

**IN THE FIRST SESSION OF THE EIGHT  
PARLIAMENT OF THE FOURTH REPUBLIC  
OF GHANA**

**REPORT OF THE COMMITTEE ON  
CONSTITUTIONAL, LEGAL &  
PARLIAMETARY AFFAIRS**

**ON THE**

**ANNUAL BUDGET ESTIMATES OF THE  
OFFICE OF THE LEGAL AID COMMISSION  
FOR THE 2021 FINANCIAL YEAR**

PARLIAMENT OF GHANA LIBRARY

MARCH 2021

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND  
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**1.0 INTRODUCTION**

- 1.1 The Budget Statement and Economic Policy of the Government for the 2021 Financial Year was presented to Parliament by the Hon. Minister for Parliamentary Affairs, Mr. Osei Kyei-Mensah-Bonsu, on Friday, 12<sup>th</sup> March 2021 in accordance with Article 179 of the Constitution.
- 1.2 Pursuant to Orders 140(4) and 179 of the Standing Orders of the House, the Annual Budget Estimates of the Office of the Legal Aid Commission (LAC) was referred to the Committee on Constitutional, Legal & Parliamentary Affairs for consideration and report.

**2.0 DELIBERATIONS**

The Committee met with the Executive Director Mr. Martin Tiekou Amoyaw and Officials of the Office of the Legal Aid Commission (LAC). Officials of the Ministry of Finance were also in attendance to assist in the deliberations.

**3.0 REFERENCE DOCUMENTS**

The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution;
- ii. The Standing Orders of the Parliament of Ghana;
- iii. The Office of the Legal Aid Commission Act, 2018 (Act 977); and
- iv. The Budget Statement and Economic Policy of the Government of Ghana for the 2021 Financial Year.

**4.0 VISION OF THE LAC**

The vision of the Office of the Legal Aid Commission is to be the leading agency delivering professional and quality legal services to the poor while partnering

harmoniously with stakeholders in the justice system to achieve a just and equitable Ghanaian society.

## 5.0 MISSION OF THE LAC

The mission of the Legal Aid Commission is to ensure equality of access to justice and treatment before the law by serving as a Public Defender for the poor in need of cost-effective justice; establish sufficient presence in the districts to ensure legal aid is accessible to indigenes in need of legal services; ensure the availability of qualified, diligent, and committed legal, paralegal, and alternative dispute resolution personnel to provide legal services to protect the interests and rights of indigenes; develop an informed public with an increased understanding of the law and the legal services provided by the Commission; and to cooperate with local and international legal aid practitioners to learn and share similar experience.

## 6.0 CORE FUNCTIONS OF THE LAC

The Commission is mandated by law to perform the following functions:

- i. To provide legal aid to indigenes through the representation of clients in courts; utilization of Alternative Dispute Resolution mechanisms; and by Legal Advice and Education.
- ii. To provide legal aid to persons with reasonable grounds to take, defend, prosecute, or to be party to proceedings related to the Constitution in accordance with clause 1 of article 294 of the Constitution.

## 7.0 2020 EXPENDITURE TRENDS

7.1 A sum of **Nine Million, Seven Hundred and Ninety-Six Thousand and Thirty Ghana Cedis, Twenty Pesewas (GH¢9,796,030.20)** was allocated for the activities of the LAC for the 2020 financial year. This amount comprised a Compensation Vote of **GH¢6,796,030.20**, Goods and Services Vote of **GH¢2,000,000.00** and Capital Expenditure vote of **GH¢1,000,000.00**.

7.2 At the end of the 2020 financial year, an amount of GH¢23,602,156.19 of the approved budget was expended by the LAC, signifying an astronomical increase of **220.9%**. Details of the releases and actual performance are as shown in Table 1.

