



LASPNET
LEGAL AID SERVICE PROVIDERS' NETWORK



LASPNET WHISTLEBLOWERS' MANUAL

Supporting the Fight Against Corruption in the
Justice, Law and Order Sector (JLOS)

LASPNET WHISTLEBLOWERS' MANUAL

“One person can make a difference, and everyone should try”

- John F. Kennedy

25th August 2017

Supported by:



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ACRONYMS

ACD	Anti-Corruption Division of the High Court
AIP	Assistant Inspector of Police
CPI	Corruption Perception Index
DEI	Directorate of Ethics and Integrity
DGF	Democratic Governance Facility
DTM	Data Tracking Mechanism
IG	Inspectorate of Government
IGG	Inspector General of Government
ILO	International Labour Organisation
JACS	JLOS Anti-Corruption Strategy
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
LASP	Legal Aid Service Provider
LASPNET	Legal Aid Service Providers Network
LGPAC	Local Government Public Accountability Committee
MDA	Ministries, Departments and Agencies
NACS	National Anti-Corruption Strategy
NEMA	National Environment Management Authority
NSDS	National Service Delivery Survey
ODPP	Office of the Director of Public Prosecutions
OECD	Organisation of Economic Cooperation and Development
PPDA	Public Procurement and Disposal of Assets Authority
RDC	Resident District Commissioner
SWAP	Sector Wide Approach
UHRC	Uganda Human Rights Commission
UNCAC	United Nations Convention Against Corruption
SDG	Sustainable Development Goal
NDP	National Development Plan

ACKNOWLEDGEMENT

LASPNET appreciates the invaluable input of every person who participated in the research and development of this Manual. This is a critical contribution towards the national fight against corruption and enhancement of access to justice in Uganda.

Special recognition and acknowledgment is made for; members of the LASPNET Advisory Committee on Governance and Monitoring Corruption in JLOS and all the key informants that provided valuable contribution in the development of this Manual.

Outstanding recognition is extended to Mr. Modoi Musa, the Technical Advisor Human Rights and Accountability at JLOS Secretariat for his critical contribution in content development, technical analysis and finalization of this Manual.

The leadership of the JLOS Secretariat and participating institutions such as the Judiciary, Office of the Director of Public Prosecutions; Uganda Police Force; Inspectorate of Government and Judicial Service Commission is greatly thanked for embracing this initiative.

The LASPNET Secretariat team is also much appreciated for supporting coordination, provision of materials and reviews that helped to shape the content and outlook of the Manual.

Finally, LASPNET would also like to acknowledge the support of Democratic Governance Facility (DGF) that facilitated the set-up of the LASPNET Whistleblowers initiative and the development of this Manual.

We hope that the Manual will provide a good tool to support and contribute to Anti-corruption efforts of the JLOS.

FOREWORD

The malaise of corruption in the justice system continues to bedevil rule of law, good governance and access to justice especially for the poor, vulnerable and marginalized. Despite several policy, legal and institutional frameworks to fight corruption in the justice chain, there are few, if not, no indicators showing reduction in the vice.

The Justice Law and Order Sector (JLOS) Anti-Corruption Strategy, 2012 provided an array of hope since its inception, to reduce corruption in the justice system. However, its implementation by majority of the justice institutions leaves a lot to be desired which perhaps explains the increased perceived and real corruption levels in the Judiciary and Police.

The Legal Aid Service Providers Network (LASPNET) Whistleblowing initiative as demystified in this Manual therefore becomes a signature effort to support implementation of the JLOS Anti-Corruption Strategy. This pilot initiative will focus on empowering the LASPNET (Monitors) and wider public to report any corruption tendencies or good practices encountered during pursuit for access justice centrally in three justice institutions of Judiciary, Uganda Police Force and Office of the Director of Public Prosecutions.

The LASPNET Whistleblower's Manual is therefore a reference tool that will guide the Monitors to undertake the Whistleblowing initiative. The Manual come in handy with information and knowledge on conceptual understanding of corruption and the existing legal international and national legal regime to fight corruption; state of corruption in Uganda and guidelines of Whistleblowing, among others. This will all together contribute to successful implementation of LASPNET Whistleblowing initiative.

I strongly believe that this Manual will be a great resource to individuals, institutions and communities engaged in the anti-corruption fight aimed at enhancing transparency and accountability in the Justice, Law and Order Sector particularly

for the less privileged, marginalized and vulnerable communities in Uganda.



George Musisi.

Project Manager Legal Aid Unit, Foundation for Human Rights Initiative & Chairperson, LASPNET Advisory Committee on Governance & Monitoring Corruption in JLOS.

EXECUTIVE SUMMARY

The Legal Aid Service Providers' Network (LASPNET) WhistleBlowers' Manual is a resource tool to guide LASPNET's initiative of disclosing impropriety and acts of corruption in the Justice Law and Order Sector (JLOS). This initiative is anchored primarily within the Whistle Blowers Protection Act legal regime and aligned under the JLOS Anti-Corruption Strategy, 2012.

The LASPNET Whistleblowing initiative is premised on the critical concerns about the prevalence of corruption in justice system, but specifically focusing on the criminal justice chain. Through its membership, LASPNET has faced tremendous challenges such as corruption that undermine their efforts to promote access to justice for especially the poor and vulnerable people. It is against this background that LASPNET conceived this initiative to purge the corruption problem by contributing to the JLOS sectors efforts against corruption.

LASPNET, through its designated persons referred to as "Monitors", shall track, document and report acts of corruption and impropriety to the relevant authorities for corrective and punitive action. This initiative shall be guided by the Whistleblowers Manual, which provides a framework to monitor and disclose corruption in the JLOS. Designated corruption Monitors shall apply a balanced approach in observing and reporting corruption tendencies, and also exemplary good practices in JLOS institutions. This is part of supporting the implementation of the JLOS Anti-Corruption Strategy (2012). LASPNET shall focus on three of the eighteen JLOS institutions, thus; the Judiciary, the Uganda Police Force (UPF) and the Office of the Director of Public Prosecutions (ODPP).

In practical terms, the Whistleblowing initiative follows a three phase approach that is deeply explained by this Manual. The key stages are:

- a) Identification and deployment of trained designated persons referred to as Monitors to observe the incidences of perceived and real corruption.
- b) Tracking, recording, documenting and reporting to LASPNET

- perpetrators of acts of impropriety/corruption, and exemplary anti-corruption practices.
- c) Receipt and verification of reports made to LASPNET and disclosure of impropriety to the relevant authorities for corrective and punitive action.

The success of this initiative is highly premised on the professionalism and values based service of all persons involved. LASPNET shall provide the required high-level management and confidentiality to ensure that efforts of the participating persons are not compromised. This Manual not only guides this initiative, but will also go a long way to guarantee consistence and credibility of the outcomes.

In substance, this Manual provides a conceptual understanding of corruption and the Whistleblowing regime. Devoid of a standardized definition, the term corruption is often defined as an abuse of entrusted authority or power for private gain. On the other hand, Whistleblowing is understood as the disclosure of impropriety. These two concepts form the core facets for this initiative. The Manual further expounds on the status of corruption in Uganda, thereby contextualizing and situating the relevance of this intervention.

The Manual offers a chronological guidance for its users to participate in the disclosure of impropriety from a knowledge point of view and operate within the legal limitations. It runs a cursory overview of the anti-corruption legal and policy framework, at an international, regional, and national level. This framework explains the legal basis for LASPNET's intervention, within which LASPNET shall take advantage of the protection regime provided within the laws.

The successful implementation of this initiative will make an indelible contribution to both the national and JLOS aspirations of zero tolerance for corruption as espoused in various anti-corruption strategies. This Manual will therefore be a beneficial resource for both trainers and practitioners as a rich reference point for the LASPNET's whistle blowers' initiative. LASPNET strongly believes that the success of this initiative will also contribute to enhancing access to justice and improving the environment within which its members provide legal aid services to the vulnerable people.

CHAPTER ONE

1.0 INTRODUCTION

The Whistle Blowers' Initiative of LASPNET is a transformative intervention aimed at fighting corruption and mal-administration through disclosure of impropriety and promoting accountability. LASPNET, a member based non-governmental organization, will draw on its nationwide coverage to implement this initiative within selected JLOS institutions and areas of focus.

Established in 2004, LASPNET provides strategic linkages and a collaborative platform for Legal Aid Service Providers (LASPs) in Uganda. With a membership of over 52 NGOs that provide most of the legal aid services in Uganda, the Network is a critical front of interface with duty bearers on issues of enhancing access to justice and rule of law.

Through this nationwide spread network of members working within the JLOS sector to provide legal aid, its membership has faced tremendous challenges such as corruption that undermine their efforts to provide legal aid services for especially the poor and vulnerable people. Efforts by the JLOS Sector to fight corruption in the Sector have yielded some gains but the problem remains materially unresolved.

It is against this background that LASPNET, with support from the Democratic Governance Facility (DGF), joined efforts with JLOS to fight corruption in the justice system. This is to be done through monitoring, documenting and Whistleblowing incidences of corruption (real and perceived), and recognizing exemplary anti-corruption practices within JLOS institutions. The outcome of the LASPNET initiative is to support the implementation of the JLOS Anti-Corruption Strategy of 2012.

LASPNET will work in collaboration and through existing mechanisms in both the JLOS Sector and the Accountability sector to ensure accountability for reported acts of corruption. Three targeted institutions are to be monitored under this initiative, thus; the Judiciary,

Office of the Director of Public Prosecutions, and the Uganda Police Force. The Network will work through volunteers that are trained designated “Monitors” of corruption in the different project implementation areas. The Manual therefore serves the purpose of guiding the Monitors on how to undertake their responsibilities, as well as acquainting them with an understanding of the legal and policy framework, and contextual analysis on corruption in Uganda.

In addition to the Whistleblowing intervention, LASPNET will support the popularization of the JLOS Anti-Corruption Strategy and anti-corruption interventions through rolling out a media campaign titled “**Break the Silence on Corruption.**” This will involve radio talk shows, DJ mentions, jingles and IEC materials such as fliers and posters to disseminate information on the JLOS complaint handling and anti-corruption mechanisms.

Overall, this intervention shall have a positive impact on Uganda’s fight against corruption at an international, national and sectoral level. The success of this intervention shall enhance good governance under that is a cornerstone of the Second Uganda National Development Plan (NDP II), enhance access to justice and fight corruption. This intervention shall also contribute to the strategic aspirations under the JLOS Sector Development Plan IV, the National Anti-Corruption Strategy, and at a global level, toward goal 16 of the Sustainable Development Goal (SDGs)¹ on fighting corruption.

1.1 Background

Corruption is a fundamental obstacle in access to justice with dire consequences that hamper the realization of critical human rights such as the right to fair trial among others. The prevailing corruption in Uganda, and specifically in the JLOS, is an obstacle in the path of the country’s anticipated vision of transforming into a middle-income

¹ Transforming Our World: The 2030 Agenda for Sustainable Development. A/ RES/70/1

status by 2020. The 2014 Data Tracking Mechanism (DTM) Report of the IG estimates that Uganda loses approximately UGX166 billion on an annual basis to only small-scale bribes.² Corruption disproportionately affects the poor and vulnerable communities of society and largely benefits those in positions of power and authority. Reduction of corruption and improvement of accountability are critical factors in the promotion of access to justice, and entrenching the rule of law. The pointers to this challenge manifest in various forms in different sectors and the level of prevalence is often aggregated at a national scale.

Corruption remains a biting challenge to Uganda's socio-economic development. The country scored 25% and ranked 151st out of 176 countries in the Corruption Perception Index (CPI) annual report conducted by Transparency International in 2016. Uganda dropped 12 places from its 139th position in the 2015 Transparency International Report.

Studies and surveys at the national level paint an equally gloomy picture. According to the Inspectorate of Government Report, (2016), Uganda is experiencing a new wave of organized, grand and syndicated corruption. Grand corruption usually consists of acts committed at high levels of Government that distort policies or/ and the central functioning of the State, and enable leaders to draw private benefit at the expense of the public good. It also involves large sums of money, property and/or benefits.

According to the 2015 National Service Delivery Survey (NSDS), about three out of four households that used the various courts for arbitration, conflict resolution or redress were satisfied with the services received, but indicated they were required to make some payments for the services. Such payments may be lawfully required but informally handled where several un-receipted payments were widely reported. High and unaffordable charges increase the cost of access to services. The NSDS findings indicate that there was a decrease in the proportion of respondents that reported making payments for services to the Uganda Police Force (from 62% in

² Inspectorate of Government. Tracking Corruption Trends in Uganda: Using the Data Tracking Mechanism, 2014. Pg. 1

2008 to 52% in 2015 while there was an increase for the Magistrates courts from 47% in 2008 to 52% in 2015. According to the NSDS, 83% of Ugandans believed that corruption increased.³

The Afro-barometer perception Survey 2016⁴ revealed that Police and Judiciary rank at 63% and 45% respectively among the most corrupt institutions in terms of perception. In the same vein, the respondents to the National Integrity Survey conducted by the Inspectorate of Government in 2008⁵, revealed that the most recurrent forms of corruption in the country include the payment of bribes (66% of the respondents); embezzlement of public money (15%), nepotism (5%), and favouritism (3%).

Despite the tougher anti-corruption laws, the levels of corruption are still high in both public and private institutions. Additionally, the Global Integrity Report (2009) indicated that Uganda's legal framework for anti-corruption was ranked as "excellent" (98%); however, enforcement of this same framework was ranked as "very poor" (51%).⁶

In addition, Uganda boasts of a comprehensive anti-corruption institutional framework where actors collaborate with a common pursuit. The Government of Uganda has put in place institutions and mechanisms that include; the Directorate of Ethics and Integrity (DEI), the Inspectorate of Government (IG), the Public Procurement and Disposal of Assets Authority (PPDA), Office of the Auditor General (OAG), Uganda Police Force (Anti-Corruption Division), the Judiciary (Anti-Corruption Division of the High Court), and the Judicial Service Commission (JSC). A total of 20 government anti-

³ Uganda Bureau of Statistics. National Service Delivery Survey 2015 Report. See www.ubos.org

⁴ Afro-barometer perception Survey 2016. See www.afrobarometer.org

⁵ Inspectorate of Government. Third Integrity Survey Report, 2008. See <https://www.igg.go.ug/static/files/publications/third-national-integrity-survey-report.pdf>

⁶ Global Integrity Report, 2009. See www.globalintegrity.org

corruption institutions converge and collaborate under the Inter-Agency Forum (IAF) that discusses policy, legislative and strategic issues with a view of strengthening the fight against corruption.

Within the JLOS Sector, there have been laudable efforts to fight corruption by the Judiciary following the establishment of a specialised court to handle corruption cases, established a specialised division in the Police to handle cases of corruption, the ODPP has a specialised prosecution and asset recovery unit for corruption cases. This is in addition to professional and administrative disciplinary mechanisms such as that Uganda Law Council, the Judicial Service Commission, Inspectorate of Courts and Professional Standards Unit of the UPF, among others.

In 2008, the Judiciary administratively established the Anti-Corruption Division of the High Court (ACD) as a specialized division to adjudicate corruption and corruption related offences. Between 2009 and 2011, the court received more than 350 cases, which resulted in 232 convictions. As of September 2011, 127 cases were still pending a decision and there was a backlog of 198 cases. The majority of cases handled in 2010 and 2011 were related to embezzlement and public procurement. Recently, in the financial year 2014/15, the ACD has registered a 51.9% disposal of a caseload of 595 cases, and in financial year 2015/16, the disposal rate went up to 53% of a caseload of 589 cases handled.⁷ With improved investigations, the conviction rate of the ODPP cases prosecuted at the ACD increased from 67.7% in 2015 to 70% in 2016.⁸ The ACD has made a major contribution in the fight against corruption especially at the national level.

This high prevalence of corruption in Uganda and some JLOS institutions pertains notwithstanding the existence of comprehensive policy, legal, and institutional frameworks. JLOS institutions like the Judiciary and Uganda Police Force have been perceived to be most corrupt. The IG DTM 4 Report of 2014 noted the top three institutions perceived to be very corruption are; Police officers (63.4%),

⁷ Ministry of Justice and Constitutional Affairs. JLOS Annual Performance Report, 2016.

⁸ Ibid

other civil servants (43.7%), and Judicial officers (36.6%).⁹ This therefore calls for more targeted, multi-pronged intra JLOS anti-corruption prevention initiatives aimed at minimising opportunity for corruption.

The vulnerable public that is comprised of the poor, vulnerable and marginalized people have in some cases lost both trust and confidence in some justice institutions because of the prevailing perceived and real incidences of corruption. Incidences of real corruption that occur affect the poor and marginalized hardest because of their financial limitations.

It is against this background that the JLOS Sector Development Plan (SDP) IV highlighted the fight against corruption as one of the key outcome results. This seeks to, among others, mainstream the national zero tolerance to corruption policy in the delivery of JLOS services across all the member institutions. The primary tools of implementation of this key outcome are the JLOS Anti-Corruption Strategy and institutional anti-corruption plans of action that are developed under the Sector strategy.

The JLOS Anti-Corruption Strategy (JACS) is therefore a deliberate framework designed to enable anti-corruption planning and targeted action for a significant impact. The Strategy aims at reducing corruption in the sector institutions, as well as building and strengthening the quality of accountability in the country as a whole. The JACS is premised on three critical pillars that focus on the full chain of corruption. These include; enhance the Sector capacity to prevent corruption; Strengthen Sector mechanisms to detect, investigate and adjudicate cases of corruption; and Promote and enforce effective mechanisms to punish all those found culpable.

The Strategy specifically targets the institutional structures and systems, the staff working within the JLOS MDAs and the users of JLOS services as a multi-pronged approach to avert the vice. The cumulative successes of the implementation of the Sector Strategy contributes to the National Anti-Corruption Strategy (NACS) vision of zero tolerance for corruption, and more importantly to improved efficient and effective service delivery.

Therefore, with this challenge at hand, LASPNET developed the Whistle Blowers Initiative drawing on its mandate to engage JLOS and voice out issues affecting access to Justice and commitment of its membership to join JLOS fight against corruption.

