



**THE REPUBLIC OF UGANDA**

**UGANDA LAW REFORM COMMISSION**



**ANNUAL REPORT, 2009**

**Uganda Law Reform Commission,  
Workers House, 8<sup>th</sup> Floor,  
Plot 1, Pilkington Road,  
P.O Box 12149,  
Kampala, Uganda.  
Telephone: +256 0414 342600/341138  
Fax: +256 0414 254869  
E-mail: [ulrc@ulrc.go.ug](mailto:ulrc@ulrc.go.ug), [lawcom@infocom.co.ug](mailto:lawcom@infocom.co.ug).  
URL: [www.ulrc.go.ug](http://www.ulrc.go.ug)**

THE REPUBLIC OF UGANDA  
**UGANDA LAW REFORM COMMISSION**

TELEPHONE: 0414 346200 /341138  
FAX: 256-0414-254869  
e-mail: www.ulrc.go.ug



WORKERS HOUSE,  
FLOOR 8,  
PLOT1, PILKINGTON RD,  
P.O. BOX 12149  
KAMPALA-UGANDA

Our Ref: **ADM/83/137/01** .....  
Your Ref: .....

20<sup>th</sup> May 2010

Rt. Hon. Edward K. Ssekandi, MP  
Speaker,  
Speaker's Chambers,  
Parliament House,  
Kampala.

Dear Sir,

**RE: SUBMISSION OF THE ANNUAL REPORT OF THE UGANDA LAW REFORM COMMISSION, 2009, TO THE PARLIAMENT OF UGANDA**

In pursuance of the provisions of Article 248(2) of the Constitution, I have the pleasure and honour to submit through you Sir, to the Parliament of Uganda, the Annual Report of the Uganda Law Reform Commission for the year 2009.

Yours faithfully,

Professor Joseph M. N. Kakooza  
Chairman, Uganda Law Reform Commission

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## ACRONYMS

ASF	Acid Survivors Foundation
AU	African Union
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
FHRI	Foundation for Human Rights Initiative
FPC	First Parliamentary Counsel
ILI	International Law Institute
JLOS	Justice Law and Order Sector
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoJCA	Ministry of Justice and Constitutional Affairs
MPS	Ministerial Policy Statement
NGO	Non Governmental Organisation
NPA	National Planning Authority
NSSF	National Social Security Fund
NTR	Non Tax Revenue
NURP	Northern Uganda Rehabilitation Programme
PERD	Private Enterprises Development
PPDA	Public Procurement and Disposal of Public Assets Authority
PSCP	Private Sector Competitiveness Project
PSFU	Private Sector Foundation Uganda
SIP II	Strategic Investment Plan II
SWAP	Sector Wide Approach
UAC	Uganda Aids Commission
UGANET	Uganda Network on Law, Ethics and HIV/AIDS

UHRC	Uganda Human Rights Commission
UK	United Kingdom
ULLJ	Uganda Living Law Journal
ULRC	Uganda Law Reform Commission
ULS	Uganda Law Society
UMA	Uganda Manufacturers Association
UMSC	Uganda Muslim Supreme Council
UN	United Nations
UNDP	United Nations Development Programme
UPPC	Uganda Printing and Publishing Corporation
URA	Uganda Revenue Authority
USAID	United States Agency for International Development
UWONET	The Uganda Women's Network

## MESSAGE FROM THE CHAIRMAN



Prof. Joseph M. N. Kakooza  
Chairman

Once again as at the end of every year, it is my pleasure and honour to present this message to our readers in and outside Uganda on all matters, albeit briefly, concerning the Uganda Law Reform Commission (the Commission) with reference to the year 2009.

### **Accessibility to Justice**

The slogan of the Commission is: Law Reform for Good Governance and Sustainable Development. This slogan captures the gist of the functions of the Commission. The end result of those functions is to promote accessibility to justice for all persons in Uganda irrespective of social, economic, political or professional status or nationality. This is the essence of good governance and without it there cannot be genuine and sustainable development.

### **The Utility of Advocacy Workshops**

In the pursuit of its mandate to constantly update the law and to carry out research in all areas of law and propose amendments or new laws, the Commission has, in the year under review, as ever before, continued to institute task forces and conducted advocacy workshops with a view of tapping a wide spectrum of ideas for the improvement of the law and legal services in society. It is pleasing to report that the Commission is very grateful to the honourable members of the superior courts and of Parliament for their cooperation with it in ensuring that the law that has been proposed or enacted, as the



case may be, is satisfying the intention of the law maker and the felt needs of society. It is only then that the law is meaningfully enforceable. The Commission has therefore engaged itself quite significantly in advocacy workshops.

### **The Challenge of the Public Taking the Law in their Own Hands**

In developing countries in particular, and Uganda is no exception, the administration of justice is marred by the phenomenon of members of the public taking law in their own hands. There are various explanations for this: lack of confidence in the due process of the law – that courts of law do not, in the view of the public, administer justice as they are expected and so, the offenders are not treated as the public expects. This brings in the ignorance of law and its principles of operation.

In its efforts to minimise the occurrence of this unhealthy state of affairs, the Commission, in pursuit of its function of educating the public on the operation of law, has conducted public activities through the print and electronic media and issued simplified versions of some selected laws e.g. The Local Council Courts Act, so as to make the public reasonably aware of the relevant law and its operation and to make the public appreciate the fact that the law in place is for their welfare and the courts, as the Constitution provides, are administering justice on their behalf.

### **Issues of Transitional Justice**

The civil conflicts in Northern Uganda, over the last twenty years or so, continue to occupy Uganda's efforts, in various ways, to restore law and order and rehabilitation of victims of crime. The overall task of restorative justice, particularly in the presently war-affected areas, is involving all institutions in the justice, law and order sector. The Commission, as one of these institutions, is prominently engaged in this endeavour.

In March, 2009, a very fruitful roundtable event, on transitional justice, took place. In this roundtable the Justice Law and Order Sector institutions and Canada's Stabilisation and Reconstruction Taskforce (START) and the Canada Department of Justice and Public Safety exchanged ideas on transitional justice. Uganda benefited very significantly from this roundtable regarding the problem of the fusion of traditional justice mechanisms with the modern judicial process. The Commission is specially charged with this aspect of transitional justice and field and literature research commenced this year.

### **Advisory Services by the Commission**

The volume and complexity of advisory services are ever continuing every year. This, unfortunately, is not matched with the human resources available in the Commission. To deal with the multiplicity of these services and as expeditiously as it is very often required, creates more burdens upon us. We are, however, comforted by the fact that the growing request for these services, sometimes not really and purely of legal nature, shows public appreciation of our statutory functions performance and it makes the Commission relevant and responsive to the issues of the day.

### **Improvement in the Staffing Position**

The year 2009 saw significant improvement in the staffing position of the Commission for both the professional and administration departments. Many of the vacancies that were existing as a result of resignations in the previous two years were filled, including that of the Secretary of the Commission. Appointment of part-time Commissioners of the Commission is however still awaited. This puts extraordinary pressure of work on the Chairman.

### **Expression of gratitude**

It remains for me, on behalf of the Commission Secretariat and on my own behalf to express our profound gratitude to the Government of Uganda, the Partners in Development, the World Bank, various other institutions and individuals, for the financial support and otherwise to the Commission in the discharge of its multi-farious undertakings. The cooperative involvement of members of the judiciary and the legislature and many of our key stakeholders especially those who are regular, all our sister Law Commissions have all tremendously contributed to what we have achieved. We pray and hope this conducive state of affairs will continue and intensify.



**Professor Joseph M. N. Kakooza**  
**CHAIRMAN, UGANDA LAW REFORM COMMISSION**

## THE COMMISSION'S MANAGEMENT TEAM



Mr. Frank Nigel Othembi  
Secretary/Accounting Officer



Ms. Alexandra Nkonge  
Head of Department, Law  
Revision



Ms. Jovah K. Kamateeka  
Undersecretary



Ms. Florence Ochago  
Ag. Head of Department,  
Law Reform

## ACKNOWLEDGEMENT

The Commission wishes to convey its appreciation to the public in general and the following in particular:

- (a) The Attorney General/Minister of Justice and Constitutional Affairs;
- (b) The Government of Uganda;
- (c) The Parliament of Uganda and its various committees;
- (d) First Parliamentary Counsel for their involvement in the polishing of draft bills as well as law revision work;
- (e) Ministry of Finance, Planning and Economic Development;
- (f) The Judiciary for their support, guidance and cooperation;
- (g) All Development Partners and Justice, Law and Order Sector (JLOS) for the financial support to the activities under the second Strategic Investment Plan and especially for contributing to provision of legal reference materials under the JLOS/ PRDP;
- (h) The World Bank Private Sector Competitiveness Project (PSCP) II for supporting the review of law of Trusts and for supply of books and journals to the Uganda Law Reform Commission Library;
- (i) The media for all their support in sensitising the public on the activities of the Commission;
- (j) Other Law Reform Commissions and Agencies for their cooperation especially Australian Law Reform Commission;
- (k) Members of the public and all stakeholders for participating in various programmes of the Commission;
- (l) Members of the various Uganda Law Reform Commission Boards and Task Forces;
- (m) Members of staff for the teamwork and dedication in making the programmes of the Commission a reality and a success; and
- (n) Uganda Law Reform Commission Appointments Board.

## **PROFILE OF THE COMMISSION**

The Uganda Law Reform Commission is a constitutional body established under Article 248(1) of the Constitution of the Republic of Uganda to study and keep under constant review the Acts and all other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform.

The Commission's current policy and priority activities are guided by the following principles-

- (a) contributing to a legal system that supports the principles in the Constitution, national policies and plans, and international commitments entered into by Uganda.
- (b) ensuring a participatory law making process with laws acceptable to the people of Uganda.
- (c) developing proposals for modern laws for the people of Uganda and
- (d) sustaining an effective and efficient institution that provides a legal framework for good governance, delivery of advice and service to Government and the general public on legislative reform and revision.

### **The Vision of the Commission**

To contribute to the existence of the rule of law in Uganda.

### **The Mission of the Commission**

To reform and update the laws in line with the social, cultural and economic needs and values of the people of Uganda.

### **The Mandate of the Commission**

Section 10 of the Uganda Law Reform Commission Act (ULRC Act), Cap 25 provides that:

The Commission shall study and keep under constant review the Acts and other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform with particular emphasis on the:

- (a) elimination of anomalies in the law, the repeal of obsolete and unnecessary laws and the simplification and translation of the law;
- (b) reflection in the laws of Uganda the customs, values and norms of society in Uganda as well as concepts consistent with the United Nations Charter and the African Charter on Human and Peoples Rights;
- (c) development of new areas in the law by making the laws responsive to the changing needs of the society in Uganda;
- (d) adoption of new or more effective methods or both for the administration of the law and dispensation of justice; and
- (e) integration and unification of the laws of Uganda.

### **Slogan of the Commission**

The Commission has a catch phrase in form of a slogan which is a simple summary of what the Commission stands for:

'Law Reform for Good Governance and Sustainable Development'

### **Powers of the Commission**

According to Section 11 of the ULRC's Act, the Commission has powers to;

- (a) receive, review and consider any proposals for the reform of the law, which may be referred to it by any person or authority;
- (b) prepare and submit to the Attorney General, from time to time, for approval, programmes for the study and examination of any branch of the law with a view to making recommendations for its improvement, modernization, and reform; and those programmes shall include an estimate of the finances and other resources that will be required to carry out any such duties and the period of time that will be required for the completion of the studies;
- (c) undertake, pursuant to any such recommendation approved by the Attorney General, the formulation of drafts in form of bills or other instruments for consideration by the Government and Parliament;
- (d) initiate and carry out, or, with approval of the Attorney General, direct the initiation and research necessary for the improvement and modernization of the law;

- (e) provide, at the instance of the Government, to government ministries and departments and other authorities concerned, advice, information and proposals for reform or amendment of any branch of the law;
- (f) encourage and promote public participation in the process of lawmaking and educate and sensitize the public on lawmaking through seminars, publications, and mass media; and
- (g) appoint or empanel Committees in consultation with the Attorney General, from among members of the Commission, or from among persons outside the Commission, to study and make recommendations to the Commission on any aspect of the law referred to the Committees by the Commission.

