

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



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ABBREVIATIONS AND ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
AIGP	Assistant Inspector General of Police
APCOF	African Policing Civilian Oversight Forum
ASP	Assistant Superintendent of Police
CFPO	Child and Family Protection Office
CHRI	Commonwealth Human Rights Initiative
CJS	Chief of Joint Staff
CLO	Community Liaison Officer
Cpl	Corporal
CSO	Civil Society Organisation
DPC	District Police Commissioner
DPP	Director of Public Prosecutions
DR	Desk Review
DRPD	Directorate of Research, Planning and Development
EAC	East African Community
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
HURINET-U	Human Rights Network – Uganda
IGP	Inspector General of Police
IP	Inspector of Police
JAP	Justice Access Point
JTF	Joint Task Force
KIIs	Key Informants Interviews
KMPA	Kampala Metropolitan Area
NGO	Non-governmental Organisation
NSC	National Security Council
NUP	National Unity Platform
OC	Officer Commanding
PC	Police Constable
POMA	Public Order Management Act
PSU	Professional Standards Unit

RCFPU	Regional Child and Family Protection Unit
RCIU	Regional Criminal Investigation Unit
RCPU	Regional Community Policing Unit
RHRU	Regional Human Resource Unit
RLO	Regional Legal Office
RPCU	Regional Police Commander Unit
RPRO	Regional Public Relations Office
RPSU	Regional Professional Standards Unit
RWI	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
SOCO	Scene of Crime Officer
SOPs	Standard Operating Procedures
SP	Superintendent of Police
SSP	Senior Superintendent of Police
UHRC	Uganda Human Rights Commission
UN	United Nations
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UPR	Universal Periodic Review

EXECUTIVE SUMMARY

This report sets out the findings and the recommendations resulting from the review of the progress made towards the implementation of the Common Standards for Policing in the East African Community (EAC) ('the Common Standards'), focusing on Uganda. The review followed the assessment commissioned by the African Policing Civilian Oversight Forum (APCOF) in 2018.

The overall objective of the review was to determine the progress made by the Uganda Police Force (UPF) in implementing the Common Standards. More specifically, it involved tracking the extent to which the previous recommendations had been implemented, as well as the gaps or challenges that prevented their full implementation.

The review applied both qualitative and quantitative research in a complementary manner, including mixed methods of data collection, in order to enable triangulation of the perceived and recorded progress made in the implementation of the Common Standards.

The review found that, while some progress had been made towards operationalising the Common Standards and the implementation of the recommendations from the previous assessment, these efforts had been constrained by a number of external and internal factors. External factors included the spread of the COVID-19 pandemic, the 2021 elections, and judicial, legislative and political developments that resulted in the militarisation of the police. Internal factors included a failure to popularise key documents, such as the Police Service Charter, a lack of independent external oversight (through disciplinary hearings) of UPF members, and insufficient training of police officers. The review further revealed that reactionary measures were insufficient in dealing with systemic human rights violations and deeply entrenched norms.

Based on these findings, the following recommendations have been made to the different, key stakeholders for ensuring the effective implementation of the Common Standards and for improving policing in Uganda:

(a) The government should:

- (i) Initiate a process of legislative and institutional reform aimed at establishing an independent oversight authority or commission (This will address the inadequacy of existing systems and the lack of independent, external oversight mechanisms. The mechanism created should have sufficient powers and resources to undertake its oversight role.);

- (ii) Ratify and fully domesticate both the International Convention for the Protection of All Persons from Enforced Disappearance and the Declaration on the Protection of All Persons from Enforced Disappearance (The government should also follow the guiding principles on searching for disappeared persons, as well as comply with the standards and public policies for effectively investigating enforced disappearances as laid down by the Committee on Enforced Disappearances.);
- (iii) Address the high levels of torture perpetrated by the security agencies;
- (iv) Implement the Prevention and Prohibition of Torture Act by investigating all claims of torture and holding security personnel accountable for acts of torture;
- (v) Amend the Police Act of 1994 to facilitate freedom of assembly and to regulate the use of force and firearms in accordance with United Nations (UN) guidelines;
- (vi) Address the multiplicity of policing units and the overlapping chain of command (between different policing units and between the military and the UPF). (This is necessary in order to ensure that specific perpetrators can be identified and held accountable for human rights violations.); and
- (vii) Develop and implement a statutory instrument of cooperation to address the nebulous relationship between the UPF and other security agencies regarding operational matters so as to ensure proper accountability for excesses committed during joint operations.

(b) The UPF should:

- (i) Popularise existing, internal disciplinary mechanisms and their outcomes among the general public, with the aim being to enhance their utilisation and public confidence in them as disciplinary control measures (The UPF should, for instance, raise public awareness concerning Police Form 105 and how the public can use it to file complaints against errant police officers.);
- (ii) Popularise the standard operating procedures (SOPs) on the use of force and firearms by law enforcement officers during operations, provide police officers with a pocket-size version of the handbook containing the SOPs, and mainstream the SOPs on the use of force and firearms in the police curriculum;
- (iii) Develop and implement a framework for monitoring the operationalisation of the Human Rights Policy;
- (iv) Provide for a more comprehensive, stand-alone module on torture within the UPF training curriculum to enable UPF officers to gain an in-depth appreciation of the requirements of the law and of the regulations on torture;
- (v) Disseminate and popularise the first and second assessment reports, within the UPF and among external stakeholders, on the implementation of the Common Standards in Uganda. (The UPF should share the reports of the two assessments and make them accessible to officers across the country, including the police training schools, and, by hosting seminars and training events throughout the different policing regions, ensure that UPF personnel understand the findings and recommendations of the reports. Furthermore, disseminating the reports among other key stakeholders will enable such stakeholders to track the progress made in implementing the recommendations.);
- (vi) Incorporate the Common Standards into the UPF Strategic Plan and Training Curriculum, together with indicators and measures to facilitate the desired outcomes (Having the Common Standards incorporated into the Strategic Plan will also enable effective budgeting for their implementation.);
- (vii) Develop and operationalise an online document resource centre to exclusively archive and make accessible information on policing for interested parties (This could be hyperlinked to the UPF's main website.); and
- (viii) Implement the recommendations made in the previous (2018) report that have not yet been operationalised.

(c) Civil society should:

- (i) Create awareness in East Africa regarding the Common Standards and monitor their implementation within the UPF;
- (ii) Undertake capacity-building interventions to support the UPF's efforts in implementing the Common Standards;
- (iii) Advocate for the amendment of the Police Act and for the enactment of legislation providing for an external, independent police oversight authority;
- (iv) Advocate for the ratification and full domestication of the International Convention for the Protection of All Persons from Enforced Disappearance and of the Declaration on the Protection of All Persons from Enforced Disappearance;
- (v) Undertake research into public perceptions of policing, with specific reference to UPF compliance with the Common Standards; and
- (vi) For the purpose of demanding accountability, monitor and document human rights violations committed by the UPF.

INTRODUCTION

The Common Standards for Policing in the East African Community (EAC) ('the Common Standards') were developed in 2010 through a collaborative process involving the EAC and the East African Police Chiefs Cooperation Organisation (EAPCCO). This process was supported by the technical expertise of the African Policing Civilian Oversight Forum (APCOF) and the Commonwealth Human Rights Initiative (CHRI). Drawing from existing international and regional human rights commitments made by the EAC member states, the Common Standards establish a harmonised framework for policing in the EAC.

Operational human rights systems require effective implementation. The EAC and EAPCCO, together with APCOF and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), have therefore embarked on a project to conduct evidence-based assessments of the extent to which EAC member states have implemented the Common Standards. The purpose of these assessments is to identify gaps in existing implementation measures and to pinpoint development needs. In 2018, APCOF, in collaboration with the Uganda Police Force (UPF) and the Human Rights Network Uganda (HURINET-U), undertook the first review of the extent to which the UPF had effectively implemented the Common Standards.¹

This report offers an updated assessment of the extent to which the Common Standards have been implemented, focusing on the period between 2019 and 2021. The report also examines the extent to which the recommendations set out in the 2018 report have been fulfilled.

¹ African Policing Civilian Oversight Forum (APCOF) (2018), 'Common Standards for Policing in East Africa: Uganda. Assessment of the Uganda Police Force's progress towards meeting the Common Standards', available at <https://apcof.org/wp-content/uploads/cs-for-policing-ea-study-uganda.pdf> (accessed on 12 December 2021).

CONTEXTUALISING THE STUDY

The review was undertaken at a particularly challenging time for policing in Uganda. The years 2020 and 2021 saw significant social and political developments that had serious implications for the protection of human rights. The most marked event (both globally and nationally) was the outbreak of the COVID-19 virus and the national and international measures that were introduced to stem its transmission. Compounding these events were the 2021 elections that took place, as well as a number of key legislative and judicial developments. Collectively, these had a significant impact on the operations of the Uganda Police Force (UPF).

