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**Tuesday, 25 June 2019**

*Parliament met at 2.50 p.m. in Parliament House, Kampala.*

PRAYERS

(*The Speaker, Ms Rebecca Kadaga, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE SPEAKER:** Honourable members, I welcome you to this afternoon sitting. I would like to remind the Government that last week, there were issues that would require a bulk of the members of the Cabinet named in the report of the human rights committee. I hope that they will be here to respond to the issues.

Honourable members, last week on 20 June 2019, hon. Odria raised an issue of concern on the operation and status of Uganda Telecom and requested for the setting up of a select committee. You may recall that on 1 December 2016, on the request of hon. Nandala-Mafabi to establish a select committee, a debate ensued in which the resolution was made to establish a select committee.

The select committee was chaired by hon. Okin Ojara with the following Members:

1. Hon. Michael Tusiime
2. Hon. William Nzogh
3. Hon. Thomas Tayebwa
4. Hon. Paul Akamba
5. Hon. Lillian Nakate
6. Hon. Paula Turyahikayo.

The committee did present to the House on 18 May 2017. A number of recommendations were made on which this House still awaits response from the Government by way of Treasury Memorandum. The response has not been forthcoming. Other than the matters being raised on the Floor, this House does not know whether recommendations have or have not been acted upon.

Secondly, honourable members, there was an allegation on the Floor of this House to the effect that the Administrator has not filed any report to the shareholder. I have here in my possession a letter from the Administrator dated 21 June 2019 to the effect that he has, indeed, made progress reports to the shareholder and there are a series of correspondences relating to the extension of the period of administration; initially it was for six months and later it was extended.

However, there is also a correspondence to the effect that under High Court MSC No.317/2018 Justice Lydia Mugambe extended the administration period for one year, commencing in 22 November 2018, which would bring the administration to a close in November 2019. There is a letter attached to what was sent to me as appendix D.

It also contains a progress report dated November 2017. There is also an annex C which contains a progress report dated 10 May 2018. There are also other correspondences between the Administrator and the Ministry of Finance, Planning and Economic Development, Minister of State for General Duties and Minister of State for Privatisation and Investment.

Honourable members, it is important to place on record, the genesis of this matter. On 25 April 2017, the official receiver was appointed as Administrator of the Uganda Telecom Company upon the application of that company to the High Court. At that time, they applied under Miscellaneous Application No 16/2017.

First, it was a provisional Administrator and then, following other meetings, it was agreed that the company settles with its creditors. The debts stood at Shs 709 billion at that time. The deed of administration made under section 162 of the Insolvency Act was executed on the 22 May 2017. The deed was signed by hon. David Bahati, Minister of State for Finance, Planning and Economic Development as Uganda Telecom’s (UTL) shareholder and official receiver. This deed is what still governs the relationship between the shareholders, namely Uganda Government and Libya Company UCOM.

It is important to note that while a company is under administration under section 164 of that Act, the deed is binding on the company, company directors and secretary, shareholders and all the creditors in relation to claims arising on or before the day of execution of the deed. This part was lifted directly from section 164 of that Act.

Under the Insolvency Act, the supervisor of the Administrator is the High Court. I would also need to point out that once a company is placed under administration, section 155(1) of the Insolvency Act puts in abeyance the powers of the directors and secretaries who can only act with approval of the Administrator.

I have also perused a letter from the Auditor-General pointing out that the effect of the affairs of UTL under insolvency and any action to be taken must be undertaken by all the creditors and shareholders at a general meeting. As honourable members may be aware, there are several of these creditors and shareholders and they have not yet had a meeting to that effect.

As I indicated earlier, the High Court is the supervisor of the administrator until November 2019 when the period ends. Therefore, neither Parliament nor the Executive can take a unilateral action in relation to this insolvency. In the circumstances, the request for a select committee is not tenable.

Indeed, I would encourage the Government to return to Parliament responding to our recommendations made after our committee chaired by hon. Ojara reported. I might also add that later, it may be necessary for the Government to consider separating the office of the official receiver from that of the administrator, because in respect to UTL, it is still the same person. Therefore, honourable members, there will be no select committee on this matter. Let the Government bring a report on our recommendations.

There is also a second matter I want to address regarding indiscipline of some of the Members. I have received evidence that some of the chairpersons have taken it upon themselves to communicate with the Head of State on matters of this House without even the courtesy of informing or consulting me.

I would like to remind Members that the Speaker is the only person authorised to write on behalf of the House. If it is about your constituency, that is your business but on matters of this House which have not even been discussed and you sit and file a letter to the President –

I am cautioning Members, if it happens again, you know what will happen to you. Thank you.

Honourable members, there were some matters *–(Laughter)–* yes. There are some matters of national concern. You have to minutes.

2.50

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PRIVATISATION AND INVESTMENT) (Ms Evelyn Anite):** Madam Speaker, I would like to respond on what you said that Government should respond on what happened to the select committee report on the recommendations that the Government should implement.

Madam Speaker, you requested me to make this report as of last week. I am prepared with it and I have already shared it with the Clerk to Parliament -

**THE SPEAKER:** Have you shared the report with the Clerk?

**MS ANITE:** Yes, Madam Speaker.

**THE SPEAKER:** The Speaker has not seen it.

**MS ANITE:** I am just wondering if I can present it because I have the report.

**THE SPEAKER:** Can you come with the Treasury Memorandum, please?

**MS ANITE:** I have it.

**THE SPEAKER:** It is not on my Order Paper for today. Clerk do you have it?

Honourable members, it has to be a Treasury Memorandum responding to all the recommendations. Tell us, “We have implemented this, ignored this, amended that, arrested or sacked so and so.”

**MS ANITE:** I sought guidance on that directive of the Treasury Memorandum.

**THE SPEAKER:** Is this a Treasury Memorandum?

**MS ANITE:** No, I am just trying to seek further guidance from you because I have been advised that – Madam Speaker, I am seeking guidance but there is a point of order somewhere. *(Interjections)*

**THE SPEAKER:** I am the author of the letter, so let them write to me if they are responding.

3.02

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Madam Speaker for the opportunity. I rise on a matter of national importance.

As I appreciate the improved performance at secondary level, I am concerned about the reduced number of students taken under the district quota system. We were getting nine in 2016 but we have been given only six for this year. This disadvantages the poor people who will not be able to join universities.

Therefore, I request that the ministry explains to us why there is reduction in the number of students taken and why the Government is not raising the number. It benefits the poor people who perform well. Thank you.

**THE SPEAKER:** Is the Minister of Education and Sports here? The Minister of Education and Sports is required to come next week on Tuesday, to answer the issues raised by hon. Ababiku about unexplained reduction of the number of students on the quota system for Adjumani District.

3.04

**MR ROLAND MUGUME (FDC, Rukungiri Municipality, Rukungiri):** Thank you, Madam Speaker. Early this June, fire gutted buildings along Kinyasano-Rwabanyambu Road, Rwakabengo Ward in Southern Division of Rukungiri Municipality and Bwoma-Kiyaga Cell, Northern A.

A lot of property was burnt. This includes welding and carpentry machines, already made products like chairs, beds, cupboards and timber; gas cylinders and electrical equipment.

Madam Speaker, 11 companies were affected. Allow me to present these companies quickly;

1. E&B Wielders
2. Martin Mubangizi Moulders
3. Brian Moulders
4. Zadoki Wielders
5. Tumuhimbise Moulders
6. Tindyebwa Moulders
7. Super Furniture Designers
8. Tayebwa Welders
9. Hana Matata Electricals and
10. Amos Kabumba Carpentry.

On a sad note, one person who was hit by a stray gas cylinder died, when it exploded in the fire *–(Interjections)-* I would like to inform the public about what happened.

Up to now, people think that Government is going to do something because these were the machines, which were given to them by His Excellency, the President under the Operation Wealth Creation Programme.

Therefore, we hope that maybe –*(Member timed out.)*

**THE SPEAKER:** I do not know whether they were insured. Anyway, it is information. I hope the Government could develop a policy in future on how to deal with arson among other things.

3.06

**MR HENRY KIBALYA (NRM, Bugabula County South, Kamuli):** Thank you, Madam Speaker. My concern is on the sugarcane growers in Busoga Region.

Sugarcane growers are stuck with cane that they can no longer supply anywhere given that the existing factories’ capacities are full. A case in point is Kamuli Sugar Plant, which has a capacity of 1,400 tonnes per day but the supply is 3,000 tonnes. Madhvani gave the farmers a target of 1.4 million which they are supposed to supply in a season but their supply capacity is three million.

Kaliro Sugar plant has 1,600 tonnes, but the supply capacity is 3,000 tonnes. Mayuge has 2,500 tonnes but the supply capacity is 5,000 tonnes. The excess is drying on the vehicles. Somebody with a plantation cuts cane the weight of the first vehicle but on taking them to the factory, it takes a week before offloading. The sugarcane would be already dry.

They are no longer in position to supply to the factories since these cannot consume their cane. They have begun cutting –*(Interruption)*

**MR NTENDE:** Thank you, Madam Speaker and my brother, hon. Kibalya for giving way. I would like to inform this House that yesterday, I visited Mayuge Sugar Factory to understand the problems of the farmers because the whole of last week, they were calling me about the cane that is drying in the gardens and on the roadside. Yesterday, I paid them a visit.

What I saw is that our farmers need an urgent intervention because right now, the vehicles that have camped at Mayuge Sugar Factory where they have spent two weeks. When I talked to the directors about this problem, they said, “Honourable member, we have no capacity.” Indeed, as leaders, we are also wondering.

Previously, honourable members in this House were saying that there were no canes. However, right now, we have excess canes that we cannot even crash.

We ask Government, especially the Minister of Trade, Industry and Cooperatives to allow our farmers to cross the canes to Kenya. *(Applause)*

We have also discovered that the West Industry of Kenya is ready to receive our farmers. We are requesting the ministry and the minister to grant us a permit for three months to offload the excess canes.

**MR KIBALYA:** Thank you. The prayers for the farmers are:

1. They need an immediate intervention by Government to save the situation because they have now resorted uprooting the cane so that they can think of any other option that can give them something.
2. They have entered some discussion with the owners of the Busia Western Sugarcane Millers in Kenya just across Busia. They have given them a contract of supplying 600 tonnes although they would wish to supply 1,000 tons per day.

However, they said that if they could be relieved of 600 tonnes per day, that would help for three months so that they solve this problem. The 90 days would give them around 540,000 tonnes to be supplied. That is their prayer to this House; to allow them have that window and see how they can save the farmers. Thank you, Madam Speaker.

**THE SPEAKER:** Can I ask the Minister of Trade, Industry and Cooperatives - The issue is quite serious. On Sunday, I was also accosted by sugarcane farmers in Kamuli who said they can no longer sell as the factory cannot afford to take all of their products. There is over production and the factories cannot manage it.

3.12

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (COOPERATIVES) (Mr Frederick Gume Ngobi):** Madam Speaker, it is a fact that many lorries are seen parked around the sugar factories but we also need to carry out a verification to find out whether the problem is capacity and then, be able to report to this House next week.

**THE SPEAKER:** Honourable minister, by the time you establish the capacity, the farmers will be broke. I was talking to the High Commissioner of Kenya yesterday, asking whether they could allow our lorries to cross to that factory, which is near the border so that they sell what they have as you sort out the capacity. I am wondering whether it is not deliberate. I am not accusing anybody but I hope it is not a cartel to punish the sugarcane growers of Uganda.

**MR GUME:** Madam Speaker, I will come back to the House tomorrow and make a statement. I need time to find out the procedures of taking sugarcane outside the country. I will give our

**THE SPEAKER:** Okay. Honourable members, in the public gallery we have some senior citizens; former workers of the defunct Uganda Post and Telecommunications Corporation. They are represented by hon. Nsereko and hon. Naggayi. They are here to observe the proceedings. You are welcome.

3.13

**MR GEORGE OUMA (NRM, Bukooli Island County, Namayingo):** Madam Speaker, on 18th of this month, the people of Bukooli Islands received sad news about the death of their son, Sgt Ouma Peter, who was shot dead by his colleague in Jinja. The prayer of the people of Bukooli Island is that Government should come and explain the circumstances surrounding the shooting and killing of this officer who is going to be buried tomorrow. We do not know why he was killed, Madam Speaker.

**THE SPEAKER:** Would the Minister of Internal Affairs wish to say anything about Sgt Ouma?

3.14

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Mario Obiga**)**:** Yes, it is true that incident happened on the 18th; two members of the Police Force shot at each other. The matter is being investigated and part of the investigations involved recovery of the body so that a post mortem could be done. A post mortem is part of the report. It has been investigated and if the Member so wishes, by next week, we will be able to give a comprehensive report on the matter. Otherwise, it is a matter being investigated. At this stage, I do not have all the facts to report on. Thank you.

**THE SPEAKER:** Okay. The Minister of Internal Affairs will report to us next week on the issue of Sgt Ouma.

3.15

**MS LILLY ADONG (Independent, Woman Representative, Nwoya):** Thank you, Madam Speaker. I rise on a matter of national importance concerning payment of police salaries. We have information from Assistant Superintendents of Police (ASPs) raising a concern that much as they have been recruited, trained and are all graduates, they are receiving discrimination in payments. There is a disparity in their payments.

Madam Speaker, the same was going to be brought for teachers; to create disparity so that science teachers are paid more than arts teachers. Therefore, the issue at hand is that police officers who are scientists, for those who studied ICT or Chemistry receive Shs 2,200,000 while the arts graduates, for example those who studied political science and the rest, are being paid Shs 600,000.

There is a lot of discrimination, uncertainty and discomfort within the Police. We have relatives and friends in the Police. Madam Speaker, these are Ugandans. Why should we create a privileged and unprivileged class within the same system?

Madam Speaker, I would like to seek assurance from the minister so that we do not have a frustrated force. Can the minister explain why this is happening? Someone said, if we now prefer scientists, why can’t we have a President who is a scientist? *(Laughter)* If scientists are being preferred over people who have done arts, why this -

**THE SPEAKER:** Order, Members.

**MS ADONG:** Can the minister explain? Madam Speaker, most of these officers are frustrated. They have families and the public sees them all as graduates with same rank and with responsibilities with qualifications. What is going on?

**THE SPEAKER:** Honourable Minister of Public Service, please, come next week on Tuesday and explain the issue of disparity in pay of officers of the Uganda Police Force.

3.19

**MS BETTY NAMBOOZE BAKIREKE (DP, Mukono Municipality, Mukono):** Thank you, Madam Speaker. I rise on two issues of national importance. First, according to the Local Government Rating Act, 2005, local governments levy between 5 per cent to 12 per cent tax on rentable value of any property within their areas of jurisdiction.

At the same time, Uganda Revenue Authority (URA) levies a tax of 22 per cent of the rentable value of any property in Uganda also payable annually.

The matter I would like to raise is that it is the duty of Government to ensure that citizens have places of abode and places of work. For example, in some countries, rent is subsidised.

It is, therefore, disturbing that in Uganda, we do not only tax our citizens on rent but we are also double taxing them where local authorities pick up to 12 per cent of the rentable value and URA picks 22 per cent of the rentable value.

Madam Speaker, since it is not proper and it is against our laws to tax one item twice, I would like to request that the minister concerned tells this House, which of the two taxes he would like to retain since it is not proper and it is against our laws to tax one item twice.

The second matter is on a distress call I got last Saturday from one Doreen Ghandhi Magezi, a resident of Namanve Kiwanga Village in Mukono Municipality. She is now in the Amman, in Jordan. This young lady, through this distress call, was seeking for assistance from Government to rescue her from a place where she was sold as a slave for $ 3,000.

Doreen Magezi is a mother of five children and as I have told the House, a resident of my area. She was taken to Jordan by a company belonging to a lady married to a high ranking police officer in Uganda.

After two years, this lady was supposed to get back home but her employers told her that they bought her for money and she cannot leave that place until she refunds the money for which she was purchased.

This young lady *–(Interruption)*

**MR KIBALYA:** Thank you, Madam Speaker and my colleague, for giving way. I am just seeking clarification for the interest of this House, whether, for record purposes, it is within your mandate to mention the name of that company and the name of the high-ranking police officer. That will help us because if we continue concealing that information, we shall not be helping Ugandans. We need to isolate that company.

