



LAW COMMISSION

2020
**ANNUAL
REPORT**



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ACRONYMS

ALRAESA	:	Association of Law Reform Agencies of Eastern and Southern Africa
AWP	:	Annual Work Programme
CALRAs	:	Commonwealth Association of Law Reform Agencies
Cap.	:	Chapter
CIFAL	:	International Training Centre for Authorities and Leaders (Centre International de Formation des Autorite's/Acteurs Locaux)
CSOs	:	Civil Society Organisations
ESAMI	:	Eastern and Southern African Management Institute
EU	:	European Union
IFMIS	:	Integrated Financial Management Information System
IT	:	Information Technology
IEC	:	Information, Education and Communication
JA	:	Justice of Appeal
MBC	:	Malawi Broadcasting Corporation
MG	:	Mother Group
NPL	:	Nation Publications Limited
OPC	:	Office of the President and Cabinet
ORT	:	Other Recurrent Transactions
PAI	:	Public Administration International
PC	:	Performance Contract
PDVA	:	Prevention of Domestic Violence Act
PE	:	Personal Emoluments
PED	:	Performance Enforcement Department
PHIM	:	Public Health Institute of Malawi
PTA	:	Parents-Teachers Association
Rtd	:	Retired
SADC	:	Southern African Development Community
SC	:	Senior Counsel
SDI	:	Staff Development Institute
SI	:	Spotlight Initiative
SMC	:	School Management Committee
TV	:	Television
UNDP	:	United Nations Development Programme
UNICEF	:	United Nations Children's Fund
UNJPGE	:	United Nations Joint Programme on Girls Education
VDC	:	Village Development Committee
YONECO	:	Youth Net and Counselling
ZBS	:	Zodiak Broadcasting Station

FOREWORD



I am pleased to present the 2020 Annual Report of the Law Commission (the Report). The Report provides updates of the work of the Law Commission (the Commission) over the past year.

The past year has been another successful year. However, like most public and private institutions, operations at the Commission have been greatly affected by the global coronavirus pandemic. At the start of the pandemic, the Government of Malawi introduced Covid-19 prevention, containment and management measures, such as limiting face-to-face meetings, to help curb the spread of the virus within the country. This directive meant that the Commission had to scale down attendance or postpone law reform and civic education activities.

However, I am happy to report that, thanks to modern technology, we were able to quickly adapt to holding virtual meetings for law reform. The year saw a new law reform project begin virtually, the Review of the Immigration Act. So much work has been done virtually that the review is almost complete come December, 2021. Virtual meetings have, therefore, become part of the norm for law review.

One of the areas the Commission has made great progress is in law reform. In 2020, the Commission continued to review five pieces of legislations which are currently at different stages of the review process. The programmes include; the Review of the Witchcraft Act (CAP. 7:02); Review of the Public Health Act (CAP. 34:01); Review of the Supreme Court of Appeal Act (CAP. 3:01); Review of the Immigration Act (CAP 15:03); and the Development of Legislation on the Judicial Service Commission.

I am pleased to report that the Commission is nearing the completion of the Review of the Witchcraft Act following a National Consultative Workshop which was held in November, 2020. This is a great milestone as it marks the end of the consultation process. The Commission is expected to complete the programme by holding a Press Briefing in 2021. However, progress on some law reform programmes slowed down due to intermittent funding.

Under civic education, the Commission continued to largely focus on raising awareness of gender and child related laws among communities and school structures which include Mother Groups (MGs), Parent Teacher Associations (PTAs), School Management Committees (SMCs) and Learners' Councils. In light of Covid-19 pandemic, the Commission came up with additional interventions of promoting awareness of the laws that would ensure compliance with Covid-19 prevention, containment and management measures. This included the airing of radio programmes and jingles; and dissemination of self-study materials in schools.

The Commission was able to successfully mitigate challenges encountered over the last twelve months. This can largely be attributed to the hard work and dedication shown by the Law Commission staff. It is through their commitment that the Commission has been able to successfully execute its mandate as stipulated in the Constitution and Law Commission Act (CAP. 3:09).

The success registered by the Commission during the past year would not have been achieved without the support of its local and international partners. Notable partners include the Government of Malawi and co-operating partners, namely: World Bank through the Public Health Institute; United Nations Development Programmes (UNDP); United Nations Children's Fund (UNICEF); the delegation of the European Union (EU) in Malawi; United Nations Entity for Gender Equality and Empowerment of Women (UN Women). The unweathering support of our partners towards law reform and public awareness of the country's law greatly contributed to the achievements outlined in this report.

I would also like to specially thank Commissioners who served in various special Law Commissions for rendering their expertise to law reform programmes.

Rosemary Kumitsonyo Kanyuka
Law Commissioner

1.0 ABOUT THE LAW COMMISSION

1.1 ESTABLISHMENT

The Constitution of the Republic of Malawi (the Constitution) established the Commission in 1994. The enabling legislation, the Law Commission Act (Cap. 3:09), was enacted in 1998, two (2) years after the Commission commenced full operations. The work of the Commission is inclusive and participatory. The public and organisations at various levels take part in law reform and civic education.

The work of the Commission has been diverse since its establishment. The Commission has reviewed and developed legislation on social, economic, cultural, civil and political issues in line with provisions of the constitution and international standards. To date, the Commission has published thirty-five (35) reports and all of them contained proposed legislation. Some of the proposals have been endorsed and enacted into legislation while others are pending before either Cabinet or the National Assembly.

1.2 FUNCTIONS

The broad framework of the functions of the Commission is provided under section 135 of the Constitution. The core mandate of the Commission is to review and make recommendations regarding any matter pertaining to the Laws of Malawi and their conformity with the Constitution and applicable international law. The Commission receives and reviews submissions from individuals or institutions calling for law reform. It submits its findings and recommendations in form of a Report to the Minister responsible for justice.

The Law Commission Act, in addition to the

functions under the Constitution, provides for functions of the Commission as follows:

- (a) review Laws of Malawi with a view to the systematic development and reform of the law including, in particular:
 - (i) the modernisation of the laws by bringing them into accord with the current national and international conditions and norms;
 - (ii) the elimination from the law of any defects, whether of a procedural, substantive or policy nature;
 - (iii) the simplification of the laws; and
 - (iv) the recommendation of new or more effective methods and procedures for the administration of the laws;
- (b) make recommendations for the fusion or harmonisation of customary law with other laws of Malawi;
- (c) make recommendations for the codification of any branch of the law or any customary law; and
- (d) promote awareness of the Constitution and the Laws of Malawi to the public, departments of the Government, other authorities or bodies.

1.3 INSTITUTIONAL SETUP OF THE COMMISSION

The Law Commissioner heads the Commission for a renewable term of five (5) years on appointment by the State President. The appointment is on recommendation by the

Judicial Service Commission. Other officers of the Commission are appointed by the Law Commissioner and are officers in the public service. Ms. Rosemary Kumitsonyo Kanyuka is the fourth Law Commissioner. The core business of the Commission is undertaken by the Legal Services Division whose mandate is broken down into legal research; review

of statutes; development of proposed legislation; and civic education. The Corporate Services Division generally provides support on matters of administration; accounting; library service; and procurement. The Organization Chart of the Law Commission as at 31st December, 2020 is attached in this Report as Appendix I.