COVID-19

Uganda was praised for its prompt response to the COVID-19 pandemic, in that it was one of the first African countries to swiftly introduce a wide array of measures designed to halt the spread of the virus.² On 18 March 2020,³ and before the first confirmed case of the virus, the Minister for Health invoked the regulatory power provided for under the Public Health Act⁴ to issue rules and orders aimed at combating COVID-19 in Uganda. These rules included a 32-day suspension of mass gatherings in Uganda. Foreigners and Ugandans were also required to quarantine for two weeks upon arrival in the country. Subsequently, the Ministry of Health issued the Public Health (Control of COVID-19) Rules of 2020 which restricted public gatherings and meetings.⁵ Under these rules, Uganda imposed a lockdown and a curfew for most of 2020 and 2021. Although the President did

2 The Global Fund (March 2021), 'Uganda's remarkable response to COVID-19', available at <https://www.theglobalfund.org/en/blog/2021-03-23-ugandas-remarkable-response-to-covid-19/> (accessed on 8 December 2021).

3 Government of Uganda (June 2021), Covid-19 Response Infor Hub, available at <https://covid19.gou.go.ug/timeline.html> (accessed on 9 December 2021).

4 Laws of Uganda, Chapter 281: Public Health Act (1935).

5 Republic of Uganda, Ministry of Health, 'The Public Health (Control of Covid-19) Rules, 2020 Arrangement of Rules', available at <https://www.health.go.ug/cause/the-public-health-control-of-covid-19-rules-2020-arrangement-of-rules/> (accessed on 15 December 2021). As a result of these rules, places, premises, activities, events, meetings and gatherings were either closed or banned. Among these were public meetings, including political rallies, conferences, and cultural meetings. This was done pursuant to section 11 of the Public Health Act, which gives the Minister the power to make rules applicable to all infectious diseases, or only to such infectious diseases as may be specified in the rules, regarding matters such as the closing of any school or any place of public entertainment, including the regulation and restriction of school attendance, where deemed necessary for the purpose of preventing the spread of any infectious disease.

not invoke Article 110(1) of the Constitution of the Republic of Uganda, 1995 ('the Constitution'),⁶ which empowers the President to declare a state of emergency, a de facto state of emergency existed.

Late in March 2020, the UPF and other security agencies created an interagency Joint Task Force (JTF) under the auspices of Uganda's National Security Council. The purpose of the JTF was purportedly to support the enforcement of the rules and the standard operating procedures (SOPs) issued by the Minister for Health.⁷ While seeking to serve a legitimate public-health need, the government-enforced lockdown saw a rise in the use of excessive force by police officers⁸ and the militarisation of efforts to curb the pandemic. In addition to the excessive use of force, there were incidents of torture, detention beyond 48 hours, and killings.⁹ These events emphasised the importance of the Common Standards, in particular the standard requiring police officers to protect the life, liberty and security of the person and the duty to maintain social peace (Common Standard 1). Such events also highlighted the duty to police in accordance with the rule of law (Common Standard 2) and the obligation to use force only when strictly necessary (Common Standard 3(ii)).

The 2021 digital elections

A general election was also held during the period under review (in 2021). COVID-19 restrictions resulted in the government undertaking a scientific election.¹⁰ The elections can be described as digital elections, in that they took place on social media, television and radio, as opposed to being held in person. The government therefore called on political parties to learn how to use the current social- and digital-media landscape to facilitate online processes. Smart-media task teams were also formed to guide the election campaigns. While an online election may seem progressive, the UPF established the Violence Suppression Unit to guard TV and radio stations hosting politicians during the elections. This step was supposedly taken to enforce public health measures through preventing crowds from gathering outside media houses. The government and the UPF have, however, been criticised for using the pandemic as a means to suppress political opposition.¹¹ This underscores the importance of Common Standard 4 on police organisations, in particular the requirement that police organisations should uphold the law as opposed to enforce the law, and the requirement that police organisations should strive to promote an operationally independent police organisation (independent of the executive) which upholds the principles of democratic policing (Common Standard 4(i) and (ii)).

Significant legislative, political and judicial developments

During the period under review, there were a number of notable legislative, political and judicial developments with implications for policing:

- a) **The annulment of the Public Order Management Act (POMA).** On 26 March 2020, the Constitutional Court of Uganda annulled section 8 of the Public Order Management Act of 2013.¹² This Act grants the Inspector General of Police (IGP) or his or her designated officer discretionary powers and broad authority to stop or prevent the holding of public meetings where there are reasonable grounds that such meetings would result in a breach of peace. In Constitutional Petition No. 56 of 2013, the court ruled that the law

6 Constitution of the Republic of Uganda, 1995, available at <https://www.statehouse.go.ug/government/constitution> (accessed on 15 December 2021).

7 Uganda Police Force (UPF), 'Inter-agency task force formed to combat Covid-19', available at <https://www.upf.go.ug/inter-agency-task-force-formed-to-combat-covid-19/> (accessed on 15 December 2021).

8 Amnesty International (2 April 2020), 'Uganda: Respect rights in Covid-19 response', available at <https://www.hrw.org/news/2020/04/02/uganda-respect-rights-covid-19-response> (accessed on 9 December 2021); *Daily Monitor* (24 November 2020), 'Death toll from riots rises to 50', available at <https://www.monitor.co.ug/uganda/special-reports/death-toll-from-riots-rises-to-50--3208320> (accessed on 30 December 2021).

9 G Olukya (9 August 2021), 'Uganda sees killings, human rights abuses during COVID-19 lockdown', available at <https://www.aa.com.tr/en/africa/uganda-sees-killings-human-rights-abuses-during-covid-19-lockdown/2329291> (accessed on 17 December 2021).

10 Government of the Republic of Uganda, 'A call to embrace the scientific elections', available at <https://ict.go.ug/2020/06/22/press-statement-on-scientific-elections-roadmap/> (accessed on 17 December 2021).

11 C Okello (2020), 'Ugandan police deploy crowd control unit to vet media election campaigns', available at <https://www.rfi.fr/en/africa/20200806-ugandan-police-vet-presidential-debates-deter-crowds-media-bobi-wine-museveni-2021-election> (accessed on 9 December 2021).

12 *Human Rights Network Uganda & four others v Attorney General (Constitutional Petition 56 of 2013)* [2020] UGCC 6 (26 March 2020).

was inconsistent with the Constitution.¹³ While this has been seen as a positive development towards facilitating peaceful assemblies in Uganda, issues around policing assemblies remain (as discussed further below).

- b) **The militarisation of the police.** The UPF was slowly militarised in the preceding decade – as evidenced by military officers being placed in key leadership positions in the UPF. For example, between 2019 and 2021, the President appointed senior military personnel within the UPF, placing them in strategic positions, including the Chief of Joint Staff (CJS) and the Assistant Inspector General of Police (AIGP).¹⁴ Moreover, the joint operations between the UPF and the Uganda Peoples’ Defence Forces (UPDF) blurred the lines of accountability between the two security agencies.¹⁵ Incidents that resulted in severe human rights violations, such as the death of 54 protesters,¹⁶ also occurred during joint police and military operations. While policing is the preserve of UPF, the Uganda Peoples’ Defence Forces Act 7 of 2005 provides for circumstances where civilians can be arrested by the UPDF and tried in military courts. This is in spite of a 2017 finding¹⁷ by the African Commission on Human and Peoples’ Rights (ACHPR) that the Act should be revised in order to prohibit the trial of civilians before military courts. Subsequently, in 2021, the Ugandan Constitutional Court declared the Act unconstitutional and held that civilians could not be prosecuted before the General Court Martial. This seemingly underscores the primacy of the UPF in the arrest of civilians and the civil courts as the appropriate forum for the trial of civilians.
- c) **The Human Rights (Enforcement) Act.** On 31 March 2019, the President assented to The Human Rights (Enforcement) Act of 2019, which gives effect to Article 50(4) of the Ugandan Constitution. The Act provides procedures for enforcing human rights,¹⁸ with section 10(1) providing that any public officer who singularly or in association with others violates a person’s rights or freedoms will be held personally liable for such act. This liability exists, even in cases where the state is vicariously liable. This legislation raises the bar of accountability for human rights violations and aligns with the Common Standard 4 (iv) which provides that police organisations will account for violations of citizens’ human rights.
- d) **The creation of more administrative units in the country.** The Government of Uganda created seven¹⁹ new districts, which became operational in 2019, and 15²⁰ additional cities, ten of which became operational on 1 July 2020. All of these additions had implications for policing in the country.

The foregoing actions formed a defining backdrop against which policing operations were executed during the course of 2019, 2020 and 2021. This contextual background impacted the extent to which the Common Standards were operationalised. The actions further impacted the extent to which recommendations from the previous 2018 assessment were implemented.

13 As per the ruling of Justice Kenneth Kakuru in Constitutional Court Petition No. 56 of 2013 on 26 March 2020 – see *HURINET and four others v the Attorney General*.

14 J Nkuubi (2020), ‘When guns govern public health: Examining the implications of the militarised COVID-19 pandemic response for democratisation and human rights in Uganda’, available at <https://www.ahrlj.up.ac.za/nkuubi-j> (accessed on 16 December 2021).

