



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

164TH SITTING - THIRD ASSEMBLY: FIFTH MEETING – FIFTH SESSION

Tuesday, 7 March 2017

*The East African Legislative Assembly met at 2:27 p.m. in the Chamber of Deputies,
Parliament of Rwanda in Kigali.*

PRAYER

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

(The Assembly was called to order.)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, I would like to take this opportunity to welcome you to this Fifth Meeting of the Fifth Session of the Third Assembly, which began yesterday. Welcome to Kigali.

In a special way, I would like to extend my appreciation to the President, Government and people of the Republic of Rwanda for welcoming us since we reported here.

I would also like, in a very special way, to extend my appreciation, on your behalf to His Excellency Paul Kagame for his very important and powerful address to this Assembly yesterday in the morning.

In addition, I would like to congratulate you for a successful hosting of the president of Rwanda. *(Applause)*

Further, I would like to thank the Rwanda chapter members for putting in place necessary facilities for our comfort in this place. However, more specifically I extend my appreciation to the Rt. hon. Mukabaliza Donatille and the Rt. hon. Bernard Makuza, President of the Senate, who are in charge of the Legislature of this country, for putting all the necessary amenities in place for us to do our work. *(Applause)*

Honourable Members, this evening, the private sector, under the auspices of the East African Business Council, Rwanda chapter, has invited us for a dinner at the Serena Hotel where we shall have our usual engagement with the private sector to listen to them and get feedback from them and take on what we can do to improve the business environment in this region. I thank you so much.

**BILL'S
SECOND READING**

The East African Community Gender Equality and Development Bill, 2016

REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE EAST AFRICAN COMMUNITY GENDER EQUALITY AND DEVELOPMENT BILL, 2016

(Debate interrupted on Wednesday, 25 January 2017, resumed)

The Speaker: Honourable Members, you will remember very well that in our Fourth Meeting of the Fifth Session in Kampala, Uganda, the Chairperson of the Committee on General Purpose, hon. Dr Odette presented the report of the Committee on this particular Bill but debate was disrupted because of time constraints. We will resume by requesting the chairperson to take the floor to refresh the memory of this House on the report in as motivational a way as she can. Hon. Dr Odette, the floor is yours.

The Chairperson, Committee on General Purpose (Dr Odette Nyiramilimo) (Rwanda): Thank you, Mr Speaker. As you said, the report had been tabled and I had presented it briefly. Today, I would like to remind the members that this Bill, which is called the *East African Community Gender Equality and Development Bill, 2016*, was grounded on the Treaty, and also on the Partner States who, in Article 6(d) of the Treaty, committed themselves not to discriminate against any person on the grounds of sex or gender as one of the corner stones for good governance. In addition, the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities and equality.

Mr Speaker and Members, to make sure that our Bill is an East African Community Bill, the Committee conducted public

hearings, which were undertaken in all the five Partner States and we gathered the views and amendments of all the stakeholders in the Partner States.

In Burundi, for example, the stakeholders expressed appreciation of the East African Community Gender Equality and Development Bill, 2016. With the fundamental problem of gender equality and development, they said it was not due to the absence of the legislation to cover the area but rather existing legislations are not properly implemented. So, in the Partner States we have the same Bill to enhance gender equality and equity but implementation as lacking.

In Burundi, I can give some recommendations that they had given before going to Kenya. If you go to page six, the Burundi participants proposed that there is need of EAC Partner States to carry out sensitisation campaigns to benefit their citizens from the grassroots level to the top level on the importance of this present Bill.

Actually, with the public hearings, the media played a very good role in sensitising people because some of the times we have had many calls and messages talking of this Bill and proposing what they would wish to see in the Bill.

All the submissions from the Republic of Burundi are in the annex and I would not like to go through all this because we took into consideration all the proposals from Partner States to amend the Bill.

In the Republic of Kenya, they welcomed the Bill, as it will give effect to the Treaty and to the African Charter on Human and Peoples' Rights.

There were some problems that they had found and they said that the Bill should be clear that gender equality focuses on both women and men because they had an impression that the Bill was mostly talking of women. Their submissions are annexed.

The Republic of Kenya also talked about widow inheritance, which can be a very positive tradition in our African practices, but we need to make sure that widows and widowers are not left destitute and disinherited and they should have rights of choosing their future partner.

These were some of the proposals and comments given while we were debating the Bill.

The committee received submissions from a section of the Muslim community in Kenya where they proposed that they support the value of providing for gender equity and equality principle in the legislative framework but these principles should be anchored on the philosophical grounding of the Constitution of Kenya and other Partner States constitutions which we also took into consideration in the amendment of the Bill.

In the United Republic of Tanzania, they were very happy with this Bill and they thanked the mover a lot proposing that the situational analysis document for gender equality and development for Partner States should be in place.

They also recommended that the proposed Bill should stress on protection of vulnerable groups in the society such as women and children when serving their legal penalties in prison because of illegal acts they have committed.

They also talked of the definitions where the affirmative action should be clear and not leave ground for racist practices in Partner States. They have many recommendations on the definitions, which we took into consideration.

In the Republic of Uganda, they also welcomed the Bill and proposed that all deliberate actions and initiatives taken in favour of marginalised groups should be included in order to redress imbalances caused by reason or attributes of disability,

health, status, history, cultures, gender, ethnicity, religion, opinion, socio-economic and cultural standing.

The Ugandan stakeholders were very keen on that fight so that the Bill be inclusive. They also proposed definitions like of the child, of discrimination against women, gender based violence and as I said, we have put all the submissions from the Republic of Uganda in the annex of this report.

In the Republic of Rwanda, they also talked of gender based violence where the sections contains provisions on protection of human rights for every woman and man including the rights to life, dignity, integrity and security of persons at all levels.

All the five Partner States talked of education. They wanted to make sure that both genders have equal right to education and in Rwanda specifically, they talked of land rights where they thought it is of great importance that the two genders; men and women have equal rights to land while in the Republic of Kenya they thought we put fair rights not necessarily equal to be in tandem with their constitution.

We also met the Secretariat and specifically the Directorate of Productive and Social Sectors who made comments on this gender equality. We interacted as well with the Council of Ministers.

The committee held a meeting with the Council of Ministers on 19 January 2017. The Council of Ministers reminded the committee that the sectoral Council on Gender, Youth and Children, social protection and community development of the EAC had directed the Secretariat also to prepare a gender policy.

This is something that is in the pipeline and it might be finalised at the time being.

The committee recommendations and observations

The committee made the following observations. In many instances, the Partner States are in agreement with most aspects of the Bill much as culture was cited as one of the major issues that hinder gender equality and development.

Cultural precepts set up discriminatory roles, duties and responsibilities and as a result, they hamper equal enjoyment of rights and access to opportunities, whether economically, socially or politically.

Stakeholders agreed on issues among others under health education, affirmative action in many sectors such as marriage, inheritance and land rights, disability and social protection and specific proposals were made and require substantive legislation or in some cases, amendment to existing legislation and constituted too much details for a regional law.

Proposals such as the new clause on use and management of extractive industry and inclusion of women were a proposal but we found that it could be in other laws not in this one.

The committee reiterates the importance of the Bill and the opportunity it provides to facilitate gender equity, equality and development and recommends that the House considers and debates the report of the committee as well as the proposed amendments herewith attached as annex seven.

Acknowledgements

Mr Speaker and members, the committee would like to extend its appreciation to the Office of the Rt. hon. Speaker of EALA for granting the committee resources and time to perform its legalisation role and the Office of the Clerk for ensuring adequate logistical support to the committee. The office of the Counsel to the Community is also commended for the legal input into the Bill. The Ministries of EAC affairs in all the five Partner States are commended for

coordinating the activities in the Partner states and the hospitality accorded to the committee members and all the stakeholders.

Members of the committee and staff are commended for their discretion and hard work.

Mr Speaker, I beg to move, and to request that Members adopt the report and we go to the Bill. Thank you.

The Speaker: Thank you, hon. Dr Odette, Chairperson, Committee on General Purpose.

Honourable Members, the motion before the Assembly is-

That the *East African Community Gender Equality and Development Bill, 2016* be read for the second time.

Debate on the report of the committee is open.

Mr Abubakar D. Abdi Ogle (Kenya): Just to set the tone for this debate, otherwise I did not really want to contribute.

Mr Speaker, you will recall that at some point during the consideration of this Bill, hon. Zein and I wrote a note to you and to the Clerk. We raised this before the Committee of General Purpose that was considering this Bill. We had some certain fundamental issues with the Bill, and we sought then to write a minority report because we have severally raised those issues, which were very critical to us. They were matters of faith, matters of morality, matters of ethics and of such a nature.

Unfortunately, somehow the committee, in its wisdom, or the mover in her wisdom did not particularly want to incorporate our views related to that.

For the purpose of the record, I think the House ought to be told what those issues were. One, and as a regional Assembly we

are not supposed to be poking our noses into issues of constitutional nature that already are covered under the constitutions of the Partner States.

On matters of marriage, divorce and inheritance, in the Kenya Constitution, it is covered under the *Khadis Act* and it is very clear that members of the Muslim faith particularly shall be exempt from what the provisions of the constitution in other perspectives are. It is very clear and that is a constitutional matter.

I guess it is the same for Tanzania. Those are fundamental constitutional issues, which are so critical, and our Bill, in its earlier form, had those issues interpreting matters of inheritance, marriage and equality in that pursuit and we were opposed to it. We made that very clear.

There was also another important issue to us as the proponents of this Bill at that time. The Bill had some certain vocabulary; very confusing terminologies like I can remember special autonomy- whatever it meant.

We made an effort to find out what special autonomy meant in its dictionary sense and it was very startling to say the least. Special autonomy is a dictionary definition meant that any consenting adult above the age of 18 could do anything he requires. That virtually included possibly a father having a relationship with his daughter, a mother having a relationship with her son or brother and sisters have sexual relationships or something. It is not even happening in Trump's America. It was just too bad for anybody to even remotely imagine that they could legislate for those kinds of issues in our region, a very conservative African region.

Those were some of the issues I can remember that we had with this Bill and for some reason, even the mover of the Bill did not quite know how this thing got there. So we were wondering where it was coming

from and who had this interest, who sneaked it in?

When we could to get these guarantees, it was on that basis that we wanted and we were very clear in our minds that we wanted to do a minority report – (*Interruption*)-

Mr Sebalu: I am following with keen interest the submission of my brother and good friend, hon. Ogle. He has serious issues to do with sexual autonomy. What is your preference?

