

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS ON THE 2008 DRAFT ANNUAL ESTIMATES OF THE  
MINISTRY OF JUSTICE**

**1.0 INTRODUCTION**

1.1 In compliance with article 179(1) of the Constitution, the Minister for Finance and Economic Planning, Mr. Kwadwo Baah Wiredu on the authority of H.E the President presented to Parliament the Budget Statement and Economic Policy of Government for the 2008 Financial Year on Thursday, 15<sup>th</sup> November, 2007.

1.2 Pursuant to Standing Orders 140(4) and 179 of the House, the 2008 Draft Annual Estimates of the Ministry of Justice stood committed to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

**2.0 ACKNOWLEDGEMENT**

2.1 The Committee met on Tuesday 4<sup>th</sup> December 2008 to consider the Estimates. The Deputy Attorney-General and Deputy Minister for Justice, Hon Kwame Osei Prempeh and the technical team from the Ministry were in attendance at the invitation of the Committee to assist in deliberation on the Estimates. Also in attendance were officials from the Departments and Agencies under the Ministry. The Committee is grateful to the Deputy Attorney-General and all the officials for attending upon the Committee to assist in its deliberations.

### 3.0 **REFERENCE**

3.1 The Committee referred to the under-listed documents during its deliberations on the Estimates:

- The 1992 Constitution of the Republic;
- The Standing Orders of Parliament;
- The Budget Statement and Economic Policy of the Government for the 2008 Financial Year, and
- Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the 2007 Draft Annual Estimates of the Ministry of Justice.

### 4.0 **THE MINISTRY OF JUSTICE**

#### 4.1 **Departments and Agencies of the Ministry**

The Main Agencies and Departments of the Ministry include:

- Attorney General's Department
- Registrar-General's Department,
- Law Reform Commission,
- General Legal Council,
- Council for Law Reporting,
- Legal Aid Scheme,
- Serious Fraud Office, and
- Office of the Copyright Administrator.

#### 4.1 **MISSION STATEMENT**

The Ministry of Justice, headed by the Attorney-General and Minister for Justice exists:

- (i) To entrench at the core of the body politic abiding respect for the Rule of Law and a constant observance of Human Rights.
- (ii) To ensure equality of treatment before the law for all citizens.
- (iii) To promote social justice.
- (iv) To facilitate the operations of a fair, efficient and transparent legal system.
- (v) To propagate a culture of due defender of the constitutional order; the guarantor of the rights and liberties of the citizen; the protector of the state's legal interest; the enforcer of the criminal laws, the developer of the human resources of the legal sector; and the champion of the Rule of Law.

4.2 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 observance of 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.

## 5.0 **REVIEW OF 2007 BUDGETARY ALLOCATION AND PERFORMANCE**

5.1 The Committee observed that during the year, the Ministry undertook programmes to enhance the justice delivery system by strengthening the existing schemes in order to impact positively on governance programmes. The programmes included amongst others the following:

- Collaboration with the UNDP, the Police and the Prisons Services together with the Judicial Service, in a pilot programme, towards the review of existing sentencing policy and decongestion of the prisons;
- Composition of a Standing Committee to review all cases of Remand Prisoners;
- Registrar General is in the process of Reducing of business registration application processes to twenty-four 24 hours;
- Completion of research into restorative Justice by the Law Reform Commission;
- Completion of manuscript for volume II of the 1997 – 1998; 1999-2000; 2001-2002 and volume I of the 2001-2002 editions of the Ghana Law Reports by the Council for Law Reporting;
- Completion of training for 210 lawyers by the Ghana Law School out of which 156 were enrolled and called to the Bar; and
- Implementation of a number of anti-piracy exercises and the settlement of twenty (20) copyright disputes by the Copyright Office.

5.2 The Committee also noted that during the year, the Ministry represented the State in negotiations and litigations locally and abroad which expenditure was not anticipated in the projected Service expenditure for the financial year. This expenditure therefore affected the Service vote to the extent that the Ministry had to draw on its investment vote to finance the deficit created.