**MS NAMBOOZE:** Madam Speaker, as one of my prayers, I intend to request you to constitute a select committee to investigate slave trade in Uganda.

There are very many companies people would wish to talk about but all that information cannot come here. I am moving this to ask for a formation of a select committee, I think the right procedure would be for me to go before the committee, reveal the name of the police officer, the lady, the company and even many other companies that are taking our girls into slavery.

Madam Speaker *–(Interruption)*

**MR MWINE MPAKA:** Thank you, honourable member, for giving way. I have been a Member of the Committee on Gender, Labour and Social Development since inception of the Tenth Parliament. Our committee has been blocked by the Government of Saudi Arabia for three times, from visiting our girls working there.

On top of that, when we lifted the ban on labour export of domestic workers, a system known as *Musaned* was created by the Ministry of Gender, Labour and Social Development to monitor all our girls leaving this country.

However, between 20th December and 15th March, this system crashed. We now do not know how many girls left the country during that period.

Thank you.

**MR NSEREKO:** Madam Speaker, I have information coming in from India and Malaysia; I have recordings, even if you want them. There are three girls in India that are in a house and being gang raped. They sent the numbers of the people that trafficked them and are here –

**THE SPEAKER:** Are they in this House?

**MR NSEREKO:** No, they are not in this august House but in Uganda. I can share it with you as a matter of evidential value. The girl has been calling and the voice notes are here. She has asked me to save her life. I tried to reach out to the embassies but they say that they are poorly funded.

We have just rescued one young girl from Saudi Arabia and her name is Janet Twebaze. She returned but her passport was falsified. When they are being trafficked, they change their ages. She was 18 years old and she had just finished senior four. She wanted to be a nurse and had very good qualifications. The parents approved of her travel. She even sent a recording of her mother telling her that if she returned, they do not need to see her because they are making money for as long as she is there.

Therefore, this racket involves parents, who sell their own children and very many companies that cannot be talked about.

Madam Speaker, within your wisdom, you have done this for the girl child every now and then. Right now, in Malaysia, there are over 22 Ugandan girls in prison. Some are taken unknowingly to do prostitution and when they arrive, they are put into houses –

**THE SPEAKER:** What are your prayers? In fact, yours is information. (*Members rose\_)* Honourable members, do not debate. Please, conclude, hon. Nambooze.

**MS NAMBOOZE:** Madam Speaker, the prayers are:

1. This House resolves that Doreen Ghandhi Magezi of Mukono Municipality from Kiwanga Village be returned home immediately;
2. If it pleases you, Madam Speaker, you constitute a select committee to investigate slave trade in Uganda and that an order be made to stop this business, until the committee has reported back to this House.

I so pray, Madam Speaker. *(Applause)*

**THE SPEAKER:** I do not see the Minister of Gender, Labour and Social Development here. Recently, they assisted in bringing back some Ugandans. I do not know whether there is anybody from the ministry. Minister of Internal Affairs, is there anything you can say about bringing back this young girl? Let us deal with the issue of the girl.

3.28

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Kania Obiga):** Thank you, Madam Speaker. I do accept that we could have this problem of trafficking and it is multifaceted. It does not only require the efforts of Government but individuals and families to help in stepping up this matter.

For us in the Ministry of Internal Affairs, our duty is to facilitate people with the travel documents and *– (interjections)–* let me make my point.

**THE SPEAKER:** Please, I have asked the minister to tell us how we can get back this girl. That is what I want to hear from him.

**MR OBIGA:** The ways in which people are trafficked are quite many. As hon. Muhammad Nsereko has said, there is a lot of collusion between parents, families and the people who go out. And so, those are very difficult to follow because once they come to us, as the Ministry of Internal Affairs, we give them travel documents and we have no right to stop people from not getting these documents to travel out of Uganda.

When they go out of the country and they are faced with problems, because they have gone out on their own, they find it difficult to relate to the embassies and consulates of Uganda there, for protection.

The second group involves those who traffic people illegally. Their duty is to connive with people and get these individuals outside the country. Once they have done so, they literally sell them to foreigners out there to do all sorts of activities. It is difficult to trace them. However, I must thank the Kenyan security forces and Government because they have been helping Uganda to trap people at Jomo Kenyatta International Airport every day. They interrogate the young men and women who want to get out because these people cross the border without our stamps. The Kenyan security forces use that to trap them and inform us. The embassy of Ugandan High Commission in Kenya has been helping a lot.

The solution, in my view *–(Interjections)-* for that kind of –

**THE SPEAKER:** Honourable minister, I would like to know how we can get the young lady here.

**MR OBIGA:** The short answer is that the particulars of that person should be given to the Ministry of Foreign Affairs, which will consult our consulates and embassies with the particulars and trace the girls and bring them with the help of the security organs in that country. Thank you.

**THE SPEAKER:** It is not that we have not woken up; we have discussed this matter over time. However, honourable members, we are concerned about trafficking outside the country and no one is talking about trafficking within the country, yet it is happening. Honourable Minister of Gender, Labour and Social Development, recently, you assisted us to bring some girls home. There is a young girl – actually, they are three or four – that we want to bring home urgently.

3.32

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (GENDER AND CULTURE) (Ms Peace Mutuuzo):** Madam Speaker, I would like to understand the story first because I am hearing about trafficking in persons, which is not under the Ministry of Gender, Labour and Social Development -

**THE SPEAKER:** Labour export.

**MS MUTUUZO:** Let us not mix up issues. (*Interjections)* The anti-trafficking responsibility is under the Ministry of Internal Affairs. On any other issues about the Ministry of Gender, Labour and Social Development, I have just walked in and I would like to understand the story first to be able to respond.

**THE SPEAKER:** Honourable minister, recently we reported about some girls who were being mistreated somewhere and your ministry brought them back. Therefore, I was just asking whether you can help us bring these girls back, if you get the details.

**MS MUTUUZO:** Madam Speaker, in 2015 this Parliament outlawed the externalisation of domestic workers. However, by December 2016, around 300,000 girls had moved undercover to Oman and other countries in the Middle East. Therefore, there was no way of protecting them other than lifting the ban so that we were able to go there officially and legally.

When we lifted the ban, we invited bids from companies and we gave them guidelines. They have been following some of the guidelines and we had to close those that had been breaching the guidelines. For others, we requested them to fulfil other requirements before we could reopen them. We are now reviewing their mid-term operations services *–(Interjections)-* I am still clarifying. I am responding to the issues you raised and I have to complete my statement before I get more clarification from you, if there is need.

We are in the mid-term review and we have suspended 16 companies and five others are on the rota to be suspended if they do not fulfil the requirements.

We have made bilateral agreements but the Middle East countries are a bit slow. We have successfully made bilateral agreements with two countries only because many of the Middle East countries do not subscribe to the International Labour Organisation.

For the companies that we have registered, we have agreed with them to export labour to the countries that we have bilateral agreements with. However, immigration is as old as history. You cannot stop somebody from moving if they wish to. Some people have opted to move on their own. However, when they get problems, they get back to us and we have a responsibility. We are doing a follow-up and it is not easy because we do not have bilateral agreements with these countries.

Therefore, we are still struggling to ensure that we get as many as possible.

**THE SPEAKER:** Hon. Nambooze and hon. Oseku, please, write down the particulars of the young ladies and I will send them to the minister.

Honourable members, in the public gallery, we have students who are doing internship here. Please, stand up. You are welcome. They are here to learn what we do. *(Applause)*

Ministry of Finance, Planning and Economic Development, are you in position to answer the issue of taxation raised by hon. Nambooze?

3.37

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, I will crosscheck that issue and inform hon. Nambooze accordingly. However, I suspect that we cannot be doing double taxation.

3.38

**MR GEOFFREY MACHO (NRM, Busia Municipality, Busia):** Madam Speaker, I would like my colleague to withdraw the statement that “Macho is a smuggler”. *(Laughter)* Macho is not a smuggler and his people are not smugglers but cross-border traders.

Madam Speaker, I rise on a matter of national importance. The families of Mr Jacob Sigumba, Rajab Semakula and Amis Mapesa donated four acres of land during the establishment of Busia Secondary School in 1979 in Kisenyi A Village, South-West Parish, Western Division in Busia Municipality.

However, during the survey, which is believed to have been done at night because the neighbours were not consulted. A hundred 100 acres of land in four villages of Kisenyi A, Kisenyi B, Madibira B and Solo A was surveyed without the awareness of the people who donated the land to the school.

Through manipulation, Madam Speaker, we are told the school obtained title for the 100 acres of land and the school is now trying to chase away 500 families from all these villages. Almost 3,000 people are affected. All this is happening, while the current head teacher of the school and chairman of the parents and teachers’ association are not aware of where the title is.

My prayer is that you direct the Minister of Lands, Housing and Urban Development to come to Busia and address the people to build confidence in them because there is a lot of panic among the residents of my constituency.

Secondly, I pray that you direct the Minister of Lands, Housing and Urban Development to come and direct the school so that in case they have the title, they avail it to build confidence among the people so that they can get their own titles to develop their plots.

**THE SPEAKER:** Is it a Government school?

**MR MACHO:** Yes, Madam Speaker.

**THE SPEAKER:** Okay. Minister of Lands, Housing and Urban Development, please, go to Busia Secondary School and handle the issue of theft of land, which is beyond what was given by the donors. Report to us at the end of next week.

3.41

**MR BENARD ATIKU (Independent, Ayivu County, Arua):** Thank you, Madam Speaker, for giving me this opportunity. I rise to raise a matter of national importance.

Yesterday, we were shocked by the news of the wall fence of Lohana Academy collapsing on street children who had taken shelter under it. The information that we have received so far indicates that six of these children perished and the other four children were still admitted in Mulago Hospital.

The bodies of these six children are still in the city mortuary because the identification of their home areas and parents has proved a bit difficult.

We are, however, told that Bonny Omara is from Minakulu village in Oyam District, Brian Ogwal is from Barokoro in Lira District, Felix Okello is from Onai Village in Lira, Frank Ojula is from Ngetta Village in Lira, Wilfred Odongo’s village is still unknown but he comes from Gulu District and Ivan is from Wobulenzi in Luweero.

Those who survived and are still undergoing treatment are Kenneth Okello from Ngetta in Lira, Okello from Loro and the details of the tenth boy are still unknown but he was hit by a motorcycle as he was running away.

The prayers I am raising are to seek the indulgence of the Ministry of Internal Affairs to see how best these bodies can be delivered to the exact locations where they come from so that they can be given a decent burial.

At an appropriate time, we will be bringing a motion in regard to the plight of street-connected children. I do not want to call them “street children” because the streets do not give birth to children. It is human beings that give birth to children and they belong to parents and a home somewhere. At an appropriate time, we will be bringing that motion that will raise, to Parliament, issues to do with child trafficking – the case of Karamoja where children are being sold for as little as Shs 40,000.

Recently, a team of Members of Parliament from that region were on ground for fact-finding and soon, the report will be ready. We will be coming to seek your indulgence to present this motion. Thank you.

**THE SPEAKER:** Okay, I do not know whether the Minister of Internal Affairs can assist in transporting those bodies to their homes.

3.45

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Madam Speaker, I would like to express our condolences to the families of those young angels who were killed in such unfortunate circumstances. I am aware that since this incident happened, the police are on the scene together with some of the technical people in the building to try to assess the responsibility for that collapse.

It is on the basis of that responsibility that the police will work together with those other responsible stakeholders to make sure that these bodies are transported and given a decent burial. The aim is to establish whether there was negligence on the part of the authorities at the school or not.

Essentially, it is not the mandate of the police to transport the bodies. We shall, however, work fully, in consultation with the stakeholders, to make sure that bodies are transported and if there is any negligence or responsibility established, then appropriate measures will be taken. Thank you.

**THE SPEAKER:** Thank you, honourable minister. On a different note, I do not know why the number of collapsing buildings, houses being washed away, people being buried in the sandpits - What can we do about the standards of work in this country? It is now becoming –

3.47

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (URBAN DEVELOPMENT) (Mr Isaac Musumba):** Madam Speaker, we recognise that there is a problem that needs to be addressed. That is why we have looked at the law and realised that it needs to be strengthened. The law is before this House. We are waiting for the amendment to give us the strength to move against buildings that are irregularly built, weak buildings, unpainted buildings, grass on plots that is growing between two developed properties and no one is doing anything about it.

We need the House to help us cause this amendment. I have talked to the chairperson of the committee. He has been promising me that the House will be given an opportunity to discuss these amendments - *(Interjections)* I am talking about the amendments to the physical planning law. We are waiting. Thank you.

**THE SPEAKER:** Of course, the committee is aware but they are still processing this other law which we hope to finish soon, then they should really embark on that one.

STATEMENT BY MINISTERS ON THE ON-GOING INVESTIGATIONS ON BANK OF UGANDA BY VARIOUS INVESTIGATIVE INSTITUTIONS OF GOVERNMENT

3.48

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Madam Speaker, last week, we promised to give the House preliminary information about this issue and I would like to state as follows:

Bank of Uganda entered into a contract with Oberthur Fiduciaire on 26 July 2018 to supply and deliver printed money. The contract requires that the supplier identifies at least two reputable carriers and insurers and advise the bank of the applicable terms and costs.

In this case, the supplier’s communications indicated full charter for the three options that were provided from which the bank selected a company called Kuehne & Nagel to airlift the printed money to Entebbe International Airport.

Madam Speaker, in line with the contract, the bank sent staff to travel to France to undertake the quality assurance functions of ensuring that the right consignment was loaded on the cargo plane from 22 to 26 April 2Ol9. This activity started at the factory and ended at the nearest international airport where the plane took off for Entebbe.

On 27 April 2019, the printed money arrived at Entebbe International Airport. As expected, 20 pallets destined for Bank of Uganda were received, intact and well-sealed. However, the Bank of Uganda team at the airport noticed five extra cargo pallets on board the chartered plane.

On receipt of the report on 7 May 2019, the Governor, Bank of Uganda, took a decision to have an investigation conducted by the Anti-Corruption Unit of State House because the issue involved third parties. Since 10 June 2019, staff members from Bank of Uganda are under investigation and have all recorded statements.

Bank of Uganda is still committed to assisting the investigators to ascertain the facts surrounding the matter. The investigations are going on well and we hope that they will be concluded soon. The Ministry of Finance, Planning and Economic Development, together with Bank of Uganda, still await the final report from the investigating agencies.

In conclusion, Madam Speaker, I appeal to the public to restrain from perpetuating false information that could compromise the investigations. Of course, if anybody has information that is useful to this investigation, he can accordingly inform the police.

I assure the public that we shall get to the bottom of this matter and the truth will be known and given to the general public in a timely manner. So far, there is no indication that this incident will affect our economy negatively, especially in terms of inflation.

Madam Speaker, we again appeal for calm on this matter as we give a chance to the investigating agencies to conclude this matter and the truth is told to the whole public. If there is any action that needs to be taken, it shall be taken.

I thank you.

**MS NAMAYANJA:** Madam Speaker –

**THE SPEAKER:** Do not go into the evidence.

**MS NAMAYANJA:** No, Madam Speaker. The clarification I am seeking is about the statement of the minister, where he said that the public should refrain from making statements. We have heard contradicting statements from different institutions of Government - the police and the Government Spokesperson, Mr Ofwono Opondo. What else should we expect if the Government is contradicting itself?

**MR MBWATEKAMWA:** Thank you, Madam Speaker. We saw the police spokesperson telling us that they had concluded their investigations. However, the minister has told us that they are still investigating. Honourable minister, should we consider the police spokesperson, Mr Enanga, as someone suffering from psychosis or neurosis - *(Laughter)*

**MR OJARA:** Madam Speaker, I would like to seek clarification from the minister. Honourable minister, when the Government Spokesperson was talking the other time, he mentioned that the five pallets that were discovered were for the United Nations (UN) and the United States Agency for International Development (USAID). Do you still maintain the statement that these five pallets were actually meant for the UN and USAID in Uganda?

