



# **Analysis of the efficacy of the Legal Framework that regulates multinational companies supplying family planning products and services in Uganda**

01210802

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Analysis of the efficacy of the Legal Framework that regulates multinational companies supplying family planning products and services in Uganda.

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## ACRONYMS

ETOs:	Extraterritorial Obligations
FDA:	Food and Drug Administration
FP-CIP:	Family Planning Costed Implementation Plan
ICCPR:	International Covenant on Civil and Political Rights
LGBT:	Lesbian, Gay, Bisexual, and Transgender
NCANDSG:	National Child Abuse and Neglect Data System Glossary
NDA:	National Drug Authority
NHS:	National Health Service
NISR:	National Institute of Statistics of Rwanda
SDGs:	Sustainable Development Goals
STDs:	Sexually Transmitted Diseases
UDHR:	Universal Declaration of Human Rights
UBOS:	Uganda Bureau of Statistics
UNBS:	Uganda National Bureau of Standards
UNDESA:	United Nations Department of Economics and Social Affairs
UNFPA:	United Nations Population Fund
URA:	Uganda Revenue Authority
ICESCR:	International Covenant on Economic, Social and Cultural Rights



## ABSTRACT

This study dwells on whether family planning is actually practised and encouraged with the right motives and intentions in developing countries. With clear illustrations on how people's lives, health, and the economy has been affected under the disguised agenda of family planning; the researcher studies the legal framework (domestic and international) to establish the liability of multinational companies for producing defective family planning tools and services, particularly to the Ugandan jurisdiction. Chapter 1 introduces the research topic. It lays out the problem necessitating the study therein also showing the objectives of the study, the purpose, the questions deserving of answers, the significance of the study, and the literature review. The chapter also lays out the methodology employed and the method of data collection as well as the scope. Chapter 2 explores the concept of "family planning", in the different perspectives, that is to say, the social, the moral and African perspective of family planning, the religious perspective, political, and the scientific perspective of family planning, and how they each contribute towards the supply of defective family planning tools and services that are defective, in Uganda. Chapter 3 explores the human rights that have been affected as a result of the multinational companies producing defective tools and services. This chapter further explores whether these companies can be held liable for negligence in Uganda and if Uganda has jurisdiction over the multinational companies for producing defective family planning equipment. This chapter also analyses some international instruments regarding foreign jurisdiction. Chapter 4 gives the summary of findings as to whether Uganda has the jurisdiction to hold the multinational companies liable for producing defective family planning tools and services that have affected the lives of many Ugandans. The chapter further gives a conclusion to the research and suggests possible recommendations as far as proper family planning is concerned.



## KEY DEFINITIONS

1.**Total Fertility Rate (TFR):** Fertility rate refers to the average number of children that would be born alive to a woman during her lifetime if she were to pass through her childbearing years conforming to the age-specific fertility rates of a given period. This definition is adopted from the report produced by the Uganda National Bureau of Statistics produced in 2018.[1]

2.**Family Planning:** National Child Abuse and Neglect Data System Glossary [2] defines family planning services as "educational, comprehensive medical or social activities which enable individuals, including minors, to determine freely the number and spacing of their children and to select the means by which this may be achieved".

3.**Tubal Ligation:** This refers to a surgical procedure for female sterilization in which the fallopian tubes are permanently blocked or removed.

4.**Poverty:** The United Nations definition of poverty adopted from "Guidance to applicants on targeting poverty pockets, states that poverty is a denial of choices and opportunities, a violation of human dignity. It means a lack of basic capacity to participate effectively in society. It means not having enough to feed and clothe a family, not having a school or clinic to go to; not having the land on which to grow one's food or a job to earn one's living, not having access to credit. It means insecurity, powerlessness and exclusion of individuals, households and communities. It means susceptibility to violence, and it often implies living in marginal or fragile environments, without access to clean water or sanitation.



## 1 CHAPTER ONE

### 1.1 Introduction

This research intends to reveal the harm that has been caused by the different companies that claim to be helping people to realize family planning, especially in the African continent. Many people have fallen victims to all sorts of medicines, services, which have caused more harm than expected, only to be discovered in the late years of the victims' lives. The rate at which this injustice is growing is alarming and in some countries like Uganda, it is really unchecked. The question, therefore, is which people or companies are behind this? How are Ugandans being affected by the flood of defective mechanisms of family planning? Does the government of Uganda have the appropriate legal framework to curtail the further spread of this injustice?

### 1.2 Background of the study

All over the world, there are many reports published about defective family planning tools and services, but the prevalence of this is so high in Africa, compared to other continents in the world[3]. As stated above, the question of family planning and the approach thereof is surrounded by many mixed reactions from different people, Organisations, religions, politicians, and thus arriving at different conclusions. Many African countries are stormed with family planning equipment and services either through donations, or purchase from the different manufacturing companies and supplying organisations. These to a greater extent have been received with open hands, for their aid in “controlling” the population growth.

It is reported that, in the past two decades, sub-Saharan Africa has experienced significant increases in contraceptive knowledge and prevalence.[4] The recent report produced by the UNFPA views family planning as a key aspect in reducing poverty and that inaccessibility to family planning threatens the women's rights to build a better future for themselves, their families and their communities.[5] In fact, Jagdish Upadhyay, an executive at the UNFPA described the use of contraception as a human right, stating that “if all actors can work together provide women in every country with means, which is their right, to voluntarily exercise yet another right to freely determine their family size, then we are likely to see a significant slowing of global population growth.”[6]

The East African countries—Burundi, Kenya, Rwanda, United Republic of Tanzania and Uganda—witnessed unprecedented progress in reproductive, maternal, newborn and child health (RMNCH). For example, contraceptive prevalence rates have, over the years, increased significantly in Rwanda from 21.2% in 1992 to 51.6% in 2011,[7] and in Kenya from 32.7% in 1993 to 58% in 2014.[8] In Uganda, maternal mortality reduced from 604 to 310/100 000 live births in the period between 2000 and 2013 owing to the accelerated Millennium Development Goals framework.[9] Similarly, Burundi recorded notable declines in infant and under-five mortality from 110/1000 in 1990 to 86/1000 in 2011 and from 183/1000 in 1990 to 139/1000 in 2011, respectively.[10] In Tanzania, facility-based deliveries increased from 44% in 1999 to 51% in 2010.[11]

Fertility in Uganda remained consistently high for over 3 decades and only started declining after 2000. Between 2000 and 2016, the Total Fertility Rate decreased by 1.5 children from 6.9 in 2000 to 5.4 in 2016.[12] The number of children a woman bears depends on a number of factors including the age at which she starts childbearing, the intervals between births and her exposure to getting pregnant. The high Total Fertility Rate (TFR) in Uganda is attributable to a number of factors among them; poverty, gender inequality, social pressure, pro-natalist culture (preference of many children); low median age at first marriage (18.7 years) and first childbearing (19.2 years); low demand and low uptake of contraceptives. Variations in total fertility rates across regions still exist varying from 3.5 children in Kampala to 7.9 in Karamoja.

Be that as it may, to a certain extent, many products have been given to people for consumption, and these have left tremendous effects on people as individuals, families, and society in general. Many have suffered from gross effects of family planning, diseases associated with family planning, others have lost their jobs as a result of poor health, and others have even lost their lives. It is quite unfortunate that the distribution of such family planning tools and services that are defective, expired, not fit for human use, keeps hovering on the third-world markets and society, without seemingly a strong government interjection to save many people's lives. The question is whether the legal system in the developing countries, a case in point, Uganda, is not efficient enough to address these injustices. And if it is strong, how can the distributors of such family planning tools and services be held liable for the production of defective family planning tools and services?

### 1.3 Statement of the problem

The violation of the fundamental human rights by the produce and supply of defective family planning products remains unchecked as exemplified in *Goodwill Vs. British Pregnancy advisory services*. [13] The UNPF prides in taking the global leadership in increasing access to family planning by convincing partners – including governments – to develop evidence and policies; to offer programmatic, technical, and financial assistance to developing countries [14], which programs have gross effects on the consumers in Africa. [15] In Uganda, there is no existing coherent legal framework that regulates family planning and the companies that provide these services.

As such, when the above family planning programs and services are being offered to people, they are always not told about the possibility of contracting diseases like breast cancer, cardiovascular diseases, disoriented periods among the women, pelvic inflammatory disease, excessive menstrual bleeding, urine perforation, strokes, depression as a result of guilt from activities like abortion, permanent dis-functioning, and sometimes death, producing children with more complications, among other negative ramifications. This has led to a lot of human rights violations, for example, in 2018 the Marie Stopes International company in Uganda speculated over two million condoms to people, which condoms were later found to be defective. The question of how many Ugandans got infected by this same problem remains unresolved. [16]

### 1.4 Objectives of the study

#### 1.4.1 General objective

This study intends to find out the human rights violation involved in the different contraceptive services and equipment produced by the different multinational companies in form of family planning and whether the Ugandan legal framework is effective to hold such companies liable for producing defective equipment and services.

#### 1.4.2 Specific objectives

- To analyse the ideological definitions of family planning in various contexts, and the different forms of family planning and the different organizations or multinational companies that are involved in producing defective family planning equipment and services
- To examine the legal framework that regulates organisations or multinational companies that produce defective family planning equipment and services in Uganda
- To examine the loopholes that exist in the above mentioned legal framework
- To provide recommendations to the existing loopholes in the legal framework

### 1.5 Research questions

- What are the ideological definitions of family planning in various contexts, and the different forms of family planning and the different organizations or multinational companies that are involved in producing defective family planning equipment and services?
- What is the legal framework that regulates organisations or multinational companies that produce defective family planning equipment and services in Uganda?
- What loopholes exist in the above mentioned legal framework?
- What recommendations can be provided to the existing loopholes in the legal framework?

### 1.6 Significance of the study

This study will contextualize the definition of family planning; expose the different organizations producing family planning goods and services. Furthermore, the study will analyse the different human rights that are affected as a result of producing sub-standard goods and services which are supplied in Uganda. This research will indicate how Ugandan families are affected by the current “family planning” schemes; explore how such companies can be held liable for producing defective family planning materials and services; and educate society on the kinds of family planning methods, and their effects, not only on the users of these methods but also other people who are affected by the same. The study will ultimately provide recommendations on how to fill these gaps.

### 1.7 Justification of the study

#### 1.7.1 To the government

This research will inform the government on the effect of the current family planning schemes on the family and the country in general. Therefore this will inform the government on the necessary legislation to be passed so as to regulate those lacunas.

### 1.7.2 To the Society

This research will inform society on their rights and safety in using family planning equipment and the obligation of the government to respect, protect and enforce this right.

### 1.7.3 To the multinational companies

This research will inform the organisations and multinational companies in emphasizing to them the legal obligation they have in supply people with standard family planning tools and services that are fit for consumption, and the possible legal ramifications in failing to perform their legal obligation.

## 1.8 Scope of the study

### 1.8.1 Temporal (time-based) scope

This study will be centred on the twentieth and twenty-first centuries where family planning has been so much actively encouraged and practised than ever before[17].

### 1.8.2 Geographical scope

This research will be carried out in health centres, especially Health Centre IV, Maternity unit, Family planning Organization in Uganda, Uganda Bureau of statistics, and the community of Uganda Christian University.

### 1.8.3 Thematic scope

The study is legal research, analyzing the negligence of the different multinational companies and whether they can be held liable for producing distributing and defective products and services in Uganda

## 1.9 Methodology

### 1.9.1 Research Design

The study will be carried out on a qualitative basis where a comparative study of literature ranging from both the primary sources of laws and secondary sources of laws. This study will also make reference to the International instruments that are established to guarantee and protect human rights such as the Rome Statute, the United Nations reports, textbooks, journals, articles that are well researched in line with the above subject of research.

