

Can a member of a marginalised/minority community access the commission despite Section 15(6)(d)?

Yes, any one can access the Commission. Section 15(6)(d) only applies to the Commission's powers to investigate a matter, and since the stated behaviours are not defined, the decision of the Commission in this regard is crucial. Since the Commission has not yet either investigated or rejected any case, it is possible, and even advisable, to take cases of discrimination of whatever kind before it.

Where are the EOC offices located?

If a person has a problem or a concern that they want to be addressed by the EOC, the Equal Opportunities Commission Offices are located at

Plot 7 Luthuli Close, Bugolobi.

P.O.Box 27672, Kampala Uganda.

About HRAPF

The Human Rights Awareness and Promotion Forum (HRAPF) is an independent, nonpartisan, Civil Society Organisation, working for the awareness, promotion and protection of human rights in Uganda.

Under its current strategic plan, HRAPF is specifically interested in promoting equality and non-discrimination in Uganda by using the law as a tool to protect and promote the human rights of marginalized groups.

HRAPF currently is implementing three programs

1. Access to Justice Program

This program is aimed at promoting sustainable access to justice for marginalized groups in Uganda.

2. Legislative Advocacy and Networking Program.

This program seeks to educate persons with authority to adopt policies and legislation that promote equality and non-discrimination in order to prevent discrimination of marginalized groups. HRAPF works with like-minded organisations and institutions.

3. Organizational Development and Capacity Building

The overall goal of the program is to create the appropriate institutional structures and organizational framework for the efficient and effective implementation of HRAPF Program Goals.

Contact us

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KNOW ABOUT THE EQUAL OPPORTUNITIES COMMISSION AND HOW TO ACCESS IT



HUMAN RIGHTS AWARENESS AND PROMOTION FORUM (HRAPF) - Uganda

WITH SUPPORT FROM
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What is the Equal Opportunities Commission?

The Equal Opportunities Commission is a commission provided for in Article 32 of the Constitution of the Republic of Uganda.

It is established under the Equal Opportunities Commission Act, 2007 to monitor, evaluate and ensure both that equal opportunities are available and that affirmative action is taken in favour of marginalized groups.

Why the Equal Opportunities Commission?

The Commission was set up to monitor, evaluate and ensure that policies, laws, plans, programmes, activities, practices, traditions, cultures, usages and customs of-

- a) Organs of state at all levels
- b) Statutory bodies and agencies
- c) Public bodies and authorities
- d) Private businesses and enterprises
- e) Non-governmental organisations, and
- f) Social and cultural communities

are compliant with equal opportunities, and affirmative action in favour of marginalized individuals and groups of persons.

It has powers to investigate any complaint of discrimination or of a denial of equal opportunities and to develop and manage programs to facilitate public awareness, understanding and acceptance of equal opportunities and treatment in employment, occupation, education and all social services.

How does the Commission ensure equal opportunities for all?

The Commission is a quasi-judicial body. It can command the appearance of witnesses and production of documents and information. It can prepare and lead the public dialogue on equal opportunities throughout Uganda. Using modern methods of dispute resolution, the commission may settle or remedy any act, practice, tradition, culture or custom that constitutes discrimination or which undermines equal opportunities.

Who is eligible to access the Commission?

Any person, whether or not discriminated against on grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, may access the Commission. Therefore, women, children, elderly persons, the disabled, minorities, marginalised employees and self-employed Ugandans etc. who are victims of discrimination or marginalisation may file complaints with the Commission.

How can a person lodge a complaint with the Equal Opportunities Commission?

Any person may lodge a complaint relating to discrimination, marginalisation or any act which undermines or impairs equal opportunities with the Commission.

The complaint should be in writing and signed properly by the person complaining.

The Commission shall consider or hear the complaint within six months after receipt of the complaint.

Any provision that may make the Commission unable to ensure equal opportunities and justice for all?

The objective of the Commission to ensure equal opportunities to all Ugandans generally, and particularly to marginalised groups is clear. But, strangely, Section 15 (6)(d) of the

law may prevent the Commission from achieving this objective.

This Section provides that :

Section 15(6). The commission shall not investigate-
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.

The effect of this provision is to limit the investigation of issues of discrimination against minorities to what the majority considers to be moral and socially acceptable. This defeats the very purpose of the Commission which is to promote equal opportunities and affirmative action for marginalised persons. Section 15(6)(d) has the potential to affect women, children, persons with disabilities and minority groups.

Are there efforts made to have this section removed from the law?

Human Rights Awareness and Promotion Forum (HRAPF) through its Executive Director in the case of JJUUKO ADRIAN V. ATTORNEY GENERAL, CONSTITUTIONAL PETITION NO. 1 OF 2009, petitioned the Constitutional Court of Uganda to declare that Section 15(6)(d) of the Equal Opportunities Act, 2007 is inconsistent with Articles 20(1), 20(2), 21(1) and (2), 28(1), and 36(1) of the Constitution of the Republic of Uganda.

The case was heard in 2011 and a ruling is yet to be delivered by the Constitutional Court.