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ABRIDGED VERSION

ANNUAL STATUS REPORT ON POLICING IN UGANDA

**IN SEARCH OF ACCOUNTABLE, RESPONSIVE, PROFESSIONAL
AND HUMAN RIGHTS-CENTRED POLICING IN UGANDA**

2023

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1.0 INTRODUCTION

This document is an abridged version of the Annual Status Report on the State of Policing in Uganda entitled *In Search for an Accountable, Responsive, Professional and Human Rights-centered Policing in Uganda*. In the post-colonial era, there have been some efforts to address shortfalls within the police force and to supplant colonial policing with democratic policing. While some reform efforts have yielded tangible results, much is still desired in achieving democratic policing. This report gives an account of the state of policing in Uganda based on the stakeholders' perceptions of the police discharge of its mandate, police accountability, responsiveness, professionalism, and respect for human rights by the Uganda Police Force. The report also examines the adequacy of the existing policy and legal and institutional framework to provide democratic and accountable policing in Uganda.

2.0 THE RESEARCH OBJECTIVES

2.1 General Objective

To contribute empirical data on the state of policing in Uganda, provide and support national discourse on making the Uganda Police Force an Accountable, Responsive, Professional, and Human Rights-Centered institution.

2.2 Specific Objectives

1. To establish the respondents' perceptions on UPF's execution of its mandate.
2. To establish the perceptions of the stakeholders on the level of police accountability, human rights, responsiveness and professionalism of the Uganda Police Force.
3. To assess the adequacy of the existing legal, policy and institutional framework supporting police accountability, human rights, responsiveness and professionalism of the Uganda Police Force.

3.0 THE METHODOLOGY

The study used both qualitative and quantitative methodologies. Data was drawn from primary and secondary sources of information, which were relied upon to facilitate the collection of data for the compilation of this report. A series of methods and tools of data collection, including desk review, semi-structured questionnaires, key informant interviews (KII), and case studies from field missions by commissioned monitors, were utilised, and data from the different sources was triangulated. Descriptive statistics and content analysis were applied to analyse data collected for the study.

3.1 Key Areas of Assessment

3.1.1 Mandate of the Uganda Police Force

The majority of the respondents (60.7%) disagreed with the contention that UPF fulfilled its mandate. Only 16.4% of the respondents agreed that UPF fulfilled its mandate, while 23% neither disagreed nor agreed. The overall mean score on the Uganda police mandate on a five-point Likert Scale (Strongly Disagree = 1, Disagree = 2, Neither Agree nor Disagree = 3, Agree = 4, Strongly Agree = 5) was 2.48.

The individual items on how the Police executed its mandate were scored as follows: protection of the Life and property of the citizens (mean score 2.5), prevention and detection of crimes (mean score 2.8) in the country, keeping law and order (mean score 2.2), and the maintenance of overall security and public safety (mean score 2.4) in the country all of which constitute its core mandate. This implies that most respondents felt that UPF needed to do more on all four items in the delivery of its mandate.

3.1.2 Human Rights

The majority of the respondents (75 %) disagreed with the contention that UPF upholds human rights. Only 6.4% of the respondents agreed that UPF upholds human rights, while 18.6% neither disagreed nor agreed. The overall mean score on human rights and freedoms was 2.2 on a five-point Likert scale (Strongly Disagree = 1, Disagree 2, Neither Agree nor Disagree=3, Agree = 4, Strongly Agree = 5). The individual scores on respect and protection of human rights by Uganda police force were scored as follows: protection from torture, inhuman and degrading treatment (mean score = 1.0); desist from arbitrarily arrests and detention (mean score = 2.1); respect of the 48-hour rule (mean score = 2.1); presumption of innocence in dealing with suspects (mean score = 2.2); the right of a suspect to be accessed by their next of kin, lawyer and personal doctor (mean score = 2.2); right of suspects to be notified of the charges in a language one understands (mean score = 2.4); respects the right to privacy during searches and investigations (mean score = 2.2); accords equal treatment to all persons (mean score = 2.2); respect and protects freedom of assembly (mean score = 1.88);

respects and protects the right to Life (mean score = 4.0); respects and protection from enforced disappearance (mean score = 1.7); respects and protects freedom of expression (mean score = 2.6) , respect and protect freedom of association (mean score = 2.0), and general respect of human rights by the Police (mean score = 2.5)

3.1.3 Accountability

The majority of the respondents (80.7 %) disagreed with the contention that accountability processes and mechanisms within UPF were satisfactory. In comparison, 19.3% neither disagreed nor agreed that accountability processes and mechanisms within UPF were satisfactory. The overall mean score on human rights and freedoms was 2.16 on a five-point Likert scale (Strongly Disagree = 1, Disagree = 2, Neither Agree nor Disagree=3, Agree = 4, Strongly Agree = 5).

