



UGANDA HUMAN RIGHTS COMMISSION

**PRESENTATION ON CASE BACKLOG CLEARANCE:
ACHIEVEMENTS AND CHALLENGES**

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Introduction

The Uganda Human Rights Commission is mandated by the Constitution of Uganda to receive and investigate complaints of Human Rights violations and to conduct Tribunals thereafter. The admissibility of complaints at the Commission is determined by the Commission's Complaints Handling Procedures Manual. The complaints receipt and investigations processes involve the following:

- Receipt of individual complaints through walk-ins, telephone calls, emails and letters
- Formal registration of the complaints
- Allocation of complaint files for investigations
- Conclusion of investigations and preparation of investigations reports on concluded files. Conclusion of investigations of complaint files may culminate into files being forwarded to the Tribunal in the event that evidence is sufficient to sustain the alleged Human Rights violations or files being closed in the event that the evidence on these files is insufficient to support the alleged Human Rights violations.

The Tribunals process involves the following

- Allocation of files to Hearing Commissioners by the Chairperson to the Commission
- Causelisting
- Preparation of summons to complainants, respondents and witnesses
- Process serving
- Actual Tribunal Hearing
- Conclusion of Tribunals through preparation of Decisions by Hearing Commissioners

Implementation of the case backlog reduction project

The Commission was mandated by JLOS to reduce its case backlog by 30% by 30th December 2010 and funding was provided by JLOS to this effect. Backlog at the Commission constitutes of complaints both at the Investigations and Tribunals levels. Backlog was considered at both these levels because the investigations process at the Commission impacts on its Tribunals. Complaints considered as

backlog under this Project were those older than two years (that is those registered in 2008 and before).

The Commission's Institutional Case Management Committee (ICMC) was constituted on 19th March 2010 and it consisted of a Commissioner, the Director Complaints, Investigations and Legal services and the Commission's Registrar. The Commission's ICMC executed a verification of Tribunal and Investigations backlog exercise at the Commission's Regional offices in Central, Mbarara, Fortportal, Jinja, Soroti, Arua, Gulu and Moroto. This was done in July 2010 for Tribunals backlog and in October 2010 for Investigations backlog.

The ICMC backlog verification exercise revealed the following:

- Backlog of complaints at the Tribunals level was 460 as at July 2010
- Backlog of complaints at Investigations level was 814 as at October 2010

After the verification of the Commission's existing backlog by the ICMC, activities of backlog clearance commenced and they were implemented as follows:

- Tribunals backlog clearance (commenced in August 2010 at all the Commission's eight Regional offices). Matters for prioritisation were identified and these included matters for defence, matters for substituted service, matters for cross examination of one or two witnesses, matters involving the right to child maintenance and matters for amicable settlement.
- Investigations backlog clearance (commenced in November 2010). This involved conducting of field investigations and running of radio announcements summoning complainants who the Commission had failed to trace. Field investigations were conducted in the districts of Kampala, Luweero, Kiboga, Mubende, Mityana, Gulu, Amuru, Pader, Kitgum, Lira, Oyam, Amolatar, Kumi, Bukedea, Amuria, Manafwa, Sironko, Kapchorwa, Bukwo, Serere, Soroti, Jinja, Mukono, Kayunga, Buikwe, Kamuli, Kaliro, Iganga, Mayuge, Bugiri, Busia, Pallisa, Mbale, Butaleja, Tororo, Arua, Nebbi and Zombo.

- Complaints receipt, investigations and Tribunals workshop conducted for members of staff on 17th December 2010.

Backlog clearance

Tribunal backlog clearance

By 30th December 2010, the Commission had reduced its Tribunal backlog by 82 matters. These include matters where decisions for compensation were made, matters that were dismissed for want of prosecution and matters that were settled amicably with the Office of the Attorney General.

Investigations backlog clearance

By 30th December, the Commission had reduced its investigations backlog by 406 complaints. These are matters that were investigated conclusively and were:

- Either recommended for forwarding to the Tribunal after gathering of sufficient evidence
- Or recommended for closure due to insufficient evidence or due to the futility of the Commission's efforts to trace the complainants even after running radio announcements requesting the complainants to report to the Commission if they were still interested in pursuing their complaints.

Backlog reduction at both the Tribunal and Investigations levels is illustrated below and it indicates a percentage backlog reduction of **61.7%**:

	Backlog	Figure for backlog reduction
Tribunals	406	82
Investigations	814	406
Total	1274	488
Percentage of backlog reduction	61.7%	

Challenges

- The resignation of two Commissioners from the Commission service between July and August 2010 meant that the Hearing Commissioners that are charged with conducting Tribunals were reduced.
- Death of complainants before the conclusion of their matters at the Tribunal led to delay as it was not certain whether the matters could still stand and the Commission had to wait for the legal representatives to be appointed before proceeding with some of the matters. The Commission has since developed a Policy to offer guidance on the handling of such circumstances.
- The lack of responses from some respondents to the Commission's letters of allegations
- Constant change of physical addresses by complainants and their witnesses making it difficult to locate them for purposes of statement recording or serving of summonses. Some complainants and witnesses use various names, which makes it the more difficult to trace them.
- Lack of uniformity in the investigations procedures applied by the Commission's Regional offices. However this was mitigated through a workshop that was conducted for all members of staff of the Commission involved in complaints receipt and investigations where the Commission's Complaints handling Manual that is in place to ensure uniformity, was discussed in detail.
- Ensuring the attendance to the Commission's Tribunal of expert witnesses such as doctors
- Frequent adjournments at the Tribunal have prolonged the Tribunal process
- Insecurity in some regions such as Karamoja has made it difficult for the Commission to maintain a constant pace of Investigations and Tribunal hearings at its Moroto Regional office.

Recommendations

- The Commission hopes that new Commissioners will be appointed soon to replace the ones that resigned so that the Commission can be fully constituted to handle Tribunal matters

- Convening of annual meetings for the Commission's members of staff involved in the complaints receipt, investigations and Tribunals processes so that there can be a forum for sharing experiences and challenges and develop solutions for certain unique situations that are not necessarily provided for by the Commission's Complaints handling Manual but which may be impeding the complaints handling process.
- Convening of meetings with key stakeholders in the Commission's complaints receipt, investigations and Tribunals processes so that there is a forum for discussion of challenges faced by the Commission during the execution of the aforementioned processes. These Stakeholders include the office of the Attorney General, Institutions that are represented by the Attorney General at the Commission's Tribunal such as the Uganda Police Force, the Uganda Prisons Service, the UPDF and the medical practitioners.
- The need to obtain detailed information from complainants at the point of registration of complaints including alternative physical addresses from where they can be traced.
- Frequent monitoring of the complaints handling process to ensure that the timelines as set by the Commission's Complaints handling Manual are being complied with by all the Commission's Regional offices.

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