



PARLIAMENT OF UGANDA

PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

SECOND SESSION - THIRD MEETING

TUESDAY, 21 MARCH 2023



PARLIAMENT OF UGANDA

IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

SECOND SESSION - 18TH SITTING - THIRD MEETING

Tuesday, 21 March 2023

Parliament met at 1.59 p.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Ms Anita Among, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you to this afternoon sitting. I commend all those who attended the special sitting on Thursday when there was a presidential address to the House on matters of national importance, which was pursuant to Article 101(2) of the Constitution of Uganda. The presidential address raised a number of issues, in regard to the Parish Development Model. And as we agreed, we will be debating the Parish Development Model in relation to what was presented by the President.

Honourable members, this week, we commemorate the demise of our late Speaker, the Rt Hon. Jacob Oulanyah L'Okori. We recover from the agony of his untimely death as we celebrate his enduring legacy, the inspiration and dedication he had to a people-centered Parliament and moulding a Uganda that we aspire to be in.

By the time the Rt Hon. Speaker passed, he wanted us to have a debate in this House on the Uganda we want and we will do that on Thursday. *(Applause)*

As the institution of Parliament, we dearly miss Jacob and we will forever support his family and do everything possible, for somebody who nurtured all of us in this House, and who believed in a better Uganda than the one we have today. He used to say that we are here to serve humanity, and that we should be able to live the country better than we found it; that is what we should do, as legislators.

Honourable members, today the 21st day of March is World Down Syndrome Day. This is the global awareness day, which is officially observed by the United Nations since 2012, to raise awareness and mitigate the stigma against people suffering from Down syndrome.

As we celebrate this day today, we sympathise with people who are living with Down syndrome. As Parliament, we promise to continue creating awareness about the stigma that comes with the syndrome.

I want to thank all of you, Members, for coming. Our agenda for today is going to be very short. We have a Bill and that is all we will handle today. *(Applause)* We have got a lot of threats and intimidation, but let us stand for the truth. *(Applause)*

THE SPEAKER: Next item. Yes, LOP.

2.04

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Thank you, Madam Speaker. Briefly on your communication - first of all on this –

THE SPEAKER: Honourable members, it is free sitting today.

MR MPUUGA: Most obliged, Madam Speaker. On this day, when we commemorate Down Syndrome, I would ordinarily have expected the Minister of Health to make a statement to the House on the situation in the country, on mitigation, and the general adviser to the public.

I am surprised that the Minister of Health is a no-show, and did not exhibit any interest in updating the country on this situation. But it is your discretion, Madam Speaker, to demand of the Government Chief Whip to declare the whereabouts of his absent comrade, and whether he is even aware of this day.

THE SPEAKER: Fortunately, they are all ladies.

MR MPUUGA: Whether she is even aware - or even whether the frontbench is alive to its existence.

Secondly, on the address by the President, coming at a time when Parliament was about to debate its own regional reports, Madam Speaker, on another day, you would guide the President to avoid being pre-emptive of Parliament and to allow Parliament to do its duty. This is because if you follow up, you will notice that there are now frantic efforts to try and pre-empt regional reports.

I want to put the House on notice that in a month's time, the Opposition will present to the House a comprehensive report on the PDM and the attendant matters. Thank you.

THE SPEAKER: Thank you. We will be glad to receive that report, and as the Opposition, your work is to check Government. The report that was presented by Government was actually given by my office; we extracted the resolutions to help you know that while debating, you should know that the President is aware of what is happening.

So, we are going to have a debate; tomorrow, we will continue having these debates but we will be very glad to hear from the Opposition.

I got information that the Minister of Health went to attend that function on Down syndrome. That is the report I got; she will be joining us later. Thank you.

2.08

MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso): Thank you very much, Madam Speaker. In your Communication from the Chair on the address by the President, our rules provide that the President, when coming to Parliament, can be accompanied by an *Aide-De-Camp* (ADC). The rules do not provide that he can be accompanied by his wife, and that is according to rule 10, if the Members have their rules.

Anyhow, the point I want to raise is that around the year 2000, this Parliament approved money to buy and furnish the Office of the First Lady at Malcolm X Avenue in Kololo.

Hon. Mary Karoro Okurut, the then Presidential Press Secretary told the country, when I was still in the media industry, that the First Lady's office is a formal one, which is why public money was used to buy that office.

Today, the First Lady is also the Minister of Education and Sports, which is against the Public Service Standing Orders. Can the Government tell us whether she abandoned the role of the First Lady and became the Minister of Education and Sports or vice versa? Or did she come as the *Aide-De-Camp*? Otherwise, under the Uganda Public Service Standing Orders, one cannot occupy two offices.

The First Lady's office at Malcolm X Avenue in Kololo is a formal office. Then there is also another office at the education ministry. So, can the Government tell us whether the Hon. Janet Museveni Kataaha now abandoned the role of the First Lady to occupy this office or she is occupying both?

THE SPEAKER: Honourable members, to the best of my knowledge, I saw the President

accompanied by the ADC. And he was also accompanied by the Minister of Education and Sports, who is also the First Lady. But that is not something very important today. What is important today is for us to discuss this Bill. *(Applause)* I do not want you to divert me - *(Laughter)* - I have got the point but the President was escorted by his ADC and the First Lady attended as the Minister of Education and Sports.

2.11

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Thank you, Madam Speaker. I rise to react to your Communication from the Chair where you thanked Members of Parliament for coming this afternoon to attend Plenary.

Madam Speaker, since Thursday up to today, some of us have almost failed to come to Parliament. This is because when the rains started, all roads flooded, including the roads in the Kampala Metropolitan Area - the city. There has been flooding everywhere and the roads have been damaged. Some Members have failed to come to Parliament because the situation is very bad. Upcountry is worse. In fact, Members of Parliament who are upcountry have been cut off because the flooding is everywhere.

Madam Speaker, now that the Minister of Works and Transport is seated down here, I would like to seek your guidance on whether he can give us a statement on how we can plan this - *(Interjection)* - of course it all depends on the guidance of the Speaker -

THE SPEAKER: Hon. Silwany, we have talked about roads and the minister is going to bring a report about them. Last week, we assigned the minister to handle issues of roads, both in and outside Kampala. However, of course, the outstanding issue still remains funding. Therefore, since you are the ones who appropriate money, please appropriate money for the roads.

I recall that we appropriated some money but that money has not been released. We need the

Ministry of Finance, Planning and Economic Development to respond to that. The finance ministry has a lot of issues to respond to in this House. As we speak, even our own Parliament budget has been cut; a statutory vote.

MR SILWANY: Most obliged, Madam Speaker.

THE SPEAKER: Thank you. Honourable members, in the public gallery this afternoon - first, I would like to welcome the press. *(Applause)* You are most welcome. This is the Parliament of Uganda. It is a people-centred Parliament. We accommodate everyone and we are here to legislate for our people and for humanity. So, you are all most welcome but after we have handled this Bill, please remain and continue covering the debate on other matters too. *(Applause)* Do not only pick on what you want; also pick on what Ugandans want.

Honourable members, in the public gallery this afternoon, we have students from the Public Relations and Mass Communication Class of the University of Kisubi. You are most welcome. Please stand up. Join me in welcoming them. They have come to observe the proceedings of this House. Item 3.

LAYING OF PAPERS

3(A) THE TREASURY MEMORANDUM ON THE REPORTS OF THE PUBLIC ACCOUNTS COMMITTEES: CENTRAL GOVERNMENT; LOCAL GOVERNMENT; AND COMMISSIONS, STATE AUTHORITIES AND STATE ENTERPRISES FOR THE FINANCIAL YEARS 2013/2014 TO 2019/2020, ADOPTED OMNIBUS BY THE 10TH PARLIAMENT

THE SPEAKER: Honourable members, Section 53(1) of the Public Finance Management Act, 2015, stipulates thus: *“The minister shall submit a Treasury memorandum to Parliament within six months from the date of Parliament’s consideration of the report of the Auditor-General, in accordance with Article 163(5) of the Constitution.”*

On 7 May 2021, the 10th Parliament adopted the pending reports of the Auditor-General that were before the Committee on Public Accounts (Central Government), the Committee on Commissions, State Authorities and State Enterprises and the Committee on Public Accounts (Local Government).

Pursuant to Section 53 of the Public Finance Management Act, 2015, the finance minister is set to table the Treasury Memorandum. Honourable members, as I said, it is free sitting. Please sit anywhere because I want to ascertain quorum.

2.16

THE GOVERNMENT CHIEF WHIP (Mr Denis Obua): Madam Speaker, on behalf of the Government, I beg to lay the Treasury Memorandum on the reports of the public accounts committees of Central Government, Local Government and Commissions, State Authorities and State Enterprises (COSASE), for the financial years, 2013/2014 to 2019/2020, adopted omnibus, by the 10th Parliament.

THE SPEAKER: Thank you so much. The Treasury Memorandum is referred to the Auditor-General, pursuant to Section 13(1) of the National Audit Act, 2008. Thank you.

3 (B) REPORT OF THE DELEGATION
OF THE 17TH SESSION OF THE
PARLIAMENTARY UNION OF THE
ORGANISATION OF ISLAMIC
COUNTRIES (PUIC) HELD IN ALGIERS,
ALGERIA, 29–30 JANUARY 2023

THE SPEAKER: Honourable member, we will handle your issue tomorrow because I need you to give the House an explanation. For now, first things first.

BILLS
SECOND READING

THE ANTI-HOMOSEXUALITY BILL, 2023

THE SPEAKER: Yes, point of procedure, Hon. Ssemuju.

MR SSEMUJJU: Madam Speaker, when this Bill came for the first reading, I did ask, through you, for the Government's commitment and you said that they all support it.

However, I notice that the Prime Minister, with three deputies and the Vice-President who is a member of this Parliament and many other ministers are taking cover – *(Laughter)* – they are hiding. They have volunteered the Government Chief Whip.

Therefore, the procedural issue I am raising is whether we should not listen to the person, who is assigned by the Administration of Parliament Act and our rules, to make sure that the Government side attends Parliament; to tell us why the Prime Minister, the three deputies, and the Vice-President are hiding.

THE SPEAKER: Government Chief Whip – but you recall what I said the other time; that we shall know them by their deeds.

2.19

THE GOVERNMENT CHIEF WHIP (Mr Denis Obua): Thank you, Madam Speaker. From my own sense of judgment, in compliance with the Rules of Procedure of Parliament, we have more than enough quorum. The offices and the officers mentioned notwithstanding, Government is fully represented in this House. I beg to submit.

THE SPEAKER: Thank you. Maybe let me assure the House that Government is in support of this Bill; Government gave us a Certificate of Financial Implications. That is most important; the rest is left to us.

Honourable members, in the VIP Gallery this afternoon, we have the Rt Rev. Hannington Mutebi, the Assistant Bishop of Kampala Diocese; and Rev. Canon Dr Rebecca Nyegenye, the Provost of All Saints Cathedral; you are most welcome. They have come to observe their flock debate. I want you to watch very well; these are your people. I also would like to call upon all the constituents to watch their members of Parliament today so that they can be able to tell who is for and who is against this Bill.

Honourable members, again in the Public Gallery this afternoon, we have students from Mbalala Secondary School, Mukono District, represented by Hon. Kiwanuka and Hon. Nabukeera. Please stand up for the kids see you, honourable members. You have very good members of Parliament. The students are here to watch the proceedings of this House. Thank you very much, for coming.

BILLS
SECOND READING

THE ANTI-HOMOSEXUALITY BILL, 2023

THE SPEAKER: Hon. Asuman Basalirwa, MP Bugiri Municipality, can you move your motion?

2.22

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Thank you, Madam Speaker. In accordance with Rule 130 of our Rules of Procedure, I beg to move that the Bill entitled, “The Anti-Homosexuality Bill, 2023,” be read the second time.

THE SPEAKER: Thank you. Is the motion seconded for the second reading? Honourable members, the Bill has been supported by the Leader of the Opposition, by Hon. Jonathan Odur, the Government Chief Whip, Hon. Bahati, Hon. Ecweru, Hon. Agnes Nandutu, Hon. Dr Muyingo, by the Minister of State for Ethics and by everybody in the House. *(Applause)*

Would you love to speak to your motion? Honourable members, this is the most supported Bill and I would like to thank you, for standing with your people. Would you give us a synopsis of your Bill?

MR BASALIRWA: Thank you, Madam Speaker. On the 9th of March -

THE SPEAKER: Honourable members, please observe silence. Yes, Hon. Oshabe.

MR NSAMBA OSHABE: Madam Speaker, our colleague, Hon. Musila, is dressed

inappropriately. On many occasions, we have had desires to pass on our issues the way we dress here but we have been denied that opportunity.

Whereas Hon. Musila may be dressed that way purposely to pass on information, the way he is dressed is against the dresscode as stipulated by our rules. Are we proceeding well, Madam Speaker?

THE SPEAKER: Honourable members, can I have the Members at the entrance sit? Hon. Musila, you are very smart. *(Laughter)* Can you continue?

MR BASALIRWA: Thank you, very much -

THE SPEAKER: Honourable members, I do not want any disturbances. Can we have the motion presented?

MR BASALIRWA: Madam Speaker, on 9 March 2023, the Bill entitled, “The Anti-Homosexuality Bill, 2023” was, in accordance with Rule 128 of the Rules of Procedure of Parliament, read for the first time and referred to the Committee on Legal and Parliamentary Affairs, for scrutiny.

The objective of the Bill was to establish a comprehensive and enhanced legislation to protect traditional family values, our diverse culture, and our faiths, by prohibiting any form of sexual relations between persons of the same sex and the promotion or recognition of sexual relations between persons of the same sex.

The other objective was to strengthen the nation’s capacity to deal with emerging internal and external threats to the traditional heterosexual family and this Bill recognises the fact that same sex attraction is not an innate and immutable characteristic.

It was also intended to protect our cherished culture, the legal, religious and traditional family values of Ugandans and acts that are likely to promote sexual promiscuity in this country.

The Bill is also intended to protect our children and youth who are made vulnerable to sexual abuse through homosexuality and related acts.

Finally, this Bill seeks to address gaps in the provisions of other laws in Uganda, for example, the Penal Code Act, which has no comprehensive provision, catering for anti-homosexuality and only focuses on unnatural offences under section 145, and lacks provisions for penalising the procurement, promotion and dissemination of pornographic materials.

Madam Speaker, I would like to emphasise that under Article 79 of the Constitution, this Parliament is given wide powers to legislate on every matter except three or four items. Number one, we cannot legislate to introduce a one-party state; we cannot legislate to introduce a single religion for the country; we cannot legislate retrospectively; and we cannot legislate as private members, to bring a Bill that has financial implications. With the exception of those four, we have the mandate to legislate over anything. So, if this Parliament feels that the provisions in the Penal Code Act are inadequate, we have the mandate to have a law to prohibit homosexuality. *(Applause)*

Madam Speaker, I am saying this against the background of some lazy argument going around pointing to the fact that we have enough laws. When we enacted the Anti-Corruption Act, it was not because we did not have laws on corruption. When we enacted the Anti-Terrorism Act, it was not that we did not have laws on anti-terrorism. When we enacted the Leadership Code Act, it was not because we did not have laws covering that.

What we are saying, Madam Speaker, is that we need what we call a one-stop centre so that if one wants to know anything on homosexuality, they do not go to the Children's Act, Penal Code Act or NGO Act. No! We are talking about having a uniform law discussing homosexuality. *(Applause)* Therefore, this argument going around – and I have heard it from some of the legal minds that the law is sufficient, - is lazy, lackadaisical, and redundant, and we should not promote it. *(Applause)*

Finally, Madam Speaker, the committee has concluded examining the Bill and is ready to report back. It is on that premise that I seek your indulgence, Madam Speaker, that the Bill entitled, “The Anti-Homosexuality Bill, 2023” be read for the second time, after that justification. I beg to move.

THE SPEAKER: Thank you. Honourable members, I received the report from the committee and there is also a minority report. So, we will hear from the chairperson of the committee and thereafter, we will give chance to the Member with the minority report to present it.

Honourable members, please, listen to the chairperson; she is presenting her report. We are taking record of all the Members that are present; we will publish the names of the Members who are attending the House.

2.32

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo): Madam Speaker, on behalf of the Committee on Legal and Parliamentary Affairs, I would like to present the report on the Anti-Homosexuality Bill, 2023.

THE SPEAKER: Please, speak on the microphone. Hon. O.O., there is a seat here.

MS RWAKOOJO: Madam Speaker, like you alluded to, under rule 205 of our rules, there is a minority report authored by two members of my committee, which shall be read by them.

I beg to lay the main report of the committee, the minority report and the minutes of the meetings of the committee proceedings.

THE SPEAKER: Please, lay. Thank you.

MS RWAKOOJO: Thank you, Madam Speaker. This is the executive report. On Thursday, 9 March 2023, a Bill entitled, “The Anti-Homosexuality Bill, 2023” was, in accordance with Rule 128 of the Rules of Procedure of Parliament, read for the first

time and referred to the Committee on Legal and Parliamentary Affairs, for scrutiny. The Bill is a Private Member's Bill, sponsored by Hon. Asuman Basalirwa, MP for Bugiri Municipality.

The object of the Bill is to establish a comprehensive and enhanced legislation to protect the traditional family by –

- (a) prohibiting any form of sexual relations between persons of the same sex and the promotion or recognition of sexual relations between persons of the same sex;
- (b) strengthening the nation's capacity to deal with emerging internal and external threats to the traditional heterosexual family. This legislation further recognises the fact that same-sex attraction is not an innate and immutable characteristic;
- (c) protecting the cherished culture of the people of Uganda, legal, religious and traditional family values of Ugandans against the acts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda; and
- (d) protecting children and the youth who are made vulnerable to sexual abuse through homosexuality and related acts.

The Bill seeks to address the gaps in the provisions of other laws in Uganda, for example, the Penal Code Act, Cap. 120, which has no comprehensive provision that caters for homosexuality and majorly focuses on unnatural offences under section 145, and lacks provisions for penalising the procurement and promotion, dissemination literature and other pornographic materials concerning the offences of homosexuality.

As a result, there is need for a legislation to enhance offences relating to homosexuality and clear provisions for charging, investigating, prosecuting, convicting and sentencing offenders.

The legislation seeks to supplement the provisions of the Constitution of the Republic of Uganda and the Penal Code Act, Cap. 120 by criminalising same-sex marriages.

Article 31 of the Constitution recognises that men and women of the age of 18 years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.

In the same vein, the Constitution recognises the cultural diversity of Uganda and, Article 37 of the Constitution recognises every person's right to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institutions, language, tradition, creed or religion in community with others.

The Constitution of the Republic of Uganda contains, in Chapter Four, a Bill of Rights, which guarantees and protects a number of rights and freedoms. The rights recognised and protected in the Constitution are enjoyed by all persons in Uganda.

The Constitution of Uganda does not recognise the right to homosexuality, but bans and prohibits same-sex marriages.

Uganda enjoys a rich cultural diversity and, although all are richly different, they do not recognise same-sex relations.

Whereas some few individuals have existed with such tendencies, these were isolated by society and, in some cases, punished for such unnatural acts. The prohibition against homosexuality is entrenched in the laws of Uganda and our cherished and shared cultural norms and values.

Whereas homosexuality, as an offence, already exists on the law books under the Penal Code Act, there is need to redefine the law, placing emphasis on the new and emerging matters, which are not contained in the Penal Code Act such as the promotion of homosexuality and the recruitment of children into homosexuality, which have been blamed for the rising incidences of homosexuality in Uganda.

Whereas Uganda is a signatory to a number of international instruments that might be interpreted to recognise sexual minorities, these do not legally create binding obligations on Uganda since the Constitution, which is the supreme law of Uganda, and other enactments such as the Penal Code Act, specifically bar sexual acts between sexual minorities.

There are emerging matters, which are currently not provided for in the Bill, but need to be considered.

The committee recommends that the Anti-Homosexuality Bill, 2023 be passed into law, subject to the proposed amendments.

Madam Speaker, I beg to report.

THE SPEAKER: Thank you, honourable chairperson of the committee. We have heard the report from the committee. Can we have the minority report presented?

Honourable members, as we agreed, we legislate for everybody. Let us allow the Member to present the minority report – please! Silence, please. Hon. Fox Odoi, you are protected. Please, present your report.

2.39

MR FOX ODOI-OYWELowo (NRM, West Budama North, Tororo): Thank you, Madam Speaker –(Interjection)

MS NYAMUTORO: Thank you, Madam Speaker. The rules on sitting in this House are very bold and clear that the frontbench is specifically for ministers -

THE SPEAKER: Hon. Phiona Nyamutooro, do you want to take over the position of the Speaker today?

MS NYAMUTORO: No, Madam Speaker.

THE SPEAKER: I had already made a ruling on that matter. I would not allow Members to stand when there is free space on the frontbench. Can we hear from the Member presenting the minority report?

MS NYAMUTORO: Much obliged, Madam Speaker.

THE SPEAKER: Procedural matter?

MR GAFABUSA: Thank you, Madam Speaker. Our rules of procedure provide for a minority report if one has areas in the majority report that they do not agree with. I notice that the Member who is presenting the minority report signed both the majority and the minority reports –(Interjections)- yes, I have the report on my iPad. So, are we proceeding well, Madam Speaker, when a Member signs both reports? What does it mean?

THE SPEAKER: Honourable members, you are debating in anticipation. I have the main report with me and it is clear that Hon. Fox Odoi signed only one report – the minority report. The majority report is not signed by him - honourable members, I have the original copy. I will investigate what is on the iPad – yes!

MS AISHA KABANDA: Thank you, Madam Speaker. I am a Member of the Committee on Rules, Privileges and Discipline. In our discussions, the chairperson of the committee – and we may now guide here - has always guided that if a member of a committee agrees with the major things in the majority report but disagrees with only a small part, it does not stop them from signing the majority report; they can only highlight the areas of disagreement –(Interjections)- yes -

THE SPEAKER: Honourable members - can I have order in the House? I have made a ruling and I stand by it. Hon. Fox did not sign the majority report. So, let us hear his area of dissent.

MR ODOI-OYWELowo: Thank you, Madam Speaker, for that wise ruling. For the record, the minority report is signed by two members of the Committee on Legal and Parliamentary Affairs – Hon. Kwizera Paul, MP for Kisoro Municipality and myself.

Madam Speaker, permit me to skip the introduction to the Bill and I go straight to the points of dissent.

THE SPEAKER: Please.

MR ODOI-OYWELowo: Thank you.

THE SPEAKER: Honourable members, in the VIP Gallery this afternoon, we have Bishop William Tomusange from Joy Christian Centre Churches in Mityana District. Thank you for joining us. Can you take us through your areas of dissent?

MR ODOI-OYWELowo: I should go on record that I did not sign the majority report.

THE SPEAKER: That is very good. Go ahead!

MR ODOI-OYWELowo: Madam Speaker, from point No.3.1, on the title, the Bill is misconceived. The explanatory memorandum of the Bill indicates that the intention of the Bill is designed to address gaps in the provisions of other laws in Uganda, for example, the Penal Code Act, Cap. 120.

The explanatory memorandum further indicates that the Penal Code Act, Cap. 120 has no comprehensive provisions catering for anti-homosexuality since, according to the Bill, the Penal Code Act only focuses on unnatural offences under section 145, and that it lacks the provisions for penalising the procurement, promotion, dissemination of literature and other pornographic materials concerning the offense of homosexuality.

This is not a factual statement since we all know that homosexuality is an offence prescribed in Section 140 of the Penal Code Act, which we reproduce here below:

“Section 145. Unnatural offences

Any person who –

(a) *has carnal knowledge of any person against the order of nature,*

(b) *has carnal knowledge of an animal or,*

(c) *permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable on conviction to imprisonment for life.”*

The above section – Madam Speaker, please protect me from Hon. Oboth –(Interjections)-specifically prohibits and punishes the conduct of a person who has carnal knowledge of any person against the order of nature, and the conduct of a person who permits a male person to have carnal knowledge of him or her against the order of nature. This provision has been in our Penal Code for millennia.

The explanatory memorandum also indicates that the Penal Code Act focuses on unnatural offences under section 145 and that it lacks provisions for penalising the procurement, promotion, disseminating literature and other photographic material concerning the offence of homosexuality.

This is also not true since the provisions of section 145 criminalise, in addition to homosexuality, sexual acts between animals and human beings.

In addition, the Penal Code Act has comprehensive provisions that deal with penalising the procurement, promotion, disseminating literature and other pornographic material concerning the offenses of homosexuality under the general prohibition on conspiracies in Chapter XLI of the Penal Code Act, Cap. 120 (Conspiracy to commit a felony, conspiracy to commit a misdemeanour and other conspiracies.)

