



THE REPUBLIC OF UGANDA

EQUAL OPPORTUNITIES COMMISSION (EOC)

REPORT ON THE PRE-TRIBUNAL VISIT/DISTRICT CONSULTATIVE MEETING IN WAKISO

**WAKISO DISTRICT LOCAL GOVERNMENT – DISTRICT
HEALTH SERVICE COMMISSION BOARDROOM,
8TH– 9TH APRIL, 2015**

***“Institutional Support towards Strengthening The Equal
Opportunities Commission to Implement Its Mandate”***

APRIL 2015



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Acronyms and Abbreviations

EOC Equal Opportunities Commission

DGF Democratic Governance Facility

GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit

WDLG Wakiso District Local Government

GENERAL INTRODUCTION

1.1 Introduction

The EOC with support from the Democratic Governance Facility (DGF) through Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) the implementing partner, is implementing a two (2) year project titled; *“Institutional Support Towards strengthening the Equal Opportunities Commission to Implement Its Mandate”*. Amongst the project programmes is funding the EOC Tribunal activities. The Equal Opportunities Commission organized a District Consultative / Pre-Tribunal meeting with Complainants in Wakiso to prepare them for the Tribunal hearing. The meeting was held on 8th – 9th April, 2015 at Wakiso District Local Government – District Service Commission Boardroom. The meeting attracted six (06) complainants, pursuing five (5) complaints, and was presided over by four (4) EOC staff under the guidance of the EOC Chairperson, Mrs. Rita S. Matovu.

1.2 Background

The Equal Opportunities Commission (EOC) is a body corporate established by the Equal Opportunities Commission Act, 2007, in accordance with Article 32 (3) of the Constitution of the Republic of Uganda. The EOC was set up to give effect to the State’s constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, gender, age or any other reason created by history, tradition, or custom.

According to section 23 of the Equal Opportunities Act 2007, the EOC in the performance of its functions under the Act has powers to receive and determine complaints relating to discrimination, marginalization or any act which undermines or impairs equal opportunities.

Under the EOC's complaints handling procedures, it is a prerequisite that before a Tribunal session is held, there should be a pre-tribunal visit consult district and local authorities, assess the complaints lodged, meet, interview and sieve prospective witnesses, verify documents and prepare complainants for a tribunal hearing, inter alia. It is upon this background that the EOC organized the pre tribunal visit / district consultative meeting in Wakiso District.

1.3 Objectives of the Meeting

The objectives of the meeting were:

- i. To expedite disposition of the complaints to enable the sieving of evidence and witnesses before the actual hearing, as this determine what is material and what is immaterial.
- ii. To facilitate settlement of the complaints by the parties where arbitration is advised.
- iii. To improve the quality of the tribunal hearing through adequate preparation of the parties, documents and witnesses.
- iv. To enable full disclosure, share the documents and disclose the witnesses the parties intend to rely on.
- v. To obtain facts and documents to avoid unnecessary proof.
- vi. To educate complainants about due tribunal procedures.

1.4 Meeting Approach

The meeting comprised of a general session with all the complainants where they were educated about the tribunal processes and what to expect, followed by a one to one analysis of files/complaints/records and witnesses.

2. MEETING PROCEEDINGS

2.1 Introduction

The delegation from the EOC first reported to the District Head Officials to notify them of their presence and also to seek for a convenient place where the meeting would be conducted.

The Chief Administrative Officer (CAO) Mr. David Naluwairo Kigenyi met with the EOC team, and a brief about EOC was given by Mr. Henry Mwebe, the EOC Assistant Commissioner, Legal Services & Investigations. He further gave the CAO copies of the EOC Act and Regulations to enable him internalize the mandate and procedures of the Commission. After this meeting, he allocated the EOC team with a tent within the district headquarters' compound for the meeting with the 6 complainants.

2.2 Meeting Commencement

The meeting started at 9:30am with self introductions.

2.3 General/Group teaching

The AC/LSI welcomed the complainants to the meeting. He thanked the complainants for attending the meeting and confirmed to them that the Commission is working tirelessly to have their complaints heard and determined. He explained that upon receipt of the complaints, individual files were opened and serialized, the respondents were addressed so that they get to know the nature of complaints against them, some respondents had responded and most of the complainants were already under investigation.

He informed the participants that the purpose of the pre-tribunal visit was majorly to explain to them the tribunal processes and to prepare them for the forthcoming tribunal hearings.

In his presentation, he explained the following:

- The establishment of the EOC.
- EOC's background.
- EOC's composition.
- EOC's mandate, powers and functions.
- Procedures of lodging complaints.
- EOC's Tribunal procedures followed by the powers of the Tribunal
- Composition of the Tribunal.
- What is required when lodging a complaint and during Tribunal hearings.
- What the Commission can handle and what it cannot.

2.4 ONE -TO - ONE SESSION

This was to cater for the different complainants' interests, discuss individual file details, examine documents, evidence and witnesses.

