



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly

149TH SITTING – THIRD ASSEMBLY: SECOND MEETING – FIFTH SESSION

Tuesday, 18 October 2016

The East African Legislative Assembly met at 2:30 p.m. in the Chamber of the Zanzibar House of Representatives in Melena, Zanzibar.

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Good afternoon honourable members. I welcome you to this sitting this afternoon. In a very special way, I would like to recognise our guests who are in the gallery, but more specifically, I would like to recognise the presence of Miss Tausi Likokola. She is an entrepreneur, an author, and a former international model from the Republic of Tanzania.

She is a founder of the Tausi Likokola African Princess Model 2016, which is a struggle to mentor young people in this great Republic of Tanzania and beyond in the entire East Africa with a view of promoting their talents - *(Applause)*.

Miss Matuli Mohammed, who is a contestant in this contest going on; Mr Ande John who is the producer of her television show, and Mr Haji Nyanyau, who is a camera operator – *(Applause)*, accompany her.

We thank you so much for the good work you are doing to celebrate the lives of the girl child.

Honourable members, this week - as you know - we join the rest of the world in celebrating the girl-child through protecting and promoting their lives. We thank you so much. *(Applause)*

BILL'S

SECOND READING

The East African Community Counter Trafficking In Persons Bill, 2016

(Debate interrupted on Thursday, 13 October 2016 resumed)

The Speaker: Honourable Members, you will remember that on Thursday we adjourned at a point when the Chairperson of the Committee on Legal, Rules and Privileges was supposed to present the committee report and the chairperson, in the democratic manner of their practice, had delegated the acting chair, hon.

Maryam Ussi to present the report. I now call upon you the acting chair, hon. Ussi.

Ms Maryam Ussi Yahya (Tanzania):

Thank you very much, Mr Speaker. The report on the public hearing on the EAC Counter Trafficking in Persons Bill, 2016 from 4th -8th September 2016.

1.0 INTRODUCTION

Trafficking in Persons is internationally defined as a means of recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

The exploitation could be in form of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, armed conflict or removal of human organs. The main cause of this evil is commercial sex activities, need for cheap/free labour, armed conflicts and the illegal use of human organs. It is one of the Transnational Organized Crimes perpetuated by criminal syndicates all over the world. It can be committed within a national or between nations and sometimes it does not involve transportation because victims can be kept in a secret place within the same country or locality.

The International Organization for Migration (IOM) estimates that, in 2001, between 700,000 and 2 million women and children were trafficked across international borders. There is increasing evidence that a significant amount of this activity is associated with armed conflict. Trafficked women and girls face severely compromised physical and mental health, in particular reproductive health problems due to rape, sexual abuse, STIs, including HIV/AIDS, trauma and unwanted

pregnancies. The conditions that push women and girls into forced labour, trafficking and other forms of exploitation stem from a combination of internal and external factors. Pre-war systems of gender inequality, war economies, criminal syndicates, and the destruction and destabilization of livelihoods combine to place women and girls at high risk of trafficking. Trafficking is fostered by transition, instability, poverty, disintegrating social networks, and disintegrating law and order in sending, transit and receiving countries. Corruption contributes to trafficking. The inefficiency, as well as the complicity of the law enforcement and military personnel in some countries, allow traffickers to function since they do not fear arrest, prosecution or conviction.

The conclusion of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially on Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime is one of the global efforts to suppress this vice. Member States of African Union agreed to suppress this crime especially to women and children through the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. All EAC Partner States are part to both Protocols. Within the East African Community, Article 124 of the Treaty for the Establishment of the East African Community, read together with Article 12 of the Protocol on Peace and Security requires Partner States to undertake joint operations in controlling and preventing transnational and cross-border crimes including human trafficking.

In 20th August 2015 this Assembly passed a Resolution to Call for an 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. In that Resolution, the Assembly, inter alia, urged the East African

Community to enact an anti-trafficking in persons legislation to address the cross border aspect of trafficking in persons.

The EAC Counter Trafficking in Persons Bill, 2016 was introduced as a Private Member's Bill by Hon. Dora C. K. Byamukama and thereafter referred to the Committee on Legal, Rules and Privileges. The object of this Bill is to provide a legal framework at the East African Community level to-

- i. prevent and counter-trafficking in persons, paying particular attention to women and children; and vulnerable members of the society;
- ii. protect and assist the victims of trafficking in persons in a manner that respects their human rights; and
- iii. promote cooperation and harmonized action among the Partner State in order to prosecute perpetrators and comprehensively counter trafficking in persons.

The Committee on Legal, Rules and Privileges carried out Public Hearings in the five Partner States on the EAC Counter-Trafficking in Persons Bill, 2016 from 4th to 8th September 2016.

2.0 Objectives of the Public Hearings

The overall goal of the public hearings was to facilitate involvement of EALA Members, Partner States, Civil Society Organisations and experts in the legislative process of this Bill. Specifically, the public hearings facilitated exchange of knowledge, information, and experiences among the stakeholders for enriching the Bill.

3.0 Methodology

During the consideration of the Bill, the Committee:

- i) conducted public hearings in the EAC Partner States during which

we received stakeholder views on the Bill,

- ii) reviewed literature on the subject matter of trafficking in persons,
- iii) held a meeting to consider the draft report on the Bill.

4.0 FINDINGS AND OBSERVATIONS

4.1 GENERAL FINDINGS

The Committee noted that the crime of trafficking in persons is prevalent in all EAC Partner States. In comparing the magnitude of the problem in EAC Partner States with other countries, the Committee referred to the Trafficking in Persons Report published yearly by the Department of State of the United States of America. These reports rankings all countries in the world into three TIERS: TIER 1, TIER 2, TIER 2 Watch List, and Tier 3 basing on the government's efforts against trafficking as measured by the Trafficking Victims Protection Act of 2000 (TVPA) standards. The key parameters considered in ranking countries are actions taken by that country in the prosecution, protection and prevention sections of that country.

TIER 1 comprises countries whose governments fully meet the Trafficking Victims Protection Act's (TVPA) minimum standards. TIER two, which comprises countries whose governments do not fully comply with the TVPA minimum standards, but are making significant efforts to bring themselves into the compliance with those standards. TIER 2 Watch List comprising countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- i. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

- ii. There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- iii. The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Lastly, TIER 3 comprises countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

According to the Trafficking in Persons Report published in 2016, the Republic of Kenya and the Republic of Uganda are grouped under TIER 2. The Republic of Rwanda and the United Republic of Tanzania are ranked under TIER 2 Watch List while the Republic of Burundi is ranked under TIER 3.

The Committee also noted that the Republics of Burundi, Kenya, Uganda and the United Republic of Tanzania have specific laws on counter-trafficking in persons, which are in line with the UN Protocol. However, the penalties for offences under the laws of Partner States differ from one jurisdiction to another. The Republic of Rwanda is yet to enact a specific counter-trafficking in persons law however, offences and penalties for trafficking in persons are provided for under the Penal Code.

4.2 SPECIFIC FINDINGS

4.2.1 THE REPUBLIC OF BURUNDI

The following were comments and issues that emerged during public hearings in the Republic of Burundi:

- i. There is need for Partner States to develop strategies to prevent practices that could lead to human trafficking such as early/child marriages and adoption;
- ii. Children without family care including those in institutions are likely to be trafficked;
- iii. Parents should be encouraged to take measures to keep their children within the family;
- iv. Embassies and missions abroad should be tasked to liberate and repatriate victims found where they are;
- v. Training provided under the Bill should include human rights, gender and specific need of affected children;
- vi. The Bill should include issues relating to protection of witness;
- vii. Partner state should be required to have programs to provide for physical, psychological and social recovery of victims;
- viii. The minimum sentence for offences committed by a civil servant, parent, guardian or care giver for a child should be 15 years;
- ix. The Bill should also provide for a minimum sentence for fine; and
- x. The law need to provide for the exchange of perpetrators of trafficking in persons arrested in a foreign countries;

4.2.2 THE REPUBLIC OF KENYA

The following were the comments and views that emerged from stakeholders in the Republic of Kenya:

- i. The Bill should address employment agents who sometimes

- engage in recruiting people for trafficking and not for employment;
- ii. The proposed minimum penalty of ten years of imprisonment is lenient;
- iii. While it was the stakeholders wish that the law be enforceable even outside EAC, this is not possible. However, bilateral arrangements need to be made with other countries outside the region to facilitate the repatriation of victims.
- iv. The law need to cover traffickers who use EAC as a transit area;
- v. People with disability including albinism and other vulnerable groups are not clearly addressed in the Bill;
- vi. Trafficking in human parts is extremely serious because in most cases victims are killed in order to get their parts;
- vii. The ongoing child adoption in Africa is one form of trafficking in children in our continent, therefore the law should address it. Also the law should provide for penalties to officials who breach confidential information especially those relating to victims;
- viii. Offences relating to promotion and facilitation of trafficking in persons should be included in the Bill;
- ix. The services to be provided to victims should include re-settlement and re-integration (the issue of stigmatization);
- x. Issues of asylum seekers, document recovery and children of the victims should be considered in the Bill;
- xi. The law should address issues of witness and victim support and protection;

4.2.3 THE REPUBLIC OF RWANDA

The following comments and views arose during the public hearings in the Republic of Rwanda:

- i. Under Part I Clause 3 on Objectives, it was proposed to include point (d) on the creation of a special unit, such as specialized police units and judicial structures to ensure timely response and protection of victims of the crime of trafficking in persons in every Partner State;
- ii. The Bill does not have provisions on protection of witnesses;
- iii. The Bill should create a provision for the arrest of suspects and search without a warrant of premises suspected to be holding victims;
- iv. The Bill is silent on the transfer of criminal proceedings and prisoners (Extradition);
- v. Clause 15 (4) requires Partner States to provide employment opportunities for victims. There is need to reconsider this clause since it may attract self-victimization;
- vi. Obstruction of justice and participation in organized criminal groups should be included as part of related offences;
- vii. Under the clause on repatriation of victims it was proposed that the Bill creates a provision for the return of a trafficked person from the hosting Partner State and this should be preceded by a risk assessment and with due regard for his/her safety to the home country;
- viii. The Bill should prioritize the prosecution of trafficking in persons rather than related offences;

