

MPs insist on scrapping LDC pre-entry exams

By Moses Walubiri

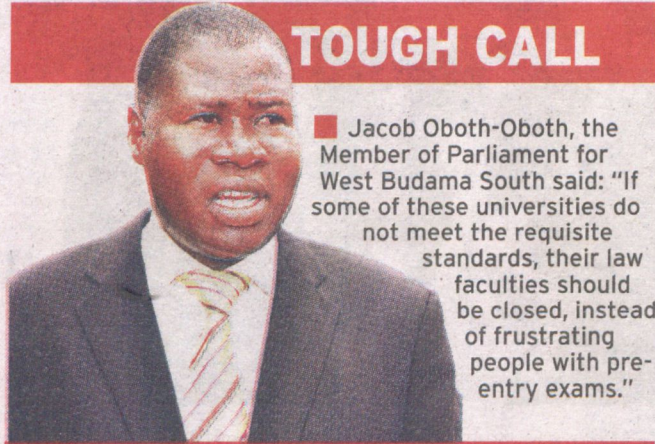
For the over 1,000 lawyers that are licking their wounds after failing the Bar Course pre-entry examination for the academic year 2018/19, all might not be lost as Parliament makes one final push to have an earlier recommendation scrapping the said exams altogether enforced soon.

However, the policy shift is being stridently opposed by Uganda Law Society (ULS) and a section of lawyers in private practice who regard the examination set by the Law Council as the last bulwark against what ULS president Simon Peter Kinobe regards as "quack incompetent lawyers" being set loose against unsuspecting members of society.

In June this year, Parliament adopted a recommendation by its legal and parliamentary affairs committee to have Law Development Center (LDC) pre-entry exams scrapped, reasoning that the said exams serve no purpose.

The LDC is the only institution in Uganda that offers the Bar Course, leading to the award of the postgraduate diploma in legal practice, which qualifies one to practise law in Uganda.

On Thursday, Jacob Oboth-Oboth (West Budama South) reminded the House of its resolution with Speaker of Parliament Rebecca Kadaga demanding that the Executive



TOUGH CALL

■ Jacob Oboth-Oboth, the Member of Parliament for West Budama South said: "If some of these universities do not meet the requisite standards, their law faculties should be closed, instead of frustrating people with pre-entry exams."

proffers a response this week. Later in an interview with the *New Vision*, Oboth-Oboth noted that although it was important for quality control mechanisms to be maintained when it comes to training lawyers, LDC pre-entry is not an apt "safety valve".

"We need to make sure that lawyers graduating from all accredited universities are of the required quality through the Law Council interesting itself in the curriculum and the people teaching law at universities. If some of these universities do not meet the requisite standards, their law faculties should be closed, instead of frustrating people with pre-entry exams," Oboth-Oboth said.

Out of the close to 2,000 lawyers that sat LDC-entry this year, only 624 passed.

The Government has increased LDC's budget with the aim

of opening another branch in Mbarara — the first of regional centres aimed at enhancing LDC's capacity to meet the increasing demand for the Bar Course.

Besides, the legislator contends, other common law countries like Ghana and Kenya have phased out similar arrangements deeming them anachronistic.

However, Kinobe, his predecessor, Francis Gimara (senior advocate), Peter Walubiri and shadow attorney general Wilfred Niwagaba (Ndorwa East) contend that the mooted policy shift will grossly erode quality control mechanism in the face of declining quality of lawyers entering the market every passing year.

"Instead of being populist, Parliament ought to ask the Law Council, ULS and LDC whether there is any serious quality

control mechanism left if pre-entry is scrapped. Because of the over liberalisation of the training of lawyers, you get lawyers who cannot read, analyse or interpret simple legal principles, Kinobe told *New Vision* yesterday.

Gimara and Niwagaba, a former lecturer at LDC, contend that scraping LDC pre-entry without Parliament first interesting itself in how to improve quality of legal education does not make sense.

However, although Walubiri is against the idea of scrapping LDC pre-entry exams, he sees an opportunity to reform the training of lawyers during the Bar Course if Parliament rides roughshod over ULS's opinion.

LDC, Walubiri says, should be turned into a bar course examination body with the actual teaching left to licensed institutions that meet stringent requirements for accreditation as the case is with Chartered Certified Accountants.

LDC director, Nigel Othembi, said the 2018/19 academic year would commence next Monday with 200 students at the Mbarara branch and 470 at its main campus in Kampala.

In 2000, LDC was plagued by a high failure rate among students, as high as 90% in some years.

