**Thursday, 17 April 2014**

*Parliament met at 2.07 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. As we come to the end of Lent and as we go through this Holy Week, we should spare some time to reflect on the purpose of Jesus Christ’s ministry to the world, to our families and to each of us individually. The 40 days of Lent that will soon culminate into Easter should have tempered us into more committed persons capable of overcoming temptations of this world just as Jesus did when he fasted for 40 days in the desert.

With introspect, we should be able to ask ourselves key questions: How have we changed over the last 40 days? What vices have we been able to overcome? Are we better Christians? And as we prepare to celebrate Easter, let us not forget the less fortunate in our midst; afterall it is for the sick, the lowly, the meek and the needy that Jesus devoted his life on earth. Let us emulate Christ and try to improve our morals to better lead our families and to better shape the destiny of our country. I wish you all a prosperous and joyous Easter holiday.

Hon. Members, owing to the volume of work that is pending and the fact that the House will soon be prorogued especially on the 15th of next month, it will not be possible to extend the Easter vacation beyond the period that is designated for it. So this House will be coming back next week on Tuesday at 2 O’clock so that we prepare and finish the volume of work that is pending and we prepare to prologue Parliament on the 15th of next month for a recess of 20 days then the new Session will begin. So, that is my communication. You are very welcome, thank you.

2.11

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (James Baba):** Mr Speaker, I did consult with you this morning to request if I could make a brief statement to Parliament to report on the start of the enrolment exercise of the national identity cards project. So with your permission, Sir, I request that I make a short statement to update Members on what is happening. We started this process on Monday.

**THE DEPUTY SPEAKER:** Proceed please. This matter is under urgent matters; the minister contacted me.

**MR JAMES BABA:** I have copies of the statement and I request that they be distributed. The statement is to Parliament, on the on-going registration/enrolment of persons exercise for the purpose of issuing them with national identity cards.

Mr Speaker and hon. Members of Parliament, the exercise to register or enrol persons for the purposes of issuing them with national identity cards was launched by His Excellency the President on Sunday, 13 April 2014. Registration and enrolment will be done or is being done at parish level throughout the country.

I want to take this opportunity to thank Parliament for the support, encouragement, guidance and cooperation we have so far received and continue to receive as we execute this exercise. I also want to thank the population for the support and enthusiasm with which they have embraced this exercise.

The nationwide exercise which will in the first instance involve registering citizens aged 16 years and above got off to a relatively smooth start. Since its launch, we have received and continue to receive reports from parishes, districts and regions on how the exercise is progressing. To ensure that we remain on course, we have set up what we have called a situation room at Kololo - some kind of rapid response unit at Kololo Ceremonial Grounds below the pavilion. This is where whatever is happening anywhere in the country is being reported and attended to.

All problems whether technical or operational are being reported to this situation room, immediate action is being undertaken to handle those problems. So far the following problems have been reported:

1. Insufficient number of registration kits to cover all parishes. This is a challenge we want to admit.
2. Some technical problems with some of the kits which have been delivered.
3. Some enrolment officers not being thorough with their work. We have received those reports.
4. Some citizen verification officers are experiencing a few problems with the actual exercise of citizenship verification.
5. Inadequate transport and equipment storage facilities in some places. Etcetera.

All these problems are being attended to. For example;

1. Not all parishes have received the necessary machinery and equipment. We however had to start with the available equipment we had and send them out to the districts and the parishes. I am glad to say that by the end of next week, all parishes will have the necessary equipment for registration. What we are doing is to send to parishes machinery and equipment that are being prepared for delivery to various places.
2. We have set up a standby technical team. This is being deployed to parishes where problems are being reported. In addition, we have set up technical support teams at regional level to immediately respond to problems. This is in addition to online help, telephone line on help. Enrolment officers are calling the situation room in Kololo for guidance as to what to do in case of a problem.

iii) The technical team at the centre and those in the regions are on hand to guide enrolment and citizenship verification teams on whatever challenges they may face.

iv) We have received reports suggesting that we do not have a full complement of enrolment and citizenship verification teams in some parishes. This is being attended to. Where those that had been identified are not available, alternatives are being put in place as we face these challenges.

Mr Speaker and hon. Members, we call upon you to continue to support and guide this exercise. The benefits to the country have, on many occasions, been stated and explained. Issuance of the national identity card will revolutionalise service delivery for this country. Inconveniences so far experienced by citizens due to lack of proper identification will be eliminated. The multi-sectoral approach we are using will result in great savings to this nation and Government is determined to ensure that the exercise succeeds and that we reap all benefits associated with the ID card project.

I therefore call upon all hon. Members to continue embracing this exercise. Please register for the national identity card and encourage all those who come in contact with you to register. I thank you for listening to me.

**THE DEPUTY SPEAKER:** Thank you, hon. Minister, for being proactive. I hope this is a new trend from the government to keep the House abreast of things that are happening. Normally, it is supposed to be 15 minutes but I see very many Members who want to speak on this subject - under urgent matters, it is 15 minutes. Let us make it two minutes each, please.

2.19

**THE OPPOSITION CHIEF WHIP (Mrs Cecilia Ogwal):** Thank you, Mr Speaker. I want to appreciate the statement brought by the Minister of Internal Affairs. However, I want to raise the following questions. One, the exercise is extremely important to the country at this material time because from what we have been reading, it also involves registering persons that will be expected to vote. This therefore would have necessitated a legal position to be brought to Parliament so that we try to guide the ministry on how to go about the exercise.

As of now, Parliament is just being informed at this material time about this exercise. Parliament has not been informed in any way. So, I think this is a very serious mistake on the part of the ministry and I do not know how you are going to deal with persons who are going to be registered now purported to be 16 years old, who will be allowed to vote in two years’ time and who may not necessarily be declaring the right age. I do not think it is the duty of Internal Affairs to register voters. It should be the right commission, which has been mandated to register voters. So I think you are messing up this exercise and you will stand to be responsible for anything that will happen after that. I thank you, Mr Speaker.

2.21

**MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro):** Mr Speaker and hon. Members, I thank you very much. I want to thank the minister for the statement but in my constituency of Bufumbira East, I see people of 40 and 50 years being denied the cards. Another thing is that in your statement, you should have talked about the total cost of the project. What is the cost and what is the relationship between this project and the Maulbeur project and what is the timeframe? I thank you.

2.22

**MR SAMUEL SSEMUGABA (NRM, Kiboga County West, Kyankwanzi):** Thank you, Mr Speaker and I thank the minister for having brought this statement. I have a concern where in my constituency, people who have no registered marriages are being registered as single and yet these people have produced children and still love their spouses. How are you addressing this because under challenge four, it is a big challenge in the villages? People are being chased and they fear to deny their wives or husbands. How will they go about it because the majority of people are married in that way? They paid bride price but there is no letter given to you to say that you have paid bride price. So that needs to be addressed.

Secondly, people are asking us whether this is going to be a voters’ card. We still have some years to elections but if one moves to Ankole or Busoga, how will they vote? Do you mean there will be no update of registers? We have failed to ably explain to our people. Hon. Minister, can you explain to us?

2.23

**MS JOY ATIM ONGOM (Independent, Woman Representative, Lira):** Thank you so much, Mr Speaker. To build on what the hon. Member has just said, the information states that one must go to the nearest parish. I may decide to go to the nearest parish in Kampala but when it comes to voting, I have to vote from my parish. If I did not register in that particular parish, what will happen?

Another question is, at what stage will you rectify technicalities? In a situation where somebody’s name is misspelt and the passport reads one thing, the certificate reads another thing and this particular one reads another thing, at what level will you rectify that?

Lastly, I may have registered at the age of 16 years as Atim Joy. At 25 years, I am Atim Joy Ongom or Atim Cecilia Ogwal. When do you renew this kind of registration? Thank you.

2.24

**MR IBRAHIM SSEMUJJU (FDC, Kyadondo County East, Wakiso):** Thank you very much, Mr Speaker. The minister said not all parishes have received the necessary machinery and equipment. I want to report that actually most of the parishes in my constituency have not received this equipment and where the equipment is available, they have been told that they will shift from one parish to another. They will undertake two weeks here and then two other weeks there. I do not know whether the minister is aware that this is what is obtaining in the field. In fact, they said they have started with the rural areas then they will come to town.

We want to understand what the responsibility of citizens is so that these committees can go and sit and do the verification. Should we just pass by where they are registering because you have been articulating the responsibility of the committees and then the role of the various agencies?

I would be glad if the minister explained why he thought this was a security operation and if he would tell us the role of each of the agencies that are involved because I have seen vehicles with Electoral Commission logos. Can we understand the role of these various agents?

Finally, Mr Speaker, what about our role as Members of Parliament? Do I just go and register and then continue doing my parliamentary work as if nothing is happening in my backyard or do we have a role and can we even go and inquire and if I went - for example in the case of polling, you know that in this particular station, the presiding officer is in charge –*(Member timed out.)*

2.27

**MS SARAH LANYERO (NRM, Woman Representative, Lamwo):** Thank you so much, Mr Speaker. I have a question for the minister. I thank him for his presentation but my people are calling me that the LCs are asking for money so that they get a birth certificate or something to say that they are from there. So, I really want the minister to help us because it is standing out and deterring many people from going to the centre for registration because of that aspect of the LCs asking for money. I need clarification and I thank you.

2.28

**MS JOVAH KAMATEEKA (NRM, Woman Representative, Mitooma):** Thank you, Mr Speaker. I want to thank the minister for the statement and to congratulate the ministry and country at large that at last, the exercise has started and we can get national identity cards. Mr Speaker, this is an information paper but we are told that all problems can be referred to our technical operational situation room located at Kololo. Are all Ugandans who have problems expected to walk to Kololo? We would have expected that there would be an email address or telephone numbers where these problems can be relayed.

Also, we are told that there is a standby technical team and these teams have been sent to the district. How can they be identified when they get to the district? I thank you.

2.29

**MS OLIVER KATWESIGYE (NRM, Woman Representative, Buhweju):** Thank you, Mr Speaker and thank you hon. Minister for the statement. I have a question for you; there are places like Buhweju which are hard-to-reach areas and you have said that people should go to the nearest sub-counties. In my area, you can travel for five hours before you reach the sub-county headquarters. What are you going to do for those people who are very far and cannot access the stations? I thank you.

2.30

**MS WINIFRED KIIZA (FDC, Woman Representative, Kasese):** Thank you so much, Mr Speaker and thank you hon. Minister for the information to the House. I will just start from where my sister from Buhweju has ended on the hard-to-reach areas. The facilitation that you are giving to the teams working is just uniform whether from hard-to-reach areas or from reachable areas – it is all the same. Were you really considerate of those areas where people cannot even use a *boda*-*boda* to reach the area where they are supposed to enrol from?

Secondly, when we came here in the Ninth Parliament, you started with the Members of Parliament and on day one when these cards came out, I reported that they had given me wrong data even when I gave your enrolment officers the correct data. It has taken me all this time. I reported the very first moment I received the card that instead of putting me in Kasese, they put me in Shimoni as my village and my parish was Nakasero I. Up to now, the data has never been corrected and I do not know what I should do to have it corrected because I fear that I may go to these people trying to do registration afresh and they tell me that I am doing double registration. If it can take this long for a Member of Parliament, how long will it take for those people in the villages after they have accessed their cards – how long will it take them to get their data corrected because I have been complaining since we got the cards? I am still holding mine as a resident of Nakasero. What do I do?

Thirdly, I would like to know the fate of our students who are out of Uganda. Some of them are not about to come in the next four months when the exercise is taking place. Do you think that you will register them there or they will register online?

Finally, is it true that people are registering in Kololo or Kampala and I send my data – *(Member timed out.)*

**THE DEPUTY SPEAKER:** The member for Jinja Municipality East will be the last one. We have the new MP to be sworn in. No, this is just the first one and there will be several of these meetings.

2.32

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you, Mr Speaker. I want to allay the fears of the minister that we are supportive of this exercise but the ad hoc manner in which we are handling it is what we are opposed to. For instance, yesterday, I raised this issue about gazetting areas – where it is supposed to take place and the Prime Minister said that we were going to gazette. Your paper falls short of mentioning that.

Two, you saw it yesterday in the media in Jinja when they were picking money from the residents. You must have picked that intelligence, hon. Minister, because people were picking money from people who were being registered. It was on TV and your paper falls short of that. I will take the information.

