

# **ANNUAL STATUS REPORT ON POLICING IN UGANDA-2023**



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

JANUARY 2024





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## Acknowledgement

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## Acronyms

<b>ABU</b>	African Battalion Union
<b>ACHPR</b>	African Charter on Human and Peoples Rights
<b>AIGP</b>	Assistant Inspector General of Police
<b>APCOF</b>	African Policing Civilian Oversight Forum
<b>CAT</b>	Convention Against Torture
<b>CCTV</b>	Closed Circuit Television
<b>CID</b>	Criminal Investigation Department
<b>CIT</b>	Cash in transit security
<b>CP</b>	Commissioner of Police
<b>CRMS</b>	Customer Relations Management Systems
<b>CSOs</b>	Civil Society Organisations
<b>DIGP</b>	Deputy Inspector General of Police
<b>DPCs</b>	District Police Commanders
<b>DPP</b>	Director of Public Prosecutions
<b>EAC</b>	East African Community
<b>EAPCCO</b>	East African Police Chiefs Cooperation Organization
<b>FFU</b>	Field Force Unit
<b>IBIS</b>	Ballistic Identification Systems
<b>IGP</b>	Inspector General of Police
<b>JAP</b>	Justice Access Point
<b>KII</b>	Key informant interviews
<b>KMP</b>	Kampala Metropolitan
<b>LAIPs</b>	Learners Assistant Inspector of Police
<b>POMA</b>	Public Order Management Act
<b>PPs</b>	Probation Police Constables
<b>PPTA</b>	Prevention and Prohibition of Torture Act
<b>PSOs</b>	Police Standing Orders
<b>PSU</b>	Professional Standards Unit
<b>RPCs</b>	Regional Police Commanders
<b>RSJC</b>	Rubaga Social Justice Center
<b>SCP</b>	Senior Commissioner of Police
<b>UHRC</b>	Uganda Human Rights Commission
<b>UNICEF</b>	United Nations International Children's Fund
<b>UPDF</b>	Uganda Peoples' Defence Forces
<b>UPF</b>	Uganda Police Force

## Abstract

This study presents empirical data on the state of policing in Uganda, with a focus on making the Uganda Police Force (UPF) more accountable, responsive, professional, and human rights-centered. Both qualitative and quantitative methodologies were utilized, and various data collection methods were employed.

The study revealed that while the UPF has made efforts to fulfill its mandate, the majority of respondents did not perceive the institution as fully meeting its responsibilities. Issues identified included involvement in land grabbing, unregulated security services, and management of public assemblies. Moreover, the UPF was not considered fully accountable, with delays in handling cases of police misconduct and lack of transparency in internal accountability mechanisms. The institution was also perceived as not fully respecting and protecting human rights and was not considered fully responsive or professional.

Based on the findings, recommendations were made for the Legislature, Executive, UPF, and civil society and development partners. These recommendations include amending the police act, establishing an Independent Police Oversight Mechanism, enacting legislation on witness protection, monitoring the implementation of human rights recommendations, increasing the UPF budget, providing timely feedback on public complaints, fully implementing policy frameworks, updating interrogation guidelines, avoiding interfering with UPF operations, ratifying international conventions, raising awareness about human rights and accountable policing, and supporting dialogues between the UPF and the public.

Overall, the report offers comprehensive recommendations aimed at improving the accountability, professionalism, and human rights sensitivity of the UPF, involving various stakeholders in the process.

# CHAPTER 1

## INTRODUCTION AND BACKGROUND TO THE STUDY

### 1.0 INTRODUCTION

This report entitled *In Search for an Accountable, Responsive, Professional and Human Rights-centered Policing in Uganda* is a maiden Annual Status Report on Policing in Uganda. This chapter contains the background, the problem statement, the objectives, research questions, the research methodology, limitations, significance and the scope of the study as well as the lay out of the report.

### 1.1 BACKGROUND

The genesis of the Uganda Police Force (UPF) is traced from the establishment by the British Colonial government of a para-military force called *Uganda Armed Constabulary* in 1899 whose main aim was quelling riots and Unrest. The force was later in 1906 renamed the Uganda Police Force. At the time of Independence, Uganda had a small, efficient, and highly motivated police force, however, the hall mark of colonial policing continued to characterize policing activities. In the post-colonial era, there have been some efforts to build a democratic, professional and human rights police service by addressing shortfalls within the police force and to supplant colonial policing with democratic policing.

The central role of UPF in the preservation of law and order, prevention and detection of crime, and protection of life and property as articulated in the Constitution makes the professional, accountable police force a *sine qua non*. This is well accentuated under Article 211 (3) which provides that the “Uganda Police Force shall be nationalistic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character”. The UPF mandate is further articulated under the Police Act 1994 which provides that, subject to the constitution of Uganda, the functions of UPF are: Reference this as. Section 4 of the Police Act Cap 303 maintaining security within Uganda, upholding national laws, ensuring public safety and order, performing military functions subject to the police authority’s authorization as outlined in Section 9 of the Police Act, cooperating with civil authority and other recognized security organs.

The UPF execution of its mandate has not been above reproach and public scrutiny. For instance, in 1998, the Sebutinde Commission of Inquiry was instituted to

investigate allegations of corruption and mismanagement within the UPF. Indeed, UPF has occasionally conducted internal reviews of its performance. In 2006, UPF commissioned a comprehensive review of its existing policies, the legal and regulatory framework impacting the Police, and the existing policing systems with a view of making them more supportive of the UPF mandate. The review was intended to make the UPF a relevant, professional and democratically accountable establishment as outlined in Article 211 of the 1995 Constitution of the Republic of Uganda.

Meanwhile, UPF has committed to implementing the Common Standards for Policing for East Africa that sets out a framework for the broader implementation of the East African Community's (EAC) four foundational pillars of good governance. These are: democracy and democratization; anti-corruption and ethics; the rule of law and access to justice; human rights and equal opportunities for all. Two assessments (2019 and 2021) on UPF's progress in implementing the common standards have revealed gaps that have implications for policing in Uganda.

This report gives an account of the state of policing in Uganda based on the stakeholders' perceptions on how the UPF is discharging its mandate. It also assesses UPF's performance in respect to established standards of accountability, responsiveness, professionalism, and respect for human rights. The report also examines the adequacy of the existing policy and legal and institutional framework to provide democratic and accountable policing in Uganda.

## 1.2 STATEMENT OF THE PROBLEM

Both practitioners and academics inquiring into Uganda's security sector have demonstrated research interest in policing. The focus of the studies conducted to date has been on a few facets of policing, captured limited perspectives, were majorly anecdotal or undertaken as desk reviews. Thus, a need for empirical and all-inclusive data to support national discourse on police reform. The current study remedies the gap by capturing qualitative and quantitative data on the UPF's execution of its mandate, adherence to professionalism, respect for human rights, accountability, and responsiveness in a triangulated format.

## 1.3 THE RESEARCH OBJECTIVES

### 1.3.1 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.

### 1.3.2 Specific Objectives

1. To assess the adequacy of the existing legal, policy and institutional framework to facilitate the discharge of the UPF mandate in an accountable, responsive, professional and human rights sensitive manner.
2. To establish the respondents' perceptions on UPF's execution of its mandate.
3. To establish the perceptions of the stakeholders on the level of police accountability, human rights, responsiveness and professionalism of the Uganda Police Force.

## 1.4 THE RESEARCH QUESTIONS

1. Is the existing legal, policy and institutional framework adequate to facilitate the discharge of the UPF mandate in an accountable, responsive, professional and human rights sensitive manner?
2. Is UPF executing its mandate as provided under the law?
3. Is the UPF executing its mandate in an accountable, responsive, professional and human rights sensitive manner?

## 1.5 THE SIGNIFICANCE OF THE STUDY

The current study has the potency of triggering, stimulating, and leveraging public discourse on democratic and accountable policing and guiding policymakers, practitioners and academicians undertaking research on the theme. The findings and recommendations from the study will feed into the national discourse on police reform, serve as a resource for UPF self-introspection and assessment, aid non-state actors working on reform of the security sector, and as a pointer to areas that require future research. The study is a prelude to a series of research based– reports to baseline the discourse for police reform in Uganda.

## 1.6 THE SCOPE OF THE STUDY

The study was conducted nationwide and covered eleven policing regions (Savannah, Rwenzori West, Elgon, East Kyoga, Kiira, Kampala Metropolitan (KMP) East, KMP North, KMP South, Greater Masaka, West Nile and West Ankole. The study relied on data collected between 2020 and 2023, particularly touching on the mandate of UPF, accountability, professionalism, responsiveness and respect for human rights by the UPF.

## 1.7 METHODOLOGY

The study used both qualitative and quantitative methodologies. Data was drawn from primary and secondary sources. A series of methods including desk review, perception survey, key informant interviews (KII), and field Observations. Research tools including semi-structured questionnaires, observation checklist, Interview guide were developed and utilized in the collection of data. Data from the different sources were triangulated and analyzed using descriptive statistics, narrative analysis and content.

### 1.7.1 Methods of data collection

#### 1.7.1.1 Desk review

Desk review formed an integral part of methods utilized in the study. This method aimed at providing insight into the existing policy, legal and institutional framework of policing in Uganda. The exercise involved the review of the relevant laws, policy documents, records and reports of UPF, reports of Uganda Human Rights Commission (UHRC), Civil Society Organisations (CSOs) and media reports, documents containing regional and international human rights standards on policing, and court rulings regarding policing.

#### 1.7.1.2 Perception Survey

The Perception Survey was undertaken to capture the respondents' views on how the UPF executed its mandate and the extent to which they perceived it to be professional, accountable, responsive, and sensitive to human rights. The respondents' views were captured using a questionnaire designed for the purpose.

The questionnaire was administered to the public in the areas covered by the study between April and July 2023. Research assistants and regional focal persons were engaged to administer the questionnaire. Forty respondents were targeted per policing region. Cooperation from the police headquarters and local authorities, utilization of focal persons as mobilisers, and ample time for conducting the field survey enabled researchers to accomplish the targeted sample of 440 respondents for the study distributed according to gender, age and level of education in Table 1, 2 and 3 respectively.

**Table 1: Distribution of respondents according to Gender**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	MALE	299	68.0	68.0	68.0
	FEMALE	141	32.0	32.0	100.0
	<b>Total</b>	<b>440</b>	<b>100.0</b>	<b>100.0</b>	

**Table 2: Distribution of respondents according to Age**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-35	287	65.2	65.2	65.2
	36-55	124	28.2	28.2	93.4
	56 and above	29	6.6	6.6	100.0
	<b>Total</b>	<b>440</b>	<b>100.0</b>	<b>100.0</b>	

**Table 3: Distribution of respondents according to Level of Education**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Primary	100	22.7	22.7	22.7
	Secondary	158	35.9	35.9	58.6
	Tertiary	94	21.4	21.4	80.0
	University	88	20.0	20.0	100.0
	<b>Total</b>	<b>440</b>	<b>100.0</b>	<b>100.0</b>	

### 1.7.1.3 Key Informant Interviews

The researchers conducted Key informant interviews (KII) using a checklist to gather additional information from key stakeholders on how the UPF executed its mandate and the extent to which they perceived it to be professional, accountable, responsive, and sensitive to human rights. The Participants in the KII were drawn from the UPF,



NGOs working on human rights and the media practitioners. A total of 30 interviewees participated in the KII (see Table 4), each lasting between 30 Minutes and 1 hour.

**Table 4: Distribution of participants in the KII**

No.	Category of interviewee	Count	Percentage
1	Police	15	50
2	NGO / CSO representatives	10	33.3
3	Academia	2	6.6
4	Media	3	3
<b>Total</b>		<b>30</b>	<b>100</b>

#### 1.7.1.4 Observation

The study also relied on data collected by 16 commissioned observers that participated in police station visitations and 5 that monitored public assemblies utilizing predesigned observation tools. Police station visitations were conducted between April and June 2023 and covered 60 police stations in the 11 policing regions (see Table 5). Authorization was sought and received from the Police Headquarters for the commissioned observers to access the targeted police stations.

