies of 7 volumes of Ghana Law Reports which were out-of-stock. The Council also published 1,000 copies of the [2011 - 2012] vol. 2 Ghana Law Reports and 500 copies of the [2006 - 2010] Review of Ghana Law.
- ix. The Legal Aid Scheme handled 1,185 cases and met with 201 persons from both public and private institutions and delivered different forms of legal aid and Alternative Dispute Resolution (ADR) services.
- x. The Law Reform Commission completed its work on a Working Paper on the Law of Torts.
- xi. The Copyright Office registered 801 copyright works comprising Computer Software, logos, literary, musical, audio-visual and artistic

works. The Office also facilitated the prosecution of copyright offenders and secured four (4) convictions. It further initiated the process of conducting a study on the impact of the Copyright based industry on the country's Gross Domestic Product.

- xii. The Registrar-General's Department registered 60,885 business entities and 987 Trademarks. It also registered 2,591 marriages and paid GH¢42,831,409.34 to 549 families as gratuities in respect of Estate administration.
- xiii. The EOCO investigated 304 cases out of which 19 were successfully prosecuted. The Office also recovered GH¢6,393,501.69 as proceeds of crime.
- xiv. The Ghana School of Law enrolled and called to the Bar 295 lawyers. The School also increased its admission quota from 250 to 477 and trained 42 Engineers in Legal Studies.

8.0 2017 ALLOCATION OF THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT

- 8.1 The amount of **GH¢ 153,900,439.00** was requested by the Ministry for the 2017 Fiscal Year. However, the Ministry has been allocated an amount of ***Ninety Million, Seven Hundred and Twenty-Eight Thousand, One Hundred and Six Ghana Cedis (GH¢90,728,106.00)***. This represents **59%** of the total request made to the Ministry of Finance as the amount needed for the implementation of its programmes and activities for the 2017 Financial Year. The details are provided in the table below:

Table 2: 2017 Details of the Allocation for the Ministry and its Agencies

COST CENTRE	COMP. OF EMPLOYEES GH¢	GOODS & SERVICES GH¢	CAPEX GH¢	TOTAL GH¢
MINISTRY OF JUSTICE	3,070,170.22	780,316.97	6,200,000.00	10,050,487.19
ATTORNEY-GENERAL'S DEPT'	26,675,602.01	1,334,510.46	3,500,000.00	31,510,112.47
REGISTRAR-GENERAL'S DEPT'	3,629,668.97	4,820,083.76	3,283,441.00	11,733,193.73
COPYRIGHT OFFICE	757,706.04	640,991.19	250,000.00	1,648,697.23
LAW REFORM COMMISSION	849,815.26	261,215.77	400,000.00	1,511,031.03
COUNCIL FOR LAW REPORTING	2,962,754.08	663,018.42	350,000.00	3,975,772.50
LEGAL AID SERVICES	4,486,130.50	483,330.78	550,000.00	5,519,461.28
GENERAL LEGAL COUNCIL	4,993,753.24	2,910,045.39	1,311,964.00	9,215,762.63
EOCO	14,068,554	945,033.26	550,000.00	15,563,587.26
GRAND TOTAL	61,494,154.32	12,838,546.01	16,395,405	90,728,106.00

9.0 OUTLOOK OF THE MINISTRY FOR THE YEAR 2017

The Ministry plans to undertake the following activities in the year 2017:

- i. The Council for Law Reporting intends to reprint three thousand, five hundred (3,500) copies of "Out of stock" Ghana Law Reports.
- ii. The Attorney-General's Department will continue to defend the State and strive to avoid the payment of all forms of illegitimate judgment debts and ensure value for money in all Government contracts and agreements.

- iii. The Registrar-General's Department envisages to register and re-register about sixty-three thousand **(63,000)** businesses and two thousand, eight hundred and eighty-five **(2,885)** marriages.
- iv. The Copyright Office envisages to hold eight **(8)** sessions of public education on copyright and carry out further copyright education in more second cycle institutions.
- v. The Legal Aid Scheme anticipates receiving eight thousand, seven hundred and twenty-seven **(8,727)** cases and disposing of two thousand, five hundred and sixty-one **(2,561)** cases through ADR.
- vi. The Law Reform Commission plans to draft two (2) new law proposals.
- vii. EOCO will continue to investigate cases of Economic and Organised crimes and ensure that accruals from such activities are confiscated and recovered for the State.
- viii. The Ghana School of Law plans to train and call three hundred (300) law students to the Bar. The General Legal Council will also ensure that the ethical standards of the legal profession is upheld and maintained.