Mr Ogle: We are not discussing matters of personal preferences; we are talking about legislation intended for the region. So, my personal preferences shall remain my personal preferences.

Suffice to point out that these things were critical issues that we had in the Bill, it was on that basis that we sought, and we brought to your attention, Mr Speaker that we wanted to do a minority report.

However, we were willing, provided our views were incorporated and catered for and those things deleted accordingly. There is no amendment. If that was catered for, matters of faith, inheritance, marriage and divorce in the Islamic faith – there is no compromise. That is a no-go area for us. It is a matter of the constitutions in two countries, anyway, in Kenya and in Tanzania. There are no Acts but they are constitutional issues so we cannot delve into those areas.

That was agreeable to members of the committee at some point – (*Interruption*)-

Ms Hajabakiga: Mr Speaker, I do not know if it is a debate by hon. Ogle, because once the Bill is in the House, a Member can amend a section or anything. So, instead of continuing to debate in relation to what they do not want in this law, probably the best way is to let the general debate take off and then when we come to the law itself, we can amend those sections.

The Speaker: Thank you, hon. Patricia. Actually, what is happening is the real debate because I said debate is open, and hon. Ogle took the floor. In his debate, he has decided to give us the historical perspective of this engagement in the committee and that is what he is taking us through.

Mr Ogle: Besides, Mr Speaker, I also made it clear from the outset that because nobody was willing to debate this report at that time, I thought I was going to set the tone of the debate so that members can really... but it is a debate on the report. As you rightly put it, Mr Speaker, I am giving you a perspective of our historical engagements with this Bill.

Those were the issues that the committee agreed with us at some point and we have no problem. Therefore, I want the Bill passed as it is in that nature, subject to approval. Thank you.

The Speaker: Thank you so much, hon. Ogle.

Honourable Members, maybe I should make this clarification. Indeed, it is true hon. Abubakar Zein and hon. Ogle came to my office and submitted a written concern about this Bill in the areas he has enumerated. We agreed internally that the committee can engage in further discussion and I want to thank the chairperson of the committee and the mover and the entire membership of the committee and the two honourable members who sat and reconciled their views. Those views are not hon. Ogle's views as you heard from the report. The stakeholders from Kenya alluded to the constitutional alignment of this Bill to the Constitution of Kenya. Thank you.

Before we proceed with debate, honourable members, allow me to recognise our visitors who are in the gallery. We have the Secretary, Regional Integration, Ministry of EAC Labour and Social Protection, Mr

Barak Ndegwa, Republic of Kenya. You are most welcome, sir.

We also have representatives of the EAC Youth Ambassadors Platform from Uganda led by Mr Jacob Eyeru. May you rise for recognition? These young people are working with the Secretariat to develop some very sophisticated software to aid integration. You are welcome.

Mr Frederic Ngenzebuhoro (Burundi): Hon. Ogle has alluded to a minority report. I would like to know why that minority report is not appended to our report.

The Speaker: Hon. Frederic, you must have listened carefully to hon. Ogle and to my earlier clarification to hon. Patricia. He was giving a narrative of the history of their engagement in the committee but the reconciled their views and that is why rule 90 did not apply. He is just saying that he hopes the Bill is in that format as agreed.

When we move to the Committee Stage, we shall still peruse through the clauses and we see if the alignments are as per their interests. That is where we are.

Dr James Ndahiro (Rwanda): Thank you, Mr Speaker. Let me take this opportunity to welcome all the members to Kigali, the Republic of Rwanda.

Mr Speaker, I am a member of the General Purpose Committee and as the Chair pointed out, we met many stakeholders on this Bill and they provided a lot of input, which we considered at the committee level. I wanted to inform my friend, hon. Ogle that all those concerns were examined and we agreed to make the necessary amendments and in some cases, we deleted what we thought was causing issues among different stakeholders.

The Bill in its current form, the schedule of amendments are clearly indicative of all those inputs and we have aligned the Bill to the best of our ability and I think hon. Zein was in the committee, he appended his

signature approving what we did at that point.

The reason I am mentioning this is to inform other members that actually, those were genuine concerns and there was no deliberate move to legislate in a manner that contradicts our constitutions. Legislation is a process and that is why we always go for public hearings to get ideas and concerns so that any piece of legislation is informed by people's opinions and it reflects our integration aspirations.

I just wanted to inform members that all those issues are taken care of, the report, as laid by the chair of the committee, should be supported, and we pass the Bill. Thank you, Mr Speaker.

Mr Abubakar Zein (Kenya): Thank you, Mr Speaker. I was not planning to speak at this point because I am a member of this committee and I wanted to hear the voices and thoughts of other members in this House and then speak after four or five people have spoken, but because my name was mentioned, I think it is important for me to speak and to put on record some of the things that have been alluded to.

Allow me to start by saying that I support the Bill 100 per cent, as we are going to amend it. I agree with my brother hon. Ogle and hon. Ndahiro that we had to go through many negotiations, be patient with each other, listen to each other, and build consensus.

I believe that it is important for me to share some of the things that went through on through the discussion of that report. It is important because we are laying markers and putting in place precedents that we will leave even after we leave EALA and those who come after us will find that they are footprints that have been left by others who came before them.

I believe this is one of the most important pieces of legislation that this House and

previous Houses in EALA would have ever had the opportunity and privilege to transact. The rights of the majority of our people cannot be wished away. Women and girls are the majority of our people. In the Community and in every Partner State, statistics show that women and girls consist of about 51 per cent of our population. Therefore, they are the majority of our people.

Therefore, to ask to qualify and put in a law the rights of women and girls is not something you negotiate about. It is something that is obvious. If we want to develop, if we want to establish just societies, we do not have any choice on this. We must embrace the equality of men, women and we must put in place laws, and policies that seek to entrench that truism and that obvious fact that does not need to be proved.

Therefore, if these things are so evident, so obvious, and so clear, why was there a problem in the committee? There were about four problems and these four problems are important for us to lay on the table so that they act as a compass for future transaction of Bills.

One was the question of participation of the people in enacting laws. We, under your wise leadership, Mr Speaker, have laid a tradition that demands that after a Bill is sent to a relevant committee for refinement and consideration, we go to all our partner States and hold open public hearings.

Now this is a requirement of our constitution where I come from which is the Republic of Kenya. It is a requirement of our constitution that the citizens shall participate in making decisions that affect them if it is through making policy or making law.

If you go to Kenya and purport to be making a law or a policy and there is no framework for participation of the people and participation of the people is not a bad

word; it is not something you pay lip service to then participation needs to be meaningful. In other words, we are talking about meaningful participation of the people because it is recognised that sovereignty reposes in the people. Sovereignty does not repose in leaders.

The constitution of Kenya says it is the people who are sovereign not the leaders. If you are elected, it is an honour that is bestowed upon you. It does not change the relationship that suddenly you become a master. Therefore, this relationship is important; listening to people.

Once you go and have a public hearing then you are duty bound to consider the views that you have been given. There was a little bit of a problem at times that some of us felt, on the committee, that the views of the people were not being given the right attention and consideration.

I am glad to report to you, sir, in the final analysis we paid keen attention to each and every view that we had.

Secondly, you cannot use the process of making an ordinary legislation as a process to amend Partner State constitutions; it cannot be done even if you tried. The constitutions of the Partner States supersede laws made by this House.

Therefore, it is important for us to make laws that are lawful because you could pretend to try to make an unlawful law and you get into trouble. No president in these five Partner States, with the coming of South Sudan, six, can append their signature to a law that will not pass constitutional parameters.

I know some people are wondering and are whispering and I will explain. There were some provisions in this Bill that were in contradiction with the Kenya constitution and we were drawing their attention that that had to be corrected because there is no way the President of the Republic of Kenya

could append his signature to a law that would contradict the Kenya constitution.

Thirdly, it was important for us to agree that we knew, we understood and we accepted each and every concept in the Bill. Many of us did not understand some concepts, not because we did not go to school but because we were becoming pioneers. Some people would call us guinea pigs; pioneers because we were trying to chart uncharted waters.

Hon. Ogle gave one example, which is sexual autonomy. There was another one called sexual integrity. I am glad to report to this House that those concepts and formulations that we did not understand fully, which we could never appreciate even if we tried - and we have many experts in the Community - they are no longer there. Actually, some of them were just in the definition; they were not even in the main body. Therefore, it was correct to delete them.

The last point I wanted to make, and it is going to be brief, is this committee has shown great leadership and I would like to pay special homage to the chairperson of the committee and the mover of the motion who were willing to reason and seek and spend endless hours discussing, researching and seeking to find common ground.

It is true what hon. Ogle said that invoked our rights to be given an opportunity to write a minority report but we found fertile ground in the committee, reasonable men and women who were honourable and who said, let us reason together. In the reasoning together, I believe we have come up with a very good Bill, with the proposed amendments that this Bill will secure the rights of men and women, boys and girls and the whole Community and not put anybody in peril. That is how it should be.

The making of a law is a faithful duty. When exercised the way this committee has, it gives birth to good fruit. I submit, sir.

The Speaker: Thank you, hon. Zein.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, Mr Speaker. It is always hard to speak after hon. Zein, but I will try to put my point across.

Let me first thank the Republic of Rwanda for their warm hospitality, and I thank His Excellency Paul Kagame for opening our session.

Mr Speaker, I am glad that our colleagues, honourable members, have agreed with us in this Bill because I am supporting this Bill. Moreover, as a young Muslim woman, I have to conform to my brothers; I cannot go against them.

I am supporting this Bill for two particular reasons. I know this is a gender Bill, which is supposed to give equality to both women and men, boys and girls, but as we know, our practices, customs and traditions are normally such that women and girls are the ones who do not have equality in our societies.

We are all products of our cultures, our norms and our religions, but it is time for us to look and frown upon those cultural practices that undermine a specific gender in our societies.

Mr Speaker, if gender equality is not assured, women and girls will be the high in the percentage of those who will be affected, and this is the main reason why I am supporting this Bill.

I am also supporting this Bill because I am against early child marriages. Mr Speaker, girls are mainly the ones affected by early marriages. This causes them many problems during childbirth, including bleeding, death, and infertility because those children's organs have not grown enough to sustain carrying a child. Therefore, normally a girl-child is the one who is affected mainly if there is no equality in gender in terms of how they can choose marriage.

