

**MANAGEMENT RESPONSE TO  
REQUEST FOR INSPECTION PANEL REVIEW OF THE  
UGANDA TRANSPORT SECTOR DEVELOPMENT PROJECT - ADDITIONAL  
FINANCING (P121097)**

Management has reviewed the Request for Inspection of the Uganda Transport Sector Development Project – Additional Financing (P121097), received by the Inspection Panel on September 11, 2015 and registered on September 28, 2015 (RQ14/07). Management has prepared the following response.

**December 17, 2015**



## CONTENTS

<b>Abbreviations and Acronyms .....</b>	<b>iv</b>
<b>Executive Summary .....</b>	<b>v</b>
<b>I. The Request .....</b>	<b>1</b>
<b>II. Project Background .....</b>	<b>1</b>
<b>III. Management's Response .....</b>	<b>4</b>

### **Map**

Map 1. IBRD42036

### **Annexes**

- Annex 1. Chronology of Supervision Efforts on the Kamwenge-Fort Portal Road
- Annex 2. Claims and Responses
- Annex 3. Frequency and Composition of Implementation Support Missions to the Kamwenge-Fort Portal Road
- Annex 4. Joint Action Plan to Address Outstanding Environmental and Social Issues (October 2015)

## ABBREVIATIONS AND ACRONYMS

AfDB	African Development Bank
BTOR	Back to Office Report
CGV	Chief Government Valuer
CRSG	China Railways Seventh Group
CSO	Civil society organization
EMIS	Education Management Information System
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
GCC	General Conditions of Contract
GoU	Government of Uganda
GRC	Grievance Redress Committee
IDA	International Development Association
JFCU	Joy for Children Uganda
Km	Kilometer
kV	Kilovolt
LC	Local Council
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labor and Social Development
MoWT	Ministry of Works and Transport
NEMA	National Environment Management Authority
NGO	Nongovernmental organization
RAP	Resettlement Action Plan
RoW	Right of Way
STI	Sexually Transmitted Infection
UNRA	Uganda National Roads Authority
USAID	United States Agency for International Development

### **Currency Unit (as of December 17, 2015)**

#### **Uganda Shilling**

1 UGX = 0.00030 US\$

1 US\$ = 3,390.56 UGX

## EXECUTIVE SUMMARY

i. The Uganda Transport Sector Development Project (TSDP) and Additional Financing (the “Project”) aim to improve the connectivity and efficiency of Uganda’s transport sector by upgrading its national road network, and improving the management of the roads, road safety, and the transport sector. The Project is being implemented by the Uganda National Roads Authority (UNRA). The civil works contract for the Kamwenge to Fort Portal Road, under the Project, was awarded to the China Railways Seventh Group (CRSG, the Contractor), and Gauff Ingenieure GmbH & Co. KG was recruited as the Supervising Engineer. The Project’s closing date is January 31, 2016.

ii. The Request for Inspection, which was registered by the Panel on September 28, 2015, concerns complaints received from the Bigodi and Nyabubale-Nkingo communities located along the Kamwenge to Fort Portal Road. The Request contains allegations of adverse environmental and social impacts stemming from the Project’s construction works, including impacts related to poor road safety and inadequate or delayed compensation for land acquisition, as well as serious allegations of road workers’ sexual misconduct with minor girls in the community and one known resulting pregnancy, as well as sexual harassment of female employees. Many of these concerns were raised in an earlier letter of complaint to the Bank and the Panel from the same community in December 2014. (The Inspection Panel did not register the complaint at that time as allegations relating to sexual misconduct of workers had not been previously raised with the Bank.)

iii. *Since road works commenced on August 1, 2013, Bank missions have repeatedly found instances of noncompliance with environmental and social requirements – particularly concerning land acquisition and various physical impacts of construction – and have flagged these to UNRA as requiring remediation.* Concerns specifically related to the sexual misconduct of road workers, however, only came to the Bank’s attention for the first time with the December 2014 letter of complaint from the community. In response to that letter, the Bank alerted the Government of Uganda (GoU) in writing, consulted with the Panel, intensified supervision missions, and held high-level meetings with the GoU.

iv. *Following the December 2014 letter of complaint the Bank conducted eleven missions to the site to review the issues raised.* Determining the factual basis of the allegations related to sexual misconduct of workers has been extremely difficult, in part because the missions have encountered continuous reluctance on the part of many community members and officials to discuss such issues. Over the course of these missions, the Bank progressively gained more insight into the complaint. This was facilitated by the Bank’s hiring of specialized social development consultants in April 2015. In addition, the Bank worked closely with the civil society organization, Joy for Children Uganda (JFCU), which represents the affected community in the Request, during a mission in May 2015. As a result of these missions, the Bank has concluded that there is credible evidence of at least three cases of Project road workers engaging in sexual misconduct with minors, one of which has resulted in a pregnancy.

v. *On June 18, 2015, the Bank’s Country Director wrote to the GoU and UNRA to alert them to the findings of the May 2015 mission and urging that due attention be given*

***to the allegations of sexual misconduct.*** The letter stressed that law enforcement and child protection agencies needed to follow up urgently. The letter also reiterated that previous concerns regarding compensation and safety continued to be raised by the community and needed to be addressed as a matter of priority. Following this letter, the Bank and UNRA worked to develop an action plan (see Annex 4), including steps to address issues related to sexual misconduct. The action plan was discussed with Bigodi community members during the August 2015 mission. However, implementation of the action plan by UNRA has been slow and unsatisfactory. The Bank's concern about delays in the implementation of the action plan was communicated in a letter to the GoU on September 28, 2015, and the GoU was advised that withdrawals under the loan for this road component should be halted.

vi. ***Progress continued to be slow, and after the October 2015 mission the Bank suspended the Project, effective October 22, 2015, due to the Borrower's noncompliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices.***

vii. ***These allegations of individual Project workers' sexual misconduct with minors and sexual harassment of the Contractor's female employees are troubling.*** Management is of the view that the measures taken by the Bank and GoU to address the identified risks of sexual misconduct were insufficient, and that actions taken in response were inadequate and too slow, given the gravity of the allegations and emerging evidence. Management considers that there have been instances of noncompliance, and failures to guard diligently against harm suffered by affected individuals, as discussed below, while recognizing that the circumstances were challenging.

viii. ***Management notes that fatalities have occurred on the construction site, indicating severe failure to adhere to, monitor and document safety measures, both for workers and the community.*** These include work place accidents involving two electrocutions; one traffic fatality involving a Contractor vehicle; an alleged shooting of a thief by the Contractor's security guard; and the drowning of a child in an excavation pit. Some of these incidents have been compensated, while the others remain under investigation. The shooting and drowning incidents were not brought to the Bank's attention by UNRA, but were only discovered during the October 2015 mission. Management has stressed the urgent need for an investigation of these incidents and requested more information, which UNRA has not provided to date. Management will follow up with GoU on these matters.

ix. ***The allegations pertaining to sexual misconduct correspond to social risks that were identified in the Project Environmental and Social Impact Assessment (ESIA) and subsequent Contractor's Environmental and Social Management Plan (ESMP).*** The ESIA identified a higher incidence of illicit and unsafe sexual behavior as distinct risks arising from the influx of road workers into the community. The ESIA included an ESMP with broad mitigation measures to address these risks. More site specific mitigation measures were to be contained in the Contractor's ESMP, which was subject to UNRA approval. The latter similarly noted that: “[..] potential negative impacts on women include

*exposure to HIV/AIDS and STIs and potential increased sexual exploitation of young girls which will likely also lead to unwanted pregnancies, drop-out from school [...].”*

x. ***Management acknowledges that the mitigation measures set forth in the ESIA, and subsequently in the Contractor’s ESMP were insufficient given the identified risks to minor girls associated with the influx of workers to the community.*** The ESIA, while clearly identifying the risks, relied on broad unspecific mitigation measures, such as the implementation of an anti-sexual harassment policy and worker camp accommodation. The Contractor’s ESMP and the contract itself requires the Contractor to: (i) take reasonable precautions to prevent unlawful conduct by its employees; (ii) provide accommodation for workers in a camp; (iii) prepare a gender action plan which includes gender sensitization for communication and conduct towards women; (iv) retain an environmental and social specialist on site; and (v) provide separate bath and toilet facilities for men/women.

xi. ***While full implementation of these measures could have helped to lower the risks of sexual misconduct, in retrospect, they did not constitute a robust mitigation plan commensurate with the risks identified prior to Project implementation and that subsequently materialized.*** Given the endemic problem of child marriages and teenage pregnancies in Uganda, the Bank should have been especially vigilant in assessing the extent to which the Project might aggravate the problem and ensured that robust mitigation measures were in place, along with appropriate staffing.

xii. ***The Contractor’s ESMP, which highlights the pertinent social risks in a more detailed manner, was not provided to the Bank until July 2015, although civil works had started in August 2013.*** In the absence of the Contractor’s ESMP, no follow-up on the more site specific mitigation measures contained therein concerning road workers’ conduct and related social risks took place. Management acknowledges that an adequate Contractor’s ESMP should have been provided to the Bank prior to the start of any civil works. The Bank should have been more diligent in its follow-up with UNRA to ensure timely delivery of the Contractor’s ESMP.

xiii. ***Management acknowledges that supervision has been insufficient.*** While Bank supervision focused on addressing many of the complex environmental and resettlement related issues facing the Project, far less attention was devoted to monitoring and addressing the risks to girls from the conduct of road workers, until they were flagged in the December 2014 complaint. Bank supervision did not take adequate steps to monitor and ensure that the mitigation measures related to the risks of sexual misconduct were implemented, and should not have allowed for civil works to commence in the absence of more site specific mitigation measures that would have been provided in an adequate Contractor’s ESMP.

xiv. ***In addition to these shortcomings, the Bank failed to respond to UNRA’s and the Supervising Engineer’s omissions in managing the Contractor properly, as well as their failure to act on issues that were identified during previous Bank supervision missions.*** This included UNRA’s unilateral decision to lift a partial suspension of the Contractor’s activities in 2014, which was imposed in response to noncompliant management of quarries, despite the fact that the conditions for lifting it had not been met.

xv. ***Management notes that Project preparation and implementation supervision also failed to assess and make provision for UNRA's weak capacity.*** The Bank placed emphasis on UNRA's weaknesses in terms of handling procurement and technical aspects, and much less on its ability to handle broader development issues in Project implementation. Furthermore, over the course of the Project, Bank supervision failed to respond effectively to signs of increasing deterioration in UNRA's institutional capacity, which had further adverse impacts on conduct of Project implementation, including oversight of the Supervising Engineer and Contractor. UNRA is in the midst of an institutional restructuring and has reduced its staff substantially. There is also an ongoing Commission of Inquiry into allegations of fraud and corruption.

xvi. ***On October 21, 2015 UNRA issued a Notice to Correct to the Contractor based on the Contractor's ongoing and repeated noncompliance with contractual requirements.*** This notice cited 36 instances of noncompliance with contractual provisions relating to many of the environmental and social issues raised in the Request, including the conduct of workers. By November 30, 2015, the deadline to correct, the Contractor had failed to address all but one of the 36 cited instances and one other partially. Based on the Contractor's repeated and systemic noncompliance with ESMP requirements and its inability to remedy such noncompliance, Management has taken the position with UNRA that the Contractor is unfit to implement the works in a manner that meets the Bank's standards.

xvii. ***Management notes with great concern that UNRA still has not taken credible steps towards the cancellation of the contract.*** UNRA informed the Bank team in a meeting on December 7, 2015 that it was still considering options for terminating the contract in light of the Contractor's failure to comply with the Notice to Correct.

xviii. ***With regard to the allegations of road workers' sexual misconduct involving minors and the sexual harassment of female employees, the Bank has urged the GoU to ensure that action is taken on the following fronts:***

- ***First, the Bank urged, in letters to the Ministry of Finance, Planning and Economic Development (MoFPED) and UNRA, dated June 18, 2015 and September 28, 2015, and signed by the Country Director, that these allegations be addressed by Ugandan law enforcement.*** The letters were followed up by numerous meetings by the Country Director and Country Manager with MoFPED and UNRA between July and December, 2015. The GoU has assured the Bank that law enforcement agencies will take on the investigations and follow-up of these issues. UNRA wrote to the Inspector General of Police on October 21, 2015, alerting them to these allegations and requesting follow up. The Ministry of Gender, Labor and Social Development (MoGLSD) has dispatched a mission to investigate the allegations. On December 16, 2015, in a letter to the GoU, the Bank reiterated that it remains immensely important that in addition to remedial measures to address the concerns and potential harm, a careful approach needs to be taken to protect all parties involved against retaliation. In this regard, the Bank will continue to work with the Ugandan authorities to put in place a mechanism for remediation for victims, and will collaborate with relevant ministries, NGOs and the community



to help define appropriate remedial actions. A high level World Bank mission intends to visit Uganda in January 2016 to follow up on these issues.

- ***Second, the Bank has also raised concerns about potential retaliation against complainants and insisted that there cannot be any retaliation against community members who complain to the police or the Bank.*** In this regard, UNRA has launched an initiative, including face-to-face meetings with the community and radio interviews, to explain UNRA's commitment to anti-retaliation. The Bank finds the measures taken by UNRA to date insufficient and has provided a proposed plan to which UNRA has not yet agreed. Management will stress to the GoU that this plan or a plan of similar coverage needs to be implemented immediately (preferably with assistance from an independent third party provider) before the Bank can consider supporting projects with similar risks.
- ***Third, the Bank has strongly recommended to UNRA and the GoU to adopt a more strategic approach to addressing these endemic social issues.*** A credible approach needs to be in place before the Bank can consider financing projects which could involve significant labor force influx issues. The Bank has offered assistance to strengthen social risk management within the road sector. This would be done by supporting the MoGLSD in developing the Emergency Child Protection Program noted above, aimed at strengthening community structures to better address the needs of girls at risk through improved prevention, mitigation and capacity building interventions. The initial phase of implementation would focus on the affected communities in the Project area, and then be expanded to other communities at high risk. This would be supported by: (i) expanding terms of reference of existing HIV/AIDS programs associated with road construction activities to ensure that such programs target girls and young women and provide specific child protection measures beyond HIV/AIDS; and (ii) providing technical assistance for environmental and social risk management to build UNRA's capacity to effectively plan, implement and monitor mitigation measures for projects with high risks as part of its ongoing reorganization effort.

xix. ***Going forward the Bank intends to take the following steps:***

- ***Cancel the Project immediately.*** The Project is currently suspended and the Bank is now in the process of canceling the Project with immediate effect. This decision to cancel is based on the fact that the Borrower had not been carrying out the Project in conformity with appropriate social standards and practices (hence the suspension) and that this situation has not been rectified after an appropriate time had been provided for action to be taken.
- ***Review the Bank's entire portfolio to identify if the concerned Contractor and Supervising Engineer hold other Bank-financed contracts.*** This would trigger a compliance audit of such operations to determine if similar issues are present. At least one such contract has been identified in Uganda and one in another country in Africa. In both cases, and in any other identified cases, the Bank will heighten its supervision to closely monitor contractor performance.

- ***Suspend any civil works in the Uganda transport portfolio managed by UNRA, pending a review of implementation and supervision strategies.*** Management will reevaluate UNRA's capacity to implement Bank-supported projects. Until such review has concluded, the Bank will suspend the portfolio under UNRA's implementation in Uganda. By limiting suspension to civil works, the Bank will be able to continue access to the Project funds for technical assistance to support the social risk management approach described above.
- ***Review the entire Uganda portfolio with specific focus on sexual misconduct involving minors and child labor.*** Management's review of the entire Ugandan portfolio has commenced and Management has become aware that similar concerns have surfaced in one other Bank-supported operation in Uganda. The review will identify project-specific or systemic portfolio-wide issues related to child labor or sexual misconduct, and propose specific measures to address these issues, both at the project and at the systems level across the portfolio. This will facilitate the development of a more specific plan, with timetable, for short- and medium-term actions to be taken by the GoU. This review will complement and be coordinated with an ongoing environmental and social safeguards review for East Africa.
- ***Undertake a global review of the Bank's approach to the mitigation of risks associated with labor influx issues, with the objective of developing staff guidance.*** The Bank will review its current practices with regard to mitigation measures for sensitive community impacts that stem from work force influx during project construction phases, and prepare a guidance note to staff. This review will include best international industry practice, including the practices of other IFIs and development partners.
- ***Ensure completion of compensation for land acquisition.*** In line with the Project's Financing Agreement, the Borrower remains obligated to complete unfinished land acquisition and compensation processes beyond Project closure and the Bank will continue to follow up and to ensure that relevant policy obligations are met.
- ***Commission a review of the Project.*** This will specifically focus on weaknesses in Bank supervision identified in this Project, which will inform steps to strengthen the approach to supervision generally, and to facilitate the enhancement of staff training and development of targeted guidance for supervision of projects with a similar risk profile.

## I. THE REQUEST

1. On December 19, 2014, the Inspection Panel (“the Panel”) received a Request for Inspection of the Uganda Transport Sector Development Project – Additional Financing (the “Project”), sent by community members of the town of Bigodi<sup>1</sup> in Uganda. As a number of the issues raised in the Request had not previously been communicated to Management, the Panel did not register the Request in order to provide Management with an opportunity to address the concerns.

2. On September 11, 2015, the Panel received another Request for Inspection (“the Request”) from three representatives of the Bigodi and Nyabubale-Nkingo communities in Uganda (“the Requesters”), raising similar concerns to those set forth in the December 19, 2014 Request. The Request was registered on September 28, 2015 and included, as an attachment, hand written notes from fifty-eight community members detailing adverse impacts allegedly caused by the Project. The Requesters asked to keep their identities confidential and appointed a local civil society organization (CSO), Joy for Children Uganda (JFCU), to act on their behalf. The Requesters stated that they were not satisfied with Management’s actions, and raised numerous serious allegations, including road workers’ sexual relations with minors and resulting pregnancies, the increased presence of sex workers in the community, the spread of HIV/AIDS, sexual harassment of female employees, child labor, increased dropout rates from school, inadequate resettlement practices, fear of retaliation, lack of community participation, poor labor practices, and lack of road safety.

## II. PROJECT BACKGROUND

3. ***The Project.*** The Project Development Objective of the Transport Sector Development Project is to improve the connectivity and efficiency of the transport sector through: (i) improved condition of the national road network; (ii) improved capacity for road safety management; and (iii) improved transport sector and national road management. In Uganda, road infrastructure is the dominant transport mode, accounting for ninety percent of passenger and freight traffic. The intended development benefits of the Project include: better and safer transport services; new and rehabilitated roads that improve links among many parts of Uganda and promote the movement of goods, services and people; improved access to markets in rural areas and basic services such as schools and hospitals; promotion of cross border trade and revenue-generating tourism; and employment opportunities for local laborers.

4. The Project was approved by the Board of Executive Directors of the World Bank on December 10, 2009 and became effective on July 15, 2010. An Additional Financing in

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<sup>1</sup> Bigodi is a town center along the Kamwenge to Fort Portal Road, which is being upgraded under the Project.

the amount of US\$ 75.0 million was approved on June 16, 2011. This Additional Financing, which provides financing to upgrade the existing Kamwenge–Fort Portal road (66 km) is the subject of the Request for Inspection. The Project’s closing date is January 31, 2016.

5. ***The Implementing Agency.*** The implementing agency, Uganda National Roads Authority (UNRA), was established in 2006 and became operational in 2008. The mandate of UNRA is to develop and maintain the national roads network, advise the Government of Uganda (GoU) on general roads policy and contribute to addressing transport concerns, among others. UNRA is in the midst of an institutional restructuring and has reduced its staff substantially. There is also an ongoing Commission of Inquiry into fraud and corruption, with which UNRA staff are required to cooperate.

6. ***The Contractor.*** The civil works contract awarded to China Railways Seventh Group (CRSG, “the Contractor”) in the amount of UGX 117,942,575,300 (about US\$ 46 million equivalent) was signed on July 11, 2013 by UNRA and CRSG. The works commenced on August 1, 2013 and the original contract completion date is January 31, 2016. By October 2015, actual progress of works was 49 percent, whereas 85 percent of the contract period had elapsed. As explained in detail below, since early in Project implementation, there have been repeated instances of noncompliance of the Contractor with respect to social, environmental, safety, labor and other obligations in the contract, culminating most recently in UNRA’s decision in October 2015 to issue a Notice to Correct to the Contractor containing reference to 36 instances of noncompliance. The Contractor had until November 30, 2015 to make the corrections. As of December 1, only one of the 36 instances of noncompliance had been remedied, and one other was partially remedied.

7. ***The Supervising Engineer.*** Gauff Ingenieure GmbH & Co. KG was recruited by UNRA as the Supervising Engineer. During the course of implementation, the Resident Engineer (which is the senior resident representative of the Supervising Engineer at the Project site), has been replaced three times.<sup>2</sup> The decision on the latest replacement was based on the recommendation of the Bank to improve oversight of the Contractor. The weak performance of the Supervising Engineer is a significant contributing factor to the challenges in Project implementation.

8. ***The Project’s original Environmental and Social Impact Assessment (ESIA)<sup>3</sup> and Resettlement Action Plan (RAP) were prepared with financing from the African Development Bank (AfDB)<sup>4</sup> in 2008 and updated at the time of preparation of the Additional Financing in 2011.*** The ESIA contains an Environmental and Social Management Plan (ESMP) covering the identified environmental, safety and social risks, and stipulating the mitigation measures that were to be included in Project contracts. This ESMP subsequently served as the basis for the Contractor’s ESMP, which was prepared and submitted

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<sup>2</sup> Two due to health problems and one at the request of UNRA for non-performance.

<sup>3</sup> The ESIA in Uganda is called “Environmental and Social Impact Statement.”

<sup>4</sup> The International Development Association (IDA) is partnering with the AfDB to finance the entire 209 km of the road, AfDB covering the first 143 km section (completed in 2014), and IDA the remaining section. Management is not aware of allegations similar to those in the Request having been raised with respect to the road segment supported by AfDB.

to the Supervising Engineer who reports to UNRA in late 2014. The Contractor's ESMP was not received by the Bank until July 2015, despite repeated requests.

9. ***Among other risks, the ESIA identified a number of social risks related to the influx of workers on the road. The subsequent Contractor's ESMP further specified the heightened risks of school dropout among girls, early marriage, early pregnancy, and unprotected sexual practices.*** To mitigate these and other risks, the ESMP stipulated that the Contractor would be obligated to implement an HIV prevention and awareness program, prohibit child labor, institute and enforce a policy to prevent sexual harassment, establish a community liaison, and provide work camp accommodation. (See paragraphs 21–28)

10. ***Teenage pregnancies and early marriages are widespread and severe problems in Uganda.*** According to official statistics, 24 percent of girls aged 15–19 years old are either pregnant or are already mothers.<sup>5</sup> Twelve percent of girls in Uganda are married before the age of 15, and 46 percent are married before the age of 18. Uganda's adolescent fertility rate is the highest in East and Southern Africa, driven by the high rates of early marriages. The most important drivers for this situation are: (i) lack of information and sex education for young people; (ii) unavailability of effective reproductive health services; and (iii) insufficient enforcement of laws and policies to protect girls and young women. During several Bank mission team meetings with the Bigodi community throughout 2015, participants noted their concerns that teenage pregnancies and sexual relations with minors were pervasive problems.<sup>6</sup>

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<sup>5</sup> UNFPA factsheet "Ending Teenage Pregnancy in Uganda" in addition to reports by JFCU, the USAID study (2015), and World Vision Study (2013) have documented similar findings.

<sup>6</sup> According to police information provided to Bank Missions there were 112 recorded cases of defilement (i.e., cases of sex with minors) in Kabarole district alone for 2015, though none were alleged to be linked to road workers.

### III. MANAGEMENT'S RESPONSE

11. The Requesters' claims, accompanied by Management's detailed responses, are set forth in Annex 2. To help provide further context for the discussion of particular claims, a detailed overview is provided in Annex 1, chronicling how various issues came to the Bank's attention and how the Bank and UNRA addressed these issues.

#### Introduction

12. *Since road works commenced on August 1, 2013, Bank missions have repeatedly found instances of noncompliance with environmental and social requirements – particularly concerning land acquisition and various physical impacts of construction – and have flagged these to UNRA as requiring remediation.* Concerns specifically related to the sexual misconduct of road workers, however, only came to the Bank's attention for the first time with the December 2014 letter of complaint from the community. In response to that letter, the Bank alerted the GoU, wrote to the community, consulted with the Panel, intensified supervision missions, and held high-level meetings with the GoU.