## STRUCTURE AND STAFFING OF THE COMMISSION

The Uganda Law Reform Commission comprises of the Commission and the Secretariat. The Commission comprises of the Chairperson and six part-time Commissioners. The part-time Commissioners are required to have wide experience in the law and other disciplines. The contracts of the part-time Commissioners expired in 2005 and proposals for their renewal were submitted to the relevant authorities. However, to-date no appointments have been made. The Commission is primarily responsible for determining and formulating the scope and direction of the Commission's work.

The Secretariat which is headed by the Secretary is divided into three departments namely; Law Revision, Law Reform and Finance and Administration.

### Current Staffing

The Secretariat's staff establishment is 68 employees but current in post is only 57 members of staff (refer to **Figure 1**). Plans are underway to recruit the remaining 11 employees to make the structure complete.



Staff dialogue in the Commission's Boardroom

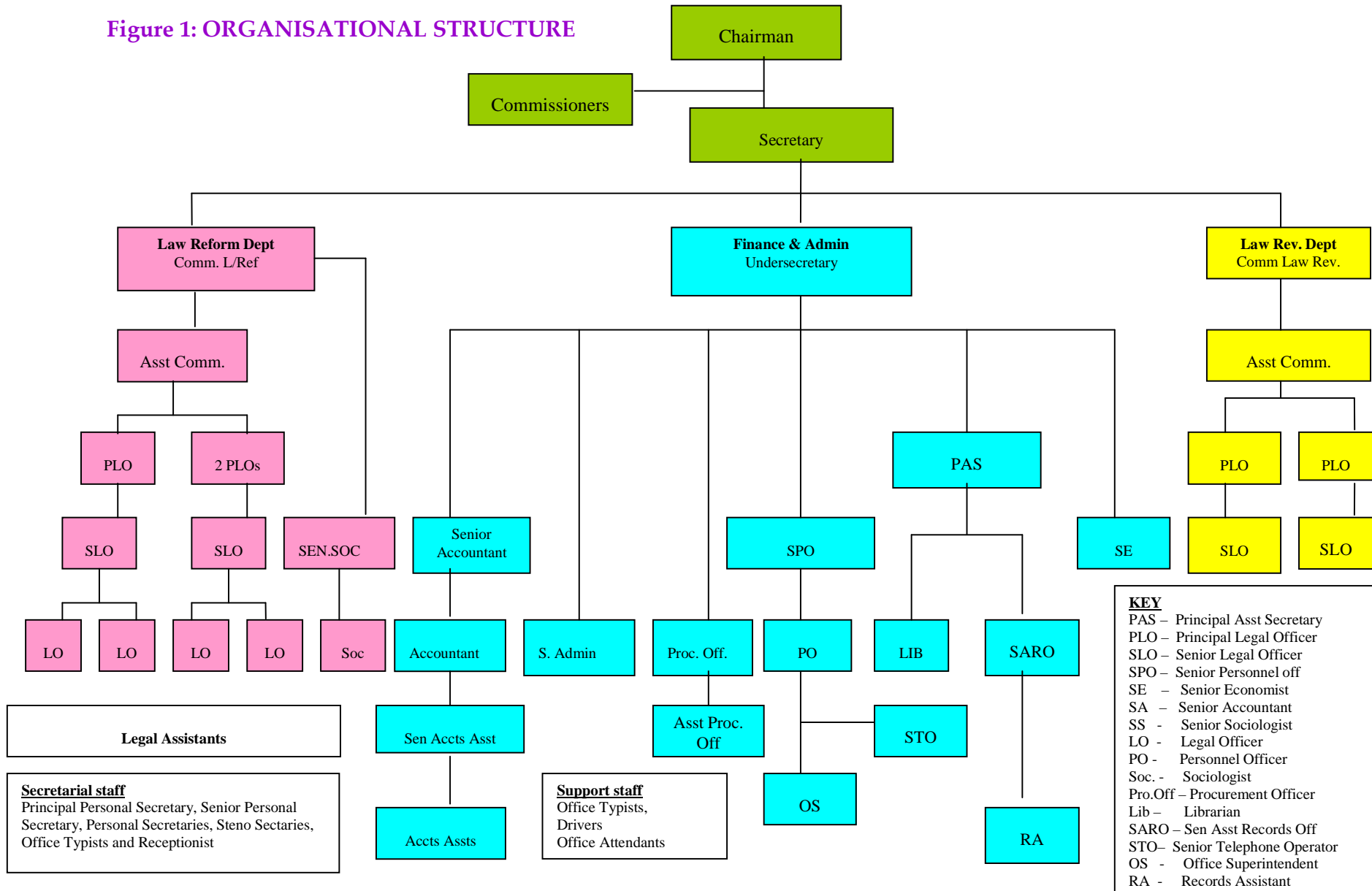


The Commission also has on board, six Legal Assistants, two Research Assistants and five Legal Interns who assist in activities of the Commission mainly those of a legislative nature. The overall staffing position of the Commission as at 31<sup>st</sup> December, 2009 is set out in “**Annex I**” of this report.

Due to expansion of the scope of work and increasing demand from authorities, the Commission seeks to review its structure to accommodate new developments, hence the proposal for creation of new posts like a Gender Specialist, an East African Community Desk Officer, Senior Procurement Officer, Public Relations Officer and others, for purposes of efficiency, effectiveness and transparency.

Proposals for a new structure have been submitted to the Ministry of Public Service. It is hoped that when approved, the new structure will create more openings for promotion as well as address the challenge of staff retention.

**Figure 1: ORGANISATIONAL STRUCTURE**



## HIGHLIGHTS OF THE YEAR

The Commission successfully undertook and accomplished the following activities:

1. The Domestic Violence Bill was passed by Parliament and is only awaiting Presidential Assent.
2. Recruited Officers to fill very vital offices in the Commission including the Secretary/Accounting Officer, Assistant Commissioner, Principal Legal Officer, Senior Legal Officers, Office Supervisor, and Receptionist among others.
3. Raised Non Tax Revenue from the sale of publications to the tune of Ug. Shs. 226 million.
4. Continued its participation in facilitating the EAC integration process by taking part in a number of EAC meetings.
5. Translation of the simplified version of the Constitution into Acholi and Langi.
6. Enactment into law of the Trade Secrets Act No. 2 of 2009, the Hire Purchase Act No. 3 of 2009 and the Mortgage Act No. 8 of 2009.
7. Partnering with JLOS in the implementation of the JLOS Strategic Investment Plan II.

## CHAPTER ONE

### LAW REVISION DEPARTMENT

#### 1.0 Introduction

Law revision is the process of updating the law without changing its substance. It is aimed at presenting the law in its correct form at any given time thus facilitating the administration of justice, law enforcement, legal education, research, law reform, efficient use of the law and access to justice.

#### 1.1 Structure

The Department is headed by a Commissioner assisted by an Assistant Commissioner, two Principal Legal Officers and two Senior Legal Officers.

#### 1.2 Activities of the Law Revision Department

The activities of the Department include the following:-

- (a) ensuring that the laws of Uganda are regularly revised and an up-to-date status of the law is produced and made available to and accessed by the public;
- (b) preparing and publishing compendia of related laws to ensure easy accessibility of and reference to the laws;
- (c) managing the database of the revised laws by constantly updating it as new laws are made from time to time;
- (d) constantly analyzing decisions of superior courts to ascertain their effect on legislation and making proposals for review of the affected laws; and
- (e) simplifying and translating specific laws to enhance access to justice by the public.

#### 1.3 Achievements of the Law Revision Department

The Department spearheaded the following projects of the Commission:

- (a) simplification of the Local Governments Act, Cap. 243;
- (b) revision of the hand book, "How Our Laws Are Made";
- (c) revision of the Penal Code Act, Cap.120: Standardization of fines and custodial sentences;
- (d) revision of Index of laws of Uganda;

- (e) translation of the simplified version of the Constitution into Acholi and Langi;
- (f) revision of 2001–2004 Statutory Instruments; and
- (g) revision of Principal Laws 2005–2007;

In addition to the tasks above, the Department also handled several adhoc assignments and requests for legal advice both from within and outside the Commission.

The details of the projects are as follows: –

### **1.3.1 The Simplified Version of the Local Governments Act, Cap.243**

The Department prepared a simplified version of the Local Governments Act, Cap 243, to facilitate its use and application throughout the country.

Enacted in 1997, two years after the promulgation of the Constitution, the purpose of this law is to consolidate and streamline the existing law on local governments in line with the Constitution, to give effect to the decentralization and devolution of functions, powers and services; to provide for decentralization of all levels of local governments so as to ensure good governance and democratic participation in and control of, decision-making by the people, among other matters.

The Act has since its enactment been extensively amended to reinforce the development of devolution and decentralization of powers as enshrined in the Constitution.

In light of the fact that the Act is a widely applied legislation at all levels, the Commission in 2006, with authority of the Attorney General prepared a reprint of the Act consolidating all the amendments made after its enactment, to facilitate ease of access by local leaders and all those involved in its implementation.

The Commission also noted that because there is no minimum education level required for holding a leadership position at the lowest local levels, a number of local leaders involved in the implementation of the Act find it difficult to apply some of its provisions largely because of the continuous changes made to it from time to time making the law uncertain, but mainly because of the complexity of some of its provisions, and hence the need to have in place a consolidated and much simpler to comprehend version, clearly stating the status of the law.

The draft of the simplified version was prepared for the purpose of enabling people particularly local leaders, to appreciate their roles and mandate in local government administration within their localities. As such, the use of ordinary language has been employed and certain words considered difficult to understand though not simplified have been clearly explained in the glossary.

The simplified version of the Act will be used together with the simplified version of the Local Council Courts Act, 2006 to promote the rule of law and good governance at all levels.

### **1.3.2 Reviewing the book, “How Our Laws Are made”**

The Department carried out a review of the book “How Our Laws Are Made” to include, among other things, contemporary changes in the legislative process in Uganda as well as the East African Community.

The current edition of this book had been prepared by the Commission more than seven years ago mainly focusing on parliamentary procedure in the legislative process. The revised edition however provides a more detailed procedure of how laws are made in Uganda, right from policy formulation, identifying important stakeholders in the law making process up to when a proposed piece of legislation becomes law.

It is important to note that with the ongoing process of integration of East Africa, the Treaty establishing the East African Community has mandated the Council of Ministers, an important organ of the Community, to initiate and submit Bills to the Assembly. These Bills when passed by the Assembly become binding on Partner States.

A new part on International Law has also been introduced in the handbook, clearly stating what a treaty is, the process of ratification of treaties and how a treaty becomes law. The Commission hopes that the revised edition of the handbook will provide an up to date, elaborate and consequently, a more useful illustration of the law applicable and the procedural aspects of the law making process in Uganda today at various levels.

### **1.3.3 Penal Code Act, Cap.120: Standardization of fines and custodial sentences**

The Penal Code Act, Cap 120 establishes a code of criminal conduct, the violation of which attracts penal sanctions. Accordingly, the Code is one of

the most important laws in Uganda which encourages responsible behavior among the people.

The need to standardize the Penal Code Act was prompted first, by the Commission's vision of contributing to the rule of law and good governance through facilitating access by courts and the public in general, to the laws that are most needed in the administration of justice and secondly, the statutory mandate of the Commission to study and keep under constant review the laws of Uganda.