The individual scores on having a more accountable Uganda Police Force were as follows: prompt handling of cases of police misconduct (mean score = 2.0); ease of filing complainants to the UPF accountability mechanisms (mean score = 2.2); accessibility of the public to the existing UPF accountability mechanisms (mean score = 2.0); independence of the existing accountability mechanisms within UPF (mean score = 1.66), and transparency of police accountability mechanisms (mean score = 2.3) and feedback on accountability processes (mean score = 2.8).

3.1.4 Professionalism

The majority of the respondents (57.1 %) disagreed with the contention that the UPF is run as a professional institution. Only 7.9% of the respondents agreed that the UPF is run as a professional institution, while 37% neither disagreed nor agreed. The overall mean score on human rights and freedoms was 2.47 on a five-point Likert scale (Strongly Disagree = 1, Disagree= 2, Neither Agree nor Disagree=3, Agree = 4, Strongly Agree = 5).

The individual scores on having a more professional Uganda Police Force were as follows: recruitment of personnel transparently and openly (mean score = 4.3); UPF Personnel exhibit skills and experience in execution of their duties (mean score = 2.31); UPF staff are appointed and promoted based on merit (mean score = 1.24); UPF leadership and management is in the hands of career police officers (mean score = 2.64); UPF has professional autonomy from other security agencies in the conduct of its work (mean score = 1.2); professional management of police operations (mean score = 3.15); UPF personnel do not engage in corrupt and unethical practices in the course of their work (mean score = 2.0), and the UPF does not indulge in the use of excessive force in the use of firearms (mean score = 2.2).

3.1.5 Responsiveness

The majority of the respondents (39.3 %) disagreed with the contention that UPF is a responsive institution. Only 30.2% of the respondents agreed that UPF is a responsive institution, while 30.5% neither disagreed nor agreed. The overall mean score on human rights and freedoms was 2.9 on a five-point Likert scale (Strongly Disagree = 1, Disagree 2, Neither Agree nor Disagree=3, Agree = 4, Strongly Agree = 5).

The individual scores on having a more responsive Uganda Police Force were as follows: UPF response to crime intelligence and alerts in a prompt and timely manner (mean score =2.35); UPF capacity to respond to emergencies and community security needs (mean score = 3.04); UPF is sensitive to concerns and requests of the vulnerable groups (including assisting the physically disabled (mean score =4.25); UPF responds to stakeholders' recommendations on improving police services (mean score = 2.61); and UPF is receptive to the members of the public (mean score = 2.25).

3.1.6 Summary of views from key interlocutors interviewed

The interview with 30 key interlocutors within civil society organisations working on issues of human rights and security governance in Uganda on what they considered to be the most crucial issues affecting policing in Uganda drew a total of 110 issues. Content analysis was undertaken of the responses yielding 3 broad content themes; capacity of the police, professionalism and abuse/violation of the law.

Themes	Issues Raised	Percentage (%)
Capacity of the police	Number of police officers, logistics including vehicles, cameras, canine dogs, fuel, space for office and detention, etc.	18.1
Professionalism	Competence of police officers, corruption, excessive use of force, militarization of the police force, interference from other security agencies, para-military and militia-like groups, and superiors in the work of the police etc.	31.8
Abuse and violation of rights	Arbitrary arrests and Detention, torture of suspects, denial of civil liberties, enforced disappearance, obstruction of peaceful public assemblies,	50

3.1.7 Summary of views from key interlocutors interviewed from within the UPF

The interview with 20 key interlocutors within UPF on the question of what they considered to be the most crucial issues affecting policing in Uganda drew a total of 83 issues. Content analysis was undertaken of the responses yielding 4 broad content themes; welfare of the police, capacity of UPF, professionalism and rights of police personnel.

Themes	Issues Raised	Percentage (%)
Welfare	Salary, medicare, housing, etc.	40.4
Capacity	Limited man power, lack of equipment and machines such as computers, fewer vehicles and motorcycles, inadequate specialised skills in investigations, limited understanding of the law, inadequate training, limited funding etc.	30
Professionalism	Interference from other security agencies, superior orders, interference from politicians, appointment of non-career personnel in the ranks of the police etc.	18
Rights of the police personnel	Discrimination in promotion and posting, sexual harassment, parenting and conjugal rights, bullying by senior officers etc.	11.6

3.1.8 Gaps in the policy, legal and institutional framework on policing

No.	Relevant Law	Gap/ Issue
1.	The Police Act, Cap 303	Section 24 on arrest as a preventive action. This provision has been optimistically used to frustrate legitimate political participation of citizens which undermines professional policing and public trust in the UPF.
		Section 28 on the use of arms by police officers in special cases on a person charged/ convicted of a felony who escapes from lawful custody. Much as the law provides for the use of a fire arm, the use of such fire arm on an unarmed suspect to secure their arrest may be disproportional for the purpose of apprehending him. Hence, such force is only admissible under international standards to protect life. Where fire arms are used, the test should be high and visible in determining whether force was justified. (in applying the protection of life test)
		Section 35 on gazetted areas gives the Minister excessive and over reaching powers to limit the areas to citizens during assembly. These are open to abuse.

