

Democratic Governance Facility

Baseline Study on Democracy, Justice, Human Rights and Accountability in Uganda

July 2013

Final Report

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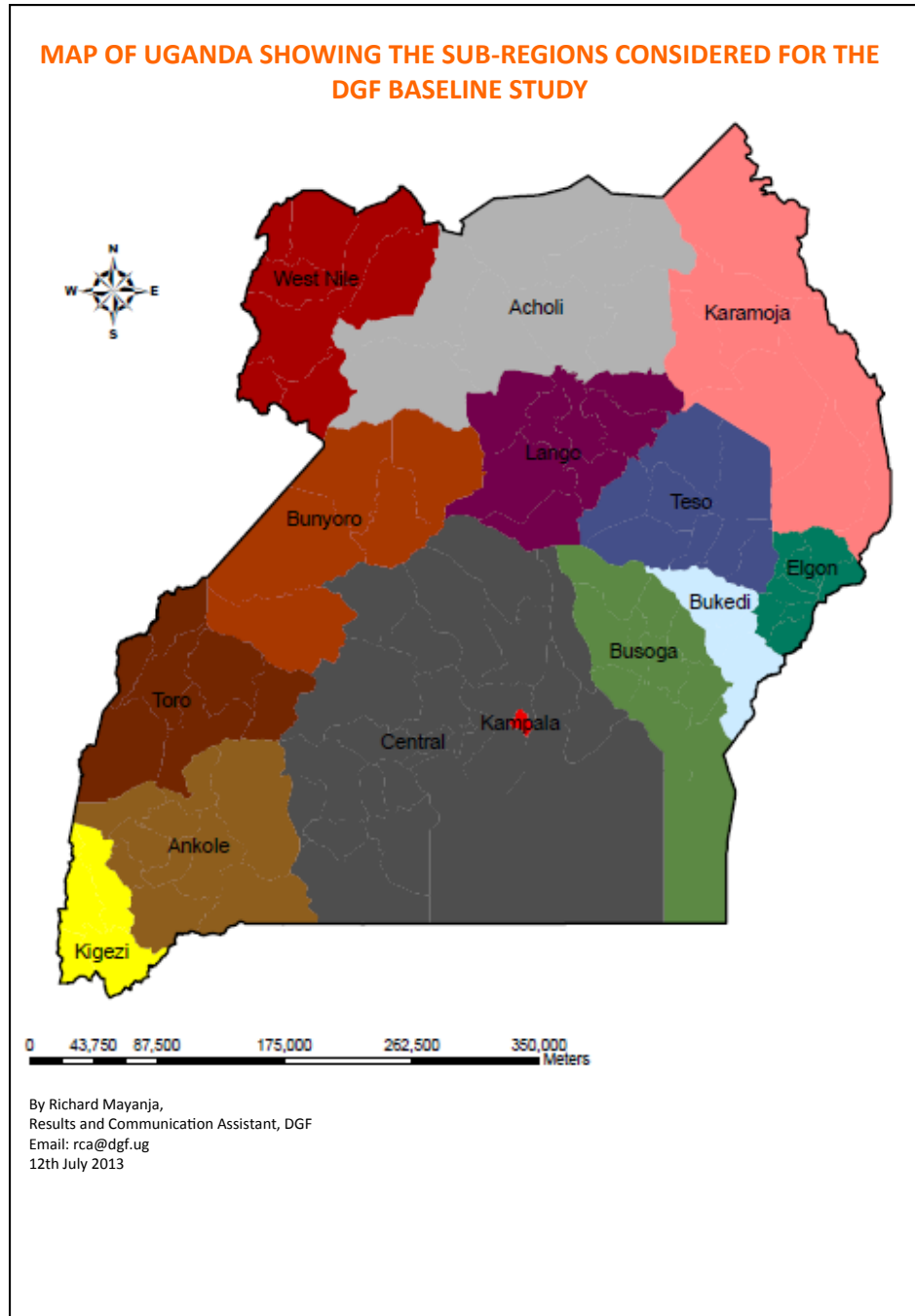
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Abbreviations

DGF	Democratic Governance Facility
EA	Enumeration Area
ICC	International Criminal Court
ICD	International Crimes Division within the High Court
IGG	Inspectorate of Government
JLOS	Justice, Law and Order Sector
LC	Local Council
LRA	Lord's Resistance Army
NGO	Non-governmental organisation
PRDP	Peace, Recovery and Development Plan for Northern Uganda
RDC	Resident District Commissioner
ToR	Terms of reference
TRC	Truth and Reconciliation Commission
UBOS	Uganda Bureau of Statistics
UHRC	Uganda Human Rights Commission
UNCST	Uganda National Council for Science and Technology

Map of Uganda (showing sub-regions)



Executive summary

Background

The Democratic Governance Facility (DGF) was established in July 2011 to strengthen democratisation, improve the protection of human rights, enhance access to justice, promote peaceful co-existence and improve accountability in Uganda. The DGF currently supports around 65 partner organisations in three program areas:

1. Deepening Democracy.
2. Rights, Justice and Peace.
3. Voice and Accountability.

As part of its process to establish a monitoring and evaluation framework to measure the results and impact of its support, the DGF has recently developed a detailed logical framework with clear indicators. To address gaps in its logframe and enable the measurement of results and impact of its support, DGF conducted a national baseline study on Democracy, Justice, Human Rights and Accountability in Uganda during April-May 2013. The primary objective of the study was to identify baseline information and data to enable the DGF to determine milestones and targets in accordance with its logframe indicators and programme objectives.

The study consisted of four phases:

1. Literature review, during which the study team considered a broad range of related studies and research to determine what data already existed and what gaps the survey would need to address.¹
2. Finalisation of methodology (sample, questionnaire design and appointment and training of enumerators).
3. A national household study, based on a representative sample of 2 782 female and male respondents over 18 years of age, in 14 sub-regions across Uganda.
4. Data analysis and reporting.

Although some problems were encountered during the data collection phase, these related mainly to accessing certain areas and had no major impact on the results.

Results and analysis

The current survey was based around the DGF objectives and included questions for each of the three components and their sub-components. The analysis that follows is therefore likewise arranged around the three DGF components:

- Deepening democracy.
- Rights, justice and peace.
- Voice and accountability.

¹ A summary of these is included with the full report.

As the study adopted a multi-stage sampling technique, the standard error/sample error for key indicators at 95% confidence interval by gender (male and female) ranges from 0.9% to 2.45%. (Footnote 1). Given the sample size, results disaggregated by gender, urban/rural, and sub-region are statistically significant.²

1. Deepening democracy

The survey focused on people's knowledge and understanding of the political system and democratic principles applying in Uganda, their democratic and human rights and responsibilities, and how to exercise their rights and make their voices heard in the periods between elections.

Knowledge and understanding of democracy and the political system

Basic understanding of the concept of democracy is relatively high with 72% of respondents able to provide at least one explanation for the term. However, the same levels of lack of understanding continue to be found when compared to previous Afrobarometer surveys in 2000 and 2005 and more than a quarter (28%) were not able to offer any explanation at all. Those in urban areas were generally more likely to be able to provide adequate answers (only 21% of those in urban areas answered 'don't know' compared to 30% of those in rural areas), and more women answered 'don't know' than men (16% of males and 21% of females).

Elections

Understanding of the role and purpose of elections is good and most Ugandans vote during elections. When asked what the purpose of elections is, almost all of the respondents (97%) were able to provide an answer, the most common responses being:

- To choose new office bearers (44%).
- To allow people to change the government (24%).
- To allow people to decide who should rule them (23%).
- To choose the government (22%).

While some of the technical aspects of who may stand for President were not always understood, people's knowledge of who can stand for election is generally very good. There is also evidence that people appreciate the barriers facing women in gaining access to political office and power with the most common reasons put forward being:

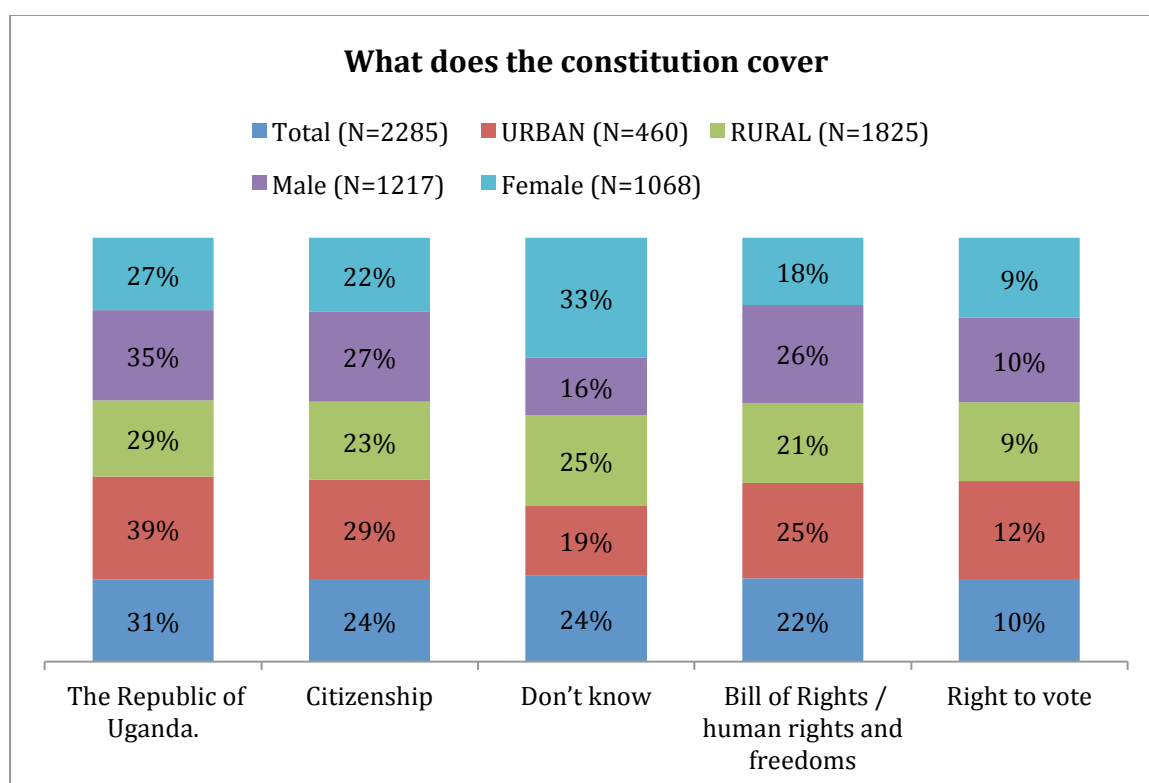
Reason	National %	Urban %	Rural %	Male %	Female %
Women lack the confidence to stand	41	45	39	44	37
Fewer women have acquired the necessary level of education	36	23	39	35	36
Traditions, culture, customs and patriarchy limit women's participation in government	34	35	34	35	32
There is a lack of awareness about women's rights to stand for office	20	23	20	22	18
Women lack the skills to stand	15	16	14	15	15

² For example, a 45% result with a standard error/sample error of +/- 2% with a 95% confidence interval means that there is a high probability (95%) that the result is between 43% and 47%

Although some differences were noted between the responses of men and women and those in urban and rural areas, there is a high level of agreement and similarity across all of the major groups, indicating a good understanding of the socio-economic and cultural barriers facing women when it comes to participation in political life. However, responses also suggest some deep-seated beliefs about women's roles and abilities that civic education should seek to address.

The Constitution, constitutional supremacy and the rule of law

While most people (82%) have heard of the Constitution and understand the basic premise that everyone must comply with it, levels of understanding of what it contains and deals with, and what happens when other laws go against the Constitution or Bill of Rights, is not nearly as good. When asked to explain what the Constitution covers, 23% of respondents were unable to answer at all. Women (32%) are more than twice as likely not to know than men (15%), and those in urban areas appear to know more than those in rural areas (25% of rural dwellers answering 'don't know' compared to 18% of urbanites). Worryingly, a quarter of those in the 18-29 year old bracket could not provide any answer at all.



Ugandans have some understanding of the rule of law, although understanding of some of the specific issues related to the topic could be improved. For example, when asked what happens if a law goes against the Bill of Rights, 37% correctly answered that the law would have to change, but significant numbers answered nothing (13%) or that they did not know (27%). On the other hand, there were high levels of understanding of the principle of equality before the law with 85% of respondents stating that everyone is

required to obey the law and a further 7% answering 'citizens' must obey the law.

Separation of powers

Similar results were found related to the concept of separation of powers: there is a good basic understanding of what the three arms of government are but a significant percentage (38%) could simply not list any of them and some confusion exists about the roles and functions of the legislature and ministers. And while most people understand the role of the courts, knowledge of the jurisdiction of the various levels of courts, particularly the higher courts, is poor. Some confusion was also found regarding the roles and functions of the national and local levels of government, but this may have been a result of the way the questions were framed and basic understanding in this area seems fairly good.

Multi-party democracy

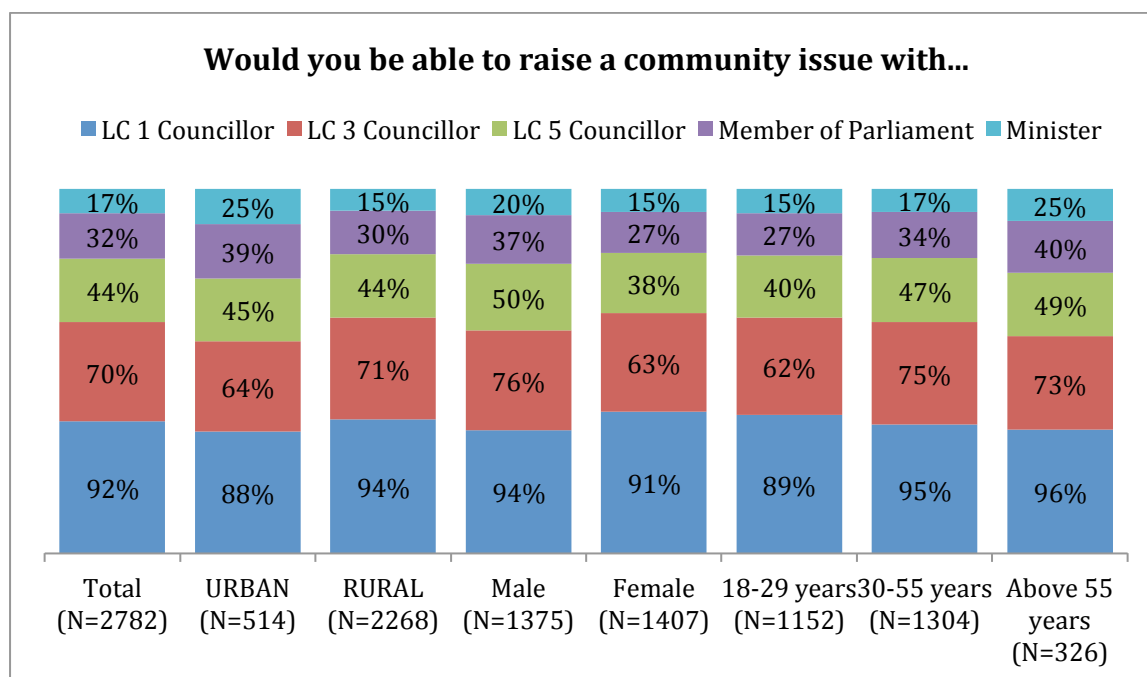
As found in previous surveys, Ugandans know and can explain the values of multi-party democracy and there is a high level of agreement of the benefits on this system. And although not addressed during the current survey, Afrobarometer Round 5 found considerable support for multi-party democracy, with 84% disapproving of a one party system. Yet people continue to be concerned by the high levels of inter-party conflict, lack of tolerance and divisiveness of the system as it plays out in Uganda.

Advantages and disadvantages of multi-party democracy			
Advantages		Disadvantages	
	%		%
Improves performance of ruling party	34	Causes chaos	61
Creates competition	29	Leads to demonstrations	27
Provides alternative policies	23	Encourages corruption	14
Makes government more accountable	17	Encourages voter bribery	11
Allows more participation	16	Makes government difficult	8
Prevents one party domination	12	Divides the opposition	8

Experience with multi-partyism since 2005 does not seem to have diminished these concerns and people still perceive the system as leading to chaos, disruption and corruption, indicating that education on how political parties operate and the tactics and methods they employ to try to sway voters may be required. Political parties too might consider toning down their rhetoric and levels of passion when speaking to the media and in public as a way of wooing voters with a more tolerant style of politicking.

Ability to communicate with government and participate in decision-making processes

When it comes to making one's voice heard in periods between elections, most Ugandans have a very good idea of how to do so, especially at the local level, and are confident that they would be able to participate and that their voices would be heard and their opinions taken into account. This level of confidence diminishes as government gets further away from people, but that is the reality in most democracies where people find it less easy to influence decision-making at the national level.



But as in many other countries, merely knowing how to participate does not automatically translate into people actually participating *en masse*. As evidenced in the survey, most people do not actively engage in decision-making, even where the decisions will have a direct and relatively immediate impact on their lives. For example, when asked whether they had ever participated in a decision about how resources are allocated by the various levels of government, very few had: 12% at Local Council 3 Level (17% of men compared to only 8% of women); 3% at Local Council 5 level (5% of men and 2% of women); 2% at a district budget consultation meeting (3% of men and 1% of women); and 1% of men and women in decisions at the national level.

General observation

As a general observation, knowledge and understanding is generally lower in rural areas than urban areas and women often showed lower levels of knowledge of democracy and confidence in their ability to participate in democratic decisions or to have their voices heard than men.

2. Rights, Justice and Peace

Issues addressed in this part of the survey included knowledge and understanding of human rights; access to legal aid; and knowledge, understanding and perceptions of peace and reconciliation with a specific focus on the post-conflict situation in Northern Uganda.

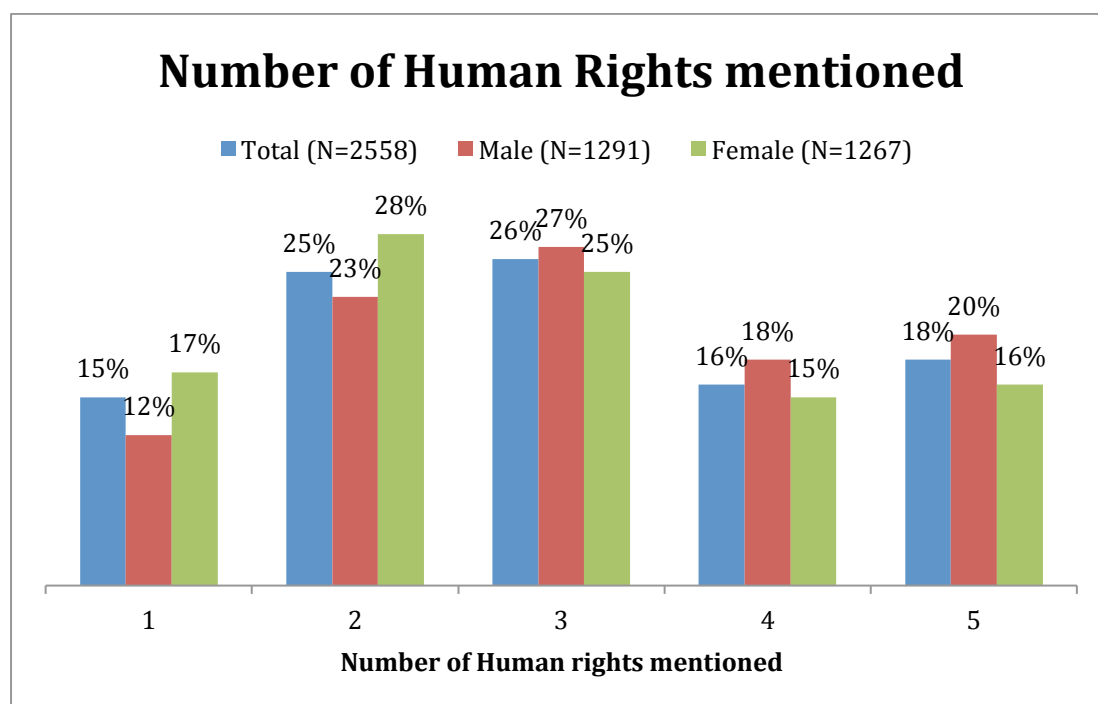
Human rights

Ugandan's, generally appear to have a very good awareness of the term human rights, with 92% of respondents reporting having heard the term before. However, awareness and knowledge of what the term 'human rights' means are not always the same and respondents were therefore asked to list up to five human rights.

Of those who answered the question:

- 15% could only list one recognised human right.
- 25% could list 2 recognised human rights.
- 26% could list 3.
- 16% could list 4.
- Only 18% could list 5 or more rights.

As can be seen from the graph below, more men were able to list 3, 4 or 5 or more rights than women, with women more likely to only be able to list 1 or 2 than men:

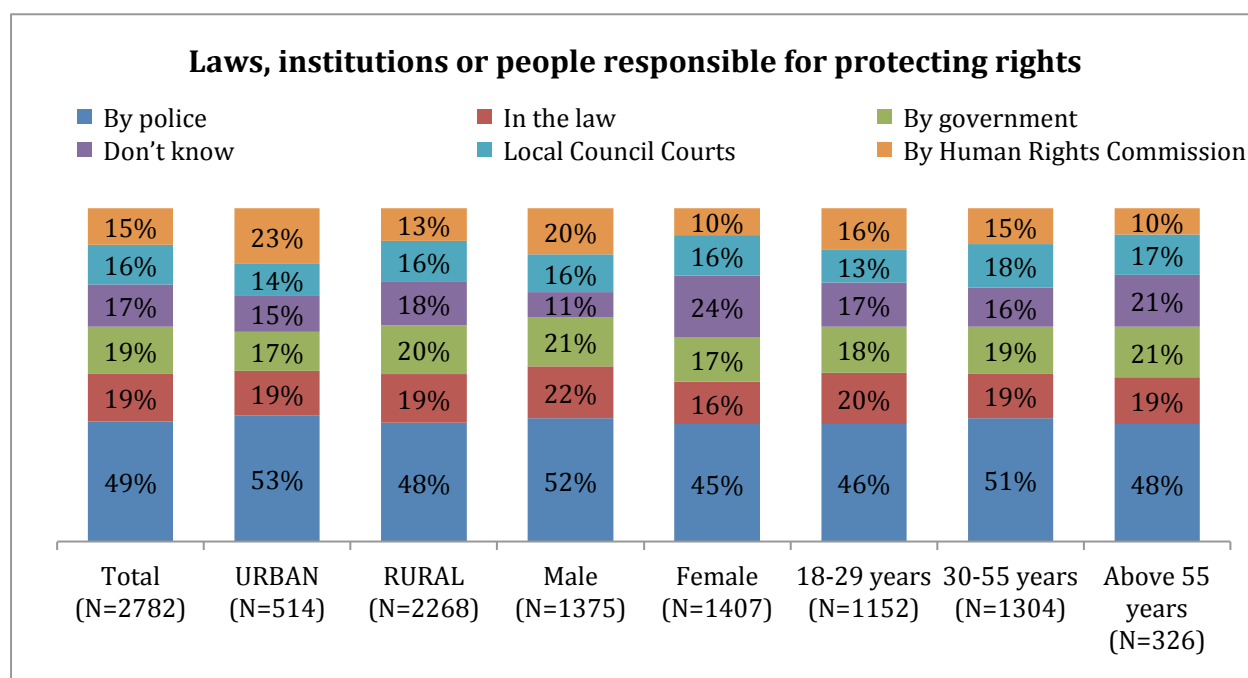


The most commonly mentioned rights were:

- Right to life (41%).
- Right to education (28%).
- Freedom of conscience, expression, movement, religion, assembly and association (24%).
- Rights of the family (23%).
- Rights of children (19%).
- Rights of women.
- Right to vote (15%).

Awareness, knowledge and understanding of civil and political rights (including the rights of arrested and accused persons) is generally better than the rights of vulnerable groups and cultural and socio-economic rights (other than the right to work). But while there is some understanding of responsibilities attaching to rights, there is some confusion when it comes to whether or not rights can be limited. Importantly, knowledge of the laws and institutions protecting human rights, especially the Uganda Human Rights Commission (UHRC) is also low at present. For example, when asked what

institutions or laws protect human rights in Uganda, only 15% mentioned the UHRC and only 9% the Constitution.

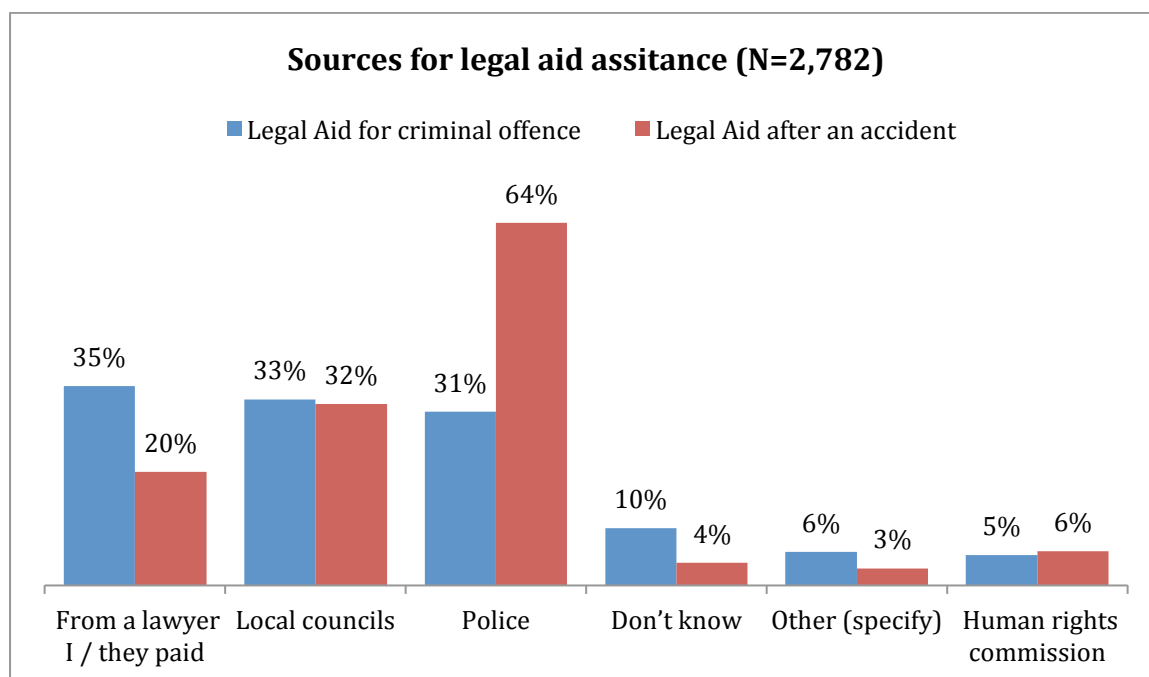


Very few respondents mentioned the UHRC either when asked where they would report discrimination in the private sector (12%) or torture by the police (18%). Knowledge of specific laws protecting human rights was also low, with almost three-quarters of respondents not able to list any.

Legal aid

Knowledge of who currently is eligible for legal aid at the state's expense was very low, with only 6% of respondents answering correctly. 61% incorrectly believe it is available in all cases, while 26% believe it is never provided at all. Knowledge and understanding of legal aid in civil matters, and especially of the role of NGOs providing legal aid and assistance in both civil and criminal matters, is also very low. When asked where they would seek assistance when charged with a criminal offence, more than one-third (35%) would rely on a lawyer paid for personally, while 33% would turn to their local council and 31% would look to the police to assist. Only 4% would look for a state funded lawyer under the State Brief scheme, and only 5% would think of asking a non-governmental organisation (NGO) or Justice Centre for advice or assistance when charged with a criminal offence.

If injured in an accident, 64% of respondents would look to the police to help them recover their damages. 32% would look for assistance from a local council, while 20% would rely on a lawyer and only 3% would approach an NGO or Justice Centre.



Answers to both of these questions would suggest those providing such services need to make a concerted effort to raise awareness and understanding of the services they offer and how to access these.

Peace and reconciliation

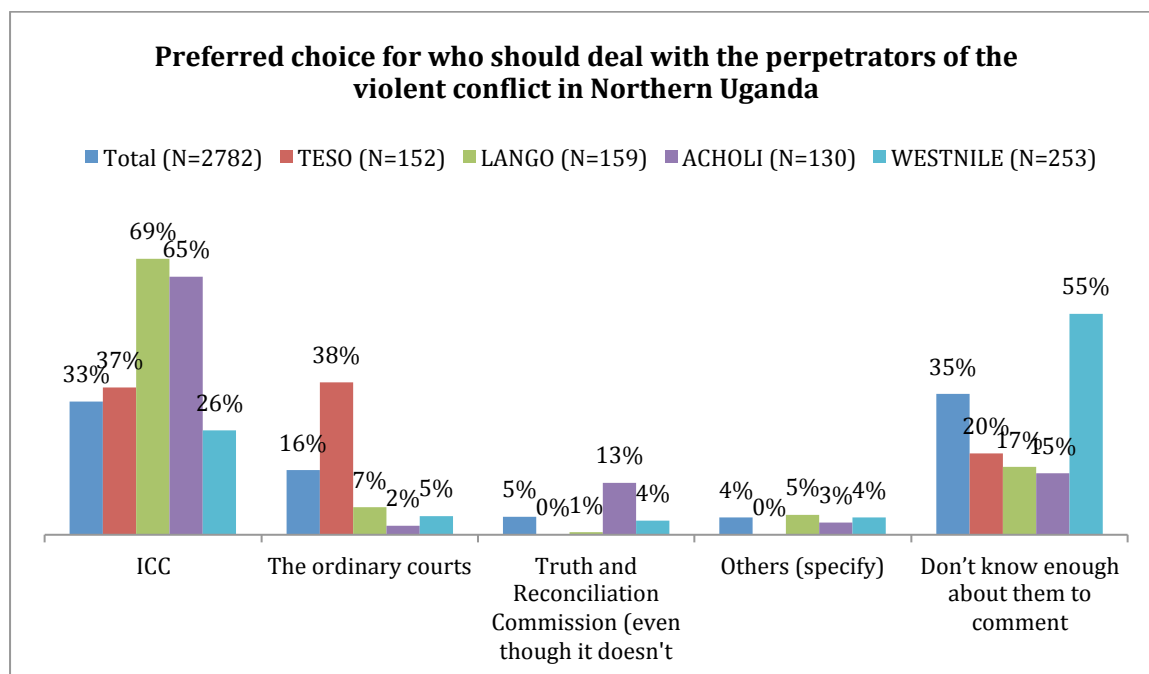
Respondents were asked various questions to measure their knowledge and understanding of, and attitudes towards, various role players in the transitional processes aimed at ending the conflict in Northern Uganda: the International Criminal Court (ICC), the International Crimes Division (ICD) within the High Court, traditional institutions, NGOs and government.

Findings showed that although knowledge of the ICD is extremely low, those who have heard of it appear to regard it as playing a satisfactory role at present. Knowledge of the ICC is fairly well good across the country, and knowledge of both is much higher in those sub-regions on which education and awareness have focused (Acholi and Lango) than in the two other sub-regions directly affected by the conflict Teso and West-Nile), both of which know less about the ICC and ICD than any other sub-regions in the country. Linked to this, those in Acholi and Lango were also more likely to express satisfaction with the role they are playing than those in Teso and West-Nile.

In fact, levels of satisfaction with all role players, including NGOs, government and traditional institutions, is very low in Teso and West-Nile generally. Although there is nothing in the survey to prove this categorically, the suggested link between education and awareness and levels of satisfaction might also indicate a loss of interest when regular education and information is not provided.

When it comes to what type of resolution is required – amnesty / reconciliation or punishment – there is clear support for the ICC (33%) and ordinary courts

(16%) to deal with perpetrators. Traditional institutions (2%) and a truth and reconciliation commission (TRC) (5%) were hardly mentioned at the national level, and only Acholi seemed to show any real support for the TRC at all (15%).



These results indicate a shift in attitude from when the conflict was still ongoing, where there was more support for amnesty and reconciliation as a means to ending the conflict, to more support for punishment now that the conflict is over. However, not too much can be read into the fact that few respondents preferred TRC process, since it does not yet exist. As a result, it is to be expected that more well-known institutions would be preferred, which is borne out by the fact that punishment and reconciliation featured equally as determining factors for why institutions were chosen.

General observation

It appears again that women and people in rural areas appear less knowledgeable of human rights generally than urban dwellers and men, and women appear far less well informed of the transitional justice processes and role players in Northern Uganda - which would indicate clearly where additional focus needs to be made.

3. Voice and accountability

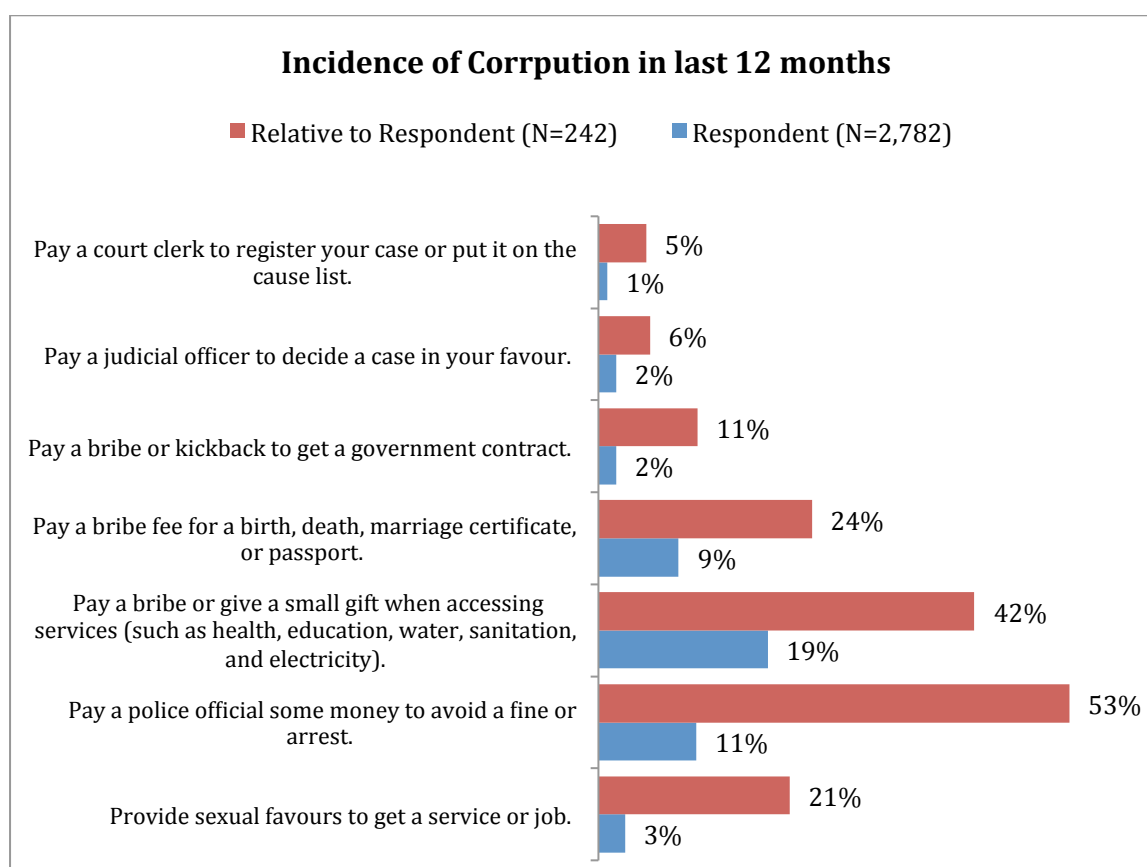
Questions in this part of the survey focused on local accountability networks and partnerships (specifically in relation to corruption), service delivery under the Peace, Recovery and Development Plan (PRDP) for Northern Uganda, and transparency and accountability in relation to oil extraction, production and management.

Corruption

Respondents were asked whether they or a family member or friend had been exposed to any of the following list of forms of corruption in the previous 12 months:

- Provide sexual favours to get a service or job.
- Paying a police official some money to avoid a fine or arrest.
- Paying a bribe or giving a small gift when accessing services (such as health, education, water, sanitation, and electricity).
- Paying a bribe fee for a birth, death, marriage certificate, or passport.
- Paying a bribe or kickback to get a government contract.
- Paying a judicial officer to decide a case in their favour.
- Paying a court clerk to register their case or put it on the cause list.

All-in-all, 40% of respondents had either been exposed personally to one of the forms of corruption listed (31%) or knew a family member or friend who had been exposed to it in the previous 12 months (9%). The most common forms and frequencies are illustrated below:



Although there were some differences, the types and frequency of corruption are fairly common across all major groups in the country, with bribes when accessing services, to prevent arrest or a fine, or to secure documents to which people are entitled as of right being the most common.

Respondents were then asked whether various forms of corruption have increased or decreased over the previous 3 years and whether they agreed or disagreed with the following statements:

Perceptions of corruption					
Statement	Agree strongly (%)	Agree (%)	Disagree (%)	Disagree strongly (%)	Don't know (%)
The level of corruption amongst senior government officials has decreased in the past 3 years.	4	11	39	33	11
The number of police officers demanding bribes in my area has increased in the past 3 years.	35	32	14	4	13
In the past 3 years, it has become much more common to be asked to pay a bribe if you need to get a certificate (such as a death certificate, marriage certificate or birth certificate) in my community.	30	27	13	4	24
In the past 3 years, the number of people having to pay bribes or kickbacks to get a contract with central government has increased.	26	31	8	2	33

It is clear from these responses that the perception that corruption has increased (or not decreased) over the past three years in key areas is very high:

- 72% of respondents believe the level of corruption amongst senior government officials has not decreased over the past three years, while only 15% believe it has.
- 67% believe the number of police officers demanding bribes has increased while only 18% believe it has decreased.
- 57% of respondents believe bribery has increased when trying to obtain certificates while 17% do not agree.
- 57% believe that the number of people being required to pay a bribe or kickback to secure a contract with government has increased, while only 10% believe it has not.

Respondents were then asked where they would report corruption by a government official and by a private company or individual. The most common answers were:

Where to report corruption						
	Police (%)	IGG (%)	Anti-corruption Court (%)	Local Councillor or chairperson (%)	Would not report it (%)	Don't know (%)
I would report corruption by a government official to ...	46	12	9	9	18	14
I would report corruption by a private company or individual to ...	47	8	8	12	19	13

Almost half of the respondents in each case would report the matter to the police, which is encouraging since the police are clearly empowered to investigate and prosecute corruption under various laws. But only 1% would report corruption by a government official or private individual or company to an NGO, and very few respondents seem to be aware of the Inspectorate of Government (IGG) and 32% in each case would either not report it or would not know where to report it.

Service delivery to poor, vulnerable and socially excluded groups in Northern Uganda

Almost 80% of respondents were unaware of the local development plans and budgets for their areas, with those in PRPD areas just as unlikely to know as those elsewhere in the country.

Awareness of local development plans					
	Yes (%)	No (%)	Not sure (%)	A little (%)	Haven't heard of it (%)
National percentages	22	60	8	2	7
PRPD sub-regions	21	59	8	3	9
Other sub-regions	23	62	7	2	6

Although those who were aware of the plan have a fairly good understanding of what they cover, almost half of respondents do not know what to do to ensure that the district government is complying with the plan and many would not know what to do if the government did not.

