

EISA
ELECTION OBSERVER MISSION REPORT
UGANDA



PRESIDENTIAL AND PARLIAMENTARY ELECTIONS
18 FEBRUARY 2016



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 51

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ACRONYMS AND ABBREVIATIONS

ACFIM	Alliance for Campaign Finance Monitoring
ACME	African Centre for Media Excellence
BVVK	Biometric Voter Verification Kits
CCEDU	Citizens Coalition for Electoral Democracy in Uganda
CEON –U	Citizens Election Observers Network –Uganda
CSO	Civil Society Organisation
DP	Democratic Party
DPC	District Police Commissioner
EC	Electoral Commission
EISA	Electoral Institute for Sustainable Democracy in Africa
FDC	Forum for Democratic Change
HURINET	Human Rights Network of Uganda
IGP	Inspector General of Police
IRCU	Inter-Religious Council of Uganda
JEEMA	Justice Forum
NRM	National Resistance Movement
NVR	National Voters Register
PDP	People’s Development Party
POMA	Public Order Management Act
PPOA	Political Parties and Organisations Act
PPP-	People’s Progressive Party
RDC	Resident District Commissioner
RO-	Returning officer
RWYP	Republican Women and Youth Party
SDP	Social Democratic Party
SPC	Special Police Constable
TDA	The Democratic Alliance
UFA	Uganda Federal Alliance
UPC	Uganda People’s Congress
UPDF	Uganda People’s Defence Forces
VLS	Voter Location Slips
WDN	Women Democracy Network

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EISA is grateful to His Excellency, Rupiah Banda, former president of Zambia, who led the observation mission, for his leadership. He was assisted by Mr Denis Kadima, EISA Executive Director, who served as the Deputy Mission Leader, to whom we are equally grateful. EISA expresses its profound gratitude to all those who, in one way or another, directly or indirectly contributed to the mission's success. We also appreciate national stakeholders, including political parties, election candidates, civil society organisations (CSOs), and representatives from the media, who made themselves available to brief the mission and its leadership and to share their experiences. The EISA Election Observation Mission is also grateful to the people of Uganda for their openness and willingness to share their experiences.

We also extend our appreciation to the sub-regional, continental and international observer missions with whom we interacted, shared information and learnt from, including the African Union (AU), the Common Market for Eastern and Southern Africa (COMESA), the Commonwealth, the East African Community (EAC), the European Union (EU), and the Intergovernmental Authority on Development (IGAD).

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(EOM) for their availability and their efforts during the mission. Thanks to the experts on the EOM core team led by Ms Sa'adatu Bowsan and Ms Belinda Musanhu for compiling this report and the Elections and Political Processes (EPP) team at the EISA head office for co-ordinating the Mission.

EXECUTIVE SUMMARY

On 18 February 2016, Ugandans went to the polls to elect 290 directly elected members of parliament, 112 district women representatives to parliament and the president. At the invitation of the Government of Uganda, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observation Mission to the 2016 Presidential and Parliamentary Elections in Uganda. As per the constitutional provisions, the elections took place five years after the previous polls in 2011. The mission comprised 42 observers from 20 countries and was led by His Excellency Rupiah Banda, former president of Zambia, with Denis Kadima, EISA's Executive Director, as the Deputy Mission Leader.

To ensure a holistic approach in its assessment of the electoral process, EISA deployed a pre-election assessment mission to Uganda in August 2015 and medium-term observers (MTOs) who arrived in the country on 18 January 2016. MTOs were joined by short-term observers (STOs) on 12 February 2016.

The EOM observed pre-election activities, including campaigning, training of polling agents and electoral staff as well as the Electoral Commission's preparations for election day. In addition the mission assessed the legal framework and the political context and environment in which the elections were conducted. Members of the mission observed election day procedures in polling stations as well as tallying of results at district aggregation centres and at the national tally centre. The mission also conducted interviews with key election stakeholders at national and district levels in order to gain fuller understanding of the election environment. It is the view of the EISA mission that whilst the electoral process was relatively peaceful it was marred by incidences of violence, widespread intimidation and suppression of activities of the opposition. Insufficient provision of voter education information to voters also had a negative impact on the process.

In its assessment of the Ugandan Constitution, the EISA EOM noted that while the constitution recognises the fundamental rights and freedoms of

the people, in practice, the State has over the past four years failed in its responsibility to guarantee these rights and freedoms. This is evident by the passage of certain legislations that impinge on the rights and freedoms of certain segments of the society. These legislations include the Public Order Management Act (POMA), the NGO Act and the Anti-Homosexuality Act. Furthermore, in the build-up to the 2016 elections, there are records of police brutality and arrests of the opposition, which negates the principles enshrined in the Ugandan constitution. The absence of presidential term limits in the constitution promotes the culture of entrenched incumbency in Uganda.

The mission noted the arrest and detention of the leading opposition candidate, Kizza Besigye, 11 times within a 15-day period (from 15 to 29 February 2016). According to the authorities, Besigye was arrested due to the fact that he was running a defiance campaign and was encouraging his supporters to reject the election results, which could potentially lead to civil disorder. Thus his arrests were a preventive measure to forestall any public disorder or unrest. The moves were condemned as being heavy-handed and overzealous and contributed to a tense electoral environment. His arrests and detention however continued unabated throughout the election process, including election day and beyond.

Whilst electoral preparations in the pre-electoral period were satisfactory, the late delivery of materials in many stations negatively impacted on voter participation and otherwise high voter turnout levels in some areas. The mission commended the electoral authorities for extending voting to a second day in certain areas. Once voting commenced, it proceeded in an orderly manner, though marred in places by the incorrect application of procedures. Counting, which took place at the polling stations, was also conducted with poor application of procedures, as was the tabulation at district tally centres. The mission found high levels of tension and contestation at tally centres, which sometimes disintegrated into disorder. In addition, cases of results tampering were recorded by members of the mission.

In the post-election period, a significant proportion of results announced for directly elected members of parliament (MPs), district women MPs and the Presidency were rejected by candidates and voters alike. Arrests and

detentions of opposition leaders and supporters in the immediate post-election period further heightened tensions and uncertainty.

The mission made the following recommendations for the improvement of future electoral processes.

- 1) Prioritisation and improved co-ordination of voter education activities.
- 2) Improvement of election day logistical operations in order to avoid delays.
- 3) Reintroduction of presidential term limits in the constitution should be considered.
- 4) Guaranteeing the right of citizens to public assembly.
- 5) Holding security personnel accountable for use of excessive force on peaceful gatherings.
- 6) Removal of reserved seats for the Uganda People's Defence Forces (UPDF) in the Parliament.
- 7) Address the inadequate fairness and transparency of the legal framework of election campaign financing
- 8) Stronger provisions to guard against the use of inflammatory and intimidating language during campaigns.
- 9) Strengthening of the regulatory powers of the EC to hold political parties accountable for infringement of campaign guidelines such as contravention of the campaign schedule and the use of inflammatory language.
- 10) Consideration should be given to the creation of an Electoral Court that operates at the level of the High Court during the election period to specifically address election-related petitions and expedite their resolution.

EISA'S APPROACH TO ELECTION OBSERVATION

Since its inception in July 1996 EISA has established itself as a leading institution and an influential player in the field of elections and democracy-related issues in Africa. It envisions a continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The institute's vision is executed through the promotion of credible elections and citizen participation and the strengthening of political institutions for sustainable democracy in Africa.

EISA seeks to realise effective and sustainable governance in Africa by strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building and technical support to continental and sub-regional bodies in the area of election observation, advocacy and other strategically targeted interventions.

Within this broad context EISA fields election observer missions (EOMs) to assess and document the context and conduct of selected elections in Africa. EISA deploys international observers as a contribution to the transparency and integrity of electoral processes. In its assessment of elections, EISA recognises that an election is a technical process with deep political implications, as opposed to a once-off event. It therefore adopts a holistic approach that enables it to cover the key elements of the electoral process and the political and socio-economic context within which the elections are conducted.

As part of its assessment of the context and conduct of the 2016 presidential and parliamentary elections in Uganda, a Pre-Election Assessment Mission (PAM) was deployed to Uganda on 15-19 September 2015. The PAM was deployed in partnership with The Carter Center. It was mandated to assess the pre-election context to ascertain whether conditions were conducive for the conduct of credible elections as well as to determine whether international observer missions, including EISA, would be welcomed by Ugandan election stakeholders. The PAM also assessed the state of readiness of the

Electoral Commission, political parties, civil society organisations and other stakeholders. In its report the EISA PAM confirmed the willingness of the Ugandan authorities to welcome international observers. It noted the tense political context of the 2016 elections and noted that the legal framework had not changed significantly since the 2011 elections.

Following an invitation from the EC to observe the elections, EISA deployed a medium-term EOM to observe the final stages of the electoral process, namely the electoral campaigns, voting, counting, vote tabulation, announcement of results and the immediate post-election phase of the elections. The EOM was on the ground from 15 January to 15 March 2016. It was guided in its observation of the electoral process by the principles and obligations set out in the African Charter on Democracy, Elections and Governance; the African Union Declaration of the Principles Governing Democratic Elections in Africa; the Declaration of Principles for International Observation of Elections and its accompanying Code of Conduct; and the Principles for Election Management, Monitoring and Observation.

EISA deployed 12 medium term observers (MTOs), who arrived in the country on 18 January 2016 and were briefed and deployed on 22 January 2016. During their deployment the MTOs visited a total of 28 districts to observe key pre-election activities. The MTO component was supported by a core team comprising an MTO coordinator and a political analyst. The core team was supported by a team of national staff, including a national political/legal analyst, a media expert and two administrative officers.

The MTOs were joined by 30 short-term observers (STOs), who arrived in the country on 12 February 2016 and were deployed to 13 districts to observe election day operations and district aggregation procedures. EISA MTOs remained in the country until 29 February 2016. The core team of the mission remained until 15 March 2016. The elections team at the EISA Head Office in Johannesburg had overall responsibility and oversight of the implementation of the Mission.

The EISA EOM to the 2016 elections is the second election assessment initiative by EISA in Uganda following the deployment of a Technical Assessment Mission (TAM) in 2011. The EISA TAM to the 2011 elections made

key findings and recommendations which the 2016 EOM assessed further to ascertain whether there were improvements in the electoral process. The 2011 TAM made the following recommendations:

- The public perception of the EC is of paramount importance to the electoral process. The team therefore recommended that electoral reforms should prioritise the issue of the independence, integrity and neutrality of the EC. It is important that the appointment of EC members be open and held through a consultative process with all relevant stakeholders. Furthermore, the composition of the EC should be reviewed to reflect the interests of a wide range of stakeholders, including CSOs. The team stated that any electoral reform dealing with these crucial issues will most probably contribute to changing public perceptions about the EC and its operations.
- Relevant provisions of the electoral law should be reformed to make it mandatory for legitimate voters to present a photo ID before voting. The team also called on the Government of Uganda to speed up the national identity project to complement the efforts of the EC in this regard.
- The EC should embark on the systematic training of polling staff for future elections, with emphasis on procedures for opening and closing the polls. It is also important to build the capacity of polling staff in the area of people management and communication.
- The EC should develop mechanisms for tracking election campaign and party finances. It should also develop its capacity to enforce the legal provisions regulating party and campaign finances, specifically the provisions on the use of state resources for political and electoral purposes. It is important that development partners in Uganda support the EC in this regard.
- The EC should clarify and ascertain the guidelines for polling procedures in future elections. These guidelines should be enforced and sanctions should be established for breach.
- There should be provisions for alternative means of lighting polling stations during the vote counting and tallying processes.
- There is need for immediate review of the constitution through a participatory means to provide a limit for presidential tenure.

1

Historical and Political Overview



I.1 Historical Background

I.2 Political Overview



I. HISTORICAL BACKGROUND TO THE 2016 UGANDAN GENERAL ELECTIONS

I.1.1 Independence up to the No Party Era (1962-2005)

Uganda obtained independence from Great Britain in 1962 following an election won by the United People's Congress in 1961. Milton Obote became prime minister and head of government under the Westminster system of government. In 1963 a ceremonial presidency was introduced and Kabaka Fredrick Mutesa, king of the Buganda kingdom, became the first president of the country. In 1967 Obote promulgated another constitution and declared himself president without holding elections.

In 1971 Obote was deposed in a coup by Idi Amin Dada, then commander of the Ugandan Army. Amin's regime was brutal and many Ugandans lost their lives during his reign. Amin dominated government as the legislative and executive functions and powers of government were unified in him. It was the president who decreed what laws would be used to govern the country. In addition there were no elections during Amin's eight-year reign. His rule was opposed inside and outside of Uganda and ended in 1979 when he was deposed by forces which included the Tanzania People's Defence Forces and numerous Ugandan rebel groups.

After a military commission took charge, two interim presidents, Yusuf Lule and Godfrey Binaisa, served in office until the 1980 general elections in which Milton Obote won. The election results were contested and in 1981, Yoweri Museveni a losing candidate in the 1980 elections, declared war against the second Obote government. The Museveni-led National Resistance Army (NRA) embarked on what became known as the Uganda Bush War, which the NRA won in 1986 amidst the deaths and displacement of many Ugandans. A National Resistance Council (NRC), under the no party political system or the movement system, acted as the country's legislature and continued until the promulgation of a new constitution in 1995 before elections in 1996.

