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Closing Time:	4pm EST (Washington, DC)

Subject: Request for Application (RFA) Number RFA-617-13-000005: "USAID/Uganda Rights and Rule of Law"

The United States Agency for International Development (USAID) Uganda is seeking applications to fund one or more organizations through a Cooperative Agreement for a 5-year USAID/Uganda Rights and Rule of Law activity as described in Section I of this RFA. The authority for the RFA is found in the Foreign Assistance Act of 1961, as amended. Subject to the availability of funds, USAID intends to provide up to \$8 million, to be allocated over the five-year period. USAID reserves the right to fund any or none of the applications submitted and expects one award as a result of this solicitation; however, more than one award may result.

This is a full and open competition, under which any type of organization, large or small, commercial (for-profit) firms, faith-based, and non-profit organizations in partnerships or consortia, are eligible to compete. In accordance with the Federal Grants and Cooperative Agreement Act, USAID encourages competition in order to identify and fund the best possible application(s) to achieve program objectives.

For the purposes of this RFA, the term "Grant" is synonymous with "Cooperative Agreement"; "Recipient" is synonymous with "Recipient;" and "Grant Officer" is synonymous with "Agreement Officer."

This is a two-phased process that starts with submission of concept papers and full applications subsequently.

To enhance sustainability and, in keeping with the objectives of USAID FORWARD¹, USAID/Uganda encourages applications from local and or regional organizations with the necessary experience to successfully achieve human rights and rule of law objectives of this activity. Also, USAID/Uganda encourages applications, which strongly integrate local and or regional organizations as core partners for the successful implementation of this activity. In addition to fulfilling the technical objectives described, applicants will be expected to define clear organizational, technical and financial management capacity development objectives of local and or regional organizations and a strategy for achieving these. Local and regional organizations are encouraged to forge partnerships or service-based relationships with U.S or international organizations that can provide capacity-building and organizational development assistance. For more information about the capacity-building strategy, see section I.3.6

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are

¹ <http://www.usaid.gov/results-and-data/progress-data/usaidd-forward>

related to the grant program and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organizations, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the grant.

This RFA and any future amendments can be downloaded from <http://www.grants.gov>. Select "Find Grant Opportunities," then click on "Browse by Agency," and select the "U.S. Agency for International Development" and search for the RFA. In the event of an inconsistency between the documents comprising this RFA, it shall be resolved at the discretion of the Agreement Officer. If you have difficulty registering or accessing the RFA, please contact the Grants.gov Helpdesk at 1-800-518-4726 or via e-mail at support@grants.gov for technical assistance.

Any questions concerning this RFA must be submitted in writing to KampalaUSAIDSolicita@usaid.gov, by the date stated above. Questions sent to any other e-mail address will not be answered. The e-mail transmitting the questions must reference the RFA number and title on the subject line of the e-mail. The deadline for receiving questions is July 17, 2013 4pm EST (Washington, DC).

If you decide to submit a concept paper, please note that electronic submission is required. Concept papers and Applications are to be sent as email attachments to KampalaUSAIDSolicita@USAID.gov, to the attention of Nancy Kleinhans, Agreement Officer. Individual emails must not exceed 4MB. Late concept papers and applications will not be considered for award. Submissions must be directly responsive to the terms and conditions of this RFA. Telegraphic, fax, hard copy and mailed applications are not authorized for this RFA and will not be accepted.

An applicant under consideration for an award that has never received funding from USAID may be subject to a pre-award survey to determine fiscal responsibility, capacity, and ensure adequacy of financial controls.

Award will be made to the responsible applicant whose application best meets the requirements of this RFA and the selection criteria contained herein.

Issuance of this RFA does not constitute an award commitment on the part of the Government, nor does it commit the Government to pay for costs incurred in the preparation and submission of an application. Further, the Government reserves the right to reject any or all applications received. In addition, final award of any resultant grant cannot be made until funds have been fully appropriated, allocated, and committed through internal USAID procedures. While it is anticipated that these procedures will be successfully completed, potential applicants are hereby notified of these requirements and conditions for award. Applications are submitted at the risk of the applicant. Should circumstances prevent USAID from making an award, all preparation and submission costs are at the applicant's expense.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nancy Kleinhans', with a long horizontal flourish extending to the right.

Nancy Kleinhans,
Agreement Officer

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SECTION I – FUNDING OPPORTUNITY DESCRIPTION

I. EXECUTIVE SUMMARY

The 2011 Uganda Democracy and Governance Assessment (DGA) concluded that relative to USAID/Uganda's support for service delivery and local government, USAID/Uganda has provided minimal support for human rights and governance institutions at the national level². Respect for human rights and the rule of law at the national-level underpin the success of USAID/Uganda's large investments in health, agriculture, and good governance at the local-level. To ensure and protect the sustainable impact of USAID/Uganda's local-level investments, USAID/Uganda will broaden its approach to support national-level organizational structures that uphold respect for human rights³ and the rule of law. To that end, USAID/Uganda seeks applications for a \$8 million five-year Cooperative Agreement, the Rights and Rule of Law Activity.

Rule of law is the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced⁴. While strengthening the rule of law can achieve a variety of development goals, the basic premise of this activity is that preserving rule of law can improve democratic governance and accountability (with particular attention to empowering vulnerable groups) and, ultimately, lead to improved development outcomes.

Consistent with key USAID policy directives that elevate human rights, and recognize the relationship between human rights and development, the Rights and Law Activity will employ a rights-based approach.⁵ The rights-based approach aims at strengthening the capacity of duty bearers and empowers rights holders to achieve a positive transformation of power relations⁶. To that end, the activity will empower people to demand and assert their rights, and help increase the capacity of duty bearers to provide rights. While duty bearers are accountable for respecting, protecting, and fulfilling human rights, rights holders need to promote and defend their freedoms. Such action helps keep governments accountable, and should have the effect of integrating democracy goals into the socio-economic sectors. Finally, the rights-based approach will require an examination of inequality, exclusion, social structures, and discrimination.

The project will achieve results in three primary areas including:

- **Component 1: Supporting an independent judiciary**

Expected outcome – A transparent, efficient, and independent judiciary upholds basic human rights and rule-of-law principles for all people.

² The findings of the DGA are summarized in Attachment A.

³ See the 2012 USG Human Rights Country Report for Uganda – <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

⁴ According to the “Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework,” USAID, January 2010, rule of law is the state in which citizens, corporations, and the state itself obey the law and the laws are derived from a democratic principle.

⁵ USAID Policy Framework 2011-2012

⁶ There are two stakeholder groups in rights-based development. The rights holders, or the group who does not experience full rights, and the duty bearers, or the institutions who are obligated to fulfill the rights of the rights holders.

- **Component 2: Fostering advocacy**

Expected outcome - Key policy outcomes reflect a respect for rule of law and human-rights and citizens demand respect for their basic human rights through effective advocacy by relevant state and non-state institutions.

- **Component 3: Advancing the flow of information**

Expected outcome - The media provides accurate and timely information regarding human rights and rule of law issues in support of dialogue between citizens and their government.

The Rights and Law Activity will focus activities at the national level with targeted, strategic interventions at the sub-national level in line with USAID/Uganda's geographic policy.

I.2 Background

I.2.I Context

Uganda's adherence to the protection of human rights has varied over the last twenty-six years, and caused concerns in the recent past according to international human rights observers. Uganda was ranked 78th globally out of 97 countries in the World Justice Project Rule of Law Index, 2012-2013, a survey-based index that ranks countries across eight areas impacting on the rule of law, limited government powers, absence of corruption, order and security, fundamental rights, open government, regulatory enforcement, civil justice, and criminal justice.⁷ While a report published by Human Rights Watch in 2012 documents increasing attacks on organizations whose focus includes sensitive issues including oil revenue, land and basic human rights.⁸ Although Uganda's Constitution contains a robust charter of rights, the Ugandan government has challenged freedom of expression, association, assembly, and the media through draft regressive legislation and the continued application of laws governing public assemblies declared unconstitutional by the judiciary.

Despite these negative trends and in the face of continued challenges to judicial independence, the Ugandan judiciary has made key decisions upholding constitutional and human rights of political figures, minorities, journalists. Media also generally operates without restriction, although many journalists practice self-censorship to avoid potential problems with the government. Civil society has also proven to be a positive force for the protection of human rights and rule of law principles. USAID's 2011 Civil Society Sustainability Index ranked Ugandan civil society above average for the East Africa region in the area of advocacy capacity⁹.

⁷ http://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf

⁸ <http://www.hrw.org/news/2012/08/21/uganda-growing-intimidation-threats-civil-society>

⁹ http://transition.usaid.gov/our_work/democracy_and_governance/technical_areas/civil_society/angosi/reports/2011/subafrica/2011_Sub-Saharan%20Africa_CSOSI_9-20-2012.pdf#page=151

To date, USAID/Uganda Democracy and Governance programming has supported capacity building of Government of Uganda (GoU) institutions and local organizations to boost democratic political competition. USAID has worked for the most part with national institutions and local organizations to forge constructive engagement between communities and local government to ensure a strong participatory and consultative culture in Uganda. This activity will work with Ugandan actors who are willing and have the ability to protect and advance democratic freedoms, rights and accountability. In support of key defenders of democratic rights and accountability, the activity will bolster judicial independence and human rights, and protect and professionalize the media. For a more detailed discussion of contextual background, see Attachment B.

1.2.2 Link to USG Priorities

The U.S. Government's (USG) foreign assistance goal is to help build and sustain democratic, well governed states that respond to the needs of their people, reduce widespread poverty and conduct themselves responsibly in the international system. Democracy and respect for human rights are central components of U.S. foreign policy because supporting democracy helps to create a more secure, stable and prosperous global arena. This is because democratically governed nations are more likely to secure peace, deter aggression, and uphold human rights. A pivotal goal of USG foreign policy is the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights. In promoting human rights the USG seeks to promote the rule of law, seek accountability, hold governments accountable to their obligations under their universal human rights obligations and international human rights instruments; promote greater respect for human rights including freedom of expression, press freedom and the protection of minorities.¹⁰

USAID recognizes that long-term sustainable development is closely linked to sound democratic governance and the protection of human rights. Consequently, USAID views the democracy, human rights and governance sector not in isolation, but as a critical framework in which all aspects of development must advance together.¹¹ USAID/Uganda's democracy, human rights and governance activities strive to support legitimate, inclusive, sound governance, stable and democratic processes through assistance to Parliament, political parties, local governments, civil society, and local communities as measures to help consolidate a stable multiparty democracy in Uganda. In addition, USAID/Uganda interventions foster inclusive, accountable and democratic institutions to enhance governance and accountability; and strengthen the rule of law and respect for human rights.

Strengthening rule of law and respect for human rights are integrated in the USG Strategy for Uganda as articulated in USAID/Uganda's Country Development and Cooperation Strategy (CDCS). The activity will directly address the U.S. Mission to Uganda's policy priorities for accountable democracy and human rights. It is one of five pillar activities within DO2's results framework (see Attachment C).

¹⁰ On May 24, 2012, Secretary Clinton submitted the *2011 Country Reports on Human Rights Practices* to Congress.

¹¹ USAID Administrator Rajiv Shah advocates a "united approach" in which democracy, human rights, and governance are incorporated with socio-economic sectors in pursuit of broader U.S. development objectives.

The activity will be implemented in close coordination with the four other pillar activities; specifically:

- The Governance, Accountability, Performance and Participation Program (GAPP);
- The Securing Access to Justice, Fostering Peace and Equity Activity (SAFE);
- The Political Competition and Consensus-building Activity; and,
- The Support to Electoral Processes;

USAID FORWARD and Local Capacity–building

The USAID has embarked on an ambitious reform effort, USAID *FORWARD*¹², to change the way the Agency does business—with new partnerships, an emphasis on innovation and a focus on results. This activity will incorporate opportunities provided by USAID *FORWARD* and will contribute to *FORWARD* objectives, specifically Local Solutions (LS). The aim of LS is to make U.S. foreign assistance more sustainable and cost effective through local capacity development and working through a broader range of partners. In keeping with these principles, local capacity development is a central component of this activity. The activity is built around the idea of catalyzing and sustaining the capacity of Ugandan institutions that play a role in the protection of human rights and respect for the rule of law. The Recipient will advance activities along two tracks, one to support the technical objectives described. Second, to develop organizational, technical and financial management capacity of the local/regional applicant or core partner organizations and local/regional sub-Recipients. Additional information on the local capacity building strategy can be found in section I.3.6 below.¹³

I.2.3 Link to GoU Initiatives

Interventions through the activity will support the Government of Uganda (GoU) priorities for the enabling sectors outlined in the National Development Plan (NDP) (2010/11 – 2014/15), Chapter 8 (Sections 8.1 and 8.2). The NDP notes that though key constitutionally mandated institutions are in place, Uganda’s culture of constitutionalism has failed to improve rapidly. Many institutions struggle with the ideals, principles and practices of democracy.¹⁴ To achieve sustainable results and ensure achievement of activity objectives, the activity will work with national and local-level government institutions in its three activity components.

I.2.4 Link to Other Initiatives

Human rights and rule of law activities will be well coordinated with those of other organizations working in complimentary areas. In particular, the Recipient will coordinate activities with the European funded Democratic Governance Facility (DGF) Program and the Justice Law and Order Sector (JLOS) programming, as well as with other donor-supported programs. In coordination with the DGF justice program, it will be imperative for this activity to have a geographic division of labor to enhance coordination and

¹² See <http://www.usaid.gov/results-and-data/progress-data/usaaid-forward>

¹³ This activity will contribute to the Mission’s Top line USAID *FORWARD* indicator – Mission programs implemented through local systems.

¹⁴ The National Development Plan, page 22

minimize duplication where applicable. A number of international organizations have supported Uganda's advance towards democratic rule of law and respect for human rights by funding locally driven initiatives, building local capacity; and working in coordination with donor agencies. The Recipient shall collaborate and share best practices and lessons learned with both USG and non-USG supported activities operating in the same geographic areas and in the sector more broadly.

