



**JUDICIARY OF GHANA**  
REPUBLIC OF GHANA



**ANTI-CORRUPTION  
ACTION PLAN  
FOR THE JUDICIARY  
AND JUDICIAL SERVICE**

**(2017 - 2019)**

*The Judiciary of Ghana - Uprooting corruption,  
wherever it is found'*

## **MESSAGE FROM HER LADYSHIP THE CHIEF JUSTICE ▲**

**T**he Judiciary of Ghana, supported by the Judicial Service, is a key institution in the fight against corruption. It is within our Courts that all cases of corruption are prosecuted and the guilty sentenced. In playing this crucial role, we ensure that public funds meant to provide critical services to all Ghanaians are protected so that our country can continue to grow, services are provided to all our people, and poverty is addressed and eradicated.

But none of Ghana's institutions are totally free from corruption and we too have experienced more than our fair share. Corruption amongst Judges and staff undermines our very being, erodes public trust and confidence, and cannot and will not be tolerated.

We, the Judiciary and the Judicial Service, are committed to addressing and eradicating corruption within our ranks: as the slogan on the cover of this Action Plan suggests, we will uproot corruption wherever it is found. We have already taken many steps in this regard and will continue to do so with vigour and determination.

With that in mind, it is my pleasure to present this Anti-corruption Action Plan for the period 2017-2019 to you, our fellow Ghanaians, so that you may see our plans and hold us to account.

Together we will win the fight.

**Her Ladyship Justice Sophia A.B. Akuffo  
Chief Justice of Ghana (2017).**

## INTRODUCTION ▲

Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organised crime, terrorism and other threats to human security to flourish. It hampers efforts to alleviate poverty, undermines political stability and economic growth and diminishes the country's attractiveness for investment.<sup>1</sup>

*From the Foreword to the National Anti-Corruption Action Plan – 2012-2020*

Ghana has taken many steps to tackle corruption and has a range of laws outlawing corruption in its various forms. Ghana is also a party to:

- **The United Nations Convention Against Corruption, 2003**, which aims to promote and strengthen measures to prevent and combat corruption and to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption<sup>1</sup>.
- **The African Union Convention on Preventing and Combating Corruption, 2003** that aims to promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors<sup>2</sup>.
- **The ECOWAS Protocol on the Fight Against Corruption**, adopted by Ghana in 2003<sup>3</sup>.

In line with its international obligations and commitments, as well as to better implement anti-corruption law and policy, Ghana has developed a **National Anti-Corruption Action Plan (NACAP)** covering the period 2012-2021 to ensure that all role players in government comply with the law.

### **NACAP – Vision, mission and strategic objectives**

**Vision:** The vision of NACAP is the creation of a sustainable democratic society founded on good governance and imbued with high ethics and integrity.

**Mission:** To contextualise and mobilise efforts and resources of stakeholders, including Government, individuals, civil society, private sector and the media, to prevent and fight corruption through the promotion of high ethics and integrity and the vigorous enforcement of applicable laws.

#### **Strategic Objectives**

The strategic objectives of the NACAP are to:

1. Build public capacity to condemn and fight corruption and make its practice a high-risk, low-gain activity.

<sup>1</sup>Copies of the UNCAC can be found on: [www.unodc.org/unodc/en/treaties/CAC/](http://www.unodc.org/unodc/en/treaties/CAC/)

<sup>2</sup>Copies of the Convention are available on [http://www.eods.eu/library/AU\\_Convention%20on%20Combating%20Corruption\\_2003\\_EN.pdf](http://www.eods.eu/library/AU_Convention%20on%20Combating%20Corruption_2003_EN.pdf)

<sup>3</sup>See [https://www.unodc.org/documents/corruption/publications\\_compendium\\_e.pdf](https://www.unodc.org/documents/corruption/publications_compendium_e.pdf)

2. Institutionalise efficiency, accountability and transparency in the public, private and not-for profit sectors.
3. Engage individuals, media and civil society organisations in the report and combat of corruption; and
4. Conduct effective investigations and prosecution of corrupt conduct.