**PROF KASIRIVU:** Thank you, my colleague for giving way. This morning, I got a call from my constituency that actually one individual has taken this team into his residence and people were unwilling to get registered from that residence. So that is how bad it can be. We need this exercise to be in a public place which is approachable by everybody.

**MR MWIRU:** Thank you. Hon. Minister, in summary, we are saying that let us gazette because we are supportive. Why are you fidgeting? What wrong things do you want to do? The law provides for gazetting; we do not have an enabling law but we are still supporting the exercise so that we do not need to move the way the exercise is moving. I thank you.

2.34

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr James Baba):** Mr Speaker, I would like to thank all the honourable members who have expressed their views on my presentation and the support that they have given. Let me try to respond to the issues raised.

Hon. Cecilia Ogwal, the Opposition Chief Whip, this exercise is not for registering voters at all. This exercise is for registering citizens for purposes of getting national identity cards. Sometime later *– (Interjections)-*

**THE DEPUTY SPEAKER:** Order.

**MR WAFULA OGUTTU:** Thank you very much, Mr Speaker. Mr Minister, this system or process is tailored around elections and it is the reason that you started at age 16. It is the reason that you are discriminating against the people who are 15 because if you are registering citizens, you would be registering all citizens. There is a reason there is no law and this has taken years; there is no law enabling this exercise. So, is the hon. Minister in order to say that the system is not about registering voters when the whole design of the system is about elections?

**THE DEPUTY SPEAKER:** The primary purpose for registering at this time is for people to get national identity cards for identification. The same ID card can be used at the time of voting but I am sure that there will be another system for doing the voting but that will be proof of identity – please, I am ruling on a point of order. This is the national identity card which you can use to cross borders within the East African Community countries. That is the purpose of this registration; it has just started. We have tried before but it kept failing. I am sure that the Member for Igara has raised this issue many times. This is starting and I think that should be the spirit in which we embrace this. If it is used for elections, it does not mean that it is primarily for elections.

**MR JAMES BABA:** Mr Speaker, later from the entire data, the Electoral Commission will draw the register for voters but for now, because all of us – hon. Ssemujju Nganda asked a question: What is the role of each one of us? The Uganda Registration Services Bureau deals with the registration of births and deaths and registration of companies. They usually go to the same person. The Uganda Bureau of Statistics for census goes to the same person. The Uganda Citizenship Immigration Control for purposes of citizenship goes to the same person. It was the wisdom of Government that all these teams work together and approach this person and get the data together. Later on, each entity will dis-aggregate the data for its own use. That is what is happening now. So at a later stage, the Electoral Commission will draw up its register when the time comes but for now, the purpose is for collecting details for issuance of – *(Interjections)* - let me finish then you can clarify.

**MRS CECILIA OGWAL:** I just want you to clarify because I am not getting you. Mr Speaker, I thank the Minister for allowing me to seek clarification. In this exercise, there is a form which has to be filled by the people being registered. On that form, they specifically ask you where you want to vote from. So if this is a general exercise for registering citizens, why do they specifically ask you where you want to vote from? That is why there are some people who are being registered in Kampala and their data is to be sent to their respective areas. Can the Minister clarify on these issues?

**MR JAMES BABA:** The registration which is being done in Kampala is for people who either live there or have Kampala as their locality. There is no data that is being captured here and sent to their respective parishes. I do not have that information at all. What I know is that later on when this exercise is over – in February 2015, the Electoral Commission will come up and draw up its voter’s register and they will use this data to do that.

The second question is from hon. Kwizera –*(Interruption)*

**MS BETTY OCAN:** Mr Minister, I need clarification; some of us were registered here – *(Interjections)* – through you, Mr Speaker, some of us were registered from here at Parliament. Have you forgotten about that now that you say that it is only those who live in Kampala who are registered here? We do not live in Kampala – we are here only to do our work. I live in Gulu but I was registered from here. Hon. Winifred Kiiza actually brought out her issue very clearly when she was registered here from Parliament but she was registered as a person from Shimoni or somewhere around. You need to clarify on this, hon. Minister.

**MR JAMES BABA:** Registration is either at your parish or where you live or where you can be verified as a citizen. That is the criteria, hon. Members.

Hon. Kwizera raised the issue of some people aged 40 or 50 years being denied to register. I think that is irregular and the situation room will address this because the guidance is that people aged 16 years and above should register as long as they can verify their citizenship.

On the time frame, for now, it is going to be concentrated four months’ registration at the parish level. Those who will have missed out at the parish level, registration is going to be shifted to the sub-county level and it will continue for the whole year up to February next year. So even those people who have missed – the students who are abroad – they have chance to register between now and February next year.

The issue of marriage certificates is a problem and it has reached us in the situation room and we shall address it. What we are saying is that use one of these documents to verify your status – a birth certificate or a baptism certificate, a driving permit or a passport. But some of the enrolment officers are insisting on marriage certificates knowing very well that not many couples in this country have certificates. We are going to address this problem because we have received a challenge.

When do you rectify irregularities? –*(Interruption)*

**MS JOY ONGOM:** Thank you, hon. Minister. We appreciate and like this registration. And we are registering the Ugandan masses but believe you me that my mother cannot tell when she was born and therefore does not have a birth certificate. She even does not have anything to identify her other than a voters’ card, which she could have even lost. How are you going to handle such a scenario?

**MR JAMES BABA:** You see, hon. Member –*(Hon. Mbogo rose\_)* - Okay.

**MR MBOGO:** Thank you. I want the Minister to clarify: I registered from here after joining Parliament. But the entry form on which I was registered when I received the national ID had some errors whereby the information I gave them to the effect that I am from Budaka District was mixed up. I was put in Kitgum District and my LC was supposed to be Nangei in Budaka District but the one I was given read something like Kaabong. So should I need to register again? *(Laughter)*

**MR JAMES BABA:** Hon. Atim, we know that not everybody has documents and that is why we have put in place the verification team of the LCIs, of elders and parish chiefs to help. The documentation is just additional but the core team that will verify a citizen is this verification team at the parish level. We went to the parish level because we think that at the parish level everybody knows each other – they know who the true citizens are. So, the team to verify is at the parish level but if that fails and you are not satisfied because your application was rejected, you have the opportunity to appeal to the sub-county. There is a sub-county review team that will look at that. If that also fails, there is a national review team which the Minister of Internal Affairs is going to appoint and will include immigration officers who actually deal with citizen verification. So that will be dealt with.

Now, on the issue of members of Parliament who registered from here, as we told you earlier, there were errors during that pilot phase. We request that you go through the exercise afresh. However, the number you were given, if you so wish will be retained but you will be issued with a new card. We will try to arrange so that members of Parliament can be registered from here. I undertake to consult my senior so that this can be done here.

The issue of money – *(Interruption)*

**MR SSASAGA:** Thank you, hon. Minister. You have clearly stipulated that at the end of it all, the immigration officers will have to verify the exercise and at one stage will be accountable. But I want you to clarify on the immigration; you have termed the expenditures in this exercise as classified. The Director of Immigrations – Mr Ssasaga, who is the accounting officer - only signs the cheques to authorise and expenditures are carried out by the Ministry of Internal Affairs, which is headed by the hon. Minister who is also an army General. And he has no say in the expenditures you are making at the end of it all; he is going to be accountable for the utilisation of the funds during the exercise. So don’t you think you are creating another Kazinda scenario? At the end of this, you are going to ask Immigrations to account for the exercise and the mess but when in actual sense, you are the ones in charge of it. That is the clarification I seek.

**MR JAMES BABA:** This multi-sectoral approach was approved by Cabinet and a number of sectors are involved. The Secretary to the Treasury is the one who appoints an accounting officer and Mr Ssasaga was appointed the accounting officer for this project. There is a project management team which was approved by Cabinet. I do not know what else to say. The board is represented in this entire project delivery process and I do not know who is complaining about the board. Certainly, the members of the board have not complained to anybody. So this entire project is multi-sectoral. NITA, Electoral Commission, Uganda Bureau of Statistics, Uganda Bureau of Registration Services and the Immigration Directorate are working as a team to deliver this project.

On the issue of money asked by hon. Ssemujju, it is true that not all kits have been delivered but as I said, those that have been made ready have been delivered to all the parishes. By the end of next week, all parishes will have and we have one year and four months to do this; we hope that during that time, everybody will have the opportunity to register.

On the issue of money, if it is true, please help us report because that is criminal; that is illegal. We have not asked for it and we want to take disciplinary measures to anybody who is trying to sell the forms or trying to receive kickbacks for the services and we want to deal with such people. We are setting up two hotlines before the end of this week for people to report any such cases so that we can deal with them. [HON. MEMBER: “What of the Numbers?”] We are working with the Uganda Communications Commission to give us the toll-free numbers and we will publish them.

The woman Member of Parliament from Buhweju asked on the registration. Registration is at the parishes and not at the districts. So please communicate to your people that they should report to their respective parishes where this registration will be held.

Hon. Winifred Kiiza, I think I have answered about enrolment of Members of Parliament and I have answered about the students abroad. They have time now to register between now and February next year *– (Interruption*)

**MS ANYWAR:** Thank you, hon. Minister, for giving way. I am seeking clarification for those students who are on long programmes exceeding one year. What should they do?

**MR JAMES BABA:** This programme is in two phases. The first phase is to register people who are 16 years and above which we should end by February next year. After that, we shall register anybody from age zero – the new born babies. Those will be given identification numbers. When they come of age to qualify for the identity card at the age of 18, then they will be given their national IDs.

Those who are abroad will come back and register and get their national IDs; this thing is not ending now. We have no arrangement for the moment to register Ugandans in the diaspora but as we progress and finish the first phases, we will look into that to see that all Ugandans are registered.

**MR WAFULA OGUTTU:** Hon. Minister, this card is supposed to be a travel document in the East African Region. You are saying that after February next year, you are only going to give numbers but some of our children go across borders to study or visit relatives. You are saying that any child below 16 years will not be entitled to an ID. I have just read from the internet that in Kenya, they are registered from 12 years. Why therefore are you restricting the card to those who are 18 years yet it is a travel document?

**MR JAMES BABA:** Hon. Leader of the Opposition, our law says you get the card when you are at the age of 18 years – (HON. MEMBERS: “But you are registering those aged 16”] - those will get their cards when they are 18. We are registering those of 16 years because the Electoral Commission will get their register out of this data come 2016 and these people will then be 18 years and we do not want them to miss out. So that will qualify them to get their cards at that time.

So, Mr Speaker, I think I have tried to answer all the questions. I thank you SO much, hon. Members. Let us support this programme. Let us help our citizens so they can get their national IDs.

**THE DEPUTY SPEAKER:** Thank you, hon. Minister. This matter is on-going and this House is concerned about its progress. We would like to be updated frequently. We thank you for the initiative you have taken today to come to the Speaker and request for this moment. It is now the Speaker requesting you that on Thursday of next week, you come and give the same brief to the Members on the progress and how some of the concerns that have been raised have been addressed and then we have another engagement with you; that is on Thursday next week.

ADMINISTRATION OF OATHS

*Oaths were administered to:*

1. Ms Rose Mutonyi.

**THE DEPUTY SPEAKER**: Congratulations, hon. Rose Mutonyi, for being elected and for taking the Oath of Allegiance and the Oath of this House. I welcome you to this House.

You have joined a team of representatives of the people of this country elected by the various sections of this country to represent their interests in this House and in this House is where we do all the laws, the budgets and all matters that deal with the affairs of this country. So, you have joined this club and we wish you the very best. Do your best to represent the people who have sent you here.

I give you our Rules of Procedure, which you should analyse because this is the tool with which you will be able to engage with the business of this House. Please receive a copy. I also give you a copy of the Constitution by which you have just taken Oath and also a diary for keeping your schedules. Very soon, we will give you the electronic one also *–(Laughter)–* so, you are very welcome. Please take your seat.

Hon. Members, we have just added one member to our ranks. The processes have been concluded and we now have a member representing that part of the country. We welcome her and let us go on with business unless of course – does the Leader of Government Business want to say something on this?

3.03

**THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (FISHERIES) (Ms Ruth Nankabirwa):** Thank you, Mr Speaker and honourable colleagues. I want to take this opportunity, on behalf of the Government Chief Whip, who has not been able to attend this session because she is moving with the President who is touring Kampala - but I have been honoured to represent her in this august House.

