



**LAW COMMISSION**

ANNUAL  
REPORT  
2018





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## ACRONYMS

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ALRAESA	:	Association of Law Reform Agencies of Eastern and Southern Africa
CALRAs	:	Commonwealth Association of Law Reform Agencies
Cap.	:	Chapter
CSOs	:	Civil Society Organisations
ESAMI	:	Eastern and Southern African Management Institute
EU-DGP	:	European Union-Democratic Governance Programme
IT	:	Information Technology
IEC	:	Information, Education and Communication
JA	:	Justice of Appeal
NPL	:	Nation Publications Limited
OPC	:	Office of the President and Cabinet
ORT	:	Other Recurrent Transactions
PC	:	Performance Contract
PDVA	:	Prevention of Domestic Violence Act
PE	:	Personal Emoluments
PED	:	Performance Enforcement Department
Rtd	:	Retired
SADC	:	Southern African Development Community
SC	:	Senior Counsel
SDI	:	Staff Development Institute
UN	:	United Nations
UNDP	:	United Nations Development Programme
UNICEF	:	United Nations Children's Fund
UNODC	:	United Nations Office on Drugs and Crime

## FOREWORD



Ms. Rosemary Kumitsonyo Kanyuka Law Commissioner

I am delighted to present to you the Law Commission 2018 Annual Report. Having recently been appointed to the Law Commission (the Commission) in November, 2018, I am sincerely grateful to the President for his confidence in my ability to serve the public as Law Commissioner. During my tenure, I look forward to working together with members of staff of the Commission and partners in ensuring that the institution successfully executes its mandate as stipulated in the 1994 Constitution of the Republic of Malawi (the Constitution) and the Law Commission Act (Cap. 3:09).

Overall, 2018 was a fruitful year for the Commission. Much of its success can be attributed to the leadership of my predecessor Mrs. Gertrude Lynn Hiwa, SC, who successfully spearheaded the Commission for the past ten (10) years.

During the year, the Commission made notable strides in law reform and public

awareness initiatives. However, the year was not without challenges.

With regards to law reform, the Commission completed work on three law reform programmes, namely: Review of the Prisons Act (Cap. 9:02); Development of Legislation on Spent Convictions; and Development of Legislation on Sentencing Guidelines. The Commission also embarked on the Review of the Supreme Court of Appeal Act (Cap. 3:01) as a new Programme. The Commission continued with and made a lot of progress on the Review of the Malawi Citizenship Act (Cap. 15:01); the Review of the Public Health Act (Cap. 34:01); and the Review of the Witchcraft Act (Cap. 7:02). However, lack of adequate funding hindered progress in some of the law reform programmes, particularly on the Review of the Witchcraft Act.

The Commission strives to ensure that the public is made aware of the Constitution and the Laws of Malawi. In 2018, the Commission continued with its nationwide civic education campaign on gender-related laws. The gender-related laws include: the Prevention of Domestic Violence Act (Cap. 7:05); the Deceased Estates (Wills, Inheritance and Protection) Act (Cap. 10:02); the Gender Equality Act (Cap. 25:06); the Marriage, Divorce and Family Relations Act (Act No. 4 of 2015); and the Trafficking in Persons Act (Act No. 3 of 2015). The Commission has since covered nineteen (19) of the twenty-eight (28) districts in Malawi where key stakeholders have been oriented on the gender related laws. The Commission also partnered with United Nations Women (UN Women) on the production and dissemination of Information, Education and Communication (IEC) materials on the newly

enacted HIV and AIDS (Management and Prevention) Act (Act No. 9 of 2017). Workshops on the dissemination of information on the HIV and AIDS (Prevention and Management) Act were carried out in four districts, namely: Mulanje, Blantyre, Mangochi and Karonga. The aim of the workshops was to orient key stakeholders on the Act. The workshops were carried out in conjunction with UN Women.

The gains made in 2018 would never have been possible without the support rendered by the partners of the Commission. During the past year, the Commission received tremendous support from Government and cooperating partners such as United Nations Office on Drugs and Crime (UNODC); United Nations Children's Fund (UNICEF); United Nations Development Programme (UNDP); the Delegation of the European Union (EU) in Malawi; and United Nations Women (UN Women).

Taking everything into account, 2018 was generally a successful year. In 2019, the public should expect the same kind of dedication and professionalism that the Commission has always demonstrated since its establishment.



Rosemary Kumitsonyo Kanyuka  
**Law Commissioner**

# 1.0 ABOUT THE LAW COMMISSION

## 1.1 ESTABLISHMENT

The Constitution established the Law Commission (the Commission) in 1994. The enabling legislation, the Law Commission Act (Cap. 3:09), followed in 1998, two (2) years after the Commission commenced full operations. The primary statutory function of the Commission is to provide independent advice to government on the reform of the law in Malawi. The work of the Commission is inclusive and participatory. The public and organizations at various levels take part in law reform.

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 constitutional provisions and international standards. To date, the Commission has published thirty-five (35) reports and all of them contain proposed legislation. Some of the proposals have been endorsed and enacted into legislation while others are pending before either the 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 recommendation regarding any matter pertaining to the Laws of Malawi, including the Constitution itself, 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 reports its findings and recommendations to Parliament through the Minister responsible for justice.

The Law Commission Act expounds the functions of the Commission under section 6, in addition to its constitutional functions, as follows:

- (a) review the Laws of Malawi with a view to the systematic development and reform of the law including, in particular:
  - (i) the modernization of the laws by bringing them into accord with the current national and international conditions and norms;
  - (ii) the elimination from the laws 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 harmonization 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 laws and the Constitution 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 services to the Legal Services Division on matters of administration; accounting; library service and procurement. The Organizational Chart of the Law Commission as at 31<sup>st</sup> December 2018 is attached to this report as *Appendix I*.

#### 1.4 CORE PRINCIPLES OF THE COMMISSION

- (i) **INDEPENDENCE**  
In the performance or exercise of functions, duties and powers.
- (ii) **RESPONSIVENESS**  
In reacting promptly to the needs established by its stakeholders and the public for law reform and civic education.
- (iii) **ACCOUNTABILITY**  
In carrying out its mandate and use of resources.
- (iv) **CREDIBILITY**  
With all organs of the state, development partners and the public.
- (v) **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 development and reform.

#### Goal

To promote public participation and good governance through the reform and development of the law.