The NACAP recognises the need to strengthen key anti-corruption and law enforcement agencies (including the Judiciary) to build institutional integrity, improve inter-agency relations, provide organisational support through training and other initiatives, improve infrastructure, and establish an access to information regime.

Copies of the NACAP can be found on: [www.chrajghana.com/wp-content/uploads/2012/08/nacap.pdf](http://www.chrajghana.com/wp-content/uploads/2012/08/nacap.pdf)

As recognised by the NACAP, the Judiciary is a major role player when it comes to eradicating corruption.

‘The Judiciary is the protector of the laws, the legal system and societal integrity. It is an important institution that has the responsibility to uphold good governance principles. The Judiciary’s prime roles are to uphold the laws and ensure that those who violate the laws are punished. The Judiciary ensures the protection of fundamental human rights and freedoms often violated by corrupt officials.’  
(NACAP, page 44)

The NACAP also recognises that key role players in anti-corruption, including the Judiciary, are also faced with corruption within their own institutions. It therefore sets out various things that institutions must do to not only fight corruption in society but also to address corruption within their ranks. The following is specifically included for the Judiciary and Judicial Service:

- Expeditiously try corruption offences prosecuted before them.
- Continue the process of automating the courts in earnest across the country.
- Investigate allegations of corruption within the Judiciary and take appropriate action.
- Ensure strict compliance with the *Code of Conduct for Judges and Magistrates* and the *Code of Conduct for Employees of the Judicial Service of Ghana*.

Recognising that the Judiciary and Judicial Service staff need to be models of best behaviour and that any corruption on their part should be dealt with swiftly and appropriately to ensure public confidence is not eroded, the Judiciary has already taken steps to improve the way it operates and to address internal corruption. For example, the Judiciary has produced a **Strategic Plan 2014-2018** that includes all of the issues listed in the NACAP. And more recently, on 21 December 2016, the Honourable Chief Justice Georgina T. Wood (together with the President and Vice President of the Ghana Bar Association, Attorney General / Solicitor General, Director of Public Prosecutions, and the President of the Association of Magistrates and Judges) signed the **International Bar Association (IBA) Judicial Anti-Corruption Compact**, committing the Judiciary to ‘taking all necessary measures to prevent corrupt practices impacting on the Judiciary’.

The current Anti-Corruption Action Plan has been produced with the assistance of the Danish International Development Agency's (Danida's) Right to Services and Good Governance Programme to reinforce its efforts to stamp out judicial corruption in line with the Judiciary's Strategic Plan, the NACAP, international and regional anti-corruption conventions, the IBA Judicial Anti-Corruption Compact and international best practice. It explains what the Judiciary has already done, and what it plans to do, in **four key areas**:

1. Increasing the focus on integrity.
2. Reducing opportunities for corruption.
3. Increasing transparency and accountability.
4. Dealing efficiently and effectively with complaints.

## **1. INCREASING THE FOCUS ON INTEGRITY**

The Judiciary regards the integrity of Judges and Magistrates and staff of the Judicial Service as critical and has increased its focus on ethics and integrity to ensure that only the best are appointed to positions of authority:

- A Judge of the Appeal Court has been appointed as the 'ethics officer' for the Judiciary, as required by the NACAP. The same Judge will also represent the Judiciary on the Steering Committee of the EU's Anti-Corruption, Rule of Law and Accountability Programme (ARAP).
- A new procedure has been introduced to ensure that Judges and Magistrates are people of the highest standards of integrity by publishing the names of any new Judge or Magistrate or those applying for promotion in newspapers and elsewhere and inviting members of the public to comment.
- Induction training for all Judges, Magistrates and staff includes training on ethics and the Codes of Conduct for Judges and Magistrates and Employees of the Judicial Service as appropriate.