The 1995 constitution allowed for the existence of political parties but prohibited parties from fielding candidates directly. Candidates could belong to parties but essentially contested elections as independents. Elections under this system were first held in 1996 and were won by the then incumbent Yoweri Museveni with 74.33% of votes.

Table 1: Results of 1996 Presidential Elections – Uganda

Candidate	Number of Votes	% of Votes
Yoweri Kaguta Museveni	4,458,195	74.33%
Kawanga Ssemogere	1,416,140	23.61%
Kibirige Mayania	123,291	2.06%

Source: African Elections Database at <http://africanelections.tripod.com/ug.html> retrieved 5 March 2016

In 2001, Museveni's former doctor and former member of the National Resistance Movement, Retired Col. Kizza Besigye, challenged him for the presidency. Again, Museveni won this election with 69.4% of votes cast.

Table 2: Results of 2001 Presidential Elections

Candidate	Number of Votes	% of Votes
Yoweri Kaguta Museveni	5,088,470	69.4%
Kizza Besigye	2,029,190	27.7%
Aggrey Awori	103,653	1.4%
Kibirige Mayanja	73,045	1%

Francis Bwengye	22,666	0.3%
Karuha Chapaa	10,055	0.1%

Source: Electoral Commission Website http://www.ec.or.ug/sites/Elec_results/Dist_Sum_2001.pdf

Besigye challenged the results in the Supreme Court, citing massive rigging and voter intimidation, but lost the petition. Although the court acknowledged the merits of his petition, it was jettisoned on the ground that it did not have substantial proof to overturn the election results. Thereafter, Besigye left the country and sought asylum in South Africa.

1.1.2 The 2005 Referendum and 2006 Elections

Following years of agitation and calls for reform domestically and internationally, a referendum on the movement system was held in 2005. Over 92% of Ugandans voted for a return to multiparty democracy and the constitution was duly amended to allow for multiparty democracy. However, in the same year, the NRM-dominated parliament also voted for the removal of the two-term presidential term limits. This buttressed Museveni's hold on power against the new challenges that inevitably came with multiparty democracy. In 2006, the first multiparty elections were under the new constitution. The top contestants in the presidential election were incumbent president Museveni and his former doctor, Kizza Besigye, who returned from exile to be nominated as the presidential candidate of the FDC for the second time.

The 2006 election saw an increase in voter support for Besigye, who remained Museveni's main challenger. However, it was not enough for him to win. As in the previous election Besigye challenged the election results. And again the court upheld the outcome of the election. Following the judgment of the Supreme Court, Besigye vowed to never again approach the courts with an election petition as he contended that the judiciary was compromised and could not give an impartial judgment.

Table 3: 2006 Presidential Election Results

Candidate (Party)	Number of Votes	% of Votes
Yoweri Kaguta Museveni	4,109,449	59.26%
Kizza Besigye (FDC)	2,592,954	37.39%

Ssebaana Kizito (DP)	109,583	1.58%
Abed Bwanika	65,874	0.95%
Miria Obote (UPC)	57,071	0.82%

Source: African Elections Database <http://africanelections.tripod.com/ug.html> Retrieved 5 March 2016

1.1.3 The 2011 elections

Elections were held on 18 February 2011. This election was the fourth contest for Yoweri Museveni of the National Resistance Movement (NRM), who was elected for a fourth term as Head of State. Dr Kizza Besigye on the other hand contested the presidential election for the third time but lost. The NRM also won 263 of the 375 seats in Parliament.

Table 4: 2011 Presidential Election Results

Candidate (Party)	Number of Votes	% of Votes
Yoweri Museveni (NRM)	5,428,369	68.38%
Kizza Besigye (FDC)	2,064,963	26.01%
Norbert Mao Democratic Party (DP)	147,917	1.86%
Olara Otunnu United People's Congress (UPC)	125,059	1.58%
Beti Kamyua Uganda Federal Alliance (UFA)	52,782	0.66%
Abed Bwanika People's Democratic Party (PDP)	51,708	0.65%
Jaberi Bidandi Ssali People's Progressive Party (PPP)	34,688	0.44%
Samuel Lubega	32,726	0.41%

Source: African Elections Database <http://africanelections.tripod.com/ug.html> Retrieved 5 March 2016

Table 5: 2011 Parliamentary Election Results

Party	Directly Elected MPS	Women District MPs	Special Seats Persons with Disabilities	Special Seats Youth	Special Seats Workers	TOTAL
National Resistance Movement (NRM)	165	84	5	4	4	262
Forum for Democratic Change (FDC)	22	11	0	0	0	33
Democratic Party (DP)	11	2	0	0	0	12
United People's Congress (UPC)	7	3	0	0	0	10
Conservative Party	1	0	0	0	0	1
Justice Fo- rum	1	1	0	0	0	2
Indepen- dents	30	12	0	1	1	44
Uganda's People De- fence Force (UPDF)						

Source: African Elections Database <http://africanelections.tripod.com/ug.html> Retrieved 5 March 2016

The election of 2011 recorded the lowest voter turnout figures since the 1999 elections, showing a worrying trend towards voter apathy in the population.

Table 6: Presidential Voter Turnout Figures 1996 to 2011

Year	Total Number of registered voters	Total Vote	% Voter Turnout
1996	8,489,915	6,163,678	72.60%
2001	10,775,836	7,576,144	70.31
2006	10,450,788	7,230,456	69.19
2011	13,954,129	8,272,760	59.29

Source: International IDEA, Voter turnout database <http://www.idea.int/vt/countryview.cfm?id=229>
Retrieved 5 March 2016

1.2 POLITICAL OVERVIEW

The results of the 2011 presidential elections were rejected by Kizza Besigye, but in fulfilment of his resolution not to go to court in 2006, he refused to approach the court to seek any judicial intervention, citing his mistrust of the judiciary. Instead as the country faced economic crisis, which led to increased hardships for Ugandans as well as a very high level of unemployment amongst the youth, Besigye and other leaders began to lead the Walk to Work protests in 2011. These began in Kampala and spread to other towns in Uganda. During the protests, Besigye and Democratic Party leader Norbert Mao were arrested. The protests claimed the lives of nine people. However, the momentum of the 'Walk to Work' campaign could not be sustained and the campaign petered out during the latter half of the year.

Demand for electoral reforms led to the emergence of '*The Free and Fair Election Alliance*', which was initiated by civil society groups in November 2014. This civil society movement culminated in the *Citizens Compact for Free and Fair Elections*, where over 3,000 community leaders and groups made proposals for electoral and institutional reform.

Out of the *Free and Fair Election Alliance* there also emerged a coalition of opposition parties called *The Democratic Alliance (TDA)*, which initially set out to sponsor a single opposition candidate in the 2016 presidential elections. Although the alliance failed to field a consensus candidate, its emergence was indicative of a more organised and unified opposition. Within the ruling NRM, unresolved succession issues led to the exit of Amama Mbabazi, the then NRM Secretary General and Prime Minister of the Republic from the

party to join the TDA platform. The emergence of the former prime minister as a presidential candidate introduced a new level of political competition in the 2016 electoral process.

Thus the 2016 presidential elections were considered the most competitive elections in Uganda since the return to multiparty democracy. They were contested by eight candidates, of which three were considered the strongest. These were the incumbent, Yoweri Museveni, contesting for the fifth time alongside fourth-time aspirant, Dr Kizza Besigye, and Mr Amama Mbabazi, the former prime minister, who was contesting the elections for the first time. The parliamentary elections also exposed cracks within the ruling party, as many of its senior members who lost in the party primaries chose to stand as independents.

On 18 February 2016, Ugandans went to the polls to elect 290 directly elected members of parliament, 112 women representatives to parliament and the president.

2

Institutional and Legal Framework



- 2.1 Institutional Framework
- 2.2 The Legal Framework
- 2.3 Election Management
- 2.4 Electoral System
- 2.5 Election Dispute Resolution
- 2.6 Party and Campaign Finance Regulation
- 2.7 The Public Order Management Act

Uganda is a presidential system where the president is the Head of State, Head of Government and Commander in Chief of the Defence Forces. The president is also the chief appointing officer, as he appoints key positions such as the Judges of the High Court and the Court of Appeal, the Supreme Court, the Chief Justice, the Electoral Commission and the Resident District Commissioners. The president is elected every five years.

The 1995 constitution established three branches of government, namely the legislature, the executive and the judiciary. Following a referendum in 2005 and constitutional amendments thereafter, the country now operates a multiparty system and political parties are currently allowed to contest elections. Legislative power is vested in the parliament for which elections are held every five years. The constitution provides for the judiciary to operate as an independent branch of government. The country also operates under a decentralised local government system with the primary local government unit being the district. The districts are composed of units that range from county and sub-county to village and Local Councils 1-5.

2.1 INSTITUTIONAL FRAMEWORK

2.1.1 The Legislature

Article 78 (1) of the Constitution prescribes the composition of Parliament as follows:

- a) Members directly elected to represent constituencies;
- b) One woman representative for every district;
- c) Such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and
- d) The Vice-President and Ministers who, if not already elected Members of Parliament, shall be ex-officio members without the right to vote on any issue requiring a vote in Parliament.

The representatives indicated above are to be elected by secret ballot on the basis of universal adult suffrage. The election of the Special Interest Groups designated in c) above is to be conducted by electoral colleges of their representatives. Additionally Parliament is to prescribe the procedure for elections of representative to Parliament. Parliament is presided over by the Speaker, and in his absence, the Deputy Speaker, both of whom are elected by Members of Parliament.

The 9th Parliament elected in 2011 comprised 238 Constituency Representatives; 112 District Woman Representatives; 10 Uganda People's Defence Forces Representative; and 5 representatives each from the youth, workers and persons with disabilities. There were also 13 Ex-officio Members.

2.1.2 The Executive

The executive is made up of the cabinet of Uganda, which, according to Article 111 of the constitution, "shall consist of the President, the Vice President, the Prime Minister and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State." The cabinet is elected from the members of the parliament. The Prime Minister assists the President in the supervision of the cabinet. The Prime Minister in 2011 was Amama Mbabazi, who was removed from his position after he fell out with President Museveni. He was replaced by Ruhakana Rugunda. The vice president at the time of the election was Edward Ssekandi.

2.1.3 The Judiciary

The Ugandan judiciary is constitutionally an independent branch of government and consists of magistrate's courts, high courts, the court of appeal (which transforms to the Constitutional Court of Uganda when hearing constitutional issues), and the Supreme Court. Judges for the High

Court are appointed by the president, while Judges for the Court of Appeal are appointed by the president and approved by the legislature.

The functioning of the judiciary is provided for in Article 126 of the constitution, which states that judiciary power is derived from the people and is to be exercised by the courts established under the constitution in conformity with the values, norms and aspirations of the people. According to Article 128 (1) the judiciary should be independent and should not be subject to the control or direction of any persons or authority and in 128(2) no person shall interfere with the courts or judicial officers in the exercise of their functions.

2.2 THE LEGAL FRAMEWORK

2.2.1 The Constitution of 1995, as amended in 2005

Elections in Uganda are regulated by a legal framework that is founded upon the constitution. The constitution guarantees fundamental freedoms and civil and political rights, including freedom from discrimination, freedom of speech and of expression, which encompasses free press and other media. It also recognises that all power belongs to the people who, through voting, also bestow upon the elected the authority to govern. According to Article 1 (4) this authority comes from the expression of the will and consent of the people through regular, free and fair elections of their representatives or through referenda. The right to vote is guaranteed in Article 59 for persons who are 18 years and above and registered for that purpose.

Constitutional amendments in 2005 removed presidential term limits and authorised the return of multiparty politics in the country. Chapter 7 of the Constitution of Uganda provides for, amongst other things, election of the president, tenure of office of the president and the removal of the president. According to Article 102, to qualify as president a person must be:

- A citizen of Uganda by birth;
- Not less than thirty-five years and not more than seventy-five years of age;
- Qualified to be a Member of Parliament.

To qualify for election as a member of parliament, a person must be:

- citizen of Uganda;
- a registered voter; and
- have completed a minimum formal education of Advanced Level standard or its equivalent which shall be established in a manner and at a time prescribed by Parliament by law.

In its assessment of the Ugandan Constitution, the EISA EOM noted that in accordance with international benchmarks the constitution provides for the conduct of elections by an independent institution with a clearly stipulated electoral system and mechanisms for the resolution of disputes arising from elections by the judiciary. The constitution also provides for affirmative action for women, youth and special interest groups.

The EOM further noted that while the constitution recognises the fundamental rights and freedoms of the people, in practice, the State has over the past four years failed in its responsibility to guarantee these rights and freedoms. This is evident by the passage of certain legislation that impinges on the rights and freedoms of certain segments of the society. This legislation includes the Public Order Management Act (POMA), the NGO Act and the Anti-Homosexuality Act. Furthermore, in the build-up to the 2016 elections, there are records of police brutality and arrests of the opposition, which negates the principles enshrined in the Ugandan constitution.¹ The absence of presidential term limits in the constitution promotes the culture of entrenched incumbency in Uganda.

2.2.2 Electoral Legislation

The rules for conducting elections and for the participation of parties and candidates in the election are given in the following pieces of legislation.

