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SUPPLEMENT No. 11

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Bill No. 16 *Equal Opportunities Commission Bill* **2006**

THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006

MEMORANDUM

1. The main object of this Bill is to provide for the composition and functions of the Equal Opportunities Commission, pursuant to—

(a) the National Objectives and Directive Principles of State Policy set out in the Constitution which enjoins the promotion of, among others, the following ideals for the establishment of a "...just, free and democratic society"—

(i) gender balance and fair representation of marginalized groups (paragraph VI);

(ii) protection of the aged (paragraph VII);

(iii) balanced and equitable development (paragraph XII);

(iv) recognition of women in society (paragraph XV);

(v) recognition of the dignity of persons with disabilities (paragraph XVI);

(b) article 32 of the Constitution, which provides for affirmative action in favour of marginalized groups and mandates Parliament to establish the "Equal Opportunities Commission" and provide for its composition and functions by means of an Act within a specified time frame; and

(c) the protection of the youth and children.

2. The Bill provides for an institutional framework for the purpose of promotion of equal opportunities, elimination of discrimination and giving full effect to the principle of affirmative action in favour of marginalised groups. Marginalised groups include persons discriminated against on the basis of, but not limited to: sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, disability, gender, age, or any other reason created by history, tradition or custom.

3. Part I of the Bill (incorporating clauses 1 and 2) provides for preliminary matters such as the interpretation of words and expressions used in the Bill and the date of commencement of the proposed Act.

4. Part II of the Bill (incorporating clause 3 to clause 14) deals with, among other things, the establishment, composition and appointment of members of the Equal Opportunities Commission, their qualifications, tenure and removal from office. This Part II also provides for the appointment of the Secretary and the other staff of the Commission.

5. Part III of the Bill (incorporating clause 15 to clause 24) prescribes, among other things, the functions and powers of the Commission generally and the functions of the Commission relating to equal opportunity, provides for the independence of the Commission, the immunity of members and employees or agents of the Commission from personal liability to civil proceedings for acts done in good faith in the performance of the Commission's functions, and the Commission's duty to provide periodic and annual reports.

6. Part IV of the Bill (incorporating clause 25 to clause 31) provides for, among other things, the finances of the Commission, accounts and auditing of the Commission's funds, the Minister's duty to lay copies of the Commission's audited report before Parliament, the status of the Commission as a self-accounting body, and the charging of the expenses of the Commission on the Consolidated Fund.

7. Part V of the Bill (incorporating clause 32 to clause 38) deals with miscellaneous matters such as appeals from decisions or orders of the Commission, immunity of witnesses that appear before the Commission and their allowances, etc; and offences relating to the administration of the proposed Act. Clause 37 in particular empowers the Minister to make appropriate Regulations, by statutory instrument, to give effect to the proposed Act and for its due administration

HON. SYDA BBUMBA,

Minister of Gender, Labour and Social Development.

THE EQUAL OPPORTUNITIES COMMISSION BILL, 2006.

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A Bill for an Act

ENTITLED

THE EQUAL OPPORTUNITIES COMMISSION ACT, 2006

An Act to make provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; 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.

BE IT ENACTED by Parliament as follows:

PART—I PRELIMINARY.

1. Commencement.

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Interpretation.

In this Act, unless the context otherwise requires—

“Commission” means the Equal Opportunities Commission established by section 3;

“court” means a court of competent jurisdiction;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“discrimination” means any act or omission including a policy, law, rule, practice, condition or situation which directly or indirectly gives different treatment to different persons attributable only or mainly to their respective descriptions by sex, age, race, colour, ethnic origin, tribe, birth, creed, religion, health status, social or economic standing, or political opinion or disability;

“equality” includes the full and equal enjoyment of rights and freedoms by persons as provided under the Constitution;

“gender” includes the social relationship between men and women;

“marginalisation” means depriving a person or a group of persons of opportunities for living a respectable and reasonable life as provided in the Constitution;

“Minister” means the minister responsible for gender, labour and social development;

“opportunity” means a chance or choice which persons have to access or utilise goods or services and participate in any matter affecting them;

“Parliament” means the Parliament of Uganda;

“person” includes any individual, firm, company, association, partnership or body of persons, whether incorporated or not.

