



MALAWI LAW COMMISSION

Expert Provider of Advisory
Services on Law Development,
Reform and Status of the Law in Malawi

ANNUAL REPORT

2009

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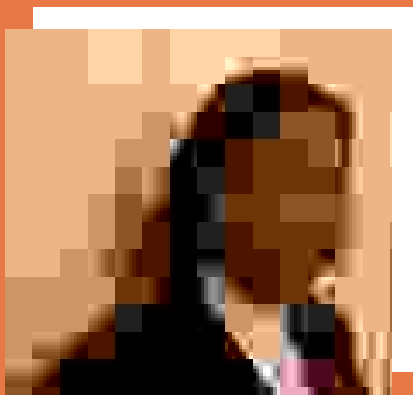
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ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
Commission	Law Commission
CTOC	Convention against Transnational Organized Crime
EU	European Union
HIV	Human Immunodeficiency Virus
LELPA	Legal Education and Legal Practitioners Act
NAC	National AIDS Commission
NGO	Non Governmental Organization
PDVA	Prevention of Domestic Violence Act
SC	Senior Counsel
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund

FOREWORD



Gertrude Lynn Hiwa
LAW COMMISSIONER

I am delighted to present the Law Commission's Annual Report for 2009. As the Law Commission continues to grow and learn, every new year affords us an opportunity to entrench our position as an expert provider of advisory services on law development, law reform and on the status of law in Malawi. I am also proud to note that the Law Commission continues to hold the respect and confidence of its stakeholders. This is evidenced by the number of submissions for law reform that we have received from Government, the Malawi Law Society and the general public. The Law Commission is thus addressing the needs of the country as it intensifies its efforts towards development and self-sufficiency. I therefore consider it timely, as we draw nearer to 2015 when the Millennium Development Goals (MDGs) are supposed to be realized, that our Reports for this period reflect on crucial development issues. Consequently in 2009 we saw the publication of two

reports: a Report on the Development of Legislation on Declaration of Assets, Liabilities and Business Interests by Public and Elected Officers; and a Report on the Development of HIV and AIDS Legislation. These Reports have been finalized and published. The Commission has also recently completed Reports on the Review of the Education Act, the Development of a Gender Equality Act and the Development of the Anti-Trafficking in Persons Legislation. It is my sincere hope that all these Reports will have been published by the time I present the next Annual Report.

The recommendations in our Reports, were made upon thorough consultations with Government, relevant stakeholders and the general public to achieve specific needs of the country. This was quite a challenge as the very nature of conducting consultations present exacting demands to both financial and human resources. With a committed

staff and the cooperation of sister law reform institutions in the Region, all over the Commonwealth and beyond, the Law Commission has overcome most of these challenges. Officers in our sister institutions have assisted with research material in specialized areas. They have also provided us with their draft legislation and copies of their reports. This assistance has enabled our reports to critically analyze our recommendations against regional, international and Commonwealth practice. It would therefore be amiss of me not to acknowledge with gratitude the level of support and cooperation we receive from our counterparts in law reform.

All the consultations we held in 2009 also provided us with a learning ground and helped us to build better relations with our stakeholders. With every consultation we improved on service delivery in terms of making optimal use of time and resources to get targeted and precise input. By according our stakeholders the attention they deserve, we have managed to build lasting relations with the people we serve. As proof of our strengthened relationships the Law Commission was called upon to take part in numerous events organized by our stakeholders. Such interaction has in turn increased our outreach and has helped boost our civic education initiatives.

Overall, the Law Commission will continue to carry out its programmes as indicated in its 2010 Annual Work Programme. Some programmes will be carried

forward from 2009 to 2010. These are, the Review of Adoption of Children Act, Prevention of Domestic Violence Act, Chiefs Act and Fire Arms Act. We are also looking forward to finishing programmes on the Trade Marks Act, Witchcraft Act, Legal Education and Legal Practitioners Act and the Adoption of Children Act in 2010.

Having acknowledged the role that sister law reform institutions all over the world play in contributing to the success of the Law Commission, I wish to end by also acknowledging the support the Law Commission receives from the Government, development partners and the people of Malawi. I also wish to express my profound gratitude to the various persons who have served and are serving as Commissioners in all our special Law Commissions for their expertise and commitment to the work of the Law Commission. To the Law Commission staff, I wish to commend you and convey my appreciation for your dedication to duty.

Gertrude Lynn Hiwa

LAW COMMISSIONER

PART 1

ESTABLISHMENT, OBJECTIVE, FUNCTIONS AND DUTIES OF THE LAW COMMISSION

1.1 ESTABLISHMENT

The Law Commission is established by the Constitution under Chapter XII. In addition, the Law Commission Act (Cap: 3:09) provides for the functional operation of the Law Commission.

1.2 OBJECTIVE AND MANDATE

The broad objective and mandate of the Law Commission as set out in section 132 of the Constitution is to review the laws of Malawi in conformity with the Constitution and applicable international law.

