



THE REPUBLIC OF UGANDA

EQUAL OPPORTUNITIES COMMISSION (EOC)

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

MAYUGE DISTRICT LOCAL GOVERNMENT – DISTRICT COMMUNITY CENTRE HALL

4TH MARCH, 2015

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



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Acronyms and Abbreviations

EOC Equal Opportunities Commission

DGF Democratic Governance Facility

GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit

MDLG Mayuge 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 Mayuge District to prepare them for the Tribunal hearing. The meeting was held on Wednesday 4th march, 2015 at Mayuge District Local Government – District Community Centre Hall. The meeting attracted eighteen (18) complainants, pursuing fourteen (14) complaints, and was presided over by four (4) EOC staff under the guidance of the EOC Member, Ms. ZAMINA MALOLE.

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 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 to 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 a pre tribunal visit / district consultative meeting in Mayuge District.

1.3 Objectives of the Meeting

The objectives of the meeting were:

- i. To expedite disposition of the complaints received to enable the sieving of evidence and witnesses before the actual hearing, as this determines what is material and what is immaterial.
- ii. To improve the quality of the tribunal hearing through adequate preparation of the parties, documents and witnesses.
- iii. To enable full disclosure, share the documents and disclose the witnesses the parties intend to rely on.
- iv. To obtain facts and documents to avoid unnecessary proof.
- v. To educate complainants about the EOC 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 complaints and documents in support thereof.

2. MEETING PROCEEDINGS

2.1 Introduction

The EOC team first reported to the District authorities to notify them of their presence in the district and consult them on the best way to handle the pre-tribunal visit.

The team met the Chief Administrative Officer (CAO) Mr. Sentenza Yusuf (0772-2455871) and a brief about EOC was given by Mr. Henry Mwebe, the EOC Assistant Commissioner, Legal Services & Investigations. He also 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 the Mayuge District Community Centre Hall to be used for the meeting with complainants.

2.2 Meeting Commencement

The meeting started at 10:00 am with self-introductions.

2.3 General/Group Presentation

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 complaints 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 hearing.

In his presentation, he explained the following:

- The establishment of the EOC.

- EOC's background and 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, and examine documents, evidence and witnesses.

This session was divided amongst the EOC Secretariat as below:

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|----------------------|---|--|
| a. Mr. Henry Mwebe | - | Assessment of Complaints |
| b. Mr. Oketcho Isaac | - | Assessment of complaints |
| c. Ms. Wamboko Joyce | - | Secretary/ Taking Minutes/assessment of complaints |
| d. Mr. Musema Miragi | - | Preparing files |

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

- (a) Examination of documents presented and advising the complainants to bring other documents relevant to their complaints.
- (b) Sieving and selecting witnesses.
- (c) 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.	Olema Justo & Others Versus Mayuge Sugar Industries Limited	Right To Employment And Right To Form A Trade Union	<p>Complainants allege that they were unfairly terminated.</p> <p>They claim they wanted to form a trade union and their employers did not support the same hence their dismissal. They claim they were discriminated against since other employees in similar circumstances were not terminated.</p> <p>They want to be reinstated in their employment and be allowed to freely form a trade union.</p> <p>-They have 3 witnesses.</p> <p>They don't have appointment letters. They had workers' identity cards which were withdrawn on</p>

			<p>termination of their employment.</p> <p>They were advised that the law gives them a right to start and/or join a trade union. Their complaint will therefore be cause-listed and heard during the next tribunal session.</p>
2.	<p>Wate George Versus Attorney General</p>	<p>Right To Social Security</p>	<p>The complainant claims that his father was a soldier who passed on but up to date the family has never received his gratuity. He claims that other people who lodged their claims for gratuity have been paid. He believes that he is being discriminated against.</p> <p>Documents: Deceased fathers' identity card, requisite forms, and the introduction letter.</p> <p>He has three witnesses ready to testify.</p> <p>He was advised that his</p>

			complaint has merit and the same will therefore be cause-listed and heard during the next tribunal session.
3.	Isabirye Grace Kefa Versus Mayuge Sugar Industries Limited	Right To Fair Hearing	<p>The respondent ploughed 3.3 Acres out of his land but claimed to have ploughed six (6) Acres. Basing on the above over estimated acreage, the respondent overcharged him for the seeds supplied.</p> <p>Upon harvest, the respondent refused to buy all the sugar canes as a result some dried in the garden causing the complainant substantial loss.</p> <p>The complainant was advised that this is a civil matter outside the Commission's mandate. It can best be resolved in a court of law. The complainant will be</p>

			referred to Justice Centres Uganda where he can be assisted free of charge in pursuance of the Judicial remedies.
4.	Kawala Harriet Versus Mayuge District Local Government	Denied Access To Government Programmes	<p>The complainant is a person with disabilities and she together with others formed a group called Balema Tweekembe. The group is registered with twenty members. She wants to access at least UGX. 2,000,000/= (Uganda Shillings Two million) Only, from the district fund for PWDs to enable her pursue her tailoring and crafts project. The group has never benefited from any Government programme.</p> <p>She was advised that the Commission will cause-list this complaint so that it can be heard during the next tribunal session. Basing on the</p>

			evidence received, the Commission will make recommendations to the respondent to ensure that the complainant and other PWDs are not discriminated against and are able to access Government programmes in the district.
5.	Kooti Tezitta Grace Versus Attorney General	Denied access to government Programmes by blind persons	<p>The complainant is a Sub-county youth counselor Mpungwe sub-county, Mayuge District. He alleges that Government and Mayuge District Local Government, do not have a policy to help the blind. There are 4 blind persons in his constituency.</p> <p>He was advised that the Commission will cause-list this complaint so that it can be heard during the next tribunal session. Basing on the evidence received, the</p>

