



PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON EDUCATION AND SPORTS ON THE DIRECTIVES OF THE HOUSE TO INVESTIGATE ALLEGATIONS OF SEXUAL ABUSE ON STUDENTS BY MEN AND WOMEN IN UNIFORM; AND THE MISMANAGEMENT AND ABDICATION OF DUTY BY THE UNIVERSITY MANAGEMENT

Office of the Clerk to Parliament
Parliamentary Buildings
KAMPALA

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December, 2019

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1.0 Introduction

On Thursday 31st October, 2019 the House passed a Resolution that directed the Committee on Education and Sports to investigate allegations of:

- (1) Sexual Abuse on Students by Men and Women in Uniform; and
- (2) Mismanagement and Abdication of duty by the university management

The Resolution came as a result of a Statement presented on Wednesday 30th October, 2019 by the Minister of State for Education in charge of Higher Education, Hon. John Chryzostom Musingo on the Students Unrest at Makerere University, Kampala. The Statement did indicate that the unrest at Makerere University was precipitated by the following demands from the Students Community: -

- (a) Halting the implementation of the fees structure passed in July 2018 which involves a 15% increment in tuition fees for new entrants to the University
- (b) Degazeting of the Makerere University Students' Guild [Elections] Regulations No.1 of 2018
- (c) Revoking of all suspensions and warning letters to students in relation to the unrest

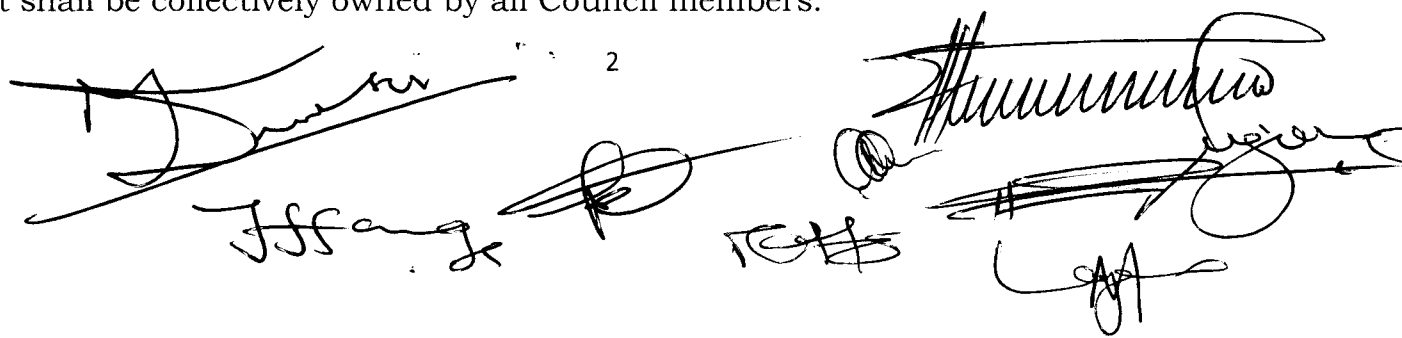
Other demands included: -

- (a) A swift and easy online access of students' exam results on the university system
- (b) Extension of registration deadline and applicable surcharges

The debate on the Statement culminated into moving of a Motion in Parliament by Hon. Mathias Mpuuga, MP Masaka Municipality on Thursday 31st October, 2019 **[see Appendix I]**

2.0 Background

The Special Meeting of the University Council **[see Appendix II]** that convened on 6th July, 2018, under Minute 1.3.SP/7/2018 received and considered a Report from the Students' Guild on the tuition fees policy in which students proposed a reduction in the rate of the increment of tuition fees to 15% across all academic programs as opposed to the 49% to 91% increment as earlier proposed by Council. During the said meeting, Council noted under Minute 2.1(c) that while student leaders had presented their proposal on fees increment, the decision on tuition fees lies with the University Council, *[Section 41 of the Universities and Other Tertiary Institutions Act, 2001 as amended]* which considers the views of diverse stakeholders. Once a decision is reached, it shall be collectively owned by all Council members.

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Under Min.4.0.SP/7/2018 of the same meeting, the University Council agreed to;

- (a) Increase fees on all undergraduate programs for first year students by 15% beginning with the 2018/19 academic year.
- (b) That the 15% fees increment be successively continued for each cohort on the fees for the previous academic year over a five year period;
- (c) That every cohort of students continues with the fees structure upon which they are admitted until they complete their programmes
- (d) That there will be no fees increment on continuing students
- (e) That Management accordingly sensitizes the students' body on the new fees structure.