Table 1: Details of Releases of the 2020 Approved Budget of the LAC

CLASSIFICATION	2020 BUDGET APPROVED GH¢ (A)	ACTUALS GH¢ (B)	VARIANCE GH¢ (A-B)	% VARIANCE
COMPENSATION OF EMPLOYEES	6,796,030.20	21,811,163.14	(15,015,132.94)	(220.9)
GOODS AND SERVICES	2,000,000.00	1,505,449.05	494,550.95	24.7
CAPEX	1,000,000.00	285,544.00	714,456.00	71.4
<b>TOTAL</b>	<b>9,796,030.20</b>	<b>23,602,156.19</b>	<b>(13,806,125.99)</b>	<b>(140.9)</b>

## 8.0 KEY ACHIEVEMENTS OF THE LEGAL AID COMMISSION IN 2020

8.1 Some achievements of the Commission in 2020 include:

- i. The completion of 1,115 cases in the various courts. These cases were made up of Civil and Criminal cases which include Marital/Matrimonial, Maintenance, Divorce, Manslaughter, Murder, Rape, Defilement, among others.
- ii. Resolved a total number of 5,133 cases using Alternative Dispute Resolution Mechanisms. These cases were made up of Landlord/Tenancy, debt recovery, Family related matters, among others.
- iii. Educated and sensitized the general public on the services of the Commission. These education programmes were done on various stations in the regions and districts as well as other public centers.
- iv. Reviewed, validated and produced the following fundamental documents to enhance its operations.
  - a) The Scheme of Service;
  - b) The Legal Aid Policy;
  - c) A New Guide to Legal Aid Delivery in Ghana;
  - d) A New Framework for Paralegal Delivery;

- e) Legal Aid Regulations. (*yet to be laid before Parliament by the Attorney-General*);
  - f) Strategic Plan for 2021 to 2025.
- v. Trained thirty-four (34) newly recruited staff on its operations and anti-corruption.
  - vi. Opened eight (8) new district offices in the following towns: Akim Oda, Tarkwa, Daboase, Konongo, Hohoe, Kpando, Obuasi and Mampong and also secured office space in these towns which are yet to be operationalized: Kade, Asamankese, Nsawam, Nkwanta (Oti Region), Walewale, Nalerigu, Bongo, Sandema, Tongo, Nangodi, and Navrongo.

## **9.0 OUTLOOK FOR 2021**

9.1 In 2021 financial year, the Office of the Legal Aid Commission intends to undertake a number of activities which include the:

- i. Completion of the Volta Regional Office in Ho. Construction of the Volta Regional office commenced in 2001. The building as it stands now is certified as 67% complete;
- ii. Commencement of construction of the Eastern Regional Office in Koforidua. The Commission acquired a parcel of land from Lands Commission in Koforidua for the construction of an office building in 2013. By the terms of the lease agreement, construction of the office building should have been completed within five (5) years. However, as at today nothing has been done. The Lands Commission is always threatening to re-enter the land.
- iii. Opening of offices in the six (6) newly created regions. In line with Section 24(1) of the Legal Aid Commission Act 2018, the Commission is required to establish an office in each region of Ghana and this is a mandatory requirement which we must fulfil.
- iv. Opening and operationalizing of District Offices. In line with Section 25(1) of the Legal Aid Commission Act 2018, the Commission is enjoined to establish an office in each district. So far office space has been secured in the listed towns and funds are needed to put them into operation. Kade (Eastern Region), Asamankese (Eastern Region), Nsawam (Eastern Region), Nkwanta

(Oti Region), Walewale (North East Region), Nalerigu (North East Region), Bongo (Upper East Region), Sandema (Upper East Region), Tongo (Upper East Region), Nangodi (Upper East Region), Navrongo (Upper East Region), Enchi (Western North Region), Ashanti Mampong (Ashanti Region), Tease (Afram Plains, Eastern Region), Assin Foso (Central Region).

- v. Securing of a permanent office for the Head Office of the Commission: The Head Office has no permanent office space of its own. The Head Office as well as the Greater Accra office are located at a wing of the Ground Floor of the Council for Law reporting Building and it is overcrowded.
- vi. Acquisition of vehicles to enhance the operations of the Commission. It was in 2005 that the Commission last received five (5) vehicles from Government of Ghana (GoG). The Commission now has only (2) over aged vehicles servicing the Head Office as well as the Greater Accra office. None of the other regions has a vehicle for operations.
- vii. Recruitment of personnel to manage these offices. The Commission is understaffed and need personnel to occupy its offices across the country.
- viii. Acquisition of logistics/office equipment. The Commission lacks logistics and office equipment in all its offices.
- ix. Sensitizing and increasing awareness of the operations of the Commission.