As set out in the action plan itself, the Judiciary will increase its focus on integrity by:

- Revising the 1963 Judicial Service Act and Judicial Service Regulations (which will also include revised Conditions of Service for staff) in line with the Constitution.
- Revising the Codes of Conduct for Judges and Magistrates and Employees of the Judicial Service to bring them in line with the Conditions of Service and to include the disciplinary process and consequences of corrupt actions.
- Reviewing job descriptions of staff to ensure they are accurate and in line with the new Regulations.
- Revising the ethics training currently provided to new Judges, Magistrates and staff to include an increased focus on anti-corruption, the Judiciary's critical role in this regard, and the consequences for those engaging in corrupt activities.
- Adopting, producing and disseminating copies of this Action Plan through various channels.

## **2. REDUCING OPPORTUNITIES FOR CORRUPTION**

The longer a case takes to complete, the more opportunities are created for corruption. To ensure that cases are dealt with as quickly as possible and that opportunities for corruption are minimised, the Judiciary has already computerised nearly all Courts and is revising and improving its monitoring and evaluation systems. The Judiciary will continue to reduce opportunities for corruption by:

- Continuing the automation and computerisation of courts.
- Providing training to Judges, Magistrates, court officials and other staff on how to manage their courts and caseloads.
- Increased monitoring and evaluation – including monitoring of reports by international anti-

corruption organisations such as Transparency International and Afrobarometer and taking steps to address any issues raised in these.

- Only permitting Judges and Magistrates to meet with litigants or their lawyers when permitted by law for proceedings to be held in camera in the presence of the Court Clerk and all other necessary staff to perform their regular duties.

### **3. INCREASING TRANSPARENCY AND ACCOUNTABILITY**

To increase transparency and accountability, the Judiciary provides public education, information and awareness through its website, publications and outreach activities. Publications already include the court fees that members of the public are expected to pay and the cause list is published daily at every court to ensure that no one can pay to have their case dealt with earlier than schedule. The Judiciary will enhance these efforts by:

- Preparing and adopting a new civic education strategy to include civic education on the law and anti-corruption.
- Revising, publish and disseminate the Judiciary's Service Charter to increase awareness of the services provided by the Judiciary and how to submit complaints about poor service delivery.
- Regularly conducting Court User Surveys with members of the public, lawyers and others and monitoring the results from an anti-corruption perspective.

### **4. DEALING EFFICIENTLY AND EFFECTIVELY WITH COMPLAINTS**

The Judiciary takes complaints of corruption extremely seriously and submits anyone against whom a valid complaint is made to a disciplinary process in terms of the law and, in the case of Superior Court Judges (those sitting in the High Court and above), in terms of the impeachment procedure set out in the Constitution. As already mentioned, steps are already underway and will be intensified to ensure that all Judges, Magistrates and staff are aware of the disciplinary procedures and the penalties they may face, through a revision of the Conditions of Service and Codes of Conduct.

To deal with reports of corruption and other complaints against Judges, Magistrates and staff, the Judiciary established the Public Complaints and Court Inspectorate Unit (PCCIU) in 2003. Falling under the control of the Chief Justice, the PCCIU is headed by a Court of Appeal Judge, assisted by two Judges of the High Court. The PCCIU is supported by an Administrative Office at the Supreme Court building and a Branch Office at the Court Complex in Accra. As part of a process of bringing services closer to the people and making it easier for complaints of corruption, bias or poor services to be lodged, the Judicial Service established two Public Relations and Complaints Units (PRCUs) in Kumasi (Ashanti Region) and Sekondi (Western Region) during 2014-15 with the assistance of the Danida Right to Services and Good Governance Programme. The Judiciary will enhance the services it offers in this regard by:

- Enhancing the role of the PRCUs to speed up the processing of complaints.
- Rolling PRCUs out to all remaining Regional Capitals - with the assistance of both the Danida Right to Services and Good Governance Programme and the European Union's Anti-Corruption, Rule of Law and Accountability Programme (ARAP).
- Increasing the ways by which complaints may be lodged (including by making it possible for complaints to be sent by email or registered on the Judicial Service's website)
- Raising public awareness of how to complain as part of its new communications and awareness strategy.

