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IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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102ND SITTING - THIRD ASSEMBLY: FIRST MEETING – FOURTH SESSION

Wednesday, 19 August 2015

The East African Legislative Assembly met at 10.10 a.m. in the Chamber of the Parliament of Uganda, Kampala

PRAYER

(The Speaker, Mr. Daniel .F. Kidega, in the Chair.)

COMMUNICATION FROM THE CHAIR

The Speaker: Good morning honourable members. I do not have much from the chair but only one concern and it is one of time management. I would like to plead with you honourable colleagues that we are sharing a very scarce resource of the day between us EALA and the Parliament of the republic of Uganda. Therefore it is important that we report on time as per the adjournment to maximally utilise the resource called time. Thank you.

LAYING OF PAPERS

The Chairperson of the Committee on General Purpose on the Legal Framework and the Implementation of Policies on the Rights of the Child in the EAC Partner States (Dr Nyiramirimo Odette) (Rwanda): Mr speaker and honourable members, I beg to lay at table a report of the Committee on General Purpose on the Legal Framework and the Implementation of Policies on the Rights of the Child in the EAC Partner States. I beg to lay

REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE LEGAL FRAMEWORK AND THE IMPLEMENTATION OF POLICIES ON THE RIGHTS OF THE CHILD IN THE EAC PARTNER STATES

The Chairperson of the Committee on General Purpose on the Legal Framework and the Implementation of Policies on the Rights of the Child in the EAC Partner States (Dr Nyiramirimo Odette) (Rwanda): Mr speaker, I beg to move a motion that a report of the

committee on General Purpose on the Legal Framework and the Implementation of Policies on the Rights of the Child in the EAC Partner States be adopted.

The Speaker: seconder? Hon. Mulengani, hon. Nancy, hon. Susan, hon. Valerie and hon. Dr Martin. Please proceed.

Dr Nyiramirimo: Mr Speaker and honourable members, the General Purpose committee conducted this activity on the ground that in accordance with Article 120 (c) of the Treaty establishing the East African Community, Partner States undertook to closely cooperate amongst themselves in the field of social welfare and to cooperate towards the development and adoption of a common approach towards the disadvantaged and marginalized groups including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of amongst others, foster homes, health care education and training.

On the occasion of 25 years of the Convention of the Child which is observed on 20th November of each year, there is a need to invest in children to stop the inter-generational cycle of poverty and giving all children a fair start in life.

Against the background of the coming to an end of the MDGS and transitioning into other global goals and priorities still under conception, the EAC region is faced with the need to enhance the role of governments in fulfilling the minimum requirements that mark the observance of basic human rights of their people.

In this particular case, challenges in the observance of rights of the child has led to vices such as early marriages and pregnancies, child labour and exploitation, sexual exploitation in the form of human/child trafficking and child prostitution among others. Governments have put in place legislative and policy instruments to fight these vices and protect the rights of the child.

Justification

In developing countries, 34% of girls are married by age 18 and one in seven before the age of 15, according to UNFPA. UN figures indicate that 3 girls among girls aged 15-19 has been a victim of violence committed by a husband or partner, worldwide 50% of all sexual assault are against girls of 15 or younger. Child marriage at 13 years of age for example, has escalated teenage pregnancies and continues to increase in certain regions such as in areas of Sembabule and Mayuge districts in Uganda as evidenced in a study funded by DFID.

Also according to UNFPA, 3.3 million girls are still at the risk of FGM. It is clear that accountability with effective monitoring is critical and where possible, civil society, children and adolescents themselves can help monitor progress against vices and acts should arise against such practices as early marriages and resultant early pregnancies, child labour and exploitation in the form of human/child trafficking among other.

The efforts by governments by way of putting in place legislative and policy instruments to fight these vices and protect the rights of the child in East Africa are acknowledged and appreciated by the Committee.

It is against this background that the Committee on General Purpose undertook an oversight activity on the Rights of the Child from 22-26 February 2015.

Objectives of the oversight activity

The main objective of the oversight activity was to assess the legal framework and implementation of policies related to rights of the child, as well as be informed and updated on the challenges faced, the different strategies and approaches and best practices undertaken by the partner states to combat the bad practices and protect the rights of the child.

The Committee further explored avenues of collaboration so as to combat the acts and bad practices that are taking place in the region such as child trafficking and child labour with the aim of considering a regional approach to implementation of activities towards protection of the child.

Methodology

The Committee interacted with actors in the area of protection of the rights of the child including; concerned government officials from the Ministries having youth and children in their attributions, NGOs, civil society, representatives of national commissions for children.

Presentations were made on policy framework and implementation status on the subject and plenary debates followed. The Committee working in two groups visited the Republic of Kenya and United Republic of Tanzania on the 23rd of February, the Republic of Rwanda and Burundi on the 24th of February and then converged in the Republic of Uganda on the 25th of February 2015.

A rehabilitation center in the Republic of Kenya for male child offenders was visited to witness the rehabilitation that the children undergo.

In collaboration with Elizabeth Glaser Pediatric AIDS Foundation¹ and the IPU, the need to increase children's access to HIV/AIDS treatment was highlighted by way of presentations made and showed the large and unfair disparity in access to treatment between adults and children and the urgent need to ensure increased access to treatment and care for children.

Committee findings

The Republic of Kenya;

Participants included officials from the Ministries of EAC, Education, Science and Technology, Labour, the Office of the Attorney General and Department of Justice, Probation and Aftercare Services and Makadara Probation Hostel.

Framework for the Republic of Kenya;

The framework highlighted includes international, national, and institutional as well as policy framework which are attached at Annex I.

The Committee found many Challenges facing children and areas of abuse in the Republic of Kenya;

Specific issues of child abuse, peculiar to the Country include FGM which has proven psychological and physical repercussions that inflict untold suffering to children that affect them throughout their lives.

Consequences of FGM include fistula, child birth difficulties in later life as well as untold pain and humiliation suffered in early childhood when the FGM takes place. The prohibition of FGM Act 2011 is one of the laws in place in this respect.

Children in Kenya are subjected to abuse through several means including; children in drugs, active labour, children on the streets, children with disabilities who are used as tools of revenge in marital and domestic conflicts which is a fairly new phenomenon in Kenya. As soldiers, child trafficking, as sex pets for various reasons including mythical excuses (having sex with a child cleanses certain diseases).

In addition, abuse is faced by children with adult responsibilities, who are denied play opportunities, and burdened with curriculum overloads, miss parental love, care and guidance due to demands and pressures of modern life with work and social obligations as well as adult and evening schooling by parents.

Challenges that children carry into adulthood include: diminishing job opportunities, drug abuse, sexual abuse, lack of relevant skills, and lack of institutional guidance by the family, the community or formal institutions. The resulting consequences of the above are as follows:

- Violence against children in schools is unacceptably high (VAC Report 2010) despite being outlawed by the Constitution;
- Corporal punishment and other forms of humiliating punishments go unabated despite being outlawed by the Constitution;
- Denial of the right to play;
- Child to child violence exists in various forms such as bullying, theft, homosexuality and lesbianism, pornography, discrimination due to age, ethnicity, disability, devil worship;
- Abused children grow up with psychological wounds due to lack of adequate response mechanisms;
- Children grow up learning in fear due to lack of prevention strategies to child protection risks such as child poverty, FGM, child marriages, defilement;
- Over-emphasis on academic excellence at the expense of the child's safety and total wellbeing. As a result, suicidal cases are reported to be on the increase.

Gaps in implementation of policies of the rights of the child

1. Lack of a clearly mandated coordination body

Given the fact that the mandate on children is scattered and shared by five different ministries namely; the Ministry of Education, Science and Technology, the Ministry of Labour and Child Services, the Ministry of Planning and Devolution among others, there is therefore no ministry clearly mandated to manage children up to the desired independent status. For instance, the role of the probation office to ensure smooth transition of offenders to borstal institutions is defined in the law but fails to identify the probation department as a key stakeholder. This leads to children being victims of the gaps and being left to goodwill and individual efforts with absconding of responsibilities on aftercare services.

2. The Committee was informed that legal mandate does not match the actual implementation and practice and again due to lack of clear mandate, children fall victim to gaps.

3. There is lack of information sharing mechanisms between the different mandated ministries and bodies cited above.
4. There is a shortage of professionally specialized personnel trained in care and protection of children.

The current interventions underway and proposed activities include strengthening of child protection structure through both a systemic approach and enhanced community participation in the education system to serve the following purpose:

- Provide functional coordination mechanisms for child protection actors from the grass root to the national level;
- Promote networking and collaboration of child protection actors in the education sector;
- Establish an effective prevention and response mechanisms to child protection risks at the grass root level;
- Establish capacity building programmes on child protection for teachers and other child protection actors at the zonal level;
- Enhance enrollment, retention, transition and completion rates by ensuring that children are protected and rescued from abuse.

The proposed activities herewith include:

- Strengthening the subcommittee of the county board on child protection to address and profile child protection risks and protection concerns affecting access to schools, transition and completion rates in the county ;
- Identifying capacity gaps among actors and develop programs for capacity building; develop and implement child protection, prevention and response programmes at zonal levels including appointment of focal point teachers;
- Monitoring and evaluating child protection programmes at all levels.

The sub-committee visited Makadara Probation Hostel, Nairobi which is a government funded rehabilitation hostel for male child offenders who are needy and deserving of a safe haven.

The centre supervises court sanctions with rehabilitation and empowers the children with practical skills (vocational training) before reintegration into the community as much as possible. Behaviour modification, guidance and counselling are also part of the rehabilitation program.

Committee Observations

1. The Committee appreciates the development of an EAC common policy, curriculum and regulations for agencies dealing with children.
2. There is a need to amend the legal framework to fill the gaps to define expressly a body or various bodies to effectively play their roles in the entire process of management of children by actors in the sector.

3. There is also the need for the formulation of a national aftercare policy to provide aftercare of children released from rehabilitation.
4. There is urgent need for the development of an accessible data sharing reporting mechanism for use by all stakeholders.

The Republic of Rwanda

In the Republic of Rwanda, presentations were made by the National Commission for Children and Elizabeth Glaser Paediatric AIDS Foundation.

The frameworks highlighted includes; international, national, and institutional as well as policy framework. **(Refer to Annex I of this Report).**

Committee Findings

1. There were a large number of children orphaned as a result of the Genocide of 1994 as well as those orphaned by HIV/AIDS.
2. Low level of birth registration as well as late registration.
3. Children are exposed to violence, exploitation, sexual abuse both at home, at school and the Community as well as the street children phenomena.

Solutions proposed are in the context of existing legal and policy framework:

- There is need to amend the children's Act to fill existing gaps in adoption and emerging forms of abuse.
- There is need to raise awareness targeting stakeholders to enhance sensitivity and enlist support and community responses.
- Mainstreaming children and child protection into essential sectors and ensuring accountability, sustainability and transparency in child related programs should be prioritized.
- A conditional grant for child care and protection disbursed to all local governments.

