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**Partnership to eliminate discrimination, inequalities and promote affirmative action in favour of groups marginalised to redress imbalances for Inclusive Growth and Development**

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**By**

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## 1.0 Introduction

**Mandate of the Commission:** The Commission is a constitutional body established by the Equal Opportunities Commission Act, No. 2 of 2007 (EOC Act) "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, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters".

### 1.1 Powers of the Commission

1. In the performance of its functions under the Act 2007, the Commission shall have the powers of a court to:
  - a) require the attendance before the Commission of any person
  - b) require the production of any books, papers or documents
  - c) inspect any books, papers, materials or documents produced before it or otherwise;
    - (i) retain any such books, papers, materials, or documents for such reasonable period as the Commission deem fit
    - (ii) make copies of any of them, or their contents
  - d) Require any person to make oath or affirmation to answer truthfully all questions put by members of the Commission relating to any matter being inquired into by the Commission.
  - e) Require any person appearing before the Commission, including the person whose conduct is subject to an inquiry, whether summoned to appear or not, to answer any question put by any member of the Commission, or by any other person appearing before the Commission.
2. Subject to subsection (3), where a person:-
  - a) Who has been served with a summons to attend before the Commission fails without reasonable excuse to attend in obedience to the summons;

- b) Who has been served with a summons to produce any books, papers, materials or documents fails without reasonable excuse to comply with the summons
- c) Misbehaves before the Commission, willfully insults the Commission or a member of the commission, or interrupts the proceedings of the Commission
- d) Refuses to be sworn or to affirm or to answer a question when required to do so by the Commission, that person commits an offence and shall, on conviction, be liable to a fine not exceeding nine months or both.

3. In the course of its proceedings, the Commission may:-

- a) Receive in evidence the transcript of evidence in proceedings before a court or tribunal and draw such conclusions of fact from that evidence as it considers proper; or
- b) Adopt, as in its discretion it considers proper, any findings, decision or judgement of a court or tribunal that may be relevant to the proceedings.

4. In the discharge of its functions, the Commission may:-

- a) Refer any matter to any other institution, body, tribunal or authority which, in the opinion of the Commission can best handle that matter;
- b) Recommend to or order any institution, body, authority or person to adopt or take particular steps or action which, in the opinion of the Commission will promote equal opportunities.
- c) May recommend to any Minister, institution, body or authority to adopt a new legislation which is promoting equal opportunity and the institution, body, authority, person or Minister shall implement or cause the implementation of the recommendation within six months from the date of communication of the recommendation.

5. The Commission may, in writing, delegate to a member of the Commission any of its powers or functions under this Act other than this power of delegation.

6. The Commission shall not investigate:-

- a) Any matter which is pending before a court or judicial tribunal or is under investigation by another constitutional commission
  - b) A matter involving the relations or dealings between the Government of Uganda and the government of any foreign state or international organization
  - c) A matter relating to the exercise of the prerogative of mercy;
  - d) Any matter involving behavior which is considered to be:-
    - i) Immoral and socially harmful or
    - ii) Unacceptable, by the majority of the cultural and social communities in Uganda.
7. In the performance of its functions, the Commission:-
- a) may establish its operational guidelines and rules of procedure;
  - b) may request the assistance of any department, bureau, office, agency or person in the performance of its functions; and
  - c) Shall observe the rules of natural justice.

## **2.0 Objectives and Programmes of EOC**

### **2.1 EOC Strategic Objectives:**

- i. To enhance redress to complaints on violations of economic, social, and Cultural rights
- ii. To enhance the responsiveness of national policies, laws and programmes to equal opportunities and affirmative action for inclusive growth
- iii. To strength compliance with equal opportunities and affirmative action in public and private institutions for more inclusive and sustainable development
- iv. To promote positive public mind-set among and towards the vulnerable groups for equitable participation, and access to livelihood as well as development opportunities
- v. To strengthen and sustain the growth and development of the equal opportunities Commission for improved service delivery for all

