

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

**AFRICAN UNION ELECTION OBSERVATION MISSION  
TO THE 18 FEBRUARY 2016 GENERAL ELECTIONS IN  
THE REPUBLIC OF UGANDA**

**PRELIMINARY STATEMENT**

**Kampala**

**20 February 2016**

## **I INTRODUCTION**

1. At the invitation of the Government of the Republic of Uganda, the African Union Commission Chairperson, Her Excellency Dr. Nkosazana Dlamini-Zuma, deployed an African Union Election Observation Mission (AUEOM) to the 18 February 2016 General Elections in the Republic of Uganda.
2. The Mission is headed by Her Ladyship, Honorable Justice Sophia Akuffo, Judge of the Supreme Court of Ghana and former President of the African Court on Human and People's Rights. The Mission comprises 40 Short Term Observers drawn from several African countries representing the African Union Permanent Representatives' Committee, the Pan-African Parliament, Election Management Bodies, Civil Society Organizations and Independent Elections Experts.
3. The AUEOM assessed the 18 February 2016 General Elections in Uganda based on the relevant African Union instruments, namely; the 2007 African Charter on Democracy, Elections and Governance; the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa; the 2002 AU Guidelines for Elections Observation and Monitoring Missions; and the legal framework governing the conduct of elections in Uganda.
4. This statement presents the Mission's preliminary findings covering pre-voting, voting, counting and tallying processes on 18 February 2016. The African Union will, however, continue to observe the post-electoral developments and release a final report within the next three months.

## **II. OBJECTIVE AND METHODOLOGY**

5. In fulfilling its mandate, the objective of the AUEOM was to make an independent, impartial and objective assessment of the 18 February 2016 General Elections in the Republic of Uganda.
6. The AU observers underwent a three-day training on the African Union observation methodology and briefing from stakeholders from 13 – 15 February 2016. On 16 February 2016, the observers were deployed in all the 4 regions in the country.
7. In their areas of deployment, observers consulted with key stakeholders including Election Commission officials, the police, civil society and political party representatives to assess the level of preparedness of the electoral process in those areas.
8. The Head of Mission consulted with key election stakeholders including representatives of presidential candidate Amama Mbabazi; and with presidential candidates, Kizza Besigye of the Forum for Democratic Change (FDC) and Maureen Kyalya, an independent candidate. The Mission Leader also paid a courtesy call to the State President and candidate of the National Resistance

Movement (NRM) party, Yoweri Museveni. The Head of Mission also met with resident African Ambassadors, the Chief Justice, the Chairperson of the Electoral Commission and civil society organizations.

9. On Election Day, the teams visited 148 polling stations comprising 60% urban and 40% rural where they observed opening, voting, closing and counting processes. The observers used tablets to capture and transmit real-time observation data to the Mission Command Centre.

### **III. PRE-ELECTION FINDINGS**

#### **(a) Political context**

10. The AUEOM noted that the 18 February 2016 General Elections are the third since the re-introduction of multi-party politics in 2006. Further, the Mission observed that there were eight (8) presidential candidates, namely Col. Dr. Warren Kizza Besigye from the Forum for Democratic Change (FDC); Gen. Benon Biraro from the Uganda Farmers Party; and Dr. Abed Bwanika from the People's Development Party (PDP). There are also four independent candidates: Prof. Venesius Bariyamureba, Mr. Joseph Mabirizi, Rt. Hon. John Patrick Amama Mbabazi, and Mrs. Maureen Kyalya. Of these candidates, Amama Mbabazi, Kizza Besigye (FDC) and Yoweri Museveni (NRM), dominated the political and campaign space.

#### **(b) Legal framework**

11. The AUEOM noted that the legal framework for Uganda provides for, and guarantees the holding of regular elections in conformity with regional and international frameworks. This framework comprises the 1995 Constitution of Uganda, the Electoral Commission Amendment Act 2015; the Presidential Elections Amendment Act 2015; the Parliamentary Elections Amendment Act 2015; and the Political Parties and Organisations Act 2005.

12. The AUEOM observed that there is no legal framework for regulating political party campaign financing. Stakeholders reported that consequently, there has been unprecedented increase in campaign spending.

13. The Mission noted that the law expressly prohibits the use of Government resources for campaigning by all candidates and parties, except for the President, as stated in Article 27.1 of the Presidential Elections Act.