Committee Observations

The Committee observed that the Children's Council while charged with coordinating issues of children and having many Associate Bodies and NGOs working with children was faced with too many agencies and that duplication of activities was evident.

The Committee commends the temporary ban on interstate adoptions and recommended the development of child protection curriculum such as is in Makerere University; professional Certificate in child protection as well as strengthening community based child protection and child parenting.

The Republic of Uganda

Stakeholders included officials from the Ministries of EAC, Gender, Labour and Social Development, National Human Rights Commission, Naguru Reception Centre and Child Aid, Uganda.

The frameworks highlighted includes; international, national, and institutional as well as policy framework. (**Annex I of this Report**).

Challenges faced by children under special circumstances including children who faced internal displacement, war and civil conflicts, orphans as result of HIV/AIDs and the emerging crime of child sacrifice.

Committee Findings

1. Lack of implementation of existing legislation. For instance, only a few Family and Children's courts (FCCs) are operational with irregular sittings and lack of magistrates. In rural areas, remand homes have not been established and children are held in remand with adults.
2. Gaps exist in the Children's Act as follows:
 - Weak provisions existing on adoption which has made it easy for many children to be taken out of the country under Guardianship orders.
 - Current provisions do not take into account emerging forms of child abuse including child sacrifice, pornography and sex tourism among others as well as evolving vulnerability such as children with disabilities. Rights of children with parents in challenging circumstances such as incarcerated or refugee parents are not provided for.
 - There was a lack of remand homes up country so children are detained with adults before transfer to the right institutions, which, due to poor funding, takes up to two or more days.

Committee Observations

- 1) The Committee considers that the Republic of Uganda could encourage and review the culture of community parenting as opposed to institutionalization of young offenders and children in conflict with the law.
- 2) The Committee urges for the strengthening of legislation including among others, mobilizing against imprisonment of children with adults.
- 3) The Committee emphasized the strengthening of particular norms and values with regard to parenting and community responsibility toward children which cannot be enforced through legislation.
- 4) There is need for governments to increase funding to facilities dealing with children including remand homes, rehabilitation centers and juvenile courts.
- 5) Concerted efforts towards sensitization on the rights of children and obligations of the Community towards children need to be enhanced. This includes measures such as translation of materials to local languages and public lectures at town hall meetings among others.

The United Republic of Tanzania

In the United Republic of Tanzania, participants included; officials from the Ministry of the East African Cooperation, Ministry of Community Development, Gender and Children, C-

Sema (National Child Helpline), Jericho Children Home, World Vision-Tanzania, Tanzania Child Rights Forum, Elizabeth Glaser Pediatric Aids Foundation and Plan International.

The frameworks highlighted include international, national, and institutional as well as policy framework. Refer to Annex I of this Report for the mentioned frameworks.

Committee findings

1. Poverty was identified as being a major challenge in safeguarding child rights. A large part of the population, particularly, those living in rural and remote areas are poor. Poverty has a negative impact on the living conditions of children especially their right to food and other basic needs.
2. There is a conflict between the law on marriage which allows marriage at the age of 16 and the Child Rights Act that provides for 18 years of age. Harmonisation is expected to be validated by the on-going Constitution making process.
3. Children with albinism face enormous risks in Tanzania. The challenge becomes even greater during periods of political campaigns. While the government of Tanzania has made commendable efforts to combat the problem, the practice remains alarmingly prevalent in many parts of the country.
4. In Zanzibar, attending school is compulsory during the first 10 years. This is however not backed by any legislation. Children living in rural areas are unable to go to school due to lack of transport infrastructure especially for children with disabilities.
5. Many young girls are victims of genital mutilation and suffer physical and psychological traumas throughout their lives that are never treated.
6. Child marriages have continued to reduce, but the practice is still in place. Young girls are still forced to marry as young as 12 years old. These marriages affect the girl child in terms of health implications and ignorance around their responsibilities.
7. The prospect of generating income pushes families to send their children (mostly under 14 years of age) to work instead of school other families prefer their children to work on their own farms and businesses.
8. There is lack of public awareness around birth registration which is a challenge. Costs for such important documents are also prohibitive hence a few children have birth certificates.
9. Many children either charged or convicted of minor offenses are imprisoned under harsh conditions with serious adult offenders. Prisons are not suitable for children.

Committee observations

1. Support for a strong civil society response to complement Government-led child protection, response services and cooperation is needed in a more systematic implementation of child protection legislation and policies.
2. The Committee was of the view that there is need for integration of plans and measures to address violence against children into a functioning system by recruiting more child protection and welfare officers and allocating adequate resources.

3. The Committee found that further research into violence against specific groups of vulnerable children such as children living/working on the streets and those in institutions is needed.
4. The Committee found that is of paramount importance for Tanzania and Zanzibar to harmonise campaigns to raise awareness about child rights such as the work of the Human Rights Commission, including the work of the Special Desk for Children's Affairs, the creation of a toll free helpline for children and related services for children's easy access. Adequate financial and human resources should be allocated for more effectiveness.
5. The Committee observed that Tanzania should establish a comprehensive data collection system. This data disaggregated by age, sex, socio-economic background and geographical area, including asylum-seeking and migrant children should be systematically collected and analysed to support policy implementation.
6. The Committee proposed that the Republic of Tanzania should develop and disseminate translated documents, plans and policies that promote child rights in local and national languages to ease reading of the materials by children. A recommendation was made for the reinforcement of adequate and systematic training for all professional groups working for and with children. These groups include: law-enforcement officers, teachers especially those in rural and remote areas; health practitioners, social workers and childcare centres.
7. The Committee advised for a consultative process to be undertaken to set and reinforce the legal minimum age for marriage applicable to both boys and girls and acceptable by international standards.
8. The Committee called for support to be extended for the participation of children and young people in the Junior Council. It is imperative to reach the most marginalised groups of children with necessary information by involving them in public debates and consultations.
9. The Committee called for implementation of a free and efficient birth registration system that covers both parts of United Republic of Tanzania with introduction of mobile birth registration units for remote areas to capture previously unregistered children.
10. The Committee found unacceptable to use of corporal punishment and urged for it to be banned in schools in the United Republic of Tanzania to avoid any possible child abuse through this practice. Teachers and parents should be sensitised about alternative forms of disciplining children.
11. The Committee called for increased efforts to combat the spread and effects of HIV/AIDS. One of the programmes to be focused on is preventing mother-to-child transmission of HIV/AIDS (PMTCT) through provision of pregnant women with free and adequate health, social services and antiretroviral drugs and formula-food for infants.
12. The Committee called for more enforcement of anti-FGM legislation and a robust public awareness campaign against the practice. Such campaigns should target public, community, religious leaders and families for change of attitude towards FGM.

13. The Committee called upon the United Republic of Tanzania to urgently enforce legal protection for albinos. Programs targeting anti-discrimination of albinos should also be intensified.

The Republic of Burundi

In the Republic of Burundi, participants included officials from the Ministry of the Office of the Presidency Responsible for EAC Affairs, Children Family Department, Ministry of National Solidarity, Human Rights and Gender, Burundi Child Rights Coalition, 'Observatoire INEZA pour les Droits de L'Enfant au Burundi (O.I.D.E.B), SOJPAE-Burundi, Senate, CPJE, Le Forum national des enfants au Burundi (FONEB), Giruyuja, Maison Shalom and FVS AMADE.

The frameworks highlighted include international, national, and institutional as well as policy framework attached as (**Annex I of this Report**).

Committee Findings

1. A history of civil war and high rates of HIV/AIDS are the main factors contributing to the poor condition of living for Burundian children. Food insecurity and malnutrition problems are also prevalent.
2. Articles 242 and 243 of Burundi's Criminal Code prohibit human trafficking and smuggling and prescribe sentences of five to 20 years' imprisonment. The code, however, needs to provide a definition of human trafficking to support investigators' or prosecutors' efforts to identify and prosecute child traffickers.
3. The juvenile justice system is lacking, children are for instance detained in the same cells as adult convicts which subjects children to sexual abuse. The separation principle exists but is not applied.
4. There is a high number of street children especially in Bujumbura while there are very few services and donors supporting children to get off the streets.
5. Education is free but limited to primary education and there are no enforcement mechanisms to ensure all children, including the vulnerable groups, are enrolled into school.
6. The Republic of Burundi has free medical care that is limited to children under Five years of age. Vulnerable children over the age of five years are not supported to access free medical care.
7. In the sale of land and land ownership, the code of persons and family authorizes the consent of the spouses to sell the family property. Children are often left out.

Committee Observations

1. The Committee observed that although Burundi has ratified most of the international legal instruments relating to the rights of the child, there is a need to harmonise and align the national principles and legislations to Children's Rights Council and its principles.
2. The Committee further urged for strengthening of the coordination mechanisms at all levels with an integrated approach to protection of the child.
3. The Committee called for enactment of anti-child trafficking legislation and lack of enforcement the trafficking provisions in the 2009 Criminal Code amendments. Consideration should also be given to the amendment of the criminal code to provide a legal definition of human trafficking and set clear penalties.

4. The Committee encouraged establishment of a centralised mechanism of collecting, managing, analysing and disseminating data on child protection and related services.
5. The Committee called for strengthening of the national system supporting child victims of violence, abuse and exploitation. As a result, Children would have easy access to social services, health care and basic education.
6. The Committee commended existing efforts at improving targeted community services aimed at preventing violence and exploitation of children as well as those providing rehabilitation for victims of violence and abuse but called for more to be done in this regard.
7. The Committee called for the definition of clear roles among all stakeholders to improve accountability in delivery of child protection services.
8. The Committee urged that the Republic of Burundi to define a minimum social services package/award.

Emerging issues in all Partner States and General Recommendations

It emerged that there was adequate legal, policy and institutional framework(s) and Partner States have put in place impressive policy instruments that have improved observance of child rights to a considerable extent. The Committee appreciates the efforts of the Partner States but notes that implementation still remains a major challenge in Partner States.

The Committee noted that all the lapses observed are due to implementation gaps and challenges rather than lack of legal, policy and institutional framework.

The Committee therefore recommended that implementation mechanisms be devised across board as indicated with regard to laws related to rights of the child, labour, human trafficking laws, crimes such as FGM and killing of albinos and common approaches to prevention and management policy mechanisms among others.

Specific Recommendations

The Committee urges the Council of Ministers to urgently give attention to and implement the recommendations made by the Committee for both national challenges as indicated in parts 1-6 of this Report as well as the regional challenges and recommendations elaborated as follows:

A need for a Regional approach to combat child related criminal acts

- This would include harmonization of national laws and streamlining of segmented laws that have been rendered ineffective.
- The Committee recommends to the Assembly to urge the Council of Ministers to:
- Restrict interstate adoptions in all Partner States until adequate control and follow up mechanisms are instituted to ensure the adoptions are genuine and not ill intentioned toward crime and child abuse or exploitation. This would also encourage

national/internal adoptions through proper sensitization and associated awareness creation.