I stand here as a testimony, and I thank my parents that they allowed me to study up to university level. As a young Muslim woman, I was supposed to be married very early, as it is our Islamic norm, which is not bad, but when I reached Form 4, I had a suitor who wanted to marry me – *(Interruption)* -

Mr Ogle: With a lot of respect, hon. Maryam is making a sweeping statement regarding Muslims and their behaviour and culture. I just want to be very clear. When she says that as a Muslim she was supposed to be married early, what does she really mean? That is not the norm, that is not our culture, that is not who Muslims are. She must clarify that.

Ms Yahya: Thank you, Mr Speaker. I stand here to clarify my point. I did not say it is a bad culture, it is my religion, it is what my religion says, but it is also my religion, which tells me not to be forced to be married. I have to give consent when somebody comes to marry me.

The Speaker: Hon. Maryam, for the purpose of the record, maybe you need to make it clear that you can be married and still get an education. The two are not conflicting. Please proceed.

Ms Yahya: Thank you for the guidance, Mr Speaker. It is true that you can be married and continue your education, but here I was just giving the complications that a girl can have when they marry early because once you are married, you are expected to start having your children.

Let me also put it clear that I am a practising Muslim, so I am not denying any part of my Koran or my Islamic values. I always stand for them.

Mr Speaker, let me also give the effect on young girls when they give birth. They also face high chances of getting HIV/AIDS because of the complications they might have.

I have not finished my quick story to give testimony that as a Muslim family, my father agreed for me to be married on one condition. He gave the condition to my suitors that if the results came out and I had failed, then they could marry me but if I passed, then they needed to let me continue. He agreed that once I finished my education, I could be married.

Mr Speaker, the suitor got tired because I went up to university – *(Laughter)*. I did not say my parents refused but they found the importance of my education. *(Interruption)*

Mr Sebalu: Thank you very much, Mr Speaker. If you have to put yourself in the footsteps of the suitor, no suitor would want a failure, so definitely he had to be patient and get someone more educated. *(Laughter)*

The Speaker: Proceed, hon. Maryam.

Ms Yahya: Thank you very much, hon. Sebalu. That is exactly what my mother - May God rest her soul in peace – who was a very good practising Muslim said. She said that I should continue my education and once I finish, the suitor will be there for you. First of all, I need your degree as a first husband then you can have a husband – *(Interruption)*-

Ms Mumbi: Thank you, Mr Speaker for giving me this opportunity. The information is for the Member on the floor. Thank you for refusing to get intimidated by anything. I married when I was a first-year student at the university. I graduated with three children, a husband and a degree, so there is no point of getting intimidated. Thank your parents, I thank those of us who can stand and say, it can be done. Thank you.

The Speaker: Thank you, hon. Mumbi.

Ms Yahya: Thank you very much, Mr Speaker. Lastly, I thank hon. Mumbi for the information, and I need to clarify that I

stand here so that I can encourage other girls to say no to early marriages.

Mr Speaker, it is very hard for a young girl, when they are married...it is even hard for the older woman to be married and study and work. It is extremely hard.

Early marriages also cause lack of education in many of our societies. When a young girl marries, they cannot continue to study. There are some schools, which do not allow young girls to go to school while they are pregnant. So, it is very hard for them.

I am standing to support this Bill because I support section 8, which encourages the importance of education for all gender, not only young girls, because, as we know, there are young boys who are forced to go and look after cows and goats instead of going to school.

Therefore, I am supporting this Bill in the spirit of equality in education of both gender; girls and boys.

Thank you, Mr Speaker and I support the Bill. *(Applause)*

The Speaker: Thank you, hon. Maryam.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this opportunity and from the off set, I would like to say that I fully support this Bill and I would like to thank your office for finding space for the Third EALA to consider this very important matter.

I would like to say that as a person who has been working in this area for decades, most times when we talk about the issue of gender, it arouses some degree of controversy and in some instances, it is trivialised and made fun of. However, I want to thank the Third EALA for giving it the seriousness that it deserves.

I thank hon. Nancy Abisai for the boldness and courage to bring up this particular

issue, which is maybe sometimes controversial and may even cost votes but at the end of the day, we are standing on the right side of history.

Why do I support this Bill? I support this Bill because it is an intersection of several rights, and these are fundamental rights: the right to equality before the law, the right to social rights and cultural rights, which includes religion, the right to economic rights, and the right to political rights.

In these areas, I will stand without mincing my words that women are lagging behind where all these rights exist. Therefore, I do not want to make it into a woman's law but at the same time, we must take cognisance of the fact that even when we talk about gender, the aspect of finding out what happens to the woman is very important and therefore, I think it is paramount that we bring out this particular issue. I thank you, Mr Speaker again for giving us this opportunity.

Mr Speaker, when you look at the Treaty and you look at the fundamental principles of the Community, you will find that Article 6(d) is very clear. It is a fundamental principle of the Community that Partner States include respect and promote the issue of gender equality; equal opportunities and gender equality. These are put separately for a reason because when we talk about equal opportunities, yes, they may be embedded in gender equality but the fact that there is gender equality brings out the issue of men and women, girls and boys.

Secondly, Mr Speaker, I would like to point out the fact that this particular Treaty under the same Article refers us that whatever we do in respect to good governance, gender equality, equal opportunities, should be in accordance with the provisions of the African Charter on Human and Peoples' Rights.

When you look at the African Charter on Human and Peoples Rights, you will find

that there is a specific protocol on this charter on the rights of women in Africa; the Maputo Protocol. All the EAC Partner States are already signatories to this protocol. The only Partner State I am not very sure about is the Republic of South Sudan, which I believe maybe, is the process of doing so.

The United Republic of Tanzania and the Republic of Rwanda are the only Partner States that have allowed their citizens to use the African Court, which is provided for in this particular charter.

Therefore, I would like to use this opportunity to urge all the other Partner States to enable the citizens so that they are able to utilise this very important Court so that we have a uniform standard when it comes to issues of human rights, and so that we can, as hon. Zein said, utilise both men and women in the development process of Africa.

MR Speaker, this Maputo Protocol, which I am holding and I know most of you have looked at, is very clear on all these areas, whether it is political, economic, social or cultural. Our constitutions, most of which were even made after we were signatory to this protocol, obviously adhered to this particular Maputo Protocol.

Therefore, I would like to urge this Assembly that even as we look at this particular Bill, we should not water down that which has already been agreed upon in the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa because if we do so, we shall be going against the Treaty; Article 6(d) which is very clear. This is what I would like to say.

Thirdly, and I am about to conclude, I would like to bring out the issue of SDGs. We are now working towards 2030 and therefore, in this year 2017, whatever we have done before should be to build upon what has been achieved in order to achieve

sustainable development goal number five and this is to achieve gender equality and empower all women and girls. This is in brief.

I do not see why we should shy away from talking about it as if because the point is that yes, we are working towards gender equality but more importantly, we need to empower women and girls, considering their history and status of marginalisation and we should also look out to the issue of rights.

Having said all this, I would like us to look at the point which is made in the title which I will bring out later because when we talk about the East African Community Gender Equality – I do not understand where the word ‘and development’ comes up. Maybe we could look at that later because I would be comfortable if we just called it the East African Community Gender Equality Bill because development brings in another perspective that is not defined in the Bill.

Otherwise, I would like to implore my brothers and friends that when we legislate, we must take into account all other areas where work has been done, and we must not lose ground where we have already made progress.

With these few comments, I fully support the Bill and I thank you again. *(Applause)*

The Speaker: Thank you, hon. Dora.

Ms Agnes Mumbi Ng’aru (Kenya): Thank you, Mr Speaker for giving me an opportunity to speak on the Bill. However, before I do that, allow me to appreciate His Excellency Paul Kagame, President of the Republic of Rwanda for his wise counsel to us yesterday as an Assembly. I also appreciate the people of Rwanda. Some of us arrived here last week on Thursday, so we have stayed longer and we have enjoyed stay in Rwanda.

The Chapter, under the Chair, we want to appreciate you. We are comfortable, and

Rwanda is just home for most of us. The people are friendly, and the hotels are really taking care of us. Thank you again to the people of Rwanda. *(Applause)*

Mr Speaker, I would like to stand and support the Bill, and I want to assure this House that I will support any amendments that this House will deem necessary as we pass this Bill. The reason I say this at the beginning is that I want to thank the mover, hon. Nancy Abisai. There were many times I saw her almost giving up and I reminded my sister that this was not going to be a walk in the park.

Having come from a country where we have had some false alarms, some still births in the gender affirmative action Bill, she has walked the walk, and therefore she understood that even when the alarms are sounded, she just needs to be strong. Some of us gave her a shoulder to lean on as she walked the walk. I am glad that she sustained it, and we are here.

I also want to thank the male members, especially of this august House, who deemed it necessary to hold hon. Nancy by the hand. It can be very intimidating when our male members try to tell you that it has not worked in this or the other country, and how you think it is going to work in this august House.

Therefore, I thank every member, and I know there are many of them – *(Interruption)* -

Mr Ogle: Is the Rt. Hon. Member in order to cast male members of this particular House in the way she is putting it that we normally intimidate? Is she in order?

The Speaker: Hon. Ogle, the membership of this Assembly as pertaining to gender, is male and female. I have not known of the third yet, and she is paying special tribute to the male members who stood firm behind the mover, who is of a female gender,

pointing to the cooperation between the two genders. That is what she is saying.

Ms Mumbi: Thank you, Mr Speaker, for protecting me. That is exactly what I mean, that hon. Nancy could have gone through that and she did not give up.

Again, I repeat myself, I thank you, the male members who did not intimidate hon. Nancy and who gave her their hands to walk with her for this Bill to be where it is today. Thank you very much. *(Applause)*

Mr Speaker, it is not an easy journey. Anything gender, even from our Partner States, has always had this kind of treatment. For hon. Zein and hon. Ndahiro, especially, to stand up and give the walk, the contradictions and things that could have brought division by way of clarification to this House, is really appreciated. I really want to thank you because you have given us an opportunity to say that we are walking together, and especially when religion is mentioned and you stand up and you say we were given a hearing. It encourages those of us who are not members of this Committee to know that this committee walked together. It has never been an easy walk.

Therefore, even without introducing any amendments, I said it from the word go that any amendment that will be brought in by member that this Assembly will find fit to adopt, I am willing...I am of the opinion that we should adopt the amendments.