I want to take this opportunity to congratulate the new entrant to this House who is my long term colleague with whom we were in the Sixth Parliament and in the Constituency Assembly – *(Interjections)* – sorry only in the Sixth Parliament. That was just a slip of the tongue and we know that her competence is not doubtable.

I am also happy to note that we have received another lady in the House. As UWOPA, we are very happy. This is one voice that has been added onto the still few voices in this Parliament. I want to thank all those who ensured that the NRM Party did not lose this seat because originally it belonged to it. I congratulate my colleagues from the NRM.

Without wasting much time, Mr Speaker, thank you once again for this opportunity to officially welcome the new Member of Parliament. May God bless her as she deliberates for her country?

3.05

**THE LEADER OF THE OPPOSITION (Mr Phillip Wafula-Ogutu):** Thank you very much, Mr Speaker. On behalf of the Opposition in this House, I wish to welcome hon. Rose Mutonyi. We are happy that a woman has replaced a man. *(Applause)*

I don’t think hon. Rose Mutonyi has been to this House before. What I know is that I have read about her as an RDC or special administrator at the embassy. She has never been an MP. We are aware also that hon. Rose Mutonyi has come from an election that had a lot of problems - there was a lot of stuffing but nevertheless, she was declared a winner –*(Interruption)*

**MR PETER OGWANG:** Mr Speaker, first I welcome the new Member of Parliament. Mr Speaker, is it in order for the Leader of the Opposition to insinuate that the new Member of Parliament was fraudulently elected to this House when no one has ever challenged her election in any competent court of law? Is he in order?

**THE DEPUTY SPEAKER:** The records of the House show that the letter received by the clerk indicates clearly that the honourable member who has just taken oath was declared duly elected in the last concluded election. Any statements that seem to suggest otherwise should be withdrawn unless substantiated.

**MR WAFULA OGUTTU:** Thank you very much, Mr Speaker. It wasn’t a slip of the tongue; I am aware that several elections were cancelled in polling stations because of stuffing. I am not saying that the hon. Member of Parliament cheated; I am saying that there were problems in those elections and at some polling stations, results were cancelled. So, I will not withdraw that. Nevertheless, you are most welcome, hon. Mutonyi. We are happy and we hope that we can work together. We have two sides here but what unites us is Uganda. Thank you very much.

LAYING OF PAPERS

 REPORT OF THE COMMITTEE ON TOURISM, TRADE AND INDUSTRY ON THE TRIP TO THE REPUBLIC OF NAMIBIA

3.09

**THE CHAIRPERSON, COMMITTEE ON TRADE, TOURISM AND INDUSTRY (Mr Kenneth Lubogo):** Thank you so much, Mr Speaker. Before I lay the report, as the leader of Independents now, I want to welcome the new member to the House. You are most welcome.

Mr Speaker, this report is brought under rule 32 and this is a report by the Sessional Committee on Tourism, Trade and Industry on a trip to the Republic of Namibia, Ministry of Environment and Tourism between 9th and 15th June 2013. I beg to lay.

**THE DEPUTY SPEAKER:** Let records capture that.

REPORT OF THE UGANDAN DELEGATION ON THE FIFTH MEETING OF THE EAST AFRICAN COMMUNITY REGIONAL INTER-PARLIAMENTARY FORUM ON HEALTH, POPULATION AND DEVELOPMENT HELD FROM 14TH TO 16TH NOVEMBER 2013 IN NAIROBI

3.11

**MS OLIVER KATWESIGYE (NRM, Woman Representative, Buhweju):** Thank you, Mr Speaker. On behalf of my Committee on Health, I want to congratulate my colleague, hon. Mutonyi, for her success. Allow me to lay the report by the Ugandan delegation on the Fifth Meeting on the East African Community Regional Inter-Parliamentary Forum on Health, Population and Development held from 14th to 16th November 2013 in Nairobi. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that.

REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON A TRIP TO BAGHDAD, IRAQ

3.12

**MS MARGARET KOMUHANGI (NRM, Woman representative Nakasongola):** Mr Speaker and honourable colleagues, I beg to lay on Table a report of the Committee on Gender, Labour and Social Development on a trip to Baghdad, Iraq on 28th September 2013 to 2nd October 2013. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that.

**MR OKUMU:** Thank you, Mr Speaker. I rise on a point of procedure especially on the report which has just been laid. This matter has been touchy to the people of Uganda and to this House and if you compare with the other reports that are being laid, it leaves a big gap and it leaves it open to a lot of questions because Ugandans outside there would like to know exactly what happened because this matter was urgent so that this Parliament can dispose of it as fast as possible.

So, I don’t know whether a report which has been awaited for a long time should just be laid on Table without discussing it another time because this matter is urgent and of great concern to our people and to this Parliament and therefore everybody outside there expects this Parliament to proceed and pronounce its self on such a report and to make the nation know what the committee came up with.

**THE DEPUTY SPEAKER:** Thank you, hon. Member; that is a matter for the Business Committee, it will be scheduled for debate.

SUBCOUNTIES’ FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011 TOGETHER WITH THE REPORT AND OPINION THEREON BY THE AUDITOR-GENERAL

**THE DEPUTY SPEAKER:** Chairperson, I think we will just go through the list.

3.14

**MS WINIFRED KIIZA (FDC, Woman Representative, Kasese):** Mr Speaker and honourable colleagues, I rise under rule 30 to lay on Table sub-counties’ financial statements for the year ended 30 June 2011 together with a report and opinion thereon by the Auditor-General of the following sub-counties;

* Kasagama Sub-County in Lyantonde District
* Mpumudde Sub-County in Lyantonde District
* Nairambi Sub-County, Buvuma District,
* Bugaya Sub-County, Buvuma District, I beg to lay.

I beg to lay Bukwo District Local Government Accounts for the year ended 30 June 2011.

**THE SPEAKER:** Is it Bukwo Sub-County?

**MS WINIFRED KIIZA:** Mr Speaker, the list that is given to us here is of the sub-counties. It is unfortunate that the one who arranged my papers is indicating even districts. I wish to be guided on the way forward.

**THE DEPUTY SPEAKER:** This one is saying Bukwo Sub-County but you are reading Bukwo District. So what are we laying?

**MS WINIFRED KIIZA:** Mr Speaker, we wish to lay a report of Kibei Sub-County in Bukwo County -

**THE DEPUTY SPEAKER:** Can we put that aside and we deal with -

**MS WINIFRED KIIZA:** Maybe I would request that you allow me to put this aside until it is rectified. Mr Speaker, I beg to lay a report of Bukhalu Sub-County in Bulambuli District. Bunambutye Sub-County in Bulambuli District, I beg to lay.

**THE DEPUTY SPEAKER:** I am not following the order on the order paper and the order in which you are laying these documents. I am unable to follow. Can we stand over this matter? Rearrange those papers properly so that we can deal with it properly please. Next item.

BILLS

SECOND READING

**THE DEPUTY SPEAKER:** Can we deal with item (6) so that we finish it and then we can go to (5)?

MOTION FOR A RESOLUTION OF PARLIAMENT ON THE INEQUITABLE ADMISSION CRITERIA OF STUDENTS AT MAKERERE UNIVERSITY, KAMPALA

3.21

**MR WILLIAM KWEMARA (NRM, Kyaka County, Kyegegwa):** Mr Speaker, the motion is also on our iPads. I rise under Rule 47 of our Rules of Procedure to move a motion for a resolution of Parliament on the inequitable admission criteria of students at Makerere University.

*“WHEREAS Article 30 of the Constitution provides that all persons have a right to education;*

*AND WHEREAS the object of the Universities and other Tertiary Institutions Act, 2001 is to establish and develop a system governing institutions of higher education while at the same time respecting the autonomy and academic freedom of the institution;*

*AWARE THAT in 1990 the Government of Uganda developed a deliberate policy which introduced a weighted points system awarding female students an additional 1.5 points thus enabling more female students to gain access to public universities; however, in the implementation of this policy, universities discriminate against the older females who attempt to join the university through mature entry scheme and the diploma holders’ scheme as they do not benefit from this policy;*

*FURTHER AWARE THAT in 2004 the Government of Uganda introduced the district quota system to enable outstanding students from underprivileged schools in remote districts to acquire university education;*

*NOTING THAT though the district quota system was well intentioned, it has not been beneficial to rural students wishing to offer traditional science courses like human medicine, veterinary medicine, agriculture and engineering;*

*AWARE THAT Makerere University Kampala recently introduced an aptitude pre-entry examination into the law course in the admission process;*

*CONCERNED THAT the pre-entry requirement for admission to the law course does not take into consideration the similar pre-entry requirements for prospective students wishing to be admitted to the university on the mature age entry and diploma holders’ scheme thereby unnecessarily creating a double examination burden;*

*NOW, THEREFORE, be it resolved by this Parliament that:*

1. *The 1.5-weighted system in the admission of female students be extended to all female students regardless of age especially those who join the university through the mature age entry scheme, diploma holders’ scheme and other access programmes.*
2. *The district quota system be urgently reviewed to ensure equity and fairness.*
3. *The pre-entry examination requirement to the law course be reviewed in respect of mature age entrants to remove the double examination burden on prospective students and to ensure fairness and recognition of prior learning.*
4. *The Minister of Education takes action on the issues raised in this motion and report to the House within a period of one month.*
5. *The Committee on Education and Sports follows up this matter.”*

I beg to move.

**THE DEPUTY SPEAKER:** Thank you. Is the motion seconded? It is seconded by Member for Lamwo District and hon. Kwizera. Okay, would you like to justify your motion in a short time?

**MR KWEMARA:** Mr Speaker, we are all aware of the gender imbalances in access to education arising out of our patriarchal system of organisation. To correct the imbalances, in 1994 the Government of Uganda introduced the 1.5 points for female students at public universities as a form of affirmative action to enable many more females access higher education.

This policy has been implemented at Makerere University since 1994 but to the exclusion of female students joining the university through alternative routes that is the mature age entry scheme and the diploma holders’ scheme.

To me, this is a form of discrimination because they are also females and we call this form of discrimination ageism where you discriminate people according to age. It is not their crime that they are older learners and they have equally suffered this historical disadvantage and they should benefit from this scheme.

Mr Speaker, we are also aware of the regional inequalities in regard to access to higher education. To correct this imbalance, in 2004 the Government of Uganda introduced the district quota system to enable bright students from underprivileged schools in rural areas to get access to university education. These students have been admitted but unfortunately, the universities only give these students courses in humanities. They do not study science courses. We all know that today sciences are compulsory at ‘O” Level and the government has made an effort to put laboratories in schools especially in the rural areas. We even have some private schools that have taken strides in teaching of sciences and indeed some of these students are performing reasonably well.

Today when we talk about skilling Uganda, we are talking about a science-led economy and about creative use of knowledge and self-employment. It is unfair not to admit these students to science courses. Actually it is self-defeating, counterproductive and discriminatory and in attempt to solve one imbalance, we are actually creating another imbalance. We are creating two socio-economic worlds and we are contributing to regional dualism. Actually we are even killing talent. For example, a student who has done well at ‘O’ Level and passed sciences but does not have hope of benefiting from the district quota system will end up diverting to Arts at ‘A’ Level and therefore we are killing that science talent.

Lastly, Mr Speaker, Makerere University introduced a pre-entry exam into the law course. Well, a pre-entry exam is not something new, several other universities have it but the issue I have with the pre-entry exam is quite different. I know it is still a subject of contention but what I am raising is this: you can join Makerere University through three types of routes: one is the direct entry, that is after senior six; there is also the diploma holders’ scheme then there is the mature age entry scheme which is equally a pre-entry exam.

All these categories of students are subjected to this exam. With the mature age entry exam, a student who has already done this exam and has passed is again subjected to the pre-entry exam. That to me is a double examination burden. In the first instance in this mature age entry exam, there is an aptitude paper that is paper one. Paper two is specific and it is set by the law professors. Really if it is not for monetary reasons, why would these people be subjected to another exam? That is double jeopardy or double examination burden.

Regarding the diploma holders’ scheme, in order to broaden entry and break the Ivory Tower mentality, the university introduced the diploma holders’ scheme. What is required to join the university under the diploma holders’ scheme is having a relevant diploma, which is either first class or second class from a recognised institution.