- Enforce the fast tracking of cases of violence against children by specialized institutions;
- Ensure translation of all materials related to the Child Rights care and management into as many local languages as possible to ease sensitization and awareness creation;
- Ensure accountability in form of registration of births and creation of a regional database that is widely accessible to ease registration by appropriate use of technological developments such as mobile technology.

The need for a Regional approach to curricular training, management and service delivery as well as implementation of national policies for Key Stakeholders

There is need to ensure uniformity in services in access, delivery and management of child rights related services, facilities and rights.

It is recommended that with a view to minimizing vulnerability and enhancing effective service delivery, a common curriculum be instituted for all areas, sectors and personnel that deal with children in terms of care providers, access to justice, management and guidance. Related minimum wage and remuneration issues also need to be addressed.

The regional approach should also comprise standards on location of facilities; Juvenile Courts within local jurisdiction, their numbers and standards as well as guidelines on management and funding.

Furthermore, guidelines based on mapping of activities peculiar to a region should be considered to create flexibility and understanding of specific cultural practices that may not necessarily amount to child abuse, but may be considered as customary upbringing. The Acts should define mapping of economic activities that define and distinguish child abuse from economic activities.

The need for urgent revision of Acts on the Rights of the Child in all the Partner States; this is in order to facilitate adequate and commensurate coverage of emerging and hitherto uncommon offences and sophisticated crimes like child pornography, prostitution, trafficking, nudity, kidnapping, child sacrifice, internal organ theft and crimes committed as a result of vulnerability of children particularly those with disabilities.

Measures to enforce the observance of rights of the child including the right to education, human rights and related rights provided for under the Acts need to be instituted.

The monitoring and follow up instituted in most of the Partner States that extend to the grass root level is highly commended and encouraged as a best practice.

The need to establish a regional fund and sustainable financing for child rights related issues of protection, prevention and management. The institutional basis of such a fund would be coordinated at the regional level by the EAC and any such children's council/committee/desk as the need may be. This is notwithstanding sources of financing at national level.

Creation and coverage of a Child Predator/Sex offender's regional database and website to name and shame child abusers and sex offenders;

The facility with a regional coverage and access would help create and stimulate more active public/ community prevention, management and responses. The facility would have links to national databases and be regularly updated to facilitate follow up, monitoring and any such individuals to curb these practices.

- 1.1.6. With regard to access to HIV treatment for children, it is recommended that strict policy guidelines be put in place to ensure access to treatment for children living with HIV and institution of sanctions against parents and guardians who do not comply. Complete separation of treatment and management of children, adolescents and adults should be followed and the related databases to respond to the different needs and sensitivities created as is appropriate and expected.

Acknowledgment

The Committee would like to acknowledge and express appreciation to the Office of the Rt. Hon. Speaker, EALA and Office of the Clerk for facilitating the Committee as it undertook the oversight activity.

The Committee expresses its appreciation to the Ministries for East African Community in all the Partner States for coordination and facilitation of the activity thereby contributing to its success. All the stakeholders the Committee interacted with including the relevant Ministries of Social Welfare, Labour, Child Welfare, and Family Promotion as the case was, are commended for the cooperation and valuable inputs provided.

Finally appreciation also goes to Elizabeth Glaser Paediatric and AIDS Foundation (EGPAF) for facilitating and partnering with the Committee for the entire duration of the activity in Kenya, Uganda, Rwanda and The United Republic of Tanzania where they have programs.

Mr Speaker and honourable members, I cannot go to the conclusion without also expressing the appreciation to the Committee Clerk and to all the members of General Purpose Committee for the work well done.

Conclusion

The Committee concludes that children and youth are without doubt the most important part of our community and have to be protected as the future depends on the quality of care, education, orientation received as well as values inculcated into them today.

Dividends can be reaped with the young population that has a lot to contribute to the socio-economic development of the region. More measures that go beyond legal and policy provisions need to be enhanced to ensure a sustainable and secure future of the EAC.

Mr Speaker and honourable members, I submit. (*Applause*)

The Speaker: Thank you so much, Dr Odette, the Chairperson of the Committee on General Purpose for a journey well taken in to the plight of our children.

Honourable members, while the Chairperson was going through the report, my heart continued growing heavy and sad about the plight of the children of East Africa. Just imagine if those of us who seated here went through the vices that have been echoed in the report whether really we would be Members of Parliament of EALA.

It is a sad state of affair and we must rise to the call. The motion on the Floor is that, “The report of the Committee on General Purpose on legal framework and implementation of polices on the rights of the children in the partner states be adopted.” The debate is open.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. Let me state from the outset that I support the motion. I commend the committee for the job well done.

Dr Odette was the minister responsible for the docket when the country was involved in the battle of trying to recover our children who had been taken to Italy through dubious processes of adoption that were not properly controlled. I hope she will find time to brief us on how it ended. I believe it also formed some of the recommendations that are in the report.

I also wanted to make a simple correction; children are a legal physiology. There is a definition for children. I do not think it is appropriate any longer to legally refer to orphans of genocide when you are dealing with children. This is because those who were born then are now 21 years old. It is true they are still affected by the past but legally speaking you cannot refer to them as children when the subject you are dealing with is about children. Legally speaking, there is a definition issue that we need to correct.

Mr Speaker, it has been observed and rightly so in the report that all partner states have legal framework to deal with this problem yet we are still faced with these enormous challenges. Therefore, I think we have a task in individual partner states and collectively as a region to diagnose why our legal machinery in place is not able to respond to the problem as it is. What is lacking? Where can we correct? This is because if we continue to have these beautiful legislation and enforcement infrastructure that is not able to deal with the problem as it is something is missing and that is what we need to know and address properly.

Mr Speaker, we need to take some of these processes back to the community because most of these problems find their routes in cultural practices that you can not only deal with legal enforcement.

Most of our policies that we have in place have only one problem. They address the entry points but lacks follow through mechanisms. In all partner states you will find that the number of children who are enrolled in schools is higher than those who finish the level of education. This means we do not have follow through mechanisms. That is what causes those disparities. These are issues of human rights and rights are individual. Therefore we must have policies that are able to do the marking and address issues at the individual level.

If we continue to have policies that address problems in group levels, we shall continue to miss the point. Therefore you cannot address issues at individual level when you are not able to do proper mapping when you do not know the children we are talking about, where are they? We are talking about birth registration. Where should these registrations take place? Is the system in place friendly enough to allow it to happen as soon as birth takes place or are we having in place systems that require a lot of bureaucracy that makes it simple to happen? Therefore we must have friendly policies that are down to the grass root, we must have follow through process and we must have policies that address these problems from the individual levels. We must know our children; deal with their rights at their individual levels, not as a group.

We cannot continue to have numbers of our people just for statistics purposes. We know the region is 140 million people when we are talking about the size of the market. However, do we know them individually? Do we have policies that address their problems at individual level or are our people too many to the extent that we cannot access them where they are.

I therefore think there are serious issues that we need to address at a region level. We need to have uniform policies and people friendly policies, those that recognise them where they are and that access them where they are and that address their problem where they are individually and not as groups. Thank you Mr Speaker.

The Speaker: Thank you, hon. Ngoga.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this opportunity. Since it is my first time to speak, I would like to add my voice to those who have welcomed the honourable members of EALA to the Pearl of Africa; *Karibuni sana*.

Mr Speaker, the issue at hand is a very important one. I would like to congratulate the committee of General Purpose for doing an oversight activity on the legal framework and implementation of policies on the rights of the child in the EAC partner states. The work that the committee has done is highly commendable and I trust and believe that your office will find more resources to enable the committee to do more similar work in order to keep this Parliament abreast of what is happening in the East African Community especially in respect to the issues of the children's right.

Mr Speaker, I will speak to three issues. One is the issue of children as being vulnerable by virtue of the fact that they are children and therefore their rights are being held in trust of guardians and parents. I would like us to look at a deeper level of children who are in wear situations for example the refugees; I am glad that this has been mentioned, children with disabilities, and the girl child in particular because these are likely to get pregnant. Like we said before in this Parliament; just the fact that they do not have sanitary towels can disenable them from continuing with education, then children with HIV/AIDS. I know that this has been mentioned in the report but I just wanted to say that maybe when we look at this again, we may have to look at this deeper and dig out the most vulnerable with in the vulnerable.

I would like to say quickly that when you look at the report, there are some crosscutting issues and one of the issues which comes out especially when you look at the causes, at least to me, is the issue of poverty. I trust that this is an issue that we need to look at very keenly as a Community considering that one of the reasons why we are integrating is to ensure that we improve the living standards of the East Africans. Therefore the issue of poverty is very key.

I would like to highlight it in several respects. If you take an example of female genital mutilation and this practice is practiced in all the EAC partner states - (*Interjection*) - You may say no but I would to say it very clearly that even in a country like Rwanda you have immigrants and these people travel to those countries and live there abiding by their cultural practices. This is why for example the United Kingdom has a law that prohibits FGM. Therefore it is very important that much as you may look at a country and for example you say that in the Republic of Burundi we do not practice FGM, you will find that you have communities with Burundi which practice FGM.

I do not want to go into the definition of FGM but there are several types and that is another subject for another day. My humble plea is that we should leave that body part alone. *(Laughter)*

Secondly, I would like to allude to the issue of FGM again. When the committee made its report, it talked about fistula and other physical aspects that are a result of FGM.

I would like to go back to the cultural aspect because culturally this is a rite of passage. Therefore, when a girl child undergoes FGM even if she is 7 years, she is considered as a woman ready for marriage. This is very serious. This leads to defilement. I do not want to talk about child marriage. In my humble view there is nothing like child marriage. If you have sex with a girl below 18 years, that is defilement.

Therefore, we should call it by its name. It is defilement; it is statutory rape which is punishable under the law. Therefore when you look at the issue for example of FGM, it is more compounded than you think. This is because if a girl undergoes FGM, she is ready for marriage. If she supportably gets married, she is defiled; she is taken out of school. There are so many aspects she cannot earn a living later which she would have earned if she had undergone education. Therefore this whole issue of FGM is a very serious issue and we should not just look at it as just physical pain. It actually curtails a person's growth into a productive adult.

I would like to move on to the issue of trafficking persons. It is caused by poverty. Right now when you look at people begging on the streets, you may think that this is separate from trafficking persons. This is not separate from trafficking persons. Behind those small boys and girls who are begging, there are people who have deployed them. Therefore, it is another form of modern day slavery. We should look at it in depth.

In the report, they talk about lack of a definition for trafficking persons. I would like to say that we have a definition for trafficking persons. All the EAC partner states are signatory to the Palermo protocol which defines trafficking persons.

Mr Speaker, with your permission, when we bring the motion on trafficking persons on the Floor of this House, we shall provide a clear definition on it.

I would like to conclude by talking about the issue of jurisdiction. Yesterday we talked about the fact the (EACJ) East African Court of Justice has jurisdiction in trade related matters. As of now, the jurisdiction was extended in that area.

Under Article 27, you will find that there is an aspect on human rights which has never been concluded. I think a protocol was developed. However, I cannot understand as to how we can have jurisdiction on population in all other areas, but not take in to account the issue of human rights. For example; if you are talking about trade related assets, there is a particular trade that is going on right now. This is the trade in body parts.

