

Overall Score:

**72 - Moderate**

Legal Framework Score:

**98 - Very Strong**

Actual Implementation Score:

**51 - Very Weak**

Category 1. Non-Governmental Organizations, Public Information and Media

---

## 1.1. <sup>72</sup>Anti-Corruption Non-Governmental Organizations

---

### 1. Are anti-corruption/good governance NGOs legally protected?

100

01a. In law, citizens have a right to form NGOs focused on anti-corruption or good governance.

Yes

No

#### Comments:

The Constitution of Uganda 1995, Article 29(e): Every person has a right to freedom of association, which includes the freedom to form and join associations or unions like trade unions or other political and public organizations.

As stated by The International Center for Not-for-Profit Law report, "NGO Law Monitor: Uganda": "Notably, the definition of NGOs under Article 1 of the NGO Act is narrow and limits available activity areas for NGOs. NGOs engaged in advocacy or public policy activities, for example, are therefore vulnerable to governmental supervisory action. Moreover, the operating scope for NGOs remains subject to governmental discretion."

#### References:

1. The Constitution of Uganda 1995, Article 29(e)
2. The Non-Governmental Organizations (Amendment) Act 2006
3. The NGO Registration Regulations 2009

4. The International Center for Not-for-Profit Law, "NGO Law Monitor: Uganda," November 16, 2011. <http://www.icnl.org/research/monitor/uganda.pdf>

**Yes:** A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence. Non-governmental organizations (NGOs) are defined here as any organized group that is separate from the state working on issues of governance, transparency, and/or anti-corruption.

**No:** A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

01b. In law, anti-corruption/good governance NGOs are free to accept funding from any foreign or domestic sources.

Yes | No

**Comments:**

No law bars NGOs from accept funding. However, NGOs must disclose the source of funding to the NGO Board. The law requires all organizations receiving money in convertible currency to open and operate an external bank account with a reputable bank in which the currency is deposited and through which transactions are conducted.

The 'reputable bank' is usually the Bank of Uganda (a government-controlled bank).

**References:**

Regulation 15(3) of the NGO Registration Regulations 2009

**Yes:** A YES score is earned if anti-corruption/good governance NGOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

**No:** A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for NGOs focused on anti-corruption or good governance.

01c. In law, anti-corruption/good governance NGOs are required to disclose their sources of funding.

Yes | No

**Comments:**

The NGO Registration (Amendment) Act of 2006 requires that civil society organizations – known as CSOs or NGOs – annually renew their licenses and disclose their sources of funding. The requirement is not perceived as a problem since it is not strictly enforced. In practice, many NGOs do not even have an operating license.

**References:**

NGO Registration (Amendment) Act of 2006

**Yes:** A YES score is earned if anti-corruption/good governance NGOs are required to publicly disclose their sources of funding.

**No:** A NO score is earned if no such public disclosure requirement exists.

---

## 2. Are anti-corruption/good governance NGOs able to operate freely?

67

02a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance NGOs.

100 | 75 | **50** | 25 | 0

### Comments:

The NGO policy was approved by the Cabinet in October 2010 and is now in force. This policy creates challenges to NGOs. However, a pending court case may affect the policy. Some overzealous government functionaries threaten NGOs with closure. For example, non-government organizations that identified themselves with walk-to-work protesters were threatened in May 2011 by the Iganga Resident district commissioner, Swaibu Wagwa Lubega, who said they would not have their operation licenses renewed. He said the district security committee blacklisted the organizations after it was discovered that some NGOs were persuading youth to join the protests, organized by Action for Change over commodity and fuel prices. He said officials acted fast to convince the youths they should ignore the NGOs.

### References:

1. HURINET, July 12, 2011, "Operating Environment of NGOs in Uganda," [hurinet.blogspot.com](http://hurinet.blogspot.com).
2. The International Center for Not-for-Profit Law, July 28, 2011, NGO Law Monitor–Uganda, [www.icnl.org](http://www.icnl.org)
3. Daily Monitor, Abubaker Kirunda and Risdell Kasasira, May 4, 2011; "NGOs Face Closure Over Walk-to-Work," <http://allafrica.com>

**100:** NGOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

**75:**

**50:** NGOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the NGO. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Other than pro-government groups, NGOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

02b. In practice, anti-corruption/good governance NGOs actively engage in the political and policymaking process.

**Comments:**

Uganda National NGO Forum has had a positive influence on politics in Uganda, although more needs to be done. One of its specific undertakings of note was the citizens' manifesto, a nonpartisan political process launched in 2010. It sought to mobilize citizens to set standards for which leaders and the next government would be held to account. Working with more than 70 civil society organizations across the country and directly reaching out to over 60,000 Ugandans, the citizens' manifesto initiative and the demands articulated have roused public and media attention.

The NGO Policy 2010 was basically put in place to prohibit NGOs from participating in the political process. On page 18, it states: "Some NGOs have generally been involved in politics by taking sides and generally other unlawful activities."

**References:**

1. National NGO Policy–Uganda 2010, Ministry of Internal Affairs, [www.mia.go.ug](http://www.mia.go.ug)
2. Uganda National NGO Forum 2010 annual report, "Harnessing Collective Action in the NGO Sector in Uganda," [www.ngoforum.or.ug](http://www.ngoforum.or.ug)

**100:** Non-governmental organizations focused on anti-corruption or good governance are an essential component of the political process. NGOs provide widely valued insights and have political power. Those NGOs play a leading role in shaping public opinion on political matters.

**75:**

**50:** Anti-corruption/good governance NGOs are active, but may not be relevant to political decisions or the policymaking process. Those NGOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

**25:**

**0:** Anti-corruption/good governance NGOs are effectively prohibited from engaging in the political process. Those NGOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

02c. In practice, no anti-corruption/good governance NGOs have been shut down by the government for their work on corruption-related issues during the study period.

Yes | No

**Comments:**

No NGO is known to have been shut down to date since June 2009. However, some NGOs have been threatened with deregistration by overzealous National Resistance Movement officials. For example, DEMGroup (a consortium of four CSOs) was threatened in January 2011 during the election campaigns for publishing voter bribery cases.

**References:**

1. Press release, Hurinet–Uganda, Jan. 4, 2011, "Brief on Election Trail 2011," [www.hurinet.or.ug](http://www.hurinet.or.ug)
2. Daily Monitor, Abubaker Kirunda and Risdal Kasasira, May 4, 2011, "NGOs Face Closure Over Walk-to-Work," <http://allafrica.com>

**Yes:** A YES score is earned if there were no NGOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

**No:** A NO score is earned if any NGO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the NGO's work may not be explicit, however the burden of proof here is low. If it seems likely that the NGO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

### 3. Are anti-corruption/good governance NGO activists safe when working on corruption issues?

67

03a. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been imprisoned.

Yes

No

#### Comments:

Anti-corruption activists were detained or arrested in February 2011 for distributing leaflets condemning what they called a "bribe," the 20 million shillings the government deposited in MPs' accounts to monitor National Agricultural Advisory Services in their areas. The same month, an oil activist, Isaac Nkuba, was arrested in Buliisa District over a community meeting organized by the National Association of Professional Environmentalists, African Institute for Energy Governance and Publish What You Pay–Uganda.

#### References:

1. Daily Monitor, Emmanuel Mulondo and Yasiin Mugerwa, Feb. 8, 2011, "10 Activists Arrested Over MPs' Sh20 Million 'Bribe,'" <http://www.monitor.co.ug>
2. The Independent, The Administrator, Feb. 13, 2011, "Oil Activist Arrested as British Lobbying for Tullow Is Revealed," [www.independent.co.ug](http://www.independent.co.ug)

**Yes:** A YES score is earned if there were no NGO activists imprisoned because of their work covering corruption. YES is a positive score.

**No:** A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

03b. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been physically harmed.

Yes

No

**Comments:**

No NGO activist is known to have been physically harmed in the past year while working on corruption issues.

**References:**

Interview with Akakisiima Vincent, an anti-corruption activist (Lantern Consult International) in Kampala, Aug. 29, 2011

**Yes:** A YES score is earned if there were no documented cases of NGO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

**No:** A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

03c. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been killed.

Yes

No

**Comments:**

There is no documented case in which an activist has been killed because of anti-corruption activity. However, gay activist David Kato was killed at his home on Jan. 26, 2011, although the reason is not clear. He was an advocacy officer at Sexual Minorities Uganda, an umbrella nongovernmental organization based in Kampala.

**References:**

1. The Age, Jeffrey Gettleman, Jan. 29, 2011, "Targeted Ugandan Gay Activist Killed," <http://www.theage.com.au>

2. Life Site News, Rebecca Millette, Feb. 4, 2011, "Police: Ugandan Gay Activist Was Killed by Sex Partner," <http://www.lifesitenews.com>

**Yes:** A YES score is earned if there were no documented cases of NGO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

#### 4. Can citizens organize into trade unions?

88

04a. In law, citizens have a right to organize into trade unions.

Yes | No

**Comments:**

The law provides for “freedom of association which shall include the right to form or join associations or unions, which include trade unions, political or civic organizations.”

**References:**

1. Constitution of Uganda 1995, Article 29(e), <http://www.parliament.go.ug/>
2. The Labour Unions Act 2006, Section 3, <http://www.ilo.org>

**Yes:** A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

**No:** A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

04b. In practice, citizens are able to organize into trade unions.

100 | 75 | 50 | 25 | 0

**Comments:**

Employers do not provide a conducive environment for workers to organize. The government’s attitude about enforcing the laws, unemployment and the “casualization” of labor compound this situation. Thus, the trade unions are not very active in championing workers’ rights. The Uganda National Teachers Union has become active, especially in 2011, when it demanded a higher salary increment than the government offered teachers. This led to a sit -down strike in August/September.

**References:**

1. Human Rights and Peace Centre, or HURIPPEC, Working Paper 4, John-Jean Barya, April 2007, “Freedom of Association and Uganda’s New Labour Laws.” <http://huripec.mak.ac.ug>
2. New Vision, Conan Businge and Brenda Asiimwe, Aug. 24, 2011, “Teachers Reject Govt Offer,” <http://www.newvision.co.ug>

**100:** Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

**75:**

**50:** Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

**25:**

**0:** Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

---

## 1.2. Media's Ability to Report on Corruption

---

### 5. Are media and free speech protected?

100

05a. In law, freedom of the media is guaranteed.

Yes

No

**Comments:**

Freedom is guaranteed under the law. However, this law prohibits publication of pornographic material and false information.

**References:**

1. Constitution of Uganda 1995, Article 29(1a)

2. Press and Journalists Act 1995, Section 2

**Yes:** A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

**No:** A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

05b. In law, freedom of speech is guaranteed.

Yes

No

**Comments:**

Freedom of speech is guaranteed, but citizens have limitations. During the 2011 general elections opposition politicians were stopped from speaking to voters. For example, Kizza Besigye was stopped from using media outlets in places such as Nakaseke and Bunyoro.

On Aug. 25, 2010, five Ugandan judges ruled in favor of press freedom by declaring the country's sedition law unconstitutional.

**References:**

1. Constitution of Uganda 1995, Article 29 (1)(a)



**Yes:** A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

**No:** A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

---

## 6. Are citizens able to form print media entities?

75

06a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | **50** | 25 | 0

### Comments:

The government creates barriers to some citizens deemed non-supporters of the ruling party (National Resistance Movement). Some newspapers have been closed. Ggwanga newspaper was closed in May 2011 after police said they had received reports that the offices were a distribution center for leaflets and fliers inciting violence. Ggwanga was a Luganda Newspaper. It was established by Buganda loyalists after the Buganda kingdom’s Central Broadcasting Service was closed in September 2009 following riots. The rioting had erupted when the government blocked a trip by the Kabaka, or the Buganda monarch, to Kayunga District.

### References:

1. Press and Journalists Act 1995, Section 2
2. Uganda News Picks, May 25, 2011, “Ggwanga Newspaper Publications Finally Closed,” <http://www.ugandapicks.com>

**100:** Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

**25:**

**0:** Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

06b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes

No

**Comments:**

There is a disciplinary committee, consisting of the chairman of the Media Council, the secretary of the council and four members chosen by the council. The committee hears cases and complaints. Section 34 provides for appeals to the High Court.

**References:**

1. Uganda Media Council, Press and Journalists Act 1995, Section 30
2. Press and Journalists Act 1995, Section 34

**Yes:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

**No:** A NO score is earned if there is no appeal process for print media licenses.

06c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100

75

50

25

0

**Comments:**

No law specifically licenses the print media or stipulates the time within which someone can get a license. One just goes to the post office for a license. The government is trying to introduce a licensing law through the Press and Journalist (Amendment) Bill 2010. It proposes that 1) The proprietor of a newspaper shall not operate a newspaper unless it is registered with the [Media] Council and has complied with the requirements of Section 5. 2) A person who “contravenes subsection 1) commits an offense and is on conviction liable to a fine not exceeding 48 currency points or imprisonment not exceeding two years or both.” The licensing of postal services is provided under Section 28(1) of the Uganda Communications Act 2000. It states: No person shall convey, deliver or distribute postal articles without a license issued under the Communications Act. A “postal article” includes “any letter, postcard, newspaper, book, document, pamphlets, pattern, sample packet, small packet, parcel package, or other article tendered for dispatch or specified in the International Postal Union or in the license to an operator.”

**References:**

1. Interview with Joshua Kyalimpa, Uganda Journalists Association president, Aug. 8, 2011
2. The Press and Journalist (Amendment) Bill 2010
3. The Uganda Communications Act 2000, Section 28(1)

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

06d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The post office charges a fee of 50,000 Uganda shillings, the equivalent of US\$21 in late January 2012. The government is trying to introduce a licensing law with the 2010 Press and Journalist (Amendment) Bill.

**References:**

Interview with Joshua Kyalimpa, Uganda Journalists Association president, Aug. 8, 2011, Kampala

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

## 7. Are citizens able to form broadcast (radio and TV) media entities?

63

07a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | 25 | 0

**Comments:**

There are barriers to forming a broadcast media entity. The government has sometimes closed media houses considered enemies of the ruling National Resistance Movement government. The Forum for Democratic Change political party has claimed that the government denied it a license to operate a radio station.

**References:**

1. The Independent, Dicta Asimwe, April 13, 2010, "Move to Close Down FDC Radio: The Lies, Facts and the Law," <http://independent.co.ug>

2. African Centre for Media Excellence, Aug. 23, 2010, "Court Dismisses Gov't Case Against Closed Radio Station," [www.acme-ug.org](http://www.acme-ug.org)

**100:** Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

**75:**

**50:** Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

**25:**

**0:** Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

07b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes | No

**Comments:**

The law provides for establishment of a tribunal to handle communications disputes and is headed by a judge. Section 81 (Procedure of the Tribunal) says the tribunal will meet as needed to exercise its jurisdiction and be guided by the rules of natural justice. The tribunal is duly constituted if the chairperson and one other member are present. A tribunal decision is binding if supported by a majority of members.

**References:**

The Uganda Communications Act 2000, Sections 75 and 81, Uganda Communications Commission. <http://www.ucc.co.ug>

**Yes:** A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

**No:** A NO score is earned if there is no appeal process for broadcast media licenses.

07c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The process is month-long, if all information is submitted and well documented and all payments are made on time. However, it could take more than six months.

**References:**

1. Uganda Communications Commission, "FAQs: How Long Does It Take to Get a Licence After Submitting an Application?" [www.ucc.co.ug](http://www.ucc.co.ug)

2. Interview with Joshua Kyalimpa, Uganda Journalists Association president, Nov. 21, 2011, Kampala

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

07d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The cost of a TV license is 10 million Ugandan shillings per year, and a radio license costs between 2 million shillings per year (community radio) and 5 million shillings (commercial radio). The cost is a bit expensive.

**References:**

1. Interview with TV journalist Diana Kagrere, Aug. 29, 2011, Kampala

2. Interview with Joshua Kyalimpa, Uganda Journalists Association president, Aug. 31, 2011, Kampala

**100:** Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

## 8. Can citizens freely use the Internet?

75

08a. In practice, the government does not prevent citizens from accessing content published on-line.

**Comments:**

Citizens are free to access the Internet without any prohibition from the government. Most Ugandans who use the Internet do so at public cafes, where access costs from 1,500 to 6,000 Ugandan shillings per hour (US\$0.64 to US\$2.56 in late January 2012). However, the Ministry of Ethics and Integrity has been considering an anti-pornography bill to forbid citizens to watch pornographic material.

**References:**

1. Open Net Initiative, <http://opennet.net>
2. UG Pulse, Jan. 24, 2011, "Ugandans Asked to Support Anti Pornography Bill," [www.ugpulse.com](http://www.ugpulse.com)
3. Sunday Monitor, John Musisi Nalima, Aug. 28, 2011, "Anti-pornography Law Long Overdue," [www.monitor.co.ug](http://www.monitor.co.ug)
4. The Observer, April 21, 2011, "Govt Blocks Facebook, Twitter as 'Walk to Work' Protest Gathers Momentum," [www.balancingact-africa.com](http://www.balancingact-africa.com)

**100:** The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

**75:**

**50:** Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

**25:**

**0:** Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

08b. In practice, the government does not censor citizens creating content on-line.

**Comments:**

There is little evidence of Internet filtering in Uganda, but governmental attempts to control information have started targeting the Internet. The government in July 2010 passed The Interception of Communications Bill, No. 7 of 2007, which allows the security minister to search and seize equipment without court approval. It targets many forms of communication, including the Internet, telephone calls and the mail. After opposition figures decided to demonstrate against escalating food and fuel prices by walking to work, the government banned live coverage of the protests and ordered Internet providers to block two popular social Websites for 24 hours.

The ban on live coverage came after television stations showed police tactics in arresting opposition politicians on the first day of the demonstrations and firing tear gas canisters into homes, schools and hospitals. Security forces prevented journalists from approaching some opposition figures who had been arrested. At least eight reporters were injured during the demonstrations: Ali Mabule and Dismus Buregyeya of the daily New Vision, Francis Mukasa of WBS TV, Ronald Muyinda of Radio One, Michael Kakumirizi and Stuart Iga of The Red Pepper, Yunusu Ntale of CBS Radio FM, and Isa Aliga of Nation TV.

**References:**

1. Open Net Initiative, Rebekah Heacock, April 18, 2011, "Ugandan Government Asks ISPs to Block Facebook, Twitter," <http://opennet.net>
2. Committee To Protect Journalists, Edward Echwalu, April 19, 2011, "Ugandan Media Censored Over Walk to Work Protests," <http://cpj.org>

**100:** The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

**75:**

**50:** In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

**25:**

**0:** The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

---

## 9. Are the media able to report on corruption?

83

09a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

Yes

No

**Comments:**

Section 2(2) of the Press and Journalists Act provides that "No person or authority shall, on grounds of the content of a publication, take any action not authorised under this Act or any other law to prevent the a) printing; b) publication; or c) circulation among the public of a newspaper." Section 3 provides that "Nothing contained in section 2 absolves any person from compliance with any law — b) prohibiting any publication which improperly infringes on the privacy of an individual or which contains false information."

**References:**

The Press and Journalist Act 1995, Sections 2(2) and 3(b)

**Yes:** A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

**No:** A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

09b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | 25 | 0

**Comments:**

There is self-censorship because media owners fear closure of their businesses and journalists fear arrests by government operatives. “The most disturbing fact however is that many media companies — either in print, radio or television — have resorted to less serious issues in their coverage, like entertainment, sports, love stories or soap operas. Issues like accountability, human rights and governance are slowly getting little coverage,” John Njoroge of the Independent told the Mail & Guardian.

In April 2011, the government banned live coverage of protests against escalating food and fuel prices and directed Internet providers to block two popular social Websites for 24 hours. The ban on live coverage came after television stations showed the police force’s tactics in arresting opposition politicians on the first day of the demonstrations and the firing of tear-gas canisters into homes, schools and hospitals.

**References:**

1. Mail & Guardian, Karabo Keepile, April 16, 2010, “Ugandan Journos Resort to Self-censorship,” <http://mg.co.za>
2. Committee to Protect Journalists, Edward Echwalu, April 19, 2011, “Ugandan Media Censored Over Walk to Work Protests,” <http://cpj.org>

**100:** The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

**75:**

**50:** The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

**25:**

**0:** The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

09c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | 25 | 0

**Comments:**

In April 2011, security forces prevented journalists from reporting at the scene of opposition figures who had been arrested. Several reporters were physically harmed. At least eight reporters were injured during the demonstrations.

The phone tapping law in Uganda allows government to eavesdrop on calls, making it difficult for journalists to hide their sources. Plans to amend the Press and Journalists statute would allow the government to enforce new stringent rules.

**References:**

1. Committee To Protect Journalists, Tom Rhodes, July 27, 2010, “From 9/11 to 7/11, Balancing Security, Liberty,” <http://cpj.org/blog/2010/07/from-911-to-711-balancing-security-and-liberty.php>



2. Committee to Protect Journalists, Edward Echwalu, April 19, 2011, "Ugandan Media Censored Over Walk to Work Protests," <http://cpj.org/blog/2011/04/ugandan-media-censored-over-walk-to-work-protests.php>

3. Observer Media Ltd, April 15, 2011, "Govt Blocks Facebook, Twitter," <http://www.observer.ug>

**100:** The government never prevents publication of controversial corruption-related materials.

**75:**

**50:** The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

**25:**

**0:** The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

---

## 10. Are the media credible sources of information?

65

10a. In law, print media companies are required to publicly disclose their ownership.

Yes

No

### Comments:

Section 5(1) requires a proprietor of a mass media organization, upon appointing an editor, to register the editor's name and address, certified copies of relevant testimonials as proof of the editor's qualifications and experience, the name and address of the newspaper and other particulars as may be prescribed by the Media Council.

### References:

Press and Journalist Act of 1995, Section 5(1)

**Yes:** A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

**No:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

Yes

No

**Comments:**

Section 2 provides that a person shall not install or operate a television station, radio station or any broadcasting apparatus without a license issued by the Media Council. Section 3(2) forbids the council to register any station or apparatus unless the proprietor has supplied information concerning the person to be the producer in charge. Required are the producer's name and address, certified copies of relevant testimonials as proof of the producer's qualifications and experience, the name and address of the station or apparatus, and other particulars as may be prescribed by the council.

**References:**

The Electronic Media Act 1996, Sections 2 and 3

**Yes:** A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

**No:** A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

**Comments:**

Some newspapers run sensational materials that undermine ethical standards of journalists. Journalists in Uganda are paid little, which provides incentive for them to be tempted by corruption and conflicts of interests. This makes them lose objectivity in their reporting and become biased toward one side. The poor compensation is worsened by poor working conditions. In Uganda, some media entities also create imaginary characters and deceptive stories and characters to increase sales. For example, local tabloid Red Pepper reported about a stone called Nibiru that was believed to hit the world by 2010. Tabloids Red Pepper and Bukedde are known to abuse privacy by, for example, publishing intimate or nude pictures of celebrities without their permission.

Sometimes the government harasses journalists. The Daily Monitor's managing editor, Daniel Kalinaki, is still answering charges of doctoring a letter by President Yoweri Museveni, published Aug. 2, 2009, and also has to answer for pictures that were published of a hooded man when Kizza Besigye of the FDC party was arrested by security operatives on April 29, 2011, at Mulago Roundabout. The government released press notices saying the pictures were fabricated.

**References:**

1. Baliboola N Ivan, 2010, Mediasurgeon, "Media Ethics–Focus on Uganda," <http://www.scribd.com>.
2. Edward Echwalu , May 18, 2011, "When Cameras Lied to the Country," [echwaluphotography.wordpress.com](http://echwaluphotography.wordpress.com)

**100:** Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

**75:**

**50:** Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

**25:**

**0:** Editors and journalists are widely known to "sell" favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

**Comments:**

Some key media failed to provide equitable coverage for candidates and parties, generally to the disadvantage of the opposition. The commercial television station NTV provided coverage that was more balanced between the incumbents and the opposition, with news generally delivered in a neutral tone. WBS, the main commercial competitor of NTV, showed a significant bias towards Kizza Besigye in the final week of the campaign, having previously provided balanced coverage. A large number of paid advertisements appeared on NTV and WBS, largely placed by the National Resistance Movement and the Interparty Cooperation/Forum for Democratic Change.

The report “Uganda Media Coverage of the 2011 Elections—Final Media Monitoring Report,” done by Media Monitoring Network, says that in the parliamentary race that featured 443 female candidates, male candidates accounted for 95.4 per cent of coverage in the dailies and 68.1 per cent of the coverage in the weeklies.