To determine whether there are differences in the level of satisfaction with services provided by government, respondents were asked a series of questions related to service delivery. The results are reflected in the table below:

Levels of satisfaction with services						
In your opinion, ...	Sub-regions	Absolutely (%)	More or less (%)	Not really (%)	No, not at all (%)	Don't know (%)
... are there enough primary schools in your community for the number of children of school-going age?	National	29	23	32	15	1
	PRDP	20	17	36	27	1
	Non-PRDP	34	26	30	8	1
... are there enough health centres in your community?	National	13	20	41	26	1
	PRDP	10	13	37	39	1
	Non-PRDP	15	23	43	18	1
... has government done enough to provide a piped water system that most houses can access in your area?	National	11	11	29	48	1
	PRDP	4	8	24	63	1
	Non-PRDP	14	14	32	38	1

Levels of satisfaction with services						
... has government done enough to provide an adequate sewerage / sanitation system for most houses in your area?	National	5	8	25	58	3
	PRDP	6	5	20	67	2
	Non-PRDP	5	10	29	52	4

Satisfaction levels are therefore fairly low generally, but those in the PRDP sub-regions appear far less satisfied than those in the rest of the country with the services being provided to them (the only exception being in the area of sanitation, where levels of dissatisfaction are marginally higher in PRDP sub-regions).

Harnessing natural resources for better services delivery and other development purposes benefitting the citizens

Oil extraction and production has the potential to fundamentally change living conditions in the country and do much to alleviate poverty. But although efforts have been made to keep the public informed of progress being made, this information doesn't seem to permeate down to community level and many people seem to know very little about the laws, policies and institutions being put in place. For example, respondents were asked firstly whether they believed there to be enough laws and policies in place to govern the oil sector. Although 7% believed there are and 24% believed there are not, 68% were either unsure (25%) or did not know (43%). But when asked to name any of these laws or policies, 96% of respondents could list none at all.

Of course, being able to name the laws and policies is far less important than people being kept informed of progress, how the money will be allocated and spent, and what protections are included for the environment. However, few Ugandans believe that they have been sufficiently consulted or that their views and concerns are taken into account when decisions are made and as a result, there appears to be a great deal of scepticism that ordinary Ugandans will benefit, as indicated in the table below:

Transparency and accountability in the oil sector						
Do you agree with the following statement:	Sub-regions	Agree strongly (%)	Agree (%)	Disagree (%)	Disagree strongly (%)	Don't know (%)
The central government addresses community concerns about the oil sector.	National	3	13	36	18	30
	Oil producing	5	19	43	9	24
	Non-Oil producing	2	12	34	20	32
I am confident that government is going to manage oil activities for the benefit of the community.	National	3	15	36	19	28
	Oil producing	2	20	39	15	23
	Non-Oil producing	3	13	35	20	29

Transparency and accountability in the oil sector						
Our Member of Parliament asks our community for our views about the oil sector.	National	2	7	42	33	17
	Oil producing	3	13	51	23	11
	Non-Oil producing	2	4	39	36	19
It is clear to me how money from oil will be allocated and spent.	National	1	3	40	31	25
	Oil producing	1	2	49	27	21
	Non-Oil producing	1	4	37	32	27

Once again, levels of knowledge and understanding appear to be lower amongst women than men.

4. Recommendations

- Education for democracy, good governance and human rights needs to be enhanced to build on the basic awareness that already exists. Issues to focus on include:
 - Basic principles of democracy and good governance, including separation of powers (and make-up, roles and functions of the three arms), rule of law, the role of human rights in a democracy, and the content of the rights already protected in the Constitution.
 - The Constitution and Bill of Rights – what the constitution covers, its relationship with other laws, what happens if a law violates the Constitution, and the constitutional review process.
 - The rights of vulnerable groups – women, children, people with disabilities, detainees and prisoners.
 - Socio-economic rights – rights or privileges and how to claim these.
 - Protecting human rights – roles and functions of various role players (including the UHRC) and the laws that protect human rights.
- Although people understand the basics about how to influence decisions that might affect them, more education needs to be provided on the mechanisms and opportunities available to them, especially when it comes to influencing decisions at higher levels of government. This could include education on the roles and functions of the various levels of government, the processes involved in developing local development plans, lobbying and advocacy, understanding the budget and holding government to account. A concerted effort is required in those areas falling under the PRDP, but all communities in Uganda would benefit from such an approach. Education should also focus on how to ensure district government is complying with its development plan and what to do if it is not.
- To encourage more women to run for political office and to participate in decision-making processes, civic education needs to focus on women's rights to stand for election and how to make their voices heard. At the same time, while there appears to be common understanding of the barriers they face, deep-seated prejudice appears to exist and so such

education should target both women and men and should aim at reducing barriers to their effective participation.

- Organisations working with women and striving to improve their participation in democracy need to consider other ways to support women who wish to stand for office – for example, lobbying for or providing crèche and childcare centres at legislative and other bodies.
- Education and awareness is required to explain the political process, parliamentary privilege, how parties use rhetoric and language and so on to try to improve understanding that multi-partyism leads to heated debate that is not necessarily conflict, even though it may sound like it. This should be coupled with education on the advantages and disadvantages of various forms of government to show that, even though it leads to heated exchanges, multi-party democracy is better than the alternatives.³
- Organisations providing legal assistance and advice need to make a concerted effort to raise awareness of the services on offer. Of course this needs to be balanced with the capacity constraints facing NGOs since it could place a major burden on their resources, but such organisations should also increase their focus on mediation services to reduce the need for litigation and to find ways of reaching amicable solutions outside of the formal justice system.
- Coupled with this, education on key legal issues should be provided to empower people to claim compensation or defend themselves if facing arrest or prosecution. This could include education on the jurisdiction of the various courts, how to complete a summons and other legal documents, your rights on arrest, how to apply for bail and what the court will need to hear, the stages of a trial, cross-examining witnesses and how victims can claim compensation after a criminal trial.
- Organisations focused on corruption need to focus on improving understanding of the evils of corruption and the consequences for the individuals involved, their communities, and the country as a whole. Efforts need to be made to encourage people to report corruption and on raising awareness of where and how to report it, and further research should be considered into the forms of corruption listed in the report and other forms to determine who is most at risk and what can be done to raise awareness and understanding of how to avoid becoming a victim.
- Peace and reconciliation efforts in Northern Uganda are ongoing and probably will be for some time. As a result, all Ugandans need to be empowered to make their voices heard when it comes to the type of justice they prefer – and the best way of doing so is to ensure that people know and understand what options are available and what the benefits and dangers are for each option. Although this knowledge and understanding is most urgently required in the areas most affected by the conflict, all Ugandans need to be informed since the issues in the North affect them and other conflicts have taken place or might take place in other parts of the country too.

³ As Winston Churchill once famously said: 'Democracy is the worst form of government, except for all those other forms that have been tried from time to time.' (House of Commons speech on Nov. 11, 1947)

- To empower people to hold government to account and to ensure that all Ugandans benefit from the revenues that will eventually flow from oil production, education and awareness campaigns should be conducted throughout the country. These should refer to the relevant law and policy, but should be in as plain and simple language as possible so that people understand and can participate in decision-making in this regard. Those in the oil producing areas should also be made aware of their rights, the impact of oil exploration and production on the environment and what this means for them, and how to monitor and report on what goes on once production begins.
- As a general rule, knowledge and understanding is lower amongst women and in rural areas, which would suggest these need to be specifically targeted by any organisations conducting civic and public awareness and education campaigns.

Part 1 – Background and methodology

1. Introduction

The Democratic Governance Facility (DGF) was established in July 2011 to strengthen democratisation, improve the protection of human rights, enhance access to justice, promote peaceful co-existence and improve accountability in Uganda. The DGF currently supports around 65 partner organisations in three program areas:

4. Deepening Democracy.
5. Rights, Justice and Peace.
6. Voice and Accountability.

The DGF is essentially a fund supported by various Development Partners including Austria, Denmark, European Union, Ireland, Netherlands, Norway, Sweden and the United Kingdom that will run until June 2016. The DGF does not implement projects or programmes itself but instead provides financial and limited technical support to Ugandan state and non-state organisations implementing interventions to improve democratic governance in line with DGF's objectives.

As part of its process to establish a monitoring and evaluation framework to measure the results and impact of its support, the DGF has recently developed a detailed logical framework with clear impact and other indicators. However, while some baseline data against which to measure impact are available from secondary sources, a number of indicators currently lack clear baseline data against which to measure success and impact. To address these gaps, Danida contracted PEMconsult and Greg Moran and Associates, on behalf of the DGF, to conduct a national baseline study on Democracy, Justice, Human Rights and Accountability in Uganda. The Terms of Reference (ToR) for the assignment are attached to this report as Annex A.

2. Objectives and deliverables

a. Objectives

The primary objective of the study was to identify baseline information and data to enable the DGF to determine milestones and targets in accordance with its logframe indicators and programme objectives. The study was also expected to build on and complement existing data and information provided by other credible sources.

But while the data to be gathered was determined largely by the missing baselines in the current DGF logframe and had the specific objective of filling these gaps, the study essentially fills gaps in the available research that other role players and stakeholders may find particularly useful.

b. Phases and deliverables

The assignment was broken into four phases, each with its own deliverables:

Phase	Activity	Deliverable
1	Desk study / document review	Preparatory report summarising the main surveys with an analysis of how this information will be taken into account for the formulation of the DGF baseline survey.
2	Finalisation of methodology	<ul style="list-style-type: none"> Methodological framework for conducting the survey, including sampling frame. Tested questionnaire. Analytical framework for assessing survey results
3	Implementation of household survey (data gathering and capturing)	Dataset (SPSS format)
4	Analysis and reporting	<ul style="list-style-type: none"> PowerPoint presentation of main findings. Complete summary of results, with disaggregated data. Indicator chart for inclusion in the DGF logframe, based on the survey results and findings. Baseline report with presentation and discussion of findings and results.

3. Survey team

The survey was implemented by:

- Greg Moran, team leader.
- Salima Namusobya, governance expert.
- James Kakande, chief statistician.
- Ipsos Limited, a research firm responsible for implementing the household survey and preparing datasets for analysis.

4. Methodology – Preparation (phases 1 and 2)

Preparation for the survey was split into two phases – a literature review and a period to hone and finalise the methodology

a. Phase 1 - Literature review

The literature review began during February 2013 and, although new documents were sourced and considered throughout the assignment, was included in preparatory report submitted on 15 March 2013. The literature review was then revised to include new documents sourced and analysed and re-submitted to the DGF on 22 March 2013.⁴

From the significant number of baseline surveys conducted in Uganda on issues related to governance, it was evident that few had focused on knowledge and understanding and that, while these would assist greatly in

⁴ Attached as Annex B. Much of the text in Annex B is copied directly from the documents themselves and should not be read as the consultant's own text, although some commentary is provided.

contextualising the situation in each of the areas to be covered and in developing and framing the questionnaire, the current study would compliment rather than duplicate what had previously been assessed.

b. Phase 2 - Finalisation of methodology

The team leader travelled to Kampala to work with the team from 17-23 March on finalising the methodology and questionnaire and to meet with relevant institutions that might be developing or conducting similar baseline studies in the near future. The initial, draft, sample and detailed methodology for the survey were included in the preparatory report submitted on 16 March 2013. Work on fine-tuning this continued until the final sample was submitted for approval on 16 April. This, final sample and data household survey methodology is described more fully below.

A first draft of the questionnaire was submitted to the DGF for consideration and comment on 19 March 2013. The team then met with senior management at the DGF on 22 March 2013 to discuss the draft. Based on comments received at the meeting, a revised version of the questionnaire was submitted to the DGF on 25 March 2013. Once comments had been received, the questionnaire was again revised and submitted to the DGF for approval for training purposes on 2 April 2013 and again slightly revised on 9 April 2013. This version was then used to train enumerators and again slightly revised prior to pre-testing. The questionnaire was then translated in time for implementation.

To ensure the survey did not overlap with others in the pipeline, the team met with or attempted to meet with those who were known to be planning, or might be planning, similar surveys. In particular, consultations were held with the Justice, Law and Order Sector (JLOS), who confirmed that they had no similar surveys planned, and Innovations for Poverty Action.⁵

5. Phase 3 – Implementing the survey

The survey began with training of enumerators, a pilot study and translation, all of which was completed by 15 April 2013. On receipt of the necessary authorisation from the Uganda National Council for Science and Technology (UNCST) on 12 April 2013, the survey was conducted from 17 April to 17 May 2013.⁶ The entire process is described in more detail in the sections that follow.

⁵ Meetings were also requested with World Bank (who advised telephonically that they were not planning any similar studies) and USAID, which, other than a baseline assessment for a conflict mitigation project, had no other surveys planned. The team also requested a meeting with the Uganda Bureau of Statistics but were advised there was no need for such a meeting.

⁶ UNCST approval to conduct surveys and research in Uganda is required for all surveys prior to any data being collected or interviews conducted. To this end, the team submitted the required protocol, request and related documents and approval was granted on 12 April 2013.

a. Sample design

The survey targeted the general public at household level - citizens residing in the districts that were selected for the study, male and female, of above 18 years.

Sample size

The sample size public was calculated based on key existing indicators generated during previous related surveys and provided for in the DGF logframe. The formula below was used to generate the minimum sample size required:

$$n = \frac{D * 1.96^2 pq}{B^2}$$

n is the unrestricted sample size

p is the value (proportion) of the indicator obtained from previous surveys

1.96 is the Z value of the normal distribution curve 95% confidence interval

$q = 1 - p$

B is the margin of error to be tolerated in the sample and is taken as 5%.

D: is the design effect representing the variation from simple random sampling ($D=1.5$)

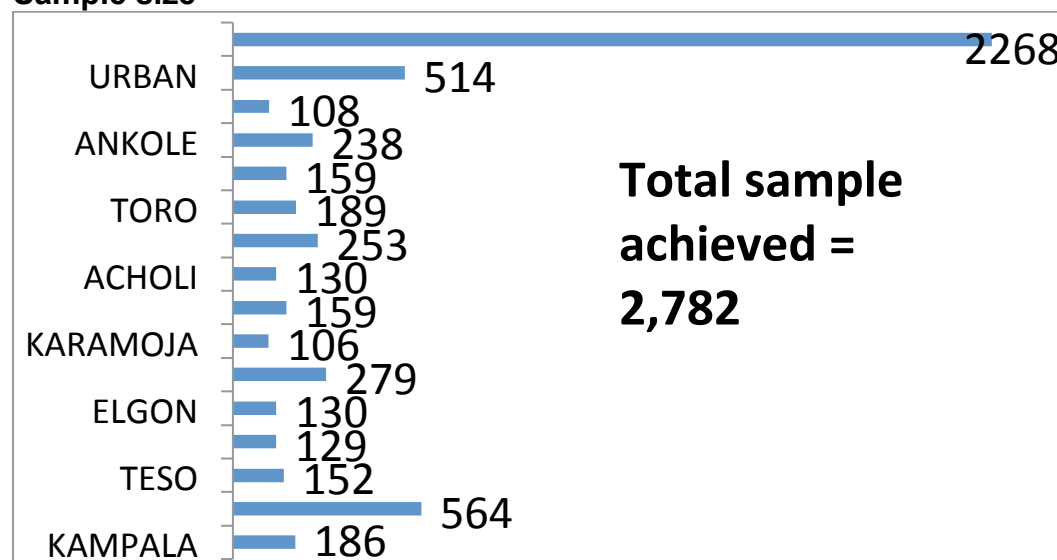
The sample size determined considered the domain of analysis (number of stratum). The first stage was to stratify the country into 9 sub regions per the categorization by Uganda Demographic survey 2011 and National Household surveys conducted by the Uganda Bureau of Statistics (UBOS). The 9 sub regions are Central, Kampala, Eastern (Teso, Elgon, Bukedi), Busoga, Karamoja, South West (Ankole and Kigezi), Western (Bunyoro and Toro), North (Lango and Acholi) and West Nile.

Table 1: Sample size calculation

Indicator	p	No of Stratum	Min sample size	Adj. for proposed number of stratum	Adj. for non-response (10%)	Overall adj. sample size	Comment
% believe they are very likely to make MPs listen	0.14	9	277.5	2497.7	2746.9	2800	
% of respondents in oil areas dissatisfied with level of community consultation on oil governance	0.25	1	432.2	432.2	475.3	500	oil areas
% of individuals viewing the formal justice mechanism for transitional justice as working well	0.24	1	420.4	420.4	462.3	500	War areas
% of individuals viewing the informal justice mechanism as useful in dealing with former LRA combatants.	0.53	1	574.2	574.2	631.2	700	War areas

From the above table, the indicator that provided for the highest sample size was ‘% of Uganda women and men who believe they are very likely to make MPs listen’ generating 2,800 interviews to be administered during the baseline with a non-response rate of 10% considered.

Sample size



Sample distribution

The sample of 2,800 interviews was distributed proportionately in 14 sub regions based on the projected total population⁷ mid-2012 of 18 years as indicated by DGF. Table 2 below shows the sample distribution by sub-region.

Table 2: Sample size distribution

Region	Sub-region	Estimated population 18+ years Mid-2012	Proportion to total popn 18+years	Sample size
Eastern	Teso	801,310	0.06	154
	Bukedi	694,590	0.05	134
	Elgon	682,980	0.05	132
South West	Ankole	1,250,320	0.09	241
	Kigezi	558,600	0.04	108
North	Lango	823,010	0.06	159
	Acholi	690,090	0.05	133
Western	Bunyoro	813,520	0.06	157
	Toro	967,380	0.07	186
West Nile	West Nile	1,302,600	0.09	251
Central	Central	2,979,020	0.21	574
Karamoja	Karamoja	606,120	0.04	117
Busoga	Busoga	1,436,940	0.10	277
Kampala	Kampala	921,340	0.06	178
Total		14,527,820		2,800

⁷ The estimated projections of the population 18 years and above by district were obtained from UBOS.

Analysis of the baseline data included presentation of findings from key areas that include oil-producing districts and war affected sub regions.

From Table 1, minimum sample size that was required for each of the regions based on the indicators to be measured generated;

- a minimum of 500 interviews in oil regions
- a minimum of 700 interviews in war areas

Based on Table 2, a total of 835 interviews had been distributed in the oil region.⁸ Similarly, the war-affected areas that include Acholi, Lango, Teso, Elgon, Karamoja and West Nile had a total of 946 to ensure these meet the minimum range required.

Sample selection

The multi-stage cluster sampling method was used to select the respondents at household level. Household interviews were preferred since they allow the application of pure random sampling methodologies ensuring full representation.

Margin of error

As the study adopted a multi-stage sampling technique, the standard error/sample error for key indicators at 95% confidence interval by gender (male and female) ranges from 0.9% to 2.45%. (Footnote 1). Given the sample size, results disaggregated by gender, urban/rural, and sub-region are statistically significant.⁹

Selection of the EAs:

The first stage was the selection of Enumeration Areas (EA) within each of the sub-regions. According to UBOS, an enumeration area consists of an average of 150 households. The sampling frame of the EAs was obtained from UBOS. The EAs were selected using systematic probability proportionate to size (SPPS) technique. In each EA, 10 households were selected for interview; hence the number of EAs per sub-region was based on the sample size allocated. During selection, EAs were categorized into urban/rural setting and the number distributed based on type of residence setting by the population in each sub-region.

The table below shows the number of EAs and sample size distribution by sub-region.

⁸ The oil regions are based on the 'Governance and livelihoods in Uganda's oil-rich Albertine Graben' Report for International Alert for a baseline study conducted in 2012, and include Bunyoro, Toro, Kigezi, Acholi and West Nile.

⁹ For example, a 45% result with a standard error/sample error of +/- 2% with a 95% confidence interval means that there is a high probability (95%) that the result is between 43% and 47%.

Table 3: Enumeration area distribution by sub-region

Region	Sub-region	Adjusted sample size	No. of EAs
Eastern			
	Teso	150	15
	Bukedi	130	13
	Elgon	130	13
South West			
	Ankole	240	24
	Kigezi	110	11
North			
	Lango	160	16
	Acholi	130	13
Western			
	Bunyoro	160	16
	Toro	190	19
West Nile	West Nile	250	25
Central	Central	570	57
Karamoja	Karamoja	120	12
Busoga	Busoga	280	28
Kampala	Kampala	180	18
Total		2800	280

Household selection

The second stage involved selection of the 10 households within the selected EA. The random start method was adopted during selection of households. The interviewer was instructed to find a fixed landmark within the boundaries of the selected ward (such as a school or church) and (following the left hand rule) proceeded to the starting household which is determined by the date of interview (i.e. on 28th of the month the starting household will be house number 10 [2+8] from the fixed starting point). According to the UBOS, a household is a unit of people who share the same food pot as opposed to people who share the same roof. This was verified by the interviewers asking questions about the number of people who live under the same roof and eat together.

This household formed the first household at which an interview could be conducted. After completing an interview (using the left hand rule), 4 households were skipped thereby calling on the 5th household. The interviewers at all times kept a call sheet where they recorded each household they called-on and whether the interview was successful or not and reasons for non-successful interviews.

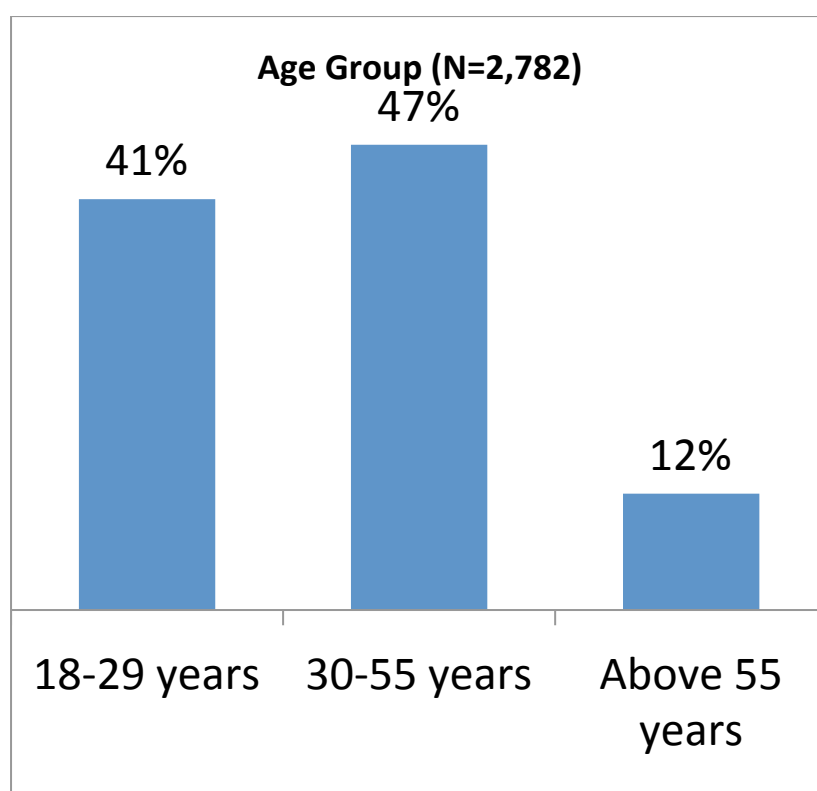
The above household skip routine applies in well-defined high-density urban and rural areas, however, there are exceptions:

- In highly-populated urban areas, with blocks of flats: If the sampling point is composed of block of flats or was composed of long stretches of household blocks, the approach is here was that only 1 household in any given flat or block of households was interviewed because the closer people live together the more likely they are to have similar habits.

- In sparsely populated rural areas / single-dwelling farms: In rural areas where the households are sparsely distributed, then a minimum distance of 200 meters was kept in between successful interviews.
- In sparsely populated rural areas, with commercial farms: In points where commercial farms were large and contain populous settlements of farm workers, interviewers did not collect all the interviews for that sampling point on one farm. The Interviewer will go to the first nearest randomly selected start point do a few interviews, and then go to the next farm, so that all interviews are obtained from separate farms in each sampling point. However, such areas had not been randomly selected.
- In high profile residential areas: In the case of high-class residential areas (high-class low-density) interviewers sampled gate to gate. Considering the spatial distribution of the household and the low interview success rate, in itself, this yields self-selecting random samples.

Respondent Selection

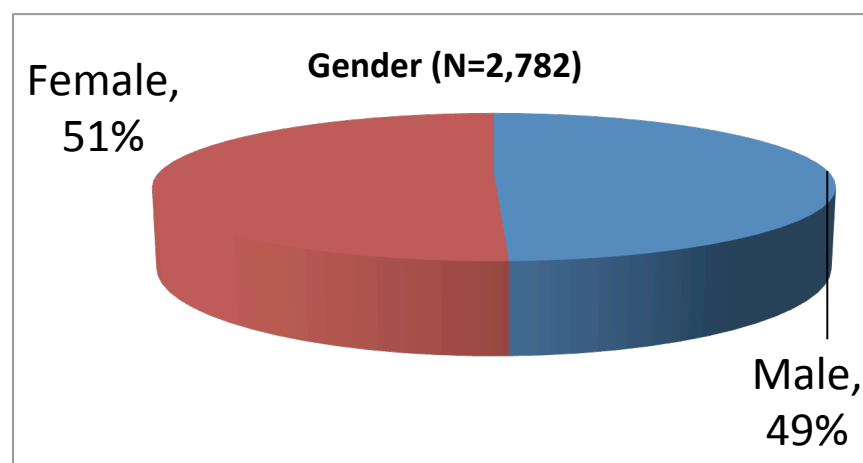
In each of the selected households, one adult (18 years and above) was randomly selected. To achieve this, the interviewers, who had been adequately trained in using a Kish-Grid, randomized the selection of the person to be interviewed within the household. This method was applied such that only one adult was selected in each of the selected household.



Once the respondent had been selected from the household, the interviewer administered the questionnaire. However, if the randomly selected respondent was not available for the interview, the interviewer made at least three call-backs at times when the respondent was most likely to be at home. In the event that after three call-backs the respondent was not available, the

interviewer substituted the initial respondent with one from another household. Majority of the interviews were spread throughout the day between 8.00 am - 7.00 pm with some occasional ones conducted up to 8:00 pm depending on the availability of the respondent.

Through random selection, the splits for gender and age were determined naturally. The end result has been a sample distribution that largely reflects the demographic distribution in the survey districts.



b. Recruitment and training of enumerators

Enumerators and supervisors were recruited based on their experience in conducting household surveys as well as local language spoken and understood. More enumerators (75) were recruited and trained than what was required for the survey to ensure substitute teams are available if needed. A final list of 45 enumerators and 11 team leaders and 3 regional supervisors was selected after the training to conduct the main fieldwork.

After the questionnaire has been approved, a training manual was developed by the technical team detailing:

- Objectives of the survey
- Roles and responsibilities of each party
- Question by question explanations
- Survey design: respondent selection
- Ethical considerations
- Dos and Don'ts of the survey
- Expectations and deliverables of the field team and other stakeholders

Training took place in Kampala at Ipsos offices from 3rd to 9th April 2013 inclusive of the pilot and debriefing. The training was conducted by the technical team (Salima and James) and assisted by the senior M&E officer from DGF and key research executives (from Ipsos) selected for this survey. It involved dummy interviews, practices in-front of the class, and asking questions to trainees at random. Only those trainees that meet the required criteria and had performed well during the pilot were retained for the main survey.

c. Translations and Pre-testing the tools

After the draft questionnaire had been approved, it was translated into the major local languages namely Luganda, Runyankole/Rukiga, Luo, Lugbara, Runyoro/Rutoro, Karamajong and Ateso.

After translations, the tools were pre-tested during the pilot in Kampala and nearby areas with rural settings and characteristics by all trainees.

d. Organisation of fieldwork

Mobile data collection was adopted using smartphones (LG). The interviewers administered the interview using phones, which allowed real-time delivery of the interviews that had been completed.

After development of the questionnaire and pilot testing, it was signed off by DGF as final. The questionnaire was then scripted and loaded on the smartphones through data collection application software. After completion of each interview, the data was submitted immediately to a central server. In cases where there was no network coverage as it was in some cases, the data was stored and uploaded when the network was regained. GPS recordings were also recorded automatically at each household.

In each of the selected districts, the team leader first introduced the team and the survey to the Resident District Commissioner (RDC), who provided the authorisation to start the interviews in the selected villages. While in the village, the team leader had to first submit the authorisation from the RDC to the Local council leader before interviews commenced.

e. Organisation of teams

Enumerators were organised in groups of 4-5 interviewers with one team leader. There were 11 teams spread across the 14 sub-regions that were further supervised by 3 regional supervisors selected from the research executives at Ipsos Limited.

The team leader was responsible for allocating work to the enumerators, conducting back-checks and other quality control measures, and providing regular updates to the survey manager (the statistician).

On a daily basis, the survey manager and regional supervisors were updated by the team leaders on the progress of fieldwork. Team leaders were provided with log-sheets for filling information related to progress like back-checks made, accompaniments, samples achieved, call-backs etc. These forms have been referred to when writing the methodology section of this report.

f. Quality control processes

Although the electronic data collection is almost self-checking, the following additional quality control measures were put in place:

- Interviewer accompanying: A minimum of 15 % of the total sample was required as accompaniments to guarantee the way the interview is conducted with regard to reading the questions as they are in the

questionnaire, introduction, and tone of voice and mannerisms of the interviewer. Overall 513 (18%) interviews were accompanied.

- Back checking: team leaders or regional supervisors were required to conduct a total of 25% back checks to validate the responses appearing on the questionnaire. A total of 839 back-checks (approx. 30%) were done mainly to ascertain the age and demographic characteristics of respondents by comparing the information that had been recorded on the kish-grid form.
- Regular checking of the data submitted: Since the data was real-time, the Statistician and the data manager checked the submitted data everyday to identify any errors and inform the teams while still in the field.

g. Data processing

Data checks, validation and analysis was done using SPSS. After data checks and cleaning was done, the clean dataset was validated and weighted basing on existing national demographic indicators from UBOS (gender distribution). During validation and verification, the structure of the samples in terms of different sample specification was checked against the universal statistics. Data was weighted with consideration of the total sample, gender, urban/rural distribution and this corrected any imbalances resulting in over-sampling of certain areas.

An analysis plan was developed which guided generation of descriptive and inferential analytical tables for report writing. Primarily, cross tabulations were generated based on gender, sub-region, rural/urban setting, age bands, key areas of focus (oil and war regions).

A table listing sampling errors for key indicators by gender is attached as Annex C.

6. Survey limitations

Overall, the survey experienced minimal problems, although the following issues had an effect on delivery times and might have influenced responses to certain questions:

- Late approvals by RDCs: In some districts, the RDCs were absent at the time of visits by the field teams, and no other senior official available had the authority to provide permits to continue with the interviews. This led to additional days required for data collection.
- Perceptions by respondents: some respondents had the perception that this was a survey commissioned by the government to 'track' them in relation to their understanding of democracy and human rights. They believed this was a way of identifying those who oppose the ruling party's governance processes. Some refused the entire interview while others refused to answer some questions.
- Understanding of some key concepts: some respondents had difficulties in answering certain questions especially those related to oil bills, northern

Uganda and understanding of human rights. This was expressed by asking the interviewer 'why such questions' should be asked if there is never sensitisation by the government.

- Rainy season: data collection was done during a rainy season, which made it difficult to reach some EAs that had been randomly selected on time. This was more prominent in mountainous areas like Ankole and Kigezi and in 'flat land' areas like Karamoja and Teso where roads had been swept away by floods. In Kasese district, the team had to spend 3 days waiting for transportation facilities that would enable them travel to selected EAs that had been affected by the floods. This delayed completion of fieldwork.

None of these though had any major impact on the survey or on the validity of the responses received.

Part 2 – Results and analysis

Introduction

The current survey was based around the DGF objectives and included questions for each of the three components and their sub-components. The analysis that follows is therefore likewise arranged around the three DGF components:

- Deepening democracy.
- Rights, justice and peace.
- Voice and accountability.

1. Deepening democracy

The objective of the DGF Component 1: Deepening Democracy is ‘More pluralistic, representative and accountable governance based on democratic values, institutions and processes in Uganda’.

Component 1 consists of three inter-linked and mutually supportive sub-components, each with its own objective and outputs:

Component 1 – Deepening democracy		
Sub-component	Objective	Outputs
1. Political responsiveness and accountability	Elected leaders are more responsive to citizen’s needs and increasingly held accountable for their performance in office.	<ol style="list-style-type: none"> 1. Citizens are more knowledgeable about their political rights and responsibilities in democratic processes and the roles and mandates of their elected leaders. 2. Citizens have means and avenues for expressing their needs and concerns, and for holding political leaders accountable for their performance. 3. Political parties and legislative bodies exercise effective scrutiny over the performance of the Executive and Administration. 4. The skill set and knowledge base of elected and aspiring leaders, particularly youth and women, is developed.
2. Democratic culture, space and values	Politics increasingly becoming pluralistic and tolerant based on democratic freedoms and values; and centred on policies and issues facing Ugandans.	<ol style="list-style-type: none"> 1. Parties and CSOs research and propose policies on key national and local issues and an active debate on policy proposals and issues affecting ordinary citizens is enhanced. 2. Issue-based news reporting and investigative journalism has increased reach and improved quality. 3. Dialogue between strengthened, internally democratic political parties at national and district level is institutionalised.
3. Integrity of democratic process - elections	Improved integrity and credibility of key democratic processes, particularly elections.	<ol style="list-style-type: none"> 1. Electoral processes are managed in more effective and credible manner. 2. Electoral processes are effectively observed and monitored.

Questions under this component focused on people's knowledge and understanding of the political system and democratic principles applying in Uganda, their democratic and human rights and responsibilities, and how to exercise their rights and make their voices heard in the periods between elections.

a. Knowledge and understanding of democracy and the political system

The survey began by asking respondents what they understood by the term 'democracy'. Almost three-quarters (72%) of respondents were able to provide at least one explanation, with the most common responses being:

- Government by the people, for the people (24%).
- A system of government where people elect their leaders (18%).
- A system where people have the freedom to do what they want (15%).
- Being free and fair to all people (11%).
- Human rights (9%).
- Elections (9%).
- Freedom of speech (9%).

These results are similar to those in the Afrobarometer survey of 2005 (which appears to be the last time Afrobarometer asked the question directly), where people raised the following:¹⁰

- Civil liberties / personal freedoms (34%).
- Peace/ unity / power sharing (16%).
- Government for, by, of the people (15%).
- Voting / elections / party competition (13%).
- Social / economic development (9%).
- Equality / justice (8%).
- Governance / accountability/ rule of law (5%).
- Majority rule (4%).

At the same time, more than a quarter of respondents in the current survey (28%) could offer no explanation (answering 'don't know'). This indicates no improvement from similar research by Afrobarometer, which recorded 30% answering this way in 2000 and 28% in 2005.¹¹

Those in urban areas were generally more likely to be able to provide adequate answers (only 21% of those in urban areas answered 'don't know' compared to 30% of those in rural areas), and more women answered 'don't know' than men (16% of males and 21% of females). And it would appear that sub-regions in the north-west, eastern and north-eastern might require more education interventions than elsewhere, but it appears that basic knowledge of what democracy means is generally fairly good amongst the population overall.¹²

¹⁰ Afrobarometer Working Paper No. 124: Understanding Citizens Attitudes To Democracy In Uganda, 2010, page 11ff.

¹¹ Ibid. (2010), page 13.

¹² More than half (51%) of respondents in West-Nile answered this way – far higher than the national average, and knowledge gaps were also high in Karamoja (38%), Teso (37%) and Busoga (35%).

To further test understanding, respondents were then asked specific questions related to key elements of democratic governance: elections, constitutional supremacy and the rule of law, and separation of powers.

b. Elections

Although only 9% of respondents identified elections when asked what they understood by the word ‘democracy’, responses to the question ‘why do you think elections are held every few years in Uganda’ indicated high levels of understanding: almost all of the respondents (97%) were able to provide an answer and the most common responses were:

- To choose new office bearers (44%).
- To allow people to change the government (24%).
- To allow people to decide who should rule them (23%).
- To choose the government (22%).

Hardly anyone (3%) was unable to answer and there were distinct similarities between rural and urban areas, men and women, and across age groups and regions.

To test whether people exercise this right, and to establish the main reasons why some people do not vote, respondents were asked whether they had participated in the 2011 elections for Local Council 3 and 5 levels, and in the parliamentary and presidential elections of the same year. The following table illustrates their responses:

Table 4: Participation in elections, 2011

Election (2011)	% voted	% did not vote	Reasons for not voting		
			Too young (%)	Not registered (%)	Not interested (%)
Parliamentary / presidential	77	23	31	16	17
Local Council 3 and 5	75	25	28	15	19

Voting levels reported during the survey are thus very high, although they differ from the actual turnout recorded (officially reported as 59.28% in Parliament and Presidential elections).¹³ This may be because some respondents felt they needed to give the ‘socially acceptable’ answer and not to acknowledge that they had not in fact voted, although similar results were found by Afrobarometer, where 83% reported they had voted in national elections.¹⁴ But even if one takes only the official figures into account, the figures are still quite high. Most of those who did not vote reported not doing so because they were not old enough at the time, while some were not registered (which differs from official statistics which show more than 100% registration of eligible voters) and a fair proportion were simply not interested. There were no major differences between men and women generally, but

¹³ European Union Election Observation Mission: Final Report on the Uganda General Elections, 2011, page 40.

¹⁴ Round 5 Uganda Survey Summary of Results (2012), page 25.

differences were quite marked between rural and urban areas, particularly in lack of interest, with 29% of urban dwellers citing this as a reason for not voting in local elections compared to 15% of those in rural areas; and 27% of those in urban areas not voting through lack of interest in national elections compared to 14% in rural areas.

A final set of questions was included to test whether Ugandans understand the rules related to who may hold political office and stand for elections. When asked who may stand for election at the local level, 40% of respondents correctly identified that it is anyone over the age of 18, but only if they are citizens. An additional 30% answered 'anyone over 18', which is largely correct. Only 8% of respondents were unable to provide an answer.

When asked who may stand for election to Parliament, more than half of respondents (51%) correctly stated any citizen over 18 as long as they have the required level of education.¹⁵ A further 15% were partially correct in stating 'anyone over 18', and 12% of respondents were unable to answer.

The provisions in Art 102 of the Constitution dealing with who may stand for President are slightly more complicated – to qualify for election as President, a person must be:

- A citizen of Uganda **by birth**.
- Not less than 35 and not more 75 years of age.
- A person qualified to be a Member of Parliament (that is, someone who is a registered voter and who has completed a minimum formal education of Advanced Level standard or its equivalent).

Although 40% of respondents were able to identify most of the requirements, almost one fifth (19%) did not know any of them. However, not too much should be read into this since some of the requirements are quite technical.

To assist those working to improve gender representation and equality in political life to understand why fewer women than men occupy elected positions, respondents were first asked whether they agreed with the statement that there are fewer women than men in political office. Three quarters (75%) agreed with the statement, with no differences across the main groups.

Those who agreed with the statement were then asked why they thought this to be true. The most common responses were:

¹⁵ The relevant legal provision is Article 80 (1) of the Constitution, which states that a person is qualified to be a member of Parliament if that person—

- (a) is a citizen of Uganda;
- (b) is a registered voter; and
- (c) has completed a minimum formal education of Advanced Level standard or its equivalent.

Table 5: Why do fewer women occupy elected positions?

Reason	National %	Urban %	Rural %	Male %	Female %
Women lack the confidence to stand	41	45	39	44	37
Fewer women have acquired the necessary level of education	36	23	39	35	36
Traditions, culture, customs and patriarchy limit women's participation in government	34	35	34	35	32
There is a lack of awareness about women's rights to stand for office	20	23	20	22	18
Women lack the skills to stand	15	16	14	15	15

Men and those in urban areas seem to agree that the major barrier is that women lack the confidence to stand for office, while those in rural areas see the inability to meet the educational requirements as a bigger stumbling block than those in urban areas. And men also seemed to believe that lack of awareness of women's right to stand for election was more of a problem than women. But overall, there are remarkable similarities across gender and rural/urban lines indicating common understanding that lack of skills and education; low levels of awareness of the right to stand; and traditions, culture and patriarchy are barriers to women's participation that should provide a good starting point from which to target attitudes and practices that get in the way of women's participation.