⁹ 4th Annual Report of the Inspectorate of Government: Tracking Corruption Trends in Uganda Using Data Tracking Mechanism, 2014. Pg. 10-11

LASPNET, which was established in 2004, has a useful mandate and level of organization to make a critical contribution towards the fight against corruption in JLOS. The Network provides a platform for collective voice for engaging the Justice Law and Order Sector (JLOS) on access to justice issues aimed at improving service delivery for the most poor, vulnerable and marginalized. LASPNET has established itself as an effective, trusted, coordination mechanism and central repository of accurate information on legal aid. This has been done through coordination, research, capacity building. LASPNET has developed and continues to support an Integrated Information Management system (IIMS), an M& E tool being used by over 31 Legal Aid Service Providers (LASPs) and strategic partners to capture data for case analysis, and to inform decision making within the LASPs and JLOS. LASPNET has established itself as a strong Network through visible networking and partnership with strategic partners, which is evidenced by the recognition award it received from the JLOS sector in 2016. LASPNET is therefore an important stakeholder and possess the necessary influence to contribute towards the promotion of accountability in the administration of justice in Uganda.

Therefore, this initiative is very critical in amplifying JLOS anti-corruption efforts. The LASPNET Whistleblowers Manual and its appropriate use is significant in guaranteeing the success of this initiative.

This Manual was developed through extensive review of literature, conducting desk research, and interviews with key informants. The Manual is categorized in six chapters. Chapter One is the introduction, background, and methodology of developing the Manual. Chapter Two provides a conceptual analysis of corruption and spells out an outlay of the anti-corruption framework in Uganda. Chapter Three covers the Legal, Policy and Institutional framework on anti-corruption. Chapter Four focuses on the concept of Whistleblowing. Chapter Five covers the Guidelines for monitors and finally chapter six is the Conclusive analysis.

1.2 Justification for LASPNET's role in fighting corruption in JLOS

The JLOS is one of the sectors of government created under the Sector Wide Approach (SWAP) adopted in 1998 by the Government of Uganda to promote the rule of law, and administration of justice. With a membership of 18 government institutions, the Sector linkages are strategically premised on the concept of the three Cs, the enhance Coordination, Communication and Cooperation. Operationally, the JLOS emphasizes chain-linked approach in delivering its mandate. The JLOS has been in place for over 16 years and is currently implementing its fourth Sector Development Plan (SDP IV).

The JLOS SDP IV has three strategic objectives, and the fight against corruption is explicitly emphasized under strategic objective two. This focus is informed by the JLOS SIP III Mid Term survey that scored the existence of corruption prevalence JLOS rating at 82.1% with the Uganda Police Force, Judiciary and ODPP ranking top respectively.¹⁰ This bad situation is also portrayed by surveys conducted by the 2014 IG's 4th DTM Report and the 2015 NSDS. Therefore, the JLOS SDP IV focuses on enforcement of anti-corruption laws, strengthening the detection and investigation of corruption, building capacity of JLOS anti-corruption agencies and mechanisms, and rolling out the implementation of the JLOS Anti-Corruption Strategy.

Corruption is therefore a critical problem and JLOS has welcomed the LASPNET initiative. Members of LASPNET that provide legal aid services to mainly the poor and vulnerable people are most affected by incidences of corruption. The mandate requires implementing interventions for the benefit of its members, and fighting corruption is one of the stumbling blocks in legal aid service provision.

Most of the legal aid service provision is conducted within the criminal justice chain that largely comprises of the UPF, ODPP and the Judiciary. These three institutions present the highest levels of perceived and real corruption in JLOS.

Therefore, it is against this background that LASPNET took a strategic decision with the backing of the LASPNET Advisory Committee on Governance and Corruption in JLOS to go beyond lamenting and be part of the solution to the corruption problem. The LASPNET Corruption Monitoring Project is designed with the aim of joining efforts with JLOS anti-corruption actors to fight corruption and improve service delivery. The Project is premised on delivering four critical objectives.

1.3 Objectives of LASPNET's Corruption Monitoring Project

The objectives of the LASPNET's Corruption Monitoring project include the following:

¹⁰ Ministry of Justice and Constitutional Affairs. JLOS Third Strategic Investment Plan (2012/2017) Mid Term Review, 2016, pg. 25

- i. To monitor both corruption and good practices in the JLOS institutions for documentation and policy reform;
- ii. To support the implementation of the JLOS Anti-Corruption Strategy through popularizing it;
- iii. To empower the public on how to report incidences of corruption within JLOS institutions;
- iv. To engage stakeholders in the justice system to create strong forces to fight corruption.

LASPNET is implementing two critical interventions to realize the above objectives. There is an empowerment of users of justice services intervention, and also a whistleblower initiative. The empowerment of seekers and users of justice services is tailored to realize the third objective of the Project. This is intended to mobilize citizens to reject and report corruption in the selected JLOS institutions, and is part of a citizens' civic duties under Article 17(1) (i) of the 1995 Uganda Constitution. LASPNET shall roll out a media campaign titled **“Break the Silence on Corruption.”** This will involve radio talk shows, DJ mentions, jingles, and IEC materials such as fliers and posters tailored to disseminate information about the JLOS services, complaints handling processes, and anti-corruption mechanisms in place.

The LASPNET Whistleblowers initiative is the second key intervention that is aimed at realizing the Project's objectives (i), (ii), and (iv) above. The Whistleblowers Manual is therefore critical in guiding this intervention to succeed. The strategic essence of this Manual is illustrated below.

Overall purpose

The general purpose of the LASPNET Whistle Blowers' Manual is to provide a user tool and reference document for Monitors to observe and document acts of corruption in the selected JLOS institutions.

Specific Objectives

The specific objectives of the Manual are:

- a) To equip the Monitors with a deeper understanding of laws on corruption and whistle blowing;
- b) To provide guidelines on how to conduct investigations and whistle blow corrupt practices in the JLOS;

- c) To provide a reference tool for LASPNET's capacity building and monitoring of Anti-corruption; and
- d) To provide a reference tool for identifying, documenting, rewarding and duplication of exemplary anti-corruption practices and case studies in the JLOS.

LASPNET will use the information obtained by the Monitors to draft periodic reports, which will be shared with the relevant JLOS institutions to take appropriate action or benchmarking best practices for replication. The periodic reports will inform the final LASPNET report on the state of corruption in JLOS.

1.4 JLOS Anti-Corruption Strategy

In an effort to address the high levels of corruption and after consultative engagements with stakeholders in the justice system, JLOS developed an Anti-Corruption Strategy (JACS) in 2012. The JLOS Strategy is a framework designed to deliver a significant impact on reducing corruption, as well as building and strengthening the quality of accountability in the JLOS institutions. The vision of the Strategy is "*a corruption free society, the rule of law and respect for human rights.*" The Strategy targets the staff and systems within the JLOS and contributes to the National Anti-Corruption Strategy's (NACS) vision of zero tolerance for corruption, for an efficient and effective public service.

The Strategy aims at further promoting the implementation of international and national obligations and commitments Uganda has entered into/committed itself to undertake in fighting against corruption. The successful implementation of the strategy is based on three objectives, which include;

1. To enhance the sector capacity to prevent corruption;
2. To strengthen the sector to detect, investigate and adjudicate corruption;
3. To promote and enforce effective mechanisms for punishment of those found culpable for acts of corruption.

The JLOS Sector is implementing most of the interventions under the Strategy but with varying depth and success levels. There is a

comprehensive structural outlay of various mechanisms aimed at minimizing opportunity for corruption, detecting acts of corruption, and punishing those found culpable. These mechanisms apply both administrative and criminal justice approaches.

The JLOS Sector anti-corruption mechanisms in place include: professional regulatory bodies such as Uganda Law Council, Judicial Service Commission; and the Police Professional Standards Unit (national and regional); institutional staff disciplinary units in all JLOS MDAs; Sector wide mechanisms at the national level such as the JLOS Integrity Committee; Judiciary Integrity Committee; JLOS Audit Committee, JLOS Inspectors' Forum; JLOS Working Groups such as the Human Rights and Accountability Working Group; and at sub-national level that include the District Chain-Linked Committees, the JLOS Regional Chain-linked Committees and National Advisory Board; and strategic collaborations with institutions in the Accountability Sector. These mechanisms have registered positive results in the fight against corruption but not at the required threshold levels.

Therefore, despite having the JLOS Anti-Corruption Strategy and mechanisms illustrated above that reflect a strong effort towards fighting corruption in JLOS; corruption levels are still prevalent among several justice institutions including the Police, Judiciary, and ODPP.

The gaps are in the low extent of implementation and monitoring results under these frameworks. For instance, all JLOS institutions are supposed to develop their own institutional anti-corruption 'Plans of Action' drawing from the Sector Strategy to guide the implementation of anti-corruption mechanisms. However, very few JLOS MDAs have domesticated this obligation.

There is a wrong persistent perception among some JLOS institutional leaders that corruption is a challenge for only the frontline criminal justice institutions such as the Police, ODPP, and Judiciary. Only five¹¹ out of the 18 JLOS MDAs have customized the strategy into

¹¹ The five MDAs that have developed institutional anti-corruption frameworks

institutional specific anti-corruption plans of action or strategies or policies. Over ten JLOS institutions have developed draft anti-corruption plans of action/strategies. However, these drafts have stagnated at this level for over two years and are not treated as a priority for adoption and implementation by the JLOS institutional leadership. By implication, there is inadequate corruption detection/monitoring, disciplinary action taken against those found culpable of acts corruption, and limited reporting of anti-corruption interventions in JLOS. There is laxity of some JLOS institutional leaders who have failed to approve a number of institutional draft anti-corruption frameworks.

Therefore there is a valid basis for stakeholders such as LASPNET to support the deepening of JLOS efforts against corruption. To strengthen this paradigm shift, there is need for greater exposure of acts, perpetrators and effects of corruption, publicize successful anti-corruption interventions including cases of punitive action taken, mobilize public support against corruption, replicate best practices, and recognize exemplary anti-corruption crusaders in the Sector.

Operationally, LASPNET will work through existing JLOS anti-corruption and accountability structures to expose and fight this vice. LASPNET will exploit existing entry points in JLOS for collaboration with external stakeholders to contribute to the detection (monitor), investigation and adjudication of corruption cases handled by the mandated public institutions.



include; Judiciary, Uganda Human Rights Commission, Uganda Law Society, Uganda Police Force, and the Office of the Director of Public Prosecutions.

CHAPTER TWO

2.0 UNDERSTANDING CORRUPTION

Corruption does not have a universal definition and attempts to define it present varying perspectives in terms of description and sector of occurrence. The Anti-Corruption Act (2009) defines corruption in a descriptive way in terms of its manifestations to include **“the solicitation or acceptance, directly or indirectly, by a public official, of any goods of monetary value, or any other form of gratification for him or herself or for another person or entity in exchange for any act or omission in the performance of his or her public functions...”**¹²

The World Bank defines corruption as “the abuse of public office for private gain.”¹³ This definition is restrictive to the public sector and is narrow. The UN Conventions Against Corruption and the African Union Convention on Prevention and Combatting Corruption (AUCPCC) broadens the scope of corruption to include the public and private sectors. Corruption occurs in both spheres of activity, is intricate and has increasingly become complex in form, nature and manifestation.

Corruption is not static in its manifestation, form, place of occurrence and therefore difficult to combat in the modern dynamic society. Recent developments reveal syndicated and systematic collusions where huge amounts of resources are stolen by cartels with sophisticated concealment that beat traditional anti-corruption mechanisms. Such collusions and cartels at both public and private sector actors involved in national and transnational levels facilitated by modern cyber inter-connectivity.

¹² Section 3. The Anti-Corruption Act (2009)

¹³ World Bank, 1997, UNDP, 1999.

2.1 Classification of Corruption

Corruption is classified along several dimensions and categories depending on the level of resources involved, sector of occurrence, level of organization, and extent of prevalence, among others. The taxonomy of corruption overlaps different forms of occurrence and layers depending on each case at hand.

Grand vs Petty Corruption

Grand corruption occurs in a sophisticated manner and often involves large volumes of resources to be taken for private gain, several people participating in form of cartels or collusions across several institutions (both public and private), and may involve movement of such resources across national borders. Its impact on the economies of developing countries is big and fundamentally undermines development. On the other hand, petty corruption involves little resources and occurs on a small scale at a localized point. This often involves facilitating a transaction and manifests in form of bribery.

Systematic vs Unsystematic Corruption

Systematic corruption refers to highly organized and planned forms of corruption. The perpetrators of corruption in this case have a system in place of how to steal and share resources in an organized manner. There is a collective purpose to which all the persons involved contribute and benefit. This is sometimes referred to as syndicated corruption and perpetrators look out for each other. Conversely, unsystematic corruption is a type that occurs at an individual level without prior planning. This form may sometimes involve more than one person; however, the critical factor is that there is no pre-planning and frequently rehearsed procedure of stealing in place. There is no custom per se of execution and benefits sharing as a collective, but rather focus is on individual private gain. The amounts involved in both types of corruption can vary depending on the occurrence.

Systemic vs Sporadic

Systemic corruption occurs as a result of the operating methods and systems at a place of work which give way for, or permit its occurrence. The contrast between systematic and systemic corruption is that

while systematic corruption is highly driven by persons organizing themselves to beat the system, systemic corruption is inspired by weak systems that provide glaring opportunities for corruption and thus making it compelling for its occurrence. This is common in developing countries and where there are weak systems. The Systemic form of corruption eventually becomes a norm and points of leakage or diversion of resources are known but never fixed, thereby allowing a continuous institutionally permitting practice. On the contrary, sporadic corruption is a type that occurs in an inconsistency manner. It happens because there is an emerging event or situation that presents an opportunity for corruption. There is no pre-planning or expectation beforehand of its occurrence. For instance, a workshop is organized and a person does not expect that it will be cheaper than planned. Therefore, the remaining resources are diverted and falsely accounted for.

Political vs Business Corruption

On the face of it, there is a dichotomy of public and private prevalence of the two forms of corruption, however, the two often inter-sect, and one cannot be said to be exclusive of the other.

Political corruption occurs when political decisions are made with vested interests for private gain, as opposed to the public good envisaged under the social contract of leadership. The benefits are often indirect and tend to either the politicians or their preferred associates. This can be manifested in form of legal reforms that exempt particular business interests or laws that make requirements that advantage a selected class of persons for the benefit of the politician. Business corruption is closely related to political corruption and often occurs with the involvement of investors. For instance, huge concessions are demanded in form of blackmail with a veiled threat to move much needed investments to a competing jurisdiction. Business conglomerations that enjoy monopoly in some sectors can use this advantage to demand benefits from the government against a risk of causing an economic turmoil. Such corruption is highly associated with the 'Mafia' and often leads to state-capture, where government decisions are indirectly determined by private persons.

This major classification of corruption provides an understanding of the nature and form of corruption through various angles. The

different types can easily present in the same case scenario and this lends credence to the complex and mutating nature of corruption. Other lateral sub-classifications can be further deduced depending on other parameters such as layers among others.

2.2 Manifestations of corruption

Corruption manifests in different forms that have diverse effects on various spheres of public and private life. In the justice system, corruption manifests in different forms such as influence peddling that may undermine the impartiality and independence of administrators of justice. The common denominator of corruption is that it is undertaken for realizing a 'private gain', and this need not be financial or material. It can be sexual favors, or the offer to 'further political or professional ambitions'. It may also take the form of avoiding something undesired, in the form of threats, biased decision-making by judicial personnel, among others.

The common classifications of forms and manifestations of corruption include the following.

- (i) **Bribery** - The act of giving money, goods or other forms of reward to a recipient in exchange for an alteration of their behavior (to the benefit/interest of the giver) that the recipient would otherwise not alter.
- (ii) **Embezzlement** - This is the fraudulent appropriation of property or funds legally entrusted to someone in their formal position as an agent, trustee, or other position acting in a fiduciary character.
- (iii) **Fraud** - This is an economic crime that involves some kind of trickery, swindle or deceit. It involves manipulation or distortion of information, facts and expertise by public officials for their own profit.
- (iv) **Extortion** - This is where a public servant for his/her benefit, extracts money and other resources by the use of coercion, violence or threats to use force. This can also be to the benefit of another person or entity in exchange for

acting (or failing to act) in a particular manner.

- (v) **Nepotism** - This involves officials or those in power enabling close contacts or family members to benefit. For example, public servants may select firms with which they have personal connections to provide services. This manifestation bears notions of conflict of interest and favoritism.
- (vi) **Conflict of interest** - Conflict of interest is not necessarily corruption but has a large potential for corrupt conduct and can seriously damage public confidence in the integrity of public institutions.
- (vii) **Abuse of power** - This involves a public servant using his/her vested authority to improperly benefit another public servant, person or entity (or using the vested authority to improperly discriminate against another public servant, person or entity).
- (viii) **Favoritism** - This involves the provision of services or resources according to personal affiliations, for example, ethnic, religious, political party affiliations, etc.
- (ix) **Influence peddling** - The illegal practice of using one's influence or lobbying in government or connections with persons in authority to obtain favors or preferential treatment for another, usually in return for payment.
- (x) **Political patronage** - Political interference by way of threats, intimidation, and manipulation of political office. This also manifests in form of manipulation in lieu of favors such as salaries, tax waivers and appointments to key positions.
- (xi) **Misuse of funds** - Applying funds to other use other than the formally allocated purpose.
- (xii) **State capture** – This is a manifestation at a high level. It is a type of systemic political corruption in which private

interests significantly influence a state's decision-making processes to their own advantage through unobvious channels that may be illegal.

- (xiii) **Bureaucratic corruption** - Unofficial payments to public officials to 'get things done' in a faster manner and overcome the slow and protracted multiple steps in place.
- (xiv) **Insider trading/Abuse of privileged information** - Involves the use of privileged information and knowledge that a public officer possesses as a result of his/her position in office to provide unfair advantage to another person or entity to obtain a benefit, or accrue a benefit to himself/herself.

2.3 Effects of corruption on Access to Justice

The effects of corruption occur at various levels and in different spheres of society. Corruption is a vice that leaves devastating effects in its wake, such as promoting injustices, suffering, deprivation and violation of human rights. The general effects of corruption on access to justice include the following.

- a) Erodes public trust and confidence in the courts and distorts their ability to perform their functions as impartial arbiters of disputes, guarantors of contracts and enforcers of the law.
- b) Creates bias of the justice system and strengthens exclusionary patterns based on gender, race, ethnicity etc.
- c) Creates an additional barrier for ordinary citizens to access the justice system especially if the sums involved are prohibitive. This promotes marginalization of the poor and erodes protection mechanisms of the State for human rights and access to justice.
- d) Leads to delayed trials and justice, and thereby building case backlog.
- e) Promotes personal gain for small group at the expense of public interest/public good.
- f) Theft of resources compromises intended official purpose / budgets and development programmes.
- g) Undermine good governance through induced, biased, and

- non-impartial decisions that erode the rule of law.
- h) Hiring unqualified or incompetent personnel undermines the quality and professionalism of justice services.
 - i) Distorts the justice chain; the more powerful and influential individuals or entities determine and skew the course of justice to the disadvantage of the less powerful and less privileged.
 - j) Violates human rights such as the right to fair trial and undermines efforts by government duty bearers to fulfil a wide range of human rights.