I remember hon. Safina Kwekwe Tsungu of the second EALA talked about it when we were talking about the Customs Management Act. We were promised on the Floor of the House that we would have a specific law on trafficking persons. I am glad under hon. Mathuki; the Committee on Legal, Privileges and Affairs are going to handle this aspect. I hope this House will support it.

What is happening right now is that you will have some small children who are being adopted by certain people. You will find that before a child is adopted, this child has to undergo medical examination. It is a key to what used to happen in the days of slave trade whereby a human being was asked to open their mouth to see if they had all the teeth, generally body check.

The whole point of this, if you do not know or have not heard, is that some of these children are having their organs removed. This is very sad and it is happening within our partner states. It is happening across the borders.

I would like to therefore plead with this House that when we take in to account the aspect of trafficking persons, we should look at it as a regional and cross boarder crime. We should look at it just like FGM is because it is practised by the Pokot of Kenya for example and the Pokot of Uganda. It is practised by the immigrants in the community who are welcome, but at the same time we need to be there to support them.

Therefore, when we reintroduce these two laws, I hope and pray that the honourable members will support it. I thank you.

Mr Joseph Kiangoi (Kenya): Thank you, Mr Speaker for the opportunity to also air my views on this important subject. First of all, I would like to thank the committee Chair and members for a job well done. They have enlightened us on very critical issues.

Secondly, I would like to also thank the people and the government of Uganda for their warm welcome and their continued support.

I want to just identify and speak on three issues on this important subject. The first one is on parenthood. As a child is born, the child attains their rights. This should be recognised by a sign- because the Constitution of Kenya provides that every child has a right to have both parents. There is a tendency that has developed where you would find that children are born. It appears as if it is only the mother who bore the child and the father has disappeared in to the wild.

There should be laws in our partner states that should ensure that every child is entitled to two parents. This is in order for them to be taken care of. The parents have a responsibility of taking care of the child.

Aside from that, Mr Speaker, is the fact of disputes arising during marital lies. If a marriage is breaking up and there are disputes-

The Speaker: Hon. Kiangoi, hon. Mwinyi has information for you. Are you taking it?

Mr Kiangoi: I will take it and I suppose that I will be added one minute.

Mr Hassan Mwinyi (Tanzania): Thank you, Mr Speaker. In light of the new technology in today's world, there are many ways that a woman conceives. How would my right honourable friend reconcile that for his proposal? *(Laughter)*

Mr Kiangoi: Thank you for that information. I was referring to cases which are not extra ordinary like my learned friend is saying. Those are the extra ordinary cases which are dealt with differently. Those ones will have a different legal framework. Take an example of war situations or rape cases; those are different. I am talking about normal situations which are the majority. 99 per cent of children are born out of normal situations.

I was talking about a situation where there is a dispute in marriage. I am happy that the committee identified this. There should be strict laws that before people are allowed to divorce, they must provide concisely how the children will be taken care of. This is because there is a lot of suffering that occurs after the parties decide to call it a day due to their own differences and egos.

I would also like to talk about drugs. There are drugs everywhere in East Africa, in the streets and even in schools. To protect our children, we should take stringent methods so that we can be able to combat this menace which was not foreseen before. There should be laws in place to ensure that there is thorough investigation or laws that punish the veterans of drugs and eventually we address this particular menace.

Adoption laws have become too relaxed in East Africa. You find two young people from a foreign European country- if they decided to bear their own children- they declared themselves as husband and wife and each one wants to adopt like two children each so that they take four. When we stopped that in Kenya recently, there was an outcry. We were wondering what this outcry was all about is. We stopped this process temporarily so that we can now look in to those laws of adoption.

There was an outcry. People claimed that we were preventing these people from adopting and helping children. Why would they be more concerned about Kenyan children than the Kenyans themselves? I agree with those people who are saying that the children are used for other purposes other than what is stated in those papers.

Let me talk about the boy child also. People have been talking about the girl child. If we are not careful and we do not give proper guidance to the boy child, we might find that we have men who are not men. (*Laughter*) Therefore, in other words we might have men who have not been guided on the procedure of how to be a real man_ (*Laughter*) You understand what I mean? This is very important.

The Speaker: Clarification from hon. Dora.

Ms Byamukama: Thank you, Mr Speaker and honourable member for giving me way. I would like the honourable member to clarify on what he means when he says men who are men. This because this Parliament is not stereotyped, that is the biggest challenge we have. We should not stereo type. I think the bottom line is that children are children whether they are boys of girls but obviously the girl child is more vulnerable because of her biological make up. Thank you.

Mr Ombasa: Mr Speaker, in recent trend, the boy child has been left without guidance because of over concentration on the girl child. Myself I am a father of four girls and I am not against the idea of concentrating on the girl child. However, we should also give some time to the boy. What I mean is that they become real men, is that they are able to guide even

homes, able to cope with the modern girl who has been brought up and cared for properly. That is what I mean. I thank you, Mr Speaker for giving me this opportunity.

The Speaker: Thank you, hon. Kiangoi. I had given hon. Kimbisa.

Mr Kimbisa Adam Omar (Tanzania): Thank you Mr Speaker. First of all I commend the committee for the job well done and I think the topic is very timely.

Secondly, I appreciate being in Uganda in general and in Kampala in particular but I should say that we have started enjoying ourselves even before we were welcome because we are already used to the place.

Mr Speaker, the unfortunate part is that all of us here have already started forgetting that at one stage we were children and because we have forgotten, a lot of us do not pay much attention to the children. Not that we all still have children to take of but we are busy taking our own immediate children instead of looking at children all over East Africa; not only in our families or region or country but also the children of East Africa.

The problem here that history has created custom and two is the economic situation and three is the legal framework.

Coming back to the custom, indeed some of the customs are out-dated and we feel shy about yelling at them. It is very critical. The Maasai for example have tried but some of the customs even in my own tribe where I come from, young girls I think at the age between five and ten, still undergo circumcision which is very unfortunate past. I saw, our sisters, it has been there and it is so sad. These kinds of customs until we deal with them timely, our children will keep on suffering for rest of their lives. The medicine is education and sensitisation.

One of the most important ingredients unless we give them education and sensitisation, those people may not understand what is going on. There are so many NGOs which are dealing with those kinds of activities but I think it is the role of the East African Community to deal with this issue squarely and not leave it alone for NGOs. As you know, some of the NGOs are highly focussed others are just pocket handkerchiefs NGOs who just collect money, do not do much but they get a lot of money from abroad but they are not there. They write very beautiful reports anybody can read and appreciates.

The second issue is economic as I said. In economics is the issue of poverty. The issues we were talking about here yesterday about enhancing our economies via investments. Yesterday's topic was very important because a good number of our people are poor and these people are ready to sale their bodies or even encourage their children to go and sale themselves because they want to make ends meet.

The issue here is also as we were saying yesterday is to encourage our economies to grow strongly in order to encourage the families to at least be minimally depend on themselves otherwise, it is going to be very difficult. We can talk and talk but if the families are very poor, the situation will keep on recurring time and again.

Therefore the issue here is that we should encourage our government and push them, to at least alleviate poverty so that these families can attain schools.

The other one was legal framework. I really appreciate the good job done by the committee. If we cannot synchronise the legal framework and have it in place and put it into practice it will be a non-start issue. These legal framework should be put into practice to work. That is why I am saying that there has to be a mechanism not of policing legal framework but at least watching and the right place is our place in this Assembly and the Community as a whole to make sure that the legal framework is really implemented. Otherwise putting it on paper, and we saw it; every partner state has some kind of legal framework but still the problem is even rampant so to speak. Therefore, unless there is set mechanism somewhere sometime which can make sure that this one is put in practice, this problem will still continue. Thank you.

The Speaker: Thank you so much, hon. Kimbisa. I will take hon. Bazivamo, hon. Mulengani, then I come that side, then I will come back this side. We still have time by our hands. Everybody will be given chance to debate.

Mr Bazivamo Christophe (Rwanda): Thank you, Mr Speaker for this opportunity. Honourable members as it is the best time, I have the Floor, let me thank the Republic of Uganda and the people of Uganda for the warm hospitality we have been enjoying until now in this city of Kampala.

Back to the report, Mr Speaker and honourable members, children are the future of our community. For a prosperous and sustained East African community, consideration and implementation of all children's rights are of high importance for our community.

Mr Speaker, East African Community partner states should give this matter high priority as national state obligation not supposed to be delegated or left only in the hands of NGOs and adequate funding should be considered during the budgeting process.

Mr Speaker and honourable members, there is in addition as the report has highlighted serious problem which handicap children's development in our community and this is malnutrition. It has been observed that chronic malnutrition in East Africa is actually above 40 per cent. You can imagine out of 100 children, more than 40 suffer from chronic malnutrition. Serious measures should then be taken to prevent and fight this cancer.

As we all know, malnourished children suffer physical and mental underdevelopment. Their education is also at risk. When it is so, it means that our future as the East African Community is also at risk. Children's rights to food are very important. There is need for regional approach to combat against child malnutrition.

I would like to propose another recommendation which I will hand out to the Chairperson. The Council of Ministers should put in place mechanisms to ensure that measures to prevent and fight child malnutrition in partner states are operational, sustainable, well-coordinated and efficient.

Mr Speaker and honourable members, I support your report.

Mr Bernard Mulengani (Uganda): Thank you, Mr Speaker for the opportunity. I also want to join my colleagues who have spoken before me to welcome our colleagues to Kampala Uganda, the Pearl of Africa. *Mjiyenjoy*

Yesterday the Committee on CTI raised very serious issues in regards to the investment policies and strategies of East Africa. Today again, the General Purposes Committee is

raising very serious concerns regarding the legal framework and implementation of policies on the rights of children in the East African partner states.

What is coming out clearly is that the region is not lacking in policies and strategies in these areas and not only limited to these areas. What is coming out clearly is the non-implementation and the laxity in the region to ensure that the existing policies and strategies are followed and enforced.

If indeed the region is going to progress in the right direction, there is need to come up with very strong legislations in the area of enforcement, but also in harmonisation of the existing laws, regulations, policies and strategies in the areas that concern our people.

Mr Speaker, I want to change the dimension of the debate on this report and concentrate specifically on the issue of statistics and therefore the area of birth registration. Somebody will say death registration.

If as a region we are going to be unable to identify our citizenry, it will not allow the integration to progress. One of the challenges that the common market faces in the implementation is in the area of countries failing to identify their citizens.

This creates challenges in; accepting the free movement of persons in the region, accepting rights of establishment within the partner states, rights of residencies in the partner states, owning land within the partner states.

If we want to progress in the area of integration, it is my personal conviction, and I think to many of you, that the area of birth registration should be taken seriously in the East African Community.

Mr Speaker, we keep on talking about the integration to be an integration of one people and one destiny. If we want to have good posterity and good progression within the integration, we cannot avoid ensuring that the children of today- when I was born for example, I did not know that I would be in EALA.