**References:**

1. European Union Election Observation Mission, March 2011, “Final Report on the Uganda General Elections, 2011,” <http://www.eueom.eu>
2. Daily Monitor, Nelson Wesonga, May 20, 2011, “Report Faults Media, State on Female Participation in Polls,” [mobile.monitor.co.ug/News/-/691252/1166196/-/...-/index.html](http://mobile.monitor.co.ug/News/-/691252/1166196/-/...-/index.html)

**100:** All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

**75:**

**50:** Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

**25:**

**0:** The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

**Comments:**

Article 67 of the 1995 Uganda Constitution states that “all presidential candidates shall be given equal time and space on the state-owned media to present their programmes to the people.” Similarly, parliamentary candidates should not be denied “reasonable access” to the state media, as specified in Article 22(1) of the Parliamentary Elections Act.

UBC in particular failed to fulfill its constitutional obligation as a state-owned broadcaster, showing a substantial bias toward the incumbent president and the ruling National Resistance Movement party. “UBC Radio allocated three times the amount of airtime

to President Yoweri Museveni and the NRM compared with that allocated to Kizza Besigye and the main opposition parties combined. UBC Radio also used an increasingly negative tone toward the opposition parties as Election Day approached," European Union election monitors said.

UBC television followed a similar pattern. Coverage of Museveni and the NRM on UBC TV and radio amounted to nearly 14 hours, compared with 56 minutes devoted to the president's main challenger, Besigye, and the IPC, according to the monitors. UBC Television was also embroiled in a dispute with the IPC for failing to air Besigye's paid advertisements. Costing 19.8 million Ugandan shillings, these advertisements were scheduled to run from Dec. 4, 2010, to Jan. 4, 2011, but only a small fraction of them aired.

**References:**

1. European Union Election Observation Mission, March 2011, "Final Report on the Uganda General Elections, 2011," [www.eueom.eu/files/pressreleases/english/eueom\\_uganda2011\\_final\\_report\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/eueom_uganda2011_final_report_en.pdf).

2. The Independent, Mubatsi Asinja Habat, March 3, 2011, "How Media Tilted the Election for Museveni," [www.independent.co.ug/election-watch/3979-how-media-tilted-the-election-for-museveni](http://www.independent.co.ug/election-watch/3979-how-media-tilted-the-election-for-museveni)

**100:** The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

**75:**

**50:** The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

**25:**

**0:** The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

---

## 11. Are journalists safe when investigating corruption?

0

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

Yes

**No**

**Comments:**

Fifty-five journalists faced cases of violence from November 2010 to April 2011 (36 assault cases, 1 kidnap and detention incommunicado case, 3 cases of journalists fired by duress, 5 arbitrary arrest and detention cases, 7 cases of threats to journalists, 1 case of a journalist taken to court, 1 case of preferred trumped up charges, and 1 case of a destroyed camera).

**References:**

1. Human Rights Network for Journalists–Uganda, "Press Freedom Index Report," page 35, April 2011, <http://www.hrnjuganda.org>

2. Human Rights Watch/ IFEX, Feb. 11, 2011, "Sixteen Anti-corruption Advocates Interrogated; Journalists Harassed," <http://www.ifex.org>

**Yes:** A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

**No:** A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

Yes | **No**

**Comments:**

On April 14, 2011 in Kampala, WBS TV cameraman Francis Mukasa was beaten while covering protests after the arrest of the Kampala mayor, Ssalongo Erias Lukwago. Ronald Muyinda, a Radio One journalist, was beaten by military personnel at Wampeewo as he was relaying live scenes of gunfire. Muyinda was identified as a journalist in his radio station jacket, but military police charged at him and broke his pelvis and leg.

**References:**

1. IFEX, April 20, 2011, "Authorities Arrest Opposition, Battle Journalists and Protesters," [www.ifex.org/uganda/2011/04/20/walk\\_to\\_work\\_protests/](http://www.ifex.org/uganda/2011/04/20/walk_to_work_protests/)

2. Uganda Correspondent, Nov. 20, 2011, "A Journalist's Encounter With Museveni's Bullets: Part 1," <http://www.ugandacorrespondent.com/articles/2011/03/a-journalist%E2%80%99s-encounter-with-museveni%E2%80%99s-bullets-part-1/>

**Yes:** A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

**No:** A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

Yes | **No**

**Comments:**

A gang of motorcycle taxi drivers beat to death journalist Paul Kiggundu on Sept. 10, 2010, when the drivers discovered he was filming them demolishing the house of another driver, Frank Kagayi, who they said had committed murder and robbery. They accused Kiggundu, the journalist, of spying for the police.

**References:**

1. AFP – Sep 16, 2010, "Second Ugandan Journalist Killed in a Week," <http://www.google.com/hostednews/afp/article/ALeqM5jH4jKJtOWSYgf69RNsEMbVApwPdQ>

**Yes:** A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

**No:** A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

## 66 1.3. Public Requests for Government Information

---

### 12. Do citizens have a legal right to request information?

100

12a. In law, citizens have a right to request government information and basic government records.

Yes

No

**Comments:**

Article 41(1) of the 1995 Constitution of Uganda and Section 5(1) of Access to Information Act 2005 provide that "Every citizen has a right of access to information in the possession of the state or any other organ of the state except where the release of the information is likely to interfere with the security of the state or the right to the privacy of any other person."

**References:**

1. The 1995 Constitution of Uganda, Article 41(1).
2. Access to Information Act 2005, Section 5(1)

**Yes:** A YES score is earned if there is a formal right to request government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

**No:** A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if a request for a basic government record is denied.

Yes | No

**Comments:**

Section 37 of the Access to Information Act 2005 provides that “A person may lodge a complaint with the chief magistrate because of a decision by an information officer that resulted in information being denied.”

**References:**

Access to Information Act 2005, Section 37

**Yes:** A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

**No:** A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

Yes | No

**Comments:**

Section 11(1) of the Access to Information Act 2005 provides that “A request for access to a record or information shall be in writing in the prescribed form to the information officer of the public body in control of the record or information required and shall provide sufficient details to enable an experienced employee of the body to identify the record or information.”

**References:**

Access to Information Act 2005, Section 11(1), All Government Institutions

**Yes:** A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

**No:** A NO score is earned if there is no such formal mechanism or institution.

---

### 13. Is the right to information requests effective?

38

13a. In practice, citizens receive responses to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The information officer has 21 days to decide whether to grant access to information and to notify whoever made the request. The reply can take more than a month. Failure to respond within that time period is deemed a refusal. Journalists usually are the ones seeking such information.

Because of government delays, a number of journalists in Uganda have accessed information through the back door. The Professional Code of Ethics set forth in the Fourth Schedule of The Press and Journalist Act 1994 provides, "A journalist shall obtain his or her information through the skillful application of journalistic principles and shall never bribe or offer inducements to his or her source." Thus, journalists obtain leaked information from government institutions because journalists are not required to declare their sources.

**References:**

1. Freedom House, "Freedom of the Press 2010 Uganda," [www.freedomhouse.org/uploads/fop10/UgandaFOTP2010.pdf](http://www.freedomhouse.org/uploads/fop10/UgandaFOTP2010.pdf)
2. International Freedom of Expression Exchange Clearing House (Toronto), July 7, 2011, "Government Passes Access to Information Act Regulations," <http://allafrica.com>

**100:** Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

**75:**

**50:** Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

**25:**

**0:** Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the information request mechanism at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The access fee, 20,000 Ugandan shillings, is reasonable. However, other charges, such as for photocopying, recording, transferring data and printing, may make the information request expensive to most citizens.

**References:**

The Access to Information Regulations 2011, Schedule 3, <http://greenwatch.or.ug>

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**



**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | **50** | 25 | 0

**Comments:**

Sometimes the government refuses to grant information requested, citing security reasons. Greenwatch, a Kampala-based pressure group, filed a case at the High Court in December 2009 seeking government release of copies of agreements signed with Britain's Heritage Oil and Tullow Oil, Dominion Oil and Neptune Petroleum. Even Parliament has been denied access to the oil-sharing contracts.

**References:**

1. The Telegraph, Rachel Cooper, Jan. 5, 2010, "Ugandans Sue Government Over Oil Deals," [www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/6937546/Ugandans-sue-government-over-oil-deals.html](http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/6937546/Ugandans-sue-government-over-oil-deals.html)

2. International Freedom of Expression Exchange Clearing House (Toronto), July 7, 2011, "Government Passes Access to Information Act Regulations," <http://allafrica.com/stories/201107081292.html>

**100:** Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

**75:**

**50:** Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

**25:**

**0:** The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to information requests within a reasonable time period.

100 | 75 | 50 | **25** | 0

**Comments:**

When citizens are denied access, citizens usually do not appeal. The appeals mechanism is not known to a majority citizens. Even when a citizen files an appeal, the process can take several months to resolve.

**References:**

1. Interview with Shem Byakagaba, lawyer at Lantern Consult International, Sept. 20, 2011, Kampala

2. East Africa Press, April 27, 2010, "Reporters Lose Landmark Case on Access to Official Information," [http://www.eastafricapress.net/index.php?option=com\\_content&view=article&id=318:uganda-ignores-law&catid=94:media-law](http://www.eastafricapress.net/index.php?option=com_content&view=article&id=318:uganda-ignores-law&catid=94:media-law)

**100:** The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no legally prescribed cost, but lawyers charge their clients when their services are required for court appeals. Many Ugandans cannot afford the charges by lawyers.

**References:**

Interview with Shem Byakagaba, lawyer at Lantern Consult International (formerly in Judicial Service Commission), Sept. 20, 2011, Kampala

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

**25:**

**0:** The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

**Comments:**

The Access to Information Act 2005 permits the government to withhold information related to the operation of public bodies, as well as commercial information if release of the information could put the third party “at a disadvantage in contractual or commercial negotiations.” The lower Magistrates’ Courts have recently interpreted these exceptions broadly, enabling them to strike down a number of citizen requests for information.

**References:**

World Resources Institute, Gaia Larsen, Carole Excell and Peter G. Veit, June 30, 2011, "Uganda's Access to Information Regulations: Another Bump in the Road to Transparency," <http://pdf.wri.org>

**100:** The government always discloses to the requestor the specific, formal reasons for denying information requests.

**75:**

**50:** The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

**25:**

**0:** The government does not regularly give reasons for denying an information request to the requestor.

---

## Category 2. Elections

---

### 2.1. <sup>62</sup>Voting and Party Formation

---

#### 14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

Yes

No

**Comments:**

Article 59(1) of the Constitution of Uganda 1995 provides that every citizen of Uganda 18 or older has a right to vote. Universal adult suffrage is guaranteed to all eligible citizens by the 1995 Constitution under articles 78(3) for Parliament, 103(1) for president, 176(3) for local government and 183(1)(b) for district chairpersons.

**References:**

The Constitution of Uganda 1995, Articles 59(1), 78(3), 103(1), 176(3) and 183(1)(b)

**Yes:** A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

**No:** A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people

are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

Yes | No

**Comments:**

Article 67(1) of the 1995 Constitution provides that the Electoral Commission shall ensure that elections are held at fixed times and that the public is notified in advance of elections. General elections are held every five years.

**References:**

The Constitution of Uganda 1995, Article 67(1)

**Yes:** A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

**No:** A NO score is earned if no such framework exists.

---

## 15. Can all citizens exercise their right to vote?

67

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

**Comments:**

Only citizens who are 18 or older and who are registered to vote may cast ballots. However, those who turn 18 after voter registration and before voting day are not eligible. Some voters are disenfranchised through removal from the register. It is the constitutional duty of citizens of Uganda who are at least 18 to register and vote in public elections and referendums. According to the Electoral Commission Act, Cap.140, citizens must register as voters in areas of their residence or their origin.

**References:**

1. The Observer, David Tash Lumu, Feb. 27, 2011, "Was the Election Rigged?" [www.observer.ug](http://www.observer.ug)

2. Eric Kashambuzi, March 23, 2011, "Museveni Has No Legitimacy to Govern in Uganda," <http://kashambuzi.com>

**100:** Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

**75:**

**50:** Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

**25:**

**0:** Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | **50** | 25 | 0

**Comments:**

Although ballots are secret, Electoral Commission officials arrange the voting process. This does not guarantee secrecy. Citizens vote in the open, and others are assisted to vote. In 2011, the chairman of the Electoral Commission, Badru Kiggundu, said voting in Kampala was canceled because there were boxes packed with pre-marked ballots in favor of Peter Sematimba, the National Resistance Movement mayoral candidate.

**References:**

1. UG Pulse, Feb. 23, 2011, "Uganda Government News: Kampala Mayoral Elections Suspended," [www.ugpulse.com](http://www.ugpulse.com)
2. Crested Journal, Agencies, Feb. 3, 2011, "Uganda Presidential Vote in Trouble," [www.crestedjournal.com](http://www.crestedjournal.com)

**100:** Ballots are secret, or there is a functional equivalent protection, in all cases.

**75:**

**50:** Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

**25:**

**0:** Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | **75** | 50 | 25 | 0

**Comments:**

Elections are held every five years. There are also by-elections that arise from nullification of results by a court or by the death of an elected leader. By-elections are held within 60 days to fill vacancies that occur between general elections. The elections at the village level have not been carried out for lack of funds. The Electoral Commission told MPs earlier that it was unable to hold the elections and requested 129 billion shillings to conduct them.

**References:**

1. Uganda News Picks, Aug 25, 2011, "Entebbe Municipality By-Election Date Set," [www.ugandapicks.com](http://www.ugandapicks.com)

2. Inter-Parliamentary Union, May 24, 2011, [www.ipu.org](http://www.ipu.org)

3. UG Pulse, Aug. 26, 2011, "Uganda Government News: Elections For LCI And LCII For May 2012," [www.ugpulse.com](http://www.ugpulse.com)

**100:** Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

**75:**

**50:** Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

**25:**

**0:** Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

---

## 16. Are citizens able to participate equally in the political process?

70

16a. In law, all citizens have a right to form political parties.

Yes

No

### Comments:

Article 72(1) of the Constitution provides that Ugandans have a right to form political parties and other political organizations. This right is further provided for in the 2005 Political Parties and Organizations Act, Section (2), which states that every Uganda citizen can form or join a political party or organization of his/her choice.

### References:

1. Constitution of Uganda 1995, Article 72(1)
2. The Political Parties and Organizations Act 2005. Section 3(2)

**Yes:** A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

**No:** A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

Yes

No

**Comments:**

Article 72(2) of the 1995 Constitution of Uganda stipulates that any person has a right to stand for election as an independent candidate. But the Parliamentary Elections Act, and the Presidential Elections Act require aspirants to have minimum qualifications to seek political office.

**References:**

Constitution of Uganda 1995, Article 72(2)

**Yes:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

**No:** A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | **50** | 25 | 0

**Comments:**

Not all citizens are able to form political parties because of the requirements. For example, applicants are required to submit the names and addresses of at least 50 members of the organization from 60 of 80 traditional geographical region of Uganda. Each person also must be a resident or a registered voter in the district. Uganda has 38 registered political parties.

**References:**

1. Parliament of Uganda Website, <http://www.parliament.go.ug>
2. Electoral Commission Website, "Registration of Parties, How to Apply for Registration," [www.ec.or.ug](http://www.ec.or.ug)

**100:** While there is no guarantee of electoral success, political parties can form freely without opposition.

**75:**

**50:** Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

**25:**

**0:** Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

**Comments:**

Not all citizens can run for political office. There are limitations such as age, education and voter registration. To stand for president, one needs to pay 8 million Ugandan shillings to the Electoral Commission to be nominated. Cost can be a barrier to many citizens who want to seek political office. Even at lower levels in the last elections, some candidates failed to get nominated because they could not raise 20,000 shillings (about US\$8).

**References:**

1. Uganda Radio Network, Columbus Tusiime, Dec. 12, 2011, UFA Parliamentary Aspirant Threatens to Sue EC," <http://ugandaradionetwork.com/a/story.php?s=30892>

2. New Vision, Ismael Kasooha, Oct. 28, 2010, "Candidates Appeal for Nomination Extension," <http://allafrica.com/stories/201010290015.html>

**100:** While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

**75:**

**50:** Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

**25:**

**0:** Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

**Comments:**

Opposition parties are represented in Parliament, but their influence is limited. The 9th Parliament has representatives of Forum for Democratic Change, 34; Democratic Party, 12; Uganda People's Congress, 10; Conservative Party, 1; and Justice Forum of Uganda, 1. The ruling National Resistance Movement has 263 representatives, Uganda People's Defense Forces, 10, and the Independents, 44.

**References:**

1. Inter-Parliamentary Union, May 24, 2011, [www.ipu.org](http://www.ipu.org)

2. Parliament of Uganda, [www.parliament.go.ug](http://www.parliament.go.ug)

**100:** The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

**75:**



**50:** The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

**25:**

**0:** The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

---

## 2.2. Election Integrity

---

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

100

17a. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

Yes

No

**Comments:**

Section 16(1) provides that the Electoral Commission may at any election accredit an individual, group or institution to act as an election observer.

**References:**

1. The Constitution of Uganda 1995, Article 61(h)
2. The Electoral Commission Act 1997, Section 16, Electoral Commission. [www.ec.or.ug](http://www.ec.or.ug)

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

**No:** A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

---

18. Is the election monitoring agency effective?

60

18a. In law, the agency or set of agencies/entities is protected from political interference.

Yes

No

**Comments:**

Subject to the Constitution, the commission shall be independent. Commissioners are appointed by the president without consultation with representatives of other political parties. This has made the process prone to political influence by the ruling party.

**References:**

1. The Electoral Commission Act 1997, Section 13, [www.ec.or.ug](http://www.ec.or.ug).
2. The Independent, Mubatsi Asinja Habati, July 8, 2011, "Uganda Needs an Independent Electoral Commission Before 2016," [www.independent.co.ug](http://www.independent.co.ug)

**Yes:** A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

The 2011 elections were better than those of 2006, but they still had major flaws because the independence of the Electoral Commission was highly contested. The top officials are appointed by the president without involving other political parties that are key players. Some commissioners are linked to the ruling party.

**References:**

1. The Independent, Mubatsi Asinja Habati, July 8, 2011, "Uganda Needs an Independent Electoral Commission Before 2016," [www.independent.co.ug/column/interview/4354-uganda-needs-an-independent-electoral-commission-before-2016](http://www.independent.co.ug/column/interview/4354-uganda-needs-an-independent-electoral-commission-before-2016)
2. The Independent, Feb. 10, 2011, "Opposition Accuse Electoral Commission of 'Openly Partisan' Behaviour," [www.independent.co.ug/ugandataalks/2011/02/opposition-accuse-electoral-commission-of-openly-partisan-behaviour/?Itemid=410](http://www.independent.co.ug/ugandataalks/2011/02/opposition-accuse-electoral-commission-of-openly-partisan-behaviour/?Itemid=410)

**100:** Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has full-time staff. The challenge is that many new districts have been created and that the EC must recruit staff for the new places. Since 2009 about 35 districts have been created. In 2010, Electoral Commission Chairman Badiru Kigundu warned that new districts were affecting management of elections because the commission would need 500 million shillings to run offices and staff for each of them.

**References:**

1. The Electoral Commission Act 1997, Sections 4 and 5, [www.ec.or.ug](http://www.ec.or.ug)
2. Uganda Radio Network, April 22, 2010, "Government Creates 14 New Districts." <http://ugandaradionetwork.com>

**100:** The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

**Comments:**

The EC makes a detailed report after every general election, in addition to the announcement of election results. The EC produces and submits a report to Parliament of any election within six months after the results are declared. But such reports are usually delayed for the public's consumption. For example, the February report for 2011 was not yet published 10 months after the elections.

**References:**

1. Sabiti Makara, 2011, "The Management of the 2011 Elections in Uganda," [www.cmi.no](http://www.cmi.no)
2. Konrad-Adenauer-Stiftung e.V., 2010, "The State of Multiparty Democracy in Uganda," edited by Yusuf Kiranda and Mathias Kamp, [www.kas.de](http://www.kas.de)

**100:** Reports are released to the public on a predictable schedule, without exceptions.

**75:**

**50:** Reports are released, but may be delayed, difficult to access, or otherwise limited.

**25:**

**0:** The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | **50** | 25 | 0

**Comments:**

The Electoral Commission sometimes disqualifies candidates who do not adhere to the electoral law and regulations. In 2010 the EC disqualified candidate Joseph Simuya, also known as Charles Simuya, for the district chairman seat in Bududa District over allegations of multiple registration. Others who have been disqualified are Sam Kigulu (LC5 Nakasongola), Francis Ekadu Elasu (MP Kapelabyongo), Jonathan Butera (MP Mityana), Ruth Asiimwe (woman MP Lyantonde), Robert Owamani (MP Rubabo), John Mulimba (Samia Bugwe North), Martin Nangoli (MP Bulambuli), Ddungu Matovu (LC5 councillor Rubaga), Alilidah Kyomuhendo (woman councillor Kabuyanda), Joseph Simiya (LC3 Bududa), Gorreti Namazzi (LC5 councillor Makerere University) and John Ndawula (LC3 Kyambogo). In many cases, the EC fails to impose penalties and a court nullifies the elections.

**References:**

1. Daily Monitor, David Mafabi, Dec. 27, 2010, "EC Disqualifies Candidate in Bududa," <http://mobile.monitor.co.ug>
2. New Vision, Mary Karugaba, Dec. 29, 2010, "EC Disqualifies 18 Candidates," [www.newvision.co.ug](http://www.newvision.co.ug)

**100:** When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

**75:**

**50:** The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

---

## 19. Are elections systems transparent and effective?

63

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | 25 | 0

**Comments:**

There is a clear system of voter registration, but it has been criticized for lack of transparency. Ghost voters and ineligible people appear on the voters register. This was confirmed in a DEMGroup report before the February 2011 elections. More than 600,000 unknown voters were found on the national voters register.

**References:**

1. Uganda News Picks, Feb 17, 2011, "Dead Voters Registered – Report Says," [www.ugandapicks.com](http://www.ugandapicks.com)
2. Konrad-Adenauer-Stiftung e.V., 2010, "The State of Multiparty Democracy in Uganda," edited by Yusuf Kiranda and Mathias Kamp. [www.kas.de/wf/doc/kas\\_21611-1522-2-30.pdf?110113145556](http://www.kas.de/wf/doc/kas_21611-1522-2-30.pdf?110113145556)

**100:** There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

**75:**

**50:** There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

**25:**

**0:** The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and "ghost" voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

Yes | No

**Comments:**

Section 60(1) of the Parliamentary Elections Act 2005 states that election petitions shall be filed with the High Court within 30 days after the election results are published by the Electoral Commission in the gazette. Article 104 of the Constitution and Section 59 of the Presidential Elections Act, 2005 provide that any aggrieved candidate may petition the Supreme Court for an order that a candidate declared by the Electoral Commission as president was not validly elected.

**References:**

1. Parliamentary Elections Act 2005, Section 60(1)
2. Uganda Constitution of 1995, Article 104
3. Presidential Elections Act 2005, Section 59(1)

**Yes:** A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

**No:** A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

**Comments:**

Many election results have been effectively appealed by aggrieved parties, especially parliamentary and local government elections. In July 2011, the High Court in Kampala annulled the election of Entebbe Municipality MP Mohammed Kawuma (DP) and ordered fresh elections. For presidential results, an appeal is difficult because of time limits.

**References:**

1. New Vision, Aug. 3, 2011, "Court Annuls Entebbe MP Election," [www.newvision.co.ug](http://www.newvision.co.ug)
2. Daily Monitor, Anthony Wesaka and Martin Ssebuyira, Aug. 4 2011, "Court Nullifies Entebbe Municipality MP's Election," [www.monitor.co.ug](http://www.monitor.co.ug)

**100:** The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

**75:**

**50:** The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

**25:**

**0:** The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

**Comments:**

The military and security forces are not neutral during elections. They have been partisan in support of the ruling National Resistance Movement party. For example, journalist Julius Odeke, who was shot during the 2011 elections, has sued the government. Odeke filed a joint suit in Mbale High Court with Nathan Nandala Mafabi, the opposition leader in Parliament who was also injured. He seeks compensation from the government for the gunshot wounds he suffered when he was shot by presidential guard brigade soldiers while covering the Feb. 18 presidential and parliamentary elections in Sironko District.

**References:**

1. Radio City, Kevin Masaba, July 5, 2011, "Journalist Sues Gov't for 375 Million," <http://radiocity.ug>

**100:** The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

**75:**

**50:** The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

**25:**

**0:** The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

Yes

No

**Comments:**

Section 16(1) of the Electoral Commission Act 1997 states that the commission may at any election accredit any individual, group or institution to act as an election observer. This includes local and international observers.

**References:**

The Electoral Commission Act 1997, Section 16, <http://www.ec.or.ug>.

**Yes:** A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

**No:** A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100

75

50

25

0

**Comments:**

Although observers are able to monitor elections, state security operatives interfere with their efforts. Monitors are required to get accreditation after they have been vetted by the resident district commissioner and Internal Security operatives. The ruling party threatened to deregister some of the local observer groups like DEMGroup during the 2011 general elections. The data center for DEMGroup was also blocked on Election Day before counting started.