### 1.9.2 Data Collection tools

The researcher used the desk review method which involves analysis of law reports, cases, and literally material.

## 1.10 Chapter synopsis

### 1.10.1 Chapter 1

This chapter introduces the research topic; lays out the problem necessitating the study therein also showing the objectives of the study; the purpose, the questions deserving of answers, significance of the study, and the literature review; and lays out the methodology employed and the method of data collection as well as the scope.

### 1.10.2 Chapter 2

This chapter explores the concept of “family planning”, in the different perspectives, that is to say, the social, the moral and African perspective of family planning, the religious perspective, political, and the scientific perspective of family planning, and how they each contribute towards the supply of defective family planning tools and services that are defective, in Uganda

### 1.10.3 Chapter 3

This chapter explores the human rights violated as a result of the multinational companies producing defective tools and services; explores the liability of these companies in Uganda, and the jurisdiction of Ugandan courts over these companies; and analyses some international instruments regarding foreign jurisdiction.

### 1.10.4 Chapter 4

This Chapter gives the summary of findings regarding the supply of defective family planning tools and services in Uganda. The researcher suggests possible recommendations and gives a conclusion to the thesis in this chapter.

## 1.11 Literature review

There have been a few scholars at the local level who have researched and published textbooks on the question on family planning, especially on the liability of multinational companies for offering defective family planning products and services to consumers in the developing world. The most available sources of reference are articles and journals, both on the national and international scene, but mostly on the international scene. However, even on the international scene, the controversy is too high, as a result of having different perspectives about family planning, those for and against family planning, the former being more readily available than the latter, as shall be analysed below.

### 1.11.1 Ideological definition of family planning

The World health organization research on family planning defines “Family planning” as an idea through which population control can be achieved, a way through which the resources available can match with the people in the universe, and as such, there have been many methods that have been introduced to fulfil the agenda of family planning by the proponents of this motion.[18] However, the above definition and the entire research does not show the pros and cons of family planning, something that this research seeks to discover.

Seltzer Judith Rand, in her book *Origins and Evolution of Family Planning Programs in Developing Countries*, gives an analysis of how the family planning idea was birthed in developing counties, and how this idea has gained momentum in Africa and other developing countries. The author however agrees to the fact that family planning is a highly contentious topic in many countries all over the world because it tackles birth control which subject has different views from among religious people, politicians, ideologists, and scientists. Judith examines the different criticisms and controversies surrounding family planning and attempts to place them in the historical context, and examine how programs have evolved in response to these criticisms, and to shifting currents in the policy arena. On the other hand, having exposed the controversies surrounding family planning, Judith does not expose the exact people and organizations behind family planning and how they can be held liable, which this study seeks to do.[19]

### 1.11.2 Legal framework

The Ministry of Health [20] clearly lays out a vision of Uganda in light of family planning that is intended to be achieved by the year, 2020. The plan further analyses the global context of family planning, that is to say, reviewing maternal, infant and child death. Through this plan, the ministry of education aligns its effort to be in line with the SDGs, in reducing the number of unintended pregnancies.

The plan further lays out the challenges in achieving this strategy. This includes a shortage in the supply of the family planning tools and services, shortage in the finances needed to make this plan come true, and poor or weak embrace from the people to engage in the usage of family planning tools and services. This plan further suggests a way forward in achieving this goal. However, the FP-CIP does not address the question of checking the efficiency of the imported family planning tools and services, and how the suppliers can be monitored to ensure effective service. And conclusively, the liability that should accrue against the multinational companies for producing defective family planning tools and services, which this research seeks to address.[21]

The East, Central, and Southern African Health Community (ECSA-HC) & Ministry of Health (MOH) of Uganda[22] confirms Uganda's strategy and plan toward effecting family planning in Uganda. It reveals how the Uganda government is working tooth and nail to ensure that the strategy of family planning reaches the grassroots everywhere in Uganda. This was reflected through the 2006 National Policy Guidelines and Service Delivery Standards for Sexual Reproductive Health and Rights. The Government encourages the Village Health Teams to provide Condoms, combined oral contraceptives, contraceptives pills, injectable contraceptives and also awareness of long and permanent methods, as a way forward to limit the unintended pregnancies in Uganda. It further exposes trends in contraceptive prevalence rates among married women, in all methods; the available health workforce to have these services disseminated to all communities.[23] Be that as it may, the above, however, the above research does not address the possibility of serving people with defective family planning tools and services, the would-be effects on the different consumers, and the question of liability in case such a thing happened, something that this research addresses.

Patrick A. Shrake in his article, *Griswold at 40: The State's Compelling Interest in Banning Contraceptives* presents a very interesting paper on why there should be a ban on contraceptives. He bases his argument on the case of *Griswold V. Connecticut*[24] In this case the right to privacy surrounded the marriage relationship. However within 12 years, the same has been extended both to the unmarried and minors, which has led people into crossing the reasonable limits of privacy into doing things like abortions, campaigning for the right and freedom to contraceptives. Patrick argues that this right to privacy has outlived its purpose and it is now so much misused and abused. He advocates that since the above case and the subsequent cases gave room for circumstances where this right can be limited, such circumstances are so eminent today. The above article lays down the different types of contraceptives, and their gross effects on women, as shall be explored in this study. He concludes by stating that for the greater good of the state, there should be a ban on the usage of contraceptives. This study on top of exposing the effects of contraceptives that are used today also seeks to show how the producers of the same can be held liable in Uganda. [25]

### 1.11.2.1 Loopholes in the legal framework

Obianuju Ekeocha (2018) [26] in her treatise *Target Africa* gives a very controversial analysis about things pertaining to Africa's long way to total freedom and independence. She discusses the hyper-sexualization of the youth, the seeds of radical feminism, the push for abortion rights, normalization of homosexuality, to mention but a few. She gives a deeper detailed analysis of the agenda of depopulating Africa that the western world disguises as population control in the name of family planning. She further exposes the people, organizations and the governments behind this agenda. And the effect such persons have caused in Africa, to the African woman, child, man, and the society in general. This indicates the various loopholes and gaps in the legal framework alluded to by the author. That is to say, that the legal systems we have are too weak to withstand the pressure from outside of Africa. However, the instant study is aimed at showing how the above agenda is practised and fulfilled in Uganda, the persons behind it in Uganda, and how they can be held liable for producing defective tools and services in the name of family planning something that Obianuju Ekeocha does analysis in her book.[27]

On the other hand, Manon Parry, in his book *Broadcasting Birth Control: Mass Media and Family Planning*, analyses the role of mass media in championing the family planning agenda, which is actually a reality as many media companies are employed to push and entice the public into this agenda. He discusses how people have been lured into selling the idea of family planning through the movie industry, radios, television stations, and even some against their will but they do it for financial benefits. On page 129 of the same book, the author talks about the twenty-first-century sex activities on social media where many youths are engaged in many sexual activities on social media that ruin their lives and the funders of such programs on social media never talk about the ramifications such as pregnancies, acquiring of sexually transmitted diseases. This instant study aims to reveal how the absence of a specific regulation on family planning and how family planning should be addressed even on media platforms can be detrimental to the consumers of the family planning tools and services hence being a lacuna in the legal system.[28]

### 1.11.2.2 Comparative study

Rein A. Mullerson, in his Article *Human Rights and the Individual as Subject of International Law: A Soviet view*, discusses the significance of international law in the realm of human rights. He however emphasizes that domestic laws play a very pertinent part in the enforcement of human rights. He nonetheless warns that if the domestic laws don't enforce the international laws, they remain redundant, yet international laws provide a wide spectrum of human rights compared to domestic laws. However, this research will illustrate how Ugandan laws have actually made it possible to enforce human rights, and how the domestic laws together with international laws can be used to hold international multinational companies liable for producing defective tools and services of family planning.

Antonin Pribetic, gives an analysis on the Canadian jurisdiction to enforce foreign judgments which helps the researcher draw a comparison with the Ugandan jurisdiction over the multinational companies that produce defective family planning tools and services, and whether Uganda can recognize and enforce foreign judgments, just like Canada.[29] For example, recently New Vision released an article, "Africa struggles to stem deadly flood of fake medicine", and this article illustrates how African countries are staggering with fake medicine that has flooded the continent, distributors of such out to be held liable. [30]

Patrick A. Shrake presents a paper on why there should be a ban on contraceptives basing his argument on the case of *Griswold vs. Connecticut*[31] In this case the right to privacy surrounded the marriage relationship. However within 12 years, the same has been extended both to the unmarried and minors, which has led people into crossing the reasonable limits of privacy into doing things like abortions, campaigning for the right and freedom to contraceptives. Patrick argues that this right to privacy has outlived its purpose and it is now so much misused and abused. He advocates that since the above case and the subsequent cases gave room for circumstances where this right can be limited, such circumstances are so eminent today. The article lays down the different types of contraceptives, and their gross effects on women, as shall be explored in this study. He concludes by stating that for the greater good of the state, there should be a ban on the usage of contraceptives. This instant study on top of exposing the effects of contraceptives that are used today also seeks to show how the producers of the same, can be held liable in Uganda. [32]

Ann-Katrin Gembres, Theresia Theuke and Isabel Heinemann analyse the family planning question among countries like France, Germany, the Netherlands, Czech Republic, Poland and Italy. However, be that as it may, my research paper adds value to the research of the above scholars because my paper analyses the question of family planning in legal jurisprudence. This research is geared toward exploring the possibility of Uganda to hold bigger companies and organizations for producing defective family planning tools and services, which the above scholars have not explored. However, it is prudent to appreciate that the above scholars also vividly analyse the different perspectives and contradictions surrounding family planning, looking at how mothers should have the right to choose when to give birth or abort, however, they do not analyse the biblical perspective of family planning and also the cultural perspective of the same in other continents like Africa. They talk about the need to educate the girl children about sexuality as a safe gourd to healthy living, but they also don't show the gap in this form of education that tends to hypersexualise the youth. They also don't vividly show the different disorders and diseases that people have suffered as a result of the inefficient family planning mechanisms; however, this study seeks to resolve the gaps in the existing literature in line with family planning.[33]

## 2 CHAPTER 2: NON-LEGAL ISSUES

### 2.1 Introduction

This chapter seeks to examine the concept of “family planning” in its broader perspective; that is to say, the social, moral, cultural, religious, political, and scientific factors surrounding, influencing or affecting family planning. This chapter further analyses the position of the government of Uganda as far as family planning is concerned, and finally how the family planning mechanisms have affected the lives of the consumers.

### 2.2 Social Factors

It is important to decipher what and how society views family planning (which we shall refer to as myths) vis-à-vis the standard and accepted definition of family planning. “Family planning” is an idea through which population control can be achieved, a way through which the resources available can match with the people in the universe, and as such, there have been many methods that have been introduced to fulfil the agenda of family planning by the proponents of this motion.[34] Judith R. Seltzer writes that family planning programs are persistently controversial partly because they centre on birth control, a sensitive subject that stirs strong views, they have drawn criticism from a wide range of perspectives; religious, political, ideological, and scientific.[35] There are numerous myths surrounding family planning in African and particularly the Ugandan Context.