1.4 CORE PRINCIPLES OF THE COMMISSION

(a) INDEPENDENCE

In the performance or exercise of functions, duties and powers.

(b) RESPONSIVENESS

In reacting promptly to the needs established by its stakeholders and the public for law reform and civic education.

(c) ACCOUNTABILITY

In carrying out its mandate and use of resources.

(d) CREDIBILITY

With all organs of the state, development partners and the public.

(e) PROFESSIONALISM

In the conduct of its staff and carrying out its mandate.

Vision

Expert advisers on the law, its reform, development and status in Malawi.

Mission Statement

To provide expert advice to Government on law reform and development

Goal

To contribute to the promotion of the rule of law and good governance.

Objectives

The objectives of the Commission are to:

- (a) review and make effective recommendations regarding the Constitution and Laws of Malawi; and
- (b) promote public awareness of the Constitution and the Laws of Malawi.

OUR TEAM



Ms. Rosemary Kumitsonyo Kanyuka
Law Commissioner

LEGAL SERVICES DIVISION

LEGAL SECTION



Mr. Mike Chinoko.
Chief Law Reform Officer



Ms. Eddai Ngwira Chavula.
Assistant Chief Law Reform Officer



Mr. Robert Kandulu.
Assistant Chief Law Reform Officer



Mrs. Siphwe Mchenga.
Law Reform Officer



Ms. Tapiwa Banda.
Law Reform Officer



Ms. Ndamo Somba.
Assistant Law Reform Officer



Ms. Rose Nayeja.
Assistant Law Reform Officer



Ms. Tayamika Chikusa.
Legal Intern



Ms. Glory Namisengo.
Legal Intern



Ms. Sarah Phoso.
Legal Intern

CIVIC EDUCATION



Mr. Gills Kalibwe Msiska.
Principal Civic Education Officer



Mrs. Flora Tsokalida.
Civic Education Officer



Ms. Sophie Gomani.
Civic Education Officer

COOPERATE SERVICES

ADMINISTRATION



Mr. Felix Mpapa.
Head of Corporate Services and
Director of Administration and
Finance



Mr. Orama Maliro.
Administrative Officer

PROCUREMENT



Ms. Memory Jimu.
Procurement Officer



Mrs. Memory Manyungwa.
Assistant Procurement Officer

HUMAN RESOURCE MANAGEMENT



Mrs. Priscilla Jangale
Stores Clerk



Mrs. Dina Dembo Migochi.
Controller of Human Resource
Management and Development



Mr. Stansfield Bota.
Principal Human Resource
Management Officer



Mrs. Tabitha Chakanza.
Human Resource Management
Officer

FINANCE AND INTERNAL AUDIT



Ms. Judith Kabango.
Senior Assistant Human Resource
Management Officer



Mr. Lintton Thepeya.
Assistant Human Resource
Management Officer



Mrs. Minnie Chalemera.
Clerical Officer



Mr. Eric Gunthe.
Internal Editor



Mr. William Mhone.
Accountant



Ms. Sophia Maliro.
Senior Accounts Assistant



Mr. Rodrick Chitani.
Accounts Assistant



Mrs. Mercy Mfuno Tandaude.
Accounts Assistant

INFORMATION TECHNOLOGY



Mr. Blessings Chiwaya.
Accounts Assistant



Mr. Geoffrey Mseka.
Principal System Analyst



Mrs. Chimwemwe Sibande.
System Analyst



Mr. Chancy Bwanali.
Librarian

LIBRARY



Ms. Mercy Makhuludzo.
Assistant Librarian



Mrs. Tabu Moleni.
Senior Personal Secretary



Ms. Naomi Khonje.
Personal Secretary



Ms. Temwapo Kalinga.
Personal Secretary

SECRETARIES



Mrs. Beatrice Mbizi.
Secretary



Mrs. Fanny Theza.
Short Hand Typist



Mrs. Gertrude Malija.
Short Hand Typist



Mrs. Elube Honde.
Receptionist

RECEPTION

DRIVERS



Mr. Herbert Buliyani



Mr. Frank Malili



Mr. Joe Chunga



Mr. Wisdom Chawinga



Mr. Justin Chipembere

MESSENGERS



Mr. Robert Chapata.
Head Messenger



Mr. Harry Gunde.
Assistant Head Messenger



Mr. Nixon Mbengo.
Messenger

2.0 OVERVIEW OF THE LAW REFORM PROCESS

2.1 ANNUAL WORK PROGRAMME

The Commission prepares an Annual Work Programme (AWP) which is a list of programmes of its work to be implemented in a calendar year. Towards the end of 2020, the Commission developed its 2021 Annual Work Programme, see *Appendix IV*.

2.2 LAW REFORM PROCESS

The law reform process comprises the following phases:

2.2.1 Phase I: Identification of an Area for Law Reform

There are three (3) methods through which a law reform area is identified:

- (a) submissions from individuals or bodies;
- (b) identification of an area by the Commission as a way of implementing government policies; responding to social change; or the domestication of the obligations of Malawi under international conventions; or
- (c) request by the Attorney General on behalf of Government. The Attorney General may request the Commission to consider any matter of law that requires reform or development of legislation.

2.2.2 Phase II: Investigation

Once the area for reform is identified, the process takes the following phases:

- (a) Law Reform Officers are assigned to

the programmes as programme officers. The programme officers conduct preliminary research on the subject under reform and on the status of law; and

- (b) programme officers develop working papers which outline issues that guide the work of special Law Commissions.

The papers include:

(i) Research Paper

A research paper is published with a view to document initial research related to a particular area under consideration for reform. It determines authoritatively the existing legal position and identifies the shortcomings or deficiencies that need rectification. The paper may also contain empirical data on which proposals for reform are founded and justified;

(ii) Consultation Paper

The Consultation Paper may precede or succeed an Issues Paper. It is normally a compilation of the views of the stakeholders on various issues arising from an area considered for reform. As such, a Consultation Paper may be developed based on issues outlined in the Issues Paper or it may raise issues which form the basis of an Issues Paper;

(iii) Issues Paper

In order to guide the reform process, the Commission, at an early stage, determines issues that arise in the area proposed for reform or development. The Commission publishes the issues in an Issues Paper. The Issues Paper is a con-

sultation tool and serves to announce an investigation into a particular area of the law under reform or development and to clarify the aim and scope of the process; and

(iv) Discussion Paper

When issues have been identified, the Commission makes further inquiry into the subject matter under reform with a view to providing proposals for reform. The result is published as a Discussion Paper which is a key working document for a special Law Commission.

2.2.3 Phase III: Appointment of Commissioners

Persons with relevant expertise on the subject matter under consideration are identified and appointed as members of a special Law Commission. The appointments are done by the Law Commissioner in consultation with the Judicial Service Commission. The persons so appointed to serve as Commissioners on the Programme, determine the terms of reference and agree upon the work methodology for the Programme. The list of Commissioners who served as members of special Law Commissions in various law reform programmes in 2020 is presented

in *Appendix II*.

2.2.4 Phase IV: Consultations

Mostly, the work of the special Law Commission is done through meetings in plenary where Commissioners meet and deliberate. Apart from this, consultations on a subject matter are held with stakeholders and members of the public. The consultations may include: sending working papers for responses and comments; work shops; focus group discussions; and study visits. The aim of consultations is to solicit views from stakeholders.