**References:**

1. WBS TV, Timothy Sibasi, Dec. 4, 2010, "DEMGROUP Vows Not to Be Intimidated by NRM," [www.wbs-tv.co.ug](http://www.wbs-tv.co.ug)
2. Daily Monitor, Tabu Butagira, Feb. 16, 2011, "EC Blocks Report on Ghost Voters," <http://dailymonitormobile.com>

**100:** Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

**75:**

**50:** Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

**25:**

**0:** Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

---

74

## 2.3. Political Financing Transparency

---

### 20. Are there regulations governing the financing of political parties?

83

20a. In law, there are limits on individual donations to political parties.

Yes

No

**Comments:**

A foreign person or body cannot make a contribution to a political party or organization in excess of 400 million Ugandan shillings (about US\$171,000 in late January 2012) within one year.

**References:**

Political Parties and Organizations Act 2005, Section 14(1)

**Yes:** A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

**No:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.



Yes | No

**Comments:**

A political party or organization cannot ask for or receive a contribution from one or more foreign sources of more than 4 billion shillings (about US\$1.73 million in late January 2012).

**References:**

Political Parties and Organizations Act 2005, Section 14(3)

**Yes:** A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

**No:** A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

Yes | No

**Comments:**

There are no limits on expenditures. Parties are required to disclose what has been spent.

**References:**

Political Parties and Organizations Act 2005, Section 12

**Yes:** A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

**No:** A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

Yes | No

**Comments:**

Political parties are required to disclose what has been received from donors.

**References:**

Political Parties and Organizations Act 2005, Section 9

**Yes:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

**No:** A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

Yes

No

**Comments:**

The accounts of every political party or organization shall be audited once every year but not later than six months after its financial year, by an auditor from a recognized professional body.

**References:**

Political Parties and Organizations Act 2005, Section 12(3)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

Yes

No

**Comments:**

The Electoral Commission monitors the financing of political parties. The EC is charged with registering political parties and organizations. Political parties are required to file with the commission audited statements of accounts, including a written declaration of assets and liabilities within 60 days after the first year of registration and audited statements of accounts within six months from the end of the financial year.

**References:**

Political Parties and Organizations Act 2005, Section 12(4)

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

**No:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and non-governmental organizations.

## 21. Are there regulations governing the financing of individual political candidates?

100

21a. In law, there are limits on individual donations to political candidates.

Yes

No

### Comments:

A presidential candidate cannot obtain financial donations from a foreign donor declared before Parliament as an enemy of Uganda at least three months before nominations.

### References:

Presidential Elections Act 2005, Section 22(4)

**Yes:** A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

**No:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

Yes

No

### Comments:

A presidential candidate cannot obtain financial donations from a foreign donor declared before Parliament as an enemy of Uganda at least three months before nominations.

### References:

Presidential Elections Act 2005, Section 22(4)

**Yes:** A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

**No:** A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

Yes

No

**Comments:**

A candidate is to keep a record of all funds requested and received and their sources and to account, within 30 days after the election, for the use of public resources, including 20 million shillings received from Electoral Commission at nomination.

**References:**

Presidential Elections Act 2005, Section 22(6)

**Yes:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

**No:** A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

Yes

No

**Comments:**

A candidate is to keep a record of all funds he/she asked for and received and their sources and to account, within 30 days after the election, for the use of public resources, including 20 million shillings received from the Electoral Commission at nomination.

**References:**

Presidential Elections Act 2005, Section 22(6)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

Yes | No

**Comments:**

Candidates submit records of campaign funds to the Electoral Commission.

**References:**

Presidential Elections Act 2005, Section 22(7)

**Yes:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

**No:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and non-governmental organizations.

---

## 22. Are the regulations governing the political financing of parties effective?

17

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has failed to enforce or regulate individual donations to political parties. Although the regulations require the government to provide finances to all registered political parties, this has not yet happened since 2010. The parties seek financing elsewhere.

Political parties face a number of logistical challenges, mainly because of the limited resources available to them. This makes it difficult for them to conduct effective campaigns, as well as fulfill core functions.

**References:**

1. New Vision, Cyprian Musoke, July 9, 2011, "When Will Gov't Begin Funding Political Parties?" <http://allafrica.com/stories/201107111172.html>

2. Paul K. Ssemogerere, 2011, "Reality Check: Political Party Financing in Uganda A Critical Analysis in Reference to Other Countries," [http://www.kas.de/wf/doc/kas\\_23077-1522-2-30.pdf?110715101952](http://www.kas.de/wf/doc/kas_23077-1522-2-30.pdf?110715101952)

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind

support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has failed to regulate corporate donations to the political parties. The EC does not have the capacity to enforce these regulations.

Although public funding of political parties became law with enactment of the 2010 amendment of the Political Parties and Organizations Act 2005, no steps have been taken to implement it. Such a development—even when existing economic constraints are considered—indicates limited commitment of the Ugandan government to political party financing.

**References:**

1. Elijah D. Mushemeza, "The Functioning of a Multiparty System in Local Government: Challenges of Transition From the Movement System in Uganda," ACODE Policy Briefing Paper, No. 20, 2007, [www.acode-u.org/documents/functionOfMultiParty.pdf](http://www.acode-u.org/documents/functionOfMultiParty.pdf)
2. New Vision, Cyprian Musoke, July 9, 2011, "When Will Govt Begin Funding Political Parties?" <http://allafrica.com/stories/201107111172.html>
3. Konrad-Adenauer-Stiftung, May 26, 2011, "Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries," [www.kas.de/uganda/en/publications/23077/](http://www.kas.de/uganda/en/publications/23077/)

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

**Comments:**

The Electoral Commission has not initiated investigations, despite a recent announcement that it would ask the High Court to deregister political parties that failed to disclose accounts.

As Svein-Erik Helle states in “Breaking the ‘Vicious Cycle’: Financial Challenges for the Opposition Parties in Uganda and the Role of the International Community”:

“Several issues in the most recent campaign point to the abuse of state resources [in Uganda]. First of all, the passing of a supplementary budget in January 2011 led to large-scale suspicion and outcry among opposition politicians. The supplementary budget of US\$257 million, approved by Parliament on Jan. 4, came barely six months after the original budget was posted and only two months after it was approved.

“Among the expenditures in the budget was a US\$33.6 million allocation to the State House, which the opposition claimed was going to be used for the campaigns. While these allegations were rejected by the NRM party, some of the posts seemed very ad hoc, such as the request for US\$4.2 million to facilitate jobless youth.

“A day after the passing of the supplementary budget, it emerged that the NRM flagbearers were given US\$8,500 each by the party, allegedly for their campaigns. The party denied any links between the supplementary budget and the allocation, however. In addition, all MPs in Parliament were in January 2011 given US\$8,500, allegedly for monitoring of government programs.”

**References:**

1. European Union Election Observation Mission, Feb. 20, 2011, “Uganda 2011 Elections: Improvements Marred by Avoidable Failures,” [www.eueom.eu/files/pressreleases/english/press\\_release\\_preliminarystatement\\_uganda\\_20\\_february\\_en.pdf](http://www.eueom.eu/files/pressreleases/english/press_release_preliminarystatement_uganda_20_february_en.pdf)
2. Konrad-Adenauer-Stiftung, May 26, 2011, “Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries,” [www.kas.de/uganda/en/publications/23077/](http://www.kas.de/uganda/en/publications/23077/)
3. Chr. Michelsen Institute, Svein-Erik Helle, 2011, “Breaking the ‘Vicious Cycle’: Financial Challenges for the Opposition Parties in Uganda and the Role of the International Community,” [www.cmi.no/file/?1319](http://www.cmi.no/file/?1319)

**100:** Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

**Comments:**

The compliance with the Political Parties and Organizations Act is still low. There is no known case in which the Electoral Commission has initiated investigations.

**References:**

1. John Ssenkumba, senior researcher, Center for Basic Research, Kampala, "Political Party Financing in Uganda," <http://library.fes.de/pdf-files/bueros/uganda/05916.pdf>
2. Konrad-Adenauer-Stiftung, May 26, 2011, "Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries," [www.kas.de/uganda/en/publications/23077/](http://www.kas.de/uganda/en/publications/23077/)

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | **50** | 25 | 0

**Comments:**

There is no known incident in which a political party has been penalized or found in violation of the regulations.

**References:**

1. John Ssenkumba, senior researcher, Center for Basic Research, Kampala, "Political Party Financing in Uganda," <http://library.fes.de/pdf-files/bueros/uganda/05916.pdf>
2. Konrad-Adenauer-Stiftung, May 26, 2011, "Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries," [www.kas.de/uganda/en/publications/23077/](http://www.kas.de/uganda/en/publications/23077/)

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**



**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

The contributions to political parties are not audited. The Electoral Commission lacks the capacity to handle such auditing.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

**75:**

**50:** Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

**25:**

**0:** Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

---

## 23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

**Comments:**

The limits on individual donations to political candidates are not known to have been violated, since the Electoral Commission has not initiated investigations to establish who donated what.

**References:**

1. Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has not initiated verification to establish the effectiveness in regulating a company's ability to financially support a candidate.

**References:**

1. Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011
2. Konrad-Adenauer-Stiftung, May 26, 2011, "Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries," [www.kas.de/uganda/en/publications/23077/](http://www.kas.de/uganda/en/publications/23077/)

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has not initiated investigations into financing of individual candidates' campaigns

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

**25:**

**0:** The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

The Electoral Commission has not imposed penalties on financing of individual candidates' campaigns.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

**75:**

**50:** The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

The finances of individual candidates' campaigns are not audited.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

**75:**

**50:** The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

**25:**

**0:** The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

---

## 24. Can citizens access records related to the financing of political parties?

0

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Political parties have failed to disclose data relating to financial support and expenditures.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Political parties disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The financial records of political parties are not published and therefore are not accessed by citizens.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no cost incurred by citizens, since the records are not available to them.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Since financial records of political parties are not publicly available, there is no means of determining their quality.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

---

## 25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Citizens cannot access records related to the financing of individual candidates' campaigns because they are not publicly available.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Individual candidates disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Citizens cannot access the financial records of individual candidates (their campaign revenues and expenditures) because they are not publicly available.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no cost incurred by citizens, since the records are not accessible by citizens.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Since financial records of political candidates are not publicly available, there is no means to determine their quality.

**References:**

Interview with John Mary Odoy, election specialist, Uganda Joint Christian Council, Kampala, Sept. 30, 2011

**100:** Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.



### 3.1. <sup>68</sup>Conflicts of Interest Safeguards & Checks and Balances: Executive Branch

26. In law, can citizens sue the government for infringement of their civil rights?

100

26a. In law, can citizens sue the government for infringement of their civil rights?

Yes

No

**Comments:**

Article 42 of the 1995 Uganda Constitution provides that any person appearing before any administrative official or body has a right to be treated justly and fairly and to apply to a court of law concerning any administrative decision made against him or her.

**References:**

Constitution of Uganda 1995. Article 42, [www.justice.go.ug](http://www.justice.go.ug)

**Yes:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

**No:** A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

27. Can the chief executive be held accountable for his/her actions?

63

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100

75

50

25

0

**Comments:**

The president gives reasons for his policy decisions, though sometimes they are communicated after he implements the decisions. An example is when fighter jets were purchased for US\$744 million from Russia without approval by Parliament. The president asked ruling-party lawmakers to approve the cost of the fighter jets retroactively. Opposition lawmakers said they

viewed the procurement as illegal and accused the government of draining the central bank's reserves without parliamentary approval.

**References:**

1. The Wall Street Journal, Nicholas Bariyo, April 7, 2011, "Uganda Buys Fighter, Jets," <http://online.wsj.com>
2. New Vision, Milton Olupot, April 9, 2011, "Fighter Jets to Protect Oil- Government," [www.newvision.co.ug](http://www.newvision.co.ug)

**100:** The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

**75:**

**50:** The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

**25:**

**0:** The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

Yes

No

**Comments:**

Article 126 of the 1995 Constitution states that judicial power is derived from the people and shall be exercised by the courts established under the Constitution in the name of the people and in agreement with the law and the values, norms and aspirations of the people. Sometimes the executive ignores judicial orders.

**References:**

Constitution of Uganda 1995, Article 126, [www.justice.go.ug](http://www.justice.go.ug)

**Yes:** A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

**No:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

**Comments:**

The judiciary reviews the actions of the executive, especially when they infringe on the Constitution.

During an National Resistance Movement Parliamentary Caucus meeting in July 2011 President Yoweri Museveni reportedly said former Vice President Gilbert Bukenya had no case to answer. Bukenya was charged with abuse of office and fraud for his alleged role in awarding 9.4 billion shillings to Motorcare to supply 204 executive vehicles during the Commonwealth Meeting. Bukenya was also charged with abuse of office in the awarding of a contract to supply 80 units of BMW R 1200 police outrider motorcycles.

Erias Kisawuzi, spokesman for the judiciary, said the institution stands by its position of July 13, 2011, that pronouncements attributed to the president regarding Bukenya's appeal contesting his trial undermined the public's confidence in the courts. The judiciary stated, "It is important to note that the Constitution provides that the judiciary is the adjudicating authority in Uganda and no person or authority shall interfere with the courts or judicial officers in the exercise of their judicial functions."

**References:**

1. New Vision editorial, Oct. 16, 2010, "Independence of Judiciary Guaranteed," <http://allafrica.com/stories/201010180422.html>
2. Daily Monitor, Ephraim Kasozi and Anthony Wesaka, Oct. 7, 2011, "Bukenya – Judiciary Tells Off Museveni," <http://allafrica.com/stories/201110070108.html>

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

**75:**

**50:** The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

**Comments:**

President Yoweri Museveni has used executive orders to grant access to payments from state coffers. Museveni authorized compensation to business tycoon Hassan Basajjabalaba for the loss of contracts to manage city markets. These payments, which amounted to more than 142 billion shillings, are being investigated by Parliament. Presidential representatives contend Museveni did not know the amount of the buyout. The president also directed purchase of fighter jets worth 1.7 trillion shillings without seeking approval of Parliament first.

Museveni is also pressuring MPs to remove the right to bail and introduce detention without trial. The president recently reignited the separation-of-powers debate when he declared that former Vice President Gilbert Bukenya's corruption charges lacked merit. This increased the perception that the executive branch is usurping the roles of the other branches of government.

**References:**

1. Filtre, July 15, 2011, "Is the Executive Usurping Roles of Other State Arms?" [www.filtrenews.com](http://www.filtrenews.com)
2. New Vision, Ofwono Opondo and Wafula Oguttu, "What Does the Proposed Amendment to Scrap Bail Mean for Uganda?" May 21, 2011, [/www.sundayvision.co.ug](http://www.sundayvision.co.ug)

**100:** The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

**75:**

**50:** The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

**25:**

**0:** The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

---

## 28. Is the executive leadership subject to criminal proceedings?

50

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

Yes

**No**

**Comments:**

Article 98(4) of the Uganda Constitution provides that the president shall not be liable to proceedings in any court. After leaving power, the president can be prosecuted. The vice president, prime minister and other ministers can be prosecuted while holding office. The Constitutional Court ruled that former Vice President Gilbert Bukenya had no presidential immunity and therefore must stand trial in connection with the Chogm vehicles procurement process.

**References:**

1. Constitution of Uganda 1995, Article 98(4), [www.justice.go.ug](http://www.justice.go.ug)
2. New Vision, Anne Mugisha and Edward Anyoli, July 31, 2011, "Bukenya Loses Court Petition," [www.newvision.co.ug](http://www.newvision.co.ug)

**Yes:** A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

Yes | No

**Comments:**

Article 118(1) of the Constitution states that Parliament may, by a resolution supported by more than half of its members, vote to censure a minister on any of these grounds: a) abuse of office or willful violation of the oath of allegiance or oath of office; b) misconduct or misbehavior; c) physical or mental incapacity, namely, that he or she is incapable of performing the functions of the office; (d) mismanagement; (e) incompetence. Ministers are not exempt from prosecution for crimes they commit.

**References:**

Constitution of Uganda 1995, Article 118(1), [www.justice.go.ug](http://www.justice.go.ug)

**Yes:** A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

**No:** A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

---

## 29. Are there regulations governing conflicts of interest by the executive branch?

59

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

Yes | No

**Comments:**

Section 4(1) of the Leadership Code Act 2002 provides that a leader shall within three months after the commencement of the code and every two years in March thereafter submit to the inspector-general a written declaration of the leader's income, assets and liabilities and the names, income, assets and liabilities of that person's spouse, child and dependent, without prejudice to the rights of the leader's spouse, child and dependent to independently own property.

**References:**

The Leadership Code Act 2002, Section 4(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

Yes | No

**Comments:**

Section 4(1) of the Leadership Code Act 2002 provides that a leader shall within three months after the commencement of the code and every two years in March thereafter submit to the inspector general a written declaration of his or her income, assets and liabilities and the names, income, assets and liabilities of the leader's spouse, child and dependent, without prejudice to the rights of the leader's spouse, child and dependent to independently own property.

**References:**

The Leadership Code Act 2002, Section 4(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

**No:** A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

Yes | No

**Comments:**

Section 10 (1) of the Leadership Code Act 2002 provides that a gift or donation to a leader for any public or ceremonial occasion, or commission on any transaction shall be treated as a gift, donation or commission to the government or institution represented by the leader and be declared to the inspector-general. The government or institution shall keep an inventory of any such gifts. The code also says a leader may accept a personal gift or donation from a relative or personal friend "to such an extent and on such occasion as is recognized by custom."

**References:**

The Leadership Code Act 2002, Section 10(1 and 2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

Yes | No

**Comments:**

Section 3(2) of the Leadership Code Act 2002 provides that the Inspectorate shall receive and examine declarations and examine whether a leader has corrupt influence or has corruptly entered into a contract with a government or public body or foreign business organization.

**References:**

The Leadership Code Act 2002, Section 3(2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

Yes | **No**

**Comments:**

The president and ministers are not prohibited from engaging in private business while they are in public office or when they leave office.

**References:**

The Leadership Code Act, 2002, Section 16, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

**No:** A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

No regulations restrict post-government employment in the private sector for heads of state and government, and ministers.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate “cooling off” period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | **25** | 0

**Comments:**

The regulations governing gifts and hospitality offered to members of the executive branch are not effective. Leaders rarely declare gifts, and the Inspectorate of Government does not have the capacity to enforce these regulations. The Leadership Code requires that any gifts worth more than 100,000 shillings be declared.

In select cases, leaders have declared gifts. The commander of the land forces, Gen. Katumba Wamala, declared the receipt of a pistol from an export company in Karachi, Pakistan. The two others who declared gifts were Uganda Revenue Authority boss Allen Kagina and former Inspector General of Government Faith Mwendha. Kagina said she received a digital photo frame from the Chinese ambassador to Uganda and a handset from Uganda Telecom Limited, while Mwendha reported 120,000 shillings in honorarium and \$100 in facilitation for two conferences.

In 2010, just three leaders declared gifts:

1. The agricultural inspector general of government declared a gift of a cow from the old boys of St. John Bosco Seminary of Hoima Diocese. He was advised to keep the gift because it was given to him as an old boy of a seminary.
2. The commissioner general of Uganda Revenue Authority declared a gift of a Nokia N97 mobile phone she received from Uganda Telecom Limited as a Christmas gift. The commissioner was advised to use the phone but have it registered in the corporation’s Assets Register.
3. The minister of state for health—primary health care declared a gift of a Nokia E63 mobile phone from MTN. It was noted that he had won the cellphone in an on-going promotion in which MTN rewarded some of its subscribers and customers. He was advised to employ the phone for personal use.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Jamiiforums.com, Joyce Namutebi, Jan. 6, 2010, “Uganda’s IGG to Seize Property of 3 Leaders,” [www.jamiiforums.com](http://www.jamiiforums.com)
3. Inspectorate of Government, Oct. 11, 2010, “Report to Parliament: January– June 2010,” [www.igg.go.ug/static/files/publications/igg-annual-report-2010.pdf](http://www.igg.go.ug/static/files/publications/igg-annual-report-2010.pdf)

**100:** The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

**75:**



**50:** The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | **50** | 25 | 0

**Comments:**

Executive branch asset disclosures are rarely audited. The auditing is sometimes done when a complaint has been filed against a leader. About 90 percent of the more than 19,000 leaders submitted their declarations in the first half of 2009. That left more than 1,700 leaders who did not comply with the leadership code, but their names were not revealed. About 6,500 of the declarations submitted were examined.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Jamiiforums.com, Joyce Namutebi, Jan. 6, 2010, "Uganda's IGG to Seize Property of 3 Leaders," [www.jamiiforums.com](http://www.jamiiforums.com)

**100:** Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

---

### 30. Can citizens access the asset disclosure records of the heads of state and government?

50

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

**Yes** | No

**Comments:**

The contents of a declaration under the Leadership Code are treated as public information and accessible to the public upon application to the inspector general of government in the form prescribed by the code.

**References:**

The Leadership Code Act 2002, Section 7, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The release of asset disclosure records is at the discretion of the inspector general of government. Citizens have to first apply as provided in the Access to Information Act. This can take about one month.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Jamiiforums.com, Joyce Namutebi, Jan. 6, 2010, "Uganda's IGG to Seize Property of 3 Leaders," [www.jamiiforums.com/international-forum/49095-ugandas-igg-to-seize-property-of-3-leaders.html](http://www.jamiiforums.com/international-forum/49095-ugandas-igg-to-seize-property-of-3-leaders.html)

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some additional delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Per law, the access fee is one currency point (20,000 shillings), which is reasonable. But there are other charges, like for photocopying, which may make access expensive for many citizens. Most citizens are not aware of this right of access.

**References:**

The Access to Information Regulations 2011, Schedule 3, <http://greenwatch.or.ug>

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | **50** | 25 | 0

**Comments:**

Asset disclosures are not published publicly, so citizens cannot assess whether they are of high quality. Some leaders use children or their relatives to hide assets.

A New Vision editorial notes this case involving assets: The inspector general of government lost a landmark case in May 2010 when the High Court ruled that it was improper for the IGG to dismiss Nestor Gasasira from his principal accountant position at the Ministry of Health and to seize his wealth. The IGG claimed Gasasira violated the code because he accumulated more wealth than his income and did not declare assets required by the Leadership Code. The court overturned the IGG's decision on grounds that the IGG never gave Gasasira a fair hearing. Moreover, it said, Gasasira's removal was a matter that was under the jurisdiction of the Leadership Code Tribunal, not the IGG.

**References:**

1. Uganda Radio Network, George Matovu, March 31, 2011, "Leaders Rush to Declare Wealth as IGG Deadline Nears," <http://ugandaradionetwork.com/a/story.php?s=32563>

2. New Vision, editorial, May 30, 2010, "Establish Leadership Code Tribunal," <http://allafrica.com/stories/201005310137.html>

**100:** The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

### 31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31a. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

**Comments:**

Official government functions are in most cases not kept separate and distinct from those of the ruling political party. The National Resistance Movement is synonymous with government. Resident district commissioners and security agents are used to campaign for the ruling party candidates, and they use state resources such as vehicles for such partisan activities.

**References:**

1. Ultimate Media, June 23, 2009, "Uganda Government News: President Defended on Using State House For NRM Meeting," [www.ugpulse.com](http://www.ugpulse.com)
2. The Observer, Observer team, Jan. 17, 2010, "Blow by Blow Account of NRM NEC Meeting," [www.observer.ug](http://www.observer.ug)
3. Daily Monitor, Emmanuel Mulondo and Mercy Nalugo, Nov. 19, 2010, "Museveni Favoured in Polls, Says Report," <http://mobile.monitor.co.ug>

**100:** Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

**75:**

**50:** The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

**25:**

**0:** The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

---

### 3.2. Conflicts of Interest Safeguards & Checks and Balances: Legislative Branch

---

32. Can members of the legislature be held accountable for their actions?

32a. In law, the judiciary can review laws passed by the legislature.

Yes | No

**Comments:**

Article 137(1) of the Constitution provides that any question about interpretation of the Constitution shall be determined by the Court of Appeal sitting as the Constitutional Court.

**References:**

Constitution of Uganda 1995, Article 137(1)

**Yes:** A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

**No:** A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100 | 75 | 50 | 25 | 0

**Comments:**

The judiciary reviews laws passed by the legislature. On Aug. 25, 2010, a ruling of the Constitutional Court expunged the sedition provision from the penal laws of Uganda.

**References:**

Leadership Magazine, 2010, "Sedition Fears Can't Rationalise Suppression," <http://leadershipmagazine.org>

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

**75:**

**50:** The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

**25:**

**0:** The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

Yes

No

**Comments:**

Members of the national legislature are subject to criminal proceedings. On Feb. 1, 2011, the Constitutional Court ruled that, based on Article 83(1) (g) and (h) of the Constitution, it is illegal for independent MPs to stand for elections on a party ticket and for party MPs to run as independents. The court ruled that independent MPs should vacate their seats before being nominated to contest elections on a political party ticket. In all, 77 members were affected by the Constitutional Court's ruling.