Although some differences were noted between the responses of men and women and those in urban and rural areas, there is a high level of agreement and similarity across all of the major groups. This would suggest that Ugandans generally recognise the socio-economic and cultural barriers women face when it comes to participation in political life. These responses also suggest some deep-seated beliefs about women, held by both women and men, that civic education should seek to address. This is borne out by responses in the Afrobarometer Round 5 Survey, where 41% of male respondents and 25% of female respondents agreed or agreed strongly with the statement 'men make better political leaders than women, and should be elected rather than women'.¹⁶

c. The Constitution, constitutional supremacy and the rule of law

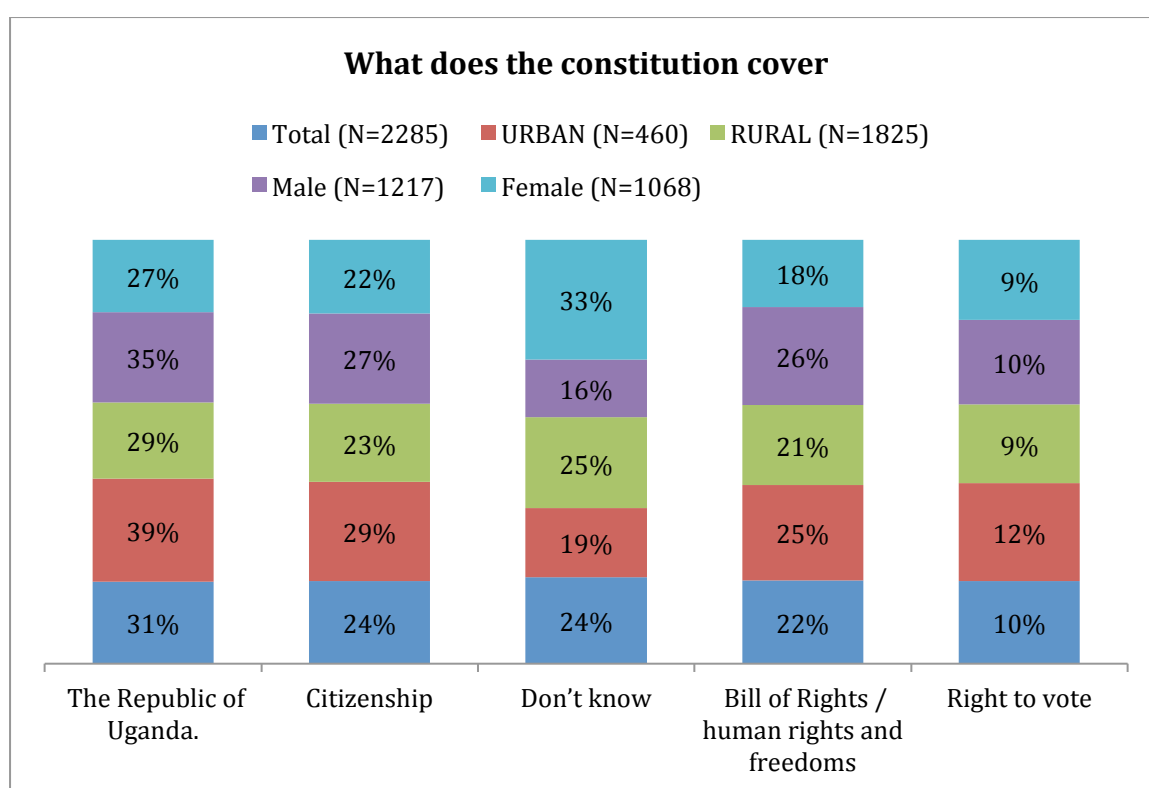
Most respondents (82%) had heard of the Constitution, with some differences noted between those in urban areas (89%) compared to rural areas (80%), and between male respondents (89%) compared to females (76%). However, some sub-regions were far less likely to have heard of it than others, with Teso (47%), Elgon (37%) Karamoja (34%), and West-Nile (33%) all recording much higher percentages of respondents who had not heard of it than other parts of the country (despite the fact that a significant number of NGOs focus on Teso).

When those who had heard of it were asked what they knew about the Constitution, 85% were able to provide an answer (91% of men and 77% of women) - the most common being:

¹⁶ Round 5 Uganda Survey Summary of Results (2012), page 21.

- It is a law – 33%
- The law for how the country is ruled – 25%
- The law that regulates how the state is established and governed – 22%
- Highest law - 14%
- Basic law (6%).
- Fundamental law (5%)
- Supreme law (4%).

This indicates that people are aware of and have a good basic understanding of what the Constitution is.¹⁷ But when asked to explain what the Constitution covers, 23% of respondents were unable to answer, with women far more likely to answer this way than men (32% to 15%). Those in urban areas appear to know more than those in rural areas (25% of rural dwellers answering 'don't know' compared to 18% of urbanites).



Worryingly, 25% of those in the 18-29 year old bracket could not answer compared to 17% of those over 55.

Of those who ventured an explanation, the most common responses were:

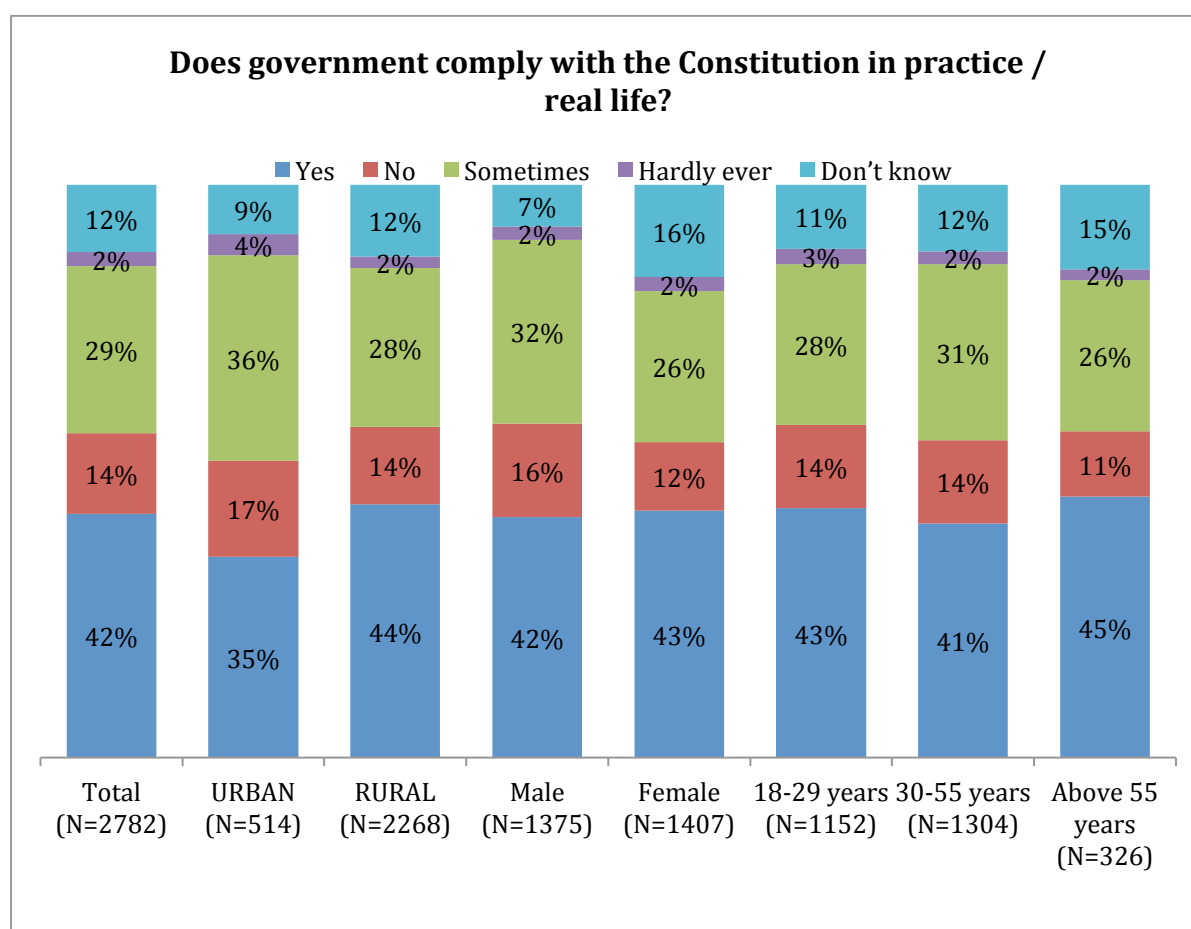
- A description of the republic of Uganda – 31%.
- Citizenship – 24%.
- Bill of Rights / human rights – 22%
- Right to vote – 10%.

¹⁷ Marked differences were noted between men and women (22% of women answering 'don't know' compared to 9% of men).

No other issue covered by the Constitution was listed at more than 10%, with most scoring between 0-4%, indicating relatively low levels of knowledge and understanding and a need for public education on the roles, functions and content of the Constitution.

To test knowledge and understanding of constitutional supremacy and the rule of law, respondents were first asked who is bound to comply with the Constitution. A very high percentage understood that everyone must do so (79%). And when asked whether the President is required to comply with the Constitution, 84% correctly answered 'yes'.¹⁸

To test people's perceptions of compliance, respondents were then asked how well government respects the supremacy of the Constitution and complies with it in practice. 42% believed government always does, with an additional 29% answering 'sometimes'. Although these figures may be skewed given the perception amongst some that the survey was being conducted on government's behalf, and while only 16% of respondents believe the government does not or hardly ever complies with the Constitution, the fact that less than half of respondents believe government always complies with the Constitution is notable.



¹⁸ Although the questions used differ a bit, these responses correspond closely with the results of the Afrobarometer 2012 survey, which found that 73% of respondents believe that the President must always obey the laws and the courts, even if he thinks they are wrong .

Those living in rural areas were more likely to answer this way (44%) than urbanites (35%), the latter of whom are more likely to be exposed to negative comments in the media.

Similar responses were received when respondents were asked whether the President complies with the Constitution in practice (41% answering 'yes' and 26% 'sometimes'). Again, the fact that only 41% believe the President always complies with the Constitution, coupled with the fact that 18% of respondents believe the President never complies with it and 3% believe he hardly ever complies with it, is a cause for concern.

Since the rule of law requires laws to comply with human rights, respondents were then asked what happens if a law goes against the Bill of Rights. Although 37% answered that the law would have to change, significant percentages answered 'nothing' (13%) or that they did not know (27%).

Respondents were then asked two questions related to equality before the law. Most (85%) correctly answered that everyone is required to obey the law, while a further 7% answered 'citizens' with virtually no differences between male and female respondents. When asked whether the President would be prosecuted for breaking the law, 60% replied that he would, since everyone must follow the law or that no one may break the law. Slight differences were noted between men and women, with women (53%) more likely to answer that everyone must obey the law than men (46%). Thirteen percent of respondents answered that the President cannot be prosecuted whilst in office (16% of men and 10% of women), which is technically but not completely correct, while a further 8% answered that the President cannot be prosecuted whilst in office, but **could** be prosecuted once he was no longer President (10% of men and 6% of women), which is what Article 98 (4) of the Constitution states. But while there is some gap in knowledge of specific issues under the rule of law, the basic principles seem well-understood overall.

d. Separation of powers

When asked to list the three arms or branches of government:

- 57% of respondents were able to mention all three arms. Men (67%) were more likely than women (47%) to be able to do so, while knowledge of all three arms is far higher in urban areas (70%) than in rural areas (54%).
- More than half (52%) were able to identify the legislative branch, with 28% identifying Parliament and 24% the 'legislature'.
- 26% identified 'the executive', 21% identified the President, while a further 10% answered 'ministers'.
- 28% of respondents identified the 'judiciary' or 'courts'.
- An additional 9% incorrectly identified local government.

However, 38% of respondents simply did not know. This response was more common in rural areas (41%) than urban areas (21%), while 48% of female respondents answered this way compared to 28% of males.

When asked what Parliament's role is, 93% of respondents were able to provide at least one answer, with the most often mentioned being:

- 34% of respondents listed 'to pass new laws'.
- 27% listed 'to discuss new laws'.
- 16% answered 'to write new laws'.
- 13% listed 'to change (amend) existing laws'.
- 9% listed 'to vote on new laws'.

On the other hand, 44% listed 'to solve people's problems', which might be linked to the fact that MPs often make promises to provide goods and services when electioneering, but which is too vague to be regarded as a correct answer. And it is noted that while 4% answered 'to hold the President and executive to account, only 2% mentioned representing the people and almost no one (6 respondents) mentioned passing the budget.

When asked what the role of the President is, 98% of respondents were able to provide at least one answer, the most common being:

- 62% answered that the President is the leader of the Nation.
- 25% replied that the President is the head of government.
- 23% stated the President is the head of state.
- 21% replied that the President's role is to promote the welfare of the citizens.

Only 2% did not know, indicating a good general understanding of the President's primary functions.

Slightly more than three-quarters of respondents (76%) were able to provide some explanation when asked what the role of the Ministers is:

- The most common answer was 'to implement government programmes (41%)'.
- 17% answered that they are the political heads of ministries.
- 13% answered that they make regulations.
- 12% answered that they put laws into effect.
- 12% (incorrectly) answered that they resolve disputes.

However, nearly a quarter of respondents (24%) did not know. As with knowledge of the three arms of government, those in urban areas (15%) were less likely to answer this way than those in rural areas (26%), while 31% of female respondents answered this way compared to 17% of males. Although this would suggest that more education is required for women and in rural areas, there is generally a lack of understanding and the percentage of respondents able to identify more than one role is very low.

Respondents fared far better when asked what the role of the courts is, with 98% able to provide an answer - 52% answering 'to resolve disputes', 47% 'to hear cases', 44% 'to punish offenders', and 23% 'to dispense justice'.

But when asked which is the highest court in the country, only 18% of respondents correctly answered 'the Supreme Court'. Men (24%) and those in

urban areas (31%) were more likely to answer correctly than women (13%) and those in rural areas (16%), while those in Kampala (40%), where the Court is based, were far more likely to know than any other sub-region in the country. A quarter (25%) did not know, with women (34%) more likely not to know than men (15%), whilst 43% incorrectly identified the High Court.

Similar low levels of knowledge were recorded when people were asked which courts deal with most of the criminal trials in Uganda - only 15% of respondents answering correctly 'magistrates courts'. Men (17%) were slightly more likely to answer correctly than women (13%), while 29% of women and 13% of men did not know, and while 44% of women and 38% of men incorrectly identified the High Courts. But although this does indicate a lack of detailed knowledge of the Magistrates' and higher courts' jurisdiction, it is not a major cause for concern since only those with actual experience of the courts could be expected to know this and similar results would no doubt be found wherever such questions are asked.

Understanding of the role of the courts when it comes to customary law was better and when asked which court deals with customary law disputes, 41% of respondents correctly answered 'Local Council Courts' (44% of men and 38% of women). A further 17% answered the magistrates' courts, which is correct too since these courts do deal with customary laws as both courts of first instance, and as courts of appeal from Local Council Courts. The percentage who did not know on the other hand was fairly high at 21%, with women (28%) again more likely to answer this way than men (15%).

Respondents were then asked what powers traditional leaders (or courts run by traditional leaders) have to deal with cases involving disputes in their areas. Relatively high levels of understanding that these have limited powers (20%) were recorded, while significant percentages stated that they deal with land (26%), customary law (19%) and inheritance (17%). Although land and inheritance matters are technically meant to be heard by Local Council Courts, in practice many communities rely on the traditional leader to resolve such disputes. Somewhat worryingly though, 16% reported they could deal with any matter referred to them (19% of men and 16% of women), while 23% simply did not know (28% of women and 18% of men). This is cause for concern since although traditional leaders play an important role in resolving disputes, the level of justice provided, particularly for women, and respect for human rights and the rule of law is often low. As a result, it is important for people to understand their powers and the limits on these.

To measure understanding of the different roles of national and local government, respondents were then asked:

- Which level of government makes laws that govern the whole country? More than three quarters (79%) correctly identified this as the role of national government (83% of men and 76% of women), while 13% incorrectly believed this to be the role of local government and 7% did not know.
- Who is responsible for deciding where a new road will be built in their community? Respondents seemed less sure of the answer to this, with

64% stating the local level, 31% central government, and 5% answering that they did not know. However, the question may have been misleading since it will depend on the nature and location of the road being built - national roads being decided by the national level – and not too much can be read into the replies.

- Who is responsible for developing policies to govern the oil sector? Two-thirds (66%) correctly identified the central government's role, while 13% answered the local level and 21% did not know. Men (73%) were more likely to answer correctly than women (60%), while more women (27%) were more likely to answer 'don't know' than men (15%).

This illustrates some understanding of the roles and functions of the two levels of government, although greater understanding might be required, particularly for women.

After being 'reminded' of what separation of powers means, respondents were then asked two questions about their perceptions of whether separation of powers and the rule of law are respected in practice:

- Do you think that the President complies with the rule that he should not tell Parliament what laws to pass or not to pass in practice? 46% answered that the President always or sometimes does, while 22% answered that the President does not, and 30% did not know. Technically, the question might have been confusing though: while the President may not order Parliament to pass a law, in practice the Executive does play a role in proposing and introducing legislation and not too much should be read into the replies.
- Do you think that the government respects and complies with the decisions of the highest courts in practice? Just over half (51%) felt the government complies with this always (31%) or sometimes (20%). 19% felt the government does not while 29% did not know.

Attitudes to separation of powers and rule of law

According to Afrobarometer, Ugandans in 2012 indicated a strong preference for the principles of separation of powers and checks and balances:

- 89% disapprove of the army coming in to govern the country.
- 93% disapprove of the president dissolving Parliament and eliminating elections to govern the country himself.
- 79% believe that the President should report regularly to Parliament on how government is spending money.
- 85% believe that Members of Parliament should make laws rather than the President.
- 73% think that the President must always obey the laws and the courts, even if he thinks they are wrong.
- 86% believe that there should be a two-term limit on the presidency.¹⁹

Nonetheless, the survey found that: 'Despite these preferences, Ugandans are considerably less satisfied with the reality of how such principles operate in practice in Uganda. 44% indicate that the president ignores courts and laws often or always. Likewise, 45% think that the President ignores Parliament often or always. These responses indicate that Ugandans espouse the principles of separation of powers and checks and balances, but recognise regular violation of these principles in Uganda'.

¹⁹ Citizen Perceptions of Democracy in Uganda: The Growing Gap Between Expectations and Realities (Afrobarometer Briefing Paper No. 111, January 2013) – pages 8-9.

e. Multi-party democracy

Round 5 of the Afrobarometer survey (2012) found high levels of support for multi-party politics amongst Ugandans (84% of respondents disapproving of a one-party system), but that 64% believed party competition often or always leads to violent conflict and 61% think opposition parties or supporters are silenced by government despite Uganda's commitment to multi-partyism.²⁰

Building on this, the current survey aimed to test knowledge and understanding of the system and its relationship to democracy by asking respondents to identify the advantages and disadvantages of the system. The most common answers were:

Table 6: Multi-party democracy – advantages and disadvantages

Advantages and disadvantages of multi-party democracy			
Advantages	%	Disadvantages	%
Improves performance of ruling party	34	Causes chaos	61
Creates competition	29	Leads to demonstrations	27
Provides alternative policies	23	Encourages corruption	14
Makes government more accountable	17	Encourages voter bribery	11
Allows more participation	16	Makes government difficult	8
Prevents one party domination	12	Divides the opposition	8

Responses indicate a very good understanding of the underlying rationale for multi-partyism, but as with the Afrobarometer survey, the list of disadvantages indicates that people still perceive the system as leading to chaos, disruption and corruption.

To further explore why multi-partyism is seen as problematic, respondents were asked about levels of tolerance in society and between political parties. In answer to the question 'why is it important for political parties to be tolerant of the views of other parties', 39% of respondents identified 'to prevent violence' (43% of men and 36% of women), 39% replied 'to prevent conflict' (41% of men and 37% of women), 22% answered 'to prevent war' (with no major differences between men and women) and 16% mentioning 'because everyone is entitled to their own opinions' (18% of men and 15% of women) as the major reasons. There were minor differences between rural and urban areas, but top three on the list show a clear understanding of the relationship between political intolerance and conflict. On the other hand, when asked whether parties are tolerant of other political parties in practice, only 51% answered 'yes' or 'sometimes', with 35% answering 'no' or 'hardly ever', which is clearly the reason why people identify conflict as one of the major disadvantages.

A similar picture emerged when respondents were asked why people need to be able to discuss their views and opinions with others - with 42% listing 'to prevent conflict', 37% 'to prevent violence', 16% 'to prevent war', and 24% stating that everyone is entitled to their own views and opinions. Although there were some differences between rural and urban areas, with those in urban areas more likely to identify to prevent conflict (49%) and violence (40%) than those in rural areas (40% and 36% respectively) and minor

²⁰ *Ibid*, page 6. In addition, there only 8% would prefer military control, and only 6% would prefer rule by the President.

differences between men and women, but the link between intolerance and conflict was again clearly made by most respondents. Responses were also a little more encouraging when respondents were asked whether people in Uganda are tolerant of the views of others, with 73% answering 'yes' or 'sometimes' compared to 19% answering 'no' or 'hardly ever' with virtually no differences between men and women or rural and urban areas.

Human rights and democracy

Respondents were also asked various questions to test their knowledge and understanding of human rights, including their civil and political rights. Although human rights are of course a critical component of democracy, the results of these questions are included in the section on human rights below.

How do Ugandans rate democracy in their country?

According to the 2012 Afrobarometer study, a majority of Ugandans (52%) believe that their country is a full democracy or a democracy with minor problems compared to 71% of respondents in the pre-election environment of 2011. In addition, Ugandans reported far less satisfaction with the way democracy works in their country in 2012 compared to 2011. When asked "how satisfied are you with the way democracy works in Uganda," 51% of Ugandans reported that they are fairly and very satisfied in 2012, compared to 70% in 2011.²¹

f. Ability to communicate with government and participate in decision-making processes

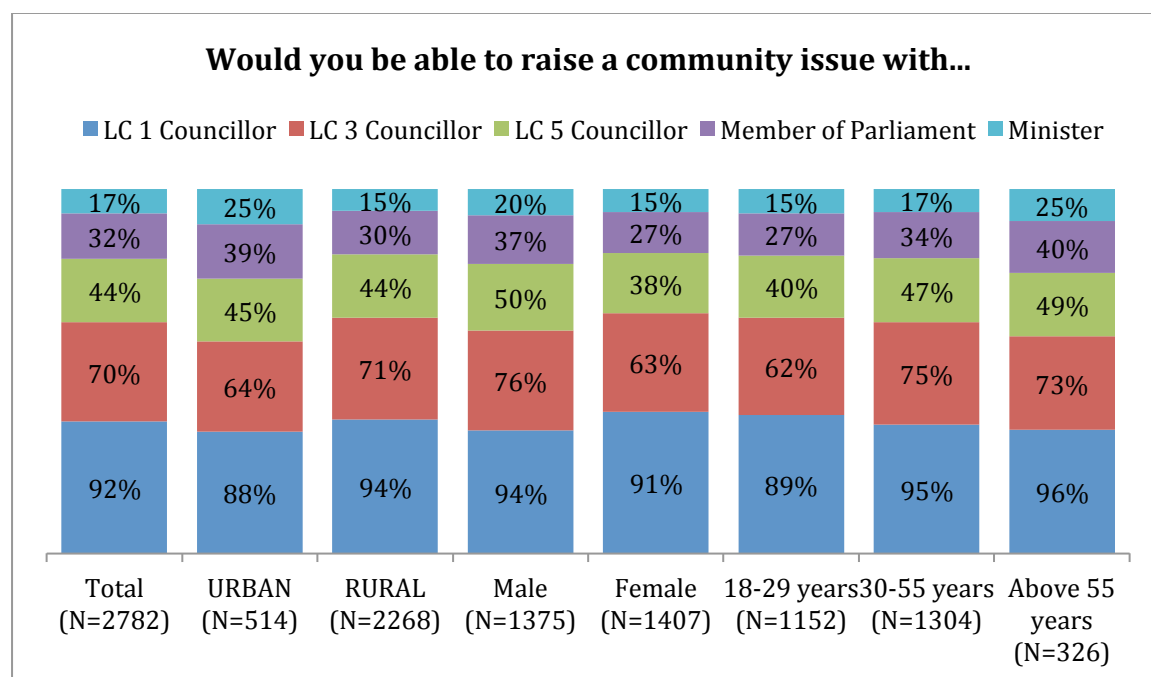
To test perceptions of their collective ability to communicate with elected leaders, respondents were asked how they would raise community issues with various levels of government, and whether they were confident that these issues would be considered when decisions were made. A steady decline was noted as the level of government increased when it came to confidence that people could raise community issues and that these would be considered, while there was a corresponding decrease in self-reliance and an increase in reliance on representatives as the level of government increased:

When asked if they would be able to raise a community issue with their Local Council 1 Councillors, almost all (92%) believed they would with minor differences between the major groups.²² This percentage dropped to:

²¹ Citizen Perceptions of Democracy in Uganda: The Growing Gap Between Expectations and Realities (Afrobarometer Briefing Paper No. 111, January 2013) – pages 1-2.

²² With such high percentages, differences between key groups will obviously be minor, although rural dwellers were slightly more confident (94%) than urban dwellers (88%), men (94%) slightly more confident than women (91%), while those older than 55 were slightly more confident (96%) than the youngest group between 18 and 29 (89%). It should be noted though that no elections for Local Council Level 1 or Level 2 have been held since 2002 and it is difficult to determine to what degree these remain functional. It would appear that, in some areas, the secretary and Chairperson remain in place and continue to operate despite the fact that the council no longer exists and that council or village meetings only occur on an ad hoc basis. However, this seems to differ from one area to the next.

- 70% for Local Council 3 Councillors, with men (76%) and those in rural areas (71%) more confident than women (63%) and those in urban areas (64%).
- 44% for Local Council 5 Councillors. People in urban and rural areas showed similar levels of confidence, although men (50%) were far more confident than women (38%).
- 32% for MPs. Men (37%) and those in urban areas (39%) were more confident than women (27%) and rural people (30%), but overall confidence levels were generally low.
- 17% for Ministers. Men (20%) and those in urban areas (25%) were more confident than women (15%) and rural people (15%), but overall confidence levels were also generally low.



When asked how they would raise their concerns and issues:

- At the local Council 1 level, the majority would raise the issue personally (93%), at a village meeting (27%) or by phone (10%), whereas only 17% would raise it through a representative.
- At Local Council 3 Level, 72% would raise the issue in person, 15% in a sub-county meeting, and 10% would raise their concerns by phone. However, 37% would raise the issue through a representative, while a further 22% would raise the issue through their Local Council 1 representative.
- At Local Council 5 level, 57% would raise the issue in person, 10% would raise it in a district meeting and 11% would raise their concerns by phone. 45% would raise the issue through a representative and 27% would use their Local Council 1 representative.
- For MPs, the percentages for those who would raise it personally dropped to 47% with a further 19% being prepared to raise the issue at a constituency meeting and 12% by phone. On the other hand, 44% would

use a representative, 27% a Councillor and 18% a Local Council 1 Councillor to raise their issues or concerns.

- When it comes to Ministers, the majority would use a representative (55%), Councillor (33%), MP (31%) or Local Council 1 representative (17%). Only 33% would raise the issue in person and 8% would try to raise it by phone.

When it comes to how confident people are that their issues will be listened to and considered:

- 85% of those who believed they could raise an issue at this level answered 'yes' and 11% 'sometimes' for the Local Council 1 Level. Men and women seem to share these views, with 85% of each group answering 'yes' and 11% of men and 10% of women answering 'sometimes'.
- For Local Council 3 level, 78% of both men and women who believed they could raise an issue at this level answered 'yes' and 16% sometimes, with men (16%) and women (15%) answering almost the same.
- At the Local Council 5 Level, only 69% of those who believed they could raise an issue at this level answered yes, with an additional 17% stating their concerns might sometimes be considered. Men and women were once again almost equally as confident, with 70% of men and 69% of women answering yes, and 18% of men and 16% of women answering sometimes.
- These figures dropped to 62% of those who believed they could raise an issue at this level answering 'yes' for MPs (63% of men and 61% of women) and 19% answering 'sometimes' (21% of men and 18% of women).
- Confidence was lowest for Ministers, with only 52% of those who believed they could raise an issue at this level confident that their concerns would always be considered and 22% answering 'sometimes'. Women (55%) were more likely to answer yes than men (50%), while more men (25%) answered sometimes than women (18%).

Although the responses might be skewed because some perceived the survey as being conducted on behalf of government, they do suggest that people find it far harder to reach higher levels of government themselves, it also indicates very good knowledge and understanding of the ability to have their voices heard by using representatives, including elected representatives at lower levels.

To test whether people put their knowledge and understanding to practical use during democratic decision-making processes, respondents were asked whether they had ever participated in a decision about how resources are allocated by the various levels of government. Very few had: 12% at Local Council 3 Level (17% of men compared to only 8% of women); 3% at Local Council 5 level (5% of men and 2% of women); 2% at a district budget consultation meeting (3% of men and 1% of women); and 1% of men and

women in decisions at the national level.²³ This is of course not uncommon and levels may even be quite high compared to other countries, but given such low levels of participation, it is hard to draw any conclusions from responses to subsequent questions about how people participated or whether they believe their views were listened to (although most of those who had participated felt their views had indeed been taken into account). On the other hand, the results do confirm that men are more confident than women to attempt to participate during such decision-making processes

Respondents were then asked how they might make their opinion heard if they disagreed with a policy or law (other than during an election). Although 19% did not know and 9% did not believe it was possible to disagree with government, there was some understanding of the formal processes for making one's opinions known - including by attending a community meeting (22%) or gathering (12%), approaching a court (12%) or organising a community meeting (9%). Women were far less likely to know what to do than men (24% of women answering this way compared to 14% of men) and those in rural areas (20%) less likely to know than men (14%), indicating the need for advocacy programmes to specifically target women and those in rural areas.

g. Summary of main findings

From the results of the survey, it would appear that basic understanding of the concept of democracy is relatively high, although the same levels of lack of understanding continue to be found when compared to previous surveys in 2000 and 2005. Understanding of the role and purpose of elections is good and most Ugandans participate in democracy at least in this respect. People's knowledge of who can stand for election is very good, as is their understanding of the barriers facing women in this regard.

On the other hand, while most people have heard of the Constitution and understand the basic premise that everyone must comply with it, levels of understanding of what it contains and deals with, and what happens when other laws go against the Constitution or Bill of Rights is not nearly as good. There is also some understanding of the basic tenets of the rule of law, although understanding of some of the specific issues related to the topic could be improved.

Similar results were found related to the concept of separation of powers: there is a good basic understanding of what the three arms of government are, but a significant percentage (38%) could simply not list any of the three arms and some confusion of the roles and functions of the legislature and ministers in particular. And while most people understand the role of the courts, knowledge gaps exist when it comes to the roles of the different levels of courts and the roles and, to some extent, the functions of local and national government.

²³ These figures can be compared to the Afrobarometer Round 5 Uganda Survey Summary of Results (2012), which found 14% of respondents had attended a Local Council 3 planning or budgeting meeting in the previous 12 months (page 91).

As found in previous surveys, Ugandans' knowledge of the values of multi-party democracy is very good and there is a high level of agreement on the benefits of this system. However, people continue to be concerned by the high levels of inter-party conflict, lack of tolerance and divisiveness of the system as it plays out in Uganda.

When it comes to making one's voice heard in periods between elections, most Ugandans have a very good idea of how to do so at the local level and are confident that they would be able to participate and that their voices would be heard and their opinions taken into account. This level of confidence diminishes as government gets further away from people, but that is the reality in most democracies, where people find it less easy to influence decision-making at the national level. And as in many other countries, merely knowing how to participate does not automatically translate into people actually participating *en masse*. As evidenced in the survey, most people do not actively engage in decision-making, even where the decisions at the local level will have a direct and relatively immediate impact on their lives.

As is often the case, knowledge and understanding is generally lower in rural areas than urban areas and women often showed lower levels of knowledge of democracy and confidence in their ability to participate in democratic decisions or to have their voices heard than men.

2. Rights, Justice and Peace

The objective for DGF's Component 2: Rights, justice and peace is 'the people of Uganda, especially the poor, vulnerable and women are empowered to claim their human rights, access justice and live in peace'. Component 2 also consists of three inter-linked and mutually supportive subcomponents with their own objectives:

Component 2 – Rights, justice and peace		
Sub-component	Objective	Outputs
1. Promotion and protection of human rights	Strengthening of the promotion and protection of human rights.	1. Gradual increase in outreach and national coverage of civic and human rights education. 2. Improve human rights monitoring and reporting by state- and non-state actors. 3. Stronger human rights actors, undertaking joint efforts for the promotion and protection of human rights.
2. Access to justice	Improvement of access to justice.	1. Legal aid services rendered available throughout the country. 2. Access to Justice improved especially for the poor, deprived and vulnerable people. 3. Transitional Justice Mechanisms related to justice enhanced.
3. Peace and reconciliation	Promotion of peace and national reconciliation.	1. Inclusive public policy making and programme implementation on peace and reconciliation. 2. Interventions and innovative approaches to promote peace and reconciliation are on-going in areas affected by conflict.

Issues addressed under this Component included knowledge and understanding of human rights; access to legal aid; and knowledge, understanding and perceptions of peace and reconciliation with a specific focus on the post-conflict situation in Northern Uganda.

a. Human rights

Awareness of the term 'human rights' is very high with 92% of respondents reporting having heard of the term before. There were slight, but not significant, differences between rural and urban areas (96% and 91% respectively) and men and women (94% and 90% respectively). Interestingly, differences were more pronounced at the sub-region level - the lowest percentages being Karamoja (71%) and West-Nile (72%) and the highest in Kampala and Ankole (both 98%) and Central (97%).

When those who had heard of the term were asked what 'human rights' means, 96% were able to provide at least one answer with the five most common responses being:

- Rights to do anything that I want to do (29%).
- The rights that we all have (28%) – more commonly mentioned in urban areas (38%) compared to rural areas (25%).
- Personal freedom (26%).
- Rights to express opinions freely (21%) – more common in urban areas (27%) than rural areas (20%).
- Basic rights (18%) – more often mentioned by urban people (20%) and men (19%) than those in rural areas (16%) and women (15%).

Of those who had heard of the term, 4% answered 'don't know' when asked what it means, while an additional 4% mentioned issues not covered by human rights. In total then, 2 455 respondents (88% of all respondents) were able to provide at least one suitable answer when asked to explain what human rights are.

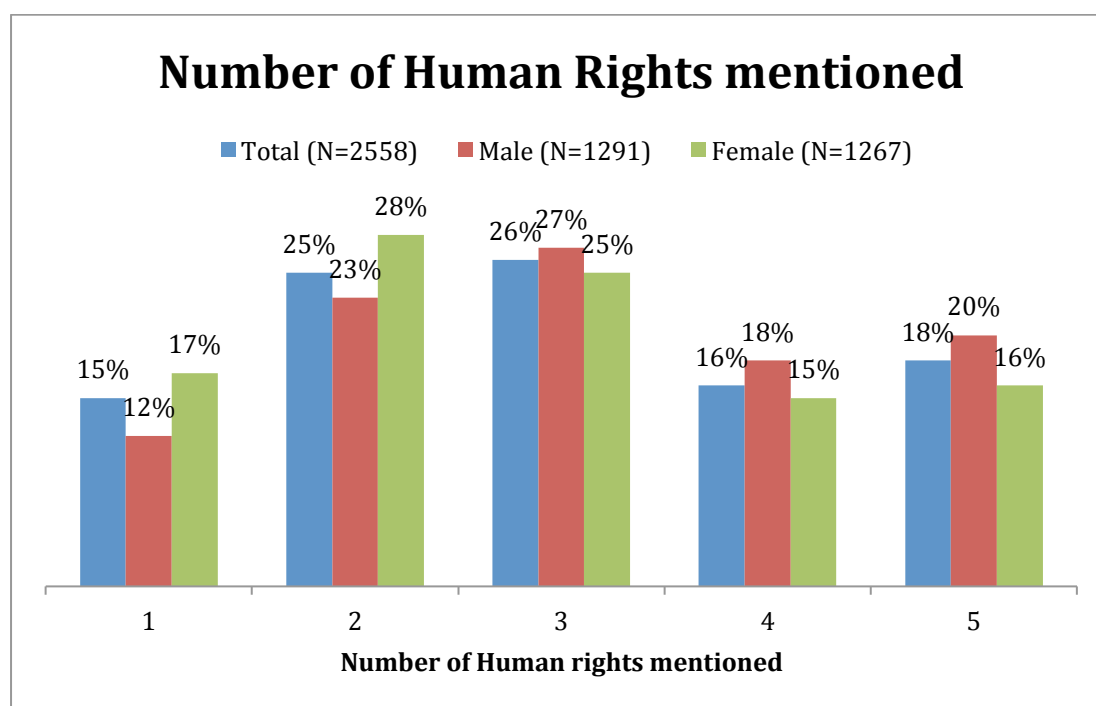
Other than where noted, there were minor but negligible differences between men and women. But although the responses indicate a fairly good basic understanding, the most common answer ('the right to do whatever I want') could be interpreted to show a lack of understanding of the responsibilities that come with human rights. This is not supported by responses to later questions around rights and responsibilities and instead, might suggest that respondents simply meant that human rights guarantee more freedoms than other systems.²⁴

²⁴ Interestingly, while there are no real differences between major groups, some sub-regions were far more likely to answer this way than others. For example, respondents in Kigezi (55%), Ankole (52%), Toro (43%) and Bunyoro (36%) were far more likely to answer that human rights means the right to do whatever one wants than those in West Nile (11%), Bukedi (11%) and Karamoja (13%). Other than that Kigezi, Ankole, Toro and Bunyoro are all in the Western region of Uganda, it is hard to know why this should be so.

Respondents who had heard of the term (2 558) were then asked to list up to five human rights. Of those who answered the question:

- 15% could only list one recognised human right.
- 25% could list 2 recognised human rights.
- 26% could list 3.
- 16% could list 4.
- Only 18% could list 5 or more rights.

As can be seen from the graph below, more men were able to list 3, 4 or 5 or more rights than women, with women more likely to only be able to list 1 or 2 than men:



The most commonly mentioned rights were:

- Right to life (41%) – 41% of men, and 42% of women.
- Right to education (28%), far more commonly mentioned in urban areas (40%) than rural areas (25%), and with men (31%) interestingly mentioning this more than women (25%).
- Freedom of conscience, expression, movement, religion, assembly and association (24%) – more commonly mentioned by men (28%) than women (19%).
- Rights of the family (23%) – more commonly mentioned in rural areas (24%) than urban areas (18%).
- Rights of children (19%), again more common in rural areas (20%) than urban areas (15%).
- Rights of women (18%). Perhaps unsurprisingly, women (24%) were twice as likely to provide this answer than men (12%).
- Right to vote (15%), more common amongst men (19%) than women (12%).
- Right to work (15%), more frequently mentioned by men (17%) than women (12%).

The following were hardly mentioned:

- Protection from slavery, servitude and forced labour (4%).
- Right to just and fair treatment in administrative decisions (3%).
- Rights of persons with disabilities (2%).
- Protection of the rights of minorities (2%).
- Right to culture (2%).
- Access to information (2%).
- Protection of the aged (1%).
- Affirmative action (1%).

It would thus appear that respondents have a much higher awareness and understanding of civil and political rights and those that affect their daily lives (such as the rights of the family, of women – at least amongst women - and to work) than of the rights of minority groups and more ‘technical’ rights like administrative justice and access to information. This is understandable, but it does suggest that less education is required on civil and political rights than on the rights of minorities and those supporting fairness and transparency in decision-making by government.

