



**MINISTRY OF INTERNAL AFFAIRS**

**NATIONAL BUREAU FOR NGOS**

**THE NON-GOVERNMENTAL  
ORGANISATIONS (INSPECTIONS  
AND CONDUCT OF INSPECTORS)  
GUIDELINES 2019**

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## **PREAMBLE**

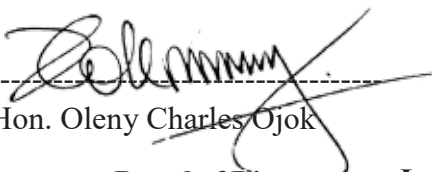
The 1995 Ugandan Constitution under Articles 29 (d) and (e) provides for the Freedoms of Expression, Assembly and Association which include the freedom to form and join Associations or Unions, including Trade Unions and political and other Civic Organisations. As part of the operationalization of Article 29 with regard to formation and regulation of civil organisations, the Non-Governmental Organisations Act, 2016 was assented to by the President on the 30<sup>th</sup> day of January, 2016 after Parliament had passed the Bill on the 26<sup>th</sup> day of November, 2015. The Act commenced on the 14<sup>th</sup> day of March, 2016. The commencement of the Act was followed by the development of two Regulations namely; the Non-Governmental Organisations Regulations 2017 S.I No. 22 of 2017 which revoked the Non-Governmental Organisations Registration Regulations, 2009 and the Non-Governmental Organisations (Fees) Regulations 2017.

Though the Non-Governmental Organisations Act, 2016 had the effect of repealing the Non-Governmental Organisations Act Cap 113, Section 59 of Act 5 of 2016 saved all the organisations which were in existence before the commencement of the Act and they were to continue to operate and the same applied to the employees of the Board under section 58 of the Act.

Section 41 of the Act 5 provides for the inspection of organizations and the appointment of the Inspectors of the Bureau. The Inspectors are among others empowered to have access to the premises of the Organisation, confiscate

any incriminating document or material, interview and record statements from any person having knowledge of the subject.

It is of paramount importance that an Inspector designated under Section 41 (3) of the Act be guided on how to exercise his or her powers as an Inspector and it is against this background that these guidelines have been developed to achieve that objective.



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Hon. Oleny Charles Ojok

**Chairperson, Board of Directors**



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Mr. Okello Stephen

**Interim Executive Director**

# **THE NON-GOVERNMENTAL ORGANISATIONS (INSPECTIONS AND CONDUCT OF INSPECTORS) GUIDELINES, 2019**

*(Under Section 6 (b) and (d) of the Non-Governmental  
Organizations Act, 2016)*

**IN EXERCISE** of the powers conferred upon the NGO Bureau by Section 6 (b) and (d) of the Non-Governmental Organisations Act, 2016 to formulate, develop and issue policy guidelines for DNMCs and SNMCs for the effective and efficient monitoring of the operations of the organisations; and to formulate and develop policy guidelines for DNMCs, SNMCs, and CBOs; these Guidelines are made this 10<sup>th</sup> day of April, 2019.

## **1.0 Introduction**

After the issuance of Permit or authorisations to an organisation, the Bureau has the responsibility to ensure that organisations comply with the Act and the Regulations made under the Act or with the conditions specified in the Permit. An inspection to be conducted on an organisation can either arise from a complaint filed to the Bureau or be classified as planned, triggered or sampling as the NGO Bureau exercises its mandate of ensuring that organisations comply with the Law.

Planned inspections by the NGO Bureau will increase the organisations responsibility on realisation that their offices and activities would be inspected for compliance with the Act and the Regulations made under the Act. Triggered inspections are normally initiated by specific impetus such as complaints from the affected parties or by request.

Sampling inspections shall be based on statistical measures and mainly effected by inspecting a small sample of many organisations to infer to the overall compliance of the organisations.

## **2.0 Appointment of Inspector**

Inspectors shall be appointed by the NGO Bureau by designating from among its officers such number of Inspectors. The appointment of an Inspector shall only be valid after the designated Inspectors are gazetted in the official Gazette.

### **2.1 Powers of the Inspectors**

An Inspector may in the course of inspection exercise any of the following powers;

- (a) Have access to the premises of the organisation;
- (b) Confiscate any incriminating document or material;
- (c) Interview and record statements from any person having knowledge of the subject matter;
- (d) Recommend to the NGO Bureau for an interim closure of the premises or offices of the organisation; or
- (e) Issue a compliance notice with the requirements of the Act or these Regulations.

