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**Thursday, 10 January 2019**

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

PRAYERS

*(The Deputy Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER**: Honourable members, I welcome you to this sitting. Today’s Order Paper has been set to be finished. So, my communication will be brief. To begin with, it ends there. Let us start. There were some urgent matters but I do not see anybody to respond to them. Let us start with the business. When the ministers come, we will have some responses to the urgent matters.

BILLS

SECOND READING

THE LAW REVISION (PENALTIES IN CRIMINAL MATTERS) MISCELLANEOUS (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Is hon. Sseggona around? Is somebody representing him? Honourable members, this Bill is for debate and the question was proposed for debate for motion for Second Reading. The debate starts now for the Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Bill, 2015.

2.02

**MR GILBERT OLANYA (FDC, Kilak County South, Amuru):** Thank you, Mr Speaker. I remember yesterday, you guided very well that honourable members shall give the summary of the Bill and then Members would come up and debate it. Nevertheless, it is true that it was presented on the Floor of Parliament and Members had time to internalise this very important Bill. When we visited Luzira Prison sometime back, we found very many inmates under the death penalty and some of them have taken more than 20 years on death row. They neither know their fate nor what will happen in time to come. Therefore, Mr Speaker, this law is very important for us, as members of Parliament, to pass so that it saves some innocent people who are put under the death penalty.

When we interacted with some of the inmates on death row, we were told that some of them did not commit the offence. Majority of them were put under the court martial. We had very many of them coming from the northern part of Uganda and they have taken more than 20 to 30 years.

Mr Speaker, I would like to thank the chairperson and the mover of this very important Bill. Let it be discussed because Parliament needs this law.

**THE DEPUTY SPEAKER:** Thank you. Is there any further debate?

2.05

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Mr Speaker. I would like to differ from my colleague. When you look at the murders in Uganda and the need to scrap that death penalty, you are giving people more confidence and assuring them that they will stay alive.

When you go to prisons, some of the prisoners that have overstayed there are as free as you who is outside prison, apart from not being in their homes. Therefore, that penalty was there to scare people from committing further crimes. We have many people who can even accept before police that they murdered someone knowing that when they are taken to prison, they are going to be there for probably 20 or 30 years. When the regime changes, they are also free. Hence, the death penalty should remain for the good of the people and also to scare those who commit intended murder, which is becoming very common in this country. I thank you.

**THE DEPUTY SPEAKER:** Murder is always intended. If it is not intended, it cannot be murder.

2.07

**MR ANTHONY AKOL (FDC, Kilak County North, Amuru):** Mr Speaker, the right to life is not derived from this world but rather given by God. Whether you kill the person now or tomorrow, the person will die. There is no immortal person in this world. I totally disagree with people who kill fellow human beings but by killing a person, you are not punishing him because he is dead and he will not actually know it. The only thing you can do to make the person suffer most is life imprisonment.

When you are talking about the death penalty, it is rudimentary. It infringes on the rights of living. Whatever it is, I do not agree with those who kill human beings. However, to make it uniform, this is not something that is only happening in Uganda. In 2016, I attended one of the conferences in Gambia. One of the issues that was raised about Uganda was that we are still maintaining the death penalty. It is important that this Bill is supported to make sure that we can imprison somebody for life. That is a more serious punishment than somebody who is killed. He will not even know.

As a Member of Parliament in Uganda - as one of the countries in this world that subscribe to human rights conferences and many other declarations of human rights, I feel that it is important that at this point, we look in-depth to see that we also clean the image of our country and remove the –*(Member timed out.)*

2.09

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Mr Speaker. I would like to support the motion and also appreciate the movers of this Bill.

I strongly believe that there is need for us to protect people’s rights especially the right to life. We are created by God and we are believers. There is a time for giving birth and a time to see people off; it happens naturally. Therefore, Mr Speaker, to legislate that people should be hanged to death because of the problems they caused or due to their fault is very extreme.

This Government has been cherished because the President has pardoned many people. The decision taken by the President to pardon people who are on death row, gives us a signal that we need to be able to give chance to people to reform. Imprisonment of people is based on the various offences committed by them. If we can look at the categories of the offences, excluding killing of people, putting people under death row; to me, that is very important to this country.

Mr Speaker, we have often witnessed that some people who have been imprisoned for some time, when they come back to the community, they reform. (*Member timed out.*)

**THE DEPUTY SPEAKER:** Please, wind up.

**MS ABABIKU**: As leaders, we have the responsibility of changing the lives of people through different means. Therefore, I do not support the issue of maintaining the death penalty in our laws. We have other avenues to provide for other penalties through which people could reform and come back to the community. Thank you very much.

2.12

**MR ABRAHAM LOKII (NRM, Kotido Municipality, Kotido):** Thank you, Mr Speaker. I would like to thank the committee for the report and the movers of the motion. I wonder why people have not stopped murdering others when this law has been in place.It looks like there are even more murders that are taking place when people are well aware that there is a death penalty.

What purpose does it serve for us to maintain an instrument that is not effective? The previous speaker has just said that the President has ever pardoned those who had been put on death row. What is the purpose of having this in the law if there is the option of setting free a murderer on death row?

The best to do is to give people life imprisonment if they have to be excluded from societies, if the presumption is that they will never learn and forget about murder. Therefore, let them stay and serve life sentence in prison.

Mr Speaker, I was just imagining if all the people who have at one point murdered were brought to the prisons, what kind of population would we have in this country? I support the idea that we scrap the death penalty and provide for other options that will create reform in the minds of those with the intent to murder. I thank you.

2.13

**MR HATWIB KATOTO (NRM, Katerera County, Rubirizi):** Thank you, Mr Speaker. Genuinely, my colleagues who are in support of the removal of the death penalty appear like they are opposing God. For sure, you go and kill a person when you want life and you do not want to die. I suggest that we should maintain it.

For example, whoever kills a person should also die, mostly, 60 year olds that defile young children of three or five years. Would you want them to live? I think we shall have a spoiled environment and population.

Mr Speaker, if we want to be true believers - “For God and My country” is our Motto - we should not remove that death penalty. Instead, we should implore the Government to implement it the more. For example, if you kill a person, why should you want to live? I submit, Mr Speaker.

2.15

**MS NABILAH NAGGAYI SEMPALA (FDC, Woman Representative, Kampala):** Thank you, Mr Speaker. I would like to thank the committee for an elaborate report and also the Bill for the justification that it has advanced. I would like to look at a case where Uganda always copycats international law without taking into consideration our unique circumstances. Many countries like China and Singapore that have orderly communities always apply laws that are unique to their own culture, environment and level of development.

Many countries that have fast-tracked the abolition of the death penalty are ahead in development and their judiciary and legal processes are very clear.

What I would like us to do is this; we want people to live but we should be cautious not to copycat laws that are applied in the West, where there are cameras, where

Deoxyribonucleic acid (DNA) test is so easy to get and where somebody can easily know that when somebody goes through the case, they will prove or not. We do not know how to even investigate most of the cases.

However, if someone is caught and he has killed another person, I think the discretion of the – (*Member timed out*.)

**THE DEPUTY SPEAKER:** Please, conclude.

**MS** **NAGGAYI:** As I conclude, I would like to appeal to Members that we should be cautious. Some of these issues would even require a referendum frm our people. Thank you very much.

2.17

**MS ROSEMARY NAUWAT (Independent, Woman Representative, Amudat):** Thank you, Mr Speaker. I would like to thank the committee for their report. There are people who do terrible things in their sound mind. There are those who murder people and even have the time to remove the body parts of the deceased. There are those who defile children. Some parents even defile their own children.

These people need heavy punishments. However, I do not support the death penalty. Such people should be kept away from society. The years they will spend in prison are enough. It is like death itself because they will miss out a lot of things. They will not be free like the other people.

While in prison, these people will experience a lot of torture and they will even regret their actions. Some of them will even wish to die. Let these people be imprisoned for life. I thank you.

2.18

**MR EMMANUEL ONGIERTHO (FDC, Jonam County, Nebbi):** Thank you, Mr Speaker. I am a staunch Catholic and I believe in the doctrine that nobody has the right to kill and no life should be lost. That is why we do not support abortion.

I do not support killing somebody who has killed. It is still going to be the same thing. You have killed this person; I think you should also be killed for killing the other person. We would then have a spiral of killing. What I would like to see is that this person who has been proved to have killed and he is in prison, at no moment should this person be seen to be enjoying himself. This person should be imprisoned for life. As he is in prison, the person should be seen to be suffering. Whatever is done to that person should make the person feel and regret that what he did was bad.

That is my submission. Thank you, Mr Speaker.

2.20

**MR DEOGRATIUS KIYINGI (DP, Bukomansimbi County South, Bukomansimbi):** Thank you very much, Mr Speaker. I would like to thank the committee for the report they presented to Parliament but I get tempted to support the removal of the death penalty from the laws of Uganda. When I look at the nature of crimes that are being committed in Uganda, there are some that you cannot believe that somebody will reform from, even when they are put in prison for life. For example somebody defiles a baby of two months; what kind of penalty suits such a person? Unless this death penalty remains in the laws of Uganda, there is nothing that we can do.

Whereas human beings are created in the image of God and we are not supposed to kill each other, I would still suggest that we respect the President’s powers to give pardon to whoever commits a crime that attracts the death penalty. I beg to summit.

2.22

**MR EMMANUEL SSEMPALA (DP, Makindye-Ssabagabo Municipality, Wakiso):** Thank you, Mr Speaker. I subscribe to the school that says that death penalty should be removed from our laws. Somebody who kills is not a normal person and definitely, that person does not fear to die. Killing him does not make him suffer at all.

I am a teacher and we have been to schools. We set the rules and regulations and students break them. You counsel them and give them punishments that are relevant and after sometime, students come back and thank you for what you did for them. Therefore, we should give these people a chance. They are not normal. We put them in seclusion and give them a chance to reform.

For example, I do not think the former Lord Mayor of Kampala, His worship Nasser Ntege Sebaggala would be what he is now. He is also a good citizen just like those people would be after reforming. They would be useful to this nation, telling people that what they did was wrong. Maybe we could have a better population in future.

Otherwise, killing them would not change the situation. In my opinion, somebody who is killing is not a normal person and should be treated as abnormal. Thank you, Mr Speaker.

2.24

**MS ELIZABETH KARUNGI (NRM, Woman Representative, Kanungu):** Thank you very much, Mr Speaker.Actually, this penalty has been there but many Ugandans do not even know that the law is there. You cannot believe that people are killing every day and night but I have seen very few judgements where the judges recommend this penalty to be enforced.

Our people need to be deterred and they have to get some examples. Where we are at the moment as Ugandans, we need to first wait and leave this law and even inform the country that the law is there and encourage the judges to carry it along because most Ugandans are not serious in the way they operate. If they knew that even that penalty is there, things would be different.

We are faced with a lot of challenges. This morning, somebody was murdered in a big trading centre in Nyakinoni Sub County, Kanungu. You cannot believe the way he was murdered. People do not know that the law is there. People need to be informed that the law is there so that others can be deterred. When someone knows that when you kill, there are chances of you also being killed; if you commit a serious crime like defiling a young child of one year, they can easily kill you, maybe it could help them to go slow on some cases.

Otherwise, the law has been there and the President can always decide –*(Member timed out.)*

2.26

**MR THEODORE SSEKIKUBO (NRM, Lwemiyaga County, Ssembabule):** Thank you very much, Mr Speaker. I stand to oppose and for very good reasons. I have been hearing colleagues saying that the one who murders is not in their right minds. The law has catered for that. In our criminal justice system, it looks at two ingredients: *mensrea* and a*ctus reus*. You must have a guilty mind to do it and the *actus reus,* you must kill.

Members should know the deterrents. Should you leave it open – the reason villages are stable is that people there know that when they kill, they will be killed. The moment you give people comfort that even if you kill, you can be resting in jail, you are going to open this country up and we will be overwhelmed by murders.

Nobody supports it but for the sake of our people, you are about to make a mistake. Do not. Once people know that they can kill, after all, they will only go to jail and maybe find their way out, we are going to cause a problem. Our criminal justice system has catered for all the cases we are thinking about. Imagine someone killing two or three people and they stay alive.

Members, I beseech you not to open this country to chaos and loss of lives at unprecedented levels. There could be mitigation. There is even the presidential pardon, the appeal system and process where an innocent person will find redress. However, should you give a blanket cover that one can kill and rest in prison, it will be unprecedented. This country has been put where it is because of the laws. You kill and you know that you will be killed. That is what has kept this country and caused sanity to prevail. I beseech the movers to kindly consider their country.

What we can talk about is improving our investigative mechanism so that only the guilty people can be found guilty. Let us strengthen the CID and other investigative arms. Maybe that is where we can – *(Interruption)*

**MR AKOL:** Thank you, honourable member. I would like you to learn from a culture in Acholi. We call it *mato oput*. In many situations, clans have lived together. After one member of the clan has killed someone from the other clan, the people sit down, the guilty party accepts that this is a mistake that has happened. Then his clan pays heavily. At the end of the day, life goes on normally and the person who killed also lives in the society.

In this situation, when someone is taken to prison for life imprisonment, I do not think that is a bad situation. Instead of killing the person as well and he learns nothing –*(Interruption)*

**THE DEPUTY SPEAKER:** That is not information.

**MR SSEKIKUBO:** Thank you very much hon. Akol for the information**.** Even the way you have put it, if the clan found that the person killed by accident, it is also catered for; that is manslaughter *–(Member timed out.)*

2.30

**MS HELLEN ASAMO (NRM, PWD Representative, Eastern):** Thank you very much, Mr Speaker. I was looking at the current law and its implementation. I found that since around 2006, there has been no death application by the President – that somebody should be hanged. However, the issue of murder depends on the situation. Sometimes, if I am a wife and you are battering me daily, I might decide to get a pistol – I did not intend to kill you but I might hit your head. It is manslaughter but my husband’s relatives might take it as murder and it will still bring confusion in the family.

I would like to think that as the law stands, the power to run that law depends on the Presidency. I think that as we look at the country right now, not much has been brought on board. What I would like to improve on the law is bringing the issue of dialogue and counselling, like hon. Akol has said.

We are aware there are people of unsound mind and the law on mental health was passed in this House, where somebody because of his or her unsound mind can murder many people. At the end of the day, we might have a problem of defining “murder”.

Mr Speaker, I would like to support that death penalty remains. We should allow the courts to decide whether it is life imprisonment or death penalty. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, for purposes of the soundness of our record as the *Hansard,* for those who will read in future, when we are talking about “killing”, let us talk about “killing”. When you talk about “murdering” or “murder”, it is a very complicated word. Let us restrict ourselves to “killing” or “intentional killing.”

“Murder” is technical. You cannot say “murder”, yet there is no intention. You cannot say “murder”, yet it is accidental. That is not what the law says. You are safer with “killing”. You cannot murder accidentally but you can kill accidentally.

2.33

**MR MUYANJA MBABAALI (NRM, Bukoto County South, Lwengo):** Thank you, Mr Speaker. I thank the committee for the report. Uganda is in a unique situation. Much as members of the Commonwealth have really taken that side to abolish the death sentence, I feel Uganda is in a unique situation. We are a developing country where we even still have domestic violence, where people have been killed. We still have mob justice.

If we abolish the death sentence, it means mob justice will increase because people will have no hope of justice for their loved ones who have been killed. For that matter, I still say we maintain the death sentence. The death sentence must be maintained because whoever kills will not stop on one. We have a situation where people have even been killed in prisons. There are people who are hired to kill others. There are those who are serial killers. Therefore, the death sentence must remain in force here in Uganda, regardless of whether Uganda is member of the Commonwealth. I rest my case.

