

EXHIBIT 139



Scott Lively <sdllaw@gmail.com>

FW: "Kill every last gay person"

9 messages

Robert Knight <robert.knight@theacru.org>
To: Scott Lively <pastorscott@redemptiongate.org>

Mon, Feb 27, 2012 at 4:06 PM

Scott, did you see this? The petition states:

As the bill's author, David Bahati, has said, he believes the government of Uganda should "kill every last gay person." (1)

Good grief.

From: Greg Quinlan [mailto:quinlan_greg@yahoo.com]
Sent: Saturday, February 25, 2012 6:31 PM
To: PETER And KRISTIN SPRIGG; Regina Griggs; Retta; 'Michelle Hoffman'; Estella; Bob Knight; Matt Barber; Tom Strohbar
Subject: Fw: "Kill every last gay person"

FYI

----- Forwarded Message -----

From: "Eden James, Change.org" <mail@change.org>
To: quinlan_greg@yahoo.com
Sent: Saturday, February 25, 2012 6:10 PM
Subject: "Kill every last gay person"



Dear Gregory,

Citibank and Barclays could save the lives of lesbian, gay, bisexual and transgender (LGBT) people in Uganda.

The Ugandan legislature could vote any day on a so-called "Kill the Gays" bill that could result in legalizing the death penalty for any LGBT person in the country. But Citibank and Barclays together have hundreds of millions of dollars invested in Uganda and wield significant influence in the country, just as banking lobbyists wield influence with Congress in the US. **If Citibank and Barclays speak out against the "Kill the Gays" bill, Ugandan legislators will take notice in a hurry.**

Collin Burton is a Citibank customer -- he's also gay. Collin started a petition on Change.org asking Citibank and Barclays to speak out against the "Kill the Gays" bill. [Click here to sign Collin's petition right now.](#)

Citibank and Barclays are both big supporters of LGBT rights for their own employees, yet they invest money with a government that is threatening to execute LGBT people. **"I expect Citibank and Barclays to live up to the values of equality and fairness, not just list them on their websites," Collin says.**

If Citibank and Barclays speak out against the "Kill the Gays" bill, Ugandan legislators will see that they are risking the business relationships that keep their government afloat.

[Click here to sign Collin's petition asking Citibank and Barclays to issue strong statements condemning Uganda's "Kill the Gays" bill.](#) The bill could come up for a vote any day, so swift action is essential.



Uganda's "Kill the Gays" bill has been re-introduced. Citibank and Barclays wield significant influence in the country, but have so far been silent. Tell the two banks to speak up now and help stop the terrifying bill from becoming law.

[Sign the Petition](#)

Thanks for being a change-maker,
- Eden and the Change.org team

This email was sent by Change.org to quinlan_greg@yahoo.com | Start a petition
Unsubscribe from future weekly updates. Edit your email notification settings.

Scott Lively <sdllaw@gmail.com> Mon, Feb 27, 2012 at 4:43 PM
To: Robert Knight <robert.knight@theacru.org>
Cc: Scott Lively <pastorscott@redemptiongate.org>

I hadn't seen this. These people are such liars. I will forward this to my Uganda contacts. They may want to take legal action.

Scott

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com> Mon, Feb 27, 2012 at 4:46 PM
To: charles tuhaise <ctuhaise@yahoo.com>, Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>

Mr. Bahati should take quick action to counter this libel.

[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com> Mon, Feb 27, 2012 at 5:07 PM
To: Scott Lively <sdllaw@gmail.com>, pastorscott@redemptiongate.org
Cc: charles tuhaise <ctuhaise@yahoo.com>, Stephen Langa <stephenlanga@gmail.com>

Dear Scott,

Thank you for the letter. I will follow up with hon Bahati to make a statement to clarify this very misleading statement. Hon Bahati has never believed or stated that he want to kill homosexuals. Infact he has said to the contrary that the death penalty should be removed. They are certainly up to stirring up their devotees with lies that Bahati wants to kill every last one of them. That is a total lie.

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PS send me your number so I can call you. I am in the US for short visit.

On 2/27/12, Scott Lively <sdllaw@gmail.com> wrote:

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> Date: Mon, Feb 27, 2012 at 4:06 PM

> Subject: FW: "Kill every last gay person"

> To: Scott Lively <

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>
> ****
>

Robert Knight <robert.knight@theacru.org> Mon, Feb 27, 2012 at 5:47 PM
To: Scott Lively <sdllaw@gmail.com>
Cc: Scott Lively <pastorscott@redemptiongate.org>

I would think so. Make them show evidence of this.

From: Scott Lively [mailto:sdllaw@gmail.com]
Sent: Monday, February 27, 2012 4:44 PM
To: Robert Knight

Cc: Scott Lively
Subject: Re: FW: "Kill every last gay person"

[Quoted text hidden]

Scott <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Mon, Feb 27, 2012 at 6:09 PM

This may be legally actionable. I don't know his rights as a foreigner but for a US citizen this would be grounds for litigation

Sent from my Samsung Captivate(tm) on AT&T

Martin Ssempe <ssempam@gmail.com> wrote:

> Dear Scott,
>
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> statement to clarify this very misleading statement. Hon Bahati has
> never believed or stated that he wanted to kill homosexuals. In fact he
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> Bahati wants to kill every last one of them. That is a total lie.
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>
> ****
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Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: charles tuhaise <ctuhaise@yahoo.com>, Martin Ssempe <ssempam@gmail.com>

Tue, Feb 28, 2012 at 2:38 PM

Thank you Scott for the info. I am amazed at how these people use blatant lies to propagate their agenda. SL
[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 1:47 PM

[Quoted text hidden]

EXHIBIT 140



Scott Lively <sdllaw@gmail.com>

Lawsuit by SMUG

5 messages

Scott Lively <sdllaw@gmail.com>

Thu, Mar 15, 2012 at 11:30 AM

To: Stephen Langa <stephenlanga@gmail.com>, Stephen Langa <stephenlanga@yahoo.com>, Martin Ssempe <ssempam@gmail.com>

Brothers,

Below is my initial response to the SMUG lawsuit. Follow the link at the bottom and open the "filing" to read the complaint. You both are named in it. I don't expect them to prevail, but you never know with a politically charged lawsuit.

I have made the request previously to receive a copy of my 2009 seminar videos, but now I must repeat it with urgency. If the suit survives my initial challenge I will then have to fight them over the alleged facts, which means I will need to show the original context of my comments that they have misrepresented. If there is a fee to acquire this footage I can cover it, within reason.

Blessings,

Scott

On March 14th a lawsuit was filed against me in Federal District Court under the Alien Tort Statute which allows Americans who are alleged to have committed serious violations of international law to be sued by foreigners in the U.S. court system. The plaintiff is a homosexual activist organization called Sexual Minorities Uganda (SMUG), and the law firm which filed the action is a George Soros-funded Marxist group called the Center for Constitutional Rights.

The suit alleges that I committed the "Crime Against Humanity of Persecution," which they assert is a cause of action in international law, by speaking against homosexuality in Uganda. While the plaintiffs insist that the suit is "not, therefore, premised on [my] anti-gay speech or writings" it nevertheless recites only my speech and writings as justification for bringing the action, except that it separately suggests that my alleged advocacy of capital punishment for homosexuals in Uganda is also actionable. The latter is a baseless charge for which they have not a shred of proof, but in any case advocacy for legislation is protected speech, so there is no legitimate basis for litigation.

This lawsuit is ridiculous on its face, being mostly a rehash of debunked arguments the left has made for the past three years, all on the general theme that my preaching against homosexuality in Uganda is the singular cause of persecution of homosexuals in that country. Liberty Counsel has agreed to represent me in the suit.

A few pertinent facts about this issue:

1. I have never advocated nor can any of my comments in Uganda reasonably be construed to advocate violence against homosexuals. Most of the ostensibly inflammatory comments attributed to me are from selectively edited video clips of my 2009 seminars in Kampala. I

challenge the plaintiffs and their allies to publish the complete footage of the seminar on the Internet. They will not do this or their duplicity would be exposed by allowing people to see these comments in context. However, all of my Uganda lectures were based upon my 2009 textbook *Redeeming the Rainbow: A Christian Response to the 'Gay' Agenda* which may be downloaded without charge at my website defendthefamily.com. Their most devious misrepresentations are derived from my lecture on Chapter 4, "The causes and types of homosexual disorder."

2. I did not advocate for capital punishment for homosexuals in Uganda and to my knowledge the bill in question had not been drafted as of the date of my seminars. On the contrary, in my address to members of parliament I urged an emphasis on therapy rather than punishment, and after the bill was released I opposed the death penalty provision. My "Letter to the Ugandan Parliament" (and their reply) documenting these essential facts have been published on my website for two years for all, including the plaintiffs and their attorneys to see.

3. The centerpiece of the SMUG evidence that homosexuals have been persecuted in Uganda is the murder of their leader, David Kato, in 2011. Glaring omitted from the complaint is the fact (well known to SMUG) that Kato was killed by a "gay" prostitute whom Kato had bailed out of jail to be his live-in lover. This man confessed to bashing in Kato's head with a hammer for failing to pay him as promised and was prosecuted for the crime.

Here is the press release and website of the Center for Constitutional Rights: <http://www.ccrjustice.org/LGBTUganda/#timeline>.

I solicit your prayers.

In Jesus,
Scott Lively

Stephen Langa <stephenlanga@gmail.com>

Thu, Mar 15, 2012 at 3:06 PM

To: Scott Lively <sdllaw@gmail.com>

Cc: Stephen Langa <stephenlanga@yahoo.com>, Martin Ssempe <ssempam@gmail.com>

Dear Scott,

Thank you for your initial response and for throwing more light on this matter. This is yet another of the gay agenda strategies. Let me work on your request.

God bless.

Stephen Langa
[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com>

Thu, Mar 15, 2012 at 3:09 PM

To: Scott Lively <sdllaw@gmail.com>

Cc: Stephen Langa <stephenlanga@yahoo.com>, Stephen Langa <stephenlanga@gmail.com>

Dear Scott,

I have received the message. I going to study and give some feedback. Steve can you please work on the video footage?

What are the implications for us. Do we also need to respond?

May our God strenghten you to defeat this taunting goliath. We shall overcome.

Pr Martin

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Thu, Mar 15, 2012 at 6:03 PM

To: Martin Ssempe <ssempam@gmail.com>

Cc: Stephen Langa <stephenlanga@yahoo.com>, Stephen Langa <stephenlanga@gmail.com>

You are beyond the jurisdiction of the US courts in this action, but I suspect that you have been named as co-conspirators so that a subsequent action could be filed against you in Europe (or Africa) if they prevail here. That is merely conjecture, and I don't know exactly how the EU court system could reach Africans, but such an action would fit their method of operation. These are wicked people enjoying unprecedented new power in this age of increasing apostasy. ...But greater is He who is in us than he who is in the world!

[Quoted text hidden]

Stephen Langa <stephenlanga@gmail.com>

Fri, Mar 16, 2012 at 4:46 AM

To: Scott Lively <sdllaw@gmail.com>

Cc: Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@yahoo.com>

Thank you for the clarification Brother

[Quoted text hidden]

EXHIBIT 141



Scott Lively <sdllaw@gmail.com>

Does the case against you hold any water?

charles tuhaise <ctuhaise@yahoo.com>

Thu, Mar 15, 2012 at 7:38 AM

To: Scott Lively <sdllaw@gmail.com>

Cc: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>

Hello Scott,

I have heard of the case filed against you by the Centre for Constitutional Rights (CCR) in a US Court on behalf of Sexual Minorities Uganda:

http://www.nytimes.com/2012/03/15/us/ugandan-gay-rights-group-sues-scott-lively-an-american-evangelist.html?_r=1

<http://ccrjustice.org/>

But it seems the efficacy of the law under which this suit is filed is yet to be decided by the US Spreme Court Justices:

<http://www.scotusblog.com/?p=140230>

Just wondering what your take is of this new development, as it seems to be aimed at generating a premeditated media frenzy, for the sake of propaganda, at the very least.

Charles Tuhaise

Scott Lively <sdllaw@gmail.com>

Thu, Mar 15, 2012 at 11:16 AM

To: charles tuhaise <ctuhaise@yahoo.com>

Charles,

The suit is baseless but that doesn't mean they won't win if they get a judge who shares their ideology. If they got a favorable ruling here in the US, I would expect them to then take action in Europe against the others named in the complaint, including yourself. This is purely political and as such the left will bend the rules and the law to maximize their political advantage from this actiion. As always, the end justifies the means for these people.

Please keep this all in prayer.

Also, if the lawsuit survives our initial challenge we will need to counter their false assertions with the truth. An important fact is the nature of my comments to the MPs when I stressed that they should emphasize therapy and not punishment in the bill. It would be helpful to have one or more affidavits from MPs stating that.

I also need to know when the bill was actually drafted. To my knowledge it was drafted after my seminars. In any case I never saw it prior to its introduction by David Bahati.

Here is my initial response to the suit:

On March 14th a lawsuit was filed against me in Federal District Court under the Alien Tort Statute which allows Americans who are alleged to have committed serious violations of international law to be sued by foreigners in the U.S. court system. The plaintiff is a homosexual activist organization called Sexual Minorities Uganda (SMUG), and the law firm which filed the action is a George Soros-funded Marxist group called the Center for Constitutional Rights.

The suit alleges that I committed the "Crime Against Humanity of Persecution," which they assert is a cause of action in international law, by speaking against homosexuality in Uganda. While the plaintiffs insist that the suit is "not, therefore, premised on [my] anti-gay speech or writings" it nevertheless recites only my speech and writings as justification for

bringing the action, except that it separately suggests that my alleged advocacy of capital punishment for homosexuals in Uganda is also actionable. The latter is a baseless charge for which they have not a shred of proof, but in any case advocacy for legislation is protected speech, so there is no legitimate basis for litigation.

This lawsuit is ridiculous on its face, being mostly a rehash of debunked arguments the left has made for the past three years, all on the general theme that my preaching against homosexuality in Uganda is the singular cause of persecution of homosexuals in that country.

Liberty Counsel has agreed to represent me in the suit.

A few pertinent facts about this issue:

1. I have never advocated nor can any of my comments in Uganda reasonably be construed to advocate violence against homosexuals. Most of the ostensibly inflammatory comments attributed to me are from selectively edited video clips of my 2009 seminars in Kampala. I challenge the plaintiffs and their allies to publish the complete footage of the seminar on the Internet. They will not do this or their duplicity would be exposed by allowing people to see these comments in context. However, all of my Uganda lectures were based upon my 2009 textbook *Redeeming the Rainbow: A Christian Response to the 'Gay' Agenda* which may be downloaded without charge at my website defendthefamily.com. Their most devious misrepresentations are derived from my lecture on Chapter 4, "The causes and types of homosexual disorder."

2. I did not advocate for capital punishment for homosexuals in Uganda and to my knowledge the bill in question had not been drafted as of the date of my seminars. On the contrary, in my address to members of parliament I urged an emphasis on therapy rather than punishment, and, after the bill was released I opposed the death penalty provision. My "Letter to the Ugandan Parliament" (and their reply) documenting these essential facts have been published on my website for two years for all, including the plaintiffs and their attorneys to see.

3. The centerpiece of the SMUG evidence that homosexuals have been persecuted in Uganda is the murder of their leader, David Kato, in 2011. Glaring omitted from the complaint is the fact (well known to SMUG) that Kato was killed by a "gay" prostitute whom Kato had bailed out of jail to be his live-in lover. This man confessed to bashing in Kato's head with a hammer for failing to pay him as promised and was prosecuted for the crime.

Here is the press release and website of the Center for Constitutional Rights:
<http://www.ccrjustice.org/LGBTUganda/#timeline>.

I solicit your prayers.

In Jesus,

Scott Lively

[Quoted text hidden]

EXHIBIT 142



Scott Lively <sdllaw@gmail.com>

Re: Need info re lawsuit

Martin Ssempe <ssempam@gmail.com>
To: Cliff Kincaid <kincaid@comcast.net>
Cc: Scott Lively <sdllaw@gmail.com>

Sat, Mar 17, 2012 at 9:31 PM

Dear Cliff,

I have not received any formal notification of this case except through scott and what is on the website. I have see how deviously my words have been distortorted and lied about on the website of the groups website. I guess I am not really sure what to do but I do hope to discuss with Scott to see how we can back him up and fight this lies.

I see this in the same way as the lies Hitler put out on the Jews before they genocided them. I am deeply grateful for your article and hope to share my side of the story as well.

I am available to talk on the phone as I am in the US for a private and non publicised visit . You can call me on my cell of 702 639 7108 so we can talk. I am in Nevada time.

I am also working on making my own response to this fabrications. I do have a lot of information which needs to be organised and can make good response.

Martin Ssempe

I am cc Scott to keep him in the loop.
On Mar 17, 2012, at 3:58 PM, Cliff Kincaid wrote:

Hello Martin:

I have done one piece on lawsuit against you and Scott, etc.

What is the situation?

Please provide info. I need to get your side of the story out.

Best, Cliff Kincaid, AIM

Media, Homosexuals Threaten Christian Minister

<http://www.aim.org/aim-column/media-homosexuals-threaten-christian-minister/>

EXHIBIT 143

**Document Filed Under Seal Pursuant to
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Certain Discovery Material (Dkt. No. 106)**

EXHIBIT 144



Scott Lively <sdllaw@gmail.com>

FYI

4 messages

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Sun, Jul 1, 2012 at 5:48 AM

Dear Scott,

This is how hot the battle for the heart and soul of our nation is.

http://www.observer.ug/index.php?option=com_content&view=article&id=19508:ngos-gay-plans-leak-govt-furious&catid=78:topstories&Itemid=116

Be strengthened brother, we are on the side of TRUTH which ultimately will win, no matter how insurmountable forces whose foundation is lies might appear.

Blessings.

Stephen Langa

Scott Lively <sdllaw@gmail.com>

Sun, Jul 1, 2012 at 7:51 AM

To: Stephen Langa <stephenlanga@gmail.com>

Cc: Martin Ssempa <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>, David Bahati

<bahatidav@yahoo.co.uk>

Hi Stephen,

This battle will never end till the return of Christ. This is a good development because it shows solid proof of the conspiracy to undermine Ugandan culture and morality. The govt should go on the offensive with this with a statement to the international community exposing these efforts to undermine the law and sovereignty of Uganda and warning other conservative nations to be on the alert for the operation of these NGOs in their own countries (especially in Africa). Uganda could dramatically strengthen protection for its culture and increase support in the international community if it instituted a new national campaign to promote healthy marriage as the solution to social problems. Then, rather than just being "against" the homosexual agenda, it would be FOR a more family centered culture that every normal person and society agrees with. Then, "gay" efforts could more clearly be shown to be an attack on family values and not a "human rights" issue.

Remember, it was Uganda's success in turning around the AIDS problem through Christian family values that caused the global elitists like Soros to first view Uganda as a threat, which prompted them to try to launch a "sexual revolution" there starting with pornography. Thus, your 2002 conference on combatting "pornography and obscenity" which was the reason for my first visit to Uganda.

Positive Christian values are your strongest weapon. Don't get too distracted by the culture-war antics of these NGOs. Respond to them, yes, but get back to a primary emphasis on shaping a better Uganda through proactive promotion of normal marriage and family. Give the rest of the world something exciting and positive to praise and applaud you for whenever the "gays" and their media stooges start booing you for "persecuting" homosexuals.

When the Anti-Homosexuality Bill was still being drafted I submitted language to create a pro-marriage priority for the national school system. I urge you to revive that idea now and try to make it law. Once that is in progress, Uganda will have a perfect rebuttal to every international criticism re the AH bill: "We have a better vision for our future."

Here is what I suggested back in 2009:

12. To prevent harmful outside influences from corrupting the youth, and to further ensure that homosexual and other harmful sexual lifestyles cannot take root in our society, the government

of Uganda will take all reasonable measures to ensure that children within its jurisdiction are prepared for healthy marriage and family life through age appropriate instruction on 1) the importance and value of marriage to individuals and to society, 2) the optimal traits and virtues that help men and women to be good husbands and wives, 3) the physical, emotional and social harms which result from promiscuity and sexual deviance.

The Minister will work with specialists in the fields of education and family life and all government agencies which interact directly or indirectly with children to develop practical means of implementing this section.

Today I would add a continuous public education campaign to this program emphasizing to the population as a whole the importance of strong marriages and families as a protection to the society from foreign efforts to destroy Ugandan culture with sexual perversion.

Blessings,

Scott

[Quoted text hidden]

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: Martin Ssempe <ssempam@gmail.com>

Sun, Jul 1, 2012 at 8:38 AM

Dear Scott,

Thank you for your response and for your thoughts on the subject.

Blessings,

Stephen Langa

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 2:05 PM

[Quoted text hidden]

EXHIBIT 145

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

SEXUAL MINORITIES UGANDA,

Plaintiff,

CIVIL ACTION

v.

NO. 3:12-CV-30051-MAP

SCOTT LIVELY, individually and as
President of Abiding Truth Ministries,

Defendant.

DECLARATION OF SAMUELEGADU OKIROR

I, SAMUEL EGADU OKIROR, hereby declare as follows:

1. I am a journalist based in Kampala, Uganda.
2. I wrote the article entitled, "UGANDA: New LGBTI clinic faces fierce government criticism," that was published on 11 July 2012 on the news media website *IRIN News*. A true and correct copy of this article is attached hereto and can be accessed at <http://www.irinnews.org/report/95844/uganda-new-lgbti-clinic-faces-fierce-government-criticism>.
3. The attribution of a statement to Samuel Lokodo in the article was made in error; the statements were in fact made by Minister Simon Lokodo.
4. The statements attributed to Minister Lokodo in this article accurately reflect what I personally heard him say.
5. I wrote the article entitled, "Outrage, scepticism at Uganda U-turn on LGBTI clinics," that was published on 9 December 2013 on the news media website *IRIN News*. A true and correct copy of this article is attached hereto and can be accessed at

<http://www.irinnews.org/report/99289/outrage-scepticism-at-uganda-u-turn-on-lgbti-clinics>.

6. The statements attributed to Minister Simon Lokodo in this article accurately reflect what I personally heard him say.
7. I wrote the article entitled, "Uganda: HIV Organisations Feel the Bite of Anti-Homosexuality Legislation," that was published on 13 May 2014 on the news media website *Key Correspondents*. A true and correct copy of this article is attached hereto and can be accessed at <http://www.keycorrespondents.org/2014/05/13/uganda-hiv-organisations-feel-the-bite-of-anti-homosexuality-legislation/>.
8. The statements attributed to Minister Simon Lokodo in this article accurately reflect what I personally heard him say.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Kampala, Uganda this 18 day of December 2015.



SAMUEL EGADU OKIROR

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UGANDA: New LGBTI clinic faces fierce government criticism

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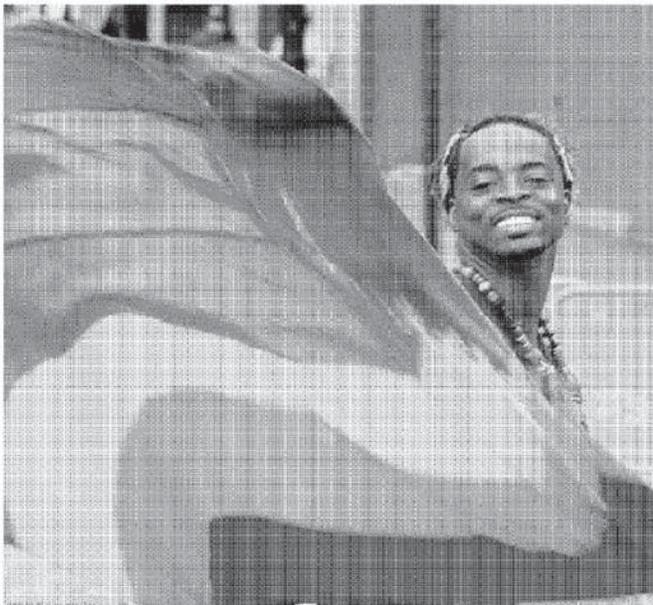


Photo: SML/Flickr

LGBTI in Uganda say they are stigmatized in the public healthcare system (file photo)

KAMPALA, 11 July 2012 (IRIN) - Gay rights activists have opened Uganda's first clinic for lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the capital, Kampala, where it will provide testing, counselling and treatment for HIV and other sexually transmitted infections.

"We need our own clinic because we have had health service providers, and in some cases other clients at the health centre, attack us either because they suspect us to be gay or know that we are gay," said Pepe Julian Onziema, programme director and acting advocacy officer at Sexual Minorities Uganda (SMUG), a local rights group. "The main idea of the clinic is to provide voluntary counselling and testing, HIV/AIDS treatment and care, and promote general wellness."

"We don't feel safe. Some practitioners gossip about you when you are right there, increasing stigma. When I was about 16, I went to test for HIV and I was asked to bring my partner so we could be tested and counselled together. I brought someone of my sex and we were sent out and not catered for," Onziema said. "At this clinic, we want to protect our community from such humiliation, and stress and promote health and wellness."

A recent AIDS Indicator Survey puts Uganda's HIV prevalence at 7.3 percent,

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Despite the high level of HIV among MSM, the government has not included the group in its national strategy to fight HIV because homosexual activity is illegal in Uganda. A bill before parliament seeks even more stringent punishments for people engaging in homosexual acts and those perceived to be "promoting" homosexuality.

The clinic was opened on 19 May 2012 by Bishop Christopher Senyonjo - one of the country's few religious leaders willing to speak for gay rights - and is managed by a local gay rights lobby group, Ice Breakers Uganda (IBU).

"The clinic is being run by professional health workers. It will offer better avenues in health seeking behaviours among the LGBTI community," said Denis Wamala, an IBU official. "The clinic will offer free care, support and treatment services to LGBTI in Uganda... here they can easily open up because they are free."

Government criticism

Richard Nduhura, Uganda's Minister for Health (General Duties), told IRIN/PlusNews the clinic was unnecessary because despite the government's anti-gay stance, "We don't discriminate and marginalize when it comes to offering health services. When people come for treatment at our health facilities, we can't ask for their sexual orientation."

The Director General of the Uganda AIDS Commission (UAC), Dr David Apuuli Kihumuro, agreed. "It's nonsense for them [LGBTI] to say that they are always discriminated against in the provision of health services. I have been a doctor for over 40 years... I have never heard where a patient has been asked about his or her sexual orientation," he said.

A surgeon at Mulago National Referral Hospital in Kampala, Dr Robert Mawanda, told IRIN/PlusNews: "We swear an oath. It instructs us to treat [patients] without harm and injustice, so we can't discriminate against anybody, based on sexual orientation. We treat all people without asking their orientation."

Despite Uganda's commitment to improved HIV prevention, few programmes reached most at-risk populations such as MSM and sex workers, and condoms were not sufficiently targeted to these groups, a Modes of Transmission analysis found in 2009.

The Minister for Ethics and Integrity, Samuel Lokodo, has said he intends investigating the clinic for promoting homosexuality. "If we find out that it's [the clinic] related to promoting the culture which doesn't conform to our morals as a country, we shall instantly ban and close it," he told IRIN/PlusNews.

"These people [LGBTI] are doing their operations under cover - it's not easy to track them. However, we shall not allow any social gathering, association, infrastructure or any activities that exist to promote homosexuality," he said.

"If the clinic was for offering social services to the people, that would be good. However, this clinic is meant for giving assurances those who are involved in it [homosexuality]. It's supposed to treat the ruptured backs [anus]. We can't allow this."

The fear of attacks by the government and members of the public means the location of the clinic has not been made public, but LGBTI networks are being used to alert the community to its existence. "Our community members know about the clinic and they access it. The media have written about it too... Of



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“We have had health workers, and in some cases other clients at the health centre, attack us because they suspect us to be gay or know that we are gay”

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"The Ugandan Constitution guarantees the right to health, and the right to life, among others. Although the government, through the UAC acknowledged that there is a need to address HIV/AIDS among MSM, it has ignored our plight in addressing the issue, and left us no choice but to fend for ourselves."

so/kr/he

Theme (s): Care/Treatment - PlusNews, Gender Issues, Health & Nutrition, HIV/AIDS (PlusNews), Prevention - PlusNews, Stigma/Human Rights/Law - PlusNews,

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Outrage, scepticism at Uganda U-turn on LGBTI clinics

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Photo: Reinier Kozé/IRIN

Uganda U-turns on LGBT clinics

KAMPALA, 9 December 2013 (IRIN) - Eighteen months after slamming activists who opened a clinic for lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Kampala, Uganda's health ministry has decided it was a good idea after all and has begun setting up similar facilities, prompting outrage from the Ministry for Ethics and Integrity and scepticism from some in civil society.

Alex Ario, the acting programme manager of the Ministry of Health's AIDS Control Programme (ACP), says they are rolling out four specialized clinics for the most at-risk populations (MARPs) in four division of Kampala and several others in major HIV/AIDS hot spots in upcountry towns. The clinics will target men who have sex with men (MSM) and female sex workers (FSW) with health services including HIV testing, counselling and treatment, and screening for other sexually transmitted infections (STIs).

"The clinics will not only be MSM clinics but MARPs clinics, though the focus will be on those MARPs that are most stigmatized, discriminated against and most likely to miss out on intervention services," Ario told IRIN.

The initiative follows the success of a MARPs STD unit at Mulago National Referral Hospital, which has enrolled some 500 clients for comprehensive HIV treatment.

Turnaround

Gay rights activists opened Uganda's first clinic for LGBTI people in the capital, Kampala, in May 2012 - an act fiercely criticized by the government.

Despite the high prevalence of HIV among MSM and FSW - 13.7 percent and 33 percent respectively, according to the 2008-2009 Crane Survey of high-risk groups in Uganda - the government has not included these groups in its national strategy to fight HIV because homosexual activity and prostitution

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are illegal.

There remains a strong stigma attached to the LGBTI community; the Anti-Homosexuality Bill, currently before the country's parliament, seeks more stringent punishments for people engaging in homosexual acts and those perceived to be "promoting" homosexuality.

Even so, the health ministry is moving forward with its MARPs clinics, which are being implemented in phases in order to train healthcare providers, mobilize MARPs, and implement monitoring and evaluation mechanisms.

"They [clinics] will be part of the health delivery system, and I believe nobody will challenge delivery of interventions/services to people that are key in the HIV response," Ario told IRIN.

"We do not promote what they do, but what they do is our concern because of its public health implications. Therefore, from the public health point of view, we must reach them. As far as health services are concerned, we are not bothered [by] their sexual orientation and the laws. For us, we don't discriminate in our services. The other aspects of the law will come later."

The US government, which provides support to Uganda's fight against HIV, has welcomed the initiative.

"We strongly encourage them to ensure that these populations are not stigmatized and are respected under the Ugandan constitution, which guarantees equal rights for all minorities," Daniel Travis, spokesperson for US Mission Uganda, told IRIN.

Objections

But the initiative has prompted outrage from Minister for Ethics and Integrity Simon Lokodo.

"We shall not tolerate these clinics. To open these clinics is a recipe for recognizing these behaviours, which are totally unacceptable. We are not obliged to encourage these acts," Lokodo told IRIN.

Meanwhile, human rights groups, HIV activists and civil society organizations have expressed scepticism over the clinics. Many argue that care for at-risk populations should take place in regular health facilities.

"The specialized clinics are an innovative stop-gap as the country continues to grapple with community's attitudes towards KPs [key populations]. The provider attitude has a long way to go in accommodating individuals who are different from the majority of the population," prominent HIV activist Milly Katana told IRIN.

But "the long-term strategy should be to integrate KPs in mainstream clinics... Specialized clinics are expensive to run and their sustainability is questionable... In addition, it is unthinkable that these specialized clinics can be instituted in all parts of the country all at once. The most reasonable thing is to have providers aware that there are individuals who are different and they have the full right to care like the rest of the population."

Pepe Julian Onziema of Sexual Minorities Uganda (SMUG), a local rights group, echoed these concerns: "It's good to know that the MoH [Ministry of Health] is making this move. It shows that they're taking service provision for all to another level. However, I'm afraid that opening specific clinics to cater for CSW [commercial sex workers] and MSM people will only contribute to further stigma and discrimination."

He added: "Everyone will know where to find a homosexual, making it easy for homosexual haters to pounce... Clinics should be generally inclusive."

Minister Lokodo seemed to confirm these suspicions. "We shall arrest these people in these clinics and send them for treatment as culprits," he said.

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Inclusiveness

Some activists have called for MARPs to be involved in the clinics' operations.

"We would want sex workers to be involved in the planning of these clinics and also to be used as peers working in the clinics on follow-up of patients, as members of clinic management committees and as part of relevant trainings of staff," Flavia Kyomukama, director of the Global Coalition on Women and HIV/AIDS in Uganda, told IRIN.

Improving sensitivity and tolerance among healthcare providers and the public will be crucial, activists said.

"I think the key task MoH must be undertaking is the training of caregivers and providing them with tools on sensitivity towards what may seem 'unusual' to them. Carry out awareness drives that are inclusive of health service providers, CSW, MSM, LGBT and [the] general community. This way, non-discrimination is promoted, and people will at least be sensitive enough not to turn anyone away when giving care. Every stakeholder in the fight against HIV/AIDS wins," said SMUG's Onziema.

so/am/rz

Theme (s): HIV/AIDS (PlusNews), Human Rights,

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Uganda: HIV Organisations Feel the Bite of Anti-Homosexuality Legislation

By Samuel Egadu Okiror

Barely three months after Uganda's draconian Anti-Homosexuality Act was signed into law it has started to bite, with civil society organisations under investigation for "promoting homosexuality".

Those under investigation are mainly organisations involved in research, advocacy and support for lesbian, gay, bisexual, transgender and intersex people (LGBTI), including those that provide testing, counseling and treatment for HIV.

"Some of these organisations have been promoting ideas that are not compatible with our laws," said Simon Lokodo, Uganda's state minister for ethics and integrity.

"They have been hiding and pretending to be providing humanitarian assistance and research, yet they are promoting homosexuality. We shall not tolerate and entertain homosexuality in Uganda. I am waiting for the outcome of the ongoing investigations. We shall just suspend and close the operations of these organisations. We can't allow them to continue promoting bad morals."

Arrest and detention

The investigations are already having a negative impact on public health services. On 3 April, the police arrested and detained an official of the Makerere University Walter Reed Project for allegedly recruiting young males, aged between 18-25, and training them in homosexual acts. The project provides prevention, care and treatment for populations most at risk of HIV, such as the gay community, sex workers and drug users, and is funded by the United States of America's President's Emergency Plan for AIDS Relief (PEPFAR).

Fred Enaga, Uganda's police spokesperson, says the trainees were shown videos of men engaging in homosexual activity, and given literature describing safe sexual practice between males, as well as condoms and lubricant.

"We are not against non-governmental organisations provided they work within the mandated guidelines and the laws of Uganda. When they verge away from their mandate and start doing things outside the law, then they become in conflict with the law and we come in," said Enaga

The project, which is engaged in efforts to improve public health and save lives, issued a statement on 4 April announcing the temporary suspension of its activities to ensure the safety of staff.

Anti-Homosexuality Act

According to the new legislation, enacted into law on 24 February by President Yoweri Museveni, those found guilty of homosexual acts can be jailed for up to 14 years. This sentence increases to life in "aggravated" cases, such as those committed by a person living with HIV, or those involving minors, the disabled and serious offenders.

Since the law came into force activists have continued to criticise the government saying its actions will make matters worse and push sexual minority groups away from essential healthcare services, particularly prevention and treatment of HIV.

"Certainly one of our key concerns with the Anti-Homosexuality Act is that it threatens civil society working on a range of issues, including human rights and public health," said Maria Burnett, senior researcher, Human Rights Watch.

"Civil society should have space to conduct research, provide services and take part in policy debates without fear of government reprisals or criminal prosecution. Threatening the space for civil society and criminalising the work of civil society affects everyone."

Activists speak out

Arthur Larok, country director for Action Aid, Uganda, said: "It's better for us to die as martyrs advocating for human rights and transparency than keep quiet. The investigations are aimed at instilling fear and de-legitimizing the work of civil society organisations on human rights, democracy and health delivery."

Milly Katana, a long term HIV activist, said: "Those government agents investigating NGOs should be careful to draw a distinction between promoting homosexuality and promoting access to health for the people of Uganda irrespective of their sexual identity.

"The constitution of the republic of Uganda, which is the supreme law of the land, makes it clear that all people of Uganda have a right to access health care and the government has a responsibility to provide health care. It does not categorise people according to sexual orientation.

"What the government should do instead is support the NGOs because they are helping the government fulfill its constitutional responsibility."

Tough times ahead

Civil society organisations (CSO) are headed for more tough times ahead as the Non-Government Organization Registration (Amendment) Bill 2013 is currently before cabinet. The ministry of internal affairs drafted the bill to specifically bar CSOs and foreign NGOs from engaging in the country's politics and promoting homosexuality.

The bill aims to expand government powers to monitor NGOs applying to carry out research and will not allow them to advocate for political reform, or monitor local politics and elections.

James Baba, state minister for internal affairs, said: "The bill seeks to streamline all the activities of NGOs. It will help us know the source of their funding and activities for which it's being used. Some of these organisations have been getting foreign funding for ill motives like homosexuality."

Hindering the HIV response

According 2008/09 Crane Survey of high-risk groups in Uganda, HIV prevalence among men who have sex with men was 13.7 percent. UNAIDS states: "Globally gay men are around 13 times more likely to become infected with HIV than the general population,

emphasising the urgent need to ensure safe access to HIV prevention and treatment services for all people everywhere."

Human rights activists believe Uganda's Anti-Homosexuality Act is entrenching oppression, contracting the space for NGO operations and further eroding the already limited access of sexual minority groups to prevention, care and HIV treatment.

Asia Russell of HIV advocacy organisation Health GAP said: "Efforts to further restrict the essential work of civil society or to harass and intimidate civil society are extremely concerning. Civil society's vital work, whether in demanding accountability for life-saving health service delivery, or fighting corruption, or supporting human rights, should be encouraged and expanded by government, not curtailed."

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EXHIBIT 146



Scott Lively <sdllaw@gmail.com>

Were you aware of this?

3 messages

Scott Lively <sdllaw@gmail.com> Tue, Aug 14, 2012 at 12:19 PM
To: Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

<http://www.southfloridagaynews.com/news/world-news/6882-1st-gay-pride-celebrated-in-ultra-homophobic-uganda.html>

charles tuhaise <ctuhaise@yahoo.com> Thu, Aug 16, 2012 at 5:32 AM
To: Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>, Scott Lively <sdllaw@gmail.com>

Wasn't aware of the event in Entebbe. This kinds of things will continue until we get a law passed by Parliament to stop them. Parliament is currently debating the Budget and will finish the debate latest August 30. Thereafter we will push for the Bahati Bill to get priority consideration. CT

--- On Tue, 8/14/12, **Scott Lively** <sdllaw@gmail.com> wrote:

From: Scott Lively <sdllaw@gmail.com>
Subject: Were you aware of this?
To: "Martin Ssempe" <ssempam@gmail.com>, "Stephen Langa" <stephenlanga@gmail.com>, "charles tuhaise" <ctuhaise@yahoo.com>
Date: Tuesday, August 14, 2012, 9:19 AM

<http://www.southfloridagaynews.com/news/world-news/6882-1st-gay-pride-celebrated-in-ultra-homophobic-uganda.html>

Scott Lively <sdllaw@gmail.com> Thu, Apr 10, 2014 at 2:07 PM
To: Scott Lively <psalm37nasb@gmail.com>

[Quoted text hidden]

EXHIBIT 147



Scott Lively <sdllaw@gmail.com>

Lawsuit Status

Scott Lively <sdllaw@gmail.com>

Sun, Jul 1, 2012 at 8:02 AM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>, David Bahati <bahatidav@yahoo.co.uk>

Friends,

We have filed our Motion to Dismiss the SMUG lawsuit (attached) which was prepared by my attorneys at Liberty Counsel. If this court respects the rule of law, this motion should be granted. We'll have to wait and see.

Blessings,

Dr. Scott Lively

 **Memo - Support Motion to Dismiss as filed 062212.pdf**
583K

charles tuhaise <ctuhaise@yahoo.com>

Tue, Jul 3, 2012 at 8:57 AM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, David Bahati <bahatidav@yahoo.co.uk>, Scott Lively <sdllaw@gmail.com>

Many thanks, Scott, for this update. I will read the entire motion write-up. But, going through the table of contents it looks to be a very strong rebuttal of the frivolous SMUG petition, touching some of the issues I expected to be touched in our defence, e.g. the fact that no international legal instruments establish homosexuality as human right and its opposition as a "crime against humanity" which they accuse you of committing.

Admissibility of the SMUG petition in any court is the real issue. I think asking court to dismiss the petition is the most appropriate action,

Charles Tuhaise

--- On Sun, 7/1/12, Scott Lively <sdllaw@gmail.com> wrote:

From: Scott Lively <sdllaw@gmail.com>

Subject: Lawsuit Status

To: "Stephen Langa" <stephenlanga@gmail.com>, "Martin Ssempe" <ssempam@gmail.com>, "charles tuhaise" <ctuhaise@yahoo.com>, "David Bahati" <bahatidav@yahoo.co.uk>

Date: Sunday, July 1, 2012, 5:02 AM

[Quoted text hidden]

EXHIBIT 148



Scott Lively <sdllaw@gmail.com>

Dr Martin Ssempe

3 messages

Stand Up America! <info@standupamericanow.org>
To: Scott Lively <sdllaw@gmail.com>

Mon, Jul 30, 2012 at 12:54 PM

Scott,

Would you happen to have contact information for Dr Martin Ssempe? We had thought of inviting him to DC to speak on Sept 15th, or of working with him in some way.

Thanks

Fran
Stand Up America Now

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Mon, Jul 30, 2012 at 2:56 PM

[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Wed, Aug 1, 2012 at 8:25 AM

Dear Scott,

Thanks for linking me with Fran as below. Would you let me know any information you have on him? What is he planning? Thanks

By the way thank for the article on the homo fascism. It was great.

Pr. Martin
[Quoted text hidden]

EXHIBIT 149



Scott Lively <sdllaw@gmail.com>

Friends of Scott Lively

2 messages

Gary Cass <drgarycass@christianadc.org>

Tue, Nov 27, 2012 at 11:25 AM

To: Scott Lively <sdllaw@gmail.com>, Steve Klein <steve@kleinus.com>

Cc: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Brothers in Christ,

I am a friend of the Rev. Dr. Scott Lively. He has graciously forwarded your contact information to me.

It is very encouraging and exciting to see what is happening in Uganda. I am wondering if we might explore how I might be able to help you in your efforts to honor Christ in your nation.

It seems that the US is going the way of post-Christian Europe and will suffer the same fate. But, God appears to be moving in a mighty way there in Uganda. I would like to offer my help, and that of others I work with, to offer theological, political and practical help in the area of applied Christian worldview, including Christian self-defense.

You can see some of what I do at www.defendchristians.org.

Please, prayerfully consider what I am offering and let's see how God might lead.

Dr. Gary L. Cass, D.Min.
Chairman / CEO DefendChristians.Org
An Outreach of the Christian Anti-Defamation Commission
PO Box 1115 Vista, CA 92085
866-508-2232
www.DefendChristians.Org

Stephen Langa <stephenlanga@gmail.com>

Tue, Nov 27, 2012 at 3:10 PM

To: Gary Cass <drgarycass@christianadc.org>

Cc: Scott Lively <sdllaw@gmail.com>, Steve Klein <steve@kleinus.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Gary,

Thank you for your email which we highly appreciate. Thank you too for offering to assist. We will take a look at your

https://mail.google.com/mail/u/0/?ui=2&ik=a92cd818c2&view=pt&as_has=Ssempe&as_sizeoperator=s... 4/25/2014

LIVELY 3466

website and then get back to you on possible areas of collaboration or where we might need assistance.

God bless,

Stephen Langa

[Quoted text hidden]

EXHIBIT 150

UGANDA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Uganda is a constitutional republic led since 1986 by President Yoweri Museveni of the ruling National Resistance Movement (NRM) party. Voters re-elected Museveni to a fourth five-year term and returned an NRM majority to the National Assembly in 2011. While the election marked an improvement over previous elections, it was marred by irregularities. Authorities usually maintained effective control over state security forces (SSF).

The three most serious human rights problems in the country were a lack of respect for the integrity of the person (including unlawful killings, torture, and other abuse of suspects and detainees); restrictions on civil liberties (including freedoms of assembly, the media, and association); and violence and discrimination against marginalized groups, such as women (including gender-based violence), children (including sexual abuse and ritual killing), persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community.

Other human rights problems included harsh prison conditions, arbitrary and politically motivated arrest and detention, incommunicado and lengthy pretrial detention, restrictions on the right to a fair trial, official corruption, mob violence, trafficking in persons, and child labor.

Although the government occasionally took steps to punish officials who committed abuses, whether in the security services or elsewhere, impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed arbitrary or unlawful killings.

According to media reports, the SSF used excessive force, included firing live ammunition during joint security operations, to disperse demonstrators and armed robbers in various districts, including Kampala, Wakiso, Jinja, Sembabule, Entebbe, Tororo, Gulu, Mbale, Arua, Lira, Luweero, and Jinja, resulting in at least 16 deaths.

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On January 20, police in Jinja killed Rahsid Ntale, a seventh-grade pupil, when they fired live bullets to stop a student riot in the Bugembe sports stadium. On February 24, authorities arrested two police officers, Patrick Nuwagaba and Constable Julian Mucunguzi. On February 25, a court in Jinja charged them with murder and remanded them to prison. The case was pending at year's end.

On July 5, more than 100 persons were killed in 13 coordinated attacks in the Rwenzori Region. In the largest of the attacks, a group of ethnic Bakonzo attacked the Kanyamwirima Army Barracks in Bundibugyo. The Ugandan People's Defense Force (UPDF) reportedly killed up to 50 of the attackers, who were subsequently buried in a mass grave along with other victims of attacks in Bundibugyo. Local politicians and lawyers claimed that among the deceased were civilians who were caught in the crossfire as they were running toward the barracks to seek shelter, a charge government and UPDF officials denied. The UPDF claimed it had conducted internal investigations into the matter and planned to exhume the grave, but it had not made its findings public by year's end. Local residents also claimed that civilians in Bamba and Basongoro committed reprisal attacks and killings against Bakonzos in Bundibugyo in the days following the initial attack. Officials arrested 183 suspects and imprisoned 170 of them during their trial by two court martials (see section 1.e.). On December 8, the military court in Bundibugyo freed all 126 of its suspects after the government dropped charges; 44 suspects still faced trial by a court martial in Kasese. Officials granted amnesty to at least 540 persons who were not arrested and voluntarily claimed involvement in the attacks after they completed a two-month "psycho-social" rehabilitation. Human Rights Watch called the government's investigation of the violence and response to alleged reprisal attacks "inadequate."

There were developments in the 2013 arbitrary killings by the UPDF. For example, on May 21, a court martial in Mbarara District sentenced Corporal Peter Maliamungu to 40 years' imprisonment after finding him guilty of killing Angel Kobushenshe in February 2013.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

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The constitution and law prohibit such practices. The 2012 Antitorture Bill stipulates that any person convicted of an act of torture may be subject to 15 years' imprisonment, a fine of 7.2 million shillings (\$2,860), or both. The penalty for aggravated torture is life imprisonment. There were credible reports the SSF tortured and beat suspects.

The Uganda Human Rights Commission (UHRC), and international and local human rights organizations reported incidents of torture by the SSF, including rape, severe beating, and kicking. Between January and September, the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) registered 224 allegations of torture against police, 65 against the UPDF, 23 against prison inmates, 27 against local officials and crime preventers (individuals trained by police to provide village security), and 29 against prison officials. In addition, the ACTV assisted 162 former Lord's Resistance Army (LRA) abductees in filing claims against the LRA for torture in years past.

The SSF's use of excessive force and torture during arrests and other law enforcement operations resulted in casualties. For example, on May 8, authorities arrested three police officers for shooting and injuring Richard Ojulo, a suspected robber in Tororo District. After the investigation, police exonerated two of the suspected officers. On June 13, a court charged police corporal Tomasi Okumu with the attempted murder of Ojulo and remanded him to prison. A hearing of the case was scheduled for January 20, 2015.

There were numerous reports of torture and abuse in police detention facilities. For example, on August 25, police in Mityana District allegedly tortured and extorted money from Hassan Matovu after accusing him of being a terrorist on the police wanted list. Matovu said he was released after two days without charge. Matovu filed a complaint with the police Professional Standards Unit, and an investigation was pending at year's end.

On November 6, police authorities in Mityana District reported that Naboth Rwabihegye, an officer in charge of the Kiryokaya police post, and crime preventers Robert Ndiwalana and Isma Kiggundu were exonerated for the February 2013 alleged torture and death of suspect Anatoli Kisembo after a post mortem showed he died of natural causes.

In 2013 the UHRC reported awarding 1.3 billion shillings (\$480,000) to victims of torture and other abuses. The director of litigation in the office of the attorney general reported that the government paid about 500 million shilling (\$185,000) in

compensation to torture victims in the last financial year. During 2013 the UHRC reported registering 13 human rights complaints against private individuals, 36 against UPDF soldiers, 188 against police officers, eight against local government authorities, three against Internal Security Organization personnel, 26 against prison wardens, and two against other government departments. Of the complaints, 34 percent involved allegations of torture or cruel, inhuman, or degrading treatment and punishment. Despite a reduction from the previous year, UHRC noted the alleged violations mostly occurred during pretrial detention, interrogation, and arrest of suspected offenders.

There were reports that some UPDF soldiers in the African Union Mission in Somalia (AMISOM) sexually exploited and abused Somali women and girls. For example, in August the minister of defense, while appearing before the Parliamentary Committee on Defense and Internal Affairs, reported the arrest in Somalia of an unnamed UPDF soldier, who allegedly defiled a Somali girl and was deported to the country to face a court martial. A September 8 Human Rights Watch report documented 24 cases of sexual exploitation and abuse, including rape, by Ugandan and Burundian AMISOM personnel. In an October 23 editorial in the *New Vision* newspaper, UPDF spokesperson Paddy Ankunda confirmed that the UPDF was “instituting an inquiry into allegations of sexual harassment of Somali women by its soldiers in AMISOM. Those found culpable will feel the full wrath of the law.” UPDF investigations into the allegations continued as of the end of 2014.

Mob violence remained a problem. Mobs attacked and killed persons suspected of robbery, murder, rape, ritual sacrifice, and witchcraft, among other crimes. Mobs beat, lynched, burned, and otherwise brutalized their victims (see section 6).

Prison and Detention Center Conditions

Prison conditions remained poor and, in some cases, life threatening. Serious problems included long periods of pretrial custody, overcrowding, inadequate food, and understaffing. Local human rights groups, including the Foundation for Human Rights Initiatives (FHRI), received reports the SSF and prison wardens tortured inmates, particularly in government prisons, military facilities, and unregistered detention centers. Isolated reports of forced labor continued (see section 7.b.). Most prisons across the country were not designed to accommodate persons with disabilities (see section 6).

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Physical Conditions: Prisons in Kampala provided medical care, running water, and adequate sanitation, ventilation, and lighting. According to a 2012 Bureau of Statistics report, however, Kampala prisons were among the most overcrowded. Prison authorities blamed overcrowding on the criminal justice system, which did not process cases in a timely manner. Prisons outside Kampala lacked food, water, medical care, means to transport inmates to court, bedding, adequate infrastructure, and sanitation facilities.

In a system with an approved capacity of 15,000, the Uganda Prisons Service reported in late August a total population of 42,193 prisoners, including 1,907 women. In November the Katojo Prison in Fort Portal, with a capacity of 317 inmates, held 1,321. Severe overcrowding was also a problem at juvenile detention facilities and in women's wings of prisons. As of August the Naguru Remand Home, designed for 45 children, held 180.

Although separate facilities existed for female prisoners in the central prisons (the largest prisons located in Kampala District), services and facilities for women in local prisons, including separate cells, were lacking in some areas. The prisons service had no budget for accommodating pregnant women or mothers with infants, and the number of infants in women's prisons increased during the year. Due to lack of space in juvenile facilities, the prisons service held minors in prisons with adults. In Kampala authorities separated pretrial detainees from convicted prisoners, but this was not the case in other prisons due to lack of space.

Abuse of prisoners resulted in death. According to the FHRI, three inmates died during the year as a result of torture in Kitalya Prison, Wakiso District. In July a warden at the prison allegedly beat to death convict Serapio Makai, who was working on a prison farm at the time. Prison authorities and police took no action on the case. The prisons service reported seven cases of assault between January and March, two of which were between prisoners, and five in which staff assaulted prisoners. Authorities took disciplinary action against the culprits.

Administration: Prison authorities reported some improvements in recordkeeping due to the purchase of computers for the regional level, but insufficient recordkeeping remained a problem. One computer was used for recordkeeping for all 14 regional prisons in the country.

Community service was available as a sentencing option. Between January and August, officials sentenced at least 7,427 persons across the country to community service, according to community service authorities.

The prisons service had an officer with the rank of commissioner who investigated and mediated complaints between management and prisoners. The prison ombudsman is responsible for ensuring that complaints, disputes, or deaths are verified or resolved as they occur. Prisoners could submit complaints through their leaders, regular staff meetings, the prisoners' application book, meetings with top management, or human rights organizations that visited the prisons. Authorities organized weekly meetings at which prisoners could submit complaints without censorship and seek resolution of problems. Prison authorities acknowledged a backlog in the investigation of complaints.

Local nongovernmental organizations (NGOs) reported prisoners and detainees had reasonable access to visitors including family and legal representation.

Authorities allowed prisoners to practice their religion.

Independent Monitoring: Information was limited on conditions in unregistered and illegal detention facilities, although the SSF allowed the UHRC as well as local and some international NGOs access to selected unregistered facilities. Observers, including the FHRI, reported poor conditions and numerous cases of abuse in illegal and unregistered detention facilities, known also as safe houses.

Authorities allowed international NGOs, the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs to conduct prison visits with advance notification.

Improvements: The government took several steps to improve prison conditions, including improving water and sanitation, renovating and reconstructing old prison units, and procuring vehicles to improve transport of prisoners to court. For example, Kitulya Prison was renovated and a security fence was erected to improve security. In Kasangati and Ntenjuru prisons, potable water became available during the year. Both prisons had flush toilets and water tanks that provided a consistent water supply for the first time.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit such practices, the SSF sometimes arbitrarily arrested and detained persons, including journalists, activists, demonstrators, politicians, and opposition leaders.

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is charged with external security but also had significant responsibility for recovering cattle stolen by rustlers in the Karamoja subregion and providing election-related security for by-elections held during the year. The Internal Security Organization and External Security Organization, security agencies and intelligence-gathering entities under the minister of security, occasionally detained civilians. The Chieftaincy of Military Intelligence (CMI) is legally under UPDF authority and may detain civilians suspected of rebel and terrorist activity. CMI denied media reports it detained and tortured businessperson Francis Matovu in August but confirmed it questioned Matovu for three hours over his links with David Sejusa, a former top general and security advisor. Other agencies included the Joint Antiterrorism Taskforce (JATT), the Joint Intelligence Committee, Special Forces Brigade, Special Revenue Protection Unit, Popular Intelligence Network, and the State House Counterintelligence Unit, among others.

The UPF was constrained by limited resources, including low pay and lack of vehicles, equipment, and training. The UPF's Professional Standards Unit (PSU) investigated complaints of police abuse, including torture, assault, unlawful arrest and detention, death in custody, mismanagement of case papers, and corrupt practices. The UPF was the sole government agency with responsibility for investigating charges of impunity. As of September the PSU received and investigated 196 complaints of human rights violations by police officers. Of these, 45 involved criminal conduct and were referred to the Directorate of Public Prosecutions (DPP), 81 were being handled through UPF disciplinary mechanisms, and 70 were under inquiry.

In conjunction with the UHRC and international organizations, including the ICRC and the UN Office of the High Commissioner for Human Rights (OHCHR), the UPDF and UPF continued to train officers in internationally recognized human rights standards. During the year the UHRC trained 982 police officers in human rights and constitutional law. The UPF, the UPDF, and the prisons service also used human rights manuals in their training programs.

Impunity was a problem. Trials of SSF officers accused of using excessive force were frequently delayed due to weaknesses in investigative mechanisms, and some cases were not investigated or brought to trial.

Arrest Procedures and Treatment of Detainees

The law requires that judges or prosecutors issue arrest warrants before arrests are made. This requirement does not apply to an arrest made during commission of a crime or while in pursuit of a perpetrator. Authorities often arrested suspects without warrants, however. The law requires authorities to charge suspects within 48 hours of arrest, but they frequently held suspects longer. Authorities must bring suspects arrested under the Antiterrorism Law to trial within 120 days (360 days if charged with a capital offense) or release them on bail; if the case is presented to the court before the expiration of this period, there is no limit on further pretrial detention. While the law requires authorities to inform detainees immediately of the reasons for their detention, they did not always do so. The law provides for bail at the discretion of the judge. Judges generally granted bail, albeit with stringent conditions. The law requires detainees to have access to a lawyer, but authorities denied many of them their legal right to representation. According to the law, the government provides attorneys for indigent defendants charged with capital offenses, but funds were rarely available to retain counsel.

Incommunicado detention remained a problem, particularly with regard to the JATT and Special Investigation Unit (SIU). Local and international human rights groups, including the FHRI and the African Center for Treatment and Rehabilitation of Torture Victims, reported the government detained civilians incommunicado in military facilities and in unregistered locations where they were at risk of abuse.

In February the OHCHR reported improved security in Karamoja subregion but was concerned about the continued absence of a tribunal to address the large backlog of human rights cases. The OHCHR received several complaints of torture, arbitrary arrest, and detention in military facilities in conjunction with the UPDF's response to cattle raids and the government's disarmament campaign there.

Arbitrary Arrest: Arbitrary arrests during police sweeps remained a problem, as did arbitrary arrests based supposedly on preventive action, suspicion of treason, disobeying lawful orders, and incitement of violence charges. For example, on February 11, police in Lira District arrested Jonathan Odur and David Angulu, two activists associated with the local NGO Facilitation for Peace and Development, to prevent them from leading a procession through Lira town center. On February 13, a court in Lira charged Odur and Angulu with disobeying lawful orders and participating in unlawful assembly and released them on bail. Trial of the case

began on September 25, and the next hearing was scheduled for February 3, 2015 (see section 2.b.).

On August 4, six persons sued the government in the High Court for their unlawful arrest in 2002 by agents of a government anticrime operation known as “Operation Wembley.” In their petition to the court, Hannington Mwesigwa, Martin Ochieng, David Mpasu, Geoffrey Waninda, Christopher Ssozi, and Wilson Mukama claimed they were detained and tortured in unregistered locations for five days. Hearing of the lawsuit was pending at year’s end.

Authorities arbitrarily arrested between 50 and 200 persons for inciting violence in land disputes and being idle and disorderly in various districts, including Wakiso, Mbarara, and Ntungamo. Authorities often did not inform those arrested of the charges against them at time of arrest.

Police arbitrarily arrested thousands of persons for drunk driving and prostitution as well as soldiers for desertion. In April 2013 activists belonging to the Human Rights Defenders Association released a report that condemned police for their conduct and assault on members of the public during night operations reintroduced in March to crack down on drunk drivers and sex workers. According to the report, police arrested at least 30,000 youths and women in a humiliating or criminal manner, including engaging in sexual harassment, rape, groping, and extortion. Police held most suspects overnight and released them the following day. Police who investigated the allegations claimed the report contained general complaints rather than individual claims of mistreatment. Police officials confirmed that night operations continued and stated they investigated all allegations of misconduct.

The 2012 treason case against the Forum for Democratic Change (FDC) deputy electoral commissioner, Michael Kabaziguruka; the FDC chairman for the Ntungamo District, John Kareebe; former UPDF soldier Frederick Namara; and primary school teacher John Rutagorwa was pending hearing scheduled for January 22, 2015; the suspects remained free on bail.

Pretrial Detention: Case backlogs in the judicial system routinely contributed to pretrial detentions of two to three years but sometimes as long as seven years. The prisons service reported that more than half of its inmates were pretrial detainees.

Suspects complained of long periods of pretrial custody. The FHRI reported police arrested Moses Tumusime in 2008 on murder charges. He last appeared in court in October 2008 and remained in custody in Kitalya prison.

Amnesty: Since 2000 the government has offered blanket, unconditional amnesty for all crimes committed by individuals who engaged in war or armed rebellion against the government. During the year the minister of internal affairs, acting under the powers enumerated in the Amnesty Act, extended for 12 months parts of the act providing for settling and integrating at least 27,320 persons who received amnesty since 2000. Officials of the Uganda Amnesty Commission reported that, of these, the government only integrated approximately 6,500, more than half of whom were former LRA combatants. During the year the government processed 600 new amnesty cases, which were awaiting approval.

Following July violence in the Rwenzori Region that left more than 100 persons dead, the government in September granted amnesty to at least 540 alleged attackers who completed a two-month “psycho-social rehabilitation.”

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision. The president appoints Supreme Court, Court of Appeal, and High Court judges with the approval of the National Assembly. The president also nominates, with the approval of the National Assembly, members of the Judicial Service Commission, which makes recommendations on appointments to the judiciary.

A shortage of judges in the Supreme Court, Constitutional Court, High Court, and the lower courts affected the delivery of justice during the year, since the lack of a judicial quorum meant cases could not be heard. On April 29, President Museveni appointed six judges to the High Court to reduce the length of pretrial detention. In July 2013 a member of the National Assembly, Gerald Karuhanga, filed a petition challenging the reappointment of former chief justice Benjamin Odoki to the Constitutional Court. The Appointments Committee delayed confirmation hearings for Odoki until a ruling was rendered. On August 4, four constitutional court judges ruled the reappointment of Odoki was unconstitutional. On August 5, the attorney general appealed the ruling, and a hearing was pending at year’s end. The judiciary remained without a leader for more than a year.

Lower courts remained understaffed, weak, and inefficient. In April the Judicial Service Commission appointed and deployed 29 lower court magistrates to reduce the caseload.

Judicial corruption was a problem. For example, a June report by the civil society group Anticorruption Coalition in Uganda investigated 15 courts across the country and found significant evidence of extortion, bribery, and delayed justice. The report did not identify officials responsible for the problem.

A September report by the Judicial Service Commission also reported corruption in the judiciary. The report cited several problems, including bribery, delayed judgment, abuse of judicial power, theft of bail money, ex parte communication, and rape of case witnesses and suspects.

Civilians remained in military custody and were tried under military law, as provided by law. Military law establishes a court-martial appeals process. Only senior UPDF leadership can grant appeals of sentences, including the death penalty. Under circumstances they deem exigent, military authorities can convene a field court martial at the scene of an alleged crime. The law does not permit appeal of a conviction under a field court martial.

Between July 5 and August 6, in the districts of Kasese and Bundibugyo, authorities arrested and detained 183 civilians in military facilities following July 5 attacks on security facilities in the Rwenzori Region that killed more than 100 civilians, soldiers, and police officers (see section 1.a.). On August 7, military courts opened the trial of the 183 suspects, with 170 held in prison while awaiting trial by court martial. On December 8, the Bundibugyo court martial freed all 126 of its suspects after the government dropped charges; 44 suspects still faced trial by the Kasese court martial, and hearings were pending at year's end.

Trial Procedures

An inadequate system of judicial administration resulted in a serious backlog of cases and impaired the right to a fair and speedy trial. There is a presumption of innocence. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and consult with an attorney in a timely manner. The law requires the government to provide an attorney for indigent defendants accused of capital offenses, but funds were rarely available to provide counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their own behalf. Authorities sometimes did not respect this right.

Defendants have the right to obtain documentary evidence the state intends to use against them before a trial starts. This right of disclosure is not absolute in highly sensitive cases. Defendants have the right of appeal and had adequate time and facilities to prepare a defense. They have the right to be informed promptly and in detail of charges against them with free interpretation as necessary. Defendants cannot be compelled to testify against themselves or to confess guilt. These rights extend to all groups.

Political Prisoners and Detainees

The Uganda Prisons Service held 34 political prisoners on treason charges. Of these, three were committed for trial in the High Court after an initial appearance, and the other 31 remained in custody pending case hearings.

During the year authorities also detained several opposition politicians and activists on politically motivated grounds for short periods. Authorities released many of these individuals without charge but charged others with crimes such as terrorism, treason, inciting violence, holding illegal meetings, and abuse of office.

For example, on March 26, police in Kampala arrested two young NRM party members, Adam Buyinza Ruzindana and Omodo Omodo, on charges of abuse of office. The youths, who were opposed to President Museveni's expected sole candidacy in the 2016 elections, were reportedly found mobilizing for a presidential bid by Amama Mbabazi, who was then prime minister. The court released the youths on bail after they had spent a week on remand in Luzira Prison. On May 3, the DPP dropped charges against the youths.

The 2011 terrorism case against Democratic Party activist Annet Namwanga and nine others was pending trial, and a hearing was scheduled for February 9, 2015. The suspects remained released on bail.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Victims may report cases of human rights violations through the regular court system or the UHRC, which has judicial powers under the constitution. These powers include the authority to order the release of detainees, pay compensation to victims, and pursue other legal and administrative remedies, such as mediation. Victims can appeal their cases to the Court of Appeal and thereafter to the Supreme Court but not to an international regional court. Civil courts and the UHRC have no ability

to hold perpetrators of human rights abuses criminally liable, and bureaucratic delays hampered enforcement of judgments that granted financial compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were some reports that the government failed to respect these prohibitions. Police did not always obtain search warrants, as required by law, to enter private homes and offices.

The Antiterrorism Act (AA) authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The Regulation of Interception of Communications Bill authorizes government security agencies to tap private conversations as part of efforts to combat terrorism-related offenses. The government utilized both statutes to monitor telephone and internet communications.

For example, on May 5, police in Kampala arrested five members of the Masjid Mosque in Ntinda--Ismail Kalule, Hamza Mansul, Yunus Musa, Sheikh Yunus Kabuye, and Abdallah Kasule--on allegations of terrorism. Police reportedly found incriminating information on computers and CDs seized from the suspects. On May 7, police released Mansul, Musa, Kabuye, and Kasule after an investigation exonerated them, and on July 25 a court charged Kalule with terrorism and released him on bail. The case was pending at year's end.

Between September 13 and 17, police used the AA to arrest and detain 21 Al-Shabaab suspects in foiled terror attacks. On September 24, a court charged 10 of the 21 suspects, nine Somalis and a Kenyan, with aiding and abetting terrorism and belonging to a terrorist organization. The court remanded the suspects to the police SIU for further interrogation.

The government continued to encourage university students and government officials, including members of the judiciary, to attend NRM political education and military science courses known as "chaka mchaka." While the government claimed the courses were not compulsory, human rights activists and opposition politicians reported authorities pressured civil servants and students to attend.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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The constitution and law provide for freedom of speech and press, but the government at times restricted these rights.

Freedom of Speech: The SSF and government officials occasionally interrogated and detained radio presenters and political leaders who made public statements critical of the government and used libel laws and national security as grounds to restrict freedom of speech. There were reports the government periodically deployed officials to monitor public meetings in schools to ensure students did not engage in debates about a successor to President Museveni. On April 16, police in Gulu blocked former Vice President Gilbert Bukenya from addressing Gulu University students. Bukenya had expressed his intention to contest the presidency in 2016.

Authorities blocked opposition and civic leaders from participating in radio talk shows in various parts of the country on grounds they would use the media to incite the public. On March 27, police in Kabale Town blocked FDC president General Mugisha Muntu and retired Bishop Zac Niringiye from participating in a Voice of Kigezi radio talk show focusing on electoral reforms.

The June 2013 defamation case against the president of the Uganda People's Congress, Olara Otunnu, was scheduled for hearing on January 19, 2015.

Press Freedoms: Independent media were active and expressed a wide variety of views. Nevertheless, the government and the SSF imposed restrictions. On March 18, the Uganda Communications Commission (UCC) announced guidelines that require electronic media to broadcast NRM government events and programs free of charge, effective April 8. On March 23, the government instituted new regulations for practicing journalists and revised the Journalism Code of Ethics. According to the new regulations, journalists are required to pay 200,000 shillings (\$75) for a certificate to practice and 100,000 shillings (\$37) for each annual renewal. Media houses that failed to comply risked losing their licenses. On March 28, the Human Rights Network for Journalists criticized the new regulations, stating that they infringed on press freedom and permitted excessive state interference in media operations.

The UPF's Media Crimes Unit closely monitored all radio, television, and print media, and the SSF subjected numerous journalists to harassment, intimidation, and arrest. Although there were a number of private, rural radio stations, government officials and ruling party members owned many of them and imposed reporting restrictions.

Violence and Harassment: The SSF arrested, assaulted, harassed, and intimidated journalists. In July the Human Rights Network for Journalists (HRNJ) reported that, although it lodged over a dozen complaints with the SIU against errant police officers, authorities took no appropriate remedial actions in most cases.

Police arrested and detained several journalists on allegations of disobeying lawful orders, criminal trespass, and obstruction of the law.

On September 2, police in Kampala arrested and imprisoned Adrian Bwanika Bbaale, a journalist with the government-owned newspaper *New Vision*, for disobeying orders from a police officer on duty. Bbaale was reportedly covering a story involving a land dispute. He claimed police manhandled him during the arrest and confiscated his camera. On September 23, the court held a hearing. On October 7, the DPP withdrew the charges, and Bbaale was released.

A hearing on a February petition challenging the indefinite suspension of the right of *The Observer* journalists Tash Lumu and Sulaiman Kakaire to cover legislative proceedings was pending in the Constitutional Court.

The July 2013 case against Tadius Katalemwa, a teacher at Old Kampala Secondary School, for assaulting Mathais Sebwatto, a Bukedde Television reporter, was pending hearing at year's end.

On August 12, the UHRC Tribunal started hearing the case of Gideon Tugume, a former journalist with Capital Radio, who accused police of shooting and injuring him while he covered the 2011 return of former FDC leader Kizza Besigye from Nairobi. The case was pending at year's end.

Censorship or Content Restrictions: To avoid government intimidation or harassment, many print and broadcast journalists practiced self-censorship, particularly when reporting on President Museveni, the first family, senior members of the ruling NRM party, the SSF, or the exploration and use of oil resources. Many rural radio stations claimed unnamed government officials ordered them to deny broadcast time to opposition politicians, and police questioned several radio hosts for having opposition members on their shows. Media activists reported authorities censored the footage, especially of protests or demonstrations.

The government prevented some independent and government-owned television and radio stations from hosting opposition political candidates critical of the government. For example, on March 29, police in Kasese blocked the president of the FDC, General Muntu and two National Assembly members from the Kasese District, Winnie Kiiza and Yokasi Bihande, from taking part in a talk show on Guide Radio. The three participated in the program for 25 minutes when police ordered them out of the studio. Police claimed the participants were inciting violence but provided no evidence to support the claim.

On June 25, a Buganda Road magistrate's court barred journalists from covering the trial of Ronald Poteri, a police detective who was accused of stealing recordings of investigations from Inspector General of Police Kale Kayihura and leaking them to the public. The prosecution sought an "in camera" trial on grounds the case dealt with sensitive security issues that could cause disorder within the police and cabinet. On October 18, the High Court canceled the decision and ordered the magistrate's court to conduct a retrial of the case in open court accessible to journalists. On December 9, the director of public prosecutions dropped the charges against Poteri, saying the government had lost interest in the case.

There were no reports of developments in the May 2013 case in which *Daily Monitor* managing editor Don Wanyama and journalists Richard Wanambwa and Residel Kasasira were charged with "refusal to cooperate and divulge information" relating to a classified government letter to authorities. An appeal challenging the May 2013 court order directing the newspaper to hand over the letter was pending. The journalists remained free on bail.

Unlike in the previous year, there were no reports authorities interfered with the publication of books critical of President Museveni.

The HRNJ reported that the government initiated the dismissal of several journalists who hosted panelists on radio talk shows and were critical of the government's electoral reform efforts. For example, in August the management of Kabale-based Hope FM radio dismissed journalist Goodluck Musinguzi for hosting former FDC president Besigye. The Kabale resident district commissioner, Darius Nandida, had previously issued an order banning opposition politicians from appearing on radio stations based in the district.

Libel Laws/National Security: Authorities used libel laws to suppress criticism of government officials. For example, on March 19, the Media Council of Uganda

summoned Uganda Radio Network staffer Tom Malaba after he reported the minister of state for tourism, Agnes Akiror Egungu, had plotted to seize property belonging to a deceased person. Alleging defamation and malice, Egungu reportedly petitioned the council to charge Malaba with professional misconduct, suspend his practicing certificate for six months, and order him to pay compensatory damages. A ruling on the case was pending at year's end.

Authorities and the SSF also prevented journalists from covering public events they considered sensitive. For example, on January 29, the general court martial chairman, Brigadier Moses Ddiba Ssentongo, blocked the media from covering the trial of the former commander of the Ugandan contingent in Somalia, Michael Ondonga. Ssentongo claimed that press coverage of the trial would jeopardize the country's mission in Somalia under AMISOM. The military court charged Ondonga with various offenses that allegedly resulted in loss of lives and army equipment, diversion of fuel, and loss of troop morale between in 2012-13.

Several libel cases from previous years came to trial. For example, on October 3, a court in Kalangala District found Central Broadcasting Station journalist Ronald Ssemuusi guilty of defamation. The prosecution alleged Ssemuusi defamed the chair of Kalangala District, Daniel Kikoola, when he reported Kikoola's involvement in the 2011 theft of solar panels intended for the district offices. On October 22, Ssemuusi filed an appeal in the high court, and a hearing was pending at year's end.

Internet Freedom

There were no reports the government attempted to restrict or disrupt access to the internet or censor online content. The government monitored internet communication in accordance with the Antiterrorism Act and the Regulation of Interception of Communications Bill (see section 1.f.). According to the July Uganda Telecommunications Market report, approximately 22 percent of the population used the internet during the year.

Academic Freedom and Cultural Events

The government restricted academic freedom. Research clearance was required in certain academic areas, such as history and political science, and there were reported delays in the process. Academic lecturers reported authorities required permission to conduct public dialogue meetings at universities. They also claimed security operatives monitored public lectures. Officials from Makerere University

reported authorities attempted to influence academic appointments, especially in government universities.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the constitution provides for freedoms of assembly and association, the government did not respect these rights. In 2013 the government passed the Public Order Management Act, which defines the process by which citizens may organize public meetings and political rallies. Under the act the UPF retains arbitrary authority to prevent gatherings from being held. The act also places a significant bureaucratic burden on those wishing to organize or host gatherings, and the UPF routinely denied permission on technicalities. In some instances the UPF either gave no official response to requests to hold public meetings or instructed applicants not to assemble.

Opposition political parties, NRM party members critical of Museveni and his continued rule, and civil society critics claimed they were singled out for restriction of their right to assemble. The media also reported several cases in which police actively facilitated meetings organized by supporters of President Museveni. Early in the year, opposition leaders and civil society activists complained police illegally blocked opposition gatherings focused on electoral reforms. For example, in March electoral reform meetings in Mbale, Soroti, Kabale, and Kasese were blocked on the disputed ground that organizers did not seek police permission (see section 3). On April 3, authorities agreed not to interfere with the campaign for electoral reforms following a meeting with opposition and civic leaders in Kampala. The opposition and civil society leaders subsequently held a series of regional town hall meetings throughout the country without significant incident.

Police claimed the powers of “preventive arrest” under the law, which broadly gives them power to prevent and detect crime. The law specifically tasks police proactively to remove and detain persons to prevent them from committing an offense or engaging in other acts that would cause harm to themselves, other persons, or property. Police preventively arrested several opposition leaders during attempts to hold meetings and processions in Kampala and later released them. For example, on March 19, police in Kampala surrounded the homes of former FDC leader Besigye and the mayor of Kampala, Erias Lukwago, to stop

them from participating in a rally organized by the outlawed civil society group For God and My Country (4GC) (see section 1.d.).

Police often used excessive force to disperse opposition activists, students, and workers. For example, on March 23, an unidentified man was injured when police used tear gas to disperse persons who had gathered to attend an opposition meeting on electoral reforms in Soroti District. Police said they were under strict instruction to prevent the meeting.

Police arrested more than 20 persons for unlawful assembly in various districts, including Sembabule, Kabarole, Oyam, Otuke, Kampala, and Kabarole. For example, on June 17, police in Kampala arrested two youths, Robert Mayanja and Norman Tumuhimbise, for unlawful assembly. The youths reportedly brought two piglets painted yellow (the ruling party's color) into parliamentary premises to protest and demonstrate their displeasure with the level of unemployment and poverty in the country. On July 4, a court charged the suspects with criminal trespass and interrupting parliamentary business and released them on bail. The case was pending at year's end.

There were developments in cases from previous years. On August 13, the DPP dropped unlawful assembly charges against Besigye and Kampala mayor Lukwago. The prosecution alleged Besigye, Lukwago, and others still at large identified themselves as members of the illegal 4GC civil society group while at Katonga Road in Kampala in July 2013. On August 14, Besigye and Lukwago appeared in a court in Kabale on separate charges of inciting violence; prosecutors alleged they organized an outlawed 4GC public rally in 2012. The case was pending at year's end.

There were no reports of progress in the August 2013 case against 11 university students accused of participating in unlawful assembly and inciting violence. The suspects remained free on bail at year's end.

Police in Kampala blocked opposition members and activists from participating in processions. On several occasions police confined former FDC leader Besigye and other opposition leaders to their residences to prevent them from participating in protests.

Police blocked labor union meetings (see section 7).

Freedom of Association

While the constitution and law provide for freedom of association, the government did not always respect this right. The law limits NGO activity and requires NGOs seeking registration to obtain letters of approval from local government and community officials. Official registration affords some legal protections and enables NGOs to open local bank accounts. The NGO Board, a government regulatory body that approves NGO registrations, reports to the Ministry of Internal Affairs and is composed of representatives from various government ministries, including the security services. Discriminatory aspects of the law prevented LGBT organizations from registering as NGOs (see section 6). In September 2013 the board began requiring all NGOs to reregister in a move to update the national NGO registry. The board increasingly scrutinized the work of NGOs it believed were involved in advocacy rather than service delivery.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government at times limited these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: A married woman must obtain her husband's written permission on her passport application to list children on her passport.

Internally Displaced Persons (IDPs)

Torrential rains and floods resulted in IDPs. For example, in May an estimated 6,500 persons were temporarily displaced in Kasese District, Western Region, but they later returned to their homes.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of November 24, the UNHCR in partnership with the government had registered an estimated 405,000 refugees and asylum seekers of different nationalities. While the majority were from the Democratic Republic of the Congo (DRC) and South Sudan, other countries of origin included Somalia, Rwanda, and Burundi. The government provided adequate protection to refugees, including temporary protection, resettlement, and other long-term solutions. The government made progress in clearing a backlog of asylum requests.

The government did not implement the UNHCR's 2012-13 recommendation to implement a cessation clause and lift the blanket refugee status conferred on approximately 16,000 Rwandan refugees who arrived in Uganda prior to 1999. The government resisted locally integrating long-staying refugees, including the Rwandan refugees.

Refoulement: In October 2013 the government expelled a high-profile Rwandan refugee, Joel Mutabazi (a former bodyguard for Rwandan President Paul Kagame), and handed him over to Rwandan security forces despite his refugee status. The officer in charge, Joel Aguma, was suspended for his role in the affair, although a police investigation had not produced findings more than a year later.

Access to Basic Services: The government granted refugees, without charge, the same access as citizens to public health, education, and other services. There were anecdotal reports of discrimination against some refugees seeking services due to language barriers or xenophobia. The Refugee Commission of the Office of the Prime Minister (OPM), the UNHCR, its implementing partners, and other NGOs worked to reduce barriers to access.

On March 14, in the wake of the Anti-Homosexuality Act (AHA), the government ordered the suspension of the Refugee Law Project (RLP), a legal aid organization based at Kampala's Makerere University School of Law that provided services to refugees, including victims of gender-based and sexual violence, across Uganda. The suspension continued at year's end, despite the annulment of the AHA in August. Humanitarian partners estimated the government's suspension of the RLP prevented thousands of minority members and vulnerable refugees from receiving legal, medical, and other assistance.

Durable Solutions: The government did not accept refugees for resettlement from third countries, but it facilitated UNHCR efforts to resettle refugees in third countries. The government assisted the safe and voluntary return of refugees to their homes. Between January and September, the government assisted the UNHCR in the voluntary repatriation of 31 refugees to Rwanda and 1,204 refugees to the DRC.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the ability to change their government through free and fair elections. The 2011 presidential and National Assembly elections marked an improvement over previous elections but were marred by serious irregularities.

Elections and Political Participation

Recent Elections: In 2011 the country held its fourth (second multi-party) presidential and legislative election since President Museveni came to power in 1986. President Museveni won re-election with 68 percent of the vote. Kizza Besigye, the FDC president, finished second with 26 percent. The ruling NRM party captured approximately 75 percent of the seats in the 375-member unicameral National Assembly (at year's end there were 386 members). While the elections and campaign period were generally peaceful, domestic and international election observers noted several serious irregularities. Problems included the diversion of government resources before and during the elections for partisan gain, unfair access to the media for NRM candidates and restrictions on access for opposition candidates, the heavy deployment of the SSF on election day, government intimidation, disorganized polling stations, and the absence of many voters' names from voter rolls. In addition, opposition parties claimed that the Electoral Commission lacked independence.

Political Parties and Political Participation: There were approximately 30 registered parties at year's end, following the Electoral Commission's April deregistration of 10 parties for violating the 2005 Political Parties Organization Act. The affected parties included the Action Party, the Bridge Party, the Movement for Democratic Change, the Movement Volunteer Mobilisers Organization, the National Redemption Party, New Order Democracy, the Peoples Independent Party, the Progressive Alliance Party, the Reform Party, and the Uganda Mandate Party. The Electoral Commission reported the parties failed to

submit annual audits for 2005 through 2011. In addition, the parties failed to submit declarations of assets and liabilities for the same period and failed to hold delegates' conferences to elect executive members as required under the law.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Authorities occasionally restricted the activities of the main opposition parties by refusing them permission to hold public demonstrations and preventing opposition leaders from appearing on local radio stations. Police used tear gas to disperse rallies of opposition leaders. For example, on March 22 and 23, several persons were injured when police used tear gas and fired live bullets to disperse a crowd that had gathered for a town hall meeting on electoral reforms in Mbale District. Police also arrested several persons, including a National Assembly member from Mbale Municipality, Jack Wamai, but later released them without charge. The government took no action to follow up on the injured (see section 2.b.).

There were developments in the November 2013 impeachment case against Kampala mayor Lukwago. On February 4, Attorney General Peter Nyombi applied to have Constitutional Court judge Vincent Nyanzi recuse himself from hearing the legal challenge of the impeachment on grounds Nyanzi was biased. On February 7, following Nyanzi's refusal to recuse himself, Nyombi appealed to the Court of Appeal, which had not ruled on the matter. On March 28, Justice Lydia Mugambe of the High Court ordered the Electoral Commission to halt all preparations for a mayoral by-election until Justice Nyanzi adjudicated Lukwago's legal challenge against the tribunal report. On March 31, a single justice of the Court of Appeal, Stephen Kavuma, reversed Mugambe's ruling. On April 1, Lukwago's lawyers appealed to the Supreme Court, seeking a reversal of Kavuma's ruling, but the court advised Lukwago to ask a fully constituted court of appeal to "review" the (single justice) ruling by Kavuma.

Police arrested several opposition leaders during the year. For example, on August 4, police in Kampala arrested and later released without charge the president of the Conservative Party, Ken Lukyamuzi, for assembling an illegal rally and inciting violence. Lukyamuzi was scheduled to address persons who were evicted from the railroad corridors in Ndeeba, a suburb of Kampala.

Participation of Women and Minorities: There were 22 female ministers in the president's 75-member cabinet. The speaker of the National Assembly and the inspector of government, who headed the leading government anticorruption investigative body, were women. There were 135 women in the 386-member

National Assembly. The law requires elections for seats reserved for special interest groups: 112 for women, five for organized labor, five for persons with disabilities, five for youth, and 10 for the UPDF. An opaque “electoral college” process organized by a single government-supported NGO selected the five persons with disabilities. There was no minority representation in the National Assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. The government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. In April the auditor general’s annual report for the year ending in June 2013 stated the government lost 300 billion shillings (\$111 million) through theft of public funds, mismanagement, and dubious deals. The report to the National Assembly attributed the losses to irregular payments to contractors, refunds to donors for stolen money, and court awards and compensation; it did not include other common allegations, such as mismanagement and theft.

Police arrested and suspended several police officers implicated in bribery, extortion, and corruption. Authorities arrested several magistrates and judicial officials for forgery as well as for soliciting and receiving bribes.

Corruption: Government agencies responsible for combating corruption included the inspector of government, the DPP, the Anticorruption Division (ACD) of the High Court, the National Assembly’s Public Accounts Committee, the police Criminal Investigation Division, the Office of the Auditor General, and the Directorate for Ethics and Integrity. There was weak political will to combat corruption at the highest levels of government, and many corruption cases remained pending for years. The ACD had four judges and three magistrates. Since its 2009 inception, the ACD heard more than 1,000 corruption cases, of which 624 were concluded; several involved senior-level officials.

In July 2013 the Constitutional Court halted all ACD operations following a petition, filed in January, challenging the constitutionality of its structure. In September 2013 the Constitutional Court started hearing the petition and in December 2013 the court ruled 4-1 the ACD was legally constituted.

On January 7, the ACD reopened and started hearing cases, including the 2012 pension scam in which Jimmy Lwamafa, the suspended permanent secretary of the Ministry of Public Service, and seven others were charged with causing

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government financial losses of more than 165 billion shillings (\$61 million) by creating 2,605 ghost pensioners. Another new case was that of jailed former chief accountant in the OPM, Godfrey Kazinda, and three others on trial for alleged embezzlement, false accounting, forgery, conspiracy, and causing financial loss to the government. Kazinda was already serving a five-year prison sentence. The government ignored the National Assembly's call to investigate and prosecute former OPM permanent secretary Pius Birigimana, who presided over the thefts.

On September 1, after the *New Vision* newspaper published numerous detailed stories, police in Kampala questioned four suspended officials of the Uganda National Roads Authority (UNRA) over the controversy surrounding the tender for construction of the 74-kilometer road from Mukono to Katosi, a project in which the government lost some of its 24.7 billion shillings (\$9.3 million) advance payment. On August 29, the UNRA governing board suspended executive director Ssebuga Kimeze, director of finance Joe Semugomu, director of planning David Luyimbazi, and director for legal counsel Marvin Baryaruha. Investigations in the matter were pending at year's end.

There were developments in 2013 corruption cases. For example, on July 17, the ACD found John Muwanguzi Kashaka, the former permanent secretary in the Ministry of Local Government, and five others guilty of causing financial loss of more than 4.2 billion shillings (\$1.5 million) to the government in a deal to procure 70,000 bicycles from India. The court sentenced Kashaka along with principal accountant Henry Bamutura to 10 years in prison and ordered them to contribute to the refund of the money stolen from the government. The court also sentenced principal accountant Robert Mwebaze to six years' imprisonment, principal procurement officer Sam Emorut to six years in prison, consultant Timothy Musherure to 20 months' incarceration, and Adam Bond Alum to a one-year term. The court further banned the convicted men from government employment for 10 years. On July 21, Kashaka appealed the 10-year sentence but remained on remand in prison. On November 25, the Court of Appeal released Kashaka on bail pending hearing and determination of his appeal.

The Constitutional Court petition filed against Kampala mayor Lukwago, which accused him of neglecting his official accounting duties when he failed to ensure the proper expenditure of the ministry's funds, was pending hearing at year's end (see section 3). Lukwago applied to the Constitutional Court for an injunction to suspend hearing of the case, arguing the ACD proceedings contravened the July 2013 Constitutional Court interim order that stayed ACD operations.

Financial Disclosure: The law provides that a person shall disclose information within three months of becoming an elected official or assuming public office and thereafter in December every two years. The government selectively enforced financial disclosure laws, under which an estimated 28,000 public officials are subject to biannual reporting requirements, which apply to spouses and dependent children as well. Public officers are required to disclose their income and assets upon assuming and leaving office. The inspector of government is responsible for monitoring compliance. Penalties for noncompliance include a warning or caution, demotion, dismissal, and/or administrative leave from office. For example, authorities dismissed National Assembly member Ken Lukyamuzi from the seventh National Assembly (2001-06) for noncompliance. He was re-elected to the ninth National Assembly (2011-16) and was permitted to take his seat after filing financial disclosure documents. According to the inspector of government, 19,886 officials reported in the 2013-14 cycle, including those from previous cycles who had not submitted their forms. Although the law requires public disclosure, authorities did not make the reports public.

Public Access to Information: The law provides for public access to government information, but the government rarely provided such access. The law allows individuals to petition any government department to access information. The Secrecy Act, however, bars public servants from revealing information.

The law provides that requesters pay 20,000 shillings (\$8) to access information held by the government. Under the law information can be denied on security or sovereignty grounds, and the law provides for redress through internal dispute resolution processes or courts. The HRNJ reported that government officials often used the Public Service Standing Orders on Dissemination of Information to deny journalists vital information, especially about public spending.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Local LGBT-related NGOs were denied official status due to the discriminatory law preventing their registration.

The government was increasingly unresponsive to concerns of local and international human rights organizations. In May unknown persons broke into several civil society organizations and stole office equipment and sensitive internal

information and records. Targeted organizations included the Uganda Land Alliance, the Uganda Human Rights Network, Action Aid, the Foundation for Human Rights Initiative, and the Anticorruption Coalition. Noting that the robberies only targeted civil society organizations dealing with human rights and corruption, the organizations complained to Inspector General of the Police Kayihura over police failure to investigate fully and produce reports on the break-ins. No reports were produced by year's end.

Government Human Rights Bodies: The UHRC is a constitutionally mandated institution with quasi-judicial powers to investigate allegations of human rights abuses and award compensation to abuse victims. The president appointed its seven-member board, and observers criticized the commission for its weak leadership and political interference. Under the law the UHRC may subpoena information, direct the release of detainees, and order the payment of compensation for abuses. The UHRC pursued suspected human rights abusers, including in the military and police forces, and had branches countrywide. Its resources were inadequate to investigate all the complaints it received, and it lacked political will to investigate or identify senior-level perpetrators of abuses.

In its June 2013 annual report, the UHRC reported registering 720 human rights complaints against 714 individuals, including 55 UPDF members, 424 police officers, 29 local government officials, 36 prison wardens, and 163 private citizens. Of the 720 complaints, 33 percent involved allegations of torture or cruel, inhumane, or degrading treatment and punishment (see section 1.c.).

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status but is silent on sexual orientation and gender identity. The penal code, however, prohibits “unnatural offenses.” The government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, which is punishable by life imprisonment or the death penalty.

Rape remained a serious problem throughout the country, and the government did not consistently enforce the law. Although the government arrested, prosecuted,

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and convicted persons for rape, the crime was seriously underreported, and authorities did not investigate most cases. Police lacked the criminal forensic capacity to collect evidence, which hampered prosecution and conviction. The 2013 police crime report registered 1,042 rape cases throughout the country, of which 365 were tried. Of these, 11 convictions were secured, with sentences ranging from three years to life imprisonment; 11 cases were dismissed; and 343 cases were still pending in court at year's end.

The law criminalizes domestic violence and provides penalties for abusers, ranging from fines to two years' imprisonment. Women's rights activists, however, were concerned the law was not enforced. The 2013 UPF annual crime report listed 315 reported cases of domestic violence, an increase of 164 from 154 cases in 2012. Domestic violence against women remained widespread. According to the 2011 *Uganda Demographic and Health Survey*, at least 27 percent of women and girls between the ages of 15 and 49 experienced some form of domestic violence during the year prior to the survey. The same survey showed at least 56 percent of married women reported having experienced some form of domestic violence during their marital life.

A 2012 report by the Center for Basic Research, a local research NGO, reported that 70 percent of women interviewed from eastern and northern regions had been beaten by their husbands. In addition the findings indicated 17 percent of the same women had been raped, 23 percent forced into marriage, 1 percent denied inheritance rights, and 10 percent denied political rights.

Many law enforcement officials viewed wife beating as a husband's prerogative, as did the majority of the population, and police rarely intervened in cases of domestic violence. Between January and September, the government arrested 21 persons for domestic violence offenses. For example, on January 15, a court in Entebbe, Wakiso District sentenced Emmanuel Drazua to death for killing his wife, Erina Amaite, following a domestic dispute in August 2013.

Local NGOs operated hotlines in 11 districts, including Kampala, Mukono, and Jinja. The government worked with local NGOs to strengthen understanding of domestic violence as a human rights abuse. The Center for Domestic Violence and Prevention sponsored four police training courses focused on gender-based violence. On May 30, the center conducted training for 30 police officers in Jinja District to increase UPF knowledge of human rights, gender inequality, and violence against women and children.

Female Genital Mutilation/Cutting (FGM/C): The law and constitution prohibit FGM/C and establish a maximum penalty of life imprisonment. The government, women's groups, and international organizations continued to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. Nevertheless, the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya continued to practice FGM/C (see section 6, Children). Per the World Health Organization FGM/C categories, the Sabinu practiced types I and II, and the Pokot practiced type III.

According to the most recent 2011 *Uganda Demographic Health Survey*, the estimated prevalence of FGM/C in girls and women between the ages of 15 and 49 was 1.4 percent.

In November the Reproductive Education and Community Health program, a local NGO that monitored the prevalence of FGM/C, received reports that 37 women were victims of the practice during the year.

In February the government worked with local and international agencies to celebrate the FGM/C Zero Tolerance Day in Moroto District.

Sexual Harassment: The law criminalizes sexual harassment and provides for penalties of up to 14 years' imprisonment, but authorities did not effectively enforce it. Sexual harassment was a serious and widespread problem in schools, universities, and workplaces.

Reproductive Rights: There are no laws restricting couples or individuals from deciding the number, spacing, and timing of their children. There are no laws restricting access to reproductive information or otherwise limiting the right to attain the highest standard of reproductive health through discrimination, coercion, and violence. Family planning information and assistance were difficult to obtain, however, particularly in rural areas, where there were few health clinics. Eighteen percent of women and girls between the ages of 15 and 49 used a modern method of contraception. Women also faced challenges of religious restrictions imposed by their faiths.

UN Population Fund (UNFPA) officials reported the maternal mortality rate rose to 438 per 100,000 live births, compared with 435 in 2012. Skilled health personnel attended 42 percent of births. Health officials attributed the high

maternal mortality rate to medical complications related to excessive bleeding after birth, obstructed labor, high blood pressure, malaria, a shortage of staff to attend to mothers, and delivery outside of health facilities. Other factors included early pregnancy in adolescents, AIDS-related deaths, and limited capacity of health facilities to manage complications.

Discrimination: The law invests women with the same legal status and rights as men. Discrimination against women, however, continued to be widespread, especially in rural areas. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women may not own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law. In some ethnic groups, men can “inherit” the widows of their deceased brothers.

Women and girls had equal access to educational opportunities, but women experienced economic discrimination in access to employment, credit, income, business ownership, and senior or managerial positions. The law provides that “every employer shall pay males and females equal remuneration for work of equal value.” A 2009 study by the Ministry of Finance, Planning, and Economic Development, however, found women were disadvantaged in the labor market and their monthly wage was approximately 30 percent less than the average wage of men. The gender pay gap narrowed as women advanced in their careers and acquired more experience and power (see section 7.d.).

Eliminating gender inequality remained a high priority for both the central and local governments. For example, in February the Alur king, Phiolip Olarkar Rauni II, in West Nile Region abolished widow inheritance in the kingdom. On July 4, the Butaleja District administration in eastern Uganda passed the Bridal Gift Ordinance, which prohibits the demand for or refund of a bride price. The government, in conjunction with NGOs and women’s rights groups, sponsored workshops and training sessions throughout the country to increase awareness of women’s rights.

Children

Birth Registration: The law accords citizenship to children born in or outside the country if at least one parent or grandparent holds Ugandan citizenship at the time of the child’s birth. Abandoned children under the age of 18 with no known

parents are considered citizens, as are children under the age of 18 adopted by Ugandan parents.

The law requires citizens to register a birth within three months. According to the 2011 *Uganda Demographic and Health Survey*, only 29 percent of rural and 38 percent of urban births were registered. Lack of birth registration generally did not result in denial of public services. Many primary schools, however, required birth certificates for enrollment, especially those in urban centers. Enrollment in secondary schools, university, and other tertiary institutions required birth certificates. In 2011 the Uganda Registration Services Bureau (URSB), the government agency responsible for recording births and deaths, established a computerized system, known as the Mobile Vital Records System, which used mobile telephones to deliver timely and accurate records. The system enabled officials to send details of births and deaths as a text message to the central server at URSB headquarters in Kampala. URSB officials reported that between July 2013 and September 2014, an estimated 570,367 children under the age of five were registered. The records system operated in 135 hospitals in 58 districts.

Education: The law provides for basic education, which is the responsibility of the state and the parents of the child. The government provided free universal primary education to four children per family as well as universal secondary education, although parents are required to provide lunch and schooling materials for children in secondary school. The programs provide seven years of primary education and six years of secondary education.

Child Abuse: Child abuse remained a serious problem, particularly rape and sexual abuse of girls, and recorded cases greatly understated the prevalence of the problem. Perpetrators of sexual abuse often were family members, neighbors, or teachers.

The law considers sexual contact outside marriage with girls under the age of 18, regardless of consent or age of the perpetrator, as “defilement,” which carries a maximum penalty of death. Such cases often were settled by a payment to the girl’s parents. According to the 2013 annual police crime report, defilement remained the most common crime committed against children, with 9,598 cases recorded. The report also registered 1,042 cases of rape, 187 of child trafficking, 12 of child sacrifice, 11,519 of child neglect, 3,541 of child desertion, 1,332 of child abuse and torture, 1,061 of kidnapping, 82 of infanticide, and 250 of other sexual-related offenses, including assault and incest. The government worked with the UN Children’s Fund (UNICEF) and NGOs, including Save the Children, Child

Fund, and the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), to combat child abuse.

On June 16, the government launched a national child helpline--code 116--to enable children to report cases of abuse. The UPF provided free rape and defilement medical examinations throughout the country to assist investigations. Victims of rape and defilement received free medical examinations at Mulago Hospital in Kampala.

Corporal punishment remained a problem in some schools and sometimes resulted in permanent injuries. For example, on May 14, Lilah Babirye, a parent of Naswif Katongole, filed a suit in the High Court against Sir Apollo Kaggwa Primary School. In the suit, Babirye alleged two teachers of the school, Joseph Owino and Garace Lumu, assaulted Katongole, who developed sharp pains in the waist, psychological impairment, and mobility complications. Hearing of the suit was pending.

In 2012 the government newspaper *Saturday Vision* reported corporal punishment was pervasive in primary schools in the greater Kampala area, despite a government directive prohibiting the practice. The report indicated that, in 29 of the 30 schools surveyed in greater Kampala, pupils were caned for offenses ranging from giving wrong answers to speaking in their vernacular language instead of English.

There were no developments in the September 2013 case against Stanley Tusubira, a teacher at Miracle Academy School who allegedly beat a seventh-grade pupil to death for stealing 3,000 shillings (\$1.20).

Early and Forced Marriage: The legal minimum age for marriage is 18, but authorities did not enforce the law. Marriage of underage girls by parental arrangement was common, particularly in rural areas. Local NGOs and the police Family and Children Unit reported some parents arranged such marriages or sexual arrangements for girls as young as 12 due to poverty. According to the UNFPA, the prevalence rate for early and forced marriage was approximately 46 percent for girls who were 15 and older. According to the 2013 *African Human Social Development Report*, thousands of minors were lured or forced into early marriages. A March police probe into child marriages in the eastern Teso Region showed girls were sold to suitors for as little as 50,000 shillings (\$18).

On March 15, police in Butaleja District, Eastern Region, arrested nine persons for attempting to marry a 12-year-old girl to a 45-year-old man. Hearing of the case was pending at year's end.

In July and August, several local district governments in Karamoja and Busoga regions launched a campaign, End Early Marriages, in partnership with other child rights NGOs.

There were no developments in the August 2013 case of Saleh Kawanga, a resident of Namugongo, who was accused of marrying a fifth-grade student after he paid 50,000 shillings (\$18) to her mother as a dowry.

Female Genital Mutilation/Cutting (FGM/C): The law and constitution prohibit FGM/C and other related activities and establishes a maximum penalty of life imprisonment for violations. On July 12, police in Moroto District arrested 13 persons for perpetrating FGM/C on seven girls between the ages of nine and 12 in Lonyik village, Tapac Subcounty. On July 16, a court in Moroto sentenced Namuton Namon, a local surgeon, to 10 years' imprisonment for practicing FGM/C. The court charged a second suspect, Nakong Nakuwam, with coercing girls into submitting to FGM/C and sentenced him to three years in prison. The court charged 11 parents with aiding, procuring, and coercing their daughters into the practice. The court remanded the suspects to prison, and hearing of the case was pending.

Other Harmful Traditional Practices: The law and constitution prohibit cultures, customs, and traditions that are against the dignity, welfare, or interest of children. There were numerous reports of ritual sacrifice of children during the year. The office in charge of monitoring Human Sacrifice and Trafficking in Persons registered nine cases between January and October. The government took steps to address the problem. For example, on September 30, police in Lwengo arrested Fred Kamuntu, Joyce Kamuntu, and Rogers Mutesasira for the ritual killing of 13-year-old Kennedy Kayibanda in Mayira village. Police detained the suspects at Mbirizi police station, and an investigation was pending at year's end.

There were developments in previous ritual sacrifice cases. For example, on June 12, the Court of Appeal upheld the conviction and life sentence of businessperson Kato Kajubi for killing a 12-year-old boy in 2008.

The government conducted a media campaign to raise awareness and training programs for security personnel.

Sexual Exploitation of Children: While the law prohibits sexual exploitation of children, the government did not enforce the law effectively, and the problem was extensive. The minimum age for consensual sex is 18 years. Defilement, which refers to any sexual contact with a minor, carries a maximum penalty of death. Such cases often were settled by a payment to the girl's parents. The law prohibits child pornography. On February 6, the president signed into law the Antipornography Bill.

Child prostitution was a problem. The local NGO Uganda Youth Development Link (UYDEL) estimated at least 18,000 girls and women were engaged in sex work across the country. Police arrested several persons for practicing prostitution, but there were no reports of convictions at year's end.

Child Soldiers: Although LRA members who were abducted as children continued to leave the LRA and return home, an estimated 150 LRA fighters remained in the region. Despite a significant reduction in LRA size since 2008 due to military operations, the LRA continued to hold women and children against their will and to abduct children from neighboring countries. Abductees were usually held for a few hours or days and used as porters, as opposed to prior practices of long-term abductions for use as soldiers. The government led regional efforts, backed by an African Union-mandated mission, to counter the influence of the LRA in coordination with South Sudan, the Central African Republic, and the DRC. In July, AMISOM initiated investigations into alleged use of child soldiers in its ranks. This followed a May report by the UN alleging 14 cases of association of children with AMISOM in various capacities, including to man checkpoints and as cooks. More than 6,000 UPDF soldiers served with the mission.

Infanticide or Infanticide of Children with Disabilities: According to the 2013 annual police crime report, 82 infanticides were reported that year.

Displaced Children: Families from the farming regions of Karamoja sent many children to Kampala during the dry season to find food and work, and most of them ended up begging on the streets. Police routinely rounded up street children and relocated them to a custodial home for juvenile delinquents, where staff attempted to locate the children's families and return them to their homes. According to the July Human Rights Watch Report *Where Do You Want Us to Go*, authorities worked jointly with social workers and community leaders to return 295 Karamojong street children to their homes in Moroto District. The report stated that, of 2,535 recorded street children, 1,906 from Karamoja were resettled and

reintegrated. The report accused several government agencies, including police, of perpetrating abuse of and violence against street children. The UPF dismissed the claims, and no investigation was conducted by year's end.

Institutionalized Children: There were reports of abuses in several orphanages. Of the 412 orphanages operating in the country, only 80 were formally registered. The government lacked the ability to manage registration and monitoring of orphanages. According to new regulations issued on May 23, an approved home shall only receive children in an emergency from a police officer or under an interim care order from a judge. All approved homes are required to keep proper accounts, employ a qualified warden and registered nurse, keep health records for each child, and ensure each child is given appropriate education and sleeping facilities.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community was small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. The law, however, does not establish penalties for those engaging in discrimination. The government did not enforce the law effectively, and persons with disabilities faced societal discrimination and limited job and educational opportunities. As in the previous year, the UHRC received complaints of discrimination in employment and access to transport and other public services. In February the FHRI noted that persons with disabilities were excluded during UPDF recruitment exercises either because they lacked academic qualification or were perceived as unable to perform (see section 7.d.).

Most schools did not accommodate persons with disabilities. In April 2012 the government launched a program on inclusive education to enhance education of children with disabilities.

The UCC noted a decline in compliance with its requirement for all television programming to carry sign language interpretation. UCC officials reported only five Kampala-based stations partially complied with the requirement, using sign language interpreters only on Sunday. In September 2013 the UCC threatened to revoke the licenses of broadcasting stations if they did not comply, but subsequently took no action against the stations.

In June the National Union of Disabled Persons of Uganda (NUDIPU) criticized the government for failure to plan for persons with disabilities in the ongoing national identification card registration process. For example, the NGO noted registration required taking fingerprints, and that no alternate provision for amputees existed.

In April 2013 NUDIPU released a report indicating many courts were inaccessible and did not provide sign language interpreters.

An August 2013 study conducted by architects in Kampala indicated 95 percent of buildings in the city were inaccessible to persons with disabilities. Study findings showed most buildings did not have ramps or elevators.

A July 2012 report released by the National Council on Disability (NCD) indicated 55 percent of persons with disabilities lacked functional literacy skills and only 33 percent had completed grade seven. The report found that children with mental disabilities were sometimes denied food and were tied to trees and beds with ropes to control their movements. The report further stated that the needs of children with autism and learning disabilities were ignored due to an insufficient number of appropriate schools.

The law reserves five seats in the National Assembly for representatives of persons with disabilities. The NCD, however, reported participation by persons with disabilities in elections was minimal because they could not access polling centers due to physical barriers, election materials did not accommodate persons with vision disabilities, and polling stations lacked support services such as guides, helpers, and sign language interpreters. The NCD also noted the civic education offered by the government to citizens was inaccessible to many persons with disabilities, since it was done through electronic and print media.

Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons, the NCD, and the Ministry of Gender, Labor, and Social Development, but these entities lacked sufficient funding to undertake any significant initiatives.

National/Racial/Ethnic Minorities

There were isolated reports of violence between ethnic minorities in some parts of the country. On July 21, for example, 20 houses were burned, two persons injured, and several persons displaced following tribal clashes between the immigrant Bahima cattle herders and Alur farmers in Kigorobya Subcounty, Hoima District. Police reported fighting broke out when a farmer found cattle grazing in his cotton field. Police arrested seven persons who allegedly had information about the crime to assist in investigations.

Indigenous People

The government displaced the Batwa ethnic group, which has an estimated 6,700 members, in 1992 when it created Mgahinga National Park, Bwindi Impenetrable National Park, and Echuya Central Forest Reserve. The displacement compounded challenges faced by the Batwa, including limited access to education, health care, land, and economic opportunities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual conduct is illegal, according to a colonial-era law that criminalizes “carnal knowledge of any person against the order of nature” and provides for a penalty up to life imprisonment. While authorities did not convict any persons under the law, the government arrested persons for this and related offenses.

On February 24, President Museveni--who called LGBT persons “disgusting”--signed into law the AHA, which the National Assembly passed in 2013. The AHA criminalizes, outlaws, and provides harsh prison terms for same-sex relationships, “promoting” homosexuality, or “aiding and abetting” homosexual acts. On July 29, activists filed a petition in the Constitutional Court seeking to overturn the AHA, claiming the National Assembly passed the law without the necessary quorum and that the law violated the rights of individuals under the constitution.

On August 1, the Constitutional Court nullified the law, noting the National Assembly's speaker had "acted illegally" by not establishing a quorum before its passage.

LGBT persons faced discrimination, legal restrictions, and societal harassment and violence, intimidation, and threats. They were denied access to health services. Several LGBT persons were charged with engaging in "acts against the order of nature" and indecency, and their cases were pending at year's end. For example, on February 12, police in Masaka District arrested John Sseruwu on charges of performing unnatural acts prohibited under the penal code. Police released Sseruwu on bail, and hearing of the case was pending.

Police arrested several persons following the passage of the AHA, and human rights organizations reported the LGBT community faced increased discrimination.

Authorities targeted several projects suspected of "promoting" homosexuality. For example, on March 14, the minister of relief, disaster preparedness, and refugees, Hilary Onek, suspended the activities of the RLP pending investigation into allegations the project was "promoting" homosexuality. On May 20, the project received a letter from the permanent secretary, signed by the OPM's commissioner for refugees, extending the suspension of the Kampala office. Despite the nullification of the AHA and the elimination of the basis for any charge, Minister Onek refused to lift the suspension of the RLP.

On April 3, police in Kampala raided a foreign-funded project that offered HIV/AIDS services to patients, including members of the LGBT community, on suspicion the project "promoted" homosexuality. On April 4, the project suspended its activities in the country after authorities arrested a member of its local staff. Police did not produce any information regarding their investigation of the project and in October sent a letter stating they had dropped the case.

In 2013 the Human Rights Awareness and Promotion Forum (HRAPF) reported that, of the 15 LGBT organizations that submitted applications, eight were registered with the URSB. The HRAPF confirmed in November that the remaining seven organizations were subsequently registered with the URSB.

In November the HRAPF reported that police dropped the case against Patrick Musoke, a member of Kampus Liberty Uganda, who was arrested on suspicion of engaging in illegal "unnatural acts" in February 2013.

Some religious and political leaders delivered church sermons and wrote articles to lobby the public against LGBT persons. On March 31, the Inter-religious Council of Uganda, with substantial support from the government, held a major rally thanking parliamentarians for passing the AHA. At the rally, President Museveni and other major religious leaders pledged to continue efforts to discriminate against LGBT individuals and those who called for LGBT rights.

Unlike in the previous year, the government did not block meetings organized by LGBT groups.

On June 23, the High Court in Kampala dismissed a 2012 petition filed by four LGBT activists accusing the minister of ethics and integrity and the attorney general of illegally closing a workshop organized by Freedom and Roam Uganda in Entebbe in 2012. The court ruled the minister acted in the public interest to protect the moral values of society. The minister reportedly told the court the participants were distributing literature intended to “train and recruit others into homosexuality.” The court ordered the petitioners to compensate the minister. The petitioners have not appealed.

HIV and AIDS Social Stigma

Discrimination against persons with HIV/AIDS was common and prevented them from obtaining treatment and support. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns to eliminate the stigma of HIV/AIDS. Counselors encouraged patients to be tested with their partners and family to ensure all received information about HIV/AIDS. Persons with HIV/AIDS formed support groups to promote awareness in their communities.

On May 13, the National Assembly passed the HIV and AIDS Prevention and Control Bill, which creates a legal framework for the prevention and control of HIV, disclosure of seropositive status to reduce transmissions, testing and counseling services, and prescribes penalties for the intentional spread of HIV. President Museveni signed the bill into law on July 31. Human Rights and HIV/AIDS activists criticized the bill, asserting it represented a dangerous backsliding in the country’s effort to respond to HIV. The activists were concerned about the clause in the bill that criminalizes attempted and intentional transmission of HIV. A person convicted of these offenses faces up to 10 years’ imprisonment or a fine of approximately five million shillings (\$1,850).

NGOs reported many HIV-positive inmates in prison did not have adequate access to antiretroviral medication, especially in rural areas, and that prison officials sometimes subjected HIV-positive inmates to hard labor (see section 7).

Other Societal Violence or Discrimination

Mob violence continued to be a problem. Mobs attacked persons suspected of murder, rape, stealing, ritual sacrifice, other crimes, and witchcraft, resulting in deaths. For example, on January 14, a mob in Tororo District stoned to death David Basirio for allegedly robbing and raping a mother and her two daughters in Asinge Village. Investigations into the incident were pending.

Authorities arrested several mob members. On January 8, police in Kasese District arrested five persons, including Patrick Mutanaaba, Lezeo Katungu, and Gerald Kaliwo, for allegedly inciting mob violence against Joakim Bwambale. The suspects accused Bwambale of witchcraft resulting in the death of Alice Makola in January 2013. A hearing of the case was pending.

There were developments in cases involving mob killings from previous years. For example, on May 5, the High Court in Iganga sentenced local Council III Councilor Catherine Abbo and 11 others to 15 years' imprisonment for killing traditional healers Peter Itazi and Moses Mwidu. According to the prosecution, the group planned to kill the healers following the alleged kidnaping and ritual murder of a four-year-old boy in 2011.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except for "essential" government employees, including police, army, and management-level officials, to form and join independent unions. All unions must be registered under the National Organization of Trade Unions (NOTU) or the Central Organization of Free Trade Unions (COFTU). The law does not provide the right to collective bargaining in the public service sector. The law also does not explicitly provide trade union federations and confederations the right to engage in collective bargaining. A document of recognition must be obtained before unions could engage in collective bargaining. The law provides that, in cases where a labor dispute reported to a labor officer is not referred to the Industrial Court within eight weeks from the time the report is made, any or both of the parties to the dispute may refer the dispute to the Industrial Court. On June

26, the Industrial Court reopened after the National Assembly approved six judges to serve on the bench. Due to inadequate funding, however, the court was not operational at year's end.

The law also empowers the minister of labor to refer disputes to the Industrial Court when one or both parties to a dispute refuse to comply with the recommendations of the report issued by a board of inquiry. In this regard the International Labor Organization (ILO) noted that recourse to compulsory arbitration is acceptable only for workers in essential services, in the strict sense of the term, and public employees engaged in the administration of the state. The law allows unions to conduct activities without interference, prohibits antiunion discrimination by an employer, and provides for reinstatement of workers dismissed for union activity, the right to strike, freedom of association, and the right to bargain collectively.

Labor officials reported that domestic and agricultural workers as well as workers in the informal sector are excluded from protection by the labor laws.

The government did not effectively enforce applicable labor laws. The Ministry of Gender, Labor, and Social Affairs was not adequately funded and failed to undertake labor inspections.

Freedom of association and the right to bargain collectively were generally not respected, and the government did not always protect these rights. NOTU officials reported that some employers used a "recognition agreement" to allow union operations at the workplace. According to labor activists, government oversight of labor practices was poor and the Ministry of Gender, Labor, and Social Affairs was underfunded and understaffed. Labor inspectors were present in only 44 of the 112 districts. Most employers did not give employees written contracts of employment, resulting in lack of job security and union representation.

Worker organizations were independent of the government and political parties. Four members of the ruling NRM party and one independent legislator held the five seats set aside in the National Assembly for workers.

In contrast to information from 2013, NOTU officials confirmed in November the Uganda Public Employees Union was among the public service unions that the government recognized.

There were no reports of government interference in union activity.

As of September 30, local media reported 25 strikes over low salaries, wages, delayed salaries, and poor working conditions. Police occasionally used excessive force to disrupt striking workers. For example, on May 13, antiriot police arrested and later released on bail nine market vendors for participating in unlawful assembly. The vendors had gathered at the premises of the Kampala City Council Authority to seek audience with the executive director to complain about the high market dues imposed by authority officials.

In May 2013 the government and officials from the Federation of Uganda Employers, NOTU, and COFTU signed a National Tripartite Charter intended to serve as a legal framework for improving labor relations and reducing conflicts among employers and employees.

Antiunion discrimination occurred, and labor activists accused several companies of preventing employees from joining unions by denying promotions, not renewing work contracts, and sometimes refusing to recognize unions. For example, NOTU officials cited numerous companies that resisted trade unions, including Chinese companies such as Sinohydro, Pamamok, Tiang Tiang, and Entebbe Highway Express. NOTU officials reported that many workers failed to join trade unions for fear of intimidation and dismissal. NOTU was compiling the names of the companies, and a list was pending at year's end.

Public service unions, including medical staff and teachers, were able to negotiate salaries and employment terms for members. The government fixed salaries for "essential government employees," including police, military, and management-level officials.

Labor activists reported some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions. Labor activists also reported some employers resorted to subcontracting and outsourcing services or hired workers temporarily to avoid such agreements. According to NOTU, employers continued to require a document of recognition from a union before they would engage in collective bargaining with it. NOTU reported that 22 collective bargaining agreements were signed during the year.

The Platform for Labor Action was the leading civil society organization involved in the promotion and protection of labor rights in the country. The NGO operated without government restrictions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but does not expressly prohibit prison labor. The law states that prison labor becomes forced only if a worker is “hired out to or placed at the disposal of a private individual, company, or association.” The penalty violating the law against forced or compulsory labor is imprisonment. The 1975 Community Farm Settlement Decree provides that any unemployed able-bodied person may be settled on any farm settlement and required to render service and that violation of the decree is punishable with a fine and imprisonment. The government did not enforce the law.

There were isolated reports of forced labor, particularly in prisons (see section 1.c.). In addition persons being held in pretrial detention engaged in forced labor. Prison officials allegedly hired prisoners to work on private farms and construction sites where they were often overworked. Male prisoners performed arduous physical labor, while female prisoners produced marketable handicrafts, such as woven basketry. Compensation, when paid, generally was very low. Prisoners did not have savings accounts, but prison accounting staff recorded accrued wages in a book, and prisoners had access to these funds.

Forced child labor also occurred, particularly in fishing, agriculture, and domestic service.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

Labor regulations regarding children are contradictory. The law prohibits employers from hiring workers below the age of 18 and prohibits children under 14 years from being employed except in light work that does not interfere with the child’s schooling. All children are prohibited from being employed during school hours. In contrast, regulations of the Ministry of Gender, Labor, and Social Affairs permit the employment of children between the ages of 14 and 18. Children who are 15 years and older who have completed their education and do not attend school may work up to seven hours per day, not to exceed 35 hours per week. The law prohibits overtime work for children who are 15 to 17 years of age. The law allows 13-year-old children to engage in “light work,” provided it does not interfere with their education. The law prohibits children from working between the hours of 7 p.m. and 7 a.m. or from being employed in work that is “injurious to

their health, dangerous or hazardous or otherwise unsuitable.” The law provides for government inspection of workplaces, identification of workplace hazards, and other related matters for all workers, including children. Violations of the law on child labor carry a 685,055 shillings (\$253) fine. There have been no convictions under the law since its adoption in 2006. Children’s rights activists reported that children between the ages of five and 18 were employed.