**References:**

Constitution of Uganda 1995, Article 83(1) (g) and (h)

George Owor v. Attorney General & Anor (Const. Pet. No. 038 of 2010) [2011] UGCC 1 ( Feb. 1, 2011), <http://www.ulii.org/ug/cases/UGCC/2011/1.html>

**Yes:** A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

**No:** A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

---

33. Are there regulations governing conflicts of interest by members of the national legislature?

50

33a. In law, members of the national legislature are required to file an asset disclosure form.

Yes

No

**Comments:**

Section 4(1) of the Leadership Code Act 2002 says a leader must within three months after the commencement of the code and every two years in March thereafter submit to the inspector general a written declaration of the leader's income, assets and liabilities and the names, income, assets and liabilities of his or her spouse, child and dependent, without prejudice to the rights of the spouse, child and dependent to independently own property.

**References:**

The Leadership Code Act 2002, Section 4(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

Yes | **No**

**Comments:**

National legislators (MPs) are not prohibited from engaging in private business when they hold public office and when they leave office.

**References:**

The Leadership Code Act 2002, Section 16, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

**Yes** | No

**Comments:**

Section 10(1) of the Leadership Code Act 2002 provides that a gift or donation to a leader on any public or ceremonial occasion, or commission to a leader on any transaction must be treated as a gift, donation or commission to the government or institution represented by the leader and be declared to the inspector general. It requires the government or institution to keep an inventory of any such gifts. The code says a leader may accept a personal gift or donation from a relative or personal friend "to such an extent and on such occasion as is recognized by custom."

**References:**

The Leadership Code Act 2002, Section 10(1 and 2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

Yes | No

**Comments:**

Section 3(2) of the Leadership Code Act 2002 provides that the Inspectorate shall receive and examine declarations and examine whether a leader has corrupt influence or has corruptly entered into a contract with a government or public body or foreign business organization.

**References:**

The Leadership Code Act 2002, Section 3(2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

No regulations restrict post-government employment in the private sector by members of Parliament.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate “cooling off” period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.



**Comments:**

The regulations governing gifts and hospitality offered to members of Parliament are not effective because the leaders rarely declare the gifts, and the Inspectorate of Government does not have the capacity to establish who has received gifts unless they have been declared. This does not mean that these leaders do not receive gifts that should be declared to the IGG. In other words, the culture of declaring gifts is not yet embraced.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Jamiiforums.com, Joyce Namutebi, Jan. 6, 2010, "Uganda's IGG to Seize Property of 3 leaders," [www.jamiiforums.com](http://www.jamiiforums.com)

**100:** The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

**Comments:**

Legislative branch asset disclosures are rarely audited. The auditing is sometimes done when a complaint is filed against such a leader. In the recent declarations by leaders, about 90 per cent of the more than 9,000 leaders submitted theirs in the first half of 2009. This left 1,700 leaders who did not comply with the leadership code, but their names were not revealed. Of the declarations submitted, about 6,500 were thoroughly examined.

In 2010, forms for declaring income, assets and liabilities were distributed to 2,479 elected leaders, who were required to submit them by March 31, 2010. Only 1,142 declarations were received, examined and processed. They included forms from six of nine newly appointed ministers, 96 of 98 new members of Parliament and 18 of 21 district chairmen or chairwomen. Of 1,700 district councilors, 729 submitted their declarations; of 651 sub-county chairpersons, 293 did so.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Leo Odera Omolo, Jan. 6, 2010, "The Government of Uganda Is to Confiscate Illegally, Fraudulently, and Corruptibly Acquired Property by its Leaders Serving in Public Offices," <http://blog.jaluo.com>
3. Inspectorate of Government, Oct. 11, 2010, "Report to Parliament: January–June 2010," [www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf](http://www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf)

**100:** Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

---

### 34. Can citizens access the asset disclosure records of members of the national legislature?

50

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

Yes

No

**Comments:**

The contents of a declaration under The Leadership Code Act 2002 are treated as public information and to be made available to members of the public when they apply to the Inspector General of Government with the prescribed form.

**References:**

The Leadership Code Act 2002, Section 7, /www.igg.go.ug

**Yes:** A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, non-governmental groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100

75

50

25

0

**Comments:**

The release of asset disclosure records is at the discretion of the inspector general of government. Citizens have to first apply as provided in the Access to Information Act.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The access fee (20,000 Ugandan shillings) is reasonable. Other charges, such as for photocopying, recording, transferring data and printing, may make access expensive for many citizens. Most citizens are not aware of this right of access.

Major challenges that face the Inspectorate of Government are enforcement of the code and compliance by officials. The slow pace at which officials submit records is a key concern. In some cases, officials have refused to file completely, thus challenging the authority of the IGG.

In 2010, forms to declare incomes, assets and liabilities were distributed to 2,479 elected leaders, who were required to submit them by March 31, 2010. Of that number, 1,142 declarations were received, examined and processed.

Those returning the forms were six of nine newly appointed ministers, 96 of 98 new members of Parliament and 18 of 21 district chairmen or chairwomen. Of 1,700 district councilors 729 submitted their declarations; of 651 sub-county chairpersons, 293 did so.

**References:**

1. Leo Odera Omolo, Jan. 6, 2010, "The Government of Uganda Is to Confiscate Illegally, Fraudulently, and Corruptly Acquired Property by its Leaders Serving in Public Offices," <http://blog.jaluo.com>
2. Inspectorate of Government, Oct. 11, 2010, "Report to Parliament: January–June 2010," [www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf](http://www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf)

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The asset disclosures are not of high quality, and they are not publicly published. Citizens thus cannot assess them. Leaders sometimes use children or their relatives to hide assets.

The slow pace at which public officials submit forms is also a key concern. In some cases, officials have refused to file completely, thus challenging the authority of the IGG.

In 2010, forms to declare incomes, assets and liabilities were distributed to 2,479 elected leaders, who were required to submit them by March 31, 2010. Of that number, 1,142 declarations were received, examined and processed.

Those returning the forms were six of nine newly appointed ministers, 96 of 98 new members of Parliament and 18 of 21 district chairmen or chairwomen. Of 1,700 district councillors 729 submitted their declarations; of 651 sub-county chairpersons, 293 did so.

**References:**

1. Uganda Radio Network, George Matovu, March 31, 2011, "Leaders Rush to Declare Wealth as IGG Deadline Nears," <http://ugandaradionetwork.com>

2. Leo Odera Omolo, Jan. 6, 2010, "The Government of Uganda Is to Confiscate Illegally, Fraudulently, and Corruptly Acquired Property by its Leaders Serving in Public Offices," <http://blog.jaluo.com>

3. Inspectorate of Government, Oct. 11, 2010, "Report to Parliament: January–June 2010," [www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf](http://www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf)

**100:** The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

---

## 35. Can citizens access legislative processes and documents?

83

35a. In law, citizens can access records of legislative processes and documents.

Yes | No

**Comments:**

Every citizen has a right to gain access to information and records in possession of the state or any public body, except when release of the information would likely prejudice the security or sovereignty of the state or interfere with the privacy rights of another person.

**References:**

1. Access to Information Act 2005, Section 5.
2. Constitution of Uganda 1995, Article 29.

**Yes:** A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

**No:** A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | **50** | 25 | 0

**Comments:**

Citizens can access records of legislative processes and documents within a reasonable amount of time, since these are usually covered by the media and documents are posted online. An association of journalists called the Parliamentary Press Association works with the public relations office of Parliament to ensure that the public can have access to all committees' activities.

**References:**

Namayanja, Feb 18, 2009, "How Open Is Your Parliamentary Budget Process?" <http://apps.parliamentarystrengthening.org>

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

**100** | 75 | 50 | 25 | 0

**Comments:**

Some of the records are free online, but a majority of citizens do not use the Internet.

**References:**

Parliament of Uganda, [www.parliament.go.ug](http://www.parliament.go.ug)

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

71

### 3.3. Conflicts of Interest Safeguards & Checks and Balances: Judicial Branch

---

#### 36. Are judges appointed fairly?

100

36a. In law, there is a transparent procedure for selecting national-level judges.

Yes

No

**Comments:**

The president, acting on the advice of the Judicial Service Commission and with the approval of Parliament, shall appoint the chief justice, deputy chief justice, principal judge, justices of the Supreme Court and Court of Appeal, and judges of the High Court.

**References:**

1. Judicial Service Commission.

2. Constitution of Uganda 1995, Article 142, [www.jsc.go.ug](http://www.jsc.go.ug)

**Yes:** A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a

national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

**No:** A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | 25 | 0

**Comments:**

Judges are appointed by the president with advice from the Judicial Service Commission and the approval of Parliament.

In 2010, 10 judges were appointed. They include Yasin Nyanzi, a former lands officer; Andrew Bashaija, former registrar of the High Court; Hellen Abulu Obura, secretary to the Law Council Department in the Ministry of Justice; Catharine Bamugemereire, a former chief magistrate; and Mike J. Chibita, executive assistant to the commissioner general of the Uganda Revenue Authority. Others are Christopher Madrama, a former state attorney; Monica Mugenyi, corporate services manager of the Uganda Road Fund; Percy Night Tuhaise, deputy director of the Law Development Centre; Wilson Musene, registrar inspectorate of courts; and Billy Kainamura, solicitor general. The appointments bring the number of High Court judges to 48; chief magistrates, to 35; grade I magistrates, to 110; Court of Appeal judges, to 7; and Supreme Court judges, to 7.

However, the president has been accused of appointing partisan judges.

**References:**

1. Daily Monitor, Alfred Nyongesa Wandera, Aug. 3, 2010, "High Court Judges Sworn In," <http://allafrica.com>
2. Monica Twesiime Kirya, "The Independence and Accountability of the Judiciary in Uganda: Opportunities and Challenges," [www.kituoachakatiba.org](http://www.kituoachakatiba.org)
3. Daily Monitor, Yasiin Mugerwa, June 18, 2010, "Museveni Names Ten New Judges," <http://allafrica.com>

**100:** National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

**75:**

**50:** Most national-level judges selected meet these qualifications, with some exceptions.

**25:**

**0:** National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

Yes | No

**Comments:**

The president, acting on the advice of the Judicial Service Commission and with the approval of Parliament, shall appoint the chief justice, deputy chief justice, principal judge, justices of the Supreme Court and Court of Appeal and judges of the High Court.

**References:**

Judicial Service Commission

Constitution of Uganda 1995, Article 142

www.jsc.go.ug

**Yes:** A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

**No:** A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

---

37. Can members of the judiciary be held accountable for their actions?

88

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

Yes | No

**Comments:**

Article 28(6) of the Constitution says that someone tried for a criminal offense, or any person authorized by him or her, is after a judgment entitled to a copy of the proceedings upon payment of a fee.

**References:**

Constitution of Uganda 1995, Article 28(6)

**Yes:** A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

**No:** A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0



**Comments:**

Judges give reasons for their decisions in the judgments. This is common practice in Uganda, and judgments are made public.

**References:**

1. The Judiciary of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

2. High Court, Aug. 25, 2010, Rosemary Nalwadda v. Uganda AIDS Commission (Misc.Cause No.45 Of 2010) [2010] UGHC 39 (25 August 2010), [www.ulii.org/ug/cases/UGHC/2010/39.html](http://www.ulii.org/ug/cases/UGHC/2010/39.html)

**100:** Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

**75:**

**50:** Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

**25:**

**0:** Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

Yes

No

**Comments:**

The Judicial Service Commission was established to handle disciplinary cases. Functions of the commission include advising the president in exercising his appointment power for the offices of chief justice, deputy chief justice, principal judge, justice of the Supreme Court, justice of the Appeal Court, judge of the High Court; chief registrar and registrar. This includes power to confirm appointments, to exercise disciplinary control over such persons and to remove them from office.

The commission is authorized to receive and process people's recommendations and complaints about the judiciary and the administration of justice and, generally, to act as a link between the people and the judiciary;

**References:**

Judicial Service Commission

Constitution of Uganda 1995, Articles 146 and 147, [www.jsc.go.ug](http://www.jsc.go.ug)

**Yes:** A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

**No:** A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

Yes

No

**Comments:**

Article 128 of the Constitution provides that the courts shall be independent and that a person exercising judicial power will not be legally responsible for any act or omission in the exercise of that power.

**References:**

Constitution of Uganda 1995, Article 128.

**Yes:** A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

**No:** A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100

75

50

25

0

**Comments:**

The Judicial Service Commission initiates investigations. In 2010-11, in following through on its mandate to receive and process people's complaints, the commission had 88 public cases investigated and 45 disciplinary cases disposed of. The target had been to dispose of 120 cases in the year (10 per month). Only five Disciplinary Committee sessions were held, compared with the planned 24 sessions. The expiry of the term of the commission delayed case disposals.

**References:**

1. Judicial Service Commission 2007, the Citizens' Handbook on Law and Administration of Justice in Uganda, <http://www.jsc.go.ug>

2. Judicial Service Commission annual report 2010/2011, [www.jsc.go.ug](http://www.jsc.go.ug)

**100:** The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2010-2011, the Judicial Service Commission had 88 public cases investigated, and 45 disciplinary cases were disposed of. Only five Disciplinary Committee sessions were held, compared with the 24 planned.

**References:**

1. Judicial Service Commission 2007, the Citizens' Handbook on Law and Administration of Justice in Uganda, <http://www.jsc.go.ug>
2. Judicial Service Commission annual report 2010/2011, [www.jsc.go.ug](http://www.jsc.go.ug)
3. Daily Monitor, Emmanuel Mulondo, April 11, 2011, "Judiciary Suspends Nebbi Magistrate Over Vote Recount," <http://allafrica.com>

**100:** When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

---

## 38. Are there regulations governing conflicts of interest for the national-level judiciary?

50

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

Yes | No

**Comments:**

Section 4(1) of the Leadership Code Act 2002 says a leader must within three months after the commencement of the code and every two years in March thereafter submit to the inspector general a written declaration of the leader's income, assets and liabilities; the names, income, assets and liabilities of his or her spouse, child and dependent, without prejudice to the rights of the spouse, child and dependent to independently own property.

**References:**

The Leadership Code Act 2002, Section 4(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

Yes

No

**Comments:**

Section 10(1) of the Leadership Code Act 2002 provides that a gift or donation to a leader on any public or ceremonial occasion, or commission to a leader on any transaction must be treated as a gift, donation or commission to the government or institution represented by the leader and be declared to the inspector general. It requires the government or institution to keep an inventory of any such gifts. The code says a leader may accept a personal gift or donation from a relative or personal friend “to such an extent and on such occasion as is recognized by custom.”

**References:**

The Leadership Code Act 2002, Section 10(1 and 2) [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

**No:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

Yes

No

**Comments:**

Section 3(2) of the Leadership Code Act 2002 provides that the Inspectorate shall receive and examine declarations lodged with it and examine whether a leader has corrupt influence or has corruptly entered into a contract with a government or public body or foreign business organization..

**References:**

The Leadership Code Act 2002, Section 3(2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

Yes | **No**

**Comments:**

There are no regulations for judges restricting post-government employment in the private sector.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**Yes:** A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | **0**

**Comments:**

There are no regulations for judges restricting post-government employment in the private sector.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate "cooling off" period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

Judges rarely declare gifts, and the Inspectorate of Government does not have the capacity to enforce these regulations. From July 2010 to December 2010, one government official, the first deputy prime minister and minister of EAC affairs, declared a gift, a television screen from Star DTV (U) Co. Ltd. He is not a judge.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Inspectorate of Government, April 18, 2011, "Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

**100:** The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

Judiciary asset disclosures are rarely audited. Auditing is sometimes done when a complaint is filed against such a leader. In recent declarations, about 90 per cent of the more than 9,000 leaders submitted their declarations in the first half of 2009. Of those, about 6,500 declarations were thoroughly examined. This leaves 1,700 leaders who did not comply with the leadership code, but their names were not revealed. Thus, it is difficult to know whether judiciary officials were among those not audited.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Leo Odera Omolo, Jan. 6, 2010, "The Government of Uganda Is to Confiscate Illegally, Fraudulently, and Corruptly Acquired Property by its Leaders Serving in Public Offices," <http://blog.jaluo.com>

**100:** National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

---

### 39. Can citizens access the asset disclosure records of members of the national-level judiciary?

44

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

Yes

No

#### Comments:

The contents of a declaration are treated as public information and shall be available to members of the public upon application to the inspector general of government with the proper form.

#### References:

The Leadership Code Act 2002, Section 7, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

**No:** A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

100

75

50

25

0

#### Comments:

The release of asset disclosure records is at the discretion of the inspector general of government. The citizens have to first apply as provided for in the Access to Information Act. This could take more than two months.

In Uganda, income and asset declarations by public officials are treated as public information, and the IGG had some declarations published in newspapers in the past. However, the declarations can be made public only on application to the IGG office, which has the discretion to decide what information can be released and for what purpose.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Marie Chêne, U4 Helpdesk Transparency International, April 21, 2008, "African Experience of Asset Declarations," <http://www.u4.no>

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The access fee is one currency point (20,000 Ugandan shillings), which is reasonable. Other charges, such as photocopying, recording, transferring data and printing, may make access expensive to many citizens. Most citizens are not aware of this right to access.

**References:**

The Access to Information Regulations, 2011, Schedule 3, <http://greenwatch.or.ug>

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | **0**



**Comments:**

These asset disclosures are not currently publicly published for citizens to assess. Tthe IGG has not previously questioned, at least publicly, their quality.

**References:**

1. Uganda Radio Network, George Matovu, March 31, 2011, "Leaders Rush to Declare Wealth as IGG Deadline Nears," <http://ugandaradionetwork.com>

2. Marie Chêne, U4 Helpdesk Transparency International, April 21, 2008, "African Experience of Asset Declarations," <http://www.u4.no>

**100:** The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

### 3.4. Budget Process Oversight & Transparency

---

#### 40. Can the legislature provide input to the national budget?

75

40a. In law, the legislature can amend the budget.

Yes

No

**Comments:**

The Committee on Budget is provided for under Rule No.147 of the Rules of Procedure. It is required to consider the national budget and compiled amendments and refer them to relevant committees.

**References:**

Rule No.147 of the Rules of Procedure of the Parliament of Uganda, June 2006, [www.parliament.go.ug](http://www.parliament.go.ug)

**Yes:** A YES score is earned if the legislature has the power to add or remove items to the national government budget.

**No:** A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

**Comments:**

On Sept. 15, 2011, Parliament passed a revised budget for the financial year 2011-12 that increased projected government expenditures from 9.8 trillion shillings proposed by Finance Minister Maria Kiwanuka in June to 10.3 trillion shillings. However, recently MPs were concerned that 1.7 trillion shillings had been spent on fighter jets without parliamentary approval.

**References:**

1. Daily Monitor, Yasiin Mugerwa, Sept, 16, 2011, "Parliament Approves Record Shs10 Trillion National Budget," <http://allafrica.com>
2. The Observer, Sulaiman Kakaire, Aug. 11, 2011, "Kiyonga Quizzed on Defence Expenditure," [www.observer.ug](http://www.observer.ug)

**100:** All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

**75:**

**50:** Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

**25:**

**0:** The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

**Comments:**

The parliamentary budget office supports the legislature by monitoring the budget process and providing advice or changes. Uganda's MPs authorized creation of the office in 2001. It has played an important role in preparing parliamentarians to scrutinize the executive's budget proposal, and in allowing them to better assess the costs of legislation (all bills must be accompanied by a cost estimate from the executive).

**References:**

- The East African, Jason Lakin. Sept. 14, 2011, "How Parliamentary Budget Offices Can Transform Public Spending in EA," <http://allafrica.com>

**100:** Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

**75:**

**50:** Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

**25:**

**0:** Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

---

## 41. Can citizens access the national budgetary process?

58

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | **50** | 25 | 0

### Comments:

In the International Budget Partnership Open Budget Survey 2010 report, Uganda was ranked as weak, at 55 out of 94, which is down four spots from its rank in 2008.

The national budgetary process is not conducted in a participatory and transparent manner in the debating stage because not all citizens are involved, budget information is not available in common languages and at affordable costs, and state agencies set up for the purposes of monitoring budgets and the effects of government policy, such as the Ugandan Bureau of Statistics, have limited autonomy.

### References:

1. International Budget Partnership, Open Budget Survey 2010, <http://internationalbudget.org>
2. UDN 2004, "Budget Transparency in Uganda," <http://cloud2.gdnet.org>

**100:** Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

**75:**

**50:** There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

**25:**

**0:** Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil Society Advocacy Group invited in 2011 more than 100 CSO representatives for a dialogue with the Ministry of Finance Planning and Economic Development regarding the upcoming budget. Civil Society presented a paper highlighting three critical areas that undermine effective budget governance in Uganda: authority and control over the budget, budget indiscipline and incremental budgeting, and corruption and abuse of office.

**References:**

Healthy Action, April 15, 2011, "Budget Dialogue: Civil Society Engages Government on the 2011/12 Budget," [www.healthy-action.org](http://www.healthy-action.org)

**100:** Citizens, usually acting through NGOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

**75:**

**50:** Citizens or NGOs can provide input, but this information is often not relevant to budget decisions.

**25:**

**0:** Citizens or NGOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

**Comments:**

The Open Budget Survey 2010 by International Budget Partnership shows that Uganda is not strong in budget transparency. Itemized budget documents are not freely accessible to a majority of citizens. Uganda is ranked at 55, with a moderately open budget.

Citizens with access to the Internet can assess itemized budget allocations. However, the government uses supplementary budgets to divert resources from agreed-upon priorities in the joint budget support framework. Excess budget spending, such as the purchase of fighter jets without parliamentary approval, creates gaps worth 1.7 trillion shillings. This is more than the combined annual budget for health and agriculture.

**References:**

1. International Budget Partnership, Open Budget Survey 2010, <http://internationalbudget.org>

2. Healthy Action, April 15, 2011, "Budget Dialogue: Civil Society Engages Government on the 2011/12 Budget," [www.healthy-action.org](http://www.healthy-action.org)

**100:** Citizens, journalists and NGOs can access itemized lists of budget allocations. This information is easily available and up to date.

**75:**

**50:** Citizens, journalists and NGOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

**25:**

**0:** Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

---

## 42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42a. In law, is there a separate legislative committee which provides oversight of public funds?

Yes

No

### Comments:

Rule No.148 of the Rules of Procedure for Parliament states that the Public Accounts Committee will have 20 members designated by party whips on the basis of proportional party membership in the House, taking into consideration interests of independent members. It also says the committee will be assigned to exam audited accounts showing appropriations by Parliament for the central government and the judiciary.

### References:

Rule No.148 of the Rules of Procedure of the Parliament of Uganda, June 2006, [www.parliament.go.ug](http://www.parliament.go.ug)

**Yes:** A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

**No:** A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

---

## 43. Is the legislative committee overseeing the expenditure of public funds effective?

75

43a. In practice, department heads regularly submit reports to this committee.

100

75

50

25

0

**Comments:**

Department heads regularly submit reports to the Public Accounts Committee, otherwise their budgets would not be considered for approval. PAC has given the office of the Auditor General relevance. Accounting officers are now more accountable because they have learned that those in public offices who behave irresponsibly are held personally responsible for losses and abuse. Parliament is now more relevant because it is known to be working in the interest of the public, and the public is also more knowledgeable about its resources.

**References:**

The Independent, Isaac Mufumba, March 31, 2010, "PAC Grills Top Ministers — is It All Bark And No Bite?" <http://allafrica.com/stories/201003310618.html>

**100:** Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

**75:**

**50:** Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

**25:**

**0:** There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

**Comments:**

The Public Accounts Committee is composed of members of both political affiliations in Parliament. However, it carries out its activities fairly, regardless of who is being investigated. Ruling party officials usually are the ones under investigation. In some instances, PAC has been accused of bias and partisanship because some members were said to have been influenced by party caucuses.

On Feb. 16, 2010, then-Minister of Information Kabakumba Masiko described PAC as a torture chamber and a nightmare. Also, former Vice President Gilbert Bukenya in a letter on March 3, 2010, criticized the committee's work methods. He also questioned the committee's authority when he was asked to appear before it on Chogm corruption allegations.