10.0 OBSERVATIONS AND RECOMMENDATIONS

10.1 Performance of 2016 Approved Budget for the Ministry

The Committee observed that the actual expenditure of the Ministry for 2016 exceeded its approved budget for the year by about 19%. Whilst the amount of Seventy-Four Million, Six Hundred and Eighty-Seven Thousand, Five Hundred and Eighty-Four Ghana Cedis **(GH¢74,687,584.00)** was approved for the Ministry and its Agencies, the total expenditure as at 31st December, 2016 stood at Eighty-Eight Million, Six Hundred and Sixty-One Thousand and Sixty-Five Ghana Cedis and One Pesewa **(GH¢88,661,065.01)**. This created an apparent over-expenditure of Thirteen Million, Nine Hundred and Seventy-Three Thousand, Four Hundred and Eighty-One Ghana Cedis **(GH¢13,973,481.00)**, resulting from three main factors. The first was an amount of **GH¢9,587,793.35**, being levies collected and paid out to Copyright owners. Secondly, an amount of Two Million, Three Hundred and Twenty-Eight Thousand, Three Hundred and Sixty-Seven Ghana Cedis, Forty-Eight Pesewas **(GH¢2,328,367.48)**, a GoG support for EOCO operational activities, which was wrongly captured under Donor Component in the Budget document was

realigned. Lastly, the amount of Two Million, Sixty Thousand, Two Hundred and Sixty-Eight Ghana Cedis, Eighty-One Pesewas (GH¢2,060,268.81) was received by the Ministry and EOCO as part of the recoveries made by the Office.

10.2 **Inadequate Investment Vote**

- i. The Committee was informed of the deplorable conditions under which the Attorneys and other Officials of the Ministry work. These include overcrowding in the offices, lack of computers and other modern office equipment to facilitate the rapid discharge of their work.
- ii. Lack of transport in all departments and agencies was also raised as one of the major challenges of the Ministry. All the Agencies under the Ministry, particularly, the Law Reform Commission, the Legal Aid Scheme, the Council for Law Reporting, EOCO and the Registrar Generals Department, indicated how their field operations are hampered by mobility problems. The work of State Attorneys is also hampered by the lack of vehicles to convey them to the Courts and for other assignments.
- iii. The Committee notes with concern that, despite the huge infrastructural and logistical challenges facing the Ministry, the request submitted by the Ministry for capital investment was substantially reduced by the Ministry of Finance by about **63%**. Whilst the Ministry requested for the amount of ***Forty-Three Million, Nine Hundred and Thirty-Eight Thousand and Six Ghana Cedis (GH¢43,938,006.00)*** for the implementation of its investment activities for the year 2017, only ***Sixteen Million, Six Hundred and Ninety-Five Thousand, Four Hundred and Six Ghana Cedis (GH¢16,695,406.00)*** has been allocated. Accordingly, the allocation will have negative implications on the investment activities for the year, particularly on the completion of the Law House Project and the planned programme to establish regional and districts offices.

10.3 **Funding for the Law House Project**

It was revealed to the Committee that, in 2016 an amount of ***(Sixteen Million Ghana Cedis) GH¢16,000,000.00*** was lodged in an escrow account of the Ministry for the continuation of the Law House Project and Commencement Certificate given for the project. But the funds could not be accessed due to a garnishee order which was placed on the accounts of the Ministry in respect of certain legal suits. The Minister informed the Committee that, the garnishee

order has now been removed and expects that the funds would be released to the Ministry for the project.

Considering the dire need for office accommodation for Ministry, the Committee accordingly urges the Ministry of Finance to expedite the necessary processes to ensure the early release of the funds to enable work on the project to be continued and to provide additional funds to complete the project.

10.4 **Inadequate Goods and Services Vote**

The Committee observed that the amount allocated to the Ministry of Justice and Attorney-General's Department for Goods and Services for the year 2017 is woefully inadequate. The Committee was informed that while the Ministry requested for **GH¢39,009,454.00**, a meagre amount of **GH¢12,838,546.00** (representing **22%** of its Request) has been allocated to it. According to the Minister, this allocation will have serious ramifications on its activities for the year, given that, electricity bills and fuel for its Head Office alone will amount to **GH¢984,000.00**. It was disclosed that, the allocation is not adequate to cater for even the administrative expenses of the Headquarters alone. The regional and district offices of the Ministry and its agencies are likely to face serious logistical and administrative challenges in the budget year.

The Committee therefore appeals to the Ministry of Finance to consider increasing the Goods and Services allocation of the Ministry to enable it perform its functions effectively.

10.5 **Payment of Subscription Fees to International Organisations**

The Ministry informed the Committee that, due to inadequate funding, the Ministry usually defaults in the payment of subscriptions for its affiliation to international organizations such as the Asian-African Legal Consultative Organization (AALCO), International Association of Prosecutors (IAP) and the International Criminal Court (ICC) to mention a few. The default denies the Country the enjoyment of certain rights and benefits. Due to the dynamic nature of laws, affiliation to such international organizations equip its Members with requisite skills and techniques to maneuver in the modern global legal terrain.

The Minister informed the Committee of the embarrassing instances where Delegates from Ghana, who manage to obtain sponsorship to participate in such fora have been reduced to mere observers, for the fact that, they are not in good standing with regard to the payment of subscriptions fees. She

mentioned that, the situation will further worsen with the substantial reduction in the budgetary request of the Ministry for the year 2017.