13. *Following the December 2014 letter of complaint, the Bank conducted eleven missions to the site to review the issues raised.* Determining the factual basis of the allegations related to sexual misconduct of workers has been extremely difficult, in part because the missions have encountered continuous reluctance on the part of many community members and officials to discuss such issues. Over the course of these missions, the Bank progressively gained more insight into the complaint. This was facilitated by the Bank's hiring of specialized social development consultants.<sup>7</sup> In addition, the Bank worked closely with the civil society organization, JFCU, which represents the affected community in the Request, during a mission in May 2015. As a result of these missions, the Bank has concluded that there is credible evidence of at least three cases of Project road workers engaging in sexual misconduct with minors, one of which has resulted in a pregnancy.

14. *On June 18, 2015 the Bank's Country Director wrote to the GoU and UNRA to alert them to the findings of the May 2015 mission and urging that due attention be given to the allegations of sexual misconduct.* The letter stressed that law enforcement and child protection agencies needed to follow up urgently. The letter also reiterated that previous concerns regarding compensation and safety continued to be raised by the community and needed to be addressed as a matter of priority. Following this letter, the Bank and UNRA worked to develop an action plan, including steps to address issues related to sexual misconduct (see paragraph 30 and Annex 4 for more details). The action plan was discussed with Bigodi community members during the August 2015 Bank mission. However, implementation of the action plan by UNRA has been slow and unsatisfactory. The Bank's concern about delays in the implementation of the action plan was communicated in a letter to the GoU on September 28, 2015, and the Government was advised that withdrawals under the loan for this road component should be halted.

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<sup>7</sup> A Social Development Specialist for gender issues was appointed October 8, 2014. She started supporting the transport team on April 15, 2015. An international child protection specialist was appointed October 15, 2015. A local child protection specialist was appointed October 12, 2015.

15. ***After the October 2015 mission the Bank suspended the Project, effective October 22, 2015, due to the Borrower's noncompliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices.***

16. ***On October 21, 2015 UNRA issued a Notice to Correct to the Contractor based on the Contractor's ongoing and repeated noncompliance with contractual requirements.*** This notice cited 36 instances of noncompliance with contractual provisions relating to many of the environmental and social issues raised in the Request, including the conduct of workers. By November 30, 2015, the deadline to correct, the Contractor had addressed only one of the 36 cited instances fully, and one other partially. Based on the Contractor's repeated and systemic noncompliance with ESMP requirements and its inability to remedy such noncompliance, Management has taken the position with UNRA that the Contractor is unfit to implement the works in a manner that meets the Bank's standards. Management notes with great concern that UNRA still has not taken credible steps towards the cancellation of the contract. UNRA informed the Bank team in a meeting on December 7, 2015 that it was still considering options for terminating the contract in light of the Contractor's failure to comply with the Notice to Correct.

17. ***Management has reviewed the issues raised in the Request and concluded that the measures taken by the Bank and GoU to address the identified risks of sexual misconduct were insufficient, and that actions taken in response were inadequate and too slow, given the gravity of the allegations and emerging evidence.*** Management is of the view that there have been instances of noncompliance, and failures to guard diligently against harm suffered by affected individuals, while recognizing that the circumstances were challenging.

18. ***Management acknowledges that supervision has been insufficient.*** While Bank supervision focused on addressing many of the complex environmental and resettlement related issues facing the Project, far less attention was devoted to monitoring and addressing the risks to girls from the conduct of road workers, until they were flagged in the December 2014 complaint. Bank supervision did not take adequate steps to monitor and ensure that appropriate mitigation measures related to the risks of sexual misconduct were implemented.

19. ***Management notes that Project preparation and implementation supervision also failed to assess and make provision for UNRA's weak capacity.*** The Bank placed emphasis on UNRA's weaknesses in terms of handling procurement and technical aspects, and much less on its ability to handle broader development issues in Project implementation. Furthermore, over the course of the Project, Bank supervision failed to respond effectively to signs of increasing deterioration in UNRA's institutional capacity, which had further adverse impacts on conduct of Project implementation, including oversight of the Supervising Engineer and Contractor. UNRA is in the midst of an institutional restructuring and has reduced its staff substantially. There is also an ongoing Commission of Inquiry into allegations of fraud and corruption.

20. Management responds to the specific issues in more detail below.

## **Alleged Sexual Misconduct of Road Workers with Minors**

21. ***Allegations of sexual misconduct by road workers with minors are troubling.*** Management has concluded that the measures taken by the Bank and GoU to address the identified risks of sexual misconduct were insufficient, and that actions taken in response were inadequate and too slow given the gravity of the allegations and emerging evidence.

22. ***After this issue was brought to the Bank's attention through the December 2014 complaint letter,*** the Bank undertook a series of missions to review the allegations of sexual misconduct. As detailed below, the first of these missions encountered a strong reluctance on the part of most of the community to discuss the subject matter. The Bank's approach to engaging with the community subsequently evolved, and eventually yielded greater insight into the problem and its relation to the Project.

- ***A GoU mission to Bigodi was undertaken in early January 2015 led by the Ministry of Finance, Planning and Economic Development (MoFPED), with the Bank participating as an observer.*** The mission included a consultation meeting on January 9, 2015 between the GoU (MoFPED), UNRA and 83 members of the Bigodi community. At that meeting, community participants denied the occurrence of underage sex in relation to the road works and insisted that the discussion should focus on compensation, employment opportunities, and safety during construction. Police attending the meeting confirmed that they had no record of sexual misconduct between minors and road workers.
- ***Bank missions in February and April 2015 also included community meetings and interviews with approximately 85 people to better understand the issues and the scope of the problem.*** These meetings were equally unsuccessful in obtaining information about allegations of sexual misconduct of road workers. Interviews with community leaders, community members, local police, health center staff and heads of schools found no evidence of underage sex or child labor related to the Project. As was the case in January, community representatives consulted during these missions were reluctant to discuss sexual behavior issues, but rather emphasized their concerns related to compensation, employment, and health and safety issues.
- ***The Bank a mission in May 2015 – jointly with JFCU – was more successful in eliciting information from the community concerning sexual misconduct issues.*** Consultations were extended to other areas beyond Bigodi, and the mission team engaged in gender disaggregated groups to encourage more candor from women. During this mission, some community members for the first time referred to instances of underage sex and teenage pregnancy in their communities, two of which were alleged to be related to the road works. However, it should be noted that this willingness was not widespread and the mission once again met with numerous community members who took the position that this was a community issue that should not distract from their concerns about compensation and road safety. At that time, police records at Bigodi had five documented cases of underage sex in the previous two months, one allegedly involving a road worker. A second



alleged case involved a girl who got pregnant from a contractor security worker in Businge, but this case was not registered with the police.

- ***While the August 2015 mission again encountered reluctance to discuss sexual misconduct, the October 2015 mission helped deepen the Bank's understanding of the problem and its relation to the Project.*** In light of statements made in the Request that some members of the community had been deliberately excluded during previous Bank-community engagements, a modified approach to community consultations was adopted during the October 2015 mission to ensure that a wider range of voices was heard. This entailed: (i) strengthening social development expertise in the task team with the addition of a local child protection specialist in the mission; (ii) using local FM radio broadcasts, local newspapers, and a mobile van equipped with a public address system<sup>8</sup> to inform more community members in advance of the time, place and purpose of planned consultation meetings; (iii) holding discussions and having them facilitated by community members themselves in addition to Bank and UNRA staff; and (iv) giving repeated assurance that all information would be treated confidentially and that the relevant authorities were put on notice to ensure non-retaliation. During the October 2015 mission some community members mentioned a total of six cases of school dropouts due to teenage pregnancies (which appeared to include the two cases brought to the Bank's attention in May 2015), which they believed resulted from relations with road workers. None of the suspects had been prosecuted as the cases were apparently not reported to the police, except for one. Some community leaders continued to downplay the allegations and deflected attention and discussion toward the issue of compensation. There were reports that one District leader had tried to suppress discussions of alleged underage sex cases. At the close of the meeting, the same District leader tried to dissuade community members from raising these sensitive issues, indicating that they were not related to the road.
- ***The November 2015 mission obtained additional information regarding the allegations,*** including a third case of sexual misconduct by a road worker involving a minor girl. Facilitated by the support of the national child protection expert, the mission had a chance to talk to two affected girls. One of these girls, who now has a baby, was a previously known case. The other girl, whose identity was only learned during the mission, indicated that she knew of other cases involving road workers and girls in the community. The mission was also told that in many of the cases, road workers were soliciting girls in public places with cash and aggressive sexual advances.

23. ***The allegations pertaining to sexual misconduct correspond to social risks that were identified in the ESIA and subsequent Contractor's ESMP.*** The ESIA identified a higher incidence of illicit and unsafe sexual behavior as distinct risks arising from the influx of road workers into the community. The ESIA identified the influx of road workers as a potential source for aggravating existing social challenges, such as crime, substance abuse, and prostitution, all of which could contribute to the spread of sexually transmitted

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<sup>8</sup> Previous engagements indicated the time, place and purpose of the community meetings but had not used this mass media approach.

diseases. The Contractor's ESMP noted that: "[...] *potential negative impacts on women include exposure to HIV/AIDS and STIs and potential increased sexual exploitation of young girls which will likely also lead to unwanted pregnancies, drop-out from school [...].*"

24. ***Some mitigation measures to address these risks were included in the ESIA and the Contractor's ESMP.*** The ESIA included an ESMP with broad mitigation measures to address these risks, albeit with a primary focus on HIV/AIDS mitigation and on provision of worker camp accommodation. More specific mitigation measures were contained in the Contractor's ESMP and in the contract itself. These included requirements to: (i) take reasonable precautions to prevent unlawful conduct by its employees; (ii) provide accommodation for workers in a camp; (iii) prepare a gender action plan which includes gender sensitization for communication and conduct towards women; (iv) retain an environmental and social specialist on site; and (v) provide separate bath and toilet facilities for men/women.

25. ***Management acknowledges that many of the mitigation measures identified in the ESIA and set forth in the Contractor's ESMP have not been implemented.*** For example, the October 2015 mission confirmed that the gender-related mitigation measures had not been implemented. The Supervising Engineer's Notice to Correct dated October 21, 2015, also confirmed that the Contractor had not complied with a number of the provisions, including putting in place and implementing a gender action plan and providing sufficient camp accommodation.

26. ***Management acknowledges that the mitigation measures set forth in the ESIA, and subsequently in the Contractor's ESMP were insufficient given the identified risks to minor girls associated with the influx of workers to the community.*** While full implementation of these measures could have helped to lower the risks of sexual misconduct, in retrospect they did not in Management's view constitute a robust mitigation plan commensurate with the risks identified prior to Project implementation and that subsequently materialized. Given the endemic problem of child marriages and teenage pregnancies in Uganda, the Bank should have been especially vigilant in assessing the extent to which the Project might aggravate the problem and ensured that robust mitigation measures were in place, along with appropriate staffing.

27. ***The Contractor's ESMP, which highlights the pertinent social risks in a more detailed manner, was not provided to the Bank until July 2015, although civil works had started in August 2013.*** In the absence of the Contractor's ESMP, no follow-up on the more specific mitigation measures contained therein concerning road workers' conduct and related social risks took place. Management acknowledges that an adequate Contractor's ESMP should have been provided to the Bank prior to starting any civil works. The Bank should have been more diligent in its follow-up with UNRA to ensure timely delivery of the Contractor's ESMP.<sup>9</sup>

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<sup>9</sup> Submission of the Contractor's ESMP has been repeatedly requested from UNRA, as recorded in the Aide Memoires of Bank missions of May 14-16, 2014 (interim safeguards mission); June 11 – 26, 2014; September 19, 2014; November 17 – December 5, 2014; April 16, - May 6, 2015;

28. ***Management acknowledges that supervision has been insufficient.*** While Bank supervision focused on addressing many of the complex environmental and resettlement related issues facing the Project, far less attention was devoted to monitoring and addressing the risks to girls from the conduct of road workers, until they were flagged in the December 2014 complaint. Bank supervision did not take adequate steps to monitor and ensure that the mitigation measures related to the risks of sexual misconduct identified in ESIA were implemented, and should not have allowed for civil work to commence in the absence of site specific mitigation measures that would have been provided in an adequate Contractor's ESMP.

29. ***In addition to the above missions, since the December 2014 letter, the Bank has repeatedly stressed to UNRA and the GoU the urgency of addressing the allegations.*** This included requests for appropriate government action to address the issues, including through law enforcement and child protection agency actions:

- On January 6, 2015,<sup>10</sup> the acting Country Manager met with the GoU to discuss the sexual misconduct allegations and how to address the issues, including the importance of protection against retaliation;
- On May 25-28, 2015, a joint mission with UNRA agreed on actions related to child protection;
- On June 18, 2015, a letter from the Country Director urged the GoU to address the sexual misconduct allegations;
- On July 10, 2015, the Country Director and Country Manager raised the issue with the Secretary to the Treasury, drawing attention to the June 18 letter.
- On July 15, 2015, the Country Director and Country Manager met with the UNRA Executive Director and reiterated the need for UNRA to implement agreed actions;
- On July 17, 2015, the Country Director and Country Manager met with the Minister of Works and Transport and informed him of the need to take appropriate actions on complaints related to the road;
- On August 5 and 13, 2015, Bank shared the revised action plan with UNRA and urged implementation;
- On September 15, 2015, the Country Director and Country Manager briefed the Speaker of Parliament and Secretary to the Treasury, and urged action.
- On September 28, 2015, a letter from the Country Director to MoFPED and UNRA raised concerns about the slow implementation of agreed actions;
- On October 22, 2015, a letter was sent from the Regional Vice President, suspending disbursements.

30. As noted above (see paragraph 14), following the May 2015 mission and the June 18, 2015 letter from the Country Director to the GoU, the Bank and UNRA worked together

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<sup>10</sup> These communications are in addition to communications surrounding the supervision missions mentioned above in paragraph 22.

to develop an action plan<sup>11</sup> to address environmental and social impacts, including steps designed to address issues of sexual misconduct. Steps specified in the plan, which was shared with the community in August 2015, included:

- Expanding the role of the HIV service provider to directly address the issue of sexual misconduct with minors in its sensitization campaigns along the road the Project, including collaboration with health centers and schools;
- Preparing information materials in the form of brochures, posters and billboards/signposts that indicate zero tolerance of sexual misconduct with minors and of child labor, to be displayed in prominent places including the Contractor's camp and worksites, as well as schools and the health clinic;
- Convening, informing and sensitizing the Contractor's workers on the criminality and unacceptability of sexual misconduct with minors; and
- Ensuring that no underage person is hired in the Contractor's work force.

31. This action plan was also agreed with members of the Bigodi community during the August 2015 mission. However, significant delays in the implementation of this action plan by UNRA were noted with concern in the Country Director's letter of September 28, and were among the reasons underlying the Bank's suspension of disbursements on October 22, 2015.

### **Alleged Sexual Harassment of Female Employees**

32. *Sexual harassment of female employees of the Contractor.* During the October 2015 mission the Bank team met with twelve female employees who stated that they had observed or experienced sexual harassment at their workplace within the workers' camp. This issue was not raised by community members during prior missions. It was raised in the Request for Inspection, but not in the December 2014 complaint letter.

33. The sexual harassment included: unwanted sexual advances, sexual relations with superiors due to fear of losing a job, inappropriate sexual comments, and being coerced to do work outside scheduled hours. The women also noted that there is one toilet for both men and women, and female employees are not accorded privacy.

34. The women stated that harassment of all types, including sexual harassment, was a common occurrence. They explained that such incidents were generally not reported to the police because previous reports did not result in action against the Contractor or its staff. The women further reported that there was no redress mechanism in place, neither was there any evidence of efforts to protect women from exploitation and sexual harassment.

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<sup>11</sup> This action plan was developed in February 2015, jointly by UNRA and the Bank as a supervision instrument to guide follow-through on the implementation of environmental and social mitigation measures. It was continuously updated and eventually expanded in July 2015 to cover actions to address child protection measures. The latest (October) version of the action plan is attached as Annex 4.

35. ***The alleged harassment of female employees of the Contractor would indicate serious failure to ensure the safety of female employees and contravene the Contractor's obligations as well as national law.*** The Contractor has an obligation to institute and enforce a policy to prevent sexual harassment. The Bank has asked UNRA to request both the police and the Ministry of Gender, Labor and Social Development (MoGLSD) to investigate these complaints and take appropriate action.<sup>12</sup>

36. ***The Bank awaits a report from the GoU pertaining to the legal follow-up of these allegations.*** The October 2015 Bank mission encouraged employees to report any cases of harassment. Management has urged the GoU at the highest levels to ensure that appropriate police and legal actions are taken in response to these allegations, and also to take measures to ensure that people who do complain are adequately protected from retaliation.

### **Complaints Related to Increased Spread of Sexually Transmitted Infections (STIs)**

37. ***The local health clinic in Bigodi informed Bank missions that it has not observed a noticeable increase in HIV/AIDS cases since the beginning of the road works.***<sup>13</sup> In the meeting with the local health care providers at Bigodi Health Center III in May 2015, the mission team was informed that on average five STI cases were reported per day. Health Center staff also explained that underage sexual activity was a general problem. The health center has a management information system that helps to collect and collate health data including on HIV testing results and mother to child infections. This information is collated monthly and sent to the District hospital (Health Center V).

38. ***There is high prevalence of HIV/AIDS in adolescents in Uganda, with those under 15 years accounting for 11 percent of all cases.*** The Project area is in a region where the average HIV prevalence rate in the general population, at 8.2 percent, is higher than the national average of 7.3 percent.<sup>14</sup> In Kabarole District, HIV prevalence is estimated to be 11.3 percent in the general population and 14 percent among pregnant women.<sup>15</sup>

39. The ESIA noted that the influx of male workers into the Project area would increase the risk of HIV/AIDS transmission and recommended the following mitigation measures: (i) Contractor to provide condoms and an HIV/AIDS awareness poster to workers in the camp; (ii) UNRA to procure a service provider for professional HIV/AIDS activities; and (iii) Contractor to put in place worker committees to oversee implementation of HIV/AIDS control activities as mitigation measures. The ESIA also noted the contractual obligation of the Contractor to have an HIV/AIDS policy and action plan for the Project, as well as

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<sup>12</sup> The MoGLSD dispatched a mission of technical officers on October 6, 2015 to investigate the allegations of sexual harassment. The report does not present conclusive or coherent findings. The report specifically notes that “Some of the community members, police and workers were unwilling to provide required information, especially on defilement and sexual harassment.”

<sup>13</sup> Meetings held with the Bigodi Health Clinic during Bank missions on February 5, 2015; April 28, 2015; May 27, 2015; August 26, 2015; and November 20, 2015;

<sup>14</sup> Uganda Aids Indicator Survey, 2011

<sup>15</sup> Kabarole District Local Government Development Plan, 2015/16-2019-20. NB: Kamwenge district was part of Kabarole until 2000, when a new district was created, thus the two have several similar social-demographic characteristics.

the need for posters, flyers or weekly sensitization sessions to provide HIV/AIDS awareness to road workers.

40. To implement the mitigation measures identified in the ESIA, an HIV/AIDS Service Provider, WSS Services Ltd., was contracted. WSS Services Ltd. provides HIV testing, counselling and treatment, as well as general health services for all workers and community members. It carries out HIV/AIDS education and sensitization campaigns through community outreach. Information, education and communication materials have been prepared and distributed.

41. However, WSS Services Ltd. has not been paid in a timely fashion or otherwise assisted by the Contractor over several months. This led WSS Services Ltd. to reduce its delivery, as the Supervising Engineer reported in September 2015, and which was confirmed by the October 2015 mission.

42. ***The Contractor was put on notice to remedy the failure to pay WSS Services Ltd. on time. Information provided by UNRA indicates that partial payment was made to WSS as of October 15, 2015, and WSS has continued with its work.*** However, there are still outstanding payments for September/October 2015 that the Contractor needs to make.

### **Incidence of School Dropouts and Child Labor**

43. Bank mission teams have engaged with a number of local schools during the February 2015, April 2015, May 2015 and October 2015 missions, to discuss claims that the Project has aggravated the problem of school dropouts. However, the information available is not sufficient to determine whether school dropout rates have increased since the road works started.

44. ***School dropout is a pervasive and systemic problem in Uganda.<sup>16</sup> There are a number of factors accounting for non-enrolment and dropout of children from school,<sup>17</sup>*** among them the need to contribute to family labor in the fields, a lack of financial resources, and harassment by teachers. During several Bank missions, community members confirmed that children working during or after school hours in Kamwenge was common. This included mainly helping their parents with agricultural tasks, but also selling foodstuffs and other commodities on the road side.

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<sup>16</sup> The 2011 RAP highlights the chronic low school attendance in both Kamwenge and Kabarole districts. Countrywide, approximately 20 percent of girls and 13 percent of boys over age six have never had any formal education (EMIS 2010-2-13). For girls, school survival rates are low, with 70 percent of pupils not completing the primary cycle. (USAID, State of Ugandan Children, 2015). Despite universal secondary education, only 32 percent of children make it to lower secondary school, and only 12 percent complete the full secondary school cycle. In Kamwenge District, primary school enrollment, currently at 76 percent, is below the national average of 82 percent for children aged 6 to 12 years. Completion rates for girls are at 38 percent, also below the national average of 47 percent. For boys, completion rates are 43 percent, compared to a national average of 51 percent. In Kabarole District, primary school enrollment in Government aided schools has increased marginally in the last three years from 83,834 in 2013 to 89,873 in 2015, with gender parity in all years.

<sup>17</sup> UNICEF: "Out of school children study in Uganda" (2014).

45. ***Management understands that teenage pregnancies in Uganda frequently lead to the dismissal of affected girls from school.*** However, the girl met by the November Bank mission who stated she had a child by a road worker reported that she had dropped out of school before her pregnancy in response to sexual harassment by teachers.

46. In Management's view the concern expressed in the Request may primarily pertain to a rise in informal businesses along the road, which attracts children to work as vendors and car washers. Parents and their children take advantage of the opportunity to sell things along the road. This practice stems from the presence of the road itself, but has likely increased due to demand from road workers during the road upgrading that is being financed by the Project. It must be noted that Bigodi Wetland Sanctuary within the Kibale Forest National Park is adjacent to the Bigodi community and attracts a lot of national and international tourism, further contributing to demand for roadside vending.

47. ***Management has identified and reviewed the case of a 17-year-old who worked on the site for approximately six months.*** Management understands that he was recruited by the Contractor as a flag boy. This recruitment did not follow the measures set out in the ESIA regarding the ban on the employment of minors.<sup>18</sup> The issue has been raised with the Contractor and Supervising Engineer. The specific circumstances of this employment could not be ascertained. Management notes that it is not uncommon for persons in rural areas in Uganda to have no birth certificate or identity card available to prove their age. However, the Supervising Engineer failed to identify and flag this case, which was only identified when the boy's school intervened. The Supervising Engineer was thereafter requested to carry out strict monitoring to ensure there are no similar occurrences in future.

### **Alleged Lack of or Inadequate Compensation for Land Acquisition**

48. Management notes that the land acquisition process has been challenging. In Management's view, however, supervision attention to this aspect of the Project has helped to ensure that concerns voiced by affected people regarding entitlement and amounts of compensation were addressed, although continued delays are acknowledged. These concerns have led to three revalidation exercises since production of the original RAP. Management agrees that the process for paying compensation has been slow. To address this, Management requested UNRA to retain a specialized consulting firm to ensure accurate and timely compensation, and such a firm (SURVECO) was hired in March 2015. However, the firm's contract was terminated by UNRA for poor performance in October 2015. The UNRA Executive Director informed the November 2015 Bank mission team that UNRA was forming an internal team to undertake a review of the status of compensations paid and

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<sup>18</sup> The ESIA noted the possibility of child labor and requires that "Children below 18 years should not be recruited." Labor law in Uganda does not allow children below 12 years to be employed. Children under the age of 14 can be employed in light work under the supervision of an adult, provided the work does not interfere with the child's education. However, no person under 18 years can be employed in work that is harmful to health, dangerous or unsuitable. The Children's Act (Cap 59 Sect. 8) states that no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.

finalize pending payments and claims. UNRA expected that this unit would be formed and staffed by December 31, 2015.

49. In Management's view the claim that compensation has been uneven is largely driven by the slow process for payments and a lack of information about how entitlements are determined and compensation amounts are calculated. Specifically, a minor change in road alignment resulted in compensation being paid to some people who eventually did not suffer losses. This led to complaints of unfairness and lack of transparency from others within the community. Despite the existence of grievance committees, and the Supervising Engineer's Social Specialist, there is no structured information sharing or feedback mechanism for community members. As a result, the Bank requested UNRA during the June 2014 Bank mission to develop a stakeholder/community engagement plan to ensure that the information about RAP entitlements and decisions is transparent and made available to the community. Subsequent missions repeatedly made this request. However, to date Management is not aware of a written stakeholder/community engagement plan having been prepared by UNRA.

