

The role of civil society in police reform in Uganda
Presentation – Idasa conference – Policing in post-conflict Africa

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1. Introduction

Good afternoon. I've been asked to speak on the role of civil society in police reform in Uganda. I work for the Commonwealth Human Rights Initiative, an international non government organisation that has worked on police reform across the Commonwealth for almost ten years and, more recently, spent four years looking at police accountability within East Africa, including Uganda.

Today I thought I would take a look at civil society in Uganda generally, particularly focusing on the challenges faced by civil society, and then quickly run through policing in Uganda and existing reform measures. Then I will take a look at the role that civil society has played in police reform, and the future possibilities for civil society engagement with the reform process in the region. In very brief terms, civil society work around policing in Uganda has been key to bring the reforms process as far as it has come, but work has been limited by the Ugandan political context. Policing in Uganda is the preserve of the state and is based on an archaic, colonial model that needs urgent and drastic reform. The impetus for this reform, and the building of a reform movement, will come from civil society.

2. Civil society in Uganda

At the outset, it is important to set out what I am referring to when I say “civil society”. In Uganda civil society is made up of the media, local and foreign non-government organisations, community groups, faith-based organisations, professional associations, the lawyers and the people who work to support and achieve change within their own communities.

Civil society in Uganda is geared towards providing services to the community, rather than advocating for systemic reform, although this is slowly changing. Uganda's civil society has not traditionally been involved in activism and advocacy around politics, government and security issues. This is partly a result of the way that civil society developed during colonial rule and then also a result of the political strife and repressive regimes that limited the opportunity for individuals and organisations within civil society to develop into policy advocates or justice sector reformers. In the early days, colonial governments encouraged a measured, but restricted, development of civil society aimed at service delivery, often with a focus on the involvement of faith based groups. During this time, civil society organisations tended to be trade cooperatives, mission based hospitals or schools, or other charitable organisations.

Independence was achieved relatively peacefully in 1962, but within four years the country was plunged into decades of divisive politics, with coups and counter coups marking prolonged periods of instability and dictatorship. In this environment, the development of free, vocal voices of political activism among civil society players was an impossibility. This held true for the coups of the sixties, the violent repression of the seventies and the move towards one-party movement politics in the eighties. Even today, as Uganda takes steps towards true, free democracy, the government severely restricts the kind of work that non-government organisations can engage in, the kind of stories that can be printed on the front page of the newspaper and the kinds of discussions that can be had about politics, governance and “sensitive” political issues such as justice sector reform.

Uganda is a tough country to be civil society member in. A number of key things need to be in place to allow civil society to flourish – respect for civil and political rights, the recognition of press freedom and the realisation of a right to information – do not exist. In 2006, Deniva and CIVICUS

put together a report on civil society in Uganda, and described the political, social and economic contexts “disabling” for civil society¹. Government and public service corruption continues to be a huge hurdle. The insurgency in the north of Uganda presents its own complex challenges. Critically for the development of civil society organisations that can engage with justice sector and police reform processes, the legal environment is extremely restrictive – with murky, partisan registration processes for civil society organisations that leave some organisations working in direct contravention of government direction, difficult taxation frameworks and clear, but unspoken, restrictions on what topics can be debated. In April last year, the parliament passed laws to further restrict civil society organisation activity, and a civil society participant responded by saying “The law was passed at a time when non-government organisations working in various fields were becoming more aggressive in demanding accountability and engaging in civic education, election monitoring and human rights reporting and documentation.”²

3. Policing and reform in Uganda

Policing in today’s Uganda is still based on an old style “colonial” model of policing, which is at odds with both the expectations of the community and the development of true democracy within Uganda. In simple terms, colonial policing is a style of policing that protects the government, rather than protecting the community. The police answer to the government, not the people. The police remain outside the community. This kind of policing is a legacy of the years of colonial rule in East Africa, when the colonial regimes used police to protect their own trading interests. At independence, the new governments – which quickly became repressive, unstable military regimes – quickly realised the benefits of a political, regime focused police force, and failed to allow the kind of reforms that would have led to the development of an accountable, transparent, democratic and community focused police service.

The public experience of policing in Uganda today is marked by illegal arrest and detention, torture and excessive use of force, corruption and political partiality. The lines between the military and the police have, at different points, been blurred, leading to the police being undermined, violent and brutal policing and the erosion of police jurisdiction. The police are very much the President’s men – this particularly played out in the lead up to the 2006 elections, which included the high profile arrest and detention of the popular opposition leader Kizza Besigye – a political scandal with deep police involvement that was heavily reported by the media, in one demonstration of the way that the media can help bring stories of police misconduct into the public domain and into the discussions and debates of communities in Uganda.

There has been some move towards the reform of the police. In 1999, the government set up a Judicial Committee of Inquiry to look into policing in Uganda. Known as the Sebutinde Commission, the group was asked to investigate corruption and mismanagement within the police. The Commission sat for a year, and then reported, finding enormous evidence of widespread corruption, indiscipline and mismanagement within the police. The Commission made a number of wide ranging recommendations, but, despite initial heartening statements, the government was extremely selective in its adoption of the recommendations.

Another reform process is the Justice/Law and Order Sector reform programme, known as JLOS. JLOS was adopted by the government in 1999, aiming to improve the justice sector by bringing together planning and budgets of all the groups working in the sector, including police, the courts, the prisons and a range of government ministries. In terms of policing, JLOS has had little real impact and has not lead to much more than some strategic planning documents.