Just like one of the members said, actually it was you, Mr Speaker who guided the House. I do not want to say that you were debating. You said that if we were not taken care of, we would not be seated here today. Indeed what we are struggling for is to ensure that the community takes shape.

We know very well that our time is limited. We leave the community and indeed others will come. What type of community are we leaving behind? What quality of people are we bringing up in the country to ensure that the community grows stronger?

Therefore, it is my personal conviction that the issue of the children in the region be taken as serious as it needs to be taken for us to be sure that we have a good integration.

Mr Speaker, a lot has been mentioned in this report. I support the report. I think it is high time for us at the regional level to come up with very strong legislation in the areas concerning children in this region.

Just like one of the colleagues said on the issue of the boy child; indeed we are parents to both the girl and boy children. When we talk about children, there is more emphasis in the

thinking of people of the girl child. We accept the biological set up of a girl child is more perceptible to abuse than that of a boy. We want to agree with those thoughts of such people.

Just like one colleague said; if the boy child is not going to take his role as a man, then we are grooming a very dangerous generation. The girl child needs protection. Protection will only come from the boy child. If protection on the boy child is going to be naive, the girl child will not be able to stand alone. It is for that reason that the Bible goes ahead to say that the boy and the girl will leave the parent and stay together for reasons. I do not want to say more about that.

With those remarks, Mr Speaker, I want to support the committee report.

Mr Zein Abubakar (Kenya): Thank you, Mr Speaker. Mr Speaker, let me start with your characterisation of the feeling that one day when they hear this report or when they read it and you rightly said that it is depressed. I must first of all confess that I am a member of this committee and it was depressing then when we were in the field, it is depressing now and being a member of this committee I will not go into adding anything over and above what my honourable and distinguished capable chair has articulated on the Floor of this House.

What I want to say is that I was of a view that you can tell a society of a community in our case how civilised they are by how they treat their children and how they treat the less fortunate and marginalised sections of our society. Therefore, this is an indictment of our community, society and all of us.

All that comes to me is, is this all that we can do as a Parliament. Is this all that we can do as a Parliament to write a report such as this, come and read and passionately agree with the report and we make very outrageous statements, emotional, is that all that we can do? If not and my brother young as he may be sited next to me, I agree with you that we can do more. However, what is it that we can do more? Three things, One, Mr Speaker sir, use your power and give a directive that all the reports of the committees before they come here must be sent in soft copy to all members so that every member has a soft copy and start acting as an agent for change. (*Applause*) This is not the first time this is being requested. Hon. Shy Bhanji has stood on a number of occasions in this House and asked so that each of us get this report. Let it be a reminder in our inbox that we have this report. Let us start conversing if you like that is sending it to other people so that they get this report but let us agree on the second thing which is to me much more fundamental.

Let us think of developing a strategy of our Parliament in accordance with our calling the Treaty 65 on how to engage other Parliaments. I do not think it is enough to just send it to the clerk. It is time for us to say this committee on General Purpose meets a committee of Uganda Parliament in charge of children and say that this is the state of affairs for children in the community.

However, even more important is the third one. Before I go to the third thing which is the final one, first of all I want to pay tribute to hon. Shem Bageine for consistently and persistently sitting in this Chamber_ (*Applause*) Him being a man of honour carrying on his shoulder the weight of all the council of ministers. However, having said that, not in terms of praising him but preparing the way that I am very disappointed in the Council of Ministers because I now have only one year and nine months remaining of my tenure and in every

session I have sat in this Parliament and other Parliaments such as this and listened to reports making recommendations.

We kindly ask, we pray to the council that please do something and we list them from 1, 2, 3, 4 and no single one has ever come back here. I will stand to be corrected if it has been done but I will say, sir and this is the final thought sir, it is not that we love to bring private members Bill. It is because when we are asking we do not see them then we are forced to bring these Private Members' Bill. You have heard the prayer here that we need an East African Community Children protection Bill. If it will not come, I am sure the legal committee will bring one. If the legal committee does not bring one, the General Purpose committee will bring one and if the General Purpose committee does not bring one, I will bring one. Thank you.

The Speaker: Thank you hon. Zein. I had given hon. Nakawuki.

Ms Nakawuki Susan (Uganda): Thank you very much, Mr Speaker for this opportunity. First of all I am a member of the General Purpose committee and I really appreciate the chairperson of this committee for presenting this wonderful report. As a committee we had a wonderful time exchanging ideas and views with the different stake holders.

On the onset, allow me also appreciate the queen mother of Buganda kingdom; the Nabagereka of Buganda for being so instrumental when it comes to the issue of children through her *Kisakate*. She really needs applause because she has been doing a great job_ (*Applause*). She has been holding regularly a *Kisakate*. A *kisakate* is like an enclosure, she holds annual meetings for children, training them, to be responsible citizens reminding them of their rights. I wish we had more of such people in our region who are strong advocates for the children. It would do us really good.

Allow me to also re-emphasise a few issues which have been brought out in this report in the committee of General Purpose on page 18 of the report. There is recommendation on creation and coverage of a child creditor/ regional offenders' region data base and website to name and shame child abusers sex offenders. I feel this is very important because with the operationalization of the common market protocol which guarantees our freedom of movement, there has been cases where sexual offenders convicted in one partner state just move to the other so that they move on with their lives normally. Therefore it is critical if we have this kind of sexual offenders' website where these people are listed such that even if they move to whichever part of the region, they can still be detected as sexual offenders because they end up getting jobs which bring them even closer to children. They become teachers to these children, they go to those facilities which take care of children and they are undetected because they have moved and probably they are trying to change their identity.

I feel this is going to be a deterrent measures because our problem has been non deterrent measures when it comes to issues of criminal laws. The penalties of those offences committed against children have not been deterrent in nature and this is what we need to strengthen.

Mr Speaker, allow me also to comment about the right of children to be raised by their parents. When you look at article 7 and 9 of the UN convention on the right of a child, they categorically state this. That children have a right to be raised by their parents. However, in all our partner states, you find boarding schools with the children as young as four years and

they are in boarding section. Parents have decided to give off their responsibilities to the teachers and the teachers have ably accepted. As long you have the money your child is taken in, they are in a dormitory of about 50 other kids. Therefore the parents totally do not have time with these children and this is an infringement of some sort. I think this is something that should be banned. I wish the front bench here was full because the Secretary General is not here, but I am sure hon. Shem Bageine is very able and he is going to-

The Speaker: Hon. Susan, there is information from hon. Patricia.

Ms Nakawuki: I will take it.

Ms Hajabakiga: Thank you, hon. Nakawuki for giving me way. I just want to give information that the Republic of Rwanda has banned boarding school for children of 10 years and below. *(Applause)*

The Speaker: Proceed.

Ms Nakawuki: Thank you very much, hon. Patricia for this wonderful information. I guess this is a basic practise we should all borrow as the East African Community. I recommend that we add it as one of our recommendations for the committee. I suggest we say, "All children below 10 years of age should not be allowed in boarding schools." It should come as a policy by all Ministries of Education.

It is incumbent that today there is a curriculum overload as the committee as noted. In fact in some developed countries, they have even banned some subjects in schools like history among others. This is because the children are overloaded with so many things that they do not even need.

I remember from Senior 1 to Senior 6 I did a lot of history, which I did not need in my career as a lawyer. I had to burden it for the six years in secondary. Therefore, let us shrink this curriculum and help out these children.

You find children as late as 8 O'clock just heading home while they are from school. They had to do the normal school hours. They go for extra coaching. Parents themselves are also attending school. After work, the parents are also in class. They come back at 10 p.m. and the children are asleep. Basically no one has time for these children so they are deprived of their rights. Parents are doing it innocently. These are some of things we need to reemphasise.

Mr Speaker, allow me talk about the plea of the children with disability. I appreciate some of the partner states which have taken it strongly to cater for these children with disability in schools.

I think in two partner states, we found that they had washrooms with the specific room for those children with disability. However, other partner states never had anything. You find even classrooms have stairs. These children are therefore not taken care of. This is something we need to reemphasise. This is because these children need that extra care like any other children other than being discriminated against.

My other issue is about underfunding to these institutions dealing with children. For example in Uganda we have the National Council for Children. We also have institutions like the

rehabilitation homes, prisons, children hospitals. These ones are always the least funded. In fact on the scale of priorities of our governments, they are the ones below.

When you go to children wards in hospitals and see the congestion, you just leave broken hearted. This is a wakeup call to all our Governments to increase the funding. This is because we are very quick when it comes to assenting to these conventions on children which is a very good habit. However, let us also take the responsibility that comes along. Let us not just assent and say this is done. Let us put resources there and make our children a priority.

Allow me to also add my voice to what hon. Kimbisa talked about. He talked about the NGOs that are mushrooming and purporting to take care of children. They are fronting our children before donors. They give them stories to tell just for self-gain. Children are in very poor conditions. They get this money and buy those heavy duty cars. They enjoy very expensive homes while the children are not benefiting.

We should further regulate the registration of these NGOs. This is because any Tom, Dick and Harry comes and starts a new NGO for children. How are these children benefiting? It is these NGOs- (*Interruption*)

Mr Mulengani: Thank you, hon. Nakawuki for giving me way. The information I want to give you is that world over, there have been studies in regards to the basis of development of countries and regions. It has not been mentioned anywhere that a country has developed based on an NGO operation.

Ms Nakawuki: Thank you, hon. Mulengani. I cannot agree more. It is true. I was saying that it has been these NGOS which have been participating heavily in trafficking children. This calls for us to wake up and tighten up our border security. Take an example of Entebbe Airport; you cannot take out more than one child who is not biologically yours without proper scrutiny. People have been resorting to taking these children through Jomo Kenyatta or through Kigali International Airport. It has been happening like that.

In fact-

Mr Ngoga: I just want to give hon. Susan information that at Kigali International Airport, you cannot pass through its security with a minor when you are not a biological parent. You can also not pass through without the authorities verifying that you actually had the consent of the biological parents.

Ms Nakawuki: Thank very much, hon. Ngoga. I will tell you that I am reliably informed there is a 16 year old who was trying to Dubai with a lady. She was stopped at Entebbe and they went by road through Katuna and left through Kigali International Airport.

I am not saying that the government of Rwanda is not doing anything. They are doing something, but we just need to tighten up those loose knots to make sure that our children are not trafficked.

My other concern is the issue of poor family planning. We also need to look at this. We have adults who have children that they are not able to fend for. Families are using children as a source of labour. You find one very poor family having more than 10 children. They do not

care if these children do not go to school. They do not care if they do not have adequate food. They also do not care if they are no able to give them medical care.

Nonetheless, they have them because they feel it is their right to have the children. We therefore have to strictly emphasise that families should have only that number of children they can afford to take care of.

I have two more issues before I finish off, Mr Speaker. I also want to put across the issue of cross- generation marriages or cross-generation sex. I feel this is one of the things we should look at closely. Many of these children who are married under age are given to men who are more or less their grandparents, if not their parents.