50. ***The process for compensation is established in the 2010 RAP.*** Table 1 below shows the total number of affected people and the progress made on compensation payments to date. During the course of RAP implementation, a number of appeals were registered (which included undervaluation, missing items, and misclassified land), which led to the ***first supplementary valuation report***. When construction commenced in 2014, additional properties were affected, and new appeals were registered. In response, a ***second supplementary valuation report*** was compiled on November 17, 2014.

51. As noted above the Bank requested UNRA to expedite the compensation payments and UNRA hired SURVECO in March 2015 to review all new and old compensation claims and to prepare a ***third supplementary valuation report***. This report has not yet been finalized. To date, information provided by UNRA indicates that 67 percent of all affected people have received compensation payments. UNRA expects that the remaining 33 percent will be paid by the end of 2015. In Management's view, in light of the recent termination of SURVECO's contract, it is unlikely that this target date will be met.

52. ***In line with the Project's Financing Agreement, the Borrower remains obligated to complete unfinished land acquisition and compensation processes beyond Project closure and the Bank will continue to follow up and to ensure that relevant policy obligations are met.***



**Table 1: Overview on RAP Compensation as of October 2015**

	Original valuation report	First supplementary valuation report	Second supplementary report	Third supplementary report	<b>Total</b>
# of Project affected people	2,027	292	133	660*	<b>3,112</b>
# of completed payments	1,765	204	127	-	<b>2,096</b>
<b>Completion in %</b>	<b>87 %</b>	<b>70 %</b>	<b>95 %</b>	-	<b>67%</b>

\* Latest number of Project affected people in the third supplementary report as presented to the Bank during the October 2015 mission.

53. **The RAP Grievance Redress Committee (GRC) receives and reviews complaints related to the land acquisition process.** As of August 2015, the GRC at Bigodi had registered 59 complaint cases that needed UNRA follow-up. Details have been provided on these cases, and they were followed up during the October 2015 mission. A field inspection and a joint walk-through with complainants from Bigodi were held on October 13, 2015.<sup>19</sup> UNRA was provided with the list of complaints from the grievance committee log book and each item has been addressed. Management acknowledges that the GRC requires strengthening, including systematic feedback to complainants from UNRA regarding the actions taken in response to their complaints, and has stressed the importance of addressing these weaknesses to UNRA.

54. **The Bank made recommendations to ensure that land acquisition for the road follows the compensation process outlined in the RAP.** These included: (i) preparation of an updated and clear compensation status report; and (ii) implementation of an action plan on pending complaints and outstanding compensation issues. UNRA is in the process of launching the contracting process for the status report. Where there is negotiated payment, communities or individuals must provide written consent to the settlement.

55. **A RAP audit was recommended by the Bank in May 2015 to ascertain the extent of compliance with the RAP.** The Bank drafted terms of reference for such an audit and transmitted them to UNRA for action. However, during the October 2015 mission, the UNRA Executive Director informed the Bank team that the Ugandan Auditor General has launched an audit of the RAPs for roads built by UNRA and therefore UNRA was not able to undertake a parallel audit. The Bank mission requested UNRA to share the report of the Auditor General once it is available. The Bank will follow up with the GoU on this issue.

<sup>19</sup> The complaints concerned: nonpayment due to lack of proper documentation; cracking or damage of a veranda; lack of adequate access roads; drainage outfall directing runoff water into people's properties; lack of compensation for trees; electricity power lines over peoples' homes; and loss of economic viability due to a raised road embankment.

## **Fear of Retaliation and Lack of Participation and Access to Recourse**

56. *Some community members have expressed to the Bank that they are not able to voice concerns regarding the road works without fear of retaliation.* Management recognizes that the completion of the Project is a high priority for local leaders and the community, which likely creates a climate in which complaints about the road works are not welcome and may be seen as jeopardizing the Project altogether.

57. *Management also notes that the role played by local leaders in discussions of community concerns has not been consistently constructive.* The October 2015 Bank mission observed that some community leaders, who denied the existence of sexual misconduct and harassment cases, also tried to suppress candid discussions about some of these claims during community meetings. However, some of these same community leaders actually signed the 2014 complaint letter raising the very same issues with the Bank. As explained above, the Bank team, following the August 2015 mission, focused on more direct engagement with community members and to a lesser extent with community leaders.

58. *Management has raised with the GoU at the highest levels the risk of retaliation against the Requesters.*<sup>20</sup> Management expressed to the GoU that there must be no retaliation whatsoever against communities or individuals who complain to police, or use the Bank's avenues for grievance redress, and is working to ensure a number of measures are put in place to prevent this. Management has asked, among other things, that the GoU ensure that Bigodi citizens have full and free recourse to the law, and that Ugandan law enforcement agencies act in a timely manner on reports submitted by community members.

59. *Management has put in place a dedicated communication channel for the Requesters to allow them to alert the Bank directly if they experience retaliation.* Management requested the Inspection Panel to share the contact information with the Requesters (who requested anonymity and are therefore not known by name). The GoU has also been asked to direct Ugandan law enforcement agencies to pursue promptly any allegation of retaliation in contravention of Ugandan law.

60. *Management has raised concerns repeatedly with the GoU about retaliation against the complainants since receiving the December 2014 complaint letter. Management has also advised UNRA to reach out to communities and leaders, to:* (i) convey that the issue of retaliation is taken seriously and will be monitored; (ii) provide information on what constitutes retaliation; and (iii) monitor the occurrence of any retaliation. Management notes that retaliation from within (rather than from outside) the community is also possible in reaction to the suspension of the Project and possible related job losses.

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<sup>20</sup> The Country Director and Country Manager met on Thursday October 22, 2015, with the Permanent Secretary of the Ministry of Finance and the Executive Director of UNRA to discuss the issue; it was stated again in a written message on October 23, 2015, and in the Management Letter for the October 2015 supervision mission.

61. ***The Bank's offer to assist UNRA in putting in place an anti-retaliation strategy in November 2015 was not taken up by UNRA. However, in an attempt to address the matter, the UNRA Executive Director traveled to the Project site on November 19, 2015.*** She participated in a live radio talk show<sup>21</sup> where she stressed the importance of non-retaliation and directed the District leadership to ensure that there is no retaliation against communities. She also provided the toll-free UNRA hotline for communities to report cases of retaliation and met with communities.

### **Labor Conditions**

62. ***Management notes that there is no provision for minimum wage under Ugandan labor law.*** However, the contract (in line with the Bank's General Conditions of Contract) stipulates that the pay must not be "*lower than the general level of wages and conditions observed locally by employers whose trade or industry is similar to that of the Contractor.*" Following the Bank's request, UNRA provided a comparison of wages on three similar road projects in the same region and contracts and wages were found to be comparable.

63. ***While wage levels appeared acceptable, in Management's view the Contractor has engaged in highly problematic labor practices.*** Management also notes that the Contractor has also repeatedly circumvented corrective actions required by the Bank.

64. ***Bank missions have heard allegations that employees have witnessed or suffered physical abuse by Contractor staff at the workplace.*** Management understands from the GoU's investigation mission that an alleged assault on a road worker by his supervisor was disputed by the Contractor. However, it appears that the Contractor nonetheless has agreed to compensate the road worker, following negotiations between the road worker's lawyer and the Contractor.<sup>22</sup>

65. ***During the supervision mission in February 2015, the Bank team discovered that the workers' employment contracts did not stipulate the employees' rights and the Contractor's obligations,*** including payment of overtime and process of dismissal, as required. As a result, the Contractor was required to prepare a revised contract agreement that was found acceptable by the Supervising Engineer and UNRA. The Bank team reviewed the revised contract format and agreed that it was acceptable at the time.

66. ***During the mission in October 2015, the team reviewed the actual signed contracts of employees and noted that a key page indicating the salary amount applicable to the specific worker was missing.*** The Contractor's explanation was that the salary scales of all categories of workers were included in the Annex of the contract and thus specifying the category and amount applicable to each employee at contract signing was not required. As a result of interviews conducted with a few workers, it was revealed that many workers signed the new contract agreements without being informed of their rights and obligations.

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<sup>21</sup> "Voice of Kamwenge."

<sup>22</sup> MoGLSD Report on investigation of allegations of sexual harassment of China Railway Seventh Group (CRSG) Employees on Fort Portal – Kamwenge Road Construction Project.

67. The Bank insisted on the need for immediate and appropriate contractual remedies. Accordingly, in the Notice to Correct Failure to the Contractor of October 21, 2015, the Contractor was put on notice to remedy these issues (employment contracts that do not state amount of salary, wages, allowances and benefits; unclear deductions made from wages).

### **Lack of Labor Camp**

68. According to its ESMP, the Contractor was obliged to set up a workers' camp for all employees.<sup>23</sup> The Contractor did establish a secured camp at km 170 in Bigodi, which also contains the offices of the Contractor and Supervising Engineer.

69. The Bank mission in October 2015 was informed that Ugandan workers were not using the camp, and that accommodation at the camp was only provided for Chinese expatriate staff and some of the Supervising Engineer staff. The Contractor claimed that Ugandan workers had declined to live in the camp and preferred to be paid an allowance instead to seek their own accommodation. However, no evidence could be produced by the Contractor that such allowances have actually been paid.<sup>24</sup>

70. Management notes that the absence of worker camp accommodation for road workers has effectively eroded one of the main measures prescribed in both the ESIA and the Contractor's ESMP, to mitigate against community impacts stemming from the influx of labor. Specifically, the ESIA notes the need for the camp to "*maintain a realistic buffer distance from the community.*" Management acknowledges that Bank supervision has not followed up on ensuring compliance with this provision in the ESIA.

***71. On October 21, 2015 the Contractor was put on notice by the Supervising Engineer for failure to provide accommodation for Contractor employees as required by the Contractor's ESMP, and to remedy this issue. To date, and well beyond the set deadline of November 30, 2015, the Contractor has not rectified the issue.***

### **Lack of Road and Workplace Safety Measures**

***72. Management notes that fatalities have occurred on the construction site, indicating severe failure to adhere to, monitor and document safety measures, both for workers and the community.*** These include the following fatalities:

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<sup>23</sup> The Contractor's ESMP states: "6.1.1.19 *Welfare of workers. More often than not, there has been a tendency for contractors to provide substandard accommodation for the labour force especially the local workers. There is concern in terms of housing, welfare and language used towards the workers is often rude. This is a very large negative social impact as it affect the relation between the project and the communities. Mitigation measures: (i) Contractor to set up a decent and modest accommodation for the workers. The floors of the housing units will cemented and they be approved by the District Health Inspectors from the host district; (ii) The CRSG top management will note the need for cordial and harmonious relations with its workers and the communities; and (iii) There will be decent toilet facilities for the workers in the camp site.*"

<sup>24</sup> Management notes, that while the worker camp was required under the contract, it is quite common that projects rely on host-community accommodation for local labor, as this often provides a wide range of economic opportunities for the community through rental income or development of local businesses.

- *Two work place accidents which led to death by electrocution of workers.* One case that occurred in January 2014 was recorded by the police and the worker's family was paid insurance compensation. A second incident of electrocution of a worker occurred in October 2015 and the case is still under investigation by UNRA and the police.
- *One traffic accident in which a pedestrian was killed by a truck of the Contractor.* This occurred in May 2014 and the victim's family was paid insurance compensation.
- *One case involving an alleged shooting of a driver by the Contractor's security guard following a theft incident.* This incident was logged in the accident log but no further information from Contractor or UNRA is available.
- *One case involving the drowning of a child in an excavation pit on the road construction site.* This case was not recorded in the accident log, but was brought up during community consultations in October 2015. The Bank has not been able to verify this fatality through UNRA or police records, but the Contractor has indicated that compensation has been paid to the family.

73. ***Two of the above cited fatalities were not brought to the Bank's attention by UNRA.*** The shooting and drowning incidents were only discovered by the October 2015 Bank mission by reviewing the accident logs and through community discussions. Following the mission, Management requested in writing: (i) more information from UNRA, (ii) a full investigation of these incidents, (iii) that UNRA ensures that such severe events are communicated to the Bank promptly and proactively.<sup>25</sup> To date there has been no update from UNRA or the police on these two cases. Management will continue to follow up on these matters.

74. ***There have been a number of other safety-related issues that the Bank team has flagged to UNRA and the Contractor as requiring remedy.*** Safety concerns along the road and at stone quarries, and inappropriate disposal of soil spoil material, led to the suspension of the earthworks and quarry operations in July 2014 and again in September 2014, including the dismissal of the Contractor's the Project manager and foremen who were reported not to comply with the Supervising Engineer's instructions to correct. With the arrival of a new the Project manager and foremen, the safety measures gradually improved, notably the installation of speed humps and sign posts at trading centers and work sites. However, safety issues remained a concern and were frequently raised by Bank missions.<sup>26</sup> Accident logs also provide evidence of road incidents such as trucks veering off-road with

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<sup>25</sup> UNRA on October 21, 2015 wrote to the Inspector General of Police requesting for them to further investigate and take appropriate action on the incident of shooting, sexual and gender based violence. No written feedback has been obtained from the Uganda Police Force to UNRA do date.

<sup>26</sup> Safety issues including safety of vehicles were discussed during site visits, wrap up meetings and remedy requested. This is recorded in the Aide Memoires, notably during Implementation Support Missions of May 14-16, 2014 (interim safeguards mission); June 11 – 26, 2014; September 19, 2014 (interim follow-up mission), November 17 – December 5, 2014; April 16, - May 6, 2015. October 5-23, 2015.

workers getting injured, trucks hitting other public vehicles/motorcycles and injuring persons, and one truck hitting cattle.

75. *In addition, the Contractor was warned not to use vehicles in visibly poor mechanical condition but this practice has persisted.* The Bank team witnessed vehicles with worn-out tires and without reflectors or headlights being used. This was discussed during the October 2015 mission and UNRA was asked to enforce the contractual requirement to have safe operating vehicles.

76. *The Contractor failed to implement measures to address a number of safety issues identified in the Contractor's ESMP and consequently on October 21, 2015, the Supervising Engineer sent a Notice to Correct, among other things, the failure to prevent speeding, the failure to maintain roadworthy vehicles, and the lack of safety signage. To date, and well beyond the set deadline of November 30, 2015, the Contractor has not rectified the issues.*

### **The Way Forward**

77. *Management is deeply concerned about the allegations of several instances of road workers' sexual misconduct involving minors and the sexual harassment of female employees. The Bank has urged the GoU to ensure that action is taken on the following fronts to address them.*

- *First, the Bank urged, in letters to the Ministry of Finance, Planning and Economic Development and UNRA, dated June 18, 2015 and September 28, 2015, and signed by the Country Director, that these allegations be addressed by Ugandan law enforcement.* The letters were followed up by numerous meetings by the Country Director and Country Manager with MoFPED and UNRA between July and December, 2015. The GoU has assured the Bank that law enforcement agencies will take on the investigations and follow-up of these issues. UNRA wrote to the Inspector General of Police on October 21, 2015, alerting them to these allegations and requesting follow up. The MoGLSD has dispatched a mission to investigate the allegations. On December 16, 2015, in a letter to the GoU, the Bank reiterated that it remains immensely important that in addition to remedial measures taken to address the concerns and potential harm, a careful approach needs to be taken to protect all parties involved against retaliation. In this regard, the Bank will continue to work with the Ugandan authorities to put in place a mechanism for remediation for victims, and will collaborate with relevant ministries, NGOs and the community to help define appropriate remedial actions. A high level World Bank mission intends to visit Uganda in January 2016 to follow up on these issues.
- *Second, the Bank has also raised concerns about potential retaliation against complainants and insisted that there cannot be any retaliation against community members who complain to the police or the Bank.* In this regard, UNRA has launched an initiative, including face-to-face meetings with the community and radio interviews, to explain UNRA's commitment to anti-retaliation. The Bank finds the measures taken by UNRA to date insufficient and has provided a proposed

plan to which UNRA has not yet agreed. Management will stress to the GoU that this plan or a plan of similar coverage needs to be implemented immediately, preferably with assistance from an independent third party provider, before the Bank can consider supporting projects with similar risks.

- ***Third, the Bank has strongly recommended to UNRA and the GoU to adopt a more strategic approach to addressing these endemic social issues.*** A credible approach needs to be in place before the Bank can consider financing projects which could involve significant labor force influx issues. The Bank has offered assistance to strengthen social risk management within the road sector. This would be done by supporting the MoGLSD in developing an Emergency Child Protection Program aimed at strengthening community structures to better address the needs of girls at risk through improved prevention, mitigation and capacity building interventions. The initial phase of implementation would focus on the affected communities in the Project area, and then be expanded to other communities at high risk. This would be supported by: (i) expanding terms of reference of existing HIV/AIDS programs associated with road construction activities to ensure that such programs target girls and young women and provide specific child protection measures beyond HIV/AIDS; and (ii) providing technical assistance for environmental and social risk management to build UNRA's capacity to effectively plan, implement and monitor mitigation measures for projects with high risks as part of its ongoing reorganization effort.

78. ***Going forward the Bank intends to take the following steps.***

- ***Cancel the Project immediately.*** The Project is currently suspended and the Bank will cancel the Project immediately. This decision to cancel is based on (i) the Contractor's failure to remedy the cited instances of noncompliance, and (ii) the lack of demonstrated willingness on the part of UNRA to address the identified social risks as well as overall Project implementation seriously.
- ***Review the Bank's entire portfolio to identify if the concerned Contractor and Supervising Engineer hold other Bank-financed contracts.*** This would trigger a compliance audit of such operations to determine if similar issues are present. At least one such contract has been identified in Uganda and one in another country in Africa. In both cases, the Bank will heighten its supervision to closely monitor contractor performance.
- ***Suspend any civil works in the Uganda transport portfolio managed by UNRA pending a review of implementation and supervision strategies.*** Management will reevaluate UNRA's capacity to implement Bank-supported projects. Until such review has concluded, the Bank will suspend the portfolio under UNRA's implementation in Uganda. By limiting suspension to civil works, the Bank will be able to continue access to the Project funds for technical assistance to support the social risk management approach described above.

- ***Review the entire Uganda portfolio with specific focus on sexual misconduct involving minors and child labor.*** Management's review of the entire Ugandan portfolio has commenced and Management has become aware that similar concerns have surfaced in one other Bank-supported operation in Uganda. The review will identify project-specific or systemic portfolio-wide issues related to child labor or sexual misconduct, and propose specific measures to address these issues, both at the project and at the systems level across the portfolio. This will facilitate the development of a more specific plan, with timetable, for short- and medium-term actions to be taken by the GoU. This review will complement and be coordinated with an ongoing environmental and social safeguards review for East Africa.
- ***Undertake a global review of the Bank's approach to the mitigation of risks associated with labor influx issues, with the objective of developing staff guidance.*** The Bank will review its current practices with regard to mitigation measures for sensitive community impacts that stem from work force influx during project construction phases, and prepare a guidance note to staff. This review will include best international industry practice, including the practices of other IFIs and development partners.
- ***Ensure completion of compensation for land acquisition.*** In line with the Project's Financing Agreement, the Borrower remains obligated to complete unfinished land acquisition and compensation processes beyond Project closure and the Bank will continue to follow up and to ensure that relevant policy obligations are met.
- ***Commission a review of lessons learned from the Project.*** This will specifically focus on weaknesses in Bank supervision identified in this Project, which will inform steps to strengthen the approach to supervision generally, and to facilitate the enhancement of staff training and development of targeted guidance for supervision of projects with a similar risk profile.



ANNEX 1

CHRONOLOGY OF SUPERVISION EFFORTS ON THE KAMWENGE-FORT PORTAL ROAD

- i. ***To help contextualize the detailed discussion of specific issues in Section III, Management considers it useful to provide a sequential overview of the issues raised in the Request, how the issues came to Management's attention, and Management's evolving understanding of a very complex, highly concerning and uncertain factual situation.*** Since shortly after the commencement of road works in August 2013, Management has been aware of and has sought to address poor Project performance on a number of environmental and safety-related issues. However, the allegations in the Request concerning sexual misconduct of road workers and related social issues were first brought to the Bank's attention in December 2014. Since then, significant effort has been devoted to understanding the nature and extent of the problem and to identifying appropriate mitigation measures.
- ii. ***After the Contractor commenced construction on August 1, 2013, a Bank Implementation Support Mission visited the site in October 2013 and observed a number of instances of noncompliance with environmental and social obligations included in the contract.*** Specifically, the mission noted *inter alia* that: (i) no health safety plan had been prepared by the Contractor for the site; and (ii) the Contractor had opened a stone quarry without the necessary clearance from NEMA. Based on the concerns raised in the ESIA and the Bank's experience with other road contracts, the Bank recommended that UNRA require the Supervising Engineer to recruit a Social Specialist and an Environment Specialist to be on-site full-time to comply with environmental and social safeguards.
- iii. ***In June 2014, a Bank mission found that the Contractor was not complying with a number of environmental and social requirements detailed in the ESIA and relevant national requirements.*** The mission identified road safety concerns, including poor traffic management; inefficient management of rock-crushing activity; apparently illegal operation of certain quarries; and delays in the compensation of Project affected persons.
- iv. ***After the June 2014 mission, the Bank conveyed to the Government of Uganda (GoU) its concerns regarding Contractor compliance and formally requested suspension of all quarry operations and earthworks activities and follow-up on a number of other actions agreed with UNRA.*** These included halting all noncompliant activities, identifying and implementing corrective actions no later than September 30, 2014, undertaking an Environmental Audit (which did take place in July 2014), and accelerating compensation payments for Project affected persons.
- v. ***At that time, Management also downgraded the overall Safeguards rating from Moderately Unsatisfactory to Highly Unsatisfactory, and implementation progress from Moderately Satisfactory to Unsatisfactory.*** The Supervising Engineer issued a letter to the Contractor, implementing the suspension, and reminding the Contractor of the need to adhere to its contractual commitments in terms of health and safety, and environmental and social issues.
- vi. Following site visits by a high-level Government team, led by the Minister of Works and UNRA senior management in July 2014, the Supervising Engineer sent a formal notice to the Contractor requesting that deficiencies be corrected. With the approval of UNRA management,

but without consulting with the Bank team, the Supervising Engineer lifted the suspension on quarry and earthworks on August 28, 2014, on condition that the contractor complied with the agreed actions. A subsequent Interim Implementation Support mission to the site in early September 2014 found that most of the agreed actions had not been met and recommended that UNRA request the immediate reinstatement of the suspension.

vii. *In early October 2014, the Contractor changed its management team on site and in Kampala, which led to improvements observed on site, including demonstrable progress in the implementation of the agreed remedial actions.* The Bank observed these improvements during an Implementation Support Mission from November 17 to December 5, 2014. In light of these observations, UNRA lifted the suspension on quarry operations and earthworks and work resumed. The Bank team noted a significant improvement in the payment of compensation, with 93 percent of people compensated by the end of November 2014.

viii. *Up to this time in Project implementation, no allegations of sexual misconduct by workers had been raised with Bank staff.*

#### **December 2014 Complaint Letter**

ix. *On December 17, 2014, the Bank received a complaint letter which was forwarded by the Bank to the Inspection Panel.* The letter was grouped into six complaints: lack of community participation in the Project; sexual violence against children; increased child labor and school dropouts; increased number of accidents on the road as a result of the stone quarry; increased crime including but not limited to theft, community disruptions, and fights; and compensation complaints with an unclear redress procedure. These issues, which were raised again and amplified in the second Request on September 11, 2015, are individually addressed in detail in Management's Response (Section III).

x. *After receiving the December 2014 letter, Management convened MoFPED, MoWT and UNRA to discuss the allegations concerning the sexual misconduct of road workers.* Management asserted that it was of the utmost importance that the country's legal framework, which prohibits and makes punishable sexual relations with minors, be enforced.<sup>27</sup> As a result of these discussions, a GoU mission to Bigodi was undertaken in early January 2015 led by the MoFPED, with the Bank participating as an observer. The mission included a consultation meeting on January 9, 2015 between the GoU (MoFPED), UNRA and 83 members of the Bigodi community. At that meeting, community participants denied the occurrence of underage sex in relation to the road works and insisted that the discussion should focus on compensation, employment opportunities, and safety during construction. Police attending the meeting confirmed that they had no record of sexual activity between minors and non-residents.

xi. *Management also sent a letter to the Bigodi community acknowledging receipt of the December 2014 complaint letter, noting that the Bank takes the complaints raised very seriously*

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<sup>27</sup> The Uganda Constitution (1995) and the Penal Code set 18 as the legal age of marriage or engagement in sexual acts. Chapter 4 of the Constitution contains a specific provision for the protection of women and girls. While Article 31 provides for the right to marriage and family formation, it criminalizes child marriage and spells out 18 years as the minimum age at which men and women should marry.

*and informing the community of an upcoming field mission.* The Acting Country Manager's contact information was provided.