#### 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 on the Constitution and the Laws of Malawi.

# OUR TEAM



**Ms. Rosemary Kumitsonyo Kanyuka**  
Law Commissioner

## LEGAL SERVICES DIVISION

### Legal Services



**Mr. William Yakuwawa Msiska**  
Chief Law Reform Officer



**Mr. Mike Chinoko**  
Deputy Chief Law Reform Officer



**Mr. Mtamandeni Liabunya**  
Deputy Chief Law Reform Officer



**Mrs. Eddah Chavula**  
Assistant Chief Law Reform Officer



**Mr. Robert Kandulu**  
Law Reform Officer



**Mr. Wongani Mvula**  
Law Reform Officer



**Ms. Siphwe Phoya Mchenga**  
Assistant Law Reform Officer



**Ms. Ndamo Somba**  
Assistant Law Reform Officer



**Mr. Mphatso Tong'o**  
Legal Intern

### Civic Education



**Mr. Gills Kalibwe Msiska**  
Principal Civic Education Officer



**Mrs. Flora Tsokalida**  
Civic Education Officer



**Ms. Sophie Gomani**  
Civic Education Officer



**Mr. Orama Maliro**  
Civic Education Intern



**Mr. Moses Nyangulu**  
Civic Education Intern

CORPORATE SERVICES DIVISION

Administration



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



**Mrs. Nellie Ndlovu**  
Administrative Officer

Human Resource Management



**Mrs. Dina Dembo Migochi**  
Controller of HRM & D



**Mr. Stanfield Botha**  
HRM Officer



**Mrs. Tabitha Chakanza**  
Senior Assistant HRM Officer



**Mrs. Judith D. Kabango**  
Assistant HRM Officer



**Mr. Lintton Thepeya**  
Assistant HRM Officer



**Mrs. Minnie Chalemera**  
Clerical Officer

Procurement



**Mrs. Memory Manyungwa**  
Stores Clerk

Finance and Internal Audit



**Mrs. Patricia Mwachengere**  
Chief Accountant



**Mrs. Loyce Mpinganjira**  
Accountant



**Mr. Eric Gunthe**  
Internal Auditor



**Mr. William Mhone**  
Senior Accounts Assistant



**Ms. Sophia Malivo**  
Accounts Assistant



**Ms. Enifa Chagunda**  
Accounts Assistant



**Mr. Rodrick Chitani**  
Accounts Assistant



**Mrs. Mercy Mfuno Tandaude**  
Accounts Assistant

Information Technology



**Mr. Geoffrey Mseka**  
Principal Systems Analyst



**Mrs. Chimwenwe Sibande**  
Systems Analyst

Library



**Mr. Nubson Benje**  
Senior Librarian



**Ms. Mercy Makhuludzo**  
Library Assistant

Secretaries and Front Officers



**Mrs. Tabu Moleni**  
Senior Personal Secretary



**Ms. Naomi Khonje**  
Personal Secretary



**Ms. Temwapo Kalinga**  
Personal Secretary



**Mrs. Crecensia Kumadzi**  
Personal Secretary



**Mrs. Beatrice Mbizi**  
Secretary



**Mrs. Eluby Honde**  
Receptionist

Drivers



**Mr. Herbert Buliani**  
Driver



**Mr. Joe Chunga**  
Driver



**Mr. Wisdom Chawinga**  
Driver



**Mr. Frank Malili**  
Driver

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 must, from time to time, prepare a list of programmes of its work for any specified period not exceeding a calendar year in which matters that require consideration are included in order of priority. At the end of 2018, the Commission had developed its 2019 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 received from individuals or bodies;
- (b) by the Commission, on its own volition in trying to implement government policies or in trying to implement or domesticate the obligations of the country under international conventions or indeed in response to social change; or
- (c) the Attorney General, on behalf of Government, may request the Commission to consider any matter of law that is considered to require reform or any area that is considered to require development of legislation.

#### 2.2.2 Phase II: Investigation

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

- (a) Law Reform Officers are assigned to the Programme as Programme Officers. The Programme Officers conduct preliminary research on the subject under reform and on the

status of the law; and

- (b) Programme Officers then develop working papers. Working papers outline issues which guide the work of special Law Commissions. The papers include: Research Paper; Consultation Paper; Issues Paper; and Discussion Paper.

#### (i) Research Paper

A Research Paper is often published with a view to document initial research related to a particular area under consideration for reform. A Research Paper also 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. It then publishes the issues in an Issues Paper. The Issues Paper is a consultation 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.

**(iv) Discussion Paper**

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

**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 by the Law Commissioner in consultation with the Judicial Service Commission. The persons so

appointed serve as Commissioners on the Programme, determine the terms of reference and agree upon the work methodology for that Programme. Mostly, the work of the special Law Commission is done through meetings in plenary where the Commissioners meet and deliberate. A special Law Commission may also conduct field visits and comparative study visits to other jurisdictions.

For a list of Commissioners who served as members of special Law Commissions in various law reform programmes in 2018, see *Appendix II*.

**2.2.4 Phase IV: Consultations**

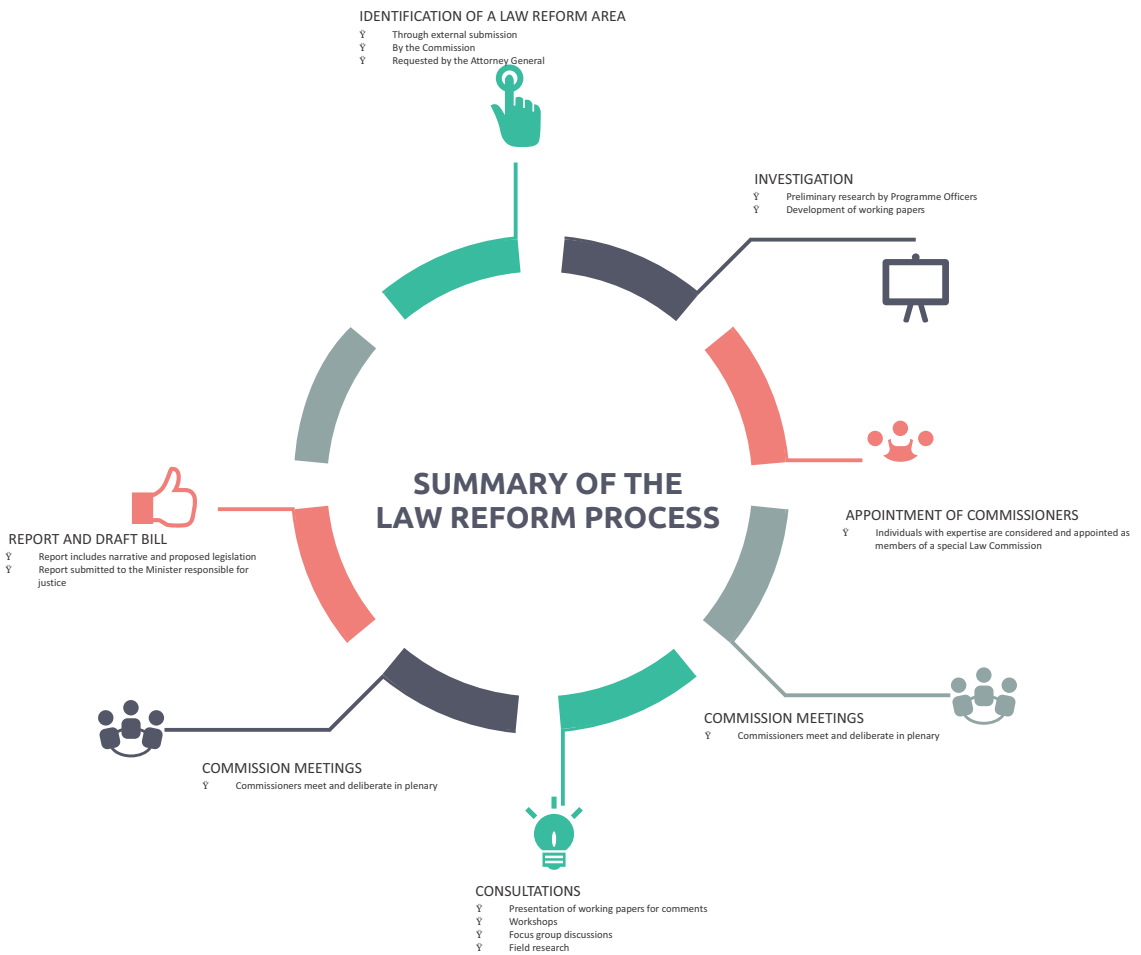
Consultations on a subject matter are done with stakeholders and members of the public. These consultations may include: sending working papers for responses and comments; workshops; focus group discussion; and study visits. The aim of consultations is to seek views of the stakeholders prior to or on the recommendations of the special Law Commission.