**References:**

1. The Independent, Isaac Mufumba and Matsiko Wa Mucoori, March 23, 2010, "Does PAC Have Powers to Arrest Defiant Ministers?" [www.independent.co.ug/reports/special-report/2647-does-pac-have-powers-to-arrest-defiant-ministers](http://www.independent.co.ug/reports/special-report/2647-does-pac-have-powers-to-arrest-defiant-ministers)

2. The Independent, Isaac Mufumba, March 31, 2010, "PAC Grills Top Ministers — Is It All Bark And No Bite?" <http://allafrica.com/stories/201003310618.html>

3. Steven Kibuuka and Richard M. Kavuma, March 3, 2010, "Angry Donors Threaten Aid Cut," [www.observer.ug](http://www.observer.ug)

**100:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

**75:**

**50:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

**25:**

**0:** The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | **50** | 25 | 0

**Comments:**

The Public Accounts Committee carries out investigations independently, though in some instances the powerful ruling party officials try to influence the investigations. Suspects in the 2007 Commonwealth Heads of Government Meeting (CHOGM) financial abuse case were exonerated by party officials in the House in 2011. The ministers involved were Sam Kutesa (Foreign Affairs), John Nasasira (Works) and Attorney General Khiddu Makubuya. Vice President Gilbert Bukenya also received a favorable vote. The government chief whip, Daudi Migereko, allowed the exonerations. The ministers joined Amama Mbabazi (Security) and Fred Omach (State Finance), who were pardoned in 2010.

**References:**

1. NBS Television, Sept. 27, 2011, "PAC Investigates Constitutional Square Management," [www.nbs.ug](http://www.nbs.ug)
2. Daily Monitor, Yasiin Mugerwa, Mercy Nalugo and Isaac Imaka, April 1, 2011, "Opposition Walk Out as MPs Clear Four Over Chogm," <http://mobile.monitor.co.ug>

**100:** When irregularities are discovered, the committee is aggressive in investigating the government.

**75:**

**50:** The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

---

Category 4. Public Administration and Professionalism

---

4.1. <sup>74</sup>Civil Service: Conflicts of Interest Safeguards and Political Independence

---

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

75

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

Yes | No

**Comments:**

Section 2(1) of the Public Service Act 1969 stipulates that there shall be not fewer than three nor more than seven members of the commission in addition to the chairperson. The Constitution of Uganda 1995, Article 165 establishes the public service commission.

**References:**

1. Public Service Act 1969, Section 2(1), [www.ulii.org](http://www.ulii.org)
2. Constitution of Uganda 1995, Article 165.

**Yes:** A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

**No:** A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

Yes | No

**Comments:**

The Code of Conduct and Ethics for Uganda Public Service sets out standards for behavior. It is designed to ensure the impartiality, objectivity, transparency, integrity, efficiency and effectiveness of public officers when performing their duties. It is intended to guide how they relate to one another and the public.

**References:**

1. The Leadership Code Act 2002, Sections 8-13.
2. The Public Service Code of Conduct 2005.

**Yes:** A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

**No:** A NO score is earned if no such regulations exist.



44c. In law, there is an independent redress mechanism for the civil service.

Yes | No

**Comments:**

The Guidance and Monitoring Department is responsible for developing guidelines, procedures, regulations and systems for handling Human Resource Management activities. It is also responsible for monitoring compliance and adherence to Public Service Commission procedures and regulations by both central and local governments (especially District Service Commissions).

**References:**

Public Service Commission.

Constitution of Uganda 1995, Article 165, [www.publicservice.go.ug](http://www.publicservice.go.ug)

**Yes:** A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

**No:** A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

Yes | No

**Comments:**

No law explicitly prohibits civil servants convicted of corruption from future government employment.

**References:**

Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala

**Yes:** A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

**No:** A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

---

45. Is the law governing the administration and civil service effective?

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil servants are not protected from political interference. Political directives from the president, ministers, resident district commissioners and other political actors affect the autonomy of the Kampala City Council Local Government Council, for instance. Contradictory statements come from central government politicians regarding the payment of market taxes, award of tenders, suspension of out-of-city bus terminals and payment of boda boda transport fees.

**References:**

Daily Monitor, Lillian Tamale Sept. 21, 2010, "Political Interference Is Behind Poor Services in Kampala City," <http://allafrica.com>

**100:** Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

**75:**

**50:** Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

**25:**

**0:** Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

Appointments and promotions are largely based on professional standards, although in some instances one notes tribalism and other considerations in most local governments in Uganda. For example, according to data on cadets recruited in 2010-11, western Uganda provided 185 candidates out of the 451 slots. The statistics showed that western districts had the highest number of recruits, as follows: Kiruhura 23, Kisoro 20, Ntungamo 19, Rukungiri and Bushenyi 15 each, Kanungu and Hoima 12 each, Isingiro 10, Ibanda 7, Kabale 8, Mitooma 9, and Sheema 8.

Kampala, the most populous district in Uganda, had only eight individuals qualifying for the training. Jinja, with nine, Mbale 10 and Iganga 10, had the highest number of slots in the eastern region. Arua with 5 and Gulu with 7 had the highest number of candidates from West Nile and northern Uganda, respectively.

The districts of Alebtong, Amuria, Apac, Bugiri, Gomba, Butambala, Buyanda, Buikwe, Buliisa, Amuru, Kole, Kween, Manafwa, Moroto, Mpigi, Mubende, Namayingo, Luwero, Namutumba, Ngora, Nwoya and Bukwo had one candidate each. Of the 95 districts in the country, 70 had fewer than five candidates each, while 17 districts missed out altogether.

**References:**

1. The Observer, Sulaiman Kakaire, April 24, 2011, "Govt Tasked to Explain Regional Imbalance in Cadet Recruitment," [www.observer.ug/index.php?option=com\\_content&task=view&id=13134&Itemid=59](http://www.observer.ug/index.php?option=com_content&task=view&id=13134&Itemid=59)
2. Bernard Bashaasha, Ephraim Nkonya and Margaret Najjingo Mangheni, February 2011, "Decentralization and Rural Service Delivery in Uganda," IFPRI Discussion Paper 01063, [www.ifpri.org](http://www.ifpri.org)
3. New Vision, John Eremu, April 22, 2010, "Public Service Commission Cancels Abim DEO Appointment," <http://allafrica.com>
4. The Independent, Mubatsi Asinja Habati, Jan. 26, 2010, "NRM Politics and Tribalism," <http://allafrica.com>

**100:** Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | **50** | 25 | 0

**Comments:**

Hiring and firing decisions are susceptible to tribalism, which contributes to a deterioration in staff quality. According to information on cadet recruitment in 2010-11, presented on the floor of Parliament recently, western Uganda provided 185 candidates for the 451 slots.

The statistics showed that western districts had the highest number of recruits, as follows: Kiruhura 23, Kisoro 20, Ntungamo 19, Rukungiri and Bushenyi 15 each, Kanungu and Hoima 12 each, Isingiro 10, Ibanda 7, Kabale 8, Mitooma 9, and Sheema 8.

Kampala, the most populous district in Uganda, had only eight individuals qualifying for the training. Jinja, with nine, Mbale 10 and Iganga 10, had the highest number of slots in the eastern region. Arua with 5 and Gulu with 7 had the highest number of candidates from West Nile and northern Uganda, respectively.

The districts of Alebtong, Amuria, Apac, Bugiri, Gomba, Butambala, Buyanda, Buikwe, Buliisa, Amuru, Kole, Kween, Manafwa, Moroto, Mpigi, Mubende, Namayingo, Luwero, Namutumba, Ngora, Nwoya and Bukwo had one candidate each.

Of the 95 districts in the country, 70 had fewer than five candidates each, while 17 districts missed out altogether.

**References:**

1. The Observer, Sulaiman Kakaire, April 24, 2011, "Govt Tasked to Explain Regional Imbalance in Cadet Recruitment," [www.observer.ug/index.php?option=com\\_content&task=view&id=13134&Itemid=59](http://www.observer.ug/index.php?option=com_content&task=view&id=13134&Itemid=59)
2. Bernard Bashaasha, Ephraim Nkonya and Margaret Najjingo Mangheni, February 2011, "Decentralization and Rural Service Delivery in Uganda." IFPRI Discussion Paper 01063. <http://www.ifpri.org>

**100:** Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

**75:**

**50:** Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

**25:**

**0:** Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil servants have clear job descriptions. The Public Service description is general, and the department heads make descriptions clearer.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Public Service Commission Website, <http://psc.go.ug>

**100:** Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

**75:**

**50:** Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

**25:**

**0:** Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil servants do not get bonuses. They receive their salaries, which are meager, and sometimes a subsistence allowance when they travel on official duties, although this applies to only a few individuals.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Daily Monitor, Andrew Bagala, Nov. 10, 2011, "Uganda: Police Trainees Seek Salaries," <http://allafrica.com>

**100:** Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

**75:**

**50:** Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

**25:**

**0:** Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | **50** | 25 | 0

**Comments:**

There is no accessible national publication of civil service positions showing occupied and vacant positions. However, jobs are advertised, as explained by the Public Service Commission on its Website in "Frequently Asked Questions."

1) How do people get jobs with Public Service Commission?

i) Responsible Ministry declares the post vacant (Sometimes on request by PSC e.g. Graduate recruitment).

ii) Ministry of Public Service grants clearance to fill the post.

iii) Submissions made to Public Service Commission.

iv) Public Service Commission advertises either internally or externally as the case may be.

v) Application letters received and processed by PSC.

vi) Qualified candidates are shortlisted.

vii) Shortlisted candidates are invited for Interviews.

viii) Interviews are conducted.

ix) The best candidate(s) is appointed by PSC.

x) Decisions of PSC are forwarded to parent Ministries for implementation.

xi) In the case of external adverts, successful candidates are informed in writing to report to parent Ministries for further instructions.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Public Service Commission Website, [http://psc.go.ug/index.php?option=com\\_content&task=blogsection&id=3&Itemid=95](http://psc.go.ug/index.php?option=com_content&task=blogsection&id=3&Itemid=95)
3. Tip Topjob.com Website, "Government & Public Sector Jobs In Kalangala, Uganda," [www.tiptopjob.com](http://www.tiptopjob.com)

**100:** The government publishes such a list on a regular basis.

**75:**

**50:** The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

**25:**

**0:** The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | **50** | 25 | 0

**Comments:**

The District Service Commissions are not effective in handling civil service matters. Sometimes this requires intervention by the Public Service Commission. In January 2010, the PSC canceled the appointment of primary school head teacher Matthew Omara as district education officer because he lacked the mandatory three-year work experience at principal level (salary scale U2). The PSC said it was erroneous for the Abim District Service Commission to have short-listed and considered him for a job at the U1E salary scale. The cancellation followed an appeal by the then acting DEO, Walter Ocherero.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. New Vision, John Eremu, April 22, 2010, "Public Service Commission Cancels Abim DEO Appointment," <http://allafrica.com/stories/201004230265.html>

**100:** The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

**75:**

**50:** The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

**25:**

**0:** The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | **50** | 25 | 0

**Comments:**

In the past year, the government has paid civil servants on time. However, there are usually delays in some departments because of financial constraints. Keith Muhakanizi, deputy secretary to the Treasury, said that it delayed to remit the July 2011, salaries by a week "because we needed to verify the lists (payroll) provided by Ministry of Public Service since this is a new financial year.

"The ones we have not paid should send their particulars immediately. We need their bank account details."

**References:**

Daily Monitor, Tabu Butagira, Aug. 4, 2011, "Civil Servants Strained Over Delayed Salaries," <http://allafrica.com>

**100:** In the past year, no civil servants have been paid late.

**75:**

**50:** In the past year, some civil servants have been paid late.

**25:**

**0:** In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil servants convicted of corruption are not prohibited from future government employment so long as they serve their sentences. Even then, there is no elaborate mechanism to ensure that those previously convicted of corruption are not employed in the civil service.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala

2. Daily Monitor, Alfred Nyongesa Wandera, June 29, 2010, "Bagonza Sentenced to Three Years in Prison," <http://allafrica.com>

**100:** A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

**75:**

**50:** A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

**25:**

**0:** There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

---

## 46. Are there regulations addressing conflicts of interest for civil servants?

50

46a. In law, senior members of the civil service are required to file an asset disclosure form.

Yes | No

**Comments:**

Section 4(1) of the Leadership Code Act 2002 provides that a leader shall within three months after the commencement of the code and every two years in March thereafter submit to the inspector general a written declaration of the leader's income, assets and liabilities and the names, income, assets and liabilities of his or her spouse, child and dependent, without prejudice to the rights of the leader's spouse, child and dependent to independently own property.

**References:**

The Leadership Code Act 2002, Section 4(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**No:** A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

Yes | No

**Comments:**

Section 8 of the Leadership Code Act 2002 forbids a leader to put himself or herself in a position in which personal interest conflicts with duties and responsibilities.

**References:**

The Leadership Code Act 2002, Section 8(1), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

**No:** A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

Yes | No

**Comments:**

Civil servants are not prohibited from engaging in private business when they are out of office.



**References:**

The Leadership Code Act 2002, Section 16, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

**No:** A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

Yes

No

**Comments:**

Section 10(1) of the Leadership Code Act 2002 provides that a gift or donation to a leader on any public or ceremonial occasion, or commission to a leader on any transaction must be treated as a gift, donation or commission to the government or institution represented by the leader and be declared to the inspector general. It requires the government or institution to keep an inventory of any such gifts. The code says a leader may accept a personal gift or donation from a relative or personal friend "to such an extent and on such occasion as is recognized by custom."

The Ministry of Public Service's Code of Conduct and Ethics for Uganda Public Service includes corresponding rules for all civil servants.

**References:**

The Leadership Code Act 2002, Sections 10(1) and 10(2), [www.igg.go.ug](http://www.igg.go.ug)

Ministry of Public Service. The Code of Conduct and Ethics for Uganda Public Service. July 2005. <http://www.publicservice.go.ug/public/Code%20of%20Conduct.pdf>

**Yes:** A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

**No:** A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

Yes

No

**Comments:**

Section 3(2) of the Leadership Code Act 2002 provides that the Inspectorate shall receive and examine declarations lodged with it and examine whether a leader has corrupt influence or has corruptly entered into a contract with a government or public body or foreign business organization.

The Ministry of Public Service Code of Conduct and Ethics for Uganda Public Service sets forth corresponding rules for all civil servants.

**References:**

The Leadership Code Act 2002, Section 3(2), [www.igg.go.ug](http://www.igg.go.ug)

Ministry of Public Service. The Code of Conduct and Ethics for Uganda Public Service. July 2005. <http://www.publicservice.go.ug/public/Code%20of%20Conduct.pdf>

**Yes:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

**No:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

No regulations restrict post-government employment in the private sector for civil servants

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate “cooling off” period.

**75:**

**50:** The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

**25:**

**0:** The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations governing gifts and hospitality offered to civil servants are not effective because the leaders rarely declare the gifts and the Inspectorate of Government does not have the capacity to enforce these regulations. In one case, Ken Lukyamuzi was ejected from the 7th Parliament for failing to declare his wealth as the Leadership Code requires. Lukyamuzi contested his removal from Parliament and won the case against the IGG. The Supreme Court observed that the Leadership Code Act cannot be enforced in the manner it was intended until the leadership tribunal is put in place.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. The Observer, Hussein Bogere, April 3, 2011, "IGG: We Go for All Fish, Big or Small, [www.observer.ug](http://www.observer.ug)

**100:** The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

**25:**

**0:** The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | **25** | 0

**Comments:**

Conflict of interest is a problematic area of anti-corruption in Uganda because civil service workers do not recuse themselves from policy decisions that affect their personal interests.

In one case, M/s Amman Industrial Tools and Equipment Ltd (AITELE) contracted with the Ministry of Local Government to supply 70,000 bicycles for chairpersons of Parishes and Village councils. The Public Procurement and Disposal of Public Assets Authority recommended to the head of Public Service that disciplinary action be taken against these public officials: the accounting officer, for not properly supervising the procurement process and contract management; the Evaluation Committee, for not following the evaluation criteria; the principal procurement officer, for not guiding the evaluation team and for altering the contract and exposing the ministry to financial loss; the contract manager, for mismanaging the contract, and the principal accountant and the principal internal auditor, for confirming receipt and acceptance of goods that were never received.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. PPDA newsletter, November 2011 – Issue No. 4, "PPDA Suspends M/S AITELE and Recommends Disciplinary Action Against Ministry of Local Government Officials," [www.ppda.go.ug](http://www.ppda.go.ug)

**100:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

**75:**

**50:** The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

**25:**

**0:** Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | **25** | 0

**Comments:**

Civil service asset disclosures are rarely audited. The auditing is sometimes done when a complaint is filed against a leader. IGG is faced with constraints in enforcing the Leadership Code of Conduct. These include:

1. Lack of adequate manpower: Although the workload is large, only 18 technical staff members are responsible for issues concerning enforcement of the code.
2. Complexity of verification due to the following factors, among others:
  - (i) Poor or no record keeping by the leaders.
  - (ii) Tracing and locating assets takes a long time.
  - (iii) Difficulties in identifying undeclared assets.
  - (iv) Most assets are not registered, therefore it is not easy to link them to the particular leaders under investigation.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. Inspectorate of Government, Oct. 11, 2010, "Report to Parliament: January – June 2010," [www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf](http://www.igg.go.ug/static/files/publications/ig-annual-report-2010.pdf)

**100:** Civil service asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

**25:**

**0:** Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

---

## 47. Can citizens access the asset disclosure records of senior civil servants?

56

47a. In law, citizens can access the asset disclosure records of senior civil servants.

**Yes** | No

**Comments:**

The contents of a declaration under this code are treated as public information and are to be accessible to members of the public upon application to the inspector general of government in the prescribed form.

**References:**

The Leadership Code Act 2002, Section 7, [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

**No:** A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | **25** | 0

**Comments:**

The release of asset disclosure records is at the discretion of the inspector general of government. The citizens have to first apply as provided for in the Access to Information Act.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The access fee (20,000 Ugandan shillings) is reasonable. Other charges, such as for photocopying, recording, transferring data and printing, may make access expensive to many citizens. Most citizens are not aware of this right of access. Citizens have to travel to seek the information at the IGG's office in Kampala because it is not available at regional offices upcountry.

**References:**

1. The Access to Information Regulations 2011, Schedule 3, <http://greenwatch.or.ug>

2. Uganda Radio Network, George Matovu, March 31, 2011, "Leaders Rush to Declare Wealth as IGG Deadline Nears," <http://ugandaradionetwork.com>

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records' costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | **50** | 25 | 0

**Comments:**

These asset disclosures are not publicly published for the citizens to assess.

**References:**

Uganda Radio Network, George Matovu, March 31, 2011, "Leaders Rush to Declare Wealth as IGG Deadline Nears," <http://ugandaradionetwork.com>

**100:** The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

---

## 4.2. Whistle-blowing Protections

---

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Yes

No

**Comments:**

Section 9 of The Whistleblowers Protection Act 2010 protects someone from victimization by his or her employer or by any other person on account, or partly on account, of having made a protected disclosure.

**References:**

The Whistleblowers Protection Act 2010, Section 9.

**Yes:** A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**No:** A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100

75

50

25

0

**Comments:**

Civil servants who report cases of corruption, graft, abuse of power or abuse of resources are not protected from recrimination or other negative consequences. They usually lose their jobs, and they are victimized. For example, a former public official in Uganda lost his job because he reported a corrupt colleague to the Inspectorate of Government. He believed that other people in his position did not support him because "the others feared. If you are a whistle-blower in Uganda they sack you." The risk of being a whistle-blower seems to be especially present if you report someone in a high position.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. University of Gothenburg, Anna Persson, Bo Rothstein and Jan Teorell, June 2010, "The Failure of Anti-Corruption Policies: A Theoretical Mischaracterization of the Problem," QoG Working Paper Series 2010:19, The Quality of Government Institute, Department of Political Science, [www.qog.pol.gu.se/working\\_papers/2010\\_19\\_Persson\\_Rothstein\\_Teorell.pdf](http://www.qog.pol.gu.se/working_papers/2010_19_Persson_Rothstein_Teorell.pdf)

**100:** Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Yes | No

**Comments:**

Private sector employees who report cases of corruption, graft, abuse of power or abuse of resources are protected from recrimination or other negative consequences. Section 9 of the Whistleblowers Protection Act 2010 says a person shall not be victimized by his or her employer or by any other person on account, or partly on account, of having made a protected disclosure.

**References:**

The Whistleblowers Protection Act 2010, Section 9.

**Yes:** A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**No:** A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

**Comments:**

Private sector employees who report cases of corruption, graft, abuse of power or abuse of resources are not protected from recrimination or other negative consequences. They usually lose their jobs, and they are victimized. A whistle-blower was arrested in April 2011 for allegedly giving police false information.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Daily Monitor, Cissy Kagaba, March 7, 2010, "The Whistleblower Deserves Deeper State Protection," <http://allafrica.com>
3. Machrine Birungi /Ronald Odongo, "Councilor Arrested for Providing False Information to Cops," 13/4/2011, <http://ugandaradionetwork.com>

**100:** Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.



75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

100

49a. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

Yes

No

**Comments:**

Section 6 of The Whistleblowers Protection Act 2010 outlines the procedure for making a disclosure: A disclosure of impropriety may be made orally or in writing, and all forms of information communication technology may be used to convey a disclosure.

**References:**

The Whistleblowers Protection Act 2010, Section 6.

**Yes:** A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

**No:** A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

---

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

50

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100

75

50

25

0

**Comments:**

The Inspectorate of Government has a full-time staff both at the head office in Kampala and more than 11 regional offices in the country. However, they are not adequate to successfully carry out the mandate of the Inspectorate.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, in Kampala

**100:** The agency/entity has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | **50** | 25 | 0

**Comments:**

The inspector general of government receives regular funding but faces challenges in gaining access to these funds. The Daily Monitor reported Aug. 12, 2011: "MPs yesterday threw the IGG out of Parliament for the second time, but this time because of inflated budget figures of up to Shs997 million as was projected in the Inspectorate presentation. The Inspectorate has a recurrent budget of Shs31.2b and Shs2.6b for development but has a shortfall of Shs9b, out of which Shs997m is due to inflated figures from Finance. In the preceding week, the same committee threw the IGG, Mr Raphael Baku, out of Parliament pending the Attorney General's ruling on his legality as acting IGG."

**References:**

Daily Monitor, Sheila Naturinda, "MPs Reject IGG Budget," Aug. 12, 2011.

**100:** The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | **50** | 25 | 0

**Comments:**

Some complaints are handled in reasonable time while others take longer to be investigated. For example, between July 2010 and December 2010, the Inspectorate of Government handled 4,422 complaints. Out of these, 3,351 were brought forward from the previous reporting period (January 2010 to June 2010), while 1,042 were received or initiated by the Inspectorate of Government and 29 were audit reports received within the reporting period. Of that number, 557 complaints were investigated and completed, and 113 reports were issued. Also, 444 complaints were handled, finalized and the results communicated without reports, and 127 complaints were processed and referred to other Institutions.

**References:**

"IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

**100:** The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | **50** | 25 | 0

**Comments:**

The inspector general of government receives regular complaints from the public and sometimes initiates investigations that are done in collaboration with police.

The Daily Monitor said in a July 7, 2010, story on a new IGG report: "Despite the establishment of various institutions to catch thieves in government, including the IGG, the Police Criminal Investigations Directorate and the Directorate of Public Prosecutions, less political will exists to follow through with arrests, prosecutions and punishments of perpetrators."

**References:**

1. "IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

2. Daily Monitor, Yasiin Mugerwa, July 7, 2010, "Kampala Tops New Corruption List," <http://allafrica.com>

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

**25:**

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

---

73  
4.3. Government Procurement: Transparency, Fairness, and  
Conflicts of Interest Safeguards

---

51. Is the public procurement process effective?

90

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

Yes

No

**Comments:**

Laws have been enacted to counter conflicts of interest, but public officials still award themselves contracts through other people or proxy companies. Some have even awarded contracts to nonexistent companies.

**References:**

1. The Public Procurement and Disposal of Public Assets Act 2003.

2. The Leadership Code Act 2002.

**Yes:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

**No:** A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

Yes

No

**Comments:**

There is mandatory professional training for public procurement officials. The Institute of Procurement Professionals has been established and, among others, it also regulates professionals and their conduct.

**References:**

1. Basic Requirements and Minimum Standards for Public Procurement Education and Training Regulation 2008.
2. The Public Procurement and Disposal of Public Assets Act, 2003, Section 7(c).

**Yes:** A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

**No:** A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | **50** | 25 | 0

**Comments:**

Enforcement of conflict-of-interest regulations for public procurement officials is weak. The weak enforcement can be attributed to high levels of corruption. Procurement capacity strengthening is closely linked to the broader issues of good governance and political and social transformation, therefore capacity building and the development of professionalism is a long-term process.

In a case involving M/s Amman Industrial Tools and Equipment Ltd (AITELE), the company contracted with the Ministry of Local Government to supply 70,000 bicycles for chairpersons of Parishes and Village councils. The Public Procurement & Disposal of Public Assets Authority recommended to the head of Public Service that disciplinary action in the case be taken against these local government officials: accounting officer, for not properly supervising the procurement process and contract management; Evaluation Committee, for not following the evaluation criteria; principal procurement officer, for not guiding the evaluation team and for altering the contract and exposing the ministry to financial loss; contract manager, for mismanaging the contract; and the principal accountant and the principal internal auditor for confirming receipt and acceptance of goods that never were received.