1.3 FUNCTIONS AND DUTIES

The specific functions and duties of the Law Commission are set out in the Constitution and are supplemented by additional mandates set out in the Law Commission Act.

The duties and functions set out under section 135 of the Constitution are:

- (a) to review and make recommendations regarding any matter pertaining to the Laws of Malawi and their conformity with the Constitution and applicable international law;
- (b) to review and make recommendations regarding any matter pertaining to the Constitution;
- (c) to receive submissions from any person or body regarding the Laws of Malawi or the Constitution; and
- (d) to report its findings and recommendations to Parliament through the Minister of Justice.

The supplementary duties and functions set out under section 6 of the Law Commission Act are:

- (a) to review the Laws of Malawi with a view to the systematic development and reform of the law, including, in particular:
 - (i) modernization of the laws;

- (ii) eliminating from the laws of any defects, whether of a procedural, substantive or policy nature; and
- (iii) simplification of the laws;

- (b) to make recommendations of more effective methods and procedures for the administration of the laws;
- (c) to make recommendations for the fusion or harmonization of customary law with other Laws of Malawi;
- (d) to make recommendations for the codification of any branch of law, including customary law; and
- (e) to promote public awareness of the Laws and the Constitution.

1.4 VISION

To become an expert provider of advisory services on law development and reform of the law in Malawi and beyond.

1.5 MISSION STATEMENT

To provide expert advice to Government on law development and reform.

1.6 STRUCTURAL SET UP

The Law Commission consists of a permanent Law Commissioner who is the head of the institution. There are, also employed in the Law Commission, other professional, technical and administrative staff subordinate to the Law Commissioner. The Law Commissioner is appointed by the President on the recommendation of the Judicial Service Commission for a renewable term of five years.

Since its inception, the Commission has been served by three Law Commissioners. The first Law Commissioner was Justice Elton Mawina Singini, SC who served as Law Commissioner from its inception in 1996 until 2006. He was

replaced by Mr. Anthony Kamanga, SC who served as Law Commissioner until, 2007. In June, 2008, Mrs. Gertrude Lynn Hiwa was appointed Law Commissioner. All Law Commissioners have prior to their appointments served extensively at the Ministry of Justice and the last two held the post of Chief Parliamentary Draftsperson immediately before their appointments as Law Commissioner.

The Law Commission has two main departments: the Law Reform Division and the Corporate Services Division. The core business of the Law Commission is law reform. This involves law development, law review, legislative drafting and civic education all of which require extensive legal research. The core function is performed by the Law Reform Division while the rest of the activities fall under the Corporate Services Division. (See appendix 1 of the Law Commission organization chart as at 31st December, 2009).

VISION

**To become an expert provider
of advisory services on
law development
and reform of the
law in Malawi and beyond.**

MISSION STATEMENT

**To provide expert advice to
Government on
law development and reform.**

PART 2

OVERVIEW OF LAW REFORM PROCESS

2.1 ANNUAL WORK PROGRAMME

The Law Commission Act provides that the Law 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. Therefore, the Law Commission annually publishes its Work Programme on areas identified for law reform.

2.2 LAW REFORM PROCESS

The law reform process undergoes the following phases:

2.2.1 Phase I: *Identification of Area or Topic for Law Reform*

There are three ways in which an area or topic for law reform is identified. Firstly, the area or topic may be identified through submissions received from individuals or bodies whether public or private. Secondly, the Law Commission can initiate its own law reform programme in an endeavour to compliment government policies or in order to actualize or domesticate the countries obligations under applicable International Conventions. The Law Commission may also institute a law reform programme in order to respond to social changes. Thirdly, the Attorney General on behalf of Government may request the Law 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 or topic of 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 work on the subject under reform and on the status of the law; and
- (b) Programme Officers then carry out literature review and develop working papers. Working papers outline issues which may guide proposals for reform. These papers may

include Issues Papers, Discussion Papers, Consultation Papers and Research Papers.

i. Issues Paper

In order to guide the reform process, the Law Commission at an early stage investigates what issues obtain in the area of law identified for review in the law reform programme. It then publishes the issues in a paper commonly referred to as an Issues Paper. The Issues Paper also serves to announce the law reform programme in the particular area and to clarify its aim and extent. It also suggests preliminary options available for solving the existing problems. The purpose of the Issues Paper is to engage stakeholders and the general public actively at an early stage and thus the Issues Paper is circulated at the earliest possible opportunity to solicit more detailed submissions from stakeholders and the general public.