It is trite law that ignorance of any of the provisions of this enactment does not constitute a defense in any Court of law in Uganda. The Commission recognized the need to avail a revised and updated reprinted version of the Code, incorporating all the amendments made to it since its enactment, especially following the enactment of the Law Revision (Fines and other Financial Amounts in criminal matters) Act, No. 14 of 2008.

Act No. 14 of 2008 was enacted to cater for the fall in value of Uganda currency over the years owing to inflation and other causes, and to standardize the ratio between fines and related terms of imprisonment. The fines under the Penal Code Act had been rendered unfair and not justifiable as a result of the inflation and currency reforms, which necessitated the enactment of Currency Reform Statute in 1987.

The methodology used to revise the Code required the Department to carry out thorough research on the Penal Code Act, to high light all the provisions affected by Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act, No. 14 of 2008. The work was submitted to the Law Revision Editorial Board for approval.

With the authority of the Attorney General, as required by law, a reprint of the Penal Code Act will be produced in the next Financial Year 2010–2011.

#### **1.3.4 Update of the Index of the laws of Uganda**

The Department has also embarked on preparing an updated index of the laws of Uganda as at 2010. The purpose of this publication is to provide a quick reference point for the user on the current status of both the principal and subsidiary laws of Uganda as at 2010.

The Commission last compiled an index in December, 2006 but since then, a number of laws have been repealed, new ones enacted and several others

amended. The Commission therefore recognized a need to meet the demand for the updated and revised version.

The draft 2010 Index, which is arranged in alphabetical order, contains titles of all principal legislation currently on the statute book, including those that have been repealed. The titles of the repealed laws are also indicated below the repealing Acts. The Index also shows the various rules, regulations, bye laws and legal notices made under the authority of each Act, including those that have had full effect, to facilitate research. Laws made by the East African Legislative Assembly have also been added to the revised Index.

### **1.3.5 Acholi and Langi Translated Versions of the Constitution**

The translation of the Acholi and Langi simplified version of the Constitution commenced in December 2008. The Institute of Languages of Makerere University was contracted to undertake the project and the Commission submitted the first draft to various local leaders in selected districts of Northern Uganda. Validation workshops were held in 2009 to ensure accuracy of the translated simplified version and with the objective of actively involving the local leaders in the work and as a way to achieve ownership of the translated text.

### **1.3.6 Report on proof reading of Statutory Instruments 2001- 2004**

In December 2009, the Department commenced proof reading of the final draft of Statutory Instruments 2001-2004 in preparation for their publication. The proof reading has been completed and the publication of the laws will be undertaken by the fourth quarter of the FY 2009-2010.

While proofreading, the following guidelines were used:-

- (a) comparing the original version and the revised version to ensure that all aspects in the revised version are as stated in the original, unless revised;
- (b) ensuring that all tables and graphs correspond with those in the original;
- (c) ensuring that all cross references are cited correctly;
- (d) ensuring that all spent and repealed Statutory Instruments have an asterisk against them;
- (e) ensuring that the spacing and alignment is proper;
- (f) ensuring that there are no typing or other technical errors in the draft.



### **1.3.7 Proofreading of Principal Laws 2005–2007**

Following the publication of the Principal Laws of Uganda 2001–2004, the Department went ahead to revise the Principal Laws enacted by Parliament between 2005–2007. Two workshops were held by the Law Revision Editorial Board to approve the texts as revised by the Department.

### **1.4 Plans for the year, 2010**

The Department will undertake the following activities in the year 2010;

#### **1.4.1 Research and Revision**

Research and revision will be carried out under the following projects:

- (a) subsidiary legislation 2005–2007;
- (b) identification and removal of obsolete laws from the statute book;
- (c) identification of laws affected by Supreme Court decisions;
- (d) preparation of a Drafting Manual;
- (e) identification and preparation of case notes on court decisions on electoral laws in preparation for elections of 2011.

#### **1.4.2 Publications**

The Department will spearhead the following publications of the Commission during the year 2010:

- (a) the abridged–simplified version of the Local Governments Act, Cap 243;
- (b) revised version of the Penal Code Act;
- (c) the updated version of index to the laws of Uganda, 2010;
- (d) principal laws 2005-2007;
- (e) subsidiary laws 2001-2004;
- (f) compendium of electoral laws;
- (g) handbook on “How our Laws are Made”;
- (h) reprint of the Constitution;
- (i) reprint of the Local Governments Act (reprint will include the impending amendments to the Act);
- (j) compendium of EAC laws and protocols; and
- (k) consolidation and reprint of the Land Act, Cap 227 and Regulations.

### **1.4.3 Simplification and Translation**

- (a) translation of the simplified version of the Constitution into Ateso and Ngakarimajong;
- (b) simplification and translation of the Local Council Courts Act into Luganda.

### **1.4.4 Field work**

- (a) pre-testing of the abridged–simplified Luganda version of the Local Governments Act, Cap 243;
- (b) pre-testing of the abridged–simplified version of the Constitution in Teso and Karamoja regions;
- (c) distribution of Acholi and Langi translated versions of the Constitution in Acholi and Lango regions; and
- (d) distribution of Commission’s publications throughout the country.

## CHAPTER TWO

### LAW REFORM DEPARTMENT

#### 2.0 Introduction

The Law Reform Department is responsible for making changes in the substance of the law so as to make the law useful in achieving its purpose. Accordingly, the Department undertakes studies and research to inform proposals for law reform. It also undertakes documentation, education, training, simplification and translation of laws.

#### 2.1 Structure

The Department is headed by a Commissioner who is assisted by an Assistant Commissioner, Principal Legal Officers, Senior Legal Officers, Legal Officers and Sociologists. The Department comprises of three sections namely; law reform and research; education, documentation and training; and sociology.

#### 2.2. Activities of the Law Reform Department

The main activities of the Department are to:-

- (a) study, document and make proposals for the modernization of the law through proposals for the substantive change in the law and the repeal of obsolete and unnecessary laws;
- (b) simplify and translate specific laws;
- (c) carry out research, document and make proposals for the integration of different systems of the laws of Uganda;
- (d) make proposals for the improvement of methods in the administration of law and dispensation of justice;
- (e) educate the public on the law making process and the law in action;
- (f) operationalize international and regional legal instruments which Uganda has ratified;
- (g) give advisory opinions to any department of government; and
- (h) participate in the activities of the East African Community.

#### 2.3 Achievements of the Law Reform Department

The achievements of the Commission under the Department in the year 2009 are reported under the following five categories:-

- (a) proposals/bills enacted into law;
- (b) bills approved by Cabinet and tabled in Parliament;

- (c) bills submitted to Cabinet for approval;
- (d) other on-going activities; and
- (e) EAC activities.

#### 2.4 Bills approved by Cabinet, tabled in Parliament and enacted into law

No	Bill	Long Title	Location	Recommended Action
1	The Trade Secrets Protection Bill, No. 5 of 2007	An Act to provide for the protection of undisclosed information in commercial transactions and to provide for other related matters.	Public, Published as Act No. 2 of 2009 and Commenced on the 12/6/2009.	Dissemination by the Uganda Law Reform Commission
2	The Hire Purchase Bill, No. 7 of 2007	An Act to provide for the regulation and registration of hire purchase agreements and the licensing of persons carrying on hire purchase business and for related purposes.	Public, Published as Act No. 3 of 2009 and Commenced on 12/6/2009. .	Drafting of Regulations and Dissemination by the Uganda Law Reform Commission
3	The Partnerships Bill, No. 4 of 2008	An Act to amend and consolidate the law relating to partnerships; to provide for the formation of limited partnerships; to repeal the Partnership Act, Cap. 114; and to provide other related matters.	Parliament of Uganda, third reading on the 6/May/ 2009	Drafting of Regulations and Dissemination by the Uganda Law Reform Commission
4	The Geographical Indications Bill, No. 3 of 2008	An Act to provide for the protection and registration of geographical indications; to provide for the appointment of a registrar; for remedies for geographical indications; and for related matters.	Legal and Parliamentary Affairs Committee, first reading on the 17/June/2008.	2 <sup>nd</sup> Reading
5	The Contracts Bill, No. 2 of 2008	An Act to codify the law relating to contracts and to provide for other related matters.	House of Parliament	Assent by the President.
6	The Trademarks Bill, No. 9 of 2009	An Act to consolidate the law relating to trademarks; to repeal and replace the Trademarks; to provide for the	Legal and Parliamentary Affairs Committee, read for the first time on	2 <sup>nd</sup> Reading

		appointment of a registrar, for the registration of trademarks; for the procedure for and duration of registration; for the effect of registration and action for infringement of a trademark; for fees; for legal proceedings and appeals; for trademark offences; for regulations and for related matters.	2/September/2008	
7	Chattels Securities Bill, No. 12 of 2009	An Act to regulate the making and enforcement of security interests in chattels; to repeal the Chattels Transfer Act, Cap 70 and for other related purposes.	Legal and Parliamentary Affairs Committee, read for the first time on the 20/November 2009.	2 <sup>nd</sup> Reading
8	Companies Bill, No. 14 of 2009	An Act to amend, replace and reform the law relating to the incorporation, regulation and administration of companies and to make provision for related matters.	Legal and Parliamentary Affairs Committee, read for the first time on 19/November, 2009.	2 <sup>nd</sup> Reading
9	Insolvency Bill, No. 11 of 2009	An Act to provide for receivership, administration, liquidation, arrangements, bankruptcy, the regulation of insolvency practitioners and cross border insolvency practitioners and cross border insolvency; to receiverships, administration, liquidation, arrangements and bankruptcy; and to provide for other related matters.	Legal and Parliamentary Affairs Committee, read for the first time on 1/August/2009	2 <sup>nd</sup> Reading

10	Industrial Property Bill, No. 5 of 2009.	An act to provide for the promotion of inventive and innovative activities, to facilitate the acquisition of technology through the grant and regulation of patents, utility models, industrial designs and technovations and to provide for the designation of a registrar, to provide for the functions of the registrar, and the establishment of a register of industrial property rights and for related matters.	Legal and Parliamentary Affairs Committee read for the first time on 7/July/2009	2 <sup>nd</sup> Reading
11	The Mortgage Bill, No. 2 of 2007 Bill	An Act to consolidate the law relating to mortgages; to repeal and replace the Mortgage Act; to provide for the creation of mortgages; for the duties of mortgagors and mortgagees regarding mortgages; for mortgages of matrimonial homes; to make mortgages take effect only as security; to provide for priority, tacking, consolidation and variation of mortgages; to provide for suits by mortgagors; the discharge of mortgages; covenants, conditions implied in every mortgage; the remedies of mortgagors and mortgagees in respect of mortgages; of the power of court in respect of mortgages; and for related matters.	Public, Published as Act No. 8 of 2009, commencement date to be determined by the Minister responsible for Lands	Drafting of Regulations and Dissemination by the Uganda Law Reform Commission