For instance, court, in the case of Nabagesera and 3 Others v. Attorney-General & another (Miscellaneous Cause No.33 of 2012), recognised that the actions of the petitioners in organising a workshop, advocating for the normalisation of minority rights in Uganda, was a conspiracy since it engaged in the direct and indirect promotion of same-sex practices, which are prohibited under the Penal Code Act. This means that acts that tend to promote homosexuality can be dealt with conclusively under the Penal Code Act.

Madam Speaker, the minority surmise that this Bill was introduced under a reasonable but mistaken belief that the Penal Code Act is not sufficient to deal with matters related to homosexuality. It was introduced during a time when anti-homosexual sentiments have been wiped up across the country and it is not based on any factual or evidential value to show that incidents of homosexuality have increased and require additional legislation.

According to the annual crime police reports, incidents of homosexuality have been reducing in Uganda. In 2017, the police in Uganda recorded a total of 120 cases of homosexuality. In 2018, the number recorded was 100; in 2019, 103 cases were reported; 79 cases were reported in 2020; 80 cases were reported in 2021; and 2022 recorded 83 cases. This means that the legislative interventions sought are not backed by any evidence on the increase of incidents regarding this particular crime.

THE SPEAKER: Can you conclude?

MR ODOI-OYWELowo: Criminalisation of appearance of a person

The second point of dissent is that the Bill, in its current form, creates penal sanctions against a person nearly based on appearance, thereby attempting to reverse the decision of the court in the *Kasha Jacqueline v. Rolling Stone Limited & another (Miscellaneous Cause 163 of 2010)*.

Madam Speaker, the minority are aware that clause 2(1)(d) of the Bill proposes to declare, as acts of homosexuality, a person who holds out as a lesbian, gay, transgender, a queer, or any other sexual or gender identity that is contrary to the binary category of male and female.

This provision has the effect of criminalising the persons who identify as lesbians, gay, transgender, queer, or any other sexual or gender identity that is contrary to the binary categories of male and female, without such persons committing any offence under the laws of Uganda.

The committee was informed by the Uganda Medical Association that in Uganda, there are rare biological cases affecting the genes that code for unusual expression or physical phenotypic expressions associated with genital organs. These include Klinefelter's Syndrome, a random genetic –

THE SPEAKER: Clerk, can I have more chairs inside for the Members? Can you summarise?

MR ODOI-OYWELowo: Madam Speaker, the third point of contention is on item 3.3 - I am trying to run through a rather long report of 11 pages -

THE SPEAKER: No, take your time.

MR ODOI-OYWELowo: Thank you, Madam Speaker. The DPP cautioned the committee about clause 1(2)(d), which seeks to punish a person based on their appearance and reasoned that if a person holds out as a thief, he cannot possibly be punished for being a thief, until he commits the crime of theft.

The minority are concerned that the police has been arresting people based on their appearance as was found in the case of *Victor Mukasa & Another v. the Attorney-General, (High Court Miscellaneous Cause No. 24 of 2006)*, where the plaintiff in that case was arrested by the police based on appearance without having committed any offense, and taken to the police to determine his sexuality.

The minority are aware that following the police conduct in the Victor Mukasa case, court guided in the case of *Kasha Jacqueline v. Rolling Stone & Another (Miscellaneous Cause No. 163 of 2010)* thus: “*The scope of Section 145 of the Penal Code Act is narrower than gaysim generally that one has to commit an offence under section 145 to be regarded as a criminal.*”

This decision means that being or appearing as a person belonging to LGBTQ+ person is not in itself an offence until the person commits any of the offenses prohibited under our laws. This

means that a person cannot be criminalised, but the conduct of that person can be.

Madam Speaker, the third point of dissent is on the duplication of the provisions in the Penal Code Act. The minority note that the majority of the stakeholders who appeared before the committee pointed out that the Bill introduces nothing of practical value, but merely reproduces provisions that already exist in other laws.

Whereas the majority of the clauses in the Bill are unconstitutional, the rest are redundant, and they become useless once the unconstitutional provisions are removed. The redundant clauses include: clauses 5(2) - (4), 7, 9, 10, 11, 13, 15, 16 and 17. The Bill is a duplication of the provisions that already exist under the Penal Code Act, and is therefore, unnecessary.

The DPP also objected to the Bill on grounds that the proposals contained in it should be introduced, if they are found relevant in the Penal Code Act, rather than being introduced in the proposed Bill.

The Attorney-General advised the committee and pointed out a number of provisions that are already prescribed in our laws, making the Bill redundant and of no legislative value. The minority find the following provisions redundant:

- a) Clause 1 defines matters that are already provided for in other laws, including the Penal Code Act;
- b) Clause 1, on the offense of homosexuality, is provided for in Section 145 of the Penal Code Act;
- c) Clause 2 of the offence of aggravated homosexuality can be prevented in Section 129 of the Penal Code Act, under the offence of defilement;
- d) Clause 4 is already prescribed under Section 146 of the Penal Code Act;

- e) Clause 7 is well entrenched in Article 28 of the Constitution, which gives judicial discretion to a court or tribunal to exclude the press or the public from all or any proceedings before it for the reasons of morality, public order or national security, as may be in a free and democratic society;
- f) Clause 8 is already provided for under Section 19 (1) (c) of the Penal Code Act;
- g) Clause 9 of the Bill exists in Chapter 16 of the Penal Code Act;
- h) Clause 9 of the Bill exists in Chapter 16 of the Penal Code Act;
- i) Clause 11 is already provided for under Section 134 of the Penal Code Act;
- j) Clause 13 is redundant, since Article 31(2) specifically bans same-sex marriages and the Marriage Act defines a marriage and does not include same-sex marriage; and
- k) Clause 16 is redundant since there exists a law to regulate extraditions from and to Uganda, and that law is the Extradition Act, Cap. 117.

The minority are aware that the provisions of the Bill, once passed into law, will complicate the prosecution of offences under the Penal Code Act.

The committee was cautioned by the Attorney-General that there is nothing that prevents Parliament from enacting laws, or indeed improving on existing provisions of the law to meet emerging challenges in or of society, as long as Parliament cautions itself against the duplication of provisions in other laws.

Our second last point of dissent is the constitutionality of the Bill. The Bill makes provisions for matters, which infringe the Constitution of the Republic of Uganda, 1995, including Article 27 on the right to privacy, Articles 24 and 44(a) relating to non-derogable rights and to freedom from inhuman and degrading treatment.

Article 21 of the Constitution, on the freedom from discrimination

The Bill goes beyond the limitations envisaged in Article 43 of the Constitution and some provisions contravene the principle of legality prescribed in Article 28(12) of the Constitution.

Madam Speaker, not only does the Bill contravene the provisions of the Constitution of the Republic of Uganda, it also contravenes established International and regional Human Rights standards, as it unfairly limits the fundamental rights of the LGBTQ+ persons. This criminalisation denies them equal protection under the law, owing to the harsh and differential treatment they receive based on their sexual orientation and criminalisation of the same.

The provisions that further infringe the Constitution also include Clause 31(b) and (e), which make the offence of homosexuality aggravated when the offender is a person living with HIV, and when the victim is a person with a disability. And we propose that that would violate Article 21 of the Constitution because this is discriminatory - the discrimination on the basis of HIV status and being a person living with disability.

These provisions perpetuate the stereotype that people living with HIV cannot engage in safe adult-to-adult sex and that people with disabilities are eminently victims in human relationships. *(Laughter)*

Clause 5(1), Madam Speaker –

THE SPEAKER: Honourable members, please respect the Member.

MR ODOI-OYWELOWO: Clause 5(1) which provides that a victim of homosexuality shall not be penalised for any crime committed as a direct result of his or her involvement in homosexuality.

Combined with a definition of victim in clause 1, as including a person who is involved in homosexual activities against his or her own

will, introduces the homosexual panic defence, which essentially gives the victims leeway to harm suspected LGBTIQ persons and get away scot-free, thereby contravening the presumption of innocence guaranteed under Article 28(3)(a) of the Constitution.

Clauses 1, 2(1)(d), 3(1)(b), (e), (f), 4(1) and (8) in as far as they define “touching” as constituted the offence of homosexuality, aggravated homosexuality, attempt to commit homosexuality and aiding and abetting homosexuality respectively, would violate the principle of legality under Article 28(12) of the Constitution.

This provision requires that all criminal offences be properly defined and is part of the non-derogable right to a fair hearing protected under Article 28 and Article 44(c) of the Constitution. Court has declared provisions of laws that are incapable of exact definition, unconstitutional.

It is, therefore, the position of the minority that the provisions in the Bill, if passed into law, infringe the rights of Ugandans, specifically the rights and freedoms of expression, association, liberty, privacy, equality and freedom from discrimination, inhuman and degrading treatment, the right to a fair hearing, and finds that if Parliament enacts this into law, it will be unconstitutional.

Madam Speaker, we also argue that the Bill reverses the gains registered in the fight against gender-based violence, especially against women and girls.

Some of the clauses of the Bill -

THE SPEAKER: Honourable members, can we give him time to finish?

MR ODOI-OYWELOWO: Madam Speaker, some of the clauses of the Bill reverse the gains registered in the fight against gender-based violence, especially against women and girls.

The Bill, in clauses 2 and 3, makes provisions for the offence of homosexuality and

aggravated homosexuality. The provisions prescribe sanctions for 10 years against a person who infringes against the provisions of the Bill.

The minority has examined these provisions and finds them to infringe Sections 123 and 129 of the Penal Code Act, which create the offences of rape and defilement, respectively.

These offences prescribed bearing surfaces against persons who conduct themselves or herself in a manner that constitutes the offence, ranging from death to life imprisonment.

The Bill now proposes to make various indirect amendments to those provisions of the Penal Code Act by reducing the penalties for the same conduct that is prohibited under Sections 123 and 129 of the Penal Code from death and life imprisonment to 10 years' imprisonment. This makes the provision regressive, affects the fight against gender-based violence against girls and women, and reverses the gains so far registered in the fight against rape and defilement.

In conclusion, Madam Speaker, the minority have examined the Bill and they are of the considered opinion that the Bill is ill-conceived.

It contains provisions that are unconstitutional, it reverses the gains registered in the fight against gender-based violence.

It criminalises individuals instead of conduct and that contravenes all known legal norms. The Bill does not introduce any value addition to the Statute Book and available legislative framework. In light of the above, the minority proposes –

- (a) That the spirit of the Anti-Homosexuality Bill guides the enrichment of a comprehensive non-discriminatory sexual offences Bill;
- (b) That the proposals contained in the Bill should be presented to the Uganda Law Reform Commission to study and advise the Government on the possible reforms on sexual offences laws;

(c) That the Government should introduce legislation and a framework for the provision of rehabilitation of victims of sexual and gender-based violence; and

(d) That the existing legislation be amended to provide clarity, where necessary.

Madam Speaker, I beg to report.

THE SPEAKER: Thank you. Honourable members, I want to thank the minority Member and I will give time - honourable members, once we open debate, we are going to structure it this way; those who are not in favour of the Bill will get up and speak, like he has spoken. We will start with them – then we will know who is who. *(Laughter)* Meanwhile - motion?

MR MWIJUKYE: Thank you, Madam Speaker. Whereas our rules demand that after a report has been presented we have to wait for three days to debate it, I want to move, under rule 16, that we suspend rule 204(5) and (6) of the Rules of Procedure -

THE SPEAKER: You are suspending rule 204(5) and (6)?

MR MWIJUKYE: Yes.

THE SPEAKER: Move a motion.

MR MWIJUKYE: Madam Speaker, I, therefore, move a motion that we suspend those two provisions and we immediately debate this motion.

THE SPEAKER: Is it seconded? *(Members rose)* It is seconded by Hon. Silas, Hon. Ssegona, Hon. Kato, Hon. Pastor – by everybody. Would you like to speak to your motion?

MR MWIJUKYE: Thank you, Madam Speaker. Given the importance of the Bill, the atmosphere in the House, the willingness of the Members, the urgency of the Bill and the gravity of the matter, I do not see why we should wait. We should debate immediately, pass this Bill and it is made law so that we have

a conducive atmosphere in this country. I beg to move. (*Applause*)

THE SPEAKER: I now put the question that rule 204(5) and (6)(a) be suspended.

(Question put and agreed to.)

THE SPEAKER: Honourable members, as we commence debate on this motion for the second reading, I wish to guide as follows:

As the custodian of the Rules of Procedure, I will defend the right of the minority Members. Even if the minority Members have nothing to say, we will defend them. Aware that there is a dissenting opinion from the major opinion, we will accord the minority team an opportunity to first debate and convince the House.

Before we go into the debate - honourable members, when the Speaker is speaking - Honourable members, I do not want technical errors like what was made before. I am going to do a roll call. We want to confirm the quorum so that the minority Members do not run to court that there was no quorum. Before we do that, the Attorney-General has something to say.

3.14

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): I seek to be protected.

THE SPEAKER: Honourable members, listen to the Attorney-General.

MR KAFUUZI: Thank you, Madam Speaker. The mandate of Parliament is to legislate. In attending to this Bill, Parliament is executing its mandate.

As the Office of the Attorney-General, we have looked at the Bill and made consultation with the mover. We have harmonised and are comfortable. Thank you. (*Applause*)

THE SPEAKER: Thank you. Honourable members, can we now start with the roll call.

MS ABABIKU: Thank you, Madam Speaker. I have listened to your directive, but I request

that you guide on members of our committee who are in Karamoja and -

THE SPEAKER: I have them on *Zoom*.

MS ABABIKU: Okay. Thank you so much.

THE SPEAKER: I want us to debate once we know that we have quorum.

MR SSEMUJJU: Madam Speaker, I want to invite you and the House to look at the rule that requires us to have quorum. That rule requires quorum at the voting stage. I want to plead with you that you allow debate and then you can ascertain quorum when we are voting.

THE SPEAKER: Honourable members, can we have the roll call, debate and vote. Can we do roll call very fast.

Hon. Ababiku Jesca	-	Present
Hon. Abeja Susan Jolly	-	Present
Hon. Aber Lillian	-	Present
Hon. Abigaba Cuthbert Mirembe		
Hon. Abwoli Kunihira Agnes		
Hon. Acan Joyce Okeny-	Present	
Hon. Acen Dorcas	-	Present
Hon. Aceng Jane Ruth Ocerro		
Hon. Achan Judith Peace		
Hon. Achayo Juliet Lodou -	Present	
Hon. Achia Remigio -		
Hon. Achieng Sarah Opendi -	Present	
Hon. Acibu Agnes	-	Present
Hon. Aciro Paska Menya -	Present	
Hon. Acom Joan Alobo -	Present	
Hon. Acon Julius Bua	-	Present
Hon. Acora Nancy	-	Present
Hon. Acrobert Kiiza Moses -	Present	
Hon. Adeke Anna Ebaju		
Hon. Adidwa Abdu		
Hon. Adoa Hellen		
Hon. Adome Francis Lorika		
Hon. Adriko Yovan		
Hon. Ayeku Patrick		
Hon. Afidra Olema Ronald-	Present	
Hon. Afoyochan Esther -	Present	
Hon. Agaba Aisa	-	Present
Hon. Agasha Juliet Bashiisha -	Present	
Hon. Akamba Paul	-	Present
Hon. Akampurira Prossy Mbabazi -	Present	

Hon. Akello Beatrice Akori		Hon. Auma Linda Agnes	
Hon. Akello Christine	- Present	Hon. Avako Melsa Naima Gule	- Present
Hon. Akello Lucy	- Present	Hon. Avur Jane Pacuto	Present
Hon. Akello Rose Lilly	- Present	Hon. Awany Tony	
Hon. Akena James Michael Jimmy		Hon. Awas Slyvia Vicky	
Hon. Akol Anthony	- Present	Hon. Awich Jane	- Present
Hon. Akora Maxwell	- Present	Hon. Awor Betty Engola	
Hon. Akugizibwe Aled Ronald	- Present	Hon. Ayebare Margaret	- Present
Hon. Akumu Catherine Mavenjina		Hon. Ayoo Jeniffer Nalukwago	- Present
Hon. Alanyo Jennifer	- Present	Hon. Ayoo Tonny-	Present
Hon. Aleper Margaret Achila		Hon. Ayume Charles	- Present
Hon. Aleper Moses	- Present	Hon. Baatom Ben Koryang	
Hon. Alero Tom Aza	- Present	Hon. Baba James Boliba	
Hon. Ali Moses		Hon. Babalanda Milly Babirye	
Hon. Alioni Yorke Odria		Hon. Bagala Joyce Ntwatwa	- Present
Hon. Alum Santa Sandra Ogwang	- Present	Hon. Hon. Bagiire Aggrey Henry	- Present
Hon. Alupo Jessica Rose Epel		Hon. Bahati David	- Present
Hon. Alyek Judith	- Present	Hon. Bahireira Tumwekwase Sylvia	- Present
Hon. Amede Agnes		Hon. Bainababo Charity	
Hon. Amero Suzan	- Present	Hon. Bainomugisha Jane Kabajungu	
Hon. Amongi Betty Ongom		Hon. Baka Mugabi Stephen	
Hon. Angura Frederick	- Present	Hon. Bakireke Nambooze Betty	
Hon. Anite Evelyn		Hon. Bakkabulindi Charles	
Hon. Anyaku Esther Davinia	- Present	Hon. Balimwezo Ronald Nsubuga	- Present
Hon. Anywar Ricky Richard	- Present	Hon. Bangirana Hanifa Kawooya	- Present
Hon. Aogon Silas	- Present	Hon. Baryomunsi Chris	
Hon. Aol Betty Ocan		Hon. Basalirwa Asuman	- Present
Hon. Apollo Yeri Ofwono		Hon. Bataringaya Basil Rwankwene	- Present
Hon. Apolot Christine		Hon. Batuwa Timothy Lusala	- Present
Hon. Apolot Stella Isodo-	Present	Hon. Bayigga Philip Michael Lulume	- Present
Hon. Ariko Herbert Edmund		Hon. Bebona Babungi Josephine	- Present
Hon. Arinaitwe Rauben	- Present	Hon. Begumisa Mary	- Present
Hon. Arinaitwe Rwakajara		Hon. Bhoka Didi George	- Present
Hon. Asaba Nsabimana Paul-	Present	Hon. Bigirwa Norah Nyendwoha	- Present
Hon. Asamo Hellen Grace	- Present	Hon. Bingi Patrick Nyanzi	- Present
Hon. Asera Stephen		Hon. Biraaro Ephraim Ganshan	
Hon. Asiiimwe Florence Akiiki	- Present	Hon. Biyika Lawrence Songa	- Present
Hon. Asiiimwe K. Enosi	- Present	Hon. Bright Tom Amooti	
Hon. Asiiimwe Musiime Molly		Hon. Bukenya Michael Iga	- Present
Hon. Atim Agnes Apea	- Present	Hon. Businge Harriet	- Present
Hon. Atim Adwong Anywar Beatrice		Hon. Businge Joab	- Present
Hon. Atim Ogwal Cecilia Barbara	- Present	Hon. Businge Victoria Rusoke	
Hon. Atima Jackson Lee Buti	Present	Hon. Busingye Peninah	- Present
Hon. Atugonza Allan	- Present	Hon. Butime Tom Ateenyi	
Hon. Atukwasa Rita	- Present	Hon. Buturo Nsaba	- Present
Hon. Atuto Jacinta		Hon. Bwanika Abed	- Present
Hon. Atwakiire Catheline Ndamira	- Present	Hon. Bwire Sanon Nadeeba	- Present
Hon. Atwijukire Dan		Hon. Byakatonda Abdulhu	- Present
Hon. Atyang Stella		Hon. Byamukama Fred	
Hon. Auma Hellen Wandera		Hon. Byamukama Nulu Joseph	
Hon. Auma Kenny		Hon. Byanyima Nathan	- Present

Hon. Byarugaba Alex Bakunda - Present
 Hon. Chelain Betty Louke
 Hon. Chelangat Alinga Solomon - Present
 Hon. Chelimo Reuben Paul - Present
 Hon. Abdi Fadhil Chemaswet Kisos
 Hon. Chemonges William - Present

THE SPEAKER: Order!

Hon. Chemutai Everlyn
 Hon. Chemutai Phyllis
 Hon. Cheptoris Sam Manguso
 Hon. Cherukut Rose Emma
 Hon. Driwaru Jennifer - Present
 Hon. Ebwalu Jonathan
 Hon. Ecweru Musa Francis - Present
 Hon. Edakasi Alfred Elalu-Olale - Present
 Hon. Ekanya Geoffrey
 Hon. Ekudo Tom Julius - Present
 Hon. Elotu Cosmas
 Hon. Elwelu Peter
 Hon. Emigu Julius Peter - Present
 Hon. Esenu Anthony Alden
 Hon. Etuka Isaac Joakino
 Hon. Ezama Siraji Brahan
 Hon. Feta Geoffrey - Present
 Hon. Gafabusa Richard Muhumuza - Present
 Hon. Gidudu Mafabi Dominic
 Hon. Gume Fredrick Ngobi - Present
 Hon. Hashim Sulaiman - Present
 Hon. Igeme Nathan Nabeta Samson
 Hon. Ikojo John Bosco - Present
 Hon. Isabirye Iddi - Present
 Hon. Isamat Abraham - Present
 Hon. Isingoma Patrick Mwesigwa - Present
 Hon. Ismail Muhammad Lomwar
 Hon. Kaala Kevin Ojinga - Present
 Hon. Kaaya Christine Nakimwero - Present
 Hon. Kabahenda Flavia Rwabuhoro - Present
 Hon. Kabanda David
 Hon. Kabasharira Naome
 Hon. Kabughu Florence - Present
 Hon. Kabuura Derrick - Present
 Hon. Kabuusu Moses
 Hon. Kabuye Frank - Present
 Hon. Kabuye Kyofa
 Hon. Kadaga Rebecca
 Hon. Kafuuzi Jackson Karugaba - Present

Hon. Kagabo Twaha Mzee - Present
 Hon. Kahunde Helen - Present
 Hon. Kajwengye Twinomugisha - Present
 Hon. Kakembo Michael - Present
 Hon. Kamara John Nizeyimana
 Hon. Kamara Nicholas Thadeus
 Hon. Kamateneti Josyline - Present
 Hon. Kambale Ferigo
 Hon. Kamugo Pamela Nasiyo - Present
 Hon. Kamukama Benjamin
 Hon. Kamukama Davis
 Hon. Kamuntu Moses - Present
 Hon. Kamusiime Caroline - Present
 Hon. Kangwagye Stephen Rwakanuma
 Hon. Kankunda Amos Kibwika - Present
 Hon. Kanushu Laura - Present
 Hon. Kanyike Ronald Evans - Present
 Hon. Karubanga David
 Hon. Karubanga Jacob Ateenyi - Present.

THE SPEAKER: Honourable members, do not disappear because we shall have the final tally after the debate. Before we put the question, we will have a final tally.

