

**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 2022 FINANCIAL YEAR**

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DECEMBER 2021

**IN THIRD MEETING OF THE FIRST SESSION OF THE EIGHTH PARLIAMENT
OF THE FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND PARLIAMENTARY
AFFAIRS ON THE 2022 ANNUAL BUDGET ESTIMATES OF THE LEGAL AID COMMISSION
(LAC)**

1.0 INTRODUCTION

- 1.1 The Budget Statement and Economic Policy of the Government of Ghana for the year ending 31st December, 2022 was presented to Parliament, by the Hon. Minister for Finance, Mr. Ken Ofori-Atta, on 17th November, 2022 in accordance with Article 179 of the 1992 Constitution.
- 1.2 Pursuant to Orders 140(4) and 179 of the Standing Orders of Parliament, the Rt. Hon Speaker referred the Budget Estimates of the Legal Aid Commission to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report to the House.

2.0 DELIBERATIONS

The Committee met on 14th December, 2021 and considered the 2022 Budget Estimates of the Legal Aid Commission. Present at the meeting were the Executive Director of the Legal Aid Commission, Mr. Martin Ameyaw and other technical officers from the Commission, as well as the Schedule Officers from the Ministry of Finance.

- 2.1 The Committee is grateful to them for their useful clarifications.

3.0 REFERENCE DOCUMENTS

- 3.1 In considering the Estimates, the Committee made reference to the under-listed documents:
- i. The 1992 Constitution;
 - ii. The Standing Orders of Parliament;
 - iii. Legal Aid Commission Act, 2018 (Act 977);

- iv. The Budget Statement and Economic Policy of the Government of the Republic of Ghana for the 2021 Financial Year;
- v. The Report of the Parliamentary Select Committee on Constitutional, Legal and Parliamentary Affairs on the 2021 Budget Estimates of the Legal Commission; and
- vi. The Legal Aid Commission Medium Term Expenditure Framework for 2020 -2024

4.0 VISION OF THE COMMISSION

The Vision of the 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 COMMISSION

The mission of Ghana's 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.

6.0 CORE FUNCTIONS OF THE COMMISSION

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 offer 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 2021 PERFORMANCE OVERVIEW OF THE OFFICE OF THE LEGAL AID COMMISSION

The Office of the Legal Aid Commission has two main development outcome orientations under the Programme Based-Budgeting of the country. These are Management and Administration, and Legal Aid Services Programmes. The Commission carried out the underlisted programmes during the year under-review:

7.1 Management and Administration Programme

- i. The Legal Aid Commission opened 14 new district offices in Asamankese, Manya Krobo, Amasaman, Ada, Nsawam, Bongo, Assin Foso Tease, Asuogyaman, Essiamah, Sefwi Wiaso, Enchi, Suame and Ashanti Region.
- ii. Secured offices for Nkwanta (Oti Region), Walewale, Nalerigu, Sandema, Tongo, Nangode, Anyinase and Tema.
- iii. Trained 40 staff in basic Alternative Dispute Resolution (ADR) Laws, 40 staff in ADR Mediation, and 34 Lawyers in Criminal Justice and ADR Delivery.
- iv. Completed and operationalised its Scheme of Service, Legal Aid Policy, Strategic Plan and Guide to Legal Aid Delivery.

7.2 Legal Aid Services Programme

- i. Received 1,658 civil and criminal court cases and resolved 734 of the cases.
- ii. Received 5,392 cases and resolved 3,904 using the ADR mechanism.
- iii. Continued its education and sensitisation programme on various radio stations in the regions.

7.3 Financial Performance

The total sum of Fifteen Million Six Hundred and Fifty-Eight Thousand One Hundred and Sixty Ghana Cedis (GH¢ 15,658,160) was allocated to the Commission for the 2021 financial year. The breakdown of the financial performance of the Commission as at September 2021 financial year is provided in Table 1 below.

Table 1: Financial Performance of the Legal Aid Commission as at September 2021

SOURCE	APPROVED BUDGET	RELEASES	ACTUAL EXP.	VARIANCE	PERCENTAGE RELEASE
	GH¢	GH¢	GH¢	GH¢	(%)
COMPENSATION OF EMPLOYEES	13,978,595.89	9,633,123.02	9,543,269.98	4,345,472.87	68.91
GOOD AND SERVICES	529,564.00	868,833.99	732,837.09	(339,269.99)	164.07
CAPEX	1,150,000.00	1,035,000.00	530,876.42	115,000.00	90.00
TOTAL	15,658,159.89	11,536,957.01	10,806,983.49	4,121,202.88	73.68

Source: Programme Based Budget Estimates of the Commission for 2022

8.0 OUTLOOK FOR 2022

8.1 Development Priorities of the Commission

In 2022, the Commission plans to build on the progress made in 2021 by undertaking the following activities:

- i. Operationalise the Bongo, Kade, Nalerigu, Nangode, Nkwanta, Nsawam, Sandema, Tongo and Walewale district offices.
- ii. Open offices in the Bono East and Western North Regions
- iii. Recruit lawyers, ADR Practitioners and Administrators to manage the newly created offices.
- iv. Complete the Volta Regional Office at Ho which is currently 70 percent complete
- v. Commence the construction of Kyebi and Koforidua district offices and operationalise the Paralegal System.

8.2 Budgetary Allocation for the 2022 Fiscal Year

The total sum of **Twenty Million, Three Hundred and Sixty-Two Thousand Ghana Cedis (GHC20, 362,000)** has been allocated to the Legal Aid Commission to implement its programme of activities for 2022 fiscal year. The breakdown of the allocation in terms of economic classifications and sources of funding are provided in Tables 2 and 3.