PART II—ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.

3. **Establishment of Commission.**

(1) In accordance with article 32 (3) of the Constitution, there shall be a Commission called the “Equal Opportunities Commission”.

(2) The Commission shall be a body corporate with perpetual succession and a common seal; and may sue or be sued in its corporate name and may do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

4. **Composition and appointment of members of Commission.**

(1) The Commission shall consist of a Chairperson, Vice-Chairperson and three other members, at least one of whom shall be a person with disability and two of whom shall be women, all appointed by the President with the approval of Parliament.

(2) The Chairperson, Vice-Chairperson and members of the Commission shall be persons of high moral character and proven integrity and possess considerable experience in, and a record of commitment to, matters relating to the promotion of equal opportunity.

5. **Tenure of office of members of Commission**

(1) A member of the Commission shall hold office on a full-time basis for five years and is eligible for reappointment for one more term.

(2) A member of the Commission may any time resign his or her office by letter addressed to the President.

(3) The President may at any time remove a member of the Commission from office—

(a) for inability to perform the functions of his or her office arising out of infirmity of body or mind;

(b) for misbehaviour or misconduct;

(c) for incompetence;

- (d) if the member is absent without prior permission of the Chairperson for more than four consecutive meetings of the Commission, or is absent from Uganda for more than twelve consecutive months;
- (e) if the member is or becomes bankrupt or insolvent or enters into a composition scheme with his or her creditors; or
- (f) if the member is convicted of an offence involving dishonesty, fraud or moral turpitude

6. Remuneration and allowances of members of Commission.
Subject to this section, a member of the Commission shall be paid such remuneration and allowances as Parliament may prescribe.

7. Filling of vacancies on Commission.
Where a member is removed from office under section 5, the President may appoint another person qualified in accordance with section 4 to replace that member.

8. Oath of members of Commission.
Every member of the Commission shall, before assuming his or her duties under this Act, take and subscribe to the oath specified in the Second Schedule to this Act.

- 9. Chairperson of Commission.**
- (1) The Chairperson of the Commission shall—
 - (a) be the head of the Commission;
 - (b) preside over or chair all meetings of the Commission;
 - (c) be responsible for the general direction of the affairs and administration of the Commission; and
 - (d) monitor and supervise the work of the Secretary.
 - (2) The Vice-Chairperson shall deputise for the Chairperson.

10. Members of Commission to relinquish particular offices.
Subject to section 4 (2), person holding any of the following offices shall relinquish that office on appointment as a member of the Commission—

- (a) a member of Parliament;
- (b) a member of a local government council;
- (c) a member of the executive of a political party or organisation; or
- (d) a public officer.

11. Secretary and other staff of Commission.
(1) The Commission shall have a Secretary who shall be a public officer appointed by the Public Service Commission in consultation with the Commission; and on terms and conditions determined by the Public Service Commission in consultation with the Commission and specified in his or her instrument of appointment.

- (2) The Secretary shall be a person—
 - (a) of high moral character and proven integrity, possessed with relevant qualifications and experience in the field of public administration; and
 - (b) qualified to be appointed to the office of Permanent Secretary.
- (3) Subject to section 9, the Secretary shall—
 - (a) be responsible for the carrying out of the policy decisions of the Commission and the day to-day administration and management of the affairs of the Commission;
 - (b) be responsible for the control of the other staff of the Commission;

(c) be responsible for recording all minutes of the meetings of the Commission, and keeping all records and documents of the Commission;

(d) have the custody of the seal of the Commission; and

(e) perform any other function assigned to him or her by the Commission.

(4) The Secretary may be removed from office only for—

(a) inability to perform the functions of his or her office arising out of infirmity of body or mind;

(b) misbehaviour or misconduct;

(c) incompetence; or

(d) mismanagement or abuse of office;

(5) The Secretary shall be informed of the decision to remove him or her and shall be given adequate opportunity to defend himself or herself before he or she is removed.

(6) The Commission shall also have such other officers and employees as may be necessary for the discharge of its functions.