15 Ibid.

16 D Wanders (November 2021), ‘Uganda: November riots report – stray bullets killed 39 victims’, available at <https://allafrica.com/stories/202111240115.html> (accessed 9 December 2021).

17 Communication 339.07: *Patrick Okiring and Samson Agupio v The Republic of Uganda*.

18 The Human Rights (Enforcement) Act of 2019.

19 *TND News* (10 June 2019), ‘7 new districts to start in fy2019/20’, available at <https://tndnewsug.com/2019/06/10/7-new-districts-to-start-in-fy-2019-20/> (accessed on 23 December 2021).

20 Parliament of the Republic of Uganda (29 April 2020), ‘Parliament approves creation of 15 cities’, available at <https://www.parliament.go.ug/news/4614/parliament-approves-creation-15-cities> (accessed 20 December 2021).

METHODOLOGY

Progress towards implementing the Common Standards was reviewed, with a specific focus on the extent to which the recommendations from the previous assessment had been implemented. The review covered the period between April 2019 and November 2021. Participation in the review was limited to interlocutors within the Kampala District and the Kampala Metropolitan Area. (KMPA). The authors applied both qualitative and quantitative approaches in a complementary manner, as well as mixed methods of data collection, in order to enable triangulation of the perceived and recorded progress in the implementation of the Common Standards.

The data-collection methods employed included Desk Reviews (DRs) and Key Informants Interviews (KIIs). The DR aspect included scanning the literature, analysing secondary data, and creating a reference list. In the course of the review, a range of documents was examined. These included:

- Relevant national laws;
- Archival records of the Uganda Police Force (UPF);
- Reports of the Uganda Human Rights Commission (UHRC);
- Regional and international human rights standards;
- Rulings of the African Commission on Human and Peoples' Rights (ACHPR) in respect of Uganda;
- Reports of civil society organisations (CSO) submitted in terms of the United Nations (UN) Universal Periodic Review mechanism, and
- Reports on developments around the Uganda Police Force (UPF) and policing between 2019 and 2021.

KIIs were conducted to gather data on the progress made by the UPF towards achieving the Common Standards during the period under consideration, and to explore recommendations. The KIIs targeted both senior police officers and leaders within the non-governmental organisation (NGO) sector. The KIIs were conducted using an interview guide developed on the basis of indicators drawn from the Common Standards. The interviews also sought to gain insight into participants' perceptions of the extent to which the 2018 recommendations had been implemented. Data from the KIIs was analysed using the thematic-content approach.

The assessment was conducted in a manner that took into account the ethical concerns of the participants. In order to minimise the risk of harm to participants in the context of the COVID-19 pandemic, the research precluded activities that would require groups to convene. The authors sought, and secured, consent from the UPF's Directorate of Research, Planning and Development (DRPD) and from individual research participants within the police and other agencies.

REVIEW OF PROGRESS

Introduction

This section examines the extent to which police accountability, police accessibility, and the practical capacity of the police to perform their duties have improved. It further unpacks the specific human rights issues relating to policing that were highlighted by the COVID-19 pandemic, including the use of torture and the use of excessive force.

Accessibility and representation of police officers

A central component of Common Standard 1 includes ensuring that the police are accessible to the public. As per the 2018 Report:

The distribution of stations, personnel and resourcing available to the police makes the UPF geographically visible and accessible to the public, despite a low population-to-police-officer ratio.²¹

During the period under review, efforts were made to improve both police accessibility to the public and the population-to-police-officer ratio. This was done through increasing the number of police stations/posts and the number of police personnel at the district and community level.²² The pressure for more police stations and posts followed the creation of new districts. For instance, for the year 2019/2020, seven new districts were created.²³ Currently, there are 115 police districts/divisions, 359 police stations and 1 399 police posts.²⁴ The Uganda Police Force (UPF) has structured its operations into 27 policing regions (see Table 1) to enhance accessibility and to increase the efficiency of police service delivery.

21 APCOF (2018), 'Common Standards for Policing in East Africa: Uganda. Assessment of the Uganda Police Force's progress towards meeting the Common Standards', available at <https://apcof.org/wp-content/uploads/cs-for-policing-ea-study-uganda.pdf> (accessed on 12 December 2021).

22 *The Daily Monitor* (Saturday, 24 July 2021), 'Police spend billions on arms, surveillance as welfare drops', available at <https://www.monitor.co.ug/uganda/news/national/police-spend-billions-on-arms-surveillance-as-welfare-drops-3484770?view=htmlamp> (accessed on 23 December 2021).

23 *TND News* (10 June 2019), '7 new districts to start in fy2019/20', available at <https://tndnewsug.com/2019/06/10/7-new-districts-to-start-in-fy-2019-20/> (accessed on 23 December 2021).

24 Interview with the Deputy Director: Operations, 13 October 2021.

Table 1: The 27 policing regions within Uganda

1. Kampala Metropolitan North	10. Kampala Metropolitan East	19. Kampala Metropolitan South
2. Busoga North	11. Busoga East	20. Sipi
3. Greater Masaka	12. Rwizi	21. Kigezi
4. Greater Bushenyi	13. Kiira	22. Rwenzori East
5. Rwenzori West	14. Elgon	23. Wamala
6. Aswa	15. East Kyoga	24. North West Nile
7. West Nile	16. North Kyoga	25. Kidepo
8. Moroto	17. Katonga	26. Savannah
9. Sezibwa	18. Bukedi	27. Albertine Region

Source: *Uganda Police Annual Crime Report 2019*.

The Regional Police Commander is assisted by officers assigned to, among others, the following policing units: the Regional Professional Standards Unit (RPSU), the Regional Legal Office (RLO), the Regional Community Policing Unit (RCPU), the Regional Criminal Investigation Unit (RCIU), the Regional Child and Family Protection Unit (RCFPU), the Regional Police Commander Unit (RPCU), the Regional Public Relations Office (RPRO) and the Regional Human Resource Unit (RHRU). The District Police Commanders head up police staff at all police stations and police posts in the districts.

While the introduction of additional regions and units may have been aimed at improving police efficiency, these developments need to be understood within the broader political context. Under the current government, the security sector has become ‘increasingly fragmented and complex, in large part through the formation of new units and sub-units within the Uganda Police Force’.²⁵ There is also often confusion as to the chain of command, with personnel being assigned overlapping and conflicting duties. This also causes confusion for communities and makes it difficult to hold the relevant parties accountable for human rights abuses.

In a bid to operationalise the relevant structures, more personnel were recruited. For example, as at 10 October 2021, the strength of the UPF in terms of personnel stood at 54 000, of whom 37 800 (70%) were male and 16 200 (30%) were female.²⁶ This is in line with the UPF’s goal to increase female representation within the police force to 30%. However, while this is a positive development, an increase in representation on its own is insufficient to ensure gender transformation. While gender representation within the UPF is discussed in more detail on page 24, gender transformation is necessarily a long-term project that needs to address historical policing traditions and broader social norms.

At the very least, the developments described above resulted in an improvement in terms of the population-to-police ratio, which shifted from 1:772 to 1:671 since the last assessment in 2018. However, this is still below the United Nations (UN) standard population-to-police ratio of 1:450.

Further attempts to improve police accessibility included the UPF maintaining a toll-free 999 line, as well as sharing the mobile-phone details of District Police Commissioners (DPCs) and Officers Commanding (OCs) stations and posts.²⁷ Signposts providing directions to police stations/posts for members of the public were also installed. In addition to this, social media platforms such as police/community WhatsApp groups, interactions on Twitter, and the development of web-based applications were introduced. While these efforts were aimed at ensuring that members of the public could easily access information related to the UPF, such efforts were constrained by the existing political environment, including limitations imposed by government on some social media platforms. For example, the government charged a social media tax, ultimately

25 R Tapscott (2021), ‘Violence, sovereignty and the Uganda Police Force’, available at <https://oxford.universitypressscholarship.com/view/10.1093/oso/9780198856474.001.0001/oso-9780198856474-chapter-4> (accessed on 5 January 2022).

26 Interview with the Commissioner for Human Resources of the UPF, 13 October 2021.

27 Interview with the Head of the Community Policing Department of the UPF held on 15 October 2021 at Police Headquarter, Naguru.

restricting access for many Ugandans.²⁸ While the UPF has established a website, certain key documents were also not available online (as discussed further on page 24).

The adequacy of the Uganda Police Force budget for the execution of its mandate

In order for the police to be free of partisan political interference, they require an adequate budget to carry out their mandate. This is also necessary in order for the police to spend according to approved budget expenditure items, in compliance with Common Standard 3. While the UPF budget still falls short of meeting the needs of the UPF, there was an increase in the budgetary allocation to the UPF between 2019 and 2021 (see Table 2). The UPF maintained a clear budget to guide its expenditure and policy rationale under Vote 144 of the National Budget Frameworks.²⁹ However, according to police management, the police budgetary allocation was insufficient to allow the police to effectively perform their functions, and this notwithstanding the increments proposed for the last year (see Appendix I and II). This seems plausible given that, during such period, there was an appreciable increase in the number of police personnel, as well as increased security operations related to the enforcement of COVID-19 standard operating procedures (SOPs) and managing public assemblies during the 2021 presidential and general elections. The welfare of police officers, especially in terms of accommodation facilities, was also not sufficiently budgeted for, which remains concerning.