ii. Discussion Paper

Once the issues pertaining to any law reform programme have been settled, the Law Commission undertakes extensive research into the subject matter and publishes the findings in the form of a Discussion Paper. Submissions elicited in response to the Issues Paper are also analyzed in the Discussion Paper. The purpose of a Discussion Paper is to stimulate discussion of the subject matter under reform by a special Law Commission which is empanelled under each law reform Programme. The Discussion Paper contains essential information necessary to guide the special Law Commission in the law reform process. As such, the Discussion Paper contains background information on the subject matter, a statement of the existing legal position and its deficiencies or the challenges posed by it, and a comparative study and analysis of the theoretical premise and the law and practice surrounding it.

iii. Consultation Paper

If more detailed guidance is required by the special Law Commission on any issue or on the programme as a whole, a Consultation Paper may be published by the Law Commission. The Consultation paper may be developed seeking submissions based on the issue

outlined in the Issues Paper or based on the issued on which it is based. The Consultation Paper may thus only be relevant for a particular section of the law reform programme which requires wider consultation. The Consultation Paper is directed at particular stakeholders whose views the special Law Commission wishes to canvass. The Consultation Paper also indicates a date by which all submissions on the issues raised by it must be received by the Law Commission.

iv. Consultation Report

The Consultation Report is published to document the consultation exercise; and is made up of submissions elicited in response to the Consultation Paper and the Issues Paper. It is thus normally a compilation on the views of the general public, i.e in the case of views emanating from a Consultation Paper, the views of targeted stakeholders; on the various issues for which a response was sought.

v. Research Paper

A Research Paper is often published with a view to documenting desk or initial research related to a particular area under consideration. A Research Paper also determines authoritatively the existing legal position and identifies the shortcomings or deficiencies that need rectification. This Paper

may contain empirical data on which the deliberations of the special Law Commission would be founded and justified.

2.2.3 Phase III: *Appointment of Commissioners*

Persons with relevant expertise on the subject matter under reform to serve as special Law Commissioners are appropriately identified and appointed by the Law Commissioner in consultation with the Judicial Service Commission.

The work methodology for a programme is agreed upon by the Commissioners. The work of the special Law Commissions in reviewing law or area of law is primarily done through a series of meetings. During these meetings, Commissioners deliberate on the issues at hand relying primarily on the working documents referred to in paragraphs (i) to (v) above. This is supplemented by field visits locally, consultations within the country and comparative study tours to other jurisdictions. (See appendix 2 for a list of Commissioners serving in law reform programmes of 2009).

2.2.4 Phase IV: *Consultations*

Consultations are conducted with stakeholders and members of the general public on the subject




Consultations taking place with stakeholders and members of the general public on the subject matter under review

matter under review. These consultations may be initiated by sending out working papers for responses and comments. Invariably, workshops and focus group discussions are the most commonly used tools for supporting the findings and recommendations of the various special Law Commissions.

2.2.5 Phase V: *Report and Draft Bill*

The special Law Commission then prepares a Report for publication. The Report sets out the problem areas, the status of the law in Malawi including international instruments and its findings and recommendations for law reform. The Report also includes draft legislation recommended by the special Law Commission.

The Report containing proposed legislation is submitted to the Ministry of Justice for its publication in the *Gazette* under the Minister's hand. The published Report is laid in Parliament by the Minister. The Minister also submits the Report to Cabinet and if Cabinet adopts the recommendations of the special Law Commission, the proposed legislation is adopted as a Government bill and is presented to Parliament for enactment.



Traditional leadership is essential in the process of consolidating democracy at grassroots level and achieving decentralization processes. The current Chiefs Act under review shall ensure that that the role of Chiefs is in line with the Constitution and democratic principles.

PART 3

OVERVIEW OF LAW REFORM PROCESS PROGRAMMES

3.1 REVIEW OF THE ADOPTION OF CHILDREN ACT

The special Law Commission on the Review of the Adoption of Children Act began work in September 2009. An Issues Paper and a Discussion Paper were developed as background documents and to assist with the law reform process. Although the original submission to review the Act came from the Ministry of Gender, Children and Community Development, various stakeholders including a local child rights NGO and adoptive parents sent in submissions for consideration in the review Programme.

The Programme which is aimed at reforming the Adoption of Children Act which has been operational since 1949, is expected to last about fifteen months.

The officers responsible for this Programme are Mrs. Fiona Mwale and Mrs. Eddah Chavula.

UNICEF is funding the Programme.

3.2 REVIEW OF CHIEFS ACT

Overview of the Programme

The aim of this Programme is to review the Chiefs

Act in light with the current constitutional order and other developments that have taken place in Local Government administration.

The Commission has developed an Issues Paper. The Commission has also conducted consultations in the Central Region particularly focusing on the districts of Kasungu, Salima and Lilongwe.

The officers responsible for this Programme are Mr. Mike Chinoko and Mrs. Eddah Chavula. The European Union under the Rule of Law Programme is funding the Programme.

