

CITIZENS' KNOWLEDGE OF THE JURY SYSTEM AND PERSPECTIVES ON PROPOSED REFORMS. A STUDY IN THE CENTRAL AND WESTERN REGIONS OF GHANA

1. Introduction

Jury trial is an important aspect of Ghana's criminal justice system, providing a direct avenue for citizens to participate in the administration of justice. In Ghana, jury trials are reserved for trials on indictment particularly cases where the punishment is death or imprisonment beyond a certain threshold, typically life imprisonment. This is provided under Article 19(2)(a) of the 1992 Constitution, which requires that any person charged with an offence punishable by death or life imprisonment (except high treason or treason) must be tried by a judge and jury.

The Criminal and Other Offences (Procedure) Act, 1960 (Act 30) reinforces this requirement. Section 204 specifically provides that trials on indictment are to be conducted by a jury. To qualify as a juror, an individual must be between twenty-five (25) and sixty (60) years of age, resident in Ghana, and can understand the English language, such person must not have been convicted of treason, felony, or any offence involving dishonesty. In addition, a person must not belong to any of the categories of individuals exempt from jury service.

Section 207 of Act 30 outlines categories of persons exempt from jury service. These include high-ranking public officials such as the President, Vice President, Speaker, and Members of Parliament; members of the judiciary; legal practitioners in active practice; court officials; medical practitioners; prison and police officers; members of the Armed Forces on full pay; religious leaders; editors of daily newspapers; school masters engaged in teaching in a school and diplomatic and consular representatives, among others. The exemptions also extend broadly to various categories of workers, raising concerns about the representativeness of juries.

A full jury in Ghana consists of seven members selected randomly from a list compiled by the District Magistrate. Once empaneled and sworn in, the jurors select one among them to serve as foreman. Proceedings cannot continue in the absence of any juror. If a juror becomes seriously ill or dies during the trial, the entire panel must be discharged and the trial restarted. At the close of the case, the judge sums up the law and the evidence, after which the jury retires to deliberate. In murder cases, the verdict must be unanimous, whereas in some other cases, a majority verdict may suffice.

The current jury system faces several operational and structural challenges. Concerns have been raised about the representativeness and composition of the jury, the possibility of bias and perceived incompetence among jurors. Other challenges include difficulties in getting jurors to be empaneled, frequent absenteeism leading to repeated adjournments, and the rigid requirement that proceedings cannot continue if even one juror is absent. The situation becomes even more problematic when a juror dies mid-trial, forcing the entire process to start all over again. These persistent challenges have fueled calls for the abolition of the jury system altogether, while others strongly advocate maintaining it but with significant reforms in line with global best practice.

In response, the Office of the Attorney-General and Ministry of Justice in 2024 submitted the Criminal and Other Offences (Procedure) (Amendment) Bill to Cabinet, introducing key structural reforms to the jury system. Notable proposed legislative reforms include reducing the minimum qualifying age for jurors from twenty-five (25) to twenty-one (21) years and increasing the maximum age from sixty (60) to sixty-five (65) years. A juror who reaches the age of sixty-five (65) while serving on a trial will be permitted to continue until the trial is concluded. The reforms also propose reducing the categories of persons exempted from jury service to expand the pool of eligible jurors. To minimize delays and avoid restarting trials (*de novo*), the Bill introduces the empanelling of three alternate jurors who may replace a juror in cases of retirement, death, travel, or other circumstances requiring replacement. It further provides for the replacement of a juror whose attendance cannot be secured within a period not exceeding fourteen (14) days. Additionally, the Bill includes provisions for the separation of jurors to protect them from external influence that could prejudice, or create the impression of prejudicing, their impartiality. Finally, the Bill strengthens enforcement measures by increasing the applicable penalty units and introducing a term of imprisonment for jurors who are convicted of failing to discharge their duties.

Despite the jury system's importance and ongoing reform efforts, public knowledge about how it operates and the challenges it faces appears limited. In view of this, the Research, Statistics and Information Management Directorate of the Office of the Attorney-General and Ministry of Justice conducted a study to assess citizens' awareness and knowledge of the jury system, determine citizens' knowledge of challenges affecting the current system and to gather public views on the proposed amendments. The findings are intended to inform national discussions on jury system reform, serve as a form of public consultation on the proposed amendments and support evidence-based reforms that enhance public confidence, fairness, and effectiveness in Ghana's criminal justice system.

