

Consultancy Services for the Development of Standard Operating Procedures (SOPs) for the Ministry of Justice and Attorney-General's Department and its Agencies



ShawbellConsulting

Volume I
Final Report

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EXECUTIVE SUMMARY

Background to the Project

Institutions within the legal and justice sector are reportedly faced with weakened functionality as well as structural and institutional capacity challenges. These appear to have caused inefficiencies and led to low public confidence, limited accessibility, reduced quality of services, and delayed dispensation of justice especially for the vulnerable.

Integral to a democracy is respect and prevalence of the rule of law. This can be achieved by ensuring that a country's justice sector functions efficiently in a manner that is easily accessible to the public. When the rule of law prevails, a country is more likely to be stable, just, and peaceful. The 1992 Constitution of the Republic of Ghana, specifically Chapter Five, establishes the significance of the rule of law and the right to justice for Ghanaian citizens. In order to achieve this mandate, the justice sector has made several reforms. However, even with such reforms, results from the 2012 Baseline Survey of the Justice Sector of Ghana illustrates that more changes need to be made.

In order to further Ghana's development, it is necessary that the institutions under the justice and legal system function effectively, meaning that the staff at the various institutions need to be highly skilled and knowledgeable about the processes of their respective institutions. Thus, the development of Standard Operating Procedures would make certain that each staff member is on the same page about the required standards of operations of their respective institutions and is equipped to bring them into fruition.

In light of these concerns, the Ministry of Justice and Attorney General's Department has partnered the UNDP to commission this project to coordinate and develop standard operating procedures for the Ministry of Justice and Attorney General's Department and its Agencies, namely: Legal Service Civil Division, Legal Service Legislative Drafting Division, the Law Reform Commission and the Council for Law Reporting.

Standard Operating Procedures (SOP)

The Intended Output from the Project is to develop and implement Institutional Standards to support new Systems and Procedures. Thus, the Standard Operating Procedures have been developed through a comprehensive study of the formal procedures, actual practices and mandates of respective institutions. We developed the SOPs on the basis of current observations and functional requirements of the Institutions. Nonetheless, the results would reflect the Operating Procedures as they can be anticipated for the medium term (0-3 years).

The Results and Resources Framework for this Project indicates Year 2 and 3 Targets as follows:

- Year 2 Targets: Develop and Operationalise relevant Policies for the Ministry of Justice and the Attorney-General's Department and its Agencies by the end of year 2.
- Year 3 Targets: 30% of improved capacity for Institutional Policy formulation and implementation by the end of year 3.

The Targets would be achieved through the preparation, adoption, publication and communication of substantive and subsidiary legislations with respect to effective justice delivery in Ghana.

Our Findings, Observations and Gaps Emerging

The Law Reform Commission faces several constraints in carrying out its functions. As a result of stakeholder engagements with the Law Reform Commission, including review of relevant documents provided to us by the Commission, interviews and discussions with staff of the Commission, the following five (5) thematic areas were identified as requiring attention and focus to enable the Commission to carry out its mandate efficiently and effectively: Standard Operating Procedures, Human Resource, Information, Communications and Technology (ICT), Libraries and Resource Centres, and Training and Development.

Law Reform Commission

Human Resource

The Legal Department of the Law Reform Commission is seriously under-resourced, with only one lawyer currently working there. Additional lawyers in the Legal Department, including a senior lawyer to supervise the Department, would enable the Department to produce more legal reform work faster. The Law Reform Commission is mandated to carry out several important functions, and for that to take place efficiently and effectively, more than one lawyer is required in the Legal Department at the Commission. In addition, as staff members from the Commission are often required to travel to the other regions in Ghana to conduct field research, having more lawyers will ensure that legal reform work at the head office in Accra is not put on hold when such travel occurs.

The Commission requests for a minimum of five (5) to seven (7) lawyers to operate efficiently and effectively.

Information, Communications and Technology (ICT)

A networked computer system is a minimum, yet critical, requirement for an agency such as the Law Reform Commission for whom legal research is paramount. We are therefore recommending that the Commission is provided with:

- networked computers with online access, plus access to partner institutions' websites, for every lawyer working in the Legal Department
- a networked computer with online access, plus access to partner institutions' websites, in the Law Library
- Another ICT professional to complement the current ICT professional at the Commission. As we have discussed, online research is a critical component of the law reform work that the Commission does, and so having two ICT professionals would provide adequate support with some backup in case of exigencies.

Libraries and Resource Centres

We recommend that funding must be provided for the Law Library to acquire contemporary/ updated legal literature, which is vital for a Commission whose core functions includes the requirement to "... Make practical proposals for the development, simplification **and modernization** of the law". In addition, as discussed earlier, online access needs to be provided for the Law Library, including online access to foreign partner websites. This would expand the research capability of the Commission by providing access to online as well as foreign partner legal resources.

Training and Development

We recommend that regular training be implemented for all staff of the Law Reform Commission, perhaps at the Civil Service Training Centre. In addition, given the specialized function of law reform, we recommend that funding be made available for specialized training to be implemented for key managers and staff, including all the lawyers in the Legal Department, to keep them current with the law as well as international best practices. Furthermore, seminars, workshops and exchanges with Law Reform Commissions in the sub-region and partner Commonwealth countries would keep staff of the Commission abreast of best practices in other jurisdictions.

Logistical Support

We recommend that one to two cross-country (robust) vehicles be provided to enable the Law Reform Commission to carry out field research work.

Legal Service Civil Division

Our findings, observations and gaps emerging out of this project were categorized under the following six (6) broad thematic areas as follows: Standard Operating Procedures, Record-keeping in the Ministries, Departments and Agencies (MDAs), Timely engagement in negotiations of contracts or agreements and arbitration processes, Paralegal Staff in LSCD and MDAs, Information, Communications and Technology (ICT), and LSCD Non-representation in the Courts.

Record-keeping in MDAs

A key component of the functions of the Legal Service Civil Division (LSCD) is to represent and protect the interest of the state in legal matters that are of a civil nature. On this point, it critical for the Ministries, Departments and Agencies (MDAs), being the key constituents of the Government of Ghana to provide required information on a timely basis.

Therefore, credible record-keeping in the MDAs would be critical in preparing and building Civil case files as a precursor to Justice delivery. To this end MDAs, should be encouraged to constantly document information regarding all of their operations.

We recommend the following procedures in the MDAs to ensure that information is made readily available when needed:

- Minutes and records of all MDAs' operations are filed in readiness for use by the LSCD;
- The Records and Reports should be assigned to scheduled managers in the MDAs, as part of their core duties;
- The Records and Reports should be reviewed periodically and signed-off by superiors to ensure compliance with established policies, rules and regulations in the Ministry of Justice and Attorney-General's Department.