The survey then tested whether people understand one of the most basic principles of human rights – that they are universal. Respondents were asked what do they have to do to make sure their rights are respected and protected. Of the 87% of respondents who were able to answer, the following were the most common responses:

- Obey the law (33%) – 37% of men and 28% of women.
- Have a good relationship with other people (31%).
- Be aware of my rights (15%).
- Have a good relationship with the police (11%).
- Have a good relationship with administration (10%).
- Be educated (10%).

Thirteen percent of respondents did not know (17% of women and 10% of men) and only 7% provided the ‘correct’ answer (7% of men and 8% of women) – nothing has to be done and people have them from birth. However, this question was difficult to frame and it is possible that it was misleading in its final version. It is suspected that respondents may have interpreted it as if they were being asked what their responsibilities are (what they have to do or how they have to behave). Seen through this lens, the answers show a fairly good understanding amongst all groups that if one wants to claim one’s rights, one must obey the law, not violate the rights of others, and be aware of the rights to which one is entitled. This is supported by the responses to specific questions on rights and responsibilities that follow:

Rights of arrested and accused people

The survey included specific questions on the rights of arrested and accused people. When asked what rights a person has on arrest, respondents most commonly mentioned:

- To be told immediately the reasons for the arrest (45%).
- Not to be tortured (29%).

- To notify their next of kin (15%).
- To be brought to court within 48 hours (14%).
- To be told of their right to a lawyer (11%).
- To apply for bail / be visited by family (8% each).

On average, 16% of respondents did not know, with women (21%) and those in rural areas (17%) most likely to answer this way. At the sub-regional level, those in Toro (38%) and Bunyoro (36%) were also far more likely to answer 'don't know' compared to the rest of the country.

When asked what rights a person charged with a criminal offence has, the most common answers were:

- To be informed immediately what they have been charged with (25%).
- To be present in court (21%).
- To call witnesses (19%).
- To be given enough time to prepare for the trial (16%).
- To be presumed innocent (11%).

However, more than a quarter (28%) did not know, with women (39%) the most likely to answer this way. At the sub-regional level, extremely high levels of lack of knowledge were found in West-Nile (53% answering 'don't know' compared to the national average), Toro (52%) and Bunyoro (48%). This can probably be attributed to limited access to justice and legal aid initiatives in these areas, and partly because it is only recently that organisations have begun focusing on the oil-rich sub-regions of Bunyoro and Toro.

Knowledge of the right to legal aid at state expense was also extremely low, with a mere 6% of respondents correctly answering that legal aid is only available to those facing a possible death penalty or life imprisonment. 61% incorrectly believe it is available in all cases, while 26% believe it is never provided at all.

Understanding that paying bail does not amount to an acquittal was generally high at 75%. This question was included to test people's understanding of what bail is, but was also intended to see whether misunderstanding of bail might be a contributing factor to mob-justice, since if people believe someone who has paid bail has been acquitted, it might explain why they take the law into their own hands. Given the high levels of understanding, it is clear that this alone would not account for incidents of mob justice and that issues such as the time taken to finalise trials, lack of confidence in the police and prosecutors to secure convictions, and lack of understanding of the presumption of innocence may also be contributing factors and that a separate research study into the issue might be required.

Almost two-thirds (64%) of respondents understood that someone who disagrees with the decision of a court may appeal to a higher court (although 22% believed nothing could be done).

Rights and responsibilities

To measure whether people understand that human rights are accompanied by responsibilities, respondents were asked to list what they understand to be their duties and responsibilities to the country as a whole. A large percentage were able to offer at least one answer (95%), and the most common responses were:

- To engage in gainful work (34%).²⁵
- To be a responsible parent (31%), more commonly mentioned by women (34%) than men (28%).
- To contribute to the well-being of your community (25%), more commonly mentioned by men (27%) than women (23%).
- To live in harmony with others (24%).
- To vote in elections (20%: 22% of men and 18% of women).
- To contribute to national development (20%).²⁶

As to whether people comply with these responsibilities, 49% said to some extent, 21% said absolutely and only 2% said not at all.

The issue was further explored by asking people what responsibilities attach to the right to life and the right to be free from discrimination:

- When asked what the right to life means for how one should treat others, the most common answers were:
 - Not to kill other people (50% of both men and women).
 - To protect other people (40% nationally: 42% of males and 37% of females).
 - To abide by the laws of the country (19% nationally: 21% of males and 18% of females).
- When asked what the right to equality and to be free from unfair discrimination meant for how they should treat other people:
 - 57% answered they should treat other people fairly (59% of males and 55% of females).
 - 39% answered they should not treat others unfairly (41% of men and 37% of women).
 - 25% said they should not discriminate against other people (the same percentage for both men and women).

All of these responses indicate a basic understanding that one has a responsibility not to violate the law or other people's rights if one wants to claim rights for oneself, and that citizens have democratic responsibilities to vote and contribute to national development too.

²⁵ More commonly mentioned in rural areas (35%) than urban areas (27%)

²⁶ More commonly mentioned in urban areas (26%) than rural areas (19%) and by men (22%) than women (18%).

Limits on rights

To measure whether rights might sometimes be limited, respondents were first asked what they understood by the right to freedom of expression. The most common responses were the right to say whatever one wants (62%) or believes (32%), indicating fairly high levels of understanding of what the right entails. With this in mind, respondents were then asked whether freedom of expression meant the media could say whatever they chose about government or whether there were limits to the right:

- 47% said they could not say anything that would endanger the government (35%) or that government did not want them to say (12%).²⁷
- 26% believed there were no limits on the right and the media could say what they liked.
- 15% said they could say what they liked, provided it was true.

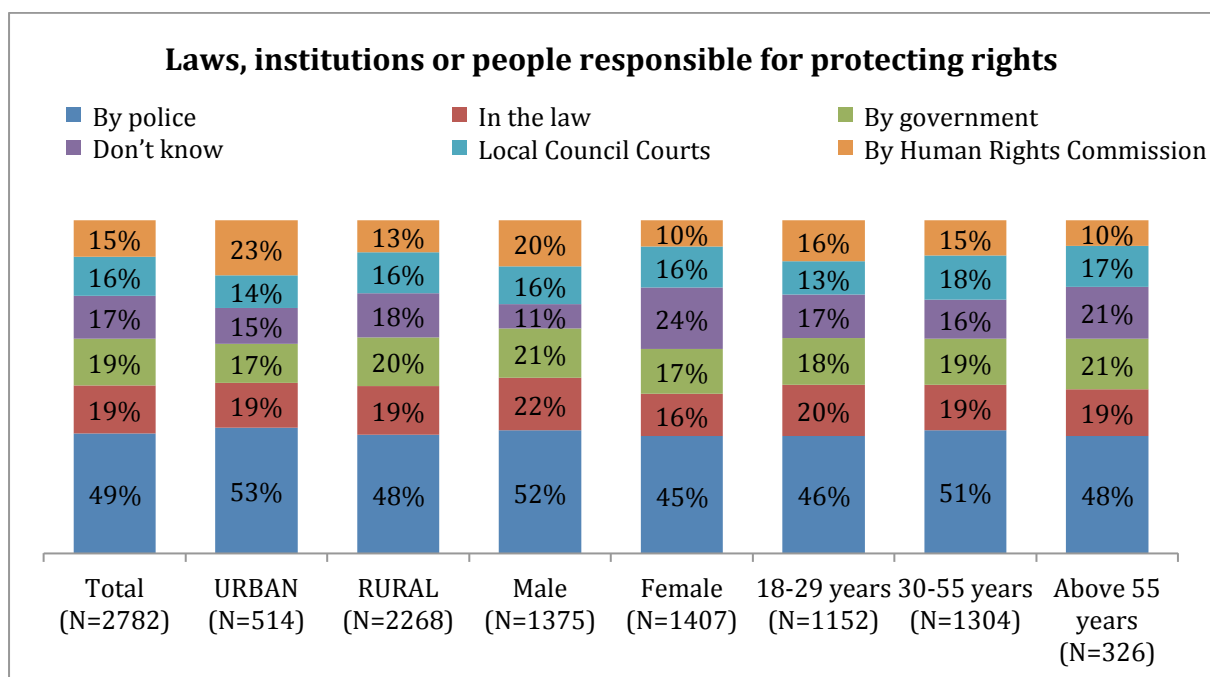
This indicates some understanding that human rights may legitimately be limited at times – such as when information might endanger the state or is defamatory – but it also suggests a fairly widely held perception that government may choose what information to limit, and a misconception on the other end of the spectrum that the right is one that cannot be limited.

Protecting human rights

Respondents showed some understanding of what institutions or laws protect human rights in Uganda, with 83% able to provide an answer - the five most common responses being:

- By the police (49%).
- By the law (19%).
- By government (19%).
- By Local Council Courts (16%).
- By the Uganda Human Rights Commission (15%).
- In the Constitution (9%).

²⁷ These figures appear to contradict findings by Afrobarometer in the Round V survey of 2012 (*Citizen Perceptions of Democracy in Uganda*, page 8), where 57% agreed that the media should have the right to publish any views and ideas without government control (emphasis added). However, the question asked by Afrobarometer differs somewhat in that it asks whether the media should be able to publish whatever they choose, whereas the question in the current survey focused on whether the right can be or is limited in practice. The difference is slight, but important. In addition, the current survey was held during a period beginning in May 2011 and continuing where the President has referred to the media as an 'enemy' of the state, which might also have affected people's perceptions of media freedom.



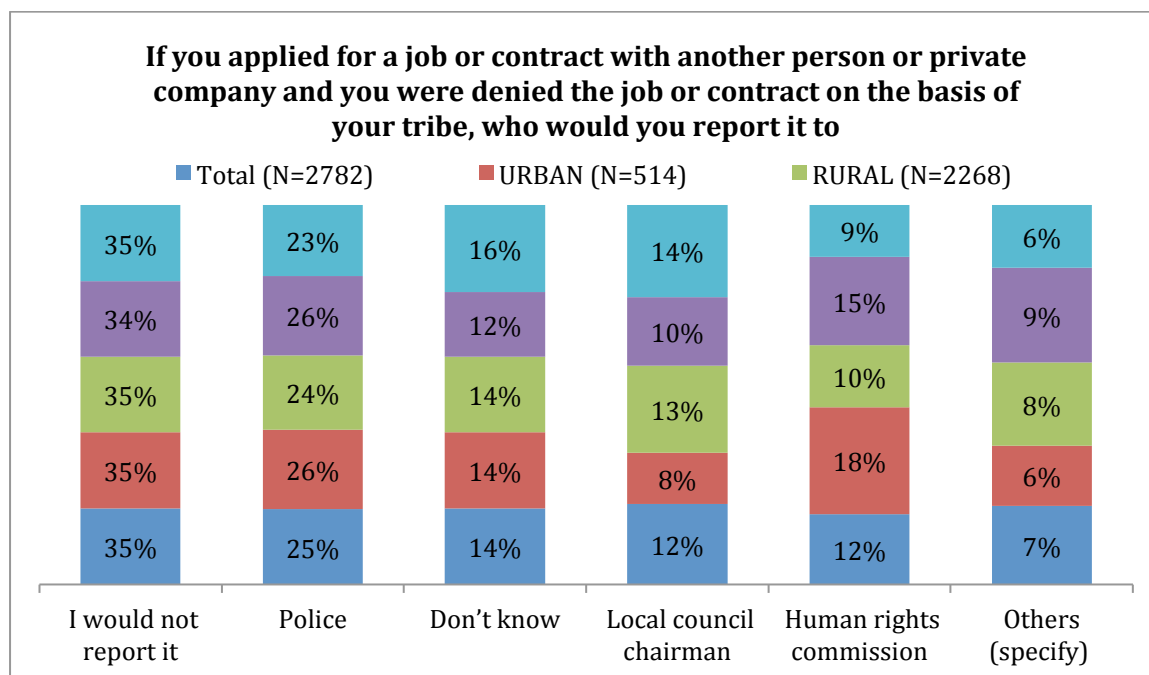
The low percentages of people identifying the UHRC and the Constitution, coupled with the fact that 17% answered 'don't know' (24% of women answering don't know compared to 11% of men), suggests a need for greater knowledge and understanding in this area of how human rights are protected.²⁸

A follow up question was then asked later in the survey: after 'reminding' respondents that the Constitution protects human rights by including them in the Bill of Rights and other parts of the Constitution, respondents were then asked whether they knew of any other laws that protect human rights in Uganda. Almost three-quarters (72%) answered either 'no' or 'don't know' (40% of women answering don't know compared to 31% of men). The next most common answers were the Police Act (9%), the UHRC (7%) and international laws (5%), once again indicating a general lack of understanding in this area.

Respondents were then asked where they would report discrimination on the basis of tribe when applying for employment in the private sector:

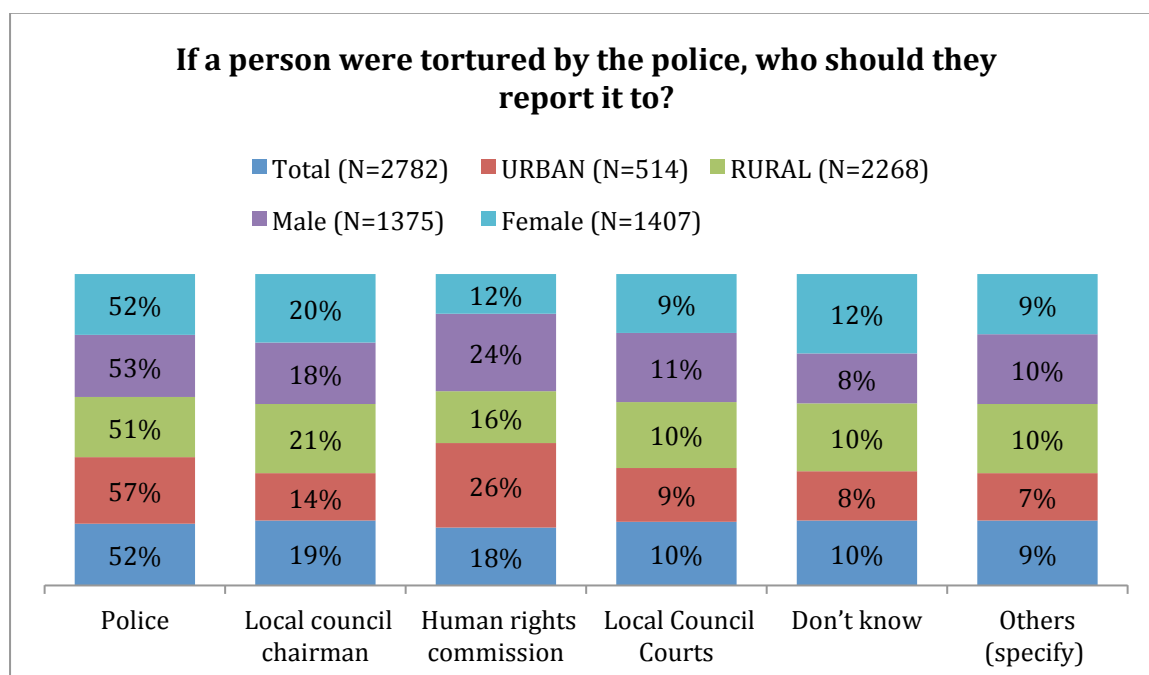
- 35% would **not** report it, which might mean that people do not understand the right to non-discrimination or that some find it to be acceptable.
- 25% would report to the police.
- 14% did not know (16% of women compared to 11% of men).
- 13% to the Local Council Chair - more favoured by rural respondents (13%) and women (14%) than urban (8%) and men (10%).
- 12% to the UHRC - more favoured by urban respondents (18%) and men (15%) than rural (10%) and women (9%).

²⁸ Karamoja registered the highest percentage of those who don't know (43%), and there were more women than men who answered this way (24% and 11% respectively).



When asked where they would report torture by the police:

- 52% would report it to the police.
- 19% to a Local Council Chair.
- 18% to the UHRC – far more commonly mentioned by men (24%) and those in urban areas (26%) compared to women (12%) and those in rural areas (16%).
- 10% to a Local Council Court.
- 10% did not know (12% of women and 8% of men).²⁹



²⁹ When asked whether any action would be taken by against the torturers, 60% answered 'yes' and 25% 'sometimes'. Only 5% answered 'no' and 3% 'hardly ever'.

This indicates some understanding of torture as a criminal offence and that it amounts to a human rights violation, but once again, it would appear more knowledge is required on the institutions and laws that protect human rights in Uganda.

b. Legal Aid

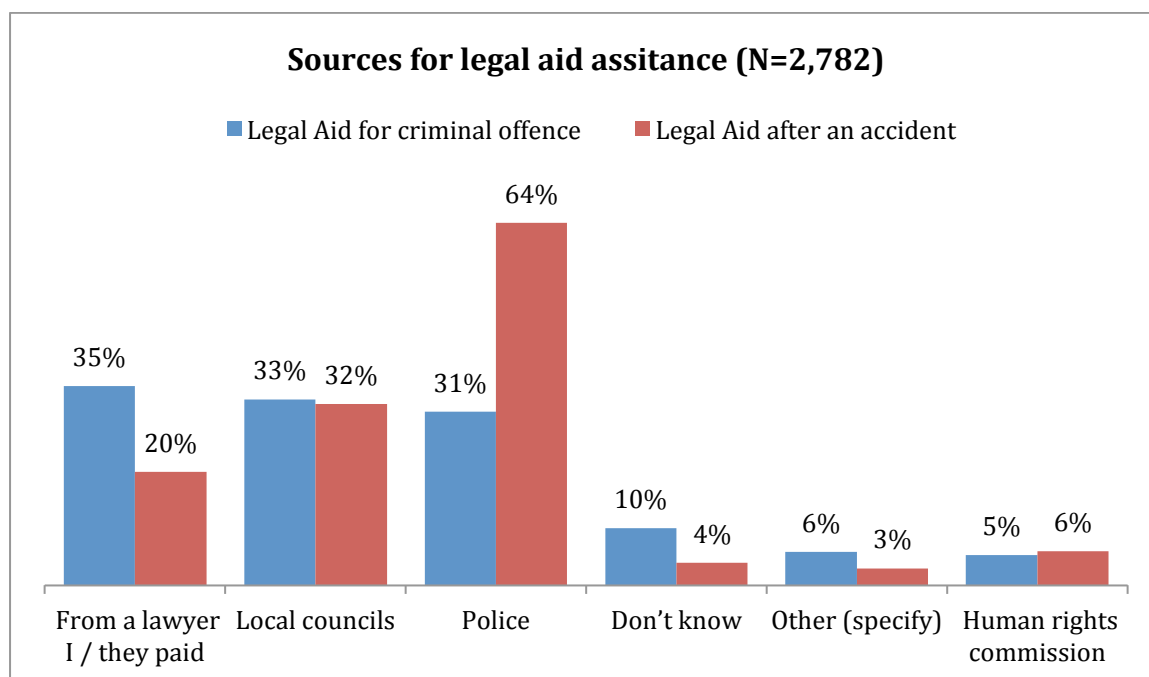
As previously noted, the right to legal aid and assistance at state expense in Uganda is limited by Article 128 (2) (e) of the Constitution to only those charged with an offence that carries a sentence of death or imprisonment for life.³⁰ And as indicated earlier, knowledge of this was very low, with only 6% of respondents answering correctly. 61% incorrectly believe it is available in all cases, while 26% believe it is never provided at all.

Although a State Legal Aid Scheme and Board is included in the draft Legal Aid Policy that is close to adoption, most people therefore need to look elsewhere when requiring legal aid, advice and assistance. To determine where they would turn, respondents were asked first where they would seek assistance when charged with a criminal offence. More than one-third (35%) would rely on a lawyer paid for personally - far more common among urban dwellers (52%) and men (41%) than rural people (31%) and women (30%) - while 33% would turn to their local council (more common with rural populations than urban at 35% and 22% respectively), and 31% would look to the police to assist.

Only 4% would look for a state funded lawyer under the state Brief scheme, and only 5% would think of asking an NGO or Justice Centre for advice or assistance when charged with a criminal offence. Interestingly, only 4% of those in Kampala (where most NGOs are concentrated) would seek the help of an NGO or Justice Centre, while 22% of respondents in Karamoja would do so. One-tenth (10%) would simply not know where to look, with 9% of men and 12% of women answering 'don't know'.

If injured in an accident, 64% of respondents would look to the police to help them recover their damages. 32% would look for assistance from a local council, while 20% would rely on a lawyer and only 3% would approach an NGO or Justice Centre.

³⁰ At present, this assistance is provided through a State Brief scheme managed by the Judiciary, under which lawyers are provided to those charged with capital offences.



Respondents were then asked if they or a family member had required legal assistance in the previous two years. Only 10% answered yes to the question and, of these, the majority of cases were civil disputes (52%). Most reported that they or their family member had relied on a lawyer (48%), while only 3% relied on an NGO or Justice Centre. Again, those in Karamoja (19% of respondents) would choose this as option compared to only 4% in Kampala, where most NGOs are based and operate.

Fairly high levels of satisfaction with the services provided were reported (62%), but given that most people relied on lawyers, this doesn't really help to determine levels of satisfaction with other service providers.³¹

c. Peace and reconciliation

Beginning in 1986, Northern Uganda experienced one of Africa's most protracted armed rebellions, lasting for more than two decades, between the Lord's Resistance Army (LRA) and the Government of Uganda.³² The war in Northern Uganda had its epicentre in the Acholi sub-region but later spilled

³¹ The survey team was also asked to attempt to determine levels of satisfaction with the services provided by NGOs receiving support from the DGF. Unfortunately, so few people had used these (only 11 had used an NGO and 11 a Justice Centre), that it is impossible to determine anything from their responses.

³² The conflict began with the Uganda National Liberation Army (UNLA) and the Uganda People's Democratic Army (UPDA) in 1986, but Joseph Kony founded what later became known as the LRA in November 1987. For details of the history of the Northern Uganda conflict, see Zachary Lomo & Lucy Hovil, *"Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda"* Refugee Law Project Working Paper No. 11 (2004). Joseph Kony has also been linked to the Holy Spirit Movement – another rebel outfit headed by Alice Lakwena that operated around the same time, but was defeated in 1987.

into the Lango and Teso sub-regions and also affected West-Nile, leading to significant population displacement (around 1.8 Million people in Internally Displaced Peoples' Camps), a breakdown in social infrastructure, severely weakened governance structures and service delivery, and asset depletion.

Although the Juba Peace Process ended in 2008 before a comprehensive peace agreement was signed, the talks did produce a number of agreements, including on the cessation of hostilities, comprehensive solutions to the conflict, and accountability and reconciliation. Since then, the LRA has withdrawn from Northern Uganda, although it continues to operate in the DRC, South Sudan and the Central African Republic.

In December 2003, whilst the conflict still raged, President Museveni referred the situation to the International Criminal Court (ICC). Following investigation, the ICC issued arrest warrants for the LRA top commanders in 2005, although they have yet to be executed since the LRA leadership is essentially either in hiding or deceased.³³ The role of the ICC in Uganda remains controversial though - critics point to the lack of prosecution of government actors as a sign of partiality, and argue that the ICC arrest warrants threatened the peace process. Supporters of the ICC's intervention on the other hand argue that it renewed focus on the conflict and placed pressure on the LRA to seek a negotiated settlement.

In addition to the ICC, efforts to provide transitional justice have included the establishment of a JLOS Transitional Justice Working Group by the Government of Uganda, progress towards the development of a national transitional justice Policy Framework, the enactment of the International Criminal Court (ICC) Act, the establishment of the International Crimes Division (ICD) within the High Court, and the commencement of the trial of LRA's Col. Thomas Kwoyelo. The establishment of a National Peace Building Platform at the Office of the Prime Minister, charged with developing a national peace policy, is also seen to be an indicator of government commitment to the process. However, the country continues to grapple with developing a comprehensive transitional justice mechanism that satisfies the needs and meets the expectations of all stakeholders.

To test levels of satisfaction of war-affected communities with both formal (ICC, ICD, Truth and reconciliation) and informal (traditional) transitional justice processes, respondents were asked a series of questions around their knowledge, perceptions and understanding of the transitional justice process and key role players in Northern Uganda.

Knowledge of the ICC and ICD

Knowledge of the ICC and ICD at the national level is very low, with only 53% of respondents having heard of the ICC, and only 10% knowing of the ICD. Urban dwellers (71%) and men (65%) were considerably more likely to know of the ICC than those in rural areas (49%) and women (41%). And while

³³ Two of those to be arrested under the warrants, Vincent Otti and Raska Lukwiya, have died in the interim.

knowledge of the ICC was generally low across all groups, those in urban areas (17%) and men (13%) were once again more likely to have heard of it than those in rural areas (8%) and women (7%).

It is interesting to note that of the four sub-regions most directly affected by the conflict.

- Respondents in Lango (69%) and Acholi (79%) were far more likely to know about the ICC than the national average of 53%. The finding in Acholi is in fact an improvement from the 2010 University of California, Berkeley school of law survey, where 59% of the population in Acholi sub-region had heard about the ICC.³⁴ And knowledge of the ICC in Lango and Acholi is also consistent with the fact that these areas were the most affected by the conflict, and the ICC concentrated their outreach activities and those of the Victims Trust Fund in these sub-regions, as did NGOs working on the issue (such as the ICC coalition).
- Those in Lango (14%) and Acholi (25%) were also more likely to know about the ICC than the national average of 10%. This is quite possibly linked to the fact that these sub-regions were most affected by the conflict and had the greatest concentration of victims, who would of course have high levels of interest in the justice mechanisms being implemented. It is also noted that the ICC held some of its sessions in Gulu (in the Acholi sub-region) that were open to the public to attend.

Those in Teso (42%) and West-Nile (43%) on the other hand were **less** likely to have heard of the ICC when compared to the national average. And those in West-Nile (11%) were only slightly more likely to have heard of the ICC, and those in Teso (1%) were less likely to have heard of the ICC than **anyone** other than people in Toro.

Satisfaction with the role players

Of those who had heard of the **ICC** (1 474 respondents), the majority (64%) were satisfied with the role it is playing in promoting peace and justice in Northern Uganda.³⁵ Men (68%) and those in urban areas (66%), perhaps linked to the fact that they are more aware of the ICC than others, were more likely to reflect some level of satisfaction than women (59%) and those in rural areas (59%). Overall, 11% were not very satisfied and 4% not at all satisfied, although 21% (more than one-fifth) could not answer, with women (29%) most likely not to be able to answer.

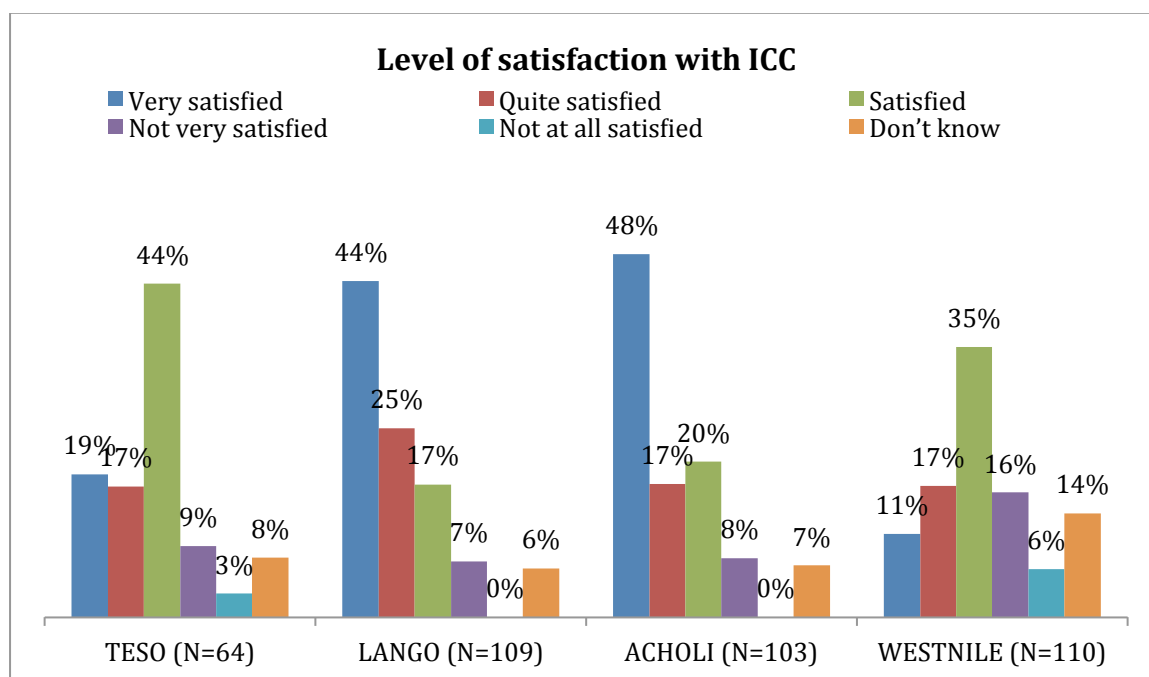
Results in the four sub-regions varied, with levels of satisfaction higher in Lango and Acholi compared to those in Teso and West-Nile, perhaps indicating that the more people understand about the ICC, the more likely they are to record higher levels of satisfaction:

- 86% of those in Lango indicated satisfaction, with 44% very satisfied, 25% quite satisfied and a further 17% satisfied.

³⁴ Transitioning to Peace: A Population-Based Survey on Attitudes About Social Reconstruction and Justice in Northern Uganda (Human Rights Centre, University of California, Berkeley School of Law -2010) Page 42. The study focused on Acholi only.

³⁵ 19% were very satisfied, 20% quite satisfied, and 25% satisfied.

- 85% of respondents in Acholi indicated some level of satisfaction, with 48% very satisfied (the highest of any of the sub-regions), 17% quite satisfied and 20% satisfied. These figures suggest that satisfaction levels have improved somewhat since the 2010 University of California study in Acholi, detailed in the footnote below.³⁶
- Although 80% of respondents in Teso indicated some level of satisfaction, most of these (44%) reported to be 'satisfied'. Only 19% were 'very satisfied', while 17% were 'quite satisfied'.
- Only 63% of respondents in West-Nile indicated any satisfaction, with most of these only 'satisfied' (35%). Only 11% were 'very satisfied' and 17% 'quite satisfied', while 16% were not satisfied and 6% not at all satisfied.



Of those who had heard of the ICD (only 280 respondents), the majority (65%) indicated some level of satisfaction with the role it is playing in promoting peace and justice in Northern Uganda.³⁷ Again reflecting greater awareness of the ICD, urban dwellers (71%) and men (66%) were more likely to express some level of satisfaction than those in rural areas (61%) and women (59%). 10% were not very satisfied and 6% not at all satisfied, although 21% (more than one-fifth) could not answer.³⁸

³⁶ During the study in 2010, 36% of respondents in Acholi believed it had an impact (negative and/or positive), most of those citing that it had helped to chase the LRA away (38%) and contributed to physical security (30%). A follow-up question showed that less than half of respondents believed the ICC had helped the general situation in northern Uganda (43%). *Ibid.* Page 43.

³⁷ 18% were very satisfied, 25% quite satisfied and 22% satisfied.

³⁸ High levels of satisfaction with the role of the ICD were recorded in Acholi (82% showing some level of satisfaction, with 55% very satisfied). However, given how few people were aware of the ICD, not too much can be read into these results.

Satisfaction levels with the role being played by **NGOs** in promoting peace and justice were relatively high nationally, with 61% indicating some level of satisfaction.³⁹ Men (67%) were more satisfied than women (56%). However, 28% were unable to answer the question. Once more, those in Lango (98%) and Acholi (97%) were most likely to show some level of satisfaction, while those in West-Nile (69%) and Teso (59%) were less likely – although levels of satisfaction in both of these areas is still above or close to the national averages.

A large percentage of those surveyed nationally (38%) were not able to rate the role **traditional institutions** were playing, with a further 5% answering that they had never heard of them. Only 46% were satisfied to some degree with their role, while 12% were not very, or not at all, satisfied.⁴⁰ There were differences between men (51%) and women (42%), and respondents in Teso (41%) and West-Nile (50%) were almost as likely to indicate satisfaction, while 91% of those in Lango, and 97% of those in Acholi showed very high levels of satisfaction. The highest level of satisfaction anywhere in the country were found in Acholi and Lango, with 52% of respondents in the former and 33% in the latter reportedly very satisfied with the role traditional institutions are playing, which may be because the most active traditional institutions are found in Acholi and Lango.⁴¹

Levels of satisfaction with the role played by **government** in promoting peace and justice were highest when compared to other roleplayers, with 71% of respondents nationally satisfied to some degree.⁴² There were only slight differences between men (73%) and women (69%) when it comes to levels of satisfaction, although those in rural areas (72%) are considerably more satisfied than those in urban areas (61%). Only 14% were either not very satisfied or not at all satisfied. Both Lango and Acholi recorded 91% levels of satisfaction, with West-Nile (78%) and Teso (61%) not quite as satisfied.⁴³

Reconciliation or punishment?

Respondents were asked to choose who they would prefer to deal with the perpetrators of violent conflict in Northern Uganda from the following list:

- ICC.
- ICD.
- Truth and Reconciliation Commission (TRC), even though it doesn't exist yet)
- Traditional justice systems / mechanisms.
- The ordinary courts.
- Army courts.

³⁹ 19% were very satisfied, 18% quite satisfied and 24% satisfied.

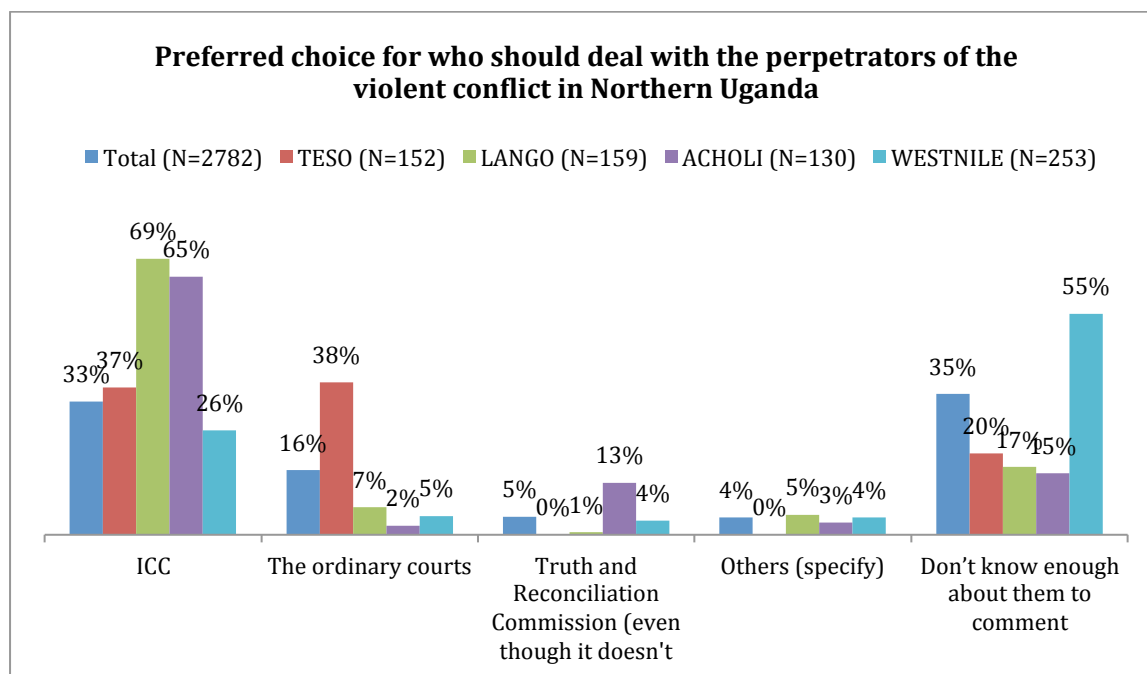
⁴⁰ Only 10% were very satisfied, 14% quite satisfied and 22% satisfied.

⁴¹ For example, the well publicised Ker Kwaro institution conducts the Mato Oput process in the Acholi sub-region

⁴² 21% were very satisfied, 21% quite satisfied and 29% satisfied.

⁴³ Those rating themselves as 'very satisfied' were again highest in Lango and Acholi (37% and 35% respectively) compared to any of the sub-regions in the country.

Although 35% of respondents did not know enough about these to comment, 33% would prefer the ICC to deal with them, followed by 16% who would prefer them to be dealt with by the ordinary courts. Traditional institutions (2%) and a TRC (5%) were hardly mentioned at the national level, and only Acholi seemed to show any real support for the TRC at all (15%).



Echoing their earlier support for the ICC, those in Lango and Acholi were far more in favour of the ICC playing this role (69% and 65% respectively) than the national average, and even those in Teso (37%) showed relatively high levels of preference for the ICC (although 38% preferred the ordinary courts). Although only 26% of respondents in West-Nile preferred this option, it should be noted that 55% of them did not know enough about any on the list to comment.

When asked why they had chosen the particular role player, most respondents pointed to their credibility, international recognition and the trust of the community. But the question had been included mainly as a way of testing whether respondents preferred perpetrators to be punished for their actions or some form of reconciliation process. Interestingly, the same percentage (9%) was recorded for both punishment and reconciliation nationally. But when the sub-regions are considered, 'punishment for perpetrators' seems to have played a more determining role for respondents in Teso, Lango and Acholi when selecting their preferred role player than average. And only in Teso (compared to other sub-regions in the north) did reconciliation seem marginally more popular than punishment.⁴⁴

⁴⁴ 60% of respondents in West-Nile replied 'don't know' when asked why they had made their choice, rendering it impossible to draw any conclusions from their reasons for selection.

Table 7: determining factors in selection of role players to deal with perpetrators

Selection of role players - Determining factors			
Determining factor	Teso	Lango	Acholi
Punishment for perpetrators	14%	25%	30%
Reconciliation	16%	13%	24%

In all of the sub-regions though, issues of credibility, trust of the community and independence were just as likely, if not more so, to play a determining role as those of punishment and reconciliation for why people selected their preferred role player.

Note

These findings differ somewhat from the University of Berkeley study, which found that the majority of respondents preferred amnesty over prosecutions, and trials by Ugandan courts over trials by the ICC.⁴⁵

Respondents were then asked who they would prefer to deal with perpetrators of violent conflicts in other parts of the country. More than a third (35%) did not know enough to answer (42% of women). Of the 65% who answered the question, the two most popular choices were again the ICC (33%) and the ordinary courts (16%). The ICC is considerably more popular amongst men (42%) and urban dwellers (42%) than women (25%) and rural dwellers (32%), while women (18%) and rural dwellers (17%) seem slightly more in favour of the ordinary courts than men (15%) and urban dwellers (12%) – perhaps again indicating higher knowledge and awareness of these, especially the ICC, amongst urban dwellers and men than women and those in rural areas.

When asked why they selected the institution they chose though, the same percentage of respondents identified punishment to those who identified reconciliation (5%). Issues of credibility (16%) and trust of the local communities (14%) again seem to have been much greater determining factors.

These results also indicate a shift in attitude from when the conflict was still ongoing, where there was more support for amnesty and reconciliation as a means to ending the conflict, to more support for punishment now that the conflict is over.

d. Summary of main findings

Although most people had heard the term ‘human rights’ before, levels of understanding of what the term means are considerably lower. Awareness, knowledge and understanding of civil and political rights is generally better

⁴⁵ *Ibid*, page 41. Respondents in the study were asked to choose one of four options: amnesty, trials, a truth commission, or traditional ceremonies, 45% favoured peace with amnesty compared to peace with a truth-seeking mechanism (32%), peace with trials (15%), or peace with traditional ceremonies (8%). When given options only for the preferred method of prosecuting the perpetrators, the highest proportion favoured trials held in Uganda by Ugandan courts (35%) over trials abroad by an international court (28%), trials in Uganda by an international court (22%), or no trials at all (15%).

than the rights of vulnerable groups and cultural and socio-economic rights (other than the right to work), which suggests that this is where education campaigns should focus. Although there is some understanding of responsibilities attaching to rights, when it comes to laws and institutions protecting human rights, including the UHRC, levels of knowledge and understanding are very low and this too should be highlighted in future education campaigns – including by the UHRC itself.