### **Missions from February to August 2015**

xii. Bank missions in February and April 2015 included community meetings and interviews with approximately 85 people to better understand the issues and the scope of the problem. These meetings were equally unsuccessful in obtaining information about allegations of sexual misconduct of road workers. Interviews with community leaders, community members, local police, health center staff and heads of schools found no evidence of underage sex or child labor related to the Project. As was the case in January, community representatives consulted during these missions were reluctant to discuss sexual behavior issues, but rather emphasized their concerns related to compensation, employment, and health and safety issues.

xiii. The Bank a mission in May 2015 – jointly with JFCU – was more successful in eliciting information from the community concerning sexual misconduct issues. Consultations were extended to other areas beyond Bigodi, and the mission team engaged in gender disaggregated groups to encourage more candor from women. During this mission, some community members for the first time referred to instances of underage sex and teenage pregnancy in their communities, two of which were alleged to be related to the road works. However, it should be noted that this willingness was not widespread and the mission once again met with numerous community members who took the position that this was a community issue that should not distract from their concerns about compensation and road safety. At that time, police records at Bigodi had five documented cases of underage sex in the previous two months, one allegedly involving a road worker. A second alleged case involved a girl who got pregnant by a contractor security worker in Businge, but this case was not registered with the police.

xiv. *After the May mission, the Bank team worked with UNRA on developing an action plan* that included measures to address the health and safety and environmental challenges identified earlier, as well as new measures to help address the risk of sexual misconduct by road workers. The action plan (see Annex 4) expanded the role of the HIV/AIDS-awareness service provider to include messages about unlawful sexual activity with minors in its sensitization campaign, disseminating brochures and signposts to indicate zero tolerance of sexual relations with minors and child labor, sensitizing the Contractor's workers, and deploying a child protection expert. It also included steps to accelerate the resettlement compensation of Project affected people.

xv. *The Country Director sent a letter to the MoFPED and UNRA on June 18, 2015, again expressing grave concern about the issues raised, in particular issues related to the sexual allegations.* The letter urged the authorities to refer allegations of criminal misconduct to the appropriate law enforcement agencies for investigation and to undertake actions to prevent retaliation.

xvi. *An official letter from Management (July 1, 2015) to the Bigodi community provided information on progress in addressing the issues covered in the action plan,* and this progress was reviewed with community leaders and other stakeholders during a site visit on August 26, 2015. Community leaders at that meeting (including those from Bigodi) indicated that they were

satisfied with progress made on most of the issues raised in the Action Plan. However, they wished to see faster progress toward completing the compensation process.

xvii. ***In September 2015, however, Management notified the GoU that it was concerned that progress in implementing the measures agreed in the Action Plan was slow. It called on the GoU to put in place a hold on its withdrawal applications for the road component of the loan.*** Management discussed continuing concerns with senior officials at the MoFPED and UNRA, and indicated that the Bank would ask the GoU to suspend withdrawals pending clarification from the authorities on actions they intended to take regarding the allegations. On September 28, the Bank requested a detailed response by October 9, 2015, and informed the GoU that it should put a hold on withdrawal applications for the road component until appropriate actions were taken to address the misconduct.

### **Actions following the Request for Inspection in September 2015**

xviii. ***Following receipt of the September 2015 Request for Inspection, the Bank fielded a mission in October.*** While the August 2015 mission had again encountered reluctance to discuss sexual misconduct, the October 2015 mission helped deepen the Bank's understanding of the problem and its relation to the Project. In light of statements made in the Request that some members of the community had been deliberately excluded during previous Bank-community engagements, a modified approach to community consultations was adopted during the October 2015 mission to ensure that a wider range of voices was heard. This entailed: (i) strengthening social development expertise in the task team with the addition of a local child protection specialist in the mission; (ii) using local FM radio broadcasts, local newspapers, and a mobile van equipped with a public address system<sup>28</sup> to inform more community members in advance of the time, place and purpose of planned consultation meetings; (iii) holding discussions and having them facilitated by community members themselves in addition to Bank and UNRA staff; and (iv) giving repeated assurance that all information would be treated confidentially and that the relevant authorities were put on notice to ensure non-retaliation.

xix. During the October 2015 mission some community members mentioned a total of six cases of school dropouts due to teenage pregnancies (which appeared to include the two cases brought to the Bank's attention in May 2015), which they believed resulted from relations with road workers. None of the suspects had been prosecuted as the cases were apparently not reported to the police, except for one. Some community leaders continued to downplay the allegations and deflected attention and discussion toward the issue of compensation. There were reports that one District leader had tried to suppress discussions of alleged underage sex cases. At the close of the meeting, the same District leader tried to dissuade community members from raising these sensitive issues, indicating that they were not related to the road.

xx. ***The October mission also confirmed that compensation continued to be slow.*** The existing grievance redress mechanism appeared to be working on issues of compensation complaint registration but the communication feedback loop from UNRA/compensation service provider on the resolution of claims was not working well. The grievance redress mechanism had also not been used to address other social issues apart from compensation; some communities did

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<sup>28</sup> Previous engagements indicated the time, place and purpose of the community meetings but had not used this mass media approach.

not have grievance committees set up within easy reach; and the HIV/AIDS-awareness service provider had not been paid by the Contractor, thereby interrupting the community outreach activities that were central to the agreed Action Plan. The October mission helped to set up grievance committees in the meeting held in Kyabyoma and recommended setting up committees in Rugonjo.

xxi. ***In a meeting on October 15, 2015, UNRA informed the Bank team that a letter would be sent to the Inspector General of Police (IGP) to request his immediate investigation of the sexual misconduct involving minors noted to date (in the JFCU meetings and in open plenary meetings).*** The Bank had also previously urged that a similar letter be sent to the MoGLSD, the ministry responsible for child protection, to undertake its own investigations and follow-up on how to address any criminality at the Project site. UNRA sent both letters on October 21, 2015. The Bank requested and received from UNRA copies of the letters for information to enable the necessary follow-up.

xxii. From November 19 to November 24, 2015, the Bank fielded a high-level mission to the Project site comprising, *inter alia*, the GSURR Director and GSURR Practice Manager from Washington, and Program Leader from the Country Management Unit. During this mission, additional information was obtained regarding the allegations, including credible evidence of a third case of sexual misconduct by a road worker involving a minor girl. The mission also was told by one of three identified victims that she knew of numerous other cases involving road workers and girls in the community. The mission was also told that in many of the cases, road workers were soliciting girls in public places with cash and aggressive sexual advances.

### **Suspension and Cancellation of Project**

xxiii. ***The Bank suspended the Project effective October 22, 2015 due to the Borrower's noncompliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices.***

xxiv. ***The Contractor was put on notice for a number of environmental and social concerns, and the need to correct the situation urgently has been conveyed many times.*** These instances of noncompliance are significantly related to the issues raised in the Request. The Supervising Engineer's letter dated October 21, 2015 contains a list of 36 contract defaults and the request to remedy such defaults, with the latest date being November 30, 2015. As of November 30, only one of the 36 items of default had been remedied and one partially.

xxv. ***The Bank is now in the process of cancelling the Project with immediate effect.***

**ANNEX 2:  
CLAIMS AND RESPONSES**

No.	• Claim	Response
1.	<p><b>Poor human resource policy and Management.</b> This has resulted into the following shortcomings:</p> <ul style="list-style-type: none"> <li>- <b>High labor turnover.</b> Due to unclear Policy by the contractor and failure to follow labor laws, the workers are not allowed any security for their jobs. UNRA does not have any body if at all a functional one to protect the rights and privileges of workers. The workers are forced to work for long hours and dismissed at leisure. These impacts on the entire households and their children shall suffer for generations.</li> </ul>	<p><b>Context/Background:</b> It is not possible to determine whether the Contractor has an unusually high labor turnover, as such a conclusion would need to be drawn from a day-to-day or month-to-month analysis of the Contractor's staffing requirements. There is no specific sub-clause in the Bank's General Conditions of Contract (GCC) applicable to Standard Bidding Documents for the Procurement of Works mandating any obligation or restriction on turnover.</p> <p>The regulations to be followed by the Contractor are the applicable national laws and the GCC. UNRA and the Contractor, therefore, have the contractual obligation to abide by such standards and laws.</p> <p><b>Employment Contract:</b> As part of the supervision mission in February 2015, the Bank team discovered that the workers' employment contracts did not stipulate the employees' rights and the Contractor's obligations, including payment of overtime and process of dismissal, as required. As a result, the Contractor was required to prepare a revised contract agreement that was found acceptable by the Supervising Engineer and UNRA. The Bank team reviewed the revised contract format and agreed that it was acceptable at the time.</p> <p>Subsequently, during the October 2015 mission, the team reviewed the actual signed contracts of a few employees and noted that a key page indicating the salary amount applicable to the specific worker was missing. The Contractor's explanation was that the salary scales of all categories of workers were included in the Annex of the contract and thus specifying the category and amount applicable to each employee at contract signing was not required. As a result of interviews conducted with a few workers, it was revealed that many workers signed the new contract agreements without being informed of their rights and obligations. The Bank insisted on the need for immediate and appropriate contractual remedies. Accordingly, in the Notice to Correct Failure to the Contractor of October 21, 2015 the Contractor was put on notice to remedy these issues (employment contracts do not state amount of salary, wages, allowances and benefits; unclear deductions are made from wages).</p> <p><b>Overtime:</b> Prior to the use of the revised employment contract there was no means to enforce overtime payment. The Supervising Engineer has informed the team that reports now indicate that overtime is being paid as per the</p>

No.	• Claim	Response
		<p>revised contract. The Bank’s review of the September 2015 payroll confirmed the same.</p> <p><b>Workers’ Organization:</b> The Bank team checked during the October 12-13, 2015 site visit if there was a workers’ organization for the Contractor’s staff that could address contract issues with the Supervising Engineer as needed, as per Ugandan labor laws and the contract. As there was no such organization, the Bank team advised UNRA, the Supervising Engineer and District leadership, including the District labor office, to support and encourage the employees to establish such an organization or join an existing one.</p>
2.	<p>- <b>Poor pay.</b> The salary paid to the workers as drivers, and other cadre staffs is not enough to match the cost of living. The Company does not have a labor camp for them and yet to many cadres no transport allowance allowed. The poor pay does not provide for the livelihood of the entire households. This greatly impact on the Children that still need basic needs that like Education, medical care, and clothing and shelter. The exploit the entire labor force defiles the actual importance of the road works in the areas across.</p>	<p><b>Context/Background:</b> This is governed by the Bank’s GCC. Section 6.2 states: <i>“The Contractor shall pay rates of wages, and observe conditions of labor, which are not lower than those established for the trade or industry where the work is carried out. If no established rates or conditions are applicable, the Contractor shall pay rates of wages and observe conditions which are not lower than the general level of wages and conditions observed locally by employers whose trade or industry is similar to that of the Contractor.”</i></p> <p>There is no provision for minimum wage under Ugandan labor law. However, the contract (in line with the GCC) stipulates that the pay must not be <i>“lower than the general level of wages and conditions observed locally by employers whose trade or industry is similar to that of the Contractor.”</i></p> <p><b>Response:</b> Following the Bank’s request, UNRA provided a comparison of wages on three similar road projects in the same region and contracts and wages were found to be comparable.</p>
3.	<p>- The above results into theft such that they meet their livelihood. This results into dismissal of the affected. But because there is a high level of unemployment people have to be forced to rely on such unstructured employment.</p>	<p><b>Context/Background:</b> During the community consultations for the ESIA theft was raised as a possible impact during the road construction phase.</p> <p><b>Response:</b> The community complaint on theft points to the concern that because of low pay and frequent dismissals from work, workers would resort to stealing as a way of survival. It is not clear, however, how this situation would result from the Project, which has provided additional employment opportunities to the community.</p> <p>While there have been a few cases of theft mentioned in Bank consultations with the community and the local police, most thefts involved construction materials, especially fuel. In addition, some community members</p>

No.	• Claim	Response
		alleged that workers have stolen crops from their gardens. This could not be verified, as there is no police data available.
4.	<p>- <b>Lack of a labor camp.</b> This has resulted in allowing the entire labor force to mix with the community at large. This has bred all cultures and sub cultures some of which are greatly disastrous. Thieves have also come up as they pose to be workers of the road works. People have lost their property and domestic animals. We believe the funds for establishment of the labor camp were provided in the road costs and this should have reasonably accommodated a good number. But only the Chinese are allowed the privilege of staying in the labor camp. This policy is highly not only discriminative but allows room for wrong doers to pose as workers in the community and cause such shortcomings.</p>	<p><b>Context/Background:</b> The potential adverse effect of temporary labor force influx was reviewed and considered as part of the ESIA. In this context the size of the labor force and of the community were carefully considered. Reducing the influence of the temporary workforce on the community can generally be achieved to a certain degree through workers' incentives to stay in the labor camp but there are limits to a Contractor's ability to prohibit employees from leaving the camp, particularly during their time-off.</p> <p>The Contractor employs 290 staff, of which about 50 percent are from outside the community, while the remainder are hired locally at the construction site. There are also approximately 35 expatriate Chinese workers.</p> <p>The provision of the labor camp is specified in the Contract between UNRA and the Contractor, with cross-reference to the General Specifications for road and bridge works of the MoWT of January 2005. The issue of the workers' camp was also raised in the ESIA, including the possible impacts relating to it. Pay item 13.01, included in the Contractor's contract, is for the establishment of the camp.</p> <p><b>Response:</b> The Contractor established a secured camp at km 170 in Bigodi, which contains the offices of the Contractor and Supervising Engineer. The Bank mission in October 2015 was informed that Ugandan workers were not using the camp, and that accommodation at the camp was only provided for Chinese expatriate staff and some of the Supervising Engineer staff.</p> <p>Contractors typically cannot require workers to stay at the camp if they do not wish to do so, which often is the case when local workers have homes nearby. In this case, however, neither non-expatriate (Ugandan) workers hired from within nor from outside the community were provided with accommodation. The Contractor claimed that Ugandan workers had declined to live in the camp and preferred to be paid an allowance instead to seek their own accommodation. However, no evidence could be produced by the Contractor that such allowances have actually been paid.</p> <p>Management notes that the absence of worker camp accommodation for road workers has effectively eroded one of the main measures prescribed in both the ESIA and</p>



No.	• Claim	Response
		<p>the Contractor’s ESMP, to mitigate against community impacts stemming from the influx of labor. Specifically, the ESIA notes the need for the camp to “<i>maintain a realistic buffer distance from the community.</i>” Management acknowledges that Bank supervision has not followed up on ensuring compliance with this provision in the ESIA.</p> <p>On October 21, 2015 the Contractor was put on notice by the Supervising Engineer for failure to provide accommodation for Contractor employees as required by the Contractor’s ESMP, and to remedy this issue. To date, and well beyond the set deadline of November 30, 2015, the Contractor has not rectified the issue.</p> <p>The Bank team reviewed the basis for approval of pay item 13.01, which defines the requirements for the Contractor’s Establishments on Site and General Obligations, as per the MoWT General Specifications. The Supervising Engineer noted that 50 percent of the allocation for item 13.01 was payable at completion of camp construction, and was approved when the Contractor established the current camp.</p> <p>Further payment has not been approved against this item. UNRA was advised to follow up on proper implementation and as noted above, the Supervising Engineer issued the Contractor a Notice to Correct Failure for failure to provide accommodation for its employees on October 21, 2015.</p> <p>During the February 2015 mission, the community noted that workers lacked proper identification. As a result, the Bank followed up with the Contractor and the Supervising Engineer and instructed them to provide all workers with IDs. Although the Contractor reported that 95 percent of the 290 staff had received IDs, the evidence provided indicated that only 81 percent had received them. The Bank highlighted this discrepancy, and as a result, the Contractor was requested by the Supervising Engineer to issue the remaining IDs immediately. The Supervising Engineer issued the Contractor a Notice to Correct Failure (including this issue) on October 21, 2015.</p> <p>Regarding theft, see Item 3 above.</p>
5.	<p><b>Food insecurity to some households.</b> The clearance of plantations along the road up to fort portal has claimed a section of food gardens and banana and coffee plantations. The affected homes shall face shortage of food reserves and incomes. The propagators argue that it a small</p>	<p><b>Background/Context:</b> The original RAP of January 2011 for the proposed upgrading of the Kamwenge-Fort Portal road identified 900 people from Kamwenge District and 600 people from Kabarole District as Project affected persons growing crops within the right of way (RoW), which is 30 meters wide in rural areas and 20 meters in</p>

No.	• Claim	Response
	<p>section, however one should note that the land act concerns all the land not only big chunks of land take note of the road reserve policy in comparison to what has been claimed by the road itself and add the road reserve after construction. All this is a loss to the affected households at the expense of the entire public. While the rest of road users are rejoicing the individual households are suffering with loss of site advantage, loss of land, and property. The end result impacts on the children.</p>	<p>urban areas. Total land to be taken (for structures, assets, land, trees, and crops) was 169.49 hectares, of which 108.74 in Kamwenge, and 60.75 in Kabarole. The specific breakdown on crop land take is not included in the disclosed 2011 RAP. However, the budget for trees and crops, as well as livelihood restoration due to crop loss, is included. It amounts to UGX 374,235,901, out of a total RAP budget of UGX 3,771,685,767, or about 9.9 percent of the total.</p> <p><b>Response:</b> The design of the Kamwenge–Fort Portal road largely followed the existing road alignment. The majority of road sections that need to be widened include land take involving vegetation, shrubs and trees, and some tea plantations.</p> <p>Information reports submitted informally to UNRA by the compensation provider, SURVECO, during the October 2015 mission indicate that the main reasons for complaints associated with land include: cases that have been assessed but are still in the process of payment for land or house take, injurious affection, outfall channels directing water into people’s houses or land, high cuts leaving some houses without proper access, general access issues, and electricity lines that need to be relocated.</p> <p>In addition, UNRA noted that roadside communities were allowed adequate time for crops to mature and to harvest them while awaiting compensation for the land. In a meeting held with the Kyabyoma community on October 12, 2015, the Headmaster of Kyabyoma primary school submitted a handwritten letter to the Bank team on the need for assistance in feeding children at his school. In the letter, he linked the lack of food and drink for some school children to the blasting at the stone quarry that had led to heavy dust and soil erosion. The asserted link to the quarry operations, however, remained unclear.</p>
6.	<p><b>Impregnating of minors under the age of 18.</b> Due to high population of workers in small trading centers and many of the workers being the youth and shortly aver the youth age, there is a lot of moral decay among the households. Many girls have been made to get involved in such acts and thus face associated consequences. Many girls have dropped out of school and others impregnated. Although some people believe that this has always happened but, it has greatly increased in these two years especially among school going girls Children. After the start of the road woks in Rwengobe Primary school seven</p>	<p><b>Response:</b></p> <p>Allegations of individual Project workers’ sexual misconduct with minors and related pregnancies and school drop-outs are troubling. Determining the factual basis of the allegations related to sexual misconduct of workers has been extremely difficult, in part because the missions have encountered continuous reluctance on the part of many community members and officials to discuss such issues. Over the course of these missions, the Bank progressively gained more insight into the complaint. As a result of these missions, the Bank has concluded that there is credible evidence of at least three cases of Project road workers</p>

No.	• Claim	Response
	<p>girls were impregnated in 2014 due to the free life - experience with road workers. In Bigodi SSS in since 2013 two girls have been registered impregnated by road workmen (one -was in S. 1 was impregnated and left School, of S. 3 was also impregnated and also left School, many others just leave school without giving any notice to school administration although informal sources indicate that it is the road workers who impregnate them and remain unnoticed and are just registered as school drop outs. However when the School got concerned the mentioned were taken away for fear of following up the cases.</p> <p>Due to uncontrolled labor force of life -going boys pulled from all corners of the world including China they seduce the young girls for material items and petty cash. The system has no community liaison mechanisms of sensitizing the teenagers as they need to always be cautioned because they are of tender age and indecisive behavior. Many girls especially have become victims of circumstances. Due to high labor turn over the men in road works cannot easily be traced as they are chased every time and change residences at their leisure. They normally mix with the public at night after work and therefore girls cannot identify the men they sleep with. In Bigodi Primary school one girl dropped in Primary six and one is currently pregnant in Rwengobe Primary school seven girls were reported pregnant and dropped out of school. Due to poverty these girls are persuaded to hide and accept presents in case the victim happens to be a road worker.</p>	<p>engaging in sexual misconduct with minors, one of which has resulted in a pregnancy.</p> <p>Management has concluded that the measures taken by the Bank and GoU to address the identified risks of sexual misconduct were insufficient, and that actions taken in response were inadequate and too slow given the gravity of the allegations and emerging evidence. After this issue was brought to the Bank’s attention through the December 2014 complaint letter, the Bank undertook a series of missions to review the allegations of sexual misconduct. As detailed below, the first of these missions encountered a strong reluctance on the part of most of the community to discuss the subject matter. The Bank’s approach to engaging with the community subsequently evolved, and eventually yielded greater insight into the problem and its relation to the Project.</p> <ul style="list-style-type: none"> <li>- A GoU mission to Bigodi was undertaken in early January 2015 led by the MoFPED, with the Bank participating as an observer. The mission included a consultation meeting on January 9, 2015 between the GoU (MoFPED), UNRA and 83 members of the Bigodi community. At that meeting, community participants denied the occurrence of underage sex in relation to the road works and insisted that the discussion should focus on compensation, employment opportunities, and safety during construction. Police attending the meeting confirmed that they had no record of sexual misconduct between minors and road workers.</li> <li>- Bank missions in February and April 2015 also included community meetings and interviews with approximately 85 people to better understand the issues and the scope of the problem. These meetings were equally unsuccessful in obtaining information about allegations of sexual misconduct of road workers. Interviews with community leaders, community members, local police, health center staff and heads of schools found no evidence of underage sex or child labor related to the Project. As was the case in January, community representatives consulted during these missions were reluctant to discuss sexual behavior issues, but rather emphasized their concerns related to compensation, employment, and health and safety issues.</li> <li>- The Bank a mission in May 2015 – jointly with JFCU – was more successful in eliciting information from the community concerning sexual misconduct issues. Consultations were extended to other areas beyond</li> </ul>

No.	• Claim	Response
		<p>Bigodi, and the mission team engaged in gender disaggregated groups to encourage more candor from women. During this mission, some community members for the first time referred to instances of underage sex and teenage pregnancy in their communities, two of which were alleged to be related to the road works. However, it should be noted that this willingness was not widespread and the mission once again met with numerous community members who took the position that this was a community issue that should not distract from their concerns about compensation and road safety. At that time, police records at Bigodi had five documented cases of underage sex in the previous two months, one allegedly involving a road worker. A second alleged case involved a girl who got pregnant from a contractor security worker in Businge, but this case was not registered with the police.</p> <ul style="list-style-type: none"> <li>- While the August 2015 mission again encountered reluctance to discuss sexual misconduct, the October mission helped deepen the Bank's understanding of the problem and its relation to the Project. In light of statements made in the Request that some members of the community had been deliberately excluded during previous Bank-community engagements, a modified approach to community consultations was adopted during the October 2015 mission to ensure that a wider range of voices was heard. This entailed: (i) strengthening social development expertise in the task team with the addition of a local child protection specialist in the mission; (ii) using local FM radio broadcasts, local newspapers, and a mobile van equipped with a public address system<sup>29</sup> to inform more community members in advance of the time, place and purpose of planned consultation meetings; (iii) holding discussions and having them facilitated by community members themselves in addition to Bank and UNRA staff; and (iv) giving repeated assurance that all information would be treated confidentially and that the relevant authorities were put on notice to ensure non-retaliation. During the October 2015 mission some community members mentioned a total of six cases of school dropouts due to teenage pregnancies (which appeared to include the two cases brought to the Bank's attention in May 2015), which they believed resulted from relations</li> </ul>

<sup>29</sup> Previous engagements indicated the time, place and purpose of the community meetings but had not used this mass media approach.