With those words, I want to encourage all of us. I want to thank the mover again and again. I want to encourage those of us who really know that it has not been an easy walk.

Mr Speaker, I belong to the generation that is called the “transitional generation”, and when I say “transitional”, it is an age group that does not fit completely with the age of Maryam Ussi, and it is an age group that is not as old as...I do not belong to the age

group of, for example, the Prime Minister. So, we are there in between.

In that transitional group, we have been intimidated. We have been told my culture does not allow this - this is a fact - Women are not allowed in this field or that field. So, we are victims of culture, we are victims of religion, and we are also victims of education because we are reminded that if you were a good educated woman that needs not to agree to some of the things that this gender Bill is talking about.

I stand here to support the Bill knowing very well that I am a mother of daughters who really need to be liberated where I could not liberate myself.

In the crux of the East Africanness, my children who are girls and my grandchildren who are girls will be saved from what I went through, by this Bill. I see it, and I really support the motion. Thank you very much.

The Speaker: Thank you so much, hon. Mumbi.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I rise, first of all, to thank His Excellency Paul Kagame for having graciously accepted to preside over the opening ceremony of this session given his very busy schedule as a head of state and head of Government. We cannot take his presence here for granted so I want to join the rest of my colleagues in saluting and thanking him for that gesture of good will towards EALA.

In the same vein, I would like to thank the government in general and the people of the Republic of Rwanda led by our very own colleagues in the House, for the wonderful hospitality extended to us since our arrival in this beautiful city.

Those of us in the agriculture committee have been here longer so we have enjoyed a longer measure of hospitality. Those of you that come late have to fast track to get

to where we are. So we really thank colleagues for the gestures and all those government officials of ministries, departments and agencies who were gracious enough to attend the opening yesterday.

Mr Speaker, I rise to support the Bill. I am among those men that support these things, and we are many. We have demonstrated, on a number of occasions, our unwavering support to worthy causes and the cause of gender equality is a worthy one, and all progressive men should support it. Real men support causes that are serious.

Mr Speaker, I want to appreciate hon. Ogle and hon. Zein who set a very good mood for this discussion and debate. I want to thank the mover and the committee for having appreciated their import. It was fundamental and very important because it would be very dangerous precedent for us to go out and enact a law that contravenes sections of the national constitutions. That would be a very bad precedent and it would not be in the interest of building on whatever our national jurisdictions have already put in place.

That was a very good point of reflection or the committee to appreciate understand and own the process where those were put in proper perspective because a good law is one that is moved, enacted and implemented without contradictions. If you pass a law with contradictions, it gets very complicated when you are implementing it and to pass a law for purposes of putting it on the statute books does not make legislative sense. It is always good to pass a law, which will be implemented so that at the end of the day, the beneficiaries and the consumers benefit from that bit of legislation. Therefore, I just want to thank the chair for having appreciated that.

Secondly, having a law that is in tandem without faith is something that we need to appreciate because our morality and way of life is anchored on our faith so having a law

that contravenes faith is not a good cup of tea. Therefore, I would like again to thank the committee and the chairperson for that.

Even where terminologies were becoming very controversial - You know you hear terminologies like sexual autonomy, sexual integrity – you open up a Pandora's Box because if you are talking about sexual autonomy, is that countered by sexual dependence? Because autonomy just counters dependency – (*Interruption*) -

Mr Ogle: Can the honourable member also give us an idea of his sexual preferences? (*Laughter*)

Mr Sebalu: Thank you very much, Mr Speaker. My brother had issues with sexual autonomy and if you are not comfortable with autonomy, then you are comfortable with dependence. So, maybe I would advise that he opt for sexual dependence. Definitely, the good thing is that that was sorted in the committee.

Gender equality is a very important subject because it entails issues of equal opportunities and gender does not specifically refer to...It is bi-polar, and it applies to both regarding, which one is disadvantaged at a point in time.

When you go to school dropouts, we have situations where the girl-child has dropped out of school due to certain factors, and in which case we may need to have interventions of affirmative action towards the girl-child in form of gender. However, there are also situations where you will find the boy-child is also dropping out due to factors that may warrant affirmative action in favour of the boy-child. So, it is about the balancing act.

At any one point, because even in EALA now you may find that you need affirmative action in terms of the photo sessions in favour of the male gender because it has tilted on one side. These things are about balancing. As a region, we need to

appreciate that all our people are important and must be given an enabling environment for optimal performance and enhancement of their livelihood.

Therefore, this law comes in timely because we are at different levels of interventions regarding the gender subject. All our countries are very positive. Some have actually performed beyond expectations. For instance, when you talk about the Republic of Rwanda, it is getting to a level where men may need affirmative action because the affirmative action in favour of the female gender has worked so well that it is balancing very well.

All our other Partner States are at different degrees of engaging this journey of working towards a semblance of equal opportunities availed to either gender.

Therefore, this law, in my view, serves to give us a common ground, understanding, and appreciation for us to benchmark our level of performance in this direction. Therefore, it is a good law in terms of motivating all our Partner States to work towards the best-case scenarios and I want to salute the mover in that regard.

Mr Speaker, our Community is people centred, and as such, we are under obligation to create an enabling environment for all East Africans to enhance their welfare through interventions like a law of this nature, so that it becomes a guiding principle at the place of work, in our churches and religious organisations and in all our aspects of life, to appreciate that when we co-exist and we build synergies as a population of East Africa, then it is the best way forward in terms of realising our strategic objectives of coming together as a region.

Mr Speaker, as I conclude, I just want to say that when this law is passed, it is going to be a law that will be reflected in all aspects of life so that at the back of our minds in what we think say or do, we are always

mindful that together we can do better for this region. I want to reassure my sister, hon. Mumbi, that the male gender in this House has been supportive of matters of this nature. We have demonstrated that on a number of occasions, and, definitely, you can bank on us in appreciating that we are in it together. We need to work together because we are part of humanity, and this integration is about ensuring that the people of this region can enjoy the best that East Africa can provide.

When the law will be operational and we are operating as a Community of equal opportunities, I guess that come the Fourth EALA, one thing will definitely happen in the Fourth EALA. The photo sessions will be for all. There will not be any exclusive photo sessions because it will be against this law to do that in the Fourth EALA. Thank you very much, Mr Speaker.

The Speaker: Thank you, hon. Sebalu.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Mr Speaker for giving me this opportunity so that I can also add my voice to other speakers on this very important Gender Equality and Development Bill. Before I give my contribution, please allow me to express my thanks to the host Government of Rwanda under the very able leadership of His Excellency President Paul Kagame of Rwanda. It gives me great comfort to recall that this is our Fifth Session to be held here in Kigali, and that it is our last opportunity as our term is ending very soon.

Mr Speaker, with me I will carry very fond memories of hospitality and friendship that we have experienced every time we have been here for our sessions in Kigali, and I wish to single out to some things like security and cleanliness of this beautiful city of Kigali, the comradeship and the warm reception of the beloved people of Rwanda. *(Applause)*

Murakoze cyane nyakubahwa President wu Rwanda. Murakoza cyane banyarwandakazi. Murakoze cyane, thank you so much.

Finally, Mr Speaker, coming from a country that strives on the Kiswahili language socially, politically and economically, I would like to –
(*Interruption*) -

Ms Dora Byamukama (Uganda): Thank you very much, my sister, for allowing me to seek clarification. The language she has just used is understood by a few of us. Can she please put it in Kiswahili so that all of us in the East African Community will be able to understand and appreciate, and for the record? I thank you.

The Speaker: Thank you. For the record please.

Ms Bhanji: Thank you, my sister hon. Dora. Let me translate. “*Murakoze cyane nyakubahwa President wu Rwanda*” means “Thank you very much, Your Excellency, the President of Rwanda”. “*Banyarwandakazi murakoze cyane*” means my brothers and sisters of Rwanda, *asanteni sana*”.

Mr Speaker, coming from a country that strives in the Kiswahili language in social, economic and political areas, I would like to congratulate His Excellency Paul Kagame, his government and the Parliament of Rwanda for embracing Kiswahili as one of the official languages in Rwanda. And as rightly put yesterday by His Excellency, this was in line with the EALA resolution that we passed recently in Arusha.

Mr Speaker, let me go to add my voice on this Bill. I stand here to support the Bill, and I do congratulate my sister, hon. Nancy Abisai, for bringing this very important Bill to this august House.

Mr Speaker, I wish to begin my contribution by highlighting salient issues

concerning life, dignity, integrity and security of all people at all levels irrespective of their gender, which is core to gender development and protection. History shows us that if we disregard any of these components on gender equality then we are betraying the principle of good governance and democracy.

Mr Speaker, my colleagues will agree with me that vices such as female genital mutilation, forced marriage, sacrificing of people with albinism and people with disabilities – all these exist in our Partner States, even though at different levels. Malpractices on gender equality should have been stopped a long time ago, but the coming of this Bill will help these vices to end, hopefully very soon.

History shows us that women have been marginalised, discriminated, and subjected to all forms of inequalities. However, today we must also appreciate the efforts that have been made by our governments in all the five Partner States to empower women to take on leadership positions, which has not been the case before. Most of us women today are in this Parliament because of the good policies that have been put in place by our governments. So, I wanted to also take note and appreciate that.

Specifically, I would like to single out Rwanda because today in the Parliament of Rwanda the women stand at 64 per cent. That is a very good example, and all our Partner States need to emulate that.

Mr Speaker, the gender and development topic is quite popular in today’s life because women occupy half of the world and their issues definitely matter a lot.

Lastly, Mr Speaker, it is quite unfortunate that tradition and culture play a terrible role in policies of development, and no development is complete if gender balance is not achieved.

With those remarks, Mr Speaker, I support the report and the Bill.

The Speaker: Thank you, hon. Shy-Rose. Honourable Members, before I take the next speaker, allow me to recognise the presence of our visitors in the gallery.

We have representatives of the private sector and specifically the East African Business Council, led by the Executive Director, Ms Lillian Awinja. You are welcome. We will be with you this evening for the dinner. Thank you.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Rt. hon. Speaker, for giving me the opportunity to contribute to this motion. From the onset, let me declare that I am a member of the Committee on General Purpose, which handled the Bill. I even appended my signature on the report to show that I fully support it with the amendments brought in by our various stakeholders.