(7) The officers and employees referred to in subsection (5) shall be appointed by the Commission in consultation with the Public Service Commission and shall hold office upon such terms and conditions as may be specified in their instruments of appointment.

(8) A public officer may, at the request of the Commission, be seconded to the service of the Commission.

(9) The Commission may engage the services of consultants, experts or advisers to assist it in the discharge of its functions and may remunerate them at such rates as may be determined by the Commission.

12. Offices of Commission.

The Commission may establish offices at appropriate administrative levels as it considers fit for the better performance of its functions.

13. Meetings and procedure of Commission.

(1) The Chairperson shall convene every meeting of the Commission at such times and places as the Commission may determine, and the Commission shall meet for the discharge of business at least once in every four months.

(2) The Chairperson may, at any time, convene a special meeting of the Commission and shall also convene a meeting within fourteen days if requested to do so in writing by at least four members of the Commission.

(3) Except for a special meeting referred to in subsection (2), notice of a meeting of the Commission shall be given in writing to each member at least fourteen working days prior to the date of the meeting.

(4) The Chairperson shall preside at every meeting of the Commission, and in his or her absence, the members present shall elect one of their number to preside at the meeting.

(5) The quorum for a meeting of the Commission shall be one-third of the members or three members, whichever is the greater, and all decisions at a meeting of the Commission shall, as far as possible, be arrived at by consensus.

(6) Where on any matter consensus cannot be obtained, the matter shall be decided by a majority of the votes of the members present and voting; and in case of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(7) The Commission may invite any person who, in the opinion of the Commission, has expert knowledge concerning the functions of the Commission, to attend and take part in any discussion or meeting of the Commission on any matter with respect to which his or her advice is required, but shall not have the right to vote at that meeting.

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(8) The Commission may act, notwithstanding the absence of a member or any defect in the appointment or qualification of a member or any vacancy, in the office of a member.

(9) A member of the Commission who is in any way directly or indirectly interested in any matter which falls to be considered by the Commission shall disclose the nature or extent of his or her interest at a meeting of the Commission, and any disclosure made shall be recorded in the minutes of that meeting.

(10) A member who makes a disclosure at a meeting of the Commission shall not participate in any deliberation, or take part in any decision of the Commission with respect to that matter.

(11) Subject to the provisions of this Act, the Commission may regulate its own procedure.

14. Seal of Commission.

(1) The Commission shall have a seal, which shall be in such form as the Commission may determine and shall, subject to any written law, be applied in such circumstances as the Commission may determine.

(2) Judicial notice shall be taken of the seal of the Commission and any document sealed with the seal shall be admissible in evidence.

PART III—FUNCTIONS AND POWERS OF COMMISSION

15. Functions and powers of Commission.

(1) The functions of the Commission are to—

- (a) investigate, on its own initiative or on a complaint made by any person or group of persons, any act, omission, circumstance, conduct or practice that in its opinion, amounts to, or constitutes discrimination or marginalisation or otherwise undermines equal opportunity in Uganda and make recommendations to the appropriate institution, body, court, tribunal or authority for rectification, settlement or other remedy;

(b) rectify, settle or remedy any act, omission, circumstance, conduct or practice referred to in subsection (2) by means of mediation, conciliation, negotiation, settlement or other dispute resolution mechanism; except that the Commission may, at any stage, refer any matter to any other appropriate institution, body, court, tribunal or authority that, in the opinion of the Commission, can deal more effectively or efficiently with the matter;

(c) monitor and evaluate policies and practices of—

- (i) organs of the State at any level;
- (ii) statutory bodies or agencies;
- (iii) public bodies and authorities; and
- (iv) private businesses or enterprises, civil society organisations and institutions,

with a view to promoting equal opportunities and may make any recommendations to the Minister or any appropriate ministry, authority or the department, that the Commission deems necessary;

(d) develop, conduct or manage—

- (i) information programs; and
- (ii) education programs, to foster public understanding of matters pertaining to the promotion of equal opportunities and gender equality and the role and activities of the Commission;