- The Presidential Elections Act (2005), as amended in 2010 and 2015
- The Parliamentary Elections Act, as amended in 2010 and 2015
- The Electoral Commission Act of 1997, as amended in 2005 and 2010,

¹ See Amnesty International report 2015/1
<https://www.amnesty.org/en/countries/africa/uganda/report-uganda/>

- The Political Parties and Organizations Act of 2005, as amended in 2010

2.2.2.1 The Presidential Elections Act and the Parliamentary Elections Act

- The Presidential Elections Act and the Parliamentary Elections Act detail the procedures for the conduct of parliamentary and presidential elections. The acts provide in detail the procedures and guidelines for: nomination of candidates, election campaigns, voting, counting, tallying, declaration of election results, election petitions

The EC is mandated to conduct presidential and parliamentary elections within the first 30 days of the last 90 days of the tenure of the incumbent president. In addition to qualifications set out in the constitution, the acts provide for the financial requirements for candidate nomination and as well as campaigning regulations. A prospective presidential candidate is expected to pay a fee of 20 million Uganda Shillings and be supported by the signatures of 100 registered voters from at least two thirds of all the country's districts.

A prospective parliamentary candidate's application for nomination must be supported by the signature of 10 registered voters from the constituency where the candidate is standing for election and a nomination fee of 3 million Uganda Shillings.

Allocation of seats to the special interest groups (SIGs) – youth, persons with disabilities, military and workers – is done according to the Parliamentary Elections Act of 2005. The Act specifies that each SIG shall be allocated five seats in parliament, with the exception of the military, which is granted 10 seats.

2.2.2.2 Legal reforms ahead of the 2016 Elections

Amendments were made to the Presidential Elections Act and the Parliamentary Elections Act in September 2015 and signed into law by the president on 1 October 2015. These were:

- Provision for polling to close at 4:00pm instead of 5.00pm on polling day. This was done so that counting at polling station could start earlier with the advantage of daylight.

- Revision of the nomination fees for parliamentary and presidential candidates. The nomination fee for parliamentary candidates was increased from 200,000 Uganda Shillings to 3,000,000 Uganda Shillings, while the nomination fee for presidential candidates was increased from 8,000,000 Uganda Shillings to 20,000,000 Uganda Shillings. The justification for the steep increase in the fees was the need to eliminate frivolous candidature.
- Revision of the campaign facilitation provided to a presidential candidate under the Act. The amendment removed government's contribution of a vehicle and 20 million Uganda Shillings to each nominated presidential candidate to assist them in their campaign. In the 2016 elections presidential candidates had to fully fund their campaigns by themselves.
- Removal of the requirement for a candidate to campaign in every district of Uganda. The removal of this requirement was mainly due to the ever-increasing number of districts in the country.

In its assessment of these reforms, the EISA EOM noted that the timing of the amendments impacted negatively on the pre-election context. The amendments came less than three months before the date of nomination and the beginning of campaigns, and made it difficult for some prospective candidates to meet the new requirements, particularly the increased nomination fees. Furthermore, the Mission noted that these amendments did not address key areas of reform advocated by political parties and CSOs, which included: the mode of appointment and tenure of the members of the EC, reinstatement of presidential term limits and elimination of reserved seats in parliament for special interest groups (SIGs) such as the army and workers. The EISA EOM also noted that an important proposal for the Electoral Commission to provide special voting arrangements for persons engaged in electoral activities or duty in specific professions was not passed.

The EISA EOM also noted that the removal of state funding of presidential campaigns contravenes the provisions of article III (g) of the AU Declaration on the Principles Governing Democratic Elections, which mandates AU Member States to ensure adequate funding of political parties to enable them operate effectively. Furthermore, this amendment and the increase in nomination fees impacted on small parties that had limited access to resources. It is important

to note that in an election where opponents contested against a ruling party that has been in power for 30 years, there was a significant imbalance in the level of access to resources for all competing parties.

2.2.2.3 Political Parties and Organisations Act 2005

The Political Parties and Organisations Act (PPOA) 2005 regulates the registration, financing and functioning of political parties and organisations. Whilst articles 71-73 of the Constitution already provided for establishment of political parties and organisation, the return to multiparty democracy following the 2005 referendum necessitated an enabling legislation to regulate the operations of political parties in the new dispensation.

The Act provides for:

- Registration of political parties by the Electoral Commission
- Conduct of political parties, including sources of party funding and declaration of assets and accounting to the auditor general every year
- The code of conduct for parties and penalties for breaching the provisions of the act
- The establishment of a national consultative forum of political parties and organisations.

The EOM in its assessment of the PPOA noted that in line with international good practice, whilst the law provides a code of conduct for political parties and candidates, in practice, however, it was noted that the code was severely violated during the campaigns with minimal repercussion for violators. For example, a number of parties did not adhere to the campaign schedules and there were campaigns beyond the stipulated deadline of 18:00hrs. There was rarely any action taken by the authorities in this regard.

2.3 ELECTION MANAGEMENT

The Electoral Commission is the statutory body responsible for the management of all elections in Uganda. The EC is established by article 60 of the Constitution and operates within the framework of the Constitution of Uganda and the Electoral Commission Act 1997. The electoral commissioners are appointed by the President with the approval

of Parliament. Commissioners can be appointed for a term of seven years, which is renewable once.

Article 61 of the constitution charges the commission with the following functions:

- Preparing, maintaining and updating a national voter register and voters' rolls
- Demarcating polling areas
- Recruiting and training polling officers
- Accrediting election observers
- Conducting civic and voter education
- Procurement and distribution of polling materials
- Harmonising campaign schedules
- Mediating election disputes

The independence of the commission is provided for in Article 62 of the constitution. The commission has 12 permanent regional offices and 112 permanent district offices as well as 1402 temporary staff at the parish level around election time.

The current members of the Commission were appointed in 2002. There are four male commissioners and two female commissioners, namely:

Chairman: Eng Dr Badru Kiggundu – appointed chairperson in November 2002

Deputy Chairman: Mr Joseph N. Biribonwa

Commissioner: Mr Tom W Buruku

Commissioner: Mrs Justine Mugabi

Commissioner: Dr Jenny B Okello

Commissioner: Mr Stephen B Ongaria

Funding for the Electoral Commission is provided for under from the Consolidated Fund in accordance with the Electoral Commission Act. The Act further provides that the funds of the commission may, with the prior approval of the Minister responsible for finance, include grants and donations from sources within or outside Uganda to enable the commission to discharge its functions.

The EISA EOM in its assessment of the legal framework for election management in Uganda noted that while the legal framework sufficiently guarantees the independence of the commission in terms of its appointment and funding, the neutrality of the commission in practice and its neutrality in terms of its decision making and relationship with electoral stakeholders were called into question.

The EISA EOM, in its consultations, noted that many stakeholders expressed doubts about the commission's professionalism and neutrality because the same commission managed two previous elections that were disputed in 2006 and 2011. Stakeholders also raised concerns about the EC's mode of appointment, noting that the commissioners are appointed by the president and ratified by the parliament, which is dominated by the ruling party.

2.4 ELECTORAL SYSTEM

Article 103 of the constitution provides for a two-round majoritarian system for presidential elections. To win the presidential election, a candidate is expected to receive above 50% of the votes cast. In the event that no candidate receives the required percentage of votes in the first round, a run-off election is conducted between the two candidates who received the most votes in the first round.

For the parliamentary elections the electoral system used is the simple majoritarian system where the winner is the candidate that received the most votes. Additionally there are seats in Parliament that are reserved for women, youth, persons with disabilities (PWD) and the Uganda People's Defence Forces (UPDF).

The election of special interest group (SIG) representatives is done through electoral colleges. These colleges are constituted by the leadership of the SIG at regional and local levels. For the election youth representatives, the regional electoral colleges are composed of district youth councils within the regions and national youth council conference. For the election of the UPDF representatives, the Electoral College comprises members of UPDF council. For representatives of workers, the college comprises representatives from the National Organisation of Trade Unions and the Confederation of Free Trade Unions. For the elections of persons with disabilities, members of the Electoral College are delegates with disabilities from the districts.

In its assessment of the electoral system, the EISA EOM commended the affirmative action measures for the representation of women and vulnerable groups. The EOM further noted that, over the years, the provision of quotas and reserved seats have kept these groups on the margins rather than integrated into mainstream politics. For instance, most women have not been able to successfully contest the parliamentary constituency ballot but rather remained on the district ballot reserved for women.

The mission also noted that while affirmative action mechanisms are welcomed, the military is not a disadvantaged group and, according to international best practice, the primary role of the army is in security and safety and it should not play any role in law-making.

All levels of government in Uganda are elective and this promotes public participation and grants legitimacy to those elected. In 2016 multiple elections took place over a period of three weeks beginning with the presidential and parliamentary elections on 18 February and ending with local elections on 10 March 2016. Though the EISA EOM did not actively observe the local elections, it noted that the conduct of elections over such a long period places an enormous logistical burden on the Electoral Commission, and could also contribute to voter fatigue. The EISA EOM noted reports of lower voter turnout in the local elections, which some stakeholders attributed to voter fatigue and dissatisfaction with the outcome of the presidential and parliamentary elections.

2.5 ELECTION DISPUTE RESOLUTION

Article 61 of the constitution provides that before and during polling the responsibility of hearing and determining election complaints arising from the electoral process rests with the Electoral Commission. According to the Electoral Commission Act 1997, Section 15, any complaints that have not been resolved at a lower level should be submitted in writing to the commission and the commission should correct the irregularity. The decisions of the EC are subject to judiciary review by the High Court.

There is also a national consultative forum for political parties and organisations aimed at promoting dialogue between political parties, resolving intra- and inter-party conflicts and to promote interaction of political parties

with the EC. The forum consists of one member per political party and the Chair of the EC is an official. District complaints desks were established to handle disputes at district level. The EISA EOM noted that they did not operate in a systemic manner, as it appeared they were used in an ad hoc manner by returning officers and district authorities.

Section 60 of the Parliamentary Elections Act provides for parliamentary election petitions to be brought before the High Court within 30 days of the publication of the result in the government gazette. Requests for a recount, however, are to be made to the Magistrates' Court within seven days of the declaration of the result by the returning officer (Section 55). Presidential elections petitions are addressed to the Supreme Court and must be commenced within 10 days of the announcement of results.

The EISA EOM assessed the 10-day timeframe provided for the submission of presidential election petitions as tight because the laws require substantial proof to overturn a presidential election. This gives the petitioner limited time to collect the volume of information and witnesses required to file such a petition successfully.

2.6 PARTY AND CAMPAIGN FINANCE REGULATION

Section 14(a)[b] of the Political Parties and Organisations Act 2005, as amended, stipulates that government shall finance the activities of political parties in respect of elections on an equal basis. Funding is available only to parties that are represented in parliament and is proportionate to the party's representation in parliament. In addition, political parties are required to submit audited accounts to the Electoral Commission not later than six months after the close of the party's financial year and should keep a record of the party's assets. Candidates mobilise and conduct their campaigns based on the resources available to their party as well as their own personal funds where available.

Section 27 (2) of the Presidential Elections Act permits an incumbent who is a contestant in the election access to the state resources attached to the office occupied during the election campaign. This privilege applies to the president and the speaker of parliament. The EISA EOM in its assessment of the campaign funding regulatory framework considered this provision

to disadvantage other candidates who do not have such access to state resources. In 2016, the issue of equitable access to resources was made worse by the amendments to the Presidential Elections Act, which removed State support to presidential candidates through the EC by providing a vehicle and financial resources during the election campaign.

Political parties consulted by the EISA EOM indicated that the campaign support funds were received late from the EC, thus delaying onward transmission to party members in the districts. This forced candidates to use their personal funds during the early stages of the electoral campaign. In addition, the EOM received reports of abuse of state resources during the campaigns by some candidates from the ruling NRM.

In Kampala, parties consulted confirmed that they received campaign funds from the government and this was done in proportion to the number of parliamentary seats as provided in the law. However, in Arua, these funds were reportedly received late, which hindered some parties in mobilising and engaging with their supporters and with voters. The FDC in Lubaga Division in Kampala confirmed that they received the funds, but they were very limited, therefore they used it to support presidential candidate rallies and nomination of LC111 candidates. The Democratic Party in Mityana also confirmed receipt of the funds, which were used to pay for candidate nomination.

2.7 THE PUBLIC ORDER MANAGEMENT ACT

The Public Order Management Act (POMA) was passed in October 2013. The purpose of this legislation is supposedly to regulate the exercise of the freedom of assembly and freedom to protest in a peaceful manner. The law was passed after the ‘walk to work’ campaigns that followed the 2011 elections.

The POMA requires that organisers of public meetings including political campaigns to notify the police of the details of such meetings at least three days before the meeting. The Act also gives the police the powers to approve or disapprove the conduct of public meetings on the basis that a prior notice of meeting had been received from another party for the same date, time and venue of for considerations of crowd and traffic control. In the event that a

notice of meeting is not approved for any of these reasons, the organiser will be notified within 48 hours. The POMA makes it an offence not to comply with a police order disapproving a public meeting. The decisions of the police are however subject to judicial review.

In its assessment of this legislation within the legal framework for the conduct of elections, the EISA EOM noted with concern that such laws were restrictive on the rights to freedom of assembly, notwithstanding the need for orderly conduct of public gatherings. Furthermore, the EOM noted instances where the police in its enforcement of the POMA resorted to the use of disproportionate force, thus contributing to pre- and post-election tensions. The EISA EOM also noted that the power to regulate and organise the campaign schedule is vested in the EC, which should ensure that there is no clash on the schedule. It is therefore possible for the police to liaise with the EC to provide security coverage campaign events, rather than increase the bureaucratic procedures required for organising campaigns.