## **10.0 ANNUAL BUDGET ESTIMATES OF THE LEGAL AID COMMISSION FOR THE 2021 FINANCIAL YEAR**

For the 2021 Financial year, the sum of **Fifteen Million, Six Hundred and Fifty-Eight Thousand, One Hundred and Sixty Ghana Cedis (GH¢15,658,160.00)** has been allocated to the LAC for its planned programmes. The details of the allocation are shown in the Table 2:

Table 2: **Details of the Annual Budget Estimates of the LAC for the 2021 Financial Year.**

NUMBER	ITEM OF EXPENDITURE	2021 ALLOCATION (GH¢)
1.	Compensation of Employees	13,978,596.00
2.	Goods & Services	529,564.00
3.	Non-Financial Assets	1,150,000.00
<b>TOTAL</b>		<b>15,658,160.00</b>

## 11.0 OBSERVATIONS

### 11.1 Performance of the 2020 budgetary allocations

The Committee noted that during the year under review, a total of **Nine Million, Seven Hundred and Ninety-Six Thousand and Thirty Ghana Cedis, Twenty Pesewas (GH¢9,796,030.20)** was approved for the implementation of the programmes and activities of the LAC. Compensation Votes constituted **Six Million, Seven Hundred and Ninety-Six Thousand and Thirty Ghana Cedis, Twenty Pesewas (GH¢6,796,030.20)**; Goods and Services was **Two Million Ghana Cedis (GH¢2,000,000.00)** and Capital Expenditure was **One Million Ghana Cedis (GH¢1,000,000.00)**. However, at the end of the Budget year, a total of **Twenty-Three Million, Six Hundred and Two Thousand, One Hundred and Fifty-Six Ghana Cedis, Nineteen Pesewas (GH¢23,602,156.19)** representing 241% of the total Allocation was expended. Out of the Actual Expenditure, a total of **Twenty-One Million, Eight Hundred and Eleven Thousand, One Hundred and Sixty-Three Ghana Cedis, Fourteen Pesewas (GH¢21,811,163.14)** representing 223% of the Compensation Vote was utilised to service expenditure on Compensation. **One Million, Five Hundred and Five Thousand, Four Hundred and Forty-Nine Ghana Cedis, Five Pesewas (GH¢1,505,449.05)** was spent on Goods and Services, whilst **Two Hundred and Eighty-Five Thousand, Five Hundred and Forty-Four Ghana Cedis (GH¢285, 544.00)** was spent on Capital Expenditure, representing 75% and 29% of the Allocation respectively.

It was explained to the Committee that, the astronomical increase in Actual Expenditure was as a result of the Rationalisation exercise carried out in the year to harmonise the scheme of service of staff at the LAC with that of personnel of the Office of the Attorney General and Ministry of Justice.

The new scheme of service resulted in appreciable leaps in the salaries and other emoluments of personnel of the Commission. This has made the LAC considerably attractive, and it is poised to attract more legal professionals to enhance its human resource capacity. Another reason proffered for the quantum leap was the recruitment of sixty (60) personnel in 2020 to run the regional and districts offices of the Legal Aid Commission.

### 11.2 **Drastic Reduction in 2021 Compensation Votes**

The Committee observed that, from an Actual Compensation Expenditure of **Twenty-One Million, Eight Hundred and Eleven Thousand, One Hundred and Sixty-Four Ghana Cedis (GH¢21,811,164.00)** in the 2020 financial year, the 2021 Compensation Votes for the Commission has been drastically reduced to **Thirteen Million, Nine Hundred and Seventy-Eight Thousand, Five Hundred and Ninety-Six Ghana Cedis (GH¢13,978,596.00)** leaving a shortfall of 35%. The new status of the Office of the Legal Aid as a commission, demands an enhanced budgetary allocation to resource the Commission to deliver on their mandate as envisioned by Article 294 of the 1992 Constitution. Therefore, the Committee is of the view that, reducing the allocation will limit the Commission in recruiting the requisite personnel needed for the efficient delivery of the mandate of the Office of the Legal Aid Commission. In addition, with this drastic cut in Compensation Vote, the Commission is in limbo regarding the financial clearance issued by the Ministry of Finance (MOF) for the recruitment of fifty-three (53) highly needed staff.