No.	Relevant Law	Gap/ Issue
		<p>Section 36 on dispersal of assembly after it has been ordered to be terminated excludes liability of officers in any criminal or civil proceedings for having by the use of force caused harm or death to any person during the termination of an assembly.</p>
		<p>Section 46 on disciplinary control of police officers provides for accountability mechanisms where the power of disciplinary control of a police officer is vested in the police authority and the police council acting through police disciplinary courts.</p> <p>The Professional Standards Unit (PSU) which UPF has established however, is not provided for within the framework of the Police Act. Moreover, all the mechanisms provided for in the police Act are internal and not independent of the policing agency.</p>

No.	Relevant Law	Gap/ Issue
	The Constitution of the Republic of Uganda, 1995 (as amended)	While Article 212(d) of the Constitution of the Republic of Uganda, 1995 and Section 4(1) (fa) of the Police Act provide for cooperation, neither of the two frameworks provides for an instrument regulating such cooperation with other security agencies. This is apt to blur accountability lines in case of human rights violations during joint operations.
	The Public Order Management Act, 2013	Section 8 of the Act was nullified by the Constitutional Court which also declared all acts under the law null and void. In the Constitutional Petition No. 56 of 2013, Human Rights Network Uganda and 4 others v Attorney General of Uganda.

No.	Relevant Law	Gap/ Issue
	Protection from enforced disappearance (grey area)	<ul style="list-style-type: none"> a. Uganda has neither ratified the international Convention for the protection of all persons from enforced disappearance nor sought to domesticate the same by enactment of an anti-enforced and involuntary disappearance legislation. b. Uganda is yet to ratify and fully domesticate the Optional Protocol to the Convention Against Torture and other forms of Cruel, Inhuman and Degrading Treatment providing for regular visits to be undertaken by independent international and national bodies to places where people are deprived of their liberty so as to prevent the occurrence of torture in such places. c. Although the DPP has developed Guidelines on witness protection, there is no specific legislation in Uganda on witness protection. This undermines the participation of the members of the public in accountability mechanisms. d. Absence of an up-to-date and human rights sensitive framework for investigations and gathering of information by UPF

SUMMARY OF FINDINGS

- 1. The UPF is not fully or adequately discharging its mandate - 60.7%** disagreed with the contention that UPF fulfilled its mandate. Only 16.4% of the respondents agreed that UPF fulfilled its mandate, while 23% neither disagreed nor agreed. The individual items on how the Police executes its mandate were scored as follows: protection of the Life and property of the citizens, prevention and detection of crimes in the country, keeping law and order, and the maintenance of overall security and public safety in the country all of which constitute its core mandate. This implies that most respondents felt that UPF needed to do more on all four items in the delivery of its mandate.
- 2. The UPF is not respecting and protecting human rights adequately-75%** disagreed with the contention that UPF upholds human rights. Only 6.4% of the respondents agreed that UPF upholds human rights, while 18.6% neither disagreed nor agreed. The individual scores on respect and protection of human rights by Uganda police force were scored as follows: protection from torture, inhuman and degrading treatment; desist from arbitrary arrests and detention of persons; respect of the 48-hour rule; presumption of innocence in dealing with suspects; the right of a suspect to be accessed by their next of kin, lawyer and personal doctor; right of suspects to be notified of

the charges in a language one understands; respects the right to privacy during searches and investigations; accords equal treatment to all persons; respect and protects freedom of assembly; respects and protects the right to Life; respects and protection from enforced disappearance; respects and protects freedom of expression, respect and protect freedom of association general respect of human rights by the Police.

3. **The UPF is not fully accountable - 80.7%** disagreed with the contention that accountability processes and mechanisms within UPF were satisfactory. In comparison, 19.3% neither disagreed nor agreed that accountability processes and mechanisms within UPF were satisfactory. Areas of concern included handling cases of police misconduct, ease of filing complaints to the UPF accountability mechanisms, accessibility of the public to the existing UPF accountability mechanisms, independence of the existing accountability mechanisms within UPF, transparency of police accountability mechanisms and feedback on accountability processes.
4. **The UPF is not fully responsive; 39.3%** disagreed with the contention that UPF is a responsive institution. Only 30.2% of the respondents agreed that UPF is a responsive institution, while 30.5% neither disagreed nor agreed. The individual scores on having a more responsive Uganda Police Force were as follows: UPF response to crime intelligence and alerts in a prompt and timely manner; UPF capacity to respond to emergencies and community security needs; UPF is sensitive to concerns and requests of the vulnerable groups (including assisting the physically

disabled; UPF responds to stakeholders' recommendations on improving police services, and UPF is receptive to the members of the public.