I.3 Technical Approach

I.3.1 Results Framework and Development Hypothesis

The activity is developed around the hypothesis that if USAID/Uganda supports state and non-state efforts that defend human rights and democratic rule of law, it will help Uganda safeguard mechanisms that hold government accountable. Effective defense of human rights and democratic rule of law is highly contingent upon a government that has limited power and, which has safe guards built into its systems to protect individuals and institutions from abuse of power. This activity is highly contingent upon operating strategically with actors and processes that have the potential to change and/or reforms national legal frameworks, while also entrenching rights awareness and activism among the general population. It will support key indigenous human rights actors including a strong and independent judiciary, an effective and strategic civil society and a professional media.

In keeping with USAID/Uganda's CDCS, this activity will contribute to Uganda's 2011-2015 CDCS Development Objective (DO)2 *for democracy and governance systems strengthened and made more accountable*. The activity's expected results will contribute to Intermediate Result (I.R.) 2.4 – *Strengthening Rule of Law and Respect for Human Rights*; Sub. I.R. 2.4.1 – *Promoting a Foundation for Protection of Human Rights and Equity*; Sub. I.R. 2.4.2 – *Increasing Effective Advocacy for Promotion of Human Rights and Equal Access to Justice*; and Sub. I.R. 2.4.3 – *Enhancing Free Flow of Information*.

Figure 1: Human Rights Rule of Law Results Framework



While local and regional organizations have a unique capacity to advance the activity's objectives, there is a simultaneous need for ongoing support, both to ensure

accountable use of donor funds and to support local/regional organizations in broader issues of sustainable organizational development including constituent voice and representation, long-term financial sustainability and strategic positioning. The Recipient will implement activities along two tracks:

- Track 1: will advance the technical objectives as described in components 1 – 3 below.
- Track 2: will focus on organizational capacity development of local/regional core partner(s) and Recipient organization(s).

The aim of working along these two tracks is to help build the capacity of local/regional organizations to evolve into strong, financially sustainable institutions that are able to responsibly leverage donor funds to more effectively serve their constituents by advancing human rights and rule of law issues. The Recipient should also focus on outreach so that capacity development efforts have a multiplier effect, strengthening other organizations operating in similar arenas.

USAID/Uganda will consider various mechanisms for supporting capacity development. See section 3.6 – Capacity Building for further details.

I.3.2 Guiding Principles

Fostering rule of law and strengthening respect for human rights are essential to transitioning Uganda to a full multiparty democracy. Initiatives under the activity will be guided by core principles of international law and conventions, Uganda's NDP, USAID programming principles, and USAID's CDCS. Further, the Recipient will be expected to meet results laid out in DO2's Results Framework - **Democracy and Governance Systems Strengthened and made more Accountable**.¹⁵ The Rights and Law Activity approaches and interventions shall be guided by and reflect the following principles:

- a) **Local Capacity Building** – This is vital to strengthening the capacity of Ugandan organizations in line with the objectives of USAID FORWARD. These organizations may be civil society, private sector, or state actors. USAID/Uganda considers broader capacity for sustainable interventions upon the activity closeout to be paramount to the organizations' ability to comply solely with USAID regulations. Local capacity building programming must respond to youth and gender considerations. See Section I.3.7 on Cross-Cutting Themes for further information on youth and gender.
- b) **Coordination, Collaboration and Partnership** - The principles of coordination, collaboration and partnership are needed to ensure better quality programming, to avoid duplication and maximize effective use of USAID/Uganda resources. Therefore, it is important to ensure that USAID implementing partners (IPs) work in collaboration with state and non-state actors and other development partners to maximize resources; harmonize approaches and coordinate activities.
- c) **The Network Model** – According to the 2010 NGO Sustainability Index draft report, the formation of issue-based coalitions remains a growing feature for NGO

¹⁵ See Attachment C for the DO2 Results Framework

organizing in Uganda. According to the draft report, 2010 saw a number of interesting formations such as the Civil Society Coalition on Oil and Gas, which brings together several NGOs focusing on energy governance in the wake of incessant calls for greater transparency in the recently discovered oil industry. Other important formations in 2010 included the Return Our Money Campaign, which united several NGOs in a coalition to demand the return of public resources considered irregularly paid out to Members of Parliament (MPs), and the continued collective work around environmental protection, governance and human rights. The Recipient will work with the networks or coalitions championing the advancement of democratic rule of law and respect for human rights.

- d) ***Sustainability and Community Involvement*** - This is critical to improving and entrenching rule of law and human rights interventions.¹⁶ The community will have to be at the core in helping ground rule of law and human rights issues to ensure that any gains from this activity are entrenched and sustainable. The Recipient will identify reformers as critical advocates and processes for safeguarding rule of law and respect for human right. It will be critical to catalyze citizen initiatives in order to entrench the reforms supported under this activity. Further, it imperative to maintain activity results and impact beyond the life of the USAID funding. Therefore, a critical element of the activity will be ensuring ownership and sustainability. The Recipient shall clearly articulate their exit strategy and indicate how the activity will directly contribute to sustainability. Capacity building efforts shall ensure that local organizations with whom the Recipient partners are able to compete for and manage donor funds as envisaged by USAID *FORWARD*.
- e) ***Persons with Disabilities (PWD) and other Minorities*** – USAID/Uganda strongly encourages partners to work with people with disabilities and other minorities to minimize discrimination, promote equal opportunity and inclusion. The Recipient shall integrate PWD and other minority issues into programming. In addition to Uganda's constitutional and legal framework, the Universal Declaration of Human Rights, and other relevant international covenants such as International Covenant on Civil and Political Rights etc. should provide the basis for supporting activity interventions.

I.3.3 Geographic Focus

In response to USAID's DGA and given the nature of rule of law and human rights reforms, this activity will focus mainly at the national level. The activity should leverage other DO2 activities in particular the Political Competition and Consensus Building (PCCB) Activity. To balance national impact with geographic reach, the activity may work selectively at the local level, specifically through the sub-grants program, which is described in section 3.5 below. The sub-grants component should work through civil society groups at the sub-national level. This includes working in at least five of the 19 Mission focus districts.¹⁷ In addition to working in these five districts, the Recipient shall develop a sub-national plan, with a view to increasing to at least 15 districts by the third year of activity implementation. The plan should justify regional or district focus based on criterion, which illustrates – a) manifested high levels of human rights violations, and/or

¹⁶ A goal of rights-based approach to development is to increase the capacity of both the duty bearers and the rights holders

¹⁷ See Attachment E for a list of Mission focus districts.

b) areas with a prevalence of the rule of law infringements. Where feasible, the program should support previously effective Civil Society Organizations (CSOs) initiatives, as a mechanism to enhance long-term sustainability and developing local capacity.¹⁸ However, owing to the need for a flexible implementation approach, additional geographical focus for interventions will be determined by periodic assessment of emerging rule of law and human rights matters and opportunities for safeguarding the same.

I.3.4 Detailed Discussion of Results Areas

The aim of the activity is to support institutions, groups or processes that utilize democratic measures to protect endangered civic and political freedoms and human rights in order to safeguard accountability and adherence to rule of law. The strategic goal is to support arenas of rule of law and human rights accountability in order to protect rights and freedoms of Ugandans and enhance checks and balances as Uganda consolidates multiparty democracy. USAID/Uganda's support for strengthening the rule of law and respect for human rights will incorporate support for the judicial and/or judicial processes, human rights organizations and other state and non-state actors, and elements of the media.

The focus of the Recipient is twofold: First, work, support, and build the organizational capacity to strengthen rule of law and respect for human rights of viable state and non-state actors at the national level (processes at the sub-national or local levels will be supported as appropriate). Second, support and sustain state and non-state actors and mechanisms championing democratic rule of law and respect for human rights. The potential sensitivity of the activity merits political discretion, therefore, the Recipient will coordinate closely with the USAID/Uganda Democracy, Human Rights and Governance team, who may help to establish priorities and guidelines and provide advice in strategic direction as necessary. To be effective in implementing rule of law and human rights activities, the Recipient must demonstrate and enforce standards and principles of impartiality. The Recipient must require that any partner with whom they work with meet the same threshold. Further, the Recipient will ensure that all partners have transparent and robust accountability systems. To achieve this, the activity will support viable processes including issue-oriented CSOs, working within the justice chain, as appropriate in order to promote democratic rule of law and respect for human rights. In addition, the activity will provide targeted and phased support for strategic adjudication processes which aim at enforcing enshrined standards of human rights and rule of law.

This activity will achieve results in three areas:

1. Promote a foundation for the protection of human rights and equity in order to safeguard mechanisms that hold government accountable;¹⁹
2. Foster constructive advocacy for the promotion of human rights and equal access to justice; and

¹⁸ See Attachment E for a list of civil society initiatives supported under previous programming

¹⁹ This will include strengthening systems and procedures for a more transparent, efficient, and independent judiciary.

3. Advance the flow of information in order to protect and promote the rule of law and human rights.

I.3.4-1 Component 1: Supporting an Independent Judiciary

Overview

During the past few years, both the Constitutional Court and Supreme Court of Uganda have exhibited a willingness to uphold democratic rule of law and human rights through their decisions that which have reduced or reversed excesses of power by the state in contravention of the Constitution. As such, the judicial and other adjudication processes can be central as countervailing measures against infringements of the rule of law and human rights. The resultant effect of this Component will be to support judicial independence and integrity as a crucial component of governmental checks and balances; and as mechanisms to help protect citizen human rights. This Component will also support strategic litigation and adjudication efforts aimed at protecting human rights and entrenching democratic rule of law. Developing interventions²⁰ intended to support independence of the judiciary and promote adjudication as a vanguard for the protection of human rights and rule of law, will require the Recipient to collaborate closely with key justice sector actors. These include but are not limited to: Uganda's Judiciary, the Uganda Law Society,²¹ the Uganda Human Rights Commission (UHRC), relevant actors within the Justice, Law and Order Sector (JLOS), and civil society human rights defenders and or advocacy actors.

Expected Results and DO Indicators

- i) Strengthened rule of law and respect for human rights

Indicator: 1) degree to which mechanisms actively and effectively promote rule of law and human rights

- ii) Promote a foundation for the promotion of human rights and equity

Indicators: 1) average number of days taken to process human rights complaints in selected areas;

2) percent of people who believe that they will obtain a fair hearing on human rights matters

Key Considerations

- Facilitating the creation of a judicial exchange program and/or mentoring program targeted at rule of law and human rights could help strengthened skills of judicial officials to uphold human rights and democratic principles enshrined in Uganda's Constitution. This could include support to the Judicial Studies Institute to integrate human rights into judiciary curriculum;

²⁰ By their nature the majority interventions to support the judiciary will be supply-side driven

²¹ The Uganda Law Society has Legal Aid Project Clinics in Kabale, Kabarole, Mbarara, Luzira, Kampala, Jinja, Masindi, Soroti, Gulu and Arua.

- Strategic litigation/processes aimed at upholding human rights, democratic principles and rule of law norms could result in judicial and administrative decisions which bolster the law and help check erosions of human rights and democratic principles;
- Strengthening judicial outreach and education programs to increase public awareness and support for judicial independence could influence broadened public support for the independence and integrity of the judiciary; and
- Strengthening the ability of judges associations and other organizations that advocated for reforms could strengthen monitoring and analysis of issues and trends affecting human rights, rule of law as they relate to judicial independence.

I.3.4-2 Component 2: Fostering Advocacy

Overview

In addition to its human rights commitments as an African Union member, Uganda has international rights commitments under the United Nations Charter, the Universal Declaration of Human Rights and other international human rights conventions to which it is a signatory. Uganda's adherence to the protection of human rights has varied over the last twenty-six years, and caused concerns in the recent past according to international human rights observers. Although Uganda's Constitution contains a robust charter of rights, there has appeared to be tendency by the GoU to view any opposition or dissent as a threat to social and political stability. This has resulted in efforts, in some cases extreme, by the GoU to erode human rights as contained in Uganda's Constitution including the use of the legislative process to curtail rights. This component will support both state and non-state efforts aimed at upholding both human rights and rule of law. The effect of this component will be to support civic efforts as a viable check on usurping of human rights and rule of law.²²

Interventions intended to promote civic advocacy to uphold human rights and rule of law will require ownership and partnership with local organizations to ensure sustainability of these efforts. This will require the Recipient to be intrinsically familiar with Ugandan administrative and legal processes and have the ability to use or support use of those systems. In addition, it will require close collaboration with the Uganda Law Society (ULS), the Judiciary, the UHRC, partners within JLOS, civil society human rights defenders and or advocacy actors.

Expected Results and DO Indicators

- Effective Advocacy for Promotion of Human Rights and Equal Access to Justice Increased

Indicators: 1) number of reforms, which directly or through interpretation promote human rights and access to justice;

- 2) number of lawsuits which directly or through interpretation promote human rights and access to justice

²² The majority of interventions for this component will be demand-side driven

Key Considerations

- In order to assist stakeholders to improve monitoring of human rights abuses, advocacy propelling strategic litigation/administrative processes could sustain human rights, democratic principles and rule of law norms. A key component of this would incorporate enhancing awareness of citizens' rights and responsibilities;
- Improved monitoring, reporting and analysis of human rights violations could be used as a foundation for strategic litigation approaches for non-state actors who wish to productively assert civil and political rights;
- Fostering an information campaign to increase civic awareness and to promote the utilization of strategic litigation may result in effective use of adjudication processes by state and non-state actors for protecting human rights and rule of law. This could include providing opportunities for increased awareness of legal means of voicing and seeking redress for human rights abuses for vulnerable groups. Vulnerable groups include women, children, persons with disabilities and youth.
- Facilitating the creation of an information campaign to alert vulnerable groups (including women, children, persons with disability and youth) and rule of law advocacy groups of the proposed plan by the GoU to roll out a legal aid clinic system might improve access to legal services to protect human rights and entitlements of vulnerable groups.