Therefore, the effects of corruption can be observed at a macro level through dimensions such as loss of public trust and confidence, and at a micro level through direct deprivation of services, marginalization of the poor, and making access to public services expensive.



CHAPTER THREE

3.0 POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORK ON ANTICORRUPTION

Anti-corruption frameworks are reflected in various formats at mainly an international and national level. There are various international treaties and regional instruments that have been ratified by Uganda with direct relevance to addressing corruption and promoting accountability. These provide a strong legal regime for fighting corruption in the world over, and are domesticated in member countries through the development of national policies, enactment of anti-corruption laws and establishment of an institutional framework to enforce these laws.

Uganda has ratified and domesticated several of such international instruments and further gone ahead to put in place a comprehensive policy, legal and institutional framework. As noted earlier, this is corroborated by the 2009 Global Integrity Report that assessed Uganda's legal framework for anti-corruption as "excellent" (98%), however, it noted that enforcement of this same framework was "very poor" (51%).

The various major anti-corruption frameworks are briefly described under this chapter to enable practitioners appreciate the existing mechanisms within which the LASPNET Corruption Monitoring Project to operate.

3.1 International and Regional Treaties and Obligations

International Treaties and Regional Commitments whose operations have direct bearing on the matter of accountability and the fight against corruption include;

United Nations Convention against Corruption, United Nations, 2003

The purpose of this Convention is to promote and strengthen measures to prevent and combat corruption more efficiently

and effectively, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption. It also covers asset recovery, and to promote integrity, accountability and proper management of public affairs and public property. It also extensively provides for preventive measures, criminalization and law enforcement.

United Nations Convention against Transnational Organised Crime, 2000 (The Palermo Convention)

This Convention aims at promoting cooperation to prevent and combat transnational organized crime more effectively. It applies to the prevention, investigation and prosecution of established transnational offenses and serious crime, including corruption.

African Union Convention on Preventing and Combating Corruption, 2003

This is an African region specific instrument against corruption. The objectives of this Convention include among others; to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors. It also establishes the necessary conditions to foster transparency and accountability in the management of public affairs.

East and Southern African Anti-Money Laundering Group (ESAAMLG)

The purpose of the ESAAMLG is to combat money laundering, including coordinating with other concerned international organisations, studying emerging regional typologies, developing institutional and human resource capacities to deal with these issues, and coordinating technical assistance where necessary.

3.2 National Policies and Legal Framework

The fight against corruption in Uganda has seen the enactment of several laws such as the Constitution of Uganda, Anti-Corruption Act 2009, Whistleblower Protection Act 2010, the Inspectorate of Government Act 2002, the Leadership Code Act 2002, the Access to Information Act 2005, among others. The National laws include:

(i) The Constitution of the Republic of Uganda (1995)

The Constitution of the Republic of Uganda provides the foundational bedrock for the policy and legal framework for accountability and anti-corruption. Under the National Objectives and Direct Principles of State Policy, the State and citizens of Uganda are obligated to “preserve and protect and promote a culture of preserving public property” (objective xxv) and that “all measures should be taken to eradicate corruption and abuse of office and misuse of power by those in public office.” Article 3(4) of the Constitution further requires all citizens at all times to defend the Constitution, and therein, Article 17(1)(i) makes it a duty of every citizen of Uganda to combat corruption and misuse or wastage of public property.

Against this Constitutional basis, various policy and legislative developments have been enacted to galvanize the fight against corruption. Some of the laws may not be directly anti-corruption laws; however, these are critical in shaping, reinforcing and assuring the necessary enabling environment for the fight against corruption.

(ii) The National Anti-Corruption Strategy (2014-19)

This is a strategic framework put in place by the Government of Uganda to guide the coordination and implementation of critical interventions aimed at fighting corruption.

The National Anti-Corruption Strategy (NACS) 2014-19 is the fifth cycle that consolidates past achievements and seeks to maximise greater collaboration toward the realisation of the zero tolerance for corruption policy of Government.

The strategy is premised on four objectives namely; strengthening the leadership and coordination of anti-corruption efforts in all public offices at all levels of government; empowering citizens to participate in anti-corruption measures at national and local governments; strengthening the anti-corruption institutions for effective enforcement of the legal and regulatory anti-corruption measures and improving compliance with international and national accountability standards among public and private institutions.

The NACS is structured to focus on two reform interventions with a view to scale down the levels of corruption. These include

operational reforms and institutional reforms. ***Operational reforms are focused on;***

- (a) Strengthen implementation of proactive measures against corruption at all levels;
- (b) Strengthen the coordination role of Government businesses;
- (c) Strengthen the corruption enforcement chain; investigation, prosecution and adjudication;
- (d) Strengthen human resources capacity at all levels of government;

Institutional reforms are focused on:

- (a) Re-orient the business processes in the public sector institutions;
- (b) Strengthen the IAF;
- (c) Strengthen the coordination role of the DEI;
- (d) Review the staffing strategy to ensure more responsive human resources
- (e) Undertake vigorous training for staff of the anti-corruption agencies
- (f) Provision of modern state of the art equipment, and
- (g) Adequate funding of anti-corruption institutions.

The sum effect of these interventions is a demonstration of government's commitment to fight corruption and actualisation of the zero tolerance to corruption policy.

(iii) Zero Tolerance to Corruption Policy (Draft)

The Zero Tolerance to Corruption Draft Policy is a framework that is being developed with a view of guiding the ongoing multi-pronged anti-corruption efforts in a more coordinated and complementary manner. It is both a retrospective and forward looking action by Government to harmonize the existing legal, regulatory and institutional frameworks for strengthening accountability and fighting corruption in Uganda. This is bold demonstration of the Government's commitment to fight corruption in both public and private spheres, to assure improved, efficient and effective public service delivery. The Policy development process is led by the Directorate of Ethics and Integrity, and is due for consideration by Cabinet.

(iv) The Penal Code Act, Cap. 120

The Penal Code Act is the principle criminal law of Uganda and used to provide criminalizing provisions for acts of corruption under its chapter nine before 2009. However, following the enactment of the Anti-Corruption Act of 2009, the anti-corruption provisions under the said chapter nine were repealed by section 69 of the new law that was more comprehensive on fighting corruption.

(v) The Anti-Corruption Act, 2009

This Act was enacted to provide for the effective 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. Some of the salient offences defined by the Anti-Corruption Act, 2009 are highlighted below;

Corruption	S. 2
Corrupt transaction with agents	S. 3
Corruptly procuring tenders	S. 4
Bribery of a public official	S. 5
Diversion of public resources	S. 6
Influence peddling	S. 8
Failing to disclose a conflict of interest	S. 8
Loss of public property	S. 10
Abuse of office	S. 11
Sectarianism	S. 12
Nepotism	S. 13
Personating public officers	S. 17
Embezzlement	S. 19
Causing financial loss	S. 20
False accounting	S. 22
False claims	S. 24
Protection of informers	S. 44
Penalty for giving false information	S. 45

(vi) The Whistle-blowers Protection Act, 2010

In Uganda, the Whistle-blowers Protection Act 2010 is the dedicated legislation on the protection of whistle-blowers, and is the principle legislation upon which LASPNET intervention will be anchored. Although there are other sectoral laws on anti-corruption and accounting, the enactment of a comprehensive dedicated law on Whistleblowing gives it more visibility and contributes to ensuring legal certainty and clarity.

The Whistleblowers Protection Act is critical to the country's efforts to enhance confidence building and create an enabling and protected environment where persons such as LASPNET and its Monitors can disclose information on corrupt or improper conduct in both the public and private sectors to responsible government bodies. Protection of whistleblowers from retaliation for reporting in good faith suspected acts of corruption is therefore integral to efforts to combat corruption and promote integrity and accountability. The Act provides for:

- a) Procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices. (Sections 6 – 7)
- b) Prohibits victimization and retribution of those who make the disclosures in good faith, (Sections 9 – 11)
- c) Criminal offences and penalties for violating the provisions of the Act, such as disclosing protected information. (Sections 14 – 18).

The Act also provides for rewards of 5% of the net liquidated sum of money recovered as a result of the disclosures made.

(vii) The Inspectorate of Government Act, 2002

An Act that establishes the office and functions of the Inspectorate of Government with a mandate to eliminate corruption, abuse of authority and of public office and to supervise the enforcement of the Leadership Code of Conduct. Under Section 8 (1) of the Act, it empowers the Inspectorate of Government to investigate actions that a person may have done while serving in a public office, even

when the person has ceased to hold that office.

(viii) The Leadership Code Act, 2002

This is an Act to provide for a minimum standard of behavior and conduct for leaders; to require leaders to declare their incomes, assets and liabilities; to put in place an effective enforcement mechanism and to provide for other related matters. The law provides corruption preventive mechanisms through disclosure of assets and this also facilitates asset tracking and recovery of those found culpable of acts of corruption.

(ix) The Access to Information Act, 2005

This is an Act to provide for the right of access to information pursuant to article 41 of the Constitution. It prescribes the classes of information referred to in that article and the procedure for obtaining access to that information, and for related matters.

(x) The Public Finance Management Act, 2015

The Act is a wide comprehensive legislation for management of public funds. It provides for the prudential management and application of public funds, establishes mechanisms and outlines roles of key duty bearers in public finance management. The Act for instance provides for establishment of office of the Internal Auditor General, and the roles of Accounting Officers, among others.

(xi) The Local Government Act, 1997

The Act lauds efforts to prevent and combat corruption at local government level. Under Section 15, the Act provides for censure and removal from office the District Chairperson for amongst other reasons, “abuse of office, corruption, misconduct or misbehavior” and Section 88 is about the establishment of the Local Government

Public Accounts Committee (LGPAC).

(xii) The Public Procurement and Disposal of Public Assets Act (PPDA), 2003 (as amended).

The Act establishes the PPDA Authority that is responsible for setting standards and regulate all public procurement and disposal of public assets activities by public entities. The importance of the PPDA is very central because most of the Government funds are spent on procurement of goods and services. Therefore, having in

place a corruption free system of procurement and disposal of public assets is key to fighting corruption. The principle of zero tolerance for corruption is a cornerstone in the PPDA Authority. For instance, under Section 16 (1) (b), the Minister may at any time terminate the appointment of a member of the PPDA Board, other than the Executive Director, on grounds of corruption.

Overall, the mandate of enforcement of the above highlighted laws and many others not explicitly described here is bestowed on various institutions and citizens of Uganda. The fight against corruption is a cross cutting obligation for institutions. However, primary responsibilities are vested in various anti-corruption and accountability intuitions.

3.3 Anti-Corruption Institutional Framework

The Government of Uganda has established a number of institutions to ensure efficient and effective utilization of public resources, promote transparency, accountability, and fight corruption. Currently, the primary anti-corruption institutions are organized under the Accountability Sector, and the JLOS Sector. These include the Directorate of Ethics and Integrity, Inspectorate of Government, the Public Procurement and Disposal of Public Assets Authority, the Office of the Auditor General, the Uganda Police Force, the Office of the Director of Public Prosecutions, and the Judiciary (Anti-Corruption Divisions of the High Court) among others. The anti-corruption actors are organized and coordinated under the Anti-Corruption Inter-Agency Forum (IAF). These are described further below.

(i) The Directorate of Ethics and Integrity – Office of the President

The Directorate of Ethics and Integrity (DEI) provides policy and strategic leadership to the government's effort in the fight against corruption. The Directorate was established as the policy arm of government to guide and coordinate government interventions and government agencies involved in the fight against corruption with an additional role of rebuilding ethics and integrity in the Ugandan society. Based on the strategic mandate and role, the Directorate serves as the Secretariat for the Anti-Corruption Inter-Agency Forum.

(ii) The Anti-Corruption Inter-Agency Forum IAF

The Anti-Corruption Inter Agency Forum is a broad arrangement with a coordination and implementation oversight mandate that was put in place to ensure that the National Anti-Corruption Strategy (NACS) is effectively implemented. The IAF is comprised of proactive and reactive anti-corruption institutions, as well as a range of other oversight agencies, which support the work of the anti-corruption institutions. The IAF is a 20-member body presided over by the Hon Minister for Ethics and Integrity, and has its secretariat at the Directorate of Ethics and Integrity. JLOS institutions that are part of this body include; ODPP, UPF (Directorate of CID), Judiciary (Anti-Corruption Division), Judicial Service Commission and the JLOS Secretariat.

(iii) The Inspectorate of Government (IG)

The Inspectorate of Government (IG) is an independent institution charged with the responsibility of eliminating corruption, abuse of authority, and public office. The implementation of this mandate is enabled by authority bestowed on the IG under the Constitution of the Republic of Uganda, and Inspectorate of Government Act, and the Leadership Code Act.

(iv) The Office of the Auditor General (OAG)

The Office of the Auditor General plays a central role in the fight against corruption by providing other anti-corruption agencies with audit information. The main function of the Auditor General is to audit and report on the public accounts of all public offices or bodies and/or organizations established by an Act of Parliament. The OAG also conducts financial and value for money audits in respect to any project involving public funds.

(v) The Public Procurement and Disposal of Public Assets Authority (PPDA)

The PPDA Authority is mandated by statute to set standards and regulate all public procurement and disposal of public assets activities by public entities. PPDA is envisioned as a “centre of excellence for regulation of public procurement and disposal”. The realization of this is by promoting the achievement of value for money in public procurement and zero tolerance for corruption in order to

contribute to national development.

(vi) The Anti-Corruption Division of the High Court

The Anti-Corruption Court Division of the High Court is under the Uganda Judiciary. It is a specialized court that was established in 2008 by an administrative instrument to handle only cases of corruption. It plays a critical role in expediting the adjudication of corruption cases that are prosecuted by the ODPP, the IGG, and URA.

(vii) The Uganda Police Force (UPF)

The UPF is the national police force of Uganda that is primarily mandated to enforce law and order, ensure public safety and observance of human rights. The Police has in place the Criminal Investigations Directorate (CID) that is responsible for detection, prevention and investigation of crime including corruption in both public and private spheres. The Directorate has a specialized department called the 'Anti-Corruption Division' that focus on the prevention, detection and investigation of corruption and fraud.

The Police also has in place the Professional Standards Unit (PSU) that is mandate to handle complaints about the professional conduct of police officers. The PSU handles a myriad of complaints against police officers arising from all parts of the Uganda. Once investigated, they refer cases for disciplinary action and prosecution in the Police Court or recommend criminal investigations by the CID.

(viii) The Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions is an autonomous institution not subject to the direction or control of any person or authority. The exercise of ODPP's authority and mandate is provided by the Uganda Constitution under Article 120 to conduct prosecutions against any person or authority in any court other than a court martial, and direct the Uganda Police Force in investigations. In exercise of its mandate, the ODPP acts independently and should have regard to public interest, the interest of the administration of justice and the need to prevent abuse of legal process. The ODPP has a specialized Department of Anti-Corruption that has given greater attention to the investigation and prosecution of corruption related crimes. Under the Department, an Asset Recovery Division (ARD) was established in July 2015 to enhance efforts of asset

tracking recovery as part of the national anti-corruption efforts.

(ix) Human Rights and Anti-Accountability Working Group

The JLOS Sector has a functional Working Group where all JLOS institutions and some Civil Society Organizations (CSOs) converge to discuss the progress and support the implementation of anti-corruption and accountability interventions. The Group tracks the implementation of key sector anti-corruption activities, provides a platform for shared engagement and dialogue with Anti-Corruption mandated CSOs such as the Anti-Corruption Coalition of Uganda (ACCU). Key Accountability Sector institutions such as the Inspectorate of Government and the Directorate of Ethics and Integrity are also members of this Group.

The institutions indicated above are the key players that work closely with and within the JLOS Sector. Other institutions not directly reflected include; the Internal Auditor General, Parliament's Standing and Sessional Committees, Financial Intelligence Authority, the Equal Opportunities Commission, Local Governments and Local Government Accountability Committees, etc. The Media is a critical role player in enhancing transparency and Whistleblowing any acts of corruption.

CHAPTER FOUR

4.0 LASPNET WHISTLEBLOWING INITIATIVE

Whistleblowing refers to the act of persons within public or private institutions that come up to report any form of impropriety such as misconduct and corruption cases. It is the disclosure of impropriety. Whistleblowing in Uganda is done under the framework of the Whistleblower Protection Act-2010, that was enacted to provide for the procedures by which individuals in both private and public sector may in public interest disclose information that relates to irregular, illegal or corrupt practices. It also provides for the protection against victimization of persons who make disclosures.

Under the LASPNET Corruption Monitoring Project, the Network will use the legal framework under Article 17(1)(i) of the 1995 Constitution of Uganda and the Whistleblowers Protection Act to disclose impropriety. LASPNET will deploy designated “Monitors” in three selected JLOS institutions to track, document and disclose impropriety within the ambits of the law.

LASPNET Monitors will continuously track and report wrongdoing and also exemplary anti-corruption practices that can be applauded and replicated across JLOS. The team of Monitors shall undergo training and will be guided on how to work within the existing legal framework to meet project expectations. A set of guidelines are in place to pave the Monitors activities in the process of executing their mandate under the Project.

Therefore, this chapter provides a conceptual understanding of whistleblowing, describes the LASPNET Whistleblowing initiative under the Corruption Monitoring Project, and embodies guidelines for the Monitors.

4.1 Conceptualisation of Whistleblowing

There is no universally accepted definition of Whistle blowing. However, attempts by different persons show a common thread of disclosure of impropriety can be discerned. Whistleblowing means, "Raising concern about malpractice within an organization." It is a key tool for promoting individual responsibility and organizational accountability. Whistleblowers act in good faith and in the public interest to raise concerns around suspected impropriety.

The U4 Anti-Corruption Resource Center defines Whistleblowing as public interest disclosure by employees about wrongful acts, illegal or unethical conducts within their organizations.¹⁴ According to Researcher Peter Jubb¹⁵, Whistleblowing is an element of free speech or "a deliberate non- obligatory act of disclosure which gets into public record. He adds that it is made by a person who has or had privileged access to data or information of an organisation about non-trivial legality or other wrongdoing whether actual or suspected or anticipated which implicates and is under the control of an entity."