**Table 5: Distribution of Police Stations Visited Per Policing Region**

No.	Policing Region	Number of Police Stations
1	Rwenzori West	6
2	Kampala Metropolitan – East	6
3	Kampala Metropolitan-South	6
4	Kampala Metropolitan-North	5
5	West Nile	5
6	East Kyoga	5
7	Kiira	4
8	Greater Masaka	4
9	Elgon	12
10	Savannah	4
11	Western Ankole	3
<b>Total</b>		<b>60</b>



### 1.7.2 Data Analysis

Qualitative data was analysed using narrative and content analysis of responses of the interviewees, while quantitative data was analysed using descriptive statistics with the aid of SPSS.

### 1.7.3 Limitations of the study

Whereas the study had obtained clearance from the Police Headquarters, there was limited cooperation from some of the Regional Police Commanders (RPCs) and District Police Commanders (DPCs) on access to some police stations, which caused delays in the commencement of data collection in those regions and the finalization of the report. However, this was mitigated by intervention from the Police headquarters.

## 1.8 THE STRUCTURE OF THE REPORT

This study is organised into five chapters each providing details on a particular theme. Chapter one, includes introduction, background, statement of the problem, research questions, the methodology, scope and significance of the study. Chapter two includes findings on the adequacy of existing legal, policy and institutional framework underpinning policing in Uganda, Chapter three covers the respondents' perceptions on the UPF execution of its mandate, chapter four provides the perceptions of respondents on UPF's performance in regard to various established standards including accountability, professionalism, responsiveness and respect of human rights. chapter five includes the summary of findings, recommendations and conclusion of the study.

## 2.0 INTRODUCTION

This chapter reviews the legal, policy and institutional framework underpinning policing in Uganda to determine whether it is adequate to ensure an accountable, responsive, professional and human rights sensitive policing. The review examines the legal, policy and institutional framework at the National, Regional and International levels.

## 2.1 THE NATIONAL LEGAL FRAMEWORK

### 2.1.1 The Constitution of the Republic of Uganda

In the realm of Uganda's policing landscape, the Constitution of the Republic of Uganda 1995 emerges as a guiding light, etching out the legal foundation for a responsible and responsive police force that upholds human rights and embraces professionalism.

The National Objectives and Directives of State Policy asserts the state's commitment to democratic ideals, empowering and urging all citizens to actively participate in their own governance, ensuring that their voices shape the decisions that impact their lives<sup>1</sup>. The Constitution further lays out a requirement for every citizen to pledge loyalty to Uganda, and to actively contribute to its wellbeing. This duty extends to promoting democracy, upholding the rule of law, understanding the provisions of the Constitution, and safeguarding the integrity of both the Constitution and the law<sup>2</sup>. Furthermore, public offices are to be held in trust, and persons in leadership positions are accountable to the people they serve. This is intended to foster a sense of responsibility among leaders in the discharge of work assigned and answerability to citizenry<sup>3</sup>.

- 1 Objective II (I) of the National Objectives and Directives of State Policy, the Constitution of the Republic of Uganda, 1995
- 2 Objective XXIX of the National Objectives and Directives of State Policy, the Constitution of the Republic of Uganda, 1995
- 3 Objective XXVI of the National Objectives and Directives of State Policy, the Constitution of the Republic of Uganda, 1995

In Uganda's constitutional tapestry, Chapter Four, Article 44, stands as a beacon of fundamental rights and basic freedoms. Article 44 (a-d) provides for non-derogable rights including freedom from torture, cruel, inhuman or degrading treatment or punishment; freedom from slavery or servitude; the right to fair hearing; and right to habeas corpus<sup>4</sup>. Whereas the other rights are not absolute, according Article 43 of the Constitution the republic of Uganda, their enjoyment should only be limited to protect the rights of others, public interest and when curtailments are acceptable and demonstrably justifiable in a free and democratic society.

Further, Article 221 places a solemn obligation upon Uganda's armed forces, police, prisons, intelligence services, and the National Security Council to uphold human rights and freedoms in the discharge of their duties<sup>5</sup>.

For individuals whose rights have been violated, Article 50, provides recourse to courts of law so that their grievances are heard, and their rights are vindicated.

The Constitution of the Republic of Uganda establishes the Uganda Police Force and vests a specific mandate on it under Article 211<sup>6</sup>. The mandate of UPF is enumerated in Article 212 to include protection of life and property; preservation law and order; prevention and detection of crime; and cooperation with the civilian authority and other security organs established under this Constitution and with the population generally. Whereas the Constitution provides for UPF cooperation with the civilian authority and other security organs established under the Constitution and with the population generally and confers in Article 214 (c) on Parliament powers to "make laws regulating generally the Uganda Police Force", Parliament of Uganda is yet to enact a law regulating the cooperation between UPF and other security agencies or the public generally. The lacuna is open to abuse and lends itself to predatory intrusion into the police mandate by other actors. It further stipulates that the Uganda Police Force shall be nationalistic, patriotic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character.<sup>7</sup>

The *National Objective V* obligates the state to respect institutions which are charged by the state with responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively; and guarantee and respect

4 Article 44 (a-d) of the Constitution of the Republic Uganda, 1995

5 Article 221 of the Constitution of the Republic Uganda, 1995

6 Article 211 of the Constitution of the Republic of Uganda, 1995

7 Article 211(3) of the Constitution of the Republic of Uganda, 1995

the independence of non-governmental organisation which promote and protect human rights<sup>8</sup>.

### 2.1.2 The Human Rights Enforcement Act, 2019

This legislation enacts Article 504 of Uganda's 1995 Constitution, outlining the procedures for enforcing rights under Chapter 4 of the Constitution. According to Section 3 of the act an individual or organization whose fundamental rights or freedoms enshrined in the Constitution have been violated or threatened has the right to apply for redress in a competent court as provided for in this act, without prejudice to any other relevant legal action.

Section 10 creates personal liability for public officers who violate human rights. Individuals or groups of individuals may be held liable for such violations, regardless of whether the state is vicariously liable for their actions. Furthermore, the court may order the violator to personally pay compensation or make restitution to the affected individual or organization.

### 2.1.3 The Prevention and Prohibition of Torture Act, 2012. (PPTA)

Among the key legal frameworks is the Prevention and Prohibition of Torture Act of 2012. This legislation actualizes the constitutional provisions outlined in Articles 24 and 44a, which emphasize respect for human dignity and protection from inhuman treatment. The act criminalizes torture and guarantees that Uganda adheres to the obligations set forth in the United Nations Convention Against Torture. The penalties for torture can extend up to 15 years' imprisonment for regular cases and life imprisonment for aggravated torture. The regulations guiding the implementation of the act were adopted in 2017, defining the process for handling torture complaints and investigations. Notable aspects of the law include, but are not limited to, the liability of superior officers for torture committed by their subordinates, the inadmissibility of information obtained through torture in courts of law, and the prosecution of individuals who use information derived from torture. The act serves as a comprehensive framework for combating torture and ensuring the protection of human rights in Uganda. While the law prohibits law enforcement officers from securing information through torture, there is no comprehensive guidance on investigation and information gathering by security agencies.

8 Objective V of the National Objectives and Directives of State Policy, the Constitution of the Republic of Uganda, 1995

#### 2.1.4 The Police Act, Cap 303

The Police Act of 1994 stands as a cornerstone of Uganda's policing framework. This act defines the duties of the Uganda Police Force (UPF), focusing on preserving life and property, upholding individual rights, maintaining national security, enforcing laws, ensuring public order, and preventing and detecting crime.

However, the Police Act includes notable shortcomings that undermine democratic and accountable policing practices. One prime example is Section 4 (fa), which establishes cooperation between the UPF, civilian authorities, and other security agencies. While this cooperation is essential, the absence of a comprehensive regulatory framework leaves this relationship vulnerable to abuse.

Furthermore, Section 24, which authorizes preventive arrests, has often been misused to impede citizens' legitimate political participation. This abuse erodes public trust in the police force and undermines its professionalism.

Additionally, Section 28 concerning the use of force by police officers in specific situations, such as apprehending a fugitive or a convicted felon, appears to be excessive and disproportionate. Employing firearms against unarmed suspects to secure their arrest is an extreme measure that violates international human rights standards. In instances where firearms are necessary, the decision should undergo rigorous evaluation to ensure justification.

In summary, while the Police Act provides a foundation for policing in Uganda, it contains flaws and loopholes that impede democratic and accountable policing practices. These gaps need to be addressed through legal reforms and policy changes to align the Police Act with international human rights standards and promote a more responsible and transparent police force. Section 35 grants the Minister excessive and far-reaching authority to restrict public assemblies and access to public spaces. This authority is based solely on the Minister's opinion and not subject to judicial review, making it prone to abuse. Furthermore, the year-long duration of these restrictions is excessive and unjustified in a functioning democracy.

Section 36 empowers authorities to use excessive force to disperse assemblies and apprehend individuals without any accountability. This section grants officers immunity from criminal and civil liability for any harm or death caused during the dispersal of an assembly, which contradicts the Human Rights Enforcement Act's provision holding public officers personally liable for human rights violations. Provisions

for Disciplinary Control of Police Officers given in Section 46 of the Police Act establish accountability systems stipulating that the authority of this disciplinary control is vested in the police authority alongside the police council functioning through disciplinary courts. However, these systems largely fall under internal mechanisms and lack the vital characteristic of independence. Furthermore, no provisions are made for the establishment of an independent oversight system in the UPF, which falls short of best practices and international standards for policing.

Adding to this, some of these internal mechanisms, such as the Professional Standards Unit (PSU), are not mentioned in the Police Act. While Section 73(1a) of the Police Act allows the Minister of Internal Affairs to formulate norms for controlling PSOs, it does not accommodate instances where other security agencies claim to offer private security services.

### **2.1.5 Victims and Witness Protection Guidelines**

In the premises, there are only guidelines provided by the Director of Public Prosecutions (DPP) on the protection of witnesses but there is no primary legislation to offer such protection. Subsequently, the absence of the legal framework on the protection of victims and witnesses disincentivises their participation in court processes and lead to low conviction rates. Such protection is arguably most crucial in circumstances where the perpetrators are powerful such as police officers.

### **2.1.6 The Public Order Management Act, 2013 (POMA)**

POMA was enacted in 2013 for the purpose of regulating public meetings providing for the duties and responsibilities of the police and organizers and prescribing measures for the protection of public order and related matters. Notwithstanding, the good intentions of the Act, it contained a number of sections inconsistent with the Constitution of the Republic of Uganda. Subsequently, the law has been challenged in the Constitutional Court resulting in the nullification of Section 8, 10 (3) and (4) of the Act have since been nullified by the Constitutional Court. There is need for guidelines constituent with international and regional standards on freedom of assembly to guide the different actors during the course of public assemblies to prevent improvisation by security agencies.



## 2.2 THE REGIONAL LEGAL FRAMEWORK

This fragment provides an overview of the legal framework shaping policing in Uganda, emphasizing the regional context. Key components of this framework include the African Charter on Human and Peoples' Rights (1981), the African Commission on Human and Peoples' Rights. By examining these pillars, we gain insights into the broader regional legal foundations that guide and inform the practice of policing within Uganda.