**THE SPEAKER:** Honourable members, I told you not to go into the evidence. Please.

**MR OSHABE:** Thank you, Madam Speaker. I would like to appreciate the minister’s statement. However, I find it very uncomfortable for a minister to tell us not to be worried, that the pallets under investigations will not cause inflation when he has not told us how much money was involved in a single pallet, for example. If he was courteous, he would have told us, “We do not expect the five pallets to have money that will cause problems to the economy” and we would be comfortable. However, he has not told us how much money was contained in a pallet, assuming it was money.

We need to know as Parliament whether this can damage our economy. We cannot just sit here and hear from the minister that it will not cause problems, yet the matter is still under investigations. It tells us that even the minister does not know how much was in those pallets. Can the minister tell us how much money was in a single pallet so that we can gain confidence as the people of Uganda, assuming the other pallets also had money?

**THE SPEAKER:** Part of that answer will really go into the evidence. However, the minister will answer what he can answer.

**MR MUGOYA:** Thank you very much, Madam Speaker. I have listened to the statement by the minister carefully but other than being a blanket statement, it does not in any way give confidence, not to the country or to the honourable members.

Let us look at what happened. Of course, we are aware that we have two parallel investigations - the one being conducted by the police and the one being conducted by Lt Col Nakalema. I had the opportunity to look at the charge sheet – I am not going into the merits and demerits – where Francis Kakeeto and Fred Wanyama were charged with abuse of office.

Honourable members have rightly heard that there was a contract executed between Bank of Uganda and a company from the West. The minister has primarily noted one critical term, which I refer to as a “condition”, saying that the supplier was responsible for identifying an air cargo company to carry this luggage to this country. The question is: who was responsible for allowing or disallowing the excess luggage?

Madam Speaker, sometimes mistakes are made by either the willingness of the actors in Government or for selfish ends. Honestly, even if somebody has never gone to law school, this is already a deadly case against these juniors.

Actually, with tears running down my cheeks, I feel that we should have a subcommittee to handle this matter so that we go into the root of the actual causes and what exactly happened in as far as this matter is concerned. Otherwise, what we are seeing is merely a cover up. I thank you.

**THE SPEAKER:** Okay, the minister will choose what to answer because he is really on the borderline.

**MR BASALIRWA:** Thank you very much, Madam Speaker. We have read in the press that Bank of Uganda was offered money by the company that brought the cargo to Entebbe. In other words, it is as if the company was admitting that there was a breach. The clarification I seek from the minister is whether that is a true position, as reported by the press. If so, is Bank of Uganda considering taking that company to court for that breach?

Madam Speaker, as my colleague from Bukooli North has observed, what is being manifested in this matter is breach of contract but Bank of Uganda is not mentioning anything about that alleged breach. The contract of carriage is silent; actually nobody knows about it. What does it say about the cargo on the plane? Does it, for example, mention that there would be other people and cargo on the plane or it was solely carrying currency for Bank of Uganda? That is not very clear.

If that information is revealed, you will discover that many people are going to be wrongly convicted. Why is Bank of Uganda silent on their contractual relationship with the company that was supposed to bring the cargo here? I think that is very critical in bringing out some of these aspects, Madam Speaker.

**MR LUBOGO:** Thank you very much, Madam Speaker. I am very conscious about the sensitivity of this particular matter and I will, as much as possible, try not to go into the evidence and I hope that I will not go there.

Madam Speaker, I noted that the minister was very mean with the information he gave us, probably because of the investigation. However, he should have at least informed the House and the country where the excess five pallets are. He never told us where they are, whether they are under police custody, whether they were cleared and people took them or something like that. At least this should have come out clearly.

He also informed us that the money was airlifted from the nearest airport. I think the issue of cross border transportation of this money should have been brought out because while it was printed in France, it was transported from another country. I think this is an issue that you should have brought out. You were cautious just to tell us that it was not from Belgium but we actually know and it has been reported that the money was printed in another country, it was taken to another country and then transported to Uganda. I think this information is important for us as we await the main findings of the investigation. Thank you.

**MR KIBALYA:** Thank you, Madam Speaker. I wish the minister and the Executive would know that we are also part of Government and we have a role to protect this Government. At times they make it hard for us to defend and protect what could be un-protectable.

Madam Speaker, yesterday, one of the media houses run the chronology of how it begun and where it ended, in sequence - who was supposed to go, who was absent, who went on leave, who said he or she would not go, who was assigned, who loaded, how it entered and where it is. We would expect the minister to come out and be clear on this.

In the village where I come from, somebody will wake up and announce that someone is dead and the burial is tomorrow. Another person will come and say, no, he is dead but burial is on Thursday. The last person will come and say that the burial is on Saturday and he will cancel the previous announcements. We expect the minister to come and tell us whether the statements made by Ofwono Opondo, Lt Col Nakalema and the police are all cancelled and that the final statement is that the plane left here, went to Nairobi, reached London – because that is the information in the public.

We are also put to task as Members of Parliament if we have reached this level. We also need to help you, honourable minister. You are not in Bugabula; I am in Bugabula and I have to defend what is going on. Therefore, tell us exactly what happened. Were the pallets stolen; do they exist?

**MR MACHO:** Madam Speaker, I would like to thank my old friend, the Minister of State for Finance, Planning and Economic Development, for the statement. With the expectations that Ugandans have today concerning Bank of Uganda, the statement from the minister does not build confidence in Ugandans.

Madam Speaker, I expected the minister to come and give us a statement concerning how far the investigations have reached because when the Government spokesperson, Mr Ofwono Opondo, was addressing the country, he clearly told us that the Police Spokesperson, Mr Enanga, was lying and yet he was giving an investigated statement. How can Ugandans believe in an investigations body when the Government spokesperson has doubted the capacity of the person who got the report from the Director of CID? Police has procedures; you do not just come and give a statement. You give a statement after being given information by the Directorate of CID.

I would like all the Members to agree with me that even before Mr Enanga came out to speak, the police had already started its operations by searching homes. You cannot go and search a home without anything. In Busia, they always say, never tell your mother-in-law to sit properly -

**THE SPEAKER:** What about an old man sitting badly? *(Laughter)*

**MR MACHO:** Madam Speaker, let me use an English proverb. The fact of the matter is, to build confidence in Ugandans the minister should come and give a statement cancelling these other statements that were given by the Police spokesperson and the Government spokesperson so that people know that Government is abreast with this matter. Otherwise, the minister’s statement raises more questions and is not convincing. Thank you, Madam Speaker.

**MR ALEX BYARUGABA:** Madam Speaker, this is not a laughing matter. This is one of the most shaming situations I have gone through as a Member of Parliament for the last so many years. As a mature Ugandan, I feel ashamed to hold a Bank of Uganda note and it is unfortunate. Gone are the days when even talking about Bank of Uganda was something you would never think of. It was held in very high esteem; not any more.

What are we headed for?

A few months ago, we had an all revealing investigation by this House. You all know what transpired during the investigation. Before waters calm, here comes in another scandal. It is about three months now yet up to this very moment, we are not seeing any serious action being taken. I think there is something fundamentally wrong.

As a former civil servant, I know that once a member of the civil service is found to have faulted in his service delivery, they are interdicted immediately. Surely, for the Governor to have taken this long time - Investigations should have come in while most of these suspected people are on suspension but this has not been done.

Information is also not flowing well. We are receiving mixed information. What do you expect a Ugandan who respects this Government and this institution to think? One is talking about one thing and the other one another thing and they are all talking about the same thing. The police are talking about it but the other spokesperson is saying, “Do not talk about it anymore”. Whom should we believe?

I respect hon. Bahati so much. I can imagine the very difficult condition you have been put in to even make a statement. I know what you must be going through; it is so bad.

I think that we should give an opportunity to the police and ask them to expeditiously handle this so that we salvage the image of this country and that of Bank of Uganda, and this should be done with immediate effect. We have had enough; we should even be giving them timelines. We could say that within the next two weeks, do this once and for all so that those who are found culpable are taken to where they belong, so that this thing is put behind our backs and we start afresh. Otherwise, the image of this country and that of one of the biggest institutions in this country is being damaged almost irreparably. Thank you.

4.13

**MS LILLY ADONG (Independent, Woman Representative, Nwoya):** Thank you, Madam Speaker. It is becoming very difficult being a Ugandan. Every other day, there are scandals which do not even involve ordinary departments of Government but real institutions that are supposed to be in charge.

This is not the first time a regulatory body in charge of the economy like Bank of Uganda is in the news every now and then. I know that the minister is also in a dilemma like us because there are certain things that people can really fail to explain. It is common knowledge that we have a big problem with Bank of Uganda. So, I do support my other colleagues’ suggestion that we need to have a bigger investigation of Bank of Uganda.

What is annoying is that the lower staff, who could have been instructed to carry out these duties, are the ones who fall culprit. Recently, when we had COSASE investigating the same Bank of Uganda, we saw mere police officers being arrested and arraigned in court yet the big people who are in charge were left free up to now.

Therefore, I still think that Government has to do a lot on Bank of Uganda to restore hope. Maybe they need to check themselves to give us hope. Otherwise, we may run short of what to do because when you say something today, tomorrow something else will come up. One wonders what is going on in this country. Thank you.

4.15

**MR KENNETH EITUNGANANE (Independent, Soroti County, Soroti)**: Thank you very much, Madam Speaker. The bigger question is whether we love Uganda, as our country. As Ugandans, do we really love our country, Uganda? If we indeed do, such scenarios should not be occurring.

The minister has tried to give some explanation but it is not satisfactory. I do not know whether he has deliberately decided to keep some information to himself. He has not even told us whether indeed there was extra money printed. Even then, he has hinted that it is not going to create any inflation.

According to aviation regulations, Bank of Uganda conducts classified shipments. Under such circumstances, once Bank of Uganda charters a plane, there should not be any other cargo because they sign agreements. It is only Bank of Uganda property that is supposed to be carried in that plane. Now, who are these special people that got classified information that Bank of Uganda was chartering a plane and they put their cargo on it? There is a lot that needs to be unearthed.

The authorities should salvage the image of the country because if the highest institution, which is supposed to superintend other banks, gets involved in such a saga and the whistle blower is the Governor, then there is a big problem. Government should come out clearly to give Ugandans the benefit of doubt. We are lucky because we are a third world country otherwise if this was the USA, we would be in a total mess with the shares in the stock market.

The minister needs to come out very clearly. There is information that he is not divulging for the benefit of this House. Thank you, Madam Speaker.

4.17

**MS BETTY NAMBOOZE (DP, Mukono Municipality, Mukono):** Thank you, Madam Speaker. We are not living in normal times. It is so sad that every other day, as a country we have to face a scandal. A scandal may happen today and most probably, there will be another scandal tomorrow and another the next day and the day after. It is like we are managing the country by scandals.

Institutions everywhere get problems but even when an institution gets a problem, one can tell the effectiveness of its leaders from the way they handle such problems. We have been told by the minister that the problem was about extra luggage on the plane. If it was about extra luggage detected at Entebbe, why was it necessary for any person to carry out a raid at the national bank on camera?

Madam Speaker, while the Bank of Uganda is supposed to stimulate growth and the strength of our currency – *(Member timed out)*

4.19

**MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja):** Thank you very much, Madam Speaker. As we are getting used to management by crisis, now I see us moving to management by scandal.

Not very many minutes back, a Minister of State for Trade, Industry and Cooperatives informed us that he was going to consult his ministry about the procedure of exporting sugarcane to Kenya. That is management by crisis. How can a minister in charge of trade ask about a procedure? However, we decided to bear with him and he left.

When it comes to Bank of Uganda, I think the minister is not being truthful. I have had the benefit to look at the explanation and some of the documentation by the company which was contracted to transport those pallets. The network airline management gave an apology that actually, the chartered flight which was supposed to carry the pallets developed problems so they had to improvise and use another one which had cargo.

We have a big problem. What we are doing now is acting illegally. The first question is: who is Nakalema and what does she work as? She was illegally established as a Government institution, leaving out well established Government institutions and she makes everybody panic.

If the airline company is telling you that there was a problem, this is breach of contract. However, because someone must be punished since there is pressure on everybody, that is how it has ended up going in this direction. If there is a contract, Bank of Uganda writes and explains and I know the minister has got these documents. When Bank of Uganda asked the shipper how this arose, they even offered an apology. This is purely breach of contract. There is no criminal liability but because we are – *(Member timed out)*

4.22

**MR ABDU KATUNTU (FDC, Bugweri County, Bugweri):** Thank you very much, Madam Speaker. At the risk of sounding like I am posturing as knowing too much about what goes on in that institution, I would like to say the following:

There are two narratives. The first narrative – the official one which the minister has given – is that there was extra cargo on the plane that was chartered exclusively for use by Bank of Uganda. If that is the case, there is nothing criminal about it. It is only purely breach of contract.

However, there is another narrative that on the chartered plane, there were five extra pallets that contained cargo, which was actually also printed currency and was not supposed to be going to Bank of Uganda. If that narrative is correct, then there are consequences: One, it is criminal of course; and two, it has wider implications on the credibility of our currency and the running of the bank.

The matter is not helped so much, Madam Speaker, by conflicting publicists coming to the public and saying – For example, the Government spokesperson says it is purely a case of cargo and goes ahead to mention the private owners of that cargo, including the UN. However, there is deafening silence from the UN, which has not come up with any statement.

What is required at Bank of Uganda is a structural overhaul. *(Applause)* There is a problem. When we conducted the probe – we should remind ourselves – we were aware of the credibility of that institution and the economy. There are things which we could not say the way we should have said them. We did that deliberately. For that, we even got a beating from some of our colleagues here and members of the public. As if Bank of Uganda did not learn its lesson, it has fallen into another scandal.

Let me tell you one thing about the structural problems; unless you address the issue of accountability – Let me give you one example which may never have found itself in the report. The Board of Directors of Bank of Uganda, once appointed, never report to anybody under the law. They do not report to the appointing authority who is the President, neither do they even report to the minister until their term expires.

All along, they would come and tell us they are independent. You have to congratulate the Speaker, colleagues. When we started the process, there were letters written and attempts to stop that investigation until the Speaker stood her ground. *(Applause)* All of them had the veil that they are independent and nobody can probe what they are doing. Do you know what they said, colleagues? They said that this Parliament is full of potato growers and that they are professionals in Bank of Uganda and they know their work, until we opened up that bank. After what we found there, the public now knows.

Therefore, I think we need to go back to some of the recommendations we made because this could address the governance question at Bank of Uganda. The issue of the Governor being the chairman of the board has to be addressed immediately because the Governor simply reports to himself - to the board he chairs. The Governor is the board. There is no accountability at all.

They even do not report to the President. I can tell you this without fear of contradiction. They do not! They only feed the President with what they think he should know. They have no obligation at all. The Minister of Finance, Planning and Economic Development, who is supposed to be the supervising minister, has nothing to do with Bank of Uganda. Ask him; he is here. He has nothing to do with them. The minister is not a member of the board. It is the Secretary to the Treasury who is a member of the board. So, you have to address a governance problem at the Bank of Uganda. Unless you do that, you are going to have scandal after scandal.

Lastly – this is now human error or human-created – there are two factions at the bank. There is a faction led by the Governor and another faction led by the Deputy Governor. There is a process they call succession planning. So, they are competing on who will succeed who, right from the top to the officers down. You have to address that as Government. Even this scandal – if I may give you a little bit of information – originated from the bank. When one faction realised there was a problem, it is the one that leaked that information such that it drags the other faction down. *(Applause)*

Whatever can go wrong in an institution has gone wrong in Bank of Uganda. You cannot have the regulator of the economy act in such a shabby manner. You cannot have the custodian of our economy act in a manner like they are petty traders. It is wrong and when what is going on at Bank of Uganda takes full effect, all of us will suffer the burden and it will be grave.

Therefore, the earlier you arrest the situation, honourable minister, the better. Of course, you may not come here to say they printed more money because I know how constrained you are. Honourable colleagues, the minister will not tell you that. No Central Government will come and tell you that, “Yes, we have caught the people who have been printing money.”

However, I can tell you that people can read between the lines. If you come up with conflicting statements, then you have got a problem; it will lead to a lot of speculation and rumourmongering and some of them may be more damaging. Perception, especially in finance and economics, is more dangerous than the reality. I thank you, Madam Speaker.