Some of the myths about family planning include; that the emergency contraceptive pill serves the same purpose as an abortion pill[36]. Yet scientifically, the two pills serve different purposes as the emergency contraceptive pill is taken to prevent the pregnancy before it happens to prevent conception. The other myth is that tubal ligation affects a woman’s sex life[37] and desire. And many are discouraged to carry out this surgery. However, this is not true because tubal ligation has no way it affects a woman’s libido. Other people fear to use condoms, especially the male because of the belief that the condom can easily get lost in a woman’s vagina or uterus and getting it out may require surgery. On the contrary, research has proved the chances of a condom breaking or slipping off are usually 2% and yet this normally happens as a result of using condoms in an incorrect way. And even if it does, the condom will only be required to be pulled out of a woman’s vagina and hence no need for surgery[38]. There is also a belief that a vasectomy decreases your sex drive or that it makes you impotent however based on the research made by the America Academy of Family Physicians, both of the above is not true about a vasectomy. Lastly, among other myths, is the belief that the IUDs prevent pregnancies by causing abortions[39]. This is not true because the IUDs by preventing fertilization and not causing abortions. Therefore because of the societal perception of the different family planning tools and services, this creates a misuse, non-usage, and abuse of family planning in many societies including Uganda.

### 2.3 The moral and cultural Context

Obianuju Ekeocha expounds on the essence of family planning, and what it should be, vis-à-vis what it is purported to be. She states that family planning is (or should be) self-explanatory. It should mean the planning of one’s family. It should point to married couples who have a family to plan. It should be centred and should be undergirded by discipline).[40]

She further states that family planning should be a good, healthy, pure, and beautiful concept. That a couple, guided by the spirit of openness to love and life, can plan their family together while understanding that any life conceived by their union is a gift of enormous value[41]. This is exactly the perspective in which Africa would envision family planning, as illustrated below.

The African cultural belief of families growing together and being together as a powerful unit in society vis-à-vis what is practised in the western world makes Africans have less harmonization with the idea of family planning. That is to say, in the developed countries where there has been a success in achieving low fertility rates among women, and to others where the fertility rate has greatly dropped, there are a number of challenges arising out of the use of family planning, that these countries are already facing, and some challenges have created deeper effects on such communities, which would have been avoided. For example, the ageing population today, in such countries is high, with a huge gap between those that are being born, compared to those that are ageing/ dying. And this has made it hard for the elderly to be taken care of, except to be taken to the homes of the elderly people. Therefore the bad fruits of family planning make people fear implementing this idea strongly in their families.[42]

Ubuntu, an African ideology connotes humanness, a spirit of caring and community, harmony and hospitality, respect and responsiveness; that individuals and groups display for one another. It is thus the foundation for basic values that manifest themselves in the manner in which African people think and relate to one another. Hence the adage that umuntu ngumntu ngananye (a person is a person through others).[43] Ubuntu as a life philosophy has long existed in Africa in different forms, well before colonization. This was visible in the way Africans lived all together, as a community, not identifying as individuals. And therefore, resources were to be shared as a community. There were structures of leadership (elders) or kings (but still assisted by elders), that ensured that there was order in society. If an individual committed a wrong, the whole community would be affected, and the reverse was true when something good was done in the community. From the Ubuntu philosophy Africans hold to the proposition of the sanctity of life, hence abortion becomes practically hard to be encouraged and many other family planning methods seek to challenge or demean the value of life. Lastly, from a cultural, moral and African contest, children are dearly loved and welcomed as gifts to society to whom cultural values and norms will be passed to the future generations. Therefore, things that would compromise the existence of life or children are usually undermined by many people and there are normally approached with fear and a lot of negativity. This explains why the idea of family planning is still staggering in Africa.

### 2.4 The Religious factors

Obianuju states that with most African women faithfully practising and adhering to a faith (mainly Christian or, in some cases, Muslim), there is a high regard for the sexual act as a sacred and private trust between a husband and a wife. The trivialization of sex common in the West is simply not an acceptable part of African society, at least not yet. She adds that but the moment huge amounts of contraceptive drugs and devices are injected into our society, they will undoubtedly start to erode the sexual ethics that have been woven into our culture by our faith, unlike the erosion that befell the Western world after the mass distribution of birth control pill began in the 1960s[44].

In the Book Human Fertility- where Faith and Science meet, it is stated that “... the more science studies the human condition and the more research is done, relative to such human institutions as marriage, human fertility and the family, the more we recognize the profound, divine light \_on the very topics of our concern. Human life and the understanding of its origin, integrity and purpose all emanate from the same divine source.”[45] It is therefore imperative to understand the religious perspective of family planning.

### 2.4.1 Christian teaching

From the beginning, as God established the world, and everything in it, God created man and gave him responsibility over everything He had ordered into existence. God told the man to be fruitful and multiply, this basically means that God, who owns the universe and everything in it, according to Psalm 24, Psalm 95:4-5, Deuteronomy 10:14, is in support of human life existence, producing and expanding of families, as stated in Genesis 1:8.[46] The Bible teaches in Psalm 127: 3-5, that children are a gift from God and acknowledges that children are a blessing from God. Psalm 139:13-17, shows how God even knows a child before they are even formed in the mother's womb, the Psalmist acknowledges how God forms our body parts in our mother's womb. This clearly shows that before God, life is beyond even conception. Unlike the vain philosophy that teaches that life begins at birth. In fact, God warns us against such human wisdom and foolish philosophy.[47]

It is however also equally important to note that the current birth control mechanisms are not clearly defined in the Bible, and the only instance where God expressly got angry in line with contraception is in Genesis 38 where Judah's son Er married a woman named Tamar, but he was wicked and the Lord put him to death, leaving Tamar with no husband or children. Tamar was given in marriage to Onan – Er's brother, as this was allowed in the Jewish culture and the Jewish law, according to Deuteronomy 25: 4-6. Onan did not want to split his inheritance with any child that he might produce on his brother's behalf, so he practised the oldest form of birth control, withdrawal. Genesis 38:10 says, “What he did was wicked in the LORD's sight; so He put him to death also.” This action of God has got many interpretations by different Theologians. Some think God was totally against the withdrawal form of family control method, others think he was against the motive of the withdraw.

Much as there is no express provision of the current family control methods in the Bible, we can still conclude that God as the giver of life, and He is the only one with the sole authority to begin and end the life. He however has decided to share this authority with man, but a man should exercise this authority with the right godly intentions and motives, not to enrich selfish goals and interests. For example, if there are organizations that have decided to provide family planning tools and services, they should give the best quality, not things that are intended to cause more harm than good, in the pretext of family planning. It is equally important to note that among the Christian teachings; the Roman Catholic Church as well as the conservative Protestants, give a cold shoulder towards family planning[48]. And these tend to embrace more of traditional methods of family planning like withdrawal methods and taking advantage of the infertile dates of a woman. In conclusion, besides the Roman Catholic traditional teachings against family planning which is equally shared by the conservative Protestants, generally, family planning is welcomed by Christians with a high reservation this is because generally, in the Christian theological teaching, it is usually emphasized that God desired man to procreate with God, and children are seen as a gift from God. This equally affects the people's engagement with family planning activities

### 2.4.2 The Islamic teaching

Islam does not have a central authoritative structure of religious interpretation. For matters that are not explicitly addressed by the Quran, Muslims look to other written sources for example the collected sayings of Muhammad (his sunnah), they also equally follow the direction of religious leaders. At times ijtiḥad is allowed, depending on various schools of law in the Muslim faith. ijtiḥad allows the formulation of independent judgment and interpretation however, it is equally used as a reference under certain instances, and depending on the Muslim school of law.[49] It has been posited that the Islamic faith places women in positions of subordination, which contradicts their reproductive choice. However, the Islamic religion highly supports the idea of family planning and that many Islamic countries encourage and practice family planning. Muhammad, himself, encouraged the practice of al'azl (withdrawal or coitus interruptus). Therefore, equally, other methods like the use of condoms and diaphragms are also allowed. The Islamic creed varies on the use of other modern methods, says Nawal Ammar in *On Being a Muslim Woman: Laws and Practices*. Some religious leaders argue that sterilization does permanent harm to a person and is, therefore, unacceptable to Islam. Others argue that to the extent sterilization is reversible, it is permitted[50]. Where the Koran does not expressly address the question of abortion it has been equally argued among the Muslim common practice and among the leaders that under certain circumstances, abortion can be permitted to be done. For example where it involves saving the life of the mother. But even then, abortion can be permitted before "life has been breathed" into the fetus; basically between 40, 80 and 120 days of pregnancy. However, even if Islam generally prohibits abortion, the majority of the Muslim countries and teachings support the idea of family planning. And this has made it possible to encourage family planning in the Muslim faith. Nonetheless, the Islamic faith, just like Christianity believes in the values of procreation and that children are a gift from God.

### 2.5 Economic factors

The UNFPA argues that the eradication of poverty is one of the major reasons for advocating for family planning. So in a way, this allegation has contributed towards many people buying into the idea of family planning hence encourage young women to delay giving birth and mothers to abort their children as a way to fight against poverty. However, be that as it may, this allegation is totally a foreign paradigm and a myth. Most demographers have presumed African people to be so poor and need to go through family planning therapies, merely because all they need is their land to earn a living or to survive, hence being taken to not have the capacity to sustain families. This is a totally misguided calculation because, for centuries, this has been the way of Africans, yet they enjoy peace love and comfort together and have been able to sustain their families with what they have. In conclusion, poverty cannot be the reason for suffocating the lives of people who would deserve a chance to live. On the other hand, the selling of family planning tools and services makes the companies and all the parties involved to be rich. And on the other hand, the government is equally able to get revenue from taxing the companies and individuals involved in the family planning business hence supporting family planning.

### 2.6 Political factors

Politically, family planning is allegedly used to control the population of developing countries and this works for the interest of the developed countries. Obianuju Ekeocha[51] states that the proponents of controlling the African population for their own benefits, through the ‘family planning’ project, instil fear in African leaders by painting a vivid picture of their countries at the sharp edge of environmental destruction, natural – resource depletion, hunger, poverty, pandemic, and disorder hence the above are the purported reasons for encouraging “the family planning scheme” in Africa as if there are no means through which the problems of the world can be resolved other than the brain drain syndrome that the problem is the population of the people. Therefore because of such allegations, many African leaders feel convinced to welcome the “good” family planning mechanisms to save their people.

#### 2.6.1 The Ugandan Government position

The government of Uganda supports family planning and seems to be gaining more foreign support towards achieving the agenda of family planning.[52] Uganda clearly acknowledges that one of the five major aspects of accelerating the window of opportunity to the harnessing of the demographic dividend. The report further acknowledges that family planning enables the couples and the individuals to choose as they deem fitting and proper on the number and spacing of their children in marriage.[53] Uganda, in support of family planning, says that family planning allows for couples to freely exercise their rights and other basic human rights.[54] That family planning is a key dimension to reproductive rights, alongside the right to attain the highest standard of sexual reproductive health, and the right to make decisions concerning reproduction free of discrimination, coercion and violence. Uganda acknowledges that family planning is also one of the means of achieving sustainable development goals. It is further noted that The Ministry of Health launched Uganda’s Family Planning Hosted Implementation Plan (CIP) in 2014, with the goal of increasing the use of modern methods of family planning from 26 per cent of married women in 2011 to 50 per cent by 2020. Improving access to family planning is a crucial part of Uganda’s commitment to reduce maternal mortality and improve economic well-being. [55]

Therefore, in conclusion, in as much as Uganda is committed to supporting family planning, there are many activities that are being done by many multinational companies, disguised as family planning, yet affecting many lives of people as analysed above. Such companies ought to be held legally liable for producing and supplying defective tools and services in Uganda.