Mr Speaker, from the onset, let me also declare that I sincerely would like to thank my President, His Excellency Paul Kagame for his wise leadership, but also for being a pioneer or a champion of development.

With all the attributes that are related to development, if I may cite some examples, he is a pioneer of peace, security, and gender or equal opportunities. I thank him sincerely not only for championing those few aspects I have just highlighted, but also for finding time to come to open our session yesterday despite his heavy schedule. This shows how committed he is towards the integration process at the EAC level. *(Applause)*

I remember that in his speech he called upon us to unite and make the integration process a reality. He said that we should work hand in hand so that the four pillars of integration can be fully achieved. We have listened to the call attentively, and I know that we all promised to follow the steps they

have so far taken as Members of Summit, and to follow the guidelines, which lead us to a fully integrated Community.

Mr Speaker, back to the Bill under discussion today, as I mentioned before, I fully support the Bill, and I thank my sister, hon. Nancy from the great Republic of Kenya, for bringing this Bill before us. I support this Bill on the following grounds.

Mr Speaker, we were lucky to move into different Partner States to interact with stakeholders. From the onset I want to say that all of them are of the view that this Bill aims at consolidating and harmonising the various commitments on gender equality that have been made by heads of state at regional, continental and international levels in the context of the East African Community.

Mr Speaker, still on that point, before I joined the Committee on Agriculture, Tourism and Natural Resources, I was a member of the Legal Committee. We were given a task by the Assembly to go to the different Partner States for the purpose of coming up with a report on how these international commitments regarding gender or equal opportunities are implemented. The report was not good at all. The implementation part of these international commitments was not showing good results. Yes, countries have developed policies and programmes, they have already developed Bills, but the implementation was still lacking. In addition, in many of our Partner States, such a Bill on gender equality had not yet been enacted. So, for the mover to come up with this idea of enacting this regional Bill on gender equality, it is very good guidance, which is going to enlighten all our Partner States to follow the very principles enshrined in this Bill that we are considering.

This Bill is also proposing some policies and programmes where they are not yet developed, and as it is going to supersede

national laws, this is a good guideline, which should eventually be followed by our Partner States where those policies and programmes are not yet developed.

This Bill, according to the different stakeholders that we discussed with, has good guiding principles. They are actually super but they said they would recommend the inclusion of some clauses in the schedule to elaborate procedures and modalities on state reporting to ensure compliance and enforcement of the Bill.

This is exactly in line with what I was just saying because when we went to different Partner States, we noticed that the compliance and enforcement part of the requirements was missing. So, for stakeholders to agree with the principles enshrined in the Bill and to come up with that proposal, I find it fantastic.

Mr Speaker, this Bill did not leave the aspect of child participation. For purposes of records, let me give you an example of our country, Rwanda the under the leadership of our great President, His Excellency Paul Kagame. Children's participation has been given great importance in this country to the extent that we have what we call a Children's Summit. They meet once a year, discuss programmes and projects aimed at ensuring their full and potential rights, and specifically their rights to the development of the country. Their voice is heard by the authorities for them to come up with policies and laws and any other instruments aimed at ensuring their rights.

Mr Speaker, the last point I wanted to dwell on is monitoring, evaluation and reporting, which also collides with what I saw before. There is no way we can talk about development without taking into consideration the big portion of the population, which are women. For that purpose, as it is clearly spelt out in the memorandum, the object of the Bill is to make provision for gender equality,

protection and development in the Community as stipulated under Article 6 of the Treaty for the Establishment of the East African Community, which calls Partner States not to discriminate against any person on the grounds of sex or gender as one of the cornerstones of good governance.

This Bill is also operationalizing Article 121 of the Treaty through which Partner States of the East African Community recognise the significant contribution that women make towards the process of socio-economic transformation, sustainable growth, and the importance of full participation of women and men in the economic and social development of the Partner States.

This Bill also considers a very important component of the society, which is the youth. There is no way you can side line the youth in development projects and programmes because not only do they constitute a big portion of the population, they are also the work force of each and every Partner State.

Therefore, for those reasons, I associate myself with those who spoke before me in agreeing with whatever is highlighted in the Bill, and I fully concur with the amendments as proposed by stakeholders or any amendments that eventually might be brought in by any of our colleagues.

With those few remarks, I support the Bill, and I thank the mover and yourself, Mr Speaker, for making it possible and for putting this very important Bill on the Order Paper. Thank you very much.
(Applause)

The Speaker: Thank you so much, hon. Valerie.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. Let me start by welcoming our colleagues to Rwanda, and state that we in the Rwandan chapter

remain humbled and honoured to do whatever we can to make your stay here much more comfortable and enjoyable.

Mr Speaker, I also want to appreciate the efforts by hon. Nancy and all those who have participated in this process so far. This is one of the Bills that have been properly and deeply interrogated, and all these translate into the quality of the law that we are likely to have. So, whatever may be perceived as a rough terrain that the process went through, I think it is a positive development that we can encourage for any Bill that we handle in this Assembly.

Mr Speaker, I will not repeat what other members have said, which I want to associate with, but I want to note that I am impressed by the fact that this Bill captures the elderly and what they need. This is one of the sizeable vulnerable groups that we have and they continue to be the victims of social injustices, even in their old age when they are more vulnerable.

Those who are not beneficiaries of pension schemes are very many in our Community, and we do not seem to have done very well in terms of addressing their challenges. Therefore, I appreciate the fact that this Bill has widened the scope to go beyond the traditional areas that we think about when we are talking about gender equality to include this particular group of our senior citizens.

Mr Speaker, I understand that this Assembly faces serious challenges when we are making laws because we are not supposed to come anywhere close to doing something that would impose an additional budget. However, I wish that in this Bill, under institutional arrangement, that we had specific proposals of the enforcement mechanisms.

I have in mind the gender observatory that hon. Oda was once heading here. It is the organ that conducts periodic audits to see the state of enforcement. Otherwise, we

have plenty of theory out there. We already have standards set on paper, but where we have serious challenges is enforcement, and this Assembly is constrained. When it comes to provisions on enforcement, we are constrained because we cannot propose something specific in terms of –
(*Interruption*) -

Ms Dora Byamukama (Uganda): I thank you, hon. Martin Ngoga for giving way. The information I would like to give is that when you consider what we are doing now and the fact that it is premised on the Treaty, on the African Charter on Human and Peoples' Rights, as well as on the Convention on the Elimination of all forms of Discrimination against Women known as CIDO, you will find that in CIDO, each state party is obliged to give periodic reports and all the EAC Partner States, as I speak, are signatories to CIDO, the convention on elimination of all forms of discrimination against women.

As such, this has been an instrument that has been used, not only by the Partner States, but also by the UN, to ensure that there is compliance, especially on issues of discrimination against women.

However, I do agree with hon. Martin Ngoga that we need a particular instrument or mechanism, and since we have the gender component or department in the EAC, and since we are also coming up with a gender policy, we can as well highlight that and give it to them as a mandate to ensure compliance. I thank you.

Ms Nyirahabineza: Thank you very much, Mr Speaker, for allowing me to give information to my brother hon. Ngoga. Apart from what my sister, hon. Dora, highlighted regarding the reporting system that exists within our Partner States in line with international instruments on gender equality as duly signed by different Partner States, I once wanted to come up with a legal instrument at the EAC level aiming at upgrading the very departments in charge

of gender, children, people with disabilities, the elderly and others, to a level of a gender monitoring office. I even discussed this with the Council of Ministers. At that time, the institutional review was still going on, and they said that that was not possible because we are not allowed to bring pieces of legislation, which have budgetary implications. However, they said they would consider it.

That is the information I wanted to give. Thank you.

Mr Ngoga: Thank you, Mr Speaker, and I thank hon. Dora and hon. Valerie for their enriching information. The emphasis that the honourable members are putting is that there have been attempts to come up with enforcement mechanisms and we have other model enforcement mechanisms that we can have in our Community. Because we cannot go beyond what our Treaty provides, I hope the Council of Ministers will take note of that and will make sure that we are not going to have another law that will be there, but with challenges in terms of how we enforce.

This subject of gender equality has a component that we can enforce through punitive measures, but the larger component of it is through institutional processes because we are dealing with a challenge that is deeply entrenched in our practices and cultures. Therefore, undoing that requires sustainable processes and institutions in place with clear mandates.

This requires a strong institutional arrangement in place, and I hope that as it is being proposed in Clauses 19 and 20 of the Bill, the Council of Ministers will take that into consideration.

Thank you, Mr Speaker, and I would like to support the report and the Bill.

The Speaker: Thank you.

Mr Chris Opoka-Okumu (Uganda): Thank you, Mr Speaker for giving me the

opportunity to contribute on this Bill. Before I do so, I would like to first of all thank His Excellency President Paul Kagame, the Government, and the people of Rwanda for giving us the opportunity to be in Rwanda after a long period of time. We are always very happy to be here, and we thank them very much. I would also like to thank the Rwanda chapter for the warmth that they have given us since we came.

Mr Speaker, on a personal note, I would like to thank honourable members, my colleagues, for their encouragement and support during the hot campaign in Uganda that saw me being re-elected. I thank them very much.

Mr Speaker, I stand up to support the report and to thank hon. Nancy Abisai for moving this very important Bill. When one goes through the Bill, the language that the Bill has adopted is really in consonance with Article 6 of the Treaty about gender. You see men and women. The non-discrimination against women is brought out very well.

I would like to congratulate the Council of Ministers, the EAC Secretariat, and the EALA leadership for not discriminating against women. We have equal salary, equal per diem, and equal leadership of committees. That is very good, and I think we are practising there. We need to take it to the villages. We need to see more male nurses. We need to see more female drivers of public transport. We need to see more participation of women, reduction of language that is demeaning to women or men. That is what this Bill is about, and that is very important.

We should not look at it as a Bill...I have heard some comments that tended to emphasise women's rights, but the issue is about gender equality. I am glad that the mover herself has indicated that she would be willing to accept the removal of 'development' in the title so that it is "gender equality". We need to practice

gender equality. Once we can do that, we will transform our Community in a very positive way.

When you do not only pay lip service but also practice – *(Interruption)* -

Mr Ogle: I wanted to seek clarification from my good friend, the baby faced octogenarian. I do not think that this House has yet accepted the removal of the word ‘development’ in the title of the Bill. So, you do not have to allude to that. I think we need some clarity on that.

The Speaker: I am sure the Members are aware that when we get to the Committee Stage is when the actual amendments will take place.