12	The Electronic Transactions Bill, No. 24 of 2008.	An Act to provide for the use, security, facilitation and regulation of electronic communications and transactions; to encourage the use of e-Government services and to provide for related matters.	Sessional Committee of Parliament on Information Technology, read for the first time on 18/03/2009.	2 <sup>nd</sup> Reading
13	The Computer Misuse Bill, No. 23 of 2008.	An Act to make provision for the safety and security of electronic transactions and information systems; to prevent unlawful access, abuse or misuse of information systems including computers and to make provision for securing the conduct of electronic transactions in a trustworthy electronic environment and to provide for other related matters.	Sessional Committee of Parliament on Information Technology, read for the first time on 18/03/2009.	2 <sup>nd</sup> Reading
14	The Electronic Signatures Bill, No. 22 of 2008	An Act to make provision for and to regulate the use of electronic signatures and to provide for other related matters.	Sessional Committee of Parliament on Information Technology, read for the first time on 18/03/2009.	2 <sup>nd</sup> Reading
15	The Marriage and Divorce Bill, No. 19 of 2009	An Act to reform and consolidate the law relating to civil, Christian, Hindu, Bahai and customary marriages; to provide for the types of recognized marriages, marital rights and duties; recognition of cohabitation in relation to property rights; separations and divorce, and the consequences of	Legal and Parliamentary Affairs Committee, read for the first time on 22 <sup>nd</sup> of December 2009.	2 <sup>nd</sup> Reading

		separation and divorce; and for related matters.		
16	Administration of Muslim Personal Law Bill, 2008.	An Act to give effect to Article 129(1)(d) of the Constitution to establish Qadhis' courts in Uganda; to provide for the jurisdiction of Qadhis' courts and their judicial powers and for other related matters; to provide for the administration of Muslim law for marriage and divorce of Muslims.	Uganda Law Reform Commission	The Bill was submitted to Cabinet and returned to MoJCA with instructions to improve and consult on the Bill further.
17	Domestic Violence Bill	An act to provide for protection and relief to victims of domestic violence and to provide remedies for matters connected with or incidental thereto.	Passed in November 2009	Drafting of Regulations and dissemination by the ULRC
18	Capital Markets Authority (Amendment) Bill, 2008	An Act to amend the Capital Markets Authority Act to provide for the offering of securities to the public and for connected purposes.	Ministry of Finance, Planning and Economic Development.	Bill to be submitted to Cabinet for approval by the Ministry of Finance, Planning & Economic Development.
19	Prevention and Control of HIV/AIDS Bill of 2009.	An Act to provide for the prevention and control of HIV and AIDS, protection, counselling, testing, care of persons infected with and affected by HIV and AIDS, rights and obligations of persons affected and for other related matters.	Submitted to the HIV/AIDS Committee of Parliament on the 3 <sup>rd</sup> of December 2009 by the Uganda Law Reform Commission.	Introduce Bill in Parliament
20	Sale of Goods and Supply of Services Bill, 2008	An Act to provide for the formation of contracts for the sale of goods, the effect of a contract for the sale of goods, the performance of contracts for the sale	Ministry of Tourism, Trade and Industry	Ministry of Tourism, Trade and Industry to forward drafting instructions to the First Parliamentary



		of goods, the remedies of the parties in a contracts for the sale of goods, to provide for consumer protection, to regulate the supply of services, and to provide for related matters.		Council.
21	Free Zones Bill, 2008	An Act to make provision for the establishment, development, management, marketing, maintenance, supervision and control of free zones and to establish and designate the Uganda Free Zones Authority as a coordinating, monitoring and supervisory body for that purpose; and for related matters.	Submitted to Cabinet for approval by Ministry of Finance, Planning and Economic Development on 8 <sup>th</sup> October, 2009.	Approval by Cabinet.
22	Accountants Bill, 2008	An Act to establish an Institute of Certified Public Accountants of Uganda, to provide for a council responsible for the management of the Institute, to provide for the registration and control of accountants, to establish an accountants' examinations board and to provide for the disciplining of accountants and the maintenance of professional standards and other matters connected.	Bill forwarded to FPC by the Permanent Secretary, Ministry of Finance, Planning and Economic Development with drafting instructions on 24 <sup>th</sup> November, 2009	Bill to be resubmitted to Cabinet by the Ministry of Finance, Planning and Economic Development for approval.

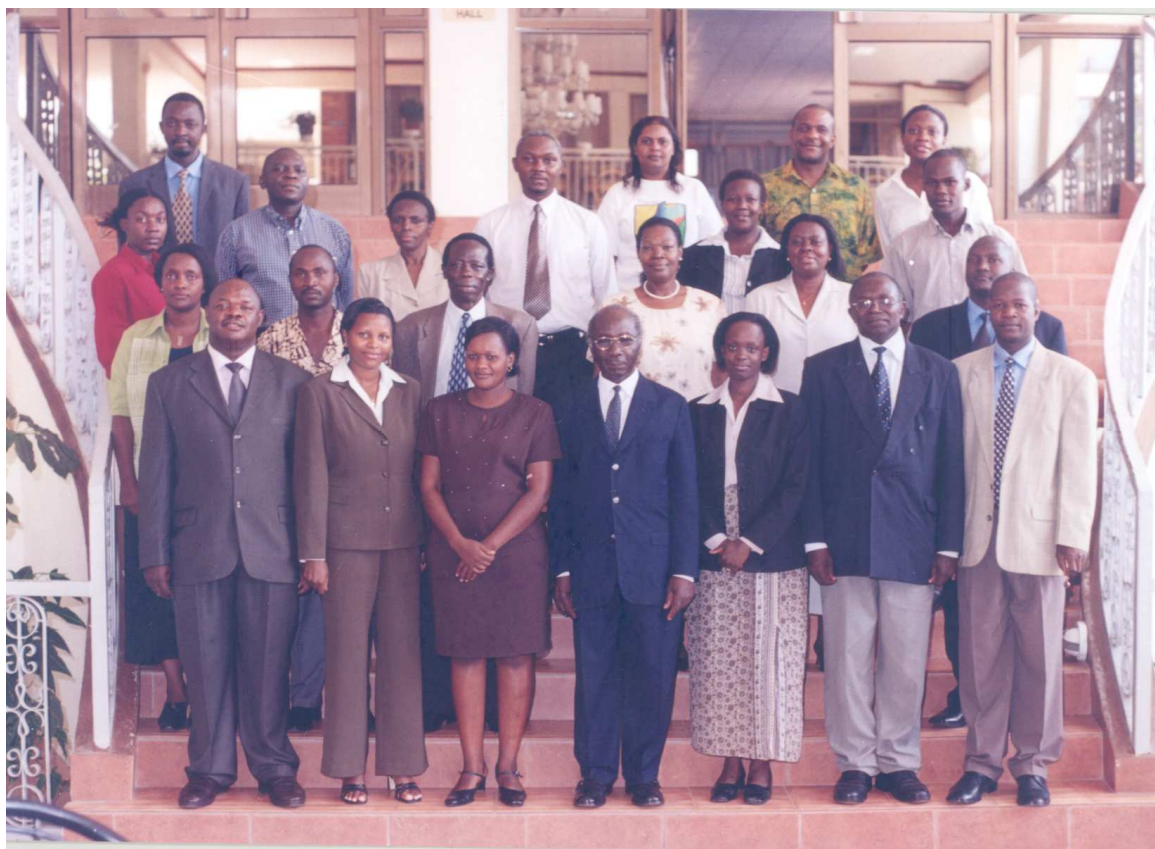
23	Counterfeit Goods Bill, 2008	An Act to prohibit trade in counterfeit goods that infringe upon protected intellectual property rights; to prohibit release of counterfeit goods into the channels of commerce; to create offences relating to trade in counterfeit goods; to empower the Commissioner for Customs to seize and detain suspected counterfeit goods; to empower inspectors appointed by the National Bureau of Standards to seize and detain suspected counterfeit goods and to provide for incidental matter.	Ministry of Tourism, Trade and Industry	Ministry of Tourism, Trade and Industry to submit the Bill to Cabinet for approval.
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## 2.5 Other on-going activities

### 2.5.1 Review of the Children Act

This was undertaken to address among others, the gaps, anomalies and emerging issues affecting children. The study culminated into several amendments to the legal framework on children including guardianship which was only defined in the Children Act, Cap 59.

The Amendment proposes to make provisions to apply to guardians as a category of persons to whom parental responsibility may be passed. It seeks to eliminate all traditional and cultural practices that are detrimental to a child's health, well-being, education or development. It also considers principles for determining harmful employment. Furthermore, specific amendment is being made relating to inter country adoption by reducing the thirty six months fostering period to twelve months and provides for *inter alia*, exceptional circumstances under which a court may rescind an order of adoption.



Members of staff of the Uganda Law Reform Commission attending a workshop.

### **2.5.2 Reform of the Law on Criminal Trial Procedure**

The Trial on Indictment (Amendment) Bill, 2009 was drafted in line with the Criminal Trial Procedure study recommendations. The Bill is intended to enhance access to justice and reduce delays in Uganda's criminal justice system. It principally provides for plea bargain, pre-trial disclosure and trial by the jury. USAID organized a workshop for the Judiciary, Government institutions, Non-Governmental Organizations and legal practitioners to discuss the Bill in December 2009.

The purpose of the workshop was to internalize the Bill, receive the input of different stakeholders and receive guidance of experts from the United States of America; Justices Graham and Maryain. Participants strongly recommended that the law should be amended to *inter alia* allow the High Court to take pleas at the first instance and to dispense with committal proceedings in impracticable circumstances. Participants also recommended that the amendments should apply to magistrates' courts considering that magistrates' courts handle most of the offences. It was also pointed out that there is need to re-introduce the need for summary of the case to avoid trial by ambush.

### **2.5.3 Codification of the Law of Trusts**

The Commission contracted a consultant in 2006 to commence a study on the review of the law on trusts in Uganda. The law of trusts in Uganda is in *pari materia* the law of trusts in England of 1925. Many modifications have taken place over the years in this law in England but no review has been undertaken for the law in Uganda. The objective of the review was to bring the law in line with the current circumstances in light of the emerging areas that were previously not covered at all or not adequately covered. These include pensions, charities, unit trusts or collective investments schemes and real estate trusts, among others.

The legal authorities that currently exist are often case law from the 19<sup>th</sup> and early 20<sup>th</sup> centuries, when commercial backgrounds and business practices were very different from those of today. The laws for consideration under the review include; the Trustees Act, Cap.164, the Trustees Incorporation Act, Cap.165, the Trusts Corporations (Probate and Administration) Act, Cap. 163, the Public Trustees Act, Cap.161, the Succession Act, Cap.162 and, the Church of England Trustees Act, Cap. 158. The draft report was submitted to the Commission by the consultant in 2008. The Commission has reviewed the report and expects to finalise the project by 2010.

#### **2.5.4 Review of the Excise Tariff Act, Cap. 338**

The Commission undertook a comparative study tour to Kenya and South Africa. The purpose of this was to study the regulatory framework on customs and excise duty and the institutional frameworks for the administration of the law in these jurisdictions. In particular, the team sought to enquire about; the existence of tax policies, taxation methods, taxing of services, mechanisms for dealing with objection and appeals, the challenges they face in the administration of excise duty and the status of existing international and regional collaboration.

Findings revealed that in both countries, there is no blue print tax policy as most of the policies are arrived at based on either the need to generate resources or intent on the need to deter use of undesirable products or services. The policies are contained in several sessional papers written by the respective Governments as well as in the national development plans; both countries visited have broadened the definition of excise to include both goods and services considered to be luxurious and have further listed excisable services in each case; it is much easier to manage a specific tax because quantum is easy to determine and tax and the method also helps to maintain stability in market pricing. The study also established that in Kenya, the compounding method is used for dealing with objections and appeals, while in South Africa, the Alternative Dispute Resolution system is used.

The team further established that there exist numerous operational challenges in the administration of taxes including tax evasion, the rigors of manual monitoring, limited implementation capacity, tariff classification, the difficulties of finding statistics on percentage of GDP and how excise lines have been running, litigation-given the few precedents and the challenge for manufacturers in having to work with several departments in handling tax issues. The Commission is currently working on the final project report.