Knowledge of the rights of arrested and accused people could also be improved, including the right to legal aid and who qualifies for this in criminal trials. Knowledge and understanding of legal aid in civil matters, and especially of the role of NGOs providing legal aid and assistance in both civil and criminal matters is also very low, which would suggest those providing such services need to make a concerted effort to raise awareness and understanding of the services they offer and how to access these. Very few have used the services of NGOs in this regard and so it is difficult to measure how accessible and available these are or how people rate the assistance they provide.

Although knowledge of the ICD is extremely low, the ICC is fairly well known across the country. Knowledge of both is much higher in those sub-regions on which education and awareness have focused (Acholi and Lango) than in the two other sub-regions directly affected by the conflict in Northern Uganda, both of which know less about the ICC and ICD than any other sub-regions in the country. Linked to this, those in Acholi and Lango were also more likely to express satisfaction (and perhaps even increased satisfaction) with the role they are playing than those in Teso and West-Nile. This would seem to indicate that more effort needs to be focused on these areas as a matter of priority.

In fact, levels of satisfaction with all role players, including NGOs, government and traditional institutions, is very low in Teso and West-Nile generally – not only when compared to the other two sub-regions, but when compared to the rest of the country as a whole. Although there is nothing in the survey to prove this categorically, the suggested link between education and awareness and levels of satisfaction might also indicate a loss of interest when regular education and information is not provided.

When it comes to what type of resolution is required – amnesty / reconciliation or punishment – there is clear support for the ICC and ordinary courts to deal with perpetrators, which would suggest that most people would prefer there to be some form of trial and punishment. However, not too much can be read into the fact that very few respondents preferred traditional institutions or a TRC process, since these are less well known generally, and the latter does not yet exist. As a result, it is to be expected that more well-known institutions would be preferred, which is borne out by the fact that punishment and reconciliation featured equally as determining factors for why institutions were chosen. As a result, those working in this area might need to consider more detailed research on this issue in future.

However, it must be pointed out that women and people in rural areas appear to be far less knowledgeable of human rights generally than urban dwellers and men, and women appear far less well informed of the transitional justice processes and role players in Northern Uganda - which would indicate clearly where additional focus needs to be made.

3. Voice and accountability

The objective of the DGF programme's Component 3: Voice and Accountability is 'strengthened accountability and transparency of service providers at state and local government level'. It too has three sub-components:

Component 3 – Voice and accountability		
Sub-component	Objective	Outputs
1. Local accountability networks and partnerships	Building of credible and independent CSOs able to undertake high level analysis and advocacy that leverage the link between local monitoring and oversight and institutional change.	Established, sustainable, strengthened and linked national and local accountability networks and partnerships.
2. Improved basic service delivery to poor, vulnerable and socially excluded groups in Northern Uganda and other target areas	Improving the quality, quantity and coverage of basic services provided to citizens in Northern Uganda and other targeted areas.	Citizens at national and sub national level influence institutional change processes resulting in improved service delivery for poor, vulnerable and socially excluded groups in Northern Uganda and other targeted areas.
3. Harnessing natural resources for better service delivery and other development purposes benefiting the citizens.	Ensure that the extractive industry benefits the development of Uganda as a whole.	Improved accountability and transparency to citizens in oil extraction and management.

Questions in this part of the survey focused on local accountability networks and partnerships (specifically in relation to corruption), service delivery under the Peace, Recovery and Development Plan (PRDP) for Northern Uganda, and transparency and accountability in relation to oil extraction, production and management.

a. Corruption

This part of the survey concentrated on corruption - and in particular, on experiences with and perceptions of corruption - as an indicator of levels of accountability in Uganda.

Experiences of corruption

To assess how prevalent corruption is and its most common forms, respondents were asked whether they had experienced any of a list of 'common' types of corruption in the previous 12 months. Of the 2 782 respondents, 873 (31%) had been exposed to at least one of the forms of corruption listed.

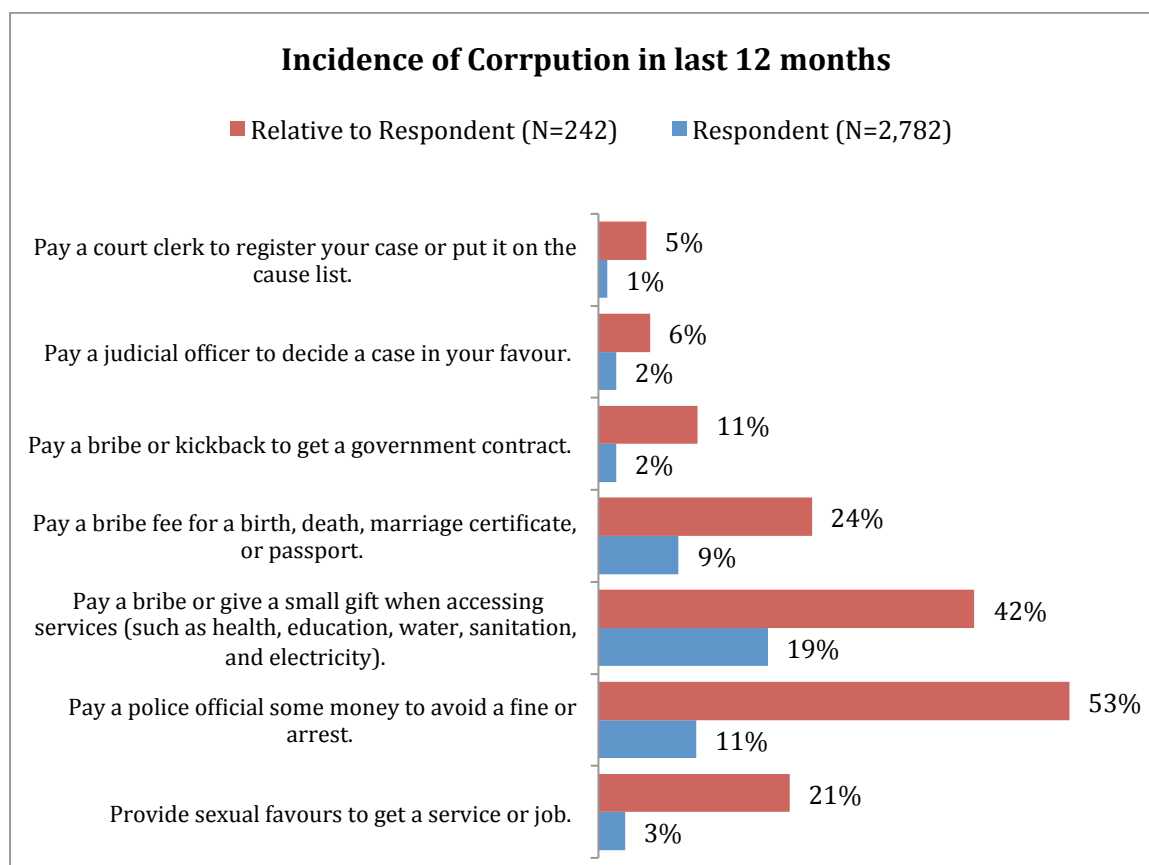
- Provide sexual favours to get a service or job (10%) – most common for women (17%) and those in urban areas (18%) than men (3%) and those in rural areas (7%).⁴⁶ The fact that 3% of men in Uganda would report that they had been asked to provide sexual favours does call into question though how the question was translated and understood and, as suggested elsewhere, this issue might be interesting to explore further.
- Pay a police official some money to avoid a fine or arrest (35%) – more common amongst men (43%) and in rural areas (37%) than amongst women (25%) and urban dwellers (28%). This appears to be an increase from 2012, where the Afrobarometer survey found 22% of respondents had paid a bribe to avoid a fine or arrest in the previous 12 months.⁴⁷
- Pay a bribe or give a small gift when accessing services (such as health, education, water, sanitation, and electricity) - 62%. This practice appears particularly prevalent and no-one is spared – women, men, rural and urban dwellers answering almost exactly the same. These figures can be compared to those in the 2012 Afrobarometer study, which found 16% of respondents had paid a bribe to receive water or sanitation, while 30% had paid a bribe to access health care.⁴⁸ However, the questions were phrased differently and it is not possible to draw accurate conclusions.
- Pay a bribe fee for a birth, death, marriage certificate, or passport (28%). This practice appears more common in urban areas (34%) than rural (26%), and men (30%) appear more likely to be confronted with it than women (26%). Again, there are similarities with the Afrobarometer 2012 study, which found 19% of respondents had paid a bribe or given a gift to obtain a document or permit, but the questions differed and not too much can be drawn from the results.⁴⁹
- Pay a bribe or kickback to get a government contract (8%) – more commonly experienced by men (9%) and urban dwellers (12%) than women (6%) and those in rural areas (6%).
- Pay a judicial officer to decide a case in your favour (5%), with all major groups answering the same.
- Pay a court clerk to register your case or put it on the cause list (3%) – more common for women (4%) than men (2%).

⁴⁶ 'Providing sexual favours' was added to the list based on research conducted amongst women in grassroots communities in eight countries across three continents by HUAIROU Commission and UNDP in 2012 - *Seeing Beyond the State: Grassroots Women's Perspectives on Corruption and Anti-Corruption*. This study found that 'corruption, as experienced in and defined by grassroots communities, covers a wide range of exploitative practices, such as physical abuse, sexual favours, and both the giving and taking of bribes – all of which are perceived as strongly linked to non-delivery of services and poor leadership.' (Page 3). Although no other research had indicated this as a problem in Uganda, it was included to test whether or not such practices take place. Since it was a closed list, respondents did not provide any detail of what type of sexual favours had been required or requested. It is suggested that organisations working in this area consider conducting more detailed research into it, since it appears to have been 'hidden' until now.

⁴⁷ Round 5 Uganda Survey Summary of Results (2012), page 61.

⁴⁸ *Op. cit*, page 60 ff.

⁴⁹ *Op cit*, page 60.



Those respondents who had not personally experienced corruption were then asked whether a friend or family member had been exposed to any of the listed forms of corruption in the past 12 months. A further 9% (242 respondents) reported that family members or friends had, in the past 12 months, been asked to:

- Provide sexual favours to get a service or job (21%). Those in urban areas (18%), women (17%) and those in the 18-29 year old age groups (15%) were far more likely to report knowing someone who has been asked this than those in rural areas (7%), men (3%) and those over 55 (1%).
- Pay a police official some money to avoid a fine or arrest (53%). Again, this practice appears far more common in rural areas (37%) than urban areas (28%).
- Pay a bribe or give a small gift when accessing services (such as health, education, water, sanitation, and electricity) (42%).
- Pay a bribe fee for a birth, death, marriage certificate, or passport (24%).
- Pay a bribe or kickback to get a government contract (11%).
- Pay a judicial officer to decide a case in your favour (6%).
- Pay a court clerk to register your case or put it on the cause list (5%).

All-in-all, 40% of respondents had either been exposed personally to corruption or knew a family member or friend who had been exposed to at least one of the forms of corruption on the list in the previous 12 months. Although there were some differences, the types and frequency of corruption are fairly common across all major groups in the country, with bribes when

accessing services, to prevent arrest or a fine, or to secure documents to which people are entitled as of right being the most common.

Perceptions

In terms of Transparency International's corruption perceptions index for 2012, Uganda ranks 130th out of 176 countries with a score of 29 (the same as Cote d'Ivoire).⁵⁰ It is perceived as less corrupt than the next two African countries on the list, Kenya and Nigeria (both at 139), but more corrupt than Togo (128) and Sierra Leone (123).⁵¹

With this as a background, the current study tested perceptions as to whether various forms of corruption have increased or decreased over the previous 3 years. Respondents were asked whether they agreed or disagreed with the following statements:

Table 8: Perceptions of corruption

Perceptions of corruption					
Statement	Agree strongly (%)	Agree (%)	Disagree (%)	Disagree strongly (%)	Don't know (%)
The level of corruption amongst senior government officials has decreased in the past 3 years.	4	11	39	33	11
The number of police officers demanding bribes in my area has increased in the past 3 years.	35	32	14	4	13
In the past 3 years, it has become much more common to be asked to pay a bribe if you need to get a certificate (such as a death certificate, marriage certificate or birth certificate) in my community.	30	27	13	4	24
Statement	Agree strongly (%)	Agree (%)	Disagree (%)	Disagree strongly (%)	Don't know (%)
In the past 3 years, the number of people having to pay bribes or kickbacks to get a contract with central government has increased.	26	31	8	2	33

Although nearly a quarter and nearly a third of respondents were not able to comment to the last two questions respectively, it is clear that the perception that corruption has increased (or not decreased) over the past three years in key areas is very high:

- 72% of respondents believe the level of corruption amongst senior

⁵⁰ [http://cpi.transparency.org/cpi2012/results/..](http://cpi.transparency.org/cpi2012/results/) Since 2012, a country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean. A country's rank indicates its position relative to the other countries and territories included in the index.

⁵¹ Uganda has improved and declined over previous years:

- In 2011, it was ranked 143rd with a score of 2.4.
- In 2010, 127th with a score of 2.5.
- In 2009, 130th with a score of 2.5.

government officials has not decreased over the past three years, while only 15% believe it has. Such views appear universally held and there were no differences across major groups.

- 67% believe the number of police officers demanding bribes has increased, with those in urban areas (77%) and men (73%) far more likely than those in rural areas (64%) and women (63%) to answer this way. Only 18% believe it has decreased. On the other hand, women (18%) and rural dwellers (14%) were far more likely to answer that they did not know than men (8%) and those in urban areas (9%).
- 57% of respondents believe bribery has increased when trying to obtain certificates while 17% do not agree. Those in urban areas (69%) and men (60%) were more likely to answer that it has increased than rural dwellers (55%) and women (54%). Women (28%) and rural dwellers (27%) were once more far more likely to answer that they did not know than men (21%) and those in urban areas (15%).
- 57% believe that the number of people being required to pay a bribe or kickback to secure a contract with government has increased, while only 10% believe it has not. Urban areas (68%) and men (62%) are more likely to believe it has increased than rural dwellers (54%) and women (51%). Again, women (39%) and rural dwellers (35%) were far more likely to answer that they did not know than men (26%) and those in urban areas (21%).

This confirms the results of the Afrobarometer 2012 survey, which found that when it comes to how well government is doing in fighting corruption, respondents answered:

- Very badly – 53%.
- Fairly badly – 23%.
- Fairly well – 17%.
- Very well – 4%.
- Don't know – 3%.⁵²

Knowledge of where to report corruption

To determine whether respondents know where to report corruption, and whether they understand that corruption in both the public and private spheres can and should be reported, respondents were then asked where they would report corruption by a government official and by a private company or individual. The most common answers were:

Table 9: Where to report corruption

Where to report corruption						
	Police (%)	IGG (%)	Anti-corruption Court (%)	Local Councillor or chairperson (%)	Would not report it (%)	Don't know (%)
I would report corruption by a government official to ...	46	12	9	9	18	14
I would report corruption by a private company or individual to ...	47	8	8	12	19	13

⁵² Round V Uganda Survey Summary of Results for Economic Questions (2012), page 17.

Almost half of the respondents in each case would report the matter to the police, which is encouraging since the police are clearly empowered to investigate and prosecute corruption under various laws such as the Prevention of Corruption Act (Cap 121) and the Penal Code (Cap 120). There were no differences between men and women as to where they would report government corruption, although slightly more men (49%) would report corruption in the private sphere to the police than women (46%).

However, only 1% would report corruption by a government official or private individual or company to an NGO, and very few respondents seem to be aware of the Inspectorate of Government (IGG), which is technically the main anti-corruption body in Uganda. Worryingly, 32% in each case would either not report it or would not know where to report it. Given how high people perceive the level of corruption to be, the latter indicates a serious problem, with people either disinterested or lacking sufficient knowledge to report corruption when it happens. Women were also more likely to answer don't know (16% in each case) than men (11% and 10% respectively for the two questions).

b. Service delivery to poor, vulnerable and socially excluded groups in Northern Uganda

To address the socio-economic effects of the conflict on communities in the North of Uganda and reduce the disparities in welfare between Northern Uganda and the rest of the country, the Government of Uganda began putting in place a number of measures aimed at enhancing the protection of the civilian population and promoting development following the end of the conflict and with support from the international donor community.⁵³ But while these interventions recorded some progress, concerns as to their effectiveness eventually led to a more comprehensive programme - the Peace, Recovery and Development Plan (PRDP) for Northern Uganda.

The first phase of the PRDP was launched in September 2007, although implementation only began in 2009. The second phase began in 2012 and will run until 2015. It has four strategic objectives: consolidation of state authority, rebuilding and empowering communities, revitalisation of the economy, and peace building and reconciliation.⁵⁴

The PRDP focuses both on those sub-regions directly affected by the conflict (Acholi, West-Nile, Lango and Teso), and sub-regions that, while geographically not in the North, were also affected by the conflict – for example, those areas to which internally displaced people fled. As a result, it

⁵³ Some of the reconstruction programmes included the Emergency Humanitarian Action Plan (EHAP), Northern Uganda Reconstruction Programme (NURP) and the Northern Uganda Social Action Fund (NUSAF). (See Jens Claussen, Randi Lotsberg, Anne Nkutu and Erlend Nordby, *Appraisal of the Peace, Recovery and Development Plan for Northern Uganda* NORAD Report 25/2008, p.3).

⁵⁴ Northern Uganda, as defined by the PRDP encompasses the West Nile (North-Western) sub-region, Central North (Acholi and Lango) sub-regions, and North-East, and Eastern (Karamoja, Teso and Elgon) sub-regions.

includes all of the four previously mentioned sub-regions as well as Bunyoro, Karamoja, Bukedi and Elgon.

The current survey was required to consider awareness of local development plans and budgets amongst respondents generally (across all sub-regions) compared to awareness of these in the areas falling under the PRDP, as well as the level of satisfaction with quality and responsiveness of state service provision with a specific focus on the PRDP in Northern Uganda. The first question in this regard asked whether respondents were aware of the local development plan in their areas. The question was first of all disaggregated according to those in PRDP areas compared to those in other parts of the country:

Table 10: Awareness of local development plans

Awareness of local development plans					
	Yes (%)	No (%)	Not sure (%)	A little (%)	Haven't heard of it (%)
National percentages	22	60	8	2	7
PRDP sub-regions	21	59	8	3	9
Other sub-regions	23	62	7	2	6

From the above table, it would appear that, as a general rule, almost 80% of respondents are unaware of the local development plans for their area or know very little about it, although men (27%) were more likely to know about the plan than women (18%). Awareness is higher amongst those with a formal education, while those involved in trading in agricultural products (36%), receiving rent from property (30%) and running their own businesses (30%) more likely to be aware of it than others.⁵⁵

People in PRDP areas are just as unlikely to know as those elsewhere in the country when grouped as a whole, but the level of those aware of or knowing a little bit about the plan varied greatly from one sub-region to the next:

- Teso: 15%
- Bukedi: 44%
- Elgon: 19%
- Karamoja: 5%
- Lango: 16%
- Acholi: 27%
- West Nile: 32%
- Bunyoro: 10%

While it is understandable that significant numbers of people would be unaware of the development plan in non-PRDP sub-regions, levels of awareness in the some PRDP areas are notably low considering the levels of awareness-raising activities conducted.

⁵⁵ Nearly a quarter of those who had attended school (24%) had heard of the plan compared to 9% of those who had not, with those with O levels (29%), A levels (29%), Diplomas (30%), university level education (34%) and apprenticeships (33%) scoring highest.

Of the 624 respondents who were aware of the plan for their areas, most seemed to be able to list some of the issues covered by it. The most common responses, disaggregated by rural or urban area and sex were:

Table 11: What does a local development plan cover?

Issue covered by plan	National %	Urban %	Rural %	Male %	Female %
What roads are being considered	60	68	59	65	53
Infrastructure	49	56	47	54	42
Health centres	46	58	43	49	40
Services to be provided	38	41	37	39	38

Again, men and those in urban areas appear better informed than women and those in rural areas, but while there were differences between the PRDP and 'non-PRDP' sub-regions, all of the sub-regions reported the same broad range of development issues.

When asked what they could do to make sure that the District government is doing what it committed to do under the plan, almost half (44%) did not know – the percentage being the same for PRDP and non-PRDP sub-regions. Of those who could answer, the most common responses were by attending a community meeting (20%), listening to the radio (20%), attending council meetings (16%) and by monitoring the plan (14%). Responses are in fact quite similar to those earlier in the survey, where respondents were less confident in how to communicate with and raise issues with Local Council Level 5 than with the lower levels, and it is noted that all responses are fairly passive, with none identifying anything that might actively compel the District to comply.

Respondents were then asked what they would do if their local government failed to follow its development plan:

- 43% did not know, although this response was far more common in non-PRDP sub-regions (47%) than PRDP sub-regions (37%).
- 27% would vote for someone else at the next election.
- 12% would complain to their Member of Parliament.

Again, this shows some similarity to earlier in the survey, where respondents were more confident that they could make their voices heard at this level, and it shows that respondents would take a more active approach to bring about compliance.

To determine whether there are differences in the level of satisfaction with services provided by government, respondents were asked a series of questions related to service delivery. The results are reflected in the table on the following page:

Table 12 – Levels of satisfaction with services

Levels of satisfaction with services						
In your opinion, ...	Sub-regions	Absolutely (%)	More or less (%)	Not really (%)	No, not at all (%)	Don't know (%)
... are there enough primary schools in your community for the number of children of school-going age?	National	29	23	32	15	1
	PRDP	20	17	36	27	1
	Non-PRDP	34	26	30	8	1
... are there enough health centres in your community?	National	13	20	41	26	1
	PRDP	10	13	37	39	1
	Non-PRDP	15	23	43	18	1
... has government done enough to provide a piped water system that most houses can access in your area?	National	11	11	29	48	1
	PRDP	4	8	24	63	1
	Non-PRDP	14	14	32	38	1
... has government done enough to provide an adequate sewerage / sanitation system for most houses in your area?	National	5	8	25	58	3
	PRDP	6	5	20	67	2
	Non-PRDP	5	10	29	52	4

It is clear then that satisfaction levels are generally fairly low but those in the PRDP sub-regions are far less satisfied than those in the rest of the country with the services being provided to them (the only exception being in the area of sanitation, where levels of dissatisfaction are marginally higher in PRDP sub-regions). Amongst the sub-regions themselves:

- Those in Karamoja were far more satisfied with number of primary schools than the national and PRDP averages – 40% absolutely and 33% more or less. Those in Elgon were least satisfied, with 71% answering not really or not at all.
- Those in Karamoja were also more satisfied than most other sub-regions with the number of health centres (56% absolutely or more or less satisfied), while those in Teso and Elgon least satisfied – 95% and 93% not really or not at all satisfied respectively.
- 100% of respondents in Teso were either not really (10%) or not at all (90%) satisfied with what government has done to provide a water system that most houses could access. The most satisfied were in Acholi, although only 28% were absolutely or more or less satisfied.
- Levels of satisfaction with what government has done to provide sewages and sanitation systems was of course very low across all sub-regions, but once again, 100% of respondents in Teso were either not really (5%) or not at all satisfied (95%). Acholi (25%) and Lango (24%) were the most likely to be absolutely or more or less satisfied.

As a result, and despite the PRDP and other development programs, it is apparent that the region continues to struggle with low access to quality socio-economic services.⁵⁶

As a final issue, when asked to whom people would complain if they were dissatisfied with the provision of water to their communities, most people (72%) would complain to the Local Council, Level 1. This response was slightly more common in PRDP areas (75%) than non-PRDP areas (69%), and would suggest that, despite the questionable status of these Councils that were last elected in 2002, this Level is clearly seen by the majority of respondents as the most accessible and, presumably, responsive.

c. Harnessing natural resources for better services delivery and other development purposes benefitting the citizens

Although first discovered in 1920, Uganda only confirmed the existence of commercially viable oil deposits in the Albertine Graben in 2006, after extensive research starting in the 1980s.⁵⁷ Commercial production has yet to commence, but the country has entered into agreements with various international oil and gas companies. The Albertine Graben has been subdivided into 10 exploration areas, five of which have been licenced to oil exploration companies.

Current estimates put the amount of oil discovered at 2.5 billion barrels, of which 1.5 billion barrels are recoverable. Oil will thus be a source of considerable foreign earnings for the country with the potential, if properly managed, to contribute greatly to eradicating poverty.⁵⁸

Numerous laws and policies govern oil and gas exploration and extraction, including those related to the environment, wildlife, income tax and land, such as:

- Constitution (1995 as amended)
- Petroleum (Exploration and Production) Act Cap 150 (1985) and its Regulations (1993)
- National Oil and Gas Policy for Uganda (2008).
- Oil and Gas Revenue Management Policy (2012).⁵⁹

⁵⁶ In addition, implementation of the PRDP was recently hit by a major corruption scandal within the Office of the Prime Minister (OPM) that has led several development partners to suspend aid to the OPM, stalling several projects and angering many people in the North. See: *The Guardian, UK Suspends Aid to Ugandan Prime Minister's Office after Fraud Claim*, accessed on 13/05/2013 on www.guardian.co.uk. and *The Observer, Lango Wants Stiff Penalties for OPM Culprits*, 02/01/2013, accessed on 13/05/2013 on www.observer.ug.

⁵⁷ The Albertine Graben is located in western Uganda. The Graben, which forms the northernmost part of the western arm of the East African Rift Valley, is situated along the Ugandan-Congolese border, and stretches northward to Uganda's border with South Sudan. For the purposes of this survey, the sub-regions of West-Nile, Acholi and Bunyoro were regarded as those falling in the Graben.

⁵⁸ National Environment Management Authority (2012). The environmental monitoring plan for the Albertine Graben 2012–2017. Kampala: NEMA. (Quoted in International Alert, 2013, page 13).

⁵⁹ A brief overview of these is attached as Annex D.

It is obvious that government intends, at least in theory, to ensure that resources are transparently managed and used towards the advancement of all Ugandans. But just how transparent is this process, what do people know and understand about the strategy for development of the oil sector, and how satisfied are Ugandans that their priority concerns are addressed in the policies and plans covering the development of the sector?

To begin to answer these questions, respondents were asked firstly whether they believed there to be enough laws and policies in place to govern the oil sector. Although 7% believed there are and 24% believed there are not, 68% were either unsure (25%) or did not know (43%). Men (9%) were more likely to believe there are enough than women (6%), but women's responses need to take into account that 51% answered 'don't know' compared to 35% of men.

Of the three sub-regions most affected by oil exploration and production (West-Nile, Acholi and Bunyoro), those in Acholi were most likely to answer yes (14%), compared to West-Nile (8%) and Bunyoro (8%). Collectively, the three sub-regions were only slightly more likely to answer yes than the rest of the country.

However, when it comes to knowledge of the actual laws and policies, hardly anyone was able to list any of these, with 96% unable to list any at all. Obviously with such low numbers, no real differences are reflected across the main groups. Amongst the relevant sub-regions, not one respondent was able to list any in West-Nile, 96% could not list any in Bunyoro, and 95% in Acholi. In Kampala, where people have more access to information such as the recent publication of a report back on progress regarding the National Oil and Gas Policy, levels of awareness were higher than elsewhere (for example, 7% were aware of the Oil and Gas Revenue Management Policy), but still very low overall, with no other law or policy mentioned by more than 2% of respondents.

When asked which government individual, agency or ministry is responsible for managing the oil sector, only 20% were able to correctly identify the Ministry of Energy and Mineral Development from this list – 28% of men and 13% of women.⁶⁰ Nationally, 0% identified the Petroleum Authority of Uganda (PAU), and only 1% identified the Uganda National Oil Company. 15% of men and women incorrectly identified the President, while 61% did not know. Those in Bukedi and Kampala seemed somewhat more knowledgeable than those in other sub-regions, with 38% of respondents in the former and 36% in the latter identifying the Ministry. Levels of awareness were also relatively high in two of the most affected sub-regions – Acholi (25%) and Bunyoro (24%) – but much lower than the national average in West-Nile (11%).

⁶⁰ The promotion and regulation of the oil and gas sector was initially undertaken by the Ministry of Energy and Mineral Development through the Petroleum Exploration and Production Department (PEPD). Under the National Oil and Gas Policy, the Ministry will handle the policy aspects, while regulatory and commercial aspects will be handled by Petroleum Authority of Uganda (PAU) and the Uganda National Oil Company, respectively.

Respondents were then asked about their perceptions of the levels of transparency in the process. These questions were partly based on those in an earlier survey conducted by International Alert in the Albertine Graben to verify the responses in the International Alert survey and to compare responses in the oil regions with national results.⁶¹ To this end, respondents were presented with a series of statements and then asked to what extent they agreed with the statement.

Table 13: Transparency and accountability in the oil sector

Transparency and accountability in the oil sector						
Do you agree with the following statement:	Sub-regions	Agree strongly (%)	Agree (%)	Disagree (%)	Disagree strongly (%)	Don't know (%)
The central government addresses community concerns about the oil sector.	National	3	13	36	18	30
	Oil producing	5	19	43	9	24
	Non-Oil producing	2	12	34	20	32
I am confident that government is going to manage oil activities for the benefit of the community.	National	3	15	36	19	28
	Oil producing	2	20	39	15	23
	Non-Oil producing	3	13	35	20	29
Our Member of Parliament asks our community for our views about the oil sector.	National	2	7	42	33	17
	Oil producing	3	13	51	23	11
	Non-Oil producing	2	4	39	36	19
It is clear to me how money from oil will be allocated and spent.	National	1	3	40	31	25
	Oil producing	1	2	49	27	21
	Non-Oil producing	1	4	37	32	27

From the above, it is clear that those in the oil producing areas are more likely than others to be able to answer most of the questions posed, which is of course understandable. In addition:

- Those in oil producing areas (25%) are more likely to agree that the central government addresses their concerns than other sub-regions (14%), but even so, more than half of the respondents in oil producing sub-regions (52%) believe that central government is not doing enough in this area.⁶² This would suggest that dissatisfaction has increased slightly since the International Alert study, which found that 49% of respondents in the oil producing sub-regions disagreed with the same statement.⁶³
- Levels of confidence that government will manage oil activities for the benefit of the community are higher in oil producing sub-regions (22%) than elsewhere (16%), but more than half of those in both oil producing

⁶¹ Governance and Livelihoods in Uganda's Oil-Rich Albertine Graben (International Alert, 2013).

⁶² Those in West Nile (29%) and Acholi (22%) were more likely to answer that they agreed, or agreed strongly with the statement

⁶³ *Ibid.*, p. 30

sub-regions (54%) and other sub-regions (55%) are not confident that this will indeed happen. This too would suggest that confidence has decreased since the International Alert study, where 41% of respondents in the oil producing sub-regions disagreed with a similar statement.⁶⁴ On the other hand, the Afrobarometer Round 5 Survey found that, nationally, 11% believe that government would use all or most of the revenues for the benefit of all Ugandans, while an additional 54% believed they would use some or a little of it, and only 23% answered that none of the revenues would be used for the benefit of all.⁶⁵ These fairly broadly differing results suggest that more research may be required in this area.

- Perhaps understandably, more of those in the oil producing sub-regions (16%) felt that MPs solicit their views about the oil sector than other sub-regions (6%), but around three-quarters of respondents in both oil producing sub-regions (74%) and the other sub-regions (75%) disagreed with the statement. This conflicts considerably with the International Alert study, which found that 'a sizeable proportion (39%) of the respondents stated that their MPs ask for their views, while 30% felt that the central government listens to their views'.⁶⁶
- It appears that it is very unclear to people how money from oil will be allocated and spent (including in Kampala, where much of the public awareness has been conducted).⁶⁷ If one considers that those disagreeing who answered 'don't know' to this question are essentially saying that they do not know how the money will be allocated and spent, then 97% of those in the both oil producing sub-regions and 96% of those in other sub-regions are unsure of how the money will be allocated and spent. These results reinforce those in the Afrobarometer Round V survey of 2012, which found that most Ugandans are sceptical about the extent to which oil resources will benefit them - only 12% of respondents in that survey believed that all or most of the revenues will benefit ordinary Ugandans, while the majority (51%) were much more pessimistic, believing most funds will not be devoted to the public good.⁶⁸

There were no major differences between the responses of men and women when it comes to agreement with any of the statement, although women were more likely to disagree with the statement than men in each case. However, this might be linked to the fact that, once more, women were far likely than men to answer 'don't know' in each case.

d. Summary of main findings

Perceptions of corruption remain extremely high amongst ordinary Ugandans and few believe the situation is improving, which is not surprising given that 40% of respondents have either been asked to pay a bribe or provide sexual favours or gifts themselves (31%) or knew someone who had had to do so (9%) over the previous 12 months. The majority of these had been required to

⁶⁴ *Ibid.*, p. 30

⁶⁵ Round 5 Uganda Survey Summary of Results (2012), page 94.

⁶⁶ *Ibid.*, p. 30

⁶⁷ Only 1% of those in Kampala strongly agreed with the statement, while 5% agreed.

⁶⁸ Afrobarometer Briefing Paper No. 101 Public Perceptions Of Uganda's Economy: In Crisis? (Afrobarometer Briefing Paper No.101, March 2012) page 6.

pay bribes to secure socio-economic services that they are entitled to as of right, which means it is often those with the least money and resources who are having to pay to access critical services. Significant numbers of men and women have also had to pay to acquire certificates that they need to access services, and corruption amongst the police is also extremely worrying – not least because this usually means that people with means who have committed an offence are able to avoid arrest and prosecution, whilst those who lack funds are prosecuted. And when it comes to where to report corruption, although nearly half of respondents would report it to the police, the fact that many people appear not to know where to or wouldn't report it, will need to be addressed if corruption is to be successfully tackled.

When it comes to knowledge of local development plans, almost 80% of respondents were unaware of them. Although those who were aware of the plan have a fairly good understanding of what they cover, particularly men, almost half of respondents do not know what to do to ensure District government is complying with the plan and many would not know what to do if the government did not. These results would appear to contradict those from earlier in the survey, which indicated a high level of awareness of how to participate in democracy at the local level, but the results here should be seen in the context of low levels of awareness of the plans themselves, which would explain why few people would know what to do.

Satisfaction with the services provided by government is generally fairly low, especially in those sub-regions covered by the PRDP. Of course, these areas are recovering from years of conflict and it is to be expected that development and service provision would be at lower levels than other sub-regions, but it does indicate a need to re-focus efforts and energy on implementing the PRDP as a matter of priority. Respondents also showed similar levels of understanding here as to earlier in the survey when it comes to where they would complain if they were dissatisfied with services in their community, with almost three-quarters correctly identifying the Level 1 Local Council.

Although efforts have been made to keep the public informed of what progress is being made in the area of oil extraction and production, this information doesn't seem to permeate down to community level and many people seem to know very little about the laws, policies and institutions being put in place.

Of course, being able to name the laws and policies is far less important than people being kept properly informed of progress, how the money will be allocated and spent, and what protections are included for the environment. However, few Ugandans believe that they have been sufficiently consulted or that their views and concerns are taken into account when decisions are made and as a result, there appears to be a great deal of scepticism that ordinary Ugandans will benefit. And although those in the areas most directly affected seem more knowledgeable than others about the process, and have no doubt been more closely consulted, they share the concerns of those in the rest of the country when it comes to transparency and accountability in the sector.

Once again, levels of knowledge and understanding appear to be lower amongst women than men.

4. Conclusions and recommendations

a. General conclusions

Ugandan's basic awareness of the Constitution, key democratic principles and processes and human rights is relatively high, but knowledge and understanding of what the Constitution covers, its relationship to other laws, socio-economic rights, the rights of vulnerable groups and laws and institutions protecting human rights (including the UHRC) could be improved, while understanding of the details and content of democracy remains low compared to previous surveys in 2000 and 2005. This would suggest a need to move away from awareness-raising activities towards a focus on the content of the Constitution and specific rights, how human rights are protected, and more detail on issues such as the roles, functions and responsibilities of the three arms of government. It might also indicate that new methods and approaches to public education and awareness may be required – including lobbying and advocacy for human rights and democracy education in schools and a more concerted effort to target women and rural areas, where levels of knowledge and understanding are particularly low. Given the relatively low levels of literacy in the country, it would also suggest that radio, community workshops, discussion groups, drama, and other methods be prioritised over written materials.

As found in previous surveys, knowledge of the values and benefits of multi-party democracy is very good and there is a high level of understanding of the benefits of this system. However, people continue to be concerned by the high levels of inter-party conflict, lack of tolerance and divisiveness of the system as it plays out in Uganda. Years of experience with and exposure to the robust nature of political competition do not seem to have diminished these concerns and it might be that education on how political parties operate and the tactics and methods they employ to try to sway voters may be required. Political parties too might consider toning down their rhetoric and levels of passion when speaking to the media and in public as a way of wooing voters with a more tolerant style of politicking.

Although few people actively engage in government decision-making processes between elections, even where the decisions at the local level will have a direct and relatively immediate impact on their lives, this is not uncommon and most people appear to know how to make their voices heard in theory at least, particularly at the local level. However, knowledge of local development plans, what they cover and how to influence them is very low, which, when coupled with low satisfaction with services provided by government, would suggest education on advocacy and lobbying should be provided to ensure that those who wish to impact on decision-making and resource allocation are equipped to do so – especially in those areas covered by the PRDP.

Knowledge and understanding of how to access legal aid and assistance in both civil and criminal matters, and especially of the role of NGOs, is very low. In the absence of any comprehensive legal aid provision by the state, NGOs providing such services have the potential to fill a major gap, but only if people are aware of the services they offer and how to access these. As a result, any organisation providing legal aid and assistance should focus on increasing their outreach and ensuring people are aware of what they do.

When it comes to the peace and reconciliation processes in Northern Uganda, levels of knowledge and understanding of the key role players, and of a possible truth and reconciliation process, needs to be improved. Of course, such efforts should focus on those areas most directly affected by the conflict, but all Ugandans need to be made more aware and to feel part of the processes. Uganda is one country and all of its people are affected by conflict, wherever it occurs. Finding just and acceptable processes and lasting solutions for ending and dealing with the effects of the conflict in the North, and other parts of the country facing their own forms of conflict, is thus a priority for all. It would also seem that attitudes to how to deal with the perpetrators of conflict are shifting and that, to fully understand what people want and will be satisfied with, more detailed research based on all the options available – those already in existence and those being contemplated – could be required. Once again, women appear far less well informed of the transitional justice processes and role players in Northern Uganda - which would indicate where additional focus is required.

Perceptions of corruption remain extremely high amongst ordinary Ugandans and few believe the situation is improving. Significant numbers of people have been exposed to corruption in the past 12 months, with many required to pay bribes to secure services that they are entitled to as of right. As always, corruption impacts mostly on the poor who cannot afford the extra costs of acquiring services, while those with money are able to avoid arrest or punishment. Worryingly, large numbers of people would either not bother reporting corruption, suggesting they believe nothing would come of it, or are unaware of where to report it. Raising awareness and understanding of the evils and dangers of corruption and the institutions in place to address the scourge is thus clearly required.

Oil extraction and production has the potential to fundamentally change living conditions in the country and do much to alleviate poverty. Yet people seem to know very little about the laws, policies and institutions being put in place and few Ugandans believe that they have been sufficiently consulted or that their views and concerns are taken into account when decisions are made. Coupled with the perceptions around corruption in the country, it is perhaps not surprising that there is scepticism that ordinary Ugandans will benefit from oil – including in the oil producing areas themselves where government has ostensibly tried to ensure that people know and understand what is planned and what laws and policies apply. As is often the case, knowledge and understanding is generally lower amongst women, but all Ugandans need to be informed and to understand the processes in place if they are to be

empowered to hold government to account and to share in the benefits that will accrue.

