

PARLIAMENT OF UGANDA



11TH PARLIAMENT

**REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL
DEVELOPMENT ON THE NATIONAL WOMEN'S COUNCIL AMENDMENT
BILL 2024**

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDING

KAMPALA-UGANDA

APRIL 2024

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ABBREVIATIONS/ ACRONYMS

GoU	Government of Uganda
NWC	National Women Council
MoGLSD	Ministry of Gender, Labour and Social Development
MOPS	Ministry of Public Service
RAPEX	Rationalization of Agencies and Public Expenditure

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REPORT OF THE COMMITTEE ON GENDER, LABOUR AND SOCIAL DEVELOPMENT ON THE NATIONAL WOMEN'S COUNCIL AMENDMENT BILL 2024

1.0 INTRODUCTION

The National Women's Council Amendment Bill was read for the first time on 9th April 2024 and referred to the Committee on Gender, Labour and Social Development in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Committee considered the Bill and now reports.

1.1 BACKGROUND TO THE BILL

In accordance with Article 32 of the Constitution of the Republic of Uganda, 1995 as amended, the Government of Uganda is committed to affirmative action in favor of marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them. Thus, this provision caters for affirmative action for women, youth, children, the elderly and Persons with Disabilities. In addition, the Constitution points out that all persons are equal, regardless of sex, age, disability and status (Article 20), and prohibits discrimination on the basis of these distinctions (Article 21). The rights of women are guaranteed under Article 33. The primary law on women affairs is the National Council for Women Act Cap 318 which also creates the National Council for women.

The rationalisation of Government agencies policy seeks to mainstream the functions of the secretariat of the National women council and those of secretariats of councils other special interest groups into the Ministry of Gender, Labour and Social development, following a Cabinet decision of 22nd February 2021.

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2.0 OBJECT OF THE BILL

- (1) The main objective of this Bill is to give effect to the Government Policy for Rationalisation of Government Agencies and Public Expenditure adopted by Cabinet on 22nd February, 2021 and contained in Cabinet Minute No. 43 (CT 2021)
- (2) Without prejudice to the general effect of subsection (1), the following objectives shall be deemed to fall under the objective specified in that subsection-
 - (a) enable the mainstreaming of the functions of the secretariat of the National Women's Council into the Ministry of Gender, Labour and Social Development;
 - (b) the facilitation of efficient and effective service delivery by clearly delineating the mandates and functions of government agencies and departments and thereby avoiding duplication of mandates and functions;
 - (c) the promotion of coordinated administrative arrangements, policies and procedures.

3.0 METHODOLOGY

3.1 Meetings and Written Submissions

The Committee met with and received written memoranda from the following:

1. The Hon. Minister – Ministry of Public Service
2. The Hon. Minister – Ministry of Gender, Labour and Social Development
3. The National Women's Council (NWC)

3.2 Documents reviewed

The Committee made reference to the following documents:

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1. The Constitution of the Republic of Uganda
2. The Report of the Adhoc Committee on the February 2021 Cabinet Decision to rationalize Government Agencies
3. The following Acts of Parliament
 - a) The National Women Council Act 1993, Cap 318
4. The Ministry of Public Service – Uganda, Rationalization of Agencies and Public Expenditure (RAPEX) – Progress of Implementation

4.0 RATIONALE FOR THE MERGERS

Government has put forward the following arguments to justify the rationalisation of Government Agencies including;

- The rapid expansion of Government Agencies in Uganda has resulted in a number of problems, including unclear jurisdiction, excessive expenditure of the National Treasury at the expense of efficient service delivery, overstretching of the Government's ability to support Agencies, and salary differences between Agency employees and traditional Civil Servants. These issues have also led to the wastage of resources that could have been used to fund other vital public services like health, education, and infrastructure development.
- According to Government, the Councils under the Social Development Sector carry out similar mandates and therefore their administrative structures should be merged into one unit, the **National Secretariat for Special Interest Groups**.