It is normal to them. This is because there are even some religious states whereby you have a girl who is about 15 years. You then take the child there and your peers will know who to pick. Some of these men are heavily endowed in that just getting hold of this small girl is a nightmare to her.

This is something that we should heavily regulate. Why should somebody 20 years older marry somebody of that age? This is because they are fit to be their parents. This should strictly be looked in to. I call upon hon. Shem Bageine to forward that to the Council of Ministers so that we regulate it at a regional level- (*Interruption*)

Mr Ogle: Thank you, Madam Susan for giving way. The information I wanted to give you, and it is from a Ugandan experience, is that the father of the late Godfrey Binasisa of Uganda who was aged 90 years and he was a colonel married. The headline of the Vision then was, "Colonel fires at 90" (*Laughter*)

Therefore, there is nothing wrong with that cross-generational age you are talking about.

Ms Nakawuki: Unfortunately, I have not been informed by hon. Ogle. That is just wrong. Imagine a 15 year old being married to a 50 year old? Do you know what nightmare that kid is going to have? Take an example of those people who are heavily endowed and have to force themselves on that small girl simply because the father has consented.

In many occasions, the consent of these children does not even matter so long as your parents say you are going to this man and you have no say. You just have to abide. Therefore this is something that we should not be taken slightly.

Finally, about the issue of child labour, Mr Speaker, it incumbent that in all our partner states, our employment Act prohibits child labour but at the same time if you did a survey of the house help, even in the homes of the honourable members you would find there are these kids who are bello age.

Therefore we should all wake and I think our governments should wake up and start arresting these people who do not comply because it has been a routine. These young people are employed because they are paid less. It is easier to pay Shillings 40,000 to a fifteen year old than to a 30 year old because they would not allow. Let us regulate this right from the grass root level to the region level if we are to help our children. Thank you very much, I beg to support.

The Speaker: Thank you hon. Susan.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker. I first of all I want to thank the Government of Uganda for the warm welcome. Indeed whenever we come to Uganda we enjoy the warmth of the people of Uganda.

Mr Speaker, I am standing to support this report and I want to indicate that I am member of this committee and I fully support the recommendation and from this report, the facts are clear. We need to harmonise our policies in terms of protection of the children in the view of having regional law on this issue.

Mr Speaker, I think that way we will have holistic approach on different challenges that children are facing in this region. I want to state that when we visited different countries, we found out that one of the issue as others have indicated poverty which is the main factor.

I want to also emphasise on the fact that the street children are everywhere in this Community and from the report it does not really look like it is a problem and I think it is a problem that we need to face and find solutions to among others.

Mr Speaker, others have alluded to different recommendation but I would like with the permission of my chair to include one recommendation that governments need to provide assistance to children who are victims of abuse. Mr Speaker, when you look at this issue, in most cases when there is a case of rape or any other abuse happening to a child, sometimes the family does not even have the means to open a case against the person who has done that.

I want to talk about the development of technology with regard with how it exposes our children to different challenges. When you look at the trend now with ICT, social media, children are exposed to pornography, violent images and I think it is high time that communication regulation bodies really work on this. (*Applause*) I happen to come from a country where sometimes you sit and think what is going to happen with our children. When somebody is killed, you see it on television, everywhere; I think it is really bad that these things are happening to our children. I appeal to the regulators of communication sector to really do something about it.

The issue of adoption, I agree with the recommendation that this should be stopped as long as we do not have a follow up mechanism. Hon. Dora was talking about the body parts trade. When our children are taken outside our country, we do not know what they become, whether they are used for prostitution or something else like child labour etc. I think it is only fair that are really plead with our countries to stop that.

Lastly Mr Speaker, as much as I am part of this committee, I have seen recommendation that corporal punishment should be banned. I do not think it is a good idea to just ban it because it helps sometimes in educating our kids but we need to have boundaries. We have to know how far we can go as far as punishing our children is concerned. I think it is not a good idea that we ban_ (*Interruption*)

The Speaker: Would you take clarification from hon. Martin Ngoga?

Mr Ngoga: Thank you very much Mr speaker and honourable for giving me way. I am seeking clarification. Corporal punishment is meted on minors as a punishment. Therefore the clarification I am seeking is whether it is actually in order that minors are subjected to that punishment that has been banned regarding adults when they are not worse offenders than adults?

Ms Byamukama: The clarification I would like to seek is that much as some of the religious books talk about sparing the rod and spoiling the child and also talk about chastising a woman using a stick, there have been various arguments against this. Part of the reason is there has been failure to agree upon the size of the stick or rod and the energy that is used to make that kind of punishment.

I think it is this kind of confusion and lack of clarity that has led to the banning of corporal punishments.

Therefore I would like to also add on what hon. Ngoga has said in most of our jurisdiction, corporal punishments has been banned. Therefore when it comes to children, I do not see how we can continue to talk about corporal punishment in view of the fact that some of our children have actually died as a result of corporal punishment or have been maimed. I believe hon. Hafsa can agree that there are other ways of punishing a child rather than making out this physical corporal punishment which in some instances is meted in very high degree to the detriment of children and it is not correcting in any way.

The Speaker: Thank you, hon. Hafsa, please can you allow her to clarify the two because she may clear the air?

Ms Hafsa: Thank you, Mr Speaker, I think I am convinced and I agree with my fellow members. (*Applause*)

The Speaker: Thank you. I will give two quick persons from this side than I come here hon. Valerie and hon. Mumbi then I come this side.

Ms Valerie Nyirahabineza (Rwanda): Thank you, Mr Speaker for allowing me to contribute to this important discussion. First of all, let me declare that I am a member of the General Purpose Committee. I therefore support the report with all the recommendations formulated in here.

Before I make my statement, let me remind all of us that the main objective of the activity that was undertaken by the General Purpose Committee was to assess the legal framework and implementation of policies related to rights of the child. Its objective also included; to be informed and updated on the challenges faced in the different strategies and approaches, but also the basic practises undertaken by the partner states to combat or ban practises in protecting the rights of a child.

Mr Speaker, we thank you sincerely for having allowed us undertake this activity. The few times we have spent with different countries have shown us that we are not short of policies, legal instruments or even strategies. The problem has always lied in implementation.

I think, like my sisters and brothers who spoke before me have put it clearly, we need to develop a mechanism for us to see how best these can be implemented; be it recommendations, legal framework or even policies.

This is because it is being implemented differently depending on the will, but also on the kind of mechanisms that have been put in place in various countries for them to regulate or to implement whatever is contained. Our five countries are all signatories to the Convention on the Protection of the Children Right. However, the implementation is different.

When I was still working for my Government in the Executive arm, we were obliged to carry out a periodic report to the UN in line with the implementation of the Convention on the Rights of the Children. Even the African Union had also mandated each and every country to do so.

I am wondering what the outcome of those reports has been. What has the African Union done in line with those reports? What has the UN done in line with those reports? What has been the feedback so far? This is in order for our countries can improve on the implementation of the clauses or provisions formulated in the different conventions.

I will limit myself to two or three points; my first point regards the adoption. I am very happy to repeat it. I remember this discussion was brought to the House. It was in Nairobi. I gave an example of how bad an adoption process can be if it is not well regulated.

In Rwanda, a long time ago, the family code allowed only international people to adopt. Our fellow Rwandese were not allowed to adopt, unless they fulfilled very tough conditions. Luckily the government ceased that bad habit and then laws were amended. Practises were also reviewed.

When I was a Minister in charge of Family and Children Protection, I was approached by four men from Norway. They pretended to come and adopt 400 children from my country. Luckily enough, I had a strong team. I deployed them and we went and checked the reason as to why those people wanted 400 children. They had told us that they wanted to give them education and become their parents.

Of course using the means that were at my disposal, I got to know that those men were representing an NGO from Norway. They had a contract with various hospitals worldwide. They wanted to go and sell those children. I stopped that phenomenon. I also reported everything, but those men had already gone.

I talked to my Government and then we came up with new guidelines for at least adoptions that had been allowed before that incidence. We put in place a sub measure. Adoptive parents are obliged to report to our various embassies worldwide each and every year. They are required to come with the child or the children they have adopted. This is in order for our embassies to see exactly how the child is doing and whether he or she is still alive or not. That important measure has allowed my country to know exactly what happens to our children.

I sincerely thank the leadership of Rwanda. Another tough decision has been taken. There is no more international adoption. We are encouraging internal or national adoption. While in

the past our fellow Rwandese were not allowed to adopt, now the government has come up with a policy stating that only people living in Rwanda have the right to adopt.

In line with that, the government of Rwanda has banned mushrooming or the pro selection of orphanages. Even the existing ones have been given a time frame for them to close. If you go in to different conventions and other international legal instruments on the protection of the rights of the children, they state clearly that a child was not born to live in the streets or an institution, but a child was born to live in a family and get taken care of by a family.

In line with this, I urge this Assembly and I am willing I have even started working on it to bring a regional law on adoption for us to harmonise what is being done within our restrictive partner states. Though I want to protect a child from Rwanda, I want the same to be done in all the five EAC partner states. There must be a harmonised regional law.

Children with disability; Mr Speaker, it is again sad. When I was still in the Executive, we went upcountry to see whether children with disabilities are being taken care of. We were shocked to see that some families, according to some cultural values, were hiding the children with disabilities inside the House.

We dealt with that issue seriously using all the local instances. The children with disability were now able to come out. They are educated like other children. They have all the rights. Right now, there is even a council and so many – (*Interruption*)

Dr Ndahiro: Thank you, Mr Speaker and honourable for giving me way. I want to give information to my colleagues that it is not true that children in East Africa with disabilities are all educated. However, the most exciting is that all our partner states have tried very well in universal education without providing facilities and education for persons with disabilities.

The Speaker: Thank you, hon. Ndahiro. Hon Valerie please go towards summary in the interest of time.

Ms Valerie: It is very unfortunate. I think this is a wakeup call to all of us so that something can be done.

My last point is in regarding to a database of birth registration. I was shocked and my colleagues I think you heard my chair who ably read the report, she mentioned the issue of registration of birth. All the parents in our partner states are requested to give some money for the person to be registered. I think there should be a kind of campaign calling upon all parents to go for birth registration otherwise if you ask for money; some parents are going to be resistant especially when you consider the kind of poverty that is prevailing in some corners of our region. I think this framework on birth registration has also to be worked out so that parents can be allowed to register their births.

Mr Speaker, while I am winding up, there is only one plea I want to formulate towards the Council of Ministers. I know our ministers are very busy and that is why I join my colleague hon. Zein in congratulating hon. Shem Bageine. In fact I know that our ministers are very busy but like now when we are adopting this kind of report, what is the communication channel within the Council of Ministers for them to implement whatever has been highlighted in here? You will see that next time when we come up with a report which is completely similar with this one, the same recommendation are going to be formulated. However, in

between we do not know how to track what has been done in terms of implementing the very recommendations. Therefore this is something which has to be serious given weight it deserves so that we do not pass reports for the sake of it. That is my plea to the Council of Ministers and I hope that the information is going to be passed. Thank you, so much Mr Speaker.