3

The Pre-Election Phase



- 3.1 Delimitation of Election Boundaries
- 3.2 Voter registration
- 3.3 Party Registration and Nomination of Candidates
- 3.4 Election Campaigns
- 3.5 Civic and Voter Education
- 3.6 Participation of Women
- 3.7 Participation of Youth
- 3.8 Civil Society
- 3.9 Media Environment
- 3.10 Security
- 3.11 Preparedness of the Electoral Commission

3.1 DELIMITATION OF ELECTION BOUNDARIES

The delimitation of electoral boundaries is a technical process that could be used to achieve political goals. The EC is mandated in article 60 of the Constitution to delimit electoral boundaries. When the creation of 43 constituencies was passed by the Parliament in August 2015, however, the commission's chairperson was allegedly to have professed no knowledge of these new constituencies². That notwithstanding, the number of directly elected MPs increased from 238 in 2011 to 290 for the 2016 elections. Stakeholders consulted by the EISA EOM raised concerns that the practice of creating new districts ahead of elections is a political step taken by the ruling party to skew the level of support in its favour. Specifically, it was noted that the trend was to split up districts where the opposition seemed to be receiving growing support.

Additionally, the delimitation process should be guided by the principles of equal value for the vote and equal representation. To guarantee this equality, the guidelines provided in PEMMO highlight the need for the delimitation process to be conducted in consultation with parties and the outcome should ensure that each constituency contains approximately the same number of

² EC Ready for new constituencies at <http://www.observer.ug/news-headlines/37611-ec-ready-for-new-constituencies> retrieved 4 March 2016

eligible voters. The EISA EOM noted that the size of the voter population across electoral boundaries in Uganda varies considerably. For example, Iganga Municipality in Iganga District had 34,211 registered voters, whilst Bunya County West had 74,130. The difference is much more than the 10% difference as recommended by international best practice. The situation is the same for the election of women district MPs, where for example Kalangala district has 29,729 voters whilst Tororo has 233,437. This impacts on the value of the vote and equality of representation in the country and should be reconsidered.

3.2 VOTER REGISTRATION

The EC is constitutionally mandated to undertake the registration of voters and preparation and maintenance of a voter register. In fulfilment of this duty the EC generated the 2016 voters' register data from the National Security Information System (national ID) project. The old register used in 2011 was de-gazetted and was not used for the 2016 electoral process. This was not without controversy, as stakeholders contended that insufficient information had been provided to voters on the need to register again. Some assumed they were still registered going by the 2011 registration. This created a number of challenges within some political parties during the nomination of candidates and voting, when people who thought they were on the register found themselves unable to stand for nomination or to vote.

The review and update of the voter register was initially conducted from 7 to 30 April. It was extended twice – to 4 May 2015 and again to 11 May 2015. In accordance with Section 25 of the Electoral Commission Act, the updated register was publicly displayed for verification from 22 July to 11 August 2015. The verification exercise gave voters an opportunity to verify the accuracy of their particulars on the register, confirm that their photographs appeared against the correct particulars and report any anomalies to the EC representatives for further action such as deleting the names of the deceased or persons who had relocated to other areas.

The display was followed by another period of eleven (11) days, from 14 to 24 August 2015, in which the lists of all persons recommended for deletion from the national voters register were displayed for public scrutiny. Section 18(a) of the Electoral Commission Act 1997 (as amended) mandates the Electoral Commission to issue a complete photo-bearing national voter register to

each of the candidates contesting the presidential elections. In line with this provision, the register was presented to the contestants on December 14 2015. This was a commendable action, as was the posting of the voters' roll on the website of the EC from December 2015.

However, whilst the mission commended the presentation of the register to the presidential candidates, members of the mission reported that some candidates in the districts received the roll rather late in the process. For example, less than a month to the elections, the FDC in Mbale indicated that the party received a copy of the register late compared to previous elections, whilst in Gulu the NRM indicated that it had not received the register at all.

While the Mission commended the initiative of deriving the register from the national ID project as a cost effective approach to voter registration, it noted the need for steps to be taken to ensure the credibility of the national civil registry. For instance, in Kabale district Mr. Innocent Byomugabe ID Cm970091089 of Rutooga Village, Nyarurambi Parish, in Muko Sub-county who wanted to stand for the FDC could not be nominated as he was informed by the EC that his name was not on the electoral register despite the fact that he possessed a national ID card. The EC noted that this case could not be substantiated. Additionally, political parties in Gulu reported that 12,000 people had not yet received their national identity cards while others did not know which polling stations they had been assigned and were concerned that this could disenfranchise their supporters.

The Biometric Voter Verification System (BVVS) was introduced as a fraud prevention mechanism specifically to prevent multiple voting and enhance processing and identification of voters on election day. The introduction of the system was announced on 18 January 2016, exactly a month before election day. Given the challenges experienced in other countries where similar technology has been used, the late introduction of the machines, with limited time to test and pilot them was a risky move by the EC which could have been very costly. The timing of the introduction of technology in the process also increased the speculation that the machines were actually vote-rigging devices that could be used to track for a voter's choice. The EISA EOM noted with satisfaction that the machines functioned well on election day where its teams were deployed.

On the introduction of the Voter Location Slips (VLS)³ an additional voter identity verification measure, the EISA EOM noted that the VLS did not make much difference in fraud deterrence because the printed voters' register was the primary means of identity verification on election day. It was therefore possible for a voter to vote even if s/he did not have the VLS or did not appear in the BVVS. The Mission noted that in future elections, the introduction of electoral technology should be done with enough time to build awareness and trust of stakeholders.

3.3 PARTY REGISTRATION AND NOMINATION OF CANDIDATES

The Political Parties and Organisations Act (2005) guarantees the right of all Ugandans to form or join a political party of their choice. The mandate to register parties is given to the electoral commission. Currently there are 29 political parties registered in Uganda and 11 of these parties contested in the 2016 polls.

Table 7: List of Registered Political Parties

	Political Parties (Acronym)	Political Parties
1	AP	Activist Party
2	COSEVO	Congress Service Volunteers Organization
3	CP	Conservative Party
4	DP	Democratic Party
5	EPU	Ecological Party of Uganda
6	FPU	Farmers Party of Uganda
7	FDC	Forum for Democratic Change
8	FIL	Forum for Integrity in Leadership
9	GPP	Green Partisan Party
10	JEEMA	Justice Forum
11	LDT	Liberal Democratic Transparency
12	NCD	National Convention for Democracy
13	NPP	National Peasants' Party
14	NRM	National Resistance Movement
15	NURP	National Unity, Reconciliation and Development Party

3 Voters were issued voter location slips that provided details of their assigned polling stations.

16	NYRO	National Youth Revolutionary Organization
17	SDP	Social Democratic Party
18	PDP	People's Development Party
19	PPP	People's Progressive Party
20	PUM	People's United Movement
21	PPD	Popular People's Democracy
22	RWYP	Republican Women and Youth Party
23	RPP	Revolutionary People's Party
24	SPD	Society for Peace and Development
25	UEP	Uganda Economic Party
26	UFA	Uganda Federal Alliance
27	UPM	Uganda Patriotic Movement
28	UPC	Uganda People's Congress
29	UPP	Uganda People's Party

The increase in nomination fees for the presidential and parliamentary elections one month to the elections was considered a restrictive measure on the right to stand for election. The fees were increased from 200,000 UGX to 3,000,000 UGX and from 10,000,000 UGX to 20,000,000 UGX for the parliamentary and presidential aspirants respectively. This was further heightened by exorbitant verification fees of over 500,000 UGX for particulars in support of nomination forms. Despite the increased fees, 12 presidential aspirants applied for nomination from 3-4 November 2015. Eight of the 12 presidential aspirants met the requirements and were duly nominated to stand. Furthermore, the sudden increase in nomination fees was specifically noted in Kampala to have had a detrimental impact on the interest and participation of women and youth in the elections.

Table 8: Nominated Presidential Candidates

Name	Party	Gender
Venansius Baryamureba	Independent	Male
Kizza Besigye	Forum for Democratic Change (FDC)	Male
Benon Biraaro	Farmers Party of Uganda	Male
Abed Bwanika	People's Development Party	Male

Faith Kyalya	Independent	Female
Joseph Mabirizi	Independent	Male
Amama Mbabazi	Go Forward	Male
Yoweri Kaguta Museveni	National Resistance Movement	Male

Source: Electoral Commission of Uganda website.

Yoweri Museveni, the incumbent, has been in power for 30 years. He contested against his former doctor and long-time rival Dr Kizza Besigye and former prime minister and secretary general of the NRM Amama Mbabazi. As in the previous election there was only one female presidential candidate. A number of parties that had fielded presidential candidates in the past election such as UPC and DP rallied behind Amama Mbabazi under the banner of The Democratic Alliance (TDA).

Whilst most parties were more or less clear on the nomination of their presidential candidates, competition to stand on the party tickets for parliamentary elections was extremely high. Most major parties held primary elections, but some of these primaries were disorganised and extremely contentious to the point that members of parties chose instead to stand as independent candidates whilst still maintaining their party membership.

Nomination of candidates for the parliamentary elections took place from 2 to 3 December 2015. At the parliamentary election level, as a result of the non-transparent conduct of party nomination processes, disgruntled candidates from most political parties, especially from the NRM, opted to contest as independent candidates at various electoral levels, causing division among party members. There were 712 independent candidates in total, representing 53.8% of the 1,323 candidates that contested for the directly elected MP seats. It was also observed during the electoral campaign that some independent candidates actually campaigned for their party's presidential candidate whilst actively pursuing a campaign against the party's parliamentary election candidate. This further showed the level of internal divisions in the parties.

The EOM noted that there were instances where parties disregarded the

decisions of the EC on nominations. An instance was the case of an NRM Abiriga Ibrahim of the NRM in the West Nile region in Arua district.⁴

Such cases gave the impression that the president had influence over the EC and believed himself to have the power to influence their decisions, which raises questions about the independence of the electoral commission.

According to figures provided by the EC only 86 (6.5%) out of the 1,323 candidates for the directly elected MPs were women. The EISA EOM noted with concern this dismal participation of women as candidates in the election.

Table 9: Number of Nominated Candidates for Parliamentary Elections

Party	Party Acronym	Directly Elected Candidates	District Women Representatives
National Resistance Movement	NRM	289	108
Forum For Democratic Change	FDC	191	59
Democratic Party	DP	83	16
Justice Forum	JEEMA	10	1
Independent	Ind.	712	201
Uganda People's Congress	UPC	22	10
Republican Women and Youth Party	RWYP	2	0
Social Democratic Party	SDP	2	0
People's Progressive Party	PPP	4	0
People's Development Party	PDP	1	0
Activist Party	AP	1	0
Uganda Federal Alliance	UFA	<u>6</u>	<u>0</u>
Total		1,323	395

Source: Electoral Commission Uganda website

⁴ In this case the EC Tribunal ruled that the candidate did not qualify to stand as he did not possess the requisite educational qualification. He continued campaigning pending the ruling of the court. On 14 February 2016, during the campaign of the NRM's presidential candidate, Yoweri Museveni, Museveni recognised and endorsed Abiriga Ibrahim, stating he would back him up with his personal lawyer and would ensure that his name appeared on the ballot paper for election. This happened at the end of the day.

3.4 ELECTION CAMPAIGNS

Section 20 (1) of the Parliamentary Elections Act and Section 21(1) of the Presidential Elections Act provides that the EC should set the dates of the campaign. The 2016 presidential election campaign period ran from 9 November 2015 to 16 February 2016. This was effectively three months, which was a change from the previous elections, when campaigns ran for a period of four months. On the other hand, campaigns for parliamentary elections started on 7 December 2016 and ran until 16 February 2016. All candidates submitted their campaign plans to the EC, which developed a schedule to ensure that no candidate campaigned in the same location at the same time. The EOM noted with satisfaction the initiative taken by the EC to co-ordinate the campaign schedule but noted that the schedule was not consistently respected by candidates and clashes occurred when opposing candidates arrived at the same campaign venues.

During the deployment of its MTOs, EISA observers attended 75 campaign events of which 33 were organised by the NRM, 21 by the FDC, 3 by the DP, 4 by Go Forward, and 14 by independent candidates. In Mbale the team reported that some candidates' supporters clashed because rallies were held at the same time in the same location.

Many candidates eventually resorted to door-to-door campaigning due to lack of funds. Lack of funding notwithstanding, allegations of vote buying by candidates was widespread. Some stakeholders in Arua informed EISA observers that voter bribery had become part of the political culture, and voters had become used to receiving money from candidates after campaign activities. Where a candidate did not leave any money for supporters, known as '*facilitation*', they were reported to often ask '*how can s/he come and go just like that?*'. In Kampala it was reported that supporters expected to receive money in order to participate in electoral campaigns. This same practice was observed in Kabale. In Arua, the ruling party was alleged to have given out money in millions to each village in the guise of helping women to start businesses. It is referred to as the '*Maluwa Scheme*' (local alcohol consumed with straw from pots). Reports of vote buying increased markedly in the days before election day.