#### **2.5.5 The Transitional Justice Project**

During the reporting period, study instruments on Traditional Justice and Truth telling were prepared by the Commission and consultations on the International Criminal Court Bill, 2006 were completed. Proposals from the consultations were presented to the Leadership Committee. The Commission is awaiting feedback on commencement of field consultations for traditional

justice. In addition members of the Law Reform Department together with other stakeholders were trained on issues of Transitional Justice and participated in a study tour to Bosnia & Herzegovina, Sierra Leone and The Hague.

#### **2.5.6 EAC activities**

Among the meetings attended was the follow up regional workshop on the draft protocol to operationalise the extended jurisdiction of the East African Court of Justice. The purpose of the regional workshop was to consider the revised draft protocol and to consider inputs by the Republic of Burundi and the Republic of Rwanda and to revise the draft accordingly. The revised text would be submitted to the Sectoral Council for further consideration and guidance on the way forward.

The Commission was also represented at a follow up meeting on the Amendment of the Treaty of the East African Community. Some of the issues for consideration for amendment of the Treaty included: the definition of the community as a feature of International Law; the time table for achievement of objectives - preambular paragraph 15 and Articles 2 (2) and 5(2); commitment of the contracting parties to the Treaty (principle of "*pacta sunt servanda*" as codified by Article 26 of the Vienna Convention on the Law of Treaties 1969); decision making; separation of powers – (this calls for review and amendments to Articles 11,12,14,15,16,18,19,21,22,71,72, & 73); membership/participation levels of new countries - Articles 13 (2) and 13 (3); the nature of the Institutional Framework - amendment of Articles 13, 17 and 20 to provide for definite or ascertained memberships within the context of the right to vote on any decision.

The proposed amendments also touch on the roles of Coordination Committee and Sectoral Committees; establishment of the Organs and Institutions - Article 9; the role of East African Community institutions and observer groups; composition of the East African Legislative Assembly- Article 48; election of Members of the Legislative Assembly; term of the Legislative Assembly; effective Representation in the Legislative Assembly - Article 48 and 50 (1); meetings of the Organs of the Community; composition of the EACJ (Number of Judges); jurisdiction of the EACJ - Articles 23 and 27; and, appointment of Judges.

In addition, the proposed amendments included aspects pertaining to strengthening the Secretariat by: (i) Amendment of Article 67(3) to clearly provide for powers and Authority of SG as the Principal Executive Officer of the “Community”; (ii) Amendment of Article 71 to emphasize the executive role of the Secretariat; and (iii) Amendment of Article 71(h) and (o) to clearly delineate responsibilities over Organ budget function management and control of finances.

The proposals also aim at recasting Article 71(j) to assure financial independence of EALA and the EACJ Areas of Cooperation. There is also need to review all the projections in different areas of co-operation in Chapters Eleven – Twenty Seven.

Furthermore the amendments also make provision for other/inadequately covered areas such as political co-operation in order to ensure the Partner States construing to democracy and the building to a Political Federation; effective representation and participation of the youth and disabled persons etc; creation of a distinct area of co-operation to cater for dissemination of information at different levels through effective media - Chapters Eleven – Twenty Six and Twenty Seven and consolidation of objectives spelt out under different provisions.

Others issues include: sources of main funding of the community; sources of funding for EAC institutions; Decision-Making; supremacy of the East African Court of Justice and removal of Judges of the East African Court of Justice. The recommendations arising out of the discussion of the proposed amendments were submitted to the Sectoral Council for further consideration and guidance on the way forward.

### **2.5.7 Ad-hoc Assignments**

During the reporting period, the Commission worked on several ad-hoc assignments and requests for legal advice both from within and outside the Commission. Some of these requests included commentaries on Bills such as the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2007, the Amendment to the Electoral Laws which included: the Presidential Elections (Amendment) Bill, 2009, the Parliamentary Elections (Amendment) Bill, 2009; the Political Parties and Organizations (Amendment) Bill, 2009; and the Electoral Commission (Amendment) Bill, 2009. The Commission also gave

advice on whether the Langi and Acholi customary land law that is being drafted, is in harmony with existing national laws.

## 2.6 Plans for the year 2010

In line with the Commission's Strategic Plan, the Department will continue to carry out its activities under the following categories:

### 2.6.1 Advocacy

In view of the several studies that have been undertaken and the proposals made during the reporting period, the Commission has designed an advocacy strategy to build consensus and sensitize the public and other key stakeholders on the same. Advocacy in 2010 will focus on Family and Commercial laws and the main activities will include:

- (a) Workshop for Judges and Members of Parliament on the Domestic Violence Bill and reform of criminal trial procedures is scheduled for April, 2010.
- (b) Workshops with the Muslim community on the proposed Qadhis' Courts Bill. These workshops are intended to ensure that a greater number of views of the Muslim community are taken into consideration as well as ensure that the views collected are representative of all the Muslim community.



From left to right: representatives from UJCC, UMSC, Bahai faith, Deputy Speaker of Parliament, Deputy Attorney General/Minister of State for Justice and Constitutional Affairs, Chairman Legal and Parliamentary Affairs Committee of Parliament, Chairman Uganda Law Reform Commission and Leader of Technical Committee of UMSC.



- (c) A workshop with the Sessional Committees of Parliament (Gender and Equal Opportunities, Legal and Parliamentary Affairs, Social Services Committee and the Equal Opportunities Commissioners) on the Marriage and Divorce Bill. This workshop is intended to explain to Members of Parliament the provisions of the Bill. The Department will also hold an advocacy workshop with Judges on the Domestic Violence Bill to explain to Judges the provisions of the Bill.
- (d) A workshop with the Sessional Committees of Parliament (Gender and Equal opportunities, Legal and Parliamentary Affairs, Social Services Committee and the Equal Opportunities Commissioners) on the Marriage and Divorce Bill. This workshop is also intended to explain to MPs the provisions of the Bill.
- (e) A workshop on the proposed Qadhis' Courts Bill with *interalia* the Muslim Parliamentary Group, Judiciary, Academia and CSOs. The workshop is intended to explain to the four groups of stakeholders the provisions of the Qadhis' Courts Bill and thus build consensus on the Bill.
- (f) A workshop on the proposed Cyber laws with members of the Judiciary, Academia and NGOs in a bid to familiarize the stakeholders mentioned with the provisions in the Bills and build consensus on the Electronic Transactions Bill, 2008, the Computer Misuse Bill, 2008 and, the Electronic Signatures Bill, 2008.
- (g) A National Stakeholders' Consultative Workshop on the Children Act review report and Children (Amendment) Bill to gather further input and consensus for the bill before forwarding the bill to MoGLSD for onward transmission to Cabinet.
- (h) A workshop on the Companies Bill, 2009. The Commission with support from PSFU intends to hold an advocacy workshop with members of the Legal and Parliamentary Affairs Committee of Parliament and other stakeholders to explain to them the provisions of the Bill. The workshop is intended to be held in February, 2010.
- (i) The Department intends to incorporate proposals and comments from a workshop organised by USAID to discuss the Trial on Indictments (Amendment) Bill. The Department also intends to hold a consultative workshop on the proposed amendments with members of the Judiciary in 2010.

### **2.6.2 Research for reform**

Carry out research and make proposals for reform in the following areas:

- (a) Trade licensing.
- (b) Succession.
- (c) Victims of crime and witness protection.
- (d) Financial leasing and
- (e) Traditional justice.

### **2.6.3 Publications**

Publish Study Reports on the review of the Children Act, HIV/AIDS, Domestic Violence, Criminal Trial Procedure, Administration of Muslim Personal Law and the Marriage and Divorce Laws.

### **2.6.4 Technical assistance to Ministries, Departments and Agencies**

Provide technical assistance in respect of law reform to other Government Ministries, Departments or Agencies and respond to urgent and special assignments.

### **2.6.5 Law Reform Editorial Board**

Establish and operationalize an Editorial Board for the Study Reports.

### **2.6.6 Civic education/sensitization**

Undertake civic education/sensitization on enacted bills.

### **2.6.7 Participation in activities of regional and international bodies**

Effectively participate in EAC, COMESA, UN, WTO, ALRAESA, SMART Partnership etc.

## CHAPTER THREE

### THE FINANCE AND ADMINISTRATION DEPARTMENT

#### 3.0 Introduction

The Department is headed by the Undersecretary assisted by the Principal Assistant Secretary, Senior Personnel Officer, Senior Economist and the Senior Accountant, among other staff members.

The Department's core functions are to oversee the overall coordination and monitoring of all programmes of the Commission and mobilization of resources; financial, human and material for effective operation of the Commission and analyzing and submitting technical reports on the projects of the Commission. It ensures prudent resource planning and management.

The Department is also charged with collecting and analyzing data for conducting feasibility studies to determine the financial and administrative viability of Commission projects and sets priorities in conjunction with implementing departments. The Department is also responsible for coordinating development plans of the Commission as well as for budgeting.

#### 3.1 Activities of the Department

##### 3.1.1 Administration

The Commission continued to implement its Strategic Plan 2005-2011 through the formulation of annual work plans and budgets as well as setting annual performance targets.

The Commission prepared and submitted to the Accountant General and the Auditor General its final accounts on time.

The Commission prepared and submitted to relevant institutions its Budget Framework Paper 2010/11, quarterly and annual reports, the Ministerial Policy Statement and participated in various working committees.

The Commission streamlined the operations of its central store for stationery and small equipment as well as setting up a system to capture receipts i.e. having stock cards. The Commission also undertook an extensive stock taking exercise of the entire inventory both within the Commission offices as well as at rented storage facilities where Commission publications are stored.

The Commission continued to handle its procurement assignments in line with the PPDA regulations. Among the procurements undertaken during the year was the printing of the Annual Report 2008 and the Ministerial Policy Statement, 2008, and running of supplements and advertisements in the print media.

During the reporting period, the library continued receiving publications from various Law Reform Commissions around the world including journals from the World Bank Project. The Commission also continued to subscribe to the Uganda Printing and Publishing Corporation for the Uganda Gazette and its supplements.

The Commission successfully recruited its Secretary/Accounting Officer, Mr. Frank Nigel Othembi who assumed office in March, 2009. The Commission also recruited an Assistant Commissioner, Mr. Gad Tumushabe and a Principal Legal Officer, Ms. Isabel Omal. The post of Office Supervisor was also filled by Mr. Kamure Richard during this period. Other members who were recruited include Mr. Kakooza Anthony, a Senior Legal Officer, Ms. Mary Nyabalega and Mr. Johnson Bigiira who are Legal Interns and Ms. Miria Kyobutungi, the Receptionist.

The Commission also advertised and interviewed people for various posts including Commissioner, Law Reform; Principal Legal Officer(Revision), Principal Assistant Secretary, Senior Economist, Senior Legal Officer (Revision), Systems Administrator, and Accounts Assistants among others. The names of the successful candidates were submitted to the Attorney General for approval and appointment.

In a bid to improve employee skills, the Commission sponsors staff for further studies. During the reporting period, Ms. Jackie Akuno, a Senior Legal Officer completed her Masters of Laws in International Commercial Law from the UK. Mrs. Esther Majambere Musoke was also sponsored to go and pursue a Masters of Laws degree in Legislative Drafting in the UK.

Ms. Irakiza Barbra, the Personnel Officer and Mr. Birungi Charles, the Sociologist were sent for Post graduate diplomas in Human Resource Management and Organisational Development respectively at the UMI.

Mr. Frank Nigel Othembi, the Secretary of the Commission also undertook a Diploma course in Managerial Control and Management Information Systems in the Netherlands.

Some officers in the Commission were promoted to various posts by the

Appointments Board. These include Ms. Florence Ochago who was promoted to become Assistant Commissioner (Reform), Ms. Lilliane Kiwanuka who was promoted to become Senior Legal Officer and Mr. Eugene Okello who was offered a contract as a Legal Assistant.