Based on these and other observations in the report, the following recommendations are made:

b. Recommendations

- Education for democracy, good governance and human rights needs to be enhanced to build on the basic awareness that already exists. Issues to focus on include:
 - Basic principles of democracy and good governance, including separation of powers (and make-up, roles and functions of the three arms), rule of law, the role of human rights in a democracy, and the content of the rights already protected in the Constitution.
 - The Constitution and Bill of Rights – what the constitution covers, its relationship with other laws, what happens if a law violates the Constitution, and the constitutional review process.
 - The rights of vulnerable groups – women, children, people with disabilities, detainees and prisoners.
 - Socio-economic rights – rights or privileges and how to claim these.
 - Protecting human rights – roles and functions of various role players (including the UHRC) and the laws that protect human rights.
- Although people understand the basics about how to influence decisions that might affect them, more education needs to be provided on the mechanisms and opportunities available to them, especially when it comes to influencing decisions at higher levels of government. This could include education on the roles and functions of the various levels of government, the processes involved in developing local development plans, lobbying and advocacy, understanding the budget and holding government to account. A concerted effort is required in those areas falling under the PRDP, but all communities in Uganda would benefit from such an approach. Education should also focus on how to ensure district government is complying with its development plan and what to do if it is not.
- To encourage more women to run for political office and to participate in decision-making processes, civic education needs to focus on women's rights to stand for election and how to make their voices heard. At the same time, while there appears to be common understanding of the barriers they face, deep-seated prejudice appears to exist and so such education should target both women and men and should aim at reducing barriers to their effective participation.
- Organisations working with women and striving to improve their participation in democracy need to consider other ways to support women who wish to stand for office – for example, lobbying for or providing crèche and childcare centres at legislative and other bodies.
- Education and awareness is required to explain the political process, parliamentary privilege, how parties use rhetoric and language and so on to try to improve understanding that multi-partyism leads to heated debate that is not necessarily conflict, even though it may sound like it. This

should be coupled with education on the advantages and disadvantages of various forms of government to show that, even though it leads to heated exchanges, multi-party democracy is better than the alternatives.⁶⁹

- Organisations providing legal assistance and advice need to make a concerted effort to raise awareness of the services on offer. Of course this needs to be balanced with the capacity constraints facing NGOs since it could place a major burden on their resources, but such organisations should also increase their focus on mediation services to reduce the need for litigation and to find ways of reaching amicable solutions outside of the formal justice system.
- Coupled with this, education on key legal issues should be provided to empower people to claim compensation or defend themselves if facing arrest or prosecution. This could include education on the jurisdiction of the various courts, how to complete a summons and other legal documents, your rights on arrest, how to apply for bail and what the court will need to hear, the stages of a trial, cross-examining witnesses and how victims can claim compensation after a criminal trial.
- Organisations focused on corruption need to focus on improving understanding of the evils of corruption and the consequences for the individuals involved, their communities, and the country as a whole. Efforts need to be made to encourage people to report corruption and on raising awareness of where and how to report it, and further research should be considered into the forms of corruption listed in the report and other forms to determine who is most at risk and what can be done to raise awareness and understanding of how to avoid becoming a victim.
- Peace and reconciliation efforts in Northern Uganda are ongoing and probably will be for some time. As a result, all Ugandans need to be empowered to make their voices heard when it comes to the type of justice they prefer – and the best way of doing so is to ensure that people know and understand what options are available and what the benefits and dangers are for each option. Although this knowledge and understanding is most urgently required in the areas most affected by the conflict, all Ugandans need to be informed since the issues in the North affect them and other conflicts have taken place or might take place in other parts of the country too.
- To empower people to hold government to account and to ensure that all Ugandans benefit from the revenues that will eventually flow from oil production, education and awareness campaigns should be conducted throughout the country. These should refer to the relevant law and policy, but should be in as plain and simple language as possible so that people understand and can participate in decision-making in this regard. Those in the oil producing areas should also be made aware of their rights, the impact of oil exploration and production on the environment and what this means for them, and how to monitor and report on what goes on once production begins.

⁶⁹ As Winston Churchill once famously said: 'Democracy is the worst form of government, except for all those other forms that have been tried from time to time.' (House of Commons speech on Nov. 11, 1947)

- As a general rule, knowledge and understanding is lower amongst women and in rural areas, which would suggest these need to be specifically targeted by any organisations conducting civic and public awareness and education campaigns.

c. Follow up to the current baseline study

One of the major benefits of any baseline study is that it provides baselines against which progress can be measured and the impact of interventions (and the money expended on them) can be ascertained. Measuring progress and impact is also a fundamental aspect of any evaluation of any programme, and as a result, the baseline survey will provide an excellent tool when DGF's current programme comes to an end. It is therefore highly recommended that a follow up study should be considered during the final year of the current programme. This should be based on the current study and include many if not all of the same questions, as well as questions on any new issues that have arisen or that DGF will be focusing on post 2016. Not only will this allow for impact to be measured, it will also allow for new baselines to be determined for the period of any follow up programme.

To ensure that the survey is widely publicised and that as many organisations and individuals as possible may benefit from it, the consultants have prepared a comprehensive report and a more user-friendly version based on the executive summary at the beginning of this report. The latter should be distributed as widely as possible, and DGF should consider holding a press conference and other means to raise awareness of the reports existence and what it covers.

Although some observations are made in the report regarding differences between sub-regions, a study such as this cannot analyse everything in each region and there will no doubt be some organisations wishing to interrogate some of the data more thoroughly to understand the implications for them and the communities they serve. To this end, the complete datasets should be made available on the DGF website to allow organisations and others to analyse it according to their own needs.

d. Suggestions for additional research

The current survey could obviously not cover issues in any detail, and as a result, the following additional studies are recommended:

- To allow for DGF supported organisations conducting public and civic education campaigns to be able to measure the effectiveness and impact of their campaigns, a baseline survey should be conducted, focused particularly on those areas addressed by the civic education programme. This survey should focus on the issues being covered by civic education campaigns **and** how people learn to both provide baselines and targets, and to inform those running campaigns what people already know and understand and how best to design new programmes for maximum impact.

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⁷⁰ It is noted that Afrobarometer include questions on where people get news (radio, television, newspapers and the internet), which is similar, but not quite the same as how they learn.

- It is noted that no major national survey has been conducted in at least the past 5-10 years on access to justice in Uganda. Earlier research in some parts of the country indicates that, in the main, people rely on the informal justice sector (such as traditional leaders) and Local Council Courts when seeking justice, but this needs to be updated to establish what quality of justice is provided by various role players; the level of compliance with restorative justice practices in both the formal and informal systems; the barriers that exist for people, especially women, in accessing justice in both systems; recommendations for how collaboration between the formal and informal systems may be improved; and how the use of alternative dispute resolution mechanism may be increased in light of how few people have access to legal aid. **Alternatively**, if DGF only want to assess access to legal aid and assistance (rather than considering the much broader question of access to justice), a similar baseline study could be conducted that only focuses on this aspect.

Both of these recommendations (and the alternative proposal) are explored further in the report to DGF on recommendations for baselines, indicators and targets submitted separately.

In addition, the following issues could be researched by those organisations with research capacity and a focus on the particular issue at hand, or might be contracted out:

- Causes and contributing factors to mob justice.
- Common forms of corruption, including requests for sexual favours, who is most affected or at risk, where the main perpetrators are located, and how common the practice is.
- Awareness and understanding of the consequences of corruption on the individual, community and country as a whole.

Annex A – Terms of Reference

Terms of Reference Baseline study – Democratic Governance Facility

I. Background

The Democratic Governance Facility (DGF) was established in July 2011 in order to strengthen democratisation, improve the protection of human rights, enhance access to justice, promote peaceful co-existence and improve accountability in Uganda. The Development Partners currently contributing to the DGF include Austria, Denmark, European Union, Ireland, Netherlands, Norway, Sweden and the United Kingdom. The DGF has three components: 1. Deepening Democracy, 2. Rights, Justice and Peace and 3. Voice and Accountability, and it will run until June 2016.

DGF does not carry out its own programs: it provides financial and, in a more limited manner, technical support to Ugandan organizations, both state and non-state, implementing interventions aimed at improving democratic governance in pursuit of the objectives listed above. About 65 partners are already being supported, while others are being identified. In particular, the DGF is launching competitive 'calls for proposals' in three program areas:

1. Enhancing access to justice (legal aid);
2. The provision of civic education and;
3. The development of accountability mechanisms at the local level.

These three program areas represent a significant investment on the part of the DGF, with organizations being selected and programs being implemented over a two to three year period.

The DGF is establishing a monitoring and evaluation framework in order to measure the results and impact of its support – a logical framework with indicators related to programme outputs and objectives has been finalized. While baseline data for some indicators may already exist (secondary sources), a number of them require primary data. This is the reason the DGF intends to carry out a baseline survey, which will complement existing survey data and enable the establishment of benchmarks (milestones and targets) against which DGF program progress can be measured. There is a particular focus on the three program areas indicated above (legal aid, civic education and local accountability), as the DGF is keen to monitor and evaluate the collective effect of the interventions supported in each of these areas.

II. Objectives of baseline study and expected results

The centrepiece of the baseline study will be a population-based quantitative survey, based on a sample size allowing for statistically significant findings disaggregated by gender, urban/rural, socio-economic status, and sub-region. The survey will produce baseline information that will enable the DGF to determine milestones and targets, in accordance with its logframe indicators

and programme objectives. The survey should complement existing data and information provided by other credible sources (UBOS, Afrobarometer, others).

At minimum the baseline study will establish baseline data as per the indicators in the DGF Logframe. In certain instances, measurement of indicators will require determination of indicator content (composite indicators or indexes) and more extensive gathering of data. Moreover, the DGF logframe indicators are limited in number and therefore other relevant data around each indicator will be collected to a broader understanding of key areas of DGF interest. The indicators to be assessed and other areas that should be assessed in respect to the components have been presented below:

Rights, Justice and Peace:

DGF aims to empower the poor, vulnerable and women to claim their human rights, access justice and live in peace

Accordingly, the baseline study will provide primary data for the following DGF logframe indicators:

- Level of satisfaction of war affected communities with both formal (ICC, ICD, Truth and reconciliation) and informal (traditional) transitional justice processes
- %age of Ugandan women and men having access to legal aid services

Other areas that will be assessed under rights justice and peace include:

1. Knowledge of the basic tenets of Uganda's judicial system and human rights standards (different types of law and procedure, right to bail, right to legal defence, right of appeal).
2. Access to legal aid services (knowledge about existence of legal aid representation for court proceedings, knowledge of legal aid assistance for other issues, prior use of legal aid services, availability of legal aid services, knowledge of legal aid service provider)
3. Satisfaction with legal aid services (representation for court proceedings, legal assistance, counselling, alternative dispute resolution mechanisms (ADR) including traditional justice mechanisms)

Civic Education:

DGF aims to achieve a measurable increase in knowledge and information about civic rights and responsibilities among Ugandan citizens, particularly women and youth. It also aims to contribute to documented experiences of individuals and communities actively engaging with leaders and service providers on issues of concern using acquired knowledge about rights and responsibilities.

In this component, the baseline survey will measure the following DGF logframe indicators:

- Ugandan women and men's perception of their collective ability to communicate with elected leaders
- Ugandan women and men's knowledge of their human, civic and political rights and responsibilities

In order to measure particularly this last indicator, and to gain a broader understanding of the civic competency of Ugandans, the following areas will also be assessed:

1. Knowledge of Uganda's political system (Constitution, 3 arms of government, national/district/traditional, multi-partyism etc.)
2. Knowledge and understanding of citizens' roles and responsibilities in the political process (participation in elections, in the functioning of government, in service delivery (budgeting, monitoring etc.))
3. Knowledge and understanding of roles and responsibilities of elected officials and government authorities
4. Knowledge and understanding of mechanisms/means available to citizens to express their opinions, make demands, pursue grievances and hold leaders accountable.
5. Knowledge and understanding of fundamental political rights and civil liberties (Bill of Rights in Ugandan Constitution)
6. Knowledge and understanding of basic tenets of the rule of law
7. Knowledge and understanding of principles and values of political pluralism

Local Accountability:

DGF aims to strengthen community-level demand-side accountability processes, with a complementary commitment to strengthening linkages amongst grassroots institutions so engaged and between them and national level networks. It also supports higher level efforts to improve integrity in public office and to strengthen transparency and accountability in the oil sector.

DGF logframe indicators to be measured under this component include:

- Perception of the prevalence of corruption at local and national level
- %age of respondents aware of local development plans and budgets for their areas
- Level of satisfaction with quality and responsiveness of state service provision with a specific focus on PRDP in Northern Uganda
- Knowledge and understanding of national strategy for development of the oil sector
- %age of respondents in the oil areas aware of state policies governing oil exploration
- %age of Ugandans satisfied that their priority concerns are addressed in policies and plans related to development of the oil sector in Uganda

- Level of satisfaction with transparency related to oil payments and revenues

III. Scope of Work

The assignment will be divided into 4 main phases, with distinct deliverables and activities:

1. Preparation - Desk Study

Activities:

- Compile list of existing credible surveys in Uganda providing information relevant to the areas of DGF interest listed above
- Assess the information provided by these studies to determine their usefulness and applicability to establishing DGF's baseline data in the areas listed above. In particular, assess the complementarity of the findings of these surveys with the information to be gathered by DGF's survey (ie for instance information about attitudes/opinions to complement information about knowledge/understanding).

Deliverable:

- A preparatory report summarizing the main surveys with relevant information for establishing the DGF baseline indicators (in line with the DGF logframe), with an analysis of how this information will be taken into account for the formulation of the DGF baseline survey.

2. Development of Methodology

Activities:

- Determine an appropriate survey methodology for obtaining statistically significant baseline information, in line with the above objectives. In particular, determine the sampling frame (nationally representative, particular focus on certain geographical areas or demographics etc.) accordingly.
- Develop and test questionnaire to obtain required baseline information in line with the above objectives.
- Propose complementary methods of primary data gathering if applicable/necessary

Deliverable

- Methodological framework for conducting the survey, including sampling frame
- Tested questionnaire
- Analytical framework for assessing survey results

3. Administration of Survey

Activities:

- Administer survey in the field as per approved methodology and questionnaire, including quality control/back checks

- b. Verify, clean and compile data and survey results

Deliverables:

- a. Dataset (SPSS format)

4. Analysis and Reporting of Survey Findings

Activities:

- a. Analysis of survey results
- b. Reporting of results, including discussion of main findings, issues/challenges etc.

Deliverables:

- a. PowerPoint presentation of main findings
- b. Complete summary of results, with disaggregated data
- c. Indicator chart for inclusion in the DGF logframe, based on the survey results and findings
- d. Baseline report with presentation and discussion of findings and results

IV. Timeframe and Process:

Interested firms will submit proposals composed of a maximum 15 page proposal outlining their understanding of the assignment, proposed methodology and implementation plan, as well as an indication of their capacity to carry out the assignment (prior experience, track record etc.). CVs of 3 key staff (team leader, governance expert, statistician) will be provided. In addition to the required cost estimate of services, list of proposed personnel, and schedule of rates (annex C), firms will provide an activity based budget in respect to the assignment phases and activities outlined above (template in annex). The activity based budget will not be part of the evaluation.

Proposals are to be submitted by Wednesday, January 21st 2013 at 9am, Uganda time. Late submissions will not be considered.

The baseline study is expected to begin in February 2013 and end in April 2013 (60 days)

Additional information about DGF is available on our website www.dgf.ug

Annex B – Literature review

DGF Baseline Survey

Literature review

COMPONENT 1. Deepening Democracy

1. Assessment of Citizens' Perceptions on Open Governance in Uganda (Association for Progressive Communications (APC) and the Collaboration on International ICT Policy in East and Southern Africa (CIPESA)) (2012)

Comments

The aim of this study was to capture citizens' perceptions on open governance in Uganda, with a view to making prospective open governance initiatives in the country responsive to the needs and aspirations of citizens.

The sample size is extremely low though – 68 – which means the conclusions reached need to be seen in perspective.

Findings

Key findings include:

- The prospect for government accountability and the right to information was enhanced when Uganda became one of the first countries in east and southern Africa to formulate a national ICT policy, whose key objectives include to “facilitate the broadest possible access to public domain information; to promote multilingualism and other efforts to provide access to information by disadvantaged groups and communities”. Furthermore, the policy promotes the use of ICT in stimulating the production, storage and dissemination of in-country information and knowledge in both the public and private sectors.
- Given the Freedom of Information Act (1995) and the country's National Development Plan which emphasises “the need to promote eGovernment services with a view to improve efficiency in the public sector”, it would be tempting to conclude that
- Uganda provides a modern day case study of how to promote government openness through improved access to information. The reality is different. The legislation on government openness remains largely unimplemented and public officials are yet to show an appreciation of the need for citizens' access to public domain information.
- More than 80 per cent of the respondents had some knowledge of open government data. 32 per cent said that their knowledge of open government data was moderate, while 26 per cent and 19 per cent stated that they were ‘rather knowledgeable’ and ‘extremely knowledgeable’ respectively. Only four respondents had no idea what open government data was.
- 89 per cent of respondents were in agreement that opening up public information had benefits. Conversely, very few respondents could pinpoint any negative consequences that might arise from opening up public data.
- Respondents were unanimous in the belief that opening up government data silos would help to hold duty bearers accountable, promote transparency, encourage citizens to participate in their governance, monitor service delivery,

encourage investments, enable projects monitoring and impact evaluations. They felt that these benefits would aid Uganda's socio-economic development.

- Respondents were asked to choose a maximum of five areas in which they felt OGD would create most value. The list contained nine possible areas. Transparency and democratic control, and civic participation, were the top areas in which majority of respondents felt open government data would create the most value in Uganda (57 per cent and 66 per cent respectively). The civic participation would be encouraged through informed public debates and mobilisation. Improved efficiency of government services (46 per cent), impact measurement of policies (44 per cent) and improved effectiveness of government services (41 per cent) followed in respondents' perception of the value of open government data.
- About half of respondents thought that opening up government data would improve government service delivery.
- Over 50 per cent of respondents were not satisfied with the current openness of government data. Only five per cent of those surveyed said they were fully satisfied with the government's current data openness.
- Half of the respondents did not feel that the Uganda government had the goodwill to make public data open.

2. African Peer Review Mechanism Report on the National Household Sample Survey (UBOS, NEPAD-2007)

Comments and findings

Outdated and long report, but useful in terms of tracking / following up with similar questions as were raised. Also focuses primarily on public perceptions, but **does** have some good baseline data on knowledge of local development plans, although perhaps outdated (focuses on 'Boona Bagaggawale'). There is also useful information (although again outdated) on:

- Corruption (page 41 ff and also page 53 ff). Report shows that demand for bribes has increased from 5 years before, but most of the questions relate to perceptions and are covered in subsequent surveys.
- Democracy (page 61 ff). Data shows high levels of knowledge of recent conflicts and of some of the mechanisms for dealing with it (see table below), as well as including data on how many people voted during the 2006 elections (which is a question in the current version of the DGF questionnaire) – 90% of respondents voted in the 2006 Presidential and Parliamentary elections; less in the 2006 local government elections (88.9% in those for District Chair / Councillors and 86% in those for Sub-county), with rural people voting in greater %ages than those in urban areas. But most questions focus on perceptions of political participation that are covered in more recent surveys:

Table 6.2: Mechanisms for dealing with conflicts (%)

	Mechanism							
	Courts of Law	Human Rights Institutions	Industrial/Ad min. Tribunals	Traditional Mechanisms	Local Councils	Disciplined Forces	International Organisations	NGOs
Uganda	62.9	30.6	14.7	38.3	51.3	68.1	28.0	18.3
Sex								
Male	64.9	33.6	18.0	38.3	50.6	68.0	30.4	19.0
Female	60.0	26.1	9.6	38.2	52.4	68.4	24.2	17.3
Residence								
Urban	63.4	44.3	16.4	38.6	48.7	61.6	42.5	28.5
Rural	62.8	27.7	14.3	38.2	51.8	69.6	24.8	16.1
No. of obs.	745	491	343	564	667	502	439	410

3. **The National Human Rights Perception Survey** (Foundation for Human Rights Initiative, 2008)

The survey is somewhat outdated and focuses primarily on perceptions. It has largely been surpassed by subsequent surveys. It does include awareness of institutions, and ratings, which could provide background to the analysis and report.

4. **Citizen Perceptions of Democracy in Uganda: The Growing Gap Between Expectations and Realities** (Afrobarometer Briefing Paper No. 111, January 2013); and **Afrobarometer Briefing Paper No. 101 Public Perceptions Of Uganda's Economy: In Crisis?** (Afrobarometer Briefing Paper No.101, March 2012)

These two reports are based on the most recent Afrobarometer survey, Round 5, conducted between December 2011 and February 2012. The first report focuses particularly on democracy, while the second analysis responses to questions related to the economy. The questionnaire is also available for download.

The study focused primarily on attitudes and perceptions, with which the DGF survey will compliment rather than overlap, and the survey will provide interesting background during the analysis stage. However, both reports are very brief and only cover some of the results of the survey. There are questions (on corruption, rule of law/equality before the law and human rights) in the questionnaire that, unfortunately, are not dealt with in either report.

The dataset for questions related to economics during the survey has also been released, which a table on page 11 (Q63) that might be useful – the question was what are the most important problems that government should address:

- Corruption (16%)
- Political violence – 1%
- Political instability / political divisions / ethnic tensions – 2%
- Discrimination / inequality – 2%
- Gender issues / women's rights – 1%
- Democracy / political rights – 2%
- War (international) – 0
- Civil war – 0
- Presidential term limit – 0
- Poor leadership – 0.

Of those to be covered in the DGF survey, most ranked quite low. Instead, the 5 most frequently raised as problems to be addressed were:

- Rates and taxes – 29%
- Health – 29%
- Poverty / destitution – 27%
- Infrastructure / roads – 27%

- Water supply – 25%

When it comes to how well government is doing in fighting corruption:

- Very badly – 53%
- Fairly badly – 23%
- Fairly well – 17%
- Very well – 4%
- Don't know – 3%

The results of the economic aspects of the survey also provide the following in relation to oil: Most Ugandans are sceptical about the extent to which oil resources will benefit ordinary citizens. A mere 12 % predict that all or most of the revenues will benefit ordinary Ugandans. The majority (51 %) is much more pessimistic, and believes most funds will not be devoted to the public good.

5. The World Justice Project- Rule of Law Index (WJP 2012-2013)

Rather than looking at laws, actors or institutional arrangements, the WJP Rule of Law Index assesses a nation's adherence to the rule of law by examining practical situations in which a rule of law deficit could affect the daily lives of ordinary people. For instance, the Index evaluates whether citizens can access public services without the need to bribe a government officer; whether a basic dispute among neighbours or companies can be resolved peacefully and cost effectively by an independent adjudicator; and whether people can conduct their daily activities without fear of crime or police abuse. The report looks at 97 countries, including 18 in Sub-Saharan Africa. It measures compliance with the rule of law against 48 indicators organised around 9 'conceptual dimensions': limited government powers, absence of corruption, order and security, fundamental rights, open government, regulatory enforcement, civil justice, criminal justice, and informal justice. Only some of the indicators are useful given the scope of the survey, which have been considered when framing questions:

Factors and Sub-Factors	
<p>FACTOR 1: Limited Government Powers</p> <p>1.1 Government powers are defined in fundamental law</p> <p>1.2 Government powers are effectively limited by legislature</p> <p>1.3 Government powers are effectively limited by the judiciary</p> <p>1.4 Government powers are effectively limited by independent auditing and review</p> <p>1.5 Government officials are sanctioned for misconduct</p> <p>1.6 Government powers are subject to non-governmental checks</p> <p>1.7 Transition of power is subject to the law</p>	<p>FACTOR 6: Regulatory Enforcement</p> <p>6.1 Government regulations are effectively enforced</p> <p>6.2 Government regulations are applied and enforced without improper influence</p> <p>6.3 Administrative proceedings are conductive without unreasonable delays</p> <p>6.4 Due process is respected in administrative proceedings</p> <p>6.5 The Government does not expropriate without adequate compensation</p>
<p>FACTOR 2: Absence or corruption</p> <p>2.1 Government officials in the executive</p>	<p>FACTOR 7: Civil Justice</p>

<p>branch do no use public office for private gain</p> <p>2.2 Government officials in the judicial branch do not use public office for private gain</p> <p>2.3 Government officials in the police and military do not use public office for private gain</p> <p>2.4 Government officials in the legislative branch do not use public office for private gain</p>	<p>7.1 People can access and afford civil justice.</p> <p>7.2 Civil justice is free of discrimination</p> <p>7.3 Civil justice is free of corruption</p> <p>7.4 Civil justice is free of improper government influence</p> <p>7.5 Civil justice is not subject to unreasonable delays</p> <p>7.6 Civil justice is effectively enforced</p> <p>7.7 ADRs are accessible, impartial, and effective</p>
<p>FACTOR 3: Order and Security</p> <p>3.1 Crime is effectively controlled</p> <p>3.2 Civil conflict is effectively limited</p> <p>3.3 People do not resort to violence to redress personal grievances.</p>	<p>FATOR 8: Criminal Justice</p> <p>8.1 Criminal investigation system is effective</p> <p>8.2 Criminal adjudication system is timely and effective</p> <p>8.3 Correctional system is effective in reducing criminal behaviour</p> <p>8.4 Criminal system is impartial</p> <p>8.5 Criminal system is free from corruption</p> <p>8.6 Criminal system is free of improper government influence</p> <p>8.7 Due process of law and rights of the accused</p>
<p>FACTOR 4: Fundamental Rights</p> <p>4.1 Equal treatment and absence of discrimination</p> <p>4.2 The right to life and security of the person is effectively guaranteed</p> <p>4.3 Due process of law and rights of the accused</p> <p>4.4 Freedom of opinion and expression is effectively guaranteed</p> <p>4.5 Freedom of belief and religion is effectively guaranteed</p> <p>4.6 Freedom from arbitrary interference with privacy is effectively guaranteed</p> <p>4.7 Freedom of assembly and association is effectively guaranteed</p> <p>4.8 Fundamental labour rights are effectively guaranteed.</p>	<p>FACTOR 9: Informal Justice</p> <p>9.1 Informal justice is timely and effective</p> <p>9.2 Informal justice is impartial and free of improper influence</p> <p>9.3 Informal justice respects and protects fundamental rights</p>
<p>FACTOR 5: Open Government</p> <p>5.1 The laws are publicized and accessible</p> <p>5.2 The laws are stable</p> <p>5.3 Right to petition the government and public participation</p> <p>5.4 Official information is available on request</p>	

Key, relevant, findings:

Uganda ranks below the majority of countries in the region in all dimensions of the rule of law. Government accountability is weak by regional standards (ranking thirteenth regionally and seventy-eighth globally) and administrative agencies are inefficient and affected by corruption (ranking eighty-second overall and fourteenth within the region). Protection of fundamental rights is weak (ranking eighty-sixth), and civil conflict and political violence remain significant challenges. Courts, although relatively independent, are under-resourced, slow, and inaccessible to most people.

Income: Low; Region: Sub-Saharan Africa; Population: 34m (2012), 13% Urban, 5% in three largest cities.						
WJP RULE OF LAW INDEX FACTORS		SCORE	GLOBAL RANKING	REGIONAL RANKING	INCOME GROUP RANKING	
Factor 1:	Limited Government Powers	0.43	78/97	13/18	10/15	
Factor 2:	Absence of Corruption	0.32	82/97	14/18	10/15	
Factor 3:	Order and Security	0.48	93/97	17/18	15/15	
Factor 4:	Fundamental Rights	0.43	86/97	14/18	11/15	
Factor 5:	Open Government	0.36	86/97	13/18	11/15	
Factor 6:	Regulatory Enforcement	0.38	86/97	13/18	9/15	
Factor 7:	Civil Justice	0.51	57/97	10/18	6/15	
Factor 8:	Criminal Justice	0.43	69/97	11/18	9/15	

6. Assessing the Progress of the Rule of Law in Uganda 50 years after Independence (Uganda Law Society 5th Annual Rule of Law Day report, 2012)

Comment

This provides an interesting overview of some of the issues, but is not actually research based (rather, a summary of what was said at the meeting / conference). It may prove useful during analysis.

7. The freedom of Expression and Information situation in Uganda: A Civil Society Perspective (Human Rights Network for Journalists - Uganda, 2012)

Human Rights Network for Journalists- Uganda (HRNJ-Uganda) is a network of human rights journalists in Uganda working towards enhancing the promotion, protection and respect of human rights through defending and building capacities of journalists to effectively exercise their constitutional rights and fundamental freedoms for collective advocacy through the media.

The report does not include a survey – instead, HRNJ Uganda were part of the Universal Periodic Review of Uganda’s human rights record of the last four years by the Human Rights Council (Oct 2011 – March 2012) and this report tries to document the UPR process in Uganda and seeks to ascertain the level of implementation of freedom of expression recommendations three months after the adoption of the working group report. It lists actions that have so far been undertaken by the various state agencies in meeting their

obligation to implement the said recommendations, but is of limited value to the DGF survey.

8. From Violence to Voting: War and Political Participation in Uganda
(Christopher Blattman, Yale University, 2009) American Political Science Review Vol. 103, No. 2 May 2009

Highly academic study on the effects of being ‘conscripted’ by the LRA when compared to their subsequent level of participation in political and social life, that reaches some interesting conclusions. Although not that directly relevant, it may provide some insight into results from Northern Uganda:

- Data suggest that abduction leads to substantial increases in voting and community leadership. Forced recruitment leads to greater post-war political participation—a 27% increase in the likelihood of voting and a doubling of the likelihood of being a community leader among former abductees.
- The more acts of violence witnessed, the **more likely** the abductee would be to participate politically later in life. Each additional act of violence witnessed is associated with a 4.2 percentage point increase in the probability of voting and a 2.3 percentage point increase in the probability of being a community mobilizer, both significant at the 5% level at least.
- On the other hand, abduction and violence do not appear to affect non-political forms of social activity, suggesting that the effects of war on participation may be uniquely political.
- Qualitative interviews suggest that violence may lead to personal growth and political activation, a possibility supported by psychological research on the positive effects of traumatic events.

It also provides some historical context for the origins of the conflict that might be useful.

9. Making women politically relevant in Uganda’s politics and electoral process: Practical Guide to address gender barriers that hinder women from actively participating in leadership and decision making (UWONET)

As the title suggests, this is a Practical Guide to address gender barriers that hinder women from actively participating in leadership and decision making”. But some of it might be useful when it comes to data analysis and it has been used to develop some specific questions about women and democracy.

10. Uganda: Levelling the playing field, the race to 2011 (Foundation for Human Rights Initiative, 2010)

This report analyses the legal, administrative and human rights situation in the run up to Uganda’s 2011 general election by looking at electoral reforms over the course of the last ten months; activities carried out by the Electoral Commission (EC) in preparation for the election such as voter education and the update and display of the voters’ register; the demarcation of electoral

units; the status of human rights in the country in relation to political freedoms; media coverage standards and practice; harassment, intimidation and violence within the political arena. The methodology was really to interview key stakeholders rather than a household survey.⁷¹

Nonetheless, it does contain some information that might be useful during analysis:

FHRI's general conclusions "point to a discrepancy between theory and practice in the implementation of democratic principles and practices. The discrepancy is neither caused by a lack of understanding of the democratic rules and structures by the legislative, executive and judicial state organs nor by technical and administrative obstacles in the implementation of such laws, but by a lack of sufficient institutional safeguards and deliberate steps to effect far reaching reforms.

Some interesting conclusions about the Electoral Commission are made, although mainly about perceptions:

- Public perception is that the EC is not representative of all political interests and there is general distrust in the EC's ability and capacity to conduct a free, fair and peaceful election in 2011.
- The EC is under financial and logistical constraints, which impede the smooth and timely execution of its duties and functions as listed under Article 60 of the Constitution of the Republic of Uganda, 1995, (as amended).
- **The EC has made tremendous progress in terms of voter education and voter registration compared to 2005.** The EC's mobilisation of the population in view of the next general election is probably one of the most effective civil society mobilisations in Uganda's history.

The report also notes the role of NGOs in voter education, which may prove useful during analysis in terms of indicating why people know so much about voting / democracy etc., and may help explain differences in understanding between rural and urban areas (if these exist):

- "Commendable efforts have also been made by NGOs across Uganda in promoting the 2011 elections. Particularly wide reaching initiatives have included the development of a Citizen's Manifesto by the civil society governance monitoring group under Uganda Government Monitoring Platform (UGMP) and the activities by the Citizen' Coalition on Electoral Democracy in Uganda (CCEDU), which has mobilized ordinary citizens and the civil society by carrying out extensive mass media campaigns, organizing the first ever presidential debate in Uganda, carrying out civic

⁷¹ From January to October 2010, the Foundation for Human Rights Initiative (FHRI) interviewed a large variety of stakeholders in the Central, Northern, Western and Karamoja regions, who included: political party candidates; political party leaders, members and supporters; government representatives, Members of Parliament; the EC; security officials; media practitioners; local non governmental organisations (NGOs) and civil society organizations (CSOs), academia, lawyers, ordinary citizens, donors and members of the international community.

education and making comprehensive proposals for electoral reform.

- Media coverage appears to be fairly balanced in terms of the amount of space and time dedicated to political candidates on the print and electronic media, with the unfair trend being the dichotomy between the urban and rural news distribution”.

11. Afrobarometer Working Paper No. 124: Understanding Citizens Attitudes To Democracy In Uganda Robert Mattes, Francis Kibirige and Robert Sentamu - October 2010

This survey was undertaken after the 2006 elections and in light of recent constitutional changes that critics complained reversed the transition towards fuller multi-party democracy by removing term limits on the President and reducing the authority of parliament and other watchdog organizations (Mwenda 2007). It draws upon public opinion data collected by Afrobarometer in both Uganda and across sub-Saharan Africa over the past decade. The survey largely follows Afrobarometer’s standard set of questions and mainly measures perceptions and attitudes. As such, it is useful to consider in light of any changes that may have occurred between this and the next survey. But since perceptions and attitudes to democracy are not part of the DGF survey, the results are not analysed in any detail.

However, the survey **does** consider understanding of what democracy means:

How Do Ugandans Understand Democracy?

To address the argument that under-educated people, many living in rural areas with often limited access to electronic or print media, are insufficiently knowledgeable or experienced about democracy to offer meaningful assessments or preferences Afrobarometer included a question in both the 2000 and 2005 surveys that asked respondents, “What, if anything does democracy mean to you?”

In 2000, 70% of Ugandans were able to provide at least one spontaneous meaning, advancing very slightly to 72% in 2005. The issues raised were:

- Governance / accountability/ rule of law.
- Equality / justice
- Social / economic development
- Peace/ unity / power sharing
- Majority rule
- Voting / elections / party competition
- Government for, by, of the people
- Civil liberties / personal freedoms (2005 – 34%;

In 2005, one third (34 %) provided an answer that referred to some area of “civil liberty” or “personal freedom” as one of three possible responses. The next most common responses were those referring to some element of “government by the people” (15 %) or “voting,” “elections” and “party competition” (13 %).

Reflecting Uganda's recent history, 16 % gave a response dealing with some element of "peace," "unity" or "power-sharing." However, in contrast to arguments that Africans possess a distinct, substantive view of democracy, just 9 % associated democracy with "social development" or "economic development."

Despite quite significant investment in adult civic education, overall levels of basic "democratic literacy" have not moved in any significant way over the past decade: 28 % were unable to offer their own meaning in 2005, compared to 30 % in 2000.

At the same time, among those who have some idea of democracy, the proportion who can offer two meanings increased three-fold, and the number who provided three meanings advanced by a factor of fifteen between 2000 and 2005.

The Afrobarometer conducted a further test for shared meanings of democracy in 2008 with a series of vignettes in which respondents were asked to compare hypothetical African regimes.

A. Abigail lives in a country with many political parties and free elections. Everyone is free to speak their minds about politics and to vote for the party of their choice. Elections sometimes lead to a change of ruling party. In your opinion, how much of a democracy is Abigail's country?

B. Bernard lives in a country with regular elections. It has one large political party and many small ones. People are free to express their opinions and to vote as they please. But so far, elections have not led to a change of ruling party. In your opinion, how much of a democracy is Bernard's country?

C. Cecilia lives in a country with regular elections. It has one big political party and many small ones. People afraid to express political opinions or to vote for the opposition. The opposition is so weak that it seems that it can never win an election. In your opinion, how much of a democracy is Cecilia's country?

Eight in ten Ugandans (82 %) recognized Country A to be a full democracy, or one with minor problems. However, just 46 % said the same thing about Country B. And just 13 % called Country C a democracy.

They go further though and include two other ways of confirming that people understand what democracy means, but both of these are really designed to show that public perceptions of democracy are similar to those of 'experts' and do not help to show understanding per se.

COMPONENT 2. Rights, Justice and Peace

2.1. Transitional Justice (Northern Uganda)

12. The Dog that Barks But Doesn't Bite: Victim's Perspectives on the ICC in Uganda (Justice and Reconciliation Project - February. 2013)

Comments:

The aim of the study was to identify major questions and concerns about the ICC from victims' perspectives. It addresses the ICC's approach to transitional justice and its past work in Uganda.

It was a qualitative study that adopted the methodology of focus group discussions (FGDs) in three communities that were particularly affected by the civil war: Barlonyo in Lango sub-region and Lukodi and Palabek Kal in Acholi sub-region. Participants were purposively selected to achieve input from men and women, and to engage with individuals who experienced diverse forms of harm, ranging from abduction to murder of loved ones to sexual violence to destruction of property. The researchers also had discussions with officers of civil society organizations working on transitional justice.

Note on sample size: The study was done in 3 specific communities of victims within the Lango and Acholi sub-regions, yet there are also LRA war victims in Teso and West Nile sub-regions. The sample targeted respondents who have an interest in the subject matter and are bound to have knowledge and understanding of the subject. Although really a qualitative study, it does provide some interesting findings:

Key findings:

- There is a great desire for an institution with the capacity to hold accountable leaders who oversaw widespread violence. Victims were sceptical that the Ugandan court system could advance such accountability, or that traditional justice practices could address leaders responsible for widespread atrocities. Despite the appeal of accountability by the ICC, discussants felt it had partly failed thus far—no LRA leaders have been arrested and there is little evidence that the Court investigated possible crimes by the Ugandan military.
- Second, victims greatly desire rehabilitation and reparations. The TFV (Trust Fund for Victims) has provided assistance to victims and would be the organ that implements ICC reparations should they be ordered upon convictions. However, few victims or civil society actors were well informed about TFV assistance programs. In the future, reparations that are sensitive to victims, and designed through consultation, should be promoted. Regardless of whether the ICC gives reparations to victims, other donors – especially the Ugandan government – will need to contribute.
- While the Court's outreach operations have helped inform many people about its major activities, many interviewees wanted more information about the ICC's work and a greater voice in its operations. Although the Court's approach to victim participation remains largely untested in

Uganda, discussants overwhelmingly expressed a desire to participate in judicial proceedings and to have a lawyer advance their interests. They also requested greater transparency and engagement from the Court, whether or not there are new judicial proceedings.

13. Transitioning to Peace: A Population-Based Survey on Attitudes About Social Reconstruction and Justice in Northern Uganda (Human Rights Centre, University of California, Berkeley School of Law -2010)

Comments:

This report has already been considered in the DGF logframe. It is a 2010 report that presents the results of a population-based survey about peace, justice, and social reconstruction in northern Uganda intended to capture community views on matters that affect ordinary people and the recovery after twenty years of conflicts. The survey was carried out between April and May 2010 in four districts in the Acholi sub-region of northern Uganda: Amuru, Gulu, Kitgum, and Pader.