Mr Speaker, I have an honourable colleague who holds a first class diploma in law who applied to join the university on the basis of that diploma, moreover from the Law Development Centre. He was subjected to that exam and could not be admitted simply because he scored 50 and yet to qualify for the programme, they wanted 65. Now you can see the unfairness here; why was the university only considering its test and not recognising that this gentleman already had a diploma? Actually, is the knowledge of the diploma useless? Is the experience he has useless? Is the aptitude test the best test for intelligence?

Today when talking of recognition of prior learning, experiential learning and when we acknowledge that intelligence is not a single ability, it is unfair on the side of the university not to uphold the very cardinal principles that it should be upholding.

Lastly, in my prayers, I am saying that this should be taken seriously and be given quick attention bearing in mind that admission to the university is soon. We know how universities operate, the red tape and bureaucracy and they are inherently adamant. It is not for nothing that we say changing a university is like shifting a graveyard or a cathedral. It is for that reason that I am saying that this should be attended to urgently. I beg to submit.

**THE DEPUTY SPEAKER:** The seconder.

3.31

**MS SARAH LANYERO (NRM, Woman Representative, Lamwo):** Thank you so much. I stand to second the motion for a resolution of Parliament on the inequitable admission criteria of students at Makerere University. I stand here to second this motion based on three points:

1. The 1.5 points. In 1990, Government developed a deliberate policy so that more female students could access university education and they brought in the 1.5 points but this is not really helping student who are deserving. If you put that 1.5 you can see that the schools within or surrounding Kampala are the ones that benefit from that 1.5. The schools in the rural areas get that 1.5 but because of their circumstances and conditions, they cannot access university education.

 Also, the 1.5 is discriminatory because when you have a diploma - you a have a Cumulative Grade Point Average but they do not add that 1.5 to that Cumulative Grade Point Average when you use a diploma. When you use a mature age certificate to get access into the university, you also do not get that 1.5. So, I really beg that this House looks into that so that we can change and more deserving students can get that 1.5.

1. The district quota system. This is a very good incentive by Government to help the districts which are disadvantaged to have the students into the university. But if you look at the statistics, for example, let us look at last year. Last year, Kampala District got 22 students admitted on the district quota and Butambala District got only six. So, which district is more disadvantaged? I beg that this Parliament look into ways so that equitable distribution can be done because right now the district quota system is based on the population and that is all. It is not based on the neediness or disadvantage of that specific district.
2. Finally, the Faculty of Law introduced the Aptitude Test Examination for people who want to study law. I really support that because previously – and some of the law students cannot even express themselves properly in English. It is good for the Faculty of Law to bring that exam to sieve so that the people who get admitted for law can express themselves properly in English because we know that English is the language that the lawyers use in Uganda here.I am supporting it. Yes, it is good for them to have that aptitude test but *–(Interjections)–* please, I am coming. Mr Speaker, I am still processing. Please protect me. The aptitude test is good for students but if I have already done a diploma in law and I have passed, do I again need another test to see if I am capable to do a degree a in law and yet I have already done a mature age exam in law because you first do the aptitude and then you do specific courses for specific programmes. If I have already done that and passed, do I need a second exam? I think that it is good for the people who are coming through from ‘A’ Level to do that exam from the Faculty of Law.

I stand to second that motion and I beg to submit. I thank you.

**THE DEPUTY SPEAKER:** Hon. Members, the motion is for the resolution of Parliament on the inequitable admission criteria of students in Makerere University and it is ready for debate. Can we have two minutes each?

3.36

**MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro):** Thank you very much. The concern of the people that I represent is the discrimination - when you are going to join the law school and you are subjected to another pre-entry exam, you are being discriminated against because those going to do engineering and other courses are not required to do pre-entry exams. The way the aptitude is managed is also questionable.

The other problem is why should you be subjected when you have already passed from the school? Under what instrument are they doing it? It should then be explained to everybody such that we know under what instrument or law it is being done.

Also, the capacity of supervising these universities – it seems the minister has no capacity and we should also look at the general capacity of the ministry to supervise university education because on the issue of supervising university education and graduate programmes and also pre-nursery education, the ministry has lost capacity and the National Council for Higher Education has also lost capacity.

I have some university campuses in Kisoro which are being taught by the high school graduates. So, we do not know if that is the kind of education that we are going to offer for our students. I thank you.

3.38

**MR REAGAN OKUMU (FDC, Aswa County, Gulu):** Thank you, Mr Speaker. While I sympathise with the motion, I think that it leaves out a lot. First of all, it focuses on only Makerere University and yet it touches issues which regard policy and I thought that the movers would focus on Government universities. And if you are only focusing on Makerere, I would advise that you withdraw your motion because there are a lot of other issues that need to be added and in my thinking, we must look at the Government universities because when you talk about scholarships and other things, we should really look at it from that perspective.

Secondly, what is needed in this country is a complete and total review of our educational system, the scholarship awards and distribution and also the quality. Now for us to debate quality in this House, I think we are also going to endanger further the future of the quality of the children that will be coming out of the universities in Uganda. We need a complete review and revamp the whole system and I do not think that a motion of this nature will really add a lot of value. It would not; we need a complete review.

There is of course a problem with UNEB. All these problems that the motion raises do not start from the universities but go back to UNEB. UNEB sets exams and these exams are given equally even the well-off schools sit the same exams. The schools which are not properly furnished and supported by Government sit the same exams and at the end of the day you will definitely get different results. So, the whole issue is UNEB, Ministry of Education and facilitation of all the schools because if all our schools are not at par, it is going to be extremely difficult. I am just emphasising the point that the problem is beyond Makerere.

3.40

**MR JOHN BAGOOLE (Independent, Luuka County, Luuka):** Thank you, Mr Speaker. I thank the movers of the motion but my concern is on the third resolution, which is about the pre-entry exams. In a special way, I thank the lecturers of Makerere University who thought it wise that people who intend to join the university and pursue the law course should sit for a special exam before being admitted.

Mr Speaker, I am concerned about this because I have observed a number of masqueraders – people who call themselves lawyers and yet in actual sense they are serious liars. I will even suggest that – and by saying so, I am not insulting the lawyers but some of them are liars.

**THE DEPUTY SPEAKER:** You have just done that. *(Laughter)*

**MR BAGOOLE:** Mr Speaker, I had another suggestion and if it was possible, they should have even introduced another method of giving a special exam to the fresh entrants to the law course. In the recently released exam results, the Ministry of Education withheld results for a number of students who were suspected to have cheated. Mr Speaker, if the Ministry of Education had released those exam results to the students, they could have gone to the university and pursued the law course and at the end of the day they would have become liars but not lawyers. Thank you, Mr Speaker.

3.42

**MS FLAVIA KABAHENDA (NRM, Woman Representative, Kyegegwa):** Thank you, Mr Speaker. I thank the mover and the seconder of the motion. I also wish to comment on the third recommendation. I appreciate the wisdom of quality assurance that Makerere University and other universities are doing so that they ensure they have quality students. However, the money that comes with it becomes a threat to the students. This is because they have already paid fees, they passed national exams but now they have to sit for pre-entry exams which also require money. Last academic year, Makerere University made them pay Shs 80,000. I do not know how much they will ask for this year.

Mr Speaker, the disappointment on those who see themselves as having passed and yet they end up failing pre-entry exams – the one who scored 20 points fails the pre-entry exams while the one who got 13 points passes. This is a complete disappointment! I thought UNEB was one of the government’s agencies and Makerere is also another government agency. Is Makerere University moving a vote of no confidence in UNEB? Is that what it means? Can’t there be another way for these institutions to talk to each other; if Makerere University wants to start marking exams set by UNEB let them do that so that whoever passes those exams is deemed to have passed UNEB exams. How many exams should a Ugandan sit to qualify for a course in this country?

Mr Speaker, I think this issue needs to be reviewed; things should be streamlined so that these institutions are talking to each other. Thank you.

**DR BAYIGGA:** Mr Speaker, this motion is quite interesting but I think there are critical issues that need to be thoroughly interrogated as regards the rationale for pre-entry exams. And the issues which the hon. Member for Kyegegwa is raising – which I do not see us interrogating thoroughly within the two minutes provided.

**THE DEPUTY SPEAKER:** So, would one minute be better?

**DR BAYIGGA:** I have a suggestion that the Committee on Education thoroughly delves into this matter and causes the interrogation that we need and thereafter reports back to this Parliament. I beg to submit.

**THE DEPUTY SPEAKER:** Is that the consensus? Hon. Minister.

3.51

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr John Chrysestom Muyingo:** Thank you, Mr Speaker. This is a very important matter which involves a number of stakeholders and I agree with my colleague that the issue of pre-entry exams and others that have been raised require that we hear the views of many of the stakeholders. This is because the law empowers the council to determine the academic standards of the university. We need to hear what the council has to say; what the senate has to say; and what the parents and students have to say. That is why I am fully in agreement that we refer it to the Committee on Education and Sports, to allow all these stakeholders make their submission and then Parliament receives a report from a very well-informed position. I beg to submit.

**THE DEPUTY SPEAKER:** Hon. Members, I heard two prayers at the end. The second last prayer was that, “The Ministry responsible for these matters should take action on these issues and report to the House within one month.” And the last one was that, “The education committee should interest itself on this matter” and - no timeframe was provided. Now, we need to take a decision on who can handle this more expeditiously and gets back to this House so that we have results.

3.48

**THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (FISHERIES) (Ms Ruth Nankabirwa):** Thank you, Mr Speaker. You have rightly put it that prayer no.4 from the mover of the motion was requesting the ministry to take action and report to this House. I support it, as Government Chief Whip. This is because the report which the education ministry will table here will enable Members of Parliament to scrutinise and have input such that in case the ministry has left out certain areas then we can raise them. Otherwise, we risk doing double work. Let us give an opportunity to the ministry to respond to the views that have been presented by the mover of this motion. And the rest of the prayers were actually justification for prayer no.4 – that there is need for the Ministry of Education to take action. So the minister is required to come back to the Floor and report. That is the view I support.

**THE DEPUTY SPEAKER:** Hon. Members, you all listened to the prayers and they are talking about a review of the 1.5 points; its application to all categories of people which means now it is not being applied to all the female people who qualify to go to university. And then the issue of pre-entry – those were the issues that the mover of the motion was asking; that it should be reviewed and some action should be taken and this House should be briefed.

If we take it to the committee, the committee has 45 days within which to report and our committees like to stretch it up to the 45 days and sometimes beyond before they come back to the House. And, it might not be in the interest of the House to get some expeditious action on this matter since admissions are going to take place soon. So which one would this House prefer?

**MR BIREKERAAWO:** Thank you, Mr Speaker. The minister himself has said that they have to consult so many stakeholders and I am sure that the Ministry of Education is one of the stakeholders. Therefore, it is only the Committee on Education that can consult these various stakeholders including the Ministry of Education and then they can report here.

**DR MUYINGO:** Mr Speaker, as a ministry, we have started on the work and I just want to assure you that within a month, we will be able to report back. But what I was looking at is that in case you do not believe that what we are going to present to you will be satisfactory – in the interest of the students and everybody else, the minister can come back to you with a report within one month.

**DR BITEKYEREZO:** Mr Speaker, I would like the Minister of Education to clarify to us. These things that hon. Kwemara is pointing out have been happening for some time now; they did not start yesterday but have been going on for years. The ministry has not been dead; I know it has been working very hard.

Now, when you tell them to give you a report, they will give you a report on why they opted to abandon this. Why don’t we give the Committee of Education a chance; they are ours. The Ministry of Education is held by one of the executive members; they may come here and report on things that we may not even want to hear. Let them come here and tell us so that the Ministry of Education can also listen because we want you to know that you have completely abandoned the Faculty of Law at Makerere to subject people to a variety of exams. As we talk, even lawyers from Mukono Christian University are shining better – there is a problem of torture of children. *(Laughter)*

**THE DEPUTY SPEAKER:** Is the Chairperson for the Committee on Education here?

**MS NAMABIDDE:** I am present, Sir.

**THE DEPUTY SPEAKER:** What timeframe would you give yourselves as a committee to handle this matter? The rules say 45 days.

