



## **ANTI CORRUPTION COALITION UGANDA**

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### **TERMS OF REFERENCE**

## **ASSESSMENT OF THE STATUS OF IMPLEMENTATION OF THE WHISTLE BLOWERS PROTECTION ACT AND LEADERSHIP CODE ACT (AS AMENDED)**

### **1.0 About Anti-Corruption Coalition Uganda:**

Anti-Corruption Coalition Uganda (ACCU) was formed in January 1999 and formally registered as an NGO under the NGO Statute in 2004. ACCU brings together like-minded entities and individual actors whose pre-occupation is publicizing, exposing and advocating for curbing corruption in Uganda. ACCU with support from different Development Partners has been implementing interventions since 1999, with the aim of creating an accountable and corruption free society. At the national level, ACCU works with Civil Society Organizations (CSOs) engaged in the accountability sector. At the local level, ACCU works with and through Regional Anti-Corruption Coalitions (RACCs) that are spread out in the various parts of the country and of recent grass root member organisations<sup>1</sup>. This approach ensures that the citizens' voices are reflected into the national agenda.

### **2.0 Strengthening Partnership for Anti-Corruption, Responsiveness and Citizen Engagement (SPARC) Project:**

ACCU is implementing a 3 years project titled "Strengthening Partnership for Anti-Corruption, Responsiveness and Citizen Engagement" (SPARC) with an overall objective of having "well-coordinated civil society influencing state actors' responsiveness, transparency and accountability demands by the citizens". The project seeks to address the weak functioning of the accountability chain institutions which has led to poor and incoherent detection, investigation, prosecution and resolution of corruption in Uganda. This will be addressed through strengthening co-ordination of CSO and actors, strengthening local to national linkage, increasing citizen engagement and empowerment and advocating for increased state responsiveness to citizen voices in the accountability process. The project contributes to DGF

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<sup>1</sup>These include: Teso Anti-Corruption Coalition (TAC), Eastern Uganda Anti-Corruption Coalition (EUACC), Anti-Corruption Coalition of Busoga (ACCOB), Kick Corruption out of Kigezi (KICK), Rwenzori Anti Corruption Coalition (RAC), Midwestern Anti-Corruption Coalition (MIRAC), The Apac Anti-Corruption Coalition (TAAC), Mayank Anti-Corruption Coalition (MACCO), Northern Uganda Anti-Corruption Coalition (NUAC) and Karamoja Anti-Corruption Coalition (KACC).

high level outcome 3 i.e. Improved citizens' inclusion and engagement in decision making processes through Sphere 2 (Citizen empowerment, engagement and accountability) and more specifically contributes to Area of Intervention (AoI 2.1 - Strengthening citizen's engagement for government accountability).

### **3.0 Background to the Consultancy:**

Corruption in Uganda is widespread and the perception is that it's getting worse (Sharpe, 2018). Uganda continues to be rocked by grand-corruption scandals involving the loss of staggering amounts of public funds. The Global Financial Integrity (2017) report notes that Uganda annually loses approximately USD 1 billion to corruption. Between 2006 and 2015, Uganda lost USD 10.7 billion to tax evasion from imports and exports alone. The Black Monday Movement, a coalition of anti-corruption civil society organizations, estimates that between the years 2000 and 2015, the government of Uganda lost more than Shs. 24 trillion to corruption; enough to finance the country's 2015/2016 budget (Action Aid Uganda, 2015).

The Transparency International Corruption Perception Index (CPI) has continually ranked Uganda in the last tier comprising the most corrupt countries i.e. at 142/165 (2014), 139/155 (2015), 151/177 (2016), 151/175 (2017) and 149/181 in 2018 indicating a relatively stagnate position in fighting corruption. The National Governance Baseline Survey (NGBS) by Uganda Bureau of Statistics (2015) also indicated that 83% of respondents believed that corruption is entrenched in the society and is a very serious problem. According to Inspectorate of Government (IG) Annual report (2017), current practices of corruption in public sector take the following forms of : syndicate corruption, theft, absenteeism, nepotism, shoddy work, bribery, management by crisis. The same IG report notes that corrupt tendencies have changed from need for survival to greed and mass accumulation of wealth.

To strengthen good governance and ensure transparency and accountability in the public sector, the government has, along the way enacted key laws to address corruption including; Constitution of Uganda, 1995; the Anti-Corruption Act 2012 (as amended), the Public Finance Management Act 2013 (as amended); Budget Act 2001; The Local Governments Act 1997 (as amended); Leadership Code Act 2002 (as amended); Inspectorate of Government Act 2002; The Public Procurement and Disposal of Public Assets Act 2003; Access to Information Act 2005; Public Service Standing Orders; The Audit Act 2008; Whistle Blowers Protection Act 2012 and the Anti- Money Laundering Act, 2015. Government further went ahead and established key anti-corruption and accountability institutions like; The Inspectorate of Government, Office of the Auditor General, Directorate of Ethics and Integrity, Anti-Corruption Court, Parliament and District Public Accounts Committees, Finance Intelligence Authority and recently formed State House Anti-Corruption Unit. Other anti-corruption initiatives have included; Introduction of Integrated Finance Management System by Ministry of Finance, Planning and Economic Development (MoFPED), decentralisation of the pension system by the Ministry of Public Service and formation of the Africa Parliamentarian Network Against Corruption. Despite these interventions, reports and perceptions from citizens are that corruption is spiralling.