- ix. Under Clause 6 and 7 the Bill does not draw a distinction between “traffickers” and “persons” who facilitate the commission of the crime;
- x. Clause 4 (7) may be revised to be clearer because it is not succinct on whether it a person who destroys documents for the perpetrator of trafficking in person or documents for the victim;
- xi. Under Clause 6 (1) on restitution, it should be mandatory to a person convicted for the offense of trafficking in persons to make restitution to the victims;
- xii. Clause 10 (a) and (d) seem to be inter-twined and may be merged as they are stating on the development of policies & programs;
- xiii. Under Clause 15, there is need to have clear national referral mechanisms for victim protection and assistance. There is also need to put in place mechanisms in each Partner State to facilitate the contact between victims and their families because in some cases families reject family members who have been victims;
- xiv. Other than forfeiture of proceeds of crimes, the law should also include confiscation of properties and award of damages to victims;
- xv. The Bill should have a provision for the sharing of the burden of taking care of victims between the concerned Partner States and relatives of victims especially where the family had a hand in the commission of the offence; and
- xvi. Stakeholders in the Republic of Rwanda proposed for the abolition of international adoption of children in the East African Community

4.2.4 THE UNITED REPUBLIC OF TANZANIA

The following comments and issues that emerged during public hearings in the United Republic of Tanzania:

- i. The East African Community has a Technical Team working on the harmonization of laws relating to the Community, therefore, they suggested that this Bill be brought to the attention of the Technical Team for their technical inputs;
- ii. The Bill does not provide for the protection of people with disabilities;
- iii. The Bill is silent on the protection of witnesses;
- iv. The law should criminalize perpetrators, promoters and facilitators of the offence;
- v. Having different penalties among the Partner States will affect countries with lenient penalties because traffickers will be concentrating in those countries;
- vi. The burden of taking care of the victims should be shared between Partner States, EAC, and even family members of the victims;
- vii. Apart from forfeiture of proceeds of crimes, the law should also include confiscation of properties and award of damages to victims;
- viii. The Bill is silent on the rehabilitation of victims of trafficking in persons;
- ix. Institutions in Partner States should be designated to implement this law instead of creating other institutions;
- x. Some of the offences need to be included: trafficking by

- intermediary, severe trafficking and subsequent offenders and facilitating the commission of the offence;
- xi. Offences relating to body corporate should be limited to the concerned directors and managers and not to the entire corporate to avoid punishing innocent persons;
 - xii. Immunities from offences relating to immigration is interfering with the immigration laws of Partner States;
 - xiii. Requiring all proceedings to be held in camera is not good practice. Whether in camera or not should be a case by case issue determined by courts;
 - xiv. Use of appropriate housing is ambiguity. The most important is for the victims to get “dwelling places” (Clause 15(4) (a) and 15 (5);
 - xv. Provision of employment to victims is a difficult thing to Partner States because already there are many unemployed people among the citizens (Clause 15 (4) (d); and
 - xvi. It was noted that with victims remaining permanently in receiving Partner States is in contravention of immigration laws and places a burden on the Partner States (Clause 16 (1)).

4.2.4 THE REPUBLIC OF UGANDA

The following were the comments and issues that emerged during public hearings in the Republic of Uganda:

- i. The role of Foreign Missions in stemming human trafficking does not come out in the Bill;
- ii. The EAC Partner States should form specialised units or focal point offices to handle various aspects of human trafficking like child labour, and prostitution;
- iii. There is need for a mechanism to address the problem of transnational/regional syndicates in the EAC;
- iv. Recruitment agencies need to be controlled and supervise because they are sometimes used to recruit people for human trafficking;
- v. The Partner States should consider establishing a special fund to assist/help victims of human trafficking;
- vi. While the Bill provides for training of prosecutors, little is mentioned about investigators;
- vii. There is need to benchmark the Kenyan model of having Shelters to help victims outside the EAC region. Kenya has a Shelter in Malaysia and her nationals in the Far East are supported under this arrangement;
- viii. The EAC Partner States need to come up with a framework of co-operation in the protection of victims of human trafficking outside the region. A protocol should be signed to this effect;
- ix. The Bill provides for a penalty of imprisonment of the perpetrators of the offence trafficking persons upon conviction. However, it does not provide for a corresponding penalty of a fine;
- x. There is need to differentiate “Restitution” and “Compensation” in the Bill especially in reference to Clause 6;
- xi. In the Bill, “Shelter” should be used instead of “Housing” especially in respect of Clause 15; and

- xii. There is need to step up sensitisation on this Bill and other related pieces of legislation because some of the offences like child labour are committed out of ignorance by both the victims and the perpetrators.

5.0 CONCLUSION

The Committee appreciates the overwhelming support the Bill received from all Partner States and for the commendable participation by the stakeholders. The stakeholders we interfaced with were happy with most of the clauses of the Bill, and they proposed important amendments to enrich the Bill further. The Committee hereby presents its report on the Bill and recommends that the House debates and adopts the proposed amendments attached hereto.

6.0 ACKNOWLEDGEMENTS

The Committee would like to express deep appreciation to all organs, institutions and individuals who facilitated and enabled the Committee to undertake this critical activity. Specifically the Committee acknowledges the Rt. Hon. Speaker of EALA for opportunity afforded to the Committee to carry out the Public Hearings and the Clerk of EALA for the facilitation extended to the Committee.

Further still, special thanks goes to all Ministries/State Departments for East African Affairs for coordinating this activity in their respective Partner States, line ministries for their active participation, international organizations and civil societies for their valuable inputs.

Thank you Rt. Hon. Speaker.

The Speaker: Thank you, hon. Maryam. Honourable members, the motion before the Assembly is that the East African Community Counter Trafficking in Persons Bill, 2016 be read for the second time.

Debate on the report as presented by the Chairperson, Committee Legal Rules and Privileges.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I am a member of the committee, and I took part in the public hearings. That is a disclosure that I want to make from the outset, and I support the motion.

Mr Speaker, if you look at the recommendations we got during the public hearings, they are all spot on and they addressed themselves directly to the Bill. That is a very important detail I have noted and which largely informed the amendments that are being proposed. They are all drawn from the recommendations that were brought from different Partner States because of the interaction we had with different stakeholders so this is essentially a reflection of what the population wants done by this Assembly.

For that reason, I would not have much to add regarding the substantive content of the Bill itself except for one provision which in my view is redundant and that is the proposed Article 8 of the Bill which seeks to shield the victims of human trafficking from being prosecuted for other results that are the direct consequences of the predicament that they find themselves in.

For me, that is obvious. I do not think it is something that the law needs to address itself to because for an offence to be an offence, it must have a direct relationship with the state of mind and suspect must have intentionally set out to commit a crime. Therefore, if we are saying that this is a situation where a victim finds oneself in, you know where you can constitute an offence so much as it may not cause harm if we kept it, I do not think there is need because it is redundant. It is stating the obvious. That is the only comment I wanted to make regarding the Bill.

Otherwise, Mr Speaker, it is clear, this is a problem we have across the region and our ranking is not impressive in terms of what we are doing to arrest the situation. All Partner States are making efforts but our rankings and I believe our objectives clearly show that enough has not been done to make sure that this problem is arrested. The number of victims is going up every year. In Rwanda where I come from, we have all sorts and all the elements of this crime. We are a source, we are a transit and I believe this is the situation across East Africa.

Therefore, it is a matter of urgency that we pass this Bill. We encourage cooperation, as this is a cross border crime. No country can be self-sufficient in terms of how we can address this problem. We have to work together. All enforcement agencies must work together and collaboration must be very close and constant.

Lastly, Mr Speaker, I commend the Bill in the sense that it addresses itself to what we already have at the international level; the relevant international instruments that we have on this subject. All the important aspects of those international instruments have been co-opted in this Bill so it is going to reflect the standards that are internationally acceptable.

Therefore, I want to commend everyone that participated in this exercise and I want to support the motion.

The Speaker: Thank you, hon. Martin.

Ms Nancy Abisai (Kenya): Thank you very much, Mr Speaker. First, I would like to congratulate the committee for a job well done. I think that the report and the findings in this report indicate that the public hearings were very vibrant and that the issues that came out are very reflective of what we would have wanted to discuss.

Having said that, I just wanted to address myself to one issue and that is in relation to the employment agents. I think that this Bill

has come at a very good in terms of looking at the issues that are being addressed but I feel strongly – I know that there is a recommendation to that effect and I feel strongly that it is important that the Bill is not passed without having this closed inside.

The Bill has very good provisions but the issue of employment agents is very key because this is a mechanism that many people use in the guise of thinking that they are helping people get employment but in actual sense they are recruiting people to go and let them suffer or to involve them in very serious crimes. Therefore, this is a very fundamental article, which I feel should be included in the Bill.

The second aspect...and Mr Speaker, even before I move on from that point, right now there are so many people within the Community and many organisations have complained about some of the things happening to our youth who are seeking jobs out there. So, I do not think I want to belabour the point because it is in the open and everybody knows about it. I know it has been discussed at length.

The second aspect is the issue of adoption. I do not even know whether it is important and maybe the legal minds will help me on this one. I do not know whether we should even have the interpretation of a legal adoption because we have so many foreigners who come to our countries and pretend to come and help children in the name of adoption. Adoption is a legally accepted principle everywhere and everybody accepts that adoption is good because it is helping the children but what is the right adoption and what is the wrong adoption?

If children are taken in the name of adoption, somebody comes and passes all the tests and when they want to adopt a child, they make sure that they read your laws on adoption and they come and pretend to be these very good citizens, live

in your country and after they adopt the child, they leave. Therefore, I just wanted to find out and I think the mover of the Bill would tell us whether we could have something called an illegal adoption because everybody would claim to adopt children but they are trafficking these children to other countries.

Therefore, I just thought that it is something to raise and as we look at that, we should look at what the Bill on the issues of child protection talk about in terms of adoption.

All in all, Mr Speaker, I support this Bill. I think it is a very good Bill and I support this report. Thank you.

The Speaker: Thank you, hon. Nancy.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker. First, I would like to thank the mover of this Bill and I would like to say that I am a member of the Committee on Legal, which is dealing with this Bill for this moment.

Mr Speaker, when we went for public hearings, we realised that people know this Bill or this threat. There is no need to go back to sensitise people on this because they are already aware of it. What needs to be done now is to put in place a legal framework to protect people at all levels: regional level and at country level.

