



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 103RD SITTING - THIRD ASSEMBLY: FIRST MEETING – FOURTH SESSION

Thursday, 20 August 2015

The East African Legislative Assembly met at 09.14 a.m. in the Chamber of the Parliament of Uganda, Kampala

PRAYER

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

(The Assembly was called to order)

PRIVATE MEMBER'S BILL

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. I beg to move that the Assembly pursuant to the provisions of Article 59 (1) of the Treaty on Rule 64 of the Rules of Procedure of the Assembly do grant me leave to introduce a Private Member's Bill entitled, "The East African Community Gender Equality and Development Bill, 2015."

The Speaker: Seconder? It is seconded by Dr Ndahiro, Dr Odette, hon. Peter Mathuki, hon. Zein, hon. Mossi, hon. Valerie, Dr Martin, hon. Ussi, hon. John and all the members. Proceed, hon. Nancy.

Ms Abisai: Thank you, Mr Speaker. The introduction of this Bill comes at a very crucial time, especially when we know what gender perspective means for development initiative in this country.

Gender is an analytical concept that focuses on socially constructed rules, rights, power, needs and responsibilities of women in relation to those for men of all ages and how they impact on development at all levels.

The EAC partner states in respect to Article 5, 3, e, 1, 6, d, 2, 1213, 1224 of the EAC Treaty in respect to gender mainstreaming and promotion of women's rights as one of the fundamental principles that govern the EAC integration processes have made considerable process progress.

However, the partner states continue to experience gender disparities in a number of areas. These include;

- a) Unequal resource distribution;
- b) Unequal access to adequate and user friendly health services;
- c) High unemployment rates of women in the formal sector;
- d) Rampant cases of sexual and gender based violence which include rape, defilement, human trafficking particularly of girls and women;
- e) Harmful practices that is FGM;
- f) High illiteracy rates
- g) Low economic levels

Mr Speaker, today this year, we celebrate 40 years after the first plan of action from Mexico in 1975. It is exactly 40 years that we are celebrating the gender movement and from women in development to gender.

The difference when we began the whole initiative of women development was from the women perspective in development to gender. This also has an import in terms of the Africa platform of action which was passed and the Maputo protocols which are some of our partner states have ratified.

Mr Speaker, the first world plan of action in Mexico in 1975 was talking about strategies to bring gender equality, eliminate gender discrimination, and integrate women in development and peace. It is the platform that established UNICEN which is the UN body that deals with women aspects today.

We then had the second conference which is in Copenhagen in 1980. It was also talking about reviewing what had been discussed. Later, it was in 1985 when we had the Nairobi Forward Looking Strategies that also came up with critical areas on gender in development.

After that, we had the Beijing Custom of Action that came up with 12 critical areas of concern. There have also been several review strategies of the gender perspective.

The EAC Secretariat has come up with a gender framework. This gender framework has strategies that have been developed and frameworks that have been formulated. The framework actually talks about inadequate policy and legislative aspects and gender equality that must be addressed.

It also talks about gender disparity in power resource distribution, social economic opportunities and inadequate budgetary allocation especially on aspects that address gender.

Mr Speaker, we are also introducing this Bill at a time when the sustainable development goals have also reiterated the need to continue to address the gender aspect.

To achieve gender equality and empower all women and girls is the FDG goal that has been endorsed. When we begin the FDG plan from September this year, this is when it is going to come in to action. These FDGs have potential to transform the gender initiative that we are talking about, especially in terms of development.

If we do not have a Gender Bill, we cannot be able to address the aspect of equality especially in regards to education, ownership of assets, economic opportunities and income to improve the well-being of all members (both men and women) and closing gaps of gender equality especially in terms of development.

We have talked the EAC in most of its policies; have introduced a gender mainstreaming perspective in all the documentation.

Therefore, it is important that we have a law as a guiding principle that will ensure that indeed the gender perspectives as envisaged in those policies and programs are addressed from that nature.

Gender equality in terms of development also entails promoting the role of women in cultural, social, political, economic and technological objectives, especially as it is in our EAC Treaty. That is important for us to be able to ensure that we have in our Bill.

Within the regional integration and trade, gender equality does not feature. Legislative framework as prescribed in related frameworks do not incorporate gender and equality. Dimensions of consideration that are supposed to be addressed on aspects of the trade and other areas like in agriculture, health, education have not been addressed.

This Bill comes at a time when the EAC has in place the East African Gender and Community Development Framework of 2006 which was formulated within global, regional and national commitment in an effort to promote gender mainstreaming within the EAC. It remains merely as a guide and is not legally binding on partner states who continue to undertake different gender initiatives under various other instruments.

The Gender and Equality Bill would lead to best practices as in EU and SADAC and provisions so as to strengthen the legislative framework which will ensure that partner states are brought to equal levels of main streaming gender and harmonise platform policy and legislation and prioritisation and addressing EAC gender and quality outcome.

Mr Speaker, this bill is coming at a time when we also have a lot of other bills that are being introduced and also those that are seeking into consideration, aspects of development from trade, education, agriculture, health which have not talked about gender main streaming in terms of a legally binding document. If we pluck that legally binding document, then most of the aspects that are moved in the EAC programmes will be at the will of the people implementing it to look at how to reinforce it.

Therefore, this bill is important so that we can ensure, just like with the MDGs, we talked about gender, we had a gender goal and gender inequality, STG is even reinforcing further with almost 8 targets and we are with a very clear M&E framework. We are not going to be able to prioritise, budget or have a plan of implementation without a bill. Mr Speaker I beg to move. Thank you.

The Speaker: Thank you, hon. Nancy Abisai. Honourable members, the motion before the House that this Assembly passed on provision of Article 59 (1) of the Treaty and Rule 54 of the Rules of Procedure of the Assembly do grant leave to hon. Nancy Abisai to introduce a Private Member's Bill entitled The East African Community Gender Equality and Development Bill, 2015. Debate is open.

Dr James Ndahiro (Rwanda): Thank you, Mr Speaker and hon. Nancy for introducing a bill that is timely as you mentioned. I am in total support because of the following reasons.

Gender is linked to development and she explained is a social constructed. We are told that gender is the difference between men and women based on biological difference. Now that equation is totally wrong because you cannot solve an equation like that. This then makes it subjective because every society will construct it in their best interest or in their effort to exclude people or to exploit and oppress them.

Genders being subjective terminology different societies have in history had different challenges. Honourable members you are well aware that even involving women in democratic process begun this century worldwide; in America, Europe, everywhere. They were excluded. Now in East African Community we are in the process of integration whereby we celebrate having a population of 140 million people and those who have read a bit of economics, you know that among the factors of production, there is no mention of gender.

The population of East Africa is made up of more than 50 per cent of women which means that there are important factor of production. You cannot develop without putting all the resources together. You cannot develop when you run policies that exclude a big number of people to that extent and no wonder that is why Africa remains backward.

I know you have seen people who have reconstructed that equation and instead of the difference, they added that gender means man plus woman. You have seen in Scandinavian countries, the level of development is amazing yet here we are busy creating differences. If a man goes and he is challenged out there, he comes and challenges the wife at home. If a woman is challenged at home, the child will be challenged even more.

We cannot pretend to develop and strengthen our future generation if we are still following the equation of the difference between man and woman. We should rather look at it as an opportunity. Use it to foster everybody's wellbeing.

Mr Speaker, we were considering the rights of the child. The most important factor in the right of a child is the mother. Now if we fail to recognise their contribution in development or we take their contribution to mean nothing, we are excluding the whole future generation. *(Applause)*

It is important as we integrate to brig everybody on board, to give everybody equal rights, exposure and women like men have got talents, wisdom, are innovative, creative and we can together build our community and protect our interests.

I think most of you have read different research papers that indicate that naturally women are less corruptible than men we have seen that and we have evidence. If you look at report from the financial sectors in East Africa particularly the bank reports and you look at the default rates in different banks, you go on to compute how many women have defaulted and how many men have defaulted. You will find that the number of men defaulters is bigger. Then why don't we use that resource? We use it to complement entrepreneurs, developed a culture of responsibility, and accountability and fear of using resources that do not belong to you.

The problem we face in the financial sector is that people sometimes confuse what is theirs and what belongs to others. They want, with power, to use what belongs to others in their own interest. That in itself has an effect in politics, economics and even in our social wellbeing.

Mr Speaker, development is not an accident. It is planned, prepared and nurtured. You have seen that it is not only about resources. If development meant resources, Africa would be the richest continent in the world.

However, development is more than resources. It is about mind-set, education, creativity and the space to use your brain and excel. It is the space to raise your talent and excel, to exploit yourself, be innovative and have your place in determining your destiny.

You have seen countries without resources. Take an example of Singapore which I think is the size of Kampala and also some neighbouring countries in Africa as big as they are with resources, their source of per capita income is equivalent to that of a village in Singapore. This verifies that development is not only about sources. It is how you plan, prepare, and change your mind-set.

This Bill is now preparing us that together in a complimentary manner; we should not take our differences to mean something else. We should however add to existing resources and make a difference.

Yesterday we were talking about aspects. If you know that to bring up a child who is going to be competitive tomorrow, it requires that child to be nurtured from day 0 at least for five years. A child who has not got what it takes in five years to make him or her competitive in future, I am telling you that child will struggle.

You have seen behaviours out there. Sometimes you wonder what is wrong with these people. What is wrong with this person? Why is he behaving like that? That person is behaving like that not only because of the existing environmental factors, but also because of the upbringing of how that person was nurtured.

The primary role of nurturing that child today belongs to both man and woman. If you leave your child at home and pretend that your role is now to look for money and feed them. Fine, you will look for that money. You will feed them. They will grow up in a manner that is not competitive.

Tomorrow you will open your eyes. All the wealth you will have accumulated for 40/50 years might disappear in 10 years if you are lucky. Those children that you nurtured in that manner will not even realise the stress and how it took you part of your life to get that one.

Therefore, it is not about the man pretending to be the provider. You should actually both provide together. When you provide together, you can sustain, maintain the wealth and you can transfer the wealth and it continues generation to generation.

You have seen most African millionaires. When they die, even their fortune dies. You have seen in other societies where millionaires pass their wealth from generation to generation. This is because they planned, prepared and worked together.

Discrimination in any form is dangerous for society, development and integration. Thank you very much. I totally support the Bill.

The Speaker: Thank you so much, Dr Ndahiro. Honourable members, we are not yet in the substance of debating the Bill. We are debating the motion.

Hon. Nancy is seeking leave to be granted to her by this House. Let us confine ourselves to the motion and not delve deep in to the substance of the Bill at this point. I will give a chance to three more people as we sum up.

Mr Ogle Abubakar (Kenya): Bwana Speaker, President Barrack Hussein Obama was recently in the region. I had the opportunity of listening to him up close when he addressed Kenyans at Safari Park Stadium.

One of his strongest messages was a message on women. He said that this was a sports stadium. In his own words, it was stupid to be in a sports stadium like this and you do not want to play half your team. Cutting off women from our affairs is the cause of our underdevelopment. That is a great statement.

Having said that, I just want to give some caution to the mover of the Bill entitled, “Gender Equality and Development.” There will never be a better spokesman for the developed world than Barrack Obama. The Western Developed World he represents is at the fore front of talking about liberating women, emancipation and those things.

It is in the same Western World that women are used as consumer products, as tools and advertising agents to welcome passengers and visitors. You will never go to any capital in the Western World where you do not see women advertising the latest products. You see them advertising I phones, Samsung and everything else. That is a paradox.

The same Western World that wants to tell us about women emancipation do make that of their women. We must be very careful as we move this Bill in our region that we do not call for this new vocabulary of gender parity. It ends up in the context of what the West wants our women to be. That is one area I am flagging-

Mr Mathuki: Thank you, Mr Speaker. I think for good order, Mr Speaker, you should guide whether hon. Ogle is properly dressed for this siting?

The Speaker: Hon. Ogle, let me guide on that. Hon. Ogle is dressed in a nice African suit that does not go with a neck tie. That is acceptable to the decorum of this House. Proceed, hon. Ogle.