(e) evaluate—

- (i) any existing Act or written law;
- (ii) any existing system of personal or family law or custom;

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(iii) any existing system of customary law, practices or usages; or

(iv) any existing legislative instrument,

that affects or is likely to affect equal opportunities or the status of any marginalised group of persons and make appropriate recommendations to Parliament;

(f) recommend to the Minister or other relevant authority the adoption of new legislation which would promote equality and the status of marginalised groups of persons;

(g) as far as practicable, maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission, in order to foster common policies and practices and promote co operation and harmonisation in dealing with complaints in order to avoid duplication;

(h) liaise and interact with any organisation which actively promotes equal opportunities and other sectors of civil society to further the objects of the Commission;

(i) monitor the compliance in Uganda with the provisions of international conventions, treaties and other international instruments to which Uganda is a State Party, that relate to or are relevant to the functions or objects of the Commission;

(j) prepare and submit reports to Parliament pertaining to compliance or otherwise with the international conventions, treaties and instruments referred to in paragraph (i);

(k) consider such recommendations, suggestions and requests concerning the promotion of equal opportunities as it may receive from any source; and

(l) perform such other functions which are incidental or conducive to the foregoing functions.

(2) Without prejudice to section 15 (b), the Commission may, if satisfied that there has been an act, conduct or practice that amounts to, or constitutes discrimination or marginalisation, recommend an appropriate remedy or redress.

(3) A person or authority dissatisfied with a recommendation made by the Commission under subsection (2) has a right to appeal to the High Court.

(4) 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 and the Government of any foreign state or international organisation; or

(c) a matter relating to the exercise of the prerogative of mercy.

(5) In the performance of its functions, the Commission shall—

(a) establish its operational guidelines and rules of procedure;

(b) request the assistance of any department, bureau, office, agency or person in the performance of its functions; and

(c) observe the rules of natural justice.

(6) The Commission may, at any time, submit a report to the Minister on any matter arising during the course of performance of the Commission's functions under this Act; and shall when requested to do so, submit a report on any matter to the Minister.

16. Special powers of Commission.

(1) In the performance of its functions under this Act, the Commission shall have the powers of a court to —

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- (a) require the attendance before the Commission of any person; or
- (b) require the production of any books, papers or documents; or
- (c) inspect any books, papers, materials or documents produced before it or otherwise and—
 - (i) retain any such books, papers, materials or documents for such reasonable period as the Commission period as it thinks fit; or
 - (ii) make copies of any of them, or their contents; or
- (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, which oath or affirmation may be administered by a member of the Commission; or
- (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 questions 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; or
- (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; or
- (c) misbehaves before the Commission, wilfully insults the Commission or a member of the Commission, or interrupts the proceedings of the Commission; or

(d) refuses to be sworn or to affirm or to answer a question when required to do so by the Commission; or

that person commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred currency points or imprisonment 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 judgment of a court or tribunal that may be relevant to the proceedings.

17. Special functions of Commission relating to equal opportunity

Without prejudice to the generality of sections 15 and 16, the following functions relating to equal opportunity are conferred on the Commission—

- (a) to examine enactments, and when requested to do so by the Minister, proposed enactments, for the purpose of ascertaining whether the enactments or proposed enactments, as the case may be, have, or would have, the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, and to report to the Minister the results of any such examination;
- (b) to inquire into any act or practice, including any systematic practice, that may constitute discrimination and—
 - (i) where the Commission considers it appropriate to do so, to endeavour, by conciliation, to effect a settlement of the matters that gave rise to the inquiry; and

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(ii) where the Commission is of the opinion that the act or practice constitutes discrimination, and the Commission has not considered it appropriate to endeavour to effect a settlement of the matters that gave rise to the inquiry or has endeavoured without success to effect such a settlement, to report to the Minister in relation to the inquiry;

(c) to promote an understanding and acceptance, and the public discussion, of equal opportunities and treatment in employment and occupation in Uganda;

(d) to undertake research and educational programmes and other programmes for the purpose of promoting equality of opportunity and treatment in employment and occupation, and to co-ordinate any such programs undertaken by any other persons or authorities on behalf of Uganda;

(e) to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of acts or practices of a kind in respect of which the Commission has a function under paragraph (b);

(f) where the Commission considers it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve discrimination issues;

(g) to do anything incidental or conducive to the performance of any of the preceding functions.