No.	• Claim	Response
		<p>with road workers. None of the suspects had been prosecuted as the cases were apparently not reported to the police, except for one. Some community leaders continued to downplay the allegations and deflected attention and discussion toward the issue of compensation. There were reports that one District leader had tried to suppress discussions of alleged underage sex cases. At the close of the meeting, the same District leader tried to dissuade community members from raising these sensitive issues, indicating that they were not related to the road.</p> <ul style="list-style-type: none"> <li>- The November 2015 mission obtained additional information regarding the allegations, including a third case of sexual misconduct by a road worker involving a minor girl. Facilitated by the support of the national child protection expert, the mission had a chance to talk to two affected girls. One of these girls, who now has a baby, was a previously known case. The other girl, whose identity was only learned during the mission, indicated that she knew of other cases involving road workers and girls in the community. The mission was also told that in many of the cases, road workers were soliciting girls in public places with cash and aggressive sexual advances.</li> </ul> <p>The allegations pertaining to sexual misconduct correspond to social risks that were identified in the ESIA and subsequent Contractor’s ESMP. The ESIA identified a higher incidence of illicit and unsafe sexual behavior as distinct risks arising from the influx of road workers into the community. The ESIA identified the influx of road workers as a potential source for aggravating existing social challenges, such as crime, substance abuse, and prostitution, all of which could contribute to the spread of sexually transmitted diseases. The Contractor’s ESMP noted that: “[..] <i>potential negative impacts on women include exposure to HIV/AIDS and STIs and potential increased sexual exploitation of young girls which will likely also lead to unwanted pregnancies, drop-out from school [...].</i>”</p> <p>Some mitigation measures to address these risks were included in the ESIA and the Contractor’s ESMP. The ESIA included an ESMP with broad mitigation measures to address these risks, albeit with a primary focus on HIV/AIDS mitigation, and on provision of worker camp accommodation. More specific mitigation measures were contained in the Contractor’s ESMP and in the contract itself. These included requirements to: (i) take reasonable precautions to prevent unlawful conduct by its employees;</p>

No.	• Claim	Response
		<p>(ii) provide accommodation for workers in a camp; (iii) prepare a gender action plan which includes gender sensitization for communication and conduct towards women; (iv) retain an environmental and social specialist on site; and (v) provide separate bath and toilet facilities for men/women.</p> <p>Management acknowledges that many of the mitigation measures identified in the ESIA and set forth in the Contractor's ESMP have not been implemented. For example, the October 2015 mission confirmed that the gender-related mitigation measures had not been implemented. The Supervising Engineer's Notice to Correct dated October 21, 2015, also confirmed that the Contractor had not complied with a number of the provisions, including putting in place and implementing a gender action plan and providing sufficient camp accommodation.</p> <p>Management acknowledges that the mitigation measures set forth in the ESIA, and subsequently in the Contractor's ESMP were insufficient given the identified risks to minor girls associated with the influx of workers to the community. While full implementation of these measures could have helped to lower the risks of sexual misconduct, in retrospect they did not in Management's view constitute a robust mitigation plan commensurate with the risks identified prior to Project implementation and that subsequently materialized. Given the endemic problem of child marriages and teenage pregnancies in Uganda, the Bank should have been especially vigilant in assessing the extent to which the Project might aggravate the problem and ensured that robust mitigation measures were in place, along with appropriate staffing.</p> <p>The Contractor's ESMP, which highlights the pertinent social risks in a more detailed manner, was not provided to the Bank until July 2015, although civil works had started in August 2013. In the absence of the Contractor's ESMP, no follow-up on the more specific mitigation measures contained therein concerning road workers' conduct and related social risks took place. Management acknowledges that an adequate Contractor's ESMP should have been provided to the Bank prior to starting any civil works. The Bank should have been more diligent in its follow-up with UNRA to ensure timely delivery of the Contractor's ESMP.</p> <p>Management acknowledges that supervision has been insufficient. While Bank supervision focused on addressing many of the complex environmental and resettlement related issues facing the Project, far less</p>

No.	• Claim	Response
		<p>attention was devoted to monitoring and addressing the risks to girls from the conduct of road workers, until they were flagged in the December 2014 complaint. Bank supervision did not take adequate steps to monitor and ensure that the mitigation measures related to the risks of sexual misconduct identified in ESIA were implemented, and should not have allowed for civil works to commence in the absence of more site specific measures that would have been provided in an adequate Contractor’s ESMP.</p> <p>In addition to the above missions, since the December 2014 letter, the Bank has repeatedly stressed to UNRA and the GoU the urgency of addressing the allegations. This included requests for appropriate government action to address the issues, including through law enforcement and child protection agency actions:</p> <ul style="list-style-type: none"> <li>- On January 6, 2015,<sup>30</sup> the acting Country Manager met with the GoU to discuss the sexual misconduct allegations and how to address the issues, including the importance of protection against retaliation;</li> <li>- On May 25-28, 2015, a joint mission with UNRA agreed on actions related to child protection;</li> <li>- On June 18, 2015, a letter from the Country Director urged the GoU to address the sexual misconduct allegations;</li> <li>- On July 10, 2015, the Country Director and Country Manager raised the issue with the Secretary to the Treasury, drawing attention to the June 18 letter.</li> <li>- On July 15, 2015, the Country Director and Country Manager met with the UNRA Executive Director and reiterated the need for UNRA to implement agreed actions;</li> <li>- On July 17, 2015, the Country Director and Country Manager met with the Minister of Works and Transport and informed him of the need to take appropriate actions on complaints related to the road;</li> <li>- On August 5 and 13, 2015, Bank shared the revised action plan with UNRA and urged implementation;</li> <li>- On September 15, 2015, the Country Director and Country Manager briefed the Speaker of Parliament and Secretary to the Treasury, and urged action.</li> </ul>

<sup>30</sup> These communications are in addition to communications surrounding the supervision missions mentioned above in paragraph 22.

No.	• Claim	Response
		<ul style="list-style-type: none"> <li>- On September 28, 2015, a letter from the Country Director to MoFPED and UNRA raised concerns about the slow implementation of agreed actions;</li> </ul> <p>On October 22, 2015, a letter was sent from the Regional Vice President, suspending disbursements. As noted above (see paragraph 14), following the May 2015 mission and the June 18, 2015 letter from the Country Director to the GoU, the Bank and UNRA worked together to develop an action plan<sup>31</sup> to address environmental and social impacts, including steps designed to address issues of sexual misconduct. Steps specified in the plan, which was shared with the community in August 2015, included:</p> <ul style="list-style-type: none"> <li>- Expanding the role of the HIV service provider to directly address the issue of sexual misconduct with minors in its sensitization campaigns along the road the Project, including collaboration with health centers and schools;</li> <li>- Preparing information materials in the form of brochures, posters and billboards/signposts that indicate zero tolerance of sexual misconduct with minors and of child labor, to be displayed in prominent places including the Contractor's camp and worksites, as well as schools and the health clinic;</li> <li>- Convening, informing and sensitizing the Contractor's workers on the criminality and unacceptability of sexual misconduct with minors; and</li> <li>- Ensuring that no underage person is hired in the Contractor's work force.</li> </ul> <p>This action plan was also agreed with members of the Bigodi community during the August 2015 mission. However, significant delays in the implementation of this action plan by UNRA were noted with concern in the Country Director's letter of September 28, and were among the reasons underlying the Bank's suspension of disbursements on October 22, 2015.</p> <p>Management is deeply concerned about the allegations in the Request of several instances of road workers' sexual misconduct with minors and the sexual harassment of female employees. The Bank has urged the GoU to ensure that action is taken on three fronts to address them:</p>

<sup>31</sup> This action plan was developed in February 2015, jointly by UNRA and the Bank as a supervision instrument to guide follow-through on the implementation of environmental and social mitigation measures. It was continuously updated and eventually expanded in July 2015 to cover actions to address child protection measures. The latest (October) version of the action plan is attached as Annex 4.



No.	• Claim	Response
		<ul style="list-style-type: none"> <li data-bbox="816 254 1503 1178">- First, the Bank has urged, in letters to the Ministry of Finance, Planning and Economic Development and UNRA, dated June 18, 2015 and September 28, 2015, and signed by the Country Director, that these allegations be addressed by Ugandan law enforcement. The letters were followed up by numerous meetings by the Country Director and Country Manager with MoFPED and UNRA between July and December, 2015. The GoU has assured the Bank that Ugandan law enforcement agencies will take on the investigations and follow-up of these issues. UNRA wrote to the Inspector General of Police on October 21, 2015, alerting them to these allegations and requesting follow up. The MoGLSD has dispatched a mission to investigate the allegations. On December 16, 2015, in a letter to the GoU, the Bank reiterated that it remains immensely important that in addition to remedial measures taken to address the concerns and potential harm, a careful approach needs to be taken to protect all parties involved against retaliation. In this regard, the Bank will continue to work with the Ugandan authorities to put in place a mechanism for remediation for victims, and will collaborate with relevant ministries, NGOs and the community to help define appropriate remedial actions. A high level World Bank mission intends to visit Uganda in January 2016 to follow up on these issues.</li> <li data-bbox="816 1205 1503 1667">- Second, the Bank has also raised concerns about potential retaliation against complainants and insisted that there cannot be any retaliation against community members who complain to the police or the Bank. In this regard, UNRA has launched an initiative, including face-to-face meetings with the community and radio interviews, to explain UNRA's commitment to anti-retaliation. The Bank finds the measures taken by UNRA to date insufficient and has provided a proposed plan to which UNRA has not yet agreed. Management will insist to the GoU that this plan or a plan of similar coverage needs to be implemented immediately, preferably with assistance from an independent third party provider.</li> <li data-bbox="816 1694 1503 1873">- Third, the Bank has strongly recommended to UNRA and GoU to adopt a more strategic approach to addressing these endemic social issues. A credible approach needs to be in place before the Bank can consider financing projects which could involve significant labor force influx issues. The Bank has</li> </ul>

No.	• Claim	Response
		<p>offered assistance to strengthen social risk management within the road sector. This would be done by supporting the MoGLSD in developing an Emergency Child Protection Program aimed at strengthening community structures to better address the needs of girls at risk through improved prevention, mitigation and capacity building interventions. The initial phase of implementation would focus on the affected communities in the Project area, and then be expanded to other communities at high risk. This would be supported by: (i) expanding terms of reference of existing HIV/AIDS programs associated with road construction activities to ensure that such programs target girls and young women and provide specific child protection measures beyond HIV/AIDS; and (ii) providing technical assistance for environmental and social risk management to build UNRA's capacity to effectively plan, implement and monitor mitigation measures for projects with high risks as part of its ongoing reorganization effort.</p> <p>Approximately 290 Ugandan employees are working on the road (of these, around half are considered local from the nearby communities, while the others are from communities further down the road, perhaps 30-40 km away). There are also approximately 35 Chinese expatriate workers. Kamwenge District has approximately 300,000 inhabitants, and Kahunge Sub-County, in which the Project is located, has about 50,000 inhabitants whereas the immediate roadside community, Bigodi Parish, has a population of about 7,500 inhabitants. Overall, the greater Toro region of Uganda has long been a zone of immigration, attracting migrants from as far as Tanzania, Rwanda and the Democratic Republic of Congo.</p>
7.	<p><b>The spread of HIV/AIDS pandemic.</b> Coupled with the above and, given the absence of a workplace health policy and HIV/AIDS workplace Policy gives room for uncontrolled spread of such STDS/ STIs infections. A few interventions in place are for only the Chinese staff with no regard to Africans. These impacts greatly on children who are persuaded into having sex and cannot make decision even on use a condom. The AIDS status of these affected children is not established.</p>	<p><b>Background/Context:</b> The ESIA noted that the influx of male workers into the Project area would increase the risk of HIV/AIDS transmission. It recommended the following mitigation measures: (i) Contractor to provide condoms and an HIV/AIDS awareness poster to workers in the camp; (ii) UNRA to procure a service provider for professional HIV/AIDS activities; (iii) Contractor to put in place worker committees to oversee implementation of HIV/AIDS control activities as mitigation measures.</p> <p>The ESIA also noted the contractual obligation of the Contractor to have an HIV/AIDS policy and action plan for the Project, as well as the need for posters, flyers or weekly sensitization sessions to provide HIV/AIDS awareness to road workers.</p>

No.	• Claim	Response
		<p>There is high prevalence of HIV/AIDS in adolescents in Uganda, with those under 15 years accounting for 11 percent of all cases. There are also high prevalence rates among 15-25 year old females. The Project area is in a region where the average HIV prevalence rate in the general population, at 8.2 percent, is higher than the national average of 7.3 percent.<sup>32</sup> In Kabarole District, HIV prevalence is estimated to be 11.3 percent in the general population and 14 percent among pregnant women.<sup>33</sup></p> <p>The local health clinic in Bigodi informed Bank missions that it has not observed a noticeable increase in HIV/AIDS cases since the beginning of the road works. In the meeting with the local health care providers at Bigodi Health Center III in May 2015, the mission team was informed that on average five STI cases were reported per day. The health center has a management information system that helps to collect and collate health data, including on HIV testing results and mother to child infections. This information is collated monthly and sent to the District hospital (Health Center V). The center also provides counselling and referral services.</p> <p><b>Response:</b> To implement the mitigation measures identified in the ESIA, an HIV/AIDS Service Provider, WSS Services Ltd., was contracted. WSS Services Ltd. provides HIV testing, counselling and treatment, as well as general health services for all workers and community members. It carries out HIV/AIDS education and sensitization campaigns through community outreach. Information, education and communication materials have been prepared and distributed.</p> <p>Its services included undertaking a baseline survey on HIV/AIDS knowledge levels as well as related behavior risks in order to inform interventions. The survey identified some hot spots, including but not limited to: growing urban centers such as Bigodi and Nkingo trading centers, among others, characterized by nighttime activity, alcohol and drug use, late night dances and high mobility of people. Other areas of concern where HIV prevention interventions are needed included primary, secondary and tertiary educational institutions. Sex workers, youth and students in school were also identified among population groups at risk. During one mission, community leaders</p>

<sup>32</sup> Uganda Aids Indicator Survey, 2011.

<sup>33</sup> Kabarole District Local Government Development Plan, 2015/16-2019-20. NB: Kamwenge district was part of Kabarole until 2000, when a new district was created, thus the two have several similar social-demographic characteristics.

No.	• Claim	Response
		<p>raised concerns about children loitering around urban centers unaccompanied at night, seeking entertainment in places such as movie halls. The Bank has consistently requested community leaders and the police to vigilantly regulate such premises open at night, including the need to bar minors from accessing them.</p> <p>Close collaboration with and supervision of WSS by the District Health Office is necessary, and has been requested; the office committed to this in meetings held in both Kamwenge and Fort Portal on October 13, 2015 and this information has been provided to UNRA.</p> <p>HIV/AIDS message posts, and 15 billboards in both English and the local languages have been prepared and displayed in the Contractor's camps and work sites and in major trading centers. These have been appreciated by the community, as documented in the August 2015 Back to Office Report (BTOR), and are acting as strong messaging tools in the fight against HIV/AIDS.</p> <p>WSS Services Ltd. has not been paid in a timely fashion or otherwise assisted by the Contractor over several months. This led WSS Services Ltd. To reduce its delivery, as the Supervising Engineer reported in September 2015. This was confirmed by the October 2015 mission.</p> <p>The Contractor was put on notice to remedy the failure to pay WSS Services Ltd. on time. Information provided by UNRA indicates that partial payment was made to WSS Services Ltd. As of October 15, 2015, and WSS has continued with its work. However, there are still outstanding payments for September/October 2015 that the Contractor needs to make.</p>
8.	<p><b>Sex harassment of female employees.</b> There is reported harassment of females who fail to give in for sex. Given the lack of job security it becomes an alternative between losing the job and consolidating it with sex offers. Although this is no talked about greatly because they fear losing their jobs. Currently very few females are employed because of the wickedness of bosses on such a vice.</p>	<p><b>Background/Context:</b> As noted in the ESIA, the Employment Act of 2006, Part II, Section 7 explicitly covers the issue of sexual harassment, including its legal definition, the right of employees to lodge complaints with the Labor Officer, and the requirements for any employer with more than 25 employees to have in place measures to prevent sexual harassment occurring in its workplace.</p> <p><b>Response:</b> During the October 2015 mission the Bank team met with twelve female employees who stated that they had observed or experienced sexual harassment at their workplace within the workers' camp. This issue was not raised by community members during prior missions. It was raised in the Request for Inspection, but not in the December 2014 complaint letter.</p>

No.	• Claim	Response
		<p>The sexual harassment included: unwanted sexual advances, sexual relations with superiors due to fear of losing a job, inappropriate sexual comments, and being coerced to do work outside scheduled hours. The women also noted that there is one toilet for both men and women, and female employees are not accorded privacy.</p> <p>The women stated that stated that harassment of all types, including sexual harassment, was a common occurrence. They explained that such incidents were generally not reported to the police because previous reports did not result in action against the Contractor or its staff. The women further reported that there was no redress mechanism in place, neither was there any evidence of efforts to protect women from exploitation and sexual harassment.</p> <p>The alleged harassment of female employees of the Contractor would indicate serious failure to ensure the safety of female employees and contravenes the Contractor’s obligations as well as national law. The Contractor has an obligation to institute and enforce a policy to prevent sexual harassment. The Bank has asked UNRA to request both the police and the MoGLSD to investigate these complaints and take appropriate action.</p> <p>The Bank awaits a report from the GoU pertaining to the legal follow-up of these allegations. The October 2015 Bank mission encouraged employees to report any cases of harassment. The MoGLSD dispatched a mission of technical officers on October 6, 2015 to investigate the allegations of sexual harassment. Management has urged the GoU at the highest levels to ensure that appropriate police and legal actions are taken in response to these allegations, and also to take measures to ensure that people who do complain are adequately protected from retaliation.</p>
9.	<p><b>Emergence of sex workers.</b> It is also evident; there are even agents to look for girls and women for sex for the Chinese staff and real Chinese Employees. The real Chinese Vehicles are seen in villages collecting these girls and because there is no labor camp one cannot follow up the trend but the end result is moral decay and spread of STD's STI's HIV/AIDS and associated consequences especially on girl children. This has also resulted into marriage breakages. We however pity the girl Child wherever such developments shall be effected and sympathize with those where such have been implemented.</p>	<p><b>Background/Context:</b> In the ESIA, the possibility of sex workers being attracted to the area by the presence of workers was noted. Sex work was considered to be a risk and sex workers to be a vulnerable group. In the ESIA, it was also noted that if the Contractor did not maintain a strict “<i>no fraternization policy</i>”, worker camps could attract prostitution. The actions on this issue in the ESIA included the following: the Contractor shall provide condoms and HIV/AIDS posters; the Contractor shall procure a service provider for professional HIV/AIDS activities; and the Contractor shall put in place worker committees to oversee implementation of HIV/AIDS</p>

No.	• Claim	Response
		<p>control activities. The first two actions were accomplished.</p> <p><b>Response:</b> The mention of involvement of Chinese expatriate employees in local prostitution has not been raised prior to the Request. During the consultation meetings with representatives from 23 communities in October 2015, there was no mention of Chinese expatriate staff involvement with sex workers, even after probing by the moderators. Responses from the Contractor on this issue indicated that the Chinese mainly confine themselves to the camp, and the Contractor reported that he has an official policy that bars Chinese workers from engaging in inappropriate behavior with locals, including sexual relations. It is unclear, however, to what extent such a policy is being enforced.</p> <p>It is also not clear what the Requesters mean with “<i>and because there is no labor camp one cannot follow up</i>” since the Request also pointed out that labor camp accommodation is for Chinese expatriate workers only.</p> <p>The 2014 baseline report for awareness and mitigation of HIV/AIDS on Fort Portal-Kamwenge Road noted that sex workers, if paid enough, would allow unprotected sex without knowing the partner’s status. Overall, the report noted that despite high knowledge levels in the communities, there was a need to strengthen knowledge and awareness to minimize the spread of HIV/AIDS and mitigate impacts. Recommendations included:</p> <ol style="list-style-type: none"> <li>1) Promotion of behavior change among communities along the road sections under construction.</li> <li>2) Care, treatment and support of the affected within the Project area.</li> </ol> <p>These mitigation measures applied to all the affected populations. Specific delivery of a minimum package of HIV/AIDS interventions targeting sex workers and their partners was recommended by the Bank team after the October 2015 mission, in addition to the current work being done on community sensitization.</p>
10.	<p><b>Increased school dropout and absenteeism and Child labor.</b> Due to increased population there is petty business emerging along the road. School children drop out or are frequently absent due to such activities. The children are also employed to wash vehicles, sell of pegs, and water fetching. This has also resulted into increased Childs labor.</p>	<p><b>Background/Context-School Dropout:</b> The ESIA identified girl child school dropouts as a risk factor. The ESIA noted that the road would pass near a number of schools and heavy earth moving equipment might attract inquisitive children to construction sites. Besides being a safety risk, noise and dust from road construction</p>

No.	• Claim	Response
	<p>One was under age and was employed in the road works when the School shown concern he was expelled and given no assistance to go back to school. This has also put the School's enrolment to be poorer, and completion rate and retention rate to be as low as 19%.</p>	<p>activities and equipment might temporarily disrupt school activities.</p> <p>The 2011 RAP highlighted the chronic low school attendance in both Kamwenge and Kabarole Districts. Countrywide, approximately 20 percent of girls and 13 percent of boys over age six have never had any formal education (EMIS 2010-2-13). For girls, school survival rates are low, with 70 percent of pupils not completing the primary cycle (USAID, State of Ugandan Children, 2015). Despite universal secondary education, only 32 percent of children make it to lower secondary school, and only 12 percent complete the full secondary school cycle.</p> <p>In Kamwenge District, primary school enrollment, currently at 76 percent, is below the national average of 82 percent for children aged 6 to 12 years. Completion rates for girls are at 38 percent, below the national average of 47 percent. For boys, completion rates stand at 43 percent compared to a national average of 51 percent. In Kabarole District, primary school enrollment rates in Government aided schools have increased marginally in the last three years from 83,834 in 2013 to 89,873 in 2015, with gender parity in all years.</p> <p><b>Background/Context – Child Labor:</b> The ESIA noted that road workers might knowingly or unknowingly employ minors (below 18 years). The ESIA also noted the possibility of child labor and stipulated that minors not be recruited. Labor law in Uganda does not allow children below 12 years to be employed. Children under the age of 14 can be employed in light work under the supervision of an adult, provided the work does not interfere with the child's education. However, no person under 18 years can be employed in work that is harmful to health, dangerous or unsuitable. The Children's Act (Cap 59 Sect. 8) states that no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.</p> <p><b>Response – School Dropout:</b> School dropout is a pervasive and systemic problem in Uganda. A number of factors account for non-enrolment and dropout of children from school, among them the need to contribute to family labor in the fields, a lack of financial resources, and harassment by teachers. During several Bank missions, community members confirmed that children working during or after school hours in Kamwenge was common. This included mainly helping parents with agricultural tasks, but also selling foodstuffs and other commodities on the road side.</p>

No.	• Claim	Response
		<p>Management understands that teenage pregnancies in Uganda frequently lead to the dismissal of affected girls from school. However, the girl met by the November Bank mission who stated she had a child by a road worker reported that she had dropped out of school before her pregnancy in response to sexual harassment by teachers.</p> <p>In Management's view the concern expressed in the Request may primarily pertain to a rise in informal businesses along the road, which attracts children to work as vendors and car washers. Parents and their children take advantage of the opportunity to sell things along the road. This stems from the presence of the road itself, but has likely increased due to demand from road workers during the road upgrading that is being financed by the Project. It must be noted that Bigodi Wetland Sanctuary within the Kibale Forest National Park is adjacent to the Bigodi community and attracts a lot of national and international tourism, further contributing to demand for roadside vending.</p> <p>The May 2015 mission was informed that in Kamwenge District the local leaders had initiated a radio campaign targeting parents to ensure that all children of school age are enrolled and stay in school.</p> <p><b>Response – Child Labor:</b> Management has identified and reviewed the case of a 17-year-old who worked on the site for approximately six months. Management understands that he was recruited by the Contractor as a flag boy. While UNRA informed the Bank that this was not in contravention of the national law given his age and the nature of the work,<sup>34</sup> it did not follow the measures set out in the ESIA regarding the ban on the employment of minors. The issue has been raised with the Contractor and Supervising Engineer. The specific circumstances of this employment could not be ascertained. Management notes that it is not uncommon for persons in rural areas in Uganda to have no birth certificate or identity card available to prove their age. The Supervising Engineer failed to identify and flag this case, which was only identified when the boy's school intervened. The Supervising Engineer was thereafter requested to carry out strict monitoring to ensure there are no similar occurrences in future. In addition, the Contractor was required to display posters proclaiming "no</p>

<sup>34</sup> Labor law in Uganda does not allow children below 12 years to be employed. Children under the age of 14 can be employed in light work under the supervision of an adult, provided the work does not interfere with the child's education. However, no person under 18 years can be employed in work that is harmful to health, dangerous or unsuitable. The Children's Act (Cap 59 Sect. 8) states that no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.