Ms Byamukama: Mr Speaker, I would not have wanted to interrupt my learned brother’s eloquent debate, but on the issue of equality, he said that we get equal pay and equal representation on committees. I would like to remind us that if you do an audit today, you would find that there is no Partner State in the East African Community that has not sent more men than women to the East African Legislative Assembly, as an example. Right now, we have a case in point where we even have some Partner States who have sent less than 30 per cent of the membership to the East African Legislative Assembly. So, there is work to be done, and I am saying this in all honesty, and earnestly.

Mr Speaker, indulge me in my eagerness and over zealousness to talk on this particular issue. I inadvertently did not pay respect to my dear brothers and sisters of the Republic of Rwanda for their hospitality. Sometimes when I am here in Kigali, it seems as if I am in Kabale, because this is only about one hour away from my hometown.

However, I would like to say that I do not take this for granted, and I want to congratulate you on your development, and

to salute President Kagame for his words. I will never forget some of the words he said. He said that we should push and push until we achieve what we want.

He also said that each person’s business in integration is everyone’s business. These are some of the words that cannot be forgotten, and we hail him, not only as one of the greatest leaders we have had in the region, but I believe that as we speak now, this is a model country, which should be emulated by all Africans. I thank you, Mr Speaker. *(Interjection)*

The Speaker: There is Further clarification but let us not bring addendums of debates.

Mr Zein: Mr Speaker, I am not going to thank my colleagues from Rwanda and the people of Rwanda. I am withholding that until I get more...we always get more here, so I will speak about that, maybe in a day or two.

I thank the hon. Opoka, who was on the floor, for pointing out some of the obvious things, but I also would like to challenge him that it was in this House - and I am glad that Al Haj, the Minister, is here. It was in this House that we made a humble request that would take into account both men and women when they go through the natural phenomena of adding to the number of human beings on the earth, that it is recognised and that they are given fair treatment, which is absent. Therefore, it is not true to paint a rosy picture of the rights of women and men in the EAC. However, I just want to say that I would like to congratulate him and the other members who have been elected to the Fourth EALA, and to say that their work is still not yet done.

The Speaker: Thank you, hon. Zein. Hon. Opoka?

Mr Opoka-Okumu: Mr Speaker, I am thankful for the interventions by hon. Ogle, hon. Dora and hon. Zein. As the hon. Dora

quoted His Excellency President Paul Kagame saying we should push and push until we get what we want, the work is cut out for us. Therefore, what hon. Zein is pointing out is correct that we should push and not give up.

Mr Speaker, with those remarks and interventions that have been made, I fully congratulate and support my sister, hon. Nancy Abisai, for having introduced this very important Bill that is going to enable us to push and push until we attain gender equality.

I would also like to thank the Committee for the very good report. Thank you. *(Applause)*

The Speaker: Thank you so much, hon. Chris Opoka.

Mr Frederic Ngenzebuhoro (Burundi): Thank you, Mr Speaker. I rise to support this Bill fully, but before I go ahead, I would like to express my thanks to His Excellency Paul Kagame, President of the Republic of Rwanda for having graciously accepted to open our session here in Kigali.

I also take this opportunity to thank the people of Rwanda for their warm welcome we have enjoyed while here. I would also like to thank the Rwanda chapter for all that they have done so that our stay here can be enjoyable.

I would like to take this opportunity to thank the mover of the Bill, hon. Nancy, because for me the Bill is timely and relevant. I do not want to come back to the contents of the Bill. I just want to emphasise an issue that hon. Martin has raised, the issue of enforcement.

Mr Speaker, I would like to say that this EAC region is not short of legal frameworks for gender equality. If you go through the constitutions of our Partner States, this issue of gender equality is there but how far is the enforcement and

implementation? Let me give you an example.

In Burundi, for example, Article 57 of the Constitution provides that

“With equal competence, every person has the right to, without any discrimination, equal salary for equal work.”

I can say that this is true. If you go to Article 129, it provides for a minimum of 30 per cent of women in the Government. In the Assembly, it is the same but in Article 164. In the Senate, it is the same, a minimum of 30 per cent, if you look at Article 180. However, if you go to EALA, I do not know if we have 30 per cent, although the EALA Elections Act stipulates that the minimum for gender must be 30 per cent. There is provision for that. Now, how far is this Act enforced?

I can also say that the minimum of 30 per cent is not in all sectors. In Kenya, a modern constitution, Article 27(3) stipulates -

Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”

Article 27(8) says -

The state shall take legislative and other measures to implement the principle that not more than two thirds of members of elected or appointive bodies shall be of the same gender.

Now, how far is this achieved? As far as I know, the two thirds in elective bodies remains a challenge. Further to that, Kenya remains a country where harmful cultural practices affect girls, like early or forced

marriages. Once again, there is an issue of enforcement.

In Rwanda where we have tremendous achievements in empowering women, the constitution provides for the principle of gender equality and women's rights, and it provides for the minimum of 30 per cent quota for women in all decision-making positions. I would like to say that Rwanda has gone beyond that, and there are many commendable achievements in this sector. However, according to some surveys or reports, even in Rwanda, 56 per cent of the women who were married or have been married, have experienced some kind of violence - physical or sexual - in their lifetimes. Therefore, once again there is an issue of enforcement of the legal frameworks that we have.

In Uganda, in the constitution, Article 21(1) says -

All persons are equal before and under the law in all spheres of political, economic, social and cultural life.

I have found somewhere that in 2007 Uganda had adopted a policy on gender to improve the social, legal, political, economic and cultural lives of Ugandans, particularly the women. The reality is that sometimes this is not enforced.

For example, Article 31(1) of the constitution of Uganda provides that men and women are entitled to equal rights in matters relating to marriage and its dissolution, but in reality, in case of dissolution of a marriage, the woman will leave without a fraction of the matrimonial property. You will find also that in Uganda, some harmful cultural practices remain prevalent, such as early and forced marriages and female genital mutilation.

Lastly, in Tanzania, according to the Tanzania constitution, a minimum of 30 per cent of the seats in the Parliament are

allocated to women, but you know how they are called? They are called special seats, which means it is not a normal situation – (*Laughter*).

In Tanzania, the land laws give women the right to own property. The Law of the Marriage Act of 1971 has been revised in 2002, and the law of the Child Act, especially Article 10(2), Article 13(1) and Article 15 allow men to contract polygamous marriages and promised marriages to 15-year-old girls, while the Sexual Offences Act provides that any person under the age of 15 is a minor. It is a contradiction, but unfortunately, it is accepted also. You could also note that in Tanzania, harmful practices like female genital mutilation and early and forced marriages persist until today.

Therefore, in conclusion, Mr Speaker, I totally support this Bill, which will contribute to push. We already have legal frameworks in the Partner States but, unfortunately, as I said, the implementation and enforcement is not done. So, for us as EALA, let us do our job. Let us pass this Bill and hope that it will be assented to by the heads of state, and hope that the implementation will be a reality on the ground in the Partner States. Thank you, Mr Speaker.

The Speaker: Thank you, hon. Frederic.

Mr Pierre Celestin Rwigema (Rwanda): Thank you, Mr Speaker, for giving me the floor. First of all, I want to welcome you and my colleague, honourable members, in this beautiful country. We will do what we can to make you happier and for you to enjoy the peaceful climate of this country.

Mr Speaker, I thank you particularly because yesterday's activity of the opening of this plenary session was fully successful. I thank you.

Mr Speaker, I am not a member of the General Purpose Committee but I stand up

to support this Bill fully because this Bill concerns or saves our lives. It is very important and I congratulate the mover, hon. Nancy Abisai.

Mr Speaker, I have only one point to make, and my colleagues, hon. Ngoga and hon. Frederic, have mentioned it. It is about the implementation and enforcement of this Bill. I have followed the clarifications given by hon. Dora and hon. Valerie, and it is true. When it is a matter of budget allocations, sometimes we have a problem.

Recently we visited the ICT Commission here in Kigali. They also have a problem of money, but they are working. In some other countries, when they talk about gender equality and development, or gender equality and equal opportunities, every time they try to put something connected to that, which they call gender equality and development commission. We need an instrument within the region, we need a body within the region to supervise and monitor the implementation of this Bill.

Even if we do not have money, we can expect to get it later. It is the reason why, if the mover accepts, I can submit an amendment on a provision that can help with the establishment of a gender equality and development commission. I will even mention other functions and the need of this kind of body within this Bill.

Again, Mr Speaker, I support this Bill and I thank the mover. I thank you.

The Speaker: Thank you.

Mr Peter Mathuki (Kenya): Thank you, Mr Speaker for this opportunity.

Allow me right from the outset to take an opportunity to register my full satisfaction of the manner in which, as members of this Assembly, we have been received in this great Republic of Rwanda. *(Applause)*

Given the remarks by His Excellency the President of the Republic of Rwanda, Paul

Kagame, every time he speaks, he talks to us. You recognise and realise that that is somebody interested in this region and if you look through the history and particularly the time he was the Chair of the Summit and that was during the time that the Community was going through the Common Market Protocol, look at how it went and even beyond that.

As a country, they have gone ahead to ensure that all that is the Common Market Protocol is almost – and even looking at the Vision 2020 where as a country they have realised and gone ahead to fulfil, it is never easy for most of the time so that shows commitment. I think for the record, we thank him.

Mr Speaker, I also thank you because of your interests and the effort that you are investing to ensure that every time we go to the capitals, you show interest and make sure that for those in this Assembly who are elected to proceed to the Fourth EALA, this is done. You did that well in Uganda and I want to congratulate you and the members of the Third EALA from Uganda who have successfully been elected to join the Fourth EALA.

That is because of you, Mr Speaker. Continue and we hope that other partner states will emulate the same. It is important because of continuity. Some of the job and business that will not be completed during our tenure as the Third EALA, I am sure that given a number of those who would want to proceed, it will become very easy to carry forward and ensure that the business is complete. Therefore, I want to congratulate you.

Mr Speaker, coming to the Bill, I want to start by thanking the mover of the Bill, hon. Nancy Abisai and the committee for the job that is well done. Ultimately our hope is that it will become a law and going through it, it meets the criteria, the standards and the tenets of a good law because a good law must be in the interests of the people and

therefore, we all agree that it is timely for this Bill to be in place.