I.3.4-3 Component 3: Advancing the Flow of Information**Overview**

Although Uganda's Constitution guarantees freedom of expression, the GoU has attempted to use other laws and regulatory bodies to curb this right. Yet, despite GoU increased efforts to control the media in the recent past, Uganda's media sector has continued to grow. Uganda's media is diverse with a blend of government and privately owned electronic and print media. Unfortunately, though some are reasonably sophisticated and professional, many are not, with regional radio being the least professional. Radio is Uganda's main communication medium and has the widest national reach.²³ Radio is generally regional and only stations owned by the state-run Uganda Broadcasting Corporation (UBC) transmit nationally. There are approximately 250 functioning FM broadcast radio stations in the country. The media play a critical role in providing information, articulating and providing space for diverse views and stimulating public debate. In so doing, the media helps contribute to greater transparency and accountability of the GoU. Recent examples of GoU efforts to curb freedom of expression include the *Regulation of Inception of Communications Act*, the *Interception of Communications Law (2010)*, and proposed amendments to the *Press and Journalists Act*; all of which attempt to restrict in some way or another the issuance

²³ According to a recent survey – Uganda All Media Products and Services Survey - conducted by Synovate, 80 percent of Ugandans receive their news through radio.

of licenses to media outlets.²⁴ This component would support efforts to protect the free flow of information using the media and would help professionalize the media. The purpose of this component will be to improve professionalism and ethics of the media as a key source of information for Ugandans.²⁵ This component will foster expertise on human rights and rule of law issues among journalists and editors to help improve the accuracy of reporting, and to help in the dissemination of factually objective information, so that Ugandans can make informed decisions in holding the GoU accountable. Strengthening institutions that regulate the media while also promoting and protecting the rights of individuals is vital to advancing the flow of information.²⁶

Activities to support the advance of free flow of information will have to allow for flexibility as a measure to promote sustainability and build local capacity. Given media dynamism and variety, activities should encourage organizational development and network building, and should work at both the national and sub-national levels. For interventions related to professional development, analysis and advocacy, the Recipient should consider close collaboration with organizations such as the Article 29 Coalition, Human Rights Network for Journalists (HRNJ); and involve media entities such as the Uganda Media Development Foundation, African Media Excellency, Uganda Journalist Association, the US Press Corps and the Uganda Journalists Union.

Expected Results and DO Indicators

i) Enhanced Free Flow of Information

- Indicators:
- 1) number of target CSOs publishing rule of law and human rights issues;
 - 2) percent of total newspaper space and radio/TV time devoted to new analysis

Key Considerations

- To help enhance skills, ethics, training and mentoring for journalists/media (including editors) targeted training in human rights and rule of law issues including investigative journalism and protection could be supported;
- Efforts to enhance access to information as a key component of advancing the flow of information, could include support for operationalizing access to information mechanisms as a measure of accountable governance.
- Efforts that build stronger media associations to take the lead in protecting media and freedom of expression could be supported by building networking and

²⁴ In September 2010, the Constitutional Court declared the offence of sedition in the Penal Code Act to be unconstitutional on the basis of section 29 of Uganda's Constitution.

²⁵ The UN strategy on for the safety of journalists and the issue of impunity 2013-2014 was launched earlier year combines efforts among all actors to promote a free and safe environment for journalists in both conflict and non-conflict situations, with a view to enabling an informed citizenry that is capable of strengthening peace, democracy and development worldwide .

²⁶ The *Uganda Communications Act* was passed on January 18, 2013. It creates a new Communications Commission whose members are likely to require capacity building and technical support.

mentoring opportunities for journalists and editors involved in investigative reporting or reporting on human-rights rule of law issues;

- Enhanced expertise and analysis of media freedom could be improved by supporting a feasibility study on the use of new media as forum to promote and protect rule of law and human rights issues; understanding of opportunities and constraints of new media in Uganda and tracking decisions of the Broadcasting Council;
- Efforts to safeguard freedom of expression and media freedom could be strengthened by supporting mechanisms for coordinating and or providing legal assistance for the protection of freedom of expression and the media.

I.3.5 Grants Component

The Rights and Rule of Law Activity Recipient will directly manage and perform the activities in this activity description. In parallel, the Recipient will manage a grants program to improve aid effectiveness and sustainability through strengthened local civil society. The grants program shall award no less than 20 percent of the total project value. The grants component will support civil society activities that contribute to its objectives including, public dialogues, media programs, awareness and education campaigns; and increasing youth and women's civic engagement in upholding rule of law and human rights. For maximum impact, 70 percent of all grants shall be awarded within the first three and a half years of the activity and no new grants should be awarded in the last nine months of implementation.

The grants component will also be a vehicle to build local capacity.²⁷ In addition to developing a work-plan to advance technical objectives, each sub-Recipient shall develop an individualized capacity-building strategy with the help of the activity project team. A maximum of 25 percent of the sub-Recipient's budget shall be applied to the capacity-building strategy and progress shall be measured utilizing agreed-upon indexes such as an Organizational Capacity Assessment Tool and or an Advocacy Index.²⁸ The Recipient shall articulate how they intend to sequence 1) sub-Recipient organizational, technical and financial management capacity building and 2) implementation of core sub-grants activities to result in Ugandan CSOs being empowered to implement their own programs to strengthen democratic rule of law and respect for human rights by the conclusion of the Rights and Law Activity. To help advance both technical and the three capacity building interventions, the Rights and Rule of Law shall host regular skills-sharing and networking workshops with the idea of sub-Recipients learning from shared experiences. With the approval of USAID/Uganda, and to help meet CLA agenda objectives, up to 5% of the sub-grants component may be used to address emerging rule of law and human rights issues. The sub-grants component should take into consideration the activities of other USAID projects (specifically those being implemented under SAFE, GAPP and the Advocacy for Better Health Program) and should be closely coordinated with similar activities of other donors, such as the European DGF. The Recipient shall consider working with the DGF on joint calls for proposals.

²⁷ See section 3.6 – Capacity Building for further information on building local capacity

²⁸ Where justified, USAID/Uganda may approve an increase of the sub-grantee budget as part of the sub-grant concurrence processes

I.3.6 Capacity Building

Findings from the DGA, activity evaluations and the 2011 Civil Society Organization Sustainability Index²⁹ demonstrate that Ugandan civil society is well networked, and relatively sustainable when compared to that of other regional actors. “Sectoral infrastructure and organizational capacity continue to improve with the growth of national, regional, and district-level networks, coalitions, and platforms that create space for CSOs to collectively strategize and engage around common issues.”³⁰ Given these strengths along with a proven track-record in addressing human rights and rule of law issues, USAID/Uganda believes that local or regional organizations are uniquely positioned to address the complicated issues of human rights and rule of law in Uganda. Not only do these organizations have the technical and political knowledge of how best to advance the Rights and Law Activity’s objectives, they are also the most likely to sustain progress in the area of rule of law and respect for human rights.

Procurement reform efforts under USAID *FORWARD* call for activities to strengthen the capacity of local organizations to receive direct USAID awards and be capable of assuming increased responsibility for implementation of USAID programming. To bolster the sustainability of USAID/Uganda investments in rule of law and human rights, the Recipient will build local capacity to manage USAID activities in implementation and financial management.³¹ In addition, capacity building shall include strengthening the organizations’ ability to conduct monitoring and evaluation, compliance with USG reporting requirements and preparing competitive grant applications/documents.

USAID/Uganda will consider and encourages various mechanisms for supporting capacity development which could include (but are not limited to):

- A consortium model in which a local/regional primary Recipient(s) partners with a regional or international partner to support one or more technical components; organizational and financial management capacity or monitoring and evaluation (including any combination thereof) and to provide the required capacity building support.
- A phased consortium model in which the international partner initially assumes a significant portion of the management and technical responsibilities. Thereafter, the full transition of these responsibilities to the local/regional partner (s) by the end of the third year of implementation.
- A services model which employs the use of one or more intermediary service providers to provide capacity-building support in financial management, monitoring and evaluation or cooperative agreement administration.

²⁹ http://transition.usaid.gov/our_work/democracy_and_governance/technical_areas/civil_society/angosi/reports/2011/subafrica/2011_Sub-Saharan%20Africa_CSOSI_9-20-2012.pdf#page=151

³⁰ Pg. 145 2011 CSOSI

³¹ To more sustainably advance the objectives described in Uganda’s 2011-2015 CDCS, the Rights and Law Activity will be implemented with a strong focus on local capacity development.

I.3.7 Cross-cutting Themes

I.3.7-1 Gender

It is imperative to consider gender since equality and nondiscrimination are core principles of the human rights-based approach to development. Respect for the rule of law in democratic societies means that human rights standards are respected and the law is applied impartially to all citizens. In applying gender analysis in the context of rule of law and human rights, it is important to consider the laws, the capacity of the system to enforce gender equitable laws; and whether women and men have equal access to the justice system. Uganda's high fertility levels influence Uganda's gender dynamics. Legal rights to gender equality are protected in the 1995 Constitution, and more than one-quarter of the country's parliamentarians are women. However, while the GoU has concentrated on increasing women's political participation, it has neglected issues of gender equality within in households and families. The GoU gender policy (2007-2017) was first designed in 1997 and updated in 2007. The purpose of the policy is to guide planning, resource allocation and implementation of development programs with a gender perspective. The policy aims to prioritize gender interventions at national, sectoral, district and community level. Despite the existence of the policy, wide variations remain between men, women, girls, and boys on access to health services, employment, nutrition, education and economic security. Women face constraints in engaging in community decision-making processes because of low literacy, inadequate public speaking, fear of male counterparts, low levels of women in technical and managerial positions in both the public and private sector, inadequate inclusion of gender in sectoral policies and programs; and limited access to vital information.

The Recipient shall utilize the GoU Gender Policy and the USAID/Uganda's Mission Gender Assessment when making gender specific activity interventions. The interventions will ensure gender-sensitive programming that seeks inclusion of both women and men; and integrates equal access to and control over envisaged benefits of the activity. Development efforts of the activity must actively promote gender justice, equitable access and engagement in processes that promote democratic rule of law and respect for human rights.

I.3.7-2 Youth

According to Population Action International, Uganda has the youngest age structure in the world, with 77 percent of its population under the age of 30.³² Uganda's demographic situation impacts all aspects of its development from governance to economic growth, political stability, security etc. USAID/Uganda identified youth as one of three game-changers in its CDCS.³³ While the large number of young people in Uganda's population has the potential to be a tremendous asset for the country, without opportunities to prosper, it can place a high dependency burden on the country. Yet, youth are as a demographic group increasingly carry the dual roles of victim and perpetrator in situations in which rule of law and human rights issues are at stake. To date, challenges of disengaged youth remain a potential threat to the stability of Uganda as demonstrated

³² See The Effects of a Very Young Age Structure in Uganda at www.populationaction.org. According to the Uganda Bureau of Statistics (UBOS) it is projected that youth are currently 86% of the population

³³ Youth Map Uganda 2011, Draft Report, page vii. See USAID/Uganda Youth Survey. http://www.iyfnet.org/sites/default/files/YouthMap_Uganda_Vol2.pdf

by the 2011 “walk to work” protests and the September 2009 riots in Buganda; both of which had significant involvement of youth. However, if well tapped, youth have inherent potential to promote both observance of rule of law and adherence to human rights. This activity shall address specific youth issues related to promoting respect for human rights and democratic rule of law. This includes but is not limited to incorporating age structure and broader demographic factors in measuring the results of activity interventions. See Attachment F for further information on USAID/Uganda youth programming.

I.3.7-3 Anti-Corruption

The Recipient shall develop and implement anti-corruption procedures for this activity. These procedures should be consistent with best practices within USAID and the broader donor community that minimizes corruption. Anti-corruption reporting and remediation measures should be developed for all aspects of the activity and should include Recipient staff, all operations, Contractors, sub-Recipients, government partners and vendors. In Uganda, the *Anti-corruption Act, 2009*, which commenced on August 25, 2009, provides for the preventions of corruption in both the public and private sector.

I.4 Period of Performance

The period of performance is 60 months from the date of the award(s).

I.5 Substantial Involvement

The Rights and Law Activity will contribute to advancing the USG’s support to Uganda’s policy priorities for accountable democracy and human rights. As such, the implementing partner will be required to coordinate very closely with USAID/Uganda and the U.S. Embassy. USAID/Uganda will provide prior written approval for the following:

- Implementation plans as listed in Section I.10. Required Reporting.
- All key personnel;
- Sub-awards, sub-grants and publications of all solicitations for the small-grants program;
- Agency authority to immediately halt a construction activity, as applicable.
- To help support the CLA agenda, USAID/Uganda will approve advisory committee members, and participate on the advisory committee.
- Approval of the Performance Monitoring Plan (PMP).
- Monitoring to authorize specified kinds of direction or redirection because of interrelationships with other projects.

I. 6 Performance Monitoring Plan

The Recipient will be required to develop and maintain a performance monitoring system to track tangible, measurable progress toward activity results and toward the strategic

goals of USAID/Uganda's CDCS. The Recipient must report on required indicators in the USAID DO2 PMP. Alignment with GoU key indicators is also encouraged. Additional indicators, especially impact, and outcome-level indicators designed to capture significant results attributed to this Cooperative Agreement at the sub-national level should also be included. All performance indicators and targets must be gender and youth disaggregated by Male (M)/Female (F)/Total (T) and % Youth (Y) where feasible. USAID/Uganda will conduct a Data Quality Assessment for each indicator and on all reported data. Please note that USAID/Uganda may require the Recipient to report on additional performance indicators subject to changing Agency guidance and/or the requirements of specific funding sources. The PMP shall be developed to facilitate results-based programming and management system, as stipulated in chapter 203 of the ADS and guidance and other USAID guidance. The PMP should:

- Define specific performance indicators for each result defined in the project Results Framework or Logical Framework.
- Define indicators sufficient to measure performance at each of output, outcome and impact levels.
- Present baseline values, annual targets and end of year targets.
- Provide a plan for data collection including baseline. Indicate data collection methods and frequency of data collection for each indicator.
- Plan for evaluations and special studies (see evaluations section).
- Demonstrate how performance information will be shared with stakeholders.

