



‘The role of the Uganda Human Rights Commission’s role as a police oversight body’

**Presented by
Roselyn Karugonjo-Segawa, Senior Human Rights Officer,
Uganda Human Rights Commission**

POLICE ACCOUNTABILITY IN EAST AFRICA

12 -13 June 2006

Impala Hotel, Arusha

Introduction

The Uganda Human Rights Commission is one of many institutions in Uganda involved in police oversight. It is the National Human Rights Institution of Uganda that came to be established as a result of a recommendation of the Uganda Constitutional Commission in consideration of Uganda's history of gross human rights violations since independence in 1962. The Constituent Assembly, which debated and passed the new Ugandan Constitution in 1995, took up the recommendation from the Uganda Constitutional Commission to establish a permanent Human Rights Commission with a mandate clearly outlined in the Constitution.

The Uganda Human Rights Commission was thus established as a constitutional body under article 51 of the 1995 Constitution of the Republic of Uganda (Constitution) as one of the principal institutions responsible for the protection and promotion of human rights. The Commission is composed of a Chairperson and not less than three other persons, appointed by the President with the approval of Parliament.¹ The Chairperson and members of the Commission have to be persons of high moral character and proven integrity and serve for a period of six years and are eligible for re-appointment.² In carrying out its operations the Commission is guided by the Uganda Human Rights Commission Act,³ Commission Procedure Rules,⁴ and the Commission Operational Guidelines.⁵ The Commission under the Constitution is independent and in the performance of its duties, should not be subject to the direction or control of any person or control authority.

Functions of Human Rights Commission

Under the Constitution the Commission has the following functions:

¹ See article 51 (2) Constitution
² See article 51 (4). Most of the Commissioners are currently serving a second term.
³ Uganda Human Rights Act, Act 4 of 1997.
⁴ The Uganda Human Rights Commission (Procedure) Rules, 1998.
⁵ Operational Guidelines of the Uganda Human Rights Commission, 1998.

- (a) to investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
- (b) to visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;
- (c) to establish a continuing programme of research, education and information to enhance respect of human rights;
- (d) to recommend to Parliament effective measures to promote human rights. including provision of compensation to victims of violations of human rights, or their families;
- (e) to create and sustain within society the awareness of the provisions of this Constitution as the fundamental law of the people of Uganda;
- (f) to educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation.
- (g) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
- (h) to monitor the Government's compliance with international treaty and convention obligations on human rights; and
- (i) to perform such other functions as may be provided by law.

The Uganda Human Rights Commission has to publish periodical reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country. In the performance of its functions, the Uganda Human Rights Commission can request the assistance of any department, bureau, office, agency or person in the performance of its functions and observe the rules of natural justice.

Powers of the Commission

In the performance of its functions, the Commission shall have the powers of a court:

- (a) to issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) to question any person in respect of any subject matter under investigation before the

commission;

- (c) to require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission
- (d) to commit persons for contempt of its orders

The Commission may, if satisfied that there has been an infringement of a human right or freedom order-

- (a) the release of a detained or restricted person;
- (b) payment of compensation; or
- (c) any other legal remedy or redress

A person or authority dissatisfied with an order made by the Commission has a right to appeal to the High Court. The Commission cannot investigate the following:

- (a) any matter which is pending before a court or judicial tribunal; or
- (b) a matter involving the relations or dealings between the Government and the Government of any foreign State or international organization; or
- (c) a matter relating to the exercise of the prerogative of mercy

The Uganda Human Rights Commission has its headquarters in Kampala and has regional offices in Gulu, Moroto, Jinja, Soroti, Fort Portal and Mbarara.

UHRC as a police oversight body

In the performance of its functions, the Commission has overseen the performance of police particularly in terms of respect and observance of human rights principles in their operations. Police are often found in violation of human rights and fundamental freedoms such as the right to liberty, freedom from torture, cruel or inhuman degrading treatment or punishment, right to life and abuse of office, among others. The Commission oversees the work of the police through complaints handling, visiting places of detention, monitoring compliance with international human rights instruments.

Complaints handling

The Commission investigates on its own initiative and also receives complaints of human rights abuses committed by police and other perpetrators. A victim or a relative, friend, legal representative or any organization can come to the Commission offices i.e. Headquarters or Regional Offices to make a complaint. Unlike most National Human Rights Institutions which only make recommendations which have to be enforced in Courts, the Commission, if satisfied that there has been a violation of human rights or freedoms, may order: the release of a detained or restricted person, payment of compensation, or order any other legal remedy or redress. However any person or authority dissatisfied with an order made by the Commission has a right of appeal to the High Court. Since its inception the Commission has handled thousands of complaints against the police and awarded remedies to victims of human rights violations. In making the orders the Commission has made recommendations for prosecution and disciplinary action against the Police Officers who are responsible for the violations.