**MS NAMABIDDE:** Mr Speaker, we will do it within 45 days.

**MR KWEMARA:** Mr Speaker, when I was concluding, I appealed to this House to look at this matter as an urgent matter. I pointed out clearly that knowing how universities operate - the red tape and the bureaucracy - I used the expression that moving a university is like shifting a cathedral or a grave yard; if you take this matter before the committee and the committee takes 45 days, then the assumption is that everything will be moving smoothly and nothing will interrupt the committee. But we should bear in mind that we will soon go into recess. And after recess, we shall be in the budget process. Believe me, this may be handled even next year.

Yet, we have students who are suffering an injustice and will soon be admitted. So, I am of the view that since the ministry said within one month it will have given us a report, let the Committee on Education interest itself in the matter and re-enforces the work of the ministry.

**MR TINKASIIMIRE:** I sympathise with my colleague, the mover of the motion but the minister said that some of these matters touch on matters of law. Tell me, practically, how a committee can review the existing policies and laws within one month and make an amendment through this motion. Is that practically possible? It is not.

We can take a decision here and now and say that the honourable minister goes ahead to review some of these laws that are oppressing our people. On the issue of admission, I have a very big constituency – there are districts with only five sub counties yet I have 10. I cannot even bring in one person; and the other side where they have only five because they are using the quota system, they can send six or eight students. They have undue advantage over my people because of a bad law and that is not proper.

So, I think it is better for us to give the minister an opportunity to bring a Bill that looks at those areas, one by one. Although I would *–(Interjections)–* that is not the case –

**THE DEPUTY SPEAKER:** Is that a procedural point, hon. Member? You rose on a procedural point and you have already ruled on your procedure.

**MR TINKASIMIIRE:** Mr Speaker, I think it would be good procedure for this House to give the minister sufficient time to study this matter. And I wonder how within a spell of 45 days – they are talking about pre-entry, gender, and admissions – all those are different Acts of Parliament. How are they going to review all of them?

**THE DEPUTY SPEAKER:** Hon. Members, from the trend of the debate now, it seems the substance of the motion is agreed upon. The subject matter of the motion is agreed upon by the Members with some modifications. So what is left is, which institution should handle this and report back to the House. That is where the debate is. Should we send it to the minister responsible or should we send it to the parliamentary committee?

**MS KAMATEEKA:** Thank you, Mr Speaker. Some of us feel so strongly on these matters; for example, on retaining the entry exam into Makerere law school because we know how it came about. So, my point of procedure is, can we voice our concerns and support for the motion so that whether it is the minister or the committee, when they go to look into these issues, they have a feeling of what the Members here want? Otherwise, I feel we have been gagged, Mr Speaker.

**THE DEPUTY SPEAKER:** Hon. Member, you withdraw that immediately.

**MR KAMATEEKA:** With due respect, I would like to withdraw that statement but to say that –

**THE DEPUTY SPEAKER:** Hon. Member, please, resume your seat. The issue is, there is debate going on. The substance of the issues has been agreed upon by all the Members. But what they are asking for is: who can address this issue better? It does not matter how many speeches you make about the same thing, if the matter is agreed upon. If all you are going to say is that we let the minister go and look at it again – even if we spent five hours or ten days debating it, it still does not make sense because it will still be the minister to go and look and come back to the House or the committee to look at it and come back to the House.

To go to statements like those is unfortunate, hon. Member. And we will need to respect the Chair because the allegation of “gagging” means it is the Chair gagging the Members; you shall respect the Chair. If the only thing you do in your life, please, try to respect the Chair.

**MR KWIZERA:** Thank you very much, Mr Speaker. For the matters to come before the House and these things have been going on with the ministry there, it would be fair to refer this matter to the committee so that we can give a timeframe to look at it. I am saying this because the minister will bring the same information and probably, we will refer it to the committee. So, it would be wise for us to refer it to the committee now so that all Members and the general public who have issues can be heard from there and we get a report.

Thank you.

**MS NAGGAYI:** Mr Speaker, we normally do a lot of injustice to other agencies of Government when we know that many reports of this House are usually overtaken by events and withdrawn.

So, we should be mindful of the fact that even Parliament has backlog that stretches years back. As a Committee on Trade, we have withdrawn some petitions and reports because they have been overtaken by events.

Therefore, as Members of Parliament, we should be mindful of the urgency *vis-à-vis* the issues and the business we have in our committees to really address the urgency within this motion.

Members of Parliament are frustrated because there is so much not going on well in that ministry. However, should all the problems that are in the Ministry of Education now be tagged to the motion? I am saying this because the problems in that ministry are much more than what is contained in this motion.

So, as Parliament, we should be fair to the movers of the motion and when we have subsequent issues, the ministry should address them. What I think is that the ministry could limit itself, as of now, to the issues in this motion. Whatever other subsequent issues that the committee has over the years been handling can come in a special report from it. We should be able to separate the motion from the issues that Members are tussling with that have been handled over the years by the committee.

Therefore, I would want the ministry to address the issues raised in the motion so that the committee can concentrate on other wider sectoral issues than what is in the prayers of the motion.

Mr Speaker, that is what I beg us to do.

**MR OBOTH:** Thank you, Mr Speaker. I rise to loudly share my sentiments and convictions in support of the proposals made by the honourable member for Kampala. The Ministry of Education should be having several other challenges. I do not want to call them “problems”. But the ones that have been moved in the motion now before this House are clearly before this House. So, it is within the mandate of this House to either make a pronouncement, make resolutions on them or advise Government on what to be done.

The issues raised in this motion are timely. I have a number of people from my constituency – being a lawyer and a Member of Parliament now, has created a lot of interest amongst my voters, who would like to also become lawyers and later Members of Parliament. I do not want to be seen as one of those making their entry to the law school difficult because nobody ever gave me another pre-entry exam.

Mr Speaker, what I am saying is that the earlier this matter is resolved, the better because that would create hope for the people of Uganda. If somebody asked me where pre-entry law exams are administered - I have been privileged to be in some countries but everybody who has a first degree can do law in all these countries. So, we cannot introduce pre-entry exams as if UNEB – let us admit, if our quality is bad or low, we can do something about the curriculum. But to really make students sit another pre-entry exams both at Makerere Law School and LDC is overstretching.

And the Rt hon. Prime Minister –(*Mr Bagoole rose\_)*

**THE DEPUTY SPEAKER:** What is the issue there? On what point is he rising? Are you negotiating? I need to know.

**MR BAGOOLE:** I was giving him some information. *(Laughter)*

**THE DEPUTY SPEAKER:** Yes, but I need to know that you are giving him some information. It is not a private negotiation. (*Laughter)*

**MR BAGOOLE:** Thank you very much, Mr Speaker. The issue of pre-entry exams is a very serious one. First, the lecturers at Makerere and other universities are professionals. Earlier on, I raised an issue, which my colleague termed as a “challenge” with the Ministry of Education and Sports. I had cited the example of the recently released exams where a number of results were withheld by UNEB on allegations of malpractices at the examination centres, and the examiners were aware that some students could have cheated exams and I was giving an example that you –

**THE DEPUTY SPEAKER:** Hon. Member, where are we heading with this? Is that still information?

**MR BAGOOLE**: I am still giving him information, Mr Speaker.

**CAPT. LAKOT:** Thank you, Mr Speaker. I rise on a point of order in respect of the Member holding the Floor, for trying to deviate the intention of this debate. It was mentioned very clearly that from the way Members have been contributing, it looks like we are all in support of the motion. What remains now is for us to decide on the institution to handle this matter.

Is it in order for hon. Bagoole to insinuate that the professors of Makerere University are professionals and yet, right now, they are coaching these very students on these pre-entry exams? Is he really in order?

I thank you.

**THE DEUPTY SPEAKER:** Hon. Members, I think we should go with the general agreement of the House because this House can agree that the prayers that have been stated here should be - because there is somebody else going to look at what the proposers of the motion have said. They do not anticipate in the motion that this House can resolve this matter as it is now. There is need for more information and more activities from outside this House so that this House can better take that decision. That is what is proposed by the motion. The question now is where do we push this?

**MR OBOTH:** Thank you, Mr Speaker. I am equally aware that the Committee on Legal and Parliamentary Affairs under the line on professional legal training, they have been doing some benchmarking on this particular aspect of the pre-entry. Would it be proper that such committees be assigned this particular recommendation here among others to do justice to it? I am just trying to propose this but that is the way of saying that we cannot say we give back to the ministry.

**THE DEPUTY SPEAKER:** Hon. Members, they are five prayers to this motion:

1. That the 1.5 weight system in the admission of female students be extended to all female students regardless of age, especially those who join the university through mature age entry scheme, diploma holders’ scheme and other access programmes.
2. The district quota system be urgently reviewed to ensure equity and fairness.
3. The pre-entry examination requirements for the law course be reviewed in respect of mature age entrants to remove the double examination burden on prospective students and to ensure fairness and recognition of prior learning.
4. The Minister of Education takes action on the issues raised in this motion and reports to the House within one month.
5. The Committee on Education and Sports follow up this matter.

Those are the prayers of this motion.

**MS JOY ATIM:** Thank you, Mr Speaker. I am not standing to oppose the prayers of the honourable members but I do not know whether the House is aware that the law students have already started filling forms, and it looks like these interviews are going to take place. The one of Makerere may take place in May just after next week and we are giving this to the Minister of Education. I do not know how fast he will handle this so that it may not be to the disservice of the students who are supposed to get admitted to these universities.

A situation where other students are already being coached and some are upcountry and are not aware of whatever is taking place; a student may pass and get 17, 18, or 13 points and they will fail the pre-entry exam because they are not aware of what is taking place just because others are already trained. It is a challenge.

Therefore, we have to consider some of these things, as a matter of urgency. Thank you.

**THE DEPUTY SPEAKER:** Hon. Members, can I again restate: who handles this business and reports to the House?

**HONOURABLE MEMBERS**: The minister.

**THE DEPUTY SPEAKER**: We say it is the ministry. Okay. So, I will now begin processing the motion. Hon. Members, I put the question to this Motion for a Resolution of Parliament on the Inequitable Admission Criteria of Students at Makerere University. I will put the question on each of the prayers for resolution:

1. That the 1.5 weighting system in the admission of female students be extended to all female students regardless of age, especially those who join the university through Mature Age Entry Scheme, Diploma Holders’ Scheme and other access programmes.

(*Question put and agreed to*.)

1. The District Quota System be urgently reviewed to ensure equity and fairness.

*(Question put and agreed to.)*

1. The pre-entry examination requirement to the law course be reviewed in respect of Mature Age entrants, to remove the double examination burden on prospective students and to ensure fairness and recognition of prior learning.

**MS LANYERO:** Thank you, Mr Speaker. The pre-entry examination requirement for Mature Age entrants and also Diploma entrants – I want to add that they be removed because they have already got a Diploma in Law and they have done Mature Age examination in law. So, subjecting them to another examination is double jeopardy.

**THE DEPUTY SPEAKER:** Hon. Members, the proposal by the Member is that instead of saying in respect of “Mature Age entrants” only, you should include “Mature Age entrants and Diploma holders”. That is Diploma holders - of course without being law. That is the amendment she has proposed. Are you agreeable to that of enlarging this to say, “Pre-entry examination requirements to the law course be reviewed in respect of Mature Age entrants and Diploma holders in Law.”

**MR TINKASIIMIRE:** Mr Speaker, we need to understand and debate this matter with soberness. It is as if we are becoming very emotional about the fees and the inconvenience the students go through.

We must understand that the call to become a lawyer is a noble profession. If you look at the quality of lawyers, particularly in the beginning, it was a requirement that you needed to have done Literature in English and they were actually excellent lawyers.

Over time, they have said whatever practices are going in other countries, we can adopt them. But they have admitted pseudo students. How can they trap this high level of pseudo students? They can only get it through an examination.

**THE DEPUTY SPEAKER:** Honourable member, the text is saying that the pre-entry examination should be there but it should not apply to mature age entrants and diploma holders in law. This is from the proposals being made.

**HON. MEMBERS:** No.

**THE DEPUTY SPEAKER:** That is what is proposed here.

**MR TINKASIIMIRE:** Mr Speaker, I do not see any problem with a person being urged to sit for a test. If I am to be admitted to primary one, for example, they may ask me to write the alphabet; can I fail to write it if I know it? I will go and write it –*(Interruption)*

**MR KWEMARA:** Hon. Tinkasiimire, let me give you information. I am talking as a professional in adult education and as a former lecturer of Makerere University, so I am speaking a language that I understand very well. I am also talking as a professor of psychology of adult learning.