**2.2.5 Phase V: Recommendations (Report and Proposed Legislation)**

The special Law Commission develops a Report containing its findings and recommendations for reform. 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. The Minister is mandated, further, to refer the proposed legislation to Cabinet for consideration and approval as a Government Bill.

For the list of Reports that have been produced by the Commission, see *Appendix III*.

## SUMMARY OF THE LAW REFORM PROCESS



## 3.0 COMPLETED LAW REFORM PROGRAMMES

The Commission completed three (3) law reform programmes, namely: Development of Legislation on Sentencing Guidelines; Development of Legislation on Spent Convictions; and Review of the Prisons Act. The Reports have been submitted to the Government Printer for publication.

### 3.1 DEVELOPMENT OF LEGISLATION ON SENTENCING GUIDELINES

As reported in the Law Commission Annual Report 2017, the special Law Commission completed all the substantive work as per its Work Plan and the Commission is in the process of publishing a Report of the special Law Commission for submission to the Minister responsible for justice. The Report contains the findings and recommendations of the special Law Commission, as well as a proposed Bill on Sentencing Guidelines.

The proposed Bill has a schedule which contains Sentencing Guidelines. Nonetheless, the United Nations Office on Drugs and Crime (UNODC) requested that publication of the Report be delayed to enable the Commission to consider the Sentencing Guidelines in the schedule to the proposed Bill. UNODC pledged to provide financial assistance for the Commission to hold two (2) meetings of the special Law Commission. UNODC supported the two meetings in December, 2017 and March 2018. The Report will be published in 2019.

The Chairperson for the special Law Commission was Honourable Edward B. Twea, SC, JA. The Principal Programme Officer was Mr. William Yakuwawa Msiska, Chief Law Reform Officer. He was assisted by Mr. Robert Kandulu, Law Reform Officer. The Programme was implemented with financial

support from the European Union - Democratic Governance Programme (EU-DGP).

### 3.2 DEVELOPMENT OF LEGISLATION ON SPENT CONVICTIONS

The substantive work of the special Law Commission on the Development of Legislation on Spent Convictions was duly executed within the time-frame set out under the Work Plan. However, as the Commission approached the publication stage, the UNODC requested the special Law Commission to delay the publication of its Report with the aim of ensuring that the work of the Commission substantively addresses emerging issues and some recent developments that had taken place within the criminal justice framework as viewed from an international perspective. However, the support was not provided as pledged. The Commission, therefore, submitted its Report to the Government Printer for publication.

The special Law Commission on the Development of Legislation on Spent Convictions was chaired by Honourable Justice Mankhambira C.C. Mkandawire. The Principal Programme Officer was Mr. Mtamandeni Liabunya, Deputy Chief Law Reform Officer. He was assisted by Mr. Wongani Mvula, Law Reform Officer; and Mrs. Siphwe Phoya Mchenga, Assistant Law Reform Officer.

The Programme was implemented with financial support from the EU-DGP.

### 3.3 REVIEW OF THE PRISONS ACT (CAP. 9:02)

All of the substantive work of the special Law Commission on the Review of the Prisons Act was duly executed within the time-frame set out under the Work Plan. As the Commission approached the publication stage, however, the UNODC requested the special Law Commission to delay the publication of its Report with the aim of ensuring that the work of the Commission substantively addresses emerging issues and some recent developments that had taken place within the criminal justice framework as viewed from an international perspective. The issues include the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) by the General Assembly of the United Nations. UNODC supported three (3) meetings of the special Law Commission in December 2017; February 2018; and June 2018. The Commission held its last meeting with support from Government through Other Recurrent Transactions (ORT) expenditure and from the Paralegal Advisory Service Institute (PASI) in December, 2018. The Commission will publish its Report in the first quarter of 2019.

The special Law Commission was chaired by Honourable Justice Kenan Manda. The Principal Programme Officer was Mr. Mtamandeni Liabunya, Deputy Chief Law Reform Officer. He was being assisted by Mr. Robert Kandulu and Mr. Wongani Mvula, Law Reform Officers; and Mrs. Sipiwe Phoya Mchenga, Assistant Law Reform Officer. While the Programme was entirely funded by the EU-DGP, the three (3) additional meetings were funded by Government, UNODC and PASI.

## 4.0 ONGOING LAW REFORM PROGRAMMES

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

As reported in the 2017 Annual Report, the special Law Commission on the Review of the Witchcraft Act continued with the review process of the Act. However, progress has been slow due to resource constraints to support the programme to its conclusion. Nonetheless, in this reporting period, the Commission held regional consultative workshops in all the three (3) major regions of the country. What remains, therefore, is for the Commission to come up with final recommendations and produce its Report.

Honourable Robert R. Chinangwa, SC, JA (Rtd), is the Chairperson of the special Law Commission on the Review of the Witchcraft Act. The Principal Programme Officer is Mr. Mike Chinoko, Deputy Chief Law Reform Officer. He is assisted by Mrs. Sipiwe Phoya Mchenga and Ms. Ndamo Somba, Assistant Law Reform Officers. The Programme is being funded by ORT funding from Treasury, Malawi Government.



Regional Workshop on the Review of the Witchcraft Act in Mzuzu

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

The special Law Commission on the Review of the Public Health Act held three (3) Commission meetings in 2018. Further, the

Commission held consultative workshops in the Central, Southern and Northern Regions of Malawi to seek input from stakeholders on issues pertaining to public health that the Commission had identified. The Commission plans to hold a national consultative workshop; conduct a press briefing; and publish its Report by the end of the second quarter in 2019.

The special Law Commission on the Review of the Public Health Act is chaired by Honourable Justice Dingiswayo Madise. The Principal Programme Officer is Mr. William Yakuwawa Msiska, Chief Law Reform Officer. He is assisted by Mr. Wongani Mvula, Law Reform Officer; and Mrs. Sipiwe Phoya Mchenga, Assistant Law Reform Officer. Funding for the Programme is being provided by the United Nations Children Fund (UNICEF) and World Bank through the Ministry of Health.



Members of a special Law Commission and participants during a Regional Consultative Workshop on Review of the Public Health Act in Mzuzu

### 4.3 REVIEW OF THE MALAWI CITIZENSHIP ACT (CAP. 15:01)

The Malawi Citizenship Act was enacted on 6<sup>th</sup> July 1966. Since its enactment, important changes and developments have taken place in the legal environment of Malawi. For instance, the 1966 Constitution of the

Republic of Malawi, upon which the Act was based, was repealed and replaced with a human rights based Constitution of the Republic of Malawi in 1994; laws have been passed that reflect on the emphasis placed on the protection of the rights enshrined in the Constitution; and the Republic of Malawi has ratified a number of international instruments which have a bearing on the law in Malawi relating to citizenship. Consequently, the Act is in some respects outdated and not in tandem with present democratic and social realities and international standards on citizenship matters. It is against this background that the Law Commission initiated a review of the Act after receiving submissions from the Government and stakeholders.