In exercising his or her power under the Act and the Regulations, an Inspector shall suitably identify himself or herself with a valid identification document issued by the NGO Bureau and if any organization or person is in doubt,

it may contact the office of the Executive Director of the NGO Bureau.

Every Inspector shall immediately after conducting an inspection issue a certificate of inspection in duplicate signed by the Inspector and a representative of the organisation.

### **3.0 Record of Inspection**

The Inspector shall maintain an accurate and up-to-date record of inspections carried out; including all re-inspections and shall submit weekly, monthly, quarterly and annual reports to the Executive Director of the NGO Bureau.

### **4.0 Procedure for Conducting an Inspection**

- (a) The Inspector shall be required to give at least three days' notice of inspection before the inspection to an organisation stating the time and purpose of the inspection.
- (b) All inspections must be conducted between the hours of 8:00am to 5:00pm on working days.
- (c) Before conducting the inspection, the Inspector should conduct due diligence on the organisation to ascertain any difficulty that may be faced during the inspection and file a pre- inspection analysis report with the Executive Director for guidance.

- (d) The Executive Director may request for assistance and cooperation from any Government Department or Agency to assist the Inspector during the inspection.
- (e) The Inspector shall, before commencing an inspection suitably identify himself or herself with a valid identification document issued by the Bureau.
- (f) The inspection shall be conducted with due regard to the fundamental rights of the organisation and the human rights of the employees of the organization, among others a right to privacy and property.
- (g) Where the Inspector believes that an organisation or an employee of an organisation has committed or is involved in any criminal activity, he or she shall immediately report to the nearest Police Station.
- (h) Where the Inspector confiscates any incriminating document or material from the organisation, the documents or materials shall be recorded by name and serial number or any other identifying feature in duplicate and the record shall be signed by the Inspector and a representative of the organisation.
- (i) The organisation being investigated or inspected shall at all times be accorded a right to fair hearing and natural justice.



## **5.0 Inspector’s Report**

Immediately after the inspection, the Inspector shall make a report to the Executive Director of the NGO Bureau detailing the findings of the investigation and make recommendations.

## **6.0 Overall Supervision**

The office of the Executive Director of the NGO Bureau with guidance from the NGO Bureau Board of Directors will have the oversight role over the operations of inspectors.

## **7.0 Key Performance Indicators**

- (a) Quarterly report of the inspection exercise;
- (b) Number of NGO’s inspected;
- (c) Reports on the current total number of NGO’s in the area supervised;
- (d) Percentage of NGO’s meeting minimum standards to operate in accordance with the Act and the Regulations in the area supervised;
- (e) Number of NGO’s in the area supervised that have addressed the shortcomings identified.

## **8.0 Code of Conduct**

The Inspector in the conduct of his or her duties shall be guided by the following principles of Code of Conduct:

## **8.1 Independence**

An Inspector shall exercise his or her powers and perform the functions independently on the basis of his or her assessment of the facts, and in accordance with conscientious understanding of the law, free of any direct or indirect extraneous influences, inducements, pressures, threats or interference, from any quarter or for any reason.

## **8.2 Impartiality**

An Inspector shall perform inspection duties without fear, favour, ill-will, bias, or prejudice and the Inspector shall ensure that his or her conduct, both in and out of inspection, maintains and enhances the confidence of the NGO sector and the public, in the impartiality of the Inspectors and the NGO Bureau.

## **8.3 Integrity**

An Inspector shall respect and uphold the laws of Uganda and shall at all times and in every respect be of an upright character and ensure that his or her conduct is above reproach in the view of a reasonable fair minded and informed person.

## **8.4 Equality and Fairness**

An Inspector shall not in the performance of his or her duties, by words or conduct manifest bias or prejudice towards any person or group on the basis of unjust discrimination and shall not be a member of, nor be associated with, any society or organisation that practices unjust discrimination to civil society or any organisation.

## **8.5 Competence and Diligence**

An Inspector shall endeavour to maintain and enhance knowledge, skill and personal qualities necessary for the proper and competent performance and discharge of his or her duties.

## **9.0 Sanctions**

In case of a breach of the principles under Paragraph 8.0 by an Inspector and where a complaint or dispute cannot be resolved amicably, the NGO Bureau may impose any of the following sanctions;

- (a) A caution;
- (b) A warning accompanied with a requirement to comply with the principles of Code of conduct;
- (c) Suspension; or
- (d) Degazettement of an Inspector.



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