Timely engagement in negotiations of contracts or agreements and arbitration processes

The LSCD is mandated to engage in negotiations of contract or agreements and arbitration processes on behalf of the Government of Ghana. It is expedient that the LSCD is part of the process from its inception through to finalization.

On this point, we recommend that:

- The LSCD be furnished with time-tables of activities of MDAs at pre-determined periods;
- Information and documentation on contracts, arbitrations be made available to the LSCD from the Inception through to the finalization of the processes; and
- The LSCD should be notified immediately of ad-hoc or critical situations that would impinge on the workings of the LSCD and MDAs.

Paralegal Staff in LSCD and MDAs

The working relationships between the LSCD and the Legal Departments of MDAs would improve with the recruitment of Paralegal Officers in respective institutions. Paralegal Officers would play mediating roles in the institutions, as they liaise with State Attorneys and Legal Officers in the LSCD and MDAs respectively. Additionally, Paralegal Officers would be focal persons to address concerns in the institutions.

Therefore, we recommend that the processes required for approval to recruit Paralegal Officers within the Ministry of Justice and Attorney-General's Department and MDAs be initiated. This must be done within financial constraints and Human Resource Policies.

Information, Communications and Technology (ICT)

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the LSCD could be curtailed in a networked environment with dedicated servers. Therefore, an optimal utilization of Information and Communications Technology applications would enhance the performance of the LSCD in executing their mandate of Justice Delivery.

Therefore we recommend the following measures:

- A filing system within MDAs and LSCD be periodically reviewed to ensure that workflow in their registries are consistent with established procedures;
- Superiors should undertake regular inspection of files and documents as part of their routine compliance procedures;
- Staff assigned on ICT-related duties should be trained regularly in emerging trends in ICT, electronic filing and database management;
- Regular upgrade of ICT Systems to meet global and emerging standards.

Attorneys with Special Needs

In our assessment of special needs for persons with disability, we observed that the main challenges were in areas of logistical support such as equipment and tools for effective performance as Attorneys. This suggests that the special needs for persons with disability are not requirements for training or capacity-building. Nonetheless, the provision of logistical support would enhance the performance of persons with disability. Therefore, logistical challenges and support for persons with disability must be addressed comprehensively in multi-institutional projects that focus on persons with disability.

Legal Service Legislative Drafting Division

Our findings, observations and gaps emerging out of this project were categorized under four (4) broad thematic areas as follows: Standard Operating Procedures, Libraries and Resource Centres, Human Resource, and Information, Communications and Technology.

Standard Operating Procedures

We noted that there was formalized documentation on Standard Operating Procedures at the Legal Service Legislative Drafting Division of the MoJAGD. Nonetheless, we reviewed the existing Standard Operating Procedures as part of our gap analysis.

Therefore, the SOPs developed out of this exercise and our recommendations would optimize the work of the Legislative Drafting Division in enhancing the delivery of Justice, as procedural inefficiencies would be curtailed. We recommend that the SOPs should be implemented within the timelines stipulated in the Results Framework for this project.

Libraries and Resource Centers

We observed that the Legislative Drafting Division was not well-resourced with books and reference material. In some instances, the Law Reports were outdated. Therefore, the Staff of the Division had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively.

Therefore, we recommend the following measures for Legislative Drafting Division in matters relating to resources for research:

- Take stock of materials currently in its library to assess resource optimal requirements;
- Identify library resources that are imperative for the work of the Division and initiate processes for procurement, using approved avenues; and
- Use appropriate recruitment processes and approvals to recruit staff to perform Library duties.

Human Resource

We observed that there were Human Resource challenges; an optimal number of Legislative Drafters would need to be recruited. The skills, knowledge and abilities required for success in the Legislative Drafting Division are specialized. A concerted drive to recruit personnel through approved channels would ensure that the workload is managed within the capabilities of the Staff.

It is envisaged that a training needs assessment for the MoJAGD and its agencies would be further developed into a Training Plan that would adequately address Human Resource requirements. We recommend that Training Plan and the SOPs should be implemented in an integrated manner.

Information, Communications and Technology (ICT)

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the Legislative Drafting Division could be curtailed in a networked environment with dedicated servers.

We recommend that approved channels are used to procure computers, photocopiers, scanners, and printers. This would ensure an optimal utilization of Information and Communications Technology applications, which is critical to the performance of the Legislative Drafting Division in their Justice Delivery.

Council for Law Reporting

Our findings, observations and gaps emerging out of this project were categorized under the following four (4) broad thematic areas as follows: Standard Operating Procedures, Obtaining Rulings, Judgement and Opinions from Superior Courts, Human Resource, and Information, Communications and Technology.

Obtaining Rulings, Judgments and Opinions from Superior Courts

The Council for Law Reporting is responsible for preparation and publication of the *Ghana Law Reports*. The Reports contain Judgments, Rulings and Opinions from Superior Courts in Ghana. The Judgments, Rulings and Opinions delivered could be transmitted to the Court registries in real-time, for submission to the Council for Law Reporting. Nonetheless, there is usually a time-lag in submission to the Council for Law Reporting. This places an onerous responsibility on the staff of the Council, as they have to engage in other modes of collecting Rulings, Judgment and Opinions from Superior Courts.

According to Section 15 of the Council for Law Reporting Act 1972, "Every judge of the Superior Court of Judicature shall as soon as practicable after delivering it, cause to be furnished to the Editor a certified true copy of every judgment, ruling or opinion delivered by him". In addition Section 16 of the Council for Law Reporting Act 1972 stipulates that "Every registrar attached to any of the Superior Courts of

Judicature shall at the end of every calendar month furnish the Editor with a list of all judgments, rulings or opinions delivered by a judge in the court in which he is the registrar'.

The Section 15 and 16 of the Council for Law Reporting Act 1972 is explicit on the role of the Judges and the Superior Courts in relation to the submission of rulings, judgments and opinions. Therefore, we recommend that Section 15 and 16 of the Council for Law Reporting Act 1972 are enforced to the effect that documentation is submitted a month in arrears.

Libraries and Resource Centers

We observed that the Council for Law Reporting Library was not well-resourced with books and reference material. In some instances, Law Reports were outdated. Therefore, the Staff of the Council had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively due to financial constraints.

Therefore, we recommend the following measures for the Council for Law Reporting:

- Take stock of materials currently in its library to assess resource optimal requirements;
- Identify library resources that are imperative for the work of the Division and initiate processes for procurement, using approved avenues; and
- Use appropriate recruitment processes and approvals to recruit staff to perform Library duties.

Human Resource

We noted a backlog in the Preparation and Publication of the “Ghana Law Report”. The Human Resource challenges at the Council for Law Reporting was among other factors contributing to this lag. The engagement of an optimal number of Lawyers and administrative staff would ensure that the workload is managed within the capabilities of the Staff.