### **2.2 EOC Programmes**

The EOC's Programmes are situated within and guided by the National Development Plan III and the Commission's Strategic Plan 2020/2025. The broad programme areas are;

- i. Gender and Equity
- ii. Access to Social Justice
- iii. Research, Monitoring and Evaluation
- iv. Capacity building and awareness creation of Equal opportunities and affirmative action
- v. Compliance and Enforcement of laws, policies, plans, programmes with principles of non-discrimination, marginalization and non-inclusion
- vi. EOC Institutional Development
- vii. Youth and Disability mainstreaming
- viii. Community empowerment of ethnic minority
- ix. Startup equipment to the Youths, Women, PWDs, Older Persons, Ethnic minorities, Poor communities and people from hard to reach areas.

It is within the above programme areas that the Commission is prepared to create lasting impact on the vulnerable guided by among others the Parish Model as enunciated in the National Resistance Movement Manifesto (2021-2025).

### **3.0 Key Highlights on the State of Equal Opportunities in Uganda**

- i. According to UBOS, Uganda's population is estimated at 43.7 (Mid-year 2022) with a growth rate of 3.1%. Majority of the country's population is vulnerable or belongs to categories at high risk of vulnerability as presented below;

- ✓ **Women (52%),**
- ✓ **Youth (22.5%)**
- ✓ **Orphans and other Vulnerable Children (55%),**
- ✓ **Older Persons (4%)**
- ✓ **Persons with disabilities 12.4**
- ✓ **Persons belonging to ethnic minorities (1%)**
- ✓ **Rural and urban poor (21.4%)**
- ✓ **Persons living with HIV/AIDS (1.4M)**
- ✓ **People Living below the Poverty Line (20.3%)**

- ii. Poverty is among the key challenges that the vulnerable face. The proportion of people living on less than a dollar per day is 20.3 percent according to the Uganda National Household Survey

2019/20. 41.8 percent of the population was living below the international poverty line below the Plan target of 49.47 percent.

- iii. Poverty prevalence is inequitably distribution with some sub regions experiencing high prevalence as compared to their counterparts: Acholi 68%, Karamoja 66%, Bukedi 35%, Busoga 29%, Kigezi 28%, Lango 23%, Teso 22%, West Nile 17%, North Buganda 14%, Elgon 13%, Ankole 13%, Tooro 13%, Bunyoro 10%, South Buganda 7% and Kampala 2%.
- iv. Accordingly, contribution to national poverty by region is as follows; Busoga 14.5%, Bukedi 10.4%, Acholi 10.3%, Northern Buganda 8.1%, Teso 7.1%, Karamoja 6.5%, Tooro 6.5%, Ankole 6.4%, Lango 5.4%, South Buganda 5.3%, West Nile 5.2%, Kigezi 5.2%, Bunyoro 4.3%, Elgon 4.1% and Kampala 0.5%.
- v. It is further reported that the poorest Ugandans have seen their possessions decline by 21 per cent over the past 20 years and as a result, the poorest 10% of Ugandans own only 2.5% of the country's wealth, while the poorest 20% of Ugandans own a meagre 5.8% of national income. This level of inequality calls for strategic partnership that aims at empowering the vulnerable using all the possible fronts.
- vi. High Unemployment rate of 13.3% (2020/2021) is another challenge that the vulnerable face especially the youth. There is need to step up efforts to ensure that youth are gainfully employed.
- vii. The government of Uganda anticipated to maintain the Gender Inequality Index at 0.52 in 2020/21. On the contrary, the Gender Inequality Index worsened to 0.535 in the FY 2020/2021 from 0.52 in 2016/17, ranking it 131 out of 162 countries in the 2020 index.
- viii. The Average monthly nominal household Income for Ugandans in 2016/17 was Shs 416,000 (*urban Shs 703,000; rural Shs. 303,000*). Kampala had the highest average monthly income (*Shs 938,000*), followed by Central I at Shs 569,000. Bukedi sub-region was the poorest with average income at Shs 141,000 per month.
- ix. Regarding food security, the %age of food secure households stands at 78.7% (FY 2020/21) leaving 21% of the households in a vulnerable situation. It's important to note that the 21% mainly includes the poor,

women, children, older persons and PWDs. Recently in 2022, the total number of fatalities caused by food insecurity crisis in Karamoja was 2,465.