2.35

**MS SILVIA AKELLO (NRM, Woman Representative, Otuke):** Thank you, Mr Speaker. I would also like to support this motion. To the best of my knowledge even those who are put on life imprisonment that we are talking about, they are in few prisons like Luzira. If you go to Lira, those who commit offences cannot see people who are sentenced to life imprisonment. There is one colleague who was sentenced to life imprisonment and he was pardoned. He is in our constituency but the man even looks a finished person. He is no longer in his mind.

Therefore, killing a person would not even make a person think of the challenges or the problems he caused. It is better to sentence a person to life imprisonment and put him in a designated place – not only in the centre of Kampala – so that other criminals can also go and witness.

I believe there should not be death penalty and life imprisonment should be in a designated place and the duration should be spelt out. If we leave it to the lawyers, they may even put it to four or five years and it will look diluted. If we say life imprisonment, whether you are 10 years, you can remain there for another 50 years and there is no problem. Thank you.

2.37

**MR ALEX NDEEZI (NRM, PWD Representative, Central):** Mr Speaker, I have two points. I would like to say that human life is God-given and once taken, it can never return. Human life is created in the image of God. Therefore, whoever wants to play about with human life should also know that he or she will not live long.

Secondly, we know in this country that incidences of murder are unacceptably very high. We should not send a wrong message. We should not tell people that we have abolished the death sentence. If we tell people that we have abolished death sentence, the murderers will increase. Let us now continue to tell them that if you kill a person, you also die.

Lastly, I hear people saying these people should go and stay in Luzira for 10 or 20 years: at whose cost? You have killed people and again you want me to continue sponsoring your stay in the prison, eating free food? No. Thank you. Mr Speaker.

2.39

**MR PETER OCEN (Independent, Kole County South, Kole):** Thank you, Mr Speaker. I would like to add my voice to my colleagues’ who have accepted the law as it is now. There are some people who intentionally go and kill and deny other people the right to stay in this world. If you can deny other people to stay in this world, you should also be denied.

Mr Speaker, I concur with my colleagues that death sentence should be there. Thank you, Mr Speaker.

2.40

**MS BETTY NAMBOOZE BAKIREKE (DP, Mukono Municipality, Mukono):** Thank you, Mr Speaker. On 2 May 1999, 27 people including one Sebirumbi were executed. I passed through Kampala on that day but without any official declaration, the whole of Kampala was shut down; people went for a public holiday. You would see a nation traumatised. Among the people who were to be killed was Mr Rwakasis who was later pardoned. Today, he is a Presidential Advisor. *(Applause)*

Mr Speaker, I was imprisoned in Luzira for 11 months, for reasons that I do not know. I was only permitted to socialise with women in the condemned section. It was in Luzira where I met Ms Suzan Kigula. Together with her, we opened up the school for women prisoners.

Mr Speaker, Suzan Kigula was later pardoned. From Luzira, she earned a Degree in Law. I sat with those women and some of them were condemned when they were pregnant and others while breast feeding.

We convict other people and we hang *-(Member timed out.)*

**THE DEPUTY SPEAKER:** Please, wind up.

**MS NAMBOOZE BAKIREKE:** I was sharing my experience to the House that the criminals we condemn are not the criminals we hang. People change completely when they are in Luzira.

Mr Speaker, I was with my baby in Luzira but I could put her under the custody of those women whenever I would come to court and she was never hurt. Killing and seeking to revenge for killing is human. However, hanging people and executing them in whatever fashion traumatises the nation, the prison warders, the prisoners who are serving other sentences and the possibility that innocent people can be condemned because of faults and technicalities in law is high.

Therefore, I would like to appeal to colleagues that we should support this law. Life imprisonment is a very big punishment. I have ever been in prison. Even one day in prison is a big punishment. Kindly, allow Uganda as a state not to kill; the state should never kill its people but it should rehabilitate them. Thank you, Mr Speaker.

2.44

**MR BERNARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Mr Speaker. First and foremost, allow me to start on the note by questioning the committee on how far they did the consultations. Otherwise, the subject matter at hand is a very important issue that concerns life. I would feel constrained in case stakeholders were not adequately consulted.

Recently, I traversed the country with some Members as we were consulting to prepare a Bill on prevention of human sacrifice and harmful traditional practices. Our findings on ground were the opposite of what Members are submitting here. There were situations where children are kidnapped and mutilated to death painfully as someone is advancing his or her personal interests. There were also situations where we interacted with parents of victims. We actually had a case where the body of a child is still in police custody since 2005 to-date. Therefore, honourable members, as we debate this subject, it is important that we consult the entire country.

Mr Speaker, I feel this is a very heavy matter. Actually, as we debate here, the public is questioning whether they were consulted –*(Member timed out.)*

**THE DEPUTY SPEAKER:** Please, wind up.

**MR ATIKU:** Mr Speaker, matters to do with life where someone sits in a corner or with a group of people and plans how to take away another person’s life is something we need to debate sober, with information and the thinking that in future, life matters in whichever form must be protected. Therefore, the legal tools that we use to deter recurrence of killings is very important when we have everyone at par. I thank you, Mr Speaker.

2.47

**MR JACK WAMANGA WAMAI (FDC, Mbale Municipality, Mbale):** Thank you very much, Mr Speaker. Death sentence has been there in the books of law in this country but the people have continued killing others.

Death is such a traumatising thing and there is no President who has ever signed that someone should be hanged because it is very traumatising. Even in your homes, at times you disagree. There have been disagreements between wives and husbands in homes. At times, when there is a fight, later on someone regrets why that fight took place and one feels sorry that indeed, he or she committed a wrong thing.

Mr Speaker, keeping someone in prison makes them repent. So, death should be abolished in our books. Send people to prisons and they will repent.

**THE DEPUTY SPEAKER:** Did you say death should be abolished or death penalty?

**MR WAMANGA-WAMAI:** Death penalty should be abolished in our books. It is such a terrible thing to go and hang someone. A person who hangs someone may regret his or her act.

Secondly, our investigative system is not good. At times, you might send someone to prison when it is actually not the person who committed that offence. We need to improve the investigative system. However, death penalty should be abolished in our system. Thank you.

2.49

**MR KENNETH EITUNGANANE ESIANGU** (**Independent,** **Soroti Municipality, Soroti):** Thank you very much, Mr Speaker. Uganda has a very rich history in terms of anarchy and we came from very far to where we are now. There is some improvement.

If you reflect back, when the National Resistance Army (NRA) took over power, killing by then was like a fashion and the only deterring means which the Government used then was firing squad. I am beginning to question myself; how will this country manage if we remove the death penalty in our laws. Even the most developed countries like America are still struggling.

As Uganda, how many people have we hanged, for example? I do not agree because I think if we remove it, it is going to exacerbate the problem. *(Applause)* It is going to spread more and people are going to go on rampage and create problems because they know they have a leeway to come out of this problem.

Nobody has a right to kill the other but if you are found guilty, then you should face the reality because life is God-given. It is not right. We need to strengthen our judicial system. Let us give them all the necessary support and let it remain the prerogative of the President to either pardon or have somebody hanged.

2.51

**MS GRACE NAMUKHULA (NRM, Woman Representative, Namisindwa):** Thank you, Mr Speaker. Thou shalt not kill. King Solomon was denied construction of a temple because he had a lot of blood on his hands. I do not think Ugandans would want to have that curse. Therefore, I stand to say that we should not have the death penalty in our laws.

First of all, the whole system is very discriminatory because if I tell you how many people Uganda Wildlife Authority (UWA) has killed in Namisindwa and nothing has happened to them, I do not see why others should be put to death when there are those at large who are killing people in broad daylight.

This death penalty does not work. Besides, the state is for rehabilitation and we have seen people who have come out of prison, have reformed and are helping others to reform. Honourable members, I pray that we look unto the Lord for guidance so that we make a law that will also be applied to us. If you think you should be killed, go with it but I want to live. God bless you.

2.52

**MR PATRICK OPOLOT (NRM, Kachumbala County, Bukedea):** Thank you, Mr Speaker, for this opportunity. Colleagues, as we debate, we should be very careful with the role of punishment. When you kill, you must be punished to the extent - or even worse - of the offence you have committed.

The moment you kill, we should only be discussing how to add more on the existing punishment. *(Applause)* The moment you kill somebody, we should add that you should even be starved to death. This killing by firing squad is even a favour because it is a matter of shooting you once and you die without any pain. You should be killed with a lot of pain. We should not be interested in your reform. Even if you reform, so what? You have already taken a life. What reform do we need from you? –*(Interruption)*

**MR OTIENO:** Thank you, hon. Patrick opolot for giving way. The information I would like to give is that the reason NRA, which Gen. Koreta and group belonged to, was very disciplined was because they had a policy that if you kill, you also get killed. That is why that army was very disciplined. *(Applause)*

I would like to say that the reason there is no reform is because the rate of recidivism in this country is still very high and so, the hope of reform is not there. Thank you.

**MR PATRICK OPOLOT:** Thank you, my colleague for that information. I conclude by saying that we should not be thinking of opening space as far as taking people’s lives is concerned. We shall have set a very dangerous situation in this country. Thank you.

2.55

**MS MOURINE OSORU (NRM, Woman Representative, Arua):** Thank you, Mr Speaker. It is very unfortunate that we were created by God and then think that as human beings, we can take the life of others. In my stance, I would like us to let the status quo remain. It is very bad that as Mourine, I can go and kill somebody.

As colleagues, we should all remember the late hon. Abiriga who was killed in cold blood. To-date, we do not know where his murderers are and whether they still continue to kill people or have stopped. Honourable colleagues, my submission is that if you kill a person who has not done anything to you, let them also kill you. Why would you murder? *(Interruption)*

**MR WALUSWAKA:** Thank you, Mr Speaker and hon. Osoru for giving way. This very House lost a senior and also principled member of the NRM party - where others, including myself, belong - in a gruesome manner. That is why, sometimes, when some of the villagers realise that court will dilly-dally, they start dealing with these killers. Now, if we remove the death penalty, which precedent shall we set? A killer will come and target me or you, Mr Speaker and from there –

**THE DEPUTY SPEAKER:** Is that information? *(Laughter)*

**MR WALUSWAKA:** Yes, that is the information. *(Laughter)* Lastly, an honourable member mentioned that it traumatises the prison warders to hang people. If they cannot hang people, UPDF is there. Let them transfer that authority. It is like a health centre. If a Health Centre III cannot manage, you go to a Health Centre IV. So, if prisons cannot manage, let them hand over to the UPDF to handle. That is the information I wanted to give. *(Laughter)*

**MS OSORU:** Thank you, honourable. Colleagues, let our fellow Ugandans remember that we are all created with a purpose until you die, not to be killed by our fellow human beings. My view is that let us maintain the status quo. If you murder somebody, let the same knife or gun that you shot somebody with also gun you down. This is my stand as Arua District. Thank you. *(Applause)*

2.58

**MR GORDON BAFAKI (NRM, Kazo County, Kiruhura):** Thank you, Mr Speaker. Article 22 of our Constitution is very clear that somebody who takes another person’s life must be tried and brought to book. I do not think it is right for somebody to take another person’s life and is not brought to justice. *(Applause)*

Maybe, if you are saying that that same penalty is spread across, then, maybe, we should remove it and spread it across certain other capital offences, of which corruption is among. I think corruption should be qualified for that penalty. I beg to submit. *(Laughter)*

**MR SSEGGONA LUBEGA:** Mr Speaker, I am rising on a procedural matter. Ordinarily, it would be the most difficult decision for a mover of the Bill, looking at the environment for or against the Bill. However, I rose to seek your permission to make certain clarifications.

Whereas I am not shy to say that I am against the death penalty in all forms, the Bill is not talking about abolishing the death penalty. It is talking about substituting the sentence in light of the decision in the Kigula case. Let me explain a bit. What happened in the Kigula case was that the Supreme Court held that the wording, which makes it mandatory in the sentence, is unconstitutional to the extent that it takes away the discretion of court, which discretion is granted by the Constitution.

For example, they say if you are convicted of murder, you shall suffer death. There will be no mitigation, whatever the circumstances, as long as you are convicted –*(Interjections)*– Just a minute, honourable colleagues. Please, lend me your ears.

The Supreme Court says, to the extent that the Act provides for a mandatory death sentence, it is unconstitutional. Article 28(9) of the Constitution is to the effect that for a person to be charged with an offence, it must first be defined by the law with a penalty prescribed by the law.

Therefore, if the penal code is saying you are convicted of murder and you shall suffer death, and the Constitutional Court has removed that element of “shall suffer death”, what is the penalty prescribed by law? It did not even amend; it struck out that particular part of the Act.

Therefore, what we are trying to do –*(Interjections)*– Colleagues, someone says “we shall amend the Constitution” but again, you are barred from amending it. When you read Article 92 –*(Interjections)*– You know, the purpose of our diversity in Parliament is to assist each other in our areas of competence.

For clarity, as we speak, all those offences, which prescribe a mandatory death sentence are unconstitutional to the extent that there is no penalty in the Act. Let me also say that we are not introducing anything new by this Bill. Why? Today when you are convicted of murder, the judge will say, “In light of the Kigula case, I am satisfied by the mitigating factors produced by the convict. Therefore, I am sentencing you to 10 years imprisonment.”

What we are trying to do is to align these penal laws with the decision of the Supreme Court because under Article 92, we cannot even amend the law to reintroduce it. None of us here is saying that we should remove the death penalty. I am convinced that we ought to but that is not what the Bill is seeking.

Mr Speaker, I rose to seek your permission that we clarify and refocus on the Bill as it is. At an appropriate time, if we move that way, Members will be able to debate.

**MR NSAMBA:** Thank you, Mr Speaker. When you look at the committee report, the committee recommends the removal of the death penalty. We are following those recommendations and our arguments are going by that report. Is the mover, therefore, in order to divert us from the committee report to his new line of thinking?

**THE DEPUTY SPEAKER:** Honourable members, first of all, we are not debating the committee report. The committee report is assisting us in debating the motion for Second Reading of the Bill. Therefore, we are not debating the committee report. The motion we are debating is that the Bill entitled, “The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Bill, 2015” be read the second time. That is the motion we are debating. The committee report assisted us in the course of that debate.

Therefore, let us debate the principles of this Bill. If the committee report is of assistance, that would be very good. After all, that is what it is supposed to do.

Secondly, honourable members, when you say we should maintain the status quo, the question is, what is the status quo? In light of the Attorney-General vs Susan Kigula, what is the status quo? The status quo is that there is no mandatory death sentence, at the moment, in any of our laws because they have all been struck down by the Supreme Court.

If there is no mandatory death penalty, what it means therefore, is that for all offences where mandatory death sentences have been imposed, there is no penalty. That is why they are bringing this Bill to say, in light of what the Supreme Court has decided in this particular case, let us now pass a law that makes it discretionary for the court like it has said. In other words, instead of saying, “If you are convicted of murder, you shall suffer death”, which has been struck down by court, now you say, “If you have been convicted of murder, you are liable to suffer death”. This means you may suffer death or you may not, depending on the circumstances of a particular case.

That is what is in this Bill. Therefore, those of you who are talking about status quo, there is no mandatory death penalty as a status quo right now. Can we now proceed in light of this?

3.08

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati)**: Mr Speaker, it is good that yesterday, hon. Sseggona requested that the House comes back later to debate this when we have read the report. Actually, if we had debated this issue yesterday, probably it would have been a different matter.

However, I still believe that from the voices I have heard across the divide, we need to still study and appreciate this matter deeper, on what it actually means. We do not want it to be interpreted that we debated and passed the matter when we were not quite sure. When you look at what the mover is saying in the Bill, it is clearly what he has stated but when you go deeper into the clauses, it is a bit confusing.