The PMP³⁴ shall serve as a road map with discrete landmarks, which shall help management to establish whether the activity is on track to achieve the anticipated short-term, medium-term and long-term results and take remedial action as necessary. The PMP shall guide development of complementary tools that facilitate the following processes:

- Tracking progress in achieving outputs, results and reporting performance honestly and openly, even when results are unanticipated or unexpected.
- Involving stakeholders (including communities and CSOs) and partners in assessing the quality, timeliness, and effectiveness of outputs.
- Assessing the reliability and quality of performance measures and correcting weaknesses when these are found.
- Questioning the underlying causal linkages between activities and results and conducting evaluations and research that can identify ways to strengthen that link.
- Learning from both successes and failures.

³⁴ The process for developing the PMP and activities should take into consideration any programming assessments conducted as part of start-up and or work plan development

The PMP shall be reviewed and approved by the AOR, with input from the USAID/Uganda Monitoring and Evaluation Specialist.

I.7 Evaluation

The Recipient shall conduct external independent mid-term and end of project evaluations of the activity.³⁵ All evaluations should be conducted in a manner that complies with USAID evaluation policy. The Recipient is required to conduct a mid-term evaluation at least two and a half years into activity implementation funded under the cooperative agreement. The Recipient shall also budget for and conduct a final evaluation within the last six month of the end of activity implementation under the cooperative agreement. The Recipient shall submit drafts of both evaluation reports to USAID/Uganda for review and comment prior so USAID/Uganda input can be incorporated into the final report. Final reports will be submitted as agreed in the work plan. The Recipient shall plan to participate and play a defined role in each evaluation. Should the Recipient wish to propose additional ongoing performance review and evaluation activities that could inform and/or improve implementation (per section 8 – Collaborating, Learning and Adapting below), USAID would consider including these activities in the activity description and or work plan.

I.8 Collaborating, Learning and Adapting

In line with the Collaborating, Learning and Adapting (CLA) USAID guidance for achieving results, the CLA model ensures that USAID's CDCS works as a living strategy, providing guidance and reference points not only for implementation, but also for learning and activity revision or redirection as appropriate. CLA is a critical component of USAID/Uganda's CDCS in that it will help identify and articulate critical lessons, trends, current and potential future changes that are likely to have a significant impact on the achievement of USAID/Uganda's assistance goals. Therefore, knowledge, development and learning are critical for continuous learning and improvement of activity results.

Given the synergies of this activity with other activities, USAID/Uganda may invite the Recipient to participate in inter-activity meetings. As referred to in the section on substantial involvement, the activity will incorporate an advisory committee. The aim of the advisory committee will be to incorporate stakeholder input. The committee will only address technical or programmatic issues and not routine administrative matters. Within the emerging democracy environment of Uganda, it is important that the activity incorporate a level of flexibility to respond to emerging contextual changes to maximize results. The committee will comprise the USAID/Uganda Agreement Officer's Representative (AOR), membership from the DGF, judiciary, civil society, media and the activity's Recipient.³⁶ To complement the M&E functions, the Recipient will continuously review progress, key challenges and integrate lessons learnt into the activity cycle. In line with this objective, the advisory committee will meet quarterly to discuss progress, contextual dynamics, best practices, and make programming recommendations to both USAID and the Recipient. However, where there is an urgent matter, the advisory

³⁵ These evaluations are not part of the small grants component

³⁶ To help address the learning agenda component of the Rights and Law Activity, the Advisory Committee may incorporate the use of a third party facilitator as needed

committee may be requested to meet more frequently. In addition to participating in the advisory committee meetings, the Recipient will provide meeting space, a secretariat to the committee, and convene meetings. The first advisory committee meeting will be convened within 60 days of the award. USAID/Uganda will appoint members of the advisory committee and provide guidance on implementations of the committee recommendations. The recommendations of the committee will guide proposed activities for the subsequent quarter while lessons will be documented as part of the learning agenda. The Rights and Rule of Law Activity shall contribute to the CLA agenda by testing the development hypothesis of the programmed interventions. The activity's learning agenda should examine the following: the effectiveness of grants to CSOs for strengthening rule of law and respect for human rights; the effectiveness of community activities in generating voice (including debate) for advocating and enforcing human rights; whether and under what conditions strengthening advocacy on rule of law and human rights increases the accountability and promotes checks on power excess; and if being more accountable leads to the preservation of rule of law and protection of human rights.

I.9 Personnel

The following key personnel positions shall be a required component of the project management team.

Chief of Party: The Chief of Party (COP) shall provide overall strategic leadership and oversight to the activity. S/he shall have depth and breadth of technical expertise and experience, a solid professional reputation, interpersonal skills and professional relationships to fulfill the requirements of the activity description. Experience interacting with host country government agencies, in particular the judiciary, Parliament, development partners, media and civil society organizations including CBOs is essential. The COP's expertise requirements include:

- A Masters' degree or higher in political science is highly preferred in international development or related field, and a minimum of 10 years of experience in development working with rule of law or human rights structures, the media, civil society and communities; including solid experience and understanding of rule of law, rights, democracy in developing countries and enabling environments, the role of intermediary support organizations, advocacy and citizen engagement, and CSO financial and organizational sustainability.
- Demonstrated team player with visionary leadership;
- Excellent managerial and operational experience, preferably in managing large donor projects involving coordination with multiple implementing partners or institutions in Uganda or the region.
- Experience working with USG supported projects and knowledge of financial rules and regulations at a senior level;
- Experience in mentoring, coaching and skills transfer;
- Experience in developing activity work-plans, budgets, managing implementation, staff and short-term technical assistance;
- Excellent representational and communication skills, written and oral proficiency in English, and
- Excellent past performance references

Deputy Chief of Party/Technical Advisor on the Judiciary: The Deputy Chief of Party (DCOP)/ Technical Advisor on the Judiciary will work closely with the COP in overseeing activity operations. The incumbent will also be responsible for the technical direction and oversight of the judicial strengthening component and related parts of the advocacy component. The technical advisor expertise requirements include:

- A Master's degree in law, political science, international development, or in a related discipline such as social science is highly preferred. He/she shall be responsible for the implementation of component 1 and parts of component 2 of the activity, and should therefore have demonstrated experience of the judiciary and legal systems in Uganda.
- He/she shall possess a minimum of five years of work experience in human rights, rule of law, democracy, or governance with a particular focus on entrenching multiparty democracy.
- In addition, he/she shall have three years' experience in providing technical assistance and capacity building (technical, organizational and financial management) support to government institutions and or civil society organizations.

Senior Grants Manager: The Senior Grants Manager will be responsible for proper implementation and functionality of the \$1.6 million grants program. This includes monitoring the entire grant management process and ensuring proper compliance with USAID regulations, the grant objectives and requirements of this RFA. The Senior Manager will ensure that the Recipient develops results, indicators and targets as well as an annual work plan, which reflect the objectives of the grants program. Working with the COP, component managers and financial manager(s), oversee financial reporting and selection of applications to ensure conformity with the grants program criteria, including the implementation of sub-Recipient capacity building (technical, organizational and financial management).

The Senior Manager will have:

- A Master's degree in project management, financial and organization management or in a related discipline such as social science is highly preferred. He/she shall be responsible for the implementation of component 1 and parts of component 2 of the activity, and preferably have experience in the developing country context.
- A minimum of five years of experience managing and administering U.S. Federal grants and/or contracts.
- He/she will have analytical skills to identify and assess credibility of organizations eligible of grants.
- Experience working with USG supported projects and knowledge of financial rules and regulations, including use fiscal controls and fund accounting procedures that ensure that the funds are used for their intended purpose and are accounted for properly
- S/he will have skills in implementing financial and organizational sustainability of Recipients.
- Ability to train partners on grant management and required reporting highly preferred.

Advocacy Specialist: The Advocacy Specialist will be responsible for the provision and oversight of technical direction and assistance in support of improved technical, financial, and human resource capacity of participant civil society organizations. He/she will be responsible for implementing component 2 and parts of component 3.

The specialist will have:

- A bachelor's degree in law, political science, social policy or in a related social science discipline.
- He/she will have a minimum of three years' experience in advocacy and civil society engagement with a particular focus on building the capacity of indigenous community groups in advocacy and engagement.
- In addition, he/she shall have two years of technical experience in dealing with multiple stakeholders including the judiciary, CSOs, and adjudication institutions in a developing country. He/she shall have demonstrated experience in civil society engagement in Uganda.

Media Specialist: The Media Specialist will be responsible for the implementation of component 3. The specialist will have:

- A Master's degree in journalism, mass media, or in a related social science discipline is highly preferred.
- He/she will have a minimum of three years' experience in media advocacy and engagement on rule of law and rights matters.
- In addition, he/she should have two years of technical experience in dealing with multiple stakeholders including the media, judiciary, CSOs, and adjudication institutions in a developing country. He/she shall have demonstrated experience in media in Uganda.

I.10 Required Reporting

1. **Annual Work Plans:** The annual work plan will describe activities to be conducted at a greater level of detail than the activity description and application in response to the activity description, but shall be clearly cross-referenced with the applicable sections in the activity description. All work plan activities must be within the scope. Work plan activities shall not change the activity description or any other terms and conditions of the activity in any way. Such changes must be approved by the AOR, in advance and in writing.

Thereafter, if there are inconsistencies between the work plan and the activity description or other terms and conditions of this activity description, *the latter will take precedence over the work plan*. The work plan shall include a schedule of activities and tasks planned to be conducted, and the inputs planned to be provided, by the Recipient, including a description of planned activities. The work plan must also describe the anticipated achievements towards performance indicators set forth in the performance monitoring system. Included shall be an explanation of how those achievements are expected to contribute to the IR level results. An estimated budget and a pipeline analysis, identifying the anticipated inputs shall also be included. USAID/Uganda will approve the completed work plans. The Recipient will prepare the work plans in consultation with and inputs from the advisory committee, partners and beneficiaries of this activity. The first

annual work plan shall be due in draft 90 days after the start of the cooperative agreement. USAID/Uganda will respond to the draft within 30 days and the Recipient will provide the final version 30 days after receipt of comments by USAID. The Annual Work plan can be integrated with the Annual Report.

2. **Quarterly Activity Reports:** The Recipient shall submit quarterly activity reports that include narratives of quarterly achievements, and progress against the results framework, PMP and indicators. A format for the quarterly report shall be approved by the AOR. The quarterly reports shall describe and assess the overall progress to date based upon agreed performance indicators. The reports shall also describe the accomplishments of the Recipient and the progress made during the past quarter; include information on key activities, both ongoing and completed during the quarter (e.g. meetings, trainings, workshops, significant events, subcontracts, and grants). The quarterly reports shall highlight any issues or problems that are affecting the conduct or timing of activities by the Recipient. Any outreach or press reporting about the activity should be included with the reports. Attached to the second quarterly report, the Recipient shall provide USAID/Uganda with an appropriate one-page web-postable activity description that can be posted on the Mission websites. The Recipient will also submit financial allocation summaries to USAID/Uganda to reflect results and activities of each preceding quarter. The Recipient shall also prepare quarterly financial reports showing the amount of funding, cumulative spending, and estimates for the next quarter. The quarterly activity and financial reports are to be submitted within 30 days after the end of each fiscal quarter to the AOR at USAID/Uganda. Due dates to submit reports are January 30, April 30, July 30 and October 30.
3. **Annual Report:** Annual performance reports on the project activities and progress against indicators are the responsibility of the Recipient and are needed by USAID/Uganda to provide timely input to the USG's Operational Plan. To the extent possible, the annual performance report should cover activities and results through the end of the fiscal year. However, if the annual performance report is merged with the quarterly report, it must be received by USAID no later than October 30 each year. If it is submitted separately, it may be submitted in draft from before November 15 and the final draft being submitted November 30.
4. **Final Report:** The Recipient shall prepare a final report at the end of the activity period. The Recipient shall prepare and submit three copies of a final/completion report to the AOR, which summarizes the accomplishments of the agreement, methods of work used, and recommendations regarding unfinished work and/or activity continuation. The final/completion report shall also contain an index of all reports and information products produced under this cooperative agreement. The Recipient shall submit a draft final report to USAID no later than one month after the completion of the activity completion.

Deliverables:

1. **Mobilization Plan:** The mobilization plan will be submitted to the AOR within 15 days of the award. It should clearly articulate how the Recipient intends to start up implementation and should include timelines for mobilization of key personnel, mobilization of technical leads, plan for hiring, startup/rental of offices, major equipment procurements etc.

2. Performance Monitoring Plan: The Recipient shall submit a draft PMP with the draft work plan within 90 days of award and a final PMP must be submitted to USAID/Uganda for approval within the first six months of award.
3. Gender, Youth and People with Disabilities (PWD) Strategy Document: The Recipient shall prepare a 3-page gender, youth and PWD strategy document for USAID approval. The gender and PWD strategy shall explicitly describe how the Recipient will assure that substantial youth, women and PWD participation shall be integrated into all activities under this activity description. This strategy shall be included in the first annual work plan, and approved accordingly.
4. Grants Manual: The Recipient shall prepare a grants manual for final approval by USAID. The draft grants manual shall be submitted within the first 60 days after the initial needs assessment and shall outline the effective processes and procedures the Recipient will utilize and enforce for the management of the grants program including procedures necessary to ensure results are realized and opportunities for fraud and corruption mitigated.
5. Evaluation Reports: The Grantee shall submit these reports as outlined in section 1.7 above.

I.11 Environmental Compliance

Section 117 of the Foreign Assistance Act of 1961, as amended, requires that the impact of USAID's activities on the environment be considered and that USAID include environmental sustainability as a central consideration in designing and carrying out its development programs. This mandate is codified in Federal Regulations (22 CFR 216) and in USAID's Automated Directives System (ADS) Parts 201.3.11.2.b and 204 (<http://www.usaid.gov/policy/ads/200/>), which, in part, require that the potential environmental impacts of USAID-financed activities are identified prior to a final decision to proceed and that appropriate environmental safeguards are adopted for all activities. The Recipients' environmental compliance obligations under these regulations and procedures are specified in the following paragraphs of this RFA.