Table 2: Annual budgets for the last four years

YEAR	AMOUNT (UGX BILLIONS)
2021/2022	916
2020/2021	968
2019/2020	930
2018/2019	733

Source: *The Daily Monitor* (Saturday, 24 July 2021).

Capacity to prevent mob justice

Another area of review was the extent to which the police were able to prevent vigilantism and to educate the public on the dangers of mob action. Vigilantism and mob action are, inter alia, manifestations of the breakdown in trust between the police and the community they serve.³⁰ The likelihood of mob justice also has an impact on the likelihood of the state granting bail. A number of cases of vigilante justice or mob action were reported in 2019 and 2020.³¹ According to the Annual Crime Report for 2020, there were 540 cases of mob action compared with the 746 cases reported in 2019. A number of police officers who were interviewed attributed this decrease in mob justice³² to their community and media outreach efforts, which focused on educating the public on the dangers of mob justice.

It is, however, likely that the COVID-19 lockdowns and the curfew imposed for the greater part of 2020 and 2021, which limited activities in public areas where mob justice tends to occur, contributed to the reduction. The cases of mob justice were spread across the different districts, with varying incidence rates (see Tables 3 and 4 below).

28 Human Rights Watch (2021), 'Uganda: Events of 2021', available at <https://www.hrw.org/world-report/2022/country-chapters/uganda> (accessed on 12 December 2021).

29 Uganda Police Force (2021), 'Ministerial Policy Statement', available at https://budget.go.ug/sites/default/files/Sector%20Spending%20Agency%20Budgets%20and%20Performance/2021-2022_VoteMPS_144_UgandaPoliceForce_75_31032021102701.pdf (accessed on 9 December 2021).

30 RM Kakumba, Afrobarometer (2020), 'Willing to kill: Factors contributing to mob justice in Uganda', available at https://afrobarometer.org/sites/default/files/publications/Policy%20papers/pp70-factors_contributing_to_mob_justice_in_uganda-afrobarometer_policy_paper-25nov20.pdf (accessed on 12 December 2021).

31 Ibid., 2.

32 *The Independent* (20 April 2021), 'Mob justice cases dropped in 2020' available at <https://www.independent.co.ug/mob-justice-cases-dropped-in-2020/> (accessed on 29 December 2021).

Table 3: Districts/divisions leading in murder by mob action for the year 2019

S/NO.	DISTRICTS/DIVISIONS	NO. OF CASES REPORTED
1	Mbarara	25
2	Arua	24
3	Luweero	19
4	Hoima	18
5	Ntungamo	15
6	Kasangati Division	14
7	Nakaseke	14
8	Mayuge	13
9	Mityana	12
10	Iganga	12

Source: Uganda Police Annual Crime Report 2019.

Table 4: Districts/divisions leading in murder by mob action for the year 2020

S/NO.	DISTRICTS/DIVISIONS	NO. OF CASES REPORTED
1	Mbarara	16
2	Kakumiro	15
3	Lira	13
4	Kiryandongo	13
5	Hoima	13
6	Luwero	12
7	Katwe Division	11
8	Mayuge	9
9	Kyenjojo	9
10	Arua	9

Source: Uganda Police Annual Crime Report 2020.

Internal oversight: Accountability

The 2018 Report recommended that the UPF publish data on the outcome of disciplinary cases and of human rights complaints against officers. Similarly, it was recommended that the Uganda Human Rights Commission (UHRC) report to Parliament on the specific outcomes of cases involving complaints against UPF officers.³³

The present review therefore also covered the extent to which the UPF enforced the Police Code of Conduct within the force. Police officers are required to respect and adhere to such code and are supposed to be held accountable by the police standby disciplinary court for breaches of the code. The number of police officers who were charged by the disciplinary court in 2020 and 2021 is given in Tables 5 and 6 below.³⁴ In 2020, 55 officers were charged by the police disciplinary court for violating the Police Code of Conduct, while 60 officers had been charged as at October 2021.³⁵ Therefore, between 2020 and 16 October 2021, 115 officers

33 APCOF (2018), 'Common Standards for Policing in East Africa: Uganda. Assessment of the Uganda Police Force's progress towards meeting the Common Standards', available at <https://apcof.org/wp-content/uploads/cs-for-policing-ea-study-uganda.pdf> (accessed on 12 December 2021).

34 UPF Standby Disciplinary Court Records, 2020 and 2021 (January to 10 October).

35 Ibid.

appeared before the police standby court. The nature of the breaches in 2020 included breach of confidence, corrupt practice, discreditable or irregular conduct, neglect of duty, acting in a scandalous manner, unlawful or unnecessary use of authority, and withdrawing from duty (see Table 5).

Table 5: Disciplinary cases of police officers before the standby disciplinary court, 2020

NO.	BREACH	NUMBER OF DEFAULTERS
1	Breach of confidence	1
2	Corrupt practice	3
3	Discreditable or irregular conduct	19
4	Disobedience to lawful orders	5
5	Neglect of duty	13
6	Acting in a scandalous manner	2
7	Unlawful or unnecessary use of authority	8
8	Withdrawn from duty	4

Source: UPF Standby Disciplinary Court Records, 2020.

Sixty officers were charged between January and 10 October 2021 for various breaches, including breach of confidence, corrupt practice, discreditable or irregular conduct, drunkenness, falsehoods, neglect of duty, releasing or causing a prisoner to escape, acting in a scandalous manner, unlawful or unnecessary use of authority, and withdrawing from duty (see Table 6 below).

Table 6: Disciplinary cases of police officers before the standby disciplinary court, 2021

NO.	BREACH	NUMBER OF DEFAULTERS
1	Breach of confidence	1
2	Corrupt practice	7
3	Discreditable or irregular conduct	7
4	Drunkenness	1
5	Falsehoods	2
6	Neglect of duty	15
7	Releasing or causing a prisoner to escape	1
8	Acting in a scandalous manner	3
9	Unlawful or unnecessary use of authority	4
10	Withdraw from duty	4

Source: UPF Standby Disciplinary Court Records, 2021.

The ranks of the officers sanctioned for the various breaches ranged from Police Constable (PC) to Superintendent of Police (SP), as reported in Table 7.

Table 7: The nature and severity of the sanctions and the ranks of those disciplined

SANCTION	RANK/YEAR	
	2020	2021
Dismissal	Cpl (1), ASP (1)	Cpl (1), ASPs (2)
Severe reprimand	SSPs (2), SPs (3), ASPs (5)	ASPs (3), SP (1), PCs (6)
Reprimand	ASPs (9), SPs (3), SSP (1)	SP (1), ASP (1)
Restitution	ASPs (3), SP (1)	SP (1), ASP (1)
Discharge	SP (1), ASPs (2), AP (1)	ASP (1)
Fine	SP (1), ASPs (4)	ASPs (2), IP (1), PCs (6)
Demotion	SPs (2)	–
Community labour	PCs (6)	–
Deferment of increase of salary	–	ASP (1)

Source: *The prosecutor of the standby police court.*

In spite of the existence of the disciplinary court, reports by the UHRC and Professional Standards Unit (PSU) indicated continuing non-compliance with the legal provisions pertaining to the rights of suspects. This non-compliance was particularly evident in relation to the infringement of procedural rights through unlawful arrest, trumped-up charges, and the detention of suspects beyond the statutory maximum time prescribed by law.³⁶ In 2019, the UHRC registered 851 complaints of human rights violations, of which 307 were made against police officers, with 627 complaints of human rights violations being registered by it in 2020, of which 308 were made against police officers.³⁷ The PSU, in turn, registered 236 complaints in 2019³⁸ and 250 complaints in 2020.³⁹

Complaints registered against the police in 2019 and 2020 are set out in Table 8.⁴⁰

Table 8: Complaints registered against the police in 2019/2020

NO.	COMPLAINT	YEAR AND NUMBER OF COMPLAINTS REGISTERED	
		2019	2020
1	Deprivation of the right to personal liberty (detention beyond 48 hours)	225	111
2	Freedom from torture, cruel, inhuman or degrading treatment or punishment	134	153
3	Deprivation of life	13	18
4	Deprivation of property	26	8
5	Deprivation of security of the person	–	16
6	Denial of the right to a fair and speedy hearing	–	5
7	Denial of access to treatment	–	2
8	Deprivation of the right to privacy	–	1

Source: *UHRC Annual Reports 2019 and 2020.*

36 UHRC 22nd Annual Report 2019, available at <https://www.uhrc.ug/download/the-22nd-annual-report-2019/> (accessed on 30 December 2021).

37 UHRC (2020) 23rd Annual Report 2020, available at <https://www.uhrc.ug/download/uhrc-23rd-annual-report-2020/> (accessed on 30 December 2021).

