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**Wednesday, 3 April 2019**

*Parliament met at 2.02 p.m. in Parliament House, Kampala.*

PRAYERS

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

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. I wish to inform you that His Excellency the President, in his letter dated 1 March 2019, addressed to the Speaker, returned the Sugar Bill, 2019 and requested Parliament to reconsider the following:

1. In Part V - Licensing of Mills - sections 19, 20, 21 and 22;
2. In Part VI - sugar industry agreements - section 23; and
3. In Part IX, which is general, he asked us to look at Section 29, particularly (2) (b).

In line with rule 142 (1) of our Rules of Procedure, I am requested to read the letter that the President sent back. Therefore, I will use this opportunity now to read to you the letter sent back by the President:

*“1 March 2019*

*Rt Hon. Rebecca A. Kadaga, Speaker of Parliament*

*Inclusion of Zoning in the Sugar Act, 2019*

*I hereby return to Parliament the Sugar Act of 2019 because failing to implement the zoning policy is already destroying the sugar industry. Kakira’s sugar production has dropped from 180,000 in 2014 to 125,000 in 2017. The installed capacity of the sugar factories is 600,000 tonnes. However, they are producing only 365,000 tonnes because of failing to implement the zoning policy. The three biggest account for 400,000 tonnes of this.*

*It is, therefore, a big mistake to destroy our sugar industry in the interest of small parasite new comers and undermine the big historical actors - Kakira, Lugazi and Kinyara.*

*This Act legalises anarchy in the sugar industry for no good reason. Small farmers of less than six acres should not be allowed into growing sugarcane. It should be the medium and large scale farmers that should partner with the factories. With 10 acres, a farmer can earn Shs 30.6 million per harvest, which is after 18 months. With 100 acres, he can earn 306 million per harvest and with 1000 acres he can earn Shs 3,060,000,000 per harvest.*

*Pricing prices to farmers is easy to determine. You start with the international price of sugar and work backwards. You should be careful about small sugar operators who pay high prices for sugarcane. They may not be depending on sugar but on smuggling and money laundering and only using sugar as a cover. They will destroy our sugar industry and not replace it, yet the sugar industry is not only important for drinking but for beverages, the pharmaceutical industry, etc.*

*Please, let the Members of Parliament rectify these mistakes. I propose that they rectify sections in Part V - licensing of mills - sections 19, 20, 21 and 22; in Part VI - sugar industry agreements - section 23; and in Part IX, which is general on regulations, subsection (2) (b).*

*YK Museveni, President.”*

Honourable members, rule 142 (2) gives the minister, upon my reading this, a timeframe of two weeks to come back and lay a copy of the returned Bill before Parliament with a motion that will enable us forward this particular Bill back to committee for reconsideration. I have put it under item No.6 so that without wasting any time, the minister should come. The motion has been drafted for item No.6. The minister will proceed and present this motion and we will refer this matter to the committee to start handling within the framework of the rules pertaining to Bills returned by the President. Thank you very much.

There are some urgent matters that Members would like to raise, specifically the member for Kitgum Municipality. I said that today we are going to focus on Bills, so please help me with the timing of your information on urgent matters.

2.10

**MS BEATRICE ANYWAR (Independent, Kitgum Municipality, Kitgum):** Thank you, Mr Speaker. I rise on a point of national importance.

There is an article that I came across in the *New Vision* of 1 April 2019, which raised great concern. The article had the headline, “*Canada probes Ugandan envoy over fraud*.” The details in the article are that a diplomat, who is also an accounting officer, Allan Tazenya, is under investigation by the Canadian Government. As we speak, his visa is invalidated and he is in Uganda right now. He cannot go back to Canada.

What is at stake is that he is the accounting officer of our Mission in Canada. In light of the fact that he has not gone back to the Mission, everything has come to a standstill. There are no payments of bills and the Mission cannot run. The image of the country is at stake.

Mr Speaker, my prayer is that we request the minister to come to this House and give us information about this issue because it touches the image of our country. We would also like the minister to come to this House and tell us what is being done to enable the smooth running of the Mission in Canada because we hear that there is no an accounting officer.

Thirdly, what is the Government doing to restore confidence with our diplomatic friends? It is my prayer that the minister comes to this House with a report so that we know that our mission is not at standstill as it is reported. Mr Speaker, if you allow -

**THE DEPUTY SPEAKER:** Honourable member, you are raising too many things at a go. The issue is that there is no accounting officer in our mission in Canada; can they do something about it? That is the only issue. The other issues are secondary. Let us deal with specific issues.

**MR WAMANGA-WAMAI:** Thank you very much, Mr Speaker. I would like to thank hon. Beatrice Anywar for bringing up this issue. It is very unfortunate that a country where you are posted raises a red flag against a Ugandan diplomat.

Secondly, there are usually three signatories to the accounts of the mission. If the accounting officer is not there, there is the head of the mission and somebody who is a member of the finance committee. I do not know how the mission has been running. In principle, there should have been people to sign the cheques and make payments.

However, the most alarming thing is for a Ugandan diplomat to be caught in fraud. This is a very serious matter and embarrassing for this nation. I would like to agree with hon. Beatrice Anywar that the minister should come and brief us about this.

Mr Speaker, what is interesting is that the ministry does not even brief us on the foreign policy of Uganda and what is happening. They should be coming on the Floor frequently to inform the Members so that they know what is happening around the world. Mr Speaker, I would like you to prevail and direct these ministers –

**THE DEPUTY SPEAKER:** Honourable members, I would not like to interrupt your flow of thoughts. However, if there is a case of fraud, what can this Parliament do about it? If it is a case of fraud, the police take full responsibility, arrest and prosecute the fellow. What can Parliament do about that?

Let us try to do the things we are mandated to do rather than spreading into territory that is not ours. If I have committed fraud, what has Parliament got to do with it? That is the work of the police. If there is evidence, they can arrest, prosecute the person and send him or her to jail if they are found guilty. However, if we are going to drag ourselves into all these other things, then we will have more than we can handle. Honourable minister, can we address this issue of the embassy that is not functional.

2.16

**THE MINISTER OF STATE FOR FINANCE, PLANNING AND ECONOMIC DEVELOPMENT (PLANNING) (Mr David Bahati):** Mr Speaker, the urgent issue from hon. Beatrice Anywar is having an accounting officer in the embassy. The ministry is going to handle that immediately.

**THE DEPUTY SPEAKER:** Thank you.

2.16

**MS HELLEN KAHUNDE (NRM, Woman Representative, Kiryandongo):** Thank you very much, Mr Speaker. I stand to raise a matter of national importance concerning murder and burning of houses in Kiogoma I Village, Kiryandongo Subcounty, Kiryandongo District.

About 200 houses belonging to 125 families were set ablaze on Sunday night, leaving over 420 people affected. This incident happened after domestic violence between a married couple, Jesca Angwech and Lawrence Tekakwo. Lawrence Tekakwo hacked his wife to death - May her soul rest in peace. To avenge the death of their daughter, the in-laws stormed the home and village of the suspect and set it ablaze together with all the houses in the neighbourhood. The incident has led to loss of property and left many people homeless without food and domestic items.

Mr Speaker, I pray that the Office of the Prime Minister intervenes in the matter and provides shelter and relief items to the affected families. Government should also thoroughly investigate the incident and the perpetrators be brought to book. I beg to submit.

**THE DEPUTY SPEAKER:** That is an aspect of internal affairs still.

2.18

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Mr Speaker, the murder and subsequent burning of houses is being investigated as a criminal act and it is being handled in that line. If the Members wish, at some stage we can give them a brief after detailed investigations have been done and when the processes of arrests and possibly prosecution have occurred. Thank you.

**THE DEPUTY SPEAKER:** Thank you very much.

2.19

**MR ROLAND MUGUME (FDC, Rukungiri Municipality, Rukungiri):** Thank you, Mr Speaker. I rise on a matter of urgent public importance under rule 53(1) of the Rules of Procedure of the Parliament of Uganda. The matter is about the failure of the Ministry of Internal Affairs to issue passports to Ugandans.

According to section 39 of the Uganda Citizenship and Immigration Control Act, every Ugandan has a right to a passport. Section 40 of the same Act gives the National Citizenship and Immigration Board, under the Ministry of Internal Affairs, the responsibility of regulating the issuance of passports to the citizens of Uganda.

It has, however, come to my attention that the Ministry of Internal Affairs is no longer issuing passports and thereby failing to do its work. Many Ugandans seeking to travel abroad have been frustrated for many months after failing to receive their passports yet they have fulfilled all the registration requirements. To make it worse, I have been informed that the shortage of passports is deliberate and those who pay exorbitantly through underhand methods have managed to get their passports in time.

Mr Speaker, my prayer is: Can the Minister of Internal Affairs explain to us how the Directorate of Citizenship and Immigration can achieve its vision of being the model of excellencein immigration service delivery when mere issuance of travel documents is failing? I beg to submit.

**THE DEPUTY SPEAKER:** Thank you.

2.21

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Thank you, Mr Speaker. It is not true that the Ministry of Internal Affairs has failed or refused to issue passports to Ugandans. That is not correct and any Member can verify that.

What is happening is that every day, the Department of Citizenship and Immigration Control is issuing 650 to 800 passports and this is still ongoing. This is partly because of the demand by labour exporting companies, which come in with big numbers and require these passports. Some of these companies submit applications in bulk but it is our requirement that even if passport applications are submitted in bulk, we must investigate each one individually to make sure that we are giving passports to Ugandans.

Secondly, some applicants want to submit passport applications at the last moment when their journeys are in a week or less. This leaves little time for the investigations and once the process of investigation takes longer than one week, they start complaining. I can confirm that a passport application submitted appropriately with proper documents will not take more than two weeks to be printed – without paying any “corruption” fees.

There are some Ugandans who think that irrespective of whether they submit their applications or not, they must pay some money in order to get the passport. We have a complaints desk for passports that delay and go beyond two weeks. We can then respond to what exactly is happening to a particular application and why it is not being processed and issued to the owner.

I, therefore, suggest that colleagues and Ugandans follow the right procedures. Make sure that your documents are up to date. Once you have made your application, you do not need to pay any “corruption” fee; you only pay the official fees. If it delays, please come to us. The offices of the ministers and the permanent secretary are always open to address those kinds of complaints. Thank you.

2.24

**MR JACKSON KAFUUZI (NRM, Kyaka South County, Kyegegwa)**: Thank you, Mr Speaker. A year or so ago, through the Ministry of Local Government, we passed new subcounties and town councils and they were supposed to become operational in financial year 2017/2018. However, up to now, some of them have not started operating.

We are entering into an electioneering period. The people on the ground know that they are in new subcounties or town councils but they have not started. It is causing conflict.

Mr Speaker, I request that the Minister of Local Government clarifies to this House when the new administrative units will start. We are in the budgeting process. This is the right time this matter should be tabled so that the necessary amount of money is allocated in order for these administrative units to start this financial year.

I met one of the commissioners in the Ministry of Local Government who said that last financial year, they requested for Shs 25 billion and received only Shs 5 billion, so they could not take off. That is why I am raising this issue here, so that if those queries still remain, the minister can table them and the matter be cleared.

Mr Speaker, I request that you allow me to say something about the passport issue.

**THE DEPUTY SPEAKER:** No, that matter was closed. Do we have anything from the Government on the starting day for the new administrative units? What is the problem with them coming into force? Is it in the budget? I think let us deal with this matter when hon. Bahati comes back.

2.27

**MR MUHAMMAD NSEREKO (Independent, Kampala Central Division, Kampala):** Thank you, Mr Speaker and honourable members. The people of Kamwokya in Kampala Central may face a problem of eviction soon. Like you all heard in the media recently, one landlord came up with a claim of about 22 acres of land in Kamwokya where we have over 2,000 families staying. The reality is that indeed, when searches were conducted, the company is the registered proprietor of the land. However, these people have been on this land as bona fide occupants, according to the law, for a long period of time.

Mr Speaker, I seek the indulgence of the Ministry of Lands, Housing and Urban Development to come up and make interventions in this matter so that the people are not threatened with a looming eviction. Also in the same faith, I would like to urge the Minister of Internal Affairs to take it up as a matter of security because people are staying out with machetes. I am telling you the reality, just as I informed this House that danger would erupt downtown and indeed today, you all witnessed on television that danger was imminent and it erupted. People are staying out and the landlord is also threatening to evict them.

Before we witness murder or violence from people, I think this House, through you, Mr Speaker, can direct that the appropriate ministries make the necessary interventions in order to avert any forms of violence and protect the people of our country legally. Thank you very much.

With your permission, Mr Speaker, I can lay on the Table this document that shall inform the ministers. It comprises of all those bona fide occupants or squatters.

**THE DEPUTY SPEAKER:** Please, just give that to the minister because we do not know its source.

2.30

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Mr Speaker, of course in any situation where people are either using or threatening to use weapons of any type to cause a breakdown in law and order, we are concerned. We will certainly consult with the police and other security agencies in that area to make sure that such an occurrence does not happen. Together with our colleagues in lands, we shall see whether we can consult with the people to make sure that it does not occur.

However, one important thing, which I should point out here, is that it is not the police that carry out the actual evictions. The police can only oversee somebody who has a legitimate court order – one that has been verified - and has sought sanctions through the courts of law to oversee and ensure that there is law and order during that process.

I undertake that we shall consult on that issue of people carrying weapons of any type and make sure that we do not cause that problem among our people. Thank you.

2.31

**MR JOHNSON MUYANJA (NRM, Mukono County South, Mukono):** Thank you, Mr Speaker. Today, a canoe boat full of traders and fishermen crossing the border of Kalangala and Mukono knocked a rock and all the passengers and their property went under the water. As I speak, five bodies *–(Interjection)–* Yes, but it came up again. Capsizing means it has remained down. However, the boat came back up empty and five bodies have been retrieved.

I am now informing the Government because they might not yet be in the know. This information goes to the ministers in charge of fisheries and defence so that they can help the victims, just like they did last time when we had a tragedy at Mutima Beach. They people do not have the capacity to get the bodies out. Thank you.

**THE DEPUTY SPEAKER:** Thank you. That is notice to Government about the accident that has taken place. Is there any response?

2.33

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Thank you, Mr Speaker. I would like to send our sincere condolences for the people who have perished in this nasty accident.

As you are aware, whenever we encounter such a tragedy, we gather all our efforts, through the Government agencies, to make sure that we do everything possible to retrieve the bodies and take care of the survivors. I am going to make sure that a team is gathered and that Government does whatever it takes to rescue whoever will be rescuable and also retrieve the bodies.

**THE DEPUTY SPEAKER:** Thank you.

MINISTERIAL STATEMENT ON THE LEGAL REGIME UNDER WHICH THE FISHERIES PROTECTION UNIT OF THE UGANDA PEOPLES’ DEFENCE FORCES (UPDF) OPERATES ON THE VARIOUS WATER BODIES IN UGANDA

2.34

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** Mr Speaker, on 6 February 2019, the Speaker of Parliament of Uganda raised a number of issues concerning the legal regime on the management of the fisheries and fisheries products as well as the deployment of the Uganda Peoples’ Defence Forces (UPDF) on the lakes.

The following are the issues that the Speaker raised:

1. Under what law was the Fisheries Protection Force established?
2. Can the directives issued by His Excellency the President on the deployment and establishment of the Fisheries Protection Force usurp powers of Parliament under the Fisheries Act (Cap. 197)?

The Speaker requested the Attorney-General to respond to the issues she raised concerning the law applicable on the management of the fisheries and deployment of the Uganda Peoples’ Defence Forces on the lakes.

Mr Speaker, what is the law applicable? The Fisheries Act (Cap. 197) regulates the control of fishing, the conservation of fish, the purchase, sale, marketing and processing of fish, and provides for other matters. The Fisheries Act also allows the Chief Fisheries Officer or an authorised licensing officer to issue a licence to a person to fish from any vessel in any waters in Uganda.

Over time, gaps have been identified in the Fisheries Act (Cap. 197). This Act provides for offences, among which is immature fishing. It also provides for sale of immature fish and buying of immature fish under section 27 as well as prohibited nets and methods of fishing under section 28.

It also provides for enforcement on the lakes. Section 30 of the Fisheries Act (Cap. 197) provides for an authorised officer who is given enforcement powers under the Act. It is pursuant to these powers that the officer is authorised to seize and destroy any vessel/vehicle that is used in the contravention of the Act and seize any fish that has been obtained in a manner contrary to Cap. 197.

Authorised officers include the fisheries officers, chief magistrates, a magistrate of any grade, a police officer of or above the rank of corporal, or any employee of the fisheries department authorised in writing by the Chief Fisheries Officer.

Under the Act, there are Fish (Fishing) Rules 2010, that is, Statutory Instrument No. 33 of 2010. The Fish (Fishing) Rules, 2010 provide for restriction of the use of certain nets on the waters of Uganda and prohibits certain fishing methods under rule 5. Under the rules, the authorised officers are given general powers of enforcement on water and land in Uganda, including stopping vessels, requiring operators of vessels to stop fishing, searching, seizing vessels and any fishing appliance suspected to have been used in the commission of any offence.

Mr Speaker, there are challenges under the Fisheries Act (Cap. 197). This Act is enforced through authorised officers. The capacity of authorised officers to enforce the Act has been undermined by limitations in technological, logistical, financial and human resource capacity of the institutions in charge of fisheries and research.

There is also a challenge arising from the weak penalties in the law. The penalties and fines for contravening the Act are not stringent enough. For example, a person who commits an offence under the Act is liable, on conviction, to a fine not exceeding Shs 10,000 or imprisonment to a term not exceeding two years or both. You can imagine the maximum penalty for contravening provisions of the Act is a fine of Shs 10,000 today. Therefore, considering the lucrative nature of this business, people have made it a habit to contravene the law knowing that when they are apprehended, they will be subjected to a fine of Shs 10,000. That has caused mayhem on the lakes.