The international bodies involved in Whistleblowing attempt to define the concept in a substantially descriptive manner. The International Labour Organization (ILO) looks at Whistleblowing from the employment perspectives defining it as "the reporting by employees or former employees of illegality, irregular, dangerous or unethical practices by employers."¹⁶ The United Nations Convention Against Corruption (UNCAC) defines Whistleblowing as "any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention."¹⁷ The Council of Europe Civil Law Convention on Corruption refers to "employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities."¹⁸

¹⁴ U4 Anti-Corruption Resource Centre, Good Practice in Whistle-blowing Protection Legislation (2009), p. 3

¹⁵Jubb, P.B. Journal of Business Ethics (1999) 21: 77. See: <https://link.springer.com/article/10.1023/A:1005922701763>

¹⁶ International Labour Organization Thesaurus (2005).

¹⁷ UNCAC (2005), Article 33

¹⁸ Council of Europe Civil Law Convention on Corruption (1999), Article 9.

In Uganda, the Whistleblowers Protection Act passively defines the concept under its long title as the process where “individuals in both private and public sector may in public interest disclose information that relates to irregular, illegal or corrupt practices”.

Therefore, from the above discourse, the following key characteristics of Whistleblowing are discerned:

- a) Involves disclosure of wrongdoings connected to the workplace.
- b) There is a public interest dimension (rather than personal grievance).
- c) The reporting of wrongdoings is through designated channels and/or designated persons.¹⁹
- d) The reporting is voluntarily and done in good faith.

The process of Whistleblowing has been deeply analysed overtime by researchers and it is found that most cases go through three phases yielding into the disclosure of impropriety. These are classified as follows:²⁰

- a) A triggering event involving questionable, unethical, or illegal activities, which influences someone to consider blowing the whistle;
- b) The whistleblower engages in decision making, assessing the activity and whether it involves wrongdoing, gathering additional information, and discussing the situation with others;
- c) The whistleblower blows the whistle; alternatively, the person could remain silent out of loyalty or neglect.

¹⁹ U4 Anti-Corruption Resource Centre, Good Practice in Whistle-blowing Protection Legislation (2009), p. 3.

²⁰ Marcia P. Miceli and Janet P. Near Blowing the Whistle: The Organizational and Legal Implications for Companies and Employees (1982)

The Whistleblowers Protection Act provides the framework for LASPNET to track and disclose acts of impropriety within the targeted institutions. Therefore, every whistleblower or Monitor of the LASPNET Corruption Monitoring Project will need to be well acquainted with the provisions of the Whistleblowers Act in order to ensure compliance with the law.

4.2 Key Highlights of the Whistleblowers Protection Act, 2010

The Whistleblowers Protection Act is the principle guiding legislation for the LASPNET Whistleblowing initiative. The following section presents key highlights drawn from the Act form the operating framework of reference for the Monitors.

4.2.1 Who is a Whistleblower?

According to the Whistleblowers Protection Act, a Whistleblower is a person who makes a disclosure of impropriety under the Act (Sections 1 & 2). The law provides for a wide scope of Whistleblowing to cater for both the public and private sectors, and also permits external disclosures by persons who are not part of the organization in question. It is this latitude that the LASPNET Project will operate and make external disclosure of impropriety.

4.2.2 What Does Disclosure of Impropriety Mean?

A Whistleblower can disclose information about the conduct of a person(s) where he or she has reason to believe that;

- a) a corrupt, criminal or other unlawful act has been committed, is being committed or is likely to be committed;
- b) a miscarriage (failure) of justice has occurred, is occurring or is likely to occur;
- c) a public officer or employee has failed, refused or neglected to comply with his legal obligation;
- d) any of the above mentioned acts (in paragraphs a – c) has been covered up, is being covered up or is likely to be covered up.

4.2.3 Who is Qualified to Whistle blow?

Section 3(1) of the Act provides for persons qualified as Whistleblowers to include:

- a) an employee in a public or private sector against an employer;
- b) an employee in respect of another employee;
- c) a person in respect of another person;
- d) a person in respect of a private or public institution.

The LASPNET Whistleblowing initiative will principally use the opportunity in category (d) above, to disclose impropriety in the targeted institutions.

4.2.4 Can a Whistleblower make an anonymous complaint?

Yes, a Whistle blower or Monitor can make an anonymous complaint. The Whistleblower's Act provides that there is no prohibition for persons making anonymous disclosures. However, a person who makes an anonymous disclosure **shall not** be entitled to the protection provided under the law. (Section 3 (2) and (3)).

4.2.5 What are the benefits of Whistleblowing?

- a) Whistleblowing is a corruption and fiduciary risk management tool that prevents financial loss and abuse of office;
- b) Whistleblowing promotes an ethical, transparent and accountable working culture;
- c) It improves the capacity of an institution to meet its goals and targets; and
- d) Whistleblowing leads to improved service delivery.

4.2.6 Does the law Protect a Whistleblower? (When is a Disclosure Protected by The Law?)

Yes, a Whistleblower or Monitor is protected by the law. However, he/she is only protected if his/her disclosure is made in a prescribed manner. The Whistleblower's Protection Act, (Section 2(2)) provides that a whistleblower's disclosure is protected by the Act if he or she:

- a) makes the disclosure in good faith. Good faith means honesty, fairness, lawfulness of purpose and absence of any intent to defraud;
- b) has reason to believe that what has been disclosed is substantially

- true;
- c) makes the disclosure to an authorized officer;²¹
- d) maintains the confidentiality of his or her identity as a Whistleblower and takes reasonable steps to avoid its discovery; and
- e) maintains the confidentiality of the information contained in the disclosure.

In addition to disclosure being made to an authorized officer under the Act, under Section 1 of the Act, a Whistleblower is also protected if his/her disclosure is made to an employer, and also a nominated disclosure officer. It is imperative to note that a disclosure ceases to be protected if it is made by an anonymous person (Section 3 (3)), and when the identity of the person disclosing is deliberately revealed by themselves or as a result of their deliberate conduct (Section 2(3)).

4.2.7 What are the risks and impediments for Whistleblowers or Monitors?

It is not uncommon for Whistleblowers to fear making their revelations. However, this reluctance may stem from a perceived or real incidence of any of the following factors:

- a) Inadequate protection regime;
- b) Societal perception of Whistleblowers as trouble makers and betrayers;
- c) Lack of moral courage (Whistleblowing calls for courage to stand up for principles that are in the public interest);
- d) Fear of reprisal (like dismissal from work, intimidation, or victimization);

²¹ Section 1 of the Act. Authorized officer means the Speaker or Deputy Speaker of Parliament, the Executive Director of NEMA in case of environmental issues, RDC, a Senior Ethics Officer with the Directorate of Ethics & Integrity, a human rights commissioner with UHRC, the ODPP, an inspectorate officer of the Inspectorate of Government, a police officer not below the rank of Assistant Inspector of Police (AIP).

- e) Personal cost and experiences (like emotional stress, depression and anxiety);
- f) Culture of silence and some traditional practices of being another person's keeper no matter the situation; and
- g) Fear of losing relationships at work and in society.

4.2.8 What happens if a Whistleblowers / Monitor's identity is revealed?

The law provides for protection of disclosures made in confidence where the identity and information is not disclosed (Section 2 (2) (d)-(e)). Therefore, such protection is lost when the identity of the Whistleblower is revealed. However, Section 2(3) of the Whistleblowers Act provides that if the whistleblower was not responsible for the revelation of his or her identity, he or she will remain protected by the law. Revelation of a Whistleblower's identity in many cases exposes them to the risk of reprisal and threats from the persons to be implicated.

4.2.9 Does the law protect a Whistleblower/Monitor who faces victimization?

Yes, the Whistleblowers Act prohibits victimization of a Whistleblower/Monitor. It provides that a person shall not be subjected to any victimization by his employer or by any other person on account of having made a protected disclosure. As earlier noted, a protected disclosure is one made in good faith; made in confidentiality of identity of the whistleblower and of the information; and made with reasonable belief that it is substantially true. The law also defines what victimization means.

4.2.10 What amounts to victimization?

Victimization occurs where the Whistleblower / Monitor who being an employee is-

- i. Dismissed;
- ii. Suspended;
- iii. denied promotion;
- iv. demoted;
- v. made redundant;
- vi. harassed;
- vii. intimidated;

- viii. threatened with any of the above acts (i – vii);
- ix. subjected to a discriminatory or other adverse measure by the employer or a fellow employee

Where the Whistleblower, not being an employee (such as LASPNET or its Monitors) is subjected to; -

- i. discrimination; or
- ii. intimidation;

by a person or an establishment affected by the disclosure on account of the disclosure.

4.2.11 Can a Whistleblower/Monitor be protected by the State?

Yes. A whistleblower may request for State protection and the state will provide adequate protection if he/she has reasonable cause to believe that; -

- a. His/her life or property, or
- b. The life or property of a member of the Whistleblower's family²² is endangered or is likely to be endangered as a result of the disclosure.

In the event of such threat or occurrence of victimization, the Whistleblower should make a complaint with the Inspectorate of Government or the Uganda Human Rights Commission.

4.2.12 What are the sanctions (offences and penalties) against persons who violate provisions of the Whistleblowers Protection Act?

The Whistleblowers Protection Act provides for offences and penalties committed against whistleblowers/ monitors in order to protect their work and deter those who would want to abuse it. Whistleblowers/Monitors are encouraged to report to the responsible authorities once they are faced with the following instances:

(i) Disclosing the identity of a Monitor

²² Section 11(2) of the Act defines a family to include a spouse, father, mother, child, grandchild, brother and sister.

A person who unlawfully discloses, directly or indirectly, the identity of a monitor, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

(ii) Disclosing the details of the disclosure.

Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

(iii) Victimization of a Monitor.

A person who either by himself or herself or through another person victimizes a monitor for making a disclosure commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

(iv) Making false disclosures.

A person who knowingly makes a disclosure containing information he or she knows to be false and intending that information to be acted upon as a disclosed matter, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

(v) Unlawfully failing to take action.

An authorized officer, who does not take action upon receipt of a disclosure made to him or her, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

The Whistleblowers Protection Act was enacted to provide for the procedures of disclosure of impropriety and put in place safeguards against reprisal. The protections and sanctions in place are intended to create an enabling environment that facilitates disclosure and therefore a culture of accountability and zero tolerance to corruption.

CHAPTER FIVE

5.0 THE LASPNET WHISTLEBLOWING GUIDELINES FOR MONITORS

The LASPNET Whistleblowing Guidelines for Monitors provide a framework for direction and regulation of the LASPNET's tracking, documenting and disclosing of impropriety within the context of the Act. These are practical guidelines that detail the role and conduct of the Monitors under the Project.

The Guidelines are also backed up with a LASPNET Code of Conduct (See annexure) that is intended to ensure integrity and professionalism of the Monitors during the conduct of their work under the Project.

5.1 Who is a LASPNET Monitor?

A LASPNET Monitor is a Whistleblower who has volunteered and been accepted, equipped and commissioned by LASPNET to observe and report incidences of impropriety in the selected JLOS institutions. The Monitor shall also identify and recommend to LASPNET exemplary practices for replication and benchmarking by other JLOS institutions.

5.2 What is the role of a LASPNET Monitor?

A Monitor shall interface with the three selected JLOS institutions that include Judiciary, UPF and ODPP, to track and report both good practices and incidences of corruption while basing on the selected parameters and indicators. His/ Her roles will include:

- (i) To monitor and report incidences of wrongdoing, impropriety, corruption, etc. within the sector. In the Judiciary, these will cover all court officials such as, Judges, Registrars, Magistrates, Administrators, Court Clerks, plus all other support staff. Within the UPF, the persons to be monitored include all Police officials regardless of ranks, and support staff. At the ODPP's offices, all staff including the State Attorneys and support staff. Other users within the justice system to be

monitored will be lawyers, probation officers, prison staff, and all persons involved in providing and seeking justice services.

- (ii) To identify and report to LASPNET exemplary practices by JLOS officers for purposes of recognition, reward, and benchmarking in similar or other JLOS institutions.
- (iii) To track, document and make timely and evidence based reports to LASPNET secretariat on best practices and corruption incidences within the JLOS institutions.
- (iv) Provide LASPNET with factual information with evidence where available. However, in urgent cases, LASPNET shall be first consulted to guide on making such disclosures and information directly to JLOS institutions & other stakeholders for fast action.

5.3 Monitor Practices

LASPNET Monitors shall be expected to work with some basic principles in addition to the LASPNET institutional values. These are based on best practices from institutions with experiences in Whistleblowing. The following best practices and guiding principles shall be observed by LASPNET Monitors:

- a) Monitor identity should not be disclosed and monitors should preferably work through third party identities or agents or use pseudonyms in the course of their duties;
- b) Monitors may also work openly using a complaints desk;
- c) Monitors can pose as third party identities to understand the intricacies of the corrupt practices in a given JLOS agency where necessary;
- d) Document and record material details about the impropriety and surrounding circumstances at all times while minding personal safety.
- e) Maintain regular communication and reference to LASPNET focal persons as the first 'go-to' point in case of any challenges and emerging issues.

5.4 To whom or where should a Whistleblower/ monitor make a disclosure of impropriety/ wrongdoing or best practice?

For purposes of this Project, all reports of impropriety or exemplary anti-corruption practices shall be formally made to LASPNET in writing. Where urgent cases are found and require urgent or immediate redress, the Monitor should first seek the guidance of LASPNET through such practicable means such as telephone contact and emails, among others.

5.5 How does a Monitor make a disclosure?

A disclosure may be made in any of the following ways:

- i. The Monitor may walk into the LASPNET Secretariat and record the disclosure on the disclosure form.
- ii. The disclosure may be made orally to the designated Officer of LASPNET or a member of the LASPNET Advisory Committee on Governance and Corruption in JLOS, who shall cause it to be in writing and in turn transmit to the designated officer.
- iii. It may be made in writing, in which case it should be addressed to the designated officer of LASPNET.
- iv. It may be made using information and communication technological media and platforms as will be agreed upon between LASPNET and the Monitors. This includes email, SMS, telephone, designated web portals, etc.

NB: In any of the above cases, the disclosure may be made anonymously, using a pseudonym or with the Monitor disclosing their identity. This has an implication on whether the disclosure can be protected by the Whistleblowers Protection Act.

5.6 What should a disclosure contain?

A disclosure may contain the following information:

- i. The full name, address and occupation of the Monitor. However, the Monitor may prefer to make an anonymous disclosure;
- ii. The nature of impropriety/wrong in respect of which the disclosure is made;
- iii. The name, particulars and title of the person alleged to have committed, or who is committing or is about to commit the wrong;
- iv. The time, dates, place, and circumstances where the alleged wrong is taking place, took place or is likely to take place;
- v. The material details of action or omission or abuse;
- vi. The full name(s), address(es) and description(s) of a person who witnessed the commission of the wrong;
- vii. Whether the monitor has made a disclosure of the same wrong on a previous occasion, in respect of the same person, and if so provide the relevant details of such earlier disclosure.

5.7 How will LASPNET handle disclosures?

Upon receipt of the disclosure by the designated LASPNET Officer, the following action shall be taken:

- (i) The designated officer shall make a record of the time and place where the disclosure is made and received;
- (ii) In the event that the disclosure has not been made on the designated form, or has been made orally by the Monitor, the LASPNET Officer shall cause it to be recorded in writing on the Disclosure Form;
- (iii) The LASPNET Officer shall then give the Monitor an acknowledgement in writing of receipt of the disclosure;
- (iv) The designated officer shall keep the writing in which the disclosure is made confidential and in safe custody pending investigation of the impropriety;
- (v) The LASPNET Officer, shall then forward the disclosure to the Executive Director of LASPNET for evaluation;
- (vi) Where the disclosure is determined to be trivial, frivolous, vexatious or not made in good faith, or where further investigation is unnecessary or improper, LASPNET will stay the investigation and will write to the Monitor stating the

- reasons for the refusal to continue with the investigation;
- (vii) If the disclosure does not fall under (vi) above, the matter shall then be investigated and a Report made;
 - (viii) In the course of investigation, the Executive Director may involve the head of the Institution where the complaint has arisen;
 - (ix) The rules of natural justice shall be upheld in the course of investigation;
 - (x) The report containing the findings of the investigation will then be forwarded to the LASPNET Advisory and Governance Committee at the National level for appropriate action;
 - (xi) However, this will not curtail the option of the Monitors reporting cases with overwhelming evidence directly to the office of IGG or Police among others. Such disclosure would be made with first consultation in any practicable way with the LASPNET designated officer(s).

5.8 Disclosures by persons who are not designated Monitors

- (i) A disclosure of a corrupt practice or a good practice may be made by a person who is not an officially designated Monitor by LASPNET.
- (ii) In such a case, where a disclosure has been made by a person who is not an officially designated Monitor, the disclosure shall be dealt with in the same manner as though it were made by an officially designated Monitor.

5.9 What will the findings from the Whistleblowing and monitoring be used for?

- (i) To assess and document ongoing anti-corruption interventions in the selected JLOS Institutions, and recommend exemplary practices.
- (ii) To monitor and track the real incidences of corruption and cause disciplinary or punitive action through relevant agencies.
- (iii) Recognize commend and jointly strengthen the accountability and anti-corruption good practices and effort.
- (iv) Identify the systemic, structural and operational gaps in the

anti-corruption interventions and recommend interventions to cover them.

- (v) Recommend actions to JLOS and the relevant JLOS institutions for strengthening existing interventions and addressing the gaps.
- (vi) Refer to appropriate institution such as the office of IGG or the Police for further investigations and appropriate action.
- (vii) Name and shame perpetrators of corruption.

5.10 What should a Monitor do once he/ she faces victimization?

- (i) A Monitor who honestly and reasonably believes that he /she has been victimized (intimidation or discrimination) as a result of his/her disclosure may make a complaint to the Executive Director of LASPNET, Inspectorate of Government or the Uganda Human Rights Commission for redress.
- (ii) A Monitor may also seek redress for victimization by bringing a civil action in a court of law.

5.11 Does the law protect the Whistleblower/Monitor from threats of court action for disclosures?

The Monitor is protected by law against such action. Section 10 of the Act provides that a Whistleblower, and in this case a Monitor, shall not be liable to civil or criminal proceedings in respect of a disclosure that contravenes any duty of confidentiality or official secrecy law, so long as the whistleblower acts in good faith.



5.12 Managing a Whistleblowing/Monitor crisis: Handling revelation of Whistleblower identity

Should the identity of a discloser or witness become known, the Executive Director of LASPNET shall advise on measures that must be taken to prevent potential reprisals.

These could include:

- (i) Demanding a written commitment from the employer and/ or supervisor that there will be no reprisal;
- (ii) Advise transferring of the Monitor to another department or to another institution;
- (iii) Recommend providing security or State to the Monitor; or
- (iv) Recommend relocating the Monitor to another region or country.