Mr Ogle: Thank you, Mr Speaker, for that protection. I do not take any offence to hon. Mathuki’s point. I appreciate it-

The Speaker: Go ahead and tend towards summarising the justification of us granting leave to hon. Nancy.

Mr Ogle: Secondly Mr Speaker, our quest for gender parity, development, equality whatever name you want to call it is likely to in the context of the way we perceive these ladies is likely to trigger some cultural wars in our society - (*Interruption*) -

Ms Byamukama: Thank you very much, hon. Ogle for giving way and this is the kind of gender sensitivity that we would like to recommend. The information I would like to give to my brother hon. Ogle is that when we talk about gender we are talking about a social construct at a given time and at a given place. Let me give an example. When we are in Africa, most men do not enter the kitchen but if for example you went to do your Master’s degree with your wife, you may even make an arrangement whereby the first one to get home is the one who will be able to cook. This is very common because both of are constrained by time.

Therefore, much as men may not be able to breast feed, there are certain roles that they can take on which would not take from them their status and responsibilities.

In respect to the issue of equality, hon. Nancy has been very clear. She has linked it to the issue of development. In my understanding when you talk about gender equality, you are talking about access to equal opportunities. And these entails education like we said if the girl child and boy child are both going to school and the girl child gets to 12 years and has to go through the menstrual cycle which is normal, she should be equipped with sanitary towels for her to continue with her education.

Mr Speaker, please allow me just one more second. The issue of economic resources; when you talk about the issue of inheritance, both boys and girls should equally inherit property. When we talk about jobs, there should be equal pay for equal work. So my information is simple. Let us not bring in other terminologies; gender parity. As hon. Ndahiro said, it is very important that you bring both men and women on board for expedited development. Thank you.

The Speaker: Thank you, hon. Dora. Hon. Ogle, there is more information from hon. Susan, will you take it?

Ms Nakawuki: Thank you, hon. Ogle. I would like to give information that gender equality is not a women issue. It has nothing to do with women as women. It is also a men issue because it affects both men and women equally and it is a fundamental human right. Therefore I would like to allay your fears because what we are looking for here is that men and women get equal treatment despite other odds. For example if you look at issues of domestic violence, it not only women who are affected but men as well. Therefore let us look at it in that broader perspective. Thank you.

Mr Ogle: Thank you for the various pieces of information that I have got that has ended being full-fledged contributions in their own context. (*Laughter*) However, I will not be destructed from the position I am pursuing.

Mr Speaker, all I am saying is, gender in its oxford dictionary definition ought to mean both sex. However, the emphasis of this bill and as it is obtaining currently, it is on women. It is from that perspective that I am trying to make my contribution on this subject. I was saying before I was obstructed that the quest for gender parity or in the context of the so called seeking for women emancipation and parity in women affairs is likely to transform itself into some cultural wars in our African society. What do I mean by this? In the age of Twitter and *WhatsApp*, at the home stead, they could be so many mean battles; as women insist on the right to do this and the man says no as an African this must happen, there is bound to be this kind of conflict in a homestead. This particular bill should be cautious of that definition. It must take that into account.

Thirdly Mr Speaker, there is going to be a further conflict between traditionalist and the so called modernists. That should also be taken care of in the context of developing this gender bill.

Fourthly, in this 21st century, as women abandon their traditional roles of child bearing, and - (*Interruption*) -

Ms Byamukama: Is it in order for hon. Ogle to allege that only women are responsible for child bearing when this House and the whole world know that this is a responsibility for both men and women?

The Speaker: Hon. Ogle, I need to rule on this that the process of bringing life is a responsibility of both man and woman - (*Laughter*) - so please do not blame the women.

Mr Ogle: I am sure members understand what child bearing means in the context of carrying the child. As they abandon their God given primary role - (*Interruption*)

Ms Hajabakiga: Mr Speaker, I need clarification from hon. Ogle as to whether by abandoning that role of carrying a baby now it has been transferred to men?

Mr Ogle: Allow me to make my point then you will understand the context from which I am making my argument. All I am saying is that men and women have had natural primary roles given to them by their creator.

In the quest for this war called gender parity; because we are equal, because you want this and that, they end up diverting into areas of unnecessary activism and advocacy; you know we are this, we are together, we are equal and this has some potential danger. That is not what African society is made of.

The Speaker: Hon. Ogle, you are of course going into very sensitive area but tend towards summary.

Mr Ogle: This is not an open debate about this thing. I was just trying to pluck off certain areas that the move ought to be considering in developing this bill. I will contribute my real position during the public hearing. (*Laughter*) However, we should capture this issue either in the schedule or there must be whole part which explains this thing in the bill itself. Thank you.

The Speaker: Thank you, hon. Ogle. I will give hon. Martin Ngoga, hon. Zein, then hon. Mbidde and hon. Nancy. Please let us remain within the context of the motion.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I want to thank hon. Nancy for the initiative and to state that I support the motion to grant leave for the honourable member to introduce the bill.

This week there was a conference in Kigali, it was called HESHE; *He for She* Campaign and H.E Kagame raised a lot of pertinent issues that I look at this Bill as coming to address them. This is because the issue of gender inequality is not fictitious. It is not imaginary. It is a real problem. It is a challenge to all of us to get addressed.

A few issues that the President raised that I wanted to share with you; is that we have a challenge to nurture our society and direct it in a way that each of us fills like we are obliged participants in this process. This is in order for us not to have by standards. In his words; bystanders are as guilty as or even guiltier than the perpetrators.

We need to have a right mind-set across the spectrum of our society. We need to have policies that are inclusive in which all of us participate to end this injustice. This is because gender inequality is basically injustice. We must also have political determination to act decisively. It is one thing to have right policies in place, but application and implementation is another thing.

I think this Bill seeks to achieve exactly that to make sure that the policies we have in place are translated in to practical action. What we have always fallen short of is actually not good policies. How do we implement them? How do we apply them in a manner that addresses real problems?

Hon. Ogle, men are accused of being bystanders in this process. We do not want to continue to be given that tag. We want to participate. We want to contribute meaningfully to this campaign. We think this is an obligation that has been long overdue to all of us.

Mr Speaker, when the time comes to debate the Bill, I believe the opportunity will come; we shall go in to more details about it. Let me say for the time being that the timing is right. It fits in very well in to what we see clearly as being a political direction across our region. All our Presidents in our partner states have taken individual initiatives in their respective countries towards this direction.

Therefore, this Bill is coming to give us an opportunity as an Assembly to contribute to what is already going on. I think in a special way, we should thank the honourable member for giving us this opportunity.

Mr Zein Abubakar (Kenya): Thank you, Mr Speaker. It is desirous for this House to grant leave to hon. Nancy to introduce this important Bill. It is important that this House consider aiding the endeavours of hon. Nancy to strike a blow for justice; for every time we chip as a block of tyranny in any form that seeks to marginalise, discriminate and exclude the majority of our people.

When I hear 50/50, hon. Ndahiro is right. In all the five partner states, women are more than men. Every time we seek to bring the majority of our people to the place of dignity, honour, respect, equality and equity, we are striking a blow for justice.

I would like to persuade the honourable member and applaud her efforts of bringing this important Bill before this Floor. In the development of the Bill, I humbly submit that the following needs be considered;

We must affirm that historically we have done wrong as society to exclude and marginalise women. That affirmation must include a program for affirming that fact and for affirmative action.

In the Bill, while you are developing it, you should consider to establish standards or practises of how to interact with both men and women within the community. Within that Bill, you should consider directing the attention of the community in its hiring processes and elective processes; that it is ingrained and not left to accidents as hon. Ndahiro said. It should not be left to the vulgarities of nature, but it is included that in the elective processes of both partner states and any other, that women have specific levels of participation that are equal to men.

You also should consider outlawing discrimination. This is in order for us to become a community of respect, equality and equity. This is because both equity and equality work together. They are not mutually exclusive. We shall put in place measures that shall penalise those who want to discriminate. We shall also completely outlaw discrimination.

Mr Speaker, allow me finish by declaring that if each one of us took a solemn duty to say that we also have daughters and sons. If we have to give the future of both our daughters and sons equal opportunity, the world will become a better place. I thank you, Sir.

Mr Fred Mukasa Mbidde (Uganda): Thank you very much, Mr Speaker. Honourable members, I equally stand to support the motion that the mover be accorded leave for purposes of facilitating the return of that Bill for introduction and passing by this August House.

Honourable members, I am also basing my reasons on the fact that first of all the Bill is well buttressed within the East African Community Treaty Provision, particularly the articles cited including the articles and objectives of the community for purposes of introduction of a community of persons that are equitably and equally given opportunities to grow.

I visited one friend of mine in one of the countries outside East Africa. I found that the country is really not what it should be. He told me that our country is what it is because our leaders are not what they should be.

I must use this opportunity to thank the mover of the motion. This is because you are now leading in trying to benchmark and even harmonise all the substantive policies on gender development and equity within the East African Community region. For that also, Mr Speaker, I support the motion that a Bill be brought for that venture.

When you look at the Constitution of all the East African Community Partner States, they have actually vowed to respect all the normative instruments so signed by those East African Community countries and partner states.

The Treaty equally recognises the same. This means that now this Bill ought to have come long ago. It makes it urgent that this House accords it leave to be introduced for purposes of passing as urgently as practical.

Amongst normative instruments signed are the universal declaration of fundamental rights and all those rights and instruments that accord women and men equality and equity in terms of distribution of resources and development. It also entails involvement in production relation.

For example, when it comes to equal pay for equal work done, I think no East African is guaranteed a right to depart from that kind of measure that should be supported. That for equal work done men and women must obtain equal pay. I think that is practically wise even to cooperate as countries within East Africa.

Mr Speaker, one last item though that I would like this bill to also incorporate once it is introduced, we must now be in position to mark and assess progress made by these persons that we are giving right to equitably and equally begin to move and assessment of progress in terms of emancipation of women and men. I do not want to call them women only but there must be substantive mechanisms of assessment. Otherwise we need to know whether we are administering a stalemate or actually something that is developing at a level that is contemplated by the instruments we are so signing.

We need a bill to guide the framework of progress in terms of gender equity what I would personally call gender egalitarianism. We need to continue to assess; what is it exactly. If it is not benchmarked, guided by the law, many people will misunderstand it. I found some women some time ago saying that for them they want to be as good as men instead of being as good as women. I think that is confusion. I think a bill of this nature is necessary so that it can guarantee and so that we can move a narrow path in the mountain so that we do not have

any lightest false step then we shall now be finding ourselves down the precipice. Mr Speaker, I support.

The Speaker: Thank you, hon. Mukasa Mbidde. Hon. members before I invite the move of this motion to respond, we have some distinguished Ugandans who have come to see how we conduct our business with specific interest to our next business. That is the Creative Industry Bill. These are performing artists; they are Nordin Ntege, Richard Kasendrwa, Phionah Mugerwa and Rogers Lubega. They are performing artists in Uganda and East Africa and very supportive to our next business and that is why they are here. Thank you so much for being with us, you are most welcome. I now invite hon. Nancy to respond in shortest possible time.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. Like I said when I was introducing the bill that gender is a crucial construct and an analytical concept and it always generates debate in the nature that it has. I think even in the motion you can already see that debate on gender is largely acceptable and so I am very happy for the people who have supported this motion; hon. Dr Ndahiro, I could not agree more with you that it is linked to development and those are the issues we were discussing, hon. Ogle, I would like to allay your fears, it is not the first time that the gender aspect is being discussed. All partner states already have gender bills therefore we are going to be seeking to also harmonise some of those issues within the partner states. Hon. Martin Ngoga, I am quite excited about the “He 4 She campaign”. It just goes further to demonstrate the need for this bill at this time.

I would like in a special way to thank hon. Dora and hon. Nakawuki, I know they did not substantial contribution but their information was very critical and the two ladies have been passionate on this. hon. Mbidde I could not agree more with you and hon. Zein you have made a very substantive contribution in terms of how we want to go with this bill and I think when we start looking at the bill we will look at those issues that you have raised in terms of establishing standard and practicing law.