5.3 The Committee observed that, for the prosecution of the above listed programmes and policy directions amongst several others during the year under review, the Ministry including its Agencies were allocated a total amount of

fourteen million, twenty-one thousand and five hundred Ghana Cedis, (GH¢14,021,500) for recurrent and development expenditure. The breakdowns were as follows:

| 5.4 | No. | Expenditure Item             | Amount in GH ¢         |
|-----|-----|------------------------------|------------------------|
|     | 1.  | Personnel Emoluments         | - 2,217,700            |
|     | 2.  | Administrative Expenses      | - 2,664,100            |
|     | 3.  | Service Activity Expenses    | - 544,000              |
|     | 4.  | Investment Activity Expenses | - 6,806,700            |
|     | 5.  | % of I. G. F.Alloc           | - 735,000              |
|     | 6.  | HIPC                         | - 1,000,000            |
|     | 7   | <b>TOTAL</b>                 | - <b>GH¢14,021,500</b> |

#### 6.0 KEY ACTIVITIES EARMARKED FOR THE 2008 FINANCIAL YEAR

6.1.1 The Committee was informed that for 2008 financial year, the Ministry and its Agencies would continue with the implementation of uncompleted programmes and projects commenced in year 2007 and in particular:

- Ensure the entrenchment of the rule of law and increased access to justice for all citizens,
- Continue the construction of the Law House Project,
- Create and expand its work space and also renovate, refurbish, and increase residential facilities in the various regions, to help ease the enormous accommodation problems confronting its officials

## 7.0 BUDGETARY ALLOCATION FOR THE YEAR 2008

7.1 The Committee observed that for the 2008 fiscal year, a sum total of fifteen million, six hundred and thirty-four thousand and ninety-five Ghana Cedis (GH¢15,634,095.00) has been proposed for the recurrent and development expenses of the Ministry of Justice together with its Departments and Agencies. This figure indicates an increase of about twelve percent (12%) over the previous year's allocation. The breakdown of the amount is indicated in the table below.

## 7.2 ANALYSIS OF MOFEP'S 2008 APPROVED FIGURES

| ITEM         | 2007 GH¢ ALLOCATION | 2008 GH¢ ALLOCATION | VARIANCE GH¢     |
|--------------|---------------------|---------------------|------------------|
| P.E          | 2,271,700           | 6,523,885           | 4,252,185        |
| ADMIN.       | 2,664,100           | 2,744,038           | 74,938           |
| SERVICE      | 544,000             | 543,996             | -4               |
| INVESTMENT   | 6,806,700           | 4,764,676           | -2,042,024       |
| IGF          | 735,000             | 1,057,500           | 322,500          |
| HIPC         | 1,000,000.00        |                     | -1,000,000.      |
| DONOR        |                     |                     |                  |
| <b>TOTAL</b> | <b>14,021,500</b>   | <b>15,634,095</b>   | <b>1,612,595</b> |

## 7.3 Personnel Emoluments (PE)

The Committee was pleased to note that the 2008 PE allocation of six million, five hundred and twenty-three thousand, eight hundred and eighty-five Ghana

Cedis (GH ₵6,523,885) records a significant increase of about one hundred and eighty-seven percent (187%) over the 2007 allocation.

The Committee was informed that the upward review of the P.E. Vote is in anticipation of salary adjustment for the staff of the Ministry and its Agencies in the 2008 financial year, and provision for the recruitment of a number of the under listed categories of staff:

- Legal officers,
- Internal Audit Agency officers,
- Researcher/Statistician, Administrative officers and Finance officer for the Law Reform Commission,
- Replacement of four (4) Law Reporters at the Council for Law Reporting, and
- Company Inspectors and Director of Finance and Administration for the Registrar General's Department.

7.3.1 The Committee further noted that, provision has been made in the P.E. Vote to cater for a two years contract appointment for the Statute Law Revision Commissioner, Prof Justice V.C.R.A.C. Crabbe to enable him complete the revision of all subsidiary legislations, and existing statutes from the year 2005 to date including subsidiary Legislations made there under.

#### 7.4 **ADMINISTRATIVE EXPENSES**

For Administrative Expenses, the Ministry has been allocated a total of two million, seven hundred and forty four thousand and thirty-eight Ghana Cedis (GH ₵2,744,038). This amount constitutes three percent increase (3%) over the 2007 allocation. It is to cover the maintenance of office equipments and running cost of

vehicles, procurement of stationery and other office consumables, the payment of salary related allowances amongst others.