### 2.2.1 The African Charter on Human and Peoples Rights, 1981 (ACHPR)

At the core of the African Union's principles lies the commitment to promoting peace, security, and human rights.<sup>9</sup> Referencing the International Bill of Rights, the African Union, through its African Charter on Human and Peoples' Rights, mandates member states to align their laws and policies with the Charter's provisions. This aligns with the African Union's goal of fostering a rights-based framework for national security and favorable conditions for development.<sup>10</sup>

### 2.2.2 The African Commission on Human and Peoples Rights

The African Commission on Human and Peoples' Rights was created to uphold rights in Africa, following the African Charter on Human and Peoples' Rights.<sup>11</sup> It can address complaints about rights abuses from both states and individuals. The Commission tries to settle disputes through negotiation but can make a final decision, called a recommendation, if an agreement isn't reached. These recommendations, once officially adopted in the Annual Report to the OAU Assembly, become binding on the involved countries.<sup>12</sup>

### 2.2.3 The East African Policing Standards, 2010

The Common Standards for Policing in the East African Community (EAC) were collaboratively developed in 2010 by the EAC and the East African Police Chiefs Cooperation Organization (EAPCCO), with support from partners including the African Policing Civilian Oversight Forum (APCOF) and the Commonwealth Human Rights Initiative (CHRI). These standards serve as a shared framework for policing in the EAC, aligning with regional and international human rights commitments. Their goal is to enhance police effectiveness and respect for human rights across the

9 Articles 3(e)-(f) and 4(m), Constitutive Act of the African Union.

10 Articles 1 and 23-24, African Charter on Human and Peoples' Rights

11 Part II and Article 30, African Charter on Human and Peoples' Rights.

12 Article 54, African Charter on Human and Peoples' Rights.

region. Applicable to EAC member states and police organizations in the broader region, the standards provide a de facto code of conduct for law enforcement.<sup>13</sup>

The common standards for policing in East Africa represent a synthesis of international and regional human rights frameworks, specifically drawing from the UN, AU, and EAC instruments shared by the five states in the region. Aligned with the political and legal commitments of East African nations, these standards outline crucial aspects of policing roles, emphasizing the protection of life, liberty, and security, the maintenance of public safety, and adherence to the rule of law. Ensuring policing in accordance with the rule of law, the standards require actions that prevent arbitrary arrests and detentions, upholding the presumption of innocence until proven guilty. Furthermore, they underscore the importance of police actions, emphasizing equitable, diligent, and professionally responsible discharge of duties with a community service focus. Additionally, the standards dictate that police organizations must be accountable for any violations of citizens' human rights committed by officers. Uganda, among other East African countries, has committed politically and legally to uphold these common standards in policing.

## 2.3 THE INTERNATIONAL LEGAL FRAMEWORK

### 2.3.1 The Core Human Rights Instruments

Uganda has ratified most of the core international human rights agreements, such as the Convention on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, and the Convention Against Torture and Other Inhumane or Degrading Treatment or Punishment. These agreements, along with Uganda's constitution, unequivocally emphasize the obligation of the state to safeguard all human rights without prejudice to political affiliation, gender, or social status. However, Uganda has yet to ratify the optional protocol for the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, as well as the International Convention for the Protection of all Persons from Enforced Disappearance.

13 The Common Standards for Policing in Eastern Africa: Uganda 'Assessment of the Uganda Police Force's progress towards meeting the Common Standards for Policing in Eastern Africa' <https://apcof.org/wp-content/uploads/common-standards-for-policing-in-eastern-africa-uganda-.pdf>



### 2.3.2 The 1979 Code of Conduct for Law Enforcement Officials and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

The international human rights law guides law enforcement agencies in administering force through two key documents: The 1979 Code of Conduct for Law Enforcement Officials and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These principles stipulate specific conditions under which force should be employed by law enforcement:

1. **Deadly Force Authorization:** Force resulting in death must be justified as an imperative measure to prevent imminent life-threatening harm. This imminent threat is defined as a situation with an immediate prospect of grave injury or death.
2. **Exceptional Circumstances:** In cases where a substantial life-threatening hazard is identified, but it is not immediately imminent, force leading to death may be authorized. However, this remains subject to stringent restrictions and exceptional conditions.
3. **Property Protection:** The use of force for solely protecting property is not sanctioned by international law.
4. **Intentional Lethal Force:** Deliberately applying lethal force can only be legally justified if no other options remain to save life, and the action taken is deemed strictly necessary. No imminent life-threatening situations, by themselves, cannot legitimize the intentional use of lethal force.

The principles offer a crucial guide to law enforcement officers and UPF could use them as a benchmark in reviewing its own guidelines on the use of force and firearms.

## 2.4 CONCLUSION

The Constitution of the Republic of Uganda and other enabling legislations provide a broad framework on which to base democratic and accountable policing. there are however gaps that should be addressed. The Police Act, Cap 303 has a number of gaps to be addressed, amendments of laws to bring them in line with court decisions and lacunas in the existing laws in areas such as witness protection, and cooperation between the UPF and other security agencies. Furthermore, Uganda needs to deal with the ratification and domestication gaps in areas such as enforced disappearances, Optional Protocol on CAT, among others. Instructive guidance exists at international and regional levels.

## CHAPTER 3

### UGANDA POLICE FORCE PERFORMANCE ON ITS MANDATE

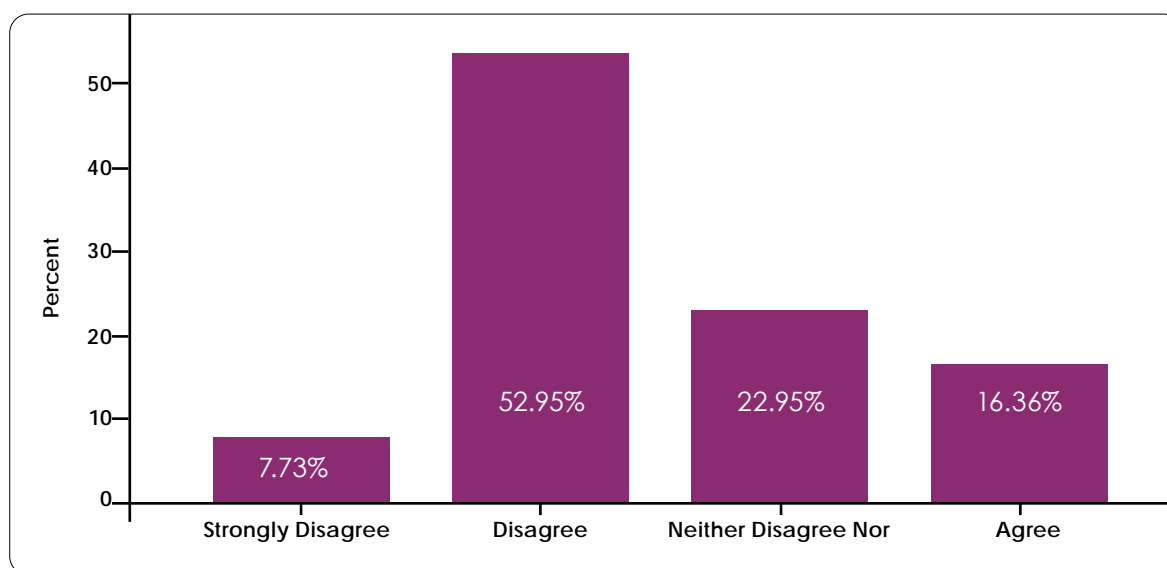
#### 3.0 INTRODUCTION

This chapter contains the respondents' perceptions on the mandate of UPF. The perceptions are triangulated with data from other sources to contextualize, crystalize issues and provide answers to the research question on the mandate of UPF.

#### 3.1 THE EXECUTION THE UPF MANDATE

The perceptions of the respondents were sought on how UPF executed its mandate in accordance with Section 4 of the Police Act, Cap 303: protect the life, property and other rights of the individual; maintain security within Uganda; enforce the laws of Uganda; ensure public safety and order; prevent and detect crime in the society. The responses of the respondents on the UPF execution of its mandate are reported in Figure 1.

**Figure 1: Respondents Perception on UPF Performance on its Mandate**



The respondents (n=440) were asked to what extent they disagreed that UPF fulfilled its mandate in accordance with the law. Most of the respondents (60.7%) disagreed with the contention that UPF fulfilled its mandate, with only 16.36% agreeing that UPF fulfilled its mandate, while 22.95% neither disagreed nor agreed.

### 3.1.1 Protection of Life and Property

The Protection of life and property is evidently one of the areas where the UPF plays a critical role. UPF has contributed to the realization of this aspect of its mandate directly, through regulated security service providers, by empowering citizens to serve as the first-line for self-protection.

Directly, the UPF undertakes a range of activities to protect the life and property of citizens such as curfews, motorised/foot patrols, criminal investigations, arrests, provision of VIP protection services and court procedures. UPF also empowers citizens to play a role in protection of life and property through public education, community policing initiatives such as creation of Neighbourhood Watch Groups and occasionally share with the members of such groups security tips and alerts and enabling interested citizens to acquire firearms for self-protection in accordance with the Firearms Act 1970.

Additionally, UPF authorises private security organisations to cooperate the business of provision of home/office guarding alert systems, CCTV installations and surveillance, cash in transit security(CIT), body guarding (close protection), private investigations, car tracking, volt facilities protection, escort, among others. By the end of 2022, over 250 private security firms had been authorised to offer security services by UPF. The delivery of private security services is not exclusively left to private security organizations. On July 14 2023, the National Enterprise Corporation (NEC) which is the trading arm of the UPDF passed out 98 security guards to offer private security services. This is perceived as a usurpation of the mandate of UPF to protection of life and property. It is also debatable whether the police is in position to supervise an arm of a more overbearing UPDF.

The over ridding challenge faced by UPF in provision of protection services to the citizens is lack of capacity. For instance, while the recommended police to population ratio is 1:500, the current ratio of UPF is 1:800. This presents a big burden on police officers thereby curtailing their capacity to respond promptly to threats to life and property. Moreover, police officers have been faulted for complicity in actions that threaten life and property of citizens.

One civil society interviewee opined:

*“The police is supposed to be our first port of call for protection of life and property. Yet still they have either abdicated their role to rag-tag criminal groups or are themselves involved in unlawful land evictions or grabbing!”*

The foregoing view compares with the assertion of one journalist interviewed:

*“In most of the cases of land grabbing, I have covered as an investigative journalist, I can assure you that the police have colluded with land grabbers. They have controversially evicted people from under the cover of darkness and sometimes purported to be implementing bogus court order. Often, the police tend to side with the rich land grabbers. The victim in this case may lose land but it is not uncommon that they are assaulted or even killed!”*

The empowerment of citizenry for self-protection has often come across some hurdles including lack of public trust and cooperation, and abuse of fire arms by private security firms. For instance, between 2019 and 2023, the UPF suspended 39 private security companies over the misuse of firearms.<sup>14</sup>

An interviewee from the UPF gave an additional perspective to the matter:

*“The police cannot be everywhere and all the time. Our current manpower ratio is 1: 800. In this context the individual citizen is his or her first-line of protection. This why as the police have taken the approach of community policing to work with the public. Of course the bottleneck can be addressing the resource constraints UPF faces at the moment”*

One interviewee from the academia on the other hand argued thus:

*“The legitimacy of the state stems from its ability to protect its citizens. In contemporary discourse, it has been christened the responsibility to protect. It is a shallow argument to hide under lack of resources to explain a way inadequacies of the state in the delivery of critical services such as policing given the glaring evidence of corruption”*

14 Obete, M. (2023). Gun Violence and Personal Security in Uganda. IntechOpen. doi: 10.5772/intechopen.1002867

### 3.1.2 Prevention and Detection of Crime

UPF has taken measures aimed at the prevention and detection of crime. A case in point is the enhancement of its organizational infrastructure, and technical capabilities such as Closed Circuit Television (CCTV) networks, Ballistic Identification Systems (IBIS), Fingerprint Identification Systems (AFIS), DNA analysis equipment, cybercrime analysis equipment, telecommunications information monitoring systems, data monitoring systems, i-24/7, and Customer Relations Management systems (CRMS) have been put in place<sup>15</sup>. The implementation of community policing initiatives and collaboration with local communities is also crucial. Additionally, UPF has developed canine services at various police stations to improve the ability of the police to undertake crime investigation and effect arrest. From January to May 2023, UPF documented a total of 8,563 tracking cases, apprehended 6,843 individuals and retrieved 2,883 pieces of evidence as a result of canine services of UPF<sup>16</sup>.