We appreciate that we have so many other similar instruments passed by other institutions like the United Nations, the African Union, the International Labour Organisation and so forth, but I think it will go down in the history as the Third EALA that we took authority and said it is important that we have an instrument that supports and promotes gender equality. Therefore, it is in the interest of the people.

A good law again must never discriminate and we are saying that this law does not do that because it only promotes that. It is important that we appreciate that it meets the criteria of a good law. It must be reasonable in the sense that it takes care of everyone and indeed the law is doing that, Mr Speaker. A good law must be able to be enforced; it must be enforceable.

If you put a law that is difficult to enforce, it becomes a challenge. If it is not difficult to enforce, Mr Speaker, and it must be known. I think that at the end of the day we should do our part. It will be our satisfaction as Partner States that are supposed to implement this because the awareness of those people is supposed to benefit all of us the consumers of this law. Therefore, a good law must never suppress.

If you look through the Bill, I agree it is in tandem with the Treaty establishing the East African Community and, therefore, it is important to note and to say that this Bill, when it becomes law, it will ultimately meet the criteria, the standards and tenets of a good law. Therefore, in the spirit of the committee, the mover, it is timely.

What is very unfortunate is that in this 21st century we are still talking of gender equality. I think it is high time we walked the talk. We may have so many instruments, we may have all these things, but are we walking the law? I think it is important that we move forward for the

record of this Assembly, and during the time of the Partner States because they have to ensure that they enforce the law so that we do not simply have it for the sake of having it.

Therefore, it will be in the interest of all of us from the different Partner States. Therefore, it is important for record that I stand to support and fully associate myself with this Bill. I hope that the results will come during our stay here because we are almost ending, and it is important that we do our best that by all standards the Bill meets the criteria and standards of our very good law. Mr Speaker, I thank you.

The Speaker: Thank you, hon. Peter Mathuki.

Ms Sarah Bonaya (Kenya): Thank you, Mr Speaker for giving me the floor to be able to support this important Bill. I would like to start by thanking the people and the government of Rwanda, and especially President Kagame who took off time from his busy schedule to come and address our Assembly. I also want to thank the chapter members from Rwanda for all the support they have given us.

I would like to thank the Committee on General Purpose and the chair for the eloquence and well-presented report. I would also want to thank the mover of the Bill, hon. Nancy Abisai, for the timely and very important Bill that she has brought to the Assembly.

Mr Speaker, I think it is a very important Bill because the two are very critical in complementing each other in development and advancement of humanity. Historically we feel marginalisation of the female gender, but due to advocacy by various groups and affirmative action, we have managed to make progress. Therefore, an instrument like this Bill will go a long way in safeguarding the rights, equal opportunities and access of equal

opportunities in development across the sectors.

As a community, we need to be at par with the rest of the world. We have also seen that the rest of the world has advanced wealth by working with the different genders, and we have made commitments as a region and as Partner States. As individual countries, we have made commitments and this instrument will actually put us at par or in line with the commitments, which we have already made. It will help us to safeguard those cardinal principles of human rights and equal opportunities for all gender.

However, we do not need to over-emphasise the female gender. I think that as we go along, we will also need to look at our male gender because our boy-child today are an endangered species. As a mother, I stand to voice this because we need...we have been over dramatizing and over emphasising the girl-child, and of course the discrimination has been there, but to-date the male child is feeling marginalised as well.

Therefore, we need to look into the issue of giving equal opportunities and also safeguarding the boy-child as well as protecting the girl-child from all the negative cultural beliefs that undermine their access to equal opportunities. I support the motion.

Ms Oda Gasinzigwa (Rwanda): Thank you, Mr Speaker and I want to apologise for my bad voice.

Let me take this opportunity to welcome my colleagues in Kigali, and I want to thank the Committee On General Purpose for this important initiative, and in particular, my sister hon. Nancy Abisai for her tireless efforts to make sure that today we are discussing the Bill.

Mr Speaker, let me again thank you and the Assembly in general because gender issues

have been discussed in recent forums but we still experience the gaps. I think it was a good step taken by this Assembly before the end of its term to make sure that you leave behind the legacy of the focus to the citizens of our community. I want to congratulate you. *(Applause)*

Mr Speaker, my colleagues have touched many aspects of the gender issue, and I want, before going forward, to also put on record that I support the Bill, and I request all members to do so because we are talking about human rights, and human rights is about human beings, and human beings is about women, men, girls and boys.

A lot has been done, and I want to congratulate our Partner States and the leadership of our presidents in all our Partner States. A lot has been done, and it has been mentioned in areas of policy, legal provisions, and of course some programmes and projects around implementation of this noble cause, but we need to be frank to each other here as members of the Legislative Assembly, and especially at the EAC level because although a lot has been done, we still have big challenges in this area. We still experience discrimination in different areas, like in governance, in economic empowerment, in social affairs, and I think we as observers, we as the legislators who have been given this opportunity to stand on behalf of our citizens in the East African Community, should not get tired of advocating for gender equality. *(Applause)*

Of course, we appreciate what has been done, but as my colleague said, I want to thank my president for always giving us take-home question or assignments. He said that we need to push and push. Now, in this area, without political will we can achieve nothing. I talk with experience from my country, and from other member states, that without leadership in this area, without political will, even if you have good policies, even if you have good legal

provisions and you have good strategies, we cannot achieve this.

We need to support our leaders with their political will and use the opportunity we have by having the Assembly ensure that this is being implemented, as my colleagues have mentioned. As I mentioned earlier, we still see issues of discrimination, and I want to say here that it is not only affecting women, but also the men. I think that we need to move forward. We need to take the issues of women empowerment as a priority, but in this era, as my colleagues have been saying, the issue is not about a woman or a man. The issue is about development, the rights, and about what we always say about the citizens.

What do we mean by that? If we take into consideration all that we are preaching in our different platforms in the area of advocacy, we need to go back and look into the accountability mechanisms we have in place. Are we really walking the talk?

In the area of economic empowerment, for example - I am happy to hear that we had - I think they have gone - that we had visitors from the private sector here - but all over Africa, or even elsewhere in the world, but particularly in the East African Community, you will find that we still have some financial issues in gender equality. We still have some issues concerning equal participation of men and women.

For example, how many Chief Executive Officers do we have who are women? What are the opportunities? What are the capacities being given to this particular sector? If you talk about property rights, what are we saying? And the issue of talking of land? It becomes a problem. However, those are your sisters, mothers and wives.

When you look into education - yes, I am happy that we have registered many achievements in the areas of primary

education and secondary education, but we need to put more effort in the area of science and technology. Tomorrow we will need to have good leaders, but where are we going to get these good leaders? So, we need to provide equal opportunities in education for both girls and boys.

Mr Speaker, I do not want to bring all the gaps today because I know they are registered and many of you have come across them, but I wanted us to strengthen what we are doing from now onwards using these Bills and other initiatives that we are putting in place.

Also, allow me to support hon. Ngoga, hon. Dora Byamukama and the other colleagues who mentioned the issue of enforcement, the issue of having accountability systems in place and they requested the Council Of Ministers to help us to make sure that we have these things in place.

It is unfortunate - I do not know if that is the right word, but it is always difficult to discuss a Bill without a policy. When I was going through this Bill, I realised that some of the issues... if you want to have a good Bill, I think the Bill should be focussed. The things, which are not legal and which do not need legal provisions should be provided in the policy itself with a strategy, with a monitoring mechanism, and with a reporting mechanism in place. All in all, I think it is a good initiative, not waiting to have the policy in place. However, I would urge the Council Of Ministers to have this policy in place because I think some of the issues should be better worked on in the strategies through the gender policy, which is going to be developed.

Again, I wanted to ask or to request my colleagues in the Committee responsible for this Bill to look into the issues of children and the elderly, which was mentioned, if I am not mistaken. For me I would wish that we looked at this specific group in the gender perspective. We should

try to focus on the gender perspective, but if we open up to each and every aspect around children and the elderly within the same Bill, I think it will be a little bit difficult to implement.

I will excuse myself if I did not get it right, but we have, for example, in Rwanda, specific Bills for children, because there are many issues around children's rights. We also have some provisions and specific legal provisions for the elderly and the policies specific for those specific group.

Therefore, it is true that we need to focus on girls, boys, and children in this particular Bill, but we need to be very careful not to bring in things, which are not necessarily gender issues within a Bill on gender. I would propose that after having these policies, we would be having other specific Bills to make sure that we tackle each and every component that we think is important.

Once again, I want to support the idea of coming up with accountability mechanisms. Let me give you an example of Rwanda. When we were talking about international conventions and treaties - yes, they are there, and every country is obliged to report against all those international protocols and conventions, but if you don't have - and this also goes with a political will - if you don't have your own conviction of putting in place the mechanism to monitor yourself, to make sure that you have indicators...if you talk about gender, what are those indicators? What are you going to measure against?

Therefore, it is not only about having gender, gender, gender, but what are you talking about? Is it about – (*Interruption*) -

The Speaker: There is information, but do it quickly in the interest of time.

Ms Nyirahabineza: Thank you very much, Mr Speaker, for giving me this opportunity

and I thank you, my sister hon. Oda Gasinzigwa, for allowing me to give you information.

On several occasions, we requested the Secretariat to avail to us a list, or at least a document containing those indicators. It seems that they have finally been developed, but they have been developed at our request, meaning at the request of the Assembly. Thank you.

Ms Gasinzigwa: Thank you, hon. Valerie Nyirahabineza for the information. I am happy that this has been done.

In conclusion, Mr Speaker, I just wanted to say, once again, that I support the Bill with the amendments. Let us move forward to look at how it is being implemented as an oversight activity as we move forward towards the EAC of equality between men and women. I thank you.

The Speaker: Thank you very much. Honourable Members. May I now invite the chairperson of Council to respond? Rt. hon. Second Deputy Prime Minister standing in for the Chairperson, Council of Ministers.

The Second Deputy Prime Minister and Minister for East African Affairs, Uganda (Mr Kirunda Kivejinja) (Ex-Officio): Thank you very much Mr Speaker. I would first of all want to thank the hosts who have made it very conducive for us to be able to think seriously about things that concern us. (*Applause*)

I want to thank the mover of this Bill because normally in the division of the three arms of governance, there is the legislature, which makes the laws, there is the executive, which executes the actual administration according to the laws made, and of course the judiciary, in case there is any dispute. Therefore, it is clear that this passed through the Council of Ministers and that they gave it a go-ahead.