Institutions responsible for enforcing child labor laws and policies included the National Council of Children, the police force’s Child and Family Protection Unit, the Industrial Court, and the Ministry of Gender, Labor, and Social Affairs. Financial constraints limited efforts. For example, the Industrial Court lacked judges, so the High Court or the magistrates’ courts handled labor disputes. The ministry provided social services to children working in the worst forms of child labor and other vulnerable groups and conducted training for staff, local leaders, and district labor inspectors. The Ministry of Gender, Labor, and Social Affairs employed approximately 40 district labor officers, who were responsible for reporting on child labor issues. Due to lack of funds and logistical support, district labor officials have not conducted any inspections exclusively for child labor since 2004. During the year officials from the ministry’s Occupational, Safety, and Health Department conducted more than 300 labor inspections with a child labor component in various districts. In February 2013 the ministry’s Child Labor Unit conducted a child-labor mapping exercise in several districts, including Tororo, Jinja, Mayuge, Nakasongola, Kyegegwa, Kabarole, Masindi, Hoima, Kibaale, Bushenyi, and Ishaka. The aim of the exercise was to collect data on the worst forms of child labor, monitor compliance with labor provisions, and establish awareness of child labor among employers and employees. In addition, unit officials disseminated information on child labor policy and the national action plan. A report of the exercise’s findings was pending at year’s end.

The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the Ministry of Gender, Labor, and Social Affairs; the Ministry of Education and Sports; the Ministry of Local Government; the Ministry of Agriculture; and the Ministry of Health. Other organizations represented included the National Council for Children, the UPF’s Child and Family Protection Unit, the Federation of Uganda Employers, NOTU, COFTU, UNATU, NGOs, journalists, and academics.

The government cooperated with the ILO, foreign governments, and NGOs on several initiatives to combat child labor, including to provide for the education and reintegration of child laborers into their communities. In 2012 the government

initiated a national action plan for the elimination of the worst forms of child labor. The plan was the first stage of an effort to mobilize policy makers and the public to act against child labor and to intensify popular awareness of the risks and consequences of child labor. Several human rights NGOs continued programs to remove children from hazardous work situations.

Child labor was common, especially in the informal sector. Exploitive and forced child labor predominantly occurred in rural areas in cattle herding, transport, mining, street vending, begging, scrap collecting, stone quarrying, brick making, road construction and repair, car washing, fishing, domestic nanny and housekeeper services, bar or club service work, border smuggling, and commercial farming (including the production of tea, coffee, sugarcane, vanilla, tobacco, rice, cotton, charcoal, and palm oil). In urban areas, children sold small items on the street, worked in shops, begged for money, and were exploited in the commercial sex industry. Many children left school and engaged in agricultural or domestic work to help meet expenses or perform the work of absent or sick parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. According to UNICEF's *State of the World's Children 2012* report, 41 percent of child laborers between ages five and 14 were forced to work under poor conditions and poor health and safety standards.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in employment based on race, color, sex, religion, political opinion, national extraction, social origin, HIV status, or disability. Some discrimination did occur based on the above categories with respect to employment and occupation. The government did not effectively enforce antidiscrimination laws and regulations with respect to persons with disabilities, and such individuals experienced discrimination in employment (see section 6).

e. Acceptable Conditions of Work

The minimum legal wage was set in 1984 at 6,000 shillings (\$2.21) per month. In 2003 the government and the private sector negotiated a new rate of 54,000 shillings (\$19.98) per month, which the government had not implemented by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours, and the maximum workday is 10 hours. The law provides that the workweek may be extended to 56 hours per week, including overtime, with the employee's agreement. An employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. The law provides for an employee who works in excess of 48 hours per week to be paid at a minimum rate of 1.5 times the normal hourly rate for the overtime hours and two times the normal hourly rate for work on public holidays. The law grants employees a 30-minute break during every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave. Many industries paid workers annual bonuses in lieu of overtime. The law allows compulsory overtime for all workers. In 2011 the Uganda Local Government Workers Union petitioned the Constitutional Court, protesting pay discrimination between employees doing the same work. A hearing on the petition was pending at year's end.

The law establishes occupational safety and health (OSH) standards, and the Ministry of Gender, Labor, and Social Development's Department of Occupational Health and Safety is responsible for enforcement of those regulations. The law covers all workers, including foreign and migrant workers. The law includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work." Labor officials reported OSH standards were reviewed in several sectors, including the production of beer and other beverages, sugar processing, and steel manufacturing.

Authorities did not effectively enforce the law due to a lack of vehicles and financial constraints. As a result the Department of Occupational Health and Safety carried out few inspections during the year. NOTU officials claimed the government favored investors over workers, making it difficult for labor inspectors to enforce the law. NOTU believed there was a deliberate government policy not to prevent violations or improve the wages or working conditions of workers.

NOTU officials reported that employers determined salaries. Sometimes workers were paid as few as 50,000 shillings (\$18) per month. Workers in the informal sector were subject to hazardous working conditions. For example, officials reported workers at Steel Rolling Mills, a major company, were not provided with protective gloves when handling hot metal. Violations of standard wages, overtime pay, or OSH standards were common in several sectors, including steel

UGANDA

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fabrication factories, domestic work, and the informal sector. There were no credible estimates available on the number of workers in the informal sector.

NOTU officials recorded two deaths and four injuries during the year due to poor safety practices at several construction projects. Officials reported that, due to the high unemployment rates, workers were unable to remove themselves from situations that endangered their health. The government did not effectively protect employees in this situation due to lack of a policy to address the problem and insufficient monitoring mechanisms.

EXHIBIT 151



Scott Lively <sdllaw@gmail.com>

AHB Status?

4 messages

Scott Lively <sdllaw@gmail.com>
To: charles tuhaise <ctuhaise@yahoo.com>

Sat, Nov 24, 2012 at 6:17 AM

Hi Charles,

Can you please give me a quick update on the status of the anti-homosexuality bill? The "gays" here are ramping up their rhetoric about it again, claiming it is about to come to a vote. Is that true? Has it been modified to drop the capital punishment provision as was being discussed earlier? If not in this version, is the intention still to modify it? Am I remembering correctly that Ugandan legislative policy is that it must first pass as written before it can be modified?

Thanks in advance for your prompt response,

Scott Lively

charles tuhaise <ctuhaise@yahoo.com>
To: Scott Lively <sdllaw@gmail.com>

Sat, Nov 24, 2012 at 3:57 PM

Dear Scott,

Events surrounding the AH Bill have taken an unexpected turn over the last couple of weeks. It all began with a row between the Uganda Parliament Speaker, Hon. Rebecca Kadaga and the Canada foreign Minister, Mr. John Baird at the 147th Interparliamentary Union Summit in Quebec city, Canada. The latter had accused Uganda of persecuting sexual minorities, giving the example of David Kato. Hon. Kadaga protested Mr. Baird's unfair attack on Uganda, saying that Uganda was a sovereign country whose values should be respected and not a colony of Canada. She explained that Kato was killed after he failed to pay a male prostitute, who was charged in court and is serving a sentence for the crime:

<http://www.monitor.co.ug/News/National/Kadaga--Canadian-minister-in-gay-row/-/688334/1594430/-/emkqmuz/-/index.html>

On return to Kampala, Hon. Kadaga was given a heroine's welcome. She was met at Entebbe airport by a cheering crowd consisting of a coalition of civil society organisations, religious leaders and university students, in a rapturous welcome ceremony. In the speeches in the VIP lounge, the coalition in a statement, requested that AHB be debated and passed by Parliament to protect the country, which she agreed to do:

<http://www.monitor.co.ug/News/National/Speaker-Kadaga-promises-to-revive-shelved-gay-Bill/-/688334/1607470/-/sxsjh3z/-/index.html>

A day after she arrived, in her absence, Parliament debated and passed a resolution, thanking her for defending Uganda's values and cultural norms in Canada:

<http://www.monitor.co.ug/News/National/MPs-applaud-Kadaga-s-stance-on-gays--Bill-debated-in-House/-/688334/1608674/-/15j7irmz/-/index.html>

On Friday of the following week, the coalition that welcomed Kadaga at Entebbe organised a large Public meeting at Parliament to petition Parliament formally to debate AHB. Here is the Statement read to the Speaker at the event, and to which the speaker responded by urging Parliament to listen and act on the demands of the people of Uganda (**note**, it is published on a blogsite likely ran by a Uganda gay activist) :

<http://sebaspace.wordpress.com/2012/11/09/a-freshly-rejuvenated-uganda-homophobic-lobby-goes-to-work/>

Thereafter, after several days, it was reported that the Speaker had requested in writing the Committee handling the AH Bill, to conclude and table its report for debate:

<http://www.monitor.co.ug/News/National/Kadaga-wants-anti-gay-Bill-tabled/-/688334/1621218/-/j0h230z/-/index.html>

Immediately this news broke, two assistants at the US embassy in Kampala delivered a letter to the Committee Chair, Hon. Stephen Tashobya, threatening that the US would impose sanctions on Uganda if the AH Bill is passed. In this clip, Hon. Tashobya refers to the letter:

http://www.youtube.com/watch?feature=player_embedded&v=635nm6Basml

As is their usual practice, some gay websites falsely over-hyped reports of threats from the US and claimed that the Speaker of Parliament, Hon. Kadaga had been barred from travelling to the US to attend the Global Peace Conference in Atlanta, Georgia, to which she had been invited. But the Speaker's office issued a statement denying these claims:

<http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/133-clarification-on-speaker-s-trip-to-the-united-states>

The latest is that the Committee on Legal and Parliamentary Affairs, concluded its debate on AHB in a closed meeting on Friday November 23, 2012 and decided to adopt the Bill with some yet unknown amendments. However, some of the MPs in the meeting seem to have disclosed some of the key decisions to some reporters, including that the committee decided to remove the death penalty and instead proposed life-imprisonment for "aggravated homosexuality" offences. This TV report was filed after the Committee meeting last Friday:

http://www.youtube.com/watch?v=6BgO6pJvnmng&feature=player_embedded#!

It is expected that the contents of the Committee report will be known when the Bill comes to the floor of Parliament for debate and final passage, most probably this coming week. The Bill started appearing on the Order Paper of Parliament mid this week, under the heading, "NOTICE OF BUSINESS TO FOLLOW":

<http://www.parliament.go.ug/new/index.php/parliamentary-business/order-paper>

I guess the above happenings are responsible for the feedback you are getting from gay activists there; because all the above events have been tracked in detail on Warren Throckmorton's blogsite, probably a leader for all gay reporting.

Charles Tuhaise

--- On Sat, 11/24/12, Scott Lively <sdllaw@gmail.com> wrote:

From: Scott Lively <sdllaw@gmail.com>
Subject: AHB Status?
To: "charles tuhaise" <ctuhaise@yahoo.com>
Date: Saturday, November 24, 2012, 3:17 AM

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: charles tuhaise <ctuhaise@yahoo.com>

Sat, Nov 24, 2012 at 4:20 PM

Thank you so much Charles. So very thorough. Please keep me posted on new developments, especially the timing of any vote.

God bless you.

Scott

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Fri, Apr 11, 2014 at 5:04 PM

[Quoted text hidden]

EXHIBIT 152



Scott Lively <sdllaw@gmail.com>

AHB Status?

6 messages

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Sat, Nov 24, 2012 at 6:27 AM

Martin,

Can you please give me a quick update on the status of the anti-homosexuality bill? The "gays" here are ramping up their rhetoric about it again, claiming it is about to come to a vote. Is that true? Has it been modified to drop the capital punishment provision as was being discussed earlier? If not in this version, is the intention still to modify it? Am I remembering correctly that Ugandan legislative policy is that it must first pass as written before it can be modified?

Also, months ago I asked for help gathering documentation showing that African law tends to be harsh in the letter but lenient in the application. Has there been any movement on that by your contacts? Can you get me something in that regard asap?

I'm bracing for another wave of hate from the tolerance crowd and it would be very helpful to have some facts or documentation to blunt their attacks. Voicing my opposition to the bill as written has not been sufficient.

Blessings,

Scott

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Sat, Nov 24, 2012 at 4:59 PM

Is Monday okay for detailed response?

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Sat, Nov 24, 2012 at 5:04 PM

Yes. Thanks.
[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Sun, Nov 25, 2012 at 12:11 AM

Will revert tomorrow or Monday latest.

On Nov 24, 2012 2:27 PM, "Scott Lively" <sdllaw@gmail.com> wrote:
[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Sun, Nov 25, 2012 at 6:16 AM

To: Martin Ssempe <ssempam@gmail.com>

Charles gave me some background but I'd really like your insights.

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Fri, Apr 11, 2014 at 2:39 PM

[Quoted text hidden]

EXHIBIT 153



Scott Lively <sdllaw@gmail.com>

AHB Status?

4 messages

Scott Lively <sdllaw@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>

Sat, Nov 24, 2012 at 6:33 AM

Stephen,

Greetings in Jesus. Hope you and your family are well.

Can you please give me a quick update on the status of the anti-homosexuality bill? The "gays" here are ramping up their rhetoric about it again, claiming it is about to come to a vote. Is that true? Has it been modified to drop the capital punishment provision as was being discussed earlier? If not in this version, is the intention still to modify it? Am I remembering correctly that Ugandan legislative policy is that it must first pass as written before it can be modified?

Also, months ago I asked for help gathering documentation showing that African law tends to be harsh in the letter but lenient in the application. Has there been any movement on that by your contacts? Can you get me something in that regard asap?

I'm bracing for another wave of hate from the tolerance crowd and it would be very helpful to have some facts or documentation to blunt their attacks. Voicing my opposition to the bill as written has not been sufficient.

I want to re-submit my original suggestions for modifications to the bill, and I would like to include the key players, and President Museveni, in my e-mail message about it. Can you get me the email addresses asap?

On another note I'd like to send a copy of Redeeming the Rainbow to President Museveni and a Thank You card for his prayer of repentance on Oct 8th http://www.openheaven.com/forums/forum_posts.asp?TID=41989&PN=1&TPN=1.

Can you get me the best mailing address for him. Also include your own current address. I will send a few copies for you to distribute as you see fit.

Blessings,

Scott

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Mon, Nov 26, 2012 at 1:25 AM

Dear Scott,

Thank you for your email. It is true that the AHB is in the process of being debated in Parliament very soon. It has already appeared in the Parliamentary order paper. The bill has passed through the appropriate committee who are to submit that report to the floor of Parliament for debate. The report has not been officially released and so we have to wait to see its contents before opinions and position on it can be expressed.

I have seen the article by Michael Carl whose link you sent in your second email. The article is good and your comments are very good, I received an email from Michael Carl asking about my opinion of our President's prayer and I told him that

I thought that it was a good thing that the President did.

God bless,

Stephen Langa

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>

Mon, Nov 26, 2012 at 5:27 AM

Thanks Stephen

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 2:17 PM

[Quoted text hidden]

EXHIBIT 154



Scott Lively <sdllaw@gmail.com>

Fwd: URGENT PRAYER & INTERCESSION NEEDED

2 messages

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Wed, Dec 5, 2012 at 6:58 AM

Scott,

Did you get this?

Martin

Begin forwarded message:

From: Stephen Langa <stephenlanga@gmail.com>
Date: November 26, 2012 11:32:23 AM GMT+03:00
To: Stephen Langa <stephenlanga@gmail.com>
Subject: URGENT PRAYER & INTERCESSION NEEDED

Dear Brethren,

I first wish to thank you for the time and effort invested in prayer and intercession against the evil attack on our nation by sexual immorality including homosexuality. I also wish to thank you for praying for the anti-homosexuality bill [AHB].

I wish to report that despite the opposition, resistance, threats, intimidation, blackmail, bribery etc. and strategies to "kill the bill". God has not allowed the bill to be killed. Instead by His grace and divine hand, the bill has slowly but steadily made its way through various setbacks and all kinds of "roadblocks" and was able to go through the Legal & Parliamentary Affairs Committee last week. This is the committee that has been in custody of the bill since it was officially received in the 9th Parliament.

The next stage for the bill is for it to be presented to the floor of Parliament for debate and passing or rejection. The bill has already appeared in the Parliament "order paper" meaning that it is now officially among the items that Parliament has to discuss in the next little while [days].

This is now the most critical stage of the bill where the most fervent prayer is needed. Please therefore pray as follows: -

1. That the fear of the Lord will grip the entire Parliament and all the MPs, so that they look at the bill from God's standpoint so that the final bill they adopt will be just, righteous and will be compatible with His will and Word. That the position the MPs take on the bill will cause Uganda as a nation to bow to the true King of Kings [Rev. 1:5] and in so doing will refuse to bow down to the "Golden Image" [Daniel 3] of homosexuality which is demanding for recognition, rights, worship and allegiance from nations, organizations, individuals and the Church.

This bill has a prophetic significance for Uganda and her destiny as a nation. Please therefore pray that the actions and decisions of the Parliament will be in line with Uganda's prophetic calling as a nation. And that this prophetic action will send a clear signal that will reverberate throughout Africa,

the rest of the world and will shake the foundations on which the "golden image" of homosexuality is founded. That a new ray of light will emerge from this bill and from Uganda and will roll back the evil curtain that homosexuality and its related vices have cast over nations and kingdoms around the world.

2. That there will be no foul play, trick, technicality or strategy by the enemies of the bill that will derail or block the bill from being debated and passed. That the enemies of the bill who are working from within and are conniving with external interests against the bill will not succeed. That every plan against the bill will mount to naught and will not prosper but will be foiled and defeated.

3. That the Lord will grant inner strength, courage, wisdom and resolve to our President, MPs and leaders at all levels to stand firm in the face of international pressure, manipulation, blackmail, bribery, personal threats as well as threats of sanctions etc., that they will not succumb to these pressures but will instead be steadfast and will choose to do what is RIGHT in God's sight and what is good for the nation in line with our national motto, "For God and our Country" and the recent prayer of repentance by the President.

4. That the Lord will speed up the releasing of the natural resources and riches that God has bestowed us as a nation; that we will not suffer lack and shortage as a nation when the threatened sanctions are imposed on us. But rather that we will prosper from one level to another as we take responsibility for our sovereignty, destiny, values and culture under God. Pray that the present hitches around how our oil resources will be handled will be resolved quickly. And that the final resolution will allow for our national resources to be entrusted only in hands that are skillful and hearts that fear God and that have the appropriate character that will ensure rightful use, fair and equitable distribution/application of the resources for the benefit of all Ugandans [as Joseph did in Old Testament] and for propelling the nation in her destiny.

God bless,

Stephen Langa

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 2:18 PM

[Quoted text hidden]

EXHIBIT 155



Scott Lively <sdllaw@gmail.com>

update on UGANDA

2 messages

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: Stephen Langa <stephenlanga@gmail.com>

Wed, Dec 5, 2012 at 7:08 AM

Dear Scott,

This week the bill is supposed to be discussed and passed. If it does happen, it will be miracle.

So much effort to kill it. I see that Warren Throckmorton is pushing his effort thru change.org to campaign businesses in Uganda to try and stop the bill. He seems to be in the center of the effort along with the state department, Canada and France.

There is much effort to suffocate info and debate..the main newspaper Newvision has banned any coverage of the subject!!!!!!! For many months now! Monitor is officially pro sodomy and Observer seems to pander to the same.

We are very sorrouned!

The bill on the floor is the oil bill and as soon as it is done, the next in line is the ANTI HOMO BILL. Current efforts seem to be to make the discussion on the oil to be so bitter and acrimonous so that the parliament closes before discussing the AHB

I am planning to do press conference this week featuring a child who was molested and needs assistance badly.

Finally do you have a copy of 7 steps to recruit proof your child in PDF? I am interested in trying to get them printed along with Redeeming the rainbow for greater understanding and equipping of the families.

Yours faithfully,

Pr. Ssempe

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 2:19 PM

[Quoted text hidden]

EXHIBIT 156



Scott Lively <sdllaw@gmail.com>

Why I Endorse the Revised Anti-Homosexuality Bill in Uganda

2 messages

Scott Lively <sdllaw@gmail.com>

Tue, Dec 11, 2012 at 4:56 PM

To: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>, Stephen Langa <stephenlanga@gmail.com>, Michael Carl <mikecarl7@verizon.net>

Why I Endorse the Revised Anti-Homosexuality Bill in Uganda

By Pastor Scott Lively, J.D., Th.D.
President, Defend the Family International

Now that Uganda's so-called "kill the gays" bill has been revised to drop the death penalty and reportedly add provisions for prevention and therapy of homosexuality I think there may be room for tentative support in the Christian community in the west, even though it retains jail terms for offenders. Here are three reasons why.

First, the Bible has always defined homosexuality as a crime, and not just in the Mosaic Law. Homosexuality was condemned by God long before Moses declared it a capital crime (by God's own instruction), and God's condemnation of it was reaffirmed repeatedly in the New Testament. Preceding Moses there is the account of Sodom and Gomorrah in Genesis 19, and a somewhat similar account in Judges 19. According to Rabbinic tradition even the Great Flood of Noah in Genesis 6-9 was precipitated by homosexual sin. In the New Testament, Chapter 1 of Romans not only condemns homosexuality as "depraved," but reaffirms the death penalty for it as well (Verses 18-32). I Corinthians 6:9-11, the "ex-gay" passage, both condemns homosexuality and reports that some of the Corinthians to whom the letter was written were themselves recovered homosexuals who had been healed and delivered by faith in Christ. These are just a few of the numerous Bible passages addressing homosexuality, all of which condemn it in unequivocal terms.

In modern times we have infused our laws with the mercy of Christ, as exemplified in the story of the woman caught in adultery (John 8 1-11). We have done away with the harsher penalty that God's justice would otherwise demand in the absence of mercy. But neither homosexuality, nor adultery for that matter, have ever stopped being crimes in the eyes of God. Nor did they stop being crimes in certain cubbyholes of our law, just ask General Petraeus who is under prosecution for adultery. And don't forget that it was only last year that sodomy and bestiality (sex with animals) were decriminalized in the U.S. Military.

Just because Secular Humanist America began to decriminalize sexual sins in civilian law starting in the early 1960s doesn't mean criminal sanctions against homosexuality are "un-Christian." Indeed, given the enormous damage to our culture from the so-called sexual revolution, it was obviously a big mistake for us to have done this. Knowing what we know now it is arguably more "un-Christian" to support the status quo than to support a return to the legal framework of the 1940s and 50s regarding sexual misbehavior.

Second, in all the media-driven hysteria about the Ugandan Anti-Homosexuality Bill, one glaring fact has been consistently

omitted (despite my having pointed it out to nearly every "journalist" who has interviewed me). The fact is that Ugandan law is typical of most African law in that it tends to be very harsh in the letter, but very lenient in the application. I doubt very much that anyone arrested under the new law (if it passes) will receive anything close to the jail terms allowed for in the bill.

Third, and most importantly, there is one easy, guaranteed method of protecting oneself from ever being subject to the Anti-Homosexuality law in Uganda: Don't Commit Sodomy! We all seem to forget, in the dense propaganda haze of American popular opinion, that homosexuality is defined by voluntary sexual acts. Homosexuals are no more compelled to commit sodomy with each other than a married man is compelled to cheat on his wife.

In my opinion, the Ugandan Anti-Homosexuality Bill is still too harsh in the letter. I would prefer something closer to the approach several American states have taken toward marijuana: criminalize it but minimize the penalty and turn a blind eye toward discrete violations. Indeed, this would be my prescription for dealing with homosexuality (and all sex outside of marriage) in the United States. This would preserve basic freedom of choice for people who choose to inhabit various sub-cultures out of the mainstream, yet provide the larger marriage-based society with the legal power to prevent sex activists from advocating their lifestyles to children in the public schools or to flaunt their sins in "pride" parades through the city streets.

However, since I didn't write the Ugandan bill and have no power to redraft it on my own terms, and since the alternative to passing this bill is to allow the continuing, rapid, foreigner-driven homosexualization of Ugandan culture, I am giving the revised Anti-Homosexuality Bill my support.

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Thu, Apr 10, 2014 at 2:21 PM

[Quoted text hidden]

EXHIBIT 157



Scott Lively <sdllaw@gmail.com>

Pink Triangle Event

3 messages

Scott Lively <sdllaw@gmail.com> Fri, Jan 18, 2013 at 10:01 AM
To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Friends,

Re the forwarded email it would probably be helpful to have some tv news coverage about the homosexuality of the Nazis if you can. Use my books as a starting point. Both the 4th and 5th editions are downloadable from my webste at www.defendthefamily.com The 5th is a better resource but both are filled with documentation you can use.

Blessings,

Scott

Stephen Langa <stephenlanga@gmail.com> Fri, Jan 18, 2013 at 2:46 PM
To: Scott Lively <sdllaw@gmail.com>
Cc: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Scott,

Thank you for this information. We are bracing ourselves for for whatever the gay machunery might present in our nation that has stood firm against this evil. We will determine what to do.

Blessings

SL

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com> Fri, Apr 11, 2014 at 2:56 PM
To: Scott Lively <psalm37nasb@gmail.com>

[REDACTED. ATTORNEY-CLIENT PRIVILEGE. COMMUNICATION FROM MR. LIVELY TO COUNSEL REGARDING SMUG LITIGATION.]

EXHIBIT 158



Scott Lively <sdllaw@gmail.com>

The latest outrage in Africa

6 messages

Scott Lively <sdllaw@gmail.com> Tue, Jul 30, 2013 at 9:22 PM
To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>, "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>

Brothers,

In case you haven't seen this, here's a link. It is hard to believe a man could rise this high in the church with such ignorance of the Bible. <http://thenewamerican.com/culture/faith-and-morals/item/16117-south-africa-s-desmond-tutu-says-he-wouldn-t-worship-homophobic-god>

Blessings,

Pastor Scott

Kenya Center For World Evangelism Incorporated <kenyacenter4worldevangelism@hotmail.com> Wed, Jul 31, 2013 at 12:53 AM
To: Kenya Center For World Evangelism Ochieng Incorporated <kenyacenter4worldevangelism@hotmail.com>

Brother Scott,

This is no something new NEITHER is it ignorance BUT a spirit of delusion spoken of in 2 Thess....Because they have chosen to believe a lie. Because they do not receive the truth (deliberately). That they should believe a lie. He who refuses to receive the truth will at last believe lies. It is the law of human nature. God sends the delusion by natural laws..... see.... 2 Thessalonians 2:11... And for this cause, God will give them up to the power of deceit and they will put their faith in what is false: - (*Basic English Bible*)

Here we have so many preachers who have backtracked on the controversial marriage bill and are now siding with the government on polygamy after several threats from the state law office.

Did you know last week KCWE received a communication from the registrar of marriages (from State Law office) threatening to withdraw my license to perform marriages if I maintain my hard-line stance on the bill...I said I was more than willing NOT only me but all KCWE ministers.

Simon

Kenya Center For World Evangelism, Inc.
PO Box 3528, Eldoret, 30100, Kenya, East Africa,
Tel: +254 722 552 792

Our Foundation:...Eph. 2:19... Now therefore we are no more strangers and foreigners, but fellow citizens with the saints, and of the household of God....And are built on the foundation of the APOSTLES and PROPHETS, JESUS CHRIST....being the CHIEF CORNERSTONE... Ac 4:12... Neither is there SALVATION in any other: for there is none other NAME under heaven given among men, whereby we must be saved.

Date: Tue, 30 Jul 2013 21:28:16 -0700
From: kcwe2007@yahoo.com
Subject: Fw: The latest outrage in Africa
To: kenyacenter4worldangelism@hotmail.com

Yours truly, Simon O. Mac Onyango, ThM

[Quoted text hidden]

charles tuhaise <ctuhaise@yahoo.com> Wed, Jul 31, 2013 at 1:56 AM
Reply-To: charles tuhaise <ctuhaise@yahoo.com>
To: Scott Lively <sdllaw@gmail.com>, Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>

Not suprised at all. That has been Bishop Tutu's stand for a long time. Bishop Tutu has done so much harm to the church in Southern Africa on this issue and he contributed a lot to normalising homosexuality in South Africa. However, little has been said about a long period of quiet gay activism in South Africa, where the western gay machinery identified with the oppressed black people during the days of apartheid and sold to them the erroneous view that gays were oppressed and discriminated as much as blacks were under apartheid. By the time apartheid collapsed in 1994, gays were seen as allies of the black people. This explains the stance of leaders like Bishop Desmond Tutu.

I'm glad that in the Article, the resolve of the rest of Africa against homosexuality is very well stated. However, given South Africa's economic power, the strategy is now to use South Africa as a base to win over the rest of Africa to homosexuality through business investments, etc. The rest of Africa needs to keep South Africa as a Mission field, until the voices of many there who are apposed to homosexuality are heard and the country's legal system is changed by the post-Tutu generations. Sadly, South Africa continues to be a bedrock of gay activism, and no one is countering that in any organised way.

Charles Tuhaise

From: Scott Lively <sdllaw@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>; Martin Ssempe <ssempam@gmail.com>; charles tuhaise <ctuhaise@yahoo.com>; "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>
Sent: Wednesday, July 31, 2013 4:22 AM
Subject: The latest outrage in Africa

[Quoted text hidden]

Kenya Center For World Evangelism Incorporated <kenyacenter4worldangelism@hotmail.com> Wed, Jul 31, 2013 at 7:25 AM
To: "Bishop Simon O. MacOnyango" <kcwe2007@yahoo.com>

No wonder South Africa was the first nation in Africa to legalize homosexuality. Homosexuals "Rights" were entrenched in the Post Apartheid South African constitution of which "Bishop" Desmond Tutu being was its (homosexuality) brainchild and a major player (architect) by virtue of him Chairing the Truth and Reconciliation Commission. The homosexual provision was encased in the anti apartheid laws that it passed unnoticed by many blacks. That is what is currently happening in Kenya; the controversial marriage bill is so much encased in a lot of sweet legal jargon that it is hard to detect the devil's lies in there. Simon

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PO Box 3528, Eldoret, 30100, Kenya, East Africa,
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----- Forwarded Message -----

From: charles tuhaise <>
To: Scott Lively <sdllaw@gmail.com>; Stephen Langa <>; Martin Ssempe <ssempam@gmail.com>; "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>
Sent: Tuesday, July 30, 2013 10:56 PM
Subject: Re: The latest outrage in Africa

Not suprised at all. That has been Bishop Tutu's stand for a long time. Bishop Tutu has done so much harm to the church in Southern Africa on this issue and he contributed a lot to normalising homosexuality in South Africa. However, little has been said about a long period of quiet gay activism in South Africa, where the western gay machinery identified with the oppressed black people during the days of apartheid and sold to them the erroneous view that gays were oppressed and discriminated as much as blacks were under apartheid. By the time apartheid collapsed in 1994, gays were seen as allies of the black people. This explains the stance of leaders like Bishop Desmond Tutu.

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From: Scott L.....@gmail.com>
To: Stephen Langa< stephenlanga@gmail.com>; Martin Ssempe <ssempam@gmail.com>; charles tuhaise <ctuhaise@yahoo.com>; "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>
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Blessings.

Pastor Scott

Kenya Center For World Evangelism Incorporated <kenyacenter4worldevangelism@hotmail.com> Thu, Aug 1, 2013 at 1:13 AM
To: Kenya Center For World Evangelism Ochieng Incorporated <kenyacenter4worldevangelism@hotmail.com>

We need your prayers! We have received several communications threatening withdrawal of my license to perform marriages if I maintain my hard-line stance on the controversial pro-polygamy marriage bill...I am more than willing to give it back.....NOT only me but all KCWE ministers. They can keep them if they so wish. I believe we are in the business of saving souls and preparing the bride for RAPTURE....NOT marrying people. We are praying for the Lord's direction!

Simon

Kenya Center For World Evangelism, Inc.
PO Box 3528, Eldoret, 30100, Kenya, East Africa,
Tel: +254 722 552 792

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Date: Wed, 31 Jul 2013 20:00:48 -0500
Subject: Re: FW: The latest outrage in Africa
From:@gmail.com
To: kenyacenter4worldevangelism@hotmail.com

Amen, we have to obey God rather than man. Jerry

On Tue, Jul 30, 2013 at 11:53 PM, Kenya Center For World Evangelism Incorporated <kenyacenter4worldevangelism@hotmail.com> wrote:

Brother Scott,

This is no something new NEITHER is it ignorance BUT a spirit of delusion spoken of in 2 Thess.....Because they have chosen to believe a lie. Because they do not receive the truth (deliberately). That they should believe a lie. He who refuses to receive the truth will at last believe lies. It is the law of human nature. God sends the delusion by natural laws.....see.... 2 Thessalonians 2:11... And for this cause, God will give them up to the power of deceit and they will put their faith in what is false: - (*Basic English Bible*)

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To: kenyacenter4worldevangelism@hotmail.com

Yours truly,Simon O. Mac Onyango, ThM

----- Forwarded Message -----

From: Scott <s.....@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>; Martin Ssempe <ssempam@gmail.com>; charles tuhaise <ctuhaise@yahoo.com>; "Simon O. Mac Onyango, ThM" <kcwe2007@yahoo.com>
Sent: Tuesday, July 30, 2013 6:22 PM
Subject: The latest outrage in Africa

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<http://thenewamerican.com/culture/faith-and-morals/item/16117-south-africa-s-desmond-tutu-says-he-wouldn-t-worship-homophobic-god>

Blessings,

Pastor Scott

Scott Lively <sdllaw@gmail.com>
To: Scott Lively <psalm37nasb@gmail.com>

Fri, Apr 11, 2014 at 3:02 PM

[REDACTED. ATTORNEY-CLIENT PRIVILEGE. COMMUNICATION FROM MR. LIVELY TO COUNSEL REGARDING SMUG LITIGATION.]

EXHIBIT 159



Scott Lively <sdllaw@gmail.com>

Lawsuit

Scott Lively <sdllaw@gmail.com>

Wed, Aug 21, 2013 at 6:33 AM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Brothers,

I'm wondering what possibilities might exist for a defamation lawsuit against SMUG and its agents in Uganda. The lies they are telling against me will be easily disproved, a process that will show their deliberate dishonesty in misrepresenting the evidence. They should be held accountable both for what they are saying about me, and against numerous Ugandan officials and citizens. Could you connect me with an experienced Ugandan attorney with experience in defamation litigation?

Blessings,

Scott

Scott Lively <sdllaw@gmail.com>

Wed, Aug 21, 2013 at 6:38 AM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Please also advise me of the typical cost for litigation there. I want the local, not the "rich American" rate. If it is possible to vet the attorneys to find one who will be more interested in the cause than the cash, I'd appreciate it. I have limited resources.

[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com>

Wed, Aug 21, 2013 at 7:05 AM

To: Scott Lively <sdllaw@gmail.com>

Cc: Stephen Langa <stephenlanga@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Scott,

Thank you so much for the idea. I have also been thinking about how we can also be as legally pro active as they have been against us. I think sitting and waiting when so much evil and lies are being said about us is a wrong strategy.

I would like to consult on this issue and get back to you.

Also I was thinking of getting a lawyer to help in documenting the evidence of all the lies these guys have spoken about us and you. I would like to do it in such as way as to build our defense in a good way.

But I can consult on this and get back to you. How soon do you want this recommendation.

Pr Martin Ssempe

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Wed, Aug 21, 2013 at 7:31 AM

To: Martin Ssempe <ssempam@gmail.com>

As soon as possible but take the time to be thorough. This attorney should be ready to be in this for the long haul, since it is likely that SMUG will try to use the ruling in my case against Uganda and the other members of the "conspiracy" against them by taking it into the international criminal court.

The most disturbing aspect of the judges ruling denying my motion to dismiss is his agreement that the paltry list of relatively minor incidents of "persecution" meet the "norm of international law" prerequisite. Yes, in a motion to dismiss,

the judge must assume all of the allegations as presented by the plaintiffs are true, but he is supposed to dismiss the action if the allegations a stated fail to state a legally sufficient claim. SMUG's evidence of persecution dramatically lowers the bar on what constitutes a crime against humanity. If their evidence as alleged represents a "crime against humanity," and the final ruling of the court reaffirms this conclusion, then any country of the world which criminalizes any aspect of homosexuality would be in violation of international law -- and Uganda would be the first target of litigation on the world stage.

[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Wed, Aug 21, 2013 at 8:01 AM

Noted with concern. A long term engagement will be needed. I think Gimara Francis comes to mind.

[Quoted text hidden]

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Wed, Aug 21, 2013 at 10:00 AM

Dear Scott,

This is a brilliant idea and it is justified. We are entitled to having our good name preserved and not violated. The move you have proposed is therefore justified and legitimate.

In light of that, let Pr. Ssempe have a first go at securing a lawyer and then we see how we can move this important process forward.

Blessings,

Stephen Langa
[Quoted text hidden]

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Wed, Aug 21, 2013 at 10:08 AM

Dear Scott,

I know that some of these organizations are not even registered in Uganda. So Pr. Ssempe, please let the lawyer verify the legality or legal status of SMUG.

Scott, suppose SMUG is not registered here in Uganda, would that make any difference on the case against you? Please advise.

Blessings,

Stephen Langa
[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>

Wed, Aug 21, 2013 at 10:11 AM

That could be relevant to my case, yes. But it would not stop us from suing the responsible individuals there.

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>
To: Stephen Langa <stephenlanga@gmail.com>
Cc: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Wed, Aug 21, 2013 at 10:11 AM

We could all be represented in this action as plaintiffs.

[Quoted text hidden]

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Wed, Aug 21, 2013 at 10:24 AM

Ok

[Quoted text hidden]

EXHIBIT 160



Scott Lively <sdllaw@gmail.com>

Legal representation on defamation

Martin Ssempe <ssempam@gmail.com> Mon, Aug 26, 2013 at 8:44 AM
To: Francis Gimara <francis@mbgadvocates.com>, Scott Lively <sdllaw@gmail.com>
Cc: Gimara Francis <gimaraf@yahoo.com>, Francis Gimara <gimaraf@gmail.com>

Dear Gimara,

I would like to introduce Scott lively to you. He need legal help to get justice against the campaign of defamation by SMUG and their agents. Please proceed with the necessary discussions.

Francis let me know which is the best email to use for future discussions

Pr. Ssempe

Martin Ssempe <ssempam@gmail.com> Mon, Aug 26, 2013 at 8:45 AM
To: Francis Gimara <francis@mbgadvocates.com>, Scott Lively <sdllaw@gmail.com>
Cc: Gimara Francis <gimaraf@yahoo.com>, Francis Gimara <gimaraf@gmail.com>

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com> Tue, Aug 27, 2013 at 9:51 AM
To: Martin Ssempe <ssempam@gmail.com>
Cc: Francis Gimara <francis@mbgadvocates.com>, Gimara Francis <gimaraf@yahoo.com>, Francis Gimara <gimaraf@gmail.com>

Thank you Martin. I will send a private email to Francis to begin this exploratory process.

Blessings,

Pastor Scott
[Quoted text hidden]

Scott Lively <sdllaw@gmail.com> Thu, Aug 29, 2013 at 3:47 PM
To: Martin Ssempe <ssempam@gmail.com>

Any other options?
[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com> Fri, Aug 30, 2013 at 3:39 AM
To: Scott Lively <sdllaw@gmail.com>

Will revert later today

[Quoted text hidden]

EXHIBIT 161



Scott Lively <sdllaw@gmail.com>

Defamation representation

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>
Cc: Isaac Walukagga <walukagga@mmaks.co.ug>

Wed, Sep 4, 2013 at 7:54 PM

Dear Scott,

I had a most fruitful discussion today with counsel Isaac Walukagga on the issue of the defamation legal representation. Isaac was warm to take up the idea of representing you. He would like to study it and get more details.

Isaac is also a Christian who has represented us in court, and is very successful at what he does. I credit him for keeping us out of jail in a recently concluded case where we were prosecuted wrongly by the state on behalf of a suspected paedophile televangelist pastor.

I will support Isaac with all the necessary support in terms of evidence etc.

Please continue to discuss with counsel Isaac.

Martin

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>
Cc: Isaac Walukagga <walukagga@mmaks.co.ug>

Wed, Sep 4, 2013 at 7:59 PM

Thank you Martin. I will now open a dialogue with Isaac.
[Quoted text hidden]

EXHIBIT 162



Scott Lively <sdllaw@gmail.com>

Motion to Dismiss SMUG case denied

Scott Lively <sdllaw@gmail.com>

Wed, Aug 14, 2013 at 5:04 PM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Brothers,

Our motion was denied in the attached ruling that was released today. Not a good sign in that it suggests that the judge is a pro-"gay" ideologue.

Blessings,

Scott

Order - Denying Motion to Dismiss.pdf
208K

Martin Ssempe <ssempam@gmail.com>

Wed, Aug 14, 2013 at 5:24 PM

To: Scott Lively <sdllaw@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>, Stephen Langa <stephenlanga@gmail.com>, Nsaba Buturo <nsabiyunva@yahoo.co.uk>

Dear Scott,

This is very disturbing and call to greater prayer and resolve. Let us know if we can be of any help supporting you with any relevant facts or research. I am troubled how these lies are being crafted to sound like we are some crime gang! God help us.

Martin

[Quoted text hidden]

Order - Denying Motion to Dismiss.pdf
208K

Stephen Langa <stephenlanga@gmail.com>

Thu, Aug 15, 2013 at 3:13 AM

To: Scott Lively <sdllaw@gmail.com>

Cc: Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Brother Scott,

I am not surprised that this is the decision this judge has taken. This is because most of these cases are ideologically motivated and they have an agenda. In Uganda here the same group under the advice and support of their Western gay machinery took one of the Ministers of government here who stopped one of their gay meetings in Uganda. When the case came up for hearing and the government produced a lot of incriminating evidences against the group, they instead began going on the run.

So anyhow, this move should not shake us. Let keep moving with this case to its logical conclusion. The Lord God is the God of justice and He is still on the throne and no matter what wicked people plan and do, our faith and anchor should remain in Him no matter what circumstances life presents.

As David says in Psalm 27:1-3 "The LORD is my light and my salvation — whom shall I fear? The LORD is the stronghold of my life—of whom shall I be afraid? When evil men advance against me to devour my flesh, when my enemies and my foes attack me, they will stumble and fall. Though an army besiege me, my heart will not fear; though war break out against me, even then will I be confident."

Brother, your fat is not in the hands of men, BUT of the LORD.

God bless,

Stephen Langa

[Quoted text hidden]

Nsaba Buturo <nsabiyunva@yahoo.co.uk>

Thu, Aug 15, 2013 at 5:25 AM

Reply-To: Nsaba Buturo <nsabiyunva@yahoo.co.uk>

To: Martin Ssempe <ssempam@gmail.com>, Scott Lively <sdllaw@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>, Stephen Langa <stephenlanga@gmail.com>

Here we go! This case should be handed over to our God! He is the one these poor people are after! It is futile on their part. Have peace brother Scott. It is the Lord's fight to the end.

Dr Buturo

From: Martin Ssempe <ssempam@gmail.com>

To: Scott Lively <sdllaw@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>; Stephen Langa <stephenlanga@gmail.com>; Nsaba Buturo <nsabiyunva@yahoo.co.uk>

Sent: Wednesday, 14 August 2013, 14:24

Subject: Re: Motion to Dismiss SMUG case denied

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Thu, Aug 15, 2013 at 5:39 AM

To: Nsaba Buturo <nsabiyunva@yahoo.co.uk>

Amen. Good and true advice.

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Thu, Aug 15, 2013 at 5:41 AM

To: Stephen Langa <stephenlanga@gmail.com>

That word from Psalm 27 is the perfect counsel. I claim it!

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com>

Thu, Aug 15, 2013 at 5:59 AM

To: Martin Ssempe <ssempam@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>, Stephen Langa <stephenlanga@gmail.com>, Nsaba Buturo <nsabiyunva@yahoo.co.uk>

Hi Martin. It is hard to be the brunt of a Satanic attack but I trust the Lord.

[Quoted text hidden]

EXHIBIT 163

Thursday, 19 December 2013

Parliament met at 11.01 a.m. in Parliament House, Kampala.

PRAYERS

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

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: We will suspend the proceedings for 10 minutes and the bell should be rung for the members to come.

(The House was suspended at 11.03 a.m.)

(On resumption at 11.19 a.m., the Deputy Speaker presiding_)

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Thank you very much. Honourable members, I welcome you to this sitting. Today is going to be a long day. We will sit, as the Speaker announced yesterday, from now and even in the afternoon we will be sitting because there is lots of business that we should complete before we go for the Christmas recess. This was communicated yesterday.

There was a statement which was supposed to come from the Leader of the Opposition but the Prime Minister has requested that they should make it when he is present. We have just had a discussion with the Leader of the Opposition and so we wait for that.

Honourable members, you will recall that yesterday, itemNo.9was item No.18 on the Order Paper and it was moved to item No.8.We were able to finish up to item No.7, which was the Bill, and the next item should have been item No. 8 on the amended Order Paper, which was previously item No.18. That item is today item No.9 on the Order paper. So I will use the prerogative of the Speaker to bring this forward so that we can handle it expeditiously. It is among the business that should be completed urgently.

We shall have the statement from the Leader of the Opposition as soon as the Leader of the Opposition is here as well as the Prime Minister. I do not know about the laying of the papers-item No. 3; are the Members ready with the laying of the papers?

I am informed that the members of - I do not know whether it is Forum for Democratic Change or the entire Opposition, are in a meeting right now. Some of these people have come from outside Parliament so they are not able to change. We will see how to handle this later. Can we go to the next item? So, we bring up item No.9; are the reports ready for this particular item?

MOTION FOR PRESENTATION, CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON NATIONAL ECONOMY ON THE REQUEST BY GOVERNMENT TO BORROW SDR 66.1 MILLION (US\$100 MILLION) FROM THE INTERNATIONAL DEVELOPMENT ASSOCIATION OF THE WORLD BANK GROUP TO FINANCE THE COMPETITIVENESS AND ENTERPRISE DEVELOPMENT PROJECT (CEDP)

THE DEPUTY SPEAKER: Was the motion already moved? Can the minister move the motion?

MR MUKITALE: The motion was already moved when it was laid on the Table.

THE DEPUTY SPEAKER: Was it spoken to? Oh, the report was already laid on the Table.

MR MUKITALE: The motion from the Minister of Finance was laid on the Table and referred to the committee so that the committee can report.

THE DEPUTY SPEAKER: So it is now the committee to report. Okay.

11.23

THE CHAIRMAN, COMMITTEE ON NATIONAL ECONOMY (Mr Stephen Mukitale): Thank you very much, Mr Speaker. I want to report on behalf of the Committee on National Economy on the request by Government to borrow Special Drawing Rights (SDR) 66.1 million, equivalent to US\$100 million, from the IDA of the World Bank Group to finance the Competitiveness and Enterprise Development Project (CEDP).

We have copies of the reports but there are three different sets –We have responses from the Ministry of Lands, the Private Sector Foundation and the Uganda Registration Bureau, which we should look at as we present the report.

THE DEPUTY SPEAKER: You could start by laying the report and all those other documents on the Table.

MR MUKITALE: Mr Speaker, I now lay the committee report on the Table. It is signed by the members of the committee. I also want to lay on the Table responses from ministry-

THE DEPUTY SPEAKER: Honourable member, can you proceed properly with the laying of the documents?

MR MUKITALE: Mr Speaker, I would like to lay on the Table the report of the Committee on National Economy on the request by Government to borrow US\$100 million from the IDA to finance the Competitiveness and Enterprise Development Project. I lay it on the Table.

THE DEPUTY SPEAKER: Let the records capture that.

MR MUKITALE: I now want to lay the responses by the Ministry of Lands to the Committee on National Economy on the Table. The meeting was held at Parliament. We also had a field visit at Jinja Crested Crane Hotel. I now lay these on the Table, Mr Speaker.

THE DEPUTY SPEAKER: Let the records capture that.

MR MUKITALE: I also want to lay on the Table the Private Sector Foundation (PSF) responses on the follow up of the committee meeting at Parliament and the retreat at Crested Crane in Jinja. I now lay this on the Table.

THE DEPUTY SPEAKER: Let the records capture that.

MR MUKITALE: I also lay on the Table minutes of the meeting and the field reports in a file. In the same file, we have a project appraisal document, implementation plan and the financing draft agreement. Mr Speaker, I beg to lay on the Table.

THE DEPUTY SPEAKER: Let the records capture the minutes of the committee meetings, the appraisal report and the draft agreement.

MR MUKITALE: Thank you very much, Mr Speaker. This loan request was brought to Parliament. In line with rule 166(2), which requires Parliament to scrutinise loan requests, we went ahead and met the following:

- Ministry of Finance;
- Ministry of Lands;
- Ministry of Tourism, Wildlife and Antiquities;
- Ministry of Justice and Constitutional Affairs;
- Members of the Committees of Physical Infrastructure; Tourism, Trade and Industry; Legal and Parliamentary Affairs; Budget; and Finance because there were multiple beneficiaries.
- The Private Sector Foundation.

The committee had a field visit to Jinja. We visited the lands office and the Crested Crane Hotel and also looked at the challenges of the Uganda Registration Bureau.

The committee further studied and made reference to the following documents, which I have already laid on the Table:

- The Minister's brief to Parliament on the loan request;
- The project appraisal document;
- The draft loan financing agreement; and
- The implementation report.

Government of Uganda has in recent years engaged in a number of regulatory reforms aimed at alleviating poverty, fostering economic growth, ensuring private sector competitiveness and improving the business environment in Uganda. Some of the major reforms that have been undertaken include land administration reforms, business registration and business licensing reforms.

The land administration reforms led to the rehabilitation of the land sector, which started in 2002 with the initiation of a 10-year Land Sector Strategic Plan ending 2012. The land sector strategic plan had five objectives:

- i) Creating pro-poor land policy and regulations;
- ii) Putting land to sustainable productive use;
- iii) Providing more equitable distribution and secure access to land for vulnerable groups to improve livelihoods;
- iv) Improving accessibility and availability of land information for planning and implementing development programmes; and
- v) Providing transparent, accountable and efficient decentralised land administration systems.

As a result, Mr Speaker and colleagues, the Land Sector Strategic Plan 2002-2012 achieved significant progress in the areas of decentralising and computerising the land registration system. Other notable achievements were the support for: the National Land Use Policy, which was approved by Cabinet in February 2013; the National Land Use Policy, which was adopted in 2007, followed by the enactment of the Physical Planning Act, 2010; the Mortgage Act, 2009; and the Land (Amendment) Act, 2010.

Despite the reforms, land policies are still very cumbersome. Land tenure security is weak and investors cannot yet be sure of reaping the full benefits of land deals and investments. At present, only 18 percent of the country's land is registered, with registration of rural land as low as five percent only. Land administration is highly inefficient and is characterised by corruption. Risk remains very high for both investors and communities thus limiting the volume of investment.

The first phase of business registration and business licensing reforms led to the making of a comprehensive inventory of business licences. In financial year 2011/2012, Government announced a comprehensive review of business related licences with a view of identifying the scope for simplifying requirements, reducing discretionary powers of officers, eliminating redundant procedures and cutting down on lengthy business registration processes. These imposed an unnecessary regulatory burden on businesses and de-incentivised a large number of businesses in the informal sector from pursuing business formalisation.

The Uganda private sector, including agriculture, is the major employment source of an estimated 16 million-strong workforce. The vast majority of firms, primarily micro, small and medium enterprises, which sell mostly to local market, face severe resource constraints and contribute modestly to economic growth and exports.

The majority of firms in Uganda remain primarily in low value-added labour intensive areas of production. Although wages are low, productivity is even lower and as a result, it is difficult for Ugandan firms to compete on the international market. Total factor productivity is lower in the manufacturing sector in Uganda than it is in most countries in sub-Saharan Africa. It is also far lower when compared to the East African countries that have successfully entered export-oriented manufacturing. The country is also lagging behind sub-Saharan Africa averages in agricultural productivity. Low productivity in agriculture is a function, in part, of lack of investment in business development services by many Ugandan firms.

Mr Speaker and colleagues, a number of studies and surveys of the Uganda private sector undertaken by the World Bank and other development partners have all led to the conclusion that the business environment in Uganda is not sufficiently conducive to private sector development. The country performed poorly in the World Bank's annual *Doing Business* report. In the 2012/2013 *Global Competitiveness Index* report, Uganda also ranked rather low. The major constraints affecting firms in these reports were access to land, starting a business, licensing and dealing with construction permits - this is before we add connection of utilities like water and electricity.

This proposed project builds upon the Private Sector Competitiveness Project II, which helped improve the business environment by decreasing policy constraints, strengthening institutions such as the Private Sector Foundation Uganda, enhancing private sector dialogue and providing support to firms. The project was private sector driven and major achievements included the following:

- A total of 2,700 people, 40 percent of whom were women, were trained in different skills;
- Eight new product brands were created and have already penetrated foreign markets;
- The Land Survey School was rehabilitated and re-opened. This was a very important achievement.
- The Land Information System (LIS) was developed, installed and operates in an area that covers about two-thirds of Uganda's formal land markets;
- Thirteen (13) regional zonal land offices were built.

Mr Speaker, after justifying, I will skip the project linkage on page 5 and go to the coverage – 5.0. The project physical activities will be located in Kampala, Jinja and throughout selected urban and municipal centres of Uganda namely, the districts of Luweero, Mpigi, Mityana, Soroti, Kabale, Rukungiri, Tororo, Mukono and Moroto for land offices. Project reforms in support of the land registration system, land dispute resolutions and other national reforms will have impact nationwide on improving transparency and security of land tenure.

The objective, really, is to improve competitiveness of enterprise in Uganda by supporting the implementation of business environment reforms including land administration reforms, the development of priority productive and service sectors.

The Beneficiaries

The primary direct project beneficiaries are both existing and future entrepreneurs conducting business in Uganda and owners of land who will be registered by the project. All entrepreneurs will benefit from the crosscutting business environment reforms in land administration, business registration administration bureaus, business licensing; specifically, they will be able to register a new business and obtain the necessary licence for the business quicker and more effectively. They will also have improved land security and will be able to transfer land in less than 30 days, but without another person also claiming the same land title.

THE DEPUTY SPEAKER: Mr Chairman, would you like to go to the observations and recommendations which you are giving to the House on page 17?

MR MUKITALE: You can go through the components on page 7. The biggest component is the land sector. You can also go through the details of the land sector – it speaks for itself - on pages 8 to 14 where the table shows the different percentages. Fifty-three (53) percent of the project funds, which is US\$54 million, go to lands. We also have the terms and conditions on page 15. Mr Speaker, let me go straight, as per your guidance, to page 17.

Observations and Recommendations

1. The committee did observe that this project is a follow-up of the second Private Sector Competitiveness Project II, of US\$ 70 million credit from the World Bank, which closed in February 2013. I earlier alluded to this and summarised the areas of intervention.

According to the project implementation completion report of May 2013, this project was faced with a number of challenges. Specifically, the project faced implementation delays that were attributed to poor management of procurement and environmental concerns. The project was also faced with several allegations of fraud and corruption. These challenges led to the cancellation of a major component of this project, the infrastructure for Kampala Industrial Business Park, and the subsequent cancellation of US\$ 21 million by the World Bank that was meant to finance it.

I must add here, Mr Speaker, that the US\$ 21 million was withheld by the development partner for the famous Namanve Kampala Industrial Park. This must be made very clear. That money was stopped; it was not received.

The committee recommends that Government should prioritise the strengthening of project implementation agencies, especially in the areas of procurement and finance management. All implementing agencies for this project - Private Sector Foundation and other ministries - should ensure that anti-corruption and anti-fraud provisions are embedded in all bidding plans and contracts of contractors, suppliers and other service providers that will relate to this project.

2. The committee observed the failure of investors to readily access industrial serviced land – serviced with utilities. According to the implementation completion report of May 2013, the development objectives of this project for Kampala Industrial Business Park were largely not met. As I said, the money was not released.

According to the report, some of the factors that led to the failure in meeting the development objectives of this Kampala Industrial Business Park included the country's lack of an industrial policy; - So we are again raising the issue of formulating an industrial policy – lack of an Export Processing Zone Act; and lack of a legal instrument to operationalise the Kampala Industrial Business Park.

Partial implementation of the works under this park resulted into further environmental and social issues, which also put the project's reputation at risk. With this continued trend, Uganda is likely to lose out to other countries in the region due to increased competition in the attraction of investment.

The committee recommends that Government fast tracks the formulation of an industrial policy that will guide the continued development of the private sector, given their enormous contribution to industrialisation of the country. Government should also expedite the formulation of a legal instrument to operationalise the Kampala Industrial Business Park including addressing the road infrastructure and the power and water challenges currently faced at the site.

3. The committee observed communication challenges of land reforms that will be significant to this project, particularly given the cultural and ethnic bonds associated with land ownership in several parts of this country, including customary, communal ownership. Appropriate communication and delivering of messages internally and externally so as to keep the stakeholders informed regarding the project development will absolutely be crucial.

The committee recommends that Government considers the critical importance of strategic communication and adopting policies geared towards Government commitment to protecting land rights. Information, education and communication campaigns should be carried out throughout the project's lifecycle. It is important that Ministry of Lands, Housing and Urban Development ensures that communication at all levels is sustained. This will ensure that the land reform component is successfully implemented.

4. The committee observed that despite the revival and rehabilitation of the School of Surveying and Land Management, which I said was very important, in Entebbe, some of the challenges that continue to affect the land sector are as a result of deterioration of surveys and mapping standards and lack of adherence to procedures.

The committee recommends that Government considers the need to revamp the surveys and mapping subsector starting with policy, strategy and institutional strengthening. This should include revisiting the existing Survey Act and its subsequent regulations and guidelines in order to identify its weaknesses and have this law strengthened.

Mr Speaker, can I skip the observations and just go to the recommendations?

THE DEPUTY SPEAKER: Yes, you can skip that.

MR MUKITALE: Recommendation 5: The committee recommends that the Government explores the need to make amendments to the relevant regulations to enable Uganda Registration Services Bureau to retain its revenue to ensure sustainability of a one-stop-shop system. You are aware how much gain they have made in terms of money.

The committee further recommends that Uganda Registration Services Bureau ensures that during implementation of this project, appropriate quality control mechanisms are in place to guarantee the reliability of their data. Keeping track of the success of business registration forms through a proper data collection process is important as it will help identify whether the envisaged business registration forms were sufficient in meeting the desired project goals.

6. The committee recommends that in order to boost private sector competitiveness, Parliament should urgently pass the following Bills which are already with the House:
 - i) Chattels Securities Bill.
 - ii) Public Private Partnership Bill.
 - iii) The Free Zones Bill.
 - iv) Plant Variety Bill.

v) Trade Licencing (Amendment) Bill, 2012.

THE DEPUTY SPEAKER: Wasn't the Free Zone's Bill passed?

MR MUKITALE: Mr Speaker, this report has been ready for the past two months. In addition, the committee recommends that Government should formulate an action plan and also set aside a fund to fast track the enactment of the following commercial Bills and urgently bring them to Parliament:

- i) Capital Markets (Amendment) Bill.
 - ii) Anti-Counterfeiting Goods Bill.
 - iii) Sale of Goods and Supply of Services Bill.
 - iv) Investment Code (Amendment) Bill.
 - v) Competition Bill.
 - vi) Consumer Protection Bill.
7. The committee recommends that the lead ministries, that is, Ministry of Justice and Constitutional Affairs, Ministry of Trade, Industry and Cooperatives, Ministry of Lands, Housing and Urban Development, Ministry of Information and Communication Technology expedite efforts to vigorously sensitise the private sector business community about these laws in order to ensure that they are effectively implemented and adhered to by the private sector and the business community at large.
 8. The committee welcomes the Government effort to reconstruct and reequip the Hotel Tourism Training Institute in Jinja under this project. However, the committee urges Government to expeditiously bring to Parliament the Bill for the re-establishment of the Hotel Tourism Training Institute. This will enable the institute to operate under a governing law.
 9. The committee recommends that Government explores efforts of ensuring that existing institutional capacity gaps are immediately addressed in order to improve the performance of on-going and future projects by implementing ministries, departments and agencies.
 10. Finally, the committee recommends that Private Sector Foundation Uganda and Ministry of Lands, Housing and Urban Development, which will have the overall responsibility of project coordination, ensure that there exist standards operating procedures among the other beneficiary institutions -that is, Ministry of Tourism and Wildlife, ICT, Ministry of Justice, Uganda Tourism Board, the tourism institution, etc. – that are well defined so that there is efficient and adequate oversight in the entire project. This will guard against the lack of guidance, laxity and ineffectiveness. So we are trying to propose a cure for the collaboration challenges faced in the previous projects.

Conclusion

Mr Speaker and colleagues, the committee noted that Government's demonstrated commitment to addressing the various issues to improve the business environment and business competitiveness in this country. However, major constraints that impede growth and competitiveness of Uganda's private sector still remain. Generally, the private sector is desirous to grow and expand but developments and reforms in the various sectors have been slow. Therefore, there is need to strengthen the joint efforts between Government and the private sector to ensure the development and implementation of policies that spur growth and vibrancy of Uganda's private sector in the regional and global markets.

This project supports Government's efforts to create sustainable conditions conducive to enterprise creation and growth, encouraging investment, facilitating private sector development, increasing micro, small and medium size enterprises, increasing competitiveness in the local and export markets and employment opportunities in the country through the reduction of cost of doing business and improvement of the business environment in the country. The committee therefore supports and

recommends to this House the request by Government to borrow SDR 66.1 million, equivalent to US\$100million, from the IDA of the World Bank to finance Competitiveness and Enterprise Development project. I beg to report.

THE DEPUTY SPEAKER: Thank you very much, chairperson of the committee. Honourable members, the motion is for the adoption of the report of the Committee on National Economy on the request by Government to borrow SDR 66.1 million, equivalent to US\$ 100 million, from the IDA of the World Bank Group to finance the Competitiveness and Enterprise Development Projects. That is the motion and debate is now open.

11.23

MR MATHIAS KASAMBA (NRM, Kakuuto County, Rakai): I thank you, Mr Speaker. I also would like to thank the committee for a report well done in as far as scrutinizing the application by the Ministry of Finance and the other relevant ministries for this loan facility to strengthen competitiveness in the private sector. While I support the motion, I would like to highlight a few areas.

I want to bring to the attention of the House that concerning the pending Bills, the Plant Variety Bill is already on the Order Paper. I am here to present it to the Minister of Agriculture, so that it can enhance the effectiveness of plant breeders and the private sector involvement in the seed certification, multiplication and commercialization in this country. So, that one is a done deal.

The second issue is about one of the biggest challenges that the committee has reported, and this is the challenge that we faced during the implementation of the Private Sector Competitive Project phase II. There was serious/gross abuse of funds. I can see that the committee has said that institutional strengthening is quite important as we get into the approval of this phase.

Allow me, however, to bring to the attention of this House that we have passed several loans, which are performing very poorly. One of those is the fisheries project. On Monday, we were at Kiyindi in Buikwe District where a fisheries facility was constructed almost four to five years back, but it is now non-functional. We were told that the ministry officials are threatening to close it, but there is existing infrastructure for those fishermen who are still trying to ensure they enhance fish production so that we earn revenue from that sector.

I can tell you that Government, or the ministry in charge, has failed to maintain those facilities that were put in place after we secured a loan to finance them. This is an activity that would enable us to export more fish to the European markets.

I want to bring it to the attention of the House that several other loan facilities that have been approved by this Parliament and secured by Government need a thorough financial audit to enable us facilitate smooth implementation. There are just small issues that we need to fix to enable the facilities function. Look at CAIP II, for example; there are many markets and slaughter houses that were constructed but they are in the bushes and are non-functional.

We must do due diligence and make sure we avoid preventive corruption tendencies. We must avoid loss of the resources that are dearly needed by the people to improve their productivity levels and efficient service delivery.

I support the motion although I would like to request that as we get into approving capacity building as part of institutional strengthening, next year we should acquire loans to go to the fundamentals. We need to empower production, especially in the coffee sector, that needs urgent enhancement in production. We increase productivity by structuring the economy and making sure that the smallholders are also empowered. As we carry out land reforms and policies, we must also enhance the productivity levels of the smallholders by securing productive means which will help them increase productivity and upscale production levels. I thank you.

11.56

MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro): Thank you, Mr Speaker. I also would like to thank the committee for the good work they have done. What worries me is that this Parliament passes a lot of loan requests, which at times are not implemented. So, I would like to caution Government that after we have passed this request, please do the needful.

Mr Speaker and honourable members, when you look at the report, I want to say that there is a tendency of people hiding vital information and making us pass loan requests based on wrong information. When we talk of development of a labour force for tourism and you relate it to the construction of buildings, those are two different things. I would not like to support a report that recommends the construction of buildings instead of building capacity, meaning training our workforce. So, at appropriate time, we want that to clearly come out. We should not be talking about the construction of hotels when we can build capacity of our workforce without such construction.

Secondly, on page 23, under the implementing agencies listed, I find duplication. Whereas we appreciate the work that is being done by Uganda Wildlife Authority, the functional mandate of implementing the duties of tourism development falls under the mother ministry and the Uganda Tourism Board. So, it means that the work that is being done by Uganda Tourism Board includes that which is being done by the Uganda Wildlife Authority. This means that Uganda Wildlife Authority is just a component of UTB.

I will, at an appropriate time, move that we delete Uganda Wildlife Authority because if you bring in this authority then you have to also bring on board museums, culture, heritage and gorillas yet we would not like to go into those details. We would rather give the money to the ministry and the functional implementing agency, which is UTB, instead of hiding it in UWA, which actually already has more money than what they want.

I am reliably informed that UWA even has money on reserve and that last financial year they even failed to utilize the Shs 50billion that had been allocated to them. There is Shs 10billion in Crane Bank. So, why would you give money to those who already have it in excess and deny those that do not have it? Even then, UWA was not in the original project appraisal, which I looked at when we had a meeting with the World Bank officials here. It was just smuggled in. Actually, this matter can even be investigated.

On land registration, I would like to say there is need to have functional district land offices. We would not want to have the loans ending up at the ministry with our colleague, hon. Daudi Migereko, manning the funds. We should see decentralisation in practice. We want all these districts of Uganda to have functional district land offices to be able to get the same facilities and services we get from Kampala.

Mr Speaker, on the Uganda Registration Services Bureau, we need capacity. We need to help them because they contribute a lot in helping us know which businesses we are doing and it is based on this that we can collect a lot of tax. Doing business without being registered does not help us. We also need to amend the law so that for you to do business in Uganda, you must have local content. We do not want people to come here to be registered even when they are foreigners and tomorrow after they have conned Ugandans, we cannot trace them. We shall be happy if we can have laws that put some local content in our businesses. Thank you.

12.00

MR MUDIMI WAMAKUYU (NRM, Bulambuli County, Bulambuli): Thank you, Mr Speaker. I also support the motion. I would like the chairperson to clarify some issues. He has listed the areas to benefit but Mbale is not among them and yet they have an office there already. Why is it not listed and yet the lands office is there? *(Laughter)*

Secondly, this project has been under Ministry of Finance for many years. Mr Speaker, I wish to get details on how it has performed previously. I have seen cases where the committee has reported issues of non-performance. The committee has pointed out that the project faced challenges like poor management, procurement and all that. It is also giving a disclaimer that they should embed anti-corruption and anti-fraud provisions in those bids. That means that they have sighted a grey area somewhere. So we need to know about the performance of the previous projects – at a later time – so that we see what was done. If we are trying to bring this disclaimer at this initial point, it means we are not certain about what we are doing.

Mr Speaker, I have seen the component of construction of a hotel and others. Where is this going to be? Is it going to be in South Sudan? They have not indicated which country the hotel will be.

Mr Speaker and members, we need to support the Uganda Registration Services Bureau. I was reading in the newspapers that their NTR half-yearly has hit Shs 22 billion. We need to support them because it is one of the areas from which Government is earning income. We need to strengthen them and support them and they can utilise part of the NTR. I agree with the committee that we can allow them to utilise it so that they can generate more money. This is because early this year, we were trying to look at passing a supplementary and URSB was bringing in issues of salary arrears. If they are generating money but are in arrears in terms of salary, what will happen? The motivation will be low. So, we should support them.

Mr Speaker, in every project you look at here, there is money for consultancy. Is it the design of the project? I have looked at the cost of consultants and they take 10 percent at the lower side. Why can't we empower Ugandans since there are many of them who can do this work? Now we have consultants who take almost half of the budget. These are many components and if in each component the implementation agency has money for consultancy, it means half of the budget will be spent on it. Otherwise, I support the motion and Government can go ahead and implement the project.

12.04

MR EDWARD BALIDDAWA (NRM, Kigulu County North, Iganga): Thank you, Mr Speaker. I thank you for finding time on the crowded Order Paper for us to discuss this important loan request. It is a request that is close to my heart because I think part of the component that we are dealing with is critical for the development of this country, and that is tourism.

I will remind members that tourism is the biggest foreign currency earner for this country. Last year, it brought in US\$820 million and it is estimated that this financial year we will be able to get around US\$1 billion. So, for us as a country to focus on tourism, there is no other way of doing it other than enabling the environment to perform and also give us the results we need.

I want to speak about the components of this loan request, especially the US\$12 million for the labour force capacity building. I am a little bit disappointed by the committee report for not bringing out the real reason why we are borrowing the US\$12 million. The committee talks of reconstruction and re-equipping of the school in Jinja. I come from Jinja and I do welcome this proposal. However, Uganda is not short of buildings; what we need is to empower our human resource.

I think from the very beginning, even in the project appraisal document, this was brought out - the inadequacy was in the capacity of our people. The people that are trained in Jinja are not even employed by the hotel owners in Jinja. Why? This is because they consider them half-baked or substandard. People are willing to get labour from Kenya. (*Mr Migereko rose*)-I know you own a hotel but I have the facts; you will make your submission when you get your time. I have the facts, honourable minister.

The bulk of the workforce in most of the hotels in Uganda comes from Kenya. Why? This is because the Kenyan labour force is regarded as productive, committed and professional. You cannot doubt

that. For us as a country to compete with the Kenyans who are here, we must empower our labour force.

I want to remind this House that Kenya has a training school for hospitality called Utalii; this school collaborated with a Swiss international company to train trainers for them to be able to produce the products they now have. That school produces 46 percent of their students for international markets. They are the ones you will find on all airlines in Asia and the Middle East. They are the ones working in resorts and hotels in the Middle East, including the Sheikhs in the Middle East. This is simply because their output is professional, reliable and productive.

As we speak now, Rwanda has just entered into a partnership agreement with an international hospitality institute in Switzerland to start a hospitality academy at Rwemera in Rwanda. They have realised that this is a big export for the country. So, as we think of constructing a hotel in Jinja, we should look at equipping and improving the output that we produce from Jinja. I know it is lucrative for us to go for hotel construction because there are very many loopholes we can use. *(Laughter)*-Yes. However, I think we should focus on finding an international, reputable company that we can twin with to train trainers that can give us output that we can even export and also produce jobs for our people.

Mr Speaker, on the US\$10 million for tourism promotion, the mandate of UTB is to promote market tourism and to develop tourism products. However, UTB has been starved of finances. We know as a fact that UTB's budget has been US\$90,000, in fact Shs240 million. Out of the Shs240 million, they have been using, they have been earning US\$820 million.

Uganda Tourism Board shares its budget with the ministry. So, UTB has been starved and there has not been any deliberate intention to build capacity at UTB. The institution itself has been crippled. So this is an opportunity. If there is some loan facility we are getting, US\$10 million should go specifically to UTB because every dollar we invest in tourism earns us 10 additional jobs.

As a country, we should refocus our priorities. I do personally object to this notion that some US\$10 million will go to some sort of basket called a steering committee as it has been structured. They do not want to tell us but that is the fact. There is some sort of amorphous steering committee whose membership we even do not know. They are saying this money will go to those people and they are the ones who will issue it out according to their discretion.

I want to appeal to honourable members; we should ring fence this money to go specifically to UTB. It is the one which is going to market this country. It is the one which is going to develop the products we have. Moreover, 75 percent of tourism products lie out of conservation areas. Fort Patiko, for example, is out of the national park. The rock paintings in Tororo are out of the national park. The source of the Nile and so many other tourism products are not in the national parks. So, really, these are the areas that UTB will be mandated to promote, develop and market. Therefore, as hon. Kwizera said, when the time comes we should move a motion to ring fence the US\$10 million specifically for UTB. I thank you, Mr Speaker, for allowing me to submit.

12.12

DR JEREMIAH TWA-TWA (NRM, Iki-Iki County, Budaka): Thank you, Mr Speaker. I would like to support the motion. First of all, let me thank the committee for making a very good report.

From what they have presented, I take it that some of the ingredients which are necessary for good business are definitely land, human resource and the legal component. However, in Uganda, as you know, only about 18 to 20 percent of the land is registered, which makes it very difficult for the private sector to access land and start business. So, if we okay this loan, the Ministry of Lands is going to use the money to improve the performance of that ministry to ensure that the land is registered and accessible.

The other component, which I appreciate, is the issue of registration of businesses. If businesses are not registered, it is very difficult for Government and other stakeholders who want to track the business owners to ensure that taxation is effected. I have been to the offices of Uganda Registration Services Bureau and I know the constraints they are facing in terms of both human resource and space. I think they need the money to improve the management of that sector.

When you look at the intended output of the project, which I have followed, the reduction in the number of days to register land from 52 days to 25 days is an improvement, which I think would be good if we funded this project. There is also reduction in the time which is taken to register businesses from 33 days to five days, which again is a good improvement.

Also, if we fund this project, it will increase international tourist arrivals from 945,000 to about 1.5 million, which is good. That is money coming into the country to make our economy grow. It will also improve employment in the tourism sector from 225,000 to about 300,000.

One of our colleagues talked about some of our workers in the hotels. This time, we should focus on developing our human resource- the hotel managers, the catering industry. We should ensure that they are trained to perform competitively with the Kenyans and others who are coming here to get these jobs.

It will also increase export of non-traditional products. Again, this is good. There are also direct project beneficiaries, who will also increase, particularly the number of females in employment.

So I would like to support this motion that we grant this loan to the sector so that we can improve our economy. I beg to support the motion.

12.16

MR YOROKAMU KATWIREMU (NRM, Sheema County South, Sheema): Thank you, Mr Speaker. Let me thank the committee for their report.

Looking at the components of the project to be financed, I have no objection in supporting the motion to borrow money to support those components. My discomfort, however, is on the nature of the management of the project. We had PMA at one time and one of the shortcomings of that project was that with so many little components, if you wanted people to take responsibility it was difficult to pinpoint exactly who was doing what. That is my discomfort with this kind of arrangement in this project. I would have been more comfortable if we identified elements that improve competitiveness in each sector and we finance them. We could say, "Lands goes to hon. Migereko and we have identified these components for competitiveness, and you take responsibility."

The problem we are going to have here with this project is that you have a committee of various ministries sitting together and when it comes to pinpointing responsibility for lack of performance, we are going to have a problem. That is my discomfort about the arrangement of the project. Otherwise, I have no problem with financing the individual components for improving competitiveness in the country.

If I knew that the component of tourism was under the Ministry of Tourism, then we would sit down and say, "Hon. Mutagamba, something is not working well." But here, people are going to shift responsibility.

The thing will become amorphous and this is a problem. At the end of the day, some of these projects are not going to perform and we want to pinpoint where the problem is and it will be difficult for us to catch those who are not working the way they should have designed the project. Otherwise, I support the motion but the design of these projects should really change so that we are able, as Parliament, to follow systematically where the responsibility lies. Thank you, Mr Speaker.

12.19

MR STEPHEN EKUMA (NRM, Bukedea County, Bukedea): Thank you, Mr Speaker. I also rise to support the motion, which is really timely because it is in the area of trade.

Allow me to bring to light some issues that have really been outstanding and which taxpayers have been raising on registration and loss of business. You will realise that the burden of tax payment in this country has been very limited to the few companies that are registered. However, when we broaden the registration of companies, we even go for these small enterprises which are getting huge profits which are needed or they do not participate in paying taxes. This will help us when we computerise the process of licensing companies.

There is also a tendency of double taxation. You will realise that today, you will register a company in the country as a local entrepreneur but for you to begin operating, you must have a licence from different organs of government; this is double taxation. You must get a licence from KCCA and the Uganda Revenue Authority must license you to operate. Maybe when we streamline this, it will help us develop our small enterprises and it will enable us strengthen the few enterprises that we are trying to come up with because it will help us check double taxation.

Mr Speaker, I also support the motion because it really brings out the objective of building capacity in the Ministry of Lands so that they can be able to register all the land in the country. I know we are talking of popularising land registration but up to now, I do not think the process has really taken off smoothly countrywide, but it is timely. This money has been allocated and appropriated and I think about US\$10 million is set for that.

We support that because currently, we have a challenge in this country; we have conflicts. We have new districts that have emerged but the borders have not been demarcated up to now. So, we must facilitate this. We have conflicts in districts. Boundaries of the old districts really need to be re-demarcated. So, I stand to support the motion. This money should be given to Government. I thank you very much.

12.22

MR STEPHEN TASHOBYA (NRM, Kajara County, Ntungamo): Thank you so much, Mr Speaker. I would like to add my voice to those that have supported procurement of this loan and say that right from the time of inception, I am among those Members of Parliament that were consulted and we gave our support that we should have this loan to support these institutions that are mentioned in this report. However, let me make a few comments.

I think hon. Kwizera was talking about the commitment of Government in supporting and providing the counterpart funding in order to have these loans running. We would like to get the assurance of Government. I would like to urge Government, but I also want to get their assurance that the US\$2.5 million counterpart funding by Government is going to be provided for in the budget, so that we do not approve the loan only for it to remain non-performing and idle. So, having given our support, we would like that assurance that in the coming budget, we will get the US\$2.5 million to support and have this loan running.

I support the land offices but I note that on many occasions when we are strengthening offices, we look at the traditional districts. Ntungamo has been conspicuously missing especially on matters to do with land. I want to get the response of the minister as to when Ntungamo, which is one of the biggest districts in the country covering a very wide population, shall get support to upgrade and have our land offices to the level that is anticipated after this loan is implemented.

Let me also express my support for the funds being committed to the Uganda Registration Services Bureau. Mr Speaker, the Uganda Registration Services Bureau is a child of this Parliament and we have advocated that it should be supported. It is one of those few institutions that generate money and I remember when appropriating the current budget, the Minister of Finance informed us that we

should not only look at spending but we should also look at areas that generate revenue for this country.

Mr Speaker, in a very short time, in about two years' time, the URSB has been able to generate money from less than Shs300 million per year to the current more than Shs21 billion per year. In that budget, we provided for money to increase the allowances and salaries of the staff at the Uganda Registration Services Bureau. So, we now need to equip them; we need to give them the capacity, the operational funds, the computerisation, so that they are able to deliver. They have demonstrated to us that they can deliver not only in terms of ease of business and attracting investments, but also in generating revenue for the country.

In the same vein, I am happy that some money is being provided for constructing an office for the Uganda Registration Services Bureau. That is the way to go. Government departments and government institutions and ministries should be housed in their own offices. This is support, but I want an assurance from Government that after approving this loan for constructing an office, Government is going to provide land. I want assurance that the Uganda Land Commission is going to give the bureau land so that the project can get moving as soon as the money is provided.

Lastly, after giving URA its capacity, we would also want assurance from the Ministry of Finance that the services of the Uganda Registration Services Bureau are going to be expanded and be of benefit to the whole country. As of now, the Uganda Registrations Services Bureau is centred in Kampala and recently, we had an office in Gulu and at least another one has been opened up in Mbarara. The whole country needs these services.

Registration of births, registration of deaths and registration of companies is very expensive. For people to come from Kisoro to register companies in Mbarara or in Kampala for that matter, for people to come from Karamoja to come and register companies here is expensive. Can we have an assurance from Government or the responsible Minister for Finance that Government is going to provide money for expansion of your services, bring services nearer to the people and also to generate more revenue out of the services they are giving to this country? I thank you, Mr Speaker, for the time.

12.28

MR MICHAEL WERIKHE (NRM, Bungokho County South, Mbale): Thank you, Mr Speaker. I would also like to join my colleagues in thanking the committee for a very good report.

I will begin with the issue of strengthening the zonal or the land administration sector. As we know, Mr Speaker, in everything that we do, whether it is businesses or infrastructure, land is very critical. In order to have all these services or areas well organised, we need to have a well-planned and organised land system in this country. Therefore, when we are talking of equipping the land sector with facilities that will improve its efficiency, it is important that we support this motion.

I know zonal offices have kicked off, but we need to expedite the process of opening up zonal offices across the country, and thereby linking these zonal offices to the land information system here in Kampala. In this way, the whole system will be connected so that every Ugandan will know what is happening in every part of this country with regard to development of land.

The institution of the school of surveys and mapping in Entebbe: It is true Government has done some work here, but we need to continue expanding and equipping this school so that we have well trained career professionals in surveys, land management and physical planning. We still have shortage of these skills. It is important that when we pass this loan request, some of the money goes to strengthening these institutions.

The issue of systematic demarcation is very critical in helping some of the areas. In the Albertine Grabben, for example, we have had challenges with regard to ownership and recognising the

boundaries of these communal pieces of land. If we use part of this money, we will overcome some of those challenges and avoid the clashes we have seen in some of these areas. So, it is important that we get this funding to use it in that area.

I want also to add to what hon. Tashobya said about URBS; it is very critical to the development process of this country. As we talk now, they are hopping from one place to another. In fact, recently, we interfaced with the executive director in one of our committee meetings. As we talk, they are about to be kicked out of their current offices. It is important that we accord some of this money to URBS; it can be self-sustaining if we support it. As hon. Tashobya observed, within one year or even less, URBS has managed to raise money to the tune of Shs 21 billion. This shows that if this bureau is supported, we shall see more funding and self-sustenance from its own resources.

We also need to bear in mind that land registration, registration of businesses, licensing of various business in this country are interlinked. Therefore, as we strengthen the land registration system, we also need to strengthen the registration bureau.

On the issue of the tourism board, I must say that we need to support UTB. The money we are talking about is going to the ministry and the ministry will be able to consider which activities need to be strengthened, The Uganda Tourism Board is very critical in the process of promoting tourism in this country. So, I support the acquisition of this money. Mr Speaker, I support the motion. Thank you.

12.34

MR GILBERT OLANYA (Independent, Kilak County, Amuru): Thank you, Mr Speaker. I want to thank the committee for their good recommendations.

We need to strengthen the lands department and reorganise it. I seek clarification from the chair of the committee. When you mentioned reconstruction of zonal land offices, you listed Kabale, Luweero, Mityana, Mpigi, Moroto, Rukungiri, Soroti, Mukono and Tororo. I want to know the criteria you used to identify these zonal land offices. West Nile is not there, Lango sub-region is not there and Acholi sub-region is not included. These are the areas where we have serious land conflicts. If you go to the land offices in those areas, the records are not organised and everything is a total mess. So, I want to find out from the chairperson of the committee if those areas could be included.

Mr Speaker, still on land, now in Northern Uganda there are so many problems because of land. School land, hospital land – in fact Government land – is being claimed by people. They say their grandfathers bought the land before they were born. So, it would be prudent to have the land titles of all government land for schools, health centres, etc. All Government land should be properly registered with land titles to avoid problems in future.

I thank the committee for their good recommendations and I support the motion.

12.37

THE MINISTER FOR WATER AND ENVIRONMENT (Prof. Ephraim Kamuntu): Mr Speaker, I want to thank you very much for this opportunity. I want to context the debate.

First, this report is excellent because it has linked competitiveness to the previous programmes that have been put up. The importance of competitiveness is based on the vision we have for the country. Uganda's Vision 2040 is a transformed subsistence economy. It is simply to move the country from being third world to first world. That means a movement, and movement means speed. Incidentally, if you travel today, the essence of competitiveness is the speed at which you do things. You see the whole world in motion.

When you look at page 7 of the report, this is the essence of this motion. If you reduce the number of days you are registering land, think about it. Currently, it takes 52 days and that is almost two months.

If it takes you two months to register land and you are competing with businesses which register land in three days, how can you compete?

Similarly, look at how you register businesses. Currently, to register a business takes 33 days. That is unbelievable because it is more than a month. If you are competing with others who register businesses in two to three days, you have no chance whatsoever. Yet, we must compete if we are going to move from third to first world.

Equally important, you must target areas of the economy that are generating revenue both in foreign exchange and local revenue. Here it says that internationally, Uganda gets 945 arrivals of tourists. If you increased that to about 1.5million – they put the numbers high –this should also put the earnings or the foreign exchange high.

Mr Speaker, Churchill in 1908 described Uganda as paradise on earth but this paradise on earth, nobody knows about it. That is why we are not getting all this. The potential of earning foreign exchange from tourism is incredible, only that the world knows virtually little about this land gifted by nature. So, this loan is intended to at least do some marketing to make the world – (*Interjections*) – Mr Speaker, I know that we do not have enough time.

I was simply going to argue as to why we should quickly approve and adopt this motion and only add something about the speed of implementation so that there is no delay. This loan request has been talked about for almost a year and it is now coming to Parliament and I hope it will be approved. Once this motion is adopted, what we really need to do is to urge the implementing institutions to urgently handle this whole exercise.

I only want to refer to what hon. Gilbert Olanya said about the location of land offices. I can tell you that I visited his constituency in Amuru on the same subject of land but this time it was about land for wildlife conservation. I can tell you that generally, land issues in Amuru – If you located an office in Amuru, it would be redundant –(*Interjections*)– I can tell you this because even hon. Gilbert Olanya is right here. (*Laughter*)Even to just register land in Amuru is hard. We need a bit more time to sensitize the population but we should not move at the speed of the slowest; consequently locating these offices where they have been located I think is appropriate.

Mr Speaker, I support the motion for Government to borrow US\$100million for this project. Similarly, as a former Minister of Tourism, I really support the allocation of funds to promote tourism both in capacity building as well as institutional building, and making UTB a focal point in marketing Uganda in the world. I know we will earn more than the money we are investing in it if the world can get to know what Uganda can offer. Once again, thank you, Mr Speaker.

12.43

THE MINISTER OF STATE FOR TRADE AND INDUSTRY (INDUSTRY) (Dr James Mutende): Thank you very much, Mr Speaker. I also want to thank the committee for presenting a wonderful report.

I just want to make some clarification at page 18 of the report where the committee recommends that Government fast tracks formulation of the industrial policy to guide development. I want to make it clear that actually, we do have an industrial policy which was approved by Cabinet in 2008 and has been the basis of a lot of reforms in that sector.

In fact, right now we are not stopping at just having the industrial policy; we have also gone into subsector policy development. We are now developing a bottled mineral water policy, for example. We also have a grains policy coming and we already have a sugar policy in place. The textile and leather policies are also coming up soon. All these are within that industrial policy. All these policies aim at value addition, job creation, environmental management and sustainable economic development. So, I just wanted that clarified.

As we came in, Mr Speaker, the Member holding the Floor was contributing on component three - page 12 - on tourism competitive development. The Member was kind of critiquing the current training in the tourism sector. I want to say that as a country, we are moving very well with this sector. In fact, right now we have so many new products that are unique only to Uganda. I will just mention a few. On bird watching, Uganda is known to have perhaps the largest varying species of birds on the continent. We have game hunting, eco-tourism, white water rafting, gorilla tracking and all these are unique to Uganda.

When you look at number 7.3, one of the activities will be to review and accredit the training institute's curriculum and instructional programmes. I want to say that this is very necessary if we are to tap into these resources maximally. These are not conventional courses that are being taught. So really, I also stand to support the committee's recommendation for Government to borrow US\$100 million for this component. Thank you very much, Mr Speaker.

12.45

THE MINISTER FOR LANDS, HOUSING AND URBAN DEVELOPMENT (Mr Daudi Migereko): Thank you very much, Mr Speaker. I would like to thank the committee for a job well done. They engaged us for quite some time and we tried, as much as we could, to respond to the issues. We were also able to demonstrate fairly clearly that the first phase of the project had had impact and that therefore, we needed more funding to be in a position to reach out to more parts of the country, which has been the concern expressed by the honourable member for Bukedea.

The first phase did not cover the whole country. It only covered the areas of Wakiso, Mukono, Jinja, Masaka, Mbarara, KCCA, and of course the Survey Training School and the Land Information Centre on Yusuf Lule Road. However, because there were clear benefits that were demonstrated due to the efficiency and effectiveness that has so far been registered, it was thought by Government that we should procure more funds to reach out to other districts in the country. This is what this loan is intended to achieve.

Mr Speaker, I would like to confirm that a lot has been achieved as a result of the first phase of this loan. I would like to make a commitment that we shall be able to do even better when this second phase is put on the ground and the tranche of funding being sought has been approved by Parliament for us to access this money. Mr Speaker, honourable –(*Interjections*)

MR SSEBUNYA: I just want to seek some clarification from the honourable minister. We are not always in the field, so if he gives assurance that the second phase will perform just like the first did, then he has to give a report on the performance of the first project. Otherwise, there is no way we can verify this because we are not going to get into the field to get this information.

THE SPEAKER: I thought that is what the committee was supposed to do.

MR MIGEREKO: Mr Speaker, the issue being raised by the chair of the finance committee was attended to by the ministry through the Committee on National Economy. I do not think they would have been able to come out with this kind of report if they had not been in a position to satisfy themselves that the first phase had attained its intended objectives. I want to confirm that all that was required of us was done hence this kind of report. Mr Speaker –

THE SPEAKER: Honourable minister, there is only one issue that you need to deal with, and that is the issue of UTB and UWA. If you deal with those two, we conclude.

MR MIGEREKO: Mr Speaker, I would run into a lot of problems with my colleague, the Minister of Tourism, –

THE SPEAKER: Then why don't you let the responsible minister deal with that and we conclude this matter?

MR MIGEREKO: I wanted also to assure hon. Gilbert Olanya about the districts that are of concern to him. Offices have been constructed in Arua to cover West Nile, in Gulu to cover Acholi and in Lira to cover Lango. If you took time off to study the report on page 5, you would see that the committee has reported on this. Mr Speaker, I thought I needed to give that information because I know that you would also run into problems if that did not come out clearly.

On the issue of Ntungamo, it benefited from the first phase, from the programme of systematic demarcation and titling. Right now, as far as issuance of titles is concerned, it falls under Mbarara and it is going to be put online. We should be in a position to develop a fully-fledged office once we get more resources to finance the various components under our ministry. Similarly, Mbale was covered under phase I. It is only that under this phase, we shall be in a position to avail them with equipment and other accessories that they need so that they are in a position to operate much more effectively and efficiently.

Mr Speaker, there has been concern about the physical planning in the Albertine Grabben. Hon. Mukitale and others have repeatedly raised this issue in regard to availing funding for physical planning. Under this loan, we shall be in a position to pursue the physical planning in the oil-rich region of Uganda, and I can confirm that work has started. We are in the process of procuring consultants for that work. *(Interruption)*

MR STEPHEN TASHOBYA: Thank you, Mr Speaker, for giving me an opportunity to seek clarification from the minister. It is true that Ntungamo benefited from the first phase of surveying and titling as a pilot project under which Rukarango Parish in Kibatsi Sub-county was supposed to get land titles.

In the manifesto of NRM, Rukarango and the people of Kibatsi and Kajara were promised that their land titles would be delivered in the first year of Government. Can I get the assurance from the Minister as to when these land titles are going to be delivered to conclude that first phase?

MR MIGEREKO: Mr Speaker, hon. Tashobya is right; Ntungamo was one of the pilot districts. Some work was done but it got hampered due to lack of funding. I am sure that now that we are going to access funding, we should be in position to complete the work which was started on. I will be in position to communicate to him the date when the titles will be availed to the people of Ntungamo once we have completed the work.

Mr Speaker, I also want to thank Government and the committee for this allocation to address the issue of manpower in the tourism industry. As you have already heard from hon. Baliddawa, at a personal level I have a lot of interest in the tourism sector and I know that this loan in particular will go a long way towards boosting the needs of the tourism industry and creating capacity for Uganda to be competitive in the tourism sector. Thank you. I call upon everybody to support this loan request.

12.53

THE MINISTER FOR TOURISM AND WILDLIFE (Mrs Maria Mutagamba): Thank you, Mr Speaker. I thank the members for supporting the motion and I am grateful that new ideas are emerging.

First, I want to say that this competitiveness project, especially for the tourism sector, emerged as a result of rapid assessment of the tourism sector potential that was carried out in 2012. It was realised that our potential as a country has not been fully exploited and we needed to build capacity within the ministry and all other agencies that operate so that we can be competitive within the region.

To that regard, the component for tourism, as we have already been told, has three sub-components: One, development of the labour force for the tourism sector, which is allocated US\$12 million. This is to develop the labour force, both in training and the facilities available for them.

At the moment, as it has been said, we have got rudimentary training and if we want to build capacity, we have to go to neighbouring countries. But the neighbouring countries are not going to help us develop our cuisine with our own resources. So, we need to have facilities that can help us develop our uniqueness as a country. So, I appreciate that this money has been ring-fenced for that.

Two, we have capacity building for the Ministry of Tourism and Wildlife and the Uganda Tourism Board. This one is about US\$3 million. This is to build capacity within the ministry. You will realise that the ministry is understaffed and also under-equipped and at the same time under-skilled. We need to be able to develop capacity. So, we all appreciate this component and there is no contention about it.

Three, we have the tourism products' planning, packaging and promotion, which is US\$10 million. This is a project which is meant to bring on board new products and promote them. Colleagues, I want to assure you and the rest of Ugandans that this is the project that we think is going to turn around the development of products, the marketing and promotion. This project is really important and that is why members were calling for the promotion of UTB.

I want to assure you that our biggest promotion card right now are the national parks. That is what we have been marketing and we need to consolidate that and put more emphasis on it. About two weeks ago, I was in Botswana and Uganda has been listed as one of the areas that are not responding to the African elephant conservation. We need to put in money, and I actually signed an undertaking to implement emergency measures – 13 of them – where Uganda is committed within one year to make a difference. So, those are some of the areas.

On the other hand, we also looked at other areas. I have a directive, and it is from the people of Busoga, to develop Namugongo Peninsula, where we are supposed to create new protection for animals so that we can have the people of the sub-region also access rare animals that are not in that place. So, that is one way of developing clusters. We are now trying to develop clusters and make sure that wildlife is introduced even in areas where it has not been.

Thirdly, we are also trying to encourage wildlife farmers. When I went to Zambia, we visited people who are keeping lions and elephants and they carry out tourism as people flock to those places. We have not yet started that but we also want to do something like that. People do not have to drive to Kidepo to see an elephant; we can have them somewhere in Nakasongola or elsewhere. (*Interruption*)

MR EDDIE KWIZERA: Thank you, Mr Speaker. I would like the minister to clarify to this House as to whether the absence of game ranching is because of lack of money or it is because of lack of legislation.

MRS MUTAGAMBA: Thank you very much. It is indeed not only because of this money; there is a lot that needs to be done, including the legislation. We are trying to build all that.

I want to assure this House that this money being proposed can actually be ring-fenced to the ministry. Of course, this project is not cast in stone. I want all the stakeholders, starting with Parliament – Here in Parliament we have two for a; we have got the parliamentary Committee on Trade, Tourism and Industry and we also have the Tourism Forum in this House. These are stakeholders. We have also got the lobby group outside in the private sector. We have also got the coordination committee. All these fora are going to monitor us to make sure that we utilise these funds. This is the first time we are getting this kind of money and we want to make sure that we succeed.

There was also a question about Mbale. I want to assure you that we are trying as much as possible, and I want to call upon Members of Parliament and leaders to take the lead. I will be going to Kinkiizi next week, I have been to Kigezi and I have been to Busoga. So, I call upon the people from Mt Elgon, from Bugisu, to consolidate the initiative that you started, the Bugisu Tourism Initiative. We shall be there now that we have some money.

Somebody said this money is going to an amorphous steering committee. Mr Speaker, I want to assure the House that the steering committee is chaired by none other than the Permanent Secretary/Secretary to the Treasury, Mr Muhakanizi. Members of the committee include permanent secretaries from my ministry, Ministry of Finance and Ministry of Lands, and also top management from the private sector. So, that is the cream that is going to manage this project, and then individual ministries will also look out for their segments. Of course, with the watchful eye of this House, I am sure this money is going to be very instrumental in making a difference in our lives.

I want to thank Members for the contributions and I want to assure you that given this amount of money, we are going to make a difference. I will come back here- There was one question about UWA making money. We indeed make money but I want to come back to this House and make sure that UTB makes more money. We have in our law the tourism levy, which has not been implemented. I have been negotiating with the Ministry of Finance and I hope in the next budget cycle we shall have UTB implement a levy that is going to generate funds for the tourism sector. I thank you very much.

THE DEPUTY SPEAKER: Honourable members, the motion is for the adoption of the report – Motion?

1.01

MR EDDIE KWIZERA (NRM, Bufumbira County East, Kisoro): Mr Speaker, my motion is to amend recommendation No. 10 by deleting Uganda Wildlife Authority from the beneficiary institutions since Uganda Wildlife Authority products are a component of UTB. I beg to move, Mr Speaker.

THE DEPUTY SPEAKER: Is that a motion? What is the complication with this recommendation? Can we get some understanding on this? Is there any complication with having it the way it is, Mr Chairman?

MR MUKITALE: Mr Speaker, I thought with the minister's explanation I would stay back but let me first of all-

THE DEPUTY SPEAKER: No, is there a complication with the framing of this and what would the implication be? Does removing UWA add any value to that recommendation? That is the direct question.

MR MUKITALE: Not to my knowledge and the committee's. However, there is hegemony of UTB and UWA on who should hold the US\$ 10 million. It is a problem, which should not crop up at this level of loan scrutiny by the Committee on National Economy *-(Interjections)-* Can I submit?

This project was conceived three and a half years ago. It has gone through a rigorous project appraisal process. The different stakeholders in these ministries have interfaced with the project appraisal. They have submitted their project proposals to the appraisal team and the development partner.

The information we got, and I thought the minister would bring it out, is that UTB, given the challenges they have been grappling with, did not submit a document which would qualify them to take all the money. As rightly put, UWA seems to be a slightly more organised institution and as a country, we have also been using national parks as a marketing component. So, it would be wrong for us to try and fix problems of our institutions on the Floor here.

THE DEPUTY SPEAKER: Okay, Mr Chairman, what value is added by listing the beneficiary institutions? Why don't you just say, "...operating procedures among the beneficiary institutions that are well defined so that there is efficient..." instead of listing them because the list is not exhaustive?

MR MUKITALE: Mr Speaker, I have no problem with leaving it general, but I would like this matter to be handled by the relevant Committee on Tourism, Trade and Industry. That is not the mandate of the Committee on National Economy. That is why we are saying the committee should find time to scrutinise the implementation of this project. At this point, I do not see why we should-

THE DEPUTY SPEAKER: Just leave it at "...beneficiary institutions that are well defined..." Is there any value in listing them?

MR KWIZERA: Mr Speaker, I appreciate what the chairman is saying. However, when he refers to beneficiary institutions and he includes Uganda Wildlife Authority and UTB, both organisations have clear mandates; one is a conservation organisation, another is a tourism organisation.

A weakness in any Government body like UTB is a weakness of Government, so you cannot blame it on them. We would want to be very clear that we are promoting tourism and the organisation charged with the promotion of tourism is UTB. If we are to talk about beneficiary organisations, we would rather say it goes to the ministry and the ministry will take up stakeholders involved in tourism. If you bring in Uganda Wildlife Authority and then UTB, you are promoting institutional conflict and you are undermining yourself.

THE DEPUTY SPEAKER: Will what has been proposed solve the problem, of leaving the beneficiary institutions to be at the operational level rather than at this level?

MR KWIZERA: I would agree that we leave them at operational level and it goes to the ministry. The ministry will then identify the agencies that are involved in tourism.

THE DEPUTY SPEAKER: Okay. It is accordingly handled like that.

MR MUKITALE: Mr Speaker, I agree with you entirely. This is largely an executive function and not that of the Committee on National Economy. So, we can leave it generally to the ministry. That is why the committee should follow it up with the ministry at implementation stage. It is really not so much our business.

THE DEPUTY SPEAKER: Should I put the question to the motion now? Let me put the question to the motion.

MR SEBUNYA: Mr Speaker, can the hon. Kwizera withdraw his motion officially now that he has allowed this to be-

THE DEPUTY SPEAKER: It is withdrawn.

MR KWIZERA: Mr Speaker, I was moving an amendment and the chairman said that we would delete all these institutions and the Government will take up from there. Our recommendation should show less of the beneficiary institutions specifically.

THE DEPUTY SPEAKER: That is fine now. We agree with that final position, that we will just stop at "...there exists standard operating procedures among the other beneficiary institutions that are well defined so that there is efficient and adequate oversight of the entire project". Is that okay?

Now I put the question to the motion for the adoption of the report of the Committee on National Economy on the request by the Government to borrow SDR 66.1 million, which is equivalent to US\$

100 million, from the International Development Association of the World Bank Group to finance the Competitiveness and Enterprise Development Project. I put the question to that motion.

(Question put and agreed to.)

THE DEPUTY SPEAKER: Honourable members, today we have both morning and afternoon sittings. Let us see how much of this next item we can cover.

BILLS
SECOND READING

THE PLANT VARIETY PROTECTION BILL, 2010

1.09

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Prof. Zerubabel Nyiira): Mr Speaker, I beg to move that the Plant Variety Protection Bill be read for the second time.

THE DEPUTY SPEAKER: Is the motion seconded for the Bill to be read the second time? It is seconded by the Minister of Information, the Minister for Lands, and the Minister of State for Industry.

PROF. NYIIRA: Mr Speaker, the object of the Plant Variety Protection Bill, 2012 is to promote development of new varieties; improve research on development of new plant varieties; protect plants breeders' rights and sharing of benefits; and encourage innovations in the plant breeding sector.

It is also meant to benefit the scientists who are involved in producing new varieties for the improvement of the agricultural economy. It is also meant to regulate new varieties originating from outside of this country and protect the local research and seed industry.

The Plant Variety Protection Bill, 2012 will also promote the seed industry in this country. It will also help in the supply of good quality seeds and seed stock for planting materials for our farmers. Mr Speaker, it is important for us to note that there are new techniques that are being applied in the production and provision of new planting material and these go through a process that must be regulated and protected. The plant breeding industry is a business and as such, it has to be protected because there are investments in that area. It is important that we realise that it has got economic value but also in public research institutions, there is knowledge that must be regulated and protected, which bears quality and has value.

Mr Speaker, the Bill that is before us will foster agricultural science and technology. It will also enhance agricultural production and productivity and an overall agricultural based economy for this country. I beg to move.

THE DEPUTY SPEAKER: That is the motion for second reading. Honourable members, we recall that this Bill was sent to the committee and the committee is ready with their report. Mr Chairman.

1.12

THE CHAIRPERSON, COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Mathias Kasamba): Mr Speaker, I take this opportunity to thank Parliament. We have prepared a committee report as far as the Bill is concerned but before I submit the committee report, allow me to lay on the Table the minutes, the minister's responses, responses from the various agencies we interacted with in as far as the Bill formulation and scrutiny is concerned.

I lay on the Table the minutes of the meetings we had on the Bill and the interactions we had.

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

MR KASAMBA: Mr Speaker, the Plant Variety Protection Bill, 2012 was read for the first time on 7 February 2012 and referred to the Committee on Agriculture, Animal Industry and Fisheries in accordance with rules 112 and 113 of the Rules of Procedure of Parliament. In analysing the Bill, the committee was guided by rule 113 of the Rules of Procedure of Parliament.

During the analysis of the Bill, the committee discussed the Bill and received memoranda from the following stakeholders:

1. The Ministry of Agriculture, Animal Industry and Fisheries;
2. National Agricultural Research Organisation;
3. African Forum for Agricultural Advisory Services; 4. Uganda Forum for Agricultural Advisory Services; 5. Science Foundation for Livelihoods and Development; and
6. Plant Variety Protection Bill Stakeholders' Working Group.

The object of the Bill is to provide for the promotion of the development of new plant varieties and their protection as a means of enhancing breeders innovations and rewards through granting of plant breeders rights and for related matters.

Observations

The committee observed that:

- a) On policy and the principle of the Bill:
 - The Bill balances the interest of the scientists and plant breeders and the small scale farmers, who will use the varieties for non-commercial purposes.
 - The Bill seeks to protect the rights of the breeders over varieties developed by them.
 - The Bill creates incentives for breeders to develop new varieties.
- b) There is no law to protect the plant breeders therefore Uganda cannot participate in multilateral trade in crop varieties.
- c) The Bill proposes remedies to:
 - recognise and protect the rights of breeders;
 - promote mechanisms for sharing benefits arising from the use of the varieties;
 - provide institutional mechanisms for implementation;
 - promotes improvement of productivity and profitability within the breeders.

Mr Speaker, the committee recommends that the Plant Varieties Bill, 2010 be passed into law subject to amendments. I beg to move.

THE DEPUTY SPEAKER: Thank you very much, Mr Chairman, for a very precise report. Honourable members, this is a motion on the principles of the Bill. I propose the question for your debate. I propose the question that the Bill entitled "The Plant Variety Protection Bill, 2010" be read the second time.

1.16

MR ROBERT SSEBUNYA (NRM, Kyadondo County North, Wakiso): Thank you so much, Mr Speaker. This is a Bill that has been on the shelves for a very long time; I am surprised by the shortness of the report. However, that is appropriate because there is nothing much we can say. We

cannot pass, or we have had problems in passing, the Biotechnology and Biosafety Bill because it was said that we should first pass the Plant Variety Protection Bill.

Given my small background in agriculture, I know that many agriculturalists, including mainly breeders, have complained for a long time that the country benefits and the individuals who put in the effort never benefit. At least if this Bill had been passed 20 years ago, one of the families that should have been rich would be the Kibiriges –(Laughter)– because they would have earned money from clonal coffee. Many other doctors would have also benefitted.

There is a man who created the Nalubaale bean called Mukasa and Prof. Nyiira knows him very well. He died a pauper and yet he had created a bean variety that has sustained Uganda for more than 30 years until recently when they developed new varieties. The Dr Sengoobas of this world would have been rich ladies. However, that said, we need to pass this Bill.

I benefited from a trip which my chairman here of the Committee on National Economy organised to Kericho –the tea growing area - and we found researchers basking in the joy of being breeders. They breed and get varieties that they sell in the east and central region and the country benefits and there is a percentage that goes to the individual breeders.

So, I encourage us to pass this law. I have not looked at the details of the percentage mentioned in the law, but if we do not state it, people shall be haggling about how much the breeder takes, - is it 70 per cent or is it 60 per cent? –or how much the state should take. In the Bill, we should endeavour to include the specific details. I thank you, Mr Speaker.

1.19

MR WILLIAM KWEMARA (NRM, Kyaka County, Kyegegwa): Thank you so much, Mr Speaker. I equally support the motion because technology is the way to go. However, I have got some few reservations, and if these are addressed I would be a happy man.

First, I would like to comment on the synchronising of these Bills at the different legal regimes. Today we are looking at the Plant Variety Protection Bill and the other day we had issues with the GMO Bill, much as it is not yet here. I am wondering because the plant varieties we are trying to protect could be arrived at by technology and the GMOs are one component of biotechnology. So, which should come first? Is it the Plant Variety Protection Bill or the Biotechnology and Biosafety Bill?

Secondly, I think plant variety rights are a form of intellectual property. The other time we had a Bill here on industrial property rights and we had a very big argument on where registration should take place. I argued strongly on this Floor that we should have an intellectual property office. I was defeated and registration was taken to the Uganda Registrations Services Bureau. I argued that the Uganda Registration Services Bureau is not competent to handle intellectual property.

Now we are dealing with intellectual property again. Where is the registration for these plant varieties going to take place? Do we again take it to the Uganda Registration Services Bureau? If we are providing for registration within the Ministry of Agriculture, aren't we getting disjointed?

To the minister, we are talking of plant protection today, but I am aware that Uganda does not have a seed policy. Wouldn't it be prudent to have a seed policy before we even think of having this law?

Another concern is: it is true we need to support innovation, investment and research in seed production, but we have to maintain a careful balance between supporting investment and innovation and protecting seed security for the small farmers. I hope the law has provided for that.

I know we are under international obligation to pass this law. If we have to join the Union for the Protection of New Varieties of Plants (UPOV), we must have this law, but how are we providing for

the needs of small farmers? We need some flexibility. To protect rights does not mean just the law; there are other means of protecting breeders' rights, like we have got biological protection. Thank you, Mr Speaker.

1.22

MS JOVAH KAMATEEKA (NRM, Woman Representative, Mitooma): Thank you, Mr Speaker. I want to associate myself with the contribution of the honourable member because he has raised very fundamental issues. I primarily rise to support the motion and the recommendations of the committee.

I believe it is high time we established plant variety protection so that we can encourage research and lay a firm foundation for effective agricultural production in this country. Up to now, we still depend on the natural element; research is still negatively impacted by the so many fears we have. Every time Bills come here promoting new technology, we express fears, wanting to preserve our natural or traditional plant varieties. So it is the fears that are keeping us back. I believe if this law is enacted, it will encourage further research.

As hon. Kibirige Ssebunya said, for the breeders to be able to enjoy the work that they do and benefit from their research, to be able to sell the varieties they come up with and watch the high yields that come from their work, they must be encouraged. We cannot continue to be held back because of lack of protection by the law. So I support the recommendations and the establishment of a plant variety protection office that will help regulate these varieties and this particular area of science. I thank you.

1.25

MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi): Thank you, Mr Speaker. I rise to join my colleagues in thanking the committee for a very good and brief report. I would like to add some one or two points to their brief report.

It is timely to have this Bill passed. It will go a long way in sorting out various problems in the agricultural sector, bearing in mind that the backbone of Uganda's economy is agriculture. I have been relating this to the Government of Zimbabwe. Recently, we were in Zimbabwe and we found out that Zimbabwe has this law in place and this has helped to increase production. In Zimbabwe, you can harvest 4000 kilograms of cotton from one acre while in Uganda it is between 80 to 120 kilograms. You can see the very big difference.

If this law is passed and the breeders are motivated to multiply seeds, it will go a long way in solving the issue of creating employment in the agriculture sector. Secondly, it will also motivate the breeders to produce resistant crops. In western Uganda, particularly in my constituency, Igara East, bananas are being wiped out by the banana wilt and the existing bananas are no longer resistant to the diseases. So, if we motivate the breeders, they can work hard knowing that if one comes up with a resistant crop, they will benefit from it. I wholeheartedly support the motion.

1.27

MR YOROKAMU KATWIREMU (NRM, Sheema County South, Sheema): Thank you, Mr Speaker, for this opportunity. I want to join my colleagues in thanking the committee for their brief but important report.

Mr Speaker, I welcome this Bill and I support the motion, especially since this Bill is coming before the GMO Bill. Our land tenure system is such that the plots are getting smaller and we need to increase the productivity of our land per acreage. When conventional methods end, then science takes over.

I would like to allay the fears of some of our colleagues who look at scientific innovation with a lot of suspicion. The fundamental issue in the Biosafety and Biotechnology Bill, which came to this House, was plant and animal innovation and varieties. When you scientifically manipulate the details inside a plant or an animal, some of the products you will come out with are genetically modified organisms.

This Bill will therefore help us to deal with the GMOs in the Biosafety and Biotechnology Bill in a much better way. We will understand the plant varieties better so that we can deal with them better when we come to that Bill.

Mr Speaker, I have visited Namulonge and Kawanda research institutions. I would like to say that the frustrating thing for most of our scientists is that while they do a lot of work, other countries take up that work and they release it to the public. They have mechanisms for their scientists to develop it more and the countries benefit, but in Uganda we do not have a similar provision. This has frustrated our very good scientists, to the extent that some of our scientists have left Uganda for other countries to export knowledge and the Uganda that has trained them is not benefitting.

Mr Speaker, this is why I want to say that this Bill is very critical. It will help us in the retention of our good scientists and encourage them to do more research. I would like to encourage Members to take off time and visit our research centres that have been well equipped from the budgets we provide for them in Parliament.

Mr Speaker, we have issues of food security. As my colleague from Igara East has pointed out, for some of us who grow bananas on a large scale, because it is our main food crop, we have been having difficulties dealing with banana wilt. However, as we talk, scientists at Kawanda have come up with a variety of bananas that resist this wilt but it cannot be released to the public because we have no law. This is another reason as to why this law is very important. So, I support it because we hope that it will help in handling some of our food security problems.

Finally, I want to thank the committee for doing a good job. We shall deal with other provisions when we come to the committee stage. Otherwise, I thank the committee for doing a wonderful job. Thank you.

1.33

MR STEPHEN MUKITALE (NRM, Buliisa County, Buliisa): Thank you so much, Mr Speaker. I also would like to thank the committee for doing good research.

My first concern, however, is that this very important Bill, the Plant Variety Protection Bill, 2010 should have been fast tracked immediately. This Bill came up at a time when our bananas were being threatened and we have also just gone through coffee challenges. We have a project where Uganda is supposed to be a centre of excellence in cassava research, but some areas in this country already have problems with the cassava plant. So, I cannot over-emphasise the need to protect our plants.

I am so happy that we can now give incentives to our researchers and scientists so that we encourage them to help this country in dealing with challenges of low yields - how can we get high yield breeds? How do we deal pests? We already have a challenge of drought at a time when it is not expected. Those who expect a dry season in July experience it in May. That happened this year. So, how we deal with drought resistant breeds is a challenge. We also still have challenges of diseases. So, it is very important that we get researchers motivated.

The other challenge is that there are a lot of research findings which do not leave the laboratories and research centres. I think beyond this money, where we are trying to give them something for every finding, we should try to bring back our demonstration centres. Those DFIs were very good. Today you have to visit a model farmer in Busesa, for example, who has never practiced agriculture but just because they succeeded out of luck.

Why don't we promote these researchers by providing funding for the setup of demonstration farms instead of giving money from NAADS to people who will never succeed? These people should be assisted to set up demonstration farms, at least one in every district, so that we can replicate and multiply these technologies for the country.

Honourable minister, as we discuss this, hon. Kasule Lumumba has reminded me of a very interesting finding at Kericho tea research centre. In Uganda, one of the areas that is so promising is the tea sector, but you will realise that we have not invested enough in tea research. I hear Kigezi is also now going for tea planting. We would all like to do plant tea in most areas of Uganda where it is ideal, but we have also got to realise that the Kericho tea centre was formerly an East African Community facility. They had then plans to work with Kituuza but we have been told that Kituuza is now going to be used for coffee and cocoa. However, because Mukwano has been doing a good job in Tooro, I think you are trying to look at Rwebitaba.

I would like to urge Government, as we try and build the East African Common Market, to try and see how we can synergize and network with the Kericho Tea Research. They are so sophisticated. We saw tea that has lasted for 75 years and it is still yielding. So, there is a lot we can do. Areas of perennial agriculture are the ones that will help fight poverty amongst our people. You can imagine finding somebody still selling tea from a plantation that was put in place by their grandfather. How I wish I can plant tea and my grandchildren, 70 years from now, can also sell it. So, this is a very important Bill. It was required yesterday.

We should try to link researchers, breeders and scientists with the private sector. Mukwano Enterprises, for example, is doing a lot in vegetable oil and those of us who are neighbours of Acholi and Lango areas can testify to that. They are also doing so well with the Kalangala project for palm oil. We need to link the private sector to these researchers to enable the informal sector benefit from this. It is very important that we link research to a nucleus project, most importantly to smallholders and out growers, for us to see transformation of the lives of our people.

I want to support the motion for adoption of the Bill that focuses on actualizing this Plant Variety Protection Bill. Thank you so much, Mr Speaker.

1.38

MS MARGARET IRIAMA (NRM, Woman Representative, Moroto): Thank you very much, Mr Speaker. I also join the rest of the members in thanking the Committee on Agriculture for coming up with this very good report.

Mr Speaker, looking at the vision of our country, Vision 2040 - ensuring our economy is growing - it is so important that we support this motion. Of course, I also know it will be advantageous, especially to farmers, to have a good income and increase their family income support.

Mr Speaker, I have reservations in regard to this Bill, even though I support the motion. First of all, I wonder whether this Bill is not going to create conflict with regard to intellectual property rights. This points out issues of identities; I do not know whether there will be conflict.

Secondly, looking at the market, when we compare the natural products to the improved products, the natural products are more expensive than the improved ones. So, my fear and question is: by having these improved products, are we not going to have issues with chemicals? I remember when we discussed the issue of GMOs recently, it caused a lot of controversy. So, that is one of the fears I have.

My last question is: Won't these improved varieties of either plants or animals interfere with our culture? How are we going to protect our culture? These are my reservations on the Bill, much as I support it. Thank you.

1.41

MR TONNY AYOO (NRM, Kwania County, Apac): Thank you, Mr Speaker. I stand to support the proposal by the committee.

First of all, we still need a lot of research in the area of agriculture in order to improve on productivity. This can only be achieved if the researchers are motivated. Most of our plant breeders were acting underground; they sit in the laboratory day and night, they produce good breeds of plants but nobody will know the brain behind *epuripur* sorghum, which is now popularly used for making beer, or the much enjoyed variety of beans. This can demotivate these scientists. So as we put science forward, we shall begin recognising them first. We shall then have the possibility of acknowledging them for producing a good variety and Government recognises or pays them for that. That can motivate many other breeders to come up, and this will promote our productivity.

Mr Speaker, my only concern, where we would need to be careful, is where we have companies like Monsanto. We have just rejected the GMO Bill here. I think we should put a provision where we can avoid such companies using our breeders to indirectly breed products which are more or less like GMOs. This is an area where we will need to put a check. If we do not do that, they may use breeders to come up privately and then at the end of the day we end up having plants that are more or less GMOs.

This is where I would like to ask the committee chairperson to put into consideration provisions where we can check them, to avoid indirectly opening a way for GMOs. Such companies would use this law we are putting in place to enable them bring in GMOs, which we are trying to prevent. That is my main concern. Thank you.

1.43

MR AMOS LUGOLOOBI (Ntenjeru County North, Kayunga): Thank you, Mr Speaker. I wish to support this motion and make the following observations:

One, in providing these rights to the researchers, we need to recognise the importance of funding research and development (R&D) in the country. As it is today, R&D is one of the least-funded areas and yet as we appreciate, it is research which will take us to the next generation. If we are to succeed at all, we must fund research. So as we approve this Bill, my view is that the budget allocation that goes to R&D should be greatly enhanced. We are not comparable with any other country in terms of the amount of money we provide to these areas; ours is still very low.

Two, much of our research, especially in agriculture, is donor-dominated. When you talk about NARO, today their budget is, I believe, 80 percent contributed by the donors. With such domination, there is no independence as a country. How are we going to protect research products when we are not able to fund our own research activities? So, Mr Speaker, I want to move that through a separate arrangement, we consider funding R&D and making sure that the donors actually do not dominate this area.

There is the issue of availing these rights to the researchers; how does the Government that could have funded the research recoup its investment? As you know, most of these scientists are basically broke; they do not have the money to invest in research. So the Government has to come in to fund this research. I wonder whether this law has a provision on how Government is going to recoup its investment from these researchers. In a certain section, we are giving them exclusive rights to sell for over 20 years, but over the years Government has been investing money in these researchers; so, how do we recoup that investment?