Mr Speaker, I state that and I want to also just mention that a number male gender that have supported this is a very good way to show that people are now understanding the gender perspective. Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Nancy, the mover. Honourable members the motion before this Assembly, is that this pursuant with the provision of Article 59 (1) of the Treaty and Rule 54 of Rules of Procedure of the Assembly do grant leave to hon. Nancy Abisai to introduce Private Member’s Bill entitled; The East African Community Gender Equality and Development Bill, 2015.

(Question put and agreed to)

BILLS

SECOND READING

The East African Community Creative and Cultural Industries Bill, 2015

The Speaker: Hon. Dr Ndahiro, please move the motion.

Dr Ndahiro James (Rwanda): Thank you, Mr Speaker. I stand under the Rules of Procedure 68 to move that The East African Community Creative and Cultural Industries Bill, 2015 be read for the second time. I beg to move.

The Speaker: Seconders? Hon. Zein, hon. Abisai, hon. Sarah, hon. Ngenzebuhoro, hon. Rwigema, hon. Dr Martin, and all the honourable members who are standing. Hon. Ndahiro, proceed.

Dr Ndahiro James (Rwanda): Thank you, Mr Speaker. Let me first take this opportunity although the House has recognised our guests to extend a special welcome to the guests in the gallery.

Mr Speaker, creativity has been a tool for development world over. It has actually responded to necessity. Where millions of people were dying each year because of natural hazards, the response was creative response and creative solutions.

Creativity is sometime God given, or you learn, you are trained. However, the most important is the space to apply your creativity. Mr Speaker, this region of 140 million people has together opened the market for each East African to participate. We have people with talents and talents are a resource that if well exploited benefits not only the individual, a nation but the whole society and the whole world.

This bill seeks to provide a legal framework for East Africans to excel in all forms and contribute to the welfare of this community. It is a legal framework that recognises our people with special skills and talents. Who puts barriers on the way to progress? This Bill seeks to remove some of these barriers. It also seeks to give support to promote those talents and provide infrastructure.

It is not only the roads that we walk on that will ensure development. We have other barriers that we have to get rid of so that together with the laws and infrastructure, they can complement one another.

This Bill received input from all five partner states. In each gathering, people from different sectors participated as an industry. The Bill was enriched. It received comments not only from the participants and the operators in the industry, but even Government officials.

The majority believe that this Bill is going to provide a proper mechanism for business, employment and social integration.

Mr Speaker, you know that we have over 25,000 grandaunts every year from different institutions in the community. More than 35 per cent of those grandaunts have nothing to do. They do not have proper jobs. They do not have businesses to fall back to. Most of them rely on their qualifications to make a difference not only to themselves, even to their families.

Imagine a situation where one has no opportunity to be employed, yield his talents and creativity to make a difference to him, his family and nation. I think that is dangerous. It is bad for our community. We cannot celebrate the integration aspiration while ignoring the plight of these people.

The non-tariff barriers that exist in the industry include; the licensing regime, the artificial geographical borders, unfair treatment in terms of permits and discriminating citizens from different partner states, yet we have agreed to cooperate and the market is accessible to everybody.

We had one person explaining to us the difficulties he faced while trying to develop a film. He was standing on one side of the border in one of our partner states. In the process of shooting his movie, he was told that his cameras are going beyond the border-

The Speaker: Dr Ndahiro, allow me to guide you a bit. You are no longer justifying the importance of this Bill to this Assembly. The Bill is moving in to second reading. You are supposed to have moved a motion ready to go for second reading. The Chairperson is supposed to bring a report to allow members debate it.

I gave you leverage to say something because our guests in the House and also to refresh the minds of the members on the Bill. Please Summarise. Thank you.

Dr Ndahiro: Thank you, Mr Speaker. It is the passion I have over this that may make me talk for long. I feel like the whole House has understood and participated. We should work together to make sure that this Bill is read for the third time and passed. This is because that is the ultimate aim of this session. I seek the total support of the House.

The Chairperson of the Committee on General Purpose (Dr Odette Nyiramilimo) (Rwanda): Thank you very much, Mr Speaker. Hon. Ndahiro eloquently explained this Bill.

The East African Community Creative and Culture Industries Bill, 2015 was given to the General Purpose Committee. From the time we received it, we carefully worked on it. We went to the five partner states and tried to have a comprehensive report, specifically after the five partner states sent comments to the committee.

When we had a meeting on Monday, we requested to have a meeting with the Council of Ministers to share the views from the five partner states. Unfortunately, there was only one representative from the Council of Ministers. That is hon. Shem Bageine. I thank him very much for his presence and support.

However, we could not have the Chair Council because he was unavailable. We were requested to post pond that meeting with the Council of Ministers. We were told to make sure that we include the views from all the partner states through the Council of Ministers.

Therefore, Mr Speaker and honourable members, I beg to apologise. We are still waiting for the Council of Ministers to meet with the committee and let the committee have a comprehensive report on this very important Bill.

Mr Speaker, I request that the House adjourn this debate on the East African Community Creative and Cultural Industries Bill. Let us wait for the ministers, specifically the chairperson council of ministers to be with us and I think hon. Shem Bageine who talked to him specifically might explain when he will be available. Thank you, Mr Speaker.

The Speaker: Thank you so much. Please I will grant your clarification. Thank you so much, hon. Dr Odette chairperson committee of General Purpose.

Honourable members the chair of the committee has presented to this House that what the bill has to refer to them by this House, they went for public hearing, they have interacted with stake holders, but they have not had time to interact with Council of Ministers and they would like to bring to this House a comprehensive report that contain all the views of the stake holders including the Council of Minister.

Honourable members you are also aware that this is a bill before this House moved or introduced as a private members' bill, the more we build consensus so that all views are put in the better for the other processes that follows after we have passed it.

However, I give clarification to the Minister, and then to hon. Patricia.

Mr Bageine: Thank you very much Mr Speaker. I spoke to the chair of the Council of Ministers yesterday and he informed that he was unable to come because he is presenting his papers to day and as you know they are undergoing elections in United Republic of Tanzania.

I am also was given to understand that there were divergent views on this bill coming from United Republic of Tanzania. I thought it would be prudent that we discuss with the committee in presence of the chair of the council who also comes from United Republic of Tanzania so that we move together before this bill is presented for debate. That is the information Mr Speaker.

The Speaker: Thank you so much, Hon. Ogle you want to raise something?

Mr Ogle: Mr Speaker, this Assembly has been very understanding for a long time. We have been operating without a Council of Ministers, the CTC. This thing is affecting our operation. This is a very important and timely bill. We have made a lot of effort; put a lot of resources to get all through the five partner states to be where we are now. Much as we understand that there are some political commitment and campaigns in Tanzania, we expected the representative of the minister from other partner states to have been here. There is no reason why the Kenyan minister, the Rwandan minister for East African is not here. There is no reason six months down the line why we do not have a CTC to help us explain some of the issues threatening the stake of the United Republic of Tanzania in relation to this particular bill. We are not going to stall the operation of this House.

Mr Bageine: Mr Speaker, the chair of the Council will be here with us throughout and we will have time to interact with the General Purposes committee and discuss the report with them and bring it to the House for debate. I am sure we will be able to take a decision about this report.

Secondly Mr Speaker, I also had interaction with the minister of EAC from Rwanda who because of circumstance beyond her control could not come here but she confirmed to me that she was sending the council of ministers' report which the CTC was appointed and as soon as those reports are received I hope will be able to swear in the CTC so that he can take his place and join the Assembly. You know the CTC was appointed during the last council of ministers' meeting but he has to be formally sworn in and it can only be done when the report has been signed by all five ministers. Thank you.

Mr Ogle: I really appreciate the position as explained by hon. Bageine. I want to thank him from the bottom of my heart for being present with us all the way. However, Mr Speaker, we have been placed beyond any limit and I request that we take a firm and decisive decision on this matter. This House cannot continue in a vacuum like we are doing now. It is stalling our business, the tolerance of these important matters where we have stakeholders present having made it from wherever they came from. We cannot allow it to continue this way. Thank you.

The Speaker: Thank you, so much hon. Ogle. Honourable members, three things; one, the office of the Speaker and the Commission is very concerned about the attendance of Ex-Officio members in these proceedings of the Assembly. I have taken note and I am going to

take necessary step to engage with the members of this Assembly who have been perpetually absent.

Two, the office of the Speaker will take upon itself to make sure the process of swearing in the CTC to the community is done as soon as possible to help us deal with our legal issues in this Assembly.

The last one is on the position of the chairperson committee on General Purpose. I think we need a timeframe to this adjournment on this debate. I will direct that the office of the Clerk and the committee and the chairperson Council of Ministers resolve this and make sure next week as we resume to continue with this meeting, the report is ready and this bill must be passed in this sitting. I thank you so much.

MOTION FOR A RESOLUTION OF THE ASSEMBLY TO CALL FOR URGENT ACTION TO PREVENT TRAFFICKING IN PERSONS, PROTECT VICTIMS OF THE CRIME OF TRAFFICKING IN PERSONS AND PROSECUTION OF PERPETRATORS OF TRAFFICKING IN PERSONS IN THE EAST AFRICAN COMMUNITY

Ms Dora Byamukama (Uganda): Mr Speaker sir and honourable members, pursuant of to Article 59 (1) of the Treaty and Rule 34 (1) of the Treaty, I beg to move a motion for a Resolution Of The Assembly To Call For Urgent Action To Prevent Trafficking In Persons, Protect Victims Of The Crime Of Trafficking In Persons And Prosecution Of Perpetrators Of Trafficking In Persons In The East African Community. I beg to move.

The Speaker: Seconders? Hon. Leonce, hon. Martin, hon. Valerie, hon. Hafsa, hon. Bucumi, hon. Isabelle, hon. Susan, hon. Rwigema, hon. Fredric, hon. Eve, hon. Kiangoi. Please proceed hon. Dora.

Ms Dora Byamukama (Uganda): Mr Speaker sir, allow me to say how I am overwhelmed by the support so far and I beg to move:

“WHEREAS the Treaty for the Establishment of the East African Community (Treaty) provides under Article 5(1) that the Objectives of the Community shall be to develop principles aimed at widening and deepening cooperation among Partner States in inter alia political, social and cultural fields;

AND WHEREAS Article 5(3)(3)(a) and (b) provides that the Community shall ensure inter alia the attainment of sustainable growth and development by promotion of a more balanced and harmonious development of the Partner States which would in turn raise the standard of living and improve the quality of life of their population;

WHEREAS the Treaty provides for good governance, social justice, the rule of law, as well as recognition, promotion and protection of human and peoples’ rights under Article 6(d) under the Fundamental Principles of the Community and 7 (2) on Operational Principles of the Community;

AND WHEREAS Article 124 (5) of the Treaty provides that Partner States agree to enhance co-operation in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities.

AWARE THAT all EAC Partner States have signed onto the Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children which supplements The Convention against Transnational Organized Crime also referred to as the Palermo Protocol.

NOTING THAT cases of Trafficking in Persons have been reported in all EAC Partner States; and are according to reported trends on the increase.

FURTHER NOTING THAT Trafficking in Persons also known as Modern Day Slavery is a grave abuse of human rights and is caused by several drivers which include; poverty, underdevelopment, unemployment, promises of a better life and better opportunities, glorification of the west, greed and corruption, harmful traditional practices such as child sacrifice, bad governance, displacement of persons due to natural and manmade disasters and thus must be urgently stemmed utilizing a multifaceted approach.

NOW THEREFORE THIS ASSEMBLY DO RESOLVE AS FOLLOWS:

- 1. THAT the Council of Ministers urges EAC Partner States to enact comprehensive anti-trafficking persons legislation in accordance with The Palermo Protocol which incorporates prevention of Trafficking in Persons, protection of victims of the crime of trafficking in persons and prosecution of offenders ; and promote increased cooperation in efforts on implementation of Anti - Trafficking legislations in the EAC Partner States.*
- 2. THAT the EAC Community is urged to enact an anti-trafficking in persons legislation to address the cross border aspect of Trafficking in Persons.*
- 3. THAT the EAC Community in Partnership with EAC Partner States compiles and provides data on the trend and extent of the Trafficking in Persons crime within, from and into the East African Community.*
- 4. THAT the EAC Partners States establish lead offices and Inter – agency Task Forces – with Government and non-Government actors, to combat Trafficking in Persons and provide adequate resources for implementation of the law including training of Justice, Law and Order Sector Actors; front line officials who include Immigration and Embassy officials and that mechanisms for victim assistance; extradition and repatriation are put in place.*
- 5. THAT the Council of Ministers operationalizes Article 27 of the Treaty and concludes a protocol to extend jurisdiction of the East African Court of Justice to handle human rights cases which encompass Trafficking in Persons.*
- 6. THAT the Council of Ministers urges Partner States to increase oversight of and accountability of overseas recruitment agencies, implementation of adoption laws and allocate resources to Embassies of the EAC Partner States to keep track of nationals, and assist victims of Trafficking in Persons.”*

Mr. Speaker, I beg to move.