We have realised that in all Partner States, this framework exists but the problem is the way it is being implemented. It is a very big challenge, we have realised that corruption is still a problem. With corruption, we cannot fight this threat. Trafficking in persons is a reality in the region. We always observe and witness different cases and we have good laws but what is missing is commitment. Since corruption is still a problem in the region, this problem will remain.

Another issue we have seen is poverty. Governments should put in place different strategies to reduce poverty and also for

employment creation so that people can have work and not expose themselves by going outside looking for a good life and also for more revenue. Therefore, there is need to create jobs, there is need to put in place a legal framework on export for labour so that even if people go out, they are protected.

Another issue we have seen is about impunity. We have always heard about the issue of trafficking in persons, and we have even heard about the victims but where are those perpetrators? In this Bill, it is provided that these people be punished by a sentence where they must be imprisoned but this is not enough. When we were doing the public hearings, it came out that a fine be added on this imprisonment.

If you look at the Bill, it is provided that Partner States take care of those victims and take charge of their basic needs when they come back. Therefore, it is like a burden to those Partner States. Now this fine will help the Partner States to reduce the burden. It will contribute to the charges.

Therefore, Mr Speaker, I support the Bill and the motion. Thank you.

The Speaker: Thank you, hon. Isabelle.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I would also like to thank the Committee on Legal Rules and Privileges for this report and I congratulate the mover of the motion, which is a very important motion. This is a very big challenge that our countries are facing today of human trafficking.

I have met so many cases of human trafficking in my life and especially the children. Children are being adopted to go to Europe mostly and they are not children when they reach there. They can be used to donate organs, they can be used for sexual abuse, and they can be used for many human degrading activities.

Therefore, I think this Bill has really come at the right time and we have to take it very seriously and make sure that it is implemented when it has passed.

Mr Speaker, I have some questions. When I look at this report of the committee, there are recommendations from the Partner States but I have not seen the recommendations from the committee itself and I wondered if whatever the Partner States have proposed as recommendations have been adopted by the committee. For example, one of the recommendations from the Republic of Uganda is that there is need to benchmark the Kenyan model of having shelters to help victims and they talked of a shelter that Kenya has in Malaysia.

I wondered on how – *(Interruption)* -

The Speaker: Hon. Dr Odette, maybe in terms of guidance, I think what the committee did, which was presented and confirmed by hon. Ngoga, was that the statements from the Partner States have been translated into amendments schedule. So, the recommendations of the committee are in the form of the amendment schedule, if I got the chairperson and hon. Ngoga right. Proceed.

Dr Nyiramilimo: Thank you, Mr Speaker. I heard that too but I looked at the amendment schedule and I could not find the amendment of all the Partner States. That is why I was wondering what we are going to do. Do we take all these recommendations as are mentioned in the report?

Anyway, for that question I was raising of the Malaysia shelter, I would like the committee to explain how it functions. If a victim is found in North Africa, will that person be transferred to Malaysia? If the person is found in Europe, how do you organise the support there?

I think we should try to prevent human trafficking and exporting of our people instead of trying to create shelters outside.

How many shelters should we create? For that, I would not support.

Regarding adoption that hon. Nancy raised, I think that a child is better educated – *(Interruption)*

Mr Ngoga: Thank you, hon. Odette. I wanted to draw an analogy that would possibly help hon. Odette to understand this concept of shelters. It is like what we have at the Isanje one-stop centre in Rwanda. It is a way to manage the situation. How do you think that these people in the interim as you are looking for maybe repatriation back home? If you can have that concept of how the Police in Rwanda deals with victims in Isanje one-stop centre, in my view it is the same concept as this shelter in Malaysia.

Dr Nyiramilimo: Thank you, hon. Ngoga. The operationalization of that shelter outside the country would be very difficult as I can understand it because if a victim is not as close as Dubai for example and has to be transported to Malaysia, I think it would be very costly for the country instead of repatriating the person in a shelter that is in the country where the counsellors might be better available and better understood within the country. I am opposing only to have it that far away from the region.

What I am alluding to about the adoption – I think that the proposal from the Republic of Rwanda that we should prohibit international adoption- I support that because I have tried to follow for some years children who have been adopted outside the continent and those children have suffered. It is very difficult to imagine that it is going to change today. I think that if children are to be adopted, they better be adopted within the country or within the region but not outside.

Thank you, Mr Speaker and I support the Bill and the motion.

Mr Abubakar Zein (Kenya): Thank you, Mr. Speaker. Allow me on the onset to say

that I stand to support the report of the committee and to support the Bill.

I choose to thank the committee for their work and to thank the mover of the motion and to say that today we have taken a step to declare to the whole world that this region of the East African Community is not going to be part of those who seek to benefit and to make profit out of human misery.

Today we declare for all those who have ears to listen or can hear the communication that we are going to criminalize those who think this is a form of making money. Very few crimes are as atrocious and as degrading as human trafficking. Human trafficking is a source of human degradation that puts a human being who is vulnerable in most cases, in a situation that they become completely helpless and beholden to those who are trafficking them.

This kind of crime targets the most vulnerable of our people. This type of crime targets people who are poor. This type of crime targets women, children and people who are in suffering. The proceeds of transportation and transfer of those who are being trafficked is a degradation process in itself.

Therefore, I would like to commend the two aspects of the Bill and the report of the committee and persuade honourable, through the Chair, hon. Odette Nyiramilimo, who is my chair, that to establish shelters is the right thing to do. It emanates from a well-articulated and accepted principle of the right to protection and the duty to protection that we, of the human race, have a duty to protect those who are suffering and those whose rights are being abused. In the intervention, the shelter is seen as a temporal measure to one, provide relief to the person who is under this crime either to begin or to continue recovery but three and more importantly, find ways and means to locate them in places of rescue and comfort and support.

Just like we do in our Partner States where we have places of shelter for those who are suffering from gender based violence, both men and women, in Kenya, I can tell you, as someone who is from Kenya, that there are certain parts of our country where men are suffering from gender based violence. Therefore, the provision of equal opportunities in shelters is something that we have embraced.

Secondly, I would like to say that when this Bill is enacted - and not "if," meaning that it finds overwhelming support in this House - the Council of Ministers will be asked to work with the Summit expeditiously for it to find assent. When it is enacted, each Partner State will need to accompany this law with education that is designed not only to counter trafficking but with education that is designed to implement the law.

Lastly Mr Speaker, allow me to say this. The worst mistake that we continue to make in our region is to treat the victims and survivors because they are both victims and survivors, as criminals. They do not belong to police cells. We should send a message to our Partner States that we should train our police so that when they find a lorry full of people who are being trafficked, the people who are being trafficked should be treated with care and kindness because they are the victims and the survivors. They should not be treated harshly - *(Interjection)* -

I am one of those who do not believe that 10 years is adequate. I will not move any amendment to make it life imprisonment but I can live with 10 years for the time being - *(Interruption)*

Ms Byamukama: The information I would like to give to hon. Zein, which he may already have, is that 10 years is really a minimum.

When you look at the Counter Trafficking in Persons Act of the Republic of Kenya, you will find that under section 3(5), "A

person who traffics another person for the purpose of exploitation commits an offence and is liable to imprisonment for a term of not less than 30 years, or to a fine of not less than 30 million shillings” – which is about \$300,000 – “or to both, and upon subsequent conviction, to imprisonment for life.”

So what we are trying to do here, and I know hon. Zein knows this, is to find some kind of harmony because you find that in some of our Partner States, the capital offence of trafficking in persons is punishable by five years and in others we have 30 years. So we are trying to find a middle ground but where it is already 30 years, then we acknowledge and celebrate this because as the law says, the punishment must fit the crime. I thank you.

Mr Zein: Mr Speaker, I accept the information and that is why I said I am not going to move any amendment.

The prayer that I was going to make is that part of the education is started at the Judiciary and we say closer to the maximum is not the maximum all the time so that it acts as a deterrent because this crime has no mercy for anyone and we should have no mercy for those who invest in the misery of those who are vulnerable.

I support the report, the amendments and the Bill. I thank you, sir.

The Speaker: Thank you.

Mr Chris Opoka-Okumu (Uganda): Thank you, Mr Speaker. Like those who have spoken before me, let me commend the mover of this Bill for having brought a timely Bill and commend the Committee on Legal for a thorough job and a job well done.

It has shown me very important sentiments throughout the region how our people view this trafficking in persons.

Mr Speaker, it is significant that we are receiving this report in Zanzibar because at one point in time, Zanzibar was the centre of trafficking in persons. At that time, while we condemn it as the slavery that took place, it was trafficking in persons for the power of their marshals, taken away from the African continent to go and do hard labour elsewhere to build cities in the New Yorks and Washingtons of this world and the Middle East and so on.

Today, the trafficking in persons is for different purposes. It is no longer trafficking in men but trafficking in the most vulnerable of our society; the women and children. It is not trafficking for them to go and do labour. It is mostly for sex and body parts. I abhor the fact that human beings can take fellow human beings to take their body parts for sale for money out of greed.

It is unique that the region throughout from the report has condemned this and we need to condemn it with one voice. From the report, you can see the risk of STDs, HIV, mental illness, trauma and that will eventually destroy our race because God has ordained that women are the vehicle through which the human race is perpetuated. So now if our women and young children – Mostly the young children they take are girls. Young girls are being taken for purposes of sex. It is a terrible thing.

Mr Speaker, at some point, with permission from the mover, personally I would need the title of this Bill to stand strong as anti-trafficking to show our very resolute sentiments to be against this very abhorrent activities in our Community.

I think all persons associated with trafficking: those who aid, those in authority who turn a blind eye should actually receive a double portion punishment because they betray their trust.

Mr Speaker, I am not a member of the committee but I support the report and the Bill. Thank you.

The Speaker: Thank you so much.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Mr Speaker for giving me this opportunity to contribute to this important motion.

First, let me declare that I am a member of the Committee on Legal Rules and Privileges and I happen to be one of the seconders of the Bill.

Mr Speaker, if there is a problem nowadays that scares people, it is trafficking in persons and you can easily find this in all the countries. Actually, the whole world is in a way affected by this phenomenon.

I think this is something we should all stand for and fight with a view to ending it. This is something we should not tolerate but it is a fight that we have seen that we can and must win.

That is why I strongly support and welcome the Bill and the report of the committee and most importantly, I thank the mover for having come up with this important Bill for the Partner States to commit to end this problem, which is affecting all our Partner States.