The Commission participated in the JLOS Open Day officiated by the Hon. Chief Justice as well as in the National Justice Forum. The Open Day involves JLOS institutions staging a walk through the City and a Bonanza Display of activities and materials produced by the sector. It offers an opportunity for the sector to interact with the public. The National Justice Forum offers an opportunity for the sector to interact with and get feedback from key stakeholders and implementers all over the country, usually in a workshop atmosphere.

### 3.1.2 Finance and Resource mobilization

The Commission draws its funds from the Consolidated Fund as stipulated under Article 55 (1) of the Constitution of Uganda. Some of the Commission's projects however, are funded under the Justice Law and Order Sector (JLOS) basket fund and other bilateral sources.

In the year under review, Parliament approved Ug. **Shs. 2.949bn** for the FY 2009/10 to finance the activities of the Commission.

#### (a) Summary of the Commission's Government of Uganda Funding for FY 2009/2010

Details	Approved Budget 2009/2010	Six month out turn 2009/2010
Wage	563	0
Non wage( recurrent)	2,287	881
Domestic Development (GOU)	99	0
Total	2,949	881

#### (b) JLOS Facilitation

JLOS continues to provide support to the Commission in the area of capacity building and Project support. The Commission has effectively embraced the Sector Wide Approach (SWAP) and taking part in the implementation of the JLOS Strategic Investment Plan II. JLOS allocated a total of **Shs. 1.163bn** to the Commission for the FY 2009/2010.

### (c) Non-Tax Revenue collection

During the reporting period, the Commission collected **shs. 226m** from the sale of its publications as NTR, all of which was remitted to the National Treasury.

#### Non Tax Revenue performance over the medium term

The Commission receives NTR from the sale of its publications and revised laws of Uganda. The NTR received by the Commission over the years is as below:

Detail	2005/06	2006/07	2007/08	2008/09	Up to Dec 2009
Publications & revised laws of Uganda	329,630,530	484,803,733	429,597,228	255,028,281	33,095,200
Miscellaneous revenue	1,230,000	4,630,000	300,000	80,000	3,650,000
<b>Total</b>	<b>330,860,530</b>	<b>489,433,733</b>	<b>429,897,228</b>	<b>255,108,281</b>	<b>36,745,200</b>

### 3.2. Social events of the Commission, 2009

#### 3.2.1. Weddings

During the reporting period, a number of staff members celebrated Holy Matrimony. These are Mr. Phillip Odoki, Ms. Esther Majambere, Ms. Prisca Iribagiza and Ms. Miriam Kyobutungu. The Commission congratulates them and wishes them happy and fulfilling marriages.

#### 3.2.2 Births

Babies were born to the families of the following staff: Mrs. Tessa Kawooya Bakayana, Ms. Babra Irakiza Bankunzi, Mr. Magera Paul and Mr. Salim Sulaiman.

#### 3.2.3 Staff End of year party

The Commission hosted its staff to an end of year party that was held on 18<sup>th</sup> December, 2009 at Kati Kati Restaurant. The highlights of the party were welcoming new staff and bidding farewell to staff who were leaving the Commission.

Among the staff that left were Mrs. Jean Lubega Kyazze, Commissioner Law Reform; Mr. Steven Henry Kisukiro Principal Assistant Secretary; Mr. Sam Rogers Wairagala, Senior Economist; and Mrs. Sophie Barugahare, Senior Accounts Assistant.



Mrs. Jean Lubega Kyazze, former Commissioner Law Reform receiving a plaque from Mr. Richard Buteera, Director of Public Prosecutions who was the Guest of Honour, in honour of her distinguished service to the Commission.



The Guest of Honour, Mr. Richard Buteera, Chairman ULRC, Prof. J M N Kakooza and other senior members take to the floor to celebrate the end of the year, 2009.

### 3.3 Obituary, 2009

The Commission lost its Senior Accountant, the late Ms Alice Akoo. May her soul rest in eternal peace!

### **3.4 Plans for the year 2010**

In the coming year, the Commission will continue implementing its Strategic Plan and the second JLOS Strategic Investment Plan- SIP II. Priority will be given to general activities and cross cutting activities:

#### **3.4.1 General Activities**

- (a) completing the recruitment process of all Commission staff and filling in all vacant posts;
- (b) finalising and adopting a work place HIV /AIDS policy;
- (c) completing and implementing the Commission's Human Resource Manual;
- (d) reviewing the structure and Administrative policies and Procedures of the Commission in order to enhance staff welfare and development;
- (e) following-up on the appointment of part-time Commissioners;
- (f) continuing to support staff development through training;
- (g) constantly updating information on the Commission website;
- (h) continuing to mobilize resources and equipment to facilitate Commission activities;
- (i) publishing the Uganda Living Law Journal Volume 6, Nos. I &II; compiling the Annual Report, 2010; the Ministerial Policy Statement; and other publications from the different Departments of the Commission;
- (j) continue lobbying for funds for construction of office premises for the Commission; and
- (k) transforming the Commission Library into a fully fledged Resource Center. Plans to develop an online library are also underway. The library also plans to bind all the newspapers from 2004 to 2009. The Resource Center will store publications in digital format. This will improve on the accessibility of electronic information through web links with other websites especially of other Law Reform Commissions.

#### **3.4.2. Cross cutting activities**

##### **(a) HIV/AIDS Policy**

The Commission is in the process of developing an HIV/AIDS policy at the workplace. Efforts are also underway to ensure access to treatment and support as well as to ensure prevention through JLOS, Aids Information



Center and the Ministry of Public Service initiatives.

**(b) Ethical Standards, Policies and Practices**

The Commission developed a draft Human Resource Manual, outlining ethical standards by which the staff of the Commission shall operate. It is being discussed for final adoption to provide a framework to guide both supervisors and staff in the delivery of quality service.

**(c) Visitors to the Commission**

During the reporting period, the Commission received a number of high profile visitors as at **Annex II**.

## CHAPTER FOUR

### NETWORKING WITH OTHER LAW REFORM COMMISSIONS, GOVERNMENT AGENCIES, CIVIL SOCIETY ORGANISATIONS AND THE EAST AFRICAN COMMUNITY

#### 4.1 Linkages with other Law Reform Commissions, 2009

The Commission maintained its linkages with other Law Reform Commissions in the Commonwealth through meetings, exchange of materials and exchange visits. Among them are the Law Reform Agencies of Eastern and Southern Africa and the Law Reform Commissions of Canada, Australia, England and Wales.

#### 4.2 Linkages with Government Ministries, Departments and Agencies, 2009

During the reporting period, the Commission worked closely with the following Government Departments/Ministries on various projects:

- (a) Ministry of Justice and Constitutional Affairs and the Attorney General's Chambers as the Ministry responsible for the Commission in policy guidance, budgeting and budget presentation before Parliament and on the various draft bills;
- (b) The Directorate of the First Parliamentary Counsel in the revision of laws, drafting of bills and Cabinet Memoranda and harmonising approved principles with draft bills.
- (c) Ministry of Finance Planning and Economic Development in budget execution, clearance of various Bills, EAC Customs Management Act implementation and development of legislation on free zones.
- (d) The Justice, Law and Order Sector under the Sector Wide Approach. The Commission served on various committees of the Sector such as the Leadership, Steering, Technical and other Working Group Committees.
- (e) Parliament of Uganda in the drafting process and especially the Legal and Parliamentary Affairs Committee in discussing and guiding the Budget Estimates and the HIV/ AIDS Committee.

- (f) Bank of Uganda for the work on the Anti Money Laundering Bill and Financial Leasing.
- (g) Ministries and Government Departments for participating in the Law revision work.
- (h) The Judiciary for discussing and finalising the sentencing guidelines and the Domestic Relations Bill.
- (i) The Ministry of Local Government for the work on the Local Council Courts Act.
- (j) The Ministry of Gender, Labour and Social Development in the on-going review of the Children Act and the Domestic Violence Project.
- (k) The Uganda Investment Authority especially under the auspices of the Presidential Investment Round Table (PIRT), in the development of proposals for free zones law.
- (l) The Ministry of Internal Affairs in the National Community Service Programme where the Commission is member of the National Committee on Community Service and heads the Legal Drafting Committee.
- (m) The Department of Ethics and Integrity in the Office of the President for the work on the Whistle Blowers project.
- (n) The PSFU in the implementation of the 2<sup>nd</sup> Private Sector Competitiveness Project (PSCP II) and enhancing the regulatory framework for business.
- (o) The Uganda Human Rights Commission on rights based approach to law reform.
- (p) The Law Reform Commissions of Tanzania and Kenya.
- (q) Department of Justice, Southern Sudan.
- (r) Institute of Transitional Justice.
- (s) Public Procurement and Disposal of Public Assets Authority.

### **4.3 Linkages with Civil Society Organizations, 2009**

The Commission continued to enjoy good working relationship with a number of Civil Society Organisations including:

- (a) The Uganda Network on Law, Ethics and HIV/AIDS.
- (b) Foundation for Human Rights Initiatives.
- (c) The Uganda Women's Network.
- (d) The Uganda Law Society.
- (e) The Private Sector Foundation Uganda.
- (f) The Uganda Manufacturers Association.
- (g) Amnesty International.
- (h) Institute of Languages, Makerere University.
- (i) International Law Institute.
- (j) Mukono Bookshop for assisting in the sale of the Commission's publications.

### **4.4 Linkages with East African Community, 2009**

The Commission continued to participate in meetings of the Council of Ministers, Coordinating Committee of Permanent Secretaries, Sectoral Council on Legal and Judicial Affairs, Senior Officers Committees, all to do with the approximation and integration of EAC laws.

## CHAPTER FIVE

### GENERAL ACHIEVEMENTS OF THE COMMISSION IN 2009

The Commission registered the following achievements in the year 2009:

#### 1. Non Tax Revenue

During the reporting period, the Commission collected **shs. 226 million** from the sale of its publications as NTR. The funds were remitted to the Consolidated Fund.

#### 2. Approved bills

The Commission successfully completed a number of Bills which were submitted to Cabinet for approval.

#### 3. Ministerial Policy Statement

The Commission prepared, published and presented its Ministerial Policy Statement to Parliament for the Financial Year 2009/2010.

#### 4. Publications

The Commission prepared and made available various publications as shown in **Annex III**.

#### 5. Recruitment

The Commission recruited a number of staff including the Secretary who is the Accounting Officer.

#### 6. JLOS activities

The Commission continued to implement the JLOS Strategic Investment Plan – SIP II and fully participated in the JLOS Open Day and the National Justice Forum.

## CHAPTER SIX

### CHALLENGES OF THE COMMISSION

The Commission has significantly met its targets. However it was constrained by the following challenges:

#### **6.1 General Challenges of the Commission**

##### **6.1.1. Insufficient resources of the Commission**

The Commission is faced with the problem of insufficient funding, a situation that has negatively affected its ability to accomplish some of its planned activities such as printing of the revised laws and other publications, undertaking advocacy programmes, recruitment as well as the facilitation of staff.

##### **6.1.2 Cost of rent for offices and storage of printed matter**

The high cost of rent for offices and storage of printed material which consumes over 24% of the Commission's recurrent budget greatly affects attainment of set goals. The Commission's rent is likely to go up soon which will destabilize the budget further. It is on this basis that the Commission is aggressively pursuing acquisition of its own office premises. The Commission requires shillings 4.6 billion to buy a plot and construct the premises over the medium term.

##### **6.1.3 Narrow Structure**

The structure of the Commission is too narrow with limited provisions at the top to take care of promotions of staff who gain experience and higher qualifications. This poses great challenges of staff retention. It has led to loss of staff in some key posts as well as making it difficult for the Commission to attract new staff to the same posts because of the non commensurate salary scales. The activities are complex and some are ad-hoc in nature. This calls for more employees of different specialties.