1. a) In addition, the Recipient must comply with host country environmental regulations unless otherwise directed in writing by USAID. In case of conflict between host country and USAID regulations, the latter shall govern.
- b) No activity funded under this Cooperative Agreement will be implemented unless an environmental threshold determination, as defined by 22 CFR 216, has been reached for that activity, as documented in an Initial Environmental Examination (IEE), or Environmental Assessment (EA) duly signed by the Bureau Environmental Officer (BEO). Hereinafter, such documents are described as "approved Regulation 216 environmental documentation."
2. An Initial Environmental Examination (IEE) has been approved for the Program that will fund this Cooperative Agreement. The IEE covers activities expected to be implemented under this cooperative agreement. USAID has determined that a

categorical exclusion applies to the proposed activities. This indicates that if these activities are implemented subject to the specified conditions, they are expected to have no significant adverse effect on the environment. The Recipient shall be responsible for implementing all IEE conditions pertaining to activities to be funded under this award.

3. As part of its initial Work Plan, and all Annual Work Plans thereafter, the Recipient in collaboration with the USAID Agreement Officer's Representative (AOR) and Mission Environmental Officer or Bureau Environmental Officer, as appropriate, shall review all ongoing and planned activities under this cooperative agreement to determine if they are within the scope of the approved Regulation 216 environmental documentation.
 - a) If the Recipient plans any new activities outside the scope of the approved Regulation 216 environmental documentation, it shall prepare an amendment to the documentation for USAID review and approval. No such new activities shall be undertaken prior to receiving written USAID approval of environmental documentation amendments.
 - b) Any ongoing activities found to be outside the scope of the approved Regulation 216 environmental documentation shall be halted until an amendment to the documentation is submitted and written approval is received from USAID.
4. When the approved Regulation 216 documentation is (1) an IEE that contains a Negative Determination with Conditions the Recipient shall:
 - a) Prepare an environmental mitigation and monitoring plan (EMMP) or project mitigation and monitoring (M&M) plan describing how the Recipient shall, in specific terms, implement all IEE and/or EA conditions that apply to proposed project activities within the scope of the award. The EMMP or M&M Plan shall include monitoring the implementation of the conditions and their effectiveness. If the approved Regulation 216 documentation contains a complete EMMP or project mitigation and monitoring (M&M) plan, the Recipient does not need to complete a new plan. Guidance is available to assist with the EMMP and M&M process at <http://www.encapafrica.org/meoEntry.htm>.
 - b) Integrate a completed EMMP or M&M Plan into the initial work plan.
 - c) Integrate an EMMP or M&M Plan into subsequent Annual Work Plans, making any necessary adjustments to activity implementation in order to minimize adverse impacts to the environment.
5. A provision for sub-grants is included under this solicitation requiring the Recipient to use the Environmental Review Form (ERF) or Environmental Review (ER) checklist to screen grant proposals to ensure the funded proposals will result in no adverse environmental impact, to develop mitigation measures, as necessary, and to specify monitoring and reporting. Use of the ERF or ER checklist is called for when the nature of the grant proposals to be funded is not known well enough to make an informed decision about their potential

environmental impacts, yet due to the type and extent of activities to be funded, any adverse impacts are expected to be easily mitigated. Implementation of sub-grant activities cannot go forward until the ERF or ER checklist is completed by the Recipient and approved by USAID. The Recipient is responsible for ensuring that mitigation measures specified by the ERF or ER checklist process are implemented and addressed in annual reports. Guidance is available to assist with the ERF and ER checklist process at <http://www.encapafrika.org/meoEntry.htm>

- a) The Recipient will be responsible for periodic reporting to the USAID AOR as specified in the Activity Description.
6. USAID anticipates that environmental compliance and achieving optimal development outcomes for the proposed activities will require environmental management expertise.

I.12 Authorizing Legislation

The authority for this RFA is found in the Foreign Assistance Act of 1961 and the resulting award(s) will be administered in accordance with OMB Circulars, 22 CFR 226, and USAID's Automated Directives Systems (ADS) Chapter 303, "Grants and Cooperative Agreements with Non-Governmental Organizations" as applicable. These policies and regulations can be viewed or downloaded from USAID's Web Site <http://www.usaid.gov/business/regulations/>.

Pursuant to 22 CFR 226.81, it is USAID policy not to award profit under assistance instruments. However, all reasonable, allocable, and allowable expenses, both direct and indirect, which are related to this activity and are in accordance with applicable cost standards (22 CFR 226, OMB Circular A-122 for non-profit organization, OMB Circular A-21 for universities, and the Federal Acquisition Regulation (FAR) Part 31 for-profit organizations), may be paid under the cooperative agreement. USAID reserves the right to fund any or none of the applications submitted.

USAID reserves the right to fund any or none of the applications submitted.

[END OF SECTION I]

SECTION II – BASIC AWARD INFORMATION

II.1 ESTIMATED FUNDING: The total estimated budget for this RFA is \$8 million, subject to the availability of funds.

USAID may make one or more award(s) without discussions to the responsible applicant(s) whose application(s) offer the greatest value to the extent they are necessary, negotiations will be conducted with the apparently successful applicant(s). Award(s) will be made to the responsible applicant(s) whose application(s) offers the greatest value, cost and other factors considered. USAID reserves the right to fund any or none of the applications submitted.

II.2 PERFORMANCE PERIOD: The five-year period from date of Agreement Officers signature. The period of performance is 60 months from the date of the award(s).

II.3 AWARD TYPE: USAID anticipates the award will be a Cooperative Agreement.

II.4 SUBSTANTIAL INVOLVEMENT: The activity will contribute to advancing the USG's support to Uganda's policy priorities for accountable democracy and human rights. As such, the implementing partner will be required to coordinate closely with USAID/Uganda and the U.S. Mission. USAID/Uganda will provide prior written approval for the following:

- Implementation plans as listed in Section I.10. Required Reporting.
- All key personnel;
- Publications of all solicitations for the grants program;
- All subawards to include subgrantees and contractors
- Agency authority to immediately halt a construction activity, as applicable.
- To help support the CLA agenda, USAID/Uganda will approve advisory committee members, and participate on the advisory committee.
- Approval of the Performance Monitoring Plan (PMP).
- Monitoring to authorize specified kinds of direction or redirection because of interrelationships with other projects.

II.5 AUTHORIZED GEOGRAPHIC CODE: The Authorized Geographic Code is 935 for the procurement of goods and services. Reference ADS 308 for current information.

[END OF SECTION II]

SECTION III – ELIGIBILITY INFORMATION

III.1. USAID policy encourages competition in the award of Grants and Cooperative Agreements. In response to this RFA, any U.S. or non-U. S. organisations, non-profit, or for-profit entity is eligible to apply.

III.2. USAID encourages applications from potential new partners.

III.3. There shall be no cost sharing.

[END OF SECTION III]

SECTION IV - APPLICATION AND SUBMISSION INFORMATION

IV.1 Electronic Submission Requirements

Concept papers and applications are to be submitted via email. Please submit to the email address below by **4pm EST (Washington, DC), August 10, 2013**. RECEIPT TIME IS WHEN THE APPLICATION IS RECEIVED BY THE USAID/Washington INTERNET SERVER. Hardcopy of the concept papers and applications will not be accepted. The address for the receipt of concept papers and applications is: KampalaUSAIDSolicita@USAID.gov, to the attention of Nancy Kleinhans, Agreement Officer. Concepts papers and/or Applications which are submitted late or do not follow the instructions contained herein run the risk of not being considered in the review process.

All concept papers and applications received by the deadline will be reviewed for responsiveness to the specifications outlined in these guidelines and the application format.

Concept papers and Applications must take into account the evaluation criteria provided in Section V and must include the Representations and Certifications provided in Attachment G. In the event Representations and Certifications are not submitted with the Application, they must be completed before final award is made.

Please note that Technical and Cost Applications shall be kept separate.

Applicants should retain for their records one copy of the concept paper, application and all enclosures which accompany it. Erasures or other changes must be initialed by the person signing the application. To facilitate the competitive review of the applications, USAID will consider only concept papers and applications conforming to the format prescribed below.

IV.2 Interested Parties Conference

For participation, all interested parties shall register at the email address that follows and shall be notified of the place and time of the conference. As noted on the first page of the RFA, the conference will take place on July 16, 2013. It will take place in Uganda. Interested parties must register in advance by emailing KampalaUSAIDSolicita@usaid.gov and must provide the name of the participants, their titles, e-mail addresses and the name of the organization.

IV.3 Format Instructions

Concept Papers and Applications must be submitted electronically in Times New Roman 11pt., MS Word or PDF (Adobe Acrobat) versions. In case of any conflicts between the MS Word and .pdf versions of the application, the .pdf version will govern as it will be the version presented to the Technical Evaluation Panel.

Applicants are advised that any pages exceeding any of the prescribed limits below will not be considered for evaluation.

Please be kind to the evaluators and keep the technical application clear, concise, easy

to follow, while also in complete compliance with the instructions herein.

This Activity will use a two-stage application process.

Step One (1): submission of a concept paper; and

Step Two (2): submission of a full application, only if invited.

Do not submit a full application unless requested to do so by USAID/Uganda. Subject to availability of funds, USAID/Uganda will invite applicants to submit a full application. If your organization is invited to submit a full application, please follow the relevant instruction set out below.

IV.4 Concept Paper Instructions

Concept papers must follow the structure below and include the following outline:

1. Cover page (1 page)

- Name and address of organization;
- Contact person (lead contact name, telephone number, fax and email information);
- Title of proposed activity;
- Type of applying organization (local/regional/international/US-based) – the applying organization will be required to indicate the percentage of work to be performed by each core partner organization;
- Name(s) of partner organizations (these may include local, regional, international);
- Signature, name and title of the authorized representative of the applicant.

2. Technical Narrative (5 pages)

Program Approach – describe the problem to be addressed, the expected goals to be achieved, a short description of the approach and how the proposed approach supports the objectives, requirements and parameters of the RFA;

Development Plan and Activity Description – include a short description of the activities that will be undertaken to achieve the proposed activities, and provide a general timeline. Include a description of the role of proposed implementing partners if any (NGOs and/or alliances with private businesses).

Expected Impact and Sustainability – outline expected results and impact and the mechanism proposed to measure and monitor progress, achievement and sustainability;

Project Management – proposed project management structure and proposed staff roles and responsibilities. Where a consortium is proposed include a short description on the proposed consortium model and a justification for the model proposed; and

Organizational Capability/Responsibility – A brief statement of the history of the organization, its primary development focus, capabilities, responsibilities and challenges; its relevant past development experience.

Note: If a concept paper exceeds five (5) pages ONLY the first five pages will be reviewed when evaluating the concept paper. All pages must be numbered.

3. Budget Summary (2 pages maximum)

Provide a budget including a summary, budget notes/narrative explaining the basis for determination of the proposed costs and their relationship to the technical approach. There shall be no cost sharing required under this RFA. Applications that include additional in-kind and/or cash contributions may be deemed more cost effective and thus more competitive. Budgets should be in US dollars. The budget file must be separate from the technical narrative.

USAID/Uganda will review all concept papers. However, not all concept papers will be approved for submission of full applications. Do not proceed with a full application unless invited to do so by USAID/Uganda.

IV.4 Full Application Instructions

After reviewing the concept papers, USAID/Uganda will advise applicant(s) as to whether or not to proceed with a full application. If an applicant's concept paper is accepted, USAID/Uganda's technical comments on the concept paper should guide the submission of the full application.

A full application should be a detailed description of the activities described in the concept paper. The technical application (maximum 25 pages – not including annexes) should clearly and concisely outline how the applicant proposes to meet the critical needs identified in the objective(s) and how the applicant will achieve its expected results. The application must include a detailed description of the management approach for implementing the proposed activity, which includes specifying the composition and organizational structure of the entire implementation team (including home office support); describing each team member's role and level of effort.

The technical application shall include the followings sections:

1. Cover Page (not included in 25-page limitation. Pages must be numbered)

The Cover Page should include the proposed activity title, RFA number, name of Applicant organization(s) submitting application, contact person, telephone and fax numbers, email, and address, and DUNS number

2. Table of Contents that follows the technical application format outlined herein (not included in 25 page limitation)

3. Executive Summary

The Executive Summary should summarize how the Applicant proposes to meet the project requirements, what activities are proposed, and how the Applicant intends to achieve the anticipated results. It should also briefly mention personnel and technical/organizational resources, and describe how the activity will be managed and monitored.

4. Technical Approach

The technical approach must demonstrate an in-depth understanding of the development challenges in Uganda, and outline specific activities and explain how the proposed activities would help achieve the Rights and Rule of Law objectives. Applicants are encouraged to propose innovative yet realistic approaches that are most appropriate in the context of Uganda. The technical approach must clearly address the factors outlined in the evaluation criteria of this RFA.

a) Activity Description (AD)

Applications should be responsive to the solicitation, appropriate in the country context, and should exhibit originality, substance, precision, and relevance to USAID/Uganda's democracy and governance objective to strengthen Uganda's systems and make them more accountable.

Applicants should describe how the proposed initiatives in the activity description will be realized and how the selected tasks will complement each other. Applicants should also describe how they propose to integrate the activity's components to achieve the objectives of the activity stated in this RFA. Applicants are also expected to define what they consider feasible to achieve within a five-year timeframe, with an \$8 million budget, given the current status of rule of law and human rights in Uganda and within the political and socio-economic environment.

Applicants are recommended to present the following for each component in the AD:

An overview of the proposed interventions.

- A detailed outline of the methodology that will be used to implement the proposed interventions.
- An analysis of anticipated implementation challenges.
- A summary of expected outputs with their expected impact, utilizing indicators that will be used to track progress towards the anticipated results.

The technical approach should demonstrate (1) analytical depth, clarity, and responsiveness to the RFA, (2) state-of-the-art technical knowledge, innovation and creativity, and (3) feasibility of proposed strategies and proposed impact, (3) what mechanisms are in place to avoid duplication with inputs/outputs from current and previous USAID-financed multiparty democracy programs or with other donor programs. The applicant shall propose innovative monitoring methods that assess difficult to measure outcomes such as changes in motivations, attitudes and behavior.