The decision of University Council under Min.4.0.SP/7/2018 followed a Report of a 7-person Special Committee of Students Guild Representatives [*Guild President, Papa Were Salim; the Guild Speaker, Mr. Isaac Kwagala; the Chairperson, Mr. Bandola Polly; the Vice Chairperson, Ms. Marion Kirabo; the General Secretary, Mr. Obedju Samuel; the Students' Affairs Minister, Mr. Kamukama Frank; and the Secretary for Finance, Mr. Ssewalya Simon Peter*] on the Proposals on the Fees Policy [**see Appendix III**] in which the team recommended the following to Council: -

- (a) Instead of increasing fees to the tune of 49% to 91% as it were in the earlier Management proposal, there should be a uniform and moderate 15% increase in tuition fees across all programs effective 2018/19 for the next five years. This however means that a student who joins the University at a given fees structure that has a 15% factored in, shall continue to pay similar fees until he/she completes the course duration;
- (b) While the Visitation Committee recommended that Public Universities should charge a unit cost per program, our Committee has only considered a reasonable and moderate 15% to cater for annual inflation. This was mainly considering our unique social-economic conditions as a country.
- (c) The increment of 15% should only apply to first year students (effective 2018/19) going forward and not continuing students.
- (d) There should be a feedback framework where all matters/policies that affect students are discussed by students leaders beyond the two students representatives that sit on the Council and its Committees

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- (e) The Guild President and his Vice should be allowed more participation on committees of Council that relate to student issues including quality assurance and student welfare committees.
- (f) The revenue accruing from the above proposal if approved and implemented should reflect a change in student services especially in areas of student hygiene, laboratory facilities, teaching facilities, WiFi, health services and customer care.
- (g) Part of the resources should be deployed in the renovation of Mary Stuart Hall and before the Semester One 2018/19 commences. In addition, regular renovations on their halls of residences should be factored in the University annual budget.

In a related development, on the 30th September, 2019, the Guild Speaker of the current Students' Guild, Mr. Ezra Byakutangaza wrote to the Chairperson of the University Council and the Vice Chancellor communicating the resolutions reached at the Guild Representative Council [GRC] meeting held on 27th September 2019 as indicated below;

- (a) That surcharges on late payment of fees be scrapped with immediate effect
- (b) That the 15% increment on fees stops with the academic year 2019/20
- (c) That areas of students welfare being improved or to be improved to match the fees increment be communicated to the GRC and the student community
- (d) That the above issues be addressed with most urgency and communication be made to the GRC and the student community.

A number of measures and efforts were in vain instituted between the University administration and the Students' Guild to reach amicable solutions to the students' demands - *the Guild Representative Council Meeting which culminated in the Guild Speaker's communication to the University Council; the Resolution of Council appointing Hon. Kidega Dan Fred to head the Meeting to consider Student's Grievances against some university staffa; the Emergency Council meeting that dropped the 15% increment on functional fees]*

The delay in reaching a consensus between the University administration and Students' Guild Leadership prompted 15 female students who happened to be Members of the Female Caucus 85th Students Guild Leadership to, on Tuesday 22nd October, 2019, march peacefully to purportedly present a Petition to the Office of the President, contesting the proposed move to effect a 15% annual increment on tuition fees. Acting upon a tip off by the University's security personnel, reinforcements from the Uganda Police Force, Uganda Peoples' Defence Forces [UPDF] and the Military Police were called in to manage the

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protests and eventually some Members of the 85th Female Caucus were arrested.

The news of the arrest prompted some members of the wider Students' Community to swing into action contesting the arrest and apprehension of their colleagues. The volatile situation lasted for a period of over three weeks which disrupted activities at the university, both academic and administrative; private businesses in and around the university, its halls of residence within the University and affiliated/registered private hostels and neighboring communities.