**THE SPEAKER:** Honourable Government Chief Whip, would you like to speak on the minister’s statement before he can respond?

4.30

**MS RUTH NANKABIRWA (NRM, Woman Representative, Kiboga):** Madam Speaker, this is Ruth Nankabirwa, Woman Representative of Kiboga District.

I also listened to the debate on the statement of the minister and I have asked him questions. First of all, for him to tell us that we are waiting for investigations without knowing the timeframe within which they will be concluded is not right. Members would like to know when the investigations will end. This matter touches the blood of the economy and everybody, so we cannot investigate forever.

I was confused. I would like to be true to myself and I did not want to move out without saying this. As a concerned person and the Government Chief Whip, we must know how long the investigations will take. I do not know, Madam Speaker, whether this august House can set a timeframe because the matters are very serious.

Secondly, although the minister is saying in the report that he is waiting for the investigations, at least we should know what was in the other pallets. I think we would have known before they went to their own destinations whether they were spare parts or whatever they were, so that we are at peace knowing that nobody went behind our backs and also ordered for printing of more money. Thirdly, who were the owners of that extra cargo?

Those are three important issues which we must grapple with. I informed you, Madam Speaker, when I was directed to go abroad; I have not been around but I was itching to at least give guidance on this important matter. Nobody has come out to tell us the timeframe for the investigations and what was in the extra cargo. We would like to also know the owners.

I do not know whether my colleague, the minister, is in position to do that. As the House, at least, we would like the investigations to be concluded as soon as yesterday. Thank you, Madam Speaker.

**THE SPEAKER:** Honourable minister, I have just one question for you: When the CIID concludes their investigations, where are they taking the report? When Ms Nakalema completes her investigation, where is she taking her report? These are two separate investigations.

4.34

**MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso):** Thank you, Madam Speaker. If the Government Chief Whip intended to – Let me not say that – I think she has made the matters worse. It is because the moment you are a government and a matter of this magnitude happens, every Ugandan would think the matter has been debated by Cabinet. Therefore, the moment you have the Cabinet debating itself and doubting its own statement on the Floor of Parliament, you then have a problem with not only Bank of Uganda but the whole Government. *(Laughter)*

Madam Speaker, last week, when this matter was raised by a colleague, you rightly asked the minister to bring a statement. However, that statement was also supposed to address the recommendations of Parliament in the earlier investigations by COSASE. Parliament made recommendations that were specific. Part of the problem - I do not want to repeat what other colleagues earlier said - is the governance of Bank of Uganda. The recommendations were adopted from here. However, the minister is now giving a narration that the money came and went here and there. Parliament, long ago, found out all these issues causing problems and made recommendations but they are not being addressed.

Finally, I did ask the minister last week when he spoke whether he thinks Bank of Uganda is increasingly losing credibility and he can restore it by coming here to say, “Please, believe in Bank of Uganda; things are okay.” Does he think that this will be enough?

The Director of Uganda Media Centre demanded that police must re-call their statement because it was a pack of lies. That statement has not been re-called. We now have another official statement, this time by the Minister of Finance, Planning and Economic Development. I do not know what you want us to believe. The statement of police where they said there were documents they found in the homes of Bank of Uganda officials speaking about printing of money has not been recalled. Maybe, as you come to explain, tell us whether that particular statement has been re-called or whether now everybody is for himself and God for all of us.

4.37

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Thank you, Madam Speaker. I would like to thank the House for the concern over the credibility of the Central Bank, which is one of the most important institutions in running the economy.

First, I would like to start with hon. Ssemujju’s question. The question that was put to us, and the report which we are supposed to bring, was on this incident of the cargo plane. The Speaker has written to us and we are going to come back to this House on the Treasury Memorandum for the report of COSASE. You will be informed of the actions we are taking about the situation in the Central Bank. Each recommendation is going to be acted on and the memorandum will come to this House in time. We are supposed to come within six months. So, we will come in time because we are taking those issues seriously.

Madam Speaker, that will address the issue of the credibility of the Bank of Uganda and what is happening there - the structural problem and the rest. We hope that this will be dealt with in a decisive manner so that the credibility of Bank of Uganda is again restored.

On the issue of communication, it is true that at the beginning of this incident, we had multiple voices from different arms of Government. However, as the story continues to develop, we have now harmonised our messages and we are moving on very well. Therefore, the facts we have heard this afternoon are the real facts that we have so far on this matter. I would like to tell Members of this great House, this temple of democracy, that what you deserve is the truth and nothing but the truth; and the truth can only be got from investigations.

I agree that we need to give a timeline to the extent possible to the people who are investigating, but I have to crosscheck with the Speaker and inform the House how long they can take. I am not quite sure whether we can tell them to do this in one month or one week. However, what we have told the investigators is that they should do it urgently because *–(Interjections)-* Let me finish in a minute. If I can finish this point *-(Interjections)*

Most of the questions, which have been put to me, are going to be answered by the investigators - how many extra pallets were there; who the owners were; where they are now; what was in the pallets; why they were not intercepted at the airport; why they were not stopped at the point of source. All those questions have to be answered by the investigators.

At the beginning, the Governor of the Central Bank contacted the head of the Anti-Corruption Unit at State House. However, as we speak, the investigations are in the hands of the Uganda Police and all the information on the State House Anti-Corruption Unit will be fed into the Uganda Police report. It will be the Uganda Police that will go to the Director of Public Prosecutions (DPP) and continue with the process.

Therefore, Madam Speaker, I beg that the House waits for the investigations to be concluded and the truth will be told. As I said, we shall get to the bottom of this matter and it is going to be concluded. I thank you, Madam Speaker.

**MR NSEREKO:** Madam Speaker, the point of clarification *–(Interjections)-* the honourable minister said that when he concludes, he would take my clarification but now he has jumped away.

**THE SPEAKER:** He has sat down.

**MR NSEREKO:** He is not courteous. The point of clarification I wanted to seek from him is that when we were handling the issue of the movement of this cargo, Civil Aviation Authority informed us in a meeting of COSASE - and this is very important information - that Bank of Uganda only wrote to them giving them the name of the company that would be moving this cargo. They said that as classified cargo, Civil Aviation Authority did not check it; they only gave the airline company landing rights and they did not know what was carried in the cargo-

**THE SPEAKER:** Honourable member, you are going into the evidence. You are really going into the merits of the case.

**MR NSEREKO:** They are saying they are still investigating-

**THE SPEAKER**: No. You may now have alerted somebody to change a statement. Honourable minister, this matter is of grave concern to the country. You should give us a preliminary report even by mid-July. The country would like to know; at least give us an interim report by mid-July.

DESIGNATION OF MEMBERS TO SECTORAL COMMITTEES IN ACCORDANCE WITH RULE 184 OF THE RULES OF PROCEDURE OF THE PARLIAMENT OF UGANDA

**THE SPEAKER:** Can I hear from the whips? I do not know who the Independents’ whip is.

4.43

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Madam Speaker, I beg to apologise for the delay. Even today, I am not ready. I am left with a few consultations with the stakeholders. Therefore, I beg for some time.

**THE SPEAKER:** Honourable members, up to today, we have committees that are undersubscribed and oversubscribed. We need to sit together and harmonise because we cannot go on like this. We come here, this side names and the other side names and we go away. When you are totalling up, you realise you have gone overboard. Therefore, let us have a meeting this week - tomorrow or Thursday - so that we look at the numbers and harmonise them. Thank you very much.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE RECOMMENDATIONS OF THE 19TH ANNUAL REPORT OF THE UGANDA HUMAN RIGHTS COMMISSION, 2016

**THE SPEAKER:** Honourable members, the report was presented. We have extracted the recommendations so that as you debate, it will guide you to address the issues. You are free to debate. We have an hour.

4.45

**MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso):** Madam Speaker, thank you very much. I would like to thank the committee for the report. Thank you for giving us an opportunity to process this report because for a very long time, these institutions have been complaining of the delay to process their reports through Parliament.

In the report - although I am not a lawyer, I have read provisions relating to the Uganda Human Rights Commission in the Constitution - the Uganda Human Rights Commission in some cases is also behaving like they are a Non-Governmental Organisation (NGO). Even where they have a clear mandate to take action, they are not taking it; they are also lamenting.

I was concerned with the abuses the Uganda Human Rights Commission is reporting especially to the police. In the report, it is as if they are inviting Parliament or someone else to take action, yet when you read the Constitution, they can investigate and take action themselves.

Therefore, Madam Speaker, I am broadly concerned with the conduct of the Uganda Human Rights Commission itself. I remember, when the President was making a statement on the day he constituted that “Nakalema unit”, he said he needed someone very talkative and very quarrelsome who will be able to do the work. I do not know, but maybe we will have to get someone of a similar conduct in the Uganda Human Rights Commission. You cannot get a body that is mandated by the Constitution to investigate on its own and take action to simply lament like an NGO.

However, what the report of the committee brought out is the impunity within Government institutions and I am happy the committee made this observation. The individuals who have committed all sorts of crimes are being promoted and rewarded. Some of us who have suffered at the hands of these police officers know it. In fact, it became a motivation that the moment you torture some specific people, you earn yourself a promotion and the committee report brought this out.

The issue of congestion *-* I remember when Gen. Ali Moses came back from prison, I was at a function when he was speaking and describing Luzira Prison. We have had some people in this Government go to Luzira. I was in B2 where the former Vice-President, hon. Michael Mukula and hon. Jim Muhwezi were residents there. My concern at that time, and it remains the same story, are these ordinary prisoners and the way they are fed. They are served with posho at midday and then the beans are served at 4 o’clock. This is what is happening at Luzira Prisons. I asked the people who are running the prison and they said that they do not have boilers so they can only boil one thing at a time.

If you go to Luzira Maximum Prison, I think it was meant for less than 1,000 people but it has nearly 6,000 people today. When you go to the wards, one ward that is supposed to have 10 people now has 60.

I concur with the recommendation of the committee, and Madam Speaker you also spoke about it here, that sometimes the prerogative of mercy should be exercised to allow decongestion of prisons. In addition, on minor and petty issues, they should begin using community service to allow people to get out of prison. Otherwise, the way it is, we will have one report after another speaking about congestion in Luzira Prisons. You also find people who have stolen a mobile phone worth Shs 40,000 in Luzira Prisons. If you feed him daily for a month, he will consume money that can buy five phones.

Therefore, I would like to invite Government, first to take the report of the committee more seriously and also –*(Member timed out.)*

4.50

**MR MICHAEL TIMUZIGU (NRM, Kajara County, Ntungamo):** Thank you, Madam Speaker. On the issue of congestion in prisons in Uganda, according to the report, it was brought out that between July 2016 and June 2017, there was an increment of inmates by 17.5 per cent, from 48,000 to 56,400. This is just in a year. The rate of the population growth in Uganda is 3.3 per cent. Therefore, if we can have an increment of 17.5 per cent of people going into prisons in a year, that means there is a problem. At a certain point, most of us will be in prison. How will this country survive? That means there is another problem.

Although we have a recommendation by the committee that the Judiciary should act by going to prisons and creating courts there or trying to use courts in the local councils, that cannot be enough. We need the ministries and agencies as well as Cabinet to all come together, sit and talk about this situation. It shows that there is a big problem. Maybe our people do not have jobs or there is a lot of poverty, or there is another source of this problem.

On the issue of children staying with older inmates in prisons, we need to think about the children because the world is changing. There are now children who commit crime in gangs, which used not to happen. The care of children in families is reducing, so we have so many children committing crime.

Therefore, we need to prepare early enough so that in future we do not get a problem. We know there is a recommendation by the United Nations but that is not enough. We need to know our situation in Uganda and create prisons for children. Thank you.

4.53

**MR NATHAN NANDALA-MAFABI (FDC, Budadiri County West, Sironko):** Thank you, Madam Speaker. What is causing people to go to prison is human rights abuse. If somebody is poor, under the Constitution of Uganda the Government, which is supposed to make him better, has abused his rights. When people are poor, they tend to look for means to survive. That is why some are stealing and doing other wrong things.

What should be done is that Government should address human rights by making sure that people enjoy their rights. Some of the abuses that we see in this country are by security officers who, because they know the State will pay, are not bothered. If we start saying that a policeman or a security officer who commits human rights abuses is personally held liable, I can tell you that abuse of human rights will go down.

The other week, the Chairperson of the Uganda Human Rights Commission complained that they have determined cases of human rights abuses where people are supposed to be compensated but for the last six years, they have not been paid. Some have incurred medical bills. That means that even Government, which is supposed to be responsible for human rights, is also abusing human rights by not paying people their rightful monies.

There must be something done for those who do not want to pay people who have been compensated. During the age limit issue, I happened to be arrested because in Mbale. I was taken from Mbale to Tororo where I slept on a cement floor for about four days. I discovered that in that police cell, I had to sleep with three children who were below the age of 12 years –*(Interjection)–* Whatever the case, you can take what you want; incidentally, I am so clear. What happened –*(Interruption)*

**MR MBWATEKAMWA:** Thank you, colleague, for giving way. I wish to seek clarification from hon. Nandala-Mafabi. Did you sleep with the children or did you share a room with them? *(Laughter)*

**MR NANDALA-MAFABI:** Madam Speaker, sleeping does not necessarily mean sharing the bed or sleeping on somebody. You know what I am saying but I think there was some problem.

However, the case I would like to make is, because I am a Member of Parliament, my room was a bit clean. The other room was very tiny and it accommodated over 100 people. The food they ate would be brought to them at around 6.00 p.m. As hon. Ssemujju said, they would first bring the beans and eventually the *posho*. By the time they bring *posho*, the beans are cold and sometimes they would fight among themselves.

Madam Speaker, until you go to prison, you may not notice this. In South Africa, when the Government was changing from the apartheid regime, the Cabinet sat and everybody put forward proposals on what should be done. The Minister of Interior said, “We need to clean up these prisons because we are all potential candidates for that university.”

If Gen. Moses Ali was here or if he was hearing, he will remember that during the time when he was in Amin’s Government, he said, “I think we are in power”. However, when he was taken to prison, he discovered that everybody is a potential candidate. I recall a meeting where we were with the honourable Maj. Kazoora. He said that when he was in prison with Gen. Ali, he could not even manage to bend and bathe so they had to assist him. If he never found such kind people, I do not know what he would have done.

Madam Speaker, I request that Members of Parliament - not only members of the Committee on Human Rights but all Members - go and visit prisons; they will come back with a changed attitude. It is not only prisons but police stations as well. I can tell you, Madam Speaker, that you would come back with a changed mind about what we are talking about. In fact, in Bugisu, they say that before a person visits somewhere and eats another woman’s food, they will always assume their mother is the best cook. It means that when people eat another woman’s food, they will discover that somebody might be a better cook than their mother.

I am pleading that all of you take time - we are appropriating money here for prisons and the police but that money goes to these big officers you see seated here in these army uniforms yet the poor people are suffering like no man’s business. They use their names to eat on their behalf.

Madam Speaker, designate a week – just like we have the Parliament Health Week - for prisons. Let Parliament organize it because we appropriate money for them.

Finally -

**THE SPEAKER:** Do you want us to bring the Commissioner General and the other people here or do you want us to visit the inmates in that week?

**MR NANDALA-MAFABI:** Madam Speaker, we can make a prisons’ week - we can decide to divide ourselves, those who go to West Nile and other areas. The prisons’ week could mean police posts, prisons - in fact, to do it better, there are some people who are in this Parliament but have never even crossed River Nile. You would tell such people to go to West Nile, some go to Kabale. It would be an opportunity to some of them to see other parts of this country.

Madam Speaker, people will come back here with a different attitude and they will know how to appropriate money, whether for health, prisons, et cetera. You are a lawyer and you know what I am saying; try it and see the results.

**THE SPEAKER:** Thank you, hon. Nandala-Mafabi. Hon. Nandala-Mafabi, on 22nd December last year, I spent the whole day visiting prisons in Uganda, from morning until evening. I came and reported here but I think nobody picked up what I said.

5.01

**MR GASTER MUGOYA (NRM, Bukooli County North, Bugiri):** Thank you, Madam Speaker. I had the opportunity to briefly go through the report of this committee today. However, there was something which was not clearly brought out on whether the Human Rights Commission per se is in charge of the affairs of human rights in this country; that is a very crucial question.

