



POLICE OFFICERS TRAINING OF TRAINERS WORKSHOP

THE ROLE OF THE POLICE FORCE IN THE ELECTORAL
PROCESS

Presented by

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1.0 INTRODUCTION

The Electoral Commission was established under Article 60(1) and mandated under Article 61 of the Constitution of the Republic of Uganda (1995) to organize, conduct and supervise regular, free and fair elections and referenda. The Electoral Commission Act 1997 (as amended) spells out the functions and powers of the Commission.

The duties and functions of the Uganda Police Force on the other hand are spelt under Article 211 of the same Constitution and include the following.

- To protect life and property
- To preserve law and order
- To detect and prevent crime

The Police Force is committed to respecting the Constitution, co-operate with the civilian population, promote fundamental human rights and national objectives.

2.0 The Electoral Process

To obtain legitimate leaders thru participation of all adults, give elected leaders a clear mandate and have genuine democracy i.e change leaders peacefully, elections must be held. For these elections to be acceptable, they must be and must **be seen** to be free and fair.

One of the critical variables for the success or failure of democracy and/or democratic transition of power is the administration of elections. In developing countries like Uganda, with low levels of literacy, administration of elections is not an easy task. This is often because in a developing democracy, technical problems become political

ones, which then threaten credibility of the whole electoral process.

The Police Force, with its role of maintaining law and order, is a central pillar in determining the freeness and fairness of elections and consequently the acceptability of the results. This is only when the Force itself is seen to be impartial in the electoral process.

The Electoral Commission conducts the following elections;

- Presidential elections
- Parliamentary elections
- Local Council elections at village, parish, sub-county, county and district levels
- Women council/committees elections (village to national level)
- Youth councils/committees elections (village to national level)
- PWDs and UPDF elections (national level)

There is a misconception that the electoral process is actually polling day. The process actually starts with cut off date, through the display exercise, nomination of candidates, campaigns, polling day and finally post polling period. In any of these periods credibility of the electoral process is threatened.

Activities under each of the above elections in which the Police Force is required to ensure success include;

- Demarcation of constituencies and electoral areas
- Establishment of polling stations
- Registration of voters
- Display of the voters' register
- Nomination of candidates
- Campaigns
- Consultative meetings for stakeholders
- Preparation and distribution of election materials
- Polling day activities that includes tallying and announcement of results
- Post election period

It should be noted that each of the electoral activities entails varying degrees of excitement among the voting population with attendant lawlessness and anxiety.

Furthermore some voters complain directly to the Police rather than the Electoral Commission. The commission also depends heavily on the Police Force to give it muscle to arrest the situation.

There is, however, a situation where electoral offences may not be criminal offences but implementing the penalties prescribed by the law requires Police action and the commencement of the prosecution process. Often time offenders are not prosecuted especially after the election has been concluded. This leads to people imagining that election offences are not serious offences or that they are not taken seriously.

There have been, too, some high profile cases where persons have been convicted by Courts of law of having committed electoral offences but these persons have not been followed up by the Police.

2.1 Pre-Polling Day Period

This is the period that mainly deals with the voters' register. It is often ignored yet it is the time that determines who will be able to cast their vote.

It includes the cut off date for registration of voters, the display of voters' roll to be used during polling, nomination of candidates and campaigns. The first two activities determine who will be able to vote and who will not. This period results in eligible voters being removed from the register and ineligible (ghost) voters being added which invariably leads to tension on polling day.

Nomination of candidates and campaigns definitely create tension and a challenge to law enforcement agencies. This is especially true for local council elections that require joint campaigns for all candidates at the same location and at the same time meaning rival supporters will definitely meet.

These activities together create a stage for breach of peace on polling day and disputed election results that may lead to further breach of peace. Consequently, the Police Force, in its quest for keeping law and order, ought to keep a keen eye on these activities.

2.2 Polling Day

The challenges of polling day cannot be over emphasized. This is the do or die time for the contestants and they will go to any length to secure a victory... by hook or crook. The Police Force, as the custodian of law and order, must ensure that mal-practices like ballot box stuffing do not threaten the credibility of the elections. Due to a combination of factors including the law that does not allow arms at the polling stations and the insufficient numbers of the Force, it is not possible to have a Police Officer at every polling station.

2.3 Post Polling Day

After the winner has been announced, any dispute is the business of Courts of Judicature. However the Police force still has the responsibility to maintain law and order. Our experience shows that losers do not always accept results and as a consequence there are acrimonious feelings that may often into turn ugly acts of disorder.

3.0 Challenges facing the Police Forcing during the Election Process

The Electoral Commission Act (1997) as amended mandates the Electoral Commission with hearing and determining election petitions before and during polling. The Police, however, have to keep law and order throughout and even after polls. It thus faces several challenges including;

- Controlling election related violence
- Keeping law and order such that people do not take advantage of the election period to commit crime.
- Providing security during nomination of candidates and campaigns such that supporters of rival candidates do not clash.
- Fully understanding the electoral laws and the electoral process.
- Protecting electoral materials and the process.
- Remaining impartial while executing their electoral duties.

It should be noted that at closure of polls, the Commission can not retrieve results that have been erroneously locked in the ballot box with the presence of a police officer of the rank of Inspector or above.

4.0 Conclusion

Elections play a central and pivotal role in democratic governance. The Police Force the one mandated by law as the lead law enforcement agency in the electoral process. It is, therefore, important that this institution is sturdy and impartial to give the process integrity.

It is our pleasure to note that the Police Force has this far been exactly that. The commission wishes to acknowledge the contribution made by the Force and prays that this continues. The Commission will continue to call on the Force in its endeavor to conduct free, fair and undisputed elections.

THANK YOU AND GOD BLESS YOU