3.0 Methodology

In considering the House's directive, the Committee,

- (a) held a series of meetings with the following stakeholders;
 - (i) the Hon. Minister of Education and Sports
 - (ii) the Hon. Minister of Defence and Veteran Affairs
 - (iii) the Hon. Minister of Internal Affairs
 - (iv) the Makerere University Council and Management
 - (v) the Makerere University Students' Guild Leadership
 - (vi) Hon. Mwiru Paul, MP Jinja Municipality East and a team of University students
 - (vii) Hon. Mathias Mpuuga, MP Masaka Municipality

- (b) reviewed relevant literature including;
 - (i) The Constitution of the Republic of Uganda

 - (ii) The Police Act, cap 303

 - (iii) The Uganda Peoples' Defence Forces Act, 2005

 - (iv) The Universities and Other Tertiary Institutions Act, 2001

 - (v) the Makerere University Students Regulations 2015

 - (vi) Minutes of the Special Meeting of the University Council held on 6th July 2018

 - (vii) Report and Proposal of the Special Committee of the Guild Representative Council on the Fees Policy

- (c) conducted a field visit to Makerere University to establish the status of the University after the unrest and appraise common user facilities which the students community allege to be in deplorable shape.

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4.0 Findings, Observations and Recommendations

Issue No.1

The Management of Makerere University rescinds all expulsions, suspension and dismissals of students and institutes mechanisms to resolve the impasse through civil and democratic means

The Committee established that;

- (a) whereas the students had valid causes and reasons to demonstrate and had issued notice of a peaceful demonstration to the Commandant, Kampala Metropolitan Police in a letter dated 22nd October 2019, there was no evidence of feedback from the Police on the course of action to take;
- (b) whereas Regulation No.8(9)(a) of the Makerere University Students Regulations, 2015 provides for demonstrations within or outside the University to be held only in accordance with the Laws of Uganda provided the Vice Chancellor is informed at least 24 hours in advance and the Police permission obtained, there was no evidence of notice of intention of demonstration that was issued to the Office of the Vice Chancellor;
- (c) the University Students' Disciplinary Committee headed by Judge Precious Ngabirano, with Members, namely; Dr. Sylvia Tamuzadde Nanyonga, the University Imam, Ssentongo Ahmed, Hon. Kiraso Beatrice and Dr. Godfrey Akireng, to hear and determine cases of suspended students namely; Mr. Frank Bwambale, Mr. Rogers Mbajjo Ssebiraalo; Mr. Simon Ssenoga, Ms. Saasiraabo Siperia, Mr. Derrick Ojambo, Mr. David Musiri, Mr. Ivan Kyeyune, Mr. Mutatina Seiz and Mr. Dhabona Job, has never convened to execute this assignment, thereby rendering the fate of the affected students uncertain. Some 45 students [see **Appendix IV**] were reported to have received warning letters. The Committee was informed that the Disciplinary Committee was given only up to two weeks to hear and determine cases of the affected students, but to this day, no report has been filed to the University Council; and
- (d) the University Council through the University Students' Disciplinary Committee directed the affected students should write their exams pending conclusion of disciplinary proceedings that were instituted against them. The Committee on Education and Sports however learnt that the University Management had contested the decision of the Disciplinary Committee and had wanted the affected students to be dismissed.

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Observations

The Committee observes that;

- (a) the demonstration led by the 85th Female Caucus was legitimate in nature [Article 29 of the Constitution of the Republic of Uganda] and did not merit the brutal conduct of the University administration and the security operatives in managing the protests;
- (b) there was lack of evidence to suggest that the University Students' Disciplinary Committee headed by Justice Precious Ngabirano had convened meetings to hear and determine allegations levelled against the affected students. The Committee notes that it is now coming to two months without any report from the University Disciplinary Committee;
- (c) the notification of the intention of a peaceful demonstration by the 85th Female Caucus, the Police never made any efforts to respond either clearing or advising the students against the demonstration, but instead chose to swing into action to suppress the chaotic situation;
- (d) Regulation 14 of the Makerere University Students Regulations, 2015 provides for general penalties for students found in breach of the rules and regulations, which include; a written caution; demand for an apology, suspension from the Hall or University, replacement of damaged property and or making good of the loss occasioned; dismissal from the Hall of Residence/University; and/or referral to a competent court of law, but does not provide for the decision of the Disciplinary Committee of allowing affected students write their exams pending disciplinary action;
- (e) the security personnel that handled the demonstrations acted in a manner that is not professional and ethical to the extent of breaking into students' rooms and beating wherever they came across.