Participants during a focused group discussion on the Review of the Malawi Citizenship Act in Lizulu

During this reporting year, the Commission continued with the review process and has now reached a stage where it is consulting stakeholders on the tentative recommendations made thus far. Such consultations are through focus group meetings, regional workshops and comparative study visits. It is expected that the Commission will finalize the review process by the end of 2019.

The special Law Commission on the Review of the Malawi Citizenship Act is chaired by the Honourable Rezine Mzikamanda, SC, JA. The Principal Programme Officer is Mr. Mike Chinoko, Deputy Chief Law Reform Officer. He is assisted by Mr. Robert Kandulu, Law Reform Officer; and Mrs. Sipiwe Mchenga, Assistant Law Reform Officer. The Programme commenced with financial support from the UN Women and the Government of Malawi. The Programme is now funded by United Nations Development Programme (UNDP).

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

The special Law Commission on the Review of the Supreme Court of Appeal Act commenced its work in earnest in April 2018. The Commission held three meetings, developed an Issues Paper and conducted preliminary consultative meetings with stakeholders in the Southern, Central and Northern Regions of Malawi. The Commission plans to develop a Discussion Paper and engage stakeholders in regional consultative workshops and a national consultative workshop in 2019.

The special Law Commission on the Review of the Supreme Court of Appeal Act is being chaired by Honourable Edward Twea, SC, JA. The Principal Programme Officer is Mr. Mtamandeni Liabunya, Deputy Chief Law Reform Officer. He is being assisted by Mr. Wongani Mvula, Law Reform Officer; and Ms. Ndamo Nsomba, Assistant Law Reform Officer. The Programme is being funded by the EU under the Chilungamo (Justice and Accountability) Programme.

## 5.0 CIVIC EDUCATION AND PUBLIC RELATIONS

One of the core mandates of the Commission is to promote awareness on the Constitution and the Laws of Malawi. This task is spearheaded by the Civic Education Section of the Commission. The Section plans activities and coordinates with relevant stakeholders in a bid to ensure that citizens are aware of the laws, their rights and responsibilities. The awareness campaigns are often carried out through public awareness meetings; training sessions and workshops; the production and dissemination of Information, Education and Communication (IEC) materials and media engagements, including radio and Television programmes.

The Section is also required to inform the public about the activities of the Commission, especially, in relation to law reform programmes.

In 2018, the Civic Education and Public Relations Section carried out the following activities:

### 5.1 PUBLIC AWARENESS

The Commission embarked on a nationwide awareness campaign with the aim of sensitizing the public on gender-related laws which include: the Prevention of Domestic Violence Act; the Deceased Estates (Wills, Inheritance and Protection) Act; the Gender Equality Act; the Marriage, Divorce and Family Relations Act; and the Trafficking in Persons Act. The awareness campaigns were held in six (6) districts namely: Rumphi; Ntchisi; Nkhotakota; Kasungu; Lilongwe (Chinsapo, Area 36 and Chiudzila Village); and Ntcheu. Since the beginning of the campaign in the country, the Commission has managed to reach out to key stakeholders in

nineteen (19) out of the twenty-eight (28) districts in the Country.

The Commission has also partnered with UN Women in sensitizing key stakeholders on the newly enacted HIV and AIDS (Prevention and Management) Act. The activity targeted four districts namely: Karonga; Mulanje; Thyolo and Blantyre.

In addition, the Commission has been encouraging private and public institutions to submit requests for training on laws they would want their employees to be made aware of. Through this initiative, the Commission was part of an Airtel Malawi Town Hall meeting after receiving a request to sensitize Airtel Malawi employees on the Deceased Estates (Wills, Inheritance and Protection) Act; and the Pension Act.

### 5.2 PRODUCTION AND DISSEMINATION OF IEC MATERIALS

Production and dissemination of IEC materials is done in order to ease accessibility and availability of information relating to the Laws of Malawi as well as the work of the Commission. The materials are usually disseminated in the form of brochures, posters, leaflets and booklets.

#### 5.2.1 Production of IEC Materials

The Commission was involved in the production of IEC materials on the HIV and AIDS (Prevention and Management) Act which was done in partnership with UN Women.

#### 5.2.2 Dissemination of IEC Materials

The Commission continued to carry out dissemination of IEC materials on gender-related laws, an exercise which began in

2017. Over the course of 2018, the IEC materials were disseminated in Ntchisi; Rumphi; Kasungu; Nkhotakota; Ntcheu; Lilongwe (Chinsapo, Area 36 and Chiudzila Village); Mangochi; Blantyre; Karonga; and Mulanje.

The Commission also disseminated IEC materials on the HIV and AIDS (Prevention and Management) Act during awareness meetings which took place in Mangochi, Blantyre, Karonga and Mulanje.

### 5.3 OTHER PUBLICATIONS

Apart from IEC materials, the Commission published and distributed other materials with the aim of increasing its visibility. Some of the materials that were published and distributed in 2018 include:

#### 5.3.1 Annual Report

The Annual Report is intended to give a detailed account of the main activities of the Commission with a specific focus on the achievements and challenges experienced in a calendar year. The Commission published and distributed over two hundred (200) copies of the 2017 Annual Report.

#### 5.3.2 Christmas Cards, Diaries and Calendars

The Commission produced and distributed 2018 Christmas cards; and 2019 calendars and diaries.

### 5.4 MEDIA ENGAGEMENTS

The media is a vital communication tool which the Commission utilizes in order to keep the public updated on current activities. In 2018, members of the media from various media institutions were engaged to cover regional consultative workshops on the Review of the Public Health Act as well as

regional preliminary consultative meetings on the Review of the Supreme Court of Appeal Act.



The Chairperson on the Review of the Public Health Act reaching out to the public through the media

### 5.5 WEBSITE DEVELOPMENT

The Commission is in the process of upgrading its website as one way of improving accessibility to and interaction with the public. The upgraded website is expected to be operational during the first half of 2019.

## 6.0 NETWORKING AND INTERNATIONAL COOPERATION

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

The Commission has membership with the Association of Law Reform Agencies for Eastern and Southern Africa (ALRAESA),

where the Commission serves as Chairperson; and Commonwealth Association for Law Reform Agencies (CALRAs). The Commission also works with other law reform agencies in the Southern African Development Community (SADC) region.

The Commission attended an Executive Committee Meeting and Annual General Meeting organised by ALRAESA from 30<sup>th</sup> October to 2<sup>nd</sup> November, 2018. Mr William Yakuwawa Msiska, Chief Law Reform Officer, represented the Commission.

## 7.0 SUPPORT SERVICES

### 7.1 ADMINISTRATION

The Administration and Finance Section provides logistical services for the operations of the Commission. These include facilitating the preparation of funding requests and development of operational budgets for various law reform programmes for support by development partners. It also acts as an interface for various sections that support the core functions of the Commission. In 2018, the Section coordinated the development of several operational instruments that the Commission uses to implement its core functions. The operational instruments include:

- (a) the 2018/19 Annual Budget;
- (b) the 2018/19 Performance Contract;
- (c) the 2018/19 Annual Work Plan; and
- (d) the 2017/18 Progress Report.