Is it possible that instead of life imprisonment, for example, we can replace it with death? Can we ask for a few days to study this matter properly? It is an important matter for our country; it is an issue that we need to take a decision on when we have thoroughly understood it so that we come here and know the decision that we have taken properly. I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, yesterday we paused this matter so that we could go and understand it better. You see, there seems to be a kind of - I do not want to call it confusion but different understanding of what we are dealing with.

My attention has just been drawn to the committee report on page 39 and it says, *“The committee noted that whereas the above reasons were persuasive, the committee lacked the mandate in this Bill to remove the death penalty as a punishment under the legal regime in Uganda. The committee based its decision on Article 22 of the Constitution, which empowers the imposition of a death sentence on any person who commits an offence that could carry such a penalty.”*

From what the mover of the Bill is saying, the Bill does not seek to remove the death penalty. The Bill seeks to make the death penalty a discretionary penalty. Therefore, the Court should examine the case and if this particular case deserves the death penalty, the Court should have the discretion to impose it.

However, where in the circumstances the Court is persuaded otherwise, it will have the discretion to impose a lower sentence than a death penalty. That is what the mover of the Bill is saying.

Therefore, it looks like the committee is proceeding at a different level, the mover at a different level and we are debating at a different level. We can only now possibly converge in heaven. If this is the premise of the discussion, then we have got the whole thing completely mixed up.

Is it true, from the reading of the Bill, that it is not seeking to abolish the death penalty? We need that confirmation because if the committee’s finding is that the Bill is seeking to abolish the death penalty and it is saying that it does not have the mandate to do so in light of Article 22(1) of the Constitution, then we are at different levels.

**MR SSEGGONA LUBEGA:** Thank you, Mr Speaker. I understand that the committee understood that we are not seeking to abolish the death penalty. Exactly as the Speaker read, the committee was alive to the fact that in light of Article 22, we cannot abolish the death penalty.

One, abolition of the death penalty would call for a constitutional amendment; that is what the committee was saying that we are not mandated, even when we would be persuaded.

Secondly, if we wanted to abolish the death penalty, we would actually bring a Bill to say - even the Court would not have the power to impose a death penalty. The distinction we have or the dichotomy is this; whereas a death penalty is supposed to be imposed by law, the Court is saying that it is imposed by the Constitution. However, it is not mandatory. The Constitution simply empowers the Court to exercise a power but these various Acts were compelling the Court.

As the Speaker clarified, with the decision of Court that the mandatory part is struck out, each of those respective sections remains hollow to the extent that it creates an offence but prescribes no penalty since the penalty prescribed has been struck down.

Therefore, what we are trying to seek is to say, yes, let us prescribe the penalty by law. However, because we cannot prescribe a mandatory penalty, we can only say, “liable to suffer death” and leave it there. Once the Court makes a finding that you are guilty of murder, Court will be empowered to say, “I impose a death penalty or otherwise”.

Today, it is wrong for a Court to impose a death penalty or even to proceed with the trial. Somebody is placed on a charge sheet and charged with murder contrary to section 183 of the Penal Code. Section 183 has two portions; the first portion is the one that prescribes murder as an offence. There is a second portion, which has been struck down, which prescribes the penalty.

Therefore, that section has no penalty. To the extent that it has no penalty, it is unconstitutional and somebody should not even stand trial. That is the strict interpretation of Article 22 *- (Interruption)*

**MR EDWARD OTTO:** Thank you, Mr Speaker. I thank my colleague from the Committee on Legal and Parliamentary Affairs for giving way. I would like to give information in respect to the provisions of rule 128(4).

It states, *“The committee may propose and accept proposed amendments in the Bill as it considers fit, if the amendments (including new clauses and new schedules) are relevant to the subject matter of the Bill.”*

In this particular case, whereas the mover of the Bill had not gone to that extent, this rule empowers the committee, where it is relevant, to make proposals or amendments where they are relevant, even if it is a new clause or new schedule in the Bill.

Therefore, I would like to give information that whereas I agree totally with what the initial private member and mover of the Bill had confined himself to, the committee had the power, under this rule, to look at relevant clauses and proposals that touch on this subject matter of the death penalty.

Accordingly, when we held the stakeholder hearings, these issues came up and that is how some of these things have come in. We were not tied to what he had presented initially. That is the information.

**THE DEPUTY SPEAKER:** Honourable members, wait. We are debating the principles of the Bill. Therefore, if we are debating the principles of the Bill and we have not understood the basis of the Bill, then we will come to a misguided conclusion.

What is the principle of this Bill? It is summarised in the long title; “An Act to amend the Penal Code Act, the Anti-Terrorism Act, 2000 and the Uganda People’s Defence Forces Act, 2005 to remove the mandatory death penalty prescribed by these laws and to restrict the death penalty to the most serious crimes under those laws; to remove the restriction on mitigation in the case of convictions that carry a death penalty to define life imprisonment or imprisonment for life and to provide for related matters.”

Therefore, this law is not seeking to abolish the death penalty but to remove the mandatory death penalty. In other words, make it a discretionary death penalty. That is how the Bill is proceeding.

**MR BAHATI:** Mr Speaker, as you said, in the long title, we appear to be clear on what the Bill is about but the solutions provided for in the Bill are not very clear. If you say you are removing “discretionary” and only replacing it with “life imprisonment”, is it possible to replace it with something else?

That is why it is important, at this stage and now that we have been given this information, to have a break to understand the principles of this Bill properly and then we come back. Yesterday, you talked about the usual channels.

If we go into the usual channels to understand this, when we come back, it will be very easy for us to move on with this Bill. However, as we speak, we do not know whether we are removing the death penalty or imposing it. We are a bit confused about it. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, my challenge is, if we adjourn this matter, for what purpose will we be doing it? Who will be tasked with the responsibility of clarifying it? Are we going to hold a seminar? *(Laughter)*

If you are adjourning for purposes of going to have a discussion outside the House in the form of a separate debate or seminar on what the purpose of this law is, I would understand. What do we do when we pause this? Do we wait for the Attorney-General? I need to know the purpose for which I am pausing the debate.

**MR BAHATI:** Mr Speaker, the most important point is for each of us to read through this and understand what we are doing. After the explanation, it appears that we have conflicting interpretations of what we are saying in the House. We can also consult the Attorney-General and get a clear position.

**THE DEPUTY SPEAKER:** Honourable members, yesterday I paused debate on this matter for you to go and read. *(Laughter)*

**MR EDWARD OTTO:** Thank you – *(Interjections)* – it is a procedural issue; I am not debating.

**THE DEPUTY SPEAKER:** Proceed.

**MR EDWARD OTTO:** Thank you, Mr Speaker. I understand the concern of the Members but equally like you stated, when time is given, it is hard to guarantee some of these things.

I am wondering whether there is a detailed report. I know it might take a little bit of time - there is even a summary in all these reports. If we read either the summary or the report, I believe it would allow us to move forward other than giving time and at the end of the day, people come back and – *(Interjections)*

Therefore, I wonder whether it would not be procedurally right to move by reading the summary of the report and we move forward.

**THE DEPUTY SPEAKER:** The ultimate purpose of the procedures of this House is that it must facilitate a comprehensive understanding by the Members so that when they come to take a decision, they take the right one. Any procedure that allows that to happen is the correct one. Therefore, I think we are proceeding very well.

On what matter do you rise, honourable member?

3.24

**MR SSEKIKUBO (NRM, Lwemiyaga County, Sembabule):** Thank you, Mr Speaker. When you look at clause 1(a)(i), (ii) and (iii), which substitute “shall” with “liable to”, that is the spirit of the Bill.

However, when you look further at section 124(b), which substitutes “suffer death” with the words “imprisonment for life”, that is where the problem is. The devil is in the details. On the face of it, you are right and the long title is right but inside is where you have hidden the devil and that is where we need clarification. *(Interruption)*

**MR NIWAGABA:** Thank you, Mr Speaker and my colleague, hon. Ssekikubo for giving way. The information I would like to give you is simple; the only authority that can pass any sentence, be it death or life imprisonment, is the Court. The purpose of this law is one; to remove the mandatory death sentence and leave it only to the discretion of Court, depending on the circumstances of each particular case.

The particular clause you have raised would be looked at, at Committee Stage. As to whether the committee considered that clause and what its recommendation was, if the recommendation is to do away with the spirit running through Members that we do not want the death penalty to be off our law books, then it must be retained. However, is this spirit captured in the proposed amendments of the committee report? *(Interruption)*

**MR BAHATI:** Hon. Niwagaba, we would like to move with you to the Committee Stage. We do not want to leave you at the Second Reading and the only way for us to go to the next stage is for us to understand. It would not be good for us to put a vote now because we have understood that we are demolishing the death penalty and we say, “No” to the Bill. Let us move together to the Committee Stage by giving more time to understand the principles of this Bill.

**THE DEPUTY SPEAKER:** Honourable members, I think we have a legitimate problem that we need to deal with. I do not know whether these are the amendments proposed by the committee – Okay, I have not seen, for example, the matter raised by the Member of Parliament for Lwemiyaga County in clause 1(a)(iv); there is no proposed amendment.

The essence of clause 1(a)(iv) is to remove the words, “suffer death” and replace them with “life imprisonment.” Does that mean you are proposing that there should be no death penalty in (iv)? What does the section say?

**MR SSEGGONA LUBEGA:** Mr Speaker, I will easily concede where any of the details of the Bill goes beyond the objects. I will easily concede, as well, to the request by hon. Bahati that whereas the decision to pause is for the Speaker, on our part as the proposers of the Bill, we have no objection to the usual channels of coming up with an agreeable position, if any. Thank you.

**THE DEPUTY SPEAKER:** Thank you. Honourable members, as you go to use these usual channels, the content of the proposed legislation must correspond to what it sets itself to do; to deal with the issue of removing mandatory sentence of death to make it a discretionary sentence. However, from the way the Bill is, it is also making attempts to replace the death penalty with life imprisonment.

Therefore, as you go for these usual consultations, please make sure - because as I said, the amendments proposed by the committee do not touch that. This means that the amendments that you are going to come back with must be able to remove all those things that seem to suggest that the death penalty will be replaced by life imprisonment because that is not what the Bill intended.

With that guidance, because I only have one proposed set of amendments, I will pause this matter and give the mover of the Bill one week to clean it up on your own so that it does not suffer what it has suffered today. Debate on this matter is paused and for that purpose, it is differed. Thank you. Next item.

BILLS

SECOND READING

THE HUMAN RIGHTS (ENFORCEMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, the motion for Second Reading of this Bill, “The Human Rights (Enforcement) Bill, 2015” was moved and justified. The committee reported and the question was proposed for debate so debate starts now.

3.32

**MR SILAS AOGON (Independent, Kumi Municipality, Kumi):** Mr Speaker, I am happy that yesterday you accepted to give us time to refresh our minds on matters relating to this Bill. I know it is a Bill that touches on the lives of every Ugandan and for that matter, I took time to read and understand it.

I hope that Members have copies. The object of this Bill is to give effect to Article 50(4) of the Constitution, providing for procedure of enforcing human rights under chapter 4 of the Constitution. However, for those who have carried copies of the Constitution, please refer to what I have just said. What does Article 50(4) say? Do the two rhyme? Therefore, I believe that if an adjustment has not been made to this, it does not augur well.

Mr Speaker, I know that there are concerns that everybody must be talking about. We have the Uganda Human Rights Commission to which we have an Act and we are talking about having the High Court as the Court of first instance. What happens if the two have similar jurisdiction?

In addition, for a common man from Kumi for instance, who has been depending on the Grade 1 Magistrate Court, if we talk of the High Court being the Court of first instance, don’t we think it will be inaccessible to people who are vulnerable? It will also not be easy for somebody to get justice in terms of human rights.

There are people who are even afraid of the word ‘High Court’. The moment you say, ‘High Court’, they are afraid to run there because they feel that is for people who get “high” salaries. What we need to do in this Bill is to strengthen the Uganda Human Rights Commission and allow them to be able to receive, investigate and resolve human rights matters but not to negate what they have been doing before.

Mr Speaker, we need to have a clear nexus between the Uganda Human Rights Commission and other institutions that have similar mandates. If the Uganda Human Rights Commission is the one receiving cases and investigating and you are now talking about the High Court, what is the real motive behind this?

I need to hear from the chairperson of the committee. What is the spirit behind pushing things to the High Court and running away from the Uganda Human Rights Commission, which we know has been providing these services and moreover for free? When you go to the High Court, you are bound to pay. What happens to the common man from Ngero? Where will they get the money to pay for these services?

Mr Speaker, we also need to align whatever we do as a country to our international obligations. Human rights violations should be handled in a unified and systematic manner and therefore, I would love that the chairperson explains to this House the details that show that this is catered for; a unified and systematic manner in which we handle human rights.

Article 2(2) of the International Covenant on Civil and Political Rights (ICCPR) calls on State parties to undertake necessary steps in making sure that we observe and protect the rights of human beings within our states. However, our issue in this Bill should be, how does it help us to move in line with our obligations with the international bodies and with the Constitution of Uganda?

Those are the concerns. By the time we finish with this Bill, we should be sure that we are in line with our international obligations in terms of human rights issues. That is what I would love to hear from the chairperson and I will be very grateful if you do that very well.

Otherwise, we are grateful for the effort that you have put in and may God bless you. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, I might have to guide so that we contain the debate in the right direction. The Bill that is before us is brought under Article 50(4) of our Constitution, which reads, *“Parliament shall make laws for the enforcement of the rights and freedoms under this Chapter.”*

Article 50 (1) reads, *“Any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent Court for redress, which may include compensation.”*

Therefore, this is a directive of the Constitution that some matters of human rights can be addressed directly to a competent Court. In Article 50(4), Parliament can make a law to deal with this specific issue of enforcement of rights and freedoms under Article 50.

The Uganda Human Rights Commission is established under Article 58, where Parliament is also mandated to enact laws to bring into operation those mandates and functions that are given to the Uganda Human Rights Commission, which it has already done.

Therefore, there is a gap in the enforcement in relation to rights and procedures provided for under Article 50. That is what this Bill seeks to deal with. Ordinarily, there is a gap, according to the mover of this Bill, that should be cured by the enactment of this law under Article 50. Therefore, let us be guided on that.

**MR AOGON:** Mr Speaker, there is an issue of plaint vis-à-vis what is stipulated in the Constitution where anybody who claims that his rights have been infringed upon can go and petition Court. There is a problem there.

**THE DEPUTY SPEAKER:** That is what the Constitution says in Article 50 (1).

**MR EDWARD OTTO:** Thank you, Mr Speaker. I appreciate the guidance that you have just given. I would like to give further information. If you look at page 12 of the report, the second paragraph reads, “*Clause 1 of the Bill should not interfere with other human rights enforcement agencies under the Constitution…”*

It also goes into detail that the committee notes that the Constitution creates the human rights enforcement agencies, which include the Uganda Human Rights Commission established under Article 51 and so forth.

With all due respect, if my colleague had read the report as he stated, I think this would have been captured. I also think this points to the dilemma that has been raised as to whether Members have actually read this report and internalised it. I wonder if we are proceeding right when such information that is in the report is clearly not covered. Thank you.

**THE DEPUTY SPEAKER:** Hon. Kamateeka, do you want to speak at this point or explain when we have finished the debate?

3.43

**MR RICHARD OTIENO (NRM, West Budama County North, Tororo):** Thank you, Mr Speaker. I have listened to your guidance and that of the chairperson of the committee. However, I would like to make a rejoinder to what hon. Silas Aogon has said.

We are basically dealing with the principles of the Bill, the report notwithstanding. This Bill is a short Bill and I do not see the value addition we are going to get from this Bill beyond what is currently obtaining on the ground.