5. **The UPF is not entirely professional-** 57.1% disagreed with the contention that the UPF is run as a professional institution. Only 7.9% of the respondents agreed that the UPF is run as a professional institution, while 37% neither disagreed nor agreed. The individual scores on having a more professional Uganda Police Force were as follows: recruitment of personnel transparently and openly; UPF Personnel exhibit skills and experience in execution of their duties; UPF staff are appointed and promoted based on merit; UPF leadership and management is in the hands of career police officers; UPF has professional autonomy from other security agencies in the conduct of its work; professional management of police operations; UPF personnel do not engage in corrupt and unethical practices in the course of their work, and the UPF does not indulge in the use of excessive force in the use of firearms.
6. Several gaps in the legal and policy framework affect policing accountability mechanisms in Uganda.
7. The UPF faces capacity limitations which affect the discharge of its mandate. (number of police officers, logistics including vehicles, cameras, canine dogs, fuel, space for office and detention, etc.
8. Welfare (in terms of salaries, place of accommodation, and Medicare) is an issue affecting police motivation and the delivery of its mandate.

RECOMMENDATIONS

Based on information gleaned from the different sources on the issues studied, the following recommendations are suggested to the different stakeholders to make the Uganda Police Force more accountable, professional, responsive, and sensitive to human rights in the delivery of its mandate.

The Legislature

- Amend provisions of the police act that aid the UPF to abuse human rights and freedoms.
- Enact a law for the establishment of an Independent Police Oversight Mechanism.
- Enact legislation on witness protection
- Adopt and monitor the implementation of UHRC recommendations on the improvement of observance of human rights by the UPF
- Increase the UPF budget and oversee allocations to key policing priority areas

The UPF

- Provide regular and timely feedback on complaints filed by members of the public before the internal accountability mechanisms of the UPF.
- UPF should fully implement its policy framework, including the Human Rights Policy, the Anti-corruption strategy, guidelines on using force and firearms, and the Uganda Police Force Gender Policy, Strategy and Action Plan.
- The UPF should review and update its guidelines on interrogation of suspects to bring it in line with the Mendez Principles on effective interviewing for investigations and information gathering which takes into account the respect of human rights.
- Should take specific measures to officially respond to recommendations given by the public and other stakeholders through strategic actions. Such recommendations include outstanding recommendations from the police review process, a review of UPF implementation of the common standards for policing in East Africa, and the Universal Periodic Review mechanism, all of which will build trust in UPF as a responsive force.
- Should expedite the implementation of a plan to construct 53,000 housing units and a hospital to attend to the health needs of the serving officers within the UPF.
- UPF should enhance its engagement with the public to address the perceptual issues addressed in this report and to furnish the public with information on the available accountability mechanisms,

ongoing reforms within the Police and Progress in implementing stakeholder recommendations to UPF.

The Executive

- Ensure professional autonomy of the UPF by desisting from interfering with the day-to-day operations of the UPF by other security agencies. Specifically, initiate a legal instrument to regulate the nature of cooperation between the UPF and such agencies to enhance accountability for violations committed during joint operations.
- The executive should ratify and fully domesticate the International Convention on Protection of All Persons from Enforced Disappearance.
- Should ratify the Optional Protocol to the Convention Against Torture and other forms of cruel, inhuman and Degrading Treatment (OPCAT) in order to enhance the implementation of UNCAT, to which Uganda is a party.
- Allocate sufficient budget to the UPF to enable its proper function and service delivery to the public.
- Should avail resources for the implementation of the UPF master plan on the construction of a police hospital in Nsambya

The Civil Society and Development partners

- Should undertake comprehensive awareness creation and capacity building of the stakeholders, including the general public and the UPF, on human rights and accountable and democratic policing in Uganda. This should also include awareness creation of the existing accountability mechanisms within UPF.
- Should campaign for enactment of legislation providing for independent police oversight mechanism, witness protection, and the amendment of the police act.
- Civil society should monitor the Police for compliance with regional and international human rights standards.
- Civil society organizations can support the convening of dialogues and platforms between the Uganda Police Force and the public.

CONCLUSION


The study provides an insight into the perception of the general public on the state of policing in Uganda. The study found that most respondents perceived the UPF as not fully meeting its mandate, adequately protecting and respecting human rights, being accountable, responsive, and running as a professional institution. The report has offered recommendations to the different stakeholders to make the Uganda Police Force more accountable, professional, responsive, and sensitive to human rights in the delivery of its mandate.



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