### 2.7 Scientific Factors

The WHO also supports the notion of family planning both financially and for health reasons. WHO argues that the family planning scheme helps couples and individuals to be safe from sexually transmitted diseases and other related diseases however this cannot be 100% correct. [56] Recently, Uganda had to recall a million condoms that had already been in circulation which had been proved to be defective and supplied by the charity Marie Stopes International.[57]

### 2.8 Conclusion

Therefore, the above factors must always be considered in the determination of the liability of these multinational companies that take advantage of Ugandans by producing defective family planning products and the supply of services.

### 3 CHAPTER 3: LEGAL FRAMEWORK

#### 3.1 Introduction

This chapter explores the legal framework, both international and domestic, that affects the produce and supply of defective family planning products and services. The question majorly is whether these companies can be held liable for negligence in the Ugandan Courts of judicature; and what are the challenges in bringing suits against these transnational companies? The researcher explores the role of the NDA, UNBS in regulating these companies and what happens when they do not do their regulatory role? Why do these transnational companies produce substandard family planning tools and services in African countries and yet in their home countries they don't.

#### 3.2 Domestic legal framework and the human rights

The Parliament of Uganda through Article 79 of the Constitution of Uganda has established several Acts of Parliament establishing a legal framework that protects Ugandans' rights. The Uganda National Bureau of Standards Act Chapter 327 requires that whatever commodity is put on the market for people's consumption is fit for purpose. The National Drug Policy and Authority Act, Chapter 206; the Sale of Goods and Supply of Services Act, 2017, together with the rules of Equity and Common Law are also informative.

##### 3.2.1 The Constitution of the Republic of Uganda 1995 (As Amended)

The constitution, states that if there is any other law or custom that is inconsistent with any of the provisions of the Uganda Constitution shall be void to the extent of its inconsistency and the Constitution shall prevail[58]. Objective V, read together with Objective I[59], supported with Article 8A and affirmed under Article 20 of the same Constitution guarantee the protection of fundamental and other human rights and freedoms. Objective 5[60] is to the effect that the State shall guarantee and respect institutions that are charged by the State with the responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively. Justice Yorokamu Bamwine defined a right as a legally protected interest, as in the case of Prof. George William Kakoma v. Attorney General.[61] Fundamental Rights in the Constitution are not granted by the State but are inherent in citizens by the very fact of their birth, pursuant to Article 20(1) of the Uganda Constitution. The same position was espoused by Lugakingira J, in Rev. Christopher Mtikila V. Attorney General of Tanzania[62] wherein he stated that the fundamental rights are not gifts from the State but they inhere in a person by reason of his birth and therefore prior to the State and the law. Below are the Constitutional rights guaranteed and by the Constitution, and how they have been compromised or violated through the production or supply of substandard family planning tools and services.

Article 22 of the Uganda Constitution provides for the right to life which is not an absolute right and can only be deprived by way of capital punishment as was held in the case of Susan Kigula and 416 others V. Attorney General [63]. This right was further stretched to include the right to livelihood as was discussed in the case of Attorney General V. Salvatory Abuki [64] Therefore, the distribution and consumption of defective family planning tools and services affect people's lives by exposing them to diseases, and death becomes inevitable. Carrying out unlawful and unsafe abortions also undermines both the right of the mother and the child to live.

The right against subjection to torture, degrading or inhuman treatment, established under Article 24 of the Uganda Constitution. The freedoms under Article 24 are absolute as espoused under Article 44(a) of the same Constitution. The right to freedom from cruel or inhuman treatment is dependent on particular conduct and circumstances. Therefore the term can apply to a wide range of conduct. In fact, it was once upheld that corporal punishment amounts to inhuman and degrading punishment in the case of *Simon Kyamanywe vs Uganda*[65]. Therefore, where the people are subjected to medicines and services that compromise their health and instead make them get more diseases, and others go through painful abortions, it would amount to inhuman, degrading and cruel treatment.

The manufacture and distribution of substandard family planning equipment and services undermine the right to a family. Article 31 of the Constitution establishes the right to a family in the sense of a man and woman of 18 years of age and above to start up a family. Therefore, producing substandard family planning equipment will equally undermine the purpose and existence of a family.

The consumption of unsafe family planning services and medicines undermines people's economic rights as established under Article 44 of the Uganda Constitution. This is because people's working ability and jobs are affected as a result of using harmful family planning tools of family planning. Article 45 provides that the rights established under the Constitution are not exclusive of other human rights. Therefore, other rights that are compromised due to the use of harmful family planning equipment are unlimited, they include, many family rights, that is to say, the right of the children to grow up with their families, as some of their parents have lost their lives in unsafe family planning mechanisms, the right to grow with a healthy body as many children are born with health complications due to the use of defective family planning equipment. Other human rights compromised include the right to total disclosure on the usage of the family planning tools before giving them to someone for usage.

### 3.2.2 Uganda National Bureau of Statistics Act, Chapter 310

The UNBS Act was established to provide for the development and maintenance of a national statistical system to ensure collection, analysis and publication of integrated, relevant, reliable and timely statistical information; to establish a bureau as a coordinating, monitoring and supervisory body for the national statistical system. In summary, the UNBS Act was established to ensure that there the goods and services produced and supplied on the Uganda market are of the standard fit for consumption. Section 1 defines a "commodity" as any article, product or thing which is or will ultimately be the subject of trade or use; "company standard" means a standard specification prepared for use by a company or factory in the production process; "compulsory standard specification" means the standard specification declared as such under section 18; Section 18 of the same Act establishes a requirement of a specific standard for any commodity to be used in Uganda. Section 2 of the same Act establishes a body corporate called the National Bureau of Statistics; this body has a role laid out under Section 3 of the same Act, whose role, in summary, is to ensure that all commodities supplied in Uganda should be fitting in the standard laid under Section 18 of the same Act. Therefore when the UNBS does not play her role, as stated above, people end up consuming substandard drugs and services that will compromise their health.

### 3.2.3 The National Drug Policy and Authority Act, Chapter 206

The Act ensures the availability at all times the essential, efficacious and cost-effective satisfactory health care and safeguarding the appropriate use of drugs. Section 2 of the Act establishes the relevance of the National Drug Policy. Among other reasons is to ensure that essential, safe, efficacious and cost-effective drugs are made available to the entire population of Uganda to provide satisfactory health care; to improve Government regulation and control on manufacture, production, importation, exportation, marketing and use of drugs; to improve the registration of drugs and licensing of pharmaceutical premises; to promote the rational use of drugs both in the public and private sector; which basically means that the NDP regulates the production and supply of medical drugs on the Uganda Market.

Section 3 of the Act establishes the NDA, a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name. Section 5 of the NDPA establishes the role of NDA, which is basically to deal with the development and regulation of the pharmacies and drugs in the country; approve the national list of essential drugs and supervise the revisions of the list in a manner provided by the Minister; control the importation, exportation and sale of pharmaceuticals; control the quality of drugs; establish and revise professional guidelines and disseminate; information to health professionals and the public; among other roles, as was also discussed in the case of *Petnum Pharmacy Limited v National Drug Authority*.<sup>[66]</sup> Once the NDA does not perform the above-mentioned roles as clearly stated under Section 5 of the NDPA Act, people's health is highly compromised which leads to a gross violation of human rights as discussed above.

### 3.2.4 Sale of Goods and Supply of Services Act, 2017

Since we are dealing with goods or commodities, and services, it is equally important to explore this law as well, hereinafter referred to as the SOGA, 2017. The purpose of the establishment of this Act in Uganda was to regulate the sale of goods and supply of services in Uganda.

It is stated under the long title of the SOGA, 2017 that it is an Act established to provide for the formation, effect, obligations and performance of contracts for the sale of goods and supply of services, provide for remedies of the parties under those contracts, to provide for consumer protection; and for related matters. This is equally important because family planning involves goods or commodities and services.

Section 2 of the SOGA, 2017 establishes a contract for the sale of goods<sup>[67]</sup> while Section 3 establishes a contract for the supply of services as a contract where one agrees to carry out a service, which all apply in family planning since it also involves the sale of family planning tools and services. However Section 15 of the SOGA, 2017 provides that by all means, the goods or services in the transaction must be fit for their purpose. This, therefore, means that where a person engages in any of the above transactions and it is discovered that the family planning tools or services are not fit for purpose it would amount to a breach of a contract. Equally, Section 34 of the SOGA, 2017 is to the effect that the seller has the duty to sell the goods or to supply the services in accordance with the contractual terms of sale. Lastly, Sections 47 to 49 establish the rights of the buyer in respect to damaged goods, which include rejecting of the goods, rescission of the contract of a contract among others, and conclusively, Sections 62-63 also provide for the remedies to the buyer, which among others are damaged. Such principles also apply in family planning contracts.

### 3.2.5 Equity and Common law

Furthermore, the Ugandan legal framework incorporates common law and principles of equity.[68] A clear example of how case law and common law regulate the supply of services is seen in the case of *Goodwill vs. British Pregnancy Advisory Service* [69] wherein the court discussed the duty of care that medical professionals have towards the primary victims within their contemplation while administering health care or medical services. This duty of care was earlier established by Lord Atkin in the case of *Donogue vs. Stevenson*[70] commonly referred to as the “neighbour principle.” Therefore, the same principle applies in the administration of family planning tools and services, a breach of which would lead to establishing a cause of action of negligence against such an individual or company.

### 3.2.6 Liability of multinational companies

Section 2 of the Companies Act, 2012 defines a company as a company formed and registered under the Companies Act, 2012 or an existing company or a re-registered company under the same Act. However, in a broader context, a company refers to a corporation or less commonly an association, partnership or union that carries commercial or industrial enterprise.[71] Companies are legal entities and hence are not barred from suing nor immune from being sued. This is premised on the common law position that was laid in the case of *Salomon v A. Salomon & Co Ltd*[72] established the doctrine of corporate personality that holds to the principle that a company is a legal person that can sue and is capable of being sued.

Jurisdiction generally refers to the power of the Court or judge to hear and entertain an action, petition or other proceedings both in terms of local and pecuniary limits.[73] Jurisdiction is not a matter of implication but rather a creature of statute and this was firmly pronounced by the Constitutional Court of Uganda in the case of *Athanasius Kivumbi Lule V. Hon. Emmanuel Pinto*[74] where the court held that it is unlawful for Court to entertain a matter without jurisdiction to do so, as given either by Parliament or any law. The Ugandan Courts are given the mandate to try all civil suits unless expressly or impliedly barred as stated under Section 5 of the Civil Procedure Act, Cap 71. Therefore, just by the above provision, as a principle of law, Courts have the mandate to entertain matters concerning multinational companies abuse of human rights, and the need for compensation, since all these matters are civil in nature.

However, the same Act limits Courts to exercising jurisdiction in matters whose value of the subject matter fits within their pecuniary[75] and local jurisdiction. This basically implies that even companies can be sued within thin the perimeters of the local jurisdiction set in the above provisions of the law.

However, the exception to the above position of law is in matters of contracts whereby the law provides that if the suit is concerned with a contract, the cause of action is said to arise where the contract was made, where the contract was to be performed or where the contract payment was to be paid.[76] And this was clearly illustrated in the case of *Ssebagala and Sons Electronic Centre v. Kenya Shipping Lines*[77] When it comes to a contractual matter between a natural person, and a multinational company that is not based in Uganda but has some of its operations or activities in Uganda, parties are free to agree on which particular country’s courts will have jurisdiction in case of dispute arising between them. This is usually governed by arbitration clauses in the contracts, regulated under the Arbitration and Conciliation Act of Uganda.[78]

But where the arbitration fails, the two parties will refer to court, depending on the circumstances, as was held in the case of *Tullow Oil v Uganda Revenue Authority*. [79] Furthermore, the Civil Procedure Act,[80] and the Civil Procedure Rules under Order 30 -31 of the Civil Procedure Rules establish the procedure of suits against corporations, firms, and persons carrying on business in names other than their own, and also suits against partnerships. Therefore, from the discussion above, it is clear that the Courts in Uganda have the jurisdiction to entertain matters between the local people and the multinational companies.