The Speaker: Thank you so much, hon. Dora. Honourable members, my office was contacted by FIDA which is one of the NGOs in this region. It comprises of female lawyers. They want to work with this Assembly on this vice, specifically on the aspect of trafficking of persons' cross-border.

Therefore, as we debate this motion, we have already got allies out there who are willing to work with us as a Regional Parliament to see how best we can come up with legal frameworks and action points that can curb, if not stop this vice. Debate is open.

Let me ask hon. Dora to justify first before hon. Frederic takes the Floor.

Ms. Byamukama: Mr Speaker, I will be brief. This is because from the support I have received, I would like to give opportunity to members to submit on this very important topic.

Indeed we had the opportunity of meeting with the members from FIDA, in particular hon. Irene Obwongi who also was a member of the first EALA. She came along with another officer called Lillian Byarugaba Adriko.

We were also privileged to meet with the Commissioner Binoga Moses who comes from the Ministry of Internal Affairs of Uganda. He was a recipient of an award of the USA Trafficking in Persons Report, 2015. We therefore have a hero amongst ourselves. I hope we shall have more heroes coming in even from the politicians.

I would like to say from the offset that I am very passionate about this issue. I was honored to be with Dr Odette at that very meeting which was informative. I will try and limit myself because I could go on. Like hon. Ndahiro has said; when you are passionate, sometimes you do not even realize that time has gone.

First of all, I want to thank your office for ensuring that EALA continues to be hold discussions on the issue of Trafficking in Persons.

Earlier in this term, I also brought another motion. I am glad we are again bringing another motion which expands on what we had done earlier. I think it is more explicit in that way.

When you look at the Trafficking in Persons Report; especially that from the US Report of 2015, you will find that all EAC partner states are source countries. They are destination and transit countries. You will also find that all the EAC partner states have laws against trafficking in persons.

The only challenge we have is that in some countries like the United Republic of Tanzania, there are cases which are being penalized by a fine, yet they would qualify to be considered as grave offences. Therefore, there is need for harmonization of the penalties when it comes to our laws on trafficking in persons.

You will also find that all the EAC partner states are wanting on the issue of implementation of the law. This includes; the number of prosecutions and the number of convictions.

Finally, you will also find that the services provided to victims vary. I would like to load the Republic of Kenya. So far, they have already provided for a Protection of Victims Act which is helpful. I would like to urge all the other partner states to do likewise.

Mr Speaker, I would like to quickly say that the EAC protocol on peace and security specifically states that the crime of trafficking in persons is one that should be handled together in partnership with all the EAC partner states.

When you look at Article 12 (1d), it is very specific. Allow me to read it very quickly. Maybe I will bring it at the conclusion.

Under the protocol on peace and security, it is very clear that the issue of trafficking in persons is also catered for.

I would like to say that as we stand today, it is only the Republic of Uganda, Rwanda and United Republic Tanzania which have signed onto this protocol. The other partner states in particular the Republic of Burundi and that of Kenya have not signed onto this protocol.

In line with this, I would like to urge our colleagues from the Republic of Burundi and Kenya to take it upon themselves to remind our partner states to sign on this very important protocol on peace and security which also forbids trafficking in person and provides a frame work for cooperation on trafficking in person.

I would like to quickly move on and talk about the issue of trafficking in persons. Yesterday when we were deliberation on the issue of children's rights there was a question on the issues of interpretation and I had said that I would provide an interpretation which comes from the Palermo Protocol which all the partner states have signed and I will read, "the trafficking in persons shall mean, the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat of use of force or other forms of coercion of abduction of fraud, of deception of the abuse of power over position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person or having control over another person for the purpose of exploitation". This is to some extent very clear. The most important thing we should note is that very different from smuggling because it has a purpose of exploitation.

It says exploitation shall include at a minimum the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

It goes on to say (b) the consent of a victim of trafficking in person intended, exploitation set forth in sub paragraph (a) of this Article shall be irrelevant where any of the means set forth in paragraph (a) has been used.

Therefore you cannot say that I consented to be taken to Dubai to go and work for example as a teacher but when you get there you are treated like a slave and therefore the fact that you may have consented becomes irrelevant as far as the crime of trafficking is concerned.

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered trafficking in persons even if this does not involve any of the means state forth in paragraph (a) of this article. Therefore whether there is not been recruitment, transportation or transfer, when it comes to the issue of a child, the means do not matter. And child shall mean any person under 18 years of age. In essence it may seem complicated but it is not complicated but very simple. The fact is that they should not hold anybody in servitude or conditions which are similar to those of slavery or for removal or organs at a minimum which means you can expound this definition and as I said, I already expounded on the issues of consent.

I would like to move on very quickly to the fact that trafficking in persons is both internal and external. You may only think about the cross board but we need to think about the aspect of internal.

In the motion I have already expounded on the issue of causes or drivers. Therefore I will not go into that. I will just mention the fact that it has impacts. The impact is physical, sometime human beings die, the impact is also that Africa is being depleted of human resource and therefore there is reduction in productivity which continues the cycle of poverty.

Now what can be done? What can be done is in three ways. One we need to look at the issue of prevention. How can we prevent? Awareness is very important. Utilisation of the media and our offices wherever we are.

The legal framework is very important. Data collection like **norset** is very important and most important is reduction in poverty because what makes a person leave their home to go to America under promises which may actually seem false to them but they still have the hope that they are going to a better place.

The other aspect on the issue of what can be done is protection. I have already talked the issue of protection of victims but I want to state clearly that much as we may not appreciate it, Non-Governmental Organisations have been giving shelter, legal services, psychosocial counselling to victims of trafficking in persons where governments have not been able to do so. Therefore they have mitigated and continue to help with governments. Therefore it is very important that NGOs partner with the governments in this quest and that governments takes on its responsibility.

On protection I will not go further but there are other means that can be used like repatriation which could also help and also an assistance fund which can be established to help the victims.

On prosecution, in the motion I have alluded to training of justice law and order sector actors as well as front line officials and there is also the need under prosecution to talk about witness protection.

Finally, is the issue of partnership; I think it is very important that we continue to establish partnerships so as to be able to fight this vice. I would like to stop here and I would like to kindly request that honourable members support this motion. I thank you.

The Speaker: On that not I would like to also take the opportunity to recognise the presence of FIDA in the gallery who have raised the issue to my office. The official seconder of this motion is hon. Frederic Ngenzebuhoro and I will give him substantive floor to raise the issues.

Mr Frederic Ngenzebuhoro (Burundi): Thank you so much, Mr Speaker. I am very proud to make contribution to this very important topic on a motion for a Resolution of the Assembly to call for urgent action to three things. One, prevent trafficking in persons. Two, protect the victims of trafficking in persons and three, prosecute traffickers in persons.

Allow me first to congratulate the mover of this motion hon. Dora because it is very relevant and timely. I am very proud because it has taken long. This motion has been pending for a long time. Our Treaty is clear about how human beings should be treated in the region or in the world.

Hon. Dora as indicated is relevant to the provision of the treaty and she has also indicated the international legal instrument and we what comes to that. She has rightly indicated and highlighted that the case of trafficking in the person have been reported in all EAC partner states and the trend unfortunately is on the increase. This is totally true and it must be stopped.

As the Regional Assembly, we must participate in the early education of this phenomenon.

Mr Speaker, I have a small request. According to a report copied by 2015, I think less than a month ago, that report was published by the US Department State. All the five EAC countries are affected by this phenomenon.

Allow me to talk about three of the findings. It said that Burundi is the source country for children and women subjected to forced labour and sex trafficking. Burundi is a transit from DRC to Rwanda and Tanzania.

You find that in Burundi, brothers, spouses are selling prostitutes to their clients. This is all over the country. We find this in Bujumbura along Lake Tanganyika on tracking routes and in the urban centres such as Ngozi, Defeza, Rumonge and so many others.

We also find many tourists in Burundi from East Africa or the Middle East. They come to Burundi to become clients of the Burundian girl prostitutes. It is a hot mess.

You also find young children who are recruited in armed groups. It is a shame again especially if this happens, it will take us years. You can imagine most of the young people recruited are less than 15 years.

In Rwanda it is the same. Rwanda is also a transit destination country where women and children are forced in labour in the state of trafficking. All the females, especially those vulnerable are pushed in to prostitution against their will.

Some women supply other women or girls to clients through an organised network operating in secondary schools, universities and elsewhere. You find this same thing in Burundi. As I said for Burundi, mothers, brothers or owners supply girls in prostitution to clients staying in the hotel. That is the phenomena they call "sugar daddy." Children are used in this kind of prostitution. It is a same for Kenya and all over.

In Kenya, children are forced to work in domestic services, agriculture, fishing, cattle herding, street vending, begging and prostitution. What can we say now? Children from Burundi, Uganda, Ethiopia, Somalia, and South Sudan are forced in to labour.

Kenya is a transit for the Middle East and Asia. Children are recruited, exported in to domestic services what they call, "massage" "arrows" in human scrutiny and in prostitution. You find children from Karamoja, DRC, Rwanda, Burundi, Kenya and South Sudan subjected to forced labour and prostitution.

There are a lot of licensed Kampala based security companies and employment agencies which recruit Ugandans and others to work in the Middle East. What are the conditions we find there? When they are there, they cannot get their passports. They are not paid. They lack food and are subjected to sexual exploitation.

Uganda is a transit to Malaysian. You can imagine how far it is. It is also a transit to India, China, and Thailand. Victims from Uganda are all-over the world such as Europe, Asia, America and so many others.

Lastly, Tanzania is also the same. It is a transit destination for men and women subjected to forced labour and sex trafficking. What is worse in Tanzania for example is that not only is trafficking high; it is facilitated by the victim's family members or friends by offering them assistance with education or promising them employment in the urban areas.

I know it is the same thing in other countries. Girls are exported to tourist areas. I cannot continue. It is a shame to the region.

Mr Speaker, I think that we cannot continue with this crime. We must stop it. This is because the fittles which facilitate the trafficking- and I would like to recall that the CTI and General Purpose report we discussed two days ago and yesterday had indicated some of those battles. We must get rid of them.

We must deal with those push and pull factors to continue to exist.

We cannot continue to allow the trafficking. We must prosecute them as the motion is asking. We know many of those who are trafficking, their target, the trafficking places, what they are being recruited for, and their origin and transit destination as I have already mentioned. That is why we cannot continue to accept this. We must stop it.

We also know the routes and the modes of transport in the traffickers use. The Assembly must take affirmative actions to stop this inhumane trade especially as we know the bad health conditions the people are subjected to by the traffickers.

Mr Speaker, for that process, I was going to make two small amendments if hon. Dora can accept them. I wish to urge the media in the region to take affirmative action so that they announce what is happening in trafficking in persons. We kindly ask them to contribute to eradicating the phenomena in the region.

Secondly, we are talking about the phenomena of trafficking in persons. I know that most of our countries have ratified many international conventions. They also have national laws about this. What about the implementation? That is now the key issue.

Beyond the implementation, we must urge our partner states to undertake urgently affirmative action on circulation, education and campaigns within the country so that they can curb such a crime against human beings.

Hon. Dora is passionate about the EAC Trafficking in Persons legislation to address the possible dialect of trafficking in persons. I totally support that and wish to see this be done very quickly as it is getting late.

Mr Speaker, once again I would like to say that I fully support the motion. I hope that the whole House supports this.

The Speaker: Thank you so much hon. Frederic Ngenzebuhoro. I now give hon. Pareno.

