

GHANA



PERMANENT MISSION OF GHANA
TO THE UNITED NATIONS
19 EAST 47TH STREET
NEW YORK, N.Y. 10017
TEL. 212-832-1300 • FAX 212-751-6743



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**STATEMENT TO BE
DELIVERED BY GHANA TO THE SIXTH
COMMITTEE OF THE GENERAL ASSEMBLY**

**ON THE AGENDA ITEM 86
“THE RULE OF LAW AT THE NATIONAL
AND INTERNATIONAL LEVELS”**

NEW YORK, 8TH AND 9TH OCTOBER, 2018

Mr. Chairman,

At the outset, my delegation wishes to align itself with the statement delivered by the distinguished representatives of The Gambia on behalf of the Africa Group and the Islamic Republic of Iran on behalf of the Non Aligned Movement. My delegation welcomes the report of the Secretary General.

Mr. Chairman,

My Delegation also commends the Secretary General, the Office of Legal Affairs and the Treaty Section for their role, in particular, the Treaty Events held over the past years which enable member states to sign, ratify, and accede to treaties.

Mr. Chairman,

My delegation notes that to realize the full benefits of advancing the rule of law both at the national and international level, capacity building and technical assistance is crucial and to this end, activities and programmes undertaken within the ambit of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is important to the attainment of this goal.

The focus of this programme is to contribute to the teaching and promotion of international law particularly among lawyers from developing countries. The Audiovisual Library of International Law, one of the core activities under the programme of assistance, plays a unique role by providing a resource of high quality international law training and research materials to a wide constituency of researchers, government lawyers and teachers of international law, not only from developing countries but developed as well. The regional

courses in international law which are held in Africa, Asia Pacific and Latin America and the Caribbean, seeks to deepen the knowledge of participants on issues of international law and there is no doubt that the publications are also essential to fulfilling its mandate as a core activity of the General Assembly, thereby contributing to building the capacity of representatives of member states.

Mr. Chairman,

On the issue of sharing national practices of states in the implementation of multilateral treaties, Ghana has embarked on some reforms in the justice sector to improve on the rule of law and some of the main achievements are:

- The ratification of international human rights and rule of law treaties.
- Guaranteeing the civil/political rights of the citizenry.
- Putting in place systems to address judicial misconduct and administrative reforms which include the automation of the courts and pre-trial settlement procedures to reduce court delays.
- The presumption of innocence, the right to a fair trial and the right to representation are codified, and the provision of legal aid.
- Improvement in Crime data collection.
- The establishment of mechanisms to check police behavior, which have resulted in a decrease in complaints.

It is worthy to note that donors have played a significant role in promoting the sector reforms. However, in some cases, funding is often driven by the donor agenda rather than local needs.

Mr. Chairman,

As earlier indicated, access to legal representation and legal aid are also provided for under the Constitution of Ghana and reinforced in the Legal Aid Scheme Act of 1997, Act 542. The Legal Aid of Ghana together with Non-Governmental Organisations and Civil Society Organisations, have developed a robust mechanism to ensure that all citizens of Ghana, especially the poorest and the most vulnerable, have fair access to the legal system. The legal aid mechanism ensures that a person requiring such assistance is availed of it by representation through a lawyer, including such assistance as is given by a lawyer, in the steps preliminary or incidental to any proceedings or arriving at or giving effect to a compromise to avoid or to bring to an end any proceedings, at the cost of the government.

An example of such assistance is the Justice for All Programme which affords prisoners on remand access to legal representation. The Justice for All Programme is a special in-prison court sitting on remand prisoners, prisoners whose trials are unreasonably delayed. By all accounts, the programme constitutes a key component of the rule of law, access to justice and the sustained promotion and protection of the human rights of prisoners –both remand prisoners and convicted prisoners and of course their handlers, that is officials of the Prisons Service, and by extension the families of these persons. Available statistics indicate that since the inception of the programme in 2007, out of a total of three thousand, two hundred and ninety-three (3,293) inmates who have appeared before the Justice for All courts, six hundred and two (672) were discharged, nine hundred and eighty-five (985) were granted bail and one hundred and thirty-five (135) were convicted as at December, 2016.

Mr. Chairman,

In conclusion, I wish to reiterate my country's commitment to the rule of law which underpins Ghana's 1992 Constitution. The separation of powers and the independence of those institutions are all relevant to the rule of law, good governance and accountability. Ghana has embedded these principles in its national culture over the years, and is making progress in deepening them. This is because we believe the rule of law underpins the fundamental rights of our people and the overall development of our country. It is in this vein that Ghana embraces every occasion that presents an opportunity to further develop our capacity in the Rule of Law and would continue to engage and utilize such opportunities to the benefit of our country.

I thank you.