			Commission will make recommendations to the respondent to ensure that blind persons and other PWDs are not discriminated against and are able to access Government programmes.
6.	WAITA AKIM Versus BUWAYA INTEGRATED YOUTH SACCO	UNFULFILLED PRESIDENTIAL PLEDGES	<p>The complaint alleges that himself and others formed youth Saccos in Mayuge District after the president promised that he would give each group UGX. 5,000,000/=. To-date they have never received any funding.</p> <p>He was advised that the Commission does not have the mandate to handle this complaint. However, he was asked to avail evidence that the president made this pledge so that he can be referred to the person in charge of pledges in the president's office.</p>

7.	<p>MAKOOMA MANSOOR</p> <p>Versus</p> <p>KAKIRA SUGAR WORKS LIMITED</p>	<p>RIGHT TO COMPENSATION</p>	<p>The complainant alleges that he was knocked down by a motor vehicle belonging to Kakira sugar works. He suffered severe injuries including a broken leg. He incurred the medical expenses himself but he has never been compensated. he believes he was discriminated against because other people who were involved in the accident were compensated.</p> <p>All the required documents are on record.</p> <p>He has three witnesses.</p> <p>He was advised that this matter will be cause-listed for the next Tribunal hearing.</p>
8.	<p>KITAFUGWA HUSSEIN</p> <p>Versus</p> <p>ATTORNEY GENERAL</p>	<p>CHILD RIGHTS</p>	<p>The complainant alleges that his daughter was kidnapped and defiled by a one Chinese. He was found with the childe,</p>

			<p>arrested and criminal proceedings commenced against him for kidnap and defilement. He was however granted bail by Court. However, he jumped bail and disappeared.</p> <p>It was noted that the complainant did not have the names of the offender, the Police file number and Court file number. He was asked to avail this information to enable EOC follow up appropriately.</p> <p>He was advised that action will be taken upon receipt of this information.</p>
9.	<p>MAKAKANYA NAMAGANDA Versus MAYUGE DISTRICT LOCAL GOVERNMENT</p>	<p>RIGHT TO SOCIAL SECURITY/ PENSION</p>	<p>The complainant alleges that Mayuge district has failed to process her pension. She alleges that other people who retired have been paid their pension which amounts to discrimination.</p>

			<p>There are no documents on file.</p> <p>She was advised to avail evidence of employment, retirement, application for pension, inter alia, so that the matter can be cause-listed for the next tribunal session.</p>
10	<p>BALUKUBE RASHID Versus ATTORNEY GENERAL</p>	RIGHT TO LAND	<p>The complainant alleges that in 1940 his late father bought a big piece of land from a one Yondo David, now deceased.</p> <p>The Complainant was born on 1st may 1951 and has lived on the same piece of land since then.</p> <p>In 1998 after his father's death, Bifulubi prisons surveyed the prisons land and encroached on his family land by approximately 2 acres.</p> <p>He contends that there has never been any compensation or negotiations with Bifulubi prisons, not</p>

			<p>even with his late father.</p> <p>He wants his land back from Bufulubi prisons and does not need any other compensation. He claims that other people whose land was encroached upon were compensated.</p> <p>He was advised that EOC will conduct further investigations in this matter to;</p> <ul style="list-style-type: none"> a) establish the year when Bufulubi Prisons acquired the title. b) Establish how they acquired the land and from whom. c) opening boundaries by independent surveyors d) Retrieve documents relating to ownership from both parties.
11.	MUKAKANYA FINA NAMAGANDA Versus	RIGHT TO LAND	The complainant alleges that she has owned and lived on her land for

	<p>MAYUGE TOWN COUNCIL</p>	<p>many years, even before the creation of Mayuge town council.</p> <p>She alleges that the respondent sub-divided her land and sold it to other people who have now built permanent structures thereon without her consent or compensation.</p> <p>That recently a tractor (caterpillar) graded and created a road on her land without her knowledge and consent.</p> <p>She wants to be compensated for the land where the road passes and return of the plots given away to developers by the respondent.</p> <p>She did not show any documents to prove her claim.</p> <p>She was advised to avail documents and</p>
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			witnesses to show proof of ownership of the land in issue before EOC can fully advise or take a decision on the matter.
12.	WAMBI WILLIAM Versus MAYUGE DISTRICT LOCAL GOVERNMENT		The complainant was engaged by the District planner to generate over 1000 tin numbers for civil servants. His consideration was UGX. 4,000,000/= He was paid 700,000/= leaving an outstanding balance of UGX. 3,300,000/= was never paid. Details of the Tin Numbers he generated were availed. However he has no appointment letter by the respondent. He was advised that in absence of an appointment letter, or any other proof to show that he was engaged by the respondent, the respondent cannot be held liable.