Ms Judith Pareno (Kenya): Thank you, Mr Speaker. I rise to support this motion. It is well stated that trafficking in person is now modern day slavery. I think for us who have read in history and had the effects of slavery we would not really want to imagine that we can have that kind of slavery in our EAC partner states.

However, a quick look Mr speaker at what we are doing as partner states in terms of controlling this, shows that most of our partner states indeed have laws in place to counter trafficking in person but we have fell short of implementing our laws to prevent, protect and to punish those that are culpable for this crime.

Looking at how we have fell short of implementing our laws, we have the laws yes, because if you want to prevent something, if you want to protect the victim and want to punish the perpetrators, I think the best that we can do is just to anchor all that into our laws and to

effect those laws. A look at what we are doing as East Africa in terms of managing this crime, we have still stuck to our old and archaic laws where evidence is given by the victim. I have noted especially in our Kenyan law, we have since provided for intermediary evidence where somebody can speak on behalf of the victim. We look at these victims as people who have been sexually molested, been traumatised by forced labour and you can imagine such a victim even being child and giving evidence in a court room full of everybody. I think we should provide more as partner states in terms of how we can have maybe intermediary evidence, how we can easy and relax our laws a bit to allow for the prosecution to be able prosecute a case. Our laws are there but what are we doing in terms of effecting them? I want to say that we have fell short of making easier laws for the purpose of controlling this menace.

We have also fell short of protect witnesses. How many cases have we heard in East Africa of witnesses who end up dying? They are killed so that they do not give evidence. How many case have we heard of witnesses who are kidnapped so that they do not give evidence? Witness who are even threatened not to give evidence? However, what have we done in terms of making it easy or to protect them? It means that we are lacking in terms of first of all preventing this crime and also in terms of protecting these witness or victim who is supposed to help us to get the culprit to be punished?

Again looking at the laws that are there, how strict are they? Have we made strict laws for us to be able to punish in such a way that we will have spoken? Punishment is meant to be there as an example for all others who want to commit that crimes. Therefore our laws are not as strict as we need for us to be able to control this crime yet we are saying it so prevalent and so serious now that we need as partner states to come up and check by way of preventing it, protecting and by way of punishing those who are involved.

Another aspect that has come that would help us to control this and which we are not harnessing as partner states. What safe spaces are we giving? What counselling are you giving to these witnesses? When you take somebody who has been traumatised, enslaved or sexually abused, and you have not counselled that person, I can assure you that person will not give good evidence like somebody who has been taken into a safe house and counselled and helped to give that evidence. In fact at some point, I have seen that in Rwanda as was doing my little research they have been able to provide safe houses. A safe house would be important to have as an aspect of our laws to make sure that this person who is rescued from this slavery is given safe stay, food and even given funding. Remember, we have had cases where somebody has been violated but because this person does not have a cent with themselves, they are just given money and at the end of the day the person goes and gives up that case. The person does not even appear to give evidence. Therefore we need to emphasise that our partner state should provide safe houses, ample space, intermediaries and even legal counsel.

Why do we give legal counsel to murderers; they say if you have not been represented the state is mandated to give you somebody to represent you in court. However, when it comes to this child, woman or this other person who has been enslaved and you have just recovered that person probably from Qatar like a lot of cases in Kenya and you cannot even give legal counsel or representation for this person to be assisted to represent themselves when they are before court.

I think these are some of the services that we have fallen short as I mentioned. We have fallen short of implementing our laws are there but do they provide for this? If they do not then as

East African we should come out to prevent this, protect the victims and to punish for us to be able to make headway.

Psychological, mental health care and treatment for these victims; even as we look at the systems that we have in place in terms of the provisions of our laws, how much training are we giving in terms of this particular case? Are we training our personnel, police for them, to know how to detect this crime? Are we training our immigration officers for them to be able to detect when people are being trafficked? Yesterday we had an incidence I saw on the news in Kenya that a government lorry was found ferrying some unidentified persons. A whole government vehicle transporting people but I did not follow up in the news, whose identity was alien and they were trying know their identity.

This is also anchoring on corruption. We need to have an all-round system that also checks how much training our officers have, how much controls we have in our immigration services, how much our children department are handling these cases, how much we are doing in terms of giving safety and protection to these people as they perform their duties. The statistics of the cases that have been successful, I picked an example of cradle in Kenya. They have reported 200 cases of trafficking in persons. These cases have gone to court, but how many cases do we have succeeding? Only 42! That shows you that the threshold of evidence that is required to convict that perpetrator is too high. May be we need to relook at our laws, systems to make it easier for us to have evidence that can be able to hold. Otherwise if they keep trafficking and we keeping releasing out of 200 you release 150 because the threshold of evidence is too high, then it means our achievement will be too low in terms of implementation.

Then also, what systems have put in place for monitoring. This so because if you need to know how our systems are working, then we have to have a monitoring process. Are they working? If they are not working, then I think it is time that we over hold.

What systems are we putting in place to check the employment agencies? Kenya has been reported widely as having a lot of our girls going to Kata through Dubai and Saudi Arabia. At the end of the day, they are in place. They either come back in a coffin or by the time rescue them, they are so traumatised? What have we done to ensure that we regulate these employment agencies? In my view, it is more about strengthening our laws.

For that purpose, Mr Speaker, this is the motion that has come in good time for us to be able to let our voice be heard, to check and urge our partner states to check how we can make our laws effective and what short falls. This is in order for us to correct them. I submit and support this motion.

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker. I stand to support the motion. Since I joined EALA, I think this the third time that a motion of this nature has come to this House. I would like to congratulate hon. Dora for her insistence and consistence on this matter.

Mr Speaker, yesterday when I saw that this motion is on the order paper, I took an interest of perusing through the different data bases available on social media. The data is alarming in numbers and the gravity of the matter.

The data indicates that between 70 to 80 per cent of trafficked victims are women and girls, especially young girls. They are sold for either slavery or prostitution. I think the mover of the motion has elaborated on that thoroughly.

In the last century, the African Continent went through slavery. At that time, we did not manage to stop it. Those who started it are the ones who ended up stopping it. They then said that it was a bad thing. At that time, the era of development had changed its mode of production. They just waited till it changed the mode of production and then they stopped it.

This whole thing is against the values of Africans, democracy and governance which is taught all over by those who support this device.

I think in Africa and as East Africans in particular, we need to sit down and see how we can protect ourselves. If you look at the numbers, the majority come from the African Continent going to the Western and Eastern countries. We are once again the producers of slavery in this 21st Century and probably beyond this 21st Century.

Mr Speaker and honourable members, we cannot talk about governance and democracy when we still have our children being sold. It is really a threat to our progress and dignity as Africans.

Sometimes you look at us and wonder; how come we can track and trace the tax evaders, bring them and make sure that they pay the taxes? The people who do this do it on a daily basis. The people who do it live with us in our neighbourhoods. How come we cannot track them?

Our children and sisters are never trafficked. This is because we have security guards. The taxes which are paid are given to us. The money is given to us so that we can protect ourselves as well as our children. However, our own children are not the only one that matter. I think we should be doing more than what we are doing in order to arrest this whole situation.

We have the security organs. If all the security organs of this region would come together, they would be able to stop this and hold the perpetrators accountable and bring them to book.

I want to support hon. Ogle. I would like to urge our dear friend hon. Shem Bageine. After we finalise this motion, it should also be brought to the attention of the Council of Ministers. It should not just be a document that came from Parliament. The Council of Ministers needs to take time, sit and debate this particular issue in the Council. If it can find way to summit, I think we may be able to arrest this vice.

With that, I would request my sister hon. Dora if she would agree to add one more recommendation that we urge the Council to take it up, debate it in the council and forward the resolution as to what they have decided back to this Assembly.

This is because it is a shame on us, Africa and the world that at this time, we still have our children sold for slavery and prostitution. I thank you very much, Mr Speaker. I support the motion.

The Speaker: Thank you very much. Honourable members, before I sit, allow me to introduce our guests. We are blessed with many guests during this meeting. We have the pupils and teachers from Future Star Primary School, Ntungamo District. You are most welcome. *(Applause)*

Ntungamo District is all the way in the Western part of Uganda almost bordering Rwanda. We also have a member of the East African Youth Ambassador, Mr Sam Ogwang. You are all welcome.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I also want to thank hon. Dora for coming up with this motion as well as thank those who have been intervening in their own way to try and deal with this problem, in particular FIDA and other partners. Unless I have a wrong copy, I would like to suggest a correction in the title_ (*Interruption*)

Ms Byamukama: I have already corrected it when I was reading and I talked about perpetrators.

Mr Ngoga: Thank you very much. Mr Speaker, human trafficking is a transnational crime and statistics are such that it is now ranking third after drugs and arms. That is how serious it is rapidly becoming. As we were going on with this discuss I was chatting with the Director of Criminal Investigation in Rwanda to try and get the figures as far as Rwanda is concerned and from what he has been able to give me within this very short time, it is apparently clear that east African is the source, the destination the route, the home of the cells where victims are assembled before they are trafficked abroad. It has a whole complete network of every ingredient of this crime of human trafficking.

From my own experience way back when I was in law enforcement. There is one very serious problem. There is a form of stigma associated with this crime to the extent that our law enforcement does not acknowledge the full extent of the problem. You cannot even rely on the figures we get from our own sources. In most cases researchers have been relying on the annual report of the State Department of the United States of America. Therefore we do not have our own internal mechanism that fully acknowledges the extent of the problem.

There is a form of shying away from thus hard reality. This is one problem that we need to deal with. I suggest on that note that the honourable member Dora, can consider adding something to do with systematic regular evaluation at a regional level so that we come up with proper figures, properly generated so that we can annually assess whether we are succeeding in our effort of we are not so that we can devise new means to deal with the problem.

East Africa is not only generating victims of the crime but is also recipients of victims from a far. Between 2009 and 2014 in Rwanda, there was an interception of 51 victims from Bangladesh who were being trafficked to Mozambique. I think Mozambique is also becoming a hot spot for cheap labour. People from as far as Bangladesh are trafficked through our region to Mozambique. I have seen repeatedly reports in Tanzania where people from Ethiopia are transited through Tanzania to South Africa. Therefore the region is not only the source of victim but also a recipient of victims from other places.

Again when I was still involved in prosecution we attempted to know in Rwanda to what extent our people were being trafficked to China, unfortunately we did not get cooperating from the Chinese authorities. That is another issue that needs to be addressed at a diplomatic level. Some of the countries, most especially in the Far East and Arab countries are not cooperative enough at a diplomatic level to deal with this matter. At least from that particular experience I do not want to generalise but on that particular occasion we did not get enough cooperation but we were able to send our people to China to assess the situation and the report they brought back was seriously alarming.

Many young people from Rwanda end up in Guangzhou and other cities in China. Therefore this is a problem that we need to confront head on. And this being a transnational crime, individual effort will not help. There must be harmonised and collective effort at the level of law enforcement, diplomacy; our embassies should be involved. These embassies abroad

should not be only be preoccupied with those whom we send for scholarships but even those who end up there as a result of this crime. If you ask any ambassador he would quickly tell you how many students are there. But how many victims are there as a results of human trafficking? Are our embassies fully involved, are they taking up their responsibility?

Mr Speaker, I want to add my voice to thank the honourable member for coming up with this motion. I know how emotionally she feels about it, we have discussed this many times before and I congratulate you for finally coming up with this and I support the motion.

Mr Leonce Ndarubagiye (Burundi): Thank you very, Mr Speaker for giving me the floor. I also join my colleagues to congratulate hon. Dora for presenting this motion.

I do not have much to say, it has been said before me but I want to add that we are facing a very big challenge. It can be disguised in different forms. The one I want to focus on is the so called adoption of children. It may be hiding something like trafficking organs. There is no agreement ever done by our states to follow up, monitoring and evaluation until the child is 18 years. When they disappear, there is no follow up, nobody knows what the child has become yet in developed countries like Russia when they give for adoption of their children, they insist on address of the adopted children, they monitor and evaluate until the age of 18. I think this may be also important for us to eventually come out with a resolution or a law on adoption because it is also in itself a conduit; a way of trafficking persons and even organs. Thank you very much.