It is very scary and we cannot tolerate that human beings be transformed to trade-able commodities. This is something that we should really fight with our efforts so that we eradicate this phenomenon.

Mr Speaker, we hope that if this Bill is enacted into law, it will help the East African Community to show the international community that contrary to what people say about us, we are determined to protect our people because EAC as a region believe in human dignity and is striving to protect it.

Mr Speaker, let me come back to one aspect I highlighted when hon. Dora, my sister and

good friend, moved this motion. I remember we were in a plenary session in Nairobi and this is an aspect that has been highlighted by many colleagues who spoke before me; the issue of adoption.

I was likely to be the team leader of the team that was sent to Rwanda for public hearings whereby we interacted with stakeholders representing different institutions and they make a humble plea. They said, is it possible to convince people so that the international adoption is regulated?

My sister hon. Odette came back to that issue as well as hon. Nancy and all those who spoke before me. They dwelt much on this.

With regard to international adoptions, and if I may go back to the example I highlighted in that plenary in Nairobi, I was saying that when I was working in the ministry dealing with children issues, we were approached by an NGO, which came to adopt over 400 children. They said that they were coming to represent different families, meaning that if we had accepted to give them the children for adoption, they would have taken them to Europe as they were coming from Norway, and then the adopting families would have come to pick up those children from that NGO.

Mr Speaker, this is unacceptable. Later on, we learnt that such NGOs have contracts and agreements with many hospitals for their body parts to be sold to those hospitals. Mr Speaker, we should not accept or tolerate this and I sincerely thank the government of Rwanda which strongly came out and said, no we should stop international adoption.

Mr Speaker, let me allude to one of the points that were mentioned by hon. Nancy. When these children are adopted by foreigners, whenever they reach the host country, our governments- at least Rwanda has noticed that it is not so easy to get hold

of those children and to know exactly how they are being treated in the host family. Our government dealt with out embassies within different Partner States abroad and tasked the embassies to track those children and to request that the host families report to the embassies three times a year together with the adopted children for the government to be sure that the children have not been sold or trafficked.

If this mechanism can be replicated in all our Partner States, I think that our children would be easily traced and we would easily know whether they have been trafficked or not. Otherwise, these international adoptions are giving room to the traffickers to sell our children and other people.

One other thing that is contributing in a way to trafficking in persons is the recruitment agencies who are recruiting people on behalf of other people. If they are not controlled by our Partner States, we will end up seeing our people being trafficked outside without knowing.

Therefore, it is something, which needs a clear regulation, and we must put all our efforts together for us to deal with this phenomenon. Since the Council is here, I know that they will support this motion. I hope that this Bill will be assented to easily, and that once it becomes an Act, we will have gotten a clear legal framework to regulate and put an end to this phenomenon. It will be very easy for us to see how the people who have gone outside to work and the children who have been adopted are being treated.

Otherwise, as I said, I am a member of the committee, I fully support the report and the Bill, and I urge my colleagues to support it. Thank you very much.

The Speaker: Thank you, hon. Valerie.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I am not a member of the committee but I do support the report and I support the Bill.

Starting on a lighter note, from the statement of my brother hon. Zein regarding gender based violence, something crossed my mind and I wondered whether it is indeed a Kenyan preserve. I was simply wondering whether some of us have not fallen victim of the same consciously or unconsciously. If forced deprivation or exclusion is anything to go by, I am wondering whether some of us have not been victims when we come to the photo shoots with prominent East Africans where all the men are hounded out save for the Speaker – (*Laughter*).

On a serious note, I would like to say that I support this Bill and I agree with all the colleagues who have made submissions but I want to take an approach from a security dimension and perspective. You will appreciate that from a security dimension and perspective with regard to the danger and threat of the vice of terrorism where young people are targeted for among many other aspects, radicalisation.

This is an aspect we need to look at. East Africa is a region that has been targeted by terrorists manifesting themselves in different forms and taking different shapes and appeals but targeting the vulnerable members of our society.

Definitely, big money may be involved in this regard and it could be a motivation or an attraction especially when it comes to those very vulnerable young people within our setting. Therefore, the advent of this law, in my view, could not have come at a better time because we need to use all avenues of ensuring that our region is peaceful and safe and we lock out any interventions from many sections of the international system that may have undesirable effects on our society.

That is an aspect that we need to look at because vulnerability can be a basis for attraction to anything that may appear to get you out of that situation and where money is involved with young people, children,

disadvantaged and desperate people, definitely you could have a great number of members of our society falling victim of that. So, that security dimension is indeed another good justification for this kind of law on our statute books.

The second is also to do with using these unsuspecting, desperate, poor and vulnerable people for engaging them in activities that are not desirable like drug trafficking. During trafficking cartels with their big money can easily find soft ground in young, vulnerable poor people and children, getting them on board and then using them as conduits.

You have heard that on a number of occasions many of our people, especially from the African continent, are arrested in major Western and big Eastern capitals with contents that they were not aware of having just because their tickets were procured for them and they were given instructions to deliver a parcel to some place. Many of our unsuspecting people have fallen victim.

Quite a number of times many have been nabbed in Nairobi. I have been reading on a number of occasions where connecting passengers are held in major connecting airports with contents that they are not very sure of but they are simply obeying the orders and instructions of the one who has invested in them. Therefore, this law again can easily nab such activities in the bud.

Mr Speaker, I just want to say that this law is very necessary. It is indeed very timely and we need to send out clear signals that the East African region is not one of those areas that such unscrupulous members of the international system would find good ground for thriving business.

Finally, I would like the mover to help me because trafficking entails cross border undertakings so I just want to make myself clear with the issue of prostitution

especially when it comes to cross border engagement and undertakings.

You will definitely appreciate that prostitution thrives on the market forces of demand and supply but it could be cross border. So, I just want to be clear on how you would take that to be in terms of the whole notion of trafficking. Would that be outside the scope or it would be within the scope because it is an undesirable practice across our region and if this law can take care of aspects of it, I really want to interest myself in that subject as well.

Otherwise, Mr Speaker, I want to congratulate the mover and the committee for this good piece of legislation. I call upon all Members to support it in earnest so that it forms part of our Statute books and it goes on our shelves to be implemented to make East Africa a better place to live in by ensuring the welfare and safety of our people from such practices that may be undesirable for them.

I beg to support the report, and I beg to support the Bill as well. Thank you.

The Speaker: Thank you, hon. Sebalu.

Ms Susan Nakawuki (Uganda): Thank you, Mr Speaker. Allow me on the onset to declare that I am a member of the Legal Committee and I rise to support the report of the committee and the Bill.

Allow me also to appreciate the mover of this Bill, hon. Dora Byamukama and to inform this House that when we carried out the public hearings, the stories we received from the stakeholders were overwhelming.

First, I want to re-emphasise an issue, which had been re-echoed by hon. Zein. I thought I would give information but I was not able to do so on the issue of education or sensitisation; the issue of sensitising our police, the Judiciary and the East Africans themselves.

Mr Speaker, in February I was approached by a family in Kampala. They needed financial help. The traffickers who have syndicates through Kenya, on learning that in Uganda they had banned export of labour when it comes to domestic workers, decided to traffic girls through Nairobi.

The Kenyan Police arrested a full truck of Ugandan girls who were being taken to Oman. A family that approached me happened to have had their daughter in this group, which was arrested in Nairobi on their way to Oman.

When they were arrested, they were taken to police cells. This family tried to get back their daughter but they had to pay a huge sum of money because they came to me seeking for USHs 5 million that is about \$1500. Not many East Africans can afford this. They found me at a time when I was travelling and I promised them to get a way of helping them.

In June, I called the family to find out how far they had gone with their daughter and they told me up to then that the daughter was still in police custody in Nairobi. I was forced to send them \$ 1000 so that they can get their daughter out. They succeeded in July.

Therefore, these victims had now become like the perpetrators. It appears that they were being punished for having been victims. Unless we go and educate our security personnel, this kind of occurrence is going to re-occur, including the Judiciary.

I know that the Judiciary is learned but when it comes to issues of trafficking in persons, they equally need to be sensitised.

Mr Speaker, other than the Judiciary and the Police, even our East Africans; our young girls find it good when you get married to a white man regardless of their age but I will tell you that on two occasions- I am a frequent visitor of Boston, Massachusetts but I have attended two

funerals where Ugandan girls have passed away due to drowning. On these two occasions, the Ugandan community has ventured to inquire why these girls have had to drown even when they are not swimming. I learnt afterwards that their spouses who are non-Africans take life insurance on them and at the end, they kill them and they get big amounts of money from the insurance companies. Our girls do not know this. All they know is that if I have a white husband, I am doing well.

We should tell these things to our young people. They need to know this and you are the right people to do this and tell these girls that it is not just about enjoying life but your life matters.

Leaving that aside, we have learnt about the best practices and I am saying this because Council is here. The best practices that we can learn from each other. As I said earlier, in Uganda they have banned export of labour when it comes to house help. When you go on social media, you find these African girls who have been killed by their bosses simply because they are baby sitting and the child gets injured or your boss loses money and the next day you are killed and thrown in the trash. We have been reading about such cases.

I guess this is a practice that every Partner State should borrow and we stop export of labour when it comes to house help. Our brothers and sisters are not safe. A lot is lacking.

The other best practice that has been talked about here is the shelters. I would like to appreciate the Republic of Kenya because they are doing a great job. I learnt from one of our ambassadors that they received girls who had been trafficked; they run to the embassy because they needed help but the embassy was not able to give them the help they needed because they did not have a budget. What they did was to call their families to find money to buy them air tickets to repatriate them. Since the families

could not afford this, the embassy could not help them.

I am calling upon Council of Ministers to help us. When you go to Cabinet meetings, this should be an issue of discussion. Our embassies should have some money to help in such cases because if I run to you for help and then you send me back to my oppressor – Honourable ministers, we need your help on that.

My last point is on adoption. I should have brought this up during the committee but it was an oversight. The Republic of Rwanda came up with concern number 16 on page 10 when it comes to the issue of adoption but I differ when it comes to the issue of abolition of international adoption. International adoption is not entirely bad. There are some children who have been taken to these lands of opportunity and they have made it there. All we need to do...I want us to substitute the word 'abolition' to 'regulation'. We need to regulate international adoption.