2.2.5 Phase V: Recommendations (Report and Proposed Legislation)

A special Law Commission develops a report containing its recommendations for reform and findings. The Report usually has two parts: the narrative; and proposed legislation. The Report is submitted to the Minister responsible for justice for laying in Parliament. Further, the Minister lays the proposed legislation before Cabinet for consideration and approval as a Government Bill. The list of Reports that have been produced by the Commission is presented in *Appendix III*.

SUMMARY OF THE LAW REFORM PROCESS



3.0 ONGOING LAW REFORM PROGRAMMES

3.1 REVIEW OF THE WITCHCRAFT ACT (CAP. 7:02)

The special Law Commission held two (2) commission meetings and a national consultative workshop. However, activities under the Programme were largely affected by the impact of Covid-19, and to a greater extent, unavailability of funding. The Commission plans to proceed with the scheduled activities under the Programme in January, 2021 and intends to conclude the Programme by July, 2021.

The special Law Commission on the Review of the Witchcraft Act is chaired by Honourable Justice Robert R. Chinangwa, SC, JA (Rtd). The Principal Programme Officer is Mr. Mike Chinoko, Chief Law Reform Officer. Assistant Programme Officers are: Ms. Eddah Edayi Ngwira—Chavula, Assistant Chief Law Reform Officer; Mrs. Siphwiwe Phoya—Mchenga, Law Reform Officer; and Ms. Ndamo Somba, Assistant Law Reform Officer. The Programme is being funded by Government through Other Recurrent Transactions (ORT).

3.2 REVIEW OF THE PUBLIC HEALTH ACT (CAP. 34:01)

The special Law Commission made some progress in 2020. The Commission held four (4) commission meetings. However, progress was hampered to a greater extent due to the COVID-19 pandemic. The Commission intends to further hold commission meetings; a national consultative workshop; conduct comparative study visits to Zambia and Namibia; and hold a Press Briefing. The Commission plans to conclude the Programme by December, 2021. The Chairperson for the special Law Com-

mission on the Review of the Public Health Act is Honourable Justice Dingiswayo Madiise and Dr. Ann Phoya is the Deputy Chairperson. The Principal Programme Officer is Ms. Eddah Edayi Ngwira-Chavula, Assistant Chief Law Reform Officer; Mrs. Siphwiwe Phoya-Mchenga, Law Reform Officer; Ms. Rose Nayeja, Assistant Law Reform Officer.

The Programme is funded by the Malawi Government; World Bank through the Public Health Institute of Malawi (PHIM); Management Science for Health; and Ministry of Health and Population.

3.3 REVIEW OF THE SUPREME COURT OF APPEAL ACT (CAP. 3:01)

In 2020, the special Law Commission planned to hold commission meetings; regional and national consultative workshops; press briefing; and publish its Report. The execution of the planned activities of the Commission was dependent on availability of financial resources provided by the Malawi Judiciary, a beneficiary institution under the European Union Chilungamo-Justice and Accountability Programme.

The Commission managed to hold one (1) commission meeting in January, 2020 after which the activities of the Programme were put on hold due to unavailability of funding. The Commission intends to resume activities under the Programme in 2021.

The special Law Commission on the Review of the Supreme Court of Appeal Act is chaired by Honourable Justice Edward Twea, SC, JA(Rtd). The Lead Programme Officer is Mr. Robert Kandulu, Assistant Chief Law Reform

Officer. The Assistant Programme Officer European Union Chilungamo-Justice and is Ms. Rose Nayeja, Assistant Law Reform Accountability Programme through the Officer. The Programme is funded by the Malawi Judiciary.

4.0 NEW LAW REFORM PROGRAMMES

4.1 REVIEW OF THE IMMIGRATION ACT (CAP. 15:03)

The Commission received a submission to consider undertaking a comprehensive reform of the Immigration Act (Cap. 15:03) of the Laws of Malawi (the Act), following findings by the Department of Immigration and Citizenship Services (the implementing agency for the Act) and other key stakeholders. The concerned parties were of the view that the Act is in many respects archaic and not in tandem with the present Constitutional and democratic governance order, as well as obligations in international agreements to which Malawi is a party.

A special Law Commission on the Review of the Immigration Act was, therefore, empanelled and commenced its work in earnest in May, 2020. Despite restrictions on activities in light of the Covid-19 pandemic, good progress has been made on the programme. The special Law Commission held nine (9) commission meetings (including virtual meetings) in plenary, and one (1) consultative meeting with the key stakeholders. Further, the special Law Commission conducted a study visit to the United Republic of Tanzania in December, 2020.



A virtual commission meeting in progress

Unforeseen challenges regarding access to funds for the Programme derailed holding of regional consultative workshops in November, 2020. Nevertheless, the Commission expects to conduct consultations with stakeholders and the public in the three (3) administrative regions of Malawi within the first quarter of 2021; and conclude the whole Programme towards the end of the second quarter.

The special Law Commission on the Review of the Immigration Act is chaired by Honourable Justice Rizine R. Mzikamanda, SC, JA. The Lead Programme Officer is Mr. Mike Chinoko, Chief Law Reform Officer. Assistant Programme Officers are: Mr. Robert Kandulu, Assistant Chief Law Reform Officer and Ms. Tapiwa Banda, Law Reform Officer. The Programme is funded by the Department of Immigration and Citizenship Services

4.2 DEVELOPMENT OF LEGISLATION ON THE JUDICIAL SERVICE COMMISSION PROGRAMME

The Commission received a submission to develop a Judicial Service Commission Act from the Judicial Service Commission in 2003. However, the Programme is still at its inception stage. The main hindrance to progress has been unavailability of financial resources for the Programme. In the interim the Commission, using its monthly funding from Treasury, has started holding preliminary consultations with members of the Judiciary and the Malawi Law Society. Further consultations are expected to be held with the Faculty of Law at Chancellor

College in Zomba, prior to development of an Issues Paper to guide the process.

The Lead Programme Officer is Mr. Robert Kandulu Assistant Chief Law Reform Officer. Assistant Programme Officers are: Ms. Tapiwa Banda, Law Reform Officer; and Ms. Rose Nayeja, Assistant Law Reform Officers. The Programme is being funded by Government through Other Recurrent Transactions (ORT).

4.3 REVIEW OF THE PROBATION OF OFFENDERS ACT (CAP. 9:01)

The Commission commenced the Review the Probation of Offenders Act as part of the ongoing reforms to the criminal justice sector. The Programme is still at its inception stage. However, the Commission has started work on the review programme. In 2020, the Commission held preliminary consultations with stakeholders in all the four (4) Judicial Regions of the Country. The preliminary consultations are being done prior to development of an Issues Paper to guide the process.

The Lead Programme Officer is Ms. Eddah Edayi Ngwira-Chavula, Assistant Chief Law Reform Officer. She is being assisted by Mr. Robert Kandulu, Assistant Chief Law Reform Officer. The preliminary consultations were

funded by Government through ORT.

4.4 DEVELOPMENT OF LEGISLATION ON DISTRESS FOR RENT

The Commission commenced the Development of Legislation on Distress for Rent after observing that the area was in disarray. The observation was made by the special Law Commission on the Review of the Sheriffs Act which made a recommendation for the development of a standalone legislation on the matter in its final report.