Let us go to the presidential directive. Article 99 of the Constitution of Uganda, 1995 vests Executive authority in Uganda in the President. His Excellency the President, having noticed the deteriorating conditions of the lake, the fish stocks, the high level of illegal fishing and harvesting of premature fish; and cognisant of the limitations and inadequacies in the existing law, which I have highlighted, directed the establishment of the Fisheries Protection Force as a stop-gap measure to address the situation on the lakes and landing sites, pending revisiting the legal framework and implementation modalities. Indeed, in his letter, the President concludes by directing that if any law requires to be amended to accommodate his directive, it should be accordingly amended. That is what the President said. In other words, he was cognisant of the fact that there may be need to revisit the relevant law and put it in line with what he thought were the best methods of handling activities on the lakes. The President’s directive was intended to curb both illegal fishing and any other form of criminality on the lakes and landing sites in Uganda.

In his letter dated 8 January 2017, the President established a unit similar to the Health Service Unit, to eliminate illegal fishing and other criminal activities taking place on the lakes and beaches. The Fisheries Protection Force was set up by the President in his letter dated 2 February 2017, to neutralise all forms of criminality on the lakes and landing sites.

The question we have to address is: Can the presidential directive override the powers of Parliament under Article 79 of the Constitution and the enforcement mechanism established under Cap 197? As already mentioned, Article 99 of the Constitution provides for the executive authority vested in the President. He exercises this authority either directly or through officers subordinate to him under Article 99(4).

This article refers to a statutory instrument made by His Excellency the President. Clearly, under Article 99 of the Constitution, the President has powers to give executive orders on any matter, which must be obeyed by all persons and organs in the country. On the other hand, Article 79 of the Constitution provides for the functions of Parliament, key among which is to make provisions having the force of law in Uganda.

In our view, there is no contradiction whatsoever between the powers vested in the President under Article 99 of the Constitution and those vested in Parliament under Article 79 of the Constitution. Those powers must be exercised in a supplementary manner; the powers supplement each other.

As already stated, cognizant of the weak enforcement mechanisms and the low penalties provided for under the Fisheries Act and the fish management rules, and having identified the magnitude of the criminality and huge extent of illegal fishing on the lakes and landing sites in Uganda, His Excellency the President established the Fisheries Protection Force to curb the criminality and illegal fishing on the lakes and landing sites. As I said, his action was just a stop-gap measure towards formalising what he wants to be put in place under a legal framework.

The directive was made in good faith to curb criminality and illegal fishing on the lakes and landing sites. The directive does not in any way usurp the powers of Parliament under Article 79(2). On the contrary, it promotes the welfare of the citizens; protects the territorial integrity of Uganda; protects the integrity of the fish stocks in our lakes; and protects the very existence and sustainance of our lakes and stocks therein.

As I said earlier, His Excellency recommended that any law regulating fisheries should be amended to give his directive effect. As a way forward, I would like Parliament to note that Cabinet has approved the principles of the Fisheries and Aquaculture Bill, 2019 and authorised the First Parliamentary Counsel to draft the Bill. The Bill seeks to address the conservation, development and management of fisheries and other aquatic resources in the country. It also establishes a fisheries monitoring control and surveillance unit within the Directorate of Fisheries Resources, which shall be responsible for protecting fish, the environment and fisheries products against fisheries malpractices. The unit will replace UPDF in the enforcement on Uganda’s water bodies in matters relating to the fisheries sector.

The presence of the UPDF on the lakes does not in any way breach any law because when they are there, they assist in the implementation of the existing law. Under the Constitution, the UPDF can be called upon to participate in any activity that the country deems fit. So, they are within their mandate; they are applying the law as it is and so far, they have done a wonderful job.

The Ministry of Agriculture, Animal Industry and Fisheries is in advanced stages of concluding this Bill for submission to the Cabinet Secretariat, which will in turn forward it to Cabinet. Mr Speaker, given the urgency of this matter, we have an undertaking from the Cabinet Secretariat that this Bill will be concluded as fast as possible.

Mr Speaker, I beg to submit.

**THE DEPUTY SPEAKER:** Honourable members, you recall that these matters about lakes have been debated in this House many times but issues keep coming up. The Member raised it again and that is why the Speaker sought guidance from the Attorney-General to clarify on the legal issues surrounding the establishment of this unit in order to establish whether there is conflict or not. The Attorney-General has just answered. If there are points of clarification, I will entertain them but not debate.

**MS ROBINAH SSENTONGO:** Thank you, Mr Speaker. I would like to seek clarification from the Attorney-General. I have listened very well to his presentation on the Fisheries Act, but I have not heard anything that prohibits the fishing communities from trading with neighbouring countries. At Kasensero Landing Site, there is a conflict. The fishing community and the traders have put down their tools because one of the enforcement officers, Mr Tashobya, has prevented them from exporting fish to Tanzania. He has confiscated their fish and banned that business.

Mr Speaker, the citizens are saying Mr Tashobya and his boss, Mr Niwagaba, have personal interests because they have their own boats and are selling fish. Therefore, when the fishermen sell fish to the neighbouring countries, it lowers their income.

Mr Speaker, I have not heard also that the fish that comes from Tanzania has flags and is not allowed to be sold in Uganda. That is the clarification I would like to seek.

**THE DEPUTY SPEAKER:** Honourable members, the Attorney-General is not the sector minister. Those debates can be handled with the sector minister. The specific matters that were raised to the Attorney-General, to which he has responded, are the legal issues. So, if you are seeking clarification, restrict it to the legal issues; do not raise policy issues on fisheries here. Let us deal with the specific legal problem.

**MS NABAYIGA:** Thank you, Mr Speaker. I thank the Attorney-General for the response he has made today. In your response, you have said that the UPDF does not break any law but is promoting the existing law, which is the Fish Act. However, we have learnt that some other activities are being done by the UPDF, for example, closure of landing sites. They have been closing landing sites and yet we know that there is a procedure on that in the Fish Act. They banned smoking of fish; our people no longer smoke fish and yet smoking of fish is accepted in the Act. Therefore, I need clarification from you.

Are the recommendations which the committee is going to give going to the President or they are going to be implemented according to the Fish Act? I seek your clarification on that. Thank you.

2.53

**THE MINISTER OF STATE FOR DEFENCE AND VETERAN AFFAIRS (VETERAN AFFAIRS) (Lt Col (Rtd) Bright Rwamirama):** Thank you, Mr Speaker. I would like to clarify to the House – as somebody who has some knowledge about the enforcement of that law - that:

1. The landing sites that were closed were not gazetted. I would like to inform the Member that in Wakiso only, there were 36 illegal landing sites which were outlets for trading in immature fish and they were closed. I tendered pictures in this House about those landing sites.

2. Trade in smoked fish has never been banned; it still goes on. What is not allowed is trading in immature smoked fish. Smoked fish must be mature. If it is immature, then it is confiscated and defectors are arraigned before the courts of all.

What keeps on coming up in this House, Mr Speaker –*(Interjection)*– I am clarifying; can I finish? Regulation is always resisted. When you start regulation, you know you will meet resistance. I really urge Members, when you bring here issues to do with regulation, bring evidence.

In the UPDF and Ministry of Defence, we have put our foot down and are not going to tolerate indiscipline of soldiers. If it is an act of indiscipline, we shall address the indiscipline in a very appropriate manner. However, if it is an illegality, it should really be condemned.

**MR SSEMULI:** Thank you very much, Mr Speaker. We owe a duty to care for and protect the interest of Ugandans. We have heard a lot of evidence to the effect that whenever fish is being confiscated, the aggrieved parties are never given a fair hearing.

The clarification I am seeking concerns the arising liabilities. I would like to know from the honourable minister seated here comfortably how the rising liabilities are going to be sorted out, if at all they are trying to convince this august House that the directive of the President is absolutely binding.

**MR OCHEN:** Mr Speaker, I would like to seek clarification from the Attorney-General. After the President gave the directive, can you explain to this House what level the sector ministry has reached in introducing the new amendments, so that the submission of the President is put aside when Parliament passes the new law? What is keeping it to the extent of leaving the whole nation speculate on the law?

**MR JONATHAN ODUR:** Thank you very much, Mr Speaker. I would like to seek clarification from the Attorney-General. He states that the executive authority exercised by the President under Article 99 (4) supersedes the provision of Article 79 and yet we are also aware that under Article 99 (5), any authority exercised by the President must be authenticated by a statutory instrument by the minister.

Article 79 requires that all such instruments must come before Parliament. Can the Attorney-General lay before us that instrument of executive authority and tell us whether it has been authenticated by the minister, so that Parliament can give its blessing under Article 79? Thank you.

**THE DEPUTY SPAKER:** Honourable member, let the record show that the Attorney-General never stated what you said. He did not say that the executive orders of the President override the authority of Parliament under Article 79. He did not say that. Let the record say that.

**MS BETTY NAMBOOZE:** Thank you, Mr Speaker. The Attorney-General has talked about a weak law but he cited that the law provides for imprisonment for two years as a maximum sentence and courts of law have an option either to charge a fine or send someone to prison. I do not know why he considers that to be a very small sentence.

Two, in the present situation where Government feels that the law is weak but sends UPDF to enforce it, what law are they enforcing? The coming in of UPDF cannot remove the weak law. So, when you send UPDF under the claim that the law is weak, which particular law now does the army enforce so that it is more efficient than the other enforcement organs?

Lastly, I do not have a lake in Mukono Municipality but my people deal in fish. The UPDF, which is enforcing laws, come up to Mukono markets to arrest women for selling fish. When they arrest them – now that you have considered the law weak –*(Member timed out)*

3.00

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** Thank you, Mr Speaker and colleagues, for your concerns and the quest to be clarified. Most of the questions have been answered by the sector minister, so I am not going to repeat what he has answered.

An honourable member stated that as a result of the presidential directive, there are so many liabilities arising. His concern is on how the liabilities are going to be handled. If there is proven misfeasance committed by officers of Government who are deployed to perform their duties, be it UPDF members or Government officials, when they commit crimes or cause damage, then the Government is liable. There is a set procedure for Government being held responsible for offences, commissions or damage caused by its officers. They may go to court or seek compensations. The procedures are there and we have always handled those claims.

Another Member was concerned about how far the line ministry has gone with the amendment of the law following the presidential directive, having identified the weaknesses in the law. In my statement, I told you that the First Parliamentary Council has completed the draft, which is now before Cabinet. Given the urgency of this matter, the Cabinet Secretariat has promised it will be given first priority. Therefore, to answer you, the draft law is already in place and it will replace the weak law we are concerned about.

Hon. Nambooze was concerned about my statement that the law is weak because it provides for a fine of Shs 10,000 only. In her view, the law provides for a fine of Shs 10,000 but has an alternative penalty of two years’ imprisonment. When matters go to court, the court has discretion to either impose a fine or a custodial sentence of imprisonment or both. Ordinarily, courts always go for a fine because these are quasi-civil matters. So, if they went for a fine, the fine that they can impose under the law is only Shs 10,000. That is not prohibitive enough for the people who commit those offences.

Her concern again was that if the law is weak, what are the UPDF enforcing? The weakness is in respect of the fines but there are so many provisions of the law which are good and have to be enforced. Therefore, the UPDF is there to enforce those provisions of the law which are still relevant. In any event, given the fact that the law is weak, the UPDF presence is prohibitive; they are there to prohibit the lawbreakers from breaking the law instead of waiting for them to break the law so that they can be taken to court.

**THE DEPUTY SPEAKER:** Learned Attorney-General, haven’t we dealt with the harmonisation of the provisions where the law provides for both fines and imprisonment terms? Where there is one year imprisonment, for example, there should be an equivalent in currency points without necessarily looking at what that particular law says. I thought we passed a general clause dealing with that - that there should be a corresponding upgrade of currency points that is equivalent to one-year imprisonment. Why are we still talking about Shs 10,000 if that is true?

**MR RUKUTANA:** Mr Speaker, you are very right. In the law revision section, we have an exercise to harmonise the custodial sentences with the law, especially given the fact that the monetary provisions in the old laws have been affected adversely by inflation. At the time this law was made, Shs 10,000 was a big sum of money and it was commensurate to a two-year term of imprisonment. Because of inflation, we need to harmonise this law and so many others which were enacted long ago and are still in our law books. The exercise is ongoing to harmonise the provisions and it will be concluded soon.

**THE DEPUTY SPEAKER:** My question was: Haven’t we harmonised it already?

**MR RUKUTANA:** I am not sure the harmonisation has been concluded.

**THE DEPUTY SPEAKER:** Okay. Thank you.

MINISTERIAL STATEMENT ON THE CHANGE OF OWNERSHIP OF QUALICEL BUILDINGS, BUGANDA BUS PARK AND THE RETROSPECTIVE RENT CHARGES BY THE CURRENT OWNERS OF THE BUSINESS COMPLEX, MR DRAKE LUBEGA AND MR MANISUR MATOVU

3.07

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** Mr Speaker, I must begin by informing the House that this matter was being personally handled by the Attorney-General. However, he is out of the country and I could not access his office. He had meetings with the operators of the property in question, which I was not privy to. So, when he returns, he will make a detailed statement on the matter. However, I have jotted down something which I want to communicate to the House.

The dispute concerning the ownership and possession of what is popularly known as the Buganda Bus Park comprised in Leasehold Register Volume (LRV) 3958, Folio 10, Plot 50 to 52, Nakivubo Road, is an old one. There have been a number of court cases concerning the same between Mr Drake Lubega and the late Charles Muhangi under Horizon Coaches Limited. Some of the cases go back as far as 2011. There have also been countless correspondences between various Government offices, the Attorney-General’s office and the courts of law.

A review of the various court cases, judgements and rulings on the dispute reveals that as of today, the issue of ownership has never been resolved by any court. I want this to be on record because I have seen in the media that the court determined the issue of ownership and decreed that so and so is the rightful owner. I want to state that it has never happened. The truth is that there were so many interlocutory applications, which did not go to the root of ownership. They all culminated into who should be in possession of the property, pending the determination of the suit, which determination, I want to clarify, has never taken place.

As of today, there is only one pending matter in the High Court, being Civil Suit No. 2015 of 2013, that is, Horizon Coaches Limited versus Drake Francis Lubega and Kampala City Council. This is the case that is intended to determine who the rightful owner of the property is.

The position of the office of the Attorney-General, which goes back to three consecutive Attorneys-General of Uganda, backed by clarification from the court, is and has always been that Drake Lubega was from the beginning in possession of the contested property and that the status quo ought to be maintained at all times until the courts determine the issue of ownership. As I said, this position has been held by three successive Attorneys-General and has never changed, except that some time last year, a junior officer in the Attorney-General’s Chambers issued a letter contradicting the position that has stood for so many years. Later, she noticed that she issued it in error and subsequently withdrew it. That letter caused confusion.

Mr Speaker, regarding the retrospective collection of rent by Drake Lubega, as I said earlier, I know that the Attorney-General has met those parties and deliberated on the matter. I am not privy to what they discussed. Therefore, I can say that I am not aware and I have not been involved in the matter of rentals.

My only observation, which we have discussed with the Attorney-General and other officials in our office, is that any person who paid rent when the property was in somebody else’s possession, in the genuine belief that he or she was paying the rightful owner, should not be made to pay a second time. The matter of the rent collected should be considered by the court when they are considering the issue of ownership and whoever is entitled to the money should seek redress from court. The tenants should not suffer double jeopardy. I rest my case.

**THE DEPUTY SPEAKER:** Clarification from the Member of Parliament for Kampala Central.

**MR NSEREKO:** Thank you, Mr Speaker. The learned Attorney-General first put forward a disclaimer. However, to our surprise, he went ahead to state what he thinks is right, in his opinion.

First, it is not true that the only application before court at the moment is that one which he has stated. There are many other interlocutory applications *– (Interjection) -* okay, the cases – amongst which even the Attorney-General is party to some. I would like to clearly state that in very many different applications, the Attorney-General has been put to notice that he is one of the people – not you in person and not the current Attorney-General - that has been participating in the change of the status quo of the building. Whereas it is true, like he has said, that rent should not be charged retrospectively, this has not been adhered to.

Secondly, at the moment, if ownership has not been determined, I can clearly tell you that there is someone taking on construction at that site. If there is no ownership of that ground as it has not been determined and there are various court orders stating that the status quo should be maintained, how is it that construction is going on at this time? As of today, tenants have seen their premises raided and property confiscated. Some of their premises have caught fire and many have been sealed off. Can you be courteous enough to inform this House who has been doing all this?

In any case, you said that one of your officers contradicted your earlier communications. That means that there is something that is not right. Why is it that the letter was revoked after the death of Charles Muhangi –

**THE DEPUTY SPEAKER:** Honourable member, can we come back to the issue that was addressed to the Attorney-General? The issue is on the change of ownership of Qualicel buildings, Buganda Bus Park and the retrospective rent charges by the current owners of the business complex, Drake Lubega and Mr Manisur Matovu. If you widen it, you are going into other discussions, which you have held but which were not part of the brief given to the Attorney-General.

**MR NSEREKO:** Mr Speaker, it was the Attorney-General who spoke before this House and said that the issue of ownership would be determined by court and I have no objection to that. However, the issue regarding what is on the ground today is: Who is in possession of the property? This is what is affecting the tenants ultimately. When there is a change in who runs the building, the tenants run to us. Otherwise, if that matter was determined, they would not run to us.