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5.0 IMPLICATIONS OF RATIONALISATION IN LIGHT OF AFFIRMATIVE ACTION

During the interaction with the National Women's Councils, the Committee was informed that the proposed rationalisation of the Social Development Sector will have the following negative implications.

- i. **Negative effect on Affirmative Action:** Affirmative action involves complex measures in favour of marginalized groups in order to redress imbalances, which may take years to impact society. Representatives of the different Councils noted that Uganda had been making progress in this area, but challenges remain. They argue that merging the Secretariats of the Councils could reverse the progress and affect the country's international credibility in achievements towards equality of persons.
Moreover, Uganda's notable progress in its affirmative action measures has made the country a leading example for other countries to benchmark on best practices.
- ii. **Generalization of gender issues:** Stakeholders contend that merging Secretariats will lose the unique aspects of each Council, leading to some issues being neglected or forgotten. Unique funding needs could also be ignored or undermined under this arrangement, for example, the multiple types of disability with their need for unique assistive devices might be lost in the process. In addition, the roles of the Children Authority are unique and dynamic, since they affect over 50% of the population. Treating the issues of the different groups as homogeneous impacts on the human rights of the affected persons and is a backlash on affirmative action.
- iii. **Potential effect on compliance to international instruments:** The Social Sector Council Secretariats work towards implementation of various human rights instruments that Government is signatory to, which work may be compromised by the merger. These include the

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United Nations Sustainable Development Goals (Agenda 2063); the Convention on the Elimination of all forms of Discrimination Against Women; the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of Persons with Disability and Convention on the Rights of the Child.

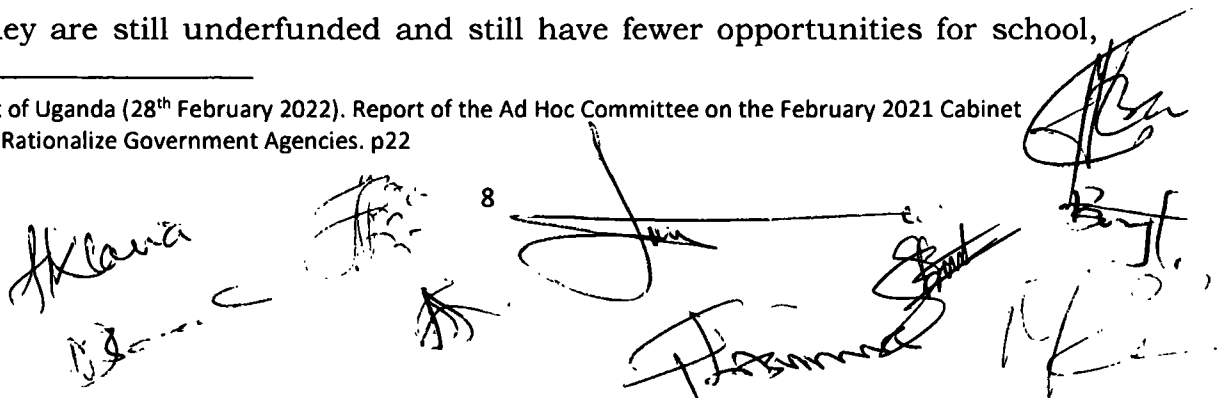
- iv. **Loss of jobs and further marginalization:** The Bill, in the relevant clauses, states that staff of the Councils may be redeployed subject to availability of positions. This implies that some people may lose their jobs if no positions are available, hence further marginalizing persons of those groups currently employed.

The Committee notes that the transitional process of the employees who may lose jobs is unclear and non-committal.