We have had cases in Masaka, Wakiso and Kira where members of the public have been framed with unfounded charges simply because they were fighting for land. These matters are in the exclusive knowledge and possession of the Uganda Human Rights Commission but it has conspicuously kept quiet.

We have also notified, as a Committee on Legal and Parliamentary Affairs, that we now have lodgers allover Kampala. Lodgers are people who are detained in police cells for over and above 48 hours as prescribed by the Constitution. When they fail to meet the terms and the conditions given to them by the police, they are changed from one police station to the other and finally you may even meet them outside the jurisdiction of other districts.

We have ably tabled these matters to the Uganda Human Rights Commission but they have equally ignored and abdicated their responsibility.

I have also talked to the former Chairperson of the Committee on Human Rights and notified her that in legal practice, we have also unearthed a situation where some police officers in this country, those with some political backing, have turned out not only to be prosecutors and policemen but also judges who can determine the fate and property rights of others. However, up to now, nothing has been done.

I expected this committee to be quite proactive and given us even the modern literature and jurisprudence on human rights. For example, in the neighborhood here in Kenya, where the State commits flagellant violations against a suspect, the subsequent charges are null and void. I do not know whether actually the committee is aware of that.

The other issue - you know this is a very sensitive committee because we are all potential prisoners and therefore, it is not merely a question of writing. We should also have international literature because *- (Member timed out.)*

**THE SPEAKER:** Just one minute.

**MR MUGOYA:** I now give my colleague opportunity to give information.

**MR BASALIRWA:** Thank you, hon. Mugoya for giving way. Madam Speaker, the information I would like to give relates to the point he is making. This Parliament has enacted two important laws, the first being the Prevention and Prohibition of Torture. Under that law, evidence procured through torture is inadmissible in court.

The second piece of legislation is the Human Rights Enforcement Act. If in the process of arrest and investigations, human rights are violated, any subsequent trial is a nullity.

Now these aspects are not coming out very clearly in these reports. The Judiciary is equally not being proactive. State Attorneys and the Director of Public Prosecution are going ahead to sanction files, well aware that people’s rights have been violated. That is the information I wanted to give.

5.06

**MS DOREEN AMULE (NRM, Woman Representative, Amolatar):** Thank you, Madam Speaker. Looking at the report of the Committee on Human Rights and all that they have reported even during the budget process, I notice that it contains all that could have been the solution to what we are looking at now as human rights abuse, most especially when it comes to inmates.

Madam Speaker, I think as Parliament, together with you as the head of this institution, something has to be done especially during budgeting. I have heard my colleague, hon. Nandala-Mafabi, talk about compensation and other Members say that people have not been compensated yet we always have the Committee on Defence and Internal Affairs presenting domestic arrears that include compensation. Even when we try to pull money from within and the budget hits a ceiling, it is swapped into other departments of Government. Now how do we go about this?

We have what we call community service that could have dealt with some of the cases that Members are talking about here but when we bring in the budget for recruiting these officers to be based at district level so that we can reduce on the number of inmates that go to prison, Parliament does not appropriate that money. Then you ask yourselves, who is not doing the right thing?

Therefore, at times, the whole thing boils back to us on how we handle the whole process within Parliament here.

Madam Speaker, I do not also believe that all the inmates flooding the prisons come as a result of poverty. At times, it is also as a result of how we handle ourselves, as citizens of the country.

Nevertheless, can we have a situation where we do not only fight to get what belongs to us but we look at priorities that benefit the whole nation? Thank you.

**THE SPEAKER:** Honourable members, last week, when the report was presented, I said there are issues I really want answers to; the issue of the Prerogative of Mercy, which has not been exercised for over 30 years and amnesty, which is not part of our jurisdiction. I would like the Attorney-General to come and answer.

5.09

**MR SIMON OYET (FDC, Nwoya County, Nwoya):** Thank you, Madam Speaker. I would like to thank the Committee on Human Rights for their report in observing that we have serious congestion in our prisons.

Sometime back, there was an old man, the late Prof. Odonga, who told us that when Lugore Prison was built to serve the entire Acholi then, it took the entire year with only three inmates. There was a report that was written to the colonial Government to change that prison to a commercial farm because there were no criminals. It was until they debated it that somehow the numbers started rising. Today, as we speak, everywhere you go, there is an increase in the crime rates and congestion everywhere.

The question is, why? In my opinion, the issue which we must actually confront, as a country, is how to involve the population to prepare our children and citizens to be responsible.

Today, as we speak, in Gulu Town, you cannot move at night freely because we have children who are street connected – the way it was put forward by hon. Atiku. They call themselves “*Agur*.” These are people who are not afraid of going to prisons because prisons would become an alternative home for them so that they can have free food, get good shelter and so forth.

Just in a similar way, the ones who met death in the crisis that happened at Lohana – when they turn into adults, these are people who will not fear to commit crime.

Therefore, we really need to engage the population in educating our children on moral grounds. That is one of the biggest problems we have as country. We no longer have time for our children. Even the religious leaders do not have time to educate and impact morality in the life of the Christians. It is an all-round concern that we really need to face as a country.

Our education system no longer emphasises the role of the citizens. When we were young, we used to have civic education that would tell you, as a child, what you should expect from your parent, what your parent expects from you and what you should expect from Government. We no longer have civic education. People are growing “to whom it may concern”. Unless we address this kind of problem, we are going to have so many cases of congested prisons. Thank you, Madam Speaker.

5.12

**MS ANNET NYAKECHO (Independent, Tororo North County, Tororo):** Thank you, Madam Speaker, for the opportunity. A lot has been said but I would just like to talk about one issue, which affects most inmates in Uganda today; that is the delay in accessing justice.

Madam Speaker, you find that somebody has been remanded to a prison and this person takes takes two or three years without appearing in court. This alone is also an issue of human rights. These people are suffering and most of them are innocent with petty cases that should actually be disposed and even handled, if anything, in the communities.

However, because of too many cases in the courts of law, it is very difficult for them to access and get the opportunity. Therefore, this is something that Government needs to work on such that they fast-track the issue of prisoners being taken to court so that they can access their justice.

I do not know when these cells were last renovated. For example, you enter a cell but when you look at the toilet and bathrooms, even pig stys are clean. You wonder whether these human beings should be kept in such unsanitary conditions. One may go to prison very healthy but by the time they come out, they have all sorts of diseases; Gonorrhea and Syphilis.

I do not know whether this is also a form of punishment and probably the Ministry of Internal Affairs needs to explain this. Do they really intentionally make those cells unbearable as a form of punishment or this should be a holding ground, where you hold people until they finish their *– (Interruption)*

**MR ATIKU:** Thank you, Madam Speaker and honourable member, for giving way. I would just like to correct one piece of information about the cleanliness in prisons. Those of you who have visited the prisons across the country will realise that it is one of the places where high level of cleanliness is maintained because of the ease with which an outbreak can spread, if at all there was any disease or one person carrying a disease that can easily become contagious.

Therefore, it is not correct to say that the sanitary facilities in prisons are wanting in terms of cleanliness. This is probably the case in detention centres at police, where they use jerrycans and basins for urinating but in prisons, there is a high level of cleanliness.

**MS NYAKECHO:** Madam Speaker, this one especially goes to rural areas. I would like to deviate a little from my brother, hon. Atiku; you are probably referring to the recently constructed prison holding facilities. Nevertheless, recently on social media, there was a picture of the toilets in Jinja – I do not know whether it was a police cell or prison – but if it is the police cell, then the Uganda Police Force needs to do something about their holding centres because it is really terrible.

I always often time and again go to the Jinja Road Prison to help my people get bail but the stench just at the reception is terrible. As you enter, you are received by a very bad stench and you wonder; how about those ones inside that place? What is happening - *(Member timed out.)*

**MR SEBAGGALA:** Madam Speaker, mine is very simple because I would like to give information because I am a member of the committee.

Unless you come in as a Speaker, we have so many people who are in prisons and they do not know what is going on outside because they have not been brought to court. We need to have a special audit to see how many inmates there are, how long they have taken in prison and what their status is.

If we go prison by prison, Madam Speaker, you will find out that there are so many Ugandans who are not brought to court and are in prison, yet we are spending a lot of money. Thank you very much, Madam Speaker.

**THE SPEAKER:** Yes, that is a very important point and I think we need to do something about it. When I went to visit the prisons, there was someone who told me that he has been there for 17 years but he has not gone to court.

5.18

**MR GAFFA MBWATEKAMWA (NRM, Kasambya County, Mubende):** Thank you so much, Madam Speaker. I wish to also thank the committee and I will try to look into the recommendation about providing special food or a diet for the sick.

Madam Speaker, it is not only food that is very important but the prisoners, in most cases, are denied their right to access treatment. This is very common in upcountry prisons, for example, Muyinayina Prison in Mubende.

I have tried to carry out two health camps inside the prison. When a prisoner falls sick, the officer in charge normally tells them that the number is not yet enough because they need to get a vehicle to transport them 20 kilometres to Mubende Regional Referral Hospital. At one time, while I carrying out a health camp, we managed to extract 620 teeth from the prisoners and many said they had had the problem for one year or three years.

Therefore, I think the committee should have helped us and recommended that whereas these people are prisoners, they should have the right to access treatment.

Finally, I do not know whether the committee looked at prisoners only because there are other people, for example, prison warders, who seem to be prisoners. I am sorry to use that phrase but if the prisoners are being taken to work, the warders are also there. They stay there whether it rains or shines. They also walk with the prisoners. We need to think about them because they are also not doing well. Thank you.

5.32

**MS ABBAS AGABA (NRM, Kitagwenda County, Kamwenge):** Thank you, Madam Speaker. I would also like to thank the committee for the report. I would like to pick two issues in their recommendations and one of them is about the harmonisation and reporting mechanism about international instruments by the various ministries.

Madam Speaker, Uganda has the international reputation of being one of the lead countries in model legislations and we are signatories to many international treaties. But the process of assenting to the treaties and finally domesticating them to be part and parcel of the law in the country is a big problem and this is well highlighted by the committee.

We report regularly to these international meetings about the progress made in implementation of these treaties. The question is; when we do not domesticate and follow them up, what report do we take to these international meetings about how far we have gone to domesticate these international instruments?

Madam Speaker, the other issue is that it has been a practice for a long time that prisoners are taken to offer labour to different people who may request for their labour. However, over time we have realised the complications involved in the prisoners being taken to offer labour in people’s farms.

The committee has raised issues of adequate food, transportation and adequate toilet facilities at the farms where they go to work. Sometime earlier, there was an accident that occurred – of course sometimes accidents can be avoided – and all the prisoners that were being carried in the truck perished.

It is sad for a prisoner to perish while being taken from the prison to go and work in another place because it is not within their control to use such means of transport. Madam Speaker, isn’t it possible for us to stop this practice of taking prisoners to go and labour in other people’s farms as part of protecting their rights? Thank you.

5.23

**MS LOWILA C.D OKETAYOT (NRM, Woman Representative, Pader):** Thank you, Madam Speaker. I would like to thank the committee for the elaborate report. Recently, you talked of visiting the prisons and you gave us the information here. I also have a tradition of celebrating Christmas with inmates at Kineni Prison in Pader. Every year, I go to pray and celebrate Christmas with them.

I would like to say that the information I have from my interactions with the inmates at Kineni Prison tallies with the information in this report. Most of the complaints registered are against the Uganda Police Force. The stories I get from these inmates is that being in custody in police cells before being remanded to prisons is like being in hell.

Therefore, we need to appeal to Government to be more critical. People suffer as if they are not human beings. They say that from the prisons, they have some breathing space and live more or less like human beings. It is really a very bad experience.

On the issue of human rights situation in prisons, as leaders of Pader, we are very concerned. Within a very short time we have lost four inmates who died or were killed under very mysterious circumstances.

Madam Speaker, you may recall that a while ago, I raised one of the incidents here on the Floor of Parliament. The Minister of Internal Affairs was supposed to give us information but up to now, the people of Pader are still waiting for that report. The most recent one happened about three weeks ago.

One suspect called Bosco Okello, 38, who was taken on remand, was killed. He was killed by the prison warder on allegations that he attempted to escape and I do not think any action has been taken against him. In fact, we are already frustrated. My people became violent and we almost failed to control them.

Unfortunately, when I called the officer in charge of the prison to understand what had happened, he was like a mad person; he said, “… but people die in prison.” He was taking it as if it was a very normal thing. The relatives of the late Okello almost killed him.

I appeal to the minister, who is here, that the people of Pader are still waiting for information as to why their people are dying under mysterious circumstances in the prison.

5.28

**MR DONOZIO KAHONDA (NRM, Ruhinda County, Mitooma):** Thank you very much, Madam Speaker….

5.28

**MR DONONZIO KAHONDA (NRM, Ruhinda County, Mitooma):** Thank you very much, Madam Speaker. If we are to address the issue of congestion in prisons, we need to look at the causes and maybe how we can get a solution.

We have the issue of the minister’s orders. We have got very many people in prisons; actually most of them have been in prison for a period of more than seven years pending the minister’s orders. Since then, the minister has never revisited those orders and has never visited any of those prisons to address them. We need to address this issue. We could maybe take it away from the minister and give it back to the judicial officers to address those concerns.

Secondly, we have so many prisoners. Some have stayed in prison for a period exceeding 10 years on remand without being tried in high courts. From lower courts, they are committed to high courts especially the capital offenders. The reason here is that the judges are few. They have sessions. Even those that are on the stations handle those matters on sessional basis. Routinely, they handle civil matters. I remember the Ministry of Justice and Constitutional Affairs brought a motion here and we approved the list of judges to be increased to about 82. As of now, we still have around 42. I do not know why we cannot address these concerns yet the motion was passed.

A judge gets about Shs 12 million. If you multiply it by 40 to make the 82 judges, times 12 months, in a year they only require Shs 5.7 billion. To address those concerns, we need to increase the list of judges in order to handle those matters.

We have the issue of petty offenders in prisons. We need to strengthen the department of community service under the Ministry of Internal Affairs to work hand in hand with courts in order to address these issues through mediations and other means.

Another remedy is to address the issue of Prerogative of Mercy. In Kirinya, there are some prisoners who wanted the Prerogative of Mercy and amnesty but through the prisons officers, they cannot access these services. Maybe the Amnesty Commission should be visiting these prisons to address some of these concerns.

On the issue of petty offenders, we visited Tororo prisons as a committee. There was a lady who had stolen one basin of beans and she had been sentenced to seven years in prison. Those are some of the issues that can be addressed.

We are aware that the issue of compensation lies under the docket of Ministry of Justice and Constitutional Affairs especially the Attorney-General’s department.

We also need to get a special report on the issue of compensations, especially to the prisoners. I allow the information *–(Interruption)*

**MR MUGOYA:** Thank you for giving way. The information I would like to give you is about what we term as pro-judicial activism. Sometimes it is not the number that determines the output of cases that can be handled by a judicial officer but it also depends entirely on the effectiveness and interpretation of the law *visavis* apportionment of time within which to handle a particular task.

What we are saying, for example, you are now telling us that we have misdemeanours. These can even be handled in a day. Somebody is charged, for example, with theft of Shs 5,000. Why do you then have to remand that person?

There is however that anxiety, particularly with junior officers in the judicial fraternity where, in order to make a name, you must remand. This is where the problem is.

The other element is for the judges to wake up and understand the issues of society. People are fighting for land, somebody appears before you with criminal trespass: Do you really need to remand that person?

5.34

**MS JESCA ABABIKU (NRM, Woman Representative, Adjumani):** Thank you, Madam Speaker. I thank the committee for the good report.

I feel there are other recommendations that are very easy to implement. For example, the issue of the six hours working time, which has been abused; I have been watching what is happening. People work from morning up to evening. This includes both the wardens and the inmates. Therefore, a letter can be written to the Chief Administrative Officers and this can be easily implemented because their rights have been highly abused.