Human Rights Education

The Commission is involved in the carrying out Human Rights Education i.e. sensitization and dissemination of information on human rights issues. Having gone through turbulent times during the various dictatorships people had grown accustomed to human rights violations including by the Police as the order of the day. The Commission has played an important role in educating and informing the public about human rights values and concepts as provided in our Constitution and under international human rights instruments. This has enabled people to acquire knowledge of their rights and responsibilities and have acquired basic skills such as critical thinking, communication skills, problem-solving and negotiation, all of which are essential for the effective implementation of human rights standards. More people are becoming continually familiar with mechanisms for human rights protection at the local, national, regional, and global levels. The Commission has targeted Human Rights Education especially to the security agencies, police and prisons considering the large number of violations they commit. The Commission has particularly made good progress with the Police where it has carried out a Training of Trainers and developed a Police Human Rights Training Manual. This has helped bring about a new found respect in the observance and respect for

human rights among the Police. Although the Police are far from perfect, it is clear that progress is being made.

Visiting places of detention and monitoring compliance with international human rights standards

Through the visits to police cells, jails and prisons the Commission has been able to assess and inspect conditions of the inmates which has enabled it make appropriate recommendations to parliament. The Commission has made various recommendations in Annual Reports regarding human rights violations including those by police, which are presented to Parliament and are also made public. With regard to the deplorable conditions of the prisons and other places of detention the Commission has recommended that the government should address these issues. The Commission has also recommended the revision of laws that are incompatible with the international human rights standards to enhance the promotion and protection of human rights in the country.

The Commission is also engaged in a dialogue with various government officials to bring an end to various violations of human rights by State agents. For example with regard to violations of the right to liberty and freedom from torture, cruel and inhuman degrading treatment and the right to life, the Commission has discussed the matter with the concerned members of the cabinet ministers like the Minister of Internal Affairs, the Minister of State for Security, the Army Commander, Chief Chieftaincy of Military intelligence, Directors of the Internal and External Security Organizations and the Inspector General of Police to mention but a few.

Challenges

In the performance of its functions, the Uganda Human Rights Commission has faced various challenges some of which have been overcome such as acceptability and non-cooperation with the police. While others are still pending such as prompt and immediate access to all detention centers, payment of compensation to victims of human rights violations, defence of terror suspects and limited resources. In the beginning the Commission was not readily accepted as a watch dog. Police was uncooperative in aiding Commission investigations and would not respond to Commission letters of inquiry. However, over time there has been

acceptance and communication with Police has greatly improved especially through the Human Rights Education Programmes and the Complaints and Human Rights Desk in the Police. I will discuss the outstanding challenges below.

Access to detention centers

The Uganda Human Rights Commission routinely visits places of detention and can promptly and immediately access most of the Police Cells. However, there is a requirement in case of military detention centres of at least 24 hours notice to comply with security measures. Although it is commendable that the Commission can access military detention centres unlike before, it nearly defeats the purpose. Moreover, some suspects are detained in ungazetted places known as 'safe houses' which cannot easily be accessed by the Commission.

Payment of compensation to victims of human rights violations

The Commission has awarded numerous victims compensation for violation of their human rights including those by the Police. However, victims like other civil litigants who have orders against the government have to join the queue for payment. The victims are being paid in bits and pieces which is discouraging.

Defence of the rights of terror and rebel suspects

It is a challenge to defend the rights of terror and rebel suspects who have been arrested by the military and kept in Police cells. The trend is that these are usually detained for longer than 48 hours before being taken to Court and subjected to torture, cruel, inhuman degrading treatment.

Resources

It is challenging for the Police to operate within their meager resources. Most times Police have inadequate resources to carry out investigations. The upcountry police stations which cover even more areas lack basic necessities for work such as paper, files, clips etc which makes their work very complicated.

Conclusion and recommendations

The role of the Uganda Human Rights Commission in police oversight is mostly through complaints handling, visiting places of detention and monitoring compliance with international human rights instruments. There are still challenges in carrying out this oversight function but there is a clearly marked improvement in the operations of the Police since the Commission was established which is commendable. It is important for the government to avail the Police with adequate resources to enable them to effectively perform their duties. It is equally important that the police uphold human rights values and principles as they carry out their duties. As people responsible for the maintenance of law and order they are partners in the promotion and protection of human rights. Furthermore, it is vital that victims of human rights violations be promptly and adequately compensated and that the perpetrators be prosecuted or disciplined as is deemed fit. It is crucial to have an oversight body composed of all stakeholders to oversee the Police and such a body is welcome because no one organization can effectively and wholly oversee the operations of the police.