- v. **Potential loss of specialised skills:** The Parliament Ad Hoc Committee on Rationalisation in its 2022 report noted the potential to lose specialised skills and labour, as personnel could opt out of the merged institutions and join the private sector¹. For the Social Development Sector, the skills are key in monitoring the status on equality of persons, which helps in reporting to the national, regional and international bodies on these indicators. Government could lose experienced staff to local and international NGOs, thus affecting overall efficiency of the Social Development Sector.
- vi. **Potential lapse on social development:** The Sector exists primarily for promotion of social development of Uganda's people, and the current structure tries to ensure inclusivity in the planning for all Ugandans. Disrupting the structure could affect the country's Social Development Goals, especially for the most vulnerable. Persons with Disability, women, youth, children and the elderly are still discriminated against, they are still underfunded and still have fewer opportunities for school,

¹Parliament of Uganda (28th February 2022). Report of the Ad Hoc Committee on the February 2021 Cabinet Decision to Rationalize Government Agencies. p22

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work and social protection. The Councils and their Secretariats help government to track, monitor and guide on the interventions necessary to redress these social imbalances.

6.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

The Committee makes the following observations and recommendations

1. Effect on the GROW Project

The Committee observes that the Generating Growth Opportunities and productivity for Women enterprises (GROW) project worth USD 218 million under MoGLSD has already lost one year out of the five years and rationalization may cause further delay, by not specifying the structure for Special Interest Groups especially the National Council for Women that is part of the implementing structures.

Recommendation

The structure for the National Secretariat for Special Interest groups should be expedited so that no more time is lost on the implementation of the GROW project.

7.0 CONCLUSION

Notwithstanding Government's decision to rationalize Government agencies and that includes the National Women's Council, the Committee strongly argues that women being a marginalized group in society and highly vulnerable to mistreatment and exploitation, It is the Committee's fear that one secretariat to assist all Councils of special interest groups in fulfillment of their mandate would diminish the attention to the unique needs and challenges of women, this is also in line with the recommendations of the Parliamentary Adhoc Committee that agencies of the Social Development Sector should not be rationalized.


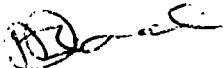
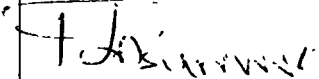
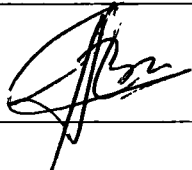
Rt. Hon Speaker, I beg to move that the Committee report be adopted.



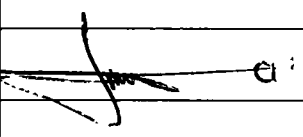
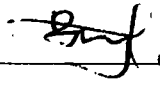

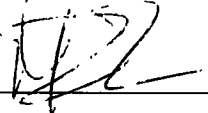
I beg to move.

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**MEMBERS OF THE COMMITTEE ON GENDER, LABOUR AND
SOCIAL DEVELOPMENT**

NO.	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Kabahenda Flavia Rwabuhoro C/P	DWR Kyegegwa	NRM	
2	Hon. Sarah Najjuma D/CP	DWR Nakaseke	NRM	
3.	Hon. Waako Peggy Joy	OPs National	NRM	
4.	Hon. Kitanywa Sowedi	Busongora North	NRM	
5.	Hon. Dr. Asimwe Florence Akiiki	DWR Masindi	NRM	
6.	Hon. Bakkabulindi Charles	Workers Rep	NRM	
7.	Hon. Arinaitwe Rwakajara	Workers Rep	NRM	
8.	Hon. Afoyochan Esther	DWR Zombo	NRM	
9.	Hon. Natumanya Flora	DWR Kikube	NRM	
10	Hon. Kunihira Faith Philo	DWR Kyenjojo	NRM	
9.	Hon. Kamara John Nizeyimana	Bufumbira North	NRM	
10	Hon. Chemonges William	Kween County	NRM	
12	Hon. Chemutai Phyllis	Kapchorwa	NRM	