The report would allow for good comparison because it was conducted after the war, and also directly speaks to the question raised in the logframe - level of satisfaction of war affected communities with both formal and informal transitional justice processes.

It also has useful information for the component on **voice and accountability**, specifically relating to the indicator on level of satisfaction with quality and responsiveness of state service provision. (Pages 17 – 20, and 24 -27).

Although largely dealing with perceptions, the report in some areas tests knowledge and understanding, for example of the concept of justice (see page 40).

Sample size: 2498 (Limited to the Acholi sub-region).

What follows are selected excerpts that are of particular relevance:

Key findings:

- **Formal justice system:** When asked about the national formal justice system, one in three respondents (33%) said it was corrupt. However, 24 % viewed it as working well. Another 19 % gave no opinion, (possibly because they were among those who said they did not know anything about it). Finally, 11 % said that the formal justice system was for the rich and educated. Just one in four (24%) viewed the system as good or very good.
- **Transitional Justice Mechanisms:** When given the option of four transitional justice mechanisms, namely amnesty for perpetrators, prosecution of perpetrators (trials), a truth commission, or traditional ceremonies, the highest %age of respondents favoured peace with amnesty (45%) over peace with a truth-seeking mechanism (32%), peace with trials (15%), and peace with traditional ceremonies (8%). When given options only for the preferred method of prosecuting the perpetrators, the

highest proportion favoured trials held in Uganda by Ugandan courts (35%) over trials abroad by an international court (28%), trials in Uganda by an international court (22%), or no trials at all (15%). Results for both questions are consistent with the 2007 findings.

- **Traditional Justice Mechanisms:** While few respondents chose traditional ceremonies over amnesty, truth seeking or trials when forced to choose between transitional justice mechanisms, about half the respondents (53%) viewed such mechanisms as useful to deal with the LRA combatants and ex-combatants. A majority of respondents said such ceremonies helped the community reconcile (39%) and forgive the wrongdoer (25%). However one in three (31%) said they did not change anything.
- **Truth-seeking:** Respondents highly value truth-seeking. In order to ensure that future generations remember what happened, a majority of respondents proposed that books be written (42%), children be educated (26%), and monuments built (13%) to commemorate the victims of the conflict.
- **Reparations:** Almost all respondents (97%) said reparations should be granted to victims, usually because, according to the respondents, they are poor and need it (49%), but also as a form of acknowledgement or recognition of their suffering (24%) and to help them forget (19%). In addition, respondents said most frequently that reparations should be given individually (46%), while 32 % said they should be given at the community level, and 20 % said reparations should be given both individually and at the community level.
- **International Criminal Court:** Just 59 % of the population in the Acholi sub-region had heard of the International Criminal Court (ICC), and only 6 % ranked their knowledge of the Court as being good or very good. Among those who had heard about the court, 36 % believed it had had an impact (negative and/or positive), most citing it had helped chase the LRA away (38%) and that it contributed to physical security (30%). Seven % said it brought attention to the conflict, while 6 % said it hindered the peace process. A follow-up question showed that many respondents believed the ICC had helped the general situation in northern Uganda (43%), but many also felt it had no effect (40%) or that the Court had hindered the situation (10%).

Page 39:

The most appropriate mechanisms to hold perpetrators accountable, according to respondents, are the ICC (29%), Ugandan courts (28%), the Amnesty Commission (25%), and traditional mechanisms (8%). These statistics are similar to the 2007 results for the Acholi districts (ICC, 25%; Ugandan Court, 28%; Amnesty Commission, 25%; and traditional mechanism, 4%).

Page 40: has some detail on knowledge and understanding of the concept of justice.

Before further exploring accountability and justice questions, the survey asked respondents what justice meant to them. Most defined it in terms of holding wrongdoers accountable (29%), holding trials (25%), being fair (18%), and

reconciling (9%). In other words, most attached procedural and institutional concepts to the idea of justice. Few respondents, however, indicated having been themselves, or their household, in contact with the formal justice system. This low %age may explain why nearly half of respondents (49%) said they had no knowledge at all about Uganda's formal justice system and another 29 % knew "very little" about it.

FIGURE 27: KNOWLEDGE OF JUSTICE SYSTEM
% of respondents

None	A little	Moderate	Quite a bit	A lot
49%	29%	18%	3%	1%

Regardless of whether respondents had had contact with or knowledge of the formal justice system, the survey asked for their views. One in three respondents (33%) said they thought the justice system was corrupt. However, one quarter (24%) viewed it as working well. Another 19 % had no opinion, possibly because they were not familiar with it. Finally, 11 % said that the formal justice system was for the rich and educated. Just one in four (24%) viewed it as "good" or "very good." Traditional justice mechanisms, such as ceremonies, have been advanced as a way to deal with LRA combatants. About half of respondents (53%) viewed such mechanisms as useful for this purpose. A majority of respondents said such ceremonies helped the community reconcile (39%) and forgive the wrongdoer (25%). However one in three (31%) said it did not change anything. Among all respondents, 47 % further said they had participated in such ceremonies at least once. They most frequently identified "Slaughtering of the Goat" (21%), "Stepping on the Egg" (14%), "Mato Oput" (13%), and "Cleansing of the Land" (11%).

Considering the range of accountability mechanisms available, the survey asked respondents to choose their preferred mechanism. First, we asked respondents to choose one of four options: amnesty, trials, a truth commission, or traditional ceremonies. The highest proportion favoured peace with amnesty (45%) over peace with a truth-seeking mechanism (32%), peace with trials (15%), or peace with traditional ceremonies (8%). Second, we asked respondents specifically about options for trying perpetrators. The highest proportion favoured trials in Uganda by Ugandan courts (35%), over trials abroad by an international court (28%), trials in Uganda by an international court (22%), or no trials at all (15%). Results on both questions are consistent with the 2007 findings.

Page 41: International Criminal Court

Knowledge and Perception of the ICC

The ICC was established to bring the perpetrators of the worst crimes against humanity to justice and deter future commission of such crimes. The first arrest warrants issued by the ICC were for leaders of the LRA to face allegations of international crimes committed in northern Uganda.³³ This move, made in October 2005, was highly controversial. Some commentators

insisted the LRA should be held accountable while others worried it would hinder peace negotiations. The 2005, 2007 and 2010 surveys all included questions about perceptions and knowledge of, and attitudes toward, the ICC among community members in northern Uganda.

The 2005 survey, carried out a few months prior to the Prosecutor's announcement of the warrants, found that around 27 % of the Acholi population had heard of the ICC. By 2007, the %age had significantly increased to 70 % of people in the Acholi region. The current survey, however, suggests that just 59 % of the Acholi population has heard of the ICC. Since so many other 2010 indicators yield results that are consistent with the previous surveys, the change is unlikely to be due solely to the research design. However, it is possible that the results are affected by the change in sampling method (i.e., in previous surveys almost all respondents were in a few camps, while in 2010 they were mainly in villages). It is also possible that because respondents' priorities had shifted toward fulfilment of basic needs and resettlement, many may no longer be interested in news about the conflict and have forgotten about the ICC. Finally, it is also possible that respondents had been hearing news about the ICC less frequently as the lively debate that existed in 2005 and 2007 has somewhat subsided. In addition, radios may have been broadcasting debates and opinions about the ICC less frequently. The latter possibility is supported by the finding that respondents appeared uninterested in obtaining more information about the ICC; only 6 % of those who heard about the ICC stated that they actively sought information about the Court, and just 6 % ranked their knowledge of the Court as being "good" or "very good." In comparison, a recent survey representative of selected areas of the Central African Republic found that 32 % had heard of the existence of the ICC, but 42 % ranked their knowledge as "good" or above, and 51 % indicated they had looked actively for information about the Court.

Knowledge of the ICC (Page 43)

A majority of respondents (66%) described their knowledge of the ICC as being "bad" or "very bad." Further questions about factual information on the ICC confirm that knowledge is relatively low. Regarding the creation of the Court, only 6 % of those who had heard of the Court accurately stated the year it was created, 36 while 48 % did not know who had established it, and 7 % thought it was established by Uganda. Just 53 % knew that the ICC was not set up only to investigate serious crimes committed in northern Uganda. When asked about other countries under investigation, participants mentioned Sudan (48%), the DRC (12%), Kenya (8%), and the CAR (6%).

Few respondents knew where the ICC headquarters are located. Although 16 % said they knew, just 56 % of those correctly identified the Hague, or the Netherlands. Six % mentioned Europe, and 25 % the United States. A larger %age knew the ICC had an office in Uganda (39%), and among them, that it was located in Kampala (61%). Overall, the study suggests that factual knowledge of the ICC is relatively low. This lack of knowledge might create misunderstanding of the Court's work, and in turn affect how the population views the Court. Among those who had heard of the Court, just 36 % believed

it had an impact (negative and/or positive), most of those citing that it had helped to chase the LRA away (38%) and contributed to physical security (30%). Seven % said it had brought attention to the conflict, while 6 % said it hindered the peace process. A follow-up question showed that less than half of respondents believed the ICC had helped the general situation in northern Uganda (43%). About the same proportion felt it had no effect (40%) and some believed that the Court hindered the situation (10%). Those who said it hindered the situation most frequently said that Kony would not surrender and so the rebels still exist. Those who said it helped the situation mentioned that it had brought peace and security (40%), forced negotiations (35%), and brought more attention to the situation in northern Uganda (17%).

Page 44. The Uganda International Criminal Court Act

In July 2008, the Ugandan government established a War Crimes Division of the High Court, and two years later, the Parliament passed an International Criminal Court Act. Both moves created a legal framework to prosecute serious international crimes in Uganda. The 2010 survey examined respondents' awareness of and attitudes toward the ICC Act, finding that only a minority (5%) had heard about it. Among them, 45 % believed that anyone who committed a mass atrocity should be tried under the ICC Act and 31 % specifically mentioned the LRA commanders should be held accountable under the Act.

Without referring to the Act, the survey briefly asked respondents their opinions about capital punishment and age of criminal culpability, two heavily debated topics during the drafting of the ICC Act. A majority (68%) agreed that, if a court finds a person guilty of a grave crime such as murder or rape, the person should receive the death penalty (be killed). Similarly, a majority agreed that minors (under the age of 18 years) should be held accountable if they commit a grave crime such as murder or rape.

Also without referring to the Act, we further asked respondents who, in their opinion, should be in charge of prosecuting Kony and his top commanders. Among those who were aware of the existence of the ICC, a majority said it should be the ICC (70%), while 28% said it should be the Ugandan court system. In-depth interviews revealed the ICC is perceived more frequently as neutral and less corrupt than the Ugandan courts. These responses should inform the ongoing debate about Uganda's ICC Act, and whether the ICC should turn over its cases against Kony and his three top commanders to the Ugandan Courts. At the very least the responses suggest that the population needs to be further informed about and engaged in the discussion.

14. When the War Ends: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Northern Uganda (Human Rights Centre, University of California, Berkeley, Payson Centre for International Development, Tulane University and International Centre for Transitional Justice - 2007)

Comments:

Report was done in 2007 but provides useful information on the perceptions of Justice, opinions about the forms of justice, and knowledge of the justice mechanisms that would make good comparison on whether there has been change in thinking.

Follow up on this report was captured in the 2010 report by the same institution, "Transitioning to Peace...". Therefore it is only useful for establishing changes overtime.

Sample size: 2875

The following could prove useful at analysis and reporting stage:

Traditional Ceremonies Forty-nine % of respondents said local customs and rituals are useful to deal with the LRA, whereas 57 % said those LRA who return to their communities should participate in traditional ceremonies. Of the different ceremonies available, Mato Oput received the highest level of support (48%).

International Criminal Court Around 60 % of respondents knew of the ICC, a significant increase from 2005, when only 27 % had heard of the ICC. Seventy-one % of those who had heard of the ICC in the 2007 survey (i.e., 43% of the total) supported the proposition that the ICC had contributed to reducing the violence. In addition, 64 % (38% of the total) supported the proposition that the ICC had assisted in pressuring the LRA into peace talks. On the other hand, 55 % of respondents (32% of the total) held a mistaken belief that the ICC can enforce its own arrest warrants. Sixty-four % of respondents (38% of the total) said they would recommend that the ICC stop its arrest warrants or wait until peace is achieved. A majority (76%) of those who had heard of the ICC said that pursuing trials now could endanger the peace process underway in Juba, Sudan.

15. Making Peace our Own: Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda (United Nations Office of the High Commissioner for Human Rights - August 2007)

Comments:

The purpose of the study was to explore perceptions among northern Ugandans on themes of accountability, reconciliation and transitional justice.

It was a qualitative study that targeted involved the participation of 1725 victims of the conflict in 69 focus groups in Acholiland, Lango and Teso sub-regions, and interviews with 39 key informants to provide a degree of cultural interpretation of responses from the focus groups.

However, the study is perhaps too outdated to be of too much value for the DGF study.

16. **Perceptions of children involved in war and transitional justice in Uganda** (Sima Atri & Salvator Cusimano, University of Toronto, 2012)

Comments:

The aim of the study was to document Northern Ugandans' attitudes towards returning children and transitional justice processes. It was conducted across 14 sub-counties in the Acholi and Lango sub-regions of Northern Uganda.

The study deals with perceptions, but so do the questions in the current DGF survey, and so they have been included below:

Sample size: 709 community members.

The methodology also involved interviews with about 70 key informants and 11 focus group discussions.

Relevant findings (excerpted):

Perceptions of justice display an overall preference for reconciliation, but demonstrate that serious and divisive questions about accountability remain unresolved and unaddressed. We found that the tension that exists in community members' perceptions of children involved in armed conflict is also apparent in their perceptions of justice.

The only well-established transitional justice measure in Uganda is the Amnesty Law. Our data illustrates that the vast majority (**88%**) of Northern Ugandans continue to support amnesty.

Compared to Acholi respondents, Lango respondents more frequently expressed opposition to Amnesty, support for retributive measures, and more widespread anger at children. Since previous research has underemphasized this finding, we explored it in depth. We found that the main explanation for tribal differences is the history of antagonism between the Acholi and Langi; a secondary explanation may be that they have different cultural conceptions of justice.

One area of strong agreement was that returnees should apologize for their actions. This was expressed both for children (**88%**) and adults (**87%**) formerly associated with the LRA. This leads us to conclude that while Amnesty does not address community members' desires for accountability, prosecution may be too divisive to constitute the sole approach to justice, especially when children committed many of the worst crimes. Other potential transitional justice processes may satisfy the widespread desire for apology and restitution, including **traditional justice mechanisms, apologies and truth-telling, and reparations.** We determine that the involvement of children in the war complicates the appropriateness of any transitional justice program that may include these measures, but devising a suitable strategy could resolve some of the problems that these children continue to face.

17. Final Report and Recommendations of Needs-Assessment Mission Experts (JLOS, 2011)

The aim of the Needs Assessment Mission to Uganda was to assess the readiness of justice-sector institutions for national war-crimes proceedings and for transitional-justice outreach.

The mission was meant to assist Government identify existing challenges and make recommendations on the way forward regarding war crimes prosecution in Uganda. It did not test people's knowledge and understanding of the process. The respondents were targeted because of their role in shaping transitional justice in Uganda. It is therefore only useful for the consultants to understand the background to some of the transitional justice issues in Uganda.

18. Conflict, Justice and Reconciliation in Teso: Obstacles and Opportunities (Refugee Law Project Briefing Note No. 1, December 2008)

Comments:

This was a qualitative study that explored the history and contemporary relevance of traditional justice in Teso, as well as people's perceptions of formal dispute resolution processes. The ultimate aim was to better understand the contrasts between traditional justice practices used in Teso and those used in the Acholi and Lango sub-regions, the practical implications for any implementation of the Juba Peace Agreement and potential reforms in the Justice, Law and Order Sector (JLOS)—an inter-agency body constituted of the judiciary, the Ministry of Justice and Constitutional Affairs, correctional services, the police, the office of the Attorney General and the office of the Public Prosecutor, among others—in a local and national context are also highlighted.

Sample size: 32 interviews and 7 focus group discussions.

Findings:

The findings are dated, but provide interesting insight for analysis and reporting stage:

VIEWS OF ITESO TRADITIONAL JUSTICE

- There was nearly unanimous understanding of the basic principles and central mechanisms for resolving conflict in Teso. The principles centred on truth-telling, reparations (including material compensation) and acknowledgment of responsibility for the infractions committed.
- The understanding of the details of traditional justice practices varied significantly by age, social roles, location, religion and gender. Detailed understandings of these practices were held almost exclusively by older individuals and those with close ties to the Iteso Cultural Union. However, even among this group accounts of the details of the justice practices varied. Younger respondents expressed less understanding of the

particular nature of any one practice. Different practices were also emphasised differently depending on the gender of the respondent. Practices surrounding marriage and childbirth were emphasised by female respondents more than other dispute resolution practices.

- Many respondents also described a ceremony (including a feast and in some cases the slaughtering of an animal) as an important part of the justice process. The vast majority of respondents agreed that the intended purpose of the feast was to provide a forum for sharing, the re-establishment of relations between the clans of the victim and the perpetrator and reconciliation with a new beginning for the relationship between the two clans. Some described the final reconciliation as *augan*, which appeared to represent a form of closure on the matter and a seal for the peace process intended to prevent reprisals. Those with strong Christian beliefs, whether Catholic, Anglican or other denominations, expressed discomfort with the activities involving alcohol consumption and the slaughtering of an animal with the intention of appeasing gods or spirits.
- Caning or beating was also described as an important aspect of punishment in traditional justice.
- The beating would most often take place before any reparations were paid and was usually a public event. The reason for the public nature of the beatings is unclear. One possibility is that the public setting serves to prevent the beating from becoming too severe, as other community members would intervene. Another possibility is that the humiliation would serve as a deterrent both for the guilty individual and for other members of the community. According to several respondents, caning was used particularly often in disciplining youths. Caning was no longer said to be widely practiced in Teso communities, though many elders reflected that it might be useful to bring it back as a common practice to discipline the youth.
- Infractions of a sexual nature could be resolved through the general practice of meetings resulting in reparations or material compensation, with the exception of incest, which required a specific ceremony. Most infractions of a sexual nature were described in Teso culture as adultery, or *ailuc* (though many respondents also used the same term to refer to the general dispute resolution mechanism). There were, however, a variety of different categories of sexual infractions.
- Specific ceremonies exist for individuals returning after a prolonged absence resulting from a family quarrel; however there were varying views on the nature of this practice. Some respondents either did not know or did not believe there was a particular practice for this situation, while others described a detailed ceremony of welcoming returning individuals. In the current post-conflict environment, many respondents spoke about the need to forgive those returning from abduction for the infractions they may have committed. However, views on the practice of forgiveness were not uniform. Some respondents felt that forgiveness for abducted individuals should be unconditional because they had been forced against their will to commit infractions. Others felt that forgiveness could only exist once the person had acknowledged his or her responsibility and promised never to repeat the infraction.

- Some respondents voiced the need for a cleansing ceremony for an area where a lot of killing took place. This ceremony may also have been connected to the need for burial of bones that remained in such areas.
- Respondents voiced concern that the practices would remain difficult to administer between Teso and other ethnic groups because any valuing of one group's practice over another could be interpreted as biased. Both the Acholi and the Karimojong were viewed as perpetrators in Teso, and there was concern that it would be unfair for the group which had committed abuses to dictate the terms of the reconciliation, with additional scepticism being voiced with regards to Karimojong practices that were described as fundamentally non-Christian. There was, however, a tentative belief that some principles overlap across cultures.
- The authority of traditional leaders in Teso has been deeply eroded. Respondents tended to cite one or more of three possible causes for this loss of authority. The first is the clan elders' loss of their relative economic power within the community.

VIEWS OF FORMAL JUSTICE MECHANISMS (Page 8)

- Respondents indicated a considerable distrust for the formal justice process, including the role of police, lawyers and courts. This distrust was in part the result of a widespread lack of understanding regarding the formal justice process. The lack of understanding and distrust appeared to be related to a number of factors including public misunderstanding of the judicial process, corruption within the police force and logistical as well as infrastructural barriers such as legal fees. At the most fundamental level the challenges seemed to stem from the fact that the principles of formal justice do not resonate with those of traditional justice.
- Local Council courts, which are intended to address some of the issues of distrust and misunderstanding concerning the judiciary, were themselves plagued by similar problems, though they were nonetheless seen as more responsive to community needs. While some respondents believed Local Council (LC) courts were open to bribery and corruption, others saw them as important connectors between the communities and the formal justice system. This variation may be partially accounted for by the differing personal relationships between LCs and
 - their communities in different locations.
 - Despite the police's shortcomings and the high level of distrust, police were still seen as the first recourse in the case of crimes such as theft, murder and rape
 - The Uganda Human Rights Commission (UHRC) regional office in Soroti also received formal complaints of human rights abuses. The complications around reporting human rights violations were multifaceted. UHRC records showed an average of eleven complaints per month between January and July of this year. However, many cases were closed because of loss of interest on the part of the complainant.

19. Community perspectives on the MatoOput Process: A Research Study by the MatoOput Project (Collaborative Transitions in Africa, The Institute for Global Leadership, Tufts University, Institute for Peace and Strategic Studies, Gulu University - 2009)

Comments:

The study aimed at answering the following questions:

What do Acholi citizens think about mato oput and other traditional practices being used in the context of the war?

What challenges do they encounter and which do they foresee arising in implementing these practices?

How are they and how do they hope to respond to these challenges?

The limitation of this study in relation to the current survey is that it specifically looked at the intricacies and details of mato oput and, to a lesser extent, other traditionally-based practices within Acholiland. The focus is primarily on communal transitional justice needs, including justice, reconciliation, and harmony in inter-klan and familial relationships. It therefore does not give the full picture of what people know and understand about informal justice mechanisms generally.

20. Peace Recovery and Development Plan 2 (PRDP2) 2012-15

The first Peace Recovery and Development Plan (PRDP) was launched by the Government of Uganda in 2007. Its overall goal is to stabilise Northern Uganda and lay a firm foundation for recovery and development. Specifically, the PRDP aims at promoting socio-economic development of the communities of Northern Uganda to bridge the gap between the North and the rest of the Country, so that the North achieves "**national average** level" in the main socio-economic indicators. The PRDP provides a framework against which all development actors, government and non-government, are expected to align their interventions in the North. Full scale implementation started in July 2009, and is currently programmed to run until June 2012. The PRDP currently covers 55 districts and 9 municipalities in the Greater North.

Strategic Objectives

SO 1: Consolidation of State Authority

SO 2: Rebuilding and empowering communities

SO 3: Revitalisation of the economy

SO 4: Peace building and reconciliation

In terms of the Mid-Term Review (MTR) of the PRDP:

- S01- Law and order has improved since the PRDP began, and State Authority has been consolidated;
- S02- Communities and sub-counties reported that with the assistance of the PRDP better services were now being delivered, though the need for greater emphasis on functionality was highlighted;
- S03- Provision of economic infrastructure had yielded some positive results but support to farmers and provision of economic opportunities for youth had not been adequately addressed;
- S04- Conflict drivers such as land, youth unemployment and inadequate reintegration of ex-combatants were considered not to have been adequately assessed or addressed.

The second phase - PRDP 2, runs from July 2012 to June 2015.

PRDP 2 Objectives: PRDP 2 is designed to complete the post-conflict recovery process in the North. The overall goal of PRDP 2 is to consolidate peace and strengthen the foundations for development in Northern Uganda. The general target is to promote development of the districts of Northern Uganda to achieve national average levels of the main socio-economic indicators. PRDP 2 will retain the four strategic objectives developed for the PRDP. However, the focus and content of each Strategic Objective has been adjusted at programme level in line with the evolving needs of the North.

PRDP 2 Guiding Principles: To:

1. Provide an additional source of funding to address the specific needs of the North
2. Enhance the functionality of PRDP investments
3. Ensure a greater focus on economic revitalisation
4. Mitigate Potential Conflict Drivers
5. Provide a greater sub-regional focus
6. Enhance PRDP Co-ordination

PRDP 2 Programme Areas and Interventions: A number of programme areas have been adapted and developed to reflect the change in context since the PROP was developed in 2007. Specifically, programme areas relating to immediate post-conflict and emergency activities (facilitation of peace initiatives, rationalisation of auxiliary forces, emergency assistance and IDP return) are to be replaced by programmes focusing more specifically on promoting economic recovery and mitigating potential conflict drivers (enterprise development, land administration, community dispute resolution and reconciliation). There are fourteen programme areas in total with clearly defined interventions for each area.

Of particular relevance are the programme areas under SO 2:

- PA 6: Health. This will involve: rehabilitating and equipping existing facilities, constructing staff quarters, limited construction and equipping of new facilities, purchasing bicycles, motorbikes and vehicles, training and equipping Village Health Teams, and training of Health Unit Management Committees.
- PA 7: Education. Interventions will include: classroom construction and rehabilitation, provision of school furniture, construction of staff quarters, motorbikes for district school inspectors, construction of water points and latrine stances, and the training of School Management Committees.
- PA 8: Water. Interventions will include: the provision of safe water through construction of water points, rainwater harvesting and other technologies, rehabilitation and maintenance of water points, community mobilisation and establishment of water user committees with strong female participation, and sanitation in public places.

21. Midterm Review Report of the Peace, Recovery and Development Plan for North and North Eastern Uganda (ISIS WICCE, 2011)

This is a midterm review of the plan rather than a survey. The WTF's objectives in carrying out this mid term review were: to review the extent to which PRDP implementation has taken into account women's needs and concerns identified during the needs assessment; to assess progress made to-date towards the achievement of the gender sensitive indicators proposed by the WTF to the OPM; and document challenges, lessons learnt that would inform future action. In order to assess the progress made in achieving the PRDP objectives from a gender perspective, the WTF monitored activities being implemented by the government in Acholi, Lango, West Nile, Teso and Karamoja sub-regions of Northern Uganda.

Although not directly relevant to identifying what gaps exist in baseline data, it may prove useful when it comes to drafting the questionnaire and during analysis. It also provides a good overview of the process to develop the PRDP.

22. Protection and restitution of survivors of Gender based violence in Uganda: The Legal Peculiarities, The Possibilities and The Options (ACORD, 2010)

Comments:

The aim of this project was to document the experiences of SGBV survivors, develop and publish a model comprehensive policy guide that will: inform responses by both civil society and governments on issues around resource allocation, national commitment on the protection and compensation for women survivors of sexual and gender based violence taking into account the potential role of the transitional justice mechanisms going on in other countries. It is more of a policy brief rather than a research paper.

2.2 Legal Aid

23. Access to Justice and Legal Aid in East Africa: A comparison of the Legal Aid Schemes used in the Region and the Level of Cooperation and Coordination between various actors (Danish Institute for Human Rights- December 2011).

Comments:

The main purpose of this study is to identify trends in the provision of legal aid in Kenya, Uganda and Tanzania, including a description of the main legal aid practices used in the region, and identification and description of linkages between the various legal aid providers.

Sample size: 10 informants (selected based on their knowledge of the legal aid system)

The report analyses legal aid models in the East African countries, and does not seek to check people's perceptions or knowledge and understanding of legal aid or access to justice. It is therefore only good for understanding the legal aid systems in the sub-region.

24. In the Multiple Systems of Justice in Uganda - Whither Justice for Women? (FIDA-Uganda)

Comments:

The research (conducted in 2011) sought to examine the levels of accountability in order to inform the implementation of FIDA's project on mainstreaming human rights and gender justice in responses in Northern Uganda as well as provide knowledge base for advocacy for increased response to provision of the rights of women in a transitional justice context.

It was a qualitative study that targeted women and girls who had experienced GBV, traditional leader, government officials who deal with GBV issues, the Judiciary, the police, NGOs addressing GBV and justice, informal actors in gender justice and FIDA staff members.

The study focused on Gulu district in Northern Uganda and focused on sexual and gender based violence.

The report does not give a clear picture of people's perceptions or knowledge and understanding of the justice system, but provides information on the justice mechanisms that exist in the region.

Some key findings:

Formal justice system

Page 21:

The Police are not seen as custodians of law. Victims are expected to facilitate arrests of the perpetrators and pay for photocopying materials and documents necessary for the case. Evidence is destroyed and perpetrators roam free in the society.

Page 22:

The LC courts that administer justice, including on domestic violence are often biased. The members of LC are elected from communities and often turn out to be relatives of the man against who the woman may be claiming justice. The LCs are reputed to be corrupt and have no knowledge of the laws nor of human rights.

25. Baseline Survey Report on Access to Justice for Forced Migrants in Mbarara, Isingiro, Kyegegwa, Fort Portal, Hoima and Kiryandongo districts (Refugee Law Project, December 2012)

The survey was a qualitative study focused on one particular issue that is not addressed by the DGF survey.

26. Handbook on Improving Access to Legal Aid in Africa(United Nations Office on Drugs and Crime - 2011) Criminal Justice Handbook Series

Comments:

The intention of the handbook is to provide an overview of the progress that has been made towards improving access to legal aid services in criminal justice systems in Africa in order to assist those involved in criminal justice reform.

It is therefore not useful to understanding the levels of knowledge and understanding of the general population in Uganda about legal aid and access to justice.

27. Facilitating Access to Justice through legal aid Models, laws and practices in East Africa. A case of Uganda (Hellen Obura, Secretary Law Council)

This was a papers presented by the Secretary to the Law Council at the East African Judicial conference. It is not a research report based on field work. It is therefore not useful for assessing the population knowledge and understanding especially because it quotes studies done before 2005, but it helps one understand the legal, operational and regulatory framework on legal aid in Uganda.

28. Promoting Sustainable Access to Justice for Vulnerable Women and Children in Uganda (District Baseline reports by the Foundation for Human Rights Initiative)

Comments:

The study was conducted to document the key practical human rights issues and challenges on the ground in regard to gender based violence with specific reference to women and children. The survey covered 6 districts (Kalangala, Busia, Sembabule, Kiboga, Kasese and Lira). A separate report was produced for each district.

The survey sought to test knowledge of the access to justice system to the extent that one of the questions asked was “what are the laws or mechanisms of redress that deal with gender based violence?” However the respondents included government duty bearers or law enforcement officials working within the justice sector (police, judiciary, district officials, prisons), and then NGO workers, youth and women leaders, whose knowledge about the systems should be higher than the ordinary person in the district.

KALANGALA DISTRICT (Central 1 Uganda)**Sample size: 119****Page 37. Level of Awareness**

From data collected and information got from the respondents, it is evident that at least 65% of the people (women and children) in Kalangala are aware of their rights. However, due to the social set up and geography of the district, the women and children affected by gender-based violence conceal information either because the community dictates so or may not be able to reach out the appropriate office or person to handle the issue.

KIBOGA DISTRICT (Central 2)**Sample size: 157****Page 20. Level of awareness**

The survey established that over 90% of the respondents had limited knowledge of basic human rights, women and children's rights. This scenario prevails in the rural areas comprising of the pastoralists. The trend changes when it comes to the peri-urban dwellers as their access to information on human rights through the media is fair. However, they too still require more training in various human rights subjects.

KASESE DISTRICT (Western Uganda)**Sample size: 158****Page 11: Level of awareness**

The survey found that the level of awareness of gender based violence in regard to women and children is very high among; the judicial officers, the police, prison officials, district, local Councillors and the members of Rwenzori Peace Bridge for Reconciliation (RPBR). This is because of their experience as duty bearers in handling GBV and human rights issues in the community. Furthermore, at the grass root community level, over 77% of women readily provided forms of GBV but could not clearly give a meaning to GBV against children and women, taking place in their community. The survey established that prior sensitization by FHRI through RPBR had created a positive change in human rights awareness.

LIRA DISTRICT (Northern Uganda)**Sample size: 142****Page 11: Level of Awareness:**

At the grass root community level, over 90% of women were aware of their human rights as they easily identified those human rights violations against children and women, taking place in their community. The survey established that prior sensitization by FHRI through LIWEPI had created a positive change in human rights awareness.

BUSIA DISTRICT (Eastern Uganda)**Sample size: 127****Human rights awareness:**

From the interviews conducted, it was clear that awareness of human rights remains very low among communities. The apparent lack of awareness of rights of women and children is glaring.

Page 24: ACCESS TO LEGAL AID SERVICES

The survey revealed that there was not a single legal aid service provider in Busia district. What exists is a law firm; Okuku and Company Advocates, which operations in Busia town and handles mainly land related matters. The firm charges a fee for services rendered. MIFUMI, a local NGO which is headquartered in Tororo district has a field office in Busia town and mainly deals with issues of domestic violence. However, clients have to be referred to Tororo for social and legal support.

SEMBABULE DISTRICT: (Central 1 Uganda)

Sample size: 173

Page 19: Level of human rights awareness

The baseline survey respondents from the district, sub-county and selected individuals' level

of awareness of human rights is high. 80 respondents, (91%) out of 88 respondents are aware of human rights and gender based violence. This is attributed to their experience as duty bearers in handling GBV and human rights issues in the community. They comprised among others; paralegals, judicial officers, DPC's, district and Local Council officials.

29. Uganda Human Rights Commission, 14th Annual Report, 2011

This is a report based on work done by the Human Rights Commission during the year, for example the number and nature of complaints of human rights violations they receive, or the coverage of human rights education during the year. It is not a research report that will portray people's knowledge and understanding of human rights generally, although the existence of the Commission and its various regional offices would presuppose a population of Ugandans more aware of human rights and having knowledge of where to report a human rights violation – a factor that will be tested by the DGF survey.

30. Uganda: The Right To A Fair Trial - Next Steps (Foundation for Human Rights Initiative, Report for the period 30th June 2011 - June 2012)

Comments

The aim of this research was to interrogate the obstacles facing the delivery of criminal justice in Uganda. It was premised on the assertion that there seems to be a growing concern within the population that neither due diligence nor justice is dispensed. The report examines the underlying issues that underpin this public concern and the general challenges facing the criminal justice system.

The report does not give the public's understanding and knowledge of fair trial or human rights, rather it largely makes findings on the status quo in relation to the performance of the JLOS institutions.

Methodology:

It is a qualitative study that involved interviews with key stakeholders within the Justice Law and Order Sector (JLOS), academia, civil society groups, offenders at police stations, and inmates in prisons. Fifteen focus group discussions were held with members of the general public in hard to reach areas namely Nakapiripirit, Kotido, Moroto, Kasese and Fort portal districts in order to enrich the report findings with practical experiences.

Related findings

- Access to quality legal representation in Uganda remains a challenge. The *Constitution* only guarantees legal representation to capital offenders, the rationale being that in such cases the punishment is so severe that it necessitates the provision of legal representation. Notwithstanding this legal requirement, many of the inmates interviewed complained about the quality of legal representation accorded to them and alleged to have met the lawyers assigned to them in court with no prior or further interaction. This poor quality brief can be attributed to the poor pay given to counsel assigned to state briefs.
- A shortage of judicial officers and state attorneys in the country has been singled out as a major hindrance to effective access to justice in Uganda. Uganda has 354 judicial officers and 172 state attorneys. The required number of state attorneys is 209, thus a gap of 37 state attorneys. With the creation of new districts numbering 112, the judicial system has been constrained even further. In the course of this research many respondents interviewed complained about the frequent court adjournments due to the unavailability of judicial officers or state attorneys.
- Mob justice (injustice) remains a significant threat to the right to life for most ordinary Ugandans.

31. JLOS Strategic Investment Plan III (JLOS SIP III)

JLOS Strategic Investment Plan III sets out the sector's goals for the period 2012/2013 – 2017/17. Basing on the lessons learnt from SIP III, JLOS promises to have the following 3 results by 2017: 1) A legislative, policy and regulatory framework conducive to JLOS operations, promoting the rule of law and human rights and enabling national development. 2) More people, particularly the poor and vulnerable groups will have better access to justice, and live in a safer and secure environment. 3) JLOS institutions that are more responsive to human rights, and are more accountable to service users and the public. That by doing so, 70% of the population will be satisfied with JLOS service and public confidence in the justice system will increase from the current 34% to 50%.

32. Participatory Gender Audit - Uganda Justice, Law and Order Sector (JLOS) - May 2011.**Comments**

The audit aimed to promote learning and self- assessment on gender equality and gender mainstreaming through a participatory approach. It aimed to facilitate learning and at individual, work unit and organisation levels.

The audit is relevant for purposes of reminding ourselves of the importance of gender mainstreaming in all the stages of the survey and in the report for example the need for desegregation of data on the basis of sex.

33. Draft Report on National Legal Aid (Africa Centre for Research and Legal Studies), December, 2010. (Commissioned by JLOS)

The study was to develop, through a consultative and all inclusive process a National Legal Aid Policy and Framework to guide legal aid provision in Uganda. Expert analyses formed the basis for formulating conclusions and recommendations.

The study indicates that potential beneficiaries of legal aid service are women and children. The study also defines legal aid, existing legal aid service providers and emerging categories of service providers.

The study found that there are very few legal aid service providers, and many of them are based in urban centres. It would be good to see if the survey returns results that indicate that people in urban areas have more access to legal aid services than their rural counterparts.

34. Local Councils Administration of Justice: Revised Guides for Local Council Courts

This is not a research, but a guide for local council courts on how to conduct their business.

35. Final Report on the Integrated Study on Land and Family Justice (JLOS, 2008)

Comments:

The study was conceived as the basis for rationalizing approaches aimed at meeting the objectives of SIP II. It covered issues like administration of land and family justice, factors that prevent certain social groups from accessing land and family justice and from claiming their family or land rights, and views, perspectives, aspirations and experiences of the seekers of family justice and land justice as well as other stakeholders among other things.

The report is focused on only land and family justice, although it gives an indication of people's usage and satisfaction with the justice system.

Related findings:

Land conflicts:

-Only 20% of land conflicts are not reported to any dispute resolution option. With a dispute resolution rate of 59.9% for land conflicts at first instance; with an average dissatisfaction rate of only 13.3% and an average 40.9%, the land justice system was rated as fair.

-The leading options of first instance reporting are local councils 1 and 2 rated at a level of 57.7%, followed by clan and other community leaders rated at 27.5%. Its apparent that the land justice seeking behavior and choice of

options at the first reporting level is strongly influenced by distance to the resolution option (22.9%), the understanding that it is a 'legal requirement to go there' (21.3%) and familiarity with how the particular option actually works (18.9%).

-Corruption and illegitimate demands for money slow the justice delivery process, 88% of those who seek land justice are asked to pay un receipted payments.

Family conflicts:

-39.1% of female respondents were prevailed upon not to report a family conflict because they turn out to be very complicated and embarrassing that people opt for the privacy of consensual dispute resolution options despite of their pitfalls.

-Overall, even though formal institutions are accessed, informal institutions such as clans and families play a vital role in family conflict resolution. The local council (50.5%), clan (29.2%) and other relatives (6%) are the most common first instance options in seeking justice as far as family conflicts are concerned. The rate of resolution of family conflicts was 76.9%; with an average dissatisfaction rate of only 16.4% for decisions made by various foras. 30% perceived the system to be expensive or generally unaffordable, while 51% of all the respondents surveyed felt the family justice system was fair.

-Police is one institution that is well positioned in the improvement of access to justice for women, children, elderly and persons with disabilities, because of the family protection unit. However the highest number of cases abort at the police due to corruption because of the many processes and technical procedures involving filling forms and taking of evidence which directly affect the perception of affordability.

- Findings show high perceptual levels of corruption where 91.3% of payments are not receipted for justice seekers under family.

See too:

A Baseline Survey Report on Selected JLOS Indicators (JLOS / Reev Consult International, July 2012) Note:

- When looking at public knowledge of rights, the survey uses the UDHR. While that may be a useful yardstick in terms of international indicators on understanding of human rights, it is submitted that a better yardstick when considering human rights in any country is to use the actual Bill of Rights, especially since the UDHR is non-enforceable, but also because most modern bills of rights are based on the UDHR and, more importantly, it tells us far more about the levels of understanding of the actual rights enforced in a country. For this reason, the DGF uses the Bill of Rights.