Many of these abuses affect the poor because if we went to the prisons, you find that the majority of prisoners are the poor. First, many are illiterate so they cannot advocate for themselves and they are poor so they cannot even have the lawyers to support them. As we are aware, there are many organisations that have been formed to support the inmates who cannot hire lawyers for themselves; let us try to ensure that the poor who cannot get justice easily are helped.

I am concerned about one of the causes of having many inmates in our prisons – that is over the issue of land. I am very happy that we have ministers from the Ministry of Lands, Housing and Urban Development as we are discussing this. My request is that there should be increased sensitisation on land matters. We have offices at district level but they need reinforcement. Many people are killing each other, they are fighting and majority of the cases registered in Adjumani are over land matters.

My prayer is that the lands ministry will come in to reinforce Government effort so that people are sensitised on the issue of land. Madam Speaker, I also feel that parents have got a role to play. Many of the inmates in this country are youth. If we do not pool our efforts together, we are going to miss – *(Member timed out.)*

**THE SPEAKER:** Thank you. Honourable members, I would like us today to move on Article 121 of the Constitution on the Prerogative of Mercy. We have been asked that question and no one has answered. The Attorney-General is not here today but under Article 121, there should be an advisory committee appointed by the President, chaired by the Attorney-General and six other formidable citizens. This has never been done.

I know it is not my work but can someone move an amendment to this report so that we include it? It seems everybody is asleep.

5.38

**MR ASUMAN BASALIRWA (JEEMA, Bugiri Municipality, Bugiri):** Madam Speaker, I join colleagues in thanking the committee for the report. This report highlights many issues and one of them is congestion in police cells and prisons. I have had the opportunity to be in both. I have been in prison, specifically Luzira and I have also been detailed in various police cells in Kampala and other parts of the country.

Madam Speaker, this problem of congestion is entirely a creation of both the police and the Directorate of Public Prosecutions (DPP). The DPP is very fast in sanctioning charges, some of them flimsy and others non-existent. Recently, a young man was arrested, taken to the LDC court and charged with an offence that the Supreme Court had confirmed to be unconstitutional; publication of false news.

When they came to the Committee on Legal and Parliamentary Affairs, I asked the DPP why they were doing such a thing. This gentleman had been remanded over a non-existent charge.

The police, instead of exercising their discretion to give people Police bond over these petty offences, are keeping people in cells, even beyond the mandatory 48 hours. Therefore, the call should be to the DPP and police to exercise more responsibility and professionalism to minimise congestion.

Madam Speaker, early this year, the Uganda Law Society held a meeting in Entebbe and we were discussing the issue of court awards and compensation. This report highlights that we have arrears amounting to Shs 680 billion in terms of court awards and compensations. It is true that human rights violations take place, the courts give awards and order for compensations but Government does not pay and that is how the arrears come about.

However, the one concern, which emerged in the Uganda Law Society meeting, is that there is selective payment of compensation. People who are connected in one way or the other are being compensated even if the courts gave orders very recently. You find that people who have been asking for compensation for 10 or 15 years are still waiting while those whose orders were given two or three years ago are being compensated. Therefore, Government should come out clearly to explain the circumstances and *– (Member timed out.)*

5.41

**MR DAVID ABALA (NRM, Ngora County, Ngora):** Thank you very much, Madam Speaker. I would like to thank the committee for the good report. I have about three important points. The first is about the inadequacy of facilities in these prisons and police detention centres. For example, when you visit these places, you may find that there is no clinic or health facility yet some of these detainees are sick. It is basically God who helps these people when they are sick.

Secondly, if you go to most of these prisons countrywide, you will be shocked that the water systems broke down long ago. You will find huge water bills that have not been paid. That is why these prisoners undergo very difficult situations when in these facilities. The pit latrines or toilets are inadequate and that is why, by Financial Year 2017/2018, we still had 21 prisons using the “bucket system” in this country.

Madam Speaker, the “bucket system” is still operating in Uganda and this is an embarrassment to human rights. This should not be on our record but since it is still here, I request the Minister of Internal Affairs to have this matter addressed. Why should we promote and still have the “bucket system” in prisons in this country? Assuming you are the one and someone helps himself in that bucket and the next minute another one comes and you are also sleeping there because there is congestion - their rights are being abused.

Madam Speaker, someone may wonder why some of us speak but I visit and talk to prisoners. Every year between the 20th and 22nd of December, I visit prisoners and we prepare for them Christmas meals. We normally sit and pray together and that is how I get to understand what they go through. These are some of the things I would like the Government to address.

Thirdly, the clothes of some of these prisoners are torn and they are being looked at as if they are animals. Why should we *–(Member timed out.)*

5.44

**MRS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Madam Speaker. I would like to raise two points, based on the Constitution. In our preamble to the Constitution, we talk about the National Objectives and Directive Principles of State Policy.

The National Objective and Directive Principle of State Policy V talks about fundamental human rights and freedoms and V(i) has an interesting statement: *“The State shall guarantee and respect institutions which are charged by the State with the responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.”*

Madam Speaker, we have talked about human rights abuses but several times, when discussing the Budget, I have raised the plight of the Judiciary. If you look at the resources that we give the Judiciary and the backlog, which the Judiciary is supposed to handle within a specified time – we did a simple calculation for you about a year ago and we told this Parliament that it would take 18 years for the Judiciary to dispose of the cases that are waiting to go through the court process. If we stop the clock and allow the courts to work, they will take 18 years to finish the current case backlog.

Therefore, Madam Speaker, it is our duty to let the Government know that we have a responsibility and the Constitution compels us to protect human rights. If we are to protect these rights, it is the duty of this Parliament to adequately finance institutions that deal with dispensation of justice. That is my first prayer.

Secondly, we have always heard of cases being taken to human rights courts and I think it is one of the things burdening the committee. When people get awards from human rights courts, they do not get compensated and this discourages the population. They wonder why they should go there when they are not even *– (Member timed out.)*

**THE SPEAKER:** Half a minute to conclude.

**MRS OGWAL:** Madam Speaker, I beg that those cases be disposed of and I pray that Parliament puts some pressure on the Government so that we have paralegal institutions to come up and help to dispose of some cases, particularly the simple cases of disputes within the rural areas.

I think the paralegals could help us to dispose of those cases. Thank you, Madam Speaker.

5.48

**MR MUGOYA GASTER (NRM, Bukooli County North, Bugiri):** Thank you very much, Madam Speaker. Basing on your guidance, allow me to move, under rule 7 of our Rules of Procedure, to recommend that we cause an amendment to the recommendations given by the committee as follows: “The President, in the exercise of his Prerogative of Mercy, expeditiously appoints the advisory committee provided for under Article 121 of our Constitution.” I so beg.

**THE SPEAKER:** Honourable members, is it seconded? Okay, it is seconded by several members.

**MR MUGOYA:** Madam Speaker, this application is premised on the Constitutional provision under Article 121 because before the President exercises this Prerogative of Mercy, there must be in existence an advisory committee consisting of the Attorney-General, who shall be the chairperson and six prominent citizens of this country. These must be qualified but not Members of Parliament, the Uganda Law Society or the district council.

Madam Speaker, Article 121 of the Constitution is quite detailed but what is very important with this provision is that it is one of the primary ways and strategies of decongesting our prisons. Otherwise, without this advisory committee, the President cannot exercise these powers to pardon or waive sentences *vis-à-vis* convictions given against these inmates. It is, therefore, on that basis that I move that this becomes a recommendation of the committee. I beg to move.

**MR LUBOGO:** Thank you very much, Madam Speaker. I definitely have no reservation to the amendment that has been moved but I would like to seek clarification. I am aware the President has exercised this Prerogative of Mercy before, in the case of Kooky Sharma and so on. However, I would like to know whether this committee, which was there at that time, no longer exists? What is the term of this committee? Does it serve for two years and then it expires? What happened to the committee that existed about three years ago? Thank you.

**THE SPEAKER:** I do not know whether the committee is there but the Members are supposed to serve for four years. Actually, I do not think it has ever been there.

**MR LUBOGO:** Madam Speaker, the fact that the President has exercised his Prerogative of Mercy and seen people who had been convicted of murder like Sharmar, released from prison, it means this was after the committee had actually played its role and recommended to the President. I would, therefore, think that it is important for us to establish whether this committee is there or not before we accept this amendment, which could be redundant in case the committee is there. Maybe they are not doing their work; what I know is that this committee has done some work before about three years ago.

**THE SPEAKER:** It must be so many years ago. There is no harm. If it is there, they can come back and say it is there. Otherwise, as far as I know, I actually do not know the Members of that committee. Where do they sit and work from and to whom do they report?

Honourable members, I want to put the question that the report be amended by inclusion of a new recommendation.

*(Question put and agreed to.)*

*Amendment adopted.*

**THE SPEAKER:** Honourable members, I do not know whether we can take vote on all the recommendations today. Clerk, how much time do you require to run through the recommendations? Do we do it en masse because no one objected to the recommendations?

**HON. MEMBERS:** Yes.

**THE SPEAKER:** Honourable members, I put the question that the report and recommendation of the Committee on Human Rights be adopted.

*(Question put and agreed to.)*

*Report adopted.*

**THE SPEAKER:** Honourable members, we had in mind the report of the Committee on Commissions, Statutory Authorities and State Enterprises (COSASE) but we had partially done work on the Landlord and Tenant Bill, 2018. I would like to propose that we go back to Committee Stage because while the other one is a new matter, this one is partially handled. Is it okay? Clerk, call the next item.

5.55

**THE CHAIRPERSON, COMMITTEE ON HUMAN RIGHTS (Ms Agnes Taaka):** Thank you, Madam Speaker. I would like to sincerely thank the former leadership of the committee and Members, for the report and taking time to read through the report and debate.

Madam Speaker, I would like to implore the various ministries not to leave whatever Parliament has recommended on the Floor here but to implement those basic recommendations like the one on the six hours that prisoners spend at work. I think it is prudent that the minister takes the lead in ensuring that prisons implement that recommendation. Thank you, Madam Speaker.

**THE SPEAKER:** Thank you very much, honourable chairperson and your committee. We look forward to your next report.

BILLS

COMMITTEE STAGE

THE LANDLORD AND TENANT BILL, 2018

**MS OGWAL:** Madam Speaker, until two weeks ago, I was a Commissioner. I am now Commissioner emeritus and I still have some residual responsibilities.

Madam Speaker, we have been sitting in one place yet we have been advised medically not sit in one place for long hours. It is now 6.00 p.m. Therefore, is it procedurally correct that we proceed without giving a break and taking serious consideration of Member’s health? I am seeking guidance on that procedural matter bordering our health and Madam Speaker, for some of us, Mr Ogwal eats around this time. *(Laughter)*

**THE SPEAKER:** Can we do 10 clauses for today before we break for tomorrow? Thank you.

BILLS

COMMITTEE STAGE

THE LANDLORD AND TENANT BILL, 2018

Clause 13

**THE CHAIRPERSON:** Honourable members, clause 13, yes minister.

**MS AMONGI:** Honourable chairperson and members, we stood over clause 13 pending consultations between the chairman and I on the issue of common user facilities. Clause 12 is addressing the principle where a tenant is liable to pay utilities that are separately metered.

Clause 13 is addressing the principle where the landlord is responsible for paying utilities, which are not separately metered. On common user facilities, we have harmonised and agreed that clause 50 gives provision for the landlord to get extra fees for management of the common user facilities.

If you see clause 50, which is in the Bill, it states, “*A landlord may charge a service fee for any extra services provided to a tenant including those related to security, conservancy, sanitation and other amenities.”*

For the purpose of this section, a service fee means an amount payable by a tenant as part of or in addition to the rent which is payable directly or indirectly for services, repairs, maintenance, improvement or insurance or the landlord’s cost of management and service fee varies or may vary according to the relevant cost.

So with this provision, the common user facility, which is managed by the landlord, will be addressed under this. So, we would like to notify the House that we proceed with clause 13 as it is because the common user facility has a provision. Thank you.

**MR KAFEERO:** Yes, Madam Chairperson, indeed as the minister has stated, we agreed; therefore, consequential to the harmonisation meeting, we maintain that we insert a new clause (g) immediately under (f).

To say, clause 13, sub clause (g) to read as follows; “all utility charges in common user areas.”

Then we withdraw the other proposed amendment in (b) as we had stated earlier on in our report. We had proposed to introduce another (b) after the justification. So, we withdraw all that and maintain (g) after (f).

**THE CHAIRPERSON:** Are you abandoning the proposal under (b)?

**MR KAFEERO:** Yes, Madam Chairperson.

**THE CHAIRPERSON:** So you maintain all utility charges in the common user areas and the rest to the amendments area abandoned?

**MR KAFEERO:** Yes.

**THE CHAIRPERSON:** Thank you, very much. Honourable members, the question is that -

**MR NSEREKO:** Thank you, very much, Madam chairperson, by the time we broke off last time, we wanted to clearly come up with a common position as to whether we draw a slight difference between what we would refer to as commercial tenancies and residential. From the consultations that we tried to hold -

**THE CHAIRPERSON:** Were you part of the consultations?

**MR NSEREKO:** He called me this morning and my view still stands-we can share it together that; whereas we accept that the landlord shall not be liable for the electricity bills or for the utility charges to include, gas oil and other bills.

We clearly state that mainly in commercial areas - that is why we wanted to draw the difference in commercial, prepaid metres shall be installed at all commercial tenancies wherever they are.

This will solve the biggest problem that we have; just like yesterday during the consultations and I would like to share this with you; there is a building just down here near Kisekka Market. We could not believe it because people were testifying and they had receipts. Even in the common user areas, before you pay rent you must pay for the Shs 20,000 for the common user.

Incidentally, mainly in commercial areas because in residential areas, you pay as you use. Landlords are taking advantage of becoming the retailers of power. They are actually reselling power to the people in order to cover their loans.

We analysed the building, where tenants went on strike last month. The bill that was accumulated from Umeme was only Shs 8 million but the money that the landlady had charged was Shs 198 million.

They re-retail the power indeed creating an imbalance in the people’s rentals as a result of the utility charges. In my view, for the commercial properties, we should be clear that there should be a prepaid metre.

When I was consulting -it has been done in Kigali; when someone holds a mall, they give you your prepaid metre for power and you pay as you consume. If we can clearly state that the prepaid metres be installed, then we can concede on the Bill as it is.

**THE CHAIRPERSON:** We like that except that during the last meeting, someone said that the relationship is between the owner of the building and Umeme and not the tenant.

**MR NSEREKO:** It was me but that does not stop you from issuing a prepaid metre for every tenant.

**THE CHAIRPERSON:** We should provide for it that -

**MR NSEREKO:** That the landlord shall provide a prepaid metre for electricity for every single stall or shop like we can define.

**MR KAFEERO:** Madam Chairperson, since I spoke to hon. Nsereko - indeed this is a pertinent issue and KACITA is so bent on it; we need to create a cure for it. However, after our phone call, I realised that if we agreed to put this under the regulations, we create a transition clause within the Bill.

We give some time since we are going to put a burden on the landlords who may not readily have the initial installation charges. They need to prepare some time maybe a year or more to install separate metres for each building.

**THE CHAIRPERSON:** I am the tenant; I think what we should say is that – I do not know how to put it – The landlord should be allowed to install the metre.

**MR MBWATEKAMWA:** Thank you very much. Madam Chairperson, I support it but we should not leave out the residential; people who are not operating on commercial grounds. Think about the hostels we have and where our children are renting. You find they collect money in a pool when someone does not even use it to the maximum.

So, I am of the view that as long as it is a rental, whether it is for commercial or residential purposes, we need prepaid –*(Interruption)*

**MR NANDALA-MAFABI:** Thank you, Madam Chairperson, and I would like to thank my brother, hon. Mbwatekamwa, for giving way. Even if I am the owner of a residential property, it is commercial to me because I generate income. I think what my brother, hon. Nsereko, is bringing should not be commercial. All properties which have common users should have separate meters where everybody is billed accordingly.

What you have raised is a serious matter. Most of the landlords are making money, both from rental and utility, so they have become even more expensive than the utility company. People say the electricity bill is too high yet it is these landlords –

**THE CHAIRPERSON:** So, can someone move a proper amendment because we all appreciate it? We like it but can someone move something which is acceptable and can be put in the law?