It is envisaged that a training needs assessment for the MoJAGD and its agencies would be further developed into a Training Plan that would adequately address Human Resource requirements. We recommend that Training Plan and the SOPs should be implemented in an integrated manner.

Information, Communications and Technology (ICT)

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the Council for Law Reporting could be curtailed. ICT challenges at the Council for Law Reporting were among other factors attributed to the backlog in preparing and publishing the “Ghana Law Report”, as Rulings, Judgment and Opinions from the Superior Courts were not submitted in a timely manner.

We recommend the procurement of a networked environment with dedicated servers for storing Court documentation. This would eliminate the time lag in obtaining information required to prepare and publish mandated Reports.

Human Resource

We noted a backlog in the Preparation and Publication of the “Ghana Law Report”. The Human Resource challenges at the Council for Law Reporting was among other factors attributable to this lag. The engagement of an optimal number of Lawyers and administrative staff would ensure that the workload is managed within the capabilities of the Staff.

Recommendations

Our recommendations were developed in cognizance of the findings, observations and gaps emerging out of this project.

The Recommendations are categorized under the following four (4) thematic areas: Human Resource, Information, Communications and Technology (ICT), Libraries and Resource Centres, and Training and Development.

Law Reform Commission

Human Resource

The Legal Department of the Law Reform Commission is seriously under-resourced, with only one lawyer currently working there. Additional lawyers in the Legal Department, including a senior lawyer to supervise the Department, would enable the Department to produce more legal reform work faster. The Law Reform Commission is mandated to carry out several important functions, and for that to take place efficiently and effectively, more than one lawyer is required in the Legal Department at the Commission. In addition, as staff members from the Commission are often required to travel to the other regions in Ghana to conduct field research, having more lawyers will ensure that legal reform work at the head office in Accra is not put on hold when such travel occurs.

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- Another ICT professional to complement the current ICT professional at the Commission. As we have discussed, online research is a critical component of the law reform work that the Commission does, and so having two ICT professionals would provide adequate support with some backup in case of exigencies.

Libraries and Resource Centres

We recommend that funding must be provided for the Law Library to acquire contemporary/ updated legal literature, which is vital for a Commission whose core functions includes the requirement to “... Make practical proposals for the development, simplification **and modernization** of the law”.In addition, as discussed earlier, online access needs to be provided for the Law Library, including online access to foreign partner websites. This would expand the research capability of the Commission by providing access to online as well as foreign partner legal resources.

Training and Development

We recommend that regular training be implemented for all staff of the Law Reform Commission, perhaps at the Civil Service Training Centre. In addition, given the specialized function of law reform, we recommend that funding be made available for specialized training to be implemented for key managers and staff, including all the lawyers in the Legal Department, to keep them current with the law as well as international best practices. Furthermore, seminars, workshops and exchanges with Law Reform Commissions in the sub-region and partner Commonwealth countries would keep staff of the Commission abreast of best practices in other jurisdictions.

Legal Service Civil Division

Our recommendations were developed in cognizance of the findings, observations and gaps emerging out of this project, and are categorized under the following five (5) thematic areas: Record-keeping in the Ministries, Departments and Agencies (MDAs), Timely engagement in negotiations of contracts or agreements and arbitration processes, Paralegal Staff in LSCD and MDAs, Information, Communications and Technology (ICT), and LSCD Non-representation in the Courts.

Record-keeping in MDAs

A key component of the functions of the Legal Service Civil Division (LSCD) is to represent and protect the interest of the state in legal matters that are of a civil nature. On this point, it critical for the Ministries, Departments and Agencies (MDAs), being the key constituents of the Government of Ghana to provide required information on a timely basis.

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- The LSCD should be notified immediately of ad-hoc or critical situations that would impinge on the workings of the LSCD and MDAs.

Paralegal Staff in LSCD and MDAs

The working relationships between the LSCD and the Legal Departments of MDAs would improve with the recruitment of Paralegal Officers in respective institutions. Paralegal Officers would play mediating roles in the institutions, as they liaise with State Attorneys and Legal Officers in the LSCD and MDAs respectively. Additionally, Paralegal Officers would be focal persons to address concerns in the institutions.

Therefore, we recommend that the processes required for approval to recruit Paralegal Officers within the Ministry of Justice and Attorney-General's Department and MDAs be initiated. This must be done within financial constraints and Human Resource Policies.

Information, Communications and Technology (ICT)

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Therefore, we recommend the following measures:

- A filing system within MDAs and LSCD be periodically reviewed to ensure that workflow in their registries are consistent with established procedures;
- Superiors should undertake regular inspection of files and documents as part of their routine compliance procedures;
- Staff assigned on ICT-related duties should be trained regularly in emerging trends in ICT, electronic filing and database management;
- Regular upgrade of ICT Systems to meet the global and emerging standards.

LSCD Non-representation in the Courts

We noted the myriad of challenges that confront the LSCD, as discussed previously, could be attributed to non-representation of the State in Civil matters before the Courts. Therefore, it is imperative that the working relationships between the LSCD and MDAs are improved.

We recommend the following measures to be put in place:

- Periodic stakeholder meetings between LSCD and MDAs to discuss on-going work within respective institutions to ensure that pending and anticipated issues are addressed expeditiously;
- Periodic briefing on the Legal implications of emerging government policies and decisions; and
- Schedule meeting for staff of respective institutions to deliberate on issues.

Legal Service Legislative Drafting Division

Our recommendations were developed in cognizance of the findings, observations and gaps emerging out of this project. The Recommendations are categorized under the following four (4) thematic areas: Standard Operating Procedures, Libraries and Resource Centers, Human Resource, and Information, Communications and Technology.

Standard Operating Procedures

We noted that there was formalized documentation on Standard Operating Procedures at the Legal Service Legislative Drafting Division of the MoJAGD. Nonetheless, we reviewed the existing Standard Operating Procedures as part of our gap analysis.

Therefore, the SOPs developed out of this exercise and our recommendations would optimize the work of the Legislative Drafting Division in enhancing the delivery of Justice, as procedural inefficiencies would be curtailed. We recommend that the SOPs should be implemented within the timelines stipulated in the Results Framework for this project.

Libraries and Resource Centers

We observed that the Legislative Drafting Division was not well-resourced with books and reference material. In some instances, the Law Reports were outdated. Therefore, the Staff of the Division had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively.

Therefore, we recommend the following measures for Legislative Drafting Division in matters relating to resources for research:

- Take stock of materials currently in its library to assess resource optimal requirements;
- Identify library resources that are imperative for the work of the Division and initiate processes for procurement, using approved avenues; and
- Use appropriate recruitment processes and approvals to recruit staff to perform Library duties.