#### 7.1.1 Performance Contract

Government, through the Office of the President and Cabinet (OPC), introduced

organizational performance assessment systems through Performance Contracts (PC) to enhance performance in public service delivery. This is a process through which the performance of ministries, departments and agencies is assessed against specific planned goals, targets and resources. The Commission prepared and submitted its PC for 2017/18 to the Performance Enforcement Department (PED) at OPC. The Commission further prepared and submitted quarterly progress reports to PED for monitoring and evaluation.

#### 7.1.2 Fleet Management

The Section is experiencing challenges in providing fleet services due to an increase in demand for law reform and civic education services against a fleet of old and dilapidated vehicles. The challenge persists despite the procurement of two Sport Utility Vehicles (SUVs). The status of the fleet for the Commission is as follows:

Registration Number	Make	Year of Make	Source of Funds	Current Use
MG 893 X	Toyota Corolla	2005	Treasury Commodity Aid	Pool vehicle - non runner
MG 972 Z	Mitsubishi Pajero	2005	Government	Pool vehicle - old
MG 309 AA	Mitsubishi L 200	2007	NAC	Project activities – old and dilapidated
BP 8885	Nissan Pathfinder	2008	EU RoL Project	Project activities - old and dilapidated
BP 7928	Nissan Tiida	2008	EU RoL Project	Project activities – old and dilapidated
MG 630 AD	Toyota Corolla	2009	Government	Pool vehicle - old
MG 556 AJ	KIA Cerato	2016	Government	Pool vehicle
MG 557 AJ	KIA Cerato	2016	Government	Pool vehicle
MG 814 AK	Toyota Fortuner	2017	Government	Pool vehicle but assigned to the Law Commissioner
MG 813 AK	Toyota Fortuner	2017	Government	Official vehicle for the Chief Law Reform Officer

## 7.2 FINANCE AND AUDIT SECTION

In the 2017/2018 Financial Year, the Commission had an approved budget of K 801,247,423.00 comprising of Personal Emoluments (PE) and ORT as follows:

PE	K 261,247,423.00
ORT	K 540,000,000.00
<b>Total</b>	<b>K 801,247,423.00</b>

The approved ORT budget is further allocated to the following Sub-Programmes:

Law Reform (Governance)	K 318,026,986.00
Administration	K 129,734,847.00
Financial Management & Audit Services	K 18,726,908.00
Human Resource Management	K 64,614,381.00
Information Technology	K 8,896,878.00
<b>Total</b>	<b>K 540,000,000.00</b>

### Development Partners

The Review of the Citizenship Act (UNDP)	K 22,151,043.00
The Review of the Public Health Act (UNICEF)	K 12,308,308.00

## 7.3 HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

### 7.3.1 Appointment

Ms. Rosemary Kumitsonyo Kanyuka was appointed as the fourth Law Commissioner with effect from 19<sup>th</sup> November, 2018, replacing Mrs. Gertrude Lynn Hiwa, SC who was appointed Solicitor General and Secretary for Justice with effect from 6<sup>th</sup> August, 2018.

### 7.3.2 Recruitment

The Human Resource Section coordinated the process of recruitment in filling various vacant posts as follows:

NO.	NAME OF OFFICER	POST	DATE
1.	Ms. Ndamo Somba	Assistant Law Reform Officer	9 <sup>th</sup> April, 2018
2.	Mrs. Mercy Mfunne Tandaude	Accounts Assistant	30 <sup>th</sup> April, 2018
3.	Mr. Rodrick Chitani	Accounts Assistant	30 <sup>th</sup> April, 2018
4.	Ms. Enifa Chagunda	Accounts Assistant	30 <sup>th</sup> April, 2018
5.	Ms. Sophie Gomani	Civic Education Officer	2 <sup>nd</sup> May, 2018
6.	Mr. Geoffrey Mseka	Principal Systems Analyst	9 <sup>th</sup> May, 2018
7.	Mr. Benjamin Mandala	Assistant Law Reform Officer	11 <sup>th</sup> May, 2018
8.	Mr. Lintton Thepeya	Assistant Human Resource Management Officer	11 <sup>th</sup> May, 2018

The Commission also engaged interns as follows:

NO.	NAME OF OFFICER	DATES
1.	Mr. Orama E Vance Maliro	5 <sup>th</sup> October, 2017 to 30 <sup>th</sup> June, 2019
2.	Ms. Matamando Chiweza	1 <sup>st</sup> February, 2018 to 11 <sup>th</sup> January, 2019
The following were engaged under the Malawi Government Internship Programme		
1.	Mr. Aubrey Jolex	13 <sup>th</sup> September, 2018 to 7 <sup>th</sup> November, 2018
2.	Mr. Moses Nyangulu	13 <sup>th</sup> September, 2018 to 30 <sup>th</sup> June 2019
3.	Mr. Mphatso Tong'o	24 <sup>th</sup> October, 2018 to 30 <sup>th</sup> June, 2019

### 7.3.3 Training

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

NO.	NAME OF OFFICER	POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATE
<b>SHORT TERM TRAINING PROGRAMMES</b>					
1.	Mr. Wongani Mvula	Law Reform Officer	Young African Leaders Initiative (YALI) Regional Leadership Center, Southern Africa Programme	University of South Africa, School of Business Leadership in Midrand, Gauteng, South Africa	9 <sup>th</sup> July to 3 <sup>rd</sup> August, 2018
2.	Mrs. Tabu Moleni	Personal Secretary	Supervisory Skills for Senior Executive Assistants	ESAMI, Mbabane, Kingdom of Eswatini	2 <sup>nd</sup> to 21 <sup>st</sup> September, 2018
3.	Mr. Eric Gunthe	Internal Auditor	Prevention, Detection and Analysis of Fraud	ESAMI, Mombasa, Kenya	24 <sup>th</sup> September to 12 <sup>th</sup> October, 2018
4.	Mr. Gills Msiska	Principal Civic Education Officer	Information, Education and Communication Management	Mananga Training Centre, Ezulwini, Swaziland	1 <sup>st</sup> to 12 <sup>th</sup> October, 2018
5.	Mrs. Loyce Mpingangira	Accountant	Advanced Financial Management	ESAMI, Nairobi, Kenya	1 <sup>st</sup> to 12 <sup>th</sup> October, 2018
6.	Mr. Felix Mpapa	Director of Administration and Finance	Financial Management for Donor Funded Projects	Pan African Centre, Pretoria, South Africa	1 <sup>st</sup> to 26 <sup>th</sup> October 2018
7.	Mr. Geoffrey Mseka	Principal Systems Analyst	Induction Course for Professional Officers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> October to 24 <sup>th</sup> November, 2018
8.	Mr Eugene Shaba	Procurement Officer	Induction Course for Professional Officers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> October to 24 <sup>th</sup> November, 2018