I am alive to the fact that we have the Uganda Human Rights Commission. I have previously assisted people to refer matters of violations of their rights to the Uganda Human Rights Commission and they have very elaborate procedures that are followed.

I am also aware that there are many occasions where individuals have chosen to go directly to the Courts of law without necessarily going to the Uganda Human Rights Commission. I am aware that ordinarily, the Courts have procedures that are followed. There is always a plaintiff - the person who petitions and in most cases, these matters are handled by one judge.

There are no cases whereby you – unless the Bill is presupposing that the matter should not delay and it can be transferred from one judge to another because this is the only new addition I see here; that it must be handled by one judge.

Otherwise, I would like to agree with my colleague, hon. Aogon that this Bill brings nothing new and it adds no value. As far as I am concerned, there is nothing, which is not addressed in the current status quo by the Uganda Human Rights Commission and the provisions within our rights to apply to the Courts of law. Thank you.

**MS NAMBOOZE BAKIREKE:** Thank you, Mr Speaker. I know the procedure in this House. When a report is presented, honourable members are supposed to read it, understand it, internalise it and come and debate it.

Mr Speaker, yesterday you were so kind to us that you gave us another day to review the report that had already been presented to us. When you read the report, you find that the committee even pointed out particular cases that were taken to Court and the ruling was that they could not be handled because Parliament had not provided a law for such cases to be heard.

Therefore, is it procedurally okay for Members to continue debating without reading the report? This is because they are taking us back by saying that we are debating a matter of no importance when the report even quotes particular cases like that of Church Ambrose Bukenya vs. the Attorney-General, which was disallowed in Court because of lack of a law. Are we proceeding well, Mr Speaker?

**THE DEPUTY SPEAKER:** We would be proceeding very well if those people who have read the report, like you, were the ones debating. *(Laughter)*

Honourable members, let us enable this debate and we can only do that when you have had a fair glance at the report of the committee. Otherwise, we will take too long debating a very small Bill.

**MR OKUPA:** Thank you, Mr Speaker. It is a traditional requirement in this House that when a matter of this nature is debated, the line ministers should be in the House. We do not see the Minister of Internal Affairs and the Minister of Justice and Constitutional Affairs and yet we are debating and next we shall move to Committee Stage.

Is it procedurally right for us to continue proceeding that way when the line ministers concerned are absent? This directly affects issues of human rights, which we are talking about here. There have been abuses and we hold Government, especially those line ministries, accountable.

As soon as the debate started, the one who was here walked out. We had given him time thinking that he was going to answer nature’s call but we have not seen the honourable minister come back. Therefore, are we proceeding right, unless we are saying that he is still in that process?

**THE DEPUTY SPEAKER:** When you put the issue of nature’s call on the record, there are so many types. There is the one that takes you to the restaurant and there are others that take you to the other places. Therefore, he might have gone to the restaurant for nature’s call as well; to have lunch when you are hungry is a call of nature. You must eat something.

Honourable members, this is a Private Member’s Bill acting on behalf of a committee that she chaired at that time and that she is still chairing. The committee that is in charge of this sector has found this gap in the legislative body of this country and they are providing a solution to it and they have made a proposal to this House.

Therefore, would it be very necessary to have a line minister here when the mover of the Bill and the committee are here? If they have opted not to be there yet this is a Private Member’s Bill and we are here fully constituted; why don’t we proceed? Otherwise, each time they do not like a Bill, they will walk out and we cannot proceed. Each time they are not in favour of a Private Member’s Bill, they will walk out. If we set that precedent today, they will just be away and then the Bill will be dead again.

**MR OKUPA:** Mr Speaker, I am saying this because I thought we are working like the Trinity, where we must all agree. There are aspects that –*(Interruption)*

**MR BAHATI:** Mr Speaker, I would like to inform hon. Elijah Okupa that on the side of the Executive, we looked at this Bill first from the Ministry of Finance, Planning and Economic Development and issued a Certificate of Financial Implications.

The minister responsible for the sector was called in the committee and gave his views. He has read the report and does not have any comment about the report. The mover of the Bill is in the House.

Mr Speaker, what you have said is very important because I recall a time when I was at the backbench and I was moving a Private Member’s Bill. If that precedent is set, I think we will be stifling the good work of private members in this House.

I would like to encourage hon. Elijah Okupa that Government is aware of this Bill; we have the contents of the Bill and the House should move and pass this important Bill.

3.52

**MR JOSEPH SSEWUNGU (DP, Kalungu County West, Kalungu):** Mr Speaker, I am praying to God that in the next reshuffle, hon. David Bahati becomes the Prime Minister or somebody of that category because he helps the Government very much.

Mr Speaker, backbenchers bring a number of Private Member’s Bills because the Frontbench has failed to do its duty -

**THE DEPUTY SPEAKER:** No, it is because they have a right to.

**MR SSEWUNGU:** Mr Speaker, they have a right and I am going to base on this particular Bill. I would like to thank hon. Jovah Kamateeka because she brought this Bill before she became the chairperson of the committee.

Article 52 of the Constitution of the Republic of Uganda states the functions of the Uganda Human Rights Commission. Actually, it should have been the Uganda Human Rights Commission to forward this Bill to this Parliament. However, due to the laxity of the Uganda Human Rights Commission – in fact those members who are interested in amending our Constitution should actually remove the powers of appointing these people from the President. This job of the Chairman, Uganda Human Rights Commission should be advertised so that people can perform their tasks.

I am here in Parliament and I support this Bill. If you read the duties of the Uganda Human Rights Commission under Article 52, we would not be having problems that would lead to bringing such Bills. However, due to failure to enforce Article 52, an honourable member had to bring this Bill and it is overdue – (*Member timed out*.)

**THE DEPUTY SPEAKER:** Honourable members, the debate is on the principles of the Bill and I do not seem to be reading that debate. Can I put the question and we go to the Committee Stage of this Bill?

3.54

**MR ROBERT KASULE (NRM, Nansana Municipality, Wakiso):** Mr Speaker, considering this Bill especially where it shall apply, is the law titled properly – The Human Rights Enforcement Act?

When I read the application, this Act applies to the enforcement of rights and freedoms guaranteed by Chapter 4 of the Constitution. (3) says, this Act shall not apply to the investigation, protection or enforcement of rights and freedoms by the Uganda Human Rights Commission. My debate is premised on paragraph (1); where shall this law be domiciled?

Secondly, it allows the Courts of law to hear cases of human rights. Have Courts not been hearing cases of human rights? Isn’t it a right enshrined in the Constitution that somebody, once deprived of their rights, has a right to go to Court? Is it separate from all other cases that a special law should be found to enforce it? That is why I am bothered. Why do we need a special law for human rights?

**THE DEPUTY SPEAKER:** Honourable member, that is Article 50 of the Constitution of the Republic of Uganda. If you look at Article 50(4), that is exactly what it says; that Parliament should pass this law.

**MR KASULE:** However, there are other laws doing the same thing. The other laws are there that allow anybody, once inflicted, to go to Courts of law.

**THE DEPUTY SPEAKER:** Honourable member, you have just heard that those people who have access to Courts of law directly basing themselves on Article 50 have been denied the opportunity to present their cases because they are saying Parliament has never enacted laws that would help them conduct proceedings under Article 50 of the Constitution of the Republic of Uganda. That is exactly what the report is saying.

Therefore, there is a gap in the law. The Uganda Human Rights Commission is not a competent Court. It has a tribunal but here it is talking about a competent Court and we know what a Court is, as defined in the Constitution; that is where we are on this matter.

3.58

**MR DAVID ABALA (NRM, Ngora County, Ngora):** Mr Speaker, I would like to thank you so much and thank the Members who have ably presented views that are very clear. As you rightly said, I would like to systematically and ably move a motion that we move to the next stage in order for us to pass this law without delay. I thank you.

**THE DEPUTY SPEAKER:** No, the motion you want to move is that the question be put. Can you move it properly?

**MR ABALA:** Mr Speaker, I beg to move that the question be put by you –*(Laughter)*– for us to move to the committee stage. I beg to submit.

**THE DEPUTY SPEAKER:** Honourable member, nobody else can put the question. *(Laughter)*

Honourable members, the motion is that the question be put - and I am required to examine the situation and put the question to that motion first, before I deal with a substantive motion.

I now put the question that the question be put.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** I now put the question that the Bill entitled, “The Human Rights Enforcement Bill, 2015,” be read the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE HUMAN RIGHTS (ENFORCEMENT) BILL, 2015

Clause 1

**MR EDWARD OTTO:** Clause 1 (2) on Application, we propose tosubstitute the words “High Court” with the words, “Courts of law.”

Also replace sub clause 3 as follows: “Save as provided, this Act shall not apply to investigation, protection and the enforcement of rights and freedom by the Uganda Human Rights Commission and the Equal Opportunities Commission established under Article 51 and Article 32(3) of the Constitution.”

The justification is for;

1. Clarity and better drafting.
2. To empower magistrate Courts to enforce rights and freedoms rather than the high Court alone.
3. To ensure that the Act does not affect the operations of the Equal Opportunities Commission established under Article 32(3) of the Constitution.

**THE DEPUTY CHAIRPERSON:** Yes, mover of the Bill.

**MS KAMATEEKA:** Mr Chairperson, I concede.

**MR KASULE:** Mr Chairperson, that is where my contention was. Are we excluding the Uganda Human Rights Commission and the Equal Opportunities Commission from hearing cases pertaining to human rights? Let the chairperson of the committee explain that.

**MS KAMATEEKA:** Mr Chairperson, the mandate of the Uganda Human Rights Commission is clearly spelt out in Article 58 of the Constitution. What we are doing here is to provide a procedure for the Courts of law. This law does not stop the Uganda Human Rights Commission from holding its tribunals using the procedures they have been using; this is for purposes of Courts of law.

**MR AOGON:** Mr Chairperson, soon we will go into the policy of merging entities to avoid duplication of roles and for efficiency. What benefit do we get from having magistrate Courts, the Uganda Human Rights Commission, the High Court and others there doing the same work? What are you doing in this Bill to help us bring everything together to minimize wastage of resources? Put it clearly so that we can understand it.

**MR OKUPA:** Can I give information?

**THE DEPUTY CHAIRPERSON:** Honourable members,at this stage we are not creating any Court. We are just giving the citizens of this country the opportunity to use this law to access the existing Courts; we are not creating any new Court.

**MR OKUPA:** Mr Chairperson, hon. Aogon must also understand that the Uganda Human Rights Commission is a creation of the Constitution. It is not like the Civil Aviation Authority or these others. We are responding to the command of the Constitution. There is a difference between this and those other authorities or commissions that they want to merge. I thought I would give you that information

**MR LUBOGO:** Thank you, Mr Chairman. I would like to seek clarification from the chairperson of the committee because he is substituting the words “High Court” with the words, “Courts of law.” What I seek to get clear is, the original Bill tended to state exactly where action must be taken. If somebody’s rights have been abused, they go to the High Court. Now this amendment is saying that such persons should go to Courts of law. Are you not specifically placing the original Court to handle these matters? Are you just leaving it open like that?

**MS KAMATEEKA:** Initially, the committee thought that we would let the High Court hear these cases but concern was expressed that we should open up. The concern was that maybe the magistrates Courts would not be able to handle due to issues of training.

Otherwise, there was concern as to why we should limit it to the high Court and disadvantage the ordinary person whose rights are abused. That is why we conceded to the position of the committee that the Courts lower than the High Court can hear these cases and where cases need to be referred, they can be referred to the High Court.

**MR EDWARD OTTO:** In addition to what the mover of the Bill stated and in light of that question, during the debate in the committee and the hearing from stakeholders, there were concerns especially with respect to the enforcement relating to certain monetary values involved. Although the magistrate’s Court and the Human Rights Court are accessible - access is an issue but when it comes to certain complex cases of high quantum, the committee felt that in such cases, the High Court forum should be able to address that; it was left in that case.

Otherwise, in this particular case as it has been stated, being in the High Court does not negate recourse in these other Courts for the reasons that we have stated.

**MR WALUSWAKA:** My concern is that some of us come from rural constituencies and districts and we are very far away from the High Court. Hon. Aogon said that when people hear of the High Court, they are intimidated. My view is that the magistrates Courts also should hear these cases because –

**THE CHAIRPERSON:** Honourable member, I thought that is what the amendment is proposing?

**MR WALUSWAKA:** Is that what they are saying? Then I am in agreement with the Bill. *(Laughter)*

**MR OTIENO:** Mr Chairman, my concern is with clause 1 (3). The purpose of this Bill is to enforce Article 54; it is to provide procedures which can be used to seek justice.

Mr Chairman, I thought that the Uganda Human Rights Commission provides an alternative avenue to the Courts of law for seeking redress in a situation where somebody’s rights have been violated. In that regard, I thought the law should now give more powers, that if there was no procedure that can be followed in the Courts of law, this law should recognise the Ugandan Human Rights Commission as an alternative address where people can seek redress in a situation where their rights have been violated.

Mr Chairperson, that is why I am not comfortable with excluding the Uganda Human Rights Commission as an institution that this law should address itself to. I do not see what we are trying to aim at – *(Interruption)*

**MR KASULE:** Mr Chairman, in line with his argument, why don’t we broaden instead of restricting ourselves to Courts only? Why don’t we also include the Uganda Human Rights Commission and Equal Opportunities Commission so that all of them can handle these cases?

Secondly, it also refers these human rights cases - at the end of the procedures there are monetary implications. Why do you exclude all these other institutions and leave Courts only to handle issues of human rights violations? I think these exclusions are not called for; we should include them.

**MS KAMATEEKA:** Mr Chairman, both the Uganda Human Rights Commission and the Equal Opportunities Commission are creations of the Constitution. They are given specific mandates and functions; we are not tampering with those.

The Uganda Human Rights Commission has been running tribunals but what has been lacking is the procedure. For example, a Ugandan should have a choice whether to go to the Uganda Human Rights Commission tribunal or take their case directly to Court. What has been lacking was the procedure in Court.

The rules committee of the Judiciary tried to put a procedure in place but this was challenged because the rules committee does not have the mandate to make laws. Therefore, one of the objectives of this Bill is to empower the rules committee to come up with a specific procedure.

Honourable members, the reason you have not been hearing of many human rights cases coming through Courts of law is because there has been no such procedure. Therefore, the law is not excluding these two commissions – the Uganda Human Rights Commission and the Equal Opportunities Commission.

**MR SSEGGONA LUBEGA:** Mr Chairman, whereas the proposal by the honourable colleague from West Budama County North would be good, still we are barred by the Rules of Procedure. We cannot expand the Bill at this stage; we cannot and the Courts have just ruled on that; we cannot expand it to bring in the others which were not envisaged in the Bill.

**MS NAMBOOZE BAKIREKE:** I am seeking clarification on how we shall handle issues to do with human rights, especially when it comes to children. The local council Court statute had provided that cases involving children could be heard in the LCI courts. I am thinking about a child who has issues of human rights violation and I am looking at the Magistrate’s Court as something that might be far away from such a child. I just need to know if this law will still allow the issues of children rights to be handled by the local council courts.

**MS KAMATEEKA:** Mr Chairman, this is not supposed to be a comprehensive Bill on the enjoyment of human rights. It is just to provide a procedure in the Courts of law. At a future date, we can then strengthen this Bill or fill where we think there are gaps. Otherwise, it is necessary for us to provide for this procedure in the Courts of law.

Secondly, institutions like the local council Courts will continue doing their work. If someone goes to the local councils and has their cases heard and they are not satisfied, they can either go to the Uganda Human Rights Commission tribunal or directly to the Courts of law; the law is not exclusive.

**MR AOGON:** Mr Chairman, I read somewhere that in a scenario where someone has gone to the Human Rights Commission and they are not contented with the decision there they then move to the High Court but their issues are not attended to by the High Court, what do you have to say about that? What is the provision in the Bill to take care of such situations?