##### **6.1.4 Absence of part-time Commissioners**

The continuous absence of the six part-time Commissioners provided for under the ULRC Act means that too much work is left to the Chairman alone where there would have been division of labour. This slows down the execution of activities in some areas.

### **6.1.5 Inadequate capacity to handle emerging issues**

The other challenge is emerging issues in areas such as international trade, intellectual property and the changing socio-economic environment which call for specialized and continuous knowledge in a host of legal subjects. Many of these issues are complex and hence continuous legal education is essential.

### **6.1.6 Procurement process**

The Commission finds the procedures in the procurement process very challenging and too detailed. This often leads to delays in meeting certain deadlines. The PPDA in the past promised to revise these procedures but this has not been done so far, making procurement a lengthy business.

## **6.2 Challenges of Law Revision Department**

- (a) Delays in receiving responses from other Government Departments; the Commission works hand in hand with other Government institutions and sometimes when queries are sent to these institutions, there are delays in receiving responses yet the Commission has deadlines to meet. This therefore negatively impacts on the Commission's efficiency.
- (b) Law Revision requires a lot of technical expertise but the Department in the course of the year lost two of its senior staff and remained with only two staff until September 2009 when new staff were recruited.

## **6.3 Challenges of Law Reform Department**

- (a) The Department faced challenges of inadequate resources to handle certain assignments. An example is work concerning law on Acid Violence. This project commenced in 2008 arising from a request of the Acid Survivors Foundation. The objectives of the study are to identify the gaps and anomalies in the law, establish the strengths and weaknesses in the implementation process, make proposals for the reform of the law, make proposals for the effective implementation of the law and design a comprehensive plan of action to improve implementation of the law. A draft concept paper has been prepared together with the work plan and budget.

- (b) The Department has continuously been faced with a problem of the slow legislative process in form of delay in tabling and passing Bills into law. It therefore became necessary that a mechanism be put in place to monitor and expedite the legislative process. A legislative tracking system is being developed to enhance the monitoring of the legislative process.

## **6.4 Challenges of Finance and Administration Department**

### **6.4.1 Financial Challenges**

#### **(a) Budget Performance 2009/2010**

During the reporting period, the Commission remained constrained with a problem of inadequate funding to effectively execute its mandate. It is important to note that there was no increment in the MTEF ceiling during the FY 2009/2010 and yet operational costs are constantly increasing. However, the under funding notwithstanding, the Commission was able to execute its mandate as per the work plans. The Commission communicated the problem of under funding to the responsible agencies and it is hoped that the problem will be addressed in the near future.

#### **(b) Wage Budget**

The Commission has recruited new staff and plans to recruit even more so as to address its capacity gaps and enhance its performance in executing its mandate. Because of this, the Commission wage bill has tremendously increased and yet the MTEF wage ceiling remained the same during the reporting period. In addition, the Commission was declared "*other public service*" by the Ministry of Public Service and this created arrears with the NSSF for the Commission staff amounting to shs. 164 million. There is therefore need for additional funding to address these issues.

#### **(c) Non-Wage Budget**

The non-wage budget for the Commission just like the wage budget has remained the same for the reporting period. This has constrained the Commission in performance of its activities. Issues of staff welfare, gratuity payments, maintenance of vehicles and other office equipment, among others, were therefore severely affected by the shortage of resources to



address them.

#### **(d) Capital Development Budget**

The Capital Development budget of the Commission also remained the same for the FY 2009/2010. This left the Commission unable to acquire the necessary equipment such as vehicles, computers, and expansion of its office premises, among others, in order to fully execute its mandate. The Capital Development budget for the Commission therefore needs to be adjusted upwards in the MTEF to allow for acquisition of the necessary equipment for better performance.

#### **6.4.2 Human Resource Management challenges**

Limited structure and staff retention; over the years, the Commission has expanded both in relation to its scope of work and in terms of numbers of staff. Emerging issues and developments have had their impact on the Commission. Current regional and international commitments by Uganda as a member of the East African Community, COMESA, Association of Law Reform Agencies in Eastern and Southern Africa (ALRAESA), African Union, United Nations, among others, have from time to time necessitated close study and scrutiny of the country's legal regime and hence constant reform. However, the Commission experiences a problem of staff turnover despite the increase in work processes.

## ANNEXTURE

### Annex I: Uganda Law Reform Commission Staffing Position, 2009

	Name	Post/Title	Status
1	Prof. J M N Kakooza	Chairperson	Contract
2	Frank Nigel Othembi	Secretary, ULRC	Contract
3	Jovah Kamateeka K.	Under Secretary	Confirmed
4	Alexandra Nkonge	Commissioner	Confirmed
5	Florence Ochago	Asst. Commissioner	Confirmed
6	Gad Tumushabe	Asst. Commissioner	Confirmed
7	Henry Kisukiro S.	Principal Asst. Secretary	Contract
8	Annet Koote	Principal Legal Officer	Confirmed
9	Philip Odoki	Principal Legal Officer	Confirmed
10	Jeroline Akubu	Principal Legal Officer	Confirmed
11	Isabel Omal	Principal Legal Officer	Confirmed
12	Peter Wambete M.	Sen. Personnel Officer	Confirmed
13	Esther Majambere	Senior Legal Officer	Confirmed
14	Lilian Kiwanuka	Senior Legal Officer	Confirmed
15	Anthony Kakooza	Senior Legal Officer	Confirmed
16	Edward Kitonsa	Senior Legal Officer	Confirmed
17	Jane Frances Adongo	Senior Sociologist	Confirmed
18	Zitta Nadunga	Senior Personal Sec.	Confirmed
19	George Atwijukire	Accountant	Confirmed
20	Joyce Murungi	Personal Secretary	Confirmed
21	Beatrice Mugisha	Personal Secretary	Confirmed
22	Tessa Kawooya	Legal Officer	Confirmed
23	Jackie Akuno	Legal Officer	Confirmed
24	Barbra Irakiza	Personnel Officer	Confirmed
25	Charles Birungi	Sociologist	Confirmed
26	Prossy Nassanga	Librarian	Confirmed
27	Nathan Magera P.	Procurement Officer	Confirmed
28	Moses Wambi	Sen. Asst. Records Off.	Confirmed
29	Winfred Tuhaise	Sen. Accounts Asst.	Confirmed
30	Adhola Obbo T.	Senior Tel. Operator	Confirmed
31	Prisca Iribagiza	Steno Secretary	Confirmed
32	Grace Nerima	Steno Secretary	Confirmed
33	Josephine Bahingire	Steno Secretary	Confirmed
34	Margaret Khakasa	Pool Stenographer	Confirmed
35	Richard Kamure	Office Supervisor	Probation
36	Enock Ekallam A	Asst Procurement Off	Probation

37	James Manda	Accounts Asst.	Confirmed
38	Miria Kyobutungi	Receptionist	Probation
39	Moses Malinga	Records Assistant	Probation
40	Simon Onzima	Driver	Confirmed
41	Joseph Kayiira	Driver	Confirmed
42	Karoli Ekajo	Driver	Confirmed
43	Margaret Namuddu	Office Attendant	Confirmed
44	Laban Turyatemba	Office Attendant	Confirmed
45	Andrew Khaukha	Legal Assistant	Contract
46	Kenneth Rutaremwa	Legal Assistant	Contract
47	Augustine Ekasabat	Research Assistant	Contract
48	Ronald Lutunda	Legal Assistant	Contract
49	Carolyn Nibarungyi	Legal Assistant	Contract
50	Eugene Okello P.	Legal Assistant	Contract
51	Naboth Atuhair	Legal Intern	Contract
52	Mary Nyabalega S.	Legal Intern	Contract
53	Johnson Bigiira B.	Legal Intern	Contract
54	Faridah Kyomuhangi	Legal Intern	Contract
55	Joanita Munyango H.	Legal Intern	Contract
56	Angela Ntege N.	Legal Intern	Contract
57	Frances Katooko	Legal Intern	Contract
58	Peter Kaminza	Driver	Contract
59	Oscar Emagu	Driver	Contract
60	Richard Mukisa	Driver	Contract
61	Milton Kamoti	Driver	Contract
62	Suleiman Salim	Driver	Contract
63	Moses Sempijja	Driver	Contract
64	Angella Ssamanya	Office Attendant	Contract
65	Emily Kiconco	Office Attendant	Contract
66	Samuel Mubakye	Office Attendant	Contract

**Annex II: Visitors to the Commission, 2009**

<b>Date</b>	<b>Name</b>	<b>Address</b>	<b>Reason</b>
10/2/2009	David Danielson	RLP Kampala	Constitutional Law Discussion
23/2/2009	Mujuni Sam	Uganda Property HQs	Official
3/3/2009	Kamya John Asst. Com of Police	Police Headquarters	PhD Research Interview
9/4/2009	Miriam Levy Marianne	Copenhagen High Court Judge	Official
9/4/2009	Katjer Kerschbaumer	Danida 1 <sup>st</sup> First Floor EADB Building Kampala	Official
9/4/2009	Namundi Godfrey	Courts of Judicature P O Box 7085 Kampala	Official
15/5/2009	Ruth Okeding	NYC	IPR/MTTI
15/5/2009	Tomas Felcaal	NYC	IPR/MTTI
15/5/2009	Elizabeth Tamale	MTTI	IPR/MTTI
15/5/2009	Georgina N.	MTTI	IPR/MTTI
15/5/2009	Fied Kyle	World Bank Washington DC	IPR/MTTI
25/5/2009	David Nzaligo	Tumaini University Dar Es Salaam	Official
25/5/2009	Ms. Modesta Opiyo	Mzumbe University Tanzania	Study Visit
25/5/2009	Makarious J. Tairo	Faculty of Law University of Dar Es Salaam, Tanzania	Study Visit
25/5/2009	Edward Masoo	Tumaini University Iringa, Tanzania	Study Visit
25/5/2009	Semu Thomas	Faculty of Law University of Dar Es Salaam	Study Visit

25/5/2009	Dr. Tulia Ackson	Faculty of Law University of Dar Es Salaam	Study Visit
01/6/2009	Mulangira Kateregga	Masaka Kitovu	Official
4/6/2009	George Kasozi	UCU Mukono	Receive book donation
4/6/2009	Nyanzi Susan	UCU Mukono	Receive book donation
4/6/2009	David Bukonya	UCU Mukono	Receive book donation
8/6/2009	Moses Ali Lt Gen. (RTD)	3 <sup>rd</sup> DPM Office of the Prime Minister	Courtesy Call
10/6/2009	Owori M A	National University of Lesotho, LRC	Official
10/6/2009	Masopher Nnoko	Lesotho Law Reform Commission	Official
10/6/2009	Posholi R.M	Lesotho Law Reform Commission	Official
18/6/2009	Hon. Wilfred Niwigaba	Parliament of Uganda	Official
3/7/2009	Joanna Quinn	The University of Western Ontario	Consultation on research
3/7/2009	Katy Thompson	UNDP	UN Mission
3/7/2009	Anne Treber	UNIFEM	UN Mission
23/7/2009	S.B. Tindifa	Makerere University	Research
16/9/2009	Mike Sebalu	NPA	NLG Meeting with ULRC
16/9/2009	Aliro Omara	NPA	NLG meeting with ULRC
16/9/2009	Deo Nkunzingoma	NGC	NLG meeting with ULRC
16/9/2009	Muriuki Macharia	Law Africa Publishing (U) Ltd	Discussion with ULRC Chairman

16/9/2009	Kawanguzi Noah	Law Africa Publishing (U) Ltd	Discussion with ULRC Chairman
21/9/2009	Janice Ogonji	Amnesty International	Interview with Chairman and team
24/9/2009	Kaddu Zachary	Makerere	Interview with Chairman
24/9/2009	Jukka Kumpuvuuri	Finland	Interview
21/10/2009	Augustine Bahemuka	CJIS	JLOS Meeting
21/10/2009	Margaret A. Rugadya	CJIS	JLOS Meeting
21/10/2009	Laura Nyirinkindi	CJIS	JLOS Meeting
21/10/2009	John Bosco Kavuma	CJIS	JLOS Meeting
21/10/2009	Beatrice Ngonzi Murinowa	CJIS	JLOS Meeting
22/10/2009	Anne Louise Pier Christensen	Danish Institute for Human Rights	Interview with Chairman and others
22/10/2009	Elinor W Chemonges	FHRI	Interview
4/12/2009	Elisa Vasconi	Institute of Traditional Studies, Italy	Research

### **Annex III: Publications of the Commission, 2009**

<b>No.</b>	<b>Publication</b>
1.	Uganda Living Law Journal, Volume 6 No. 1
2.	Ministerial Policy Statement 2009/2010.