Every suit must disclose a cause of action, failure of which leads a suit to be struck out or to be rejected by the Courts of Law.[81] A cause of action, according to the case *Auto Garage V. Matokov* (1971) E.A 314 there are three essentials to support a cause of action. These include; that the plaintiff enjoyed the right, that the right has been violated, that the defendant is liable. And the facts must clearly disclose a cause of action. Therefore it is important to establish the rights that have been violated in order to establish the cause of action. These include; the right to life, and livelihood[82], freedom from inhuman treatment[83], freedom from discrimination[84], people's economic rights, which includes the right to employment[85], the right to have a family, the right to health, among others, as mentioned above.

A cause of action of negligence arises from the fact that some of these companies supply defective family planning tools and services that have ended up subjecting people to irreparable damage like sexually transmitted diseases. A case in point was last year when Marie Stopes International supplied defective condoms in Uganda and many people got infected with sexually transmitted diseases as was reported by New Vision News Paper on the 19th of April, 2020 [86]. Such victims are already suffering from STIs, embarrassments, stigmatization, mental suffering and grief and other forms of sufferings, which have not left their lives, families, carriers the same, hence affecting several of their human rights that are established under the Constitution of the Republic of Uganda, 1995, as amended. Therefore, there needs to be compensation to such victims, and such companies ought to be liable for producing or supplying defective tools and services in Uganda. This is because these companies neglect their duty to stop or prevent the importation, or the supply or the selling of the above products in Uganda.

### 3.2.6.1 Negligence

Alderson B defined negligence as the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do or something which a prudent and reasonable man would not do.[87] Multinational companies owe a duty of care to all Ugandans who use their family planning tools and services to ensure that people get services that have a reasonable standard, without causing negative side effects to the users. Lord Atkin concisely stressed the need to take reasonable care to avoid acts or omissions, which one could reasonably foresee, would be likely to injure his neighbour.[88] These Multinational Companies have a duty of care to comply with checks and balances that were designed to ensure that defective goods and services do not reach the market however, many of these companies breach this duty through acting fraudulently and corrupting the officials in the system, who end up leaving them to supply defective goods and services to the people. For example, these companies import or cause the importation of defective tools and series and supply or cause the supply of the same in Uganda, and end up subjecting many Ugandans to the same ramifications like contracting sexually transmitted diseases, like HIV and many others as in the current case with Marie Stopes International in Uganda.[89]

There are many people's lives that are at risk as a result of the breach of the duty of care recognised in the Ugandan domestic law, and jurisdiction. Such companies should be prosecuted for negligence, and be made to pay damages, to compensate for the violation and undermining of people's rights and freedoms, that is clearly protected, not only by the Ugandan laws for example under Chapter 4 of the Constitution of the Republic of Uganda, 1995 as amended, and many other laws as examined above.

### 3.3 Foreign jurisdiction on the liability of Multinational companies

Antonin Pribetic, in the article "Thinking Globally, Acting Locally": Recent Trends in the Recognition and Enforcement of Foreign Judgments in Canada, analysis is given on the jurisdiction of Canada to enforce foreign judgments and also analyzing whether Canada has the jurisdiction to try international companies that operate in Canada. Antonin Pribetic concludes that countries have the jurisdiction to enforce foreign judgments of countries that ratify or are signatories to the international treaties or conventions that bind all parties. The above position was further reinstated in the case of *Unity Dow V. Attorney General of Botswana* [90] in analysing the relevance and application of international law (treaties and conventions) in domestic laws. Below are some of the international treaties that Uganda is a signatory too, that can be used to equally advance a criminal or civil claim against foreign companies that operate businesses in Uganda.

#### 3.3.1 Universal Declaration of Human Rights 1948

The UDHR articulates the rights and freedoms to which every human being is equal and inalienably entitled.[91] The Declaration may not itself be binding on any country as the United States of America Supreme Court Stated in the case of *Jose Francisco Sosa V. Alvarez Marchain* 542 U.S. 692 (2004), nonetheless a primary reference of Universal application in Human Rights. Article 1 of the UDHR demands that all people be treated with respect and approached in the brotherhood context because we are all born equal, and capable of reasoning. In reference to the issue at hand, when the multinational companies choose to produce substandard family planning equipment that ends up being harmful to us, to a point of claiming people's lives, they are indirectly devaluing the lives of Ugandans, who are human beings like any other person in the developed world. Furthermore, Article 2 of the same is to the effect that Everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Therefore if these companies are to operate in Uganda they are obliged to produce and supply family planning equipment and services with the same standard as everywhere in the world because all lives matter as Article 3[92] and Article 4[93] state, in the UDHR, read together with Article 6[94] of the UDHR, also Article 25 which provides for the protection of everyone's right to health.[95]

#### 3.3.2 International Covenant on Civil and Political Rights

Basing on the preamble of the I.C.C.P.R emphasizes that the idea of free human beings involves everyone's ability to enjoy civil and political freedom, as well as enjoying one's economic, social and cultural rights.

It further acknowledges that respect for human beings also encompasses people to realize the duties we have one to another and to the community where we belong; that we should strive to be responsible to promote and observe the rights recognised in the I.C.C.P.R. It is also prudent to note that Uganda ratified to the I.C.C.P.R in 1995[96], therefore it is important to analyse how this international treaty would be relevant in holding multinational companies liable for producing defective family planning tools and services in Uganda.

Article 2(3)(a) establishes the award of remedies for the breach of any human right, regardless of the position or capacity of the person that has breached the right. Article 2(3)(c) emphasizes the need for the competent authorities to enforce the remedies awarded. Therefore, the above provision provides for the possibility of compensation to the people who are affected by the use of harmful family planning tools and services in Uganda, even if they are international companies. The rights mentioned under the I.C.C.P.R that relate to the domestic laws of Uganda as mentioned above include, the right to live, with its exceptions, as stated under Article 6 of the I.C.C.P.R, freedom from any form of inhuman treatment, established under Article 7. In fact, Article 7 is to the effect that No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. Article 23 of the I.C.C.P.R establishes the right to have a family, therefore the production and supply of defective family planning tools and services affect all the above rights, to mention but a few. And since Articles 14 and 16 declare the equality of all people before the Law, even the multinational companies should be paraded before the temples of justice to evade this evil, and the affected people should be compensated.

### International Covenant on Economic, Social and Cultural Rights

The ICESCR is part of the International Bill of Human Rights, along with ICCPR and reaffirms the position of the UDHR which have been analysed above. Uganda ratified the ITCESCR on 21 January 1987[97]. The ICESCR has the following Articles that are pertinent in the instant research. Article 10 provides for the right to a family life, which every human being is entitled to. Therefore, the production and supply of defective family planning tools and services sabotage this right. Article 11 protects the right to an adequate standard of living, which equally is infringed and compromised with the production of substandard family planning tools and services. Lastly, Article 12 guarantees the right to health, which is also violated by the substandard actions of the multinational companies in family planning.

#### 3.3.3 The Maastricht Principles

The Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights,[98] provide for Extraterritorial obligations (ETOs) that are a missing link in the universal human rights protection system. Without ETOs, human rights cannot assume their proper role as the legal basis for regulating globalization and ensuring universal protection of all people and groups. A consistent realization of ETOs can generate an enabling environment for Economic, Social and Cultural Rights and guarantee the primacy of human rights among competing sources of international law.

Article 8[99] defines extraterritorial obligations as the obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory; and obligations of a global character that are set out in the UN charter and other human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally. Article 23 further states that the same obligations apply to international organisations and establishes the general obligation expected of all the States to respect people's rights, in any territory, and the same applies for international bodies pursuant to Article 16 of the same. Therefore, the same principles apply on the multinational companies operating in Uganda.

### 3.3.4 The U.N Norms on the transnational companies treaty

Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights [100] document is a work of the UNESCO and was officially launched on the 26th August, 2003; with an aim of establishing, recognising human rights in the commercial economy. From the preamble of this Article and the title to the Article, it is clear that this Article was drafted to regulate the operation of industries. This treaty shall also equally be important in my research. This treaty analyses the various responsibilities that accrue among companies. However, it does not show how corporations can be held liable for not fulfilling their obligations, which thing this research paper seeks to capture.

### 3.3.5 The causes for the continual substandard services in Africa, specifically in Uganda

Below is an analysis as to why these transnational companies produce substandard family planning tools and services in African countries and yet in their home countries they don't.

It is important to establish why the multinational companies produce and supply substandard family planning tools and services in developing countries yet they don't do the same in their home countries. Weak laws and policies in developing countries vis-à-vis the strong legal system in their home countries highly contributes to this challenge. The Multinational companies take advantage of the weak legal system that Developing countries have. That is to say, most developing countries have legal systems that are not powerful enough to check the foreign companies and force them to deliver services fit for the consumption of nationals.

For example, in Uganda, we do not have an a statute that regulates family planning especially to state a clear position on how the multinational companies should distribute family planning tools and services. Even when people have tried to sue, the cases are very minimal against these multinational companies because of various reasons including the fact that most people are naïve about this remedy; others think it is expensive to drug such big companies to court and hence fearing to lose a case against such companies. The other reason is also that the compensation or remedies awarded to victims are just little, which scares not these multinational companies, and yet, in their countries, the law is so strict and highly applied, that they have to make huge compensations and also at times bun such companies from operating, where need be. Obianuju clearly illustrates how this has practically happened in the United Kingdom, the United States of America, to mention but a few.[101]

The Poor economy that enjoys the benefits that accrue from the existence these multinational companies in the poor or developing countries encourages the continued production and supply of substandard family planning equipment.

The developing countries enjoy benefits like employment of their citizens by such companies, infrastructural developments that these companies contribute to, in developing countries, and last least, the revenue that the governments collect from companies is high, and conclusively, at times these organisations make their equipment and services freely available to people as a social service of charity and donations. Such things make the governments have a weaker bargain for their nationals.

The high level of corruption and infective established system of operation has equally led to the continued exploitation of people in Africa. In Africa, we have bodies that are established to ensure that all goods and services that enter the country or are made and supplied in the country are fit for purpose and that they are at an acceptable standard, for example in Uganda we have the U.N.B.S and the N.D.R, all that is established for the purpose of effective supply of standard commodities, however, it is so surprising that many people suffer from using substandard goods imported in Uganda, only to realize, they had not been efficiently checked. For example, in 2018, Marie Stopes International distributed condoms that left many people infected with HIV/AIDS.[102] However, on the other hand, the same countries cannot recklessly or carelessly handle people's lives because of the strong checks by the national bodies in charge of that. For example, the United States of America has the United States Food and Drug Authority that has to a greater extent succeeded in curbing the above evil. [103]

### 3.3.6 Conclusion

Therefore, in conclusion, with all the above analysis from both the domestic laws, equity and common law, together with the research on the international treaties, and conventions, the researcher concludes that the multinational companies in Uganda that are involved in people's consumption of substandard family planning equipment should be held liable for negligence.

### 4 CHAPTER FOUR: FINDINGS, RECOMMENDATIONS AND CONCLUSION

#### 4.1 Introduction:

This Chapter gives the summary of findings as to whether Uganda has the jurisdiction to hold the multinational companies liable for producing defective family planning tools and services that have affected the lives of many Ugandans. The chapter further gives a conclusion to the research and suggests possible recommendations; as far as proper family planning is concerned.