Human Resource

We observed that there were Human Resource challenges; an optimal number of Legislative Drafters would need to be recruited. The skills, knowledge and abilities required for success in the Legislative Drafting Division are specialized. A concerted drive to recruit personnel through approved channels would ensure that the workload is managed within the capabilities of the Staff.

It is envisaged that a training needs assessment for the MoJAGD and its agencies would be further developed into a Training Plan that would adequately address Human Resource requirements. We recommend that Training Plan and the SOPs should be implemented in an integrated manner.

Information, Communications and Technology (ICT)

Information, Communications and Technology continues to be an enabler of business processes. Thus, the challenges of obtaining, storing and disseminating information in the Legislative Drafting Division could be curtailed in a networked environment with dedicated servers.

We recommend that approved channels are used to procure computers, photocopiers, scanners, and printers. This would ensure an optimal utilization of Information and Communications Technology applications, which is critical to the performance of the Legislative Drafting Division in the Justice Delivery.

Council for Law Reporting

Our recommendations were developed in cognizance of the findings, observations and gaps emerging out of this project. The Recommendations are categorized under the following four (4) thematic areas: Obtaining Rulings, Judgement and Opinions from Superior Courts, Libraries and Resource Centers, Human Resource, and Information, Communications and Technology.

Obtaining Rulings, Judgment and Opinions from Superior Courts

The Council for Law Reporting is responsible for obtaining Rulings, Judgment and Opinions from Superior Courts to prepare and publish "Ghana Law Reports". While these documents are made available at the Court registries in real-time, there is usually a lag in submission to the Council for Law Reporting. The norm is for district and regional Courts to submit documentation to the Registry in Accra. However, in practice an exception to the norm persists. This places an onerous responsibility on the staff of the Council, as they have to engage in other modes of collecting Rulings, Judgment and Opinions from Superior Courts.

We noted that there was a Memorandum of Understanding (MOU) signed between the Judicial Service and the Council for Law Reporting. The MOU stipulates that the Registries of Superior Courts are required to submit Rulings, Judgement and Opinions to the Council for Law Reporting. Therefore, we recommend that the MOU is enforced to the effect that documentation is submitted a month in arrears.

Libraries and Resource Centers

We observed that the Council for Law Reporting Library was not well-resourced with books and reference material. In some instances, Law Reports were outdated. Therefore, the Staff of the Council had to use other libraries for their research. While Electronic Reports could be a viable alternative, the benefits have not been explored comprehensively.

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We recommend the procurement of a networked environment with dedicated servers for storing Court documentation. This would eliminate the time lag in obtaining information required to prepare and publish mandated Reports.

SECTION 1

INTRODUCTION AND BACKGROUND

SECTION 1: INTRODUCTION AND BACKGROUND

A. BACKGROUND OF THE PROJECT

Institutions within the legal and justice sector are reportedly faced with weakened functionality as well as structural and institutional capacity challenges. These appear to have caused inefficiencies and led to low public confidence, limited accessibility, reduced quality of services, and delayed dispensation of justice especially for the vulnerable.

Integral to a democracy is respect and prevalence of the rule of law. This can be achieved by ensuring that a country's justice sector functions efficiently in a manner that is easily accessible to the public. When the rule of law prevails, a country is more likely to be stable, just, and peaceful. The 1992 Constitution of the Republic of Ghana, specifically Chapter five, establishes the significance of the rule of law and the right to justice for Ghanaian citizens. In order to achieve this mandate, the justice sector has made several reforms. However, still with such reforms, results from the 2012 Baseline Survey of the Justice Sector of Ghana illustrates that more changes need to be made.

The 2012 Baseline Survey of the Justice Sector of Ghana, conducted by the Law and Development Associates for the Ministry of Justice and Attorney General's Department and the United Nations Development Programme, indicated that there was a disconnect between the justice sector and the Ghanaian public. The purpose of the survey was to demonstrate how knowledgeable the public is of the justice sector in Ghana. Out of 946 respondents, 60% of the respondents claimed they had no definite knowledge or experience of the formal justice system. Within the remaining 40%, 72% of them indicated that they had some challenges with the formal justice system. These challenges included high costs of initiating proceedings and consulting a lawyer, as well as frequent adjournments of the proceedings. Majority of the respondents claimed to have never interacted with Legal Aid Officers and Prosecutors; in fact, 79% of the respondents had no knowledge of the existence of the Legal Aid Scheme.

In order to further Ghana's development, it is necessary that the institutions under the justice and legal system function effectively, meaning that the staff at the various institutions need to be highly skilled and knowledgeable about the processes of their respective institutions. Thus, the development of Standard Operating Procedures would make certain that each staff member is on the same page about the required standards of operations of their respective institutions and is equipped to bring them into fruition.

In light of these concerns, the Ministry of Justice and Attorney General's Department has partnered the UNDP to commission this project to coordinate and develop standard operating procedures for the Ministry of Justice and Attorney General's Department and its Agencies, namely: Legal Service Civil Division, Legal Service Legislative Drafting Division, the Law Reform Commission and the Council for Law Reporting.

B. SCOPE OF THE ASSIGNMENT

The UNDP contracted ShawbellConsulting to develop Standard Operating Procedures (SOPs) for the Ministry of Justice and Attorney-General's Department and its Agencies, namely:

- **Legal Service Civil Division;**
- **Legal Service Legislative Drafting Division;**
- **Law Reform Commission; and**
- **Council for Law Reporting.**

Under the Terms of Reference for this project, the SOPs are aimed at enhancing efficiency and effectiveness in justice delivery within institutions under the Legal and Justice Sector Reform.

The Scope of this assignment comprises the following deliverables:

- A. Define and articulate standard operating procedures, processes and methodology to include the workflows and routines, establish responsibilities, and specify timelines for each institution to enhance efficient service delivery of justice.
- B. Facilitate workshops organized by the PMU to plan, coordinate and compare linkages of other consultants working on similar assignments for other related agencies, as well as validate the Standard Operating Procedures (SOPs) developed.
- C. Train all relevant staff to adapt to work processes and workflows.

C. OUTPUTS AND DELIVERABLES

This Draft Final Report includes the findings, observations and gaps emerging out of institutional assessment of respective entities under this assignment. Thus, the outputs and deliverables contained in this Report were obtained from observations, actions, workflows and processes employed to reduce or eliminate weaknesses in delivery of justice.

Under the Terms of Reference (TOR) of this Project, ShawbellConsulting is contracted to submit three (3) Reports.

- i) The Inception Report was the first of the required three (3) Reports. The remaining reports are:
- ii) A Draft Final Report comprising SOPs that define the workflow and processes, establish responsibilities, and specify timelines. The SOPs should include clear standards for tracking and storing case documents, prescribe timelines and accountability, as well as outline modalities for passing cases on to the next institution in the value chain. It should also comprise compiled mandates into a booklet that includes highlighting overlaps, inter institutional relationships and linkages for publication.
- iii) A Final Report, including a Training Report after validation and training workshops for identified stakeholders.