The LDC, together with the Ministry of Justice and Constitutional Affairs and ULC decided to design changes that include a pre-admission written examination set for students by the Law Council.

Judge wants unique breastfeeding law for inmate mothers

By Petride Mudoola

Soroti Resident Judge Justice David Batema has asked Parliament to enact a new law to enable women imprisoned with breastfeeding children access special nutritional care.

In an interview with *New Vision*, Batema observed that the Prisons department faces the challenge of looking after pregnant mothers and breastfeeding children who find themselves victims of circumstances.

"It is a fundamental question that requires Parliament to review. We need a law on how these blameless children fit in criminality, given the fact that they are innocent, yet have a right to the basic needs required by every child," Batema explained.

In its 21 women detention facilities countrywide, the Uganda Prison Services currently accommodates over 200 children whose mothers are in prison, with Luzira Women's Prison having the biggest number at 40.

Batema noted that the current laws only prohibit the execution of convicted pregnant women, adding that similar treatment, in terms of feeding, should also be extended to the breastfeeding children.

According to international rights of the child, a state that convicts a child's parent has the responsibility to ensure that the child is cared for. Unfortunately, in Uganda, these children hardly receive state assistance, the judge observed.

Frank Baine, the prison's publicist, said: "Much as the current prison budget caters for children who are detained with their mothers, specific considerations, such as more frequent and specialised medical attention, are not put in place, due to the meagre resources."

"For many of the detained women, the events leading to imprisonment rip apart their marriages, as a result, they are abandoned by their husbands, leaving the responsibility of looking after the children to prison authorities," Baine said.

An inmate mother, who spoke on condition of anonymity, said: "Considering the usual meal of posho and beans supplied to prisoners, I find it difficult to produce enough milk to feed my baby, since the food provided lacks ample nutrients for growing children."

"Despite the challenges, we encounter while in jail, children are deemed too young to be separated from their mothers. But regardless of the circumstances, staying with our children in prison is the best option available," she admitted.

Parliament passes delayed Mental Health Bill into law

By John Odyek and Henry Sekanjako

Parliament has passed the Mental Health Bill 2014 which seeks to help six million Ugandans, estimated to have mental problems, with a lot more also facing the risk of getting affected due to social, political and economic pressures.

Speaker of Parliament Rebecca Kadaga, who chaired the House on Thursday, regretted that it took four years for the law to be passed, yet there were many Ugandans who need mental health treatment.

Sarah Opendi, the state minister for health in charge of general duties, said the Bill was passed at a time when the Mental Treatment Act 1964 had become outdated.

Opendi explained that the new law provides for the treatment of people with mental health problems. She said the old law provided for the confinement of mental health patients. The outdated law ignored consideration for clinical care and the human rights of those affected.

"People were locking up mental health patients. But now treatment and care will be available in health center III and IVs. We shall equip the health centres and recruit the necessary staff.



Opendi during the plenary last week. Photo by Miriam Namutebi.

Nurses have training in psychiatry. We shall also have a focal person in each district to concentrate on mental health issues," Opendi said.

She added that the law provides for the decentralisation of treatment of mental health patients, instead of bringing them all to Butabika Hospital. "Butabika Hospital will remain, but it will handle complex cases. Not all

people can come to Butabika". She noted that the country has only 30 psychiatrists and most of them based in Kampala.

Dr Michael Bukonya, chairperson of the committee on health, said the new law will ensure that persons with mental illness seek treatment voluntarily and provides for their safety. The Bill seeks to ensure safety of the

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ABOUT THE NEW LAW

people who come into contact with persons with mental illness. It sets up the Mental Health Advisory Board and bans electroconvulsive therapy (electroshock therapy) without the approval of a psychiatrist.

"The WHO report of 2006 indicates that at least 7.4% Ugandans suffer from common mental illnesses particularly depression, anxiety and alcohol use disorders. The treatment gap for mental disorders in Uganda is 85% meaning that only 15% that need care get it," Bukonya said, adding that WHO had ranked Uganda among the top six countries in Africa with the highest cases of mental disorder.

The committee recommended the Ministry of Health carry out mental health survey to find the accurate data on the rise of mental illness in Uganda. It asked the Government to encourage the private sector to participate in mental health care service.

The committee quoted reports that showed that some Ugandans were visiting traditional healers when in psychological distress, with some having severe mental illness and others being suicidal, yet there is no legal framework to regulate the activities of traditional healers and religious leaders visited by mental health patients.

Mental illness is defined as a condition that affects a person's thinking, feeling or mood. Such a condition may affect someone's ability to relate with others and functionality.