Hon. Kasajja Matia
 Hon. Kasajja Stephen Kagwera - Present
 Hon. Kasolo Robert - Present
 Hon. Katabaazi Francis Katongole - Present
 Hon. Katali Loy - Present
 Hon. Katalihwa Donald Byabazaire
 Hon. Katenya Isaac
 Hon. Kateshumbwa Dicksons - Present
 Hon. Kato Muhammed - Present
 Hon. Katuntu Abdu - Present
 Hon. Katusabe Atkins
 Hon. Katusiime Annet Mugisha - Present
 Hon. Katwesigye Oliver Koyekyenga - Present
 Hon. Kauma Sauda - Present
 Hon. Kavuma Sam
 Hon. Kawalya Abubaker - Present
 Hon. Kayagi Sarah Netalisire - Present
 Hon. Kayanga Baroda - Present
 Hon. Kayemba Geoffrey Ssolo - Present
 Hon. Kayogera Yona - Present
 Hon. Kayondo Fred - Present
 Hon. Kazibwe Bashir Mbaziira - Present
 Hon. Kemirembe Pauline Kyaka - Present
 Hon. Kesande Grace Bataringaya - Present
 Hon. Kibaaju Naome - Present
 Hon. Kibalya Henry Maurice

Hon. Kiiza Kenneth – Present
 Hon. Brandon Alex - Present
 Hon. Kirabo Agnes – Present
 Hon. Kirumira Hassan – Present
 Hon. Kitanywa Sowedi - Present
 Hon. Kitutu Mary – Present
(Interjections)

THE SPEAKER: Honourable Members, can we do what has brought us here today? Hon. Kitutu, you are welcome. *(Laughter)*

Hon. Kiwanuka Abdallah - Present
 Hon. Kiwanuka Keefa – Present
 Hon. Kiyaga Hillary – Present
 Hon. Koluo Joseph – Present
 Hon. Komakech Christopher – Present
 Hon. Kubeketerya James – Present
 Hon. Kwizera Eddie – Present
 Hon. Kyebakutika Manjeri – Present
 Hon. Kyobe Luke – Present
 Hon. Kyooma Xavier – Present
 Hon. Lamwaka Catherine – Present
 Hon. Leku Joel – Present
 Hon. Lematia John – Present
 Hon. Lematia Ruth – Present
 Hon. Irene Linda - Present
 Hon. Locap Peterkhen – Present
 Hon. Lokeris Peter – Present
 Hon. Lolem Micah – Present
 Hon. Lubega Bashir – Present
 Hon. Lubega-Sseggoni Medard – Present
 Hon. Lukwago John-Paul – Present
 Hon. Kalwanga David Lukyamuzi – Present
 Hon. Lumu Richard Kizito – Present
 Hon. Lutaaya Geoffrey – Present
 Hon. Lwanga Jimmy – Present
 Hon. Macho Geoffrey – Present
 Hon. Magolo John Faith – Present
 Hon. Maneno Zumura – Present
 Hon. Masaba Karim – Present
 Hon. Masiko Henry – Present
 Hon. Matovu Charles – Present
 Hon. Mayanja Allan – Present
 Hon. Mbabazi Pascal – Present
 Hon. Mbayo Esther – Present
 Hon. Moriku Joyce – Present
 Hon. Mpuuga Mathias – Present
 Hon. Mugabe Dononzio – Present
 Hon. Mugumya Clare – Present

Hon. Muheesi Jennifer – Present
 Hon. Muhindo Harold Tonny – Present
 Hon. Mukhaye Miriam - Present
 Hon. Mukasa Julius Opondo
 Hon. Mukhaye Miriam – Present
 Hon. Mulimba John – Present
 Hon. Musa Noah – Present
 Hon. Musana Eric – Present
 Hon. Musasizi Henry Ariganyira
 Hon. Museveni William
 Hon. Mushemeza Elijah Dickens – Present
 Hon. Musherure Shartsi – Present
 Hon. Musila John – Present
 Hon. Musinguzi Yona – Present
 Hon. Mutasingwa Diana – Present
 Hon. Mutebi Noah Wanzala – Present
 Hon. Mutembuli Yusuf – Present
 Hon. Mutiwa Geoffrey Eric – Present
 Hon. Mutono Patrick Lodoi
 Hon. Mutumba Abdul – Present
 Hon. Mutuzo Peace – Present
 Hon. Muwanga Kivumbi Muhammad – Present
 Hon. Muwuma Milton – Present
 Hon. Mwesigwa Robert Rukaari
 Hon. Mwijukye Francis – Present
 Hon. Mwine Mpaka – Present
 Hon. Nabagabe Flavia
 Hon. Robinah Nabbanja – Present

THE SPEAKER: Rt Hon. Prime Minister, thank you for the confirmation.

Hon. Nabukeera Hanifa – Present
 Hon. Nabukenya Brenda - Present
 Hon. Nafuna Irene Muloni
 Hon. Naigaga Mariam - Present
 Hon. Najjuma Sarah - Present
 Hon. Nakabuye Juliet Kakande
 Hon. Nakadama Rukia Isanga
 Hon. Nakato Mary
 Hon. Nakayenze Connie Galiwango
 Hon. Nakazibwe Hope - Present
 Hon. Nakimuli Helen
 Hon. Nakut Faith Loru – Present

MS NAKUT: Madam Speaker, the Members from Karamoja asked me to inform you that they are following the proceedings on *Zoom*, as they are in –

THE SPEAKER: We will give Members on Zoom time to vote, after the tally.

Hon. Nakwang Christine Tubo
 Hon. Nalule Aisha Kabanda - Present
 Hon. Naluyima Betty Ethel
 Hon. Namanya Naboth - Present
 Hon. Nambeshe John Baptist
 Hon. Nambooze Teddy - Present
 Hon. Namuganza Persis Princess - Present
 Hon. Namugga Gorreth - Present
 Hon. Namujju Cissy Dionizia - Present
 Hon. Namukuta Brenda - Present
 Hon. Namutaawe Joan - Present
 Hon. Namuyangu Jenipher Kacha - Present
 Hon. Nandagire Christine Ndiwalana - Present
 Hon. Nandala-Mafabi Nathan - Present
 Hon. Nandutu Agnes - Present
 Hon. Nangoli Gerald - Present
 Hon. Nantaba Idah Erios - Present
 Hon. Nantongo Fortunate Rose - Present
 Hon. Nanyondo Veronica Namaganda - Present
 Hon. Natukunda Midius
 Hon. Natumanya Flora - Present
 Hon. Nayebale Sylvia
 Hon. Ndeezi Alex
 Hon. Ndyomugenyi Roland - Present
 Hon. Nebanda Florence Andiru - Present
 Col. Nekesa Victor - Present
 Hon. Ngompek Linos - Present
 Hon. Ngoya John Bosco - Present
 Hon. Ninkusiima John Paul - Present
 Hon. Ninsiima Boaz Kasirabo
 Hon. Niringiyimana Kaberuka James - Present
 Hon. Niwagaba Wilfred
 Hon. Niyonsaba Alex
 Hon. Nkuningi Muwada - Present
 Hon. Nkwasiibwe Zinkuratire Henry - Present
 Hon. Nsamba Patrick Oshabe - Present
 Hon. Nsanja Patrick Kayongo - Present
 Hon. Nsegumire Muhamad Kibedi
 Hon. Nsereko Muhammad
 Hon. Nsimbambi Yusuf
 Hon. Nkunda Patience Kinshaba - Present

THE SPEAKER: So can we be faster, Clerk?

Hon. Nsubuga Paul
 Hon. Nyakato Asinasi - Present
 Hon. Nyakato Dorothy - Present
 Hon. Nyakikongoro Rose Mary
 Hon. Nyamutoro Phiona - Present

Hon. Nyangweso Denis - Present
 Hon. Nyeko Derrick - Present
 Hon. Nyirabashitsi Sarah Mateke - Present
 Hon. Nyongore Enock - Present
 Hon. Obiga Kania Mario - Present
 Hon. Obigah Rose -

THE SPEAKER: Honourable members, kindly do not go away please.

Hon. Obong Vincent Shedrick - Present
 Hon. Oboth Marksons Jacob - Present
 Hon. Obua Denis Hamson - Present
 Hon. Ochan Patrick - Present
 Hon. Ocen Peter - Present
 Hon. Ochai Maximus - Present
 Hon. Ocheri Jimbricky Norman
 Hon. Odoi Bernard Onen Mutusa - Present
 Hon. Odoi-Oywelowo Fox - Present
 Hon. Odong Jeje Abubakar
 Hon. Odur Jonathan - Present
 Hon. Oguzu Lee Denis
 Hon. Ogwal Moses Goli - Present
 Hon. Ogwang Peter - Present
 Hon. Ogwari Polycarp - Present
 Hon. Ojara Martin Mapenduzi - Present
 Hon. Ojok Andrew Oulanyah -
 Hon. Okaasai Sidronius Opolot - Present
 Hon. Okae Bob -
 Hon. Okello Charles Patrick Engola
 Hon. Okello Geoffrey Charles - Present
 Hon. Okello Nelson - Present
 Hon. Okeyoh Peter - Present
 Hon. Okia Joanne Aniku - Present
 Hon. Okin P.P. Ojara
 Hon. Okiror Bosco
 Hon. Okori-Moe Janet Grace Akech
 Hon. Okot Boniface Henry - Present
 Hon. Okot John Amos - Present
 Hon. OKot Moses Junior
 Hon. Okot Ogong Felix - Present
 Hon. Okot Peter
 Hon. Okot Santa - Present
 Hon. Okullo Aabuka Anthony
 Hon. Okumu Gabriel
 Hon. Okupa Elijah - Present
 Hon. Okwir Samuel - Present
 Hon. Olanya Gilbert -
 Hon. Oleru Huda Abason - Present
 Hon. Olobo James - Present
 Hon. Omara Paul

Hon. Omoding Emanuel
 Hon. Onek Hillary Obaloker
 Hon. Onek Lit Denis Amere
 Hon. Onen Charles – Present
 Hon. Ongalo-Obote Clement Kenneth
 Hon. Ongiertho Emmanuel Jor – Present
 Hon. Onzima Geofrey – Present
 Hon. Opio Samuel Acuti – Present
 Hon. Opolot Fred - Present
 Hon. Opolot Patrick Isiagi
 Hon. Opolot Simon Peter Okwalinga
 Hon. Orone Derrick – Present
 Hon. Oseku Richard Oriebo – Present
 Hon. Osoru Mourine – Present
 Hon. Otafiire Kahinda
 Hon. Otiam Emmanuel Otaala – Present
 Hon. Otimgiw Isaac Ismail – Present
 Hon. Otukol Sam – Present
 Hon. Paparu Lilian Obiale
 Hon. Rugumayo Edison
 Hon. Ruhunda Alex –
 Hon. Rutahigwa Elisa – Present
 Hon. Ruyonga Joseph –
 Hon. Rwaburindore Tarsis Bishanga - Present
 Hon. Rwabushaija Margaret Namubiru - Present
 Hon. Rwakoojo Robina Gureme - Present
 Hon. Rwamirama Bright Kanyontore
 Hon. Rwemurikya Ibanda
 Hon. Saazi Godfrey – Present
 Hon. Sebamala Richard – Present
 Hon. Ssekabira Denes
 Hon. Ssekindi Aisha
 Hon. Ssekyanzi Barnard Kirya
 Hon. Sendawula Christine Bukenya – Present
 Hon. Silwany Solomon – Present
 Hon. Ssasaga Isaias Johny
 Hon. Ssebikaali Yoweri
 Hon. Ssegirinya Muhammad
 Hon. Ssejoba Isaac – Present
 Hon. Ssekikubo Theodore – Present
 Hon. Ssekitoleeko Robert – Present
 Hon. Ssemujju Ibrahim – Present
 Hon. Ssemwanga Gyaviira

THE SPEAKER: He is on *Zoom*.

Hon. Ssentayi Muhamad
 Hon. Ssenyonyi Joel Besekezi - Present
 Hon. Sserubula Stephen – Present
 Hon. Sserukenya David - Present
 Hon. Ssewanyana Allan Aloizious

Hon. Ssewungu Joseph Gonzaga – Present
 Hon. Ssimbwa Fred
 Hon. Suubi Kinyamatama Juliet K
 Hon. Taaka Agnes
 Hon. Taban Sharifah Aate
 Hon. Tayebwa Herbert Musasizi – Present
 Hon. Tebandeke Charles
 Hon. Teira John – Present
 Hon. Thembo Gideon Mujungu
 Hon. Tibasiimwa Joram Ruranga - Present
 Hon. Timuzigu Kamugisha Michael – Present
 Hon. Tinkasiimire Barnabas – Present
 Hon. Tumwebaze Frank Kagyigyi
 Hon. Tumwesigye Josephat – Present
 Hon. Tumwine Anne Mary - Present
 Hon. Tusiime Julius
 Hon. Twalla Fadil
 Hon. Twesigye John Ntamuhiira – Present
 Hon. Twesigye Nathan Itungo
 Hon. Twinobusingye Jovanice – Present
 Hon. Twinomujuni Francis Kazini – Present
 Hon. Waako Peggy Joy - Present
 Hon. Wakabi Pius
 Hon. Wakayima Musoke Hannington - Present
 Hon. Wakikona David Wandendeya - Present
 Hon. Wakooli Godfrey – Present
 Hon. Walyomu Muwanika Moses – Present
 Hon. Wamakuyu Ignatius Mudimi
 Hon. Wamala Edward Katumba – Present
 Hon. Wamala Nambozo Florence – Present
 Hon. Wambede Seth Kizangi Massa - Present
 Hon. Wanda Richard – Present
 Hon. Wandwasi Robert
 Hon. Wanyama Micheal Odwori – Present
 Hon. Were Godfrey Odero – Present
 Hon. Werikhe Peter Christopher – Present
 Hon. Wokorach Simon Peter – Present
 Hon. Zaake Francis
 Hon. Zawedde Victorious
 Hon. Zijjan David Livingstone - Present

THE SPEAKER: There are Members who have just come. Hon. Obigah Rose is there. Members who have just come in, mention your names.

MS CHRISTINE APOLOT: Thank you very much, Madam Speaker. Apologies. I was delegated to handle committee work -

THE SPEAKER: Mention your name.

MS APOLOT CHRISTINE: You can shout but I have to register the apology. My name is Christine Apolot, Woman MP for Kumi and present for the event.

MR OPOLOT ISIAGI: Madam Speaker, I am present.

MS BEATRICE AKELLO: I am present.

MR YOVAN ADRIKO: Madam Speaker, I am present.

MR AEKU PATRICK: I am from Soroti County and I am present.

MS AUMA LINDA AGNES: District Woman Representative, Lira. I am present.

MS ROSE OBIGAH: I am present.

MR COSMAS ELOTU: I am present.

MR MOSES KABUUSU: I am present.

MR ITUNGO NAITHAN: Present.

MS NAKIMULI HELLEN: Present.

MS JANE BAINOMUGISHA: I am present.

MR APPOLO YERI OFWONO: Present.

DR MUYINGO JOHN CHRYSOSTOM: Present.

THE SPEAKER: Can we have the MPs on Zoom?

Members on Zoom

Hon. Agnes Taaka
Hon. Nambeshe John Baptist

THE SPEAKER: Pardon? Check the list is there.

Hon Agnes Taaka
Hon Nambeshe John Baptist
Hon. Andrew Ojok Oulanyah
Hon. Ben Baatom

Hon. Joan Acom Alobo
Hon. Betty Ethel Naluyima
Hon. Bumali Mpindi
Hon. Charles Bakkabulindi
Hon. Chemaswet Kisos
Hon. Christine Tubo Nakwang
Hon. David Kabanda
Hon. Francis Adome Lorika
Hon. Ariko Herbert
Hon. Herbert Kinobere
Hon. Irene Nafuna-Muloni
Hon. James Michael Akena
Hon. Julius Mukasa Opondo
Hon. Julius Tusiime Karuhanga
Hon. Karubanga David
Hon. Komol Joseph Miidi
Hon. Margaret Achilla
Hon. Midius Natukunda
Hon. Milly Babalanda
Hon. Mwine Mpaka
Hon. Nathan Igeme Nabeta
Hon. Nicholas Kamara
Hon. Oguzu Lee Dennis
Hon. Remigio Achia
Hon. Ssemwanga Gyaviira
Hon. Suubi Kinyamatama Juliet
Hon. Wilfred Niwagaba
Hon. Auma Hellen
Hon. Patrick Lodoi
Hon. Acora Nancy
Hon. Patience Nkunda

MR MUKASA MURULI WILSON: I am also present.

THE SPEAKER: You are an *ex-officio* Member.

MS ALICE KABOYO: I am also present, Madam Speaker. (*Ex officio Member*)

THE SPEAKER: Hon. Kaboyo, you are also an *ex-officio* Member.

DR BATUWA: I rise on a procedural matter.

THE SPEAKER: No, let me first roll call.

MR KAMUKAMA: Hon. Kamukama Davis is present.

THE SPEAKER: Honourable members, we have 529 -

MR OLANYA: Hon. Gilbert Olanya is present.

THE SPEAKER: Honourable Members, we have 529 voting Members of Parliament and the quorum for 529 is a third of the House, and we are supposed to have 176 Members. But from our tally, we have 377. *(Applause)*

I am now opening the debate and I will start the debate with those who are against.

THE SPEAKER: Hon. Omoding is not in the list; please update your list.

MR MUKASA: Hon. Mukasa Aloysius is present.

MR OMODING: Hon. Omoding Emmanuel is present.

THE SPEAKER: Members, we now have 383 -

MS PEACE ACHAN: Hon. Peace Achan is present.

THE SPEAKER: Honourable Members, we have 384 Members of Parliament. We are going to limit the debate. Let us first start with those who are against the Bill; can we hear from you?

Honourable Members, according to our rules, Hon. Fox cannot debate his own report. Now can we look at the minority report -these reports are informative. They are not the ones to adopt the Bill; they are giving us information.

Can we now have Members who are saying, "We do not want homosexuality. ?" We need to agree on one thing: Let us not prolong the debate because we need to vote on the Bill. That is what is important -

MR MACHO: Madam Speaker, with all due respect, I rise on a point of procedure; that we proceed very well since we have a very capable doctor here at Parliament to go and examine

Hon. Fox Odoi - whether he is bisexual, so that we discuss knowing the agenda of Hon. Fox Odoi because you cannot write me a report and you have no support -

THE SPEAKER: Honourable members -

MR MACHO: I do not know whether we are proceeding well without knowing the gender of Hon. Fox Odoi because he said that the police sometimes arrest people because of appearance. Hon. Fox Odoi might be having a beard, but when he is a woman or bisexual.

THE SPEAKER: Honourable Members, I have never got any report about Hon. Fox Odoi's - *(Laughter)*

Let us debate; Hon. Fox Odoi has his own right and I am aware he is a polygamist.

4.22

THE MINISTER OF STATE FOR DEFENCE AND VETERAN AFFAIRS (DEFENCE) (Mr Jacob Oboth): Thank you, Madam Speaker. This Bill -

THE SPEAKER: Honourable Members, listen and understand the Bill.

MR OBOOTH: This Bill restores hope in Uganda. It is a wake-up call that the Penal Code Act that we have had for the last 100 years is obsolete.

This Bill, in effect, has been recognised by the minority report when the mover of the minority report - my uncle, for the record; I risk being cursed but now that I have had enough number of children, he may not curse me not to have children.

However, he recognised that Section 145 of the Penal Code -

MR SSEMUJJU: Madam Speaker, this Bill is a moral issue. The suspects of *mabaati* -*(Laughter)*

THE SPEAKER: Hon. Ssemujju, please sit down. Honourable members, as legislators, let us mean business when we are doing

something. The issue of *mabaati* will also come; let us first clear this issue. You cannot equate homosexuality to *mabaati*.

MR OBOTH: Thank you. I know that Hon. Ssemujju misses me and wanted me to say something about *mabaati*. But as you have rightly guided, that will also come and have its way.

Let me talk about what will affect my children and my great grandchildren. *Mabaati* can be here today and tomorrow, the storm will break it down. But the issue of morality that you, honourable Members all know, is a matter that guides our society.

The Penal Code Act that we have come in 1923. So, it is about 100 years old. So, as a former student and now a scholar nearly on matters of jurisprudence on sociological theory of law; that law grows with society. I can tell you that what was not then can now be and what is not now will one time be.

Honourable members, we need to guide ourselves on this without sentiments; without emotions, and look at the Penal Code as it says. Is it clearly protecting the values that our forefathers put in 1923? If the answer is in the negative, laws can be amended.

In fact, the minority report is silent on whether this law is not necessary per se. They are only saying that it already exists. However, when a law exists and it is not effective - The minority also gave statistics of the cases and you can see that the numbers are very minimal.

This is a good case from the minority report; to make legislation that will work for all. I believe this Bill is heading in the right direction. If we are looking into the future, we should support this Bill.

I stand here to support the Bill with the view that laws are made for us. For the ones that the minority is looking for, they should give Uganda another 100 years – maybe it will be acceptable – *(Interjection)* – I am using the word “maybe” because I know what I am saying.

The law grows with society. If by that time the majority will say this is what they want, it should go. What we are saying is, let us go with what will guide our society and regulate our conduct. What is in the Penal Code Act is not sufficient. That is why there is need for us to have this legislation.

I do not only stand here as a minister but also as a Member of Parliament from West Budama Central who has four lovely sons and two beautiful daughters.

4.28

MR JONATHAN ODUR (UPC, Erute County South, Lira): Thank you very much, Madam Speaker. I am debating in favour of this legislation. I would like to point out a few areas that have been raised.

First, we have to look at our Constitution -

THE SPEAKER: Hon. Oboth, do not go; we are going to vote. *(Laughter)*

MR ODUR: Madam Speaker, our Constitution is very clear because one of the arguments proposed here is that this process is unconstitutional. If you read the Constitution entirely, it is very clear under the National Objectives and Directive Principles of State Policy XIX: Protection of the family. National Objectives and Directive Principles of State Policy XXIV – cultural objectives – says we should promote and preserve those cultural values and practices, which enhance the dignity and wellbeing of Ugandans.

Therefore, the argument being brought here that this process is unconstitutional cannot hold because in the Constitution, as pointed out by the report of the committee under Article 31(1) and (2), the general principle has been outlined: a man and a woman. If you interpret it widely, it excludes any other form of marriage that may come.

Secondly, Madam Speaker, we have to understand, as legislators, that our customs, spirituality and tradition inform how we legislate. When a Western custom comes to

this country and it is conflicting with ours, ours is superior. The African culture – the Ugandan culture – is superior to any other custom that comes from without. Therefore, when legislating, I want us to legislate with that in mind; that we are here to promote our own culture. We have gone to some other countries and we also respect what they do there. They cannot come here and -

The issue of the Penal Code Act has been addressed very well, Madam Speaker. When we were faced with the crime of money laundering, we came and enacted the anti-money laundering law. When we were faced with the issue of corruption – and it has been enumerated – we did that.

I want us to understand that the Penal Code Act provides for penalties in the context of people who are already in marriage. That is why the unnatural offences came – in the context of a man and a woman who are already within the family setting, should they try anything else. What we are dealing with right now is different; it is not a crime or an offence for the people who are married.

Therefore, Madam Speaker, I would like to encourage Members of Parliament - we have legislated against thieves, murderers and all sorts of people. We should not fear because this is our country and we have to protect our territorial integrity.

Lastly, on the question of human rights, there are principles that guide human rights and one of them is that it is universal. Therefore, if you are arguing that homosexuality is universal, why are you getting objections from Ugandans? For anything which is universal, like the right to eat, nobody will complain -

THE SPEAKER: Hon. Fox Odoi, I hope you are listening. *(Laughter)*

MR ODUR: Nobody will complain about rights that are truly universal. When you raise an issue of a human right and it is contested, it means it is not universal. One of the principles is about naturality of the right. What they

are doing is unnatural so, you cannot even fit it within the principle already decided at international level.

The other one is about inalienability. Inalienability means God granted it to you and it cannot be taken away. When you look at this, they use the words, “sexual orientation”. If you orient somebody, it ceases to be natural. This is the language that they use.

Madam Speaker, lastly, the non-discrimination principle has been floated. Non-discrimination is how you treat a human being when there is a violation. It does not prohibit their action. If you behave or act against the law, and the law is what we are going to put here, then that cannot be a human right.

I stand to debate and invite Members to support this. We are going to protect ourselves, our children and generations to come. I beg to debate.

THE SPEAKER: Thank you. Hon. Bahati, the original mover of the motion?

4.34

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (INDUSTRY) (Mr David Bahati): Thank you, Madam Speaker. Thank you, Members of the 11th Parliament, for moving this motion and supporting the Bill. I am sure that the people of Uganda must be proud of you today. *(Applause)* Even our Creator, God, is happy with what is happening at this time.

Madam Speaker, if anybody had any doubt about how deep this problem is in our country, the presence of Hon. Fox Odoi is confirmation that this problem is huge. That you can have a Member of Parliament standing on the Floor of the Parliament of Uganda to say that it is okay for a man to marry a man and fine for our boys to marry boys, is confirmation that this problem is huge and, therefore, we must resolve it. *(Applause)*

Madam Speaker, the minority report, which has now been put in our record of Parliament,

says that Section 145 of the Penal Code Act is sufficient. The minority report is wrong; it is not sufficient. There is no where you find, in the Penal Code Act, that we are prohibiting promotion of homosexuality. We are not prohibiting, in the Penal Code Act, the recruitment of our children. We are not stopping same sex in the Penal Code Act.

At the same time, the Penal Code talks about the order of nature. One hundred years ago, it was the order of nature for a man to marry a woman. Today, we have people in the world who say that it is their nature for a man to marry a man. It is that nature that we are legislating about.

It is not right that the Penal Code Act is sufficient. Therefore, that argument, as Hon. Asuman who has now become Joshua - In 2009 when I moved this Bill, we struggled with it for five years. When we brought it on this Floor of the House, even the Chairperson of the Committee on Legal and Parliamentary Affairs disappeared. I am very grateful that Hon. Robina is here to read the Bill. *(Applause)*

After the Bill, they went to court and it was because *-(Interjections)-* we were under a lot of pressure. On that day, I remember, we agreed with the Speaker on a strategy of not putting the Bill on the Order Paper because of the pressure. It was to be called during the debate and that is the reason we could not raise quorum. They defeated us that time in court. This time, you are not going to defeat us - *(Applause)*- we are defeating you in the House, we shall defeat you in court and we shall defeat you in Heaven. *(Applause)*

I support the Bill to protect the future of our children. Honourable colleagues, this is about the sovereignty of our nation. Nobody should blackmail us. Nobody should intimidate us. I am glad that we are solidly on this frontline today to defend our country. *(Applause)*

THE SPEAKER: Thank you. Honourable members, when you read Joshua 1:9, it states: *“Be strong and courageous ... for the Lord your God will be with you wherever you go.”*

4.38

MS LILLIAN ABER (NRM, Woman Representative, Kitgum): Thank you, Madam Speaker. Today, the Parliament of Uganda will go on record for having saved the image, heritage, ethical and moral values of this country.