The UPF Crime Report for 2022 indicates that crime increased from 196,081 in 2021 to 231,653 in 2022, constituting an 18% increment. Of the 231,653 cases reported in 2022, only 68,405 were prosecuted, 26,749 were never prosecuted, and 136,499 people remain under investigation. The high number of cases pending investigations and a low conviction rate (15%) all point to capacity gaps in the criminal investigation department regarding skills and human resources. The current strength of the Criminal Investigation Department (CID), the investigative arm of the police, is 5,292 personnel instead of the approved 19,843. The current workload is 45 case files per detective, which is way below the UN standards, which provide that a detective should handle twelve cases (1:12 cases) per year. Worse still, in areas with high crime rates like Kampala Metropolitan policing areas, detectives have between 50–70 case files per year.

There is a challenge in the management of case files as UPF is largely dependent on a manual filing system that exposes records to damage due to adverse weather condition and at worst being lost. Further in some cases, there is no space to serve as workstation for this critical function and proper storage of exhibits.

<sup>15</sup> UPF Annual Crimes Report 2020

<sup>16</sup> Canine Unit's Remarkable Achievements. <https://www.upf.go.ug/canine-units-remarkable-achievements/>





Photos showing record keeping and storage of exhibits by UPF at some of the police Stations visited.

Currently, there is no comprehensive witness protection legal framework. Although the DPP has developed Guidelines on witness protection, there is no specific legislation in Uganda on witness protection<sup>17</sup>. This undermines the participation of the members of the public in accountability mechanisms. Other considerations include corruption in police, lack of public trust in the police, and poor management of case files.

### 3.1.3 Maintaining Law and Order

The UPF has established a fully-fledged unit called the Field Force Unit (FFU) charged with responsibility of ensuring public order, and acquired necessary equipment for public order management. The FFU has been involved in the management of public assemblies and quelling of public disorder incidents. The UPF has responded to a number of public order/disorder and mob action incidents in 2022 and 2023 some of which have been monitored under the stride of the current research. Some of the public assemblies monitored during 2023 included a demonstration of approximately 600 people in Mbarara city, women legislators carrying a petition to the Ministry of internal affairs against the harassment of women by security forces, a procession by medical practitioners of Mulago hospital, an assembly by youth activists delivering a petition to Russian Embassy in solidarity with Ukraine against Russia's aggression, a protest by Youth Action Group (YAG) comprising of representatives of African Battalion Union (ABU), Concerned Citizen Activists (CCA) and Rubaga Social Justice Center (RSJC) demanding for an expeditious disposal of the stalled cases in Courts of Law (See table 6).

17 Kazibwe Kenneth 2023 "Museveni Directs Attorney General on Witness" NilePost Protection <https://nilepost.co.ug/news/159144/museveni-directs-attorney-general-on-witness-protection-law>

**Table 6: Public Assemblies Monitored, Observations and Source of Conflict between Police and Organizers**

No.	Public Assembly	Key observations	Source of Conflict between UPF and the Organisers/ participants
1	On the 28 <sup>th</sup> August 2023, a group of approximately 600 people in Mbarara city were gathered at Global High School playground for the opening of the National Unity Platform (NUP) offices.	<ul style="list-style-type: none"> <li>The organizers of the demonstration notified the police as required under section 5(1) of the Public Order Management Act, 2013.</li> <li>The demonstrators were peaceful.</li> <li>There was no excessive force used by the police towards participants.</li> <li>There were no arrests made.</li> </ul>	There was no confrontation between police and the organisers.
	On 27 <sup>th</sup> April 2023, Women legislators held a procession to petition the Ministry of Internal Affairs against the harassment of women by security forces. <sup>18</sup> This was in response to the violent clampdown on the activities organized by women in their respective districts to mark the International Women's Day.	<ul style="list-style-type: none"> <li>The procession was peaceful.</li> <li>The police used excessive force and violently intercepted the procession.</li> <li>A number of women MPs sustained injuries.</li> </ul>	The organizers of the event did not notify the police as required under section 5(1) of Public Order Management Act 2013 and thus the police used force.

18 <https://www.reuters.com/world/africa/uganda-police-arrest-11-female-lawmakers-during-protest-2023-04-27/> Last accessed 11/14 2023



No.	Public Assembly	Key observations	Source of Conflict between UPF and the Organisers/ participants
	On 11 <sup>th</sup> April 2023, Intern Doctors of Mulago hospital organized a procession to parliament to file a petition over the poor housing conditions.	<ul style="list-style-type: none"> <li>The procession was peaceful and organized.</li> <li>The police used excessive force to block the demonstration.</li> <li>A number of participants were arrested and others sustained injuries due to police brutality.</li> </ul>	The organizers didn't notify the police as required under section 5(1) of the public order management Act 2013.
	On August 8 <sup>th</sup> 2022 a group of youth activists organized a procession to demand the government of Uganda to express solidarity with Ukraine being a victim of Russia's aggression; and to deliver a petition to the Embassy of Russia demanding that Russia ceases its aggression against Ukraine.	<ul style="list-style-type: none"> <li>The procession was peaceful.</li> <li>Police blocked the procession and arrested some of the protestors.</li> </ul>	The organizers of this event did not notify the police as required under section 5(1) of the Public orders Management Act, 2013.

No.	Public Assembly	Key observations	Source of Conflict between UPF and the Organisers/ participants
	On July 27 <sup>th</sup> 2022, youths under the aegis of Youth Action Group (YAG), African Battalion Union (ABU), Concerned Citizen Activists (CCA) and Rubaga Social Justice Center (RSJC) organized a demonstration to demand for an expeditious disposal of the stalled cases in Courts of Law.	<ul style="list-style-type: none"> <li>The demonstration was peaceful.</li> <li>The police used force to block the demonstration.</li> <li>A number of participants were arrested.</li> </ul>	The organizers of the event did not notify the police as required under section 5(1) of the Public Orders Management Act, 2013.

The interview of key informants gave further insight on the management of public assemblies in Uganda. One Civil Society Interviewee intimated as follows:

*“The police do not seem to make a distinction between a riot and a public assembly, they tend to look at public gatherings critical of government as unlawful rather than legitimate expression of dissent. Sometimes the actions of the police stamped a peaceful assembly into a state of a disorder”.*

The contention of the Civil Society interviewee is apparently reinforced by the assertion of one academician interviewed:

*“The public space is an arena for legitimate contestation of ideas and influencing of public policy. The police in a democracy has no business denying citizens to access the public space and to peacefully express their ideas in all manners. Ring facing the public space for or against anyone group of political interest is unacceptable. In a democracy, the police regulate assemblies in accordance with the law. When the police take it upon self to ensure security of a regime, it is exercising regime policing”.*

The view of one police officer interviewed on the subject was equally revealing of the complexity related to management of public assemblies:

*“Organisers and participants in any public gathering should take personal or collective responsibility for their actions. If they turn rowdy and interfere with rights of others, we as the police have to intervene to create public order in accordance with our mandate”.*



First set of photo: Women MP protesting against harassment of women and are being arrested by police officers. Left side: Protestors raising barriers to abstract traffic as a form of protestation. Right side: police officer arresting medical interns that were protesting delayed deployment and allowance reduction.

A review of information from the different sources reveals a couple of challenges in the management of public assemblies including inadequate awareness of the relevant laws by both the organizers of public assemblies and the police, restrictive

laws, the insistence of the police that organizers of assemblies needed to have given notice and by default secured permission before organizing such gatherings, hostility between the participants in public assemblies and officers policing such gatherings, use of excessive force by officers managing public assemblies, limited or no cooperation between organizers of public assemblies and police (prior, during and after) and the involvement of other security agencies in the management of public assemblies.

Another challenge that UPF has had to respond to is the rampant cases of mob action that have resulted in grievous harm to and deaths of victims. A total of 953 cases of Murder by Mob Action were reported to Police compared to 759 cases reported in 2021.

An interview with one of the key informants within Civil Society Organisations gave some insight into circumstances underpinning mob action in Uganda:

*“There is public frustration with the functioning of criminal justice system particularly the UPF in handling cases. suspected perpetual offenders are often released upon arrest without due process or receive police bond putting victims and witnesses at risk. This is viewed as a miscarriage of justice leading to public to take law into their own hands. Unfortunately, in such instances they consider mob action to be the real justice”*

Contrary to above assertion an interview with a police officer in Kampala Metropolitan urged thus:

*“The public needs to know that suspects have rights and that victims or witnesses have an obligation to furnish with police with the necessary information to enable prosecute the suspect. The challenge however is that, victims and witnesses do not cooperate in providing information within the timeframe a suspect is supposed to be kept in police custody. It is a catch 22 situation: on the one hand, if we prosecute without sufficient evidence we risk the suspect being acquitted by courts of law; on the other hand, if we detain the suspect beyond 48 hours we act in breach of the law”.*

The above perspectives suggest lack of sufficient knowledge of the law by members of the public and the role of victims and witnesses in the effective prosecution of cases; low trust of the public in the UPF and other elements of the criminal justice system. The prevalence of mob action and high statistical figures of fatalities arising

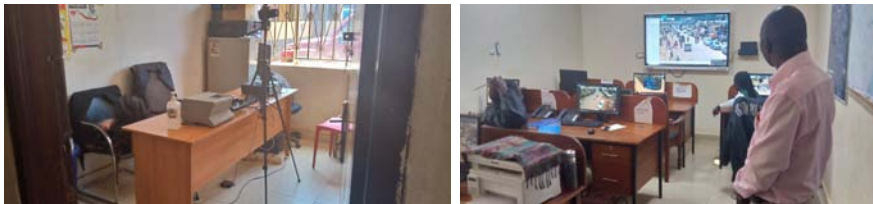


from mob actions lays bare the fact that the police is not sufficiently resourced to respond in time to some of the mob action alerts.

### 3.1.4 Maintaining Public Safety and Security

The UPF has overtime worked to strengthen its capacity to best respond to public safety and security concerns. It has among others established specialized structures such as the Directorate of counter terrorism, Directorate of Traffic and Road Safety, Directorate of Crime Intelligence, Directorate of Criminal Investigation, Fire and Rescue, Marine Unit, and the Flying Squad Unit. UPF has evidently been noticeable in the issuance of crime alerts to caution the public to be more vigilant in situations where the police has intelligence of possible crimes that may affect public safety and security; rapid response actions to handle suspicious objects or to rescue victims of public attacks; and engagement with the public through community policing initiatives.

The UPF has also introduced other initiatives to enhance public safety and security. For instance, in 2018 UPF commissioned the CCTV National command Centre at Naguru whose network is linked to 18 Divisional Centres and 83 Police Stations. The CCTV monitoring for Kampala Metropolitan was established at Natete Police station. UPF has attributed the reduction in cases of street mugging, street snatching, street motor vehicle theft, robbery and pickpocketing to the installation of CCTV security Cameras in Kampala. There have been concerns however that intermittent power outage undermines the functioning of the CCTV in some areas in Kampala.



CCTV camera control room at one of the police stations in Kampala

UPF in collaboration with the Ministry of Works and Transport, Ministry of Health and National Roads Authority launched *Fika Salama Extra*. Under this initiative the police conduct snap checks along dark spots on major highways in response to intelligence and uses CCTV cameras to monitor and capture offenders.

Public safety and security has been further challenged by intermittent acts of terrorism committed in different parts of the country targeting mainly revelers, passengers, tourists, congregations, public and security installations among others. These attacks

have resulted in loss of life, caused permanent injuries and infirmities to victims as well as damage of public and private property (See Table 7). This trend has created great anxiety and a sense of insecurity within the general public.