Table 2: Budgetary Allocation by Economic Classifications for 2022

Expenditure Item	Sources of funding			Total(GH¢)	Percent Alloc. (%)
	GOG(GH¢)	IGF(GH¢)	Donors(GH¢)		
Compensation	18,547,000	-		18,547,000	91.09
Goods and Services	971,000	39,000		1,010,000	4.96
Capital Expenditure	805,000			805,000	3.95
Grand Total	20,323,000	39,000		20,362,000	100

Source: The Budget Statement and Economic Policy of the Government of Ghana for 2022 financial year

Table 3: Budgetary Allocation by Programmes for 2022

Programme	Sources of funding				Donors	ABFA	Total	% Allocation
	GOG			IGF				
	Compensation	Goods & Services	Capex	Goods & Services				
Mgt & Admin	18,547,000.00	761,000.00	805,000.00	39,000.00	-	-	20,152,000.00	98.97
Legal Aid Services		210,000.00	-	-	-	-	210,000.00	1.03
Total	18,547,000.00	971,000.00	805,000.00	39,000.00			20,362,000.00	100

Source: Programme Based Budget Estimates of the Commission for 2022

9.0 OBSERVATIONS

9.1 Budget overrun in respect of Goods and Services Votes

The Committee observed that as at September 2021, the Commission had expended GH¢868,833.99 on Goods and Services as against the entire budgeted amount for Goods and Service of GH¢529,564.00, representing excess expenditure of 64% of the Goods and Services Allocation. The Commission explained that, in the course of the year, some District Assemblies offered office spaces for the Commission to furnish and occupy but no budgetary provision was made in the 2021 budget for such expenditure. Being mindful of the difficulties in securing office accommodation, coupled with threat of losing the offer if not utilized within the shortest possible time, the Commission made a special appeal to the Ministry of Finance for intervention, which the Ministry graciously granted. The Committee considers such arrangement to be improper and accordingly urged the Commission to be proactive in its planning.

9.2 Under Utilization of Capex Allocation

It was noted that out of the total Capex budget release of GH¢1,035,000.00 for 2021 financial year, only GH¢504,123.58, representing about 49% had been utilised as at December 2021. That notwithstanding, the Commission bemoaned the fact that it had not been granted any budgetary allocation for vehicles since 2006. Additionally, it said it has been bedeviled with inadequate resources to improve an office accommodation, logistics and office equipment for the smooth delivery of its mandate. The Commission attributed

the low expenditure of the 2021 CAPEX to its decision to prioritize the completion of the Koforidua Office which was 70% complete. However, unintended challenges arising out of objections raised by the Architectural and Engineering Services Limited on the architectural designs of the building had stalled work on the project. The Committee noted that the under-utilization of the capex budget had caused the Ministry of Finance to reduce the Commission's 2022 Capex allocation to GH¢805,000 against a Capex requirement of GH¢2.0million. The Committee urges the Ministry of Finance to acknowledge the fact that the Commission is a new establishment requiring some critical capital projects to function effectively. Accordingly, the Committee recommends to the Ministry of Finance to consider allocating additional resources to the Commission in the Mid-year Budget Review to undertake some important capital projects.

9.3 Lack of Office Accommodation and Fittings and Fixtures for newly created offices

Pursuant to Act 977, the Legal Aid Commission is enjoined to establish offices in each district of Ghana to equitably render legal services to all needy persons and contribute meaningfully to the achievement of the Sustainable Development Goal 16 (peace, justice and strong institutions). The Committee noted that the Commission is employing innovative approach of partnering with the Metropolitan, Municipal and District Assemblies (MMDAs) to secure operational offices. In recognition of the important role of the Commission, the Committee, after deliberations, recommends that the Legal aid Commission, the Ministry of Local Government and the Office of the Common Fund Administrator should consider the possibility of supporting the establishment of Legal Aid offices in the Districts from the District Assemblies Common Fund.

9.4 Lack of Official Vehicles

The Commission bemoaned the lack of official vehicles to undertake its mandate. It was indicated to the Committee that the Commission has only two (2) over-aged vehicles serving the Head Office and the Greater Accra office, and since 2006. The Committee however noted that the entire capex allocation for 2022 is GH¢ 805,000 is woefully inadequate to secure additional office accommodation, procure furniture, computers and vehicles.

Given that public education and sensitization are core to effective performance of the Commission's mandate, the Committee urges the Ministry of Finance to make adequate

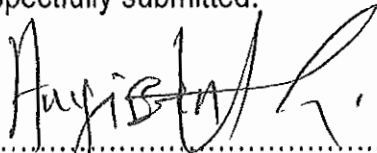
provision to procure some vehicles for the Commission. The Committee advised the Commission to use the unutilized Capex allocation of GH¢530,876.42, to procure some of the vehicles before the year ends.

10.0 CONCLUSION AND RECOMMENDATION

The Committee, having thoroughly scrutinized the Budget Estimates of the Legal Aid Commission for the 2022 fiscal year, is of the view that the policies and programmes outlined for the year fall within the mandate of the Commission and would also go a long way to contribute to the achievement of Sustainable Development Goal 16 which is about peace, justice and strong institutions.

The Committee accordingly recommends to the House to adopt its Report and approve the total sum of **Twenty Million, Three Hundred and Sixty-Two Thousand Ghana Cedis (GHC20, 362,000)** for the services of the Legal Aid Commission for the year ending 31st December 2022.

Respectfully submitted.



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



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AKUA DUROWAA OWUSU AGYEKUM (MRS)
(PAC & HEAD, LEGAL COMMITTEES CLUSTER)

16th December, 2022