It is a pain when you watch videos of how our children are being molested in schools today. There are people in this country today who are being given money to advocate for this. As Members of this august House, we would like to stand firm and say that we will not allow this vice to penetrate our community.

The Parliament that we are in today is a people-centred one. It is a Parliament that has stood firm to protect our ethical values, our culture and our morals and we will do just that.

I would like to implore you, by hook or crook, that no one should fear. The people who wish to blackmail this country are talking about funding being withdrawn. Uganda is a God-fearing country. I stand firm to support this motion and I will vote “Yes.”

THE SPEAKER: Thank you. Reduce your contributions to two minutes so that a number of people can speak.

4.40

MR MUSA ECWERU (NRM, Amuria County, Amuria): Madam Speaker, I stand to support the Bill. Homosexuality is a threat to the survival of the human race. What we are discussing is the preservation of the human race. There are consequences but those, which are negative, will be temporary.

Some people think because we are poor, we can be held at ransom. Some people who are very vulnerable have surrendered. The minority report, as you heard, belongs to people who have surrendered the future of their children, the country and everything. *(Applause)*

Madam Speaker, I can tell you that I have gone to some hospitals and seen children with ripped anuses. I have talked to the doctors and asked

what happened. These children were molested by homosexuals. For any reasonable person to stand here and say that this thing is okay, that it is a human right to destroy people's anuses - that person is evil and belongs in hell. *(Applause)*

I can tell you; we will win this race. Those who believe in it have it in their countries. In our country, we will have our morals and we will protect our children. We are making this law for ourselves, for our children and the children of our children. This country will stand firm.

Once it is passed, I can tell you, Madam Speaker, that we are going to reinforce the law with the enforcement officers to make sure that homosexuals have no space in Uganda. Thank you. *(Applause)*

4.42

REV. FR CHARLES ONEN (Independent, Laroo-Pece Division, Gulu City): Thank you, Madam Speaker. I stand here to support the Bill. Madam Speaker, when I look at you and the honourable ladies in this House, there is no reason for a man to run after a man for sex. *(Laughter)*

THE SPEAKER: Order, honourable members!

REV. FR ONEN: Madam Speaker, there is nothing more so sweet and good for a man than a woman - *(Laughter)* - and for that reason, there should be no reason for a man to run after a man.

THE SPEAKER: Honourable members, can you give Father time to speak?

REV. FR ONEN: Thank you, Madam Speaker. The essence of humanity is the preservation of life and this can only be guaranteed through procreation. Homosexuality has no essence. It is a mere romantic and sexual attraction towards a person of the same sex.

It should be put on record that Hon. Fox Odoi does not have his children in this country. All his family is in the UK. That is against this Bill. *(Interjections)*

I want to conclude by saying that in the book of Genesis, during Noah's time, it is recorded that all the creatures went into Noah's Ark in pairs. There is no record that homosexuals also entered Noah's Ark. For that reason, I implore honourable colleagues that we vote "Yes." We must protect our integrity, our sovereignty as a nation, our family values and our children. Thank you.

THE SPEAKER: Thank you. Honourable members, I want to guide you. When debating, do not attack the personality of Hon. Fox.

4.46

MR BARNABAS TINKASIIMIRE (NRM, Buyaga West County, Kagadi): Thank you, Madam Speaker, for your guidance that this Bill is not about - *(Interjections)*

THE SPEAKER: Honourable members, please. There is one House.

MR TINKASIIMIRE: This Bill is not about Hon. Fox Odoi. He is only attempting to be consistent with what he stood for in the Constitutional Court. I will persuade him, as a father and a husband of two beautiful ladies, to abandon what he stood for then and know that the position of Ugandans has changed and all Ugandans are against homosexuality.

The major argument that persuaded the Constitutional Court to nullify the work that we did then was the issue of quorum. This has been cured and I am sure and certain that all of the arguments against homosexuality will fall flat, even when they go to court.

They based themselves on Article 27 of the Constitution, which is the right to privacy. Madam Speaker, I submit that Article 44 of the Constitution says that, that right is derogable. You cannot have that argument on issues that seriously affect and torture our children. You heard the submission of the honourable minister from Soroti; the former arrow boy, that homosexuality is practiced in schools and it is rapturing - Rapture is an act of torture and it is against the Constitution of this land.

They will submit that they are arguing for the protection of minority groups. They will argue that they want affirmative action. Prof. Mbiti, in his book, *“African Traditions and Institutions”* says, “We should only and only promote African traditions that add value to our culture.” In this matter that is very foreign, I do not find anything that we are promoting, as our honourable colleague is trying to persuade us.

I want to submit and hold the view that I will support and vote for this Bill.

THE SPEAKER: Thank you. Members, two minutes each.

4.49

MR NOAH MUTEBI (NRM, Nakasongola County, Nakasongola): Thank you very much, Madam Speaker. This is a serious matter where all Christians, Muslims and other believers in this country have to take serious interest.

I would like to draw the attention of this Parliament to the Bible in the Book of Leviticus 20:13. Allow me to read it. It says: *“If a man has sexual relations with a man –*

THE SPEAKER: Honourable members, please do not go. We have a very important vote to cast.

MR MUTEBI: Madam Speaker, allow me to read it again. It says: *“If a man has sexual relations with a man as one does with a woman, both of them have done what is detestable. They are to be put to death.”* I am quoting the Bible.

I would like to also quote the book of Jude, Chapter 7, which talks about the immorality of Sodom and Gomorrah. When these cities were practising homosexuality, God took a decision to destroy all of them. The punishment that God put was death - not 10 years or life imprisonment. This Parliament should take a decision that those caught practising homosexuality should be killed.

I am the Vice Chairperson of the Seventh Day Adventist (SDA) Parliamentary Association

and I am standing on behalf of the SDA Church in this Parliament. I beg to submit.

4.51

THE MINISTER OF STATE, OFFICE OF THE PRIME MINISTER (RELIEF, DISASTER PREPAREDNESS AND REFUGEES (Ms Esther Anyakun): Thank you, Madam Speaker. I want to support the Bill and I am here to stand with Members of the 11th Parliament who are making a statement for generations.

The honourable colleague, who has just spoken, talked about a verse in Leviticus, Chapter 20, which says that someone has to be killed. Where I come from, when you speak about this kind of immorality, you will be stoned to death –

THE SPEAKER: Hold on a minute. There is a motion here, Hon. Esther. What is the motion about?

4.52

MS SANTA ALUM (UPC, Woman Representative, Oyam): Thank you, Madam Speaker. Looking at the mood in the House, the debate and the importance of this Bill, I move that we move to Committee Stage.

THE SPEAKER: Honourable Members, there is a motion. Is the motion seconded? [*Members rose*] Can you make a justification for your motion?

MS ALUM: Thank you.

THE SPEAKER: Honourable members, listen.

MS ALUM: Thank you, Madam Speaker. Right from the committee, the majority of the committee members supported this Bill. So far, only two members from the committee have divergent views. Even before the Floor of Parliament where Members are debating, most of them are in support of the Bill.

Madam Speaker, this vice is on the increase and it is targeting our children and above all,

our culture. A majority of Ugandans want this Bill passed. Therefore, my motion is that we move to Committee Stage so that we handle the Bill clause by clause.

THE SPEAKER: Honourable members, the motion is that we go to Committee Stage. I want to see those in favour of the motion. The whole House is in favour of the motion.

I now put the question that the Anti-Homosexuality Bill, 2023 be read for the second time.

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE ANTI-HOMOSEXUALITY BILL, 2023

4.55

Clause 1

THE CHAIRPERSON: Honourable members, can I have order in the House? Can we stand over clause 1 because it is the interpretation clause? We will come back to it.

MR NANDALA-MAFABI: Madam Chairperson, Clause 1 is about interpretation and it is always the last, because as we go on, we could get a word, which we want to interpret.

Clause 2

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo): The offence of homosexuality. For clause 2, they substituted the following:

“2. The offence of homosexuality

(1) A person commits the offence of homosexuality if the person performs a sexual act on another person of the same gender or allows a person of the same gender to perform a sexual act on him or her.

(2) A person who commits the offence of homosexuality is liable, on conviction, to imprisonment for life.

(3) A person who attempts to perform a sexual act in circumstances referred to in subsection (1), commits an offence and is liable, on conviction, to imprisonment” -

THE CHAIRPERSON: Honourable members, listen.

MS RWAKOOJO: “... to imprisonment for a period not exceeding seven years.

(4) Notwithstanding subsection (2), a person charged with an offence under this section may, in mitigation of sentence, submit evidence from a medical practitioner appointed by the Uganda Medical and Dental Practitioners Council, proving that the accused person was” -

THE CHAIRPERSON: Switch on the microphone.

MS RWAKOOJO: Let me repeat.

“(4). Notwithstanding subsection (2), a person charged with an offence under this section may, in mitigation of sentence, submit evidence from a medical practitioner appointed by the Uganda Medical and Dental Practitioners Council proving that the accused person was, at the time of the commission of the offence, suffering genetic abnormalities, which may have contributed to the act that constitutes the offence of homosexuality.

(5) For purposes of subsection (3), a person shall be deemed to attempt to commit an offence when the person intending to commit an offence begins to put his or her intention into execution, by means adapted to its fulfilment and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence.”

Justification

- i. To remove a conflict between the definition of the words “homosexuality” and “sexual act” in clause 1 and the prescription of the offence of homosexuality in clause 2 of the Bill since they each prescribed different elements, making the offence of homosexuality vague thereby contravening the principle of legality prescribed in Article 28(12) of the Constitution.
- ii. To limit the offence of homosexuality to the penetration, however slight, of a person’s anus, by another person’s sexual organ, of a person’s anus, sexual organ or mouth by a sexual organ of another person of the same gender, or of a person’s anus, sexual organ or mouth by an object or sex contraption, by a person of the same gender.
- iii. As guided by court in the case of *Kasha Jacqueline, David Kato Kisule and Onziema -*

THE CHAIRPERSON: Honourable members, please listen to the committee chairperson.

MS RWAKOOJO: ... and *Onziema Patience v. Rolling Stone Limited and Giles Muhame (High Court Miscellaneous Case No. 163 of 2010)* to limit the offence of homosexuality to the actual performance of a sexual act between persons.

- i) As required in Section 37 of the Interpretation Act, to prescribe the maximum penalty that can be imposed by court in order to recognise and maintain court discretion in sentencing.
- ii) To expand the provision to include an attempt to commit the offence of homosexuality.
- iii) To move provisions relating to sex show orientation to clause 14 on promotion of the offence of homosexuality.

- iv) To increase the penalty for the offence, in the case of homosexuality, from 10 years as proposed in the Bill to 20 years and for attempts, from two years to seven years in tandem with sentences imposed for similar sexual offences.
- v) The proposal to allow a person charged with an offence under the section to mitigate a sentence by adducing evidence of genetic disorders is to recognise evidence from Uganda Medical Association, which explained that a small number of people may have homosexual tendencies because of abnormalities in their genes or biological disorders.
- vi) To delete provisions that criminalises a person who has not committed an offence of homosexuality.

THE CHAIRPERSON: Thank you, committee chairperson.

MR NANDALA-MAFABI: Madam Chairperson, I thank the committee chairperson but I want her to assist me to understand. Why did you remove people of the same “sex” and bring in the word “gender”? The moment you bring in gender, a man will come and say, “I am transgender and whatever.” To avoid this, it should read, “of the same sex”.

THE CHAIRPERSON: Committee chairperson, are you hearing what -

MR NANDALA-MAFABI: Madam Chairperson, the second issue is on offences. First of all, we are moving in line with Section 145 of the Penal Code Act, where anybody who acts unnaturally must face life imprisonment – (*Interjection*)– Okay, whatever.

The moment we allow space in that law, people will practise it. You are saying, if you are about to attempt - How do we measure “about to attempt”? If you are saying that you are caught because you are about to practise it, how do you know? Anybody got with a stolen item is a thief. Anybody who aids somebody to steal is a thief and the charges of a thief will also apply to the one who aids or who is aiding.

Madam Chairperson, I implore the chairperson to agree that the penalties should be the same for those who are trying to procure and for those who are about to practice so that they all go for life imprisonment. *(Applause)* This will deter this act that we are fighting.

THE CHAIRPERSON: Thank you. Can I hear from the Attorney-General?

MR KAFUZI: Thank you.

MR OKUPA: You could answer it together; it is a similar -

Thank you, Madam Speaker. I need to be guided because when we read the Penal Code Act – if we are to quote section 145; what Hon. Fox was talking about - the penalty is death but also, when we refer to the Bible in Leviticus 20:13; what my colleague quoted, the Bible talks about death. How do we now degrade the sentence yet in the Penal Code, it talks about death? The Bible is talking about death but we are now degrading it to two years or to life imprisonment. I need to be helped. How do we harmonise?

THE CHAIRPERSON: There is an amendment on the word “sex” instead of “gender”. Take note of that.

MR KAFUZI: Thank you.

THE CHAIRPERSON: Honourable members, listen.

MR KAFUZI: In response to Hon. Nandala-Mafabi, the punishment for an attempt cannot be the same as the punishment for the act itself. That is why the proviso is that for the attempt, it is seven years and for the act, it is life. That is how it is even in the Penal Code where they provide -

THE CHAIRPERSON: No, we are saying the Penal Code is obsolete.

MS RWAKOOJO: Madam Chairperson, in criminal law, even if we are saying that the Penal Code needs to be beefed up, an attempt is very different from the actual act.

Madam Speaker, in criminal law generally, an attempt is very different from the actual act - *(Interjections)* - I am a lawyer who worked in the Attorney-General’s office for 25-and-a-half years; so, I know what I am talking about.

An attempt is very different. Just look at it practically. Even if it is, say, rape, somebody comes into your room and tries to get a hold of you and you fight him off. He has not penetrated you. Now, for someone who actually ends up chewing you - *(Laughter)*

THE CHAIRPERSON: Honourable members, the person who makes the attempt is also a danger to society. If we want a deterrent measure, we should give a sanction that is prohibitive. Seven years? I will go for seven years and come out. Can we hear from Hon. Asuman?

MR BASALIRWA: Madam Chairperson, I am in agreement with the proposal by the committee, especially the justification of consistency, clarity and the need to address the principle of legality, which was disturbing my brother, the homosexualist - *(Laughter)*

Let me clarify this. In the committee, we learnt two terms: there is a difference between a homosexual and a homosexualist. Hon. Fox Odoi is a homosexualist. A homosexualist is the one who protects, promotes, defends – and we agreed that he is not offended when called “a homosexualist”.

His concern was the principle of legality. When you look at the proposal by the committee, it addresses that principle and indeed – *(Interruption)*

MR SSEGGONA: Madam Chairperson, you have always advised us to speak with evidence. Hon. Asuman Basalirwa has described Hon. Fox Odoi as a homosexualist and not a homosexual. Does he have evidence that he is not? Is he in order, therefore?

THE CHAIRPERSON: Hon. Sseggon, facts speak for themselves. Yes, proceed. By the way, we have so many clauses. We have to move.

MR BASALIRWA: Madam Chairperson, I would like to invite the august House to be persuaded by the amendments proposed by the committee because they are consistent and clarify matters of the law in relation to sexual offences. It is not true that the Penal Code proposes death. The Penal Code proposes life imprisonment and we want to be consistent.

THE CHAIRPERSON: What about the aspect of sex vis-à-vis gender?

MR BASALIRWA: We have not looked at clause 1, but clause 1 has interpreted -

THE CHAIRPERSON: Sex means gender.

MR BASALIRWA: Clause 1 has interpreted what “gender” means. Maybe when we get there, the concerns of the Members will be addressed. However, in terms of - in fact, gender, as explained by the committee, is broader than the sex we are talking about.

So, the committee – Madam Chairperson, maybe it is because you guided that we first move away from the interpretation clause. If we went there, people would be able to understand the definition of gender. It carries the concerns – it is not the dictionary definition of gender that people understand.

MR KATUNTU: Thank you, Madam Chairperson. Honourable colleagues, I would like to implore you to listen to the committee. We tried, as much as possible, not to offend provisions of the Constitution because we know where the enemies of this Bill are going after here – and that has nothing to do with Hon. Fox Odoi. For the enemies of the Bill – the promoters of homosexuality – we know their path and their path is the court of law.

Therefore, we did our best, Madam Chairperson – *I (Interruption)*

THE CHAIRPERSON: Honourable members, you have heard what the committee has said. The private Member is in agreement with the committee.

MR KATUNTU: Honourable colleagues, please listen. We must, as much as possible, tread within the Constitution; within the law. We have – as you will see later – defined “sex”, “gender” and “sexual orientation” such that there is no grey area at all.

Our opinion was formed by the recent case in Kenya – for those of you who have had the time to read it. If you have not yet read the definitions, it is quite unfortunate.

Madam Chairperson, maybe you need to explain to the colleagues that we have already defined all of them. When you go to “attempt” – including murder – in the Penal Code, there is the case of “attempted murder”. If you are attempting to commit a crime, you cannot be criminal at the same level as somebody who has gone ahead and actually committed the crime.

Therefore, the sentences should differ. What we should be debating – we have suggested seven years for those attempting. If you think we need to raise it, that is okay. We can debate.

DR BARYOMUNSI: Thank you, Madam Chairperson. I am raising another issue, not on the sentence. From what the chairperson reported, the committee – I think – interfaced with medical doctors and the doctors seem to have given a position that there is genetic predisposition.

However, we are also doctors and some of us do not agree – and we have looked at the body of evidence. I want to know from the committee the position which was given because, Madam Chairperson, last time -

THE CHAIRPERSON: Are you on the amendment of clause 2? We are now talking about the years.

DR BARYOMUNSI: Okay, because it runs through the issue that the chairperson raised but we can dispose of the issue of the sentence and then you give me a chance to raise my point because it runs through the clauses.

DR BWANIKA: Thank you, Madam Chairperson. I would like to propose an amendment from seven to 10 years for those who attempt.

THE CHAIRPERSON: Attorney-General -

MR KAFUZI: 10 years is okay.

THE CHAIRPERSON: Thank you. The amendment of 10 years for attempted - I put the question that clause 2 be amended as proposed by the committee and the Attorney-General with the 10 years on attempted -

(Question put and agreed to.)

Clause 2, as amended, agreed to.

Clause 3

MS RWAKOOJO: Clause 3, aggravated homosexuality, is substituted with the following -

THE CHAIRPERSON: Honourable members, listen to the chairperson.

MS RWAKOOJO: Clause 3, aggravated homosexuality. For clause 3 there is substituted the following:

“3. Aggravated homosexuality;

(1) A person who commits the offence of homosexuality in any of the circumstances specified in subsection (2) commits the offence of aggravated homosexuality and is liable, on conviction, to suffer death.

(2) The circumstances referred to in subsection (1) are where –

- (a) the person against whom the offence is committed is a child;
- (b) the offender is a parent, guardian or relative of the person against whom the offence is committed;
- (c) the person against whom the offence is committed contracts a terminal illness as a result of the sexual act;

(d) the offender is a serial offender;

(e) the offender is a person in authority over the person against whom the offence is committed;

(f) the person against whom the offence is committed is a person with a disability or suffers a disability as a result of the sexual act;

(g) the person against whom the offence is committed is a person with mental illness or suffers a mental illness as a result of the sexual act;

(h) the person against whom the offence is committed is of advanced age;

(i) the offence was committed against a person by means of threats, force, fear of bodily harm, duress, undue influence, through misrepresentation as to the nature of the act or intimidation of any kind;

(j) the person against whom the offence is committed was, at the time the offence was committed, unconscious or in an altered state of consciousness due to the influence of medicine, drugs, alcohol, or any other substance that impaired his or her judgement.

(3) A person who attempts to perform a sexual act in circumstances referred to in subsection (1) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding fourteen years.

(4) A person charged with an offence under this section may, in mitigation of sentence, submit evidence from a medical practitioner appointed by the Medical and Dental Practitioners’ Council, proving that the accused person was, at the time of the commission of the offence, suffering genetic abnormalities, which might have contributed to the acts that constitute the offence of homosexuality.

- (5) For purposes of subsection (4), a person shall be deemed to attempt to commit an offence when the person intending to commit an offence begins to put his or her intention into execution by means adapted to its fulfilment, and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence.”

Justification

- i) To harmonise the punishment for aggravated homosexuality, with the punishment prescribed for similar offences under the Penal Code.
- ii) To harmonise the penalty prescribed in this clause with section 129 of the Penal Code Act relating to defilement.
- iii) To harmonise the punishment for the offence of homosexuality and aggravated homosexuality.
- iv) To expand the provision to include other matters that aggravate the offence of homosexuality.
- v) To expand the provision to include other categories of infection and incurable diseases that might arise from the sexual act.
- vi) The proposal to allow a person charged with an offence under the section to mitigate the sentence by adducing evidence of genetic disorders is to recognise evidence from Uganda Medical Association, which explained that a small number of people may have homosexual tendencies because of abnormalities in their genes or biological disorders.

THE CHAIRPERSON: Thank you. Hon. Asuman?

MR BASALIRWA: I have no objection to the proposal by the committee.

THE CHAIRPERSON: Attorney-General?

MR KAFUUZI: I have no objection; I concede.

THE CHAIRPERSON: I put the question that clause 3 be amended as proposed.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4

THE CHAIRPERSON: This Bill has been harmonised.

MS RWAKOOJO: Clause 4: Attempt to commit homosexuality.

Delete clause 4.

The justification is that the provisions of clause 4 have been inserted in clauses 2 and 3 of the Bill.

MR SSEMUJJU: Madam Chairperson, thank you very much. I would request you to recommit parts of clause 3 because I disagree with clause 4 that says that someone can plead that this is a genetic abnormality. Even thieves might say they have a genetic problem; so, my request is that after the Bill, we recommit this. I want to propose -

THE CHAIRPERSON: But I thought you are a member of the committee. What happened in the committee?

MR SSEMUJJU: Madam Chairperson, at Committee Stage, I am not stopped from making a proposal. I am only stopped from debating during the second reading.

THE CHAIRPERSON: We will recommit it; let us proceed. Clause 4 -

MS RWAKOOJO: Clause 4: Attempt to commit homosexuality.
Delete clause 4.

The justification is that the provisions of clause 4 have been inserted in clauses 2 and 3 of the Bill.

THE CHAIRPERSON: Yes, Hon. Okot. Let me first hear from Hon. Asuman. Clause 4 -

MR BASALIRWA: Madam Chairperson, no objection.

MR AMOS OKOT: Thank you, Madam Chairperson. I propose that we should not delete clause 4 because clause 4 is talking about intention - If you have an intention to commit an offence -

THE CHAIRPERSON: Intention has been covered in clauses 2 and 3.

MR AMOS OKOT: If it has been covered then I apologise.

THE CHAIRPERSON: Attorney-General.

MR KAFUZI: I concede to the proposal.

THE CHAIRPERSON: I put the question that clause 4 be deleted as proposed.

(Question put and agreed to.)

Clause 4, deleted.

New Clause

MS RWAKOOJO: Insertion of new clause immediately after clause 4. The Bill is amended by inserting, immediately after clause 4, the following new clause -

“Punishment for child homosexuality

A child who is convicted of an offence under section 2 or 3 of this Act shall, instead of the punishments prescribed under the relevant section, be liable, on conviction, to imprisonment for a period not exceeding three years.”

The justification is to limit the punishment that can be imposed on a child homosexual to three years as required in Section 94(1)(g) of the Children Act, Cap. 120.

THE CHAIRPERSON: Honourable members, we are talking about a child not an adult and we have the Children Act.

MR BASALIRWA: Madam Chairperson -

THE CHAIRPERSON: By the way, children do not go to Luzira. They go to remand homes.

MR BASALIRWA: Madam Chairperson, to give more clarity, this is the reason we needed this Bill as a one-stop centre. You are now looking at the Children Act and the Penal Code Act. The justification being given is that where a piece of legislation elsewhere is clear on a matter like this, you are not going to deviate from it.

Therefore, when talking about children in any legislation we make, our first point of reference should be the Children Act. This is being consistent with the Act and the three years must be looked at from the context that we are dealing with children.

MR IDDI ISABIRYE: Madam Chairperson, my concern here is about the mitigation. If we allow these very people to go and mix up in the prison - Can't we suggest and recommend that -

THE CHAIRPERSON: That is in another clause. You are moving faster than the House.