18. Periodic and annual reports.

(1) The Commission shall publish and disseminate periodic reports on its findings and shall submit annual reports to Parliament on the state of equal opportunities in the country.

(2) The annual reports referred to in subsection (1) shall be signed by the Chairperson of the Commission and addressed to the Speaker of Parliament with copy to the President.

19. Independence of Commission.

Subject to the Constitution, the Commission shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority.

20. Delegation by Commission.

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.

21. Investigations by Commission

(1) Where the Commission becomes aware of any act of discrimination or marginalisation, other than an alleged contravention that is the subject of proceedings together with recommendations before a court of law or judicial tribunal, the Commission may investigate the matter and make a report of its findings and recommendations.

(2) The Commission may submit the report referred to in subsection (1) to the relevant court or tribunal and court or tribunal shall make any order that it deems fit.

(3) Without prejudice to the general effect of subsection (1) a person may lodge with the Commission a complaint relating to a contravention of any provision of this Act and the Commission may investigate the complaint under that subsection.

22. Affirmative action.

(1) In accordance with articles 21 and 32 of the Constitution, the Commission shall ensure that all Government policies, laws, plans programs are compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed or religion, or social or economic standing, political opinion or disability, gender, age, or any other reason created by history, tradition, or custom, for purpose of redressing imbalances which exist.

(2) Where any policy does not meet the requirement referred to in subsection (1), the Commission may make such recommendation to the responsible Minister as is necessary to enforce compliance of the same and copy such recommendation to Parliament.

23. Immunity from liability.

A member of the Commission or an employee of the Commission or any other person performing any function of the Commission under the direction of the Commission shall not be personally liable to any civil proceedings for any act done in good faith in the performance of the functions or the exercise of the powers of the Commission under this Act.

24. Legal counsel.

(1) The Attorney General, or a person authorised by him or her, may attend upon the Commission and give such assistance as may be required by the Commission.

(2) A person appearing before the Commission may be represented by counsel.

PART IV—FINANCIAL PROVISIONS

25. Funds of Commission.

(1) The funds of the Commission shall include the following—

- (a) moneys appropriated by Parliament for the purposes of the Commission;
- (b) loans, grants, donations or gifts from sources within or outside Uganda; or
- (c) such other sums of money as may become payable to the Commission in the discharge of its functions.

(2) All moneys of the Commission shall be administered and controlled by the Secretary who shall be the Accounting Officer for purposes of the Public Finance and Accountability Act, 2003, Act No. 6 of 2003.

26. Commission to be self-accounting body.

The commission shall be a self-accounting body and shall deal directly with the ministry responsible for finance, on matters concerning its finances

27. Commission's expenses to be charged on Consolidated Fund

All the administrative expenses of the Commission including salaries allowances and pensions payable to persons serving with the Commission shall be charged on the Consolidated Fund.

28. Financial year of Commission.

The financial year of the Commission shall be the same as that of the Government.

29. Estimates of Commission.

All moneys to defray the expenses of the Commission in the discharge of its functions or in the carrying out of the purposes of this Act, including the payment of allowances, salaries and pension payable to or in respect of persons serving with the Commission shall, without alteration by the Minister responsible for finance, be submitted to Parliament for approval.

30. Accounts and audit.

(1) The Commission shall keep proper books of account in respect of its income and expenditure, in a form approved by the Auditor General.

(2) The books of accounts of the Commission shall be audited by the Auditor General or by an auditor appointed by him or her within three months after the end of each financial year.

(3) The Auditor General or an auditor appointed by him or her shall have access to all books of account and other financial records of the Commission and may request for any information and explanation in relation to those books or records.

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(4) The Auditor General shall within three months after the end of each financial year, submit to the Minister a copy of the audited accounts of the Commission together with his or her report on the accounts stating any matter which in his or her opinion has to be brought to the attention of the Minister.