Where the Attorney-General comes in is that he has been part of those determining who the rightful person to be on ground is. The letter from the Uganda Police Force clearly earmarks the meetings in which the Attorney-General participated. The person who gives permission for Drake Lubega and Manisur Yanga Matovu to take back possession after the death of Charles Muhangi cites the Attorney-General. He says that it is from the communication of the Attorney-General, which changed after the death of Charles Muhangi, that they are giving these people authority to go and take charge of these buildings and start managing them. That is why the Attorney-General is being brought into play today. If he had not pronounced himself on who has the current possession, that would not be the question for us to determine today -

**THE DEPUTY SPEAKER:** Learned Attorney-General, can you deal with that matter.

**MR RUKUTANA:** The honourable member is partly correct. I told you that three consecutive Attorneys-General held a view, after interpreting the court orders on record and getting communication from the court, that Drake Lubega and Manisur are the people who should be in possession, pending the determination of the suit.

Where the honourable member is right is where I stated that a junior officer allocated herself a responsibility, which was not known, and changed that long standing opinion of the Attorney-General by writing a letter saying that the late Muhangi should be in possession. That matter came to the Attorney-General. Of course, it was a complaint because after that letter, Muhangi prevailed upon the police to enter possession.

It is not true that the rescinding of the letter was done after Muhangi died. No, it was before he died. However, to the best of my knowledge, the Drake Lubegas, using the rescission of the letter, prevailed upon the police again to take back possession. That is the position I know.

After they had taken it back, the Muhangis also tried to use the police to regain possession and there were scuffles. The Attorney-General’s opinion was sought and he, following the earlier opinions we had given, maintained his stand that the rightful person to be in possession should be Drake Lubega and Manisur –*(Interruption)*

**MR SSEMUJJU:** Mr Speaker, the procedural issue I am raising is that this matter has been appearing on the Order Paper several times and requiring an answer from the Attorney-General. The Deputy Attorney-General has told Parliament that the office of the Attorney-General is closed and he could not access it. Therefore, he chose not to give the official position of the Attorney-General but his opinion.

Therefore, the procedural issue I am raising is whether this matter will be answered appropriately when that office is open and the rightful occupant, who has information, comes to Parliament to answer. The Deputy Attorney-General’s opinion is actually making matters worse because he has admitted that they have been part and parcel of this problem, at one time determining ownership and eventually causing all the problems that are being experienced.

Mr Speaker, the procedural issue is whether this Parliament should actually waste time to begin raising issues of clarification and consideration of an opinion of someone, who cannot access the office of the official Attorney-General, to retrieve information that would be useful for Parliament in its consideration of this matter.

**THE DEPUTY SPEAKER:** I think we are proceeding properly in this sense. When you put a matter on the record of this House, it becomes a public record and it is subject to interrogation. This is the interrogation that is being done because he volunteered to give information. He also qualified that volunteered information by saying, “The formal statement is with somebody else” but he can say something. It is that “he can say something” that is causing these interrogations.

Since this is an off-the-cuff response to the matter, it does not deal comprehensively with the issue. Let us pause it here and come back when the Attorney-General gives a substantive response to this matter or when the office is open as the Deputy Attorney-General has said.

Honourable members, in the distinguished visitor’s gallery this afternoon, we have a delegation of board of trustees from the Staff Pension Scheme of the Parliament of Zambia. They include:

1. Ms Roy Ngulube - Deputy Clerk, Administration;
2. Mr Edward Swdanzi - Principal Clerk (Human Resource and Administration);
3. Mr Jeffrey Mwenda - Chief Accountant; and
4. Mr Sage Samuwika - Committee Clerk.

They are here to observe the proceedings of the House but of course, they are also studying some of the things that we do in this Parliament. Please, join me in welcoming them. *(Applause)*

Honourable members, I would also like to inform you that I have got sad news. The father to hon. Robert Musoke, Budiope West County, has passed on. Burial arrangements will be communicated. Also, Rukia Nakadama, former Member of Parliament for Mayuge District and former Minister of State for Gender lost a father. These are the two sad communications that I need to give to this House. It might be appropriate for us to stand with them in a moment of silence and then come back to our business.

*(Members stood and observed a moment of silence.)*

MINISTERIAL STATEMENT ON THE ALLEGED ASSASSINATION ATTEMPT ON HON. AIDA NANTABA AND THE DEATH OF RONALD SSEBULIME

3.26

**THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Mr Obiga Kania):** Mr Speaker and colleagues, I hope this statement has been uploaded on your iPads. The Ministry of Internal Affairs has undertaken to make this statement because of the concern of Members and the public on the matter. We thought it appropriate to give a brief on the situation as it is now.

Right from the beginning, I would like to assure you that although this statement is short, after further investigations, we will be coming back to continue to brief this Parliament. It is a statement by the Minister of Internal Affairs on the alleged assassination attempt on our colleague, hon. Aida Erios Nantaba, and the death of a one Ronald Ssebulime. This is a preliminary/interim statement on the above subject matter. It is preliminary because investigations are still going on. I will make a full statement once investigations are completed.

From the onset, on behalf of Government and on behalf of our ministry and the police, I want to express my sincere condolences to the family and relatives of the late Ronald Ssebulime. It is a tragic and sad death, not only to the family but to all of us.

What do we know so far?

Hon. Aida Erios Nantaba, Minister of State for Information, Communications Technology and National Guidance, and Woman Member of Parliament for Kayunga District, on 24 March 2019 at about 11.30a.m. reported to Naggalama Police Station a suspected attempt to assassinate her. In her statement, this suspected attempt had occurred while she was driving back to Kampala from Kayunga in her official motor vehicle, registration number UG 0037N, a Toyota Prado.

Mr Ronald Ssebulime was killed after being arrested by the police. We are treating that as a murder case.

Action(s) so far

1. We have assembled a team of high level detectives from the Criminal Investigations Department (CID) Headquarters and Kampala Metropolitan Police to investigate the matter.

2. This team has taken statements from various witnesses.

3. A number of police officers who were on the site at the time of the death of Ssebulime have been arrested - namely Cpl Davis Sali, Police Constable Ronald Opira and Police Constable Ronald Bagonza - as suspects in the murder of Ronald Ssebulime.

4. In a report to Cabinet, the Cabinet has also set up a subcommittee chaired by the Minister of Internal Affairs, which has been assigned to manage these investigations and pay closer attention to how they are going.

The purpose of this is:

1. To establish if indeed, there was an attempt to assassinate hon. Idah Nantaba and if so, the motive.

2. Who was or were the perpetrators of this attempted assassination?

3. The conduct of the police officers involved in the whole situation from the time hon. Idah Nantaba reported the attempt on her life up to the time Ronald Ssebulime died and the report was made to the police headquarters.

The police officers involved will not only be those who have been arrested but even those who were in command at that particular time and any other matters which will be relevant to this investigation -*(Interjection)-* Well, there are various command structures; there are those who were in Naggalama, Mukono - As I said earlier, I have not put the details here and they are really matters of investigation.

As indicated earlier, this is a preliminary report. Further investigations will tie up many of the loose ends and there are many loose ends and questions. These are for the investigation team to find out and give us a brief. I will subsequently come back with a full statement on the findings and inform this House.

Mr Speaker, we once again offer our condolences to the family of Ronald Ssebulime. The police have been trying to get in touch with them. At the moment, I would like to thank you for giving me the opportunity to make this preliminary statement. Thank you very much.

**THE DEPUTY SPEAKER:** Thank you very much. When the full report is done, you come back to Parliament and brief us properly. It is a preliminary statement, the investigations are taking place and we do not want to interfere with that.

LAYING OF PAPERS

I) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS FOR FINANCIAL YEAR 2019/2020

3.33

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** Mr Speaker –

**THE DEPUTY SPEAKER:** Honourable minister, you have to start by withdrawing the other one then you lay that one. There was one that was laid. Now, you withdraw the other one and lay that one. You know what to do when that happens.

**MR RUKUTANA:** Mr Speaker, I seek your indulgence; I beg to withdraw the ministerial policy statement which was presented before this House prior because it was not an authentic document. *(Laughter)*

**THE DEPUTY SPEAKER:** No, it was incomplete.

**MR RUKUTANA:** I beg to lay on the Table the ministerial policy statement for financial year 2019/2020 that comprises of the following votes:

1. Vote 007 - Ministry of Justice and Constitutional Affairs;
2. Vote 101 - The Judiciary
3. Vote: 102 - Electoral Commission
4. Vote 105 - Uganda Law Reform Commission
5. Vote 106 - Uganda Human Rights Commission
6. Vote 109 - The Law Development Centre
7. Vote 199 - Uganda Registration Services Bureau
8. Vote 133 - Directorate of Public Prosecutions
9. Vote 148 - Judicial Service Commission.

I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It stands referred to the appropriate Committee of Legal and Parliamentary Affairs to handle within the framework of the budget.

II) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF TRADE, INDUSTRY AND COOPERATIVE

3.35

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (TRADE) (Mr Michael Werikhe):** Mr Speaker, I beg to withdraw, with apology, the ministerial policy statement which was earlier presented to the House. I beg to lay on the Table the ministerial policy statement for the financial year 2019/2020 for the Ministry of Trade, Industry and Cooperatives for the following votes:

1. Vote 015 - Ministry of Trade, Industry and cooperatives
2. Vote 154 - Uganda National Bureau of Standards
3. Vote 306 - Uganda Export Promotion Board

I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It is referred to the committee.

III) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF TOURISM, WILDLIFE AND ANTIQUITIES FOR THE FINANCIAL YEAR 2019/2020

3.36

**THE MINISTER OF TOURISM, WILDLIFE AND ANTIQUITIES (Prof. Ephraim Kamuntu):** Mr Speaker, I wish to lay on the Table –

**THE DEPUTY SPEAKER:** No, there was one that was laid.

**PROF. KAMUNTU**: Mr Speaker, this ministerial policy statement supersedes any other submission previously *–(Laughter)*

**THE DEPUTY SPEAKER:** Honourable minister, that is very smart but it is not proper. Please, can you withdraw?

**PROF.KAMUNTU:** Thank you very much for your guidance, Mr Speaker. In compliance with –

**THE DEPUTY SPEAKER**: Honourable minister, can you proceed.

**PROF. KAMUNTU:** Mr Speaker, section 13, subsection (13) of the Public Finance Management Act, 2015 requires me to submit to Parliament a ministerial policy statement for the proceeding financial year.

**THE DEPUTY SPEAKER:** By which date, since you want to quote the law?

**PROF. KAMUNTU:** In compliance with that requirement, I wish to present to this august House the ministerial policy statement for financial year 2019/2020 for vote 022, Ministry of Tourism, Wildlife and Antiquities, and vote 117, Uganda Tourism Board, for your consideration and approval. The other agencies presented under vote 022 - Uganda Wildlife Authority, Uganda Wildlife Conservation and Education Centre, Uganda Hotel and Tourism Training Institute, Uganda Wildlife Research and Training Institute - are also covered.

Mr Speaker, I now wish to present the financial outlay for financial year 2019/2020 for your consideration and approval. The proposed financial resources –

**THE DEPUTY SPEAKER:** Honourable minister, all you are required to do was to lay the document after withdrawing the other one. I am going to insist, honourable minister.

**PROF. KAMUNTU:** In accordance with your guidance, I accordingly withdraw the previously submitted policy statement and I lay on the Table the most authentic statement of the ministry.

**THE DEPUTY SPEAKER:** Thank you, honourable minister. It stands referred to the appropriate committee to handle within the budget framework.

IV) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT

**THE DEPUTY SPEAKER:** The procedure is standard. Please, respect that.

3.39

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH AND CHILDREN AFFAIRS) (Ms Florence Nakiwala):** Most obliged. Mr Speaker, with deep sorrow, I wish to withdraw the ministerial policy statement earlier laid. I beg to lay on the Table the ministerial policy statement for the social development sector for the financial year 2019/2020. The policy statement covers the following votes:

1. Vote 018 - Ministry of Gender, Labour and Social Development
2. Vote 124 - Equal Opportunities Commission
3. Vote 585 - Local Governments

I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It stands referred to our committee of gender.

V) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF SCIENCE, TECHNOLOGY AND INNOVATION FOR THE FINANCIAL YEAR 2019/2020

**THE DEPUTY SPEAKER:** Where is the minister in charge of science and technology?

VI) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT FOR THE FINANCIAL YEAR 2019/2020

3.41

**THE MINISTER OF STATE FOR LANDS, HOUSING AND URBAN DEVELOPMENT (LANDS)** (**Ms Persis Namuganza):** Mr Speaker, the minister requests to lay it tomorrow. She is still finalising with it.

**THE DEPUTY SPEAKER:** Leader of Government Business, there is no ministerial policy statement for the Ministry of Lands, Housing and Urban Development. And the Minister of Information, Communication Technology and National Guidance is not here again.

3.41  
**THE FIRST DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Moses Ali)**: Mr Speaker, I am helpless –

**THE DEPUTY SPEAKER:** A General to be helpless? *(Laughter)*

**GEN. (RTD) MOSES ALI:** Yes, in a situation where the General does not apply guns. *(Laughter)* I think something must have suddenly captured her attention. I do not know why but she has been here.

**THE DEPUTY SPEAKER:** The Minister of State says she intends to lay it tomorrow.

**GEN. (RTD) MOSES ALI:** I think that is just to save the situation otherwise she cannot tell you where the minister is. I think I agree with her. If she cannot appear now, we may be doing it tomorrow. Apologies, Mr Speaker.

**HONOURABLE MEMBERS:** What about Minister of Information, Communication Technology and National Guidance?

**GEN. (RTD) MOSES ALI:** I am not sure where she has gone but that is the situation. *(Laughter)*

VII) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES

3.43

**THE MINISTER OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Vincent Ssempijja):** Mr Speaker, I beg to retrieve the ministerial policy statement earlier presented here. I beg to lay on the Table the Ministry of Agriculture, Animal Industry and Fisheries Policy Statement for Vote 010 -

**THE DEPUTY SPEAKER:** Have you withdrawn the other one?

**MR SSEMPIJJA:** Yes, Mr Speaker.

**THE DEPUTY SPEAKER:** Okay, proceed.

**MR SSEMPIJJA:** Thank you, Mr Speaker. So, the votes are 010, 121, 122, 125, 142, 152, 155, 160 and 501 up to 850 for Financial Year 2019/2020. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. They stand referred to our Committee on Agriculture, Animal Industry and Fisheries. Clerk, what is lacking? The policy statement for Information, Communication Technology and National Guidance was laid yesterday. We are looking for Science and Technology. Is it here?

**CLERK:** Item 4 (v) was ministry policy statement for the Ministry of Science, Technology and Innovation.

**THE DEPUTY SPEAKER:** Is it here? Okay, next item.

VIII) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF HEALTH FOR THE FINANCIAL YEAR 2019/2020

3.45

**THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Opendi):** Mr Speaker, I beg to withdraw the previous ministerial policy statement that I had laid on Table. However, I want it to be on record that it was complete and authentic but four new votes were introduced into the health sector. That required that I amend the ministerial policy statement.

I now lay on the Table, the Ministry of Health Policy Ministerial Policy Statement for Financial Year 2019/2020. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. It stands referred to the committee responsible. Thank you.

MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT FOR THE FINANCIAL YEAR 2019/2020

3.46

**THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT (Ms Betty Amongi):** Thank you, Mr Speaker. Let me apologise on behalf of my colleague, to the Leader of Government Business and to you, for bringing in the policy statement late.

I also would like to withdraw the earlier policy statement that was laid here by my colleague, hon. Musumba and now beg to lay the Ministerial Policy Statement for Lands, Housing and Urban Development sector, Votes 012 and 156, for Financial Year 2019/2020. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. Now, that stands referred to the appropriate committee.

IX) THE AUDITOR-GENERAL’S REPORT ON NDEGEYA CORE PRIMARY TEACHERS’ COLLEGE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2016

**THE DEPUTY SPEAKER:** I think those ones have to be laid in sequence up to the end.

3.47

**MS CECILIA OGWAL (FDC, Woman Representative, Dokolo):** Thank you, Mr Speaker. I beg to lay on Table the following papers;

* 1. Auditor-General’s report on Ndegeya Core Primary Teachers’ College Accounts for the year ended 30 June 2016.
  2. The Auditor-General’s report on Kabuwoko Secondary School Accounts for the year ended 31December 2016.
  3. Auditor-General’s report on Mbulire Secondary School Accounts for the year ended 31 December 2016.
  4. Auditor-General’s report on St Mary’s Secondary School Ssanje Accounts for the year ended 31December 2016.
  5. Auditor-General’s report on Sseke Secondary School Accounts for the year ended 31December 2016.
  6. Auditor-General’s report on Nakyenyi Secondary School Accounts for the year ended 31 December 2016.
  7. Auditor-General’s report on St Henry’s College – Kitovu Accounts for the year ended 31 December 2015.
  8. Auditor-General’s report on St Gonzaga Secondary School – Kijjukizo Accounts for the year ended 31 December 2015.
  9. Auditor-General’s report on Kasenyi Secondary School Accounts for the year ended 31 December 2014.
  10. Auditor-General’s report on Mubende Army Secondary School Accounts for the year ended 31 December 2016.
  11. Auditor-General’s report on Kalangaalo Secondary School Accounts for the year ended 31 December 2016.
  12. Auditor-General’s report on St Anthony Secondary School – Kayunga Accounts for the year ended 31 December 2016
  13. Auditor-General’s report on St Clement Secondary School – Nkoni Accounts for the year ended 31December 2016.
  14. National Water and Sewerage Corporation Integrated Annual Report 2017/2018.
  15. The Audited Accounts for the National Identification and Registration Authority (NIRA) Strategic Plan 2017/2018 – 2019/2020.

Mr Speaker, I beg to lay the documents.

**THE DEPUTY SPEAKER:** Let the records capture that. They all stand referred to the appropriate committee for handling within the framework of the law. Thank you.

X) MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF WORKS AND TRANSPORT FOR FINANCIAL YEAR 2019/2020

3.51

**THE MINISTER OF STATE FOR WORKS AND TRANSPORT (TRANSPORT) (Mr Aggrey Bagiire):** Mr Speaker, I beg to lay on the Table –

**THE DEPUTY SPEAKER:** Have you withdrawn the one you laid before?

**MR BAGIIRE:** Mr Speaker, I would like to apologise that our ministerial policy statement had not been laid. We came and explained and you told us to bring it. I apologise.