#### Annex IV: Members of the Law Revision Editorial Board, 2009

	Name	Institution
1.	Prof. Joseph M.N Kakooza	ULRC
2.	Mr. Frank Nigel Othembi	ULRC
3.	Ms. Jovah Kamateeka	ULRC
4.	Ms. Percy Tuhaise	LDC
5.	Ms. Alexandra Nkonge	ULRC
6.	Ms. Florence Ochago	ULRC
7.	Ms. Harriet Apinyi	Parliamentary Commission
8.	Mr. Gad Tumushabe	ULRC
9.	Ms. Isabel Omal	ULRC
10.	Mr. Moses Sekaana	Advocate
11.	Mr. Sam Wairagala	JLOS Secretariat
12.	Ms. Irene Lugayizi	FPC
13.	Mr. Joseph Ssonko	Consultant
14.	Mr. Pius Biribonwoha	Parliament
15.	Ms. Esther Majambere	ULRC
16.	Mr. Edward Kitonsa	ULRC
17.	Mr. Isaac Singura	FPC
18.	Ms. Katooko Frances	ULRC
19.	Ms. Joan Kyomugisha	ULRC
20.	Ms. Angela Ntege	ULRC
21.	Ms. Faridah Kyomuhangi	ULRC
22.	Ms. Absalom Mubangizi	ULRC
23.	Ms. Carolyn Nibarungyi	ULRC
24.	Ms. Joanittah Munyango	ULRC

**Annex V: Editorial Board for the Uganda Living Law Journal, 2009**

	<b>Name</b>	<b>Title/Institution</b>
1.	Prof J.M.N Kakooza	Editor- in -chief, ULRC
2.	Mr. Frank Nigel Othembi	Secretary, ULRC
3.	Professor David Bakibinga	Deputy Vice-Chancellor, Makerere University.
4.	His Worship Wilson M. Musene	Land Division, High Court of Uganda
5.	Mr. Pius Perry Biribonwoha	Parliamentary commission
6.	Ms. Jovah Kamateeka Karamagi	ULRC
7.	Mr. Deo Rubumba Nkunzingoma	Advocate
8.	Ms. Jane Francis Adongo	ULRC
9.	Ms. Harriet Diana Musoke	Law Development Centre
10.	Ms. Kamugisha M.B.	-
11.	Mr. Asan Kasingye	Uganda Police Force
12.	Ms. Alexandra Nkonge	ULRC
13.	Ms. Florence Ochago	Project Coordinator, ULRC
14.	Ms. Esther Majambere	Board Secretary, ULRC



**Annex VI: Workshops and conferences attended by Commission staff, 2009**

<b>Date</b>	<b>Workshop</b>	<b>Officer</b>
13 – 17 Jan 09	Taskforce meeting on amendment of the Treaty for the Establishment of the EAC – Arusha	Florence Ochago
19 – 21 Jan 09	EAC annual conference on good governance in the EAC integration – Dar-es-Salam	Chairman
23 – 27 Feb 09	Capacity building for human resource development – Policy and Strategy in Public Service Arusha	Irakiza Barbra
23 – 26 Feb 09	ESAAG Annual Conference – Kigali	Akoo Alice (RIP)
31 Jan– 7 Feb 09	Study tour – South Africa	Lillian Kiwanuka
17 Mar 09	IFMS – Roll out Kick Implementation	George Atwijukire Barbra Irakiza
17 Mar 09	Workshop to review the Half year performance of the budget – Hotel Royale	Jovah Kamateeka
12 – 13 Mar 09	Approximation of national laws – Arusha	Chairman
23 – 25 Mar 09	Implementation issues on intellectual property – USA	Alex Nkonge
23 – 27 Mar 09	Procurement Cadre forum for Central Government and Statutory bodies	Paul Magera
5 – 6 Apr 09	National Consultative workshop on the ESC regulations at Ridar Hotel – Seeta, Mukono.	Odoki Phillip
8 Apr 09	Half day consultation on the Legislative process for commercial laws – Protea Hotel	Rutaremwa Kenneth
8 Apr 09	Team – Uganda meeting on competitiveness of Nations – Golf Course Kampala	Chairman and Ochago Florence.

March 2009	Bench marking exercise on Reform of Excise Tarriff Laws Republic of Kenya and Republic of South Africa	Ochago Florence, Adongo Frances, Kiwanuka L.
17 Apr – 12 Jul 09	Diploma Programme in Managerial Control & Mgt Information Services – Netherlands	Frank Nigel Othembi
4 – 8 May 09	East African Magistrates and Judges Conference - Nairobi	Ochago Florence
19 – 21 May 09	Annual Digital Summit – Munyonyo Commonwealth Resort	Koote Annet and Kiwanuka Lillian
11 – 15 May 09	Workshop for preparation of the Ministerial Policy Statement for F/Y 2009/10 – Uganda Computer Services	Irakiza Barbra and Atwijukire George
13 – 27 May 09	Ordinary Session of the African – Commission on Human & People’s Rights , Banjul, The Gambia	Philip Odoki
28 May 09	Dissemination of the business process out sourcing strategy and model for Uganda, Hotel Africana, Kamapala	Lillian Kiwanuka
4 – 5 Jun 09	Human rights & State reporting – enhancing human rights protection in Uganda – Imperial Royale Hotel, Entebbe	Andrew Khaukha
25 – 26 Jun 09	Business Process outsourcing Conference (Ministry of ICT)	Lillian Kiwanuka
9 Jul 09	Workshop on Copyright and access to leaving materials in Uganda	Jerolyne Akubu
4 Aug 09	Workshop on the use of the Revised pay Change Report Forms manual – MPS	Barbra Irakiza
27 – 28 Aug 09	Consultative workshop to discuss the draft prevention and control of HIV/AIDS Bill – Protea Hotel (Human Rights Commission)	Jeroline Akubu

27 – 28 Aug 09	EAC meeting – Arusha: Good Governance	Koote Annet
31 Aug – 4 Sep 09	EAC Council of Ministers	Frank N. Othembi & Florence Ochago
21-26 Sep 09	AAPAM Conference-Nairobi	Jovah Kamateeka
26 – 30 Oct 09	Changing the Law – Successful reform - London	Chairman & Jovah Kamateeka
27 – 30	Ad-hoc taskforce on Implementation of Article 8(4) and (5) of the Treaty – Arusha	Chairman
31 Aug – 17 Sep 09	JLOS Transitional Justice Study tour – SierraLeone, Netherlands – Bosnia and Herzegovina	Lillian Kiwanuka, Jerolyn Akubu and Jane F Adongo
26 – 30 Oct 09	EAC – Approximation of laws - Kigali	Alexandra Nkonge
11 - 25 Nov 09	Ordinary Session of the African Commission on Human and People’s Rights – Banjul	Philip Odoki
16 – 20 Nov 09	Customary Justice & Legal plurism in post conflict and fragile states	Frank Nigel Othembi
15 – 16 Dec 09	Anti Money Laundering Bill– Imperial Resort Hotel – Entebbe	Florence Ochago, Anthony Kakooza, Khaukha Andrew

## **Annex V11: List of Publications received by the Commission, 2009**

- 1) Implementation Handbook for the Convention on the Rights of the Child (2007) by UNICEF.
- 2) The Uganda Living Law Journal Vol. 6 No.1 by the Uganda Law Reform Commission.
- 3) The Uganda Living Law Journal Vol. 5 No.2 by the Uganda Law Reform Commission.
- 4) Uganda Human Rights Reporter 2003 – 2007 by Uganda Human Rights Commission 2008.
- 5) East African Journal of Peace and Human Rights. Vol. 14 No.1 2008 by the Human Rights & Peace Center, Makerere.
- 6) East African Journal of Peace and Human Rights. Vol. 14 No.2 2008 by the Human Rights & Peace Center, Makerere.
- 7) Law of the Republic of Indonesia No. 11 of 2008 on Electronic Information Transaction (booklet) by the Republic of Indonesia.
- 8) African Peer Review Mechanism – Country Review Report No. 7 of 2009 by APRM.
- 9) Legal Aspects of Careers (Consultation Paper) by Ireland Law Reform Commission.
- 10) Civil Liability of Good Samaritans and Volunteers (Report) by Ireland Law Reform Commission.
- 11) Limitation of Actions (Consultation Paper) by Ireland Law Reform Commission.
- 12) Legal Aspects of Family Relationships (Consultation Paper) by Ireland Law Reform Commission.
- 13) Ministerial Policy Statement for Gender, Labour and Social Development for FY 2009/2010.
- 14) Ministerial Policy Statement for the Ministry of East African Community Affairs for FY 2009/2010.

- 15) The August House –A Bulletin of the Parliament of Uganda Vol. 8, Issue 3, August 2009.
- 16) Civil Procedure and Practice in Uganda by Ssekaana M.
- 17) Annual Report of the Uganda Human Rights Commission, 2008.
- 18) Annual Report of the Law Reform Commission of Hong Kong, 2009.

#### **JOURNALS RECEIVED – 2009**

- 1) Journal of African Economies, Vol. 18, Issues 1 – 5.
- 2) Journal of International Economic Law, Vol. 12, Issues 1 – 4.
- 3) Oxford Journal of Legal studies, Vol. 29, Issues 1 – 4.
- 4) Journal of Intellectual Property Law and Practice, Vol. 4, Issues 1 – 12.
- 5) The Journal of Law Economics and Organization, Vol. 25, Issues 1 – 2.
- 6) International and Comparative Law Quarterly, Vol. 58, Issues 1 - 4
- 7) Commonwealth Law Bulletin, Vol. 35, Issues 1 – 5.

#### **MAGAZINES**

- 1) Procurement news January – December 2009.
- 2) Newsweek October – December 2009.
- 3) NLU – a Newsletter of the National Library of Uganda.
- 4) Insight – Journal for the National Resistance Movement Vol. 1, Issue I January – April 2009.

#### **UGANDA GAZETTE**

The Commission subscribes to the Uganda Printing and Publishing Corporation for the Uganda Gazette and its Supplements.

#### **NEWS PAPERS**

The Commission purchases and keeps leading newspapers in the country and in the region on a daily basis and as and when they are published including the New Vision, the Monitor, Observer Crusader and the East African.

**Annex VIII: Members of the ULRC Appointments Board as at  
31<sup>st</sup> December 2009**

	<b>Name</b>	<b>Title /Institution</b>
1.	Prof. J.M.N Kakooza	Chairman, Uganda Law Reform Commission
2.	Mr. Francis Oryang Lagony	Member, Public Service Commission
3.	Mr. J. M. Nanseera	Commissioner Human Resource, Ministry of Public Service
4.	Ms Hellen Obura	Secretary Law Council, Ministry of Justice & Constitutional Affairs
5.	Mr. Frank N. Othembi	Secretary, Uganda Law Reform Commission