#### 4.2 Presentation of findings

From the qualitative research conducted, this is a summary of the findings regarding the establishment of the proper context of family planning, and whether there are multinational companies in Uganda that are producing defective family planning tools and services. And if there are, what effects have they caused on the consumers, including the human rights that have been affected due to the production and supply of defective family planning tools and services. And if the above is all proved, the conclusion of this research, in summary, is whether Uganda has the jurisdiction to sue these companies for producing or supplying defective tools and services to the people, and what cause of action Uganda would have against these multinational companies. Finally, this chapter will suggest possible recommendations and give a conclusion to the whole research as analysed below.

##### 4.2.1 Benefits of family planning

Voluntary family planning helps to reduce the number of unintended pregnancies. That is because a couple or an individual uses the family planning methods to only allow them to get pregnant as, and when they are ready. It is further urged that family planning also allows couples and individuals to be safe from the spread of Sexually Transmitted Diseases; this is because of having protected sex, and many other examples. According to the WHO Report[104] family planning scheme also enables couples or individuals to have healthy and spaced children at their convenience, depending on their usage of the different family planning tools and services. Infants of mothers who die as a result of giving birth also have a greater risk of death and poor health[105].

The WHO further propounds that family planning helps to prevent adolescent pregnancies among the youth since pregnant adolescents are more likely to have preterm or low birth-weight babies. Babies born to adolescents have higher rates of neonatal mortality. Many adolescent girls who become pregnant have to leave school and this has long-term implications for them as individuals, their families and communities.

#### 4.3 The contemporary different forms of family planning

These family planning methods in the Ugandan society include the use of oral contraceptives, progestin-only pills, emergency contraceptive pills, progestin-only injectables, monthly injectables, combined patch, combined vaginal ring, implants, copper-bearing intrauterine device, levonorgestrel intrauterine device, female sterilization, vasectomy, male condoms, female condoms, spermicides and diaphragms, cervical caps, fertility awareness methods, withdrawal, lactational amenorrhea method. [106]

### 4.4 Organisations involved in producing the defective family planning mechanisms

There are many multinational companies that are producing or supplying defective tools and services in many African countries with Marie Stopes international as an example in Uganda producing defective condoms that have had a lot of negative effects on many people's lives.[107] Obianuju Ekiocha in her treatise lists some organisations that are producing or supplying family plan equipment that is destroying Africans indirectly, and these include, The Gates Foundation, Britain's Department for International Development, the United States Agency for International Development (USAID), the MacArthur Foundation, and the United Nations Population Fund (UNFPA), Marie Stopes International, Ipas, Pathfinder, International Planned Parenthood Federation (IPPF), among others[108]. However, some of the above-mentioned organisations have their activities operating in Uganda, as already discussed in chapter 2 of this research. According to the different reports concerning population Control and family planning, there are many organizations involved in the making, supply of family planning equipment and services in Africa, and to be more specific, in Uganda, as analyzed below. Obianuju states on page 41[109], that Melinda Gates, with her incredible Wealth, wanted to replace the legacy of an African woman (which is her child) with the legacy of "child-free sex."

Obianuju comments on the conference that was organized by the Melinda Gates Foundation in 2014, in Nigeria, about family planning that involved most of the above organizations and sponsors. She says thus "These wealthy, prestigious organizations gathered in our capital with their conference in order to disparage our widely held cultural and religious views on life, love, marriage, and family. Their campaigns represented nothing less than an attack on the natural modesty and innocence of our vulnerable and impressionable young people.[110] She further states that it is the same people that are promoting abortion throughout the world. They are the same ones who are pushing the movement to normalize lesbian, gay, bisexual, and transgender (LGBT) and behaviour.[111] In the State of Uganda Population Report of 2018, Uganda acknowledges UNFPA as one of her major partners and supporters of family planning.[112] In the recent scenario where Uganda was recalling over a million condoms that had been disqualified by the UNDA for having holes, hence being faulty; it was reported that the same condoms had been supplied by Charity Marie Stopes International. It was further reported that Charity Marie Stopes International argued that these condoms had been approved by the United Nations Population Fund, the United Nations agency responsible for supporting family planning and that products are tested at a World Health Organization lab before shipment. If these condoms were used by the people how many lives were destroyed before the default was discovered? [113]

### 4.5 Effects of the defective family planning products and services

The UNPF argues that it works to support family planning by ensuring a steady, reliable supply of quality contraceptives; strengthening national health systems; advocating for policies supportive of family planning; and gathering data to support this work. The UNPF further prides itself in taking the global leadership in increasing access to family planning, by convening partners – including governments – to develop evidence and policies, and by offering programmatic, technical and financial assistance to developing countries[114], which all things are turning out to have gross effects on the consumers in Africa, as discussed below.[115]

Some effects are physical, others are psychological, and others are economical, while some are even spiritual in nature including sexual promiscuity and addiction, sexual infidelity, especially as sex is presented by the promoters of contraception as a casual pleasure spot, of course, birthing more tragic ramifications like the spread of HIV and other STDs, having concurrent partners due to the trust in contraception, hence leading to adultery- a legal ground for divorce in most African countries, including Uganda. This also further escalates into family breakups, hence leading to the raising of children with all sorts of family background challenges, who later struggle in the future to love and take care of their families. The hyped advocacy of family planning and the supply of defective tools and services have instead contributed to the increased unplanned pregnancies, with all its ramifications[116].

The defective family planning services have also birthed other diseases to the consumers including High Blood Pressure, blood clots, stroke, heart attacks, depression, loss of fertility, reduced libido, uncontrollable weight gain, migraines, cancers of different kinds, HIV/AIDS, bladder puncture, intermittent vaginal bleeding associated with severe cramping in the lower abdomen, to mention but a few. The substandard family planning equipment and services have also led to birth defects among children, and with all the above consequences, death becomes so inevitable.[117]

### 4.6 Recommendations

#### 4.6.1 To the Government

The Government should pass an Act of Parliament to regulate family planning in Uganda and establishing serious punishments against companies that produce defective family planning tools and services, this may even entail banning such companies for further businesses in Uganda. Establishing strong remedies or awards, in law, for the compensation of the people that are affected through the consumption of substandard family planning tools and services would still be captured under the same law.

The UNBS and the NDA should inspect the goods and services that enter into Uganda, and even other countries to see to it that the goods and services that are supplied in those countries fit for purpose. These organisations include, but are not limited to the World Health Organisation, Food and Drug Administration (FDA), National Health Service (NHS), Uganda Bureau of Statistics (UBOS), Uganda Revenue Authority (URA), which bodies are put in place to ensure that the safety of people is guaranteed. This also includes effectively operationalizing the laws and policies that establish them in that if any company violates the laws or the policies then the sanctions established by these laws and policies be applied to such one company. Remedies like compensation should be made to the people whose lives; the economy has been jeopardized as a result of consuming defective family planning goods and services. If possible banning such companies from operating in Uganda; where the same negligence continues even after the compensations have been made.

In the event that the UNBS and NDA according to the existing laws, are not effective enough to curb the growing pressure from the multinational companies, I would recommend to the government that these Acts of parliament are amended to reflect the same, or if not, a new body be established to perform a similar task as the UNBS and the NDA, but to multinational companies that produce family planning equipment. This will ensure the production and supply of standard family planning tools and services.

The government should take an initiative to educate the masses effectively about family planning tools and services. This will help to demystify the many myths that people have about family planning. Secondly, it will help people to consume the family planning products with a well-informed perspective, hence avoiding any unnecessary ramifications.

The government should build more health facilities, to cater for the health of the people, to build better health care for the children, in order to survive during and after birth. This includes the construction of better health facilities. In fact, Obianuju states that the availability of contraception does not necessarily mean that a country has adequate maternity care. What African nations need is not a massive infusion of contraceptives into their communities, but a renewed commitment to building up the various branches of the dilapidated health care systems across the continent [118].

The government should provide better education, and building the economy and infrastructure to create jobs for the people to be able to take care of themselves than having people think the problem is the population, and hence looking at themselves as a burden, than a resource to the nation.

Even distribution of resources is also a solution to demystifying the myth about the high population as a hindrance to development. Most African countries have been brainwashed that they are poor because of a high population. But from this research, we observed that there are more countries that are highly populated, and still very developed like China, India, compared to most of the African countries. Therefore, the problem is not necessarily the population, but rather an unproductive population, and that is what African countries struggle with. Therefore, a solution to this is striving to ensure even distribution of resources both in the urban centres and rural areas. That is to say, increasing in the investment in rural areas in Uganda and Africa at large, to provide more income-generating activities that are more reasonable for example, raising better industrial infrastructure so that people are employed, having a good standard of living, hence being able to take care of their reasonable families that thinking of depopulation of the rural areas as a solution to poverty

Strengthening the already existing organisations in Uganda, that is to say, giving them some financial support, encouraging them, and supporting them to fulfil their mandate to support the women and the children, and everyone affected with family planning equipment from the different multinational companies in Uganda is equally important. These organisations include Plan Uganda, the Foundation for Human Rights Initiative in Uganda, the Law and Advocacy of Women in Uganda, the National Association of Women Organisation in Uganda, and many other organisations.

#### 4.6.2 To the Civil Society

These include the Uganda Human Rights Commission, Center for Human Health and Development, to mention but a few. These organisations should raise up and do the right thing; which is to fight for the right cause to make sure that human rights are protected at all times, to challenge the actions of the multinational companies that are doing a disservice to Uganda, by dragging them into the temples of justice. These would also include representing people in court or funding them, who for various reasons are unable to represent themselves.

Civil Societies can also play a part in educating people about their rights, their health, and how people can seek redress, in case any other their rights are violated by the consumption of harmful family planning tools and services.

More Strong organisations need to be established through which women and all the affected parties from the substandard family planning equipment and services can address their grievances against these multinational companies addressed like the organisation of Food and Drug Administration in the United States of America[119].

#### 4.6.3 To the Multinational companies

The Companies should produce or supply standard equipment as a way forward for the benefit of both the producers, suppliers and consumers of the family planning equipment. No country should be a dumping place, neither are their people who are less human than others. All people are equal, just as the preamble of the Universal Declaration of Human Rights treaty. Therefore producers and suppliers should offer goods and services that are best for the survival and wellbeing of all people.

#### 4.6.4 To the Society

A reasonable strategy of advocating for proper family planning is through the ABC –This method is one of the most effective methods of achieving good family planning fruits. That is to say, to all those that are not married, should abstain from having sex. The Married couples should be faithful to each other. And if you must have sex, under certain circumstances, then use a condom[120]. This is with the hope that the condom is fit for its purpose.