5.13 Performance assessment for Monitors

The performance of a Monitor shall be assessed through semi-annual reviews, where strong points shall be identified and commended, and performance gaps identified together with steps that shall be taken to plug them. Performance targets shall also be set for each period. The LASPNET Executive Director or such other designated officer shall directly supervise the Monitors. This alignment shall also be used for performance and progress reporting.

Where a Monitor's performance is continuously poor despite capacity building interventions having been undertaken, they may be relieved of the position of a Monitor provided that the principles of natural justice have been upheld, and they have received a prior written warning.

5.14 Corruption monitoring in JLOS: Parameters and areas of focus

The LASPNET Monitors will use the corruption monitoring parameters as areas of focus to track and observe incidences of prevalence of corruption within the selected JLOS institutions. The Monitors will specifically track corruption in the Judiciary, Police and

Office of the Directorate of Public Prosecutions. The corruption monitoring parameters highlighted below can be used to identify and monitor corrupt acts on the one hand, and identify anti-corruption best practices that can be replicated.

Corruption Monitoring Parameters and Indicative areas of focus

Institutional Policies, Systems, Procedures, & Controls	
Parameter	Institutional Integrity committees
	Inspection function – handle complaints & evaluate performance
	Institutional Code of Conduct
	Disciplinary Committees
	Institutional Complaints Management System
	Institutional anti – corruption strategy – preventive & combative strategies for Anti-corruption
	Institutional anti - corruption work plan
	Adoption of quality management systems
	Systems for Recognition, Reward and Sanctions
	Client Charters
	Institutional Information Management System
	Internal Complaint & Complaint Handling mechanisms
	Institutional Ethics / Integrity committees
	Institutional Whistleblower& Whistleblower protection mechanisms
	Training & Refresher sessions policy & practice – especially in ethics, integrity & performance management
	Training & Refresher sessions policy & practice – especially in ethics, integrity & performance management
Institutional based fiduciary & internal governance risk assessment	

Parameter	Inter-institutional coordination & collaboration arrangements
	Open door policy
	Financial resourcing and management
Judicial & Non Judicial Staff / Officers	
Parameter	Recruitment / Appointments
	Terms of service and remuneration,
	Assignment of Cases
	Promotions
	Staff deployment and transfers
	Training & refreshers in prosecution & adjudication of cases
	Training & refresher sessions in ethics, integrity, anti - corruption performance & Accountable management
	Specialized & refresher trainings in inspections & investigations
	Declaration of wealth by staff
Justice Services – Service Delivery and Prevalence of Corruption	
Parameter	Court bail applications
	Cause listing
	File management
	Bias and delayed or denial of justice
	Judgments
	Access to court records
	Delay to forward files to High Court
	Extraction of Decrees & Court orders
	High volume of cases before a single judicial officer
	High case backlog generally
Taxation of costs	
	Exercise of discretionary powers

Parameter	Absenteeism and late coming (especially in rural areas)
	Conversion of funds
	Court Orders / records written in a manner not understandable by users
	Contributory scheme for locus visits in land cases
	The problem of unscrupulous clerks
	Lawyers' abetting corrupt practice in judicial system
	Assessors' bias and influence
	Unscrupulous persons hanging around courts
	Public perception of prevalence of corruption in the institution
	Public participation in anticorruption efforts
	Police & ODPP Investigations
	Police Bond
	Overstay in police cells
	Traffic offences
	File Management
	Illegal deployment
	Users' experience with bribery in the institution
	Delayed implementation of court orders and sanctioned files
	Simplified and disseminated information on rules and procedures: bail, bond, court case filing process, rights, fees or charges,
	Existence of functional front desks with clear identification for client information
	Public awareness materials and avenues
	Avenues for public reporting of corruption incidence
	Public sensitization on formal procedures for reporting corruption
	Mechanisms for providing feedback to informers / complainants
Perception of prevalence of corruption	

5.15 Corruption Monitoring Indicators

Corruption monitoring and measuring indicators refer to units used to quantify the prevalence of corruption. There is no absolute or exact method of measuring corruption. The indicators for corruption can be qualitative or quantitative in nature. Several approaches can be deployed to measure the prevalence of corruption depending on the circumstances and level of occurrence. These include;

- a) Perception based; this is a subjective opinion based measure of existence or prevalence of corruption.
- b) Experience based; this is a measure of existence or prevalence of corruption based on personal experiences.
- c) Composite indicators; this is the measure of corruption using various sources. Data is aggregated from various surveys, reports and other secondary sources to come up with an average status of corruption.
- d) Single data indicators; this is a measure of corruption prevalence based on a single source of data.
- e) Proxy indicator; this is the measure of prevalence or existence of corruption based on indirect parameters such as good governance, rule of law, access to public services, easy of doing business.

The LASPNET Corruption Monitoring Project will focus on such agreed indicators that may include the following;

- a) Likelihood of encountering a bribe (Least likely, Likely, Most likely),
- b) Prevalence and frequency of bribery (No. of payments of bribes in a particular period),
- c) Average size of bribes (0-50,000; 51,000-100,000; 101,000-250,000; etc),
- d) Perceived impact of bribery on access to justice,
- e) Forms of corruption,
- f) Common reasons for paying a bribe (choice from a pre-set list of responses),²³
- g) Reasons for not reporting corruption (choice from a pre-set

²³ Examples of listed responses may include; 1. To hasten up services. 2. It was the only way to access service. Etc

- list of responses),²⁴
- h) Comparative prevalence of corruption in the three targeted institutions,
 - i) Working days and hours at station to track absenteeism;
 - j) Etc.

5.16 Challenges of measuring corruption

There are various challenges that make it difficult to measure corruption under different circumstances. This draws from the fact that corruption is often a discreet act and in many cases involves willing perpetrators.

- a) Lack of comprehensive data on corruption because it is a criminal act done in secrecy.
- b) Limited skills and expertise.
- c) Difficulty in tracking resources especially in highly cash economies.
- d) Difficulty to distinguish inefficiency or maladministration from corruption for attributive purposes.
- e) Reluctance of respondents to express their views and stand out.
- f) Reluctance of government to cooperate with stakeholders in terms of information disclosure.
- g) Inadequacy of standardised and proven tools/methods for replication in measuring corruption in different sectors and scenarios.

²⁴ Examples of listed responses that shall be monitored, tracked and aggregated may include; 1. Fear of intimidation. 2. It did not occur to me that I should report. 3. I do not know where to report. 4. No action will be taken. 5. Fear of self-incrimination. 6. I was a beneficiary.

CHAPTER SIX

6.0 CONCLUSION

This Manual has presented a brief overview of corruption, Whistleblowing, and provides guidelines for corruption Monitors. If used well, it has the potential to enhance the anti-corruption fight and promote best practices. Every Monitor should therefore familiarize themselves with it.

When applied well, the Manual will pave way for the successful implementation of this initiative aimed at fighting corruption and enhancing access to justice. The outcome of this intervention will make a fundamental contribution to both the national and JLOS aspirations of zero tolerance for corruption as espoused in the respective anti-corruption strategies/frameworks. Both trainers and practitioners can draw rich reference from this Manual to ensure successful implementation. This is to ultimately contribute to improving the environment within which members of LASPNET serve vulnerable people to meet their justice needs.

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4. Inspectorate of Government Act, 2002
5. Leadership Code Act (amended), 2002

6. Local Government Act, 1997
7. Penal Code Act, cap 120
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9. Public Finance Management Act, 2015
10. Public Procurement and Disposal of Public Assets Act, 2003
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12. Whistle Blowers' protection Act, 2010

List of Key Strategic Plans and Plans of Action

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2. JLOS Anti-Corruption Strategy, 2012
3. Uganda Law Society Anti-Corruption Policy, 2016
4. Judiciary Anti-Corruption Plan of Action 2013
5. Uganda Police Force Anti-Corruption Strategy, 2017
6. ODPP Anti-Corruption Plan of Action, 2017

Annexures:

1. Practical Guide for Monitoring Corruption in the Justice System
2. Case illustrations
3. Disclosure/Reporting Template
4. LASPNET Code of Conduct
5. Oath of Secrecy Form
6. Acknowledgement of Receipt of Disclosure Form
7. JLOS Briefing on Whistle-blowers' Protection: Security and Reward for raising the red flag
8. JLOS Institutions and mandate
9. JLOS Complaints Handling Framework
10. JLOS Complaints Directory
11. Whistleblowers Protection Act 2010

I.0 PRACTICAL GUIDE FOR MONITORING CORRUPTION IN THE JUSTICE SYSTEM

I.0 Introduction

This Monitoring Guide provides a step by step direction for Accountability Monitors of the Legal Aid Service Providers Network (LASPNET). The monitors are brought together under the various member Legal Aid Service Providers (LASPs) and are tasked to monitor and track incidences of corruption, and corruption related issues that impede access to justice. The monitors are expected to report to the focal person in the respective LASPs, and the findings (reports) will be channeled to the LASPNET Advisory Committee on Governance and Monitoring Corruption JLOS at the National level.

1.1 Rationale of the Monitoring

- LASPNET seeks to augment the efforts of Justice Law and Order Sector (JLOS) in the implementation of the sector Anti-corruption Strategy.
- The goal is to reduce corruption in the justice system in the medium term, and eliminate it in the long term.
- The Legal Aid Service Providers brought together under LASPNET will seek to overcome corruption relation inhibitions to effective access to justice for especially the poor and marginalized persons.

1.2 Specific objectives

1. Assess and document ongoing anti-corruption interventions in the selected JLOS institutions
2. Monitor and track the actual incidences of corruption and cause action through the relevant agencies
3. Recognize, commend and jointly strengthen the accountability and anti-corruption good practices and efforts.
4. Identify the systemic, structural and operational gaps in the anti-corruption interventions and recommend.
5. Recommend actions for strengthening existing interventions and addressing the gaps.

2.0 The Legitimate Entry and Monitoring Process

2.1 *The Legitimacy of LASPNET and individual monitors to fight corruption*

- The JLOS Anti-corruption Strategy recognizes and creates entries for collaboration and joint action with external stakeholders including Civil Society Actors.
- The participation of LASPNET in this arrangement is to complement JLOS in the implementation of the JLOS Anti-corruption Strategy.
- Under Article 17(1)(i) of the Uganda Constitution, it is a duty of all citizens to combat corruption and misuse or wastage of public property.
- The Constitution of Uganda provides that all public offices are held in trust for the people, and all persons placed in positions of leadership and responsibility shall, in their work, be answerable to the people.
- The Constitution further provides that all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices. Therefore, accountability (answerability) is not an option but a must!

2.2 *Dealing with the basics*

- Monitoring corruption is a complex venture that demands structured, systematic, positive, participatory and cautious approaches.
- The intention of the LASPNET in monitoring corruption is not to find fault, but to strengthen a collaborative arrangement with JLOS for enhancing accountable service delivery.
- LASPNET seeks to foster a collaborative appreciation of the structural and systemic adequacies (good practices and efforts) and inadequacies (weaknesses, limitations and corrupt practices) related to accountability and elicit joint action with JLOS to recognize and commend the good, as well as mitigate and address the shortfalls.
- The JLOS is vast; the subject of accountability, even when narrowed to corruption is broad– the monitoring must

therefore be targeted, structured, and undertaken in a piecemeal, institution-specific and systematic manner.

- The initial monitoring phase will cover the Police, Judiciary and the ODPP. The intervention will later be rolled further to cover other JLOS institutions.

2.3 Conceptualizing the monitoring process

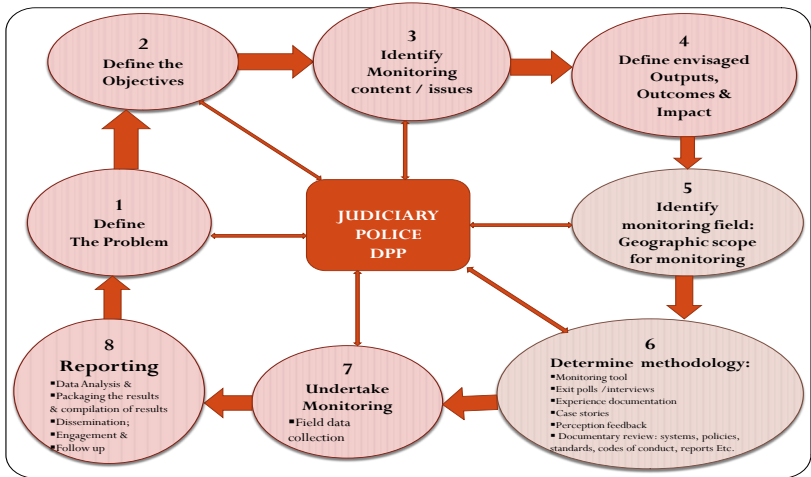


Figure I: The LASPNET Monitoring Process Model

Figure I illustrates the logical cycle of the monitoring process. LASPNET’s monitoring intervention is not a one-off process or activity, but a continuous process that begins with defining the problem to which the monitoring responds, and rolls up to stakeholder engagement and ensuring a continuous follow up on the recommendations arising from the monitoring. It is a cyclic process that seeks to influence and cause positive change in the accountability commitments of justice institutions.

The monitoring is process-output-outcome based, intended to track institutional anti-corruption measures, efforts, successes and limitations, structured along the preventative, detection and investigation as well as punitive approaches and interventions.

2.4 The Monitoring Structure

The structural arrangement of the LASPNET monitoring teams is illustrated in **Figure 2**.

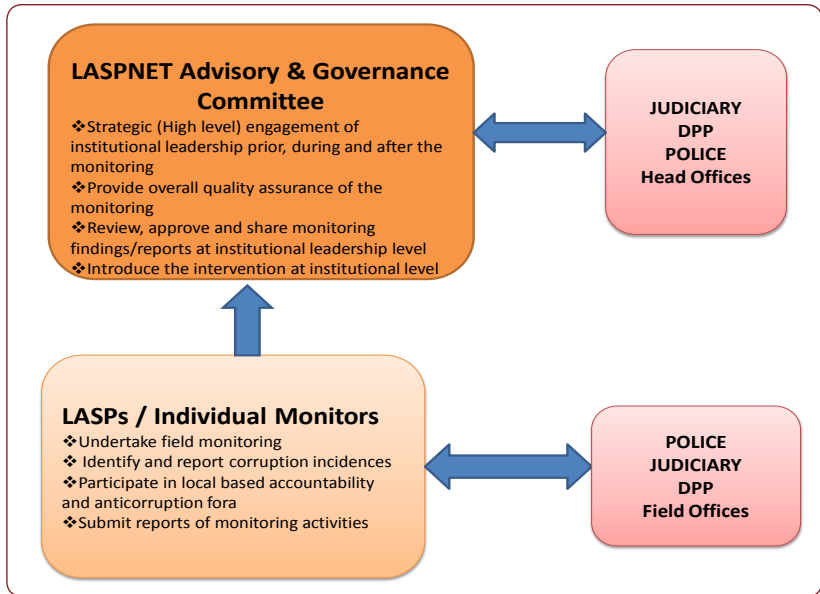


Figure 2: The LASPNET Anti-corruption Monitoring Structure

LASPNET will use two levels of monitoring:

I. LASPNET Advisory Committee on Governance and Monitoring Corruption in JLOS

This is a board sub-committee, comprised of select members of the board of LASPNET and a few external persons with specialized expertise in accountability and anti-corruption. The incorporated members are nominated and appointed by the LASPNET board.

The committee is responsible for:

- a) High level institutional engagements and collaborations;
- b) Provision of overall direction, advisory and quality assurance

- to the monitoring exercise;
- c) Review, approval and sharing of monitoring reports.

The committee will hold quarterly meetings to review progress, take forward the recommendations and to guide the subsequent phases of the monitoring process. The committee may also undertake extra ordinary activities as and when necessary.

2. LASPs / Individual Monitors

The various member LASPs will nominate the staff to participate in the monitoring. Other individual monitors will be identified and appointed by LASPNET on the recommendation of the LASPs. At this level, the monitors will:

- a) Undertake field monitoring;
- b) Identify and report incidences of corruption;
- c) Compile and submit monitoring reports;
- d) Participate in local accountability fora.

2.5 *Scope of monitoring*

- a) The content scope of the monitoring is covered in the Monitoring Tool attached.
- b) The monitoring will focus on the past, ongoing and newly registered cases and incidences of corruption and interventions.
- c) The geographical scope of the monitoring will be determined by the LASPNET Advisory Committee Governance and Monitoring Corruption in JLOS from time to time.
- d) Initially, the monitoring activities will focus on the Police, Judiciary and ODPP, and later roll out to the other JLOS institutions.

2.6 *Conceptualizing the transformation map: From Planning to Results*

Through the anti-corruption monitoring, LASPNET seeks to collaborate with JLOS at sector and institutional level to overcome accountability related inhibitions to access to justice and effective delivery of justice services, especially to the poor and vulnerable.

The monitoring will focus on the systemic and operational issues, efforts and interventions for strengthening accountability and fighting corruption within the institutions of focus, to identify the good efforts and practices as well as the limitations which LASPNET will periodically bring to the attention of the respective institutions and JLOS for reflection and consideration to drive continuous improvements of institutional and service delivery accountability. **Figure 3** shows the intermediate and long term transformational logic of the monitoring intervention.

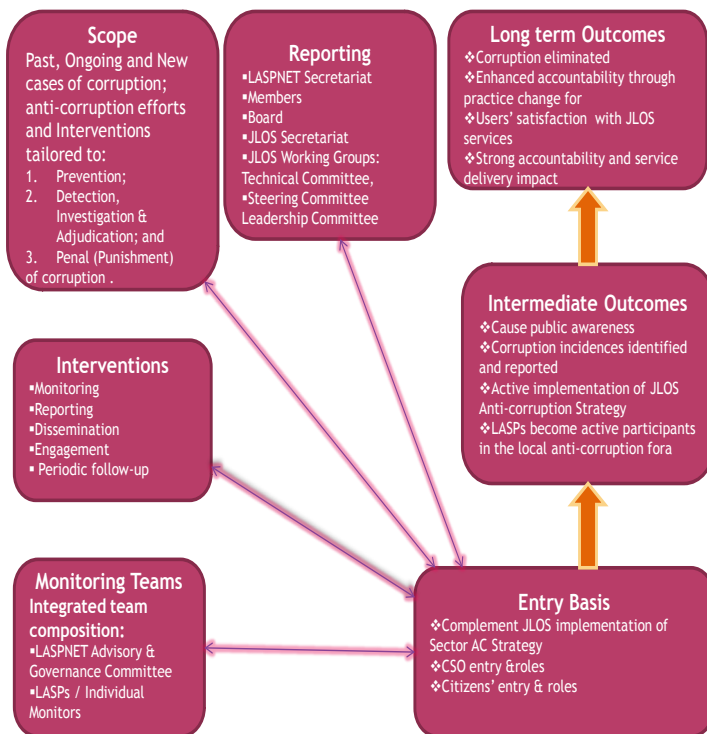


Figure 3: Conceptualizing the transformation map: From Planning to Results

2.7 Roles of JLOS and member institutions

- a) Throughout the monitoring arrangement, LASPNET will ensure a structured, active relationship and collaboration at the sector level with JLOS and institutional level with the JLOS member institutions.
- b) As much as practically possible, LASPNET will sign MoUs with JLOS and the individual institutions to formalize the linkages and cooperation to foster and enhance mutual acceptance of the monitoring results as well as formalize admissibility of evidence that may be gathered on specific incidences.