Mr Speaker, I beg to lay the Ministerial Policy Statement for the Ministry of Works and Transport for the Financial Year 2019/2020. It covers the following votes:

1. Vote 016 – Ministry of Works and Transport
2. Vote 113 – Uganda National Roads Authority
3. Vote 118 – Uganda Roads Fund
4. Vote 500 – Local Governments

I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that. Thank you very much.

Honourable members, even if other records will show something else, let the records of Parliament continue to show that our objection was not to the form of the ministerial policy statements and we were clear on this. We accepted ministerial policy statements that were loosely bound; spiral bound. It was not about form but content. The contents of the ministerial policy statements were inadequate for the purposes of handling by the committees. I have seen other reports saying we were objecting to the form of the reports.

We were concerned about the content not the form. We would like to look at the content to see whether it is a true reflection of what the Government wants to do for the people of this country. Thank you.

XI) COMPREHENSIVE EVALUATION OF THE UNIVERSAL PRIMARY EDUCATION (UPE) POLICY

**THE DEPUTY SPEAKER:** Minister of Education and Sports? Next item.

Let me state this. We need clear guidance on when the policy statement for the Ministry of Science, Technology and Innovation is coming. As of tomorrow, plenary will be adjourned. I should have done that yesterday but I looked at the business that was pending and I could not adjourn. Therefore, if this ministerial policy statement is not here tomorrow, they are going to have to find another way of bringing it, which is not through laying and I do not how that will work.

**MR RUKUTANA:** Mr Speaker, can I lay the document for the Ministry of Education and Sports?

**THE DEPUTY SPEAKER:** No, we are still on the ministerial policy statement from the Ministry of Science, Technology and Innovation.

**MS BETTY AOL:** Mr Speaker, if plenary will be adjourned tomorrow, the Opposition has to lay alternative policy statements on the 9th as it was agreed here. The 9th will be next Tuesday. Can you give us that time so that we lay our alternative policies on Tuesday? Thank you.

**THE DEPUTY SPEAKER:** Honourable members, if the alternative policy statements are not laid, they will have to be transmitted to the committees directly in order to facilitate the work of the committees. I should have done it yesterday but because of the pending business, including two Bills that we needed to pass, I extended it to tomorrow. Therefore, we need to do this knowing that plenary will be suspended tomorrow.

Can the Leader of Government Business tell us something on the ministerial policy statement for the Ministry of Science, Technology and Innovation?

3.56

**THE FIRST DEPUTY PRIME MINISTER AND DEPUTY LEADER OF GOVERNMENT BUSINESS (Gen. (Rtd) Moses Ali):** Mr Speaker, we have gathered that the minister has lost his sister-in-law. However, we undertake to present the policy statement tomorrow.

**THE DEPUTY SPEAKER:** If it is there, it is only the absence of the minister. Can somebody from that office bring it here and somebody lays it?

**GEN. (RTD) MOSES ALI:** That is why we are undertaking that we shall lay it tomorrow.

**THE DEPUTY SPEAKER:** No, it should be today. It is just a matter of an officer bringing it to Parliament now for any of these ministers to lay.

**GEN. (RTD) MOSES ALI:** Okay, let us find out.

**THE DEPUTY SPEAKER:** Thank you.

XII) COMPREHENSIVE EVALUATION OF THE UNIVERSAL PRIMARY EDUCATION (UPE) POLICY

3.56

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa Rukutana):** Mr Speaker, I beg to lay the Comprehensive Evaluation of the Universal Primary Education (UPE) policy:

(a) Thematic Report 1: Policy, Legal, Regulatory and Institutional Framework

(b) Thematic Report 2: Efficacy of The Primary School Curriculum in Supporting the Realisation Of UPE

(c) Thematic Report 3: Primary Teacher Training for Producing Competent Teachers to Deliver UPE

(d) Thematic Report 4: Efficacy of School Inspection in Supporting the Delivery of UPE

(e) Thematic Report 5: Financing and Costing of UPE

(f) Thematic Report 6: Education Modelling and Forecasting

I beg to lay.

**THE DEPUTY SPEAKER:** Thank you. All six thematic reports on UPE stand referred to the Committee on Education and Sports to look at and advise us on how to proceed. Next item.

RESPONSES TO URGENT QUESTIONS UNDER RULE 46 OF THE RULES OF PROCEDURE

RESPONSE TO URGENT QUESTION ON THE TORTURE OF JIE YOUTH BY THE UPDF AND THE PEOPLE OF KATABOK PARISH, MORULEM SUB-COUNTY IN ABIM DISTRICT, RAISED BY HON. MARGARET ALEPER Woman MP, Kotido District

**THE DEPUTY SPEAKER:** The Minister for Karamoja Affairs is not here. Next item.

RESPONSE TO URGENT QUESTION ON THE ESCALATING CATTLE RAIDS AND SEXUAL VIOLENCE IN KITGUM DISTRICT BY KARIMOJONG WARRIORS, RAISED BY HON. MARGARET LAMWAKA

**THE DEPUTY SPEAKER:** Next item.

RESPONSE TO URGENT QUESTION ON THE DELAY BY GOVERNMENT TO RESPOND TO A MATTER OF SUSPENSION OF SOME RADIO PROGRAMMES IN LIRA ARISING FROM THE DEATH OF MR DICKENS OKELLO, RAISED BY HON. JUDITH ALYEK

**THE DEPUTY SPEAKER:** Next item.

RESPONSE TO URGENT QUESTION ON THE FIRE THAT GUTTED PROPERTIES AT SIBARE BEACH IN BUTANIRA VILLAGE, SIGULU ISLANDS, RAISED BY HON. ABOTT GEORGE OUMA

**THE DEPUTY SPEAKER:** Next item.

RESPONSE TO URGENT QUESTION ON THE DELAY BY GOVERNMENT TO RELEASE FUNDS TO REGIONAL WORK STATIONS TO ENABLE CONSTRUCTION AND REHABILITATION OF ROAD NETWORKS

**THE DEPUTY SPEAKER:** Next item.

RESPONSE TO URGENT QUESTION ON CATTLE FROM RAKAI AND KYOTERA DISTRICTS INTERCEPTED AT LUKAYA ON FRIDAY, 29 MARCH 2019

**THE DEPUTY SPEAKER:** Honourable minister, please, your statement should address specific issues. We do not want general issues that you should have brought in another policy document shrouding our debate. Just stick to the issue of the cattle.

3.59

**THE MINISTER OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Vincent Ssempijja):** Much obliged, Mr Speaker. I would like to inform the House that a total of 116 heads of cattle were intercepted on Friday, 29 March 2019 at Lukaya Animal Checkpoint by operatives from the Ministry of Security, represented by one Mr Rugyenda and Anti-Stock Theft Unit, represented by a one Mr Mwetesi.

By Sunday, 31 March two of the animals had died. They were sent to Mutukula in Kyotera District where there is an animal holding ground, in which they could access adequate feed and water. The reason for interception was on suspicion that the cattle had originated from Tanzania.

According to District Veterinary Officers (DVOs) of Kyotera and Rakai, the animals had letters of clearance from the Local Council (LC I), Gombolola Internal Security Officer (GISO) and the Police from the area of origin. On inspection by the Kyotera Veterinary Officer, the animals were confirmed free from any notifiable disease. The responsible cattle traders, LC I for Kamuli village and the veterinarian who issued the permit are currently in jail.

According to the Officer in Charge (OC) Operations at Mutukula, the cattle were accompanied by the LC I and GISO letters and the copies are attached here. The LC I and the veterinarian were invited to Mutukula Police Station to make statements and they were put in prison. That is the status.

Mr Speaker, I have volunteered some information for the Members, which they will read on how we collaborate with the police and other institutions.

I have also informed Members about the procedures of controlling animal movements. I have further volunteered information on guidelines issued by the Commissioner Animal Health to enhance compliance with quarantine restrictions and facilitate trade from non- infected sub counties

I would like to mention that among the guidelines, border security officers were ordered to stop animals from entering from Tanzania until further notice.

Another guideline is that any animals intercepted for moving against these guidelines shall be sent back to the original district and the offenders will be handed over to the courts of law.

No person shall be allowed to move animals into, through and out of disease free areas without a valid cattle traders' license and a valid animal movement permit from the DVO and parish chief and the LC I letter on ownership.

No District Veterinary Officer will issue an animal movement permit without the transporter producing a letter of ownership from LC I of the area, verified by the parish chief and the area officer in charge of the Police and dully signed and stamped by these Officers.

Mr Speaker, that is the situation.

**THE DEPUTY SPEAKER:** Is there any supplementary question from the Member who raised this matter? Is the Member who raised this matter here? The Member is not here and we have no information that he has authorised anybody else. Next Item.

MOTION FOR RE-CONSIDERATION OF THE SUGAR BILL, 2016 AS RETURNED BY HIS EXCELLENCY, THE PRESIDENT OF THE REPUBLIC OF UGANDA

4.09

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND CO-OPERATIVES (TRADE**) **(Mr Micheal Werikhe):** Mr Speaker, I beg to move a motion for re-consideration of the Sugar Bill, 2016, as returned by His Excellency, the President of the Republic of Uganda, in accordance with Rule 142(2) of the Rules of Procedure of Parliament. The motion reads as follows:

*“WHEREAS Parliament considered and passed the Sugar Bill, 2016 on the 21 November 2018 and in accordance with Article 91 of the Constitution of the Republic of Uganda, presented the Bill to the President for assent;*

*AND WHEREAS the main objective of the Bill is to provide for the development, regulation and promotion of the sugar industry in order to achieve a sustainable, diversified, harmonised, modern and competitive sugar industry in Uganda to meet domestic, regional and international sugar requirements;*

*AND WHEREAS the President, pursuant to Article 91(3)(b) of the Constitution returned the Sugar Bill, with a request to Parliament to re-consider clauses 19, 20, 21, 22, 23 and 29 (2) (b) of the Bill;*

*NOTING THAT Rule 142 of the Rules of Procedure of Parliament mandates the minister to lay on Table the returned Bill by the President;*

*NOW, THEREFORE, be it resolved that:*

1. *Parliament reconsiders the Sugar Bill, 2016 as requested by the President.”*

Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by the learned Attorney–General, Member for Kinkizi, Member for Kazo, Member for Ayivu and Member for Bulambuli.

Honourable members, that motion is straight forward. Can you lay on Table a copy of it?

**MR WERIKHE:** I beg to lay on the Table the Sugar Bill, 2016.

**THE DEPUTY SPEAKER:** Honourable members, this motion is not for debate today but rather for presentation and reference under Rule 142(2). I am required to refer the Bill to the relevant committee, which shall consider the recommendations of the President and report to this House within two weeks. That is the command of the law.

Honourable members, please, let us heed the call. The committee responsible for this should report to the House, within two weeks. Thank you very much.

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW $ 100 MILLION, APPROXIMATELY SHS 380 BILLION FROM THE DOMESTIC MARKET TO FINANCE CLASSIFIED EXPENDITURE UNDER MINISTRY OF DEFENCE AND VETERAN AFFAIRS FOR FINANCIAL YEAR 2018/2019

**THE DEPUTY SPEAKER:** Can we first deal with the final document. The Ministerial Policy Statement for the Ministry of Science, Technology and Innovation is finally here.

MINISTERIAL POLICY STATEMENT FOR THE MINISTRY OF SCIENCE, TECHNOLOGY AND INNOVATION

4.13

**THE MINISTER OF STATE FOR TRADE, INDUSTRY AND COOPERATIVES (TRADE) (Mr Michael Werikhe Kafabusa):** Mr Speaker, I beg to withdraw the earlier policy statement presented to the House. I now beg to lay on Table the Ministerial Policy Statement for the Ministry of Science, Technology and Innovation for Vote 023 and Vote 110 for the financial year 2019/2020. I beg to lay.

**THE DEPUTY SPEAKER:** Thank you. Let the records capture that and it is referred to the committee for handling. Next item -

**MR KABERUKA:** Thank you, Mr Speaker. Mr Speaker, yesterday, the Minister of Finance, Planning and Economic Development, while answering a question raised by hon. Nsaba Buturo from Bufumbira County East, said that Government gave Kigezi Highland Tea Limited Shs 4,404,354,076 to establish a factory in Kisoro.

The procedural matter I am raising is whether the minister means that this is a grant to Kigezi Highland Tea Company or it is a Public-Private Partnership (PPP). Wouldn’t it be procedurally right for the minister to shed some light to this Parliament on whether this factory is operated by Kigezi Highland Tea Company and the Government or whether it is a loan to Kigezi Highland Tea Company?

The Act establishing Uganda Development Corporation (UDC) does not give mandate to give a grant.

**THE DEPUTY SPEAKER:** Honourable member, that is not a point of procedure. That is a point of clarification; so, wait for the right person to clarify. I cannot clarify on that. Thank you very much. Can we proceed to the next item?

MOTION FOR A RESOLUTION OF PARLIAMENT TO AUTHORISE GOVERNMENT TO BORROW $100 MILLION (APPROXIMATELY SHS 380 BILLION) FROM THE DOMESTIC MARKET TO FINANCE CLASSIFIED EXPENDITURE UNDER MINISTRY OF DEFENCE AND VETERAN AFFAIRS FOR FINANCIAL YEAR 2018/2019

**THE DEPUTY SPEAKER:** Honourable members, it was the consensus of the House yesterday that we only needed to constitute the House properly and take a decision on this matter because discussing in line of these things would pose some problems. That was the agreement yesterday.

However, looking at what brought this matter yesterday, I am now being advised that the situation has not significantly changed. Therefore, we will have to monitor and see when this matter can come up again. Thank you.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS (CENTRAL GOVERNMENT) ON THE REPORT OF THE AUDITOR-GENERAL FOR FINANCIAL YEAR 2016/2017

**THE DEPUTY SPEAKER:** Honourable chairperson, we agreed that you will be presenting each of these reports in five minutes. Please, heed to that. - She is still holding the fort for these particular sets of reports. She chaired the processes that led to the writing of these reports, so I think the committee has agreed that she should be the one to present them, which is also perfectly in order. Therefore, she can competently deal with it.

Hon. Osegge, are you ready? If not, can we go to other matters?

4.16

**MS ANGELLINE OSEGGE (FDC, Woman Representative, Soroti):** The reports were brought in here and the Clerk advised that they were put aside. I am waiting for them to be delivered on Table.

**THE DEPUTY SPEAKER:** While they are looking for them, can we go to the Bill?

BILLS

COMMITTEE STAGE

THE PERSONS WITH DISABILITIES BILL, 2018

Clause 8

**THE DEPUTY CHAIRPERSON:** Honourable members, this was for drafting and I am hoping that the final draft of clause 8 is here so that we can take a decision and move on. Chairperson, can we have the draft for clause 8?

**MR NDEEZI:** Mr Chairperson, with the assistance of our Department of Legal Affairs, the draft was made and also shared with Members on their iPads. However, I assure Members who may not have access to the draft that the changes are very minor. So, I beg to move forward.

Clause 8 begins on page 7 of the Bill. On the amendment we were to make, we were to insert clause 8 immediately after the existing provision on page 8. Let me read –

**THE DEPUTY CHAIRPERSON:** I thought we are still on clause 8. We have not yet taken a decision on clause 8.

**MR NDEEZI:** Mr Chairperson, we finished clause 7. I introduced clause 8 but you did not put the question on it. You advised that we go back and redraft the changes I had introduced, if you remember the clause on persons living with albinism. So, you can advise me if I should read the entire amendment again. I need your guidance. Should I read the entire amendment or the few changes we made? These are the few changes.

Sub-clause 9

“The minister responsible for health shall ensure that persons with albinism have access to free or subsidised skin protection creams”.

Sub-clause 10

“The Minister responsible for Health shall ensure that persons with disability have access to free or subsidised assistive devices”.

Mr Speaker, for the purpose of clarity, in sub-clause 1, we needed to substitute for the words “patient with disability” with the words “person with disability”. I beg to move.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members, you have heard the amendments as proposed. However, I still think there is a drafting issue and I am going to now propose the following draft from the chairperson. It does not change the content of what they have drafted but it improves on the quality of the draft.

Sub-clause 9 would have to be broken into paragraphs, which would be something like this;

“The Minister responsible for Health shall ensure that:

1. Persons with albinism have access to free or subsidised skin protective creams and
2. Persons with disability have access to free or subsidised assistive devices.”

That would be a better way to draft this particular clause so that we do not have these repetitions of “the minister responsible shall ensure that”. It would take care of that. Is that okay now? Can we take a decision on this finally? I put the question to this amendment, as improved. In fact, can I have somebody to put this draft on record other than the chairperson?

I put the question to the amendment that had been proposed.

**MS KOMUHANGI:** Mr Chairperson, I beg for your indulgence. I want clarification from the Ministry of Health whether they approve of that amendment because the orthopaedic workshop in Mulago is funded by donors up to 80 per cent. I do not know how that would be possible if the orthopaedic workshop still depends on foreign donations.

**THE DEPUTY CHAIRPERSON:** It is a Government Bill and the amendment has been accepted by the minister responsible for the sector. I, therefore, put the question to the amendment.

(*Question put and agreed to.*)

*Clause 8, as amended, agreed to.*

Clause 9

**MR NDEEZI:** In clause 9, we have only one amendment and it is on page 6.

**THE DEPUTY CHAIRPERSON:** Honourable chairperson, are you going by the old one in the report?

**MR NDEEZI:** Yes, I am. In clause 9, insert a new sub-clause (2) to read as follows:

“The Minister responsible for health, in consultation with the Council and the ministers responsible for employment, education and social services, shall organise, strengthen and extend habilitation and rehabilitation services and programmes for the benefit of persons with disability.”