Sections 24 and 26 of the Parliamentary Elections Act and Presidential Elections Act respectively prohibit any person from using words, songs, sign

or any other representation that is calculated to excite or promote disharmony, enmity or hatred against another person on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion. However, incidents of hate speech were recorded during the campaigns between candidates and even on radio where radio presenters were implicated in spreading hate speech. This occurred in Arua and Jinja districts. Although the Resident District Commissioner in Jinja appointed a focal person to deal with the issue, nothing had been done until the conclusion of the elections. Opposition supporters mostly alleged that they were threatened regularly with statements such as *'when your candidates fail, we will see where you will stay'*, and *'if you vote FDC, there will be war.... do you want to go into exile again?'* In Arua the EISA team observed a rally by an NRM MP candidate (Lematia John) where he reminded people of their days in exile, and the hardships they would face if the opposition won and they had to run again. Fear was more prevalent in rural areas, especially amongst women. The opposition, especially the FDC's 'defiance campaign' language, has also not been exemplary. However, in other areas, for example in Mbale, candidates were calling for peace during the elections in their campaigns.

In Gulu it was noted that despite the Act prohibiting campaigning beyond 18h00, some candidates defied the regulation to stop campaigning after 18h00 and yet no sanctions were applied.

EISA teams reported various incidences where clashes occurred between the NRM MP candidate and the FDC MP candidate in Terogo in Arua district. Also at Lalogi sub-county in Gulu district, EISA teams reported another clash between the supporters of the NRM and FDC candidates, where some youth mobilised and blocked the Go Forward presidential candidate (Amama Mbabazi) at Karume Bridge; sewage was also emptied at Kaunda Grounds, where the FDC planned to have a rally. There was an upsurge in campaigning activities and geographical spread especially in Kampala where most presidential candidates ended their campaigns with large rallies. Although the campaigns were largely peaceful and went smoothly throughout most districts across the country, it was rather tense in some parts of the country and a number of clashes were reported.

The law places an obligation on the EC to ensure that adequate security is provided by relevant organs of the State for all presidential candidates. The

Mission noted efforts made by the EC and government to calm the clashes among supporters at all levels and efforts to promote adherence to deadline in ending campaign activities. In Inganga district, undercover policemen were witnessed attending political campaigns. Public Authorities are also mandated to give equal treatment to all candidates during the campaign period. The EISA Mission however noted undue partisanship influence of the security forces, especially the police towards the ruling party and their supporters. This was evident in the arrests and detentions made by the police and the army in Gulu.

Other issues reported by EISA observer teams in the districts were:

- In Gulu, involvement of military personnel in campaigns;
- Interference and organising parallel campaign meetings by NRM candidates;
- Use of militia groups in campaigns; and militarisation of the elections indicated by the Crime Preventers and Operatives.
- The teams also witnessed the use of intimidation and threatening language by aspirants. In Kabale, cases of provocation, intimidation, arrests of party militants and supporters, blackmail, and campaign material vandalism were reported.

The Parliamentary Elections Act and Presidential Elections Act in Section 27 and Section 24 respectively prohibit the use of government resources by any candidate. However, incidents of abuse of state resources were observed during the campaign and as with other infringements of the code of conduct, no substantive sanctions were applied even though the EC could request the police to arrest perpetrators on its behalf.

3.4.1 Access to campaign resources

The Political Parties and Organisations Act (2005), as amended, provides for access to state funds for parties represented in parliament. These funds were disbursed to the parties during the election, but the parties complained that the funds were disbursed late. Nevertheless some of the parties used the funds to pay nomination fees for their candidates whilst others distributed funds to their candidates. However, at the beginning of the campaigns most candidates used their funds to initiate their campaigns and received the funds with about a month remaining in the campaign.

For example during the earlier stages of the campaign, NRM district offices in Jinja, Mayuge and Kamuli stated that candidates campaigned using their own resources while still awaiting disbursement from the national headquarters. A large spending gap was reported between the ruling party and other contenders. According to the Alliance for Campaign and Finance Monitoring (ACFIM), the NRM reportedly spent more than 20 times the amount spent by its nearest rival. Due to the fact that there are no campaign finance thresholds in Uganda, this proceeded unchecked and most certainly tilted campaigning in favour of the ruling party.

The use of money by candidates to bribe voters was widely reported by the EISA observers and in the media across the country. Some candidates gave their supporters money after attending their rallies, while some were allegedly handing out cash to individuals in their homes. It was also reported that the president distributed 250 000 Uganda Shillings to each village. During Amama Mbabazi's campaign in Arua, the team was informed by the campaign coordinator that people were afraid to carry Mbabazi's posters because they had been told that Museveni would be visiting the area in a few days so they did not want to be targeted as opposition, and the largess and financial benefits of the NRM campaign would elude them.

In the Bugisu region, vote buying and voter bribery was a serious emerging issue among stakeholders. In Soroti, for instance, Mr Paul Omar from the FDC accused the First Lady of giving 50,000 shillings to potential voters at the government guesthouse. Meanwhile, NRM Administrative Secretary Mr Esugu Richard denied all allegations of his party distributing any money to voters. He said that the money given to party structures was for logistical support to party members who had to undertake different tasks. Other stakeholders informed the team that there were unknown people who had been making rounds in the evening and at night giving people money while campaigning for votes. In Acholi, there were claims that candidates and military officials were openly distributing money during NRM meetings. The team in Acholi witnessed some NRM candidates promising money to youth, women and elderly groups during campaigns.

In the Kigezi sub-region stakeholders also complained about the role of the prime minister, as he was allegedly campaigning for the NRM while

using state vehicles. Other ministers were rumoured to have been using state-owned vehicles as well. They include mostly ministers utilizing state resources for campaign purposes, amongst them: Gen. Jim Muhwezi in Rukungiri, Gen. Chrit in Kanungu, Hon. Banyenzaki Henry, Bahati in Kabale. All stakeholders in Kigezi complained about the alleged donation of 250,000 Uganda Shillings by the president to each village. In addition, the district level officials in Kigezi such as the Resident District Commissioner were regularly accused of using / abusing state resources to influence people.

According to the FDC flag bearer in Kabale Municipality, Mr James Tugume Magabo, the prime minister in the company of a local individual were alleged to have left 2,000,000 Uganda Shillings to workers at a company in the area in what was seen as a case of vote buying. The NRM candidate in the same area was also alleged to be distributing money to groups of people. In Kabale other NRM members are allegedly used publicly owned facilities and vehicles for their personal campaigning purposes. For example: the prime minister was reported to have used a state helicopter to campaign for Museveni and NRM candidates in the district.

3.4.2 Incidents of violence and intimidation

Although incidents of violence were recorded during the electoral campaign, particularly in the final stages of the campaign, these were isolated and not as rife as the intimidation that permeated the campaign from its commencement. The intimidation came in form of hate speech and threats of what would happen after the election. The main strands of the threats and intimidation were that there would be no peace and the country would return to war if voters chose the opposition and did not vote for the incumbent. This blemished the campaigns, especially since some of the statements were attributed to senior politicians such as the secretary general of the ruling party, Justine Lumumba Kasule. More so, the president via the media indicated his administration's interest in crushing the opposition and anyone who incited violence during the elections. The FDC office in Nebbi district also reported police intimidation and interference. For instance, they alleged that a particular police officer was defacing and tearing off the posters of their presidential candidate. This stopped after the officer was cautioned by his superiors. They also alleged that the police harassed persons selling FDC t-shirts and merchandise and they could not sell the t-shirts in the market nor on the streets, but only at the FDC office.

Table 10: Incident Reports

Place	Incident
Nebbi district	FDC office reported police intimidation and interference. For instance, they alleged that a particular police officer was defacing and tearing off the posters of their presidential candidate.
Nebbi district	They also alleged that the police harassed persons selling FDC t-shirts and merchandise and they could not sell the t-shirts in the market nor on the streets, but only at the FDC office.
Omogo	There was an attack on an MP candidate, Amato Boro, on 15 February 2016, in Omogo, Terego East, by alleged crime fighters armed with machetes and clubs.
	There were also fresh violent clashes between party supporters in Terego East.
Mbale	There was also violence in Mbale, where six supporters of the FDC were held and released after their fellow supporters had besieged the police station.
Pader district	In Pader district the team was informed that in some cases FDC campaigns were interrupted by NRM supporters, which led to clashes between FDC and NRM supporters.
Ntungamo	It was also reported that in Ntungamo the pre-election period was tense and this was attributed to the fact that the first lady was from Ntungamo and that local security authorities were partisan towards the NRM.
Kampala City	On 15 February FDC presidential candidate Kizza Besigye was arrested while campaigning in Kampala City. According to police this was due to the fact that he did not use the route that the police had prescribed for him to leave the city central business district. During the skirmishes which followed one person died. This angered FDC supporters, who began to demonstrate in the city and in and around Makerere University.
Kampala	Sporadic conflicts erupted between the police and mainly opposition supporters. These clashes resulted in tension and a heavy police and military presence in Kampala in the run-up to election day. Additionally arrests and the house arrest of Col Besigye continued up to and beyond election day purportedly to prevent his supporters from causing public disorder.
Arua district	EISA teams reported various incidences where clashes occurred between the NRM MP candidate and the FDC MP candidate in Terogo in Arua district.
Gulu district	EISA teams reported another clash between the supporters of the NRM and FDC candidates where some youth mobilised and blocked the Go Forward presidential candidate (Amama Mbabazi) at Karume Bridge and emptied the sewage at Kaunda Grounds, where the FDC planned to have a rally.

3.5 CIVIC AND VOTER EDUCATION

The Electoral Commission is mandated by Article 61 of the constitution to formulate and implement civic and voter education activities. It may do so as an entity or it may co-opt other organisations including civil society or faith-based organisations. For the 2016 elections, voter education was carried out through the media, the electoral commission and accredited CSOs. As per Section 12 of the Electoral Commission Act, the commission accredited 75 civil society organisations to supplement the commission's voter education initiatives. Of these 75 organisations, 28 were able to deploy voter education initiatives in the field. The EC also engaged four private firms to undertake voter education on its behalf. However, the impact of these firms was questioned in all the districts visited by the EISA teams, as they did not always reach the grassroots and other designated areas. Another concern raised by stakeholders was the inadequate follow-up by the EC once they contracted these organisations.

CSOs accredited by the commission did not always have funding to carry out voter education campaigns. Those that managed to do so encountered a setback when they were instructed by the electoral commission to tone down one of the key voter mobilisation campaigns known as '*Topowa*' because it seemed to be attacking the ruling party and the government. This raised questions about the EC's commitment to impartial voter education throughout the entire electoral process given that voter education initiatives were insufficient and poorly coordinated. This was unfortunate given that the election introduced various new measures and conditions for voting that had not been there before such as the BVVK and VLS. For example insufficient or late information marred public participation in the voter registration exercise, demonstrations of the BVVK, collection of voter location slips and location of polling stations for voting on election day.

The mission noted however that the EC did take measures about a week to the elections to correct this as the election campaign proceeded, by using text messages and WhatsApp messages to reach the voters. The messages however did not extend to remote villages and communities where voters displayed a high level of ignorance on the election day, as did the candidates contesting various positions during the elections. The mission further noted in some districts such as Kitgum CSOs conducted intensive voter education

activities to cover up for the deficiencies of the EC mandate to educate voters. The activities specifically centred around educating voters on the means of identification on election days, their right to vote and what was expected of them generally. In Arua district, the team reported that voter education materials were in the Luganda language, whilst the predominant language in the area is Lugbara.

3.6 THE PARTICIPATION OF WOMEN

Provisional census figures released in 2015 put the female population of Uganda at 17.9 million vs. 16.9 million for men. At 52% women make up more than half of all eligible voters. Thanks to its commendable affirmative action measures, Uganda ranks high in female representation in the legislature in Africa.

Table 11: Representation of Women in the 9th Parliament of Uganda (2011-2016)

Seat	Total Number	Number of Women	% of Female Representation
Directly Elected	238	10	4.2%
Women	112	112	100%
Persons with Disabilities	5	2	40%
Workers	5	2	40%
Uganda People's Defence Forces	10	2	20%
Youth	5	2	40%
Ex Officio	13	3	23%
Total	388	133	34.27

Source: Mapping the Substantive representation of women in Uganda's parliament at

<http://www.50x50movement.org/sites/default/files/inline-files/Mapping-the-Substantive-Representation-of-Women-in-the-Ugandan-Parliament.pdf>

There are positive signs of women's participation in politics: for example, the speaker of the parliament is a woman and the secretary general of the ruling party is also a woman. Some parties indicated at district level that they had a quota for women in their leadership structures. Women were also observed in high numbers at rallies and during campaigns, although they tended to be represented more as supporters of mostly male candidates than as leaders or programme facilitators.

However, the mission noted the following:

- Out of eight presidential candidates only one was a woman.
- The majority of women in Parliament have come through affirmative action (see above table), a fact that is indicative of the fact that women are yet to be integrated into mainstream politics. They continue to rely on reserved seats.
- In the 2016 elections only 5.5% of candidates in the direct elections for President, Member of Parliament and District or City chairperson were women who ventured to compete directly against men.
- Even though women make up the majority of the electorate, only two out of six electoral commissioners were women.
- In the 29 districts where EISA MTOs were deployed only 4 (13.8%) of the 29 EC returning officers were female.