MR ENOSI ASIIMWE: Thank you, Madam Chairperson. I know what I am going to suggest is a bit inconsistent with other laws but I would like to request that we redefine a child to be 22 years because the average age - *(Interjections)* - why don't you listen? The average age -

THE CHAIRPERSON: As a legislator -

MR ENOSI ASIIMWE: Wait a minute, Madam Chairperson.

THE CHAIRPERSON: I am surprised you do not know the age of a child prescribed under the laws of Uganda.

MR ENOSI ASIMWE: That is why I put a disclaimer. Why don't you allow me to finish my argument? *(Interruption)*

MR KAFUZI: Thank you, Madam Chairperson. Can we have some order?

THE CHAIRPERSON: Hon. Enosi, you swore to uphold the Constitution yet you now want to rape it.

MR KAFUZI: Madam Chairperson, for purposes of clarity, the age of majority is 18 years and above. For us to raise a child to 22 years would mean that we are amending the Constitution. That would mean that this Bill we are trying to pass today will, tomorrow, be declared unconstitutional on the basis of that.

THE CHAIRPERSON: Attorney-General, are you in agreement with the amendment?

MR KAFUZI: Yes, Madam Chairperson. I agree with it.

MR AKOL: Madam Chairperson, my concern is that a child of 14 years is different from that of 17 years. If we could have the punishment different, that would be better. *(Interjections)*

THE CHAIRPERSON: A child is a child.

MR AMOS OKOT: Thank you, Madam Chairperson. The information that is moving around, which is very clear, is that most of our children are being lured into homosexuality because of money. These children –

THE CHAIRPERSON: Propose the amendment.

MR AMOS OKOT: The amendment I am proposing is on the period. If you say only three years, these people who are practicing homosexuality may buy things for a child and the child can be tempted to go in for it. Therefore, I propose that we should increase the number of years -

THE CHAIRPERSON: How is it related to the amendment?

MR AMOS OKOT: The committee has proposed three years for a child who will be involved in homosexuality. However, I am saying that the three years is not enough because they can even go further to convince that child to accept anything of any kind. I propose it should be increased to 10 years.

MR TINKASIIMIRE: Madam Chairperson, the standard of three years is provided for in other laws. Issues being raised by honourable members -

THE CHAIRPERSON: Honourable members, I want to refer you to the Children Act. The law is in conformity with the other laws. I put the question that the proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, agreed to.

Clause 5

THE CHAIRPERSON: Members, we are not moving.

MS RWAKOOJO: Clause 5: Protection, Assistance and Payment of Compensation to Victims of Homosexuality

Clause 5 of the Bill is amended by –

- (a) deleting subclause (1).
- (b) substituting for subclause (2), the following:

“(2) A person involved in the investigation, prosecution or trial of offences under this Act shall assist the victim of the offense present his or her views and concerns at the appropriate stages of the criminal proceedings.”

Justification

- i) Subclause (1) is deleted since it has potential to be abused by victims to commit crimes against accused persons before

the acts complained of are investigated by the police and the accused person prosecuted. It will encourage mob justice and takes away the accused presumption of innocence prescribed in Article 28(3) (a) of the Constitution.

ii) For clarity and better drafting.

MR BASALIRWA: I concur.

MR KAFUZI: I concede.

DR BATUWA: Under this clause, which talks about protection, I would like to re-echo the words of the President when he was discussing homosexuality. He drew a line between -

THE CHAIRPERSON: What amendment are you proposing?

DR BATUWA: Whether it is a nurtured activity or an activity due to nature, we want -

THE CHAIRPERSON: Propose the amendment.

DR BATUWA: Madam Chairperson, the amendment I am bringing on board is to take care of people nurturing children into this activity and also -

THE CHAIRPERSON: It does not fall under here. Propose the amendment you want to make.

DR BATUWA: I am looking at protection.

THE CHAIRPERSON: What about protection?

DR BATUWA: Protecting the children. *(Laughter)*

THE CHAIRPERSON: Honourable members, I put the question that clause 5 be amended as proposed.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MS RWAKOOJO: Clause 6: Consent of a victim of homosexuality

Clause 6 is substituted for the following -

“Consent to sexual act is no defence

The consent of a person to commit a sexual act shall not constitute a defence to a charge under this Act.”

The justification is to expand the provision to declare, as irrelevant, the consent of any person to the performance of a sexual act that constitutes an offence under this Act rather than limiting the provisions to victims of offenses as proposed under the Bill.

MR TINKASIIMIRE: Clarification.

THE CHAIRPERSON: Next time, do not speak anyhow.

MR TINKASIIMIRE: Madam Chairperson, I seek clarification from the chairperson whether when they were considering the issue of consent, they looked at consent that is got at marriage.

We have had cases where couples married in church procure consent to hold out in heterosexual relationships. When they enter into that marriage relationship, they turn around and go into homosexual activities. They subdue the person. Now you are saying “consent”. What consent are you talking about? Is it consent that was procured at marriage because the victim will be innocent?

MR KATUNTU: Can I help? Honourable Member, this Bill is about same-sex relationships. It is not about heterosexuals -

THE CHAIRPERSON: And it is not about marriage.

MR KATUNTU: And it is not about marriage. Under Article 31 of the Constitution, marriage between people of the same sex is prohibited.

Hence, the issue of marriage of people of the same sex does not arise because it is unconstitutional.

MR TINKASIIMIRE: We are talking about heterosexuals, Madam Chairperson.

MR KATUNTU: This Bill is not about heterosexuals.

MR KABUUSU: Thank you, Madam Chairperson.

THE CHAIRPERSON: Give me the amendment.

MR KABUUSU: Madam Chairperson, the amendment I would like to make relates to Hon. Tinkasiimire's concern –

THE CHAIRPERSON: No, that one has been solved. It has been corrected.

MR KABUUSU: Madam Chairperson, it is not. Hon. Tinkasiimire's concern was people who go into a marriage as heterosexuals. After contracting a marriage, they turn to homosexuality activities when they are in a marriage and are supposedly heterosexuals.

THE CHAIRPERSON: The unnatural acts have been handled in clause 2. Honourable members, I know how much you feel for this but we must move. There is nothing to be corrected here, Hon. Nsereko.

MR NSEREKO: No, I am talking about consent. Thank you, Madam Chairperson. Maybe, the honourable members must rise to the fact that - because this may be pleaded as a defence - they were consenting adults. That is why we are clearly legislating that consent shall not be a defence. That is what they are saying under this Act. Therefore, you shall not plead that X and Y consented to perform this act.

THE CHAIRPERSON: I put the question that clause 6 be amended as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7

MS RWAKOOJO: Clause 7: Confidentiality

In clause 7, delete subclauses (1) and (2).

The justification is that clause 7(1) and (2) are redundant since clause 7(1) is already a practice of courts while clause 7(2) is provided for under Article 28(2) of the Constitution, which allows the court or tribunal to exclude the press or the public from all or any proceedings before it for reasons of morality, public order or national security, as may be in a free and democratic society.

MR BASALIRWA: No objection.

MR KAFUZI: No objection.

THE CHAIRPERSON: I put the question that clause 7 be amended as proposed.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

MR NSAMBA OSHABE: Madam Chairperson, clause 7 deals with our children. The penalty provided for in clause 7 is not fair because this is the only way –

THE CHAIRPERSON: What penalty do you recommend?

MR NSAMBA OSHABE: Madam Chairperson, they propose 10 years only in clause 7 for somebody who recruits our children into homosexuality. Let it be life imprisonment for whoever recruits our children and gets involved in making sure that our children are involved in this.

MR BASALIRWA: Madam Chairperson, for information purposes, that is not what clause 7 says.

THE CHAIRPERSON: Hon. Patrick, clause 7 is on confidentiality. Aiding and abetting is on clause 8; so, you are legislating ahead.

New clause

MS RWAKOOJO: Insertion of new clauses immediately before clause 8. The Bill is amended by inserting, before clause 8, the following –

“Child grooming

- (1) A person who –
- (a) recruits, transports, transfers, harbours or receives a child for the purpose of engaging the child in homosexuality or any other conduct prohibited under this Act;
 - (b) displays, distributes or supplies to a child any material demonstrating, depicting or illustrating a sexual act between persons of the same gender or any other conduct that is prohibited under this Act;
 - (c) shows or avails a child a picture, video or film showing, depicting or illustrating a sexual act between persons of the same gender or any other conduct that is prohibited under this Act; or
 - (d) in the presence of a child, performs a sexual act with a person of the same gender, or causes another person to engage in a sexual act with a person of the same gender, commits an offence and is liable, on conviction, to imprisonment for a period not exceeding ten years.
- (2) The consent of a child or that of the child’s parent, guardian, person in authority or any other person with parental responsibility over the child to the act prescribed in subsection (1) shall not be a defence to a charge under this Act.”

The justification is to prohibit acts that expose children to acts of homosexuality.

MS CECILIA OGWAL: Madam Chairperson, I have a concern on the punishment of 10 years. We have seen some videos moving around of young children of four or three

years being inducted or forced into the act of homosexuality. In that situation, a child is completely disoriented as far as sexuality is concerned. How can you prescribe only 10 years? Such people really - Even if we are trying to be merciful, it should be life imprisonment because your child is damaged and disoriented for life. These people need punishment for life; we must imprison them for life. Thank you.

THE CHAIRPERSON: Attorney-General, we have an amendment from *Imat Cecilia*.

MR KAFUZI: Madam Chairperson, the proposal of the committee is 10 years. *Mama Cecilia* proposes life. If the argument is about the length of imprisonment, we could find a middle ground and propose 15 to 20 years.

MS CECILIA OGWAL: Attorney-General, imagine it is your own child.

MS OPENDI: Thank you, Madam Chairperson. Where somebody has got your child - imagine the child is two or three years old – even life imprisonment is not adequate because this person will go to prison and continue living his life and maybe even continue with homosexuality in prison. These people should be castrated. *(Laughter)* Yes, I am proposing that the person should be castrated.

MR OKUPA: Thank you, Madam Chairperson. I want to concur with Madam Cecilia Ogwal because the damage caused here is for life. I think the best is for us to say life imprisonment because the damage to this child is for life. So, let the sentence also be for life. Thank you.

THE CHAIRPERSON: Honourable members, you are saying the 10 years are few. So, how many years?

MR SSEGGONA: Madam Chairperson, I would urge my colleagues that one - because I have heard this sentiment coming out: supposing it is your child? As legislators, we do not want to go -

THE CHAIRPERSON: Let us not put personal feelings in this thing.

MR SEGGONA: ...on record with those sentiments because we would be losing objectivity.

Two, in our legislation, let us keep remembering the two principles of legality and proportionality. Whatever we are saying here is a point of law. I signed this report; I am conscious and I have a duty to protect it. Let us remember legality and proportionality. Keep emotions out of this. Thank you.

THE CHAIRPERSON: Are you in agreement with the committee?

MR SSEGGONA: Yes, I am in agreement.

DR BWANIKA: Thank you, Madam Chairperson. I am rehabilitating a child who was recruited in Primary Seven. I propose that we amend and that the offence goes from 10 to 20 years.

Madam Chairperson, it is important that we find -

THE CHAIRPERSON: Can we hear from the Attorney-General?

MR KAFUZI: Honourable colleagues, in light of the proportionality that Hon. Ssegona has argued, I would want us to agree that 20 years would suffice.

MR MPUUGA: Madam Chairperson, the disservice the learned Attorney-General and my other learned friends have done to this House is not to explain, under certain guidelines, that actually, life imprisonment can be three years. (*Interjection*) I am telling you what it is. When you prescribe 15 to 20 years, it is more appropriate than generally saying, "Life imprisonment". The learned Attorney-General can explain what it means.

Therefore, do not simply say "life imprisonment". Legally, "life imprisonment" can mean five years, depending on how the presiding officer construes the matter being considered. You should have been helpful to the House to say "life imprisonment" is

actually not life imprisonment. The chairperson can also guide. I thought that should be well understood.

MR NSEREKO: Thank you, Madam Chairperson. Prescription of offences or penalty must be based on time. Different countries have defined life imprisonment differently – and this is from practice. Therefore, if you want to say 30 years, say it. If you want to say 40 years, say it. Otherwise, mere saying that the punishment should be "imprisonment for life" does not exactly imply that the judicial officer shall prescribe life imprisonment in case of the person to mean "all time behind bars".

Therefore, it is my humble view that we call upon the proposer to clearly state whether it is 25, 30, 10 or 27 years.

MR SSEGGONA: Madam Chairperson, I think that one has been sorted out by the latest jurisprudence. In the case of Tigo, the Supreme Court has stated that when the legislation -

THE CHAIRPERSON: Honourable members, listen.

MR SSEGGONA: ... says "life imprisonment", they mean your natural life. So, I think that ceases to be contentious.

THE CHAIRPERSON: Yes.

MR SSEGGONA: I am in agreement with the committee. I signed the report.

THE CHAIRPERSON: Can I have Hon. Fox?

MR ODOI-OYWELowo: Madam Chairperson, just permit me two minutes: One, when it comes to the protection of minors, we must all speak with one voice and that position applies to heterosexual sex as it applies to homosexual sex. Children have no space in the sex world. I would encourage all of you to protect our children.

That said -

THE CHAIRPERSON: How many years?

MR ODOI-OYWELOWO: Madam Chairperson, I am a member of the committee and the 10 years is sufficient.

MR SSEMUJJU: Thank you, Madam Chairperson. The problem we are dealing with - if Members can listen. Subclause (a) speaks about recruiting children, transporting them, etc., for purposes of engaging them while subclauses (b), (c) and (d) are about either someone committing homosexuality in the presence of a child or distributing material. These offences cannot attract the same sentence; someone trafficking a child for homosexuality and someone showing a film. I, therefore, propose that in case of (a), life imprisonment and in case of (b), (c) and (d), 20 years.

THE CHAIRPERSON: Honourable members, I put the question that the proposed new clause stands part of the Bill with the amendment of 20 years as proposed by Hon. Ssemujju and the Attorney-General.

(Question put and agreed to.)

THE CHAIRPERSON: Why are you making noise? If you want to make an amendment, you are a private member, you can make an amendment. This is the first law you are making and you can amend it anytime you want. Let us be orderly and honourable enough.

Clause 8

MS RWAKOOJO: Thank you, Madam Chairperson. Hon. Ssemujju's amendment had two effects and your bundling - I do not know whether it has separated part of the clause because -

THE CHAIRPERSON: It did, as proposed by Hon. Ssemujju. He mentioned it, so, I am going by what he said.

MS RWAKOOJO: Then I pray for recommittal, for purposes of separating it.

THE CHAIRPERSON: No, it is already separated. I took it as it was; it is separated.

MSAISHAKABANDA: Madam Chairperson, I defer from -

THE CHAIRPERSON: Hon. Kabanda, it is separated. When they are preparing the Bill, they will correct that.

MS AISHA KABANDA: With due respect, I have understood. Hon. Ssemujju has moved that exhibiting videos -

THE CHAIRPERSON: Hon. Ssemujju separated (a), (b), (c) and (d).

MS AISHA KABANDA: Yes, and he has suggested two different penalties; one, 10 years and another 20 years.

THE CHAIRPERSON: No.

MS AISHA KABANDA: Yes, that is what he moved.

THE CHAIRPERSON: Honourable members, clause 8.

Clause 8

MS RWAKOOJO: Aiding and abetting homosexuality

Delete clause 8.

Justification

i) The provision is redundant since it is provided for under Section 19 of the Penal Code Act and the conduct intended to be cured can be dealt with under clause 14, on promotion.

ii) The provision uses words such as "acts of homosexuality", which are ambiguous since they are not defined thereby making the provision contrary to the principle of legality prescribed in Article 28 (2) of the Constitution.

MR NANDALA-MAFABI: Thank you. I am not trying to differ too much from what the chairperson is raising but I want to ask a question. I do not know if Hon. Bahati is around.

THE CHAIRPERSON: Hon. Bahati is here.

MR NANDALA-MAFABI: When we passed this law in the Ninth Parliament, our colleagues went to court –(Interjections)– Anyway, it was Hon. Fox Odoi and Hon. Otada.

Having finished court, when we came here to pay tribute to the late Archbishop of Uganda, Janani Luwum, one of the seconders was Hon. Fox, who homosexual –(Interjections)– you said homosexual. (Laughter)

Madam Chairperson, these are the ones who aid and abet homosexuality. Now, what about those who go to court - (Interjections) - No, we do not want to delete it. That is why we want to bring -

THE CHAIRPERSON: Hon. Nathan, you are taking our time.

MR NANDALA-MAFABI: Madam Chairperson, I want us to bring those who go to court -

MR BASALIRWA: Madam Chairperson, I have no objection to the proposal by the committee.

MR OKUPA: Clarification, Madam Chairperson. The justification for deleting, as mentioned by the chairperson, is that there is no definition for acts of homosexuality. Why don't we define it so that it is clear?

THE CHAIRPERSON: We are going to define it in the interpretation clause; that is clause 1.

MR OKUPA: They are proposing to delete it and they are giving that as a reason but if we are going to define it, then it cannot stand as a reason.

THE CHAIRPERSON: They are saying it is a redundant clause; it is already provided for.

MR KAFUZI: Madam Chairperson, I have no objection.

THE CHAIRPERSON: I put the question that clause 8 be deleted as proposed.

(Question put and agreed to.)

Clause 9

MS RWAKOOJO: Conspiracy to engage in homosexuality.

Delete clause 9.

The justification is that the mischief intended to be cured by the clause can be dealt with under clause 14.

MR BASALIRWA: I concede to the proposal.

MR KAFUZI: I concede.

THE CHAIRPERSON: I put the question that clause 9 be deleted as proposed.

(Question put and agreed to.)

Clause 9, deleted.

Clause 10

MS RWAKOOJO: Procuring homosexuality by threat; delete clause 10.

Justification

i) Consequential amendment arising from the amendment of clause 3 of the Bill relating to the offence of aggravated homosexuality wherein subclauses (1) and (2) of clause 10 were inserted in clause 3.

ii) Clause 10 conflicts with section 123 relating to the offence of rape and section 129 relating to defilement by prescribing lesser sentences than those prescribed

under the above provisions, affecting the provisions of the above acts.

- iii) To remove a redundant subclause 10(2), which proposes to recognise the practice of court requiring corroboration.

MR BASALIRWA: I concede.

MR KAFUZI: I concede, Madam Chairperson.

THE CHAIRPERSON: I put the question that clause 10 be deleted as proposed.

(Question put and agreed to.)

Clause 10, deleted.

Clause 11

MS RWAKOOJO: Detention with intent to commit homosexuality

Delete clause 11.

The justification is that clause 11 is redundant.

MR BASALIRWA: I concur.

MR KAFUZI: I agree.

THE CHAIRPERSON: I put the question that clause 11 be deleted as proposed.

(Question put and agreed to.)

Clause 11, deleted.

Clause 12

MS RWAKOOJO: Brothels

Clause 12 of the Bill is amended –

- (a) by renumbering the provisions as subclause (1) and (2).
 (b) in subclause (a) by inserting the words “facilitating the commission of the offence of” immediately after the word “purposes”

- (c) by substituting for clause (b) the following - “The owner, occupier or manager of premises who knowingly allows the premises to be used by any person for purposes of homosexuality or to commit an offence under this Act commits an offence and is liable, on conviction, to imprisonment for a period not exceeding one year.”

Justification

- i) For clarity and better drafting.
 ii) As required in Section 37 of the Interpretation Act, to prescribe the maximum penalty that can be imposed by court in order to recognise and maintain court discretion in sentencing.

MR NSEREKO: Madam Chairperson, in this case, the country would be guided better if “brothel” is properly defined. The chairperson of the committee should enlighten the country on this matter. Otherwise, one may hire a place to operate a restaurant but someone else may run it differently.

Therefore, I can see within the clause -

THE CHAIRPERSON: There is a statement -

MR NSEREKO: “Knowingly” with the intent -

THE CHAIRPERSON: Yes.

MR NSEREKO: I think we need to safeguard the rights of owners. Assuming you owned apartments and you do not – if the word “knowingly” -

THE CHAIRPERSON: How many years?

MR NSEREKO: Seven years would be my proposal.

THE CHAIRPERSON: Hon. Cecilia and then Hon. Jonathan.

MS CECILIA OGWAL: Madam Chairperson, I seek clarification from the chairperson whether this will not conflict with the principle of confidentiality and privacy. These days, people are very clever; they can say they are going to discuss business when they are going for other things. Therefore, how will the principle of confidentiality operate here? May this be clarified?

THE CHAIRPERSON: Please clarify.

MR OKUPA: Further clarification, Madam Chairperson. I have just been looking at the definition of a brothel. It is short for a brothel house; a house for prostitution. I would like to know: is a house for prostitution legal in Uganda? By operation, a brothel is illegal. It goes further to say from a brothel, a wretch, scoundrel, a lecher, a harlot, prostitute and a house influenced by bordello. So, we need to clarify that.

THE CHAIRPERSON: Hon. Kato, do not go. We are going into voting now.

MR OKUPA: Mr Chairperson, help us to understand whether it is legal to operate a brothel.

THE CHAIRPERSON: Hon. Mwijukye?

MR MWIJUKYE: Since this is a promotion, I will put 10 years.

THE CHAIRPERSON: It is not a promotion; it is allowing your premises knowingly.

MR SSEWUNGU: Madam Chairperson, the committee was very careful on this clause. They stated: *“The occupier or manager of the premises who knowingly...”* That solves everything. Let us look at the sentence -

THE CHAIRPERSON: Give us the years.

MR SSEWUNGU: To me, everything is for life *-(Laughter)-* until everybody is finished.

MR WALYOMU: Thank you, Madam Chairperson. As a way of stopping these people

from getting land, constructing buildings and using them for the same, I think we need 15 years.

THE CHAIRPERSON: Hon. Akamba?

MR AKAMBA: Madam Chairperson, I move that we put the punishment at 10 years.

THE CHAIRPERSON: Hon. Richard?

MR GAFABUSA: Thank you. Madam Chairperson, I also agree because “knowingly” means you are promoting. Since we put 10 years for promotion, it should be the same 10 years.

THE CHAIRPERSON: Hon. Fred?

MR ANGURA: Thank you very much, Madam Chairperson. The word “knowingly” indicts. Whereas others may want to camouflage, 10 years would be okay. Let us provide for 10 years.

THE CHAIRPERSON: Hon. Judith?

Ms ACHAN: Since we have families that promote this under the pretext of protecting the categories, I agree with the 10 years.

THE CHAIRPERSON: Hon. Asuman?

MR BASALIRWA: Madam Chairperson, I have no objection to the 10 years being proposed by the majority. However, I would like to clarify the issue of brothels that Hon. Okupa raised. Brothels by nature are illegal. Therefore, I propose that instead of “brothels” as the head note, it should be “premises”.

THE CHAIRPERSON: We have an amendment from - Can you redraft the head note and the years?

MR KAFUZI: I think the proposal by Hon. Asuman is correct to -

THE CHAIRPERSON: The proposal by Hon. Asuman on the head note for premises -

MR KAFUZI: Premises is correct and I agree with the 10 years.

MR ODUR: Madam Chairperson, I want to raise an objection on the use of the word “knowingly”. In modern panel legislations, the moment you bring the word “knowingly”, you create confusion in prosecution. We should remove the word so that we remain with the words “the person who allows” so it becomes easy for the prosecution to deal with it.

THE CHAIRPERSON: I want to hear from Hon. Katuntu.

MR KATUNTU: Colleagues, the principle of criminal responsibility has two ingredients. The first is intention and that intention must be a criminal intention. In Latin, they call it *mens rea*. For one to be criminally responsible, the prosecution must prove that you had that criminal intention. Then, you go ahead and put that criminal intention into action. Therefore, the word “knowingly” must be there. Unless you are aware and you have the intention of renting out or providing premises, you cannot be criminally responsible. *(Interjections)* Do you want to clarify the law to me? *(Laughter)*

THE CHAIRPERSON: Honourable members, we are making an amendment on the head note. Order, Members! We are making an amendment on the head note to read “premises” and on the years to be 10.

I put the question that clause 12 be amended as proposed with amendment of the word “premises” on the head note and the words “10 years” as the sanction.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13

MS RWAKOOJO: Clause 13: Same sex marriage.

Clause 13 is substituted with the following –

“13. Prohibition of marriage between persons of the same gender (1) A person who –

- a) contracts a marriage with a person of the same gender;
 - b) presides over, conducts, witnesses or directs a marriage ceremony between persons of the same gender; or
 - c) knowingly attends or participates in the preparation of a marriage between persons of the same gender; commits an offence and is liable, on conviction, to imprisonment for a period not exceeding 10 years.
- (2) In this section, marriage means the union, whether formal or informal, between persons of the same gender.

