

Ministers ratify EAC security pact

By Henry Sekanjako

The defence ministers from the East African Community (EAC) have ratified the defence pact for co-operation on security.

The ministers from Rwanda, Kenya, Uganda and South Sudan, ratified the pact recently at the Pearl of Africa Hotel in Kampala, during the closure of the 27th meeting of the EAC sectoral council on co-operation in defence.

The pact, which aims at laying the foundation for EAC states to play a bigger role in fighting trans-national crime, was initially signed by EAC heads of state at the Speke Resort Munyonyo in 2014.

"We expect to have co-operation between partner states in the areas of health, military training, crises like floods, and earthquakes among others. We are not only looking at the security crisis," Liberat Mfumukeko, the EAC secretary general, told journalists after the ratification of the pact.

Mfumukeko noted that security remains one of the primary concerns for the EAC region, given the situation in Somalia and South Sudan.

He commended EAC member states for the co-operation, which he said has minimised external threats of al-Shabaab, which he said has disenfranchised the group, leading to normalcy in Somalia.

"I want to appreciate the co-operation among our armed forces for taking the integration agenda a notch higher. This sector is one of the most integrated, given that for the last five years, we have been conducting joint operations and activities, such as military exercises, training and cultural games together," he said.

Adolf Mwesige, the Minister of Defence and Veteran Affairs of Uganda, noted that the African continent, especially the EAC, had registered tremendous progress in its quest for lasting peace, security and stability.

He said the continued insecurities and conflict in South Sudan, the Democratic Republic of Congo and the terrorist attacks on AMISOM troops, were of great concern to the region.

"The ongoing conflict in South Sudan poses a serious concern in the region, thousands of civilians continue to lose their lives and others their livelihoods while attempting to flee for safety," Mwesige said.

According to Mwesige, this is the right time to review the political and cultural dynamics that lead to conflicts in the region, and also re-align strategies to stop them.

The 27th meeting of the EAC sectoral council on co-operation in defence, which lasted five days, was attended by EAC defence ministers, defence chiefs, ambassadors, among other stakeholders.

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Monica Amoding, the chairperson of UWOPA (right) with Tina Musuya, a women rights activist during a press conference on June 15, 2017. They talked about issues concerning sexual violence

New law in the offing to make women culpable for rape

By Paul Kiiuwuwa

The legal and parliamentary affairs committee has embarked on a process of scrutinising a proposed sexual violence law dubbed Sexual Offences Bill, 2015. The law will make women culpable for rape, among other offences.

On April 14, last year, the Kumi District Woman MP, Monica Amoding, tabled the private member's Bill before Parliament to consolidate laws relating to sexual offences, to combat sexual violence.

The Speaker of Parliament, Rebecca Kadaga, referred the Bill to the legal and parliamentary affairs committee for scrutiny.

The Bill is also intended to provide punishment for perpetrators of sexual offences, and procedural, evidential requirements during trial of sexual offences and for other related matters.

The new law also criminalises prostitution. Section 12 of the Bill says a person who engages in prostitution commits an offence and is liable on conviction to imprisonment not exceeding seven years.

A legal officer in Parliament who declined to be named, explaining the Bill to MPs at a workshop in Kampala, said the provisions seek to replace section 123 and 124 of the Penal Code Act (PCA), which only holds men culpable of rape.

He said if the Bill succeeds, it will be gender neutral, which

means that both male and female can commit the offence of rape under the law.

Section 123 of the PCA says rape can only be committed by a male person.

Rape is a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person without their consent.

But in the proposed Bill, rape would be defined as any sexual act on another person without their consent or obtaining consent by force/threat, intimidation and false representations. The convicts would be liable for life imprisonment.

BETWEEN THE LINES:

■ Clause 36 of the bill proposes a data bank formed for sexual offenders where their DNA samples are stored with their particulars.

Clause 2 of the Bill also introduces the offence of marital sexual assault (marital rape). It allows a spouse to refuse to perform a sexual act. There must be use of force in the commission for the conduct to amount to rape, and reduces the penalty upon conviction from death to life imprisonment.

According to the Bill, a spouse who performs a sexual act with his or her spouse

without the consent of that spouse, whether the spouse is living together or in separation, would commit marital sexual assault.

If convicted, he would be liable to imprisonment to a period of not less than one year or a fine of not less than 24 currency points (sh480,000).

The Bill further proposes that a person who makes unwelcome sexual advances or requests for sexual favors or engages in verbal or physical conduct of sexual nature commits the offense of sexual harassment and is liable to imprisonment for not less than two years or a fine of 40 currency points (sh800,000).

However, the Bill caused mixed reactions from MPs who were undergoing training on gender-based related laws at Hotel Africana in Kampala on Wednesday.

The workshop was organised by the Uganda Women Parliamentary Association (UWOPA) in conjunction with Plan International Uganda to review gender based laws.

Buyende District Woman MP Veronica Babirye Kadogo said the law is not necessary because it is difficult to prove rape by women since it is determined by penetration.

Kumi Municipality MP Silas Aogon said in Ugandan cultures it would be difficult to prove rape by women.

Lugazi Municipality MP Isaac Mulindwa Ssozi also strongly opposed the Bill. He said it cannot apply in the Ugandan

situation.

"It is not easy to prove that a woman used force to rape her husband and it would be shameful on the side of men," Ssozi said.

He noted that some people may be planted in offices with an intention to malign another person, under the guise of using unwelcome sexual advances.

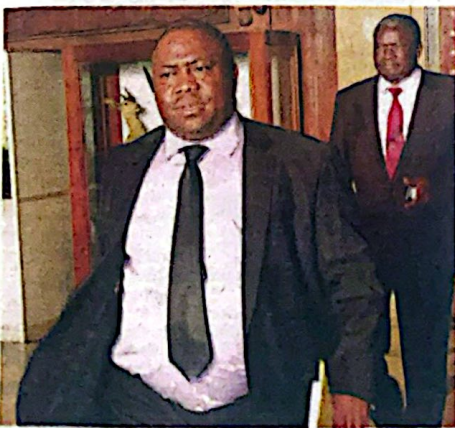
But Jovah Kamateka, the Mitooma District Woman MP, welcomed the Bill. She said some women compromise young boys with money and force them into sexual acts.

Clause 36 of the Bill proposes a data bank formed for sexual offenders where their DNA samples are stored with their particulars.

Legal opinions

Dr Livingstone Ssewanyana, the executive director of the Foundation For Human Rights Initiatives, said under the Uganda law it is difficult to prove rape by a woman. He described it as a dangerous law probably pushed by the young men and activists targeting to steal the women's (sugar mummy) property," Ssewanyana said.

Human rights lawyer Ladislaus Rwakafuzi who supported the Bill in offing said in developed countries cases of rape by women have been reported, however in Uganda they are not common. But in case Uganda encounters such cases the new law will address them.



Ugandan defence minister Adolf Mwesige