These shortcomings have been attributed to entrenched gender stereotypes, traditional and customary stereotypes and practices. Paradoxically the introduction of affirmative action measures may have done more harm than good for women in Uganda politics. There is now a perception that because there are reserved seats for women, the rest of the directly contested seats are reserved for men. Due also to the prejudice and discrimination that women face when campaigning, even seasoned politicians choose rather to compete for the women's seats rather than the open seats, where name-calling and mudslinging often follow women candidates more than men.⁵

In Arua district, women's participation was seen as driven by the need for food and money more than an understanding of the process, while in Kabale district, in most cases, women were used and manipulated by the different parties to boost their image in terms of sensitivity to gender balance. As a peace initiative, a group of women's organisations and prominent women from Uganda and other African countries convened the Women's Situation Room (WSR), an early warning and rapid response mechanism against violence. The situation room is based in Kampala, and 500 observers were deployed in 15 districts that had been identified as potential hotspots during

5 "Uganda hits 35 million" retrieved 5 March 2016.

<http://www.monitor.co.ug/News/National/Uganda-hits-35-million-people/-/688334/2526868/-/23i81j/-/index.html>

the election. The WSR also operated a hotline, which received information from members.

Table 12: Women Participation in the Open Seats during the 2016 Parliamentary Elections

Post	Total Number of Candidates	Number of Females	Number of Males	% of Females in the race
President	8	1	7	12.5%
Open MP Seat	1306	83	1223	6.8%
District City Chairperson	379	7	372	1.9%
Total	1690	88	1602	5.5%

Source: Electoral commission of Uganda website.

3.7 PARTICIPATION OF YOUTH

According to the State of Uganda population report, published in 2014, 78% of the population of Uganda is under the age of 30. This is an extremely high proportion of the population. Section 8 of the Parliamentary Elections Act, 2005, sets aside five seats for the youth of which one must be a woman. During the 2016 elections, youth featured in the elections in high numbers, though not always in a positive way. The high levels of poverty and unemployment increased the vulnerability of such groups vis-à-vis the electoral process. Whilst they were observed in high numbers at rallies, they often played the role of mobilisers for the rallies by singing and dancing during the rally and drumming up enthusiasm for the main speakers. Youth were also reportedly used as some of the thugs who beat up supporters of their candidates' opponents and who also made up vote protection groups that were recruited by candidates in order to support candidates.

Youth were also reported to constitute the majority of militia groups formed by political parties such as the P10 of the FDC; however, the FDC presidential candidate described such groups as task forces for the protection of votes and the 'yellow brigades' of the NRM. The youth made up the majority of the crime preventers, ostensibly community crime watchdogs working

together with the people, but who were widely believed to be a militia group for the NRM.

3.8 CIVIL SOCIETY

Ugandan civil society groups participated in the 2016 electoral process with vigour and commitment. Prior to the elections, CSOs in consultation with political parties organised a national consultation in November 2014 that led to the signing of *'The Uganda Citizens' Compact on Free and Fair Elections'*, highlighting 17 key areas of reform. The Inter-Party Coalition for Dialogue (IPOD) also proposed 43 electoral and constitutional reform priority areas that sought to improve the conduct of the 2016 elections. Some of the proposed reforms in the compact included: registration and voting for Ugandans living in the diaspora; and a proposal for review of the recruitment and identification process for members of the Electoral Commission through engagement of the Judicial Service Commission and in consultation with political parties.

In the pre-election period, however, most civil society groups lacked sufficient resources to undertake their civic education and advocacy activities. That notwithstanding, the contribution of CSOs was valuable in the area of election assessment and observation. The presidential debates convened by the Inter-Religious Council of Uganda through the Elders' Council Forum contributed to peace and cooperation towards election time, whilst CSOs also assisted in electoral reform advocacy, election monitoring and observation, media monitoring, campaign finance monitoring, training of women and youth aspirants and voter mobilisation and voter education. Various thematic analytical reports on the elections were produced by organisations such as the African Centre for Media Excellence, the Alliance for Election Campaign Finance Monitoring (ACFIM), Citizens Coalition for Electoral Democracy in Uganda (CCEDU) and the Citizens Election Observers Network – Uganda (CEON-U). The EISA EOM acknowledged the value added by these reports in promoting public awareness on election issues such as party and campaign finance and legal issues.

In response to the call for reforms, the Presidential Elections Amendment Bill, 2015, and the Parliamentary Elections (Amendment) Bill, 2015, were both passed by parliament on 30 September 2015 and assented to by the

President of Uganda on 1 October 2015. Some of the reforms in the Bill are detailed in the second chapter of this report.

The EISA EOM noted that the passage of the NGO Act of 2016 coupled with the POMA could restrict the space for NGOs to operate in Uganda. The passage of the NGO Act raised fears that the freedom of NGOs to freely operate in the country will be impacted by the new legislation. The Act established the National Bureau for NGOs with the power to register NGOs. The Act includes vague provisions to regulate how NGOs are run, staffed and funded.

3.9 MEDIA ENVIRONMENT

The media plays a crucial role in information management in the electoral process. The media in its work is supposedly guided by the principles of objectivity, impartiality and professionalism. The media environment in Uganda is broad and diverse, with 48 print media outfits and over 200 radio stations plus eight television stations. Media coverage of the elections was mostly guided by each media house's in-house guidelines. The operations of the media in Uganda are governed by

- The Constitution of Uganda,
- The Electronic Media Act, Cap 104
- The Press and Journalist Act, Cap 105
- The Penal Code Act, Cap 120
- The Official Secrets Act, Cap 3012
- The Uganda Broadcasting Corporation Act, No. 5/2005
- The Access to Information Act, No. 6/2005

The media houses also had at their disposal guidelines from the African Centre for Media Excellence (ACME) – Guidelines for Media Coverage of Elections in Uganda. The guidelines were first developed ahead of the 2011 general elections in Uganda through a participatory process facilitated by the ACME. The EC also issued guidelines for media in Uganda during the electoral process which included a code of conduct for the media. Section 24 of the Presidential Election Law and section 22 of the Parliamentary Elections Act provide for equitable access to state-owned media. These sections mandate state-owned media to treat all candidates equally.

Some stakeholders interviewed by the EISA Mission observed that media coverage started off well at the beginning of the campaign period in terms of airtime distribution. However, as the campaign period intensified the media began to show some level of partiality by giving more airtime to the incumbent. The reason given for doing so was that the Presidential Press Unit, which covered the incumbent's rallies and activities, regularly sent footage to the media houses. The stations claimed that the other candidates did not send their own footage and that is why they received lesser coverage.

The EISA Mission noted both reports of partisanship and imbalanced coverage by of the media. In Gulu district, Gulu FM was criticised by the FDC candidate, Hon. Okumu Ronald Reagan for giving audience to the ruling party and no place to the opposition. For example, in Gulu district, Mega FM, owned by an opposition party, the United People's Congress (UPC), worked in collaboration with the Northern Uganda Media Club to coordinate media coverage that would balance all political parties' activities and provided a free platform to all candidates every Saturday through a three-hour talk show during which contestants talk about their programmes and manifesto to ensure fair access to the radio station's audience the media. In Kabale district, on the other hand, the national state-owned TV stations appeared to mostly focus on NRM campaign activities and mostly promoted its candidates.

In Nebbi district, Rainbow FM owned by an independent candidate transmitted programmes and free airtime for other candidates and parties to share their political views. Their impartiality was confirmed by the FDC district office in Nebbi. In a few cases like in Kitgum, the radio station Mighty Fire FM had built a good collaboration with the EC and RDC who used the radio station to raise public awareness and educated the local community on the elections. The same station organised live debates for MP aspirants and LC5 candidates. This initiative gave the aspirants equal opportunity to publicise their manifestos.

The EOM also noted the banning of the NTV media outfit midway through the presidential and parliamentary campaign period because it refused to accept and air footage captured by the NRM's drone, as the TV station had no control over the footage that had been captured by the drone.

During the campaign, local radio stations reported cases of harassment for hosting opposition candidates. Presidential candidate Amama Mbabazi was blocked from a radio show on Voice of Karamoja in Kotido district. Security officers reportedly told Mbabazi that they had been instructed by the EC not to allow him to speak on any radio, a charge that the EC denied. Another station in western Uganda that hosted Mbabazi was closed hours after his appearance. The proprietor of the station was reported later as saying that the reason given for the closure (non-payment of dues) was a falsehood and inferred that the station's crime was hosting Mbabazi two days before. On Saturday 13 February 2016, police in Lira District in Northern Uganda arrested and detained the news editor of Radio North FM, Richard Mungu Jakican, and six politicians during a radio talk show, accusing them of defacing presidential candidate Yoweri Museveni's posters.

This harassment of journalists and media houses unfortunately continued into the election and immediate post-election days. On polling day the Uganda Communication Commission directed all telecommunication companies to shut down social media (notably Twitter, Facebook and WhatsApp) and the widely used mobile money platform. The decision was met with public outrage but it was not entirely surprising. In previous years, there has been a crackdown on social media, persons critical of the ruling party and independent media. This has been done ostensibly to promote public order and unity and prevent the spread of false information. In the case of the 2016 crackdown, President Museveni publicly announced that it was done to curtail the spreading of false information and public incitement of violence among the populace. However, this raises questions about the fine line between preserving national cohesion and hampering free speech. Further, the electoral commission denied any involvement in calling the ban or knowledge of it. This was another example of the electoral commission being by-passed in key election-related matters.

The EISA EOM noted the widespread use of hate speech during the campaigns processes, especially on the radio stations. Observers specifically noted in Jinja district, presenters on Baba FM and NBS who were openly bias in favour of some candidates and used inappropriate language on rival candidates. In Arua district, Nile FM complained of its guests been harassed by the police for speaking strongly against the ruling party.

3.10 SECURITY

The main role of the security forces during elections is to maintain law and order. The PEMMO recommends that

- Security forces should maintain a neutral role in the provision of election security.
- Security forces should be regulated by a code of conduct contained in the electoral law, and their behaviour should not intimidate voters.

Section 22 of the Presidential Elections Act provides for the relevant organs of the State to provide security for candidates during the campaign as does Section 20 of the Parliamentary Elections Act which mandates protection of candidates at campaign meetings. Where needed they are to secure electoral events such as campaign rallies and voting activities. They are also expected to secure voters and voting materials. However they are not expected to do this in an overbearing manner or even to influence the process. Where infringement of the electoral law is observed, they should also arrest individuals who are implicated.

Of particular concern were the crime preventers, who were members of a community policing initiative but allegedly over time became a militia group for the NRM known as the Yellow Brigade. Other candidates recruited vote protection taskforces whose role in the election was not clear such groups included the Power 10 of the FDC. The presence of these militia contributed to the sense of insecurity before and during the election. The presence of crime preventers and other security groups such as the 'operatives' and joint command centre (JCC) in the Gulu district remained controversial throughout the electoral process. Stakeholders questioned the legality of their recruitment arguing that there was no legal provision for them in the Uganda constitution. In Arua district, the EISA team prior the election was informed that the majority of the Special Police Constables (SPCs) who would be deployed to provide security on election day would be drawn from the crime preventers. Those in authority such as the police were evasive about the number of SPCs being recruited and the nature of the role they would be playing during the elections.

The EISA EOM noted with concern that in the run up to the elections, security personnel, including the police and the army, were openly partisan in the enforcement of the law where representatives of the ruling party were involved.

As allegations of partiality of security actors grew in to the electoral process, some senior security officials were alleged to have abused their influence in some districts by defacing opposition posters, threatening supporters and intimidating voters. In Acholi region members of the military were reported to be engaging in politically partisan activities with impunity.

The FDC lodged a complaint against Brigadier Otema and received a letter from the army officer's lawyers. The response of the lawyers indicated that Brigadier Otema was an opinion leader in his community and as such had a right to hold consultative meetings with other people in the community. The response was rather of concern particularly because the UPDF Act in Section 3(1a) prohibits the military from engaging in partisan political activities. The case of Brigadier Otema contradicts that of General David Sejusa, Uganda's former intelligence chief, who was a strong critic of the President Museveni throughout the electoral process and was charged with insubordination and participating in partisan political activities at a military court.

3.11 PREPAREDNESS OF THE ELECTORAL COMMISSION

The EC developed an elections roadmap 36 months before the election, and for the most part the Commission adhered to the timelines in the roadmap, including extending days and dates where necessary such as during the update of the voters' roll in April and May 2015. Key electoral events such as the registration of political parties and nomination of candidates took place as scheduled. The voters' roll was ready and available in electronic format, on the commission's website and as printed copies by December 2015 two months before the elections. Ballot papers were printed by both local and international companies from Uganda, South Africa, United Arab Emirates and the United Kingdom. The printing of these sensitive materials was in advanced stages as at 15 January 2016 and the first of four shipments of ballot papers for the presidential election printed in South Africa arrived in the country on 28 January 2016.

Accreditation of international observers was conducted well throughout the electoral process. The EOM however noted that the decentralised accreditation of citizen observers did not run smoothly and at the same pace across all the districts. The Mission noted delays in the Acholi region due to lack of proper understanding and communication on the accreditation procedures for citizen observers at the EC district offices. Accreditation was yet to take place in Jinja district as at 29 January 2016.

Preparations for polling day such as delivery of voting materials before election day proceeded as planned in most of the districts where members of the EISA mission were deployed. It was reported in Kabale that the delivery of materials was delayed. Despite the early delivery of election materials at district level, the delays experienced in opening the polls due to late delivery of materials at polling stations, particularly in Kampala and Wakiso districts, came as a suspicious occurrence.