However, there are still problems of political interference with the procurement process, particularly at the local government level. The limited enforcement powers of PPDA and overlap of mandates with other bodies require close collaboration in the implementation of capacity development strategies.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. PPDA newsletter – November 2011 – Issue No. 4, “PPDA Suspends M/s AITELE and Recommends Disciplinary Action Against Ministry of Local Government Officials,” [www.ppda.go.ug](http://www.ppda.go.ug)
3. PPDA Website, [www.ppda.go.ug/index.php/complaints-procedure.html](http://www.ppda.go.ug/index.php/complaints-procedure.html)

**100:** Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

**25:**

**0:** Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

Yes | No

**Comments:**

Section 4(1) (b) of the Leadership Code Act, 2002 says all leaders, as prescribed under the law, are required to submit to the inspector general of government a written declaration of income, assets and liabilities every two years in March.

**References:**

1. Inspectorate of Government.
2. The Leadership Code Act 2002, Section 4(1) (b), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

**No:** A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

Yes | No

**Comments:**

Open bidding is to be used if the estimated value of the procurement exceeds 30 million Ugandan shillings.

**References:**

1. Local Governments Public Procurement and Disposal of Public Assets Guidelines 2008.
2. The Public Procurement and Disposal of Assets Act 2003, Part VI, [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

**No:** A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

Yes | No

**Comments:**

Selective bidding shall be used if the estimated value of the procurement does not exceed 30 million shillings. Micro-procurement may be used if the estimated value of the work, supplies and services does not exceed 1 million shillings. Community purchase may be used if the estimated value of the work does not exceed 500,000 shillings.

**References:**

1. The Public Procurement and Disposal of Assets Act 2003, Part VI.
2. Local Government Public Procurement and Disposal of Assets Guidelines 2008, [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

**No:** A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

Yes | No

**Comments:**

Section 90(1) of the 2003 public procurement and assets disposal law requires that a complaint by a bidder against a procuring and disposing entity first be submitted in writing to the accounting officer within 15 working days from the date the bidder first became aware of the circumstances giving rise to the complaint.

**References:**

The Public Procurement and Disposal of Public Assets Act 2003, Section 90(1), [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if there is a formal appeal process for unsuccessful bidders.

**No:** A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

Yes | No

**Comments:**

Unsuccessful bidders can challenge procurement decisions in a court of law. But they simply give up because of fear of being blacklisted or being seen as stubborn.

**References:**

The Public Procurement and Disposal of Assets Act 2003, Part VII, [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

**No:** A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

Yes

No

**Comments:**

They are actually blacklisted. The law has not been implemented to its full effect simply because there has not been any social or political will.

**References:**

The Public Procurement and Disposal of Pubic Assets Act 2003, Part VIII, (94), [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

**No:** A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100

75

50

25

0

**Comments:**

Companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids. But implementation of the law is difficult because sometimes the directors change the company names. For example, among the 15 firms blacklisted as of 2011, seven firms had forged documents in order to get tenders.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala

2. PPDA Website, List of Suspended Providers, [www.ppda.go.ug](http://www.ppda.go.ug)

**100:** A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.



75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

---

## 52. Can citizens access the public procurement process?

79

52a. In law, citizens can access public procurement regulations.

Yes

No

### Comments:

Section 5(1) of the Access to Information Act 2005 provides that every citizen has a right of access to information and records in possession of the state or any public body, except where the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right to the privacy of any other person.

### References:

Access to Information Act 2005, Section 5(1).

**Yes:** A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

**No:** A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

Yes

No

### Comments:

The government is required to publicly announce the results of procurement decisions. Section 26 of the public procurement law designates the accounting officer of a procuring and disposing entity as having overall responsibility for the execution of the procurement and disposal process in that entity. In particular, the accounting officer is to be responsible for advertising bid opportunities and communicating award decisions.

### References:

1. The Public Procurement and Disposal of Assets Act 2003, Section 26.

2. The Public Procurement and Disposal of Assets Regulations 2003, Section 319(3), [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

**No:** A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations are posted on the Internet. Because of low Internet use in Uganda, very few citizens have access to the information online. The government also provides the information through the print media, radio and TV. The Public Procurement and Disposal of Public Assets Authority also holds sensitization workshops.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. PPDA Website, [www.ppda.go.ug](http://www.ppda.go.ug)

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The applicable acts are accessible free of charge on the PPDA Website. Some citizens buy these regulations from shops at a reasonable cost.

**References:**

- Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

**Comments:**

A public invitation is communicated to the public using media, including radio, if the type of media offers an efficient means of communicating with potential bidders or increases competition.

**References:**

Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala

**100:** There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

**Comments:**

Citizens can find the results of major public procurement bids on the PPDA Website, though very few people have access to the Internet. The public can also view the information on notice boards of local governments, through the print media, radio and TV, and stakeholder meetings.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. PPDA Website, [www.ppda.go.ug](http://www.ppda.go.ug)

**100:** Records of public procurement results are publicly available through a formal process.

**75:**

**50:** Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

**25:**

**0:** This information is not available to the public through an official process.

---

#### 4.4. Privatization of Public Administrative Functions: Transparency, Fairness, and Conflicts of Interest Safeguards

---

##### 53. Is the privatization process effective?

83

53a. In law, all businesses are eligible to compete for privatized state assets.

Yes

No

**Comments:**

Section 9 of The Public Enterprises Reform and Divestiture Act 1993 provides that the public tender procedure may be used for the sale of substantial assets, or larger or more complex businesses where wide public participation is unlikely, in accordance with the following principles and procedures: a) The availability of the enterprise for sale shall be advertised, and interested parties may be prequalified if the privatization unit wishes to establish in advance their financial capacity or to review their operational or investment plans; b) the tender notice shall be widely publicized and provide summary information on the assets, fix the date of bidding and invite prospective bidders to obtain the tender documents.

Section 44 of Public Procurement and Disposal of Assets Act 2003 provides that a bidder shall not be excluded on the basis of nationality, race, religion, gender or any other criterion not related to qualification, except to the extent provided for in this law.

Section 45 of the same law requires that all procurement and disposal be conducted in a manner that promotes transparency, accountability and fairness.

**References:**

1. The Public Enterprises Reform and Divestiture Act 1993, Section 9, [www.ulii.org](http://www.ulii.org)

2. The Public Procurement and Disposal of Assets Act 2003, Sections 44 and 45

**Yes:** A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

**No:** A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

Yes

No

**Comments:**

Leaders shall not put themselves in positions in which their personal interests conflict with their duties and responsibilities. Section 38 of The Public Enterprises Reform and Divestiture Act 1993 provides that subject to subsection (2) and except for the purposes of, or in connection with, carrying out their duties and responsibilities in accordance with this law, none of the following persons or any associate of theirs shall participate, directly or indirectly, in the purchase of a public enterprise: the minister responsible for finance and officials and staff in this official's ministry; the responsible minister and officials and staff in his or her ministry; the relevant line minister and officials and staff in his or her ministry; members of the committee; any person advising the government in relation to the divestiture of the enterprise; and each chief executive, director, secretary, manager or other employee of the enterprise.

**References:**

1. The Leadership Code Act 2002, Section 8(1).
2. The Public Enterprises Reform and Divestiture Act 1993, Section 38.

**Yes:** A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

**No:** A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100

75

50

25

0

**Comments:**

Conflict of interest regulations for government officials involved in privatization are not strictly enforced because politicians and civil servants are actively involved in corruption.

For example, The Campus Journal reported:

"[I]n 1997, Salim Saleh connived with other senior government officials to sell Uganda Commercial Bank (UCB) to themselves in the name of a sham Malaysian company, Westmont Land Asia (Bhd). In the course of the fraudulent deal, and the scuffle that ensued, Saleh and company looted colossal sums of money from the Ugandan treasury. At one point it emerged that Westmont had fraudulently paid itself \$1.5million to cover management costs."

The government has privatized 89 enterprises. The last privatized enterprise was Kinyara Sugar Works in October 2006.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Privatization and Utility Sector Reform Project; Current List of Divested Public Enterprises and Other Companies Where Government of Uganda Had an Interest, [www.perds.go.ug](http://www.perds.go.ug)
3. Yahya Sseremba, The Campus Journal, "10 Most Corrupt Ugandans," April 10, 2011, <http://thecampusjournal.blogspot.com/2011/04/10-most-corrupt-ugandans.html>

**100:** Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

**75:**

**50:** Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

**25:**

**0:** Conflict of interest regulations do not exist, or are consistently ineffective.

---

54. Can citizens access the terms and conditions of privatization bids?

80

54a. In law, citizens can access privatization regulations.

Yes

No

**Comments:**

Section 53 of the Public Procurement and Disposal of Assets Act 2003 provides that copies of the act, regulations, guidelines and forms made under this act, standard bidding documents and decisions of the Public Procurement and Disposal of Assets Authority be made accessible to the public by the Authority.

**References:**

The Public Procurement and Disposal of Assets Act 2003, Section 53.

**Yes:** A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

**No:** A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

**Comments:**

Privatization open bids are advertised in the print media and on the Website [www.perds.go.ug](http://www.perds.go.ug). Privatizations are effectively advertised, but this does not mean there is no corruption in the awards.

According to Augustine Ruzindana (former IGG), the sale of government shares of Kinyara Sugar Works Ltd “raises many questions about the whole privatization of public enterprises since it began. ... The experience of privatization in Uganda, like many things of a public nature in Uganda, has been shrouded in controversy because the process has not been transparent. The sale of Kinyara shares after Parliament had passed a mandatory requirement that the auditor general should audit any enterprise in which the government owns shares raises questions, it cannot just be a coincidence.

“The usual problems with privatization are two: valuation of the shares/enterprise and also the process of sale of the shares/enterprise (i.e how who buys the shares/enterprise is decided). The public may recall how Uganda Commercial Bank (UCB) was sold at \$19 million and yet a much smaller Nile Bank was sold at \$24 million. The UCB Headquarters building, which was not included in the bid price, was nevertheless handed over to the buyers for free.”

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Daily Monitor, Augustine Ruzindana, Sept. 30 2011, “Sale of Government Shares in Kinyara Should Be Investigated,” <http://mobile.monitor.co.ug>

**100:** There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:**

**50:** There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:**

**0:** There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

Yes

No

**Comments:**

The government is required to publicly announce the results of privatization decisions. Section 26 of the public procurement and disposal law provides that the accounting officer of a procuring and disposing entity has overall responsibility for the execution of the process, and in particular shall be responsible for advertising bid opportunities and communicating award decisions.

**References:**

1. The Public Procurement and Disposal of Assets Act 2003, Section 26.
2. The Public Procurement and Disposal of Assets Regulations 2003., Section 319(3), [www.ppda.go.ug](http://www.ppda.go.ug)

**Yes:** A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

**No:** A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | **50** | 25 | 0

**Comments:**

The regulations are posted on the Internet at [www.perds.go.ug](http://www.perds.go.ug). Because of low Internet use in Uganda, very few citizens can gain access to the information online. Others can get access to the regulations from the Privatization Unit offices in Kampala.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. Privatization Unit Website, [www.perds.go.ug](http://www.perds.go.ug)

**100:** Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

**100** | 75 | 50 | 25 | 0

**Comments:**

The regulations are available free of charge on the Website. Some citizens buy these regulations (hard copies) from shops, or they visit the office in Kampala to access them.

**References:**

1. Interview with Shem Byakagaba, lawyer (formerly in Judicial Service Commission), Sept. 23, 2011, Kampala
2. New Vision, Moses Walubiri and Raymond Baguma, Sept. 30, 2011, "Minister Kasaija Defends Kinyara Sale," <http://allafrica.com>



**100:** Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

## Category 5. Government Oversight and Controls

---

### 5.1. <sup>78</sup>National Ombudsman

---

**55.** In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55a. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

Yes

No

**Comments:**

The Inspectorate of Government plays the role of ombudsman and has a mandate to promote and foster strict adherence to the rule of law and principles of natural justice in administration.

**References:**

1. Inspectorate of Government, Article 225(1) of Constitution of Uganda 1995.
2. Inspectorate of Government, Section 8 of Inspectorate of Government Act, 2002.

**Yes:** A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

**No:** A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

---

## 56. Is the national ombudsman effective?

66

56a. In law, the ombudsman is protected from political interference.

Yes

No

### Comments:

The Inspectorate of Government is to be independent in the performance of its functions, not subject to the direction or control of any person or authority and responsible only to Parliament.

### References:

1. Constitution of Uganda 1995, Article 227.
2. Inspectorate of Government Act 2002, Section 10.

**Yes:** A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100

75

50

25

0

### Comments:

In practice, the inspector general of government experiences political interference. For example, the current head has been working in acting capacity because the president has not appointed the substantive IGG for two years.

### References:

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

The head (IGG) is protected from removal without relevant justification. The inspector general of government serves a four-year term renewable once.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The Inspector of Government has a full-time staff both at the head office in Kampala and more than 11 regional offices in the country. However, this is not adequate to carry out the mandate of the Inspectorate.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

**Comments:**

The Inspectorate of Government has an independent appointments board responsible for recruiting staff other than the inspector general of government, the deputy IGG and the secretary to the Inspectorate, all of whom are appointed by the president. Presidential appointments support the independence of the agency.

However, the failure to appoint a substantive IGG for more than two years creates uncertainty among the staff. The position is now filled by an acting IGG. There usually are complaints about staff recruitment. The acting inspector general of government, Raphael Baku Obudra, has been accused of blocking the staff salary raise, being divisive and causing an exodus of experienced staff members from the Inspectorate.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

2. Red Pepper, Alex Bukumunhe, May 24, 2011, "IGG's Office on Fire," <http://redpepper.co.ug>

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

The inspector general of government receives regular funding but faces challenges in gaining access to these funds. The Daily Monitor reported that MPs on Aug. 11, 2011, "threw the IGG out of Parliament for the second time, this time because of inflated budget figures of up to Shs997 million as was projected in the Inspectorate presentation. The Inspectorate has a recurrent budget of Shs31.2b and Shs2.6b for development but has a shortfall of Shs9b, out of which Shs997m is due to inflated figures from

Finance. In the preceding week, the same committee threw the IGG, Mr Raphael Baku, out of Parliament pending the Attorney General's ruling on his legality as acting IGG."

**References:**

Daily Monitor, Sheila Naturinda, "MPs Reject IGG Budget," Aug. 12, 2011.

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

**Comments:**

Inspectorate of Government reports are available to the public, especially on the IG Website and in libraries. The IG reports are submitted to Parliament twice a year. Other reports are also posted on the Website.

**References:**

1. Constitution of Uganda 1995, Article 231.

2. "IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

**100:** The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

**Comments:**

The IGG receives regular complaints from the public and sometimes initiates investigations. These investigations can take years to conclude because of uncooperative respondents and limited personnel.

Between January 2010 and June 2011, the Inspectorate had 4,858 active complaint cases and leaders' declarations of wealth. Of that total, 3,738 cases were brought forward from the previous reporting period. The remaining cases, received or initiated by the IGG, included 36 investigations that arose from 89 audit reports. This trend indicates a decline in handling of cases.

A total of 659 complaints and verifications were investigated and completed, and 72 were processed and referred to other institutions. Fifty-three public officers were arrested for various corruption offenses and are being prosecuted in courts. The Inspectorate of Government had 130 ongoing prosecution cases, of which 87 were carried forward from the previous period. Thirty-two cases were concluded, and 17 resulted in convictions. These included two appeals in which the conviction was upheld, eight cases that were withdrawn and seven that resulted in acquittal.

From January 2010 to June 2011, the IGG received 693 corruption complaints, which amounted to 61.9 per cent of the complaints to the institution. The IGG headquarters in Kampala received 358 of the complaints (51.7 per cent), and the regional offices registered 335 complaints (48.3 per cent).

**References:**

1. Daily Monitor, Richard Wanambwa, Dec. 8, 2011, "IGG Boggled Down by Case Backlog — Report," <http://allafrica.com/stories/201112080431.html>
2. Uganda Radio Network.com, Aldon Walukamba G, April 12, 2011, "300 Jinja Residents Give IGG 3 Days Ultimatum to Release Report on Disputed Land," <http://ugandaradionetwork.com>

**100:** The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

**75:**

**50:** The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

**Comments:**

Twenty-six public officers were arrested for various corruption offences between July 2010 and December 2010 and are being prosecuted in courts. Thirteen cases resulted in convictions. Five convictions were upheld on appeal, eight cases were withdrawn, three resulted in acquittals, one was abated and four were dismissed.

**References:**

“IG Report to Parliament (July – December 2010),” [www.igg.go.ug](http://www.igg.go.ug)

**100:** When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | **25** | 0

**Comments:**

The challenges and constraints include inadequate funding, inadequate remuneration, understaffing, operating in rented premises, limited legal reference materials and court delays and hostile witnesses. Other obstacles are lack of computerized data in other Institutions, inadequate institutional support in the fight against corruption, sophistication in corruption practices, and negative societal attitudes and high expectations from the public to deal with their complaints expeditiously.

**References:**

“IG Report to Parliament (July – December 2010),” [www.igg.go.ug](http://www.igg.go.ug)

**100:** Ombudsman’s reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, ombudsman’s reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Ombudsman’s reports are often ignored, or given superficial attention. Ombudsman’s reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | **50** | 25 | 0

**Comments:**

Some complaints are handled in reasonable time while others take long to be investigated. From July 2010 to December 2010, the Inspectorate of Government handled 4,422 complaints. Of these, 3,351 were brought forward from the previous reporting period (January 2010 to June 2010), while 1,042 were received or initiated by the Inspectorate of Government, and 29 were audit reports received within the reporting period. A total of 557 complaints were investigated and completed, and 113 reports were issued. Complaints that were handled, finalized and the results communicated without reports were 444; 127 complaints were processed and later referred to other Institutions.

**References:**

"IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

---

## 57. Can citizens access the reports of the ombudsman?

92

57a. In law, citizens can access reports of the ombudsman(s).

Yes

No

**Comments:**

Under Article 231 of the 1995 Uganda Constitution, the Inspectorate of Government is required to submit a report to Parliament at least once every six months. Under Section 29(2) of the Inspectorate of Government Act 2002, a copy of the report is forwarded to the president. Any matter in the report that relates to the administration of a local authority shall be forwarded to that local authority.

**References:**

1. Constitution of Uganda 1995, Article 231.
- 2." IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)
3. Inspectorate of Government Act 2002, Section 29(2), [www.igg.go.ug](http://www.igg.go.ug)

**Yes:** A YES score is earned if all ombudsman reports are publicly available.

**No:** A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.



57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Inspectorate of Government reports are available to the public, especially on the IG Website and in libraries and at IG offices throughout the country. One of the mandates of the IG is to educate the public about corruption and enlist citizens' support in combating it. This is done through media (radio, TV, drama and print media). The public can gain access to the reports within a month after they have been released.

**References:**

1." IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

2. Weinformers.net, Isaac Senabulya, May18, 2011, "Inspector General of Government Releases 2011 Report," [www.weinformers.net](http://www.weinformers.net)

**100:** Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Inspectorate of Government reports are public documents and are not sold to the public.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or NGOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

## 5.2. Supreme Audit Institution

---

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58a. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Yes

No

**Comments:**

The auditor general is an independent authority appointed under Article 163 of the Constitution. The scope of the auditor general's powers, duties and responsibilities are derived from the Constitution, the National Audit Act 2008, the Public Finance and Accountability Act 2003 and the Local Authorities Act 1997. The auditor general is responsible for the auditing of the accounts of the central government, local government councils, administrative units, public organizations, and private organizations and bodies.

**References:**

1. Constitution of Uganda 1995, Articles 154(3) and 163.
2. National Audit Act 2008, Section 3, [www.oag.go.ug](http://www.oag.go.ug)

**Yes:** A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

**No:** A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

---

59. Is the supreme audit institution effective?

69

59a. In law, the supreme audit institution is protected from political interference.

Yes | No

**Comments:**

Section 14 of the National Audit Act 2008 provides for independence of auditor general. This is subject to Section 13(2 & 3), which allows the president and Parliament to require the auditor general to carry out an audit.

**References:**

National Audit Act 2008, Section 14.

**Yes:** A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

Section 7 of the National Audit Act 2008 provides for removal of the auditor general. Article 163(10) of the Constitution allows the president to remove the auditor general only for inability to perform the functions of the office because of infirmity of body or mind, misbehavior or misconduct, or incompetence. There has been no instance of arbitrary removal of the AG.

**References:**

1. National Audit Act 2008, Section 7(1).
2. Constitution of Uganda 1995, Article 163(10), [www.oag.go.ug](http://www.oag.go.ug)

**100:** The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

**Comments:**

The agency has full-time staff, but it is not adequate to audit all public sectors. The Office of the Auditor General is authorized for 395 positions, with a current staffing level of 95 percent, compared with 82 percent in fiscal 2008-09. The ratio of audit staff to non-audit staff is currently 3-to-1. This means that most of the OAG resources go to the core functions of the office. Part of the OAG's work, mainly relating to the auditing of commercially run public enterprises and donor-funded projects, is done by authorized professional auditing firms in Uganda. The work of the appointed auditors is reviewed by OAG staff to ensure its quality .

**References:**

1. "OAG Performance Report 2009/ 2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).
2. Frequently Asked Questions (FAQs), Office of the Auditor General, [www.oag.go.ug](http://www.oag.go.ug)

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

**Comments:**

The president appoints the auditor general, and this compromises the independence of the agency. Sometimes the president directs the auditor general to investigate government departments.

**References:**

- Interview with Shem Byakagaba (formerly in Judicial Service Commission), managing consultant at Lantern Consult International, Aug. 18, 2011.

**100:** Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2009-10, Parliament approved a budget of 27.73 billion shillings for the audit office, which received only 23.43 billion shillings of that amount. In 2010-11, Parliament approved and provided a budget of 33.9 billion shillings.

**References:**

“OAG Performance Report 2009/ 2010,” March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

**Comments:**

The auditor general is to audit and report to Parliament on the public accounts of Uganda and of all public offices by March 31 each year. The report covers audits for the preceding financial year. These reports are usually made available to Parliament and posted on the auditor general’s Website.

**References:**

1. Constitution of Uganda 1995, Article 163(3).

2. National Audit Act 2008, Section 13.

**100:** The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

**25:**

**0:** The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

**Comments:**

The OAG has generally complained of inadequate parliamentary review of audit reports already submitted. Most reports submitted to Parliament take a long time to be debated, and recommendations in most cases are not implemented by authorities at both the local and national levels. An example is the CHOGM report, in which the culprits were let off the hook through a partisan parliamentary caucus.

**References:**

1. "OAG Performance Report 2009/2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).
2. The Observer, Edward Ssekandi, July 5, 2010, "CHOGM Debate Is Not a Priority Now," [www.observer.ug](http://www.observer.ug)

**100:** Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

In fiscal 2009-10, the auditor general planned to conduct 1,614 financial/regularity audits and 10 performance/value for money audits. The office completed 2,368 financial and 10 performance audits. In addition, the auditor general conducted 25 special audits.

**References:**

- "OAG Performance Report 2009/ 2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).

**100:** The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

**75:**

**50:** The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

**25:**

**0:** The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

---

## 60. Can citizens access reports of the supreme audit institution?

92

60a. In law, citizens can access reports of the audit agency.

Yes

No

### Comments:

The National Audit Act 2008 requires the auditor general to report to Parliament on the accounts audited under subsection (1) and give a copy of the report to a) the president; b) the minister; c) the minister responsible for local governments; d) the local government or administrative unit to which the audit relates; e) the Local Government Public Accounts Committee; f) the Local Government Finance Commission; g) the inspector general of government; and h) the Resident District Commissioner.

Article 41 of the Constitution of Uganda and Access to Information Act grants every citizen the right of access to information in the possession of the state or any other organ of the state, except where the release of the information is likely to interfere with the security of the state or the right to the privacy of any other person.

### References:

National Audit Act 2008, Section 16(2), [www.oag.go.ug](http://www.oag.go.ug).

Constitution of Uganda and Access to Information Act 2005, Article 41.

**Yes:** A YES score is earned if all supreme auditor reports are available to the general public.

**No:** A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100

75

50

25

0

**Comments:**

Citizens can gain access to the audit reports, especially those uploaded to the auditor general's Website. One may get these reports by contacting the office by e-mail at [auditgen@infocom.co.ug](mailto:auditgen@infocom.co.ug) or by visiting the office at Treasury Building , Plot 2/4, Apollo Kagwa Road, Kampala. Very few citizens have access to the Internet, however, and to get these reports through use of the Access to Information Act is also very cumbersome.

**References:**

Office of Auditor General, FAQs, [www.oag.go.ug](http://www.oag.go.ug)

**100:** Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Reports take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The audit reports are public reports and are therefore not sold to the citizens. Citizens and any other person can freely access the reports.