- x. 18.4 percent of the vulnerable farmers incur post-harvest handling losses for priority commodities. There is need to step up support targeting farmer groups including women, youth, PWDs and the poor through supporting establishment of storage facilities in the most affected 57 districts of Uganda.
- xi. The proportion of farmers that access agricultural finance reduced to 10 percent from 38 percent in FY 2017/18 and below the NDP III target of 40 percent. The main stream lending institutions are not favorable to the small holder farmers.
- xii. Irrigation is crucial for food security. The total area under formal irrigation in Uganda is only 22,504 hectares (FY 2020/21) against a target of 19,779 hectares. Uganda has an estimated 560,000 hectares with irrigation potential. However, the vulnerable population has no access to the irrigation schemes availed so far.
- xiii. Under ICT, internet penetration rate (internet users per 100 people) is 46 percent. The Unit cost of 1Mbps/month of internet on the retail market is USD 205 (FY 2020/21) which majority of the vulnerable can't afford. This is below the target of USD 210.6.
- xiv. **Gender based violence and management of victims;** 22 % of women aged 15-49 years had ever experienced violence in the 12 months preceding the UDH survey compared to only 8% of men in the same age bracket (UDHS, 2016).
- xv. 11% of women who have ever been pregnant have experienced physical violence during one or more pregnancies. Gender based violence and poor management of victims has led to increased exclusion and discrimination (social isolation), continuous cycle of violence (suicide, Hatred and attitude of revenge), physical injuries, death, health and psychological problems.
- xvi. In 2021 (January-June) RRP partners managed 2,541 new GBV incidents from 13 refugee hosting districts in Uganda, hence reaching 55% of the expected target of 4,350. 94% of the survivors

were female while 4% were male. Rape was registered highest at 29%, followed by physical assault (26%).

- xvii. Thousands of Women and Girls Alive Today have Undergone Female Genital Mutilation. FGM Has No Health Benefits for Girls and Women and is a Violation of their Rights. In 2010, Uganda created the Prohibition of Female Genital Mutilation Act. However, the practice continues to be carried out.
- xviii. The percentage of children aged 5-17 years engaged in child labour is 18% (male 20%; female 15%). Busoga and Bukedi sub-regions have the highest proportion of children aged 5-17 years in child labour (29% and 28%).
- xix. Regarding Education, the primary to secondary school transition rate is 61 percent. The survival rate for primary is 34.2 percent. The vulnerable especially PWDs, the poor and residents of hard to reach places continue to find it hard to access education. Also to not is that the physical environment is largely not gender and disability friendly.
- xx. Up to eight million children attend school in Uganda, however the largest proportion go hungry, with only 33% of the children receiving meals at school.
- xxi. Regarding Health, obstetric care from a skilled health professional during delivery is recognized as critical for the reduction of maternal and neonatal mortality. During pregnancy, it is recommended that women attain at least four (4) Antenatal Care (ANC) visits under the supervision of a skilled health professional. In the FY 2020/21, 60% of pregnant women attained the requisite ANC visits.
- xxii. With regards to Health key performance indicators according to the Statistical Abstract 2020, the Infant Mortality Rate/1000 was 43 against the FY 2020/21 target of 41.2. Maternal Mortality Ratio/100,000 was 336 against the target of 311 for FY2020/21. The Neonatal Mortality Rate (per 1,000) was 27 against the FY target of 24.
- xxiii. 27 percentage of child births are not attended by a skilled health professional. For instance, 14% of first births are not delivered by a



skilled health professional compared to 36% for the sixth or higher birth order.