COMPONENT 3. Voice and Accountability

3.1. Corruption

36. Corruption Perceptions Index (Transparency International)

The Corruption Perceptions Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory's score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean. A country's rank indicates its position relative to

the other countries and territories included in the index. The 2012 index includes 176 countries and territories.

Rank 130, score 29 (same as Cote d'Ivoire)

Closest African countries in either direction are: Less corrupt than the next two African countries on the list, Kenya and Nigeria (both at 139) but more corrupt than Togo (128) and Sierra Leone (123).

37. DFID's Anti-Corruption Strategy for Uganda (DFID, January 2013)

This is really DfID's internal strategy for safeguarding their funds from the UK and is not relevant to the study. But the strategy does state some interesting facts related to corruption in Uganda:

Transparency International has assessed Uganda as "highly corrupt" every year since 1996 – its first appearance on the Corruption Perception Index⁷², with the World Bank noting a decline in the control of corruption since 2006.⁷³ In the 2012 East Africa Bribery Index, 95% of all respondents judged Uganda's public institutions as corrupt, with Uganda registering the highest bribery levels in the region.⁷⁴

38. Seeing Beyond the State: Grassroots Women's Perspectives on Corruption and Anti-Corruption (HUAIROU Commission and UNDP, 2012)

The objective of the study, which took place from December 2011 to March 2012, was to document grassroots women's perceptions and lived experiences of corruption in developing countries. Surveys were administered and participants engaged in focus group discussions in order to share their experiences with each other and refine their responses. There were a total of 471 respondents: 392 women and 79 men, study in 11 communities across eight countries spanning three continents. (The study doesn't state how many by country, only by region. In Africa, it covered 206 women and 34 men.

Noting it was held in eight different countries and that the data is not disaggregated by country, some key findings generally that might assist in framing questions are:

- Grassroots women's understanding of corruption is broader than the standard definition of corruption as the "misuse of entrusted power for private gain." Corruption, as experienced in and defined by grassroots communities, covers a wide range of exploitative practices, such as physical abuse, sexual favours, and both the giving and taking of bribes – all of which are perceived as strongly linked to non-delivery of services and poor leadership. However, The way in which grassroots women

⁷² <http://www.transparency.org/research/cpi/overview>

⁷³ http://info.worldbank.org/governance/wgi/sc_chart.asp for the World Bank's Worldwide Governance Indicators on the Control of Corruption.

⁷⁴ See http://www.tikenya.org/index.php?option=com_content&view=article&id=73&Itemid=67 for the 2012 East Africa Bribery Index.

described corruption was not consistent across regions. Bribery, for example, was the most popular response in both Africa and South Asia, although variations in the frequency of this response emerged (61 % of African women as opposed to 38 % of South Asian women defined bribery as the primary defining characteristic of corruption).

- Broadly speaking, grassroots women's experience of corruption is concentrated in the realm of public-sector service delivery. Poor women generally interface with public agencies to fulfil two objectives: i) to access basic services for themselves and their families and/or ii) to access services which have a direct (and significant) impact on their quality of life. The study's findings support the former assumption, but it is clear that the women's needs are not restricted to the widely accepted forms of basic services (such as health, education, water, sanitation, and electricity). Women respondents to the survey also reported being asked to pay for a bribe when accessing the latter type of services, such as those related to business and employment, documentation, and law enforcement. These forms of public sector engagement are not regularly included in the discussion on corruption in basic service delivery, thus reflecting only a small part of grassroots women's lived experience of corruption.
- Women also reported being subjected to corruption when seeking employment and running businesses in both the formal and informal sectors. This kind of corruption prevents them from starting businesses and acts as a major barrier to earning income or sustaining their businesses.
- One of the most critical areas in which women suffer from corruption was shown to be in obtaining documentation. Documentation services encompass the processing and acquisition of all documents related to proof-of-identity and residence such as birth, death, marriage certificates, and passports. Corruption surrounding documentation thus acts as a bottleneck preventing women from accessing other forms of services and opportunities.
- Women also faced extortion when exercising their land and property rights vis-à-vis bribery during any land transactions.
- Women encountered corruption when participating in elections and politics, where votes were often bought in exchange for money or gifts.
- The police force in particular was consistently named by grassroots women as the most corrupt government agency. Law enforcement officials demand bribes in multiple facets of women's day-to-day lives, whether it is to file charges or to allow slum families to retain illegal, but desperately needed, access to public services like housing, water, sanitation, and electricity which are scarce in impoverished neighbourhoods.

The survey also considered the strategies undertaken by grassroots women to fight and deal with corruption. The findings reflect that grassroots women have devised and utilized a variety of successful anti-corruption strategies in their communities. Because the perceptions of corruption vary in different contexts, notable variations exist as to the strategies used to fight corruption, with different approaches being designed based on rural-urban environments and geopolitical region (Latin America, Africa, and Asia). Further, there was a

variation in strategies based on whether women perceived there to be an enabling environment or non-enabling environment.

39. Country Report: Uganda (Report by Alice Komuhangi, The Ninth International Training Course on Corruption Control in Criminal Justice)

Good background on corruption in Uganda, but difficult to know when it was written (it seems to be around 2006) and not directly relevant to the report. It does provide some of the legal context for corruption though:

Constitution

As the primary legal instrument, the Constitution contains provisions on measures, concepts and institutions that are geared to preventing, monitoring and combating corruption. Under the National Objectives and Direct Principles of State policy, the Constitution stipulates that the State and citizens of Uganda are to “preserve and protect and promote a culture of preserving public property”⁷⁵ and that all measures should be undertaken to eradicate corruption and abuse of office or misuse of power by those in public office.⁷⁶ The Constitution makes all public offices and those in positions of leadership answerable and accountable to the people of Uganda.⁷⁷ Besides, the Constitution enjoins the citizens of

Uganda to preserve and protect public property and combat corruption.⁷⁸

The Prevention of Corruption Act Cap 121 (Still in effect?)

Act tries to define “corruption” in a broad and comprehensive manner. Under this law, corruption as an offence involves the participation of a public official. Art. 2 provides that “any person who shall, by himself or by or in conjunction with any other person:

- corruptly solicit or receive, or agree to receive for himself or for any other person; or
- corruptly give, promise or offer to any person whether for the benefit of that person or of another person, any gratification as an inducement to, or reward for, or otherwise on account of any member, officer or servant of a public body doing or forbearing to do anything in respect of any matter or transaction, actual or proposed, in which that public body is concerned

commits an offence.”

This law confines the acts of corruption to situations only involving public officers. It is for this and other reasons that having identified the weaknesses, there are current attempts at reviewing the law relating to

⁷⁵ 1995 Constitution, objective xxv.

⁷⁶ Ibid., objective xxvi.

⁷⁷ Id.

⁷⁸ Ibid., Art. 17(2)(d) and (i).

dealing with corruption in Uganda.⁷⁹ The Act also criminalizes the act of corruptly withdrawing a tender that has been awarded. Both the public official and the other party involved are treated as offenders. The law further criminalizes similar corrupt transactions involving an agent when conducting the principal's affairs or business and bribing any public official in order to vote or not to vote in any matter.

The Penal Code Act Cap 120

Other corruption-related offences are contained in the Penal Code Act and they include inter alia embezzlement, causing financial loss, fraudulent false accounting, false accounting by public officers, fraudulent offences by directors and officers of corporations, abuse of office, etc.

Inspector General of Government Act

Defines corruption as: "the abuse of office for private gain and includes but is not limited to embezzlement, bribery, nepotism, influence peddling, theft of public funds or assets, fraud, forgery, causing financial loss or property loss or false accounting in public affairs."⁸⁰

40. The Republic of Uganda National Strategy to fight corruption and rebuild Ethics and Integrity in Uganda 2008-2013 (Directorate of Ethics and Integrity, Office of the President)

The National Anti Corruption Strategy (NACS) is important from a background perspective.⁸¹

The strategic objectives in the NCAS are:

- Effective political leadership in the fight against corruption;
- Increased public demand for accountability and rejection of corruption;
- Effective enforcement of anti-corruption measures;
- Enhanced compliance and accountability by public service organisations;
- Strengthened implementation of NACS.

Note that the strategy includes various indicators under each of these objectives. These have been checked but only the following appear relevant to the study (and even then only partially):

- Public awareness of GOU anti-corruption actions.
- High risk corruption areas addressed (perceptions).

⁷⁹ The Prevention of Corruption Act Cap 121 Sec. 2 (a) and (b).

⁸⁰ Inspector General of Government Act, Cap. 167, sec. 2. Some text is from the International Centre for Asset recovery website: <http://www.assetrecovery.org/kc/node/e2169ea0-36d5-11dd-ad67-ef50b8e9e379.0.jsessionid=DC466EA3CDFC98E1F155848CD0FB5247>

⁸¹ The NCAS is a five year planning framework designed to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. It focuses on people, systems, and organizations and on building a culture where integrity is valued and corruption is rejected. It seeks to support national development that will for the future be able to sustain; a better quality of life for people; a strong competitive economy; effective and efficient public services.

The strategy also provides a list of the key **Anti-Corruption Agencies** that will prove relevant if the survey includes questions about knowledge of who to report corruption to.

The primary anti-corruption agency is the **Inspectorate of Government (IG)** which is constitutionally independent and carries a wide mandate in the fight against corruption as well as the Ombudsman function.

A number of other bodies have functions closely related to anticorruption but hold mandates where corruption is only one element. These include the:

- Directorate of Public Prosecution (DPP)
- Criminal Investigation Directorate (CID)
- Public Procurement and Disposal of Public Assets Authority (PPDA).
- The Directorate of Ethics and Integrity (DEI) coordinates anti-corruption policy and provides political leadership. All these bodies are in membership of the Inter Agency Forum (IAF), which provides a coordinating mechanism.

It also includes the existing legal framework at the time as well as 'pending legislation':

Current Legal framework:

- The Constitution of Uganda;
- The Penal Code Act (until the Anti-Corruption Bill is enacted)
- The Public Finance and Accountability Act, 2003;
- Budget Act, 2001
- The Local Governments Act, 1997;
- Leadership Code Act, 2002;
- Inspectorate of Government Act, 2002;
- The Public Procurement and Disposal of Public Assets Act, 2003;
- The Prevention of Corruption Act, 1970;
- Access to Information Act, 2005
- Public Service Standing Orders
- The Audit Act, 2008;

'Pending' legislation includes:

- Anti-Money Laundering Bill, 2005
- The Anti-Corruption Bill, 2008;
- Whistle Blower Bill, 2008

International Treaty Obligations

Uganda has subscribed to a number of international treaties and regional organisations whose operation has direct relevance for the manner in which accountability issues are addressed:

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

- United Nations Convention on the suppression of the financing of terrorism (1999);
- United Nations Convention (the Vienna Convention) against illicit traffic in narcotic drugs and psychotropic substances (1998);
- United Nations Security Council Resolution 1373;
- United Nations Convention against Corruption. United Nations 2003
- African Union Convention on Preventing and Combating Corruption. The African Union July 2003
- East African Community and East African Customs Union
- New Partnership for African Development (NEPAD)
- East and Southern African Anti-Money Laundering Group (ESAAMLG)

41. **PRDP and Conflict Risk Factors in Post Conflict Northern Uganda - Baseline Study Report** (Refugee Law Project, 2010)

Comments:

The baseline survey was conducted to assess the situation and document narratives about conflict within the selected PRDP districts to establish the potentials of these conflicts threatening the successful implementation of the post-conflict recovery programme. The central aims of the survey were to establish the extent of awareness about PRDP, the underlying explanations for the apparent calm in the districts; the nature of relationships that obtain between the various actors within the districts; the extent to which all available mechanisms for accountability follow up on the PRDP matrix.

It was a qualitative survey conducted in the districts of Zombo, Adjumani (**West Nile**) Nwoya, Amuru, Kitgum, Pader, Gulu (**Acholi sub-region**) Otuke, Lira, (**Lango Sub-region**) Amuria (**Teso sub-region**), Mbale (**Elgon sub-region**) and Busia (**Bukedi**). It was done under the auspices of the Advisory Consortium on Conflict Sensitivity, which is a DFID (Now UK-Aid) funded project.

Related findings:

- Many of the local beneficiary communities visited were not knowledgeable about PRDP. Within this perspective the communities remained voiceless, faceless and powerless. Communities also expressed persistent concern over the insufficient monitoring of construction and works and low community participation in the implementation of PRDP projects.
- Local people are faced with difficulties in accessing the formal justice systems due to ignorance about the functionality of the legal systems and procedures. The ordinary people are also not familiar with the technical aspects of the legal system. For instance, there is prevalent ignorance as to how the law works in practice. There is also thin police presence and its administration is too weak to guarantee security assurance of property and lives in some of the districts.
- Perceptions of being marginalised and excluded from benefitting in sharing the “national cake” and equitable distribution of national resources have caused a lot of dismay concerning the behaviour and intentions of the

ruling government. Most of the root causes of conflicts in Northern Uganda, as stated, have strong connections with the experiences of marginalisation and inequity in one form or the other. These often show up in form of political marginalisation, economic marginalisation or social exclusion.

- Administratively, most of the newly created districts are still dependent on their mother districts in terms of financial, technical and human resources, resulting into low capacity to provide the required services. Many district local governments visited did not have the capacity to coordinate the various activities under PRDP carried out by different actors outside the local government structures.

42. A Baseline Survey Report on Selected JLOS Indicators (JLOS / Reev Consult International, July 2012)

As suggested by the title, this report looks specifically at JLOS institutions. The survey consisted of a household survey, private enterprises survey and public officials survey in 56 Districts. The most relevant sections for the DGF survey deal with public perceptions of corruption in JLOS institutions.

Findings:

- Bribery is the most common form of corruption – as reported by 66% of respondents in the National Integrity Survey (NIS 2008).
- The police force was reported to be the most corrupt JLOS institution. 52% of respondents reported having been asked for bribes by police officers.
- The courts of judicature and the immigration departments were also reported to be corrupt / require bribes with 16.4% and 10.3% reporting being asked for bribes respectively. With regard to the courts, the most corrupt are the Magistrate Courts, although no figures are provided.
- The survey also deals with access to JLOS institutions and perceptions on the independence of the judiciary, if required.

See too:

- From Violence to Voting: War and Political Participation in Uganda (Christopher Blattman, Yale University, 2009) American Political Science Review Vol. 103, No. 2 May 2009 (above)
- Baseline survey report on selected JLOS indicators (above)
- African Peer Review Mechanism Report on the National Household Sample Survey (UBOS, NEPAD-2007) (above)

3.3. Oil Governance

43. National Oil and Gas Policy for Uganda

Approved on 30 January 2008. The goal of this policy is to use the country's oil and gas resources to contribute to early achievement of poverty eradication and create lasting value to society.

Objectives

- To ensure efficiency in licensing areas with the potential for oil and gas production in the country.
- To **establish and efficiently manage** the country's oil and gas resource potential.
- To efficiently produce the country's oil and gas resources.
- To promote valuable utilization of the country's oil and gas resources.
- To promote the development of suitable transport and storage solutions which give good value to the country's oil and gas resources.
- **To ensure collection of the right revenues and use them to create lasting value for the entire nation.**
- **To ensure optimum national participation in oil and gas activities.**
- To support the development and maintenance of national skills and expertise.
- To ensure that oil and gas activities are undertaken in a manner that conserves the environment and biodiversity.
- **To ensure mutually beneficial relationships between all stakeholders in the development of a desirable oil and gas sector for the country.**

44. National Oil and Gas Policy for Uganda And its Implementation (Min of Energy and Mineral Development – 2013)

Issued as a newspaper supplement in March 2013, it an overview of what has been done since 2008:. In terms of the objectives that might be relevant to the study:

- Obj.2 To **establish and efficiently manage** the country's oil and gas resource potential. a Petroleum Authority, to regulate the sector and a National Oil Company to spearhead government's commercial interests in the sector are to be created by the new law on petroleum exploration, development and production. Structures for these institutions have been prepared and await enactment of the new legislation before becoming operational.
- Obj. 3 To efficiently produce the country's oil and gas resources. Commercial production of petroleum in the country has not yet commenced. Appraisal drilling and extended well testing are being undertaken as part of the on-going appraisal of the oil and gas discoveries made in the country.
- Obj.6 **To ensure collection of the right revenues and use them to create lasting value for the entire nation. The Ministry formulated an Oil and Gas Revenue Management Policy that was** adopted in February 2012. The Ministry also tabled an updated Public Finance Bill 2012 in Parliament during May 2012, which provides for the management of petroleum revenues. In addition, the country's tax legislation has been updated to effectively handle petroleum revenues.
- **Obj.7 To ensure optimum national participation in oil and gas activities.** In 2010 the Ministry commissioned a National Content study to review and evaluate the opportunities and challenges for the participation of Ugandans in the oil and gas sector. It says this is available on the website, but could not be found.

- **Obj.10 To ensure mutually beneficial relationships between all stakeholders in the development of a desirable oil and gas sector for the country.** Extensive consultations were reportedly undertaken during formulation of the National Oil and Gas Policy and in the preparation of the petroleum bills which have now been passed by Parliament. These consultations were enhanced by the additional consultations which Parliament undertook in preparation for the debate on the Bills. Consultations have and continue to be undertaken during studies relating to the Refinery Development Project, National Participation and Environment Management. In addition, a National Communication Strategy for the Oil and Gas Sector was developed to bridge the communication gap between the oil and gas industry and the general public and is under implementation. This strategy can be accessed on www.petroleum.go.ug. (See below) A public information and education effort to enable Ugandans achieve a better understanding of the developments and opportunities in the sector and how they (Ugandans) can participate is also on-going.

45. Governance and Livelihoods in Uganda's Oil-Rich Albertine Graben (International Alert, 2013)

This study was commissioned by International Alert and the Democratic Governance Facility in March 2012. The main objective of the survey was to establish baseline data needed to measure the degree and quality of change in the livelihoods of the communities where oil exploration is taking place. The study employed both qualitative and quantitative approaches. It was carried out in 13 districts that were purposely selected from the Albertine region, covering the sub-regions of Acholi, Bunyoro, Kigezi, Rwenzori and West Nile. Structured interviews, focus group discussions and key informant interviews were conducted with government officials, members of parliament, oil companies, civil society organisations, cultural institutions and communities. A total sample of 1,215 households was visited, of which 637 were male respondents and 578 were female respondents.

The study is extremely comprehensive and looked into various issues related to oil exploration and the impact it is having and can be expected to have on communities in or close to areas where oil has been found. It considered:

- The oil and gas context (providing an excellent history of when oil was first discovered and legislative, policy and other processes developments from that time).
- An examination of livelihoods in the region, including sources of livelihood, ownership of land and expectations from oil and gas exploration).
- Gender relations and participation.
- Governance and accountability, including accountability strictures, governance at national, sub-county and village levels, and access to information.
- Relationships between communities and oil companies.

- Conflicts in oil exploration areas, including conflicts associated with oil exploration and institutions helping to ease the conflict.
- Displacements and compensation.
- Environmental concerns.
- Conclusions and recommendations.

Although not all of these issues are of relevance to the DGF survey, the introductory sections are excellent and will provide background to the sections in the final survey report on oil exploration in Uganda, and the following specific issues were surveyed that are very similar to what the DGF survey will cover:

- The level of consultation in developing key policies and legislation at national, sub-county and village levels.
- The level of optimism that oil exploration will contribute to increased employment and other opportunities.
- The degree to which gender roles will impact on women's ability to benefit from the proceeds of oil exploration.
- Perceptions of the capacity of governance structures to coordinate, supervise and monitor oil exploration.
- The degree to which respondents believe their, and their communities', concerns are taken into account and addressed.

While it may appear that similar questions in the DGF survey will overlap this very recent study, this is not the case for the simple reason that the International Alert study focused only on the Albertine Graben, while the DGF study is a national survey. The DGF survey will thus be able to both confirm or otherwise that the results in this study are accurate when it comes to perceptions and understanding in the oil regions, and to measure these perceptions and understanding against national levels to establish whether any differences exist. To this end, the questions in the questionnaire for the DGF study will mirror some of those used by International Alert.

Key findings from the survey that are of direct relevance to the DGF study are:

- Uganda has many policies and laws with sectoral links to petroleum. The process of development of these policies, bills and laws has been consultative at the national level. The public, civil society organisations and private sector actors have been involved in consultations related to development of the 2012 Petroleum Bills that were currently being reviewed by parliament. (These Bills appear now to have been passed as Acts). An important note (not seen in other reports) is that there was a Constitutional Amendment Act of 2005 that incorporated a provision on oil and gas:

Article 244, which initially solely provided for minerals, was replaced to provide for petroleum as well. Clauses 1–3 provide as follows:

1. Subject to Article 26 of this constitution, the entire property in, and the control of, all minerals and petroleum in, on or under any land or waters in Uganda are vested in the government on behalf of the Republic of Uganda.

2. Subject to this article, parliament shall make laws regulating the:
- exploitation of minerals and petroleum;
 - sharing of royalties arising from mineral and petroleum exploitation;
 - conditions for the payment of indemnities arising out of exploitation of minerals and petroleum; and
 - conditions regarding the restoration of derelict lands.

3. Minerals, mineral ores and petroleum shall be exploited, taking into account the interest of the individual landowners, local governments and the government.

It should be noted that Article 244 is a departure from Article 237(2)(b), which vests natural resources in the citizens, with the government as a trustee. The controversy has been whether petroleum resources fall outside the public trust doctrine, in which case the legitimacy of citizens to hold government accountable is seriously diminished. Secondly, and on a positive note, Clause 1 above promotes the right to property provided for under Article 26 of the constitution.

- Debates on the bills have increasingly taken on a national outlook, especially in respect to demand for stronger provisions for transparency and accountability. However, consultation the local government and community level appears to have been limited.
- In general, people were optimistic that oil production will contribute positively to increased employment opportunities (57%), higher incomes (51%), improved access to roads (41%) and improved access to social amenities (36%). Nevertheless, some community members were sceptical about the benefits that would accrue from oil, because their youth and children are likely to be employed largely for casual jobs due to a lack of necessary qualifications.

Table 8: Positive expectations from oil and gas exploration

Expectations	Percentage
Increased employment opportunities	57.1%
Increase in income	50.6%
Improved access to roads	41.3%
Improved access to social amenities	36.1%
Other benefits (business, compensation, decrease in commodity prices, etc.)	13.3%

- On most indicators of gender roles and practices, except repairing the house, more women than men reported that they ‘do everything’, indicating that women’s workload is higher than that of men. This implies that, if the gender roles and practices do not change, women are less likely to benefit from the proceeds of oil exploration and exploitation. On the other hand, there may be changes in relationships between women and men in the future if the commercial phase of oil exploration begins – such as changes in family income, education and influence from other cultures – potentially leading to conflict between the sexes.

- The capacity of governance structures at local government level to coordinate, monitor and supervise oil exploration and exploitation activities was perceived by stakeholders to be inadequate.
- With regard to central government:
 - Nearly half (49%) of the respondents disagreed with the statement that 'central government addresses community concerns about the oil and gas sector'.
 - Some 41% of the respondents disagreed with the statement that 'they are confident that the government is going to manage oil activities well for the benefit of the community'.
 - Similarly, 45% disagreed with the statement that 'central government listens to community views about oil exploration'.
 - A sizeable proportion (39%) of the respondents stated that their members of parliament (MPs) ask for their views, while 30% felt that the central government listens to their views.
 - However, almost half (48%) of the respondents disagreed with the statement 'the MP solicits for their views'.
 - Informants claimed that MPs are still ignorant about oil and gas. (Page 30)
- The sub-county rating on most governance parameters was quite low. Across all the regions, a considerable percentage of people were dissatisfied with the level of integrity, transparency, participation, capacity and performance exhibited by the leadership structures at sub-county level. 75% of respondents disagreed that the sub-county leadership is addressing community concerns about the oil sector. Dissatisfaction was particularly evident with regard to the level of integrity, transparency, participation, capacity and performance exhibited by the leadership at sub-county level.
- At the village level, a majority (77%) of the respondents disagreed with the statement that 'community members are consulted in planning for social services provided by oil firms'.
- In relation to access to information related to oil exploration, the majority (96%) of the respondents are not aware of any policies governing oil exploration.
- It was noted that there is limited knowledge about the size and scope of the oil exploitation activities in the region.

46. Oil and Gas Revenue Management Policy Ministry of Finance, Planning and Economic Development, February 2012

The 2008 National Oil and Gas Policy required that an appropriate framework be put in place to aid the sustainable management of oil and gas revenues. This policy provides details on how the anticipated revenues shall be managed and integrated into the existing Government systems with a view of mitigating the overall impact of these revenues on the economy. The policy requires the highest standards of transparency and accountability in the management of oil and gas revenues and gives the institutional and governance structures to be used to achieve this. Lastly, to promote harmony

and social cohesion, the policy provides for a mechanism for the sharing of royalty revenues with the local governments within the oil producing region.

47. Oil in Uganda - International Lessons for Success, Ben Shepherd, February 2013

This is a comparative study on how other countries with significant mineral and oil wealth have managed to avoid the 'resource-curse'. It is interesting from a background perspective and provides some valuable insight into how Uganda might mitigate potential conflicts, but is not relevant to the DGF study.

48. Donor Engagement in Uganda's Oil and Gas Sector: An Agenda for Action (Global Witness Briefing Paper - 2010)

This is an analysis of the potential problems Uganda may face (resource curse), an overview of how other countries have avoided these (especially Norway, Chile, Botswana and Indonesia), the factors that exist in Uganda that might mitigate problems and conflict, and options for how oil may be managed. As such, it provides background to the DGF study only, but may also allow for some discussion on what projects (such as public awareness, education and conflict resolution) DGF might prioritise.

49. The Power of Oil: Charting Uganda's Transition to a Petro-State (The South African Institute of International Affairs (SAIIA)- March 2012)

This highly academic report investigates the political impacts that oil is likely to have on Uganda. It argues that oil production will have transformative effects on Uganda's local, national and regional political relations.

To better understand these impacts, the report attempts to contextualise oil developments within an historical perspective and focuses on the role of the military in Uganda – concluding that the power of the military, and the influence it still exerts on political developments in the country, should be considered a potential danger as the country heads for oil production.

Chapter 3 of the report – “Discourses of marginalisation and uncertainty in the Lake Albert region: A report from the field” – is based on fieldwork in the Lake Albert region, which found that perceptions of economic and political marginalisation in communities directly affected by oil developments could lead to grievance politics emerging in a volatile zone. Fear and distrust of the government and private companies abound among the region's communities, including concerns about the lack of a law governing the oil sector, negative environmental impacts, and forced community displacement to make way for oil infrastructure. “Such fears and concerns shape perceptions regarding oil developments on Lake Albert, and could prove politically destabilising (at both a local and national level) if government and oil companies do not engage communities in co-operative governance initiatives”.

The report's main value is as background to the issues facing the oil regions, as well as allowing for some discussion on what projects (such as public awareness, education and conflict resolution) DGF might prioritise.

50.A New Frontier: Oil and Gas in East Africa. Managing Risk/Maximising Opportunity (Control Risks) (Undated, but appears to be 2011/12)

This is a relatively brief comparative study of Uganda, Ethiopia, Tanzania, Kenya, Mozambique (with brief references to South Sudan). While interesting to compare issues in Uganda with those in the region, it is not that relevant to the DGF study.

51. Enhancing National Participation in the Oil and Gas Industry in Uganda. Final Report of the National Content Study in the Oil and Gas Sector in Uganda (Ministry of Energy and Mineral Development - 2011).

This study by the government of Uganda has examined how Uganda may benefit from the participation of Ugandans and Ugandan firms in the petroleum activities.

General

52. Governance Data Mapping Report (UBOS) 2012

This report attempts to assess the process and assessments of the quality of indicators on governance that are produced by different institutions on the basis of multi-stakeholder participation in Uganda.

Objectives

“In Uganda, some aspects of governance and corruption are covered in the National Integrity Surveys – Office of the Inspectorate of Government (IGG) and National Service Delivery Surveys conducted by Uganda Bureau of Statistics (UBOS) in partnership with the Ministry of Public Service. These studies, however, only covered perceptions of governance indicators that are known to have a very short lifespan. A number of other government institutions and NGOs have also taken the initiative to collect information on governance but there has not been a coordinated effort to harmonize the processes, concepts, assessment methodologies and standardisation of indicators. The current indicators measure governance at national level with limited assessments at lower administrative levels such as regional or district levels. The indicators are broad and based on expert knowledge from a few purposively selected respondents and these are carried out at irregular intervals. This created a need to harmonize, develop and apply appropriate statistical assessment methodologies for measuring and monitoring governance. This initiative was launched in the year 2011 with support from the agency for Germany International Cooperation, GIZ, to facilitate the development of strong statistical databases at the national level by ensuring data quality, timeliness, accuracy and subsequent monitoring at regular intervals leading to effective monitoring of governance in Uganda. The

motivation for the multi-stakeholder approach to governance assessment was found to be evident in National Development Plan (NDP: 2010/11–2014/15). Similarly, it was noted that governance indicators are a requirement for the assessment of the Millennium Development Goals (MDG) to which Uganda is signatory.”

Themes

According to the report:

“In the data mapping study, three themes were adopted based on the preliminary findings. They include: Democracy, Human Rights and Transparency & Accountability. Under each of the three themes, sub-categories were identified as follows; sub-categories covered under democracy were nationhood and citizenship, the rule of law and access to justice, civil and political rights, economic and social rights. Sub-categories for the human rights theme included; the media in a democratic society, political participation, government responsiveness and decentralization. Lastly, sub-categories for transparency and accountability include; free and fair elections, democratic role of political parties, government effectiveness and civilian control of the military and polices.”

Although it is difficult to follow how the allocation of sub-categories to themes was made, it is noted that this is an issue that could be resolved during any subsequent project to develop an agreed set of national governance indicators (as is suggested in the report).

Questionnaires

The questionnaires for the following surveys were specifically considered:

- Afrobarometer Round 5 – The Quality of Democracy and Governance in Uganda.
- Afrobarometer Round 4.5 (Uganda).
- Afrobarometer Round 4 – The Quality of Democracy and Governance in Uganda.
- APRM National Household Sample Survey (Uganda).
- Baseline Survey Report on Selected JLOS Indicators (Uganda).
- IPA SMS Service and Intense Dissemination – Councillor Survey
- ACODE Frontline SMS and Intense Dissemination: Citizen Survey
- Seeing Beyond The State: Grassroots Women’s Perspectives On Corruption And Anti-Corruption (UNDP)
- Baseline survey on human rights and civic education (UNDP Malawi).
- Access to Justice Baseline Survey (UNDP, South Sudan)
- Bangladesh National Human Rights Commission Capacity Development Project – Baseline Survey on Human Rights, Public Awareness and the NHRC.
- Ministry of Justice and UNDP Baseline Survey on Justice Sector of Ghana.
- Ghana Integrity Initiative - “Voice of the People” Survey (A National Survey of Corruption in Ghana)

Documents not considered

The following documents were not considered since they are more than five years old. The list is provided though for those wishing to research further back:

- **A Baseline Survey for West Minister Foundation for Democracy (WFD) Uganda Programme Development** (Wilsken Agencies Ltd, 2006)
- **Insiders and Outsiders: Varying Perceptions of Democracy and Governance in Uganda** (Afrobarometer Paper No. 27, 2003)
- **Democracy, Economy and Gender in Uganda: A Report of a National Sample Survey**
- **Uganda Governance and Democracy Survey Report** (International Republican Institute, 2003)
- **Joint Survey on Operations of Local Council courts and Legal Aid Services.** (The Legal Aid Basket Fund and UNDP/UNCDF- 2006)
- **A Criminal Justice Baseline Survey of the Justice Law and Order Sector of Uganda** (JLOS 2002)
- **Report of the Baseline and Needs Analysis Survey on Legal Aid Provision in Uganda.** (Legal Aid Service Providers Network (LASPNET) - 2004)
- **Doubly Traumatized, Lack of access to justice for female victims of sexual and gender-based violence in northern Uganda** (Amnesty International, 2007)
- **Participatory Poverty Assessment on Safety, Security, and Access to Justice: Voices of the Poor in Uganda** (JLOS, 2002)
- **Uganda's Electoral Process** (Paper presented by the Chairperson of the Uganda Electoral Commission, 2006)
- **Is The PRDP Politics As Usual? Update on The Implementation of Uganda Peace, Recovery and Development Plan** (Refugee Law Project Briefing Note No. 2, December 2008)
- **Appraisal of the Peace, Recovery and Development Plan for Northern Uganda** (Norad, 2008)
- **Whose Justice? Perceptions of Uganda's Amnesty Act 2000. The Potential for Conflict Resolution and Long-Term Reconciliation** (Refugee Law Project, Working Paper 15)
- **Joint Survey on Operations of Local Council courts and Legal Aid Services.** (The Legal Aid Basket Fund and UNDP/UNCDF- 2006)
- **A Criminal Justice Baseline Survey of the Justice Law and Order Sector of Uganda**(JLOS2002)
- **Report of the Baseline and Needs Analysis Survey on Legal Aid Provision in Uganda.** (Legal Aid Service Providers Network (LASPNET) - 2004)
- **Doubly Traumatized, Lack of access to justice for female victims of sexual and gender-based violence in northern Uganda** (Amnesty International, 2007)
- **Participatory Poverty Assessment on Safety, Security, and Access to Justice: Voices of the Poor in Uganda** (JLOS, 2002)
- **Harnessing Oil for Peace and Development in Uganda** (International Alert, 2009) (Although relatively recent, the developments since 2009 make this study largely outdated).

Annex C – Sampling errors for key indicators by gender

Indicator	Male		Female	
	Value	SE	Value	SE
A. Uganda women and men's perception of their collective ability to communicate with elected leaders				
% with ability to raise concerns and issues with Level 3 Local Councillors compared to baseline.	76%	2.3%	63%	2.5%
% increase in confidence amongst those who believe they can raise an issue at this level that their concerns and issues would be considered by Level 3 Local Councillors compared to baseline.	78%	2.5%	78%	2.7%
% increase in confidence of ability to raise concerns and issues with Level 5 Local Councillors compared to baseline.	50%	2.6%	38%	2.5%
% increase in confidence of ability to raise concerns and issues with MPs compared to baseline.	37%	2.6%	27%	2.3%
% increase in confidence amongst those who believe they can raise an issue at this level that their concerns and issues would be considered by MPs compared to baseline.	63%	4.2%	61%	4.9%
Civil and political rights				
% increase in ability to list at least three recognised human rights compared to baseline	27%	2.4%	24%	2.4%
% increase in respondents listing right to life when asked to list human rights compared to baseline	41%	2.7%	42%	2.7%
% increase in those answering 'not to kill others' when asked what responsibilities attach to the right to life compared to baseline.	50%	2.6%	50%	2.6%
% increase in respondents listing right to vote when asked to list human rights compared to baseline	19%	2.1%	12%	1.8%
% increase in respondents listing 'to vote in elections' when asked to list their responsibilities as citizens compared to baseline	22%	2.2%	18%	2.0%
% increase in respondents able to provide at least one acceptable answer for what the Constitution is compared to baseline.	91%	1.6%	77%	2.5%
% increase in respondents able to provide at least one answer when asked what the Constitution covers compared to baseline	85%	2.0%	68%	2.8%
% increase in knowledge of the three arms of government compared to baseline	67%	2.5%	47%	2.6%
% increase in understanding that a law that conflicts with the Constitution must be amended or scrapped compared to baseline	40%	2.6%	34%	2.5%
% increase in respondents listing 'to vote in elections' when asked to list their responsibilities as citizens compared to baseline	22%	2.2%	18%	2.0%

Indicator	Male		Female	
	Value	SE	Value	SE
Percentage of Ugandan women and men having access to legal aid services				
% increase in understanding of the right to legal aid in criminal matters compared to baseline	7%	1.3%	4%	1.0%
% increase in respondents mentioning 'NGO or justice centre' when asked where they would go if they needed assistance in a criminal matter compared to baseline	4%	1.0%	4%	1.0%
% increase in respondents mentioning 'NGO or justice centre' when asked where they would go if they needed assistance in a civil matter compared to baseline	3%	0.9%	3%	0.9%
Sub-component 1 – protecting human rights				
% increase in knowledge of the UHRC as an institution protecting human rights compared to baseline	10%	1.6%	10%	1.6%
% increase in knowledge of the Constitution as a law protecting human rights compared to baseline	11%	1.7%	7%	1.3%
Perception of the prevalence of corruption at local and national level				
% decrease in the perception that corruption amongst senior government officials has not decreased in the past 3 years	85%	1.9%	85%	1.9%
% decrease in perception that bribery by police officers has increased in the previous 3 years	73%	2.3%	63%	2.5%
% decrease in perception that bribery to secure a certificate has in the previous 3 years	60%	2.6%	54%	2.6%

Annex D - Main law and policies governing the oil sector – brief overview

Petroleum (Exploration and Production) Act Cap 150 (1985)

Although passed before it was known how extensive the oil and gas deposits were, this Act remains the primary legislation dealing with oil and gas. Section 2(1) of the Act vests the property in and the control of petroleum in its natural condition in or upon any land in Uganda in the government on behalf of the Republic of Uganda. Regulations to implement the Act were passed in 1993.

Constitution (1995 as amended)

Although the Constitution was silent on oil and gas in its original form, the Constitutional Amendment Act of 2005 amended Article 244, which initially only dealt with minerals, to provide for petroleum as well.⁸² As with the Petroleum (Exploration and Production) Act, the control of petroleum is vested in the government on behalf of the Republic of Uganda.

National Oil and Gas Policy for Uganda (2008)

The National Oil and Gas Policy was adopted on 30 January 2008. Its goal is to manage the country's oil and gas resources to contribute to poverty eradication and create lasting value to society. It includes amongst its objectives:

- To establish and efficiently manage the country's oil and gas resource potential.
- To ensure collection of the right revenues and use them to create lasting value for the entire nation.
- To ensure optimum national participation in oil and gas activities.
- To ensure mutually beneficial relationships between all stakeholders in the development of a desirable oil and gas sector for the country.

In keeping with the policy, a National Oil Company to spearhead government's commercial interests has been established and new legislation is being developed on petroleum exploration, development and production; and to provide for the management of petroleum revenues and tax legislation has been updated to effectively handle petroleum revenues. **To ensure mutually beneficial relationships between all stakeholders** a National Communication Strategy for the Oil and Gas Sector was developed to bridge the communication gap between the oil and gas industry and the general public and is under implementation⁸³. A public information and education

⁸² Article 244: 1. Subject to Article 26 of this constitution, the entire property in, and the control of, all minerals and petroleum in, on or under any land or waters in Uganda are vested in the government on behalf of the Republic of Uganda.

2. Subject to this article, parliament shall make laws regulating the:

- Exploitation of minerals and petroleum;
- Sharing of royalties arising from mineral and petroleum exploitation;
- Conditions for the payment of indemnities arising out of exploitation of minerals and petroleum; and
- Conditions regarding the restoration of derelict lands.

3. Minerals, mineral ores and petroleum shall be exploited, taking into account the interest of the individual landowners, local governments and the government.

⁸³ This strategy can be accessed on www.petroleum.go.ug.

effort to enable Ugandans achieve a better understanding of the developments and opportunities in the sector and how they (Ugandans) can participate is also on-going.

Oil and Gas Revenue Management Policy (2012)

This policy provides detail on how the anticipated revenues shall be managed and integrated into the existing Government systems. It requires the highest standards of transparency and accountability in the management of oil and gas revenues and creates the institutional and governance structures to be used to achieve this. To 'promote harmony and social cohesion', the policy provides a mechanism for the sharing of royalty revenues with the local governments within the oil producing region.