The Speaker: Honourable members, as we debate towards the end, when you are repeating for emphasis, emphasise with a light touch because the point could have been driven home. Thank you.

Ms Agnes Mumbi (Kenya): Thank you, Mr Speaker for this opportunity. I first want to say *Asante sana* to the people and Government and the Uganda Chapter of EALA and the Parliament of Uganda for the Hospitality they have shown since we arrived in this country.

I also want to say through the chair Dr Odette, thank you for that powerful presentation. I agree with you and I commend the committee for a job well done. They have in fact given us an opportunity to dialogue about the children of East Africa.

I am a parent, grandmother and I agree with the report that there are policies across the partner states that are there for us to use but the challenge is implementation. As I was thinking about this implementation, I asked myself, looking at the members in this Assembly, most of us are probably adults over 40. We congratulate our parents because they brought people like us and with the challenges that are recorded in today's report yet they brought responsible adults.

Now thinking about the future children of East Africa, there are still traditional challenges of FGM, poverty and the like but then took personal responsibility to bring us up to be who we are today. I am in agreement that as they say in the African tradition that it took a village to raise a child and be who we are and the government takes us over. That is why they have policies; they have us, Charters and the like. However, what is the problem. I think the problem is who we are today because as individuals we are looking for Acts of Parliament, Government and NGOs to do what we are supposed to do. That to me becomes a problem.

Then what are we doing even as a community? I want to say this one that I am lucky because I have travelled a lot in the East African region. I know traditional African community that are still poor. Those are still not exposed like we are exposed. Sometimes their nature of clothing, you would be actually called naked but there is rampant rape cases and yet in those African communities they are almost zero. Therefore why is it that a whole grown man in a suite having gone to school has now to be taught about rape? There is something wrong about where we are trying probably to push responsibility.

Therefore we must understand and take responsibility as individuals and community and take what was good traditionally and refuse that was bad.

I also want to say that probably we have learnt as parents to push some of our responsibilities to some other entities. For example, where in Africa would you say that there is a street family that belongs to two men; the child belongs to two men? It is impossible. However, because we have learnt this from other cultures we have lost that moral authority to ask our men and when my colleague hon. Kiangoi talked about the male child and I am in total support of that.

I am a mother of two girls and a boy but even at my own family level I can see the difference of the boy and the girl. There is a gap but where does this gap come from? In my simple thinking I think that the man; an African adult has issues with himself because he does not_ (*Laughter*) You know in a day he is a parent, he is an officer, a Member of Parliament and all that. Then he is also a man, he is religious man and a very successful man. However at night after 8, he is still the African man. (*Laughter*) This confusion is affecting our boy child. They have an identity crisis. Their role model has a problem.

Therefore, my plea to the East African man, Member of Parliament, father and grandfather is to please find out who you are. You are a very important human being. Model your boy child. It is very important.

I am also confused sometimes about the girl that we claim we are supporting. It is true emphasis has been put on the girl child. It is up there then we put pressure on her to get married to the boy that we have left behind. This is why probably their marriages are collapsing at a very alarming rate. We therefore need to balance.

As a community, we need to continue with this dialogue. We need to ask ourselves is this law going to help. Do we need to open up this dialogue? We need to speak to ourselves and help each other. This is in order for us to go back to the basics that are important to the family unit. Then move it across borders. If we do not move it across borders, you will still find people relocating. This is because it is probably easy in good partner states, where you can settle and the laws are a bit soft.

I think the conversation of this meeting should not stop amongst the four walls of this House. Thank you to the committee. We will scream for you, but we must also agree that from here, let us not point fingers at the government, NGOs or any other person. We should start with ourselves. Then we can go and make up the ring outside there. We will have a solution to the challenges that are here. Thank you very much.

The Speaker: I had given hon. Rwigema then I will come to hon. Mathuki and hon. Straton. Then we will proceed again. Help me and be light on your emphasis on a point which has been made such that we give more time to others as well.

Mr Celestin Rwigema (Rwanda): Thank you, Mr Speaker. I know now the time is running out. I wanted to hold the Floor for the first time and thank the government and the people of Uganda for the warm welcome to the Ugandan capital.

I am not a member of this committee, but I support it. This is because it is well elaborated. I have no doubt because of the Chair, Dr Odette, who is at the same time a physician, a mother and a grandmother. She has a very strong background on this matter. Thank you, Dr Odette.

Mr Speaker, I want to focus on two points only in this report. The point of legal framework and the implementation; it is very important. When we are advocating for children's rights, we have to start right at the beginning. After pregnancy for example, there is a discrimination- I will refer to technology. With that, we can know if the pregnancy is for a boy or girl.

Sometimes when it comes to saving the mother, they can discriminate. I advocate for children's right to life to be saved after the pregnancy. The right to birth which was mentioned by my colleague- sometimes you cannot arrive to- you will save the right to life and then you can get a kind of death registration.

Mr Speaker, according to our culture, some children's rights are not respected. There are some children who are separated by their parents against their will. There also some children who are suffering because they do not have the regular contact with both parents if they are separated or divorced. There is a gap. According to some cultures, the kids are for the men and the women are not concerned.

Mr Speaker, we are advocating for children's education. They have a right to freedom of expression, association and also freedom of privacy. In some African context, they do not pay attention to this.

We know very well that we are advocating for education. Education is very different from giving kids information. The children have a right to information from national or international arenas. This is very important. It does not mean that just because you are poor as an African, your kids are excluded from attaining information.

When you are advocating for rights of children, there are two compounds with advocacy; there is the part of the parent and the state. As a Member of Parliament, the implementation is well- I am wondering myself how we can really help in the strong oversight to see what we can do.

Recently we went to visit refugee camps in Tanzania and Rwanda. We failed to gauge the standard of life. When I saw how the children were taken, I was wondering why they are left only in the hands of the NGOs and the international bodies.

Mr Speaker, I will be brief-

The Speaker: I wish you could go towards the conclusion.

Mr Rwigema: I wanted to focus on two things that have been said by my colleague, hon. Valerie on adoption. As an African, sometimes children are left to get strong any legislation concerning the stability of people seeking to adopt children. This is a very critical subject. If we want to get future strong relationships for East Africa, we need to focus on matters of how it done. This is the most important thing if we have to get human restoration for the future on education and empowerment. We need to focus on this. I thank you.

Mr Peter Mathuki (Kenya): Thank you very much, Mr Speaker. Let me start by thanking the Chair and the committee for a job well done. The Committee of Legal will be tracking some of these resolutions. *(Applause)*

Mr Speaker you assured me that you would direct the Secretariat (...inaudible) and this is very important because again I am told last during the second EALA they had resolution on the nobody knows where this report went. No one is tracking to find out whether this was implemented or not. Therefore I think now it is high time the committee on legal takes up this activity serious so that we ensure that we really move.

The Speaker: Are you taking clarification?

Mr Mathuki: So far I am clear Mr Speaker; I may not need clarification (*Laughter*)

The Speaker: Honourable the Floor holder has declined the clarification.

Mr Mathuki: Thank you sir. Therefore what I am saying to the report I think this is very basic. If you go to annex 1 of this report and I think this is important for record because this record will go to the website and many institutions and organisation will be making reference to it. If you go to Annex I, I think it is about international instruments that are ratified by partner states. You have written that Kenya has ratified Convention 132, we do not have a Convention 132, and it is Convention 138 on the minimum age so please make correction. Convention 132 is on paid holiday. It may give different information if you go to bullet 3 of annex 1.

Mr Speaker, I think it is very important for the committee because this is a report when you are talking of child you define what a child is in line with international convention so that whoever is making reference to this report will be able to see and get to know that the East African Community, we are adhering to those standards.

I was going through the records and realised that indeed there is a problem because we are talking of 246 million children worldwide that are engaged in child labour and out of that 176 million are from Africa and 30 per cent come from East Africa. Rwanda has 400,000 children who are working in domestic and child labour, Kenya has 1.9 million, Uganda has 3 million, Tanzania has about 4 million. Therefore this is a problem and you see if we do not follow up on some of these things, we will be talking here and we will not be getting into any anything.

When you are talking about convention 138 of the ILO, on minimum age and convention 182 on what forms child labour, those are fundamental convention of ILO and a fundamental conventions means it is compulsory for the partner state of those who have signed to implement them. If you do not implement, you can be subjected to the international courts, ICC at The Hague.

Therefore in fact, I do not disagree with some colleagues who have said that NGOs are not doing a good job. In fact we should encourage them to do more and more directives to ensure that the rights of children are properly protected because they have a role to play. All of us have a role to play in this and this is very important.

Our role as Parliament is to oversee and ensure that this is done and ensuring that the national parliament, legislate and ensure that these things are done and then ourselves is to ensure that we follow and track. Therefore ourselves as an Assembly we are ready to do this and I think the committee of legal will be ready to start by observing this Mr Speaker.

However, also very important, I realise how difficult it is to be involve in child labour as a child. Yesterday I was speculating the number of kilometres I walked during my primary and secondary. I realised I walked 2000 kilometres. That is like going to China 8 times and back. Therefore, we should protect our children so that they do not get involved in this kind of circumstance. Therefore it is very important that children and in fact I was wondering when I started walking to Parliament, I do not know adding how many kilometres again I will be walking if I walked as a child, I am walking again as Member of Parliament to work. Indeed

Mr Speaker and those who are involved, make sure that we are facilitated so that we do not walk. Thank you very much.

The Speaker: Thank you so much, hon. Mathuki. I had given hon. Straton, and then I will go to hon. Ussi and hon. Beatrice.

Mr Ndikuryayo Straton (Rwanda): Thank you, Mr Speaker. Let me join my colleagues and thank the Government of Uganda, Parliament of Uganda, the EALA Uganda Chapter and the citizens of Uganda for the cordial and warm hospitality in this beautiful city of Kampala.

Mr Speaker, I stand to support the report, first of all congratulate the chairperson, the committee for a very comprehensive report and good recommendations.

Mr Speaker with the interest of time, I initially had three points but the other point of drugs in schools has been tackled by hon. Kiangoi. I have only two quick ones.

One is on the issue of recommendation on HIV/AIDS which is on page 19 where they say that six policy guidelines be put in place to ensure access to treatment for children living with HIV and institution of sanction against parents and guardians who do not comply.

Mr Speaker, I totally support this recommendation but I raise this issue because I want to give information to this August House that in 2013, I remember we had a work shop in Kigali under the project called Invest in Adolescent working under EAC Secretariat. The topic was on the issue of sexual productive health where the conference was attended by several civil society organisations championing preventing and protecting the youth on the issue of HIV/AIDS.

Mr Speaker, the students challenged us saying that for us we are dealing with the issue of treatment rather than prevention and we know that prevention is better than cure. Mr Speaker, one of the students said that they do not have access to HIV prevention like condoms use. They do not access condoms in several schools. The discussion has been launched but the challenge was according to our national law. This is because in secondary schools; we have students who are under 18 years. We had a long discussion trying to convince them but they raised the issue and said that even if we do not access, we normally have sex among ourselves. Therefore please help and advocate for us, talk to the line ministry, government institutions and organs and do not leave this aspect to civil society organisation.