#### **(c) Electoral System**

14. The AUEOM noted that Uganda operates a First-Past-the-Post (FPTP) electoral system for the election of Members of the National Assembly for a five-year term. For the Presidential Election, Uganda uses the Absolute Majority System, with a 50% plus 1 vote threshold. In the event that none of the

candidates reaches the threshold, a run-off between the top 2 candidates is held 30 days from the declaration of the results of the previous election, on a simple majority basis.

15. The AUEOM further noted that there is provision for the election of special groups such as women, youth, people with special interests and members of the defence forces.

#### **(d) Election Management**

16. The AUEOM noted that Article 60 of the Constitution of the Republic of Uganda establishes the Electoral Commission (EC) for the management of electoral processes. The EC comprises a Chairperson, Deputy Chairperson and five other Commissioners who are appointed by the President with the approval of parliament. The tenure of office for each member is seven years and can be renewed for one more term. The functions of the EC are provided for under Article 61(a)–(h) of the Constitution.

17. The day-to-day execution of the Commission's mandate is carried out by a Secretariat headed by a secretary who is a public officer appointed by the EC in consultation with the Public Service Commission.

#### **(e) Voter Registration**

18. The AUEOM learned that in 2015 Uganda introduced a National Identity Card System, which required the conduct of a mass biometric registration of citizens aged 16 years and above. The EC extracted information of all registered citizens who were 18 years and above to compile a National Voters' Register. The AUEOM noted that at the end of the National Voter Registration exercise, there were 15, 277,198 registered voters. This Voters' Register was continuously updated until 11 May 2015 when the process was concluded in line with the electoral calendar.

19. According to the Commission, the register was displayed at the polling stations for verification by the voters to ascertain the correctness of their particulars before its finalization. Further, presidential candidates were provided with hard and soft copies of the National Voters' Register.

20. The AUEOM noted that, whereas the use of data from the National Register ensured that all citizens aged 18 by the end of the mass registration exercise were registered; interlocutors expressed concern that the 11 May 2015 deadline for updating the Voters Roll left many potential voters who turned 18 years after that date, disenfranchised.

#### **(f) Voter Education**

21. The AUEOM noted that Voter education is the prerogative of the EC. Article 61(g) of the constitution, mandates the EC to formulate and implement civic education programs relating to elections. In fulfillment of this mandate, the Commission accredited several CSOs to supplement its efforts in the provision of voter education in the districts. In order to standardize the voter education messages, EC developed a Voter Education Handbook to be used by various stakeholders. However, the accredited civil society organizations raised concerns that their efforts in carrying out voter education were constrained by late delivery of the materials by the EC. Furthermore, other stakeholders indicted that voter education was generally inadequate.

22. The AUEOM observed that the EC used different channels for voter education and general outreach purposes. The most notable was the use of print and electronic media. In addition, the EC also used its website for voter education.

#### **(g) Election Campaign**

23. In terms of the Electoral Law, the AUEOM noted that the election campaign period is 90 days ahead of Election Day. Campaigns commenced on 9 November 2015 and ended on 16 February 2016. The AUEOM noted that for the first time, two presidential debates were held in Kampala and broadcast live on television and radio. All the 8 presidential candidates were invited to reach out to voters using this platform.

24. AUEOM observed that despite the unprecedented political and electoral competition, campaigns were generally conducted within the legal framework. However, the Mission noted the 15 February 2016 developments in Kampala, which led to the arrest of an opposition leader, causing anxiety among opposition supporters. The police informed the Mission that the arrested leader and his party had defied the prescribed campaign route.

#### **(h) Participation of Women and Youth**

25. The Mission noted that women were nominated to run as party and independent candidates in various constituencies and that there was one female Presidential candidate. In addition, women contested for the 112 parliamentary seats specially created for them.

26. The Mission noted the participation of youth in the elections both as candidates and in the campaigns. However, there were concerns raised by some stakeholders of the youth being used by political parties to intimidate and disrupt election campaign rallies of their opponents.

**(i) Civil Society**

27. AUEOM noted that besides involvement in voter education initiatives CSOs were involved in domestic observation. Hundreds of domestic observers were deployed throughout the country, especially in areas considered as hot spots.

28. The Mission also noted the establishment of a women's situation room, which is an early warning and rapid response mechanism against violence arising before, during and after elections. They deployed over 500 observers across 15 districts considered to be hotspots.

**(j) The Media**

29. Media freedom is fundamental in promoting the political and civil rights and liberties as enshrined in the Constitution of Uganda, and given effect through Acts of Parliament, namely: the Press and Journalist Act of 1995 and the Uganda Communications Act. The Electoral Act provides the regulatory framework for the conduct of the media in the electoral process. Public media is required to allocate equal airtime for campaign for parties and candidates.