### **4.0 Rationale for the Consultancy:**

The IG Data Tracking Mechanism (2014) revealed that Uganda was doing well at enactment of anti-corruption laws (at 99%) but poorly at implementation (at 54%). The lack of implementation of anti-corruption laws has been attributed to patronage and lack of political will, and challenges within anti-corruption institutions including; limited funding, under staffing, corruption and external interference. Human Rights Watch (2014) noted that fighting corruption and ensuring accountability for theft of state resources is challenging given the entrenched patronage network. The report further notes that political pressure and limited resources have weakened Uganda's multiple anti-corruption institutions and curtailed their ability to systematically address corruption, particularly at the highest level of government. Against this background, this consultancy seeks to ascertain the level of implementation of selected anti-corruption laws as well as profiling the bottlenecks impeding implementation of anti-corruption laws. For this study, the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002 (as amended in 2017) will be considered.

### **5.0 General Objective of the Research:**

The general objective of this research is to assess the implementation of selected anti-corruption laws in Uganda.

#### **5.1 Specific Objectives:**

- To ascertain the level of implementation of the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002 (as amended in 2017).
- To document challenges, loopholes and bottlenecks hindering implementation of the Whistle Blowers Protection Act, 2010 and the Leadership Code Act 2002 (as amended in 2017).
- To make recommendations on improving implementation of the Whistle Blowers Protection Act of 2010 and the Leadership Code Act of 2002 (as amended in 2017).

#### **6.0 Nature of the Assignment:**

- The study seeks to assess the extent to which provisions in the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002 (as amended in 2017) have been implemented.
- The Consultant is expected to show, with evidence, the status of implementation of the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002.
- Based on evidence, the Consultant is expected to suggest recommendations for improving implementation of the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002.

#### **7.0 Methodology:**

The Consultant is expected to develop a clear methodology detailing how the study will be accomplished with design, methods of data collection, data collection tools, data analysis and report writing. Specifically, the Consultant is expected to:

- Conduct literature review on relevant accountability legal and regulatory policies and laws.
- Conduct a stakeholder analysis to understand the various roles and responsibilities.
- Conduct key informant interviews with government ministries, departments and agencies and other stakeholders.
- Participate in technical level meetings between ACCU and other stakeholders for purposes of accomplishing this assignment. One stakeholder validation workshop will be held to validate findings of the study. The Consultant will attend and address the emerging issues from the validation.
- Use tables, graphs, figures, patterns and statistics to illustrate trends of implementation and/or non-implementation of the aforementioned laws.
- Provide evidence of implementation or lack of implementation of specific provisions in the Whistle Blowers Protection Act, 2010 and the Leadership Code Act, 2002 (as amended in 2017).
- Use tools and any other agreed upon methodology that will deliver the assignment in a more efficient manner.

### 8.0 Expected Outputs:

Prospective consultants are expected to provide;

- Technical and financial proposals clearly detailing their understanding of the terms of reference. The technical proposal should also include a clear methodology to be used for this research, and a financial proposal detailing the required resources for this study. The Technical and financial proposals should be submitted to ACCU by 28<sup>th</sup> June 2019.
- A first draft of the study report by 20<sup>th</sup> July 2019.
- Final report (in soft and hard copies) by 31<sup>st</sup> July 2019.

### 9.0 Timeframe for the Research:

No.	Activity	Timeframe	Responsible Party
1.	Publication of the terms of reference	17 <sup>th</sup> June 2019	ACCU
2.	Delivery of Expression of Interest/Technical and Financial Proposals including the Methodology.	28 <sup>th</sup> June 2019	Consultants
3.	Signing of contract	2 <sup>nd</sup> July 2019	ACCU & Consultant
4.	Submission of Inception Report	4 <sup>th</sup> July 2019	Consultant
5.	Delivery of the first draft of the research report	20 <sup>th</sup> July 2019	ACCU & Consultant
6.	Validation workshop	25 <sup>th</sup> July 2019	ACCU & Consultant
7.	Submission of final research report	31 <sup>st</sup> July 2019.	Consultant

## **10.0 Responsibility of ACCU:**

ACCU will provide the following:

- Liaison with the consultant.
- Introductory letters to the stakeholders to be contacted and interviewed for this study.
- Communication to the respective stakeholders.
- Provide venue and meals for the validation workshop.

## **11.0 Relevant Skills and Experience:**

The Consultant is expected to possess:

- Post graduate in Law, Social Sciences, Economics, Development Studies or any other related fields.
- At-least 5 years' experience in conducting similar studies (evidence of experience including referees should be included in the technical proposal).
- Excellent knowledge of Uganda's anti-corruption legal framework.
- Experience in conducting audit related studies is required.
- Knowledge of policy analysis is required.
- Excellent knowledge and skills in document and data analysis.
- Strong research skills including analytical and report writing skills.

## **12.0 Supervision of the Consultancy:**

The Consultant will be supervised by Anti-Corruption Coalition Uganda.

## **13.0 Tax Obligations:**

- A withholding tax of 6% from the professional fees will be deducted and remitted to Uganda Revenue Authority by ACCU.

## **14.0 Payment terms:**

- 30% payment at signing of contract and presentation of final inception report.
- 70% payment at delivery of final report.

## **15.0 Duration of consultancy:**

The consultancy will run for a maximum period of two (2) months from the date of signing the contract.

## **16.0 Submission of proposals:**

Interested individuals or organisations should submit their Technical and Financial Proposals to the Executive Director, Anti-Corruption Coalition Uganda on [info@accu.or.ug](mailto:info@accu.or.ug) or [kagabac@accu.or.ug](mailto:kagabac@accu.or.ug) not later than 28<sup>th</sup> June 2019, at 05:00pm.