Ms Maryam Yahya Ussi (Tanzania): Thank you very much, Mr Speaker. I stand here to support the motion and to congratulate hon. Dora for her effort to bringing this motion today. It was well overdue.

My point will be on the last recommendation to the council. I will just talk briefly on that. Recommendation 6, that the Council of Ministers urges the partner states to increase oversight on accountability on overseas recruitment agency implementation of adoption law and allocate resources to embassies of EAC partner states to keep track on the nationals.

Mr Speaker, I am saying this through experience and as you have heard in Tanzania, the fine is just 50 million or ten years in prison. This human trafficking is normally associated with drug trafficking as well with drug lords who have countless cash to give. Therefore, for the traffickers it is rare that they will go to jail because they always have money available for them to pay the fine. Therefore the law here is a little bit not enough. I am not sure in our constitution now what is happening on that. I will make sure I look at it. I am talking about that oversight of embassies.

I am talking through experience. I stayed in one of the European countries for ten years I can count by one hand the number of times I have been in my embassy. As a student there, I worked there and my embassy did not know what I was doing. It did not know that I existed. It was until my passport expired, that I attended.

I hope representative of the Chair of the council is listening to me on this. I am urging him to talk to the Council of Ministers to discuss with them on this, as hon. Patricia has said, especially in terms of embassies oversight.

In Tanzania now, there is a trend in China whereby we only hear about human trafficking when the young ladies are brought back home as corpses. That is when we hear their stories. When they are trafficked, they are promised very good salary jobs. When they get there, their

passports are confiscated. They are forced to work in sex trade. We do not all these horrid details until they are dead and brought back home.

We are wondering don't we have embassies in China? What is happening until we get corpses in our countries? These are normally young ladies. I am therefore urging the Council on motion 6. I also urge the Council to follow up on what hon. Patricia has said.

I would also like to remind my fellow members. I think it is high time that whenever we make recommendations here in the House, we should make it a habit to follow them up. Today we are making these comments. One year from now, we need to find out what had happened from what have suggested or commented. Thank you, Mr Speaker for that time.

Mr Joseph Kiangoi (Kenya): Thank you, Mr Speaker for this opportunity again. I want to thank the mover of this motion for this motion. This is because it is a motion that it intended to address a very critical area affecting our people. It is very crucial as to why we should actually find solutions to these problems that become a cancer in our society.

Mr Speaker, trafficking in persons has become a network. As hon. Ngoga said, it is actually network that you can equate to drug trafficking. They are almost at per now. This network is as evasive as HIV virus. When you try to get it from one side, it takes another route.

The agencies are known and they are here. The corruption that exists in our society is what is making it possible for this crime to continue. We have reached a level as East Africans were we do not value our own lives. This is shown in the way we sell our own people. By not preventing this crime, we are permitting the crime to take place.

We have the means, but what we are lacking is the will. The laws are in place in partner states. What we need as the East African Community is the expanded jurisdiction under Article 27 (b). The Council is the organ mandated to expand that jurisdiction. The Council should now take it upon itself to expand that jurisdiction to cover this area of human rights abuse.

I like what hon. Dora said in our definition of what trafficking in persons means. She said that it is done by way of deceit. It is a cost and we are vulnerable. It is done due to fraud.

Mr Speaker, even the 40/50 per cent or even more of those people staying in the US are not there willingly now anymore. They went there because of poverty. Poverty is what is underlining all these things. They thought they were going to a land of milk and honey. They are stuck there and they cannot come back. They fear that if they came back, they will go back to worse situations than when they left.

What makes it forced labour now is that what they are doing there, they have no pension. They are not providing for themselves. It is from hand to mouth. We also need to address this. It is not strictly in the area of trafficking persons. This is a forced labour due to circumstances.

It is time the East African partner states endeavours to improve the lives of our people and economy. This is in order for this kind of deception and trafficking in persons cannot proceed or cannot find a place to thrive.

In my support of this motion, I want to urge the Council to expand the jurisdiction of the East African Court of Justice. This is because we must first punish these perpetrators. Perpetrators are dehumanising us and exploiting our people. The number of young people and children

who are taken away due to fraud and fraudulent adoption; the number of people who go to China, the Middle East are suffering from there. We should be able to stop this menace if we are committed.

Mr Peter Mathuki (Kenya): Thank you, Mr Speaker. I will be brief. I stand as well to support the motion because it is touching. I would encourage the mover of this motion to make reference to the document that was offered by one George Omolo on trafficking in persons in East Africa, labour perspective. The document that time was edited by a researcher that side called Peter Mathuki.

Through that, you will be able to learn a lot and get some more information. The cost of slaves today in a global market is \$ 90. Therefore, you can see how human life is exploited and sold cheaply. This is happening.

That report says and I agree with members that 80 per cent of those trafficked are women. Half of that 80 per cent are children. That becomes a problem. Indeed as hon. Kiangoi has said, poverty is the cause of all this.

Actually trafficking in persons is the third largest illicit trade after drugs and ammunition. Therefore if indeed we have established East Africa is the source and transit destination, something needs to be done and I am sure hon. Dora will want to take this further and possibly bring a bill that would try now to put in place a different framework at a regional level to ensure that we work on this because it is a very big problem.

I agree to source it like immigration and development issues, conflicts, and gender violence, all these are possible. We also need to see how we treat some of these causes. So that is important because once you are to deal with the problem, you must understand what the causes are. To me this is very important.

In the report, Rwanda is the only country with a hotline in East Africa on some of these crimes. It is the only country that is providing emergency hotline services to report on these issues.

Therefore as the council of minister take up this, to see what is happening in the partner states and see how to move this because this is a very serious problem.

I agree as a way of trying to eliminate poverty, you cannot do that when you do not have a minimum wage policy in the region. In some countries in this region there is no minimum wage. The minimum still stands at 11 dollars in some countries in East Africa. They do not even have a policy or law to regulate this. Therefore I think as a way to restrain this, let now set minimum wage so that we try to avoid our people trying to go to seek for better opportunities leaving jobs in East Africa. Let us agree and put a minimum wage and harmonise the labour and wage policies in the region so that we protect our young people leaving the region to sell their services elsewhere where are exploited. I support Mr Speaker.

The Speaker: Thank you so much. I had already hon. Tiperu

Ms Tiperu Nusura (Uganda): Thank you very much, Mr Speaker. In view of the fact that I am speaking in Uganda today, I wish on behalf of the country and on my own behalf to officially congratulate you as our Speaker. *(Applause)*

Mr Speaker, a few months down the road, you have done us proud, the region is steady and the population is happy with your performance.

As a chapter chair Mr Speaker, allow me to officially welcome my colleagues in Uganda. I hope you have been enjoying the hospitality of Uganda both day and night and I believe over the weekend, you will be able to traverse this country and see many more attractions as you head towards Gulu for the thanks giving ceremony of hon. Speaker and I want you to know that the whole country will be there and the president will be the guest of honour. Therefore all roads lead to Gulu from Friday night to Saturday.

Mr Speaker, allow me to congratulate our own colleague the hon. Bernard Mulengani, I have received an invitation for his wedding and I believe that this is a just cause, I hope we all join him during his celebration of holy matrimony an indication that things are moving on well as people put up families together. Congratulation hon. Mulengani upon getting a nice partner and I hope that day we shall be able to officially witness the lady that you are receiving and we will welcome her as one of the spouses and a member of the EALA family.

Mr Speaker, I want to thank my sister hon. Dora in a special way because I have served with her for a good time and she has always been passionate about the issues of trafficking, the issues of female genital mutilation among others. She is a champion and she has got an NGO that focuses on those areas. Therefore when she comes up with motion on the area of trafficking, then you know she is speaking from her heart, we congratulate her for that and I want to join my colleagues in thanking her and saying that I support her motion.

Mr Speaker, it is true that many of our children find themselves out of East African countries in search of labour and using mechanisms that may not be clear and assented to by our governments. This dealing in trafficking of persons has been a business that is being undertaken by many people. We have even had people dying. We travelled to Germany last month we were told about a number of Africans dying while trying to access green pastures in Germany.

However East Africa was not considered among the people who were in that group but these are indications that time has come for us to make Africa attractive. Gone are the days when Africans used to be taken through slavery, chained and forced and beaten before they could leave their mother land. However today, people voluntarily go and in doing so, they have taken the fact that they are ignorant of the situation of the countries they are going to.

If our governments don't regulate, they find themselves in hard situations, some are killed, our embassies are involved in bringing back bodies of people who they did not know how they reached in those places. We have had people taking girls and on reaching there, their passports are taken and end up doing prostitution.

Mr Speaker, our African women's pride and identity is being vandalised. They no longer have their self-worth because of this business of trafficking in person.

I wish to congratulate some of the East African governments that have undertaken now commitment in signing contracts with government abroad so that if we decide to export labour, it is clear. We have ministries of labour and social development in our countries. That means that you can decide to take out your people to partake labour but in an organised way.

Therefore if governments go out and sign for instance Uganda has signed a contract with Saudi Arabia and I think in due course we will be seeing people go out to work but under a negotiated arrangement.

Our people have been exploited in terms of the pay that they have being given, the working hours and many more. Our governments now are also doing their best. I will give a case of

Uganda whereby it is no longer easy to just come up and begin opening a company that can export labour. You will be properly scrutinised before you can join that sector.

The message I want to say is that it is important for our embassies to be able to track the people who are going and that can be done by ensuring that we put in regulations so that when they go, you know where they are, can be tracked when they are sick and issues like coming back home are also put in consideration among other issues. With those few remarks Mr Speaker, I wish you the best and we pray for a successful session and I believe all will be ok. *Asanteni sana.*

The Speaker: Thank you hon. Tiperu, I now come to hon. Susan, hon. Nancy, and then I can go that side. In the interest of time, give a light touch for emphasis of something which has already been mentioned.

Ms Susan Nakawuki (Uganda): I thank you, Mr Speaker. I want to thank the mover of the motion hon. Dora Byamukama for bringing this once again on the Floor actually it looks like a follow up of yesterday's debate which is very good and then the good recommendations.

I know currently stopping a vive of human trafficking is political priority in all our five partner state much as a lot still needs to be done. I want to agree with hon. Hajabakiga that currently women are the biggest victims of this human trafficking or something that you can call a global trade in human beings.

About the resolutions made, I would like to propose...

There is something I found so interesting about this motion which makes it so unique to me because it is not just about preventing trafficking in persons but it also about protecting victims of the crime of trafficking which is very important. This is because we always over look this kind of protection which the victims need.

I have seen among the resolutions; the first one provides for enacting comprehensive un-trafficking persons legislation. In there, there is something to do with protections of victims of trafficking.

I would like to propose that we bring this out as an independent resolution which is the Council of Ministers to urge the partner states to expand the victim protection beyond just being prosecution witnesses.

Apparently when these people are repatriated, Governments basically come in to prosecute the offenders. These are brought in court as witnesses and after that they are told good bye. They go back home.

To copy part of the basic practises that we have had in Rwanda where at least such victims are given accommodation; we could also look in to issues of giving them employment so that they are not persuaded to go back in to that modern day slavery.

We can also talk about sensitisation. Not all these people are taken unwillingly. There also those ones who are taken when they are willing to go. This is because they know they are going to earn a living. They are promised a good pay. We therefore need to have a mechanism of sensitising these people so that they just give up the ideas and maybe they can also be ambassadors in the fight against human trafficking.

Mr Speaker, I feel it is very important that we also talk about the issue of unemployment in our region. We are not going to be able to cartel the vice of human trafficking if employment still remains a dream especially for the youth. We have so many idle youth who are energetic and are willing to work, but there is nothing for them to do.

When these youths hear that there are jobs in Dubai and Kata, they will not ask which jobs? This is because they feel their dreams are going to come true. They have been seeing movies where people are driving those very expensive cars and they also want to drive such vehicles at one point in time.

That is why we have our girls being recruited as sex workers. We have people who are being deceived because they are promised that they are going to work as drivers, nannies among others. At the end of the day, they put in to prostitution.