At the sector and institutional level, LASPNET expects JLOS to:

- (i) Receive and embrace the monitoring intervention;
- (ii) Cooperate to provide conducive space for monitors and monitoring within the institutions;
- (iii) Provide the necessary information to questions and issues during monitoring;
- (iv) Receive and validate monitoring reports;
- (v) Implement recommendations.

2. Case illustrations

Illustration: (a)

Mukasa mixes mortar on a site that is building community houses. He is told by Kizito, the foreman, that he must put more sand and less cement into the mix. He knows this is not right and Frank, the bricklayer has already complained that the mortar is not holding the bricks together properly. Mukasa has also seen Kizito loading cement into his car one night and suspects that Kizito is stealing the cement that should be going into the mortar. He thinks carefully about this and discusses this with his wife and uncle who both agree with him that he should tell a manager about this. They tell him that it could lead to the houses cracking and even walls falling down and is bad for the community. His wife tells him that if the Department of Housing knows that Mukasa's company is using bad mortar they will not use this company and then Mukasa and everybody else will lose their jobs. He speaks to his cousin who tells him that the company may do nothing about the problem and see him as a trouble maker and dismiss him. Mukasa has a sleepless night as he tries to come up with a solution. He decides that he cannot live with this wrongdoing and the next morning he tells Mr. Kiwalabye, the top manager, about what Kizito is doing.

Mukasa is raising his concern about wrongdoing and this is called whistleblowing. It is necessary as such wrongdoing can damage the organization or community and even lead to an organization failing. This could mean that an important service that the organization provided can no longer be provided. In the case above Mukasa and his colleagues could lose their jobs if the tender is lost and the community will get badly built houses.

Illustration: (b)

When Magere joined the Kapeke Magistrates' Court as a Clerk, one of the things that disturbed him was delay of cases. Most Judicial Officials would come way after 9.00am the time the Court is supposed to open. When they would arrive, they would first spend over 30 minutes at the Court canteen catching up on small talk and the trending news over a cup of tea. Eventually, most would start Court after 10.00am. In Court, many cases would be adjourned because the State Attorney did not have the file, or the defence lawyer was absent, or there were no witnesses. However, His Worship Mukasa, a young Magistrate joined Kapeke Chief Magistrate's Court as a breath of fresh air. By 7.30 he was always in

Chambers. 9.00am sharp, he would be starting Court. He never tolerates excuses from lawyers for adjournments. If a Lawyer insists on adjourning yet he as a party to fixing the case, and has no serious reason, he has to meet the cost the adjournment. Magere feels H/W Mukasa is a model who should be emulated. He therefore decides to share with the Chief Magistrate about the good practices of H/W Mukasa so that he can be commended, and other Judicial officers encouraged to emulate him. Magere is a Monitor. He has identified a positive practice which he has shared. If H/W Mukasa is publicly commended and other staff encouraged to take after him, it will greatly improve service delivery and access to justice.

Illustration: (c)

Kajja is a Public Servant, employed as a Certificate Issuing Officer. The procedure is supposed to be that one comes to the cash office and gets an assessment form. He/she then goes to the bank and pays the amount assessed. He/she then brings the receipt and hands it in at the reception so that a Certificate Issuance Officer can now process and issue a Certificate. The Certificate is supposed to be ready in 24 hours. However, because the lines are usually very long, some people cannot wait. Kajja usually uses this opportunity to make a quick buck. He approaches such persons and tells them he can work on their Certificates in less than a day without them having to go through the hustle of the process. The clients are usually very excited by this news. They pay him up to thrice the amount and he circumvents the process and issues them certificate. Kintu, one of the other Certificate Issuing Officers has been watching this in perplexion. On one hand, Kajja is helping people get quick services. However, he feels this is wrong. It displaces people that come earlier. It also makes government lose revenue. He finally decides to talk to the Executive Director about the matter. He shares with the ED how the long lines are leading to unethical acts such as Kajja charging people privately to help them quicken the process. He also suggests strategies how they can improve service delivery so that people do not have to stand in the queue for long leading to the desire to bypass the system.

3. Disclosure/Reporting Forms

LASPNET Corruption Monitoring Project

Whistleblower Disclosure Form

1. Particulars of Whistleblower

Name.....
Physical address.....
Postal address.....
Telephone (fixed line).....
Mobile telephone.....
Fax.....
Email address.....
Occupation.....

2. Particulars of person alleged to have committed or is about to commit the impropriety

Name.....
Physical address.....
Postal address.....
Telephone (fixed line).....
Mobile telephone.....
Fax.....
Email address.....
Occupation.....

3. Nature of impropriety in respect of which the disclosure is made

.....
.....
.....
.....
.....

4. Time and place where the alleged impropriety is taking place, took place, or is likely to take place

.....
.....

5. Evidence/documents (annex where more space is required)
.....
.....
.....
.....
.....

6. List of witnesses (if any)

(a) Name.....
Physical address.....
Postal address.....
Telephone (fixed line).....
Mobile telephone.....
Fax.....
Email address.....
Occupation.....
(b) Name.....
Physical address.....
Postal address.....
Telephone (fixed line).....
Mobile telephone.....
Fax.....
Email address.....
Occupation.....

(c) Name.....
Physical address.....
Postal address.....
Telephone (fixed line).....
Mobile telephone.....
Fax.....
Email address.....
Occupation.....

7. Whistleblower's previous disclosure in respect of the same
impropriety or other impropriety
.....
.....

8. Particulars of previous disclosure

.....
.....

9. Is the whistleblower an employee (if so, whether he or she intends to remain in the same employment) or has been previously employed by the person alleged to have committed or is about to commit the impropriety?

.....
.....

10. The disclosure has been read over, interpreted and explained to the whistleblower in language that he or she understands (in case of oral disclosure)

11. I affirm/ swear that the above is a true record of my disclosure to (name of LASPNET officer/employer/entity/authorized officer*)

Nature of disclosure

- (a) Oral
- (b) Anonymous
- (c) Information technology format; emails, SMS, etc. (please specify)

.....

Date thisday of20

Signedwhistleblower.

OR

Thumbprint

* Ignore whichever is not applicable

4. LASPNET Code of Conduct

1. Adherence to National Anti-Corruption Laws and Frameworks:

A monitor shall observe and abide by the Constitution and Anti-Corruption laws as well as National laws, regulations and guidelines issued on Anti-Corruption.

2. **Objectivity:** A Monitor shall be objective while conducting the project activities for purposes of remaining unbiased.
3. **Non-intrusiveness:** A monitor shall not interfere with the work of the three project focused institutions but may ask any question he or she deems proper for purposes of clarifying any matter related to his or her work provided this is done in a manner that does not unduly compromise his or her credibility.
4. **Accuracy:** A Monitor shall exhibit a high degree of professionalism and shall in particular ensure accurate documentation and reporting based on facts or information that may come into his or her possession in the course of his or her work.
5. **Confidentiality:** A Monitor shall refrain from making any personal comments or expressing his or her opinion on any matter pertaining his or her work as a Monitor for the consumption of the media or public.
6. **Impartiality:** A monitor shall refrain from sidelining with any party or member belonging to the three project focused JLOS institutions in order to avoid conflict of interest.
7. **Diligence:** A Monitor shall be diligent in discharging his or her duties as a Monitor and shall furnish any information or report that is required to be furnished.
8. **Security Consciousness:** A Monitor shall at all material times be security conscious and not place themselves in situations that could compromise their personal safety.
9. **Enforcement Clause:** Any Monitor who acts or conducts himself or herself in a manner that is inconsistent with any provision of this Code of Conduct shall be subjected to disciplinary action.
10. **Oath of Secrecy Form:** Monitors must sign the LASPNET Monitors Oath of Secrecy Form.

5. Oath of Secrecy Form

I Affirm/
swear by the Almighty God that I will well and truly interpret and
explain to the whistleblower/Monitor all such matters and things as
shall be required of me to the best of my skill and understanding. That
I will not directly or indirectly communicate or reveal any matter to
any person which shall come to my knowledge in the discharge of
my duties as interpreter except as may be required for the discharge
of my duties as interpreter or as may be specifically permitted by law.
(So help me God)

.....
Signature /mark of interpreter

Swornat.....this.....dayof.....20.....

Before me

.....
Commissioner of Oaths/Authorized Officer under the Whistleblowers
Protection Act

6. Acknowledgement of Receipt of Disclosure Form

To (name and address of whistleblower)

Take note that your disclosure made on the day of 20..... against (name of suspect) of address of suspect) in respect of (brief particulars of the subject of disclosure) has been received by (name of designated LASPNET officer under the project or employer in the case of internal disclosure or authorized officer in the case of external disclosure).

Take further notice that you will be notified of the action taken.

Dated this..... day of20.....

7. JLOS Briefing on Whistle-blowers' Protection: Security and Reward for raising the RED flag

What is whistle blowing?

"Whistleblowing" is when an employee raises a concern about malpractice or wrongdoing within an organisation. The person raising the concern is the 'whistle-blower'.

The Whistle Blowers Protection Act 2010 of Uganda provides for the procedures by which individuals in both the private and public sector may in public interest and in good faith disclose information that relates to irregular, illegal or corrupt practices. It also provides for the protection against victimization of persons who make disclosures

What is a disclosure?

"Disclosure" means any declaration of information made by a whistleblower with regard to the conduct of one or more persons where the whistleblower has reason to believe that the information given shows or tends to show malpractice or wrongdoing such as a criminal offence, miscarriage of justice, failure to comply with legal obligation, and such other similar occurrence.

Two types of disclosure

There are two types of disclosure; internal disclosure and external disclosure.

- a) An internal disclosure means disclosure made to an authorised officer who is the employer of the whistle-blower.
- b) An external disclosure means disclosure made to an authorised officer who is not the employer of the whistle blower.

What kind of information can be reported?

A person may make a disclosure or a report of information where that person reasonably believes that the information tends to show:

- a) that a corrupt, criminal or other unlawful act has been committed, is being committed or is likely to be committed;
- b) that a public officer or employee has failed, refused or

- neglected to comply with any legal obligation to which that officer or employee is subject;
- c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d) that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed.

Why I should report any malpractice and misconduct?

The Constitution of Uganda places a responsibility and duty on every citizen of Uganda to among other things cooperate with lawful agencies in the maintenance of law and order, promote the rule of law, and to combat corruption and misuse or wastage of public property.

Therefore, there is an explicit obligation on citizens of Uganda to disclose in good faith any wrongdoing and malpractice wherever it occurs.

Is there a reward for whistle-blowers?

Yes. The Whistle Blowers Protection Act provides that a whistleblower shall be rewarded for his or her disclosure **five percent (5%)** of the net liquidated sum of money recovered as a result of that disclosure. A whistleblower shall be paid within six months after the recovery of the money.

So, how do I make a disclosure?

A Whistle Blower may make a disclosure orally or in writing, in any language to an authorized person that is listed in the next section.

Oral disclosure

Where a person makes an Oral disclosure of impropriety, the authorized officer shall cause the disclosure to be reduced into writing in a prescribed form.

Language

A disclosure shall ordinarily be made in English as the official language. However, where the whistleblower does not comprehend the English language, he or she shall make the disclosure in a language he or she understands through an interpreter procured by the authorized officer. This is later translated into English and a translated

copy attached to the disclosure.

Evidence

A whistleblower shall attach any evidence available and relevant to the disclosure made.

Receipt

After recording a disclosure, the authorized officer must give the whistleblower an acknowledgement of receipt of disclosure.

Feedback

The Whistleblower has a right to receive written communication from the authorized officer within 30 days from the date of receipt of disclosure. This will state with reasons whether the authorized officer refuses to proceed with investigating the disclosure or that the authorized officer shall proceed to investigate.

To whom can I disclose to? Who is an authorised officer?

Disclosures and reports of malpractice or wrongdoing can be made to an authorised officer under the law, and these are any of the following persons or officers. Remember, your disclosure is either an internal disclosure or an external disclosure of impropriety.

The Whistle-blowers Protection Act defines an authorised officer to include:

1. A human rights commissioner with Uganda Human Rights Commission
2. The Director of Public Prosecutions
3. Inspectorate Officer of the Inspectorate of Government
4. Police officer not below the rank of Assistant Inspector of Police
5. The Speaker or Deputy Speaker of the Parliament of Uganda
6. The Executive Director of National Environment Management Authority, in case of environment issues
7. Resident District Commissioners and,
8. Senior Ethics Officer with the Directorate of Ethics and Integrity

Internal disclosures are declarations of information made orally or in writing to an authorised officer who is the employer of the whistleblower.

External disclosures are declarations of information made orally or in writing to an authorised officer in the following institutions not being your employer. These are:

1. The Inspectorate of Government;
2. The Directorate of Public Prosecutions;
3. The Uganda Human Rights Commission;
4. The Directorate for Ethics and Integrity;
5. The office of the Resident District Commissioner;
6. Parliament of Uganda;
7. The National Environment Management Authority;
8. The Uganda Police Force.
9. The Auditor General's Office;
10. The Public procurement and Disposal of Public Assets Authority;
11. The Uganda Revenue Authority; and
12. The Judicial Service Commission.

Can an authorised officer refuse to receive my disclosure?

The authorised officer cannot refuse to receive a disclosure. The law requires that a disclosure is received and preliminary investigations commenced. However, the authorised officer may stay and terminate investigations where the findings from the preliminary investigations satisfy that:

- a) The matter contained in the disclosure is trivial and frivolous, vexatious or not made in good faith; or
- b) That further investigation would be unnecessary or improper.

Such a decision shall be communicated to the whistle blower within 30 days of receipt of the disclosure.

Will I be protected from any reprisal or malicious retaliation?

A whistleblower is protected by law and by the State from being victimized on account of making a protected disclosure. Such victimization may include one or more of the following actions or

threats by the employer: dismissal, suspension, denial of promotion, demotion, redundancy, harassment, intimidation, threats, and subjection to discriminatory or other adverse measure by the employer or a fellow employee.

A whistleblower who honestly and reasonably believes that he or she has been victimized as a result of his or her disclosure may make a complaint to either the Inspectorate of Government or the Uganda Human Rights Commission for redress.

Whistleblowing hotlines and contact addresses

The disclosure or report can be made to the listed officers of Government of employer at the addresses and hotlines that have been put in place to facilitate reporting of malpractice and wrongdoing.

Where to report?

<p>Office of the Director of Public Prosecutions (ODPP) DPP Head Quarters Workers' House, 11th and 12th Floor, Southern Wing Plot 1 Pilkington Road P. O. Box 1550 Kampala Tel: 0414 332504 Email: admin@dpp.go.ug Web: www.dpp.go.ug</p> <p>Public Relations Officer DPP Head quarters, Kampala Tel: 0414-332533 Email: admin@dpp.go.ug</p>	<p>Speaker / Deputy Speaker of the Parliament Parliament of the Republic of Uganda Plot 16-18 Parliament Avenue P.O BOX 7178, Kampala, Tel: +256 414 377 000 +256 414 377 150 Fax: +(256) 414 346 826 Web: www.parliament. go.ug</p>	<p>Uganda Police Force (UPF) Police Headquarters, Kampala Katalima Road, Naguru Tel: (256) 414233814/ (256) 414250613 Emergency: 999/112 Fax: (256) 414255630 Email: info@upf.go.ug Web: www.upf.go.ug</p>	<p>URA Headquarter Service Office Plot M193/ M194 Kinawataka Road, Nakawa Industrial Area, NIP Building Tel: +256 713 384833 Email: services@ura. go.ug Web: www.ura.go.ug</p>
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<p>Uganda Human Rights Commission UHRC Head Office, Plot 22B Lumumba Avenue, Twed Plaza Building P. o. Box 4929 Kampala, Tel: 0414-348007/8, Fax: 0414 255261 Email: uhrc@uhrc.ug Web: www.uhrc.ug</p>	<p>Senior Ethics Officer Directorate of Ethics and Integrity Social Security House 2nd Floor, North wing, P. o. Box 7142, Kampala Tel: 0414 301600 Fax: 0414 343177 Email: info@dei.go.ug Web: www.dei.go.ug</p>	<p>The Office of the Auditor General (OAG) Audit House Plot 2C, Apollo Kagwa Road, P. O. Box 7083 Kampala. Tel: +256 417 336 000 Fax: +256 417 336 000 Email: info@oag.go.ug Web: www.oag.go.ug</p>	<p>Resident District Commissioners (RDC) President's Office State House, Nakasero P. O. Box 25497, Kampala, Tel: +256 414 231 900 Fax: +256 414 235 462 Email: info@state-house.go.ug Web: www.state-house.go.ug</p>
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<p>The Office of the Auditor General (OAG) Audit House Plot 2C, Apollo Kagwa Road, P. O. Box 7083 Kampala. Tel: +256 417 336 000 Fax: +256 417 336 000 Email: info@oag.go.ug Web: www.oag.go.ug</p>	<p>Resident District Commissioners (RDC) President's Office State House, Nakasero P. O. Box 25497, Kampala, Tel: +256 414 231 900 Fax: +256 414 235 462 Email: info@statehouse.go.ug Web: www.statehouse.go.ug</p>	<p>Judicial Service Commission The Secretary, Judicial Service Commission Farmer's House Ground Flr Plot 6/8 Parliamentary Avenue P.O. Box 7679, Kampala, Uganda. Tel: 0414-344154/ 230058 Fax: 0414- 254090 Email: info@jsc.go.ug Web: www.jsc.go.ug JSC Toll Free phone line: 0800100222 / 0800100221</p>	<p>Inspectorate of Government Jubilee Insurance Centre Plot 14, Parliament Avenue P. O. Box 1982, Kampala, Tel: 0414344219, 0414259738, 0414255892, 0414251462, 0414344810 Email: pr@igg.go.ug Web: www.igg.go.ug Report to IG by SMS: Type CORRUPT and send to 6009.</p>
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<p>Executive Director National Environment Management Authority NEMA HOUSE, PLOT 17/19/21 JJINJA ROAD, P. O. BOX 22255 KAMPALA TEL: 0414-251064/65/68 Fax: +256-414-257521 Email: info@nemaug.org Web: www.nemaug.org</p>	<p>Employer NOTE: Employee's official address of employment. This varies from person to person, and the disclosure has to be made to an authorised officer as defined by the Act.</p>		
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8. JLOS Institutions and mandate