13	Hon. Wokorach Simon	Aswa	NRM	
14	Hon. Taban Sharifah Aate	DWR Koboko	NRM	
15	Hon. Atwakire Catherine Ndamira	DWR Kabale	NRM	
16	Hon. Alioni Yorke Odria	Aringa South	NRM	
17.	Hon. Nyakikongoro Rosemary	DWR Sheema	NRM	
	Hon. Lochap Peterkhen	Bokora East	NRM	
19	Hon. Chemonges William	Kween County	NRM	
20	Hon. Kabuye Frank	Kassanda South	NUP	
21	Hon. Kiyaga Hillary	Mawokota North	NUP	
22	Hon. Mayanja Allan	Nakaseke Central	NUP	
23	Hon. Nantongo Fortunate Rose	DWR Kyotera	NUP	
24	Hon. Businge Joab	Masindi Municipality	FDC	
25	Hon. Muhindo Harold	Bukonzo East County	FDC	
26	Hon. Abeja Susan Jolly		INDEP	
27	Hon. Rwabushaija Margaret Namubiru	Workers	INDEP.	
28	Hon. Kayanga Baroda	DWR Iganga	INDEP	

**PROPOSED AMENDMENTS TO THE NATIONAL WOMEN'S COUNCIL
(AMENDMENT) BILL 2024**

INSERTION OF NEW CLAUSE

The bill is amended by inserting new clause immediately before Clause 1 as follows-

“Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.”

Justification

- To give room for the process of rationalization to take effect.
- To fast track, the efforts of establishing the National Secretariat for special interest groups and its administrative functions and structures so that implementation of projects like GROW project are not delayed further.

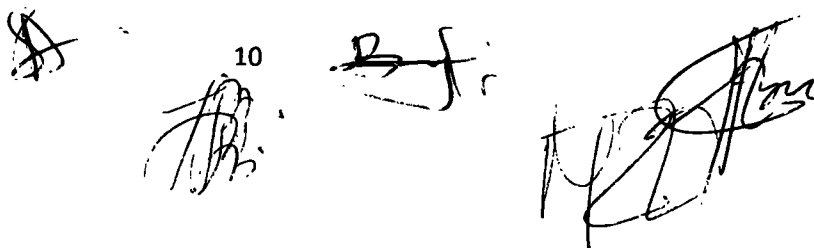
CLAUSE 5: SUBSTITUTION OF SECTION 9 OF PRINCIPAL ACT

For Clause 5 there is substituted the following-

“Clause 5 of the bill is amended by substituting for the proposed section 9 the following-

“9. Secretariat

- (1) There is established a secretariat to be known as the National Secretariat for Special Interest Groups.
- (2) The National Secretariat for Special Interest Groups shall be the secretariat of the Councils of the special interest groups created under this Act and any other law.
- (3) The Minister shall, by statutory instrument, prescribe the functions of the secretariat.

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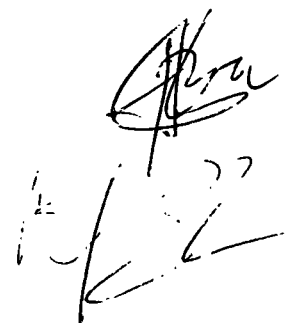
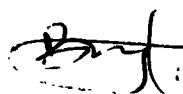
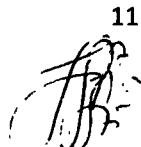
- (4) The National Secretariat for Special Interest Groups shall be composed of a secretary and other staff.
- (5) The other staff of the National Secretariat for Special Interest Groups shall be seconded by the Permanent Secretary from among the staff of the Ministry.
- (6) Public officers may be seconded to the service of the National Secretariat for special interest groups or may otherwise give assistance to the secretariat.
- (7) The National Secretariat for Special Interest groups may engage the services of experts and consultants on such terms and conditions as the councils for special interest groups may determine.”