Finally, I have thought about the retrospective application of this law and I do not know if that is feasible. For great researchers like those that came up with clonal coffee, which pushed this country forward, could we consider a retrospective application of this law? I rest my case.

1.47

DR KENNETH OMONA (NRM, Kaberamaido County, Kaberamaido): Thank you, Mr Speaker. I thank the committee for this very precise and concise report.

Like my colleagues, I want to say that this Bill should have come yesterday. It is a fundamental truth that the stress we have on the space available for food production, coupled with the challenges of disease, among other environmental challenges, challenges man to come up with innovations that will enable production of enough food for the subsequent generations.

It is also true that our scientists have developed capacity for greater scientific innovations and creation of varieties of plants, among others, that are important to feed our increasing population. I was recently mesmerised when I saw a name of a Ugandan scientist on the wall of fame in a South African university. They were asking how we have enabled our scientist to come up with varieties that the world will also come to see.

One farmer in South Africa told me, “You, Ugandans, have now become professional bench-markers in South Africa; I have seen very many MPs come here and now I have seen you. When will you stop coming here to benchmark or when shall we also hear that you are implementing what you have seen here?” This was just an ordinary farmer. It is important that we begin to fast track some of these efforts.

What our scientists now lack is, first of all, the law that will enable them roll out the products of their innovations. The other thing they lack is innovation per se. That is very important. Every effort by a human being, even an animal, needs motivation and this law will provide that.

Mr Speaker, like my colleagues have said, I think we should not fear names I always hear. Just like my colleague from Kwanja said, there is fear about the people from Monsanto. Colleagues, I want to tell you that contrary to what you think, from a business sense Monsanto would not be happy to see our own scientists come up with innovations that will compete with their own innovations in the market. So, it is really not possible that Monsanto would promote innovations here to compete with their own dominance in the world. I think this is not right. We should begin to desist from it because, first of all, our own scientists here have done a lot.

I want to implore you, colleagues, to go to some of these research institutions and see what our scientists have done. When you talk about innovations like GMOs, for example, there are already GMOs in Uganda but they cannot be rolled out; they are under controlled field trials because the laws do not allow them. We have them.

I want to say that the challenges of food security, among others, are with us here, the answers are also with us here and the option is also with us. We either choose the solution or we live to suffer the consequences that will befall our plants. Thank you, Mr Speaker.

1.51

THE MINISTER OF STATE FOR HEALTH (GENERAL DUTIES) (Ms Sarah Kataike):

Thank you, Mr Speaker. I would like to join my colleagues to support the motion.

As a former scientist behind there in the laboratory, I would like to emphasise that I am aware that our scientists are doing a lot but they were getting frustrated that they had nowhere to place their work in a credible manner. This Bill, which hopefully we are going to pass into law very soon, will enable academic growth for our scientists and also as a nation we shall earn because as our scientists grow, we are going to earn more socially and economically.

My focus is also for us as a country to build on solving our current challenges. In Uganda today, we see that our unit productivity has greatly gone down and this can only be answered if equally, we bring in new varieties which can respond to our current challenges.

However, when I browse through the Bill, I have a little discomfort. We talk about institutional arrangements, which are going to assist in the regulation, but I do not see the Bill clearly answering the concern of people who sneak genotypes into the country which directly either dilute our current

work or they bring in pests and diseases. We are aware that most of the diseases we have were brought in by people, including the water hyacinth, which was brought by people who thought they were bringing flowers. So, I would like to see this law protect not only the production of our material but also have proper regulatory mechanisms so that the work done is not affected.

Lastly, I also want to concur that it is not only this law that will help us reach the final conclusion on issues of agricultural productivity. We must also address the Biosafety and Biotechnology Bill because this is the way forward. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Thank you very much. Honourable members, those are the discussions. Honourable minister, do you want to make a quick response to some of the issues or should I put the question for the second reading?

1.54

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Prof. Zerubabel Nyiira): Mr Speaker, the views presented here are very useful indeed. I want to thank my colleagues and you, the Speaker, for supporting this motion because this Bill is long overdue.

The views, which have been given, indeed are very vital. I should perhaps mention that there will not be any conflict between this Bill and all the other Acts that will be in place. The intellectual property law clearly is on knowledge. The Industrial Property Act is on the application of that knowledge. Therefore, we find that even the innovations that will come through the Intellectual Property Act as well as the Industrial Property Act will certainly not in any way conflict. In as far as some of the other issues of publication are concerned, including the implementation or operationalisation of any of the elements in detail, those will be taken care of by the statutory instruments that will be given at different times.

I should mention that these laws, including the Biosafety and Biotechnology Bill that has been discussed for a long time, are really meant to safeguard this country. They are meant to safeguard our agricultural economy and to safeguard the economy and the country at large. Some Members have mentioned the GMO Bill, for example, which has been discussed for a long time. The whole idea is to safeguard the application and utilisation of knowledge and technology in this country. Therefore, it is in good spirit that we should be able to discuss and think very carefully and deeply on how best we can value and obtain value in these particular elements.

I am quite happy, Mr Speaker, that a Member mentioned the collaboration and co-operation that may be required within the East African Community. I believe the East African Business Council as well as the East African Council for Science and Technology, which have been in existence for quite a bit of time, should be able to give us that opportunity and the environment that should provide the opportunity to share knowledge.

There was an observation made about possible interference with culture and other elements. Mr Speaker, on the contrary, the Plant Variety Protection Bill will only consolidate indigenous knowledge to protect those varieties that are indigenous and sovereign to this country.

Members mentioned some of the companies that might bring some material around here. This is exactly what the law is meant to do - to regulate the introduction of materials that originate from outside the country and make sure that they are in line with our requirements of agricultural development in this country. Therefore, the act of sneaking in with some of these materials will be regulated. This goes to show how we should be vigilant and strengthen the system and infrastructure as well as the frameworks of implementation of this Bill.

Mr Speaker, in conclusion, I want to thank my colleagues for having supported this motion.

THE DEPUTY SPEAKER: Thank you.

1.58

THE CHAIRPERSON, COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Mathias Kasamba): Mr Speaker, I would also like to make just a brief clarification about what hon. Sarah Kataike has mentioned, the institutional arrangement in the Bill.

We have another Bill, the Plant Health Protection Bill, which looks at the phytosanitary standards. We hope that as we enter 2014 it will be on the Order Paper very soon, to also cater for the export and import of varieties with regard to the phytosanitary diseases and pest control mechanisms. That is in the offing.

I thank all colleagues for the comments and the submissions as far as the Bill is concerned. I thank you, Mr Speaker.

THE DEPUTY SPEAKER: Thank you very much, honourable minister and chairman for the elaborate and comprehensive report, which has guided the discussions.

In the VIP gallery this afternoon, we have the Ambassador of Uganda to the Democratic Republic of Congo, hon. James Kinobe, with Members of Parliament from the Democratic Republic of Congo led by hon. Kabila. They are here to pay a courtesy visit to the Parliament of Uganda. Please join me in welcoming them. *(Applause)* You are very welcome.

Honourable members, the motion is that the Bill entitled, “The Plant Variety Protection Bill, 2010” be read the second time. I put the question to that motion.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE PLANT VARIETY PROTECTION BILL, 2010

Clause 1

THE DEPUTY CHAIRMAN: I put the question that clause 1 do stand part of the Bill.

(Question put and agreed to.)

Clause 1, agreed to.

Clause 2, agreed to.

Clause 3

THE DEPUTY CHAIRMAN: Clause 3 is interpretation. Usually, we do that last.

Clause 4

MR KASAMBA: Mr Chairman, I beg to move an amendment to clause 4 as follows: Move the provisions of clauses 8, 9, 10, 11 and 12 on the Plant Variety Protection Committee forward to this point, of clause 4, and re-number the subsequent clauses accordingly. Two, re-number the clauses in their sequential order.

The justification is that logically, the Plant Variety Protection Committee is higher in hierarchy since the Plant Variety Protection Office is meant to handle the administrative part of the committee work. Also, the amendment is a consequential and editorial amendment. Thank you. I beg to move.

THE DEPUTY CHAIRMAN: Does that mean that those provisions will come after clause 4 or before?

MR KASAMBA: Yes, they will come after the establishment of the protection office and accompanying subsequent provisions within the office. The committee comes before the office.

THE DEPUTY CHAIRMAN: The question is: does this come before clause 4?

MR KASAMBA: It takes up clause 4 -the establishment of the protection committee.

THE DEPUTY CHAIRMAN: So, you want to delete clause 4?

MR KASAMBA: No, we are realigning the sequence – the Plant Variety Protection Committee comes before the Plant Variety Protection Office.

THE DEPUTY CHAIRMAN: So, what do we do with clause 4?

MR KASAMBA: Clause 4 comes after clause 12. So, it is the sequencing, which is changing. We will request that the Committee of the Whole House realigns such that the provisions on establishing the Plant Variety Protection Committee come before those on the establishment of the Plant Variety Protection Office.

THE DEPUTY CHAIRMAN: So, you have no problem with clause 4 as it is now?

MR KASAMBA: No. We are just realigning the sequencing of the provisions.

THE DEPUTY CHAIRMAN: So, can we take a vote on clause 4 as it is and when we reach those clauses, we can move them back here? How would you process it?

MR KASAMBA: We have no problem.

THE DEPUTY CHAIRMAN: Because we have not yet discussed clause 8.

MR KASAMBA: If you say clause 4, it will –

THE DEPUTY CHAIRMAN: No, it will be consequential. You will then propose, when you reach clause 8, that clauses 8, 9 10 11 and 12 be moved. For now, we have no issue with clause 4.I put the question that clause 4 stands part of the Bill.

(Question put and agreed to.)

Clause 4, agreed to.

Clause 5, agreed to.

Clause 6, agreed to.

THE DEPUTY CHAIRMAN: Honourable members, are we following?

MR KASAMBA: Mr Chairman, clause 5-

THE DEPUTY CHAIRMAN: We have already taken a vote on it. We will have to come back to that. We have also taken a vote on clause 6.

Clause 7

MR KASAMBA: Mr Chairman, I beg that we delete the entire clause. Justification: consequential to amendments proposed in clause 5. This will come when we make a referral to clause 5.

THE DEPUTY CHAIRMAN: We should then defer clause 7.

Clause 8

THE DEPUTY CHAIRMAN: Clause 8 is where your proposal for moving them up comes.

MR KASAMBA: Mr Chairman, I beg to move that the provisions of clause 8, 9, 10, 11 and 12 on the Plant Variety Protection Committee be inserted immediately after clause 3 to provide for the importance of the committee coming in before the Plant Variety Protection Office. I beg to move.

MR KWEMARA: Mr Chairperson, I seek clarification. Before we move all these clauses, where we have issues with these clauses, can't we bring them up now?

THE DEPUTY CHAIRMAN: We are dealing with the principle of moving them first and then we can deal with the clauses. I put the question to the rearrangement of those sections.

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: Let us deal with clause 8 as it is now.

MR KASAMBA: Mr Chairman, at the end of sub-clause (1), insert the phrase "constituted by the Minister."

Insert a new sub-clause (2) to read as follows: "In constituting the committee, the Minister shall-

- a) where there exists a nationally recognised association of professionals in a specific field, consult the respective associations.
- b) in any other case, take into consideration professional and public interests"

In sub-clause (4), replace the word "one" with the word "three."

The justification is: to give clarity on how the committee shall be constituted and by whom, and for consistency with the tenure of the members of the committee and for more effectiveness.

It was stipulated that the chairperson of the committee would be serving for one year. So, we are changing it to three years to make it consistent with the membership of the committee. I beg to move, Mr Chairman.

THE DEPUTY CHAIRMAN: Honourable members, the committee is proposing three amendments in clause 8(1). The phrase "constituted by the minister" is proposed to be added immediately after sub-clause (1). So, it will read, "There shall be a Plant Variety Protection Committee constituted by the Minister". That is the amendment. I put the question to that amendment.

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: The next amendment is in sub-clause (2) of that provision in the terms read by the chairperson. Is that acceptable?

MR KWEMARA: Mr Chairman, I am wondering about the composition of the committee. We have an association that puts all people engaged in the seed sector together; wouldn't it be prudent to have

them added here? Also, when we talk of a representative of the plant breeders, don't we have a recognised institution that brings those people together?

THE DEPUTY CHAIRMAN: Let us deal with this first. The committee is proposing that we insert a new sub-clause (2), which if adopted will form the basis for the discussion on the constitution, which will now be sub-clause (3). Is that correct, Mr Chairman? You are proposing to insert a new sub-clause (2), so if we agree with what the committee is proposing, we shall adopt it and then we come to the existing sub-clause (2). I put the question to the amendment on the insertion of a new sub-clause (2).

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: Now, let us go to the existing sub-clause (2).

MR KWEMARA: Thank you for that guidance, Mr Chairman. We have got an association which brings people in the seed sector together; wouldn't it be prudent to have them as part of the plant variety protection? Also, a representative of plant breeders is too generic –

THE DEPUTY CHAIRMAN: Why don't you just propose the amendment? Propose what you want to insert.

MR KWEMARA: I propose we insert the Uganda seed association. I do not know the exact name they use, but we can get them.

MR KASAMBA: Mr Chairman, a representative of plant breeders is taken care of among the members of the committee.

MR KWEMARA: They are different; these people may belong to the seed association but may not necessarily be breeders.

MR KASAMBA: Under the composition of the committee, we have a plant pathologist and a plant breeder and then in paragraph (k), we have a representative of the plant breeders. I suppose this takes care of the association of plant breeders, who even came and made their contribution during the interface with the committee.

THE DEPUTY CHAIRMAN: Under paragraph (c), we have a seed technologist. The Member is saying that there is an association of such people, people who deal with seeds; can they be taken care of.

MR KASAMBA: Mr Chairman, under (f) we have a representative of the commodity association. These are the seed suppliers and commodity applicants.

MR NYIRA: Mr Chairman, when you say, "a representative of the commodity association", you are being generic. Which commodity association are you talking about? Two, we are providing for individuals but somewhere we should also provide for institutions. Let us be clear on what we want for individuals like plant pathologists, breeders and so on, but also provide for the institutions that are stakeholders in this sector.

MR KASAMBA: Mr Chairman, that is why we are inserting this new sub-clause which says, "In constituting the committee, the minister shall, where there exists a nationally recognised association of professionals in a specific field, consult the respective association". This is where we are not tying ourselves specifically. We are saying if the breeders have an association or if there are commodities of different varieties that have associations, the minister is obliged to consult with them. That is the motive of this consideration.

In part (b), it says, “in any other case take into consideration professional and public interests.” These are the provisions which we thought would help us avoid having individuals being appointed by the minister rather than having to look at the institutional arrangements in the various bodies.

THE DEPUTY CHAIRMAN: So, there is an amendment in sub-clause (4) and the justification is given. I put the question to that amendment.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9, agreed to.

Clause 10, agreed to.

Clause 11, agreed to.

Clause 12, agreed to.

Clause 13, agreed to.

Clause 14, agreed to.

Clause 15

MR KWEMARA: Mr Chairperson, clause 15 deals with the rights of breeders. I seek clarification from the committee. Here they list exceptions to the rights of breeders and I wonder if they thought of compulsory licensing. I will give an example. The Government may want to use a protected variety and the individual who has had the variety protected may not be in a position to supply. So the Government in such a case can come up with what is called “compulsory licensing”. Has the committee thought of such a scenario?

MR KASAMBA: Mr Chairman, I think compulsory licensing is acceptable.

THE DEPUTY CHAIRMAN: That is okay, but how do you propose the amendment? How will it be framed?

MR KWEMARA: We can have a sub-clause or a clause on compulsory licensing.

MR KASAMBA: Mr Chairman, clause 15 gives exceptions to the rights of the breeder where Government feels that there is public interest in the breeder’s variety and he or she had been granted exclusive rights. In the interest of food security in the country or in the interest of propagation of that variety in the interest of the public, Government can waive or exempt the rights of exclusivity already provided. So, it does not enforce taking over or accessing. So, I do not think that proposal would rhyme with these exemptions, where government would seek to acquire those rights for propagating those materials.

DR BITEKYEREZO: Thank you very much, Mr Chairman. I had gone to pick a copy of this Bill so that I can follow the debate properly on clause 14 –

THE DEPUTY CHAIRMAN: We are now handling clause 15.

DR BITEKYEREZO: I want us to go back to clause 14 here where it says, “maybe imported into Uganda”. There is something in that clause and I kindly request that we get back to it.

THE DEPUTY CHAIRMAN: You know the procedure on how to get back to that clause 14.

DR BITEKYEREZO: Okay, Mr Chairman.

MR KWEMARA: Mr Chairman, the minister should be able to guide us on this. What I am talking about is a pertinent issue because compulsory licensing is very vital. If we are not –

THE DEPUTY CHAIRMAN: The question here is: Does it fit here, because this is about exemption to the rights of the breeders?

MR KWEMARA: Yes, it does.

THE DEPUTY CHAIRMAN: Okay, now propose a draft. Can we stand over this as you draft the amendment.

Clause 16

THE DEPUTY CHAIRMAN: I put the question that clause 16 stand part of the Bill.

(Question put and agreed to.)

Clause 16, agreed to.

Clause 17

MR KASAMBA: Mr Chairman, I propose that we insert a new sub-clause (4) under clause 17 to read as follows: “A plant breeder shall be entitled to appeal any decision made under this section within three months of such a decision.” The justification is that recourse to court is a constitutional right especially where the plant private property is restricted unreasonably. I beg to move.

THE DEPUTY CHAIRMAN: Honourable members, there is the proposed amendment. I now put the question to the amendment.

(Question put and agreed to.)

Clause 17, as amended, agreed to.

Clause 18, agreed to.

Clause 19, agreed to.

Clause 20, agreed to.

Clause 21

MR KASAMBA: Mr Chairman, I beg to propose that we replace the word “registrar” appearing in sub-clause (1) with the word “committee” and delete the phrase “in consultation with the Plant Variety Protection Committee.”

The justification is: to give the power to determine an application for a breeder’s rights to the committee. Also, the registrar is an official of the committee in terms of administration. So, this clause had originally provided for the registrar to be the sole determinant in an application for a breeder’s rights. Now we are saying that the committee has more powers to determine that application. I beg to move.

THE DEPUTY CHAIRMAN: Honourable members, I put the question to that amendment.

(Question put and agreed to.)

Clause 21, as amended, agreed to.

Clause 22

MR KASAMBA: Mr Chairman, I beg to move that we replace clause 22(1) with the following: “The registrar shall receive an application filed in respect of plant breeders’ rights on being satisfied that-

- (a) The application is in the prescribed form;
- (b) The prescribed application fees have been paid; and
- (c) The national variety testing and evaluating requirements prescribed in the regulations made under this Act have been complied with.”

We also propose the replacement of the word “accept” appearing in sub-clause (2) with the word “receives”.

The justification is that the role of the registrar should be limited to receiving the application. The power to accept or reject an application is vested in the committee, which is endowed with that technical competence. The registrar’s role is to administer and manage the office. I beg to move.

THE DEPUTY CHAIRMAN: Thank you. Honourable members, there are two proposals for amendment as moved by the chairman of the committee. I now put the question to the first amendment.

(Question put and agreed to.)

THE DEPUTY CHAIRMAN: I now put the question to the second amendment.

(Question put and agreed to.)

Clause 22, as amended, agreed to.

Clause 23

MR KASAMBA: Mr Chairman, I beg to move that we delete clause 23. The justification is that this is consequential to the amendment in clause 22. I beg to move.

THE DEPUTY CHAIRMAN: Is that correct? Okay, I now put the question to that amendment.

(Question put and agreed to.)

Clause 23, deleted.

Clause 24, agreed to.

Clause 25, agreed to.

Clause 26

MR KWEMARA: Thank you, Mr Chairman. When you read through this clause, there is some repetition. It says, “A variety shall be taken to be uniform if it is sufficiently uniform in its relevant characteristics.” I think that is somehow redundant. We can say, “A variety shall be taken to be uniform subject to the variations that may be expected from the particular features of its propagation

if its characteristics are consistent from plant to plant within a variety.” That is what we mean by uniformity in a variety.

THE DEPUTY CHAIRMAN: Is that clear? Committee chairperson, is that clear? I put the question to the amendment.

(Question put and agreed to.)

Clause 26, as amended, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Clause 29

MR KASAMBA: Mr Chairman, I beg to move that we amend paragraph (b) by deleting the phrase “the Office with the advice of”. The justification is that it is the committee to be satisfied and not the office, whose role is administrative. This is part of the consequential amendment which puts the committee in charge rather than with the advice of the office. I beg to move.

THE DEPUTY CHAIRMAN: Is that clear, honourable members? I put the question to that amendment.

(Question put and agreed to.)

Clause 29, as amended, agreed to.

Clause 30

MR KASAMBA: Mr Chairman, under sub-clause (1), replace the word “Office” appearing in the second line with the word “Committee”. Justification: it is the committee to make an assessment and not the office, whose role is administrative. I beg to move.

THE DEPUTY CHAIRMAN: Is that clear, honourable members? I put the question to the amendment as proposed by the committee chair.

(Question put and agreed to.)

Clause 30, as amended, agreed to.

Clause 31, agreed to

MR NATHAN NANDALA-MAFABI: Mr Chairman, I have been looking through this law. First, I want to apologise for coming late because of other commitments. The way it is phrased, there is no difference with this and the GMO law *-(Interjection)* -Yes, it is not different. Mr Chairman, I wish to raise an objection that for now, since we are about to grant rights to people, we need to review it a bit. In that regard, I want to beg your indulgence, Mr Chairman.

THE DEPUTY CHAIRMAN: Honourable minister, is this the same as the GMO Bill?

PROF. NYIIRA: Mr Chairman, I did not understand the Leader of the Opposition’s problem.

MR NANDALA-MAFABI: Mr Chairman, if you just looked at provisional protection – clause 32(2) - it says, “Steps to protect genetic materials of new varieties under testing shall be taken so as to prevent their use for non-research purposes.”

Mr Chairman, this law is coming in when we are discussing GMOs and I can tell you there is no difference between the two. Tomorrow someone will say, “But you passed a law that gives people rights to genetically produce materials to be used.” I would prefer that at this time, since we are about to consider the time of protection and granting rights, we should review it. In that regard, I will later raise a procedural issue at an appropriate time, unless the Minister concedes before I raise it.

MR VINCENT SSEMPIJJA: Thank you, Mr Chairman. I wish to inform the Leader of the Opposition that some of us also had similar feelings. These biases were caused by these words, which you cannot avoid, “genetic”, “varieties” etcetera. However, the content of this law that we are trying to come up with is to reward our scientists.

Mr Chairman, our committee travelled to some countries, especially neighbouring ones, and we found out that most of our researchers have fled for greener pastures within the neighbouring countries where their work is rewarded. Some of these countries – I will not mention their names – are using the research work that has been done in our institutions here. So, it is high time we came up with a law to protect and reward our scientists. Thank you.

PROF. NYIIRA: Mr Chairman, I wish to draw the attention of the honourable member to the objectives of this Bill. If you look at them, they include: to recognise and protect the rights of the plant breeders; to promote appropriate mechanisms for fair and equitable sharing of benefits; to provide for institutional mechanisms for effective implementation and enforcement of the rights, and so forth.

Therefore, in fact it is in good spirit that what is put in here protects rather than what is being considered. Furthermore, as far as genetic material is concerned, it is very clear in clause 32 that the steps to protect genetic materials of new varieties under testing shall be taken so as to prevent their use for non-research purposes. So, Mr Chairman, I do not think that what is being put forward as an objection holds any water at all.

MR NANDALA-MAFABI: Mr Chairman, what we are trying to do is for the good of the entire country. I can tell you that when I was coming in, I heard you ask, “Members, is that clear?” but nobody responded.

THE DEPUTY CHAIRMAN: That is because they did not speak to the microphone.

MR NANDALA-MAFABI: Okay, Mr Chairman, they did not speak to the microphone. However, given all those facts, this is agriculture we are talking about, on which 80 percent of our population depends and I would imagine that we need to understand this. This Bill came in 2010 and has been around for long; if it was very urgent, it should have been passed in 2011. Since it could not be passed in 2011, it has come at the end of 2013.

Mr Chairman, I would request, before I raise a procedural issue, that the Minister makes the House turn up because this law is very dangerous. I know why the Minister is interested; there may be some people he now wants to protect.

This Bill is not different from that one on GMOs. I am happy that my colleague says he travelled to neighbouring countries. We have known how they do things these days; if they want to pass a law here, they will say, “Go and study this issue somewhere.” When the Speaker looks for the sponsors of the trip, they are the ones interested in the law. So if we are not careful, tomorrow we shall regret why we passed a law which is not good for all of us.

Mr Chairman, if the Minister is still hesitant, I want to raise a procedural issue that we do not have quorum to pass this law. I thank you.

MR WANGOLO: Mr Chairman, I want to take this opportunity to thank the Leader of the Opposition, but I also want to get some information from him. What is wrong with GMOs? This Bill is about protecting the rights of the breeders, and breeding of plants and other crops has been going on for so many years in our country but without a law. Thank you, Mr Chairman.

MR NANDALA-MAFABI: Mr Chairman, my colleague has asked me, “What is wrong with GMOs?” I want to tell you that when a law has no problem with the people of Uganda, whether we are three or four, we will pass it. Yesterday, for example, we passed a law when we were 11 people because we knew that it was very vital for the people of Uganda. In this case, for a law which is very dangerous, we shall raise objections.

Now, why I am raising all this, Mr Chairman? My colleague is asking what is wrong with GMOs. I want to say that GMO means genetically modified organisms. I am very sure- *(Interruption)*

MR SSEMPIJJA: Mr Chairman, we are discussing a totally different subject, to be exact, the Plant Variety Protection Bill. Is it in order for the Leader of the Opposition to divert us and take us into GMOs, which is not a subject of our discussion now? Is it in order, Mr Chairman?

THE DEPUTY CHAIRMAN: Honourable member, the honourable Leader of the Opposition was responding to a question he was asked directly; it was not his own creation.

MR NANDALA-MAFABI: Mr Chairman, I want to thank you for that wise ruling. I would ask my colleague who has been a chairman of a district for many years to always be attentive. If that is what you have been doing as a chairman, then I am so worried.

Mr Chairman, I was raising the issue of genetically modified organisms. The best person to answer this would be Dr Bitekyerezo because he knows what it takes. It is very dangerous. People who have eaten food called GMOs are in a dangerous state.

I am very surprised that the Minister for the Luwero Triangle, whom I met recently when I was doing a small consultancy in Washington, said they are studying about health issues in the world and one of the topics I saw was about GMOs. If she never heard what the presenter from India said, then I am sorry that we are wasting resources to send people out of the country to go and study and they do not come and tell us what they have studied.

They were saying that unless there is another method to deal with genetically modified organisms, they are going to wipe out the whole world. These are things I read and I feel so bitter about it. Having said that, in Uganda we still have free land; I went to Acholi recently and I am also getting land there to grow maize. The land is still abundant. If you want more land, it –*(Interruption)*

MS KATAIKE: Thank you, Mr Speaker. I would like to clarify that the meeting we were attending in Washington was about donor funding to health and nothing was discussed about GMOs and anything of the sort. Is the Leader of the Opposition in order to come here and insinuate that I was not attentive yet the conference we attended was about donor funding? Is he in order to lie to this august House?

THE DEPUTY CHAIRMAN: Do you have the programme of that meeting so that I can look through and- *(Laughter)*

MS KATAIKE: I can produce it.

MS ROSE NAMAYANJA: I thank you very much, Mr Chairman. The Bill we are looking at is the Plant Variety Protection Bill. Whereas the Leader of the Opposition says Uganda still has a lot of land, and whereas he can have that land in abundance, there are Ugandans who do not even have a place to plant what to eat.

We are talking about creating innovations. Mr Chairman, the issue is about ensuring that we have innovations from our scientists, and balance the interests of scientists and plant breeders and the small scale farmers who will use the varieties for non-commercial purposes.

Mr Chairman, if the honourable Leader of the Opposition finds a provision in the Bill that is particularly addressing issues of GMOs, then he is at liberty to delete, amend or do otherwise. We cannot fail to protect or to provide for innovation in agriculture just because there is a provision that we do not like. If there is a provision that we all feel uncomfortable with or the Leader of the Opposition is uncomfortable with, Mr Chairman, I would beg that the Leader of the Opposition amends or deletes any of those provisions other than derailing the entire debate on such an important Bill.

THE DEPUTY CHAIRMAN: Honourable member, what this House needs is a proper explanation about what this Bill is about. Now, you have cassava; are there varieties of cassava? You have sweet potatoes; are there varieties of sweet potatoes? Can more varieties be created? Can somebody explain properly to the House what this Bill is about?

PROF. KASIRIVU-ATWOOKI: Mr Chairman, hon. Nandala-Mafabi has just told us he is going to Acholi to grow maize and there are varieties of maize present - Longe 2, Longe 3, Longe 5 and others. Now, this Bill is supposed to organise the people who have been involved in creating these varieties and give them benefits, if any.

Mr Chairman, one of our colleagues here, the late Dr Esele, was involved in creating a very important variety of sorghum but this information only came out when we were paying tribute to him here. If this Bill had been in existence, he would already have been recognised and the beer companies that are using his sorghum would be paying him, and his family would now be getting some money even when he was long recalled by the Creator. This is the intention of the Bill.

I want to support hon. Namayanja; if there is any provision or clause that anybody thinks is injurious, then it can be amended or deleted so that we go on with the intention of the Bill - recognising our scientists and giving rewards that are due to them.

MR KASAMBA: Thank you, Mr Chairman. I would like to appreciate the very good, and I think well intentioned, efforts by the Leader of the Opposition. However, the intentions of this Bill are very clear as my colleague, Dr Kasirivu, has stated.

I am the one who moved the motion to pay tribute to Dr Esele who was a renowned researcher in Serere Research Station. He served this country very diligently and one of the innovations he came up with, through the NARO Serere Research Station, was a breed of sorghum called *epuripur*. It is now commercially used in making beer. It is used for commercial purposes. Companies are reaping millions and billions of money but the returns to the breeder are nowhere.

National Agricultural Research Organisation, as an engine of research for this country, is churning out new varieties. They have cassava mosaic resistant varieties, orange-fleshed sweet potato varieties where vitamin A is added to sweet potatoes, etc. These are taken up by companies which multiply them and sell them without any returns to the breeders. That is the purpose of this Bill.

These are the rights, the exclusive rights, to motivate the researchers. It is done world over. We are not operating in isolation. That is why we have two separate Bills - the GMOs and the Plant Variety

Protection Bill. Government is not earning anything from the various varieties engineered in our research stations.

This is the time this Bill comes on board to protect those rights both at individual level and institutional level, to make sure that we are able to earn royalties when these varieties are used for commercial purposes. There are so many varieties that the honourable colleague is going to invest in Northern Uganda to plant maize, so the seed company which will produce those varieties will pay a royalty to the originator of those varieties. Mr Chairman, this is the motive of this Bill, to protect these rights. I thank you.

MS KABA HENDA: Thank you very much, Mr Speaker. I want to appreciate what the chairperson of the committee was trying to explain about the Plant Variety Protection Bill. However, I become a bit uncomfortable when he does not bring out the rights of the farmers to exchange, to save, to breed new varieties using these very hybrids and how we are going to protect the other forms of traditional seeds. If he brought that out, then the Bill should pass.

MS AMODING: Mr Chairman, I sat here and listened, and the unfortunate thing is that I do not have a copy of that Bill, but when somebody talks about GMOs, we suddenly wake up because we know what is being talked about here. I have been battling while sitting here to understand two things; if we are saying that we are protecting the breeders, why is this Bill called “The Plant Variety Protection Bill”? I think there is a problem in terms of the framing.

The second issue that I want the Minister of Agriculture to clarify is: when does a plant begin to become harmful because of the effects that genetically modified organisms bring? When the chairman gave examples of plant varieties that we have, we do certainly know that the cassava and potatoes, for example, are not very different from the original plants or varieties –(Interjections)- Let me just conclude this because I might lose the thought that I am putting across. The difference in taste and also perhaps the health aspect are not very different. So, when talking about genetically modified organisms, when do they become harmful?

I know that there are plants like *epuripur* from my region and other plant varieties of potatoes and the like. They are not harmful per se to the health of the people. They only talk about the productivity to the farmer. So, that issue, to me, is problematic.

I do not know if the minister can try to explain to Members this issue. If we are trying to give rights to plant breeders and these breeders come with breeds which are harmful to Ugandans, which may not be known as GMOs now, and we grant them rights to breed such plants in this country, that is where the problem comes from. (Interruption)

DR OMONA: Thank you, colleague, for giving me an opportunity to give information.

Mr Chairman, it is important for honourable colleagues to understand what we mean by plant varieties. Plants or animals belong to a certain category or group of living organisms that almost resemble but with very slight variations. Those variations can occur naturally or can occur through some basic technology, like the conventional technology that we have like breeding. I just want to give an example. There are almost over 40 varieties of cassava. You may know them or you may not know them. Some of these varieties, by the way, have occurred naturally or some people have crossed them to enable them attain the characteristics we now like them for.

Let me just talk about cassava. Mr Chairman, the primitive cassava plant that existed before does not look like what we have now. The primitive maize plant is actually a small plant that does not bear a cob like the one we enjoy now. Now, some of these variations occur naturally or they are conventionally crossed to get what we have now.

In my understanding, the objective of this Bill is to protect those who have put in intellectual efforts and knowledge to cause those varieties. There is *epuripur*, for example, developed by the late Dr Esele who was a scientist; supposing he had such rights that we are talking about now, first of all he would be motivated. Dead or alive, there are those who would inherit those property rights. Maybe those would benefit from his intellectual efforts that produced this variety. But as we speak, who has the right over that variety? Even now, I can pick *epuripur*, go somewhere else and do what I want. Supposing we had such a law, it would motivate and would also pay him for the efforts that he put in place. So, when we mix this with GMOs, this is where we get lost.

In the same vein, if you have a copy of the Bill, just look at clause 32 (2), which says, “Steps to protect the genetic materials of new varieties under testing shall be taken so as to prevent their use for non-research purposes.” Let me also inform you that in Uganda here there is a lot of research going on, including research on GMOs, but it is still at research level. It exists; take time and trouble to find out.

In fact, we have GMOs but under controlled trials, not out anywhere. I do not think any of us has seen a GMO growing anywhere in this country. What we are talking about here is: motivate our scientists with those innovations; protect their rights so that they can benefit from those innovations. This would probably, give energy to the mentor to develop –

PROF. NYIIRA: Mr Chairman and honourable members, we are being derailed from the object of this particular Bill. The object of this Bill is to protect the plant varieties that our researchers and scientists come up with. It is also meant to protect the country from getting dangerous material or materials which are not accepted from outside.

Now, the Leader of the Opposition has raised the issue of GMOs. First of all, this has nothing to do with GMOs. There are provisions, which are already existent and which I cited, that protect the country from such. It is protected from non-research material. If research is being undertaken and it involves genetic modification, that is taken care of in this particular Bill when we indicate that this is not going to be applied; it is part of research and we cannot stop innovations because that is knowledge.

Secondly, there was an issue raised about indigenous materials. This is taken care of by clause 25, which is on distinct variety – “A variety shall be taken to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filling of the application”. That was also considered.

Thirdly, the Food and Agricultural Organisation has a plant genetic resource for food and agriculture. They have been guiding different countries on how to handle issues of plant genetic resources both in terms of conservation and utilisation. So, again, that is taken care of and we are members of the United Nations.

Another colleague from the other side asked when a plant becomes harmful. Obviously, it is harmful because it is harmful. We know that if it is incompatible with the systems of the agriculture in the country, then it is considered harmful. That is why we have weeds; weeds are dangerous and harmful. So, that question should not even arise.

However, I implore colleagues to understand why we are bringing this particular Bill; it is so that we improve our seed industry and protect our researchers. If we simply leave this out, naturally, and this has been raised, these materials will be taken away after the country has invested and we shall lose. So, in order to protect our breeders’ rights and the country, this Bill has to be applied to ensure that the rights of the breeders over the varieties developed by them here locally are protected. Thank you, Mr Chairperson.

THE DEPUTY CHAIRMAN: Honourable members, we are now going back to the second reading of this Bill and yet we passed that stage. The amount of discussion coming in now is at the wrong time. You are raising fundamental issues on the principle of the Bill instead of dealing with the actual provisions. It might be an appropriate time now to suspend the proceedings and then we see how to move forward with this.

MOTION FOR THE HOUSE TO RESUME

3.01

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Mr Zerubabel Nyiira): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

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

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

3.01

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Mr Zerubabel Nyiira): Mr Speaker, I have the honour to report to the House that the Committee of the whole House considered the report of the Committee on Agriculture on the Plant Variety Protection Bill and recommended that the report be adopted with the appropriate amendments. I beg to move.

THE DEPUTY SPEAKER: Honourable minister, you are now reporting from the Committee of the whole House. What happened in the Committee of the whole House? Which clauses were passed and which ones were stood over?

MR NYIIRA: Mr Speaker, I beg to report that the Committee of the whole House considered the Plant Variety Protection Bill clause by clause, from clause 1, and stood over clause 30. I beg that the report be adopted.

THE DEPUTY SPEAKER: Honourable members, the Committee of the whole House has examined the Plant Variety Protection Bill, 2010 and passed clause 1, clause 2, stood over clause 3, passed clauses 4, 5,6, deferred clause 7, passed clauses 8,9,10,11,12,13,14, stood over clause 15, passed clauses 16,17,18,19,20,21,22, deleted clause 23, passed clauses 24,25,26,27,28,29,30 and 31 with amendments. So you can now move your motion for the adoption of the report.

MR NYIIRA: Mr Speaker, with those clauses that have already passed with amendments and those stood over, I now move that we adopt the report of the Committee of the whole House.

MR NANDALA-MAFABI: Mr Speaker, we understand the problem that the minister is going through. It is good the Prime Minister entered at the right time. These retreats you have should be meaningful and they should instruct our ministers on how to do business, because your minister has really suffered. If the Speaker did not come in to assist, your minister would now be down flat.

Maybe you should reconsider the following: one, conduct retreats where they can understand; and two, look for young energetic men to handle the –*(Interruption)*

MR TODWONG: Thank you, Mr Speaker. Whereas I appreciate the Leader of the Opposition's concerns, it is imperative to note that definitely, ministers are aware of what they do and they are informed on what they do. Is it, therefore, in order for the Leader of the Opposition to insinuate in this august House that a whole professor and minister of state in the Ministry of Agriculture is not aware of what he is doing, yet he is a crop scientist?

THE DEPUTY SPEAKER: Honourable member, we had some difficulties and we are just trying to go over them. So, please let us now get into that.

MR NANDALA-MAFABI: Mr Speaker, thank you very much. So, hon. Todwong, I hope you now understand.

THE DEPUTY SPEAKER: Can we proceed with the process?

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

3.05

THE MINISTER OF STATE FOR AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (AGRICULTURE) (Mr Zerubabel Nyiira): Mr Speaker and honourable members, I beg to move that the report from the Committee of the whole House be adopted.

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

(Question put and agreed to.)

Report adopted.

MR NANDALA-MAFABI: Mr Speaker, I beg for your indulgence. Yes, the issue of quorum is real and is very vital, but I know of one item that we had suspended because the Prime Minister was not around. Since he has now come in, and you know that he is quite a very busy man, I beg your indulgence that in 20 minutes we resolve this item.

THE DEPUTY SPEAKER: You mean in 20 minutes?

MR NANDALA-MAFABI: Yes, we can do it in 20 minutes.

THE DEPUTY SPEAKER: You know, we have been here since morning without a break. There was a statement that was supposed to come from the Leader of the Opposition but the Rt Hon. Prime Minister requested that it be made in his presence. So, we deferred it. Now the Leader of the Opposition is requesting that it be made now. However, you realise that we have not taken a break since we started. Can we receive this statement before we take a break? It is not a very long statement; it is only five pages.

The Rt Hon. Prime Minister is saying he has not even seen a copy of the statement. Are you prepared to proceed?

MR NANDALA-MAFABI: Mr Speaker, the Prime Minister is privy to what I am going to present. We just want to report to the House.

THE DEPUTY SPEAKER: Don't you think it should be him to say he is privy to it?

MR NANDALA-MAFABI: No, because I have been with him in all the meetings and he knows the content of the meetings we have held.

DR BITEKYEREZO: Mr Speaker, allow me seek guidance on something. Is this statement going to be debated or not? I am asking this because if it is going to be subjected to debate, then we will need to have some good levels of understanding in our brains so that we can debate very precisely after we have received. We also need copies. I thank you.

THE DEPUTY SPEAKER: Honourable members, can we suspend the House for 45 minutes and have some lunch before we come back?

THE PRIME MINISTER (Mr Amama Mbabazi): Thank you, Mr Speaker. I can say that I have just received this statement. I have in one second scanned through it and seen the gist and I am ready to respond to it now.

STATEMENT BY THE LEADER OF THE OPPOSITION ON THE NEGOTIATION WITH THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS ON THE KCCA AFFAIRS

3.12

THE LEADER OF THE OPPOSITION (Mr Nathan Nandala-Mafabi): Thank you very much, Mr Speaker and colleagues. On 25 November 2013, I brought to the attention of this House the political impasse at KCCA following the refusal by Government to respect an order of court halting a process that was commencing at the council on the impeachment of the Lord Mayor of the Authority. We proposed to hold meetings to discuss this issue and see how to dialogue in an effort to settle this matter.

My negotiation team, which included hon. Matthias B. Nsubuga, the MP for Bukoto South; hon. Abdu Katuntu, the Shadow Attorney-General; hon. Medard Seggona, the Shadow Minister for Justice and Constitutional Affairs; Mr Peter Walubiri and Mr Caleb Alaka, the lawyers for the Lord Mayor, commenced negotiations with a view that Government respects the order of the court. The Government side was led by the Prime Minister, the Rt Hon. Amama Mbabazi; the Attorney-General, Mr Peter Nyombi and a team from his Chambers; and a one Kiryowa Kiwanuka, the lawyer for KCCA and Umeme –(*Interjections*)– I know why we brought in Umeme.

Mr Speaker and honourable members, we proceeded with negotiations with the sincere hope that the Government side was as committed as ourselves to dialogue as a means of resolving conflict and allowing normalcy to reign, as opposed to impunity and asserting the rule of the mighty. Together with a number of stakeholders, we hoped that the voice of reason would prevail. Unfortunately, it turned out to be a game of tricks.

It was evident from the proceedings that Government was engaging in a game of delaying tactics to defeat reason, which we were very keen to giving a chance. We have endured the pain and agony of being called names. The people of Kampala who elected their leader have maintained their patience with the hope that the negotiations were genuine. Alas, the Government approach was, and remains, insisting on claims of the illegality of the court process as they buy time to prepare for a bye-election. We could not be a party to this.

Mr Speaker and honourable colleagues, allow me to register my profound disappointment with the state for its failure to sustain and engage in meaningful negotiations about the impasse in Kampala. The talks have thus collapsed.

For the last two weeks or so, we have been meeting with the Prime Minister, Rt Hon. Amama Mbabazi – him and I and also with our teams - to see if we could get a solution on the standoff between the Lord Mayor on one hand and the Executive Director of KCCA and the Minister for Kampala Affairs on the other hand. These are some of the things to note: the forgery of the report by the chairperson and the vice-chairperson of the Committee on Public Service; the beating up of the lawyer of the Lord Mayor; the beating up of Kampala area MPs, and so forth.

In our view, the negotiations were supposed to be preceded by total and unconditional respect for the court order that restrained the state from engaging in an unlawful activity. However, this illegality continues to manifest even now in the heavy deployment of the Police and other paramilitary forces at the Lord Mayor's offices, making it difficult for him to smoothly operate.

Mr Speaker and colleagues, the talks were envisaged on the grounds that for harmonious development of Kampala Capital City Authority and peace of our country, we needed to have a cohesive administration for the Authority. This we did, even when we knew that the courts and therefore the law were on our side. We were willing to compromise and that is the reason why we went for dialogue. It has, however, come out very clearly now that harmony and peace are not the least of the intentions on the part of the Government.

Mr Speaker and honourable members, the cause of the collapse of the talks seems to be founded on sheer bad faith and the need to remain oppressive to the elected leadership of the city. I am saddened to note that the notion that nobody needs chaos in Kampala is no longer tenable. It is fast becoming clear that Government has an interest in a chaotic Kampala. There is definitely something Government wants about Kampala that is beyond the negotiations.

You will recall that the first major dialogue that the NRM regime had with the Opposition in 1996 failed. This was as a result of the demand by the Government that the then National Political Commissar, hon. Crispus Kiyonga, chairs the proceedings all through yet the other parties in the dialogue argued for rotational chairmanship. Of course, inevitably, the talks collapsed.

In case my big brother and friend, Rt Hon. Amama Mbabazi, Madam Jennifer Musisi and our President, Yoweri Museveni, thought we would go into negotiations for anything because we were feeling a defeated lot, they will be called to think again. However, they will be advised to note the following:

1. Kampala does not belong to only them but to all of us.
2. We know that their approach to dealing with issues and situations is often guided by a must-win mentality.
3. We are also aware that their perspective of handling anything is that of violence, abuse and crude brutality.
4. As the days go by, we are more prepared to deal with them in this test in manners that may shock them.
5. That above all, we are all a peaceful and straightforward lot but we have immeasurable capacities to engage in tricks, violence and even force in the same manner that any other group of human beings would.

Mr Speaker, it should be noted that the Opposition has over the years been very open to dialogue. We have consistently called for a national dialogue and this remains the ideal need for this country.

Mr Speaker, we must have an all-inclusive dialogue involving all interest groups like all political parties, the civil society, the media, the religious fraternity, the traders and indeed the academia. We need to have this conversation on how we want to move this country forward. However, the uncertainty being caused by Government's operation in trickery will not help this country. For God and my Country.

3.21

THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Mr Amama Mbabazi): Thank you, Mr Speaker and colleagues. I have the duty, as a leader of experience practically and someone who has gathered knowledge, to help out. This is because we have tried as a government to do everything possible to create mechanisms, platforms, for constructive dialogue.

Prof. Karl Popper is an Austrian-born professor who was in Britain. He is an anti-determinist metaphysicist. He said, "The value of dialogue is not to be found solely in the results of the dialogue." It is not only the outcome that determines the importance of dialogue, but the process itself. The process of dialogue enables two human spirits to engage with each other and to elevate each other to a higher realm. It is sharing one's perspectives and experiences with another about difficult issues. The main point is not judging or making decisions but understanding and learning.

I am happy to report, as my good friend, the Leader of the Opposition, hon. Nathan Nandala-Mafabi, has said, that we have held several meetings with those people he listed, except Caleb Alaka because I did not see him. If he was there, he was invisible. My assessment, as I told them, was that the true spirit of dialogue was emerging because what it turned out to be was an exchange among professional lawyers about the issues in this matter.

We were courteous – those of us who were professional lawyers in that meeting – to each other. We behaved as proper lawyers behave and I left with the impression that the interaction or the dialogue had dispelled stereotypes. I did say in the last meeting that some level of trust had been built and that we had been open to each and as I said, very courteous in our exchange.

I must say that we have so far conducted the dialogue with absolute humility and respect for each other. I got the impression that both sides wish to understand and shed light on the truth of this matter. I gained the impression that there was a common and shared intention, not necessarily to convince each other of the correctness of either argument but to try and get to the truth.

I am happy to inform you that we went to every detail about what happened in court - who said what, who was in which court because there was the registrar, there was the court, there were the chambers and there was open court. All this happened and all these people- the lawyers who had been participating- each one gave us their account of actually what happened and I was really happy.

I must inform the nation that our ease of communicating with each other- because we spoke very freely as I said before- is the true hallmark of behaviour in civilised society of rational beings as opposed to animals. So, we have come together. We have been able to talk deeply. We have increased our understanding of each other. I have greater respect, for instance, for some of these people I had not interacted with even if we still had different opinions.

At the end of the day, we came to the conclusion together that there are two issues: one is a question of facts and the other one is interpretation of the law. The question of fact is: was the order by court given before the Kampala Capital City Authority resolved the issue of impeachment of the Lord Mayor or not? We all contributed on this - those who were there. He knows that very well, because he was there all the time. So, the question of fact is: Yes, we all agree there was an order given by an assistant registrar of the High Court, but was this order given before the Kampala Capital City Authority took the decision to impeach the Lord Mayor or not?

Two is a question of law: Even if it was, even if in fact the registrar gave the order, when does the order take effect in terms of its implementation? Was it necessary or is it necessary for an order of court to be served on the party that is supposed to implement it or not? If the answer is "yes", was it served on the authorities before the decision to impeach the Mayor was reached?

We had reduced our discussions just to those two and reached an agreed position. So it is true that the Leader of the Opposition himself was beginning to fall out of line because he said, "You people, if we do not agree now, then we better leave these things." However, the lawyer in us- he is a bit of a lawyer as well- and the bit in him, and the lawyer in the rest of us were clearly in agreement that we should not give up so easily.

As I said, dialogue is the best way out because dialogue can bring about real solutions. These threats, which the Leader of the Opposition unfortunately is- Now he is different from the one I heard in the

discussions because he was gentle and rational. Now, I do not know. You see, he threatens force, he threatens what he calls immeasurable violence; this is not the language of dialogue, this is not the language of rational thinking and acting.

I would like to assure this House and the country that we are determined to continue this course of dialogue because we think it is the right way. Of course, we do not take seriously threats of force and violence because you know that is where we are coming from. If I were to recount to you how many have tried it in the last 28 years, you would clearly see that this route is not opened to anyone and it is not necessary for my brother, Nathan, to take that route.

When we chose to be pluralistic, we knew that this was the right way. In our discussions, we looked at different opinions and obviously, our hope was that this effort would lead us to collaborative action - that we would come up with a common position which we would push together. However, even if we do not agree, the whole essence of humanity- the rationality of human beings- is that we are diverse, but it is in our interest to live united in our diversity. We live in a diverse society but we must all pursue a common goal because we have to live together.

We need to work together to overcome all sorts of obstacles, different opinions and prejudices. We have to consciously work together to overcome this. In a society where the value of dialogue depends on competing opinions and where diversity is a synonym for richness, there is no place for dogmatism. So, we do not have to threaten violence- “We are going to violate”; in Parliament of all places, the home of democracy, the home of absolute freedom!

As someone said, Mr Speaker, it is only death which brings uniformity. As long as we are living beings, we will always have differences. So, what we must endeavour to do as civilised people is to see how we can achieve unity in that natural and inevitable diversity.

I did not know that they had decided to break the contact because as far as I am concerned, we last met two days ago and we agreed to meet again. So, I am surprised that my brother with whom I have constant and direct contact – I talk to Nathan Nandala-Mafabi more than I talk to anyone else; he is open to me and I am open to him. So, I am surprised that he chose to come to Parliament to announce the pull out of the Opposition from the dialogue.

I would like to urge him and his colleagues to reconsider this position. As far as we are concerned, we are open. We are making very good progress. As I said, we had reduced this to those two issues and actually, our discussions were going on very well. So, I would like to assure the country first, that the dialogue was doing very well; and two, if anyone threatens violence, they should remain calm because we are more than able to handle. Thank you.

THE DEPUTY SPEAKER: Honourable members, what I need to confirm from the Leader of the Opposition is whether there is a possibility that you are going to have another meeting. Is that what the position is? If that is the position, then this House would be more than ready to wait for the next outcome of your discussion than take a line that might just bring a stop to it.

MR NANDALA-MAFABI: Mr Speaker, I want to thank my brother, the Prime Minister. Well, when he says he talks to me more than any other person, I do not know the measure because he knows that once in a blue moon, we talk.

I want to make some corrections. It is true Caleb Alaka was not in our meetings. I am told he came but he was not directed to the place. You are right, he never appeared but he was supposed to be in the last meeting. He is the lawyer for the Lord Mayor.

As he said, we really accorded everybody cordial respect during the talks. It is unfortunate that some people are not available but, Mr Prime Minister, you are aware that there came a time when from your side, the Attorney-General seemed to say “that is it”. So, when he said “that is it” - Unless you

convince him to open up his mind but according to us, he seemed to say, “that is it”. So because you had closed, we thought that was the end and some of us left thinking that that was the end, unless you tell me that he has opened up. You were trying to say that the proceedings looked like they had closed.

I mentioned Kiwanuka Kiryowa and I want to confess that in the last meeting, he was not there. We suspect he was not there because we had raised an issue touching on his integrity. I want to thank the Prime Minister because he has gone through everything very well. While in court, he was on *Whatsapp* and he was photographed and we have a printout of what he was doing. The person behind him was photographing. He was busy sending messages to the Executive Director of KCCA and the last message he sent said, “The order has been granted; how do you handle it?” The Executive Director of KCCA replied, “I will handle.”

We have all that evidence and that is why the people who were there were refused entry. We even raised this with the Prime Minister. We asked why they beat up our Members of Parliament who are *exofficio* members of the council. Why did they beat up the lawyer? What happened? All those were issues we raised. That is why we want to say, if we can resolve some of these problems, we could deal with him.

We raised the issue that if there were 29 councillors, you could do it better because they will always remain there if you want to do it well. We said we can then continue with the process. So, Mr Speaker, we left at the point when, more or less, the talks had collapsed. Unless my brother the Prime Minister, who I have high respect for - By the way, he says I have changed but I have not changed; I have been candid. What I told you when explaining are the same things we continue to explain. If they changed –

THE DEPUTY SPEAKER: Well, now that the Prime Minister has communicated to the House that they are preparing for the next meeting, can you go and have the next meeting so that we expect a report and move forward with this issue?

MR NANDALA-MAFABI: No, unless he comes and tells me because –

THE DEPUTY SPEAKER: He has just said that he had adjourned for the next meeting.

MR NANDALA-MAFABI: I even tried to call him and he was not picking; I even sent him an SMS –

THE DEPUTY SPEAKER: Please, honourable member, is there still a possibility of a next meeting? That is the question because the House would be happy to –

MR NANDALA-MAFABI: The only person who can talk about this meeting is the Prime Minister and I, who were there and we are telling the truth. How can the Minister for Lands, hon. Migereko, come and say I am lying when he wasn't there? Is he used to telling lies? (*Laughter*)

THE DEPUTY SPEAKER: Please, honourable members, let us see; if there is a possibility of a next meeting, then let us leave it to them to continue the dialogue.

MR AMAMA MBABAZI: Thank you, Mr Speaker. I had not given this detail, but I should inform this House actually, that I was on a course of discovery in the discussions as to what exactly happened. I was pushing hardest especially from - if I can call it my side. I was acting as the chairman –

MR NANDALA-MAFABI: Mr Chairman, the Prime Minister is right. He came in and said, “I confess I had heard from one side and as we continue, I am understanding and becoming more educated.” I want to confirm that because it was the two of us who were there.

MR AMAMA MBABAZI: When we finished the last meeting, I said I would hold a meeting on our side because I wanted to sort out a few things. They wanted us to meet this week but it was impossible and we agreed that we would meet after the festive season. I told them what I was going to do on my side.

In this case, we are not negotiating the outcome of the contestation in court because that was done. There is another miscellaneous application, actually, coming up for hearing tomorrow on the same matter in court. So, we are not contesting that and we are not going to resolve it through dialogue because a fact is a fact and the law is law.

What we said was that if a court gives an order - What they had applied for was an interim or temporary injunction; an injunction is an order by court to order an individual do something or to refrain from doing something. The purpose of a temporary injunction is to grant what you could call "temporary relief" to maintain the status-quo, until the matter has been resolved by court. So it is a temporary thing. That is the purpose - to refrain one from doing this. So, if a court gives an order, that order must be before the action, because if it is after the action it is too late.

Point two is about service. For those of us who have had some practice, when you file documents in court the first item in your documents must be the address for service. It is imperative that you give the address so that the other party knows where to serve. It was a case against the Attorney-General, so it was the Attorney-General to be served.

As someone said, if it is a service against the Attorney-General, you cannot meet his young brother on the street and say, "I know you are related to the Attorney-General, take it". It does not happen like that. Let me not go into that argument because these are the things we have been discussing. I said that we lawyers consider ourselves officers of court; even when you are on the opposite side, we respect each other and share all these.

The last thing we agreed on was for me to meet our people. They had said that one of our lawyers was actually in court; two, they said that hon. Ssegona Lubega went to the Attorney-General for service in his chambers but he did not serve him and there was an effort to frustrate service. So, that is actually, what I wanted to dig out -Was there an effort to frustrate service?

As I said, we were going very well and my brother, Nathan, and his team should inform the other people who may be impatient that patience is a virtue. Let them be patient. I am sure we will find a common ground even in our diversity, which we will agree on. It is not necessary to take any other line because I do not think that will help. Thank you.

THE DEPUTY SPEAKER: Honourable members, proceedings suspended for 30 minutes. We will resume after that.

(The House suspended at 3.51 p.m.)

(On resumption at 4.45 p.m., the Speaker, Ms Rebecca Kadaga presiding_)

LAYING OF PAPERS

THE SPEAKER: I think there is a dangerous substitute.

4.47

MS ALICE ALASO (FDC, Woman Representative, Serere): Madam Speaker, I beg to lay on the Table the statement for the year ended 30June 2012 for Ntoroko District local government. I beg to lay.

I beg to lay on the Table the audited accounts and the opinion of the Auditor-General for Agago District local accounts for the year ended 30 June 2012. I beg to lay.

Madam Speaker, I wish to lay on the Table the district local government financial statements for the year ended 30 June 2012 for Buikwe District local government.

Madam Speaker, I beg to lay on the Table the audited accounts for the year ended 30 June 2012 together with the report and the opinion thereon of the Auditor-General for Kapchorwa District local government.

Madam Speaker, I wish to lay on the Table the district local government financial statements for the year ended 30 June 2012 for Bukwo District local government.

Madam Speaker, I wish to lay on the Table the district local government financial statements for the year ended 30 June 2012 together with the report and the opinion thereon of the Auditor-General for Manafwa District local government.

Madam Speaker, I wish to lay on the Table the district local government financial statement for the year ended 30 June 2012 together with the report and the opinion thereon of the Auditor-General for Lira District local government.

Madam Speaker, I beg to lay on the Table the district local government financial statements for the year ended 30 June 2012 for Aleptong District local government.

Madam Speaker, I wish to lay on the Table the district local government financial statement for the year ended 30 June 2012 together with the report and the opinion thereon of the Auditor-General for Kole District local government.

Madam Speaker, I beg to lay on the Table the town council financial statement for the year ended 30 June 2012 for Amolatar Town Council.

Madam Speaker, I beg to lay on the Table the town council financial statement for the year ended 30 June 2012 together with the report and opinion of the Auditor-General for Bududa Town Council.

Madam Speaker, I wish to lay on the Table the town council financial statement for Kijura Town Council for the year ended 30 June 2012 together with the report and opinion of the Auditor-General.

Madam Speaker, I beg to lay on the Table the town council financial statement for Kasese Municipal accounts for the year ended 30 June 2012.

Madam Speaker, I beg to lay on the Table the town council financial statement for Bukomero Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I beg to lay on the Table the town council financial statement for Busia Municipal Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table the town council financial statements for Budadiri Town Council accounts for the year ended 30 June 2012.

I wish to lay on the Table town council financial statements for Kalangala Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I beg to lay on the Table the town council financial statements for Buwenge Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I beg to lay on the Table the town council financial statements for Tororo Municipal Council accounts for the year ended 30 June 2012.

Madam Speaker, I beg to lay on the Table the town council financial statements for Masaka Municipal Council accounts for the year ended 30 June 2012

Madam Speaker, I wish to lay on the Table financial statements for Kapchorwa Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Butemba Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Rakai Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Kalungu Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Kyazanga Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Kibuku Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Busolwe Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Kibaale Town Council accounts for the year ended 30 June 2012.

Madam Speaker, I wish to lay on the Table financial statements for Aduku Town Council accounts for the year ended 30 June 2012. I beg to lay.

THE SPEAKER: Thank you very much, hon. Alaso, for standing in. All the statements are admitted to the Committee on Local Government Accounts for expeditious perusal and report back within the provisions of the Constitution.

STATEMENT BY THE UGANDA PARLIAMENTARY FOOTBALL CLUB
EAC 2013 CHAMPIONSHIP

5.00

MR PATRICK NSANJA (Ntenjeru County South, Kayunga): Madam Speaker, thank you very much. This is a statement on Uganda's victory in the 2013 EAC Parliamentary football tournament held in Kampala. I stand to make a statement on the performance of Uganda Parliament in the East African Inter- parliamentary Football Tournament 2013, which was held in Kampala.

Madam Speaker and honourable members, every year the EAC organises an inter-parliamentary football tournament where all the East African Parliaments participate. It is hosted on a rotational basis and Uganda hosted this year's tournament after Kenya last year.

Madam Speaker, as the team captain for the Uganda Parliamentary Football Club, I have the pleasure to inform this House that Uganda, for the third consecutive year, won this trophy after defeating EALA in the final game played on the 14 December 2013 at Namboole National Stadium, to retain the trophy. *(Applause)* In addition, Uganda's hon. Muhamed Nsereko scooped the top scorer's golden boot, having scored a total of six goals in the tournament.

I, therefore, take this opportunity to thank the following people who have contributed tremendously to our success:

- H.E the President of the Republic of Uganda for gracing the occasion;
- The office of the Speaker and Parliament of Uganda generally, for the moral and financial support;
- The Rt Hon. Speakers of Rwanda and Kenya for the moral support given to the players and making an effort to attend in person;
- The participants, who include Members of Parliament and some staff, for the strong solidarity, discipline and hard work exhibited during the training and at the tournament;
- The team coach, Mr Tom Lwanga, and the trainer, Mr Haruna Mawanda, for the fitness and wellness of the members as well as guidance of the team;
- The management of Nakivubo Stadium for providing a venue for training and for the entire tournament, and of Namboole Stadium where we played the final game;
- The Uganda Parliament netball team for their moral support and solidarity.

In conclusion, as echoed by the Rt Hon. Speaker of Uganda in her remarks at Imperial Royale Hotel Kampala, we thank the Government and Parliament of Uganda for the successful organisation of this year's tournament in Kampala. Sports provides an opportunity to create unity, solidarity and physical fitness for our bodies. We humbly appeal to more Members of Parliament and staff to take keen interest and join the team so that they can participate in these tournaments. Generally, we appeal to Government to prioritise sports at the national level so that more youth can promote their talent.

Madam Speaker, I now go to the final activity, which is laying of the trophy on the Table. This is the trophy, which shows a clear and true reflection of the inter-parliamentary football tournament that was held here in Kampala. (*Applause*) The Uganda Parliament team, particularly the Ninth Parliament, has won this trophy three times. We first won it in Burundi in 2011. Last year we went to Kenya and we won the same trophy for the second time. Now when we hosted this year, we have won it for keeps. (*Applause*)

This trophy is now property of Parliament of Uganda for keeps. Therefore, I take the opportunity to lay on the Table the EAC inter-parliamentary football trophy, now property of Parliament of Uganda. I lay it on the Table.

Madam Speaker, this portrait is of the team of players who represented the Uganda Parliament in the tournament. We have hon. Nsereko our top scorer, hon. Mugema Panadol, hon. Balikuddembe Joseph, hon. Kasolo Haruna, hon. Benard Atiku, hon. Odonga Otto, hon. Tom Aza, hon. Bbosa Kiyingi, hon. Patrick Nsanja, hon. Paul Mwiru, hon. Awongo, hon. Fred Badda, hon. Peter Okello, hon. Denis Obua, hon. Peter Ogwang and hon. Johnson Bagole. This portrait is now a souvenir and it is entitled "the EAC Inter-Parliamentary Games held on 8th – 14th December 2013 at Kampala. I beg to lay it on the Table. (*Applause*)

MR ALERO AZA: Madam Speaker, I am the chief elder of this team and I would like to, therefore, lay this golden ball that has brought the golden trophy to the Parliament of the Republic of Uganda on the Table. (*Applause*)

MR NSANJA: Thank you very much, Madam Speaker.

THE SPEAKER: Congratulations. Thank you very much. You can see how sports cuts across party lines. I think let us receive the second one and then we have a few contributions.

MS ALASO: Madam Speaker, I am very excited. You know, I am also a morale booster. So, I was very excited and I thought the team captain was going to formally give you the trophy as we watch. That is what I thought. If it will be okay, please can he give you the trophy?

THE SPEAKER: Can the team captain bring the trophy and hand it to the Speaker? (*Laughter*)

MR NSANJA: Madam Speaker and honourable members, I now take the opportunity to officially hand over this golden trophy, which we won for keeps, to the Speaker of the Parliament of Uganda. (*Applause*)

5.09

MS WINIFRED KIIZA (FDC, Woman Representative, Kasese): Thank you, Madam Speaker. On behalf of the Parliamentary netball team, a team which you, Madam Speaker, head in this Parliament, I wish to take this opportunity to thank you for leading us since last year when the netball teams of the East African Community, through your wise counsel, also decided to join the parliamentary sports activities.

I wish to thank our coach, Fred Mugerwa, who has seen us through thick and thin to ensure that he comes up with a formidable force that was not easy to be handled by the other teams. I thank the management of Sheraton Hotel where Parliament has ensured the girls are kept fit– (*Interjections*) - the girls of this Parliament. (*Laughter*)

I cannot forget to thank our boys, the Parliamentary Football Club, who were all there with us every time we went to the ground. It is unfortunate that most of our members were not there, but our boys were always with us to give us morale and to give us support. For sure, we are so proud of you, boys. (*Applause*)

Given what we go through as Members of Parliament, it is very necessary for us to have such activities that help us fight stress, that bring us together as members of one family and help us to fight the big size that does not allow us to do other activities. Sports helps us to keep healthy and fit. Sports activities have helped us to achieve some of these things that I have mentioned above. Madam Speaker, I want to thank you, the Parliamentary Commission and the Clerk to Parliament for supporting us and ensuring that we are financially supported.

Today reminds me of what happened this year, on 5th February, when we were performing this activity that we are performing right now. I remember laying the trophies here on the Table and I was also carrying another trophy inside me. I finished laying the trophies on this Table and when I reached home, the other trophy inside me said, “Why didn’t you lay me on the Table?” (*Laughter*) I immediately went to Kampala International Hospital and at 6.15 a.m., in the morning of *TareheSita*, I laid on the tables of the maternity ward a baby boy whom I named Victor. (*Laughter*)

Madam Speaker, that boy was laid in style on those tables. When the others were celebrating *TareheSita*, we were also as a family celebrating the arrival of a new boy. So, today reminds of the moment when I was laying these trophies on the Table and the other one was also fighting to be laid on table. If it were possible, I would have laid him today, to prove that really, this is a son of this Parliament.

Madam Speaker, I wish to report to the Members that last year, when we participated in this tournament, we were ill-prepared. We had not trained and actually, Tanzania beat us terribly. They beat us 56 goals to 27. It was a big difference. The goals we were scoring then were in the ranges of 15 to 7 and 20 to around 15. This time, the Ugandan Parliamentary netball team was scoring in 50s and some teams decided to dodge us and we had 50 goals to nil. I thank you, the netballers, and I want to thank you, Madam Speaker, for preparing us for this. (*Applause*)

Madam Speaker, there are some issues we faced that really caused us not to come up with the gold as the ladies. I think in our rules, we forgot one item. We agreed, when we were coming up with the

rules and regulations governing the tournament, that the host country would provide the umpires and referees. We said that since this was a rotational tournament, all the countries where the tournament was going to take place would do the same.

Unfortunately, when our colleagues from Tanzania saw that we were going to beat them badly, they changed the rules of the game at the last minute. When we reached the court, we found they had put their guns around to say, "We cannot allow only Ugandan umpires to officiate this match when we are playing the finals with Uganda." They brought their coach to be the umpire of the game together with the professional umpire of Uganda. The umpire from Uganda officiated at the match professionally but the Tanzanian umpire was just in defence of her team *-(Interjections)-* That was for your information. Unfortunately, Madam Speaker, your Ugandan team was beaten by a difference of just two goals.

Madam Speaker, I feel proud that my team performed better this time - from a difference of 20 goals to only two goals and after unfair play being exhibited. I want to thank you, Madam Speaker, because you led us to this victory.

It is unfortunate my members are not here, but we also managed to scoop the top scorer award of the tournament through Nalongo Sarah Netalisire Kayagi *-(Applause)-* who scored almost all the goals of the tournament. *(Applause)* I was humbly selected the best centre player of the tournament. *(Applause)* If hon. Kayagi was here, I would have requested her to lay her medal on the Table. I humbly wish to lay mine on the Table for purposes of recognition, Madam Speaker, having been recognised as the best centre player *-(Interjections)-* Let me just inform this Parliament, and possibly, I will tell them that I will go and lay it where I laid the other trophy that was in the tummy last year because that is not a property of Parliament.

My team was awarded silver medals but we make a sincere pledge to this Parliament that come next year and the other years, the Ugandan parliamentary team will bring the trophy for keeps. It is a sincere pledge I am making because I know the capacity of my team.

I invite most of you, honourable colleagues who have not joined this team, to join us. I saw old people in the EALA team and even the Tanzanian team, including Cabinet ministers. So, I would be happy if we joined. I would like to say that our Speaker showed a different kind of individual because she was our first centre player. Had it not been for the state duties, the Rt Hon. Speaker Kadaga would have been the best centre player. *(Applause)* I am sure she is glad that I scooped this trophy because I assisted her. *(Laughter)*

Madam Speaker, I wish on behalf of the parliamentary netball team, together with my colleagues who are here- hon. Connie Galiwango, hon. Mariam Nalubega, hon. Kevinah Taaka and hon. Alum Santa - I do not see the others - to lay these trophies on the Table.

Madam Speaker, you can see that in addition to keeping us together, sports is proving to be a uniting factor in this Parliament of Uganda. Members across the political divide have at least another issue that brings them together to fight for the cause of Uganda and make us one Uganda, one people. *(Laughter)*

I wish at this material moment, together with my colleagues, to hand over to you, Madam Speaker, this trophy which the Uganda Parliamentary Netball Team won for being the second in the East African Inter-Parliamentary Games that were held in Kampala in 2013. We were awarded this trophy as the first runners up in netball.

While receiving this trophy, I realised I was receiving it on your behalf and there and then, I had to hand it over to you as the leader of the team. The Rt Hon. Speaker is our patron. I immediately handed it over to you and I wish to hand over to the Parliament this portrait where I was handing over to you this trophy, Madam Speaker. I beg to lay them on the Table.

I also wish to report that we had very many serious fans that were supporting the Parliamentary netball team. I wish to lay on the Table a portrait of the super girls who brought us this victory and one of the serious supporters together with our children who also came to support us. I beg to lay.

Also, I wish to thank the chief morale booster, hon. Katoto. Hon. Katoto was there to cheer us when things were getting tough. He would move from the boys' department to the girls' department all in the name of morale boosting. We want to thank you, brother, and we appreciate your work.

Hon. Susan Amero could not make it but we want to thank her for giving us guidance and counsel. We thank the chairperson of the Committee on Natural Resources who ensured the netball team had water to cool our throats.

Of course, we will not forget the able leadership of hon. Baryomunsi who spearheaded us to this victory by ensuring that the management was okay. I am sure the teams went without complaining. I want to thank you. It was not an easy task but you put in all the effort that you had to, to make the tournament what it was. I thank you, Madam Speaker.

THE SPEAKER: Thank you very much. I think the Government Chief Whip wanted to say something small.

5.23

THE GOVERNMENT CHIEF WHIP (Ms Kasule Lumumba): Thank you very much, Madam Speaker. Honourable members, on behalf of the Executive, I take this opportunity to congratulate everybody for the victory you delivered to the whole country. This is not a simple achievement; if it had gone to our neighbours, we would cry for it but now we have it.

As we rejoiced, I noticed that when the presenters were presenting the trophies, they did not clearly mention their names and the names of their colleagues and their constituencies. So, I request, for record purposes, that let us have this clearly done by the *Hansard* department so that it goes on record who was on the team and who delivered victory to us as a country.

I thank everybody for the work done. I thank you, Madam Speaker, and the Parliamentary Commission. I want to thank the Clerk and the staff. I also request my colleague, hon. Winfred Kiiza, the Opposition Chief Whip, that as she talks about issues of laying on table, we have to recognise all the team players. So, as I request us to recognise all the players in Namboole, we should also recognise hon. Bihande Bwambale for the work well done. (*Laughter*) It is even by God's grace that we have the two here. So, we have to be proud of them.

I thank you very much, fellow ladies. It would also have been unfair to take the two trophies at once. In the East African spirit, we have got enough to share. So, we should cheer up as ladies and be grateful to God. Thank you very much.

5.25

MR KASSIANO WADRI (FDC, Terego County, Maracha): Thank you very much, Madam Speaker. Since yesterday, we have been surrounded by nothing but the aura of praises and appreciation, for which I am very grateful. However, I want to seek guidance from you because it has been mentioned that one of our partner member states has continuously shown animosity and walked out of the principles of football and netball.

You will agree with me that netball and football as a uniting factor was a practice that started in 2002 in the Seventh Parliament, when we travelled to play for the first time as members of the East African Community countries in Arusha. At that time, our captain was hon. Nsambu and I remember the Rt Hon. Deputy Speaker was a member of the football team then.

While we were in Arusha then, after the match we were woken up at night when we heard one of our own cry in Luganda, “*Banangebanzita*”, -(*Laughter*) – literally saying, “People, they are killing me.” We opened our doors from Saba Saba Complex - there used to be a building in Arusha called Saba Saba where we were being accommodated –and we ran out. When we ran out, we found our colleagues from Tanzania pouncing on our colleague, hon. Nsambu, who was our captain. Yes! Hon. Nsambu was in tears. Sorry to say, but he was crying like a small boy. However, he was right to cry because the type of people who had really pounced on him were what you would call *kanyamas*. Today again, hon. Kiiza insinuated that during their match, the Tanzanians did not respect the rules of the game and the same thing also happened in the main football ground.

As organisers of this event, which should bring the five East African Community countries together, is there a way, before we go into these matches, to debrief and agree on the rules of the game? Is there a way to do that so that we really look at these things as one of the strategies of fast-tracking the East African Community? Otherwise, what will be the point of coming together for such a joyous thing and at the end of the day, people are stepping on one another, at our level as Members of Parliament? I think it is not proper.

Madam Speaker, I seek your indulgence that in future, let this be brought up because it is only one country. We have never had this from Burundi neither have we had it from Rwanda or from Kenya. Even when we traversed through Kenya, the Parliament of Kenya received us. They received us in their Chamber, they conducted us around and we travelled as if we were members of the same team going to play on the same side, but whatever happened there was different. So, really, we should use sports as one of the strategies to fuse together the five member countries so that we are seen as brothers and sisters, rather than coming to such events and then we begin wishing each other bad and stepping on one another. I think that is unbecoming of us as Members of Parliament

Madam Speaker, I seek your indulgence that the organisers really make this known to our errant brothers and sisters from the neighbouring countries. I thank you, Madam Speaker.

5.29

DR CHRIS BARYOMUNSI (NRM, Kinkiizi County East, Kanungu): Thank you, Madam Speaker. I also add my voice to thank our two teams, the footballers and netballers, for the victory they achieved.

Madam Speaker, you appointed me to chair the organising committee for this tournament and thank you for the support that you extended to this whole tournament. As hon. Nsanja said, Uganda has been doing very well in football for three years now. However, netball is a little bit recent. It is football, which has been consistent in the tournament. Netball had gone weak until last year, when it was rejuvenated. I am sure next year, when we go to Tanzania, our team should be able to bring the trophy. Maybe in the spirit of integration, even if we share the trophies, it is still okay so that other countries can take something.

To respond to what hon. Wadri is raising, I think it is a serious issue because we take these games as friendly, to promote the integration process and not a do-or-die affair. It was unfortunate that the umpires from the other countries left early when the final games were to be played between Uganda and Tanzania. There was that issue where Tanzania was not happy that the umpires were coming from Uganda and they fronted their coach. This brought bias to the extent that it annoyed the Ugandan supporters, who were in the pavilion, and they almost caused some incident but we were around and we were able to restore normality in the pitch.

I think next time we should do better in terms of engaging each other before the game. We had a number of meetings. One meeting was held here between all the countries and also in Nairobi, about two weeks before, and we thought all was well. However, next time we should hold more meetings to set the rules and ensure that all the players go by the rules.

Within the region, I think Uganda is already being recognised. We have already received an invitation from Parliament of Zanzibar to the footballers and netballers to go and celebrate with them in mid-January. I hope the Speaker and the Parliamentary Commission will facilitate our members to go to Zanzibar.

The tournament is played on a rotational basis, so the next one will be in Dar-es-salaam next year. We are engaging the other Parliaments to see whether we could introduce other forms of sports in addition to football and netball. We want to see if we can introduce volleyball, basketball, athletics and others.

I think the message to the Members is that let us train. The Commission will facilitate Members to ensure that they can regularly train in the various fields, but we also have a parliamentary gym, which is functional. So, let us train so that we are able to defeat the other teams in the East African region and beyond.

I want to thank you, Madam Speaker, for facilitating the team and building this capacity in the Parliament of Uganda.

THE SPEAKER: Thank you. Honourable members, maybe I will say just the last word. I did not realise how expensive it is to play in these places until we were hosting. That is when I woke up to the fact that we even have to pay for the stadium. We had to pay for the coverage. It is quite expensive. So, if our budget comes, please, understand that we require a lot of money to promote these sports.

They are really good. It was beautiful to see hon. Netalisire scoring almost effortlessly, and hon. Connie Galiwango. They are great. The Kenyans were relieved that hon. Amero was not playing. The Speaker told me that they were very relieved that hon. Amero was not playing; she gave them hell in Nairobi.

So, congratulations. We thank you. Those who are not in the football and netball teams, we have improved the gym. I think we have six treadmills there and we have got bicycles but each time I pass there, I do not see people. Please, use them. There are more facilities now in our gym. Thank you very much and congratulations. Let us move to the next item.

BILLS
SECOND READING

THE ANTI-PORNOGRAPHY BILL, 2011

5.33

THE MINISTER OF STATE FOR ETHICS AND INTEGRITY – OFFICE OF THE PRESIDENT (Fr Simon Lokodo): Thank you, Madam Speaker. I beg to move that the Bill entitled, “Anti-Pornography Bill, 2011” be read the second time.

THE SPEAKER: It is seconded by the Government Chief Whip and hon. Bahati. Can you justify, hon. Lokodo?

FR SIMON LOKODO: Madam Speaker, the Anti-Pornography Bill, 2011 is for a law that is going to define and create the offence of pornography and provide for the prohibition of pornography. It also establishes the anti-pornography committee and prescribes its functions and other matters related. I beg to move.

THE SPEAKER: Have you finished? (*Laughter*) Okay, Chair.

5.36

THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Tashobya): Thank you, Madam Speaker and honourable members. Before proceeding with

this Bill, I would say that following your instructions to us that we should conclude the Bills, I am happy to report that in addition to this Anti-Pornography Bill, 2012, the Chattels Securities Bill is ready, the report on the Marriage and Divorce Bill is also due for debate and the Anti-Homo-sexuality Bill is also ready. So, as a committee, I think we are proceeding well in responding to your instructions.

Madam Speaker, before I read my report, permit me to lay on the Table the minutes and submissions to the committee on the Anti-Pornography Bill, 2012. I beg to lay.

In the same vein, I would like to report to Members that this is a matter that has been subject to extensive debate. For those of us who have been here longer, up to the Seventh and Sixth Parliament, you will recall that this matter came up in Parliament and Parliament set up a select committee to consider this matter of pornography. We were reading through this report, which was adopted on 4 October 2005. I think this was a very good report from an ad hoc committee chaired by hon. Sarah Kiyingi at that time. I hope honourable members will have time to look through it. It is a very comprehensive and thorough report, whose work gave birth to the Bill that is before us. Madam Speaker, permit me to lay this report, which I am asking Members to read, on the Table.

Madam Speaker, this is the report of the Sectoral Committee on Legal and Parliamentary Affairs on the Anti-Pornography Bill 2011, which came out in December. The committee considered the Anti-Pornography Bill, 2011 and now wishes to report.

This is a Bill for a law that prohibits pornography, which in the Bill is defined to cover cultural practices, radio or television programmes, publications, advertisement, uploads on the internet, a display, entertainment, music, dance, picture or audio among others, which depict a person engaged in explicit sexual activities or conduct, sexual parts of a person, erotic behaviour or an indecent act intended to corrupt morals.

The Bill also provides for the creation of the Anti-Pornography Committee responsible for the implementation of the law. Among its functions, the Anti-Pornography Committee will be responsible for taking the necessary measures to ensure there is detection and prohibition of pornography, and when it has occurred, collect and destroy pornographic objects.

On page 3, we list the number of institutions that we interacted with. However, as I have already pointed out, Members will benefit greatly from this report that was adopted by Parliament, in which very many institutions, both within and outside, gave their submissions on this subject. I am sure they will also be of interest to Members and the people of this country.

The Objective of the Bill

The object of the Bill is to create the offence of pornography, which has become an insidious social problem. In the Bill, pornography is defined and prohibited because of the dangers it poses to individuals, families and communities. One of the dangers highlighted is that it fuels sexual crimes against women and children including rape, child molestation and incest. It is, therefore, necessary to pass a law that specifically deals with the offence of pornography and drives the reforms necessary to stamp out pornography from Uganda.

Observations and Recommendations

Madam Speaker, the committee made the following observations and recommendations:

1. While pornography in its different forms is already prohibited in Uganda in different laws, there is no single law to compressively deal with the problem of pornography.
2. The current provision that specifically deals with the issue of pornography is section 166 of the Penal Code Act, Cap.120, which penalises trafficking in obscene publications. The committee

observed that this provision is restricted to publications while pornography goes beyond publications to include communication, speech, entertainment, plays, motion pictures, art, nude dancing and the increased publication of pornographic materials in the country's mass media.

3. There are some aspects of pornography control already covered in the current legal regime but none of them comprehensively deals with the vice; for example, the Computer Misuse Act, 2011 caters for child pornography albeit not comprehensively.
4. The Prevention of Trafficking in Persons Act, 2009 also offers protection for those trafficked to engage in pornography related activities, but it does not specifically deal with the issue of pornography in the country.
5. In conclusion, there is currently no law to specifically provide for the protection of the populace against pornography and children exploited in child pornography. This law is expected to shield the masses against pornography and especially protect children from being used in these acts.

The committee recommends that the Bill be passed into law, subject to the proposed amendments. The report was dully signed as required by our Rules of Procedure. I beg to move.

THE SPEAKER: Thank you very much, hon. Tashobya and your colleagues, for that good work. Let us now have a few comments. Three minutes only, please.

5.45

MS FLAVIA KABAHERA (NRM, Woman Representative, Kyegegwa): Thank you very much, Madam Speaker. I would like to thank the chairperson of the committee for the preamble and for doing good work on this Anti-pornography Bill.

When most of us hear the word "addiction", we always think about drugs and not images. However, the images that are portrayed in a pornographic manner are very addictive and this is rising by day. This particular Bill should have actually come yesterday.

I want to appreciate our grandfathers and great grandfathers who used to hide some of what we think are facts or some of what we think today as information from the children. We thought they were closing them out of information but what I now notice is that they were only trying to guard children against getting addicted at that early age and failing to discern what would be right or wrong for their future.

Madam Speaker, this Bill will assist the people who struggle with pornography addiction and unwanted sexually compulsive behaviour. If Government would use this Bill, we would provide a combination of group therapy, education, tools and resources to help overcome the unwanted sexually compulsive behaviour.

I support the motion and I do not know whether there will be anyone to dissent from this. I beg that we pass it omnibus. I thank you.

MR KATOTO: Thank you, Madam Speaker. I would like to seek your guidance. We should not go for this Bill while we leave a very essential Bill, which is destroying our children, most especially the boys – I mean –

THE SPEAKER: What is the guidance you are seeking?

MR KATOTO: Madam Speaker, I would like to seek your guidance. Why should we begin with this Bill before handling the Anti-Homosexuality Bill? Homosexuality is a terror and is punishable by God. It can bring us catastrophes. Why shouldn't we begin with the Anti-Homosexuality Bill?

THE SPEAKER: Thank you for morale-boosting the cause. All of them will be done. (*Laughter*)

5.48

MR VINCENT SSEMPIJJA (Independent, Kalungu County East, Kalungu): Thank you very much, Madam Speaker. I stand to support this motion and I also want to thank the committee for a noble job done.

Pornography should have been handled in this country yesterday. Why? As rightly put by the committee, the dangers that we have in our society because of pornography are enormous. People have started businesses where they operate rooms - I do not know what to call it but somebody calls it “*bimansulo*” - without anybody, without government, coming up to do anything. You know, we have no arm of Government that can really handle these people and it has been very painful to most of us, especially the parents of this country.

The danger that we get through these people who get money through pornographic shows is really too much. In my area, for example, we have sports betting, pornographic shows and this is where you find many people especially the youth, girls and boys, in the evening, even during the day, and all these rooms are full.

These days everybody, from the LCI to Members of Parliament, cannot easily come up and say, “This is wrong” because we want votes. It is high time we had a law, which enforcement officers can use to really catch up with this device. I, therefore, support the motion and I would like to say that I think we should have decided on pornography way back.

Madam Speaker, the last time you sent us to China, they told us that these are non-issues. They said that in their media - radio, television - you cannot put these pornographic things. You cannot. They said that these are things that they think cannot foster development. They think media should be used for positive development issues and not pornography. Even talking about a minister who was drunk is not allowed. According to them, these are things which do not help society. So, Madam Speaker, we need to come up very strongly and have a law on pornography. Thank you very much.

THE SPEAKER: Members, I think it is a straight forward Bill. Let us have hon. Baryomunsi and then go to the committee stage. The rest, we will capture during committee stage.

5.52

DR CHRIS BARYOMUNSI (NRM, Kinkiizi County East, Kanungu): Thank you very much, Madam Speaker. I also want to thank the chairperson and members of the committee for the report. We fully support the motion.

As my colleagues have stated, this problem is real in Uganda. It is difficult today to raise children in Uganda because they are exposed to all these indecent acts, which corrupt their morals. We have cases they are referring to as *bimansulo* all over Kampala. I understand there is one particular notorious place in Kabalagala, which is run by Asian investors, where they bring young girls through trafficking from Asia and they dance naked from around 1.00 a.m. and many Ugandans go there to watch this kind of naked dancing.

All these issues are happening. I think the minister is not using the existing provisions of the law to check on some of these. So, we hope that once this law has been put in place, it will be implemented and enforced so that some of those acts can be checked.

Madam Speaker, we believe pornography is contributing to lots of sexual crimes and promiscuity in Uganda. The reports, which we have, indicate that the HIV infection rate which had been brought down in the 1990s is now going up. I am sure pornographic behaviour and the exposure to pornographic materials is contributing to this kind of unfortunate event.

I hope we have sufficient provisions in the law to enforce the measures that are provided. How shall we, for instance, be able to block some of the internet channels, which are not controlled locally but these materials and pictures are uploaded from elsewhere? How shall we be able to control external channels like DStv and others, which may post pornographic material that is being accessed? I hope the law provides sufficiently on how to deal with some of these materials, which are extrinsically owned.

Madam Speaker, I fully support the motion and we hope that the Bill will be passed expeditiously and the minister will be ready to implement the law as soon as possible. I thank you.

5.55

MS MARIAM NALUBEGA (Independent, Woman Representative, Butambala): Thank you, Madam Speaker. I fully support the motion but I have a challenge. When I look at the definition of pornography, I think that there are some elements of pornography we are ignoring here.

When it comes to 7.30 p.m. around Serena Hotel, Imperial Royale or Mackinnon, the new suites, you find women and girls squatting on the roadside trying to attract customers and they are totally naked. Isn't that pornography, Madam Speaker? *(Laughter)*

Like hon. Baryomunsi has said, on our local TV stations, they show us new videos of music and our children are there to see the dancing in those videos which are all exhibitions of pornography sexual excitement. How are we going to control content? We have the *Red Pepper*, the *Kamunyes*, which we wake up to everyday, and somebody is waving a paper with pictures of nude women; how are we going to take measures in this law to punish such exhibitions of pornography?

If we are not going to deal with the production and sale of pornography, I think this Bill will not solve the problem. Where does this pornography come from? I can procure my pornography and watch it at home; are you going to stop me? If it is out there on sale, can't I access it? I do not know if we have real measures in this Bill to tackle all these challenges.

However, we need this Bill and I will support it, but I want it to be implementable. I want it to cater for all the challenges we are facing when it comes to pornography, not just saying we have an Anti-Pornography Bill when it cannot address the prostitutes who squat at 7.30p.m. and they are naked. We need to address all this.

THE SPEAKER: Honourable members, I think most of the questions you are asking will be answered during the committee stage. If you feel that the provisions are not sufficient, you can move amendments. I now put the question that this Bill be read for the second time.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE ANTI-PORNOGRAPHY BILL, 2011

Clause 1

THE CHAIRPERSON: Honourable members, I put the question that clause 1 stand part of the Bill.

(Question put and agreed to.)

Clause 1, agreed to.

Clause 2

THE CHAIRPERSON: I think let us skip clause 2 until we have finished the rest. Let us go to clause 3.

Clause 3

MR TASHOBYA: Madam Chair, the committee proposes to substitute the words “Anti-Pornography Committee”, which is the heading of clause 3, with the words, “Pornography Control Committee.”

The justification is that the word “anti” is ambiguous and the core function of the committee is to prevent and control the production and dissemination of objects and materials with pornographic content.

THE CHAIRPERSON: Honourable members, the proposal is to change the name of the committee. Is that okay, Members?

MS AMONGI: Thank you, Madam Chair. I would like the chair to clarify more about the phrase, “or by whatever means”. I would have felt comfortable if we left it as “exhibition, cinematography, indecent show, information technology, of a person”. When you say “or by whatever means”, what are you anticipating?

THE CHAIRPERSON: Is that clause 3? We have left clause 2 until the end, just in case there are changes in the body. I put the question to clause 3-

MS KABAHEHENDA: Madam Chair, something disturbs me about the Pornography Control Committee, and you will bear with my problem. I want to know how it is going to work; is it going to work like the VCCU?

MR TASHOBYA: Madam Chair, the answer to that can be found in clause 7, which is about the functions of the committee.

THE CHAIRPERSON: Honourable members, I put the question that clause 3 be amended as proposed.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4, agreed to.

Clause 5

MR TASHOBYA: Madam Chair, the committee proposes to amend clause 5 by deleting the words appearing at the end of the provision starting from the word “except”, which is in the second line of the provision. It would, therefore, read as follows:

“Tenure of office of members of the committee

A member of the committee shall hold office...”-in the subsequent proposal we are proposing five and not three years- “...for five years and is eligible for reappointment for one more term” and we stop at that.

THE CHAIRPERSON: So, we delete the rest? Honourable members, the proposal is that we delete all the words after “term”. I put the question that clause 5 be amended-

MR KASULE SSEBUNYA: Madam Chair, sorry for interrupting when you were about to put the question; I just want to know why four years or five years. Yesterday, people were complaining about the length of the time. Why don't we say, "four years, eligible for one more term"?

THE CHAIRPERSON: Honourable chair, what is the rationale of raising this from three to five years?

MR TASHOBYA: Thank you very much, Madam Chair. Our reason was based on the mandate given and functions of the board. This is an institution that is new, it has a very wide mandate and people should be given time to exercise this mandate. The committee is open to proposals, if Members think that it should be lowered, but that was our thinking.

THE CHAIRPERSON: Do Members have serious objection to five years?

HON. MEMBERS: No.

THE CHAIRPERSON: Okay. Honourable members, I put the question that clause 5 be amended as proposed.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6, agreed to.

Clause 7, agreed to.

Clause 8, agreed to.

Clause 9, agreed to.

Clause 10, agreed to.

Clause 11

MR TASHOBYA: Thank you very much, Madam Chair. We have a simple amendment to clause 11 - Powers and duties of the Committee. Clause 11(1) (f) reads as follows: "*The Committee may, in the performance of its duties under this Act or any regulations made under this Act, at all reasonable times and without warrant - (f) close, indefinitely, any internet service provider who promotes, publishes, sells or imports pornography contrary to this Act.*"

We are saying that we should delete the word "indefinitely" because it creates uncertainty, especially to people who are conducting business.

THE CHAIRPERSON: Honourable members, I put the question that clause 11 be amended as proposed.

(Question put and agreed to.)

MR TASHOBYA: Madam Chair, we propose a further amendment to delete clause 11(2). It reads as follows: "*The committee may, at any time, install any equipment on land, premises or in a vehicle for the purpose of monitoring compliance with this Act.*"

The justification is that the provision can lead to infringement of Article 27 of the Constitution on the right to privacy and is subject to abuse.

THE CHAIRPERSON: Honourable members, the proposal is that clause 11(2) be deleted. I put the question.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12, agreed to.

Clause 13

MR TASHOBYA: Madam Chair, we are proposing an amendment to clause 13(1), which reads, “A person shall not produce, traffic in, publish, broadcast, procure, import, export...” - we are also adding “sale” –“...or abet any form of pornography.” The justification is: to prohibit the selling of pornographic materials.

THE CHAIRPERSON: Is that “sale”? Isn’t it supposed to be “sell”? It should be “sell” if you are selling.

MR TASHOBYA: It should be “sell”, Madam Chair - *(Interjections)* -Yes.

THE CHAIRPERSON: Read the whole sentence, Members. You cannot say a person shall not “sale”. It is “sell”.

Honourable members, I put the question that clause 13 be amended as proposed.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 14, agreed to.

Clause 15, agreed to.

Clause 16, agreed to.

Clause 17, agreed to.

Clause 18, agreed to.

Clause 19, agreed to.

Clause 20, agreed to.

Clause 21, agreed to.

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

Clause 25, agreed to.

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Schedule 1, agreed to.

Schedule 2, agreed to.

Clause 2

THE CHAIRPERSON: Now Members who had issues with definitions can raise them. Hon. Amongi, did you have something on definition? Hon. Mariam Nalubega, you also had issues on definition. This is where you can bring them up.

MS AMONGI: Madam Chairperson, the clarification I sought from the chair is in respect to the phrase “by whatever means”. This is again not defined and very ambiguous. Somebody might be at the beach and if you say “by whatever means”, it can be misunderstood.

THE CHAIRPERSON: Which part are you looking at?

MS AMONGI: Clause 2, which is the interpretation.

THE CHAIRPERSON: I know but which part of it or which words are you looking at?

MS AMONGI: “By whatever means”. The amendment says, “‘pornography’ means any representation, through publication, exhibition, cinematography, indecent show, information technology or by whatever means...” “By whatever means” is too ambiguous and it can really extend to certain – (*Interjections*)-It says, “...of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement.”

So, if you are at the beach and you are walking, so long as you can defend yourself, that you are at the beach and it is not for sexual excitement, or you are cat-walking– (*Interjections*)-I need clarification because we need to make this targeted in such a way that people who are doing certain activities that can easily expose certain body parts are not caught by this. We have things like fashion shows. Can the chairman try to help me?

Even here you talked of indecent shows? What is an indecent show because if again you leave it as “indecent show” and people are on a catwalk, people are doing a fashion show or a swimming costume show, it may be termed as an indecent – (*Interjections*) – No; culture is not one of them because here they say they have removed it due to cultural ambiguity. I really want clarification because we have many businesses –(*Interruption*)

MS MARIAM NALUBEGA: Thank you, honourable colleague, for giving way. I want to give information that in much as there is justification that they are trying to remove ambiguity by removing culture, when you say “exhibition” in the east during the *Imbalu* ceremony, there is an exhibition of those to be circumcised. Normally, the way they are dressed causes sexual excitement. So, I do not think that this definition excludes such cultures.

Even for the Baganda dance, sometimes women do not tie the waist and the Karimojong do not even cover the breasts. So, this definition will cause controversy. That is the information I want to give.

THE CHAIRPERSON: Honourable chairperson, please clarify. You know, the debate may run out of hand. Let the chairperson tell us what he meant by this proposal before hon. Amongi concludes.

MR TASHOBYA: Thank you very much, Madam Speaker. It seems my friend wanted the thing to run out of hand, but the most important thing now is to attach, because the Bill attaches motive. We are talking about the people in Karamoja going naked when dancing. It says, “primarily to arouse sexual excitement”; that is really the catchword.

MR NIWAGABA: I would like to give information. We actually deleted reference to cultural practices for purposes of protecting our cultural practices that are not repugnant to natural justice and good conscience.

Two, the phrase “by whatever means”, is read *ejusdem generis* from the means that are being represented through publication and the like. So, it attaches to that, and any such representation must relate necessarily to sexual excitement. If it is not relating to sexual excitement, then you are not covered under pornography.

THE CHAIRPERSON: If you are just walking in your *empale* on the beach, then there is no problem. Please, conclude.

MS AMONGI: Thank you, Madam Chairperson. I am comfortable with the explanation that it has to be attached to sexual acts –“...engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement”. The issue, however, would be that actually, if you have still made it very broad, even implementing this law will be very difficult.

I will give an example. People who attend shows go for different reasons, but you can [Hon. Member: “Even netball”] – Not netball. (*Laughter*)By and large, so long as I, the individual who is committing that act, believes or can go and justify that it is not for sexual excitement, so long as I deny, is it okay? If it is okay then I can go with that.

MS EMMA BOONA: Thank you, Madam Chair. We were talking about the intent as being sexual excitement and I think in all the African dances I know, there is a lot of that. The purpose is dancing but in the end it is sexual excitement. (*Interjections*) I will give an example –(*Interjections*)- If you have done art.

You have seen cultures where they are dancing and the other partner is raising the breasts of the woman up and down; what is the purpose? Why are all the dances purposely between man and woman? This is art; it is in books. I am not creating the definition.

THE CHAIRPERSON: Order, Members! If it is part of their culture, who will complain? Nobody is going to complain.

MS FRANCA AKELLO: Thank you, Madam Chair. I rarely get up on a point of order but this was really too much. I am an Acholi and in Acholi, we have over seven different cultural dances and each of those cultural dances has a purpose, which may not necessarily have to be, at the end of the day, for sexual excitement. So, is the honourable Member for Mbarara District in order to insinuate that all cultural dances are actually at the end of the day for sexual excitement? Is she in order?

THE CHAIRPERSON: No. Honourable members, the dances are okay. If they are part of our culture, actually, nobody is going to complain.

MR GILBERT OLANYA: Thank you, Madam Chair. I would like to find out from the chairman of the committee how they would measure sexual excitement, for example when a lady is in a miniskirt and she is not intending to arouse the interest of anybody. I think it is very difficult to measure sexual excitement according to the behaviour or activities of someone.

THE CHAIRPERSON: Honourable member, during the earlier debate, someone said that there are women who squat naked on the road. What is the purpose of those who squat naked on the road? It is to incite you so that you look and you are excited and you go. *(Laughter)*

Honourable members, I put the question that clause 2 be amended as proposed.

Question put and agreed to.

Clause 2, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

6.23

THE MINISTER OF STATE FOR ETHICS AND INTEGRITY, OFFICE OF THE PRESIDENT (Fr Simon Lokodo): Madam Chair, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable members, I put the question that the House do resume and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

6.24

THE MINISTER OF STATE FOR ETHICS AND INTEGRITY, OFFICE OF THE PRESIDENT (Fr Simon Lokodo): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "The Anti-Pornography Bill, 2011" and passed it with amendments.

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

6.25

THE MINISTER OF STATE FOR ETHICS AND INTEGRITY, OFFICE OF THE PRESIDENT (Fr Simon Lokodo): Madam Speaker, I beg to move that the report of the Committee of whole House be adopted.

THE SPEAKER: Honourable members, I put the question that the report of the Committee of the whole House be adopted.

(Question put and agreed to.)

Report adopted.

BILLS THIRD READING

THE ANTI-PORNOGRAPHY BILL, 2011

6.26

THE MINISTER OF STATE FOR ETHICS AND INTEGRITY, OFFICE OF THE PRESIDENT (Fr Simon Lokodo): Madam Speaker, I beg to move that the Bill entitled “The Anti-Pornography Bill, 2011” be read the third time and do pass.

THE SPEAKER: I put the question.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED “THE ANTI-PORNOGRAPHY ACT, 2013”

THE SPEAKER: Title settled and Bill passed. *(Applause)* I would like to thank the Committee of Legal and Parliamentary Affairs. I think they have had the biggest workload during the Ninth Parliament. We thank you very much for doing it.

MR TASHOBYA: Thank you very much, Madam Speaker. On behalf of my colleagues, we would like to thank all the institutions and all the persons that participated in bringing amendments and discussing this Bill. We would like to thank you, colleagues, for the intensive discussions that we have had in handling the Bill.

Madam Speaker, as usual, the committee would like to thank you for the support you normally give us in handling these Bills. We also thank the minister for working with us and coming up with this Bill. We hope it will help him and the country to check on this vice. I thank you, Madam Speaker.

THE SPEAKER: Thank you very much.

FR LOKODO: Madam Speaker, I stand to register my thanks to you for ably concluding the enactment of this Bill. I came to see you a couple of times, urging you that this Bill be expedited because the damage from pornography in the country is very destructive. Today, my dream and that of my directorate has been fulfilled - the enactment of the Anti-Pornography Bill.

I wholeheartedly thank the committee, specifically, the chairman who guided the committee through its deliberations, and the committee entirely because in the beginning I thought it was not going to be given leeway. The first time I went there, I was kind of thrown out but I am very grateful that after ample time, Members reconsidered and they have eventually debated very well on the Bill. To you all, my dear colleagues, I thank you for supporting me. Thank you.

THE SPEAKER: Thank you. Now, the honourable Minister of Agriculture has been writing to me to say that he thought we should complete his Bill. However, from the briefing I got from the Deputy Speaker, the debate had moved from the actual Bill to now whether we actually need the Bill or whether it is not related to GMOs. So, I thought we should probably leave it for a while before we get back to it.

You will give us a presentation on it and then we can conclude but I think today, it will be difficult. You take into account the other arguments, which came during the committee stage, so that you can respond formally to the satisfaction of the Members.

6.28

THE MINISTER OF STATE FOR AGRICULTURE AND ANIMAL IDUSTRY (AGRICULTURE) (Mr Nyiira Zerubabel): Madam Speaker, I agree with the ruling, only that I did not indicate that when the Bill was discussed, it strayed into something totally different. However, we were able to discuss the issues that were raised and I thought it would be possible for us to resume as a committee of the House. However, I accept that we can bring it later.

THE SPEAKER: Okay, thank you.

BILLS
SECOND READING

THE CHATTELS SECURITIES BILL, 2009

6.28

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to move that the Bill entitled, “The Chattels Securities Bill, 2009” be read for the second time.

THE SPEAKER: It is seconded by the Minister of State for Trade, Minister of State for Ethics and the Government Chief Whip.

MR RUHINDI: Madam Speaker, the object of this Bill is to regulate the making and enforcement of security interests in chattels, to repeal the Chattels Transfer Act, Cap.70, and for other related purposes.

The Chattels Security Bill deals with giving of personal property or chattels other than land as security for a loan or debt, secure transactions in this area and generally, dealing with guaranteeing and giving security either for a debt, credit or property.

The essence of the security in relation to chattels is to secure performance of an obligation usually in the repayment of a debt arising from leased property.

The overall purpose of the security is to improve the chances of getting repayment. This area of law is not very well developed because much of it has been in the area of titled property in terms of mortgages and not particularly in movable property. So, the Bill is intended to develop and cover that gap.

I do not want to pre-empt the content of the report of the committee that handled this matter, but I very well support it to present its report. Madam Speaker, I beg to move.

6.31

THE VICE-CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Baka Mugabi): Thank you, Madam Speaker. I wish to present the report of the Sectoral Committee on Legal and Parliamentary Affairs on the Chattels Securities Bill, 2009. I have a copy of the minutes of the committee in respect of the meetings that were held, which I wish to lay on the Table.

The committee considered the Chattels Securities Bill, 2009 and now wishes to report. The Chattels Securities Bill, 2009 was read for the first time on 20 October 2009 in the Eighth Parliament. It was then reintroduced by a resolution of Parliament in the Ninth Parliament on 31 October 2011 and read for the first time on 23 February 2012. It was referred to the Committee on Legal and Parliamentary Affairs in accordance with rules 117 and 118 of the Rules of Procedure of Parliament.

In analysing the Bill, the committee was guided by rule 118 of the Rules of Procedure of Parliament.

Background

A “chattel” in the Bill is defined as, “*any movable property that can be completely transferred by delivery and includes machinery, book debts, stock and the natural increase of stock, crops and wool but does not include title deeds, shares or interests in the stock, funds or securities of any government or local authority or corporate body and debentures and interest coupons issued by a Government, local authority, company or local body.*” The Chattels security deals with giving of personal property or chattels other than land as security for a loan or debt.

Methodology

In the process of analysing the Bill, the committee discussed it and received memoranda from the following stakeholders -

THE SPEAKER: Members can read that.

MR BAKA: Thank you. The committee conducted benchmarking tours to Nairobi, Kenya; Accra, Ghana; Port Louis, Mauritius; Kuala-Lumpur, Malaysia; London, United Kingdom; and Harare, Zimbabwe.

The committee would like to acknowledge and appreciate the Justice Law and Order Sector (JLOS) for availing funds for it to conduct a study tour in Kenya. We also would like to appreciate the Uganda Bankers' Association for funding the committee's visits. Of course, we also appreciate the Parliamentary Commission for funding the other study tours that had not been funded by the listed organisations.

Objective of the Bill

The Objective of the Bill is to regulate the making and enforcement of security interests in chattels; to repeal the Chattels Transfer Act, Cap. 70; and for other related matters.

Observations and Recommendations

1. The committee observed that the Bill is necessary since the current law governing transfer of chattels, that is, the Chattels Transfer Act, Chap. 70, is archaic and obsolete.
2. The current law has also not been put to use since the use of chattels as collateral for payment of a debt is not well developed in Uganda.
3. While the current law has been in place since 1978, it has rarely been applied due to its archaic and complex provisions.
4. This law will achieve the intended overhaul of the present legal regime and provide adequately for a chattels securities law commensurate with Uganda's state of development, commercial and social circumstances and promotion of private investment.
5. It is critical to pass this law to address the concerns raised by citizens, particularly in the rural areas where the use of chattels as security is more in keeping with the local situation.

Before I go to the recommendation, allow me to inform the House that this is one of the last laws in the reformation of the commercial laws. You may recall, honourable members, that we passed the Companies Act, the Insolvency Act, the Geographical Indications Act, the Contracts Act and Mortgage Act. So, this is just one of those commercial laws that have undergone reforms to improve our competitiveness as a country in the area of business.

Recommendation

The committee recommends that the Bill be passed into law subject to the proposed amendments. I beg to move.

THE SPEAKER: Thank you very much, honourable chair and members of the committee. The report has been signed by the necessary minimum number and so, Members are free to debate, if they so wish.

MR VINCENT SEMPIJJA (Independent, Kalungu County East, Kalungu): Thank you very much, Madam Speaker, and thank you, Mr Chairman, for bringing back the issue of chattels. I would like to request the chairman or the Attorney-General to throw some light on whether this stock exchange and even –

THE SPEAKER: Where is that minister going? No, please, come back. You need to support other colleagues. Please, continue, hon. Sempijja.

MR SEMPIJJA: Under the definition, the report refers to “any movable property that can be completely transferred by delivery, and includes machinery, book debts, stock and the natural increase of stock, crops and wool” We have been talking about the stock exchange recently.

I remember we wanted to come up with – you will guide me – a provision where people storing their stock or crops in the warehouses could even get money from banks using this stock in the warehouses. So, is that part of the Chattels Securities Bill? I would like some clarification from the Attorney-General. Is it part of this law?

THE SPEAKER: Honourable members, we made a separate law on the warehouse receipting system. There is a complete law on that.

6.39

MR ROBERT SEBUNYA (NRM, Kyadondo County North, Wakiso): Thank you, Madam Speaker. The only observation I want to make is: now that we are going to pass this law on chattels, what should come at the heels of this law is the amendment to the Money Lenders’ Act, I think it is of 1958 or something like that. Now that we are going to use machinery to get loans, the money lenders may become even more versatile than they have been by duping people who want money.

There has been an outcry that people’s property is being attached and they are deliberately avoiding the customers so that they take their assets. People have been photographed next to their TV sets, vehicles and after some time elapses, say three months, the man avoids the customer and at the end of the day, he takes the vehicle. So, I think that immediately after this, we should –

MR NIWAGABA: Thank you, honourable colleague. As a matter of fact, this particular law that we are trying to make now covers those customers who have been dealing with the money lenders better. This is because the chattels which they will pledge to moneylenders or any bank, this law makes it clear that it remains only security and can only be attached in specific conditions. Although I agree with him that we shall need to amend the Money Lenders’ Act, this law protects our people who are using chattels with these financiers better.

6.41

MS ALICE ALASO (FDC, Woman Representative, Serere): Thank you, Madam Speaker. I thank the committee. I am reading the definition of a chattel and it includes, among other things, crops. The concern I have, which is the assurance I seek, is whether the committee has taken due regard to consider particularly women’s concerns in regard to crops.

In most of our rural communities, it is very common for a man to decide that he will use cassava as security and he will borrow money and yet that cassava does not belong to him. He does not even care how you, as a woman, will feed the family the next day. When we were going through the Mortgage Bill here, we took due regard and we said that before one uses a house where a family ordinarily lives, one must seek the spouse’s consent.

So, I want the committee to assure me that they have taken care to protect such families from unscrupulous men who may decide to mortgage the very food, which the family is going to eat. That is a very big concern in the countryside and I hope that that assurance is there. If not, we are better off striking off certain kinds of subsistence crops to keep people having food security.

6.43

MR MICHAEL MAWANDA (NRM, Igara County East, Bushenyi): Thank you, Madam Speaker. I thank the committee chairperson for the report. However, before I can ably contribute to the debate, I would like to seek clarification from the chairperson.

I have seen the background of the Bill and what it is trying to do. I would like to get clarification on the difference between a debenture and this chattel security. What he has defined in the background seems to be covered by a debenture; most of the things are covered by a debenture. I want to be enlightened about the difference between the chattel security and the debenture before I can contribute. I thank you.

THE SPEAKER: I will ask the Attorney-General to answer that so that we can continue – (*Mr Niwagaba rose*) - or does hon. Niwagaba want to answer? Okay, go ahead.

MR NIWAGABA: When you talk about debentures generally, you are talking about registering securities under the Companies Act. This particular law does not deal with debentures; it deals with chattels of individuals pledging them with credit institutions and has nothing to do with debentures. That is why registration of debentures is under a separate law and these chattels will be registered under a specific registry of chattels.

In respect of crops, although a lender may have an interest and pledges this crop, it only remains a pledge. The lender still has an obligation to ensure that the person who is pledging solely owns that particular chattel. It still remains a security; it does not attach until specific conditions are met. So, even if a woman has not consented to the crops being pledged, this particular law still has provisions for protecting those interests.

MR BAKA: Additionally, with the exception of business people, the other chattels are mostly from homes and these are mainly household property like TVs, refrigerators and so on. So, the law here – I am just not sure which provision – provides that they must consult the spouses before the money lender or the bank perfects the interest in that chattel.

MR NANDALA-MAFABI: Madam Speaker, if you look at clause 11(6), it clearly mentions what hon. Alaso is raising. It says, “*For the purposes of subsection (2)(c), a debtor does not have rights in (a) crops until they become growing crops.*” The moment they become growing crops, the debtor has an interest. So, what you are raising is that the moment cassava starts growing, the debtor will have an interest. It also talks of the young ones of animals until they are conceived. That means the moment a cow conceives, the debtor has an interest.

THE SPEAKER: Yes, because if you have pledged them, that is what it is. If you have not pledged them, how will he get involved in your issues?

Honourable members I put the question that the Bill be read for a second time.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE CHATTELS SECURITIES BILL, 2009

Clause 1

THE CHAIRPERSON: Honourable members, I put the question that clause 1 do stand part of the Bill.

(Question put and agreed to.)

Clause 1 agreed to.

Clause 3, agreed to.

Clause 4, agreed to.

Clause 5, agreed to.

Clause 6

MR BAKA: Madam Chairperson, the committee proposes that we amend clause 6(1)(a)(ii) by substituting the provision with the following: “receives actual or has constructive notice of the fact.”

The second proposal is to delete clause 6(1) (b), (c) and (d). If you have the Bill, the provisions are down at the bottom of the page.

The justification is: to provide for a wider definition of “knowledge” in clause 6 to include actual or constructive knowledge in express terms in order to address clauses 23(2) and 24(1).

If the Bill limits the meaning of “knowledge” to actual notice, then holders of security interests shall be seriously prejudiced by the provisions of clauses 23 and 24 of the Act. This is because the effect of these provisions shall be to render the perfection of security nugatory. This position should be addressed by amending clause 6, which provides for the meaning of “knowledge”.

THE CHAIRPERSON: Honourable members, I put the question that clause 6 be amended as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

THE CHAIRPERSON: There is something that you have left behind.

MR BAKA: Sorry, Madam Chair. Can I just finish it? The proposal is to substitute clause 6(2) with the following provisions:

“6(2) A person shall be deemed to have received constructive notice of a fact if the circumstances are such that, that person would be reasonably expected to have been aware of the fact.”

For 6(3), the proposal reads as follows: “6(3) Circumstances from which constructive notice under this section can be imputed shall include the following:

- (a) where an agent or employee of that person has actual notice of the fact;
- (b) where notice is in respect of the existence of a security interest, the whole public shall be deemed to have constructive notice of that security interest upon registration of the relevant instrument.”

The justification is: to provide for the effect of registration so that registration can be deemed to impart constructive notice of the security interest upon the public. Thank you.

THE CHAIRPERSON: Honourable members, I put the question that the new sub-clauses 6(2) and 6(3) be introduced as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7

MR BAKA: The committee proposes an amendment to replace “section 16” with “section 15”. That is to correct an error in cross-referencing.

THE CHAIRPERSON: Honourable members, I put the question that clause 7 be amended as proposed.

(Question put an agreed to.)

Clause 7, as amended, agreed to.

Clause 8, agreed to.

Clause 9

MR BAKA: The committee proposes that we delete clause 9(2). The justification is that the provision states that a security interest may be created by a transfer of receivables, even where the transfer does not secure a payment. Transfer receivables that do not secure payments should not be considered for purposes of creating a security interest. A security interest that does not secure payment or the performance of an obligation does not serve the purpose of creating a security interest and should, therefore, not be covered by the Bill.

THE CHAIRPERSON: Honourable members, I put the question that clause 9 be amended as proposed.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

Clause 10, agreed to.

Clause 11

MR BAKA: Madam Chairperson, the committee proposes that we delete the comma appearing after the word “charge” in the first line of the provision.

Two, insert a new clause 11(3) to read as follows: “A floating charge shall not seek to cover the assets of the debtor generally, but shall relate only to assets that are either ascertainable, ascertained or form a portion of a divisible stock or collection of assets whether similar or diverse and can be segregated from and existed separately from the stock or collection.”

The justification is: to ensure that a floating charge is not stretched to cover the debtor’s personal assets.

THE CHAIRPERSON: Leader of the Opposition, you had something to say on clause 11.

MR NANDALA-MAFABI: Madam Chair, on sub-clause (6) before we can go up, I want to-

THE CHAIRPERSON: Sub-clause (6)? Can we first deal with 11(3)? Let us finish.

MR BAKA: It is a new proposal and then there will be consequential numbering of clauses.

THE CHAIRPERSON: Honourable members, I put the question that the new clause 11(3) be introduced into the Bill.

(Question put and agreed to.)

MR NANDALA-MAFABI: Madam Chair, I want to understand from the committee what they mean by “crops until they become growing crops” and “the young of animals until they are conceived.” I want to understand what you mean here. What are crops and what are growing crops? What are young animals until they are conceived?

MR BAKA: You need to qualify your clarification further because I do not seem to understand it.

THE CHAIRPERSON: I think you should be asking the mover of the Bill, who is the Minister, rather than the chair.

MR NANDALA-MAFABI: Madam Chair, I thought the chairman had read the Bill. It is clause 11(6). You look at it.

THE CHAIRPERSON: It says, “*For the purposes of subsection (2)(c), a debtor does not have rights in –*

(a) crops until they have become growing crops...” So, if they are seeds, they are not crops.

“(b) the young of animals until they are conceived.” So, if they are just there and they have not conceived, he has no rights.

“(c) minerals until they are extracted.” If they are in the ground, you have no right.

“(d) trees until they are severed.” If they are in the forest, what right do you have?

MR NANDALA-MAFABI: Madam Chair, you have answered my question. What I wanted to say is that I thought crops are crops-*(Interjections)* - You are in the garden. Here you say, “until they are growing crops”.

DR BARYOMUNSI: I think here, the reference is that you plant seeds in the ground and maybe you might commit your field before there is germination. So, what the law means is that the crops, which are visible, which have sprouted out of the ground, are where you can claim a right but not in the seeds, which are still underground. This is just for clarity’s sake.

MR NANDALA-MAFABI: I think then, Doctor, you do not know that “a crop” means it has germinated and it is growing. The moment it is under the ground, it is still seed. So, unless you are saying, “seeds until they are growing crops.”

MR RUHINDI: Madam Chairperson, the Leader of the Opposition may wish to wait for clause 2 where definitions are, because there is a definition of “crops”. You may wish to adjust that definition at an appropriate time.

However, essentially, what it means is: when does the right accrue? There is a general definition of crops, which says, “*‘crops’ means crops, whether matured or otherwise, and whether naturally grown or planted, attached to land by roots or forming part of trees or plants attached to land, but does not include trees.*” The clause we are considering is indicative of when the right actually accrues.

MR NANDALA-MAFABI: Madam Chairperson, I have already gone to clause 2 and that is why I was asking this question. Even clause 2 says, “whether matured or otherwise” - those are crops. Now here, you are saying until they become growing crops; it does not make sense. You can say, “seeds or seedlings until they become growing crops”. I think we should define a crop. What is a crop? So, if it is a plant, when it is young, it is growing.

MS RUTH NANKABIRWA: Thank you very much, Madam Chairperson. Where would you place suckers, bananas and pineapples? They are not seeds and they are not crops unless they are mature and they are not cuttings. Where do we place them?

MR NANDALA-MAFABI: I think this minister has a problem. She even came here and asked where you place suckers. Why didn't they call them crops? (*Laughter*) You have even defined them as suckers.

MS KAMATEEKA: Thank you, Madam Chairperson, and thank you, honourable member, for giving way. As the honourable Attorney-General said, the purpose of this is that you do not have to wait for the crops when they have ripened or when they are at a much later stage but that as soon as they are growing, then you can have a claim on the crops. They are not pledged when they are still seeds but when they have started growing.

THE CHAIRPERSON: If Members want to amend the definition, we shall do it under clause 2, the definition clause.