To support the capacity development goals of this activity, applicants are requested to develop a brief 3-page capacity development strategy. The strategy should present the primary capacity-development objectives that they wish to achieve, a management model for achievement and a strategy for incorporating youth and gender. The specific details of this strategy will be re-defined in the first three months of activity implementation.

b) Key Personnel and Staffing Plan

Applicants are expected to provide a proposed staffing plan that covers both key personnel (requiring USAID approval) and support staff, documenting the underlying

rationale regarding the staffing configuration. Brief position descriptions should be included. The staffing plan needs to be accompanied by an organizational chart demonstrating the lines of authority and staff responsibility (included in the page limit). USAID/Uganda expects that the Recipient of the award will maintain the minimum necessary full-time technical and support staff.

The staffing plan should highlight where the Applicant anticipates the involvement of technical experts on an ad hoc and/or short-term basis. The staffing plan should explain how additional expertise and skill mix might be obtained while attending to the necessity of cost containment, sustainability and avoiding unnecessary staffing.

Special attention should be paid to the key personnel positions. Key personnel are those considered essential to the work being performed under this Agreement, and must be approved by USAID/Uganda prior to their employment. Applicants must propose key personnel and specify the qualifications and abilities of proposed key personnel that are suited to successfully implement the proposed technical approach.

The proposed staffing plan must include the following key personnel positions:

- Chief of Party (COP)
- Deputy Chief of Party/ Technical Advisor on the Judiciary
- Senior Grants Manager
- Advocacy Specialist
- Media Specialist

Where Applicants propose different titles for the proposed key personnel for USAID/Uganda to consider, the Applicant must include a *strong justification* for the proposed title change. This must include the required qualifications and intended job responsibilities of key personnel proposed, if the position is different from one listed above. Please refer to the section 9 - "Key Personnel" for the desired qualifications and functions for the proposed key personnel.

Key personnel shall be proposed by name and position. The key personnel positions requires USAID/Uganda approval, as noted in substantial involvement provisions. Applicants are highly encouraged to include and maximize the use of available and qualified local and or regional technical expertise to compose an implementation team so that the project team collectively demonstrates a balance of strong technical, in country and management/diplomacy skills. The Applicant should take into consideration USAID's and the GoU's desire to have Ugandans and regional nationals incorporated into leadership and technical positions, a key feature for the successful operation, relevancy and sustainability of Rights and Law Activity initiatives. The Chief of Party and the project team should collectively be able to maneuver the legal and political landscape pertaining to rule of law and human rights and do no harm while during implementation. The success of this type of work will highly depend on supporting systems and processes outside the control of the Recipient, which will require that the Recipient be fully conversant with the relevant Ugandan systems and processes.

USAID will entertain a maximum of two expatriates under this activity.

c) Management Plan

Applicants shall provide a management plan consistent with the Activity's technical complexity, stakeholders and beneficiaries. Components 1, 2, 3 and the small grants program shall be very closely integrated and coordinated by a management team with shared responsibilities. Gender and youth considerations shall be applied to the management plan as well. In addition, Applicants will be required to submit a mobilization plan for office and implementation start-up within 15 days of the award.

Applicant's shall describe how the proposed plan will contribute towards achieving the objectives and results described in the activity description; capturing the following:

- Specifically state and justify the composition and organizational structure of the staffing plan.
- Describe how the technical expertise and experience of all staff members is most conducive to achieving expected results of the Rights and Rule of Law Activity.
- The staffing plan shall reflect the minimum number of highly experienced technical staff sufficient to manage and implement activities under this award; the degree to which the proposed staffing plan establishes well-defined lines of authority, responsibility, communication and how management techniques will facilitate the early identification and resolution of problems and allow the Applicant to respond to changes and challenges.
- The plan should specify the role and estimated amount of time each staff member will devote to the activity and/or specific components within the activity.
- Delineation of roles, responsibilities, authority, and processes for decision making within applicant's Rights and Rule of Law implementation team and between the Recipient/home office and the implementation team must be clearly spelled out. All three Activity Components shall be very closely coordinated by a management team.

If the Applicant presents as a consortium/partnership of organizations or groups, the proposal shall:

- Describe the proposed consortium model and clearly demonstrate the expertise of the participating partners and the unique set of experience and expertise they bring to strengthen the activities undertaken within this RFA.
- The plan should also clearly delineate the roles, responsibilities and lines of communication/authority between all consortium members, including where proposed, a plan for phasing full implementation to a local or regional partner.
- The services to be provided by each partner Institution or organization (if any) as well as the type of contractual relationship shall be described.
- At the same time, the management plan needs to be efficient in response to budgetary constraints.

The focus is on how to efficiently and effectively use the human, technical, and organizational resources at hand. Among other things, USAID/Uganda expects the Applicant to address the following issues:

- How will the Applicant mobilize in terms of personnel, logistics set-up, and establishment of management and financial control systems?
- To which degree will management authority devolve from the home/Recipient office of the Applicant to the implementation team/office? USAID/Uganda expects the activity to be managed locally, with all management decisions, including financial decisions, and administrative responsibilities delegated to the implementation team office. The Recipient's home office is expected to provide managerial oversight and administrative backstop, and technical assistance as needed.
- Where will project offices outside of Kampala be located and which field offices are envisaged? USAID encourages the establishment of field offices and expects the Applicant to establish a minimum of two regional offices outside Kampala.
- To what degree will the operational and financial management structure, decision-making procedures and staffing pattern allow the project to (1) effectively coordinate implementation between the Kampala and regional offices; (2) manage the sub-grants component – a crucial component of the activity and (3) ensure sufficient flexibility to respond to potentially unpredictable restrictions in project implementation?
- Applicants shall describe a sub-grants management plan including the process of identifying and supporting sub Recipients. Applicants must also specify the technical resources and expertise of proposed subcontract/sub Recipient organizations, as well as how the Applicant will ensure that each partnering organization contributes to the overall strategy and implementation and how the technical components and activities of the activity will be integrated and coordinated?
- USAID/Uganda places high value on the Applicant's ability to ensure that all project staff create and maintain effective working relationships with counterparts. How will the activity work in a collaborative and inclusive team oriented manner with local partners, the Government of Uganda, other USAID activities/programs, and other implementing organizations to achieve results?
- What type of strategies or approaches for cost containment will be adopted?

d) Summary of Relevant Past Performance

Applicants must provide evidence of pertinent past performance and clearly describe examples of successful development and implementation of activities similar to what is required under this RFA.

5. Annexes

These should include the following (Annexes do not count in the 25 page limitation):

Annex I. Mobilization Plan (2 pages maximum)

A 90-day mobilization Plan that identifies an implementation schedule which is feasible yet reflects a rapid mobilization and start-up. The mobilization plan must outline how the applicant will get the activity underway both at the Kampala and sub-national level and include a clear timeline showing the start time, end time and schedule period for each activity in the plan. The plan should include all key meetings and deliverables to be undertaken in the first 90 days.

Annex II. Summary Work Plan (5 pages maximum)

A summary work plan covering proposed activities for the first year, including timelines and timeframes. The work plan should incorporate the Mobilization Plan.

Annex III. Summary Performance Monitoring Plan (PMP) (2 pages maximum)

An illustrative PMP identifying appropriate milestones, gender sensitive indicators and targets (including sex and youth disaggregated targets), as well as plans to gather and utilize baseline data. In addition, the PMP is expected to reflect apprehension for results and include proper impact indicators.

Annex IV. Relevant Past Performance Information (Recipient and Key Partner Organizations) (2 pages maximum)

Past Performance Information must contain the following:

1. Description of Applicant's, and prospective partner's previous work and experience relative to the proposed activity;
2. List of all awards involving similar or related activities/programs, whether or not involving USAID, during the past three years;
3. List of references and information such as location, award numbers if available, brief description of work performed and contact information with current email addresses and telephone numbers.
4. Applicants shall state whether or not they have existing relationships with proposed partner organizations and the nature of the relationship (i.e.: subcontractor, partnership etc.). The Applicant must specify the technical resources and expertise of proposed organizations.
5. USAID/Uganda will contact past performance references. USAID/Uganda reserves the right to obtain information for use in the evaluation of past performance from any and all sources inside or outside the Government.

Annex V. Resumes for Key Personnel (3 pages per candidate)

This section should include resumes for all key personnel candidates and any other personnel proposed for significant positions. Resumes should not exceed three pages in length and shall be in chronological order starting with most recent experience. Each resume shall be accompanied by a signed personal Letter of Commitment from each candidate indicating his/her: (a) availability to serve in the stated position, in terms of days after award; (b) intention to serve for a stated term of the service; and (c)

agreement to the compensation levels which correspond to the levels set forth in the cost application.

Resumes for key personnel should include three performance references for each proposed key position, including up-to-date telephone numbers and e-mail contact information. Please note that documentation that reflects an “exclusive” relationship between an individual and an Applicant is not requested and should not be submitted.

Annex VI. CSO Summary Mapping (1 page maximum)

Based on the Applicant’s knowledge and experience, the Applicant should provide a one-page informal CSO mapping of at least six potential sub-grant Recipient CSOs. The mapping should include national and sub-national level CSOs.

Applicants must be able to demonstrate an understanding of the array of potential CSO partners in Uganda and their capacity building needs in order to develop an informed program design in response to this solicitation. The mapping should:

- Briefly describe the current role of each CSO in the Ugandan rule of law and human rights land-scape; and
- Identify possible capacity building needs for each organization.

Annex VII. Sustainability Plan (1 page maximum)

A one-page sustainability plan, which demonstrates that the applicant will ensure that the activity results will be sustained after completion of the Rights and Rule of Law Activity.

IV.5 Cost Application Format

The Cost Application is to be submitted via a separate email from the Technical Application. Certain documents are required to be submitted by an applicant in order for the Agreement Officer to make a determination of responsibility. However, it is USAID policy not to burden applicants with undue reporting requirements if that information is readily available through other sources. A Cost Application consists of:

- **SF-424***, Application for Federal Assistance;
- **SF-424A***, Budget Information – Non-Construction Program;
- **SF-424B***, Assurances – Non-Construction Programs;
- a summary budget;
- a detailed/itemized budget; including illustrative costs for environmental compliance implementation and monitoring
- a budget narrative explaining costs to be incurred; and
- other administrative documentation as required.

*These forms may be downloaded from the following website:
http://www.grants.gov/agencies/aforms_repository_information.jsp

The following sections describe the documentation that applicants for Assistance award must submit to USAID prior to award. While there is no page limit for this portion, applicants are encouraged to be as concise as possible, but still provide the necessary

detail to address the following:

The required budget format is found in Attachment H of this RFA.

Please be sure that the budget includes at least the following elements:

- the breakdown of all costs associated with the program according to costs of, if applicable, headquarters, regional and/or country offices;
- the breakdown of all costs according to each partner organization involved in the program, in the same detail and format as the budget template;
- potential contributions of non-USAID or private commercial donors to this Cooperative Agreement, including, the breakdown of the financial and in-kind contributions (cost sharing) of all organizations involved in implementing this Cooperative Agreement.

NOTE: The award will not provide for the reimbursement of pre-award costs.

Also include:

- a. Information that confirms and ensures that the proposed cost sharing will materialize.
- b. Details of sub-award arrangements to the extent they are known at the time of application development: In case there are multiple organizations and partners, please explain as clearly as possible the management structure and how the parties are going to interact. If there are formal legal arrangements such as sub awards or sub contracts please clearly explain how these are to be structured and list past experience between the organizations.

NOTE: If sub-awards are anticipated and not explained in the original application, the agreement officer's approval (after award) is required before the sub-agreement may be executed.

- c. A copy of the self-certification for compliance with USAID policies and procedures for personnel, procurement, and travel.
- d. A copy of the organization's U.S. Government Negotiated Indirect Cost Rate Agreement (NICRA), if applicable.
- e. Applicants should submit additional evidence of responsibility they deem necessary for the Agreement Officer to make a determination of responsibility. The information submitted should substantiate that the Applicant:
 1. Has adequate financial resources or the ability to obtain such resources as required during the performance of the award.
 2. Has the ability to comply with the award conditions, taking into account all existing and currently prospective commitments of the applicant, non-governmental and governmental.
 3. Has a satisfactory record of performance. Past relevant unsatisfactory

performance is ordinarily sufficient to justify a finding of non-responsibility, unless there is clear evidence of subsequent satisfactory performance.

4. Has a satisfactory record of integrity and business ethics; and
5. Is otherwise qualified and eligible to receive a cooperative agreement under applicable laws and regulations (e.g., EEO).

IV.6 Marking and Branding

Pursuant to ADS 303.3.6.3.f and ADS 320.3.1.2, the apparently successful Recipient will be requested to submit a Branding Strategy and Marking Plan that will have to be successfully negotiated before a cooperative agreement will be awarded. These plans shall be prepared in accordance with the guidance in ADS 320.3.3, 22 CFR 226.91 and the references therein. Please note that the Branding Strategy and Marking Plan shall not be included with the original application but shall be provided only after a written request of the Agreement Officer.

[END OF SECTION IV]

SECTION V – EVALUATION CRITERIA

The Evaluation Criteria is tailored specifically to the requirements of the Rights and Rule of Law Activity RFA, which has a two-step evaluation process.

Applicants should note that the evaluation criteria under the heading “Concept Paper Evaluation Criteria” serves to (a) identify the significant matters, which applicants should address in their concept papers, and (b) set the standard against which all concept papers will be evaluated and selected for the full grant application process.

The criteria under the heading “Application Evaluation Criteria” serves to: (a) identify the significant matters against which selected applicants should address in their applications and (b) set the standard against which applications of selected applicants will be evaluated.

To facilitate the review for concept papers and grant applications, applicants should organize their submissions with the same headings and in the same order as the selection criteria in the relevant section.

Upon completion of its review of full applications, USAID/Uganda may as it deems necessary and appropriate, conduct written and/or oral discussions with those applicants whose applications remain in the competitive range. To the extent necessary, USAID/Uganda may also request clarification and supplemental materials from applicants whose applications have a reasonable chance of being selected for award. The decision to conduct such discussions should not be considered a reflection of a final decision about which organizations will receive an award, but rather would be part of the evaluation process. Award will be made to Applicant(s) whose full application offers the greatest value, cost and other factors considered.