4. Role of civil society in police reform in Uganda

Civil society has a critical role in police reform by raising public awareness of policing issues, promoting debate around policing practices and reform, monitoring the performance of the police

and government bodies, exposing police misconduct, calling for transparency, accountability and community participation in policing and championing reforms.

Traditionally, civil society organisations have been excluded from discussions around security and policing issues on the basis that it is a debate only for the government or the police. Governments often want to retain control and police do not think that civil society understands the particular complexities of policing. But, to get to a community focused police service, a reform process needs the input of the community. The walls put up by governments and the police must be scaled by civil society and the community.

Activities of civil society organisations relating to the police are broadly of two types. The first is where an organisation looks at police misconduct and human rights violations. The second is where an organisation looks toward systemic reform of the police.

The majority of civil society work in Uganda has been looking at police misconduct – there has been little consideration of systemic reform – partly because of the challenges already mentioned. Human rights organisations have been particularly active in monitoring and reporting police misconduct; for example a non-government group called the Foundation for Human Rights Initiative has done significant work documenting human rights violations by the police and security forces and monitoring police performance. Large international organisations, such as Human Rights Watch, have played a role raising the profile of police human rights violations internationally.

There has been a little work on systemic reforms. As I mentioned at the beginning of this talk, the Commonwealth Human Rights Initiative, the organisation that I work with, recently wrapped up a 4 year project in East Africa looking at police accountability. One of the products of that project was a publication on police accountability in Uganda, which looks at the history and context of policing in the country, the accountability mechanisms that are in place and the public experience of policing. This kind of research and analysis is critical as it brings information into the public domain, encourages debate and discussion and can be used to push for reform.

A key aspect of civil society activity around policing is the way the media operates and approaches policing issues. The media has a valuable watchdog role exposing wrongdoing, providing information, making comment and raising public awareness. The Ugandan media is considered to be one of the most independent in Africa and actively covers and reports on police misconduct. The media is at risk, however – the government has made it clear on a number of occasions that it may not continue to allow the present level of press freedom. In 2005, armed police stormed a newspaper premises, demanding the source of posters that called for contributions to an opposition leader's human rights fund. During the run up to the 2006 elections, media outlets were gagged from reporting on circumstances surrounding the arrest and detention of Besigye. The government has also used charges of sedition and the court system to prevent anti-government reporting.

5. Opportunities for future reform

Uganda is taking steps towards realising true democracy. True democracy is not a possibility until the police model is democratic, accountable and transparent policing, rather than repressive, partisan colonial policing. Ugandan civil society has an absolutely critical role to play in monitoring police misconduct and engaging with the government and other civil society groups and individuals to push for systemic reform, despite the challenges working within the Ugandan political context.

At a local and national level, Uganda needs more civil society engagement with policing and reform. The good work of organisations that already monitor violations, and the good work of the media who give a face to the crimes of the police, needs to continue. Civil society individuals and

organisations also need to take more advantage of some of the tools at their disposal to ensure police accountability – such as the recent right to information law that potentially opens up access to all kinds of previously hidden policing information and the existing human rights processes in place in the Uganda Human Rights Commission.

Civil society also has an important role to play in making sure that government reform processes – such as JLOS or the Sebutinde Commission – are effective. A strong, unified civil society advocacy campaign around the Sebutinde Commission recommendations may have made it much more difficult for the government to disregard so much of the Commission's work – or, at the least, would have encouraged debate around reforms and raised the profile of the Commission.

Later this year, the Commonwealth Heads of Government Meeting will be held in Kampala. The meeting, which is known as CHOGM, is the biennial meeting of the leaders of the Commonwealth. At CHOGM the leaders set policy for the next two years of Commonwealth work, hundreds of international media descend to report on the local, regional and international issues discussed and a number of informal workshops and forums take place around the main meeting. The CHOGM is a rare opportunity for Ugandan civil society to raise the profile of the problems of policing in their country and the possibilities for reform. Key events that civil society can be directly involved in will include the Commonwealth Human Rights Forum, a day long meeting of civil society representatives from all over the world, who will look at human rights in the Commonwealth, but who will also consider policing, both in the Commonwealth and Ugandan contexts. Civil society engagement with CHOGM can start now by influencing agendas and making sure that policing issues have a profile in the events running up to CHOGM, and during CHOGM, by taking part in discussions and debates, lobbying governments and accessing the world's media.

6. Conclusion

The potential for civil society to be involved in police reform in Uganda has generally been untapped. Debates around policing are becoming more common though, more civil society organisations are taking on policing work, and the reforms process is beginning to gather some momentum. This is largely due to the work of civil society individuals and organisations; and a continued, community-focused and successful reforms process will require the support and input of civil society. A Ugandan democracy needs a democratic police service; a democratic police service can only be borne of a community focused reform process.

¹ DENIVA, *Civil Society in Uganda: At the Crossroads?*, June 2006, http://www.civicus.org/new/media/CSI_Uganda_Country_Report.pdf

² Patrick Tumwine, Advocacy, Information & Research Officer, Human Rights Network-Uganda, *Non-government Organisation Law Restricts Powers of Civil Society in Uganda*, CHRI Newsletter, Volume 13 Number 4 New Delhi, Winter 2006-2007