REF	INSTITUTION	SERVICES OFFERED
1.	Ministry of Justice and Constitutional Affairs (MoJCA)- Lead institution	Legislation and legal services, administration of estates and property of the deceased and regulation of the legal profession
2.	Judiciary	Adjudication
3.	Centre for Arbitration and Dispute Resolution (CADER)	Arbitration
4.	Directorate of Citizenship and Immigration Control (DCIC)	Citizenship and immigration services
5.	Directorate of Public Prosecutions (DPP)	Prosecution
6.	Judicial Service Commission (JSC)	Civic education on administration of justice, discipline of judicial officers and recruitment of judicial officers
7.	Law Development Centre (LDC)	Legal training, legal; law reporting, legal research, community legal services and legal aid
8.	Ministry of Gender, Labor and Social Development (MoGLSD) - Juvenile Justice	Juvenile justice, labor and probation services

9	Ministry of Internal Affairs(MIA)	Prevention of proliferation of illicit small arms and light weapons, demobilization of reporters and ex-combatants, forensic and general scientific services, community service, registration and monitoring of NGOs
10	Ministry of Local Government (Local Council Courts)	Managing the development and functioning of Local Council Courts in Uganda as primary avenues of access to justice.
11	Tax Appeals Tribunal (TAT)	Tax dispute resolution
12	Uganda Human Rights Commission (UHRC)	Promotion of human rights awareness and observance, constitutional awareness, adjudication of human rights violation
13	Uganda Law Reform Commission (ULRC)	Law reform and law revision
14	Uganda Law Society (ULS)	Coordination of lawyers and providing public interest legal support. Providing Pro bono legal services, legal representation and legal advice, legal aid and continuous professional development for members
15	Uganda Police Force (UPF)	policing, investigation, public order management and internal security
16	Uganda Prison Service (UPS)	Prison incarceration and correctional services

17	Uganda Registration Services Bureau (URSB)	Civil registration, business registration, intellectual property registration, business monitoring and compliance
18	National Information and Registration Authority (NIRA)	Responsible for the establishment and maintenance of the National Identification Register

The Justice Law and Order Sector,
Ministry of Justice and Constitutional Affairs,
Parliament Avenue, Baumann House,
P. O. Box 7183, Kampala, Uganda
Tel: 041 4 253207 Web: www.jlos.go.ug

9. JLOS Complaints Handling Framework

I Overview

The Justice Law and Order Sector (JLOS) recognizes that effective complaint handling is critical to delivering of quality services that are responsive to the needs of the users. Through this mechanism, JLOS institutions receive feedback from the public about their services and this shapes the direction of reforms.

Therefore, it is upon this premise that the JLOS sector developed a Complaints Handling Framework to standardize complaints handling approaches by various JLOS MDAs and ensure timely feedback. Copies of the comprehensive JLOS Complaints Handling Framework can be accessed from the Inspectorate of Courts at the Judiciary. The Inspectorate of Courts is the Secretariat to the JLOS Joint Inspectors' Forum (JIF).

This document provides basic information about the JLOS Complaints Handling Framework and responds to frequently asked questions by users of JLOS services regarding complaints handling. It also provides a list of key contacts that are important for lodging complaints. Through such standardized complaints handling mechanisms, the Sector seeks to enhance democratic accountability and build public trust in its service delivery.

2 Frequently Asked Questions

1. What is a Complaint?

A complaint is an expression of dissatisfaction about staff conduct, a service, procedure, practice or departmental policy that is not resolved at the point of service.

2. Who can lodge a complaint?

Any member of the public that is dissatisfied about the conduct of a staff member of any JLOS institution, not pleased with the service delivery, and in case there is dissatisfaction with the procedures or relevant polices at the institutions that is not resolved at the point of service may lodge a complaint.

3. What kind of complaints can be lodged?

These are the categories of complaints that can be lodged;

- a) Service delivery: In case a person is not pleased with the way a service has been delivered to him at the JLOS institution, then they can lodge a complaint.
- b) Administrative Decision: If a staff member is dissatisfied with a decision that has been made or in case a member of the public that lodged a complaint and is not satisfied with the feedback (decision made) then they may lodge a complaint.
- c) Staff conduct: If a person is dissatisfied with the conduct of a staff member at the JLOS institution maybe while seeking their help or guidance, then they can lodge a complaint.
- d) Policy/Procedure: There are many policies and procedures within the institutions; hence, if a person is dismayed by any of them then they can lodge a complaint against it.
- e) Other: Any other general complaint can also be lodged as arising from the service delivery or surrounding circumstances.

4. What form does the complaint take?

The complaint can be oral or written. In case of an oral one then the complaint can either make a phone call to the institution's complaint officer or they can go to the institution in person and lodge their complaint and if its written then they can write it in form of a letter and drop it at the institution or they can send it through email.

Some JLOS institutions have standardized complaint forms that can be sought, filled up and submitted to the Complaints Managing Officer or to such other avenue as may be advised.

5. How much information should I furnish under my complaint?

The complainant is required to provide their personal details which include; their names, sex and title. They also have to give their

contact details and the complaint details explaining their complaint in a detailed and understandable format. However, during the investigation, the complaint officer may contact the complainant to obtain additional information to support the complaint. The complainant should further provide information on who they are lodging the complaint against, when and where the incident that led to this complaint occurred.

6. Where can I lodge a complaint?

Complaints may be lodged at specific offices of the JLOS institutions that may be designated as Inspection Offices or bestowed with a complaints handling function. In addition, complainants can seek guidance from any staff on how to lodge their complaint once they get to the institutions where they intend to lodge the complaint. Complainants may also lodge their complaints by sending an email or making a phone call to the institution that they intend to lodge their complaint.

Alternatively, clients of JLOS institutions may: -

- a) Talk to the desk officer responsible for the service the client is dissatisfied with,
- b) Talk to the supervisor of the desk officer responsible for the service the client is dissatisfied with,
- c) Talk to the head of Department of the desk officer responsible for the service the client is dissatisfied with,
- d) Talk to the institutional policy head that is responsible for the Department complained about.

7. Can I lodge my complaint online or just make a phone call?

A complaint can be lodged online by sending an email on the address of the institution to which the complaint is directed or through making a phone call to the institution. Refer to the index at the end of this document for the telephone and email contacts of various institutions that you can use while lodging your complaint.

8. Who handles my complaint?

Complaints are handled by the complaint officer. Each JLOS institution is supposed to have a Complaints Managing Officers who will be responsible for assessing the complaint and deciding whether it can be acted upon by the institution and appointing a complaints officer who

is appropriate to handle the complaint.

9. What consideration shall be taken into account in handling my complaint?

When handling complaints the principles of natural justice are followed, that is; the complaints officer handling the case should have no interest in that matter and there should be no bias in the process of decision making. The person who the complaint is brought against should also be given chance to present their case/their side of the story before any decision is made. Therefore, the principle of natural justice that encompasses the above shall be considered while handling the complaints.

10. How do I follow up my complaint?

A complainant can follow up their complaint by going to the institution where they lodged their complaint or by making a phone call or sending an email to the institution/ complaint officer in charge of his complaint.

11. How do I get feedback against my complaint?

Feedback against a complaint will be given to the complainant, by the complaint officer handling their complaint by telephone or in writing or further still in person in case the complainant goes to the office. Therefore, the complainant should in the first place provide his/her contacts, and will be contacted with feedback. In the alternative, he/she may either follow up by a phone call or write to the complaint officer requesting for feedback against their complaint.

12. How long does it take to get feedback about my complaint?

The timeframe in which feedback is given depends on the type and complexity of the complaint. Simple complaints should be handled immediately by the Service provider or their supervisors. However, if a complaint is complex then feedback will be given after a long time probably after 70 days, and if it is a simple one feedback is given within a shorter time usually after 30 days.

13. What do I do in case am not satisfied with the feedback provided about my complaint?

In case of dissatisfaction with the feedback, the complainant may request a review of the complaint by the supervisor of the officer

who handled the complaint.

14. Is there protection against victimization for having complained?

Yes, there is protection against victimization. Therefore, if a complainant finds out that his information was not handled in a confidential way and this negatively affects them, then they can lodge a separate complaint against it, since they are entitled to protection by the institution where they lodge their complaint.



The Justice Law and Order Sector,
Ministry of Justice and Constitutional Affairs,
Parliament Avenue, Baumann House,
P. O. Box 7183, Kampala, Uganda
Tel: 0414 253207 Web: www.jlos.go.ug

10. JLOS Complaints Directory

Users of JLOS Services that seek to lodge complaints or need information can contact the various JLOS institutions through the following telephone and email contact addresses. Anyone can also physically access JLOS institutions with the aid of the addresses provided below.

I. Uganda Law Society

Head Office, Kampala

Plot 5A, Acacia Avenue
P. O. Box 426, Kampala
Tel: 0414-342424
Email: uls@uls.or.ug

Gulu Office

Plot 3, Awach Road
P. o. Box 896, Gulu
Tel: 0471 -432896
Email: gulu@uls.or.ug

Luzira Office

P. O. Box 426, Kampala
Tel: 0414-342424
luzira@uls.or.ug

Masindi Office

Plot 1 Ssebagala Road
P. o. Box 59, Masindi
Tel: 0465-423199
Email: masindi@uls.or.ug

Jinja Office

Plot 7a and 7b
Ghokale Road West
P. O. Box 2098, Jinja
Tel: 0434 141293
jinja@uls.or.ug

Kabarole Office

Plot 52/54 Kiboga Road
P. o. Box 831 Fortportal
Tel: 0483 -423023
Email: kabarole@uls.or.ug

Kabale Office

Plot 32, Mbarara Road
P. O. Box 679, Kabale
Tel: 486-26352
Email: kabale@uls.or.ug

Moroto Office

Mini JLOS House

2. Judiciary

Inspectorate of Courts

Judiciary Headquarters,
Kampala
High Court Building
Tel: 0414-233420
Email: info@judiciary.go.ug

Judiciary Anti-Corruption

SMS Hotlines
Courts of Judicature
0776 709100
0703 707085
0794 702085

3. Justice Centres (Legal Aid)

National Coordination Office

Chamber F6, High Court Building
P. O. Box 26365,
Kampala
Tell: 0414256626
Email:
info@justicecentres.go.ug

Lira Office

Lira High Court
Tel: 0759500442
Toll free phone:
0800100212

Fort Portal Office

(Kabarole)
Fort Portal High Court
Toll free phone:
0800100215

Mengo Office

Chief Magistrates Court
Kabaka Anjagala road
Tel: 0759500440/1
Toll free phone:
0800100210

Hoima Office

Hoima Chief Magistrate's Court
Government Road
Toll free phone:
0800100213

Masaka Office

Masaka High Court
Toll free phone:
0800100216

Tororo Office

Tororo Chief Magistrates
Court
Uhuru Road
Tel: 0759500443
Toll free phone:
0800100211

Jinja Office

Jinja High Court
Toll free phone:
0800100215

4. National Community Service Program**National Community
Service Program
Headquarters**

Plot Jinja Road
P. O. Box 7191,
Kampala, Uganda
Tel:
0414 258402 /
0414 236467
Fax:
0414 341643 /
0414 342 378
Email:
ncsp@mia.go.ug

**Central Regional
Office**

Plot Jinja Road
P.O. Box 7191,
Kampala
Tel.
+256 414 232 253

**Northern
Regional Office**

Gulu High Court
P. O. Box 7191,
Kampala
Tel:
+256 471 432
264

Western Region
Mbarara High Court
Building
P. O. Box 7191,
Kampala
Tel.
+256 485 420 151

**Eastern Regional
Office**
Mbale High Court
Republic Road
P. O. Box 7191,
Kampala
Tel. +256 454 431
355

**Ministry of
Internal Affairs**
Plot 75, Jinja Road
P. O. Box 7191,
Kampala
Tel: +256 41
231059
Fax: +256 41
343088
info@mia.go.ug

5. Office of the Director of Public Prosecution

ODPP Head Quarters
Workers' House,
11th and 12th Floor, South-
ern Wing
Plot 1 Pilkington Road
P. O. Box 1550 Kampala
Tel: 0414 332504
Email: admin@dpp.go.ug

Public Relations Officer
Workers' House,
11th and 12th Floor, South-
ern Wing
Plot 1 Pilkington Road
Tel: 0414-332533
Email: admin@dpp.go.ug

6. Uganda Prisons Service

**Uganda Prisons Service
(UPS) Headquarters**
Plot 3 Siad Barre Road,
Century Building P. O. Box
7182, Kampala
Tel: 0414 256751
Fax 0414 344104
Email info@prisons.go.ug

**The Public Relations Officer
(PRO)**
Uganda Prisons Service
Tel: 0414-256751-3/233993
0414-255858
Toll free phone:
0800 144144
Email: info@prisons.go.ug
Frank.baine@gmail.com

7. Judicial Service Commission

Judicial Service Commission

The Secretary, Judicial
Service
Commission
Farmer's House Ground
Floor
Plot 6/8 Parliamentary
Avenue
P.O. Box 7679, Kampala,
Uganda.
Tel: 0414-344154/230058
Fax: 0414-254090
Email: info@jsc.go.ug

The Secretary,

Judicial Service Commission
Farmer's House Ground
Floor
Plot 6/8 Parliamentary
Avenue
P.O. Box 7679, Kampala,
Uganda.
Tel: 0414-344154
Toll Free:
0800100222/0800100221
Email: info@jsc.go.ug

8. Ministry of Gender, Labour and Social Development

Permanent Secretary,
Ministry of Labour, Gender and Social Development
Lumumba Avenue, Plot No. 1-2 Simbamanyo House
P. O. Box 7136, Kampala
Tel: 0414 347854/5 and 343572
Fax: 0414 256374
Email: ps@mglsd.go.ug

9. Uganda Human Rights Commission

UHRC Head Office,
Plot 22B Lumumba Avenue, (Twed Plaza Building)
P. o. Box 4929 Kampala,
Tel: 0414-348007/8,
Fax: 0414 255261
Email: uhrc@uhrc.ug

Arua Regional Office

Plot 70A Weather Park
Head
Lane Road
P.O. Box 406, Arua
Tel: 0476-420213
Fax: 0476-420214
Email:
uhrcarua@uhrc.ug
Toll Free phone:
0800144207

Jinja Regional Office

P.O. Box 66, Jinja
Tel:
0434-123760
Toll
Fax: 0434-123761
Email:
uhrcjinja@uhrc.ug
Toll Free phone:
0800144201

Soroti Regional Office

Plot 70 Gweri
Road
P.O Box 462
Soroti
Tel/Fax:
0454461793
E-mail:
uhrcsoroti@
uhrc.ug
Toll Free
phone:
0800144206

Central Regional Office

Plot 98, Old Kiira Road,
Nsimbiziwome Zone,
Next to Victory City
Church, Ntinda
P.O Box 4929, Kampala
Tel:
0414-232190/4271847
Email:
uhrckampala@uhrc.ug
Toll Free phone:
0800122444

Moroto Regional Office

Plot 5/8 Circular
Road
P.O Box 105
Moroto
Tel: 04054470130
E-mail:
uhrcmoroto@
uhrc.ug
Toll Free phone:
0800144212

Masaka Regional Office

Plot 14
Edward
Avenue,
Opp. NSSF
Office
P.O. Box 701,
Masaka
Tel:
0318-514812
Toll Free
phone:
0800144203

Fort Portal Regional Office

Plot 3/5 Mugurusi Road
P.O. Box 960, Fort Portal
Tel: 04834-23171
Fax: 048322571
Toll Free phone: 0800144200
Email: uhrcfortportal@uhrc.ug

Hoima Regional Office

Plot 154 Off-Bunyoro Kitara Road
P.O Box 339
Hoima
Tel: 465440287
Toll Free phone: 0800144204
E-mail: uhrchoima@uhrc.ug

Mbarara Regional Office

Plot 6
McAllister Road,
P.O. Box 105,
Mbarara
Tel: 04854-21780
Fax: 04854-21782
Toll Free phone: 0800144202
Email: uhrcmbarara@uhrc.ug

Gulu Regional Office

P.O. Box 728, Gulu
Tel: 04714-32415
Fax: 04714-32458
Toll Free phone: 0800144166
E mail: uhrcgulu@uhrc.ug

Kitgum Field Office

Plot 117/119
Uhuru Drive
P.O. Box 728
Gulu
Tel: 0776432999
Toll Free phone: 0800144214
Email: uhrckitgum@uhrc.ug

Kapchowra Field Office

Plot 7,
Nyerere Road
C/O P. O Box 462 Soroti
Tel: 0454 461793
Toll Free phone: 0800144205
Email: uhrckapchowra@uhrc.ug

Lira Field Office

Pot 12 Bua Atyeno
Road
Junior Quarters, Adyel
Division,
Lira Municipality
Tel: 077 6982999
Toll Free phone:
0800144208

Pader Field Office

EY Road Town
Council
Tel: 0776 795
999
C/o P. O Box 728
Gulu
Fax: 0471 32458
Toll Free phone:
0800144213
Email:
uhrcpader@uhrc.
ug

Kotido Field Office

Napeyok
Lane,
Off Senior
Quarters
Road,
Kotido
(Next to
Worldvision)
Tel: 0776
474999
Toll Free
phone:
0800144211
Email:
uhrckotido@
uhrc.ug

Moyo Field Office

Farmers' House,
Onama Road
P. o. Box 42, Moyo
Tel: 0776 468999
Toll Free phone:
0800144209

Kaberamaido Field Office

Township road,
c/o P. O Box 462
Soroti
Tel: 0454 461793
Toll Free phone:
0800144210
Email:
uhrckapchorwa@
uhrc.ug

Napiripirit Field Office

Kololo House
on Police
Road,
Branching
Off Bridges
Restmt
Moroto Road
Tel:
0776 280777
Email:
uhrcnakapiri
pirit@uhrc.ug

10. Law Development Centre

Makerere Hill Road

P. O. Box 7117, Kampala

Tel: 0414-530256

Email: ldc@ldc.ac.ug

11. Ministry of Justice & Constitutional Affairs

Parliament Avenue, Baumann House

P. O. Box 7183, Kampala

Tel: 0414-230538/414-253207

Fax: +256-41-254829

Email: info@justice.go.ug

12. Administrator General's Department

Plot 5 George Street, Georgian House

P. O. Box 7151/7183 Kampala

Tel: 0414-230538

Email: info@justice.go.ug

13. Uganda Law Council

Plot 5 George Street, Georgian House

P. O. Box 7183, Kampala

Tel: 0414-341672

Tel: 0414-230538

Email: info@justice.go.ug

14. Uganda Law Reform Commission

Uganda Law Reform Commission

Plot 1 Pilkington Road,

Workers House, 8th Floor,

P. O. Box 12149

Tel: 0414-346200/1/2

Email: lawcom@infocom.co.ug

15. Uganda Police Force

Police Headquarters, Kampala

Katalima Road, Naguru

Tel: (256) 414233814/

(256) 414250613

Emergency: 999/112

Fax: (256) 414255630

Email: info@upf.go.ug

Professional Standards Unit

Plot 1303, Serumaga Road,
Bukoto, Kampala

Toll Free phone:

0800199199, 0800199299,

0800200019

Fax: (256) 414533608

Email: psuhqrtrs@yahoo.com

Central Police Station, Kampala

Toll Free phone:

0800122291

Special Investigations Unit (SIU)

Kireka, Kampala

Toll Free phone:

0800299911

Uganda Police Force Press Office

Tel: 0414289791 /

0414289790 /

0414288864

Toll Free phone:

0800199899

Mulago Casualty Police

Toll Free phone:

0800199188

Counter Terrorism Unit

Toll Free phone:

0800199699, 0800199139,

0800122291

Land Protection Unit

Toll Free phone:

0800100999

**Criminal Investigations
Department(CID)**

Toll Free phone:
0800199499

Fire Brigade

0421222/ 0714667752

**Child and Family Protection
Unit**

Uganda Police Headquarters,
Katalima Road, Naguru
P.O. BOX 7055, Kampala,
Uganda
Tel: +256 714 668 030/
0714668030

Operations

0414 256366
Toll Free phone:
0800199699

CID Anti-Human Sacrifice

Toll Free phone:
0800199499

Community Policing

16. Tax Appeals Tribunal

Head Office

Plot 3, Pilkington Road, NIC
Building
P. O. Box 7019, Kampala
Tel: 0414-340470/ 0414-
232868/9
Fax: 0414-232865
Email: tat@utlonline.co.ug

Mbale Office

Republic Street, Masaba
House

Gulu Office

Plot 1, Elizabeth Road.