NO.		POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATE
9.	Mrs. Chimwemwe Sibande	Systems Analyst	Induction Course for Professional Officers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> October to 24 <sup>th</sup> November, 2018
10.	Ms. Sophie Gomani	Civic Education Officer	Induction Course for Professional Officers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> October to 24 <sup>th</sup> November, 2018
11.	Mr. Wisdom Chawinga	Driver	Skills Development for Drivers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> to 19 <sup>th</sup> October, 2018
12.	Mr. Frank Malili	Driver	Skills Development for Drivers	Staff Development Institute, Mpemba, Blantyre	15 <sup>th</sup> to 19 <sup>th</sup> October, 2018
13.	Mrs. Dina Dembo Migochi	Controller of Human Resources Management and Development Officer	Finance for Non-Financial Managers	Pan African Centre, Pretoria, South Africa	29 <sup>th</sup> October to 23 <sup>rd</sup> November, 2018
14.	Mrs. Patricia Mwachengere	Chief Accountant	Financial Management and Budgeting	Pan African Centre, Pretoria, South Africa	29 <sup>th</sup> October to 23 <sup>rd</sup> November, 2018
15.	Mr. Mike Chinoko	Deputy Chief Law Reform Officer	Quality Management	ESAMI, Kampala, Uganda	5 <sup>th</sup> to 23 <sup>rd</sup> November, 2018
16.	Mr. Herbert Buliani	Driver	Chauffeur Induction and Upgrading Course	Works Training Centre, Zomba	19 <sup>th</sup> to 23 <sup>rd</sup> November, 2018
17.	Mr. Mtamandeni Liabunya	Deputy Chief Law Reform Officer	Senior Management Development Programme	ESAMI, Dubai, United Arab Emirates	3 <sup>rd</sup> to 14 <sup>th</sup> December, 2018.
18.	Mrs. Crecensia Kumadzi	Personal Secretary	Retirement Planning and Management	Pan African Centre, Pretoria, South Africa	3 <sup>rd</sup> to 14 <sup>th</sup> December, 2018.
The following are on long term training					
19.	Mr. William Mhone	Senior Accounts Assistant	Bachelor of Accountancy <i>(Partly funded by Government)</i>	University of Malawi (The Polytechnic)	2 year programme from January 2017

NO.	NAME OF OFFICER	POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATE
20.	Mr. Robert Kandulu	Law Reform Officer	LLM in Parliamentary Procedures and Legislative Drafting Programme ( <i>Scholarship</i> )	LUISS School of Government, Rome, Italy	2 year programme from 2 <sup>nd</sup> October, 2018 to 31 <sup>st</sup> May, 2020
21.	Ms Ndamo Somba	Assistant Law Reform Officer	LLM in International Development, Law and Human Rights ( <i>Scholarship</i> )	University of Warwick, Coventry, United Kingdom	1 year programme from 1 <sup>st</sup> October 2018 to 30 <sup>th</sup> September, 2019

Members of Staff who have completed various long term training programmes are as follows:

NO.	NAME OF OFFICER	POSITION	TRAINING PROGRAMME	TRAINING INSTITUTION	DATES
1.	Mrs. Flora Tsokalida	Civic Education Officer	MA in Journalism and Communication ( <i>Scholarship</i> )	Communication University of China	Graduated on 1 <sup>st</sup> June, 2018
2.	Ms. Judith Kabango	Assistant Human Resources Officer	Bachelor's Degree in Human Resources Management ( <i>Fully funded by Government</i> )	University of Malawi (Chancellor College)	Graduated on 10 <sup>th</sup> October, 2018
3.	Mrs. Eddah Chavula	Assistant Chief Law Reform Officer	Masters in Intellectual Property and Competition Law ( <i>Scholarship</i> )	Munich Intellectual Property Law Centre, Germany	Graduated on 17 <sup>th</sup> November, 2018

### 7.3.4 Staff Attrition

The following are no longer in the service of the Commission:

NO.	NAME OF OFFICER	POSITION	DATE
1.	Mr. Steven Mijoni	Retired from the position of Principal Human Resource Management Officer after 38 years of service.	31 <sup>st</sup> January, 2018
2.	Mr. Benjamin Mandala	Resigned from the position of Assistant Law Reform Officer.	7 <sup>th</sup> September, 2018
3.	Mr. Eugene Shaba	Resigned from the position of Procurement Officer.	17 <sup>th</sup> December, 2018

## 8.0 CHALLENGES AND CONCLUSION

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### 8.1 CHALLENGES

The implementation of the law reform and civic education mandate by the Commission has not been without challenges. The challenges experienced by the Commission in 2018 are generally perennial. They include the following:

- (a) **Insufficient funding:** insufficient funding continues to negatively affect the operations of the Commission. For instance, progress on the Review of the Witchcraft Act (Cap. 7:02) slowed down due to intermittent funding. The Development of Legislation on Distress for Rent; the Development of Legislation to Govern Judicial Services; and the Review of the Immigration Act (Cap. 15:03) did not commence due to lack of funds;
- (b) **Staff attrition:** the Commission continues to lose members of staff through resignations. Most of the resignations are as a result of the non-competitive nature of the terms and conditions of service of the Commission; and
- (c) **Structurally unsafe office accommodation:** the Commission continues to be accommodated in the same building for the 12<sup>th</sup> year now despite growing concerns about the structural fitness of the building.

### 8.2 CONCLUSION

2018 can largely be described as a success. The Commission made progress in a number of ongoing law reform programmes. It also embarked on a new programme, the Review of the Supreme Court of Appeal Act. Challenges encountered during the year mostly centred on lack of adequate funding which has led to delays in the completion of some law reform programmes. Moving forward, the Commission intends to forge more partnerships with stakeholders with the aim of increasing citizen participation in the law reform process.



## Appendix II: Members of special Law Commissions

Programme	Member	Institution
Review of the Supreme Court of Appeal Act	Honourable Edward Twea, SC, JA - Chairperson	Judiciary
	Honourable Justice Rachel Sophie Sikwese – Deputy Chairperson	Judiciary
	Honourable Isaac Jamu Mtambo, SC, JA (Rtd)	Judiciary
	His Honour Justus Kishindo	Judiciary
	Honourable Justice Kenyatta Nyirenda	Judiciary
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Mr. Patrice Nkhono, SC	Malawi Law Society
	Mr. Justin Dzonzi	Human Rights Commission
	Mrs. Maureen Kondowe	Malawi Law Society
	Mr. Richard Santhe	Ministry of Justice & Constitutional Affairs
	Mr. Mzati-Kidney Mbeko	Civil Society
	Mr. Bright Theu	University of Malawi
Development of Legislation on Spent Convictions	Honourable Justice Mankhambira C.C Mkandawire – Chairperson	Judiciary
	Mrs. Mary Kachale –Deputy Chairperson	Ministry of Justice and Constitutional Affairs
	Mrs. Gertrude Lynn Hiwa, SC	Law Commission
	Mr. Shadreck Ching’oma	Civil Service Commission
	Mr. Chrispine Y. Siwande Banda	Immigration Department
	Mr. Henzily Munkhondya	Electoral Commission
	Mr. Mandala Mambulasa	Malawi Law Society
	Mr. Charles P. Dulira	Bankers Association of Malawi
	Brigadier General George D. Liwimbi (Rtd)	Malawi Defence Force
	Mr. Roosevelt L. Gondwe	Parliament