#### **7.5 Service Expenses**

As indicated in the table above, a sum total of five hundred and forty three thousand, nine hundred and ninety-six Ghana Cedis (GH¢543,996) has been allocated for Service Expenses. This figure records approximately one percent short fall over the 2007 allocation. Service Vote will be committed amongst others to local and relevant overseas training of research and legal officers, and Administrative staff. It is the expectation of the Committee that the proposed research programmes will serve as a basis for continuous review of outdated laws of the Country whilst the training will also help to build the capacity of both the legal and administrative staff of the Ministry.

#### **7.6 Investment Expenses**

The Committee note with concern that the sum of four million, seven hundred and sixty four thousand, six hundred and seventy-eight Ghana Cedis (GH¢4,764,676) allocated for the Ministry's development budget records thirty percent reduction from the 2007 allocation. The Committee is of the view that the thirty percent reduction would adversely affect the Ministry's ability to expand coverage through the provision of office and residential accommodation for its staff. This limitation would also result in continuous denial of a large proportion of

the Country's population easy access to the very important services rendered by the Ministry and its Departments and Agencies by, which services they should be legally entitled to. The Committee accordingly recommends that this House urges the Ministry of Finance and Economic Planning to remedy the short fall by



reviewing upwards the Ministry's investment vote to enable it pursue its planned programme of work on schedule.

## **7.7 SPECIFIC OBSERVATIONS**

### **7.7.1 Justice for all Programme**

The Committee was happy to note that the Ministry in collaboration with other key stakeholders has commenced a programme to decongest the prisons which are increasingly becoming choked with both convicted persons and remand prisoners. The Committee commends the Ministry for this laudable initiative which has received the support of Government. It was observed that apart from easing congestion, the programme would also afford relief for persons who for trivial offences have been subjected to more than corresponding degrees of punishment. It would also offer prisoners on remand as well as those who may have found themselves there by reason of miscarriage of justice further access to justice at no cost.

### **7.7.2 Registrar-General's Department**

The Committee was informed that the Registrar-Generals' Department has completed its new Office Complex which when made fully functional would enable it complete business registration process in a day. Notwithstanding this noble achievement, the Committee learnt that this new office block cannot be put to use this year because the Department requires six hundred thousand Ghana Cedis (¢600,000.00) to procure furniture and equipment to make the facility fully functional.

It is the Committee's view that the Department had come a long way in its effort to eliminate undue delays encountered in business registration process over the

years. It is for this reason that the Committee urges this Honourable House to appeal to the Ministry of Finance and Economic Planning to as a matter of urgency provide the said sum of six hundred thousand Ghana Cedis to enable the Department procure the necessary equipment to make the new facility fully functional this year. It is also the view of the Committee that timely availability of the said funds would ultimately enable the Department generate more revenue for Government.

The Committee was also pleased to note that, the Department had eventually opened Offices in Kumasi and Takoradi as indicated during its last year's budget hearing before the Committee. These offices have indeed been made functional, although the Kumasi Office is housed in rented premises. In addition, arrangements are underway for the construction of a permanent office accommodation, and the procurement of equipment and vehicles for these offices. It was also noted that the Tamale Regional Coordinating Council has provided office accommodation for renovation and use by the Department during the 2008 financial year.

### **7.7.3 Ongoing Projects**

The Committee expressed concern about the slow pace of work on the Law House project which it noted was attributable mainly to irregular flow of funds for

the project. It noted further that the Serious Fraud Office project was also ongoing at a slow pace due to the same reason and therefore recommends that Parliament impress upon the Ministry of Finance and Economic Planning to give special attention to these project for their timely completion. This it noted was

necessary in order to ease the problem of serious space constraints confronting the Ministry.