**MR SSEGGONA LUBEGA:** Mr Chairman, to answer that question, the High Court in a number of cases has both original and appellant jurisdictions. Therefore, where there is an appeal from the Uganda Human Rights Commission, it will still go to the High Court because that is provided for in the law.

**THE DEPUTY CHAIRPERSON:** Under the Uganda Human Rights Commission Act, the provision is there.

**MR AOGON:** Mr Chairman, does this Bill specify which provision will help us to handle that?

**MR NIWAGABA:** Mr Chairman, let me help. This particular Bill is brought under the provisions of Article 50 of the Constitution. If you read Article 50 of the Constitution, it only talks of one thing: enforcement of rights and freedoms by Courts. What are Courts? Go to Article 126 of the Constitution, which talks about exercise of judicial power and it says that judicial power is exercised by the Courts established under the Constitution.

What are the Courts established under the Constitution? They are in Article 129 and the Courts are: the Supreme Court, the Court of Appeal, the High Court and such subordinate Courts as Parliament may by law establish, including Courts for marriage, divorce and the rest.

Parliament has established the Magistrates’ Courts under the Magistrates Courts Act. Therefore, any discussion on this Bill should totally not mention anything to do with the Human Rights Commission because that commission is established under a separate Article of the Constitution and its mandate is separate. This one is only in respect of - if you want to enforce your rights and freedoms in Court, restrict yourself to Courts.

The LC Courts you are talking about – although they are also established by Parliament under a different Act – are not the courts envisaged under Article 129 as the Courts of judicature.

**THE DEPUTY CHAIRPERSON:** I put the question to clause 1.

*(Question put and agreed to.)*

*Clause 1, as amended, agreed to.*

Clause 2

**THE DEPUTY CHAIRPERSON:** Clause 2 is about definitions; we shall come back to it. Can we stand over interpretation? Okay, let us go to the next.

Clause 3

**MR EDWARD OTTO:** Thank you, Mr Chairman. Clause 3 is about enforcement of human rights. We propose to amend it by replacing it with the following: “Clause 3. Enforcement of human rights and freedoms:

1. In accordance with Article 50 of the Constitution, any person or organisation who claims that a fundamental or other right or freedom guaranteed under the Constitution has been infringed or threatened may, without prejudice to any other action with respect to the same matter that is lawfully available, apply for redress to a competent court in accordance with this Act.
2. Court proceedings under subsection (1) may be instituted by -

(a) a person acting on behalf of another person who cannot act in their own name;

(b) a person acting as a member of, or in the interest of a group or class of persons;

(c) a person acting in public interest; or/and

1. an association acting in the interest of one or more of its members.”

The justificationis to capture the spirit of Article 50 (1) by allowing only suits where fundamental rights and freedoms guaranteed under the Constitution have been infringed upon or threatened as required under Article 50 (1) of the Constitution.

Secondly, it is to recognise a person’s right to bring action for infringement of human rights in other fora such as the Uganda Human Rights Commission and the Equal Opportunities Commission and three, it is for clarity and to enumerate the persons who may bring suits for human rights violation*.* Thank you.

**MS KAMATEEKA:** Mr Chairman, we thank the committee and I want to concede.

**THE DEPUTY CHAIRPERSON:** I now put the question to the amendment as proposed by the committee and confirmed by the mover of the Bill.

*(Question put and agreed to.)*

*Clause 3, as amended, agreed to.*

Clause 4

**MR EDWARD OTTO:** In clause 4 on High Court to determine matters relating to human rights, we propose to replace clause 4 with the following: “Enforcement of rights and freedoms by the High Court:

1. The High Court shall hear and determine any application relating to the enforcement or violation of –

(a) non-derogable rights and freedoms guaranteed in Article 44 of the Constitution;

(b) other rights, duties, declarations and guarantees relating to fundamental and other human rights and freedoms envisaged in Article 45 of the Constitution;

(c) rights and freedoms restricted under a law made for purposes of a state of emergency; and

(d) rights and freedoms which are preserved by this Act to be determined by a magistrate court, where the remedy sought by the applicant is beyond the pecuniary jurisdiction of that court.”

In subclasses (2) we propose thus: “Applications under subsection (1) shall be in the form prescribed by regulations and may, unless court determines otherwise, be heard in an open court.”

The justifications are:

1. To prescribe which rights can be enforced by the High Court.
2. To allow court to hear applications in any manner in an open court.
3. To allow the High Court determine matters involving other rights and freedoms where such matters go beyond the pecuniary jurisdiction of the magistrates’ court.

**THE DEPUTY CHAIRPERSON:** There is a technical issue there. For what reason are you disjoining (c) and (b)? I thought they are all running under the main sub clause (1) heading. Ordinarily, there should have been no full stop after (c) and the word “and” should have been after “(c).”

**MR EDWARD OTTO:** Mr Speaker, I concede.

**THE DEPUTY CHAIRPERSON:** The word “and” that was read in (b) should have been in (c). Okay, can we hear from the committee?

**MS KAMATEEKA:** I have a slight problem with (c) which talks about the rights and freedoms restricted under law made for purposes of state of emergency but I think it is okay; we do concede.

**THE DEPUTY CHAIRPERSON:** I put the question to the amendment –

**MR KASULE:** Mr Chairperson, I have a problem with one iPad reading both the report and the Bill at the same time. May I seek clarification from the chairperson as far as state of emergency is concerned? Why shouldn’t we consider it as human rights and some of the options that people should have been in these courts when their human rights are violated?

**THE DEPUTY CHAIRPERSON:** That is what it is saying. It is saying that that court will handle the rights and freedoms that are restricted under law made for purposes of state of emergency. It will be looking at those rights as well; the court will be interrogating them. That is what it is saying.

**MS KAMATEEKA:** Mr Chairperson, I shouldn’t have any reservations. This is okay. The courts of law should be able to look at these laws made in the state of emergency. Thank you.

**THE DEPUTY CHAIRPERSON:** Yes, that is what the Bill is saying exactly.

**MR OTIENO:** Mr Chairperson, the only issue I have is that the chairperson seems – I am finding difficulty to follow the report because it is not the same as what he is presenting. I am really finding it difficult to follow. I do not know whether they have two sets of reports. How many versions do you have, because I am finding it difficult to follow?

**THE DEPUTY CHAIRPERSON:** The amendments are in a separate document.

**MR OTIENO:** What he is bringing is not what he has given us.

**THE DEPUTY CHAIRPERSON:** I think the final amendments are in a separate document. I have a copy here of what has been circulated. I put the question that clause 4, as amended, stand part of the Bill.

*(Question put and agreed to.)*

*Clause 4, as amended, agreed to.*

New clause 5

**MR EDWARD OTTO:**  In clause 5: Insertion of new clauses. We propose that immediately after clause 4, insert the following new clauses:

“Enforcement of rights and freedoms by Magistrate courts

5 (1) A Chief magistrate court shall hear and determine applications relating to the enforcement or violation of human rights and freedoms guaranteed in Chapter Four of the Constitution in any of the circumstances not referred to in subsection (1) of section 4.

(2) The application under subsection (1) may be made in any language, orally or in writing or in any form as may be prescribed by regulations; and where an application is made orally or in any language other than the language of court, the chief magistrate shall reduce it in writing in a language of court.

General provision of human rights suits

1. Every suit for enforcement or protection of human rights and freedoms shall, where possible, be instituted in a court where the alleged violation took place.
2. Where a person is in doubt as to the person from whom he or she is entitled to obtain redress, he or she may join two or more persons in order for the question as to which person is liable for violation to be determined by court.
3. Court may allow any person with expertise on a particular issue which is before court to appear as a friend of the court, either on application or on court’s own request.
4. For avoidance of doubt, statutory notice shall not be a requirement for suits under this Act.
5. No suit instituted under this Act shall be rejected or otherwise dismissed by court, merely for failure to comply with any procedure, form or any technicality.”

The justifications are:

1. In order to bring justice close to the people by granting jurisdiction to court presided over by the magistrate’s court to enforce human rights, other than those reserved for the High Court.
2. To require that suits are instituted in courts where violation took place.
3. To allow a person include any persons in a suit if he or she is in doubt as to who is liable for human rights violation.
4. To allow court to be assisted by *amicus curiae* or a friend of the court.
5. To require no statutory notice in human rights violation to ensure substantive justice is served with undue regard to technicalities.

Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, those are two proposals. We will deal with them one by one. The committee proposes to insert two new clauses. One is on enforcement of rights and freedoms by magistrates’ courts and the other one is a general provision on human right suits. So, let us start with the first bit on the enforcement of human rights and freedoms by Magistrates’ courts. That is first insertion after clause 4.

**MR AOGON:** Mr Chairperson, it is quite unfortunate that I do not have the up-to-date version of what he is presenting. Anyhow, my observation is: if one has their human rights being infringed on, they should take it to a court within the place of occurrence. What happens in a scenario where insurgency has broken out in that particular area and it is impossible for one to go to that court? Can we provide for a situation where somebody can go to another court? Isn’t it possible?

**MR EDWARD OTTO:** Given that the human tights tribunal is also operating and given that there are other fora that have been mentioned before, I believe it is open for a litigant to proceed under the other forum, if the magistrate court or the court in that local jurisdiction has a problem. I believe you can seek leave of court; there should be a procedure allowing that. Thank you.

**THE DEPUTY CHAIRPERSON:** I think the main reason is to easily access to the place where the incident occurred. For example, if one is in Kumi and the incident happened there yet they are filing your case in Gulu, such persons might have problems with issues of witnesses, transportation and things like that. That is why we are saying for ease and avoidance of high costs of this to make it affordable, do it where it has occurred.

However, what I would like to understand is: when you say “Enforcement of rights and freedoms by Magistrates courts” do you actually mean only chief magistrate court? Also in sub-clause (3), you say “the chief magistrates shall reduce, in writing,” which means this can only apply to the chief magistrate, not to grade one magistrate. Is that what you are saying?

**MR KASULE:** Mr Chairperson, secondly when he talks about “the language of the court,” I thought the language of the court is English. Why would we say “the language of the court” yet the official language of court is English?

**THE DEPUTY CHAIRPERSON:** Chairperson, please help us with this. Are you only making this applicable to the chief magistrates’ courts and excluding other magistrates’ courts?

**MR EDWARD OTTO:** Mr Chairman, that is not the spirit of the law. I have seen in other parts of the report where when they talk of “competent court” they started from a grade one magistrate. So, I believe this is –

**THE DEPUTY CHAIRPERSON:** No, you need to clarify on that.

**MR EDWARD OTTO:** Mr Chairperson, let me clarify with the legal counsels to the committee.

**MR AOGON:** Mr Chairperson, the grade one magistrates have been handling matters of child protection, which are human rights issues. Therefore, when they are handling this matter, it should be very clear that the grade one magistrate is involved. Child protection is a human rights issue. Check the Constitution, the law and go through the Acts. You will confirm what I have said. Thank you.

**THE DEPUTY CHAIRPERSON:** I think the honourable committee did not want to again start separating what the Chief Magistrate’s Court and what the other Magistrates’ courts can do. However, it is important that it is clear as to whether it is only chief magistrates’ courts or even grade one magistrates.

**MR EDWARD OTTO:** Thank you, Mr Chairperson. We have consulted on this and the understanding is that when you refer to the “chief magistrate’s courts”, it includes the whole team under the chief magistrates’ courts and in this case, the grade one magistrates. That is the understanding.

**MR SSEGGONA LUBEGA:** Mr Chairperson, I think there was a debate admittedly on whether we should limit this to the chief magistrates’ courts or to allow others, including grade one magistrates. Now, when you say chief magistrates’ courts, it is a magisterial area that includes grade one magistrates.

Our wisdom was that just like other cases; litigation in this country is on the rise. Now, when you limit to the chief magistrates’ courts, again you would be defeating the spirit of access. First of all, the idea is to have a chief magistrate in every district but it has not happened. However, there are grade one magistrates across the country. It is not limited to the district.

You may also find that the enforcement of rights will vary, even in terms of the sums involved, compensation involved, the levels of gravity of violation alleged so limiting it to the chief magistrates courts may again limit access but also may allow smaller cases to be required of necessity to go to the chief magistrate, which is a higher level and therefore hamper with his ordinary schedules, including administration.

Our thinking was it should be and include grade one magistrates; after all, grade two magistrates have increasingly been removed.

**THE DEPUTY CHAIRPERSON:** No, but my point is that in (3), if you say “the chief magistrate shall” that does not include the grade one magistrates anymore.

**MR SSEGGONA LUBEGA:** I agree and I would call upon my colleague to concede that we put “magistrate.”

**MS KAMATEEKA:** Mr Chairman, having opened up from the high court, I think it is very important that we do not restrict these cases again to the chief magistrates’ courts. So, I do concede that it should be magistrates’ courts for purposes of access. Thank you.

**MS NAMBOOZE BAKIREKE:** I appreciate the need to have people whose rights are violated to have a simpler way of accessing courts. However, I would like to seek clarification from the mover of this amendment, if we are not being so ambitious by saying that where a person is in doubt as to a person from him, he or she is entitled to obtain redress, he or she may join two or more persons in order for the question as to which person is liable for the violation to be determined by court.

Mr Chairman, the second part –

**THE DEPUTY CHAIRPERSON:** No, let us finish with the first part before we move to the second part.

**MS NAMBOOZE BAKIREKE:** Much obliged.

**THE DEPUTY CHAIRPERSON:** Thank you.

**MR KASULE:** Thank you, Mr Chairman. We are all excited by our people accessing justice. I am only wondering if Government is ready to be flooded by these people when everybody in the country is going to courts to seek human rights through magistrates wherever they are. One of the problems we have found with our courts is case backlogs and the bills thereafter.

For any simple human right violation, everybody is jumping to the courts nearby and they do not just go there for the sake. They go for the infringement of the rights but also the benefits out of that -

**THE DEPUTY CHAIRPERSON:** What is the relevance of that submission in relation to this amendment?

**MR KASULE:** I am saying once we open it to every magistrate, given the case backlogs - I mean, it takes two to tango. Much as we can appeal to the state violations of rights are done from everywhere, who is going to foot all these bills?

**THE DEPUTY CHAIRPERSON:** Whoever violates the rights and the award is given against pays. Why should you worry about that?

**MR KASULE:** The violator pays? Is it not the state that pays?

**THE DEPUTY CHAIRPERSON:** Whoever is the violator; if it is the state, it will pay. If it is a company, it will pay. Can I put the question to this amendment now? I put the question to the amendment.

(*Question put and agreed to.*)

*New clause, agreed to.*

**THE DEPUTY CHAIRPERSON:** Let us examine the next one on the general provision on human rights. The amendment was already read. So, can I put the question to the proposal for the insertion of a new clause? Okay, I now put the question that a new clause on general provision on human rights do stand part of the Bill.

*(Question put and agreed to.)*

*New clause, agreed to.*

Clause 5

**MR EDWARD OTTO:** Clause 5 is about inserting of new clauses and we propose that immediately after clause 4, insert the following new clauses: “Enforcement of rights and freedom of magistrates’ courts -”

**THE DEPUTY CHAIRPERSON:** No, it is Clause 5 in the Bill.

**MR EDWARD OTTO:** Clause 5 on procedure for enforcement of violation of human rights, we propose to delete the entire Clause. The justification is consequential amendment.

**MS KAMATEEKA:** I concede; this has been provided for.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for deletion of Clause 5. I put the question that clause 5 be deleted from the Bill.

*(Question put and agreed to.)*

*Clause 5, deleted.*

Clause 6

**THE DEPUTY CHAIRPERSON:** Honourable members, the mover of the Bill is the Chairperson of the Committee on Human Rights. That is why I keep referring to her as the chair.