This session was divided amongst the EOC Secretariat as below:

- | | | |
|---------------------------|---|--------------------------|
| a. Mr. Henry Mwebe | - | Assessment of Complaints |
| b. Ms. Asha Nakiganda | - | Assessment of complaints |
| c. Mr. Isaac Oketcho | - | Assessment of complaints |
| d. Mr. Musema Miraji (TC) | - | Preparing files |

During the one-to-one meetings with the complainants, the following was done:

- (a) Discussion of the admissibility of the complaint vis a vis the EOC's mandate.
- (b) Examination of documents presented and advising the complainants to bring other documents relevant to their complaints.
- (c) Sieving and selecting witnesses.
- (d) Advising complainants on admissibility of presented evidence.

SUMMARY OF COMPLAINTS HANDLED AND NATURE OF ADVICE GIVEN.

S/NO.	PARTIES	ALLEGED VIOLATION	DISCUSSION WITH COMPLAINANT/ADVICE GIVEN.
1.	Kalema Ronald Vs 1. Wazemba Karim 2. Attorney General	i) Right to own property ii) Right to privacy.	<p>The complainant alleges that the defendant destroyed his house and property in early October 2013 between 8.30a.m and 9.00am, injuring his one year old daughter who was sleeping in the house at the time. He reported the case at Kiganda police post and was discriminated upon by the police officers who did not take his matter seriously.</p> <p>He opened up a file at police on 13th October 2013 but the respondent was never charged. He went further and reported the matter to the DPP'S office but to-date the respondent has never been charged. Instead the respondent reported the</p>

			<p>matter to police and the complainant was charged with trespass to land.</p> <p>The complainant desires to recover his land, compensation for his destroyed house and property and costs incurred in treating the child who was injured, as well as costs incurred in pursuing the matter.</p> <p>He availed a sale agreement, police case reference file number which was given to him upon reporting the matter, medical reports of the injured child and evidence of photos proving destruction of property and the house. He has 4 witnesses with their telephone contacts.</p> <p>The complainant was advised to avail medical receipts that show proof</p>
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			<p>that the injured child received treatment. He was also asked to avail proof of ownership of land.</p> <p>He was advised that since all the necessary documents and information have been availed, then he should wait for the next tribunal hearing where his complaint will be heard and determined.</p>
2.	<p>Magezi Rajab Vs Nantume Barbara</p>	<p>Right to ownership of property</p>	<p>The complainant claims that he entered into a hire purchase agreement with the respondent to purchase a motorcycle No. UEB 930K Bajaj Boxer. However after making several payments as agreed the complainant fell ill and was unable to make subsequent payments for about three weeks of which the respondent sold the motorcycle to another person. The</p>

		<p>respondent reported the matter to police and the respondent agreed to allow the complainant to complete the payments in 10days. However, within the 10 days ultimatum the complainant alleges that the respondent was non responsive to phone calls and several meetings and therefore was unable to pay and the respondent sold the motor cycle to another person.</p> <p>The complainant desires to recover the part payment he made for the purchase of this motor cycle which is UGX. 3,570,000/=</p> <p>He availed a copy of the hire purchase agreement, proof of part payments for the motorcycle made into the respondent's bank account and the police</p>
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			<p>case reference number at Bweyogerere Police station.</p> <p>He has one witness with his contacts.</p> <p>The complainant was advised that his complaint does not show any form of discrimination or marginalization. His complaint does not fall under the purview of the Commission. He will therefore be referred to Justice Centres where he can access free legal services to enable him recover the money in issue</p>
3.	<p>Sewayo Muhammad Vs</p> <ol style="list-style-type: none"> 1. Uganda National Roads Authority (UNRA), 2. Jamada Kikonyogo 3. Damanico Kawusiku. 	<p>Right to ownership of property</p>	<p>The complainant's 5 acres of land was grabbed by the respondents who also led to his arrest and later imprisonment.</p> <p>The respondents destroyed his 3 fishing ponds, house, brick making machine and</p>

		<p>bicycle. On release from prison, he found that UNRA had taken over his land and he had not been compensated yet his neighbours had all been compensated for their land. He believes that he was discriminated against.</p> <p>The complainant desires to recover his land or be compensated by UNRA because they compulsorily acquired his land.</p> <p>The complainant also desires that the respondents compensate him for his properties that were destroyed.</p> <p>He availed documents like the police bond as proof to show that he had been imprisoned at the time.</p> <p>He also availed a sale agreement for the land.</p> <p>The complainant was</p>
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			<p>advised to avail witnesses and their contacts to the commission to before the tribunal hearing. He was also asked to itemize his loss and the compensation being sought.</p> <p>This matter will be cauelisted for the next tribunal hearing.</p>
4.	<p>Ntege Francis & Walusimbi Sebaggala Vs Ndagire Christine.</p>	<p>Right to ownership of property.</p>	<p>The complainants claim there was a sale of family land in October 2014 by the respondent and five others and despite several reminders the respondents have failed to account for the proceeds accruing from family land to date. They allege that there was discrimination during the share of the proceeds of the sale.</p> <p>The remedy the complainants are seeking is a share of the proceeds</p>