In addition, in my view, the issue of adoption cannot be handled extensively in this Bill. This is trafficking in persons. This is an issue, which can be regulated by our Partner States because every Partner State has a law on adoption so I am simply calling upon Council of Ministers to make sure that our Partner State governments regulate international adoptions. Not everyone should come and take away our young children. We have to do a background search. In their countries, you cannot just come and adopt a child. They will dig up your background right from childhood to know all about you, which we do not do. So let us regulate instead of totally abolishing.

I beg to submit and support the report of the committee.

The Speaker: Thank you, hon. Susan.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Mr Speaker for giving me the floor. I will start with the

issue that has been raised simultaneously and especially by my predecessor on the floor; the issue of adoption.

We must be brave enough and there is no shame of recognising that you are unable to trace adopted children from East Africa when they reach where they are. Therefore, I differ with my predecessor about regulating. We are not able to regulate through our embassies and especially because the countries may have their own reasons to adopt children from poor countries like ours.

I will give you an example. I remember at a certain time when two young Europeans came to Darfur to pick up children served from Chad. They hired a plane and were about to board them on the plane. Over 40 children were presented as orphans being taken to Europe to study. They found that it was fake and they were involved in trafficking of children.

They were arrested in Chad and the two, a man and a woman, for drugs and the next two weeks, the children were given back to their parents. It was realised that they were not orphans although their documents showed that they were orphans. The head of state of that time declared that those people should be imprisoned in France.

There are situations in which we are unable to accept pressure and find out what happened to the children being adopted. Therefore, I totally agree with the recommendation made in the Republic of Rwanda; recommendation 15 that as long as you are unable, for the time being, to trace the whereabouts of the adopted children., we should definitely abolish this adoption until further notice when we will be able to do so.

Secondly, I think about employment, which is also used as a way of trafficking human beings. Mr Speaker, in the time of slavery, people were often kidnapped by force. Today, people are being sent with

documents; passports to go into slavery in Oman, Saudi Arabia and Arab countries with embassies. Please, let us totally stop sending people to terrible conditions of work, with no qualifications, just to be trafficked in these countries. It is an embarrassment for our countries.

Oman? Saudi Arabia? Very different mentalities and so on. With the embassies there, we can exert some pressure to make sure that they give back all the people who are living there. We must make sure that we have the statistics of our people who are there.

Hon. Susan Nakawuki touched a very emotional issue about those who get married and they face tragedies. That such a thing can happen to our people while we are watching and celebrating weddings when they are going to be drowned, please let us stop employment of house helps and adoption. I thank you very much. I support the Bill and I congratulate the mover.

The Speaker: Thank you, hon. Leonce.

Mr Twaha Taslima (Tanzania): Thank you, Mr Speaker. I would like to put it on record that I am one of the members of this committee but I would like to take this opportunity to thank the mover because this particular piece of legislation- we can say that it would have been yesterday that it was brought.

Mr Speaker, I have risen to talk about two things. One is about the major cause of human trafficking and the other one is one of the problems that can be faced by those people who are implementing whatever law can be put in place.

The first one is about why we have this problem. In the report on page six but you can even read from page five where we say, "The average number of severe forms of trafficking are very significant or is significantly increasing." This is a very alarming thing.

When you look at page six it says, "There is failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year." Let me start with the problem.

During my practice in justice dispensation, I observed that there is a big problem when it comes to giving evidence.

When there is a court case or a fact-finding mission, you will find that people are reluctant; people are not coming out readily to give evidence. They that one of the reasons for this is because those witnesses are not protected or at least there are not enough protection measures in place for them to feel free or at least to reduce the way they are afraid of the repercussions that would come their way.

Mr Speaker, looking at the report that is before us, you will find what I am saying about protecting witnesses has been discussed in Burundi and it comes as finding number four on page seven. It was discussed in Tanzania as seen on page 10 number three. IN Rwanda, which is on page nine, it is number two.

All these are talking about protection of witnesses. Therefore, I would like to take this opportunity to call upon those who will be in charge of putting in place the required laws to make sure that the protection of witnesses when they are called upon to give evidence pertaining to this particular matter is satisfactory.

The second one is the issue, which has led to this. We have pointed out a number of them but I would say that poverty is the major and biggest of all reasons that can lead to trafficking. Poverty at this time in Africa for example – while in East Africa we are trying to put up legal measures to see to it that people are not trafficked from within to go outside, we are witnessing what is happening right now in Northern and Western parts of Africa where we find that people are now trying to flock into the

European countries by force, thereby forcing all those European countries to refuse them.

You will find that almost 70 per cent are there because of poverty and there is no way that the Europeans are going to do it except in Germany, France, England that have tasked the EU to settle down to look into how they can accommodate these people. These people are already there and it is primarily because of poverty.

If we continue this way, the way we are going on with our economies we cannot help this. It is going to be a very difficult job so I am calling upon our governments in the Partner States to try as much as possible to raise the standards of our economies so that people find no reason to go away from their homes and people find no reason to be in that game. This is a game where a person is ready to give out his child; a neighbour could give out his neighbour and things like that.

I am calling upon our governments to look into this very seriously. Otherwise, it is going to be a difficult job. Thank you, Mr Speaker.

The Speaker: Thank you, hon. Taslima.

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker. I would like to join my colleagues to thank the mover, hon. Dora for moving this important Bill in the Assembly and several resolutions in the past in relation to the subject.

I would also like to support the report of the committee and thank hon. Maryam for a well-presented report.

Mr Speaker, on Thursday as we left this room after hon. Dora had requested to read this Bill for the second time, I got a WhatsApp message which is general of a Rwandese young lady who was trafficked to one of those countries. She was narrating the ordeal she went through for two years

until she managed to return to Kigali after escaping.

The number of months she was hiding in different places trying to run away and yet when she was there, she had gone through hell, forced into sexual harassment and having to obey otherwise she would have been killed.

She narrated how she left with another young girl, being promised employment by a person from Uganda telling them that they were going to Uganda and instead when they boarded a plane, they ended up in one of the Arab countries. In a way, she was clever enough and very courageous. She stole some money from one of the clients and managed to escape without a passport and without knowing the language. She managed to reach our embassy in Istanbul, Turkey who helped her to return home.

This is a live testimony of somebody people know who managed to narrate what she went through. The situation is real and it is important that we deal with this matter once and for all – (*Interruption*) -

The Speaker: Hon. Patricia, I am sorry for the interruption. Sergeant-at-Arms, please make sure that the temperature is regulated to make Members comfortable in the Chambers. Twenty-five is ideal. Proceed.

Ms Hajabakiga: Mr Speaker, when I was listening to the report, we are benchmarking our work to the US mechanism established by the US department. With this Bill in place, we would be able to benchmark ourselves on what is really happening in our region. I think it is critical that we move and have this law in place and I believe that the head of state will fast track and help us assent to this Bill.

I see that all stakeholders in all the Partner States have supported it. It is an important Bill; it is a critical step that we need to take as a region to make sure that this vice is fought.

Mr Speaker, while I was going through the Bill, which probably I will come later on when we come to the actual interaction with the Bill, I did not see under preventive measures, aspects to do with education. It has looked at the legal aspects, which are very critical but under the preventive measures, we need to come forward and indicate how we are going to educate the population on the issue of trafficking in persons so that they are aware of the problem, so that they are also aware that there is a Bill, which protects them and that is where they can go in case they find themselves in such a situation.

I will try to see how we can move amendments to that effect.

Mr Speaker and honourable members, I want to support the Bill. Thank you.

The Speaker: Thank you.

Ms Unsure Tiperu (Uganda): Thank you very much, Mr Speaker. Let me, on the onset, use this opportunity to thank the Almighty God for giving us life that today we sit in this chamber, a new chamber compared to the other chamber that we sat in the first time we came to Zanzibar.

Mr Speaker, allow me to congratulate you in a special way for hosting the President of Zanzibar, President Ali Mohamed Shein and I want to say that this is no mean achievement. It is not easy for a head of state to leave his duties and give time to an Assembly. The fact that he was here is a sign that he gives due cognisance to you as a person and to the Members as East Africans and for that matter, I want to thank him and thank the people of Zanzibar for the kind of leader that they have.

Mr Speaker, we were received from the airport by the Deputy Speaker, Madam Mugeni Hassan Juma. I was very proud because this is the daughter of one of our own colleagues, hon. Mama Septuu and I saw her 10 years ago while working for women. She has been a champion of

women issues in East Africa so having her as the Deputy Speaker and receiving us was a sign that the House of Representatives in Zanzibar had prepared to give us the due attention that we wanted to receive.

Let me also use this opportunity to thank my sister hon. Ussi with full support of the members of Tanzania chapter for endearing it upon us that we come to Zanzibar. You made it possible but they had to put in the request.

Mr Speaker, I bring greetings from Uganda the pearl of Africa and I must say that every time we are in Zanzibar we feel happy. Zanzibar is a tourist attraction and makes East Africa unique. When you talk about the stone town, which has been recognised by the United Nations, this stone town being found in one of the oldest cities in East Africa, makes us proud as a people of East Africa and it makes us happy to be here in the spice island.

With those remarks, allow me to go into the Bill and to say that I want to support this Bill with all the recommendations and I want to congratulate my sister, hon. Dora Byamukama for introducing this Bill and to say that this is a noble cause.

The question of trafficking in persons is a hidden crime. It is an abhorrent crime it knows no boundaries. We have it in East Africa, the United Kingdom and other countries complain of the same.

By having this Bill, we are sending a message to the world that it is high time that those who have been abusing our children, taking them as sex slaves, turning them into pickpockets in the different cities of the world. Our children have been taken for domestic labour, they have been used for prostitution, and they have been used as experiments. We have cases whereby some girls have been turned to have sex with dogs. We have had cases of people doing the business of bringing children from different parts of the world and taking them

to cities and turning them into street children or beggars. Africa being the most vulnerable and East Africa in a worst state indicates that as an Assembly, we ought to do something.

My colleague, hon. Susan Nakawuki had already talked about cases of murder. Our embassies are jammed with complaints from our nationals. Many of the girls taken have their passports confiscated and they end up on the streets as prostitutes because it is the only way they can survive.

Mr Speaker, I support this Bill because it talks about punishment of offenders, it puts in place mechanisms to handle victims and it talks about cooperation with other partners.

It is important that as East Africans – I am glad that the Front Bench is full and that the Council will take this matter very seriously so that as EAC we pull together resources to handle this menace.