Recommendations

The Committee recommends that;

- (a) Management of Makerere University should review all expulsions, suspensions and dismissals of students and institute mechanisms to resolve the impasse through civil and democratic means;
- (b) the military and other security agencies should always exercise restraint from physical approaches in managing peaceful demonstrations like in the case of students' demonstration at Makerere University; and

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- (c) *the University Students' Disciplinary Committee should expedite the process of hearing cases of affected students and file a report to the University Council for further consideration;*
- (d) *the University Council should review the University Students' Disciplinary Committee to provide for timeframe within which the different disciplinary cases should be considered and disposed of.*

Issue No.2

The Minister of Defence and Veterans Affairs and that of Internal Affairs withdraw the military personnel from the University premises and Students' Hostels, and direct the police to exercise restraint, observe human rights and protect students' lives and property

The Committee was informed by the Minister of Defence and Veteran Affairs that;

- (a) the presence of various security agencies at the University was occasioned by overwhelming security concerns in the country and Kampala Metropolitan Area. The Committee was further informed that the Uganda Peoples' Defence Forces [UPDF] had been at Makerere University even before the strike to reinforce security in the Kampala Metropolitan Area. However, at the request of the Uganda Police Force, its role in the management of the students demonstration was done in accordance Article 212 of the Constitution of the Republic of Uganda and Section 7 of the UPDF Act, 2005;
- (b) the Uganda Peoples' Defence Forces on 28th October 2019 withdrew military police elements that were deployed at the University, before Parliament passed the Resolution on Thursday 31st October 2019;

Observation

The Committee observes that the deployment of the Uganda Peoples' Defence Forces [UPDF] to participate in the management of the protests at the University were not justifiable

Recommendations

The Committee recommends that: -

- (a) *the Board of Inquiry into the Conduct of the Uganda Peoples' Defence Forces during the students protests at Makerere University should expedite its investigations and present its report to the House through the Minister of Defence and Veteran Affairs; and*
- (b) *the Uganda Peoples' Defence Forces [UPDF] should desist from interfering with or engaging in peaceful and unarmed civilian demonstrations.*

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Issue No.3

Parliament investigates allegations of sexual misconduct meted upon female students by security personnel

The Committee established that;

- (a) the University's Policy on Sexual Harassment the objective of which is to address acts and practices related to sexual harassment at all levels within the structures of Makerere University, only applies to members of the University Community
- (b) the University Council constituted a Select Committee headed by the Vice Chairperson, Hon. Dan Fred Kidega to investigate allegations of sexual misconduct during the students' demonstration;
- (c) Ms. Siperia Saasiraabo who was earlier reported to have suffered sexual assault by security operatives, openly dismissed the allegations before the media. The Committee was informed by the University administration that Ms. Saasiraabo underwent medical examination and a medical report revealed that she was not sexually abused [**see Appendix V**];
- (d) the Minister of Defence and Veteran Affairs, Hon. Adolf Mwesige in a meeting with the Committee on Education and Sports held on Wednesday 6th November 2019 admitted to errors committed by some Members of the Uganda Peoples' Defence Forces [UPDF] which were outside the rules of engagement issued by the supported agency which is the Uganda Police Force. The Committee could however not establish the extent and nature of the errors committed by the UPDF deployed at the University. The Committee was informed that the UPDF arrested the Commander who was in charge of the troops operating at Makerere University at the time of the strike and detained him at the Military Barracks. The Committee was further informed that a Board of Inquiry was constituted to investigate details pertaining to the conduct of the deployed troops, thus were noncommittal on whether this was linked to sexual abuse or not.

Observations

The Committee observes that;

- (a) whereas the University has Policy on Sexual Harassment, the said Policy only applies to members of the university community [staff and students] to which the University has control over and can issue sanctions in the event of breach. The University cannot issue sanctions or penalties on persons who are nonmembers of the university community.

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- (b) the University has no authority or competency to investigate security operatives on allegations of sexual misconduct and could therefore not confirm allegations that some female students suffered sexual violence at the hands of some security operatives; and
- (c) despite efforts by the Committee to identify students that were allegedly sexually abused, it was visibly noted that they were not ready to come out in the open, thus there was no substantial evidence that came forth from any member of the students' community to confirm allegations that security operatives were involved in acts of sexual misconduct against female students during the students protests at the University; and
- (d) despite several calls and reminders to the witnesses to submit names of victims of sexual assault, this did happen.

