UGANDA

FOUNDING ACT OF NATIONAL HUMAN RIGHTS INSTITUTION

The Uganda Human Rights Commission was created by Act 4 of 1997. The headings of articles appear in the original as notes in the margin.

UGANDA HUMAN RIGHTS COMMISSION ACT

BE IT ENACTED by Parliament as follows:

1. Short title
This Act may be cited as the Uganda Human Rights Commission Act, 1997.

2. Interpretation
In this Act, unless the context otherwise requires -
'Chairperson' means the Chairperson of the Commission;
'Commission' means the Uganda Human Rights Commission established by article 51 of the Constitution;
'Commissioner' means a member of the Commission;
'Currency point' means the value specified in the First Schedule to this Act in relation to a currency point;
'Minister' means the Minister responsible for Justice;
'Secretary' means the Secretary to the Commission appointed under section 10 of this Act.

3. Appointment and Composition of Commission
1) The Chairperson and other members of the Uganda Human Rights Commission shall be appointed by the President with the approval of Parliament.
2) The members of the Commission other than the Chairperson, shall not be less than three.

4. Oath of Commissioners
1) Every member of the Commission shall, before assuming his or her duties as Commissioner, take and subscribe the oath specified in Part I of the Second Schedule to this Act.
2) The Secretary shall, before assuming the performance of his or her functions under this Act, take and subscribe the oath specified in Part II of the Second Schedule to this Act.
3) Any other officer or employee of the Commission may be directed by the Commission to take and subscribe the oath specified in Part II of the Second Schedule to this Act.
4) Where before the commencement of this Act any person has been appointed a member or Secretary of the Commission, that person shall take and subscribe the appropriate oath under this section as soon as possible after the commencement of this Act.

5. Chairperson of Commission
The Chairperson shall -
(a) be the head of the Commission;
(b) be responsible for the direction of the affairs and for administration of the Commission; and
(c) monitor and supervise the work of the Secretary.

6. Commissioners to relinquish particular offices
A 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 political organisation;
(d) a public officer.

7. Commissioners to work full time
The members of the Commission shall hold office on a full time basis.

8. Functions of Commission
1) The Commission shall have the following functions -
(a) to investigate, at its own initiative or on complaint made by any person or group of persons against the violation of any human right;

(b) to visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;
(c) to visit any place or building where a person is suspected to be illegally detained;
(d) to establish a continuing programme of research, education and information to enhance respect of human rights;
(e) to recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;
(f) to create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda;
(g) to educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation;
(h) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
(i) to monitor the government's compliance with international treaty and convention obligations on human rights;
(j) to carry out the functions of the Commission under article 48 of the Constitution; and
(k) to perform such other functions as may be provided by law.

2) Decisions of the Commission under clause (2) of article 53 of the Constitution shall have the same effect as those of a court and shall be enforced in this manner.

3) For the avoidance of doubt, the Commission shall, in the carrying out of its functions, deal only with violations of human rights alleged to have taken place on or after the coming into force of the Constitution.

4) The recommendations required to be made by the Commission under paragraph (b) of subsection (1) shall be to the appropriate Ministry, department or other authority whose functions relate to the matter on which the recommendations are made.

5) Recommendations made to Parliament by the Commission under paragraph (e) of subsection (1) of this section, shall be addressed to the Speaker of Parliament and signed by the Chairperson of the Commission; and a copy of the recommendations shall be forwarded to the President.

6) The annual report required by clause (2) of article 52 of the Constitution to be submitted to Parliament shall be addressed to the Speaker of Parliament and signed by the Chairperson of the Commission; and a copy of it shall be forwarded to the President.

9. Offices of Commission

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

10. Secretary to Commission

The Commission shall have a Secretary who shall be appointed by the Commission in consultation with the Public Service Commission upon such terms and conditions as may be determined by the Commission in consultation with the Public Service Commission and specified in his or her instrument of appointment; but the terms and conditions shall not be less favourable than those of a Permanent Secretary.

1) The Secretary shall be a person qualified to be appointed to the office of Permanent Secretary.

2) Subject to the powers of the Chairperson under section 5 and to the general control of the Commission, 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 and the control of the other staff of the Commission;
(b) be responsible for arranging the business for and the recording and keeping of the minutes of all decision and proceedings of the Commission at its meetings; and
(c) perform any other function assigned to him or her by the Commission.

3) The Secretary is, unless in any particular case the Commission otherwise directs in writing, entitled to attend all meetings of the Commission but shall have no vote on any matter falling to be decided by the Commission at any such meeting.

4) The Secretary may be removed by the Commission only for -
(a) inability to perform the functions of his or her office arising out of physical or mental incapacity; or
(b) misbehaviour or misconduct; or
(c) incompetence.

5) Before the Secretary is removed under subsection (5), he or she shall be informed of the case against him or her and be given adequate opportunity to defend himself or herself against any allegations made against him or her.