Justification

- i) To operationalise Article 31(2)(a) of the Constitution which prohibits same sex marriages;
- ii) For clarity and better drafting;
- iii) As required in Section 37 of the Interpretation Act, to prescribe the maximum penalty that can be imposed by court in order to recognise and maintain court discretion in sentencing.
- iv) To expand the provision to apply to all persons who participate in a marriage or the marriage ceremony of persons of the same gender.

MR KAFUZI: Madam Chairperson, I propose an amendment. (a) says, “A person who contracts a marriage...” This being an anti-homosexuality Bill, marriage is defined to mean, “A union between a man and a woman.” Therefore, we cannot say, “...who contracts a marriage” because we are not recognising this as a marriage.

I propose that we say, “A person who attempts to contract a marriage,” because whatever

union they enter into is not recognised as a marriage. I beg to submit.

MR BASALIRWA: Madam Chairperson, in the Bill, we had actually considered the word “purport” – “A person who purports to contract...” because by attempting, you are giving effect - We are talking about purporting because it is void *ab initio*.

I want to vary a bit and say, “A person who purports to contract a marriage.” That is the amendment.

MR KAFUZI: Hon. Asuman, I need your attention. While “purport” may give good meaning, the law generally does not use the word “purport”; it uses the word “attempt”. In this case, I would propose we go with the word “attempt”, because you have tried to enter into something that is not illegal.

MR SSEGGONA: Madam Chairperson, using the word “attempt” would presuppose that it is doable but what we are dealing with is something that is not - because you cannot succeed in contracting this marriage anyway. I am comfortable with the word “purport”. What we are dealing with is not simply English; we are dealing with legislation. With legislation, it is what we call it. Thank you.

MR KATUNTU: I really request the learned Attorney-General to concede; let us not legislate a vague word. If you purport, you are purporting; it is illegal. Whether it is attempting, it is forbidden.

THE CHAIRPERSON: Move the amendment.

MR KATUNTU: I agree with Hon. Asuman Basalirwa’s proposal that we use “purport”. It is clearer and not subject to any other interpretation by the courts of law.

MS MUTUZO: Further clarification, Madam Chairperson. We had previously talked about “gender” being amorphous. Why don’t we insert “sex” instead of “gender” because “gender” has a lot of interpretations?

THE CHAIRPERSON: We have a definition of “gender” under clause 1.

MS MUTUZO: Madam Chairperson, the definition will be consistent with the international definition, which recognises gender in very many perspectives, including same sex and others. Therefore, to be consistent, I would propose that we replace “gender” with “sex” so that we talk of “same sex” instead of “same gender”.

THE CHAIRPERSON: We shall look at it in clause 1.

MR KATUNTU: I think at some point, the chairperson of the committee should go ahead - because Members are raising this point all the time - and try to explain how we have redefined those words. The law gives meaning to what we think and that particular issue has been handled in the definition section. There will be no grey area.

MSAISHAKABANDA: Madam Chairperson, probably this will help this House. I have children that participate in international debates and I have the privilege of listening to them –

THE CHAIRPERSON: Is it one of the amendments?

MS KABANDA: Yes, Madam Chairperson. As they speak, they ask them to define their “gender”. You might find a woman who is happy to define her gender as a “he” despite her being a woman sexually. I find it vague. Even when we interpret that, we shall use “gender” for “sex” because people deliberately give themselves a different type, even when you see them differently. I really support that we put the word “sex” instead of “gender” because internationally, “gender” is constructed – *(Interruption)*

MR KATUNTU: Information. Hon. Kabanda, we have gone ahead to define “sexual orientation”, which cures the mischief you are talking about – people who purport to be what they think they should be, whereas not. It is called “sexual orientation”. The report clearly

does that. Why don't you read the report? It is there.

MR TINKASIIMIRE: Clarification, Madam Chairperson.

THE CHAIRPERSON: First sit down. Honourable Members, I put the question that clause 13 be amended as proposed by Hon. Asuman Basalirwa.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 14

MS RWAKOOJO: Clause 14: Promotion of homosexuality

For clause 14, there is substituted the following:

“Promotion of homosexuality;

- (1) A person who promotes homosexuality commits an offence and is liable, on conviction, to imprisonment for a term not exceeding 10 years,
- (2) A person who promotes homosexuality where the person –
 - (a) Encourages or persuades another person to perform a sexual act with another person of the same gender, or to do any other act that constitutes an offence under this Act;
 - (b) Advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication, printing, broadcasting or distribution by any means, including the use of a computer information system, or the internet of any material, promoting or encouraging homosexuality or the commission of an offence under this Act;
 - (c) Provides financial support, whether in kind or cash, to facilitate activities that encourage homosexuality, or the

observance or normalisation of conduct that is prohibited under this Act;

- (d) Knowingly leases or subleases, uses or allows another person to use any house, building or establishment for the purpose of undertaking activities that encourage homosexuality or any other offence under this Act; or
 - (e) Operates an organisation, which promotes or encourages homosexuality, or the observance or normalisation of conduct that is prohibited under this Act.
- (3) Where an offence prescribed under this section is committed by a legal entity, court may –
- (a) Hold a shareholder, director, employee, manager, officer or any other principal officer in the legal entity to be responsible for the actions of the legal person and therefore liable for the offence committed and punished as provided in this section, and
 - (b) In addition to any penalties stipulated in the relevant provision –
 - (i) Impose a penalty not exceeding twenty thousand currency points for breach of any of the provisions of this section, or
 - (ii) Suspend or cancel the licence or other authorisation granted to the legal entity to undertake any activity in Uganda.”

Justification

- i) For clarity and better drafting;
- ii) To expand the provision to cater for all acts done with the aim of encouraging the observance of conduct that is prohibited under the Act;
- iii) To prohibit acts done in public, which are calculated to encourage homosexuality or the normalisation of acts that are prohibited under the Act; and

iv) To grant additional powers to court where a legal entity commits an offence.

MR KAFUZI: Madam Chairperson, I have an amendment to make on clause 2.

“(2) A person promotes homosexuality, where the person encourages or persuades another person to perform a homosexual act with another person of the same gender...”

I would propose we remove the words, “with another person of the same gender” for it to flow with: “...sexual act or to do any other act that constitutes an offence under this Act.” This is repetitive and superficial.

THE CHAIRPERSON: Is that okay, Hon. Abdu?

MR KATUNTU: I think it is good draftsmanship from the Attorney-General.

THE CHAIRPERSON: What about the years? Attorney-General, are you okay with the 10 years on the promotion?

MR KAFUZI: I am okay with 10 years. It is also consistent with the -

MR EDAKASI: Thank you, Madam Chairperson. I would like to make an additional amendment on the clause on promotion to include -

THE CHAIRPERSON: Tell me the years.

MR EDAKASI: Twenty years. Madam Chairperson, I have one more thing; it is about adding the word “curricula”. There are organisations coming and providing educational curricula -

THE CHAIRPERSON: Where do we add it?

MR EDAKASI: We add it to the list we have on promotions.

THE CHAIRPERSON: Are you getting it?

MR EDAKASI: Yes. On publications, items printed - we just add the word “curricula” so that it captures those organisations that promote certain curricula under our education system that promotes those actions.

THE CHAIRPERSON: Now, we are introducing an amendment on the Floor and that is against rule 134 of the Rules of Procedure.

MR OKUPA: Madam Chairperson, I am just giving information on what the honourable member has said about the curriculum. For those who did Christian Religious Education (CRE), look at the time when you did CRE and today. You will notice that they have changed. At that time, we looked at all the other types of sex as deviation, but in the current CRE books, they call it “types of sexes”. They have changed the curricula to read that way. That is why the issue of the curricula comes in.

Let the Ministry of Education and Sports look at those books. I think it was innocently taken to differentiate - it was for a purpose: to call it “different types” and then say, “Deviations.” That should be harmonised so that we do not -

THE CHAIRPERSON: I want to refer you to rule 134. You cannot introduce an amendment on the Floor.

MR BAHATI: Madam Chairperson, I rise on the amendment on the punishment for promotion. We have now known that homosexuality is not inborn, but learned. A teacher who teaches homosexuality - the doctrine - is actually the source of all these problems that we are talking about. Therefore, 10 years, in my opinion, is very minimal. I propose 20 years.

THE CHAIRPERSON: Honourable members, stop grabbing the microphone. If you are not going to sit, I am going to put the question.

MR LUMU: Thank you, Madam Chairperson. I have heard all the words here - lesbianism, gays -

THE CHAIRPERSON: The amendments we are making are on the years.

MR LUMU: I am seeking some help, Madam Chairperson. I want to know, from the chairperson, the meaning of the word “queer”. This is so that when I am debating, I understand it properly. Thank you very much.

THE CHAIRPERSON: You will hear it from the definitions under the interpretation clause.

DR BAYIGGA: Thank you very much, Madam Chairperson. The issue of promotion is the biggest problem that we have been having

THE CHAIRPERSON: Tell me the years.

DR BAYIGGA: I am proposing 20 years. However, there is something that we have not talked about in promotion: television programmes, videos and films that have got doses of promotion of homosexuality.

THE CHAIRPERSON: That one is catered for under clause 2(b).

MR BALIMWEZO: Thank you, Madam Chairperson. Promotion is very serious, particularly in schools. Therefore, I propose life imprisonment – *(Interjection)* – yes, because I am a victim.

MS JENIFFER AYO: Thank you, Madam Chairperson -

THE CHAIRPERSON: Honourable members, order!

MS JENIFFER AYO: Madam Chairperson, I propose that, first, these NGOs and the bodies that promote homosexuality be banned –

THE CHAIRPERSON: The banning is there. Give me the years.

MS JENIFFER AYO: I propose 50 years. *(Laughter)*

MS KATALI: Thank you, Madam Chairperson. I propose 20 years.

MR AZA: Thank you, Madam Chairperson. I propose 20 years.

MS OSORU: Thank you, Madam Chairperson, I propose 20 years.

MS BIGIRWA: Madam Chairperson, given the gravity of this vice, I suggest 30 years as punishment.

MR SSASAGA: Madam Chairperson, 30 is appropriate.

MS KAAYA: Madam Chairperson, there is a vice that is not listed: intimidating whistle-blowers.

THE CHAIRPERSON: Honourable members, that is separate. We are first looking at sanctions for the promotion of homosexuality.

MS KAAYA: I propose 20 years, Madam Chairperson.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I concede to the voices of 20 years.

THE CHAIRPERSON: The Attorney-General has conceded to the voices of 20 years. Hon. Asuman?

MR BASALIRWA: Madam Chairperson, I want to concede on the 20 years but I just want to give you notice that I have an amendment on clause 14.

Madam Chairperson, on clause 14 of the Bill - this is a matter that I brought to the attention of the committee but it has not been captured. I want to amend clause 14 of the Bill by inserting, immediately after the proposed subsection (3), the following -

“The Uganda Communications Commission or any other regulator may, upon its independent

determination that a corporate entity has breached any of the provisions of this section –

- (1) suspend or revoke the corporate entities' broadcasting rights in Uganda for a period of 10 years;
- (2) require the broadcaster or publisher to censor its content to eliminate all forms of promotion or publication of material offending this section; and
- (3) impose an administrative penalty equivalent to twenty thousand currency points."

The justification is to empower UCC to provide administrative remedies in cases of breach of the Act on promotion.

Madam Chairperson, I say so because I have heard concerns from colleagues about material that is aired or broadcast on radio and TV – and sometimes international TVs that broadcast in this country. Therefore, the regulator, who is UCC, should be able to impose penalties and sanctions on those that violate the provisions of this Act. I beg to propose.

MR SSEGGONA: Madam Chairperson, the committee was alive to certain principles in determining whether to use the word "may" or "shall".

First of all, we were avoiding something called "mandatory" because UCC itself is regulated by a different piece of legislation.

Secondly, the reasoning is that there are other penalties provided for as opposed to this one. Therefore, this is just in addition to the other remedies that may be considered by UCC.

Finally, in modern legislation, we normally avoid the word "shall" because of the different interpretations. For those that think that "shall" is actually mandatory, it has been defined and interpreted by courts to mean directory in certain cases. It will not be curing the problem you are trying to cure and the word "may" was deliberate.

MR KATUNTU: I think the Uganda Communications Act, which establishes the Communications Commission, empowers it, under that Act, to even revoke licenses of companies that have been licensed to carry out broadcasting, when they are doing anything that offends the law. It is already provided for there. We do not want to create a situation that we are now trying to – how can I put it - the freedom of the media - we do not want to walk that path again, of trying to infringe on the freedom of the media. They use-

THE CHAIRPERSON: When you look at what is provided for in 3 -

MR KATUNTU: I am looking at Hon. Basalirwa's amendment and not what is provided for because what was provided for was sufficient to handle what Hon. Basalirwa is saying.

THE CHAIRPERSON: The amendment Hon. Basalirwa is bringing up is provided for in the report. "(b) In addition to any penalty stipulated in the relevant provision,-

- (i) Impose a penalty not exceeding twenty thousand currency points for breach of any provisions of this section; or,
- (ii) Suspend or cancel the license or other authorisation granted to the legal entity to undertake activity in Uganda."

MR KATUNTU: It was well thought out; we sat and agreed that that is sufficient. What Hon. Basalirwa is trying to do is to go beyond that. What we provided for, under the report, actually is in consonance with what is within the UCC Act.

THE CHAIRPERSON: Maybe what we can include is the timeline.

MR BASALIRWA: Madam Chairperson, I have read the proposal by the committee, maybe what we need to add is the duration of the suspension or cancellation and I want to propose that the 10 years in my proposal be included in subsection 3(b)(ii).

THE CHAIRPERSON: Cancellation cannot be for a period of time. That should be suspension.

MR BASALIRWA: Madam Chairperson, I was talking about “suspending” and “revoking” and here, the committee uses “suspension” and “cancellation”. The point I want to make is that whatever we adopt, the issue of time must be captured and I want to propose that the cancellation or suspension should be for a period of 10 years.

MR SSEMUJJU: Madam Chairperson, thank you. I have a problem with criminalising an entire organisation because either one director in a broadcast house or in print media or an editor has committed the crime. It will be a very big mistake. I want to invite this Parliament to get –

THE CHAIRPERSON: Hon. Ssemujju, before you go far, when you look subsection 3, “...where an offence prescribed under this section is committed by a legal entity, court may hold a shareholder, a director, employee, a manager, officer or any other principle officer -” It is catered for.

MR SSEMUJJU: My problem is to begin cancellation of licences because media organisations employ sometimes even 1,000 people. Deal with a person who has committed the crime and not the organisation.

THE CHAIRPERSON: Court has the discretion. It is -

MR SSEMUJJU: Otherwise, we should have closed the NRM long ago –(Laughter)– you have 10 ministers who have stolen *Mabaati*, but you cannot criminalise the whole of the NRM. (Laughter)

MR SONGA: Thank you. I want to go to clause 14(3)(b)(i), impose a penalty not exceeding twenty thousand currency points, which is equivalent to 400 million. I want to propose fifty thousand currency points.

THE CHAIRPERSON: Attorney-General, is that okay with you - let us first answer the issue of the currency points.

MR KAFUZI: Madam Chairperson, I actually wanted to move the same amendment, because these broadcasters - once something is set on TV, it is watched by millions of people. The promotion reaches out to so many people. Unless we have a deterrent provision that curtails the activity, on that basis, I would go with the fifty thousand currency points proposed.

MR OKUPA: I want to thank the Attorney-General. Attorney-General, you have made it easier because this is also promotion and earlier, we had passed sanctions for promotion. When it comes -

THE CHAIRPERSON: Of 20 years,

MR OKUPA: Of 20 years. So, the time now must go with 20 years.

THE CHAIRPERSON: We are talking about entities; companies.

MR SSEGGONA: Madam Chairperson, talking strictly law, I want to implore the House to pay attention to the observation by Hon. Ssemujju because in a broadcasting house, for example, there are workers who go on air to do different lawful assignments; either out of sheer criminality or out of excitement, somebody makes a statement. That statement should not be visited on to the entire corporation. This is how we do it, especially when we are talking about penalties. I think we need to reorganise it in such a way that we capture criminality of particular individuals.

THE CHAIRPERSON: Hon. Ssegona, I read it. “(a) Hold a shareholder, director, employee, manager, officer or any other principal officer in the legal entity to be responsible for the actions of a legal person and, therefore, liable for the offence committed and punished as provided for in this section, in addition to any penalties stipulated in the relevant provision”.

MR SSEGGONA: I do not see that capturing individual -

THE CHAIRPERSON: That is in addition to the suspension.

MR SSEGGONA: Yes. I do not see that capturing individual liability. Instead, what I read from that is the corporation shouldering the liability of the individuals.

MR KATUNTU: Can I?

MR SSEGGONA: Yes, I would be happy to hear from my brother Katuntu.

MR KATUNTU: Madam Chairperson, an organisation commits a crime - colleagues, listen to me. An organisation commits a crime when it is its policy to promote criminality, then it is guilty of a criminal act if it is its policy.

However, if you have got individual workers, especially for example, the media you have editors, you have reporters, you have anchors, you have presenters, who somehow go and commit this crime maybe on air; you cannot hold the entire organisation criminally responsible. However, if it is the policy, say a television house called Agnes Nandutu TV, then you would hold that TV criminally responsible.

MR KAFUZI: Madam Chairperson, allow me to say this. While Hon. Katuntu says we look at the policy of the organisation, at no time will you find articles of association of a broadcaster, that they intend to broadcast a, b, c, and d. Maybe through regulation, if the Uganda Communications Commission (UCC) can find these culpable for more than once, then we can have a proviso which says, "Where an organisation has been found in breach for more than once" -

THE CHAIRPERSON: The Uganda Communications Commission Act has those provisions.

MR KAFUZI: If the Uganda Communications Commission Act has those

provisions, then we leave it to UCC, instead of embedding it in here.

MR BASALIRWA: Colleagues, I want us to reflect closely on the counsel given by Hon. Abdu Katuntu. This provision must be read conjunctively, not disjunctively. When you do so, you lose the input.

Subsection (3) is about giving courts the latitude. You are saying that a director, manager and employee are criminally liable. That is one leg of this argument.

The second leg is that in the process of investigation and prosecution, we have found that as a policy - whether written or not - advertently or inadvertently, you are promoting homosexuality, then there is no way, as an entity, you are going to go away scot-free. This is the text and context within which we must look at this proposal.

It is not about making an organisation unfairly liable. It is about finding an organisation in one way or the other directly or indirectly promoting, aiding and abetting acts of homosexuality. This is why the provision is not coached in mandatory terms. The provision is giving discretion to the court that at the end of it all, the court "may" - and I think it is important for us to put some focus on that aspect.

I would like to propose that the fifty thousand currency points and the proposal of the license being cancelled or suspended for 10 years be included.

MR KAFUZI: Madam Chairperson, I have one concern. You cannot impute culpability on a corporation unless you have parameters in place. Unless you are able to say it has been done more than once. Now, we find you guilty -

THE CHAIRPERSON: That is provided in the Uganda Communications Commission Act.

MR KAFUZI: What I am trying to say is that it would be wrong for us to say it is the policy of the company. Unless we provide that that company has been found to have done this

more than once, then we can impute that to be the policy of the company.

THE CHAIRPERSON: Attorney-General, that is why you find all these licences are provisional.

MR TINKASIIMIRE: Madam Chairperson, we are to raising this House to a position where even attempt is punished. Why are we allowing a company to even do it once?

I have an issue with the liability of a company against the shareholders. Where do we put the principle of - I seek guidance on that.

MR KAFUZI: Madam Chairperson, I concede to the amendment.

MR SSEGGONA: Madam Chairperson, I am very much receptive of the proposals of Hon. Katuntu and Hon. Asuman Basalirwa. However, we are looking at a corporation that does not speak by itself. We are looking at a corporation that employs persons, all of whom are drawn from our own society - *(Interruption)*

MR OKUPA: Madam Chairperson -

THE CHAIRPERSON: No, we want to move.

MR KAFUZI: Madam Chairperson, I concede to the proposed amendment of fifty thousand currency points and 10 years.

MR SSEMUJJU: Madam Chairperson, I have an amendment -

MR SSEGGONA: Madam Chairperson, as Hon. Okupa takes his seat, I was explaining - and the purpose of my explanation was to make Hon. Okupa understand because I understood it.

One, I would like to request us to be neater so that we are - *(Interruption)*

THE CHAIRPERSON: Hon. Elijah, please, let us move.

MR SSEGGONA: I withdraw. I now recognise that he understands. *(Laughter)*

Madam Chairperson, we are in agreement. What we are trying to do here, before even the Attorney-General conceded, is to ensure that we hold the culpable persons tightly and the best way of doing it is separating crimes.

When it comes to individuals, we hold them liable. When it comes to corporations that the learned Attorney-General talked about; the more than once - Actually, what we can do is to say -

- i. by repetition; and
- ii. by policy.

By policy can be established by way of evidence as, Hon. Katuntu said, especially since we talked about the worst penalty; the last one of cancellation. That is why I suggested we separate them.

When it comes to what Hon. Asuman Basalirwa was saying – perhaps, if we want to do it better, we could even allow enactment of a statutory instrument that enumerates the processes.

Finally, on the question of suspension and cancellation, I want to differ a bit from Hon. Basalirwa. Let us provide timelines when it comes to suspension but when it comes to cancellation, we should cancel forever. If you want to come back, reapply and you should be assessed by the UCC. Thank you.

MR SSEMUJJU: Madam Chairperson, I want to move that we delete subsection 3(b)(ii) that deals with the suspension and cancellation of licenses. Let me give you -

THE CHAIRPERSON: Hon. Ssemujju, we cannot delete subsection 3(b)(ii).

MR SSEMUJJU: Madam Chairperson, the deletion should be put to a vote.

THE CHAIRPERSON: I put the question to the deletion of subsection 3(b)(ii).

(Question put and negated.)

MRAOGON: Thank you, Madam Chairperson. The point of procedure I am raising concerns the participation of the House. My observation is that members of the committee -

THE CHAIRPERSON: Which amendment are you making?

MR AOGON: I am on the point of procedure, Madam Chairperson. The Members who are debating the Bill are the owners of the Bill. They are the ones who brought it to the House; they are denying us the space to talk about it. Are we proceeding well, Madam Chairperson? They are debating their own Bill.

THE CHAIRPERSON: We are proceeding very well. The amendment?

MR OPIO: Madam Chairperson, I would like to move an amendment under subsection 2(c) and (e). 2(c) states: *“provides financial support, whether in kind or cash, to facilitate activities that encourage homosexuality.”* I want to propose that we add and rephrase it “to provide financial support, whether in kind or cash or distribute or allow the distribution of materials and commodities, to facilitate activities that encourage homosexuality.”

THE CHAIRPERSON: That is provided for in (b).

MR OPIO: Madam Chairperson, that is on information. What I am looking at are commodities. One of the commodities that is used in promotion are lubricants and that is why we want it to be captured under (c). There are commodities that these promoters use to promote homosexuality and I want to propose that we add that. This is different from (b), which is on information.

THE CHAIRPERSON: Those are the ones “in kind”.

MR OGUZU: Madam Chairperson, that proposal will create more problems for the country.

THE CHAIRPERSON: Yes?

MR OGUZU: Why am I saying that? A lubricant may be imported into the country, and it serves very many health purposes. And you cannot isolate it for purposes of promoting homosexuality but that is not enough.

Madam Chairperson, the key issue I wanted to observe is that of the principle, which Hon. Abdu Katuntu highlighted, he said that when criminalising someone for a criminal offence, you must first of all look at the intent. In promotion of homosexuality and in processing the various sections and subsections of what amounts to promotion of homosexuality, we did not address ourselves to today’s question of intent.

For example, there are many Members in this House who have been sending videos of homosexuals to highlight the magnitude of the problem. Under our current proposal -

THE CHAIRPERSON: So, what amendment are you making?

MR OGUZU: Let me just explain so that people get it right. Under our current law, what that means is that when you send a video to maybe highlight a danger of homosexuality, you are criminally responsible – according to what he has highlighted to me.

THE CHAIRPERSON: That is under the Computer Misuse Act.

MR OGUZU: It is under that but right now, we are criminalising it and yet your intent may not be to promote homosexuality. So, it is important-

THE CHAIRPERSON: You are aware of “advertises-”?

MR OGUZU: It is important that we deal with that; if we do not address ourselves to the issue of the intent.

THE CHAIRPERSON: Can we have the amendments - Hon. Basalirwa, make your amendment. Honourable Members, please sit down. Hon. Moses, come back and vote. We are going to vote -

MR OGUZU: So, my amendment is that we should add the word “knowingly” or “willingly” to any act of promotion. Otherwise you may do things when you do not intend to. I thank you.