Let me explain what we are talking about here. Even during my debate, when I was speaking to the motion, I said the issue of removing the pre-entry exam is still contentious. Therefore, I am not talking about removing the pre-entry exam because we have not resolved that. What am I praying for here specifically? I am talking about the double examination burden. Somebody who is going to join the university to study law through the mature age entry exam sits exams. There is paper one, which is aptitude, and paper two is specifically law and is set by the law professors from the law school. Do you see this? If the same law professors set another aptitude exam and give it to this person, moreover, within a range of only five months, that is the double jeopardy I am talking about and it should be removed.

**MR TINKASIIMIRE:** Fortunately, Mr Speaker, he was giving me information. He has quoted all his titles and I would not want to challenge him to adduce evidence to this House, but I give him the benefit of doubt.

What I would like to say is that if we have to set a standard, let it be obeyed by every Ugandan, instead of setting a standard for some people and leaving out others. Let us look at a balanced education system. If you do not want to sit for that particular test, do not go for the position –*(Interruption)*

**MS RUTH NANKABIRWA:** Thank you very much, Mr Speaker. I have listened to what my colleagues are submitting and I have come to the conclusion that what they are submitting is actually part of the review exercise, which the mover is requesting this House to support. Is it procedurally correct for us to go round in circles, forgetting what the intention of the mover is on paper? We are actually doing the review right now. I thought I should raise this under a procedural point, Mr Speaker.

**THE DEPUTY SPEAKER:** Honourable members, I have already ruled that I do not give guidance because it is not in the rules. So, anybody rising on a point of guidance, please, keep your peace. You can rise on a procedural point but for guidance, we can sort that outside.

Honourable members, that is exactly what this prayer is asking - that this whole system should be reviewed. In fact, it is asking that the weighting system should be reviewed, the district quota system should be reviewed and the pre-entry examination for law should be reviewed. That is what the prayer is. They should be reviewed for mature age entrants and now, if it is adopted, diploma holders. That is what it is saying – review. So, the fundamental question is: who should begin this process of review? That is where we were.

**MS NABILLAH NAGGAYI:** Mr Speaker, we would like to amend the prayers to involve and to qualify them before we send them to the ministry.

**THE DEPUTY SPEAKER:** Amendments.

4.23

**DR CHRIS BARYOMUNSI (NRM, Kinkizi County East, Kanungu):** Thank you very much, Mr Speaker. It is true the mover was focusing on mature age entrants but we also know that in some of the public universities, particularly Makerere, they subject the direct entrants to a pre-entry exam. I just want to move that we amend prayer No. 3 to read, “The pre-entry examination requirements to the law course in some of the public universities be reviewed.” So that the review looks at all the entrants whether directly from A’ Level or mature age and any other who want to join.

Secondly -

**THE DEPUTY SPEAKER:** Would you want to restrict it to law? Do you want to make a general -

**DR BARYOMUNSI:** I think currently, it is only law.

Secondly, in light of what the honourable member from Lira raised, we could also add that, “where some universities have already set the date for these examinations, they should be stayed until the minister has brought a report to this Parliament.” This is because if they go ahead and carry out the examinations, then the report of the minister may be redundant. So, we could order that those universities should stay administering those exams until the minister has brought a report and we pronounce ourselves as Parliament on this particular issue. I thank you very much.

4.24

**THE MINISTER OF STATE FOR EDUCATION AND SPORTS (HIGHER EDUCATION) (Mr John Muyingo):** Mr Speaker, that amendment is going to open up a very complicated matter. As I said before, the law empowers the Council to control standards. There are many issues or complications that will be associated with that amendment especially when you involve those who have just come from senior six.

This is why I wanted to understand the thoughts of the mover of the motion that the motion concentrates on those who have been examined twice at the moment. However, when our report comes out, which I am sure will come out even before the month comes to an end, we will bring out all these issues instead of opening up. That would even paralyse the programmes of the university that are going on.

Mr Speaker, I want us to concentrate on what the mover of the motion is saying - the mature age entry exams. He is saying that the professors have set exams and somebody has passed them and then the same professors set the pre-entry examinations, which is unfair. The other details about these who have completed senior six will be discussed after we have made our presentation.

**THE DEPUTY SPEAKER:** Is that fair?

**MR SSEKIKUBO:** Thank you very much, Mr Speaker. I beg that I speak from experience because I have been there. What the Member is proposing is something different, particularly in prayer No.3. Law school does not only admit diploma holders and direct entrants. Even those of us who have undertaken courses elsewhere in the university go there. Even engineers go to law school. So, if you start giving categories it will create trouble because now you are giving leeway to the diploma holders to flood that course. In fact, if you are a diploma holder, then you are at an advantage. It is not double jeopardy as the Member says because you are now well learned at that stage and, therefore, you should compete and out-compete those fresh ones. So, it should not be a reason for us to have a waiver for those who are diploma holders.

In the circumstances, I would propose that we may have to delete prayer No. 3 because it has all those ramifications. You are setting two standards. If, indeed, you want to go and study law and you are a diploma holder, then you are in a better position to pass. However, it should not appear that you are laying someone before double jeopardy. It is not double jeopardy but really a double advantage. *(Interruption)*

**MR TINKASIIMIRE:** The unfortunate bit is that he has not sat for this particular examination. At the School of Law, they also look at the integrity of the person being admitted to study law and this is being pretested during this pre-entry examinations. So, if you hold a diploma and they subject you to a question that tests your integrity and you fail it, why would they admit you to go and start taunting others and doing strange things at the School of Law? Really, let us leave this matter of pre-entry.

**MR SSEKIKUBO:** For that matter, I would, therefore, seek the indulgence of my colleagues that we delete No. 3. On the quotas *–(Interruption)*

**DR OMONA:** Thank you, honourable colleague, for giving me the opportunity. The information I am giving is in support of the proposal that we delete No. 3. We cannot sit here in this single short sitting to determine education standards. They are done and measured against national, regional and international standards. In the School of Medicine, for example, now we have the problem based learning curriculum, which I went through but other universities do not have it. How are we going to determine this in this House now? I think it is important that we delete No. 3. I thank you.

**MS KIIZA:** Mr Speaker, I would like to know whether we are procedurally doing very well. We have requested the minister, among the prayers, to handle the matter and then we are now doing the work that the minister is supposed to do. I would have thought that if we accept that we give the work to the minister, then some of the issues that we are debating here are the issues he is supposed to go and study. Maybe we would then bring up those questions if we thought the minister had not captured them in the report that he is supposed to bring to Parliament.

Are we proceeding rightly to continue debating a matter that the minister is supposed to go and study in considering this motion?

**THE DEPUTY SPEAKER:** Honourable members, we are very smart people here. We have professors here but the way the House is constituted, we cannot review these matters. The matters can be reviewed by somebody else and the results of the review brought to this House for discussion and decision.

The way that we are proceeding, I insist, is not right because now we are beginning to look at the merits and demerits of pre-entry examination when it is supposed to be reviewed by an entity that is responsible for that sector. The person who crafted this motion found it necessary to put in the prayers that it should be reviewed. Can we let the authority that is responsible for this sector to do the review and come back within a month and then we have the debate?

**DR BITEKYEREZO:** Mr Speaker, I now move the motion that the question be put.

**THE DEPUTY SPEAKER:** Honourable members, I put the question –

**MR SSEKIKUBO:** The Member has not moved. There was excitement and he did not move. He was preparing the House to move.

**THE DEPUTY SPEAKER:** No, he said, “I now move the motion that the question be put.” That is what I heard. Once that is done, I have to put the question to that motion that the question be put. I now put the question to the motion that the question be put.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** I now put the question that prayer No. 3 be adopted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Prayer No. 4: the Minister of Education takes action on the issues raised in this motion and reports to the House within a period of one month. I put the question.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Prayer No. 5: the Committee on Education and Sports follows up this matter. I put the question to that prayer.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** I now put the question to the whole motion that the motion be adopted.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Thank you.

MOTION FOR THE PRESENTATION, CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON EDUCATION AND SPORTS ON A PETITION BY PRIVATE STUDENTS OF MAKERERE UNIVERSITY ON THE 60 PERCENT TUITION POLICY

**THE DEPUTY SPEAKER:** Can we deal with the Bill first? You want to do the motion? Okay, chairperson of the Committee on Education and Sports.

4.34

**THE CHAIRPERSON, COMMITTEE ON EDUCATION AND SPORTS (Mrs Sylvia Ssinabulya):** Mr Speaker, I beg that we consider this report because I am just going to present it before the House. It does not call for much debate because it has been overtaken by events.

**THE DEPUTY SPEAKER:** It has been overtaken by events?

**MRS SSINABULYA:** Yes. I beg that I be allowed to present the report.

**THE DEPUTY SPEAKER:** But if it has been overtaken by events, then you just come and say that it is overtaken by events and tell us the circumstances and then we move, so that it stops being in the backlog. So, we are proceeding on the understanding that this particular motion has been overtaken by events so that we put a seal to it. Chairperson, you have five minutes.

**MRS SSINABULYA:** Thank you very much, Mr Speaker. I beg to present a report by the Committee on Education and Sports on a petition by private students of Makerere University on the 60 per cent tuition policy.

This petition was presented to Parliament by hon. Jalia Bintu at a time when the students of Makerere University had gone on strike opposing the 60 per cent tuition fees policy. The committee did consider the petition and the prayers within but most of the prayers are - let me look at the specific prayers.

Prayer No. 1 was: halt the policy and allow students more time to clear their fees at least by examination time. The committee found out that this policy was a Council policy. The committee did support the policy and Council went ahead to implement it and the strike was halted.

The second prayer was about sensitising stakeholders before implementing any policy. This is being done.

The third prayer was about making the students’ loan scheme a reality. By that time, the Executive had not tabled before Parliament the Bill to implement the loan scheme. This was done, and this House debated and passed the Bill, which is now an Act of Parliament. So, this has also been overtaken by events.

The fifth prayer was about influencing the immediate release of colleagues that had been arrested during the strike. We thought that it was not the work of Parliament to influence the release of undisciplined students.

Mr Speaker, those were the major prayers in the petition. I beg to lay this report on the Table.

**THE DEPUTY SPEAKER:** Let the records capture the copy of the report. I now put the question that the report of the Committee on Education and Sports on that petition be adopted as presented.

*(Question put and agreed to.)*

*Report adopted.*

BILLS

SECOND READING

THE HIV/AIDS PREVENTION AND CONTROL BILL, 2010

**THE DEPUTY SPEAKER:** Are the papers ready to be laid on the Table? Honourable members, can we receive the report on this Bill first and then we lay the papers and adjourn? It has been on for two days now. Let us have the honourable minister -Is it a Private Members’ Bill? Okay. I thought it was a government Bill.

4.39

**THE CHAIRPERSON, COMMITTEE ON HIV/AIDS AND RELATED MATTERS (Ms Sarah Kayagi):** Thank you, Mr Speaker. I beg to move that the Bill entitled, “The HIV/AIDS Prevention and Control Bill, 2010” be read the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? Yes, it is seconded by the Member for Mbarara Municipality, the Member for PWD Eastern, the Shadow Minister for Health, Member for Ndorwa and Member for Kinkiizi. Now, you can speak to your motion.

**MS KAYAGI:** Thank you, Mr Speaker. Allow me to remind the House that this is a Private Members’ Bill and it was laid on the Table by the then chairperson of the committee, hon. Rwakimari.

The objective of the Bill is to provide for a legal framework that is geared towards the prevention and control of HIV, reducing transmission of HIV, providing HIV testing and counselling services, creating Government obligation towards HIV management, making provisions for the protection of the rights of persons living with HIV, creating offences for wilful and intentional transmission of HIV.

Mr Speaker, we are aware that in Uganda, over 70 per cent of the resources that go towards HIV management are from donor funds. We hope that once this Bill is passed into law, Government will have an obligation towards the management of HIV.

It has also been established that there is no comprehensive legal framework in Uganda to provide for the management, prevention and control of the spread of HIV. It is also clear that there is no legal framework that takes care of the treatment for persons living with HIV, protecting persons living with HIV from discrimination and also devising means of protecting persons who are not living with HIV. The existing legal framework falls short of these provisions. This is why we tabled this Bill and we hope that once it is passed into law, it will help to adequately control, prevent and manage the HIV/AIDS pandemic.