We still have those people, as I said those ones who go willingly, who know that they are going to do prostitution. Due to the fact that they are expecting a good pay that they do not have, they instead go there and end up being exploited.

My other issue of concern, like my other colleagues, is about oversight of those overseas recruitment agencies as raised by hon. Dora. When you watch news today, you would find quite a number of youths complaining of how they are being exploited. These youth are deceived. They are charged huge sums of money because they are being promised that they are going to be given better paying jobs.

However, when they get there, their passports are actually confiscated. In the end, they do not have any form of identification. They cannot even run away.

I would like to give a story. I met a family in Arusha. They just wanted help from EAC because their daughter had been trafficked. She was taken to Malaysia. When she arrived there, they put them in a form of dormitory. Their passports were taken away. Then they were told that they can only get their passports after two years. The job she was given was prostitution.

Due to her religious beliefs, she could not afford to indulge in that business so she decided to run away. She went to her embassy. However, at the embassy they did not have any means of helping out this young girl. They said they did not have a budget line to buy her an air ticket and send her home. The best they could do was to call the family to find an air ticket to help the girl get back home.

That also brings me to another issue that hon. Dora raised about providing resources to our embassies so that they can at least be able to help in such circumstances and follow up. We have scenarios where these girls have been killed, sexually harassed, but even our embassies do not have the capacity to intervene. Therefore, as East Africa and concerned citizens of this world, let us wake up and help.

The Speaker: Summarise honourable.

Ms Nakawuki: Finally, Mr Speaker, about the strong punitive measures that need to be taken; apparently much as all our partner states have these anti trafficking laws, are the penalties provided in there punitive? Are they deterrent enough for these people to stop the vice?

In fact I would like to propose that they impose a penalty like life in jail. This is because none wants to spend their life in prison. This way we can be able to curb the vice. I thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Susan. In the interest of the number of people who want to speak, I will limit you to four minutes. Just mention points that have not been mentioned. Thank you.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. I will be brief because most of my colleagues have said most of the issues. I just want to bring out two issues;

First, I would like to thank the mover of this motion. It comes at a very good time. This is because we are also discussing so many things in terms of gender, FDGs and these come in very handy.

I just wanted to suggest that as we look at the trafficking in persons, it is important we look at the issues of modernisation and its consequences especially in relation to urban slums. If you look at urban slums and the trafficking that goes in the slums, and I am sorry to say this, but it is the truth; some of the recruitment agencies within urban slums are women who masquerade to be taking care of young girls, but are actually recruiting them in to that.

I think as we look at this, we need to have ensured that the laws take in to consideration the modernisation of our cities and towns and the consequences of the urban slums.

The aspect of the cross-border trade; there are young people who are normally also used to cross borders in the name of being given money to take certain items across. When they do that, there is an arrangement made that somebody on the other side of the border will tell the victim that they have broken the law. They make them feel like they cannot do anything. They then use that to take them away. Therefore, the issues of cross-border trade also need to be looked at.

Lastly is the aspect of abduction. Every time we get news of missing persons (adults) without a trace. Nothing is reported. This is also an issue of human trafficking. When we look at the partner state laws, we need to also say that we must have national strategies, implementation mechanism, M & E frameworks that deal with cases of human trafficking.

Just to let you know hon. Dora, there is a colleague I know you have in the National Parliament of Kenya who is very passionate. She recently passed a motion on the same. She is also doing something on child rights and human trafficking. I think this is coming in at a very good time. I support this motion.

Mr Fred Mukasa Mbidde (Uganda): Thank you, Mr Speaker. I am going to address two major points. Obviously, I am in support of the motion. I will talk about the welfare of East Africans and extension of jurisdiction of the East African Court of Justice for purposes of curbing trafficking in persons that is nerve eating within the East African Community region.

Mr Speaker, I would like to make my submission by way of an angle. I remember when we were debating in our secondary schools one of the motions would be foreign aid has done harm than good to the African countries. I would pause just one question; what comes first? Is it poverty or the debt? Therefore I would then know that actually you are poor, then go for aid but it is the mishandling that again becomes the problem.

Now here I would like us to also look at two scenarios. Trafficking in persons began very long ago. It used to be called slave trade. But what was the veracity of persons being taken then? You had to be taken in chains, by force, at gun point and in most cases crying. It did not even matter where you were being taken.

What is happening today, you find somebody crying outside an embassy merely because they have been denied a visa; You find somebody celebrating just because they have obtained a visa to go abroad. In fact it does not matter where somebody is going. Not is the reverse. That is why Mr Speaker, I would like to tell East African Community partner state governments to get very serious on this matter. The ball is in our hands. We must have to be able to solve this because it is a very big problem and we can solve it as governments. That is why I support entirely this motion. What do I mean? When you look at countries, almost all East African partner states have discovered oil. This is what I am getting to terms with. Even those that have not yet discovered, the exploration signals are indicating that they will discover or they have other mechanism within which they can establish if they were serious; welfare states here in East Africa. Look at Norway; they discovered their oil just recently in 1965, to day they are ranking almost the highest in human development index because they used their oil to establish welfare states for their people. Therefore people cannot be trafficked because they do not even want to go anywhere.

Now trafficking in persons first of all begins by a person wanting to go away because the environment that person lives in is one that is determinant on clearly indicating that the person wants to go away. Either by force; I am, now making sure that we distinguish between those trafficked by way of force and those trafficked by way of promises and those trafficked while actually they were found on the way wanting to go away.

Mr Speaker, governments must be able to establish welfare states using the oil that we have discovered for purposes of a long term plan to solve the problem of trafficking in persons.

Lastly, is the question of jurisdiction; Council of Ministers, Sectoral council meetings and meetings of Summit have for long refused to take a decision to extend the jurisdiction of the East African Court of Justice to cover human rights concerns. They have at one point in time even stated that in any case such human rights causes can be handled by the African court on human and people's rights. However, Article 34 (6) of the Protocol establishing that court determines and demands that East African countries must deposit a declaration if their countries' persons are to access that court. All countries except Tanzania and Rwanda have refused to deposit this declaration- (*Member timed out*)

The Speaker: Thank you so much. Hon. Mumbi then I will go to hon. Odette.

Ms Agnes Mumbi Ng'aru (Kenya): Thank you, Mr Speaker. I really want to thank my sister Dora, her consistence on matters of human rights and concerns. Though I never worked with here for I was not in the second EALA, but the record speaks for itself. Consistence is a passion. Keep it on my sister.

I stand to support the motion and I want to pick on your last presentation; further noting that trafficking in persons, also known as modern slavery is a grave abuse and so the wording continues. Having listened to all of us, we all admit that there are laws but implementation is a problem. Why? It is because there is corruption in our courts and so perpetrators go free. This is because the victims themselves are considered of lesser quality East Africans than the rest of us. This is so because none of us sited here will have their children trafficked. There is

an urgent need to address the issue of poverty in our countries, the issue of inequality in the five partner states.

Hon. Dora I wish present and additional recommendation if you would allow me. That the Council of Ministers in all the partner states to address the issue of poverty and equal opportunities. This can address among other issues this aspect of human trafficking. I request you to take my recommendation. Thank you very much.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I rise to support the motion and say thank hon. Dora for bringing such an important motion. I will not go into what the other members have talked about but I would wish to speak mostly on trafficking of children, pretending to adopt but selling them to outside countries.

However these been talked about so I will go to another aspect of human trafficking that is new because it is not seen as human trafficking but I think it is.

If you look in our different countries what is happening in refugee camps where developed countries apply to have as many as possible refugees who are in those camps and they do it under UN legislation. Therefore it is legal and they call it relocation of refugees. They choose families who have many children. If a family has 8 or 10 or 12 children, these are the most preferred families to be relocated to USA, Canada, those countries of Scandinavia, Australia and this is done in view of all of us because it is legal.

When the refugees arrive in those countries, I have been interacting with some of them because before they go they first undergo medical examinations, treatment and so sometimes in medical sphere we know who are going because we know they go from those refugee camps for example in Rwanda I can tell you that about 10,000 will go to America per year, at least 3,000-4,000 will go to Australia. We know all those numbers who are channelled and sent to these developed countries to save them. When they ride, what do they do? They take the people who are younger for this very hard labour such as; to work in trains underground and agriculture.

Before, they go, they are told that they will go to good schools; they will be given salaries even if they do not work. This makes them very happy. Even people who are not refugees make themselves refugees to go and live those camps so that they are sent to those developed countries.

This is a phenomenon that our Governments should look in to. They need to make sure that our people are not trafficked to go and do what they should not be doing as human beings. Instead of helping them to go back in to their own countries and stopping the wars that cause all this displacement, they take them to their own country- (*Member timed out.*)

I know the microphone now is off. I am talking to you. Has it stopped?

The Speaker: Summarise, you still have time.

Dr Nyiramilimo: Let me summarise, Mr Speaker. I would like to urge all of us, especially the Council of Ministers to look in to that aspect of human trafficking and stop this phenomenon even if it is officially or legally acceptable.

Ms Valerie Nyirahabineza (Rwanda): Thank you, Mr Speaker for giving me the opportunity of contributing to this very important motion. First of all, let me congratulate as

always my sister hon. Dora Byamukama for bringing this important motion. She knows that I am behind her. I have always supported this idea.

Let me remind us that there is a pending Bill which was also brought by hon. Dora Byamukama. I remember that I brought in some wonderful ideas from Rwanda. Many other people also contributed. It is just a matter of revising that Bill and fast tracking it. We should also pronounce ourselves when it comes to penalties or sanctions that must be given to traffickers.

Let me thank and appreciate the political will expressed so far by their Excellences Heads of State. Let me give an example from back home in Rwanda where I come from;

His Excellency the President Paul Kagame came out clearly on several occasions. He called upon all Rwandese to deal with the issue of human trafficking. He clearly said that it is not an issue or phenomenon that has to be fought by the police or security organs only. Every one of us is called upon to give his or her contribution in terms of eradicating or combating these trafficking in persons.

Mr Speaker, hon. Dora has alluded to some resolutions which I fully support such as the issue of urging partner states to come up with the national legislation in dealing with the issue of trafficking in persons.

In 2006/ 2007 if I am not mistaken, I remember having brought a piece of legislation on human trafficking back in my country. When we went to interact with many stakeholders, people wondered what the Bill was for. This is because at that time, we had never heard any single case of human trafficking. To tell you the truth, it was like that.

Even if I was dwelling a lot on the aspect of prevention, I had never heard any single case of people or children who had been sold outside in terms of human trafficking. I therefore faced some kind of resistance until I left that portfolio. Luckily enough, now everybody feels concerned about his phenomenon.

I thank His Excellency Paul Kagame for coming out clearly urging each and every one of us to be a disciple of the integration process. When we say that the integration process is people centres, we must deal with whatever is hindering the development of our people- (*Member timed out.*)

Mr Zein Abubakar (Kenya): Thank you, Mr Speaker. Human trafficking is a nasty crime. This is because it seeks to undermine the dignity of human beings and it seeks to make human beings a commodity with a price tag on it. It undermines the free will of individuals and puts them in bondage.

Human trafficking is also a vicious crime. This is because you cannot have human trafficking without other crimes going with it. It goes together with blackmailing, kidnapping, withholding without consent and confinement, forced labour, slavery, murder and rape.

I wish hon. Martin was here when he talked about the ranking. He said that you have those who are involved in the nasty business of arms dealing. Then you have those who are involved in the nasty business of drugs and those in the field of trafficking human beings. They go hand in hand.

The key to this is for us to see this as an organised crime. We need to build the capacity of our countries to deal with organised crime. We need to deal with organised crime that attracts drugs, prostitution, rape, trafficking of human beings and so much more.

Trafficking human beings is vile because it also has silent and quiet populations. They know that young people are being taken from point A to B for the sole purpose of selling their soul and people are quiet. People do not say anything. This silence conspiracy must be broken.

I have also listened carefully to the debate and I agree with almost everything that has been said here. However, we have not named some things that need to be named. There was a time in the Northern part of this country where children were being captured, taken to the bush and forced to participate in a war. We have not talked about terrorism. There is the Boko Haram which looks at children as ways of capturing them and making them terrorists.