MS AMONGI: Madam Chairperson, I still want to come back to the point raised by hon. Alaso earlier. Here, we are giving a creditor the right to your crops from the garden, and the point she raised is a reality in the villages where women toil. They are the ones who will plant, they will weed and yet they are weeding something that somebody has already mortgaged. You have already given a right – (*Interruption*)

MR RUHINDI: Madam Chairperson, it is good to live a bit longer than usual; I was a member of the Seventh Parliament and there were amendments in 2004 to the Land Act and there was a stalemate in this House on family land rights. A select committee was appointed and I chaired that select committee and its recommendations were adopted.

In that particular law, family land is properly defined extensively; unless something is excluded by an Act of Parliament, say in the case of minerals, whatever is on the land, above it, under it, is part of that land. So, if you are actually dealing in the crops, which are on the land, by necessary implication under that law – I do not have it here with me – you must get the consent of your spouse. That is my understanding.

You can put it beyond doubt; let me help you. You can propose an amendment and say that the relevant provisions in the Act will apply when dealing with crops on the land. I do not think I would have any problem with that; it would actually put the matter beyond doubt.

MS AMONGI: Thank you for the information. I would be comfortable with being explicit and making certain that it is dealt with. So, I agree with his proposal because that particular provision in the Land Act is really about land where you derive sustenance. So, I would be comfortable with any provision related to cross-referencing to exclude that. I now support your proposal to protect that.

THE CHAIRPERSON: We will find a right form for it.

MR NANDALA-MAFABI: I think that is fine. However, Madam Chairperson, while seated I remembered something, which I also gave as an example. If I have a *shamba* of coffee and this year, maybe as it grows, I come to you and say, "Give me money now. I am pledging my coffee and when it is ready next year, you will take the coffee." I think that is what this law is trying to look at.

MR SEMPIJJA: Thank you, honourable member, for giving way. Madam Chairperson, pineapples have a lot of market in Kenya and Juba and currently, in my area in Masaka, the buyers come when the pineapples are still young and they pay the owner some money. Sometimes the farmers may want money to buy fertilisers. The buyers then wait until the pineapples are mature. So, there have been

many conflicts sometimes because by the time the pineapples mature, the prices have gone up or down or something like that. So, I think this is where this Act would help us.

MR BAKA: Let me just clarify. This law has no provision of that nature, where you are going to say, “give me one million and when my coffee matures, you will take this coffee.” That is what this law is actually coming in to block.

What has been happening in the market is that when you give a chattel, it is almost transferred and it is taken by the creditors even when you are ready to pay the money. So, this law says a chattel must strictly act as security; you are going to harvest your coffee yourself and pay the money.

However, there are provisions that I think have been created under part 3 where if you have failed to pay, that is when that situation can come into play. However, initially, the chattel must be intended to act as security strictly.

MR NANDALA-MAFABI: That is why I came up in the first place, Madam Chairperson. He is making it complicated. Why? Currently, in villages people are not comfortable with banks, so someone goes to one villager and says, “You will harvest my coffee; give me money now and I take my kid to school.” Now you are saying that cannot apply. If that does not apply, then you will make the life of people who cannot go to the banks hard. So, here, I would need to move a proposal to remove “does not have”.

“For the purposes of subsection (2) (c), a debtor does not have rights...” A debtor has rights. So, I want to say, “...a debtor has rights in crops until they become...” This is because there are people who have been transacting in what my brother has mentioned – pineapples - and I also gave an example of coffee, and we have people who can get a cow and say –*(Interruption)*

MR NIWAGABA: Madam Chairperson, I think we may be confusing separate branches of the law. This particular Bill does not relate to transactions that are safe in nature. The example hon. Sempijja has given relates to a person selling. I would invite Members to look at – we have already passed that clause - clause 9 (3). This also goes to the proposal by hon. Betty Amongi, which the Attorney-General has agreed to.

It is not applicable because the interest created under this Act and how it is applied for, and how it is finally resolved, has nothing to do with any other Act. This particular Bill is only in respect of pledging a chattel as a security and it remains a security; it is not a sale. It only becomes perfected under the provisions of this Bill, which we are yet to reach.

If you are looking at that particular clause you want to amend, clause 11(6), it only relates to the rights of a debtor in the collateral. The collateral that they are mentioning is the crops, the young of animals, the minerals and trees, in as far as a debtor has interest in only those.

THE CHAIRPERSON: Honourable members, if you are a debtor and someone has pledged security, why should we stop that person – [*Hon Member: “from selling”*] - No, it is not selling. Supposing you pledge your garden to me and then I say, “From today, do not enter there for the next six months because it is my garden”. There are no crops, the seeds are underground, but I say it is mine now. This is what the law is saying, that you have no right until the crops have started coming up. That is when your rights accrue.

If they are trees, you cannot say, “All these trees are mine”; no. Unless they have been specific - tree No. 1, 2, 3 or 4. That is what this is saying. If I go to Kitgum, for example, and say that all the minerals underground are mine when I do not even know whether it is gold or other minerals - that is why they are saying until they are extracted, your rights do not accrue. That is what they are saying.

MR NANDALA-MAFABI: Madam Chair, I have no problem with the minerals and trees. They are saying, “trees until they are severed”; that means when they have matured, you then cut. That is why I am saying for the crops, I think it should be “seeds until they have grown up”.

THE CHAIRPERSON: Okay. If you are worried about the seeds, let us amend in the definition clause; we can amend the definition of a crop in the definition section. Otherwise, I put the question that clause 11 do stand part of the Bill.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12, agreed to.

Clause 13, agreed to.

Clause 14, agreed to.

Clause 15, agreed to.

Clause 16, agreed to.

Clause 17, agreed to.

Clause 18, agreed to.

Clause 19, agreed to.

Clause 20, agreed to.

Clause 21, agreed to.

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

Clause 25, agreed to.

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Clause 29, agreed to.

Clause 30, agreed to.

Clause 31, agreed to.

Clause 32, agreed to.

Clause 33, agreed to.

Clause 34, agreed to.

Clause 35

MR NANDALA-MAFABI: We have the registrar of businesses; does the minister want to create more offices? It says, “The Minister shall designate a public officer as a registrar of chattels securities for the whole of Uganda...” So, are you creating another office or the current officer in the ministry is the one going to remain as registrar?

THE CHAIRPERSON: Minister, where is this registrar going to be?

MR RUHINDI: Madam Chairperson, just give me a few minutes to consult on this.

THE CHAIRPERSON: Okay, let us stand over clause 35. They will find of him, but he will have to have his own seal; he cannot use the one of the other registrar.

MR NANDALA-MAFABI: Madam Chairperson, supposing we delete this because currently, there is a registrar of businesses?

MR BAKA: The minister is consulting but as a committee, we had concluded on this. This function is going to the Uganda Registration Services Bureau. A new definition of “minister” has been proposed in the interpretation clause because originally, it had gone to Minister of Trade, which meant creating another registrar. So, we are proposing that it goes to the Ministry of Justice - if you look at the definition of “minister” in the interpretation clause – and that automatically means it will fall under URSB, which falls directly under the Ministry of Justice. Unless you want to be explicitly clear, we can do that, but as a committee, we had agreed that it is URSB.

THE CHAIRPERSON: But will the minister not say, “This is the registrar of births; this is the registrar of deaths; this is the registrar of...” -

MR RUHINDI: Madam Chairperson, it is now clear. I think at that time, there was a transition and restructuring of Uganda Registration Services Bureau and it was not clear, but it should be clear in this law. There is no designation; we should be specific that for the purposes of this Act, registration shall be conducted by the Uganda Registration Services Bureau.

THE CHAIRPERSON: So, you are now proposing an amendment?

MR RUHINDI: Yes.

HON. MEMBER: Delete it.

THE CHAIRPERSON: No, you cannot just delete it. Someone must know where to go. There are many registrars – business names, births, deaths, patents, companies-

MR NIWAGABA: I can give some background. When we were reviewing this Bill, we had a battle between the Uganda Bankers Association, which wants registration to be under Bank of Uganda, and other stakeholders who want registration to be under Uganda Registration Services Bureau. I believe as a committee, we finally resolved that registration be under Uganda Registration Services Bureau because it would internally designate an officer and have a register for purposes of this particular law.

I think the committee forgot when we were making amendments to be specific on that. That is why there was this issue of an officer, but Uganda Bankers Association wanted the Bank of Uganda to have and host the registry.

THE CHAIRPERSON: So, we can say the registrar shall be the registrar –

MR BAKA: The Registrar-General of URSB shall designate a public officer as a registrar of chattels securities, so that it is a department in URSB.

THE CHAIRPERSON: “The registrar shall be the Registrar-General of URSB.” He can then look for the officer.

HON. MEMBERS: Yes.

THE CHAIRPERSON: Okay. So, we propose that amendment for clause 35. I put the question that clause 35 be amended as proposed.

(Question put and agreed to.)

Clause 35, as amended, agreed to.

Clause 36, agreed to.

Clause 37

MR BAKA: Madam Chair, the committee proposes to amend clause 37 by inserting a new sub-clause (2) to read as follows: “The register shall clearly specify the nature of the security interest registered and details of the chattel over which the interest is created.”

The justification is: to specify the contents of the register.

THE CHAIRPERSON: Honourable members, I put the question to that proposal.

(Question put and agreed to.)

Clause 37, as amended, agreed to.

Clause 38

MR BAKA: Madam Chair, we have an amendment. It is on the last page of the report, amendment No. 11.

THE CHAIRPERSON: You have an amendment on Clause 38?

MR BAKA: Yes, if you look at page 8 of our report, the last amendment, No.11, says, “creation of an electronic registry”. It comes under clause 38. We propose to insert a new clause 38(2) to read as follows: “The register may be maintained as an electronic records system”. The provision here was for a manual system but now, since we are *dot com*, we are providing for an electronic records system.

The justification is: to provide for creation of an electronic register. Thereafter, re-number the clause consequentially.

THE CHAIRPERSON: Honourable members, I put the question that clause 38 be amended as proposed.

(Question put and agreed to.)

Clause 38, as amended, agreed to.

Clause 39

MR BAKA: The committee proposes to amend clause 39 by deleting the words appearing after the words “statutory declaration” in 39(b). The justification is that photocopies of documents cannot be used to register an instrument. If original copies are misplaced before registration, then it is advisable for the parties to sign fresh documents. If registration of photocopies were allowed, they would promote fraud and forgeries.

If you look at clause 39 (b), there was a provision for a statutory declaration and photocopies of instruments. So, we propose that we end only at “statutory declaration”.

MR NANDALA-MAFABI: Madam Chair, I thought if you can swear an affidavit on a photocopy to say that they are genuine, that should be a statutory declaration.

THE CHAIRPERSON: If you read the sentence it says, “*Registration of an instrument shall be effected upon payment of the prescribed fee and submission to the Registrar, of - a statutory declaration...*” and then you add “photocopies”! I think you cannot.

MR NIWAGABA: Madam Chair, the Bill was referring to photocopies of the instruments and yet the instruments, the schedules, annexes and references are all under (a) and are presented in original form. So, it was even a repetition to say you have already registered originals and now get photocopies.

THE CHAIRPERSON: Okay, Members, I put the question that clause 39 be amended as proposed.

(Question put and agreed to.)

Clause 39, as amended, agreed to.

Clause 40

MR BAKA: The committee proposes that we amend clause 40 (4) by inserting the word “one” between the words “twenty” and “working” in the second line of the provision. I think that is to provide for twenty-one working days. It should say, “The registration of a financing statement registered more than twenty-one working days...” The justification is: for consistency with the timeframe stipulated in clause 40 (1), which is just above.

THE CHAIRPERSON: So, instead of twenty days, we have twenty-one as in clause 40 (1). Honourable members, I put the question that clause 40 be amended as proposed.

(Question put and agreed to.)

Clause 40, as amended, agreed to.

Clause 41, agreed to.

Clause 42, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45, agreed to.

Clause 46, agreed to.

Clause 47, agreed to.

Clause 48, agreed to.

Clause 49, agreed to.

Clause 50, agreed to.

Clause 51, agreed to.

Clause 52, agreed to.

Clause 53, agreed to.

Clause 54, agreed to.

Clause 55, agreed to.

Clause 56, agreed to.

Clause 57, agreed to.

Clause 58, agreed to.

Clause 59, agreed to.

Clause 60, agreed to.

Clause 61, agreed to.

Clause 62, agreed to.

Clause 63, agreed to.

Clause 64, agreed to.

Clause 65, agreed to.

Clause 66, agreed to.

Clause 67, agreed to.

Clause 68, agreed to.

Clause 69, agreed to.

Clause 70, agreed to.

Clause 71, agreed to.

Clause 72, agreed to.

Clause 73, agreed to.

Clause 74, agreed to.

Clause 75, agreed to.

Clause 76, agreed to.

Clause 77, agreed to.

Clause 78, agreed to.

Clause 79

MR BAKA: Madam Chair, the committee proposes to amend clause 79(3)(a) by substituting the provision with the following: “any other secured party.” Justification: There is no need for a secured party to give notice of sale to him or herself.

THE CHAIRPERSON: Honourable members, I put the question that clause 79 be amended as proposed.

(Question put and agreed to.)

Clause 79, as amended, agreed to.

Clause 80, agreed to.

Clause 81, agreed to.

Clause 82, agreed to.

Clause 83, agreed to.

Clause 84, agreed to.

Clause 85, agreed to.

Clause 86, agreed to.

Clause 87, agreed to.

Clause 88, agreed to.

Clause 89, agreed to.

Clause 90, agreed to.

Clause 91, agreed to.

Clause 92, agreed to.

Clause 93, agreed to.

Clause 94, agreed to.

Clause 95, agreed to.

Clause 96, agreed to.

Clause 97, agreed to.

Clause 98, agreed to.

*Clause 99, agreed to.
The First Schedule, agreed to.*

The Second Schedule, agreed to.

MS BETTY AMONGI: Madam Chair, we had agreed with the Attorney-General that he moves the amendment.

THE CHAIRPERSON: Will they incorporate it? So, it is accepted? Please, speak to the microphone so that the *Hansard* can capture it.

MR NIWAGABA: Madam Chair, I had brought to the attention of the Attorney-General and the honourable member proposing the amendment that clause 9(4) very clearly states, “A *security interest does not include- (a) a lien, charge or interest created by another Act.*” So, reference to any security interest under this particular Bill that would be cross-referenced with the Land Act would be inconsistent.

THE CHAIRPERSON: What it means is that if a lien or a charge or an interest is by another Act, then it will not be included here; it does not say that any lien cannot be included.

MS AMONGI: Madam Chair, if he wanted it to be under (4), where it says, “A security interest does not include...” then we would include a paragraph after (a) to say, “crops grown on matrimonial land as defined under the Land Act.”

THE CHAIRPERSON: No, what I understand by clause 9(4) is that if a lien is created under the Companies Act, it would not apply here or if it is created under the Mortgage Act, it would not apply here. That is the way I understand it. I think we cannot just run away from land. I want someone to formulate it properly; we need to protect the interests of the family specifically.

MR NANDALA-MAFABI: If you talk about matrimonial land only, you could have a house here but the land for growing food is somewhere else – it is not matrimonial land. So you have to be careful with crops. That is why I had wanted to delete crops because crops –

MS AMONGI: My issue is that under the Land Act, matrimonial land is defined as land where the family derives sustenance. So it is very broad, and by cross-referencing that, it would protect at least the basic food crops for food security. So in that respect, I do not know why the Attorney-General does not want to help me. (*Laughter*)

THE CHAIRPERSON: I think the legal draftsman should capture that.

MR RUHINDI: Madam Chair, I have been very helpful and in clause 11 – (*Mr Sempijja rose*) – Before I even say anything –

MR SEMPIJJA: Yes. Madam Chair, thank you. The practice these days is that the land may not be owned by this family but they go somewhere and hire a portion of land and they produce their cassava or maize. That is where the concern is.

THE CHAIRPERSON: We are talking of land from which you derive sustenance.

MR NANDALA-MAFABI: Madam Chair, I think he has brought in another angle.

THE CHAIRPERSON: Hon. Nandala, why don't you want the land? (*Laughter*)

MR NANDALA-MAFABI: Madam Chair, even if you go to the bank, even if the woman's name is not on that land title, they will say you must make sure that she signs somewhere before you are lent money. That is what the banks require all over the world. However, now when it comes to moneylenders, it is dangerous because they do not ask for your spouse's consent. So, that is the problem with the land.

THE CHAIRPERSON: Maybe we leave out the word "matrimonial" and say, "Land from which the family derives sustenance."

MR RUHINDI: Madam Chair, that is why I was careful. This is what you should have done before because there was a committee, which was considering this Bill, and you should have made proposals there. It is certainly, very difficult to draft on the Floor of the House. That is why we should capture the principle under clause 11, that for anyone dealing in crops, the provisions of the Land Act on family land rights shall apply. Then they will definitely put it in a better language, that cross-referencing will be captured.

THE CHAIRPERSON: Okay. So I instruct the Clerk to make sure that when you are proofreading, that clause must be there, specifically. The drafts-people should capture it and when you are proofreading, make sure that it has found a clear home in this Bill. Let us go to clause 2.

Clause 2

MR BAKA: The committee proposes to amend the definition of "chattel" by inserting the words, "property in respect of which a valid document of title exists" after the word "wool" in the fourth line of the provision. Those who have the Bill, it is page 6, the fourth line.

To make it flow grammatically, however, we would also need to insert the word "and" before "property". So, it would read, "'chattel' means any movable property that can be completely transferred by delivery, and includes machinery, book debts, stock and natural increase of stock, crops or wool, and property in respect of a valid document of title exists..."

Our second proposal is to substitute the word "and" in the third line of the provision with "or" after "crops."

THE CHAIRPERSON: Honourable members, those are the proposals. Is there any other proposal?

MR BAKA: The other proposal in clause 2 is to substitute the word "Trade" with the words, "Justice and Constitutional Affairs." That is under definition of "minister".

MR RUHINDI: Madam Chairperson, in the Second Schedule there is a typographical error that needs to be corrected, under No.7. "That the grantee shall..." the word "not" after "shall" is missing. It should be, "The grantee shall not possess, sell or dispose of the chattels or part of the chattels by public auction without consent of the grantor, or by private treaty where the consent of the grantor has been obtained, where- (a) the grantor defaults in payment..."

THE CHAIRPERSON: "...shall not possess, sell or dispose of the chattels or part of the chattels by public auction without consent of the grantor, or by private treaty where the consent of the grantor has been obtained, where-

- (a) the grantor defaults in payment of the secured money;
- (b) the grantor breaches a covenant..."

Yes, I think the "not" should be there.

MR RUHINDI: Yes.

THE CHAIRPERSON: I put the question that the second schedule be amended as proposed.

(Question put and agreed to.)

MR NIWAGABA: Madam Chair, there is also another typing error in the Second Schedule, No.19. It should be, "That the grantor shall manage the land and stock without any interference from the grantee..." not from the grantor.

THE CHAIRPERSON: Yes, the grantee. So, I think we substitute the second "grantor" with "grantee". I put the question that part 19 of the Second Schedule be amended as proposed.

(Question put and agreed to.)

THE CHAIRPERSON: Now, I put the question that clause 2 be amended as proposed.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

7.44

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable members, put the question that the House do resume and the Committee of the whole House do report thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.45

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled "The Chattels Securities Bill, 2009" and passed it with amendments.

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

7.45

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

THE SPEAKER: Honourable members, I put the question that the report of the Committee of the whole House be adopted.

(Question put and agreed to.)

Report adopted.

7.47

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I am extremely sorry. This does not normally happen to me but I think some friends really misled me. Under the Second Schedule, this word “not” should not be there. I beg to recommit that small part and have it properly corrected. I apologise.

Madam Speaker, I move that the second schedule to this Bill be recommitted to remove the word “not” from item No. 7 for the correctness of record.

THE SPEAKER: Honourable members, I put the question that the Schedule be recommitted.

(Question put and agreed to.)

BILLS
COMMITTEE STAGE

THE CHATTELS SECURITIES BILL, 2009

MR RUHINDI: Madam Chairperson, as I had pointed out, there was just a small typographical error and I beg to move that the word that we had inserted after “shall” in item No. 7 of the Second Schedule be accordingly deleted. I beg to move.

MR BAKA: The justification is that if you look at No. 7, it says, “*That the grantee shall possess, sell or dispose of the chattels or part of the chattels by public auction without the consent of the grantor...*” If he has consent of the grantor, then it shall be by private treaty. So, the “not” should not be there.

THE CHAIRPERSON: I put the question that part No. 7 of the schedule do stand part of the Bill.

(Question put and agreed to.)

The Second Schedule, as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

7.49

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable members, I put the question that the House do resume and the committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.50

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to report that the Committee of the whole House has considered the amendment in the recommitted Second Schedule of the Bill and passed it.

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

7.51

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to move that the report of the committee of the whole House be adopted.

THE SPEAKER: Honourable members, I put the question that the report of the Committee of the whole House be adopted.

(Question put and agreed to.)

Report adopted.

BILLS
THIRD READING

THE CHATTELS SECURITIES BILL, 2009

7.52

THE MINISTER OF STATE JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Fred Ruhindi): Madam Speaker, I beg to move that the Bill entitled “The Chattels Securities Bill, 2009” be read the third time and do pass.

THE SPEAKER: Honourable members, I put the question that Chattels Securities Bill be read for the third time and so pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED “THE CHATTELS SECURITIES ACT, 2013”

THE SPEAKER: Title settled and Bill passed. *(Applause)*

MR BAKA: Thank you, Madam Speaker. Mine is just, on behalf of the committee, to thank the House for staying here up to now so that we could conclude this important business.

As a committee, we are happy we have concluded two important Bills from our committee today. I want to thank the members for the hard work they put into the Bill. Most importantly, Madam Speaker, I thank you and the Commission for the support you gave us. This was a technical Bill that required us to move extensively to get to understand the Bill, and you supported us in that. I wish to thank you on behalf of the committee. I thank you.

MR RUHINDI: Madam Speaker, first of all, let me thank the Committee on Legal and Parliamentary Affairs for their constant co-operation and commitment in the work of the justice, law and order sector. *(Applause)*

I thank you, Madam Speaker, also for championing this commercial reform programme. From the first prioritised batch of laws, at least from our ministry, this is the last in that particular batch. *(Applause)* This exercise started way back in 1997/1998 and has included the transition of enactments

- the Companies Act, the Trade Secrets Act, the Hire Purchase Act, the Trademarks Act, Industrial Property Act and so many others that have been passed.

I can assure you this is going to greatly improve our economic welfare because it is going to improve our investment climate in this country. So, thank you very much, Madam Speaker, and we look forward to your continued co-operation even in the implementation. It is not so much about passing these laws but so much about the implementation and enforcement. Certainly, the process is as good as the result, but you have done so much in terms of the process to that effect. Thank you very much. I wish you a happy Christmas and prosperous New Year.

THE SPEAKER: Let me thank the Committee on Legal and Parliamentary Affairs. I think they had the biggest backlog of Bills. There are some still remaining but I thank you for the bulk we have done. I thank them.

Honourable minister, during our visits in the countryside, the issue of dissemination of the laws that we have enacted is a very big challenge. You need to find a solution for how the public can access these laws and understand them. It is an area where we have not done well. I hope that you can do something about it.

Honourable members, although the calendar says we are supposed to rise today, there are still some issues on the Order Paper. So, I want to appeal to you to come back tomorrow at 10.00 a.m. - I will not keep you after 2.00 p.m. - so that we can run through some remaining work. For now, I think we have earned the right to go and *kyamuket*. Let us go straight to the ground floor so that we can dance.

Thank you, Government side, and thank you, Leader of the Opposition, for always being here and martialling all the Members. I thank you for sitting in until late so that we can do work for the country. Thank you very much, honourable members. House adjourned to 10 O'clock tomorrow.

(The House rose at 7.56 p.m. and adjourned until 20 December 2013 at 10.00 a.m.)

EXHIBIT 164



Scott Lively <sdllaw@gmail.com>

FYI

4 messages

Scott Lively <sdllaw@gmail.com> Sun, Apr 20, 2014 at 8:27 PM
To: Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

<https://its.law.nyu.edu/eventcalendar/index.cfm?fuseaction=main.detail&id=30858>

charles tuhaise <ctuhaise@yahoo.com> Wed, Apr 23, 2014 at 6:24 AM
Reply-To: charles tuhaise <ctuhaise@yahoo.com>
To: Scott Lively <sdllaw@gmail.com>, Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>

Thanks, Dr. Lively for sending this information.

Do you know if this event that took place on April 10th, 2004 was recorded and copies of the recording can be accessed? We need to be keen on what is shared in such forums. Our adversaries are very keen on collecting all information on whatever we do, and using it (even if wrongly) to bolster their war against morality.

We too need to have them on record, so that we can respond to their attacks with evidence. Please see if any material from the referenced debate on Uganda is available.

I'm also attaching herewith, the two recently passed and assented Acts in Uganda: AHA and APA, in case you do not have the copies already.

All best wishes, especially in your on-going campaign for top office in MA. I'm following the progress on your campaign website.

Charles Tuhaise

On Monday, April 21, 2014 3:27 AM, Scott Lively <sdllaw@gmail.com> wrote:
<https://its.law.nyu.edu/eventcalendar/index.cfm?fuseaction=main.detail&id=30858>

2 attachments

 **Anti Homosexuality Act 2014.pdf**
549K

 **Anti-Pornography-Act-2014-1.pdf**
864K

Scott Lively <sdllaw@gmail.com> Wed, Apr 23, 2014 at 7:03 AM
To: charles tuhaise <ctuhaise@yahoo.com>, Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>

Hi Charles,

A Nigerian journalism student who interviewed me recently attended that event and may be able to get a copy of the video if there is one.

Be aware that our communications, including this conversation and all past emails are now subject to discovery in the SMUG lawsuit and will be viewed by my opponents.

Be also aware that the SMUG legal team has added attorneys with a background in litigation in the International Criminal Court. My guess is they want to bring an eventual action in the ICC against Uganda under their perverted theory of human rights law.

Blessings,

Scott

PS. "Greater is He that is in us, than he who is in the world."

On Wed, Apr 23, 2014 at 6:24 AM, charles tuhaise <ctuhaise@yahoo.com> wrote:

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charles tuhaise <ctuhaise@yahoo.com>

Wed, Apr 23, 2014 at 8:03 AM

Reply-To: charles tuhaise <ctuhaise@yahoo.com>

To: Scott Lively <sdllaw@gmail.com>, Martin Ssempe <ssempam@gmail.com>, Stephen Langa <stephenlanga@gmail.com>

Noted. CT

On Wednesday, April 23, 2014 2:03 PM, Scott Lively <sdllaw@gmail.com> wrote:

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Charles Tuhaise

On Monday, April 21, 2014 3:27 AM, Scott Lively <sdllaw@gmail.com> wrote:
<https://its.law.nyu.edu/eventcalendar/index.cfm?fuseaction=main.detail&id=30858>

EXHIBIT 165



Scott Lively <sdllaw@gmail.com>

Question on the Poisoned Stream

2 messages

Martin Ssempe <ssempam@gmail.com>

Sat, Apr 26, 2014 at 4:01 PM

To: Scott Lively <sdllaw@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>

Dear Scott,

I have just got to read the "poisoned stream" for the first time. I had forgotten that I had downloaded it sometime back. I think it is an amazing job you did in reviewing what happens to a country when sodom takes root....genocide! You have done a great job..I wish more people would read it.

I have two questions:

1. You indicated that in 1886 the Elizabeth Nietche and her husband started a community in Paraguay. Is this the right year or did you mean another year. (Page 99)
2. Have you produced a lecture or power point on this all important subject? I would like to request if you have developed a lecture on this work or the one of the pink swastika which you could share with us. I have interest in giving this lecture to the school of law at Makerere University.
3. What have you done to get this information out...more people need to read these books. Does your open policy of open source allow us to reprint for purpose of getting the word out?

Thank you again for the Seminal work you did on this issue. Humanity owes you a great deal of appreciation.

Martin Ssempe PhD

Scott Lively <sdllaw@gmail.com>

Tue, Apr 29, 2014 at 10:45 AM

To: Martin Ssempe <ssempam@gmail.com>

Cc: Charles Tuhaise <ctuhaise@parliament.go.ug>

Yes, that 1886 date is correct. Many Nazis fled to South America after WWII but there was a significant German presence there from the late 1800s.

I don't have a power point on the book but I should create one. I did a lecture on The Pink Swastika on Youtube which you can find by searching Pink Swastika. I think there were 7 or 8 segments.

The 5th Edition is in PDF (3 chapters of it so far) at <http://www.scottlively.net/tps/> I am very close to having Chap 4 done and just need a 4-6 hour block of free time (which is not as easy to find in my schedule as you might think).

You are free to copy and disseminate any of my writings, with attribution.

[Quoted text hidden]

EXHIBIT 166



Scott Lively <sdllaw@gmail.com>

2014 Uganda Conference

4 messages

Scott Lively <sdllaw@gmail.com>

Mon, Apr 28, 2014 at 11:03 AM

To: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Brothers,

Some time this year I will need to come to Uganda for the depositions in the SMUG lawsuit. I would like to explore the possibility of organizing an All-Africa conference, to take place during my stay in Uganda, on "Healing the Wounds Caused by the Dysfunctional Sexual Culture of the West" to explore how Christianity and Biblical values regarding sexuality can fix the problems in Africa that have been caused by the exportation of the sexual revolution from the US and Europe.

It would revisit the problems of pornography, abortion, fornication and homosexuality and explore how the African model of reconciliation and restoration can overcome these problems. I am especially keen to address the restorative model regarding homosexuality to help shift the African focus away from punishment toward healing the underlying disorder, with mercy toward the strugglers.

All of the world's media will be keening attentive to such a conference and give us a chance to set an example for the world on how to overcome the anti-family sexual agenda with grace and civility.

What are your thoughts?

Blessings,

Scott

charles tuhaise <ctuhaise@yahoo.com>

Tue, Apr 29, 2014 at 4:34 AM

Reply-To: charles tuhaise <ctuhaise@yahoo.com>

To: Scott Lively <sdllaw@gmail.com>, Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>

Dear Scott,

To be honest, I do not know whether the conference is a good idea, given that the campaign being whipped up, claiming that **"US evangelicals have exported gay hate to Africa"** is based on lies and mis-information. Most of the pictures on that facebook page may have little or nothing to do with persecution of homosexuals. But they have been package to tell the lie that "gays" are being killed all over Africa.

As we have now learnt, the picture of the burning man could be from the ethnic/political violence that engulfed Kenya after the 2007 national elections. The picture of David Kato tells a false story that he was attacked after he was outed in a local tabloid (we know the truth, told by Kato's neighbours, that he bailed a troubled young man out of prison to be his prostitute and he later killed him after Kato refused to pay him). The picture of a man being dragged in the streets, with uniformed men lifting a stone over his head is also clearly not Ugandan as claimed, because the security personnel in Uganda wear that combination of uniforms - the true story of this picture likely has no link to homosexuality.

Even the story of Eudy Simelane from South Africa needs independent determination before we confirm that this young woman was killed because of "being gay". South Africa has an extremely high rates of rape and murder. If this woman was say doubling in alcohol and prostitution, she may have

been unfortunate to be gang-raped and murdered in circumstances related to alcohol misuse. But the "corrective rape" story was preferred for purposes of gay activism, as in the case of David Kato in Uganda.

The other pictures showing men stripped naked in the streets may be common thieves or robbers - the act of stripping and beating thieves is common where there are no nearby police stations or the police and court systems are perceived by the community to be corrupt. Public humiliation and beating are then seen as deterrents to criminal behavior. The difference is that these pictures have been collected together to tell a **deceitful story** about gay persecution in Africa.

In my opinion, organising a conference that you suggest, would play into the trap of those behind this deception. The world would then conclude that the pictures and the stories are true, and that indeed, "US evangelicals" are responsible for the mess - that's why they are trying to clean it up, right?

It is a **better strategy** to focus on refuting this mis-information and outright deception. Let us put up a rival facebook page demanding that the publishers of these stories either give more convincing particulars of the alleged victims and places involved or retract the stories. Where we have solid information, we should lodge libel proceedings in court and hold some people and organisations to account. This will be better than accepting guilt for crimes that do not exist, but are mere hoaxes designed to whip up public thimpathy for homosexuality. Let the media cover this kind of action (if they choose to do so) rather than a conference that will give gay activists opportunity to publish more false hoaxes, some even photo-shopped to create non-existing crimes.

Charles Tuhaise

[Quoted text hidden]

Martin Ssempe <ssempam@gmail.com> Tue, Apr 29, 2014 at 6:39 AM
To: Scott Lively <sdllaw@gmail.com>
Cc: Stephen Langa <stephenlanga@gmail.com>, charles tuhaise <ctuhaise@yahoo.com>

Dear Scott,

The idea of a conference sounds great. Indeed, it is necessary to have a balanced response of the church. I think it is a very good idea. I think that the major areas or player in this are

1. The Church and other faith communities...
2. Cultural Leaders..like Kingdoms of Africa.
3. The Health Experts..the main being the health experts of homosexuality who agree that it is treatable. Did you see the Ministry of Health Experts report to the government?
4. Legal and Human rights experts.

Blessings,

Martin

[Quoted text hidden]

Scott Lively <sdllaw@gmail.com> Tue, Apr 29, 2014 at 7:14 AM
To: charles tuhaise <ctuhaise@yahoo.com>
Cc: Stephen Langa <stephenlanga@gmail.com>, Martin Ssempe <ssempam@gmail.com>

I agree that we should counter the lies, and to that end please help me track down the facts about these photos.

Regarding the conference, we should not stop working toward building truly family-friendly societies just because we have been misrepresented by the cultural Marxists. They win by default when we stop trying to redeem the systems of the world through Christ. One hard lesson I have learned is that our opponents cannot be appeased. They are implacable and relentless pursuers of their own selfish and destructive agenda. If we stop pursuing our own agenda, a culture of peace, blessing and prosperity through Godliness (and thus holding them back by contesting for the same ground), we

will in due time simply be crushed under their jack-boots. A team with no offense cannot win the game. No matter good their defense they will eventually tire and lose.

No matter what you do (other than totally capitulating to their agenda), the homosexualists will never stop characterizing Uganda as a land of torture and murder of homosexuals. Forever more, every incident within your borders that can remotely be represented as persecution of homosexuals will be added to their indictment of your country, and if they can't find real examples, they will invent them (as the stopthewickedness web page shows).

You may think the battle is over because you have passed the anti-homosexuality law (in your minds a powerful defensive bulwark), but for them this is only the beginning of the next phase of their war to conquer you. And (with all due respect for your duly elected government) because you didn't focus on therapy and prevention rather than punishment, you have handed them a club to beat you with and put fear instead of hope in the hearts of homosexual strugglers. As have other African nations.

You as Christian pro-family leaders need to ask yourselves where do you go from here. In your vision of the future, what does Uganda and all Africa look like in relation to sexual morality, marriage and family? How do you get there? How can you help those struggling with sexual sin to be restored to wholeness?

Where there is no vision the people perish. And where there is no shepherd the flock falls prey to the wolves.

Blessings,

Scott

[Quoted text hidden]

EXHIBIT 167



Scott Lively <sdllaw@gmail.com>

(no subject)

1 message

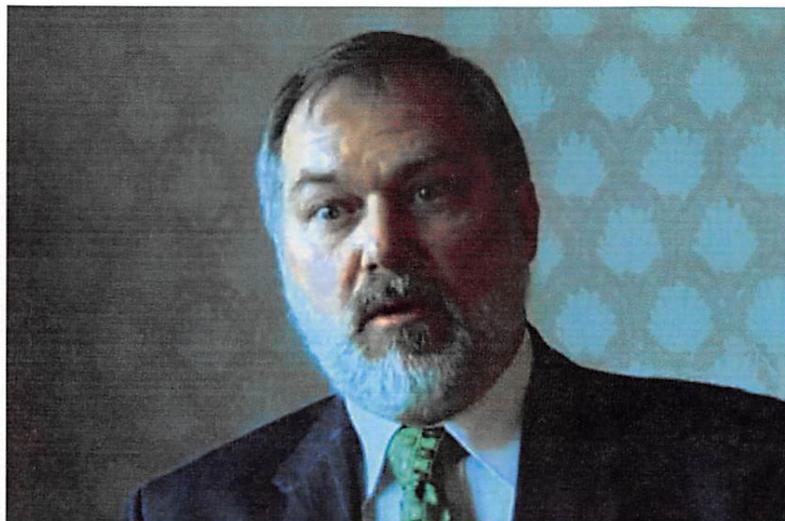
Stephen Langa <stephenlanga@gmail.com>

Thu, May 8, 2014 at 8:09 PM

To: Scott Lively <sdllaw@gmail.com>, Charles Tuhaise <ctuhaise@parliament.go.ug>

<http://www.popularresistance.org/u-s-pastor-behind-ugandas-anti-gay-law/>

U.S. Pastor Behind Uganda's Anti-Gay Law



EDUCATE! [LGBTQ. UGANDA](#)
By Mariah Blake, www.motherjones.com
March 13th, 2014

Select Language Powered by [Google Translate](#)

Like Tweet 14

In late February, when Ugandan President Yoweri Museveni signed the nation's harsh new anti-gay bill into law, he claimed the measure had been "provoked by arrogant and careless western groups that are fond of coming into our schools and recruiting young children into homosexuality." What he failed to mention is that the legislation—which makes homosexuality a crime punishable by life in prison in some cases—was itself largely due to Western interlopers, chief among them a radical American pastor named Scott Lively.



Lively, a 56-year-old Massachusetts native, specializes in stirring up anti-gay feeling around the globe. In Uganda, which he first visited in 2002, he has cultivated ties to influential politicians and religious leaders at the forefront of the nation's anti-gay crusade. Just before the first draft of Uganda's anti-gay bill began circulating in April 2009, Lively traveled to Kampala and gave lengthy presentations to members of Uganda's parliament and cabinet, which laid out the argument that the nation's president and lawmakers would later use to justify Uganda's draconian anti-gay crackdown—namely that Western agitators were trying to unravel Uganda's social fabric by spreading "the disease" of homosexuality to children. "They're looking for other people to be able to prey upon," Lively said, according to video footage. "When they see a child that's from a broken home it's like they have a flashing neon sign over their head."

Lively is not the only US evangelical who has fanned the flames of anti-gay sentiment in Uganda. As they lose ground at home, where public opinion and law are rapidly shifting in favor of gay equality, religious conservatives have increasingly turned their attention to Africa. And Uganda, with its large Christian population, has been particularly fertile ground for their crusade. Journalist (and past *Mother Jones* contributor) Jeff Sharlet has reported at length on the Family, a politically connected US-based ministry, which promotes hard-line social policies in the East African nation.

But, according to Ugandan gay rights activists, Lively has played an unparalleled role in fostering the climate of hate that gave rise to Uganda's anti-gay law. "The bill is essentially his creation," says Frank Mugisha, director of Sexual Minorities Uganda, a coalition of gay rights organizations. Mugisha's group has filed a first-of-its-kind lawsuit in US federal court, accusing Lively of international crimes against humanity on the grounds that he and his Ugandan allies allegedly conspired to deprive gay Ugandans of basic human rights.

Lively, who is currently running for governor of Massachusetts as an independent, calls the allegations "ridiculous." "Basically, a Marxist law firm in New York City is trying to shut me up because I speak very articulately about the pro-family issues," he says. But video obtained by *Mother Jones*—including footage of Lively's 2009 presentation and a little-known follow-up meeting where influential

"These people had never heard of anything called the gay agenda," recalls Anglican priest

Ugandans resolved to petition parliament for a harsh new law against homosexuality—lends credence to the allegations that Lively's fierce message paved the way for the nation's anti-gay crackdown.

Kapya Kaoma. "But Lively told them that these predators were coming for their children. As Africans hearing it for the first time, they believed it was true—and they were burning with rage."

Lively has an unusual history for a family-values crusader. A former alcoholic, he spent his late teens and 20s drifting around the country, occasionally sleeping under bridges and begging for spare change. After finding God in a Portland, Oregon, treatment center in the mid-1980s, he joined a conservative evangelical church and took a job as communications director for the Oregon Citizens Alliance, which was loosely affiliated with the then powerful Christian Coalition and was deploying radical tactics to fight abortion and the gay rights movement. In 1992, OCA introduced a ballot initiative with the first faint outlines of the legislative strategy Lively would later deploy abroad. Measure 9, as it was known, barred the state government from offering any "special rights" to gays or "promoting" homosexuality. It also required public schools to treat "homosexuality, pedophilia, sadism" as "abnormal, wrong, unnatural, and perverse."



The backlash was fierce. Opponents likened Lively and his colleagues to Nazis and lobbed bricks wrapped in swastika flags through the windows of businesses supporting the measure. OCA's aggressive campaign, likening gays to pedophiles, was also blamed for a steep uptick in gay hate crimes. In the end, Measure 9 was defeated by a 13-point margin. Undeterred, OCA began promoting measures barring special protections for homosexuals on the city and county levels. Lively, who bristled at the Nazi comparisons, also threw himself into studying the Third Reich and eventually grew convinced that gay men—some of whom occupied senior posts in the Nazi regime—were the driving force behind the Holocaust. "Everything that we think about when we think about Nazis actually comes from the minds and perverted ideas of homosexuals," he told an Oregon public access television station in 1994. OCA also began deploying messages reminiscent of Nazi propaganda. One OCA-published cartoon resembled the infamous Nazi caricature showing a Jew manipulating the strings of government and economy. As Deborah Geis and Steven Kruger observed in their 1997 book *Approaching the Millennium*, the group had merely replaced "the stooped, hooked-nose puppeteer with a fresh-faced gym boy."

These tactics paid off. OCA managed to push through more than two dozen county and municipal ordinances. While the Oregon Legislature later rendered them unenforceable, OCA's efforts kept the issue on the conservative agenda and showed the grassroots appeal of the group's message. In 1994, the organization sponsored another statewide ballot initiative similar to Measure 9. It was defeated, too, but only by a 3-point margin.

After his bare-knuckled legislative battles in Oregon, Lively retreated to California, where he earned a law degree and a Ph.D. in theology. He also became a prolific author. In 1995, he coauthored what would become his signature book, *The Pink Swastika: Homosexuality in the Nazi Party*. It argued that gay elements in the Nazi regime tried to wipe out the Jews because their religion condemned homosexuality. And it claimed that gays intentionally spread immorality and corruption so others were "less likely to oppose homosexuality on moral grounds." Pornography, according to this theory, is a "tool of 'gay' social engineering." The rising rates of divorce, substance abuse, disease, and violent crime, are all a "direct consequence of embracing the 'gay' ethic." In subsequent books, Lively laid out detailed tactics for battling this menace—including stressing the supposed danger homosexuality poses to young people. "Public sympathy for 'gays' as victims is not grounded in logic, but in emotion," he wrote. "An effective strategy is to emphasize the issue of homosexual recruitment of children..."



Lively's ideas have proven too radical for the mainstream family values movement, but they've gotten some traction on the far right. Bryan Fischer, director of issues analysis for the influential American Family Association, regularly parrots his arguments linking gays to Nazis. ("Homosexuality gave us Adolph Hitler," he opined in a 2010 post on the organization's website, "and homosexuals in the military gave us the Brown Shirts, the Nazi war machine and six million dead Jews.") Lively's theories have also gained currency in foreign countries, including former Soviet republics, where he has helped advance anti-gay legislation. But nowhere has his influence been more keenly felt than in Uganda. During his first visit there in 2002, he spoke at an anti-pornography conference and warned participants that Western cultural Marxists, backed by liberals (such as George Soros), were trying to erode Uganda's independence by attacking family values—a message that played on lingering colonial-era resentments. One

of their core tactics, Lively argued, was deploying homosexuals to infiltrate Ugandan society. "The cultural Marxists go into these countries, they buy media and they set up these street activist organizations to recruit," Lively tells me. "I said, 'Okay, this is what's going on here. The way to respond to that is to focus on affirming family values—and discouraging the alternatives.'" Lively, who was used to being heckled, was stunned by the positive reception he received at the gathering.

Later the same year, an influential Ugandan Assemblies of God pastor named Stephen Langa invited Lively and his wife, Anne, back to Kampala for a barnstorming tour. Lively met with lawmakers, lectured at universities, and gave a number of media interviews. He and Langa also hosted an all-day conference with local pastors. The event was closed to the media and the public, but Lively later recalled that the pastors who attended were "very grateful" for his insights "about the way in which America was brought low by homosexual activism."

Following the trip, Lively kept in contact with Langa, whom he calls his "ministry partner," and another influential Ugandan pastor named Martin Ssempea. Both men would ultimately be at the vanguard of Uganda's anti-gay crackdown.

In early March 2009, Lively returned to Uganda at Langa's invitation. Uganda's High Court had recently found that the government overstepped its authority by detaining two gay activists simply because they were gay. In response, a Langa-run group called the Family Life Network planned a three-day conference to expose what he called the "hidden and dark" gay agenda. On the last day, Lively gave a marathon five-hour presentation, which was broadcast on Ugandan television. He claimed that homosexuals were aggressively recruiting Uganda's children and argued that human rights protections shouldn't be extended to these "predatory" figures.

Lively also told attendees—among them Ugandan cabinet members—that the gay movement was an "evil institution" that sought to "defeat the marriage-based society" and crush anyone who stood up to its nefarious agenda. At one point, he scrawled "Causes and Types of Homosexual Dysfunction" across the top of a white board and, beneath this, drew a continuum with what he claimed were the various types of gay men. On one extreme sat the transsexuals and transvestites; on the other were what Lively called the "super machos" and "monsters." "The Nazis were super machos," he said. "You also see them in prisons...brutish, *brutish*, animalistic, men that want to hurt other people...men having sex with boys and other men, usually in some sort of aggressive way."

Moving on to "the monsters," Lively continued, "They are so far from normalcy that they're killers. They're serial killers, mass murderers. They're sociopaths. There's no mercy at all, there's no nurturing, no caring about anybody else... This is the kind of person it takes to run a gas chamber." He added that the genocide in neighboring Rwanda "probably involved these guys."

"Public sympathy for 'gays' as victims is not grounded in logic, but in emotion," Lively wrote. "An effective strategy is to emphasize the issue of homosexual recruitment of children..."



Lively also likened homosexuality to a disease, and suggested that if Uganda didn't "actively discourage" same-sex relations, the nation's children might soon be throwing orgies and performing oral sex on school buses. "That's what happens when the immune system becomes overwhelmed. The body begins to suffer, disintegrate," he said. "We need public policy that discourages homosexuality."

According to Kapyra Kaoma, an Anglican priest from Zambia who attended the conference as part of an investigation for the liberal think tank Political Research Associates, Lively's remarks landed like a bombshell. "These people had never heard of anything called the gay agenda," he recalls. "But Lively told them that these predators were coming for their children. As Africans hearing it for the first time, they believed it was true—and they were burning with rage."

During his Ugandan trip, Lively also addressed more than 50 members of parliament. The following week, Langa's Family Life Network convened a follow-up seminar. As attendees filtered into the meeting room, they passed a table stacked with Lively's writings and DVDs of his conference speech. The purpose of the gathering, the moderator explained, was to review the lessons from the conference and "come up with a way forward." He asked attendees to share their recollections from the previous week's event. A stocky young man in a purple Oxford stood up. "The man of God told us about the origin of all this," he recalled, according to video footage provided by Political Research Associates. "He said there is a movement that is behind the promotion of homosexuality, and it's called 'gay movement.' He told us it is more serious than we have ever thought. For me, I have never heard of that. But then I got to know that there is a force behind homosexuality that we need to attack also with force." This was followed by a flurry of incendiary claims, many of them inspired by Lively's speech.



By the time Langa took the stage, about an hour into the proceedings, the crowd was in a frenzy. The Ugandan pastor held up a copy of *The Pink Swastika*, and rehashed Lively's inflammatory theories. In a crude variation on Lively's take on the history of the gay movement, he claimed the first gay-rights organization in the United States was founded by German-American soldier named Henry Gerber, who had been stationed in pre-Nazi Germany and later became a child molester. (In reality, there is no evidence that Gerber had inappropriate relations with children).

Langa's speech only fed the public's rage, and audience members rose to their feet to demand government action. Eventually, the director of research for Uganda's parliament, Charles Tuhaise, took the floor. He argued that the problem was the nation's colonial-era anti-homosexuality laws, which made it difficult to punish gay activists. "It does not define its terms. It is totally vague and ineffective," he explained. Tuhaise opined that parliament needed to "draft a new law that comprehensively deals with this issue—the gay agenda as we have seen it."

Shortly after the meeting, attendees marched down to parliament and petitioned lawmakers to stiffen punishment for homosexuality, which officials agreed to do. By late April 2009, the first draft of Uganda's anti-gay bill, authored partly by longtime Lively associate Martin Ssempe, was circulating. Its preamble echoed Lively's arguments about the threats gays supposedly pose to society. ("Research indicates that homosexuality has a variety of negative consequences including higher incidences of violence, sexually transmitted diseases, and use of drugs...") The bill made homosexuality punishable by life in prison, and it created a new category of offense, "aggravated homosexuality," for repeat offenses or cases when one partner is underage or HIV positive. This was punishable by death.



Lively claims that he never called for such harsh punishments. When Ssempe consulted him on an early draft of the legislation, he says he suggested softening the penalties and adding a provision to encourage "rehabilitation." But by this time, the animosity he helped plant had apparently taken on a life of its own. According to correspondence that Lively reprinted on his website, the Ugandan parliament rebuffed his suggestions, based largely on his own arguments about the dangers of homosexuality. "I admire the courage of my friend Dr. Lively, because he has stood up to homosexual intimidation for so long as a lone voice," Tuhaise, the Ugandan parliament's research director, wrote in a letter to Ssempe. But, he argued, Uganda needed the harshest possible deterrents to prevent Western gay activists from indoctrinating children and dominating the "whole culture."

While Uganda's parliament ultimately stripped out the death penalty, it also added harsh new provisions. Under the version of the bill that would eventually be signed into law, even touching someone of the same sex with romantic intent was a crime punishable by life in prison in certain cases. Renting a room to a homosexual or "aiding and abetting" him in any form could land a person in prison for seven years. Some US religious conservatives, including Lou Engle of *The Call*, initially appeared to laud the legislation. But most reversed course and came out against it after the deafening international outcry. Lively continued to voice tepid support. When asked by a reporter in 2010 if he would support the bill minus the death penalty, he replied: "I would not have written the bill this way. But what it comes down to is a question of lesser of two evils... I think the lesser of two evils is for the bill to go through."

In one sermon, Lively went as far as claiming that the gay rights movement was actually seeking the right "for adult men to have sex with boys."

As the bill inched toward passage, the situation for gay Ugandans deteriorated. Newspapers printed the names, addresses, and photos of suspected homosexuals, triggering a wave of vigilante violence. In January 2011, Sexual Minorities Uganda's founder David Kato was beaten to death with a hammer, after his picture was splashed across the front of a Kampala tabloid, under the headline "Hang Them." The group issued a statement blaming the murder on "hatred planted in Uganda by U.S. evangelicals in 2009." Lively has dismissed these allegations and offered his own theory about the motive behind the murder, namely that Kato "was killed by a 'gay' lover, as was the case with another homosexual activist... Carlos Castro was castrated with a corkscrew by his boyfriend and bled to death in his hotel room."

A similar pattern has played out in other countries where Lively has promoted anti-gay legislation. In 2006, he teamed up with a politically connected Latvian pastor, Alexey Ledyev, to form an international anti-gay organization called Watchmen on the Walls, which the Southern Poverty Law Center has dubbed a hate group. (For more on

Watchmen, see [Box Turtle Bulletin](#)). That summer, Lively traveled to Latvia, where he lectured at universities, met with lawmakers, and preached at Ledyaev's New Generation church. As in Uganda, Lively claimed that Western activists—in this case backed by the European Union—were trying to infiltrate Latvian society and spread homosexuality, especially to children. In one case, he went as far as claiming that the gay rights movement was actually seeking the right "for adult men to have sex with boys."

During his visit, Latvia's First Party, which has deep ties to Ledyaev's church, introduced legislation barring "homosexual propaganda." (The bill initially failed, but it was recently reintroduced). That same summer, Latvia's lone gay rights group, Mozaika, held the nation's second gay-pride gathering. Hundreds of protestors—many of them wearing [T-shirts from a New Generation spin-off called "No Pride"](#)—turned out to heckle them and pelt them with eggs and feces.

After Latvia, Lively embarked on a 50-city tour of Russia and former Soviet republics, sponsored by Ledyaev's church, which had roughly 200 congregations and a regional TV channel. As Lively wound his way from the Baltics to Siberia, he pressed officials to outlaw the "[public advocacy of homosexuality](#)" and agitated against anti-discrimination laws.

Eight of the nine countries he visited eventually weighed nationwide bans on "homosexual propaganda," and five—including Russia—either have bills pending or have passed them into law. Lively takes partial credit for this development and calls Russia's controversial gay propaganda ban his "proudest accomplishment." Some mainstream family values organizations active in the region accuse Lively of exaggerating his clout. "The influence of Scott Lively in the Russian debate is a creation of his own imagination," Allan Carlson, president of the World Congress of Families, barked when an activist asked him about Lively during a Capitol Hill press conference last fall. (For more on the World Congress of Families, see "[How US Evangelicals Helped Create Russia's Anti-Gay Movement](#).")

But activists in several Eastern European countries that Lively visited say his influence has been considerable. "To this day, Latvian politicians are using his arguments about the secret gay agenda to homosexualize society and steal the children," says Mozaika's executive director, Kaspars Zalitis. "Most Latvians condemn homosexuality. We believe Lively and Ledyaev are one of the main reasons for this. Every gay person in the country knows Ledyaev's rhetoric, which he borrowed from his American friend."

As his inflammatory ideas bear fruit abroad, Lively has renewed his attention to the home front, where he's campaigning for [governor of Massachusetts](#). He admits that it would "take a miracle from God" to land him in the governor's mansion. "My purpose really is just to have a platform to articulate my views so people can hear them," he explains. Lively has also partnered with another radical anti-gay crusader, Peter LaBarbera of Americans for Truth About Homosexuality, to create a new group called the Coalition for Family Values, which will work with organizations around the globe to push a hard-line anti-gay agenda. So far, Lively says, more than 75 organizations have signed on, including a few US heavyweights, such as the American Family Association.

At a press conference announcing the group's formation late last month, Lively praised Russia for "providing much-needed leadership in restoring family values." When a young gay Russian man, who wore as "Lively is Deadly" button, stood up to protest, Lively drowned him out. "Every time the pro-family people come forward to speak the truth from our perspective, we are interrupted by homo fascists," he seethed, before summoning security to drag the protestor away.

The following week, Uganda's president signed the nation's draconian anti-gay bill into law, and the popular Ugandan tabloid [Red Pepper](#) [printed](#) names, photographs, and home addresses of 200 alleged homosexuals, touching off a new wave of anti-gay vigilantism. Ugandan gay activists say attacks and harassment are becoming commonplace, with religious leaders in the Kampala suburbs calling for gays to be burned and beaten over public address systems. But Lively remains unrepentant. "The gay movement has really brought this on themselves," he [told NPR](#) during a recent interview. "You know, white male homosexuals from the United States and Europe going into these African countries because the age of consent laws are low and able to take these, you know, young, teenage boys and turn them into rent boys for the price of a bicycle...When you're taking these boys and messing with them in a culture like Uganda...they're just asking for trouble."

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Bernard Martin · a year ago

Just another sign depicting the greatness of god and those that use the delusion to further their own ends!

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gbossa_25 · a year ago

Quite reminiscent of the pre-WWII anti-Semitic screeds of Hitler, Ford, et. al., as well as the rhetoric of the Inquisitors as they explained "why" it was necessary to torture and finally kill the "heretics" among us. Insane ideology in the service of insane ideologists. This type of "evangelical" work by the West in Africa is criminal by any standard of human decency worthy of the title.

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EXHIBIT 168



Scott Lively <sdllaw@gmail.com>

Police accuse Makerere University Walter Reed project

1 message

ctuhaise@parliament.go.ug <ctuhaise@parliament.go.ug>

Mon, May 5, 2014 at 4:30 AM

To: Stephen Langa <stephenlanga@gmail.com>

Cc: Scott Lively <sdllaw@gmail.com>, Martin Ssempana <ssempam@gmail.com>

Dear Stephen,

Please see the scanned story attached.

I'm travelling to 4 districts on official duty today and return Friday. May not be able to access mail, but will try.

Best wishes on your trip.

CT

Attachments (links will expire on 30/11/14):

1. Police establish gay recruitment in Uganda.pdf (6.5 MB) [application/pdf]

Download link: <http://mail.parliament.go.ug/imp/attachment.php?id=53674ba8-c808-4ae3-b3b8-6ef5c0a8010d&u=ctuhaise%40parliament.go.ug>

<http://www.parliament.go.ug>

List of police recruits inside

next WE MADE IT ALIVE: TWO RWANDAN GENOCIDE SURVIVORS NARRATE THEIR ORDEAL



TRUTH EVERY DAY

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Daily Monitor



SEED OF GOLD

Joseph Nkandu getting more from coffee

NEWS P.4

'There are no plans to arrest Ms Mbabazi'

NEWS P.6

Minister rallies north to back poll extension

NEWS P.3

Govt schools crowded, says ministry

THE LIZARD

Thought NRM said no to extension!



Minister rallies north to back poll extension

TRIBUTE: MPS HONOUR OKURUT P.4



Speaker Rebecca Kadaga comforts Gender minister Mary Karoro Okurut at Parliament yesterday. This was during a special session to honour the minister's late husband Stanislaus Okurut. PHOTO BY GEOFFREY SERRUANCE

Makerere project recruited gays - police

'We have evidence'. Police say they infiltrated the Walter Reed Project and established that managers enlisted and paid young males to engage in unnatural sex, a claim denied by the US Embassy, the project funders. **STORY ON P.4**



POLICE SAY

"The training targeted youth between the ages of 18 and 25. The trainees were shown videos of men engaging in homosexual activity, and they were encouraged to bring along their sexual partners. The trainees were further given literature describing safe sexual practice between males, as well as condoms and lubricants." Mr Fred Enanga, Uganda Police Force Spokesman.

MONITOR JUSTICE CAMPAIGN: GABULA SPENT 27 YEARS IN JAIL FOR NO CRIME COMMITTED P. 27-27

4 WEDNESDAY, APRIL 9, 2014

national

Daily Monitor
www.monitor.co.ug

Police accuse Makerere research project of recruiting homosexuals

'There are no plans to arrest Mbabazi wife'

Evidence. The police spokesperson says they have "evidence" the managers of Makerere University Walter Reed Project enlisted and paid young males aged 18-25 to engage in "unnatural sex".

BY STEPHEN KAFEERO & AGATHA AYEBAZIBWE
editors@ug.nationmedia.com

KAMPALA. Police yesterday alleged that the now closed Makerere University Walter Reed Project (MUWRP) actively recruited and trained homosexuals.

A spokesperson for the United States Embassy in Kampala, the project funders, however, dismissed the police account as "fabrications".

In the first formal statement on last week's police raid on the project's offices in Nakasero, an upscale city suburb, the Force's spokesperson, Mr Fred Enanga, said they have "evidence" the project managers enlisted and paid young males aged 18-25 to engage in "unnatural sex".

"Police deployed crime intelligence officers to verify the claims, by infiltrating the project. Two officers undertook the assignment and were registered for training by the NGO and found out that the trainees were being shown videos of men engaging in homosexual activity," he said in a statement issued yesterday.

Police evidence

The training targeted youth between the ages of 18 and 25. The trainees were shown videos of men engaging in homosexual activity, and they were encouraged to bring along their sexual partners. The trainees were further given literature describing safe sexual practice between males, as well as condoms and lubricants.



Walter Reed Project offices in Nakasero, Kampala, which were closed at the weekend. PHOTO BY ABUBAKER LUBOWA

The Force has previously denied its officers raided Walter Reed offices. Responding to these allegations yesterday, the public affairs officer at the US Kampala Mission, Mr Daniel Travis, said the police account was baseless and spurious.

"The assertions about events occurring on April 4 are patently false since MUWRP was closed that day and has since remained closed," he said. Detectives had claimed that same-sex pornographic films were screened to a large audience of youthful spectators, who were subsequently paid between Shs10,000 and Shs100,000 as transport refund. They were encouraged to return with their partners, police said in yesterday's statement, without explaining the purpose.

"Without clear, detailed and authoritative guidance from the gov-

ernment about how critical health programmes such as MUWRP can continue to serve all Ugandans, its future, as well as the future of many of our other health programmes, is in jeopardy," Mr Travis noted.

Relations between the US and Uganda government, which have been warm and mutually beneficial, got strained in February this year

ABOUT THE PROJECT

Makerere University Walter Reed Project conducts research into Ebola, Marburg disease, and HIV. It has been in operation since 2002. The project is funded by the President's Emergency Plan for AIDS Relief through the US Department of Defense in the name of the Walter Reed Institute of Research and the US National Institute of Allergy and Infectious Diseases. The annual cost of the program is \$9.4m (Shs24b)

when President Museveni spurned a warning by President Barack Obama not to sign the anti-gay law.

The World Bank, Norway, Sweden and the Netherlands, in protest over the law, have either withheld or diverted in excess of \$110 million in planned budget support.

Mr Travis yesterday said the passage of the law "has seriously complicated our bilateral relationship with Uganda, just as President Obama said it would".

Meanwhile, the police said inquiries in the Walter Reed case have been transferred from Jinja Road Police Station where it was opened to the CIID headquarters in Kibuli, a Kampala suburb.

Last week, the Force described their officers that arrested a senior employee of MUWRP as "masqueraders."

BY ERIASA MUKIBI SSERUNJOGI
ermskibi@ug.nationmedia.com

KAMPALA. There are no plans to arrest Ms Jacqueline Mbabazi, the wife of Prime Minister Amama Mbabazi, the police announced yesterday evening.

"We would like to categorically make it clear that the police have no intentions or plans to summon or arrest Ms Mbabazi," the spokesperson, Mr Fred Enanga, wrote in a statement.

Mr Enanga was reacting to earlier media reports that Ms Mbabazi could be summoned for interrogation at the Criminal Intelligence and Investigations Directorate of the police or even be arrested. There were also claims on social media that she could be charged in court anytime.

"Those allegations are totally false and we urge the public to ignore it," Mr Enanga added.

Ms Mbabazi has recently been involved in a stormy bust-up with the Inspector General of Police, Gen Kale Kayihura, over Mr Mbabazi's supposed plans to stand for president in 2016, which the Force have been investigating.

In an interview with the *Sunday Monitor* on March 30, Ms Mbabazi said she would release recordings which show Gen Kayihura attempting to cause a misunderstanding between Mr Mbabazi and President Museveni by "couching" people to claim that Mr Mbabazi has hired people to mobilise for his presidential bid.

The recording was finally released last week, with Gen Kayihura heard taking the statement of a mobiliser claiming he had been recruited by Ms Mbabazi. However, the police said the recording was actually one of the 87 they had gathered during investigation into the case.

Rwanda, 20 Years after the Genocide.

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- THE 100 DAYS OF HELL
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- SURVIVORS SHARE THEIR TALES

- CONFESSIONS OF THE PERPETRATORS
- UNITY & RECONCILIATION PROCESS
- UNITED AND HEALING
- WHO WERE THE HEROES AND VILLAINS

EXHIBIT 169



Scott Lively <sdllaw@gmail.com>

FROM UGANDAN COURT

1 message

Stephen Langa <stephenlanga@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Wed, Jun 25, 2014 at 2:59 AM

Dear Scott,

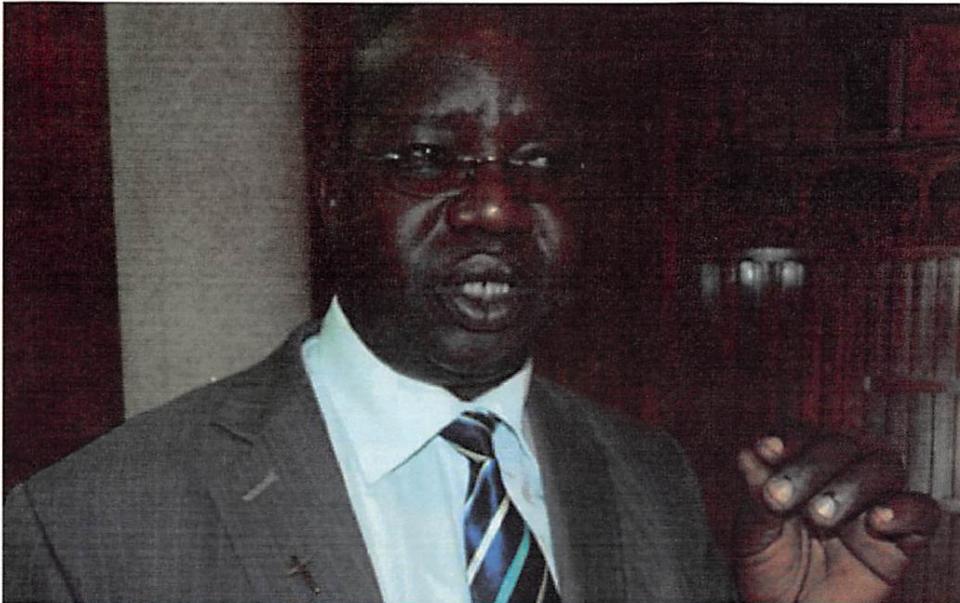
FYI

<http://www.redpepper.co.ug/fr-lokodo-wins-court-case-against-gays/>

SL

Fr. Lokodo Wins Court Case Against Gays

By *admin* - Jun 23, 2014



Father Simon Lokodo who Brought the Minis Skirt Bill

The High Court in Kampala has ruled that Ethics and Integrity Minister Rev Fr. Simon Lokodo acted with-in the public interest to protect moral values when he stormed into a hotel and closed a workshop that had been organized by homosexuals in Entebbe two years ago.

The minister had been sued by activists; Jacqueline Kasha Nabagesera, Julian Pepe Onziema, Frank Mugisha and Geoffrey Ogwaro.

They had among others accused him of infringing on their constitutional rights when he closed their two week workshop at Imperial Resort Beach Hotel in Entebbe at the expense of their freedom to assembly.

But in his judgment, justice Steven Musota held that the homosexuals could not claim to have their rights infringed upon since they were involved in promoting illegal acts by distributing same sex literature and encouraging homosexuals to have self-esteem and confidence for their sexual preference.

The judge also awarded costs to the minister after he dismissed the case against him on grounds that he had been wrongly sued since he acted in his official capacity as minister to close the gay-workshop but not as an individual.

Similarly, court awarded costs to the attorney general who was the first respondent in this case after the matter was ruled in his favor.

The workshop in question had been secretly organized by Freedom and Roam Uganda, an association that lobbies for the recognition of same sex relationships in Uganda, at Imperial Resort Beach Entebbe in February 2012.

Today's reading of the judgment comes four after President Museveni on February, 24, this year, publically assented to the Anti-homosexuality Bill becoming Law.

According to the Anti-homosexuality Act 2014, a person who purports to contract a marriage with another person of the same sex, commits the offence of homosexuality and shall be liable, on conviction, to imprisonment up to life.

Site Info redpepper.co.ug Apr 04, 2015	Traffic Rank: 62,945	Links in: 332	Powered by 
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EXHIBIT 170



Scott Lively <sdllaw@gmail.com>

greetings- regarding video documentary to tell Ugandas story on "god loves uganda" distortions

6 messages

Martin Ssempe <ssempam@gmail.com>
To: Scott Lively <sdllaw@gmail.com>

Mon, Sep 29, 2014 at 4:22 PM

Dear Scott,

I did meet a journalist and documentary maker, Mr Bart Kakooza of Media Plus who is interested in responding to the Western homosexualist lies concerning the facts of Uganda, the anti homosexuality law and the underlying causes of the same. He is aware of the documentary called "god loves uganda" which was funded by Sundance film festival and others, close to a tune of a million dollars! This is nothing but propaganda and hate filled lies intended to discredit Uganda, and bring global confusion as to the true sequence of facts in Uganda. He would also like to interview all the relevant figures like David Katos homosexual lover, David Bahati, Pres Museveni etc and credible anthropologists about Africa. He is looking for stakeholders who can support and publicise the video. His questions are as follows,

- a. Are you or someone you know in position to support this documentary effort with some financial contribution. He is seeking to raise \$5000 towards the project.
- b. Are you available to participate in as an interviewee in the documentary?

Thanks, Will look forward to hearing from you.

Pr Martin

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Tue, Sep 30, 2014 at 5:40 AM

Hi Martin. Yes, I think my donors would contribute toward this project, though I can't promise the full amount. And I would very much like to be in the film.

Blessings,

Scott

On Mon, Sep 29, 2014 at 4:22 PM, Martin Ssempe <ssempam@gmail.com> wrote:

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Pr Martin

Martin Ssempe <ssempam@gmail.com>

Tue, Sep 30, 2014 at 5:50 AM

To: Scott Lively <sdllaw@gmail.com>

Dear Scott,

Thank you for the feedback. I do realize it is all a faith journey. I will communicate with Bart and if it is okay, let me know if I can put him in touch with you.

Pr. Ssempe

On Sep 30, 2014, at 12:40 PM, Scott Lively wrote:

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Pr Martin

Martin Ssempe <ssempam@gmail.com>

Tue, Sep 30, 2014 at 5:51 AM

To: Scott Lively <sdllaw@gmail.com>

Also if possible,

Is there a way you can set up a "share" link via twitter on your blog? You have good articles which would be worth sharing.

Martin

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Pr Martin

Scott Lively <sdllaw@gmail.com>
To: Martin Ssempe <ssempam@gmail.com>

Tue, Sep 30, 2014 at 6:05 AM

Sure, but if we do this I would like to have you handle the money.

I'm leaving for Russia today for a week, so my email access will be intermittent.

On Tue, Sep 30, 2014 at 5:50 AM, Martin Ssempe <ssempam@gmail.com> wrote:

Dear Scott,

Thank you for the feedback. I do realize it is all a faith journey. I will communicate with Bart and if it is okay, let me know if I can put him in touch with you.

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Thanks, Will look forward to hearing from you.

Pr Martin

Scott Lively <sdllaw@gmail.com>

Tue, Sep 30, 2014 at 6:06 AM

To: Martin Ssempan <ssempam@gmail.com>, Keith Davis <sodasdad@yahoo.com>

I'll ask my webmaster to look into it.

On Tue, Sep 30, 2014 at 5:51 AM, Martin Ssempan <ssempam@gmail.com> wrote:

Also if possible,

Is there a way you can set up a "share" link via twitter on your blog? You have good articles which would be worth sharing.

Martin

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- b. Are you available to participate in as an interviewee in the documentary?

Thanks, Will look forward to hearing from you.

Pr Martin



Scott Lively <sdllaw@gmail.com>

MAY THE LORD STRENGTHEN YOUR HAND

1 message

Stephen Langa <stephenlanga@gmail.com>

Tue, Oct 14, 2014 at 11:51 AM

To: Scott Lively <sdllaw@gmail.com>, Joanne Abel <heavenis4ever@gmail.com>

Dear Scott and Joanne,

I am right now in the second city of the four cities where I am scheduled to minister here in Brazil. The Lord is gracious and is blessing His people. I am touched that the Lord is using our simple and sometimes insignificant acts of obedience to Him that we have tried our best to do back home in Uganda, to challenge and inspire His Children in other parts of the world.

I am however very saddened and sorry for the nation and church in Brazil as I see the other agenda take root in this nation and the "watchmen" are asleep! It would appear that most of the watchmen/women are more concerned about personal prestige, positions and "who is the boss", while the nation is being taken and overrun by worldviews, ideologies and practices that are from – "you know where".

With November 4 around the corner, I can only imagine how busy you wonderful people must be, especially you Joanne.

I don't know whether you have seen this documentary or not. If you have, well and good; if not, it is worth seeing and possibly circulating to the Body of Christ in your constituency, especially before Nov 4. I think every Christian in MA must see this documentary before voting if possible. Here is the link.

<https://www.youtube.com/watch?v=yS8Ss3ua1nE&feature=youtu.be>

My prayer is that may the good Lord strengthen and reward the humble efforts to bring His Kingdom to the American politics beginning with MA, through this election. May He bring to pass all He has promised to do in this season. And may all the glory go to Him.

My only encouragement to you is to do what you humanly can do and leave the supernatural to the unlimited God of the Bible to who NOTHING is impossible.

God bless,

Stephen Langa

EXHIBIT 171



Uganda

Bureau of Democracy, Human Rights, and Labor

2005

March 8, 2006

Uganda, with a population of 26.4 million, is a republic led by President Yoweri Museveni, who continued to dominate the government. The 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. The government continued its 19-year war against rebels of the Lord's Resistance Army (LRA) in the northern and eastern portions of the country and in southern Sudan. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The following human rights problems were reported:

- restrictions on opposition party activity
- unlawful killings by security forces
- disappearances
- security forces' use of torture and abuse of suspects
- vigilante justice
- harsh prison conditions
- official impunity
- arbitrary arrest, incommunicado detention, and lengthy pretrial detention
- restricted right to a fair trial
- infringement of privacy rights
- restrictions on freedom of speech, the press, association, and assembly
- limited freedom of religion
- abuse of internally displaced persons (IDPs)

- government corruption
- violence and discrimination against women
- female genital mutilation (FGM)
- violence and abuse of children, particularly sexual abuse
- trafficking in persons, particularly children
- violence and discrimination against persons with disabilities
- forced labor, including by children
- child labor

The government took significant steps to improve human and workers' rights during the year. In October the parliament passed a series of reforms that allow political parties to participate in government and compete in elections. These reforms followed the July referendum in which citizens voted to adopt a multiparty system of government. The government proposed an employment law to eliminate burdensome requirements to form a union and the Constitutional Court overturned a provision that restricted the number of national trade union associations.

The LRA, led by Joseph Kony, committed numerous, serious abuses and atrocities, including the abduction, rape, maiming, and killing of civilians, including children. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation. For much of the year approximately 30,000 children known as "night commuters traveled from conflict areas or internally displaced persons (IDP) camps each night to urban centers in order to avoid abduction by the LRA.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces committed unlawful killings during the year and were responsible for deaths as a result of torture.

On March 23, Alex Okullo, a member of the Local Defense Unit (LDU) militia in Kigung District, killed two civilians. Police arrested Okullo; there was no further information available by year's end.

On March 31, in Gulu District, Private Tony Eremo of the Uganda People's Defense Forces (UPDF), killed high school student Francis Ocaya Okot. Private Eremo suspected the student was an LRA rebel because he was walking in public after dark. On April 8, military police arrested Eremo and charged him for the killing. He was awaiting trial at year's end.

In August UPDF Privates Lazarus Avil Kwasiwee and Johnson Asimwe killed businessman Sam Abol in Pader District. Authorities suspected that the soldiers conspired with a lodge owner to kill the businessman in order to rob him. In September the suspects and several others were arrested; charges were still pending at year's end.

On December 26, UPDF Private Joel Lubangakene killed 18-year-old Ojok Ojara after they had a personal dispute at Gulu District dance club. The military arrested Lubangakene, and he was awaiting trial at year's end. On the day of the killing an angry crowd of civilians marched on the local UPDF barracks to protest the killing. The UPDF fired on the mob and killed seven civilians. According to the army, the UPDF acted in self defense.

There were no developments in any of the unlawful killings committed by security forces in 2004 or 2003.

There were a number of deaths in custody, some due to torture.

On January 3, Noah Katungi died in police custody after being arrested for theft. On February 2, police officers Stephen Kasiba, Hannington Opio, and Julius Oboch were charged with the killing; they were awaiting trial at year's end.

On August 30, the Uganda Human Rights Commission (UHRC) ordered the government to pay approximately \$16,000 (30 million shillings) in compensation to the family of the late Patrick Owomugisha Mameero, who died in July 2002 in custody of the Chieftancy of Military Intelligence (CMI).

On September 2, John Atwine, a key suspect in a high-profile killing, died in Luzira Upper Prison under mysterious circumstances. Authorities investigated the death, but no arrests were made by year's end.

There were no reports of any action taken against security forces responsible for torture-related deaths in 2004 or 2003.

Use of excessive force by security forces while pursuing suspected criminals resulted in deaths. On February 5, police in Busia District killed Abdullah Mumiro when they opened fire on a group of Muslims who resisted an inspection of sanitary facilities. A police investigation determined that the death was accidental.

On June 23, Special Police Constables Joel Adrama and Dickson Anguyo in Arua District beat to death Zacharia Ocilia, who allegedly insulted the constables. On July 5, the constables were charged with the killing, and awaited trial at year's end.

On August 25, security force personnel in Ntungamo District killed suspected robbers Edson Sajabi, Charles Mworoti, and Benon Kankirho during a crackdown on criminals. There were no reports of action taken against any security personnel.

There were no developments in 2004 or 2003 security force killings of criminals as a result of excessive force.

During the year security forces killed numerous civilians during anti-LRA operations (see section 1.g.).

LRA attacks continued during the year and resulted in hundreds of deaths (see section 1.g.).

Unlike in the previous year, there were no reports that LRA landmines resulted in deaths and injuries.

During the year raids by armed cattle rustlers of the Karamojong ethnic group continued in Katakwi, Nakapiririt, Moroto, Sironko, Kitgum and Kapchorwa Districts. These raids resulted in the deaths of more than 200 civilians and the displacement of thousands. The government continued its Karamoja disarmament program during the year (see section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors.

The war in the north and violence in Karamoja resulted in significant numbers of deaths due to interethnic violence (see section 5).

Incidents of vigilante justice were reported frequently during the year. There were numerous instances in which mobs killed individuals suspected of committing

crimes. On January 18, family members in Lira District beat to death a man suspected of raping a four-year-old girl. On May 20, residents in Mukono District lynched a suspected cannibal. On June 14, Makerere University students in Kampala burned to death a person who tried to break into a women's hostel on campus. There were no charges in either of these cases.

Unlike in the previous year, there were no reports of the ritual killings of children.

Ethnic Pokot warriors killed civilians and security forces during the year. On August 11, two Pokot warriors killed two civilians in Kapchorwa District while stealing cattle. On September 23, Pokot warriors from Kenya killed four police officers after rustling cattle in the country. The warriors retreated to Kenya and remained at large at year's end.

b. Disappearance

There was one report of a disappearance due to incommunicado detention by government forces. In addition, there continued to be other reports of disappearances during the year.

On March 11, relatives of Esther Luggya, a former member of the opposition party Reform Agenda, reported her missing since December 2004. There were no further developments in the case by year's end.

On May 21, six armed men in military uniform kidnapped three persons including local government official Geoffrey Mwebase during a raid on Bukinda village in Hoima District. The incident was reportedly related to a land dispute. There were no further developments in the case during the year.

On November 15, Achikulo Abuko, Amir Yahaya, Kesia Yasin, and Zacharia Obba were transferred from Luzira prison to incommunicado detention. The four men were charged along with opposition leader Kizza Besigye with treason. Prison officials said they were transferred to another prison to alleviate overcrowding. The suspects' lawyers were unable to verify the transfer or meet with them by year's end.

The whereabouts of 10 members of the opposition party Uganda People's Congress (UPC) arrested by the CMI in July 2004 were still unknown at year's end. The 10 members were arrested with 5 others who were charged in July 2004 and released on bail.

The whereabouts of James Kashajja, who was apprehended by armed men in uniform in October 2004, was still unknown at year's end.

Despite a February 2004 high court order to produce Captain Robert Ruteinama, the UPDF did not relinquish custody. Ruteinama was believed to be held in incommunicado detention since 2003.

According to the UN Children's Fund (UNICEF), rebel groups have abducted approximately 38,000 persons since 1986. The LRA continued to abduct hundreds of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see sections 1.g. and 5).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were credible reports that security forces tortured and beat suspects. Many of these incidents occurred in unregistered detention facilities and were intended to force confessions. The UHRC received approximately 58 complaints of torture during the year, which was less

than half the number of complaints received in 2004. The UHRC conducted human rights training for the police and military throughout the year.

On April 21, UPDF Private William Bisogo allegedly tied up Opiyo Ajonga in a painful and unauthorized manner. In May authorities arrested Bisogo for torture; there was no further information available at year's end.

On May 4, John Barigye Bakirahi and Peter Agom, UPDF soldiers charged with spying for the Rwandan government, claimed they were tortured throughout their detention in CMI custody. The suspects were admitted to Mbuya military hospital to treat injuries apparently sustained as a result of torture. On September 6, their lawyer stated in a court martial that the suspects' testicles were tied to big stones to extract confessions.

In May the UN Committee Against Torture (UNCAT) reviewed the country's compliance with the UN Convention Against Torture. The UNCAT noted its concern of continued allegations of torture and the apparent impunity of its perpetrators. On May 10, Human Rights Watch and the Foundation for Human Rights Initiative released a joint report citing examples of torture such as caning, severe beating, and inflicting pain to the genitals carried out by security forces in the last two years. The government response noted that action was taken against 13 police officers over torture allegations since 2003. Security units involved in torture included the police, the UPDF, the CMI, and the Violent Crimes Crack Unit (VCCU); on occasion, such torture resulted in death (see section 1.a.).

Police and security forces harassed and detained opposition activists (see sections 1.d. and 2.b.).

There were reports that UPDF soldiers raped persons, particularly in conflict areas and in or near IDP camps (see sections 1.g. and 5).

On June 25, the UHRC revealed that the government owed approximately \$425,000 (790 million shillings) awarded by the tribunal to approximately 60 persons. The UHRC Tribunal confirmed approximately 22 torture complaints and ordered the government to compensate the victims. However, many complainants had not received compensation by year's end.

On January 19, the UHRC awarded approximately \$8,175 (15 million shillings) to Idrisi Kasekedde for torture suffered while in prison in 1998. On February 25, the UHRC awarded approximately \$545 (1 million shillings) to Wilson Kimuli for being tortured while in prison in 2000. On April 5, the UHRC awarded approximately \$1,090 (2 million shillings) to Gregory Babukika for being tortured by prison wardens in 2001.

No action was taken during the year against security organizations that reportedly tortured prisoners in Kigo Prison or CMI personnel who were illegally arresting and torturing persons to force them to pay their financial debts; in July 2003, the UHRC testified of such incidents before the Legal and Parliamentary Affairs Committee. No action was taken against VCCU officers responsible for the 2003 torture of Bumali Mubiri and Sam Okiring.

There were no developments in the December 2004 torture of Sam Aniga or the 2003 torture of prisoners at Makindye military barracks.

During the year civilians were killed, injured, and displaced as a result of security force operations against the LRA (see section 1.g.).

During the year the LRA continued to commit numerous atrocities, including the killing, torture, sexual abuse, and kidnapping of civilians, primarily children (see section 1.g.).

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes (see section 1.a.). Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in beatings, lynchings, and other forms of mistreatment.

Prison and Detention Center Conditions

Prison conditions remained harsh and frequently life threatening, primarily as a result of the government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,258 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings of prisons. The remand home in Kampala, designed for 45 inmates, held more than 123 children. The reception center, designed for 30 children, held 73 juveniles under the age of 12.

A Lira District prison official admitted in August that food shortages prevented 500 inmates from receiving regular meals. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. Prisoners held on treason charges complained that security officers kept files on and harassed their visitors. Opposition leader Kizza Besigye claimed prison authorities restricted access to his lawyers and prevented them from having private meetings to prepare a defense.

The UHRC reported that it received allegations that officers in charge of prisons sometimes demanded bribes to allow visits. There were no investigations conducted during the year. On July 25, the government gave 59 senior prison officers the powers of magistrates to try inmates and prison staff suspected of committing offenses.

Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates and prisoners as young as 12 performed manual labor from dawn until dusk (see section 6.c.).

The Community Service Act seeks to reduce prison congestion by allowing minor offenders to do community service in lieu of imprisonment. Since 2001, 2,953 offenders have been sentenced to community service. In July the high court also launched "Operation Open Gate" to reduce congestion of pretrial detainees. The operation created special court sessions to fine and release petty criminals who were willing to plead guilty.

Prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the prisons department, 272 inmates died in custody during the year. Approximately 60 percent of these deaths were due to HIV/AIDS-related diseases.

Although there were no available statistics, there were reports of deaths in custody due to neglect and adverse conditions such as denial of medical attention.

Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. In Kampala jails, pretrial detainees were separated from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local nongovernmental organizations (NGOs), principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly. There was no government action on the UHRC findings by year's end. Prison authorities required advance notification of visits, a process that was sometimes subject to administrative delays.

d. Arbitrary Arrest or Detention

The law prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has the primary responsibility for law enforcement and maintenance of order in the country. The UPDF is the key security force and has partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks. The Internal Security Organization (ISO), under the direct authority of the President, is a domestic intelligence-gathering body. ISO force personnel occasionally detained civilians. The External Security Organization (ESO), which also reports to the President, also gathered intelligence and occasionally detained civilians. The CMI, under UPDF control, detained civilians suspected of rebel and terrorist activity. Local leaders formed LDUs to reinforce government efforts to protect civilians from LRA attacks. In some cases LDUs also participated in offensive military operations and carried out police functions. The UDFP consolidated command and organization of the LDUs under its authority during the year.

The police force continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Police committed numerous abuses, and impunity was a problem. Corruption resulted in the dismissal of some local police officials during the year. In conjunction with the UHRC, the UPDF continued a training program to educate military officers on internationally recognized human rights standards. In addition, the police, UPDF, and the prisons department used human rights manuals in their training programs. The UPDF made attempts to improve relations between soldiers and civilians. The Police Human Rights Desk, charged with investigating police abuses, received 330 allegations of police abuse and reported that approximately 117 complaints had been resolved by year's end.

Arrest and Detention

The law requires search warrants issued by competent judges or prosecutors to make arrests; however, in practice suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained longer without being charged. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail, except in capital cases and cases of treason, and bail was provided in practice.

Suspects must have access to a lawyer; however, there was no provision ensuring family visitation. By law, indigent suspects are provided a lawyer; however, this was not enforced in practice due to resource constraints of the government. Incommunicado detention was a problem during the year.

The Anti-Terrorism Act permits suspects to be held for more than 48 hours without charge and states that persons convicted of terrorist acts that "directly result in the death of any person" shall be sentenced to death. The UPDF General Court Martial charged opposition leader Kizza Besigye and 22 others with the crime of terrorism as defined by the act. The suspects remained in detention awaiting court martial proceedings at year's end, despite being granted bail by the High Court for similar charges pending in the civilian court system.

Security forces arbitrarily arrested political activists during the year. On February 3, security force personnel in Arua District arrested Joseph Agupio, a former district mobilizer for opposition party leader and presidential candidate Kizza Besigye. Agupio was still in detention at Arua military barracks at year's end.

On March 7, UPDF soldiers in Gulu District arrested Olim Orach in Pabbo IDP camp and took him to the Gulu Military barracks, where they allegedly told him that he would not be released until he swore allegiance to President Museveni's ruling party, the Movement. There was no further information on Orach by year's end.

On March 16, Rukungiri District security force personnel arrested Christopher Turyagayo, an opposition party district coordinator, for wearing an opposition party T-shirt. Turyagayo remained in detention pending police charges at year's end.

On April 20, police arrested members of parliament (MPs) Ronald Reagan Okumu and Michael Ocula for the 2002 killing of Alfred Bongomin, a former local government chairman of Pabbo Sub-County in Gulu District. On March 9, UPDF soldiers arrested three other suspects--David Ochieng, Ochan Lalyang and Stephen Olim--for the same crime. On April 22, the UPDF transferred all five suspects to Kampala and charged them. On May 17, Okumu and Ocula were released on bail; on August 19 the others were released on bail. The trial began on November 20; the state withdrew charges on December 9 against Ochieng and Lalyang. The trial for the remaining three defendants was ongoing at year's end.

On November 15, police arrested 44 supporters of the Forum for Democratic Change (FDC) for "causing chaos during protests over the jailing of opposition leader Kizza Besigye. On December 13, a Kampala court dismissed the charges against them. Police arrested journalists during the year (see section 2.a.).

Mass arrests during police sweeps for criminals remained a problem. On January 3, police arrested approximately four hundred persons in Mukono during an operation to check whether residents had paid taxes. On January 31, police arrested 60 people in Kampala for being idle and disorderly.

During the year, the UHRC received 29 complaints from persons claiming to have been arbitrarily arrested. The UHRC tribunal confirmed that 28 of the complainants were cases of arbitrary arrest and awarded compensation; the government made no disbursements during the year.

No action was taken during the year against the UPDF officer who ordered the illegal 2003 arrest of Gulu State Attorney Sydney Asubo.

There were reports of political detainees, and the government continued to arrest persons for treason; however, the government failed to bring any treason case to trial. Opposition parties claimed that approximately 60 supporters were arrested during the year for political reasons. The ICRC registered approximately 200 detainees held for offenses against the security of the state. The government permitted access to political detainees by international humanitarian organizations.

Treason suspects were subject to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture (see section 1.c.).

On April 22, authorities charged Patrick Ochola, Mike Musiluwa, Johnson Olim and Sula Serumbi with treason. The three, who were arrested in 2004 for allegedly plotting to overthrow the government, were members of the unregistered political party Citizen Multiparty Democracy.

On July 5, the high court ordered the release of Charles Ekemu and Francis Ogwang Olebe after prosecutors withdrew treason charges. Both suspects were local politicians and had been held since 2003.

On August 12, the high court granted bail to 12 persons charged with treason for collaborating with the rebel group People's Redemption Army (PRA). The suspects had been detained since 2003.

On November 15, authorities charged opposition leader Kizza Besigye and 22 others with treason for terrorism and weapons possession in the UPDF General Court Martial. Some suspects had been arrested in November and December 2004. The High Court granted bail to 15 of the accused, including Besigye, but the

military forced all of them to remain in prison and they awaited trial at year's end.

Patrick Biryumunaishe Kirasha and four others accused in 2003 of recruiting for the PRA rebel group remained in detention at year's end.

Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding (see section 1.c.). The average time in pretrial detention was between two and three years. Pretrial detainees comprised 60 percent of the prison population. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention.

There were reports that civilians were detained in military barracks and unregistered detention facilities known as safe houses. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses.

There was no further information on the whereabouts of Titus Kiwanuka, who had been detained in March 2004. The military transferred Kiwanuka to Kigo Prison on orders from the High Court; however, Kigo Prison officials had stated that he was no longer at the prison facility.

Amnesty

The government has offered a blanket amnesty to former combatants since 2000 as a means to induce defection and surrender of LRA rebels and members of other rebel groups. During the year, 691 former LRA combatants applied for and received amnesty.

On March 25, police released George William Mugisha Kyalimanya after he was granted amnesty. Kyalimanya was arrested in November 2004 on suspicion of collaborating with the PRA.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints supreme court, high court, and court of appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high-profile cases during the year; however, judicial corruption was a common problem. The lower courts remained understaffed, weak, and inefficient.

The highest court is the Supreme Court, followed by the court of appeal, which also functions as the constitutional court; the high court; the chief magistrate's court; local council (LC) sub county courts; LC parish courts; and LC village courts.

The constitutional court ruled against the government on several cases during the year, including a June 9 decision that found unconstitutional the mandatory death penalty attached to capital crimes, and death penalties that were not carried out within three years of sentencing. On June 20, the court found that a law restricting the number of national trade union associations was unconstitutional.

The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases. LC court decisions can be appealed to magistrates' courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

Trial Procedures

An inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, limited the right to a fair trial. All nonmilitary trials are public, but without juries. Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government-held evidence relevant to their cases. There is a presumption of innocence and defendants have the right of appeal.

Specialized courts also exist. The industrial court adjudicates labor disputes. Commercial courts resolve commercial disputes; they have significantly improved commercial justice and reduced case backlogs.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The Military General Court Martial can try civilians charged with crimes listed under the UPDF Act.

On May 30, the UPDF General Court Martial charged Brigadier General Henry Tumukunde with two counts of conduct prejudicial to good order and discipline and two counts of spreading harmful propaganda. The charges were based on his statements that he had been prevented from retiring from the army and that he would not join President Museveni's political party after retirement. Tumukunde was awaiting trial at year's end.

The VCCU arrested 1,100 suspects on various counts during the year, including aggravated robbery, killing, illegal possession of firearms, and desertion. The VCCU used military courts to try by court martial civilians found in possession of military property.

Political Prisoners

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body. There were no confirmed visits to Gabula Africa by international humanitarian groups during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions with some exceptions. At times police did not obtain search warrants, as required by law, to enter private homes and offices. On July 20, two local government officials searched and confiscated items without a warrant from the home of Juliet Mukasa, a women's rights activist and chairperson of the NGO Sexual Minorities in Uganda.

The Anti-Terrorism Act authorizes certain law enforcement officials to intercept communication to detect and prevent terrorist activities. There were no reports of such interceptions during the year.

There were reports that the government punished family members of suspected criminals and political opposition members (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Security forces tortured and abused civilians suspected of collaborating with the LRA; however, unlike in previous years, there were no reports that security forces killed suspected collaborators. UPDF soldiers reportedly tortured suspected rebels and raped civilians living in IDP camps.

During the year security forces killed and injured numerous civilians, including noncombatant children abducted by the LRA, during anti-LRA operations in the northern and eastern parts of the country. Some observers charged that UPDF tactics, including extensive use of helicopter gunships, resulted in deaths and injuries to such children and that the UPDF failed to protect noncombatants during engagements with the LRA. The UPDF denied such allegations, noting that more than 80 percent of LRA fighters were child soldiers, which made it difficult to distinguish between combatants and noncombatants during engagements with the LRA.

On April 1, UPDF soldiers in Pader District killed Cecilia Anyemo and Maricita Anying, both residents of Pajule IDP camp, during an operation against the LRA rebels. There were no reports of action taken against the soldiers.

On April 18, UPDF soldiers on patrol in Kitgum District killed five civilian women and injured four others who were fishing in a river near their IDP camp. A UPDF spokesperson said that the soldiers mistook the women for rebels when the women fled as the soldiers approached them.

In August, a UPDF soldier killed Ben Okeitta and his wife Donica Ajok as they worked in their garden at Olwal IDP camp. There were no reports of action taken against the soldier.

There were no new developments in the following 2003 killings by UPDF forces: the February killing of a Sudanese national; the July 22 and 24 killings of 21 civilians by UPDF helicopter gunships; and the October 2003 killings of 2 civilians by a UPDF soldier in Gulu.

There was no action taken against soldiers in the 309 Brigade for firing a mortar in April 2004 in an IDP camp that killed five people.

Security forces tortured and abused civilians suspected of collaborating with the LRA. On February 17, UPDF soldiers reportedly tortured a farmer working on his home outside an IDP camp. Accused of working for the rebels, the farmer was held for one day in the army barracks where soldiers caned him and pulled on his testicles using a rope. There was no further information on the incident by year's end.

Security forces were implicated in reports of rape and sexual violence against women and girls. In some instances, perpetrators were arrested after victims complained. However, most incidents went unpunished, in part because the procedures for making complaints were not widely known.

On March 25, the UPDF arrested four LDU soldiers for raping four women in an IDP camp in Kitgum District. On April 19, Prime Minister Apollo Nsubambi ordered an investigation into the incident after MP Jane Akwero Odwong alleged that more women were raped. There was no further information on the investigation by year's end.

On May 15, four UPDF soldiers were arrested by Kumi District authorities following the rape of two young girls. There were no further developments in the incident by year's end.

There were credible reports that security forces and some government officials provided material support to armed groups operating in the eastern Democratic Republic of Congo (DRC). Militia fighting resulted in the deaths of hundreds of civilians in the DRC.

As in the previous year, the UPDF defended civilians against many LRA attacks but was unable to bring the conflict to an end. LRA attacks continued during the year, and there were numerous atrocities. Civilians were summarily executed, often by gruesome methods, to terrorize local populations or as retribution for violating various LRA edicts, such as the prohibition on riding bicycles. LRA rebels also attacked private homes, schools, and IDP camps in which persons were killed, injured, raped, mutilated, or abducted. During the year, LRA attacks resulted in the deaths of hundreds of persons, including children, numerous injuries, and the destruction of homes and property.

On February 23, LRA rebels killed 14 civilians and injured 20 more when they ambushed a passenger vehicle in Gulu. On the following day, a separate band of LRA rebels cut off the lips of seven women in Kitgum district.

On May 6, LRA rebels attacked Koch-Goma IDP camp in Gulu district and killed 20 people.

On May 30, LRA rebels abducted 13 persons when they attacked Abwoch village in Gulu district.

On July 14, LRA rebels killed 14 traders during an ambush in Kitgum District.

On July 23, LRA rebels abducted 20 villagers when they raided Apala village in Lira district.

On August 11, LRA rebels killed 17 persons during an ambush in southern Sudan.

No action was taken against LRA rebels who were responsible for numerous killings in 2004 and 2003.

The LRA continued to abduct thousands of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government at times restricted these rights in practice. In addition, the law criminalizes offenses committed by the media and limited the media's ability to function effectively. The government at times harassed and intimidated journalists and journalists continued to practice self-censorship.

In February 2004 the Uganda Law Council upheld the regulation prohibiting lawyers from making public statements on legal matters that were before the court; however, the ban continued to be widely disregarded without penalty.

Private media were generally free and outspoken. There were many privately owned publications and broadcasts. The *New Vision*, a government-owned daily newspaper, sometimes included reporting that was critical of the government. The *Monitor*, the country's largest independent daily newspaper, consistently criticized the government. The *East African*, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance. During the year, two new independent weekly newspapers began publication.

The government continued to operate Radio Uganda, the only national radio station, and Uganda Television (UTV), whose reporting was not considered to be independent. There were at least 120 private radio stations in operation. Several independent media outlets broadcast daily or weekly political talk shows, including

recorded off-site radio public debates called *ekimeeza* (table talk), which were often very critical of the government. In August the government announced that existing FM radio stations were being technically mismanaged and stopped licensing new stations. By year's end, the government ban on new stations had not been lifted.

In November 2004 Minister of Information James Nsaba Buturo instructed the Uganda Broadcasting Council to revoke the licenses of those stations that "abuse the president or use offensive language and fail to correct the behavior." Buturo also announced that no additional licenses would be issued for stations seeking to broadcast in Kampala; in 2003, the Broadcasting Council proposed regulations that would limit the number of FM radio stations, allegedly to prevent overburdening the airwaves and adversely affecting the quality of broadcasting. Critics charged that the restrictions targeted independent radio, which was the primary news source for 80 percent of the population.

On August 10, President Museveni threatened to close any press organization that threatened the country's national security. On August 11, the Uganda Broadcasting Council closed KFM radio station on grounds that it breached a national security provision in the electronic media law. One of KFM's talk show hosts, Andrew Mwenda, made comments critical of the government and the president's handling of the helicopter crash that killed Sudanese Vice President John Garang. On August 18, the council reopened the station, but ordered that the producer of Mwenda's talk show be fired.

On November 23, Minister Buturo announced a new ban on media coverage of the trial of opposition leader Kizza Besigye. Buturo said the Media Council would revoke the license of any media outlet that provided a forum for discussion or debate on the trial.

There were four local private television stations and numerous private television stations available via satellite.

Security forces arrested and harassed journalists who criticized the government. The leader of a press association, William Rwebembera, publicly criticized the increased intimidation and harassment of journalists by politicians during the year.

On June 21, police in Soroti arrested David Enyaku, a *New Vision* freelance journalist, for allegedly entering an office of the district town clerk with the intent to "annoy" him. Enyaku was released after paying a fine of approximately \$27 (50 thousand shillings).

On September 10, Major General Kahinda Otafire, Minister of Water, Lands and Environment, pointed a gun at Mike Odongkara, a photojournalist with the *Daily Monitor*, who was taking pictures at the scene of a minor accident involving Otafire. Odongkara pressed charges against Otafire; however police had not investigated the incident by year's end.

On November 29, security officials locked journalists out of the High Court premises when opposition leader Kizza Besigye was re-apprehended on orders from the Military Court Martial after being granted bail by the High Court. Journalists were permitted to cover all civilian court proceedings before and after the incident.

Vincent Matovu, who was arrested in 2003, was released from detention in February after prosecutors withdrew sedition charges against him.

Media laws require that journalists be licensed and meet certain standards, such as possessing a university degree in journalism or the equivalent. A 1994 law also provides for a Media Council with the power to suspend newspapers and deny journalists access to state information.

The government made several statements that encouraged self-censorship. On August 10, President Museveni publicly claimed several journalists irresponsibly

disregarded national security interests in the course of their reporting. In the same speech, Museveni threatened to arrest journalists and close down media outlets that continued this pattern of irresponsible journalism. The Minister of State for Information, James Buturo, reminded journalists during the year that even when facts were true, their reporting must be informed by an imperative to preserve national interests.

During the year the government arrested and sued critical journalists, citing national security. On June 1, the government sued the chief editor and two staff reporters of the independent *Weekly Observer* newspaper for publishing confidential material prejudicial to the security of the state. The government claimed that the newspaper unlawfully published documents from the High Command Committee of Inquiry investigating the existence of "ghost soldiers" in the UPDF.

On August 12, police arrested popular radio talk show host Andrew Mwenda on grounds of sedition. The charges were based on his criticism of President Museveni's leadership and his blame of the government for the helicopter crash that killed Sudanese Vice President John Garang. The government claimed these remarks threatened national security, relations with country's neighbors, and the security of its citizens abroad. Mwenda was released on bail and awaited trial at year's end.

In March 2003 the UPDF warned that media outlets that published or broadcast classified information or abetted soldiers in leaking information would be subject to punishment, including the possibility of court martial.

The 2003 ban that prevents the media from reporting the declarations of assets and liabilities made by the country's political leaders continued; however, no action was taken against journalists who published such information during the year.

There were no government restrictions on the Internet or academic freedom; however the government censored cultural events during the year. On February 15, the Media Council banned a production of the "Vagina Monologues" in Kampala on grounds that it promoted "unnatural sex acts, homosexuality, and prostitution." The cabinet also endorsed the ban the next day.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly, particularly for political groups, although some restrictions were lifted in October when parliament amended relevant laws to open the political system to multiple political parties (see section 3).

For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings.

On March 29, Minister of Internal Affairs Ruhukana Rugunda banned all demonstrations related to parliament's efforts to eliminate term limits.

Police denied permission to hold public rallies to several opposition political groups during the year, blocked public meetings organized by opposition parties, and, on several occasions, disrupted or forcibly dispersed opposition meetings and other events.

The government forcibly broke up several demonstrations during the year. At times police sprayed tear gas and water cannons in large urban centers, which resulted in injuries to bystanders.

On March 31, police in Kampala enforced Rugunda's ban by breaking up a protest opposing the elimination of term limits. The police fired teargas canisters and

water cannons to disperse the protestors and arrested 17 persons. Six of the protestors were released on the same day. On April 1, a court charged the remaining 11 protestors with rioting and released them on bail. A trial was pending at year's end.

On May 12, police in Kampala blocked a demonstration organized by opposition MP Ken Lukyamuzi over increased electrical power tariffs and fuel prices.

On June 28, police in Kampala broke up another attempted protest against the abolition of presidential term limits and arrested five persons. Riot police fired tear gas and water cannons to disperse hundreds of demonstrators. Many bystanders were also sprayed with tear gas. On June 30, a court charged the suspects with holding an unlawful assembly and released them on bond. A trial was still pending at year's end.

On July 12, police in Kampala dispersed 20 demonstrators who were protesting against a third term for President Museveni.

On August 6, police in Ntungamo District dispersed a Uganda People's Congress (UPC) rally organized by Yona Kanyomuzi, a member of the East African Legislative Assembly.

On November 22, Rugunda banned all demonstrations, public meetings, and seminars related to opposition leader Kizza Besigye's trial. Rugunda said that public meetings would prejudice the court process and undermine the right to a fair trial.

There were no further developments in the following 2004 incidents:

In February 2004 police in Kampala arrested two members of Uganda Young Democrats, affiliated with the opposition Democratic Party (DP), for organizing an illegal assembly. In March 2004 the two were released with a case pending trial at year's end.

In March 2004, government supporters in Jinja dispersed a political meeting organized by the Parliamentary Advocacy Forum (PAFO); several persons were injured, including an MP with disabilities who was pushed through a ground-floor window. A December 2004 report by a parliamentary select committee charged two local officials with primary responsibility for the incident, but recommended that all those responsible be prosecuted.

In June 2004, police in Kyotera, Masaka District arrested and detained 17 activists from the Popular Resistance to a Life Presidency (PRALP) for attempting to hold an illegal assembly. The activists were released after one week and did not appear for their October 2004 court hearing. In December 2004, police issued an arrest warrant for all of them.

In August 2004, police accidentally shot and killed a secondary student during a street battle between Muslims and Christians in Kyazanga Town, Masaka District. Several others were injured in the incident.

Freedom of Association

The constitution provides for freedom of association; however, the government restricted this right in practice, particularly for opposition political parties and organizations (see section 3). On January 23, the army blocked opposition party leaders Major General Mugisha Muntu of the FDC and MP Cecilia Ogwal of the UPC from attending a fundraising function at Aromo IDP camp in Lira District.

On February 20, Tororo district MP Yeri Ofwono blocked members of the FDC from holding a consultative meeting in his district by locking the gates of the meeting venue, and he reportedly offered bribes to deter attendance.

On March 8 police in Mpigi district blocked female supporters of the FDC from attending the national celebrations marking International Women's Day.

On June 10 a joint force of police and UPDF soldiers blocked an FDC welcome rally for MPs Ronald Reagan Okumu and Michael Ocula at Kaunda grounds in Gulu. The two MPs were returning to their constituency after being released from prison on bail from murder charges. Gulu police authorities stated that the MPs had not sought permission to hold the rally.

On July 1 police in Nakapiripiti District ordered local promoters for the FDC not to hold a rally; however, the promoters defied the order. No action was taken against the organizers of the rally.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice with some minor restrictions. The law requires religious groups and foreign missionaries to register with the government; failure to register is a criminal offense.

The government continued to refuse registration to the World Last Message Warning Church due to continuing suspicions arising from the killings of more than 1,000 citizens in Kanungu in 2000. There were some reports that the government refused to grant registration to other self-proclaimed religious groups on the grounds that the groups were not legitimate religious organizations. Several religious groups shut down by police as suspected "cults" in previous years, remained inactive at year's end.

In addition, bans against nighttime prayer meetings by evangelical churches, reportedly for security and noise abatement reasons, were still in effect in residential areas of several districts.

In March 2004, antiterrorism police in Kampala arrested two Muslim religious leaders and five other suspects on treason charges. The Muslim leaders claimed they were arrested for their religious beliefs, but the government insisted they were arrested for recruiting for the Allied Democratic Forces. The men were in detention awaiting trial at year's end.

On June 1, a court in Arua District charged six suspects with the March 2004 killings of two American missionaries. The suspects were awaiting trial at year's end.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

During the year the government arrested leaders of unregistered religious organizations. On February 25, police in Gulu arrested Severino Lukoya, the father of former rebel leader Alice Lakwena, and three other pastors for operating the unregistered New Melita Jerusalem Church. The government refused to register the organization for security reasons. On February 28, police released the four pastors with a warning.

On May 1, police in Mubende District arrested Prophet Ssali Kilimba Mwaka for conducting an illegal society, practicing witchcraft, and being in possession of articles used in witchcraft; Mwaka was later released on bail. On September 21, a court acquitted Mwaka on all charges.

Unlike in the previous year, there were no reports of LRA attacks on religious institutions. In 2003 LRA leader Joseph Kony ordered the LRA to "destroy all church missions and kill all priests in northern Uganda."

No action was taken against LRA rebels responsible for killing, injuring, and abducting religious workers in 2004 and 2003.

Societal Abuses and Discrimination

Some religious leaders denounced local tribal customs as witchcraft. In one case, a Catholic priest in Mukono District launched a campaign to search and destroy traditional shrines. The government did not take any action against the priest. Four local traditional healers claimed they lost business as a result of the campaign.

The Jewish community represents less than 1 percent of the population. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2005 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, the government at times limited them in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport.

Unlike in the previous year, there were no reports that government agents seized passports of opposition party members or blocked their travel.

There was no information on whether the law permits or prohibits forced exile. However, the government did not use forced exile during the year.

Internally Displaced Persons (IDPs)

Continued attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the UN Office of the Coordinator for Humanitarian Affairs, there were more than 1.4 million registered IDPs as a result of this violence. At year's end the number of IDPs per affected district was: Gulu, 462,560; Kitgum, 310,140; Pader, 319,506; and Lira, 349,156.

UPDF soldiers reportedly raped women and girls and security forces detained and mistreated suspected LRA collaborators in the camps (see section 1.g). Security forces severely restricted the freedom of movement of IDPs and imposed nighttime curfews in many camps.

During the year, the LRA killed and injured numerous persons during attacks on IDP camps (see section 1.g.). In the north, security forces continued their policy of maintaining UPDF detachments at IDP camps as a means of protecting civilians and denying support to the LRA.

Although domestic and international humanitarian organizations provided assistance to the estimated 200 IDP camps, health and living conditions remained precarious, and several were the targets of large-scale rebel attacks (see Section 1.g.). IDPs sometimes traveled outside the camps to farm, hunt, and gather wood and water.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the definition of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. More than 70 percent of the approximately 238,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol and also provided land for temporary resettlement to citizens from neighboring countries.

The government generally cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. There were no reports of refugee abuse or discrimination by government authorities.

Unlike in the previous year, there were no LRA attacks against Sudanese refugee settlements.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Participation

In 2001 six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on day of the election, particularly regarding the voting process. There also were numerous reports of election-related violence and intimidation by both the government and the opposition.

In 2001 elections were held for the 214 directly elected parliamentary seats. The elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. The number of opposition MPs increased from 12 to 35, including 9 UPC MPs and approximately 6 MPs from the DP. Others were affiliated loosely with the DP, and the affiliation of several other MPs was unclear. There were 230 MPs elected from the Movement party, giving it a clear majority; however, a number of moderate Movement MPs kept their seats in spite of President Museveni's active campaigning for their opponents.

On July 28, citizens voted in a national referendum to adopt a multiparty system of government. On October 24, the parliament amended the electoral laws to formally include opposition party participation in elections and in government. There were approximately 25 opposition parties registered by the end of the year. However, before the multiparty system was formally adopted the government restricted non-Movement political gatherings and dispersed numerous political meetings not sanctioned by the Movement (see section 2.b.).

On June 2, the parliament approved a controversial amendment to eliminate presidential term limits, clearing the way for president Museveni to seek a third term in office.

On October 26, FDC leader Kizza Besigye returned from self-imposed exile and was elected as the party's presidential candidate on October 29. On November 14, police arrested Besigye and the next day he and 22 other individuals were charged with treason for allegedly organizing the rebel group PRA. Besigye was also charged the same day with rape that reportedly occurred in 1997.

On November 16, an armed paramilitary group, the Black Mambas, surrounded the High Court to prevent the release of 14 of the co-defendants. Although the High Court granted them bail, the suspects returned to prison to avoid military arrest.

On November 24, the Military General Court Martial charged Besigye with terrorism and possession of firearms. The court martial had charged all 22 of his codefendants with the same offenses on November 18. Defense lawyers filed suit with the constitutional court arguing that the military court martial violated the principle of double jeopardy. The constitutional suit was pending at year's end.

On November 29, Besigye was granted bail and also forced to return to prison by military officials. Judicial officials, human rights organizations, and the opposition parties denounced the interference of the military. All 23 suspects, including Besigye, remained in prison awaiting trial at year's end.

The ruling Movement regularly held rallies, conducted political activities, and in 2003 registered the National Resistance Movement-Organization, a political party that generally operated without restriction. Approximately 25 new parties were allowed to function, as have political parties that existed in 1986, when the Movement assumed power.

Opposition parties opened offices and registered new members during the year. After the July 28 referendum, opposition parties conducted elections among registered members at the grassroots level for delegates to attend the party conference to select a presidential candidate.

The law requires elections through electoral colleges for the 81 seats reserved for special interest groups in parliament: 56 seats were reserved for women; 5 for organized labor; 5 for persons with disabilities; 5 for youth; and 10 for the army, which were selected by the UPDF High Command, chaired by President Museveni.

There were 72 women in the 305-member parliament, and 16 female ministers in the 60-member cabinet. One woman served as deputy speaker, and another as deputy chief justice of the Supreme Court. Women also headed the Inspectorate General of government and the Criminal Investigation Division of the national police.

The law allocates 56 parliamentary seats to women, 5 seats to workers, 5 seats to persons with disabilities, and 5 to the youth. In addition, 16 women, 1 worker, and 1 person with disabilities were members of the cabinet.

Government Corruption and Transparency

Corruption continued to be a major problem. Despite credible evidence of wrongdoing, there were no prosecutions of senior officials accused of corruption. The law requires the declaration of wealth by government officials and their family members, and the government enforced the law during the year.

In March an International Monetary Fund (IMF) report charged that the government ordered the Central Bank to release \$10 million (18.5 billion shillings) to pay the creditors of a prominent businessman, Hassan Basajjabalaba. The IMF noted that nontransparent government support to certain companies reinforced perceptions of corruption.

On February 23, the government charged Emmanuel Katto with corruption for offering a bribe to the president's half-brother, Salim Saleh, during the sale of helicopters to the government. A 2003 Judicial Commission report implicated Katto and Saleh in the bribery scheme. However, on June 7, Katto was acquitted and the public prosecutor decided not to pursue an indictment against Saleh.

On August 23, the Global Fund to Fight AIDS, Tuberculosis, and Malaria suspended grants worth \$201 million (362 billion shillings) to the country after an investigation uncovered evidence of serious mismanagement of funds. On August 26, the government suspended all officers who had been managing the funds, and instituted an independent probe commission to investigate the incident. The commission started work on September 21 and was ongoing at year's end.

The 2003 court martial of army officials suspected of maintaining under strength units and pocketing salary payments for so-called "ghost soldiers was ongoing at year's end.

The law provides for public access to government information, and the government provided such access in practice.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active independent domestic groups included: the FHRI, Uganda Association of Women Lawyers (FIDA-U), Human Rights Focus, the National Association of Women's Organizations of Uganda, the International Federation of Human Rights, and the Human Rights and Peace Center of Makerere University. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

No action was taken on the government's 2003 call for a code of NGO conduct to minimize corruption.

The government allowed visits by the ICRC, UNHCR, and several international human rights NGOs, including Amnesty International, Human Rights Watch (HRW), and the International Justice Mission. During the year the ICRC continued its visits to prisons, police stations, and military detention facilities. In September the ICRC signed a new agreement with the government to permit ICRC visits for the next three years.

The law establishes the UHRC as a permanent independent body with quasi-judicial powers. The president appoints the UHRC's eight-member board. Under the law the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. In several cases during the year, the UHRC Tribunal awarded compensation to complainants who proved their allegations against the government (see sections 1.c. and 1.d.). The UHRC continued to pursue suspected human rights abusers, including high-level officials in the government and military, and had branches countrywide. The UHRC did not have adequate resources to investigate all complaints it received. The UHRC Tribunal headquarters in Kampala received 267 new cases (compared to 1,080 in 2004), including some against senior government leaders and military and police officials. The UHRC Tribunal opened proceedings for 108 new cases and 143 cases from previous years; it rendered judgment in 63 cases during the year.

A January report by a UN Security Council panel implicated the government for violating a UN-imposed arms embargo in the Democratic Republic of Congo (DRC) by funneling weapons, including land mines, and military support into the DRC to the *Forces Armees du Peuple Congolais* (FAPC), an Ituri-based militia group. The government denied the report's claims.

On December 19, the International Court of Justice issued its judgment that the armed activities of the government in the DRC between August 1998 and June 2003 violated the international prohibition against aggressive use of force, international human rights, and international humanitarian law. The ruling determined that the government should pay reparations to the DRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Continued instability in the northern region led to

violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population; LRA rebels, although predominantly Acholi themselves, were responsible for the most serious human rights violations.

Women

Violence against women, including rape, remained common. A 2003 Johns Hopkins University study indicated that one in three women living in surveyed rural areas experienced verbal or physical threats from their partners, and 55 percent sustained physical injuries as a result of domestic abuse. According to a September survey conducted by police and civil society at selected police stations, the police received 30 percent more reports of domestic violence than in the previous year. The law prohibits assault, battery, and rape; however, there were no laws that specifically protected women from spousal abuse. Many law enforcement officials continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file rape or assault charges against their husbands.

A 2003 HRW report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. HRW's report identified numerous social and legal obstacles to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

According to a June 15 UNICEF study on sexual and gender-based violence at a northern IDP camp, 469 cases were reported to police in Gulu District in 2004. The study revealed that the three most common forms of gender-based violence were rape, child sexual abuse, and physical assault. Teenage girls, and then young women, were the most common victims of gender-based violence.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by parliament did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

Rape is illegal. Although the government arrested, prosecuted, and convicted persons for rape during the year, there were reports that some cases were not investigated. Thousands of women were victims of abduction and rape by rebel forces. There also were reports that members of the UPDF raped women (see section 1.c.).

There was no law against FGM, which was practiced by the Sabiny ethnic group, located in rural Kapchorwa District, and the Pokot ethnic group along the northeastern border with Kenya. The government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution, including child prostitution, during the year.

There were reports of trafficking in women (see section 5, Trafficking).

Sexual harassment is prohibited by law, but was a common problem, and the government did not effectively enforce the law. On February 16, the Makerere University Appointments Board dismissed Dr. Julius C. Enon, a lecturer at the Department of Educational Psychology, after investigations showed that he sexually harassed female students.

Unlike in the previous year, the parliament did not register complaints from women asked for sexual favors during job interviews.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women can not own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law. In some ethnic groups, men can "inherit" the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. A May 18 World Bank report estimated that 80 percent of all unpaid workers were women. Employers in the private sector frequently failed to apply the statutory provision that provides women with maternity leave.

There were limits on a married woman's ability to travel abroad with her children (see section 2.d.).

Numerous NGOs sponsored conferences and training programs on women's rights throughout the country. There were several active women's rights groups in the country.

Children

The government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the national budget. The government did not enforce effectively the Children's Statute, which outlines broad protections for children, due to the large proportion of children in the population (56 percent of the population was under the age of 18), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. The law also prohibits children from taking part in any activity likely to injure the child's health, education, or mental, physical, and moral development; however, the government often did not enforce these prohibitions.

The government's Universal Primary Education (UPE) program provided free education through the seventh grade; however, education was not compulsory. The UPE program made education more accessible financially; however, parents still had to pay for school supplies and some school costs. The UPE increased funding for education, provided additional skills training for teachers, and reduced the student to textbook ratio. Strained finances, corruption, instability, infrastructure problems, and inadequate teacher training prevented full implementation. Teachers were rarely paid on time, and many did not show up for work when the government was late in paying their wages. On June 23, teachers conducted a nationwide one-day strike to protest low wages (see section 6.b.). On June 25, the Minister of Finance announced the government would seek additional funds within the budget to supplement teachers' wages. The government, however, did not disburse any additional money by year's end.

