

**Civil society and police reform in Uganda  
HURINET-U policing workshop, Uganda August 2007  
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Hello again, welcome back and I hope you are all finding the workshop useful and engaging. In this session, we are going to take a look at civil society and the role that civil society has to play in police reform, both in the Ugandan context and in more general terms. Then, we are going to wrap up the session with a number of different case studies looking at the role that civil society organisations have played in the reform process here.

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 political context. The political context has shaped policing – which, as we discussed yesterday, is the preserve of the state and is based on an archaic regime model that needs urgent and drastic reform – as well as civil society’s ability to engage with reform processes. Civil society’s role in the police reform process is absolutely critical; only through engagement and consultation with the community can reform create a police organisation focused on community protection and service.

## **1. 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 – as is evidence by this workshop and the group of people here. 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.

Post independence, the decades of divisive politics, with coups and counter coups marking prolonged periods of instability and dictatorship, created an environment in which 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.

As I am sure all of you in this room can attest, Uganda can be 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, or exist only in part. 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 society. 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 Patrick from HURINET, writing in CHRI's newsletter, 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. 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. CHRI has been working in the region for five years. 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.

### 3. Opportunities for future reform

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. The question is how. I'm going to run through some of the different approaches and tools of engagement, starting with how to build a movement and target advocacy, and then engagement strategies as reform processes develop, which include monitoring and evaluation, and technical input.

Before I start, I want to give some background on the police reform movement and process in India, as I will contextualise some of the approaches with examples from CHRI's experience in India. India's police are largely governed by a colonial Police Act put in place by the British in 1861. In an echo of the African experience, this law has not substantially changed, despite sweeping political and social changes over the last 150 years. CHRI has been working on police reform in India for ten years, for many years without much visible impact. However, last year, all the work building a reform movement and strategically targeting opportunities came together, with a Supreme Court decision requiring state governments to implement police accountability, and the drafting of a national Model Police Act by a government committee, to lead legislative change in the country. These developments have rapidly increased the pace of police reform, with state government committees sitting all over the country, state legislatures debating new laws, and police organisations undergoing serious change. This has impacted on CHRI's approach, which has moved from advocacy around the need for, and models of, reform and building a reform movement, to an approach that focuses on monitoring and evaluation of reform processes and measures, along with technical input into new laws and policies.

#### 3.1. Building a movement

The first step towards an effective police reform process is building a movement. A police reform process will only happen if there is a push in the community for it to happen; and it will only deliver a democratic, community focused police service if the community is engaged and included in the reform process when it happens. A community movement is both the impetus and the making of police reform. Workshops such as this are excellent first steps towards building a movement, as different civil society and human rights organisations come together to talk about the importance of good policing in the context in which they work. It is critical that each of you take more than discussion away from this meeting, however. When you get home, incorporate a push for police reform in your own work. Talk to the people you work with and the communities you service about the importance of reform and opportunities to get involved – inform and activate. Keep your eyes open for opportunities to push for reform and spark discussions around policing.

An example in the Ugandan context is the potential that there would have been for a catalysed movement to jump on the issues raised by the Sebutinde Commission. 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.

An example of a strategy we used at CHRI to build a police reform movement in India was a series of civil society consultation workshops that we held across regional India in 2006. We partnered with a national organisation that had strong grassroots networks with women's organisations, groups working with vulnerable caste groups, local lawyers and local media, and then went on a roadshow, spending a day in regional towns with local civil society, explaining why police reform was important to their work, and how they could engage with the reform movement and then process. The effect was two fold; it created a network of people across the country pushing for reform in their own communities, media, legislatures and court systems, as well as putting in place a network of people who were ready to engage with the reform process when it begun. This roadshow series led to national conferences attended by

the groups we had worked with on a regional level, who are now the loudest calls for reform in their home jurisdictions.