The justification is that the provision existing in the Bill already mentions that the Government will inform people about the existence of these services. However, in this provision, we have seen that it is very important for the Government to have a law in the provision of services. I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment proposed by the committee. I put the question to that amendment.

**MR ANYWARACH:** Mr Chairperson, the wording of clause 9 in the Bill, that “Government shall inform the persons with disabilities and their parents, guardians, carers –“ To me, it seems clearer and maybe, if there is a question where we want Government to be involved –

**THE DEPUTY CHAIRPERSON:** Honourable member, are you a member of this committee?

**MR ANYWARACH:** Yes, I am.

**THE DEPUTY CHAIRPERSON:** Were you the ones who proposed this amendment?

**MR ANYWARACH:** Yes, Mr Chairperson. However, when you read it now, actually –

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

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

Clause 10

**MR NDEEZI:** Clause 10 is on the same page of the amendment. The first amendment is in sub-clause (2)(a): by inserting immediately after the word “and” the words "provide the applicant with disability with the necessary facilities to undertake the job interview.”

The second amendment is in sub-clause (2)(b) by substituting for the words "the facilities required" the words "reasonable accommodation."

In sub-clause (4), it is amended by substituting for the words "facilities" the words "reasonable accommodation" and inserting the words "working environment" immediately after the word "equipment.”

In sub-clause (5), it is amended by inserting the words “of up to ten percent” immediately after the word “deductions”.

We propose to delete sub-clause 6.

We propose to insert a new sub-clause (7) to read as follows;

“(7) The minister responsible for labour shall, in consultation with the Council and employers’ organisations, determine the quota of persons with disabilities workforce for employers, and shall by statutory instrument publish the agreed quota at least once in every two years.”

We also propose to insert a new sub section (8) as follows:

“(8) An employer who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment not exceeding one year or both.”

The justifications are:

1. To provide for a broad definition and make the provision more encompassing;
2. To avoid discrimination of persons with disabilities during the job interview process;
3. To prescribe the percentage of tax deductions;
4. To avoid abuse.

We deleted the last.

Mr Chairperson, I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the amendments -

**MR JONATHAN ODUR:** Thank you, Mr Chairperson. I appreciate that we are dealing with some specialised Bill here. However, I wanted the chairperson of the committee to clarify “reasonable accommodation”. Is it the accommodation in our context or this is a technical language that is peculiar to - like my sister last time pointed out the use of some of the requirements?

Secondly, I think consequentially now, we have agreed that the penalties must be consistent with what we have agreed on. Here, I see one hundred currency points for one year. Yet, previously, we had already set. Maybe consequentially now, on the issue of penalties, because it keep coming up and we do not want to come back to it; we can just agree and make it a consequential amendment to all penalties that are provided for here so that they match what we had agreed on before. Thank you.

**MR NDEEZI:** Mr Chairperson, on Page 1 of our amendment, we provided definition of “reasonable accommodation”. May I read it now or later?

**THE DEPUTY CHAIRPERSON:** No, we will deal with it later; it is in the definitions.

**MR OLANYA:** Thank you, Mr Chairperson. In sub-clause 2(b), the committee is proposing substituting the words, “the facilities required” with “reasonable accommodation.” I feel that the words, “the facilities required” carry more meaning than the latter. We should leave it as it is.

**MR NDEEZI:** Mr Chairperson, I think I must read the definition of “reasonable accommodation” on page two for people to understand.

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”

It is more encompassing than the word “facilities.”

**THE DEPUTY CHAIRPERSON:** Is that clear now? Can I put a question on this?

**MS NAUWAT:** Thank you, Mr Chairman. I am wondering whether we are limiting employment of persons with disabilities to Government. I would imagine that a person with disability can also apply for employment with a Non-Governmental Organisation.

If we say that we replace “facilities required” with “reasonable accommodation”, I am wondering if an NGO employing the person will have that in their job description. I feel that the words “facilities required” suffice.

**MS ALUM:** Thank you, Mr Chairperson. As I come to agree with the use of “reasonable accommodation” instead of “facilities”, I would like to propose that clause 4 reads as such, to put the issue into context: “In this section, reasonable accommodation includes provision of tools, equipment and where necessary, a modified work schedule.”

My argument is we should include, “provision of” to put it in context. The Member of Parliament from Erute County South asked whether “reasonable accommodation” means the technical aspect or the usual accommodation that we always use. My proposal is to include the words, “includes provision of tools, equipment and where necessary, a modified work schedule.” Thank you.

**MR RUKUTANA:** Mr Chairman, looking at the proposal, what is confusing is the meaning of “accommodation.” Do they mean accommodation in the premises in which the person is employed or being accommodated as he is?

In any event, I am persuaded that the words, “necessary facilities” is wider, more definite and more understandable than the so-called “reasonable accommodation”. It is more explicit, all-encompassing and covers the intention of those words to ensure that a disabled person is catered for when he or she is employed to do what he is supposed to do.

I would urge the chairperson and members to remain with “provision of necessary facilities” instead of “reasonable accommodation”.

**MS NALULE:** Thank you, Mr Chairperson. I would like to agree with the definitions of the Attorney-General but I would like to guide this Parliament that as we pass these legislations, especially that to do with persons with disabilities, we try to accommodate and domesticate the provisions in the United Nations (UN) Convention on the Rights of Persons with Disabilities.

What was agreed upon in the UN Convention on the Rights of Persons with Disabilities are the words, “reasonable accommodation.” However, it is up to this Parliament to decide.

**THE DEPUTY CHAIRPERSON:** Is the definition of “reasonable accommodation” also in the Convention?

**MR NDEEZI:** Mr Chairman, “reasonable accommodation” is in the Convention and according to its definition, it includes “facilities”. If members are worried, I propose that in the definition of “reasonable accommodation” in the second clause, we include the word “facilities”.

**THE DEPUTY CHAIRPERSON:** That means it is a technical reference to a word that is already known in that sector. I will put the question, unless the Member representing People with Disabilities in eastern Uganda has an issue different from what I have stated. I will put the question to the amendment.

*(Question put and agreed to.)*

**MR RUKUTANA:** Mr Chairperson, I had an issue to raise on 2(a). Do we take it that we have already taken a decision?

**THE DEPUTY CHAIRPERSON:** No, we have not voted on it, so, proceed with what you were saying.

**MR RUKUTANA:** In clause 2(a), they are proposing to insert the words, “provide the applicant with disability with the necessary facilities to undertake the job interview.”

This obligation is being put on the employer because clause 10(2) says, “The employer shall, in advertising a job - a proprietor will encourage a person with disabilities to apply for a job.” They now want to substitute that with, “provide the applicant with disability with the necessary facilities to undertake the job interview.”

What are the necessary facilities? If we leave it like this, it will mean that if my interview involves essay writing and a person with disability is interested in participating, I have to provide him or her with everything he needs such as a braille machine, specialised paper and all that.

To put that burden on a private employer would be to go very far. Suppose they are many or the facilities required include computer sets and all that? Do you want to say that the employer must provide them? Supposing it is a small job and the employer does not have disposable income to purchase computers, braille - the employer cannot afford to buy the facilities that the job seekers require.

**MR ANYWARACH:** Chairperson, in sub clause (2)(a), we have said, “An employer shall, in the advertisement for a job, where appropriate, encourage persons with disabilities to apply for the job.” The determination of whether this is appropriate or not can be to the whims of the employer but we are saying, “encourage the disabled, where appropriate…” That small provision in sub clause (2)(a) takes care of – wouldn’t the minister find it safe that his concern has been taken care of under sub clause (2) (a), especially where we have that phrase, “where appropriate…”

**THE DEPUTY CHAIRPERSON:** Learned Attorney-General, that was your clarification. (*Laughter)*

**MR ANYWARACH:** If that is a settled case, then I am actually pleading with my chairperson that in deleting sub clause (6), we leave the employer so vulnerable to litigation. The reason we had included sub clause (6) is that if the employer can justify, then he can give a defence. Sub clause (6) is actually a defence to the employer that he did not refuse, on his own peril but these were the factors that would affect the performance of this job by the person living with disability.

Therefore, I think deleting sub clause (6) is very catastrophic. If we choose to delete it, then even his amendment will not fall as sub clause (7) and (8) respectively. That means sub clause (7) being introduced as a new one becomes sub clause (6) and sub clause (8) becomes sub clause (7).

However, I would like to invite the House to look at sub clause (6) as a defence to the employer. Thank you.

**THE DEPUTY CHAIRPERSON:** Which sub clause (6)? Are you talking about in the sub clause (6) in the Bill? They are proposing to delete it.

**MR NDEEZI:** We should delete it because it is redundant.

**THE DEPUTY CHAIRPERSON:** So, what is the decision on sub clause (2)(a)? When hon. Anywarach wanted to explain it, he explained something else. His view was that it is taken care of in the opening paragraph of sub clause (2)(a), which reads, “In the advertisement for a job, where appropriate…” in his view, the use of the words, “where appropriate” will take care of your concern - in what you have raised.

**MR NDEEZI:** I concede. We use the word, “appropriate.” It is sufficient.

**THE DEPUTY CHAIRPERSON:** Okay, can I now put the question to the amendment as proposed by the committee? I put the question.

*(Question put and agreed to.)*

*Clause 10 as amended.*

*Clause 10, as amended, agreed to.*

Clause 11

**MR NDEEZI:** We have one amendment, to insert a new sub clause (6) to read as follows: "(6) A person who contravenes subsection (3) commits an offence and is on conviction liable to a fine not exceeding twenty five currency points or to a term of imprisonment not exceeding five months or both." I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, you have heard the amendment proposed by the chairperson to insert a new sub clause (6) in the terms proposed. The issue is whether the punishment or the penalties are harmonised. Are they harmonised? It reads, “…liable to a fine not exceeding twenty five currency points or a term of imprisonment not exceeding five months or both."

I think we agreed that where the term includes imprisonment, we give the corresponding currency points, which has already been established. Therefore, we will adopt this in that spirit. Can I now put the question to this amendment? I put the question to that amendment.

*(Question put and agreed to.)*

*Clause 11, as amended, agreed to.*

Clause 12

**MR NDEEZI:** In Clause 12 we propose an amendment to:

1. Substitute for the word “vehicle" the words "any means of transport” everywhere it appears in the provision in order to provide for all means of transport. It has the word “vehicle” but we are proposing to use the words “any means of transport.”
2. Delete sub clause (3)
3. Insert three new sub clauses (4), (5) and (6) immediately after (3) to read as follows; “(4) Subject to the laws regulating traffic and roads safety, a person with disability shall not be denied a driving permit by reason only of his or her disability. (5) A person with disability shall not be unreasonably denied his or her driving privilege; (6) A person who contravenes this section commits an offence and is on conviction liable to a fine not exceeding fifteen currency points or a term of imprisonment not exceeding three months or both.”

**THE DEPUTY CHAIRPERSON:** So, have you now taken away the words “subject to the laws regulating traffic and road safety?” Have you removed that?

**MR NDEEZI:** We thought it is not necessary to mention it.

**THE DEPUTY CHAIRPERSON:** Okay, it is not there. It is part of the amendment but it is not on record.

**MR NDEEZI:** We have not indicated it at all.

**MR OTHIENO:** Chairperson, sub clause (6) refers to a person who contravenes this section. In denying a permit, for instance, refusing to give somebody a driving permit –

**THE DEPUTY CHAIRPERSON:** Which sub clause (6)? Okay, in the proposal.

**MR OTHIENO:** It is a new proposal. It reads, “A person who contravenes this section commits an offence.” However, what I am concerned with is the fact that we are punishing a person but in a process where one is denied giving a permit, it is a collective decision; it is a process. You might find that you move from one step to another. In that particular case, who will be held liable for denying a person with disability a driving permit, yet it is a process? It starts with the police, which does its assessment. Then, it goes to another section and it also does assessment. Therefore, at which point do we hold somebody liable?

**THE DEPUTY CHAIRPERSON:** At the point when the decision is made. Can I now put the question to this? I put the question to the amendment as proposed.

*(Question put and agreed to.)*

*Clause 12, as amended, agreed to.*

Clause 13

**MR NDEEZI:** We propose to amend clause 13 by deleting sub clause (4). The justification is that it is redundant. We propose to amend sub clause (5) by substituting for the words “at least one newscast” the words “all newscasts.” We propose to insert two new sub clauses (7) and (8) to provide as follows:

“(7) A person who contravenes this section commits an offence and is on conviction liable to a fine not exceeding fifteen currency points or a term of imprisonment not exceeding three months or both.”

“(8) The minister responsible for communications shall, in consultation with the Council, make regulations defining the standards for the access to information by persons with disabilities in accordance with this section.” I beg to move.

**THE DEPUTY CHAIRPERSON:** Is that clear, honourable members? Can I put the question to those amendments?

*(Question put and agreed to.)*

*Clause 13, as amended, agreed.*

*Clause 14, agreed to.*

Clause 15

**MR NDEEZI:** I am on the second page of the new amendments.

**THE DEPUTY CHAIRPERSON:** Which amendments? Chairperson, are you abandoning what was in the report and adopting this one?

**MR NDEEZI:** No, I also need it. We propose to amend clause 15 by inserting the words “and report to Parliament on such measures every two years” immediately after the word “service” at the end of the provision. This is to hold the Government accountable.

**MR JONATHAN ODUR:** Mr Chairperson, I would like to find out from the committee chairperson whether that proposal would not be redundant because under section 13 of the Public Finance Management Act, there is a provision for the ministerial policy statements and one of the requirements is the certificate of compliance.

Now, he is saying two years, yet even in the ministerial policy statement, the recruitment plan is included. Since we have it there, why don’t we leave out the issue of the two years and the committees can interrogate the sector ministers when they bring the ministerial policy statements?

**MR NDEEZI:** Mr Chairperson, the important point here is that the minister is reminded of his duties to always remind Parliament about what they are doing to have this provision implemented so that honourable members can hold the minister accountable and remind him or her about the important work the minister must do to operationalise the tools for affirmative action. However, if you need one year instead of two years, it is fine with us.

**THE DEPUTY CHAIRPERSON:** Is that clear? What about this one of “Government” being replaced with “all government ministries, agencies and departments”? Government is Government and it has ministries, departments and agencies. Is that a worthwhile amendment?

**MR NDEEZI:** Mr Chairperson, allow me to explain. The word used here is “Government.” However, when people with disabilities go to the ministry in charge of planning asking for a service to do with planning, they are told to go to the Ministry of Gender, Labour and Social Development. When people with disabilities go to the Ministry of Tourism, Wildlife and Antiquities, saying we need this or that, they say: “Go to the Ministry of Gender, Labour and Social Development.” Everywhere people go, they are told to go to Ministry of Gender, Labour and Social Development. Therefore, we are trying to make it clear to all and sundry that we mean all government ministries, agencies and departments. This is a wakeup call.

**THE DEPUTY CHAIRPERSON:** How does that cure the problem you are talking about? Won’t you be referred by another agency to another agency or another department to another department?

**MR NDEEZI:** We are now trying to say “all government departments, ministries and agencies” so that each department knows it has a role to play.

**THE DEPUTY CHAIRPERSON:** By saying “all Government ministries, agencies and departments”, all you are saying is “Government”.

**MR AOGON:** Mr Chairperson, I suggest that instead of using very many words – I know the chairperson wants to be detailed, but Government is Government and it works through various arms. Probably, we would choose to use the word “relevant government authorities”. We would choose a way of putting it properly to avoid using very many words. All these ministries have Cabinet ministers and they sit in one Cabinet.

**MR NDEEZI:** If Members consent to the use of the word “relevant”, we are okay with it.

**THE DEPUTY CHAIRPERSON:** Government is Government, whether it is ministries, departments or agencies. Do we need to break it down like this?

**MR NDEEZI:** I concede.

**THE DEPUTY CHAIRPERSON:** Thank you. There is no proposal in the second paper. Can I put the question to the first amendment as proposed by the chairperson?

*(Question put and agreed to.)*

*Clause 15, as amended, agreed to.*

*Clause 16, agreed to.*

Clause 17

**MR NDEEZI:** Mr Chairperson, before we move to Clause 16, I would like to say that we have some new clauses and amendments which the legislative counsel recommended should appear in part two not in part three. These amendments are on page 9 of our report and are indicated as “insertion of new clauses”. The legislative counsel is of the view that these amendments should be captured in part two of this Bill. If Parliament agrees on the principles, the legislative counsel will know how to handle this.

**THE DEPUTY CHAIRPERSON:** That is immediately after clause 15 but it does not change what we have done with clause 16. Therefore, propose your insertions after clause 15.

**MR NDEEZI:** Insert three new clauses immediately clause 15 to read as follows;

1. “Training for Medical Personnel.

The minister responsible for health shall ensure that basic sign language and tactile is included in the curricular for medical personnel.

1. Access to information

(1) Persons with disabilities have the right of access to information, a right which the Government shall respect, protect, promote and fulfil through-

(a) the development and use of sign language, tactile, sign language interpreters, in all public institutions and at public functions;

(b) the promotion of use of language and information assistive devices and technology;

(c) the promotion of research in assistive technology compatible with and affordable within the local context;

(d) brailling of public information, such as Government documents, Government newspapers and other publications; and

(e) the promotion of training of braille, tactile, sign language interpreters and experts at all levels of society.

1. Access to Justice

A court of law, shall, in the resolution of disputes, provide reasonable accommodation, assistive devices and court records in an accessible format, to persons with disabilities depending on their type of disability.

The minister responsible shall ensure that all judicial officers and other law enforcement officers are appropriately trained in matters relating to the rights of persons with disabilities in relation to truth and justice.” I beg to move.