Our main constraint is that once it has monetary implications, such a bill is very difficult to be supported by the Council of Ministers because, as you know, when it touches money...you saw yesterday that our Speaker had to openly appeal to the Head of State because money is money. It is always scarce, and they say if there are any financial implications, then you will find...But I have read this, because this has been with us for quite some time and, in fact, we are supposed to have debated it in Kampala. So, I read each and every aspect of it, and I am up to date with it.

The only thing that I want to contribute is that the suppression of our society, especially the African society, has been because of lack of ideological clarity. We have muddled up, and we continue to be muddled up because we are not clear. Therefore, the most important thing is to encourage Members here that our work will not end by just passing this bill. However, let us clarify more and more about our ideas that we think can put our continent and our region, particularly, on the forefront.

I have listened very much to all contributors. I enjoyed the contribution of the youngest Member of our Community, the honourable Member from Rwanda, and he says that the sense is that a plan remains a draft if it has no budget. This is because if you do not have the details of how you are going to implement, you will not also implement it, and you will not be able to monitor it. However, this one has come up, and you must understand that it is a long way to achieve what we think is the best for us and for East Africa.

If you take the history of this question of gender and women rights, the Western world has always privileged themselves and prided that they are inheritors of civilisation, but even Aristotle...Socrates, who is very much accredited in democracy and all the issues of human rights and moral philosophy based on Christian morality,

even as early as the time of the Greeks, there was a problem when they talked of equal rights. It does not mean equal rights to all people. Slaves were not part of the people.

It is recorded in History that actually, Socrates convened a convention trying to find out whether women are human beings, and whether they should be entitled. What was the conclusion of that? It was that women are an imperfect creation of men. So, this is a long journey, which has travelled, and because we now have leaders who are ideologically clear...For example, our politics was based on the principle that women must be excluded, that religions are important, that tribes are important. Now we are even saying that the nations, which we inherited, some think that they are important and coming together.

That is why we find that those leaders who have been clear have been able to accelerate to bring other human beings on board so that they contribute to the welfare of all of us. Imagine, people thought that women were useless, but ever since we started this revolution in East Africa, it has caught up. Rwanda has 62 per cent women, and it is not costing anybody sleepless nights.

Therefore, most of the things...the greatest problem is in our heads - (*Applause*). Once we clarify and know that this is correct for our own good, it would be easier. Therefore, I am just asking that it is not enough to pass this Bill. Let us carry that forward, whether we are Members of EALA - the Third or the Fourth - but you are already impregnated with the right thinking, and wherever you do it, make sure that you follow it and that people around you follow it and you advocate for it - (*Applause*).

I just wanted to give you that history that the journey has been long, and to achieve what we think will bring up humanity and create better human beings is still a long

way. We are playing our part, and we say in our tradition, “*Aluta Continua*”.

Thank you very much. (*Applause*)

The Speaker: Thank you very much, Rt. Hon. Deputy Prime Minister. May I now invite the Chairperson of the Committee to respond first before the Mover takes the floor?

The Chairperson of the Committee on General Purpose (Dr Odette Nyiramilimo) (Rwanda): Thank you very much, Mr Speaker. I would like to thank all the Members, including the Rt. hon. Deputy Prime Minister for the ideological clarity.

Mr Speaker, first of all, I want to thank all the Members who talked and contributed to this. They all supported the motion, the report and the bill. Hon. Ogle, hon. Ndahiro, hon. Zein Abubakar, hon. Mariam, hon. Dora, hon. Mumbi, hon. Sebalu, hon. Shy-Rose Bhanji, hon. Valerie, hon. Ngoga, hon. Opoka, hon. Fredrick, hon. Rwigema, hon. Mathuki, hon. Sarah, hon. Oda Gasinzigwa, and the Rt. hon. Deputy Prime Minister.

All the Members, as I said, supported the motion, and I will not go into detail of what was said. I thank hon. Ogle because he talked of the constitutional issues, especially those who contradicted the Islamic Law. We corrected that and the confusing vocabulary that had been used in the Bill. I want to assure him that we deleted whatever was confusing in the Bill, like sexual autonomy. We deleted that because it did not have anything to do in our Bill. It was a printing error. It was not in our draft Bill.

Hon. Ndahiro, thank you very much. You have explained all that, and hon. Zein Abubakar, thank you because you pushed us to think further and to research in the Partner State constitutions, and in the

existing laws. That helped very much to enrich and correct and amend the draft Bill.

Hon. Mariam, thank you for the experience that you brought to us. Hon. Dora Byamukama brought an amendment to the Bill. The same amendment was also proposed by hon. Rwigema to enable the enforcement or implementation of the Bill. I think it is hon. Dora Byamukama because it does not have a signature. She was proposing to add to Clause 19 that the Council – (*Interruption*) -

The Speaker: Honourable Chairperson, I think the details of the amendments we will deal with them in the committee. Just give general comments and then we will deal with the details when we get to Committee Stage.

Dr Nyiramilimo: That is what I wanted to strengthen, but I would like to explain that we did not want to put any institutional arrangement because it might contradict Article 59 (2) of the Treaty. We wanted be very careful on that. We do not want our parliament to be seen as putting charges to our partner states.

Therefore, that is why we avoided putting the institutional arrangements - (*Interruption*)-

Ms Byamukama: Mr Speaker, I am constrained, but I wanted to make a clarification. It is not the first time that we are proposing the creation of an institution. We have done so in the past, but how we have cured it is by providing in Clause 1 of the Bill that “*This Act may be cited as the East African Community Gender Equality and Development Act, 2016, and it shall come into force on such a date as the Council may, by notice published in the gazette, appoint.*”

Therefore, it is up to the Council, as and when Council has provided for the budget,

to be able to publish in the gazette the operationalization of this particular Act.

Secondly, when you look at my proposal, I did not talk about an institution. You have already provided for an institution in Clause 19. All I am doing in my proposal is that Council should put in place, adopt measures, provide annual reports, budgetary and other resources for the effective implementation of this Act.

So, we are not putting the cart before the horse when you have Clause 1. It guards against this kind of idea that we do not have the financial resources. I think this will cure what you are trying to say, with all due humility. Thank you.

The Speaker: I beg that we transport that debate to the committee stage. Proceed, chairperson.

Dr Nyiramilimo: Thank you very much Mr Speaker. Yes, that is true, and as you guided, I will debate that when we get to the same clause.

I think there are some two Members, hon. Byamukama and hon. Opoka, who also proposed to remove “development” from the title. We will see that when we get there.

I discussed this with my colleague hon. Abisai, and we think that deleting “development” would not do any harm to the Bill, and maybe it will be more clear - *(Interruption)* -

Dr Ndahiro: Thank you, Mr Speaker. I think deleting “development” will alter the spirit of the Bill because development has two aspects. Perhaps if you take it literally as an adjective, or you take it in its philosophical sense, it has economic connotations but in both cases, it comes down to a process.

What we are doing, we are building a process. We are not in a perfect situation,

we are in a situation where all that we are doing is building something towards a result, and the result is the wellbeing of everybody. Therefore, whether you take it literally or you take it in its philosophical sense, I think it forms the spirit of this Bill. I think removing it alone will affect the spirit of this Bill. Thank you.

The Speaker: Honourable Members, we shall handle this debate when we are at the Committee Stage. Therefore, Chairperson, do not introduce aspects that will allow debate on amendments at this stage. Thank you.

Dr Nyiramilimo: Thank you Mr Speaker. I would just conclude by saying that we are very grateful as Members of the Committee on General Purpose to have the support of all the Members who talked. Thank you.

The Speaker: Just before I put the question to the motion, let me invite the Mover of the Bill, hon. Nancy Abisai, to say a few things.

Ms Nancy Abisai (Kenya): Thank you very much, Mr Speaker for giving me this opportunity. I would also like to add my voice to thank the people of the Republic of Rwanda and His Excellency President Kagame for the warm hospitality and the kind words and words of wisdom that he gave us during his address yesterday.

Mr Speaker, I will not belabour much because the chair has responded to most of the issues. I would just like to say that I truly thank my colleague, especially those who raised the issues that were contentious in the Bill. I think it was in good light, it was in good faith, and it was done to improve the Bill. I am grateful that they actually brought them up, and I also want to thank my colleagues in the committee, hon. Zein Abubakar, hon. Ndahiro, hon. Ogle, hon. Mulengani and all those who stayed and supported some of the very amendments that we needed to make this Bill work.

I also thank you, Mr Speaker, for having the time to go through this Bill and for understanding the many stages. What I would also like to say - the chair did talk about it but I would like to say that the process of drafting this Bill was a real back and forth, and at some point during the exchanges on email, some of the contents that were not supposed to be in the Bill were mistakenly forwarded to the drafter. He had already published the Bill when I brought this to his attention and he said that there was always a chance to amend it, to delete it, or to come up with proposals.

Therefore, I just wanted my colleagues to know that so that they can appreciate it. I do not want to talk to the content; we will discuss them through. I thank everybody, and I am grateful that they all supported the Bill.

The Speaker: Thank you very much hon. Nancy Abisai, the mover of the Bill.

Honourable Members, the Motion before this Assembly is

That the East African Community Gender, Equality and Development Bill, 2016 be read for the Second Time.

I now put the question.

(Question put and agreed to.)

The Speaker: Honourable Members, it is at this stage that we are supposed to move to the committee stage.

BILL'S

COMMITTEE STAGE

The East African Community Gender Equality and Development Bill, 2016

The Speaker: Thank you very much. I deliberately let Members debate this report elaborately because of its importance. As you know, we carried it forward from Kampala. The hindsight wisdom behind carrying this from Kampala was to give it time, and as you know, honourable Members, tomorrow is 8th of March - *(Applause)*. There can never be any better gift to the East African Community than passing this Bill tomorrow - *(Applause)*. It will be a signature of our celebration of the International Women's Day. Therefore, I would like to withhold debate and the process of this bill at this time.

Before I adjourn, I would like to announce that the ABC is hosting us for a dinner at 7 o'clock at the Serena Hotel. Vehicles will come to pick Members from their hotels. Please, let us attend and have the conversation over a meal with our private sector.

ADJOURNMENT

The Speaker: Honourable Members, I now adjourn the House to tomorrow at 2.30 p.m. I thank you very much. The House stands adjourned.

(The House rose at 5:29 p.m. and adjourned to Wednesday, 8 March 2017 at 2.30 p.m.)