Mr Speaker, this also calls for increased intelligence among our Partner States to track these offenders. It is also a warning to migration officials who have been part of those making the documents to facilitate this trade.

This calls for coordination of our security agencies and ensuring that offenders are properly prosecuted. We have some of the laws that handle issues of sexual offence among others but the problem is enforcement and the abuse of enforcement has made the crime to be aggravated.

Mr Speaker, without wasting much time, I wanted to say that the message to all our Partner States is that our embassies need to be properly facilitated. The biggest challenge that our ambassadors face is lack of facilitation to handle cases of those who come to them to report issues of abuse.

Often times because of lack of resources, the matter is neglected and the offenders end up being killed.

I am also glad that in the Bill we are talking about a mechanism to see that a home is provided for the victims of such offences. Many end up without being helped because often times those who would have wanted to give help do not know where exactly they can take such an offender.

With those remarks, I wish to conclude and say once again that hon. Isabelle you have done a noble cause. This matter is pertinent in the hearts of mothers. Our generation is being depleted and taken over. The future of East Africa is at stake and this Bill needs to be handled as a matter of urgency. *Asanteni sana.*

The Speaker: Thank you.

Ms Agnes Mumbi Ng'aru (Kenya): Thank you, Mr Speaker. From the onset, I would like to thank the over, hon. Dora. Hon. Dora, you know that you are my sister and I come from a Partner State that is your neighbour.

For the last three years, our national television has had stories of families appealing because their daughters have lost their lives in foreign countries especially Middle East countries.

One of the candidates is actually from my county in Kiambu. When he went to console them, I mentioned about your Bill and they said, "I wish she was Kenyan." I promised them that I would adopt you to be my sister.

I stand to support this motion and the report wholeheartedly. From what I can read from the report, even the stakeholders who participated in this report carried our pain. It does not matter whether they are in tier one or two or three. They carried our pain and said everything that I would have wanted to say.

I am not a member of that committee but I hope that the committee also has the bit of the responsibility that Partner States should take to address these issues. I am glad that

a colleague of mine, hon. Taslima, talked about poverty.

Allow me, Mr Speaker, to add another two or three hoping and praying that the Council of Ministers will allow us to speak to the problems that contribute to this. It is in their docket that even when we condemn the traffickers, they know that we are taking it upon ourselves to address the ... of those that could end up in this agenda.

Hon. Patricia, my sister, also talked about education and sensitisation. I can tell you that the poorest of the poor would not want to go through what we are watching on our televisions and the horrible stories and experiences we get first hand. As Partner States, can we address the issues of governance, issues of corruption in our countries that reduce us to beggars? Poverty in our countries is not just a creation of nature. We are responsible.

As leaders and governments, we have something to do with it. If the corruption that is talked about in all the Partner States could be reduced to below five per cent, every family, every child would not want to go and seek opportunities outside East Africa. Girls would not go for prostitution.

I do not know. I happen to have been in a field where you talk to them directly. It is not funny. They beg that anybody can get them out of the poverty that they find themselves in. If our governments, if our people, if we as Members of EALA would really stand in front of mirrors and talk to the poverty that is in our country, we would have the courage to address it. It may not be my sister or brother but that mother to receive the body of her daughter because she went to work as a house help in another country, I would feel like I am not useful to her in this Assembly if I talked about such things.

What about insecurity in our own countries? This week there was the issue of parents receiving the Chibok girls that were

taken by Boko Haram in Nigeria. In our own countries in the different Partner States, we have insecurities that have created situations that make it almost vulnerable for people to run away and some of them get taken like somebody was saying that they are packed in a vehicle, maybe it is stopped by a Police road block and they are – You know, all those experiences are documented in our countries.

We must take responsibility of those insecurities created by our own selves and our governments, our own people so that we are able to point a finger at one person but also take responsibility that we do not create that situation through bad governance.

We know, even without speaking about Partner States, that deep inside our hearts, we know that there are Partner States that are highly insecure with situations that make girls want to flee to be able to settle and make a living in a different country.

Mr Speaker, can we also address our value systems? We have lost it. I stand as a parent but the idea that a girl of 13-15 years looks at the grandma with the girls outside there and can choose to talk to herself through little lies and some incentive to work and get into prostitution- As human beings in East Africa, we need to re-understand and re-evaluate our value systems so that we are able to face our children and tell them to their face that it is good to be poor with dignity.

There is also something good that you can learn by being patient as the country loses itself from poverty. Most of us here are probably...I do not know but I say it without any fear of contradiction- came from very poor backgrounds but we were born in systems that were put in us by our poor parents that did not make us look like prostitution is another alternative. No. So, as parents we need to address our value systems so that by the time we make the

laws, we have very few people to run around trying to sort themselves out.

It is not just about human trafficking. It is also about drug trafficking and prostitution and harvesting of human organs. For me it is about value systems that you can traffic somebody. Some of them are just dying in the process of harvesting. Therefore, I think we need a defunct understanding and this will have to start from the top; from the governments, from the heads of state, from the seats where we sit, from ourselves as we go down so that we are able to speak to them in the language that relates to us.

I beg to support this motion with all my heart. Thank you.

The Speaker: Thank you, hon. Mumbi.

Mr Adam Omar Kimbisa (Tanzania): Mr Speaker, I thank you for giving me the floor.

To me, human trafficking, no matter how we sugar-coat it, is still modern slavery. This continent has been a playground, the foreigners have been playing from time immemorial, and our people have been playing gadgets.

Indeed, we witnessed both the East African slave trade and the trans-Atlantic slave trade. These routes took the able-bodied people from our continent and these able-bodied Africans created wealth somewhere else, especially in Europe and America. Therefore, in one way or the other, we were made to work because those people who could work were taken out of the continent.

Those days Africa was vulnerable, I could say. I can understand by the time because our people were disorganised. I can understand that our people had no arms and ammunition because they were very weak. I can understand because there were many tribal wars. I can understand that our people had no education and therefore they were ignorant. I can understand that at that time, these things could happen. We even did not

know where our people were going and what they were going to do. Therefore, we were in a position to excuse our great grandfathers but we cannot excuse and we can condemn the foreigners who did that in that material time and we can still condemn those who do it today.

Mr Speaker, here we are today. We are independent nation states. We have educated nations, we have ultra-modern armies and ammunition but we still allow this crime to continue unabated.

Mr Speaker, what is wrong with Africa? There must be something fundamentally wrong. Africa today, like before – There is a clever way in which people are continuing to loot and plunder in terms of minerals, oil and gas, raw materials and now, human trafficking and brain drain.

Mr Speaker, how will we stop it? To me the following are the underlying causes and human trafficking is a symptomatic condition but there are fundamental underlying causes which make these things happen.

One, Africa should stop unnecessary wars between and among states. Africa should fundamentally eradicate poverty. Africa should create wealth. Africa should educate our people, create employment and of course stop corruption.

There is something, which is perturbing me. If we cannot do what I have said, if we cannot stop corruption, if we cannot eradicate poverty, can't we even put the laws to punish the perpetrators? We cannot even do this. If we are failing to do the rest, which are the causes, can't we even put the laws to prevent this? I think we have to push hard.

Mr Speaker, we cannot continue, we cannot accept the symptomatic conditions to prevail and we cannot accept the underlying causes to continue.

I therefore support because I believe that this motion is a noble one. Thank you, Mr Speaker.

The Speaker: Thank you so much. Honourable members, I know that there are many Members who want to debate this motion but I think we have had a fair touch on it. I would like us to conclude this Bill today if time permits.

There are certain clarifications, which have been raised to the mover. I know that we are debating the report of the committee. In a way of a light response, hon. Dora if you can respond. I think hon. Sebalu had raised some clarification and a few other things to lighten the role of the acting chair.

Ms Dora Byamukama (Uganda): Mr Speaker, I would like to thank you for this opportunity. Permit me also to thank the Council of Ministers, the Ministries of East African Affairs, which facilitated this committee to do its work and to thank all the Members who have contributed and those who have listened. I have taken a register and have about 21 so you will permit me to thank you most humbly. I am grateful.

This is not about me. It is about a cause that is in our midst. It is about a cause that we all know about because Mr Speaker, as each person made a contribution each one had a story to tell. So, this is a practical reality. It is a cross border crime, which is prohibited by the Treaty, and I want to thank the Office of the Counsel to the Community who gave me a lot of support as well as the Office of the Legislative Draftsman Mr Kamugisha in person, who also gave many help to the committee. I also thank all the Members who have supported this Bill and given constructive critique, which will help enrich the Bill.

Let me say from the offset that this Bill is premised on several legal instruments. The first one is the Protocol to Prevent, Suppress and Punish Trafficking in Persons

especially women and children supplementing the United Nations Convention against transnational organised crime to which all the EAC countries are signatories.

As such, there are certain terminologies, which are used in this protocol, which we cannot avoid. For example, this protocol refers to appropriate housing so now we cannot adopt any other terminology in the Bill whereas this is what the protocol says. So I hope that this will allay the fears because this is already agreed to by the Partner States.

Mr Speaker, hon. Sebalu asked about the issue of prostitution. When you look at Article 3 of the protocol, you will find that it says, *“Exploitation shall include, at a minimum, the exploitation of the 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.”* This is at a minimum, which means for example when you got to the Republic of Uganda, which has a Prevention of Trafficking in Persons law which was enacted in 2009, you will find that it also includes human sacrifice because this is what is happening in the Partner State.

You could also find that in other places, you will find for example even the issue of using albinos to exploit them and hold them as slaves. Therefore, the issue of prostitution, I would like to say, is really one of the major reasons why people are trafficked and the major form of exploitation.

Mr Speaker, let me just use one example of the social media. The social media is very good, it has advanced us and at the same time, it opposes very serious challenges to the youth because the youth have a lot of access to the social media and a lot of interaction is happening there. Some people are shopping for brides, others are shopping

for girlfriends, others are shopping for all manner of association and you will find that through this interaction, people get convinced that if they are invited for example to Germany or any other country like Saudi Arabia, that they will have a better life. Therefore, you find that social media has also increased and heightened this issue of trafficking in persons.

In our culture, hon. Mumbi was mentioning this and I would like to be adopted, it says very clearly that before you get married, you ask. Why do you ask? Because you want to find out, are those people night dancers? Are they cannibals? Now it comes at age where the value system is such that it depends on how deep the pocket is or where that person is geographically located.