2. Methodology

The study adopted quantitative research design using a cross-sectional descriptive survey approach. A cross-section of Ghanaians residing in the Central and Western Regions were engaged during the survey. The study population comprised individuals aged fifteen (15) years and above within these areas. The planned sample size was 400; however, a total of 368 respondents were successfully reached and interviewed across the two regions. The sample size was determined based on practical considerations, including the time and resources available, as well as prior experience. One district was purposively selected in each region based on the size as well as its proximity and access to legal and justice services. Proportional allocation based on each sampled district's population was used in the determination of the sampling rates. The unit of analysis was the individual respondent, and the primary sampling unit was the household. Simple random sampling technique was used in the selection of both households and individual respondents. Data was collected using structured questionnaires. The data was captured and analysed using the Statistical Package for the Social Sciences (SPSS). Descriptive statistical techniques, including frequencies and percentages, were used to present and summarise

respondents' levels of awareness, perceptions, and perspectives on the proposed reforms to the jury system.

3. Findings

Regarding awareness of the jury system and knowledge of its operational requirements, the findings showed that more than two-thirds (68.2%) of respondents had heard of or were aware of the jury trial system, while over a quarter (26.4%) were unaware of it and the remaining 5.4% were uncertain. However, awareness did not necessarily translate into understanding. Only 27.2% of respondents reported having knowledge of how the jury trial system operates in Ghana, whereas 41.0% indicated that they had no knowledge or understanding of its procedural processes.

Respondents who indicated that they understood how the jury trial system works were further asked to describe their knowledge of the system. Among the 27.2% who reported having such knowledge, the largest proportion (16.3%) correctly identified that a jury panel typically consists of seven randomly selected members. A further 5.4% knew that jury verdicts must be unanimous or near unanimous, depending on the circumstances of the case, while 4.1% correctly recognised that jurors are laypersons rather than legal professionals. In contrast, only 1.4% demonstrated knowledge of juror eligibility and selection criteria.

Respondents were also assessed on their familiarity with seven key operational challenges affecting the jury system. The findings revealed generally low levels of awareness across all seven identified challenges, with the majority of respondents indicating that they were unaware of most of the operational issues. The least understood challenges were the limited jury pool resulting from age restrictions and statutory exemptions (63% unaware), difficulties in empanelling jurors (61% unaware), and frequent juror absenteeism leading to delays in trials (57% unaware). More than half of the respondents were also unaware of challenges relating to low literacy levels among jurors, juror bias or incompetence, and the inability of courts to proceed with a trial if any juror is absent. Poor treatment of jurors by the State was the only challenge for which a majority of respondents (52.6%) demonstrated some level of awareness.

In terms of respondents' perspectives on the proposed amendments to improve the jury system, they were asked to evaluate seven legislative reform proposals. The findings indicate broad support for most of the proposed amendments. Strong support was expressed for measures aimed at preventing jury interference through the separation of jurors (73%), introducing alternate jurors to avoid retrials where a juror is unable to continue serving (71%), allowing jurors who attain the age of 65 during a trial to complete their service (59%), and increasing the penalty units and terms of imprisonment for failure to discharge jury duty (59%).

The findings also showed moderate support for reducing the categories of persons exempt from jury service (45%) and increasing the maximum age for jury service from 60 to 65 years (43%). However, respondents largely opposed the proposal to lower the minimum age for jury service from 25 to 21 years, with 58% indicating that they disagreed or strongly disagreed with the amendment.

4. Conclusion and Recommendation

The findings indicate that although Ghanaian citizens are moderately aware of the existence of the jury system, significant gaps remain between general awareness and operational understanding including procedures and juror requirements. Similarly, respondents exhibited limited awareness of the operational challenges confronting the jury system, suggesting that the public has little appreciation of the practical constraints affecting its effectiveness.

Despite these knowledge gaps, respondents expressed considerable support for most of the proposed legislative reforms, particularly those aimed at strengthening the efficiency, integrity, and continuity of jury trials, such as introducing alternate jurors, preventing jury interference, and enhancing sanctions for failure to perform jury service. However, there was limited support for expanding jury eligibility by lowering the minimum age for jurors, indicating a preference for reforms that improve the existing system rather than substantially broaden participation.

Overall, the findings suggest that successful implementation of the proposed reforms should be accompanied by sustained public education and awareness campaigns to deepen citizens' understanding of the jury system, its operational requirements, and the rationale for the proposed amendments. Such efforts would not only enhance public confidence in the jury system but also promote informed support for future reforms and strengthen citizen participation in the administration of justice.