**MS NAMBOOZE:** Before that,Madam Chairperson, if given an opportunity, I intend to draw the attention of Parliament to the provision of clause 1(3)(a), where “residence for education purpose” was cited as one of the areas to be exempted from the provisions of this Act. We passed it but I said I will, if given an opportunity –

**THE CHAIRPERSON:** No, you will have to recommit at the third reading. You have given us notice but recommit at the third reading.

**MS NAMBOOZE:** So, I wanted to give that as a background that I intend to recommit that one because in my area, it is a big trade and I think should be under this clause of “residence for education purpose” in terms of people who own hostels.

In this case, if we introduce meters for all people in residences, how will we be able to regulate power to such rooms like in hostels - which Madam Chairperson, I intend to recommit and give justification for? So, I support the idea that we should have a meter.

**THE CHAIRPERSON:** Honourable member, I do not know. What sub-clause (3) is saying is that this exemption does not relate to this (a).

**MS NAMBOOZE:** Yes, that the law does not relate to –

**THE CHAIRPERSON:** The exemption in the law does not relate to this; so it is there. Your hostels are there.

**MS NAMBOOZE:** So, if hostels are part of it, now let me move it properly.

**THE CHAIRPERSON:** The hostels are safe; that is why it is saying, “The exemption will not apply to the residences, institutions…” Your hostels are safe. It is an exception.

**MS NAMBOOZE:** Let me read it again. Much obliged.

**MR SEBAGGALA:** Madam Chairperson, I need more clarification when we talk about “common user facilities”. Here in the city, we have arcades and the tenants are using the common user facilities like the toilets. At the same time, other people who are simply window shopping are also going to use those common user facilities.

Now, how are we going to differentiate that these toilets should be for the tenants and are not paid for, except for those who are moving around the arcades? Secondly, when you look at the meters we are talking about, we are looking at a building with around 80 shops and each shop has more than 10 tenants.

So, are we talking about having a meter per shop which is going to be paid by the 10 who are renting that shop?

**THE CHAIRPERSON:** But hon. Sebaggala, does the landlord have an agreement between this one with a *kameeza* of shoes and the one of bags and suitcases in that same room?

**MR SEBAGGALA:** So, the calculation I wanted is; when we talk about meters, we are talking about meters per shop. The onus will then be upon the tenants to ensure that they see the bill and pay, not the landlord. Thank you very much.

**THE CHAIRPERSON:** Those shop people do not have an agreement with the landlord. It is the main owner of the shop who has the relationship with the landlord. So then they bring one in the *enkwaawa* while the other one is sitting there.

Hon. Kamusiime, which clause are you on?

**MR PENTAGON KAMUSIIME:** Madam Chairperson, I am talking about the amendment they are talking about on the user facilities. There is something I would like to clarify on about those common user facilities.

When we look at the arcades, people who probably pass through the arcades are either customers or suppliers to the shops. So, it is not necessary to say, “We shall regulate those who are selling inside the shops.” We shall let it be for the common people and the landlord should take it upon himself to make sure that the places are clean. That is what I wanted to say.

Hon. Latif Sebaggala seemed worried that all people are coming to use the same facility but indeed, the people renting are waiting for customers, who should feel at ease while spending money in the same shop. This is actually going to improve hygiene in the city because some people are compelled to use them anyhow when there are facilities that should facilitate them.

**THE CHAIRPERSON:** So, what is your proposal?

**MR PENTAGON KAMUSIIME:** My proposal is that we should support hon. Nsereko on the meters and also the common user facilities so that it is upon the landlord to make sure that they put those facilities. Thank you.

**THE CHAIRPERSON:** The meters are simpler because you know where you put them.

**MR OKOTH-OTHIENO:** Madam Chairperson, thank you. I have listened to the concerns raised by my colleague, hon. Nsereko. It appears to me that his major concern is that you have got a landlord who actually uses these common user charges as a mechanism of raising more revenue, other than from the rent.

I think that is why originally in the report, there was a provision that in such situations, the tenants should be allowed to collect the charges themselves and pay without involving the landlord. So, it would have taken care of the concerns of hon. Nsereko if we retained the original recommendation from the report which says that:

“*Tenants who share common premises agree to collect and pay utility supplies as invoiced by a utility supplier*”.

If we could retain that –

**THE CHAIRPERSON:** Where is that? I wish you could tell us. We are now lost. Which clause are we on?

**MR ABALA:** I need clarification from my colleague. This incident happened in Soroti one time. The tenants collected money for paying electricity bills. Unfortunately, after the money had been collected, one of the tenants took off at night with all her property. In that kind of arrangement, how are you going to treat it?

**MR OTHIENO:** Madam Chairperson, it is an unfortunate situation which we do not regulate; it is unfortunate that happened. However, we are looking at a situation whereby the tenants know themselves and they agree on a person with some integrity. They can even decide on how to collect. So, they could use an account. You do not have to necessarily give somebody the money.

I thought if we agreed on this, it would cure the concerns that are being raised by hon. Nsereko whereby landlords extort money from tenants on the guise of collecting money for user charger facility.

**MS AMONGI:** Thank you, Madam Chairperson. I wanted, first, to indicate that the issue around separate meters within Kampala or generally has been discussed and there is a Cabinet sub-committee that has already started working with the people in the arcades within Kampala to install separate meters for electricity. This is because in downtown, the landlords were charging Shs 200,000 per bulb. When UMEME calculated 12 hours, however, it was costing Shs 6,777.

So, UMEME has now indicated the cost of each voltage of the bulb for each tenant and it is up to you to know which voltage you want and how much it will cost if you light it for 24 hours. If we put it in the law, the problem will be the capacity because even now, Government has decided to start with where there is much problem, that is Kampala area and thereafter expand.

That cannot be separated from the Government’s capacity to install those electricity meters. Therefore, if you say it is mandatory for the landlords to do it and Government fails to do, it is all over the country – they can do it in Kampala. What about the 48 municipalities all over the country? That is why – (*Interjections*) – just a moment please. That is why there is a transitional provision which we are coming up with under clause 56 to say, “A landlord who immediately, before the commencement of this Act, is renting premises in which electricity is not separately metered shall, within one year of commencement of this Act, provide separate meters for the rented premises.”

We want to insert that as a transitional period to give time to both Government and the landlords in commercial buildings to come up with separate meters within a year so that we also meet the capacity of UEDCL and other Government entities to provide for that. They are not going to provide it themselves.

On the common *–(Interjections)*– can I deal with the common user facilities? It is because it came out.

**THE CHAIRPERSON:** Wait a bit. Let us hear from the minister.

**MS AMONGI:** On the common user facility, I would like to plead with Members that it would be very difficult for us to put a provision where we will say that it is the tenants who should look after these common user facilities. For example, you have the staircase, security and lift. It is not only the toilet that is a common user facility. That is why in the Bill we are saying the landlord should be in charge of the common user facilities. If you say these tenants come together and collect money, when a lift breaks down and money is not yet there, -(*Interjections*)- no, somebody raised it.

So, for me, I would like us to leave the issue of common user facilities to be the responsibility of the landlord. Let us give a transitional period; whether it is a year or two where we know – We are already handling the case of Kampala with them administratively. Otherwise, we shall make a law and its implementation will be a problem.

**THE CHAIRPERSON:** Honourable members, why don’t we stand over clause 13? Let us go to other things. We will come back to clause 13.

Clause 14

**THE CHAIRPERSON:** There is no amendment on clause 14. I put the question that clause 14 do stand part of the Bill.

(*Question put and agreed to.*)

Clause 15

**MR KAFEERO:** On clause 15, the committee proposes to delete clause 15. The justification is that the provision is prone to abuse.

**THE CHAIRPERSON:** No.

**MS AMONGI:** Madam Chairperson, I would like to object to the committee’s proposal because clause 15 is dealing with the principle of nuisance and interference. It states that, “A tenant shall not use the rented premises or permit the use of the rented premises in any manner that causes a nuisance to any occupier of neighbouring premises. A tenant shall not use the rented premises or common areas, permit his or her visitor to use the rented premises or common areas or permit the use of the rented premises in a manner that causes interference with the reasonable peace, comfort or privacy of any occupier of neighbouring premises”.

We all know that in other areas, you find a neighbour putting up a disco every weekend. There are people who have gone to court and won cases of nuisance by neighbours. So, I appeal that this one should be retained.

**THE CHAIRPERSON:** Honourable chairperson, someone can put a disco in a flat.

**MR KAFEERO:** Madam Chairperson, if the House is comfortable with the definition of a nuisance as in clause 15 (3) that states, “For purposes of this section, nuisance includes any activity, condition, -“

**THE CHAIRPERSON:** Where is it?

**MR KAFEERO:** It is in clause 15 (3). “For the purposes of this section, nuisance includes any activity, condition or situation that interferes with another person’s use or enjoyment of his or her premises.” If the House is comfortable with this definition, I can also be comfortable with withdrawing the committee’s proposal.

**THE CHAIRPERSON:** Honourable chairperson, in a flat, there could be someone among the tenants brewing *malwa.* As a result, people would keep walking in and out the whole night to drink and the other tenants would not be able to sleep. Another one could put up a disco or someone could be roasting *nyamachoma* on the second floor – So, I put the question that clause 15 do stand part of the Bill.

(*Question put and agreed to.*)

*Clause 16, agreed to.*

Clause 17

**MR KAFEERO:** On Clause 17, Madam Chairperson, the committee proposes to delete the word, “reasonably”, which is appearing in line one. The justification is that the word is ambiguous and therefore, it is prone to abuse.

**MS AMONGI:** Madam Chairperson, again, I would like to object to removing the word, “reasonably” because here, the principle is that a tenant shall keep the rented premises in a reasonably clean condition. If you remove the word, “reasonably”, you make it read that, “a tenant shall keep the rented premises in a clean”…. So, the standard will now be subjective to the tenant. The landlord can come and say, “You have not polished this table properly or my tiles are not looking clean”.

Therefore, by a reasonable human being, the test of cleanliness has to be made by the tenant. It will be subjective to the landlord to determine “reasonable”. The word, “reasonably” is an objective word because you can dispute and yet many people can say the rented premise is clean. So, it will be better to retain the word “reasonably” than removing it. Yes *–(Interruption)*

**MR MUGOYA:** Madam Chairperson, I would like to concur with my sister, the minister. The test for reasonableness is the test of a reasonable man; what right thinking members of the society would look at regarding a particular matter in a given setting and it has been properly defined. Therefore, to raise the standard, particularly in this clause, I suggest that we leave the word “reasonably”.

**MR AMORU:** Madam Chairperson, I definitely find it acceptable to use that word. However, what I am looking at is, how will you enforce this, especially if there is determination or suspicion that the premise is not being reasonably kept clean? When you move to the next stage of enforcing this particular provision, it runs into other obstacles such as access to premises and other issues. It could be within someone’s bedroom.

Therefore, I do not know whether it is very relevant. It sounds good to appear there but I do not know whether it is enforceable. In case I am found not to be clean enough, what is the penalty?

**THE CHAIRPERSON:** I do not renew your tenancy or I ask you to make good the loss. Suppose you put mud on my walls and I come and find it?

**MR AMORU:** Madam Chairperson, that would be the prerogative of the landlord. Is he supposed to subject it to a third party?

**THE CHAIRPERSON:** Honourable members, I put the question that clause 17 do stand part of the Bill?

*(Question put and agreed to.)*

Clause 18

**MR NSEREKO:** Madam Chairperson, as you may realise, clause 18(1) says, “A tenant shall not, without the consent of the landlord, install any fixtures on the rented premises or make any alterations, renovations.” It is implied that when you make some renovations - We said that when a tenant, with a notice - I am foreseeing things like painting.

**THE CHAIRPERSON:** But that is not a fixture.

**MR NSEREKO:** No, they have talked about renovation. I know fixtures cannot be moved but painting is renovation. Maybe we can remove the word “renovation” but we make “alteration” because fixtures must not be moveable and they add extra value to what you have put there.

When you are renovating, most people paint or apply wall paper and some fix some things to hold mosquito nets. Therefore, when you want to make all these changes, do you need consent from the landlord? To paint?

**THE CHAIRPERSON:** No, paint is not a fixture. If you are going to change the door to make it bigger, you must inform the landlord.

**MR NSEREKO:** That is true but I am only asking whether this would refer to things like painting, suspended ceilings and things of that nature. Okay, you know the reality of what *–(Interruption)*

**DR BARYOMUNSI:** Madam Chairperson, the information I would like to give to hon. Nsereko is, I may have my house and prefer it to be white. Now, you the tenant want to change it to yellow or blue. You need my consent to materially change the colour of my house, for instance. Therefore, renovation, including painting, requires that the landlord duly consents.

**MR SEBAGGALA:** Madam Chairperson, I would like to agree with what the minister has said because a tenant shall not, without the consent of the landlord – Ideally, consent is very important. When you want to change anything on the house, even if it is painting, you have to consult the landlord so that you can agree.

Otherwise, if we change it and then we leave the tenant to do whatever he or she wants, we must put a safeguard that if you want to make any change, please consult me, out of courtesy.

**THE CHAIRPERSON:** Honourable members, is there any objection to retaining this?

**MS NAMBOOZE:** Madam Chairperson, it is about the interpretation in clause 18(4). “For the purpose of this section, fixture means personal property of the tenant that is attached to the premises or part of the premises.”

**THE CHAIRPERSON:** Where is it? Where are you?

**MS NAMBOOZE:** Clause 18(4). The interpretation is so wide and it will include when a tenant is to fix a mosquito net using a nail.

**THE CHAIRPERSON:** No, things like mirrors -

**MS NAMBOOZE:** Or to put a mirror on the wall or in the bedroom and you go for consent -

**THE CHAIRPERSON:**  Yes, you are altering my house.

**MS NAMBOOZE:** Madam Chairperson, it seems we are over legislating. A mirror? You want to fix a mirror and a mosquito net in the bedroom and you must ask the landlord?

**THE CHAIRPERSON:** Yes. Honourable members, I put the question that clause 18 do stand part of the Bill -

**MR ANGURA:** Madam Chairperson, I would like to refer to what hon. Nambooze was saying. In the event that you have put a mirror and you are shifting from that premise, when you remove that mirror, what happens? Who will fix the damage that will have been caused?

**THE CHAIRPERSON:** Honourable members, I put the question that clause 18 do stand part of the Bill?

*(Question put and agreed to.)*

Clause 19

**MR SSEKITOLEKO:** Madam Chairperson, the committee proposes to delete clause 19.

The justification is that it is impracticable to implement and is likely to be abused.

**THE CHAIRPERSON:** No. Honourable member, suppose every week the landlord comes to visit and says, I would like to check on the windows; whether they are broken. The following week he says, I want to check on the chimney and the other week he says, I would like to check on the flowers.

**MR SSEKITOLEKO:** Madam Chairperson, “quiet enjoyment” is quite ambiguous.

**THE CHAIRPERSON:** No, it is not.

**MR SSEKITOLEKO:** If this House deems it is okay, I can withdraw the amendment.

**THE CHAIRPERSON:** Withdraw the interference of the landlord.

**MR SSEKITOLEKO**: I withdraw the amendment.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 19 do stand part of the Bill.

*(Question put and agreed to.)*

Clause 20

**MR SSEKITOLEKO:** Madam Chairperson, the committee proposes to delete the clause.

The justification is, it is impracticable to implement.

**MS AMONGI:** Madam Chairperson, we concede on that because when I examined clause 6, which we already addressed - Clause 20 is talking of being safe and free from health hazards, that a landlord should keep the premises when it is safe and free from health hazards.

When I looked at clause 6, which we have already passed, it is already stating, “… implied terms as to fitness for human habitation. Where a tenancy is for the letting of residential premises, there is implied a condition that the premises are fit for human habitation at the commencement of the tenancy and undertaking that the premises shall be kept by the landlord fit for human habitation during the tenancy” And (2) creates a sub-section related to public health and the Building Control Act. So, I think clause 6 is sufficient and since we have already passed it, we can delete clause 20.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 20 be deleted.

*(Question put and agreed to.)*

*Clause, deleted.*

Clause 21

**MR SSEKITOLEKO:** Madam Chairperson, the committee proposes to delete clause 21. The justification is that this provision is redundant since the 1995 Constitution of the Republic of Uganda prohibits discrimination of any form.