The objective of the process is the development of a clear, comprehensive and unified legislative framework on distress for rent that is in line with the dictates of the Constitution of Malawi, applicable international law, and principles of justice, human rights, human worth and human dignity. The Commission has, so far, developed working papers and is in the process of empaneling a special Law Commission on the Development of Legislation on Distress for Rent.

The Lead Programme Officer is Ms. Eddah Edayi Ngwira-Chavula, Assistant Chief Law Reform Officer. She is being assisted by Mrs. Sipiwe Phoya-Mchenga, Law Reform Officer; Ms. Ndamo Somba and Ms. Rose Nayeja, Assistant Law Reform Officers. The preliminary consultations were funded by Government through ORT.

5.0 CIVIC EDUCATION AND PUBLIC RELATIONS

The Law Commission Act mandates the Commission to promote awareness on the Constitution and the Laws of Malawi to the public, departments of the Government and other bodies. Pursuant to its public awareness mandate, the Commission, in 2020, carried out awareness activities on the Laws of Malawi. The activities included: production and dissemination of Information, Education and Communication (IEC) materials; awareness meetings; and media engagements, including airing of radio and television programmes. These activities were conducted to empower stakeholders with knowledge on relevant provisions in some of the Laws of Malawi.

5.1 PRODUCTION AND DISSEMINATION OF IEC MATERIALS

The Commission through its Civic Education and Public Relations Section produced and disseminated IEC materials on child and gender-related laws in form of a Booklet titled *Kuthetsa Nkhanza kwa Ana (Kupewa, Kuteteza ndi Kuchitapo Kanthu)* and a Comic Book titled *Tidziteze ku Nkhanza*. The messages that are contained in the Comic book and Booklet were derived from the following pieces of legislation:

- (a) the Constitution;
- (b) the Penal Code;
- (c) the HIV and AIDS (Prevention and Management) Act No. 9 of 2018;
- (d) the Child Care, Protection and Justice Act (Cap.26:03);
- (e) the Prevention of Domestic Violence Act (Cap. 7:05);

- (f) the Marriage, Divorce and Family Relations Act (Cap. 25:01);
- (g) the Deceased Estates (Wills, Inheritance and Protection) Act (Cap. 10:02);
- (h) the Gender Equality Act (Cap. 25:06); and
- (i) the Trafficking in Persons Act (Cap.7:06).

A total of thirty-three thousand and five hundred (33 500) copies of the Comic Books and three thousand and three hundred (3,300) copies of the Booklet were produced and disseminated in three hundred and twelve (312) schools targeting school structures including Mother Groups (MGs), Parent Teacher Associations (PTAs), School Management Committees (SMCs) and Learners' Councils. These materials were disseminated in three (3) United Nations Joint Programme on Girls Education (UN-JPGE); and six (6) Spotlight Initiative (SI) districts, namely: Mangochi; Dedza; Salima; Mzimba; Nkhata Bay; Ntchisi; Dowa; Nsanje; and Machinga, respectively.



A community-based awareness meeting on child and gender-related laws underway in Nsanje

The estimated number of beneficiaries of the dissemination of the Booklet and Comic Book is three hundred and thirty-three thousand, one hundred and ninety-four (333, 194) learners in schools and nine thousand three hundred and thirty-seven members of PTAs, MGs and SMCs. The table below contains details of the beneficiaries segregated by sex:

Name of School Structure	Estimated Number of Beneficiaries		
	Male	Female	Total
Learners	165, 181	168, 805	333, 194

The production and dissemination of these materials was done in partnership with UNICEF with support from Government through ORT; European Union (EU) and United Nations (UN) through SI; and the Government of Norway and United Nations through JPGE.

5.2 AWARENESS MEETINGS

In an effort to promote awareness on the child and gender-related laws, the Commission conducted awareness meetings on child and gender-related laws referred to as “legal literacy sessions” in the three (3) UNJPGE and six (6) SI districts, namely: Mzimba; Nkhata Bay; Ntchisi; Dowa; Nsanje; Machinga; Mangochi; Dedza and Salima.

The stakeholders targeted for the awareness meetings were school structures such as learners’ councils, PTAs, MGs and SMCs; community structures such as religious and local leaders, members of Village Development Committees (VDCs) and Community Victim Support Units (CVSUs); and representatives of women, youth and people living with disabilities. The Commission managed to conduct seventy-two (72) meetings and reached out to thirty-six (36) schools.

The total number of stakeholders that were

reached is six thousand and ninety-five (6,095) as indicated in the table below:

No.	Name of Structure	Total Segregated by Sex		Overall
		M	F	
1.	Learners	2263	2523	4786
2.	SMC, PTA, MG and others	651	658	1309

During the meetings, the Commission distributed IEC materials. The awareness meetings were done in partnership with UNICEF with support from Government through ORT; European Union (EU) and United Nations (UN) through SI; and the Government of Norway and United Nations through JPGE.

5.3 MEDIA OUTREACH

The Commission aired radio programmes and jingles on child and gender-related laws. The programmes and jingles were recorded and aired with various community and national radio stations. The community radio stations that were engaged were:

- (a) Bembeke Community Radio (Dedza);
- (b) Youth Net and Counseling (YONE CO) FM (Zomba);
- (c) Radio Maria Community Radio (Mangochi);
- (d) Mzimba Community Radio (Mzimba);
- (e) Chirundu Community Radio (Nkhata Bay);
- (f) Usisya Community Radio (Nkhata Bay);
- (g) Dzimwe Community Radio (Monkey Bay);
- (h) Love FM (Salima);
- (i) Zodiak Broadcasting Station (Lilongwe);
- (j) Malawi Broadcasting Corporation (Lilongwe); and
- (k) Gaka Community Radio Station (Nsanje).

In addition, the Commission recorded and aired television programmes through its partnership with Zodiak Broadcasting Station Television (ZBS TV) through its Tisanthule Programme. The Programmes were on the child and gender-related laws.

The Commission recognizes the vital role the media plays in keeping the public updated on the work of the Commission. In 2020, the Commission engaged members of the media from various media houses to cover a National Consultative Workshop on the Review of the Witchcraft Act at Sunbird Capital Hotel in Lilongwe.

The airing of radio programmes and jingles was done in partnership with UNICEF with support from Government through ORT; European Union (EU) and United Nations (UN) through SI; and the Government of Norway and United Nations through JPGE.

5.4 OTHER PUBLICATIONS

Apart from IEC materials, the Commission published and distributed other materials with the aim of increasing its visibility. Some of the materials were published and distributed in 2020 include:

5.4.1 Annual Report

The Annual Report gives a detailed account of the activities of the Commission with a specific focus on the achievements and challenges experienced in a calendar year. The Commission published and distributed fifty (50) copies of the 2019 Annual Report.

5.4.2 Christmas Cards, Diaries and Calendars

The Commission produced and distributed two hundred and fifty (250) copies of the 2020 Christmas cards; one thousand and two hundred (1,200) copies of the 2020 calendars; and seventy (70) diaries.



Learners being oriented on child and gender-related laws.

6.0 NETWORKING AND INTERNATIONAL COOPERATION

The Commission has partnerships with law reform agencies in other countries and continued its membership to relevant international organizations. Through interaction with these agencies and membership to the organisations, the Commission benefits by attending activities which are organised from time to time. The partnerships provide a platform for sharing knowledge, best

practices and experience in law reform. The Commission is a member of the Association of Law Reform Agencies for Eastern and Southern Africa (ALRAESA); and Commonwealth Association for Law Reform Agencies (CALRAs). In addition, the Commission works with other law reform agencies in the Southern African Development Community (SADC) region.