According to the 2002 census, the country's primary school enrollment rate was 84 percent for boys and 83 percent for girls. Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher grades remained low because families traditionally favored boys when making educational decisions. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The government continued several programs to promote a national plan for the education of girls.

The government provided subsidized health care through a national health care program, and boys and girls had equal access. However, health clinics did not have adequate resources to provide comprehensive care or treatment.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls known as "defilement." Defilement applied to all cases of sexual contact

outside of marriage with girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of defilement often were family members, neighbors, or teachers. A Save the Children survey of 1400 children conducted during the year found that 46 percent of girls were sexually abused and 20 percent were raped. During the year 985 persons were convicted of defilement, and 3,771 suspects were awaiting trial at year's end. Defilement carried a maximum sentence of death; however, in practice defilement cases often were settled by a payment to the girl's parents.

During the year teachers were arrested and charged for defilement. On July 1, a court in Kampala charged Hussein Kiberu, a primary school teacher, with defiling a 13-year old student in 2004. On September 6, police arrested Deo Habanurema, a primary school teacher in Kyenjojo district, for defiling a 16-year-old student.

There were no developments in the February 2004 arrest of two traditional healers for reportedly attempting to kill an 11-year-old boy. There were no developments in the 2003 cases of ritual killings of children.

FGM was performed on girls in the Sabiny and Pokot ethnic groups (see section 5, Women).

The legal age for marriage is 18 years, but the marriage of young girls by parental arrangements was common, particularly in rural areas. According to the 2002 census, 36 thousand girls and 29,031 boys entered into marriage below the age of 15.

Child prostitution and trafficking were problems (see section 5, Trafficking).

The law prohibits service in the military by persons under 18 years of age; however, persons below the age of 18 occasionally enlisted, sometimes with the collusion of local officials. During the year there were reports that individuals under the age of 18 enlisted in the army and that others enlisted in local militias. The UPDF denied that it had actively recruited child soldiers, but stated some might have joined through deception or oversight.

Since December 2004 approximately 70 candidates were rejected by UPDF recruitment officers for being underage. Other reports indicated that the UPDF detained some former LRA child combatants for unacceptably long periods, and in some cases used them on intelligence and reconnaissance missions.

There were an estimated two million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population displacement, and HIV/AIDS. The government supported two programs to assist children affected by HIV/AIDS and conflict in the north.

Child labor was a problem (see Section 6.d.).

According to UNICEF estimates, the LRA has abducted approximately 12 thousand children since 2002, and continued to abduct children during the year. The LRA forced children into virtual slavery as laborers, soldiers, guards, and sex slaves. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. More than 85 percent of LRA captives were made up of children whom the LRA abducted and forced to fight as rebels; most LRA rebels were between the ages of 11 and 16.

During the year the UPDF rescued 563 children from LRA captivity. The UPDF's Child Protection Unit provided treatment to returned abductees upon arrival at military facilities. The unit also escorted former abductees to NGO facilities, which provided assistance and counseling to the children and their families. The government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children; however, these programs were primarily financed by donors.

Approximately 35 thousand children, known as "night commuters", traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the

LRA. In September the UN estimated that nearly 9 thousand children commuted nightly into Gulu town and 10,847 commuted in Kitgum. During the year the government cooperated with NGOs to establish shelters for such children in tented dormitories and other semi-permanent structures; in other cases children slept under balconies or on the grounds of schools, churches, and hospitals. Conditions ranged from harsh to adequate. There were credible reports that many displaced girls became involved in prostitution.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. There were reports that persons were trafficked to, from, and within the country. There were no available statistics on the extent of trafficking in persons. The maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is 7 years' imprisonment; the maximum penalty for trading in slaves is 10 years' imprisonment.

The national police force is responsible for investigating trafficking-related crimes and maintains a special Child and Family Protection Unit to train local police on women and children's rights. The UPDF is responsible for capturing, disarming, or eliminating LRA combatants who perpetrate human trafficking crimes in the north.

In addition to trafficking related to LRA abductions (see section 1 b.), adults and children were trafficked internally for labor, commercial sexual exploitation, and criminal activities. Trafficking in persons primarily occurred internally: the LRA abducted children to be soldiers, sex slaves, and porters; freelance operators, including taxi drivers and hotel/bar operators, conducted the commercial sex trafficking.

Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages.

The government did not prosecute or fine any victims of trafficking.

The government, through the military and civilian agencies, continued efforts to combat LRA trafficking in persons. The government began "Operation Iron Fist" in 2002 to eradicate the LRA threat and has continued to offer amnesty to former rebels, providing resettlement packages with educational benefits and vocational training. The government also established protected camps garrisoned by the UPDF and LDUs that have helped to prevent abductions (see sections 1 b. and 2.d.).

In March the government began participating in a national working group to combat anti-trafficking. The working group was mandated to support efforts to write a new antitrafficking law, coordinate NGO activities to prevent trafficking, assist victims, and oversee an initiative to conduct pilot prosecutions of trafficking-related crimes.

Persons with Disabilities

The law provides protection for persons with disabilities from discrimination in employment, education, or the provision of other state services; however, the government did not enforce the law effectively. There was widespread discrimination by society, and employers limited job and educational opportunities for persons with disabilities. There was no statutory requirement that buildings be accessible to persons with disabilities. Five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development (MGLSD), but both ministries lacked sufficient funding to undertake or support any significant initiatives.

The law requires that children with disabilities be given necessary special facilities; however, in practice inadequate funding hampered enforcement of this provision.

National/Racial/Ethnic Minorities

Civil strife in the north and east led to the violation of the rights of members of the Acholi, Langi, and Ateso ethnic groups, who primarily resided in the districts of Gulu, Kitgum, Pader, Lira, Apac, and Soroti. LRA rebels, who themselves largely were Acholi, committed abuses against ethnic Acholi and other ethnic groups. The LRA in particular was implicated in the killing and kidnapping of Acholi and other tribe members (see section 1.g.). During the year the UPDF committed abuses against ethnic Acholi during combat operations against the LRA.

Unlike in the previous year, there were no reports of interethnic violence between the Langi and Acholi ethnic groups.

During the year raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the northeast resulted in approximately 200 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see section 1.a.). The government's mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued along with negotiations for a Karamojong-led solution. The UPDF and police continued efforts to improve security conditions by arresting cattle rustlers and preventing cross-border incursions.

Other Societal Abuses and Discrimination

Homosexuals faced widespread discrimination and legal restrictions. It is against the law for homosexuals to engage in sexual acts, based on a legal provision that criminalizes carnal acts against the "order of nature" with a penalty of life imprisonment.

In January the *Anti-Homophobia Africaine*, a local NGO whose aim is to protect and promote the rights of persons with a minority sexual orientation, applied for registration with the NGO Board; the registration had not been granted by year's end.

On July 6, parliament amended Article 31 of the constitution to prohibit homosexual marriage.

Persons with HIV/AIDS continued to face discrimination among local communities and employers. International and local NGOs, in cooperation with the government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. Counseling and testing for HIV/AIDS was free and available at health centers and local NGOs across the country. Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their local communities.

Section 6 Worker Rights

a. The Right of Association

The law allows workers, except many "essential" government employees, including police, army, and management-level officials, to form and to join unions of their choice; however, union membership is restricted by law. On June 24, the Constitutional Court overturned a provision that restricted the number of national trade union associations. Union officials estimated that 500,000 workers were unionized, representing approximately 5 percent of working age citizens. The government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force support it and if the proposed union represents at least one thousand employees. These

requirements effectively prevented workers in important parts of the private sector from forming unions, especially in the textile, hotel, and construction sectors.

The law does not prohibit antiunion discrimination by employers, and union activists were not protected from retribution for union activities. However, there were no reported incidents of government harassment of union officials. There were reports that several private companies urged workers not to take part in unionization efforts.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government did not protect this right in practice.

The law provides for the right of workers to bargain collectively; however, it was not freely practiced. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions.

The law provides for the right to strike; however, the government seldom protected this right, and government policy required labor and management to make every effort to reconcile labor disputes before resorting to strike action. During the year there were three strikes held by civil servants, teachers, and railway workers protesting unpaid salaries or benefits and one strike held by commercial vehicle operators protesting high taxes.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5).

Prison officials hired out prisoners to work on private farms and construction sites, where the prisoners often were overworked. Throughout the country prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds (see section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven baskets. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

Unlike in the previous year, there were no reports that the UPDF forced ethnic Acholi citizens to clear roadways in the war-affected north.

Forced labor by children occurred during the year (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, child labor was common, especially in the informal sector. Demographics contributed to the problem of child labor; more than half of the population was under 18 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem was particularly acute among the large orphan population. A joint International Labor Organization and MGLSD survey, released in July, estimated that approximately 2.7 million children were employed as workers.

In urban areas children sold small items on the streets, were involved in the commercial sex industry, worked in shops, or begged for money (see Section 5). Children were also employed in the tea-harvesting sector.

According to statutory orders issued by the Ministry of Labor, children between the ages of 12 and 18 can be employed in jobs that involve light work.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the government from enforcing this prohibition effectively. There were reports that the UPDF used former LRA child soldiers on reconnaissance and intelligence missions (see section 5).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (see section 5).

The MGLSD enforced the law on child labor; however, financial constraints limited its efforts. On June 16, the MGLSD launched the Orphans and Vulnerable Children Policy, which extended social services to children working in the worst forms of child labor and other target groups. The government also coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. Several human rights NGOs continued programs to remove children from hazardous work situations.

The government also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labor, including the education and reintegration of children into their communities.

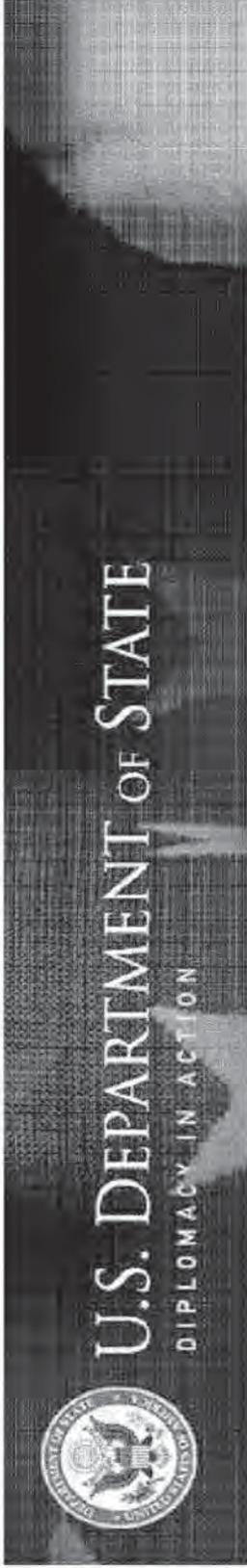
e. Acceptable Conditions of Work

The minimum legal wage was \$3.50 (6 thousand shillings) per month, a rate set in 1984, which did not provide a decent standard of living for a worker and family. The government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour workweek. Many industries paid workers incrementally to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" to avoid providing benefits. The law requires employers to give workers a continuous period of 24 hours of rest per work week. Compulsory overtime is not prohibited by law.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were rare, primarily due to the lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects. The limited occupational safety regulations under the law did not prevent the dismissal of workers who refused to perform dangerous work; however, strong unions in certain dangerous industries protected such workers.

EXHIBIT 172



Uganda

Bureau of Democracy, Human Rights, and Labor

2007

March 11, 2008

Uganda, with a population of 30 million, is a republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party. The February 2006 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. Security and human rights conditions improved, especially since the military pushed the Lord's Resistance Army (LRA) out of northern Uganda in 2005 and began peace talks with the LRA in July 2006, and there were no reports of LRA attacks during the year. The ongoing conflict in the Karamoja region remained volatile, resulting in numerous deaths and the displacement of thousands of civilians. While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.

The government's human rights record remained poor. Although there were improvements in a few areas, serious problems remained, including unlawful killings by security forces; instances of torture and abuse of suspects by security forces; vigilante justice; harsh prison conditions; official impunity; arbitrary arrest; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, and association; some limits on freedom of religion; sexual abuse of internally displaced persons (IDPs) in camps; restrictions on opposition parties; electoral violence and irregularities; government corruption, violence and discrimination against women and children, including female genital mutilation (FGM) and sexual abuse of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; and forced labor, including by children.

The LRA, which conducted its activities from the Democratic Republic of Congo (DRC), continued to hold children that it had forcibly recruited from Uganda. Hundreds of thousands of displaced persons remained in IDP camps due to fear that LRA attacks in the country would resume.

The government continued to take steps to improve human rights during the year. The armed forces, called the Uganda People's Defense Forces (UPDF), continued to professionalize and demonstrated a marked improvement in respect for human rights, and the government continued to improve conditions in the central prisons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces, including police, UPDF officers, and members of Local Defense Units (LDUs) or militias, committed unlawful killings during the year. Security forces were responsible for killings during forcible dispersion of demonstrations, apprehension, and other activities; for deaths in custody, some due to torture, and for accidental killings. The government generally punished perpetrators appropriately.

On April 5, UPDF Presidential Guard Brigade (PGB) private Zepha Muhumuza killed Rukia Nandago, Collins Nabende, and Moses Kiwani in Mbale Town. Muhumuza reportedly killed Nandago, a sex worker, for failing to meet his sexual demands and subsequently shot Nabende and Kiwani for trying to intervene. The third division court martial charged Muhumuza with three counts of murder on April 6. A final ruling was pending at year's end.

On April 21, UPDF PGB lieutenant Peter Ahimbisibwe killed Presidential Office official Nelson Ssendegeya in Kampala. Ahimbisibwe was detained in Luzira prison and his trial was pending at year's end. The motive for Ssendegeya's murder remained unknown.

In April Murusi Katusabe, an LDU member, killed two civilians for refusing to share game meat in Kasese District. The police issued an arrest warrant for Katusabe, who was at large at year's end.

On October 15, Nabbingo special police constables (SPCs) Nicholas Ogulei, Noah Nkwasiabwe, and Nuuru Nkwasiabwe killed Ronald Bukyayanga in Wakiso District. Police reported that Bukyayanga died after sustaining injuries during an arrest. Bukyayanga allegedly stole a water pipeline in November 2006. The SPCs were arrested on October 16 on murder charges and remanded until November 12. The case was pending at year's end.

On May 10, the second division court martial sentenced UPDF soldier Odong Chamali to death for the May 2006 killing of four civilians and three armed soldiers in Kasese District. The court martial found his accomplice, Ekemu Ocen, guilty of murder and sentenced him to death in August 2006. Both Ocen and Chamali were awaiting execution at year's end.

There were no reports of developments in the following 2006 cases: the April case of the Mbarara police officers who killed two suspected armed robbers; the April killing of a suspected drug dealer in Mulago; the May killing of Dola in the Awach IDP camp; the May killing by torture of Abdu Semugenyi; the June killing of Wilfred Kinyera and Joel Oryom by UPDF soldiers; and the August killing of Masensio Edema.

No action was taken against acting area subcounty chief Amos O'Bani, who reportedly ordered police to fire on nightclub dancers, killing two minors, in August 2006.

Prison authorities reported that John Atwine's September 2006 death in custody was due to hypoxia.

Final rulings from the High Court on the 2005 cases of LDU member Alex Okullo, charged with killing two civilians, and UPDF private Tony Ereimo, charged with killing minor Francis Ocaya Okot, were pending at year's end.

UPDF private Joel Lubangakene remained on death row for the 2005 murder of Ojok Ojara in the Lalogi IDP camp in Gulu District, and there were no developments in the case against the UDPF for allegedly killing seven civilians during a 2005 protest in response to Ojara's murder.

SPCs Joel Adrama and Dickson Anguyo were awaiting trial for the June 2005 murder by beating of Zacharia Ocilia.

There were no developments in the investigation of the 2005 killing of suspected robbers Edson Sajabi, Charles Mworzi, and Benon Kankirho.

The trial against police officers Stephen Kasiba, Hannington Opto, and Julius Oboch for the 2005 killing in custody of Noah Katungi was pending at year's end.

There were no developments in the case against Busia District police for the 2005 murder of Abdallah Mumiro.

In contrast with 2006, there were no reports of killings by rebel or terrorist groups; however, incidents of vigilante justice were reported. There were numerous instances in which mobs beat, stoned, or burned to death individuals suspected of committing crimes.

On August 29, a mob in Sembabule District burned suspected cattle thief Issa Ssenyonzo to death. Five persons were arrested in connection with the incident, but there were no further developments during the year.

There were no developments in the March 2006 mob killing of four robbers in Lira District or the May 2006 mob killing of a traditional healer in Masaka District.

b. Disappearance

There were no reports of politically motivated disappearances during the year; however, some disappearances from earlier years remained unresolved. There were no developments in the May 2006 disappearance of Forum for Democratic Change (FDC) party member Robert Mugenyi or the 2005 disappearance of Olim Orach.

The suspect charged with the 2005 kidnapping of Geoffrey Mwebase and two others were convicted and sentenced to 10 years in prison.

The four 2005 treason suspects who were held in incommunicado detention in 2006 were granted amnesty during the year.

In contrast with 2006, there were no reports of LRA abductions in northern Uganda. In previous years, the LRA forced abducted children and young adults into slavery as laborers, soldiers, guards, and sex slaves.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects and that detainees died as a result of torture. Torture generally occurred in unregistered detention facilities and was intended to force confessions. The Uganda Human Rights Commission (UHRC) received 164 complaints of torture during the year. Demonstrators died as a result of the forcible dispersion of demonstrations by security forces.

Reports from human rights organizations, including Human Rights Watch (HRW) and the Foundation for Human Rights Initiative (FHRI), cited examples of torture carried out by security forces, including caning; severe beating; removal of fingernails; hammering needles into the body; electrocution; use of snakes, ants, and chemical substances; rape; and inflicting pain to the genitals. According to reports, the police (81 cases); the UPDF and its intelligence branch, the Chieftancy of Military Intelligence (CMI) (133 cases); and the Violent Crime Crack Unit (VCCU) or Rapid Protection Unit (35 cases) engaged in torture.

On April 19, UPDF Major George Wakamuke, Captain Edward Nkonye Wasswa, and lieutenants Moses Kagolo and Bonny Edibungo assaulted numerous residents in Mubende District during a gun recovery operation. The Mubende military court sentenced the officers to four years' imprisonment on July 28.

On May 19, sexual abuse suspect Faizal Kirunda reportedly died in Mbale Referral Hospital of wounds inflicted by authorities at the Malukhu Prison in eastern Uganda. Kirunda's relatives filed a case with Mbale police, and a report of the investigation was pending at year's end.

On October 9, Rogers Mugenyi died of injuries received from Kampala traffic police officer Nobert Ojok during a routine traffic stop earlier in the day. Ojok was arrested on October 12 and charged with murder on October 16. The case was pending at year's end.

There were no developments in the January 2006 torture case against Gilbert Odong for injuries to Patricia Atim.

In September the army reported that UPDF soldiers did not assault Juma Muwonge in February 2006, contrary to previous reports of the incident, but that Muwonge drove through a barricade at a checkpoint, defying warnings and injuring one UPDF soldier. The army Special Investigations Branch 4th Division reported on August 16 that the injured soldier opened a civil suit against Muwonge and Nile Bus Company. The case was pending at year's end.

Dr. Joram Ajeani withdrew his September 2006 torture case against police.

There were no developments in the 2005 case of UPDF private William Bisogo, arrested for inflicting torture, or in the case of John Barigye Bakirahi and Peter Agom, UPDF soldiers charged with spying for the Rwandan government, who claimed they were tortured in CMI custody in 2004. The espionage case was pending in the court martial.

The UHRC tribunal made seven rulings on torture cases from previous years, including awarding \$9,000 (15 million shillings) to Alex Kubai, Godfrey Barma, and Albert Twyem as compensation for having been tortured by instructors during a "mchakamchaka" political training in Kapchorwa District in 2003, and \$3,600 (6 million shillings) to Paddy Mutenderwa, a university student tortured by police in 2002.

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes. Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in beatings, lynchings, and other forms of mistreatment.

Prison and Detention Center Conditions

Prison conditions remained harsh and frequently life threatening. While government funding rose from \$15.5 million (26.4 billion shillings) in 2006-07 to \$23.3 million (39.5 billion shillings) in 2007-08, nearly doubling the 2005-06 allocation, limited resources hindered the Prison Authority's ability to fully implement the 2006 Prisons Act. In addition there were reports that security forces and guards tortured inmates.

Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,000 prisoners in the prison system, approximately three times the prisons' capacity. Serious problems in prisons outside of Kampala included congestion, inadequate staff, and lack of food, water, medical care, and bedding. The UHRC continued to note improved conditions at central prisons during the year, including cleaner and more structurally secure buildings, an increase in uniforms for inmates, and adequate food rations. Nevertheless, severe overcrowding remained a problem at juvenile detention facilities and in women's wings of prisons. The remand home in Kampala, designed for 45 persons, held 100 children. The reception center, designed for 30 persons, held 68 juveniles under the age of 12. Forced labor occurred; inmates at most prisons grew maize, millet, and vegetables. The UHRC accused prison farms of overworking inmates, and prisoners as young as 12 performed manual labor from dawn until dusk.

Security forces and prison officials reportedly raped detainees during the year.

The UHRC reported allegations that prison officials sometimes demanded bribes to allow visits and telephone calls; no investigations of these allegations were conducted during the year. In 2005 the government gave 59 senior prison officers the powers of magistrates to try inmates and prison staff suspected of committing such offenses. However, as in 2006, no prison officials were tried during the year.

Prison populations had high mortality rates due to overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care. The Prisons Service registered 136 deaths nationwide between January and June as a result of malaria, tuberculosis, dysentery, pneumonia, ulcers, hypoxia, electrolyte imbalance, respiratory failure, and HIV/AIDS. Local human rights activists reported that inmates at the prison were treated inhumanely.

There were no actions taken in response to the March 2006 prison death of David Isabirye, a student at Bupadhengo secondary school, in Kamuli District or the May 2006 death of three inmates in a prison in Lira District.

Female prisoners in central prisons were held in separate facilities; however, services and facilities for female prisoners in local prisons, including separate cells, were lacking. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. In Kampala jails, pretrial detainees were separated from convicted prisoners; however, in the rest of the country, pretrial detainees and convicted prisoners sometimes were held together.

During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local nongovernmental organizations (NGOs), principally FHRI and the Uganda Prisoners' Aid Foundation. Authorities required advance notification of visits, a process that was sometimes subject to administrative delays.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

Role of the Police and Security Apparatus

The police force, under the Ministry of Internal Affairs, has the primary responsibility for law enforcement. The UPDF is the key armed force charged with external security but has had partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks. The Internal Security Organization (ISO) and External Security Organization, key security force agencies and intelligence-gathering entities under the direct authority of the president, occasionally detained civilians. The CMI, under UPDF authority, detained civilians suspected of rebel and terrorist activity. LDUs reinforced government efforts to protect civilians from LRA attacks. In some cases LDUs also participated in offensive military operations and carried out police functions.

Security forces continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Security forces committed numerous abuses, and impunity was a problem. Police officials faced charges of bribery during the year; the police commissioner for human resources reported that three members of the police force were discharged or dismissed during the year for accepting bribes, a significant decrease from 2006 that may have been the result of an aggressive government campaign to encourage citizen reports of bribe-taking that led to 49 officers being relieved of duty in 2006. The Police Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers; torture and harassment; unlawful arrest and detention; abuse of office; irregular or discreditable conduct; and corrupt practices. In conjunction with the UHRC and international organizations such as the ICRC and the UN Office of the High Commissioner for Human Rights (OHCHR), the UPDF and the police continued a training program to educate military officers on internationally recognized

human rights standards. The police, UPDF, and prisons service also used human rights manuals in their training programs.

Arrest and Detention

The law requires search warrants be issued by judges or prosecutors before arrests are made; however, in practice suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained longer without being charged. Suspects arrested under the Antiterrorism Law may be detained longer. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail at the discretion of the judge, but bail was not generally provided in practice.

Detainees are required by law to have access to a lawyer; however, in practice, lack of government funding meant that many detainees went without legal representation. There was no provision ensuring family visitation. Incommunicado detention was a problem during the year.

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on treason charges. Treason suspects were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The Prison Service held 30 pretrial treason suspects during the year. The UHRC received 107 complaints during the year from persons claiming to have been arbitrarily arrested, 14 of which were confirmed by the UHRC tribunal. The government paid \$73 million (120 billion shillings) in compensation to victims during the year; however, human rights activists protested that government compensation was often slow in coming.

Human rights groups reported that civilians were detained in military barracks and unregistered detention facilities known as safe houses. Human rights groups continued to receive credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses. FHRJ received reports of incommunicado detention and detention beyond prescribed periods at the central police station, specifically by the Joint Antiterrorism Task Force (JAT). JAT agents reportedly released Emmanuel Sanyu Karangwa and Congolese national Dido Manyiroha in April without charges, after having arrested them separately in October 2006; however, the whereabouts of Karangwa and Manyiroha were unknown.

Kasese District police arrested 339 suspected criminals in suburbs of Kasese Town in August. Of those arrested, 102 were taken to court and charged with being idle and disorderly, and the rest were released.

Police arbitrarily arrested journalists and demonstrators during the year.

There were no developments in the January 2006 case of Muwanga Kivumbi, the national coordinator of Popular Resistance Against Life Presidency, arrested and interrogated for seditious remarks; the February 2006 case of Yusuf Nsibambi, one of FDC opposition leader Kizza Besigye's lawyers, briefly detained by Kampala police for allegedly inciting violence; the March 2006 case of private Alan Barigye, arrested by security forces on charges of desertion; the May 2006 treason case of Azia Turigye, Hassan Isigoma, and Bashir Mustata; or the June 2006 case of treason suspect Patrick Ssentongo; however, none of the persons mentioned above remained in detention.

The UPDF released the 100 suspected criminals who were arrested in July 2006 in Mubende District. Police authorities reported that 73 out of the 142 of those arrested in Iganga District in August 2006 were charged, 48 of whom were convicted. Prisons authorities reported that no detainees remained in prison from 2006 mass arrests.

On January 5, the court-martial dropped the 2005 terrorism and other charges against FDC opposition leader Kizza Besigye and 22 FDC members. However, the court introduced new charges of unlawful possession of firearms against the 22. Disposition of the possession of firearms case was pending at year's end. Treason charges against Besigye and the 22 are also pending in the High Court. Besigye and 18 of the 22 were released on bail. Of these, 11 were granted amnesty, one died of natural causes, while four remained in prison because they could not post bail.

Legal and human rights groups criticized the excessive length of pretrial detention, on average between two and three years but sometimes as long as seven years. The Prisons Service reported that over half of its 26,000 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention. During the year NGOs continued to report allegations of unlawful detentions by the VCCU, and FHRI reported that over 250 persons arrested by the VCCU since 2002 remained in detention without charge.

In July the president ordered an investigation into the detention of 300 UPDF soldiers attached to the PGB. The soldiers were held in Luzira, Makindye, and Kalabi prisons for a period of between one to five years without trial.

Parliament's Internal Affairs committee discovered in October that 729 inmates at the Kigo Prison in Kampala had been held on remand for over five years. According to law, capital offense prisoners can not be held on remand longer than one year without trial. In response, the government in April approved the appointment of eight judges to expedite adjudication.

Amnesty

The government has offered a blanket amnesty since 2000 to former combatants for treason charges as a means to encourage defection from the LRA and other rebel groups. Almost 22,000 individuals benefited from the law since its implementation, over half of whom were former LRA members.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the government on several high-profile cases during the year; however, judicial corruption was a common problem. The lower courts remained understaffed, weak, and inefficient.

In May the Inspectorate General of Government (IGG) indicted Solicitor General Lucien Tibarua and acting Director for Litigation Joseph Matsiko, accusing them of mismanaging cases to cause financial loss for the government. President Museveni ordered them to vacate their offices on May 31; however, on June 20, a high court order invalidated Tibarua's indictment because the IGG had not provided any evidence of serious misconduct. On September 27, President Museveni again ordered Tibarua to vacate his office and admonished him for disobeying the original executive directive. At year's end Tibarua and Matsiko remained out of office, despite the court decision.

On January 15, President Museveni canceled the appointment of the tribunal to investigate the conduct of High Court Judge Richard Okumu Wengi, suspended in August 2006 on allegations of gross misconduct, corruption, forgery of court documents, impropriety, and bias, and the judiciary retired Justice Wengi two days later.

The highest court is the Supreme Court, followed by the Court of Appeal, which also functions as the Constitutional Court; the High Court; magistrate's courts; and Local Council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases not involving children. LC court decisions can be appealed to magistrate's courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

The International Bar Association's Human Rights Institute issued a report in September that detailed threats to the independence of the judiciary, including allegations that some members of the judiciary were pressured to collude with the police in the arrest of opposition politicians. According to the report, two High Court judges, Edmund Sempa Lugayizi and John Bosco Kalutsi, withdrew from FDC leader Besigye's treason case, citing military interference and pressure. Government officials defied judicial decisions in a January 11 court ruling to release People's Redemption Army (PRA) suspects on bail; and opposition members of parliament (MPs) were subjected to bail procedures for minor offenses which they alleged were timed to force them to spend a night or even the weekend in prison, despite the fact that they had been granted bail.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

The military trial of Henry Tumukunde, the former director of the ISO, for violating army rules and regulations was ongoing at year's end.

Trial Procedures

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but without juries. Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government-held evidence relevant to their cases. There is a presumption of innocence, and defendants have the right of appeal.

Political Prisoners and Detainees

There were reports of political prisoners and detainees during the year, but reliable statistics were unavailable.

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal remedies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions. At times the police did not obtain search warrants, as required by law, to enter private homes and offices.

The High Court did not rule on the December 2006 invasion of privacy case initiated by Juliet Mukasa, chair of the Sexual Minorities of Uganda Group, who claimed local government officials illegally searched her home in 2005.

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The government continued to monitor telephone communications.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Since the military pushed the LRA out of northern Uganda and peace talks began in 2006, there were fewer reports of abuses in internal conflicts. The ongoing conflict in the Karamoja region remained volatile and resulted in numerous deaths and the displacement of thousands of civilians; however, the OHCHR reported that the situation in Karamoja also improved during the year. Human rights groups noted marked improvement in the UPDF's respect for human rights and its prosecution of violators of human rights during the year; however, serious problems remained, particularly among the LDUs and militias.

Killings

There were no reports of government killings of suspected LRA rebels during the year, nor were there reports of LRA killings of government forces or civilians; however, there were killings in the Karamoja conflict during the year. In contrast with 2006, there were no reports that security forces or government officials provided material support to armed groups operating in the eastern Democratic Republic of Congo (DRC).

Authorities continued to search for one of the LDU militia members who killed 12 civilians and injured 28 others in Ogwete camp in May 2006. Of the seven others, a 2006 court martial sentenced six to prison and one was killed evading arrest.

There were no developments in the June 2006 UPDF killing of two civilians in Gulu District; the August 2006 UPDF patrol unit killing of Samuel Odida Opira in Labuje IDP camp; the 2005 killing of two female residents of Pajule IDP camp by suspected LRA rebels; or the search for the UPDF soldier who killed Ben Okeita and his wife Donica Ajok in Olwal IDP camp in 2005. There was no further action taken to address the January 2006 UPDF accidental killings of three hunters in Omoro County or the two residents of Amoro IDP camp.

There were no developments in 2006 LRA or suspected LRA attacks, including the January killing of four civilians at a disco in Aojumani District; the February killing of six civilians in Apac District; or the April killing of four hunters in Gulu District.

In the Karamoja region, there were fewer interclan cattle raids between Karamojong tribes in the east; however, the government intensified its forced disarmament campaign. The raids and the UPDF response resulted in an estimated 149 deaths during the year, according to media reports.

On January 17, Karamojong warriors from the Pain iribe killed nine women gathering firewood in Nakapiripit District.

On February 12, Karamojong warriors killed four UPDF soldiers in Kotido District. The army killed seven warriors in retaliation.

There were no reports of developments in the January 2006 Karamojong killing of five herdsmen and stealing of 600 cattle and 70 goats in Nakapiripirit District; the March 2006 Kenyan Pokot killing of 14 civilians and six UPDF soldiers during a cross-border raid; the May 2006 Karamojong killing of three UPDF soldiers and injuring of six civilians in Nakapiripirit District; the July 2006 Karamojong killing of three civilians in Lira District; or the 2005 Kenyan Pokot killing of civilians and police officers.

Abductions

There were no reported abductions in internal conflicts during the year; however, there were no developments in any of the 2006 or prior cases of abduction by LRA rebels, and abducted individuals remained missing.

Physical Abuse, Punishment, and Torture

Government forces and Karamojong warriors continued to clash during the disarmament exercise, with reports of physical abuse, punishment, and killings. Security forces continued to use excessive force on occasion, including rape. There were no significant incidents between the government and the LRA during the year.

On September 3, OHCHR in Uganda released a report covering events from April to August in Karamoja that criticized the army "for downplaying some of the deaths and other human rights violations, claiming they were unavoidable given the circumstances." Nevertheless, the report noted significant overall improvement in the human rights situation, saying there was marked reduction in human rights violations, road ambushes, and illegal firearms possession. The report further stated that the army had made progress in reducing the number of guns and ammunition circulating in the troubled region. However, HRW noted there was an increase in violations during the last months of the year.

Ochen Obonyo, an LDU member in Pader District, raped Rozaiba Aborto, who later died in hospital on October 24. The UPDF arrested Obonyo and later transferred him to police custody. The investigation was pending at year's end.

There were no developments in the 2005 case against UPDF soldiers for torturing a suspected LRA collaborator or the 2005 rape of two girls by four UPDF soldiers in Kumi District.

Simon Tollit, a suspected financier of LRA leader Joseph Kony, claimed he was arrested, detained in a safe house, and tortured for three days in 2002. In June he filed suit against the government in the High Court for wrongful arrest, and a January 2008 hearing was scheduled.

Child Soldiers

The government denied allegations of underage recruitment into the army, including that of the UN Special Representative for Children and Armed Conflict who estimated that 5,000 children were serving in the armed forces in June 2006. The government claimed that some minors might have falsified birth documents to meet the 18-year age requirement of the military.

The LRA regularly abducted and conscripted thousands of children in previous years; however, there were no reports of such activity during the year, and there were no further reports of UPDF interrogations of former LRA child soldiers. Children abducted by the LRA in previous years were used as laborers, soldiers, guards, and sex slaves. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children. Most LRA rebels were children between the ages of 11 and 16.

Other Conflict-Related Abuses

As the security situation in the north continued to improve as a result of the military successfully pushing the LRA out of northern Uganda and the ongoing peace talks, thousands of IDPs were able to return to or near their homes of origin. However, clashes between Karamojong warriors and the UPDF continued to cause civilians in the region to remain in or seek out IDP camps. According to the World Food Program (WFP), the violence also impacted food security for over a half million Karamojong.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law generally provide for freedom of speech and of the press; however, the government at times restricted these rights, and the law criminalizes offenses by the media and limited the media's ability to function effectively. The government also at times harassed and intimidated journalists, and the independent media continued to practice self-censorship.

The government attempted to impede criticism through detention and interrogation of politicians and activists who made public statements critical of the government. The president's office reportedly monitored political talk show debates closely, and the government occasionally attempted to block participation of opposition members on radio talk shows. Opposition politicians reported difficulties in securing media outlets to convey their message.

On April 22, security operatives in Kampala briefly detained Democratic Party (DP) members Jethro Nuwagaba and Kivumbi Mwanga for criticizing the government on radio talk shows.

On August 24, Kampala police summoned Makinye East parliamentarian Hussien Kyanjo for inciting public violence through scintious statements for comments he made urging the Buganda region to secede from Uganda during a Central Broadcasting Station radio talk show on July 17. He was later released, but a court case against him was pending at year's end.

There were no charges brought against the following opposition members interrogated by police in 2006: FDC's secretary for women's affairs Ingrid Turinawe for making remarks against the government on local radio in 2005; president of the Conservative Party Ken Lukyamuzi for allegedly stating in 2005 that there would be war if the president were reelected; and Aswa County parliamentarian Reagan Okumu, for stating that the president wanted to sell land belonging to the Acholi people.

The independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and meet certain standards, such as possessing a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. There were many privately owned publications and broadcasts.

Press intimidation increased during the year. An FHRI December report showed that judicial sanctions and arbitrary police actions were employed to intimidate the media critical of the government and that these restrictive measures encouraged self-censorship. The government pressured the *Monitor*, the largest independent newspaper, to suspend reporters Andrew Mwenda and Timothy Kalyegira on May 17 for writing articles critical of the government, although the paper reversed the decision on May 23. Government pressure also led to the transfer of managing director Conrad Nkutu on June 30. The *Weekly Observer* continued to publish critical pieces despite the government's ongoing pursuit of a case against the paper's editor and a reporter. The *East African*, a Kenya-based weekly, reported

extensively on political news without government interference. The government owned several daily newspapers.

The police forwarded media cases considered to be attacks against the state to the Media Council. There were 39 cases filed against the *Red Pepper*, 10 against the *Monitor*, and five against the *Weekly Observer*. The Media Council dismissed all 54 cases on technical grounds.

The government continued to operate the only public radio and television stations. The reporting on these stations was not considered to be independent. Government-controlled media were primarily used to advocate for the administration's political agenda.

Independent television and radio stations that hosted opposition political candidates on talk shows in which critical statements were made against the government or the military were sometimes subject to government interference.

On February 2, the Uganda Broadcasting Council closed Nation Television (NTV) allegedly for technical reasons. NTV is part of the Kenya-based Nation Media Group that owns the *Monitor* and KFM radio. NTV was permitted to resume transmission on April 30, after its management met certain conditions outlined by the government, including ensuring that its outlets provided fair and balanced coverage of the government and government programs.

The Uganda Broadcasting Corporation cancelled Tom Gawayya-Tegulle's television talk show after FDC opposition leader Besigye's July 12 appearance.

On October 4, suspected security operatives raided Life Radio, a local radio station in western Uganda, over the controversial "Peoples' Rights and Awareness" program on October 4. Security agents allegedly poured acid on the station's radio transmitter.

The government continued to ban new radio stations in Kampala reportedly due to limited technical frequencies, although the ban was widely disregarded in practice without penalty.

Security forces arrested and harassed journalists for their reporting. On March 1, security personnel in Kampala assaulted several journalists, including Sam Maleka of Simba FM, Richard Ssemakula of the government-owned *Bukedde* newspaper, and Charles Sekajja of Ddembe FM. The journalists were covering a case involving PRA treason suspects at the High Court.

On March 2, security forces assaulted photographer Chris Ahimbisibwe, from the government-owned *New Vision*, in Bushenyi District while he was covering a trial of suspected PRA members. He filed a complaint with the Uganda Human Rights Commission, which was pending at year's end.

Also in March, police assaulted several journalists covering a High Court case involving suspected PRA rebels. The Uganda Journalists Association filed a complaint with the inspector general of police (IGP) alleging harassment and intimidation by the police force based on these incidents and police interrogations during the year. The investigation was pending the establishment of a committee at year's end.

There were no further developments in the March 2006 case involving two Open Gate FM employees who remained free on bail or the 2005 case against Major General Kahinda Olatilire, former minister of water, lands, and environment, for threatening *Monitor* photojournalist Mike Odongkara with a gun.

The 2005 ban on media coverage of opposition leader Kizza Besigye's trial continued, although the ban was widely disregarded without penalty.

The government used criminal libel laws to suppress criticism of political leaders. On November 5, police questioned *Monitor* journalists Emmanuel Gyezahro and Robert Mukasa about a story they published on Inspectorate General of Government Faith Mowondha's alleged salary irregularities. The journalists were pressured

to divulge their sources and charged with criminal libel; the case was ongoing at year's end.

Winnie Byanyima, wife of FDC leader Besigye, and FDC Treasurer Jack Sabiti agreed to pay damages to the deputy chief justice and the justice of the high court, stemming from January 2006 charges of libel and providing false information that were dropped on October 6.

The government cited national security as grounds to interrogate journalists and ban newspaper content. For example, police in Kampala cited national security when they interrogated six *Monitor* journalists after the newspaper began a series that called Museveni's government responsible for former Uganda Freedom Movement leader Kayira's 1987 death. The *Monitor* stopped publication of the series following government interference.

The *Monitor* suspended publication of a series of articles on the order of the attorney general in December 2006; the series chronicled the history of the country's security services. The High Court temporarily permitted the paper to resume the series, publishing only unclassified material, but a High Court case to publish the rest of the material was ongoing at year's end.

Former *Monitor* reporter Andrew Mwenda's 2005 sedition case was pending a Constitutional Court decision on a petition challenging media laws including sedition and defamation at year's end. In August Mwenda returned to the country and started a new weekly news magazine, the *Independent*, which the government tried to prevent from being published.

The 2005 government suit against the *Weekly Observer* editor and a reporter for promotion of sectarianism remained on hold pending the outcome of a petition to the Constitutional Court in the Mwenda case.

Internet Freedom

Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the government restricted access. The February 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place.

Access to the Internet continued to increase during the year, although only approximately 5.7 percent of the population used the Internet monthly due to lack of infrastructure.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom and no reports of censored cultural events or films, unlike in 2006. However, research clearance in certain academic areas, such as history and political science, was difficult to obtain.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly. As a result of a September 27 declaration by the Ministry of Internal Affairs, IGP permits are required for all public meetings, demonstrations, and processions; previously, such requirements only applied to unregistered groups and parties.

The 2005 ban on demonstrations related to FDC leader Besigye's trial remained in effect, although it was ignored. Police denied permission to hold public rallies, used excessive force to disperse demonstrations, and arrested demonstrators during the year. Some police attempts to prevent or disperse demonstrations resulted

in death.

On January 6, Kampala police fired tear gas to disperse DP supporters during a rally. DP members Vincent Kabuubi, Fred Sebyoto, and Geoffrey Tomusange were arrested and charged with taking part in an illegal assembly. The four were released on bond, but the court issued a second warrant of arrest after they failed to appear on July 6. The case was pending at year's end.

On March 5, Kampala police fired tear gas at FDC leader Besigye and 200 supporters during a protest. The press reported that a child was killed in the scuffle. IGP Major General Kale Kayihura ordered an inquiry into the incident on March 10; however, there were no findings by year's end.

On April 12, police arrested parliamentarians Beatrice Atim Anywar, Hussein Kyanjo, and 24 others during a demonstration against the proposed sale of Mabira Forest Reserve land. Five persons were killed during the scuffle. The MPs and 20 of the 24 suspects were charged with rioting and released on bail on April 17. The remaining four were charged with murder and released on bail on July 30. Both cases were pending at year's end.

Jinja District police arrested 12 students of the Islamic Institute in Bugembe for participating in a June 29 protest against more restrictive Shari'a laws in the school; five students were injured. The students were charged with unlawful assembly and rioting and released on bail on July 7. The case was pending at year's end.

On July 3, Moyo District police injured five students while trying to stop a protest at the Itula Secondary School on July 3. Police officers Fremilo Amoli, Julius Wayikonga, and George Munguacel were charged with inflicting the injuries on October 16 and subsequently suspended from the police force. A hearing was scheduled for October 23.

There were no arrests made in the July 2006 police shooting of three students during a demonstration at Pajule Technical College; the July 2006 police killing of a resident in Luwero District during dispersal of a mob; or the August 2006 police killing of Jimmy Opio in Apac during dispersal of a mob. A court acquitted the 45 Makerere students charged in November 2006 with illegal rioting during a university lecturers' strike.

No action was taken against police responsible for injuring protesters during forcible dispersals of demonstrators in 2005. During the year charges were dismissed against demonstrators for illegal assembly in 2005.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected these rights.

The government announced it would initiate new regulations to provide a framework under which NGOs and churches would operate, following increased reports in July about their illegal activity, including extortion, fraud, trafficking in persons, and homosexual practices. The NGO Board said it would institute a survey to scrutinize the activities of 7,000 registered NGOs, including churches.

NGOs continued to express concerns about the NGO Registration Act, passed in April 2006, which requires most NGOs, including religious organizations, to renew their registration permits annually. NGOs operating in the north also expressed concern over increased government interference in their activities. Government officials accused the NGOs of exploiting the situation in the north and of not using funds for planned activities. The NGO Forum, a group of local NGOs, initiated an investigation into the government's allegations.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice with some minor restrictions. The law requires religious groups and foreign missionaries to register with the government under the same law as NGOs; failure to register is a criminal offense, and religious groups have also expressed concern about the new annual registration requirements.

There were reports that the government refused to grant registration to self-proclaimed religious groups on the grounds that the groups were not legitimate religious organizations. Several religious groups shut down by police as suspected "cults" in previous years remained inactive at year's end.

Related to the government's announcement to create a new regulatory framework for NGOs and churches, police authorities opened a general inquiry file on fraudulent church leaders at the end of July; however, the government did not deregister any churches during the year.

There were no reports of violence by the government or its agents against religious groups, leaders, or individual members; however, there were reports that the government restricted worship by certain religious groups.

On August 16, Gulu Resident District Commissioner (RDC) Walter Ochora blocked a request by New Melita Jerusalem Church leader Saverino Lukoya Lakwena to hold prayers in his district, citing national security. Gulu police arrested church members Francis Opwonya, Samuel Mwaka, Grace Acan, Grace Amony, and Tom Dennis Olobo on September 20 during a worship assembly, and the Gulu court charged the five with unlawful assembly and disorderly conduct. The suspects were released on bail pending a February 2008 hearing.

Reportedly for security and noise abatement reasons, bans against evangelical churches' nighttime prayer meetings remained in effect in residential areas of several districts during the year. On August 31, Kayunga RDC Margret Baryehuki threatened to close down any church that defied the local ban, saying that the churches made a lot of noise and that criminals disguised as churchgoers robbed homes during services.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom; however, some members of more traditional religious groups accused certain evangelical groups of practicing "witchcraft."

The Jewish community represents less than 1 percent of the population. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government at times limited these rights in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport. There were reports that government agents blocked the travel of opposition party members.

There was no information on whether the law permits or prohibits forced exile. However, the government did not use forced exile during the year.

Internally Displaced Persons (IDPs)

Approximately one-third of the 1.8 million IDPs in LRA-affected northern Uganda returned to or near their homes due to improved security conditions. Despite the

relative security, fear of the LRA's forced recruitment, rape, murder, political intimidation, and slavery continued to force hundreds of thousands of IDPs to endure squalid conditions in camps. Insecurity in the Karamoja region continued to displace residents. In September the UN Office of the Coordinator for Humanitarian Affairs reported there were 292,414 IDPs in the north due to the LRA insurgency and 165,000 Karamojong displaced as a result of the UPDF/Karamojong clashes related to forced disarmament. According to the WFP, another 560,000 Karamojong within Karamoja have been displaced due to drought.

Although the government and domestic and international humanitarian organizations provided assistance to IDPs, health and living conditions remained precarious, and many IDPs, particularly women and children, were deprived of access to education, basic health care, safe water, protection, and shelter. However, as the security situation in the northern districts improved during the year, IDPs traveled outside the camps to farm, hunt, and gather wood and water, and they began to return to or near their homes. The government continued to work with the Office of the UN High Commissioner for Refugees (UNHCR) and other international organizations to prepare IDPs to return to their home areas. As of November, 526,300 IDPs had returned to their homes, and 409,000 had left camps and were seeking interim solutions for return. All returns were voluntary.

There was one confirmed report of an LDU member raping a female IDP in the north during the year; however, unlike in previous years, there were no reports that security forces detained and mistreated suspected LRA collaborators in the camps. Several human rights organizations reported inhuman and degrading treatment of IDPs during the ongoing forced disarmament exercise in Karamoja, including rape by UPDF troops.

In contrast with 2006, there were no reports of attacks by Karamojong warriors on IDPs.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum.

In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol; no individuals received such protection during the year.

Since 2006 the government assisted UNHCR with small-scale repatriation of Sudanese refugees to southern Sudan. The government generally cooperated with UNHCR, International Organization for Migration, and other humanitarian organizations involved in refugee work.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Participation

During the year the Electoral Commission conducted eight by-elections to fill seats declared vacant by the High Court for irregularities that occurred during the 2006 parliamentary elections. The media reported that several of the by-elections were marred by arrests of opposition members, violence, intimidation, and bribery.

Local observers said the presence of intimidation squads, undercover police personnel, and security incidents caused fear among voters.

The February 2006 elections, the first multiparty general elections since President Museveni came to power in 1986, generally reflected the will of the people, although serious irregularities occurred. The police recorded 450 cases of violence during the 2006 election period, including the killing of two persons by Ramadhan Magara, a UPDF soldier, when he fired into a crowd gathered to see FDC opposition leader Besigye. The case was ongoing at year's end, and, despite public protests, Magara remained out on bail since December 2006.

More than 100 election challenges were filed in the High Court and the Constitutional Court following the February 2006 elections, including charges of bribery, intimidation, incidents of violence, multiple voting, and ballot stuffing. The courts nullified the results of 18 elections, and appeals for 10 of the petitions were pending at the Supreme Court at year's end.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 33 other parties were registered and allowed to function, although members of some parties were subject to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite.

On January 22, the Masaka District Court charged DP President John Sebaana Kizito and MPs Erias Lukwago and Issa Kikungwe with falsifying documents that implicated the government in the 1987 murder of Andrew Kayiira, a former energy minister and leader of the defunct Uganda Freedom Movement. The case was pending at year's end.

There were 201 women in the 332-member parliament. Of these, 80 held seats designated for women. There were seven female ministers and seven female junior ministers in the president's 66-member cabinet. Activists were concerned that the ratio in the cabinet did not meet the required 40 percent female representation. The deputy speaker, the deputy chief justice of the Supreme Court, and the IGG were women.

There were 105 members of minority groups in parliament. The law requires elections through electoral colleges for the seats reserved for special interest groups in parliament: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; five for youth; and 10 for the army, selected by the UPDF High Command and President Museveni.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government investigated offenders; nevertheless, officials engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The government selectively enforced the leadership code, which requires the financial disclosure by government officials and their family members. Government agencies responsible for combating corruption include the IGG, parliamentary accounting committees, the police Criminal Investigation Department (CID), the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remains weak. In June the auditor general reported that the government lost a significant portion of its 2005-06 budget to loans not recorded, irregular procurements, and payments to nonexistent public service staff, among other problems.

In April the IGG released her investigation of the Global Alliance for Vaccines and Immunization, which alleged that in 2005 and 2006 the former health minister, his deputies, and senior government officials misdirected \$900,000 (1.5 billion shillings) in reward monies received for exceeding immunization targets to support President Museveni's reelection campaign. The officials were arrested in May and released on bail; they maintained they were authorized by the office of the president to use the funds for political mobilization. The defendants petitioned the High Court to block the IGG from continuing to demand repayment of the missing funds while the case was in court and to prevent her effort to prosecute one of the defendants under the Leadership Code. The High Court ruled in favor of the

defendants and was considering another petition to remove the lower court magistrate, who is the IGG's cousin, from hearing the case. The case was pending at year's end.

In November the Parliamentary Committee for Legal and Parliamentary Affairs, which oversees the IGG, began an investigation into cases in which the IGG intervened in public tendering processes and allegations that the IGG was receiving a higher salary than that to which she was entitled. The IGG refused to appear before the committee.

On November 28, the Parliamentary Public Accounts Committee requested the arrest of Martin Odwedo, the permanent secretary of the Prime Minister's Office, and three others for failing to account for \$776,000 (1.3 billion shillings). The police arrested and later released Odwedo. Investigations in the case were on ongoing at year's end.

The July 2006 case of abuse of office and irregular conduct against deputy passport officer Chris Ongyero was pending at year's end. A police investigation exonerated codefendant Edith Manyire, an immigration officer, in May.

The cases reported in the press in 2006 involving the minister for information and communication technology and the minister for regional cooperation were found to be erroneous.

The September 2006 case against Uganda Muslim Supreme Council Mufti Sheikh Sheban Ramadhan Mubajje and his deputy, Sheikh Twab Mukuye, who were accused of mismanaging council affairs, was pending in court.

The September 2006 case of National Council of Sports officials Nicholas Muramagi and Timothy Magala, charged with fraud, forgery, and false accountability, was pending in court. The CID ordered the officials to pay \$17,000 (29 million shillings), but they had not done so at year's end.

In November 2006, former Minister of Gender, Labor and Social, Zoe Bakoko; former National Social Security Fund (NSSF) Board Chairman Geoffrey Onegi Obel; former NSSF Director, Leonard Mpuuma; and James Isabirye were charged with causing financial loss of over \$4.5 million (8 billion shillings) and abuse of office. Onegi Obel, Mpuuma, and Isabirye were arrested and later released on bail. Authorities issued an arrest warrant for Bakoko, who was believed to be living outside of the country. The case was pending at year's end.

In April the government found that the permanent secretaries and project coordinator should be held responsible for the failure of the Global Fund to Fight Aids, Tuberculosis, and Malaria, which suspended its \$216 million (362 billion shillings) in grants in 2005. The cabinet recommended that the police investigate individuals named in a government commission investigative report, but at year's end, the government had not funded the investigation. The media reported that over \$400,000 (700 million shillings) was recovered from individuals and institutions implicated in the misappropriation of the funds. A total of \$1.4 million (2.3 billion shillings) could not be accounted for. The Global Fund resumed after stricter accounting mechanisms in the Finance Ministry were established in May.

The law provides for public access to government information, and the government provided such access in practice to citizens and noncitizens, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human

rights cases. Government officials generally were receptive to their views. Active, independent domestic groups included FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

On May 28, armed Karamojong killed a WFP driver in an ambush, leading to a temporary suspension of WFP aid. The police arrested and charged Karamojong Aleper Apanangiro and John Apakure with murder on December 26; both were in prison at year's end. The UPDF began providing escort convoys to on-duty WFP employees.

The government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the ICRC.

On September 3, an OHCHR report noted a marked reduction in human rights violations in Karamoja but accused the army of downplaying deaths and other abuses as "unavoidable given the circumstances."

The law establishes the UHRC as a permanent independent body with quasi-judicial powers. The president appoints the UHRC's eight-member board. Under the law, the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the government and military, and had branches countrywide; however, the UHRC did not have adequate resources to investigate all complaints it received.

Human rights and the UHRC fall under the Parliamentary Committee on Legal and Parliamentary Affairs, a body that human rights NGOs generally consider valuable.

The government continued bilateral discussions regarding reparations that the International Court of Justice ordered it to pay to the Democratic Republic of Congo in 2005.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women

The law criminalizes rape; however, the government did not consistently enforce the law. Although the government arrested, prosecuted, and convicted persons for rape during the year, there were reports that some cases were not investigated and the problem was underreported. Police recorded two rape cases committed by civilians during the year. One rape case of an IDP in the north resulted in the arrest of a security officer, and there were several other unconfirmed reports of rape in IDP camps by security forces. Reports indicated that female IDP victims were often reluctant to officially report rape for fear of reprisal. Women and girls were not victims of abduction and rape by rebel forces as they were in previous years.

Domestic violence against women, including spousal abuse, remained common, and reports increased during the year. The law prohibits assault and battery with penalties from one to five years depending on the seriousness of the assault; however, there were no laws that specifically protected women from spousal abuse.

Further, many law enforcement officials continued to view wife-beating as a husband's prerogative, in line with the majority of the population, and rarely intervened in cases of domestic violence. According to a 2006 survey, 70 percent of women were physically or sexually abused, and 60 percent of men condoned wife beating as did 70 percent of women. In June police produced a booklet entitled *Responding to Domestic Violence* to assist the community and police in handling the issue.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by parliament did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

There was no national law against FGM, which was practiced by the Sabiny ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya. However, since January 2006 subcounties of Kapchorwa and Bukwo districts passed bylaws to make FGM illegal. The government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.

Prostitution is illegal, however, it was common. Reports of prostitution in the IDP camps in the north increased during the year. An October report released by Human Rights Focus, a rights group based in the north, revealed that women were forced to have sex to obtain employment.

Sexual harassment was a common problem, although it was prohibited by law with penalties up to 14 years' imprisonment, the government did not effectively enforce the law.

On October 16, 30 nurses from Nakaseke hospital sued the minister of health over sexual harassment by a senior staff member. Authorities had not completed the investigation by year's end.

On June 26, eight instructors from the Kabalya Police Training School in Masindi District were suspended and arrested for sexually assaulting female police trainees. There were no reports of further action in the case. Since the scandal, female and male trainees have been separated.

Discrimination against women continued to be widespread, especially in rural areas where it was part of traditional practices. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygamy is legal under both customary and Islamic law, and, in some ethnic groups, men could "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, they did most of the agricultural work but owned only 7 percent of the agricultural land.

Eliminating gender inequality remained a high priority for the government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and trainings throughout the country to increase awareness of women's rights. A 2007 Uganda Women's Network report claimed that the government's introduction of a multiparty system gave women a greater voice.

One women's rights NGO, Law and Advocacy for Women in Uganda, won its March 2006 case in the Constitutional Court challenging the law that imposes limitations on a widow's inheritance of her husband's property; the court declared the law unconstitutional on April 5.

Children

The government was committed to improving children's welfare, as evidenced by the fact that education received the largest percentage of the national budget.

However, the government did not enforce laws protecting children effectively, due in part to cultural norms.

The government provided free education through the seventh grade, or through high school for underprivileged students under the Universal Secondary Education initiative launched during the year. Students, except for the underprivileged, still had to pay for school supplies and some school costs, and education was not compulsory. The UN Children's Fund (UNICEF) reported in April that the primary school enrollment rate was 87 percent for both boys and girls; however, the proportion of girls in higher grades remained lower than that of boys. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls; however, there were fewer reported incidents of corporal punishment in schools since the August 2006 ban on the practice. An African Network for the Prevention and Protection against Child Abuse and Neglect survey showed a 91.6 percent increase of child abuse cases from January to June, part of which could be due to increased reporting as a result of government- and NGO-sponsored awareness programs. Ritual sacrifice was also a problem, and FGM was performed on girls in the Sabiny and Pokot ethnic groups. Marriage of young girls by parental arrangement was common, particularly in rural areas, although the legal age for marriage was 18. In 2006 the Kumi District health educator reported that 60 percent of girls in the district left school between the ages of 12 and 15 years due to early marriages.

Sexual contact outside of marriage with girls under 18 years of age, regardless of consent or the age of the perpetrator, was called "defilement" under the law and carried a maximum sentence of death; however, in practice such cases often were settled by a payment to the girl's parents. Perpetrators of sexual abuse often were family members, neighbors, or teachers. In an effort to clear the backlog of cases, on May 15, the government amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear rape cases of girls between the ages of 14 and 17. The High Court continued to try cases involving rape of girls under 14 years.

On March 26, Bright Academy Primary School teacher Abdul Kyeyune allegedly defiled a student. The Masaka District court charged Kyeyune on March 30, and the case was pending at year's end.

On July 26, Good Hope Primary School teacher David Wildong allegedly defiled a student. The Kibale District court arrested him on August 2, and the case was pending at year's end.

Family members Laston Muyaga, Jane Magezi, Elizabeth Kantono, and Aidah Kasubo reportedly sacrificed their two-year-old female relative on August 13 in Iganga District. Police arrested the four on August 20, and the case was pending at year's end.

There were no developments in the 2005 or 2006 cases of abuse and defilement. Including the July 2006 case in which Frederick Mbazira, a teacher at Katikamu Seventh-day Adventist Secondary School, beat student Beatrice Achleng into paralysis after she and other students failed to complete a geography assignment; the August 2006 case in which a group of teachers beat students at the Mandela Comprehensive Secondary School; the August 2006 case in which a traditional doctor and a housewife were charged with kidnapping a two-year-old boy to sacrifice him; or the March 2006 case against primary school teacher Paddy Katongole for defiling a seven-year-old student in September 2005.

There were reports that children in IDP areas engaged in prostitution for survival without third party involvement. An August survey conducted by the Ministry of Health in Gulu District showed that children as young as 11 engaged in prostitution in order to buy food and soap.

Improved security in the north eliminated the practice known as "night commuting," where children traveled from conflict areas or IDP camps each night to urban

centers to avoid abduction by the LRA. According to UNICEF, the few hundred children who continue to seek shelter did so to avoid social problems such as poverty and domestic violence.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country.

Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but increased public awareness has revealed increasing trends in trafficking of Asian and Chinese laborers to the country. There were also reports that children were trafficked to Pakistan, Egypt, Turkey, the United Arab Emirates, and Saudi Arabia. Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves in the hands of intermediaries in order to seek employment in other areas of the country, only to find themselves in situations of commercial sexual or labor exploitation. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. One study found that women and girls could be purchased for approximately \$3 to \$18 (5,000 to 30,000 shillings) and used as domestic workers. In the case of child trafficking for labor and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lure children and facilitate their travel with accommodations and travel documents.

The penal code specifies penalties for several trafficking-related offenses; for example, the maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is seven years' imprisonment, and the maximum penalty for trading in slaves is 10 years' imprisonment. The national police force is responsible for investigating trafficking-related crimes, and the UPDF is responsible for capturing, disarming, or eliminating LRA combatants who perpetrate trafficking in persons crimes in the north. The government made arrests of suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries. The government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children.

According to June 7 press reports, Nickson Owiny was arrested for kidnapping with intent to enslave, which carries a 15-year sentence; he was apprehended attempting to take nine women and seven men from Uganda to Kenya between May 12 and 14.

Officials said the work of the committee established in July 2006 to investigate the alleged sale of girls in cattle markets in Katakwi District was hampered by a lack of funds. The case of one of the traffickers, Susan Amekebe, charged with inducing a person to give himself or herself as a slave, was pending at year's end, and Amekebe was out on bail.

The two Indian nationals and their Ugandan accomplices arrested in July 2006 on suspicion of involvement in human trafficking at Katuna border post near Rwanda jumped bail and were under warrant of arrest. The whereabouts of their alleged victim, Indian national Sukulu Vireer Kaur, remained unknown.

In January authorities deported Rauf Razick Mohammed, a Pakistani national found holding five Sri Lankan men against their will in December 2006.

The government and NGOs work together to identify and provide assistance to persons at risk for trafficking. The government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in prosecution of the case. The UPDF has child protection units in all the districts and, along

with government agencies, worked with NGOs to reintegrate thousands of LRA abductees into society.

The national police force maintains a Child and Family Protection Unit to train local police on women and children's rights, including identification and prevention of trafficking. The government spotlighted child trafficking in its nationwide Labor Ceremonies on May 1 and on the African Day of the Child in June. Other public awareness activities, including President Museveni's statements in support of comprehensive anti-trafficking legislation and his participation in a February 2006 conference, demonstrated the government's commitment to tackling the growing problem.

Persons with Disabilities

The law provides protection for persons with disabilities from discrimination in employment, education, access to health care, and the provision of other state services; however, the government did not enforce the law effectively. Persons with disabilities also faced widespread societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

During the year the government completed construction of a school in Mukono for the blind, one in Wakiso for the deaf, and another in Gulu for the persons with physical disabilities, furthering a three-fold increase in the number of children with disabilities attending school since the 1997 introduction of a universal public education campaign.

In May police in Gulu summoned an Anglican pastor over claims that he was holding mentally ill patients at his church center. Newspaper reports alleged that the patients were starved, beaten, and bound for days. The pastor denied all claims, but the government closed the center immediately.

After 2006 protests by the Uganda National Association for the Deaf, the Uganda Broadcasting Channel became the second television station to provide sign language interpretation for news broadcasts.

The government supported the right of persons with disabilities to vote and participate in civic affairs; five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development (MGLSD), but both lacked sufficient funding to undertake or support any significant initiatives. The parliamentary Equal Opportunities Committee, created in 2006, ensures the compliance of all laws that protect persons with disabilities.

National/Racial/Ethnic Minorities

Civil strife in the north and east and ongoing conflict in the Karamoja region resulted in deaths and injuries.

Other Societal Abuses and Discrimination

Homosexuals faced widespread discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes "carial acts against the order of nature" with a penalty of life imprisonment.

Public resentment against homosexuality sparked demonstrations and significant public debate during the year. The government took a strong position against the practice. A local NGO, Sexual Minorities in Uganda, protested several members' alleged harassment by police for their vocal stand against sexual discrimination.

On September 10, the Red Pepper tabloid published a list of 40 first names of alleged homosexual men residing in Kampala. There were no confirmed reports of arrests, as originally reported, based on a similar list published by the same tabloid in August 2006.

International and local NGOs, in cooperation with the government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. Counseling and testing for HIV/AIDS was free and available at health centers and local NGOs across the country. Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

Section 6 Worker Rights

a. The Right of Association

Since the MGLSD instituted a ban on registration of new central labor unions in July, the law allows workers to form unions, but all unions must be registered as part of one of two existing central unions, the National Organization of Trade Unions (NOTU) and the Confederation of Trade Unions (COFTU). The ban followed a leadership struggle between the top leaders of NOTU and COFTU. Workers generally exercised the right of association in practice, with the exception of many "essential" government employees, including police, army, and management-level officials. The law also makes it a criminal offense for an employer to obstruct the right of association; however, the government generally did not enforce this provision in practice. For example, employers in the fish industry and hotel companies were not penalized for prohibiting workers from unionizing, and the government failed to enforce the rights of some employees to join unions in newly privatized industries and factories. Union officials estimated that over 500,000 workers were unionized, representing approximately 5 percent of working-age citizens.

There were reports that antiunion discrimination incidents in the hotel and textile sectors went uninvestigated. There continued to be reports that several private companies in the fisheries industry urged workers not to take part in unionization efforts during the year.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference and provides for collective bargaining; however, the government did not protect these rights in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions. There are no export processing zones.

No public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The government fixed the terms and conditions for all civil service workers. In January workers at Steel Rolling in Jinja started to negotiate conditions of employment, which they had not been allowed to do in 2006.

The law provides for the right to strike and workers exercised this right; however, the government did not always protect the right. Government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action." Police forcibly arrested persons engaged in organizing strikes. On June 5, police in Mityana District arrested nine workers of Kakonde Tea Estate for allegedly organizing a strike to protest poor working conditions; property was damaged and one manager was assaulted during the strike. Five of those arrested were released without charges. On June 18, a court in Mityana District charged four suspects with five counts of malicious damage, inciting violence, theft, arson, and causing bodily harm. The suspects were granted bail, and the case was scheduled for hearing, but the suspects disappeared and were missing at year's end.

The General Assembly of Makerere University Academic Staff Association and the government agreed in January that Makerere University Council would pay lecturers' salaries, resolving a disagreement that had triggered a November 2006 strike.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly prison labor. While the law does not expressly prohibit prison labor, it states that such labor becomes forced if the worker is "hired out to or placed at the disposal of a private individual, company, or association."

Local NGOs and the UHRC reported that forced labor continued to be a serious problem in local prisons countrywide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked. Prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the MGLSD permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in "light work" provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed between the hours of 7 p.m. and 7 a.m. Nevertheless, child labor was common, especially in the informal sector.

Demographics contributed to the problem of child labor: more than half of the population was under 18 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. A joint International Labor Organization (ILO) and MGLSD survey, released in 2005, estimated that approximately 2.7 million children were employed.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved in the commercial sex industry. Children were also employed in the tea-harvesting sector, sugarcane fields, commercial farming of tobacco and rice, crop farming, and stone quarries. The MGLSD reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, domestic servants, and prostitutes.

Unlike in previous years, there were no reports that the UPDF used former LRA child soldiers on reconnaissance and intelligence missions, nor were there new reports of the LRA abducting children into virtual slavery.

National level institutions responsible for enforcing child labor laws and policies include the National Council of Children, the police force's Child and Family Protection Unit, the industrial court, and the MGLSD; however, financial constraints limited efforts. The MGLSD continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty MGLSD district labor officers reported on child labor issues at the local level. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers,

the National Organization of Trade Unions, NGOs, journalists, and academics. Due to lack of funds and logistic support, officials have not conducted child labor inspections since 2004.

The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The government also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labor, including the education and reintegration of children into their communities. Several human rights NGOs continued programs to remove children from hazardous work situations.

e. Acceptable Conditions of Work

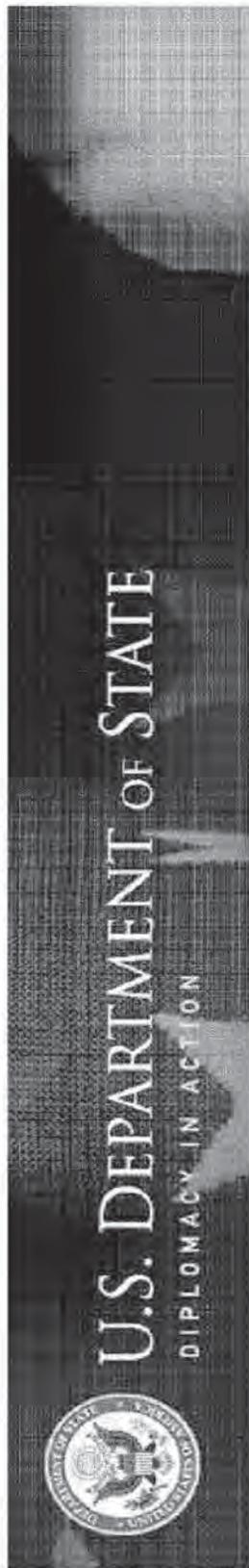
The Employment Act includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work"; however, no inspections were carried out during the year, due in part to financial constraints.

The minimum legal wage was \$3.60 (6,000 shillings) per month, a rate set in 1984 that did not provide a decent standard of living for a worker and family and was not effectively enforced. The government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year's end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per a week to be remunerated at the minimum rate of 1.5 times the normal hourly rate and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours; however, an employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave per calendar year. Many industries paid workers annual increments or bonuses as payoffs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment and, unlike in previous year, there were no reported cases of workers being dismissed for refusal to perform dangerous work. Strong unions in certain dangerous industries protected some such workers; however, there were reports of fatal accidents at several construction projects during the year.

EXHIBIT 173



2008 Human Rights Report: Uganda

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2008 Country Reports on Human Rights Practices

Report

February 25, 2009

This is the basic text view. **SWITCH NOW** to the new, more interactive format.

Uganda, with a population of 30 million, is a constitutional republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party. The 2006 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. Violence in the Karamoja region was fueled by an influx of small arms and resulted in deaths and injuries. Lord's Resistance Army (LRA) terrorist leader Joseph Kony refused to sign a final peace agreement mediated by the Government of Southern Sudan; however, there were no reports of LRA attacks or kidnappings or reports of government killings of suspected LRA rebels within the country during the year. On December 14, the governments of Uganda, Southern Sudan and the Democratic Republic of Congo (DRC) launched a joint military operation against the LRA, which was based in the DRC's Garamba National Park; the operation was ongoing at year's end. While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.

The government's human rights record remained poor. Although there were improvements in a few areas, serious problems remained, including unlawful killings by security forces; mob violence; torture and abuse of suspects by security forces; poor prison conditions; official impunity; arbitrary arrest; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and religion; sexual abuse of internally displaced persons (IDPs) in camps; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM) and sexual abuse of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; restrictions on labor rights; and forced labor, including child labor.

The LRA, which relocated to the DRC in 2005, was responsible for killing, raping, and kidnapping hundreds of persons in the DRC, Central African Republic (CAR), and Sudan. The LRA continued to hold children it had forcibly abducted from Uganda.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From: Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings, however, security forces were responsible for killings during apprehension and for deaths in custody, some due to torture. The government generally punished perpetrators appropriately.

On January 20, Special Police Constables (SPCs) Simon Kirabira and Peter Serukwaya killed Jovina Busulwa and Patrick Maale Sentumbwe while trying to arrest a suspect in Nansana, a Kampala suburb. Eyewitnesses reported that the SPCs shot indiscriminately into the suspect's home. An investigation into the incident was ongoing at year's end.

On September 26, the Kampala High Court found SPCs Moses Byansi, Jackson Kashajja, Mesach Tumuhaiwe, Nathan Karungi, George Lwali, and John Rungulu guilty of the March 25 killing of Edward Niyamwihura, a suspect in the killing of a resident of Nalukonge Kyankwanzi village in Kiboga District; all six were sentenced to death.

On September 16, Uganda People's Defense Forces (UPDF) soldiers Muzamir Angufi, John Opio, Martin Menya, and Edward Pyenkya tortured to death Miron Lomunan, the Local Council I chairman of Lokitaleb Village, during a cordon and search operation in Kotido District, Karamoja region. On October 13, the Kotido District Third Division Court Martial sentenced each of the four soldiers to 12 years' imprisonment and dismissed them from the army with disgrace. On October 15, the court martial sentenced Lieutenant Richard Watumu to 14 years' imprisonment for ordering the torture and dismissed him from the army.

During the year several security force members were punished for 2007 and 2006 killings. For example, on January 22, the Moroto District Third Division Court Martial found UPDF private John Achilam guilty of killing a civilian during a cordon and search operation in November 2007. He was sentenced to six months in prison.

On February 29, the Moroto District Third Division Court Martial found UPDF Presidential Guard Brigade (PGB) member Zepha Muhumuza guilty of killing Rukia Nandago, Collins Nabende, and Moses Kiwani in April 2007. Muhumuza was sentenced to death.

On June 28, the Gulu District Fourth Division Court Martial found UPDF soldiers Michael Ocwir, Richard Baguma, and Geoffrey Lubwama guilty of killing suspected chicken thieves Wilfred Kinyera and Joel Orem in 2006. All three were sentenced to death.

Several 2007 cases involving security force killings remained ongoing at year's end, including the trial of Peter Ahimbisibwe, who was arrested for the April killing of presidential office official Nelson Ssendegeya; the May death of Faizal Kirunda from injuries inflicted by authorities at the Malukhu Prison in eastern Uganda; the October killing of suspect Ronald Bukyayanga by three Nabbingo SPCs; the October killing of Rogers Mugerayi by a Kampala traffic police officer; and the October rape and killing of a woman by UPDF soldier Ochen Obonyo.

Local Defense Unit (LDU) members were responsible for killings during the year. For example, on July 2, LDU member Kenneth Albino killed civilians David Olah, Ismail Okello, and Obina Torit in a nightclub following a quarrel over a woman in Omiya-Nyima IDP camp, Kitgum District. On July 15, police arrested Albino, who pled guilty to three counts of murder before a court martial in Kitgum. The case was pending at year's end.

Murusi Kalusabe, an LDU member arrested for the April 2007 killing of two civilians, remained at large.

Mob attacks against persons suspected of committing crimes resulted in deaths. Witnesses rarely cooperated with police, making investigation of such incidents difficult.

For example, on July 10, a mob in Mukono District burned to death Alex Sendawula, who had reportedly tried to steal a bicycle in Lugazi Town.

On September 10, a mob in Luweero District burned to death suspected thieves Godfrey Matovu, Yusuf Kasozi, and Fred Kiwanuka. On October 1, police arrested Musa Mungomaon for suspected involvement in the incident, and the case remained pending at year's end.

There were no developments in 2007 cases of mob violence.

In the Karamoja region, there were fewer interclan cattle raids between Karamojong tribes in the east; however, violence in the region continued. Deaths from cattle raids, the UPDF's response to those raids, and the government's forced disarmament campaign resulted in 74 deaths during the year, according to UPDF records. In October the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that incursions of illegally armed Karamojong in neighboring districts decreased during the year, which OCHA attributed to the deployment of police units to the area to prevent cattle theft.

While there were no reports of LRA attacks within the country during the year, the group killed numerous persons in the DRC, CAR, and Sudan. For example, on June 6, an LRA attack on the Sudanese People's Liberation Army (SPLA) resulted in the deaths of 14 SPLA soldiers and nine civilians. Between September 4 and 5, rebels killed two residents of Dimba, DRC, and raped 16 women from the village.

b. Disappearance

There were no reports of politically motivated disappearances during the year; however, some disappearances from earlier years remained unresolved. The Forum for Democratic Change (FDC) reported that the whereabouts of party member Robert Mugenyi, who disappeared in 2006, remained unknown at year's end.

There were no reports of LRA abductions in northern Uganda; however, an estimated 5,000 of the 40,000 children and young adults abducted by the LRA in previous years remained unaccounted for, according to the international nongovernmental organization (NGO) Save the Children. The LRA continued to abduct children and adults in the DRC, CAR, and Sudan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects, and that detainees died as a result of torture. Torture generally occurred in unregistered detention facilities and was intended to force confessions. The Uganda Human Rights Commission (UHRC) received 197 complaints of torture during the year.

The UHRC, Human Rights Watch (HRW), the Foundation for Human Rights Initiative (FHRI), and other human rights organizations reported incidents of torture by security forces, including caning; severe beating with rifle butts, sticks, and electric cables; removal of fingernails; hammering needles into the body; electric shock; use of snakes, ants, and chemical substances; rape; and inflicting pain to the genitals. From January to August, the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) registered 10 cases of torture against SPCs, eight against the UPDF and its Chieftancy of Military Intelligence (CMI), and three against the Violent Crime Crack Unit (VCCU) or Rapid Protection Unit. Torture victims included political activists and detainees.

In October SPC Eric Kiirya shot and injured Masaba Bakari, who defied traffic police directives to stop in Mazulu village, Namutumba District. A police investigation was ongoing at year's end.

Police use of excessive force to disperse opposition politicians and demonstrators resulted in injuries. (See section 2.b.)

For example, on June 10, in Kampala, police arrested, assaulted, and nearly stripped naked Kampala District Member of Parliament (MP) Nabilah Sempala for allegedly conducting an illegal rally in her district; Sempala was subsequently released. The Parliamentary Committee on Defense and Internal Affairs was investigating the case at year's end.

The UHRC tribunal made 19 rulings on torture cases from previous years, including awarding 20 million shillings (\$10,666) to Constable Sam Eimu Opio as compensation for the 2004 torture death by the defunct Arrow Boys, a paramilitary group, of his brother Richard Okello. During the year the tribunal also awarded 28 million shillings (\$14,776) to Charles Omony for having been tortured by UPDF soldiers in Gulu in 2003.

Mobs attacked persons suspected of stealing and other crimes, resulting in deaths and injuries. Motivated in part by lack of confidence in law enforcement and the judicial system, mobs beat, lynched, and otherwise mistreated their victims.

Prison and Detention Center Conditions

Prison conditions remained harsh and frequently life threatening. In addition there were reports that security forces and guards tortured inmates, although the September FHRI report noted improved treatment of inmates by wardens and fewer incidents of corporal punishment. Unlike in the previous year, there were no reports that prison officials raped detainees. Forced labor in prisons nationwide remained a problem and resulted in one death during the year.

Prison conditions came closest to meeting international standards in Kampala, where medical care, running water, and sanitation were provided; however, these prisons also were among the most overcrowded. There were an estimated 26,000 prisoners in the prison system at the end of July, approximately three times the capacity. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala remand home, designed for 45 persons, held 131 children. The reception center, designed for 30 prisoners, held 63 juveniles under the age of 12. Serious problems in prisons outside of Kampala included congestion, inadequate staff, and lack of food, water, medical care, and bedding, although FHRI reported that access to medical care improved during the year, especially for HIV/AIDS patients in prisons in Lira, Apac, and Lusiira.

Overcrowding, malnutrition, poor sanitation, disease, overwork, and lack of medical care resulted in 149 prisoner deaths nationwide, according to the Prisons Service.

On April 8, Isaac Apungia, an inmate at Amuria prison in northern Uganda, collapsed and died after he was subjected to harsh conditions on a prison farm. Apungia was reportedly forced to dig after he complained of health problems. A police investigation was ongoing at year's end.

On June 29, prisoners Geoffrey Akandwanaho, Fred Mugisha, and Ephraim Nankunda were found dead in Kiruhura prison. A Prisons Service investigation determined that severe overcrowding had caused all three to suffocate. No action was taken against prison authorities.

Female prisoners in central prisons were held in separate facilities; however, services and facilities for female prisoners in local prisons, including separate cells, were lacking in some parts of the country. The Prisons Service had no budget for pregnant women or mothers of infants, although the number of infants in female

prisons increased during the year, according to FHRI. Due to lack of space in juvenile facilities, minors were held in prisons with adults. Pretrial detainees in Kampala prisons were separated from convicted prisoners, but pretrial detainees and convicted prisoners in the rest of the country were sometimes held together.

During the year the government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs, principally FHRI and the Uganda Prisoners' Aid Foundation. However, authorities required advance notification of visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

Role of the Police and Security Apparatus

The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is the key armed force charged with external security but has had partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks and to prevent violence resulting from interclan cattle raids in the Karamoja region. The Internal Security Organization (ISO) and External Security Organization (ESO), key security agencies and intelligence-gathering entities under the direct control of the president, occasionally detained civilians. The CMI, under UPDF authority although it often acted as a semi-autonomous unit, detained civilians suspected of rebel and terrorist activity, as did the ISO and ESO. LDUs reinforced government efforts to protect civilians from LRA attacks; they also sometimes participated in offensive military operations and carried out police functions.

The UPF continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Corruption and impunity were problems. Nineteen police officers faced charges of corruption, and their cases were pending at year's end. No police officers were discharged or dismissed for accepting bribes. The UPF Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers; torture and harassment; unlawful arrest and detention; abuse of office; irregular or discreditable conduct; and corrupt practices.

During the year the UPDF continued efforts to transfer responsibility for law enforcement in the north and in the Karamoja region to the UPF. In conjunction with the UHRC and international organizations such as the ICRC and the UN Office of the High Commissioner for Human Rights (UNHCR), the UPDF, and the police continued a training program to educate military officers on internationally recognized human rights standards. In April 500 UPDF soldiers and 173 police officers attended human rights information sessions. During the year 25 UPDF instructors and legal officers, including military media and medical staff, attended the seventh two-week "Training of Trainers" course in Jinja. The police, UPDF, and Prisons Service also used human rights manuals in their training programs.

LDUs, which were poorly equipped and trained, were responsible for numerous human rights abuses.

Arrest and Detention

The law requires that judges or prosecutors issue search warrants before arrests are made; however, in practice, suspects often were taken into custody without warrants. Until March 26, when the Constitutional Court nullified the provision, the law required suspects to be charged within 48 hours of arrest; suspects frequently were held longer. Suspects arrested under the Antiterrorism Law must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail at the discretion of the judge, and bail was generally granted with stringent conditions. Detainees are required by law to have access to a lawyer; however, many went without legal

representation. Indigent defendants accused of capital offenses are provided attorneys at state expense. The law provides for family visitation, but incommunicado detention remained a problem during the year.

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on treason charges. Treason suspects were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The Prisons Service held 33 pretrial treason suspects during the year. The UHRC received 72 complaints during the year from persons who claimed they were arbitrarily arrested, 13 of which were confirmed by the UHRC tribunal. The government paid compensation to victims of arbitrary arrest during the year, but government compensation was often slow in coming. On April 23, UHRC Chairperson Margaret Sekaggya petitioned parliament to establish a national fund to pay victims; past compensation payments have been made from general government funds administered by the Ministry of Justice and Constitutional Affairs.

Human rights groups reported that civilians were detained in military facilities and unregistered detention facilities known as safe houses. Human rights groups continued to receive credible allegations that CMI ordered detainees held incommunicado at police stations or in so-called safe houses. According to the FHRI, the CMI held two civilians incommunicado during the year, one of whom died; the Joint Antiterrorism Task Force held 14 incommunicado. None of the detainees had been released by year's end.

Police arbitrarily arrested activists and demonstrators during the year. (See section 2.b.)

No action was taken in the 2006 case of Muwanga Kivumbi, the national coordinator of Popular Resistance Against Life Presidency, who was arrested, interrogated for seditious remarks, and released.

Case backlogs in the judicial system contributed to pretrial detentions of between two and three years but sometimes as long as seven years. The Prisons Service reported that over half of its 29,000 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention. In May the government appointed 12 judges to expedite adjudication, following notification by parliament's Internal Affairs Committee that 29 inmates at the Kigo Prison in Kampala were on remand for over five years for lack of judges to hear their cases. Judges on circuit rides to the north heard 331 of the 384 cases before them resulting in the release of 103 prisoners during the year.

In October CMI denied reports that 300 UPDF soldiers attached to the PGB had been detained without charge for one to five years in Luzira, Makindye, and Katabi prisons.

Amnesty

The government has offered a blanket amnesty since 2000 to former combatants for treason charges to encourage defection from the LRA and other rebel groups. Almost 23,000 individuals benefited from the law since its implementation, over half of whom were former LRA combatants.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the

judiciary. The judiciary ruled against the government on several high-profile cases during the year. Lower courts remained understaffed, weak, and inefficient.

Judicial corruption was a problem, and in May the Judicial Service dismissed Gaster Mugoya, Mwangi II Court Chief Magistrate, for corruption and abuse of office.

The corruption case against Solicitor General Lucien Tibaruha and acting Director for Litigation Joseph Matsiko, who were indicted by the Inspectorate General of Government (IGG) in May 2007 for mismanaging cases that resulted in financial loss to the government, remained pending. In June 2007 the High Court invalidated Tibaruha's indictment, but in September 2007 President Museveni ordered Tibaruha to vacate his office. Both Tibaruha and Matsiko remained out of office, despite the High Court's decision, at year's end.

The highest court is the Supreme Court, followed by the Court of Appeal, which also functions as the Constitutional Court, the High Court, magistrate's courts, and local council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases not involving children. Decisions made by LC courts can be appealed to magistrate's courts, but there often were no records at the village level, and some defendants were not aware of their right to appeal.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

On October 13, the Supreme Court reversed a lower court ruling that Henry Tumukunde, the former director of the ISO, had violated army rules and regulations when he criticized the government and the army on radio talk shows. The Supreme Court noted that the lower court had ignored constitutional provisions of free expression and speech and provisions of the Parliamentary Elections Act on procedures to elect or remove army MPs from parliament. The Supreme Court directed the government to pay Tumukunde the court costs of both suits, which were estimated at one billion shillings (\$560,000).

Trial Procedures

An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and to consult with an attorney in a timely manner, but cases may proceed without defendants in civil cases. The law requires that the government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their behalf, but this right was not respected in practice. On March 8, the Constitutional Court ruled that suspected criminals have a right to demand the disclosure of documentary evidence the state intends to use against them before the start of their trial. The ruling struck down the practice of "trial by ambush." However, the ruling stated that the right of disclosure is not absolute in highly sensitive cases. There is a presumption of innocence, and defendants have the right of appeal.

Political Prisoners and Detainees

There were reports of a number of political prisoners and detainees during the year, but reliable statistics were unavailable.

On May 29, FDC opposition party members Asaph Ntanda, Yusuf Mukwate, Proscovia Nalikooba, Gatheny Ayebare, Olive Mbabazi, and Daniel Katumba were

arrested on allegations of engaging in paramilitary training. All six were released on May 31 without charges. One week before the arrest, in Kawempe, the FDC held a workshop which the government alleged was intended to teach young members how to overthrow governments by force; the FDC claimed the workshop was to mobilize young members.

Charges of treason remained pending in the High Court against FDC opposition leader Kizza Besigye and nine other FDC members; a hearing in the Constitutional Court on Besigye's petition challenging the constitutionality of the treason charges was scheduled for December 2008. Besigye and five of the nine FDC members were released on bail and one died in 2007; the remaining four were released on bail during the year. The charge of unlawful possession of firearms against all but Besigye was pending at year's end.

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal remedies. There were problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions and the government generally respected these prohibitions. At times the police did not obtain search warrants, as required by law, to enter private homes and offices.

On December 22, a High Court judge ruled that the government in 2006 had violated the privacy rights of Juliet Mukasa, chair of the Sexual Minorities of Uganda Group (SMUG). (See section 5.)

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The government continued to monitor telephone conversations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government at times restricted these rights, and the law criminalizes offenses by the media and limited the media's ability to function effectively. The government at times harassed and intimidated journalists, who continued to practice self-censorship.

Government officials used libel laws and cited national security as grounds to impede freedom of speech, and detained and interrogated politicians and activists who made public statements critical of the government. The President's Office reportedly monitored political talk show debates closely, and the government occasionally attempted to block participation of opposition members on radio talk shows. Opposition politicians reported difficulties securing media outlets to convey

their messages in Gulu and Hoima.

On March 31, Makindye West Parliamentarian Hussein Kyanjo was charged with sedition and promoting sectarianism. Kyanjo stated on an October 2007 radio talk show that President Museveni and other government officials used their positions to displace persons in the Kisozi region and to promote hostility among the Baganda and the Balaalo ethnic groups. As with several other cases involving sedition charges, no further action was taken pending a 2005 petition filed by Andrew Mwenda, the managing editor of The Independent newspaper, challenging the constitutionality of the sedition law.

On July 18, Buganda Deputy Minister of Information Medard Seggona Lubega, Buganda Central Civic Education Committee Chairperson Betty Nambooze, and Minister for Information and Cabinet Affairs Charles Peter Mayiga were arrested and charged with sedition and promoting sectarianism; the three had publicly criticized the government's proposed amendments to the 1998 Land Act. On July 23, a Kampala court ordered their release after no charges had been filed within 48 hours. On July 24, the police released and immediately rearrested Lubega, Nambooze, and Mayiga, for a new 48-hour detention period. On July 25, Lubega and Nambooze were charged with sedition and promoting sectarianism and released on bail. Mayiga was released on bond pending investigation. On August 13, a court in Kampala stayed the sedition charges against Nambooze and Lubega, pending a ruling on the sedition law.

The August 2007 case against Makindye East Parliamentarian Hussein Kyanjo for inciting public violence through seditious statements was pending in court at year's end.

The government established a special committee in May to explore avenues for managing the media. Human rights groups criticized the action as a move to crack down on media freedom.

There were many privately owned publications and broadcast stations, and the independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and possess a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. The Daily Monitor and The Weekly Observer continued to publish articles critical of the government despite pending sedition cases against members of their staff. The government owned several daily and weekly newspapers.

Government restrictions on the press increased, but cases involving such restrictions were suspended during the year pending a Constitutional Court ruling on the 2005 petition challenging the constitutionality of the sedition law. On February 17, the Constitutional Court postponed the hearing of the 2005 petition on the law's constitutionality filed by Andrew Mwenda. The court ordered Mwenda and the East Africa Media Institute, which filed a similar petition challenging the sedition law in 2007, to submit a joint petition. The case was pending at year's end.

On January 29, former Daily Monitor editors Joachim Buwembo and Bernard Tabaire were charged with sedition for printing stories alleging that IGG Faith Mwendha made bogus salary claims. The case was stayed pending a ruling on the sedition law.

On April 26, police detained Mwenda, contributing editor Charles Bichachi, and reporter John Njoroge for publishing an article alleging UPDF atrocities during 2003 in the LRA conflict, including first-person accounts of torture in government safe houses. The three journalists, who were interrogated for three hours and released, were charged on May 9 with sedition. On May 23, a lower court suspended the trial pending a ruling on the sedition law.

The police forwarded one media case involving criticism of the state to the Media Council during the year; the council ordered the Red Pepper newspaper to apologize to former MP and conservative party leader Ken Lukyamuzi.

Independent television and radio stations that hosted opposition political candidates critical of the government were sometimes subject to government interference. The government continued to ban new radio stations in Kampala, reportedly because of limited available frequencies; however, the ban was widely disregarded without penalty.

The government arrested, harassed, and assaulted radio and television journalists during the year.

For example, on January 14, police in Kabarole District arrested Life Radio station presenters Steven Rwagwer, William Gonza, Gerald Kankya, Joram Bintamanya, and Prosper Busingye on allegations of threatening violence. The arrest followed critical comments the detainees had made about the Tooro Kingdom government on a radio talk show.

On August 27, police in Kampala harassed and assaulted Wavah Broadcasting Station journalists Francis Tumwekwazwe and Timothy Sibasi, who were on assignment at Namboole Stadium in Kampala. The police accused the journalists of negative reporting about the police. On September 1, the journalists filed a petition with the UHRC, and an investigation was ongoing at year's end.

On January 8, Regional Police Commander Martin Abiru banned the Peoples' Rights and Awareness program on Life FM Radio because it had criticized Tooro Kingdom leaders. On March 14, the High Court in Kabarole District ruled that the show should be reinstated because the ban violated the constitutional provisions for free speech and expression. However, Life Radio owner, Pastor K.L. Dickson, suspended the show following pressure from the government's local security forces in June. In October 2007 security agents allegedly poured acid on the station's radio transmitter after a controversial broadcast.

No action was taken against perpetrators in the March 2007 assault by security forces in Kampala of Sam Mateka of Simba FM, Richard Ssemakula of the government-owned Bukedde newspaper, Charles Sekajja of Ddembe FM, and Chris Ahimbisibwe of the government-owned New Vision; the journalists were covering the trial of People's Redemption Army (PRA) suspects. No action also was taken against security force members who raided Life Radio in October 2007.

Internet Freedom

Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the government restricted access. The 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place. Access to the Internet continued to increase during the year, although only approximately 5.7 percent of the population used the Internet at least monthly due to lack of infrastructure.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom; however, research clearance was required in certain academic areas, such as history and political science, and was difficult to obtain.

In May the Media Council blocked the screening of two films--Watermelon Woman and Rag Tag--at a film festival in Kampala for perceived promotion of homosexuality.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly. As a result of a September 2007 declaration by the Ministry of Internal Affairs, police permits are required for all public meetings, demonstrations, and processions. On May 27, the Constitutional Court nullified section 32(2) of the Police Act, which had abolished the government's requirement to obtain written permission before holding an assembly or demonstration of 25 or more persons and permitted the inspector general of police to stop a public rally, demonstration, or procession. However, on May 30, the Ministry of Justice and Constitutional Affairs appealed the court decision, which in effect stayed any action on the court's ruling.

Security forces forcibly dispersed and arrested demonstrators; unlike in the previous year, there were no reported deaths.

On February 12 and 13, following the Kampala City Council's decision to award a contract to develop the Kisekka market to a private company without consulting the market vendors association, Kisekka market vendors conducted another violent demonstration. Mobile patrol police armed with AK-47 rifles shot at the demonstrators, who began throwing stones and other objects. Four demonstrators were injured, and 14 were imprisoned. Three police officers were under investigation at year's end for use of excessive force. The city council subsequently invalidated the contract with the private company and agreed that the traders should be given first right to develop the market.

On June 10, Democratic Party (DP) members Dominic Matovu Savio, Emmanuel Mugandusi, Samuel Mulindwa, Margret Wazemba, and Ben Kiwanuka were arrested and charged with emitting noise in excess of permissible levels, taking part in a riot, assault, and carrying arms during an "illegal" rally at their party headquarters. The DP members were released on bail, and the case was pending at year's end.

On August 6, police in Hoima District arrested 25 students of Mandela Secondary School for participating in a demonstration; the students were protesting the school's harsh punishments, banning of nightclubs, and other grievances. The suspects were charged with malicious damage to property and staging an unlawful demonstration. The case was pending at year's end.

On August 12, a parliamentary select committee opened investigations into allegations of police brutality following incidents in which parliamentarians were allegedly assaulted by police during "illegal" political rallies. (See section 1.c.) For example, on June 9, in Kampala, Rubaga South MP Susan Nampijja was injured from tear gas used by police to disperse a meeting that Nampijja had organized for Kibuye Market residents.

There were no developments in the following 2007 cases of forcible dispersion or arrest of demonstrators: the January unlawful assembly case against DP members Vincent Kabuubi, Deo Ssekitooleko, Fred Sebyoto, and Geoffrey Tomusange; the inquiry ordered by the inspector general of police, Major General Kale Kayihura, into the death of a child as a result of Kampala police firing tear gas at FDC leader Besigye and 200 supporters during a March demonstration; the April arrests and subsequent release on bail of parliamentarians Beatrice Atim Anywar, Hussein Kyanjo, and 24 others during a demonstration against the proposed sale of the Mabira Forest Reserve; the June arrest and subsequent release of 12 students in Bugembe for unlawful assembly and rioting; and the July injury of five student demonstrators by three police officers, who were charged but not tried for the offence.

No action was taken against police officers responsible for injuring protesters during forcible dispersions of demonstrators in 2006.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected these rights.

On January 15, in response to NGO criticism and after consultation with civil society, the government established a committee to review the 2006 NGO Registration

Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. Discussions were ongoing at year's end, and enforcement of the law was temporarily suspended.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice with some restrictions. The law requires religious groups and foreign missionaries to register with the government under the same law as NGOs, and failure to register is a criminal offense; following NGO criticism, however, the government established a committee to review the law, and enforcement was temporarily suspended. There were no reports of violence by the government or its agents against religious groups, leaders, or individual members, but there were reports that the government restricted worship by certain religious groups.

Local officials imposed minor restrictions on nighttime congregating to curb violence, criminal activity, and noise, which indirectly impeded the activity of some religious groups. Groups considered cults experienced extra scrutiny and restrictions.

On April 29, the Kamwenge District deputy resident commissioner ordered the arrest of 11 members of the Nyangakaibo cult. The suspects were charged with holding an illegal assembly on April 30 and remanded to prison. The case was pending at year's end.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom. However, some members of traditional religious groups accused evangelical groups of practicing "witchcraft."

The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/j/drl/rls/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government at times limited these rights in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport. There were reports that government agents blocked the travel of opposition party members.

The country has no law on forced exile; however, the government did not use forced exile during the year.

Internally Displaced Persons (IDPs)

Improved security in the north and the government's launch of the Peace, Recovery, and Development Plan to rebuild infrastructure in the north encouraged the return of most of the 1.8 million persons displaced in the LRA-affected north by year's end. As of November, 39 percent of the original 1.1 million IDPs in the Acholi districts of Amuru, Gulu, Kitgum, and Pader had moved either to transit sites within commuting distance of their farms (30 percent) or to their villages of origin (41 percent). An estimated 437,000 IDPs in the LRA-affected north remained in camps at year's end. Insecurity in the Karamoja region continued to result in the

displacement of non-Karamojong residents in neighboring districts.

While the government and international humanitarian organizations provided assistance to IDPs in camps, health and living conditions remained precarious in areas of return, and many former IDPs, particularly women and children, were deprived of access to education, basic health care, safe water, and protection. Some landlords forcibly evicted IDPs. The government continued to work with UNHCR and other international organizations to prepare IDPs to return to their home areas.

There were isolated reports that UPDF troops raped IDPs.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, and other persons of concern.

The government also provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government provides temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol; however, no individuals received such protection during the year.

During the year the government assisted UNHCR in the voluntary repatriation of 46,984 refugees to Southern Sudan.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The constitution and law provide citizens with the right to change their government peacefully; however, the ruling party's domination of the government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Participation

The 2006 presidential and parliamentary elections, the first multiparty general elections since President Museveni came to power in 1986, generally reflected the will of the people, although serious irregularities occurred. The police recorded 450 cases of violence during the electoral period. More than 100 election challenges were filed in the High Court and the Constitutional Court following the 2006 elections, including charges of bribery, intimidation, incidents of violence, multiple voting, and ballot stuffing. The High Court nullified the results of 18 elections. A total of 11 election appeals were pending before the Constitutional Court and nine at the Supreme Court at year's end. Five by-elections were held during the year to fill the seats declared vacant by the High Court in 2007; election monitors reported numerous irregularities.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 33 other parties were registered and allowed to function, although members of some parties were subject to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite. Membership in the NRM conferred greater access to government positions and resources.

There were no developments in the January 2007 case in which the Masaka District Court charged DP President John Sebaana Kizito and MPs Elias Lukwago and Issa Kikungwe with falsifying documents that implicated the government in the 1987 murder of Andrew Kayira, a former energy minister and leader of the defunct Uganda Freedom Movement.

There were 102 women in the 333-member parliament. Of these, 80 held seats designated for women. There were 14 female ministers in the president's 66-member cabinet. The deputy speaker, the deputy chief justice of the Supreme Court, and the IGG were all women.

The law requires elections through electoral colleges for the seats reserved for special interest groups in parliament: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; five for youth; and 10 for the army, selected by the UPDF High Command and President Museveni.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government investigated offenders, but officials engaged in corrupt practices with impunity, and corruption was a serious problem. The government selectively enforced financial disclosure laws. Government agencies responsible for combating corruption include the IGG, parliamentary accounting committees, the police Criminal Investigation Department (CID), the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remained weak, and corruption cases remained pending for years.

On November 19, the IGG released the results of the third National Integrity Survey, which characterized corruption as so rampant that it was commonly viewed as a minor offense or none at all. New forms of corruption included syndicated efforts by groups of employees and others to defraud the government. Among those rated the most corrupt entities were the Kampala City Council, the electric company, and the police.

In August press reports exposed influence peddling, conflict of interest, and fraud in a land deal involving Minister of Security Amama Mbabazi and Finance Minister Ezra Suruma. The two ministers used their influence to pressure the National Social Security Fund (NSSF) to buy land and deposit the funds into a bank in which they both owned significant shares. The Parliamentary Committee on Commissions, Statutory Authorities, and State Enterprises held public hearings and recommended that the two ministers resign, repay the money, and that a new NSSF board be constituted. When the report reached the floor of parliament for debate, the attorney general said parliament had no right to enforce the leadership code. On December 4, President Museveni ordered the investigation of top NSSF managers David Chandí Jamwa and his deputy Mondo Kangoyera and an audit of NSSF transactions during their tenure.

During the year the CID charged several individuals in connection with the investigation of stolen money from the global fund to fight AIDS, tuberculosis, and malaria. On October 22, police in Kampala arrested Teddy Cheeye, director of economic affairs in the President's Office, over the mismanagement of 120 million shillings (\$63,993) of global fund money for HIV/AIDS vaccines. A court in Kampala found Cheeye guilty on eight counts of forgery, nine of making false entry, eight of uttering a false document, and one of embezzlement. Cheeye, who pled guilty to all counts, was remanded to Luzira Prison, and his case remained pending at year's end. On October 22, the same court convicted Fred Kavuma, the former production manager of Uganda Television, on 14 counts of misuse of global fund money and sent him to prison; his case remained pending at year's end.

The Parliamentary Committee on Public Accounts (PAC) continued to examine the June 2007 auditor general's report, which revealed that the government lost a significant portion of its 2005-06 budget to loans not recorded, irregular procurements, payments to non-existent public service staff, and other irregular transactions. A report of the findings of the committee was pending at year's end.

The Parliamentary Committee for Legal and Parliamentary Affairs continued to investigate the IGG's interventions in public tendering processes and allegations that

her salary was higher than that to which she was entitled. The JGG had not appeared before the committee at year's end.

PAC findings in the November 2007 case involving Martin Odwedo, the permanent secretary of the prime minister's Office, and three others for failure to account for 1.3 billion shillings (\$776,000) had not been released at year's end.

In June the court exonerated deputy passport officer Chris Ongyero of 2006 charges of abuse of office and irregular conduct; Ongyero was reinstated to his former office.

On November 17, the Magistrates' Court in Kampala acquitted Uganda Muslim Supreme Council Mufti Sheikh Shaban Ramadhan Mubajje, his deputy, Sheikh Twab Mukuye, and businessman Hassan Basajjalaba of mismanaging council affairs in October 2006.

In September the National Council of Sports reported that staff members Nicholas Muramagi and Timothy Magala had refunded 14 million shillings (\$8,490) in connection with 2006 charges of fraud, forgery, and false accountability.

The 2006 case against Zoe Bakoko, the former minister of gender, labor and social affairs; former NSSF board chairman Geoffrey Onegi Obel; former NSSF director Leonard Mpuuma; and James Isabiye remained pending at year's end; all were charged with causing financial loss of more than eight billion shillings (\$4.5 million) and abuse of office. Onegi Obel, Mpuuma, and Isabiye remained on bail, and the arrest warrant for Bakoko, who reportedly fled the country, remained outstanding at year's end.

The law provides for public access to government information, and the government provided such access in practice to citizens and noncitizens, including foreign media.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active, independent domestic groups included FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

On January 15, in response to NGO criticism and after consultation with civil society, the government established a committee to review the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. Committee discussions were ongoing at year's end, and enforcement of the law was temporarily suspended.

The government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the ICRC.

The UHRC is a permanent independent body with quasi judicial powers, although the president appoints the UHRC's eight-member board. Under the law, the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including in the military and security, and had branches countrywide; however, the UHRC did not have adequate resources to investigate all

complaints it received.

The government continued bilateral discussions with the DRC on reparations that the International Court of Justice ordered it to pay to the DRC in 2005.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women

The law criminalizes rape; however, the government did not consistently enforce the law. Although the government arrested, prosecuted, and convicted persons for rape during the year, the problem was underreported, and most cases were not investigated. Of the 477 rapes that police recorded, 115 were taken to court; there were no convictions.

Domestic violence against women, including spousal abuse, remained common, and reports of such incidents continued to increase. The law prohibits assault and battery with penalties of one to five years in prison depending on the seriousness of the assault; however, there are no laws that specifically protect women from spousal abuse. Many law enforcement officials viewed wife-beating as a husband's prerogative, as did the majority of the population, and rarely intervened in cases of domestic violence. According to a September 2007 report on the status of women by Akina Mama Wa Afrika, a local women's organization, 70 percent of women had been physically or sexually abused, and 60 percent of women had experienced physical violence by a husband or partner.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by parliament in 2007 did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

Prostitution is illegal but common. In April the Uganda AIDS Commission reported an increase in prostitution in some communities in the north and noted that teachers were taking up prostitution to supplement their salaries.

Sexual harassment was a common problem; although it was prohibited by law with penalties up to 14 years' imprisonment, the government did not enforce the law effectively.

In May Makerere University set up committees to investigate complaints by female students that male lecturers coerced them into sexual acts for good grades.

A team from the Ministry of Health was deployed to Nakaseke to investigate allegations of sexual harassment that 30 nurses filed in October 2007 against a senior staff member in Nakaseke Hospital; no report had been issued by year's end.

Discrimination against women continued to be widespread, especially in rural areas where it was part of traditional culture. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygamy is legal under both customary and Islamic law, and, in some ethnic groups, men can "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, they did most of the agricultural work but owned only 7 percent of the agricultural land. Women experienced economic discrimination in access to employment, credit, pay, and in owning or managing businesses.

Eliminating gender inequality remained a high priority for the government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and training throughout the country to increase awareness of women's rights.

Children

The government was committed to improving children's welfare, and education received the largest percentage of the national budget. However, the government did not effectively enforce laws protecting children, due in part to cultural norms.

According to Save the Children Uganda, only 4 percent of births were registered; however, this generally did not result in denial of public services.

On August 29, parliament passed a law that provides for free and compulsory education for the first seven years of primary school or through high school for underprivileged students. Students, except for the underprivileged, still had to pay for school supplies and some school costs, and many parents could not afford the school fees.

Several districts, including Tororo and Amuru, passed by-laws to punish parents who did not send their children to school. On July 25, police in Mbarara District arrested one hundred parents for failure to take children to school and charged them with child neglect and abuse of children's rights. Boys also were more likely to finish primary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls, although reported incidents of corporal punishment in schools continued to decrease since the August 2006 ban on the practice. In September local NGO Concern for Children and Women Empowerment (COFCAWIE) reported that 60 percent of children were abused. Sexual contact outside of marriage with girls under 18 years of age, regardless of consent or the age of the perpetrator, was called "defilement" under the law and carried a maximum sentence of death, however such cases often were settled by a payment to the girl's parents.

Perpetrators of sexual abuse often were family members, neighbors, or teachers. In an effort to clear the backlog of cases, the government in May 2007 amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear rape cases of girls between the ages of 14 and 17; the High Court continued to try cases involving rape of girls under 14 years. On June 30, the Uganda Media Women's Association launched a code of conduct on reporting cases of child sexual abuse and exploitation.

On September 25, the High Court in Rukungiri District sentenced primary school teacher Fudera Ntegyeize to 12 years in prison for defiling a seven-year-old pupil in October 2005.

The following 2007 defilement cases remained pending: the March case of Bright Academy Primary School teacher Abdul Kyeyune, who allegedly defiled a student in Masaka District; and the July case of Good Hope Primary School teacher David Wildong, who allegedly defiled a student in Kibaale District.

There was no national law against FGM, which was practiced by the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya; however, in 2006 the subcounties of Kapchorwa and Bukwo districts passed by-laws to make FGM illegal. On October 10, Kapchorwa District passed another by-law that provides for the arrest and prosecution of FGM practitioners and collaborators. The government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. In June the UN Population Fund, with the cooperation of local charity Reproductive Education and Community Health and the Uganda Muslim Supreme Council, organized a seminar in Kapchorwa District to educate youth and female

leaders on the dangers of FGM.

Marriage of young girls by parental arrangement was common, particularly in rural areas, although the legal age for marriage is 18. COFCawe reported that acute poverty forced some parents to give away their children, including girls as young as 14 years, into early marriage and sexual arrangements.

There were increased reports of the ritual sacrifice of children during the year.

For example, on December 4, in Masaka District, the Magistrates' Court charged businessman Godfrey Kato Kajuba with the October 25 ritual murder of 12-year-old Joseph Kasirye. Kajuba was remanded to prison. On October 27, police also arrested Moses Musisi, Umar Kateragga, and Mariam Nabukeera after they confessed that they had killed Kasirye on Kajubi's orders. The case was pending at year's end.

The August 2007 case of family members Laston Muyaga, Jane Magezi, Elizabeth Kantono, and Aidah Kasubo, who reportedly sacrificed a two-year-old female relative, was pending at year's end.

In May the Ministry of Gender, Labor and Social Affairs reported that child prostitution had increased with an estimated 7,000 to 12,000 juveniles engaged in commercial sex activities. The most vulnerable children were girls, child heads of families, and child street hawkers.

Unlike in the previous year, there were no reports of underage recruitment by the UPDF.

There were no reports during the year that the LRA abducted and conscripted children within the country. On July 31, Save the Children Uganda Deputy Country Director John Reinstein demanded the immediate and unconditional release of children in LRA captivity; the LRA abducted and conscripted approximately 40,000 children in previous years for use as laborers, soldiers, guards, and sex slaves, and more than 5,000 were reportedly still missing.

There were numerous reports of LRA abductions of children in the DRC, CAR, and Sudan during the year.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country.

Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but trafficking of Asian and Chinese laborers to the country also occurred. There were reports that children were trafficked for labor to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq.

The media reported on September 6 that four Ugandan girls--Catherine, Patricia, Grace, and Faith Namisango--were stranded in Iraq after their employers confiscated their passports. The girls were reportedly taken to Iraq by a businessman only identified as Gordon, whom they met in Muyenga. The agent had promised to get them employment for a monthly pay of \$400. When they arrived, however, they were taken to work for Arab families as house helpers for \$200 a month. Security agencies were investigating the case.

On December 18, the Government of Yemen and an international organization repatriated Ugandan citizen Sara Aisha Abdulkhim, also known as Florence Kampi. Abdulkhim had been kidnapped from Uganda in 1982 and taken to Yemen as a child slave.

Immigration and police officials highlighted a new trend in trafficking involving the use of legal means to take children out of the country for illicit purposes. NGOs

reportedly locate children and convince their families that the children will receive an education or better life. An expatriate then enters the country on a tourist visa and gets a guardianship order through the courts, usually with the permission of the family. The magistrates, at the insistence of the guardian, require the passport office to issue the child a passport. In one case involving two young boys taken to South Africa, immigration officials learned that one boy had died after his kidneys were harvested for a transplant. Immigration officials formed a task force to examine the trend and make recommendations to the ministries of internal affairs and justice.

Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves in the hands of intermediaries offering false promises to seek employment in other areas of the country, only to find themselves in situations of commercial sexual or labor exploitation. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. One study found that women and girls could be purchased for approximately 5,000 to 30,000 shillings (\$3 to \$18) and used as domestic workers. In the case of child trafficking for labor and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lure children and facilitate their travel with accommodations and travel documents.

The penal code specifies penalties for several trafficking-related offenses; for example, the maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is seven years' imprisonment, and the maximum penalty for trading in slaves is 10 years' imprisonment. Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency on child trafficking issues; the national police force are responsible for investigating trafficking-related crimes, and the Justice Ministry and the Directorate of Public Prosecutions prosecute cases.

The government arrested suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries.

On January 9, police in Mbarara arrested Burundi national Noel Gasamunyiga on suspicion of trafficking 12 persons, including three girls; the victims reportedly were being trafficked to the USA, Canada, Belgium, and France. On January 15, a court in Mbarara charged Gasamunyiga with illegal entry into the country and sentenced him to several months' imprisonment, after which he was to be deported. The police handed over the 12 victims to the UNHCR.

In September the International Labour Organization (ILO) reported that 124 children were trafficked in 2007, most for sex slavery, child labor, and labor exploitation.

The government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children.

There were no reports of developments in the June 2007 case in which Nickson Owiny was arrested for kidnapping with intent to enslave or the July 2007 case of child trafficker Susan Amekebe, who was charged with inducing a person to give himself or herself as a slave.

The government and NGOs worked together to identify and provide assistance to persons at risk for trafficking. However, the government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in prosecution of the case. The UPDF has child protection units in all districts and, along with government agencies, continued to work with NGOs to reintegrate thousands of former LRA abductees into society.

The national police maintained a Child and Family Protection Unit to train local police on women and children's rights, including identification of trafficking victims and prevention of trafficking. The police also allowed an NGO to place its social workers in police stations to assist children and other trafficking victims.

Parliamentary committee hearings on comprehensive antitrafficking legislation occurred during the year.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, the government did not enforce the law effectively. Persons with disabilities also faced societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

During the year the UHRC received complaints of discrimination in employment and access to transport, mobile telephone, and other public services from persons with disabilities. On February 20, MP Alex Ndeezi reported to the parliamentary Committee on Equal Opportunities that 40 persons with hearing impairment were in prison without trial due to inability to communicate. Ndeezi added that the lack of communication skills also denied such persons access to health services and education.

The government supported the right of persons with disabilities to vote and participate in civic affairs; five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and MGLSA, but both lacked sufficient funding to undertake or support any significant initiatives. The parliamentary Equal Opportunities Committee seeks to ensure compliance with all laws that protect persons with disabilities.

Other Societal Abuses and Discrimination

Homosexuals faced discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes "carnal acts against the order of nature" with a penalty of life imprisonment, although no homosexual has been charged under the law. Public resentment of homosexuality sparked significant public debate during the year. The government took a strong position against the practice. The local NGO SMUG protested alleged police harassment of several members for their vocal stand against sexual discrimination.

On June 4, police arrested SMUG activists Pepe Julian Onziema, Valentine Kalende, and Usaam Mukwaya for trespassing. The activists, who did not have the required conference credentials, bypassed security at the HIV/AIDS Implementers' Conference in Kampala to protest the government's lack of funding to combat HIV/AIDS in the homosexual community. On June 6, the three were charged with criminal trespass and released on bail. On August 15, the government dropped the case.

On July 25, police in Kampala arrested SMUG activist Usaam Mukwaya without charge and released him the following day. On September 24, Mukwaya filed a complaint with the UHRC, alleging that he was tortured and humiliated during his detention in a safe house and that the arrest was arbitrary. The case, which received international attention, was pending before the UHRC tribunal at year's end.

On September 10, security forces arrested SMUG members George Oundo and Brenda Kiiza from Nansana, a Kampala suburb. On September 18, the suspects were charged with indecent practices and released on police bond.

On December 22, a High Court judge ruled that the government in 2006 had violated the privacy rights of SMUG chair Juliet Mukasa, who claimed that local government officials illegally searched her home in 2005. The High Court directed the government to pay 3 million shillings (\$1,500) to compensate Mukasa for violation of privacy and 10 million shillings (\$5,000) to her partner Yvonne Oyoo for humiliation, injury, and trauma. The court also ordered the state to pay for their court costs.

International and local NGOs, in cooperation with the government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. In April the ILO reported in its publication "Saving Lives, Protecting Jobs" that workers in the country were becoming more supportive of their HIV-positive colleagues. However, a July meeting of HIV/AIDS-positive teachers, officials from the Ministry of Education and Sports, and the National Teachers Union concluded that HIV positive teachers suffered stigma and discrimination inside and outside of school settings; the meeting was sponsored by UNESCO, the World Health Organization, and other organizations.

Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form unions, but all unions must be registered either under the National Organization of Trade Unions or the Confederation of Trade Unions. Except for "essential" government employees, including police, army, and management-level officials, workers exercised the right of association. The law allows unions to conduct their activities without interference. Union officials estimated that over 855,000 workers were unionized, representing approximately 8 percent of workers.

The law provides for the right to strike, and workers exercised this right; however, government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action." The government did not always protect the right to strike, and police forcibly arrested persons engaged in organizing strikes.

On August 24, police in Jinja arrested and later released 70 Kakira sugar cane cutters during a strike to protest low pay and poor working conditions.

Four workers from Kakonde Tea Estate, who were arrested in June 2007 for organizing a strike, remained missing at year's end.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining; however, the government did not protect this right in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions, and no public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The government fixed the terms and conditions for all civil service workers.

The law criminalizes any effort by an employer to obstruct the right of association; however, the government generally did not enforce this provision.

There were reports that the government took no action and did not investigate reports that employers suppressed union activity in the printing, mineral, and informal sectors. For example, on June 4, the management of Kasese Cobalt, a copper mining company, fired 100 workers after they demanded a salary increase. The

Mines Union, which represents the workers, reported the dismissals to the MGLSA Commissioner of Labor; however, the commissioner took no action, and the workers lost their jobs.

On February 6, the Uganda Fisheries and Allied Workers Union petitioned Speaker of Parliament Edward Ssekandi over the dismissal of 100 workers by Hwansung Ltd. for allegedly signing forms to join a union. There were no reports of government action at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly in prisons. While the law does not expressly prohibit prison labor, it states that such labor becomes forced if the worker is "hired out to or placed at the disposal of a private individual, company, or association." NGOs and the UHRC reported that forced labor was a problem in local prisons nationwide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked. Prison officials routinely supplemented wages with cash crops grown by prisoners on prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven baskets. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the MGLSD permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in "light work" provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed during school hours. Nevertheless, child labor was common, especially in the informal sector.

Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. In June the MGLSD estimated that approximately 2.7 million children were employed.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved in the commercial sex industry. Children were also employed in the tea-harvesting sector, sugarcane fields, commercial farming of tobacco and rice, other crop farming, and stone quarries. The MGLSD reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, domestic servants, and prostitutes.

The ILO and the Federation of Uganda Employers sponsored a January survey on child labor in the fisheries and tobacco industries that found that most of the 291 children sampled worked long hours and that 71 percent were involved in hazardous work. Of the children involved with fisheries, 31 percent worked at night, and all were subjected to waterborne diseases, chest pains, fatigue, a high risk of contracting HIV/AIDS, and injuries. Children on tobacco farms worked long days, dropped out of school during peak periods of tobacco production, and were exposed to dangerous chemicals, smoke, and dust.