Review of the Public Health Act	Honourable Justice Dingiswayo 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 Prisons Act	Honourable Justice Kenan Manda – Chairperson	Judiciary
	Mr. Masauko N. Wiscot – Deputy Chairperson	Malawi Prisons Service
	Mrs. Gertrude Lynn Hwa, SC	Law Commission
	Mrs. Mary Kachale	Ministry of Justice and Constitutional Affairs
	Mr. Bruno M. Kalemba	Ministry of Justice and Constitutional Affairs
	Mr. Kenson M’bwana	Ministry of Home Affairs
	Ambassador Sophie Kalinde (Rtd)	Human Rights Commission
	Mr. Demster L. Chigwenembe	Malawi Police Service
	Dr. Little D. Mtengano	Malawi Prisons Service
	Mr. Charles Z. Kasambara	Centre for Legal Assistance
	Rev. Dr. Osborne L. Joda Mbewe	Malawi Council of Churches
	Mr. Clifford Msiska	Paralegal Advisory Service Institute
Development of Legislation on Sentencing Guidelines	Honourable Edward Twea, SC JA - Chairperson	Judiciary
	Honourable Justice Ivy Chatha Kamanga – Deputy Chairperson	Judiciary
	Mrs. Gertrude Lynn Hiwa, SC	Law Commission
	Honourable Justice Maclean Kamwambe	Judiciary
	Mr. Pacharo Kayira	Ministry of Justice and Constitutional Affairs
	His Worship Smart Maruwasa	Judiciary
	Mr. Clement John Kainja	Malawi Prisons Service
	Mrs. Felister Dossi Jumbo	Women Lawyers Association
	Mr. Victor M. Jere	Malawi Law Society

Review of the Witchcraft Act	Honourable Robert. R. Chinangwa, SC, JA (Rtd) – Chairperson	Judiciary
	Mrs. Clotilda Sawasawa – Deputy Chairperson	Ministry of Gender, Children, Disability and Social Welfare
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Mr. Wezi Kayira	Ministry of Labour, Youth Sports and Manpower Development
	Senior Chief Malemia	Traditional Leader
	Mr. Rodrick C. Makono	Malawi Law Society
	Mr. Phillip Kapulula	University of Malawi
	Dr. M.P. J. Theu (Rtd)	Herbalists Association of Malawi
	Mr. Sangster S. Nkhandwe	Livingstonia Synod of the Church of Central Africa Presbyterian
Review of the Malawi Citizenship Act	Honourable Rizine Mzikamanda, JA, SC - Chairperson	Judiciary
	Dr. Hudson Jeffer Mankhwala – Deputy Chairperson	Ministry of Home Affairs and Internal Security
	Ms. Rosemary Kumitsonyo Kanyuka	Law Commission
	Honourable Justice Annabel Mtalimanja	Judiciary
	Ms. Alice Naomi Mkandawire	Ministry of Gender, Children, Disability and Social Welfare
	Mrs. Angela Tamanda H. Kaunda	Ministry of Justice and Constitutional Affairs
	Mr. Justin G. K. Dzonzi	Human Rights Commission
	Mr. Fletcher Nyirenda	Immigration
	Mr. Khumbo Bonzoe Soko	Malawi Law Society
	Mrs. Chipiliro Catherine Mbekwani Chitsonga	Malawi Law Society
	Right Reverend Fanuel Emmanuel Magangani	Malawi Council of Churches
	Mrs. Maggie Kathewera Banda	Civil Society (Women’s Legal Resources Centre)

### Appendix III: Status of Completed Law Reform Programmes

NO.	REPORT TITLE	YEAR OF PUBLICATION	PROPOSED LEGISLATION	STATUS
1.	Report of the Law Commission on the Review of Certain Laws on Defilement of Young Girls, Wills and Inheritance, Citizenship, Marriage and Affiliation	October, 1996	1. Penal Code, Defilement of Young Girls, (Amendment) Bill	Enacted as Act No. 28 & 29 of 1998
			2. Wills and Inheritance (Amendment) Bill	Enacted as Act No. 22 of 1998
			3. Citizenship (Amendment) Bill	Before Cabinet
			4. Marriage (Amendment) Bill	Enacted as Act No. 29 of 1997
			5. Affiliation (Amendment) Bill	Enacted as Act No. 30 of 1997
2.	Report of the Law Commission on the Technical Review of the Constitution	November, 1998	Constitution (Amendment) Bill	Enacted as Act No. 13 of 2001 and Act No. 8 of 2010
3.	Report of the Law Commission on Bail Guidelines	February, 2000	Bail (Guidelines) Bill	Enacted as Act No. 8 of 2000
4.	Report of the Law Commission on the Review of the Penal Code	June, 2000	Penal Code (Amendment) Bill	Enacted as Act No. 1 of 2011
5.	Report of the Law Commission on the Review of the Army Act	July, 2001	Defence Force Bill	Enacted as Act No. 11 of 2004
6.	Report of the Law Commission on the Review of the Censorship and Control of Entertainment Act	June 2001	Classification of Public Entertainment and Publications Bill	Before cabinet
7.	Report of the Law Commission on the 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.	Report of the Law Commission on the Review of the Corrupt Practices Act	November, 2002	Corrupt Practices (Amendment) Bill	Enacted as Act No. 17 of 2004
9.	Report of the Law Commission on the Review of the Police Act	July, 2003	Police Bill	Enacted as Act No. 12 of 2010
10.	Report of the Law Commission on the 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.	Report of the Law Commission	December, 2003	Fines (Conversion) Bill	Enacted as Act No.

13.	Report of the Law Commission on the Review of the Legal Aid Act	July, 2005	Legal Aid Bill	Enacted as Act No. 7 of 2011
14.	Report of the Law Commission on the Review of the Children and Young Persons Act	October, 2005	Child (Care, Protection and Justice) Bill	Enacted as Act No. 22 of 2010
15.	Report of the Law Commission on the Review of the Land-Related Laws	March, 2010	1. Land Bill	Enacted as Act No. 16 of 2016
			2. Customary Land Bill	Enacted as Act No. 19 of 2016
			3. Registered Land (Amendment) Bill	Enacted as Act No. 7 of 2017
			4. Physical Planning Bill	Enacted as Act No. 17 of 2016
			5. Forestry (Amendment) Bill	Enacted as Act No. 5 of 2017
			6. Public Roads (Amendment) Bill	Enacted as Act No. 8 of 2017
			7. Mines & Minerals (Amendment) Bill	Before Cabinet
			8. Land Survey Bill	Enacted as Act No. 18 of 2016
			9. Land Acquisition (Amendment) Bill	Enacted as Act No. 9 of 2017
			10. Local Government (Amendment) Bill	Enacted as Act No. 10 of 2017
			11. Malawi Housing Corporation (Amendment) Bill	Enacted as Act No. 6 of 2017
			12. Companies (Amendment) Bill	Before Cabinet
16.	Report of the Law Commission on the Review of the Laws on Marriage and Divorce	June, 2006	1. Marriage, Divorce and Family Relations Bill	Enacted as Act No. 4 of 2015
			2. Penal Code (Amendment) Bill	Before Parliament
17.	Report of the Law Commission on the Review of Traditional Courts Act	September, 2007	Local Courts Bill	Enacted as Act No. 9 of 2011
18.	Report of the Law Commission on the Review of the Constitution	September, 2007	1. Constitution (Amendment) Bill	Before Cabinet
			2. Constitution (Amendment) (No. 2) Bill	Before Cabinet
			3. Impeachment of President Bill	Before Cabinet
			4. Political Parties Registration and Regulation (Amendment) Bill	Enacted as Act No. 1 of 2018
			5. Electoral Commission (Amendment) Bill	Before Cabinet