7.0 SUPPORT SERVICES

7.1 ADMINISTRATION

The Section coordinates various sections that support the core functions of the Commission. In 2020, the Section coordinated the development of the following operational instruments necessary for the Commission to implement its functions:

- (a) 2020/2021 Annual Budget;
- (b) 2020/2021 Annual Work Plan;
- (c) 2020/2021 Performance Contract(PC); and
- (d) 2019/2020 Progress Report.

7.1.1 EVENTS MANAGEMENT

The section facilitated the planning and implementation of activities for the Commission. To achieve this, the section prepared funding requests and developed operational budgets for support by development partners. In addition to making funding requests to development partners, the section was responsible for developing and managing the ORT budget.

7.1.2 PERFORMANCE CONTRACT

The section was responsible for the preparation of Performance Contract Agreements with the Office of the President and Cabinet (OPC) for the year 2020/2021 Financial Years. The PC is a tool that Government has adopted to ensure that Government institutions are focusing on result based performance which contribute to the national development strategy.

7.1.3 FLEET MANAGEMENT

The status of the fleet of the Commission is as follows:

NO.	REGISTRATION NUMBER	MAKE	YEAR OF MAKE	SOURCE OF FUNDS	STATUS
1.	BW 4198	TOYOTA PRADO	2019	GOVERNMENT	The official vehicle for the Law Commissioner
2.	BW 3029	PAJERO SPORT	2019	GOVERNMENT	The official vehicle for the Chief Law Reform Officer
3.	BW 3034	TOYOTA FORTUNER	2018	GOVERNMENT	Pool vehicle
4.	MG 915 AM	TOYOTA HILUX	2020	GOVERNMENT	Pool vehicle
5.	MG 914 AM	TOYOTA HILUX	2020	GOVERNMENT	Pool vehicle
6.	MG 814 AK	TOYOTA FORTUNER	2018	GOVERNMENT	Pool vehicle

7.	MG 556 AJ	KIA CERATO	2016	GOVERNMENT	Pool vehicle
8.	MG 557 AJ	KIA CERATO	2016	GOVERNMENT	Pool vehicle
9.	MG 623 AL	JINBEI MINIBUS	2016	GOVERNMENT	Pool vehicle
10.	MG 630 AD	TOYOTA COROLLA	2009	GOVERNMENT	Pool vehicle (OLD)
11.	MG 972 Z	MITSUBISHI	2005	GOVERNMENT	Pool vehicle (OLD)
12.	BP 8885	NISSAN PATHFINDE R	2008	EU	Pool vehicle (OLD)
13.	MG 309 AB	MITSUBISHI L200	2007	NAC	Pool vehicle (OLD)
14.	MG 7927	NISSAN TIIDA	2008	EU	Pool vehicle (OLD)
15.	MG 893 X	TOYOTA COROLLA	2005	COMMODITY AID	Pool vehicle (NON RUNNER)

7.2 FINANCE AND AUDIT

In the 2020/21 Financial Year, the Commission had an approved budget of 1,229,558,000.33 comprising Personal Emoluments (PE) and ORT as follows:

PE : K274,262,880.00

ORT : K955,295,120.33

The approved budget was allocated to the following sub-programmes:

Law Reform	:	K 411,677,849.85
Civic Education	:	K 58,523,420.40
Administration	:	K 280,075,252.00
Financial management and Audit Services	:	K 37,268,294.00
Human Resource Management	:	K 104,220,803.08
Information Technology	:	K 63,529,501.00

Development Partners

UNDP in support of the Review of the Malawi Citizenship Act : K104,556,924.00

UNICEF in support of Civic Education Activities : K104,112,950.00

7.3 HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT

7.3.1 Recruitment

(a) Officers

The Human Resource Section coordinated the process of recruitment to fill various vacant posts as follows:

NO.	NAME OF OFFICER	POST	DATES
1.	Chancy Bwanali	Librarian	4 th June, 2020
2.	Fanny Kaluwa Theza	Shorthand Typist	4 th June, 2020
3.	Blessings Chiwaya	Accounts Assistant	4 th June, 2020
4.	Rose Nayeja	Assistant Law Reform Officer	29 th June, 2020
5.	Gertrude Soko Malija	Shorthand Typist	29 th June, 2020
6.	Justine Chipembere	Driver	29 th June, 2020
7.	Orama Maliro	Administrative Officer	30 th June, 2020

(b) Interns

The Commission engaged the following Interns under Ministry of Labour Internship Programme

No.	NAME OF OFFICER	SECTION	DATES
1.	Philip Enerst Khisimisi	Information Technology	2 nd December, 2019
2.	Glory Namisengo	Legal	1 st November, 2019
3.	Tayamika Chikusa	Legal	1 st November, 2019
4.	Sara Phoso	Legal	1 st November, 2019

7.3.2 Promotions

The following were promoted:

NO.	NAME OF OFFICER	POST	EFFECTIVE DATES
1.	Mrs. Beatrice Mbizi	Personal Secretary	18 th February, 2020
2.	Ms. Mercy Makhuludzo	Assistant Librarian	18 th February, 2020
3.	Mr. William Mhone	Accountant	20 th May, 2020
4.	Mr. Robert Kandulu	Assistant Chief Law Reform Officer	2 nd October, 2020
5.	Mr. Mike Chinoko	Chief Law Reform Officer	1 st December, 2020

7.3.3 Training

Members of staff of the Commission attended training to enhance their skills as follows:

(a) Short term training

NO	NAME OF OFFICER	POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATES ATTENDED
1.	Mr. Lintton Thepeya	Assistant Human Resource Management Officer	International Training on Manpower Information Systems	National Institute of Labour Economics Research and Development, Dheli, India (Fully Funded)	14 th January, to 9 th March, 2020
2.	Mr. Stanfield Mclean Twalema Bota	Principal Human Resource Management Officer	Improving Interpersonal Relations at Work	ESAMI Mombasa, Kenya	2 nd to 13 th March, 2020
3.	Mr. F.J. Mpapa	Director Of Finance & administration	Public Sector Finance Management Program	MANANGA Centre for Regional Integration and Management Development, Ezulwini, Swaziland	30 th November to 18 th December 2020

(b) Long term training

NO	NAME OF OFFICER	POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATES ATTENDED
1.	Ms. Sophie Gomani	Civic Education Officer	MSc Communication for Development	University of Reading, United Kingdom.	1 year from 23 rd September, 2019 to 22 nd September, 2020
2.	Ms. Ndamo Somba	Assistant Law Reform Officer	LLM in International Development Law and Human Rights	University of Warwick, United Kingdom.	1 st October, 2018 to 30 th September, 2019
3.	Mr. Robert Kandulu	Law Reform Officer	MSc in Parliamentary Procedures and Legislative Drafting	LOUISS Guido University in Rome, Italy.	1 st October, 2018 to 6 th March, 2020.