11. Other staff of Commission

1) The Commission shall also have such other officers and employees as may be necessary for the discharge of its functions.
2) The officers and employees referred to in subsection (1) 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 determined by the Commission in consultation with the Public Service Commission.
3) Public officers may at the request of the Commission be seconded to the service of the Commission.
4) The Commission may, in consultation with the Public Service Commission, engage the services of consultants, experts and advisers to assist it in the discharge of its functions and may pay to them remuneration at such rates as may be determined by the Commission after similar consultation.

12. Meetings and decisions of Commission

1) Meetings of the Commission shall be presided over by the Chairperson, and in the absence of the Chairperson the members of the Commission present may appoint a member from among their number to preside over the meeting.
2) Every decision of the Commission shall be so far as possible, by consensus.
3) In any vote at any meeting of the Commission, each Commissioner shall have one vote and none shall have a casting vote.
4) The Commission shall otherwise have power to prescribe its own procedure.

13. Funds of Commission

1) Parliament shall ensure that adequate resources and facilities are provided to the Commission to enable it to perform its functions effectively.
2) The administrative expenses of the Commission shall be charged on the Consolidated Fund.
3) The funds of the Commission may, with the approval of the Minister acting in consultation with the Ministers responsible for finance, include grants and donations from sources within or outside Uganda to enable the Commission to discharge its functions.
4) All funds provided to the Commission under article 55 of the Constitution or under this Act shall be administered and controlled by the Secretary who shall be the accounting officer in accordance with the Public Finance Act.

14. Immunity of members and staff of Commission

A member of the Commission or any employee or 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 those functions.

15. Seal of Commission

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

16. Counsel

1) The Attorney General may attend upon the Commission and give such assistance to it as the Commission may from time to time request.
2) A witness before the Commission may also be represented by counsel.

17. Examination on oath or affirmation

The Commission shall have power to cause a witness to be examined on oath or affirmation.

18. Evidence of witnesses etc

1) The evidence of every witness shall be taken down and the witness may, if he or she requests it, be given a copy of it.
2) The Commission shall have power to commit persons for contempt of its orders.
3) A person alleged to be in contempt may be represented by counsel for proceedings for the alleged contempt.

19. Attendance allowance

1) Any person summoned by and appearing before the Commission as a witness is entitled to be paid by way of reimbursement of his or her expenses, such allowances as are 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.

20. Immunities and privileges of witnesses

Witnesses appearing before the Commission shall have the same immunities and privileges as if they were a witness before the High Court.

21. 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 purposes of the exercise of its powers under article 53 of the Constitution or any other of its functions subject to such modifications as may be made by the Chief Justice by statutory instrument in consultation with the Commission.

22. Appeals under article 53 (3)

1) The Chief Justice shall make rules of court for regulating appeals to the High Court from orders of the Commission made under clause (2) of article 53 of the Constitution.
2) Rules made under subsection (1) of this section may, without prejudice to the general effect of subsection (1), make provision for -
   (a) the period with which an appeal may be lodged;
   (b) forms and fees in relation to such appeals;
   (c) the procedure generally for hearing such appeals; and
   (d) the application to such appeals with or without modifications of any rules of court applicable to the High Court.

23. Obstruction of Commission

Without prejudice to the Commission's power to commit for contempt, any person who wilfully obstructs or interferes with the exercise of its functions, commits an offence and is liable, on conviction to a fine not exceeding sixty currency points or imprisonment not exceeding two years or both.

24. No victimisation of persons assisting Commission

No person who in good faith, gives any information to the Commission or assists the Commission in the exercise of its functions, shall be punished in any way for doing so.

25. Limitation

No complaint shall be brought before the Commission after the expiration of five years from the date on which the alleged violation of a human right to which the complaint relates, occurred.

26. Extension of limitation period

Where a person entitled to bring a complaint before the Commission regarding any violation of a human right is incapacitated from doing so by reason of age, infirmity of body or mind, detention or other just cause, whether similar to the foregoing or not, then the complaint may be brought at any time within five years after the incapacity ceases or the person entitled to bring the complaint dies, whichever event first occurs.

27. Regulations

The Commission may, in consultation with the Minister make regulations for the carrying into effect of the provisions of this Act and in particular for facilitating the work of Commission.

28. Minister to amend First Schedule

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

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FIRST SCHEDULE

CURRENCY POINT

A currency point represents twenty thousand Uganda Shillings.

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SECOND SCHEDULE

PART I : OATH OF MEMBER OF UGANDA HUMAN RIGHTS COMMISSION

Section 4

I … being appointed Chairperson/Member of the Uganda Human Rights 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 Uganda Human Rights 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 favour, affection or ill-will. (So help me God).

PART II:

Section 4

OATH OF SECRETARY/OFFICER OF 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 unauthorised 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).