#### 4.7 Conclusion

Therefore, I entirely agree with Obianuju's redefined context of family planning and aver that family planning should entail much love, understanding, generosity of spirit, humanity, patience, self-control, fidelity, communication, care, and cooperation. All of these enrich the marital bond and strengthen the family-oriented culture of Africa, as opposed to the current family planning schemes that promote a hedonistic, individualistic selfish view of sex and life.[121]

## 5 Bibliography

### 5.1 Text Books/Articles

Obianuju Ekiocha. Target Africa. [2018, San Francisco, Ignatius Press]

Patrick A. Share, Criswold at 40: The State's, Compelling Interest in Banning Contraceptives. [University of St. Thomas Law Journal, Minnesota]

Duane E. Townsend et. al; "Post Abortion – Tubal Sterilization Syndrome", [82 Obstetrics, and Gynecology 422, 423]

Hershel Jick et. al., "Vaginal Spermicides and Congenital Disorders", [245 J. Am. Med. Assn. 1329]

Antonin I. Pribetic. "Thinking Globally, Acting Locally: Recent Trends in the Recognition and Enforcement of Foreign Judgments in Canada." [2007. Toronto]

J.E. Nijman: "The Concept of International Legal Personality, An Inquiry into the History and Theory of International Law." The Hague; T.M.C Asser Press, 2004. Pg 494

Family Planning, a global handbook for providers, revised 2011 update. [A WHO family planning Cornerstone]

Manon Parry. "Broadcasting Birth Control: Mass Media and Family Planning." [2013, London, Rutgers University Press]

Seltzer Judith R Rand. "Origins and Evolution of Family Planning Programs in Developing Countries." [2002, Santa Monica, Rand]

Ann-Katrin Gembres, Theresia Theuke and I. Heinemann, "Children by Choice? Changing Values, Reproduction, and Family Planning in the 20th Century." [2018, Berlin/ Boston, De Gruyter Olden Bourg]

Judith R. Seltzer. Origins and Evolution of Family Planning Programs in Developing Countries.[2002, Santa Monica, RAND at page iii]

Munyarandzi Felix Morove, Ubuntu.[2014, South Africa, University of KwaZulu Natal]

The Holy Bible, KJV 2000, [2009, Japan, Printed by the New Life Ministries.]

Ann- Katrin Gembres, T. T. (2018). Childern by Choice? Changing Values, Reproduction, and Family Planning in the 20th Century. Berlin: De Gruyter Olden Bourg.

Parry, M. (2013). Broadcasting Birth Control: Mass Media and Family Planning. London: Rutgers University Press.  
5.2 National Laws/Statutes

The Constitution of the Republic of Uganda, 1995 as amended.

The Constitution of the Republic of Uganda, 1995, as Amended

The Civil Procedure Act, Cap 71

The Civil Procedure Rules

The Arbitration and Conciliation Act, Cap. 4

Companies Act, 2012, Act No. 1 of 2012 (It awaits Regulations made under it but commenced as law on 1st July 2013).

Partnership Act, 2010, Act 2 of 2010

Companies (Government and Public Bodies Participation)(Valuation) Regulations SI 111-1

Companies Winding-Up Rules, SI 110-2 (To be replaced soon)

Statutory Instruments 71-1

The Capital Markets Authority Act, Cap 84 as amended by the Capital Markets Authority (Amendment) Act, 2011, Act No. 12 of 2011

Insolvency Act, 2011, Act No. 14 of 2011

Insolvency Regulations, 2013, SI No. 36

### 5.3 Cases

Donoghue V. Stevenson [1932] AC 562, 580.

Criswold v. Connecticut 381 U.S 479

Salomon v A Salomon & Co Ltd [1896] UKHL 1, [1897] AC 22

Tororo Cement Co. Ltd. v. Frokina International Ltd., S.C.Civ. Appeal No.2 of 2001

Auto Garage V. Matokov (1971) E.A 314

George William Kakoma Vs. Attorney General Civil suit no. 197 of 2008

Blyth V. Birmingham Waterworks Co. (1856) LR 11 EX. 781, 784.

Thomas V. Quartermine (1887) 18 QBD 685, 694

Mukasa v. Muwanga HCMA No. 31/1994 (Unreported)

Athanasius Kivumbi Lule V. Hon. Emmanuel Pinto Constitutional Petition No. 5 of 1997

Ssebagala and Sons Electronic Centre v. Kenya Shipping Lines UCL [1997-2001] 388

Larco Concrete Products Ltd. v. Transair Ltd [1978] HCB 40

Congolese Rally for Democracy v. Palm Beach Hotel HCMA No. 279 of 2000 (Unreported)

Kakooza Mutale v. Attorney General and Others [2001-2005] HCB 110

Metropole Plannary (U) Ltd V. Katumba (1975) H.C.B 61

Kiobel v. Royal Dutch Petroleum Co No. 10-1491, 2013 BL 103044 (U.S. Apr. 17, 2013)

Morguard Investments Ltd v De Savoye [1990] 3 SCR 1077

### 5.4 Online Resources

Sunday New Vision, “Man Sues Marie Stopes over HIV infection”, [https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms) Accessed on 19th April, 2020

Abstinence, Be faithful, use a condom [https://en.wikipedia.org/wiki/Abstinence,\\_be\\_faithful,\\_use\\_a\\_condom](https://en.wikipedia.org/wiki/Abstinence,_be_faithful,_use_a_condom) accessed on 25th April, 2020

Patrick A. Share, Criswold at 40: The State’s, Compelling Interest in Banning Contraceptives. [University of St. Thomas Law Journal, Minnesota]

International Planned Parenthood Federation, Myths and facts about female sterilization. <https://www.youtube.com/watch?v=ZfUobmKfwWg> accessed on 16th April 16, 2020

The Observer, “More Ugandan men opting for vasectomy.” <https://observer.ug/news/headlines/61914-more-ugandan-men-opting-for-vasectomy-ministry-of-health> accessed on 16th April 16, 2020

Edward Giovannucci et. al., A Retrospective Cohort Study of Vasectomy and Prostate Cancer in U.S. Men 269: 7 , accessed on 16th April 16, 2020

Sunday New Vision, “Man Sues Marie Stopes over HIV infection”, [https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms) Accessed on 19th April, 2020.

The World Health Organization Geneva, “Injectable Contraceptives; Their Role in family planning care” <https://apps.who.int/iris/handle/10665/37929> Accessed on 7th January, 2020

United Nations Population Fund, “Family Planning” <https://www.unfpa.org/family-planning> Accessed on 23rd December, 2019

## Bibliography

“Rise in Use of Contraception Offers Hope for Containing Global Population”, <https://www.theguardian.com/global-development/2016/mar/08/rise-use-contraception-global-population-growth-family-planning> Accessed on 23rd December, 2019

“State of Uganda Population Report, 2018”, <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf> Accessed on 23rd December, 2019

UBOS, 2018 [https://www.ubos.org/wp-content/uploads/publications/05\\_2019STATISTICAL\\_ABSTRACT\\_2018.pdf](https://www.ubos.org/wp-content/uploads/publications/05_2019STATISTICAL_ABSTRACT_2018.pdf), at page 13, Accessed on 23rd December, 2019

World Health Organisation, “Family Planning/Contraception.” <https://www.who.int/news-room/fact-sheets/detail/family-planning-contraception> Accessed on 23rd December, 2019

World Ometer, “China’s Population”, <https://www.worldometers.info/world-population/china-population/> Accessed on 23rd December 2019

<https://population.un.org/wpp/Graphs/> , accessed from, <http://worldpopulationreview.com/continents/> Accessed on 23rd December 2019

Alex Martin, “The gray wave: Japan attempts to deal with its increasingly elderly population”, <https://www.japantimes.co.jp/news/2019/11/16/national/social-issues/gray-wave-japan-attempts-deal-increasingly-elderly-population/#.XgB6CCNRXIU> Accessed on 05th January 2020

Adopted from “Guidance to applicants on targeting poverty pockets” , <http://www.stoptb.org/assets/documents/global/awards/tbreach/Poverty%20pockets%20TB%20REACH%20Wave%204.pdf> Accessed on 23rd December , 2019

The Guardian Newsletter. “Uganda recalls a million faulty condoms” <https://www.theguardian.com/global-development/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard#img-1> Accessed on 23rd December, 2019

Quoting from The Most Reverend Donald W. Wuerl, The Archbishop of Washington (As he then was in 2006), at page 19 , - <https://ebookcentral.proquest.com/lib/ugchristianu-ebooks/reader.action?docID=476962&query=family+planning> Accessed on 28th December, 2019

Uganda recalls a million faulty condoms”. Access- <https://www.theguardian.com/global-development/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard> , 28th December, 2019

[https://www.newvision.co.ug/new\\_vision/news/1513392/africa-struggles-stem-deadly-flood-fake-medicine](https://www.newvision.co.ug/new_vision/news/1513392/africa-struggles-stem-deadly-flood-fake-medicine) January 26, 2020.

[https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx\\_drblob\\_pi1%5BdownloadUid%5D=23](https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23) on March 10, 2020

[https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms)  
March 9, 2020

---

[1] [https://www.ubos.org/wp-content/uploads/publications/05\\_2019STATISTICAL\\_ABSTRACT\\_2018.pdf](https://www.ubos.org/wp-content/uploads/publications/05_2019STATISTICAL_ABSTRACT_2018.pdf) , at page 13, Accessed on 23rd December, 2019

[2] National Child Abuse and Neglect Data System Glossary. [[https://www.acf.hhs.gov/sites/default/files/cb/ncands\\_glossary.pdf](https://www.acf.hhs.gov/sites/default/files/cb/ncands_glossary.pdf)] Accessed 20 December 2019

[3] Obianuju Ekeicha, Target Africa (Ideological Neocolonialism in the twenty-first Century, San Francisco, Ignatius Press , 2018) 31 – 57

[4] NISR, Rwanda Demographic and Health Survey 2010, M.N.a.I. International, Editor. 2012, National Institute of Statistics of Rwanda (NISR), Ministry of Health (MOH) [Rwanda], and ICF International: Calverton, Maryland, USA.

[5] United Nations Population Fund, ‘Family planning.’ [<https://www.unfpa.org/family-planning> ] accessed December 20, 2019

[6] ‘Rise in Use of Contraception Offers Hope for Containing Global Population’ The Guardian [<https://www.theguardian.com/global-development/2016/mar/08/rise-use-contraception-global-population-growth-family-planning> ] accessed 20 December 2019

[7] Ibid

[8] KNBS, Kenya Demographic and Health Survey 2008–09, K.N.B.o.S. K.a.I. Macro, Editor. 2010, KNBS and ICF Macro Calverton, Maryland.