**References:**

Interview with Shem Byakagaba (formerly in Judicial Service Commission), managing consultant at Lantern Consult International, Aug. 19, 2011.

**100:** Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Reports impose a financial burden on citizens, journalists or NGOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.



---

87  
5.3. Taxes and Customs: Fairness and Capacity

---

61. In law, is there a national tax collection agency?

100

61a. In law, is there a national tax collection agency?

Yes

No

**Comments:**

Section 2 of the Uganda Revenue Authority Act 1991 established the Uganda Revenue Authority to assess, collect and account for all revenue. This is provided for in Article 196 of the Uganda Constitution of 1995.

**References:**

1. Uganda Revenue Authority Act 1991, Sections 2 and 3.
2. Constitution of Uganda 1995, Article 196.

**Yes:** A YES score is earned if there is a national agency formally mandated to collect taxes.

**No:** A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

---

62. Is the tax collection agency effective?

63

62a. In practice, the tax collection agency has a professional, full-time staff.

100

75

50

25

0

**Comments:**

Uganda Revenue Authority has a professional full-time staff headed by a commissioner general. But the staff is not adequate to effectively carry out URA's mandate. The Revenue Authority has sometimes failed to beat its monthly target. In February 2011, for example, it faced a tight race against time to collect the annual amount the government set out at the beginning of the financial year.

**References:**

1. U.S. Embassy in Kampala, "2011 Investment Climate Statement – Uganda: Overview of Foreign Investment Climate," <http://kampala.usembassy.gov>

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | **50** | 25 | 0

**Comments:**

The Uganda Revenue Authority receives regular funding, but it is not adequate. According to the "National Budget Framework Paper FY 2010/11 – FY 2014/2015," the Revenue Authority registered a reduction of 2.5 billion shillings (2 percent), thus the consideration to bridge the gap of 2.5 billion shillings to support URA's efforts to enhance revenue collection so as to reduce dependence of fiscal operations on donor support.

**References:**

Ministry of Finance, "Planning and Economic Development, National Budget Framework Paper FY 2010/11 – FY 2014/2015"

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

---

**63. In practice, are tax laws enforced uniformly and without discrimination?**

25

63a. In practice, are tax laws enforced uniformly and without discrimination?

**Comments:**

The enforcement is not clear. Citizens consider the Uganda Revenue Authority to have corrupt officials, whereby some people are taxed while others evade a tax or they conspire with officials to under-declare taxes. For example, URA has accused ROKO Construction Ltd. of not paying 44.6 billion shillings in corporate taxes, 25 billion shillings in value added tax, 5 billion shillings in pay-as-you-earn, and of withholding 2.6 billion shillings in other taxes.

Other companies accused of owing taxes are Civil Aviation Authority, 25 billion shillings; Jacobsen Power Plant Ltd. 16.6 billion shillings; Wabulungu Multipurpose Estates Ltd., 8 billion shillings; Uganda Breweries Ltd., 1 billion shillings; Bank of Baroda, 577 million shillings; and Dreshak international Ltd., 243 million shillings. The companies dispute the URA's assessment.

The East African Bribery Index 2010 report ranked Uganda Revenue Authority the fourth most corruption of 44 institutions in the East African Community.

**References:**

1. East African Business Week (Kampala) Uganda, David Muwanga, Aug. 16, 2010, "URA Refutes Corruption Ranking," <http://allafrica.com>
2. Daily Monitor, Othman Semakula and Justus Lyatuu, Jan. 5, 2011, "URA Lists Withholding Tax Exempted Firms," <http://allafrica.com>
3. New Vision, Barbara Among, 9 January 2010, Revenue Authority Continues Tax Battles, <http://allafrica.com/stories/201001111292.html>

**100:** Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

**75:**

**50:** Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

**25:**

**0:** Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

---

## 64. In law, is there a national customs and excise agency?

100

64a. In law, is there a national customs and excise agency?

Yes

No

**Comments:**

Uganda Revenue Authority has a Customs Department responsible for international trade (import duty, excise duty and VAT as major taxes).

**References:**

Uganda Revenue Authority Act 1991, [www.ura.go.ug](http://www.ura.go.ug)

**Yes:** A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

**No:** A NO score is earned if that function is spread over several agencies, or does not exist.

---

## 65. Is the customs and excise agency effective?

75

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The Uganda Revenue Authority has a professional full-time staff headed by a commissioner general, but the staff is not adequate to effectively carry out URA's mandate. In recent years, URA has improved its efficiency, boosted transparency and increased tax compliance. Part of this success can be attributed to internal restructuring, though the URA has also grown more aggressive in its collections by targeting large, often foreign-owned businesses.

**References:**

1. U.S. Embassy in Kampala, "2011 Investment Climate Statement – Uganda: Overview of Foreign Investment Climate," <http://kampala.usembassy.gov>

2. The Observer, Milly Kibombo, March 30, 2011, "URA Records February Deficit," <http://www.observer.ug>

**100:** The agency has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

The Uganda Revenue Authority receives regular funding but it is not adequate. According to "National Budget Framework Paper FY 2010/11 – FY 2014/2015," Uganda Revenue Authority registered a reduction of 2.5 billion shillings (2 percent), thus the

consideration given to bridge the gap of 2.5 billion shillings to support URA's efforts to enhance revenue collection so as to reduce dependence of fiscal operations on donor support.

**References:**

Ministry of Finance, "Planning and Economic Development National Budget Framework Paper FY 2010/11 – FY 2014/2015"

**100:** The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

---

## 66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66a. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | **50** | 25 | 0

**Comments:**

The enforcement is not clear. For example, as noted in a New Vision editorial, "petroleum explorer, Heritage, has disputed a 30 percent tax slapped on earnings from the sale of its interests in Ugandan oil fields. While the government insists that Heritage pay the full \$404 million before it endorses the sale of its assets to oil giant Tullow, Heritage claims that it has received advice that the \$1.5 billion deal was not taxable. . . . A bad precedent has already been set where Ernst & Young, an international audit firm, discovered that Hardman Petroleum, a company also bought by Tullow, breached local tax regulations and in some instances made Ugandans bear customs and excise duty on imports not related to petroleum operations."

**References:**

1. New Vision editorial, July 26, 2010, "Heritage Oil Should Own Up," <http://allafrica.com/stories/201007270601.html>

2. Daily Monitor, Othman Semakula and Justus Lyatuu, Jan. 5, 2011, "URA Lists Withholding Tax Exempted Firms," <http://allafrica.com>

**100:** Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

**75:**

**50:** Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

**25:**

0: Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

---

## 5.4. Oversight of State-Owned Enterprises

---

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67a. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

Yes

No

**Comments:**

The auditor general is an independent authority appointed under Article 163 of the Constitution of Uganda. The scope of the auditor general's powers, duties and responsibilities are derived from the Constitution, the National Audit Act 2008, the Public Finance and Accountability Act 2003 and the Local Authorities Act 1997. The AG is responsible for the auditing of accounts of the central government, local government councils, administrative units; public organizations, and private organizations and bodies.

**References:**

1. Constitution of Uganda 1995, Articles 154(3) and 163.
2. National Audit Act 2008, Section 3, [www.oag.go.ug](http://www.oag.go.ug)

**Yes:** A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

**No:** A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

---

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

75

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

Yes | No

**Comments:**

Section 14 provides for the independence of the auditor general. This is subject to Section 13(2 & 3), which allows the president and Parliament to require that the auditor general carry out an audit.

**References:**

National Audit Act 2008, Section 14, [www.oag.go.ug](http://www.oag.go.ug)

**Yes:** A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The Office of Auditor General has a full-time staff, but it is not adequate to audit all public sectors. The office is authorized for 395 positions, with a current staffing level of 95 percent. This compares with 82 percent in fiscal 2008-09. The ratio of audit staff to non-audit staff is currently 3-to-1. This means that most of the OAG's resources go to the core functions of the office. Part of the OAG's work, mainly relating to the audit of commercially run public enterprises and donor-funded projects, is done by authorized professional auditing firms in Uganda. The auditor general's staff reviews the work of the appointed auditors to ensure its quality.

**References:**

1. "OAG Performance Report 2009/ 2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).

2. Frequently Asked Questions (FAQs), Office of the Auditor General, [www.oag.go.ug](http://www.oag.go.ug)

**100:** The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2009-10, Parliament approved a budget of 27.73 billion shillings, but the audit office actually received only 23.43 billion shillings of that amount. In 2010-11, Parliament approved and provided a budget of 33.9 billion shillings.

**References:**

"OAG Performance Report 2009/ 2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug)

**100:** The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

In fiscal 2009-10, the auditor general planned to conduct 1,614 financial/regularity audits and 10 performance/value for money audits. The office completed 2,368 financial and 10 performance audits. In addition, the auditor general conducted 25 special audits.

**References:**

OAG Performance Report 2009/ 2010," March 31, 2011, [www.oag.go.ug](http://www.oag.go.ug).

**100:** When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**



**0:** The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | **50** | 25 | 0

**Comments:**

The Office of the Auditor General does not have the power to impose penalties but makes recommendations in its reports to Parliament. Parliament refers these recommendations to the executive and other government institutions for implementation. Although implementation in most cases is negligible, the OAG cooperates with other agencies in fulfilling its mandate.

**References:**

1. Daily Monitor, Yasiin Mugerwa, July 29, 2011, "Auditor General Wants Sh140 Billion Pay to Basajjabalaba Stopped," [www.monitor.co.ug](http://www.monitor.co.ug)
2. Daily Monitor, Emmanuel Mulondo and Abubaker Kirunda, Oct. 8, 2011, "Parliament Orders Special Audit of Municipality Works," [www.monitor.co.ug](http://www.monitor.co.ug)

**100:** When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

---

## 69. Can citizens access the financial records of state-owned companies?

65

69a. In law, citizens can access the financial records of state-owned companies.

**Yes** | No

**Comments:**

Article 41(1) of the Constitution says every citizen has a right of access to information in the possession of the state or any other

organ or agency of the state except when the release of the information would likely prejudice the security or sovereignty of the state or interfere with the right to privacy of any other person.

**References:**

Constitution of Uganda 1995, Article 41(1).

**Yes:** A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

**No:** A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100 | 75 | 50 | 25 | 0

**Comments:**

It is difficult to know whether financial records of state-owned companies are regularly updated unless an audit is done. In most cases, information about financial matters comes into the public domain when corruption investigations are carried out, for example, the mismanagement of Bugisu Cooperative Union involving 700 million shillings.

**References:**

Weinformers, Mugisa Isaac Mathias, May 19, 2011, "Bugisu Cooperative Union in a Scandal of Over 700 Million Shillings," [www.weinformers.net](http://www.weinformers.net)

**100:** State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

**75:**

**50:** State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

**25:**

**0:** Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | 25 | 0

**Comments:**

Accounts are audited according to international standards by the Office of the Auditor General. The accountability cycle ends in Parliament with the review of the public accounts and the auditor general's reports by committees of Parliament, namely the Public Account Committee, Committee on Statutory Authorities and State Enterprises, and the local government accounts committees.

**References:**

Office of Auditor General Website, "Roles of the AG and OAG," [www.oag.go.ug](http://www.oag.go.ug)

**100:** Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

**75:**

**50:** Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

**25:**

**0:** State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | **50** | 25 | 0

**Comments:**

Citizens can get access to the audit reports, especially those uploaded on the auditor general's Website. One may obtain these reports by contacting the office by e-mail at [auditgen@infocom.co.ug](mailto:auditgen@infocom.co.ug) or by visiting the office at Treasury Building, Plot 2/4, Apollo Kagwa Road, Kampala. Very few citizens have access to the Internet, however, and to use the Access to Information Act to get the reports is very cumbersome.

**References:**

Office of Auditor General, FAQs, [www.oag.go.ug](http://www.oag.go.ug).

**100:** Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

**75:**

**50:** Records take around two weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

**100** | 75 | 50 | 25 | 0

**Comments:**

The audit reports are public reports and are therefore not sold to the citizens. Citizens and any other person can freely access the reports.

**References:**

Interview with Shem Byakagaba (formerly in Judicial Service Commission), managing consultant at Lantern Consult International, Aug. 19, 2011.

**100:** Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

**75:**

**50:** Records impose a financial burden on citizens, journalists or NGOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or NGOs trying to access this information.

---

80

## 5.5. Business Licensing and Regulation

---

70. Are business licenses available to all citizens?

69

70a. In law, anyone may apply for a business license.

Yes

No

**Comments:**

Section 11 of Trade (Licensing) Act 1969 provides that a licensing authority may, on application made to it in the prescribed manner and on payment of the appropriate fee, grant an applicant a trading licence.

**References:**

Trade (Licensing) Act 1969, Section 11, [www.ulii.org](http://www.ulii.org)

**Yes:** A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

**No:** A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required.

70b. In law, a complaint mechanism exists if a business license request is denied.

Yes | No

**Comments:**

Section 11(4) of the Trade (Licensing) Act 1969 provides that any applicant aggrieved by the refusal of the licensing authority to grant him or her a trading licence may appeal to the minister, whose decision shall be final.

**References:**

Trade (Licensing) Act 1969, Section 11(4), [www.ulii.org](http://www.ulii.org)

**Yes:** A YES score is earned if there is a formal process for appealing a rejected license.

**No:** A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

A trading license is required of any business operating in Uganda. The license is issued by the local authority (town or city council). It takes 25 days to get a trading license.

Uganda made it more difficult to start a business by increasing the trade licensing fees. Everyone, with a few exceptions, operating a business in Uganda is required to obtain a trading license, usually from a local authority wherever the trading is being conducted, such as Kampala City Council, Jinja Municipal Council, Fort Portal Municipal Council. The trading license is granted upon payment of a prescribed fee.

**References:**

1. World Bank, 2010, "Doing Business 2011: Making a Difference for Entrepreneurs," [www.doingbusiness.org](http://www.doingbusiness.org)

2. New Vision, Pascal Kwesiga, Nov. 23, 2011, "Government Bans Foreign Investors From Doing Small Businesses," [www.newvision.co.ug](http://www.newvision.co.ug)

**100:** Licenses are not required, or licenses can be obtained within roughly one week.

**75:**

**50:** Licensing is required and takes around one month. Some groups may be delayed up to a three months

**25:**

**0:** Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

A trading license can be obtained almost instantly if the necessary documents on the nature of the intended Uganda business activities are available and the amount is assessed by the municipality or city council. The owner of a business must pay the relevant license fee at the bank, as follows: Opening office: 156,500 Uganda shillings (US\$67, at the beginning of February 2012). Carrying out retail Uganda business: 206,500 Uganda shillings. Carrying out wholesale Uganda business: 366,500 Uganda shilling.

**References:**

1. Africa-Uganda-Business-Travel-Guide 2011, "How to Start a Uganda Business," [www.africa-uganda-business-travel-guide.com](http://www.africa-uganda-business-travel-guide.com)
2. World Bank, 2010, "Doing Business 2011: Making a Difference for Entrepreneurs," [www.doingbusiness.org](http://www.doingbusiness.org)

**100:** Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

**75:**

**50:** Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

**25:**

**0:** Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

---

## 71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

100

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

**Yes** | No

**Comments:**

The regulatory requirements are transparent, but are basically available to those who have access to the Internet. A majority of the citizens are not aware of these requirements.

**References:**

1. National Environmental Act 1995, Part VI, Sections 24 through 32, [www.nemaug.org](http://www.nemaug.org)
2. Public Health Act 1935, [www.vertic.org](http://www.vertic.org)

**Yes:** A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

Yes | No

**Comments:**

Part VI, Sections 24 through 32 of the National Environmental Act 1995 provides for basic business regulatory requirements for meeting public environmental standards. The regulatory requirements are transparent but are basically available to those who have access to the Internet. A majority of the citizens are not aware of these requirements.

**References:**

- National Environmental Act 1995, Part VI, Sections 24 through 32, [www.nemaug.org](http://www.nemaug.org)

**Yes:** A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

Yes | No

**Comments:**

The regulatory requirements are transparent but are basically available to those who have access to the Internet. A majority of the citizens are not aware of these requirements.

**References:**

1. National Environmental Act 1995, Part VI, Sections 24 through 32, [www.nemaug.org](http://www.nemaug.org)
2. Public Health Act 1935, [www.vertic.org](http://www.vertic.org)
3. Uganda National Bureau of Standards Act 1983, [www.unbs.go.ug](http://www.unbs.go.ug)

**Yes:** A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

**No:** A NO score is earned if such requirements are not made public or are otherwise not transparent.

---

## 72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

33

72a. In practice, business inspections by government officials to ensure public health standards are being met and are carried out in a uniform and even-handed manner.

100 | 75 | **50** | 25 | 0

**Comments:**

Business inspections by government officials to ensure public health standards are rarely done, and standards are not enforced. For example, in 2010, a total of 669 incidents of fire were reported, compared with 1,853 in 2009, a decrease of 64 percent. However, there will 76 fire-related deaths in 2010, compared with 54 in 2009.

**References:**

Uganda Police Force, April 2011, "The Annual Crime and Traffic/Road Safety Report, 2010," [www.upf.go.ug](http://www.upf.go.ug)

**100:** Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | **25** | 0

**Comments:**

Business inspections by government officials are insufficient, and in most cases they do not have the means to conduct such inspections. However, where business inspections are conducted, penalties are issued. For example, in August 2011, in Kabale Municipality 15 business premises were inspected and the businesses faced closure for breaching the National Water and Sewerage Corporation Act.



**References:**

1. Daily Monitor, Walter Wafula, June 1, 2011, "Food Exporters Urged to Observe Safety Standards," [www.monitor.co.ug](http://www.monitor.co.ug)
2. Uganda National Bureau of Standards, [www.unbs.go.ug](http://www.unbs.go.ug)

**100:** Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | **25** | 0

**Comments:**

The business inspections by government officials are insufficient. In most cases, they do not have the means to conduct such inspections. However, where business inspections are conducted, penalties are issued. For example, in August 2011, in Kabale Municipality 15 business premises were inspected and were facing closure for breaching the National Water and Sewerage Corporation Act. Owners of the affected business premises were accused of disconnecting their toilets from the National Water and Sewerage Corporation-NWSC system. They instead fetched water from other sources and used it for their toilets.

**References:**

1. Daily Monitor, Walter Wafula, June 1, 2011, "Food Exporters Urged to Observe Safety Standards," [www.monitor.co.ug](http://www.monitor.co.ug)
2. Uganda National Bureau of Standards, [www.unbs.go.ug](http://www.unbs.go.ug)

**100:** Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

**75:**

**50:** Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

**25:**

**0:** Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

## 6.1. ~~77~~ Anti-Corruption Law

---

### 73. Is there legislation criminalizing corruption?

100

73a. In law, attempted corruption is illegal.

Yes

No

**Comments:**

The Anti-Corruption Act 2009 provides for the “effectual prevention of corruption in both the public and the private sector, to repeal and replace the Prevention of Corruption Act, to consequentially amend the Penal Code Act, the Leadership Code Act and to provide for other related matters.” The law gives special investigation powers to the inspector general of government and the director of public prosecutions.

**References:**

1. Constitution of Uganda 1995, Section 233.
2. Anti-Corruption Act 2009, Section 2, [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if corruption laws include attempted acts.

**No:** A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

Yes

No

**Comments:**

The definition of corruption in the Anti-Corruption Act 2009 includes “the solicitation or acceptance, directly or indirectly, by a public official of any goods of monetary value, or benefits, such as a gift, favor, promise, advantage or any other form of gratification for himself or herself or for another person or entity.”

**References:**

Anti-Corruption Act 2009, Section 2, [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

**No:** A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

Yes

No

**Comments:**

Section 5 of the Anti-Corruption Act 2009 prohibits bribery of a public official. The punishment, upon conviction is imprisonment of not more than 10 years.

**References:**

Anti-Corruption Act 2009, Section 5, [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if offering a bribe is illegal.

**No:** A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

Yes

No

**Comments:**

Section 5 of the Anti-Corruption Act 2009 forbids public officials to accept bribes. In November 2010, Kisoro Grade 1 Magistrate, David Cheptuke Kaye was convicted of bribery and given a one-year jail sentence. Cheptuke appeared before Anti-Corruption Court Judge Paul Mugamba, who also ordered him to pay back the 100,000 shillings he had received as a bribe.

**References:**

1. Anti-Corruption Act 2009, Section 5, [www.dei.go.ug](http://www.dei.go.ug)

2. Uganda Pulse, Nov. 12, 2010, "Uganda People News: Magistrate Jailed for One Year Over Bribery," [www.ugpulse.com](http://www.ugpulse.com)

**Yes:** A YES score is earned if receiving a bribe is illegal.

**No:** A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

Yes | No

**Comments:**

Section 5 of the Anti-Corruption Act 2009 prohibits public officials from accepting bribes.

**References:**

Anti-Corruption Act 2009, Section 5, [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if bribing a foreign official is illegal.

**No:** A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

Yes | No

**Comments:**

The Anti-Corruption Act 2009 specifies that a person who converts, transfers or disposes of public funds for purposes unrelated to that for which the resources were intended, for his or her own benefit or for the benefit of a third party, commits an offense.

**References:**

Anti-Corruption Act 2009, Section 6, [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if using public resources for private gain is illegal.

**No:** A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

Yes | No

**Comments:**

Section 4(2) of the Anti-Corruption Act 2009 states that a public official who provides any information relating to a tender for performing any works, providing any service or supplying any article, material or substance to enable a person to obtain the tender from a public body, to the prejudice of someone else interested in it, commits an offense.

**References:**

Anti-Corruption Act 2009, Section 4(2), [www.dei.go.ug](http://www.dei.go.ug)

**Yes:** A YES score is earned if using confidential state information for private gain is illegal.

**No:** A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

Yes

No

**Comments:**

Section 129(1)(b) of the Financial Institutions Act 2004 requires directors, officers and employees to report promptly to national law enforcement agencies any suspected money- laundering activity related to any account held with the financial institution.

Parliament has for three years failed to pass the Anti-Money Laundering Bill 2009.

Money laundering in Uganda derives from a wide range of activities, including government corruption, misappropriation of public funds and foreign assistance, abuse of the public procurement process, abuse of religious charities, land speculation, car theft, arms and natural resources smuggling, and exchange control violations. Uganda's active informal economy also provides a fertile environment for money laundering, since Uganda's black market for smuggled and counterfeit goods takes advantage of porous borders and lack of customs and tax collection enforcement capacity.

**References:**

1. Financial Institutions Act 2004, Section 129(1)(b).
2. The Observer, Moses Mugalu, Feb. 17, 2010, "MPs Condemn Minister's Powers in Anti-Money Laundering Bill," [www.observer.ug](http://www.observer.ug)
3. "U.S. State Department Money Laundering Report – 2011," Aug. 28, 2011, [www.knowyourcountry.com](http://www.knowyourcountry.com)

**Yes:** A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

**No:** A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

Yes

No

**Comments:**

Uganda ratified the United Nations Convention Against Transnational Organized Crime.

Section 25 of Uganda's Anti-Terrorism Act 2002 stipulates that anyone who conspires with another person to commit an offense under the anti-terrorism law, or to do any act in any part of the world which if done in Uganda would be an offense and which is an offense in the place where it is proposed to be done, commits an offense. This person would be liable, if no other punishment was

provided, to imprisonment of not more than seven years, or, if the greatest punishment to which a person convicted of the offense is liable is less than seven years in prison, then to such lesser punishment.

**References:**

1. United Nations Office on Drugs and Crime, Regional U.N. Global Initiative to Fight Human Trafficking meeting, Kampala, June 19-22, 2007, [www.ungift.org](http://www.ungift.org)
2. The Anti-Terrorism Act 2002, Section 25, [www.icj.org](http://www.icj.org)

**Yes:** A YES score is earned if organized crime is illegal.

**No:** A NO score is earned if this is not illegal.

---

## 6.2. Anti-Corruption Agency or Equivalent Mechanisms

---

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74a. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

Yes

No

**Comments:**

Chapter 13 of the 1995 Constitution of Uganda establishes the Inspectorate of Government as an autonomous and constitutional institution. The Inspectorate of Government Act 2002, 3(1) states that there shall be an Inspectorate of Government whose functions include eliminating and fostering the elimination of corruption and abuse of authority and public office.

There are other anti-corruption agencies, like the Directorate of Public Prosecutions, the Anti-Corruption Court and the Directorate of Ethics.

**References:**

1. Constitution of Uganda 1995 Chapter 13.
2. The Inspectorate of Government Act 2002, 3(1).
3. The Anti-Corruption Act 2009.

**Yes:** A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

**No:** A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

## 75. Is the anti-corruption agency effective?

75

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

Yes

No

### Comments:

The Inspectorate of Government shall be independent in the performance of its functions and not be subject to the direction or control of any person or authority and shall be responsible only to Parliament.

