



THE REPUBLIC OF UGANDA

EQUAL OPPORTUNITIES COMMISSION (EOC)

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

GULU DISTRICT LOCAL GOVERNMENT HALL

11-12TH MARCH, 2015

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

MARCH 2015



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Acronyms and Abbreviations

EOC Equal Opportunities Commission

DGF Democratic Governance Facility

GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit

GDLG Gulu 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 Gulu to prepare them for the Tribunal hearing. The meeting was held between 11th - 12th March 2015 at Gulu District Local Government Hall. The meeting attracted three (03) complainants, pursuing three (3) complaints, and was presided over by four (4) EOC staff under the guidance of the EOC Member, Mr. Patrobas Sirabo Wafula.

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 Gulu 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 team from the EOC first reported to the District authorities to notify them of their presence and also to seek for a convenient place where the meeting would be conducted.

The EOC team met the district L.C 5 Chairperson Mr. Ojara Mapenduzi, the District Community Development Officer Mr. Jimmy Oruut, and the Technical Assistant to the L.C 5 Chairman, Mr. Michael Tebere. A brief about EOC was given by Mr. Henry Mwebe, the EOC Assistant Commissioner, Legal Services & Investigations. He further gave the District Officials copies of the EOC Act and Regulations to enable them internalize the mandate and procedures of the Commission. These copies were deposited in the District Resource Centre. The EOC Team was allocated the district hall to be used for the meeting with complainants.

2.2 Meeting Commencement:

The meeting started at 11:00am 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. 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 and suitability for determination by the Commission.

SUMMARY OF COMPLAINTS HANDLED AND NATURE OF ADVICE GIVEN

S/NO.	PARTIES	ALLEGED VIOLATION	DISCUSSION WITH COMPLAINANT/ADVICE GIVEN.
1.	OJERA JOSEPH VS LT. ODONGTO KENETH	Right to Property	<p>The complainant alleges that the respondent evicted him from his land and destroyed his crops thereon.</p> <p>-The complainant instituted court proceedings against the respondent. The matter is at appeal level and is registered as Civil Appeal No. 020 of 2013, High Court, Gulu. The complainant is represented by M/s Africa Community Development Network.</p> <p>- The complainant was advised that under 15(6) (a) of the EOC Act, 2007, the Commission cannot interfere in a matter before Court. However, we promised that we will follow up the matter both with his Advocates and</p>

			<p>Court to ensure that it is expeditiously handled.</p> <p>As promised the EOC team made a follow up at Court and found that the matter is scheduled for hearing on 14th May 2015. The team also visited the complainant's Advocates, M/s Africa Community Development Network and held discussions with Mr. Abore Patrick who has personal conduct of this matter. EOC will continue to follow up the matter until it is concluded.</p>
02	<p>Atto Christine Vs Ayo Apoya & Another</p>	Right to Property	<p>The complainant alleges that she was abandoned by her husband when she was heavily pregnant. Her in-laws later chased her from the family property.</p> <p>After a thorough discussion with her, it was found that she has</p>

			<p>no proof of marriage. There was also no explanation why she was proceeding against her relatives and not the husband. There was also no evidence that her husband was the owner of the property in issue.</p> <p>She was advised to avail documents to prove her marriage and her husband's ownership of the property in issue. She was promised that the Commission will investigate this matter further. She was urged to avail the missing documents to help expedite the investigations.</p>
03	Adong Beatrice Vs Attorney General	Right to Property	The complainant alleges that her deceased husband was a UPDF soldier. She has not been paid his gratuity and other benefits.

			After a thorough discussion with the complainant, she was asked to provide documents confirming that her late husband was a UPDF soldier and that she had applied for his gratuity. This will enable EOC pursue the claim. She promised to do so.
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3. QUESTIONS:

SN	QUESTION	ANSWER
1	Can the Commission represent a person in Courts of law	The Commission's mandate does not involve representation in Courts of law but it has partners who offer legal aid. Accordingly, the Commission makes referrals to its partners who offer legal aid. The Commission also follows up such matters until they are concluded by Court.
2	The Commission is based in Kampala which is very far. Why can't the Commission open an office in Kampala.	It is part of the Commission's future plans to open regional offices. When this is done, there will be an office in Northern Uganda.

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 handled in accordance with the advice given to each one of them.

5.0 Conclusion:

The meeting was so educative and restored the complainants' hopes that their complaints are being expeditiously handled. However, as noted above, none of the complaints qualifies for a tribunal hearing.

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 they should continuously be conducted before Tribunals hearings are held.
- v. None of the complaints handled during the pre-tribunal visit in Gulu qualifies for a tribunal hearing. We therefore recommend that a tribunal hearing be only arranged after the complaints that require further investigations have been fully investigated and have been found to be admissible.