Final Report

This Final Report on the Consultancy Services for the Development of Standard Operating Procedures (SOPs) for the Ministry of Justice and Attorney-General's Department and its Agencies is presented in **Two (2) Volumes**:

Volume I is structured around four (4) Sections, as follows:

- **Section 1:** Introduction and Background of the Project, scope and deliverables of this assignment
- **Section 2:** Our Approach and Methodology in conducting this assignment
- **Section 3:** Overview of SOPs and Inter-connectivity of Stakeholders
- **Section 4:** Continuing Project Steps and Project Work-Plan

Volume II is on respective Agency of the Ministry of Justice and Attorney-General's Department and structured around three (3) Sections, as follows:

- **Section 1:** Findings, Observation and Gaps Emerging out of this assignment
- **Section 2:** Standard Operating Procedures of Agencies
- **Section 3:** Recommendations for this assignment

SECTION 2

APPROACH AND METHODOLOGY

SECTION 2: OUR APPROACH AND METHODOLOGY

Led by our Managing Consultant, ShawbellConsulting has at its disposal a team of Institutional Reform and Legal Consultants, Consulting Staff and Associates that are all experienced in their respective fields both locally and internationally. The hallmark of our team lies in its *collective diversity* under the leadership of our dynamic and experienced Managing Consultant, our long-standing association and the familiarity between us over many years. These factors work together to ensure ownership and commitment to results on the part of each team member.

We provide below, the team that has worked on various components of this project to date:

- Phyllis M. Christian, Project Director
- Patrick Ofei, Project Team Lead 1
- Philip Cobbina, Project Team Lead 2
- Richard Torkornoo, Project Team Lead 3
- Julian Boakye, Project Coordinator
- Dr. Nana Yaa Boakye, Project Coordinator
- Mrs. Philippa Amable, Legal Consultant
- Jane Tetteh, Legal Consultant
- Isobel Nimo, Project Consultant (Legal Expert)
- Danny Hammond, Project Consultant
- Selom Apanya, Project Assistant Consultant
- Abraham Agyemfra, Project Assistant Consultant
- Yooku Christian, Project Assistant Consultant

We have presented below a list of the meetings held with identified stakeholders for this Project:

List of Stakeholder Meetings Held

NO	DATE	NAME OF PERSONNEL	JOB TITLE /INSTITUTION
1.	9/12/15	- Ms. Sandra Thompson - Mr. Kwadwo Frempong - Ms. Abigail Gyimah - Ms. Angelina Amponsah - Mr. Isaac MacCarthy	- Technical Advisor & Head, PMU - Programme Manager, PMU - Programme Officer, PMU - Programme Officer, PMU - Procurement Officer (UNDP)
2.	11/12/2015	- Ms. Sandra Thompson - Mr. Kwadwo Frempong - Ms. Abigail Gyimah - Ms. Angelina Amponsah - Mr. Isaac MacCarthy	- Technical Advisor & Head, PMU - Programme Manager, PMU - Programme Officer, PMU - Programme Officer, PMU - Procurement Officer (UNDP)
		Hon. Marietta Brew Appiah-Oppong	Minister of Justice and Attorney General
		Mr. Suleiman Ahmed	Chief Director, MoJAGD
		Mrs. Sheila Y. N. Minkah-Premo	Apex LawConsult
		- Dr. Betty Nanor - Dr. Nicholas Appiah	GIMPA
3.	22/12/2015	- Mr. Andrews Tetteh - Dr. Kwesi Boadi	LEXNET Consult
		Mrs. Divina Nkwantabisa	Ministry of Justice and Attorney General's Department (Legislative Drafting)
4.	22/12/2015	Mr. Abdul Karim Hamidu	Ministry of Justice and Attorney General's Department (Administration)
5.	07/01/2016	- Mr. David Asare - Priscilla Nortey - Daniel Adelele - Vida .T. Yeboah	- Senior Legal Reform Officer - Research Officer - Research Officer - Administrative Assistant (Law Reform Commission)
6.	08/01/2016	Ms. Adwoa Obeng	Senior State Attorney, Ministry of Justice and Attorney General's Department (Civil Division)
7.	08/01/2016	Mrs. Margaret Awuku-Gyeke	Principal Law Reporter, Council for Law Reporting

NO	DATE	NAME OF PERSONNEL	JOB TITLE /INSTITUTION
8.	24/03/2016	- Ms. Adwoa Obeng - Mrs. Nancy Netta Twumasi Asiameh	- Senior State Attorney - State Attorney Ministry of Justice and Attorney General's Department (Civil Division)
9.	24/03/2016	- Mrs. Freda Benjamin Lane - Ms. Sena Atsu	- State Attorney - Assistant State Attorney Ministry of Justice and Attorney General's Department (Legislative Drafting)
10.	24/03/2016	Mrs. Margaret Awuku-Gyeke	Principal Law Reporter, Council for Law Reporting
11.	24/03/2016	Mr. David Asare	Senior Legal Reform Officer
12.	22/04/2016	Joyce N. N. Oku Margaret Awuku Gyeke Vincent Amelor Leslie Ampiah Bannerman Berlinda Amartefio DND Wellington Christabel Ofori Ansah	- Ag. Editor & CEO of the Council - Principal Law Reporter - Law Reporter - Principal Proof Reader - Chief Court Reporter - Head of Administration - Chief Court Reporter Council for Law Reporting
13.	26/04/2016	Daniel Adelade Mark Ziwu David Osei Asare Anita M.H. Ababio	- Research Officer - Senior Admin Officer - Senior Legal Officer - Executive Director Law Reform Commission
14.	10/05/2016	Divine D. Nkwatabia Sena Atsu Agnes Quartey-Papafio	- Senior State Attorney - State Attorney - Principal State Attorney Legal Service Legislative Drafting Division
15.	03/06/2016	Aden Ziwu Adwoa O. Obene Cecil Adadevoh	- Ag. SG/ MOSAGD - Attorney General - Principal State Attorney Legal Service Civil Division

A. PHASES OF THE PROJECT

Under our Approach and Methodology and the requirements laid out in the ToR for this Project, the activities mentioned previously would be executed in four (4) interlinked Phases.

The Phases are as follows:

Phase I: Project Background and Initialization Activities

Phase II: Review of Existing SOPs

Phase III: Gap Analyses

Phase IV: Recommendations and Development of Final Report

Phase I: Project Background and Initialization Activities

1.1: Discussed the responsibilities and expectations of both parties as indicated in the contract and the ToR.

1.2: Developed a work plan outlining individual activities to be performed under this consultancy, the timeframe for the implementation of activities, a list of stakeholders/partners involved in each activity, and a list of risks and challenges.