**Table 7: Some of the terrorist incidents in Uganda between 2021 and 2022.**

No.	Date	Place	Assailant	Target
	19 <sup>th</sup> December, 2023	Kyitehurizi village, Kyabandara parish, Kamwenge sub-county, Kamwenge District	Suspected ADF rebels	Members of the community (10 people were killed).
	16 <sup>th</sup> June, 2023	Lhubiriha Secondary School, in Southwestern border town of Mpondwe, Kasese district	Suspected ADF rebels	The 437 students, 4 members of the community, and 1 security guard were killed in the attack while 6 students were abducted.
	3 <sup>rd</sup> September, 2023	Miracle Centre church in Kampala	Suspected terrorist	Members of the congregation.
	2 <sup>nd</sup> September, 2023	Old Taxi Park, downtown Kampala	Suspected terrorist	Passengers and public transport system.
	17 <sup>th</sup> October, 2023	Queen Elizabeth National Park.	Suspected terrorist	Tourism industry: 2 foreign tourists and a Ugandan driver were attacked and killed.

No.	Date	Place	Assailant	Target
	24 <sup>th</sup> October, 2021	Kwata zone, Komamboga ward, Kawempe division, Kampala.	Suspected terrorist	Members of security service and the community. One Person was killed while several others were injured at a restaurant.
	8 <sup>th</sup> October, 2021	Kawempe police post	Islamic State of Iraq and Syria (ISIS) claimed responsibility	Security installation: Police station.
	25 <sup>th</sup> October, 2021	Bungala along Kampala-Masaka highway	Suspected suicide bomber	Public transport system: 3 passengers on Swift Safari bus and the suicide bomber died in the attack.

No.	Date	Place	Assailant	Target
	16 <sup>th</sup> November, 2021	Down town, Kampala near CPS police station and the Ugandan parliament building.	Suspected ADF rebels and the Islamic state of Iraq and Syria (ISIS) claimed responsibility for the attacks.	Public and security installations: 2 Uganda Police Force (UPF) personnel and 2 passers-by died as a result of the explosions; 27 police and 9 other individuals sustained injuries requiring hospitalization as a result of the attack.
	1 <sup>st</sup> June, 2021	Kisaasi, Kampala	Suspected terrorist	Gen. Wamala: Gen. Wamala's daughter and driver were killed

UPF is also faced with a sophisticated and metamorphosing problem of criminal gangs that tend to deploy a range of tactics that exploit the vulnerabilities of both the victims and the capacity limitations of the UPF to cause serious public safety and security threats. The activities of criminal gangs range from house break-ins, raping women, vandalizing peoples and properties, smash and run, mugging of pedestrians, demand for ransom money, to assaults and murder. Over fifteen self-confessed criminal gangs are recorded as active in and around Kampala (See Table 8).

**Table 8: Some of the Criminal Gangs in Uganda.**

No.	Criminal Gangs	Activity	Area of Operation
1	B13	Break into houses and rob pedestrians	City centre-Nakivubo Channel, Lusaze, and surrounding areas of Bulange and Lungujja



No.	Criminal Gangs	Activity	Area of Operation
2	Kifeesi	Use children aged between 13-18 to grab women's bags and necklaces	Kampala and Mukono but breed in Katwe-Kinyoro with their main base in Musoke zone
3	Nagulu arrow boys	Target pedestrians	Nakawa Division, Kitintale, Luzira with a base in Meat Packers
4	Bijabiya,	Break into houses and steal from pedestrians	Nakulabye, Wandegeya, Kasubi, Namungona
5	Bukolwa Crew	Steal car parts	Kisenyi, Kinyoro,
6	Sobbi	Armed robbery	Natete, Lugogo and Kampala Central
7	Cheap stores	Comprised of women that target traders and coordinate with mugged men who come to their rescue if caught.	Kikuubo, owino, tax and bus parks
8	Lukanga	Comprised of former boxers-waylay people and rob them	Zzana, Namasuba, Kajjansi, Najjanankumbi, Kajjansi, Sseguku, Kitende
9	Bad life	Murders and rapists	Wandegeya, Mulago and Makerere and their main base is Katanga Slum
10	Kasolo boys	Murders, rapists, break into houses using huge stones	Bwaise, Kawempe and Northern bypass
11	Baboon	Bijjambiya attacks	Based in Kasubi but their operations are mainly stretch to Nakulabye, Nabulagala, Munaku as well as Namungoona

No.	Criminal Gangs	Activity	Area of Operation
12	Bipanda Crew	pedestrians, revelers, small drinking joints and eateries	Kalerwe, Clock tower near the railway station, Queens Way and Ndeeba
13	Dog Tulumbe	Mainly comprised of minors between 9 and 16 years of age. They target people with money and other valuables	Nansana Municipality and Parts of Northern Kampala (Bwaise-Namungoona stretch, Hoiman Road, Nabweru-Bwaise areas)

UPF has made efforts to crackdown on and stem down the proliferation of criminal gangs threatening public safety and security. While some of the gangs have been dismantled the challenge lies in the capacity of some of these groups to reinvent themselves into new formations. Moreover, there are concerns that some elements within the UPF work closely with the criminal gangs.

Generally, review of records, perceptions from the public survey, the analysis of the narratives and content of responses of the police interviewees (See Appendix II) and other key interlocutors (See Appendix II) provides insights into the extent to which a UPF is delivering on its mandate.

### 3.2 CONCLUSION

The UPF has made efforts to discharge its mandate. However, the majority of respondents did not consider the UPF as fully discharging its mandate in accordance with the law. There are a number of areas of concern militating against the discharge of the different aspects of the police mandate: involvement of the police in land grabbing, unregulated security service providers, intrusion of UPDF in the mandate of UPF by providing private security services, illicit firearms; human resource Issues, reliance on criminal gangs; lack of effective management of public Assemblies and the prevalence Mob Action; proliferation of criminal gangs and terrorism.

## CHAPTER 4

### THE DIMENSIONS OF ACCOUNTABLE AND DEMOCRATIC POLICING

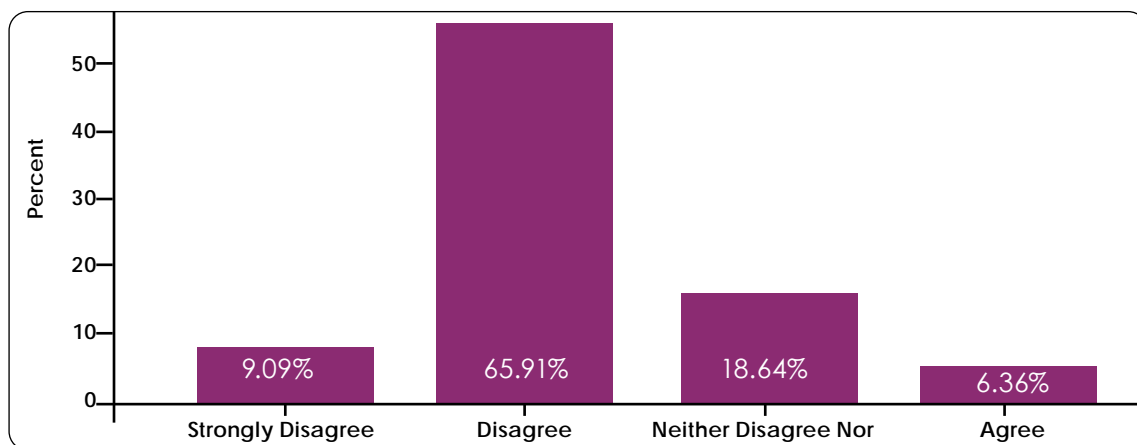
#### 4.0 INTRODUCTION

This section contains the respondents' perceptions on UPF sensitivity to fundamental rights and basic freedoms, accountability for human rights violations, responsiveness and professionalism. The perceptions are triangulated with data from other sources to contextualize, crystalize issues and provide answers to the research questions touching on police accountability.

#### 4.1 RESPECT TO FUNDAMENTAL RIGHTS AND FREEDOMS

The perceptions of the respondents on the role of the UPF in the protection or otherwise of human rights and freedoms were captured. Rights and freedoms captured in this study included protection from torture, inhuman and degrading treatment; freedom from arbitrarily arrests and detention; 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; the right to Life; protection from enforced disappearance; protection of freedom of expression; respect and protection of freedom of association; and general respect of human rights by the police. The results are reported in Figure 2.

**Figure 2 Respondents Perception on UPF Observance of Human Rights**



The respondents (n=440) were asked to what extent they disagreed that UPF uphold 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 like scale (*Strongly Disagree* = 1, *Disagree*= 2, *Neither Agree nor Disagree*=3, *Agree* = 4, *Strongly Agree* = 5).

The UPF has instituted policy measures to ensure the protection of human rights including the human rights policy, anti-corruption policy, guidelines on the use of force and firearms. Other measures include the establishment of the Directorate of Human Rights and Legal Services, the Professional Standards Unit (PSU), mainstreaming of human rights into the UPF training Curriculum to ensure observance of human rights by officers in the course of work. UPF also conducts regular training for personnel and has also developed strategic collaboration with other stakeholders to source complimentary training for its staff in varied areas of human rights. Notable among these are Uganda Human Rights Commission (UHRC), United Nations International Children's Fund (UNICEF) and Civil Society groups with specialized expertise in areas such as gender, prevention of torture, management of public assemblies and disability.

Although UPF has a number of policies that underscore human rights, some of these documents are yet to be fully rolled out and internalized by the officers especially at the lower levels. Moreover, some of the structural prerequisites of the UPF human rights policy such as establishment of human rights committees within the UPF have not been set up. In spite of the initiatives taken, the perception of the public on the human rights record of UPF is largely negative.

The perceptions are collaborated by statistics from UHRC and observations of commissioned observers. There has been an increase in the trend of complaints registered with UHRC: 308 in 2020, 354 in 2021 and 411<sup>19</sup>. The commissioned observers who visited 60 police stations found overcrowding in most of the police cells, and suspects detained beyond 48 hours without release or being committed to courts of law, some of the detainees had not been informed of charges for which they were

19 Uganda Human Rights Commission Reports 2020, 2021 and 2022

arrested, and some suspects bore marks of torture. The monitoring of public order incidents also revealed cases of human rights violations by the police.



These are scenes of arrests, where there is excessive use of force. In the photo on the right, the police are working alongside the UPDF - Accountability can be difficult to exact for excesses committed by the security with agencies during joint operations.