3.3 REVIEW OF FIRE ARMS ACT

Overview of the Programme

This Programme commenced in 2004 after receiving submissions from the Ministry of Home Affairs and Internal Security (as it was called then). The Commission was called upon to conduct a comprehensive review of the Act. Initially, both the Fire Arms Act and the Explosives Act were expected to be reviewed under this Programme. It later transpired following research that the two Acts are substantially different. Consequently the Commission decided to leave out the Explosives Act.

The Firearms Act Review Programme seeks to re-



With firearm-related violence on the increase, the review of the Firearms Act seeks to regulate civilian ownership of firearms in a manner that ensures the safety and security of all Malawians.

examine the 1967 statute on private ownership of firearms in Malawi by focusing on regulation of acquisition, ownership and disposal of firearms. It also seeks to incorporate the international obligations Malawi has undertaken in the course of the operation of the current Act.

The Programme is expected to be completed by June, 2010.

The officers responsible for this Programme are Mr. Chizaso Eric Nyirongo and Mrs. Eddah Chavula. The European Union is funding the Programme through the Rule of Law Programme.

3.4 REVIEW OF GENDER RELATED LAWS: DEVELOPMENT OF A GENDER EQUALITY STATUTE

3.4.1 Background

The review of laws that infringe the right to gender equality is a follow up of the first Law Commission Report of 1996 on the review of certain laws on defilement, inheritance, citizenship, marriage, divorce and affiliation. The special Law Commission on Gender Laws was established in September, 2001. The purpose of this special Law Commission was to target and address gender-based inequalities within the laws and to introduce laws that are compatible with policies aimed at achieving gender equality and development in Malawi. The Development of Gender Equality Statute is the third and final phase in the Review of Gender Related Laws. The first phase culminated in the Report on the Review of the Wills and Inheritance Act, published in 2004 and the second phase culminated in Report of the Review of Laws on Marriage and Divorce, published in 2006.

3.4.2 Overview of the Recommendations

The recommendations in the Report generally seek to accelerate the equal participation of women in all spheres of life.

The recommendations in the draft Bills attached to the Report seek to:

- (a) prohibit and criminalize harmful cultural practices and sexual harassment;
- (b) prohibit and criminalize discrimination on

the basis of gender;

- (c) provide for equal access to quality education through a gender sensitive curriculum; and
- (d) introduce a gender based quota system in public employment and in tertiary education.

The special Law Commission has also recommended that Government should undertake policy reform initiatives to ensure poverty eradication and economic empowerment of women, in the following areas:

- (a) entrepreneurial skills among women entrepreneurs;
- (b) credit facilities for women entrepreneurs;
- (c) access to appropriate technology by women entrepreneurs;
- (d) access to local and international markets developed and improved; and
- (e) micro small and medium enterprises (MSME).

The Programme has been finalized. A Report with a draft bill attached has been finalized and is now awaiting submission to the Ministry of Justice

The officers responsible for this Programme were Mrs Fiona Mwale and Mr. Chizaso Nyirongo.

The Programme which was initially funded by the Royal Norwegian Government, received supplementary funding from Global Fund Round 5 through NAC.

3.5 REVIEW OF LEGAL EDUCATION AND LEGAL PRACTITIONERS ACT (LELPA)

Overview of the Programme

The current review Programme of the LELPA is a second Programme on this law, the first having taken place in 2003. The first review Programme focused on Part III on Admission to Practice. The current Programme reviewed the whole statute with a view to consolidating the changes brought by the new constitutional order and the new advances on regulation of the legal profession in Malawi. The Programme was initiated by submissions made to the Commission by the Malawi Law Society.



Lawyers after being admitted to the bar need regulating guidelines

The Programme is now in its final phase with one meeting pending to take place in the month of December, 2009 and thereafter the Commission shall finalize the Report and the Bill. The Commission has also sought to regulate the profession of Debt Collection for which a proposed bill has been proposed.

On a sad note, Mr. Temwa Nyirenda SC, a member of the special Law Commission, died on August 27, 2009. Mr. Temwa Nyirenda, SC made valuable contributions to the findings and recommendations of the special Law Commission and will be greatly missed by the Law Commission and the legal profession. May his soul rest in peace.

The officers responsible for this Programme are Mr. Chizaso Eric Nyirongo and Mrs. Eddah Chavula. The European Union and the Government of Malawi are funding the Programme.

3.6 REVIEW OF THE PREVENTION OF DOMESTIC VIOLENCE ACT (PDVA)

Overview of the Programme

The special Law Commission on the review of the PDVA has recently been constituted. This Commission shall undertake a technical review of the Act with a view to making it operational. The Commission mandate is to close the existing gaps that are hampering the Act's full operationalization. The Act was passed by Parliament in April, 2006. The submission to undertake this Programme came from the Ministry of Gender, Children and Community Development.

An Issues Paper has been developed. It is expected that the Programme shall be concluded by June, 2010.

The officers responsible for this Programme are Mr. William Yakuwawa Msiska. The United Nations Population Fund (UNFPA) is funding the Programme.