We have also not talked about this organised crime where one trafficker passes on a child to another trafficker. We have also not talked about preying on the vulnerability of our societies, the most down trodden, the poor, the marginalised, the helpless, persons with disabilities. Children who are only born because of the colour of their skins that they do not have certain pigmentation are then trafficked for their organs.

We have to rise these voices to the high skies and fearing that I might sound like a broken record, if this sit the third time we are meeting in this chamber to speak about the same things, what has the Council of Ministers done? This is the third time. How many times must we come before you to beg, to pray but now we demand? Allow me to sit down with the following thoughts - (*Member timed out*)

The Speaker: Thank you so much. I will give hon. Ogle and the last person will be hon. Dr Ndahiro.

Mr Ogle Abubakar (Kenya): Thank you, Mr Speaker, shortly before I stood up to contribute, I was reminded that hon. Tiperu who is very good at issuing lengthy congratulations would have remembered to congratulate the vice president of the Democratic Party and the acting chairman of the Civic United Front who is a member of this House hon. Twaha Taslima, part of a group of politicians who are lately causing a lot of political excitement in the United Republic of Tanzania (Laughter). We wish him all the best.

Having said that Mr Speaker, 100 years ago our ancestors were forcefully taken from this continent against their wish across oceans. Some of them who became sick on the way were thrown to the sea just like that and that was then. 100 years later, Africans are willingly without coercion, compulsion, force or any gun on their heads are willing to take themselves across very perilous seas to die. Now what they are running away from possibly could be poverty, unemployment, or those other small things.

However, by and large, many African still do not mind living in their country. They do not mind being peasants, living in the comfort of their environment except for the reason that we are making it unliveable for them.

Therefore the issue of governance; this is so important and I suggest to the mover if she could insert as part of her resolution and I know you are lawyer with a passion for this subject, you could possibly craft it in a language you know so well to perhaps make a provisional emphasis for governance so that East Africans do not have to run away from their homes.

We happen to be the epicentre of all this trafficking of all this madness, body parts harvesting and cultivation largely because this region happens to be the hot spot and clutch zone of the world. When you have countries like Somalia, South Sudan and when we have lately something happening in Burundi, our citizens are made to move out. They really do not mind, some of them have not even heard about the so called land of milk and honey in Europe and America. They are comfortable in harvesting their small piece of land but we are making it uncomfortable for them.

Having said that let me share my person experience in the Gulf region. I was Kenya's ambassador to the kingdom of Saudi Arabia. One thing we had to contend with as East Africans in fact as African ambassadors; the club then, was about the treatment of our citizens in those countries. Let me point it out that there are very few cases that media reports, it not that there is all this dangerous happenings - *(Member timed out)*

The Speaker: In the interest of time and harnessing technology we decided to manage our scarce resource to 4 minutes.

Dr Ndahiro James (Rwanda): Thank you, Mr Speaker. I appreciate and thank the mover hon. Dora for introducing this motion. I wanted to look at this problem in a different way. Every problem comes with an opportunity. I think Mr Speaker, where there is demand, there is always supply and I am sure you are all aware about the experience in Philippines. They have organised their population and they export organised labour. They are monitored, helped and these people pay taxes back home. Why can't we urge our partner states to harmonise their labour laws and also develop a mechanism and strategy to export labour and benefit from it and protect it wherever it is? I have heard cases of people here moving to Iraq, Afghanistan but they risk on individual basis. Why don't we organise it.

Secondly, we cannot fight trafficking alone or making as if it is our own problem. This is a shared problem, we have international instruments, we should also create an international mechanism to protect and also provide solution for these people.

Mr Speaker, my contribution is that we should not only look at the negative angle, let us also exploit the positive angles and create a proper mechanism to resolve the problem thank you.

The Speaker: Thank you so much, Dr Ndahiro with your unique entry. Now I will give hon. Taslima who has not yet spoken since he came to Uganda and hon. Shy Rose, two minutes.

Mr Taslima Twaha Issa (Tanzania): Thank you, Mr Speaker. I would like to join my colleagues to thank all Ugandans without their discrimination for having received us well in this Pearl of Africa. I also thank my sister hon. Dora Byamukama for this move because it has affected a lot of our children and women.

I would like to make some few addition which if she desires so, she may take them aboard and I am sure she is going to be able to have ways of putting them more properly because I did not have time for that. One, is that there should be a provision that the victims of this human trafficking do have compensation at some time. Once they are taken and through some efforts he or she comes back. Then there should be a provision of having compensation for the wrong that has been done against him or her.

Once those traffickers are known, they should be put on a list of shame. This is so that all people in East Africa or in that particular country get to know who those people are and the bad things they have done.

I remember when I was a child; there was a person who had a pick up. People suspected that this man was trafficking people. I am sorry to say that they were bringing them upwards here in Uganda or otherwise. I do not know really.

The last one is this; let us try to do everything possible to avert the possibility of what is happening in the Northern Africa right now. People are dying in the Mediterranean. People are taking a very high risky voyage in to Europe. Let us make a provision whereby we will be able to avert that possibility or situation to come to East Africa before it is already with us. Thank you, Mr Speaker.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Mheshemiwa Speaker for giving me this opportunity so that I can also say something on this very important motion brought by hon. Dora Byamukama.

Since I have been given only two minutes, I do not think I will make any meaningful contribution. Nevertheless, let me just raise my concern;

Mheshimiwa Spika, in this Assembly, we are talking about very important issues. Human trafficking today is a big problem in East Africa. Yesterday, the General Purpose Committee came up with a very good report with key findings;

For instance the killing of albinos in parts of East Africa and Tanzania in particular. Today Tanzania is facing this serious problem. Body parts of albinos are being chopped especially during election time. It is considered good luck to chop parts of albinos and use them in witch craft activities.

I am begging this House to see how we can operationalize these kinds of issues in East Africa. It is becoming a trend for this Assembly to speak to itself. It is like we are in a meeting room and there is no outcome for these problems in order to find a solution. Until when are we going to talk to ourselves?

I have been reading the New Vision. Yesterday there was an important report. There is nothing captured- (*Member timed out.*)

The Speaker: Thank you hon. Shy-Rose for your passionate plea for our community. I will give a few minutes to the Council of Ministers to make comments. Then I will call hon. Dora to wrap up.

The State Minister for East African Community Affairs (Mr Shem Bageine) (Ex-officio) (Uganda): Thank you, Mr Speaker. I would like to thank the mover of this motion hon. Dora Byamukama for bringing this motion at this point. I am given to understand that this is the third time it has been brought. I am not sure about that. I am however hearing it for the first time.

I would like to thank all members who contributed. I want to assure you that we have taken cognisance of your concerns and passions that you have about this serious crime of human trafficking.

Mr Speaker, I just want to make a few observations; the first one is the point raised about minimum level of wages. I am not sure whether that would help us a lot. This is because we have a problem of unemployment in the community. Even if you raised the level of minimum wage, that would still not offer employment for the thousands and if not billions of people who are unemployed. They would still remain victims of this crime.

My view is that perhaps what we should be looking at is intensified and serious campaigns as well as sensitisation of the population about this crime which my friend hon. Zein called organised crime. We need to ensure that our people are made aware of such people who are engaged in human trafficking so that they are not easily enticed to go and suffer in those countries where they are taken.

Mr Speaker, the Council of Ministers has heard because we are present here. As I said yesterday, I am going to take it upon myself to compile all the recommendations that were made, are being made as well as those that will be made.

This is in order for the Sectoral Council of Ministers responsible for EAC Affairs and Planning can take sessions and look at these recommendations. Where possible, he will formulate Bills that can be brought back to this House for debate and passage. Where necessary, if it does not require passage of a bill, we shall take the matters to the summit for consideration. *(Applause)*

I do appreciate that present structures of our meetings are such that we have not been able to handle these matters. I appreciate that members have raised concerns over and over again which will require attention of the Council of Ministers.

The issue of extension of jurisdiction of the East African Court of Justice in this matter is something that we have discussed. Recently, we only extended this to cover matters of trade, finance and related matters.

I am not aware of at least the Republic of Uganda not having submitted the declarations that hon. Mbidde referred to. I undertake to find out if this is true.

Mr Speaker, as I have stated, I want to reiterate that we as members of the Council Ministers are as concerned as you. I would like you to understand that sometimes we are restricted by the availability of time and finances to sit down and look at these matters.

However, I want to assure you that we have agreed that we are going to have sessions of the Sectoral Council Ministers responsible for EAC Affairs and Planning to discuss these matters, come back and report to this House. I thank you. *(Applause)*

The Speaker: Thank you so much honourable minister, I would like to invite the mover of the motion hon. Dora to exercise the highest level of summary she can do to make sure she gives response because we have to leave this chamber early enough to prepare it for the afternoon plenary.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker. I will be very quick less I am switched off.

One, I would like to thank all of you for your contribution. I wish I could say it by name but I am constraint please understand. This particular debate has attracted 21 debaters which I think is phenomena and I would like to say that much as this timing aspect is detrimental I think maybe we could adopt it in Arusha since we are an action packed Assembly.

On the issue of amendment, I would gladly take on all the amendments without exception. I thank you so much for taking off time to think deeply on this matter.

I also want to thank those who did not contribute verbally but listened. It is a very important component.

On peace and security protocol I promised to get back to you. Article 2, 3 and 12 (1) (d) provide on this issue of trafficking in persons. I know all of us are readers and therefore we can make reference.

I would like to allude in a small way to the issue of adoption laws. Yesterday we had the media covering us as if we are against same sex couples adopting children. However, I would like to clarify that the legal principle is that those who adopt children do it in the best interest of the child. That is the cardinal principle. Therefore whereas we may have had other views which require high scrutiny, it was not the will this House that we were alluded to have said what we did because the principle that stand is that it should be in the best interest of this House. EALA should not be misrepresented and misconstrued by the media otherwise.

Finally, on a personal note, I am a member of FIDA that is where my roots come from so I am speaking on behalf of my association, I am a member of law and advocacy for women in Uganda which came out of LAWA and I would like to conclude by the image given by hon. Mbidde and colleagues. Africans when they came out of Africa as slaves like hon. Patricia said, they were taken while crying and chained but now they cry because they cannot go Europe. My question is what has gone wrong? We are the leaders, when we talk about good governance, we are the leaders, we cannot look at anybody else, the ball is actually in our courts.

Mr Speaker, allow me to conclude with one person story. When I went to study in 1997 at George Town, when we finished the programme they said would you like to stay for another month or so, I said no, get me on the first plane out of here. This was in the USA. The Americans were shocked. They said we thought you had adopted better, I said it is time to go home. Why? I was armed now with two degrees and a diploma, and I knew I would hit the ground running and shaking. And indeed this is a land of equal opportunities. The NRM government has enabled some of us to be where we are. Therefore the issue of governance is very important and therefore I think we cannot reiterate it more.

Finally Mr Speaker, action. I pray that the Council of Ministers does not let us down. Thank you.

The Speaker: Thank you so much hon. Dora Byamukama for the good summary. Honourable members, the motion before the House is that this Assembly do resolve to urge the EAC partner states and the EAC Council of Ministers to urgently prevent trafficking in persons, protect victims of the crime of trafficking in persons and prosecution of perpetrators of trafficking in person in the East African Community. I now put the question.

(Question put and agreed to)

The Speaker: Congratulation hon. Dora and the House. Honourable members, before I adjourn the House I have few announcements to make. As a point of remind, tomorrow we have our special siting where H.E President Museveni is going to come and open the Assembly at exactly 9 o'clock. My plea to you is that we keep time.

I would like to remind you that we have an outreach programme thereafter. Kindly inform the Sargent-at-Arms about your hotel where you are staying. I have already communicated to him to make sure that buses are there at the hotels in time so that you make necessary arrangements to put you back in the bus and also notify the hotel for your return on Sunday. The Sargent-at-Arms is fully informed I kindly request him to make sure members are

comfortably taken home and their after the opening if the plenary we shall have lunch and proceed to Northern Uganda, Gulu. I thank you so much.

I now adjourn the House to tomorrow 9.00 a.m.

(House rose at 12.49 p.m. and adjourned until 21 August 2015 at 9.00 a.m.)