			<p>He was thus advised to proceed against the District Planner personally.</p> <p>This being a civil matter that falls outside the Commission's mandate, he was advised that he will be referred to the Legal Aid Project of Uganda Law Society who will assist him to pursue the claim free of charge.</p>
13	<p>BUKALABANDA HENRY MAGUMBA Versus ATTORNEY GENERAL</p>	<p>DISCRIMINATION IN ACCESSING GOVERNMENT SERVICES (SAGE)</p>	<p>The complainant alleges that he is a PWD aged 75 years. He is one-eyed. He provided a photocopy of his voter's card to prove his age.</p> <p>He is complaining on his own behalf and on behalf of other elderly person's in Mayuge District. He alleges that he has been denied access to programmes for older persons including SAGE.</p> <p>He was advised that his</p>

			<p>complaint has merit and will be cause listed and heard so that the findings of the EOC Tribunal can be used to recommend a comprehensive roll out of the program to cover all elderly persons in Uganda. He was however told to note that SAGE is being rolled out in phases and the entire country has not been covered.</p> <p>He was advised to prepare his witnesses and the requisite documents including proof of age, proof of appointment by other older persons to represent them, proof that himself and the people he is representing applied for access to these programmes but their requests were not considered.</p>
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14	<p>AHMED MUJAASI</p> <p>Versus</p> <p>SOOKA GEORGE</p>	<p>RIGHT TO LAND</p> <p>AND FAIR</p> <p>HEARING</p>	<p>The complainant alleges that he was given the contested piece of land by his late grandmother Wolyama Petulina who was the wife of late Wamimbi Mubaje alias Mukunya on 21st-05-2012.</p> <p>That he started using the land until 2013 when Sooka George forcefully entered onto the said land and started cultivating the same.</p> <p>That his grandfather (Wamimbi Mubaje alias Mukunya) and grandmother Wolyamaa Petulina did not have any child.</p> <p>That Petulina Wolyama before her death wrote a will and handed over all she had to the complainant.</p> <p>Observations:</p> <p>a) All the LC 1, 11, and 111 Courts ruled in favour of</p>
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			<p>Mujaasi Ahmed, the complainant, and the rulings are on file.</p> <p>b) Mujaasi Ahmed was taken to court for malicious damage to property c/s 335 (1) and was convicted as charged and sentenced to imprisonment for 1 year. This did not solve the land ownership problem.</p> <p>He was advised that since he has L.C Court rulings in his favour, which were not appealed against, he should commence execution proceedings. EOC will refer him to the Legal Aid Project of Uganda Law Society, Jinja Office, to assist him</p>
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			apply to the Magistrates Court to execute the L.C 111 ruling.
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3. QUESTIONS:

The complainants asked the following questions which were answered as indicated.

SN	QUESTION	ANSWER
1	Can complainants have access to their files?	Yes, complainants are free to access their files as and whenever they want. They are free to contact the Tribunal clerk whenever they want to access their complaints files.
2	Does EOC have an office in Mayuge?	No. The commission does not have an office in Mayuge. Plans are under way to establish regional offices. However, in the meantime, those with urgent matters who are unable to travel to or access the EOC Head office in Kampala, can use the office of the District Community Development Officer who is the EOC's focal point person in the District.
3	Does EOC handle a case involving the Government?	Yes, EOC is an independent entity with the mandate to handle matters involving the Government.
4	Why is it that in criminal cases the Government takes over the	In our criminal Justice system, all criminal matters are instituted by the

	<p>case leaving the complainants isolated?</p>	<p>State. But that does not mean the complainant is isolated. The complainant has a duty to work hand in hand with the Police and the Directorate of Public Prosecutions by giving evidence, identification of witnesses, documents, and exhibits, among others, to ensure successful prosecution. However if your case was not handled well you can institute a case against the government.</p>
5	<p>How long will EOC take to conclude these matters?</p>	<p>When a complaint is received by EOC, the respondent is notified so that he/it/she can respond to the complaint. The complaint is investigated and assessed. Under Section 23(3) of the EOC Act, 2007, all complaints received by the Commission are handled and concluded within six months from the date of receipt.</p> <p>For the complaints that we are discussing today, please note that after this pre-Tribunal visit, the next and final phase is the tribunal hearing where the complaints will be heard and determined.</p>

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 CHALLENGES

Among the complainants were two people with disabilities, that is, Mr. Kamukube Rashid and Ms. Kawala Harriet who were abandoned by their relatives at the district and they had no transport to go back to their homes. Their relatives and the complainants themselves expected the EOC team to provide them with transport back home. The EOC team explained that under section 28 of the EOC Act, 2007, it is only witnesses who have been summoned by EOC who are entitled to a transport refund.

6.0 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.

7.0 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 the Commission's mandate.
- iv. Most of the complaints discussed during this tribunal visit are admissible and ready for hearing. A tribunal hearing should therefore be arranged in Mayuge.