**MR EDWARD OTTO**: Clause 6 is about reference to human right matters by subordinate courts. We propose to replace clause 6 with the following: “Reference to human right matters by subordinate: (1)Where in any proceeding, in a subordinate court or tribunal, any question arises as to the violation of human rights or freedom, the magistrate or the person presiding shall-

1. in case of rights or freedom falling in section 4 refer the question for determination by the High Court;
2. in case of rights and freedom falling in section 5, refer the matter for determination by the chief magistrates’ court.

(2) Where a human right matter arises in a proceeding before the chief magistrates’ court, court shall stay proceeding in the main matter and first determine the human right issue raised.

(3) The magistrate or person presiding over proceedings referred to in sub-section (1) may stay the proceeding until the reference is determined, and may, in case of criminal trial, grant bail to the accused person.

(4) The magistrate or person presiding in the subordinate or tribunal shall dispose of the question referred to in sub-section (1) in accordance with the determination of court.

(5) The court to which reference is made shall within 90 days from the date of the reference determine the reference made to it.”

The justifications are: to prescribe a procedure through which human right matters arising from proceedings before the subordinate courts can be determined by the magistrates’ courts or the high court; to allow the presiding person or a magistrate to grant bail to an accused person in a criminal matter where a question is referred to the high court; to prescribe the time within which to determine a human right matter referred to the high court or chief magistrates’ courts as the case may be. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable chairperson, under what circumstances are we using the words “or tribunal?” Is there a situation where we have a tribunal outside what this law is creating? Is it also creating a tribunal?

**MR SSEGGONA LUBEGA:** The issue of tribunal does not arise. The second element that comes is the reference to another court having opened up to allow all courts. It can only be that court to reconstitute itself and hear the human rights issues. However, the earlier version was that it would be heard by a higher court.

However, now that even the lowest magistrate court can hear, the question of reference to another court would not arise. Therefore, I would move that we delete accordingly as a consequence.

**MS KAMATEEKA:** I do agree, and I concede.

**THE DEPUTY CHAIRPERSON:** Is it to all those changes?

**MS KAMATEEKA**: Yes, both to the changes that have been made and to the entire amendment.

**MR NANDALA-MAFABI:** Thank you very much, Mr Chairman. My question is about values of these cases. There are rules now that a magistrate court can hear a matter of a certain value, maybe Shs 20 million. Now, if a person goes to court, whose human rights have been violated and needs to be compensated. His or her thinking is that the value might be more than Shs 20 million. Of course, I am talking about jurisdiction.

Won’t the magistrate court say, we did not want to hear that case because it is a High Court matter? Why did you hear this case, yet it was not referable to your court? I would like to understand before I can move on this matter *-(Interruption)*

**MR NIWAGABA:** Thank you hon. Nandala-Mafabi. The question of what we call “pecuniary jurisdiction” is set by law, by ourselves, under the Judicature Act. Therefore, if you are to go to court and you are seeking a specific sum of money, say, Shs 50 million and above, the current law requires that you file in the High Court. If it is below Shs 50 million, you file in the magistrate court.

However, if it is below Shs 25 million, then only a Grade One Magistrate can hear it. Above Shs 25 up to 50 million, a Chief Magistrate can hear it. Therefore, it will depend on the claim you are making and not what you think.

If you only think that you will get a billion shillings but you have on most specific proof of what you have suffered in terms of what we call “special damages”, you can still go to a magistrate court because the magistrate still has a discretion to award an amount in terms of general damages in whatever he thinks is reasonable in the circumstances.

**MR NANDALA-MAFABI:** Thank you my brother. Hon. Niwagaba, supposing I go and the magistrate is aware that I am entitled to Shs 300 million. Yet his hand is tied to Shs 25 or 50 million; what happens?

**MR NIWAGABA:** You may need to go to- but I am told you are a lawyer. I have told you that if you go to court, you have two sets of claims. There is what we call “special damages”; those are the ones that you have specifically mentioned in your claim that because of this violation, you lost so much money. Maybe your car, valued at Shs 10 million, was taken or your money in your pocket valued at Shs 20 million was taken and the like.

Therefore, if you have proof of that and you have pleaded it that you want so much money, if it is above Shs 50 million, go to a High Court. However, if you say, yes you were beaten, you went to hospital and incurred Shs 10 million, you have a lot of pain and suffering; it is up to you to either go to magistrates court but which can award you general damages of even Shs 100 million although it may be appealed, it depends.

However, in terms of special damages, you will be restricted. When it comes to an award of general damages, it being discretionally upon court to determine what to give you in its own wisdom, the discretionary award is not limited by the pecuniary jurisdiction*-(Interruption)-*

**MR OTIENO:** Thank you. The clarification I would like to seek is that under the general provisions of human rights, which we have just passed; in sub clause (5), it says that no suit under this Act shall be rejected or otherwise dismissed by courts merely for failure to comply with any procedure form or any technicality.

I thought what you are saying would be falling under the ambit of the restrictions. I just wanted that clarification. Isn’t it those under the technicalities?

**MR NIWAGABA:** Anything that is prescribed by a law cannot be deemed to be a technicality.

**MR NANDALA-MAFABI:** Mr Chairman, I would like to clarify to my brother hon. Wilfred Niwagaba. Hon. Niwagaba listen; you said “I thought you are a lawyer”, do not think. *(Laughter)* I am raising this for a reason; assuming one villager in Sironko runs to the Magistrates Court, when he or she goes there, they need a remedy. Of course, you are assuming that we are talking of people from Mbale or Kampala who know the value of a court.

However, the reason we are raising this is, for example, Kumi does not have a High Court*-(Interjection)-* Soroti and Sironko; assuming a person has been heard, may be a certain villager destroyed his produce at home. But he can only walk to Kumi town. You may compute his loss, and find that it is above Shs 50 million. Therefore, what remedy do we have for such a person if he went to Kumi or Sironko courts over issues of human rights abuse? How do we assist them, because that is what I would want us to put in this law to assist such people *-(Interjection)-* you want to reinforce it? Okay you reinforce it*-(Interruption)-*

**MR AOGON:** To reinforce this question, is there a provision for a body to get valuations for whatever somebody is claiming so that before you talk of Shs 100, is your figure checked and confirmed? Like when they are compensating on these roads by UNRA, there is a Government valuer; what are we doing? Does anybody just come and say this is my figure that I am claiming? How do we now handle that?

**THE DEPUTY CHAIRPERSON:** Honourable members, this is a human rights issue. I do not even know whether a pecuniary jurisdiction issue would arise because if they have destroyed your car, is that a human rights issue or is it a strayed act that you can go straight to the normal court and have it prosecuted from there?

You are talking about a violation that you have been falsely imprisoned or done something like that. However, where there is a destruction of property that stops being human rights issue and is now a matter that goes to regular court directly using the rules of courts there.

However, you are talking about human rights issues or you are detained, beaten or something. That becomes a human rights issue to which you cannot immediately assign a pecuniary amount.

**MR SEGGONA:** Mr Chairman, if you permit; yes there could be overlapping cases. A situation, for example, you are forcibly arrested and in the process of that illegal arrest, someone goes away with your phone, now in the process of enforcing your right against unlawful arrest, you will go also for the consequences directly arising from that. That is where the hon. Niwagaba was coming out to say, you will make an assessment just like we make assessments today.

I have my *Kibanja* and someone has grabbed it and I want to go to a magistrate’s court. Now I determine what the value of that *Kibanja* or land is; and I state the value in my claim.

Equally, in those peculiar human rights cases where someone is alleging that “Yes, I have suffered some quantum of damage as a result of the violation,” he or she will be able to make an assessment –

**THE DEPUTY CHAIRPERSON:** For example, the hospital bills?

**MR SSEGGONA LUBEGA:** Yes, the hospital bills, for example. “… in the process of being beaten, I incurred hospital bills; the tune is this.” You will be able to determine, which court to go to because this law is not going to amend the law governing pecuniary jurisdiction, which is the Magistrates’ Court Act.

**THE DEPUTY CHAIRPERSON:** Thank you. Can I put the question to this now? Honourable members, for purposes of clarification, there are changes that we have made in these proposals of the new clause. The technical people going to clean it up should take note.

In this part; “Reference of human rights matters by a subordinate court,” I think the whole question of “reference” is now in contest according to what hon. Sseggona said. Will it still be the same heading?

Then there is the issue of the tribunal; the head note might have to be looked at again. Can we guide the people going to clean this up of what the substance would now be? Hon. Sseggona, would you like to help or the chairperson of the committee?

**MR EDWARD OTTO:** Thank you, Mr Chairperson. When we consulted on that technical bit, it is my understanding that it is not creating any new human rights tribunal, but it is referring to existing ones. A number of them are in existence so that is what that reference meant. As to a question of “new”, that is not the case. Thank you.

**THE DEPUTY CHAIRPERSON:** Because of the changes we made earlier, giving these courts full jurisdiction to handle these matters, would this still be a reference, or would it be that if you are dissatisfied with what was done in Magistrate Grade 1 court you appeal through the normal processes of appeal? If that is so, would the normal proceedings of the law creating appeal procedures be the ones to be used? They say that the right to appeal is a creature of the law. Are we going to seek leave to appeal all the time such matters arise?

We may need to look at that again because now the Grade 1 Magistrate and the Chief Magistrate have original jurisdiction. Therefore, how does the issue of reference arise? That is the point made by the hon. Sseggona, which might require us to look at this again.

**MR EDWARD OTTO:** I beg to concede on that.

**THE DEPUTY CHAIRPERSON:** What would the text look like to guide the drafts people? What are we pronouncing ourselves on?

**MR EDWARD OTTO:** We will stand down on that and provide it.

**THE DEPUTY CHAIRPERSON:** Can we have a quick draft of what we want to take a decision on as Parliament so that we can know exactly what we are doing?

**MR EDWARD OTTO:** Thank you, Chairperson. We will do that.

**THE DEPUTY CHAIRPERSON:** Somebody do a quick draft of this with those issues that have been raised so that we see how to proceed. We stand over this particular new insertion.

Let us go to the next clause, chairperson. That is the one in paragraph eight of your Bill.

**MR EDWARD OTTO:** Clause 8; Insertion of a new clause. Immediately after Clause 6, insert the following:

“Consideration of human rights matters arising in the High Court:

1. Where in any proceeding in the High Court any question arises as to the violation of fundamental rights or freedom, the person presiding shall immediately stay the proceeding and determine the question raised.
2. The person presiding may upon staying a proceeding in sub-section (i) in any case of a criminal trial grant bail to the accused person.”

The justification is to provide a procedure through which human rights matters arising in the High court may be dealt with by the High court to allow the presiding person to grant bail to an accused person in a criminal matter where question is raised during the proceedings before the High Court. Thank you.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members?

**MR LUBOGO:** Thank you, Mr Chairperson. I am a bit disturbed by what he is reading because he is again referring to proceedings in the High Court when we know that these matters of human rights can be heard by Chief Magistrate and even Magistrate Grade 1. Why are we maintaining the wording of, “In the High Court” instead of saying, “In court” when the others have jurisdiction to hear the same? Thank you.

**MS KAMATEEKA:** If I may respond to this, in Clause 5, we are referring to the magistrate’s court so in Clause 8 it is now the High Court. It is okay unless we want to combine and say, “Where a human rights matter comes before any court, the court shall immediately suspend all other business and deal with it.”

**THE DEPUTY CHAIRPERSON:** That is the point from the Member of Parliament for Bulamogi County arising from our decision that we should give these courts original jurisdiction on human rights issues and not just the High Court.

Would you still be on the High Court in this paragraph that you are proposing to insert?

**MS KAMATEEKA:** Mr Chairperson, in the new clause that was inserted, if you look at (ii) on page 5;

“Where a human rights matter arises in any proceeding before the Chief Magistrate’s Court, court shall…” –

**THE DEPUTY CHAIRPERSON:** Where is what you are reading?

**MS KAMATEEKA:** Page 5, (ii) -

**THE DEPUTY CHAIRPERSON:** In the Bill?

**MS KAMATEEKA:** I am reading the justification from – Maybe let me leave it to the chairperson.

**MR EDWARD OTTO:** Mr Chairperson, our understanding is that whereas we align - I agree with my colleague’s explanation that the two are not mutually exclusive. Whereas we agree that for access purpose the magistrate’s court should be allowed, we are also recognising that for certain matters that are very complex as we stated earlier High Court would be an option for enforcement.

Therefore, I think this particular provision is providing for matters in the High Court although it does not prevent the previous provision, which talked about the Magistrates Court. Thank you.

**THE DEPUTY CHAIRPERSON:** You see, in the provision that we stood over, in sub clause (ii), you are saying where human rights matter arises in any proceeding before the Chief Magistrates’ Court, court shall stay proceedings in the main matter.

Now, down here you are saying- can you instead of since it has been agreed, do you have to say Magistrates’ Court or High Court. Because for ease, can it just be those courts? All of them- each time a matter of human rights arises before them, they should do what you want them to do instead of splitting them up in the one we deferred in sub clause (ii) and now you have the new one you are proposing.

**MR MAKMOTO:** Mr Chairperson, I think we can look into that as we provide the other draft.

**THE DEPUTY CHAIRPERSON:** So, would it not therefore be okay to merge the two? The one we have stood over and the new one you are saying- consideration of human rights matters arising in the High Court and just amend this last one and delete the previous one?

**MR MAKMOT:** Mr Chair, that is good guidance, we will consider that and report accordingly.

**THE DEPUTY CHAIRPERSON:** Therefore, I think we need to harmonize between the new sub clause they are proposing immediately after clause 6, with the one we stood over and then they come as one.

**MR NIWAGABA:** I think we can go back to the one we stood over, clear it now and the subsequent clause will be consequential amendment and we are ready to present the clearest version on that particular clause we had stood over.

**THE DEPUTY CHAIRPERSON:** Okay. The one we stood over, if you amended the new one you are proposing to insert, would it not deal with the whole situation?

**MR NIWAGABA:** We had stood over the new replaced clause 6 with reference of human rights matters by subordinate courts. It will now read:

1. That where in any proceedings in a subordinate court any question arises as the violation of a fundamental right or freedom, the magistrate shall refer the question for determination by the High Court.
2. Where a human rights matter arises in any proceedings before the Magistrates’ Court, the court shall stay the proceedings in the main matter and first determine the human rights issue raised.
3. A magistrate presiding over proceedings referred to in subsection (i) may stay the proceedings until the reference is determined and may, in case of a criminal trial grant bail to the accused person.
4. The magistrate presiding over the matter shall dispose of the question referred to in subsection (i) in accordance with the determination of the High Court.
5. The court to which reference is made, shall within 90 days from the date of the reference determine the reference made to it.

**THE DEPUTY CHAIRPERSON:** No, but you have gone back to what we said we are not going to do. Now you are saying the other courts do not have jurisdiction to deal with the human rights matters.

**MR NIWAGABA:** It is because under the previous passed clause, there are specific human rights matters that are exclusively determined by the High Court.

**THE DEPUTY CHAIRPERSON:** Okay.

**MR OTIENO:** Very often, the President has been complaining of criminals taking advantage of bail and causing confusion. Now here, we are providing a quick avenue for them. When somebody has been taken to court, he will raise issue of human rights and now automatically he will access bail. Now aren’t we creating a situation which is going to compound the issues the President has been complaining about- all the time these criminals being given bail by courts of law *-(Interruption)*

**THE DEPUTY CHAIRPERSON:** Point of Order.

**MR NIWAGABA:** Mr Chair, we are legislators and we are talking about a Bill to deal with human rights and my colleague who was holding the floor is talking about a trial where people appearing before courts are presumed to be innocent until proven guilty. Is he in order to refer to suspects appearing for trial as criminals?

