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**Uganda: Civil Society Report
by Anti-Corruption Coalition Uganda
An input to the UNCAC Implementation Review Mechanism:
Third year of review of UNCAC Chapters II and V**

-Executive Summary-

This is the executive summary of a civil society shadow report from December 2021 that reviews Uganda's implementation and enforcement of selected articles of UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Uganda covering those two chapters. The full report is available on the UNCAC Coalition's website.¹

Uganda has undertaken significant steps towards implementing the provisions of Chapter II (Preventive Measures) and V (Asset Recovery) of the United Nations Convention Against Corruption (UNCAC). Yet, while Uganda has enacted comprehensive anti-corruption laws and established several anti-corruption bodies, the actual implementation of this legal and institutional framework remains weak.

Assessment of the review process

Has the government disclosed information about the country focal point?	Yes	This was provided during the first meeting and our follow-up engagements with the Directorate of Ethics and Integrity.
Was the review schedule published somewhere?	No	The government did not publish updates about the review process. CSOs mostly depended on invitations for meetings to know the status of the process.
Was civil society consulted in the preparation of the self-assessment checklist?	No	Civil society was not consulted in the preparation of the self-assessment checklist. In fact, even CSOs that have participated in the overall process have not seen the self-assessment checklist.
Was the self-assessment checklist published online or made available to civil society?	No	The self-assessment checklist has not been published online and has not been provided to civil society, despite requests to do so during the two meetings.
Did the government agree to a visit to the country?	Yes	During one of the meetings, it was revealed that Uganda had agreed to a country visit.

¹ <https://uncaccoalition.org/new-civil-society-report-on-uganda-calls-for-stronger-anti-corruption-bodies-enhanced-civil-society-participation-and-effective-asset-recovery-laws-to-advance-the-fight-against-corruption/>

Was a country visit undertaken?	No	Due to Covid-19 pandemic and the associated travel restrictions.
Was civil society invited to provide input to the official reviewers?	No	Due to Covid-19 pandemic and the associated travel restrictions.
Was the private sector invited to provide input to official examiners?	No	Due to Covid-19 pandemic and the associated travel restrictions.
Has the government committed to publishing the full country report?	No	The full country report has not been concluded yet. However, from the meetings held it was clear that the full country report will not be published because of protocol bottlenecks and secrecy laws. Even the draft report has not been shared with CSOs.

Main findings and Recommendations (R)

Preventive anti-corruption policies and bodies

Uganda has enacted several anti-corruption laws on access to information, whistleblower protection and anti-money laundering and has adopted a Zero Tolerance to Corruption Policy and a National Anti-Corruption Strategy (2020 – 2024) in consultation with civil society. However, the implementation of these laws is hampered by limited political will, insufficient human, technical and financial capacities amongst anti-corruption bodies, overlapping mandates and limited coordination between anti-corruption authorities. The absence of a comprehensive law on asset recovery and witness protection has further hindered the anti-corruption fight.

R: Increase funding to anti-corruption agencies; appoint heads of anti-corruption institutions through a fair, transparent and independent procedure; strengthen coordination between the different anti-corruption agencies.

Measures relating to the judiciary

The government of Uganda established the Anti-Corruption Division of the High Court in 2008 to adjudicate corruption cases. The Anti-Corruption Act also mandates the Inspectorate of Government and the Directorate of Public Prosecutions to prosecute corruption cases. The Judicial Service Commission (JSC) is mandated with disciplining errant judicial officers. However, disciplinary measures have mostly been applied to low-ranking judicial officers and prosecutors. While judges and prosecutors are required to declare their wealth under the 2002 Leadership Code Act, these declarations are never made public and there is little follow-up to verify their authenticity.

R: Apply disciplinary procedures to high-ranking judicial officers and strengthen feedback mechanisms at the JSC by reporting on high-profile cases against judges.

Public reporting and participation of society

Uganda enacted an Access to Information Act in 2005 and adopted Access to Information Regulations in 2015. In practice, however, lengthy procedures, exorbitant access fees, the 1964 Official Secrets Act and limited awareness of these processes amongst the citizenry restrict access to information. Selected civil society organizations are consulted during legislative drafting processes, whilst CSOs and the public are invited to provide input and memoranda into bills. Yet, the collaboration on anti-corruption is mostly ad hoc. The State House Anti-Corruption Unit (SHACU) has created a toll-free, multilingual phone line which allows the public to confidentially report corruption cases. However,

the crackdown on journalists and activists reporting on corruption cases has intensified by means of legal harassment, the revocation of licenses and arrests.