MR BASALIRWA: Madam Chairperson, I would like to propose as follows: 3(b) “In addition to the penalty stipulated in the diverse provisions,

1. impose a penalty not exceeding fifty thousand currency points for breach of one of the provisions of this section. In addition to any fine - impose a fine – (*Interjection*) - Yes; impose a fine not exceeding fifty thousand currency points for breach of any of the provisions of this section.
2. Suspend the licence of the entity for 10 years.
3. Cancel the licence or cancellation of the licence.

I beg to move.

THE CHAIRPERSON: Attorney-General?

MR KAFUZI: I do understand the proposed amendment because in “cancelling”, we do not have a time period attached to it, while “suspend” can have a time period attached to it. So, I agree with the proposal.

MR NSEREKO: Thank you, Madam Chairperson. Hon. Lee posed something that has a connotation in law, and it is vital that we address our minds to the matter; the matter of intention. I will give you an example: we watch, let us say, the Premier League. And what they wear there is the rainbow armband, and someone shares with you a clip of a player in the Premier League having that; and the intention is to probably tell you, “Hon. Silwany, in the Premier League scored a goal.” Do you understand what I am saying?

Therefore, it is important for even these broadcasters – because NBS airs out highlights

of the Premier League. And probably it can block but probably it may not block the part of the armband of the captain of the Premier League team.

Therefore, if they are repetitively doing it in their sports highlights, is that promoting homosexuality with an intention? Can we look at the connotation of the intention? He talked about the videos; probably someone is telling you, “Honourable, look here, there is someone – a whistle-blower – doing this in a secondary school.” So, let us talk about the intention of the person circulating this information.

THE CHAIRPERSON: Listen to part (b); “advertises, publishes prints, broadcasts, distributes or causes an advertisement.” Publication, printing, broadcasting or distribution by any means, including the use of the computer information system, or Internet of any material promoting or encouraging homosexuality, or, the commission of an offence under this Act.

Hon. Meddie, you raised this issue; have you understood it? It is provided for and it is clear.

MR SSEGGONA: No. Madam Chairperson, I think we are all in agreement, but in criminal law, there are two basic ingredients: We call the first one “*mens rea*”, which is the intention and we call the second the “*actus reus*”, which is the real act.

What Hon. Nsereko is saying – like Hon. Oguzu – is that we just insert the word “knowingly” or the words “with intent”. It is as simple as that. The rest of the ingredients are catered for.

THE CHAIRPERSON: “Knowingly advertises...?” Make the amendment.

MR KAFUZI: Madam Chairperson, I concede to the proposal by Hon. Sseggon that we insert “knowingly” or “with intent” at the beginning of subclause (b)

THE CHAIRPERSON: “Knowingly advertises, publishes, prints...” or “with intention”?

MR KAFUZI: Yes.

THE CHAIRPERSON: I put the question that clause 14 be amended as proposed by the Attorney-General, Hon. Asuman, Hon. Sseggonna and Hon. Muhammad Nsereko.

MR ODUR: Madam Chairperson, my issue on clause 14 is different. When you start from clause 14(1) – “*A person who promotes...*” – and then you come to subclause (2), it appears that subclause 3(a) becomes redundant, even when the intention is towards a legal entity, by listing the following people – it reads: “*Where an offence prescribed under this section is committed by a legal entity...*”

It presupposes that there is a full trial that took place and at the end, the court determines that there is culpability. After the court has determined that culpability, we propose that, that court may single out a person who has never appeared before that court to answer, to be punished.

I think subclause (3)(a) is redundant because under subclause (1), we already punished a person. If you are charging a legal entity with a criminal offence, you charge the minds - the directors or people who are there. I want the Attorney-General to clarify.

THE CHAIRPERSON: Let me first hear from Hon. Abdu.

MR KATUNTU: I am sorry – and maybe I am not the only one. Hon. Odur could repeat what he said because we want to understand the point he was raising.

THE CHAIRPERSON: Subclause (3) says: “Where an offence prescribed under this section is committed by a legal entity, court may –

- (a) hold a shareholder, director, employee, manager, officer or any other principal officer in the legal entity to be responsible for the actions of the legal person and, therefore, liable for an offence committed and punished as provided for in this section.”

MR KATUNTU: That is clear. The court has found, through a trial, that the legal entity has committed a particular offence. In addition, it may find that the director, manager or shareholders might be culpable, also, of a criminal offence. I do not know where his problem is.

MR ODUR: That is where my issue is. After the court has conducted that trial and found that the legal entity is culpable, you are now saying that the court may single out any of these people. The principle in criminal trial is that I must be heard to defend –

MR KATUNTU: You must be tried.

MR ODUR: Yes. However, under subclause (1), we have already provided that a person who promotes, commits an offence. That is either a natural person or... So, I think the punishment, under subclause (1), is already done.

MR KATUNTU: Attorney-General, concede. He has a point.

MR KAFUZZI: I concede.

MR BASALIRWA: Madam Chairperson, I also concede.

THE CHAIRPERSON: I put the question that clause 14 be amended as proposed by Hon. Odur, Hon. Oguzu Lee, Hon. Sseggonna, Hon. Asuman and the Attorney-General.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

New clause

MS RWAKOOJO: Insertion of a new clause immediately before clause 15

The Bill is amended by inserting the following new clauses immediately before clause 15 as follows –

“Disqualification from employment upon conviction

A person who is convicted of the offence of homosexuality or aggravated homosexuality shall be disqualified from employment in a childcare institution or in any other institution which places him or her in a position of authority or care of a child or a vulnerable person, until such a time as a probation, social and welfare officer determines that the person is fully rehabilitated or no longer poses a danger to a child or other vulnerable persons.

Disclosure of sexual offences record

- (1) A person convicted of an offence under this Act shall disclose the conviction when applying for employment in a childcare institution or any other institution, which places him or her in a position of authority or care of a child or any other vulnerable person.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding two years and the employment of that person shall terminate.

Duty to report acts of homosexuality

- (1) A person, who knows or has reasonable suspicion that a person has committed or intends to commit the offence of homosexuality or any other offence under this Act, shall report the matter to police for appropriate action.
- (2) A person who is otherwise prevented by privilege from making a report under subsection (1) shall be immune from any action arising from the disclosure of information without the consent or waiver of privilege first having been obtained or had.
- (3) A person who, knowing or having reason to believe that a person has committed or intends to commit an offence and does not report the matter to police, commits

an offence and is liable to a fine of five thousand currency points or imprisonment for six months.

- (4) A person who makes a report referred to in this subsection shall be treated as a whistle-blower and shall be protected from victimisation.
- (5) This section shall not apply to an advocate.”

False sexual allegations

- (1) A person who intentionally makes false or misleading allegations against another person to the effect that the person has committed an offence under this Act commits an offence and is liable, on conviction, to imprisonment for one year.
- (2) In this section, an allegation is false or misleading if at any stage of investigation or prosecution, it is proved that the alleged act did not take place or the information was reported maliciously.

Repeals

Section 145(a) and (c) of the Penal Code Act is repealed.”

Justification

- i) The proposal to disqualify a person convicted of an offence of homosexuality from employment in a childcare institution, or in any other institution which places him or her in a position of authority or care of a child or vulnerable person, is intended to protect children and various other vulnerable people from exploitation.
- ii) The proposal to have a person convicted of an offence to disclose the conviction when applying for employment in a child care institution, or any other institution, which places him or her in a position of authority or care of a child or any other vulnerable person is to enable such an institution to

make an informed determination of the suitability of the person before employing him or her in such institution.

- iii) The proposal to impose an obligation on a person to report offenses intended to ensure that incidents of homosexuality are reported and investigated.
- iv) The proposal to penalise persons who make false or misleading allegations is to guard against persons who intentionally make malicious and misleading reports to police in light of the seriousness of the offences.
- v) The repeal of sections 145(a) and (c) is to harmonise the Bill with the provisions of the Penal Code Act and to ensure that only one offence of homosexuality exists on the law books.

MR BASALIRWA: Madam Chairperson, I concede and this answers the concerns of folks that the Bill has nothing new. I concede.

MR KAFUZI: Madam Chairperson, I concede,

THE CHAIRPERSON: I put the question that a proposed new clause stands part of the Bill.

(Question put and agreed to.)

New clause, agreed to.

Clause 15

MS RWAKOOJO: Clause 15: Special powers of court. For clause 15, they substituted the following -

“Rehabilitation of homosexual

- (1) Court may upon convicting a person for -

MR SSEMUJJU: Madam Chairperson, in the earlier clauses, this Parliament said that aggravated homosexuality, on conviction, should suffer death. The provision we have

just passed says that a person convicted of that offence should not be in the care of a child. Will that person who has been sentenced to death and maybe buried already - are we talking about his body? This is because you have already made a provision in the same law that he should suffer death. You are now saying he should not be in custody of a child.

MR BASALIRWA: Madam Chairperson, I think we need to understand these sentences. What the law is talking about are maximum penalties. It is just giving courts the latitude to exercise that discretion. When we say life imprisonment, the court may actually not give you life imprisonment; so, I think we have to understand it from that context.

Clause 15

MS RWAKOOJO: Special powers of court. For clause 15, they substituted the following –

“Rehabilitation of homosexual

- (1) Court may, upon convicting a person for the offence of homosexuality, order the provision of social services for purposes of rehabilitating the convicted person.
- (2) The services referred to in subsection (1) may be provided by the prison services or by a probation, social and welfare officer of the area, where the convicted person is serving his or her sentence.

Justification

- i) To make the provision discretionary in light of the limited resources.
- ii) To designate who is to provide the rehabilitation services referred to in the section.
- iii) For clarity and better drafting.

MR KAFUZI: Madam Chairperson, my concern with this proposal is that whereas it allows the court to exercise discretion, in a way, it creates an additional charge on the

Consolidated Fund. You are asking the prisons to take on the responsibility that may have previously not been theirs; unless it is known that the prison services or the probation and welfare officer has a budget for rehabilitation of people convicted of this offence.

MR SSEWUNGU: Madam Chairperson, I am seeking clarification from the Attorney-General. He knows that the Government or the Ministry of Finance gave us a Certificate Of Financial Implications. The moment you gave us that certificate, whatever we legislate in this law is pertinent and must be binding. Therefore, do not bring anything dealing with money or any finances in this Bill. Attorney-General, are you aware of that?

MR SSEGGONA: Madam Chairperson, this time, I have something to agree with Hon. Ssewungu –

THE CHAIRPERSON: For the first time.

MR SSEGGONA: Secondly, to bring to the attention of the learned Attorney-General that by statute, prisons are already under obligation to offer rehabilitation services. This one was envisaged in the certificate. The State is not entitled to assume that when passing this Act, we are not going to change anything; whatever we are changing or proposing to change here is within the certificate provided already.

MR KATUNTU: Thank you very much, Madam Chairperson. Under criminal law, a prison sentence is both penal and reformatory. When we keep people in custody, as prisoners, we are supposed to take them through rehabilitation. It is part of the process of being in custody of the prisons. Therefore, you are not imposing any extra charge. It is actually their responsibility. I think the Attorney-General agrees with this. I do not know where his point of contestation is; there is no extra imposition. Do you want to concede and we close the debate?

MR KIRUMIRA: I just have a small addition on that. Thank you, Madam Chairperson. I want to think that this is an issue of cognitive

conflict. These people need to be supported and helped in terms of distinguishing what is right and what is wrong.

I think that that work cannot be done by prison officers. It cannot be done by the support staff in those prisons. That calls for financial implications on this matter. It is a serious matter that –

THE CHAIRPERSON: Hon. Hassan, by the way, in prisons, the people who do the correction are not really the prisoners. That is why you find priests, doctors and counsellors going there. It is not basically the prisons officers.

MR KIRUMIRA: That is why I wanted to move an amendment on the second clause that instead of talking about “prisons officers”, we replace it with “specialists.”

THE CHAIRPERSON: It is prison services.

MR OGUZU: Hon. Hassan, the information I want to give is that it is said that a lot of homosexuality takes place in prisons. That means the facilities and people that the chairperson alluded to may be non-existent. Therefore, it is very important that a provision is made to take care of these people because that is where many people learn these acts and then they come out. The commitment for resources –

THE CHAIRPERSON: What is your amendment?

MR OGUZU: My amendment is that there must be a very specific provision, which takes care of what he is alluding to and proposing. I thank you.

THE CHAIRPERSON: Attorney-General? Hon. Aogon, are you proposing an amendment?

MR AOGON: Madam Chairperson, I know the Attorney-General is referring to Article 93 of the Constitution but in this particular case, prisons already have that mandate -

THE CHAIRPERSON: He has conceded.

MR AOGON: He used a low tone; so, I did not hear. I have also conceded.

MR KAFUZI: I concede. Let us move.

MR NSEREKO: Thank you, Madam Chairperson. Without the intention of diverting the House, I would like to give the House an insight.

Madam Chairperson, you have made an observation but an international report has come out about adoption of children. Since we are in miscellaneous legislation now, I would like to invite Members to make an observation that gay couples who are not in this country should access this country for purposes of adopting children.

Our laws are blind on this. They talk about adoption based on sexuality, not based on orientation, or perception of marriage. I would like to invite this House to assess this fairly.

Amongst the studies that are out, Madam Chairperson, the children -

THE CHAIRPERSON: Hon. Nsereko?

MR NSEREKO: Yes.

THE CHAIRPERSON: Are you proposing an amendment to the Children Act?

MR NSEREKO: It is not about the Children Act, and it is not in adoption, but it is in the miscellaneous legislation that we are doing in part 4, and special powers of court. After that, I will tell you the amendments I would like to give to courts in this case.

THE CHAIRPERSON: Honourable members, we are voting now. Please do not go.

MR NSEREKO: Madam Chairperson, this is something that skipped the minds of even the people that were in the committee. Our law talks about an individual being of the same sex with a difference in age, adopting a child. If I am a man, I should be given the leverage to come here and take over a young boy. For example -

THE CHAIRPERSON: Do you want to introduce it here?

MR NSEREKO: Yes.

THE CHAIRPERSON: How?

MR NSEREKO: This is the miscellaneous powers I am trying to grant court. Madam Speaker, let me first give my view. Maybe others may object to it.

THE CHAIRPERSON: Look at rule 134.

MR NSEREKO: I think you might be skipping something that is the most important thing in promotion of the vice of homosexuality.

THE CHAIRPERSON: We shall amend the law.

MR NSEREKO: I think the Attorney-General might have something to say about it.

MR KAFUZI: Permit me to clear his position. Anyone who intends to adopt a child, there must be a report of a probation officer. The probation officer must be able to say, "You must have been with that child for a given period" meaning that the probation officer is supposed to do an investigation on that person.

If the judicial officer presiding over that matter is suspicious or not satisfied with the morality of the individual intending to adopt, he or she is at liberty not to grant it. I beg that we proceed.

THE CHAIRPERSON: Honourable members, I put the question that clause 15 be amended as proposed by the committee.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

Clause 16

MS RWAKOOJO: Clause 16: Extradition

Delete clause 16.

The justification is that the provision is redundant since extradition thrives on reciprocal arrangements of given states and in the case of Uganda, the Extradition Act, Cap. 117, provides for extradition of persons accused of crimes committed within the jurisdiction of another state.

MR BASALIRWA: No objection, Madam Chairperson.

MR KAFUZI: No objection.

THE CHAIRPERSON: I put the question that clause 16 be deleted as proposed.

(Question put and agreed to.)

Clause 16, deleted.

Clause 17, agreed to.

The Title, agreed to.

Clause 1

MS RWAKOOJO: Clause 1: Interpretation

Clause 1 as amended -

- (a) by deleting the definition of the word “authority”;
- (b) by deleting the definition of the word “court”;
- (c) by deleting the definition of the word “felony”;
- (d) by deleting the definition of the word “misdemeanor”;
- (e) by substituting the definition of the word “homosexual”, the following -

“Homosexual” means a person who engages in an act of homosexuality.

- (f) by substituting the definition of the word “homosexuality the following -

“Homosexuality” means the performance of a sexual act by a person on another person of the same gender”;

- (g) by substituting the definition of the phrase “sexual act”, the following -

“sexual act” means the stimulation or penetration, however slight -

- (a) of a person’s anus or mouth by a sexual organ of another person of the same gender;
- (b) of a person’s anus, sexual organ or mouth by a sex contraption, by a person of the same gender; or
- (c) of a person’s anus or sexual organ by any part of the body of a person of the same gender.

- (h) in the definition of the term “sexual organ”, by deleting the words “or any artificial sexual contraption”;

- (i) by deleting the definition of the word “touching”;

- (j) by substituting for the definition of the word “victim” the following -

“victim of the offense” means -

- (a) a child against whom the offense of aggravated homosexuality has been committed;
- (b) a person suffering from mental illness or any other form of disability against whom the offense of aggravated homosexuality has been committed; or
- (c) any other person against whom the offense of homosexuality or aggravated homosexuality was committed -

i. by means of threats, force, fear of bodily harm, duress and undue influence, through misrepresentation as to the nature to the actor or intimidation of any kind; or

ii. while unconscious or in an altered state of consciousness due to the influence

of medicine, drugs, alcohol, or any other substance that impaired his or her judgment.

(k) by inserting the following definition appropriately - “advanced age” means seventy five years and above;

(l)

“computer” means an electronic, magnetic, optical, electrochemical or other data processing device or a group of such interconnected or related devices performing logical arithmetic or storage functions, and includes any data storage facility or communications facility, directly related to or operating in conjunction with such a device or group of such interconnected or related devices.

“child care institution” includes an orphanage, children’s home, open shelter, an institution of learning or any residential childcare institution whether licensed or unlicensed, established for the purposes of providing care and protection to children who need such services.

“female person” means a person born with a female sexual organ;

“imprisonment for life” means imprisonment for the natural life of a person with the possibility of being released.

“information service system” includes a provision of connections, operation facilities for information systems, the provision of access to information systems, the transmission or routing of data messages between or among points specified by a user and the processing and storage of data at the individual request of the recipient of the service.

“intersex” means a person who is born with both male and female sexual organs or is born with ambiguous genitalia.

“gender” means the biological state of a person as either male or female and in the case of an

intersex person, means the status adopted by the intersex person as being dominant, either naturally or through medical transition but does not include sexual orientation.

“male person” means a person born with a male sexual organ.

“organisation” means a legally constituted Non-Governmental Organisation registered under the Non-Government Organisations Act, and includes a private, voluntary grouping of individuals or associations established to provide voluntary services to the community or any part, but not for profit or commercial purposes.

“sexual orientation” means a person’s identity in relation to the gender to which the person is sexually attracted to.

“sex” means gender.

“sexual contraption” means a device or objection used to stimulate a sexual organ or stimulate sexual intercourse between persons of the same gender.

“person in authority” means a person who is charged with the duty or responsibility for the health, welfare or supervision of a person.

“terminal illness” means a disease without scientific cure.

“vulnerable person” means a person who is in need of special protection because of age, gender, illness, physical or mental disability, social or personal status or other status, including a refugee, an internally-displaced person, a stateless person and an asylum seeker, a victim of gender-based violence, an illustrate person or elderly person.

Justification

i) to remove terms and words that are redundant since they are not used in the Bill.

ii) the substitution of the definition of the word “homosexuality” is for clarity.

- iii) the amendments proposed to the term “sexual act” is for clarity, and to harmonise the definition with the offence of homosexuality as proposed in clause 2 of the Bill.
- iv) the deletion of the words “or any artificial sexual contraption” from the definition of a “sexual organ” is to prevent abuse of the provision by extending the definition of a sexual organ to include an artificial sexual contraption.
- v) the amendment of the term “victim” is to enhance identification of victims of the offence of homosexuality, and to include a child, person suffering with mental illness as well as other persons against whom are forced to perform sexual acts that constitute an offence.
- vi) to define the term “life imprisonment”.
- vii) to clearly define words and phrases that are used in the Bill, which are ambiguous and capable of multiple understanding.

THE CHAIRPERSON: Madam Chairperson, reread “imprisonment for life”.

MS RWAKOOJO: “Imprisonment for life” means imprisonment for the natural life of a person without the possibility of being released.

THE CHAIRPERSON: Okay, thank you.

MR BASALIRWA: I concede because this makes a lot of clarification and makes Hon. Fox Odoi’s minority report still and rigmarole. So, I concede.

MS MUTUZO: Madam Chairperson, I still insist that we should remove the word “gender” because some children’s gender is changed even at three years. I am a student of gender; I am a PhD fellow and I know what “gender” means.

So, to be very firm and clear, let us remove the word “gender” because gender is socially constructed. You choose to become a woman;

you will call yourself a woman and no one has a right to call you a man.

We should replace the word “gender” with “sex”. And even when talking about “sex”, it should be born biologically not the ones who are manufactured in laboratories. This will nullify everything else if we do not define clearly what gender is about. To be safe, let us remove the word “gender” and replace it with “sex” and where it should be “born man or woman”.

MR OTIMGIW: Madam Chairperson, I agree with my colleague. It is true that right now in the Western World, people can actually change their sex the way they want, as long as they have the money. So, we should remove the word “gender” and just put the words “biological sex that we were born with”. Thank you.

MS RWAKOOJO: Madam Chairperson, I concede.

MR TINKASIIMIRE: Madam Chairperson, I want to bring the attention of the House to the construction of “advanced age”. She proposed that for one to be considered of “advanced age”, they should be 75 years of age.

According to Article 92 of the Constitution, we are barred from altering decisions made by a court. In the case of Kamugisha, it was held that for a man to be considered of advanced age, he must be 50 years of age.

The import of the chairperson to bring 75 years of age is literally amending that decision of court, which was never appealed to. I submit.

MR SSEMUJJU: Thank you, Madam Chairperson. I have a problem with some of the definitions that the committee is proposing. If you look at the interpretation clause, as is in the Bill, it defines a “sexual organ” to mean either a vagina or a penis. If you look at (c) -

Madam Chairperson, the proposal by the committee, for example, defining a female person uses the word - it says for example, “means a person born with a female sexual

organ” yet we have already defined what a sexual organ means - because you cannot interpret by also calling another interpretation.

You cannot say “a female person” means a person born with a female sexual organ, yet you have defined in the interpretation clause what a sex organ means.

MR SILWANY: The procedural matter I rise on - Hon. Ibrahim Ssemujju Nganda is a member of the Committee on Legal and Parliamentary Affairs. He did not bring these matters in the committee when we were discussing; are we proceeding well, for him as a committee member to start proposing amendments in the House?

MR BASALIRWA: Madam Chairperson, I want to agree to remove the word “gender” here and replace it with the word “sex” in this definition - because there is a Kenyan case on this issue, which is likely to cause us trouble if we leave the definition the way it is. So, instead of the word “gender”, let us use the word “sex”.

THE CHAIRPERSON: Then how do you define “sex”?

MR BASALIRWA: Instead of defining “gender”, we are using this definition as a definition for “sex”.

THE CHAIRPERSON: So, we delete the definition of “sex”?

MR BASALIRWA: It would be, we remove the word “gender” and use “sex”.

DR BARYOMUNSI: Thank you, Madam Chairperson. I also agree that we abandon “gender” and use “sex” and define “sex” as “male or female”. This is because in the interpretation, they have put it that “sex” means gender. That is wrong; we should say “sex” means male or female.

THE CHAIRPERSON: The amendment is taken. Hon. Dorcas?

MS ACEN: The definition from the chairperson of the committee is that “sex” means gender.

THE CHAIRPERSON: No, it has been corrected.

MS ACEN: Then, I agree.

MS KABAHEMBA: Thank you very much, Madam Chairperson. I am looking at the definition of homosexuality. I know that these people, who are homosexual or believe in homosexuality, are classifying themselves by the letters LGBTQIA. Can I know whether all that is in this definition of homosexuality or we should tell who are lesbians, queer, homosexual and everything in this definition?

THE CHAIRPERSON: Can I have the chairperson of the committee?

MS RWAKOOJO: Madam Chairperson, in our opinion, these definitions are going to continue changing. So, we are safer using “homosexuality” to cover all that because tomorrow, there will be something else added.

THE CHAIRPERSON: Hon. Lucy?

MS LUCY AKELLO: I am coming back to the definition of sex -

THE CHAIRPERSON: Honourable members, can I have some order?

MS LUCY AKELLO: Madam Chairperson, I am coming back to the definition of sex. Dr Baryomunsi said, “Male and female”, but I want to add “biological male and biological female” because these days, there are creations of “male and female”. Let us qualify it to be “biological”.

THE CHAIRPERSON: It is already provided for.

MR BASALIRWA: Madam Chairperson, the issue of “biological” is already captured in the definition of sex.