Institutions responsible for enforcing child labor laws and policies include the National Council of Children, the police force's Child and Family Protection Unit, the

Industrial Court, and the MGLSD; however, financial constraints limited efforts. The MGLSD continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty MGLSD district labor officers reported on child labor issues at the local level. The government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. However, due to lack of funds and logistic support, district labor officials have not conducted child labor inspections since 2004.

The government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The government also cooperated with the ILO, foreign governments, and NGOs on several initiatives to combat child labor, including the education and reintegration of children into their communities. Several human rights NGOs continued programs to remove children from hazardous work situations.

e. Acceptable Conditions of Work

The minimum legal wage was 6,000 shillings (\$3.60) per month, a rate set in 1984 that did not provide a decent standard of living for a worker and family and was not effectively enforced. The government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year's end.

The law includes provisions for district labor inspectors to "secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work"; however, no inspections were carried out during the year, due in part to financial constraints.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per week to be remunerated at the minimum rate of 1.5 times the normal hourly rate and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours; however, an employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave per calendar year. Many industries paid workers annual increments or bonuses as payoffs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment and, unlike in previous years, there were no reported cases of workers being dismissed for refusal to perform dangerous work. Strong unions in certain dangerous industries protected some such workers; however, the MGLSA recorded 27 deaths due to poor safety practices at several construction projects during the year.

EXHIBIT 174

**This Exhibit Consists of Digital Media,
Which Will Be Filed Separately With
the Clerk**

Missionaries Of Hate - Vanguard - Part 5 5 (720p HD)

JULIUS KAGGWA: I wonder if they are aware of just what -- how much damage, you know, their visit caused...

MUSIC...

NARRATOR: Several weeks after returning from Uganda, I met with one of those evangelicals myself. The man in the video, Scott Lively...

INTERVIEWER: Why did you go to Uganda?

SCOTT LIVELY: Well, I went to Uganda because I was actually one of the people that helped to start the pro-family movement there and then they wanted to do a -- [PAUSE...]... some kind of anti-homosexuality law...

INTERVIEWER: So you knew that there was a bill in the works when you went to Uganda?

SCOTT LIVELY: I knew that they wanted to introduce a bill -- [FALSE STARTS]... -- but there wasn't one *in the works* in the sense that something had been drafted...

NARRATOR: Lively says he had no idea [that] the bill that emerged would be so harsh...

SCOTT LIVELY: I told them that they should emphasize rehabilitation and not punishment...

INTERVIEWER: So, then let me ask you very bluntly: Dr. Lively, do you condemn this Anti-Gay Bill in Uganda?

SCOTT LIVELY: I -- to -- I -- it's my understanding that they're gonna -- they're gonna -- they're gonna remove the death penalty... uhm, but if they keep the death penalty in it, yes, I condemn the death penalty.

INTERVIEWER: Do you then support the rest of the Bill if you remove the death penalty part of it?

SCOTT LIVELY: I would not have written the Bill this way. Uhm... [PAUSE...]... but what it comes down to is a question of -- of the lesser of two evils. What is the lesser of two evils here? To allow the American and the European Gay Activists to continue to do to that country what they've done here? Or to have a law that may be overly harsh in some regards uh, you know, I -- I think the lesser of two evils is for the Bill to go through...

MUSIC...

Missionaries Of Hate - Vanguard - Part 5 5 (720p HD)

NARRATOR: It turned out that even as we were speaking to Scott Lively near his home in Massachusetts, another American evangelical was on his way to Uganda...

MUSIC...

LEW ENGEL (sp?): THAT OTHER EVANGELICAL: We are restraining – trying to restrain an agenda...

TRANSLATOR: SOMETHING IN ANOTHER LANGUAGE...

LEW ENGEL (sp?): ...that's gonna hurt the nation and hurt families...

NARRATOR: In the US, Lou Engel led rallies for Prop8, the law banning same sex marriage in California; in Uganda, Engel joined with key backers of that nation's Anti-Homosexuality Bill at a rally in Kampala...

MUSIC 02:20

LEW ENGEL (sp?): And I believe Uganda...

TRANSLATOR: SOMETHING IN ANOTHER LANGUAGE...

LEW ENGEL (sp?): ...has suddenly become Ground Zero... but god brought you to make a statement to stand for righteousness...

NARRATOR: How much a rally like this one can do at this point to advance the Anti-Gay Bill remains to be seen...

MUSIC...

NARRATOR: ...but for some, the Bill's passage or defeat is now almost beside the point...

MUSIC...

JULIUS KAGGWA: This thing has set in motion, I mean, the worst wave of hatred we've seen in – in many years...

MUSIC...

NARRATOR: Growing intimidation and constant threats are now driving Long Johns (?) from the home where he's lived for the last five years...

LONG JOHNS: You just swallow the pride and you swallow that pain and keep quiet but you don't – [PAUSE...]... when you lay down and think, you said, "Oh my god

Missionaries Of Hate - Vanguard - Part 5 5 (720p HD)

– why don't we just speak to their hearts so that they can think twice and have some mercy, you know?

INTERVIEWER: So you've been arrested because you're gay; you've been... [PAUSE...]... hurt – physically heart because you're gay...

LONG JOHNS: Yes... yes...

INTERVIEWER: How much worse can it get?

LONG JOHNS: I believe it's then going to get worse because who knows? Maybe they've already [INAUDIBLE PHRASE...] (03:38) the least (?) and they know this adding (?) number – as soon as the Bill passes, one-two-three-four-five must be arrested in the next couple of hours...

INTERVIEWER: So if the Bill passes...

LONG JOHNS: ...[INAUDIBLE...]...

INTERVIEWER: ...you are finished?

LONG JOHNS: We are finished...

MUSIC 03:55

PASTOR MARIN SAMPA: It is your honor, your father and your mother when you marry and you have children...

AUDIENCE: HAND ON MOUTH NOISE...

NARRATOR: In church, on campus, and in town squares, Pastor Martin carries on his crusade...

PASTOR MARIN SAMPA: If god say serpem (?) (04:12) is a sin, it is a sin... and uh, I can't—I can't change it. And if you have a problem with me, your problem is not with me; your problem is with god...

MUSIC...

NARRATOR: ...and in America, Scott Lively stands firmly behind him...

SCOTT LIVELY: ...and I think Martin Sampa is a good man; he's trying to protect all the children of his country from being homosexualized...

VIDEO...

Missionaries Of Hate - Vanguard - Part 5 5 (720p HD)

MALE1: Every one of them must come and bow down before you... [SOMETHING IN ANOTHER LANGUAGE...] will come and bow before you... the famous in Hollywood will come and bow before you... Oprah and Tiger Woods will come and bow before you...

I THINK MARTIN SAMPA; I thank you god... I thank you lord...

AUDIENCE: APPLAUSE...

TITLE COMES ON AT ABOUT 04:54

VANGUARD – MISISONARIES OF HATE...

CREDITS...

OUTRO MUSIC...

CREDITS...

MALE1: Vanguard, a no limits documentary series, Wednesdays, at ten, nine central... only on; current TV...

MORE TEXT: Atheists United – Join us on Facebook...

VIDEO CLIP OVER AT 05:34

EXHIBIT 175

**This Exhibit Consists of Digital Media,
Which Will Be Filed Separately With
the Clerk**

Scott Lively - SPOTLIGHT Talkshow.mpeg

1 [0:00:00]

2 [Music]

3 Martin Ssempe: Good evening and welcome to Spotlight. I am Martin
4 Ssempe. Over the, past uh, few months I think Uganda has been attacked on
5 many fronts, but especially through the media by a barrage follies of pornography
6 both in video, in print and even on radio. Recently the minister of information
7 was complaining about, uh, active pornography being broadcast on radio. For
8 many, pornography appears to be a harmless [0:01:00] pleasure, maybe an
9 exercise in readings like cartoons and you walk away unaffected. But, our guest
10 today is going to speak to us how pornography beyond the pictures itself on the
11 video and the sound has a way not only of controlling people, but transforming
12 society. That which seems to be a harmless pleasure or game has the ability to
13 transform a society into the likes of Sodom and Gomorrah and Uganda is on the
14 road toward that. I'm glad to have you Mr. Scott Lively ..

15 Scott Lively: Oh, so good to be here Martin.

16 Martin Ssempe: And I'm glad you've also come with your wife.

17 Scott Lively: Yes.

18 Martin Ssempe: Sister Lively. Good to have you. Uh, Scott, you're from
19 California.

20 Scott Lively: Yes. that's true. Sacramento, California.

21 Martin Ssempe: Sacramento, California. Uh, when we think of California
22 we think of a place where the sun shines and movies are made and everything.

Scott Lively - SPOTLIGHT Talkshow.mpeg

1 Uh, but it's also a place where the battles that we seem to be entering
2 have already been [0:02:00] fought, of pornography of homosexuality. I want you to
3 bring us a situation of what is it like in California?

4 Scott Lively: Uh, not just in California, but all over the United States.

5 Martin Ssempe: Yes.

6 Scott Lively: Uh, in the early 1950s, uh, United States was a very much
7 like Uganda is today, morally speaking. Uh, a very strong family centered culture.
8 Uh, there was no open pornography, uh, allowed in the country. Uh, well, they're
9 perhaps in the shadows. Uh, but it was not accepted. Uh, but there was a social
10 movement that was launched by homosexual political activists who had started the
11 modern gay movement in America, uh, in the late 1940s ...

12 Martin Ssempe: Who is that?

13 Scott Lively: The primary individual is man named Harry Hay. Uh, he was
14 a Marxist, a teacher of Marxist theory and practice, communist cell groups
15 working, subversively [0:03:00] in a society to change it. So he was very familiar
16 when the tactics of how to change a society without people really seeing what
17 was going on and he was also a homosexual. And he started an organization
18 called the Mattachine Society in the late 1940s. From the very beginning, he
19 worked with other people in key positions to introduce a new philosophy of
20 sexuality. Now, prior to that, uh, we'd had the Judeo-Christian value system of
21 marriage monogamous, heterosexual marriage and the nature family. But this new

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1 gay ethnic of sexual license were there should be no restrictions upon sexual
2 conduct came in through the activities of these men.

3 Martin Ssempe: How did he bring it in?

4 Scott Lively: Well, initially, uh, a professor at Indiana University named
5 Alfred Kinsey. Uh, produced a study called Sexual Behavior [0:04:00] in the
6 human male, uh, which purported to show that Americans were far more sexually
7 deviant and promiscuous than anyone was admitting. And because this was the
8 true state of things, Americans should abandon their Judeo-Christian, sexual values
9 and get real and, uh, and open their minds to this new, uh, idea of sexual
10 freedom. Uh, what no one knew at the time was that Alfred Kinsey was an in
11 the closet homosexual.

12 Martin Ssempe: Is that right?

13 Scott Lively: Either suggested that he was also a pedophile or pederast.
14 Pedophile, uh, focuses on pre pubescent children. A pederast is a man who is
15 focused on, uh, having sex with boys from around the age of puberty. I think he
16 was more of a pedophile than he was a pederast. Uh, but, he pimped his wife to
17 his co-workers. He was involved with sadomasochism. A very perverted man.

18 Martin Ssempe: Wow.

19 Scott Lively: And he set out deliberately to de-normalize monogamous,
20 heterosexual [0:05:00] marriage and to normalize sexual perversion of every kind.
21 Uh, and, uh he was part of a campaign that was funded by people that are
22 behind the same sort of globalist strategy that's at work here in Uganda. He was

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1 funded by the Rockefeller foundation. He went all over the United States, uh,
2 speaking to the elite colleges where all of the young men, at just time they
3 weren't very many women in these colleges being trained to take over the
4 primary corporations and government agencies and society. And Kinsey was
5 funded by Rockefeller to go to all these colleges and to sell to these young men
6 who today run the corporations and government, the idea that they no longer had
7 to be restrained by the Christian value system. But they could have unlimited
8 sexual freedom if they just embraced it. Uh, and on the heels of Kinsey came a
9 man named Hugh Hefner [0:06:00] who launched the modern pornography
10 industry with a publication called Playboy magazine.

11 Martin Ssempe: Um.

12 Scott Lively: And by today's standards in America, the pictures were very
13 tame. They were mostly women without tops. Uh, and that was it. Uh, but, it
14 was had broken the taboo and introduced to the blue collar men of the society,
15 the idea that they no longer had to be restrained by Christian values either.

16 Martin Ssempe: Um.

17 Scott Lively: And, uh, and society began to change.

18 Martin Ssempe: Um.

19 Scott Lively: And especially when the man begin longing for a culture in
20 which they could have sex with many women.

21 Martin Ssempe: Um.

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1 Scott Lively: Uh, the women weren't going along with it that changed, uh,
2 in the late 1950s and early 1960s. The women's movement rose up and the
3 women's, uh, battle cry was, we don't want to be treated like sex objects, they
4 were responding to the culture of pornography.

5 Martin Ssempe: Um.

6 Scott Lively: But those who wanted to engineer their society were ready
7 for them. [0:07:00] And they came in with the message that said to the women,
8 if you want true equality to be have the equality that man have then what you
9 want is sexual freedom like what they have. So, instead of demanding that the
10 men come back to a place of moral responsibility they accepted this idea that
11 women's liberation equals sexual freedom. And as soon as the women said yes
12 and that's the key and this is the key for Uganda as well, a soon as the women
13 said yes to promiscuity that is when what is called the sexual revolution in
14 America exploded. And, uh, from that point on ...

15 Martin Ssempe: What characterized the sexual revolution?

16 Scott Lively: The sexual revolution is the place, it's sort of like if you
17 think of a scale, a balanced scale that on the one side of the scale you have, uh,
18 the weight of tradition and the weight of the values from the scripture about how
19 families are supposed to be and that sexuality remains within the context of
20 marriage. [0:08:00] That that side of the scale was weighed down and that there
21 are very few people on the other side, this idea that there should be no
22 restrictions on sexuality. But during the sexual revolution that changed and

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1 collectively, the society said, we think that having sexual freedom is as important
2 or more important than family.

3 Martin Ssempe: Wow.

4 Scott Lively: And a soon as the society did that, the scales tipped. That
5 was the sexual revolution. And then, we began to see in America the
6 consequences of sexual promiscuity. Families began breaking up. Marriages were
7 breaking up. The divorce rate started to skyrocket. Sexually transmitted diseases
8 became epidemic. In fact, in those early years, there are only a few sexuality
9 transmitted diseases, you know, Syphilis and gonorrhea and, uh, a few others.
10 Today, as a result of sexual promiscuity in America, there are over a hundred
11 sexually transmitted diseases and you can't prevent those diseases many of them
12 with [0:09:00] condoms. So that they come in with the solution because the
13 culture had accepted this idea, we must have sexual freedom. So how are we
14 going to keep sexual freedom when you engage in sexual promiscuity, what
15 happens? Babies get conceived and then they get born into families and you have
16 to take care of them. So what happens? A society that chooses sexual freedom
17 or sexual license they then have to have, first of all, contraception on demand.
18 So the whole condom culture then comes in like it's coming into Uganda. Uh,
19 and then, you have to have a backup system because contraception isn't always
20 used and it doesn't always work which is called abortion. And that's when, if
21 you haven't use your contraception and you conceive a child that you do not
22 want to have to take care of, you simply kill it through abortion. And that

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1 became legalized in America. And then, in the 1980s, homosexuality arose from
2 its place of secrecy and took up its place at the head of the parade of sexual
3 perversion [0:10:00].

4 Martin Ssempe: Wow.

5 Scott Lively: And rampant homosexuality everywhere. Today, 2002 in the
6 United States, our culture has been so corrupted by sexual perversion that 10 and
7 11 year old children are engaging in oral sex clubs at their schools on the school
8 busses. It was in the newspaper last week before we came on this trip. That is
9 how bad it is got. It has become like Sodom and Gomorrah.

10 Martin Ssempe: Wow.

11 Scott Lively: And my message to you, my message to Uganda is don't let
12 that happen here. Don't let the culture of perversion, that culture of pornography
13 take root because the fruit that blossoms, that is born on that tree is poisonous
14 and it will destroy every good thing that you have.

15 Martin Ssempe: Wow.

16 Scott Lively: Serious.

17 Martin Ssempe: I want to say that for many of, I listen carefully because
18 [0:11:00] I wanted to see the progression from the 40s and the 50s to where it is
19 today it and many of us look at America with the CNN or just the glossy movie
20 type eyes without recognizing that within it, that the roots of the present problems
21 were planted many years. And Uganda is at that point where we are actually
22 begun to be infiltrated by Kinsian Mattacchini [ph] ideas of clubs being raised

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1 up. Uh, but I know Uganda has also a problem that we tend to depend very
2 much on the western donors, uh, on the United Nations, on America. We also
3 have this colonial mentality that whatever comes from the west is good for
4 Uganda. Whatever comes from England, whatever comes from Europe, whatever
5 comes from Holland [0:12:00] that that is development. So we do have that
6 colonial mindset, maybe you can speak to this.

7 Scott Lively: Well, much of what comes from the west is good. And you
8 have to understand that the reason that the west has good things to offer is
9 because it was a Christian society. That, we, western civilization has its roots in
10 the Bible and, uh, all through the centuries the church worked to stamp out the
11 evils that have always existed among mankind. And that the missionaries went
12 out first from Europe into other parts of the world and they spread the truth of
13 the gospel and because people then became aware of the created order of God.
14 And they could see how God made his universe and they could use those
15 principles to create technology that would advance our lives. We, then benefited
16 from those things and we saw a positive evolution of technology, evolution is a
17 good word in the sense of what mankind [0:13:00] is able to build step upon,
18 step upon, step upon, step like bricks building a house of technology all
19 originating because of an understanding that God has created a universe that is
20 knowable and that we can discern from it. But, along with that, along with
21 technology has come complacency., uh, as come the expectation or the belief that

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1 we as human beings have done this ourselves. That we are like Gods ourselves
2 who have created all this wonderful things.

3 Martin Ssempe: And you a mother, a wife, what does it do to mothers in
4 the states, or in the devote when you see and hears stories that on the busses that
5 a nine and 10 year olds having clubs of oral sex, what does that do to you?

6 Anne Lively: It breaks my heart. And I believe that for most mothers in
7 the United States it would also break their hearts if they were aware of the
8 situation. This is a rare [0:14:00] newspaper, article. Normally we do not hear of
9 the kinds of things that are being taught by the schools and promoted by people
10 who are brought into the schools from special interest groups such as the gay and
11 lesbian and straight education network. Those things are carefully covered up from
12 parents who might then object and go to the school board. Um, I am a home
13 schooler in the United States as are many Christian women and other women now
14 who feel that their children are no longer safe either physically or spiritually in
15 the schools. As you know, children are no longer allowed to pray, there can be
16 no mention of God or any, you know, primarily Christianity but any religion
17 theoretically. So, um, yes, I think many women would be broken hearted and
18 would do something immediately to protect their children if they knew what sorts
19 of things were happening to them. [0:15:00] Too often they do not hear a single
20 thing until the child comes home at some older age and says, "Mom, dad, I'm
21 gay."

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1 Martin Ssempe: Wow. We're going and take a break. When we do come
2 back, I'll be asking Scott, what we can do. He's got two books and they put
3 out, one is the Seven Steps to Recruit-Proof Your Child. And this was written in
4 light of the fact that homosexual groups are actively growing through recruitment.
5 That is recruiting new members into homosexuality and it's an active process that
6 is on right now to recruit your child, your daughter into a homosexual even
7 lesbian club. Beyond that I'm going to be asking him about what can society do?
8 What can we as a church do in responding to this present crisis within we're
9 living? Stay with us, you're on Spotlight.

10 [Music]

11 [0:06:00]

12 [Music]

13 Ice is forming on the river. The barges are held in tow. Cold gray dawn,
14 chilling to the bone. Must be ten below. Somehow you feel lost and alone out
15 here. Feeling like you ought to leave. Such hard living in this cold cold world.
16 People it's time to believe, people it's time [0:17:00] to believe. Sounds tear
17 through the morning. You pull yourself from your bed. Try so hard to quiet your
18 mind. Dodging thoughts of what lies dead ahead. A chance to be dashed on the
19 rocks. Fooled by friendly lights, shining solely to deceive. Such hard living in
20 this cold cold world. People it's time to believe, people it's time to believe.
21 Remember when storm clouds come. Soon the sky is going to clear [0:18:00].
22 Just put your faith in him. Let him wipe away your tears.

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1 [Music Ends]

2 Martin Ssempe: Welcome back to Spotlight. I'm talking to Scott and Anne
3 Lively. Scott is the President of Abiding Truth Ministries. So Scott has written
4 about three books, one The Pink Swastika which goes to show that the driving
5 force behind Nazi and Hitler's movement. The power was found and the fact that
6 many of this man were homosexuals and was an exclusive type of homosexual
7 club and the violence that was seen in his characteristic of that type of lifestyle.
8 The second book that is written is Seven Steps to Recruit-Proof Your Child.
9 Today, America is a much to different society and you say, in your observation
10 that pornography is used as a vehicle to transform [0:19:00] society. How does it
11 be, because some of my people think pornography is a harmless, uh, like cartoons
12 that you watch.

13 Scott Lively: Oh no, pornography is very, very harmful. It's packaged like
14 candy and especially to men. It's very much like candy is to children that, uh,
15 we are made as man to have an attraction toward, uh, toward females. And that,
16 uh, what the agents of social change have done with pornography is created a
17 product in which they can change the minds and the thinking of men about
18 sexuality. So that we no longer, the way that were made, the way God has
19 designed us., we're designed to be a man with a woman in marriage for life and
20 to be dedicated to our spouse and to stay faithful and to devote ourselves to our
21 family, raise our children the way that they should go. That's God's design. The
22 devil uses the lure of pornography as sort of like the cheese on the mouse trap.

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1 It's the candy with the poison in it. [0:20:00] that a man will be attracted to and
2 then as he accepts the philosophy of the pornography culture his whole way of
3 life changes and that happens not just in individual people, but it happens in an
4 entire society. It begins with more innocent seeming images of maybe not even
5 complete nudity, partial nudity but it's an enticement to accept the way of
6 thinking about sexuality that rejects God's restrictions and opens the door to
7 everything and when pornography then is accepted. It is a package that contains
8 every form of perversion within it: homosexuality, lesbianism, bestiality,
9 bisexuality, sadomasochism, pedophilia. Every type of perversion you can think of
10 is packaged together within that package [0:21:00] and that once you accept some
11 part of it, it's like opening that old story of Pandora's Box. Once the lid to
12 Pandora's Box is cracked open even a little bit the lid becomes flung open and
13 all the evils that are in it come out. And it becomes almost impossible to put
14 them back in the box.

15 Scott Lively: But somebody can say that, uh, you just see pictures they
16 don't affect you that those--that those are harmless pictures. If you see man
17 having sex with boys and man having sex women or women having sex with
18 women that that, it just stays there as a fantasy. Can you speak to this?

19 Martin Ssempe: That's just simply foolish. If that were true then
20 commercial advertising could have no success. What do you do in a commercial
21 advertisement? You take pictures and you use pictures and you use text to create
22 a desire within people to buy a product, Coca-Cola or, you know, IBM or

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1 whatever the product is. It's packaging, it's marketing and [0:22:00] what you're
2 buying when you're -- when you see a commercial. You see that presentation of
3 something in a commercial. You are--you're being invited to accept a package of
4 ideas. You're being invited to accept a philosophy of- of how you're going to
5 relate to whatever that product is. Pornography is the marketing of a way of
6 thinking about sexuality that rejects God's restrictions. God who has said
7 "Sexuality must remain within the covenant of marriage for your own safety"
8 that's where it must stay and it says you can reject that standard and that you
9 can eat from the knowledge of the tree of a -- from the knowledge of good and
10 evil and you will not be hurt. That is the lie that from the Garden of Eden until
11 the present enslaves human beings. When we reject the truth of God and we
12 accept the idea that something other than what God said can be true and then we
13 reap the consequences of that.

14 Martin Ssempe: I think another question [0:23:00] I would like is to ask is
15 and there's so much I want to ask is how can the church respond in retrospect to
16 America, the good things and the bad things that were done. What they didn't do.
17 Why do you think the church can respond if we, since we're at the beginning of
18 that in our culture What can we do?

19 Scott Lively: Martin, Christians have to understand that this is a war that is
20 going on for the souls of the people, for their hearts and minds and that over the
21 past few decades in the world, uh, perhaps going on for longer in some places.
22 The church has come to see itself as just sort of a social club where the people

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1 | who believe in Jesus Christ will gather together inside of buildings and we will
2 | minister to each other. Meanwhile outside the walls of the church we have sort
3 | of abdicated our responsibility and we've allowed people who hate God to take
4 | [0:24:00] control from all the gatekeeping positions of the society and to wield
5 | authority according to their own liking and then they set policies that cause
6 | further and further harm to the neighbors that God has commanded us to love.
7 | And so a true Christianity in my understanding of the word of God, true
8 | Christianity is wielding the authority that God has given us to speak his truth.
9 | Loving our neighbors enough to be able to assert God's truth to interpose
10 | ourselves between the agents of destruction and death and our helpless victims of
11 | our neighbors who are being asked to be--to accept enslaving bondages, that as
12 | Christians we're to step forward and to assert ourselves to compete for authority
13 | in society. So that as people who are guided by the Holy Spirit and who have
14 | the truth of God that are [0:25:00] making the rules, that are setting the policies
15 | so that societies enrich us. The scripture says "When the righteous rule, the people
16 | rejoice, but when the wicked rule they groan."

17 | Martin Ssempe: How can this be practically applied? You're talking about
18 | believers, people of right mind that being in the gatekeeping positions.

19 | Scott Lively: What we need to do as Christians is to recognize that God
20 | has placed us wherever we are for his purposes and that we need to recognize
21 | that we have a Christian duty to speak his truth wherever we are. If we work in
22 | a factory, if we work as teacher, if we work as a businessman. We need to wake

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1 up each morning and ask ourselves, what can I do today to advance the kingdom
2 of God. And that we need to have a picture in our mind of the society that want
3 to produce from our actions. See, right now the church acts defensively that we
4 rise to the challenge when something like pornography comes forward [0:26:00].
5 We will see a danger-- we'll see a fire that's been started and we come out to
6 put the fire out and then we go back and that's completely defensive. Meanwhile
7 the people who are out there starting the fires, the arsonists, they're just looking
8 for ways to get around our resistance and that they have an offensive strategy.
9 These are not random social forces at work. These are human beings who have a
10 philosophy of life that wants to enslave people with perversion. They want to
11 spread a way of life that will destroy society and they're real people. We have
12 to—we are the only ones in society who have the ability to stop them. The
13 unbeliever who is sort of caught in the middle, he doesn't know what's going on;
14 he doesn't have the truth of God to be able to counter the lies of the enemy.
15 It's only the Christians who have that and we need to take that authority,
16 wherever we are. If you're a young person who is making decisions about what
17 you're going [0:27:00] do with your life, set your sight on something that will be
18 an influence to society. Be a teacher, be a politician, be someone who is going
19 to - a newspaper reporter or an editor. Somewhere where you're going to be able
20 to shine the light of truth in your life. If God places you in a factory or puts
21 you in a place where you're digging ditches, it's a reason for that and you
22 should do your best to show excellence in your work and in your life so that

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1 | you will shine the glory of God and God will get the credit for the way you
2 | live your life. But to the extent that you make your own choices, make choices
3 | that will produce a positive change for the good. And keep always in your mind
4 | the idea of creating a family friendly society.

5 | Martin Ssempe: To find out more information, if somebody's watching, how
6 | can we reach you?

7 | Anne Lively: Um, we have our website called www.abidingtruth.com
8 | [0:28:00] and on that website, um, Scott puts all of the best things that he's
9 | working on at the moment, new articles that can be downloaded. We have links
10 | to other helpful ministries including deliverance ministries for people who are
11 | currently in bondage to the homosexual lifestyle or pornography or things that are,
12 | um, dangerous and people might not want to talk about them to their friend or
13 | even their pastor, but they can go on in internet to find some help and some
14 | solutions. So we try to keep the website as useful to people, everyone from
15 | activists to strugglers as we can.

16 | Martin Ssempe: What about an email?

17 | Anne Lively: We have an email its, info@abidingtruth.com.

18 | Martin Ssempe: Okay. Scott I'm so glad that you came to Uganda. I'm just
19 | felling that I wish I had you speak to a universities or professors [[0:29:00] and
20 | all that uh, but we have short time. I'd like to ask you one final thing that
21 | recently I was listening to a professor of law and at the time of reproductive
22 | rights. You have the right to make to make -- speak to children at the university.

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1 You have the right to make your own decision. You have the right to do what
2 you want. You have to the right to sex, you have to the right to have sex with
3 anyone that you want to. And then I had a few close-- you have the right to
4 have an abortion which is illegal in our country. You have the right to have sex
5 with a man or a woman. Uh, homosexuality although it's illegal in our country.
6 You have to have the right--you have a right to, I forget what's it, that
7 prostitution to be legal and the-- what reproductive rights is ringing everywhere
8 from everything that United Nations is funding. Women's right type of thing, could
9 you speak something about this one? Is there a ways of social engineering that
10 we are seeing?

11 Scott Lively: Yes, that's we are and uh,-- I hold the certificate in
12 international human rights from the institute of human rights in [0:30:00]
13 Strausburg, France which is administered by the United Nations. And I'm not a
14 fan of the United Nations, I think it's an extremely dangerous organization whose
15 goal is a globalist social--um, socialist government. And you see the places where
16 the United Nations mentality has taken root and for example Amsterdam is
17 probably the worst. We just stopped there on our--on the way here and had half
18 a day lay over and visited a pastor friend who lives in Amsterdam, has a church
19 there. Now the pornography culture has advanced so far even beyond the United
20 States that if you are a bookstore owner, you have no choice to reject
21 pornography in your store. You must have all of those titles in your store. The
22 government picks the books that you can have. Now this is on purpose. This

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1 isn't a sort of a random selection of books. These are agents like this professor
2 of law. Now, he maybe stating under international law some legal realities
3 [0:31:00] but what he's really doing is advancing a philosophy of thinking in
4 which is saying that because you have the legal right to do some of these things
5 you ought to do them to do them because we should all be living this gay ethic
6 of no restriction on sexuality. And this man is an example of the kind of agents
7 of destruction that will bring tremendous calamity to the society just as it's done
8 and other cultures around the world. So this reproductive rights terminology like
9 that the people who want us to give poison to children. People who want to
10 bring something harmful to you will always call it something good, but the
11 scripture says "Woe unto to you when you call evil good and good evil, when
12 you substitute bitter for sweet and sweet for bitter" and that is exactly what
13 they're doing with this pornography culture. Christians must have the [0:32:00]
14 discernment of their minds to be able to separate truth from error, to be able to
15 stand firmly upon the word of God. That is how you do it. That is something
16 that does not align with the truth of God must be rejected no matter how it's
17 packaged, no matter how good it looks, no matter how much money is attached
18 to it. It's coming in programs, we must stand on the word of God and trust in
19 him. Remember that the Nation of Israel was rebuked and punished by God when
20 it would look to the arm of flesh instead of to God, its provider.

21 Martin Ssempe: Scott, I'm so glad that I've had a chance to talk to you and
22 Anne we'll look forward to having you more and more to this country. I wish

Scott Lively - SPOTLIGHT Talkshow.mpeg

1 | you could stay longer like a month and just hold meetings place all over the
2 | place.

3 | Scott Lively: Maybe next year.

4 | Martin Ssempe: Maybe next year? And then I'm so glad that you were
5 | able to come from California.

6 | Anne Lively: It's been our pleasure.

7 | Martin Ssempe: Take our regards back to the saints, those are standing up
8 | on a tremendous persecution and so called [0:33:00] freedom but tremendous
9 | attacks. Keep on doing what you're doing.

10 | Scott Lively: Thank you Martin.

11 | Martin Ssempe: Well. If want to get in touch with the Scott and Anne
12 | Lively, you heard the email is info@abidingtruth.com. If you want to write to me
13 | if not being able to reach them you can write to me. My email is
14 | ssempe@utlonline.co.ug or you can call us here at light house TV. We'll be able
15 | to you some more information on our guest. Well, keep well. Visit their website
16 | www.abidingtruth.com . You can find out more information and I wasn't able to
17 | write about-- talked to you about that can find out Seven Steps in Recruit
18 | Proofing Your Child or even the Pink Swastika. Have a good night here in
19 | Spotlight. Bye.

20 | Scott: Thank you Martin. Excellent

21 |

22 | [0:33:56]

EXHIBIT 176



PARLIAMENTARY DEBATES

(HANSARD)

OFFICIAL REPORT

THIRD SESSION - SECOND MEETING

FRIDAY, 20 NOVEMBER 2013





FRIDAY, 20 DECEMBER 2013

THE NINTH PARLIAMENT OF UGANDA

A BILL FOR AN ACT ENTITLED, "THE PLANT VARIETY PROTECTION ACT, 2013"

BILLS
SECOND READING

THE ANTI-HOMOSEXUALITY BILL, 2009

THE SPEAKER: Title settled and Bill passed.

12.17

PROF. NYIIRA: Madam Speaker and honourable colleagues, I express my gratitude for the passing of this Bill, which has taken quite a bit of time. It has been passed just in time because the international convention that required this Bill to go through gave us only nine days to pass this Bill before the end of this year. It is only important that we did pass it in good time.

MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja): Thank you, Madam Speaker. As a member of the committee, I beg to lay on the Table the minutes of the committee on the meetings held to consider the Anti-Homosexuality Bill.

THE SPEAKER: I am very sorry; I think we start with the mover for the second reading. So, I accordingly alter the Order Paper.

I wish to thank you all for the support that you have given us. I thank the Speaker for the great support you have given us. I also thank everybody else who has supported this Bill. I believe with this spirit, we should be able to move forward and get the agricultural economy moving forward in good shape. Thank you very much.

12.17

MR BENSON OBUA-OGWAL (UPC, Moroto County, Alebtong): Thank you, Madam Speaker. I beg to move that the Bill entitled, "the Anti-Homosexuality Bill, 2009" be read for the second time.

I have been reminded that we may not have another time to meet before Christmas; the ministry and I, together with all my colleagues, wish you a merry Christmas and a prosperous New Year.

THE SPEAKER: It is seconded by several members of the House. It is seconded.

MR MATHIAS KASAMBA: Thank you, Madam Speaker and colleagues, for giving us the support to make sure this Bill is passed. It was already long overdue and we thank you for the input. We hope that if there are any considerations for improvement, we are still around to make the necessary adjustments as we move on. Thank you very much and I also wish you a wonderful Christmas and a prosperous New Year.

MR OBUA-OGWAL: Madam Speaker, I would also like to lay on the Table the certificate of financial implication for this Bill.

THE SPEAKER: Thank you very much, honourable members, for completing that task which had taken a bit of time. I urge the committees to handle whatever is remaining so that we meet our timelines.

Madam Speaker, this House will recall that in September 2009, a Private Member's Bill entitled "Anti-Homosexuality Bill, 2009" was tabled for first reading in this House. It has taken quite a while before we could consider this Bill. However, a lot of consultations have been made; the committee has done a lot of surgery on the Bill and amendments have so far been proposed.

Now, honourable members, the chairperson of the legal and parliamentary committee reported that all his outstanding Bills are ready. So I propose that we handle one of them, and I invite hon. Mwiru to present the Anti-Homosexuality Bill because it is ready. *(Applause)*

Today is going to be a very good determinant for Ugandans, at this time when they have been expecting this Bill to have already passed. Ugandans have anxiously been waiting; I remember last December, we promised Ugandans that we would pass this Bill before Christmas but alas, we did not. I believe this time round, we are going to pass it.

Madam Speaker, this Bill is meant to provide for marriage in Uganda as contracted between only man and woman, and that is the way the Creator really intended it to be. This is one of the reasons



[Mr Obua]

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THE ANTI-HOMOSEXUALITY BILL, 2009

why this Bill must be considered - there is an attempt to redefine marriage. The family is also under attack and it is our role, as Members of Parliament, to protect what we know as the family. The family is being redefined and we need to protect what we know, as Ugandans, to be a family.

There have also been a lot of arguments that same-sex attraction is something which is innate or inbuilt, which we want to really disagree with. We know that homosexuality is a learned behaviour and therefore can be unlearned.

Madam Speaker, since 2009 when we proposed this Bill, a lot of our young children have been abused in a homosexual form. Our newspapers have been awash with a lot of stories about those youth. Some of them are in court but some of them go unnoticed; there are so many of our young people who are suffering silently. We believe that if we pass this Bill today, it will help us to save many young people who are suffering quietly.

I am not going to belabour to explain the obvious-anatomical implications of being a homosexual and the health effects that come with it. There are a lot of arguments against this vice and our role today is to make sure that we debate this Bill and pass it and give it to Ugandans as a Christmas present. I beg to move. *(Applause)*

THE SPEAKER: Thank you, honourable member. Can we hear from the committee.

12.22

MR PAUL MWIRU (FDC, Jinja Municipality East, Jinja): Madam Speaker, I beg to lay on the Table the minutes of the Committee on Legal and Parliamentary Affairs for meetings held to consider the Anti-Homosexuality Bill. I beg to lay them on the Table.

Madam Speaker, I seek your guidance. There is a minority report and ordinarily, we start with the minority report -

THE SPEAKER: No, start with the main report.

MR MWIRU: Thank you, Madam Speaker. The Anti-Homosexuality Bill, 2009 was read for

the first time on 14 October 2009 and it was referred to the Committee of Legal and Parliamentary Affairs in accordance with rules 117 and 118 of the Rules of Procedure of Parliament. In analysing the Bill, the committee was guided by rule 118 of the Rules of Procedure of Parliament. The Bill was re-introduced in the Ninth Parliament by way of a resolution of Parliament on 31 October 2011.

Methodology

In the process of analysing the Bill, the committee discussed the Bill and received memoranda from the following stakeholders:

THE SPEAKER: Those ones they can read.

Objective of the Bill

The object of the Bill is to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting- (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions and other places through or with the support of any Government entity in Uganda or any non-governmental organisation inside or outside the country.

The Bill aims at strengthening the nation's capacity to deal with emerging internal and external threats to the traditional heterosexual family.

The Bill further aims at providing a comprehensive and enhanced legislation to protect the cherished culture of the people of Uganda and legal, religious and traditional family values of the people of Uganda against the attempts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda.

There is also need to protect the children and youth of Uganda. They are made vulnerable to sexual abuse and deviations as a result of cultural changes, uncensored information technologies, parentless child development settings and increasing attempts by homosexuals to raise children in homosexual relationships through adoption, foster care, or otherwise.

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Observations and Recommendations

The committee observed that:

- i) The Bill provides for a death penalty to a person who commits aggravated homosexuality. The death sentence, if executed, does not make the offender feel the punishment for his actions.
- ii) The Bill provides for "attempt to commit homosexuality and aggravated homosexuality". However, it will be difficult to prove that a person attempted to commit the offences.
- iii) Any person who gets knowledge about a homosexual activity taking place has to report within 24 hours. This will cause problems especially to professionals whose ethics include confidentiality in order to be able to carry out their functions, for example doctors, lawyers and counsellors.
- iv) The Bill intends to extend its jurisdiction over Ugandans who violate its provisions while outside the country. This will be difficult to implement because of the state's limited capacity.
- v) The Bill provides for nullification of inconsistent treaties, protocols, declarations and conventions. This is against the provisions of Article 287 of the Constitution, which obliges Uganda to fully subscribe to all its international treaties obligations ratified prior to the passing of the 1995 Constitution.

Recommendation

The committee recommends that the Bill be passed into law subject to the proposed amendments.

Madam Speaker, I beg to move.

THE SPEAKER: Thank you, honourable chair. Honourable members, in the public gallery we have a number of religious leaders. They have come to observe the proceedings. We welcome them. *(Applause)*

I do not know who will present the minority report. Members, you have listened to the main report of the committee; do we really need to debate or we go to committee stage?

MR MWIRU: Madam Speaker, I am alive to the fact that the Rules of Procedure of Parliament provide for a minority report, which is actually a right. I seek your indulgence that as a committee, since we are doing this work on behalf of this committee, for fairness sake we present the minority report so that as the debate ensues, Members have an opportunity to look at what we have presented as the committee and what is in the minority report, so that we take a decision on them.

Madam Speaker the reason as to why I am doing that -

THE SPEAKER: Is there anyone willing to present on behalf of the minority?

MR BAHATI: Madam Speaker, the minority report is attached and the chairperson of the committee has informed the House that there is a minority report, and Members have copies and it has been captured as part of the record. So, I think we can continue with the process of the Bill since members have the report. It is part of us.

MR AYOO: Madam Speaker, there is a minority report and for us to have this report valid, let the committee read the report as it is presented to the House and then we will with it after. Reading it does not mean we want it, but reading it is a formality of Parliament. Later on, we can deal with it. I think let us follow that.

THE SPEAKER: Since there is no one willing to present for the minority, let me ask the chair to also present it, for fairness.

MR MWIRU: Madam Speaker, as I present the minority report, I want to go on record that I am presenting it for purposes of natural justice because the authors of the report are not in the House. Since, Madam Speaker, you are the custodian of our Rules of Procedure, I want to proceed under such circumstances.

THE SPEAKER: The matter is not provided for, so I have made a ruling.

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MR MWIRU: I am humbled, Madam Speaker. This is a minority report by hon. Sam Otada and hon. Fox Odoi-Oywelowo, who have appended their signatures to this report- *(Interjections)*-

THE SPEAKER: Honourable members, listen, please.

MR MWIRU: The Anti-Homosexuality Bill, 2009 was read for the first time on 14 October 2009 and it was referred to the Committee on Legal and Parliamentary Affairs in accordance with rules 117 and 118 of the Rules of Procedure of Parliament. The Bill was re-introduced in the Ninth Parliament by way of a resolution of Parliament on 31 October 2011.

Rt Hon. Speaker, some members of the committee present this minority report in line with rule 194(1) of the Rules of Procedure of Parliament, which provides that: *"A Member dissenting from the opinion of a majority of a Committee may state in writing the reasons for his or her or their dissent, and the statements of reasons shall be appended to the report of the Committee."*

Points of Dissent from the Committee Position
A citizen loses the right to his or her citizenry the moment the state intervenes in the affairs of his or her bedroom. To that end, that Act offends provision of Article 27 of the Constitution of the Republic of Uganda, which comprehensively provides for the right to privacy of persons.

Madam Speaker, the signatories to this report primarily disagree with the principle of having this Bill. What two consenting adults do in the privacy of their bedroom should not be the business of this Parliament. It is not right to have the state allowed in the bedrooms of people.

Further, matters of sexual intercourse between consenting adults neither be restricted nor reduced into a hard rule as to what is allowed and what is not allowed; for example:

- oral sex in some societies is a taboo;
- there are also some men who have consensual anal sex with their wives in a marital arrangement;

- there are some men who use fingers, sex toys and other contraptions on their wives in a consensual arrangement;
- there are some women who will not reach a climax or get an orgasm except when they are whipped and engage in games of Bondage, Dominance, Sadism, Masochism (BDSM).

The key words in this argument are "two consenting adults."

While the Members agree that there is a need for children to be protected against recruitment by homosexuals, the Members disagree that this is the law to protect the children since a close analysis of the Bill also reveals that there are no specific clauses that provide for protection of children against recruitment. The Members argue that in that regard, there is a need for a comprehensive law to protect children against more than just homosexual recruitment and sex. This other law can protect children against child labour, violence, sexual exploitation, female genital mutilation, slavery and trafficking.

It should be noted that Uganda belongs to an international polity and cannot afford to exclude herself from the rest of the world by way of enactment of this law. The introduction of this law contravenes many international conventions and treaties which are already ratified by Uganda, such as: the African Charter on Human and People's Rights (the Banjul Charter) ratified by Uganda on 10 May 1996; the International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Bill is discriminatory and rather than prosecute the homosexuals in our society, the state should be trying to find ways to help them reform. In the wise ruling of Justice Mulenga in the Supreme Court, in the case of Andrew Mwenda and Charles Onyango Obbo vs the Attorney-General, he states that the duty to protect those we do not agree with is a duty we have over and above protecting those we agree with.

"If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free

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THE NINTH PARLIAMENT OF UGANDA

BILLS
COMMITTEE STAGE

THE ANTI-HOMOSEXUALITY BILL, 2009

Clause 1

thought- not free thought for those who agree with us but freedom for the thought that we hate. "In the same spirit, a child who has been a victim of this recruitment, funding and other acts of homosexuality that this House is attempting to legislate against should be protected rather than sending him or her off to rot in prison for the rest of his or her life.

THE CHAIRPERSON: Honourable members, clause 1 is the interpretation clause; is there any amendment to the interpretation?

The laws in Uganda as they are currently already prohibit homosexuality. The new law does not add any significant value. The 1995 Constitution of the Republic of Uganda is already very clear on the matter of homosexuality. Article 31(2a) prohibits marriage between persons of the same sex. Sections 145 to 150 of the Penal Code Act are also very clear against homosexuality and other unnatural acts. The Penal Code Act provides as follows:

MR MWIRU: Yes, Madam Chairperson.

THE CHAIRPERSON: Then we will do it last.

Clause 2

MR MWIRU: Madam Chairperson, we propose that we delete clause 2(1)(c). The justification is that the graveness of the offence would be difficult to prove.

"145. Unnatural offences

Any person who-

- a) has carnal knowledge of any person against the order of nature;*
- b) has carnal knowledge of an animal; or*
- c) permits a male person to have carnal knowledge of him or her against the order of nature,*

commits an offence and is liable to imprisonment for life."

Two, we propose that clause 2(2) be amended by replacing the word "life" in the second line of the provision with "fourteen years". The justification is that the sentence is more appropriate to the offence. I beg to move.

THE CHAIRPERSON: Honourable members, I put the question that clause 2 be amended as proposed.

Recommendation

The Members recommend that the Bill be rejected by this House and no further consideration of the same be done.

Madam Speaker, I beg to move and restate my earlier position that I was presenting this minority report on behalf of the committee members who were not in the House.

MR WAMAKUYU: Madam Chairperson, if you look at the whole clause on the offence of homosexuality, if we delete that part (c), the whole clause will lose meaning. I object to the deletion.

THE SPEAKER: Yes. For the record, hon. Mwiru was only fulfilling the role of the chairperson in the absence of the other members. So, honourable members, let us have one or two comments or should we go to committee stage? [*Hon Members: "Committee stage"*] –

Honourable members, I put the question that the Bill be read for the second time.

MS ALASO: Madam Chairperson, I would like to oppose the amendment from the committee. In the interpretation section, the committee has actually proposed that we will be deleting certain words, for instance "lesbianism". Should we not make reference to lesbianism, the only provision that –

THE CHAIRPERSON: No, we are dealing with clause 2. We have not done it.

(Question put and agreed to.)

MS ALASO: I am just using it for arguments' sake, Madam Chairperson. Should we do that, it would mean that we have no other reference that allows us to get at sexual activities where females

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[Ms Alaso]
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THE ANTI-HOMOSEXUALITY BILL, 2009

try to relate to each other. The moment you remove, "he or she touches another with the intention of committing the act of homosexuality", it is actually this which lesbians do.

THE DEPUTY CHAIRPERSON: Let us finish clause 2; there is no harm. That was a specific amendment that he proposed. Clause 2(1) (c) – *(Interjections)*—Did you oppose his amendment?

So, the moment we remove this one also, then you kind of literally kill the whole possibility of females doing indecent things on themselves. So, I would like to agree with hon. Mudimi that we stay (c) in the Bill.

HON MEMBERS: Yes

MR MWIRU: Honourable members, what we are saying as a committee is that if we are supporting the position in the Bill as we are saying, once there is a commission of an offence, there are ingredients you have to prove. If someone was murdered, for instance, you must prove that someone died and that the offender was the one responsible. You must prove this.

THE DEPUTY CHAIRPERSON Okay, if you oppose the amendment, we go to 2(1)(c) – *(Interjections)* – You want to it stay? So, everything stays?

HON. MEMBERS: Yes

THE DEPUTY CHAIRPERSON: Okay. Honourable members, I put the question that clause 2 do stand part of the Bill.

(Question put and agreed to.)

Now, here when you say, "...he or she touches another with the intention of committing an act of homosexuality", how are you going to prove that? That is why we thought that maybe if we delete it, it would be easier to proceed in that respect. That was the spirit.

Clause 2, agreed to.

Clause 3

MS NYAKECHO: Madam Chairperson, I am a member of the committee but I want to give him information. Recently, a cousin of mine was in Bugoloobi, and he happens to take alcohol. So, while he was at the bar, a man came and started caressing his thighs. That shows that the man actually had an intention of committing homosexuality acts. The way he was talking to him and touching him was too close, and he came and told me at home. So, this clause should be stayed.

MR MWIRU: Madam Chairperson, we propose that clause 3(2) be amended by substituting the words "suffer death" with the words "imprisonment for life". Justification: to harmonise the provision with the penalty under the Penal Code Act on aggravated defilement.

THE CHAIRPERSON: Honourable members, I put the question that clause 3 be amended as proposed.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

THE CHAIRPERSON: Honourable members, I think the only one we have to deal with is the issue of the sentence. Okay, I put the question that clause 2 be amended in respect to the sentence as proposed.

Clause 4

(Question put and agreed to.)

THE CHAIRPERSON: There was a proposal from the chairman – *(Interjections)* – He made a proposal of 14 years.

MR MWIRU: Madam Chairperson, we propose that clause 4 be deleted. The justification is that "attempt to commit homosexuality" may become too hard and difficult to prove, which may cause absurdities.

MS ALASO: Madam Chairperson, initially, we thought we are first dealing with 2(1)(c) and then we would go to the next sub clause.

MS ALASO: Madam Chairperson, I would like the chairman of the committee to help me out. When court says there was attempted murder, what happens? Does that mean the person dies or that they survived? I need help so that I can apply that scenario on this proposal you are making.



[Handwritten signature]

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MR MWIRU: Honourable members, hon. Alaso, has helped the situation. When there is attempted murder, the section provides for ingredients of the offence of attempted murder. What we are saying here is that this clause has a bearing on clause 2(1)(c) because we are talking about the intent.

THE CHAIRPERSON: Honourable members, I put the question that clause 4 do stand part of the Bill.

(Question put and agreed to.)

Clause 4, agreed to.

Clause 5

MR MWIRU: Madam Chairperson, we propose to redraft the headnote to read as follows: "Payment of compensation to a victim of homosexuality". Two, delete sub-clauses (1) and (2). The justification is that those sub-clauses are redundant.

THE CHAIRPERSON: What is redundant?

MR MWIRU: Madam Chairperson, we redraft the headnote to read as follows: "Payment of compensation to a victim of homosexuality". Two, delete sub-clauses (1) and (2). The justification is that the sub-clauses are redundant. We are just redrafting the headnote.

MS KABA HENDA: Madam Chairperson, I know that the effects of homosexuality can never be compensated, so I would like to propose another word - "Payment of compassion". This is because there is no way you can compensate one for the effects of homosexuality. I wonder what we are trying to compensate, because some of them even lose their lives. So what are we compensating? Maybe we can say "compassion".

MR MWIRU: Madam Chairperson, we want to create punitive measures for people who participate in the same. The original Bill referred to protection, assistance and payment of compensation to victims of homosexuality. We are talking about compensation because it is punitive. That is the spirit.

THE CHAIRPERSON: Members, he is amending the headnote --

MS KABAKUMBA: Madam Chairperson, I am a member of the committee. If we are going to delete sub-clauses (1) and (2) as suggested, then we can amend the headnote. However, if we are not deleting (1) and (2) as I hear from Members, then we do not need to amend the headnote because then the victims will not be protected and the victims will not be helped to present their case.

MR MWIRU: Madam Chairperson, I agree with her because amending the headnote has an effect on (1) and (2). Once you amend, then you delete. If you do not amend, then they stand.

THE CHAIRPERSON: So, does it stay?

HON. MEMBERS: Yes

THE CHAIRPERSON: Okay, I put the question that clause 5 do stand part of the Bill.

(Question put and agreed to.)

Clause 5, agreed to.

Clause 6

MR MWIRU: Madam Chairperson, we propose that in clause 6(2), we delete the words, "...outside the presence of the media" at the end of the provision. The justification is that the words are redundant. Proceedings in camera exclude the media.

In clause 6(3), insert the words, "the victim or" between the word "of" in the sixth line of the provision and the word "court" in the seventh line. Justification: to protect the victim.

THE CHAIRPERSON: Honourable members, I put the question that clause 6 be amended as proposed.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

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THE ANTI-HOMOSEXUALITY BILL, 2009

[Mr Lokii]
Clause 7

MR MWIRU: Madam Chairperson, we propose that clause 7 be deleted. The justification is that it is provided for under clause 13.

MR LOKII: Madam Chairperson, while the chairperson of the committee is trying to relate clause 7 with clause 13, what would happen in a situation where someone had information relating to this act? In which part of this Bill do we provide for that person to provide information? If you have information and you are not allowed to give it, then you are aiding this form of crime. So, where is this provision?

MR MWIRU: Madam Chairperson, aiding and abetting is promotion. Once you aid and abet, you are promoting homosexuality. Clause 7 is talking of aiding and abetting and clause 13 is talking of promoting homosexuality and we are saying that it is the same thing.

MR KATOTO: Madam Chairperson, when you are guarding against water spillage, you make sure that every hole is sealed. So we should leave it as it is to protect our people.

MR BENSON OBUA: Madam Chairperson, as movers of the Bill, we consulted widely and we want to agree with the committee and concede that we delete this since it is provided for in clause 13.

THE CHAIRPERSON: What harm will it cause if it is stated?

MR MWIRU: Madam Chair, when you read clause 13(b), for example, it says, "funds or sponsors homosexuality or other related activities". The committee thought that this would mean the same, but we do work on behalf of the entire House - (Interruption)

MR KATOTO: Madam Chairperson, what is wrong in stating it?

MS KAMATEEKA: Madam Chairperson, once the punishment is in the law, whoever has information is supposed to report it to the Police. So, we do not have to put that provision here. Whoever has any information regarding any crime can report to the Police.

MS KABAKUMBA: Madam Chair, when you compare cause 13 with clause 7, you will realise that many of the things that are in clause 13 (1) (e) are in clause 7. Clause 13 (1)(e) says, "A person who - (e) acts as an accomplice or attempts to promote or in any way abets homosexuality and related practices, commits an offence..." I think it covers clause 7.

THE CHAIRPERSON: Honourable members, what harm does it cause if it stays? I now put the question that clause 7 do stand part of the Bill.

(Question put and agreed to.)

Clause 7, agreed to.

Clause 8

MR MWIRU: Madam Chair, we propose that clause 8 be deleted. The justification is that the content in there is already provided for under clause 13.

THE CHAIRPERSON: Honourable members, I put the question that clause 8 do stand part of the Bill.

(Question put and agreed to.)

Clause 8, agreed to.

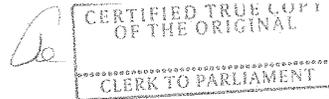
Clause 9

MR MWIRU: Madam Chair, we propose that clause 9 be amended by deleting the words "etc" in the headnote. The justification is that it makes the headnote appear vague.

We also propose the deletion of the words, "either in Uganda or elsewhere; or" appearing at the end of sub-clause (1) (a) and (b). The justification is that the words are redundant.

Further, we propose an amendment to add at the end of sub-clause (1) (a) and (b) the words, "commits an offence and is liable on conviction to imprisonment of seven years." The justification is: to perfect the provision by creating an offence and a penalty. I beg to move.

THE CHAIRPERSON: Honourable members, I put the question that clause 9 be amended as proposed.



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(Question put and agreed to.)

THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Mr Amama Mbabazi): Madam Chair, I rise on a point of procedure because I was not aware that this Bill was on the Order paper for today. If I had been aware, I would have informed the House, as we had indicated before, that we have a few issues on which we are still having consultations – *(Mr Katoto rose)* - Procedure has priority over a point of order.

Madam Chair, if I had known it was on the Order Paper, I would actually have talked to you separately to say that we would like to conclude that process of consultation. That is point one.

Two, this Bill is such an important Bill, you should be very careful that you pass it with quorum – *(Interjections)* - Please, these are not things to joke about. Therefore, I would like to raise that point and to say that certainly, I would like to see a quorum realised in this House to pass this Bill. So, I therefore rise on a point of procedure – one, on the point about consultations, which we had raised before, and two, on the question of quorum.

MS AOL: Madam Chair, I think all of us take this Bill as very important like all the other Bills. So, it is incumbent upon all of us to be here to deliberate. I get really disturbed that the Leader of Government Business is not only frustrating Government business but also deciding to take us back, saying that he did not know that this important Bill was coming to the Floor of Parliament. That means he chooses what he should come for and the rest is just ignored. So, are you really in charge of this Government and its business?

Madam Chair, you know all of us must be serious. When we do not come here, we should not blame this House. The House should just move on, especially right now if there is quorum, we should move on. Since you have raised that point of procedure, I believe that if we try to check, maybe we have the quorum. You should allow us to pass this Bill. The Bill is very important for Ugandans and we are doing it for Ugandans. *(Applause)* Uganda's motto is, "For God and My Country", which must also be reflected in what we deliberate on here. Thank you.

MR KATOTO: Madam Chair, we passed several Bills yesterday and he was around, why didn't he stop us on the basis that there was no quorum? We passed several Bills, why are you stopping this one? Madam Chair, we should continue and pass this Bill to save the people of Uganda. What is your worry about this?

MR AYOO: Madam Chair, I wish to know from the Rt Hon. Prime Minister the clauses he still wants consultation on because it cannot be on the whole Bill. This will help us to proceed and consider some clauses as we leave out those that still await consultations.

Secondly, I would like to say that all the Bills that come to this House are very important. We had therefore agreed, as Parliament, to move on and we have just done one now.

MR KATOTO: Our kids are not protected, yours are protected because they move with escorts. Do you want other people to sodomise –

THE CHAIRPERSON: Honourable members, I think the opportunity to consult over this Bill has been there –

HON. MEMBERS: Yes.

THE CHAIRPERSON: It has been there for many years. The second opportunity will come at the time of assent. Let us do our work, the Executive can object later. *(Applause)*

MR AMAMA MBABAZI: I have raised a matter of quorum. You cannot raise a matter of quorum and it is ignored. That is a fact. So, I have raised it and I want to repeat that this House does not have a quorum now.

THE CHAIRPERSON: Honourable members, I put the question that clause 9 do stand part of the Bill.

*(Question put and agreed to.)**Clause 9, agreed to.*

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THE ANTI-HOMOSEXUALITY BILL, 2009

Clause 10

(Question put and agreed to.)

MR MWIRU: Madam Chair, we propose that clause 10 be deleted. The justification is that proving intention to commit acts of homosexuality would result into absurdity. I beg to move.

Clause 12, as amended, agreed to.

Clause 13, agreed to.

THE CHAIRPERSON: I put the question that clause 10 be deleted.

Clause 14

(Question put and agreed to.)

MR MWIRU: Madam Chair, we propose that clause 14 be deleted. The justification is that the offence will create absurdity and the provision will be very difficult to implement. I beg to move.

THE CHAIRPERSON: I put the question that clause 14 be deleted.

(Question put and agreed to.)

MR MWIRU: Madam Chair, I said that the justification is that proving intention to commit acts of homosexuality would result into absurdity. This is because we are trying to deal with the intention. That is the justification, Madam Chair.

Clause 15, agreed to

THE CHAIRPERSON: Let us go to clause 11. I now put the question that clause 10 do stand part of the Bill.

Clause 16, agreed to

(Question put and agreed to.)

MR MWIRU: Madam Chair, I seek your indulgence on clauses 15 and 16. I had amendments to make but the speed at which we moved was fast. So, I seek your indulgence that we go back to clause 15.

Clause 10, agreed to.

Clause 11, agreed to.

Clause 12

MR MWIRU: Madam Chair, we propose that clause 12 be amended by replacing the word "life" in the third line of the provision with the words, "14 years." The justification is: to harmonise the provision with clause 2 of the Bill.

We proposed deletion of clause 15. The justification was that it is a consequential amendment. The committee proposes to define "court" in the interpretation clause; defining it in the main body would be a repetition. So, it is a consequential amendment because we are going to deal with this in the interpretation section.

Further, we propose that clause 12 be amended by inserting a new sub-clause (2) to read as follows: "A person or institution commits an offence if that person or institution conducts a marriage ceremony between persons of the same sex and shall on conviction be liable to imprisonment for a maximum of seven years for individuals or cancellation of licence for an institution." Justification: to prohibit celebration of same-sex marriages.

THE CHAIRPERSON: So, do you mean it will come under clause 3?

MR MWIRU: Yes, Madam Chair.

THE CHAIRPERSON: I think we have deleted.

MR MWIRU: No, you did pass it before.

Madam Chair, I think having rejected 14 years earlier, the amendment in reference to (2) collapses, but the second one stands.

THE CHAIRPERSON: Okay. I put the question that clause 15 be deleted because it is coming in the interpretation clause.

(Question put and agreed to.)

THE CHAIRPERSON: Okay. Honourable members, I put the question that clause 12 be amended as proposed.

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THE NINTH PARLIAMENT OF UGANDA

Clause 16

MR MWIRU: Madam Chair, we propose that clause 16 be deleted. Justification: the practical enforcement of the provision will be very difficult.

THE CHAIRPERSON: I put the question that clause 16 be deleted.

(Question put and agreed to.)

Clause 17

MR MWIRU: Madam Chair, we propose that clause 17 be deleted. Justification: the practical enforcement and implementation of the provision will be very difficult.

THE CHAIRPERSON: What is happening?

MR MWIRU: Madam Chair, extradition would mean that we would be going to another country to extradite a person who has committed this offence. We are saying that our jurisdiction is within. What if another country does not have the same law, how can we get that person? That is the point we are making.

THE CHAIRPERSON: What about countries we have extradition treaties with? I put the question that clause 17 do stand part of the Bill.

(Question put and agreed to.)

Clause 17, agreed to.

Clause 18

MR MWIRU: Madam Chair, we propose that clause 18 be deleted. The justification is that it is not necessary to put such a provision in the Bill.

THE CHAIRPERSON: I put the question that clause 18 be deleted.

(Question put and agreed to.)

Clause 18, deleted.

Clause 19, agreed to.

The Schedule, agreed to.

THE CHAIRPERSON: Let us go back to clause 1, interpretation.

Clause 1

MR MWIRU: Madam Chair, we propose that clause 1 be amended by deleting the following words: (a) bisexual, (b) gay, (c) gender and (d) lesbian. The justification is that the words have not been used in the Bill.

Two, we propose to define the word "court" as follows: "Court' means the chief magistrate's court." Justification: to provide for jurisdiction. I beg to move.

THE CHAIRPERSON: Honourable members, I put the question that clause 1 be amended as proposed.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

1.06

MR BENSON OBUA-OGWAL (UPC, Moroto, Alebtong): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRPERSON: Honourable members, I put the question that the House do resume and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

1.07

MR BENSON OBUA-OGWAL (UPC, Moroto, Alebtong): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "Anti-Homosexuality Bill, 2009" and has passed it with amendments. I beg to report.



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MOTION FOR A RESOLUTION

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

is supposed to assent to it will play his part. Otherwise, Ugandans have waited for very long for this Bill. Thank you all. (Applause)

1.08 MR BENSON OBUA-OGWAL (UPC, Moroto, Alebtong): Madam Speaker, I beg to move that the report from the Committee of the whole House be adopted.

THE SPEAKER: Thank you. Is the chairperson of the Committee on National Economy here? Let us go to item No.9 on cotton. Yes, hon. Namayanja?

THE SPEAKER: Honourable members, I put the question that the report from the Committee of the whole House be adopted.

1.11 MS FLORENCE NAMAYANJA (DP, Bukoto County East, Masaka): Thank you very much, Madam Speaker. I would like to raise a procedural point. The Bill, which we have just passed, has been long awaited by the public. I would, therefore, like to inquire whether it is procedurally right for us to proceed without thanking you so much for being so bold and for standing strong, and thanking the committee for the commitment they have shown. (Applause)

(Question put and agreed to.)

Report adopted.

BILLS THIRD READING

THE ANTI-HOMOSEXUALITY BILL, 2009

Madam Speaker, I would like to move a motion that we support and thank you so much, as Members of this House and on behalf of the people of Bukoto East whom I represent and the entire Masaka District and all Ugandans. We thank you so much for being a strong woman and standing strong on your feet. (Applause)

1.08 MR BENSON OBUA-OGWAL (UPC, Moroto, Alebtong): Madam Speaker, I beg to move that the Bill entitled, "Anti-Homosexuality Bill, 2009" be read for the third time and do pass.

THE SPEAKER: Honourable members, I put the question that the Anti-Homosexuality Bill, 2009 be read for the third time and do pass.

THE SPEAKER: Thank you very much. I put the question that that motion be approved.

(Question put and agreed to.)

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, "THE ANTI-HOMOSEXUALITY ACT, 2013"

MOTION FOR PRESENTATION, CONSIDERATION AND ADOPTION OF THE REPORT ON A PETITION FROM AGAGO DISTRICT URGING GOVERNMENT TO INTERVENE IN THE DECLINING COTTON PRICES

MR MWIRU: Madam Speaker, as a committee, we want to take this opportunity to thank the members of this House for the support you have accorded to the committee, not only in this Bill but through all the Bills. May God bless you abundantly. Happy Christmas and happy New Year. (Applause)

1.13

MR BENSON OBUA-OGWAL: Madam Speaker, on behalf of the movers of this Bill, and most especially on behalf of hon. David Bahati who has been with us, I thank Members for the overwhelming support for this bill. I thank you all who contributed. This is a landmark Bill and we have done our part; we believe the authority that

THE CHAIRPERSON, COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES (Mr Mathias Kasamba): Madam Speaker, before I present the report of the committee, allow me also to congratulate honourable members and you, the Speaker, for such a wonderful Christmas gift in as far as the Anti-Homosexuality Bill is concerned. I congratulate you and I pray that we appeal to everybody to assent to it and we make sure that it becomes law in the very near future.

EXHIBIT 177

Chapter Three

THE HOMOSEXUAL ROOTS OF FASCISM

Another area of history we must explore in order to understand the Nazis is the origin of fascism and national socialist ideology. Fascism is a term which eludes easy definition but most would probably agree that in its narrowest sense, fascism is a form of government characterized by three things: one-party dictatorship, centralized government control of finance and industry, and militant nationalism. It is important to emphasize here that fascism is a form of socialism. It is thus inaccurate and misleading to call the Nazi Party “right wing” although this misidentification is nearly universally accepted today.

In his 1964 work, Varieties of Fascism, historian Eugen Weber said “we should do well to remember that Fascism...considered itself a form of Socialism, freed of humanitarian sentimentalism and Marxist dialectic, truer to fundamental Socialist aims in that it tried to adapt itself to a changing historical reality which the old Marxist interpretation no longer suited” (Weber:29).

In seeking the roots of fascism we once again find a high correlation between homosexuality and a mode of thinking which we identify with Nazism. It is interesting that Weber, without noting the homosexual connection, traced “the pattern of the planned totalitarian state back to Plato’s Republic, and the Fascist mentality to the turbulent, unscrupulous Calicles who appears in another Platonic dialogue, Gorgias” (Weber:11).

So here we begin. The inspiration for the fascist state comes from Plato, the male supremacist and apologist for pederasty. Plato is revered as the preeminent classical philosopher, although his apparent advocacy of man/boy sex is not commonly known. A prototypical statement by the philosopher is recorded in George Grant’s Legislating Immorality: “Through the nightly loving of boys, a man, on arising, begins to see the authentic nature of true beauty” (Grant, 1993:24). Plato’s Republic is his best known work. The following is a summary of the Republic from W.K.C. Guthrie’s A History of Greek Philosophy:

The Republic (c.370 BC) advances many of Plato's principal ideas, notably those concerned with government and justice. Composed as a debate between Socrates and five other speakers, The Republic is best known for its description of the ideal state (based on Sparta), which Plato argues should be ruled by philosopher-kings (Guthrie in Grolier).

As we have noted, the Spartan society was dominated by a pederastic warrior cult that featured mandatory induction of twelve-year-old boys into homosexual partnerships with adult men. Like all such cults, the Spartan military was rigidly hierarchical and elitist. Plato's concept of the "philosopher-king" is that of an autocratic leader appropriate to such a society. The philosopher-king rules over a kind of fascist utopia. Interestingly, Plato's idealized society in the Republic includes the elimination of the family as a social unit and the elimination of private property.

The next figure cited by Weber in the historic development which would culminate in National Socialism is Frederick the Great (1712-1786) "founder of the perfect Prussian bureaucracy" (Weber:11). He writes, "The Nazi Siegfried [a Teutonic mythological hero] looked back to the equalitarian elitism of Sparta [and] to the barracks of [Frederick's] Prussian army" (ibid.:82). Frederick clearly fit Plato's description of a philosopher-king. He established a strict military order on the Spartan model and used his elite forces to great advantage, expanding his Prussian empire through ruthless lightning strikes against neighboring countries. He was also a homosexual, and, coincidentally, one of Adolf Hitler's greatest heroes (Waite, 1977:112).

Homosexualist historian Noel L. Garde writes,

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Frederick's homosexual inclinations, of which Lt. Katte in his youth was the principle object, were attested by many authorities, notably Voltaire and Frederick himself...The other young men besides Katte were...Baron Frederick Trenck, Count Keyserlingk, Count Goerz and an Italian named Barbarini (Garde:448).

In recent years Frederick has been praised as a model of social liberalism and humanitarianism. Another side of this man, however, explains his appeal to Hitler and the Nazis. Igra describes him:

Frederick hated women, as such. Die Frau was always a Schimpfwort, an expression of contempt, with him...Though he felt obliged by reason of his position to have a queen, which involved the necessity of getting married, Frederick never lived a husband's life. And though [Martin] Luther's Reform inculcated the marriage of the clergy, with a view to stamping out the vices that had characterized celibacy in Germany, and though the same injunction logically applies to soldiers, Frederick forced the majority of his officers to remain unmarried...In his armies he revived the vices of the Teutonic Knights and the Templars. Frederick is rightly looked upon as the founder of modern German militarism, not merely as state policy but as a worship of destruction for its own sake. He despised humanity in general and looked on human life, even his own life, as a bagatelle. He constantly carried a phial of poison on his person so that he might put an end to his own life at any moment he considered opportune (Igra:18f).

According to Weber, the National Socialist brand of fascism began in the mid-1800s with the radical Universal German Workingmen's Association (UGWA) (Weber:11). The founder of the UGWA was German socialist leader Ferdinand Lassalle, once the chief rival of Karl Marx for leadership of the communist organization First International. While probably not homosexual himself (he was killed by the aggrieved husband of one of his lovers) Lassalle is remembered for his political rehabilitation of the notorious pederast, Jean Baptiste von Schweitzer, after the Social Democrat Party had expelled him. Schweitzer was a talented lawyer who, in 1862, had become editor of the main periodical of the German socialist movement, *Sozialdemokrat*. In August of that year, two elderly ladies, enjoying a quiet stroll in a public park in Mannheim, accidentally came upon Schweitzer and a schoolboy. Schweitzer was sodomizing the boy in the bushes. He was arrested, given two weeks in jail, and disbarred (Steakley:1).

The Social Democrats disowned Schweitzer, but only one year later Lassalle took Schweitzer under his wing (J. Katz:567n.), stating that a person's sexual tastes had "absolutely nothing to do with a man's political character" (Linsert:178). Schweitzer became president of the UGWA, and on September 7, 1867, was elected to the Reichstag (parliament) of the North German Confederation (Steakley:1ff).

Friedrich Nietzsche

Among the several men who have been dubbed "the Father of National Socialism" (including Jorg Lanz von Liebenfels), Friedrich Wilhelm Nietzsche (1844-1900) is probably most deserving of this distinction, being so labeled by Nazi luminaries Dr. Alfred Rosenberg and Dr. Franck (Peters:221).

Others have called him the "Father of Fascism" (ibid.:ix). Rabidly anti-Christian and a homosexual, Nietzsche founded the "God is dead" movement and contributed to the development of existentialist philosophy. Nietzsche's publisher, Peter Gast, called Nietzsche "one of the fiercest anti-Christians and atheists," and described his book, The Antichrist, as a "ferocious curse" on Christianity (ibid.:119). Nietzsche called Christianity and democracy the moralities of the "weak herd," and argued for the "natural aristocracy" of the *Uebermensch* or superman, whose "will to power" was grounded in the material world (Wren in Grolier).

According to Macintyre in Forgotten Fatherland: The Search For Elisabeth Nietzsche, Frederich Nietzsche never married and had no known female sex partners, but went insane at age 44 and eventually died of syphilis. According to Sigmund Freud and Carl Jung, Nietzsche had caught the disease at a homosexual brothel in Genoa, Italy (McIntyre:91f). Nietzsche's unflattering opinion of women was widely known. His works were "peppered with attacks against women," and, like the pederasts of the Community of the Elite, he relegated women to the role of breeders and sexual

slaves. Men, on the other hand were to be bred for war (Agonito:265f).

One of Nietzsche's closest friends and another hero of Adolf Hitler was Richard Wagner, the composer. Wagner was the subject of a 1903 book by Hans Fuchs called *Richard Wagner und die Homosexualitaet* ("Richard Wagner and Homosexuality") in which Fuchs recommends art as a means for homosexual emancipation (Oosterhuis and Kennedy:86). We do not know whether Wagner was homosexual, although Hitler is reported to have identified him as one. In Kurt Ludecke's *I Knew Hitler*, the Fuehrer said the following when the issue of homosexuality among the Brownshirts was raised: "Ach, why should I concern myself with the private lives of my followers!...I love Richard Wagner's music -- must I shut my ears to it because he was a pederast? The whole thing's absurd" (Ludecke:477f).

Nietzsche's philosophy was grounded in Greek and Roman paganism, and in his writings he called for "a new Caesar to transform the world" (Peters:viii). Years later, Nietzsche's sister and chief promoter, Elisabeth, would enthusiastically dub Hitler the "superman" her brother had predicted (ibid.:220). Indeed, Elisabeth's adulation of Hitler was mirrored by the *Fuehrer's* admiration for her brother. Hitler and the Nazis were indebted to Nietzsche for his contribution to German nationalism. "It is not too much to say," writes historian George Lichtheim, "that but for Nietzsche the SS — Hitler's shock troops and the core of the whole movement — would have lacked the inspiration to carry out their programs of mass murder in Eastern Europe" (McIntyre:187). And W. Cleon Skousen writes that when "Hitler wrote *Mein Kampf*, it was as though Nietzsche was speaking from the dead" (Skousen:348).

Had he lived in that era, Nietzsche might not have become a Nazi. His works include numerous condemnations of anti-Semitism and nationalism (and thus were selectively censored by Elizabeth).

But the best measure of Nietzsche's contribution and importance to Nazism is not in conjectures about what Nietzsche might have thought about Nazism, but in the actual reverence of the Nazis for him. Nietzsche's most celebrated book, *Also Sprach Zarathustra*, ("Thus Spake Zarathustra") was considered the "bible" of the Hitler Youth and was "enshrined with Hitler's *Mein Kampf* and Alfred Rosenberg's *Myth of the Twentieth Century* -- in the vault of the Tannenberg Memorial, which had been erected to commemorate Germany's victory over Russia in the First World War" (Peters:221).

Hitler and the Nazis often used Nietzschean phrases such as "will to power," "live dangerously," and "Superman," but more significantly, Nietzsche became a hero to the masses as well. Certain German intellectuals canonized Nietzsche through the popular media of the day. Peters writes,

Germany's intellectual elite, including poets like Stefan George and writers like Thomas Mann, saw in Nietzsche's "aristocratic radicalism" an answer to the decadent democratic ideals of the West.

Fervent young men and women met for ritualistic readings from Zarathustra. Hymns were composed to celebrate the new religion, and by the time the body of the sick philosopher was finally put to rest, he was proclaimed a saint (Peters:ix).

The Cultural Elites

Who were these “intellectuals” who popularized Nietzschean fascism in Germany? Stefan George, one of Germany’s most popular poets of the time, was a pederast and “a guiding example” to the Community of the Elite. “George and his disciples,” write Oosterhuis and Kennedy, “...revivified Holderlin’s concept of *Griechendeutschen* (Hellenic Germans), [and] contrasted in their poetry and lifestyle the ‘eternal spring of homoerotic friendship’ from the family” (Oosterhuis and Kennedy:91). Homosexualist Ian Young wrote that “In George, aestheticism, Nietzscheanism and homosexual idealism were transmuted into a poetic philosophy” (Young:183).

In 1903, George became infatuated with a 15-year-old boy and made him a figure of worship in a 1907 book called *Der siebente Ring* (“The Seventh Ring”). His last book, *Das neue Reich* (“The New Kingdom”), published in 1928, “prophesied an era in which Germany would become a new Greece” (Miles in Grolier). In 1933, when Hitler came to power, he offered George the position of President of the Nazi Academy of Letters (a post which he turned down) (Mosse:60).

Thomas Mann’s identification with Nietzsche may also have had something to do with the latter’s homosexuality. Among other works, Mann is famous for a 1912 novella called *Der Tod in Venedig* (“Death in Venice”), in which “an aging writer risks life and reputation in his attempts to gaze on the Apollonian beauty of the 14-year-old Tadzio” (Reiter in Grolier). Homosexualist historian A.L. Rowse called this novella “the most publicized homosexual story of the century” (Rowse:212). A recently published biography, *Thomas Mann: A Life*, by Donald Prater, establishes the novelist’s homosexuality. A review of this book in *The San Francisco Examiner* (December 23, 1995) states that the book is based in part on Mann’s private diaries, which reveal a “secret homoerotic life.”

Mann was married and had six children for whom he was “a remote and sometimes terrifying figure.” The article reveals that two of these children, Klaus and Michael, committed suicide. Two of his children became homosexuals (Rowse:212). Mann confesses in his diary that the character Tadzio, the 14-year-old boy in “A Death in Venice,” was actually modeled after a boy on whom Mann “developed a crush while holidaying in Venice.” We must be clear, however, that Mann’s contribution to Nazism, his role in popularizing Nietzsche, was unintended. Mann was personally anti-Nazi, and was *persona non grata* with Hitler’s government..

Nietzsche’s influence extended beyond the German border. Adapting for its subject “the Nietzschean ecstasy” in the Italian art world, playwright Frank Wedekind’s play, *Spring’s Awakening*, features a cast of schoolboys whom he “allowed...to experience all forms of sexuality ...[including] masturbation, heterosexual promiscuity and..homosexual love making between the boys” (Mosse:61).

Benito Mussolini himself acknowledged a debt of gratitude to Nietzsche during his dictatorship (Peters:212).

Nietzsche’s sister, Elisabeth, figured prominently in pre-Nazi and Nazi Germany. After Nietzsche’s death in 1900, she assumed control of his estate and relentlessly promoted her brother’s writings, establishing the Nietzsche Archives. During the Weimar Republic the Archives became “the center of a powerful counter-revolutionary current” of German nationalism (ibid.:206). At one point Nietzsche’s followers wanted to build a Nietzsche Temple, complete with statues of Apollo and Dionysos (ibid.:200). While the temple was never built, Adolf Hitler himself commissioned a shrine to Nietzsche, a memorial auditorium and library “where German youth could be taught Nietzsche’s doctrine of a master race” (ibid.:222). The *Friedrich Nietzsche zum Gedachinis erbaut* (“Friedrich Nietzsche Memorial Building”) was opened in August of 1938 (McIntyre:192).

An interesting aside to this story is the fact that in 1886 Elisabeth Nietzsche and her husband founded a colony in Paraguay, South America called *Nueva Germania* (“New Germany”). After the fall of the Third Reich, *Nueva Germania* sheltered hundreds of fleeing Nazi war criminals, including

the infamous Dr. Joseph Mengele (McIntyre: 5,205ff). Another interesting fact is that Rudolf Steiner, who would later found the occultic Anthroposophical Society, was briefly involved with Elisabeth in the management of the Nietzsche Archives.

Frederich Nietzsche's influence on the Nazis is reflected in all they did. "Become hard and show no mercy," Nietzsche taught, "for evil is man's best force" (Peters:227). One wonders whether history might have been different if Germans had been aware that the writings of their fascist "genius" may have been influenced by impaired brain function "caused by...the tertiary phase of cerebral syphilis" (ibid.:35). In 1902, a doctor by the name of P.J. Mobius attempted to warn his countrymen "that they should beware of Nietzsche, for his works were the products of a diseased brain" (ibid.:184). Unfortunately for the world, Mobius's report was squelched by Elisabeth and her powerful friends.

The attraction of fascism for homosexuals appears in the history of other countries as well. As we noted earlier, pro-Nazi fascist organizations in both England and France were headed by homosexuals. In England, the organization was called the Anglo-German Fellowship, and was headed by British homosexuals Guy Francis de Moncy Burgess, and Captain John Robert Macnamara. (As an aside, while we cannot state conclusively that they acted with treasonous motives, it must be noted that homosexual political activists played a major role in the appeasement of Hitler prior to World War II (Noebel:128ff)).

In France, the pro-Nazi fascists were represented by two groups, the Radical Socialist Party headed by Edouard Pfeiffer (Secretary General), and the French Popular Party headed by Jacques Doriot.

Pfeiffer was openly homosexual. Less is known about Doriot, but, as we have shown, his organization seems to have had an attraction for homosexuals in any case (Costello:300ff.).

The Belgian fascist "Rexist" movement was led by Leon Degrelle "who would come to regard himself as the spiritual son of Hitler" (Toland:410). In Austria, it was Artur Seyss-Inquart, who, after Hitler's ascension to power was "appointed Minister of the Interior, with full, unlimited control of the nation's police forces" (ibid.:434). In Norway, it was the infamous Vidkun Quisling, whose very surname became synonymous with "traitor." Igra identifies all of these men as homosexual (Igra:86). A "top leader" of the Nazi Party in Czechoslovakia was also homosexual (Oosterhuis:243).

A connection between homosexuality and fascism in Germany's military allies is implied by historian Mary Beard. In The Sex Life of the Unmarried Adult she writes that "the Fascist movement in Germany, as in Italy and Japan, is essentially a dynamic of unmarried males...Adolph Hitler, [is] a bachelor like the majority of the thirty or forty leaders of the Nazi Party...A number of the prominent Nazis are men with records of sexual perversions as well as of military daring" (Beard:158).

Homosexualists John Lauritsen and David Thorstad report that in the Soviet Union, homosexuality became known as "the fascist perversion" during the 1930's. They quote the Soviet writer, Maxim Gorky: "There is already a slogan in Germany, 'Eradicate the homosexual and fascism will disappear'" (Lauritsen and Thorstad:69).

Wilhelm Reich, author of The Mass Psychology of Fascism was a prominent German psychoanalyst when Hitler came to power in 1933. He wrote that homosexuality was the breeding ground of fascism. In 1936, fellow psychiatrist Erich Fromm echoed this view and also linked homosexuality with sado-masochism (Oosterhuis:242). This link has been widely recognized in past decades. Oosterhuis writes,

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140 The Homosexual Roots of fascism

Dutch liberal anarchist Anton Constandse...claimed that “because most National Socialist organizations are typically all-male societies, homosexuality was inevitable...Everybody knows that the sexual abuse of youths was quite common in Roehm’s SA.” From this he inferred that “the great danger of male bonding, especially in the military, is indeed homosexuality.” The anti-fascist journal *Het Fundament*, published in Holland, also characterized homosexuality as typical of fascism.... [F]eminist Maria Antonietta Macciocchi ...[wrote of] the extreme misogyny of “the brotherhood of male chauvinist fascists and homosexual Nazis.” Susan Sontag explained the popularity of sadomasochism in the gay subculture...simply as an “eroticizing of Nazism.” According to her, “there is a natural link” between homosexual sadomasochism and fascism. The stereotype was also made visible in such films as Luchino Visconti’s *The Damned* (1969), Bernardo Bertolucci’s *The Conformist* (1971), Pier Paolo Pasolini’s *Salò or the 120 Days of Sodom* (1975), and Volker Schlöndorff’s *The Tin Drum* (1978) - (Oosterhuis:244f).

THE PINK SWASTIKA

141

We can see that the roots of Nazism are fundamentally interrelated with the homosexuality of its philosophers; a fact noted by many prominent writers and thinkers. (Although it may be mere coincidence we are reminded that the Latin root of fascism is *fasces*, “a bundle of rods.” A diminutive of *fasces* is “faggot,” a common pejorative for homosexuals.) In the lives of such men as Plato, Frederick the Great, and Nietzsche, whose writings and deeds were foundational to modern fascism, the common denominator is homosexual behavior. Certainly not every fascist has been homosexual, just as not every homosexual has been fascist. But the glaring truth of history is that contemporary German homosexuals bore a disproportionately large share of the responsibility for the rise of Nazism.

We have now looked at three separate and distinct realms of pre-Nazi German society which contributed to the formation and success of the Nazi Party. In the German “gay rights” movement we saw the pederastic origins of the Hellenic revival and its influence on the youth and *Freikorps* movements. We also saw how the rift between the “Butch” and “Fem” factions of the homosexual movement laid the groundwork for the mistreatment of some homosexuals later on in the Nazi regime.

In the realm of pagan religion we saw the importance of homosexuality in occultism and the

influence of occultism in the development of Nazi thought. We have noted that many of the prominent occultists who influenced the growth of Nazism were homosexuals, and that a number of the early Nazis themselves were both homosexuals and occultists. Finally, we have seen that homosexuals and pederasts were integral to the creation and development of fascism and National Socialist philosophy.

Now that we have explored the relationship between homosexuality and the aspects of German thought and culture which led to the development of Nazism, we can begin to examine more closely the formation and early years of the Nazi Party itself, as well as the individuals, including Hitler, who led the Nazi movement.

EXHIBIT 178

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JUDGMENT DOCKET BY EC

4TH JUDICIAL DIST.
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CATHERINE STAUFFER,
Plaintiff,
v.
OREGON CITIZENS ALLIANCE, an
Oregon Non-Profit Corporation;
SCOTT LIVELY, individually and as
officer or agent of the Oregon
Citizens Alliance; Oregon Citizens
Alliance Educational Foundation,
Inc.,; and Oregon Citizens Alliance
PAC, Inc.
Defendants.

Case No. 9111-07218

JUDGMENT



CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL
Dated JUL 14 2016
COURT CLERK

This action came regularly before the undersigned judge of the above-entitled court, and before a duly empaneled jury of this court, commencing October 1, 1992, and this matter having been heard on said date, and also on October 2, October 5, and October 6, 1992. Plaintiff appeared personally and through her attorney Bradley J. Woodworth; defendant Lively appeared personally and through his attorney, Bruce McCain, and defendants Oregon Citizens Alliance Educational Foundation, Inc., and Oregon Citizens Alliance PAC, Inc., appeared through their attorney, Bruce McCain.

The attorneys thereupon made opening statements on behalf of their respective clients and introduced testimony and other evidence in support of their respective cases, and thereafter rested. Arguments were made to the jury on behalf of the

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(ii) As to defendant Oregon Citizens Alliance Educational Foundation, Inc., and Oregon Citizens Alliance PAC, Inc., \$ 10,000.00 (may not exceed the sum of \$250,000);

3. Is plaintiff at fault for an intentional trespass in the manner claimed in defendants' counterclaim?

ANSWER: NO (Yes or No).

If your answer to question 3 is "no," your verdict on defendant's counterclaim is for the plaintiff. Your presiding juror should sign this verdict form. Do not answer any further questions.

If your answer to question 3 is "yes," proceed to question 4.

4. What are the defendants' total damages?

ANSWER: Total money damages _____ (may not exceed the sum of \$ _____)

/s/
Janet Damon, Foreman

The matter now coming on for judgment upon the foregoing verdict, it is hereby

ORDERED AND ADJUDGED, that plaintiff have judgment against defendants and each of them, jointly and severally, for plaintiff's damages, as follows:

Economic damages: \$1,197.50

Non-economic damages: \$20,000

Page 3 JUDGMENT
(STAUFFER.JT1)

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1 And it is further

2 ORDERED AND ADJUDGED, that plaintiff have judgment against
3 defendant Scott Lively for punitive damages in the sum of
4 \$500.00, and that plaintiff have judgment against defendants
5 Oregon Citizens Alliance Educational Foundation, Inc., and Oregon
6 Citizens Alliance PAC, Inc., jointly and severally, in the sum of
7 \$10,000.00 and plaintiff is hereby granted judgment in said sums,
8 and plaintiff is further awarded plaintiff's costs and
9 disbursements incurred herein, taxed at \$693⁰⁰.

10 Dated this 4TH day of NOVEMBER, 1992

11
12 MONEY JUDGMENT

13 A. Judgment Creditor and Address: Plaintiff Catherine^P
Stauffer, 3330 SE Yamhill St., Portland, OR 97214

14 B. Attorney for Judgment Creditor: Bradley J. Woodworth,
15 1500 SW 1st Ave., Portland, OR 97201

16 C. Judgment Debtors and Addresses: Scott Lively, 113849 SE⁷²
17 122nd, Clackamas, OR 97015, Oregon Citizens Alliance Educational
Foundation, Inc., Oregon Citizens Alliance PAC, Inc., 9150 SW
18 Pioneer Court, Suite W, Wilsonville, Oregon 97070.

19 D. Judgment Amount: \$21,197.50, jointly and severally as
20 to all defendants; plus \$500.00 as to defendant Scott Lively;
21 plus \$10,000.00, jointly and severally as to defendants Oregon
Citizens Alliance Educational Foundation, Inc., Oregon Citizens
Alliance PAC, Inc.

22 E. Prejudgment Interest: None

23 F. Postjudgment Interest: 9% per annum simple interest

24 Samuel J. Imperati
25 Samuel J. Imperati
26 Circuit Court Judge Pro-tempore

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Court Reporter: Phyllis Gainey
Office Address: 14375 SW 27th Ct.
Beaverton, OR 97005

Court Reporter: Jan Harrie
Office Address: 8545 SW Secretariat Ter.
Beaverton, OR 97005

Court Reporter: Mary Ann Gianni
Office Address: 1021 SW 4th Ave.,
Room 556
Portland, OR 97204

Court Reporter: Julie Bourgeois
Office Address: 1021 SW 4th Ave.,
Room 311
Portland, OR 97204

Prepared and presented by:

Bradley J. Woodworth, OSB #85370
1500 SW 1st Ave., Suite 920
Portland, OR 97201

Verified Correct Copy of Original 9/23/2015

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I served the following JUDGMENT on the date below on the attorney named below by mailing to him true and correct copies thereof, certified by me as such. I further certify that said copies were placed in a sealed envelope addressed to said attorney at the address set forth below, which is his last known regular post office address, and deposited in the post office at Portland, Oregon, on the day below mentioned.

SERVED UPON:

Bruce R. McCain
11815 NE Thompson
Portland, OR 97220

DATED this 22 day of October, 1992.

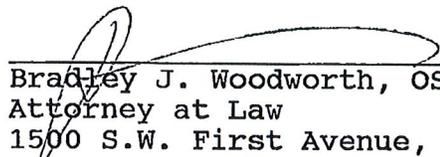

Bradley J. Woodworth, OSB #85370
Attorney at Law
1500 S.W. First Avenue, Suite 920
Portland, Oregon 97201

EXHIBIT 179



"Therapies" to change sexual orientation lack medical justification and threaten health

Washington, D.C., 17 May 2012 (PAHO/WHO) — Services that purport to "cure" people with non-heterosexual sexual orientation lack medical justification and represent a serious threat to the health and well-being of affected people, the Pan American Health Organization (PAHO) said in a position statement launched on 17 May, the International Day against Homophobia. The statement calls on governments, academic institutions, professional associations and the media to expose these practices and to promote respect for diversity.

Twenty two years ago, on May 17, the World Health Assembly removed homosexuality from the list of mental disorders when it approved a new version of the World Health Organization's International Classification of Diseases (ICD-10).

"Since homosexuality is not a disorder or a disease, it does not require a cure. There is no medical indication for changing sexual orientation," said PAHO Director Dr. Mirta Roses Periago. Practices known as "reparative therapy" or "conversion therapy" represent "a serious threat to the health and well-being—even the lives—of affected people."

The PAHO statement notes that there is a professional consensus that homosexuality is a natural variation of human sexuality and cannot be regarded as a pathological condition. However, several United Nations bodies have confirmed the existence of "therapists" and "clinics" that promote treatment intended to change the sexual orientation of non-heterosexual people.

The document notes that no rigorous scientific studies demonstrate any efficacy of efforts to change sexual orientation. However, there are many testimonies about the severe harm to mental and physical health that such "services" can cause. Repression of sexual orientation has been associated with feelings of guilt and shame, depression, anxiety, and even suicide.

As an aggravating factor, there have been a growing number of reports about degrading treatments, and physical and sexual harassment under the guise of such "therapies," which are often provided illicitly. In some cases, adolescents have been subjected to such interventions involuntarily and even deprived of their liberty, sometimes kept in isolation for several months.

"These practices are unjustifiable and should be denounced and subject to sanctions and penalties under national legislation," said Dr. Roses. "These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements."

To address the problem, PAHO makes a series of recommendations for governments, academic institutions, professional associations, the media, and civil society, including:

- "Conversion" or "reparative" therapies and the clinics offering them should be denounced and subject to adequate sanctions.
- Public institutions responsible for training health professionals should include courses on human sexuality and sexual health in their curricula, with a focus on respect for diversity and the elimination of attitudes of pathologization, rejection, and hate toward non-heterosexual persons.
- Professional associations should disseminate documents and resolutions by national and international institutions and agencies that call for the de-psychopathologization of sexual diversity and the prevention of interventions aimed at changing sexual orientation.
- In the media, homophobia in any of its manifestations and expressed by any person should be exposed as a public health problem and a threat to human dignity and human rights.
- Civil society organizations can develop mechanisms of civil vigilance to detect violations of the human rights of non-heterosexual persons and report them to the relevant authorities. They can also help to identify and report people and institutions involved in the administration of "reparative" or "conversion therapies."

PAHO, which celebrates its 110th anniversary this year, is the oldest public health organization in the world. It works with its member countries to improve the health and the quality of life of the people of the Americas. It also serves as the Regional Office for the Americas of WHO.

Links:

- [PAHO Position Statement "Cures" for an illness that does not exist](#)
- [PAHO/ Promotion of Sexual Health](#)
- www.paho.org/paho110/
- www.paho.org
- [facebook](#)
- [youtube](#)
- [twitter pahowho](#)
- [twitter opsoms](#)

Media Contacts:

Leticia Linn, linnl@paho.org, Tel. + 202 974 3440, Mobile +1 202 701 4005, Donna Eberwine-Villagran, eberwind@paho.org, Tel. +1 202 974 3122, Mobile +1 202 316 5469, Sonia Mey-Schmidt, maysonia@paho.org, Tel. + 1 202 974 3036, Mobile +1 202 251 2646, Knowledge Management and Communications, PAHO/WHO—www.paho.org

EXHIBIT 180



Scott Lively <sdllaw@gmail.com>

Moldova Mission

1 message

DefendTheFamily.com <abidingtruth@defendthefamily.com>

Tue, Jan 25, 2011 at 2:20 PM

To: Scott Lively <sdllaw@gmail.com>



Defend the Family.com
a service of Abiding Truth Ministries

Defending the Natural Family, Marriage and Family Values



DefendTheFamily.com Alert

Friends,

I have been asked to travel to the country of Moldova (between Romania and Ukraine) next month to assist the pro-family movement there in their efforts to stop the homosexualization of their country. George Soros is in part funding the opposition and our side is once again completely out-gunned. However, the population is strongly pro-family and it is believed that my visit can do for Moldova what my 2009 seminar did for Uganda (without the risk of the overly harsh legislation that I've been falsely blamed for inspiring there), and what my 2007 seminars did for Lithuania (which now has two very strong pro-family laws in place that dramatically limit the "gay" agenda there).

My Moldova host is the pastor of a small church who has taken upon himself the heavy burden of organizing a national pro-family movement. They do not have the funds to cover my travel expenses, so I am trying to raise the \$1000 for airfare. I received almost no response from my first request, perhaps because it was in a message addressing several unrelated topics.

If I do not raise \$1000 by the end of this week I will miss my window for purchasing tickets at the discounted rates. ATM is operating on the tightest of budgets these days so there is simply no way I can make this trip without specially dedicated funds above and beyond what our donors would otherwise give.

This will be my final request. If the funding does not come in from this by Friday, I will assume that the Lord is shutting the door on this mission.

Feel free to forward this to anyone who might be able to help. If you need more information you can contact me at sdllaw@gmail.com

Blessings,

Dr. Scott Lively

This information is brought to you courtesy of DefendTheFamily.com, daily news updates and extensive free resources on the homosexual issue from a pro-family perspective. Please do not reply to this email; if you would like to contact us, visit our [contact page](#).

If you would like to be removed from our mailing list, please use our [unsubscribe page](#).

Donations to Abiding Truth Ministries are tax deductible—and necessary for the continuation of our work. Please [donate here](#).

EXHIBIT 181

July 2007

International Networking

Dear,

We've been out of the U.S. for almost three months now on our seven month missionary adventure. Our schedule of speaking and activist training is quite rigorous but the people are so appreciative that it hardly seems like work. I am writing this letter in a car bound for Duagavpils, Latvia near the border of Belarus, where I am scheduled to speak this morning at the church. This is as close as we will get to Belarus. We learned yesterday that we will not be allowed to enter Belarus for the purpose of teaching or speaking, the government has forbidden it. The Communist dictator of the country is quite paranoid about foreign influences as well as any sort of organized religious or political activity by the citizens. I met recently with two Belorussians who were arrested for protesting the last "election." They report that the KGB is aggressively clamping down on the churches and that dissidents sometimes "disappear," never to be heard from again. Nevertheless, I am determined to try to have an influence there, so I will be sending a copy of *The Pink Swastika* to the president with a request to be allowed special permission to promote family values in the country.

We've now launched Defend the Family - Latvia and have already held our first set of training seminars. Over 200 volunteers have been divided into four teams of approximately fifty men and women. Each team has its own focus: government, medial, education and business, and is working to develop specific action plans to make Latvia a genuinely family-friendly society. We've laid out a three phase approach. First, information gathering to answer the question "What do we need to know to be able to transform the society in our area of focus?". Second, setting specific goals and action items based on the research. Third, implementation of the plans and projects over time. The group of volunteers includes many energetic young people and older professionals, an excellent combination of zeal and wisdom.

DTF Latvia is a legally distinct and independent organization. I am drawing upon my years of experience in project management and political organizing to create it, but it must stand on its own as an organization. Before I leave the country in August we will hire a full-time Director to take over from me and carry the organization forward. I'm doing all of this in my missionary capacity, without compensation, to set an example for the volunteers of servant-leadership, but also to conserve the funds now being raised to have enough to hire a professional to take over. I'll serve as an advisor only.

We were in Lithuania last week to speak at the regional conference of the European Christian Political Movement, a coalition of Christian political parties from several countries. The Dutch, Finnish, Belorussian and Lithuanian parties were represented at the conference but the coalition includes other nations. Surprisingly, the Dutch have taken the lead in this movement. Their Christian Union Party broadened its platform prior to the last election from what they call "medical issues" (abortion, euthanasia, and homosexuality) to also include social justice (care for the poor and needy -- from a Biblical rather than a Marxist perspective) and the environment (likewise based on the Biblical model of stewardship rather than the humanistic model). They subsequently won six seats in the parliament, and the man at the top of their ticket became part of the ruling coalition as the first Minister for Youth and Family. This is a new cabinet position created in response to widespread public concern about moral decline among the youth.

Who would have thought that Holland, the most reprobate of the post-Christian societies, would produce an organization offering new Christian leadership to the Western nations? ("Can any good come

from Nazareth?") This conference fueled my own imagination about the possibility of an overtly Christian party in the US. I began seriously thinking about this last year after Gov. Schwarzenegger signed a couple of pro-homosexual bills into law. I even called one pro-family leader in California to suggest that he should start such a party (he politely rejected the notion). However, until now I always envisioned the party as a "right wing" organization. But after seeing the European Christians approach I think a US Christian party should rethink "conservative vs. liberal" divisions and create a new *Biblically-grounded* moral center in the political spectrum that would draw Christians out of both the Republican and Democrat parties. It would be sort of like trading away the heathen Country-clubber Republicans and replacing them with the Christian African-American (and other ethnic) Democrats. That's an oversimplification but it shows the direction of my thinking. I may write an article on this theme soon.

Speaking of writing projects, I've completed edits on the manuscript of *My Life in His Hands* and am ready to offer it to our supporters. I'm not ready to release it as a book to the general public because it is a very personal account of the stories of my own life. I don't relish the thought of it being publicly misquoted and mocked by the homosexuals. Yet, I wrote this book to be a witness to the power of God to transform lives, and I want it to serve the Kingdom in this way. Therefore I am releasing the book in a controlled format that can be used by believers in their personal ministry to others, but not used or officially quoted in any public way by anyone. I am offering only pre-publication drafts of the book in rough manuscript format, marked on the title page with the statement "Work in Progress," as a gift to anyone who donates \$20 or more to ATM and requests it to be sent to them in printed form or by e-mail. All rights are reserved and the manuscript may not be cited or quoted for any purpose except evangelism and/or discipleship. But please feel free to make as many copies as you need for witnessing.

I haven't had much opportunity to work on my other book, *A Christian Response to the "Gay" Agenda*, because I've had to devote most of my writing time to preparing the *Activist Training Manual* for Defend the Family - Latvia. I've also been spending a lot of time on the website, adding many resources, links and other items.

I'd like to close with a few words of encouragement about the situation in the United States. You're probably as unhappy as I am about the current level and volume of "gay" propaganda in the culture, but don't forget that they're spending \$billions to get this much exposure (June is their peak season). More importantly, remember that it is *necessary* for them to spend this much and more, because they are attempting the impossible task of replacing the truth of God (that is written on the heart of every person) with lies. Their campaign of deception will be for nothing as soon as God answers our prayer for righteousness to be restored in our land (either by revival or as the result of repentance after judgment). Lets take this opportunity to renew our prayer (and ask for revival rather than judgment).

Lastly, please remember that summer is the hardest time for us financially because so many donors get distracted with vacations and other summertime activities. Your extra gift at this time can help to make up for any shortfall in our budget. Thank you again for your prayers and support.

Your Missionaries to the International Pro-Family Movement,

Scott & Anne Lively

PS. We'd like to send a copy of *My Life in His Hands* as our gift to you for any donation of \$20 or more. Make sure you check the box on the response form or write a note in order to receive your free copy.

ABIDING TRUTH MINISTRIES RESPONSE PAGE

DEFEND THE FAMILY INTERNATIONAL

Six Month Campaign

The Goal: To equip the Christians of several former Soviet bloc countries to defeat the homosexual agenda there and establish a power base from which to begin to push back the "gay" movement in Europe and North America.

The Strategy: To secure a victory against the (thus-far unstoppable) homosexual movement that can inspire pro-family activists across the world. The former Soviet countries have strong pro-family majorities, the Christians are spiritually "battle-hardened" due to their long war against communism, and the "gays" are just getting started. We can beat them there!!

The Plan: We have formed a new division: Defend the Family International and organized it as a human rights NGO (most social activism outside the U.S. is done such "non-governmental organizations"). DFI will provide a platform for our missionary team of Scott and Anne Lively to provide pro-family leadership training and organizing to the Russian-speaking Christians. Scott is specially trained in international human rights law and holds doctoral degrees in law and theology. His wife Anne, who holds a Masters Degree in Cultural Anthropology from the University of Chicago, speaks not only Russian, but also French and German.

God's Blessing: The Lord has opened the door to this campaign by linking ATM with New Generation Church whose network of churches in 14 countries, while currently untrained, is zealously pro-family, strategically minded and eager to defeat the "gay" agenda *globally*.

The Need: This will be an expensive campaign and we are asking each supporter to make a special sacrificial six-month pledge of support.

Special Offer *My Life in His Hands*

Many ATM supporters have heard me give parts of my testimony but none have heard the whole story of what God has done in my life since He saved and delivered me in February of 1986 out of sixteen years of bondage to drugs and alcohol. As a part of my doctoral program through the School of Bible Theology, I have now told the story in much greater detail.

My Life in His Hands is a set of testimonial stories about His miraculous intervention in my life. I wrote it to give Him glory, but also to serve as a witnessing tool. The power He displays in the transformation of my life is available to everyone who surrenders his or her life into His hands. He wants to bless His people!

At the same time these are very personal stories, and I am a somewhat public figure, hated by the homosexual community and its allies. So, at least for now, I am *not* going to publish this book for general distribution. Instead, I will make it available only for you and other sincere believers who want to use it in your personal ministry. I am releasing it as a pre-publication draft, marked as a "Work in Progress." This will prevent the manuscript from being officially quoted or used in any public manner. However, you are free to copy and use it for personal witnessing with my blessing. Scott

YES, I WANT TO SUPPORT THE WORK OF ABIDING TRUTH MINISTRIES:

Enclosed is my donation of \$_____ for: ___ The PFCT, ___ Salary Fund, or ___ Where needed most.

I will support the Six Month Campaign with a pledge of \$_____ per month from May -- October 2007
___ My gift is \$20 or more. Please send me a free pre-publication draft of *My Life in His Hands*

Name _____ Phone _____

Street Address _____

City, State Zip _____ e-mail _____

Credit-card donations may be made at www.defendthefamily.com (by the donor only – we cannot process them for you)

Send checks in the enclosed envelope or mail to ATM, PO Box 891023, Temecula, CA 92589.

EXHIBIT 182

Scott Lively Ministries

For such a time as this...

CHRISTIAN RED ALERT

Posted on July 9, 2012 by Pastor Scott

[CHRISTIAN RED ALERT](#) (click here for downloadable PDF)



Image of Gay Militants Bash Back members, who disrupted a Michigan church service by flinging condoms around the sanctuary. "Gay" Fascism is on the rise in America.

SPRINGFIELD IS NOT SAN FRANCISCO. STOP THE "GAY FASCISM" BILL

Friends,

The City of Springfield Missouri has announced it's intention to "consider"*** an ordinance to give homosexuals extraordinary new powers to silence and punish Christian landlords and businesses through civil rights lawsuits.

Framed as an "anti-discrimination" measure it is in reality a "Gay Fascism" Bill that will make disapproval of homosexuality illegal in the City of Springfield and grant gays, lesbians, bisexuals and transgenders (GLBTs) legal standing to sue their opponents, primarily Christians.

Starting in the 1980s in cities like San Francisco, homosexuals have forced many U.S. cities and numerous states to adopt similar "Gay Fascism" laws with disastrous effects on Christian landlords and businesses. Empowered by recent successes, they are now pushing into conservative cities.

As soon as a city criminalizes discrimination against homosexuality, bisexuality and transgenderism through one of these bills, GLBT activists backed by anti-Christian law firms begin targeting people of strong religious faith and traditional values with civil rights lawsuits.

Under Vermont's anti-discrimination law two lesbians sued the Wildflower Inn in 2011 for refusing to host a lesbian "wedding." Now over a year later the case is still in litigation at great personal and emotional cost to the owners of this family friendly resort.

In March of this year a Lexington Kentucky T-Shirt printing company called Hands On Originals was fined \$6,600 for refusing to print shirts for a local homosexual festival, despite (more likely because of) stating prominently on its home page that it is a "Christian Outfitter," reserving a "right of refusal" to decline business in conflict with its beliefs.

E-Harmony, the online Christian dating site was sued in 2008 under one of these "Gay Fascism" laws in New Jersey and "forced" to create a dating site for homosexuals at enormous expense and in a severe compromise of its values.

At Augusta State University in Georgia, Christian student Jennifer Keeton was expelled in 2010 from the graduate counseling program over her disapproval of homosexuality. In June of 2012 a court ruled that the college's anti-discrimination policy trumped Keeton's 1st Amendment religious rights.

These and many other examples of "homo-fascism" are only possible because of anti-discrimination laws based on "sexual orientation" and "gender identity."

What is worse, much worse, in a strategic political sense is that an "anti-discrimination policy" based on "sexual orientation" is the seed that contains the entire homosexual agenda with all of its poisonous fruit, including "gay" marriage, "gay" adoption, and heavy taxpayer funding of "gay" programs and projects. Wherever the seed takes root, "gay" power and control just keeps growing until it supplants traditional family values with San Francisco-style sexual anarchy in every social and political sphere.

SPRINGFIELD IS NOT SAN FRANCISCO. STOP THE "GAY FASCISM" BILL

Last year in the conservative country of Moldova, I led a successful campaign to kill an "anti-discrimination" bill very much like this one. I believe the same strategy can work in a conservative city like Springfield MO. The key is to give up trying to appear "nice" and "reasonable" to the media and get aggressive (not violent) in our posture and rhetoric.

If this agenda is as bad as we say it is, AND IT IS, we should start letting our words and actions match the threat!!

It's time to PUSH BACK.

In Jesus, the Lord of Hosts,

Dr. Scott Lively

PS. I'll be in Springfield from July 12 thru 15th for meetings, training seminars and street activism. Contact me at sdllaw@gmail.com if you would like to join me there.

** "Consider?" In my experience, the homosexuals never bring forth one of these bills unless that think they already have the votes to pass it. The public comment period is all for show. Our side has grown weary of losing all of these battles (and many have given up and gone home long ago) after great effort to work "within the system" by getting people to the city council meetings.

Yes, we need to be at those meetings but these battles are not won in the hearing room, they are won on the street! We need a public outcry against this bill and put real fear in the hearts of these representatives that they will hurt their political careers by going down this road.

SPRINGFIELD IS NOT SAN FRANCISCO. STOP THE "GAY FASCISM" BILL

This entry was posted in [Uncategorized](#). Bookmark the [permalink](#).

Scott Lively Ministries

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EXHIBIT 183

British Investigator Says Jamaican Homosexual Murders Are Mostly Gay-on-Gay Violence

"All of those murders that I have investigated have been in [homosexual] relationships and are victims of gay attacks, domestic situations." – British investigator and former Scotland Yard detective Les Green, July 8, 2012

Folks, the 2012 [Jamaica Observer](#) article below about gay-on-gay violence in Jamaica is critically important in that it debunks the oft-repeated charge by homosexual activists that anti-homosexual "hate violence" is widespread in Jamaica. [See this hateful "[Truth Wins Out](#)" article about Jamaica and AFTAH that stokes the same false polemic.]

Every time a homosexual is murdered in Jamaica, the local "gay" group, **J-FLAG (Jamaican Forum for Lesbians, All-Sexuals and Gays)** and other homosexual activists blame "homophobia" — and implicitly (or explicitly) the actions of religious opponents of the "gay" agenda for the crime. Meanwhile, Christian groups like the **Jamaica Coalition for a Healthy Society (JCHS)** condemn all violence against homosexuals.

This victim mongering copies a tactic that LGBT activists have used in the United States for decades to advance their agenda. (Think [Matthew Shepard](#), who was allegedly murdered "because he is gay"; later it was learned that his murder was linked to his reckless lifestyle, including drug dealing.) Even worse, many times American homosexuals have staged fake "anti-gay hate crime" hoaxes to burnish their status as victims needing to be protected from (religious-motivated) "hate." [See this AFTAH item on a "[hate-crime](#)" hoax staged by a Nebraska lesbian.]

A personal note: having just returned from a visit to Jamaica to take part in a pro-family conference put on by JCHS, I did not witness any "hatred" or violent attitudes toward homosexuals. What I did see was a group of sincere, dedicated Christians who love God and are fighting the best they can not to have decadent Western (and American) sexual mores and LGBT laws imposed on their small nation. We must expose and rebut the insidious lie of LGBT activists everywhere that imputes "hate" to those who merely disagree with grantin "rights" based on disordered, sinful sexual behavior. – **Peter LaBarbera, AFTAH**

Below is the full text of the 2012 [Jamaica Observer](#) article, with our emphasis added. The original piece included a photo of some Jamaican transvestites over the caption: "**Two cross-dressers pose for photos at a Fashion Week event in Kingston last month where they moved around without being harassed.**"



Christian family advocates like these in Jamaica are used to false claims by homosexual activists hyping and exploiting alleged "homophobic" acts of violence. But a former Scotland Yard detective found that most of the alleged "anti-gay" murders of Jamaican homosexuals stemmed from homosexual relationship violence. In the center of this photo is **Dr. Wayne West**, the most prominent opponent of homosexual activism in Jamaica, who appears in a [terrific video](#) produced by the Jamaica Coalition for a Healthy Society). Second from the right (in the red dress) is his wife, **Dr. Doreen Brady-West**. At the far right is their daughter, **Kacy**, who is a leader of the Jamaican "**Love March Movement**," which promotes sexual purity among youth. [Photo: Peter LaBarbera, AFTAH]

Gay lobby claims not true, says Green

'Jamaica far more tolerant of homosexuals than the public hype'

BY KARYL WALKER Online news editor walkerk@jamaicaobserver.com
[Jamaica Observer](#), Sunday, July 8, 2012

A day before former Assistant Commissioner of Police **Les Green** left the island at the end of his eight years of service, he rubbished a common claim by the gay community and international rights groups that homosexuals in Jamaica are victims of wanton murder, mob-mauling and marginalisation.

His pronouncement came just weeks after gay lobby group **Jamaica Forum For Lesbians All-sexuals and Gays (JFLAG)** suggested that two men killed in the New Kingston area were slain because of their sexual preference.

In an interview on Thursday with the *Sunday Observer*, Green said despite claims by JFLAG that Jamaicans are intolerant of their lifestyle, and are targeting them for death, his experience during his tenure here was totally different.

JFLAG has, for years, contended that gay people have been marginalised in Jamaica, but Green said while that may have been the case in the past, the country has come a long way in tolerating the homosexual lifestyle.

"I think Jamaica is far more tolerant than the public hype. There is a vibrant [homosexual] community in Jamaica and there isn't the sort of backlash that some people say. I think we are much more tolerant and accepting. Just go around and you will see they are more flamboyant in the way they dress and behave as if they are comfortable with it. If that's the case, why are they stigmatised?" Green said.

"It's just the hype from some who claim Jamaica is very anti-homosexual, but the reality is far from that. There are many homosexuals who live and work freely in Jamaica," he said.

Green explained that as a homicide investigator he worked closely with the gay lobby group which referred him to several incidents in which members of their community were murdered.

However, the former **Scotland Yard** detective said his findings show that the majority of gay killings are carried out by members of the gay community.

"All of those murders that I have investigated have been in relationships and are victims of gay attacks, domestic situations," he said.

On June 13, the badly mutilated bodies of **Winston Ramsey** and **Jermaine Thompson** were found in an open lot on Trafalgar Road. Since the gruesome find, homicide investigators have reported that the killings had all the signs of a gay-on-gay crime. However, days after the killing JFLAG, in a release to the media, used the murders as a launching pad to call on Prime Minister Portia Simpson Miller to look into the plight of homeless gay men.

"Among the most recent attacks against the gay community was the savage killing of two young men. The men were apparently brutally murdered with blunt instruments in the vicinity of the intersection of Trafalgar Road and Lady Musgrave Road. People who are homeless frequent this area. Among them are young gay men who have been made homeless because of the continued intolerance of homosexuality in Jamaica... We call on the prime minister and the ministers of national security and labour and social security to listen to the cries and needs of members of our community who continue to be subjected to discrimination and violence, have nowhere to live and no food to eat because of their sexual orientation or gender identity," the JFLAG release read in part.

However, Green flatly rejected that line of reasoning and said of all the murders of gay men that he has investigated only one was not committed by a member of the gay community. "That was Steve Harvey and that case was a robbery," Green said.

Harvey was a **Jamaica AIDS Support** employee who was abducted from his Duhaney Drive, Kingston 20 home by gunmen and later found dead on Pinewood Terrace. Harvey's ATM card and other items were taken. His vehicle was found parked at a football field in Grants Pen, St Andrew.

In 2002, the body of self-styled psychic and television show host, **Safa Santura**, was found badly bruised and slashed at Cavaliers in St Andrew. Police say he was also murdered by his jealous lover who was later sentenced to life in prison.

Two years later, gay rights activist **Brian Williamson** was chopped and stabbed multiple times with the murderer leaving his remains inside his house at Haughton Avenue in St Andrew. At the time police reported that Williamson's home was a hangout spot for gays. His killer, **Dwight Hayden**, was also sentenced to life.

In December 2006, the decomposing body of **Wayne Pinnock** was found in an upscale apartment owned by late Trade Ambassador **Peter King**. His nude body had eight stab wounds and his throat was slashed.

A member of the gay community who was present at the murder scene admitted to the *Observer* that Pinnock was gay and was in fact killed by his male lover.

King was himself the victim of a gay-on-gay murder. His nude, mutilated body was found in a pool of blood in his bedroom at Waterloo Road, Kingston 10. His killer, **Sheldon Pusey**, was sentenced to 15 years for manslaughter.

At the time of his sentencing, his attorney pleaded with the judge that his client stood a great chance of being sodomised due to "rampant homosexuality" in Jamaica's prisons.

At least one foreign national has also fallen victim to the vicious blades of a gay killer.

Former British diplomat **John Terry** was found strangled at his home in Mount Carey, St James in September 2009. His body was wrapped in a sheet. Police reported at the time that a hand-written note was found in the house which suggested the reason why Terry was slaughtered.

Green, who at the time was the head of Serious and Organised Crime, was forced to refute claims by the British media that Terry's death was a hate crime.

"I don't think it is a homophobic attack, although it's been run in the UK press. It isn't consistent with the information that we have. It is unlikely," Green said at the time.

A security guard was arrested, charged and convicted of Terry's murder.

While Jamaicans are becoming more tolerant of the gay lifestyle, most are not willing to allow public displays of affection or cross-dressing as obtains in Europe and North America.

In February 2007, three cross-dressing men were saved by the police from an angry mob outside a pharmacy in a St Andrew plaza. A similar incident occurred a few weeks later in downtown Kingston.

"I am not into gay-bashing, but the problem is cross-dressing and going downtown. Do they do that to create a media blitz? That just seems too contrived," Green said.

Sharing is caring!
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This article was posted on Wednesday, December 11th, 2013 at 2:19 pm and is filed under [Christian](#), [Fake "Hate Crimes"](#), [Gay Lies about APTAH](#), [Gay-on-gay violence](#), [Homosexual Hate](#), [News](#), [Political Correctness vs. Truth](#), [Politics of "Hate"](#), [The Bible, Churches, & Homosexuality](#). You can follow any updates to this article through the [RSS 2.0 feed](#).
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2005

*U.S. RESPONSE TO GLOBAL AIDS CRISIS:
A TWO-YEAR REVIEW*

HEARING

BEFORE THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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Mr. Jack Valenti, President of Friends of the Global Fight (Former President and CEO of the Motion Picture Association)

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Ms. Holly J. Burkhalter, U.S. Policy Director, Physicians for Human Rights

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Geeta Rao Gupta, Ph.D.: Prepared statement

Mr. Martin Ssempea: Prepared statement

Ms. Holly J. Burkhalter: Prepared statement

APPENDIX

Material Submitted for the Hearing Record by the Honorable Betty McCollum, a Representative in Congress from the State of Minnesota

U.S. RESPONSE TO GLOBAL AIDS CRISIS: A TWO-YEAR REVIEW

WEDNESDAY, APRIL 13, 2005

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House of Representatives,
Committee on International Relations,
Washington, DC.