Hon. Susan Nakawuki made it very clear. Mr Speaker, let me not go on because this is something, which we all understand, and we all appreciate.

So in effect, I would like to inform hon. Sebalu that prostitution is at the head of it, and that is why women and children are specifically mentioned. I also want to add that young able-bodied men are being trafficked. In our committee report, we shared a story and one of the people who came to meet us shared it. He said, "Now trafficking was done in the earlier times by using ships. Now it is being done by using planes." You see happy young men wearing similar colour of t-shirts, they are all anxious to get out of the country, and they do not know where they are going. Sooner than later their passports will be taken away from them and the promises will, fade and they have nowhere to run.

That is why we are saying for example; if Kenya has a shelter, can all the East Africans use this shelter? Because sooner than later, we are going to have an international e-passport for the EAC. If we use this passport as East African citizens, how are we going to make sure that our

citizens are able to access help when they need it?

Mr Speaker, I could go on but allow me to stop here.

I also remember very clearly that hon. Nancy brought up the issue of adoption and others brought up the issue of labour export and labour agencies but I want to say that the issue of export of labour is a new phenomenon, which we need to look at squarely.

I know that the Republic of Uganda has stopped, momentarily, the export of housemaids until we are clear about this issue: where are they going? What are they going to do? How can we track them?

This is because so many families have received their children back in coffins. It is very sad.

The Republic of Rwanda has done the extreme of saying the extreme of saying no adoption for a reason and we respect that. Obviously, we cannot impose it on other Partner States. We are constrained at the EAC level but these are lessons we should learn from each other and adopt as best practices.

So, we are not saying, does not export labour. We are saying, if you are going to export labour, how is it going to be done legally? How will you rack these citizens to ensure that they are going to do the kind of labour that respects their human rights? This is what we are saying.

On the issue of adoption, we are saying the same thing.

Therefore, Mr Speaker, I want to say that this is the beginning. It may not be the best law under the sun but for us here in the EAC, it will serve as a model which can always be improved so that Partner States which have laws like the Republic of Tanzania which enacted the law in 2008 may now actually revise their own law so

that the punishment is higher because if you traffic a person and the person dies, really at the end of the day it should be a life sentence.

Therefore, I just wanted to say this and encourage the Members that –
(*Interruption*)

Mr Ndarubagiye: Thank you very much. I forgot to inform you that normally, the return of money is ... to the situation of our East African Community. Failure of information. 30-40 per cent of the population speak Kiswahili. Therefore, I am sure that Tanzania is an influence in that country and can help a lot to get statistics and better conditions for people who are already there. Thank you.

The Speaker: Thank you. Hon. Dora, conclude.

Ms Byamukama: In conclusion, hon. Patricia made a very important point of data and statistics. Right now, the USAID department is the one, which is categorising countries in different tiers, but when we set our own system in place, we will be able to give proper statistics and be able to follow through with these statistics.

Therefore Mr Speaker, with these few comments I want to thank again each and every Member and to thank your office from the bottom of my heart for giving us space and for supporting this particular Bill. I thank you, Mr Speaker.

The Speaker: Thank you. May I invite the chairperson? I guess hon. Dora has made your work lighter.

Ms Ussi: Thank you very much, r Speaker. Let me take this opportunity to thank our Chair, hon. Peter Mathuki for giving me this opportunity to chair on his behalf today.

Let me also thank the mover of this Bill, hon. Dora for bringing this Bill, which is very timely. In Zanzibar, we have abolished

slavery since 1964 but it seems that there are some entities who try to put modern day slavery behind the back door so I thank hon. Dora for bringing this Bill.

Mr Speaker, many issues raised by the Members are key and fundamental but hon. Dora the mover has identified many of them and cleared them up.

Being a member of this committee I would not like to add anything to this report but some of the issues that are not covered in the explanation will obviously be covered in the schedule of amendment so let me take this opportunity to thank all the Members who contributed: hon. Ngoga, hon. Nancy Abisai, hon. Isabelle, hon. Dr Odette, hon. Zein, hon. Dora the mover, hon. Opoka, hon. Valerie, hon. Sebalu, hon. Susan, hon. Leonce, hon. Taslima, hon. Patricia, hon. Tiperu, hon. Mumbi and hon. Kimbisa.

Mr Speaker, I support the motion.

The Speaker: Thank you so much, hon. Maryam Ussi, Chair, Legal Rules and Privileges.

Honourable members, the motion before this House is that the East African Community Counter Trafficking in Persons Bill, 2016 be read for the second time.

I now put the question that the East African Community Counter Trafficking in Persons Bill, 2016 be read for the Second Time.

(Question put and agreed to.)

(The East African Community Counter Trafficking in Persons Bill, 2016 read a Second Time)

THE ASSEMBLY IN COMMITTEE

(The Chairperson, Mr. Dan Kidega, in the Chair)

BILLS

COMMITTEE STAGE

The East African Community Counter Trafficking In Persons Bill, 2016.

The Chairman: Honourable members, before I start proposing the clauses, you should be aware that this is the stage at which, if you have any amendments, you propose them and the discussion will be between the mover and you.

Clause 1

The Chairman: Honourable members, the proposal is that Clause 1 be part of the Bill.

(Question proposed)

Mr Chris Opoka-Okumu (Uganda): Thank you, Mr Chairman. I already sent my proposed amendment to Clause 1. Instead of having it as “*The East African Community Counter Trafficking in Persons*”, it should read “*The East African Community Anti-Trafficking in Persons Act.*” Thank you.

The Chairman: Okay. The proposal from hon. Chris Opoka is to change from “counter” to “anti”. Is it seconded? Hon. Ussi and all the Members standing.

Honourable members, hon. Chris Opoka has moved an amendment to Clause 1 that instead of reading it as “counter”, it changes to “anti”. Debate is open on the motion. Please you can justify briefly and we put the question.

Mr Opoka-Okumu: Mr Chairman, the reason, as I stated earlier, is to give it a punch. The word “anti” would show the degree of attempt. So, “counter” is good but “anti” will show that we are against it. Thank you.

The Chairman: Thank you, hon. Chris. Honourable members, do you want to debate it?

Mr Leonce Ndarubagiye (Burundi): I just wanted to support what he said. “Anti” is opposed to. “Counter” means that the force can be total, average or small but

countering something is stronger. Thank you.

The Chairman: Thank you. The proposal by hon. Chris is to change the word “counter” to “anti”. Hon. Dora, the mover.

Ms Byamukama: Mr Chairman, I accept the proposal by hon. Chris Opoka and I agree that when you use “anti” it is stronger. When you use “counter”, it is just at a practical level you are countering so I accept that you put a vote on that. I thank you.

The Chairman: Thank you so much. I put the question on the amendment moved by hon. Chris Opoka.

(Question put and agreed to.)

The Chairman: I now put the question on Clause 1 as amended to be part of the Bill.

(Question put and agreed to.)

Clause 2

The Chairman: Honourable members, the proposal is that Clause 2 be part of the Bill. I think there is an amendment from the committee chairperson.

Ms Ussi: Thank you, Chair. I propose Clause 2 to be amended_

- (a) By replacing the word “this Treaty” appearing in the definition of the Assembly and cooperation with the words “the Treaty”;
- (b) By inserting in their proper alphabetical order, the following new definitions: “Gender” means the roles, duties and responsibilities that are culturally and socially ascribed to women and men, girls and boys. The word “Treaty” means the Treaty for the establishment of East African Community.

“Vulnerable groups” means population group which because of having the least access to public, economic and other resources or because of their sex, physical ability, migrant status or age are the least capable of maintaining subsistence and easily fall prey to violation to their human rights. “Person with disability” means person who has long-term physical, mental, intellectual, developmental and sensory impairments which interactions with various barriers may hinder their full and effective participation in society on an equal basis with others.

The justification is to enhance clarity.

The Chairman: Seconders for the amendment as moved by the Chair of the committee? Hon. Taslima and hon. Pareno. Thank you. I think the justification has already been read. Hon. Dora?

Ms Byamukama: I accept the amendments, Mr Chairman.

The Chairman: Honourable members, I put the question on the amendment on Clause 2 as moved by the Chair.

(Question put and agreed to.)

The Chairman: I now put the question on Clause 2 as amended to be part of the Bill.

(Question put and agreed to.)

Clause 3

The Chairman: Honourable members, the proposal is that Clause 3 be part of the Bill. I now put the question that Clause 3 be part of the Bill.

(Question put and agreed to.)

Clause 4

The Chairman: Honourable members, the proposal is that Clause 4 be part of the Bill.

Ms Ussi: Mr Chairman, I propose to amend Clause 4(1) (a) which is amended by deleting the word “another” appearing before the word “or harbour”. The justification is the word is unnecessary.

The Chairman: Secunder? Hon. Ngoga, hon. Valerie, hon. Taslima and all the Members standing. Hon. Dora.

Ms Byamukama: I accept, Mr Chairman.

The Chairman: Honourable members, I put a question on the amendment as moved by honourable chair.

(Question put and agreed to.)

The Chairman: I now put the question on Clause 4, as amended, to be part of the Bill.

(Question put and agreed to.)

Clause 5

The Chairman: Honourable members, the proposal is that Clause 5 be part of the Bill. I now put the question that Clause 5 be part of the Bill.

(Question put and agreed to.)

Clause 6

The Chairman: Honourable members, the proposal is that Clause 6 be part of the Bill. I now put the question that Clause 6 be part of the Bill.

(Question put and agreed to.)

Clause 7

The Chairman: Honourable members, the proposal is that Clause 7 be part of the Bill. I now put the question that Clause 7 be part of the Bill.

(Question put and agreed to.)

Clause 8

The Chairman: Honourable members, the proposal is that Clause 8 be part of the Bill.

Ms Ussi: Mr Chairman, I propose an amendment on Clause 8. Clause 8 of the Bill is replaced with the following new clause: “Where a person provides evidence that he or she is a victim, that person shall not be liable to prosecution for any offence that is a direct result of the offence of trafficking in persons committed against him or her.”

The justification is providing immunity against immigration and penal laws should be left to the relevant law in the Partner State.

Ms Byamukama: I concede, Mr Chairman.

The Chairman: Honourable members, I would like to put the question on the amendment as moved by the Chair of the committee.

(Question put and agreed to.)

The Chairman: I now put the question on Clause 8 as amended to be part of the Bill.

(Question put and agreed to.)