Justification

- To give effect to the process of rationalisation of Government agencies by merging the secretariats of all special interest groups into one secretariat.
- To ensure that all the Councils for special interest groups are given a fair opportunity to participate in the recruitment of the staff who are to assist the councils in fulfilling their mandates under their respective laws.
- To ensure that Councils don't lose their autonomous status guaranteed under the respective laws.
- The proposal is in line with the spirit of the Ad hoc committee of Parliament which noted that merging the agencies in the social development sector would diminish the visibility of the unique challenges of the different special interest groups and so it is important that the councils are ably represented in the decision on the composition of the National Secretariat for special interest groups.
- To give clarity on the mandate of the National Secretariat for special interest groups



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CLAUSE 6: REPEAL SECTION 10 OF PRINCIPAL ACT

For Clause 6, there is substituted the following-

“Amendment of section 10 of principal Act

Section 10 of the principal Act is amended –

(a) by substituting for sub section (1), the following-

“(1) The Minister shall, in consultation with the National Women Executive Committee, the National Youth Executive Committee, the Persons with disabilities Council and the National Council for Older Persons appoint a secretary for the National Secretariat for Special Interest Groups.”

(b) in subsection (5), by substituting for the word “council”, the words “the councils of special interest groups”.

(c) inserting a new subsection immediately after subsection (7) as follows-

“For purposes of sections 9 and 10;

special interest groups means, women, youth, older persons and persons with disabilities;

“National Council for Older Persons” has the meaning under section 5 of the National Council for Older Persons 2013;

“National Women Executive Committee” has the meaning under section 8 of the National Women Council Act Cap 318;

“National Youth Executive Committee” has the meaning under section 9 of the National Youth Council Act Cap 319;

“Persons with disabilities Council” has the meaning under section 20 of the Persons with Disabilities Act 2020.”

Justification

- This is a consequential amendment following the merging of the secretariats of the councils for special interest groups into one secretariat.

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- To ensure equal representation for all the councils on the National Secretariat for special interest groups.

CLAUSE 7: AMENDMENT OF SECTION 11 OF PRINCIPAL ACT

For clause 7, there is substituted the following-

“Substitution of section 11 of principal Act

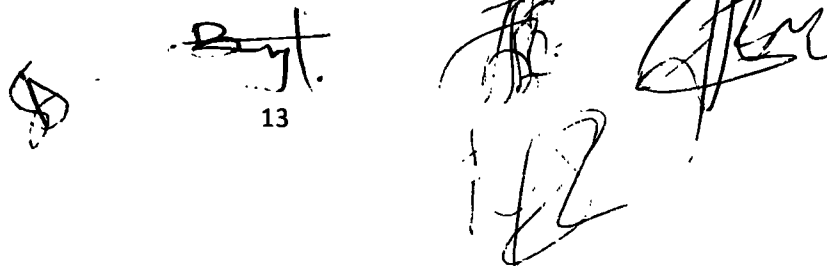
For Section 11 of the principal Act, there is substituted the following-

“11. Functions of the Secretary

- (1) The secretary shall be the chief executive officer and the accounting officer of all the councils for special interest groups.
- (2) Subject to the general control of the Minister, the secretary shall-
 - (a) act as secretary of the councils of special interest groups and record the minutes at those meetings;
 - (b) be responsible for the implementation of the policy decisions of the councils of special interest groups and for the day to day administration of the affairs of the Councils of special interest groups and control of the other staff of the secretariat.
- (3) Where the office of the secretary is vacant or where the secretary is unable to perform the functions of his or her office by reason of illness, absence or any other reason, the Minister may designate an officer of the National Secretariat for special interest groups qualified as required under section 10 to perform those functions until the vacancy in the office is filled or until the secretary is able to resume the performance of those functions.

Justification

This is a consequential amendment following the merging of all the secretariats of special interest groups into one secretariat

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CLAUSE 10: SAVINGS

Clause 10 is amended in subsection (2) by substituting for the word, “may” the word, “shall” and the words “public service” for the words, “National Secretariat for special interest groups.”

Justification

- To guarantee employment for staff that are already serving the respective Councils given the fact that with the merging of the secretariats of the Councils into one, there will still be an opportunity of the current staff to be absorbed.
- To harness and capitalize on the already existing expertise and experience in serving Councils for special interest groups.

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