Recommendations

The Committee recommends that;

- (a) *owing to lack of substantial evidence, allegations levelled against security operatives that they sexually assaulted some female students can't hold any further; and*
- (b) *the Minister of Defence and Veteran Affairs should presents to Parliament on the 17th December, 2019 a report of the Board of Inquiry on the investigations carried out on the conduct of the UPDF troops during the Students' Protests at Makerere University.*

Issue No.4

The Government halts the fees increment pending a sustainable remedy to the financing gap at the University

The Committee established that;

- (a) the 15% increment was already included in the Makerere University Budget appropriated by Parliament for the last two financial years i.e. 2018/19 and 2019/20, thus halting it now would distort the budget execution;
- (b) the University Council under Min.4.0/SP/7/2018 upheld the recommendation of the Report and Proposal on Fees Policy by the Special Committee of the Guild Representative Council of June 2018 to increase fees by 15% and be applies to only first year students;

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- (c) the process of the 15% tuition involved the Students Guild Leadership but was never concluded through the Guild Representative Council (GRC); and
- (d) there were power struggles and wrangles within the then Guild Leadership with allegations and suspicions that some Members maintained secret links with the University administration with intentions of suffocating the tabling of the Report of the Special Committee before the Guild Representative Council for consideration before presenting of the same to the University Council.

Observations

The Committee observes that;

- (a) the 15% fees increment was appropriated by Parliament through the Appropriation Acts, 2018 and 2019
- (b) the 15% new fees policy did not receive the full endorsement of the student leadership structures as should have been;
- (c) the spirit of dialogue, mutual trust and consultation seem to have greatly shrunk at Makerere University with different stakeholders suspicious of each other; and
- (d) the University Council and Management have remained uncompromising to the concerns of the students community on the issue and process of the 15% fees increment.

Recommendations

The Committee recommends that;

- (a) *the University management and other stakeholders should promote dialogue and consultation in handling and resolving issues at the University with emphasis on give and take in the discussions;*
- (b) *the university management engages in regular students meetings to be able to establish in time, issues that may cause unrest among students, instead of waiting for scheduled meetings. In other words, there should be effective communication between the students' body and management.*
- (c) *the University Council should engage the students community and other stakeholders with the view of reviewing the fees policy;*

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- (d) *the University Management should refocus their areas of expenditure with emphasis on improving students' welfare; and*
- (e) *Parliament directs Ministry of Education and Sports to implement Section 42(1) of the Higher Education Students' Financing Act, 2014 which provides that-*

“All scholarships currently offered by the Government of Uganda including bilateral scholarships existing immediately before the commencement of this Act shall vest in the Higher Education Students Financing Board.”

Issue No.5

The Auditor General carries out a forensic audit on the management of finances at the University

The Committee agrees with the proposal of a forensic audit on Makerere University to clarify on accountability issues.

The Committee recommends Office of the Auditor General should carry out the audit and submit a report to Parliament before commencement of the next semester.

Issue No.6

Government tables a Supplementary Budget request to ease the current suffering of students and their benefactors

The Committee recommends that Ministry of Finance, Planning and Economic should table before the House, proposals, plans and strategies for sustainable financing of university and tertiary education.

Issue No.7

Government meets the medical bills of all students who were assaulted by the security operatives at the University

Observation

The Committee established that some students namely, Mr. James Ssebidde, a physically impaired 3rd Year Student offering Bachelor of Industrial Art and Design and a resident of Lumumba Hall and Ms. Siperia Saasiraabo were brutally assaulted [see Appendix VI for hospital medical forms]. Ms. Saasirabo missed writing her end of semester exams and Mr. Ssebidde was slow recovering but still in pain and shock.

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Recommendation

The Committee agrees with the proposal that Government meets the medical bills of all students who were assaulted by the security operatives at the University.

Issue No.8

Government compensates students who lost their property during the chaotic incidents occasioned by military presence at the University

The Committee recommends that the University Council immediately puts in place mechanisms of identifying and compensating students who lost or had their property damaged during the scuffle.

Issue No.9

Parliament investigates mismanagement and abdication of duty by the University Management.

The Committee was informed that;

- (a) the university administration has an open door policy where student leaders raise their concerns. The Committee was further informed that both the Students' Guild President and the Vice Guild President are Members of the University Council, not as students but as Members of Council with voting rights and are bound by collective responsibility; and
- (b) the university administration has ensured to respond to students' concerns in a timely manner and that it has ensured student representation on all governing bodies;

Observation

The Committee observes that there exists a communication breakdown between the University administration and the students' community where the latter accuse the former of being insensitive to their concerns. The occurrence and re-occurrence of student protests at the university are indicative of failure by the University administration to address the diverse needs of the students' community.

Recommendation

The Committee recommends that the University Council, Management and the Students' Guild should establish and streamline collaborative structures with the view of establishing open, democratic and consultative methods of engagement in matters affecting them.

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