## Bibliography

- [9] UBOS, Uganda Demographic and Health Survey 2011, U.a.I.I. Inc, Editor. 2011, Uganda Bureau of Statistics (UBOS) and ICF International Inc.: Kampala, Uganda and Calverton, Maryland, USA.
- [10] Institut de Statistiques et d'Études Économiques du Burundi (ISTEEBU)/Ministère des Finances et de la Planification du Développement Economique, a.r.I.N.d.S.P.I.M., Burundi 2010 DHS. Studies in Family Planning 2013;44(1):107–116
- [11] Westoff CF. New Estimates of Unmet Need and the Demand for Family Planning. DHS Comparative Reports No. 14. Calverton, MD: Macro International Inc., 2006.
- [12] “State of Uganda Population Report, 2018”, <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf> Accessed on 23rd December, 2019
- [13] [1996] EWCA Civ. J0117-1, in the Supreme court of judicature
- [14] “United Nations Population Fund on Family Planning.”. [<https://www.unfpa.org/family-planning>] December 28, 2019
- [15] “Ugandarecallsamillionfaultycondoms”. [<https://www.theguardian.com/globaldevelopment/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard>] December 28, 2019
- [16] “A million faulty condoms recalled in Uganda.” [<https://www.bbc.com/news/world-africa-50472710>] January 24, 2020
- [17] “[Family planning at the turn of the 21st century]. <https://www.ncbi.nlm.nih.gov/pubmed/12288162>
- [18] The World Health Organization Geneva, Injectable Contraceptives; Their Role in family planning care
- [19] Seltzer Judith R Rand. “Origins and Evolution of Family Planning Programs in Developing Countries” [2002, Santa Monica, Rand]
- [20] Ministry of Health; The Uganda Family Planning Costed Implementation Plan of 2015–2020
- [21] “Uganda Family Planning Costed Implimentation Plan 2015 –2020” [https://advancefamilyplanning.org/sites/default/files/resources/CIP\\_Uganda.pdf](https://advancefamilyplanning.org/sites/default/files/resources/CIP_Uganda.pdf), Accessed June 9, 2020
- [22] The East, Central, and Southern African Health Community (ECSA-HC) & Ministry of Health (MOH) of Uganda; (2011) Expanding Access to Family Planning Services at the Community Level; file:///C:/Users/juuko/Desktop/uganda\_expanding\_access\_family\_planning\_services\_community\_level.pdf Accessed June 9, 2020
- [23] Ibid
- [24] 381 U.S. 479
- [25] Patrick A. Shrake, Griswold at 40: The State’s Compelling Interest in Banning Contraceptives. The University of St. Thomas Law Journal, 2005, Minnesota
- [26] Obianuju Ekiocha (2018). Target Africa, San Francisco, Ignatius Press
- [27] Obianuju Ekiocha (2018). Target Africa, San Francisco, Ignatius Press
- [28] Manon Parry, “Broadcasting Birth Control: Mass Media and Family Planning.” [2013, London, Rutgers University Press]
- [29] Antonin I. Pribetic, “Thinking Globally, Acting Locally”: Recent Trends in the Recognition and Enforcement of Foreign Judgments in Canada.” [ 2007. Toronto]
- [30] “Africa struggles to stem deadly flood of fake medicine.” Access [https://www.newvision.co.ug/new\\_vision/news/1513392/africa-struggles-stem-deadly-flood-fake-medicine](https://www.newvision.co.ug/new_vision/news/1513392/africa-struggles-stem-deadly-flood-fake-medicine) January 26, 2020.
- [31] 381 U.S. 479
- [32] Patrick A. Shrake, “Griswold at 40: The State’s Compelling Interest in Banning Contraceptives.” [The University of St. Thomas Law Journal, 2005, Minnesota]
- [33] Ann-Katrin Gembres. “Theresia Theuke and Isabel Heinemann, Children by Choice? Changing Values, Reproduction, and Family Planning in the 20th Century.” [2018, Berlin/ Boston, De Gruyter Olden Bourg]

## Bibliography

- [34] The World Health Organization Geneva, “Injectable Contraceptives; Their Role in family planning care” <https://apps.who.int/iris/handle/10665/37929> Accessed on 7th January, 2020
- [35] Judith R. Seltzer. Origins and Evolution of Family Planning Programs in Developing Countries.[2002, Santa Monica, RAND at page iii]
- [36]“Myths and Misconceptions on Family Planning” <https://amref.org/uganda/download/myths-misconceptions-contraceptives-family-planning/> Accessed on June 16th, 2020
- [37] Ibid
- [38] Ibid
- [39] Ibid
- [40] Obianuju Ekiocha. Target Africa. [2018, San Francisco, Ignatius Press]
- [41] Ibid, at page 45
- [42] Alex Martin, “The gray wave: Japan attempts to deal with its increasingly elderly population”, <https://www.japantimes.co.jp/news/2019/11/16/national/social-issues/gray-wave-japan-attempts-deal-increasingly-elderly-population/#.XgB6CCNRXIU> Accessed on 05th January 2020
- [43] Munyarandzi Felix Morove, Ubuntu.[2014, South Africa, University of KwaZulu Natal]
- [44] Obianuju Ekiocha. Target Africa. [2018, San Francisco, Ignatius Press], at Page 41
- [45] Quoting from The Most Reverend Donald W. Wuerl, The Archbishop of Washington (As he then was in 2006), at page 19 , - <https://ebookcentral.proquest.com/lib/ugchristianu-ebooks/reader.action?docID=476962&query=family+planning> Accessed on 28th December, 2019
- [46] The Holy Bible, KJV 2000, Printed by the New Life Ministries, Japan. 2009.
- [47] Ibid, in Colossians 2:8, 1 Timothy 6:20–21, James 3:15, 1 Corinthians 2:13, 1 Timothy 4:1
- [48] Jennifer B. Barret and Christopher G. Ellison, Religion and Attitudes Toward Family Planning Issues Among US Adults, [Department of Sociology, University of Texas. RAND, Religious Research Association 2013]
- [49] Islam, Woman, and Family Planning, [https://www.guttmacher.org/sites/default/files/article\\_files/gr040604.pdf](https://www.guttmacher.org/sites/default/files/article_files/gr040604.pdf) Accessed on June 17, 2020
- [50] Ibid, It is equally important to note that the legal framework on family planning in most of the Islamic countries is a development of the European Civil code system. The exception to this is sterilization which still remains illegal in many Muslim countries, and a highly contentious matter.
- [51] Ibid, at page 32
- [52] <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf>
- [53] Ibid, page 90
- [54] Ibid, page 90
- [55] “Family planning in Uganda, saving lives, saving money.” – accessed from <https://www.rhu.or.ug/wp-content/uploads/2018/11/ImpactNow-Family-Planning-in-Uganda-Brief.pdf> on 28th December, 2019
- [56] World Health Organisation, “Family Planning/Contraception.” <https://www.who.int/news-room/fact-sheets/detail/family-planning-contraception> Accessed on 23rd December, 2019
- [57] The Guardian Newsletter. “Uganda recalls a million faulty condoms” <https://www.theguardian.com/global-development/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard#img-1> Accessed on 23rd December, 2019
- [58] Article 2 of the Constitution of the Republic of Uganda (1995) as amended

- [59] Of the National Objectives and Directive Principles of State Policy of the Uganda Constitution
- [60] Ibid
- [61] (Civil Suit No.197 Of 2008) [2010] UGHC 40 (30 July 2010);
- [62] Civil Case No. 5 of 1993
- [63] Constitutional Petition No. 6 of 2003
- [64] Constitutional Appeal No. 1 of 1998
- [65] Constitutional Reference No. 10 of 2007 (unreported).
- [66] (MISCELLANEOUS CAUSE NO.56 OF 2018) [2018] UGHCCD 104 (31 October 2018)
- [67] A contract of sale of goods is a contract by which the seller transfers or agrees to transfer the property in the goods to the buyer for a money consideration, called the price.
- [68] Section 14 (2) (b) of the Judicature Act Cap. 13
- [69] [1996] 2 All ER 161, [1996] 1 WLR 1397
- [70] [1932] UKHL 100, SC (HL) 31, AC 562, All ER Rep 1. Lord Atkin stated that a person must take reasonable care to avoid acts or commissions that could reasonably be foreseen as likely to injure his neighbour. In answering who a neighbour is, Lord Atkin further explained that my neighbour is a person who is so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.
- [71] Bryan A. Garner. "The Black's Law Dictionary" [ 1991, Thomas West, 8th Edition, page 298]
- [72] [1896] UKHL 1, [1897] AC 22
- [73] Mukasa v. Muwanga HCMA No. 31/1994 (Unreported)
- [74] Constitutional Petition No. 5 of 1997
- [75] Civil Procedure Act, Cap 71, Section 4.
- [76] Ibid, Section 15.
- [77] UCL [1997-2001] 388
- [78] The Arbitration and Conciliation Act, Cap. 4
- [79] (TAT APPLICATION NO. 4 OF 2011) [2011] UGTAT 1 (16 June 2014)
- [80] Cap 71
- [81] Order 6 rule 30, and Order 7 rule 11 of the Civil Procedure Rules. This was also the position of law in the case of Tororo Cement Co. Ltd. v. Frokina International Ltd., S.C.Civ. Appeal No.2 of 2001
- [82] Article 22
- [83] Article 24
- [84] Article 21
- [85] Article 40
- [86] Sunday New Vision, "Man Sues Marie Stopes over HIV infection", [https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms) Accessed on 19th April, 2020.
- [87] BLYTH V. BIRMINGHAM WATERWORKS CO. (1856) LR 11 EX. 781, 784.

## Bibliography

[88] DONOGHUE V. STEVENSON [1932] AC 562, 580.

[89] Sunday New Vision, “Man Sues Marie Stopes over HIV infection”, [https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms) Accessed on 19th April, 2020.

[90] (1992) LRC 623

[91] Adopted from the United Nations, Forward by Ban Ki-moon – the Secretary General, in the Universal Declaration of Human rights, [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf) Accessed June 22,

[92] Everyone has the right to life, liberty and security of person

[93] No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

[94] Everyone has the right to recognition everywhere as a person before the law

[95] Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care

[96] <https://indicators.ohchr.org/> , Accessed June 22, 2020.

[97] [https://en.wikipedia.org/wiki/International\\_Covenant\\_on\\_Economic,\\_Social\\_and\\_Cultural\\_Rights](https://en.wikipedia.org/wiki/International_Covenant_on_Economic,_Social_and_Cultural_Rights) Accessed June 25, 2020

[98] “Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights” Accessed [https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx\\_drblob\\_pi1%5BdownloadUid%5D=23](https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23) on March 10, 2020

[99] Ibid

[100] , U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003), University of Minnesota.

[101] Obianuju Ekeicha, Target Africa [Ideological Neocolonialism in the twenty-first Century, San Francisco, Ignatius Press , 2018, pages 47- 48]

[102] New Vision– Man Sues Marie Stopes over HIV infection, <https://www.newvision.co.ug/news/1515659/marie-stopes-sued-defective-condoms> , Accessed on June 23, 2020

[103] Ibid, 51

[104] World Health Organisation, “Family Planning/Contraception.” <https://www.who.int/news-room/fact-sheets/detail/family-planning-contraception> Accessed on 23rd December, 2019

[105] Ibid

[106] Family Planning , a global handbook for providers , revised 2011 update. A WHO family planning Cornerstone

[107] Sunday New Vision, “Man Sues Marie Stopes over HIV infection”, [https://www.newvision.co.ug/new\\_vision/news/1515659/marie-stopes-sued-defective-condoms](https://www.newvision.co.ug/new_vision/news/1515659/marie-stopes-sued-defective-condoms) Accessed on 19th April, 2020

[108] Obianuju Ekioka. Target Africa. [2018, San Francisco, Ignatius Press] at page 44–47

[109] Ibid

[110] Ibid, at Page 46

[111] Ibid, at page 47

[112] In the above report, Uganda, on page 90, Uganda states thus, “UNFPA one of the main partners support to family planning in Uganda is based on family planning as a human right, to be made available, affordable, and acceptable and of high quality for every individual and couple who so wish to use it based on voluntary, free and informed consent (UNFPA, 2016b).” - <http://npcsec.go.ug/wp-content/uploads/2013/06/SUPRE-2018-.pdf> Accessed on 28th December 2019

[113] “Uganda recalls a million faulty condoms”. Access- <https://www.theguardian.com/global-development/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard> , 28th December, 2019

## Bibliography

[114]“United Nations Population Fund on Family Planning.” <https://www.unfpa.org/family-planning> 28th December, 2019

[115]“Uganda recalls a million faulty condoms”. Access- <https://www.theguardian.com/global-development/2019/nov/20/more-than-a-million-faulty-condoms-recalled-in-uganda-life-guard> , 28th December, 2019

[116] Ibid, at page 53

[117] Patrick A. Share, Criswold at 40: The State's, Compelling Interest in Banning Contraceptives. [University of St. Thomas Law Journal, Minnesota], at page 24

[118] Ibid, at Page 44

[119] Ibid, at Page 53

[120] Abstinence, Be faithful, use a condom [https://en.wikipedia.org/wiki/Abstinence,\\_be\\_faithful,\\_use\\_a\\_condom](https://en.wikipedia.org/wiki/Abstinence,_be_faithful,_use_a_condom) accessed on 25th April, 2020

[121] Ibid, at page 45

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