(5) The Auditor General shall, within three months after the end of each financial year, submit a copy of the audited accounts and reports referred to in subsection (4) to the Commission.

31. Minister to lay report before Parliament

The Minister shall, as soon as practicable after receiving the audited accounts and reports referred to in subsection (4), lay them before Parliament.

PART V—GENERAL PROVISIONS.

32. Appeals.

(1) Any person aggrieved by a recommendation of the Commission may subject to this Act, appeal to the High Court within thirty days after the recommendation of the Commission is communicated to him or her.

(2) The Chief Justice shall make rules of court for regulating appeals under this section.

33. Attendance allowance.

(1) Any person summoned to appear before the Commission as a witness is entitled to be paid by way of reimbursement of his or her expenses, such allowance as is payable to a witness appearing before the High Court in criminal proceedings.

(2) Any other person invited by the Commission to attend any meeting of the Commission to assist the Commission may be paid by the Commission such allowances as the Commission may consider reasonable.

34. Immunity of witness.

A witness appearing before the Commission shall have the same immunities and privileges as if he or she were a witness before the High Court.

35. Application of High Court rules

Any rules of court applicable to civil or criminal proceedings in the High Court may be applied by the Commission for the purpose of the exercise of its powers and carrying out its functions under this Act subject to such modifications as may be made by the Chief Justice by statutory instrument in consultation with the Commission.

36. Offences relating to administration of Act

(1) A person shall not hinder, obstruct, molest or interfere with—

(a) a member participating in an inquiry or examination under this Act; or

(b) a person acting on behalf of the Commission, while that person is holding an inquiry or carrying out an investigation under this Act.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment for a term not exceeding eighteen months, or both.

(3) A person who—

(a) refuses to employ another person;

(b) dismisses or threatens to prejudice another person in the other person's employment; or

(c) intimidates or coerces, imposes any pecuniary or other penalty upon, or takes any other disciplinary action in relation to another person, by reason that the other person—

- (i) has made, or proposes to make a complaint to the Commission;
- (ii) has alleged, or proposes to allege, that a person has done an act or engaged in a practice that is inconsistent with or contrary to any human right;
- (iii) has furnished, or proposes to furnish, any information or documents to the Commission or to a person acting on behalf of the Commission; or
- (iv) has given or proposes to give evidence before the Commission or to a person acting on behalf of the Commission,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment for a term not exceeding eighteen months, or both.

37. Regulations.

(1) The Minister may, by statutory instrument and in consultation with the Commission, make regulations prescribing any matter required or permitted by this Act to be prescribed and for carrying out or giving effect to the provisions of this Act.

(2) Any regulation made under this section may prescribe in respect of a contravention of the regulation, or any provision of this Act where no penalty has been prescribed, a fine not exceeding two hundred and fifty currency points or imprisonment not exceeding eighteen months or both; and in the case of a continuing offence, an additional fine not exceeding one hundred currency points in respect of each day on which the offence continues.

38. Minister's power to amend Schedule.

The Minister may by, statutory instrument and with the approval of Parliament, amend the First Schedule to this Act.

SCHEDULES

FIRST SCHEDULE

Section 2

Currency point.

A currency point is equivalent to twenty thousand Uganda shillings.

SECOND SCHEDULE

Section 7

Oaths.

Part I.

Oath of Member of the Equal Opportunity Commission.

I, _____, being appointed chairperson /member of the Equal Opportunity Commission swear in the name of the Almighty God/solemnly affirm that I will well and truly exercise the functions of chairperson/member of the Equal Opportunity Commission and do right to all manner of people in accordance with the Constitution and in accordance with the laws of the Republic of Uganda without fear or favor ,affection or ill will.(So help me God.)

Part II.

Oath of Secretary/Officer of the Commission

I, _____, being appointed Secretary to/officer of the Commission being called upon to perform the functions of Secretary to /officer of the Commission swear in the name of the Almighty God /solemnly affirm that I will not directly or indirectly reveal to any unauthorized person, or otherwise than in the course of duty, the contents or any part of the contents of any documents, communication or information which may come to my knowledge in the course of my duties as such.(So help me God).