17. Uganda Registration Services Bureau (URSB)

Head Office

Plot 5 George Street, Geogian House
P. O. Box 6848, Kampala
Tel: 0414-233219/ 0414 250712
Fax: 0414 250 712
Email: ursb@ursb.go.ug

URSB Call Centre

Plot 5 George Street,
Geogian House
Tel: 0417-338100

Mbarara Office

Plot 1, Kamukuzi Hill

Other Offices in Kampala

URSB at Uganda Investment Authority,
Twed Plaza, Lumumba Avenue.

Gulu Office

Plot 6B Princes Road

Arua Office

Plot 42/44, Pakwach Road

URSB at Posta Uganda,

Main Post Office Building,
Kampala Road.

18. MoLG (Local Council Courts)

Senior Assistant Secretary/FA
Workers' House,
Plot 1 Pilkington Road
Tel: 0414-341224
Fax Nos.: +256-414-258127/347339
Email: ps@molg.go.ug

19. National Identification and Registration Authority

Head Office

National Independence Grounds, Kololo Airstrip
16 Upper Kololo Terrace, Kampala, Uganda
Phone: +256 31 2119600 / +256 312119605
+256 312119631/+256 312119639/ 039-3 518565

11. Whistleblowers Protection Act 2010

ACTS
SUPPLEMENT No. 4
11th May 2010.

ACTS SUPPLEMENT

*to The Uganda Gazette No. 27 Volume CIII dated 11th May 2010.
Printed by UPPC, Entebbe, by Order of the Government.*

Act 6

Whistleblowers Protection Act 2010

THE WHISTLEBLOWERS PROTECTION ACT, 2010.

ARRANGEMENT OF SECTIONS.

Section.

Part I-Preliminary.

1. Interpretation.

Part II—Protected Disclosures.

2. Disclosure of impropriety.
3. Persons qualified to make disclosures.
4. Person to whom or institutions to which disclosure of impropriety may be made.
5. Compulsory receipt of disclosures.

Part III—Procedures for Disclosure.

6. Procedure for making a disclosure.
7. Reduction of disclosure into writing.

Part IV—Action by Person who Receives Disclosure of Impropriety.

8. Investigation.

Part V—PROTECTION OF WHISTLEBLOWERS

9. Protection from victimisation.
10. Protection against court action.
11. State protection.
12. Application to court for assistance.
13. Void employment contracts.

Part VI—Offences and Penalties.

14. Disclosing the identity of a whistleblower.
15. Disclosing the details of a disclosure.
16. Victimisation of a whistleblower.
17. Making false disclosures.

Part VII—Miscellaneous.

18. Unlawfully failing to take action.
19. Rewards.
20. Regulations.

SCHEDULE SCHEDULE—Currency Point THE WHISTLEBLOWERS PROTECTION ACT, 2010.

An Act to provide for the procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; to provide for the protection against victimisation of persons who make disclosures; and to provide for related matters.

Date of Assent: 22nd April, 2010.

Date of Commencement: 11th May, 2010.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Interpretation.

In this Act, unless the context otherwise requires—

“authorized officer” means the Speaker of Parliament or Deputy Speaker of Parliament, the Executive Director of National Environment Management Authority in case of environment issues, Resident District Commissioner, a Senior Ethics Officer with the Directorate

of Ethics and Integrity, a human rights commissioner with Uganda Human Rights Commission, the Director of Public Prosecutions, an inspectorate officer of the Inspectorate of Government, a police officer not below the rank of Assistant Inspector of Police;

“currency point” means the value specified in relation to a currency point in the Schedule;

“disclosure” means any declaration of information made by a whistleblower with regard to the conduct of one or more persons where the whistleblower has reason to believe that the information given shows or tends to show one or more of the following—

(a) that a criminal offence or other unlawful act has been committed, is being committed or is likely to be committed;

(b) that a miscarriage of justice has occurred, is occurring or is likely to occur;

(c) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;

(d) that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed;

“employee” means a person who has entered into a contract of service or contract for services or an apprenticeship contract, and includes a person who is employed by or for the Government of Uganda, including the Public Service, a local authority or a parastatal organization and member of the Uganda Peoples’ Defence Forces;

“employer” means a person or group of persons, including a company or corporation, a public, regional or local authority, a governing body of an unincorporated association, a partnership, a parastatal organisation or other institution or organisation, whatsoever, for whom an employee works or has worked, or normally worked or sought to work, under a contract of service or contract for services; and includes the heirs, successors, assignees and transferors of a person or group of persons for whom an employee works, has worked, or normally works;

“good faith” means the honest intent to act without taking an unfair advantage over another person and includes honesty, fairness, lawfulness of purpose and absence of any intent to defraud; “harass”

means a systematic, persistent or continual unwanted and annoying pestering that may include threats or demands; “impropriety” means conduct which falls within any of the categories of the definition of disclosure referred to in paragraphs (a) to (d) irrespective of whether or not—

- (a) the impropriety occurs or occurred in the Republic of Uganda or outside the Republic of Uganda; or
- (b) the law applying to the impropriety is that of the Republic of Uganda or outside the Republic of Uganda;

“Minister” means the Minister responsible for ethics and integrity; “occupational detriment” means a reasonable belief or fear on the part of the whistleblower that he or she may be subjected to dismissal, suspension, harassment, discrimination or intimidation; “parastatal” means a body owned wholly or controlled by government or an agency of Government;

“protected disclosure” means a disclosure made to —

- (a) an authorised officer;
- (b) an employer;
- (c) a nominated disclosure officer; “regulations” mean the regulations made under this Act;

“victimisation” means and includes—

- (a) dismissal;
- (b) suspension;
- (c) denial of promotion;
- (d) demotion;
- (e) redundancy;
- (f) harassment;
- (g) negative discrimination measures;
- (h) intimidation; and
- (i) threat of any of the above;

“whistleblower” means a person, who makes a disclosure of impropriety under this Act

PART II—PROTECTED DISCLOSURES

2. Disclosure of impropriety.

(1) A person may make a disclosure of information where that person reasonably believes that the information tends to show—

- (a) that a corrupt, criminal or other unlawful act has been committed, is being committed or is likely to be committed;
- (b) that a public officer or employee has failed, refused or neglected to comply with any legal obligation to which that officer or employee is subject;
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) that any matter referred to in paragraphs (a) to (c) has been, is being or is likely to be deliberately concealed.

(2) subject to any other law to the contrary, any disclosure of an impropriety made by a whistleblower is protected where he or she—

- (a) makes the disclosure in good faith;
- (b) reasonably believes that the disclosure and any allegation of impropriety contained in it are substantially true;
- (c) makes the disclosure to an authorised officer;
- (d) maintains the confidentiality of his or her identity as whistleblower and takes reasonable steps to avoid its discovery; and
- (e) maintains the confidentiality of the information contained in the disclosure.

(3) The protection afforded to a whistleblower under this Act shall not cease when his or her identity as whistleblower has been revealed, where the whistleblower was not responsible for the revelation.

3. Persons qualified to make disclosures.

(1) Disclosures of impropriety may be made—

- (a) by an employee in the public or private sector in respect of their employer;
- (b) by an employee in respect of another employee;
- (c) by a person in respect of another person; or
- (d) by a person in respect of a private or public institution.

(2) Nothing in this Act shall be construed as prohibiting the making of anonymous disclosures.

(3) A person who makes an anonymous disclosure shall not be entitled to the protection conferred under this Act.

4. Persons to whom or institutions to which disclosure maybe made.

(1) Disclosures of impropriety may be made internally to an employer of the whistleblower in cases where the whistleblower's complaint pertains to his or her place of employment.

(2) External disclosures maybe made in the following instances—

(a) where the complaint does not pertain to the whistleblower's employment;

(b) where the whistleblower reasonably believes that he or she will be subjected to occupational detriment if he or she makes a disclosure to his or her employer;

(c) where the whistleblower reasonably believes or fears that evidence relating to the impropriety will be concealed or destroyed if he or she makes the disclosure to his or her employer; or

(d) where the complaint has already been made and no action has been taken or the whistleblower reasonably believes or fears that the employer will take no action.

(3) External disclosures of impropriety may be made to any of the following institutions—

(a) the Inspectorate of Government;

(b) the Directorate of Public Prosecutions;

(c) the Uganda Human Rights Commission;

(d) the Directorate for Ethics and Integrity;

(e) the office of the Resident District Commissioner;

(f) Parliament of Uganda;

(g) the National Environment Management Authority; and

(h) the Uganda Police Force.

5. Compulsory receipt of disclosures.

(1) An authorised officer shall receive all disclosures made by a whistleblower.

(2) When a disclosure of impropriety is made to a person specified in section 4, the person shall—

- a) make a record of the time and place where the disclosure is made;
- b) give to the whistleblower an acknowledgment in writing of receipt of the disclosure; and
- c) keep the writing in which the disclosure is made confidential, and in safe custody pending investigation of the impropriety.

(3) Notwithstanding subsection (1), receipt of a disclosure by an authorised officer shall not preclude the exercise of his or her discretion in determining whether or not the disclosure reveals actionable impropriety.

(4) Where the authorised officer receiving the disclosure is satisfied, after a preliminary investigation

- a) that the matter contained in the disclosure is trivial, frivolous, vexatious or not made in good faith; or
- b) that further investigation would be unnecessary or improper, he or she may stay the investigation.

(5) The whistleblower shall have a right to receive a written communication from the authorised officer stating the reasons for the refusal to continue with the investigation.

(6) Subsections (4) and (5) above shall not prejudice the right of the whistleblower to present the dismissed complaint to the Minister.

(7) The Minister may upon receipt of a dismissed complaint presented by the whistleblower, cause fresh investigations into the complaint or reject the complaint upon being satisfied that the complaint has no merit to warrant an investigation to be carried out and shall inform the whistleblower of the action taken and the outcome of such action.

PART III—PROCEDURES FOR DISCLOSURE

6. Procedure for making a disclosure.

(1) A disclosure of impropriety may be made orally or in writing.

(2) All forms of information communication technology may be used to convey a disclosure.

(3) The disclosure shall contain as far as practicable—

(a) the full name, address and occupation of the whistleblower;

(b) the nature of the impropriety in respect of which the disclosure is made

(c) the name and particulars of the person alleged to have committed, who is committing or is about to commit the impropriety;

(d) the time and place where the alleged impropriety is taking place, took place or is likely to take place;

(e) the full name, address and description of a person who witnessed the commission of the impropriety;

(f) whether the whistleblower has made a disclosure of the same or of some other impropriety on a previous occasion and if so, about whom and to whom the disclosure was made; and

(g) if that person is making an employment related disclosure, whether the whistleblower remains in the same employment.

7. Reduction of disclosure into writing.

(1) here a whistleblower makes a disclosure orally, the person to whom the disclosure is made shall cause the disclosure to be reduced into writing containing the same particulars as are specified in section 6(3).

(2) The writing required to be made under subsection (1) shall be read over, interpreted and explained to the whistleblower in a language the whistleblower understands and the whistleblower shall certify that the information contained in the statement is true and correct before making a mark to it.

PART IV—ACTION BY PERSON WHO RECEIVES DISCLOSURE OF IMPROPRIETY

8. Investigation.

(1) Where a disclosure of impropriety is made to a person specified under section 4, the authorised person shall investigate or cause an investigation into the matter and take appropriate action.

(2) Any investigation undertaken in respect of the disclosure of impropriety shall be carried out expeditiously.

(3) Where the authorised person to whom the disclosure is made determines that he or she does not have the capability to undertake the investigation, he or she shall, within seven working days, refer the

disclosure to a competent authority, provided for in section 4(3) or the Minister.

PART V—PROTECTION OF WHISTLEBLOWERS

9. Protection from victimisation

(1) A person shall not be subjected to any victimisation by his or her employer or by any other person on account, or partly on account, of having made a protected disclosure.

(2) A whistleblower shall be considered victimised on account of making a protected disclosure where—

(a) the whistleblower being an employee is—

(i) dismissed;

(ii) suspended;

(iii) denied promotion;

(iv) demoted;

(v) made redundant;

(vi) harrassed;

(vii) intimidated;

(viii) threatened with any of the matters set out in (i) to (vii);

(ix) subjected to a discriminatory or other adverse measure by the employer or a fellow employee; or

(b) not being an employee, the whistleblower is subjected to discrimination or intimidation by a person or an establishment affected by the disclosure.

(3) A whistleblower who honestly and reasonably believes that he or she has been victimised as a result of his or her disclosure may make a complaint to either the Inspectorate of Government or the Uganda Human Rights Commission for redress.

(4) Notwithstanding subsection (3) a whistleblower may seek redress for victimisation by bringing a civil action in a court of law.

(5) A complaint made under subsection (3) shall contain the following particulars—

(a) the name, description and address of the whistleblower;

(b) the name, description and address of the whistleblower's employer or any other person who the whistleblower claims has victimised him

or her; and

(c) the specific acts complained of as constituting victimisation.

(6) A whistleblower shall not be considered victimised if the person against whom the complaint of victimisation is directed—

(a) has the right in law to take the action complained of; and

(b) the action is demonstrably unrelated to the disclosure made.

10. Protection against court action.

A whistleblower shall not be liable to civil or criminal proceedings in respect of a disclosure that contravenes any duty of confidentiality or official secrecy law where the whistleblower acts in good faith.

11. State protection.

(1) A whistleblower who makes a disclosure and who has reasonable cause to believe that—

(a) his or her life or property; or

(b) the life or property of a member of the whistleblower's family is endangered or likely to be endangered as a result of the disclosure, may request state protection and the state shall provide the protection considered adequate.

(2) "Family" for the purposes of this section means spouse, father, mother, child, grandchild, brother and sister.

12. Application to court for assistance.

Where in the course of an investigation under section 8, the investigator has reasonable grounds to believe—

(a) that evidence or documents relevant to the investigation are likely to be destroyed, concealed, tampered with; or

(b) that a person willing to provide information relevant to the investigation is being restrained by pressure of obligation to a confidentiality agreement with the persons or official secrets law to which the disclosure relates, the investigator may apply to the court for an order to preserve the evidence or documents or to release the person willing to provide the information from the perceived restraint.

13. Void employment contracts.

(1) A provision in a contract of employment or other agreement between an employer and an employee is void if it—

- (a) seeks to prevent the employee from making a disclosure;
 - (b) has the effect of discouraging an employee from making a disclosure;
 - (c) precludes the employee from making a complaint in respect of victimisation;
 - (d) prevents an employee from bringing an action in court or before an institution to claim relief or remedy in respect of victimisation; or
 - (e) if it has the effect of creating fear or discouraging the employee from making a disclosure.
- (2) Subsection (1) shall apply to a contract of employment or agreement in existence on the commencement of this Act.

PART VI—OFFENCES AND PENALTIES

14. Disclosing the identity of a whistleblower.

A person who unlawfully discloses, directly or indirectly, the identity of a whistleblower, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

15. Disclosing the details of the disclosure.

Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

16. Victimisation of a whistleblower.

A person who either by himself or herself or through another person victimises a whistleblower for making a disclosure commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

17. Making false disclosures.

A person who knowingly makes a disclosure containing information he or she knows to be false and intending that information to be acted upon as a disclosed matter, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

18. Unlawfully failing to take action.

An authorised officer, who does not take action upon receipt of a

disclosure made to him or her, commits an offence and is liable on conviction to imprisonment not exceeding five years or a fine not exceeding one hundred and twenty currency points or both.

19. Rewards

(1) A whistleblower shall be rewarded for his or her disclosure five percent of the net liquidated sum of money recovered consequent upon the recovery of the money, based on that disclosure.

(2) A whistleblower shall be paid within six months after the recovery of the money.

20. Regulations

(1) The Minister may, by statutory instrument, make regulations for the purposes of carrying out or giving full effect to this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under that subsection for all or any of the following matters—

- (a) further disclosure procedures;
- (b) other persons or institutions to whom disclosures may be made;
- (c) prescribing penalties in respect of the contravention of the regulations not exceeding a fine of one hundred twenty currency points or imprisonment not exceeding five years or both; and
- (d) an additional penalty not exceeding five currency points in respect of each day on which the contravention continues.

CURRENCY POINT One currency point is equivalent to twenty thousand shillings



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