No.	• Claim	Response
		child labor” at the work sites to help enforce the policy of employing no minors.
11.	<p><b>Poor compensation mechanism.</b> Many land owners along this road axis and in trading centers have not been adequately compensated and others not attended to. It is quite unfair where structures exist at the same axis/ location sometimes following each other but the compensation differs greatly, and others not compensated at all. On 8th, August 2015 the affected complainants a round Bigodi area had a meeting and resolved to register their complaints into an inventory that can be accessed at source kept by one the trading center chairman for Business People. This is a clear manifestation of the existence of people who are not compensated It is also unclear where even people appear to be compensated but are not proper landlords along the road. About one hundred people only in Busiriba remain not compensated. These impacts on the entire household and greatly on the children whose livelihood depended entirely on the fields/ gardens along the road so far destroyed.</p>	<p><b>Background/Context:</b> Total land to be taken (for structures, assets, land, trees, and crops) in Kamwenge was 108.74 hectares, and in Kabarole 60.75 hectares, for a total of 169.49 hectares. This included permanent and semi-permanent houses, kitchens, pit latrines, hedges, fences and crops. The breakdown of ownership of individual land/plots, properties is not included in the RAP (2011). This has been requested from UNRA but has not been provided.</p> <p>The RoW for the Fort Portal-Kamwenge Road is 30 meters in rural areas and 20 meters in urban areas. This takes into account that there is an already existing road (no need to acquire land). The sequence for compensation under the RAP is as follows: service provider valuation, UNRA safeguards team review, approval by the Chief Government Valuer (CGV), final amounts determined and payments released. Valuations, following both Bank and Government requirements, are based on full replacement cost to be paid before works begin in the respective areas. Complaints on insufficient or disproportionate amounts are raised through the grievance procedures set out in the RAP, and GRCs are in place to receive these complaints, review for clarification and forward them to UNRA for attention. A dedicated Social Specialist from the Supervising Engineer supports the GRCs in their work.</p> <p><b>Response:</b> Management notes that the land acquisition process has been challenging. In Management’s view, however, supervision attention to this aspect of the Project has helped to ensure that concerns voiced by affected people regarding entitlement and amounts of compensation were responded to, although delays are acknowledged. These concerns have led to three revalidation exercises since production of the original RAP. Management agrees that the process for paying compensation has been slow. To address this problem, Management requested UNRA to retain a specialized consulting firm to ensure accurate and timely compensation, and such a firm (SURVECO) was hired in March 2015. However, the firm’s contract was terminated by UNRA for poor performance in October 2015, and UNRA has decided to process the outstanding payments with its own staff.</p> <p>The process for compensation is established in the 2010 RAP. The original valuation report, prepared in June 2010 and disclosed in January 2011, listed a total of 2,530</p>

No.	• Claim	Response
		<p>people affected by the Project. However, UNRA's implementation report update provided in October 2015 indicated 2,027 Project affected people (as the remainder were outside the section of the road under this contract). Of these, 1,926 were assessed and confirmed as eligible for compensation. Payment has been made to 1,765 persons (92 percent). UNRA continues to make efforts to ensure that all people are included in the ongoing third valuation, including the remaining 8 percent that did not respond to notifications.</p> <p><i>First supplementary valuation report.</i> During the course of RAP implementation, a number of appeals were registered. These included undervaluation, missing items, and misclassified land, which led to the first supplementary valuation report. This covered a total of 292 Project affected people. Of these, 139 were in the original RAP but appealed on compensation amounts and/or missing valuations, and 153 were new. Payment has so far been made to 204, or 70 percent of that group.</p> <p><i>Second supplementary valuation report.</i> When construction commenced in 2014, new properties were affected, and new appeals were registered for various causes (injurious affection, design realignment, cuts and fills affecting access, and poorly directed culvert outfalls). UNRA requested the office of the CGV to review the cases. The CGV assessed and approved 133 persons in a second supplementary valuation report on November 17, 2014. Payment has so far been made to 127 persons, or 95 percent of that group.</p> <p><i>Third supplementary valuation report.</i> At the request of the Bank to expedite the compensation payments, UNRA hired SURVECO in March 2015 to review all new and old compensation claims and to prepare a third supplementary valuation report. This report has not yet been finalized. To date, information provided by UNRA indicates that 67 percent of all affected people have received compensation payments. UNRA expects that the remaining 33 percent will be paid by the end of 2015. In Management's view, in light of the recent termination of SURVECO's contract, it is unlikely that this target date will be met.</p> <p>In line with the Project's Financing Agreement, the Borrower remains obligated to complete unfinished land acquisition and compensation processes beyond Project closure and the Bank will continue to follow up and to ensure that relevant policy obligations are met.</p>

No.	• Claim	Response
		<p>In areas where compensation has not yet been made, the Supervising Engineer will not sanction works to continue until payment has been effected.</p> <p>The RAP GRC receives and reviews complaints related to the land acquisition process. As of August 2015, the GRC at Bigodi had registered 59 complaint cases that needed UNRA follow-up. Details have been provided on these cases, and they were followed up during the October 2015 mission. The meeting held at Bigodi also included community members from Nkingo. A field inspection and a joint walk-through with complainants from Bigodi were held on October 13, 2015. The category of complaints revolved around: lack of proper documentation to initiate payments; cracking or damage of veranda to house; need for access roads; drainage outfall directing runoff water into people’s properties; compensation for trees; electricity power lines over peoples’ homes; and injurious affection and loss of economic viability due to a raised road embankment. UNRA was provided with the list of complaints from the grievance committee log book and each item has been addressed. Overall, Management acknowledges that the GRC requires strengthening, including systematic feedback to complainants from UNRA regarding the actions taken in response to their complaints, and has stressed the importance of addressing these weaknesses to UNRA..</p> <p>The Bank made recommendations to ensure that land acquisition for the road follows the compensation process outlined in the RAP. These include: (i) preparation of an updated and clear compensation status report; and (ii) implementation of an action plan on pending complaints and outstanding compensation issues. Where there is negotiated payment, communities/individuals must provide written consent to the settlement.</p> <p>A RAP audit was recommended by the Bank in May 2015 to ascertain the extent of compliance with the RAP. The Bank drafted terms of reference for such an audit and transmitted them to UNRA for action. However, during the October 2015 mission, the UNRA Executive Director informed the Bank team that the Ugandan Auditor General has launched an audit of the RAPs for roads built by UNRA and therefore UNRA was not able to undertake a parallel audit. The Bank mission requested UNRA to share the report of the Auditor General once it is available. The Bank will follow up with the GoU on this issue.</p>
12.	<b>Un proportional compensation.</b> There is a great challenge that even the amount compensated	<b>Background/Context:</b> See background/context section in Item 11.

No.	• Claim	Response
	<p>cannot make one procure an equivalent piece of land or put up a similar structure. The intention of compensation is therefore defiled and greatly compromised and worse still by such lucrative and responsible agencies patterning with such a World Bank funded project. The principle of restoration to original position is not fulfilled. This forces people to believe their voices are not heard and cannot be represented by any organ. This appeal to World Bank inspection Division needs to be honorably received and attended to.</p>	<p><b>Response:</b> In Management's view, the claim that compensation has been uneven is largely driven by the slow process for payments and a lack of information about how entitlements are determined and compensation amounts are calculated. During all consultative meetings Bigodi community members have expressed the view that compensation has been uneven, with allegations that some were paid more than others even in similar circumstances. During the February mission, the Bank team conducted a site visit to a few of these cases and determined that the confusion is being created due to the slow process and a lack of information about how resettlement and land acquisition are determined, and how the compensation amount is calculated.</p> <p>Specifically, a minor change in road alignment resulted in compensation being paid to some people who eventually did not suffer losses, which led to complaints of unfairness and lack of transparency from others within the community. Despite the existence of GRCs, and the Supervising Engineer's Social Specialist, there is no structured information sharing or feedback mechanism for community members.</p> <p>As a result, the Bank requested UNRA during the June 2014 Bank mission to develop a stakeholder/community engagement plan to ensure that the information about RAP entitlements and decisions is transparent and made available to the community. Management is not aware of a written stakeholder/community engagement plan having been prepared by UNRA.</p>
13.	<p><b>Loss of life and Destruction of people property.</b> Due to lack of safety measures many people have been knocked along that road. Along the quarry sections and along the road peoples' buildings have been cracked by the vibrations but have not been adequately compensated. Stones blasts from the quarry destroy people's buildings especially in Bigodi there is a live story. In Busimba- Bigodi one person's building was destroyed and up to now no compensation has been made. It is upon the affected to either accept what has been provided or you accept loss. People took up what has always been provided in fear of losing it all. However those who put in some bribe get reasonable pay at the expense of others.</p>	<p><b>Background/Context:</b> Safety issues for both workers and the general public were assessed and mitigation measures suggested in both the ESIA and the Contractor's ESMP. Community consultations done in 2007 had also indicated road safety as a major concern that would require the installation of speed humps in trading centers and other risk locations. The World Bank Group Environmental Health and Safety Guidelines (2007) cover a number of areas, including air emissions, hazardous waste management, noise, occupational health and safety, community health and safety including traffic safety during Project construction, and construction and decommissioning. These were identified in the ESIA (2011).</p> <p><b>Response:</b> Management notes that several fatalities have occurred on the construction site, indicating severe failure to adhere to, monitor and document safety measures, both</p>

No.	• Claim	Response
		<p>for workers and the community. These include the following fatalities:</p> <ul style="list-style-type: none"> <li>- Two work place accidents which led to death by electrocution of workers. One case that occurred in January 2014 was recorded by the police and the worker’s family was paid insurance compensation. A second incident of electrocution of a worker occurred in October 2015 and the case is still under investigation by UNRA and the police;</li> <li>- One traffic accident in which a pedestrian was killed by a truck of the Contractor. This occurred in May 2014 and the victim’s family was paid insurance compensation;</li> <li>- One case involving an alleged shooting of a driver by the Contractor’s security guard following a theft incident. This incident was logged in the accident log but no further information from Contractor or UNRA is available;</li> <li>- One case involving the drowning of a child in an excavation pit on the road construction site. This case was not recorded in the accident log, but was brought up during community consultations in October 2015. The Bank has not been able to verify this fatality through UNRA or police records, but the contractor has indicated that compensation has been paid to the family.</li> </ul> <p>Two of the above cited fatalities were not brought to the Bank’s attention by UNRA. While the two electrocutions and the road accident are documented and were brought to the Bank’s attention, the other two fatalities were not. Those were only discovered by the October 2015 Bank mission in reviewing the accident logs and through community discussions. Following the mission, Management requested in writing: (i) more information from UNRA; (ii) a full investigation of these incidents; (iii) that UNRA ensures that such severe events are communicated to the Bank promptly and proactively.<sup>35</sup> However, to date there has been no update from UNRA or the police on these two cases. Management will follow up with the GoU on these matters.</p> <p>There have been a number of safety related issues that the Bank team has flagged to UNRA and the Contractor as</p>

<sup>35</sup> UNRA on October 21, 2015 wrote to the Inspector General of Police requesting for them to further investigate and take appropriate action on the incident of shooting, sexual and gender based violence. No written feedback has been obtained from the Uganda Police Force to UNRA do date.

No.	• Claim	Response
		<p>requiring remedy. Safety concerns along the road and at stone quarries, and inappropriate disposal of soil spoil material led to the suspension of the earthworks and quarry operations in July 2014 and again in September 2014, including the dismissal of the Contractor's the Project manager and foremen who were reported not to comply with the Supervising Engineer's instructions to correct. With the arrival of a new the Project manager and foremen, the safety measures gradually improved, notably the installation of speed control humps and sign posts at trading centers and work sites. However, safety issues remained a concern and were frequently raised by Bank missions.</p> <p>Management has reviewed the compensation provided by the Contractor's Insurance Policy for workman compensation with First Insurance Company Limited covering 258 workers. Evidence of compensation of five workers was presented to the mission in October 2015 and injuries included bodily harm while on duty and two deaths by electrocution. Most of the accidents involving members of the public were reported to nearby police posts but in most cases were settled out of court between the Contractor and the affected person, with neither feedback to police nor further action by them.</p> <p>One person was struck and killed on May 8, 2014 by a Project truck at Kyakanyemera trading center. Police and post-mortem reports are available. Burial and funeral costs and insurance compensation were paid by the Contractor.</p> <p>Management has requested UNRA to provide clarifications about unexplained incidents that were found in the accidents log, including the alleged shooting of an individual following a theft incident. The Contractor's accident log compiled for the period January 20, 2014 – July 18, 2015 and submitted during the October 2015 mission records that a driver was shot dead by a security guard allegedly for stealing fuel. No other details are available in the log, namely no date of incident, no narration of what happened before the shooting and no indication of any follow-up action that was undertaken. As this is a grave case, the Bank requested UNRA to follow up with the Contractor and the police to ensure that the case is investigated and the records updated. Management has also requested explanation from UNRA why such incidents have not been communicated proactively to the Bank.</p> <p>A recent status report also indicated death by electrocution of one of the Contractor's workers on October 23, 2015.</p>

No.	• Claim	Response
		<p>This very grave issue of safety has been raised with the UNRA Executive Director, the Supervising Engineer and the Contractor.</p> <p>During consultation on October 13, 2015 with the Kyabyoma community, there was an allegation that a child had drowned in a pit excavated (cut to fill) within the road by the Contractor at Businge village. This case is not recorded in the accident log and as a result the Bank team could not confirm it. The Bank requested UNRA to follow up on the case and take appropriate measures.</p> <p>In the meeting held on October 15, 2015, UNRA informed the Bank that a letter would be sent to the Inspector General of Police for it to investigate these two cases (driver and child). The Bank requested a full account of the details of these incidents.</p> <p>The Contractor failed to implement measures to address a number of safety issues identified in the Contractor's ESMP and consequently on October 21, 2015, the Supervising Engineer sent a Notice to Correct, among other things, the failure to prevent speeding, the failure to maintain roadworthy vehicles, and the lack of safety signage. To date, and well beyond the set deadline of November 30, 2015, the Contractor has not rectified the issues.</p> <p>The stone quarry at Busimba-Bigodi was found to be operating without Environmental Approval from NEMA in June 2014 and was immediately directed to cease operations and restore the land, including compensating all people affected by the quarry. The land has so far been restored to about 70 percent by backfilling using soil spoil material from the road works. Restoration is still ongoing and appears to be satisfactory. The remaining depression at one of the ends is being filled by soil spoil material and should be completed November 30, 2015.</p> <p>Compensation for the quarry was followed up by the LC1 Chairperson of Busimba Village who has consistently stated in mission meetings that all affected people have been compensated, and confirmed this in writing to the Contractor on October 30, 2015.</p> <p>Compensation records provided to the October 2015 Mission show that one affected person was compensated on October 28, 2014 in the amount of UGX 2,000,000 for damaged housing at Busimba-Bigodi Quarry. The only pending issue relates to the contractual agreement between the stone quarry seller and the Contractor concerning payment of retention money that was agreed to be paid</p>

No.	• Claim	Response
		three years after the operation of the quarry. Apparently the seller is negotiating with the Contractor to pay off the retention money now and not to wait for three years to elapse since the quarry operations were stopped.
14.	<b>One person aged 34yrs</b> , was injured by the road works machines and his leg was almost amputated but still no compensation has been given to him. He has been tossed up and down and is almost losing hope and courage. He has been made poor and incapacitated.	<b>Response:</b> The victim was a casual worker at the culverts and bridges section and his foot was hit and cut by wire (running belt) from the concrete mixer during loading of the machine. The Bank has been following up on this case and information provided by the Contractor and Supervising Engineer indicates that the worker who sustained a deep cut on his right ankle on July 28, 2014, received insurance compensation of UGX 400,000 on June 8, 2015. The compensation amount is determined by the Insurance Company according to the insurance policy cover obtained by the Contractor. The slow compensation process and low amount were raised by the mission, which asked UNRA and the Supervising Engineer to closely follow up on all insurance claims. During the October 2015 mission, the District Labour Officers of Kamwenge and Kabarole Districts were asked to administratively monitor labor issues and the insurance compensation process as per the legal requirements.
15.	<b>Plots in trading centers were encroached</b> but some good number in various trading centers and the entire axis remain unattended to. The list is endless and has been forwarded to your attention if UNRA cannot honor our complaints.	This is related to the complaint of alleged discriminatory compensation under Item 12. This results from UNRA's need to obtain the full 30m road reserve width, with some properties and plots captured under the prescribed road reserve, and others falling outside despite houses being in proximity to each other.
16.	<b>The electric power line</b> especially the three phase power line- has been shifted over the roofs of commercial houses in the trading centers especially Bigodi and Nkingo, Kamwenge Town council and many other trading centers as you can move along and watch for your selves. It is greatly dangerous to live and operate business under the shade of such power line. It is tantamount to being allowed the privilege of suicide. Worse still many of these landlords were not compensated. Bigodi, Nkingo, trading centres live in fear and their lives are at a great risk. Some have resorted to go to court but it is a long and costly process and is challenged by a lot of influence. Given the poverty levels only the rich shall pursue such legal endeavors.	<b>Response:</b> The electricity power lines in question are 33kV medium voltage and 240V/415V low voltage distribution lines. Some electricity distribution lines were shifted by the Project in Bigodi and Kahunge to create more space for road works and as a result were running above inhabited structures. This was noted by Bank missions prior to the Request. As this was considered a safety risk, the Bank asked UNRA to engage the Electricity Authority to relocate the affected persons, complete compensation and demolish the structures under the power lines so that they could not be inhabited. Any power lines running above roofs and considered to be outside the road reserve were required to be relocated back into the road reserve, by November 15, 2015. This has not been completed to date.
17.	<b>Loss of site advantage.</b> Whereas the existence of the road is destined to greatly improve the site advantage / subsequent raise in the value of land,	<b>Response:</b> The valuation process is described under Item 11. The RAP is clear on the need to compensate affected people so as to ensure they are not left with economically



No.	• Claim	Response
	<p>instead the plots are losing value because the sizes have reduced and power lines shifted on top of buildings renders such houses unfit for dwelling in. Given the poor amounts compensated one cannot extend to acquire the original full plot. Such encroached plots will be challenged under the physical planning authority as Uganda is declared a planning area under the Physical Planning Act 2010.</p>	<p>unviable assets. The power lines issue is addressed under Item 16.</p>
18.	<p><b>Heavy expenses.</b> The complainant is wasting a lot of funds and other household resources while following up their cases. The UNRA and the contractor seem to be interested in distancing themselves from the average resident. Given the fact that the resident Engineer and Chinese responsible staff do not even know the local language it makes it difficult to approach them by local people. The African staff faces a challenge in advising them as they (Chinese Managers) do not honor the advice given if it is in favour of residents.</p>	<p><b>Response:</b> Management recognizes that the Contractor’s liaison with the local community has been deficient. Though retaining a Social Specialist on site who speaks the local language, this has not translated into an efficient feedback mechanism between community and contractor.</p>
19.	<p><b>Failure to provide access to the main road on major links.</b> It is very challenging that even where school children cross into the road links have not been provided. A few meters from the labor camp a major link of Mujuruga road to the whole Parish school children of Bujongobe have been blocked. The staffs and Resident engineer have been informed but no action taken so far. Along the road there are developments like Nursery Beds and other production centers but they are denied access as Magombe nursery beds and elsewhere. The links are left with high road side that children cannot climb.</p>	<p><b>Response:</b> Access to the main road has been an issues but improved significantly between May and August 2015. The August mission noted in its site visit that all access culverts had been installed, and access is available to the community with only one house noted during the most recent site visit as still having an issue, which was flagged to the Supervising Engineer and Contractor for urgent redress. The Contractor was commended for the restoration efforts by the community in the August 26, 2015 meeting. However, there appears still to be a need for service access road provisions, especially for people where drains have been installed, and those affected by road embankments.</p>
20.	<p><b>Poor condition of company vehicles.</b> It is a great risk to meet a road company vehicle. Many vehicles move without lights at night, they cannot even break. On several incidents these vehicles fall off the road and cause accidents. They have caused several accidents and victims go uncompensated. Most vehicles are unfit to be on the road but because they are favoured and give in tokens to various enforcers it is difficult to win a case with the company given the poverty of the residents. One of Rwengobe village Busiriba Sub County was knocked by the company vehicle and his leg damaged but close to a year he has not been compensated. People even fear to complain</p>	<p><b>Response:</b> This is a safety concern that has consistently been flagged by Bank missions to UNRA during different missions starting June 2014. The Supervising Engineer on several occasions has warned the Contractor not to use vehicles in visibly poor mechanical condition but this practice has persisted. The Bank team witnessed vehicles with worn-out tires and without reflectors or headlights being used. This was raised again during the October 2015 mission and UNRA was asked to enforce the contractual requirement to have safe operating vehicles.</p> <p>Accident logs for both 2014 and 2015 were analyzed and incidents include: trucks veering off-road with workers getting injured, trucks hitting other public</p>

No.	• Claim	Response
	because the company issues are covered under influence. Only the well financial based landlords can pursue the process of Court.	<p>vehicles/motorcycles and injuring persons, and one truck hitting cattle.</p> <p>All cases of recorded accidents for both workers and the public have evidence of compensation. One person whose leg was injured in an accident involving a grader and a motorcycle at Bigodi village, Busiriba Sub-county, was compensated UGX 605,000 on May 30, 2015, as seen in the records provided by UNRA during the October 2015 mission. This could be the victim mentioned as coming from Rwengobe village.</p> <p>The Contractor was required to institute urgent measures to manage drivers' speeding behavior. All the Contractor's vehicles are to have numbers that are conspicuous for easy identification. The Bank team also advised UNRA to institute a community monitoring mechanism to report to the Contractor reckless driving and excessive speeding of its vehicles. On this issue the Supervising Engineer sent a letter dated October 14, 2015 formally instructing the Contractor to remove the 18 old trucks that are not roadworthy and replace them with trucks in satisfactory condition.</p>
21.	The above coupled with <b>lack of safety measures</b> as humps and road signs increases the degree of road accidents. Such are put when monitors are coming and after which they are removed.	<p><b>Response:</b> The ESIA (2011) assessed safety measures under Section 7.2.2; the ESMP, under Section 10 page 122, provided the following mitigation measures on public health and safety: enforce strict schedule and install community warning systems; install signage on the road to warn people of construction activities; and sensitize the public on safety precautions. In addition to the above, the mission teams have since May 2014 recommended removal of vehicles in poor mechanical condition from the road, use of speed control humps/bumps, water sprinkling in dusty areas, use of traffic flag men/women to control both approaches at active sites, restricting road works to day time, and imposing speed limits on Project vehicles.</p> <p>Provision and implementation of safety measures was initially very poor but this has gradually improved. As noted in Item 13, speed control humps have been installed and accompanying signage put in place. However, more speed humps and signage still need to be installed, and the Contractor was instructed where these were deficient, and where some need to be added.</p> <p>Signage is temporary (handmade plywood signs that are erected without a concrete foundation) and hence prone to vandalism. However, about 450 traffic signs have been installed. The final traffic signs which will be installed after road construction is completed, will be of a more permanent nature. As per requirement the Contractor</p>

No.	• Claim	Response
		deploys flag-men to direct traffic at all active construction sites.
22.	<p><b>Lack of dialogue meetings.</b> There are no dialogue meetings where the affected could be allowed to air their views. The affected are shunned whenever they raise their issues. All meetings the compromised community representatives are only invited to show up in favour of the contractor's interests and heads of commissions and authorities. Thus, our attempts to raise these concerns with officials from UNRA and the World Bank have not led to a response that addresses our needs and instead the abuses continue.</p>	<p><b>Background/Context:</b> In the ESIA, public consultations were carried out involving the key stakeholders and in particular the affected villages in the 15 sub-counties throughout the four Districts of the Project. Over 50 community meetings and focus group discussions were held. A number of issues regarding the planned development, both positive and negative, were raised during these meetings. During the ESIA no additional consultations were undertaken, apart from revisiting stakeholders whose concerns were indicated as inadequately addressed in the review of the earlier ESIA report, namely: Makerere University Biological Field Station (MUBFS), Kibale National Park; IUCN; WWF; Nature Uganda; and Conservation nongovernmental organizations (NGOs) involved with Bigodi Wetlands.</p> <p>Discussions were organized with various stakeholders along the road to verify the general perspective documented earlier in the 2011 RAP report. The people consulted included LC officials, opinion leaders and NGOs. Discussions centered on those affected by the land acquisition process, construction and post-construction stages, loss of land and other property.</p> <p>The 2011 RAP also indicated that consultations had been carried out with Project affected people and District officers during the preparation of the RAP to provide opportunity for people to know about Project opportunities and implications for them and their assets.</p> <p><b>Response:</b> Some community members have expressed to the Bank that they are not able to voice concerns regarding the road works without fear of retaliation. Management recognizes that the completion of the Project is a high priority for local leaders and the community, which likely creates a climate in which complaints about the road works are not welcome and may be seen as jeopardizing the Project altogether.</p> <p>Management also notes that the role played by local leaders in discussions of community concerns has not been consistently constructive. The October 2015 Bank mission observed that some community leaders, who denied the existence of sexual misconduct and harassment cases, also tried to suppress candid discussions about some of these claims during community meetings. However, some of these same community leaders actually signed the 2014 complaint letter raising the very same issues with the Bank. As explained above, the Bank team,</p>

No.	• Claim	Response
		<p>following the August 2015 mission, focused on more direct engagement with community members and to a lesser extent with community leaders.</p> <p>Management has raised with the GoU at the highest levels the risk of retaliation against the Requesters.<sup>36</sup> Management expressed to the GoU that there must be no retaliation whatsoever against communities or individuals who complain to police, or use the Bank’s avenues for grievance redress, and is working to ensure a number of measures are put in place to prevent this. Management has asked, among other things, that the GoU ensure that Bigodi citizens have full and free recourse to the law, and that Ugandan law enforcement agencies act in a timely manner on reports submitted by community members.</p> <p>Management has put in place a dedicated communication channel for the Requesters to allow them to alert the Bank directly if they experience retaliation. Management requested the Inspection Panel to share the contact information with the Requesters (who requested anonymity and are therefore not known by name). The GoU has also been asked to direct Ugandan law enforcement agencies to pursue promptly any allegation of retaliation in contravention of Ugandan law.</p> <p>Management has raised concerns repeatedly with the GoU about retaliation against the complainants since receiving the December 2014 complaint letter. Management has also advised UNRA to reach out to communities and leaders, to: (i) convey that the issue of retaliation is taken seriously and will be monitored; (ii) provide information on what constitutes retaliation; and (iii) monitor the occurrence of any retaliation. Management notes that retaliation from within (rather than from outside) the community is also possible in reaction to the suspension of the Project and possible related job losses.</p> <p>The Bank’s offer to assist UNRA in putting in place an anti-retaliation strategy in November 2015 was not taken up by UNRA. However, in an attempt to address the matter, the UNRA Executive Director traveled to the Project site on November 19, 2015. She participated in a live radio talk show<sup>37</sup> where she stressed the importance of non-retaliation and directed the District leadership to ensure that there is no retaliation against communities.</p>

<sup>36</sup> The Country Director and Country Manager met on Thursday October 22, 2015, with the Permanent Secretary of the Ministry of Finance and the Executive Director of UNRA to discuss the issue; it was stated again in a written message on October 23, 2015, and in the Management Letter for the October 2015 supervision mission.

