



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

14 November 2023

This is the executive summary of a civil society parallel report from December 2021 that reviews Uganda's implementation and enforcement of selected articles in 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 and V of the UNCAC. Yet, while Uganda 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 level 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 and have not seen the self-assessment checklist.

¹ The parallel report was published on the UNCAC Coalition website in December 2021: <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 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.
Was a country visit undertaken?	No	The country visit did not happen because of the Covid-19 pandemic and the associated travel restrictions.
Was civil society invited to provide input to the official reviewers?	No	
Was the private sector invited to provide input to official examiners?	No	
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 topics such as 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), which were developed 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 as well as 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 in Uganda.

R: *Increase funding to anti-corruption agencies to capacitate them to execute their mandate, providing them with specialized staff training and modern forensic technologies and skills to address emerging forms of corruption, rather than creating parallel agencies. Appoint heads of anti-corruption institutions through a fair, transparent and independent procedure and do so in a timely manner to avoid creating a leadership vacuum and to strengthen the capacity and authority of the IG to*

investigate and prosecute corruption cases. 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 2019 Constitution (Recusal of Judicial Officers) (Practice) Directions regulate issues of ethics, integrity and conflicts of interest among Judicial Officers. Training and capacity building on accountability, transparency and integrity has been provided to judges and prosecutors both internally and by external actors like CSOs.

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. Although high-profile cases have been reported to the JSC against judges, the outcome of these cases has not been made public. Moreover, while judges and prosecutors are required to declare their wealth under the 2002 Leadership Code Act (as amended), these declarations are never made public and there is little follow-up to verify their authenticity.

R: Thoroughly investigate and prosecute high-ranking judicial officers for detected corruption-related offences and inform the public of the outcomes of these cases. Consider setting up an Anti-Corruption Court of Appeal to ensure the swift and thorough handling of corruption appeals.

Public Reporting

The State House Anti-Corruption Unit has created a toll-free, multilingual line which allows the public to confidentially report corruption cases. Since its inception in 2018, over 60,000 reported cases have been received and at least 26,000 resolved. At the same time, the government of Uganda has intensified its crackdown on journalists and activists reporting on high-profile corruption cases through legal harassment, the revocation of licenses and arrests.

R: Establish a legal and institutional regime for the protection of witnesses. This should cover the phases of investigation and prosecution of corruption cases, and even the post-trial period. This legal framework should include sufficient protection and reward for informers, whistle-blowers and witnesses.

Access to Information

Uganda enacted an Access to Information Act in 2005 and adopted the Access to Information Regulations in 2015, which lay down detailed procedures through which citizens can request access to official information. In practice, however, lengthy procedures, exorbitant access fees and limited awareness of these processes amongst the citizenry restrict the access to information. Moreover, draconian laws like the 1964 Official Secrets Act, still hinder effective access to information.

R: Proactively make available more information, information, especially statistics on cross-border asset recovery. Harmonize all the laws on access to information and clearly define what is entailed in the concepts of 'state sovereignty', 'national security' and the

'right to privacy'. Repeal the Official Secrets Act, 1964 or align with internationally acceptable standards on access to information. Sections of the Penal Code Act, contrary to global standards on access to information, should be repealed.

Participation of Society

Selected civil society organizations are consulted during legislative drafting processes, whilst CSOs and members of the public are invited to provide input and memoranda into bills, mostly at the parliamentary committee level. Yet, the collaboration between government and civil society on anti-corruption is mostly ad hoc, save for a few cases where partnership agreements have been signed.

R: Cease crackdowns on social media and mainstream media and the misapplication of the Computer Misuse Act and the Penal Code Act. Stop the brutal arrest and 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. Allow for full civil society participation in the UNCAC review process and make publicly available the full country report and the self-assessment checklist.

Anti-Money Laundering

Uganda enacted the Anti-Money Laundering Act (AMLA) in 2013 and also established the Financial Intelligence Authority (FIA). The mandate of the FIA is to combat money laundering activities. The Anti-Money Laundering Regulations were enacted in 2015, to facilitate the implementation of the AMLA. 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, although the risk assessment did not cover the third sector, NGOs have nevertheless been included as reporting entities under the AMLA, which is overburdening many organizations.

R: Consider removing NGOs from the list of accounting entities under the second schedule of the AMLA, in line with ESAAMLG recommendations. There is also a need for more awareness creation amongst NGOs on their obligations under the current AML legislation.

Asset Recovery

The 2013 Anti-Money Laundering Act as well as 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 as envisaged under Section 67C of the Anti-Corruption (Amendment) Act, 2015. Moreover, under current laws, asset recovery is conviction-based only, which puts a high burden of proof on the prosecution. Moreover, to consolidate the different asset recovery departments that currently exist in various government agencies, an independent institution for the tracing, acquisition, management and disposal of proceeds of corruption should be established.

R: Enact a law on non-conviction-based asset recovery to create a strong legal framework and an independent institution for the tracing, acquisition, management and disposal of proceeds of corruption. This law would also consolidate the different

asset recovery departments that are currently scattered in different government agencies.