According to one senior police officer interviewed, UPF places great stock on building the capacity of its officers to protect and respect human rights:

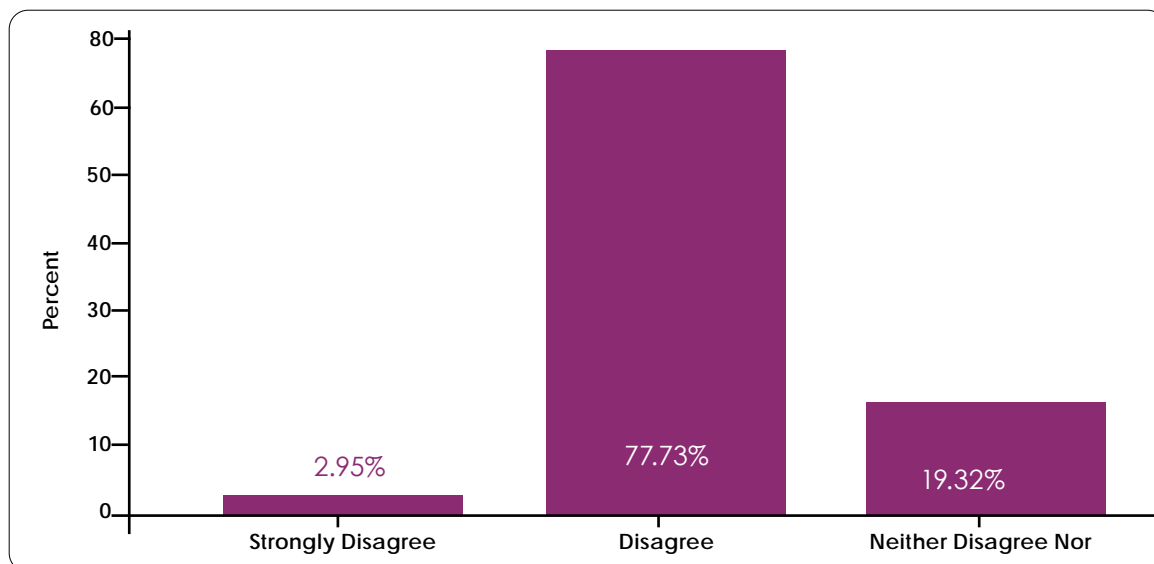
*“As an institution we do not Condone human rights abuse by our officers. All the same there are a few bad apples. We are doing everything possible to ensure our officers are inculcated with the necessary knowledge of human rights. In fact, police trainee that does not pass the human rights module is made to repeat and he or she passes it. We have recently adopted a human rights policy and it is being rolled out to all our officers in the bid to create a culture of human rights. There is no doubt we want the human rights record of the force improved. But one other thing that is sometimes easily forgotten is that police officers have rights too. The right to shelter... right to food... right to health!”*

### 4.3 POLICE ACCOUNTABILITY

The perceptions of the respondents on police accountability for human rights violation and professional misconduct were collected. The items on accountability covered in this study included the prompt handling of cases of police misconduct; ease of filing complainants to the UPF accountability mechanisms; accessibility of the public to the existing UPF accountability mechanisms; independence of the existing

accountability mechanisms within UPF; and transparency of police accountability mechanisms and feedback on processes before police accountability mechanisms within UPF. The results are reported Figure 3.

**Figure 3: Respondents Perceptions on Accountability of UPF**

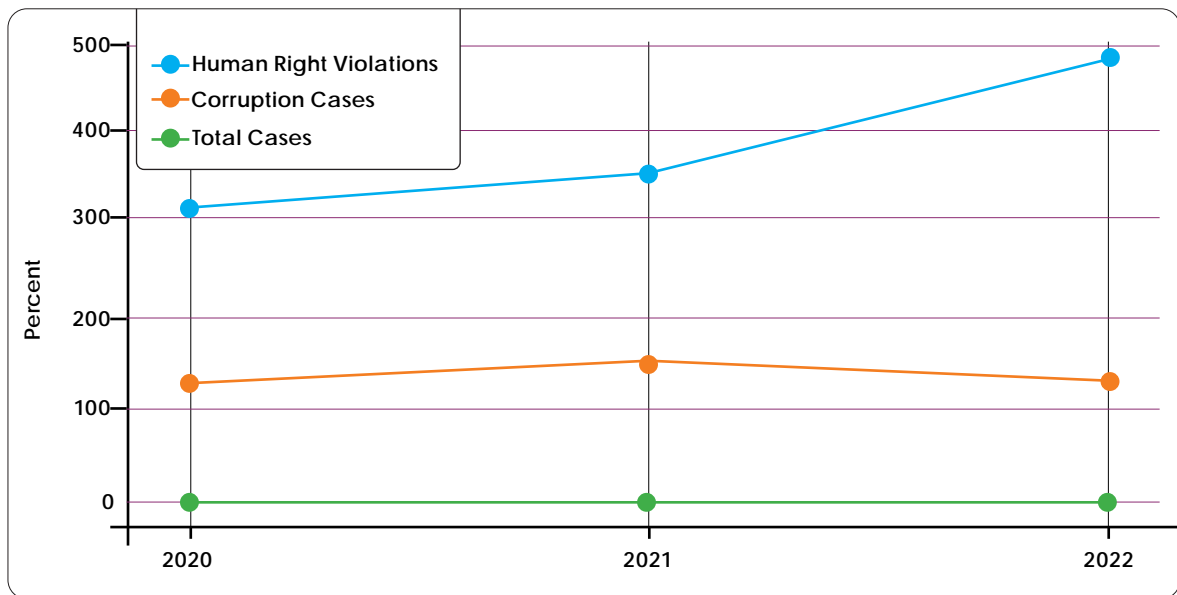


The respondents (n=440) were asked to what extent they disagreed that UPF was an accountable institution. The majority of the respondents (80.7 %) disagreed with the contention that accountability processes and mechanisms within UPF were satisfactory while 19.3% neither disagreed nor agreed. The overall mean score on human rights and freedoms was 2.16 on a five-point like scale (*Strongly Disagree* = 1, *Disagree*= 2, *Neither Agree nor Disagree*=3, *Agree* = 4, *Strongly Agree* = 5).

UPF established the Professional Standards Unit (PSU) in 2007 as an administrative mechanism that receives and investigates complaints against any officer for the breach of the Police Standing Orders (PSOs) and code of conduct. The PSU has a presence in the 28 Policing regions of UPF. Additionally, complaints against errant officers can be registered at the District/Division Command, Regional Police Command or at the Police Headquarter. Although fewer cases have come before the UPF's Internal Accountability Mechanisms the majority of the registered complaints relate to human rights violations for the period 2020 to 2022 (See Figure 4).



**Figure 4: Trend of Human Rights and Corruption Complaints registered by PSU (2020-2022)**



Of 6,313 complaints registered for the period 2020 to 2022 only 3,766 (59.7%) were investigated to completion while 2,547 (40.3%) were still under inquiry (See Table 10). This corroborates the perception of the respondents that complaints before internal accountability mechanisms were tardily handled. One of the major factor cited by interviewees within the UPF on the issue indicated resource constraints as a major factor in completion of investigations and disposal of complaints registered by PSU. This is coupled by the transient nature of the UPF Disciplinary Courts since they are convened as and when need arises. Further, lack of follow-ups and cooperation from complainants often make investigations difficult to conclude in time.

**Table 9: Progress in the handling of Complaints received 2020-2022**

Year	Complaints Registered	Completed	Under Inquiry
2020	2,055	1,537	518
2021	2,107	1,143	964
2022	2,151	1,086	1,065
<b>Total</b>	<b>6,313</b>	<b>3,766</b>	<b>2,547</b>

Source: PSU 2023



Insight on the accountability processes within UPF was gleaned from the interview responses of both the UPF and other key interlocutors. An interview with a senior police officer revealed thus:

*“As the UPF, we have internal accountability mechanisms open to members of the public and police personnel that are aggrieved by actions of any police officer. Complaints can be registered with the Professional Standards Unit (PSU) offices for investigation and charges may be levelled against an errant officer before the Police Disciplinary Court. The challenge is that the public is not sufficiently utilising this mechanism”.*

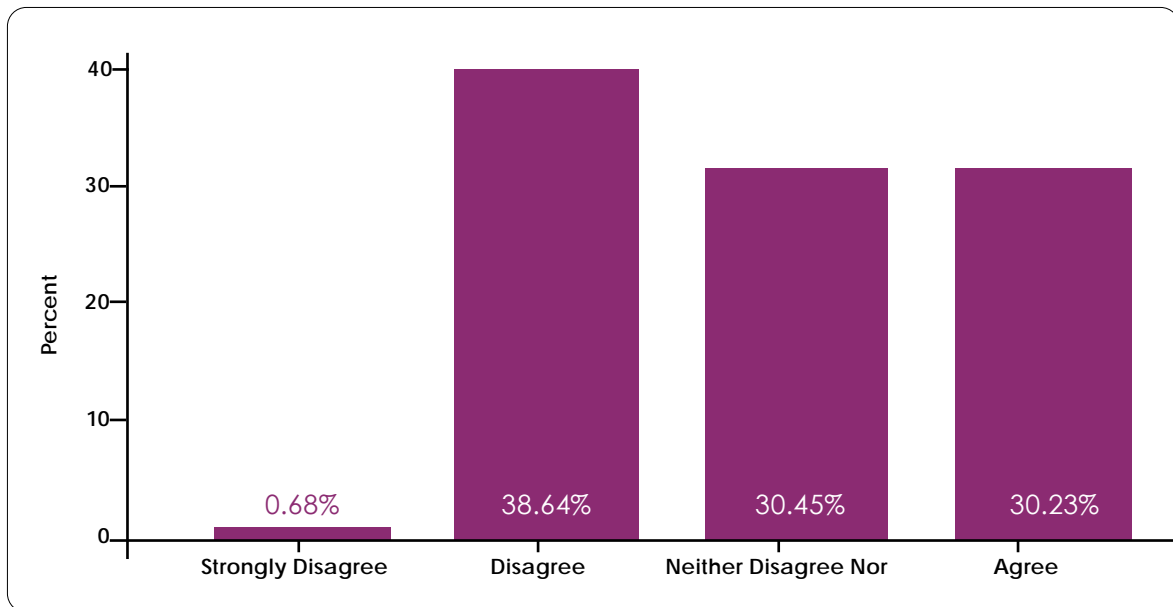
According to Civil Society activists, the internal accountability mechanisms have limitations that militate against them. One key informant interviewed opined that:

*“UPF insists it has internal accountability mechanisms to deal with errant officers. However, members of the public we are not aware of their existence, not invited to participate in the proceedings or made aware of the outcomes. Moreover, their independence questionable!”*

Therefore, it is apparent that while the UPF has internal accountability mechanisms, they are not sufficiently known, and suffer from a trust deficit.

### 4.3 POLICE RESPONSIVENESS

The perceptions of the respondents on police responsiveness captured included UPF response to crime intelligence and alerts in a prompt and timely manner; capacity to respond to emergencies and community security needs; UPF sensitivity to concerns and requests of the vulnerable groups (including assisting the physically handicapped); response to stakeholders' recommendations on improving police services; and UPF reception to the members of the public. The results are reported Figure 5.

**Figure 5: Respondents Perceptions on Responsiveness of the UPF**

The respondents (n=440) were asked to what extent they disagreed that UPF was a responsive institution. 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 like scale (*Strongly Disagree = 1, Disagree= 2, Neither Agree nor Disagree=3, Agree = 4, Strongly Agree = 5*).

UPF has initiated a number of measures which demonstrate its desire to be responsive. Notably, UPF has introduced weekly briefings to the public on the state of security and crime in the country all of which are hallmarks of proactive engagement. UPF also issues annual Crime and Safety Reports and has toll free and emergency lines (999). The question of responsiveness of the UPF is inextricably linked to the resource capacity of the force. For instance, the Directorate of Fire and Rescue Services has only 98 fire-fighting trucks in 46 stations spread across the country to serve a population of 45 Million and more than 300 urban centers to fire outside the district hosting the Fire Station but within its area of responsibility. Some of the fire stations serve more than eight districts, and only have a fire truck and or a water tanker, with simple office spaces that do not meet the standard for a fire station. Reference as UPF Strategic Development Strategic Plan 2015/2020 Equally, UPF has only 1,404 motor vehicles, equipment and plant; 7,579 motorcycles; 36 vessels (boats), three aircraft

and 18 donkeys. Of these, 282 vehicles and 957 motorcycles are uneconomical to maintain. The UPF requires UGX 16 billion annually to service and maintain the available equipment.