<sup>37</sup> “Voice of Kamwenge.”

No.	• Claim	Response
		<p>She also provided the toll-free UNRA hotline for communities to report cases of retaliation and met with communities.</p> <p>Since December 2014 when the Bank received the first complaints from the Bigodi community, six consultations have been held with (January 2015, February 2015, April 2015, May 2015, August 2015, and October 2015). Each consultation also included several meetings with various groups, including the District leadership, the local police, health facilities, schools, as well as organized focus group discussions with communities along the Project road, with the goal of addressing the compensation issues as well as the grave social issues raised in the complaint.</p> <p>For each consultation, the community was mobilized by a full time social development specialist hired by the Supervising Engineer, through the community leadership. The community was engaged and vocal, raising concerns that it had with the Project, indicating that the community was not “in favor of the contractor’s interests and heads of commissions and authorities.” In order to further ensure that community representation was inclusive, for the October 2015 mission, mobilization took place through announcements in the community newspaper; on local radio in the local language; and via a vehicle with a loudspeaker. The community confirmed that it had heard these announcements.</p> <p>GRCs were set up in Bigodi as well as other communities to ensure that there was a community-led system to process community concerns. In Bigodi, the GRC meets every Saturday. The biggest gap is lack of regular feedback on the progress of processing the received complaints by UNRA. Management recognizes that the GRCs require substantial strengthening. (Item 12).</p>
23.	<p>We are however grateful to the government of Uganda and World Bank for the works going on for the construction of the Kamwenge -Fort Portal road works. Whereas it is destined to breed positive impact as improved all weather road network, increase in the volume of trade, increased production and quick access to market centers, it has also resulted into negative impact on the communities along the road axis under construction.</p>	<p>The community has reiterated on various occasions its gratitude that the road is being built, noting the expected benefits in the form of increased business opportunities, better market opportunities for the region’s produce, as well as better access to services (e.g., education, health facilities, etc.) with improved access to the towns of Kamwenge and Fort Portal and beyond.</p>
24.	<p>The reason as to why this communication is addressed to the World Bank inspection Division is because there has been a lot of public outcry but of the registered complaints no attention has</p>	<p><b>Response:</b> The Bank has organized meetings with community members to discuss community concerns in relation to the Project. The meetings have been organized by UNRA through the Supervising Engineer’s social staff</p>

No.	• Claim	Response
	<p>been registered at will by any implementing agency. The community leaders that are objective cannot be invited in any of the meetings even those we here that World Bank attends. People have been shunned from presenting their views at any forum. Given the degree of less exposure and poverty levels the complainant cannot afford traveling to various offices or even hire a legal representative to that effect. The negative impact is greatly affecting the Children especially the girl child and such consequences remain for generations. The negative impact on the said communities is due to the fact that the respective agencies have not fulfilled their obligations.</p>	<p>and through the community leaders. Since receiving the December 2014 complaint, the Bank has consulted the community on six occasions (including the October mission). Community members have been encouraged to communicate in a language they are most comfortable in (for all the meetings, the Bank team has included members who speak the local languages). The community engagements have been open and efforts have been made to ensure that all participating community members have an opportunity to talk if they so wish.</p> <p>However, as noted above, the October 2015 Bank mission observed that some community leaders, who denied the existence of sexual misconduct and harassment cases, also tried to suppress candid discussions about some of these claims during community meetings. Following the August 2015 mission, focused on more direct engagement with community members and to a lesser extent with community leaders.</p> <p>Following the receipt of the September 2015 Request, and in light of statements therein that some community members had been deliberately excluded during previous Bank-community engagements, a modified approach to community consultations was adopted during the October mission to ensure that a wider range of voices was heard. This entailed: (i) strengthening social development expertise in the task team with the addition of a local child protection specialist in the mission; (ii) using local FM radio broadcasts, local newspapers, and a mobile van equipped with a public address system to inform more community members in advance of the time, place and purpose of planned consultation meetings (iii) holding discussions in the local language and having them facilitated by community members themselves in addition to Bank and UNRA staff; and (iv) giving repeated assurance that all information would be treated confidentially and that the relevant authorities were put on notice to ensure non-retaliation. As a result of the multi-pronged community meeting announcements, the October mission recorded the highest attendance of community members, especially at the Kahunge community meeting.</p> <p>Facilitators at the community meetings have ensured that the allegations of underage sexual activity have been discussed with the community even when the community has indicated preference to discuss compensation only, or community leaders intervening to avoid a discussion.</p>

No.	• Claim	Response
		<p>In the October 2015 community engagement, community members contributed to the agenda of the meeting, and identified a Chair and Secretary.</p>
25.	<p>We are grateful to Joy For Children- Uganda which has always advocated for the Joy For Children and rights of the entire community. This organization has been branded all sorts of names but the little progress seen is due to their reports to your attention. These presented issues need to be kept highly secret and investigations also as there is local political interferences over this project. This is however not the interest of Government but just of individuals. However these state mergers have powers to antagonize those reporting especially heads of institutions and local leaders and Government workers. We thus ask that those signing this complaint be able to remain anonymous with all communication going through Mr. Ntenga Moses at Joy For Children as our representative.</p>	<p>The Bank has maintained communication with JFCU since the receipt of the December 2014 complaint letter.</p> <p>The Bank recommended to UNRA to engage JFCU in the May 2015 mission. In the spirit of the joint mission, the Bank is sharing with JFCU and GoU the May 2015 mission BTOR. The May 2015 BTOR has been shared with both UNRA and JFCU.</p> <p>In April 2015, JFCU requested the Bank to attend a workshop to disseminate the report that it had produced on underage sex and teenage pregnancies along the road. The report indicated that such incidents had increased due to the road works. The Bank agreed to attend such a workshop and proposed possible dates. However, it appeared that JFCU did not pursue the idea of the workshop and did not get back to the Bank on the subject matter.</p> <p>In August 2015, BIC Uganda requested a meeting with the Bank to discuss another report produced by Uganda based NGO “Straight Talk Foundation”. The report focuses on child-related issues and more specifically, made suggestions how children affected by Bank-supported projects should be consulted to ensure their views are reflected</p> <p>Management remains open to constructive engagement with JFCU and welcomes its feedback.</p>

**ANNEX 3:  
FREQUENCY AND COMPOSITION OF IMPLEMENTATION SUPPORT MISSIONS  
TO THE KAMWENGE-FORT PORTAL ROAD**

	<i>Mission</i>	<i>Mission Team Composition</i>
1	October 2013	- Task Team Leader - Highway Engineer - Social Development Specialist - Environmental Specialist
2	May 2014 – Interim mission	- Social Development Specialist - Environmental Specialist
3	June 2014	- Task Team Leader - Transport Specialist - Social Development Specialist - Environmental Specialist
4	September 2014 – Interim mission	- Social Development Specialist - Environmental Specialist
5	November/December 2014	- Task Team Leader - Transport Specialist - Social Development Specialist - Environmental Specialist
6	January 2015	- Task Team Leader - Social Development Specialist - Environmental Specialist - Senior Operations Officer
7	February 2015	- Task Team Leader - Social Development Specialist - Environmental Specialist - Senior Operations Officer - Communications Officers
8	April 2015	- Task Team Leader - Social Development Specialist - Environmental Specialist
9	May 2015	- Task Team Leader - Senior Transport Specialist - Senior Operations Officer - Environmental Specialist - Social Development Specialist - Communications Associate - Social Development Specialist – Consultant - Social Consultant
10	August 2015	- Senior Transport Specialist - Senior Operations Officer - Social Development Specialist – Consultant - Environmental Specialist
11	October 2015	- Task Team Leader - Senior Transport Specialist - Senior Operations Officer



		<ul style="list-style-type: none"> <li>- Social Specialist-Consultant</li> <li>- Environmental Specialist</li> <li>- Social Development Specialist</li> <li>- Communications Associate</li> <li>- Local Child Protection Consultant</li> </ul>
12	November 2015	<ul style="list-style-type: none"> <li>- Practice Director (GSURR)</li> <li>- Practice Manager (GSURR)</li> <li>- Senior Transport Specialist</li> <li>- Senior Operations Officer</li> <li>- Senior Social Specialist</li> <li>- Environmental Specialist</li> <li>- Social Specialist -Consultant</li> <li>- Local Child Protection Consultant</li> <li>- International Child Protection Consultant</li> </ul>
13	December 2015	<ul style="list-style-type: none"> <li>- Practice Director (GTIDR)</li> <li>- Practice Manager (GTIDR)</li> <li>- Senior Transport Specialist</li> <li>- Senior Operations Officer</li> <li>- Social Specialist-Consultant</li> <li>- Environmental Specialist</li> </ul>

**ANNEX 4:  
JOINT ACTION PLAN TO ADDRESS OUTSTANDING ENVIRONMENTAL AND SOCIAL ISSUES (OCTOBER 2015)**

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
<p><b>1. Compensation</b></p>	<ul style="list-style-type: none"> <li>Hire compensation service provider to update the compensation plan and undertake valuations and revaluations after the design review changes</li> <li>Provide timely and adequate compensation to all the Project affected persons including those affected by the design review (Compensate Project Affected Persons (PAPs) with 90 percent target by September 30, 2015; and 100 percent target by December 31, 2015).</li> </ul>	<ul style="list-style-type: none"> <li>Progress on SURVECO (hired compensation service provider) work (including update on review of old compensation claim cases) needed from UNRA. The full SURVECO report, and UNRA update on status of compensation, as well as strip maps with names and chainages need to be provided.</li> <li>UNRA to provide overall updated compensation report before mid-September 2015 with a complete list of community members who have been compensated, full compensation list by chainage and by strip map, those pending and reasons why still unresolved</li> <li>Compensation issues should be resolved along the entire road, and funding released in a timely manner to facilitate timely the Project delivery.</li> <li>Specific issues: confirmation of road reserve; final design alignment, relocation of utilities issues onto people’s land, and communication on when they would all be fully paid.</li> <li>In sections where there are compensation complaints, the Resident Engineer (RE) will sanction</li> </ul>	<p>UNRA SURVECO JBG MOFPED</p>	<ul style="list-style-type: none"> <li><u>80 percent baseline in May 2015</u></li> <li><u>90 percent PAPs paid target by September 30, 2015</u></li> <li><u>100 percent PAPs paid by December 31, 2015</u></li> <li><u>Monthly progress report on compensation due by 15th of every month, next report due October 15, 2015</u></li> <li>Current progress is 85 percent</li> <li>The latest compensation figures as of October 2015 noted 2096 PAPs paid out of 2453.</li> <li>As of October 2015, UNRA indicated that only 3 PAPs from Kahunge had not been paid, awaiting release of funds.</li> <li>UNRA has completed payment of compensation of all the 133 PAPs under supplementary II.</li> <li>SURVECO has completed the work on the ground of preparing strip maps, measuring and in the process of valuing all the compensation claims including preparing a supplementary report and reviewing of old compensation claim complaints.</li> <li>The full SURVECO report, and UNRA supplementary report on status of compensation, as well as strip maps with names and locations has been requested from UNRA with a complete list of community members who have been compensated, those pending and reasons why still unresolved, is still being finalized, and is to be submitted officially by November 16, 2015.</li> <li>In the August 2015 mission, SURVECO indicated that they had finalized the report which would then be shared with UNRA for onward forwarding to the Bank. This has still not taken place. (See revised date</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
		<p>works to continue only after issues have been resolved with complainants, and payment has been effected.</p> <ul style="list-style-type: none"> <li>• Latest compensation figures as of July 2015 noted 2081 the Project affected persons paid out of 2453 documented (85 percent progress)</li> <li>• Verification of 133 PAPs (Supplementary II) has been completed and 123 out of the 133 PAPs there have been paid. Grievance committee in Bigodi has 59 complaint cases registered that need UNRA follow-through with proper information and communication to the community. Details needed in next progress report due October 30, 2015.</li> </ul>		<p>agreed with UNRA in previous bullet point most recent mission).</p> <ul style="list-style-type: none"> <li>• In sections where compensation has not been made, the Supervision Engineer will not sanction works to continue until payment has been effected. The target is to have 100 percent compensation complete by December 31, 2015.</li> <li>• The Final Design Alignment from the Design Review Report of December 2014 is being applied.</li> <li>• Relocation of utilities from the privately owned land of individuals is still pending. UNRA has agreed to relocate all the utilities back to the road reserve by November 15, 2015.</li> <li>• In Bigodi, the October mission was given a list of 56 PAPS that had been paid in Bigodi.</li> <li>• Also in Bigodi, the Grievance committee there were 59 complaint cases registered during the August mission that needed UNRA follow-through with proper information and communication to the community. Details have been provided on these cases, and follow-up was made in the mission of October 12-14, 2015 including a walk-through with affected persons present on the day in Bigodi trading center. (Summary report in October 2015 aide memoire main text).</li> <li>• The SURVECO representative also explained to the Bigodi/Nkingo meeting during the October 2015 mission that both Bigodi and Nkingo are not affected by the road redesign, and realignment.</li> <li>• UNRA/SURVECO have the full list of complaints, that arises out of the GRC complaint log book and the SURVECO specialists have been on the ground to address each one by one. The field visit also confirmed some cases attributable to a communication gap between UNRA/SURVECO and the community. Despite</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
				<p>the existence of GRCs, and the Supervision Engineer’s Social Specialist, there is no structured information sharing platform or feedback mechanism. An example includes the case of a PAP whose house is not in the road reserve but borders one that is in the road reserve and has been compensated.</p> <ul style="list-style-type: none"> <li>• There are two specific outstanding cases on additional land take and injurious affection at km 193+535-193+540, and km 150+750-km 150_850 that require interim measures of temporary relocation/rental arrangements until full compensation payment is affected. The house at km 156 is also another case needing urgent attention due to its proximity to the road.</li> <li>• There is a continuous flow of information and complaints relating to injurious affection. This situation is likely to continue until construction is completed; even when compensation of all identified PAPS is made (current target date is December 31, 2015).</li> </ul>
<p><b>2. Road Safety</b></p>	<ul style="list-style-type: none"> <li>• Erect road signs and install speed control humps especially for the sections of the road that have high pedestrian traffic (e.g., near town centres, and vulnerable areas like schools and hospitals).</li> <li>• Erect proper protective safety barriers around hazardous locations like trenches or culvert openings during construction</li> </ul>	<ul style="list-style-type: none"> <li>• More road signs erected (total number on road now 450)</li> <li>• Speed humps erected between Kamwenge and the forest area. More to be installed. Letter to UNRA included need to address humps, signage and equipment issues immediately. Follow-up with UNRA on these and other related issues ongoing. Updates to be provided on any progress.</li> <li>• Need still exists for more protective safety barriers than single run warning tape around trenches, culvert openings.</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>• Speed control humps have been erected and accompanying signage put in place, especially in densely populated/settlement areas along the whole road, but concentrated more between Kamwenge and the forest (park) area where more construction works have taken place. However more speed humps and signage still need to be installed, and the Contractor was shown a number of locations where these were deficient, and could be added. Signage is also still highly temporary and vandal prone in nature (hand-made plywood signs that are erected without a concrete foundation). The final signs after the road is constructed will be of a more permanent nature.</li> <li>• Flag-men are in place to direct traffic at some active sites, and the Contractor is required to deploy them at all active sites.</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
	<ul style="list-style-type: none"> <li>Educate and issue warnings to contractors' drivers so that they can stop speeding on the road</li> <li>Institute punitive measures for errant contractor's truck and car drivers</li> <li>Ensure that people living in unsafe zones e.g. on overhanging slopes, and near the quarry are compensated and relocated</li> </ul>	<ul style="list-style-type: none"> <li>Special attention still needs to be paid to truck drivers that are still over speeding and overloading, and to dust and noise control with drivers educated and warned on the dangers of speeding.</li> <li>Updates needed on what has been done with the overhanging houses at km 193+540, as well as the house adjacent to the road at km 156, and on houses near the quarries</li> </ul>		<ul style="list-style-type: none"> <li>Among other locations where speed control humps need to be prioritized include km 205-207, and km 195. There is also a very steep and dangerous cut that the Contractor has made in the road at km 193+800 that needs urgent redress to avoid a potential safety-related accidents. The situation of the houses in precarious situation at km 193+535-193+540, and km 150+750-km 150_850, as well as km 156 is being resolved as stated in the section on Compensation.</li> <li>Safety barriers have not been used to secure trenches and culvert openings. Instead the Contractor is using reflective tape (single-run) which is inadequate and unacceptable on safety grounds. Urgent redress needed. Notice to Correct Letter of October 21, 2015 highlights safety issues that need urgent attention of the Contractor.</li> <li>Over-speeding by the Contractor's truck drivers still exists. Apparently no punitive measures have been instituted against the errant drivers. The Contractor reports water sprinkling of major towns to suppress dust; and though the mission came across water bow-sers sprinkling the dusty road sections, the communities reported occasional (not regular) watering.</li> </ul>
<p><b>3. Child protection</b></p>	<ul style="list-style-type: none"> <li>Expand the role of the HIV service provider to include direct address of child related sexual abuse issues in their sensitization campaigns along the road the Project including collaboration with other health centres and</li> </ul>	<ul style="list-style-type: none"> <li>Official letter (dated 18-Jun-15) has been sent out to Ministry of Finance, Planning and Economic Development (MoFPED), and to UNRA highlighting the child sexual abuse cases and related issues, urging for follow-up in accordance to the law, and requesting sharing of this information with relevant institutions and government line ministries responsible for child protection</li> </ul>	<p>MOFPED Police UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li><u>Expansion of HIV service provider scope by September 30, 2015</u></li> <li><u>Zero tolerance materials to be prepared and displayed by October 31, 2015</u></li> <li>Contractor informed the Mission that he had convened informed and sensitized workers on 3 separate occasions. Actual dates and meeting notes to be provided by October 30, 2015.</li> <li>ToRs for an expanded role of the HIV Service Provider to include Child Protection service and request for financial approval for the service was submitted to the Bank by UNRA in October 2015 and was reviewed and</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
	<p>sensitization in schools</p> <ul style="list-style-type: none"> <li>• Prepare information materials in the form of brochures, posters and billboards/signposts that indicate zero tolerance of child abuse and child labor, and display in prominent places including contractor’s camp and workers’ site stations as well as schools, and the health clinic.</li> <li>• Convene, inform and sensitize contractor’s workers on the criminality and unacceptability of child sexual abuse</li> <li>• Ensure no child labor in contractor’s work force</li> </ul>	<ul style="list-style-type: none"> <li>• Official letter (dated 1-Jul-15) written to the Bigodi community on latest progress on this issue</li> <li>• Discussions with service provider ongoing to expand scope of work to include child protection issues.</li> <li>• Information materials on zero tolerance of child abuse and child labor not yet prepared and displayed.</li> <li>• RE’s Social Specialist informed the mission that the Contractor’s workers convened, informed and sensitized in 3 meetings</li> <li>• RE and his staff are continuously checking to ensure that no child labor is involved in undertaking the civil works but no cases noted to date.</li> </ul>		<p>given a No-Objection by the Bank at the end of the October 2015 mission.</p> <ul style="list-style-type: none"> <li>• The expansion of the role of the HIV service provider includes Implementation of a child protection program that includes but is not limited to:               <ul style="list-style-type: none"> <li>(i) Sensitizing the contractor and the contractor’s workers on the criminality and unacceptability of child sexual abuse, child marriages, child labor, etc.</li> <li>(ii) Preparing information materials in the form of brochures, posters and billboards/signposts that indicate zero tolerance of child abuse and child labor and display them in prominent places including contractor’s camp and workers’ site stations as well as health clinics, other public places etc.</li> <li>(iii) Running radio programs such as talk shows to raise awareness on child protection issues</li> <li>(iv) Organizing community events such as football matches, drama and music shows on a child protection theme</li> <li>(v) Establishing a hotline between the community and the police along the road the Project for reporting child abuse cases</li> <li>(vi) Holding community dialogue sessions on the drivers of child abuse and agreeing on actions within the reach of community for its prevention and mitigation</li> <li>(vii) Mobilizing and orienting parents, guardians, community leaders, local councils (LCs), Village Health teams, crime preventers, etc, on their role in child protection such as reporting cases to police, giving evidence in courts of law, disciplining children and how to communicate to children on sexuality issues, providing basic necessities to children, etc.</li> <li>(viii) Partnering with schools to ensure school based life skills education is implemented and children who</li> </ul> </li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
				<p>have been abused are reintegrated in schools, preventing violence in schools which contributes to dropping out of school and going into early marriages</p> <ul style="list-style-type: none"> <li>(ix) Linking poor and vulnerable households with children to opportunities for IGAs (Income Generating Activities)</li> <li>(x) Following up cases of child sexual abuse and ensuring they are reported to police</li> <li>(xi) Engaging with the police and advocating that they play their role in child protection such as promptly arresting and arraigning in courts of law perpetrators of child abuse</li> <li>(xii) Establishing a referral mechanism to ensure that victims of child abuse access child friendly services such as ANC (Ante-natal care), elimination of mother transmission of HIV (EMTCT), psychosocial support, etc.</li> <li>(xiii) Orienting health and other relevant workers on provision of child /youth friendly services</li> <li>(xiv) Promoting male involvement in child protection, orienting child mentors and Identifying champions of child protection and awarding them tokens of recognition</li> <li>(xv) Linking victims of sexual abuse to legal services provided by agencies such as FIDA ( Federation of Women Lawyers )</li> <li>(xvi) Establishing a partnership framework involving government agencies/departments, health facilities, Village Health Teams, CSOs/NGOs/community based organizations, Toro Kingdom, the contractor, youth groups, etc. for addressing the multi-faceted structural, behavioral and biomedical drivers of HIV and issues like child/teenage pregnancies</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
				<p>(xvii) Reaching out to the district political and technical leadership on their role in preventing and mitigating child abuse in the Project area</p> <p>(xviii) Supporting local governments to pass relevant by-laws that contribute to child protection</p> <ul style="list-style-type: none"> <li>• UNRA has also written to the MoGLSD to intervene and support in social and labor issues. In addition, UNRA has written to the Uganda Police Force to follow up and investigate all alleged child-abuse cases and bring any culprits to book.</li> <li>• The Supervision Engineer and his staff are closely monitoring to ensure that there is no child labor in undertaking the civil works. Both have indicated that so far no cases have been noted. This was confirmed by the Bigodi Police during the mission of August 2015.</li> <li>• The Bank is also exploring opportunities for working with counterpart NGOs working on child protection in the Project area. This will ensure continuity of child protection efforts.</li> <li>• UNRA has also sought audience with JFCU (October 6, 2015) and acknowledged the need to work with NGOs. UNRA committed to attend to issues that have been flagged out in close collaboration and monitoring of JFCU... UNRA acknowledged the productivity of this meeting and the role NGOs can play in relating with communities and indicated willingness to continue the relationship.</li> <li>• Initiatives to sensitize workers on child rights have commenced. Child rights and community responsibility posters (IEC materials) have been posted in public places along the road including schools, community halls, trading centres, campsite, some schools, etc.</li> </ul>



Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
				<ul style="list-style-type: none"> <li>• The Supervision Engineer’s Social Specialist informed the mission that the Contractor’s workers were convened, informed and sensitized on implications of child rights violations in 3 meetings.</li> <li>• The World Bank has hired 2 consultants (one local and one international) to focus on the issue of child protection in the Project area. The final output of this consultancy is a robust program to address the issue of child protection in the Project area. The program will borrow from the concept of combination HIV prevention and will address structural, behavioral and biomedical issues surrounding child protection. The associated report is expected to outline the drivers of child abuse and recommend appropriate mitigation measures. Appropriate partnerships for implementing and monitoring this program at the community level will be established. Community engagement models with a high probability of causing behavior change and ensuring sustainability such as community dialogue and community driven development (CDD) will be employed.</li> <li>• In September 2015, officials from the Ministry of Gender, Labour and Social Development (MoGLSD) fielded a fact-finding mission to the Fort Portal-Kamwenge Road, and respective districts to ascertain the allegations on child sexual abuse, and sexual harassment. They will prepare a report that will be shared with UNRA. The Bank requested for a copy of this report when received by UNRA.</li> <li>• The health care providers at the Bigodi Health Center confirm handling a number of underage pregnancies even before the road the Project started. They have consistently indicated that there has not been a noticeable increase in the number of underage pregnancies as a result of the road works. According to their</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
				<p>medical records, most of the underage related pregnancies are not associated to road workers but to men/boys within the community.</p> <ul style="list-style-type: none"> <li>During the October 2015 Mission, two meetings were convened with the Kamwenge and Kabarole District Technical and Political leadership, where they recognized the gap between the initial UNRA engagement at the beginning of the Project and issues that have emerged. Both District leaderships committed their mandated roles, and to working together with UNRA, the Contractor and the Supervision Engineer in addressing the issues related to address alleged child abuse, and other the Project related impacts.</li> </ul>
<p><b>4. Employment Contracts &amp; Workman's Compensation Insurance</b></p>	<ul style="list-style-type: none"> <li>Provide employees with information about their rights such as insurance coverage and how to pursue insurance claims.</li> <li>RE and the CRSG to prepare comprehensive employment contracts that adequately address the rights of workers as well as the rights and obligations of the CRSG with provisions for workman's compensation in case of injury while on the job.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor prepared revised contract agreements found acceptable by the Resident Engineer and signed with 250 workers. Contractor reported that workers are informed of their rights at signing.</li> <li>Compensation checks for the two victims noted were issued. However there was a dispute over the amounts. Worker who suffered deep cut on right leg, compensated and proof documented. Worker who suffered eye cut got claim filed, but no compensation proof in latest June report.</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li><u>Update on the two compensation victims by October 30, 2015</u></li> <li><u>Accident log and status to be submitted by the 15<sup>th</sup> of every month, next report due October 15, 2015</u></li> <li>During the October 2015 mission, the team reviewed the actual signed contract of a sample of employees and noted that a key page that indicates the salary amount applicable for a specific worker was excluded. This is not what was cleared by the Engineer. The contractors' explanation was that the salary scales of all categories of workers were included in the Annex of the contract and thus specifying the category and amount applicable to each employee at signing of the contract is not required. The contractor's action of changing the agreed format of contracts erodes the basic principle of contractual undertakings which is trust. Furthermore, as a result of interviews conducted with a few workers, it was revealed that many workers have signed the new contract agreements without being informed of their rights and obligations at signing. The Bank insisted on</li> </ul>

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	<ul style="list-style-type: none"> <li>Prepare accident log and status on follow-up of claims</li> </ul>			<p>the need for immediate and appropriate contractual remedies. Accordingly, UNRA and the supervision engineer issued the contractor a Notice to Correct on October 21, 2015.</p> <ul style="list-style-type: none"> <li>Compensation proof for Tugume Medard who suffered eye injury was availed to the mission by UNRA, and it is dated May 29, 2015.</li> <li>Accident Log running from January 2014 to September 2015 was submitted to the Mission by UNRA during the October 2015 mission. The information in the accidents log is not complete and seems to be omitting some accidents related to the Project especially those that have been reported in community meetings but not recorded anywhere. Notable are two incidents of death picked, one from the accident log and one from the Community Meeting at Kyabyoma Church. The Accident log indicates one driver who was caught stealing fuel and shot dead by a Security Guard but NO other details on the incident are available. A case of a Child that was reported by the Community to have drowned in an excavation in the road (cut to fill pit) at Businge village does not appear in the accident log. UNRA is required to review and follow up on all the criminal related the Project incidents and accidents by involving the Uganda Police Force to investigate and take appropriate lawful action.</li> </ul>
<p><b>5. Sexual Harassment</b></p>	<ul style="list-style-type: none"> <li>This issue was highlighted in the complaint received in September 2015, noting sexual harassment by both Chinese and local workers of the Contractor.</li> </ul>	<ul style="list-style-type: none"> <li>Not picked up as an issue in this mission</li> </ul>	<p>UNRA CRSG JBG Police MoGLSD</p>	<ul style="list-style-type: none"> <li>This issue was raised in the complaint received before the October mission, and added to the mission objectives as needing follow-up.</li> <li>Some mission team members met and discussed with 12 female workers which revealed and confirmed sexual harassment from their male counterparts</li> </ul>

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	<ul style="list-style-type: none"> <li>A full investigation is needed by police and the MoGLSD</li> <li>Contractor needs to institute a zero tolerance policy towards sexual harassment and implement it</li> <li>Update of female workers log needed to monitor trends</li> </ul>			<ul style="list-style-type: none"> <li>Mission recommended police investigation of the matter to UNRA, and need for action to be taken accordingly in line with the laws of Uganda</li> <li>Need for a monthly log of the number of female workers, numbers joining and numbers leaving to monitor trend</li> <li>MoGLSD visited Kamwenge and Fort Portal Districts , and some schools to discuss and establish the problems raised by the community on sexual abuse matters</li> <li>UNRA has also written to the MoGLSD to intervene and support in these matters. UNRSA has also written to the Police to undertake investigations and bring all perpetrators to book, since this is a criminal act under the Ugandan law provisions.</li> </ul>
<b>6. Workers ID</b>	<ul style="list-style-type: none"> <li>Issue contractors' workers with IDs for easy identification by the public</li> <li>Ask workers to have their IDs on them at all times while working on the road</li> </ul>	<ul style="list-style-type: none"> <li>IDs have been issued to the contractor's workers and presentation of IDs is a requirement before starting work in the morning, actual percentage of staff with IDs to be determined based on info from UNRA received from the Resident Engineer (RE).</li> </ul>	UNRA CRSG JBG	<ul style="list-style-type: none"> <li><u>ID status report including percentages needed by October 30, 2015</u></li> <li>Although the contractor had previously reported that 95 % of the 290 staff had received IDs the evidence provided indicates that only 81 % of the staff was provided with the IDs. The Contractor was requested by the Supervision Engineer to issue the remaining IDs under the Engineer's Notice to Correct letter of October 21, 2015.</li> </ul>
<b>7. General Health and Safety Issues</b>	<ul style="list-style-type: none"> <li>Ensure that workers are provided with, and are using the appropriate Personal Protection Equipment (PPE)</li> <li>CRSG to regularly water the dusty road especially within the town centres.</li> </ul>	<ul style="list-style-type: none"> <li>Safety training carried out during the month of June for all contractor's workers on health hazards at the workplace, gender sensitization of laborers, and training on use of and management of heavy equipment; and quarry operators on health and safety risk management.</li> <li>PPE equipment provided to workers (helmets, safety boots and</li> </ul>	UNRA CRSG JBG	<ul style="list-style-type: none"> <li><u>Updates on provision and use of PPE, watering of road, mobilization of new equipment needed by October 30, 2015.</u></li> <li><u>Monthly report to be provided by 15<sup>th</sup> of every month.</u></li> <li>Though there is improved provision and use of PPE, some useful PPE is still lacking, e.g. ear muffs for noise pollution-mitigation at the quarry and dust masks at the quarry / flag-men/women undertaking traffic control along the dusty sections of the road.</li> </ul>

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	<ul style="list-style-type: none"> <li>• CRSG to mobilize additional new equipment (new) to the site.</li> <li>• Recruitment of social and environmental specialists to provide a seamless communication link with the community</li> <li>• Contractor to have a Health and Safety Specialist who takes care of these issues, and sensitizes workers and community members on the same.</li> <li>• Contractor to provide proper and adequate water and sanitation facilities for workers at the main camp, quarries and other work sites</li> </ul>	<p>shoes, face masks, gloves, uniforms) –Special attention still needed to ensure it is being used by the workers</p> <ul style="list-style-type: none"> <li>• New mobile toilets purchased and installed in the field for use by workers (information on number and locations need to be provided).</li> <li>• New pit latrine provided for workers in the main camp and repair of latrine in the quarry at km 147+700 RHS.</li> <li>• Contractor equipment mobilization update needed from Resident Engineer.</li> <li>• Social Specialist contracted, working full time on the Project under the Resident Engineer. An environmental specialist (ES) was also hired under the RE. The Contractor has also contracted a Health and Safety Officer. All three are supporting related interventions, monitoring and reporting on their respective areas. Social and environment reports are received as part of the June 2015 progress reports. The site meeting minutes with contractor officials are included.</li> <li>• Health and Safety Officer hired and working on awareness and sensitization of contractors’ workers, and also preparing monthly</li> </ul>		<p>The Contractor shall provide this with immediate effect. The sanitation facilities at the camp and equipment yard still need further improvement. There is still no first aid service to the workers and the clinic at the camp only reportedly serves expatriate workers which is tantamount to discrimination. UNRA shall follow up on this matter in conjunction with the District Labour Officers of Kamwenge and Kabarole Local Governments and Department of Occupational Safety &amp; Health and ensure compliance with contractual obligations.</p> <ul style="list-style-type: none"> <li>• The On top of the three safeguards staff, the Contractor has Environmental Officer who was hired since 2014 and works closely with Supervising Consultant’s ES. The Supervising Consultant’s Social Specialist is however reported not to be very regular/present on-site.</li> </ul>

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		<p>reports. Health and safety officer has not but needs to sensitize parents too.</p> <ul style="list-style-type: none"> <li>• Health and Safety Policy revised and displayed for workers to access.</li> <li>• UNRA to provide a list of all the damages and injuries in Bigodi and along the entire road, and actions taken for each case.</li> </ul>		
<p><b>8. Grievance Redress Mechanisms</b></p>	<ul style="list-style-type: none"> <li>• Set up Grievance Redress Committees constituted of the local community leaders and people to address arising the Project concerns including but not limited to compensation</li> </ul>	<ul style="list-style-type: none"> <li>• Location specific grievance Redress Committees were set up in different locations; Bigodi, Kahunge, Rweteera, Kamwenge, Ihani A, Bukwari. Planning to establish one more on the Fort Portal end of the road.</li> <li>• GRC has facilitated the review of land acquisition issues by the land compensation consultants SURVECO.</li> <li>• GRC functioning report required but not yet received</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>• <u>Detailed Grievance Redress Committee report required by 15<sup>th</sup> of every month, next report due October 15, 2015</u></li> <li>• Location specific grievance Redress Committees were set up in 12 village locations (Bigodi, Kahunge, Rweteera, Kamwenge, Ihani A, Bukwari, Burunda, Rurama, Rukunyu, Rugonjo, Kyabyoma, Bukonderwa), and two apex GRCs at Kamwenge and Kabarole Districts. Planning to establish one more on the Fort Portal end of the road.</li> <li>• GRC has facilitated the review of land acquisition issues by the land compensation consultants SURVECO.</li> <li>• GRC functioning report requested but not yet received</li> <li>• Grievance Redress Committees are meant to ensure that there is a community-led system to process community concerns. In Bigodi, GRC meets every Saturday. The community indicated that the biggest gap at the moment is providing regular feedback to the community on the road progress as well as the status of compensation payments as they rely on UNRA to provide such information.</li> <li>• Training of new GRCs on their roles, functions, and responsibilities, as well as more refresher training of</li> </ul>

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				<p>older GRCs needs to be undertaken by the Social Specialist of JBG.</p> <ul style="list-style-type: none"> <li>Facilitation as promised by UNRA in the form of stationery (counter books and pens) needs to be provided to help GRCs perform their duties effectively.</li> </ul>
<p><b>9. Communication</b></p>	<ul style="list-style-type: none"> <li>UNRA to develop a comprehensive communication plan that would sensitize the community about the Project in general, as well as outline the activities to be carried out to facilitate improved access to information on compensation, Grievance Redress Committee and other related matters for better communication with the community (Incl. monthly meeting with the community facilitated by the compensation service provider and the social and environmental staff; communication materials, including compensation FAQs in local language, disseminated through appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Supervision Engineering Consultant undertaking coordination between community, grievance redress committees, RE's office, UNRA and contractor; logging all complaints or claims as they come in and forwards to the appropriate parties to address. Link with SURVECO also important and to be documented.</li> <li>Social, Environmental and Health and Safety specialists recruited as detailed previously, and are continuously engaged with the community on the concerns in their areas of expertise and referring issues to RE and Contractor as they come up for follow-up.</li> <li>The Communication Plan needs to be developed by UNRA and carried out by CRSG and the RE and collaborated with the surveying company SURVECO on compensation issues.</li> <li>Though this was initially considered for Bigodi, similar communication plan should be developed for other trading centres as issues related to compensation (lack of</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>Communication plan by October 30, 2015</li> <li>Communication update report by 30<sup>th</sup> of every month after the communication plan is launched; first report due November 30, 2015</li> <li>UNRA has filled the position of the Communications Officer to fast-track communications surrounding the suspension, and the entire the Project and to ensure that GoU and the Bank communications are consistent and that our actions are based on a set of shared concerns. The Communications team will work closely with the social development team as most communications gaps identified are of social nature.</li> <li>UNRA to communicate the reason for the suspension, being, the severe breach of contract in more than 15 areas by the Contractor and that there is official investigation into the alleged crimes.</li> <li>UNRA to ensure there is no retaliation towards the workers or community members who have complained going forward by re-assuring the communities that despite the suspension of disbursement, the road will be completed and in a way that is respectful, not harmful, to the communities, as well as monitoring the actions of the RE and the CRSG for effective implementation.</li> </ul>

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	<p>mediums; and HIV/AIDS sensitization program (i.e., awareness campaign).</p> <ul style="list-style-type: none"> <li>• UNRA to monitor effective implementation by the RE and the CRSG.</li> <li>• Recruitment of social and environmental specialists to provide a seamless communication link with the community</li> </ul>	<p>information) are similar to those of Bigodi. More communication to the communities needed from UNRA on compensation and from Contractor on his work program activities.</p>		
<p><b>10. HIV/AIDS sensitization, awareness and education</b></p>	<ul style="list-style-type: none"> <li>• Contract an HIV/AIDS service provider to carry out sensitization, awareness and education campaigns, and to also run a clinic along the Project road to attend to the workers and local community on health related matters</li> </ul>	<ul style="list-style-type: none"> <li>• Health service provider WSS Services Limited selected and providing HIV testing, counselling and treatment, as well as general health attendance to workers and the community. The provider's clinic site is located at Rukunyu trading centre Km 153.</li> <li>• Provider also carrying out sensitization campaigns. Provider needs to be supported to sustain trust of the community and avoid interruption of services. Supervision of District Health Office necessary.</li> <li>• Provider to include sensitization campaigns in schools, and also work collaboratively with other health centres</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>• <u>Report of service provider activities to be provided by the 15<sup>th</sup> of every month, next report required October 15, 2015</u></li> <li>• Full report of campaigns and interventions of provider to be received from UNRA through RE's office – August 2015 report received</li> <li>• WSS Clinic in place and operational for HIV / AIDS Interventions. Activities had stalled due to non-payment;</li> <li>• HIV/AIDS signage and billboards erected and displayed in contractor's camps, work sites and major trading centres: 15 sign posts erected (All 12 Trading centres, 1 Camp Sites and 2 Quarry sites)</li> <li>• These have been appreciated by the community as documented in the August 2015 BTOR, and are acting as strong messaging tools in the fight against HIV/AIDS spread. They are well positioned to reach a captive audience and are provided in both English and the local languages.</li> </ul>



Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
		<ul style="list-style-type: none"> <li>• Full report of campaigns and interventions of provider to be received from UNRA through RE's office.</li> <li>• HIV/AIDS signage and billboards erected and displayed in contractor's camps, work sites and major trading centres.</li> </ul>		<ul style="list-style-type: none"> <li>• In addition, Child rights and community responsibility posters (IEC materials) have been printed and posted in public places along the road including schools, community halls, trading centres, campsite, etc.</li> <li>• During the October 2015 mission, the Bank required that Contractor makes payment to the HIV/AIDS service provider from the existing funds. The contractor promised to pay the contractor during the week ending 16 October 2015. August report was submitted to UNRA and shared with the Bank on October 2015. This indicated training of peer educators, sensitizing workers and communities, undertaking voluntary testing and counselling.</li> <li>• Did not report outreach to schools</li> <li>• Reported planned targeting of schools in the month of September going forward. There was no report for September submitted. To be requested again.</li> <li>• WSS Services Limited provides, without discrimination, HIV testing, counselling and treatment, as well as general health attendance to all workers (both local and expatriate), and to the community. The provider's clinic site is located at Rukunyu trading center Km 153.</li> <li>• The Provider also carries out HIV/AIDS education and sensitization campaigns through community outreach. Information Education and Communication (IEC) materials have also been prepared and distributed. The Provider needs to be supported to sustain the trust of the community and avoid interruption of services. Close collaboration with and supervision of WSS by the District Health Office is necessary, and has been requested, and commitment given in a meeting held with the District authorities in both</li> </ul>

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				<p>Kamwenge and Fort Portal on October 13, 2015. This advice has been provided to UNRA.</p> <ul style="list-style-type: none"> <li>• HIV/AIDS message posts, and 15 billboards have been prepared, and displayed in contractor’s camps, work sites and major trading centres.</li> <li>• Through the on-going Presidential Initiative on AIDs Strategy for Communication to the Youth (PIASCY), all schools in Uganda and specifically in Kamwenge and Kabarole District schools are implementing HIV/AIDS prevention and mitigation. All the schools (Bigodi S.S, Rwengobe Primary School and Bigodi Primary School) visited during the October 2015 and other previous missions implement this program.</li> <li>• During the October 2015 Mission, two meetings were convened with Kamwenge and Kabarole District Technical and Political leadership, where they recognized the gap between the initial UNRA engagement at the beginning of the Project and issues that have emerged. Both District leaderships committed their mandated roles, and to work with UNRA, the Contractor and the Supervision Engineer in addressing the issues related to alleged child abuse amongst other the Project related impacts.</li> </ul>
<p><b>11. Proper operation of borrow pits and quarries</b></p>	<ul style="list-style-type: none"> <li>• Ensure borrow pits and quarries are run safely with no open dangerous trenches, with dust control, noise control, vibration control, evacuating people living very closely, and warnings to people living in the vicinity on when</li> </ul>	<ul style="list-style-type: none"> <li>• Wet crushing still not used for crusher in Kamwenge. No night crushing to be done until NEMA provides the requisite approval.</li> <li>• Proper toilet provisions with water facilities, lighting still needed at all operational sites</li> <li>• Disposal of waste materials not yet done in accordance with NEMA approvals at some sites.</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>• <u>Update on borrow pits and quarry licensing and operational issues by the 15<sup>th</sup> of every month, next report required by October 15, 2015</u></li> <li>• Busimba-Bigodi and Katooma quarries were closed and under restoration. Complete restoration is expected by November 30, 2015.</li> <li>• New stone quarry has been granted environmental approval and is located 10km from Kiko Crusher site (Km 203+800 LHS) along Fort Portal – Kyenjojo Road at Busoro Village, Busoro Sub County, and Kabarole District.</li> </ul>

Issue	Key Actions	August - September 2015 Status	Responsible Institutions	October 2015 Status
	<p>blasting is to take place at quarries</p> <ul style="list-style-type: none"> <li>• Need for use of wet crushing for crusher in Kamwenge.</li> </ul>	<ul style="list-style-type: none"> <li>• The quarry at 147 + 700 was approved by NEMA – Certificate dated 1<sup>st</sup> September 2014</li> <li>• Kiko Quarry (Certificate request made to NEMA). If no license provided will need to close.</li> <li>• Bigodi Stone Quarry (Being restored)</li> <li>• Quarry at Katooma (km 159) being restored since it didn't have the requisite permissions to be opened.</li> <li>• Updates needed on contractor compliance with dust, noise, vibration, and warnings requirements.</li> </ul>		<ul style="list-style-type: none"> <li>• The Kiko Crusher site (Km 203+800 LHS) has also been granted environmental approval by the Environment Agency for crushing boulders from Busoro quarry.</li> <li>• The Mission has recommended halting of any operations at the new Busoro stone quarry and Kiko crusher site until satisfactory compliance is attained and all compensation complaints have been addressed at Kamwenge Stone Quarry. Secondly, UNRA shall secure commitment from NEMA and Kabarole District Local Government to monitor and enforce compliance to Conditions of approval indicated in the EIA Certificate. And thirdly, all PAPs within a radius of 500 meters shall be compensated before start of any operations at the new quarry.</li> <li>• Wet crushing is now being undertaken at Kamwenge quarry/crusher at Km147 + 700, though the community still complains of dust from the quarry. Night crushing has been stopped and restricted to day time (07:00 – 18:00 hrs). Blasting protocol following warning requirements is reportedly observed though the community claims not to be given adequate warning time prior to stone blasts. The Mission recommends UNRA to mobilize the government institutions that undertook the joint environmental compliance audit in July 2014 to undertake a follow up audit of the quarry and verify the extent to which the agreed actions have been implemented and cause further corrective action where necessary.</li> </ul>
<p><b>12. Drainage and Access issues</b></p>	<ul style="list-style-type: none"> <li>• Ensure that contractor does not dig up the road and cause runoff water to drain into peoples' lands, houses and business premises</li> </ul>	<ul style="list-style-type: none"> <li>• Situation has improved significantly. Most access culverts have been installed, and access is available to the community. Only one house was noted during the most</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>• <u>Update on drainage and access issues by the 15<sup>th</sup> of every month, next report required by October 15, 2015</u></li> <li>• Situation of access provision was noted on as having improved significantly between May 2015 and August 2015. With earlier cases identified the August mission noted in its site visit that all access culverts had been</li> </ul>

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	<ul style="list-style-type: none"> <li>Ensure that the contractor on excavating the side drains or cutting of slopes does not leave adjacent lying land//houses cut off from the main road access</li> </ul>	<p>recent site visit as still having an issue, and this is to be urgently addressed by the RE and Contractor.</p>		<p>installed, and access is available to the community with only one house noted during the most recent site visit as still having an issue and this was indicated to the Supervision Engineer and Contractor for urgent redress. The Contractor was commended for the restoration efforts by the community in the August 26, 2015 meeting. These accesses were related to access culvert provisions in cut side drains. However there appears still to be a need for service access road provisions especially for people residing in urbanized areas where the urban drains have been installed, and for properties of those affected by the road due to high embankments. These are priority actions that have been signaled to UNRA, JBG and the Contractor and will be followed up under the implementation support.</p>
<p><b>13. Work Progress Delay issues</b></p>	<ul style="list-style-type: none"> <li>Enforce contractor adherence to work program and new equipment resource mobilization to ensure that the road is completed on time</li> <li>Prepare a revised realistic work plan, and begin process for justification of extension of time as necessary</li> </ul>	<ul style="list-style-type: none"> <li>RE’s monthly progress report of June 2015 indicates 43 percent progress versus 85 percent time completed</li> </ul>	<p>UNRA CRSG JBG</p>	<ul style="list-style-type: none"> <li>Update in RE’s monthly progress reports</li> <li>Contractor has still not fully mobilized all equipment necessary to deliver on the work program , and this has been indicated in the Engineer’s Notice to Correct</li> <li>Work program estimates with full resource mobilization indicate that works would go beyond the current Project closing date of January 31, 2016. The Contractor has submitted a request to JBG for extension of time citing compensation delays but JBG has not approved this request since they believe it is not justified. The Contractor has never had any equipment lying idle due to the lack of a site section to work on.</li> <li>The Contractor also has manpower issues without a competent pavement engineer, and with non-fully functional equipment e.g. the chip spreader which puts the quality of works at risk. This has also been flagged in the Notice to Correct, and in the October 2015 mission discussions with the Resident Engineer JBG, and the Contractor.</li> </ul>

