

## **Uganda's Anti-Corruption Institutions Agree on Principles for the Proceeds of Crime Bill**

*With SUGAR TAF's technical advice and support, Uganda's anti-corruption institutions have been able to develop principles for a Proceeds of Crime Bill that will soon go before Cabinet for approval.*

For over three years, Uganda's institutions were deadlocked in their efforts to develop a law that would strengthen the country's capacity to recover proceeds of crime. Asset recovery has been a notable weak point in Uganda's anti-corruption efforts. The recovery of proceeds of crime in Uganda is currently addressed through the application of at least ten different laws. This limits the effectiveness of the recovery regime in Uganda, since each act deals with recovery in a different way. The current laws do not include provisions for the management and disposal of the recovered assets, nor for civil asset recovery. It was against this backdrop that the heads of anti-corruption institutions agreed on the need to take action, and formed a 13-member legal taskforce for that purpose, but they could not agree on how to proceed.

The major stumbling block was that not everyone on the Taskforce believed that the Bill should include provisions for civil asset recovery. The Solicitor General advised that requiring a person to prove the source of the acquired wealth would contravene Article 28(3) of the Constitution of the Republic of Uganda, which provides that every person charged with a criminal offence shall be presumed innocent until he or she is proved guilty or has pleaded guilty.

In 2017, SUGAR TAF helped the Taskforce to overcome the deadlock. Firstly, they worked with the Inspectorate of Government to convene a Taskforce Conference on Civil Asset Recovery where all stakeholders could come together and discuss the issue. Secondly, and most importantly, they provided practical examples of how other countries have drafted similar legislation without violating the presumption of innocence. With this new information, the group was largely able to agree on key principles on which to base their new Bill.

The next major step in the process was to meet a new Government of Uganda mandatory requirement: namely that any proposed policy or law must first be subjected to a Regulatory Impact Assessment (RIA) process. This requirement mitigates against the passing of duplicate or redundant legislation, as well as legislation which inadequately addresses issues, which can in turn lead to poor service delivery. It ensures that laws and policies are not passed at the expense of other feasible innovative solutions, and that any new laws passed are the most appropriate tools for achieving their given ends. SUGAR TAF supported the Taskforce to receive three days of high-level training on how to conduct a Regulatory Impact Assessment (RIA) in November of 2018. In August of 2019, the group, again with SUGAR TAF's support, met for three days to conduct the RIA. The RIA was successfully completed,

and the Bill is one step closer to becoming a realised law. The next step is presenting the Principles of the Bill to Cabinet for approval.

“The Proceeds of Crime Bill is very important in the fight against corruption. Without it, people have been financially benefitting from the crimes they commit. They are convicted, sentenced, and they go to jail and serve their terms of imprisonment. After that they come out and enjoy the benefits of what they stole - they don’t even feel the pain of the imprisonment. I live near the prison, and quite a lot of prisoners are doing big business even from prison - they’ll send prison officers out to do business for them.

But this law will bite them! It will be a big tool in fighting corruption.”

- Ms. Ruth Olijó,  
Commissioner  
Legal Services,  
Directorate of  
Ethics and  
Integrity