38 PSU Annual Report 2019.

39 PSU Annual Report January to 16th October 2021.

40 UHRC 22nd Annual Report to the Parliament of the Republic of Uganda, 2019.

The PSU also received a range of complaints, including complaints of unlawful arrest and detention, trumped-up charges, torture, excessive detention, over-hastiness and neglect, harassment, and corruption. Table 9 indicates the complaints lodged against the police in the years 2019 and 2020.

Table 9: Complaints lodged against the police in the years 2019 and 2020

NO.	COMPLAINT	YEAR AND NUMBER OF COMPLAINTS	
		2019	2020
1	Unlawful arrest and detention	100	88
2	Trumped-up charges	133	104
3	Torture	118	55
4	Excessive detention	23	24
5	Over-hastiness and neglect	11	14
6	Harassment	14	14
7	Corruption	188	128

Source: PSU Reports 2019 and 2020.

Owing to a lack of sufficient data, the effectiveness of the existing disciplinary system in establishing values of accountability and respect for human rights is unknown. Considering the high levels of human rights abuses that occurred during this period, as reported by Human Rights Watch⁴¹ and Amnesty International,⁴² it is, however, clear that there is a need to further strengthen internal oversight mechanisms. The number of disciplinary cases reported represent, furthermore, a small fraction of the total number of members of the UPF. Comparing the number of disciplinary cases with the data available on complaints lodged against the UPF (provided in Table 7 above) further indicates that there is a significant gap between complaints lodged against the police and effective accountability measures. The above therefore demonstrates that much still needs to be done to strengthen internal performance management in the UPF.

Incidents of torture and conditions of detention

In 2019, cases of alleged violation of the right to freedom from torture ranked the highest (229) among the complaints received by the UHRC, constituting 35% of overall cases.⁴³ In 2020, there was an upsurge in the number of cases (308) of alleged torture that were received by the UHRC.⁴⁴ The PSU registered 118 cases of alleged torture in 2019;⁴⁵ and 55 cases of alleged violations of freedom from torture between January and 16 October 2021.

Conditions of places of police detention remain a concern in Uganda. In 2019, the UHRC conducted 907 inspection visits to places of detention and noted that, while efforts were being made to renovate a number of facilities, human rights concerns remained. These concerns included overcrowding,⁴⁶ lack of ventilation and lighting, and dilapidated structures. There were also concerns that security forces offering auxiliary or complementary support to the UPF held suspects in ungazetted places where they were subjected to horrendous acts of torture.⁴⁷

- 41 Human Rights Watch (2021), 'Uganda: Events of 2021', available at <https://www.hrw.org/world-report/2022/country-chapters/uganda> (accessed on 12 December 2021).
- 42 Amnesty International (2 April 2020), 'Uganda: Respect rights in Covid-19 response' available at <https://www.hrw.org/news/2020/04/02/uganda-respect-rights-covid-19-response> (accessed on 9 December 2021).
- 43 UHRC 22nd Annual Report 2019, available at <https://www.uhrc.org/download/the-22nd-annual-report-2019> (accessed on 30 December 2021).
- 44 UHRC 23rd Annual Report 2020, available at <https://www.uhrc.org/download/uhrc-23rd-annual-report-2020/> (accessed on 30 December 2021).
- 45 PSU Annual Report 2020.
- 46 US Department of State (2020), '2020 Country Reports on Human Rights Practices: Uganda', available at <https://www.state.gov/wp-content/uploads/2021/10/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf> (accessed on 30 December 2021).
- 47 *The Independent* (18 May 2020), 'Male suspect dies in female cell at Arua police station', available at <https://www.independent.co.ug/male-suspect-dies-in-female-cell-at-arua-police-station/> May 18, 2020 (accessed on 30 December 2021).

The high number of cases of torture allegedly perpetrated by police officers provoked the issuing of a statement by the Director of Public Prosecutions threatening to prosecute suspected perpetrators of torture and other forms of cruel, inhuman and degrading treatment. Torture has also been reported to regional and international human rights mechanisms. For instance, in its submission to the 40th Session of the Universal Periodic Review (UPR) Working Group on the human rights record of Uganda, Human Rights Watch cited cases of torture in ungazetted places called safe houses. It was recommended that investigations be conducted with a view to holding state security agents who had committed acts of inhuman and degrading treatment and torture, accountable.⁴⁸ This was also reflected in the Joint Submission to the UPR by Ugandan civil society organisations (CSOs) that called for thorough investigations into threats made against journalists, the torture of journalists, and other inhuman and degrading treatment of journalists, as well as into attacks on media houses.⁴⁹

Infringements of the right to freedom of assembly, and the use of excessive force

Given the COVID-19 context and the 2021 general/presidential elections, the years 2020 and 2021 saw a number of planned and spontaneous assemblies. The 2021 elections required political campaigns to be conducted within the ambit of the existing public order management legislation. However, the annulment of the Public Order Management Act (POMA) of 2013 on 26 March 2020 by the Ugandan Constitutional Court created a legal vacuum.⁵⁰ This vacuum was filled by the Public Health Act in terms of which public health emergency rules were issued to regulate public gatherings as a measure for controlling the spread of COVID-19. Under this dispensation, freedom of assembly was severely curtailed by the police and other security agencies, which insisted that they would only respect the right of people to assemble if they received sufficient proof from the organiser/s that clearance for such assembly had been obtained from the Ministry of Health. This clearance could only be provided on health and safety grounds. Further proof of compliance with the requirements of POMA was also required by the police.⁵¹

Public order management during this period was characterised by a number of flaws, including lack of proper briefing of officers who were manning public assemblies as well as inadequate skills in assembly management. There were also blurred lines of accountability among security agencies participating in assembly management, and incidents involving the use of excessive force. In a number of cases, crowd management and dispersal actions degenerated into reckless acts, including the spraying of teargas in residential areas and schools⁵² and the use of live rounds on unarmed protestors.⁵³

While the UPF has been recognised for promptly responding with the necessary force to avert theft and thuggery,⁵⁴ it has been criticised for the disproportionate use of force in dealing with matters of public disorder.⁵⁵ Part of the problem lies with the legislative framework. For example, section 28 of the Police Act (Cap 303) provides that a police officer may use a firearm against a person in the following circumstances:

- When a person is charged with or convicted of a felony and they escape from lawful custody;
- When a person, through force, rescues another person from lawful custody; and
- When a person, through force, prevents the lawful arrest of himself/herself or of any other person.

48 Human Rights Watch (2021), 'Submission on Universal Periodic Review of Uganda', available at <https://www.hrw.org/news/2021/07/21/> (accessed on 30 December 2021).

49 Joint CSO-UPR Report on Uganda 2021.pdf (2021) .

50 *Human Rights Network Uganda & four others v Attorney General (Constitutional Petition 56 of 2013)* [2020] UGCC 6 (26 March 2020).

51 W Kamusiime UPF (2021), 'New pressure group warned against holding unlawful assemblies', available at <https://www.upf.go.ug/new-pressure-group-warned-against-holding-unlawful-assemblies/> (accessed on 12 December 2021).

52 New Vision TV (December 2020), 'Teargas fired in school leaves 17 students admitted in Mukono', available at <https://www.youtube.com/watch?v=N-BhaYu-obQ> (accessed on 30 December 2021).

53 Article 19 (December 2020), 'Uganda: Police should not use excessive force against peaceful protesters', available at <https://www.article19.org/resources/uganda-police-should-not-use-excessive-force/> (accessed on 30 December 2021).

54 C Etukuri, *New Vision* (October 2021), 'Police respond in time to avert theft at parents of Makerere don', available at <https://www.newvision.co.ug/articledetails/116156> (accessed on 30 December 2021).

55 Article 19 (December 2020), 'Uganda: Police should not use excessive force against peaceful protesters', available at <https://www.article19.org/resources/uganda-police-should-not-use-excessive-force/> (accessed on 30 December 2021).