For 2016 the commission received support from the UNDP for voter education and public relations. Proposed support for the results transmission system from the European Union through the Democratic Government Facility (DGF) was withdrawn over disputes about procedures followed by the EC in procuring the system. This cost was eventually covered by the government. The International Foundation for Election Systems (IFES) also provided technical assistance for voter education and training of election officials.

The introduction of the Biometric Voter Verification System (BVVS), which was done late, was not on the election roadmap. The EC provided voter education on the system and trained polling officials on the new technology. It also had to set aside time in the weekends before the election for public demonstrations of the system, demonstrating that the commission was clearly under pressure. Thus, the training of personnel in this regard was not always sufficient. It was observed in Iganga district that the second demonstration did not take place at all, while in Kitgum, some of the district registrars and assistant registrars struggled to operate the BVV Kits.

Whilst the introduction of voter location slips was intended to assist voters to locate their polling stations, this came late in the election process, with

limited information to voters about the slips and insufficient resources for parish supervisors who had to distribute the slips. This minimised the effectiveness of these efforts.

There were also concerns raised about the recruitment of election personnel. Specifically there were concerns about the involvement of the local authorities – the Resident District Commissioner (RDC) and District Police Commissioner (DPC). Further concerns were raised about the quality of the training. For example, in Gulu, the Training of Trainers (ToT) was conducted in large groups in conditions that were not very favourable for knowledge transfer. Some of the trainees stood through the training as the facilities were too small. This concern was also echoed by the Arua team, which reported that the training of election officials was done poorly due to the fact that the hall was too small and had poor seating arrangements. Participants also did not receive any food or allowances for transport.

4

The Election Phase



- 4.1 Voting materials
- 4.2 Opening of Polling Stations
- 4.3 Observers and Party Agents
- 4.4 Security personnel
- 4.5 Voting
- 4.6 Closing and Counting

The EC established 28,010 polling stations to serve a voter population of 15,277,198 voters. EISA teams observed election day procedures, including opening, voting, closing and counting in a total of 228 polling stations across the 20 districts where they were deployed on election day. Polling day proceeded peacefully despite logistical and operational challenges. The atmosphere outside the polling stations was peaceful and all the stations were accessible to voters, including those with disabilities. Despite initial concerns raised about voter apathy, voter turnout was high. According to final figures released by the EC, 10,329,131 voters turned out to vote, which at 67.61% was an increase of 8% from the 59.29% recorded during the 2011 elections. Voting was scheduled to start at 07:00hrs (7am) and end at 16:00hrs (4pm). Each polling station was to be staffed by at least five polling officials, consisting of the presiding officer and polling assistants.

4.1 VOTING MATERIALS

For the purposes of voting the electoral commission procured a variety of materials that would be used during the election. These included sensitive materials such as ballot papers for the three elections, voter registers, indelible ink, basins where voters would mark their ballots, translucent ballot boxes and seals for the ballot boxes.

The mission did not observe the use of stamps to officially stamp the ballot papers before they were issued to voters. Given the reports of pre-ticked ballots which were made during the election, it would be wise to introduce

these stamps so that it is made possible to identify genuine ballot papers issued by the electoral commission and those that could be produced elsewhere and used to stuff ballot boxes on election day. Many ballot boxes had an insufficient number of seals on them even though sufficient seals were supplied for the polling staff. Thorough training should be given to the polling staff so that they understand clearly their role on election day and what all the materials they receive are to be used for.

4.2 OPENING OF POLLING STATIONS

At the polling stations where EISA observers were deployed, voting started over an hour late in 32% of the stations visited due to the late delivery of election materials. This pattern of late opening of the polling stations was repeated in some urban centres. This was mainly due to the late arrival of materials or delivery of wrong materials, which had to be rectified. The problem of late opening, however, was most severe in the districts of Kampala and Wakiso, which also have the largest voter populations in the country. Despite the fact that polling stations in Kampala were closest to the EC warehouse in Kampala, at some stations materials had not been delivered by the close of voting on 18 February. In other parts of the country voting started as late as 12h00 noon and had to be extended until 19:00hrs (7pm). However, the decision to extend the polls was made late and was not always communicated in a timely or effective manner to both voters and the polling officials.

Voting was postponed in some stations in Kampala and Wakiso until Friday 19 February 2016. Needless to say such apparent incompetence on the part of the electoral commission was not received well by voters or candidates, as it was seen by some as part of a grand plan to frustrate opposition voters.

At 15% of the polling stations visited, there were campaign activities taking place and materials such as campaign posters were visible.

4.3 OBSERVERS AND PARTY AGENTS

Section 33 and Section 32 of the Presidential Elections Act and the Parliamentary Elections Act respectively provide for each candidate to appoint a maximum of two agents to represent him or her at the polling station on election day. On election day there were reports of incidents of

party and candidate agents being chased away from their stations as well being bribed to turn a blind eye to fraud or to sign fraudulent declaration of results (DR) forms. .

Accreditation of observers was done at district level, which goes a long way to reduce congestion during election. However, there were variable reports and challenges with the accreditation of observers in some districts observed by the EISA observers. The Mission noted that the accreditation of citizen observer accreditation process was delayed in Jinja, Gulu and Kabale districts, mainly due to ignorance of the EC officials on the accreditation procedures at the district levels.

4.4 SECURITY PERSONNEL

According to Section 41 of the Parliamentary Elections Act and Section 42 of the Presidential Elections Act, there should be a member of the police officer at each polling station to maintain order throughout the day. Where there is no police officer present, a presiding officer should appoint another person to act as an election constable and maintain order at the polling station. Given that the numbers of the police force were insufficient to man the total number of polling stations, Special Polling Constables (SPCs) were used to augment the number. The SPCs were recruited from the ranks of police cadets and prison officers. The Mission noted concerns regarding the adequacy of training given to the officers as regards policing the election.

There was a visible security presence at 93% of the polling stations, and in most cases the security presence was described as discreet.

4.5 VOTING

The voting process proceeded smoothly in most polling stations. However, at some polling stations the atmosphere became tense due to the late start of the voting. Some voters were denied access to the polling process, and were turned away because they were not eligible or their eligibility was challenged. Despite the distribution of voter location slips by the EC in the days before the election, EISA observers encountered 34 instances where voters were denied access to polling stations because they were at the wrong polling stations. At 32% of the polling stations visited by the EISA EOM observers noted that voters requiring assistance did not receive it. Despite the late start, once the voting commenced, it proceeded satisfactorily, although it was marred

by poor application of procedures in some instance. For example, in some stations ballot boxes remained unsealed throughout the voting days. This speaks to the need to improve the training of polling officials. During the mission EISA teams observed polling officials being trained in overcrowded conditions with few supporting materials. In some stations voters left ballot papers in the voting basins, as they did not know that they were supposed to place them in the ballot boxes. It is worrying that voters would make such elementary mistakes. This points to the need to improve civic and voter education for future elections.

4.6 CLOSING AND COUNTING

EISA observers observed closing at 19 polling stations. Voting ended late due to the extended voting time as well as to accommodate those who were still in the queue as at 16:00hrs (4pm). At 37% of the stations where EISA teams observed the closing, citizen observers were not allowed to observe the closing.

The EISA teams observed the count in 18 of the 19 stations visited for the closing. Voters were present at the count in 17 of the stations. The EOM considers this a good sign of citizen participation. In 28% of the polling stations, the lighting was poor and could not ensure a smooth counting process. Although results were announced at 94% of the stations, they were posted outside at only 56% of the stations visited. At some stations counting procedures were not followed, particularly at the end of counting when presiding officers did not give out declaration of results forms to observers and party agents and did not post results of the poll outside the polling stations. In the polling station where counting was observed, in Arua, agents signed blank DR forms which were then completed by the presiding officer out of sight of the agents and observers. The agents however did not ensure at the end of the counting process that the completed form in the possession of the presiding officer was the same as what was declared and what they were finally given.

Whilst this may be attributed to the need to expedite the process, this could open the door to fraud. Training of both polling staff and party agents should be improved so that procedures are applied in line with the regulations as well as in a manner that promotes transparency in the electoral process.

5

The Post-Election Phase



- 5.1 Tallying of Results
- 5.2 Announcement of Results
- 5.3 Post-Election Developments
- 5.4 Acceptance of results
- 5.5 Post-Election disputes and litigation

5.1 TALLYING OF RESULTS

EISA teams observed tallying at 12 district tallying centres throughout the country. The heavy presence of security forces was observed at all the tallying centres visited. Deployment of security personnel at these centres included the police, the military, and, in some centres, private security companies. This was largely due to the tense atmosphere at the centres. Crowds brandishing pangas, sticks and machetes were observed outside tallying centres in Mbale, Manafwa and Sironko. These crowds became very restless in a number of districts, including Jinja and Gulu, and they had to be dispersed by teargas in Sironko district.

In some centres declaration of results (DR) forms from polling stations were rejected due to suspicion or proof of fraud. In four instances observed by EISA teams, the DR forms showed more voters voted than were on the voter register. The rejection of the DR forms meant that in some centres final tally did not include all the polling stations in the district. At the end of the tallying the district returning officer was expected to give observers and party and candidate agents a signed copy of the declaration of results form for the district if they so wished. This was not always done in the tallying centres where EISA observers were deployed.

Tallying ended at different stages and times at the district tallying centres due to technological challenges, which slowed down the process in many

areas as well as differing sizes in the district voter populations and number of polling stations to be counted. In a few centres such as Wakiso and Amuru there was a projector where party agents and observers could observe the tallying as it took place, which increased the transparency of the process.

There were however challenges with the tallying in other centres. In Kabale the process was very slow; the returning officer was requested to bring polling station DR forms to Kampala by road so that the tallying could be completed in Kampala. The results were therefore not announced at the Kabale tally centre and this raised questions about the transparency of the process. In Kampala tallying took place, but the results were not announced at the district centre and the returning officer informed stakeholders that this information would be available later through the government gazette. In other areas, the results were announced at the centre but could not be sent electronically to the national tally centre in Kampala and were transported physically to the national tally centre.

5.2 ANNOUNCEMENT OF RESULTS

Announcement of results and declaration of winners for the directly elected MPs and the women district MPs by law were supposed to be done at the district centres. The presidential election results were to be announced and the winner declared at the national tally centre. Although most results were announced at the district centres, some were not due to the fact that the results were being tallied in Kampala or the returning officer was uncomfortable with the atmosphere outside the station. And although the law requires that the returning officer posts results outside the tallying centres, this was not always done, even where DR forms were handed out to observers and agents.

All through polling day on 18 February, the various media houses reported about the process at different polling stations. When the tallying began some broadcast media houses reported on the results as they came in. However, the Electoral Commission stopped them from so doing and advised them to wait for the EC announcement on February 20. Journalists at the national tally centre in Namboole Stadium reported on the results as they were released by the EC. The commission also periodically released results from polling stations in live broadcasts on television. The print media actively updated their websites with the information as it came in. In line with the

legal requirement of announcing results within 48 hours of the end of voting, presidential results were announced on the afternoon of Saturday 20 February with just two hours to go before the deadline. However, the announcement did not include the results of 1,777 polling stations, which at the time had not been received by the commission. The EC at its press conference however clarified that the total number of voters registered at these stations could not overturn the victory of President Museveni, who was declared winner of the presidential elections. This however was not received well by voters who initially suspected manipulation of the vote when the results from these stations were not released. Some voters and the opposition argued that the stations most affected were part of the stronghold of the opposition, in Wakiso and Kampala districts, and this was a deliberate move to disadvantage opposition. These are the two districts where voting started and ended late.

The final presidential results were as follows:

Table 13: Results of the Ugandan Presidential Election 2016

Name	Party	Number of Voters	% Vote
Abed Bwanika	People's Development Party DP	89,005	0.90%
Amama Mbabazi	Go Forward	136,519	1.39
Baryamureba Venansius	Independent	52,798	0.54
Benono Buta Biraaro	Farmers Party Uganda (FPU)	25,600	0.26
Kizza Besigye	Forum for Democratic Change (FDC)	3,508,687	35.61
Joseph Mabirizi	Independent	24,498	
Maureen Faith Kyalya Waluube	Independent	42,833	0.43
Yoweri Kaguta Museveni	National Resistance Movement	5,971,872	60.62
Valid Votes		9,851,812	
Invalid Votes		477,319	4.62
Total Votes Cast		10,329,131	67.61
Spoilt Votes		29,005	

Source: Electoral Commission of Uganda Website at <http://www.ec.or.ug/?q=2016-general-elections>

Table 14: Composition of Parliament of Uganda following 18 February 2016 Election

	National Resistance Movement (NRM)	Forum For Democratic Change DC	Democratic Party	United Peoples' Congress	Independents	TOTAL
Direct	199	29	13	4	44	289
Women	84	7	2	2	17	112
Disabled	3				2	5
Youth	3				2	5
Workers	4				1	5
Uganda Peoples Defence Force (UPDF)						10
Total	293	36	15	6	66	426

Source: Electoral Commission Uganda website. Retrieved 16 June 2016.

5.3 POST-ELECTION DEVELOPMENTS

The political environment in the post-election period was unstable due to a number of factors. There were protests against the results at various centres. At district level there were many instances where results were rejected and some losers indicated the intention to challenge the results in court. The volume of protest against the election results at the district and constituency level meant that the credibility of the electoral process was challenged. Security forces were deployed in Jinja when there were protests by voters over the election results.