Concept Paper Evaluation Criteria

Concept papers will be evaluated based on the extent to which they convincingly describe the following criteria of equal importance:

- A description of the organization’s mission, experience with human rights and rule of law activities, as well as the organization’s experience in project management;

The concept paper should describe:

- The extent to which the proposed approach directly responds to the objectives, requirements and parameters sought under the RFA;
- The extent to which the proposed activities will lead to anticipated results and impact and in an approach which is logical and feasible;
- The capability of the applicant organization to implement the activities efficiently and effectively;
- The degree to which the concept has potential for sustainability beyond the activity period;
- The degree to which costs are realistic and demonstrate an effective and efficient use of resources; including financial capability and responsibility.

USAID/Uganda will issue invitations to submit a full application to applicant(s) whose submitted concept papers are most highly rated and have been deemed most likely to succeed, subject to availability of funding.

Application Evaluation Criteria

USAID/Uganda will notify applicants whether to submit a full application. USAID/Uganda intends to evaluate the full applications and award an agreement without discussions with the applicants. However, USAID reserves the right to conduct discussions if the latter is determined by the Agreement Officer to be necessary. Therefore, the initial offer should contain the applicant's best terms from a Technical and Cost/Price stand- point.

The criteria upon which the grant applications will be assessed are as follows, in descending order of importance:

Evaluation Criteria

- Technical Approach
- Key Personnel
- Management Capacity
- Past Performance and Institutional Capability
- Cost Evaluation

A. Technical Approach

The technical application clearly demonstrates excellent understanding of the overall activity description, including the objectives, activities and methods involved, and it demonstrates an ability to apply evidence-based best practices and techniques to reach clearly defined and feasible results. Evaluations and scoring will specifically weigh and recognize those applications that demonstrate innovativeness, cohesion, synergy and sustainability.

The application integrates the guiding principles, key considerations, cross-cutting themes and monitoring and evaluation considerations in all three activity components. The technical application demonstrates knowledge of Ugandan context (laws, policies, institutions and procedures) and how the applicant would coordinate with key stakeholders.

B. Key Personnel and Staffing Plan

The application demonstrates that proposed key personnel (individually and as a whole) have the breadth and depth of background (education and experience), expertise and skills in management and implementation of similar development programs in comparable environments, and exemplary diplomatic and interpersonal skills.

C. Management Capacity

- a. The Management Plan consists of a clear and concise description of how organizational structures, lines of communication and authority, and partnerships are conducive to effective project implementation including the ability to adapt to a changing context.

- b. Demonstrates a clear delegation of authority for effective activity management; a mobilization plan; and, a physical set up that will facilitate implementation both at national and sub-national levels.
- c. The Management Plan demonstrates how sub-grants will be managed and how partnerships will be advanced to ensure complementarity.

D. Past Performance and Institutional Capability

Past performance must demonstrate experience and performance of the primary applicant (as well as any partners substantially involved in implementation) in managing and implementing similar or related donor funded programs.

Past Performance must demonstrate the applicant's capability to plan, implement, monitor, and report on similar rights and rule of law activities as well as performance in methodological and technical capacity to achieve the results described in this RFA.

The applicant's past performance must demonstrate clear organizational relationships with a record of partnership-building, managerial adaptability, team-building, and communications skills. Demonstrated familiarity with the situation in Uganda and/or the region is highly desired.

E. Cost Evaluation

Cost has not been assigned a weight but will be evaluated for cost reasonableness, allocability, allowability, cost effectiveness and realism, adequacy of budget detail. While cost may be a determining factor in the final award(s) decision, especially between closely ranked applicants, the technical merit of applications is substantially more important under this RFA. Applications providing the best value to the Government will be more favorably considered for award. Applications will be ranked in accordance with the selection criteria identified above. USAID reserves the right to determine the resulting level of funding selected for award. There shall be no cost sharing in this activity.

[END OF SECTION V]

SECTION VI – AWARD ADMINISTRATION INFORMATION

- 1) Following selection for award, a Recipient will receive an electronic copy of the notice of award signed by the Agreement Officer which serves as the authorizing document. USAID will issue the award to the contacts specified by the applicant in its application documents and/or the Authorized Individuals submitted by the applicant.
- 2) The applicable Standard Provisions that will apply in any resulting award document can be viewed or downloaded from USAID's Web Site:
<http://www.usaid.gov/policy/ads/300/303.pdf>.
- 3) The following programmatic reporting requirements shall be made part of any award issued under this RFA:

Program Reporting

The Recipient shall submit one original, two (2) hard copies and an electronic copy of the following reports in English to the USAID/Uganda Agreement Officer Representative (AOR) for approval:

1. Annual Work plans: The annual work plan will describe activities to be conducted at a greater level of detail than the AD and application in response to the AD, but shall be cross-referenced with the applicable sections in the AD. All work plan activities must be within the scope. Work plan activities shall not change the AD or any other terms and conditions of the program in any way. Such changes must be approved by the AOR, in advance and in writing. Thereafter, if there are inconsistencies between the work plan and the AD or other terms and conditions of this AD, *the latter will take precedence over the work plan*. The work plan shall include a schedule of activities and tasks planned to be conducted, and the inputs planned to be provided, by the Recipient, including a description of planned activities. The work plan must also describe the anticipated achievements towards performance indicators set forth in the performance monitoring system. Included shall be an explanation of how those achievements are expected to contribute to the IR level results. An estimated budget and a pipeline analysis, identifying the anticipated inputs shall also be included.

USAID/Uganda will approve the completed work plans. The Recipient will prepare the work plans in consultation with and inputs from the advisory committee, partners and beneficiaries of this program. The first annual work plan shall be due in draft 90 days after award of the cooperative agreement. USAID/Uganda will respond to the draft within 30 days and the Recipient will provide the final version 30 days after receipt of comments by USAID. The Annual Work plan can be integrated with the Annual Report.

2. Quarterly Activity Reports: The Recipient shall submit quarterly activity reports that include narratives of quarterly achievements, and progress against the work plan, PMP and indicators. A format for the quarterly report shall be approved by the AOR on an annual basis. The quarterly reports shall describe and assess the overall progress to date based upon agreed performance indicators. The reports shall also describe the accomplishments of the Recipient and the progress made during the past quarter; include information on key activities, both ongoing and completed during the quarter (e.g. meetings, trainings, workshops, significant events, subcontracts, and grants). The quarterly reports shall highlight any issues or problems that are affecting the conduct or

timing of activities by the Recipient. Any outreach or press reporting about the activity should be included with the reports. Attached to the second quarterly report, the Recipient shall provide USAID/Uganda with an appropriate one-page web-postable activity description that can be posted on the Mission websites. The Recipient will also submit financial allocation summaries (including accruals when requested) to USAID/Uganda to reflect results and activities of each preceding quarter. The Recipient shall also prepare quarterly financial reports showing the amount of funding and level of effort spent and accrued during the quarter, cumulative spending, and estimates for the next quarter. The quarterly activity and financial reports are to be submitted within 15 days after the end of each fiscal quarter to the AOR at USAID/Uganda.

3. Annual Report: Annual performance reports on the project activities and progress against indicators are the responsibility of the Recipient and are needed by USAID/Uganda to provide timely input to the USG's Operational Plan. To the extent possible, the annual performance report should cover activities and results through the end of the fiscal year. However, the annual performance reports must be received by USAID in draft no later than November 15 and in final no later than November 30 each year.

4. Final Report: The final performance reports are due 90 calendar days after the expiration or termination of the award . The Recipient shall prepare a final report at the end of the activity period and submit three copies of a final/completion report to the AOR. The report shall summarize the accomplishments of the agreement, methods of work used, and recommendations regarding unfinished work and/or program continuation. It shall cover the entire four-year period of the award and include the cumulative results achieved, an assessment of the impact of the program, lessons learned and recommendations, any particularly notable impact stories, and detailed financial information. It should be grounded in evidence and data. The final/completion report shall also contain an index of all reports and information products produced under this Cooperative AgreementA. The Recipient shall submit a draft final report to USAID no later than 30 calendar days after the completion of the project activity. A copy of the final performance report shall be filed with the Development Experience Clearinghouse at: <http://dec.usaid.gov> or <http://www.DocSubmit@usaid.gov>.

Synopsis of Reports

Document/Report	Due Date	Distribution
Annual Work Plans	First draft due within 90 days after award. Subsequent Annual Work Plans can be integrated with the Annual Report.	AOR
Mobilization Plan	Within 15 days of the award	AOR
Preliminary Needs Assessment	Submitted along with the first annual work-plan	AOR
Performance Monitoring Plan	Within 90 days after award	AOR, PPD, A&A
Gender, Youth and People with Disabilities (PWD) Strategy Document	Submitted along with the first annual work-plan	AOR
Grants Manual	Within the first 60 days after submitting initial needs assessment	AOR
Quarterly Activity Reports	Within 15 days after the end of each fiscal quarter	AOR
Annual Report	Draft due no later than November 15 and final report due no later than November 30 each year.	AOR
Final Report	90 calendar days after the expiration or termination of the award	AOR
External Independent Mid-term evaluation report	Draft due at the end of two and a half years into activity implementation	AOR, PPD
External Independent End of Activity evaluation report	Draft due at the within the last six months of the end of activity implementation	AOR, PPD

[END SECTION VI]

SECTION VII – AGENCY CONTACTS

Agreement Officer
USAID/Uganda
US Embassy Compound
Plot 1577 Ggaba Road
Kampala, Uganda

[END SECTION VII]

SECTION VIII – OTHER INFORMATION

Resulting awards to U.S. Non-government Organizations will be administered in accordance with Chapter 303 of USAID's Automated Directives System (ADS 303), 22 CFR 226, applicable OMB Circulars (i.e., A-21 for Universities or A-122 for Non-Profit Organizations, and A-133), and Standard Provisions for Non-Governmental Organizations.

- ADS 303 is available at: <http://www.usaid.gov/policy/ads/300/303maa.pdf>.
- 22 CFR 226 is available at:
http://www.access.gpo.gov/nara/cfr/waisidx_06/22cfr226_06.html. Applicable
- OMB Circulars are available at:
<http://www.whitehouse.gov/OMB/circulars/index.html>.
- Standard Provisions for U.S. Non-Governmental Organizations are available at:
<http://www.usaid.gov/policy/ads/300/303maa.pdf>.

Resulting award to Public International Organizations (PIOs, or IOs) will be administered in accordance with Chapter 308 of USAID's ADS including the Standard Provisions set forth in ADS 308.5.15.

Potential for-profit applicants should note that USAID policy prohibits the payment of fee/profit to the prime Recipient under grants and cooperative agreements. However, if a prime Recipient has a subcontract with a for-profit organization for the acquisition of goods or services (i.e., if a buyer-seller relationship is created), fee/profit for the subcontractor is authorized.

Standard Provisions for Non-U.S. Non-Governmental Organizations are available at:

<http://www.usaid.gov/policy/ads/300/303mab.pdf>. ADS 308 is available at:

<http://www.usaid.gov/policy/ads/300/308mab.pdf>.

The USAID Inspector-General's "Guidelines for Financial Audits Contracted by Foreign Recipients" is available at: <http://www.usaid.gov/oig/legal/audauth/rcapguid.pdf>.

PEB 2012-05 "Hortatory Language for Introduction of Mobile Money - Better Than Cash (BTC) Initiative

[END SECTION VIII]

SECTION IX – REFERENCES AND ATTACHMENTS

Attachment A	Democracy and Governance Strategy and Assessment – Summary
Attachment B	Context and Historical Background – Summary
Attachment C	DO2 Results Framework
Attachment D	USAID/Uganda Activities Directly Relevant to the Rights and Law Activity
Attachment E	List of Mission Focus Districts
Attachment F	Draft Results Framework for Youth Programming Adapted for the Rights and Law Activity
Attachment G	Representations, Certifications & Assurances
Attachment H	Budget Template

Attachment A: Democracy and Governance Strategy and Assessment - Summary

Since USAID/Uganda was required to complete its CDCS only a few months before the 2011 Election in Uganda, the Mission decided to defer some of its Democracy, Rights and Governance (DRG) strategic and programmatic decisions until after the election. The Mission also thought of this in the context of a critical Collaborating, Learning and Adapting (CLA) activity to ensure direction was appropriate to the context and the CDCS would be a “living strategy.” The DRG CLA activities included: the Democracy and Governance assessment; activity evaluations; discussions with local civil society and politicians; other donor directions and activities; and USG foreign policy considerations. As a result of this extensive process, DRG revised its strategic approach to political processes programming and added rule of law and human rights to its DRG results framework. The Democracy and Governance Assessment (DGA), which was an important part of the learning process, was conducted in order to identify major trends and challenges with regard to democratic politics and governance in Uganda, in order to inform the design of USAID/Uganda’s new programs.

Based on the situation in Uganda and long-term USG interests, the DGA concluded that USAID/Uganda should assist those Ugandan actors who are willing and have the ability to protect and advance democratic freedoms, rights and accountability. Based on this conclusion, the DGA recommended that the Mission revise its approach to support key actors of democratic rights and accountability in Uganda. The Report recommended that USAID/Uganda adopt a dual approach to DRG programming that includes both:

- 1) The use of DRG funds to carry out stand-alone programming to support democratic freedoms, rights and accountability
- 2) The use of other sector resources to carry out DRG programming with and in support of good governance objectives in those sectors.

In particular as it relates to the first recommended approach, the DGA recommended that USAID/Uganda develop new programs to: 1) bolster judicial independence and human rights; 2) protect and professionalize the media and 3) build Uganda’s democratic political parties. The goals of the support would be a) to protect the political and human rights of Ugandans, b) to reinforce checks and balances, and c) to support Uganda’s transition to a full multiparty democracy.