30. The AUEOM noted that in compliance with these legal provisions, the media covered political parties and candidates' manifestos and campaigns. However, stakeholders felt that the state media provided more coverage to the incumbent president and his party, at the expense of the opposition. It was further reported that private media provided a fairly balanced reporting on all parties and candidates.

31. Besides the mainstream print and electronic media, campaigning was carried out through social media platforms such as Twitter, Facebook and Whatsapp. The AUEOM noted general concerns following the shut down of social media platforms, by the Uganda Communication Commission from Election Day citing security concerns.

**(k) Security**

32. The Uganda police are responsible for security during elections and protection of elections materials at all the Electoral Commission warehouses. The Police are also responsible for the protection of the soft and hard election material during transportation to various election centers and polling stations countrywide.

33. The AUEOM was informed that the Uganda Police and other security agencies had set up Joint Operation Centers at the national, sub-county and district levels. These were chaired by senior police officers at the national and district levels while the sub-county Joint Operation Centers were chaired by an elected official.

34. The AUEOM noted concerns raised by interlocutors with regard to the recruitment, training and deployment of community policing units called Crime Preventers, which they alleged were misused to intimidate opposition parties. The AUEOM was however informed by the police that these were purely crime prevention units at community level with no arresting powers.

35. The AUEOM noted the lack of trust in security agencies by some opposition parties, which were reported to have created counter units.

36. The AUEOM further noted that in the light of general security concerns due to terror threats in the East Africa region and due to internal political competition among political parties, the Uganda Police put in place intelligence gathering mechanisms to prevent potential criminal acts. The Police also deployed Standby Investigators and Mobile Crime Investigators in the 1398 Sub Counties across the country as well as in all the districts.

37. The AUEOM noted that there was a generally calm and peaceful pre-election environment with no major security incidents reported.

#### **(I) Election Dispute Resolution**

38. The AUEOM noted that election related disputes are settled through the court system. In the case of a presidential election dispute, cases are lodged in the Supreme Court, which is the final arbiter on such cases. On the other hand, the law provides for the aggrieved party in parliamentary elections, to file petitions with the High Court with recourse in the Court of Appeal in case of dissatisfaction with the decision of the High Court. The Appeal Court decisions are also appealable in the Supreme Court, which is the last court of resort in election related disputes.

39. The AUEOM also noted that there are alternative dispute resolution mechanisms in place, in the form of District Liaison Committees established by the Electoral Commission to deal with campaign related conflicts. Where cases are not solved, they are referred to the Electoral Commission Headquarters for intervention.

### **IV. ELECTION DAY FINDINGS**

40. The AUEOM deployed 36 observers in teams of two throughout the country to observe Election-Day activities. The 18 teams observed the opening, polling and closing processes. In addition, they observed the general environment within which polling was taking place.

#### **OPENING PROCEDURES**

41. The AUEOM teams observed opening procedures in 18 polling centers countrywide and noted that the environment outside these centers was peaceful

and that all authorized personnel were granted access before the official opening time.

42. The 7 o'clock official opening time was not followed in 16 (89%) of the polling stations observed by the AUEOM. Delays of more than one hour were reported in 11 (69%) polling stations. The delays attributed to late arrival of polling officials in 10 (63%) stations and polling materials in 14 (88%). Reports of insufficient materials at the time of opening were made in 5 (28%) of the polling stations. The insufficient materials included basins, ballot boxes, ballot papers, Biometric Voter Verification Kit (BVVK), voters' register and seals.

43. AUEOM observers reported that in 6 (33.3%) stations the Presiding Officer did not demonstrate to the people present that the ballot boxes were empty as prescribed in the Electoral Act.

44. It was further observed that in 39% of the polling stations opening procedures pertaining to sealing of ballot boxes were not followed. These included sealing of ballot boxes before voting commenced and recording of the serial numbers of the seals. Ballot boxes were sealed properly in 126 of the 148 visited polling stations while they were not sealed properly in 22 stations.

## **POLLING PROCEDURES**

45. AUEOM teams visited a total of 148 polling stations in the four regions of the country as follows: Central 55, Eastern 35, Northern 18 and Western 40. 60% of these stations were located in urban areas, and 40% in rural areas. In all the visited polling stations, polling took place in a largely peaceful environment except for isolated incidences of violence and intimidation reported due to lack of polling materials at the stations.

46. Majority (97%) of the visited polling stations were accessible to voters including people with disabilities. The polling stations were well laid out and ballot boxes were visible.