3.7 REVIEW OF TRADE MARKS ACT

Overview of the Programme

The review of the Trade Marks Act is the first Programme in the comprehensive review of legislation relating to intellectual property. The other areas of reform will involve the review of the Patents Act and

Mike Chinoko and Mr. William Msiska. The European Union is funding the Programme through the Rule of Law Programme.



Trademarks like these
need to be protected

the Registered Designs Act. The Commission shall review each Act under a separate Programme. The aim of this Programme is to bring the current legislation in line with major international treaties in the area such as the Agreement on Trade Related Aspects of Intellectual Property. It also seeks to conduct a systematic review of the whole legislation which is obsolete. This will be done considering that the Trade Marks Act was enacted in 1967 and adopted from the United Kingdom Trade Marks Act of 1938.

The actual review process started in July 2009 and the Programme is running on schedule. It is anticipated that it will be finalized by August, 2010. The Commission has, so far, held five meetings. A Discussion Paper was developed to guide the reform process and all issues raised in that document have been debated and recommendations have been made. The Commission is now developing a Report of its findings and recommendations.

The officers responsible for this Programme are Mr.

Malawi Law Commission

3.8 DEVELOPMENT OF TRAFFICKING IN PERSONS LEGISLATION

Overview of the Programme

In recognition of the magnitude of the global phenomenon of human trafficking, which Malawi has not been spared, the Report of the Law Commission on the Development of Anti-trafficking legislation seeks to set a legal framework aimed at preventing, prosecuting and combating human trafficking. The Report domesticates the Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially Women and Children (“the Trafficking Protocol”) to which Malawi is a signatory. The Trafficking Protocol supplements the United Nations Convention against Transnational Organized Crime (the “CTOC”), to which Malawi is also a signatory. The Law Commission combined its mandate to domesticate the Trafficking Protocol and to specifically address issues pertaining to the plight of



Matching against child abuse: Children who are often victims of trafficking through labour and sexual abuse will be protected by the proposed legislation on Trafficking in Persons which will domesticate international trafficking protocols and address issues pertaining to the plight of vulnerable persons who fall easy prey to traffickers.

vulnerable persons who fall easy prey to traffickers, and by virtue of the sexual exploitation that largely follows trafficking, become more susceptible to HIV and AIDS.

The special Law Commission was only empanelled in September 2007 to carry out the Programme of work.

The law reform Programme is now complete. A Report with draft legislation attached has been finalized and is now awaiting submission to the Ministry of Justice.

The officers responsible for this Programme were Mr. Allison M'bang'ombe, Mrs. Fiona Mwale, Mr. Chizaso Eric Nyirongo and Mr. Moses Nkhono.

The National AIDS Commission (NAC) funded the Programme under the Global Fund Round 5.

3.9 REVIEW OF WITCHCRAFT ACT

Overview of the Programme

Since 2006, the Law Commission has been receiving submissions asking it to review the Witchcraft Act (Cap 7:02). The Commission has therefore been urged to review the Witchcraft Act with an aim of safeguarding the rights of the victims regardless of whether witchcraft exists or not. The Law Commission has since conducted desk research on legislation of witchcraft in the region and beyond. It

then published an Issues Paper that highlighted the issues emanating from the submissions and the said research. Thereafter an eight member special Law Commission for the Review of the Act was constituted and formally appointed to conduct a comprehensive review of the Act.

The Programme commenced in June 2009. However, the special Law Commission conducted its first meeting in August 2009. During the months of October, November and December, the Commission conducted an extensive consultation exercise in all the regions of the country.

The officers responsible for this Programme are Mr. Allison M'bang'ombe and Mr. Chizaso Eric Nyirongo. The Malawi Government is funding the Programme.



Witchcraft cases are on the increase and in response to the public outcry, the 1911 Witchcraft Act is being reviewed to align it with modern thinking and current on the subject.

PART 4

PUBLIC AWARENESS CAMPAIGNS AND CONSULTATIONS

The Law Commission is empowered by the Law Commission Act, Cap. 3:09, to promote awareness of the laws of Malawi and of the Constitution. The Law Commission is also empowered to consult any person or body for purposes of considering any matter relating to law reform or development. To perform these functions, the Commission is empowered by the Act to sponsor, support or organize conferences, seminars, workshops and meetings on any matter under its consideration or generally.

During the year 2008, the Law Commission organized a number of workshops and press briefings to publicize its various Programmes and consult the public. The Law Commission conducted study visits to other countries to draw lessons relevant to its work.

4.1 CIVIC EDUCATION

In order to attain its objective, the Civic Education Section conducted a number of activities. The



One of the dissemination exercise

Section has two specific objectives:

- (a) to develop and maintain good working relationships with stakeholders and the general public; and
- (b) to improve the execution of the civic education and public awareness mandate.