On the use of other sector funds for DRG programming, the DGA concluded that the objective of such interventions would be to protect the integrity and enhance the quality of USAID/Uganda’s investments in other sectors (notably health and agriculture) by placing greater emphasis on public participation, transparency and accountability. Second, to better use the USAID/Uganda and donor-supported health service delivery infrastructure to strengthen civic and rights awareness. For strategic development policy reforms in non-DG sectors, the goal of the proposed programming would be to: a) to increase public participation and technical expertise in the formation of development policies of importance to USAID/Uganda work in health and agriculture and b) to provide a mechanism for USAID/Uganda to engage on policies that affect its health, global climate change, and Feed the Future investments, and to bolster USAID/Uganda’s in house capacity to monitor and address corruption and integrity issues. The DGA further recommended that USAID/Uganda’s DRG and health teams explore ways to do

rudimentary legal rights awareness and civic education campaigns through health service providers such as HIV/AIDs organizations, and that the DRG team explore ways to work more with and through religious organizations on corruption and human rights issues.

Attachment B: Context and Historical Background – Summary

Recent Trends

Democracy and governance trends suggest that while Uganda has achieved some progress since President Yoweri Museveni took power in 1986, fundamental challenges to the protection of democratic rights and accountability remain. The 2009 African Peer Review Mechanism appropriately articulated the trends and challenges: “Once hailed as a compelling ‘success story’ of Africa, it must be acknowledged that contemporary Uganda faces a number of challenges and runs the risk of not advancing rapidly. There are real political and structural risks that threaten to undermine this record.”³⁷ Furthermore, government attempts to undercut political and electoral processes, endemic corruption, and regressive legislation seeking to limit core freedoms has increased the international community and domestic organizations’ concern about Uganda’s commitment to protecting its citizens’ civil and political rights.

Despite hopes that the introduction of multi-party politics would set Uganda on the path to a more representative democracy, the 2006 and 2011 Uganda elections demonstrated that President Museveni and the NRM have not fully embraced free and fair electoral practices. Though the 2011 election process was more transparent and less violent than previous elections, it was still fraught with irregularities, mismanagement, and a less than conducive environment for fair political competition. Following the election, the USG publically stated its concerns over the “lack of independence of the Electoral Commission, the diversion of government resources for partisan campaigning, the disorganization of polling stations, and the absence of many registered voters’ names from the voter rolls.”³⁸

In the face of continued challenges to judicial independence, the Ugandan judiciary on a number of occasions has successfully upheld the rule of law by declaring Uganda’s sedition law unconstitutional, clearing opposition leader Kizza Besigye of all pending charges, and defending the constitutional rights of journalists, LGBT individuals, walk-to-work protesters, and many others. Media also generally operates without restriction, although many journalists practice self-censorship to avoid potential problems with the police and security services. Nevertheless, the Ugandan government continues to challenge freedom of expression, association, assembly, and the media through regressive draft legislation and the continued application of laws – already declared unconstitutional by the judiciary – governing public assemblies. The 2011 DG Assessment was forthright in its concerns about Ugandan government attempts to restrict core freedoms: “While political freedoms and most human rights are guaranteed by the Ugandan constitution, the regime usually uses a nuanced approach to ensure that the exercise of these freedoms and rights do not pose a fundamental threat to the regime or its interests.”³⁹

According to the World Justice Project Rule of Law Index, 2012-2013, Uganda ranks 13th regionally: government accountability is weak, administrative agencies are inefficient and hampered by corruption. Protection of fundamental rights is weak and civil

³⁷ African Peer Review Mechanism 2009

³⁸ US Department of State Press Statement, February 22, 2011

³⁹ USAID Democracy and Governance Assessment, 2011

conflict and political violence are significant challenges. Though relatively independent, courts are under-resourced, slow and inaccessible to most people.

Government

Uganda's 1995 Constitution established it as a republic with executive, legislative and judicial branches. The Constitution provides for an executive president to be elected every 5 years. Legislative responsibility is vested in the Parliament, with legislative elections held every 5 years. As a result of redistricting, Uganda's Parliament elected in February 2011 grew from 332 to 375 members, including 112 special seats for women, 10 special seats for the military, five for youth and five for persons with disabilities. The judiciary functions as an independent branch of government and consists of magistrate's courts, the High Court, the Court of Appeal (which also functions as a Constitutional Court) and the Supreme Court.

Political Conditions

After decades of internal strife, Uganda has experienced more than 20 years of relative political stability and economic growth. In spite of this, rampant corruption and one of the world's highest population growth rates present challenges to the country's continued economic gains and political stability.

Though Uganda's Constitution provides for freedom of speech, religion and movement, the government sometimes uses charges of unlawful assembly, inciting violence, and promoting sectarianism to curtail government critic's freedom of speech and assembly. In 2011, Ugandan security forces used live ammunition, tear gas, rubber bullets and water cannons to disrupt opposition-led protests against rising prices, leaving at least 10 dead and many more injured. In September 2009, the government's restriction on the travel of Buganda Kingdom's prime minister to Kayunga district combined with rumors of the prime minister's arrest, sparked 3 days of riots mainly in Kampala that left at least 40 people dead and many more injured.

In 2005, the Ugandan military pushed the Lord's Resistance Army (LRA) that operated in northern Uganda from 1986 to 2006, killing tens of thousands of people, abducting thousands of children to serve as soldiers and slaves, and displacing approximately 1.8 million Ugandans into the Democratic Republic of Congo (DRC). There have been no LRA attacks in northern Uganda since August 2006, which has resulted in the majority of internally displaced persons (IDP) returning to or near their homes. Through the Peace, Recovery and Development Plan (PRDP) the GoU together with assistance from development partners has begun a plan to help recovery in northern Uganda.

The Economy

Since 1986, Museveni's government has taken significant steps toward economic stabilization and adopted policies that have promoted rapid economic development. Uganda was the first country to be eligible for the Heavily Indebted Poor Countries (HIPC) initiative through which virtually all its foreign debts were forgiven by the International Monetary Fund (IMF), World Bank and other major donors. Fiscal years 2009 and 2010 saw growth rates of 7.2% and 5.2% respectively. However, food prices rose dramatically in 2011 and inflation rose to 18.7%, the highest in two decades. The

Annual headline inflation rates for April, May and June 2012 were 20.0, 18.6 and 18.0 percent respectively.⁴⁰

Most industry is related to agriculture. Oil experts estimate that Uganda's Albertine Basin has approximately 2.5 billion barrels of recoverable oil positioning Uganda to become one of sub-Saharan Africa's top oil producers and potentially doubling current government revenues within 10 years. Though small scale production was expected to start in 2012, it was delayed due to a capital gains tax dispute and a parliamentary resolution blocking new agreements with oil companies pending new legislation.

Challenges related to the Judiciary

The Ugandan judiciary receives less than 3% of the Ugandan annual budget, which is far less than what the judiciary needs to operate properly. As a result, the judiciary is unable to appoint the full complement of judges necessary to fill vacant positions. In the case of the Supreme Court, it has yet to reach a quorum of judges which is a constitutional requirement that must be met in order to hear certain cases. This is untenable because it could result in a constitutional crisis for Uganda. With regard to the hiring process for judges, the selection, retention, and disciplinary process is not transparent and professional. In many instances the unprofessional hiring process results in judicial appointments which are based in many cases on cronyism and patronage. This has reduced the ability of judges to render fair, impartial, and independent court decisions, made them vulnerable to the influences of corruption, and has added to the existing negative public perception of the judiciary. With regard to the court workload, it is plagued with slow processing of cases and case back-logs, as well as poor management and administrative procedures. While they are making progress in reducing their case back-logs, primarily in the High Courts, they have yet to reduce them to manageable levels. The judiciary also suffers from inadequate outreach to inform and educate the public, including the media, of some of the progressive reforms that they have been able to achieve, and of the resources and services they are able to offer the public.⁴¹

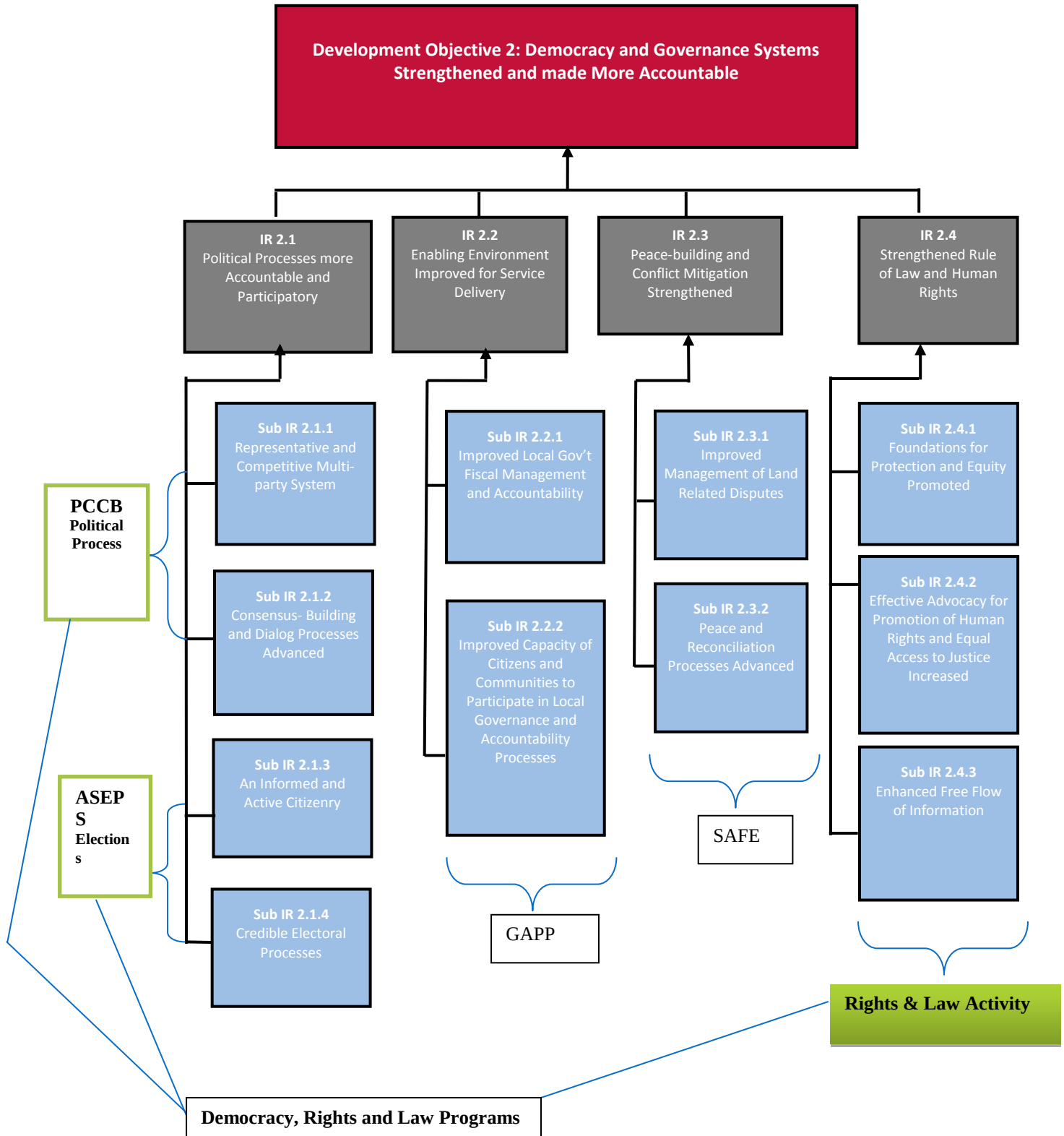
Challenges related to Youth

Though Ugandan youth represent over half of all registered voters, their numbers do not necessarily translate to either influence or respect. Instead, youth often feel marginalized and manipulated by their political leadership; dismissed by their elders; and ill-served by the programs designed to serve them. Further, many youth programs are often derailed by nepotism and corruption. Access to justice and rule of law remains a key challenge facing youth. It is notable that 67 percent of prisoners in the Uganda Prisons system comprise of youth, many of whom languish in prison for years without trial.

⁴⁰ Uganda Bureau of Statistics – Key Economic Indicators – 86th Issue: Fourth Quarter 2011-2012, September 2012

⁴¹ See generally “The Justice Law and Order Sector Annual Report”, JLOS, 2011/2012

Attachment C: D02 Results Framework



Attachment D: USAID/Uganda Activities Directly Relevant to the Rights and Law Activity

Activity to Support Electoral Processes (ASEPs)

The Activity to Support Electoral Processes is still in the design phase. The activity will likely consist of a two-part approach linking civic education with targeted activities to support peaceful and credible elections in 2016.

Political Competition and Consensus Building Activity

PCCB is a four-year \$8 million activity that will support the development of viable, competing democratic parties at national and sub-national levels and support the democratic governance of Uganda. The aim of PCCB is to facilitate democratic processes at the national and sub-national levels.

The Governance, Accountability, Performance and Participation Program (GAPP)

GAPP will increase participation, accountability and local governance for effective service delivery. This five year, \$20 million program will enhance accountability within local government institutions, strengthen the Government of Uganda (GoU) accountability institutions, improve local governance, and support civil society organizations (CSOs) and other non-state actors to: improve the legal, policy, regulatory and institutional environment for local governments; improve fiscal management and accountability in the delivery of services in target districts; and, improve the capacity of citizens and communities to participate in local governance.

The Securing Access to Justice, Fostering Peace and Equity Activity (SAFE)

The purpose of SAFE is to support peace building and conflict mitigation in Uganda. The activity will strengthen mechanisms for resolution of conflicts over land, oil and ethnic diversity. It will further enhance the capacity of local actors to prevent violent conflict and transform them into peaceful outcomes while promoting reconciliation through training, technical assistance and a civil society grants program. The geographic focus of SAFE is on the oil rich Albertine region, the Lord's Resistance Army (LRA) affected Northern Uganda, and Central region.

Attachment E: List of Mission Focus Districts

1. Amuru
2. Bugiri
3. Bushenyi
4. Dokolo
5. Gulu*
6. Ibanda
7. Iganga
8. Isingiro
9. Kamuli*
10. Kamwenge
11. Kapchowra
12. Kasese*
13. Lira*
14. Luwero
15. Oyam
16. Mayuge
17. Mbale
18. Pader
19. Sironko

*Mission focus districts in which USAID/Uganda previously supported state and non-state political processes activities.

Attachment F: Draft Results Framework for Youth Programming Adapted for the Rights and Law Activity