47. As per the laid down procedure, voters were asked for identification and their names checked against the register before voting. Only a few were turned away because they did not have the required identification, not on the voters' register, at the wrong polling station or rejected by the Biometric Voter Verification Kit.

48. With regards to the Biometric Voter Verification Kits, which were introduced for the first time, the AUEOM observed that in some polling stations, the kits worked well, hence hastening the verification process. While in some stations, the machines were not used because they were either not working, or the Election Personnel did not have access pass codes for the machines.

49. As an additional identification and voting facilitation measure, voters' slips were used to direct voters to the right voting station within a voting center. Voter processing times were reasonable and mostly ranged from no more than 3 minutes in 54% of the polling stations and between 3-6 minutes in 39% of the polling station stations.



50. The required number of 5 polling officials were present and identifiable in 141 out of the 148 visited polling stations. Security personnel were also present in almost all stations visited and conducted themselves professionally.

51. AUEOM noted the presence of accredited domestic and international observers as well as party agents at polling stations. The Mission noted that in many instances, party agents were not easily identifiable. However, they seemed to be familiar with the electoral process and they were working closely with the polling staff to identify voters.

## **CLOSING AND COUNTING PROCEDURES**

52. Most of the AU observer teams reported that the polling stations closed at 4:00pm as stipulated in the electoral procedures. Voters who were on the queue at this time were allowed to vote. However, in some areas, polling was extended because of late opening.

53. Majority of polling stations visited had the presence of party/candidate agents, citizen observers, international observers and police at closing.

54. All 18 teams reported that the Presiding Officers verified that the seals were not tampered with prior to opening them, that the number of ballots in the box matched the number of used ballots in the polling station and that the results were immediately announced at the polling station.

55. Seventeen teams reported that the ballot boxes were emptied prior to counting, that the number of ballots issued tallied with the number of voters ticked off on the voter list, that results forms were completed by an election official and that party/candidate's agents signed the results form.

56. There were instances where polling officials and agents did not reconcile the number of registered voters with the number of people who actually voted.

57. In a majority of polling stations observed, party/ candidate agents were furnished with a copy of the results by the presiding officer.

58. In some polling stations, counting was disrupted by voters who encroached into the polling area, in contravention of the 100-meter legally prescribed parameter.

59. AUEOM teams observed inconsistencies in the determination of what constituted invalid votes.

## **V. CONCLUSION**

60. The AUEOM congratulates the people of Uganda for turning up in large numbers to perform their civic duty.

61. While we note that the election process is ongoing, the AUEOM's overall assessment of the 2016 General Elections thus far, is that they were largely peaceful, but not without shortcomings; in particular, the late delivery of election materials. The late delivery led to more than 4 hours of delays in the opening of polling stations, which impacted on the overall conduct of polling day operations. The Mission wishes to underscore that this was in violation of the Electoral Act and not in line with international best practice.

## **VI. PRELIMINARY RECOMMENDATIONS**

62. Based on its preliminary findings, the AUEOM makes the following recommendations:

### **Recommendations to the Electoral Commission**

63. The AUEOM encourages the Electoral Commission to:

- Consider using indoor polling in order to create order around the stations and to protect the polling officials, voters and materials from weather elements.
- Adhere to the prescribed 48 hour time frame for delivery of materials as provided in the Electoral Act, when distributing polling materials to polling stations.
- Conduct continuous voter education.
- Conduct continuous voter registration.
- Strengthen training for polling personnel to avoid inconsistencies in implementation of polling procedures.
- Consider adopting voting booths that are conventionally used in the region and continent, to protect the secrecy of the ballot.
- Make provision for recording names of people who have been turned away.

### **Recommendations to Government**

64. The AUEOM encourages the Government to provide adequate resources to enable the Electoral Commission to conduct continuous procurement of

election material, conduct continuous voter registration, voter education and procurement of electoral materials.

### **Recommendations to Parliament**

65. The AUEOM encourages the Parliament to:

- Develop legislation to regulate political party and campaign finance.
- Conclude electoral reforms at least a year before elections to allow for timely preparation and implementation.

### **Recommendations to the Media**

66. The AUEOM encourages the public broadcaster to provide equitable coverage to all candidates.

### **Recommendations to Political parties**

67. The AUEOM encourages Political Parties to avoid the usage of inflammatory language during campaigns and inciting supporters.

### **Recommendations to Security Forces**

68. The AUEOM encourages Security Forces to enforce the law equally on all parties and candidates.

69. The AUEOM will continue to observe the tallying and other post-election developments and issue a comprehensive report three months after the announcement of the election results.