1.3: Developed a methodology to be used, including data collection approach and the tools to be used and workshop/forum facilitation methodology

1.4: Provided an outline of the SOPs

In this Phase, we established the respective mandates and roles of the Ministry of Justice and the Attorney-General's Department (MoJAGD) and its Agencies from a Legal and Policy perspective.

This Phase comprised the following key activities:

- Reviewed the Terms of Reference, our Approach and Methodology and project related documentation, including Legislation to establish imperatives for this project.
- Held preliminary deliberations with project stakeholders to ascertain the content of existing SOPs and establish modalities to update or develop new SOPs in instances where gaps emerged.
- Reviewed the mandate of the Institutions, as well as their vision, mission, objectives and functions. This was the basis of developing SOPs in the future state of the Institutions.
- In-depth analysis of the operating procedures of the institutions to establish the internal workings and external linkages.
- Obtained contact information and meeting appointments with key persons identified for this project. This ensured that relevant information was readily available for this assignment. Thus, the deliverables of the Project were thoroughly reviewed with stakeholders.
- Developed and submitted an Inception Report that sets the tone for this Project.

Phase II: Review of Existing SOPs

2.1: Reviewed SOPs that define the workflow and processes, establish responsibilities, and specify timelines. The SOPs include clear standards for tracking and storing case documents, prescribe timelines and accountability, as well as outline modalities for passing cases on to the next institution in the value chain.

2.2: Compiled mandates into a booklet that includes highlighting overlaps, inter-institutional relationships and linkages for publication.

In this Phase, we conducted a detailed mapping of the respective processes involved in justice delivery. Thus, a full spectrum of current operating procedures was established by conducting the following activities:

- Deliberations and consultations with focal persons and key staff within the Ministry of Justice and Attorney-General's Department and its Agencies. The rationale was to conduct a detailed walk-through of existing operating procedures.
- Reviewed existing SOPs of the Ministry of Justice and Attorney-General's Department and its Agencies to identify gaps that would be further developed as findings, observations and recommendations in subsequent Reports.
- Developed a catalogue of existing operating procedures of the Ministry of Justice and Attorney-General's Department and its Agencies for validation with internal and external stakeholders. This ensures that Interlinked SOPs are validated in a pragmatic manner.

Phase III: Gap Analyses

3.1: Developed SOPs that define the workflow and processes, establish responsibilities, and specify timelines. The SOPs should include clear standards for tracking and storing case documents, prescribe timelines and accountability, as well as outline modalities for passing cases on to the next institution in the value chain.

3.2: Compiled mandates into a booklet that includes highlighting overlaps, inter-institutional relationships and linkages for publication.

In this Phase, we subjected respective procedures to scrutiny and interrogated the efficiency and effectiveness of the operating procedures. Thus, our Gap Analysis focused on establishing variances in existing operating procedures on one hand; and stipulated functions and procedures required by the Institutions in the delivery of Justice.

The following activities were performed:

- We critically assessed the results and desired interventions, for efficiency and effectiveness to ensure that SOPs developed out of this exercise would be robust and address the salient requirements of justice delivery in Ghana.
- Catalogued issues arising from the Gap Analysis problems, challenges and procedural gaps associated with the current operational procedures. Consequently, gaps emerging would be further developed to improve operating procedures in the Ministry of Justice and Attorney-General's Department and its Agencies.
- Identified the learning and developmental needs, as well as logistical support required for a paradigm change in operating procedures. Therefore, the skills, knowledge and abilities of personnel in the Institutions would be factored in our recommendations for this project.

Phase IV: Recommendations and Development of Final Report

Phase IV was the culmination of activities in the Phases discussed previously. In Phase IV, we analysed and assessed the modalities through which operating procedures in the Ministry of Justice and Attorney-General's Department and its Agencies beneficiary institutions would be aligned with the Legal and Justice Sector Reforms.

Our recommendations emanated from findings, observations and gaps emerging from this assignment. Therefore, the recommendations were crafted from an integrated perspective. This comprises internal workings and linkages with the identified institutions; the development of a Training Plan for Ministry of Justice and Attorney-General's Department and its Agencies; and the development of SOPs for Criminal Justice Institutions.

Following the submission of a final Report for review and validation, we will facilitate a training workshop for identified stakeholders. Consequently, a training Report will be submitted.

B. ACTIVITIES CONDUCTED TO DATE

Following the submission of the Inception Report for this Project, we conducted critical activities to develop Standard Operating Procedures (SOP) for Ministry of Justice and the Attorney-General's Department (MoJAGD) and its Agencies, namely: Legal Service Civil Division; Legal Service Legislative Drafting Division; Law Reform Commission; and Council for Law Reporting.

Our Approach and Methodology for this Project was encapsulated in activities conducted at various Phases of the assignment. Specifically, we conducted the activities at the Ministry of Justice and the Attorney-General's Department and its Agencies, namely: Legal Service Civil Division; Legal Service Legislative Drafting Division; Law Reform Commission; and Council for Law Reporting.

In this Section, we present the Approach and Methodology for this assignment, as follows:

- (a) Stakeholder Engagement;
 - (b) Background review of documentation to establish of the mandates of respective agencies;
 - (c) Detailed mapping of Standard Operating Procedures to establish internal and external linkages; and
 - (d) Analysis of Operating Procedures for Process Improvements; and
- a) **Stakeholder Engagement:** We held several meetings and deliberations with focal persons identified for this Project, as well as key personnel of identified institutions. In our engagement, we adopted a participatory approach in working closely with the beneficiary institutions to elicit relevant information on existing operating procedures. This would ensure that information provided on operating procedures and mapping would be feasible, practical and efficient.
- b) **Background review of documentation to establish the mandate of respective agencies:** We reviewed Policy and Legal documentation to establish the mandates of respective institutions. Specifically, we reviewed existing Laws to establish core functions of the Agencies as a basis of developing Standard Operating Procedures.
- c) **Detailed mapping of Standard Operating Procedures to establish Internal and External linkages:** We collated operating procedures in the Ministry of Justice and Attorney-General's Department and its Agencies from the perspective of justice delivery. This involved enumerating and detailed mapping of the processes that are currently undertaken within the Institutions. This was the basis of identifying internal and external linkages between the Institutions. This activity was critical to the development of Standard Operating Procedures for the Institutions, with reference to establishing Inputs and Outputs of resources.

- d) **Analysis of Operating Procedures for Process Improvements:** We subjected respective procedures to scrutiny and interrogated the efficiency and effectiveness of the processes. This was achieved through the cross-referencing of information gathered with key persons within the institutions, as well as external stakeholders. The rationale was to ascertain current state and to make recommendations for reform. Also, this was a means of validating information from a broader and relevant perspective. Consequently, we established shortfalls and proposed changes in the form of Process Improvements to Standard Operating Procedures.