- xxiv. **Youth friendly sexual and reproductive health services;** There is Increased adolescent pregnancy / Teenage childbearing and it was reported that 25% of women age 15-19 have begun childbearing (**UDHS 2016**). Among women and men age 15-19, 10% of women and 17% of men had sexual intercourse by age 15.
- xxv. 27% of women age 15-19 in rural areas have begun childbearing, as compared with 19% of young women in urban areas (UDHS 2016). Teenage childbearing is Highest in North Central, Bukedi, Teso, and Tooro regions at 30% to 31%, and lowest in Kigezi and Kampala regions 16% to 17% (**UDHS 2016**).
- xxvi. **Percentage of Households with Hand washing facilities;** Handwashing is one of the ways to keep people healthy and prevent the spread of respiratory and diarrheal infections. During the current review period, the percentage of households with hand washing facilities in Uganda is 34 percent.
- xxvii. The proportion of the population accessing health Insurance is only 3.9% against the set target of 7%. This was because of loss of Jobs and sources of income due to the COVID 19 pandemic.

That was just a snap shot of the people we are serving.

#### **4.0 Key Achievements of the Commission**

- i. Built the capacity of selected MDAs, Local Governments and the vulnerable populations on; affirmative action and gender and equity planning and budgeting as well as the concept of equal opportunities.
- ii. Enforced compliance with Gender and Equity requirements through assessment of Budget Framework Papers since FY 2015/2016 including development of assessment tools, gender and equity guidelines; Capacity Building.

- iii. The Commission has published 9 annual reports on the state of Equal Opportunities in Uganda in addition to a series of research studies on equal opportunities and affirmative action.
- iv. Since establishment, the Commission has concluded over 2,732 complaints regarding Equal Opportunities and Affirmative Action.
- v. Influenced Major Reforms arising out of EOC Interventions and among these include;
  - a) The ongoing rationalisation of Government Ministries, Departments and Agencies and the review of salaries of public servants was an outcome of the EOC comprehensive research on salary disparity within the Public Service.
  - b) Consideration of the Commissions' ruling to issue National IDs and the Passport of Uganda to sections of Ugandans that had initially been denied access.
  - c) Reversal of discriminative job adverts
  - d) Inclusion of the Malagoli tribe in the Constitution of the Republic of Uganda. These had been initially omitted.

## **5.0 Areas for Partnership**

- i. Sections 9 to 15 of Public Finance Management Act, seeks to equalise equal opportunities in the planning, budgeting and implementation of government programs. This Section is informed by the EOC Act, 2007 and the Commission is mandated to spear head gender and equity responsive planning and budgeting and the enforcement of the Certificate of Gender and Equity Compliance. With reference to section 4.21.5 of the 2017 Treasury instructions, the current financing to Gender and Equity is only 20% of the required Budget. In that regard, the areas of partnership include;
  - a. Tracking implementation of Gender and Equity Commitments at National and Local Government level
  - b. Reviewing the Government Fiscal Policy, Revenue Measures and the Economic development strategy every Financial Year to ensure that the approved frameworks comply to the principals of Equal Opportunities
  - c. Engaging with Local Governments on G&E during the Regional Consultations on the Budget Process every Financial Year

- d. Supporting Programme secretariats, MDAs and Local Governments on Gender and Equity responsive planning and Budgeting
  - e. Reviewing of the Gender and Equity Assessment Tools
  - f. Assessment of the National and Programme BFPs, Ministerial Policy Statements and the Local Government Budget Framework papers including sharing of feedback with the assessed Programmes, MDAs and Local governments.
  - g. Holding morning talk shows and briefings on G&E assessment findings and preparing policy briefs for Parliament to inform their scrutiny of the Programme and National BFPs and Ministerial Policy Statements.
  - h. Development of guidelines
- ii. The Commission was also established to enhance access to social justice through the Tribunal quasi-judicial mechanism. Access to justice is crucial for the promotion of equal opportunities. EOC is among the only institutions that provide free Legal Aid to the marginalized communities. The Commission offers support to vulnerable Ugandans majority of whom cannot afford the services of private lawyers. The Commission also employs approaches such as Alternative Dispute Resolution (ADR) and adjudication where deemed necessary to administer social justice. There is need for strategic partnership in the following areas;
- a. Creating awareness to the general public on the Legal and investigation Services handled by the Equal Opportunities Commission
  - b. Establishment of a Tribunal Fund to facilitate transportation of witnesses, staff and Members of the Commission
  - c. Investigation of new complaints and clearing of the current back lodge
  - d. Development of a case management system
  - e. Development and dissemination of guides to the EOC tribunal system translated in various languages
- iii. Research, Monitoring and Evaluation is another area in which we seek partnership. The Commission uses research, Monitoring and