There are however concerns regarding the level of responsiveness of UPF. According to an interviewee from Civil Society, the UPF still has a lot to do to improve its level of responsiveness:

*“Sometimes it feels like squeezing honey out of a stone! We have made so many recommendations for reforming the police to no avail. Sometimes they have temerity to defy court orders but the timidity to respond to emergencies when called upon!”*

A key informant from the UPF on the other hand opined thus:

*Although our police station serves many outlying areas, we neither have a motorcycle or a bicycle to facilitate the movement of the police officers to the field to effect investigations or arrests promptly. Sometimes, we hold onto suspects until they are picked by officers from the main station thereby violating the 48-hour rule.<sup>20</sup>*

This is further collaborated by another police officer who commented as follows:

*“In all fairness one should consider the fact that the police are only able to respond in accordance with the resources at its disposal and in accordance with the law. We do not have sufficient resources and we do not make the law. We only enforce the law.”*

Another perspective on the issue of responsiveness of UPF was given by an interviewee from the academia who urged thus:

*“Responsiveness in my view is an aspect of answerability of a public institution to the needs of society and the exigencies of the moment. Therefore, there has to be a call followed by a response or proactive action on the part of the agency to address an imminent problem. In the case of Uganda Police Force, one should ask a very important question... To whose needs or calls orders is it responding? My view is that panders too much to the whims of the regime rather than the needs of the public.”*

Therefore, while UPF has made efforts towards being a responsive institution, the perceptions of the public point to the need to enhance the responsiveness of the Institution especially addressing its response to orders of court, recommendations from the different stakeholders on the performance of its mandate, and police

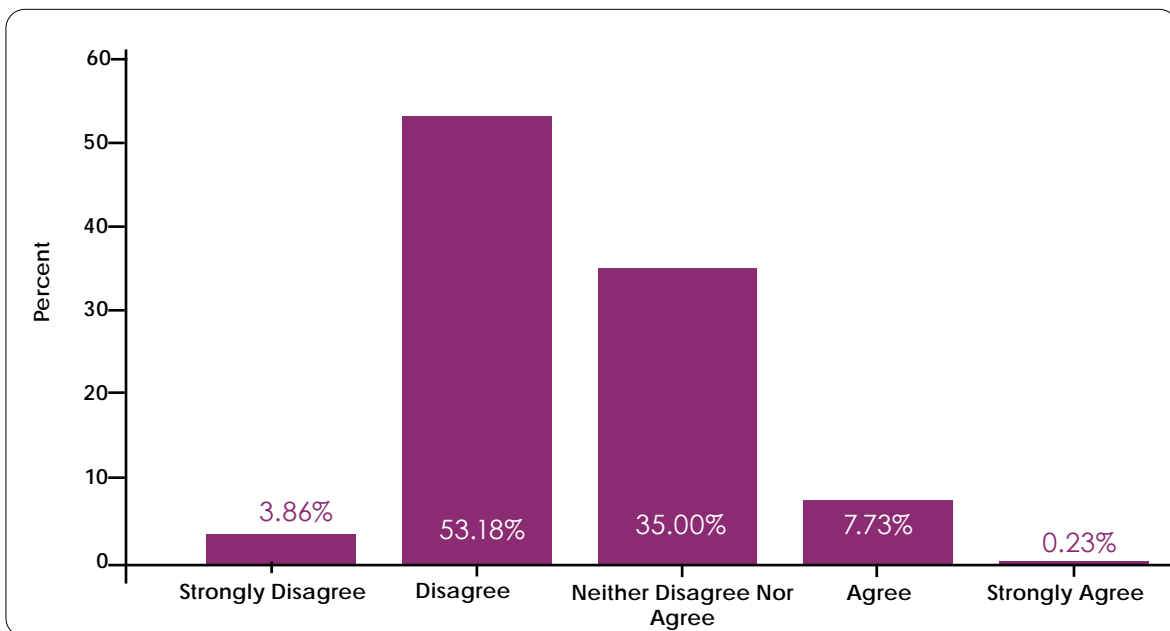
20 Interview with an officer at Bugembe Police Station

response to emergency calls from the public. Additionally, UPF must come to grips with the capacity constraints undermining the responsiveness and resolve the evident lack of public trust underlying the responses of the interviewees.

#### 4.4 POLICE PROFESSIONALISM

The perceptions of the respondents on police professionalism collected included whether or not they perceived the recruitment of police personnel as being transparent and open; personnel skilled and experienced in execution of their duties; appointment and promotion is done on a merit basis; police leadership and management career based; UPF enjoyed professional autonomy from other security agencies in the conduct of its work; professional management of police operations; zero tolerance from corrupt and unethical practices in the course of their work, and fire arms professionally managed and used by police officers. The results are reported Figure 6.

**Figure 6: Respondents Perceptions on Professionalism of the UPF**



The respondents (n=440) were asked to what extent they disagreed that UPF was a professional institution. The majority of the respondents (57.1 %) disagreed with the contention that the UPF is a run as a professional institution. Only 7.9% of the respondents agreed that the UPF is a 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 like scale (*Strongly Disagree* = 1, *Disagree*= 2, *Neither Agree nor Disagree*=3, *Agree* = 4, *Strongly Agree* = 5).

The UPF has a quota-based recruitment policy in line with the constitutional requirement that the force should be of a national character. The minimum qualification for recruitment in UPF for constables has vacillated between Uganda Certificate of Education (UCE) and Uganda Advanced Certificate of Education (UACE). For instance, whereas the requirement for recruitment of constables was UCE in 2002, it was changed to UACE in 2019 and back to UCE in 2023. Although the level had been changed to UACE to enable the catchment of high calibre of recruits, the high attrition rate in this category of recruits impelled UPF to revert to a minimum requirement of UCE. The recruitment requirement adversely affects potential women recruits: the prescribed academic qualifications; readiness to undertake a 12-month Police Basic Training Course; physical fitness; readiness to work for long hours and, at times, under difficult conditions; readiness to work in any part of the country; and possession of good communication skills<sup>21</sup>.

Furthermore, overtime there has been concerns that women are disproportionately represented senior management structure and managerial decision making of the UPF thereby eschewing the gender character of the force contrary to policy requirement. As at June 2020 there were 37,899 male police officers and 8,715 female police officers (see Table 10).

**Table 10: Rank distribution within UPF as at June 2020**

S/N	Rank	App. Structure	Male	Female	Curr. in Post	Shortfall
1	IGP	1	1		1	0
2	DIGP	1	1		1	0
3	AIGP	25	16	1	17	8
4	SCP	29	24	2	26	3
5	CP	98	35	4	39	59
6	ACP	181	64	9	73	108
7	SSP	654	124	22	146	508
8	SP	1169	367	55	422	747
9	ASP	2174	2136	701	2837	-663

21 APCOF (2021). Women in the Uganda Police Force: Barriers to women in operational policing. Page 19

S/N	Rank	App. Structure	Male	Female	Curr. in Post	Shortfall
10	IP	2,863	694	103	797	2,066
11	AIP	4,445	2,294	425	2,719	2708
13	SGT	8,285	2,911	672	3583	4,702
14	CPL	8,661	5,006	1,124	6130	2531
15	PC	40,262	21,410	4806	26,216	14,046
17	SPC	-	2,687	703	3,390	-
18	CIV	975	129	88	217	758
GRAND TOTAL		69,823	37,899	8,715	46,614	23,209
%age of structure					67%	33%

Source: UPF Strategic Plan 2015-2020

In 2014, the UPF embarked on the process of Development of Police Strategic Doctrine. This is purposed to put in place a set of values, norms and standards for policing that rhyme with regional and international policing standards. The doctrine covers a range of issues including professional conduct, ideological competencies, human rights, common standards for policing in East Africa among others. Currently, the UPF is undertaking stakeholders' consultations to input into the process. When completed, its hoped it will give strategic direction to the UPF personnel on professional policing.

In 2016, UPF signed the global civic charter and consequently developed a Clients charter that spells out its commitment to serve the citizenry in a professional manner. However, the charter is not widely disseminated in most of the police stations and the public, not known to most of the police officers and has not been actualised.

Overtime, there has been a noticeable trend towards militarisation of the UPF through deployment of serving senior military personnel within the ranks of UPF to head key departments and directorates. For example, as at 2023, 6 out of the 27-member top management team of the police are military officers. These include: Maj. Gen. Kasigazi Tumusiime who is the Deputy Inspector General of Police, Maj. Gen. Abel Kandiho who is the Chief of Joint Staff, Brig. Gen. Christopher Ddamulira appointed AIGP and Director Crime Intelligence; Brig. Gen. Jessy Kamunanwire appointed AIGP and Director Human Resource Administration; Brig. Gen. Godfrey.K. Golooba appointed AIGP and Director of Human Resource Development and Training; Maj. Tom Magambo appointed AIGP and Director Criminal Investigations.



The militarisation agenda of the UPF structure has also been furthered by appointing Senior Military Personnel to head the line Ministry. These include the Minister of Internal Affairs Maj. Gen. Kahinda Otafire, Minister of State Gen. Muhoozi David, Permanent Secretary Lt. Gen. Joseph Musanyufu. This state of affairs has clogged the UPF governance system which hinders the building of a professional police service in Uganda. This leadership by implication translates into the membership of the police authority, the apex organ which superintends over the UPF.

One key informant from the CSOs ventilated a concern about the secondment and co-optation of serving military officers in the UPF:

*“We are shocked that the UPF has been militarised to this extent! As Civil Society we recommended the development of a career police system and an end to the practice of recruiting military officers who come with a different ideology, ethos and training. Oddly, they come in at senior levels within the UPF where experience in strategic leadership would have been key criteria”.*

In 2019, High Court Case of Male.H. Mabilizi Kiwanuka Vs Attorney General court ruled that appointment of serving military officers into UPF did not violate Article 172 of the Constitution of the Republic of Uganda and Section 38 (3) of the UPDF Act 2005. The appointing authority is however, required to make such appointments on advise of the Public Service Commission according to Article 172 (1) (a). While section 38 (5) of the UPDF Act 2005 provides for regulations for the manner in which and conditions on which a military officer maybe seconded or loaned no such regulations to date have been developed to guide the process. Therefore, besides operating in the grey area while appointing military officers into the UPF, the practice undermines the morale of career police officers and the development of the police as a professional institution.

UPF offers training to new recruits as well as continued training for its staff in the different categories. The concern however, is the increasing intrusion of a military curriculum in the training of police officers. For instance, recently recruited 4500 Police Constables (PPCs) and 500 Learner Assistant Inspector of Police (LAIPs) went through a three (3) months military training at the police training school in Kabarye commenced on 14th September 2019. Allied to this is the joint ideological trainings for security forces which may threaten the ideological distinctiveness of the police as an institution such as one held at Tambo School of Leadership and Pan African Centre of Excellence in Kaweweta.



The professional stature of UPF has been tainted by allegations of the institution or elements within it working with self-professed criminals. One of the notorious criminals that has reportedly worked with the elements within the UPF is Sserunjoji Paddy Alias Sobi<sup>22</sup>.

Uganda Police Force has an array of frameworks such the Police Code of Conduct, the Police Standing Orders, the UPF Anti-Corruption Strategy 2017/18-2021/22, police Form 105 (Complaints handling Form), and amended PF18(Police Bond Form) to introduce new features such as; a watermark 'police bond is free' all of which can be utilized to address corruption within the force. Although this is the case, UPF has been billed as the most corrupt institution in Uganda by various reports. The 4th National Integrity Survey Report 2019 ranked Uganda Police Force as the worst department of government in extorting money from members of the public in form of bribery<sup>23</sup>. According to Afro Barometer report 2023, three out of four Ugandans (77%) say that "most" or "all" members of the police are corrupt<sup>24</sup>. The prevalence of corruption within the force has dented its image and undermined public trust in the institution. According to civil society activist interviewed it conditions and welfare of the police officers is faulted:

*"It is not surprising that the police are corrupt. The officers earn meagre salaries and have inadequate provision for welfare which is not commensurate to the prevailing economic conditions yet they have families and other responsibilities to attend to. a professional force should be well remunerated and motivated".*

While police salaries and welfare are arguably not the only contributing factors to police corruption, a review of the context is revealing. UPF has a stock of 4,360 housing units accommodating about 9,331 police officers, at a ratio of one (1) house to two (2) police officers. In some barracks, most families share small rooms in housing units, including relief houses (uni-ports and tents) in dilapidated states. The housing situation is dire as the available staff housing infrastructure can only accommodate 24% of

22 Baker Batte Lule 'How I met Sobi, the gang leader pinning police to city crime', The Observer, January 29, 2018. <https://observer.ug/news/headlines/56746-how-i-met-sobi-the-gang-leader-pinning-police-to-city-crime.html>

23 The 4<sup>th</sup> National Integrity Survey Report, 2019. [https://www.igg.go.ug/media/files/publications/MAIN\\_REPORT\\_1.pdf](https://www.igg.go.ug/media/files/publications/MAIN_REPORT_1.pdf)

24 Makanga Ronald Kakumba and Matthias Krönke (2023). Brutality and corruption undermine trust in Uganda's police: Can damage be undone, Afro Barometer. <https://www.afrobarometer.org/wp-content/uploads/2023/08/PP88-Brutality-and-corruption-undermine-trust-in-Ugandan-police-Afrobarometer-policy-paper-10aug23-1.pdf>

the personnel, implying that there is a gap of 76%; the majority of personnel share rooms, some are forced to build their own shanty or makeshift houses, while others rent using meagre their salaries. This is, arguably, a major de-motivating factor and breeds temptations to corruption tendencies. It is the cause of the high attrition rate estimated at an average of 1,000 personnel annually.