7.3.4 Attrition

The following members of staff left the Commission for various reasons as follows:

NO	NAME OF OFFICER	REASON	DATE
1.	Mrs. Loyce Mpinganjira	Retired from the position of Accountant	31 st March, 2020.
2.	Mrs. Nellie Ndhlovu	Resigned from the position of Administrative Officer	15 th April, 2020.
3.	Mr. Mtamandeni Liabunya	Resigned from the position of Deputy Chief Law Reform Officer	31 st August, 2020
4.	Mr. Wongani Mvula	Resigned from the position of Law Reform Officer	15 th September, 2020.
5.	Mr. William Msiska	Appointed as Judge of the High Court	20 th October, 2020.

8.0 CHALLENGES AND CONCLUSION

8.1 CHALLENGES

The Commission experienced a number of challenges in the implementation of its mandate. Most of the challenges are not new as they have been reported in the previous years and they include:

(a) Covid-19 Pandemic

In the course of implementing its 2020 work programme, the Commission experienced challenges implementing some activities due to restrictions that were set in light of the Covid-19 pandemic. To ensure there is progress in the law reform programmes, the Commission resorted to conducting virtual meetings. In addition, the Commission produced self-study materials as a way of providing information to the public in the wake of the pandemic under the civic education mandate of the Commission;

(b) insufficient funding

Insufficient funding continues to negatively affect the operations of the Commission. For example, progress on the Review of the Witchcraft Act (Cap. 7:02); the Development of Legislation on Distress for Rent; the Development of Legislation to Govern Judicial Services;

and the Review of the Probation of Offenders Act (Cap. 9:01) slowed down due to intermittent funding;

(c) lack of capital equipment

The Commission has a shortage of motor vehicles as most of its fleet is old and requires constant maintenance which has become costly. Further, the Commission requires suitable 4x4 motor vehicles in order to deliver its civic education mandate in the hard to reach areas of the country; and

(d) staff attrition

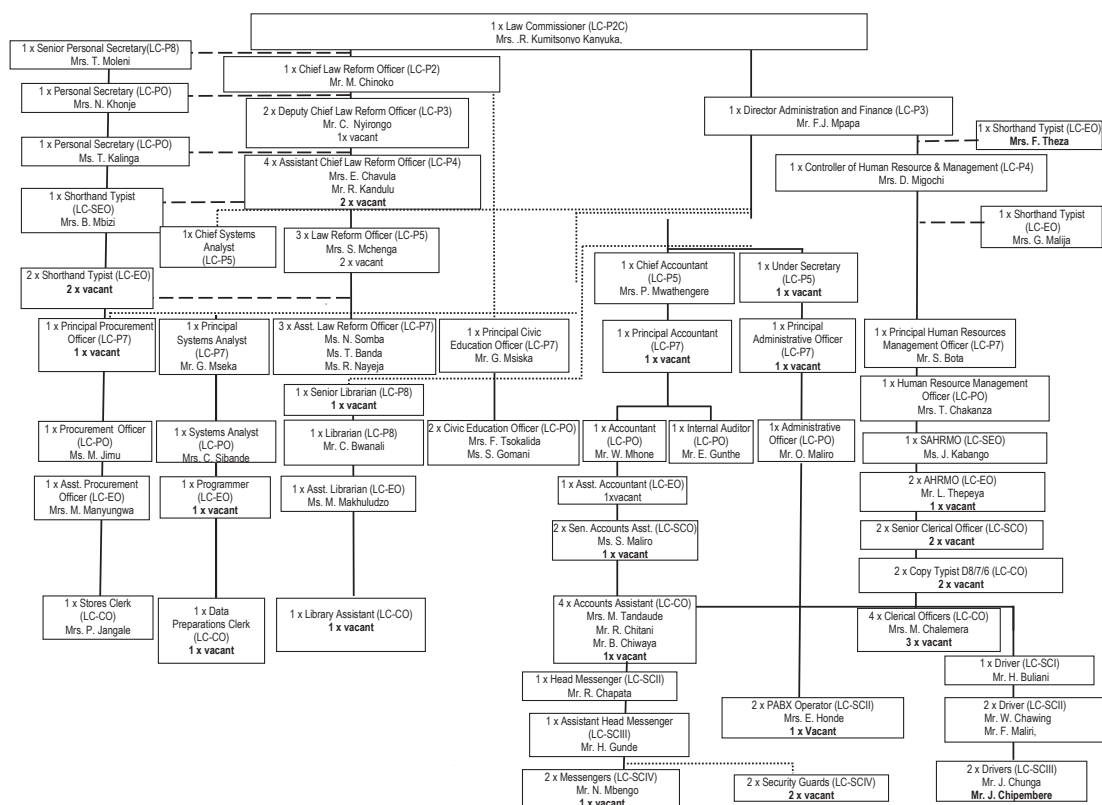
The Commission continues to lose members of staff through resignations. In 2020, three (3) members of staff left the Commission.

8.2 CONCLUSION

Generally, the Commission made significant strides in the implementation of its mandate and the performance of its functions in 2020 despite experiencing the above challenges. The Commission approaches the year 2021 with optimism and hopes to continue delivering on its vision to become an expert provider of advisory services to Government on law reform.

APPENDICES

Appendix I: The Organization Chart of the Law Commission as at 31st December, 2020



SUMMARY OF ALL POSTS AS PER SECTIONS

NO.	SECTION	TOTAL ESTABLISHMENT	TOTAL FILLED	TOTAL VACANT	GENDER	
					MALE	FEMALE
1	LEGAL	14	9	5	3	6
2	ADMINISTRATION	17	11	6	10	1
3	HUMAN RESOURCE	12	6	6	2	4
4	FINANCE & AUDIT	11	7	4	4	3
5	CIVIC EDUCATION	3	3	0	1	2
6	INFORMATION TECHNOLOGY	5	2	3	1	1
7	LIBRARY	4	2	2	1	1
8	PROCUREMENT & STORES	4	3	1	0	3
9	SECRETARIAL	10	6	4	0	6
	TOTAL	80	49	31	22	27

Total filled : 49

Total Vacant : 31

Total Establishment : 80

Appendix II: Members of special Law Commissions

LAW COMMISSION ANNUAL REPORT 2020

Programme	Member	Institution
Review of the Supreme Court of Appeal Act	Hon. Edward Twea, SC, JA— Chairperson	Judiciary
	Hon. Rachel Sophie Sikwese, J— Deputy Chairperson	Judiciary
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Hon. Isaac Jamu Mtambo, SC, JA (Rtd)	Judiciary
	Honourable Justice Kenyatta Nyirenda	Judiciary
	His Honour Justus Kishindo	Judiciary
	Mr. Richard Santhe	Ministry of Justice
	Mr. Patrice Nkhono, SC	Malawi Law Society
	Mrs. Maureen Kondowe	Malawi Law Society
	Mr. Justin Dzonzi	Human Rights Commission
	Mr. Mzati Kidney Mbeko	Civil Society (Women and Lawyers in Southern Africa)
Mr. Bright Theu	University of Malawi	
Review of the Public Health Act	Hon. Justice Dingswayo Madise— Chairperson	Judiciary
	Dr. Ann Phoya—Deputy Chairperson	Ministry of Health
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Dr. Damson Kathyola	Ministry of Health
	Mr. Titus Mvalo	Malawi Law Society
	Mr. Vitto Peter Mulula	Lilongwe City Council
	Ms. Sitingawawo Kachingwe	Nurses and Midwives Council of Malawi