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

**MS ABABIKU:** Thank you, Mr Chairperson. I agree with the proposal to have basic sign language in medical training. My concern is that this basic sign language is not only needed in medical training but also in other trainings. Why don’t we broaden it to say “Government shall ensure that basic sign language and tactile is included in the curricular for all Government sectors”? Other than limiting it to only medical training. Thank you.

**MR NDEEZI:** That is a good amendment. We welcome it.

**THE DEPUTY CHAIRPERSON:** Let us first communicate. The honourable member is proposing that we amend but what will the amendment read like? This is why we have an issue with amendments that come on the Floor.

**MS ABABIKU:** I am proposing, “Government should ensure that basic sign language and tactile is included in all trainings.”

**THE DEPUTY CHAIRPERSON:** This is a service-related issue. But would that include everything?

**MS ABABIKU:** Yes. From the beginning, we have emphasised mainstreaming and integration. Therefore, basic knowledge on how to communicate when you get people who have communication problems will be relevant.

You may have these trainings under education and also other sectors like agriculture. We undertake a lot of trainings but if a trainer can have basic knowledge to communicate, to bridge the gap of communication - that would be relevant instead of limiting it to medical trainings.

**MR OTHIENO:** Mr Chairperson, I would like to agree with the colleague here but my point of departure is that this particular provision deals with medical services. When you go down there, you realise that they also deal with other information services and the same concern is captured under respective areas of jurisdiction or service.

I, however, would like to propose a change here, “that the minister responsible for health”. The training institutions are not under the Ministry of Health but the Ministry of Education and Sports. Therefore, it would be appropriate either to change the “Ministry of Health” to “Ministry of Education and Sports” or “minister responsible for training the health personnel” so that we are able to ensure that we are dealing with the right ministry.

**MR ANYWARACH:** Mr Chairperson, we, at the committee level, looked at hon. Jesca Ababiku’s concern and that is why, under (e), it says “the promotion of training in braille, tactile, sign language interpreters and experts at all levels of society.” That is left to Government but then, because of the peculiar nature of health service consumption, we felt it wise that at least it should be, if a person who is deaf or whatever disability they have, they should be able to explain to the medical personnel and they understand his or her problem. That is why we put health as different and as a special consideration.

For other areas, we, for example, looked at if a deaf person is campaigning or is supposed to attend civic education, you find enrolment is taking place, the Electoral Commission is explaining things by words and this person has no idea and no one is explaining to them. That is why we said under (e), that braille, tactile, sign language interpreters and experts at all levels of society should later be considered by Government. I think that takes care of the fear of the Woman MP for Adjumani. Thank you.

**THE DEPUTY CHAIRPERSON:** The challenge is that you put that under the sub-heading of “Access to Information”. Therefore, if it is under access to information, does it take care of the whole situation or it is only in relation to access to information? I think the housing has limited it to access to information.

Can we make this provision – I do not know why we had to split issues into access to justice, access to medicine, access to information. I do not know why we had to split all of them like that because if it was not broken down like this, a general provision would capture the whole essence of justice, health and information. Just one line.

**MR NDEEZI:** I would like to clarify that these provisions that we are talking about here are not indicated under a specific section. The legislative counsel advised that once these are passed, his office would know how they would fit into other sections.

**THE DEPUTY CHAIRPERSON:** Honourable chairperson, the challenge is that the provisions that should have been of general application are now restricted under access to information. Therefore, they are not of general application but they apply to that clause only.

If the drafting had been wider –in essence, if they referred to the issue of access to health, access to information and access to justice in one paragraph and as one section and then you break down the specifics of what amounts to that, then it would have covered all of them. When you talk about the promotion of training of braille, tactile sign language, interpreters and experts at all levels of society, it would now apply to health, information and justice.

**MR NDEEZI:** It is okay, we can delete the sub-headings.

**THE DEPUTY CHAIRPERSON:** That is the difficulty. We have to redraft it.

**MR NDEEZI:** We will miss nothing if we delete the sub-headings because the content is the same.

**THE DEPUTY CHAIRPERSON:** Are you going to propose a draft?

**MR AOGON:** Mr Chairman, what I have noted is that we need enough time to put this draft in a proper manner. I propose that we stand over this so that proper drafting is done.

**THE DEPUTY CHAIRPERSON:** Can counsel help us with this quickly? Help us with the issue of putting medical, access to information and access to justice. Let the provision cover all of them instead of breaking them up and therefore making it impossible for some general applications to apply to all of them. Can we stand over this clause? It is the proposed new clause after clause 15.

Let us have a redraft and come back to this. I think they are proposing three new clauses but we can have only one clause to deal with it, if they redraft it properly. We have adopted clause 16. Can we move on while we wait for clarification on how to redraft that one?

Clause 17

**MR NDEEZI:** We have one minor amendment in clause 17. In clause 17(i), insert the following words immediately after the word “elections”; “sports and other co-curricular activities for persons with disabilities at all levels”

The justification is to encourage the Council to promote sports activities for persons with disabilities. I beg to move.

**MS NALULE:** I would like to suggest that clause 17(i) be deleted.

**THE DEPUTY CHAIRPERSON:** Can we first deal with what has been proposed? Are you proposing that it should be deleted?

**MS NALULE:** The committee chairperson was adding on sub-clause (i) but mobilising persons with disabilities for elections is a function of the Electoral Commission.

**THE DEPUTY CHAIRPERSON:** Do you want to bring the elective issues in this Bill?

**MS NAKIWALA:** Thank you, Mr Chairman. The committee had considered mobilising people for elections but we seek for the wise counsel of Parliament.

**THE DEPUTY CHAIRPERSON:** Would the council be the one to mobilise people for elections? Would it be an extra mandate you are giving them? Would you have the money for them to do that? I thought the Electoral Commission has that responsibility and it is funded to do that.

**MS NAKIWALA:** We thank you for your guidance. Let us get counsel from the House and we can adjust.

**MS ASAMO:** Thank you, Mr Chairman. Currently, the Electoral Commission does mobilisation of persons with disabilities for elections in conjunction with the Council. It is under the Council that you have the structure that does elections. Therefore, this is their role just as it is with the women and youth councils. Thank you.

**Ms NALULE:** Mr Chairman, when we were amending the National Council for Persons with Disabilities Act, we even had a clause, which talked about elections. It reads, “For the avoidance of doubt, the members and officials of the National Council for Persons with Disabilities shall not be involved in the formation of electoral colleges.”

**MS ASAMO:** Mr Chairman, they are not involved in the elections, they are only mobilising the electoral college.

**THE DEPUTY CHAIRPERSON:** Do you have money given to the Council to do this mobilisation?

**MS ASAMO:** Mr Chairman, the Council is a structure, which comes right from the grassroots and when it is mobilising the people, it deals with the districts and they form the register of the electoral college and send it to the Electoral Commission. The Electoral Commission uses that register. Therefore, the Council assists the Electoral Commission.

**THE DEPUTY CHAIRPERSON:** Honourable members, you will have to forgive me because I would like to understand this from the perspective of the people who have participated in these processes. They understand it better than me and that is why I am relying on them to advise us on the best law we can have to regulate this area. Therefore, you will forgive me if I am trying to engage mainly these people. I am sure the Member for Kumi Municipality does not know much about these things. *(Laughter)* Let these people assist us so that we come up with a good law.

**MS NALULE:** Mr Chairman, I appreciate that like the national councils for women and youth, we have a separate structure; the National Council for Persons with Disabilities. When it comes to issues of elections, the Electoral Commission comes in and mobilises the structures, which participate in voting leaders at local government and national levels because the structure of the Council is appointed.

**THE DEPUTY CHAIRPERSON:** It is appointed?

**MS NALULE:** As you will see further in the Bill, it is the minister who appoints the members of the council at national level. At the district level, it is the chairperson of the district who appoints the structure of the council and the same happens at the sub counties.

However, when it comes to elections, it is the Electoral Commission, which mobilises persons with disabilities to elect five members at the different levels to come and elect the councillors and members of Parliament.

We had a long debate over this issue when we were amending the National Council for Persons with Disability Act. We actually agreed that the function of election should be a preserve of the Electoral Commission.

**THE DEPUTY CHAIRPERSON:** What about sending messages for people with disabilities to participate but not conduct the elections? They are not conducting the elections but mobilising saying, “You people with disabilities, this thing has come up. We are going to have elections. Please, prepare and mobilise yourselves to go and vote for the ones you like.” Would that be against it? Otherwise, they will not be conducting the election as such but mobilising persons with disabilities to participate in the elections. That is what it is saying here. Would that be contrary?

**MS NALULE:** Mr Chairman, I would like to share with this Parliament that there was a long debate over that issue and that is why we came to a conclusion that we should leave it with the Electoral Commission.

**THE DEPUTY CHAIRPERSON:** Even to mobilise people to vote? Do we need a provision to mobilise people to come and vote in the law?

**MS NAKIWALA:** Mr Speaker, we are talking about functions. This is a major function because the bigger part of the people represented at the council level are elected and so, it forms a bigger part of the activities throughout the five-year term.

**THE DEPUTY CHAIRPERSON**: No, because the Member is saying that these particular councils are not elected; they are appointed. Honourable members, are they elected or appointed?

**MS ASAMO:** Mr Chairman, I participated in the election and so, I will give you the experience. The council will assist the Electoral Commission because that council owns the structures of the electoral college, that elects either members of Parliament or -

Conducting elections is done by the Electoral Commission but the register – I think hon. Safia Nalule has to be open. The council gives the register and the council has to sign it to show that it is the authentic register before it is sent to the electoral college. Therefore, unless we want to amend the regulations in regard to the council for persons with disability to remove that amendment, otherwise that is the current situation.

Mr Chairman, even when they conducted the current elections, they went to the council to get the register –*(Interjections)*– that is in the old law of the National Council for Persons with Disabilities.

**THE DEPUTY CHAIRPERSON:** The specific issue we are dealing with is whether we should have the responsibility of mobilisation vested in the law or the council.

**MS ASAMO:** Previously, this was vested in the National Union of Disabled Persons of Uganda (NUDIPU), a Non-Governmental Organisation (NGO). When we came here, the law was amended in the Ninth Parliament that the council takes over from that NGO.

**THE DEPUTY SPEAKER:** Can we take a vote on this? I think we are properly guided on this issue. We are goignt to take a decision on the proposal from hon. Safia Nalule; we do not have to go to what the committee has proposed. Hon. Nalule Juuko has proposed deletion of clause 17(1)(i). I am going to put the question to that amendment. You have heard the explanations from the people who have participated in these elections. I now put the question that clause 17(1)(i) be deleted.

*(Question put and agreed to.)*

*Clause 17(1)(i), deleted.*

**THE DEPUTY CHAIRPERSON:** Can we now consider the amendment as proposed by the committee –*(Mr Olanya rose\_) -* we have a rule on proposing amendments on the Floor.

The committee has proposed, in clause 17(1)(i) to insert the words, “sports and other co-curricular activities for persons with disabilities at all levels”.

**MR OLANYA:** Mr Chairperson, we can say, “elections, games and sports” to replace the words, “other co-curricular activities…” in order to match it with the standards from the Ministry of Education and Sports.

**MS SENINDE:** Thank you very much, Mr Chairperson. I do not agree with my colleague to delete the words, “other co-curricular activities” because it is not only about sports; we have other co-curricular activities.

**THE DEPUTY SPEAKER:** You have heard from the expert and I will put the question to that.

**MS NALULE:** Mr Chairperson, I would like to interest Parliament to page 16, in relation to the allocation of functions to the council. See Article 20 on the composition of the council. When you look at the composition of the council, you realise it is not the appropriate structure to mobilise persons with disabilities

**THE DEPUTY SPEAKER:** They have also proposed amendments to that and so, we cannot handle it at this stage.

**MR JONATHAN ODUR:** Mr Chairperson, my understanding of that provision is that persons with disabilities are being encouraged to participate or compete in elections that are not especially arranged for persons with disabilities because they have a right to do that too. So, this provision appears to be encouraging persons with disabilities to go for LC I elections, come to Parliament on other tickets not necessarily on the special interest group. That is my understanding.

**THE DEPUTY CHAIRPERSON:** It will read “participate in elections, sports and other co-curricular activities for persons with disabilities at all levels.” I put the question to that.

*(Question put and agreed to.)*

*Clause 17, as amended, agreed to.*

Clause 18

**MR JONATHON ODUR**: Mr Chairman, on clause 18, I would like to beg the chairperson of the committee to redraft. When you look at clause 18(1) and (3), it appears like they are talking about the same thing. May be our people could redraft it.

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

*(Question put and agreed to.)*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

Clause 20

**MR NDEEZI:** We propose to amend clause 20 (2) by deleting the words, “the southern or” before central region. There is no region in Uganda called southern; central is enough. I beg to move.

**THE DEPUTY CHAIRPERSON:** Continue.

**MR NDEEZI:** That is all on that clause 20. We only have one amendment -

**THE DEPUTY CHAIRPERSON:** Are you abandoning sub-clause (3) down?

**MR NDEEZI:** Sub-clause (3) Substituting for the word “three”, the word “two”.

The justification is to limit the number of persons the council may co-opt during deliberations. The Bill provides for co-option of three people. The Bill says the council can co-opt three people but the committee feels that co-opting three people is too much. The normal practice is that a committee co-opts not more than two people.

**THE DEPUTY CHAIRPERSON:** I think that is clear. I put the question to that.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

*Clause 23, agreed to.*

*Clause 24, agreed to.*

*Clause 25, agreed to.*

*Clause 26, agreed to.*

*Clause 27, agreed to.*

*Clause 28, agreed to.*

*Clause 29, agreed to.*

Clause 30

**MS NALULE:** Mr Chairperson, clause 30 (f) should read, “The two district councillors representing persons with disability…”, not “councillors for disability”.

**THE DEPUTY CHAIRPERSON: “**The two district councillors representing persons with disability as ex-officio members”. Is that okay? I think that is better drafting. I put the question to that.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

*Clause 31, agreed to.*

*Clause 32, agreed to.*

Clause 33

**MS NALULE:** Clause 33(2)(b) is the same; two councillors representing persons with disabilities.

**THE DEPUTY CHAIRPERSON:** With that amendment, which is now almost consequential, we will adopt the amendment.

*(Question put and agreed to.)*

*Clause 33, as amended, agreed to.*

*Clause 34, agreed to.*

*Clause 35, agreed to.*

*Clause 36, agreed to.*

*Clause 37, agreed to.*

*Clause 38, agreed to.*

*Clause 39, agreed to.*

*Clause 40, agreed to.*

*Clause 41, agreed to.*

*Clause 42, agreed to.*

*Clause 43, agreed to.*

*Clause 44, agreed to.*

*Clause 45, agreed to.*

*Clause 46, agreed to.*

*Clause 47, agreed to.*

Clause 48

**MR JONATHAN ODUR:** Mr Chairperson, clause 48 includes the sixth schedule, which is about elections and we are giving powers to the minister and Cabinet to sit and alter it. In a multiparty dispensation, that would be a one-sided practice in the election.

Therefore, I beg to understand from the chairperson and the minister whether it wouldn’t be proper that we remove the sixth schedule so that the minister and Cabinet do not have power to decide on a matter of elections.

**MR NDEEZI:** The committee has no amendment; you are free to move one.

**THE DEPUTY CHAIRPERSON:** No, they are talking about the sixth schedule; that you delete it from clause 48 because of issues of elections. I think the committee had a position on that as well, that is why I am asking.

**MS NAKIWALA:** Thank you, Mr Chairperson. Procedurally, this was not part of the amendments that were considered and besides, ministerial positions being non-partisan, is why there was a provision for the sixth schedule –

**THE DEPUTY CHAIRPERSON:** I am saying so because I have also seen an amendment that was proposed by the committee for deletion of the sixth schedule; it is proposed.

**MR NDEEZI:** Mr Chairperson, if we delete the sixth schedule, it also means that we must amend clause 50 of the current law. It is not in the amendments but if we delete the sixth schedule, it means that clause 50 must be amended to retain the provision in the old law.

**THE DEPUTY CHAIRPERSON:** The proposal that is coming up in clause 48 is that the sixth schedule should be deleted. By our earlier ruling, this is hardly the stage where you would make a substantial amendment without making everybody know where you are going with this matter.

However, there are proposals for improvement of the sixth schedule, which I have received; I have a copy here from hon. Nalule Juuko. She has proposed changes in the sixth schedule but that will be in anticipation, so since there are proposals on its improvement, let us go and find out what is there, then we see how to handle it.

For that matter, I am going to put a question to clause 48 as it is. I put the question that clause 48 stands part of the Bill.

*(Question put and agreed to.)*

*Clause 48, agreed to.*

*Clause 49, agreed to.*

*Clause 50, agreed to.*

*Clause 51, agreed to.*

**THE DEPUTY CHAIRPERSON:** We are going to the new clauses that we are inserting after clause 15. Do we have a draft?

**FR LOKODO:** Mr Chairman -

**THE DEPUTY CHAIRPERSON:** If it was something that was said off record, please, do not bring it on record.

**REV. LOKODO:** Okay, I withdraw. *(Laughter)*

**THE DEPUTY CHAIRPERSON:** Honourable members, the new clause being proposed to be inserted after clause 15 includes things like training for medical personnel and access to information and justice. If we enlarge clause 15, would it take care of this? Probably, we can alter one or two areas to capture not only Public Service but also the whole sector. Then, we will see how to incorporate these other principles because right now, I do not have a draft.

The general provision that we provide would now include – it is all about affirmative action - development and use of sign language, tactile sign language interpreters in all public institutions and at public functions, the promotion of use of language and information, assistive devices and technology, the promotion of research in assistive technology compatible with and affordable within the local context and brailing of public information so that they are now captured under clause 15 instead of bringing a new clause 16 that we will have difficulty in drafting.

It is all about making an effort to give affirmative action to people with disabilities. Would that be okay so that we do not start breaking down justice and health - you will now only make a general provision to deal with all the sectors.