THE CHAIRPERSON: It is already captured in the Bill. Honourable members, can you move the amendments? Hon. Asuman, give us the amendment.

MR BASALIRWA: Madam Chairperson, I beg to amend clause 1 that where there is “gender” we replace it with “sex”. Throughout the Bill where “gender” appears, we should replace it with “sex”, consequentially. I beg to move.

THE CHAIRPERSON: I put the question that clause 1 be amended as proposed by Hon. Asuman Basalirwa.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

The Schedule, agreed to.

MS OPENDI: Thank you, Madam Chairperson. We have come to the end of this – yeah, almost the end for the second reading. However, what is uploaded on the iPads and what the chairperson has been reading are different. I request that they upload the report that the chairperson has been reading to complete the report – *(Interjection)*– No, they are different. I have been following them and the chairperson knows.

THE CHAIRPERSON: Honourable members, what Hon. Sarah Opendi is saying is not true. The report we have is what the chairperson has read. She has stayed here for long; maybe she is tired.

MOTION FOR THE HOUSE TO RESUME

7.49

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable members, I put the question that the House do resume and the Committee of the whole House

reports thereto. Hon. Namboozie you have just come and you are making noise: “no”, “no”, “no”. *(Laughter)*

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

7.51

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Madam Speaker, the Committee of the whole House has considered the Bill entitled, “The Anti-Homosexuality Bill, 2023” and passed the clauses and amendments thereto.

I beg to report.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

7.51

MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri): Madam Speaker and honourable members, I beg to move that the report of the Committee of the whole House be adopted.

THE SPEAKER: I put the question that the House adopts the report of the Committee of the whole House.

(Question put and agreed to.)

Report adopted.

THE SPEAKER: Recommittal?

7.52

THE MINISTER OF INFORMATION, COMMUNICATIONS TECHNOLOGY AND NATIONAL GUIDANCE (Dr Chris Baryomunsi): Thank you very much, Madam Speaker. I beg to move that we recommit clause 2(4) and clause 3(4) of the Bill.

THE SPEAKER: Is the motion for recommittal seconded? (*Members rose*) Can you speak to your recommittal?

DR BARYOMUNSI: Madam Speaker, clause 2(4) is about the offence of homosexuality. In clause 2(4), the committee has proposed that: “Notwithstanding subsection (2), a person charged with an offence under this section may, in the mitigation of the sentence, submit evidence from a medical practitioner appointed by the Medical and Dental Practitioners Council proving that the accused person was, at the time of the commission of the offence, suffering genetic abnormalities, which might have contributed to the acts that constitute the offence of homosexuality.”

The same is repeated in clause 3(4) on aggravated homosexuality. What this means is that the Parliament of Uganda is conceding that there are people who are born homosexual, but it is not true. There are studies, which have been carried out and doctors have reviewed the science. There is no evidence to show that there is genetic predisposition to homosexuality.

The question, which has been raised whether homosexuality is as a result of a nature or nurture, is settled by doctors. I speak with appreciable authority on this. I think the doctor who appeared before the committee misled it.

The body of evidence shows that homosexual behaviour is a deviant behaviour. It is behaviour, which is learnt and can be unlearned. Therefore, it is so true because studies have been done on the brains of homosexual and heterosexual cadavers. Studies have been done on twins, hormones and chromosomes and there is no evidence at all to show that genetic or biological factors explain homosexuality. (*Applause*)

I beg that the House agrees that we delete clause 2(4) and clause 3(4).

THE SPEAKER: Honourable members, I put the question that the House recommits clause 2(4) and 3(4).

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE ANTI-HOMOSEXUALITY BILL, 2023

Clause 2

THE CHAIRPERSON: Clause 2. Move an amendment.

7.55

DR CHRIS BARYOMUNSI (NRM, Kinkizi East, Kanungu): Madam Chairperson, I move that clause 2(4) be deleted.

THE CHAIRPERSON: I put the question that clause 2(4) be deleted as proposed by Dr Byarumunsi.

(Question put and agreed to.)

Clause 2(4), deleted.

Clause 3

DR BARYOMUNSI: Madam Chairperson, I move that clause 3(4) be deleted.

THE CHAIRPERSON: I put the question that clause 3(4) be deleted as proposed by Dr Baryomunsi.

(Question put and agreed to.)

Clause 3(4), deleted.

MR ODUR: Madam Chairperson, consequentially, if we delete clause 3(4), even clause 3(5) collapses because it is dependent on subclause (4). I also move that clause 3(5) be deleted as well.

DR BARYOMUNSI: Madam Chairperson, that is a consequential amendment. I agree.

THE CHAIRPERSON: I put the question that clause 3(5) be deleted since it is a consequential amendment.

(Question put and agreed to.)

Clause 3(5), deleted.

MR NANDALA-MAFABI: Madam Chairperson, procedure. You recall that in clause 2, we removed the word “sex” and replaced it with “gender” –*(Interjections)*– Listen. Give me time. We are looking at interpretation. We stood over the Interpretation Clause and went to clause 2.

Recall that under clause 2, the Bill had the word “sex.” The committee came and said we remove “sex” and replace it with “gender.” We are going to take it under interpretation. *(Interjections)*

THE CHAIRPERSON: That was settled consequentially.

MR BASALIRWA: Madam Chairperson, briefly on the amendment being proposed by Hon. Jonathan Odur, it has potential constitutional ramifications. I want to enjoin the House to maintain it.

You do not talk about a consequential amendment when you are talking about “attempting.” That is the importance of that. When you remove it, it is definitely going to have constitutional ramifications, especially on the principle of legality.

I want to invite the august House that, that proposal is not a consequential amendment. It should be maintained.

THE CHAIRPERSON: But it states, “For purposes of this subsection (4)...” which we have already deleted; unless you are removing subsection (4) and just start with: “A person shall be deemed...”

MR BASALIRWA: Madam Chairperson, we can remove the reference to subsection (4).

THE CHAIRPERSON: Remove the reference to subsection (4) and say, “A person shall be deemed to attempt to commit...”

MR BASALIRWA: Exactly.

THE CHAIRPERSON: Move the amendment. We have not resumed.

MR BASALIRWA: Madam Chairperson, I beg to move that for clause 3(5) the words, “For purposes of subsection (4)” should be deleted so that the reading begins with:

“A person shall be deemed to attempt to commit an offense when the person intending to commit begins to put his or her intention into execution...” and then how it ends.

DR BARYOMUNSI: Madam Chairperson, I think there was an error to put, “For purposes of subsection (4).” It should have been, “For purposes of subsection (3) on attempt.” You can maintain, “For purposes of subsection (3)” then the rest flows. Then, there would be no problem.

THE CHAIRPERSON: For this case, we are going to correct the cross-reference to subsection (3).

MR ODUR: Madam Chairperson, the proper way of dealing with it - the House already voted so that clause does not exist on the record of the House. We should now propose a new amendment and capture the same words.

THE CHAIRPERSON: Yes. That is what he has done.

MR ODUR: Because he cannot refer to a non-existent clause.

THE CHAIRPERSON: He has done it. Hon. Asuman, move a new amendment.

MR BASALIRWA: Madam Chairperson, I beg to move an amendment introducing a new clause, subclause (4), to read as follows:

“A person shall be deemed to attempt to commit an offense, when the person intending to commit an offense begins to put his or her intention into execution by means adapted to its fulfilment and manifests his or her intention

by some overt act, but does not fulfil his or her intention to such an extent as to commit the offense.” I beg to move

MR SSEMUJJU: Madam Chairperson, the mover of the Bill is making a very big mistake. We have recommitted - he cannot say he now wants to introduce a new amendment. He should instead move the House that having deleted clause 4, as a consequence, now clause 5 becomes 4 and you delete the words. However, you cannot say that you want to introduce a new clause. That will have problems with the -

THE CHAIRPERSON: Hon. Basalirwa correct – Honourable members, we have not yet resumed the House. I had not put the question.

MR SSEMUJJU: Yes, but Madam Chairperson, the motion by Dr Baryomunsi was to recommit specifically –

THE CHAIRPERSON: This was consequential to what Dr Baryomunsi said because of the mistake of –

MR SSEMUJJU: Yes, but Hon. Asuman said he wants to introduce a new clause. That is what it sounds; he wants to introduce a new clause.

DR BARYOMUNSI: I think there is no ambiguity. Madam Chairperson, I recommitted clauses 2 and 3 and we have deleted clause 3 (4) and (5). What was clause 3(5) now becomes clause 3(4). It will read, “For purposes of subsection (3)...” because initially it was saying subsection (4), which was erroneous. It will read, “For purposes of subsection (3)...” whereby subsection (3) talks about attempting to perform a social act. With the rest, the words remain the same.

THE CHAIRPERSON: Formally move that amendment. I had not put a question on the resumption of the House. We are still recommitting the clause.

MR SSEMUJJU: The issue I raised, Madam Chairperson, is that in the words of Hon. Asuman, he said that he wants to introduce a new clause. I am saying he cannot do so but as a consequence of deleting subclause (4), subclause (5) becomes (4).

THE CHAIRPERSON: Yes, that is what he is moving.

MR NANDALA-MAFABI: Madam Chairperson, what Hon. Jonathan brought – it was in reference to subclause (4). What we have to do now is that Dr Baryomunsi or Hon. Asuman should say that we should resume the House, but they are going to recommit -

THE CHAIRPERSON: We have not resumed the House.

MR NANDALA-MAFABI: That one had changed. Let us finish and resume the House and then come back - it is a new thing.

THE CHAIRPERSON: Okay. Move the amendment.

MR KATUNTU: Madam Chairperson, once the clause was deleted, there is nothing to amend anymore. What we can only do is for Hon. Basalirwa to move the House to resume and then we have that particular clause recommitted. It will take us about three to five minutes.

MOTION FOR THE HOUSE TO RESUME

8.08

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House do resume and the Committee of the whole House report thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

8.09

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker and Members, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Anti-Homosexuality Bill, 2023” and considered the amendments thereto.

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

8.09

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker and honourable members, I beg to move that the report from the Committee of the whole House be adopted.

THE SPEAKER: I put the question that the House adopts the report of a Committee of the whole House.

(Question put and agreed to.)

Report adopted.

MR BASALIRWA: Madam Speaker, I beg to move that clause 3 be recommitted in the following terms; that –

THE SPEAKER: First recommit and then speak to it.

MR BASALIRWA: Madam Speaker, I beg to move that clause 3 of the Bill be recommitted.

THE SPEAKER: I put the question that clause 3, as proposed by Hon. Asuman, be recommitted.

(Question put and agreed to.)

THE SPEAKER: Speak to your recommittal.

MR BASALIRWA: Madam Speaker, the purpose of the recommittal is to clear the ambiguity that was created as a result of

deleting clause 3(4) which, in effect, would render the offence of attempt unconstitutional for lack of clarity.

In the circumstances, I beg to add an amendment in the following terms of this clause to read as follows:-

“For purposes of this subsection, which I seek to recommit.

THE CHAIRPERSON: Honourable members, I put the question that the House recommits clause 3 as proposed by Hon. Basalirwa.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE ANTI-HOMOSEXUALITY BILL, 2023

Clause 3

MR BASALIRWA: Madam Chairperson, clause 3(4) is amended as follows:

For purposes of subsection (3), “a person shall be deemed to attempt to commit an offence when the person intending to commit an offence begins to put his or her intention into execution, by means adapted to his fulfilment and manifests his/her intention by some overt act, but does not fulfil his/her intention to such an extent as to commit the offence”.

THE CHAIRPERSON: I put the question that clause 3 be amended as proposed by Hon. Basalirwa.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

8.13

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Chairperson and all members, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: I put the question that the House does resume and the Committee of the Whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF
THE WHOLE HOUSE

8.15

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Anti-Homosexuality Bill, 2023”, with amendments and with the recommitted amendments and other amendments incidental thereto. I beg to report.

MOTION FOR THE ADOPTION OF THE
REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

8.16

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

THE SPEAKER: I put the question that the House adopts the report of the committee of the whole House.

(Question put and agreed to.)

Report adopted.

THE SPEAKER: Honourable members, before we go to the next stage, there are Members who came in a little late. Can you just go on the microphone and announce your presence in the House?

MR DONALD KATALIHWA: I am present.

MR PAUL ASABA: I am present.

MR DAVID MUHUMUZA: I am present.

MR CUTHBERT ABIGABA: I am present.

MR FRED BYAMUKAMA: I am present.

MR WAMAKUYU MUDIMI: I am present.

MR BENARD SEKYANZI: I am present.

MR THEODORE SSEKIKUBO: I am present

MS PASKA MENYA: I am present

MS JULIET NAKABUYE: I am present

DR CHRIS BARYOMUNSI: I was not around but I am now present. Honourable members, I have written an article on the science, which will come out in the papers tomorrow. It is good for us to read.

MR BOAZ NINSIIMA: Present and ready to vote.

MS VICTORIA BUSINGE: I am present.

MS BETTY NAMBOOZE: Present.

MR MICHAEL MAWANDA: Present.

MR NANDALA-MAFABI: Madam Speaker, some of our colleagues who are out of the country, for example, Hon. Ssasaga, have sent a message to us, that now they cannot even be able to deal with *Zoom*.

THE SPEAKER: No. we counted them.

MR NANDALA-MAFABI: No. We have almost 50 names here.

THE SPEAKER: Hon. Nathan Nandala-Mafabi, chairman of BCU Mbale, we counted all the Members on *Zoom*; the *Zoom* attendance will be extracted. I know Hon. Fox Odoi will need it; we will give you all - *(Laughter)*

Honourable Members, in fulfilment of Rule 24 of the Rules of Procedure, on issues of quorum, we have 389 Members in the House: 334 are physically here and 55 are on *Zoom*. We will

print for you, if you need them, because I know – quorum is catered for. Our quorum is 176 out of the 529 voting Members of Parliament and we have 389 Members of Parliament in the House. *(Applause)*

BILLS
THIRD READING

THE ANTI HOMOSEXUALITY BILL, 2023

8.21

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker, I beg to move that the Bill entitled, “The Anti-Homosexuality Bill, 2023”, be read for the third time and do pass. I beg to move.

THE SPEAKER: Honourable members, I put the question that “The Anti-Homosexuality Bill, 2023”, be read the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, “THE ANTI-HOMOSEXUALITY ACT, 2023”

THE SPEAKER: Bill passed and Title settled. Congratulations. *(Applause)*

Honourable Members, we hear and recognise the voices of human rights experts. However, we are alive to the mind and spirit of the framers of the Constitution. We recognise that the Constitution contains non-derogable rights and, in this process, the House has striven to recognise those rights.

However, the norms and aspirations of the people of Uganda will always remain supreme. Whatever we are doing, we are doing it for the people of Uganda. This House will not restrict any right that recognises, protects and safeguards the sovereignty of this country, the morals of this country, the cultures of this country and we will always legislate for our people. *(Applause)*

That is what the majority have done today in this House – the 389 Members of Parliament.

They have spoken as provided for under Article 1(1), (2) and (3) and Article 38(1) of the Constitution of the Republic of Uganda.

I thank the Committee on Legal and Parliamentary Affairs. *(Applause)* I would like to thank the legal brains in this House. I thank Hon. Asuman Basalirwa, the Attorney-General and in a more special way, the Leader of the Opposition.

In a very special way, I would like to thank the Members of Parliament. *(Applause)*

I thank my brother, Hon. Fox Odoi. *(Laughter)*

Honourable members, I also thank myself for taking a very bold decision. The intimidation I got today - but I thank God we have been strong.

I would like to tell you that Government has been very supportive. We want to thank the President and the Government for supporting us throughout this Bill. Attorney-General, do you have something to say?

8.26

THE DEPUTY ATTORNEY-GENERAL (Mr Jackson Kafuuzi): Madam Speaker, as Government, we are enjoined to create harmony and allow Parliament to exercise its mandate as the Legislature. Today, Parliament has exercised its mandate. It has made a decision for us all as a nation.

I congratulate Hon. Asuman Basalirwa, the mover of the Bill. I thank you, Madam Speaker, for presiding over the august House. I would like to thank the committee of the whole House and all of you, Members, for the job well done. Thank you.

THE SPEAKER: Thank you. Hon. Basalirwa?

8.27

MR ASUMAN BASALIRWA (Jeema, Bugiri Municipality, Bugiri): Madam Speaker, I would like to thank you. I would also like to, particularly, thank the honourable Members of Parliament - *(Interruption)*

MR SSEMUJJU: Madam Speaker, for the honourable colleagues who are saying “aaah”, I have been here. We went through this exercise and came to the same conclusion, but this Bill was nullified. So, listen to me. *(Laughter)*

Hon. Fox Odoi rose through the ranks at State House to become, at one time, the acting Principal Private Secretary. If I am allowed, I will bring evidence here that the person who appointed Hon. Fox Odoi to be the Acting Principal Private Secretary and signed this Bill at a press conference, was the same person who sent Hon. Fox to court. That is why last time I asked whether the Government was supportive.

So, the procedural issue I am raising, Madam Speaker, is whether the same person who sent Hon. Fox Odoi to court will not send Hon. Fox Odoi - *(Interruption)*

MR OGWANG: Thank you, Madam Speaker. First of all, Hon. Ssemujju said that he has been here. I also want to confirm that I have been here. The time he came is the time I came.

Is Hon. Ssemujju in order to begin insinuating that Hon. Fox Odoi was sent to court as a proxy by the Head of State of this country?

THE SPEAKER: Honourable members, what is being said is just hearsay. We cannot confirm whether - and I think he is in his right mind to go to court - No, we are not going to interrogate you; we are not in court. He is in his right mind. He can go to court on his own and nobody has to use him.

MR FOX ODOI: Thank you, Madam Speaker. The late Speaker, the Rt Hon. Jacob Oulanyah, would always say, “The minority will have their say and the majority will have their way.” Today, you permitted me, as a minority, to have my say and the majority had their way. That is how democracy works. I thank you.

THE SPEAKER: Thank you.

MR BASALIRWA: Madam Speaker, I would like to, once again, thank you. More particularly, I would like to thank Members of

Parliament for turning up in large numbers and denying Hon. Fox Odoi the opportunity to go back to court on account of quorum. I really thank you for the patience, commitment and for putting this country and our voters at the centre of this course.

What we have done is for the people of Uganda – it is beyond us as individuals.

I thank my committee – incidentally, I am a member of the Committee on Legal and Parliamentary Affairs. When I appeared before the committee, I was interrogated – you can imagine appearing before a committee where Hon. Fox is and he is asking all sorts of questions. I stood my ground but also learnt a lot from him. That is where I actually learnt that he is a homosexualist and not a homosexual. *(Laughter)*

Therefore, I thank the committee for the interaction and guidance.

Above all, Madam Speaker, I want to, in a special way, thank you for the support and encouragement. I am aware that the intimidation was not only extended to you. It came to me – and to all of us. We were being threatened with travel restrictions. These homosexuals have been jamming my phone with nudities, profanities and abuses thinking that I would relent. I know what I have gone through is what all of you have gone through in one way or the other.

We only have to pray that my colleague in Entebbe takes the signing of this Bill as a priority. The gesture he exhibited last time should be the gesture he should exhibit this time so that we don’t come back here and are talking about 60 days elapsing. I want to thank you.

THE SPEAKER: Thank you, Members, in the public gallery is Pastor Martin Sempa, activist and founder of Makerere Community Church, and we have Straight Nation, a civil society organisation advocating for protection and promotion of the traditional family. He is accompanied by Mr Kintu Solomon Jonah, his personal assistant. They have been here the

whole day, to watch the proceedings.

And I want to thank our very good journalists; thank you so much for staying the whole day. Tomorrow, we still have another Bill; please come and –(*Laughter*)

8.34

THE LEADER OF THE OPPOSITION (Mr Mathias Mpuuga): Thank you, Madam Speaker. I would like to thank you, Madam Speaker, for braving the stress of the day but in a special way, I congratulate my old friend and comrade, Hon. Asuman Basalirwa, for offering leadership.

Parliaments are defined not by the numbers in the House but by definitive moments like this. And the annals of history will make recollections as to what we stood for. I believe this should be the beginning of a fresher conversation about the kind of country we are and I hope we are not grandstanding and doing what we did today.

Madam Speaker, I hope should any citizen by exercising their right to go to court, go to court, the learned Attorney-General will be on the side of Parliament this time around. The curious casual presence of the Prime Minister has been observed today, I hope - you see the other time, we were undone by the Prime Minister of the time. And today's Prime Minister has been casually present but we take notes. I hope it won't be a precursor for another round of wasting taxpayers' money and resources. I noted that her casual presence has been curiously observed and we take note.

Madam Speaker, I would like to thank you and I hope the Head of State – who was speaking in tongues the previous day - will be able, this time, to speak right on this particular law. We took note of his speech in tongues, sounding scientific at some stage and without conclusion, Madam Speaker.

Let me end by congratulating my chairperson of the Committee on Legal and Parliamentary Affairs for really moving this Bill, the way she has done; it was a very good report and the

attendant amendments. I congratulate you, old comrade. Thank you.

THE SPEAKER: The Chairperson of the Legal and Parliamentary Affairs Committee.

8.36

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Ms Robina Rwakoojo): Thank you very much, Madam Speaker. I would like to thank you, first of all, for entrusting the legal committee with this Bill. And I would like to thank all that appeared before us from Monday 9th up to Saturday when we went through the long meetings.

I would like, in a special way, to thank the Members of the Committee on Legal and Parliamentary Affairs. I wish they would stand up for recognition. (*Applause*)- Thank you so much. I would also like to thank the Committee of the whole House, you made this work possible. Madam Speaker, I thank you, in a special way; you made it possible too.

This morning, I was bombarded minute after minute with calls from the press. They were asking me what the report contained. I said, please come at 2.00 p.m.; it is not yet a public document. And I thank God that it has taken this course; at least for the children of this country, what we have been seeing on *WhatsApp*, I am so relieved that it has taken this course in terms of what we have passed. Thank you very much.

THE SPEAKER: Thank you. The originators of the Bill, Hon. Bahati, say something. But in a special way I want to thank Dr Baryomunsi for those two amendments; you have saved us.

8.38

THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (TRADE) (Mr David Bahati): Madam Speaker, I want, in a special way, to thank the 11th Parliament, that the work which was started in 2009 has been completed and completed well. Very difficult tasks like this have always been completed by other people. I remember the fight against slavery in the UK, I remember the -

THE SPEAKER: Please, honourable continue.

MR BAHATI: No, let me move on. I remember the work against anti-slavery in the UK, which was started by Wilberforce, was completed 25 years after actually he had gone. And I remember the biblical work of Moses was completed by Joshua, who now is Hon. Asuman.

However, at the end of the day, to see that we have come together as the 11th Parliament to make a statement and protect the future of our children, I only say the glory goes back to God.

THE SPEAKER: Amen. Government -

8.39

MR MEDARD LUBEGA-SSEGGONA (NUP, Busiro County East, Wakiso): Madam Speaker, when God is with us, even in the most difficult circumstances, I think we should thank Hon. Fox Odoi for having taken us to court because he has helped us to do this in a more thorough way. Thank you, the wild.

THE SPEAKER: Thank you.

8.39

THE GOVERNMENT CHIEF WHIP (Mr Denis Obua): Madam Speaker, first of all, I wish, on behalf of Government, to extend salutations to the Parliament of Uganda for exhibiting the highest degree of solidarity; that even if we differ politically, even if our shades of opinion in this House do differ, but on matters of protecting the future of the young people of Uganda, we have stood and we have come out clearly that Uganda is bigger than all of us. *(Applause)*

Madam Speaker, the passing of this Bill into law has demonstrated clearly that this Parliament recognises the fact that the order of nature is loud and clear, that a man goes with a woman, a he goat goes with a she goat, a cock goes with a hen and a bull goes with a cow. *(Laughter)*

Madam Speaker, we have further demonstrated that even as practising Christians and Muslims, even Satan did not approach Adam; Satan approached Eve. If Satan can approach Eve, who are you and I, charged with the responsibility of having dominion over all other creatures, to say a man can go with a man?

Madam Speaker, on behalf of Government, our support is not in doubt. The first support was demonstrated when the Ministry of Finance issued the Certificate of Financial Implications within record time. Today in this House, the Leader of Government Business, the Rt Hon. Prime Minister, was equally present to demonstrate the commitment and support of Government.

To those who may not agree with us, we want to submit to you and say, sorry; Uganda is a sovereign State run under its own laws. We have done our part. For God and our country, Uganda.

I beg to submit.

THE SPEAKER: Thank you, honourable members. Thank you, Hon. Abdu very much. I know I got you from very far. I now adjourn the House to 2.00 p.m. tomorrow.

(The House rose at 8.43 p.m. and adjourned until Wednesday, 22 March 2023 at 2.00 p.m.)