Under the first objective, the Civic Education Section conducted a stakeholder forum in Mzuzu for the Commission's partners. It also established relationships with; and participated in; programmes organized by stakeholders.

Under the second objective, the Section developed Information Education Communication (IEC) materials; conducted workshops; conducted a country wide dissemination exercise on the HIV and AIDS Legislation proposed by the Law Commission; provided information to both the print and broadcasting media on various law reform programmes; and produced radio programmes in targeted thematic areas.

4.2 PRESS BRIEFINGS.

Press Briefings are organized by the Law Commission at the end of every law reform programme. The purpose of the Press Briefings is to familiarize the media with the Commission's findings and recommendations so that they can in turn provide accurate information to the general public. Press Briefings also serve to announce the end of a law reform programme.

- (a) The Commission conducted a Press Briefing on the review of the Education Act on 4th May, 2009 in Lilongwe.
- (b) The Commission also conducted a Press Briefing on the development of the Anti - Trafficking in Persons Legislation in Lilongwe on 15th September, 2009.

4.3 CONFERENCES

Staff of the Commission attended the following workshops and conferences in order to enhance networking and collaboration with other institutions.

Conferences 2009			
Name of Officer(s)	Theme	Place	Period
Mr. Mike Chinoko	Review of the Communications	Mangochi	March, 2009
Mrs. G. L. Hiwa Mr. A.T. Mbang'ombe and Mrs. F. Mwale	16th Commonwealth Law Conference: "the Dynamics of Law in a Rapidly Changing	Hong Kong	April, 2009
Mr. Mike Chinoko	Draft Policy for Non-State Actors in Malawi	Lilongwe	August, 2009
Mrs. G. L. Hiwa and Mrs. F. Mwale	Gender Equality and the Empowerment of Women	Pretoria, South Africa	September, 2009
Mrs. F. Mwale	Eighth Africa Regional Conference on Women (Beijing +15)	Banjul, the Gambia	November, 2009

PART 5

FINANCE, ADMINISTRATION AND HUMAN RESOURCE

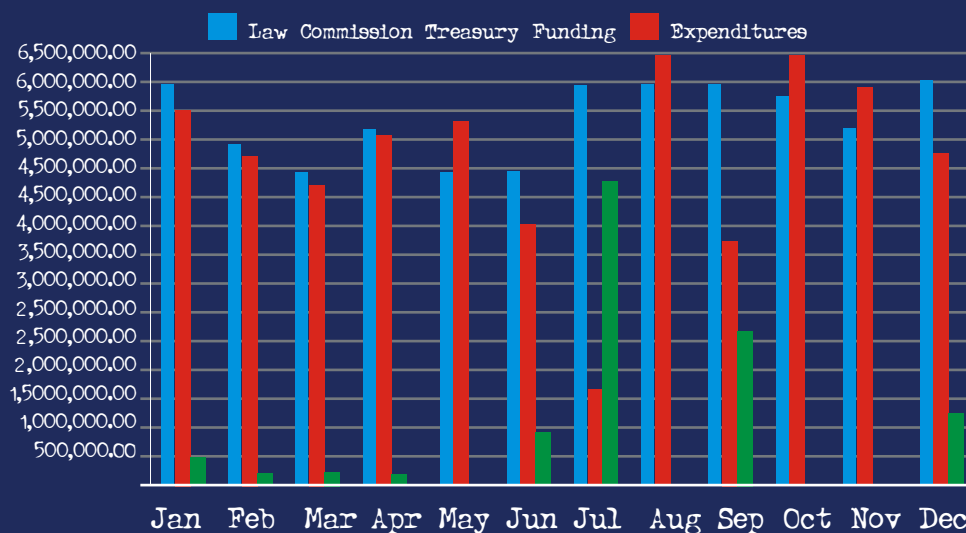
To enable Law Commission to fulfill its mandate, adequate financial, logistical and manpower support must be available. In addition to financial resources which are provided by the consolidated fund and development partners, the Law Commission has a well established structure of finance, administration and human resource departments that provides logistical and manpower support. The Law Commission has made improvements in its project management, human and institutional capacity

building and financial management. A brief report is as follows:

5.1 FINANCE

The Law Commission had the following financial expenditures in Malawi Kwacha as per budgetary allocations from the Consolidated Fund and Development Partners:

Law Commission Funding & Expenditure Progressions From January to December 2009



5.2 HUMAN RESOURCE DEVELOPMENT AND MANAGEMENT

In the year 2009, the Law Commission increased its workforce and trained its staff so as to equip them with the skills necessary to achieve its mandate.

5.2.1 Team Building Workshop

A workshop to enhance team spirit and interpersonal relationships for staff members was organized by the Commission in Salima from 22ND TO 24TH April, 2009.

The workshop involved all members of staff. The purpose of the workshop was to increase commitment and ownership of the Commission's goals and objectives.