C. PROPOSED OUTLINE OF STANDARD OPERATING PROCEDURES

The SOPs will present specified operations that describe the activities necessary to complete tasks in the MoJAGD and its Agencies. In developing the SOPs, we will be guided by a generic outline shown below. The SOPs for respective institutions would be developed to meet this generic standard, as it would ensure that external linkages are well-mapped.

The Proposed outline is shown below:

NAME OF INSTITUTION	NUMBER OF PAGES
	SOP NUMBER:
	SOP REVISED NUMBER:
FUNCTION:	REVIEWED DATE:
	APPROVED DATE:
	IMPLEMENTATION DATE:

Purpose: The purpose of the Standard Operating Procedure (SOP), as well as relevant background information would be provided. Thus, an overview of a specific function of an institution will be stated.

Scope: Identify the intended users or audience and/or activities where the SOP would be relevant.

Prerequisites: Information required before proceeding with the listed procedure would be provided.

Responsibilities: We would identify the personnel that have a primary role in the SOP and describe how their responsibilities relate the respective SOP.

Procedure: Provide the steps required to perform this function or procedure (who, what, when, where, why, how). A Process Flowchart would be included for referencing and pictorial representation.

Related Policies, Documents and Legislation: Resources that would be useful in performing the procedure; for example, Administrative Policies, related legislation, and other SOPs would be listed.

Internal Linkages: This comprises internal workings and linkages in the respective institutions. It is an enumeration and detailed mapping of the processes that are currently undertaken within the Institutions.

External Linkages: Detailed mapping of the processes that are currently undertaken between institutions and other stakeholders that are not part of the internal workings of respective institutions. This activity would be critical to the development of Standard Operating Procedures for the Institutions, with reference to establishing Inputs and Outputs of resources.

SECTION 3

STANDARD OPERATING PROCEDURES (SOP)

SECTION 3: STANDARD OPERATING PROCEDURES (SOP)

The Intended Output from the Project is to develop and implement Institutional Standards to support new Systems and Procedures. Thus, the Standard Operating Procedures have been developed through a comprehensive study of the formal procedures, actual practices and mandates of respective institutions.

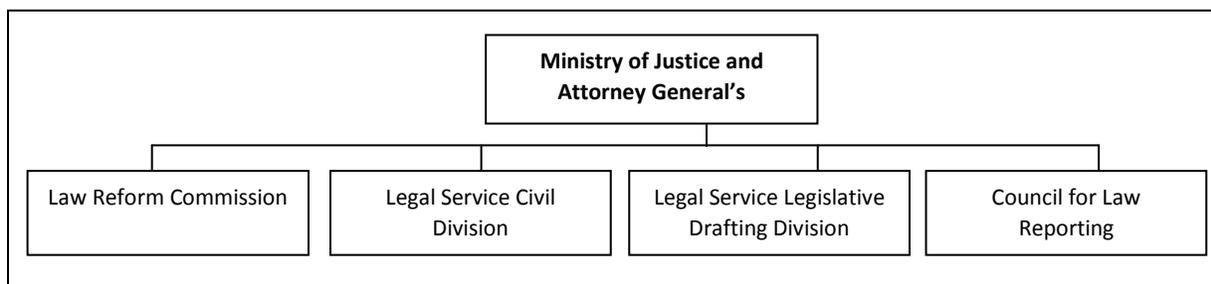
We developed the SOPs on the basis of current observations and functional requirements of the Institutions. Nonetheless, the results would reflect the Operating Procedures as they can be anticipated for the medium term (0-3 years). The Results and Resources Framework of this Project indicates Year 2 and 3 Targets as follows:

- Year 2 Targets: Develop and Operationalise relevant Policies for the Ministry of Justice and the Attorney-General's Department and its Agencies by the end of year 2
- Year 3 Targets: 30% of improved capacity for Institutional Policy formulation and implementation by the end of year 3.

The Targets would be achieved through the preparation, adoption, publication and communication of substantive and subsidiary legislations with respect to effective justice delivery in Ghana.

In order to develop SOPs to achieve efficiency in the delivery of justice, we provided the linkages between the MoJAGD and its Agencies under this assignment. This demonstrates the workflow processes in the various Agencies and their impact on Justice Delivery. Therefore, the purpose of the SOPs would be optimized with the establishment of procedural guidelines for respective institutions.

We have shown below, charts that depict the Ministry of Justice and the Attorney-General's Department and its Agencies, as well as functions that are core to the delivery of justice in Ghana.



Institution	Role in Efficient Justice Delivery
MoJAGD	<ul style="list-style-type: none"> Formulate policies and entrench at the core of the body politic, an efficient and transparent legal system in Ghana
Law Reform Commission	<ul style="list-style-type: none"> The Object of the Commission under Section 2 of Act 822 is to promote law reform in Ghana. The Commission also exists to advise the Attorney-General and Minister for Justice on policies for law reform
Legal Service Civil Division	<ul style="list-style-type: none"> Institutes and conducts all civil Cases on behalf of the state
Legal Service Legislative Drafting Division	<ul style="list-style-type: none"> Responsible for drafting substantive and subsidiary legislation for the Government. Provides advice to Government MDAs on proposed legislation and reforms.
Council for Law Reporting	<ul style="list-style-type: none"> Preparation and Publication of the report known as the "Ghana Law Reports" containing the judgments, rulings and opinions of the superior Courts in the country. Preparation Publication of the "Review of Ghana Law" Journal.

