

MEDICINE AND THE LAW

Attorney General rubber stamps forensic Bill

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On March 16, the Attorney General (AG) wrote to the Clerk of the Parliament expressing his views and advice on the contentious Forensic and Scientific Analytical Services Bill, 2025, one of whose key objectives is to provide for the regulation of forensic and scientific analytical services in the country.

The Office of the Director of Public Prosecutions (ODPP), the Uganda Police Force and Parliament's Committee on Defence and Internal Affairs had raised pertinent issues in respect of the Bill, necessitating advice from the chief legal advisor of the government. The Ministry of Health and other stakeholders had also expressed concerns about the Bill, and one concerned citizen even questioned the real motive and spirit behind the Bill.

There is no doubt that forensic services are crucial in justice delivery and are provided by, among others, the police, the Ministry of Health and the Government Analytical Laboratory. These sectors technically play distinct roles. The question that arises is whether a single operational law can be used to harmonise the diverse roles and functions of these three stakeholders.

On February 13, 2025, on the floor of Parliament, the minister of State for Internal Affairs withdrew the Forensic Evidence Bill, 2024, on the grounds that, after extensive consultations, it had become obvious that some aspects of the Bill needed to be reviewed and refined, and improvements made.

On May 16, 2025, the Forensic and Scientific Analytical Services Bill, 2025, was published in the Uganda Gazette. This is understood to be the revised version of the Forensic Evidence Bill, 2024. In reality, the framers of the Forensic and Scientific Analytical Services Bill, 2025, did not improve on the Forensic Evidence Bill 2024; they did not address any of the major concerns that the stakeholders raised regarding the preceding Bill. An important recommendation was the creation of an independent regulatory body, as is the case in other countries.

It was observed that the Forensic and Scientific Analytical Services Bill, 2025, is basically about the services provided by the Government Analytical Laboratory, to the exclusion of the services offered by other stakeholders. There is, however, no doubt that the Bill negatively impacts the services provided by the police, whose constitutional mandate is to investigate crime.

That the Ministry of Health is a key provider of forensic services is not in contention. Health workers examine survivors of rape and defilement daily and collect specimens, some of which are analysed in the hospital laboratories. These include blood tests for HIV, vaginal swabs for spermatozoa and infections. Doctors throughout the country carry out forensic post-mortem examinations, and some of the samples are analysed in the pathology laboratory.

In the Forensic and Scientific Analytical Bill, 2025, the Department of Inspection and Legal Services is designated as the regulator for forensic and analytical services in the country. This would mean that this department would regulate forensic medical services and, therefore, regulate services super-

vised by the Ministry of Health and regulated by the Uganda Medical and Dental Practitioners Act and other health-related laws.

The Ministry of Health, in its submission, recommended that a dedicated committee of experts be drawn from the relevant stakeholders involved in the forensic field and constituted to provide oversight and regulation of forensic practice in the country. This is necessary considering the wide scope of forensic practice and the critical role of the multiple stakeholders.

Another stakeholder was of the opinion that Uganda's most urgent need is for an independent body, by law established, to regulate and oversee the forensic services offered by the key stakeholders. Such a body will provide regulatory oversight to the forensic services offered by police, the Ministry of Health and the Government Analytical Laboratory.

The DPP expressed concern that designating the Department of Inspection and Legal Services of the Ministry of Internal Affairs could be interpreted to mean that the department would have authority to regulate or direct criminal investigations, a function that constitutionally falls under police and DPP.

The DPP further observed that such a designation might interfere with the operations of the Department of Forensic Services within the police, as it would effectively require that department to comply with standards and directives issued by another entity under the Ministry of Internal Affairs.

The AG is, however, adamant that the Department of Inspection and Legal Services should be designated as the regulator of forensic services. This, to the AG, has been informed by the government policy on rationalisation of agencies, which currently places a moratorium on the creation of new regulatory bodies.

The intention, to the AG, therefore, is that the department would regulate forensic and analytical laboratories to ensure compliance with standards and quality benchmarks established by the Ministry of Internal Affairs. There is, however, no doubt that the Department of Inspection and Legal Services of the Ministry of Internal Affairs does not have the capacity to regulate services offered by the Ministry of Health or the forensic services offered by the Uganda Police Force.

The DPP, in an earlier submission, had reiterated that when a law is enacted, it should address a specific mischief meriting regulation by statute. The DPP reaffirmed that it had perused the draft Forensic Services Bill, 2025, and particularly the memorandum, and was of the considered opinion that neither the memorandum nor the text of the Bill itself clearly spelt out the mischief the law is intended to cure. To put it plainly, the draft Forensic Bill, 2025 was technically flawed and, therefore, incurably defective. Not so, said the AG.

The major issues in forensic service delivery in Uganda today include credibility of our results, capacity building, logistical challenges and coordination of the services. The Forensic and Scientific Analytical Services Bill 2025 has not and will not address these endemic challenges. The root causes of these poor services needed to have been interrogated even before such a Bill was drafted. Unfortunately, this Bill was drafted without any benchmarking. It would probably be the first law of its kind in the world.

To be continued...