R: Cease the incarceration of journalists, closure of media houses and threats of revocation of licenses from media houses; enhance civil society participation in policy and decision-making processes and in the UNCAC review process.

Anti-money laundering

Uganda enacted the Anti-Money Laundering Act (AMLA) in 2013 and established the Financial Intelligence Authority (FIA), which combats money laundering activities. Uganda has also put in place cross-border cash declaration requirements, established measures to detect and monitor the movement of cash and conducted a national risk assessment. However, NGOs have been included as reporting entities under the AMLA, which is overburdening many organizations.

R: Create more awareness amongst NGOs on their obligations under the current AML legislation; consider removing NGOs from the list of accounting entities under the second schedule of the AMLA.

Asset recovery

The 2013 Anti-Money Laundering Act and the 2015 Anti-Corruption (Amendment) Act allow for cross-border asset recovery and international cooperation for purposes of confiscation. However, Uganda lacks a comprehensive mutual legal assistance framework for asset recovery across borders. Under current laws, asset recovery is conviction-based only, which puts a high burden of proof on the prosecution.

R: Enact a law on non-conviction-based asset recovery to create a strong legal framework and an independent institution; operationalize a comprehensive mutual legal assistance framework for asset recovery across borders.

Special cooperation and bilateral/multilateral agreements

The 2013 Anti-Money Laundering Act permits competent authorities to exchange information on proceeds derived from offenses with foreign counterparts and provides for international cooperation. Section 114 of the AMLA contains provisions to request mutual assistance. However, there is no data related to the implementation of Article 56 of the UNCAC on Special Cooperation with regard to asset recovery and Article 59 on Bilateral and Multilateral Agreements and Arrangements.

Uganda lacks a comprehensive mutual legal assistance framework to address issues emerging from cross-jurisdictional investigation and prosecution of corruption and the associated asset recovery. The country has not entered into legally binding reciprocal agreements with other countries for purposes of cooperation and asset recovery across borders.

R: Develop a comprehensive mutual legal assistance framework to address issues emerging from the cross-jurisdictional investigation and prosecution of corruption, which would allow for legally binding reciprocal agreements with other countries.

Return and disposal of assets

Section 110 of the AMLA permits the transfer of proceeds of crime to a requesting state. Section 110(2) allows the Minister for Finance to deduct all expenses incurred in the recovery of the proceeds or instrumentality. Section 112 of AMLA also provides for disposal of confiscated property. Article 112(2) mandates any court or competent authorities of Uganda, to the extent permitted by the laws of Uganda and if so requested, to give priority consideration to returning the confiscated property to the requesting state. Properties confiscated under international cooperation (Part V) of the Anti-

Money Laundering Act, are disposed of in accordance with the Regulations made under the AMLA. Nevertheless, there is little available information regarding the enforcement of this provision, no law providing for the management of restrained or confiscated assets, and no regulations are in place to guide Ugandan authorities on their disposal.

R: Enact the Crime Proceeds Management Bill for the management of restrained or confiscated assets; develop and adopt regulations to guide authorities on the disposal of assets under international cooperation.

Financial intelligence unit

Section 18 of the Anti-Money Laundering Act of 2013 establishes the Financial Intelligence Authority (FIA). The mandate of the FIA includes processing, analyzing and interpreting information disclosed to it and obtained by it in terms of the AMLA; and referring any matter or information it receives to the appropriate law enforcement agency, among others. FIA has the ability to share information with relevant institutions within and outside of Uganda and is a member of Egmont Group. However, there is limited awareness among the public of the modus operandi of the FIA, it is not an independent or prosecutorial body, and it has ignored certain political situations that merited investigation.

R: Ensure that the FIA is an independent body with prosecutorial powers; make sure civil society organizations are aware of reporting requirements under AML/CFT and possess the sufficient skills and resources to conduct training and risk assessments.