The Committee met, pursuant to notice, at 10:35 a.m. in room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman **HYDE**. This Committee will come to order. Good morning. Welcome to today's hearing.

Two years ago, this Committee championed the "U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003." Since this landmark legislation, the United States has taken the lead in this global fight urging the world to rally together to stop HIV transmissions and save the lives of those who have AIDS. The U.S. has raised the profile of the emergency and has provided the resources to back it up, \$2.8 billion this year and \$3.2 billion likely next year.

As the President's Coordinator for our country's overall effort to fight AIDS, Ambassador Randall Tobias has demonstrated tremendous leadership and vision for moving forward an extraordinarily difficult and complex program of activities.

Ambassador Tobias is deserving of our highest praise for his accomplishments, even as we in the Congress press him to do more and to do it faster because while much has been done to stem the tide, the AIDS pandemic unfortunately continues to roll forward. It continues to claim millions of lives and devastate countless families, especially in Africa. Indeed, AIDS is proving to be an elusive and moving target, and its defeat will require closing the gaps that arise during the battle.

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I would like to highlight three such gaps that have emerged and require our full attention. First, the best defense for preventing HIV transmission is practicing (A) Abstinence and (B) Being mutually faithful to a non-infected partner. This "A" and "B" combined with the "C" of correct Condom use when necessary, form the ABC approach, the essential foundation for HIV prevention.

However, organizations best suited to promote A and B programs, such as faith-based and indigenous organizations, are often not the ones implementing these programs. Instead, organizations long associated with the social marketing of condoms are given much of the funding for AB programs. This must not continue.

I urge the Administration to accelerate the targeting and developing of indigenous and faith-based organizations as the key instruments in our fight to prevent the spread of AIDS.

Second, for many women and girls, having the disease is compounded by knowing that they were infected by an act of violence or exploitation. The protection from AIDS infection associated with the ABC approach evaporates in environments of sexual violence or coercion. For example, a woman who practices abstinence or faithfulness cannot negotiate the terms of her rape.

Similarly, women practicing faithfulness cannot negotiate the terms of their husband's infidelity, nor can girls given to older men in child marriages exercise the option of refusal.

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Perhaps most shocking is the infection of children by teachers and authority figures in schools and other places where children congregate. These sickening methods of transmission compromise a significant but vastly underreported portion of new infections that must be eliminated.

We must reverse the trend where women and girls now constitute 60 percent of those living with AIDS in sub-Saharan Africa with girls aged 15 to 19 infected at rates as much as five to seven times higher than boys of their age.

With ABC, we must now include a "D" for Defending the rights of the vulnerable to secure the intended protections resulting from responsible behavior, particularly those derived from practicing abstinence and mutual fidelity.

The tacit acceptance of abuse against women and children is an assault upon the rights of individuals to use personal moral values as the most fundamental instrument in the fight to defeat this disease. We must expand programs to correct or prevent violence and coercive behavior by men, including men as an essential part of the solution, and assist women and children who are or may become victims. Law enforcement and judicial systems must also be bolstered to prevent and respond to these circumstances.

The third issue that I would like to highlight is the severe lack of professional and technical health workers and supporting facilities. This is the single greatest impediment to treating the millions who need it, a far greater bottleneck than the expensive antiretroviral drugs.

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We can ship millions of pills to the warehouses of countries devastated by AIDS, but who will conduct the tests, make the diagnoses, perform the labwork, care for those recovering, dispense the prescription, transport the medicines, provide the counseling and monitor adherence to the drug regime?

The World Health Organization notes that Africa has 14 percent of the world's population and 25 percent of the global AIDS burden, but only 1.3 percent of the world's healthcare workers. African countries struggle not only with limited capacity, but also the hemorrhaging of what few professional staff they have to Western countries.

African Governments must take the lead to recruit, train and retain health professionals and build their health infrastructure to help their own people. For our part, we must assist those who have the commitment but lack the resources to do it on their own. Our goal should not be just to have 2 million people on treatment by 2008, but to have 2 million people being treated by their fellow citizens in their own country.

AIDS can only be defeated if we recommit ourselves at every turn and close off every avenue that it may seek to gain new footing. We must especially close the gaps that expose the most vulnerable.

I look forward to hearing from Ambassador Tobias and our other witnesses today, and I am particularly interested in their views on these three areas to which I believe much greater attention must be given.

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I turn to my friend, Tom Lantos, the Ranking Democratic Member, for his opening remarks.

Mr. **LANTOS**. Thank you very much, Mr. Chairman. Before coming to my prepared text, let me pay public tribute to you for your extraordinary leadership on this issue.

Without your passionate commitment to helping the millions who are impacted by HIV/AIDS, this legislation would never have gotten out of this Committee, and I am delighted to acknowledge my gratitude and the gratitude of millions to your leadership.

Chairman **HYDE**. Thank you.

Mr. **LANTOS**. Mr. Chairman, thank you for convening this very important hearing to review the strengths and shortcomings of our country's efforts to stop the global spread of AIDS and the virus that causes it, and for your continued leadership on all matters related to HIV/AIDS.

Mr. Chairman, 2 years ago our Committee undertook an enormously challenging enterprise to craft a comprehensive legislative package in support of the President's \$15 billion commitment to battle the scourge of HIV/AIDS in poor countries around the world.

We knew, Mr. Chairman, that in order for this noble enterprise to succeed, both sides of the aisle needed to shelve their partisan and ideological differences. When the House voted 375 to 41 in support of our landmark HIV/AIDS legislation, it was clear that our bipartisan, non-ideological approach was the right one and indeed the only one which offered a hope of success.

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Mr. Chairman, with over 8,000 men, women and children around the globe still dying each day of HIV/AIDS, it is imperative that we keep up the overwhelming support shown thus far to fulfill the President's \$15 billion HIV/AIDS promise. To achieve that goal, we must continue to check our partisan and ideological differences on the HIV/AIDS issue at the door.

Together we must support the commonsense ABC approach to slow the transmission of the virus that causes AIDS. We must make extraordinary efforts to increase the availability of low-cost drugs for those infected with this horrendous disease, and we must address the impact on the HIV/AIDS crisis of collapsing healthcare systems in developing countries.

Mr. Chairman, while we are correctly focused on treatment and the amazing hope it brings to millions of sufferers, we must continue to vigorously support prevention programs, particularly those targeted at young adults and high-risk populations.

Despite our differences, Congress accepted the ABC prevention strategy—Abstinence, Being faithful and the effective use of Condoms. While some wanted greater emphasis on C and others wished to focus on A and B, reason prevailed and we adopted a comprehensive strategy because in the end we all realized that the point was not to fight over ideological differences, but to keep a pandemic from spreading further.

Mr. Chairman, there is mounting evidence that ABC, the complement of the three approaches together, works the best, including in the country where the ABC approach began, the African nation of Uganda.

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For the ABC approach to work effectively, U.S. taxpayer dollars should not be going to any organization which actively discourages the use of condoms or for that matter the importance of abstinence and being faithful. We must also choose organizations to carry out our prevention programs which have proven track records, not those which merely pass some moral or ideological litmus test.

Mr. Chairman, the Global Leadership Act approved by our Committee has also increased tremendously the number of HIV/AIDS victims overseas receiving lifesaving pharmaceuticals. The Coordinator reported that 155,000 patients in sub-Saharan Africa are receiving AIDS treatment as a result of our efforts. He also reported the program is on target to reach the 200,000 mark by June of this year.

Impressive as this figure may be, this represents just 8 percent of the 2008 treatment goals of 2 million AIDS victims set by the President and endorsed by Congress. Clearly if we are to meet our own targets and get ahead of this disease, we must uncover the reasons we are reaching so few people with our bilateral programs.

I am particularly concerned that U.S.-funded facilities have reported shortages on HIV/AIDS drugs because FDA approval has not been obtained for some globally acceptable generics. While we must maintain the efficacy of drug stocks available for distribution to U.S.-supported facilities, regulatory delays and other barriers also need to be removed so generic drugs can become more readily available where they are needed. To this end, the Coordinator may need to review the procurement process in order to ensure a quick response when early signs of shortages appear.

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Lastly, Mr. Chairman, we must address the declining—or in some instances collapsed—healthcare systems in poor countries affected by HIV/AIDS. The expansion of the number of people in treatment has created major obstacles due to the severe limitations of healthcare systems in developing nations. Strengthening the healthcare infrastructure and increasing the numbers of trained doctors and nurses must remain a major priority for the United States.

Africa faces particularly difficult obstacles of all the regions affected by HIV/AIDS. After independence, most African countries invested heavily in healthcare systems, workforce training and impressively improved the healthcare of their citizens.

With the economic crisis of the 1980s, all this was reversed. In the 42 poorest countries of Africa, spending on healthcare fell by 50 percent during the 1980s. Most African nations also experienced a brain drain of skilled health workers who emigrated to wealthier countries seeking trained doctors and nurses.

For instance, in Ghana between 1982 and 1992 the number of doctors in government healthcare systems dropped from 1,700 to 665. Meanwhile, more than 2,400 nurses from Ghana were licensed to practice in the United Kingdom.

The return of African healthcare professionals is absolutely critical to the reversal of the AIDS pandemic. This will require incentives to stimulate the voluntary return of healthcare professionals and investment in training thousands of paraprofessional workers to extend care to vast underserved rural areas.

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Mr. Chairman, the next 3 years will be a critical time in the implementation of our 5-year Global Leadership Act. By working closely with the Global Coordinator's Office we can ensure the effectiveness of prevention programs, significant increases in the distribution of inexpensive and lifesaving HIV/AIDS drugs and new efforts to boost the quality of healthcare delivery systems.

None of this will happen if we fail to maintain bipartisan support for global spending on HIV/AIDS programs. Let us use today's hearing to redouble our collective efforts to work together in a non-ideological fashion to achieve this vital goal.

With people globally dying of AIDS at the rate of 8,000 per day, nearly 700 will be lost to this disease in the next few hours. We have no time to waste.

Thank you, Mr. Chairman.

Chairman **HYDE**. Thank you, Mr. Lantos.

Normally the Chair does not entertain opening statements beyond the Ranking Democrat and himself. However, Members many times have a great urge to make a statement, and the reason for holding them down is so we can hear the witnesses. We have other opportunities to talk, and the witnesses have a limited window to present us with their views.

In an effort to compromise the situation, the Chair will entertain 1-minute opening statements from those who choose to do so. By unanimous consent, the full statements will be made a part of the record.

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I have been asked by two Members, and there may be more as we proceed, so first Mr. Smith of New Jersey is recognized for 1 minute.

Mr. **SMITH OF NEW JERSEY**. Thank you very much, Mr. Chairman, and I want to especially thank you for your leadership in crafting this legislation.

When you said this Committee crafted this bill, we did all have some input, but you took the lead. It would not have been law without you, so I want to publicly say how grateful we all are that you took the lead on this.

Let me also just say to Ambassador Tobias, and during the Q&A I intend on pursuing this. There is a concern, as you know, Mr. Ambassador, that many of the organizations that are receiving the funding do not take seriously the A and the B of the ABC model.

PSI, for example. I was reading some of the testimony that Martin Ssempea will be presenting later on in this hearing, and he points out that faith-based organizations are being shown the door, are being told that they are not going to be receiving funding because of their emphasis on the abstinence.

I want to make it very clear and remind my colleagues I wrote the amendment and offered the amendment that provided a conscience clause that is absolutely crystal clear airtight that an organization that may have some objection, morally and otherwise, can decide not to be a part of a condom distribution plan.

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Martin makes the point in his testimony that there is this drive by USAID and by other Western donor countries and agencies to trivialize the whole abstinence and be faithful part of this, and if you look at Uganda——

Chairman **HYDE**. The gentleman's time has expired.

Mr. **SMITH OF NEW JERSEY** [continuing]. The numbers have dropped dramatically with an emphasis on abstinence and being faithful.

Chairman **HYDE**. Mr. Brown of Ohio.

Mr. **BROWN**. Thank you, Mr. Chairman, and thank you for changing your policy to allow Members to speak for 1 moment.

Welcome, Ambassador Tobias. I look forward to this hearing as a forum to address the successes and the challenges and the opportunities facing you and PEPFAR as we enter its third year.

I want to welcome other witnesses, including Mr. Valenti, and thank him and those at the Global Fund to Fight AIDS, TB and Malaria for their ongoing commitment to this fight.

The AIDS epidemic around the world continues to reach new and staggering heights. Some 40 million people around the world are living with HIV/AIDS. Millions a year, as we know, die from this awful disease.

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In the countries targeted by PEPFAR, incidence rates for tuberculosis are up to 5 times the global average, nearly 150 times the incidence rate in the United States. We know that one-half of AIDS deaths in Africa are in fact deaths from tuberculosis.

I look forward to hearing about how our witnesses feel we can address the parallel epidemic of TB infection that is accompanying skyrocketing rates of HIV/AIDS in the 15 targeted countries. We know that around the world the convergence of those two diseases can be catastrophic if we do not act more preemptively than we, as a wealthy nation with a nation of opportunity, can.

Thank you.

Chairman **HYDE**. Mr. Poe of Texas?

Mr. **POE**. Thank you, Mr. Chairman. I want to thank all the witnesses for being here today at this important hearing as we try to have oversight on the \$15 billion we authorized last Congress to fight the AIDS epidemic in Africa through treatment and prevention.

However, despite public law and the U.S. policy to promote a balanced ABC model in our AIDS prevention grant, we are getting reports of a very unbalanced dispersal of money to organizations with aggressive condom social marketing campaigns. Meanwhile, groups promoting abstinence and fidelity are severely underfunded.

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I understand that one of our witnesses today was denied funding because his organization did not promote open condom marketing. This is unacceptable and clearly breaks the law as it was passed in 2003.

So my concern and my request is, we need an explanation on how the least effective, least popular method of birth control, condoms, is being pushed upon other cultures as their front line of defense against the AIDS epidemic, and I would like an explanation on why groups with a history of criticizing and opposing a balanced ABC strategy receive the bulk of the AIDS prevention grants.

Chairman **HYDE**. The gentleman's time has expired.

Mr. **POE**. Thank you, Mr. Chairman.

Chairman **HYDE**. The gentlelady from California, Ms. Lee?

Ms. **LEE**. Thank you, Mr. Chairman. Let me also thank you and our Ranking Member for your leadership and thank Ambassador Tobias and our witnesses for being here. You have an incredibly difficult job.

Let me just say I am one of those who wanted a greater emphasis, of course, on model C. I think when you look at the numbers of women and children now being infected, female condoms, male condoms, we have to have a larger emphasis, a greater emphasis on that in terms of an effective intervention for those who are sexually active.

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Let me just say earlier this week I attended in my district the 17th Annual National HIV/AIDS Update Conference, and everyone in the field is concerned about this Administration's, for the most part, abstinence only policy as being the cornerstone of our HIV and AIDS prevention efforts.

I was at the conference in Bangkok, Thailand. Once again, the entire world is concerned about this abstinence only policy and so I think while ABC is the preferred and I support ABC—Abstinence, Be faithful, use Condoms—we have to have an equal comprehensive strategy in terms of funding because groups on the ground in Africa, especially, are telling us and throughout the world that the prevention of the discussion of the distribution of condoms is really a death sentence.

Chairman **HYDE**. The gentelady's time has expired.

Ms. **LEE**. Thank you, Mr. Chairman.

Chairman **HYDE**. The gentelady from Minnesota, Ms. McCollum?

Ms. **MCCOLLUM**. Thank you, Mr. Chair. I look forward to today's hearing, and because I have a lengthy question, I would hope that maybe the Chair would give me an extra minute on my question and I would yield back the time to the Chair.

Chairman **HYDE**. I thank the gentelady.

Mr. Crowley of New York?

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Mr. **CROWLEY**. Thank you, Mr. Chairman. Firstly, Mr. Chairman, thank you for holding this hearing today and secondly for supporting my amendment to the Global HIV bill that we passed 2 years ago dealing with gender equity and recognizing the need to teach not only ABC, but the "R" word, Respect of young boys and men toward women in treating them as co-equals.

I have another concern, one that I shared with my colleague, Barbara Lee, and that is the issue of India. She and I had an opportunity to travel there last year to talk about HIV/AIDS and its spread, and the concern that India is not a part of the global HIV/AIDS bill that we passed, it is not one of the PEPFAR countries.

I think it is important in recognizing the development that India is going through right now, the continuing development, that we need to do more in that country as well to help them with their HIV/AIDS crisis that is more than looming. It needs to be addressed in order for India to participate in the way in which we want them to participate in the future. That is, not as a fledgling democracy, but a strong and vital democracy in that part of the world.

I wholeheartedly support the ABC program. I wholeheartedly support the "R" word, and I think that we need to see that transferred as well not only in Africa, but also at some point, to India as well.

With that, I yield back the balance of my time.

Chairman **HYDE**. I would like to welcome Ambassador Randall Tobias, the President's Global Coordinator for the Emergency Program for AIDS Relief.

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Ambassador Tobias was nominated by the President in July 2003 and confirmed by the Senate that October. Before assuming his position as Coordinator, Ambassador Tobias served on a number of corporate boards and was the President and CEO of Eli Lilly & Company and was named Pharmaceutical CEO of the Year by the Wall Street Transcript in 1995. Before this he was Chairman and CEO of AT&T International.

We are honored to have you, Ambassador Tobias, appear before us, and please proceed with a 5-minute, give or take, summary of your statement. Of course, your full statement will be part of the record.

Ambassador Tobias?

STATEMENT OF THE HONORABLE RANDALL L. TOBIAS, U.S. GLOBAL AIDS COORDINATOR, U.S. DEPARTMENT OF STATE

Ambassador **TOBIAS**. Mr. Chairman, Mr. Lantos, Members of the Committee, thank you all, first, for your very strong and continuing leadership on this issue, and thank you also for the opportunity to discuss the Emergency Plan for AIDS Relief this morning.

In the 15 months since funds were first appropriated in January 2004, the Emergency Plan has worked throughout the world in more than 100 countries with special focus on 15 of the most severely burdened nations. We believe that dramatic success in these nations, many of them among the world's poorest, will enable us to demonstrate to the entire world what intensive leadership and commitment of resources can indeed do in this fight.

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In my view, what the world has most needed in dealing with HIV/AIDS is hope. For there to be hope, it is essential to be able to point to real progress, and I am pleased to report that the Emergency Plan is making progress and is on track to meet its ambitious 5-year prevention, care and treatment goals.

These early achievements are described in detail in our recent first annual report to Congress in the area of treatment. And for perspective, in December 2002, at the time President Bush announced the Emergency Plan in January 2003, an estimated 50,000 people were all that were receiving antiretroviral therapy in all of sub-Saharan Africa.

In the first 8 months of the Emergency Plan we supported treatment for about 155,000 HIV-infected adults and children in the focused nations, and that means that the United States was quickly able to support treatment for three times as many people as had existed before, and we are supporting treatment for more than any other in the developing world.

That data is as of September 30, and the number is now certainly a great deal higher as we have continued to scale up our treatment programs in the months that have followed.

Prevention is another area in which we are making real progress working in support of national strategies. The Emergency Plan reached over 120 million people with targeted prevention messages through media——

[Protestor interruption.]

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Mr. **LANTOS**. We have the message. I think you can sit down now.

Ambassador **TOBIAS**. The Emergency Plan reached over 120 million people with targeted prevention messages through media and community- and faith-based interventions during the program's initial 8 months. We were also able to reach 1.2 million women with services to prevent the tragedy of mother-to-child transmission of HIV.

We are also committed to care. We have scaled up our programs for orphans and vulnerable children and for palliative care for those HIV-positive people who need it. In the early months, the U.S.-supported care for more than 1.7 million people infected and affected by HIV/AIDS, including over 630,000 orphans and vulnerable children, but there is so much more to do. It is a promising start, but it is only a start.

Counseling and testing are also crucial to the success of our efforts, and the Emergency Plan helped make them available for nearly 1.8 million people in the focus countries in the initial months.

Clearly the U.S. has made great strides in fulfilling our commitment in these first 15 months, and with Congress' support, the Emergency Plan will continue to provide strong results-oriented leadership around the world.

Mr. Chairman, you highlight the importance of partners in our prevention work, including our support for host nations programs to promote the delay of sexual debut and faithfulness for those in monogamous relationships. We are working

with many of the indigenous and faith-based partners whose experience and commitment to this work you noted, and we are reaching out for more.

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In all of our activities I am committed to ensuring that the partners we work with are, in fact, carrying out the policies set by the Congress and the President. We are in the process of instituting an independent programmatic audit to help us monitor program activities, and that capability will be added to the Emergency Plan in 2005.

You also mentioned the importance of protecting women and girls from HIV infection due to violence or coercion. Of course, you are absolutely right that this is a very serious problem, one that is difficult, but essential to address.

The Emergency Plan has begun to support some innovative programs that focus on that issue, and we recognize the need to do more in the coming years as you suggest.

Chairman **HYDE**. Ambassador, if you would hold up just for a few minutes?

I wonder if the police could escort our friends from the room?

[Pause.]

Chairman **HYDE**. I think you can proceed now. Thank you.

Ambassador **TOBIAS**. Thank you, Mr. Chairman.

Let me close my opening remarks by simply saying that I emphatically agree with you, Mr. Chairman, on the importance of training more indigenous healthcare workers. Building capacity is the key to a sustainable response, and it is and will remain one of our very top priorities. Throughout intensive training efforts we are helping people in our host nations develop the skills to meet their neighbors' needs.

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Mr. Chairman, new hope is being borne in places where it has been in very short supply, and this is something of which you and this Committee and all Americans can be justly proud.

I thank you, Mr. Chairman. I ask that my full testimony be included in the record, and I will be happy to respond to questions.

[The prepared statement of Ambassador Tobias follows:]

PREPARED STATEMENT OF THE HONORABLE RANDALL L. TOBIAS, U.S. GLOBAL AIDS COORDINATOR,
U.S. DEPARTMENT OF STATE

Mr. Chairman, Mr. Lantos, and Members of the Committee:

Thank you for this opportunity to discuss President Bush's Emergency Plan for AIDS Relief. As the International Relations Committee has long recognized, global HIV/AIDS is one of the most daunting challenges the world faces—or, indeed, has *ever* faced.

In my view, what the world has most needed in dealing with HIV/AIDS is hope. For there to be hope, it is essential to be able to point to real progress.

It will be a long journey for us to bring hope under the tragic circumstances of HIV/AIDS. That journey is now, however, well under way.

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It began just over two years ago, when the President proposed the largest financial commitment any nation has ever made to an international health initiative dedicated to a single disease. The Emergency Plan is a five-year, \$15 billion dollar commitment—our nation's promise to provide bold leadership and action to a world that faces a desperate emergency.

In the time since funds were first appropriated in January 2004, the Emergency Plan has worked throughout the world, with a special focus on 15 severely burdened nations, including 12 in sub-Saharan Africa, two in the Caribbean, and one in Asia. We believe that dramatic success in these nations, many of them among the world's poorest, will enable us to demonstrate to the entire world what intensive leadership and commitment of resources can do in this fight.

I am pleased to report that the U.S. has begun to do what we must to bring hope to the hopeless: we are getting results. As our recent Annual Report to Congress makes clear, the Emergency Plan is on track to meet the ambitious five-year prevention, care, and treatment goals the President set for it.

Let me give an example of these results in the area of treatment. To put them in perspective, in December 2002, one month before President Bush announced the Emergency Plan, an estimated 50,000 people were receiving antiretroviral therapy in all of sub-Saharan Africa.

In its first eight months, the Emergency Plan worked under national strategies in the 15 focus countries to support treatment for nearly 155,000 HIV-infected adults and children.

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And that data is as of September 30th. The number is now certainly much higher, as we have continued to scale up treatment programs.

Prevention is another area in which it is essential for us to work in support of national strategies. Our approach must be based very specifically on what works for the culture and circumstances of each place we are working, with the individuals and groups we are targeting. Our prevention strategies are informed by the remarkable experience of Uganda, and implementation is being developed in consultation with the people and governments of our host nations.

I'm pleased to report that the Emergency Plan reached over 120 million people with targeted prevention messages through media and community-based interventions during the program's initial eight months. One example of targeted outreach is the Emergency Plan's initiative to reach out to men and boys, helping them keep themselves and their loved ones safe from HIV. In South Africa, a U.S.-supported workshop offered lifesaving prevention information, getting men involved in fighting HIV/AIDS.

Another key prevention strategy involves preventing transmission of HIV from mothers to children. Last year, we were able to reach 1.2 million women with services to prevent that tragedy. Once again, that number is as of six months ago, so the figure is much higher today. In Guyana, for example, Emergency Plan support helped a clinic reach more than 25 percent of all pregnant women in the nation, offering testing and, as needed, antiretroviral prophylaxis.

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In addition, we are pursuing other prevention strategies, described at length in the Report to Congress.

We also remain committed to care. We have scaled up our programs under national strategies for orphans and vulnerable children, and for palliative care for those HIV-positive people who need it.

In the early months of implementation, the U.S. supported care for more than 1.7 million people infected and affected by HIV/AIDS, including over 630,000 orphans and vulnerable children. Speak for the Child, a community-based program in Kenya, offers an example of the activity the U.S. is supporting for children. The program focuses on young children, who are especially vulnerable to disease, malnutrition, and psychosocial harm when their families are affected by AIDS. With

dramatically increased support thanks to the Emergency Plan, Speak for the Child was able to expand from serving 400 children in March 2004 to 3,300 by the end of September.

When people see that those who are infected with HIV, or who lose parents to AIDS, are well cared for, that too brings hope. There's so much more to do, but it is a promising start

As we look forward, one of the biggest challenges we face, along with other donors, is the need to sharply increase the rate of counseling and testing. I believe that the paradigm of "provider-initiated testing," in which testing is increasingly integrated into the health care system, is very promising. In the Emergency Plan's early months, we supported counseling and testing for nearly 1.8 million people in the focus countries. Once again, those are numbers we plan to drive much higher in the coming years.

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So the U.S. has not just taken a single step, but has made great strides in fulfilling our commitment. Based on our results to date, I believe we are on track to meet the President's goals, and to save a steadily increasing number of lives.

I am deeply grateful to this Committee, and to Congress as a whole, for the support we have received for the first two years of the Emergency Plan. In Fiscal Year 2004, our funding level was nearly \$2.4 billion, and it rose to \$2.8 billion for the current fiscal year. The President's request for nearly \$3.2 billion in 2006, therefore, represents the third year of steadily increasing funding toward the President's commitment of \$15 billion in five years.

From the outset, the President intended that funding for this initiative be increased over time. This approach is consistent with sound public health practice. His Fiscal Year 2006 request for nearly \$3.2 billion is what is needed for us to keep the Emergency Plan on track to fulfill our commitment of \$15 billion over 5 years, and to reach our goals of preventing 7 million new infections, supporting treatment for 2 million people, and caring for 10 million people, including orphans and vulnerable children.

We support programs in many nations where the capacity to deliver health care is severely limited by a history of poverty and neglect. At the risk of stating the obvious, our ability to put resources to work in a nation is constrained by its health care infrastructure and supply of trained health workers.

This is why we have invested so much effort in expanding that capacity in nations hard-hit by HIV/AIDS. The initial success we have been able to achieve gives us confidence that we can put steadily increasing resources to effective use.

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Of course, our capacity-building work is not primarily about making it possible for the United States to do more in the future. Rather, the Emergency Plan is building local and host-nation capacity so that national programs can achieve results, monitor and evaluate their activities, and sustain their responses for the long term.

Without local capacity, nations cannot fully "own" the fight they must lead against HIV/AIDS. For that reason, a statistic I find most encouraging from the early months of our work is this one: fully 80 percent of our more than 1,200 partners working on the ground were indigenous organizations including faith- and community-based partners.

In the early days of the Emergency Plan, we have made tremendous strides in helping host nations develop their capacity to respond. Our recent Report to Congress provides detailed information on these achievements, so I will only briefly summarize them here.

As you know, infrastructure is a major challenge. In the early days of the Emergency Plan, the U.S. has been able to promote the expansion of existing health care networks and the development of new public and private network systems to enhance the delivery of HIV/AIDS services in remote areas.

For those networks to be effective, they require trained personnel. Responding to the critical shortage of trained health workers at all levels, the Emergency Plan has supported training that covers a broad range of services, from prevention—

including mother-to-child prevention—to antiretroviral treatment, to palliative care, to counseling and testing, to orphan care. The American people, through the Emergency Plan, are helping people in our host nations develop the skills to meet their neighbors' needs.

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The Emergency Plan has also fostered indigenous leadership in the fight against the HIV/AIDS pandemic. The U.S. has provided technical assistance for appropriate policy development, including policies protecting women and girls, and for strengthening local institutions and organizations, including organizations of persons living with HIV/AIDS.

Other components of local capacity on which we have focused include surveillance, reporting, evaluation, and strategic information. These tools allow us to maintain the accountability which is a cornerstone of the Emergency Plan, and to adjust our programming based on what works. Even more importantly, these tools allow host nations to monitor and adjust their national responses.

Our host nations have warmly welcomed our commitment to partnership with them, and our support for their national responses. At this early stage, U.S. support is still needed—in fact, it is indispensable. Our support is essential to allowing host nations that have recently been able to begin antiretroviral therapy on a broad scale to maintain and expand that work. We can help to ensure that the gains we have made are not allowed to slip away, but are built upon.

The Emergency Plan is also providing essential support to our international partners, working with them to build capacity. Under the "Three Ones" agreement, we are cooperating intensively with international donors in support of our host nations' strategies. For example, we support the Global Fund to Fight AIDS, Tuberculosis, and Malaria in two ways: through our direct financial contributions, which continue to far exceed those of any other donor government, and through our efforts to build the capacity on which their programs often rely.

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Ever-increasing accountability and transparency will continue to be areas of emphasis throughout 2005. From the beginning, Congress has shared the President's vision of the Emergency Plan as a new way of doing business, one focused on the bottom line—saving lives. We have made an unprecedented commitment to strategic information, monitoring and evaluation, and we have made substantial progress on that front, as described in the Report to Congress.

I am committed to ensuring that the partners we work with are in fact carrying out the policies set by Congress and the President. We are in the process of instituting an independent, programmatic audit to help us monitor partner activities, and that capability will be added to the Emergency Plan in 2005. I am also aware of the need for a user-friendly Emergency Plan website to offer Congress and the public access to information. Such a website is currently under development.

If I may step back and look at the big picture for a moment, the Emergency Plan is part of our nation's broad effort to offer leadership on international development. I think the Emergency Plan embodies the President's approach, emphasizing partnership with host nations, capacity building, and accountability. These are increasingly among the hallmarks of America's development strategy.

Results, of course, are the test of any strategy. In just eight months, the United States was able to put more people in the developing world on drug treatment than any other donor. That's a powerful fact. With Congress' support, the Emergency Plan will continue to provide that kind of strong, results-oriented leadership around the world.

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Thanks to the commitment of the American people and Congress, along with the courageous people of our host nations, new hope is being born in places where it has been in short supply. This is something of which all Americans can be proud.

Mr. Chairman I ask that my full testimony be included in the record. I would be happy to address your questions.

Chairman **HYDE**. Without objection. It shall be made a part of the record, and we will now proceed with questions.

Mr. Lantos?

Mr. **LANTOS**. Thank you, Mr. Chairman. I want to commend Mr. Tobias not only on his statement, but on his very effective and non-ideological performance, a very difficult responsibility.

I want to apologize in advance if I dash out, but I am in another Committee, and a vote is pending. I may have to leave.

Mr. Tobias, I would like reassurance from you, if I may, that any group receiving abstinence-only funds from your office is not allowed to provide medically inaccurate information about condoms.

For instance, I would like to ask you whether you would grant funds to an organization in Uganda which would use our taxpayer dollars to inform young people that condoms do not protect them from HIV/AIDS and an organization which engages in public burning of condoms.

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Ambassador **TOBIAS**. Mr. Lantos, as has been pointed out, it is part of the legislation that created the Emergency Plan, and it is certainly the policy and practice as we are implementing the Emergency Plan that this is a results-based/data-based implementation program.

Therefore, with our prevention—the heart of our prevention program being our A and B and C—organizations are expected not to provide or put out information that is simply not factually correct about A, or about B, or about C. That is our policy, and we are doing our best to implement that.

Mr. **LANTOS**. With all due respect, Mr. Tobias, you did not answer my question.

If an organization publicly announces that condoms do not protect young people from HIV/AIDS and demonstrably engages in the public burning of condoms, would such actions make them ineligible for U.S. taxpayer funds?

Ambassador **TOBIAS**. Based on the facts as you have represented them, I would think it would.

Mr. **LANTOS**. So you would deny funds to such an organization?

Ambassador **TOBIAS**. Based on those facts.

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Mr. **LANTOS**. Based on those facts.

Ambassador **TOBIAS**. I think that would be the case.

Mr. **LANTOS**. I appreciate it very much.

The second question I have relates to India. It is our projection that in 5 years' time, India may have over 20 million cases of HIV/AIDS, and I would like to make a strong recommendation that India be included in the list of focus countries because certainly while on a percentage basis, given the size of India's population, the HIV/AIDS problem may appear to some to be negligible, we are talking about millions and soon tens of millions of people.

I would be grateful if you would respond.

Ambassador **TOBIAS**. Mr. Lantos, the focus of the Emergency Plan is really to bring together all United States Government HIV/AIDS activities around the world, and we have programs in about 100—a little more than 100—countries around the world.

The large focus in particularly launching the Emergency Plan has been on the 15 so-called focus countries. Our working definition of a focus country is one that is engaged in a national scale-up of prevention, treatment and care activities and where the United States is committing the resources and the assistance and the involvement to help support that national scale-up.

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At the same time, we are also deeply engaged in a number of other places, India being an example. We increased our commitment to fighting HIV/AIDS in India by nearly 25 percent from 2003 until 2004, and in fact India has, and I think quite appropriately, the largest bilateral U.S. support outside of the 15 focus countries, and in fact it is larger than the financial support for some of the focus countries. It was about \$36 million in 2004.

In addition to that, because the Global Fund is such an important part of our overall strategy and we are providing a third of the funding for the Global Fund and the Global Fund is also very active in India, we are providing a good deal of support that way.

I think as time goes on we will need to find ways to do more because, as you point out, India is a very, very important source of HIV/AIDS' spread in the world and within the country.

Mr. **LANTOS**. Thank you, Ambassador. Thank you, Mr. Chairman.

Chairman **HYDE**. Mr. Smith of New Jersey?

Mr. **SMITH OF NEW JERSEY**. Thank you very much.

Mr. Ambassador, I referenced earlier some of the testimony that a man by the name of Martin Ssempea will be providing later on. He makes the point, and I would ask you if you could respond to it, in talking about money that had been given to Population Service International—a condom social marketing firm—as the primary abstinence provider and calls that a joke, that lives are at stake. He is concerned that for kids it is a ticket to death.

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He points out that PSI turns away faith-based groups. One of the managers informed him, and I quote Mr. Ssempea: "If we are going to work together, we have to include condoms as a component of our prevention program," which is absolutely contrary to the legislation, because I know—I offered the amendment, and it passed the House, passed the Senate, was signed by President Bush into law, and you know the clear language.

What is done to PSI now, if this is true, to ensure that that kind of illegality is stopped dead in its tracks?

Secondly, a group which also receives a significant amount of money from our Government, Family Health International, which is headed by Dr. Willard Case, and I would just point out, parenthetically, to my colleagues that back in 1976 he gave a paper, and I have a copy of it, and I say this parenthetically because it is not exactly on point, but it shows, I think, a mindset that I find extremely disturbing. He said that pregnancy is the second most prevalent sexually-transmitted disease. A natural occurring, life-affirming, life-giving state that a woman finds herself in when she is with child—pregnancy—is called a disease. He is now head of Family Health International.

His organization, and I would ask you if you could respond to this, makes the point when they are talking about abstinence to young people, and this is apparently black and white their definition of what is included in an abstinence definition. It includes massage, body rubbing, kissing, masturbation and mutual masturbation.

Now, is that a message that you tell young people in Africa or anywhere else constitutes abstinence, and what do we do in terms of our definition of what abstinence is? Is it just simply a lack of sexual intercourse? Or are oral sex and a whole host of other non-pregnancy producing or potentially HIV-enhancing activities what we are talking about? If you could respond specifically to their definition of abstinence, I would appreciate it.

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Finally, on the local front, Commission Cleet is going to be holding a 4-week or so meeting and asked a number of questions of our personnel over there in Geneva, where is the money going in the Global Fund?

I supported President Bush. I supported Henry Hyde, was a co-sponsor of this legislation, but who we give this money to does matter. It has to be transparent, and I find a lack of transparency when it comes to the Global Fund and exactly what it is that they are doing on the ground with this money.

PSI, like I said. If you could respond to those three questions, I would appreciate it.

Ambassador **TOBIAS**. Mr. Smith, when the President announced the creation of the Emergency Plan and then when this Committee initiated legislation, including the amendment that you referred to, it was very clear that ABC was the heart of our prevention strategy.

We spelled that out in some detail then in the early part of 2004 when we produced a strategy, and then in January of this year we produced for the field some far more detailed guidance for the implementation of ABC. What is contained in those documents and particularly the guidance to the field, I think, would be the answers to the definitional questions.

Let me say that everything we are doing, we are doing with very careful consideration of what I have learned since joining the government are very complex procurement and contracting laws and regulations. We are very careful to follow that.

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Once organizations are funded, they understand that in receiving the funding they have to comply with the programs and policy guidance that we provide them based on that strategy and based on the guidance to the field I mentioned.

We are engaging now, and I think it is very timely to do so, program auditors, external program auditors, who will be evaluating the adherence to that guidance and those policies in the program implementation because we want to ensure that the money we are investing is going into things that are going to work and going to produce results. Any specific instances of deviation from the policies and guidance will be reviewed when they are identified and appropriate action will be taken, whatever that may be.

Mr. **SMITH OF NEW JERSEY**. What is appropriate action?

Ambassador **TOBIAS**. Appropriate action could include terminating the awards if in fact under the law that is the appropriate thing to do, but we will have to see what instances are identified during this process and then what the appropriate steps are to do.

At the same time we are working hard to expand the pool of partners to implement the programs. Part of our annual review process of the country operating plans includes reviewing the progress that has been made in each country and bringing in new partners, the degree to which we are increasingly utilizing indigenous partners and the utilization of faith-based organizations.

We have made progress. Particularly with indigenous partners. I am pleased that 80 percent of the total partners in the program who will receive funding in 2005 are indigenous organizations. There was an increase in faith-based partners from 20 percent to 23 percent in 2004 to 2005.

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We are also in the final stages of finalizing a new partners initiative that will be designed to provide technical support to organizations who want to do business with the government but need training in order to gain the techniques in order to do business with the government.

Implementation of the Emergency Plan involves changes in the magnitude that everybody has recognized here this morning. The magnitude of the challenge is very consistent with my own experience in running an international company in the private sector with operations in 132 countries.

It is one thing for the head of the organization to announce from the CEO's office that this is our policy. It is not then surprising to me, in going around the remote corners of the world, that not everybody is doing everything perfectly the first time. I think we are making progress, but clearly there is much, much more to be done.

Chairman **HYDE**. The gentlelady from California, Ms. Lee?

Ms. **LEE**. Thank you, Mr. Chairman. Let me just follow up in terms of the issue of following procurement laws. It has come to my attention that last year, around November 1, you approved funding for an HIV/AIDS prevention grant in Uganda the Technical Review Committee deemed not suitable for funding.

Now, this grant was never announced to the public. I thought that the technical review process had to be completed and adhered to in terms of a recommendation. There was no public announcement on this grant. I believe it was the Children's Aid Fund organization run by Ms. Anita Smith and Shepherd Smith.

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I am trying to get a handle on this because I do know that they have close ties with the Bush Administration, but again we need all of the information. I would like to ask you for all of the information on the review of this grant, including the contacts with the White House and just how this actually happened following up with what Mr. Smith said.

I mean, you indicated transparency. This one clearly did not meet that test.

Ambassador **TOBIAS**. Well, Ms. Lee, this particular grant involves a unique opportunity to replicate the success in Uganda where HIV prevalence has declined from 15 percent to 5 percent in other nations that are battling generalized HIV/AIDS epidemics.

The First Lady of Uganda, Janet Museveni, is credited in many places with placing a significant role in developing Uganda's highly successful ABC approach. The Children's Aid Fund proposal provides the U.S. Government with a unique opportunity to work directly with the First Lady of Uganda and her Uganda Youth Forum in AIDS prevention activities.

As the technical panel that you referred to noted, the Uganda Youth Forum is a pioneer in abstinence and faithfulness messages. Based on those reasons, the USAID Administrator recommended that the Global AIDS Coordinator approve funding for the Children's Aid Fund proposal subject to certain determinations.

That recommendation was consistent with USAID's grant-making policies when such a selection is based on an adequate justification, as it was in this case.

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Ms. **LEE**. Mr. Ambassador, okay. So when a technical review panel indicates it is not suitable for funding, you have the authority to use other means to go on and fund it that give you the confidence that it is suitable for funding?

Ambassador **TOBIAS**. That is right.

Ms. **LEE**. Okay.

Ambassador **TOBIAS**. For all of these reasons, the USAID Administrator recommended that funding be approved. I approved that recommendation and asked that USAID fund the proposal subject to a determination that they meet USAID's financial management requirements.

Ms. **LEE**. Okay. Would you be so kind as to release the information that you can release to us for our review with regard to that grant, please?

Ambassador **TOBIAS**. I believe that whatever information can be released subject to the privacy requirements around the procurement process——

Ms. **LEE**. Sure. I understand.

Ambassador **TOBIAS** [continuing]. Has been. I will check when I go back to my office——

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Ms. **LEE**. Would you double-check? Okay.

Ambassador **TOBIAS** [continuing]. To determine that.

Ms. **LEE**. The second question I want to ask you is, I am very concerned now about the denial of funds to those organizations that work with sex workers. You all have decided that you require organizations to have a public policy opposing prostitution.

Now, you know, that issue is a very important issue for women especially, and let me just say I visited Zambia and talked to many of the sex workers at truck stops. One hundred percent of them said if they had a job, if they had other means to support themselves, they would.

Why in the world would you deny organizations who try to work with these sex workers, who try to find them jobs, who try to help them understand how to protect themselves? Why would you deny funding to one of those organizations and allow this policy in addition to the whole issue of First Amendment rights that these organizations have? What is going on?

Ambassador **TOBIAS**. Ms. Lee, the facts are not quite as I think they may have been reported to you.

The fact is that the legislation passed by the Congress directs to me that no funds may be made available to carry out the act by providing assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking, and so we are implementing that provision in the legislation.

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Quite simply, it is our responsibility to comply with the provisions of the act, and I think it is an important provision of the law. In fulfilling our responsibilities it is our intent to fight the disease and the spread of the disease and the people who promote the spread of the disease, but it is not our intent to fight the people who live with the disease.

Ms. **LEE**. Mr. Chairman?

Ambassador **TOBIAS**. As emphasized in the funding restrictions, we have no policy and no intent to exclude any group of persons from services who need these services, and in fact I have visited programs that we are funding where we are trying to provide job skills, for example, to get prostitutes out of such work.

Ms. **LEE**. Mr. Chairman, I just think, given the huge numbers now in terms of women being infected with HIV and AIDS, we need to first repeal that policy.

Secondly, immediately ask USAID to stop doing this because I know many organizations that are being denied funding if in fact they are trying to work with these sex workers.

Chairman **HYDE**. I thank the gentlelady.

Mr. Poe of Texas?

Mr. **POE**. Thank you, Mr. Chairman.

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I have two rather short questions, Mr. Ambassador. First, we have an ABC model. What is the percentage for A, the percentage for B, and percentage for C that the funds go to? And which countries other than Uganda have shown a decrease in AIDS in their country?

Ambassador **TOBIAS**. The benchmarks or the earmarks in the legislation direct that 20 percent of the funding be spent on prevention and that 33 percent of prevention expenditures be spent on abstinence.

Now, in actually implementing this in the field, and I think most public health professionals would agree with this, it is important to couple the A messages and the B messages except for young children, and so when we talk to people about abstinence, about delaying the age at which they become sexually active, we also then talk to them about what to do when they enter into a marriage relationship and the importance of knowing their status and their partner's status and being faithful within that relationship.

In 2004, 34 percent of the funding in the focus countries was spent on all prevention. That would be prevention not only of sexual transmission of HIV, but also prevention through safe blood, safe injections, preventing mother-to-child transmission and so forth. AB spending was 27 percent of that 34 percent. Now, if we look only at the expenditure in 2004 of prevention for sexual transmission of HIV, then AB spending was 56 percent of that portion of prevention.

The numbers do kind of funny things here because if, instead of having spent 34 percent in 2004 on prevention, we had spent the same amount on AB but had only spent 20 percent of the money in the focus countries on prevention, then the AB spending would have been 41 percent.

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As we go out into the future I am confident that we will be meeting the earmarks that the Congress has established. As the money goes up, it will go up in larger proportions in treatment because we will be adding more people in treatment and acquiring drugs and training, healthcare workers, and that sort of thing as these programs expand. That will change the size of the base, and if you do the math and all of that, it makes the percentages go up.

Those are the earmark requirements, and that is exactly what we are attempting to do. Part of our programming effort involves setting targets in each of the countries when they put their annual plans together, and those earmarks are the targets that they are expected to work toward.

Mr. **POE**. So my question is: How much are we spending on A, how much are we spending on B, and how much are we spending on C percentage-wise, please?

Ambassador **TOBIAS**. It is difficult for me to break out A from B, but the A and B together, as I indicated, depending on which base you use, is either 27 percent or 56 percent of the prevention expenditure.

Mr. **POE**. And so the vast majority is going on C? Would you agree with that?

Ambassador **TOBIAS**. No, I would not agree with that.

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Mr. **POE**. But you cannot give me a percentage for each one of them?

Ambassador **TOBIAS**. Well, I can, and I will be happy to lay this out for you in some detail.

Chairman **HYDE**. The gentleman's time has expired.

Mr. **POE**. Thank you, Mr. Chairman.

Chairman **HYDE**. The gentlelady from Minnesota, Ms. McCollum?

Ms. **MCCOLLUM**. Thank you, Mr. Chair.

There are three countries in southern Africa that are not focus countries in the President's Emergency Plan, but they are facing disaster. In fact, your leading global AIDS expert has said Malawi, Lesotho, and Swaziland are facing extinction. Each of these countries is surrounded by a PEPFAR country, which makes them islands of infection.

Malawi, Lesotho, and Swaziland have a combined population of 15 million people, and together the life expectancy for a woman in any of these countries is 37 years old. For a man, it is less than 35. That means a teenager who is 17 years old has reached middle age.

Females age 15 to 24 in Swaziland have an HIV prevalence rate of 39.5 percent. In Lesotho it is 38.1 percent. In Malawi it is 15 percent. By 2010, these three small countries will have one million AIDS orphans.

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Now, I have no idea why these frightening deadly statistics do not qualify as an emergency under PEPFAR and why these three small nations which are literally dying due to AIDS and HIV are not included in the President's Initiative.

I strongly supported their inclusion, and I know many of my colleagues did as well. Unfortunately, these islands of infection have the appearance of providing a tragic baseline study for data in PEPFAR country reports.

Mr. Ambassador, my question is: Does the AIDS crisis in Malawi, Swaziland, and Lesotho qualify as an emergency, and are you and the Bush Administration willing to work with Congress to add these three devastated countries to the current list of focus countries receiving support?

Mr. Chair, seeing as I did waive my 1-minute, I do have another question.

Hearing your testimony last year in the House Foreign Relations Subcommittee, you made reference to a study on condoms by the London School of Hygiene and Tropical Medicine. One of the study's recommendations called for the increased investment on condom promotion distribution and strengthen logistics as current supplies are inadequate.

It has come to my attention in calendar year 2004, 103 million condoms were shipped to the Emergency Plan focus countries. This is a 60 percent decrease—a 60 percent decrease—in condoms from the previous year, which I find troubling and irresponsible; negligent, in fact, if this is true.

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Since we know that abstinence does not protect girls and women from rape, coercive sex, child marriage with an untested or infected partner, and we also know that faithfulness in marriage to a partner who is untested and HIV-positive is a death sentence, especially in countries in Uganda where the average age for marriage of a woman—or should I say a girl—is 17 years old.

My second question then: Why has PEPFAR decreased the supply of condoms to 60 percent when we know that 95 percent of the sexually active population are untested? They do not know their status. If you do not know your status or the status of your partner and you are having unprotected sex, this becomes high-risk sex. Even having sex in a faithful marriage relationship without knowing your status puts you in high risk. Why was there a 60 percent decrease?

Ambassador **TOBIAS**. Ms. McCollum, I do not have the numbers with me. I will get them and get them to you, but my impression is we actually purchased more condoms in 2004 than in 2003. I do not know the source of your numbers, but with the scale-up of the program I think that is my understanding.

Let me also say that it is an ABC program. Abstinence works. Being faithful works. Condoms work. They all have a role in the mix, and I will be happy to talk about the details of that if you would like.

With respect to the three countries that you mentioned, and going back to the comments I made earlier about the fact that we are not just a 15-country program, but a program really focusing on more than 100 countries around the world. In 2005, we will provide funding in Malawi for almost \$15 million, \$14.99 million, and in Lesotho and Swaziland, they will both receive something in the range of \$6.5 million.

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We are also working in Lesotho and Swaziland to coordinate our efforts there with the United States teams on the ground in both of those countries, and the team in South Africa because of the geographic proximity, and we will be doing some of that with respect to Malawi.

These are all three countries that have been very hard hit by the HIV/AIDS pandemic, and they certainly deserve our attention, and we are trying to give them that.

Chairman **HYDE**. Mr. McCaul of Texas?

Mr. **MCCAUL**. Thank you, Mr. Chairman. I appreciate your leadership on this issue and Congressman Lantos as well.

I just have two short questions. One, the Uganda model seems to be an unqualified success, and it is stressing primarily the A and B of the ABC. How can we replicate that success not only on the African Continent, but worldwide? That is the first question.

The second one addresses the level of funding. We spent \$2.8 billion this year, and I think \$3.2 billion will be appropriated next year to prevent the transmission of HIV worldwide. The Continent of Africa obviously is the major focus.

What percentage is going to the African Continent on this issue, and can you also address the level of funding, whether this is an appropriate amount of funding or whether it is either too less or too much?

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Ambassador **TOBIAS**. Let me address the funding issue initially. I think when this Committee and the Congress responded to the President's State of the Union address and created the legislation that created this program, I think both the title, the President's Emergency Plan for AIDS Relief, and the funding were both totally appropriate. It is an emergency. Eight thousand people are dying every day, and we have to have a greater sense of urgency than we have.

I think as the Chairman said in his opening remarks, one of the biggest roadblocks that I have been dealing with as we scale up these programs is the lack of infrastructure, the lack of trained healthcare workers on the ground, and so there have been some absorptive issues as we have gone forward.

I might note that if you look at the \$15 billion commitment initially, and look at the \$2.4 billion that was appropriated in the first year, the \$2.8 billion in 2005, the \$3.2 billion that we have requested next year, add those three numbers together and subtract them from \$15 billion. That would leave an average of \$3.3 billion in each of the last 2 years in order to meet \$15 billion, so we are pretty much at a steady state.

I think the time will come soon when we need to think about where do we go after this 5-year program, after 2008? And I am beginning to think about how all of us working together ought to be talking about that.

In addition, what we desperately need to do—desperately need to do—is to get the rest of the world engaged in the same way that this Congress and this President have been engaged. We, the United States Government on behalf of the American people, are providing more funding than the rest of the world's donor governments combined.

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Last year I was left sitting with \$88 million in my hand that the Congress appropriated for the Global Fund that, because of the very appropriate 33 percent ceiling on our contributions to the Global Fund relative to the total contributions, I was unable to give to the Global Fund because the rest of the world had not stepped up for their support to the Global Fund. So we need to get the rest of the world engaged.

To your other point, a very, very big and important element of the Emergency Plan is to use what we are doing and what we are learning in the 15 focus countries as the basis for then extending those lessons learned to other countries in the world.

As we have begun to get our hands around the focus countries and extending our efforts beyond that, we will be doing more of that kind of activity.

Mr. **MCCAUL**. I want to thank the Ambassador for his testimony and his leadership in helping to save lives against this terrible disease. Thank you very much for being here.

Ambassador **TOBIAS**. Thank you.

Chairman **HYDE**. Ms. Watson of California?

Ms. **WATSON**. Thank you so much, Mr. Chairman, and thank you Ambassador Tobias.

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I just recently returned from India. We went to the area devastated since the earthquake and tsunami, and in discussions with the Prime Minister, AIDS is a tremendous concern and not only an epidemic but, we know, a pandemic.

I understand that there is or has been some discussion that it is such a huge country. I think they have over a billion people and they have money so we are not going to make them a recipient, but I think we should. I think we should. The \$15 million ought to go and hold their government responsible for its most effective use.

I would hope that we have some way of evaluating. I had missed most of the discussion, but you might want to comment as to how we evaluate the uses of our money. That is number one.

Also, I am concerned about how we distribute the funds on the Continent of Africa. Because the continent is composed of 54 countries and because there are 22,000 tribes speaking 16,000 languages, we cannot use the cookie cutter approach.

I know there was a lot of support for the Uganda model, and we know they have had success, but given the fact that there are different beliefs, there are different kinds of customs and cultures, we ought to have some way of shaping our program to fit the needs of the various countries and the various areas in a country, so I would like you to comment on what we are doing along those lines as well.

Ambassador **TOBIAS**. Ms. Watson, a very important principle of the way in which we are implementing the Emergency Plan is to do so hand-in-hand with the host country government.

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About a year ago, in partnership with U.N. aides, the U.K., and several other donors, we helped to put in place a kind of a global strategy called "the three ones" which is having every donor encouraging every country to have one strategy for the country, to have a coordinating mechanism within the country that can help coordinate everything that goes on in that recipient country and to embrace a single monitoring and evaluation, a results measurement system in each country so that we are all working together and we are doing so on a country-specific strategy, so that is a very important part of what we are doing.

Not very long ago I was in the southern part of South Africa and spent almost half a day with a group of traditional healers. These are women—generally women—who are really the first line of primary healthcare, if you will, for many people, particularly in rural Africa.

When someone goes to a Western doctor and gets tested and they find they are HIV-positive, the first thing they do in many cases, particularly in the rural areas, is go to the traditional healer hoping to get a different opinion. And so because of that culture, we are funding programs to work with these traditional healers who are very receptive to what we are doing, to give them the knowledge and the skills to provide the right messages, messages about A and B and C, and messages about the importance of adhering to treatment and nutrition and other aspects of what we are doing.

That is just one example of something that would not be an appropriate way to do it in some countries, but there are 400,000 traditional healers in South Africa alone.

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Ms. **WATSON**. Would you yield for a moment? When you said the one/one/one strategy, are you saying that they need to have one way of dealing with the AIDS epidemic in a country, or is that one strategy to work in various areas and regions of the country so the kind of activities and programs and services that are provided fit and are customized to meet the needs of the people in that area? I just want you to clarify what your one strategy means.

Ambassador **TOBIAS**. You know, one of the great Members of this body famously said that all politics are local. I have concluded all healthcare is local.

It is not just having a single cookie cutter approach even in a single country, but it is important that the nation have a strategy as to how they are going to approach the implementation of HIV/AIDS in that country. It may have different parts to that strategy that focus on different areas of the country.

It is also important as more and more donors step up—the United States Government, the Global Fund, other bilateral donors, philanthropists such as the Bill and Melinda Gates Foundation—that we are not stepping on each other and that we are closely coordinating all of our activities on the ground with the host country and consistent with the host country's strategy for approaching this, and that is really what we are making every effort to do.

Chairman **HYDE**. The gentlelady's time has expired.

We have three more questioners. We have two more panels and so I would appreciate any brevity, succinctness, even terseness.

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Mr. Fortenberry?

Mr. **FORTENBERRY**. Thank you, Mr. Chairman. I will be brief.

Thank you, Mr. Ambassador, for your service and for your important work in this most difficult task of combatting the spread of HIV.

I would like to follow up to an earlier question. You suggested that funding would be denied groups who have demonstrated opposition to condom distribution. Conversely, would you also withhold funding from groups who by their demonstrated mission have opposed the abstinence and faithfulness message?

Ambassador **TOBIAS**. We have been very clear about what is in the law. We have been very clear about our policies in implementing the law, and very clear in the agreements that we have struck with people that we are funding of our expectation that they adhere to the law and to the policies.

So if people are not doing that and, again, consistent with the procurement and contracting laws and so forth, I would expect to take whatever action is appropriate, and that certainly could be up to and including terminating funding if people are not doing what they have agreed to do with the money.

Mr. **FORTENBERRY**. Thank you.

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Chairman **HYDE**. Mr. Payne of New Jersey?

Mr. **PAYNE**. Thank you very much. Thank you. It is good to see you again. I am very impressed with the interest that you took this responsibility on.

Just on the \$15 billion, and I missed your testimony. I am just wondering. Of the \$15 billion that was supposed to be allocated over the 5 years, about how much of it have we actually spent?

Ambassador **TOBIAS**. It is \$2.4 billion plus \$2.8 billion in 2004 and 2005, plus we have asked for \$3.2 billion in the 2006 budget, so that is 8-point-whatever billion dollars that adds up to.

Mr. **PAYNE**. Okay.

Ambassador **TOBIAS**. \$8.4 billion, I think.

Mr. **PAYNE**. All right. Has there been any work with your group? You were talking about the 33 percent of the Global Fund, and I personally believe that is the best way to expend the funds because the Global AIDS Fund has a lot of infrastructure and countries with a lot of organizations working together and U.N.-related organizations, and I think it is usually better run. However, there are restrictions that we do have.

Has there been any advocacy on your part trying to talk to some of your counterparts in other countries, to talk about them perhaps having more focus on funding the Global AIDS Fund so that the overall amount contributed can increase what the U.S. is able to participate?

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Ambassador **TOBIAS**. Well, Mr. Payne, certainly our strategy in the Administration is one of implementing both the bilateral programs that we have talked so much about, but also in encouraging support for the Global Fund. The Global Fund is a very important part of our strategy. We are providing about a third of the funding of the Global Fund.

I am about to go on the Board of Directors of the Global Fund, replacing former Secretary Tommy Thompson, who will be actually stepping down as Chair of the Global Fund at the upcoming April meeting, but I think we need a multilateral vehicle out there that can attract funding from other sources and particularly those who are not in a position to have bilateral programs.

Then it is important that we are all working closely together, and so we are putting more emphasis in our bilateral programs in countries, for example, where the Global Fund money has been slow in getting implemented.

In many cases the problems are on the ground. There are technical things that need to be done on the ground, and we need to be proving technical support so that that money can flow. We are trying to work very closely together with other donors and the host countries to address those issues.

Mr. **PAYNE**. Thank you very much. This is my last point. In a meeting about 2 months ago with the President, he asked me what programs did I think were more beneficial, going through the Global AIDS Fund or bilateral? And I still contend that the global approach is the most thorough even though, bilaterally, I do not think we should not do that. But I think that if we strengthen the Global Fund, strengthen their organization, I think at the end of the day it would probably be a better, more precise organization to work for.

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I appreciate what you are doing, and keep up the good work.

Ambassador **TOBIAS**. Thank you, Mr. Payne.

Chairman **HYDE**. Mr. Sherman of California?

Mr. **SHERMAN**. I will be very brief, Mr. Chairman. Thank you very much for holding these hearings.

For the last 3 years I have tried to increase our spending on AIDS. I realize that our foreign aid dollars are scarce, and I would like to see us spend more on foreign aid in general, and AIDS in particular, but assuming our Committee will not be allowed to do that I have, and Secretary Powell sat in that chair and praised an amendment that I hope that we will be able to pass this year. That is, to give the President the right to take money that would otherwise go to the World Bank away from the World Bank and instead use it for combatting AIDS around the world, at least to the extent that the World Bank is sending money to the Government of Tehran, which last I checked, is one of the two remaining axis of evil.

So I know at least Secretary Powell has supported that move. I hope the Administration will support that move. I hope, Ambassador, that you will, and I hope to have support on this Committee.

If we cannot increase the amount we spend on international aid, the least we can do is make sure it is going to the right place and the right causes.

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I yield back.

Chairman **HYDE**. Thank you, Mr. Sherman.

Ambassador **TOBIAS**. Mr. Sherman, could I make just a brief comment, and that is that the support that I have received now most recently from Secretary Rice on a continuing basis on this program has been essential, and I think the Committee will be interested to know I have had two conversations in the last 2 weeks with former Secretary Powell, who is still engaged in helping with this effort.

Chairman **HYDE**. Thank you very much, Ambassador. We commend you for your dedication, your productivity and your endurance. Thank you.

Ambassador **TOBIAS**. Thank you very much, Mr. Chairman.

Chairman **HYDE**. Our next witness is Jack Valenti, and I would like to welcome Mr. Valenti, who is a friend to the Committee, the President, as well as everybody he knows. He is President of the Friends of the Global Advocacy Group for the work of the Global Fund. For almost four decades, Mr. Valenti served as President and CEO of the Motion Picture Association of America before beginning his long and very distinguished career in the movie industry; in 1966, he served as a special assistant to President Lyndon Johnson.

It is with great pleasure that I welcome you to our Committee, Jack, and let me be the first, or the last, to thank you for your tireless work to fight the AIDS pandemic. If you don't mind encapsulating your speech to 5 minutes, the full statement will be made a part of the record. Mr. Valenti.

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STATEMENT OF MR. JACK VALENTI, PRESIDENT OF FRIENDS OF THE GLOBAL FIGHT (FORMER PRESIDENT AND CEO OF THE MOTION PICTURE ASSOCIATION)

Mr. VALENTI. I am not ready for the digital age, Mr. Chairman.

I want to thank you, Mr. Chairman, and the Ranking Member, Mr. Lantos, and I want to thank you because of what you and this Committee are doing. I think that it is one of the great tributes to American leadership.

You are earning the gratitude of millions of desperately poor and desperately sick people all over this globe. So I think that is a laurel wreath that you and this Committee can wear with great honor. And I would also like to endorse and applaud the work of Ambassador Tobias. His valiant efforts are becoming more apparent to the American people. I count him to be a man whose skill, diplomacy, and urgency is getting things done that need to be done; and I count him an heroic warrior in the struggle against these pandemics. He is working in very close harmony with Dr. Richard Feachem, the Executive Director of the Global Fund.

Now, I have been President of the Friends of the Global Fight Against AIDS, TB and Malaria for, well just recently. Our mission is to do everything we can to sustain and enlarge all the work of PEPFAR and the Global Fund, and all other critical groups out there that are fighting this grotesque intrusion on peoples' lives. AIDS, malaria and TB kill 6 million people every year.

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Now, Mr. Chairman, let me put that in graphic language. It is the equivalent of: Forty-six 747s crashing fully loaded every day; it is the equivalent of an Asian tsunami hitting us every 2 weeks; it is the equivalent, and this is the worst part, of New York City being totally populated today by orphans, little children. Now, what is unacceptably tragic is that we have the resources, we have in place that which can prevent and treat these diseases and, in the case of malaria and TB, cure them. So we have the tools, we have the resources, we have the knowledge. Why this delay? Why don't we do more?

Well, I think you, Mr. Chairman, I think Mr. Lantos pointed out two challenges which face us. One, of course, is the exodus from these countries stricken with these diseases, the exodus of doctors and nurses and volunteer workers. They are going someplace else, or they are falling ill to the diseases themselves; and this is something that the Global Fund is looking into as well as PEPFAR, but it is not easy to solve.

I know that the Global Fund, in the last couple of years, has trained 385,000 people in these life-saving techniques. They are not doctors, and they are not registered nurses, but they are people who can go into the remote areas, who can go into these villages and do good work. So that is what we have to do.

Now, let me offer to you something I think that has to be put into perspective about how little it takes. For the cost of a Sunday newspaper, Mr. Chairman, for the cost of a Sunday newspaper, a woman can prevent the transmission of HIV to her unborn child; for the cost of a sandwich and soda, a woman can be cured of tuberculosis; for the cost of a cup of coffee, you can provide a bed net that is impregnated with an anti-mosquito treatment and that child can sleep safely for 5 years; and for less than the cost of a subway ride, you can cure a child of malaria in 3 days.

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Now that, to me, shows that so much needs to be done in the way of both volunteer forces and funding. Now, what has the Global Fund done along with PEPFAR? It has committed \$3.2 billion in 310 programs, in 127 countries, for prevention and treatment. Along with PEPFAR, it has treated almost a quarter of a million people with AIDS drugs; it has given HIV counseling and messages about attitude changing to over a million people; it has distributed 1.4 million bed nets, bed nets which keep you from getting malaria; it has delivered, and this is a key point, 300,000 doses of a strikingly effective malaria medicine, the best the world has ever seen. It is called "ACTs." And this year, they are going to be delivering 30 million doses of this extraordinarily effective drug.

But the Global Fund needs more, Mr. Chairman, just to extend these successful programs in these 127 countries. And by the way, I haven't even talked about what needs to be done in China and Russia and in India, as has been explained here by the questions that you have asked. The National Intelligence Council says that, unchecked, AIDS will reach 35 million people in India and those three countries, 20 million in India alone.

The Global Fund needs money; it needs just to continue these successful programs; it needs \$2.4 billion, of which \$800 million would come from the U.S., one-third. Now, I know we have budget problems, and I know we are all constricted, but how much is a life worth? And the Global Fund is the only multi-lateral organization out there working very closely, I might add, with PEPFAR. They are partners in this.

And my final point, Mr. Chairman, is this: The heaviest pain is being borne by little children, in whom the ceremony of innocence has been drowned. These children, all alone, do not understand why they are alone, their parents dead. When they go to sleep at night, if they sleep, they are doubtless praying for somebody, someone to come and be with them. Now, if no one comes, Mr. Chairman, what then do we say to them?

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I don't have to go on any more. This Committee knows better than anyone in Congress about what is going on, what needs to be done. And, as I said, we have all the tools and resources at hand. What is needed is more people in the field, going into the remote areas, into the villages, not into the chanceries of the world, or the prime minister's or the President's office, but out where the people live and die. I am kind of mesmerized by what I am saying up here, Mr. Chairman, but I think I will stop at this time.

[The prepared statement of Mr. Valenti follows:]

PREPARED STATEMENT OF MR. JACK VALENTI, PRESIDENT OF FRIENDS OF THE GLOBAL FIGHT
(FORMER PRESIDENT AND CEO OF THE MOTION PICTURE ASSOCIATION)

"... you can almost hear little innocent children, their parents dead, now alone, pray for someone to be there for them. If no one comes, what then can we say to them?"

First I choose, on behalf of the "Friends of the Global Fight against AIDS, and Tuberculosis (TB) and Malaria," to applaud and endorse the valiant labors of Ambassador Randall Tobias, who guides the forward journey of President Bush's Emergency Plan for AIDS Relief, otherwise known as PEPFAR. Ambassador Tobias understands with mounting clarity what needs to be done, and with skill, diplomacy and urgency is moving to the future with indispensable action. He is a heroic warrior in this worldwide struggle, working in close harmony with Dr. Richard Feachem, Executive Director of the Global Fund.

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We at the Friends of the Global Fight have enlisted in this war on grotesque pandemics. Our mission is to sustain and enlarge the work of PEPFAR, the Global Fund and other critical partners. We are all too dismally aware of the collision between medical science/in-the-field forces and a contagion gone berserk. There sweeps across the planet a trio of terrifying shroud-covered messengers of death: AIDS, malaria and TB. They are literally decimating civilizations, more fearsome than the Black Death that almost destroyed Europe in the Middle Ages.

Six million human beings die every year from these diseases. Let me put it more graphically.

That death toll is the equivalent of 46,747s fully loaded crashing *every day of the year*.

It is the equivalent of an Asian tsunami hitting us *every two weeks*.

It is the equivalent of New York City totally populated by *orphans*.

What is unacceptably tragic is that these diseases are treatable and preventable, with life-extending drugs and attitude-changes, and in the instance of malaria and TB, curable.

We have the knowledge. We have the tools. We are equipped to attack this trio of death-dealers head-on with safe and effective medicines that work and with effective prevention techniques.

If that is so, why can't we do more? Why the delay? The challenges are many, but a few stand out above the crowd.

Firstly, there is a shortage of foot soldiers to wage this fight. The doctors and nurses who are so critical to delivering life-saving aid are themselves succumbing to these diseases or leaving their home countries to accept more lucrative jobs. We must turn our sights to this difficult problem. PEPFAR and the Global Fund are leading the way. Already, Global Fund programs have trained 385,000 passionate people in techniques to fight these diseases.

Our battle plans must also focus on those who are bearing the brunt of this onslaught, women. A broad range of tactics must be deployed to help all women, from young school girls to married mothers, protect themselves from these diseases. The Global Fund is attuned to this need. It has many programs around the globe employing those critical tactics. In Kenya, for example, a remarkable group of women from the Kenyan Network of Women Living with HIV/AIDS are spreading compassion and empowerment to women throughout the country with the help of the Global Fund.

Our crusade lacks another essential: More funds.

Again, to put it in clear easy-to-understand language—

For the cost of a Sunday newspaper, a mother can prevent the spread of HIV to her unborn child.

For the cost of a movie ticket and popcorn, thirty AIDS patients can receive a day of life-extending drug treatment.

For the cost of a sandwich and soda, six months of medicine can cure a woman of TB.

For the cost of a cup of coffee, a child can sleep safe from malaria for 5 years under a bed net with anti-mosquito impregnation.

For the cost of a subway trip, a little girl can receive the world's best malaria medicine to cure her of the disease in 3 days.

The United States is one of the founders of the Global Fund, the progeny of the G8 countries. The US contributes one-third of the Global Fund's total income, with all other countries contributing two-thirds. In 2004, the Fund received some \$1.6 billion. In the interest of candor and fact, that is not enough for the Global Fund to continue current programs to expand its life-giving work in the year ahead and to take on new challenges that will not go away.

The Global Fund and PEPFAR are strengthening their collaboration at the individual country level, where the actual treatment takes place. There are specific plans in the 15 countries where PEPFAR operates and teams from PEPFAR and the Global Fund make sure that duplication is eliminated, and joint efforts are given new urgency. In fact, because the Global Fund operates 310 programs in 127 countries, the Fund is the multi-lateral arm of PEPFAR, complementing the work of US bilateral programs around the world.

This collaboration arrives at the right moment. The pandemics are rushing into India, Russia and China with hurricane-swiftness, and growing rapidly. In these countries, the Global Fund is the channel for 60 percent of total US funding to combat AIDS, extending the reach of bilateral programs. Especially important is the Fund's role as the action vehicle for US investment in TB and malaria control, two diseases that together kill as many as die from AIDS. Results in malaria control have been rapid and impressive.

In the beginning of its fifth year, the Global Fund has now committed more than \$3.2 billion to prevention and treatment in 127 countries throughout the world. It releases fund only upon proven performance.

What are the wide sweeping results of the Global Fund at the end of 2004? Together with PEPFAR, the Fund has provisioned 240,000 sick people with life-extending AIDS drugs, driving an uplift of 70% in treatment access globally in 2004.

It has made HIV counseling and testing services available to over one million people.

It has distributed nearly 1.4 million insecticide-treated bed nets to protect families from malaria.

It has distributed 300,000 doses of the most strikingly effective malaria medicines (artemisinin-combination therapies) more readily known as "ACTs." By shifting to the more powerful ACTs to defeat malaria, the Fund is now ready to provide more than 30 million ACT treatments each year, compared to under one million previously.

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It has treated nearly 400,000 TB patients.

It has had cheerful, confirmed successes in Zambia, the Lubombo Region (100,000 square kilometers across South Africa, Swaziland and Mozambique), and Haiti

In Zambia, where the AIDS rate is 16% of adults in the country, where 1,000,000 children are now orphans, the Fund has distributed more than \$120 million to counter-attack these diseases. It is allied with the Churches Health Association of Zambia (CHAZ), which in turn works with 250 faith-based organizations all over the country. These programs have supported and cared for 52,000 orphans, and have reached 270,000 people with behavior change messages. PEPFAR and the Global Fund are in intimate cooperation in Zambia.

In the Lubombo Region, the Fund's support for a program created by private corporations has enabled the Fund to reduce malaria infections by 90%. The principal weaponry has been ACT medicines and the spraying of the interiors of lodgings with DDT.

Haiti has the highest HIV infection rate in the Western Hemisphere. Despite frustrating political turmoil over the past year, the Fund provided 2,300 people with ARV treatment, tested 85,000 for HIV and reached nearly 1,000,000 at-risk youths with effective prevention messages.

What then is our plea?

The Global Fund has urgent funding requirements if it is to attack unceasingly the pandemics across a wide landscape in all parts of the world. In fiscal year 2006, it needs \$2.4 billion just to extend its existing successful programs. The U.S. share of that crucial funding would be \$800 million. If the funds are not there what happens? The Fund may surely have to discontinue effective life-saving programs and the life-extending medications of AIDS patients would be in jeopardy. The board of directors of the Fund (whose chairman for the past two years was HHS Secretary Tommy Thompson) has launched a new round of grants, which will require \$1 billion more, \$300 million from the U.S. This would amount to a total of roughly \$1.1 billion in fiscal year 2006. Other donor countries are primed to provide their share. Already other donor countries have pledged enough funding to fully match the U.S. FY 2005 appropriation of \$435 million on a two-to-one basis. The Global Fund has launched a new replenishment process to raise funds from other donors for the next two years. It is confident the process will raise enough money to match a U.S. appropriation of at least \$800 million in FY 2006.

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These pandemics move with indifferent regard for the misery and death they inflict. I dare any observer to gaze into the hopeless, fearful, wondering eyes of little children. Children with no parents, whose innocence is drowned because of a savage intrusion over which they had no control Children who don't understand why there are alone and when they sleep, if they do, you can almost hear them pray for someone to be there for them. If no one comes, what then can we say to them?

Chairman **HYDE**. Well, thank you, Jack. You are equal to the task of fighting AIDS and you do a brilliant job. I would like to get to the third panel, however. If someone insists on asking a question, I will certainly yield. I rarely do. Mr. Lantos, who seldom interjects himself.

Mr. **LANTOS**. Thank you very much, Mr. Chairman.

I can see why Lyndon Baines Johnson was so incredibly effective because you were running his public-diplomacy program, Jack. We are deeply in your debt. You are clearly the most effective public citizen the United States is fortunate in having, and I think HIV/AIDS is very fortunate to have you assume this responsibility.

I have a very simple question. For four decades, you have led the Motion Picture Association with incredible attractiveness. What would be your suggestion to involve private corporations in this enormously important battle?

Mr. **VALENTI**. Mr. Lantos, I think it is very important. As you know, there is a group, I think it is called—it is Public-Corporation Coalition. It is led by some very dedicated people. They are going to corporations now and enlisting their contributions to fight AIDS, malaria and TB in those areas where they do business around the world.

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So they have a personal interest, a corporate interest in doing this, but I think a lot more needs to be done. I think we need to enlist far more corporations than we have now. I think there are about 190 who are involved in this public coalition. We probably ought to have four times that many, and I do believe that we have to enlist other foundations. The Gates Foundation has done extraordinary work in this, the generosity is massive.

But more needs to be done. It is an area, as you quite rightly point out, that needs to be really artfully explored.

Mr. **LANTOS**. Well, we are deeply in your debt and we salute you for your continuing work on behalf of the people of the world.

Mr. **VALENTI**. Thank you, Mr. Lantos.

Chairman **HYDE**. Mr. Smith?

Mr. **SMITH OF NEW JERSEY**. Thank you, I will be very brief as well. And I am going to say that was brilliant testimony, very encouraging. You covered every base, and I think your focus on the fact that with the right kind of drug, for a very modest amount of money, the mother, the child, the transmission of AIDS from mother to child, especially during the birthing of a child, can be prevented, and that is a message that needs to be gotten out everywhere.

And secondly, beginning in 2006, as I know you know, 10 percent of the money in Mr. Hyde's bill will be used for orphans, or supposedly is going to be used for orphans who have been left behind. But again, that was outstanding testimony.

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Mr. **VALENTI**. Thank you.

Chairman **HYDE**. Ms. Lee?

Ms. **LEE**. Thank you very much. Thank you, Mr. Chairman.

Let me just also commend you, Mr. Valenti, for the very compassionate and dedicated work that you are doing. I think the plea that you made to us this morning reaffirms my belief that, quite frankly, I don't think we need this limit in terms of U.S. contributions, in terms of waiting until the international community comes forward because of the numbers of people who are dying and who are infected.

If you remember, it was myself and Congressman Keach, with the help of Ron Dellums, who established the framework for the Global Fund with the Global AIDS and Tuberculosis Relief Act of 2000. We really never envisioned this limitation on U.S. contributions. You heard Ambassador Tobias talk about the fact that there were \$88 million, I think he said, that couldn't be used because the international community didn't step up to the plate.

I just wonder in terms of how you see this? Do we need to hold back our money, given the nature of the pandemic, as you so eloquently described, or how do we address his concern with regard to the international community? I know Dr. Feachem very well and I know that he is committed to doing that. But why in the world should the United States hold back, given the nature of the problem and the fact that we do have the resources to do this?

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Mr. **VALENTI**. Good question. Ms. Lee, I think the law says that the U.S. can give up to one-third of the total amount of money contributed by other donors.

Ms. **LEE**. That is what the law says. Some of us didn't agree to that. That came later after we set up the fund.

Mr. **VALENTI**. But, as it is now, that is the canopy under which we live. But I believe, and I know that Canada, the U.K., and other countries, are increasing their donations, as is Italy.

If we could appropriate \$800 million, we are throwing down a gauntlet to the world, saying: "We are ready to commit. Where are you?" I think this would have a real surging affect on these other countries. As a matter of fact, people within the Global Fund, who are in more intimate contact with the leaders of other countries, tell me that is absolutely so.

So I say that is why I think the U.S., always in the lead, has to continue in the lead. The appropriation of this \$800 million, I think, would stimulate an immense outpouring from other countries, which means that we would have \$1.6 billion coming from other donors. It would be what we need, what the Global Fund needs, to continue these programs.

Ms. **LEE**. I agree, Mr. Valenti, and I certainly support what you are saying. But it sounds like we are in a Catch-22, the chicken-and-the-egg situation. It is kind of like we are withholding money until we see other countries come forward. Yet if we do throw down the gauntlet and say: "This is what we are willing to do," I agree that more countries will respond. So how do we convince the Administration, and those who are opposed to this, to do that and the money would follow?

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Mr. **VALENTI**. Well, there are a lot of people in Congress who believe this is the way to go; and I think this is a question of persuasion, of making other Members understand what the stakes are here. Entire civilizations are being decimated and we can't stand aloof from that.

Therefore, I believe that some of this antagonism—maybe I shouldn't call it that, this opposition will begin to defuse and melt away. I really do. I have been an optimist all my life, Ms. Lee, and I am not going to stop now.

Chairman **HYDE**. Thank you.

Do you have a question, Ms. Watson?

Ms. **WATSON**. Thank you, Mr. Chairman.

And I want to wish Mr. Valenti all the best. I have watched you over decades and I admire your ability to be persuasive.

As we try to implement our contribution program, can you suggest to us what it is that we need to do here in Congress? As you so rightfully described, this pandemic can wipe out this globe. No doubt about it. So what would you suggest and recommend that we can do? And with your influence and persuasion, you can assist us here in Congress to improve the way we are delivering needs.

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Mr. **VALENTI**. Ms. Watson, you have been a good friend and I am grateful to you.

I do believe that Congress' essential task is to provide the funds. I mean you can't get out and actually do the work, but those funds are absolutely indispensable for it to be done. When I cite you the minuscule amounts to save one child's life, and to save one mother's life, then you can multiply it, but the U.S. has to come forward with those funds.

If we appropriate the \$800 million, it will really send a ringing message around the world. I think the last appropriation was what, \$457 million? I am hopeful that the White House will find this suitable to their aims; I hope that other Members of Congress will too; and I think that we just have to do a lot of persuasion, and to offer up the prospect of hope among those without hope, and offer a little better tomorrow for the desperate around the world today.

And I repeat again: It seems like a long ways away to India and China and Russia and sub-Saharan Africa, but this is a small planet these days and we cannot live alone on it. That is the best persuasion I think that I can offer.

Mr. Chairman, I thank you so very much for allowing me to spend some time with you. Thank you.

Chairman **HYDE**. Our third panel is now to come forward. Dr. Geeta Rao Gupta is President of the International Center for Research on Women (ICRW), a leading global authority on women's role and development, women's empowerment and human rights. She has been at ICRW since 1988 and President since 1998. Dr. Rao Gupta led a number of groundbreaking studies documenting the factors fueling the spread of HIV/AIDS among women. She also serves on the boards of Interaction, the Ms. Foundation, and the Moriah Fund, and is an advisor to the U.N. Global Coalition on Women and AIDS, and co-Chairs the U.N.'s Millennium Project's Task Force on promoting gender equality and empowering women. Welcome, Dr. Gupta.

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Mr. Martin Ssempea comes to us from Uganda where he is the Founder and Director of the Campus Alliance to Wipeout AIDS, a faith-based organization with Makeverre University in Kampala, where he specializes in AIDS prevention. Mr. Ssempea is a long-time activist against AIDS in Uganda, advocating the merits of abstinence and be-faithful programs, and has been an adviser to Uganda's First Lady and her efforts to fight HIV/AIDS. We welcome you, Mr. Ssempea.

Holly Burkhalter is the U.S. Policy Director of Physicians for Human Rights, headquartered in Boston, specializing in medical, scientific and forensic investigations of violations of internationally recognized human rights. Before her current position, she spent 14 years at Human Rights Watch, including Director of its Washington office. She worked for then-Representative Tom Harkin of Iowa; she also was a staffer on this Committee at the time working on the Subcommittee on Human Rights and International Organizations. So we welcome you back, Ms. Burkhalter.

It is pleasure to have you three here today and we look forward to your insights on these important issues. We ask that you proceed in the order that you were introduced, providing a 5-minute summary of your written statements; and, needless to say, your full statement will be made a part of the record.

And so, Dr. Gupta.

STATEMENT OF GEETA RAO GUPTA, PH.D., PRESIDENT, INTERNATIONAL CENTER FOR RESEARCH ON WOMEN

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Ms. **GUPTA**. Thank you very much. I would like to thank you, Mr. Chairman, and other Members of this Committee for scheduling this important hearing.

As you have been hearing all morning, we are in the midst of a relentless epidemic, the HIV/AIDS epidemic that is taking countless lives worldwide, and there are only two points I want to make today. The first is that increasingly large

numbers of those who are infected are women, particularly young women, and the second is that our current strategies for prevention are not sufficient to meet the needs of women and girls.

U.N. AIDS statistics have shown that, since 2002, the number of women living with HIV has risen in every region of the world. In sub-Saharan Africa, as we heard earlier today, out of every 10 infected persons, 6 are now women, and infection rates among young women are especially high. In the African region as a whole, three out of every four infected 15- to 20-year-olds are now women.

This inexorable rise in infections among women demands special attention and immediate action, action that must go beyond the ABC approach, the approach that refers to Abstinence, Be faithful, and using Condoms. That approach, while necessary to contain the AIDS epidemic, is not sufficient to address the underlying vulnerabilities that contribute to women's risk of infection.

And I would like, today, to draw your attention to three specific vulnerabilities that women in the developing world face that prove that the ABC approach is not sufficient and which underscore the need for that additional "D" that you talked about, for women to be able to Defend themselves against infection.

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The first of these is with regard to marriage. For many women around the world, marriage poses a risk of infection that they have very little ability to control or reduce. The ABC approach for these women is not a realistic strategy for prevention because abstinence within marriage is not a viable option because their husband is typically their only sexual partner, and the use of a condom is dependent on their husband's cooperation and is often stymied by the need for a child.

The risk of infection is often greatest when a woman gets married at a young age. We have data from Kenya and Zambia that show that HIV infection levels among married girls, 15 to 19 years of age, were 10 percent higher than for unmarried, sexually active girls of the same age.

When the age difference between spouses is 10 years or more, the risk of HIV infection for the wife doubles, as compared to an age difference of 4 years or less. Marriage for such young women does not offer any protection because older husbands are more likely to have been exposed to the virus before marriage and, therefore, are more likely to enter the marriage with HIV infection, sometimes not knowing their status.

Young brides also have much less social and economic power than their husbands and, therefore, have very little leverage to negotiate protection or fidelity. And because newly married couples in most cultures have to prove their fertility by having children, it makes it very difficult for them to use condoms, which, you know, are also contraceptive.

This issue of child marriage is particularly important because it is not a small problem. Recent data show that 51 million adolescents are currently married, and it is predicted that 100 million more will be married over the next decade, and I am talking about countries all over the globe. Research also shows that it is poverty, lack of education, and a lack of viable economic alternatives for young women that makes child marriage so prevalent. It is not just culture.

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Our research in India shows that when laws prohibiting child marriage are combined with community education on the risks of child marriage, and when community interventions include the participation of both parents and young people, the age of marriage can, in fact, be increased.

I would like to suggest some actions that can be taken within the President's Initiative for AIDS Relief, and the first of these is an investment in female-controlled methods of prevention, such as the female condom or microbicides. Microbicides are substances that women can use to prevent sexually-transmitted infections. The female condom is currently too expensive and, as a result, is not accessible to women in poor countries. And microbicides urgently need financial support to accelerate research and development. The U.S. has played, and should continue to play, a leadership role in this regard by including microbicides as part of a comprehensive response to the HIV/AIDS pandemic.

The second recommendation I would like to make is to invest in interventions to increase the age of marriage and reduce the incidence of child marriage in developing countries and respond to the unmet needs of young married girls by investing in their access to secondary schools, which they are often denied because they are married; by their access to reproductive health services and information; and to nonexploitative and safe economic opportunities. In addition, we need community education initiatives on the risks of child marriage that can protect girls and allow them to be healthy, to complete their education, and to benefit from economic opportunities.

I would like to urge you, Mr. Chairman, especially, to consider holding a hearing on this important issue of child marriage and its implications for the HIV/AIDS epidemic.

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The second vulnerability I would like to talk about is violence against women, both physical and sexual. Violence against women, both directly and indirectly, increases their risk of infection to HIV and greatly constrains their ability to seek testing or treatment or look after loved ones who are sick or dying. Statistics from WHO, the World Health Organization, show that anywhere between 10 to 69 percent of women report physical abuse at the hands of an intimate partner at least once in their lives, and between 7 to 48 percent of girls between 10 to 24 years of age report that their first sexual encounter is coerced.

Just as there is an AIDS epidemic, Mr. Chairman, there is an epidemic of violence against women that we have been ignoring, despite the fact that it has enormous health and economic consequences for women and for the societies in which they live. Forced or coercive sex presents a direct risk of HIV infection for women that cannot be prevented by any of the strategies currently promoted, A, B, or C, and, additionally, fear of violence and the threat of abandonment pose significant risks as well because they significantly limit women's ability to negotiate protection, leave a risky relationship, discuss fidelity, or access testing or treatment services.

Women's economic vulnerability and dependency on men makes the threat of violence or abandonment a much more immediate danger to them than the possible risk of infection and death 5 to 7 years later. The link between violence against women and HIV is so strong that a study in Tanzania found that the experience of violence was, in fact, a predictor of HIV status. Young, HIV-positive women were almost 10 times more likely to report partner violence than similarly aged HIV-negative women.

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So, to address the issue of violence against women, I would like to suggest that the President's Initiative for AIDS Relief invest in the provision of post-exposure prophylaxis, which is antiretrovirals for all victims of rape, and this must be made mandatory in all programs immediately upon the occurrence of rape in all programs funded by the U.S.; second, that communication programs be invested in that challenge prevailing beliefs about the acceptability of violence against women. There are several such successful communications efforts, such as the Soul City Program in South Africa, that can be replicated, and they have successfully decreased the tolerance of violence against women.

And, third, we would like to see an investment in a coordinated, health sector response to violence against women because women exposed to violence are most likely to seek help at a health facility. Voluntary counseling and testing facilities, for example, should have the ability to identify women who are at risk of violence upon disclosure of their status and should be able to provide those women with the necessary counseling and mediate disclosure sessions with partners as a potential way to reduce tension and the adverse consequences.

The third issue on vulnerability that I would like to bring up is property inheritance rights. Women's economic dependency and vulnerability underlies much of their vulnerability in this epidemic because without economic leverage, women cannot insist on protection or fidelity in their marriage or other relationships; nor can they leave a relationship that they know to be risky.

Access to economic assets, such as land and housing, much more than just income, provides women an important way to assure themselves some economic security, as well as a means of livelihood and shelter, all of which are important ways to gain economic leverage. Land and property can also serve as collateral for loans in times of crisis. Yet there are many

countries in the world where women still do not have the right to own or inherit property and land, and even when such laws exist, they are often poorly enforced.

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As a result, women are not guaranteed the most basic economic protection when faced with the death of a spouse or father and can be left destitute and homeless when they most need support and solace. The lack of economic security at such a time also greatly increases the probability that women will sell sex for money in order to survive and to feed their children.

Research in Karala, India, found that 49 percent of women with no property also reported physical violence, whereas only 7 percent of women with property reported physical violence. So there is a link between property rights and violence against women.

I would like to recommend some actions that the President's Initiative for AIDS Relief can take. The first is to make sure that property and inheritance rights for girls and women are a cornerstone of the AIDS prevention and care intervention supported by this initiative. The initiative must support legal literacy programs for women that make them aware of their rights to own property in countries where this right is enshrined in the law. And the initiative should invest in paralegal services to help families affected by AIDS write wills and create the legal documentation that makes property grabbing from widows less likely.

There are several in-country organizations, women's groups, in particular, that are already engaged in such activities that desperately need to be funded and need all of the technical support we can provide them.

In conclusion, let me reiterate that the increase in women's HIV infections should serve as a wakeup call to alter the current U.S. approach to AIDS prevention, treatment, and care. To expand it beyond the ABC approach to what I call an "ABC-plus approach" that includes investments in programs to increase the age of marriage, provide services to allow women, as well as their spouses, to be safe within marriage, reduce violence against women, and assure women's ownership and control of economic assets, such as land and housing.

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Just asserting the need to abstain, be faithful, and use condoms is not enough to protect women and girls from the ravages of this epidemic. We need more, and we need it now, and we need these things in order to ensure that the President's Initiative's targets are, in fact, met. Thank you very much.

[The prepared statement of Ms. Gupta follows:]

PREPARED STATEMENT OF GEETA RAO GUPTA, PH.D., PRESIDENT, INTERNATIONAL CENTER FOR RESEARCH ON WOMEN

Thank you for this opportunity. As you all know, we are in the midst of a relentless epidemic—the HIV and AIDS epidemic—that is taking countless lives worldwide. The two points that I would like to make today are first, that increasingly large numbers of those infected are women, particularly young women, and second, that our current strategies for prevention are not sufficient to meet the needs of women and girls.

UNAIDS statistics show that since 2002 the number of women living with HIV has risen in every region of the world. In sub-Saharan Africa, out of every 10 infected persons nearly 6 are women. And infection rates among young women are especially high. In Kenya, for example, for every 20 young men with HIV (15–24 years of age), there are 45 young women with the virus—more than double. In the African region as a whole, three out of every four infected 15–24 year olds are women (UNAIDS and WHO 2004).

This inexorable rise in infections among women demands special attention and immediate action—action that must go beyond the ABC (abstain, be faithful, and use condoms) approach to prevention. That approach, while necessary to contain the AIDS epidemic, is not sufficient to address the underlying vulnerabilities that contribute to women's risk of infection. I

would like to draw your attention to three specific vulnerabilities that women in the developing world face that prove that the ABC approach is not sufficient and that underscore the need for additional strategies. Each of these vulnerabilities occurs because of fundamental economic and social inequalities between women and men that must be addressed if we are to succeed in containing the spread of AIDS.

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Marriage: For many women around the world, marriage poses a risk of infection that they have very little ability to control or reduce. The ABC approach for these women is not a realistic strategy for prevention because abstinence within marriage is not a viable option; their husband is typically their only sexual partner; and the use of a condom is dependent on their husband's cooperation and is often stymied by the need to have a child. The risk of infection is often greatest when a woman gets married at a young age. Data from Kenya and Zambia show that HIV infection levels among married girls 15–19 years of age were 10 percent higher than for unmarried sexually active girls of the same age (UNAIDS and WHO 2004). A recent review of research by ICRW shows that in countries that are hard hit by the epidemic, when the age difference between spouses is 10 years or more, the risk of HIV infection for the wife doubles, as compared to an age difference of 4 years or less (Luke and Kurz 2002).

Marriage for such young women does not offer any protection because older husbands are more likely to have been exposed to the virus before marriage and therefore are more likely to enter the marriage with HIV infection; because young brides have much less social and economic power than their husbands and therefore have very little leverage to negotiate protection or fidelity; and because newly married couples in most cultures have to prove their fertility by having children which makes it difficult to use the condom, which is also a contraceptive, as a means of protection from infection.

In designing policies for prevention it is important for us to pay attention to marriage as a vulnerability for women and adolescent girls because the majority of women in the developing world are in marriage or some form of long-term relationship and a very large number of them are married before the age of 18. Recent data show that 51 million currently married women were child brides and it is predicted that 100 million more will be married before the age of 18 over the next decade (Mathur et al. 2003). In countries such as Niger, Bangladesh, Chad, Yemen, Ethiopia and Mozambique, more than 50 percent of girls are married before the age of 18 and in some parts of Nigeria and India girls are getting married at the age of 12 or younger. Research also shows that it is poverty, lack of education and a lack of viable economic alternatives for young women that makes child marriage so prevalent—not culture. In fact, our research in India shows that when laws prohibiting child marriage are combined with community education on the risks of child marriage and community interventions that include the participation of parents and young people, the age of marriage can be increased by one year after only four years of intervention (ICRW 2004). And other research in Nepal shows that even in communities where the average age of marriage for girls is less than 18, the desired age of marriage as expressed by girls and their parents is much higher, which suggests that it is not culture but rather poverty and the lack of viable alternative options for girls that prevent families from acting upon their desires (Mathur et al. 2004).

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Recommended Actions: To reduce women's and girls' vulnerability within marriage requires that the President's Plan for AIDS Relief must include:

1. An investment in a female controlled method of prevention, such as the female condom or microbicides (substances that women can use to prevent sexually transmitted infections). The female condom is currently too expensive and as a result not accessible to women everywhere. And microbicides urgently need financial support to accelerate their clinical testing to establish their effectiveness.
2. Interventions to increase the age of marriage and as a result reduce the incidence of child marriage in developing countries, respond to the unmet needs of young married girls by investing in access to secondary schools, reproductive health services and information, and non-exploitative economic opportunities. In addition, support, community education initiatives on the risks of child marriage that will protect girls and allow them to be healthy, to complete their education, and benefit from economic opportunities.

In addition, because child marriage is a widespread development problem that needs immediate attention, I urge you,

Mr. Chairman, to consider holding a hearing on this important issue.

Violence Against Women: The second vulnerability that women face is violence—both physical and sexual—that directly and indirectly increases their risk of infection to HIV and greatly constrains their ability to seek testing or treatment or look after loved ones who are sick or dying. Statistics from the World Health Organization show that anywhere between 10 to 69 percent of women report physical abuse by an intimate partner at least once in their lives and between 7 and 48 percent of girls between 10–24 years of age report their first sexual encounter as being coerced (WHO 2004). In rural Peru, for example, 24 percent of young women said their first sexual interaction was forced and 12 percent of girls in Jamaica who had sex before the age of 20 said they had been raped. Just as there is an AIDS epidemic, there is an epidemic of violence against women that we have been ignoring despite the fact that it has enormous health and economic consequences for women and for the societies in which they live.

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Forced or coercive sex presents a direct risk of HIV infection for women that cannot be prevented through any of the strategies currently promoted—A, B, or C. And fear of violence and the threat of abandonment pose significant risks as well because they significantly limit women's ability to negotiate protection, leave a risky relationship, discuss fidelity, or access testing or treatment services. In a study conducted in Botswana and Zambia, ICRW found that the use of services to prevent the transmission of HIV from infected mothers to their children was low because women were afraid that the use of such services might expose them to stigma and violence at a time when they are most vulnerable—during pregnancy (Nyblade and Field-Nguer 2000). Women's economic vulnerability and dependency on men makes the threat of violence or abandonment a much more immediate danger than the possible risk of infection and illness five to seven years later.

The link between violence against women and HIV is so strong that a study in Tanzania found that the experience of violence was a strong predictor of HIV status. In this study, conducted among women who sought voluntary counseling and testing services, younger HIV positive women (between 18–29 years) were almost ten times more likely to report partner violence than similarly aged HIV-negative women (Maman et al. 2002).

Recommended Actions: To reduce violence against women, the President's Plan for AIDS Relief must invest in:

1. The provision of post-exposure prophylaxis—antiretrovirals as prevention of HIV infection—for all victims of rape. This must be made mandatory in all programs funded by the U.S.

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2. Communication programs that challenge prevailing beliefs about the acceptability of violence against women. There are several successful communications programs, such as Soul City in South Africa, that can be replicated, which have successfully decreased the tolerance of violence against women.

3. A coordinated health sector response to violence against women. A broad range of health services must address violence against women because women exposed to violence are most likely to seek help at health facilities. For example, voluntary counseling and testing (VCT) clinics should have the ability to identify women who are at risk of violence upon disclosure of their status and provide them with the necessary counseling and mediated disclosure sessions as a potential way to reduce tensions between partners and adverse consequences.

Property and Inheritance Rights: Women's economic dependency and vulnerability underlies much of their vulnerability in the AIDS epidemic because without economic leverage women cannot insist on protection against infection or fidelity in their marriage or other relationships, nor can they leave a relationship they know to be risky. Access to economic assets such as land and housing, provide an important way to assure women some economic security as well as a means of livelihood and shelter—all of which are important ways to gain economic leverage. Land and property can also serve as collateral for loans in times of crisis.

Yet, there are many countries in which women still do not have the right to own or inherit land and property and even where such laws exist, they are often poorly enforced. As a result women are not guaranteed the most basic economic protection when faced with the death of a spouse or father and as a result can be left destitute and homeless when they most

need support and solace. There is now documentation of property grabbing from and eviction of widows who have lost their husbands to AIDS. Such actions are justified through the stigma attached to AIDS. The lack of economic security at such a time greatly increases the probability that women will sell sex for money in order to survive and to feed their children.

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Beyond the direct economic benefits, recent research suggests that property ownership can protect against the risk of domestic violence. Research in Kerala, India found that 49 percent of women with no property reported physical violence, whereas 7 percent of women with property did, even when controlling for a wide range of other factors such as household economic status, education, employment and other variables (Panda 2002).

Recommended Actions: To provide women with economic security, the President's Plan for AIDS Relief must recognize that guaranteeing women and girls' property and inheritance rights as a cornerstone of AIDS prevention and care interventions and must therefore:

1. Support legal literacy programs for women that make them aware of their rights to own property in countries where this right is enshrined in the law;
2. Invest in paralegal services that help families affected by AIDS write wills and create the legal documentation that makes property grabbing less likely.

In conclusion, let me reiterate that the increase in women's HIV infections should serve as a wake-up call to alter the current U.S. approach to AIDS prevention and care—to expand it beyond the ABC approach to an "ABC-plus" approach that includes investments in programs to increase the age of marriage, provide services to allow women as well as their spouses to be safe within marriage, reduce violence against women, and assure women's ownership and control of economic assets such as land and housing. The disempowerment of women is killing women and men, boys and girls in the developing world during their most productive years. Just asserting the need to abstain, be faithful, and use condoms is not enough to protect women and girls from the ravages of the AIDS epidemic—we need more and we need it now. Thank you.

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Chairman **HYDE**. Thank you, Doctor.

Mr. Ssempea?

STATEMENT OF MR. MARTIN SSEMPA, DIRECTOR, MAKERERE YOUTH MINISTRY IN UGANDA, SPECIAL REPRESENTATIVE TO FIRST LADY OF UGANDA'S TASK FORCE ON AIDS

Mr. **SSEMPA**. Thank you, Chairman Hyde and all of the distinguished Members of the International Relations Committee. I am Martin Ssempea, a Ugandan Christian pastor and head of an abstinence program for secondary and university students which started in 1988.

More than 10 years ago, as a student at Makerere University, where I currently work, I watched my brother and sister painfully die from AIDS. As a teenager, I, myself, was sexually promiscuous and came to embrace the message of abstinence and faithfulness, having watched the deaths of my brother and my sister. Right now, I am taking care of their orphans and looking at an older brother who is HIV-positive.

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With this in mind, I mince no words when I address my fellow Ugandans every day, and I mince no words with you. The reasons why other Africans and Ugandans are dying is because of sexual promiscuity. That is what is killing us. I was heartened to see the United States' plan to invest more heavily in fighting AIDS in Africa, and do so in a way that not only reflects reality but respects our nation's culture and religion. By this, I mean the ABC approach, specifically, A and B components, and the plan to involve faith-based organizations.

Unfortunately, it is mostly business as usual in Uganda, and AB activists like me are increasingly getting frustrated. Let me say that there are some good people at USAID headquarters that have developed and promoted the ABC policy and are willing to listen, but many people at the faith level are skeptical or biased and seem not to like this policy.

When President Museveni assumed power in 1986, the country was in chaos. We had no funds to purchase condoms, even if we wanted to do so. Foreign advisers, including USAID and CDC, advised us that condoms was the only proven intervention and the only way to prevent AIDS. But President Museveni was a skeptic. He reasoned that even if condoms could prevent AIDS, there was, and is, no way that an adequate supply could be assured in the rural areas.

President Museveni and his wife believed that a better approach, one suited to the realities of Africa, would be to return to traditions of abstinence before marriage and fidelity after marriage. This was later to be called the "ABC approach."

The national response involved the mobilization of all elements of society. We all got together as a village, and it worked, and Uganda has achieved a two-thirds decline in HIV infections, and I understand that this has not occurred elsewhere, including America. President Bush recognized and embraced Uganda's ABC model as the foundation for PEPFAR. USAID actually adopted ABC as its policy for prevention in late 2002, at least, for Africa. So you would think everything would be fine, but it is not so.

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USAID and the CDC still favor condoms and are largely skeptical of abstinence-and-fidelity programs. If Congress had not been so wise as to make it law that one-third of the prevention must be for abstinence, I am sure nothing would have

changed with the donors in Uganda. But there are ways to get around the law, such as giving abstinence funds to PSI.

PSI is the largest contraceptive social-marketing company in the world. It has also generated controversy around the world for its pro-condom promotion tactics. But PSI shares USAID's philosophy of condoms for everyone, even though many of us in Uganda feel that this approach actually encourages promiscuity, the very behavior that has been killing us.

We have noticed that African countries that have the most condoms also have the highest HIV/AIDS infection. Last year, in conversations with PSI, I told them that I would not promote condoms to youths because I see that as a ticket to death. One of the PSI managers informed me that condom promotion was mandatory, and if you are going to work together—our discussions in the PSI boardroom came to an early end. I can name several abstinence groups which have not been funded because of their position against promoting condoms. This, I believe, violates American law.

Mr. Chairman, USAID itself conducted an ABC country study of six countries and has found that condoms alone cannot reduce HIV/AIDS infection. There is a role for condoms, but it is not the primary one.

USAID also financed the development of a national condom policy and strategy. This plan calls for placing a full-time condom officer in every one of our 56 districts. Unfortunately, it gives condoms a privileged status in the fight against HIV/AIDS in Uganda. USAID will say that we Ugandans want this plan, but the truth is it is USAID that wants this plan.

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Mr. Chairman, if USAID and PEPFAR really have an ABC policy, why did they not finance a national policy and strategy for abstinence and faithfulness, especially since USAID's own ABC study shows that A and B behaviors are essential?

I have here with me three documents that guide our national AIDS-prevention program. I ask that the Committee allow me to submit the key documents so that the Congress and the American people can see some of the documentary evidence undermining ABC. USAID provided technical assistance and funding for this key document, yet these documents have virtually no abstinence or faithfulness elements. If you look at earlier documents of this sort, they were full of abstinence and being-faithful objectives and impact indicators.

[The information referred to follows:]

[Note: Image(s) not available in this format. See PDF file]

Mr. **SSEMPA**. I do not want to end on a negative note. The new leadership of the Global Health Bureau, as well as Ambassador Tobias, seem to be committed to seeing ABC policy implemented in the way intended. We Ugandans look forward to working with USAID and PEPFAR in solving the problems that I have described.

I would also ask Congress that they would support and fund a draft AB policy which will multiply the AB initiative that has been developed in Uganda across the country and across the world. Thank you, Mr. Chairman.

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[The prepared statement of Mr. Ssempe follows:]

PREPARED STATEMENT OF MR. MARTIN SSEMPA, DIRECTOR, MAKERERE YOUTH MINISTRY IN UGANDA, SPECIAL REPRESENTATIVE TO FIRST LADY OF UGANDA'S TASK FORCE ON AIDS

I AM MARTIN SSEMPA, A UGANDA COLLEGE MINISTER.

MORE THAN 10 YEARS AGO, AS A STUDENT AT THE SAME UNIVERSITY WHERE I TEACH, I WATCHED MY BROTHER AND SISTER PAINFULLY DIE FROM AIDS.

AS A TEENAGER I WAS SEXUALLY PROMISCUOUS AND ON THE SAME PATH TO DEATH AS MY

BROTHER AND SISTER. THEN I CAME TO UNDERSTAND AND EMBRACE THE MESSAGES OF ABSTINENCE AND FAITHFULNESS.

FOR THESE REASONS I MINCE NO WORDS WHEN I ADDRESS MY FELLOW UGANDANS AND I SHALL MINCE NO WORDS WITH YOU. THE REASON UGANDANS AND OTHER AFRICANS ARE DYING IS BECAUSE OF SEXUAL PROMISCUITY. THAT IS WHAT IS KILLING US. FOR THESE REASONS I WAS HEARTENED TO SEE THE UNITED STATES' PLANS TO INVEST MORE HEAVILY IN FIGHTING AIDS IN AFRICA, AND DO SO IN A WAY THAT NOT ONLY REFLECTS REALITY BUT THAT RESPECTS OUT NATION'S CULTURE AND RELIGION. BY THIS I MEAN THE "ABC" APPROACH, SPECIFICALLY A AND B UNFORTUNETLY, THE USAID AND CDC AGENCIES CONTIUNE TO PROMOTE PROMISCUITY AND CONDOMS, AND ARE NOT ALLOWING FAITH-BASED ORGANIZATIONS TO HELP US. IT IS BUSINESS AS USUAL HERE, WE ARE BEGINNING TO LOSE HOPE WE IN AFRICA NEED TO CHANGE OUR BEHAVIOUR AND US REPRESENTATIVES IN UGANDA AND OTHER AFRICAN COUNTRIES NEED TO ACTIVELY IMPLEMENT THE ABC PROGRAM PRESIDENT BUSH AND CONGRESS HAVE APPROVED, WITH THE GREATEST EMPHASIS ON THE A AND B.

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WHEN PRESIDENT MUSEVENI AND HIS WIFE ASSUMED POWER FROM IDI AMIN IN THE MID 1980'S THE COUNTRY WAS IN CHAOS. ALL FOREIGN ADVISORS HAD FLED. WE HAD NO FUNDS TO PURCHASE CONDOMS EVEN IF WE WANTED TO SO. THEREFORE, THE MUSEVENIS SPOKE TO THEIR PEOPLE IN THE SAME WAY THEY SPOKE TO THEIR CHILDREN ABOUT HIV/AIDS. "ABSTAIN AND YOU WILL NOT GET IT (MEANING HIV/AIDS)" AND BE FAITHFUL TO ONE UNINFECTED PARTNER AND YOU WILL NOT GET IT." AT THE TIME WE CALLED THE "B" MESSAGE "ZERO GRAZING" MEANING GRAZE IN YOUR OWN YARD AND NOT IN YOUR NEIGHBORS YARD.

PRESIDENT MUSEVENI ACTUALLY TRAVELLED FROM VILLAGETO VILLAGE WITH A BULLHORN DELIVERING THE ABC MESSAGE WITH AN EMPHASIS ON A AND B. HE ADDED THAT IF YOU DID NOT ADHERE TO HIS WARNING YOU WOULD "D" DIE.

THE FIRST LADY OF UGANDA WAS VOCAL ABOUT THE PROGRAM AND ALL PUBLIC AND MANY PRIVATE AGENCIES WERE INVOLVED AND HAD THEIR OWN OBJECTIVES AND WORK PLANS. THE HEALTH MINISTRY, THE LOCAL HEALTH AGENCIES, THE SCHOOLS, THE CHURCHES AND OTHER FAITH BASED ORGANIZATIONS, THE NEWSPAPERS AND THE RADIO—ALL WERE INVOLVED. AND THE PROGRAM WORKED. HIV/AIDS INCIDENCE RATES FELL IN THE LATE 1980S AND THE HIV/AIDS PREVALENCE RATE FELL FROM 21% IN 1992 TO AROUND 6% IN 2002. I KNOW OF NO OTHER COUNTRY WHICH HAS CUT ITS HIV/AIDS PREVALENCE RATE BY TWO-THIRDS.

PRESIDENT BUSH SAW AND EMBRACED THE UGANDA ABC PROGRAM AND MADE IT THE PRESCRIBED HIV/AIDS PREVENTION METHOD FOR THE UNITED STATES. THE ABC PREVENTION METHOD WAS INCLUDED IN THE PEPFAR PLAN WHICH WAS APPROVED BY THE WHITE HOUSE AND CONGRESS. SO YOU WOULD THINK EVERYTHING WOULD BE GOOD. RIGHT? WRONG.

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TODAY WE FACE A NEW ENEMY IN THE FIGHT AGAINST HIV/AIDS NOT ONLY IN UGANDA BUT IN ALL THE OTHER AFRICAN COUNTRIES. THAT ENEMY IS THE WESTERN BELIEF THAT CONDOMS CAN END THE HIV/AIDS EPIDEMIC.

AS YOU NOW KNOW, THE UGANDA ABC PROGRAM HAS PRODUCED SPECTACULAR RESULTS. CONDOM SOCIAL MARKETING, THE PRIMARY HIV/AIDS PREVENTION METHOD PROMOTED BY THE US AND OTHER WESTERN DONORS FOR THE LAST 18 YEARS HAS NOT WORKED. IN FACT, IN MARCH 2004 UNIVERSITY OF CALIFORNIA PROFESSOR NORMAN HEARST AND SAN FRANCISCO DEPARTMENT OF HEALTH EPIDEMIOLOGIST SANNY CHEN REPORTED IN THE JOURNAL "STUDIES IN FAMILY PLANNING" THAT EXTENSIVE COMPUTERIZED SEARCHES OF SCIENTIFIC CONFERENCE PRESENTATIONS AND PROFESSIONAL JOURNALS UNCOVERED NO EVIDENCE THAT CONDOM SOCIAL MARKETING HAS

STEMMED THE DISEASE IN A GENERALIZED EPIDEMIC IN ANY COUNTRY IN THE WORLD.

SO, WHAT IS THE PROBLEM? THE PROBLEM IS THAT MOST OF THE PEOPLE IN USAID AND CDC DO NOT LIKE THE ABC MESSAGE. THEY LIKE THE CONDOM SOCIAL MARKETING MESSAGE. WHY? WHY?

I BELIEVE IT'S BECAUSE THE UGANDA ABC PROGRAM WAS ESTABLISHED BY AFRICANS FOR AFRICANS. THIS ANGERS MANY SO CALLED "PROFESSIONALS" IN THE AIDS COMMUNITY WHO HAVE PROMOTED CONDOM SOCIAL MARKETING.

AIDS PREVENTION IS NOW A BILLION DOLLAR INDUSTRY BASED UPON SUPPLYING HIV PREVENTION PROGRAMS THAT CENTERS ON THE DISTRIBUTION OF CONDOMS.

ABSTINENCE AND BE FAITHFUL DOES NOT GENERALLY FIT IN WITH THE WORLD VIEW OF MANY IN THE AIDS COMMUNITY AND THEIR LIKE MINDED FRIENDS.

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SO WHAT HAVE THE USAID AND CDC PERSONNEL DONE IN UGANDA AND OTHER COUNTRIES TO DEFEAT ABC AND PROMOTE CONDOM SOCIAL MARKETING.

1. THEY DISCONTINUED FUNDING A, B, AND ABC PLANS. I HAVE WITH ME AND HAVE PROVIDED TO YOU COPIES OF THE LATEST 3 HIV/AIDS PREVENTION PROGRAM PLANNING DOCUMENTS THAT HAVE BEEN PAID FOR AND/OR SUPPORTED BY USAID. THEY ARE BEREFT OF AB OR EVEN ABC ACTIVITIES.

2. THEY GAVE FUNDING TO PSI, A CONDOM SOCIAL MARKETING FIRM TO BE A PRIMARY ABSTINENCE PROVIDER. WHAT A JOKE THIS WOULD BE IF LIVES WERE NOT AT STAKE. HOW CAN THE LEADING SOCIAL CONDOM MARKETING AGENCY BECOME AN ABSTINENCE ADVOCATE OVERNIGHT?"

3. BY USING PSI IT ALLOWS THEM TO TURN AWAY FAITH BASED GROUPS. I WAS REFERRED BY US OFFICIALS TO PSI. WHEN I TOLD THEM I WOULD NOT PROMOTE CONDOMS BECAUSE MY CONSCIENCE SAYS DISTRIBUTING CONDOMS TO KIDS IS "A TICKET TO DEATH" ONE OF THE PSI MANAGERS INFORMED ME "IF WE ARE GOING TO WORK TOGETHER... WE HAD TO INCLUDE CONDOMS AS A COMPONENT OF OUR PREVENTION." I CAN NAME A HALF DOZEN ABSTINENCE GROUPS WHICH HAVE NOT BEEN FUNDED BECAUSE OF THEIR POSITION AGAINST CONDOMS.

4. US GOVERNMENT PERSONAL ARE NOW ATTEMPTING TO ENCODE THE USAID-FUNDED NATIONAL CONDOM POLICY AND STRATEGY INTO UGANDA LAW WHICH WOULD JUSTIFY MORE SPENDING ON CONDOM DISTRIBUTION AND MAKE IT HARDER FOR ABSTINENCE GROUPS TO COMPETE.

NOW YOU MIGHT ASK "BUT WHY ARE THE USAID AND CDC GROUPS SO INFLUENTIAL IN UGANDA. WHY DOESN'T THE UGANDA GOVERNMENT TAKE ACTION AGAINST THESE AGENCIES IF THEY FEEL SO STRONGLY ABOUT THIS ISSUE?"

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IN UGANDA AND IN MANY OTHER POOR AFRICAN COUNTRIES MORE THAN HALF THE REVENUES COME FROM OVERSEAS DONORS WITH THE US BEING THE PRIMARY DONOR. IN ADDITION, USAID AND CDC FUND INDIVIDUALS AT INTERNATIONAL RATES WHICH ARE TYPICALLY MANY TIMES WHAT THESE PEOPLE WOULD OTHERWISE EARN. MAKE NO MISTAKE ABOUT IT, YOU AND YOUR IN-COUNTRY REPRESENTATIVES ARE VERY, VERY INFLUENTIAL.

TODAY THE ABSTINENCE MESSAGES ARE GONE. GONE ARE THE 'AIDS KILLS' ADS WARNING TEENAGERS TO ABSTAIN. GONE ARE THE SIGNS THAT ONCE WARNED TRUCK DRIVERS TO "DRIVE HOME TO THEIR WIVES." THE ABSTINENCE BILLBOARDS HAVE BEEN REPLACED WITH NEW BILLBOARDS ADVERTISING CONDOMS WITH SLOGANS LIKE "SO STRONG, SO SMOOTH." AND THE

HIV/AIDS RATE HAS BEGUN TO TICK UPWARDS. IN THE RAKAI DISTRICT WHERE CONDOM PROMOTION OVERSHADOWS THE PROMOTION OF ABSTINENCE AND MARITAL FIDELITY, USAID HAS INCREASED THE LEVEL OF CONDOM USE ONLY TO FIND THAT THE RATE OF NEW INFECTIONS, WHICH HAD BEEN DECLINING, IS NOW BACK ON AN UPWARD TREND. NEW INFECTIONS AMONG MEN HAVE INCREASED BY 50% OVER A DECADE AGO.

CONGRESSMEN AND CONGRESSWOMEN I ASK ONLY ONE SIMPLE THING. PLEASE RESPECT US AS PEOPLE. PLEASE RESPECT THE WISHES OS OUR PRESIDENT AND FIRST LADY. PLEASE RESPECT OUR CULTURE. ASK YOUR AGENCIES IN UGANDA AND ELSEWHERE TO IMPLEMENT THE ABC PROGRAM PRESENTED BY THE WHITE HOUSE AND APPROVED BY CONGRESS. MANY MORE OF US WILL DIE UNLESS YOU DO. MANY OF US WILL BE SAVED IF YOU DO.

Mr. **SMITH OF NEW JERSEY** [presiding]. Thank you very, very much.

Ms. Watson has to leave for an important engagement, so I would like to yield to her before going to Ms. Burkhalter.

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Ms. **WATSON**. I certainly want to thank the Chair and the two witnesses, in particular. And, Ms. Burkhalter, I am sorry, I will not be here to hear your testimony, but this question goes to Dr. Gupta.

I think you make a real understandable case about the role women play. Could we look at the role men play in the Indian societies since they are dominant? And young women are to be virgins when they marry and so on, so they control.

Would it be helpful, and I just need your comment, to focus on males to try to change their cultural thinking in how they treat women?

And then, Mr. Ssempe, I do know that in south-Saharan Africa, maybe down in South Africa itself, that there was a belief that a male having sex with an infant would then address the spread of AIDS. My real troubling concern is how do you change these cultural patterns: The domination men have over the women; the fact that young women, as young as 13 and 14, are getting married in India and in Africa; and could we put a minimum age limit that a young woman would have to be to be married on the continent?

And then, Dr. Gupta, if you could talk about focusing on male behavior, his societal role, and what we could do.

May I start with Dr. Gupta first?

Ms. **GUPTA**. Thank you for that very important question.

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I think that societal definitions of male and female roles are defined by all of society. While it is important to target educational messages to men and boys about responsibility and respectful behavior toward women, it is equally important to ensure that women get the same messages and that women are empowered to be able to have access to economic resources and education so that they can, in fact, change their own roles.