**THE CHAIRPERSON:** Honourable members, someone gave an example of some people who can bury a dead body in the landlord’s house; you may know them.

**MS NAMBOOZE:** Madam Chairperson, we cannot ignore the Constitution and charge somebody. The reason this has to be catered for in this law is because it is talked about in the Constitution. However, as much as I support this clause to be retained, I feel that landlords should be given a right to turn away somebody when they think that the person cannot pay their rent. So, if we start legislating to say that the landlord cannot turn away anybody because of their economic standing, I find that an act of over legislating. A landlord should retain that right to say, “Will you be able to pay? You don’t have a job so I am not giving you my house.”

**THE CHAIRPERSON:** Does the minister have any problem with that?

**MR AGABA:** Madam Chairperson, I think we should leave this clause. Assuming I have rentals, which are reasonably small because as we put them up you know this is for a bachelor or a small family yet somebody may come wanting to rent a house of about 200,000 or 300,000 with a family of about nine to 10 members. The landlord should have the right to advise them or not to accept them to rent his premises because they are too many; they can congest the house.

Maybe, it should not be “certain grounds” but the landlord should refuse to rent out the premises on “reasonable grounds.” It removes the ambiguity of “certain grounds” but “reasonable grounds” would define it better. Otherwise, we should retain the clause.

**MR KIBALYA:** Thank you, Madam Chairperson. I am of the view that if we cannot delete then we amend it properly. A landlord may be having his daughters around and he imagines that if some people of a given character rented his house, they would spoil them. There are some people who could rent the house and instead of creating harmony, they disorganise the whole community.

Therefore, we should also respect the landlord somehow. The landlord should have a right to know who should rent and sleep in their house. The landlord builds a house in need of money. At a time when they object to renting their house to a certain person, yet they built it to look for money, there must be something wrong.

**THE CHAIRPERSON:** Honourable members, this provision does not say, “I will not allow you to rent because you are a woman, an Arab or black person or I don’t like your origin.”

**MR SSEKITOLEKO:** Madam Chairperson, I beg to withdraw the amendment and retain what is in the Bill.

**MR BASALIRWA:** Thank you, Madam Chairperson. My proposal is to have this clause deleted for three reasons.

First, what mischief do we seek to cure by having this provision? Even the discrimination you are talking about, there is what we call “positive discrimination.” So, when we talk about discrimination, it is not a negative statement. I am a Muslim - if you want to come, rent my premises and establish a pork joint, with the greatest respect, that will be an insult to me. I have the right to say, “No.”

Secondly, tenancies by nature are agreements. What we have been having in this country are basically three things: unreasonable increment of rent, which has been a problem and we should seek to cure it through this legislation; two, ending tenancies unreasonably has been a problem –*(Interruption)*

**MS NAMBOOZE:** I would like to give my brother information because I am a Member of Parliament for people who basically live in *mizigo*. One can rent a house when they do not have children. However, I know of landlords, who when they see the tenant pregnant, they tell them to vacate their premises because they do not want women with children. For political reasons somebody may say, “You are not supporting my candidates so get out of the house.” It is this clause that is supposed to cure such things.

If you were looking for what we intend to cure, it is that where a landlord will impose a political belief on tenants and secondly, where a landlord will chase a tenant because the tenant is now married. You find some landlords saying, “I do not want anybody who is married on my premises.” Or, when somebody converts religion, say, if he has been a Catholic but then becomes a *mulokole* and so, the landlord says, “Go away because you have converted from my religion.” That is what we intend to cure.

**THE CHAIRPERSON:** What is you proposal?

**MS NAMBOOZE:** The proposal is that we retain it.

**MR BASALIRWA:** Madam Chairperson, whatever concern hon. Nambooze is raising has been catered for under this Bill. On the issue of termination of tenancy, this Bill is very clear on the issue of notice. That has been unprecedented under our legal regime. Landlords have been unreasonably terminating tenancies.

Therefore, the idea of saying that somebody will rise up and say, “you have changed religion or you are of the other political party” does not arise because there is now the issue of notice. If I am no longer interested in you as a tenant, I give you notice.

Under this law –

**THE CHAIRPERSON:** Honourable members, this provision does not allow the landlord to say, for example, “I don’t like you because you are an Acholi or I don’t like Acholis in my house or Muslims.”

**MR BASALIRWA:** Madam Chairperson, I was still on the Floor.

**THE CHAIRPERSON:** Please conclude.

**MR BASALIRWA:** Madam Chairperson, under our law - unless we are saying we include a clause to the effect that when somebody declines to take you as a tenant they should give reasons. Otherwise, the way it stands now, nobody will be naïve to say, “Don’t come to my premises because you are a Musoga or you are short.”

**THE CHAIRPERSON:** Therefore, what do you recommend?

**MR BASALIRWA:** Unless we are going to include reason for declining, this clause for one reason or the other – and by the way, because a tenancy is a contract - you are not going to erode that basic principle of mutual understanding and consensus; it is a contract. So, how are you going to impose an obligation over and above a contractual obligation?

We must be legislating over issues that have been a problem; this has not been a problem. Who has been denied tenancy because he is of which party and the other? It has not been a problem.

**THE CHAIRPERSON:** Honourable members, I put the question that clause 21 do stand part of the Bill.

*(Question put and agreed to.)*

Clause 22

**MR KAFEERO:** Madam Chairperson, the committee proposes that we delete sub-clause (2) and our justification is that sub-clause (1) suffices.

**THE CHAIRPERSON:** Why do you want sub-clause (2) to go?

**MR KAFEERO:** Madam Chairperson, we are saying sub-clause (1) is enough.

**MS AMONGI:** Madam Chairperson, sub-clause (2) is being restrictive in that it is indicating that:

The first principle is that the tenant shall pay the rent on the date and in the manner agreed upon by the landlord and the tenant.

Sub-clause (2) is being restrictive to say where the manner of payment of rent is not specified in the agreement the rent shall be paid by the tenant at the premises. Therefore, it restricts you to only pay at the premises and yet Nsereko might want to pay it from Serena. So long as you have executed the agreement, I think we should not restrict it that you must only pay at the premises.

**MR MWIRU:** Madam Chairperson, the honourable minister has misconstrued the meaning of this clause. The mischief is that landlords who want to chase away tenants, hide away from them to avoid taking rent. They go ahead and distress them yet they have not demanded any money from them, then they throw them out.

The import of this clause is that if you have not demanded rent from me, then find me at my premises to receive your rent. So do not just distress and then throw me out of your premises. That is what this clause intends to cure.

What landlords normally do, if they want to chase you, they disappear. You look for them to no avail they go and distress for rent then come and throw you out. This provision is just a safeguard that in case I have looked for you and I do not get you, you must find me at my premises.

**THE CHAIRPERSON:** I am also finding it a problem. You know, it means me the landlord I must come and look for you.

**MR SEBAGGALA:** Madam Chairperson, this is very tricky. If you say that the landlord must always go and pick the money from the tenant, at times some landlords are away and others are somehow busy. I think we should really think about a middle way where the tenant should deposit money without looking for the landlord.

**THE CHAIRPERSON:** This is a difficult one because the landlord must now look for you. Let us delete. Honourable members, I put the question that sub-clause (2) be deleted.

*(Question put and agreed to.)*

*Clause 22, as amended, agreed to.*

Clause 23

**MR KAFEERO:** Madam Chairperson, on clause 23, the committee proposes to substitute for sub-clause (2) with the following:

“(2) All rent obligations or transactions shall be expressed or settled in Uganda shillings.

(3) Notwithstanding sub-section (2), the parties may mutually agree to settle and express rent in any other freely convertible currency.”

The justification is to allow parties to transact freely since Uganda is a free market economy where Foreign Direct Investment (FDI) has been encouraged to permeate.

**THE CHAIRPERSON:** Why don’t you allow the market forces?

**MR NSEREKO:** Madam Chairperson, there is something behind this. My view and the view of the people of Kampala Central is that we encourage our people to pay rent - because rent unique as it is, it avers to a factor of production called land. When you are in production cycle, most people rent premises where they produce goods and services.

Now the notion that some people were saying they borrow money in dollars does not work because even the people that are importing goods or operating business also borrow the same money in dollars and import goods using foreign exchange but they sell to the people in shillings.

Now with the fluctuation of the foreign currency, it affects the profitability of the people. In our economy, at least what we have been seeing for at least ten years, the foreign currency keeps on growing stronger versus the shillings.

Now this affects profitability, it eats into the actual capital of the people and given the imbalance and unnatural increment, what happens, Madam Chairperson, if we do not give a vote of confidence in our shilling, that is what actually creates pressure on the shillings by people running to buy more dollars and therefore the scarcity of dollars that is created, brings pressure on the shilling.

Madam Chairperson, I would like to appeal to you that because in most cases, there is unfairness from he who holds the greater key, landlord, what happens is that they will dictate to you that “for me here I receive money in dollars”.

The issue should be that I will pay you at this prevailing rate today in the dollar but the dollar is always volatile.

**THE CHAIRPERSON:** Honourable members, I do not know how you are going to police people’s business and their choices. The chair has said that first the main one - pay in Uganda shillings but if you agree you can also pay in dollars.

**MR NSEREKO:** Madam Chairperson, the problem is here. We are not saying that there are no agreements. I am trying to tell you that look at the one who is vulnerable. You see, when you are looking for business space, you are limited to choices*- (Interjection) -* no this is the reality. When you come, the person tells you that from today onwards, here you can hire my premises but we pay in dollars.

However, if we give confidence to our shillings that in Uganda, if you want to hire, you can only do these services by paying in Ugandan shillings.

**THE CHAIRPERSON:** Therefore, hon. Nsereko, it means that this month I will pay Shs 2 million but when it fluctuates, next month I will pay Shs 2.3 million because there has been a change in the dollar - really?

**MR NSEREKO:** No, Madam Chairperson. What I am trying to say is that let us not use foreign currency to determine how people should pay their rent in this country. What I am telling you is yes- what you are saying is the ideal world but we are saying the reality. The dollar grows stronger than the shilling every the other day and before you know, this is the very reason why people continue to strike.

**BRIG. KULAYIGYE:** Madam Chairperson, we cannot be seen as Parliament to be moving a vote of no confidence in our own currency. I therefore suggest that we put it clearly that rent shall be paid in Ugandan shillings. If me the tenant, I choose to pay you in dollars, no problem it will be under a mutual agreement. However, on record *–(Interjections)–* no, the other clause says, “Or any other…” It is there. *(Interjection)* No, we should not legislate that way.

**THE CHAIRPERSON:** Suppose I want to cheat you and I go to court and say, “This man is making me pay in dollars and yet the law says only shillings,” what will happen?

**BRIG. KULAYIGYE:** As a tenant, I could say that I have dollars, then, it is up to you, the landlord, to agree or not. However, for us to put a provision that there can be any other choice, you are giving room to some unscrupulous landlords to actually peg the rent to dollars.

**MS ANN NANKABIRWA:** Thank you, Madam Chairperson. I am in agreement with clause 23(1) but clause 23(2) waters down clause 23(1). We need to promote payment of rent in Uganda Shillings. When people are scrambling and competing for rent in a certain premise, when somebody comes with the dollars, the one with Ugandan Shillings will be let down. Let us strictly keep it to Uganda Shillings. We should promote our own currency.

**MR ANGURA:** Madam Chairperson, let me give a live example of what hon. Nsereko said. We all live here in Kampala, especially within the central business district, where conflict of payment of rent has been high. If you have a shop and the rent is Shs 2 million, we know the equivalent of Shs 2 million in the rate of the dollar today.

However, if you put it at the rate of the dollar, every time you want to pay Shs 2 million and it is 1,000 dollars, you will pay Shs 2.2 million or 2.3 million because the dollar has kept appreciating.

Madam Chairperson, to agree that this rent will be paid in Ugandan Shillings, you will only have the responsibility to convert it, when you are paying it in dollars. What is the equivalent of Shs 2 million at the rate of the dollar today? That is all.

**MR SEBAGGALA:** When we say that we are paying in shillings, the moment we open the door for the other alternative, then, we are opening a door to the “*mafias*”. Let it be as it is, Madam Chairperson.

When you go to all hotels in Kampala, you will realise that they charge in dollars and tell you to pay in shillings. Making this law, knowing the background and how Ugandans are being charged in dollars, we should stick to Uganda Shillings. The other negotiations will be - but not in our law. Let us say that the rent is paid in Ugandan Shillings.

**MR KAFEERO:** Madam Chairperson, when you talk about currency in Uganda, there is no way you can do without the Bank of Uganda Act, 2000. Section 17 states, *“The unit of currency shall be the shilling.”* In section 17(2), it states: *“All monetary obligations or transactions shall be expressed, recorded and settled in the shilling, unless otherwise provided for under any enactment or is lawfully agreed between the parties to an agreement under any lawful obligation.”* I thought I should make it clear because that is what we have lifted and put here.

**MS AMONGI:** Madam Chairperson, the chairperson did not lift that in totality because clause 23, where he proposes to insert sub-clause (3), is introducing where you can freely transact with other currency.

We have lifted the exact provision in the Bank of Uganda Act in the current Bill and placed it under clause 23(2). Clause 23(2) reads, *“All rent obligations or transactions shall be expressed, recorded and settled in the shilling, unless otherwise provided…”* For us, we lifted the whole provision.

Let me give you the rationale on why we felt that we should be explicit with Uganda Shillings; in downtown, the reality is that there is a team that has formed themselves as arcade owners. I do not want to mention the name of the group but that group sits down and connives to say that they are all going to charge in dollars.

Therefore, when a tenant gets up and goes to this member of the arcade, he is assured that the rent charges are in dollars; when he moves to another person, he is still told the same thing and so forth. That is why we said that we should put all rent charges in Uganda Shillings because it is already in the Bank of Uganda Act. If they want to negotiate it in dollars, they should do so. Let us save out tenants and put it in Uganda Shillings.

**THE CHAIRPERSON:** Minister, how is your statement different from his proposal? It is the same thing.

**MS AMONGI:** The difference with the committee is explicitly introducing a new subclause (3), which says, “Notwithstanding subsection (2), the parties may mutually agree to settle and express rent in any other freely convertible currency.”

I would like us to retain the current clause 23 and let it be as per the Bank of Uganda Act. If they agree, let them agree and handle it but not for us to make it here in the law.

**THE CHAIRPERSON:** Honourable members, I think this is an appropriate time to adjourn. Let us go and study the Bank of Uganda Act and probably take some more advice on that issue.

**MR MUGOYA:** Madam Chairperson, there is something important to note here. Look at the Bank of Uganda Act; let us look at its spirit and intentions. These are separately unique Acts. They are intended to cure separate lacunas in society. For example, Bank of Uganda was intended to regulate the issuance of legal tender, maintain external reserves and promote stability.

Here, we have come to fight and balance the relationship between a landlord and a tenant; so we are at liberty to choose either one item from this Act or even to ignore it. You know that subclause (3) is intended to create – not merely an ambiguity - but a conduit through which the landlords can cheat the tenants.

**THE CHAIRPERSON:** Minister, move for resumption of the House. Let us go and do some reading in the night.

MOTION FOR THE HOUSE TO RESUME

7.06

**THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT (Ms Betty Amongi):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE CHAIRPERSON:** Honourable members, I put the question that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

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

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.07

**THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT (Ms Betty Amongi):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Landlord and Tenant Bill, 2018”, stood over clause 13 and passed clauses 14-22 with amendments. I beg to report.

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

7.07

**THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT (Ms Betty Amongi):** Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

 **THE SPEAKER:** Honourable members, I put the question that the report from the Committee of the whole House be adopted.

*(Question put and agreed to.)*

*(Report adopted.)*

**THE SPEAKER:** Hon. Nzoghu – can we get the Attorney-General to look at it and make some calls? Okay.

Honourable members, House adjourned to tomorrow at 2.00 p.m. We shall make every effort to start early so that we can finish this Bill. Thank you.

*(The House rose at 7.09 p.m. and was adjourned until Wednesday, 26 June 2019 at 2.00 p.m.)*