The Committee accordingly urges the Ministry of Finance to provide extra funds to the Ministry to meet such critical commitments to avert further national embarrassment and to restore Ghana's impeccable feats at the international level.

10.6 Possible ramifications of the Capping Policy on the work of the Registrar General Department

The Committee notes with concern, the practical problems that the Capping policy of the Government will have on the work of the Registrar-General's Department. The Department utilizes its Internally Generated Funds (IGF) to undertake its critical activities and programmes over the years and sometimes go to the rescue of the entire Ministry. In 2016, among its many achievements, the Department was able to generate over Fifty-Seven Million Ghana Cedis (GH¢57,000,000.00) for Government, through the introduction of some innovative practices and programmes. For the 2017 budget year, it has projected to generate about Seventy Million Ghana Cedis (GH¢70,000,000.00) mainly through the execution of its businesses re-registration programme and to continue the implementation of the new penalty regime on entities which default in re-registration and filing of returns. This, according to the Department, has proven to be very effective since its introduction. This will demand funds for rigorous nation-wide sensitization and enforcement campaigns. It is in this vein that, the Department made a budgetary request of Twenty-Three Million, Six Hundred and Twenty-Nine Thousand, Eight Hundred Ghana Cedis (GH¢23,629,800.00), however, due to the Capping policy, a paltry amount of Seven Million, Nine Hundred and Fifty-Eight Thousand, Six Hundred and Three Ghana Cedis (GH¢7,958,603.00) representing **33%** has been allocated to it in the Budget.

The Committee is of the view that, this will derail the programmes and projections of the Department for the year, thereby affecting Government revenue projections as a result. Given that, the Capping policy is supposed to free funds for priority sectors of the economy, the Committee is recommending to the Ministry of Finance to consider increasing the allocation of the Registrar General's Department to ensure it meets its projections for the year. The Registrar-General is also advised to engage the Ministry of Finance for consideration in the discretionary expenditure vote.

10.7 Formalization of IGF for the EOCO

The Committee observed that EOCO has demonstrated the capacity to generate enough IGF to support its operations. However the retention of parts of Recoveries has not been formalized like that of the Registrar General's and similar agencies. The Committee therefore urges the Minister to engage the Ministry of Finance to formalize EOCO's IGF retention process.

10.8 Resourcing the Legal Aid Scheme

The Committee noted the challenges that continue to plague the Legal Aid Scheme in the discharge of its statutory functions. The Scheme is enjoined by law to operate at the national and regional levels. But the Scheme currently has no such offices. Owing to its financial challenges, the Scheme currently has only twenty-one (21) lawyers and forty (40) ADR Personnel who provide legal services to the poor and the vulnerable across the entire country. Additionally, the Scheme has only two operational vehicles.

The Committee therefore urges the Ministry of Finance to fully resource the scheme, to employ more lawyers, acquire office space and vehicles for field assignments.

10.9 Financial Arrangement for the Proposed Office of the Special Prosecutor

In respect of the proposed Office of the Special Prosecutor, the Hon. Minister for Justice and Attorney-General indicated that the Estimates for the proposed Office was factored into the request sent to the Ministry of Finance, however the Ministry of Finance did not make any allocation for that purpose. The Minister informed the Members that, the Ministry is currently considering offers outside the Government of Ghana funding to cater for the expenses of the Office when established.

11.0 CONCLUSION AND RECOMMENDATION

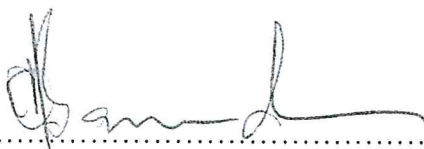
The Committee acknowledges the critical challenges that the Ministry continue to contend with in the discharge of their functions. Some of these critical challenges include inadequate office accommodation, poor working conditions, and logistical constraints.

On the basis of these challenges, it is the considered view of the Committee that the allocations to the Ministry for the year 2017 is woefully inadequate and

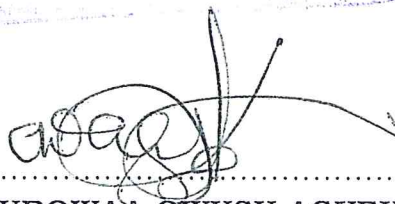
therefore additional funds need to be provided to augment the allocations to improve the poor state of affairs.

This notwithstanding, the Committee recommends to the House to adopt its Report and to approve the sum of ***Ninety Million, Seven Hundred and Twenty-Eight Thousand, One Hundred and Six Ghana Cedis (GH¢90,728,106.00)*** for the activities of the Ministry of Justice and Attorney-General's Department for the 2017 Financial Year.

Respectfully submitted.



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HON. BEN ABDALLA BANDA
CHAIRMAN



.....
AKUA DUROWAA-OWUSU AGYEKUM (MRS.)
CLERK

MARCH, 2017