Clause 9

The Chairman: Honourable members, the proposal is that Clause 9 be part of the Bill. I now put the question that Clause 9 be part of the Bill.

(Question put and agreed to.)

Clause 10

The Chairman: Honourable members, the proposal is that Clause 10 be part of the Bill. I now put the question that Clause 10 be part of the Bill.

(Question put and agreed to.)

Clause 11

The Chairman: Honourable members, the proposal is that Clause 11 be part of the Bill.

Ms Ussi: Mr Chairman, I propose an amendment on Clause 11. Clause 11(3) of the Bill is amended by adding the following new paragraph after paragraph (f) and this will be paragraph (g). “Any other relevant training relating to the counter trafficking in persons.”

The justification is for clarity and best practice.

The Chairman: Seconders? Hon. Taslima.

Ms Byamukama: I concede.

The Chairman: Thank you. Hon. Taslima before I put the question.

Mr Taslima: Mr Chairman, on 11(1), the second line where you find the words “with each other”: “the law enforcement, immigration and other relevant authorities of the Partner States shall cooperate with one another rather than with each other.” It makes better reading.

The Chairman: I get where you are coming from but let us first dispose of this amendment then you bring that before we adopt the clause as amended.

I put the question on the amendment as moved by the chairperson.

(Question put and agreed to.)

The Chairman: Now you can move your amendment.

Mr Taslima: Thank you, Mr Speaker. I would like to suggest an amendment to remove the words “each other” in 11(1) where it is said, “shall cooperate with each other” and instead we say, “Shall cooperate with one another.” This makes for better reading.

The Chairman: Secunder? Hon. Martin. Hon. Dora?

Ms Byamukama: Mr Chairman, I have a problem because cooperating with one another is usually used when you are talking about people or individuals but when you are talking about authorities, I think the proper words would be 'with each other'. I would like to implore my brother to leave it as is.

The Chairman: Hon. Taslima.

Mr Taslima: I am afraid I have to differ with my sister. "Each other" is normally used when you are talking about two sides but "one another" means many sides and they should not necessarily be human beings. This is what I know.

Mr Ogle: Mr Chairman, I think if the idea that that amendment is seeking is to make it appear like it was beyond another entity, he has not succeeded in doing that. The point is that it should remain as it is because it makes more sense and it connotes that you are dealing with entities rather than individuals. I think it should stay that way. "One another" does not really make a lot of sense in proper English. Thank you.

The Chairman: Hon. Taslima, are you convinced?

Mr Taslima: Mr Chairman, I am convinced and I am withdrawing my amendment.

The Chairman: Thank you so much. I now put the question to Clause 11 as amended to be part of the Bill.

(Question put and agreed to.)

Clause 12

The Chairman: Honourable members, the proposal is that Clause 12 be part of the Bill. I now put the question that Clause 12 be part of the Bill.

(Question put and agreed to.)

Clause 13

The Chairman: Honourable members, the proposal is that Clause 13 be part of the Bill. Honourable members, we are supposed to be voting. I now put the question that Clause 13 be part of the Bill.

(Question put and agreed to.)

Clause 14

The Chairman: Honourable members, the proposal is that Clause 14 be part of the Bill. I now put the question that Clause 14 be part of the Bill.

(Question put and agreed to.)

Clause 15

The Chairman: Honourable members, the proposal is that Clause 15 be part of the Bill. I now put the question that Clause 15 be part of the Bill.

(Question put and agreed to.)

Clause 16

The Chairman: Honourable members, the proposal is that Clause 16 be part of the Bill. I now put the question that Clause 16 be part of the Bill.

(Question put and agreed to.)

Clause 17

The Chairman: Honourable members, the proposal is that Clause 17 be part of the Bill.

Ms Ussi: Mr Chairman, I would like to propose an amendment on Clause 17(2), which is amended by deleting the words "and shall preferable be voluntary" appearing at the end of the sub-clause. The justification is to provide certainty and predictability in the law.

The Chairman: Secunder? Hon. Kalinda, hon. Susan, hon. Pareno.

Ms Byamukama: I concede, Mr Chairman.

The Chairman: Thank you. Honourable members, I put the question to the amendment moved by the chairperson.

(Question put and agreed to.)

The Chairman: I now put the question that Clause 17 as amended to be part of the Bill.

(Question put and agreed to.)

Clause 18

The Chairman: Honourable members, the proposal is that Clause 18 be part of the Bill. I now put the question that Clause 18 be part of the Bill.

(Question put and agreed to.)

Clause 19

The Chairman: Honourable members, the proposal is that Clause 19 be part of the Bill. I now put the question that Clause 19 be part of the Bill.

(Question put and agreed to.)

Clause 20

The Chairman: Honourable members, the proposal is that Clause 20 be part of the Bill. I now put the question that Clause 20 be part of the Bill.

(Question put and agreed to.)

Clause 21

The Chairman: Honourable members, the proposal is that Clause 21 be part of the Bill. I now put the question that Clause 21 be part of the Bill.

(Question put and agreed to.)

Clause 22

The Chairman: Honourable members, the proposal is that Clause 22 be part of the Bill. I now put the question that Clause 22 be part of the Bill.

(Question put and agreed to.)

The Chairman: Honourable members, there are new clauses that are supposed to be inserted, and for the purposes of our records, we will call the chairperson to read them and they shall be read for the first time. The Clerk shall read them and the clauses will be deemed to have been read for the First Time.

ACTS THAT PROMOTE CHILD TRAFFICKING READ FOR THE FIRST TIME

The Chairman: I now put the question that the amendment be read for the second time.

(Question put and agreed to.)

INSERTION UNDER CLAUSE 4: PROMOTION OF TRAFFICKING IN PERSONS READ FOR THE FIRST TIME

The Chairman: I now put the question that the new insertion: promotion of trafficking in persons be read for the second time.

(Question put and agreed to.)

NEW CLAUSE UNDER CLAUSE 4: ACQUISITION OF TRAVEL DOCUMENTS BY FRAUD AND MISREPRESENTATION READ FOR THE FIRST TIME

The Chairman: I now put the question that a new insertion under (4) – *(Interjection)* -

Mr Zein: Chair, the Clerk read something that is not in our schedule of amendments. Instead of “and” in our amendment, there is “or”.

The Chairman: I beg your pardon.

Mr Zein: Chair, “acquisition of travel documents by fraud or...” and not “and” misrepresentation. The Clerk read “and” instead of “or”.

The Chairman: Okay, I beg your pardon. “Acquisition of travel documents by fraud or misrepresentation” be read for the Second Time. I put the question.

(Question put and agreed to.)

The Chairman: Honourable members, I would like to put the question that the new insertions as moved by the Chair under Clause 4 be part of the Bill.

(Question put and agreed to.)

THE MEMORANDUM

Ms Byamukama: Mr Chairman, on the memorandum I have an amendment to my own and this is in respect to (b). Under (b), the reference is to Article 7(3) of the Common Market Protocol and not the Treaty.

The Chairman: Taken note. Seconded to the amendment as moved? Hon. Chris and hon. Pareno. Thank you.

I now put the question to the amendment as moved by hon. Dora to the memorandum.

(Question put and agreed to.)

The Chairman: I now put the question on the memorandum as amended to be part of the Bill.

(Question put and agreed to.)

THE TITLE

The Chairman: I now put the question that the Title be part of the Bill.

Mr Opoka-Okumu: Mr Chairman, when we were dealing with Clause 1, I had proposed that the Title should change. It is consequential and the Title should change from the East African Counter Trafficking to the East African Anti-Trafficking in Persons Bill.

The Chairman: Hon. Chris, the amendment already carried the day so it is consequentially carried. Thank you.

I now put the question that the Title, as amended, be part of the Bill.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

Ms Byamukama: I beg to move that the Assembly do now resume and that the Committee do report thereto.

The Chairman: Thank you. Honourable members, the motion before the House is that this House has duly considered the Bill and do resume and report to it. I put the question.

(Question put and agreed to.)

(The Assembly resumed, the Speaker presiding)

BILLS

REPORT STAGE

The East African Community Anti-Trafficking In Persons Act, 2016

Ms. Byamukama: Mr Speaker, I beg to report that the Committee of the Whole House has considered the “The East African Community Anti-Trafficking in Persons Bill, 2016” and has approved it with amendments.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

Ms Byamukama: Mr Speaker, I beg to move that the report of the Committee of whole House be adopted.

The Speaker: Honourable Members, I now put the question that the report of the whole House be adopted.

(Question put and agreed to.)

BILLS

THIRD READING

The East African Community Anti-Trafficking In Persons Act, 2016

Ms Byamukama: Mr Speaker, I beg to move that the Bill entitled, “The East

African Community Anti-Trafficking in Persons Bill, 2016” be read for the Third Time and do pass. I beg to move.

The Speaker: Honourable members, the motion before this House is that “The East African Community Anti-Trafficking in Persons Bill, 2016”, as amended, be read for the Third Time and do pass.

Ms. Ussi Yahya: Seconded

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED THE EAST AFRICAN COMMUNITY ANTI-TRAFFICKING IN PERSONS ACT, 2016

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE PREVENTION OF TRAFFICKING IN PERSONS, PROSECUTION OF TRAFFICKERS, PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS AND OTHER RELATED MATTERS

The Speaker: This House has duly considered and passed “The East African Community Anti-Trafficking in Persons Bill, 2016”. I congratulate you. *(Applause)*

In a very special way, I would like to congratulate hon. Dora who moved this Bill and introduced it to this House. I congratulate you for work well done. This is a very organic law because it deals with a serious problem that our Community is facing.

I would also, on a special note, like to congratulate the acting Chair, hon. Maryam and the entire committee. You are in the annals of our history to have moved this Bill. Thank you so much. *(Applause)*

Honourable members, we have had a good day concluding this Bill, but before I adjourn, I have the following announcements.

I would like to appeal to committee chairpersons, Clerks and Members that we have a number of Bills, which are stick in committees. They take advantage of our

time. Even if the Bills were meant for work outside plenary meetings, we are constrained by time and we are tending towards conclusion of our tour of duty. So let us process these Bills and bring them to the House. I know that there are about five Bills, which are before the committees. I request that we attend to them.

ADJOURNMENT

The Speaker: Honourable Members, I thank you so much. The House stands adjourned to tomorrow, 2.30 p.m.

(The House rose and adjourned until Wednesday, 19 October 2016 at 2.30 p.m.)