#### **7.7.4 Renovation of Bungalows**

The Committee identified lack of residential accommodation as one of the challenges confronting the Ministry, and this it noted was one of the reasons accounting for the high rate of turn over of highly skilled personnel at the Ministry. This situation is further worsened by the fact that other institutions, especially those in the private sector tend to offer far more attractive packages to attract such skilled staff. The Committee therefore considers the Ministry's decision to renovate most of its existing bungalows and construct a few more to accommodate State Attorneys posted to other regions, particularly the three Northern Regions as an appropriate measure for retention of Attorneys posted to such regions. The Committee accordingly urges this House to entreat the Ministry of Finance to make funds available for this project

#### **7.7.5 Request for Additional Funds – Service and Administrative Expenses**

##### **7.7.5.1 Service**

As stated earlier, the Ministry was due to severe budgetary constraints compelled to draw on its investment vote meant for the Law House project to the tune of three hundred and twenty one thousand, three hundred and thirty-two Ghana Cedis (GH ₵321,332.00) to supplement the Service Vote for the year. Part of this amount was spent on the training of some lawyers, research and administrative staff. The Committee noted that a number of new lawyers engaged by the Ministry would be required to undergo such training during the 2008 financial year. The Committee was informed that Ministry would require additional amount of two hundred thousand Ghana Cedis (GH ₵200,000.00) over and above the

2008 micro ceiling for the Service Vote to finance the following Service related activities during the year:

- I. Training of legal, research officers and administrative staff to build capacity for the Ministry,
- I. Review of outdated laws of the Country.
- II. Representation of the State in negotiations and litigations locally and abroad,
- III. Multi-donor budgetary support (MDBS)
  - a) Consultancy fess to engage a legal consultant on plant varieties and regulations on seven (7) enacted laws on industrial properties
  - b) Printing of 1000 copies of the framework on corruption to be prepared by a consultant,
- IV. Foreign travels on seminars and conferences to build capacities of staff,
- V. Payment of legal fees to Ghana's external Counsels involved in foreign arbitration,
- VI. Purchase of law books, Acts, Legislative Instruments for the Libraries of the Attorney-Generals Department,

The above activities are amongst other aimed at enhancing capacities of Attorneys to handle rampant narcotic, armed robbery and money laundering cases.

#### **7.7.5.2 Administration**

It also came to the notice of the Committee that the Ministry would require additional amount of six hundred and twenty seven thousand, nine hundred and sixteen Ghana Cedis (GH¢627,916.00) to enable it discharge its international obligations of to international bodies it is affiliated; ie World Intellectual Property

Organisation (WIPO), Asian-African Legal Consultative Organisation (AALCO) International Association of Prosecutors, African Intellectual Property Organisation (ARIPO) et c. Part of the amount requested would also be used to complete payment of salary related allowance for staff and for the running and maintenance of official vehicles

The Committee recognises the fact that, the Ministry of Justice has a huge mandate of ensuring increased access to justice for all, which is indeed indispensable in the promotion of good governance. Accordingly any programme intended to further this noble course must be fully supported. It is against this background that the Committee recommends that this House requests upon the Ministry of Finance and Economic Planning to endeavour to meet this expenditure requirement of the Ministry of Justice in order to avert possible distortion in its implementation of planned programme of activities for the financial year.

## **8.0 RECOMMENDATION AND CONCLUSION**

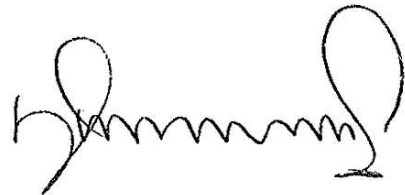
8.1 The Committee has examined the Draft Annual Estimates of the Ministry of Justice for the 2008 financial year and considers the allocations under the various expenditure items fully justified in the light of the stated objectives of the Ministry for the year. The Committee accordingly recommends that this House approves the sum total of fifteen million, six hundred and thirty-four thousand and ninety-five Ghana Cedis (GH¢15,634,095.00) for the services of the Ministry of Justice for the 2008 fiscal year ending 31<sup>st</sup> December. The Committee further recommends that this House entreats upon the Ministry of Finance and Economic Planning to duly consider the additional request for the upward review

of the Service and Administrative Expenditures of the Ministry by two hundred thousand Ghana Cedis (GH¢200,000.00) and six hundred and twenty seven thousand, nine hundred and sixteen Ghana Cedis (GH¢627,916.00) respectively for the extra activities earmarked for implementation under the Service and Administrative Vote during the year.

Respectfully submitted



**HON YAW BAAH  
CHAIRMAN  
COMMITTEE ON CONSTITUTIONAL,  
LEGAL & PARLIAMENTARY AFFAIRS**



**EBENEZER AHUMAH DJIETROR  
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