- Evaluation findings to inform action, gather evidence on equal opportunities, and contribute to developing knowledge in with regards to equal opportunities. The key areas of partnership include;
- a. Development and publication of the annual report on the State of Equal Opportunities in Uganda.
  - b. Development and dissemination of policy briefs generated from the Annual Report on the State of Equal Opportunities and Research Studies.
  - c. Conducting research studies on policy implementation in the perspective of equal opportunities and affirmative action.
- iv. Educating, Supporting and mobilising the vulnerable to understand the concept of equal opportunities and to benefit from government programmes such as the Parish Development Model. Under the Parish Development Model (PDM) 70% of the resources have been allocated to the vulnerable groups and individuals on the basis of Affirmative Action. This should be the moment to strengthen EOC to oversee compliance and effective utilisation of the resources by these groups. In this regard, the areas of partnership are;
- a. Building the capacity of duty bears on how to mainstream issues of equal opportunities and affirmative action
  - b. Raising awareness of the vulnerable persons on how to demand for non-discrimination, non-exclusion and non-marginalisation.
  - c. Development and dissemination of IEC materials that are translated in various languages.
- v. Institutional Development of the Equal Opportunities Commission especially; Development of an information for the EOC tribunal, Development of EOC Head Office and the Regional Offices, Trained Staff Secondment to the Commission and Capacity building for Commission Staff and Members in the areas of Judicial dispensation and Gender and Equity Programming.
- vi. Advancing coverage of the Commission's mandate within cultural institutions, the private sector and civil society organisations.
- vii. Prevalence of blindness of about 1%, ophthalmology remains a neglected public health issue with limited data on the prevalence of visual impairment overall. EOC committees to support the

mobilisation of persons with visual impairment for medical related support and sensitizing the general public.

- viii. Establishment of a toll free call center to report and address issues of discrimination and marginalisation.
- ix. Establishment a national resource and information centre to disseminate information on equal opportunities to all our clients
- x. Enhancing the capacity of legislators to identify, debate and advocate for issues of equity, inclusion and equal opportunity
- xi. Spear head the development of mainstreaming strategy for youth empowerment
- xii. Spearhead the formulation of the anti-discrimination Act, Youth economic empowerment Act, An Act of Parliament to protect and promote the Participation of ethnic minorities in governance and decision making.
- xiii. Step up effort to fight against female Genital Mutilation
- xiv. Construction of Model Gender and Disability Friendly Health Facilities and Schools in the most affected locations
- xv. Enhance youth participation in government programmes
- xvi. Mobilise older persons and address the challenges they face in daily life.
- xvii. Development of a participation guide for all the special interest groups

## **6.0 Conclusion**

Our distinguished guests that was just a snap shot. I wish to note that the Commission has been in partnership with a number of development Partners. Currently we are receiving funding from UN Women and our current partnership is Ugx. 100 Million. The Commission is also in the process of Formalising Partnership with Feed the Future under the Trade Sector. We have also had partnerships that have since expired with UNDP, European Union, DFID-UKAID, DGF, UN Human Rights, Ford Foundation and Robert Bosh Foundation.

Distinguished Guests, our current funding gap amounts to 20 Billion annually for which we are seeking partnership to enable the Commission fully roll out its mandate. I wish to submit back to the Chairperson for an open discussion as we look towards enhancing our partnership with an aim of promotes Inclusive development focusing on the unequal distribution of wealth and income as well as addressing discrimination, marginalisation and inequalities.