**MR NDEEZI:** We accept your guidance, Mr Chairman, but we should not forget the provision on access to justice.

**THE DEPUTY CHAIRPERSON:** We will make provision for access to justice so that these principles are incorporated under the extension of clause 15. Would that be okay? Can we trust the drafting people to work out the details for this now, if the principles are adopted?

Therefore, instead of having a new clause that is proposed, since we are still at committee stage, let us go back to clause 15 and propose an amendment to those effects. Would that be okay? The impact of this amendment would be that it is no longer restricted to Public Service. It is now general access to justice, information and medical issues. This would be the operating general clause that takes care of all these situations.

Can we put the question to the amendment now? I, therefore, put the question to that amendment.

*(Question put and agreed to.)*

*Clause 15, as amended, agreed to.*

Clause 2

**THE DEPUTY CHAIRPERSON:** Is there no proposal for change in clause 2?

**MR NDEEZI:** Mr Chairman, in clause 2, in the definition of the word “disability”, insert immediately after the word “participation” the words, “in society on an equal basis with others”.

Also, insert the following new definitions:

“Assistive devices” include; orthopedic appliances, qualified readers, taped texts, audios, visual and pictorial recordings; braille equipment, large print and brailed materials; tactile equipment and other devices that support persons with disabilities to participate effectively in all aspects of life.

“Communication” includes languages, display of text, braille, tactile communication, sign language, signs, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

“Currency point” shall have the value assigned to it in the First Schedule to this Act.

“Institution of learning” means a school, college, university or other institution where education or learning is provided.

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensue to persons with disabilities in the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

I confirm that all these definitions are part of the agreed amendments. I beg to move.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members, you have heard the proposals to the definition of words that are used in the Bill that might require explanations to understand in the context in which they are used.

**MS NAUWAT:** Mr Chairman, the chairperson of the committee has just inserted the words, “Currency points” to which he says has a value assigned to it in the first schedule.

We already have schedules numbered. Therefore, I propose that the schedules are re-numbered since we are inserting the currency points as the first schedule.

**MR NDEEZI:** Mr Chairman, we were advised by the legislative counsel that normally, “currency points” also appears in the section of interpretation. Otherwise, we also have it in the schedule. We shall be moving an amendment to the schedules to provide for currency points.

Therefore, the answer is that we are including “currency points” in the section of interpretation. We shall also move an amendment on the schedules for the purpose of quality. Thank you.

**THE DEPUTY CHAIRPERSON**: What the chairperson is proposing is to insert it in the schedule but the first schedule is already in the Bill and has something else not “currency points”. You might want to talk about a schedule such as the seventh schedule or insert a new one. If you say, ‘insert a new schedule’, the drafting people will know where it would lie sequentially.

Now that we are dealing with the definition, we have to be specific. Anyway, they will still be able to harmonise.

**MR ANYWARACH:** Mr Chairperson, in the definition clause, “Disability” and the second schedule cannot be delinked. I need to bring it to the attention of the chairperson that when we go to amending the second schedule, we should think about the dumb; people who cannot speak. When you look at the categories of disabilities from one up to eight, the dumb are not included. Thank you.

**THE DEPUTY CHAIRPERSON:** We are not yet there so that is anticipation. Can we deal with the issue of definitions and the technical people will find how to re-number to deal with the particular schedule that accommodates this.

I put the question to amendment as proposed by the chairperson.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

The first schedule

**MR NDEEZI:** Page 11 of the amendments. The first schedule reads, “One currency point is equivalent to twenty thousand shillings.”

We shall be re-numbering other schedules accordingly.

The justification is to provide for the value of a currency point. I beg to move.

**THE DEPUTY CHAIRPERSON:** That is clear. I put the question to that amendment.

*(Question put and agreed to.)*

The new schedule

**THE DEPUTY CHAIRPERSON:** I put the question that the new schedule, as amended, stands part of this Bill.

*(Question put and agreed to.)*

The first schedule

**MR NDEEZI:** What we have in the Bill is indicated as the second schedule but we shall re-number it. We have an amendment to what is indicated in the Bill as the second schedule.

**THE DEPUTY CHAIRPERSON:** No, we are dealing with the first schedule; “…building to which the public is allowed access”. Is there an amendment to that? I put the question that the first schedule stands as schedule to this Bill.

*(Question put and agreed to.)*

*The first schedule, agreed to.*

The second schedule

**THE DEPUTY CHAIRPERSON:** the second schedule is on categories of disabilities.

**MR ANYWARACH:** Mr Chairman, I move that we add a new sub-clause to provide for the dumb; the people who cannot speak.

**THE DEPUTY CHAIRPERSON:** Is that okay, honourable members? I put the question to that amendment.

*(Question put and agreed to.)*

**MR NDEEZI:** I have an amendment to the second schedule –

**THE DEPUTY CHAIRPERSON:** Hearing is not dumb.

**MR NDEEZI:** Maybe I should first inform my colleague, who is also a member of our committee, that the word “dumb” is considered by most people as derogatory. Therefore, these people are usually catered for under the definition of “deaf” or “blind”. However, the House is free to take a decision on this amendment.

**MS ALUM:** Thank you, Mr Chairman. I would like to concur with him because when I first noticed that, I tried to consult and research. The word “dumb”’ is very impolite; very abusive. I would like to support the chairperson that we find another word instead of “dumb”.

**THE DEPUTY CHAIRPERSON:** How do you refer to a person who cannot speak? What is the word for such a person?

**MR AOGON:** Mr Chairperson, a person who cannot speak is dumb. I think there is no way we can dodge the correct word. For purposes of the law, we have got to be very clear. It is not about being rude but defining something clearly.

**MR JONATHAN ODUR:** Mr Chairman, in the Evidence Act, I do not recall the section, they are referred to as “dumb”, when the law gives them authority to appear as witnesses. It is already part of our law that a person who does not speak is dumb.

**THE DEPUTY CHAIRPERSON:** It is true so we are not inventing anything new; we are using ordinary words. It is not a technical word. We had already adopted hon. Anywarach’s amendment.

**MR NDEEZI:** I have explained to my colleague that the word “dumb” is derogatory. “Dumb” does not mean unable to communicate. It only means unable to speak but can communicate in other ways. Whenever you say “dumb”, people think that this fellow has no brains, cannot understand and cannot communicate at all. That is why I have a problem with this word. When you say, “dumb” it means someone that has no brains but the House can decide.

**THE DEPUTY CHAIRPERSON:** So, what is the appropriate word for a person who cannot speak? We do not want words that are inconsistent with our wording in the law.

**MR NDEEZI:** Almost all people who are unable to speak are deaf. I have never met a person who is unable to hear and at the same time cannot communicate. Therefore, when you use the term “deaf” it automatically means that you capture the element of dumbness, especially for those people who are unable to speak.

**THE DEPUTY CHAIRPERSON:** Honourable members, we are using English words -

**MR BWINO:** Mr Chairman, I would like to propose the word “mute” to replace the word “dumb.”

**THE DEPUTY CHAIRPERSON:** Mute means quiet. It depends on what you mean by mute because dumb people make sound; they are not mute.

**MR ABALA:** Mr Chairman, according to the Cambridge Dictionary, the word “dumb” is an adjective of “silent” which means permanently or temporarily unable to speak. It means that word is appropriate, Mr Chairman. I thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, do we need to spend time on this? We have already adopted it; so, let us deal with the other ones. Mr Chairman, please propose your other amendments, if any.

**MR NDEEZI:** Mr Chairman, we propose that we substitute the words, “mobility impairment” with the words, “physical disability.” Further, we propose that the House substitutes the phrase, “deaf and blind disability” with the words, “deaf blind.” Lastly, we propose that the House substitutes the words, “mental illness” with the words, “mental disability.”

**THE DEPUTY CHAIRPERSON:** Honourable members, I put the question to those amendments.

*(Question put and agreed to.)*

*The second schedule, as amended, agreed to.*

*The third schedule, agreed to.*

The fourth schedule

**THE DEPUTY CHAIRPERSON:** Honorable minister, are you amending your own Bill?

**MS NAKIWALA:** Yes, Mr Chairman. The land and developments for transfer purposes to the Uganda Foundation for the Blind is heavily encumbered. The liabilities that would be transferred to the foundation would outweigh the assets; so, humbly appeal that we live it out in the second schedule, pending transfer.

**THE DEPUTY CHAIRPERSON:** Did you circulate your amendment, honourable minister?

**MR NDEEZI:** No objection.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is that the fourth schedule be deleted. I put the question to that –

**MS NAKIWALA:** It is only sub section (2) of the fourth schedule.

**THE DEPUTY CHAIRPERSON:** Honourable members, in the fourth schedule, there is paragraph 2. The proposal is that paragraph 2 of the fourth schedule be deleted. I put the question to that amendment.

*(Question put and agreed to.)*

*The fourth schedule, as amended, agreed to.*

*The fifth schedule, agreed to.*

The sixth schedule

**MS NALULE:** I request that we delete the sixth schedule because it violates Articles 78 (2), 33 (4) and 92 of the Constitution.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal is that the sixth schedule be deleted for the reasons that the honourable member has stated. I now put -

**MR NDEEZI:** The committee has no amendment but it is very important to note that if you delete the sixth schedule, it means we have no electoral structure between now and the time you bring another amendment.

**THE DEPUTY CHAIRPERSON:** Hon. Nalule, I thought you had proposed an amendment. Are you abandoning your amendments?

**MS NALULE:** My amendment was that we retain the proposed structure in the old law but I think that the proposed amendments brought in this Bill are unconstitutional.

**THE DEPUTY CHAIRPERSON:** Honourable member, I am holding in my hands proposals where you said, “substitute the entire sixth schedule the following: the electoral structure for persons with disabilities…” Are you withdrawing these documents?

**MS NALULE:** Mr Chairman, the old structure –

**THE DEPUTY CHAIRPERSON:** But that is what you are proposing. Therefore, do you just delete and leave it blank or you want to put it in its place?

**MS NALULE:** Mr Chairman, I propose that we substitute it with that amendment.

**THE DEPUTY CHAIRPERSON:** But you have not proposed it. Can you propose it?

**MS NALULE:** Mr Chairman, I propose that the sixth schedule is replaced with the old structure, which proposal I have brought before –

**THE DEPUTY CHAIRPERSON:** No, say “…with the following” and read it out, please.

**MS NALULE:** Let me read it. Mr Chairperson, I move that the sixth schedule be replaced with the following:

“The electoral structure for persons with disabilities shall be composed of:

(1) The five delegates at each level shall ensure representation in terms of categories of disabilities and gender where applicable;

(2) All willing persons with disabilities in each village shall assemble to elect five executive committee members;

(3) The chairperson of the persons with disabilities executive committee shall become the secretary for disability affairs at village level;

(4) The five persons with disabilities executive committee members from each village shall assemble at parish or ward and elect five executive committee members;

(5) The chairperson of the persons with disabilities executive committee shall become secretary for disability affairs at parish level;

(6) The district or city and sub county, town or city division executive committee members shall elect two councilors, male and female, to the district council;

(7) All ward persons with disabilities executive committee members shall assemble at the sub county or division to elect five persons with disabilities executive committee members at that level and elect two councilors, male and female to the subcounty or division council;

(8) All sub counties or town or city division persons with disabilities executive committee members shall assemble at the district to elect five persons with disabilities as executive committee members.

(9) The five persons with disabilities executive committee members from each district shall form the national electoral college to elect the representatives of the persons with disabilities to Parliament.

Mr Chairperson, I bring these proposals because the new proposals as in the sixth schedule are inconsistent with Article 78(2) of the Constitution and it violates Article 33(4) and 92 of the Constitution. *(Ms Nakiwala rose \_)*

**THE DEPUTY CHAIRPERSON:** No, there is no information, just debate.

**MS NAKIWALA:** Thank you, Mr Chairperson. It is not true that the amendment in the sixth schedule violates the Constitution. The Parliamentary Committee on Gender, Labour and Social Development in the Ninth Parliament, advised that we merge the three laws; the Uganda Foundation of the Blind 1954, the National Council for Disability Act, 2003 and the Persons with Disability Act, 2006 as is the case in Kenya. The electoral structure has been and is still in the current law to establish the National Council for Disability Amendment Act, 2013.

What we are providing in the PWDs’ Bill now, is the same old law except that in the sixth schedule, paragraph 2 - which states: “*For the election of the members of Parliament representing people with disabilities, the five executive members for each district shall assemble at the national level and constitute four regional electoral colleges*”.

In paragraph 3 it also states that the four regional electoral colleges specific in paragraph 2, shall each elect a Member of Parliament to represent the region and shall after doing so, jointly elect the national woman representative.

Mr Chairperson, it is very important for these regions as they differ in norms, culture and beliefs. For example, the northern region cannot be represented by my region in Masaka. You cannot get someone with disabilities in Masaka District to represent Karamoja. The norms, beliefs and practices of those people vary widely. We have established that there is poor service delivery because these people have disabilities and they are spread all over the country.

As is the case for youth representatives, we have four people but one from each region; northern, central, eastern and western respectively. In order to arm the provision of Article 78(2) of the 1995 Constitution of the Republic of Uganda, which states that upon the expiry period of 10 years after the commencement of this Constitution and thereafter, every five years, Parliament shall review the representation under clause 1(b) and (c) of this Article for purposes of retaining, increasing or abolishing any such representation and any other matter incidental to it.

Mr Chairperson, I beg that we retain the structure as it is provided in the new law. I thank you.

**MS ASAMO:** I stand to support the position of the minister because we are the only people in this Parliament who do not have constituencies demarcated by law.

I would like to say that it is very unfair for a person who wants to join Parliament, to go and look for votes in western or northern yet you want a vote for eastern Uganda because you must travel and this favours us, the incumbents.

I am the Chairperson of the Committee on Equal Opportunities and we need to level the ground for everybody to benefit so that we can come to a national centre and say, easterners, westerners, northerners and the central, vote your Member of Parliament. We would like to reflect like the youth are doing. Otherwise, as we stand now, it is vague.

I will come here and as a Member of Parliament from the eastern region but the people from the west and north are calling me; we voted for you, where are you? It is a vague situation.

I speak as a person who participated in it; that people with disability are asking for this “regional thing”; and this issue has always come up. It even came up last time. Mr Chairman, you were chairing when they dropped Article 1 and you remember it caused a problem to my members of Parliament, and I was able to come here and oppose it because I was against it. Thank you.

**MS BABA DIRI**: Thank you very much, Mr Chairman. I would like to support the position of the minister. I have experienced the problem of running from one end of Uganda to another looking for only five people from each district. You move yet it comes to the electoral college, they will elect you and at the end of the day, you are stressed by all the districts because you are elected by all.

For us with disabilities, the work is worse. You must move from one corner of the country to another. It is long overdue to make it regional so that I am responsible for the people I represent in the region. If you are from the eastern region, let the easterners elect you. If you are from the western region, let the people from the west elect you. At times the people from the north may not like you but because you have persuaded people from the west, east and central, you will be voted while the people you represent do not like you. I support the idea of the regions. We should not delete this part.

**MS SENINDE:** Thank you very much, Mr Chairman. I would like to support the position of the minister for us to maintain consistency. If the youth are voted that way, why don’t we take the position of the minister for the people with disabilities?

I support the position of the minister and I would like to move a motion that *–(Interruption)*

**MR ABALA:** Thank you, Mr Chairman. I would like to thank the minister for being very clear. It is only the Uganda Peoples Defence Forces (UPDF) who are elected centrally. However, when it comes to the other interest groups like the PWDs, it is appropriate and sensible that they are elected at regional level. That will help us to sort out a lot of issues.

Secondly, this arrangement of handling the entire country, where will the other Members who have not been in Parliament get the resources? Where shall they get the time because it involves moving the entire country. In my view, it is unfair. It is a way of locking some people out of politics, especially the PWDs who need our support.

Mr Chairperson, I support the regional basis elections. I thank you.

**MS NALULE:** Mr Chairman, if we want to solve the problem equitably, then we should not leave the Woman Member of Parliament to traverse the whole country. Let us look at section 33(4). It reads, “Women shall have the right to equal treatment –

**THE DEPUTY CHAIRPERSON:** Of which law?

**MS NALULE:** Of the Constitution. Article 33(4) of the Constitution states that women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities; and without prejudice to Article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history.

Therefore, if we say that we sympathise with people with disabilities traversing the whole country, you now solve the equation for the four who are going to go for regional elections, that is further marginalisation.

The Constitution is very clear; after 1995, reviews had to be done after 10 years then thereafter, every after five years. Why don’t we take time to review and make the situation better for all the candidates at the right time? That is after the next five years.

I am speaking for the entire women fraternity. Today it may be me, tomorrow it will be somebody else. You cannot compare the situation of a woman with disabilities to the situation of a youth with disability.

**THE DEPUTY CHAIRPERSON:** Honourable members, the point that I need to be guided on very well is whether these provisions contained in the sixth schedule amounts to a review of the Constitution under Article 78(2). Does it amount to a review?

**MS ANN NANKABIRWA:** Thank you, Mr Chairperson. Actually, hon. Nalule has brought it out clearly. Today, Women MPs may not say but they are bleeding at the unfairness that is given to the Woman MP who traverses the whole district under the point of affirmative action but you have to spend more.

I request that we look at it. Today in Parliament, we have the PWDs with different impairments; that is also giving a point of equity and because of the way they have been elected in the old law, there has been consideration. That is why today, you find that the impairment of hon. Ndeezi is different from the impairment of hon. Nalule and different from another MP representing the PWDs.

