

GHANA



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**STATEMENT DELIVERED BY THE REPUBLIC OF
GHANA ON AGENDA ITEM 83:**

**THE RULE OF LAW AT THE NATIONAL AND
INTERNATIONAL LEVELS**

**AT THE SIXTH COMMITTEE OF THE GENERAL
ASSEMBLY, 10th AND 11th OCTOBER 2019**

Mr. Chairman,

Thank you once again for giving my delegation the floor to contribute to the discussions on this agenda item. My delegation aligns itself with the statement delivered by the distinguished representatives of the Islamic Republic of Iran and The Gambia, on behalf of the Non-Aligned Movement and the Africa group respectively. We also wish to, once again, thank the Secretary-General for his comprehensive report on the Rule of Law at the National and International Levels contained in document A/74/139.

Mr. Chairman,

My delegation's intervention on the Secretary-General's report will be on three key initiatives by Ghana to advance the rule of law at the national and international levels

- **Access to justice, in particular for disadvantaged and marginalized groups**
- **Anti-corruption initiatives, and**
- **Accountability at the national level for serious crimes under international law.**

Mr. Chairman,

On access to justice, in particular for the disadvantaged and marginalized groups, Ghana's Constitution provides for legal representation and legal aid and these are reinforced in the Legal Aid Scheme Act of 1997, Act 542. Through the Scheme, Government in collaboration with Non-Governmental Organizations and Civil Society Organizations, 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 Scheme 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.

A practical 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 which was established in October 2007, 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. The share of remand prisoners of the total prison population in Ghana has witnessed a significant reduction: from 33% in 2007, when the Justice for All Programme was launched, to 12% in 2018. This is a major achievement. It is significant to state that every time a man or a woman is walking out of a prison after 5, 7 or even 9 years on remand without seeing a judge, a life is changed and the person’s dignity is reestablished.

The programme will soon be decentralized and High Court judges in all the sixteen regions of Ghana have been tasked to adjudicate on cases related to the programme. The UN Periodic Review in Geneva commended Ghana for the programme and stated that “there is no greater threat to a free and democratic country than a government that fails to protect its citizens’ freedom and liberty as aggressively as it pursues justice”. The programme, has shown leadership on the continent, a situation which has attracted sister African countries to under study Ghana’s programme and replicate it in their countries.

Mr. Chairman,

Without a doubt, corruption remains a canker that must be dealt with by all States and it is a major challenge for everyone, from Governments, business communities to the civil societies. If allowed to fester, corruption can destroy every facet of a nation including the judiciary that is supposed to uphold the rule of law at the national level, the Police Services of States, Government Institutions among others. As a measure, the Government of Ghana has taken key steps which are largely contributing to the anti-corruption fight. Some of these measures are the drive to make customs at Ports and Harbours paperless, a welcome development for the development of the maritime economy, the digitalization of most of the government administration units which plays a key role in limiting the possibilities of illegal transactions from taking place as well as the introduction of the Ghana Card. Measures towards strengthening the capacity of decentralized institutions to improve their performance and ensuring citizens are better informed to demand more accountability at all levels of government have also been put in place.

Also, after two decades of delays by successive governments and innumerable demonstrations by journalists and civil society groups, Ghana, in March, 2019 passed the long-awaited Right to Information (RTI) bill and awaiting Presidential assent into Law. The law, which seeks to codify access to Ghana's public institutions is a bid to ensure transparency in the fight against corruption.

Mr. Chairman,

Combating impunity and promoting accountability and the rule of law both at the national and international level is a challenging area in which sustainable progress requires long-term sustained efforts and resources. As a show of commitment in the fight against impunity, Ghana's law provides for the exercise of universal jurisdiction over national crimes of international concern found in several treaties including: piracy, narcotics trafficking, hijacking of aircraft, terrorism and trafficking in persons. The Courts Act provides for universal jurisdiction over the aforementioned crimes by stating that any person, whether a citizen of Ghana or not, is liable to be tried and punished in Ghana for an act done outside Ghana which, if done within the jurisdiction of the courts of Ghana, would have constituted any of the above offences. Ghana has defined some crimes under international law as crimes under Ghanaian law. These include genocide, slavery, other breaches of the Geneva Conventions and their protocols and specific crimes that could constitute War Crimes if committed in the context of or in association with an armed conflict such as murder, rape, enforced prostitution, and the like.

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Mr. Chairman,

My delegation wishes to reiterate the calls for support with the aim of building capacity of member states from developing countries to improve and ensure effective implementation of national and international laws to which they are signatories. The training programmes will enable national courts handle cases that are international in nature and thereby compliment the roles being by the International Courts.

I thank you.