Mr Speaker, with those few remarks, I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, that is the motion, which calls for us to discuss the principles of this Bill. As you know, after the first reading this Bill was committed to the Committee on Health, which sat, discussed and wrote a report to advise the House on how we should move on with this subject. Let us have the chairperson.

4.42

**THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Kenneth Omona):** Thank you, Mr Speaker. I stand to present to the House the report of the Committee on Health on the HIV/AIDS Prevention and Control Bill, 2010. I wish to lay a copy of this report and a set of minutes that we captured during the process of scrutinising this Bill on the Table. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture the full text of that report. You have 10 minutes.

**DR OMONA:** Thank you, Mr Speaker. As the House may recall, this Bill was introduced as a Private Members’ Bill in 2010 by the chairperson of the Committee on HIV/AIDS and Related Matters. It was subsequently referred to the Committee on Social Services for detailed scrutiny. However, before the Bill obtained its second reading and before the Committee on Social Services could present its findings on the Bill, the Eighth Parliament ended.

The Ninth Parliament decided that the Bill in question be revisited. Upon its re-visitation, it was referred to the Committee on Legal and Parliamentary Affairs for scrutiny. Later, in September 2012, after the intervention of hon. Jeremiah Twa-Twa, the then Vice-Chairperson of the Committee on HIV/AIDS and Related Matters, the Speaker directed that the Bill be considered by the Committee on Health.

It should also be noted that the Committee on Social Services had done a lot of work on this Bill; it had held regional consultations on the Bill and carried out study visits to neighbouring countries. In addition, it had held consultations with the Uganda Law Reform Commission, the body that actually drafted the Bill after extensive study.

Methodology

We decided to update the information by conducting fresh hearings and we interacted with the following organisations:

i) Uganda Law Reform Commission

ii) Uganda AIDS Commission

iii) Uganda Human Rights Commission

iv) UNAIDS

v) Civil society organisations on the HIV/AIDS Bill

vi) Ministry of Health

vii) Foundation for Human Rights Initiative

viii) Uganda Health and Science Press Association

The committee also took note of the East African Community HIV/AIDS Prevention and Management Bill. The committee also reviewed some literature on the HIV/AIDS epidemic in Uganda.

Mr Speaker, Members may wish to know briefly the status of HIV/AIDS in Uganda now. The situation is still very bad. Uganda won many international accolades following years of dramatic reversal of HIV/AIDS prevalence from 18.5 per cent in the general population in the early 1990s to 6.2 per cent in 2002/2003. However, recent studies from the Ministry of Health Sero Behavioural Surveys 2011 and UNAIDS AIDS Epidemic Update 2012 have reported that despite years of dramatic success, HIV prevalence has increased from 6.4 per cent in 2005 to 7.3 per cent in 2011.

What is more scaring is that Uganda is one of the only three countries in Africa where HIV prevalence rates are increasing - the other two being Angola and Mozambique. These results demonstrate, indisputably, that HIV/AIDS remains a significant health problem for Uganda. It also challenges all the actors to focus on the goals of universal access to ARV treatment and on our shared vision of a future of zero new HIV infections and zero stigma and discrimination of those infected with HIV.

The House may also wish to recall that in 2009, Uganda adopted a policy of universal access to ART. However, presently, the number of persons living with HIV/AIDS that were eligible for ART using the CD4 cell count of 350 per cubic millimetre and below as cut-off was at 540,094. Out of those, only 48 per cent were receiving treatment, leaving out 52 per cent from this lifesaving or prolonging treatment. Moreover, the paediatric coverage remained low at only 28 per cent of the eligible children being put on treatment by the end of 2010. This means that 72 per cent of the children are not receiving treatment.

The main roots for HIV transmission are heterosexual relations and mother to child transmission. Those have been the main sources of transmission. Although the epidemic is generalised, there are still most-at-risk populations that need urgent attention; these include commercial sex workers, long distance truck drivers, fishing communities and men who have sex with men.

The House may also wish to note that the national HIV/AIDS response is heavily funded by donors. Uganda Government’s financial contribution is around 11 per cent while out-of-pocket contribution is about 8 per cent. Heavy dependence on donors to implement our HIV/AIDS programmes is risky and dangerous.

It is, therefore, in light of the foregoing account that the Committee on Health considered the HIV/AIDS Prevention and Control Bill, 2010. Our major line of inquiry was: if this Bill is passed into law in its current form, would it help address the current HIV/AIDS epidemic in Uganda?

The object of the Bill – I invite you, honourable members, to read this on your own, in the interest of time. We have also looked at the potential strengths of the Bill in relation to the HIV/AIDS response. I would invite you to read that for yourselves.

The committee thinks that the above provisions have the potential to empower and protect persons living with HIV/AIDS and those at risk of contracting HIV. I invite honourable colleagues to read from the report that you have. I would wish to invite colleagues to pay attention to some of the contentious clauses that were found in this Bill. Let me read this for the interest of my colleagues:

Contention has been raised on some provisions of this Bill. This contention arises from contradictory programming approaches mainly from the public health perspectives, human rights perspectives and moral perspectives. The major critics have been the human rights activists who raised issues of discrimination, right to privacy and consent. The public health proponents look at the wider public good of restricting freedoms and undermining consent and partner disclosure. The moralists look at HIV/AIDS as a disease that comes as a result of irresponsible behaviour. The affected people are perceived to be irresponsible people who need to be controlled and threatened with punishment if the spread of the disease is to be contained.

As a result of the foregoing conflicts, some clauses of the Bill have surely become very controversial. I wish to state that the committee highlights some of these below.

Clause 3 is about reasonable care to be taken to avoid transmission of HIV. There was concern that there was likely to be practical difficulty in implementing the clause due to the widespread poverty within the majority of our population and lack of the necessary facilities in some parts of the country. Further concern was that the clause imposes responsibility on individuals involved and would affect individuals who would wish to seek redress in cases where they are infected with HIV, since they will be taken not to have abided by the provision of the clause.

The committee recognised the need for everybody who is likely to be exposed to HIV to be responsible not to contract it. The committee, therefore, supports this clause in its current form.

The other one is clause 5, which is about counselling to be conducted by trained HIV counsellors. The Bill provides that counselling should be conducted only by qualified medical practitioners or persons who have completed an HIV counselling training programme approved by the Minister of Health. There were two concerns here:

One concern raised by religious leaders was that the attempt by the Bill to under-recognise the role that religious leaders play in counselling will not be good. Consequently, the Uganda Joint Christian Council proposed to expand the application of the clause to include other organisations and agencies that conduct counselling rather than limiting it to the mainstream health personnel. It was argued that the faith-based organisations do provide a range of counselling services including in the area of HIV/AIDS. It was proposed that this very important service by faith-based organisations be recognised and provided for in the Bill.

The committee, however, was of the strong opinion that it was not necessary to extend the application of this clause to religious leaders. This was because the pre-test and post-test counselling that are subjects of the clause only apply when one is going to have an HIV test. Such tests can only be taken at a health unit and a health unit is adequately defined in this Bill.

The second concern was the competence of the Minister to approve counselling training programmes and whether the National Association of Counsellors would not be the most suitable organisation to approve a counselling training curriculum. The committee observed that the National Association of Counsellors was not a body established by law and opined that the Minister would be better suited to approve the counselling programme, thus the committee concurred with the position of the Bill.

Clause 13 is about HIV testing for purposes of criminal proceedings. This is one of the contentious clauses in this Bill. The clause provides that a person convicted of drug abuse, charged with a sexual offence or convicted of an offence involving prosecution shall be subjected to HIV testing for purposes of criminal proceedings.

The committee observed that for those already convicted, the HIV test will not have any judicial value. Secondly, it would appear that the clause intends to impose a stiffer penalty on HIV infected offenders compared to HIV negative offenders. This would tantamount to discrimination in the dispensation of justice. The committee, therefore, recommends that the HIV testing should only be subjected to those charged with sexual offences that are likely to cause the transmission of HIV. To this end, the committee would propose amendment to this clause.

Clause 12 says that the consent to test for HIV may be dispensed with. This clause provides that consent is not necessary for testing when it is unreasonably withheld or in an emergency due to grave medication or psychiatric condition and the medical practitioner reasonably believes that such a test is clinically necessary or desirable in the interest of that person. There were concerns from some*– (Member timed out\_)*

**THE DEPUTY SPEAKER:** Wind up in three minutes, please.

**DR OMONA:** Thank you, Mr Speaker. I am just finishing this paragraph. There were concerns from some quarters that the provisions under clause 12 which dispense with consent were overly broad and risk unjustifiably infringing upon privacy rights. The argument was that HIV infection was not a health emergency and that there was currently no emergency treatment for HIV.

The committee considered the grounds for the objection of the clause and found them not convincing given that the provision in the clause is standard medical practice.

Mr Speaker, I would like to invite the honourable members to read clause 14, which is also contentious, on routine HIV testing. When you look at the report, there are arguments both for and against this clause as proposed in the Bill.

Those are some of the contentious clauses that we have in this Bill. I would wish to invite Members to look at them in the interest of time. The committee wishes to say that there is inadequate and unsustainable funding for HIV/AIDS programmes and the Bill does not provide for adequate and sustainable funding modalities for HIV/AIDS programmes in Uganda. We, therefore, recommend an amendment under clause 27 - state obligations – obligating Government to provide adequate funding for the HIV/AIDS programmes in Uganda.

In addition, we wish to propose an amendment for the creation of an HIV/AIDS trust fund. We do this in cognizance of the challenges associated with funds, and one in question is the Uganda Road Fund. We do not want, if passed into law, the HIV/AIDS Trust Fund to be very difficult to deal with because of late releases from the Treasury as it is now for the Uganda Road Fund. So, we will propose this in our amendment.

In conclusion, the committee recommends that the Bill be read for the second time and that the proposed amendments by the committee be adopted at the committee stage of handling this Bill. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER**: Thank you very much, chairperson of the committee, for the comprehensive report that you have presented in respect of this Bill. I can see a number of proposed amendments, which will be processed at the appropriate stage.

Honourable members, we have a motion for the second reading. We are supposed to be debating the principles of the Bill but I do not see the minister responsible for the sector here.

4.58

**THE MINISTER OF STATE, OFFICE OF THE PRIME MINISTER (NORTHERN UGANDA) (Ms Rebecca Otengo Amuge):** Mr Speaker, if you named me a doctor, I would not be Dr Amuge but Amuge, Doctor. That means I am not a true doctor.

As you rightly said, the responsible minister for this sector is not in the House. However, I would like to beg your indulgence that after receiving the report, you give us some time so that we can debate this matter later. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, can we defer debate on this subject to next week? So, we use the period of the Easter holidays to look at this report more comprehensively so that when we come back, we can debate the principles of the Bill before going to the committee stage to take appropriate decisions.

Honourable members, the Easter holidays start tomorrow. I do not know how many of you would like to go upcountry, but we still have some short business to conclude. So, I beg your indulgence that we finish with the item which was interrupted because of sequencing of the papers that were to be laid. So, could we go back to item No. 4.