**THE DEPUTY CHAIRPERSON:** Accused persons are not necessarily criminals. I think what the Member of West Budama North wanted to say was accused persons. However, he is not knowledgeable in these matters of the law and the differences of terminologies, so we will excuse him for that. But I think that is the spirit in which he brought it that accused persons because even in what has been in public airwaves is people are charged and then grated bail and then there are complications. I think that has been the complaint. They may not be criminals as such.

However, how are we going to proceed with this now? Can I deal with the amendments now proposed by hon. Niwagaba in the earlier stood over clause so that we can now deal with the subsequent one which relates directly to issues with the High Court?

Therefore, what has been read by hon. Niwagaba is what I am going to handle now, can we deal with that? I put the question to that amendment -

**MS KAMATEEKA:** Mr Chair, in (ii) hon. Niwagaba forgot the word “immediately”- that court shall immediately stay the proceedings. The actions should be immediate. Therefore, if we can have that inserted.

**THE DEPUTY CHAIRPERSON:** Okay. No objection because that was the original idea that do not even proceed just immediately stay and deal with the other matter first then come back to it once the other matter is resolved. I think that is the spirit so can I put the question to it now?

I put the question to the amendment as proposed by hon. Niwagaba.

*(Question put and agreed to.)*

*Clause 6, as amended, agreed to.*

New clause

**THE DEPUTY CHAIRPERSON:** Now the one that is in relation to the High Court, can I put the question to that proposal for insertion of a new clause?

I put the question- honourable members, you see we cannot just start assigning clauses, we just adopt them as new clauses in the order in which we present them because, if we assign clauses when you have clauses in the Bill, it will create confusion. You have actual clauses in the Bill, we need to respect what is in the Bill as well.

So, can I put the question to this now? I put the question that this proposed new clause immediately after clause 6 stand part of the Bill.

*(Question put and agreed to.)*

Clause 7

**MR EDWARD OTTO:** Power of the High Court in human rights cases; replace clause 7 with the following:

Orders that may be made by court in human right cases:

1. Where court determines that a fundamental right or freedom has been violated and unlawfully denied or should be enforced, the court shall issue orders it deems fit and appropriate, including ordering for compensation.
2. Court may, in addition to the orders it may make under subsection (1) order for -
3. restitution of the victim to the original situation before the violation of his human rights and freedom;
4. rehabilitation of the victim including the provision of medical and psychological care;
5. satisfaction which shall include -
6. effective measures aimed at cessation of continuing violation of human rights and freedom;
7. verification of the facts, full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interest of the victims, victims’ relatives, witnesses or persons who have intervened to assist the victim to prevent the occurrence or further violation;
8. restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
9. public apology including acknowledgement of the facts and acceptance of responsibility;
10. criminal and other judicial and administrative sanctions against persons liable for the violations;
11. guarantees of non-repetition.
12. Restitution, compensation, rehabilitation or any other payment ordered by the court under this section shall be a civil debt owed to the victim of the human rights violation.
13. All orders made by court under this section shall be complied with within six months from the date of determination unless appealed against.

The justification is:

1. To make the provision applicable to all courts of law and not High Court alone.
2. To prescribe the nature of compensation, restitution as well as satisfaction that court may grant.
3. To prescribe a time within which to comply with orders of court.

Thank you.

**MR NANDALA-MAFABI:** Thank you, Mr Chairman. The procedural issue I am raising is that the chairman of the committee is reading clause 7. According to me, it is on page 24 and yet I have not seen what he has read. Wouldn’t it be procedurally right that I get the other document, which the honourable member from West Budama North is talking about?

**THE DEPUTY CHAIRPERSON:** Chairman, was this set new amendment circulated? Is it on the iPads? Okay, the document is on the iPads. Please do not look at the report because there is another document.

**MR NIWAGABA:** Honourable members, just look at the document entitled, “Proposed amendments to the Human Rights Enforcement (Bill), 2015.” We are on pages 6 and 7 right now.

**THE DEPUTY CHAIRPERSON:** It is not the one that is inside the report but the one that was now added after the report was published. It is different and that is why they are saying that you should look at the document that is on the iPads but is different from the one in the report because they have created the amendments. Are we together now?

**MS KAMATEEKA:** Mr Chairman, first of all, I would like to thank the Committee on Legal and Parliamentary Affairs for expounding on this clause. However, I do not know whether it is not restrictive. It reads: “Orders that may be made by court in human rights cases.” I do not know whether we feel maybe it is inclusive or it would not be necessary to say, “These orders include but are not limited to…”

**MR NIWAGABA:** If you read the marginal note itself and clause 1, it reads, “Those orders including ordering…” Therefore, they are not exhaustive. They are too inclusive and wide enough.

**MS KAMATEEKA:** Thank you so much. I concede.

**THE DEPUTY CHAIRPERSON:** Thank you. You know the challenge we are all facing is even the presiding officer did not have the opportunity to look at this document earlier. It was given to me in Chambers here so I am also having difficulties following it. That is why I am taking it slowly because if I had seen this earlier, I would have been able to –

**MR LUBOGO:** Chairman, we have the problem that we cannot really follow what is being said. I may be asking for something that is ahead in a document we do not have.

Nevertheless, he has talked about a period of compliance of six months. What have we put as the remedy if there is no compliance in six months? What happens then? What have we put as a penalty for non-compliance of six months? Wouldn’t it have come here that where there is no compliance within six months, then we provide for a penalty or something like that?

**MS NAMBOOZE BAKIREKE:** Mr Chairman, I do agree that we should be hard on people who violate other people’s rights. However, my fear is that when a law is so generous, at times, it becomes very difficult to implement it. I have been looking at some of these clauses and they are very beautiful, but I wonder how they will be implemented; for example, restoring the dignity of somebody. I do not know how that will be done – probably by a declaration here in Parliament or at the village centre.

Then, it might be a bit difficult when it comes to the issue of compensation coming in six months, especially where you are dealing with state organs. We would like to make it easy but again when we are over ambitious, we might give people a difficult law to implement, Mr Chairman. That is my observation and I would like the movers to throw a word of comfort to me so that I am very sure that we are not just writing a beautiful law but one that will be implemented. That is my fear.

**THE DEPUTY CHAIRPERSON:** Honourable members, we are having difficulties processing this because these amendments have just been brought to our attention. We might have to pause it here and read it better and then we see how to proceed later. I am also having difficulties following what the full impact of the amendments are. Are we in position to take a decision on this replacement of Clause 7?

I did not understand sub-clause (2): “Court may in addition to the orders it may make under subsection (1)…” – Oh, it is clear. Can I put the question to clause 7 as amended? The chairperson has proposed an amendment to clause 7 by replacing it all together. Can I put the question to what the committee has proposed?

**MR KASULE:** Mr Chairman, as other Members have pointed out, right from the beginning there has been a coup of this document. We have about three documents that we must access on one iPad; we are not following you. You cannot put such details in a law. What is this? Are these regulations? What are we doing?

Mr Chairman, we are saying that we should sleep over this. It is too good to even be seen by hon. Betty Nambooze. It is too good to be true; we are even putting relatives in this law! My prayer is that we sleep over this or let the chairman explain properly what he wants to achieve.

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to the amendment of clause 7 as proposed by the committee.

*(Question put and agreed to.)*

*Clause 7, as amended, agreed to.*

**THE DEPUTY CHAIRPERSON:** Honourable members, there are a series of new clauses and I do not even know how many they are. There are a series of six new insertions proposed immediately after clause 7. Can we see if we can handle them?

**MR EDWARD OTTO:** Insertion of new clauses. Immediately after clause 7, insert the following new clauses:

“Personal liability for infringement of rights and freedoms

(1) A public officer who, individually or in association with others, violates or participates in the violation of a person's rights or freedoms shall be held personally liable for the violation notwithstanding the state being vicariously liable for his or her actions.

(2) Whenever court orders for the payment of compensation or any other form of restitution to a victim of a human right violation by the state, a public officer who is found to have personally violated or participated in the violation of a person's human rights or freedoms shall pay a portion of the compensation or restitution so ordered as shall be determined by court.”

**THE DEPUTY CHAIRPERSON:** Honourable members, that is a proposal for the first new clause after clause 7. Is it clear? I put the question to that new insertion.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** I now put the question that the new clause on personal liability for infringement of rights and freedoms do stand part of the Bill.

*(Question put and agreed to.)*

**MR EDWARD OTTO:** “Derogation from non-derogable rights and freedoms

(1) It shall be an offence for a person to derogate from a non-derogable right and freedom guaranteed under the Constitution.

(2) Whenever in any criminal proceeding -

(a) it appears to the person presiding over a trial;

(b) it is brought to the attention of court or tribunal; or

(c) court makes a finding, that any of the accused person's non-derogable rights and freedoms has been infringed upon, the person presiding over the trial shall declare the trial a nullity and acquit the accused person.

(3) Criminal proceedings may be instituted against a person who breaches a non-derogable right or freedom guaranteed under the Constitution even where an action for protection or enforcement of such a right or freedom has not been instituted.

(4) Criminal proceedings under this Act, may be instituted in any of the following ways-

(a) by the Director of Public Prosecutions laying a charge against a person; or

(b) by any person making a complaint on oath to a court of competent jurisdiction.

(5) The validity of any proceedings instituted or purported to be instituted under subsection (1) shall not be affected by any defect in the charge or complaint or by the fact that a summons or warrant was issued without any complaint or charge or, in the case of a warrant, without a complaint on oath.

(6) A person who commits the offence referred to in subsection (1) shall on conviction, if no sentence is prescribed by law for such violation, be liable for imprisonment for a term not fifteen years.”

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the proposal for a new clause. Can I put the question to that amendment as proposed?

**MR NIWAGABA:** Mr Chairperson, only delete the word “tribunal” under subclause (2) since this is a Bill before courts not tribunals.

**MR KASULE:** Mr Chairperson, subclause (6) says, “A person who commits the offence referred to in subsection (1) shall on conviction, if no sentence is prescribed by law for such violation, be liable for imprisonment for a term not exceeding fifteen years.” *– (Interjection) –* “Not exceeding” can be one? Imprisonment for 15 years is too much. Why not 10 years? We could have said, “not exceeding 10 years” because it is at the discretion of court.

**THE DEPUTY CHAIRPERSON:** It can be five months, 11 years -

**MR ABALA:** Mr Chairperson, I would just like clarification as to why the committee is saying “not exceeding 15 years”. What could be the basis? Is it the offence committed by an individual against the rights of the other? That is what I would like to understand. I thank you.

**THE DEPUTY CHAIRPERSON:** The offence is referred to in subsection (1). That is the one you need to read. There is no clarification there because it is there in the text.

**MS KAMATEEKA:** I think the mover of the Bill has a problem here. When we say that it shall be an offence for a person to derogate from a non-derogable right, are we saying that it is okay to infringe on the other rights? Is it not an offence to infringe on the rights of a Ugandan? Why are we distinguishing the non-derogable rights from the others?

**MR NIWAGABA:** We are making a distinction because the Constitution makes the distinction itself. There are those rights which are non-derogable and this particular clause is in respect to only those rights. For the other ones, you can proceed civilly; even for these ones, they can be both civil and criminal.

**MS KAMATEEKA:** Yes, we do concede. However, I asked the question not because I do not know that there are derogable and non-derogable rights, but people needed to hear that explanation.

**THE DEPUTY CHAIRPERSON:** There was an amendment that was made by hon. Niwagaba to the proposed amendment by the committee, to take out the word “tribunal”. I put the question to that amendment.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** I nowput the question that the new clause onderogation from non-derogable rights and freedoms stands part of the Bill.

*(Question put and agreed to.)*

**MR MAKMOT:** “Complying with orders and directives of court

(1) Save for monetary orders against the state, any other order, directive or recommendation made or issued by court pursuant to the provisions of this Act shall, unless it is appealed, be complied with within such a time as shall be determined by court.

(2) The state shall take all reasonable steps to comply with monetary orders issued by court within a reasonable time.

(3) Whenever an order, recommendation or directive issued by court is not complied with, within the time prescribed by court, a victim of the human rights violation or any other person may apply to court for summons to be issued against a person who is obligated to comply with the order to show cause why he or she should not be committed to civil prison for contempt of court.

(4) The application in subsection (2) shall be made to the court that issued the order, directive or recommendation sought to be enforced.

(5) Where a person makes an application under subsection (4), court may issue orders as it deems fit for complying with its orders.”

**THE DEPUTY CHAIRPERSON:** “Court may issue orders”. Is that clear?

**MS KAMATEEKA:** I am wondering why we are letting the state off. Any other person meets high penalties but then we are saying, “unless the state” and then in (2) we are saying, “The state shall take all reasonable steps to comply with monetary orders issued by court within a reasonable time.” I think the state is in a position to meet these orders and there should be redress for an individual where the state does not take this “reasonable time”.

**MR NIWAGABA:** Honourable members, maybe we need to go with the realities. The only sanction you can put on the state is monetary compensation. We know ordinarily what happens. Everybody would wish to have the money from the state immediately but as we speak, I think almost Shs 1 trillion in court judgements is owed. That does not preclude the aggrieved victim to go by the quickest means now used against the state to get the orders of payment - the order of mandamus. That is the one we now use to shortcut the system of the state to get the money very fast.

**MR LUBOGO:** Chair, I need some further clarification. We have passed a clause where we stipulated that orders made by court shall be complied with within six months. Now, there is a clause talking about a time being determined by court and then one referring to “reasonable time”.

I wonder about the effect of the first time limit that we stated of six months vis-à-vis the one we are stating in this particular clause. Are we trying to do away with the first one? Shouldn’t we maintain consistency and remain with the six months?

**MR NANDALA-MAFABI:** Thank you, Chairperson. Reasonable time is reasonable time. For you it can be unreasonable but for me it is reasonable time. Therefore, Government may say that for them, “reasonable time”, under their medium term plan, is four years and yet by that time you will have lost a kidney.

I, therefore, first thank the chairperson of the Committee on Human Rights. Madam, you have done a good job. On this, you have earned credit.*(Laughter)* I think the chairperson of the committee should correct this wrong sentence. It should simply say, “the orders of court shall be complied with immediately”.

Assuming they have violated my rights and I am in police custody, I should be allowed to immediately leave policy custody. In the same way, when it comes to money, if Silas and I have issues and I pay immediately while the state, on human rights issues takes time, I do not think that is right. I think we should make it far better by saying that the orders of court shall be complied with *–(Interjections)-* It depends on the six months –*(Interruption)*

**MR NIWAGABA:** Thank you, honourable member. The particular clause we passed that prescribed the period of six months still remains. This particular one comes in if within the six months, the orders have not been complied with. What do you do in that circumstance? This is the procedure.

What do you do if within six months, payment has not been made or the person ordered to compensate you has not done so? That is when this particular clause comes in, particularly sub-clause (3) where you apply for a notice to show cause as to why this one should not be committed to civil prison for contempt of court and other orders. You must look at this clause in light of what we have already passed.

**MR NANDALA-MAFABI:** Mr Chairperson, having got that information from hon. Niwagaba, I think this issue of “reasonable time” is always complicated. Let us even remove the words “save for”. I would like to propose to the chairperson of the committee that first we delete the words, “save for” and retain the others and then we delete sub-clause (2).

In sub-clause (3) you are saying that you can take the person to civil court. That is okay, but if you leave (2) in the law, we are in problems. The brigadier came to me to convince me that for them if they commit a crime, it should take four years so – *(Laughter)*

I would like to move an amendment that we remove “save for” and delete sub-clause (2). The justification is that the state should not be exempted in complying with orders within the period of six months.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think we will have to pause it here. We need to pause it here and look at the new proposals properly and we come back to these issues.

