



# PUBLIC PARTICIPTION IN JUDICIALPROCESS IN WEST AFRICA

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# Presentation Outline

- What is Public Participation
- The Constitutional Provisions
- background of Court Users Committee in Ghana
- Functions of the Committee
- Other West Africa Countries
- conclusion



# PUBLIC PARTICIPATION

- Public participation is a process that is typically implemented both as a right for those potentially affected by a particular proposal/decision and an administrative tool for improved quality of decision making.
- It entails a wide range of activities that can range from providing information, through consultation to direct involvement of the public in various aspects of the decision-making process.
- In the Judicial context it is bringing the administrators of Justices and the Users in the Justice System to address challenges in sector and propose recommendation for implementation



# LEGAL PROVISIONS

- Article 125 of the Constitution provides that Justice emanate from the people and shall be administered in the name of the Republic by the Judiciary which shall be independent and subject only to the constitution;
- It further provides that Citizens may exercise popular participation in the administration of justices through the institutions of public.
- Principle 10 of the Rio Declaration provides for access to Information, Public Participation and Access to Justices



# Court Users Committee In Ghana

- In Ghana Court Users Committee is a faceless community which cannot be influence.
- The Court users Committee is being implemented under the Commercial Justice Contract Enforcement (CJCE), which is also a Component of the Business Enabling Environment programme (BEEP) being sponsored by the UK Government to reform the court processes in Ghana.
- The objective of the programme to speed judiciary process in Ghana
- And out of BEEP came the Court Users Committee which is to strengthen users confidence in the commercial courts.
- The Committee consist of 18 Members from both public and private Sector representatives and it is Chaired by a Court of Appeal Judge.



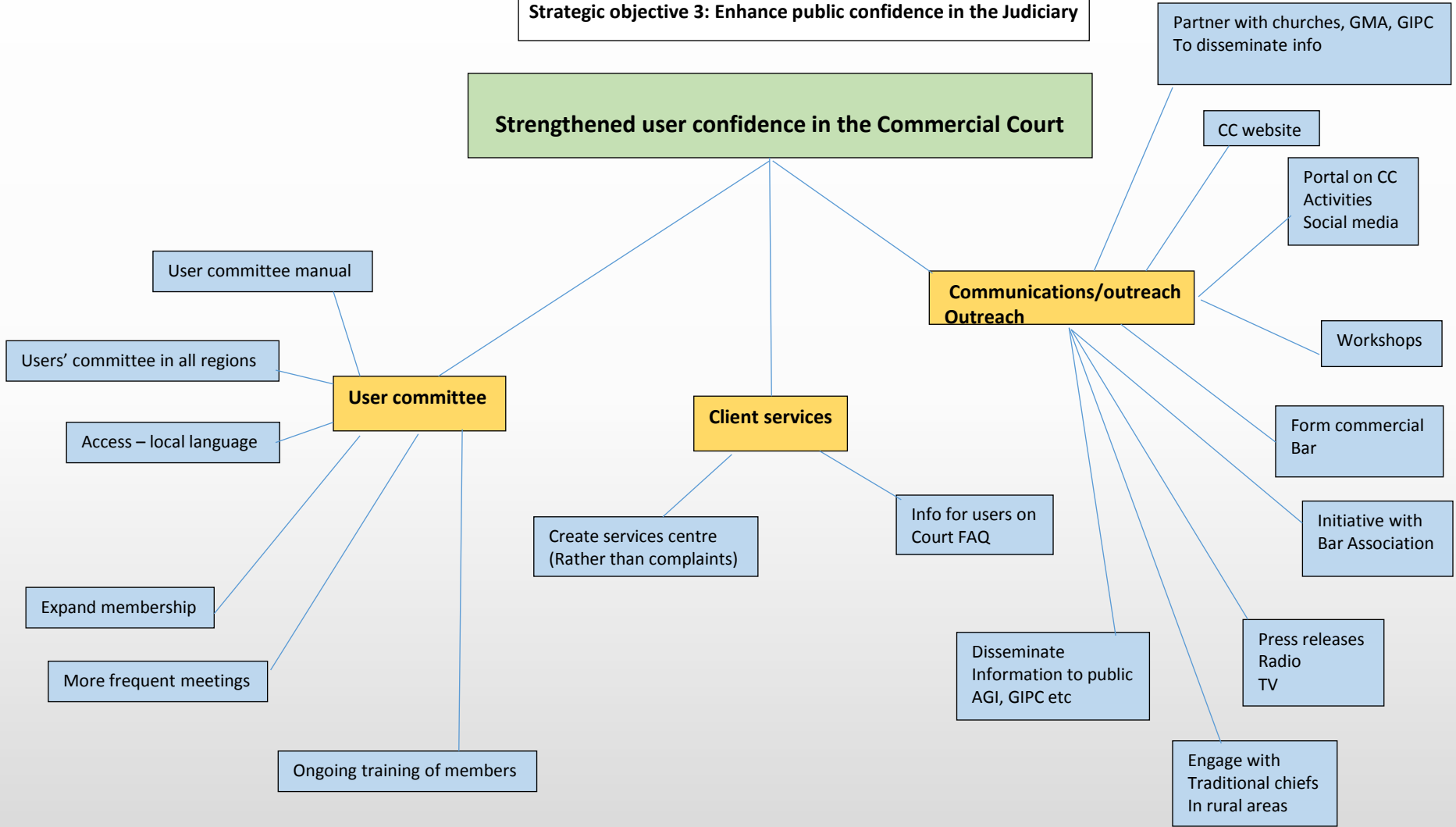
# FUNCTIONS OF THE COMMITTEE

- Get Feedback from the public
- To address concerns from the public
- Boost relationship between the court and the users
- Inform the public on court procedures - information sharing and learning
- To promote a friendly environment between the business owners (public) and the courts
- Help avoid enmity between parties
- identify challenges that hinder the expeditious delivery of justice and propose effective solutions.
- To support the Commercial Court in efficiently and effectively adjudicating commercial cases.



**Judiciary and JS Five Year Strategic Plan 2014-2018:**  
**Strategic objective 3: Enhance public confidence in the Judiciary**

**Strengthened user confidence in the Commercial Court**





# OTHER WEST AFRICAN COUNTRIES

- Nigeria – In 2001, Nigeria in collaboration with UNODC developed a project to strengthen Judiciary Integrity and capacity in Nigeria.
- Among the key issues that the project identified are, public confidence in the Judiciary, access to the courts and public confidence in Judiciary.
- Under the measure to enhance Public Trust in the Courts, the project developed the Court Users Committee.
- The Committee has the CJ as the Chair and representatives from the Legal Aid, Traditional and Religious leaders, Community Leaders, Trade Unions, NGOs, AG.s Office, Women Right Organisation, Prisons and Police
- Their main functions are to create awareness, establish a complaint unit which have been decentralized to the lower courts and covers all areas of law.





# LIBERIA

- Liberia does not have committee users committee but they have developed a manual for Court Users in three major languages for Court users



# CONCLUSION

- the establishment of court users committee and its effective operations has the potential to:
  - improve adjudication of cases
  - demystify the courts
  - enhance understanding of the general public of the courts



# WAY FORWARD

- The Court Users Committee should be expanded to incorporate Environmental Experts
- The use of professional associations to represent environmental matters;
- Development and use of manuals to advance environmental matters
- Amend existing environmental manuals to include current and emerging issues



Thank you