5.2.3 Training

Staff of the Commission attended the following short-term and long-term training to enhance their capacity-

Trainings 2008			
Name of Officer (s)	Training Attended	Place	Period
Mrs. P. Mwachengere, Chief Accountant and Mr. S. T. Mijoni, Principal Human Resources Officer	BSc in Finance and BA Human Resource Management respectively	Malawi	Four year course from January, 2009
Mr. M. Chinoko, Law Reform Officer and G. Maganga, Administrative Officer	Monitoring and evaluation of projects	Malawi	March, 2009
Mr. G. Sopo and Ms. J. Kabango, Clerical Officers	Induction Course for Clerical Officers	Malawi	11 th May to 19 th June, 2009
Mr. M. Chinoko, Law Reform Officer	Management of Copy right and related rights in the global Economy	Norway	June to July, 2009
Mr. B. Waliyala and Ms. S. Mtingwi Accounts Assistants	Induction Course for Accounts Assistants	Malawi	15 th June to 24 th July, 2009
Mrs. C.C. Kumadzi and Ms. T. Kalinga, Secretaries	Management Skills for Executive Personal Assistants and Office Professionals	Malawi	23 rd to 25 th September, 2009
Mr. A. Mbang'ombe, Ag. CLRO	Changing the Law: Successful Law Reform	London	13 – 17 September, 2009
Mrs. E. Chavula Mr. I. Songea	Policy and Legislative Drafting	Kenya	27 – 31 October, 2009
Mr. M. Chinoko, Law Reform Officer	Follow up training on Management of Copy right and related rights in the global Economy	Ghana	30 th November to 4 th December, 2009
Mrs. D. Migochi, Controller of Human Resource and development and Mr. F. Mpapa, Under Secretary	Result Oriented Management II	South Africa	7 th to 11 th December, 2009
Mrs. P. Mwachengere, Chief Accountant	Result Oriented Management I	South Africa	7 th to 11 th December, 2009

5.2.4 Recruitments

The section facilitated the recruitment of two officers filling various vacant positions as follows:

- a) Mr. Terephorus Chigwenembe Civic Education Officer on 4th March, 2008; and
- b) Mrs. Doreen Msendema Assistant Procurement Officer 4th May 2009

5.2.5 Resignations

The following resigned from the Commission to join other institutions as follows;

- a) Mr. Thenford Mchenga Assistant Procurement Officer 1st February 2009;

- b) Mr. Austin Msowoya Assistant Chief Law Reform Officer on 1st April 2009;
- c) Mr Terephorus Chigwenembe - Civic Education Officer on 1st September, 2009;
- d) Mr. Moses Nkhono - Assistant Law Reform officer on 30th September, 2009; and
- e) Mr. Isaac Jeremoti Songea Assistant Law Reform officer on 30th November, 2009.

5.2.6 Deaths

On 9th July, 2009, Mr. Friday Chiwozeka passed away. He was until his death, Senior Clerical Officer having joined the Law Commission on 20th February, 1997 as a Messenger. He was promoted to the post of Deputy Head Messenger on 1st March, 1999, Clerical Officer on 15th May 2001 and then Senior Clerical Officer 6th March 2007 the position he held until his death, he is survived by a wife and four children. Mr. Chiwozeka was a hard working and an amicable member of staff. His presence will be greatly missed at the Commission. May his soul rest in peace.