Mr Speaker, this is because even when the committee reports to this August house and there are some cases where the children below or of 12 years are being married. If they are being married at 12 years, it means they have sex. However, in our laws, we cannot provide access to condoms to students where we have those who are under 18 years. This is so because they are not mature enough according to our laws.

Mr Speaker, I totally agree with the committee but I humbly request that the government institution organs, the civil society organisation and other lines, organs and divisions responsible for this- lawyers have been mentioning the rights of children. They are saying according to law, this prohibits it. If there are some cases where we can find that we are being affected by this law, how can you help us? That was my concern, Mr Speaker.

Mr Speaker, awareness campaigns are being done by most of the cases in civil society organisations. There is no serious role of parents. I can even give an example of myself here.

How do we talk to our children? How do we give time to our children from school? How often do we visit them at school? How often do we interact with the school management to know what is happening inside the school in regards to HIV/AIDS prevention methods as well as drug issues in boarding school?

My last point is on how this committee conducted this workshop. I am very happy now we have the status from all partner states. We have heard contributions and recommendations from members. We are saying the harmonisation of law, policies and strategies. They are recommending secretariats and the council. It would be better if there is participation from EAC level in this workshop. This is in order for us to have a component to know what is happening at East African level. It can help us.

With those few remarks, Mr Speaker, I totally support the report.

The Speaker: Thank you so much. Honourable members, I know a lot of people would like to debate this report. As you remember, we cheated ourselves in our reporting and starting time. I will give hon. Ussi as the last person.

I recognise all the honourable who want to contribute on this matter. As I told you earlier, we are sharing this Chamber. In the afternoon, there is another plenary going on. Tomorrow we should start a little earlier to allow us all participate.

Ms Ussi Maryam Yahya (Tanzania): Thank you very much, Mr Speaker for lastly catching your eye. First of all, I would like also to join my colleagues in thanking your office, the government of Uganda and the people of Uganda in the Ugandan capital for their warm welcome.

I would also like to thank you personally for being in our last Parliament in Dodoma. Thank you very much for representing our EALA members.

Mr Speaker, because I am the last one to speak, most of my points have been spoken. I will just give a quick elaboration of my points briefly. I want to declare that I am a member of this committee. I would also like to congratulate my Chair for ably representing us on the report.

There are no statistics in our report that has been provided. I have a few statistics by UNICEF 2014/36. Unfortunately, I do not have Rwanda and Burundi. It says that FGM is carried out on the female children from age 0 to 14 years; 1 per cent in Uganda, 3 per cent in Tanzania and 8 per cent in Kenya. That is the available report from UNICEF of November 2014.

I am saying this to look deeply in to how inhumane these practises are. With a girl child of 1, 2 or 3 years, it is really unnecessary for them to undergo this inhumane practise.

The main problem, as hon. Ngoga has said; and I wanted to say it before he mentioned it is not the problem of law. In our partner states, we have child laws that protect children. Even in the General Assembly in 2012, the United Nations declared FGM as a human right violation.

However, the main problem here is culture. We need to work together as EALA. We should not just talk amongst ourselves or debate amongst ourselves. We should involve the Members of Parliaments from our partner states, especially the female Members of Parliament. We

should work together because they are the ones who are implementing these laws in our partner states. We are just playing an oversight role. They are the implementers.

Mr Speaker, I humbly beg the Council of Ministers and Chair that you should connect us and devise a plan for members of EALA to work together with Members of Parliament. When carry out capacity building outreach, we rarely meet Members of Parliament in our partner states. We are fighting the same war. We should be fighting together. We have a slogan in PCM, "Togetherness is unity."

When we were doing the work of assessing children's laws, we hardly went to the ground to assess this law. We could at least go to the juvenile court and see how the children are treated in the court. We would be able to see the practicality of things- (*Interruption*)

Mr Ogle: Bwana Speaker, I just want to ensure in my mind that there is a UN report that she is referring to which declares FGM a human right violation.

As far as I am concerned, the whole idea of FGM as old as 20 years or more, this is just a new vocabulary. What I wanted to find out is if there is truly a UN report that declares FGM as a human right violation. Thank you.

Ms Byamukama: Thank you, Mr Speaker. I would like to inform my honourable colleague that there is a UN resolution against FGM. It was passed in 2012. I am ready to avail this House a copy of this UN resolution.

The Speaker: Thank you so much. Let hon. Maryam conclude her point.

Ms Yahya: Thank you very much, Mr Speaker. I was actually ready to provide a copy to hon. Ogle. This is because our code of conduct demands that we tell the truth and not stories. (*Applause*) when we stand here, we need to have facts at our finger tips. I will provide that information to hon. Ogle.

Mr Speaker, we would get these issues regularly as information and concerns if we have a youth council. I am therefore urging you because you were once a youth Member of Parliament before we finished our tenure, we should have our youth council. I support the report.

The Speaker: Thank you so much, hon. Maryam and honourable members. In the interest of time, I am going to recall the Chairperson to come and give clarification. I think the debate was mainly support. She could just respond to the issues of the amendments which have been made and thank the members who have made contribution. This is because we have one item on the order paper that we must pass through. Thank you so much, honourable Chairperson. The Floor is yours.

The Chairperson of the Committee on General Purpose (Dr Odette Nyiramilimo) (Rwanda): Thank you, Mr Speaker. I will not go too much in to detail. I sincerely want to thank all the members because you all supported this report.

The recommendations have been amended that is what I want to focus on. The one to be added by hon. Bazivamo is taken by the committee and he is adding that the Council of Ministers should put in place mechanisms to ensure that measures to prevent or fight child

malnutrition in partner states are operational, sustainable and well-coordinated and respected. I think we take it.

Hon. Nakawuki has proposed an amendment banning the bad practices of putting children in boarding and she wrote the recommendation as follows; in respect of Article 7 and 9 of the UN Convention and rights of the child which provides for the rights of children to be raised by their parents, East African Community partner states should ban boarding schooling for all children below 10 years of age, we take it_

The Speaker: Hon. Dr Ndahiro, I would like to note, dealing with the substance of the subject because the chair of the committee has already conceded.

Dr Ndahiro: We cannot just allow stepping on us on the Floor of the House. It is only one thing that I want to be deleted in that amendment when you say, “their parents.” There are so many children who have no parents but can be raised by parents. If we can remove “their” and just allow parents that is what I wanted to say.

The Speaker: Thank you. The drafting shall be improved to reflect the reality.

Dr Nyiramilimo: I thank Dr hon. Ndahiro for the correction. Hon. Hafsa also brought an amendment on the protection of children who are victims of abuse and she wrote it as follows; partner should provide legal assistance to children who are victims of abuse including sexual violence.

The correction by hon. Peter Mathuki on the ILO Convention which is 138 instead of 132 we are going to correct it.

Mr Speaker, I again thank all the members who brought enrichment of this report and who sensitised all of us to take this protection of our children to a high level and that we have to be champions in our partner states, Parliaments, communities to be able to have change in current practices. I thank you.

The Speaker: Thank you so much, chairperson. I will give one minute to the chairman Council of Minister to make some statement before I put a vote on the report.

The Minister of State for East African Affairs, Uganda (Mr Shem Bageine) (Ex-Officio): Thank you very much, Mr Speaker. I would like to thank the committee of General Purposes for their report on this very important topic of children’s’ rights.

I have heard the lamentations from a number of members regarding the failure by the Council of Ministers to work on a number of recommendations by various committees that would have been transformed into some views to be debated by this House.

I want to say here that we have a number of views that have been waiting for the legal input from the Legal and Sectoral committee which has to a certain extent let us down. However, I am sure that we will get through this and I will transmit your concerns to my colleagues in the next sectoral council meeting.

The meeting of the ministers responsible for EAC affairs and planning which should take a bit of time to look at various recommendations both for today’s report and yesterday’s and

also previous reports so that we can work out a methodology of linking with the legislature may be through the chairs of committees or even the Speaker's office so that we develop these pieces of legislature and legislation that can help us move forward instead of coming here now and again. I am talking about issues, making resolutions, recommendation and then we call it a day.

I apologise for the delay in bringing these bills but I am sure that we will bring them up before my friend hon. Zein retires in the period he has mentioned. (*Laughter*)

Mr Speaker, just a comment I want to make. The first one is the issue of adoption of our children. I entirely agree with those who observed that our children should not be adopted by people whose background we do not know. (*Applause*)

Mr Speaker, whereas we can check within the borders of our own countries, the Community about what children are doing for those who have been adopted, it is difficult for us to go beyond particularly to other countries like in Europe and America and so on. And considering the way things happen in those countries, I think it should not be accepted that those people who practice same sex marriages should be allowed to adopt children. If they believe that that is the way of life that that is in keeping with God's creation, let them go and produce their own children because what happens when a man pretends to be a woman and the child is adopted and this child is being forced to call a man a madam, mummy when the fella is there with a beard (*Laughter*) It does not make sense to us and I think we have to look at this issue very seriously and agree with those who are saying let us not allow our children to be adopted by those spoilers.

The second observation I want to make is that there is need for us to look into our education system. We have over emphasised the academic side of education of our children and we have left unattended the issue of bringing up children. Imparting growth skills to them so that they can be able at an early age to tell the difference between wrong and right, to understand that they are faced with challenges, drug abuse, early sex, alcoholism and so on. Therefore, I think it will be important if we can not only harmonise our education curriculum but also to bring in some aspects of bringing up our children and imparting skills, growth and understanding apart from the academic aspect. I thank you.

The Speaker: Thank you so much, hon. Shem Bageine. He is sitting for the Chair Council of Ministers.

Honourable members, I would like to thank you so much for this debate. The motion before the House is that, "The report of the Committee on General Purpose on the legal framework and implementation of policy on the rights of the child in the partner states be adopted."

(Question put and agreed to.)

The Speaker: Honourable members, I would like to congratulate you upon passing this very important report. Just like the minister and members have reiterated, I think we need to take this House to another level. Having gone to the field, related with East African people and found the issues and made recommendations, we need to go to the next stage now. We need to track the recommendations on how Partner States, Council of Ministers and all other relevant organs of the community have implemented this recommendation. (*Applause*)

Practises in other Parliaments are such that we have what they call Government Assurance Committee. It tracks the commitment of the Executive or otherwise on the commitments, recommendations and the state of implementation.

We will apportion this responsibility executively to the relevant committee of this House to take it further. From my Rules of Procedure, the relevant committee to track this is the Committee of Legal, Rules and Privileges. *(Applause)*

It should work with all the relevant chairpersons of the other committees to find out all the recommendations they have so far given to council for implementation. This is a task we must undertake urgently.

I thank you so much. With those, I now adjourn the House to tomorrow 9.00 a.m. in the morning.

(House rose at 12.44 p.m. and adjourned until Thursday 20 August 2015 at 9.00 a.m.)