INTER-CONNECTIVITY OF STAKEHOLDERS

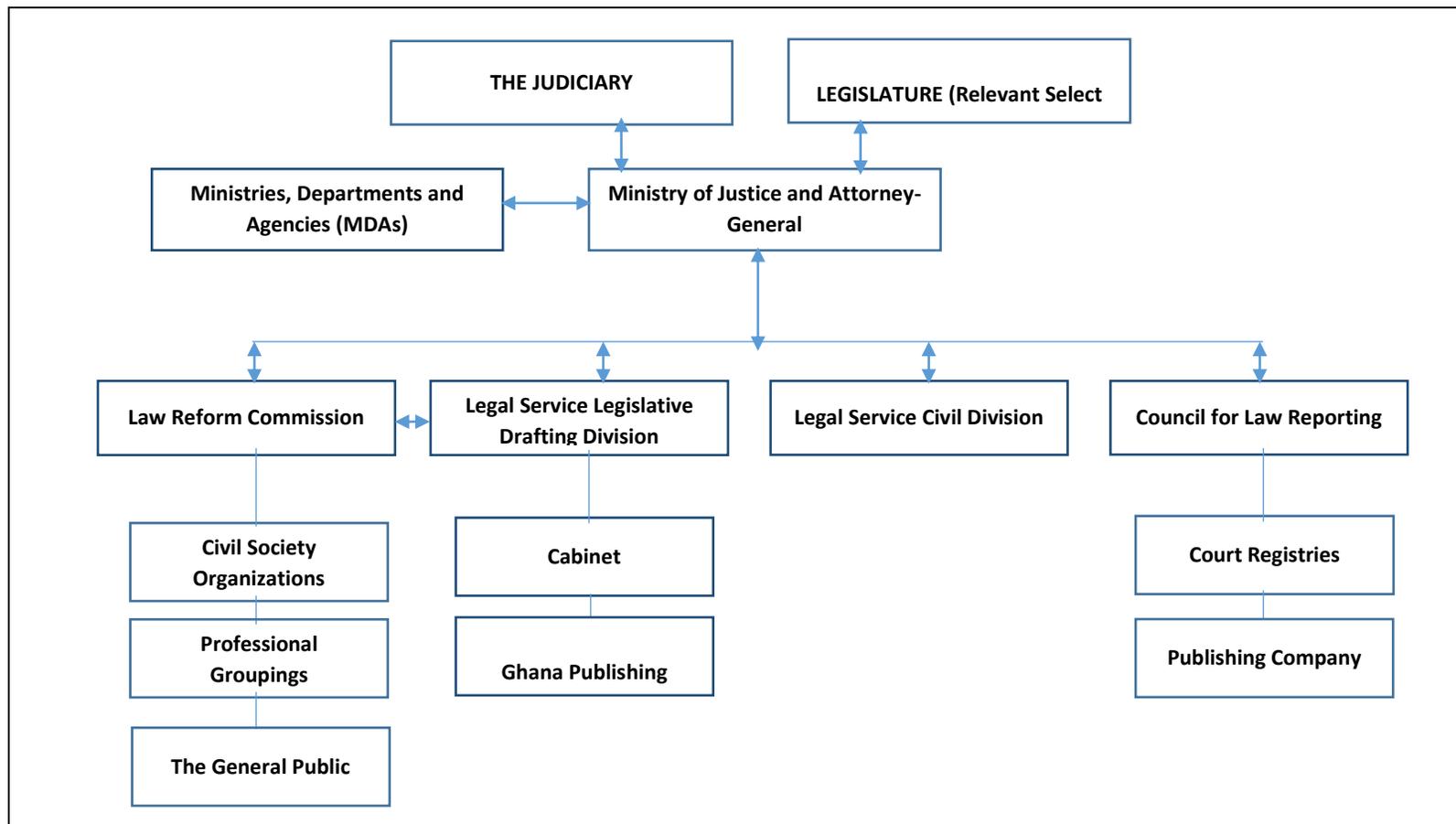
In order to develop SOPs to achieve efficiency in the delivery of justice, we provided the inter-connectivity of the MoJAGD and its Agencies, the Judiciary, Legislature and stakeholders deemed to be core to this assignment. This inter-connectivity demonstrates the workflow processes in the various institutions, as well as their impact on Justice Delivery. Therefore, the purpose of the SOPs would be optimized with the establishment of procedural guidelines for respective institutions.

While the Identified Agencies under the MoJAGD seemed to be independent of each other in terms of connected functions, we established inter-connectivity in some institutions, as listed below:

- Law Reform Commission, Legal Service Legislative Drafting Division and the Legislature - MoJAGD, the Legislature, MDAs and the general public; and
- Legal Service Civil Division, the Court Registries the Council for Law Reporting.

The Chart below depicts the inter-connectivity between the MoJAGD and its Agencies, the Judiciary, Legislature and other stakeholders

Chart on inter-connectivity between the MoJAGD and its Agencies, the Judiciary, Legislature and other stakeholders



The Law Reform Commission, Legal Service Legislative Drafting Division of the MoJAGD, the Legislature, MDAs and the general public are inter-connected with respect to proposals to initiate and reform of any law in the country.

The Procedure is as follows:

- The **Minister of Justice and Attorney-General** forwards laws that require reform to the **Law Reform Commission** together with the scope of the required reform.
- The **Law Reform Commission** can also initiate a law reform process by submitting a memo to the **Minister of Justice and Attorney-General** for approval.
- In addition, any **MDA** or **Civil Society Organisation** can propose a law reform by sending a memo to the **Minister of Justice and Attorney-General** for approval, or to the **Law Reform Commission** (which would subsequently forward the memo to the Minister of Justice and Attorney-General for approval).
- The **Law Reform Commission** develops a work plan detailing the tasks involved in the proposed law reform. A Terms of Reference is developed for the issues of concern, including research methodology, literature review, professional consultation, methods of data collection, required library research, among others.
- The **Law Reform Commission** conducts research on the law in question, including background to the law, when the law was passed, the present state of the law, and comparative review in different jurisdictions. International best practice for the law in question is ascertained.
- A Working Paper is then developed and submitted to the Executive Director of the **Law Reform Commission** for review and approval.
- After the Working paper is approved, a Draft Report is prepared which comprises data from research conducted, written responses and oral submissions from various stakeholders, and recommendations. Concerns raised by the various stakeholders may be included in the evaluation portion of the Draft Report.
- A Final Report developed and approved by the **Law Reform Commission**, including recommendations based on their findings, is submitted to the Minister of Justice and Attorney-General for review and feedback.
- Once the Final Report is approved by the **Minister of Justice and Attorney-General**, the **Legislative Drafting Division at the Attorney General's Department** will prepare a Draft Bill on the proposed reform in the law. The Draft Bill will be submitted to the **Select or Standing Committee of Parliament** following established procedure (depending on the law to be reviewed).
- The Law Reform Commission is invited to **Parliament** during deliberations on the Draft Bill.

The Legal Service Civil Division, the Court Registries the Council for Law Reporting are inter-connected with respect to obtaining Judgements, Rulings and Opinions from the Superior Courts to prepare and publish the “Ghana Law Reports”.

The Procedure is as follows:

- Editors of the Council for Law Reporting receive Judgement, Rulings and Opinions on landmark Civil cases from the Registries of Superior Courts. In some instances, the Judges may submit their Judgements directly to the Editors of the Council for Law Reporting.
- In consultation with Editor, the document is sent to the Proof-readers who read the document for conformity to court standards, grammar and court styles.
- After the approval of the page setting by the Editor, the Editor then sends the document to the Judges for their comments within two (2) weeks.
- Editor effects amendments if any from the Judges and sends the document to the Court Reporters to create a proto-type for printing.
- The Editor gives approval for the Ghana Law Report that has been prepared to be printed and published.
- After awarding the contract, the Printing Company presents a sample Ghana Law Report for inspection by the Editor.
- Upon inspection of the sample Ghana Law Report by the Editor, final instruction is given by the Editor for the printing of the report.