### **3.2. Advocacy**

The second strategy I am going to look at is advocacy, which cuts across all of the different ways to achieve change. Advocacy should target a wide range of groups – the media, to mobilize the community, the government, to mobilize political will and regional and international mechanisms to put pressure on the government and raise the profile of police reform. Often the most effective kinds of advocacy are the simplest; write an opinion piece for a daily newspaper or issue press releases whenever there is a newsworthy policing story that can be used as a hook to highlight the issues and solutions around policing. The media in Uganda is already one of the key ways that the police are held accountable and information about policing enters the public domain; more can be done to exploit these opportunities. Advocacy targeting the government can range from a letter to a relevant Minister or member of parliament, to meeting and lobbying individual members of parliament, to requesting an audience with a relevant parliamentary committee, to harnessing the power of parliamentary processes, such as question time, to get the legislature talking about policing issues and the government responding to policing questions.

Regional and international advocacy, aimed at targeted mechanisms, is an effective way to ensure police reform is on the government agenda. Where you can, make submissions to groups like the African Union or the UN Human Rights Council. In 2005, for the last sitting of the old UN Human Rights Commission, CHRI made a submission on the critical interplay between policing and human rights. This kind of advocacy gets policing issues on agendas.

An opportunity that will present itself this year in terms of international advocacy is the Commonwealth Heads of Government Meeting in Kampala in November. 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, facilitated by CHRI with HURINET and FHRI, which 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.

### **3.3. Monitoring and evaluation**

Monitoring and valuation of police practices and human rights violations has traditionally been the bread and butter of the few organisations working on policing issues in Uganda. 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.

As the review process goes forward, there will also be a shift in the type of monitoring and evaluation work that is needed. As well as documenting and publicising police misconduct, both the review process and the implementation of the outcomes of the review process will be key to keeping the momentum of reform alive, forcing political will and making sure the process remains people focused, transparent and consultative.

CHRI has shifted to monitoring the implementation of a reform process in India this year. India is a big country, with a complex web of state and national parliaments, different police laws for every state and vastly different political reactions and approaches to police reform. We started out simply; we monitor the activities of each jurisdiction, using public documents, personal connections and the *Right to Information Act*, and collate the current state of play of each government in a compliance chart that is kept updated on our website. We use this as a basis for our direct advocacy and interventions, as well as providing it to local civil society to use in its own advocacy. We also critique each new law as it comes to light, speaking to drafters or parliamentary committees tasked with reforming the existing law, where we can. We have also built on our previous regional workshops, and work with local partners to hold press conferences, information sessions and civil society forums in reforming jurisdictions.

### **3.4. Technical input**

Technical input into draft laws, policies and new systems is going to become more and more important as the reform process evolves and matures. The first step is to make sure that you and your organisation are ready to provide useful input. Use workshops such as this one to develop ideas about what your police organisation and police laws should look like. Look at other reforming jurisdictions and take on their lessons as your own – look at both good policing practice internationally and the examples provided by your brothers and sisters in Africa. Once you are ready, be bold and be involved. Critique information, laws and policies that are made available and provide your own alternative models or solutions to issues. Where possible, take your technical input to the parliamentary committees and other members of parliament who are involved in drafting laws and policies. Cultivate relationships with police and government members who are receptive to your ideas.

An example from CHRI's India experience was our involvement in a long running public interest case, as an intervener, as well as our involvement with a national police law drafting committee. We became formal interveners in the public interest litigation, which forced the Supreme Court to look at issues of police accountability, and helped shape the decision of the Court, which has dramatically reshaped India's police reform landscape. Our seat on the national policing law drafting committee was a recognition of the critical value we could add in terms of technical and legal expertise and comparative knowledge of policing. It was the lone civil society or human rights voice on the committee. The Model Police Act that the Committee produced is far from perfect; but it is vastly improved on the version that would have seen the light of day without CHRI's input.

### **3.5. The right to information**

Lastly, I just wanted to make a quick comment about the doors that will open in Uganda as a result of the implementation of the new access to information law. The law will recast the way information is shared and allowed into the public domain in Uganda – and this will have a particular impact for organisations like the police that have traditionally guarded and hoarded information. As soon as you can, make access to information applications on policing issues, and start getting information into the public domain to spark discussion and debate, as well as encouraging your friends and colleagues to do the same. Use the access to information law to make policing processes and policies transparent. Use the access to information law to become informed and prepare for the reform process.

## **4. 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.

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