

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



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

**ON THE ANNUAL BUDGET ESTIMATES OF THE
MINISTRY OF JUSTICE FOR THE
2013 FINANCIAL YEAR**

MARCH, 2013

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND PARLIAMENTARY
AFFAIRS ON THE 2013 DRAFT ANNUAL ESTIMATES OF THE MINISTRY OF JUSTICE**

1.0 INTRODUCTION

1.1 In accordance with article 179 (1) of the Constitution, the Minister for Finance, Mr. Seth E. Terkper on the authority of H.E. the President of the Republic presented to Parliament the Budget Statement and Economic Policy of Government for the 2013 Financial Year on Tuesday, 5th March, 2013.

1.2 Pursuant to Article 103 (1) and (3) of the Constitution and Standing Orders 140 (4) and 179 of the House, the 2013 Annual Budget Estimates of the Ministry of Justice stood referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

2.0 DELIBERATIONS

2.1 The Committee during the consideration of the Estimates had the assistance of the Attorney-General and Minister for Justice, Hon. Marietta Brew Appiah-Opong and other Officials from the Ministry and its Agencies. Also in attendance were Officials from the Ministry of Finance.

3.0 REFERENCE

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

- i. The 1992 Constitution of the Republic;
- ii. The Standing Orders of Parliament;
- iii. The Budget Statement and Economic Policy of the Government for the 2013 Financial Year, and
- iv. The Budget Estimates of the Ministry of Justice for the Financial Year 2012.

4.0 MISSION OF THE MINISTRY OF JUSTICE

4.1 The Ministry of Justice exists to ensure a fair, efficient and transparent legal environment. In achieving this, the Ministry seeks to;

- i. entrench at the core of the body politic, an abiding respect for the rule of law and a constant observance of human rights;
- ii. ensure equality of access to justice and equality of treatment before the law for all citizens;
- iii. promote by law social justice;
- iv. facilitate the operations of a fair, efficient and transparent legal system;
- v. propagate a culture of due process and legality; and
- vi. strengthen investment prospects of the national economy.

5.0 DEPARTMENTS AND AGENCIES OF THE MINISTRY OF JUSTICE

5.1 The Agencies and Departments of the Ministry are:

- i. Headquarters of the Ministry of Justice and the Attorney-General's Office;
- 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 Board;
- vii. Economic and Organised Crime Office (EOCO); and
- viii. Office of the Copyright Administrator.

6.0 ANALYSES OF APPROVED BUDGET ESTIMATES AND RELEASES FOR THE MINISTRY OF JUSTICE FOR YEAR 2012

6.1 A total amount of **Twenty-Nine Million, Seven Hundred and Twenty-One Thousand, Two Hundred and Seventeen Ghana Cedis (GH¢29,721,217.00)** was approved for the Ministry of Justice for the 2012 Fiscal Year. Out of the approved figure, an amount of

Twenty-Seven Million, Eight Hundred and Sixty Thousand, Six Hundred and Ninety-Three Ghana Cedis, Eighty-Nine Pesewas (GH¢27,860,693.89) had been released to the Ministry by the end of year 2012, leaving a shortfall of **One Million, Eight Hundred and Sixty Thousand, Five Hundred and Twenty-Three Ghana Cedis, Eleven Pesewas (GH¢1,860,523.11)**. However, the Ministry of Finance early 2012 made a special release of **Eleven Million, One Hundred and Fifty-Three Thousand, Eight Hundred and Sixty-Six Ghana Cedis, Sixty-Three Pesewas (GH¢11,153,866.63)** to the Ministry of Justice to meet the following specific expenditures:

- i. Continuation of EOCO Head Office building and special operations.
- ii. Deposit against arbitration proceedings by International Court.
- iii. Consultancy fee paid to Messrs Dewery Leboeuf contracted to represent Ghana at the International Court.
- iv. Payment made to M/s Professional Group for services in respect of the procurement of jubilee toilets by Ghana@50.

6.2 The total budgetary expenditure for the Ministry of Justice for year 2012 therefore came up to **Thirty-Nine Million, Fourteen Thousand, Five Hundred and Sixty Ghana Cedis, Fifty-Two Pesewas (GH¢39,014,560.52)**.

7.0 REVIEW OF PERFORMANCE FOR YEAR 2012

7.1 In the year under review, the Ministry of Justice proffered advice on a total of one thousand, three hundred and sixty-four (1,364) cases including twenty (20) narcotic cases, one hundred and seventy (170) motor traffic cases and three hundred and ten (310) petitions.

7.2 The Ministry improved its efficiency under its "Justice for All Programme" by setting up seven (7) Courts in the Prisons in addition to the existing ones. The Nsawam Medium Security Prisons was a beneficiary as fifty-nine (59) remand prisoners were discharged

whilst sixty-two (62) others were granted bail. The Ministry also assisted eight thousand, three hundred and ninety-seven (8,397) clients under its Legal Aid Scheme.