LAYING OF PAPERS

SUB COUNTY FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011 TOGETHER WITH THE REPORT AND OPINION THEREON BY THE AUDITOR-GENERAL

5.05

**THE CHAIRPERSON, COMMITTEE ON LOCAL GOVERNMENT ACCOUNTS (Ms Winifred Kiiza):** Thank you. Mr Speaker, I would like to apologise to the House for the mess. I further would like to request the Office of the Clerk to always be smart in helping us do our work. Having said that, I wish to lay on the Table the following sub county financial statements –

**THE DEPUTY SPEAKER:** Have they apologised to you?

**MS KIIZA:** I think they need to apologise to me personally for making me look disorganised in doing my work.

I now wish to lay on the Table the following sub counties’ financial statements for the year ended 30 June 2011 together with the report and opinion thereon by the Auditor-General:

1. Kasagama Sub County, Lyantonde District

2. Mpumudde Sub County, Lyantonde District

3. Bweema Sub County, Buvuma District

4. Nairambi Sub County, Buvuma District

5. Bugaya Sub County, Buvuma District

6. Bukwo Sub County, Bukwo District

7. Kasaana Sub County, Sheema District

8. Sisiyi Sub County, Bulambuli District

9. Bukhalu Sub County, Bulambuli District

10. Bunambutye Sub County, Bulambuli District

11. Muyembe Sub County, Bulambuli District

12. Wairasa Sub County, Mayuge District

13. Mpungwe Sub County, Mayuge District

14. Imanyiro Sub County, Mayuge District

15. Kigandalo Sub County, Mayuge District

16. Nkonde Sub County, Kamuli District

17. Bugulumya Sub County, Kamuli District

18. Pakere Sub County, Adjumani District

19. Hapuuyo Sub County, Kyegegwa District

20. Kyegegwa Sub County, Kyegegwa District

21. Buwenge Sub County, Jinja District

22. Budondo Sub County, Jinja District

23. Busedde Sub County, Jinja District

24. Latanya Sub County, Pader District

25. Puranga Sub County, Pader District

26. Angagura Sub County, Pader District

27. Pajule Sub County, Pader District

28. Buseta Sub County, Kibuku District

29. Kadama Sub County, Kibuku District

30. Lapono Sub County, Agago District

31. Adilang Sub County, Agago District

Mr Speaker and honourable colleagues, I beg to lay. *(Applause)*

**THE DEPUTY SPEAKER:** Thank you, chairperson of the committee. Let the record capture those 31 sub counties’ financial statements for the year ended 30 June 2011 together with the report and opinion thereon by the Auditor-General. They are accordingly committed to the Committee on Local Government Accounts for expeditious handling. Thank you. (*Mr Nandala-Mafabi rose\_)*

**THE DEPUTY SPEAKER:** Is it a procedural matter?

**MR NANDALA MAFABI:** I seek guidance, Mr Speaker.

**THE DEPUTY SPEAKER:** Okay, procedure. (*Laughter)*

**MR NANDALA-MAFABI:** Mr Speaker, we have 2,400 sub counties and these are just 31. If you decide that Parliament is going to go through all these sub counties, we want to assume they will take a day per sub county and those will be 2,400 days. If you divide this by 365, those are about seven or eight years. What is this? I do not understand.

Aren’t these supposed to be dealt with by the district public accounts committees other than bringing them to Parliament for presentation? I thought this is work to be done at the district level and then for us we deal with the districts?

**THE DEPUTY SPEAKER:** Chairperson –

**MS KIIZA:** Thank you, Mr Speaker. The information I would like to give to my colleague is that the committee is actually mandated to even look at the accounts of the sub counties.

Maybe the only relief we are getting, which we wish this House to know, is that we are working with USAID under a programme called Governance Accountability and Participation (GAP) where we are now training and empowering the district public accounts committees to look into the reports of the Auditor-General of the sub counties and do the work that we are supposed to do as the Committee on Local Government Accounts at Parliament level. This would assist us to reduce that burden which the hon. Nandala-Mafabi is talking about. So, very soon, it will not be us to handle this but we have to empower them, otherwise –(*Interruption)*

**MS NABILAH NAGGAYI:** Thank you, honourable colleague, for giving way. I would like to give my colleague information. We know very well that there are no qualifications required for councillors, even at district level. So, even saying they are going to handle accounts at that level is asking too much. So, I think the committee is grappling with all this considering the fact that there are no qualifications required for our councillors at the district level.

**THE DEPUTY SPEAKER:** Honourable member, I thought you dealt with queries? Do you examine the entire account or only queries that are raised by the Auditor-General?

**MS KIIZA:** Mr Speaker, we confine ourselves to the queries raised by the Auditor-General. The unfortunate thing is that you will realise that most of the districts have no public accounts committees. The law requires the public accounts committees to also take on the matter after the Auditor-General has queried the accounts of the district or has examined the books.

We are also supposed to be guided by the document generated by the district public accounts committees, which are always tabled in the district councils. However, in most cases you will find that when the district public accounts committee tables its report to council, sometimes the district chairpersons ignore this and, therefore, there is no action taken. Even for the few district public accounts committees that we have, few of the reports that they make to council are regarded. That is why Parliament still finds it very necessary to go down and still look at the issues so that public resources are put to good use.

**MR NANDALA-MAFABI:** Mr Speaker, I come from Sironko. It is unfortunate that we do not read the law. Members of the district public accounts committee are not councillors. They always look for people who have retired or who have knowledge in accounts and they are the ones they appoint. The reason they do that is because there is no minimum qualification for councillors. So, my colleagues who try to attempt to do things that they cannot –

**THE DEPUTY SPEAKER:** But then who will debate these reports?

**MR NANDALA-MAFABI:** It is the council, which is supposed to handle that. What happens, under normal circumstances, is that those reports are supposed to form part of the local government report. There will be the Ministry of Local Government report, which will be dealt with by PAC here and the district report is also supposed to come to Ministry of Local Government, which submits it to Parliament. When it is submitted to Parliament, the basic thing is to find out if what the council advised has been implemented.

So, when you try to bring reports like this, you are saying that the local government of Sironko is now irrelevant and now the relevant one is the local government committee of Parliament. The moment they sit on those reports, I do not know when they will finish.

**THE DEPUTY SPEAKER:** Hon. Nandala-Mafabi, there is still an issue. If this report is only being laid before this House today, that means it could have also been still the same period within which it was going to be laid to the district council. Then it is this Parliament that is supposed to deal with the final issues to do with the report of the Auditor-General. How will that process from the district council feed into this system within the timeframe of the Constitution and other things that will enable PAC of Parliament to take action on these issues? How will it feed in?

**MR NANDALA-MAFABI:** Mr Speaker you are right. The only problem is that we are saying that our district public accounts committees may be incompetent, which means they need training. The reason is simple because the members of the district public accounts committees are drawn from within the districts - they come from those sub counties - and the sub county chiefs who they are dealing with are also locals. So, if a district chairman of PAC says “this son of X should be crucified for stealing public money”, that would be very dangerous for him in the community where he comes from. I think that is where the problem is.

The only way to address that is to find out what issues they have raised and what the district PAC of those areas recommended. When they have recommended, then they should come here for adoption. When we adopt the recommendations, it will be us directing and saying that what they did was right and the CAO should implement. That is the only way; but if they come as they are doing in this form - This is 2011 and you have 2012, 2013; those will be 7,200. If you divide that by 365 days, assuming even on Sundays you will work, that means you will need 22 years to finish these reports. *(Laughter)*

**THE DEPUTY SPEAKER:** Let me take two former chairpersons of the Public Accounts Committee.

**MR MWIRU:** Thank you, Mr Speaker. The issue being raised by hon. Nandala-Mafabi sounds like a lot of sense. However, the power to audit lies with the Auditor-General under Article 163 of the Constitution. When the Auditor-General carries out this function, he brings the work here because he is doing it on behalf of the Parliament of the Republic of Uganda. So, what we are actually dealing with is this question: how do we deal with this backlog?

When you go to Kenya, - I had the benefit to be in PAC - they have amended their laws and empowered the councils to deal with those audit issues the way they are. However, what hon. Nandala-Mafabi is proposing would mean that we amend the law so that when the reports come, we forward them to the district councils for handling. This would require some amendments.

What we are dealing with in the circumstances - Of course, the issue he raises is that the district public accounts committee would have looked at them, but even now, even in ministries, the internal auditors look at these accounts. They also produce a report but we still look at them.

My proposal would be that in order to deal with this problem, because it is a problem, maybe we may need to look at the law, carry out a review and see how we can create this function at the lower levels and at the same time build capacity at those levels. *(Interruption)*

**MR SSEBUNYA:** Can I give you information? Thank you, colleague, for -

**THE DEPUTY SPEAKER:** Honourable member, when you access the microphone before you have been authorised, the *Hansard* will capture confusion. It is difficult to –*(Laughter)* So, do not speak on the microphone before you are granted authority because it is going to be difficult for people to transcribe these things.

**MR SSEBUNYA:** I have learnt and I do not want the confusion to be transcribed. Honourable members, I think we are dealing with a bigger problem and not the volume of work. If we want to deal with the volume of work, let us devise ways of dealing with it.

When we sat with the Auditor-General - and I am now speaking as the chairman of the finance committee - we were looking at how these accountability committees could expedite the work. We were looking for money to audit all Government schools. That is also a large volume of work. Should we say that this work that is done by the Auditor-General should not come to Parliament? If we were to amend the law then that would maybe transfer some work to other departments because we do not have that time as committees to –*(Interruption)*

**MS ALUM:** Thank you, Mr Speaker. We are dealing with a very important matter, which affects the entire country because we are talking of local governments, but the minister in charge of local government is not here. We are dealing with sub counties and there is a lot of money which is going to these sub counties. We are dealing with the district PACs and by the nature of their appointment, it is the Executive that appoints them and the Executive are politicians who sometimes appoint people that they think can work well with them. This is a very serious issue that we are dealing with. *(Mr Nandala-Mafabi rose\_) -* Hon. Nandala-Mafabi, your time has passed for contributing; allow me to make my contribution.

Mr Speaker, starting from the appointment of the district PACs, we need to review the laws of local government and if we are doing this, the minister in charge of the docket must be present. This touches so many other areas as far as local government is concerned. Are we, therefore, proceeding well since the minister in charge of that docket is not here and yet this matter is not as small as we are trying to portray it?

**THE DEPUTY SPEAKER:** Honourable member, you need to understand the genesis of this matter. It was not on the Order Paper as a matter for debate; it arose from laying of papers and we have laid those papers on the Table. Because the papers were laid, some discussions started. So, I do not think it was anticipated that it was a matter that was going to be debated and therefore responses from the Executive expected. Let us leave it at that.

There are concerns that have to be addressed. The papers have been laid and they have been committed to the appropriate committee of Parliament and that is where it ends. Action will be taken at that level. If they are coming back to Parliament with recommendations of what should be done with this situation, we will deal with that at that level when it comes. Otherwise, we are proceeding to debate in anticipation of what we expect will come.

The honourable member for Budadiri West, your concerns have been taken but they will be handled appropriately when a proper motion or matter is presented on that subject. We will deal with it then but now it has been noted as a matter that has got to be addressed. Thank you for bringing it to the attention of the House. Let us find a way of handling this in future.

**MR NANDALA-MAFABI:** Mr Speaker, I would like to seek your help again. We have the Local Government Act which will spell out what is done at the local council. One of the provisions which create the district public accounts committees is under the Local Government Act. What would their function be if we are saying we cannot delegate some of our powers to them?

**THE DEPUTY SPEAKER:** You see, what we are dealing with is these accounts, this particular report - the opinion of the Auditor-General. The Auditor-General is an officer of Parliament and so he reports to Parliament and to no other institution. The Office of the Auditor-General has to report to Parliament. That is what the law and the Constitution says, so reporting anywhere else could be problematic. *[Ms Kiiza: “Even the Local Government Act.”]* Even the Local Government Act, I am being told. I am more of a constitutional expert than several of these other laws- (*Mrs Cecilia Ogwal rose\_)* On what matter does the Opposition Chief Whip rise now?

**THE OPPOSITION CHIEF WHIP (Mrs Cecilia Ogwal):** I am now the Leader of the Opposition. I think I would be the most appropriate person to allay the fears of the former Leader of the Opposition. It is good that he has highlighted the challenges that Parliament has, but I think this is a very big issue, which we cannot deal with now. It was not even on our Order Paper.

We appreciate the guidance that you have given the House. However, in view of the fact that many of us are feeling very uncomfortable sitting here when we would be going upcountry to attend to our constituents, I wish to move that we lay this matter to rest. I thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** What kind of motion is that - laying the matter to rest?

**MRS OGWAL:** Mr Speaker, I was proposing, of course with your guidance, that as people who have responsibilities outside the House, you adjourn the House so that we can attend to other matters outside the House. I thank you.

**THE DEPUTY SPEAKER:** Okay, honourable members, the rules allow motions for adjournment.

There was a request from the chairperson of the tourism committee that she be allowed to present a report. I think, honourable member, you will bear with the Members because it is now half past 5.00 p.m. and tomorrow is a big day for many people in this country. So, I think we will grant your request when we resume next week and we will treat and handle that matter expeditiously. This House is adjourned to Tuesday at 2.00 p.m.

*(The House rose at 5.26 p.m. and adjourned until Tuesday, 22 February 2014 at 2.00 p.m.)*