This permissive provision is further compounded by section 36 of the Police Act.⁵⁶ This section provides that, where a police officer has ordered an assembly to disperse and a reasonable amount of time has passed, any police officer and any person assisting a police officer may do all things necessary to disperse the assembly. In cases where there is any resistance, police officers are empowered to 'use all such force as is reasonably necessary'. The Police Act therefore provides police officers with excessive powers and has encouraged impunity for the blatant use of excessive force against innocent citizens in the guise of quelling public disorder. This has had dire human rights consequences, including the loss of many lives.⁵⁷ One example of this is the election-related killings that took place on 18 and 19 November 2020, which left 54 people dead.⁵⁸ Many of these victims were shot dead by police and other security forces, including unidentified gun-toting individuals in plain clothes. This human rights crisis is best exposed by the remark of Security Minister General Elly Tumwiine (in the immediate aftermath of the killings):

The police [have] a right to shoot you and kill you if you reach a certain level of violence. Can I repeat? [The] police [have] a right or any security agency if you reach a certain level, they have a right.⁵⁹

Enforced disappearances

Uganda has neither ratified nor voluntarily domesticated the International Convention for the Protection of All Persons from Enforced Disappearance. However, there have been incidents that underscore the importance of Uganda acceding to, and domesticating, the Convention. For instance, during the November 2020 riots that occurred in the aftermath of the arrest of the National Unity Platform (NUP) presidential candidate, security forces dressed in plain clothes and travelling in cars with disguised number plates arrested suspects.⁶⁰ In response to a national uproar on the matter, the Parliament of Uganda directed the Minister for Internal Affairs to produce the list of missing persons in the custody of the police and other sister agencies.⁶¹ In some cases, the victims reappeared without being charged in courts of law, often bearing marks of torture.⁶²

Another incident involved the arrest of 126 supporters of the NUP on Kalangala Island who were held incommunicado without access to either their lawyers or family for 14 days before being brought before court.⁶³ While the right of habeas corpus is provided for in Ugandan law, there is a need to expressly outlaw enforced disappearances. The UPF and the military are often both involved in these incidents. However, there is often a lack of clarity as to the chain of command, making it difficult to determine who is ultimately responsible for specific incidents. There were, furthermore, reports of persons who were allegedly abducted by other security agencies, tortured, and later dumped at police stations. Through passively accepting suspects bearing marks of torture by other security agencies, the police are making themselves accomplices in cases of enforced disappearances.⁶⁴

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- 56 Section 36 of the Police Act provides: 'if upon the expiration of a reasonable time after a senior police officer has ordered an assembly to disperse under section 35(4) the assembly has continued in being, any police officer, or any other person acting in aid of the police officer, may *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, and shall not be liable in any criminal or civil proceedings for having by the use of that force caused harm or death to any person.'
- 57 Amnesty International (14 December 2020), 'Uganda: Stop killings and human rights violations ahead of election day', available at <https://www.amnesty.org/en/latest/press-release/2020/12/uganda-stop-killings-and-human-rights-violations-ahead-of-election-day/> (accessed on 30 December 2021).
- 58 D Wandera (23 November 2021), 'Uganda: November riots report – stray bullets killed 39 victims', available at <https://allafrica.com/stories/202111240115.html> (accessed on 9 December 2021).
- 59 Club of Mozambique (23 November 2020), 'Uganda minister: Police have a right to kill you', available at <https://clubofmozambique.com/news/uganda-minister-police-have-a-right-to-kill-you-177975/> (accessed on 30 December 2021).
- 60 S Hayden (Human Rights Watch) (March 2021), 'Uganda: End enforced disappearances of opponents. Investigate abuses, release those in arbitrary detention', available at <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents> (accessed on 30 December 2021).
- 61 Parliament of the Republic of Uganda (March 2021), 'Minister lays list of 177 persons under custody', available at <https://www.parliament.go.ug/news/5010/minister-lays-list-177-persons-under-custody> (accessed on 30 December 2021).
- 62 S Hayden (Human Rights Watch) (March 2021), 'Uganda: End enforced disappearances of opponents. Investigate abuses, release those in arbitrary detention', available at <https://www.hrw.org/news/2021/03/11/uganda-end-enforced-disappearances-opponents> (accessed on 30 December 2021).
- 63 A Lubowa (November 2020), 'Uganda: Bobi Wine's lonely walk as election day in Uganda nears', available at <https://allafrica.com/stories/202101100026.html> (accessed on 12 December 2021).
- 64 *The Independent* (February 2022), 'Kasese NUP registrar sues ex-CMI director over torture', available at <https://www.independent.co.ug/kasese-nup-registrar-sues-ex-cmi-director-over-torture/> (accessed on 2 March 2022).

External oversight

In certain instances, human rights violations, such as those listed above, have resulted in the award of damages to the victims. Such damages have been awarded either against the state or against individual police officers, or against both. For instance, one case alone resulted in an award of UGX30 000 000.⁶⁵ According to the UHRC report for 2019, the Commission awarded a total of UGX826 725 000 to victims of human rights violations.⁶⁶ Since these awards made by the courts and the UHRC constitute a burden on taxpayers, there is an urgent need to curb violations leading to such awards.

Data management

In order to assist in ensuring accountability and transparency in the management of cases involving breaches of the UPF Code of Conduct, a comprehensive database is a prerequisite. An interview with one of the prosecutors of the standby disciplinary court revealed that a database of the outcomes of UPF disciplinary cases and human rights complaints against police officers had been developed in the years 2020 to 2021. However, it was stated that this was still a work in progress, was only operational at the national level (UPF Standby Court) and had yet to be rolled out to the 27 policing regions. The lack of a comprehensive database on the outcome of disciplinary cases and human rights complaints continues to impact negatively on transparency and affects the levels of accountability for violations committed by police officers.

Conclusion

While efforts have been made to improve police accessibility and accountability in certain respects, it is clear from the above that internal oversight mechanisms need to be strengthened. There is also a need to amend the Police Act's provisions that provide the police with broad powers to use excessive force when dispersing assemblies. The high incidence of torture, the excessive use of force, and enforced disappearances further emphasise the need for improved human rights mechanisms and training. Although the standby police court, the UHRC and the courts of law have addressed a number of professional breaches and human rights violations, these reactive measures are insufficient to deal with widespread and systemic human rights violations. Such measures are also insufficient when dealing with police misconduct, such as the events which resulted in the death of 54 people as a result of protest action in November 2020. These situations expose the inadequacy of, and fault lines in, existing internal accountability mechanisms that seek to address gross human rights violations. The incidents concerned also make it more urgent to operationalise UN General Comment No. 37 (2020) on the right of peaceful assembly that calls on states to:

Ensure independent and transparent oversight of all bodies involved with peaceful assemblies, including through timely access to effective remedies, including judicial remedies, or to national human rights institutions, with a view to upholding the right before, during and after an assembly.

65 UGHC 42 (15 May 2020) in the case of *Rights Trumpet & 2 Ors v AIGP Asan Kasingye & 5 Ors AND Mucunguzi Abel & 9 Ors v Attorney General & 2 Ors* (Consolidated Miscellaneous Cause 17 of 2017) [2020].

66 UHRC Annual Report 2019.

REVIEW OF RECOMMENDATIONS MADE IN THE 2018 REPORT

While the pandemic underscored particular human rights abuses, the 2018 assessment of the implementation of the Common Standards presented a number of specific recommendations that needed to be reviewed. Progress in implementing these recommendations has been mixed. Unfortunately, those areas where little or no progress has been recorded continue to have a significant impact on the ability of the Uganda Police Force (UPF) to uphold and protect rights. These areas are discussed below.

Dissemination and popularisation of the Common Standards

The 2018 study highlighted the need to disseminate and popularise the Common Standards among UPF management, rank-and-file officers, and UPF stakeholders. According to an interlocutor at the UPF's head office, it was the intention of the UPF to roll out the Common Standards during planned training and dialogue, since this activity did not have a separate budget. This plan was, unfortunately, disrupted by the COVID-19 pandemic, by the burden of enforcing COVID-19 standard operating procedures (SOPs), and by the 2021 elections. Following the easing of the COVID-19 restrictions, the UPF has made some efforts to popularise the recommendations among a section of police officers during regular and specialised training courses for police officers at the police training schools such as Kabalye, Bwebbajja Senior Command Collage, and Olilim. There is, however, a need to roll out these Common Standards to other stakeholders so as to enable oversight.

Dissemination and popularisation of the Uganda Police Force Human Rights Policy

The 2018 assessment recommended that the UPF Human Rights Policy be more widely disseminated. The UPF has complied with this recommendation. Following the launch of the Policy in 2019,⁶⁷ copies were printed and distributed to all 27 policing regions, with copies being given to unit, district/division commanders.⁶⁸ The dissemination took place during refresher training, training for specialised units, and routine human rights training organised for specific categories of officers such as District Police Commissioners (DPCs), Legal and human rights officers as well as PSU officers. There is, however, a need to roll out the UPF Human Rights Policy to other stakeholders to enable oversight.

Perception study for Uganda Police Force officers

The 2018 study identified a gap with regard to the perceptions of police officers of their role in protecting and promoting fundamental rights and freedoms. Data on such perceptions would provide an important insight into the impact of human rights training, of the Human Rights Policy of 2019, and of other interventions by the UPF's Human Rights and Legal Services Directorate aimed at promoting a human rights culture. This data would also reveal whether there is a need for further targeted support that can be offered internally by the UPF and its technical partners at regional level in order to promote a rights-based policing culture. For the period under review, no perception study has been conducted by the UPF. According to interlocutors, this was partly due to a lack of resources and the outbreak of the COVID-19 pandemic. However, this study remains an important activity for the UPF to undertake.