Part of the problem is the domination continues because women do not have access to economic opportunities. They do not have the same access to jobs, to secure jobs, the same levels of income; they cannot, as I said, own and inherit and control property; there are still huge gender gaps in most countries in the developing world in education, particularly secondary education; and it is those factors that we can, in fact, change through policy and through sort of prioritizing investments that can make a huge difference in the way in which women's roles are perceived in societies.

So even though cultural norms may define male and female roles in particular ways, policies can make a huge difference in changing those roles and how they are perceived by ensuring an equal distribution of key assets and resources to both men and women.

Ms. **WATSON**. Are you talking about policies that come from government, governmental policies?

Ms. **GUPTA**. Yes, from the governments, the national governments, as well as from development-assistance dollars that flow into those governments. A lot of our development-assistance dollars that flow into countries like India do not necessarily have attached to them any conditions about an equal distribution to programs that benefit both women and men.

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Ms. **WATSON**. Thank you. That is something that we can take into consideration.

Mr. Ssempea?

Mr. **SSEMPEA**. Thank you very much. The question regarding why older men would molest little girls in a bid to get a cure for HIV has been known in southern Africa and sub-Saharan Africa, and the cause is bad advice, or sometimes traditional healers giving bad advice to their clients that if they would deflower or defile or sexually abuse a little baby, they would get healed.

The solution to this is both two ways: Training and educating the traditional healers, reaching them. As Ambassador Tobias talked earlier, it is necessary to reach the source of the bad advice that it will be discouraged. Secondly, it is putting in place laws. We have a law in place in Uganda that could be emulated, especially in dealing with the same situation that has been mentioned here of defilement or sexual abuse with the age of consent at 18.

We have made a law in Uganda that sex for any young woman beneath 18 breaks the law, and right now our jails are filled with young men between 15 and 25 who could not control themselves. And it also gives the importance of teaching the message of character education of abstinence. That is why it is also critical to teach the behavior change level. Thank you.

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Ms. **WATSON**. If I may just comment, I hear over and over again that there is a role for the traditional healers to play in our programs, and this is something that we might want to address as a Committee. I appreciate that. I have seen the results of the work they do in various areas of Africa.

Dr. Gupta, is there a national policy on the age, or does it go state by state, that a young person can marry, particularly a woman?

Ms. **GUPTA**. Are you asking about India specifically?

Ms. **WATSON**. India specifically.

Ms. **GUPTA**. India has a legal age of marriage that is 18, but it is not enforced as strictly as it should be. That is the problem.

In most countries, there is a legal age of marriage that is defined as adulthood, that children can only be married when they are adults, but that is not always enforced, and that is part of the problem, is it is not enforced.

So you have laws on the books that are not enforced. We have to strengthen the enforcement mechanisms, but one of the ways to do that is to invest in community-education initiatives to try and explain what the risks of child marriage are, in addition to making sure that children have access to schools and to economic opportunities so that parents do not feel the need to get them married because there is nothing more to do with them once they have passed a particular age.

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Ms. **WATSON**. Thank you so much.

Ms. **GUPTA**. It is more borne out of poverty, ma'am.

Ms. **WATSON**. Yes. Thank you so much, and thank you, Mr. Chairman.

Mr. **SMITH OF NEW JERSEY**. Ms. Burkhalter?

STATEMENT OF MS. HOLLY J. BURKHALTER, U.S. POLICY DIRECTOR, PHYSICIANS FOR HUMAN RIGHTS

Ms. **BURKHALTER**. It is an honor to be here, sir. Thank you for waiting it out. It has been a long hearing, and I know you have the attention span for a much longer one, but I will not keep you here too much longer.

I did want to say a few words about an issue that Chairman Hyde mentioned as one of the three areas of focus for this hearing, which is the scarcity of the skilled health workforce in Africa.

You know, in thinking about what the President's Global AIDS Initiative has accomplished, it occurs to me that the President's State of the Union address in 2003 and this Committee's initiation of the U.S. leadership legislation that put that vision into operation were based on a fundamentally radical and humane premise. That radical premise was the notion, accepted by few around the world, that poor people with AIDS in Africa should live and not die. And the reason why I say it was a radical premise is that most donors and much of the world had simply written off sick people or people who were not yet symptomatic, but people with AIDS, and particularly in Africa, millions and millions of them. Everyone's focus was on prevention, which, of course, is essential in the fight against the pandemic.

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But the concept that an expensive medication could be available to people in countries where national health budgets were pennies per person per year was a truly radical notion. The reason I say "radical" and not "naive" is that it was based on the premise that we will offer treatment—the President and the Congress set an ambitious and extraordinarily brave treatment target—we will offer treatment, and we will build the infrastructure to offer it and to reach the poorest. We will build it as we go. That is exactly what PEPFAR has tried to do, and I salute them for it.

However, the scope of the problem of scarce, skilled health workers in Africa is so vast that even that brave and humane and radical goal, that we will build infrastructure as we go, has to include very substantial building materials and a sort of "PEPFAR II," a second phase, to make that build-as-you-go a reality and to permit the treatment and prevention and care initiatives that are now a part of the international approach to the pandemic in Africa, thanks to the leadership of our country.

Let me give you a sense of the scope of the problem. The Harvard-based, international research effort to try to get a handle on what the skilled, health workforce crisis looked like says that Africa, which has about 600,000 nurses and doctors and pharmacists, needs a million more to even begin to reach the minimal humane targets in infectious disease, maternal health, and child survival. A million more. That means a tripling of the numbers we have now. But at the rate we are going, Africa is losing health workers, not gaining them, and no amount of training and technical-skill transfers can really fundamentally change that dreadful and dire arithmetic.

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Let me tell you what it looks like in one particular country because the figure, a million workers needed, does not really resonate; it is simply too big. It is like the figures of genocide in Rwanda or Sudan. The bigger they get, the less meaning they have, and, thus, the less-creative and workable policies we come up with to deal with them. It is just too big.

This is how it looks in Tanzania. The Joint Learning Initiative that I was speaking of notes that Tanzania, which has a relatively high density of workers among African countries—so we are better off in Tanzania for health workers than in many places—faces a shortfall of 35,000 workers to reach the threshold needed. To fill this gap by 2015, to reach the maternal health child survival goals and infectious disease goals that I was referring to, it would take an average annual production of 3,500 physicians, nurses, and midwives.

But current levels of production in the country are less than one-fifth this number, with about 90 physicians and 550 nurses, and that does not even take into account brain drain, outmigration, or the push factors of unsafe workplaces for nurses and doctors, where you do not have occupational safety: Gloves and new syringes, and all of the other things that we take for granted here.

Add the other push factors, which include poor management, not getting paid on time, no respite, no healthcare, no vacation days, no paid vacation days, and you can understand why the new graduates of nursing institutions around the continent leave to get better salaries immediately. It does not help that foreign countries are recruiting heavily to make up for our own scarcities, particularly in the nursing corps.

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South Africa sends approximately 3,000 nurses annually to the U.K. alone. So the poorest countries in the world train doctors and nurses for the richest countries in the world. Now, something has to be done about that, and it is going to have to go beyond PEPFAR's very valiant efforts to date.

By the way, I would like to take this opportunity to thank Ambassador Tobias and his staff for their constant willingness to talk to the human rights and the health-activist community. We have never been turned away, to my knowledge, from their door. They are very attentive to the health workforce problem. They know it far better than we do. It is a small staff, and they are working around the clock, but the situation with regard to the health workforce in Africa that they inherited with their bold and brave experiment simply is not going to work for them or for any other health need on the continent.

Accordingly, I have some recommendations for sort of PEPFAR II, if you will, but it is not just limited to treating AIDS and tuberculosis and malaria, though it is desperately needed for those infectious diseases.

Ms. **WATSON**. Mr. Chair, can I ask the speaker to yield for a minute for a question?

Ms. **BURKHALTER**. Certainly.

Ms. **WATSON**. Since we have been talking about the traditional healers, and they seem to be everywhere, in every social group, society, could we use them, work with them, to give them some very menial skills to work, particularly in the rural areas, work with the populace? Would you comment on that, just to increase the numbers?

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Ms. **BURKHALTER**. That was part of my testimony. If you have to leave, I would be glad to jump ahead.

Ms. **WATSON**. Yes, please.

Ms. **BURKHALTER**. It is not just traditional healers. The bulk of AIDS care is being delivered by family members or community health workers, and it is an inestimable resource. Many countries depend heavily upon their volunteer health workforce.

It depends on the country, but those that have no potential to begin to graduate the number of nurses and mid-level professionals, in particular; many of these countries do not have nursing schools. The local health workers, community caregivers, and family members and relatives are an essential component. And, yes, indeed, they can take on very important aspects of not just AIDS care but other health initiatives, but not without training and resources and some kind of remuneration.

Without providing home healthcare workers, for example, something back, it can actually exacerbate gender discrepancies and disparities and poverty disparities because women, in particular, who bear the burden of this care, sink further and further down. They are sick themselves, and without something to help them, some supplies and some kind of a stipend, they cannot be expected to take the place of nurses and doctors and all of the other elements of a functioning health system.

Along with that recommendation, which we have included in our testimony, I wanted to talk about some other things, that this new initiative could do. I would like to see a new Presidential Initiative, to make the first one even better than it is and to help it work and achieve and exceed the ambitious treatment care and prevention goals that it has. But also to address the terrible and completely unnecessary rates of mother death in childbirth and baby death before the age of 5, for which the health worker shortage plays a great role in those daily and hourly tragedies, are the things we could look at in a new, global health initiative that would be the third, global foreign-aid initiative on President Bush's watch, but I think this Committee and the President are fully capable of expanding their generous vision to include this essential piece, which, you know, if we had done it really right, we would have put the horse in front of the cart—AIDS drugs.

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But if we had not, and you had not had, the extraordinarily helpful vision that we should not wait until we have developed everything we needed to do AIDS interventions properly, we are going to start it now. If we had waited to just build health infrastructure, we would still be waiting. More importantly, Africans would still be waiting, because we do not have the kind of political force that is needed around the issue of scarce health workers. It is a really tough issue to get at. It is all tangled up in good governance, and solutions to the problem involve better governance and better assistance with better governance, computer databases of health workers and personnel.

There are some things that are not rocket science but that could immeasurably help countries keep track of their workers. These things would help with graft and corruption. Payrolls are notorious places where money disappears—but some of the loss is not because of corruption and venality. It relates to literally not having the skills of governance and the tools of governance. I think PEPFAR can help provide those skills, along with other training.

But, you know, without some way to get at the fundamental problem that contributes to outmigration of health staff from Africa to richer countries, some way or another you are going to have to get to poor salaries, low salaries, and we, as donors, do not do that. We do not pay salaries for health workers, and "we" meaning donors in this country, particularly, do not pay salaries in the public sector.

But the problem is, if you introduce new initiatives, you do not have a larger pool of workers. We do not have recruitment strategies and scale-up for workers that are desperately required to do these new duties and use these new drugs that are now being supplied by the United States and the Global AIDS Fund and others.

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So what happens? Well, health workforce issues are so interrelated that you can unwittingly do harm while doing good. For example, there was an American university AIDS research program based in Malawi. The first thing they did when they entered the country was hire 60 nurses off the public health wards, leaving hundreds and thousands of patients with no nurses. So what that means in terms of AIDS prevention is that if a mom is giving birth and bleeding out over here on this side of the ward, and there are 25 other mothers giving birth, who is going to deliver the naviropene to prevent the mother-to-child, and that is if they know about it and have it?

I do not mean to put it so graphically, but truly, not enough nurses means that you cannot load them up with new duties. It is, indeed, upon the nurses and the midwives and the mid-level health professionals that most of those duties fall. There must be more of them. There must be hundreds of thousands more of them. The African countries can neither recruit them from schools nor keep them once they graduate unless there is a system of remuneration and credentialing and support and management and safe workplaces for them to work in so that they will want to stay.

Well, I have gotten to some of my recommendations and not all of them. I am going to stop now because we are out of time, but I just want to say a personal word to you, Chris, and to you, Ms. McCollum. When did you come to Congress, Chairman Smith?

Mr. **SMITH OF NEW JERSEY**. In 1988.

Ms. **BURKHALTER**. Well, I got here before you did but just barely. We have worked together for 25 years and during

that time, I have never seen the across-the-political-spectrum collaboration and hope and goodwill and optimism and energy that I have seen around the creation of the U.S. Leadership Bill.

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Sure, there are plenty of things to argue about, and we heard about some of it today, as Congressman Lantos said. The Members of the Committee, I think, recognizing that all of these initiatives are needed—and everybody who is serious about prevention knows that—and as a mother of two young daughters, I sure hope the schools they are going to are talking about boy responsibility and about abstinence and faithfulness. And I certainly hope that people at risk, whatever their situations are, are getting exactly the strategies and the choices that they need to keep themselves safe and to keep themselves alive and well.

So we could dissipate the energy and the optimism and the funds, and we could lose that big tent and that consensus that was so extraordinarily carefully crafted by you and by the Chairman and by Mr. Lantos and your colleagues—the issues that I think are not unimportant or insignificant at all—but compared to the billions of dollars that are now going, I think it is chicken feed. I really do, and I think we need billions more, and if we could just hang on to the vision that animated the President and you, we will get the billions, and we will have 100-percent support like you did the last time around. We are here to help you do it. Thank you.

[The prepared statement of Ms. Burkhalter follows:]

PREPARED STATEMENT OF MS. HOLLY J. BURKHALTER, U.S. POLICY DIRECTOR, PHYSICIANS FOR HUMAN RIGHTS

Chairman Hyde, Representative Lantos, and Members of the Committee: Thank you for inviting me to testify at today's hearing on the HIV/AIDS and the U.S. Response. I am honored to be here. My name is Holly Burkhalter and I represent Physicians for Human Rights, a US nongovernmental organization that employs the skills and the voice of the medical and scientific profession in the service of international health and human rights. I am grateful for the assistance of my colleague, Eric Friedman of Physicians for Human Rights, in the preparation of this testimony.

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Just a few years ago the concept of providing antiretroviral drugs, which at the time cost more per capita per day than poor governments spent on health per capita in a year, was largely a fantasy. But the drop in the price of antiretroviral drugs and development of generic medicines of the past five years, the extraordinary commitment of resources by President Bush and the United States Congress, and the creation of a major new international financing mechanism to confront the pandemic, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, have transformed HIV/AIDS for some in sub-Saharan Africa, Asia, and the Caribbean into a manageable disease.

If access to treatment had been withheld from poor countries until they secured the health infrastructure they needed to provide basic primary health care to all, as well as manage an immense HIV/AIDS case load with medicines largely unknown to them, those countries would be waiting for antiretrovirals to this day. Fortunately, the vision of treatment activists and now major donors as well has been to "build it as we go." Accordingly, the President's Emergency Plan for AIDS Relief (PEPFAR) has provided technical assistance, supplies, training, drugs, laboratory equipment, and other resources to countless hospitals and clinics in the fifteen focus countries to create capacity to scale up prevention and care, and graft antiretroviral therapy onto existing health services.

That approach has helped enlarge the number of people receiving anti-retroviral treatment in sub-Saharan Africa from 50,000 in the end of 2002 to 310,000 in December 2004.[\(see footnote 1\)](#) But it has become increasingly clear that donors and national governments must simultaneously confront, ameliorate, and eventually remedy Africa's disastrous shortage of trained health care workers. As Ambassador Tobias indicated in his first report to Congress in August of 2004, "Without a large increase in trained health workers, the human capacity to deliver ART [anti-retroviral therapy] and other therapies will simply be absent."[\(see footnote 2\)](#)

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While the dearth of health workers is undermining the huge scale up of HIV/AIDS prevention, care, and treatment that Africa needs so desperately, conversely the emphasis on HIV/AIDS services is drawing resources away from other vital health services that are also in short supply. For example, at the 970-bed the Lilongwe Central Hospital in Malawi, only 169 nurses were practicing in mid-2004, compared to the 520 nurses whom the hospital was authorized to employ. The hospital's former staff of 38 laboratory technicians had fallen to only six. The nurses and laboratory technicians were moving to HIV/AIDS programs sponsored by NGOs and overseas universities, precipitating a staffing crisis at this major national referral hospital. ([see footnote 3](#))

The health worker shortage may be newly visible to HIV/AIDS activists like me, but it is far from a new problem. Funding for public health in Africa by national governments has been largely stagnant for decades, and "brain drain" of doctors and nurses who migrate to the West has in some countries approached the number of new health worker graduates. Today, Africa faces one of the greatest threats to health and survival in human history—the HIV/AIDS pandemic—but it is in a poor position to confront it. Adding new duties such as AIDS counseling, testing, and treatment to an overburdened health work force without a commitment to dramatically enlarge their numbers will not only undermine new AIDS treatments initiatives, it has the potential to weaken fragile public health systems and erode other primary health activities.

Physicians for Human Rights and the many activist organizations with whom we collaborate want PEPFAR to succeed. Accordingly, we are calling for a second Presidential initiative for health in Africa to accelerate the recruitment, retention, training, and rational deployment of skilled health workers while simultaneously continuing to scale up prevention, care, and treatment of HIV/AIDS so as to meet and exceed the President's 2–7–10 goals and other health goals. We appeal to President Bush and Congress, who have made PEPFAR a reality, to take the fight against HIV/AIDS and other infectious diseases to the next level. We challenge you to develop and fund a "Global Health Workforce Initiative" to help AIDS-burdened countries recruit, retain, and support large numbers of African health professionals, and link them to a trained and supported network of community health workers and home health care givers.

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Africa's health worker shortage requires Congress and the executive branch to accelerate and scale up current health systems initiatives and to envision and administer new ones. The crisis requires strategic planning in collaboration with national governments, international organizations, and other donors. American leadership will be needed to permit a loosening of acroeconomic constraints on governments' ability to spend their own and donors' contributions on health and health worker salaries. New programs should specifically invest in public health systems, and plans must be made to "Africanization" PEPFAR-funded treatment, care and prevention initiatives. Durable solutions to the health worker shortage must include investing in African health professionals and giving them incentives to stay home where they are needed most. It means empowering African medical and nursing schools to recruit, train, and provide continuing education. And it will require that the U.S. and other Western countries that recruit African health workers adopt an ethical approach to the brain drain.

Background: Africa's Health Worker Shortage:

Last spring my colleague Eric Friedman visited Rietvlei District Hospital in the Eastern Cape, which is South Africa's most rural province. The hospital superintendent told him that without more doctors, the hospital would be unable to provide anti-retroviral therapy on any significant scale, even though the government had designated the hospital as the AIDS treatment center for its district of 180,000 people. Eric learned first-hand that without a significant increase in African health workers, ART capacity simply cannot be managed by some of the poorest clinics and hospitals. ([see footnote 4](#))

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The health worker shortage in Africa that is now in the public eye because of the AIDS pandemic has also been a key factor in other health emergencies, including the continent's tragically high rate of maternal mortality. In sub-Saharan Africa, a woman's lifetime risk of maternal death is 1 in 16, compared to 1 in 2,800 in rich countries. ([see footnote 5](#)) According to the *World Health Report 2005—Make Every Child and Mother Count*, "Putting in place the health workforce needed for scaling up maternal, newborn and child health services towards universal access is the first and most pressing task." ([see footnote 6](#))

The United Kingdom's Commission for Africa, noting this disparity in its recent report, recommends that African countries and donors unite to add 1 million health care workers to Africa within a decade, nearly tripling Africa's health workforce.[\(see footnote 7\)](#) The Commission estimates that Africa requires an immediate annual increase of \$10 billion, rising to at least \$20 billion, in donor assistance to the health sector, including health worker specific needs such as pre-service training and salary.[\(see footnote 8\)](#)

The health worker shortage has multiple origins, including massive under-investment in health systems, inadequate attention to human resource policies, the death of health workers and enormous burden of care created by the HIV/AIDS pandemic, and deficits in the health worker education system. These problems, in turn, underlie the large-scale migration of health professionals from Africa to wealthier countries, such as the United States and United Kingdom. In some countries, the majority of physicians are leaving, and the number of nurses emigrating has skyrocketed in the past decade.

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In the absence of comprehensive data, country examples and anecdotes highlight the scope of this "brain drain." As of 2001, only 360 of the 1200 physicians trained in Zimbabwe during the 1990s were still practicing in the country.[\(see footnote 9\)](#) In 2002/2003, more than 3,000 nurses trained in South Africa, Zimbabwe, Nigeria, Ghana, Zambia, and Kenya registered in the United Kingdom.[\(see footnote 10\)](#) In 1999, about as many nurses left Ghana as were trained there.[\(see footnote 11\)](#) It is frequently stated that more Malawian doctors practice in Manchester, England, than in all of Malawi.[\(see footnote 12\)](#) Brain drain is accelerated as wealthy nations, facing shortages in their own health workforces, actively and aggressively recruit health professionals from some of the countries that can least afford to lose them.

This migration, or brain drain, is part of a more complex flow of health workers from poorer to wealthier developing countries, from the public sector to the private sector, including for-profits as well as NGOs and vertical AIDS programs, and from rural to urban areas. This last flow creates disparities within countries that in some cases are so great that they mirror the global disparities. For example, two regions in Ghana have only 34 nurses per 100,000 population, whereas another region has 120 nurses per 100,000 population. The physician disparity is greater still. One region in Ghana has only one physician per 100,000 population, while another region has 30 physicians per 100,000 population.[\(see footnote 13\)](#)

Health workers are leaving, in large part, because they are unable to meet their own needs or those of their patients. Their wages are inadequate, sometimes not even enough to cover their basic living expenses. They have few opportunities to develop themselves professionally, and fear contracting HIV and other infections on the job, especially because they often lack the gloves and other protective gear. Poor management and planning, leading to including inadequate supervision, enormous workloads, late paychecks, and inadequate training, further harms health worker morale. Health workers are trained to heal, but because they lack sufficient medicines, supplies, and equipment, all too often they can do little more than minister to death.

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A key factor in the continent's brain drain of skilled health workers is the fact that hospitals and clinics in much of sub-Saharan Africa lack basic infection control, sanitation, and occupational safety.[\(see footnote 14\)](#) A survey by Physicians for Human Rights of more than 1,000 health workers in Nigeria suggested that fear of occupational exposure to HIV/AIDS contributes to stigma and discrimination against people with AIDS because health workers are afraid they will contract the virus from them. Even in Free State, South Africa, a recent survey conducted at children and maternity units, including labor and pediatric wards, in 30 hospitals found that 49% of health workers reported shortages of protective gear at some point during the course of the year. In Uganda, the Mulago Hospital—the country's major referral hospital—did not launch a comprehensive program of universal post-exposure prophylaxis until last month, and other Ugandan government hospitals have yet to do so.

Responding to the Shortage: Training Health Professionals Is Not Enough

Ambassador Tobias and his associates are attempting to address the health worker shortage and have made some innovative grants, such as supporting a Zambian scheme to offer incentives for urban doctors to relocate to underserved rural areas. But to the best of our knowledge, the American contribution to the African health work force has largely been

limited to the training of health workers. The \$150 million "twinning center" managed by HRSA, for example, is aimed at linking U.S. and African institutions for purpose of training. And the Institute of Medicine's soon-to-be-released report on the overseas placement of US health professionals recommends that a global health service be principally for the purpose of training African counterparts. Numerous contracts and grants have been made to train doctors and nurses in the use of antiretroviral therapy.

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But training alone is not the answer to the health work force crisis in Africa; indeed, it may even accelerate health worker flight. If working conditions, salaries, benefits, management and opportunities for health workers in their own countries are not also addressed, additional training simply makes it more likely that the newly skilled nurse or doctor will be recruited or seek out a job in the U.S., Canada, or Europe at a vastly higher salary. As Dr. Elizabeth Madraa, who organizes anti-retroviral therapy training for health workers in Uganda, stated, "We keep training and they go to NGOs (nongovernmental organizations) or abroad where they can get better money, then we have to train [more people] again."([see footnote 15](#))

To recruit the vast numbers of students to nursing and medical school and prevent new graduates from leaving, national governments, donors, and international institutions must join forces to eliminate the "push factors" that discourage trained workers from staying home—the unsafe working conditions, low pay, poor supervision, absence of benefits, staggering work loads, and dearth of supplies, medicines, and equipment that sabotages worker satisfaction and patient health.

Even with substantial investments, the recruitment and retention of hundreds of thousands of nurses, pharmacists, technicians and doctors is at best a multi-year project, and poor people need health services today. We urge the Administration and Congress to make the training of and assistance not only to skilled health professionals but also to community health workers and home care givers an essential component of a Global Health Workforce Initiative.

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Malawi's experience of HIV/AIDS initiatives draining workers away from other life-saving health interventions is a sobering check on AIDS treatment activists' conviction that if health services are equipped to deliver antiretroviral drugs they will be able to handle virtually anything. In fact, assistance to Africa to confront HIV/AIDS has not had the desired impact of "lifting all the boats" because health worker scarcity is so great that the current workforce cannot necessarily absorb new duties, patients, and activities. But investing directly in health worker recruitment and retention, training and rational deployment required for HIV could also have that positive impact on public health generally.

Investing in Communities

In the absence of sufficient numbers of skilled health workers, some countries and communities with severe skilled health worker shortages rely heavily upon volunteers, family members, and community health workers in the fight against the pandemic. Other countries and communities may include community health workers as a planned and important component of their health systems. Indeed, part of WHO's strategy for achieving its 3 by 5 initiative of 3 million people in developing countries on AIDS treatment by 2005 has been providing training 100,000 people, about half of whom WHO has expected would be community health workers providing treatment support.[\(see footnote 16\)](#)

Both caregivers and community health workers can contribute to the health of their communities. An August 2004 study of family and volunteer caregivers in Uganda and South Africa contracted by USAID noted that ". . . home care programmes, if properly planned, can relieve the pressure that the care of HIV/AIDS patients has on formal health care facilities . . . there is also evidence to suggest that such programmes have clear health, social and economic benefits for the patients, families and communities."[\(see footnote 17\)](#) Community health workers have a central part of the success of the AIDS treatment program being implemented by Partners in Health in a remote, rural area of Haiti, where community health workers observe patients taking their medication, respond to concerns of patients and their families, and provide moral support.[\(see footnote 18\)](#)

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At the same time that both community health workers and family and volunteer caregivers can provide important health services, both community health workers and caregivers require significant support structures. The study on Uganda and South Africa warned that without substantial investment in the home-based care, the approach could exacerbate gender and poverty inequalities among families and communities.[\(see footnote 19\)](#) Providing stipends, micro-credit or salaries to women engaged in this work would help them, and offering them training, supplies, and drugs will help the adults and children with AIDS who rely on them. Compensation is also important to maintaining the motivation of community health workers, who are also likely to be poor and require financial or material support.

Along with compensation and training, community care-givers and those in their care would also benefit greatly if the community care-giving structure is linked to supervision and support from, and a referral network of, health professionals and care-giving organizations. Supervision and training are also key elements of the success of community health workers. A career structure, a possibility for increased responsibilities and compensation, always with adequate supervision and support, can also enhance the success of community health workers.

The Challenge

Mitigation and eventual resolution of Africa's health worker shortage is long overdue, and harder today than it ever was given the West's insatiable appetite for foreign nurses and the untold attrition of health workers, particularly nurses, due to illness, care giving at home, and death from HIV/AIDS. HIV prevalence in health workers is typically similar to that in the general population. In Malawi, 3% of health workers were dying annually by 1997, a fatality rate six times higher than it had been before the AIDS pandemic. In Lusaka, Zambia, in 1991–1992, the HIV-prevalence rate among midwives was 39%, and among nurses, 44%.[\(see footnote 20\)](#) Much as Malawi, HIV/AIDS has caused illness and death rates of Zambia's health workers to increase five- to six-fold.[\(see footnote 21\)](#) Resolving it requires an unprecedented degree of strategic planning and cooperation between national governments, international agencies, and other donors.

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Recommendations: The Next Phase of US Support for Health in Africa

Greatly increased spending by national governments and by foreign donors and international organizations is required to enable countries to meet AIDS prevention, care, and especially treatment targets and to sustain a high level of coverage for these interventions. These systemic improvements to what is typically the weakest part of health systems in Africa—personnel—will greatly enhance countries' capacity to improve health in all areas, from combating other major diseases such as tuberculosis and malaria to improving child survival and driving down unspeakable levels of maternal mortality that plague much of Africa.

We envision an initiative with four main pillars:

First, the United States should provide technical assistance to countries in assessing their current health workforce situations, in determining their health workforce needs to achieve health targets, such as the Millennium Development Goals, and in developing strategies to achieve those goals.

The strategies should be linked to overall health system development strategies so that health worker strengthening occurs in concert with the other aspects of health system strengthening require to achieve Millennium Development. So as to guide both national budgets and donor assistance, the strategies should include costing estimates. The strategies should also include coordination among donors and the national government to ensure that the full cost of implementing these strategies is covered.

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While the national government will determine the strategic process, the United States should encourage broad participation, including by health workers themselves and leaders of rural communities. This will help ensure both that the strategy is consistent with and informed by health workers' needs and the needs of communities, especially those in rural areas who presently have the least access to health services. The United States can also promote, or at least ensure that countries seriously consider, other examples of good practice, such as closing the gap between the pay for physicians and

other health workers,(see footnote 22) promoting equity in the international distribution of health workers, and incorporating all sectors—public, non-for-profit private, NGO, faith-based, and for-profit private—in planning processes.

Second, the United States should help fund the implementation of these strategies. The activities funded should be determined by national strategies, by the needs as expressed by the people of those countries. Based on strategies that countries have already begun to implement, as well the needs common to the region that will determine the strategies, elements that will likely be in most or all of these strategies include:

Higher salaries for health workers

Incentives for health workers to serve in rural areas

Improved health worker safety, including full implementation of universal safety precautions, post-exposure prophylaxis for health workers potentially exposed to HIV, tuberculosis infection control, and hepatitis B vaccination

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Improved human resource management, including improving human resource policies and enhancing management skills of local health managers

Increased capacity of health training institutions, such as medical, nursing, and pharmacy schools

Providing continuous learning opportunities to health workers

Support for community health workers, including compensation, training, supervision, supplies, and linkages to health professional support and referral systems. Training, supporting and deploying people living with AIDS as counselors, prevention advocates, and care givers should be a priority.

Re-hiring and rational deployment of retired or unemployed health professionals

Health system improvements not specifically related to human resources for health, such as assuring adequate and dependable provision of supplies and essential drugs.

Third, while it is necessary for countries to have human resources for health strategies, enough is known about what is needed to begin funding many interventions immediately, and indeed, the urgency of the crisis demands this. There is no need to wait for fully formed strategies for the United States to begin to provide financial and technical support that will actually begin to help retain health workers, train new ones, and increase health services in rural areas. Much of what is needed, such as ensuring health worker safety and improved human resource management, will be part of any comprehensive strategy on strengthening the health workforce. All health workers need the gloves and other gear to keep them safe. All human resource systems will have to provide health workers with sound supervision, career structures, clear job descriptions, and on-time pay. And all countries will need to have the capacity to know who their health workers are and where they are, which will require computerized databases of their health workforce.

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Furthermore, even where a complex strategy may be required, as for determining exact training needs or salary structures, pressing needs in such areas as training and salary support may be ripe for immediate funding, even before the strategies are fully established. For example, the nursing school that is part of the Harare Central Hospital in Zimbabwe had only three nurse tutors (professors) in the beginning of 2004, though the school officials say that at least fifteen are required.(see footnote 23) These posts need to be filled. As of 2003, Kenya had 4,000 nurses, 1,000 clinical officers, 2,000 laboratory staff, and 160 pharmacists or pharmacy technicians who were unemployed not because they were not needed, but because the government could not afford to pay them.(see footnote 24) These workers need to be hired.

Fourth, the United States should support efforts by the World Health Organization and others to collect and disseminate country lessons and experiences in human resource policies and efforts to recruit, retain, and equitably deploy their health

workers. Information of both successful and unsuccessful practices should be widely available so countries learn both from the experiences of other countries, adopting successes to their own circumstances and avoiding other countries' mistakes. One way that the United States do this is by supporting a regional observatory on human resources for health at WHO's African region headquarters. This observatory would promote evidence-based human resource policymaking, share experiences with human resources reforms among regional policymakers, and increase human resource policymaking capacity.

Along with learning from experiences elsewhere, countries should also learn from their own experiences, and adjust their strategies based on those experiences. The United States should therefore help countries develop strong monitoring and evaluation capacities.

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Fortunately, this Administration and this Congress have shown that they are up to the task. The two major new foreign aid initiatives of the past several years, PEPFAR and the Millennium Challenge Account, both represent new ways of doing business. The adoption of the U.S. Leadership Against HIV/AIDS, TB, and Malaria Act of 2003 represents the vision of Members and Senators from across the political spectrum. It was the high-water mark of legislative and executive branch cooperation, and it made possible an unprecedented contribution to health in some of the poorest countries in the world. We believe that with the leadership of the President and this Committee, you can make a new and desperately needed contribution in the form of direct support of African health workers that will sustain and broaden the programs you launched in 2003. We stand ready to work with you to reach that noble goal.

Thank you.

Mr. **SMITH OF NEW JERSEY**. Ms. Burkhalter, thank you very much for your testimony and for these many years. When I chaired the International Office of Human Rights Committee, you were a frequent witness and provided us much valuable insight in writing the trafficking laws and all of the other pieces of legislation when you worked with Human Rights Watch. I always appreciated your take, and now with the physicians' group, it is very, very helpful. So thank you.

And the focus you bring on the scarcity of healthcare professionals and providers in Africa is an issue that has gotten too little attention here in Washington, perhaps elsewhere as well, so I know you have talked about it before, but I think that whole focus needs to be enhanced, and also the brain drain which just leads to people being unhelped, unattended to.

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We have a scarcity of nurses in this country, but, still, it is a matter of what is the ratio of patients per nurse as opposed to no nurse at all. So I think your point is very, very well taken.

I would like to ask you, if I could, and you began to allude to it at the end, with regard to the importance of behavior change. You know, I have been a very strong believer over these years that just like we admonish countries through human rights law with a linkage to penalties and rewards if human rights are adhered to or not adhered to, I think the most salient case where human rights linkage to rewards and punishments is in the area of trafficking. As you know, I was the prime sponsor of the Trafficking Victims Protection Act, and there were a large number of people, Democrats and Republicans, who were part of the coalition that got it passed, and some people, both sides of the aisle, who did not want to have any penalty as a result of misbehavior, in this case, modern-day slavery with coerced prostitution and slave labor of other kinds.

But it has proven itself. Countries have changed their laws. Forty-four or 45 countries have totally rewritten their laws because a small but, nevertheless, real sort of Damocles is hanging over them with regard to loss of U.S. foreign aid. So it focused the mind.

Behavioral change—that is on the micro level, individuals—is what the abstinence promotion was, and still is, all about, as well as the to-be-faithful mindset. I think it is the soft side of racism to suggest that some parts of the world are unwilling to be taught that, and Uganda, in a situation where Ugandans told the rest of the world that their leadership, moral, political, could admonish their young people to defer. It is not a matter of never having sex; it is a matter of deferral to the more appropriate time and to be faithful to one's partner, you know, whether it be a wife or husband or a situation

where they are just exclusive, just the male and the female.

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My point being that we see, I think, a potential dissolution of that or a lessening emphasis on that. Mr. Ssempe's testimony is an indictment, I think, of some of the contractors that are doing business who, when it gets down to real-world implementation, are failing to carry out the clear, nonambiguous intent of Congress and the President to not discriminate against those who feel that the AB should be emphasized and the C perhaps not at all.

That is what the conscious clause was all about, and perhaps you might, Mr. Ssempe, might want to speak to that further because, as you have pointed out, and I have heard this from other individuals as well, there is a concern that the infection may go up again, and perhaps already is, because that message is not being reinforced over and over and over again in young people with regard to the abstinence part.

Our language said condoms can be distributed. That is a large commodity procurement that this country makes every year, but there are those who feel that that is not the means where there is the highest rate of efficacy, so they choose another way. So perhaps, Mr. Ssempe, you might want to speak to that as well.

And then, Dr. Gupta, if I could, and all of you might want to speak to this, and, Holly, you might want to speak to this as well, one of the amendments I offered to Mr. Hyde's bill had to do with hospice—not that any of us think that hospices are going to spring up all over Africa or anywhere else in the developing world—but hospice training, so that those who have HIV/AIDS and are in, particularly, those final, very hard last weeks and days are not treated like lepers and put off in a corner somewhere to die not just a miserable death but an exceedingly lonely death as well.

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We have had come to this Committee in the past faith-based groups, including a priest and a nun from South Africa who were doing great model-type work, prototyping work in South Africa where they teach the lessons of hospice and how it can help, and, Ms. Burkhalter, you might want to speak to that issue as well.

I have other questions, but if that could be the beginning.

Ms. **BURKHALTER**. I did not know about the hospice provision. I just think it is a wonderful thing.

I was talking to my colleague, Eric Friedman, who is the researcher at Physicians for Human Rights upon whom this testimony is based, and I neglected to thank him at the outset—I would not be here without his very good work and good fellowship.

I think it is a wonderful initiative with hospice care because probably most people are dying at home. Eric was telling me, when he visited hospitals in Africa recently, just a couple of months ago, that many sick people do not come because there are not enough nurses to care for them. And he mentioned that there was a nurse that he talked to at a recent conference of nurses that took place in Tanzania, mentioned to him that a nurse was being sued because someone died in a hospital without a nurse at his side. She was just dumbfounded by that. She said, "We cannot possibly be at their side; there are not enough of us."

Can you imagine how they must feel when they come back to visit a patient, when they have 100 patients, and they are dead? We do not often think about what the health professional herself or himself, what kind of a toll that must take on them. But that is the reality, that people die alone. They die alone often in hospitals because there are not enough people to even hold their hands and be with them as they leave this life.

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Your notion that hospice care and education can not only help the dying but help the living, the people with AIDS who are not dead but who might be shunned by their communities. Ambassador Tobias said something about all healthcare being local, and I really like that comment because the issues that the three of us at this table care about very much and, I

am certain, are in agreement on, which are care and treatment of the sick and dying, abuses against women and children, stigmatization of people with AIDS; all of those things really have to be addressed at the community level.

In addition to the provision of services for the very poorest who do not have access to nurses and doctors and trained health professionals, which is where, I think, any kind of health worker initiative has to include the community health worker. They can do a lot of the things that, at least, nurses and other caregivers might do, and, at the same time, particularly if their core of workers includes people with AIDS, will just help more than anything else to chip away at that stigma that makes the death of a person with AIDS so lonely.

Mr. **SMITH OF NEW JERSEY**. If you could just respond on the behavioral-change issue.

Ms. **BURKHALTER**. I am just very, very interested in the leadership, the role of national government and civil society in making changes and helping contribute to safer behaviors that have played an important role in not just Uganda, but different kinds of behavior changes elsewhere, in the United States itself, as a matter of fact. And I think that finding ways to shore them up and publicize safe behavior, particularly in countries where women and girls are very much at risk because of tolerated behavior—you know, we tolerated domestic violence here until rather recently. But there was sort of a norm change. The health community was a part of that norm change, and I would love to see them empowered to do so in Africa. There are not enough of them, though.

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But the cultural norms that could stigmatize somebody who is having sex with a child or a teenaged girl, or the cultural norms that could say, "We do not beat up wives and girlfriends in this community," it seems to me, are very much a part of the A and B message. That is something on which everybody can agree. I think that the standard by which Congress should look at all of the prevention programs we fund is not either/or, of course. The bill encompasses all three, but we should be funding the best of all three.

Mr. **SMITH OF NEW JERSEY**. Mr. Ssempea?

Mr. **SSEMPA**. Yes, Mr. Chairman. Thank you for that comment.

We have noticed that in places where there are more condoms being distributed, more than A and B, we see that there is an increase in HIV/AIDS, and you would not expect that because I do not think that the people who distribute condoms really want that.

The recent research that has come out was the Reichart research that was all over the news and seemed to credit condoms for the success of Uganda turning back the tide, but actually the opposite is true. We find that, in the particular area where the project was, there is such an influx of condoms that there are 185—agents having double condoms in Rakai, more condoms, and in other areas where there are very few condoms, like Moroto and Karamoja, there is less HIV.

Even on an international level, we notice that countries such as South Africa, Botswana, Zimbabwe, and Kenya that have higher levels of condoms correspondingly have higher levels of HIV, something that has got all of us asking the question: What is going on here? Because the people, like PSI, who are working on this same message are not intending to spread HIV/AIDS, but it is worthy of further investigation.

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The other point I would like to make, Mr. Chairman, is having been successful in convincing—has been two things, one, essential fatigue, but then also there are elements that just do not like the message of A and B. So this morning, with the demonstration in the room, there are people just opposed to A and B, and as Ambassador Tobias said, partnership between U.N. AIDS and PEPFAR, the development of the three critical ones, the development of one single strategic framework, one single monitoring and evaluation, one single coordinating entity.

I have those documents here, but increasingly in Uganda we are seeing a systematic elimination of A and B, and it concerns me as an activist. I do not want to come back 2 or 3 years from now, and in the country that was credited for

studying the ABC, that it is practically gone. So I am concerned, and we are concerned about it. To a great extent, it is an overreaching agenda of some who do not like the balanced ABC message. Thank you, Mr. Chairman.

Ms. **BURKHALTER**. I just want to comment on two points that you raised. I was not aware either of the amendment on hospice training, which I think is a wonderful idea. As you probably know, it is women who bear almost the entire burden of care in most countries that are affected by this epidemic, and they do so with very little available to them by way of resources or information. I think the first step, therefore, is to just ensure that they get the water, the gloves, the needles, the simple information about what is safe and what is not, so that they can deal with the loved one's care in a way that is safe for them.

And the second point I wanted to make is that in behavior-change communications, I would like to see more investment in that kind of programming for reducing the acceptability of violence against women. That is exactly what I was talking about. That is a normative change that can be brought about. We have done it in this country many times on many different issues. The famous one that comes to mind is with litter in this country, the famous campaign of the American Indian with the tear. It worked.

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There are things that can be done. We need mass campaigns at that level while we have community interventions and initiatives led by local organizations that are pointing out the cost. We need the evidence to prove that these are costs to national economies, not just to individual women, and we have the data to show that. It actually reduces your GDP when you have that much violence in a country against women. It reduces productivity. It increases absenteeism.

So there are many reasons, including HIV/AIDS and the spread of it, to invest in doing something about what I think of as another epidemic. If it was a public health issue, we would call it an epidemic.

Mr. **SMITH OF NEW JERSEY**. I have additional questions, but I may have to submit them for the record. We will go on to Ms. McCollum. We have to vacate this for another hearing that begins at 1:30, regrettably. Ms. McCollum?

Ms. **MCCOLLUM**. Thank you, Mr. Chair.

There has been a lot of testimony that has been, I believe, well, it should have been started with "in my opinion," and we certainly want to hear people's opinions.

Mr. Ssempe, I have a couple of questions for you. What was the dollar amount you were applying for in your contract that you claim you were turned down for?

Mr. **SSEMPA**. I do not recall exactly. We were invited by PSI to have discussions.

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Ms. **MCCOLLUM**. You do not recall how much money you were asking for?

Mr. **SSEMPA**. No. We do not recall how much money we were asking for.

Ms. **MCCOLLUM**. Okay. I find that kind of unusual, that you would go in and discuss a contract, but you cannot recall how much——

Mr. **SSEMPA**. We did submit a proposal.

Ms. **MCCOLLUM**. And how much was the proposal for?

Mr. **SSEMPA**. I do not recall right now.

Ms. **MCCOLLUM**. You do not? Okay.

Mr. Chair, I have a couple of things that I would like to submit for the record because I know people have different opinions as to how effective different things are, but when I found this was coming up, and I had an opportunity yesterday to sit at my Web site and learn more about one of the organizations, PSI, that people were giving their opinion on, and wanted to gather some information on what they did with faith-based programs and found out that they had been working with faith-based programs that go back to the late eighties, and different activities in different communities as their faith communities feel comfortable with.

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If they just want to do the A and B, or if they want to do the ABC, that faith-based organization is allowed to determine that, but if the faith-based organization is found to be breaking U.S. law in not using scientifically accurate information about condoms, if they choose not to be silent on condoms, then they must be correct in the information that they use when they describe condoms.

Mr. Ssempe, it has been brought to my attention that you do not think condoms, in your opinion, are as effective as the A and B, but have you publicly ever stated that condoms are not effective because they all have holes in them?

Mr. **SSEMPA**. No, ma'am. I never said that.

Ms. **MCCOLLUM**. You have never said that.

Mr. **SSEMPA**. No.

Ms. **MCCOLLUM**. Mr. Ssempe, I have an article in front of me, because I just want to clear things up for the record, and I am quoting—it is from a *New York Review of Books*, and the author is Helen Epstein, and she, in an interview, and I do not know if you have had a chance to see her book yet, that you condemn homosexuality, pornography, condoms, Islam, and Catholics, and certain kinds of rock music, women's rights activists—who you say promote lesbian—abortion, and the worship of female goddesses. Is any of that correct, or is it all incorrect?

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Mr. **SSEMPA**. I think that there is a lot of misrepresentation that is put toward people like me who promote abstinence and being faithful. That article came out recently by Helen Epstein, and I have had an opportunity to look at it. It is full of misrepresentation.

I would like to draw one, especially in the part about condoms. In that particular article, Helen Epstein writes that I burned condoms, and I think there was a Congressman who asked a question about that, and it is true. I burned condoms. But what critical piece of element is left out is the fact that those condoms had been banned by the government a few days earlier, that they would pose a significant risk to the population at large. So I was simply fulfilling what the government had ordered, a recall, a destruction of those condoms.

Ms. **MCCOLLUM**. The government requested you to go to that campus—I believe it was a campus—and the government personally asked you to burn the condoms?

Mr. **SSEMPA**. It issued a call to recall and destroy all condoms from public. And what happened, I work with college students. It was a season of freshmen. In fact, in that particular article, Helen Epstein says it is a fresh pack of condoms. It was not a fresh pack. It was a deteriorated, recalled pack of condoms that posed a significant, hazardous, life-threatening experience to anyone who would have used it, so that is what happened.

Ms. **MCCOLLUM**. I am glad you had time to look at the lot number and verify that, and that was not your property that you destroyed. And in your opinion, you thought you were doing something that was good.

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You have also said that many of these organizations do not work with the government; they work against the government.

This is, Mr. Chairman, for the record, and I will submit some of my other information for the record because I am going to stick to what I have that is factual, that we have an ad campaign which has the first lady, Janet Museveni in here. It is USAID, and this was done in cooperation with PSI working on it, and it talks about delaying abstinence. You know, it is very, very clear. I think it is an excellent message that that has been put together, and I am sure the first lady is very proud of the work.

In a country where people do not know their status, and people are going to be entering into faithful relationships or entering into marriage, and neither partner knows what their status is, and the prevalence rate is high, would you recommend, Doctor, that that couple seek to protect themselves while they were investigating what their status was and that a condom would be a good thing to use, so that that couple should have had information on condom use available to them?

Ms. **GUPTA**. Absolutely. There is no question about it. If a couple does not know their individual status, has not had the time or the opportunity to check it yet, they must protect themselves with the only means that is available currently, which is a condom, until such time as they know what their status is.

The problem that arises for young married couples is when they want to prove their fertility, which is why I was saying that there is a need for microbicides because investments in microbicides that do not have contraceptive properties will actually allow couples to protect themselves from infection and still be able to have a child.

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Ms. **MCCOLLUM**. That is very interesting.

Mr. Chair, I will submit other faith-based organizations that PSI has funded just in the last less than a year.

Mr. **SMITH OF NEW JERSEY**. Thank you.

Mr. Payne?

Mr. **PAYNE**. Thank you very much, Mr. Chair. I am sorry that I missed much of the testimony.

It is good to see you again, Ms. Burkhalter. Any time I see your face, I know that there are good things going on. I do not know the other two persons, but I think this is a very important issue, the question that you raised, Ms. Burkhalter, about the draining of professionals.

The same thing is happening, as you know, even more so in the Caribbean Islands, that they are struggling to try to keep their nurses, in particular, there. They train them, they graduate, and as soon as they are in practice for a few years, they are just brought up to the middle Atlantic states or whatever. We have even talked about attempting to see if there could be some allocation to some of those countries for their educational system to expand it a bit so that since we are not going to, it seems like, end the practice, at least there could be some USAID subsidy to the government to increase the number of persons that are going into the field.

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I hope that then more would not be brought up, but there is some, I believe, some obligation and responsibility for us who are pulling these nurses in this region, and as you have indicated, it is certainly happening in South Africa.

I also have some concern about the lack of safety with needles, for example. There are ways that needles can be prevented from nurses striking themselves. Retractable, of course, is costly, but even needles that can go back into, which are not automatic, but needles which can go back into the container. Have you had any discussion with any of the world organizations regarding the question of safety of the nurses or the first responders, so to speak?

Ms. **BURKHALTER**. Well, I am actually very proud to say that Physicians for Human Rights wrote a big, white paper on HIV/AIDS transmission in medical settings. So it is not sexual transmission; it is AIDS transmission from reused needles and from unscreened blood supply. There is argument in the international health community over what level is responsible from this transmission source, but even the smallest numbers, estimates are really huge, and all of them are preventable.

And a related problem, of course, is occupational exposure of the nurses, among the nurses and doctors themselves. I do not really have time to talk about it, but this is a real contributing factor to brain drain. Doctors and nurses are afraid of being infected by their patients, and it is not just needles. Any open lesion on you or anything open, your eyes. If you are a midwife delivering a baby, and you do not have a gown, a mask, and gloves, and many do not, you are at risk. It is low risk compared to some of the other more efficient transmission modes, but it is a risk, and the perception of risk is enough for people to say, "I cannot work here." The risk contributes to a stigma within the medical community against people with AIDS because they are afraid.

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So we actually called for a targeted intervention in helping supply safer workplace activities, and there was an earmark in the original bill over on the Senate side, and they have done an admirable job. On the medical transmission of AIDS, we are the first government to do this, and it is now becoming much more a part of a key prevention method that it was not in the past. But much more needs to be done, and particularly in the area of universal precautions, post-exposure prophylaxis, some of the other things that are not universally available, by any stretch.

Mr. **PAYNE**. Thank you very much. Time is running out, but I believe that the amount of funds, the \$15 billion sounds great, but, in my opinion, it is just a drop in the bucket that we have put forward. You could not believe that when Secretary Colin Powell was going originally, 5 years ago, our commitment was supposed to be \$200 million for 5 years. It was so disgraceful to even go and say that we are going to do \$200 million as our contribution. We are able to, at least, compel them to, at least, change it to say, well, maybe this is our beginning contribution. The \$15 billion, like I said, in my opinion, is not nearly enough. [Off mike.]

About \$500 billion will be spent each year of 2 years. It is not all spent, but it is in the budget. I do not know how the budget works, how it lays in, but I just know I voted against \$426 billion and voted against these other supplements. The point is that about \$10 billion a week, if you take the trillion dollars spent in 2 years or budgeted in 2 years, \$10 billion a week—that is like, \$1.2 billion a day, maybe just \$1 billion or maybe knock off \$200 million—when you look at numbers like that, and you talk about we are doing such a fantastic job when we are talking about the allocation of what we are doing in a week and a half as relates to the U.S. military effort in the world. This is 5 years, \$15 billion, and we are patting ourselves all over the back. And they are military expenditures. We have to protect ourselves, defend our country, and all of that—I am not un-American, but we are spending about that amount in 2 weeks, not 5 years.

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So I think it is the way that you look at things. Where is the money going to come from? I do not know where it is coming from, but a 426 we just approved for the military budget in the supplements; it comes from somewhere. Maybe they just print it. I do not know how that works.

But we have to stop being satisfied with numbers that sound like they are extraordinary. They are extraordinary because we were going to do \$200 million. So I could not agree with you more. There has to be another look at this killer disease that has changed the projections of populations in our years.

And also, I do not want to get into a big debate about the condoms, but I do not know any person—I am a father and have triplet grandchildren—I do not think there is any adult, any parent, who does not talk abstinence. I have done it. My grandmother and grandparents talked to me about it when I was a kid. I talked about it to my children. Their little 6-year-olds are not talking about it yet, but we all are for abstinence.

But I think we have to be realistic, too, and if the abstinence does not work, then it is absolutely irresponsible to say that

condoms should not be used. It is absolutely wrong, and no one knocks abstinence. We would have no problems if everybody abstained until they were married. We would not have unwed children. We would not have malnutrition. It would be fantastic, but in the real world, it is like a world without wars, you know. It is not going to be, and abstinence is not going to be.

As a matter of fact, in "Leave No Child Behind," in Newark, New Jersey, it is against the Federal law to talk about condoms. You lose your Federal money. That is the law of the land in this country. Absolutely insane. Teachers are just choked up because they only can talk abstinence. Can you imagine that here?

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Mr. **SMITH OF NEW JERSEY**. Would my friend yield?

Mr. **PAYNE**. Yes.

Mr. **SMITH OF NEW JERSEY**. We have another hearing.

Mr. **PAYNE**. That is right. Okay. Sorry I got here late. We usually do not have any limits.

Mr. **SMITH OF NEW JERSEY**. I would like this to go on for at least another hour, and the gentleman knows that.

Mr. **PAYNE**. Thank you. I will yield back to you.

Mr. **SMITH OF NEW JERSEY**. Regrettably, we do have to end. I have some additional questions I would like to submit for the record. Thank you so much for your testimony and for your great work. The hearing is adjourned.

[Whereupon, at 1 o'clock p.m., the Committee was adjourned.]

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Material Submitted for the Hearing Record

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE BETTY MCCOLLUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

[Note: Image(s) not available in this format. See PDF file]

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In Ghana, on top of their salaries both doctors and nurses receive extra compensation through the Additional Duty Hours Allowance (ADHA). Doctors, however, have received far greater allowances than nurses. This caused frustration among nurses, who felt that they were not appreciated. Since the introduction of the ADHA several years ago, nurse emigration from Ghana has increased significantly. DFID Health Systems Resource Centre (James Buchan & Delanyo Dovlo), *International Recruitment of Health Workers to the UK: A Report for DFID* (Feb. 2004), at 21, 23. Available at: http://www.dfidhealthrc.org/shared/publications/reports/int_rec/int-rec-main.pdf.

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EXHIBIT 185

tg media

Wednesday, September 22, 2004

Children Exposed to Pornography

Is Your Child Safe From Pornography?

New Vision (Kampala)

NEWS

September 20, 2004

Posted to the web September 20, 2004

By Denis Ocwich

Kampala

Promiscuity is mainly from erotic and obscene messages in the media. Behold what has become of the young secondary school boys in Masindi district. If press reports are anything to go by, the Police are investigating the students for allegedly joining a gang that engage in sex as a competition.

The students first watch blue movies to stimulate their erotic nerves, then they go on the sex spree, experimenting on what they have picked from the amorous film.

Strange! But it is no surprise to FamilyLife Network (FLN) which has since 2002 studied sexual behaviour of the youth in 360 schools countrywide.

"Children are indiscriminately exposed to pornography and obscene materials and the damaging effects are already evident in many schools," said Stephen Langa, the Executive Director of Kansanga-based FLN.

Citing an example of a secondary school boy who confessed that he sexually molested his sister after watching pornography, Langa lamented: "We discovered that there is a lot of rot among our young people, which the parents are not aware of."

Part of the blame lies on the shoulders of parents who send their children to schools without ever bothering to check how they are doing in school, hence they take to drunkenness, viewing pornography, abortion and smoking under the influence of their peers.

"FLN has also found out that homosexuality and lesbianism are spreading like wild fire in schools," Langa said.

"There is rape inside schools and sex among students themselves. We have also found incest and cases of teachers molesting children and a lot of abortions," he added.

Much of the promiscuity is germinating from viewing pornography in the media and the Internet and blue movies.

"If nothing is done to address the present state of affairs, the present generation of parents will find themselves having to bury their children instead of their children burying them," Langa stressed.

FamilyLife Network preaches value-based sex education, which encourages young people to abstain from sex until they get married. And so far, there is a positive response from students, many of whom have realised the benefit of abstinence.

Through a programme dubbed: "True Love Waits" students sign cards of acceptance to abstain from sex.

"From the time we started up to now, we have about 70,000 young people

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Location: Ontario, Canada

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China Cited for Repeated Offences



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The parents' network is to garner membership across the country to provide parents with parenting skills to morally raise their children. It will also provide a platform for parents to dialogue and understand communication skills to teach their children the nitty-gritty of sexuality.

"Most problems which children go through stem from either poor parenting practices or broken family relationships," Langa said.

"Parents have the responsibility of bringing up children in a supportive environment."

He described pornography as a "silent deadly virus" that is destroying the young generation.

The Associate Dean of the Makerere's Faculty of Medicine, Dr. Sam Luboga, said parents should educate their children about sex.

He said this could include watching a bad film or television programme together with the children as the parent explains the risks. "We should teach our children when to say no, where to say no, and how to say no to sex," urged Luboga.

posted by TG Media @ 1:36 PM 

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EXHIBIT 186



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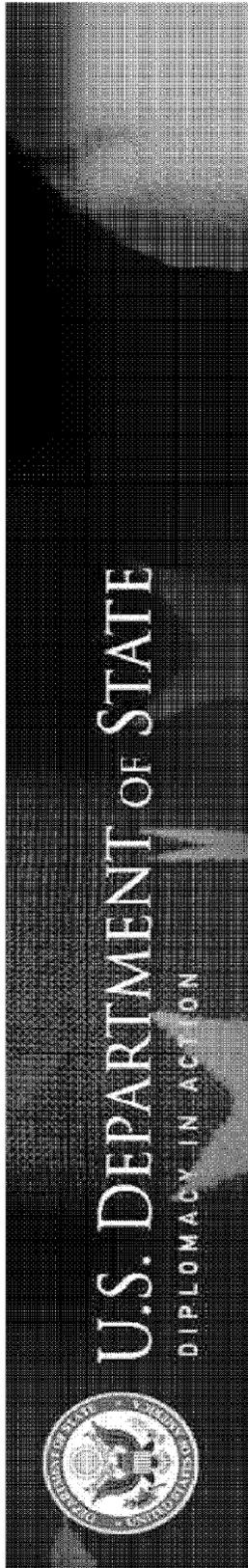
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EXHIBIT 187



Uganda

Bureau of Democracy, Human Rights, and Labor

2004

February 28, 2005

Uganda is a republic led by President Yoweri Museveni, who continued to dominate the Government following his reelection to a second 5-year term in 2001. He has ruled since 1986 through the Movement, an organization that continued to receive state support and function both as a political party and a state institution. Movement supporters remained in firm control of the legislative branch. Election observers believed that the 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities, particularly in the period leading up to the elections, such as severe restrictions on political party activities, incidents of violence, voter intimidation, and fraud. In March 2003, the Supreme Court declared unconstitutional two sections of law that prevented political parties from operating while the "Movement System" remained in place; however, severe restrictions on political activity continued, particularly for opposition parties. The judiciary generally was independent but remained understaffed, weak, and inefficient; in addition, the President had extensive powers of judicial appointment.

The Uganda People's Defense Force (UPDF) was the key security force, and a civilian served as Minister of Defense. The Internal Security Organization (ISO) remained under the direct authority of the President, and was an intelligence-gathering body; however, its operatives occasionally detained civilians. The Chieftancy of Military Intelligence (CMI), under UPDF control, detained civilians suspected of rebel and terrorist activity. The police were organized as a national force under the authority of the Ministry of Internal Affairs. The UPDF continued "Operation Iron Fist" in its 18-year war against rebels of the Lord's Resistance Army (LRA) in the northern and eastern portions of the country and in southern Sudan. A ceasefire announced by the Government on November 14 expired on December 31 after the two sides failed to agree on terms for its extension. Local leaders formed Local Defense Units (LDUs) to reinforce government efforts to protect civilians from LRA attacks. The country provided the use of its airfields and other logistical support for international peacekeepers operating in the Democratic Republic of the Congo (DRC); however, there continued to be allegations that security force members and some government officials supported militia activities in the DRC and profited from illegal trade. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous serious human rights abuses.

The country's population was approximately 25.3 million. The economy grew at a rate of approximately 6 percent during the year. Agriculture accounted for approximately one-third of the gross domestic product, and foreign economic assistance accounted for approximately half of government expenditures. The privatization of state-owned enterprises continued. Despite government efforts to curb corruption, perceptions of widespread corruption were cited by potential investors as a major concern.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Domination by the Movement of the Political Process and continued restrictions on political party activity limited the right of citizens to change their government. Security forces committed unlawful killings and were responsible for short-term disappearances. Torture by security forces and beating of suspects to force confessions were serious problems. Security forces were responsible for incommunicado detention, and prison conditions remained harsh and frequently life threatening. The Government punished some security force officials who were guilty of abuses; however, impunity remained a problem. Arbitrary arrest and detention, including those of opposition supporters, and prolonged pretrial detention were problems. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the right to a fair trial. Security forces at times infringed on citizens' privacy rights. The Government at times restricted freedom of speech, the press, and association, and severely restricted freedom of assembly. There were some limits on freedom of religion and movement. Domestic violence against women, rape, and abuse of children, particularly sexual abuse, remained serious problems. Discrimination against women and persons with disabilities remained problems. The Government worked with nongovernmental organizations (NGOs) to combat the practice of female genital mutilation (FGM), which occurred in some parts of the country. The Government at times employed child soldiers. Trafficking in persons was a serious problem, particularly the trafficking of children by the LRA. Vigilante justice remained a problem. There continued to be limits on worker rights. Forced labor, including by children, occurred, and child labor was common, mostly in the informal sector.

The LRA, led by Joseph Kony, committed numerous, serious abuses and atrocities. The LRA increased attacks in the northern and eastern parts of the country during the first half of the year, and rebels routinely killed, maimed, tortured, and abducted civilians, including children. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation during the year. Between 32,000 and 52,000 children known as "night commuters" traveled from conflict areas or internally displaced persons (IDP) camps each night to urban centers to avoid abduction by the LRA.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike during the previous year, there were no reports of politically motivated killings or executions by the Government or its agents; however, security forces committed unlawful killings during the year and were responsible for at least three deaths as a result of torture.

On March 2, the Joint Anti-Terrorism Task Force (JATF) publicly denied having executed or detained without trial Ismael Muviru, Mutwabil Walakira, Captain Sewamuwa Daudi, and another unnamed man; Human Rights Watch (HRW) claimed the four men were executed without trial in September 2003. The UPDF, the Uganda Human Rights Commission (UHRC), and the independent Foundation for Human Rights Initiative (FHRI) reported that

they had investigated the allegations and could not find any evidence to verify the claim. There also was no known response to newspaper appeals for the public to come forward with any information on the case.

There were no developments in any of the other executions committed by security forces in 2003 and 2002.

During the year, there were credible reports that persons died as a result of torture by security forces. For example, on March 26, in Mayuge District, police arrested Jackson Muluta and Aloysius Mugabi on charges of theft; later the same day, the police reported that both men had died. An autopsy conducted on Muluta revealed that he died of a hemorrhage after his skull was fractured and his spleen ruptured. The Uganda Prison Services, which denied torturing either man, conducted a separate autopsy that attributed Muluta's death to hypoglycemia.

On July 20, in Mukono District, Isa Masitu died in his Lugazi police cell after being tortured; two other suspects were severely beaten. Seven policemen were arrested on torture and murder charges and were awaiting trial at year's end.

There were no reports of any action taken against security forces responsible for 2003 or 2002 deaths that resulted from torture.

During the year, police use of excessive force while pursuing suspected criminals resulted in deaths. For example, on January 20, in Kasese, an LDU officer shot and killed a man suspected of stealing a goat; a child standing nearby was also killed after being hit by a stray bullet. Police were deployed to prevent a mob from killing the LDU officer, who was subsequently arrested. No further information was available at year's end.

On March 17, in Kampala, police shot and killed Siraj Mwaike, a suspected mugger, as he fled arrest in Kampala.

On April 28, police shot and killed taxi driver Faisal Bagyeraki, who was wanted for numerous traffic violations, after Bagyeraki refused to stop at a roadblock in Mbarara; two other persons were injured in the incident. On May 10, after public demonstrations against Bagyeraki's killing, police officers Herbert Bamwine and Herbert Natukwaisa were arrested and charged with murder and attempted murder; both officers remained in prison awaiting trial at year's end.

There were no developments in 2003 or 2002 security force killings of criminals as a result of the use of excessive force.

Police forcibly dispersed meetings and demonstrations, which resulted in one death and numerous injuries (see Section 2.b.).

During the year, security forces killed numerous civilians during anti-LRA operations (see Section 1.g.).

LRA attacks continued during the year and resulted in thousands of deaths (see Section 1.g.).

LRA landmines resulted in deaths and injuries (see Section 1.g.).

Raids by armed cattle rustlers of the Karamojong ethnic group continued during the year in Katakwi, Kotido, Kumi, Nakapiripirit, Moroto, Kaberamaido, Pader, Lira, and Kapchorwa districts in the northeast. These raids resulted in the deaths of more than 100 persons and the displacement of thousands. The Government continued its Karamoja disarmament program during the year (see Section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors during the year.

Interethnic violence resulted in deaths (see Section 5).

Incidents of vigilante justice were reported frequently during the year. There were numerous instances in which mobs beat, stoned, or burned to death individuals suspected of petty theft, witchcraft, or infidelity. For example, on June 11, residents of Kinoni Village near Mukono burned a suspected thief to death. On July 14, a mob of motorcyclists smashed the head of a passenger, poured gasoline on his body, and set him on fire for not paying the transport fee in Mbarara town.

During the year, authorities prosecuted persons who engaged in mob violence. For example, in March, six persons were tried for murder by mob justice in Nakasongola District. On June 3, Kamuli police arrested 15 persons for lynching Samuel Tigawalana, who was suspected of witchcraft.

There were reports of actual or attempted ritual killings of children during the year (see Section 5).

Ethnic Pokot warriors killed civilians during the year. On April 10 and 13, Pokot rustlers from Kenya killed two civilians during a cattle raid in Kabei subcountry, Kapchorwa District. In a separate attack, Pokot rustlers from Kenya and the country killed 8 civilians in Namalu sub-country, Nakapiripit District.

b. Disappearance

There were no reports of politically motivated disappearances due to action by government forces; however, there continued to be reports of disappearances during the year. In most cases, the missing person was located after a period of incommunicado detention in the custody of security forces (see Section 1.d.).

On October 30, armed men in uniform apprehended James Kashajja, a supporter of opposition leader Kizza Besigye, at his home in Kampala, according to witnesses; Kashajja's whereabouts were unknown at year's end.

On February 2, the High Court in Kampala ordered the Army Commander to produce Captain Robert Ruteinama, who had been in military detention since his December 2003 arrest by security forces. The Army failed to produce Ruteinama, did not confirm or deny the arrest, and had not responded to the court by year's end.

Former Makerere University guild president Peter Ojur, who reportedly disappeared after he returned to the country in January 2003 after military training abroad, reappeared; Ojur was detained for several weeks in 2003 by security forces.

Rebel groups have abducted approximately 38,000 persons since 1986, according to UNICEF. The LRA continued to abduct thousands of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see Sections 1.g. and 5).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were widespread and credible reports that security forces tortured and beat suspects in unregistered detention facilities to force confessions. Between January and December, the UHRC received 2,249 complaints of mistreatment; 179 of

those complaints involved torture. The UHRC Tribunal confirmed many of these complaints and ordered the Government to compensate the victims. Security units involved in torture included the regular police, the UPDF, and the Violent Crimes Crack Unit (VCCU); on occasion, such torture resulted in death (see Section 1.a.).

On December 4, unidentified persons abducted and tortured Sam Aniga, a driver employed by Ogenga Laigo, an opposition Member of Parliament (M.P.); Aniga, who was released after 48 hours, had refused to answer questions about Laigo's alleged secret meetings.

In June 2003, at Makindye military barracks, the UHRC visited prisoners who claimed to have been arrested and tortured by the VCCU; the prisoners bore signs of torture. On April 21, the UHRC reported its findings to Parliament; however, no investigation had been conducted by year's end.

Unlike in the previous year, there were no reports that members of the LDUs, who frequently lacked training, mistreated prisoners and detainees; however, some LDU members committed abuses during the year, including killings (see Section 1.g.).

Police and security forces harassed and detained opposition activists (see Sections 1.d. and 2.b.).

There were reports that UPDF soldiers raped persons, particularly in conflict areas (see Sections 1.g. and 5).

During the year, the UHRC Tribunal awarded compensation to several persons who had been abused by security forces. For example, on April 1, the UHRC Tribunal awarded approximately \$35,000 (60 million shillings) to Fred Bagole as compensation for being tortured by military intelligence in Kampala District in 2001.

On April 14, the UHRC Tribunal awarded approximately \$20,500 (35 million shillings) to Jackson Cherop as compensation for his illegal arrest and torture by UPDF officers in Mbale District in 2002. In December, the Tribunal awarded \$31,000 (54 million shillings) to the family of Edrissa Omulago Isabiye, who died as a result of torture by the VCCU in 2002.

However, the Government has not compensated many complainants for the violation of their rights by police and security forces. In May, the UHRC revealed that the Government owed approximately \$412,000 (700 million shillings) awarded by the tribunal to approximately 50 persons.

No action was taken during the year against security organizations that reportedly tortured prisoners in Kigo Prison or CMI personnel who were illegally arresting and torturing persons to force them to pay their financial debts; in July 2003, the UHRC testified of such incidents before the Legal and Parliamentary Affairs Committee. No action was taken against VCCU officers responsible for the 2003 torture of Burmail Mubiri and Sam Okiring.

There were no further developments in the reported 2002 cases of torture or abuse by security forces.

During the year, civilians were killed, injured, and displaced as a result of security force operations against the LRA (see Section 1.g.).

During the year, the LRA continued to commit numerous atrocities, including the killing, torturing, and kidnapping of civilians, primarily children (see Section 1.g.).

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes (see Section 1.a.). Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in stonings, beatings, and other

forms of mistreatment. Such mistreatment included tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes, parading them through the streets, and other forms of torture and inhuman or degrading treatment.

For example, in July, a mob in Mayuge District tried to lynch Peter Isabiye, a traditional healer, for allegedly kidnapping and murdering a 2-year-old boy. No action was taken against the mob or Isabiye, who escaped the mob after police intervention.

Prison conditions remained harsh and frequently life threatening, primarily as a result of the Government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,000 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. Prisoners held on treason charges complained that security officers kept files on and harassed their visitors. The UHRC reported that it received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

On August 3, approximately 340 inmates at Bushenyi government prison went on strike to protest lengthy pretrial detentions and the July torture by prison wardens of inmate Moses Batishaba. Prison authorities turned over to police the staff members alleged to have committed the torture.

Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates (see Section 6.c.).

The Community Service Act seeks to reduce prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since 2001, 1,726 offenders have been sentenced to community service in 4 pilot districts. By year's end, the program had been expanded to 10 additional districts.

There were a number of deaths in custody, some due to torture (see Section 1.a.). Prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the Prisons Department, 230 inmates died in custody between January and October. Approximately 60 percent of these deaths were due to HIV/AIDS-related diseases. During the year, government agencies sponsored or participated in several conferences on the judicial system and prison conditions and worked with international and domestic human rights organizations on prison reform efforts.

Female prisoners were held in segregated wings with female staff in most prisons; conditions were severely substandard. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. The central prison system maintained one juvenile prison and four remand homes. School facilities and health clinics in all five juvenile institutions were grossly inadequate; prisoners as young as 12 performed manual labor from dawn until dusk. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, held more than 80 children. In Kampala jails, pretrial detainees were kept separate from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

During the year, the Government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local

NGOs, principally FHRI and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly; however, the UHRC also complained that it was not given access to UPDF detention facilities or "safe houses." Prison authorities required advance notification of visits, a process that was sometimes subject to administrative delays.

d. Arbitrary Arrest or Detention

The Constitution prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

The police force was widely perceived to be ineffective. Major constraints included low pay and lack of vehicles, equipment, and training. Police committed numerous abuses, and impunity was a problem. Widespread corruption resulted in the dismissal of some local police officials during the year. In conjunction with the UHRC, the UPDF continued a training program to educate officers on internationally recognized human rights standards. In addition, the police, UPDF, and the Prisons Department used a human rights manual in their training programs. The UPDF made attempts to improve relations between soldiers and civilians.

The Police Human Rights Desk received 300 allegations of police abuse during the year and reported that approximately 140 complaints had been resolved by year's end.

LDUs operated principally in rural areas. Such forces consisted entirely of volunteers and were authorized to carry arms. Their principal purpose was to provide defense to populations affected by rebellions. However, in some cases, they also participated in offensive military operations and carried out police functions. The structure and legal mandate of LDUs were often unclear. Some LDU members committed abuses during the year, including killings.

Under the Constitution, search warrants issued by competent judges or prosecutors are required to make arrests; however, in practice, suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained for more than 48 hours without being charged. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. Suspects must have access to a lawyer; however, there was no provision ensuring family visitation. The Constitution provides for bail in all but capital cases and cases of treason.

The Anti-Terrorism Act permits suspects to be held for more than 48 hours without charge and states that persons convicted of terrorist acts that "directly result in the death of any person" shall be sentenced to death; however, no death sentences were carried out during the year. Several persons were detained under the Anti-Terrorism Act during the year (see Section 2.c.).

Security forces arbitrarily arrested political activists during the year. On July 16, the Uganda Peoples Congress (UPC) party announced that it was searching for 15 members who had been arrested in July and detained by the CMI in Lira District; 7 members were subsequently located in police stations. C.P. Okello, one of the seven, claimed to have been tortured by the CMI. On July 16, a court in Lira charged five of the missing members--Francis Odong, Gaba Otim, Joseph Etieng, Kenneth Oling, and Cyprian Okello--with treason. At year's end, seven members were in detention and eight remained unaccounted for.

Unlike in the previous year, there were no arrests of journalists.

Mass arrests during police sweeps for criminals remained a problem. For example, on January 20, police in Masindi arrested 400 persons after several criminal killings were committed in the area; it was unknown how many remained in detention at year's end. On July 21, police in Rubaga division in Kampala arrested 100 persons for being idle and disorderly; 40 were released on bond, and 60 were detained at Old Kampala Police Station. It is unknown how many remained in detention at year's end.

The number of persons still being held as a result of 2003 mass arrests in Kampala, Mbale, and Gulu remained unknown.

During the year, the Government released and sometimes compensated persons who had been arbitrarily arrested. On June 15, the High Court awarded Pascal Gakyaro, a supporter of the Reform Agenda (RA) political group, approximately \$17,500 (30 million shillings) as compensation for his unlawful arrest and detention in January 2003. Gakyaro claimed to have been tortured during his 8 days in detention. On June 23, the Court Martial withdrew charges of terrorism and released Corporal Patrick Olupot and Umaru Okello, who were arrested in May 2003. On August 13, 22 members of a Muslim group were set free after treason charges were withdrawn; the 22 were arrested in 2003 for allegedly financing the ADF.

On May 17, the UHRC awarded approximately \$1,700 (3 million shillings) to Stephen Mwebaze, who was detained illegally for 10 days in 1999.

It was unknown whether the 10 men arrested without charge by the JATF in August 2003 remained in unofficial detention centers in Kampala; 4 other persons arrested with the 10 were executed in 2003.

No action was taken during the year against the UPDF officer who ordered the illegal 2003 arrest of Gulu State Attorney Sydney Asubo.

The 2002 case of policeman Benson Ikonyat, who was charged with terrorism after being found with army uniforms and guns at Amusu village, was ongoing at year's end.

There were no developments in other 2002 cases of arbitrary arrest or detention.

Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding (see Section 1.c.). Pretrial detainees comprised 60 percent of the prison population. The average time in pretrial detention was between 2 and 3 years. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention.

During the year, there were reports that civilians were detained in military barracks and unregistered detention facilities known as safe-houses. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses. For example, on April 27, the High Court ordered CMI chief Colonel Noble Mayambo to produce Titus Kiwanuka, who had been detained without charge in military barracks since March 12; Kiwanuka was subsequently charged and moved to Kigo Prison, where he was awaiting trial at year's end.

There were reports of political detainees (see Section 2.b.). During the last 2 years, the Government has arrested and charged with treason more than 40 persons for collaborating with the People's Redemption Army (PRA); none of the 40 had been tried by year's end. For example, on November 22 and December 13, security forces detained, respectively, Joseph Musasizi, the brother of 2001 presidential candidate Kizza Besigye, and George

Owakukiroru, an elected official in the Rukungiri district government; both Musasizi and Owakukiroru, who were members of the opposition Forum for Democratic Change (FDC), were being detained at year's end. During November and December, the GMI arrested 16 persons, most of whom were opposition supporters, on charges of treason; all 16 were being detained at year's end.

The RA alleged in 2003 that more than 280 of its members had been arrested in 2003 and 2002 due to their political opinions. The Government maintained that the arrests were lawful and that some of those arrested would be prosecuted for treason.

RA supporter Dan Magatura, who in 2003 was arrested on treason charges, was released on bail in September 2003.

Patrick Binyomumaisho Kirasha and four others accused in 2003 of recruiting persons for the PRA rebel group remained in detention at year's end.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the President had extensive legal powers of judicial appointment. The President appoints Supreme Court, High Court, and Court of Appeal judges with the approval of Parliament. The President also nominates, for the approval of Parliament, members of the Judicial Service Commission, who make recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The judiciary ruled against the Government on several high-profile cases during the year; however, judicial corruption was a serious problem. For example, a High Court judge was accused during the year of soliciting a \$500,000 (850 million shillings) bribe; the case was pending at year's end. The lower courts remained understaffed, weak, and inefficient.

The Supreme Court ruled against the Government on several cases: The January 29 decision that invalidated a constitutional amendment on parliamentary rules; the February ruling that struck down a section of the Penal Code that prohibited the publication of "false news"; and the September 2 ruling that provisions of the 2000 Referendum Act were unconstitutional (see Section 3).

The highest court was the Supreme Court, followed by the Court of Appeal, which also functioned as the Constitutional Court for cases of first instance, the High Court, the Chief Magistrate's Court, local council (LC) level three (sub-county) courts, LC level two (parish) courts, and LC level one (village) courts. A minimum of six justices could sit on the Supreme Court and the Court of Appeal.

The LC courts had the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases, including murder and rape. LC court decisions could be appealed to magistrates' courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal. Unlike in the previous year, there were no reports of bribery and discrimination against women in some rural LC courts.

The civilian judicial system contained procedural safeguards, including bail and the right of appeal; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, limited the right to a fair trial. During the year, the High Court reduced its backlog from 84 to 51 cases. All nonmilitary trials were public.

Many defendants could not afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. The Uganda Law Society (ULS) operated legal aid clinics

in four regional offices, although services remained limited due to funding constraints. The ULS also assisted defendants in military courts. The local chapter of Uganda Women Lawyers Association and the FHRI practiced public interest law from offices in Kampala. The Law Development Center operated a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also operated; however, it lacked government funding and relied solely on donor support.

Specialized courts also existed. The Industrial Court (IC) arbitrated labor disputes. Commercial courts resolved commercial disputes, improved commercial justice, and reduced case backlogs.

The military court system often did not assure the right to a fair trial. Although the accused had the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appointed the prosecutor and the adjudicating officer. The law establishes a court-martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime; however, the law does not permit an appeal under this provision. In 2002, the ULS filed a petition challenging the execution of soldiers under field court martial without the right of appeal; the case had not been resolved at year's end.

During the first 8 months of the year, the VCCU arrested and detained at least 1,100 suspects on various counts, including terrorism, aggravated robbery, murder, illegal possession of firearms, and desertion. The VCCU used military courts to try by court martial civilians found in possession of military property. The Government continued to arrest and charge persons for treason, especially captured rebel fighters, and opposition supporters (see Section 1.d.). During the year, numerous human rights abuses continued to be committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture.

The 2000 amnesty law applies to all persons involved in insurgencies since the Movement came into power in 1986. Between January and December, 3,048 former LRA combatants were granted amnesty; 7,613 former combatants have received amnesty since 2000. The amnesty law was extended through December.

There was at least one political prisoner. Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were some exceptions. Although the law requires that police obtain search warrants before entering private homes or offices, at times police did not obtain warrants prior to searches.

The Anti-Terrorism Act authorizes certain law enforcement officials to intercept communication to detect and prevent terrorist activities.

There continued to be reports that prison officials routinely censored prisoners' mail.

There were reports that the Government punished family members of suspected criminals and political opposition members, and some family members

of political opponents to the Government had difficulties at border crossings while leaving the country (see Section 2.d).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Security forces tortured and abused civilians suspected of collaborating with the LRA; however, unlike in previous years, there were no reports that security forces killed suspected collaborators.

During the year, security forces killed and injured numerous civilians, including noncombatant children abducted by the LRA, during anti-LRA operations in the northern and eastern parts of the country. Some observers charged that UPDF tactics, including extensive use of helicopter gunships, resulted in deaths and injuries to such children and that the UPDF failed to protect noncombatants during engagements with the LRA. The UPDF denied such allegations, noting that more than 80 percent of LRA fighters were child soldiers, which made it difficult to distinguish between combatants and noncombatants during engagements with the LRA.

On April 4, at an IDP camp in Gulu, the UPDF's 309 Brigade fired a mortar and killed five civilians. In two separate incidents on December 19, LDU soldier Simon Ogwanga shot and killed a civilian in an IDP camp in Aloi sub-country, and LDU soldier Tom Ocen shot and killed two children in Kwera sub-country. Both soldiers were arrested and awaiting trial at year's end.

There also were persistent and credible reports that the UPDF failed to protect civilians threatened by the LRA. On February 5, for example, more than 40 persons were killed during an LRA attack on the Abiya IDP camp in Lira District under the protection of a small UPDF force; most of the UPDF unit had left to collect their pay, and the unit's commander allegedly had gone to Kampala without authorization.

Security forces were sometimes implicated in widespread reports of rape and sexual violence against women and girls. In some instances, perpetrators were punished after victims complained; however, most such incidents went unpunished, in part because the procedures for making such complaints were not widely known.

There were no new developments in the following 2003 killings by UPDF forces: The February killing of a Sudanese national; the July 22 and 24 killings of 21 civilians by UPDF helicopter gunships; and the October 2003 killings of two civilians by a UPDF soldiers in Gulu.

Unlike in the previous year, there were no reports that UPDF members were responsible for killings and other abuses in the DRC; however, militia groups operating in the area committed serious human rights abuses. Some of the worst abuses occurred in parts of northeastern DRC that were under UPDF influence. There were credible reports security forces and some government officials provided material support to armed groups operating in Ituri. Militia fighting resulted in the deaths of hundreds of civilians from the DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities.

LRA attacks increased during the first half of the year, and there were numerous atrocities. Civilians were summarily executed, often by gruesome methods, to terrorize local populations or as retribution for violating various LRA edicts, such as the prohibition on riding bicycles. LRA rebels also attacked private homes, schools, churches, and IDP camps in which persons were killed, injured, raped, mutilated, or abducted. During the year, LRA attacks resulted in the deaths of several thousand persons, including children; numerous injuries; and the destruction of homes and property.

During the first 3 weeks in February, LRA attacks in Lira district IDP camps resulted in more than 250 deaths and the displacement of 283,000 persons. For example, on February 21, in Lira District, LRA rebels attacked the Barfonyo IDP camp, killed more than 200 persons, and abducted an unknown number. Most of the dead, who were predominantly women and children, were burned alive when rebels set fire to thatched roofs in the camp. Other civilians were killed by rocket-propelled grenades and anti-tank weapons. The UPDF conceded that local militia had marshaled little resistance, were unable to operate their weapons properly, and suffered from "command problems."

On May 28, LRA rebels killed 2 persons and abducted 17 during an attack on Gweno-twom village in Gulu District.

On June 8, LRA rebels killed 25 civilians, abducted 26 persons, including children, and burned 600 thatched huts in Abok IDP camp in Apac District.

No action was taken against LRA rebels who were responsible for numerous killings in 2003 and 2002.

The LRA continued to use landmines, which resulted in deaths and injuries during the year. For example, on February 25, a vehicle hired by a BBC crew hit a landmine on Lira-Okwang road; one soldier died, and the driver was seriously injured.

The LRA continued to abduct thousands of civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as laborers, soldiers, guards, and sex slaves (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. In addition, the law criminalizes offenses committed by the media and limited the media's ability to function effectively. The Government at times harassed and intimidated journalists, who continued to practice self-censorship. The Government did not restrict academic freedom.

On February 23, the Uganda Law Council upheld the regulation prohibiting lawyers from making public statements on legal matters that were before court; however, the ban continued to be widely disregarded without penalty.

Private media were generally free and outspoken. There were many privately owned publications and broadcasts. The New Vision, a government-owned daily newspaper, sometimes included reporting that was critical of the Government. The Monitor, the country's largest independent daily newspaper, consistently was critical of the Government. During the year, four independent weekly newspapers began publication. The East African, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance.

Unlike in the previous year, there were no reports that persons were arrested for publicly criticizing the Government.

The Government continued to operate Radio Uganda, the only national radio station, and one television station (UTV), whose reporting was not considered to be independent. At year's end, there were at least 60 private radio stations in operation, with another 60 awaiting licensing. Several independent media outlets broadcast daily or weekly political talk shows, including recorded off-site radio public debates called "ekimeeza" (table talk), which were often very critical of the Government.

On November 25, Minister of Information James Nsaba Buturo instructed the Uganda Broadcasting Council to revoke the licenses of those stations that "abuse the President or use offensive language and fail to correct the behavior." Buturo also announced that no additional licenses would be issued for stations seeking to broadcast in Kampala; in 2003, the Broadcasting Council proposed regulations that would limit the number of FM radio stations, allegedly to prevent overburdening the airwaves and adversely affecting the quality of broadcasting. Critics charged that the restrictions targeted independent radio, which was the primary news source for 80 percent of the population.

There were four local private television stations and numerous private television stations available via satellite.

Unlike in the previous year, no journalists were arrested or detained; however, journalists were harassed during the year. On June 18, six journalists covering a court martial that involved army corruption were convicted by the same tribunal of contempt of court. Some of the six, who were sentenced and released without detention, were not provided legal counsel. At least some of the convictions were being appealed at year's end.

There were no developments in the ongoing trial of Vincent Matovu, who was arrested in January 2003 and charged with sedition for the publication of two articles.

Unlike in previous years, the Government did not ban broadcasts or publications due to editorial content; however, on April 16, the Government banned the tabloid Entango Ya Rukundo for allegedly publishing pornographic material.

On February 11, the Supreme Court in a unanimous decision declared unconstitutional the law prohibiting publication of "false information." On February 21, the Government dropped its case against two editors and a journalist for the Monitor on charges of publishing "false news" that threatened national security. The case arose from a Monitor report on an alleged UPDF helicopter crash in 2002.

During the year, the Government cited national security as grounds to suppress media reporting that criticized the Government or its handling of the LRA conflict, particularly reports that the LRA had killed UPDF soldiers. In January, army spokesperson Shaban Bantariza accused two Monitor journalists of being LRA rebel collaborators; the two journalists had covered the killing of UPDF soldiers by LRA rebels. In September, Vice President Gilbert Bukenya accused the electronic media of "painting a false image of the Government."

On September 19, the Government lifted its June 2003 ban on reporting by journalist Frank Nyakairu, who had contributed to a story about an alleged 2002 UPDF helicopter crash.

In March 2003, the UPDF warned that media outlets that published or broadcast classified information or abetted soldiers in leaking information would be subject to punishment, including the possibility of court-martial.

In November 2003, the Attorney General banned the media from reporting the declarations of assets and liabilities made by the country's political leaders; however, no action has been taken against journalists who published such information.

Media laws require that journalists be licensed to meet certain standards, such as possessing a university degree in journalism or the equivalent. A 1994 law also provides for a Media Council with the power to suspend newspapers and deny journalists access to state information. On January 14, the Media Council held its first meeting.

Unlike in the previous year, there were no reports that citizens harassed journalists. No investigations were conducted into 2003 attacks by ruling party members of Imelda Namutebi in February and Hadija Nakitende in December.

The Government did not limit access to the Internet.

Unlike in the previous year, there were no reports that police forcibly dispersed university political debates.

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, particularly for political groups, by prohibiting any activities that interfere with the Movement system of governance; in practice, security forces often enforced these restrictions. For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. Police denied permission to hold public rallies to several opposition political groups during the year and, on several occasions, disrupted or forcibly dispersed opposition meetings and other events. Security forces arrested and detained opposition members.

Mainstream political opposition groups, including the FDC, the Democratic Party (DP), and the UPC, generally complied with government restrictions to hold meetings only in enclosed spaces; however, the ruling Movement had frequent public demonstrations in support of President Museveni and his efforts to eliminate presidential term limits.

During the year, security forces arrested and intimidated members of the opposition and disrupted numerous rallies and political events. On April 1, the Inspector General of Police, Major General Edward Edward Katumba Wamala, directed police officers to arrest members of any unregistered political organization that held or was attempting to hold a political rally.

On January 25, police in Mukono District detained four members of the Popular Resistance Against Life Presidency (PRALP) for attempting to organize illegal meetings; the four reportedly were released the same day, but were instructed to report to court every month.

On February 29, police in Kampala arrested two members of Uganda Young Democrats, affiliated with the opposition DP, for organizing an illegal assembly. On March 2, the two were released; the case was pending trial at year's end.

On March 5, in Jinja, government supporters dispersed a political meeting organized by the Parliamentary Advocacy Forum (PAFO); several persons were injured, including an M.P. with disabilities who was pushed through a ground-floor window. The attackers reportedly had been paid approximately \$800 (1.5 million shillings) by progovernment officials to disrupt the meeting, which was attended by several opposition M.P.s. PAFO officials charged that local police, who did not intervene, had been ordered to step aside. A December 17 report by a parliamentary select committee charged two local officials with primary responsibility for the incident, but recommended that all those responsible be prosecuted.

On May 23, police briefly detained supporters of two rival candidates who clashed at a campaign rally in Mbale.

On June 5, police in Kyotera, Masaka District arrested and detained 17 PRALP activists for attempting to hold an illegal assembly. The 17, who were released after 1 week, did not appear for their October 14 court hearing; in December, police issued an arrest warrant for the 17.

On August 7, police accidentally shot and killed a secondary student during a street battle between Muslims and Christians in Kyazanga Town, Masaka District. Several others were injured in the incident.

On August 14, in Bugiri, the Resident District Commissioner fired live bullets in the air to disperse a meeting of the National Freedom Party; police subsequently arrested several members of the group for holding an illegal assembly.

On August 18, the police in Kampala detained and questioned M.P. Ken Lukyamuzi for 2 hours for allegedly "inciting violence" at a public rally in July.

Police also blocked other types of demonstrations during the year. For example, on May 4, anti-riot police in Kasese prevented a demonstration by residents over alleged harassment of their chairman by district councilors.

In June, police in Mbarara dispersed a Uganda Youth Alliance conference because the group had not sought permission to hold such a gathering.

The Government reportedly settled out of court with the parents of freelance journalist Jimmy Higenyi, who was killed by police in 2002 during a UPC rally.

No further action was taken against the members of the police who forcibly dispersed demonstrations in 2003 or 2002.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice, particularly for opposition political parties and organizations (see Section 3). NGOs were required to register with the NGO Board, which included representation from the Ministry of Internal Affairs as well as other ministries.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, in practice, the Government imposed some restrictions.

The law requires religious groups and foreign missionaries to register with the Government; failure to register is a criminal offense. The Government continued to refuse registration to the World Last Message Warning Church due to continuing suspicions arising from the killings of more than 1,000 citizens in Kanungu in 2000. There were no reports that the Government refused to grant such registration to any other religious organization.

Several religious groups, which had been shut down by police as suspected "cults" in previous years, remained closed at year's end. In addition, bans against nighttime prayer meetings by evangelical churches, reportedly for security and noise abatement reasons, were still in effect in residential areas of several districts. For example, in October, police in Kayunga banned night prayers to reduce insecurity in the district.

The May 2003 closure of Prophetess Nabaasa Gwaja's worship center in Ntuusi village remained in effect at year's end.

There were reports that security officials harassed Muslims; however, the Government maintained that certain Muslim suspects were detained on charges of treason and terrorism, not on religious grounds. On March 25, antiterrorism police in Kampala arrested two Muslim religious leaders and five other suspects on treason charges. The Muslim religious leaders claimed they were arrested for their religious beliefs, but the Government insisted they were arrested for recruiting for the ADF. The men were in detention awaiting trial at year's end.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

The LRA was responsible for attacks against religious institutions during the year. On May 18, LRA rebels abducted Anglican Bishop Benjamin Ojwang and 11 other persons from the Bishop's home in Kitgum; the abductees were rescued that night by UPDF forces. In June 2003, LRA leader Joseph Kony ordered the LRA to "destroy all church missions and kill all priests in northern Uganda."

No action was taken against LRA rebels responsible for killing, injuring, and abducting religious workers in 2003.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times limited them in practice. Some local officials reportedly demanded payment of fees before writing a letter of introduction on behalf of individuals changing their residence. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport.

On February 7, security agents seized the passport of Joseph Musasizi, the brother of exiled opposition leader Kizza Besigye, and prevented him from traveling abroad; on February 9, Musasizi's passport was returned to him.

On August 17, William Onyanga, a supporter of Kizza Besigye and Lira District Council speaker, was blocked from traveling to South Africa.

Continued attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the U.N. office of the Coordinator for Humanitarian Affairs, there were more than 1.3 million registered IDPs as a result of this violence. At year's end, the number of IDPs per affected district were: Gulu, 558,765; Kitgum, 267,078; Pader, 279,589; and Lira, 298,197.

During the year, the LRA killed and injured numerous persons during attacks on IDP camps (see Section 1.g.). In the north, security forces continued their policy of maintaining UPDF detachments at IDP camps as a means of protecting civilians and denying support to the LRA. Security and health conditions in the approximate 200 IDP camps remained precarious, and several were the targets of large-scale rebel attacks (see Section 1.g.).

In April, in Adjumani District, LRA rebels in groups of 7 to 20 began attacking Sudanese refugee settlements in Adjumani; approximately 20,000 Sudanese refugees fled the camps.

Approximately 25,000 citizens of the country were refugees in the DRC, Sudan, and Kenya during the year.

The law does not provide for the granting of asylum or refugee status in accordance with the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum and generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian

organizations in assisting refugees and asylum seekers. Unlike during the previous year, the Government did not forcibly relocate refugees or deny UNHCR access to camps.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 Protocol, and also provided land for temporary resettlement to citizens from neighboring countries. This practice was extended to significant numbers of refugees during the year. More than 70 percent of the approximately 220,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, Movement domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right. On November 17, the Constitutional Court declared sections of the 2002 Political Parties and Organizations Act (PPOA) that restricted political meetings and the registration of political parties unconstitutional; a 2003 court decision ruled that PPOA sections that prevented political parties from operating while the "Movement System" remained in place were unconstitutional. However, during the year, both national and local government officials continued to interpret the law to restrict opposition political activities.

The Constitution provides for an autonomous, independently elected president and a 305-member unicameral parliament whose members are elected to 5-year terms. The President dominated the Government, and Movement supporters remained in control of the Parliament. However, members of the Movement disagreed on several critical issues, including whether the constitutional presidential term limit should be lifted. Supporters of President Museveni retained a majority in Parliament, but not necessarily in sufficient numbers to pass constitutional amendments.

In 2001, six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on election day, particularly regarding the voting process. There also were numerous reports of election-related violence and intimidation by both the Government and the opposition.

In 2001, elections were held for the 214 directly elected parliamentary seats. The elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. The number of opposition M.P.s increased to 35 from 12, including 9 UPC M.P.s and at least 6 M.P.s from the DP. Others were affiliated loosely with the DP, and the affiliation of several other M.P.s was unclear. There were 230 M.P.s elected from the Movement Party, giving it a clear majority; however, a number of moderate Movement M.P.s kept their seats in spite of President Museveni's active campaigning for their opponents.

A 2002 parliamentary committee that investigated violence and irregularities in the 2001 presidential, parliamentary, and LC elections recommended that acting Army Commander Major General James Kazini, Presidential Advisor on Political Affairs Major Kakaooza Mutale, Brigadier Julius Oketa, and other security personnel be further investigated and prosecuted for alleged crimes related to election violence; however, by year's end, no action had been taken.

The 2000 referendum on the role of political parties resulted in the indefinite extension of the Movement form of government and the indefinite

continuation of restrictions on political parties. On June 25, the Constitutional Court ruled that numerous provisions of the 2000 Referendum Act, which established the rules and procedures for conducting the 2000 referendum, were unconstitutional; however, on September 2, the Supreme Court overturned parts of the Constitutional Court's ruling and validated the results of the referendum. Despite the referendum, the PPOA set rules for the registration and operation of political parties. These rules were highly restrictive, and many parties refused to register under the PPOA. In March 2003, the Supreme Court declared unconstitutional Sections 18 and 19 of the PPOA, which prohibit political parties from holding rallies, taking part in election campaigning, or holding offices outside Kampala; however, restrictions on both registered and unregistered opposition parties continued during the year. The Government restricted non-Movement political gatherings and dispersed numerous political meetings not sanctioned by the Movement (see Section 2.b.).

The ruling Movement regularly held rallies, conducted political activities, and in 2003 registered the National Resistance Movement-Organization, a new political party that generally operated without restriction. Some new parties, which registered under the 2002 PPOA, have been allowed to function, as have political parties that existed in 1986, when the Movement assumed power; however, there were significant limitations. During the year, many parties refused to register and continued to challenge the PPOA in the courts; however, nine opposition parties registered following the November Constitutional Court ruling.

On April 8, the Resident District Commissioner in Rukungiri instructed local officials to bar opposition candidates from campaigning at funerals or weddings.

During the year, the Electoral Commission organized parliamentary and district by-elections in Kamuli, Mbale Municipality, Bushenyi, Kabale, and Bukomansimbi. Observers characterized these elections as generally free and fair; however, there were some irregularities. For example, in Kamuli District, the presiding officer and polling assistants were arrested for "election malpractices." Several local council elections organized during the year by the EC were considered generally free and fair.

In September 2003, the Cabinet presented a list of its suggestions for constitutional change to the Constitutional Review Commission (CRC) that included the introduction of a multiparty system, increasing executive authority over the legislature, and the lifting of presidential term limits. After the CRC submitted its report to Parliament, the Legal and Parliamentary Affairs committee on December 21 recommended the rejection of some of the Government's proposed amendments, but made no recommendation on the lifting of presidential term limits. No action had been taken on the report's recommendations by year's end.

Corruption continued to be a major problem. Despite credible evidence of wrongdoing, there were no prosecutions during the year of senior officials accused of corruption. The law requires the declaration of wealth by government officials and their family members, and the Government enforced the law during the year. A hotline established in 2003 by the Ministry of Ethics and Integrity continued to receive reports of corruption.

The 2003 courts-martial of army officials suspected of maintaining under-strength units and pocketing salary payments for so-called "ghost soldiers" was ongoing at year's end.

The Constitution provides for public access to government information, and on January 29, the Supreme Court overturned a provision of the 2000 Constitution Amendment Act that would have restricted such access.

The Constitution requires elections through electoral colleges for the 81 seats reserved for special interest groups in Parliament: 56 seats were reserved for women; 5 for organized labor; 5 for persons with disabilities; 5 for youth; and 10 for the army, which were selected by the UPDF High Command, chaired by President Museveni.

The Government used quotas in an aggressive effort to place women in positions of authority. In 2001, women won 12 nonreserved seats for the 295-member Parliament and held a total of 72 seats. There were 3 female ministers and 12 female junior ministers in the President's 66-member Cabinet. One woman served as Deputy Speaker, another as Deputy Chief Justice of the Supreme Court, and a woman headed the CID.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views; however, in August 2003, President Museveni issued a statement calling on civil society organizations to avoid involvement in partisan politics. Active domestic groups included the FHRI; FIDA-U; Human Rights Focus; the National Association of Women's Organizations of Uganda; the International Federation of Human Rights; and the Human Rights and Peace Center of Makerere University. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

No action was taken on the Government's March 2003 call for a code of NGO conduct to minimize corruption.

The Government allowed visits by the ICRC, UNHCR, and several international human rights NGOs, including Amnesty International, HRW, and the International Justice Mission. On July 16, the ICRC resumed operations in the country after a 3-year suspension that followed the 2001 killings of six relief workers in the Ituri District of the DRC, an area then controlled by the UPDF. During the year, the ICRC resumed its visits to prisons, police stations, and military detention facilities.

The Constitution establishes the UHRC as a permanent independent body with quasi-judicial powers. The President appointed the UHRC's eight-member board. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. In several cases during the year, the UHRC Tribunal awarded compensation to complainants who had proven their allegations against government organs (see Sections 1.c. and 1.d.). The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and had branches countrywide, including in Gulu, Soroti, Mbarara, Fort Portal, Jinja, and Moroto. The UHRC Tribunal headquarters in Kampala received 1,080 new cases during the year, including some against senior government leaders and military and police officials. In September, the Government withdrew previous constitutional proposals to abolish the UHRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, disability, language, or social status; however, the Government did not enforce the law in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Continued instability in the northern region led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population; LRA rebels, although predominantly Acholi themselves, were responsible for the most serious human rights violations.

Women

Violence against women, including rape, remained common. A 2003 Johns Hopkins University study indicated that one in three women living in surveyed rural areas experienced verbal or physical threats from their partners, and 55 percent sustained physical injuries as a result of domestic abuse. The law prohibits assault, battery, and rape; however, there were no laws that specifically protected women from spousal abuse. Many law enforcement officials continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file rape or assault charges against their husbands.

A 2003 HRW report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. HRW's report identified numerous social and legal obstacles to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. In March 2003, civil society organizations recommended to the CRC that bride prices be abolished; however, no action had been taken by year's end.

Thousands of women and girls were victims of abduction and rape by rebel forces. There also were reports that women were raped by the UPDF (see Sections 1.c. and 5. Children).

FGM was practiced by the Sabiny ethnic group, located in rural Kapchorwa District, and the Pokot ethnic group along the northeastern border with Kenya. There were approximately 10,000 Sabiny and approximately 20,000 Pokot in the country. Among the Sabiny, initiation ceremonies involving FGM were carried out every 2 years. In August, an official in Moroto District confirmed more than 84 cases of FGM in his sub-county; in 2003, there were 30 cases. In Kapchorwa District, there were 594 cases of FGM during the year, according to an anti-FGM organization.

There was no law against FGM, but the Government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem during the year.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution, including child prostitution, during the year.

There were reports of trafficking in women, girls, and babies during the year (see Section 5, Trafficking).

Sexual harassment also was common. For example, in January, the Women's Commission for Refugee Women and Children reported that security forces, teachers, and others in the north sexually abused female "night commuters," the adults and children who fled their homes each night to seek shelter from LRA attacks and abductions. In March, Parliament registered complaints from women being asked for sexual favors during job interviews.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In many areas, women could not own or inherit property or retain custody of their children under local customary law. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove

adultery. Polygyny is legal under both customary and Islamic law. In some ethnic groups, men can "inherit" the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. During the year, employers in the private sector frequently failed to apply the statutory provision that provides women maternity leave.

There were limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

Numerous NGOs sponsored conferences and training programs on women's rights throughout the country. There were several active women's rights groups in the country.

Children

The Government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the national budget. The Government did not enforce effectively the Children's Statute, which outlines broad protections for children, because of the large proportion of children in the population (approximately half of the country's population was under 15), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. The law also prohibits children from taking part in any activity that was likely to injure the child's health, education, or mental, physical, or moral development; however, the Government often did not enforce these prohibitions.

The Government continued the Universal Primary Education (UPE) program, which provided free education through the seventh grade; however, education was not compulsory. UPE increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio; however, some provisions had not been implemented fully by year's end. Strained finances, corruption, instability in some areas, infrastructure problems, and inadequate teacher training prevented full implementation. The UPE program made education more accessible financially; however, parents still had to pay for school supplies and some school costs.

According to UNICEF, the country's primary school enrollment rate was 86 percent for both boys and girls. Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher school grades remained low because families traditionally favored boys when making educational decisions. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The Government continued several programs to promote a national plan for the education of girls. According to the 2002-03 National Household Survey, only 59 percent of adult women were literate compared with 80 percent of adult men.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls, offenses known as "defilement." Defilement applied to all cases of sexual contact outside of marriage with girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of defilement often were family members, neighbors, or teachers. During the year, 1,878 persons were convicted of defilement, and 1,818 suspects were awaiting trial at year's end. Defilement carried a maximum sentence of death; however, no court sentenced persons convicted of defilement to death during the year. In practice, defilement cases often were settled by a payment to the girl's parents.

During the year, teachers were arrested for defilement. For example, the Arua District education officer reported that between June and October, three teachers were arrested for defilement.

Corporal punishment is banned; however, many schools used it. In April, the UHRC summoned to testify Fabian Bahemuka and Fedeli Muleme, teachers of St. Aloysius Bukalagi Primary School, in Mipigi District, for allegedly caning a pupil into a coma in 2002. During the year, the UHRC tribunal mediated a settlement that required the teachers to pay the pupil's family \$115 (200,000 shillings).

There were credible allegations of actual and attempted ritual killings of children during the year. For example, in February, police in Kayunga District arrested and detained two traditional healers for allegedly attempting to murder an 11-year-old boy; no further information was available.

There were no developments in the February 2003 and May 2003 ritual killings of children. There were no developments in 2002 ritual killings of children.

The marriage of young girls by parental arrangements was common, particularly in rural areas.

FGM was performed on girls in the Sabiny and Pokot ethnic groups (see Section 5, Women).

Child prostitution and trafficking were problems (see Section 5, Trafficking).

The legal recruitment age for military service was 18 years; however, persons below the age of 18 occasionally enlisted, sometimes with the collusion of local officials. During the year, there were reports that the Government continued to recruit children into the UPDF. Other children were reported to have been recruited into LDUs. The UPDF denied that it had actively recruited child soldiers, but said some might have been allowed to join through deception or oversight. However, other reports indicated that the UPDF detained some former LRA child combatants for unacceptably long periods, and in some cases, used them on intelligence and reconnaissance missions.

During the year, the UPDF collaborated with UNICEF to identify and remove 300 to 400 underaged soldiers from the 60,000-soldier UPDF. There were also efforts to identify and remove underaged recruits from LDUs, where underage recruitment reportedly was a more serious problem.

There were an estimated 2 million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population dislocation, and HIV/AIDS.

Child labor was a problem (see Section 6.d).

Approximately 12,000 children have been abducted during the last 2 years, and the LRA continued to abduct children and, at clandestine bases, to force them into virtual slavery as laborers, soldiers, guards, and sex slaves. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. More than 85 percent of LRA forces were made up of children whom the LRA abducted and forced to fight as rebels; most LRA rebels were between the ages of 11 and 16.

During the year, the UPDF rescued numerous children abducted by the LRA; 15,000 children have returned from LRA captivity since the conflict began. The UPDF's Child Protection Unit continued to provide treatment to returned abductees upon arrival at military facilities. It also escorted ex-abductees to NGO facilities, which provided assistance and counseling to the children and their families. The Government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children; however, these programs were primarily financed by donors. The Amnesty Commission provided orientation to officials in Sudan to better assist applicants, including former abducted child soldiers, to

enter the amnesty program.

Between 32,000 and 52,000 children known as "night commuters" traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the LRA. In March, the U.N. estimated that nearly 18,800 children commuted nightly into Gulu town, 11,000 in Kitgum, and 11,000 in a Kalongo Hospital in Pader District. During the year, the Government cooperated with NGOs to establish shelters for such children in tented dormitories and other semi-permanent structures; in other cases, children slept under balconies or on the grounds of schools, churches, and hospitals. Conditions ranged from harsh to adequate. There were credible reports that many displaced girls became involved in prostitution.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, it prohibits trafficking-related offenses. The penalty for the procurement of women for purposes of prostitution or detention with sexual intent is up to 7 years' imprisonment; the penalty for trading in slaves is up to 10 years' imprisonment. A range of sentences up to the death penalty can be imposed for defilement (sex with minors). Forced labor is a misdemeanor. There were reports that persons were trafficked to, from, or within the country. During the year, persons were arrested for trafficking-related offenses; however, none reportedly were convicted.

In addition to trafficking related to LRA abductions (see Sections 1.b. and 5), adults and children were trafficked internally for labor, commercial sexual exploitation, and criminal activities.

During the year, there were media reports that several women from South Asia were trafficked to the country under false pretenses and forced into prostitution; some of the women also claimed that they had been tortured and raped. On June 30, police arrested the owner of the restaurant where some of the women were found. A parliamentary committee reportedly planned to investigate the extent of the trafficking of South Asian women to the country; however, no action had been taken by year's end.

Unlike in previous years, there were no reports that the SPLA forcibly recruited Sudanese refugees in the north for service in their forces.

The Government, through the military and civilian agencies, continued efforts to combat LRA trafficking in persons. The Government began Operation Iron Fist in 2002 to eradicate the LRA threat and has continued to offer amnesty to former rebels, providing resettlement packages with educational benefits and vocational training. The Government also established protected camps garrisoned by the UPDF that have helped to prevent abductions (see Sections 1.b. and 2.d.).

Persons with Disabilities

The Constitution provides persons with disabilities "a right to respect and human dignity"; however, widespread discrimination by society and employers limited job and educational opportunities for such persons. There was no statutory requirement that buildings be accessible for persons with disabilities. There was a Minister of State for Disabled Persons, and five seats in Parliament were reserved for representatives of persons with disabilities. There was also a Department for Disabled Persons within the Ministry of Gender, Labor, and Social Development; however, this institution lacked sufficient funding to undertake or support any significant initiatives.

The Children's Act required that children with disabilities be given necessary special facilities; however, in practice inadequate funding hampered enforcement of this provision.

National/Racial/Ethnic Minorities

Civil strife in the north and east led to the violation of the rights of members of the Acholi, Langi, and Ateso ethnic groups, who primarily resided in the districts of Gulu, Kitgum, Pader, Lira, Apac, and Soroti. LRA rebels, who themselves largely were Acholi, committed abuses against ethnic Acholi and other ethnic groups. The LRA in particular was implicated in the killing and kidnapping of Acholi tribe members (see Section 1.g.). During the year, the UPDF committed abuses against ethnic Acholi during combat operations against the LRA. Ethnic Acholi leaders also complained that outsiders were attempting to take advantage of continuing instability to steal their land.

Inter-ethnic violence between the Langi and Acholi ethnic groups resulted in deaths. On February 25, a joint force of UPDF troops and police fired in the air after a peace march commemorating the victims of the February 21 LRA attack on Batonyo IDP camp became violent. One person was shot to death by the joint force, and four persons were lynched by the mob; there were numerous injuries. Observers reported that approximately 500 members of the Langi ethnic group broke away from the demonstration to attack Acholis and their property and that the violence appeared to be exacerbated by February 24 anti-Acholi and anti-foreign broadcasts on Lira radio.

During the year, raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the northeast resulted in approximately 100 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see Section 1.a.). The Government's mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued, and negotiations continued for a Karamojong-led solution. The UPDF and police continued efforts to improve security conditions by arresting cattle rustlers and preventing cross-border incursions.

Incitement to Acts of Discrimination

Anti-Acholi messages on Lira radio throughout the evening of February 24 contributed to the violence in a February 25 demonstration (see Section 5, National/Racial/Ethnic Minorities).

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of every person to join workers' associations or trade unions; however, the Government at times did not respect this right in practice. Employers often did not observe the requirement to recognize a union. The right to form unions extended to civil servants; however, many "essential" government employees were not permitted to form unions, including police, army, and management-level officials throughout government. The Government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force support it and if the proposed union represents at least 1,000 employees. These requirements effectively prevented workers in important parts of the private sector from forming unions, especially in the textile, hotel, and construction sectors.

The law does not prohibit anti-union discrimination by employers, and union activists were not protected sufficiently from retribution for union activities; however, there were no reported incidents of government harassment of union officials during the year. There were reports that several private companies urged workers not to take part in unionization efforts.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, the right to organize was rarely defended by the Government, and true collective bargaining occurred only in the small private sector of the modern economy. There are no export processing zones.

The Constitution provides for the right to strike; however, the Government seldom defended this right, and government policy required labor and management to make "every effort" to reconcile labor disputes before resorting to strike action. This directive presented unions with a complicated set of restrictions. If reconciliation did not appear to be possible, labor had to submit its grievances and give notification of the strike to the Minister of Labor, who usually delegated the dispute to the IC. In principle, IC rulings were final, but in practice, they could be appealed to the High Court, an option often taken by employers. The Minister of Labor generally did not permit strikes in the absence of a determination from the IC that "every effort" had been exhausted. The Government only took limited action on organized labor complaints; however, frustrated laborers often went on strike anyway.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.d.). Prison officials hired out prisoners to work on private farms and construction sites, where the prisoners often were overworked. Throughout the country, prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds (see Section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven baskets. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

There were also complaints that the UPDF forced ethnic Acholi citizens to clear roadways in war-affected regions of the north.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employers from hiring workers below the age of 18; however, child labor was common, especially in the informal sector. Demographics contributed to the problem of child labor; half of the population was under 15 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem was particularly acute among the large orphan population.

In urban areas, children sold small items on the streets, were involved in the commercial sex industry, worked in shops, or begged for money (see Section 5). Children were also employed in the tea harvesting sector.

In the past, smuggling was one of the larger informal industries and employed large numbers of child laborers at the borders with Kenya and Tanzania; however, there were no reports of such activity during the year.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There were reports the UPDF used

former LRA child soldiers on reconnaissance and intelligence missions (see Section 5).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (see Section 5).

The Ministry of Gender, Labor, and Social Development enforced the law on child labor; however, financial constraints limited the Ministry's efforts. The Government made efforts to decrease the incidence of child labor during the year. The Government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which brought together representatives of the Ministry of Gender, Labor, and Social Development; the Ministry of Education and Sports; the Ministry of Local Government; the Federation of Uganda Employers; the National Organization of Trade Unions; NGOs; journalists; and academicians. The Government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. Several human rights NGOs continued programs during the year aimed at removing children from hazardous work.

The Government also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labor, including the education and reintegration of children into their communities.

e. Acceptable Conditions of Work

The minimum legal wage was \$3.50 (6,000 shillings) per month, a rate set in 1984; however, this wage was not enforced effectively in practice. The Government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year's end. The existing minimum wage did not provide a decent standard of living for a worker and family.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour workweek. Many industries paid workers incrementally to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" to avoid providing benefits.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Gender, Labor, and Social Development's Department of Occupational Health was responsible for enforcement of occupational safety regulations; however, in practice, inspections were rare, primarily due to the lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects. The limited occupational safety regulations under the law did not prevent the dismissal of workers who refused to perform dangerous work; however, strong unions in certain dangerous industries protected such workers.

Foreign workers are protected under the Occupational Health and Safety Law. The law does not exclude illegal workers; however, illegal workers who filed claims risked government scrutiny of their employment status and possible prosecution or deportation.

EXHIBIT 188



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SOCIETY - EAST AFRICA - UGANDA - SEXUALITY - GOVERNANCE

Uganda's anti-pornography law to fight homosexual vice

WEDNESDAY 8 SEPTEMBER 2010 / BY ANNA SMITH, GEOFF MAGGA

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DOSSIER : ANTI-GAY BILL IN UGANDA



Uganda is soon to introduce a tough anti pornography law to fight the use of pornography in its local media. The country's Minister for Ethics and Integrity say the move is also meant to reduce homosexuality.

While addressing the press in Kampala on Wednesday, the Minister of Uganda for Ethics and Integrity, Dr. James Nsaba Buturo said that Pornography is the mother of vice and so there is need to stop it immediately.

"Pornography breeds homosexuality. I am happy that finally a bill to curb pornography in Uganda is out to punish the promoters of the vice. The draft bill is already in cabinet for discussion" Nsaba Buturo said.

According to the bill, any person found guilty of dealing in pornographic materials risks paying heavy fines or a 10-year jail sentence or both.

The minister also warned that a section of the new legislation will deal with activities on the internet. Internet owners will be liable to 5 years imprisonment if found guilty.

"The days of the homosexuals are over. The bill is good news to all morally upright Ugandans saying that pornography has contributed to moral decay and increased crimes among Ugandans," he added.

Dr. James Nsaba Buturo attacked homosexuals who celebrated his defeat in primary elections for his ruling political party in his constituency, saying they "sponsored my rivals and even helped in cheating the votes. But I have appealed to the party electoral commission."

But Ugandan gay activist Frank Mugisha, Frank Mugisha says that they celebrated because the Minister has been at the forefront of attacks leveled at them.

In October 2009, an Anti-Homosexuality Bill was tabled in parliament by member of parliament David Bahati. The proposed law sought the death penalty against people convicted of aggravated homosexuality with minors and those who knowingly infect others with HIV.

The proposed legislation, which also urged parents and school authorities to disclose any child believed to be gay, was criticised by the international community, including U.S. President Barack Obama, the Netherlands, the UK, France, Canada and Sweden which threatened to cut financial assistance.

Although debate on the bill was expected to resume in February 2010 after last Christmas' recess, a special committee organized by the President Yoweri Museveni to review its implications advised that it should be withdrawn.

This came after the Chairman of the special committee, Adolf Mwesige, argued, in May, that the clauses in the new legislation were either unconstitutional or redundant. "Ninety-nine percent of all the proposals in the Bahati bill have been done before," he said.

Homosexuality is illegal in Uganda, even under the existing laws.

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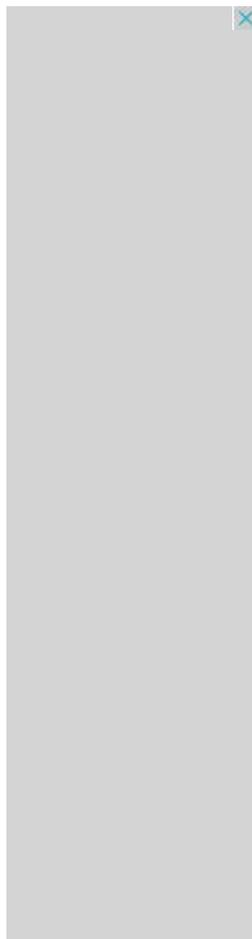
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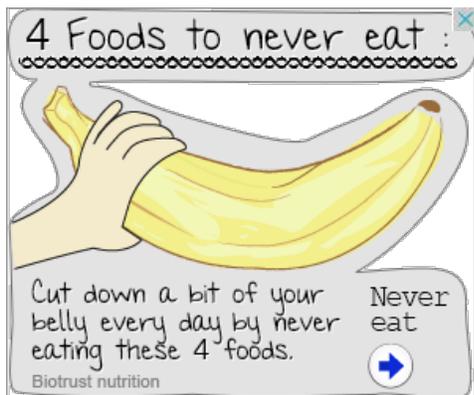
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