### 11.3 **Inadequate Goods and Services Allocation**

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The Committee also noted the immense need of the Commission to furnish and equip its offices across the country, and at the same time, notes with concern the paltry allocation for the 2021 Goods and Service expenditure. The Commission informed the Committee about the constant threats of ejection and harassment that owners of the office accommodations across the country subject them to. This is due to the inability of the Commission to use the offices they have secured as a result of their incapability to furnish the offices, as well as lack of office equipment and other logistics. The Committee is therefore of the considered view that, the 2021 Goods



and Service allocation of **Five Hundred and Twenty-Nine Thousand, Five Hundred and Sixty-Four Ghana Cedis (GH¢529,564.00)** is woefully inadequate to address these challenges. The Committee agrees with the officers of the Commission about the deplorable state of the offices of the LAC across the country and thus strongly urges the Ministry of Finance to consider an additional allocation in a supplementary Budget for the Commission.

#### **11.4 Lack of Head-Office Accommodation and offices for the newly created regions**

The long-standing problem of a lack of an appropriate Head Office to accommodate the headquarters of the Office of Legal Aid Commission continue to hamper operations of the Commission. The Commission is currently over-crowded in a temporary space at a wing of the ground floor of a sister institution. The Committee urges that, work on the Law Complex should be expedited to provide an appropriate office accommodation for the Office of the Legal Aid and other sister institutions. Also, in line with Section 24(1) of the Legal Aid Commission Act, the Commission is required to establish offices in each region of Ghana, so with the creation of six new regions, it is imperative that, the Commission is adequately resourced to enable it carry out this statutory requirement.

#### **11.5 Lack of Official Vehicles for the entire Commission**

The Committee again noted that the Commission did not have enough vehicles at the Head office and the Regional offices. The Commission has only two over aged vehicles (over 15 years) to service the Head Office and its Greater Accra Regional Office. None of the other Regional Offices have official vehicles to help in their operations. Given that, the work of the Commission consists of movements to and from the courts and prisons across the country, the Committee considers this situation as a serious challenge which needs to be addressed with urgency. With all the prevailing challenges facing the LAC, the 2021 Allocated CAPEX of **One Thousand, One Hundred and Fifty Thousand Ghana Cedis (GH¢1,150,000.00)** is not likely to address the situation but even with this, the Committee is urging the MOF to ensure timely releases to enable the Commission make the most essential procurements. The Committee advised the Commission to present its procurement plan to the Ministry of Finance for consideration.

## 12.0 CONCLUSION AND RECOMMENDATION

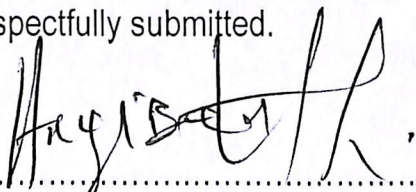
The Committee fully appreciates the understaffing, office accommodation, vehicular and logistical challenges which have been plaguing the LAC over a long period of time, thus affecting the effective delivery of its mandate of delivering quality legal service to the poor and vulnerable in the society. Despite the critical need for the services of the Commission, its budget allocation continues to dwindle at each budget cycle, thereby compounding the existing problems.

It was envisioned that, the elevation of the Legal Aid from a department under the Ministry of Justice to an independent Commission would afford it an enhanced budgetary allocation, but the Committee noted the same treatment in the 2021 Allocation of the Commission.

The Committee strongly urges the Ministry of Finance to make additional allocations in a Supplementary Budget to the Commission to take care of the shortfall in the budgetary allocation to Compensation, Goods and Services and CAPEX to enable the Office of the Legal Aid Commission procure enough vehicles and logistics to help in the efficient delivery of its constitutional mandate.

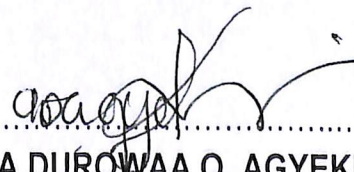
Accordingly, the Committee recommends to the House to adopt this Report and approve the sum of **Fifteen Million, Six Hundred and Fifty-Eight Thousand, One Hundred and Sixty Ghana Cedis (GH¢15,658,160.00)** for the activities of the Office of the Legal Aid Commission for the 2021 Financial Year.

Respectfully submitted.



HON. KWAME ANYIMADU ANTWI  
(CHAIRMAN, COMMITTEE ON CONSTITUTIONAL,  
LEGAL AND PARLIAMENTARY AFFAIRS)

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AKUA DUROWAA O. AGYEKUM (MRS)  
(CLERK TO THE COMMITTEE)

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