		<p>from the sale, distributed equally amongst all the beneficiaries. They also want representatives from their lineage in the family to be included amongst the Administrators of the family estate.</p> <p>The complainants availed the necessary documents such as a land title before sub-division of the land and the sale agreement of part of the land.</p> <p>They also have three witnesses with their telephone contacts.</p> <p>The complainants were advised that:</p> <ul style="list-style-type: none">(a) The matter will be handled during the next tribunal hearing so that the parties can equally share the proceeds of the sale, without discrimination.(b) Regarding the
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			<p>desire to get letters of Administration, the complainants will be referred to Justice Centres Uganda who will offer them legal aid in processing the Letters of Administration.</p>
5.	<p>Onesimus Kabuga Vs Attorney General.</p>	<p>Right to access government resources.</p>	<p>The complainant alleges that the Government has discriminated against people who are uneducated but have special abilities. He alleges that this is a special interest group. He says that Government has policies for people with disabilities whereas it does not have policies for people with extra abilities and does not accordingly allocate resources to such persons. He alleges that exceptionally talented people are often sidelined and brushed off as crazy.</p>

		<p>The complainant has a museum for people with extra abilities and it is called ATTITUDE CHANGE MUSEUM located at Bulaga 'A' village, Nakabugo Parish, Wakiso District, which he believes has tangible solutions to national and global problems.</p> <p>The complainant's desire is that there should be a national sensitization to all leaders about Africans with special abilities. He desires that a law is passed to protect and to promote people with special abilities.</p> <p>He wants EOC to bring his complaint to the attention of Government so that people with special abilities can be assisted. The EOC team visited his museum and took pictures of its</p>
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			<p>contents which are attached hereto.</p> <p>He was advised that the Commission will consider his complaint during the next tribunal hearing. He was asked to mobilize his team/ witnesses in preparation for the hearing.</p>
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3. QUESTIONS

SN	QUESTION	ANSWER
1	Why does the Commission delay in handling complaints reported?	<p>When a complaint is received by the Commission, there are procedures that have to be followed before a final position is reached. These procedures are contained in the EOC Act, 2007, and The EOC Regulations 2014. The respondent has to be addressed, the complaint has to be investigated, inter alia. However, we always endeavor to ensure that all complaints received are handled and concluded within six (6) months from the date of receipt as stipulated in the EOC Act, 2007.</p>

2	UNRA trespassed on my land can I be compensated?	Yes, if you have proof that you own the land, that there was trespass, and that other people in similar circumstances were compensated, then obviously that amounts to discrimination and a violation of your right to property. You can accordingly be compensated.
3	What if a person reports a matter to police and is not helped can such an individual come and report such a matter to the Equal Opportunities Commission?	The Commission cannot interfere in a matter that is pending before another statutory body. However, we can follow up until the matter is concluded. Also, if the police have exhibited discrimination in the way your matter is handled at police, that is, if other people have been treated differently, that amounts to discrimination. Accordingly, you can lodge a complaint with the Commission and the same will be handled.
4	Why did the EOC invite the complainants at a short notice without giving them time to prepare	In future, complainants will be given adequate notice before scheduling any meeting

6.0 Closing Remarks

Having concluded the one-to-one sessions with the complainants who were present, the EOC team closed the meeting with a promise to the complainants that their complaints will be heard and determined in a tribunal hearing to be

arranged as soon as possible. The EOC team then travelled with one of the complainants, Mr. Onesmus Kabuga, for an on-site visit of his museum, THE ATTITUDE CHANGE MUSEUM.

7.0 Conclusion

The meeting was so educative and restored the complainants' hopes that their complaints are being expeditiously handled. The turn up was good and the participants appreciated the work being done by the Commission. People have great hope in the Commission and are satisfied that their complaints will be professionally and expeditiously handled.

8.0 Recommendations:

- i. Planning such visits should be done in time to enable timely communication to the relevant stakeholders e.g. the District Leaders and Complainants.
- ii. Adequate finances should be provided to cater for the entire activity e.g. refreshments for the participants, transport refunds.
- iii. Need for timely release of funds for purposes of timely preparation for the activities.
- iv. There is need for more media coverage to increase EOC visibility and stakeholders' understanding of what the Commission is all about. This will educate the public to only lodge complaints that fall under the Commission's mandate. This will save the Commission substantial resources and time spent entertaining complaints that don't fall under EOC's mandate.
- v. Pre-tribunal visits are good and they should continuously be conducted before Tribunals hearings are held. These visits enable the complainants and the EOC Secretariat to adequately prepare for tribunal hearings.
- vi. Four (4) complaints are admissible. A tribunal hearing should therefore be arranged for the admissible complaints.