			6. Parliamentary and Presidential Elections (Amendment) Bill	Before Cabinet
			7. Courts (Amendment) Bill	Before Cabinet
			8. Ombudsman (Amendment) Bill	Before Cabinet
19.	Report of the Law Commission on the Development of Legislation on Declaration of Assets, Liabilities and Business Interests by Public and Elected Officers	August, 2008	1. Public Officers (Declaration of Assets, Liabilities and Business Interests) Bill	Enacted as Act No. 22 of 2013
			2. Parliamentary and Presidential Elections (Amendment) Bill	Before Cabinet
			3. Local Government Elections (Amendment) Bill	Before Cabinet
20.	Report of the Law Commission on the Development of HIV and AIDS Legislation	December, 2008	1. HIV and AIDS (Prevention & Management) Bill	Enacted as Act No. 9 of 2018
			2. Employment (Amendment) Bill	Before Cabinet
21.	Report of the Law Commission on the Review of the Education Act	March, 2010	Education Bill	Enacted as Act No. 21 of 2013
22.	Report of the Law Commission on the Development of Trafficking in Persons Legislation	February, 2011	1. Trafficking in Persons Bill	Enacted as Act No. 3 of 2015
			2. Tourism and Hotels (Amendment) Bill	Before Cabinet
			3. Immigration (Amendment) Bill	Before Cabinet
			4. Penal Code (Amendment) Bill	Before Cabinet
			5. Extradition (Amendment) Bill	Before Cabinet
			6. Child Care, Protection and Justice (Amendment) Bill	Before Cabinet
23.	Report of the Law Commission on the Development of the Gender Equality Act	February, 2011	Gender Equality Bill	Enacted as Act No. 3 of 2013
24.	Report of the Law Commission on the Review of the Legal Education and Legal Practitioners Act	May, 2013	1. Legal Education and Legal Practitioners Bill.	Enacted as Act No. 31 of 2018
			2. Debt Collectors Bill	Before Cabinet
25.	Report of the Law Commission on the Review of the Trade Marks Act	July, 2013	1. Trade Marks Bill	Enacted as Act No. 2 of 2018
			2. Company and Intellectual Property Office Bill	Before Cabinet
26.	Report of the Law Commission on the Review of the Firearms Act	June, 2013	Firearms and Ammunition (Control) Bill	Before Cabinet
27.	Report of the Law Commission on the Review of the Adoption of Children Act	August, 2013	Adoption of Children Bill	Before Cabinet

28	Report of the Law Commission on the Review of the Chiefs Act	August, 2015	Traditional Leaders Bill	Before Cabinet
29	Report of the Law Commission on the Review of the Law on Abortion	March, 2016	Termination of Pregnancy Bill	Before Cabinet
30	Report of the Law Commission on the Review of the Sheriffs Act	October, 2015	1. Sheriffs Bill	Before Cabinet
			2. Courts (Amendment) Bill	Before Cabinet
31	Report of the Law Commission on the Development of Legislation on Spent Convictions	December, 2018	Spent Convictions Bill	Being published at Government Press
32	Report of the Law Commission on the Review of Electoral Laws	March, 2017	1. Constitution (Amendment) Bill	Before Cabinet
			2. Electoral Commission (Amendment) Bill	Before Cabinet
			3. Elections Management Fund Bill	Before Cabinet
			4. Presidential, Parliamentary and Local Government Elections Bills	Before Cabinet
			5. Assumption of Office of President (Transitional Arrangements) Bill	Before Cabinet
			6. Referendum Bill	Enacted as Act No. 6 of 2018
33	Report of the Law Commission on the Technical Review of the Prevention of Domestic Violence Act	October, 2015	Prevention of Domestic Violence (Amendment) Bill	Before Cabinet
34.	Report of the Law Commission on the Development of Legislation on Sentencing Guidelines	December, 2018	Sentencing Guidelines Bill	Being published at Government Press
35.	Report of the Law Commission on the Review of the Prisons Act	December, 2018	Prisons (Amendment) Bill	Being published at Government Press

## Appendix IV: Law Commission Notice of Annual Work Programme for 2019



### LAW COMMISSION 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 2019.

#### 1. LAW REFORM

##### 1.1 *On-going Programmes*

- (a) *Review of the Public Health Act, Cap. 34:01, 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, Laws of Malawi*  
The special Law Commission on the Review of the Witchcraft Act shall continue with the review process;
- (c) *Review of Citizenship Act, Cap. 15:01, Laws of Malawi*  
The special Law Commission on the Review of Citizenship Act shall continue with the review process; and
- (d) *Review of the Supreme Court of Appeal Act, Cap. 3:01, Laws of Malawi*  
The special Law Commission on the Review of the Supreme Court of Appeal Act shall continue with the review process.

##### 1.2 *New Programmes*

- (a) *Development of Legislation on Distress for Rent \**  
The Law Commissioner, in consultation with the Judicial Service Commission, shall empanel a special Law Commission to develop legislation to govern the process of

distress for rent;

(b) *Development of Legislation to Govern the Judicial Services \**

The Law Commissioner, in consultation with the Judicial Service Commission, shall empanel a special Law Commission to develop Legislation to govern the Judicial Service;

(c) *Review of the Immigration Act, Cap. 15:03 of Laws of Malawi\**

The Law Commissioner, in consultation with the Judicial Service Commission, shall empanel a special Law Commission to review the Immigration Act; and

(d) *Review of the Probation of Offenders Act, Cap. 9:01 of Laws of Malawi*

The Law Commissioner, in consultation with the Judicial Service Commission, shall empanel a special Law Commission to review the Probation of Offenders Act.

## 2. PUBLIC AWARENESS AND CIVIC EDUCATION

The Law Commission shall continue its mandate of promoting awareness of applicable laws and the Constitution of the Republic of Malawi, by the public and Departments of Government. In particular, the Law Commission shall carry out public awareness campaigns of the following-

- (a) Law Commission Act, Cap. 3:09, Laws of Malawi;
- (b) Deceased Estates (Wills, Inheritance and Protection) Act, Cap. 10:02, Laws of Malawi;
- (c) Gender Equality Act, Cap. 25:06, Laws of Malawi;
- (d) Marriage, Divorce and Family Relations Act, Act No. 4 of 2015;
- (e) Prevention of Domestic Violence Act, Cap. 7:05, Laws of Malawi;
- (f) Trafficking in Persons Act, Act No. 3 of 2015; and
- (g) HIV and AIDS (Prevention and Management) Act, Act No. 9 of 2017

## 3. OTHER PUBLICATIONS

The Law Commission shall develop and publish the following-

- (a) Annual Report for 2018;
- (b) 2019 Christmas Cards; and
- (c) 2020 Diaries and Calendars.

William Y. Msiska  
Chief Law Reform Officer  
**LAW COMMISSIONER**

For:

\* The programmes have been republished due to failure of commencement of the review process in 2018.