	Mrs. Martha Kwataine	Malawi Health Equity Network
Review of the Witchcraft Act	Hon. Robert. R. Chinangwa, SC, JA (Rtd)—Chairperson	Judiciary
	Mrs. Clotilda Sawasawa—Deputy Chairperson	Ministry of Gender, Community Development and Social Welfare
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Mr. Wezi Kayira	Ministry of Justice
	Senior Chief Malemia	Traditional Leader
	Mr. Rodrick C. Makono	Malawi Law Society
	Mr. Phillip Kapulula	University of Malawi
	Dr. Penjani M.J. Theu (Rtd)	Herbalists Association of Malawi
	Mr. Sangster S. Nkhandwe	Livingstonia Synod of the Church of Central African Presbyterian
Review of the Malawi Citizenship Act	Hon. Rizine Mzikamanda, JA, SC—Chairperson	Judiciary
	Dr. Hudson Jeffer Mankhwala—Deputy Chairperson	Ministry of Homeland Security
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Hon. Annabel Mtalimanja, J	Judiciary
	Ms. Alice Naomi Mkandawire	Ministry of Gender, Community Development and Social Welfare
	Mrs. Angela Tamanda H. Kaunda	Ministry of Justice
	Mr. Justin G.K. Dzonzi	Human Rights Commission
	Mr. Fletcher Nyirenda	Department of Immigration and Citizenship Services

	Mr. Khumbo Bonzoe Soko	Malawi Law Society
	Mrs. Chipiliro Catherine Mbekwani Chitsonga	Malawi Law Society
	Rt. Rev. Fanuel Emmanuel Magangani	Malawi Council of Churches
	Mrs. Maggie Kathewera Banda	Civil Society (Women's Legal Resource Centre)
Review of the Immigration Act	Hon. Rizine Mzikamanda, JA, SC— Chairperson	Judiciary
	Dr. Hudson Jeffer Mankhwala— Deputy Chairperson	Ministry of Homeland Security
	Ms. Rosemary Kanyuka Kumitsonyo	Law Commission
	Mrs. Angella Kaunda	Ministry of Justice and Constitutional Affairs
	Mr. Fletcher Nyirenda	Department of Immigration
	Mr. Limbani K. Chawinga	Department of Immigration
	Mr. Wafwile Musukwa	Ministry of Labour
	Mr. Tonda Chinangwa	Malawi Law Society
	Mr. Robert Mkwezalamba	Center for Human Rights and Rehabilitation
	Mrs. Patricia Kaupa	Malawi Investment and Trade Centre

Appendix III: Status and Record of Completed Law Reform Programmes

NO.	PROGRAMME	YEAR OF COMPLETION	PROPOSED LEGISLATION	STATUS
1	Review of Certain Laws on Defilement of Young Girls, Wills and Inheritance, Citizenship, Marriage and Affiliation	October, 1996	(a) Penal Code, Defilement of Young Girls (Amendment) Bill	Enacted as Act No. 28 and 29 of 1998
			(b) Wills and Inheritance (Amendment) Bill	Enacted as Act No. 22 of 1998
			(c) Citizenship (Amendment) Bill	Before Cabinet
			(d) Marriage (Amendment) Bill	Enacted as Act No. 29 of 1997
			(e) Affiliation (Amendment) Bill	Enacted as Act No. 30 of 1997
2	Technical Review of the Constitution	November, 1998	Constitution (Amendment) Bill	Enacted as Act No. 13 of 2001 and Act No. 8 of 2010
3	Development of Bail Guidelines	February, 2000	Bail (Guidelines) Bill	Enacted as Act No. 8 of 2000
4	Review of the Penal Code	June, 2000	Penal Code (Amendment) Bill	Enacted as Act No. 1 of 2011
5	Review of the Army Act	July, 2001	Defence Force Bill	Enacted as Act No. 11 of 2004
6	Review of the Censorship and Control of Entertainment Act	June, 2001	Classification of Public Entertainment and Publications Bill	Before Cabinet

7	Review of the Legal Education and Legal Practitioners Act	September, 2002	Legal Education and Legal Practitioners (Amendment) Bill	Enacted as Act No. 9 of 2004
8	Review of the Corrupt Practices Act	November, 2002	Corrupt Practices (Amendment) Bill	Enacted as Act No. 17 of 2004
9	Review of the Police Act	July, 2003	Police Bill	Enacted as Act No. 12 of 2010
10	Review of the Criminal Procedure and Evidence Code	December, 2003	Criminal Procedure and Evidence Code (Amendment) Bill	Enacted as Act No. 14 of 2010
11	Criminal Justice Reform on Conversion of Fines	December, 2003	Fines (Conversion) Bill	Enacted as Act No. 10 of 2005
12	Review of the Wills and Inheritance Act	January, 2004	(a) Deceased Estates (Wills, Inheritance and Protection) Bill	Enacted as Act No. 4 of 2011
			(b) Estate Duty (Amendment) Bill	Enacted as Act No. 1 of 2016
13	Review of the Legal Aid Act	July, 2005	Legal Aid Bill	Enacted as Act No. 7 of 2011
14	Review of the Children and Young Persons Act	October, 2005	Child (Care, Protection and Justice) Bill	Enacted as Act No. 22 of 2010
15	Review of Land-Related Laws	March, 2010	(a) Land Bill	Enacted as Act No. 16 of 2016
			(b) Customary Land Bill	Enacted as Act No. 19 of 2016
			(c) Registered Land (Amendment) Bill	Enacted as Act No. 7 of

				2017
			(d) Physical Planning Bill	Enacted as Act No. 17 of 2017
			(e) Forestry (Amendment) Bill	Enacted as Act No. 5 of 2017
			(f) Public Roads (Amendment) Bill	Enacted as Act No. 8 of 2017
			(g) Mines and Minerals (Amendment) Bill	Before Cabinet
			(h) Land Survey Bill	Enacted as Act No. 18 of 2016
			(i) Land Acquisition (Amendment) Bill	Enacted as Act No. 9 of 2017
			(j) Local Government (Amendment) Bill	Enacted as Act No. 10 of 2017
			(k) Malawi Housing Corporation (Amendment) Bill	Enacted as Act No. 6 of 2017
			(l) Companies (Amendment) Bill	Before Cabinet
16	Review of the Laws on Marriage and Divorce	June, 2006	(a) Marriage, Divorce and Family Relations Bill	Enacted as Act No. 4 of 2015
			(b) Penal Code (Amendment) Bill	Before Parliament
17	Review of the Traditional Courts Act	September, 2007	Local Courts Bill	Enacted as Act No. 9 of 2011
18	Review of the	September,	(a) Constitution	Before

	Constitution	2007	(Amendment) Bill	Cabinet
			(b) Constitution (Amendment) (No. 2) Bill	Before Cabinet
			(c) Impeachment of President Bill	Before Cabinet
			(d) Political Parties Registration and Regulation (Amendment) Bill	Enacted as Act No. 1 of 2018
			(e) Electoral Commission (Amendment) Bill	Before Cabinet
			(f) Parliamentary and Presidential Elections (Amendment) Bill	Before Cabinet
			(g) Courts (Amendment) Bill	Modified by the Ministry of Justice and rejected by Parliament
			(h) Ombudsman (Amendment) Bill	Before Cabinet
19	Development of Legislation on Declaration of Assets, Liabilities and Business Interests by Public and Elected Officers	August, 2008	(a) Public Officers (Declaration of Assets, Liabilities and Business Interests) Bill	Enacted as Act No. 22 of 2013
			(b) Parliamentary and Presidential Elections (Amendment) Bill	Before Cabinet
			(c) Local Government Elections (Amendment) Bill	Before Cabinet
20	Development of HIV and AIDS Legislation	December, 2008	(a) HIV and AIDS (Prevention and Management) Bill	Enacted as Act No. 9 of 2018