MOTION FOR THE HOUSE TO RESUME

5.47

**THE CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS (Ms Jovah Kamateeka):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for resumption of the House to enable the Committee of the whole House report. I put the question to that motion.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

5.47

**THE CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS (Ms Jovah Kamateeka):** Mr Speaker, the Committee of the whole House has considered the Bill entitled, “The Human Rights Enforcement Bill, 2015” and stood over clause 2 on interpretation and passed –

**THE DEPUTY SPEAKER:** I thought you were going to start with what we have passed and then come to what we have stood over.

**MS KAMATEEKA:** Much obliged, Mr Speaker. The Committee of the whole House has considered the Bill entitled “The Human Rights Enforcement Bill, 2015” and passed all the clauses up to clause 9, with amendments, save for clause 2 on interpretation which was stood over. Some new clauses were inserted - clause 4, clause 5 and clause 7. I beg to report.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

5.48

**THE CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS (Ms Jovah Kamateeka):** Mr Speaker, I beg to move that the House adopts the report of the Committee of the whole House.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for adoption of the report of the Committee of the whole House. I put the question to that motion.

*(Question put and agreed to.)*

*(Report adopted.)*

**THE DEPUTY SPEAKER:** Thank you, honourable chairperson of the committee. Honourable members, we will pause this here and see how to resume at the earliest opportunity.

There were issues that were supposed to have been raised at the beginning but they were not because the ministers were not here. Now, we have a minister and many of the things were related to the Ministry of Internal Affairs. I do not know whether the minister, hon. Obiga Kania, is around. Can we proceed with those issues from Agago? Let the House receive these issues and we see how to proceed.

5.52

**MR EDWARD OTTO (Independent, Agago County, Agago):** Thank you, Mr Speaker. I rise on a matter of national importance. On Saturday, 5 January 2019, a young man called Santos Okot went grazing animals and he did not come back. A search was mounted for him and on the following day, 6th of January, his body was discovered and he had been gruesomely murdered.

Mr Speaker, when the late Santos Okot’s body was discovered, it was clear that prior to his death, he had been speared four times and his neck cut and hands tied. The suspicion in this case is that this was done by the local herdsmen from Karamoja, who have come to the neighbourhood and there has been a lot of tension.

On Thursday, 20 December 2018 before we broke off for Christmas, when the minister reported here on the issue of stopping hon. Kyagulanyi from performing, I did rise to submit and I warned about a growing threat surrounding this continuing situation. Year in, year out, we have had situations where our brothers come because of drought, which we sympathise with, but when they come, we usually end up with situations of trespass onto property, looting, destroying of crops and in some cases murder.

It happened last year and it has happened very many times before. We have reported them here on the Floor of Parliament. I remember a very elaborate report was brought and a drought mitigation plan was presented on the Floor of Parliament by the minister. I wonder where it has gone.

Mr Speaker, this particular murder, which is considered a ritual killing and which has happened before, triggered a lot of anger in the community to the extent that they went looking for the suspected criminals. In the process, many of our brothers who came from Karamoja to graze their animals fled but later started reorganising to come back for their animals.

The problem we have is that the people have previous trauma from the Lord’s Resistance Army (LRA) war and cattle rustling. Now from Saturday last week, people in a number of villages have been internally displaced. People have been displaced in Odom Village, Omuku Village in Adilang Subcounty and Aur Village, where this particular atrocity happened at the border between Agago and Karamoja sub-region. People are not sleeping in their homes. When evening comes, they go to the trading centres to sleep and during the day they go back.

This has paralysed the local government administration and caused a lot of tension. There is a threat of victimising even innocent people, whether Karimojong or Acholi, in the sub region because there is a lot of anger and anybody is vulnerable. This is the threat that I had warned about in December 2018 because at that time animals had been stolen. We have had rampant theft of animals. In Adilang, 12 animals had been stolen the day before I reported on 20th of December. From October 2018 up to now, about 214 animals have been stolen. Every year, this problem has continued to happen. Mr Speaker, this is the situation that we are in today and it is still ongoing. It needs to be addressed.

My prayer is that the security in the area be beefed up. The numbers of the Anti Stock Theft Unit (ASTU) personnel need to be increased. We have about five in Odom, three in Lamon and in Lacekotto about six. This number has been overwhelmed. We appreciate their efforts; they have been working very hard but they have failed. The police officers are only three in the whole of Adilang Town Council and Adilang Subcounty. They have not been able to handle the situation. We appreciate their efforts but we need more of those people. We need additional units and back-up from the Uganda People’s Defence Forces. Otherwise, the place is too wide. These may look like large numbers but for the area that I know very well, that number is not enough.

Mr Speaker, they also promised us a security road. It becomes very difficult to follow these animals if there is no road and yet there is a road which has been identified. It is, therefore, our prayer that the security road that had been promised should be built in the area.

Long and short-term drought mitigation plans need to be put in place. We also need some sort of affirmative action to address this kind of situation. Otherwise, we are tired of talking about the same thing time and again. It is becoming difficult to convince our people that there is hope because this continues to be a problem. There is loss of lives every year and there is now fear and trauma.

Mr Speaker, those are my prayers. I also pray that the ministers in charge of this docket should come and make an elaborate statement on their short and long-term plans to address this situation, which is really getting out of hand. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable member, I thought we have had this discussion time and again. There is the issue of the valley dams to help the people who have animals for grazing, so that they do not go out of where they should be in search of water and pasture. What is happening to these things? Did we budget for them? Has this been done? If they were done, then what is going on? Honourable minister, would you like to say something?

5.59

**THE MINISTER OF STATE FOR EAST AFRICAN COMMUNITY AFFAIRS (Mr Julius Maganda**): Mr Speaker, I want to appreciate the Member of Parliament from Agago who has spoken for his people and the country.

The problem he puts before Parliament is a wider challenge which requires a multi-sectoral approach. The Minister of Agriculture, Animal Industry and Fisheries is directly involved in settling the issue of the dams and there is also the issue of security and police. I, therefore, request, Mr Speaker, that we pass this information over to the ministers concerned so that we can come here with a substantive report before Parliament.

**THE DEPUTY SPEAKER:** Thank you.

**MR OKUPA**: Mr Speaker, I listened to the honourable member from Agago and I think it is a very urgent matter. The minister has just promised us that he is going to inform the concerned ministers.

Mr Speaker, I think using the prerogative of the Speaker, you should cause the Leader of Government Business - unfortunately, both the Leader of the Government Business and the Leader of the Opposition are not here. However, I suggest that you should cause the Leader of Government Business to make a presentation on Tuesday on what they done.

As you have heard from the honourable colleague, a number of cows have been lost between the end of last year and the beginning of this year, and people are also suffering. They should tell us what they have done about the plight of the people of Agago by this weekend.

**THE DEPUTY SPEAKER:** Thank you. Honourable minister, please alert your colleagues that they should come here on Tuesday afternoon to present to the House the interventions done to settle the problem. Can we have the Member for West Budama North County.

6.01

**MR RICHARD OTHIENO** **(NRM**, **West Budama County North, Tororo):** Thank you, Mr Speaker. I rise on a matter of urgent national importance regarding the failure by the Government of Uganda to fill the vacant rotational position of the Deputy Executive Secretary of the Lake Victoria Fisheries Organisation, which is one of the East African Community Organisations that is hosted by Uganda.

Mr Speaker, it is Uganda’s turn to provide the Deputy Executive Secretary. Tanzania provides the Executive Secretary and it has fulfilled its part; the Executive Secretary is in place. When it came to Uganda, this position was advertised and interviews were conducted and one lady called Joyce Ikwaput emerged best on merit.

Mr Speaker, yesterday, you reminded us about regional imbalance and you rightly pointed out that Karamoja sub-region does not feature anywhere, and maybe Teso also does not. This could be one of the reasons where you find that names like Ikwaput, even when they win on merit, do not go through.

This process was concluded in August 2018. Despite the fact that the convention that sets up this institution provides that any two countries of the East African Community, namely Kenya, Tanzania and Uganda, can approve a nomination by any country, Tanzania approved its nomination. That means, once Uganda approves, then the two-thirds provision would have been met. However, to the surprise of the country, the Minister of Agriculture, Animal Industry and Fisheries, who is even the Chairperson of the Council of Governing Ministers, has failed to approve the appointment of Joyce Ikwaput to the position of Deputy Executive Secretary of Lake Victoria Fisheries Organisation.

Mr Speaker, my prayer is that despite the fact that Tanzania has approved, can the Minister of Agriculture, Animal Industry and Fisheries brief this House and the country as to why he has refused to formalise this lady’s appointment even after she competitively and on merit won the position of Deputy Executive Secretary? This is jeopardising the operations of the organisation. The position of Deputy Executive Secretary is an administrative position and therefore, it means that by not fulfilling its obligation, Uganda is paralysing the operations of the institution.

**THE DEPUTY SPEAKER:** Thank you, honourable member. It is a straightforward issue: Why is the candidate that has passed interviews not being appointed since August 2018? Let the minister come and explain to the House. Actually, this is your area, Minister in charge of East African Community Affairs.

6.05

**THE MINISTER OF STATE FOR EAST AFRICAN COMMUNITY AFFAIRS (Mr Julius Maganda):** Mr Speaker, we are aware of this appointment. For the last five months, Uganda was supposed to designate someone. There was an interview which was conducted here and the names were sent to Arusha for subsequent appointment. However, there was a petition that came from within Uganda’s Ministry of Agriculture, Animal Industry and Fisheries, which was brought before the minister.

Mr Speaker, that petition will be looked at on 19th of January by the sectoral council on agriculture and the department of fisheries. The ministers are sitting on 19th in Arusha to look into this matter. I am very well aware of it. I would like to suggest that thereafter, we come here with a report after the ministers have been able to look into this matter because it is before the Council of Ministers.

**THE DEPUTY SPEAKER:** Let us have it this way. Let the minister who is responsible for this come on Tuesday and explain because you have given us the general overview of what has transpired but we need the actual facts now.

**MR MAGANDA:** Much obliged, Mr Speaker.

6.07

**MR LYANDRO KOMAKECH (DP, Gulu Municipality, Gulu):** Mr Speaker, I rise on a very urgent matter regarding security in Gulu and the surrounding areas. For the last two years, we have had a very stable security situation, but between August and December 2018, there was a rapid lapse of security.

A meeting which we held in Gulu with the police and the army indicates that they have a lot of challenges in terms of logistics, especially Uganda Police Force. As we speak now, we have only one operational vehicle that is used at the regional level - that is Aswa Region – while there is nothing for the Criminal Investigations Department (CID) at the regional level. At the lower end of Gulu District, there is one.

Therefore, my prayers are that:

1. We need to provide two more operational vehicles at the regional level.

2. We need four operational vehicles at the district level.

All these will be working to cover the entire eight districts of Aswa Region. Those are my prayers, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you. Honourable members, sadly, we buried the daughter of Bishop Nelson Onono Onweng, who was attacked and stabbed five times by thugs on the road. We buried her on the 2nd of January. This is part of the lapse in security around Gulu and something has got to be done, like the Member for Gulu Municipality said.

Honourable members, we will cause an alteration on the Order Paper to accommodate two things. I will allow our Committee on Commissions, Statutory Authorities and State Enterprises (COSASE) to lay some documents on the Table and then I will have the honourable Member of Mukono Municipality say something.

LAYING OF PAPERS

6.10

**THE VICE-CHAIRPERSON, COMMITTEE ON COMMISSIONS, STATUTORY AUTHORITIES AND STATE ENTERPRISES (Ms Anita Among):** Mr Speaker, thank you very much for giving me the opportunity on short notice.

I beg to lay on Table the report of the Committee on Commissions, Statutory Authorities and State Enterprises (COSASE) for nine selected institutions that include:

1. Kampala Capital City Authority
2. National Information Technology Authority – Uganda
3. Bank of Uganda
4. Parliamentary Commission
5. Uganda Communications Commission
6. Uganda Electricity Distribution Company Limited
7. Rural Electrification Agency
8. National Agricultural Advisory Services
9. National Council of Sports.

I beg to lay the report on the Table together with the minutes of the committee. We have the executive summary of the report and part B, the main report. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture the report, executive summary and the minutes of the meetings of COSASE. We will have time and have this scheduled on the Order Paper for discussion. Thank you.

**MS AMONG:** There are nine reports. Thank you very much.

6.12

**MS BETTY NAMBOOZE BAKIREKE (DP, Mukono Municipality, Mukono):** Thank you, Mr Speaker. Reports show that Kampala Capital City Authority (KCCA) has 1,333 members of staff. Out of those, only 391 are employed on permanent basis while the other 742 are maintained on temporary terms.

At the commencement of KCCA, the Ministry of Public Service interviewed and seconded to the authority 280 applicants but only 45 of these were offered positions, leaving the rest pending yet they had been offered appointment letters. Their appointments were frustrated reportedly due to lack of funds. These positions were later filled by individuals whose recruitment did not follow the formal procedure, and they have since held the same positions on temporary four-month renewable contracts. It is ironical that KCCA says that it does not have money to pay 280 properly recruited members of staff but it can employ 742 people on temporary four-month renewable contracts for all these years since its inception in 2010.

The Kampala Capital City Authority came into operation in 2010 by a law of Parliament. Since then, various employees have been resigning. The latest movement from KCCA has been that of the executive director. Before the executive director resigned, she gave a notice of two months but when she eventually left office, there was nobody to fill her post. The deputy executive director had resigned earlier on in 2017. Her post remains vacant up to now. The Director for Legal Affairs, Mr Michael Okua, resigned in 2017; his position has not been filled. Mr Daniel Kyambadde, the Director of Treasury Services, also resigned in 2017 and his position remains unfilled up to now.

The staffing problem at KCCA is worrying. I am raising this matter to request this House to intervene –

1. By finding out why there is this continuous resignation of officers at KCCA and why the appointing authority is taking very long to fill these vacant positions.

2. By finding out why an authority like KCCA can have 742 employees who are employed on a four-month renewable contract without giving out jobs or advertising. Even people from your constituency or my constituency would have loved to serve in KCCA but we do not get to know when the jobs are available. Every four months, a person gets a new contract.

Mr Speaker, these people are paid highly. The problem we have is that when KCCA came in, they retired all the staff who formerly worked for Kampala City Council (KCC). Those people went to court and they were granted compensation totalling to Shs 100 billion. We now have 280 people who were appointed but they have been denied deployment. These same people will also go to court and most probably, we shall lose that case also and then the Government and KCCA will lose more money.

I, therefore, beg that this House sets up an investigation into the matter of staffing in KCCA. I beg to lay on the Table this document, which was authored by the Public Accounts Committee of KCCA. It shows which positions are vacant in the city, which positions people resigned from and the staffing problem we have in this city.

Kampala Capital City Authority’s importance in Uganda cannot be underestimated. We all know how important it is. For service delivery, we need members of staff who are transparently recruited and well remunerated. We need staff that can be sent for courses so that the human resource can be developed. However, with employees who work on a four-month contract, even the possibility that you can send them for further training does not exist.

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Thank you. Honourable members, this is a serious matter. We have our committee in charge of this sector, the Committee on Presidential Affairs. They should pick this up and come and brief the House on what the situation is. I so order. Clerk, extract the minutes of this and forward it to the Committee on Presidential Affairs to handle expeditiously.

There is an announcement. Honourable members, the T-shirts for the charity walk on Sunday, 13 January 2019 are available for collection in the foyer. The charity walk will kick-start the Third Annual Parliament Week scheduled for 13 to 19January 2019. Please take note and pick your T-shirts accordingly. House adjourned to Tuesday at 2 o’clock.

*(The House rose at 6.20 p.m. and adjourned until Tuesday, 15 January 2018 at 2.00 p.m.)*