This dilapidated and condemned structure in Kumi Central Police Station is housing two officers for lack of adequate and decent shelter

Moreover, the UPF is also grappling with the challenge of access to Medicare. The study found that UPF operates several health facilities, including 08 Health Center IV, 06 Health Center III and 66 Health Center II, covering 68% of the police area. These medical facilities provide free general outpatient medical services to law enforcement personnel, their families, and the general public. However, the challenge is that these facilities' services remain substandard, with widespread shortages

Generally, review of records, perceptions from the public survey, the analysis of the narratives and content of responses of the police interviewees (See Appendix II) and other key interlocutors (See Appendix II) provides insights into the extent to which a UPF is delivering on its mandate in a human rights sensitive, accountable, responsive and professional manner.

## 4.5 CONCLUSION

The review of the data gleaned from the different sources suggest that UPF is not considered an accountable, responsive, human rights-sensitive, and professional institution. Delays in handling cases of police misconduct, lack of awareness and accessibility of UPF accountability mechanisms, and lack of independence and transparency within the UPF internal accountability processes are identified as major challenges. The chapter highlights human rights violations by the police, including torture, enforced disappearances, and violations of privacy rights. It also discusses issues of impunity and lack of accountability for police officers, as well as inadequate awareness of relevant laws by both the public and police officers as key issues. Additionally, the chapter addresses the militarization of the UPF through the recruitment of military officers and the co-optation of criminal elements, as well as concerns related to police corruption, welfare, and interference with professional autonomy by other security agencies. Overall, the chapter raises significant concerns about the UPF's effectiveness in fulfilling its mandate in an accountable, responsive, human rights sensitive, and professional manner.

## CHAPTER 5

### SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION OF THE STUDY

#### 5.0 INTRODUCTION

This section covers the summary of findings and offers recommendations in response to the findings.

The study set out to answer three research questions:

1. Is the existing legal, policy and institutional framework adequate to facilitate the discharge of the UPF mandate in an accountable, responsive, professional and human rights sensitive manner?
2. Is UPF executing its mandate as provided under the law?
3. Is the UPF executing its mandate in an accountable, responsive, professional and human rights sensitive manner

#### 5.1 SUMMARY OF FINDINGS

The findings of the study are clustered into three, namely, those focusing on the adequacy of the legal, policy and institutional framework for policing, mandate of UPF on the one hand and those focusing on the dimensions of accountable and democratic policing:

##### 5.1.1 ADEQUACY OF THE LEGAL AND POLICY FRAMEWORK FOR POLICING

**Table 11: Summary of Gaps in the Legal, Policy and Institutional Framework on Policing**

No.	Relevant Law	Gap/ Issue
1.	The Police Act, Cap 303 (as amended)	Section 4 (fa) provides for UPF co-operation with civilian authorities and other security organs established under the Constitution and with the population generally. However, it does not provide for an instrument to regulate such a relationship rendering it prone to abuse.
		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.

No.	Relevant Law	Gap/ Issue
		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.
		Section 35 gives the Minister excessive and over reaching powers based on his opinion to “declare that in any particular area in Uganda it shall be unlawful for any person or persons to convene an assembly at which it is reasonable to suppose that more than twenty-five persons will be present limit the areas that be accessed by citizens during assemblies” by issuance of an instrument gazetted such a place for up to a year. These powers are open to abuse as the gazetted of such an area is not the result of a court application. Moreover, a year is far too long for restriction of access to places which ordinarily the public is entitled to in a working democracy.

No.	Relevant Law	Gap/ Issue
		Section 36 provides for dispersal of an assembly after it has been ordered to be terminated. However, the powers to “do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming that resistance” are excessive. This section further 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. This is inconsistent with Section 10 (1) of the Human Rights (Enforcement) Act, 2019 which provides that a public officer who individually or in association with others violates or participates in the violation of a person's rights or freedoms shall be held personally liable for the violations notwithstanding the state being vicarious liable for his or her actions.
		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. However, these are largely internal mechanisms and lack independence. There is no provision for independent oversight mechanism of the UPF as international standards on policing require. Moreover, some of the internal mechanisms such as the Professional Standards Unit (PSU) are not provided for in the Police Act.



No.	Relevant Law	Gap/ Issue
2	The Constitution of the Republic of Uganda, 1995 (as amended)	Article 212(d) of the Constitution of the Republic of Uganda, 1995 provides for UPF cooperation with the civilian authority and other security organs established under the Constitution and with the population generally. Although Article 214 (c) gives Parliament powers to “makes laws regulating generally the Uganda Police Force”, Parliament of Uganda is yet to enact a law regulating the cooperation between UPF and other security agencies or the public generally. The lacuna is open to abuse and lends itself to predatory intrusion into the police mandate by other actors.
3	The Public Order Management Act, 2013	Section 8, 10 (3) and (4) of the Act have since been nullified by the Constitutional Court. There is need for guidelines constituent with international and regional standards on freedom of assembly to guide the different actors during the course of public assemblies to prevent improvisation by security agencies.
4	Witness Protection Legislation (Grey Area)	Currently, there is no comprehensive witness protection legal framework. Although the DPP has developed Guidelines on witness protection, these are merely administrative and potent enough to elicit the cooperation of witnesses. The absence of Witness Protection Legislation undermines the participation of the members of the public court processes and other accountability mechanisms as witnesses.
5	National Regulatory Guidelines on Investigation and gathering information by security agencies (Grey Area).	There are no up-to-date and human rights sensitive regulatory guidelines for investigations and gathering of information by UPF and other security agencies in line with the Mendez Principles on effective interviewing for investigations and information gathering. This predisposes security agencies and investigators to using torture and other unethical methods to gather crime intelligence.



No.	Relevant Law	Gap/ Issue
6	Convention Against Torture and other forms of Cruel, Inhuman and Degrading Treatment Optional.	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.
7	The International Convention for the protection of all persons from enforced disappearance.	Uganda has neither ratified the international Convention for the protection of all persons from enforced disappearance nor domesticated the same by enactment of an anti-enforced and involuntary disappearance legislation. Given a preponderance of cases of alleged kidnaps in Uganda since 2021, there is an urgent need to address the gap.

### 5.1.2 MANDATE OF UPF

The study found that while UPF has made efforts to discharge its mandate, the majority of respondents did not consider the UPF as fully discharging its mandate in accordance with the law. The underlying issues included the following:

- Protection of Life and Property (involvement of the police in land grabbing, unregulated security service providers, provision private security services by UPDF, illicit firearms);
- Prevention and Detection of Crimes (Human Resource Issues, reliance on criminal gangs);
- Keeping Law and Order (Management of Public Assemblies and the prevalence Mob Action); Maintenance of Public safety and security (Terrorism, Criminal gangs)

### 5.1.3 THE DIMENSIONS OF ACCOUNTABLE AND DEMOCRATIC POLICING

#### i. Police Accountability

The study found that while UPF has made efforts to discharge its mandate in accountable manner, the majority of respondents did not consider the UPF as an accountable institution. The underlying issues included the following:

- Delays handling of cases of police misconduct; lack of awareness and inaccessibility of the UPF accountability mechanisms by the public; lack of independence of the UPF internal accountability mechanisms; lack of transparency and feedback on processes of UPF internal accountability mechanisms; resources constraints; the transient nature of the UPF disciplinary court system.

#### ii. Respect and Protection of Human Rights

The study found that the UPF is making efforts to discharge its mandate in a human rights sensitive manner, the majority of respondents did not consider the UPF as fully respecting, and protecting human rights. The underlying issues included the following:

- Violation of rights of suspects (detention beyond 48 hours, torture to obtain confessions, enforced disappearance; the right to privacy during searches and investigations; Poor condition of detention facilities; equal treatment to all persons; the right to Life); impunity and lack of accountability for breaches committed by police officers; inadequate awareness of the relevant laws by both the public and police officers and Use of excessive force and firearms.

#### iii. Responsiveness

The study found that the UPF is making efforts to discharge its mandate in a responsive manner, the majority of respondents did not consider the UPF as fully responsive institution. The underlying issues included the following:

- Compliance with court orders and rulings; sensitivity to concerns and requests of the vulnerable groups (including assisting the physically handicapped); response to stakeholders' recommendations on improving police services; reception to the members of the public; lack of resources to implement recommendations; political interference.

#### iv. Professionalism

The study found that the UPF is making efforts to discharge its mandate in a professional manner, the majority of respondents did not consider the UPF as fully professional institution. The underlying issues included the following:

- Militarization of the UPF through secondment of serving UPDF officers for senior position of the UPF; vulgarization of the police force by recruitment or cooptation of criminal elements, police corruption; police welfare; appointed and promotion concerns; interference with professional autonomy of UPF by other security agencies.

#### v. Legal, Policy and Institutional Framework for Policing

The study found a number of gaps in the existing legal, policy and institutional framework for policing which impede the UPF from discharging its mandate in an accountable, responsive, professional and human rights sensitive manner.

### 5.2 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

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

#### The UPF

1. Provide regular and timely feedback on complaints filed by members of the public before the internal accountability mechanisms of the UPF.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. Expedite the process of popularizing the UPF charter to all police officers and members of the public as an act of commitment to accountable and democratic policing;
8. FastTrack the recruitment and promotion of women police officers into senior positions within the UPF;
9. Fast-track the conclusion and roll out of the UPF doctrine for internalization of police officers at different levels.

### **The Executive**

1. 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.
2. The executive should ratify and fully domesticate the International Convention on Protection of All Persons from Enforced Disappearance.
3. 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.

4. Allocate sufficient budget to the UPF to enable its proper function and service delivery to the public.
5. 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**

1. 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.
2. Campaign for enactment of legislation providing for independent police oversight mechanism, witness protection, and the amendment of the police act.
3. Monitor the Police for compliance with regional and international human rights standards.
4. Support the convening of dialogues and platforms between the Uganda Police Force and the public.

### **4.3 CONCLUSION**

The research study examines the public perception of the Uganda Police Force (UPF) and determines whether UPF executed its mandate in an accountable, responsive, human rights sensitive and professional manner. The study established that most participants viewed the UPF as not fully accountable, responsive, sensitive to human rights and professional. The findings suggest a need for more confidence in the UPF's ability to fulfil its mandate. As a result, the report provides recommendations for various stakeholders to address these concerns and improve the accountability, professionalism, responsiveness, and human rights sensitivity of the Uganda Police Force.

The study highlights the prevailing public perception of the Uganda Police Force as needing to catch up in various vital areas. The report's insights offer valuable information for stakeholders to consider in enhancing the performance and public trust in the UPF.

## APPENDIX I: SUMMARY OF VIEWS FROM KEY INTERLOCUTORS INTERVIEWED

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

## APPENDIX II: SUMMARY OF VIEWS FROM KEY INTERLOCUTORS INTERVIEWED FROM WITHIN THE UPF

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



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