			(b) Employment (Amendment) Bill	Before Cabinet
21	Review of the Education Act	March, 2010	Education Bill	Enacted as Act No. 21 of 2013
22	Development of Trafficking in Persons Legislation	February, 2011	(a) Trafficking in Persons Bill	Enacted as Act No. 3 of 2015
			(b) Tourism and Hotels (Amendment) Bill	Before Cabinet
			(c) Immigration (Amendment) Bill	Before Cabinet
			(d) Penal Code (Amendment) Bill	Before Cabinet
			(e) Extradition (Amendment) Bill	Before Cabinet
			(f) Child Care, Protection and Justice (Amendment) Bill	Before Cabinet
23	Development of Legislation on Gender Equality	February, 2011	Gender Equality Bill	Enacted as Act No. 3 of 2013
24	Review of the Legal Education and Legal Practitioners Act	May, 2013	(a) Legal Education and Legal Practitioners Bill	Enacted as Act No. 31 of 2018
			(b) Debt Collectors Bill	Before Cabinet
25	Review of the Trade Marks Act	July, 2013	(a) Trade Marks Bill	Enacted as Act No. 2 of 2018
			(b) Company and Intellectual Property Office Bill	Before Cabinet

26	Review of the Firearms Act	June, 2013	Firearms and Ammunition (Control) Bill	Before Cabinet
27	Review of the Adoption of Children Act	August, 2013	Adoption of Children Bill	Before Cabinet
28	Review of the Chiefs Act	August, 2015	Traditional Leaders Bill	Before Cabinet
29	Review of the Law on Abortion	March, 2016	Termination of Pregnancy Bill	Before Cabinet
30	Review of the Sheriffs Act	October, 2015	(a) Sheriffs Bill	Before Cabinet
			(b) Courts (Amendment) Bill	Submitted to the Minister responsible for justice and laid before Parliament
31	Development of Legislation on Spent Convictions	December, 2015	Spent Convictions Bill	Before Cabinet
32	Review of Electoral Laws	March, 2017	(a) Constitution (Amendment) Bill	Modified by the Ministry of Justice and rejected by Parliament
			(b) Electoral Commission (Amendment) Bill	Modified by the Ministry of Justice and rejected by Parliament
			(c) Elections Management Fund Bill	Modified by the Ministry of Justice and rejected by Parliament
			(d) Presidential, Parliamentary and	Modified by the Ministry of

			Local Government Elections Bill	Justice and rejected by Parliament
			(e) Assumption of Office of President (Transitional Arrangements) Bill	Modified by the Ministry of Justice and rejected by Parliament
			(f) Referendum Bill	Enacted as Act No. 6 of 2018
33	Technical Review of the Prevention of Domestic Violence Act	October, 2015	Prevention of Domestic Violence (Amendment) Bill	Before Cabinet
34	Development of Legislation on Sentencing Guidelines	December, 2018	Sentencing Guidelines Bill	Before Cabinet
35	Review of the Prisons Act	December, 2018	Prisons (Amendment) Bill	Submitted to the Minister responsible for justice and laid before Parliament

Appendix IV: Law Commission Notice of Annual Work Programme for 2020

GENERAL NOTICE

Under section 7 (1) (a), Law Commission Act,
Cap. 3:09 of the Laws of Malawi

The Law Commission in accordance with section 7 (1) (a) of the Law Commission Act, Cap. 3:09 and in pursuance of its powers, duties and functions under the Constitution of the Republic of Malawi and the Law Commission Act, hereby publishes its programme of work for the year 2021.

1. LAW REFORM

1.1 On-going Programmes

- (a) Review of the Public Health Act, Cap. 34:01 of the Laws of Malawi
The special Law Commission on the Review of the Public Health Act shall continue with the review process;
- (b) Review of the Witchcraft Act, Cap. 7:02 of the Laws of Malawi
The special Law Commission on the Review of the Witchcraft Act shall continue with the review process;
- (c) Review of the Supreme Court of Appeal Act, Cap. 3:01 of the Laws of Malawi. The special Law Commission on the Review of the Supreme Court of Appeal Act shall continue with the review process;
- (d) Review of the Immigration Act, Cap. 15:03 of the Laws of Malawi
The special Law Commission on the Review of the Immigration Act shall continue with the review process;
- (e) Review of the Probation of Offenders Act, Cap. 9:01 of the Laws of Malawi. The Law Commission shall continue with the review process;
- (f) Development on Legislation on Distress for Rent.
The Law Commission shall continue

- (g) with the review process; and
Development of Legislation to Govern the Judicial Service
The Law Commission shall continue with the review process.

1.2 New Programme

Review of the Public Officers (Declaration of Assets, Liabilities and Business Interests) Act, Cap. 1:04 of the Laws of Malawi

The Law Commissioner, in consultation with the Judicial Service Commission, shall empanel a special Law Commission to review the Public Officers (Declaration of Assets, Liabilities and Business Interests) Act;

2. PUBLIC AWARENESS AND CIVIC EDUCATION

The Law Commission shall continue its mandate of promoting awareness of the laws of Malawi and the Constitution, by the public and other Departments of Government.

In particular, the Law Commission shall carry out public awareness campaigns of the following—

- (a) the Constitution;
- (b) the Law Commission Act, Cap. 3:09 of the Laws of Malawi;
- (c) the Deceased Estates (Wills, Inheritance and Protection) Act, Cap. 10:02 of the Laws of Malawi;
- (d) the Gender Equality Act, Cap. 25:06 of the Laws of Malawi;
- (e) the Marriage, Divorce and Family Relations Act, Act No. 4 of 2015;

- (f) the Prevention of Domestic Violence Act, Cap. 7:05 of the Laws of Malawi;
- (g) the Trafficking in Persons Act, Cap. 7:06 of the Laws of Malawi;
- (h) the HIV and AIDS (Prevention and Management) Act, Act No. 9 of 2017;
- (i) the Child (Care, Protection and Justice) Act, Act No. 22 of 2010;
- (j) the Penal Code, Cap.7:01 of the Laws of Malawi;
- (k) the Electronic Transactions and Cyber Security Act, Act No. 33 of 2016;
- (l) Recommendations of the Law Commission on the Development of Legislation on Spent Convictions;
- (m) Recommendations of the Law Commission on the Development of Legislation on Sentencing Guidelines;
- (n) Recommendations of the Law Commission on the Review of the Malawi Citizenship Act; and
- (o) Recommendations of the Law Commission on the Review of the Prisons Act.

3. OTHER PUBLICATIONS

The Law Commission shall develop and publish the following—

- (a) Annual Report for 2020;
- (b) Training Manuals; and
- (c) Information, Education and Communication Materials.

Mike V. Chinoko
Chief Law Reform Officer
 For: LAW COMMISSIONER