Study on barriers to women recruitment and retention in the Uganda Police Force

The assessment conducted in 2018 recommended a study of the barriers to the recruitment and retention of women in the UPF in order to establish the obstacles preventing women from applying to, and joining, the UPF. This study could then be utilised to pave the way for more responsive institutional recruitment policies and practices, as well as encourage more women to be appointed to operational policing positions. In 2019, the UPF, with support from the African Policing Civilian Oversight Forum (APCOF), undertook the study and found that the relevant barriers facing women extend beyond recruitment and operational policing. These barriers include the UPF as an institution, the community as a protector of social norms, the national gender-equality movement, and the national education system.⁶⁹ Among the concluding observations made by the study is the need for a professional gender audit of the content, course requirements and delivery of pre-entry training with a view to considering alternatives to those that adversely impact women. This is particularly necessary where alternatives with lesser effects on women can deliver similar competencies. This should be coupled with more strategic and technical capacity and an increased budget. Women should also be included, and have a voice in decision-making spaces, in order to effectively address structural changes in gender relations and to promote the rights of women in the UPF. The report has so far been disseminated in the two policing regions of Aswa and North Kyoga. What remains to be done, however, is the roll-out and popularisation of the report among other policing regions and the actualisation of the strategy for addressing barriers to women joining the UPF.

67 UPF (February 2019), 'Uganda Police Force launches Human Rights Policy', available at <https://www.upf.go.ug/uganda-police-force-launches-human-rights-policy/> (accessed on 30 December 2021).

68 Interview with the Head: Human Rights and Legal Services Directorate, 13 October 2021.

69 APCOF (2021), 'Women in the Uganda Police Force: Barriers to women in operational policing', available at <https://apcof.org/wp-content/uploads/women-in-the-uganda-police-force-barriers-to-women-in-operational-policing-pdf.pdf> (accessed on 30 December 2021).

Training needs assessment for officers on the rights of suspects and on bail

The 2018 Report recommended that the UPF conduct a training needs assessment and that it develop materials for police officers at station level on the rights of suspects and on bail. It was intended to address such issues as arbitrary arrest, procedural safeguards in respect of arrested and detained persons, the 48-hour rule, and the provision of police bail. The UPF has developed and made available materials on the rights of suspects, and these are available at most police stations.⁷⁰ Such materials have also been disseminated by stakeholders such as the Uganda Human Rights Commission (UHRC) and civil society organisations (CSOs) working on human rights and police reform. However, the evidence on the process informing the development of these materials is less clear, as a needs assessment still has to be done.

Reports on the outcomes of disciplinary cases and of human rights complaints

The 2018 Report noted that data on the extent to which violations were identified and addressed through the disciplinary mechanisms in terms of the number and type of sanctions imposed on errant officers, was not readily or publicly available. At present, the format of reporting by the UHRC in its annual reports on the disposal of cases by the UHRC makes it difficult to track cases filed specifically against the police, as well as the outcomes of those cases. Generally, the PSU, the Human Rights and Legal Services Directorate, as well as the Department of Community Policing are considered more accessible to the public.⁷¹ While disciplinary systems exist, the problem is that there is no proactive and public disclosure of the status of cases to interested and affected parties, thereby undermining public confidence and cooperation.⁷²

Specialised training in the prevention of torture and other ill-treatment

The 2018 Report recommended specialised training of UPF officers in the prevention of torture and other ill-treatment so as to enable them to comply with the Prevention and Prohibition of Torture Act of 2012. Accordingly, the UPF has included the prohibition of torture and ill-treatment in the training of all police officers. The training emphasises the human rights principles underpinning the prohibition, and includes practical examples of what constitutes prohibited actions.

The UPF training curriculum does not have a stand-alone course module on torture. Instead, the subject is embedded in a number of modules of the training curriculum such as Police Duties and Obligations (Module 4), Human Rights (Module 6), Community Policing and Crime Prevention (Module 7), Crime Management and Investigations (Module 8), Sexual and Gender-Based Violence and Child Protection (Module 10), Health Education, Counselling and Guidance, Command and Management (Module 16), and Field Training (Module 18).⁷³ The UPF Directorate of Human Rights and Legal Services established partnerships with other agencies, including the UHRC, the United Nations (UN) Human Rights Committee and CSOs, to roll out human rights training – with a focus on the prohibition of torture – targeting the 27 policing regions.

Information provided by the Directorates of Human Resource Development and Human Rights and Legal Services indicates that, on average, 25 000 (46%) officers were trained annually in the prevention and prohibition of torture.⁷⁴ However, results from the interviews (see Appendix I and II) and the number of cases of torture brought against police officers underscore the need for further training.

70 Interview with James Kusemererwa, Head: Human Rights Department of the UPF, on 13 October 2021 at Police Headquarters, Naguru.

71 Interview with Prisca Karugoye of the UHRC 16 October 2021.

72 Ibid.

73 UPF Training Curriculum for Cadet Officers.

74 Interview with the Head: Human Rights and Legal Services of the UPF on 13 October 2021 at Police Headquarter, Naguru.

Development and popularisation of a Police Service Charter

The 2018 Report recommended that, to improve community trust and accountability in the UPF, and to promote professionalism across its ranks, consideration should be given to the development of a Police Service Charter. The UPF has developed a Police Service Charter which contains seven commitments that the UPF has made to the public in respect of service delivery,⁷⁵ and the Charter is prominently displayed at most police stations. However, much work still needs to be done to popularise the Charter and to put in place mechanisms to ensure that it is upheld by all police officers at all police stations.

Training in investigative interviewing for detectives and other relevant officers

One other recommendation that emerged from the 2018 assessment of the Common Standards was that the UPF train its detectives and other relevant officers in investigative interviewing. Efforts have since been made to train the UPF (detectives) in best practices for combating torture and other ill-treatment, as well as in the fulfilment of the Human Rights Policy's aim of improving police investigation standards.⁷⁶ This has been done following the development of a training curriculum for criminal investigation departments aimed at standardising training for detectives in interviewing.

Development of a victim-support policy and training

The 2018 study noted that the UPF did not have a specific policy on victim support and protection. The rights-based treatment of victims and witnesses by the UPF is key to ensuring effective policing, to improving public confidence in the UPF, and to encouraging members of the public to report crime and cooperate with the police. The UPF has not yet developed a victim-protection strategy. With regard to witness protection, in 2019 the Director of Public Prosecutions (DPP) sought to fill this legislative gap by launching temporary guidelines for prosecutors in order to assist in the protection of victims and witnesses.⁷⁷ These guidelines, however, lack the effect of law. Subsequently, some police officers have continued to conduct themselves in a manner detrimental to the protection of victims and witnesses. Although the UPF has not yet developed a comprehensive policy on victim protection, it has taken specific steps in that direction.

In May 2020, the UPF, with support from UN Women, established a violence (toll-free) helpline.⁷⁸ The UPF further conducted training for 125 police officers from the Child and Family Protection Office (CFPO), for Criminal Investigators, for Records Officers, for Scene of Crime Officers (SOCOs), for Community Liaison Officers (CLOs), and for General Duties Officers, including Officers in Charge-Out Posts. This training focused on handling and obtaining information from victims with special needs, such as children, persons with disabilities, and persons who have been sexually assaulted. This training is applied in practice.⁷⁹

75 UPF Police Service Charter.

76 Interview with James Kusemererwa, Head: Human Rights and Legal Services of the UPF, on 13 October 2021 at UPF Headquarters.

77 Justice, Law and Order Sector (June 2019), 'DPP launches victims, witness protection guidelines', available at <https://www.jlos.go.ug/index.php/com-rsform-manage-directory-submissions/services-and-information/press-and-media/latest-news/item/692-dpp-launches-victims-witness-protection-guidelines> (accessed on 6 January 2022).

78 UPF (August 2021), 'Police officers equipped with gender-based violence response skills', available at <https://www.upf.go.ug/police-officers-equipped-with-gender-based-violence-response-skills/> (accessed on 6 January 2022).

79 UPF (July 2021), 'Police officers trained in collection, preservation of evidence and management of violence against women and children', available at <https://www.upf.go.ug/police-officers-trained-in-collection-preservation-of-evidence-and-management-of-violence-against-women-and-children-cases/> (accessed on 6 January 2022).

Availability of Uganda Police Force policies and other documents

The 2018 assessment recommended that UPF policies and other documents be made more available and accessible to the public. The UPF has ensured that certain policies are available online. For example, the following documents are available:

- The Anti-Corruption Strategy Aligned to the JLOS Anti-Corruption Strategy 2017/18-2021/22; Annual Crimes Reports and the Strategy for Community Policing; and
- The UPF Strategic Policing Plan 2015/16–2019/20.

However, key documents, including the Police Service Charter, the Gender Policy, the Police Human Rights Policy and review documents, are not available online. There is, therefore, still a need to make police policy documents and reports available and more easily accessible in the public domain. This could be done via, for example, the UPF's website, with hard copies being available at each police station or post. This is necessary, as providing such information is an important element in achieving the UPF's objective of improving transparency, which forms part of its Human Rights Policy.