## ANTI-CORRUPTION ACTION PLAN (2017-19)

### Note

Links to the relevant Strategic Objectives (SO) in the Judiciary and Judicial Service Strategic Plan 2014-18 are included in brackets below.

Key Areas	Activities	Inputs / source of funds	Timelines	Responsibility
<b>Key Area 1 - Increasing the focus on integrity</b>	Revise Judicial Service Act and Judicial Service Regulations (including revised Conditions of Service for staff) in line with the Constitution.	<ul style="list-style-type: none"> <li>Revision: Judiciary</li> <li>Dissemination: Danida</li> </ul>	Currently underway. (Finalisation: 4 <sup>th</sup> Quarter 2017)	Judiciary / Judicial Council
	Revise ethics training to include a focus on anti-corruption, the Judiciary's role in this regard, and the consequences for those engaging in corrupt activities. (Strategic Objective (SO) 1 – Result 1.5)	Danida	4 <sup>th</sup> Quarter 2017.	Judicial Training Institute (JTI) / Justice Reform and Projects (JRP)
	Training of JTI trainers and roll out of training on revised ethics and anti-corruption course to all Judges, Magistrates and staff (SO 1 – Result 1.5)	<ul style="list-style-type: none"> <li>Danida (2017-18)</li> <li>EU / ARAP (From 2019)</li> </ul>	From 1 <sup>st</sup> Quarter 2018	JTI
	Review job descriptions of court staff	Judiciary	Finalisation: 4 <sup>th</sup> Quarter 2017	Human Resources Department
	Revise and disseminate Codes of Conduct for Judges and Magistrates and Employees (including disciplinary process and penalties). (SO 1, Res 1.2)	Danida	2018 (once Judicial Service Regulations adopted)	Human Resources Department / Communications Department

	Adopt, produce and disseminate copies of this Action Plan through various channels.	Danida	4 <sup>th</sup> Quarter 2017	Communications Department
<b>Key Area 2 - Reducing opportunities for corruption</b>	Continue to improve the automation and computerisation of courts (SO 1, Res 1.1)	Judiciary	2017-2019	JS
	Increase training to Judges and Magistrates, court officials and other staff on how to manage their courts and caseloads and Court Recorders and other court staff to ensure they understand their roles and responsibilities. (SO 1, Res 1.5)	Judiciary	2017-2019	JTI
	Increase focus of monitoring and evaluation to include monitoring against international indicators. (SO 3)	Judiciary	2 <sup>nd</sup> Quarter 2017	M&E Department
<b>Key Area 3 - Increasing transparency and accountability</b>	Prepare and adopt civic education strategy (including education on the law and anti-corruption messaging). (SO 3 – Result 3.1)	Danida	End 1 <sup>st</sup> Quarter 2018	Communications Department
	Revise, publish and disseminate Service Charter.	<ul style="list-style-type: none"> <li>• Revision: Judiciary</li> <li>• Dissemination: Danida</li> </ul>	Revision (already underway): 4 <sup>th</sup> Quarter 2017  Dissemination: 1 <sup>st</sup> Quarter 2018 – Second 2018	Review Committee / JRP / Communications Department
	Conduct regular Court User Surveys (SO 3, Result 3.3)	Judiciary / Danida	2017-19	M&E Department
<b>Key Area 4 – Dealing efficiently and effectively with complaints.</b>	Develop a guideline for PRCUs to enhance their role and speed up the processing of	Danida	3 <sup>rd</sup> and 4 <sup>th</sup> Quarters 2017	Public Complaints and Court Inspectorate Unit (PCCIU) /

	complaints. (SO 3, Result 3.2)			JRP
	Roll out of PRCUs to 7 regional capitals. (SO 3, Result 3.2)	EUARAP	1 <sup>st</sup> Quarter 2018	PCCIU / JS / JTI
	Raising public awareness on the role of PRCUs and how to lodge complaints. (SO 3 – Result 3,1)	Judiciary / Danida	1 <sup>st</sup> Quarter 2018	Communications Department.