- 7.3 The Legislative Drafting Division of the Ministry drafted several legal frameworks some of which were enacted into law. These included the following:
- i. Presidential (Transition) Act 2012, (Act 845)
 - ii. Colleges of Education Act 2012, (Act 847)
 - iii. Anti-Terrorism (Amendment) Act 2012, (Act 842)
 - iv. Minerals and Mining Regulations, 2012, L.I. 2173
 - v. Road Traffic Regulations, 2012, L.I. 2180
 - vi. Anti-Terrorism Regulations, 2012, L.I. 2181
 - vii. Fourth Session of Fifth Parliament Commencement Instrument, C.I. 71
 - viii. Public Elections (Registration of Voters) Regulation, 2012, C.I. 72

8.0 BUDGETARY ALLOCATION FOR THE MINISTRY OF JUSTICE FOR YEAR 2013

- 8.1 In year 2013, the Ministry will continue its mandate of helping to create and sustain a reputable legal system and an enabling legal environment. The Ministry will also continue to contribute to foster good governance and social peace as well as strengthening the investment prospects of the Economy.
- 8.2 The Ministry will review the Data Protection Act, Veterans Administration Ghana Act, Presidential (Transition) Act and Mental Health Act and prepare the Memorandum of Understanding for its "Justice for All Programme" for effective delivery of justice in the Country.
- 8.3 Economic and Organised Crime Office (EOCO) will also intensify its operations to mitigate economic and financial crimes, human trafficking and illegal cyber activities.

8.4 A total amount of **Twenty-Six Million, Eight Hundred and Ninety-Eight Thousand, Four Hundred and Twelve Ghana Cedis (GH¢26,898,412)** has been allocated to the Ministry of Justice. Details of the Budget Estimates for year 2013 are shown in the following Table.

A Table showing Annual Budget Estimates of the Ministry of Justice for the 2013 Financial Year

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	RETAINED IGF (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
1. COMPENSATION OF EMPLOYEES	11,437,486.00	-	-	11,437,486.00
2. GOODS AND SERVICES	2,086,986.00	-	4,073,105.00	6,160,091.00
3. LIABILITIES	-	-	-	-
4. ASSETS	5,298,150.00	-	4,002,685.00	9,300,835.00
TOTAL	18,822,622.00	-	8,075,790.00	26,898,412.00

9.0 OBSERVATIONS AND RECOMMENDATIONS

- 9.1 The Committee observed that the inadequate funding of the Ministry has had a telling effect on the activities of the Ministry. For example, the publication of the Ghana Law Reports is in arrears because the Council for Law Reporting is extremely under-funded and under-staffed. The Legal Aid Scheme is also severely distressed for the same reasons. Lack of adequate funding has prevented the Ministry from employing qualified and experienced Attorneys to discharge the responsibilities assigned to the Ministry.
- 9.2 The Committee was informed that the Ministry of Justice and Attorney General's Department budgeted for an amount of **Fifty Eight Million, One Hundred and Ninety-Four Thousand, Nine Hundred and Fifty-Four Ghana Cedis, Forty-Six Pesewas (GH¢58,194,954.46)** to be able to undertake its programmes, but was given a ceiling of

Thirty-Seven Million, One Hundred and Eighty-Six Thousand, Eighty-Nine Ghana Cedis (GH¢37,186,089.00) by the Ministry of Finance. This ceiling was further reduced to **Twenty-Six Million, Eight Hundred and Ninety-Eight Thousand, Four Hundred and Twelve Ghana Cedis (GH¢26,898,412.00)**. Under the circumstance, the Ministry have had to re-prioritise its activities and thereby suspend most of its activities including the construction of the Ministry's Law House and Offices for its Agencies.

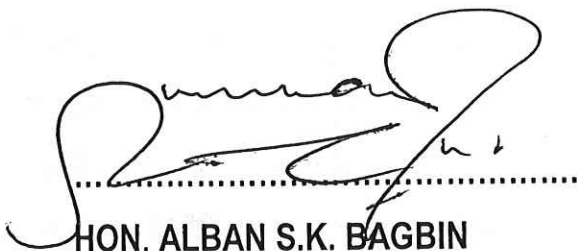
9.3 The Ministry's Law House Project is a ten (10) Storey-Building with a two (2)-Basement Car park intended to properly house the Ministry but work came to a halt in 2010 as a result of lack of funds. An amount of Twenty Million Ghana Cedis (GH¢20,000,000.00) would be required to complete the Project. However, the entire allocation for Assets for the Ministry and all its Departments and Agencies for the year is Nine Million, Three Hundred Thousand, Eight Hundred and Thirty-Five Ghana Cedis (GH¢9,300,835.00). As indicated afore in the Report, this implies that the continuation of the Project this year would not be possible.

9.4 The reduction of the Ministry's budget to the level indicated afore will also make it difficult for the Ministry to address its logistical needs such as vehicles, computers and other Information and Communication Technology related facilities. Inadequate supply of computers for use by the Ministry delays the work of Attorneys as they have to rely on Secretaries. The reduction will again adversely affect the payment of subscription fee to affiliate International Associations or Bodies. The Ministry lacks means of transport to facilitate the movement of; Attorneys to and from courts; Researchers of the Law Reform Commission to undertake field work; Company Inspectors of the Registrar-General's Department; and Officers of the Economic and Organised Crime Office to undertake investigations.

entreats the House to urge the Government to take steps to address the shortfalls in the Budgetary Allocations to the Ministry.

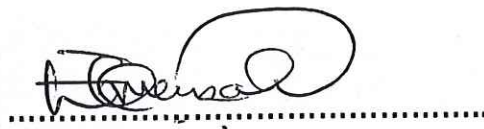
10.2 In the meantime, the Committee recommends that the House approves the sum of **Twenty-Six Million, Eight Hundred and Ninety-Eight Thousand, Four Hundred and Twelve Ghana Cedis (GH¢26,898,412.00)** for the services of the Ministry of Justice for the 2013 Financial Year.

Respectfully submitted.



HON. ALBAN S.K. BAGBIN

*For: CHAIRMAN, COMMITTEE ON
CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS*



ERIC OWUSU-MENSAH
CLERK TO THE COMMITTEE

MARCH 2013