RECOMMENDATIONS AND THE WAY FORWARD

Based on the progress posited during the period under review and the emerging issues, the following recommendations, as discussed below, are put forward to consolidate efforts towards ensuring the effective implementation of the Common Standards and improving policing in Uganda:

(a) The government should:

- (i) Initiate a process of legislative and institutional reform aimed at establishing an independent oversight authority or commission (This will address the inadequacy of existing systems and the lack of independent, external oversight mechanisms. The mechanism created should have sufficient powers and resources to undertake its oversight role.);
- (ii) Ratify and fully domesticate both the International Convention for the Protection of All Persons from Enforced Disappearance and the Declaration on the Protection of All Persons from Enforced Disappearance (The government should also follow the guiding principles on searching for disappeared persons, as well as comply with the standards and public policies for effectively investigating enforced disappearances as laid down by the Committee on Enforced Disappearances.);
- (iii) Address the high levels of torture perpetrated by the security agencies;
- (iv) implement the Prevention and Prohibition of Torture Act by investigating all claims of torture and holding security personnel accountable for acts of torture;
- (v) Amend the Police Act of 1994 to facilitate freedom of assembly and to regulate the use of force and firearms in accordance with United Nations (UN) guidelines;
- (vi) Address the multiplicity of policing units and the overlapping chain of command (between different policing units and between the military and the Uganda Police Force (UPF)) (This is necessary in order to ensure that specific perpetrators can be identified and held accountable for human rights violations.);
- (vii) Develop and implement a statutory instrument of cooperation to address the nebulous relationship between the UPF and other security agencies regarding operational matters so as to ensure proper accountability for excesses committed during joint operations.

(b) The Uganda Police Force should:

- (i) Popularise existing, internal disciplinary mechanisms and their outcomes among the general public, with the aim being to enhance their utilisation and public confidence in them as disciplinary control measures (The UPF should, for instance, raise public awareness concerning Police Form 105 and how the public can use it to file complaints against errant police officers.);
- (ii) Popularise the standard operating procedures (SOPs) on the use of force and firearms by law enforcement officers during operations, provide police officers with a pocket-size version of the handbook containing the SOPs, and mainstream the SOPs on the use of force and firearms in the police curriculum;
- (iii) Develop and implement a framework for monitoring the operationalisation of the Human Rights Policy;
- (iv) Provide for a more comprehensive stand-alone module on torture within the UPF training curriculum to enable UPF officers to gain an in-depth appreciation of the requirements of the law and of the regulations on torture;
- (v) Disseminate and popularise the first and second assessment reports, within the UPF and among external stakeholders, on the implementation of the Common Standards in Uganda (The UPF should share the reports of the two assessments and make them accessible to officers across the country, including the police training schools, and, by hosting seminars and training events throughout the different policing regions, ensure that UPF personnel understand the findings and recommendations of the reports. Furthermore, disseminating the reports among other key stakeholders will enable such stakeholders to track the progress made in implementing the recommendations.);
- (vi) Incorporate the Common Standards into the UPF Strategic Plan and Training Curriculum, together with indicators and measures to facilitate the desired outcomes. (Having the standards incorporated into the Strategic Plan will also enable effective budgeting for their implementation.);
- (vii) Develop and operationalise an online documents resource centre to exclusively archive and make accessible information on policing for interested parties (This could be hyperlinked to the UPF's main website.); and
- (viii) Implement the recommendations made in the previous (2018) report that have not yet been operationalised. These recommendations include:
 - Disseminating the Common Standards and the UPF Human Rights Policy to external stakeholders;
 - Developing a victim-support policy and facilitating training in victim support;
 - Undertaking a training needs assessment in terms of the rights of suspects and the rights pertaining to bail;
 - Rolling out and popularising the report on women in the UPF and actualising the strategy to address barriers to women's effective participation; and
 - Undertaking a perceptions study through examining the perceptions of police officers on their role in protecting and promoting fundamental rights and freedoms.

(c) Civil society should:

- (i) Create awareness in East Africa regarding the Common Standards and monitor their implementation within the UPF;
- (ii) Undertake capacity-building interventions to support the UPF's efforts in implementing the Common Standards;
- (iii) Advocate for the amendment of the Police Act and for the enactment of legislation providing for an external, independent police oversight authority;
- (iv) Advocate for the ratification and full domestication of the International Convention for the Protection of All Persons from Enforced Disappearance and of the Declaration on the Protection of All Persons from Enforced Disappearance;
- (v) Undertake research into public perception of policing, with specific reference to UPF compliance with the Common Standards; and
- (vi) For the purpose of demanding accountability, monitor and document human rights violations committed by the UPF.

CONCLUSION

While some progress has been made towards operationalising the Common Standards and in implementing the recommendations from the previous assessment, these efforts have been constrained by a number of external and internal factors. External factors included the spread of the COVID-19 pandemic, the 2021 elections, judicial and legislative developments, and political shifts that resulted in the militarisation of the police. Internal factors included a failure to popularise key documents, such as the Police Service Charter, a lack of appropriate oversight (through disciplinary hearings) of Uganda Police Force (UPF) members, and insufficient training of police officers. The above report has revealed that reactive measures are insufficient to deal with systemic human rights violations and deeply entrenched norms. A more systematic and strategic approach is therefore required to ensure the effective implementation of the Commons Standards in Uganda and to establish a human rights-based approach to policing.

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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

[https://www.ohchr.org/en/professionalinterest/pages/cat.aspx.](https://www.ohchr.org/en/professionalinterest/pages/cat.aspx)

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APPENDICES

Appendix I: Content analysis result for police interview responses

QUESTION	CATEGORY OF CONTENT	PERCENTAGE OF INTERVIEWEES
What should be done to improve policing in Uganda?	More pay and better conditions of work	70%
	Better laws	30%
	More resources to implement police projects	55%
	Support from the public	50%

Appendix II: Content analysis result for civil society leaders

QUESTION	CATEGORY OF CONTENT	PERCENTAGE OF INTERVIEWEES
What should be done to improve policing in Uganda?	Hold officers accountable for human rights breaches	80%
	Strengthen accountability mechanisms	60%
	Improve pay and conditions of work	65%
	Train officers in order to improve professional conduct and respect for human rights	60%
	Police should trust and respect members of the public	70%

Appendix III: Interview guide

THE INTERVIEW GUIDE ON PROGRESS IN THE IMPLEMENTATION OF THE COMMON STANDARDS

THE PREAMBLE:

Thank you for sparing the time to participate in this interview. The purpose of this interview is to solicit your views on the progress registered in the implementation of common policing standards for East Africa within the UPF and recommendations from the previous assessment. The information you provide will be discretely and confidentially handled. You will not be quoted as a source of information unless your explicit permission has been sought and secured.

SECTION A: POLICE OFFICERS

GUIDING QUESTIONS FOR THE INTERVIEW:

1. Can you please tell me your position within the Uganda Police Force?
2. Are you aware of Common Standards for Policing in East Africa?
3. Are you familiar with the recommendations made in the previous assessment for the improvement of policing in Uganda?
4. Which recommendations from the previous assessment have so far been implemented? Any successes?
5. Are you aware of any challenges encountered in the implementations of the previous recommendations?
6. Generally, would you say policing in Uganda has improved since the last assessment of the implementation of Common Standards for Policing in East Africa?
7. What should be done to improve policing in Uganda?

SECTION B: OTHER ACTORS

1. Can you tell me who you are and the position you occupy in your organisation?
2. What is the mandate of your organisation? How does it relate to the UPF?
3. Are you aware of Common Standards for Policing in East Africa?
4. Are you familiar with the recommendations made in the previous assessment for the improvement of policing in Uganda?
5. Which recommendations from the previous assessment have so far been implemented? Any successes?
6. Are you aware of any challenges encountered in the implementations of the previous recommendations?
7. Generally, would you say policing in Uganda has improved since the last assessment of the implementation of Common Standards for policing in East Africa?
8. What should be done to improve policing in Uganda?



ABOUT THIS REPORT

The African Policing Civilian Oversight Forum (APCOF) is a partner with the Raoul Wallenberg Institute (RWI) in a Regional Africa Programme to achieve demonstrable improvement in access to justice for all and implementation of human rights commitments in Africa. APCOF and RWI have been working to support regional and continental commitments and interventions in Africa that are designed to promote rights-based reform of police organisations and their operational culture.

Working together with EAPCCO, the aim of conducting this study is to promote compliance with the Common Standards, and provide a platform for engagement for support and development towards meeting not only the Common Standards, but also, through them, broader goals of good governance as well as rule-of-law and human rights compliance across the region.

ABOUT THIS REPORT

This report sets out the findings and the recommendations resulting from the review of the progress made towards the implementation of the Common Standards for Policing in the East African Community (EAC) ('the Common Standards'), focusing on Uganda. The review followed the assessment commissioned by the African Policing Civilian Oversight Forum (APCOF) in 2018.

ABOUT RWI

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution established at Lund University in Sweden in 1984. For more than 30 years, RWI has worked to promote human rights by means of education, research and institutional development through cooperation with primarily government, academic and national human rights institutions in Europe, Africa, Asia, the Middle East and Latin America. RWI implements a wide range of human rights capacity development programmes internationally that seek to advance lasting change when it comes to the practical application of human rights through long-term, constructive cooperation with individuals, groups, institutions and organisations to maintain and strengthen abilities to define and achieve mutual human rights objectives, and through a process itself guided by human rights.

ABOUT APCOF

The African Policing and Civilian Oversight Forum (APCOF) is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF believes that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF achieves its goals through undertaking research and providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa. APCOF was established in 2004, and its Secretariat is based in Cape Town, South Africa.

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