### References:

1. Constitution of Uganda 1995, Article 227.
2. The Inspectorate of Government Act 2002, Section 10.

**Yes:** A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

**No:** A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100

75

50

25

0

### Comments:

In practice, the inspector general of government experiences political interference. For example, the current head has been working in acting capacity because the president has not appointed the substantive IGG now for two years.

Raphael Baku Obudra, the acting inspector general of government, dismissed a case against Prime Minister Amama Mbabazi on June 20, 2011. The IGG's dismissal has drawn widespread criticism. The Parliamentary Accounts Committee had been investigating Mbabazi's procurement practice of a security communication system. Based on a forensic report by the auditor general, the Accounts Committee accused Mbabazi of influence peddling, conflicts of interest, causing financial loss and flouting procurement laws. Mbabazi also was accused of inflating the cost of the system from US\$3.2 million to US\$5 million (about 12 billion Ugandan shillings at the time).

The IGG also withdrew a CHOGM corruption case against former Vice President Gilbert Bukenya.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala
2. The Independent, July 1, 2011, "IGG Lives in Mbabazi's Shadow," [www.independent.co.ug](http://www.independent.co.ug)

**100:** This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

The head (IGG) is protected from removal without relevant justification. The inspector general of government serves a four-year term renewable once.

**References:**

Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala

**100:** The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director(s) can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.



**Comments:**

The Inspectorate of Government has a full-time staff, both at the head office in Kampala and the more than 11 regional offices in the country. However, the staff is not adequate to successfully carry out the mandate of the Inspectorate.

The top leadership of the agency is sometimes accused of being partisan since the IGG is appointed by the head of state. But the leaders have the required technical qualifications.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala.
2. The Independent, July 1, 2011, "IGG Lives in Mbabazi's Shadow," [www.independent.co.ug](http://www.independent.co.ug)
3. The Observer, Freddie Kaboyo Baguma, Sunday, 27 November 2011, "We've lost all hope in the IGG," <http://www.observer.ug>

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

**75:**

**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

**Comments:**

The Inspectorate of Government has an independent appointments board responsible for recruiting staff other than the inspector general of government, the deputy IGG and the secretary to the Inspectorate, who are appointed by the president.

The IG has about 450 staff members of the 650 that are needed to carry out its mandate.

**References:**

1. Interview with Tumuhimbise Jasper, anti-corruption activist, Uganda Christian University, Sept. 23, 2011, Kampala.
2. Interview with a principal Inspectorate officer working with the inspector general of government, Nov. 28, 2011, Kampala.

**100:** The agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | **50** | 25 | 0

**Comments:**

The inspector general of government receives regular funding but faces challenges in gaining access to those funds. As the Daily Monitor reported, MPs on Aug. 11, 2011, “threw the IGG out of Parliament for the second time, but this time because of inflated budget figures of up to Shs997 million as was projected in the Inspectorate presentation. The Inspectorate has a recurrent budget of Shs31.2b and Shs2.6b for development but has a shortfall of Shs9b, out of which Shs997m is due to inflated figures from Finance. Last week, the same committee threw the IGG, Mr Raphael Baku, out of Parliament pending the Attorney General’s ruling on his legality as acting IGG.”

**References:**

Daily Monitor, Sheila Naturinda, “MPs Reject IGG Budget,” Aug.12, 2011.

**100:** The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:**

**50:** The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:**

**0:** The agency’s funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

**100** | 75 | 50 | 25 | 0

**Comments:**

Inspectorate of Government reports are made public and are available to the public, especially on the agency’s Website and in libraries. The IG reports are submitted to Parliament twice a year. Other reports are also posted on the IG Website.

**References:**

1. Constitution of Uganda 1995, Article 231.

2. “IG Report to Parliament (July – December 2010),” [www.igg.go.ug](http://www.igg.go.ug)

**100:** The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

**Comments:**

The Inspectorate has the authority to prosecute cases of corruption and abuse of authority or public office. It also can search and arrest, inspect bank accounts, freeze bank accounts during investigations (and after), hold liens on a leader's properties, confiscate properties of any leader found to have breached the Leadership Code, summon and examine witnesses during investigations, and order production of any documents.

On Aug. 2, 2011, Raphael Baku, the inspector general of government, recommended that the Jinja chief administrative officer request that the district service commission immediately dismiss Lydia Mwembe, the Jinja Land Board secretary. Mwembe was found guilty of altering documents by the Anti-Corruption Court in Kampala in February 2011. She was accused of having forged her law degree qualifications.

**References:**

1. "Uganda People News: IGG Wants Land Board Secretary Dismissed," published: Aug. 15, 2011, [www.ugpulse.com](http://www.ugpulse.com)

2. Bageya Waiswa, secretary to the Inspectorate of Government, October 2009; "Country Report on the Fight Against Corruption: Inspectorate of Government, Uganda," a paper presented at the third annual general meeting of EAAACA in Bujumbura, Burundi, [www.eaaaca.org](http://www.eaaaca.org)

**100:** The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

**75:**

**50:** The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

**25:**

**0:** The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

**Comments:**

The IGG receives regular complaints from the public and sometimes initiates investigations. From July 2010 to December 2010, the Inspectorate of Government handled 4,422 complaints. Of these, 3,351 were brought forward from the previous reporting period, while 1,042 were received or initiated by the Inspectorate, and 29 were audit reports received within the reporting period. A total of 557 complaints were investigated and completed, and 113 reports were issued. Also, 444 complaints were handled and finalized and the results communicated without reports, and 127 complaints were processed and later referred to other Institutions.

**References:**

1. "IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)
2. Bageya Waiswa, secretary to the Inspectorate of Government, October 2009; "Country Report on the Fight Against Corruption: Inspectorate of Government, Uganda," a paper presented at the third annual general meeting of EAAACA in Bujumbura, Burundi, [www.eaaaca.org](http://www.eaaaca.org)

**100:** When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

**75:**

**50:** The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

---

## 76. Can citizens access the anti-corruption agency?

50

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

**Comments:**

Some complaints are handled in reasonable time while others take a long time to be investigated. For example, from July 2010 to December 2010, the Inspectorate of Government handled 4,422 complaints. Of these, 3,351 were brought forward from the previous reporting period, while 1,042 were received or initiated by the Inspectorate, and 29 were audit reports received within the reporting period. A total of 557 complaints were investigated and completed, and 113 reports were issued. Also, 444 complaints were handled and finalized and the results communicated without reports, and 127 complaints were processed and later referred to other Institutions.

**References:**

- "IG Report to Parliament (July – December 2010)," [www.igg.go.ug](http://www.igg.go.ug)

**100:** The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | **50** | 25 | 0

**Comments:**

Citizens sometimes file their complaints with fear of being victimized. The Inspectorate of Government assures citizens that information is confidential. The Inspector General of Government Office does not disclose the identities of individuals who report cases to it.

However, in one incident, a whistle-blower who reported a case to police was arrested in April 2011. Police at Lira central station arrested whistle-blower Minyang Fred Walter, a Lira municipal councilor, for allegedly giving false information to police. Henry Alyanga, the Central North police spokesman, said Minyang and his accomplice, Isaac Apenyo, would be charged with giving false information to a person employed by public service contrary to Section 175, Subsection C of the penal code.

Jacob Kiyengo, the officer in charge of the Rapid Response Unit in Lira, said the two men gave him information that Obeny George and Opio Denis Otema possessed illegal firearms. The Rapid Response Unit personnel arrested and investigated Obeny and Opio, but found that the suspects had been falsely accused.

**References:**

1. The Inspector, a newsletter of the Inspectorate of Government, February 2011, [www.igg.go.ug](http://www.igg.go.ug)
2. Inspectorate of Government, 2011, "Report a Case to the IGG," [www.igg.go.ug](http://www.igg.go.ug)
3. Uganda Radio Network, Machrine Birungi / Ronald Odongo 3/4/2011. COUNCILOR ARRESTED FOR PROVIDING FALSE INFORMATION TO COPS. <http://ugandaradionetwork.com/a/story.php?s=32863&PHPSESSID=a47eba75b3a820ae0b126993037543c3>

**100:** Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

**75:**

**50:** Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

**25:**

**0:** Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

75  
6.3. Judicial Independence, Fairness, and Citizen Access to Justice

---

77. Is there an appeals mechanism for challenging criminal judgments?

67

77a. In law, there is a general right of appeal.

Yes

No

**Comments:**

Any person aggrieved by a decision of the court may appeal the decision in an appropriate court. The Court of Appeal was created to hear appeals from decisions of the High Court as provided by law.

**References:**

Constitution of Uganda 1995, Articles 50(3) and 134(3).

**Yes:** A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

**No:** A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

100

75

50

25

0

**Comments:**

In most cases appeals face delays, especially because of a lack of adequate judicial officers to handle the cases. A report in March 2011 from the auditor general said that in the past four years the judiciary had faced challenges in clearing cases. The case backlog increased from 65,423 in 2006-07 to 126,521 in 2009-10.

The annual performance report for 2010-11 from Justice, Law and Order Sector, or JLOS, said that In its review period, 102,001 cases were disposed of, compared with 110,692 cases filed in the courts at all levels countrywide. That translated into a 92 percent disposal rate. The implementation of the pilot Case Backlog Quick Wins Program resulted in a reduction of the average length of stay on remand from 27 months in 2009 to 15 months in 2010-11, according to the report. At the same time, the ratio of convicts to remands increased from 44.5 percent in 2009-10 to 47 percent in 2010-11 countrywide. In some prisons like Luzira upper, there were now more convicts than remands for the first time in 28 years.

The report, however, showed less than satisfactory performance in disposal of cases at the Court of Appeal, though generally there had been a 25 percent increase in completed cases despite a 21 percent growth in the rate of case filings. One major

development in the reporting period was the adoption of a circuit system by the Court of Appeal, in which the court started holding sessions upcountry rather than hearing all appeals in Kampala.

**References:**

1. Office of the Auditor General, March 2011, "Value for Money Audit Report on Disposing of Cases in the Judiciary," [www.oag.go.ug](http://www.oag.go.ug)

2. "JLOS Annual Performance Report 2010/2011," [www.jlos.go.ug](http://www.jlos.go.ug)

**100:** Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

**75:**

**50:** Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

**25:**

**0:** Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

100 | 75 | **50** | 25 | 0

**Comments:**

The Court does not charge for appeals. However, the cost of appeals in most cases is not affordable because lawyers' fees are prohibitive to most citizens.

**References:**

Office of the Auditor-General, March 2011, "Value for Money Audit Report on Disposing of Cases in the Judiciary," [www.oag.go.ug](http://www.oag.go.ug)

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

**25:**

**0:** The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

---

78. In practice, do judgments in the criminal system follow written law?

100

78a. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

**Comments:**

The laws that have been approved by Parliament that the courts use as reference in the process of making decisions include The Magistrates Court Act, The Evidence Act, The Judicature Act, The Penal Code Act, The Criminal Procedure Act, The Civil Procedure Act and the Constitution.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**100:** Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

**75:**

**50:** Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

**25:**

**0:** Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

---

79. In practice, are judicial decisions enforced by the state?

50

79a. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

**Comments:**

Judicial decisions are enforced by the state, but there are instances where the state ignores judicial decisions.

This is evident, for example, in the case of former Vice President Gilbert Bukenya, who was accused four years ago of abuse of office for awarding a 9.4 billion shilling contract to Chogm. The executive arm of government influenced the judiciary to withdraw the Bukenya case on Nov. 4, 2011, saying it wanted to pave way for the conclusion of a civil suit over the same matter. Bukenya praised President Yoweri Museveni for “standing with him” until the Inspectorate of Government discontinued a case over his handling of the 2007 Commonwealth Summit car purchase deal.



**References:**

1. Daily Monitor, Anthony Wesaka, Sept. 11, 2011, "Judiciary Not Free, Says Odoki," <http://allafrica.com>, <http://www.monitor.co.ug>
2. Daily Monitor, Ephraim Kasozi and Anthony Wesaka, Oct. 7 2011, "Bukenya: Judiciary Tells Off Museveni," [www.monitor.co.ug](http://www.monitor.co.ug)
3. Daily Monitor, Benon Herbert Oluka, Nov. 8, 2011, "IGG Under Fire for Setting Bukenya Free," [www.monitor.co.ug](http://www.monitor.co.ug)

**100:** Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

**75:**

**50:** Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

**25:**

**0:** Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

---

## 80. Is the judiciary able to act independently?

88

80a. In law, the independence of the judiciary is guaranteed.

Yes

No

**Comments:**

Article 128(1) of the Constitution provides that the courts shall be independent and not subject to the control or direction of any person or authority. However, interference with the judiciary has been most pronounced in the state's refusing to obey and enforce decisions of the court, open attacks on the judiciary, delay making judicial appointments, and the poor facilitation of the judiciary.

**References:**

1. Constitution of Uganda 1995, Article 128(1).
2. Justice JWN Tsekooko, justice of the Supreme Court, July 29, 2010, "Fiscal Autonomy and Accountability as a Guarantee of Judicial Independence: The Uganda Experience," <http://icj.org>

**Yes:** A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

**No:** A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

**Comments:**

National-level judges are not protected from political interference. There are instances where judges are attacked by politicians. President Yoweri Museveni has shown a willingness to disregard prominent judicial decisions that displease him.

**References:**

1. Daily Monitor, Anthony Wesaka, Sept. 11, 2011, "Judiciary Not Free, Says Odoki," <http://allafrica.com>
2. Open Society Foundations 2011, "Putting Complementarity Into Practice: Domestic Justice for International Crimes in DRC, Uganda, and Kenya," /www.soros.org

**100:** National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

**75:**

**50:** National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

**25:**

**0:** National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

Yes | No

**Comments:**

Section 20, Part IV of the Judicature Act of 1996 (subject to Article 141 of the Constitution) states that the principal judge may determine the distribution of business before the High Court and may assign any judicial duty to any judge and, in doing so, take into account Article 28 of the Constitution.

**References:**

1. Judicature Act, 1996, Part IV, Section 20.
2. Constitution of Uganda 1995, Article 141.

**Yes:** A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

**No:** A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

Yes | No

**Comments:**

Article 144(2) of the Constitution provides that a judicial officer may be removed from office only for inability to perform the functions of his or her office because of poor health of body or mind, misbehavior or misconduct, or incompetence.

**References:**

Constitution of Uganda 1995, Article 144(2).

**Yes:** A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

**No:** A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

---

## 81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

Yes | No

**Comments:**

In the last year, no judges have been physically harmed because of adjudicating corruption cases.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**Yes:** A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

Yes

No

**Comments:**

In the last year, no judges have been killed because of adjudicating corruption cases.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**Yes:** A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

**No:** A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

---

## 82. Do citizens have equal access to the justice system?

68

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100

75

50

25

0

**Comments:**

Judicial decisions are not affected by racial or ethnic bias. Article 126(2) of the Constitution spells out the following five principles to be followed in the administration of justice: Justice shall be done for all regardless of their social or economic status; justice shall not be delayed; adequate compensation shall be awarded to victims of wrong; reconciliation between parties shall be promoted; and substantive justice shall be administered without undue regard to technicalities.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**100:** Judicial decisions are not affected by racial or ethnic bias.

**75:**

**50:** Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

**25:**

**0:** Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

**Comments:**

Women enjoy full and equal access to the judicial system, despite a majority of women being poor and not being able to afford the fees for lawyers to represent them.

**References:**

1. The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

2. Amnesty International, Juliette Rousselot, April 21, 2010, "Little Access to Justice for Women in Uganda- Africa, Women's Rights," <http://blog.amnestyusa.org>

**100:** Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**75:**

**50:** Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**25:**

**0:** Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

Yes | No

**Comments:**

Article 28, Section 3(d) of the Constitution provides that someone charged with a criminal offense be permitted to appear before a court in person or, at that person's own expense, be represented by a lawyer of his or her choice. In the case of a offense that carries a sentence of death or imprisonment for life, a defendant is entitled to legal representation at the expense of the state.

**References:**

Constitution of Uganda 1995, Article 28(3).

**Yes:** A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

**No:** A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | **25** | 0

**Comments:**

The state doesn't provide adequate legal counsel for defendants in criminal cases who cannot afford it because of financial challenges. The judiciary is faced with many challenges brought about by social, economic, environmental, political, technological and global changes.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**100:** State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

**75:**

**50:** State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

**25:**

**0:** State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | **50** | 25 | 0

**Comments:**

Court fees are not prohibitive for the middle class. Before a plaint or any other pleading can be accepted as properly filed in the court, the plaintiff is required to pay filing fees computed by the registry staff based on a schedule set by the court. These fees are paid to Uganda Revenue Authority through the bank or, where there are no banks, it is paid to the cashier of the court. The fees vary from case to case depending on the subject matter and the monetary value of the claim.

**References:**

Office of the Auditor General, March 2011, "Value for Money Audit Report on Disposing of Cases in the Judiciary," [www.oag.go.ug](http://www.oag.go.ug)

**100:** In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

**75:**

**50:** In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | **50** | 25 | 0

**Comments:**

A typical small retail business can afford to bring a legal suit but may face challenges in paying a lawyer to represent it.

**References:**

Office of the Auditor General, March 2011, "Value for Money Audit Report on Disposing of Cases in the Judiciary," [www.oag.go.ug](http://www.oag.go.ug)

**100:** In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

**75:**

**50:** In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

100 | 75 | **50** | 25 | 0

**Comments:**

All citizens have access to a court of law, regardless of geographic location. But the poor may not necessarily utilize the courts because of knowledge and financial constraints.

**References:**

The Judiciary of the Republic of Uganda, [www.judicature.go.ug](http://www.judicature.go.ug)

**100:** Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts are unavailable to some regions without significant travel on the part of citizens.

---

## 6.4. Law Enforcement: Conflicts of Interest Safeguards and Professionalism

---

83. Is the law enforcement agency (i.e. the police) effective?

33

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

Section 5(4) of the Police Act 1994 provides that the president appoint the inspector general and the deputy inspector general, subject to the Constitution and the police act. Section 11(1) states that the functions of the police council include recruiting, appointing and promoting police officers up to the rank of inspector of police.

Nonetheless, there has been outcry from the public and Parliament that staff recruitment is skewed and that tribalism and favoritism play a big role in who is recruited onto the force. For example, President Yoweri Museveni's home district of Kiruhura and Maj. Gen. Kale Kayihura's district of Kisoro dominate the police recruitment process for cadet officers. For the years 2010/2011, Kiruhura District topped the police conscription radar with 23 cadets, followed by Kisoro District with 20 recruits. Ntungamo, which is also home to first lady Janet Museveni, came in third with 19 officer recruits. Some of the appointments are influenced by politicians, as certain individuals are considered for appointment because of their political and tribal affiliations though the positions are advertised in the media.

**References:**

1. The Police Act 1994, Sections 5(4) and 11(1), [www.upf.go.ug](http://www.upf.go.ug).
2. Daily Monitor, Gerald Bareebe, April 17, 2011, "Queries As West Leads in Police Recruitment," [www.monitor.co.ug](http://www.monitor.co.ug)
3. Uganda Radio Network, Wambi Michael on behalf of Michael Wambi, Feb. 1, 2011, "Police Boss Defends Recruitment of Civilian Militias," <http://ugandaradionetwork.com>

**100:** Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:



**50:** Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

**25:**

**0:** Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | **50** | 25 | 0

**Comments:**

The budget is always not sufficient. The Uganda Police Force is to spend up to 92.8 billion shillings during the 2011-12 financial year, with 46.5 billion shillings going to capital development, 40 billion shillings to keeping law and order and 6.25 billion shillings to improving police presence in Northern Uganda. The Uganda Police Force needed more than 92.3 billion shillings to effectively keep law and order during the 2011 general elections. However, the money was not provided in the 2010-11 national budget. The 241.8 billion shilling police budget had a shortfall of 137.7 billion, of which 45.4 billion was for normal operations like wages, non-wages and capital development. Police had made an election budget of 201 billion shillings, but it was revised to 92.3 billion shillings.

**References:**

1. Uganda Radio Network, Tom Malaba, June 24, 2011, "Police to Spend Shs 93 Billion In 2011/2012 Financial Year," [ugandaradionetwork.com](http://ugandaradionetwork.com)
2. The New Vision, Josephine Maseruka, Aug. 11, 2010, "Police Need Sh92 Billion for 2011 Polls," [www.newvision.co.ug](http://www.newvision.co.ug)

**100:** The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

**25:**

**0:** The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | 50 | **25** | 0

**Comments:**

Uganda Police Force has been accused of being partisan, unprofessional and brutal. The creation of militaristic units, such as the Rapid Response Unit (formerly known as the Violent Crimes Crack Unit, the Black Mamba, the Joint Anti-Terrorist Task Force), has deprived the police of their independence. The police have become an instrument of brutality against citizens, especially those in opposition.

**References:**

The London Evening Post, Christine Acen, April 16, 2011, "Uganda Police Accused of Being Partisan, Unprofessional and Brutal," [www.thelondoneveningpost.com](http://www.thelondoneveningpost.com)

**100:** The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

**75:**

**50:** The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

---

## 84. Can law enforcement officials be held accountable for their actions?

75

84a. In law, there is an independent mechanism for citizens to complain about police action.

Yes

No

**Comments:**

Under Section 70(1) of the Uganda Police Act 1994, a person is entitled to make a written complaint of bribery, corruption, oppression or intimidation by a police officer; any neglect or nonperformance of duties by a police officer and any other misconduct by an officer. A complaint made under subsection (1)(a) shall be addressed to the most senior police officer in charge of the district or unit where the officer is stationed, or to the inspector general.

**References:**

Uganda Police Act 1994, Section 70(1).

**Yes:** A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

**No:** A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

**Comments:**

The Professional Standards Unit and the Human Rights Desk handle complaints from the public concerning police officers. Any complaint against police by members of the public will be investigated under the direction of a superior police officer, and a file will be opened and all matters connected with the inquiry recorded in it. The time a complaint takes to be resolved depends on the gravity of the case and the period required for investigation. It can take a few weeks or even months to conclude.

**References:**

1. HURINET-U 2009, "Complaint Handling Manual for Police Violation of Human Rights," [www.hurinet.or.ug](http://www.hurinet.or.ug)
2. Daily Monitor, Andrew Bagala, Nov. 18, 2011, "Police Struggle to Keep Exiting Officers," <http://allafrica.com>

**100:** The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

**75:**

**50:** The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

**25:**

**0:** The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

Yes

No

**Comments:**

Section 49(3) of the Uganda Police Act of 1994 provides for a police disciplinary court to hear and determine any disciplinary matter involving a person subject to the code and to have powers to award any punishment authorized by or under the police act.

Section 8(e) of the Inspectorate of Government Act 2002 empowers the inspector general of government to investigate any act, omission, advice, decision or recommendation by a public officer—or any other authority to which the section applies—taken, made, given or done in exercise for administrative functions.

**References:**

1. The Uganda Police Act 1994, Section 49(3).
2. Inspectorate of Government Act 2002, Section 8(e), [www.igg.go.ug](http://www.igg.go.ug)
3. Anti Corruption Act 2009, Section 36.

**Yes:** A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence,

such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

**No:** A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | **50** | 25 | 0

**Comments:**

The agency independently initiates investigations. For example, a police officer working at Adwoki outpost in Dokolo District was arrested for allegedly killing a suspected defiler. Relatives believed that the suspected defiler was killed intentionally, but the police said it was an accident. The police officer was picked up from his station after residents attempted to set the station on fire in protest.

**References:**

1. Daily Monitor, Bill Oketch, June 21, 2011, "Police Officer Arrested Over Shooting of Suspected Defiler," [www.monitor.co.ug](http://www.monitor.co.ug).
2. Daily Monitor, Rajab Mukombozi, Nov. 14, 2011, "Sheema Police Chief Arrested Over Bribery."

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

**75:**

**50:** The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

**Yes** | No

**Comments:**

Section 49(3) of the Uganda Police Act 1994 provides for a police disciplinary court to hear and determine any disciplinary matter involving a person subject to the code.

**References:**

The Uganda Police Act 1994, Section 49(3).

**Yes:** A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

**No:** A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | **50** | 25 | 0

**Comments:**

In January 2010 about 50 police officers in Uganda were arrested for holding suspects for more than 48 hours in police cells. Those arrested included Criminal Investigations Department officers and officers in charge of police posts and stations. They were arrested by the Police Professional Standards Unit and held at police headquarters at Kibuli in Kampala. These arrests followed PSU's decision to visit various police stations and cells abruptly without notice.

**References:**

1. RNW Radio Netherlands Worldwide, Jan. 6, 2010, "About 50 Police Officers Arrested in Uganda," [www.rnw.nl](http://www.rnw.nl)
2. Daily Monitor, Bill Oketch, June 21, 2011, "Police Officer Arrested Over Shooting of Suspected Defiler," [www.monitor.co.ug](http://www.monitor.co.ug)

**100:** Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

**75:**

**50:** Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

**25:**

**0:** Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.

---