On the issue of the PWDs, how shall we ensure equity during elections? Regional levels cannot take care of the balance of the type of impairment. I presume that that is why the PWDs have been elected as a block because within the PWDs, there are other causes of affirmative action within themselves and I think that is a –*(Member timed out.)*

**MS NYAKECHO:** Thank you, Mr Chairman, for the opportunity. I have heard the debate from my colleagues. The concern raised by hon. Nalule is a concern that many women tend to have – that women are being discriminated against. However, if you look at what the minister’s proposal in the Bill, that after, jointly elect the woman representative of women - the woman representative is only for the category of women. So, she will be looking after the interests of women with disabilities but at the national level. Therefore, hon. Nalule’s cry – her electoral area is already defined.

I strongly support this proposal in the Bill that the four regional electoral colleges specified shall each elect a Member of Parliament. Imagine you are from the east like my sister and then you are elected by somebody with a disability from Kisoro or Karamoja, when will you ever have the time to take care of their interests? You will find somehow the Member of Parliament dodging the electorates in those areas.

This will make them more accountable to a specific region whereas the woman Member of Parliament will take care of the women at national level. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, the objection premised on Article 78(2) does not apply. Article 78(2) deals with reviews of, for example, if you want to remove the UPDF from Parliament or increase or reduce their number. It is the same with PWDs, same with the youth and same with these categories under (b) and (c) of the Constitution.

Therefore, that particular objection is not sustainable in terms of what the Constitution says. The objection that is being raised now is on discrimination because the proposal that is being made now is to say, you have four Members with disabilities elected by regional outfits and then you have one person, a woman, elected nationally – is there equal treatment to the candidates? I think that is the point she is making.

Her point is that there would be equity if all of them are subjected to the same electoral college rather than subjecting only one of them to a national electoral college and the rest to smaller colleges in regions. Have I captured your point properly?That is her point, so the constitutional objection cannot be sustained because it is not there.

This is the question she is raising on the issue of discrimination – that office is for a woman and she is saying that it is discrimination against a woman. The others are elected normally but now the discrimination – because when it comes to the woman, she has to go to the whole country; the others, men mixed with women, they only have to go to the north, the west and other places - *(Laughter).* That is her point.

**MR ANYWARACH:** Mr Chairperson, I feel the pain that the persons living with disabilities go through when they have to campaign nationally, voted by all the regions but you are going to represent a particular region. I saw it with hon. Nokrach when he ran for the by-election.

However, the issue is here; disability has no geographical boundaries. That was the rationale upon which the law was made. That is why they are saying that even that disabled person in Nebbi should vote for hon. Asamo so that in that uniqueness in the relationship or type of disability the person has, can call Asamo and say, “We have this issue,” and hon. Asamo will raise it on the Floor of Parliament.

The thing is not that she is going to work for the person in the north but she is going to earn the mandate of that person who is disabled from the north although she will basically work for the east - *(Interruptions)*

**MS NAKIWALA:** Mr Chairman, is it in order for the honourable member to tell us that disability has no geographical boundaries?

**THE DEPUTY CHAIRPERSON:** Does it have geographical boundaries?

**MS NAKIWALA:** It does.

**THE DEPUTY SPEAKER:** Do you mean that there is a region that has blind people only, a region that has only people who cannot hear and another region - *(Laughter)*

You see, that is their point; that you cannot regionalise disability because there are blind people, people who cannot speak, people who cannot hear, people who have difficulty walking, etc. Those are the differentiations of disability and that is their point.

**MS NAKIWALA:** I get your point, Mr Chairman. However, when you are a blind person from region X, when you come to Parliament, you do not serve people who are blind but people with disabilities and we are trying to reduce the circumference for service delivery.

**THE DEPUTY SPEAKER:** The point is, which region will supply the blind? Which region will supply the deaf? Which region will supply which one? That is the dilemma here.

**MS NAKIWALA:** Mr Chairman, the eight categories specified in the second schedule gather at one centre regardless of whether one is an albino or is blind. Once they gather at the centre, the criteria for electing them does not depend on what disability they have to get to Parliament. Once you all have a disability, you elect amongst yourselves but you must be from the northern region to elect any person with disability within northern region to represent all people with disabilities from the northern region.

**MR MUHEIRWE:** Mr Chairman, the fact that we have said we cannot regionalise disabilities means that when you are at national level and you are voting in one room, you are able to say that since the western region has maybe voted for a deaf person, the east can now send an albino. This is why we think that they should be at the national level and vote together so that all the categories are taken into consideration.

The moment you say we are voting from different regions, how shall we consider other disabilities when we do not know what has happened in Arua and what has happened in Mbarara?

**MR JONATHAN ODUR:** Thank you, Mr Chairman. I am looking at the provision of Article 78(2) of the Constitution and the concluding words are, “… any other matter incidental to it”. I think the issue at hand is for us to determine whether the procedure for electing persons with disabilities is a matter incidental to the number of persons that we elect. In that case -

**THE DEPUTY CHAIRPERSON:** Honourable, let me cut you short there. When you invoke Article 78(2), that discussion can only happen after five years from the last review but not now.

**MR JONATHAN ODUR:** I thought that is the basis upon which she has brought it; that we cannot start altering the procedure because it is “incidental to”. Therefore, we should wait for five years and discuss it. I think that is how she has looked at it.

**THE DEPUTY CHAIRPERSON:** That is another way of looking at it.

**MS ASAMO:** Mr Chairman, I would like to say that when we do not go regional, the Constitution says that there will be five members of Parliament and it does not give regions. The law does not even give the number of women but simply says, “at least a woman”.

Therefore, it is according to the number of votes you have got and you count one, two, three, four and five. If there is a woman among them, you go because even the woman is a constituent. Therefore, if we cannot go regional, let us go for the five members that the Constitution says. This applied during the by-election where the ones who had the highest number of votes –

**THE DEPUTY CHAIRPERSON:** Honourable member, you could help us. Which Article of the Constitution gives the number of five for people with disabilities?

**MR ANYWARACH:** That is the problem, Mr Chairman *–(Interruption)*

**MS ASAMO:** No, there is no problem. It is in the Constitution.

**THE DEPUTY CHAIRPERSON:** Which Article? I have looked and it is not there.

**MS ASAMO:** Let me get it. It is in the parliamentary elections law. If it is in the parliamentary election law that there should be five members and at least one of them should be a woman with disability, in this regard, let us go for the highest number of votes and take it as such.

**MS NALULE:** Mr Chairman, if we are leaving it to the spirit of the Constitution and the Parliamentary Elections Act, the amendment in the current Bill does not stand. This is because they provide that people will gather in one place and elect the four regional MPs and the woman will be elected last.

Let me leave that and comment on the proposal of the minister. Mr Chairman, let us use logic. It looks like the minister has an assumption that you are going to look for votes on that very day of elections. However, you look for votes prior. It means that you have to traverse the whole country to look for votes while your colleagues look for votes in particular regions. You should also look at the numbers at the regional level.

**THE DEPUTY CHAIRPERSON:** Honourable members, I think we are going round in circles. First of all, let me clarify this. The procedural point raised by the Member for Erute County South on the phrase “…and any other matter incidental to” does not stand. The Constitution does not provide for the procedure of how you carry out these elections.

Article 78 does not even talk about numbers but only talks about categories. It does not say there shall be 10 UPDF MPs, five youth MPs or whatever. Therefore, the “incidental to” cannot be read too far to include the procedure for elections. What we are dealing with here is procedure for elections.

Therefore, the procedural point does not actually stand, on a critical look at the constitutional provision. Let us move and if we are unable to take a decision, we shall see how to proceed. Let us take a decision.

**MS BABA DIRI:** Thank you very much. When we started this issue of electing members with disabilities to Parliament, we asked for regions so that each region is represented. Each region has its unique problems and advantages. Therefore, the person must come from a particular region to articulate the issues of that region.

The electoral college is supposed to make the work easier. When you move from one place to another, you do mobilisation, which is not part of elections. Otherwise, people are supposed to come to the national venue and elect representatives.

Therefore, when we say that we are disadvantaging a woman because she is moving from one corner to another, I think it is our making. Mr Chairman, according to the Constitution, we are supposed to elect members of the electoral college.

At the beginning, we thought of electing everyone so that we could balance disability and indeed it worked. The blind, the deaf and physically handicapped persons were there but now there is no balance of person with disability.

Therefore, we do not see sense in national elections. The blind people are not represented and that is why we ask ourselves of what use it is, if we cannot achieve our aim of voting together. We are being burdened to look for votes everywhere. Let us go to the regions so that I am elected by my people to represent them.

Therefore, I would like to request that we emulate what the youth have been doing; they are elected regionally. Let us be like the district women representatives who move from place to another while some men move to only two sub counties; it makes their work very easy. Let us go regional so that persons with disabilities have clear constituencies rather than meandering everywhere.

Mr Chairman, persons with disabilities have consulted and they have agreed on this position. Thank you very much, Chairperson.

**THE DEPUTY CHAIRPERSON:** Honourable members, what law provides for persons with disabilities for eastern, western, central, northern and national? Which law?

I am looking at the directory and all of you have heard that I refer to hon. Asamo as PWD, Eastern because that is in the directory. If you look at hon. Asamo Hellen Grace, her constituency is Person with Disabilities, Eastern. Where do they get it from?

When you look at hon. Nokrach, he is PWD, Northern, hon. Alex Ndeezi is PWD, Central. Where do we get this categorisation of northern, eastern and so on? Who is in charge of this allotment? (*Laughter)* They are already being elected on a regional basis according to this. What do we do, honourable members?

**MR OLANYA:** Thank you, Mr Chairman. That has been the practice. Of the five members of Parliament representing persons with disabilities, the practice is that each and every region has a representative. It is, therefore, very prudent to allow each and every region to vote their own representative; it has been the practice.

However, right now -

**THE DEPUTY CHAIRPERSON:** No, the elections have been national.

**MR OLANYA:** When these people were coming to elect their members of Parliament, those from the northern region are aware that they are coming to vote for the members of Parliament who will represent the northern region *–(Interjections)*– they were being mobilised like that; that has been the practice.

**THE DEPUTY CHAIRPERSON:** Hon. Olanya, let the records show what is happening.

Hon. Alex Ndeezi, despite being assigned here to represent the central region, had to campaign in western Uganda, northern Uganda, the central region and in eastern Uganda. Those people knew that they were going to elect theirs but his area of campaign was national. That is why I am talking about allotment. He was allotted to the central but the voters were from the whole country.

Honourable members, we need to move in a harmonious way to avoid difficulties after today. How do we handle this? The status-quo is what has been articulated. The changes that have been proposed, which seem to be very popular, are that there should be regional representation. If you want to run for national, then you brace yourselves for it and that is for the women. However, is it stated in the law that the national representation should be for the women? Otherwise, that is what you are proposing.

**MS NAKIWALA:** Mr Chairman, it is stated here that for the election of members of Parliament representing persons with disabilities, the five executive committee members –

**THE DEPUTY CHAIRPERSON:** I have understood that point. My point is, why do you say it is only a woman who should run nationally?

**MS NAKIWALA:** It is an affirmative action but the four at regional level can also include women.

**THE DEPUTY CHAIRPERSON:** Affirmative action when you are the one running around the whole country? Is that affirmative action?

**MS NAKIWALA:** If you go for it, then you can afford to do it.

**THE DEPUTY CHAIRPERSON:** The point is that it is only women who will be running for that post. Maybe the Member for Serere has a new idea.

**MS ADOA:** Thank you, Mr Chairman. This affirmative action is going to bring us problems soon.

We have been on affirmative action for women and we are leaving the men behind. When we talk about representatives of persons with disabilities nationally, a man should be included. We are empowering women and girls but forgetting the boys. Actually, right now, boys are getting into problems. Many of the boys have resorted to weed while girls are coming up seriously. I would like to suggest that if we take the female representation of persons with disabilities to national level, then we should also have the men there.

Actually I would advocate for regional representation because as we speak, there are some districts where representatives of persons with disabilities have never seen their constituents. This comes back to those representing the counties and the districts. That is why I would like to advocate that we go for regional and two persons representing them at the national level. Thank you.

**THE DEPUTY SPEAKER:** Honourable members, we need to bring this to a close. All of you have spoken except her.

**MS TAAKA:** Thank you, Mr Chairman. The question that you asked about how the regional representation came up – I think it is what the minister’s proposal is answering. Much as there was no demarcation in the law, the need by the people took it to that level. So, the law is just addressing the need of the people.

I understand the position of woman representative; it is similar to that of the a woman Member of Parliament, except that hon. Safia Nalule has been bold enough to fight for her right.

Mr Chairman, I would like to suggest that if we have regional representatives, let us put a provision for guidelines by the minister in the law on how to elect the woman representative of the persons with disabilities and we seal that.

**THE DEPUTY CHAIRPERSON:** Right now, the Bill says that for the national elections, there shall be an affirmative seat for a woman. So, only women who have disabilities will run for that office; no man will. That is what the Bill is proposing.

**MS TAAKA:** Yes, Mr Chairman, because affirmative action came as a result of men occupying almost all the leadership positions. Therefore, if all regions vote men, let the women have affirmative action for that seat.

The question is on how that person is voted. We can leave it and not provide in the law that she be elected. Let her traverse the whole country but we propose that the minister and council come up with guidelines on how she can be elected in an equitable way. Thank you, Mr Chairperson.

**THE DEPUTY CHAIRPERSON:** It can only be in the law, honourable member.

**MS BBUMBA:** Thank you very much, Mr Chairperson. I was the presiding officer at the first elections of persons with disabilities who joined Parliament in 1996, when I was in the interim Electoral Commission.

We tried to elect nationally but there was total chaos. So, they agreed amongst themselves – we took a whole day arguing on how we were going to conduct the elections until the people affected came up with a way forward, suggesting that we should elect them regionally and then affirmative action would be done nationally.

If they say that affirmative action for persons with disabilities should be scrapped, it should cut across. We all know that women with disabilities are the most disadvantaged and need a special voice. If other women who are able and can afford all sorts of things are still enjoying affirmative action, why not the women with disabilities who are disadvantaged?

I do not see a problem with the status quo. If we go by that and say no affirmative action, then extra points for women for entry to universities should be scrapped. We need equity. Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable members, there being a little controversy on this matter and the House not coming to any reasonable agreement, in order to protect the integrity of what we are going to do, we will not take that decision now. *(Applause)*

Therefore, we will defer this matter which is on the sixth schedule. We will be able to take this decision tomorrow when we are able to do it so that if there is any contestation, at least we are sound on the basis of the decision we have taken. Is that okay? Thank you.

MOTION FOR THE HOUSE TO RESUME

6.52

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH AND CHILDREN AFFAIRS) (Ms Florence Nakiwala):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House report thereto.

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

*(Question put and agreed to.)*

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

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

6.53

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH AND CHILDREN AFFAIRS) (Ms Florence Nakiwala):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Persons With Disabilities Bill, 2018” and stayed the sixth schedule of the Bill and passed the rest of the clauses with amendments. I beg to move.

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

6.54

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH AND CHILDREN AFFAIRS) (Ms Florence Nakiwala):** Mr Speaker, I beg to move that the House adopts the report from the Committee of the whole House.

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

*(Question put and agreed to.)*

*(Report adopted.)*

**THE DEPUTY SPEAKER:** Honourable members, I have deferred the decision on the sixth schedule because we need to come back to it and do it properly. Therefore, we will not take that decision now. When we come back, we will take that decision because we have had enough discussions on this matter.

It is the same with the issue of the other request from Government to domestically borrow money. That was also awaiting some formation of the House so that we can take a proper decision.

Honourable members, plenary will be adjourned after tomorrow’s proceedings. Therefore, let us do what we can and finish what we must. I am particularly concerned about the reports that are coming from the Committee on Public Accounts. The reason is simple - because under the Constitution, we should have handled this thing within six months after the Auditor-General’s Report was published and given to us.

This Parliament, under the Constitution, is only given six months to handle those reports but we are way beyond that time and the report is here. Tomorrow, we should find time. That is why I asked the chairperson to use only five minutes to present - because we have read these reports - and then we assess and see if we can take a decision to confirm or change some aspects of the recommendations from the Committee of Public Accounts.

Honourable members, my attention has been drawn to some changes being proposed to the Ministerial Policy Statement from State House, that there are some addendums to be added to the policy statement that has already been tabled. Therefore, for what it is worth, let us lay them and then it goes to the committee.

LAYING OF PAPERS

ADDENDUM TO THE MINISTERIAL POLICY STATEMENT OF THE MINISTRY, OFFICE OF THE PRESIDENT (PRESIDENCY) - VOTE 002

**MR OKUPA:** Mr Speaker, that is why I seek clarification on the statements which were first withdrawn and then we received them later; what they called the correct and the true version. Is that what is being amended before it sees the day?

**THE DEPUTY SPEAKER:** No, this is an addendum. An addendum is published after the proper finalisation of a document. It is additional to what has already been submitted.

**MR OKUPA:** Mr Speaker, the statement has just been laid and we thought that was the true and correct version. Now, it is being amended before we leave this House. Is that what the minister is going to do?

**THE DEPUTY SPEAKER:** It looks like. Maybe, we should close before we are confronted with other addenda.

6.59

**THE MINISTER OF STATE FOR GENDER, LABOUR AND SOCIAL DEVELOPMENT (YOUTH AND CHILDREN AFFAIRS) (Ms Florence Nakiwala):** Mr Speaker, I beg to lay on the Table the addendum to the Ministerial Policy Statement, Vote 002. I beg to lay.

**THE DEPUTY SPEAKER**: Let the records capture that. It stands referred to the appropriate committee to handle and report within the framework of the budget.

Honourable members, today we have gone beyond our normal time but I think we did a very good job. The matter was important and we needed to conclude this Bill. However, we were unable to. Tomorrow, we should be able to conclude with this Bill. I ask the Members who were in charge of the mobilisation – because tomorrow we will conclude the Bill - there are so many things that we need to conclude tomorrow before I adjourn plenary.

House adjourned to tomorrow at 2 o’clock.

*(The House rose at 6.59 p.m. and adjourned until Thursday, 4 April 2019 at 2.00 p.m.)*