PART 6

CONCLUSION

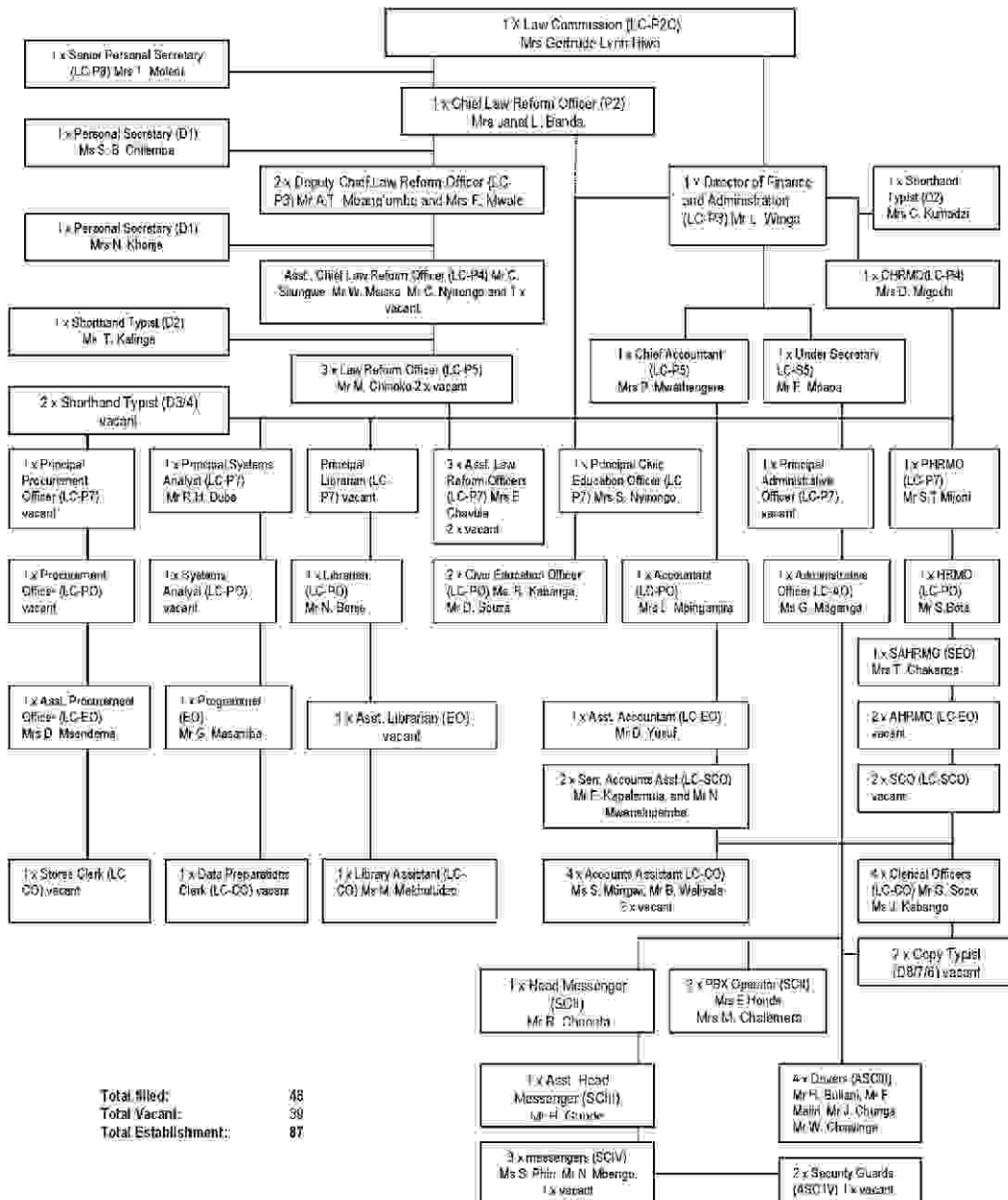
The Commission looks ahead to perfecting its service delivery, and to serving the Malawian public even better in 2010. The Commission is and will always be committed to adhering to the principles of impartiality, transparency, accountability and fairness

in the performance of its functions as mandated by the Constitution and the Law Commission Act.

APPENDICES

Appendix 1 Organization Chart

LAW COMMISSION ORGANISATION CHART AS AT 25TH FEBRUARY, 2010



Total filled: 48
Total Vacant: 39
Total Establishment: 87

Appendix 2

Members of special Law Commissions in various law reform Programmes.

The Law Commissioner serves in every special Law Commission.

Programme	Members
Adoption of Children	Honourable Justice Esme H Chombo - Chairperson
	Ms Hyacinth Kulemeka - Deputy Chairperson
	Mr Anthony D Kamanga
	Dr Aubrey H Mvula
	Mr Bruno Kalemba
	Mr Penston Kilembe
	Mr Willard Manjolo
	Mr Allan Chinula
	Mr Cuthbert Q Nyirenda
	Mrs Esther Maseko Masika
Firearms Act	Mr. George Kainja - Chairperson
	Mr. Undule Mwakasungula - Deputy Chairperson
	Mr. Pacharo Kayira
	Mr. Joseph Mkandawire
Gender Equality Statute	Mrs. Esnath Kalyati - Chairperson
	Mrs. Diana Jere - Deputy Chairperson
	Mr. Peter Msefula
	Dr. Blessings Chinsinga
	Ms. Gertrude Chipungu
	Mrs. Annabel Mtalimanja
	Ms. Lingalireni Mihowa
	Fr. Dr. Robert T. Mwaungulu
Legal Education and Legal Practitioners Act	Mrs. Innocentia Ottob er
	Justice Duncan Tambala - Chairperson
	Mr. Necton Mhura - Deputy Chairperson
	Mr. Pempho Likongwe
	Mrs. Rosemary Kanyuka
	Mr. Matthews Chikankheni
	Mr. Mavuto Bamusi
	Ms. Patricia Mwase
Prevention of Domestic Violence Act	Mrs. Fiona Kalemba
	Mr. Crispin Sibande
	Ms. Tinyade Kachika
	Mr. Peter Nsefula
	Justice Ivy Kamanga
	Mr. Joseph Kazima
Trademarks Act	Justice Isaac Mtambo, S.C. - Chairperson
	Mr Mzondi Chiramb o

