



THE REPUBLIC OF UGANDA

EQUAL OPPORTUNITIES COMMISSION (EOC)

REPORT ON THE PRE-TRIBUNAL VISIT/DISTRICT CONSULTATIVE MEETING IN ENTEBBE MUNICIPALITY,

ENTEBBE MUNICIPAL COUNCIL HALL,

13TH- 14TH 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

EMC Entebbe Municipal Council.

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 Entebbe to prepare them for the Tribunal hearing. The meeting was conducted on 13th - 14th April, 2015 at Entebbe Municipal Council. The meeting attracted five (05) complainants, pursuing four (4) 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 Entebbe Municipal Council.

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 material is 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 Deputy Town Clerk Mr. Kyambade David (0772519862) met with the EOC team, and a brief about EOC was given by Mr. Henry Mwebe, the EOC Assistant Commissioner, Legal Services & Investigations (ACLSI). He further gave the D/Town Clerk 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 the Municipal Council Board Room for the meeting with the 5 complainants.

2.2 Meeting Commencement

The meeting started at 10.30am 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.	OJOK SAMUEL VS CRANE CAFETERIA ENTEBBE.	Dismissal from employment on grounds of disability	<p>The complainant alleges that he was dismissed from his employment as a chef by the respondent on ground that he was disabled.</p> <p>He claims that he was competent, qualified and disciplined, and no notice of termination was given neither were any benefits paid. Proceedings at Ministry of Gender were terminated after the respondent did not turn up on the scheduled date. The complainant desires to be compensated for being discriminated against. He claims special damages in the sum UGX. 100,000/= for transport and lunch which costs he has incurred in pursuing this matter and general</p>

			<p>damages of UGX.5,000,000/= suffered when he was discriminated against.</p> <p>The complainant availed documents which are already on record. He has witnesses but is worried that the respondent's employees may not be willing to testify against their boss.</p> <p>In absence of an appointment letter and a company ID, he was advised to get witnesses who used to see him working there.</p> <p>He was further advised that Investigation of his complaint has been concluded and this matter will be cause listed for the next tribunal hearing.</p>
2.	<p>BOSA ALI & ANOTHER</p> <p>VS</p> <p>NALUJJA SEEMU</p>	Right to property	<p>The complainants allege that upon the death of their father, the respondent who is their</p>

		<p>sister took over the family property and has denied them access thereto.</p> <p>She has converted the property to personal use for about 15 years.</p> <p>The complainants seek to have a share of the property and propose that proceeds be shared amongst all the beneficiaries without any discrimination. They allege that they are being discriminated against because they have different mothers with the respondent.</p> <p>They also desire that the respondent accounts for the sums recovered by the respondent and a refund thereof for the last 15years be made.</p> <p>The complainants also propose that the property is sold and proceeds are shared equally amongst the 15 beneficiaries.</p>
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			<p>The complainants have 5 witnesses and promised to avail their contacts to the commission.</p> <p>All the necessary documents were availed. The complainants were advised to compile a list of all beneficiaries and contacts of their witnesses.</p> <p>Further investigations to be conducted to ascertain ownership of the property, proceeds derived there from and ascertain the right beneficiaries.</p> <p>This matter will then be cause listed for the next tribunal hearing.</p>
3.	SARAH LWANGA VS ATTORNEY GENERAL.	Right to social security	The complainant is a widow and is claiming unpaid benefits of her late husband who was employed by the Government of Uganda as a Foreign Service Officer.

			<p>She alleges that she has been discriminated against because other people in similar situations were paid.</p> <p>The complainant desires to recover benefits due to the deceased.</p> <p>She availed identification documents of the deceased and a certificate of no objection from the Administrator General.</p> <p>She also availed 4 witnesses and their telephone contacts.</p> <p>She was advised to complete the process of obtaining letters of administration from court and a letter was issued to her referring her to Justice Centres Uganda to assist her in completing the process of obtaining letters of administration at no cost. She however indicated</p>
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			<p>that she has not yet been assisted by Justice Centres Uganda. EOC promised to follow up.</p> <p>Further investigations will be carried out in order to obtain the file from the Public Service Commission to ascertain the status of the deceased by the time of his death.</p> <p>Upon completion of investigations, this matter will be cause listed for the next tribunal hearing.</p>
4.	<p>OGWOK JOSEPH VS KEBOY IFIANKOYMOLO</p>	<p>Right to ownership of property</p>	<p>The complainant alleges that the respondent stole his motor-vehicle an ISUZU truck and has never paid him. He has also failed to recover the truck.</p> <p>The complainant desires to recover the lorry and be compensated for the expenses incurred in recovering his lorry.</p>

			<p>The complainant availed two witnesses with their contacts and documents are on the file.</p> <p>The complainant was advised that his complaint is a civil matter and he should seek redress from the Courts of law to recover the lorry and be compensated accordingly. There was no marginalization or discrimination, thus the complaint does not fall under the EOC's mandate. He was thus advised to engage a lawyer to help him pursue this matter.</p>
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3. QUESTIONS

SN	QUESTION	ANSWER
1	When will our complaints be heard and concluded.	This Pre-Tribunal Visit is the second last phase in the EOC's complaints handling procedures. We have come to prepare you for

		the last phase which is the Tribunal hearing. During this Tribunal Hearing, Members of the Commission will hear your complaints, witnesses and all your evidence and make a decision.
2	The EOC referred me to Justice Centres Uganda to help me get letters of Administration for my late husband's estate but I was not assisted. what can I do?	Justice Centres Uganda is our partner. We are going to follow up this matter with its Executive Director, Ms Christine Birabwa, and we will ensure that you are assisted.
3	We have been denied access and a share of the family property for over ten years now. Can the Commission help us?	Yes, the Commission can intervene in this matter and help you get access and a share thereof if you prove discrimination and marginalization by the respondent.
4	How much does the Commission charge for its services	The Commission's services are free of charge.

4.0 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.

5.0 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.

6.0 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. Need for timely release of funds for purposes of timely preparation for the activities.
- iii. There is need for more media coverage to increase EOC visibility and stakeholders' understanding of what the Commission is all about.
- iv. Pre-tribunal visits are good and enable the complainants and the EOC Secretariat to adequately prepare for tribunal hearings.
- v. 3 out of 4 complaints are admissible. A tribunal hearing should therefore be arranged for the admissible complaints.