
Ghana

Law & policies

Ghana's 1992 Constitution recognizes the right to legal aid.¹ However, it describes legal aid only concerning services rendered by lawyers² and completely ignores the role of paralegals. In addition, the Constitution appears to restrict legal aid to constitutional matters. One might argue that constitutional matters could be interpreted to include the due process rights of suspects recognized under the same constitution.³

For its part, the Legal Aid Commission Act of 2018 aims to ensure equal access to justice and equal treatment of individuals before the law by providing legal aid and assistance to indigent persons. Regrettably, it does not yet incorporate the services of paralegals.⁴

Ratio of Lawyers to Paralegals

As of 19 May 2023, the General Legal Council⁵ listed 2,134 lawyers on its roll of lawyers.⁶ There is no umbrella organization for paralegals and that is partly responsible for the inability to have a centrally available figure for paralegals in the country.

Sources of funding

In principle, the Legal Aid Commission Fund⁷ could potentially provide public sector support to the work of paralegals. As of the time of writing, this has not happened. Consequently, all resources devoted to this work come from organizations supporting paralegals – through internal and external fundraising efforts.⁸

¹ Section 294(1)

² Section 294(4)

³ See Isidore Tufuor, "Greasing the wheels of legal aid in criminal proceedings in Ghana: An evaluation of the legal and regulatory framework" (2019) 19 African Human Rights Law Journal, pp. 267-289 <https://www.ahrlj.up.ac.za/images/ahrlj/2019/volume_1/Chapter%20Tufuor%201_2019.pdf> accessed 8 May 2023.

⁴ See Daphine Nabile, Enock Jengre, Samuel Kombian & Robert Nomo, "Access to Justice and Legal Aid in Ghana: Exploring the role of Legal Aid Commission." Legal Resources Centre Policy Brief No. 2, August 2022, p. 1 <https://lrcghana.org/wp-content/uploads/2022/09/LRC_Policy-Brief_Access-to-Justice-and-Legal-Aid-in-Ghana-Exploring-the-Role....pdf> accessed 8 May 2023.

⁵ This is the institution responsible for admitting successful students to the Ghana bar.

⁶ See <https://www.glc.gov.gh/resources/roll-of-lawyers/> accessed 19 May 2023.

⁷ Section 35 of the Legal Aid Commission Act of 2018.

⁸ For instance, the European Union provided financial support to Legal Resources Centre (LRC) for the training of paralegals to protect children in conflict with the law in 2019. See Legal Resources Centre, "Legal Resources

Legal recognition

Paralegals are not legally recognized under the Legal Aid Commission Act or the Constitution of Ghana. However, civil society organizations which train and deploy paralegals e.g. Commonwealth Human Rights Initiative (CHRI) and Perfector of Sentiments (POS) Foundation are working to get a review of the current Legal Aid Commission Act to recognize paralegals.⁹

Challenges of paralegals

The paralegal movement confronts many challenges including the absence of legal recognition, limited funding to do the work; inadequate personnel; friction with the bar association on account of limited delineation of functions and the attendant suspicion that paralegals will encroach on the work of lawyers.

Opportunities for collaboration

There are several opportunities for collaboration including the movement to revise the current Legal Aid Act to recognize paralegals. This can benefit from the support and collaboration of partners in countries such as Tanzania and Zambia which already have laws and policies recognizing paralegals.

Recommendations

One main recommendation is the need to hasten the process of amending the Legal Aid Act to recognize paralegals. Another is to improve relations with the bar association so they can understand the need to work collaboratively rather than in competition with paralegals.¹⁰ A third recommendation relates to creating common standards for training and oversight of paralegals across the country. Finally, although President Nana Akufo-Addo launched the Legal Aid Commission Fund back in August 2022 and provided 1 million cedis as initial

Centre trains 150 paralegals to protect Ghanaian children's rights" <<https://lrcghana.org/legal-resources-centre-trains-150-paralegals-to-protect-ghanaian-childrens-rights/>> accessed 8 May 2023.

⁹ Interview with Mina Mensah (Head of Africa Office, Commonwealth Human Rights Initiative, Accra), 8 May 2023.

¹⁰ As of June 2022, Ghana had 4,199 lawyers to a population of 30 million people. Of that number, only 35 lawyers actually worked with the Legal Aid Commission. See Daphine Nabile, Enock Jengre, Samuel Kombian & Robert Nomo (n. 5), p. 5. This means that millions of Ghanaians with legal problems may not have access to a lawyer. Therefore, training and deploying more paralegals and creating a referral system whereby paralegals transfer cases on a particular threshold will be a "win win" for everyone.

government support,¹¹ the paralegal movement must engage with the fund administrators to ensure some resources get to paralegals.

¹¹ See “Launch of Legal Reform Commission and Legal Aid Commission Fund.” <<https://mojagd.gov.gh/5195-2/>> accessed 8 May 2023.