

**COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
(COMPLAINT PROCEDURE) REGULATIONS, 1994**

[C.I. 7]

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[Issued under section 26 of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456)
by virtue of Article 230]

[1st September, 1994]

1. Lodging a complaint

(1) A complaint to the Commission shall be made in writing or orally,

- (a) to the national office of the Commission; or
- (b) to a representative of the Commission at the regional or district branch of the Commission.

(2) A written complaint shall be addressed to the Commissioner or to the regional or district representative of the Commission and shall be signed or thumb printed by the complainant or the agent of the complainant.

(3) Where the complaint is made orally or the complainant cannot read and write, the complaint shall be reduced into writing by the officer at the registry of the Commission or its branch to whom the complaint is made or by any other person chosen by the complainant.

- (4) A person who reduces into writing an oral complaint under subregulation (3) shall
- (a) read over and explain the contents to the complainant;
 - (b) declare on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and
 - (c) cause the complainant to sign or thumbprint the written complaint.

2. Contents of complaint

- (1) A complaint lodged with the Commission shall contain
- (a) the full name and contact address of the complainant;
 - (b) the body, organisation or person against whom the complaint is made;
 - (c) particulars of the nature of the complaint together with copies of any document in support of the complaint;
 - (d) the nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of the body or organisation or person against whom the complaint is made; and
 - (e) the relief sought by the complainant.

(2) A person who lodges a complaint with the Commission on behalf of another person shall state in writing the capacity in which that person does so and the reason for so doing.

(3) A complainant shall be given a reasonable time, depending on the circumstances of the case, within which to check on the complaint.

(4) A complaint lodged with the Commission which is not pursued for three months from the date it is lodged shall lapse.

3. Transmission of complaint and preliminary investigation

(1) Where the Commissioner considers that a complaint lodged with the Commission is a matter within the functions of the Commission, the Commissioner shall transmit a copy of the complaint to the head of the body or organisation or the person against whom the complaint is made with a request for comment and response.

(2) The head of the body or organisation or person against whom the complaint is made shall, within ten days from the date of receipt of the complaint or a further period specified by the Commissioner, submit to the Commissioner the comments or response of that head, organisation or person.

(3) The Commissioner or the representative of the Commissioner may assign an investigator or officer of the Commission to make a preliminary investigation into a complaint lodged with the Commission.

(4) The Commission may for the purposes of performing its functions, require the services of a member of the Police Service or a public institution with expert knowledge relevant for redressing a particular complaint.

4. Mediation

(1) The Commission may, on the receipt of the comments or response and on considering that in view of the comments or response the complaint could be mediated on and settled, invite the parties concerned and attempt a settlement of the issue between the parties.

(2) A provision of these regulations shall not preclude the Commission on receipt of a complaint from inviting the parties and attempting a settlement of the issue between the parties.

5. Full investigation

(1) Where the Commission decides to institute a full investigation into a complaint, the Commission shall in writing invite

- (a) the complainant;
- (b) a representative of the body, organisation or person against whom the complaint is made; and
- (c) any other person the Commission considers to be concerned in the investigation, to attend to be interviewed by the Commission at a date, time and place specified in the notice.

(2) The date for attendance shall not be less than seven days from the date of the notice.

(3) A person appearing before the Commission in answer to a complaint shall

- (a) be informed again of the particulars of the complaint and the relief sought;
- (b) be afforded full opportunity to answer the complaint and to question any witness.

(4) A person who appears before the Commission in an investigation shall be given a fair hearing.

(5) A person summoned to appear before the Commission to be investigated shall appear in person and may be represented by counsel.

(6) Records of the investigation shall be kept in writing.

6. Investigation panels

For the purposes of regulation 5, the Commissioner may, on the recommendation of

- (a) any other member of the Commission;
- (b) an investigator of the Commission; or
- (c) any other officer of the Commission,

constitute a panel to investigate a complaint and report to the Commission.

(2) The panel shall be composed of a member of the Commission as chairman or a legal officer in the employment of the Commission and not less than two other officers of the Commission.

(3) Despite subregulation (2), the Commissioner may co-opt to a panel any other person approved by the Commission.

(4) A person appearing before a panel pursuant to these Regulations may raise an objection to the membership of the panel to the Commissioner who shall determine the issue.

7. Report to the Commission

(1) A panel composed under these regulations shall make a full report on a matter before it with its recommendations to the Commission.

(2) The Commission shall consider a report submitted under subregulation (1) and may accept or reject the recommendations or ask for further investigations.

8. Investigation by regional and district branches

An officer appointed as the regional or district head of a branch of the Commission shall ensure the prompt investigation by officers in the region or district of all complaints and may refer complaints to the national office where that officer considers it necessary or where directed by the Commissioner.

9. Submission of monthly reports

(1) The head of a district branch of the Commission shall, within five days of the end of every month, submit to the head of the regional branch of the Commission, a report of the complaints investigated by the district branch in the preceding month and the recommendations of the district branch on the complaints.

(2) The designated head of a regional branch of the Commission shall submit a monthly report on the complaints investigated by the district branches and the regional branch together with the recommendations to the national office.

10. Final decision on complaints

The final decision on a complaint lodged with the Commission shall be taken by the Commission.

11. Institution of action

For the purposes of sections 9 and 18 (2) of the Act, the Commissioner may by writing authorise a public officer to bring an action in a court in the name of the Commissioner.

12. Interpretation

In these Regulations, unless the context otherwise requires,

“**Act**” means the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456);

“**Court**” means a court of competent jurisdiction.

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