This situation was exacerbated by the rejection of Yoweri Museveni's win in the presidential election by his two main challengers Kizza Besigye and Amama Mbabazi as well as Abed Bwanika, another presidential candidate. They also galvanised their supporters to reject the results. This in itself led to a tense and uncertain post-election period, which was shadowed by the standoff between the police and opposition supporters. Most significant however were the detentions of Kizza Besigye, which began in the immediate pre-election period and continued well into the post-election period. By the

first week of March, Besigye was arrested several times. The police argued they were applying preventive measures in order to stop Besigye from leading his supporters in protesting the election results and thereby causing civil disobedience that could cause loss of life and property. Journalists were also arrested during the post-election period.

On 22 February 2016, photographer Isaac Kasamani, who works for press agency AFP, was taking pictures outside the home of politician Kizza Besigye in Kasangati near Uganda's capital Kampala when he was arrested and detained. Eight journalists were arrested on 27 February, six outside the home of Besigye and two outside State House at Nakasero in Kampala for alleged criminal trespass. The journalists were covering a story in which some unidentified people had dumped a box of piglets outside the State House. On 1 March, a female NTV reporter was also arrested. She later reported that she was beaten and fondled in the van that drove her to the police station. These attacks on civil liberties and press freedom were widely condemned and indicated desperation on the part of the police and state authorities to contain and control information.

5.4 ACCEPTANCE OF RESULTS

Results acceptance varied across the country and amongst stakeholders. Many accepted the election outcome even as they questioned its integrity and credibility. Those expressing the most dissatisfaction were members of the civil society and some losing candidates and their supporters. Following the announcement of results in Jinja, for example, there were protests from supporters of losing candidates, which were dispersed by the police using teargas. Supporters from different parties and formations challenged the results formally and informally. The reasons for challenging election results included violence, ballot stuffing and late opening of polling stations; disruption of voting by heavy rains and irregularities with the collation process, theft of ballot boxes, harassment and intimidation of observers and some polling officials.

Shortcomings with tabulation also led to people questioning and rejecting the results. For example, where tallying was finalised in Kampala, as was the case of Kabale, the results were not accepted and were seen as the outcome of a process that lacked transparency. In other areas also, such as Omoro

County in Gulu, the returning officer declared a winner without announcing the actual results, which meant that the results were then challenged by the losing candidates. As of 5 March 2016, 19 candidates in the parliamentary elections had formally contested the results.

Four presidential candidates rejected the final results. Amama Mbabazi, Abed Bwanika and Kizza Besigye rejected them for various reasons, including bias on the part of the Electoral Commission, allegedly deliberate late arrival or voting materials to their opposition strongholds in Kampala and Wakiso, interference with their agents and a poor voter registration process. The winner Yoweri Museveni also rejected the results, as he contended that he did not receive all the votes that he was supposed to have received and that some of the announced invalid votes should have been given to him. Mr Mbabazi subsequently challenged the result in the Supreme Court. Besigye indicated that he would also have challenged the results, but his continued detentions prevented him from consulting supporters and lawyers in time to meet the legal deadline for submitting presidential election petitions, which is ten days after the declaration of the results.

Also of interest in the post-election period was that despite the huge majority scored by the NRM over its arch-rivals, particularly in the presidential race, victory celebrations were relatively muted in a number of areas. This trend was recorded in Arua and Kabale.

5.5 POST-ELECTION DISPUTES AND LITIGATION

A number of losing candidates challenged various aspects of the process after the election. Some candidates who were dissatisfied with the results management system requested a recount within the seven-day deadline given in Section 55 of the Parliamentary Elections Act.

The NRM candidate in Bungokho South wrote a letter to the commission challenging the elections on the basis of gross misconduct, violence, ballot stuffing and abdication of duties by the returning officer. In other areas the polling process itself was the basis for questioning the credibility of the results. For example in Gulu issues such as the late opening of polling stations, disruption of voting caused by heavy rains and irregularities with the collation process were said to have impacted on the results. In Ntungamo

Municipality, there were allegations of theft of ballot boxes, harassment and intimidation of observers and some polling officials, ballot stuffing and the arrest of some polling agents and observers, which led to the rejection of the results. These objections were echoed around the country in the various cases that went before the court. All in all, as at 5 March 2016, there were 20 cases of litigation against the process, including the presidential petition before the Supreme Court.

6

Conclusions and Recommendations



6.1 Conclusions



6.2 Recommendations



6.1 CONCLUSIONS

After observing key pre-election, election day and the post-election events, it is the view of the EISA Election observation mission that the conduct of the 18 February 2016 elections was the most competitive general elections in the history of Uganda's democracy. The Mission noted that though the elections were largely peaceful, the political context of the elections largely compromised the level playing field and the freeness of the process. The political context was characterised by biased media coverage, partial enforcement of the law, unequal access to resources and the monetisation of the electoral process.

The EISA EOM noted with satisfaction that the Ugandan electorate conducted itself in a largely peaceful manner contrary to the background of tension and insecurity in the run-up to the elections. There was opportunity for candidates to campaign and present their manifestos to the public, although this was limited for some candidates due to the selective application of public order regulations. Moreover, there were high degrees of intolerance expressed by some parties and extremely provocative and inciting statements made by key presidential candidates during the campaign as well as wide and disparate spending levels amongst the different candidates caused by the lack of campaign finance regulations.

While the EC showed its capacity to conduct a technically satisfactory election, election day was marred by the late delivery of voting materials

in some areas, necessitating the extension of voting to a second day. Poor communication of the extensions created confusion and may have resulted in some voters not voting at all. The results management process was also noted to have been marred with tensions and inconsistent procedures. Additionally, the shutdown of social media on election day was a violation of citizens' and voters' right to information.

6.2 RECOMMENDATIONS

Based on its findings and observations, the EISA EOM made the following recommendations

Legal Framework

- The Mission observed the influence of money on the election process. The legal framework lacks provisions for regulating spending during campaigning, including requirements for ceilings on spending and disclosure of funding sources. The mission recommends the amendment of the legal framework governing elections in order to enhance the fairness and the transparency of election campaign financing.
- Members of the electoral commission are appointed by the president at his discretion and can serve for a maximum of 14 years, which is a relatively long period. Within the Ugandan context, which has a history of entrenched incumbency, this method of appointment raises concerns, as the incumbent's influence on the appointment process may be overbearing. In a situation where the appointer of the commission may also be a contestant, coupled with long periods of service this tended to create mistrust of the commissioners and their ability to be impartial. The Mission recommends the revision of appointment mechanisms for the Electoral Commission to include wider consultations and ensure representation of different interests before appointment of commissioners by the president. Additionally, consideration should be given to the introduction of term limits for election commissioners by reducing the duration of each term and/or the number of terms that a person may serve as an election commissioner.
- Key electoral functions such as delimitation of constituencies and registration of voters were initiated or controlled by bodies other than the electoral commission, which diluted the commission's control

over a process for which it is accountable. It is recommended that the overall management and authority over such key electoral processes and others should be restricted by law to the electoral commission, which may consult other institutions as the need arises.

- Whilst affirmative action for marginalised groups is commendable, the military in Uganda is not a marginalised group. Therefore, the Mission recommends that the reservation of ten seats in Parliament to the Uganda People's Defence Forces (UPDF) should be abolished, as this entrenches the involvement of the military in politics.
- Currently, electoral cases are dealt with through the normal judicial functions, which tends to result in delayed justice. The Mission recommends the establishment of a specific mechanism such as an electoral court or tribunal in order to facilitate the expeditious management of electoral cases.
- The challenge of entrenched incumbency and abuse of state resources during elections needs to be addressed.
- There is a need for legislation that provides for special voting arrangements for persons engaged in electoral activities or on duty on election days.
- To address the concerns raised on the violations of the freedom of assembly, the POMA should be revised to provide for notice of meetings as an administrative procedure as opposed to an application to hold meetings. This will cut back the powers of the police to approve or disapprove the conduct of a political campaign. Furthermore, the powers to regulate campaign schedule should be vested in the EC, which should manage the schedule to ensure that there is no clash of venues or times between parties.

Pre-Election Phase

- The mission observed incidences of hate speech, threats and intimidation by a number of parties and candidates, which created alarm and uncertainty in the citizenry and voters. Such incidences were not adequately proscribed or punished. The Mission therefore recommends the signing of an enforceable code or codes of conduct by all key stakeholders and that an institution acceptable to all parties be given powers to enforce such a code.
- In the same vein, law enforcement agencies and the courts should

identify, investigate and where necessary adjudicate offences such as vote buying, violence and intimidation, interference with campaigns and lack of adherence to campaign period.

- Civil society organisations did not always have sufficient funding to participate in the electoral process. The Mission recommends that the government and development partners ensure that adequate funding is provided to civil society organisations in order to enable them to carry out the important work in the areas of civic and voter education, monitoring and observation and research and advocacy. Furthermore, the EC should increase collaborative measures to coordinate voter education initiatives amongst electoral stakeholders.
- In a country with a high percentage of young voters, the Mission recommends employment of new strategies and skills in order to co-opt this category of voters. Furthermore, the EC should improve the electronic voter education content to increase informed and active youth participation in future elections.
- To address the challenge of an uneven playing field as a result of inequitable access to resources, the EOM recommends state funding of campaigns to candidates in national elections to promote equitable access to resources among the candidates. In order to encourage genuine presidential and parliamentary candidates, funding could be based on electoral performance such as the number of seats won or number of votes received, and payment made retrospectively for new political parties and candidates.
- The mission was informed by many that voter education by all stakeholders lacked sufficient funding. Adequate funds should be provided to the electoral commission budget for voter education in order to allow for maximum coverage and geographical penetration and to reach the maximum number of citizens and voters.
- Whilst the introduction of new electoral technology such as the BVVS can enhance election administration and increase the efficiency of the process, in these elections it was not well understood due to the short period between introduction and application of this new technology. The Mission recommends therefore that the introduction of new technology around elections should take place with enough time to train electoral staff and create awareness amongst voters, parties, candidates and stakeholders, to reduce suspicion amongst stakeholders and to promote the proper use of the equipment.

- Furthermore, electoral staff should be extensively trained prior to the elections in order to familiarise themselves with the relevant laws, rules and regulations guiding elections.
- The Mission observed the malfunctioning of key pieces of the results tabulation software in several districts, which necessitated centralised processing of the results, which in turn led to delays in announcing district results. The Mission recommends therefore that adequate preparation and testing of equipment should take place before election day in order to ensure that equipment failure on the day does not delay important processes and create tensions.

Election Phase

- Voting materials were delivered late in some districts, which necessitated the extension of voting and counting times. The delays contributed to the heightened tensions on election day and at the tabulation centres. The mission recommends therefore that voting materials are packaged and delivered timeously to allow for voting to commence early.
- The tabulation of results at district centres was characterised by restive voters and an overly heavy presence of security forces, which created tension and resulted in violence in some cases. The mission recommends restraint on the part of security forces and the expeditious management of the tabulation process to reduce tension. Candidates, parties and their supporters should also conduct themselves with restraint during this tense period.
- The shutdown of social media on election day violated the rights of citizens to information and the free movement of such information. Whilst the need to maintain peace and order is understood, future measures should focus on identifying and apprehending any reckless offenders as opposed to applying measures that impact those who are not guilty of any offence.

Post-Election Period

- The mission observed that equipment and communication failure occurred during tabulation, which necessitated the physical transmission of the results sheets to Kampala in some districts, introduced some degree of inconsistency into the process, and raised questions about the transparency and accuracy of the process. The

mission recommends improved management and maintenance of equipment before election day to ensure functionality and avoid unnecessary breakdowns during the election days.

- The detention and house arrest of one of the main presidential candidates which began just before election day and continued well after the announcement of results led to escalated and simmering political tension throughout the post-election period, casting aspersions on the police and eventually damaging the credibility of the election results. The mission recommends that authorities should avoid dealing with candidates in a heavy-handed manner or applying unwarranted restrictions so as not to incite their supporters or create political tension.
- The mission recommends improved co-operation with international election observer missions. International observers and other stakeholders should be granted unrestricted access to the entire process, from the training of personnel to the results management process.
- While Uganda's system of reserved parliamentary seats for women gives them an opportunity to build experience and confidence in politics and can be a springboard for women to run in open seats alongside men, there is a need to promote gender mainstreaming aimed at moving women beyond the reserved seats. The Mission therefore recommends the development of party regulation guidelines that seek to promote gender mainstreaming within party constitutions and policies.
- In order to address the issue of misuse and abuse of public resources by candidates and political parties, the mission recommends that the EC should be further capacitated to effectively monitor compliance with the party and campaign finance regulations and the use of state resources during the elections.
- The use of militia groups by parties and candidates caused more havoc and chaos rather than protecting votes or voters in the just-concluded elections. The Mission recommends a ban of militia groups in future elections through the introduction of enforceable code of conduct by all political parties and establishment of an independent institution to enforce compliance. The mission therefore recommends the signing of an enforceable code or codes of conduct by all key stakeholders and that an institution acceptable to all parties be given powers to enforce such a code.

ANNEXURES

ANNEXURE I

Terms of Reference for Medium Term Observers

I. INTRODUCTION

These Terms of Reference (ToR) for EISA medium term observers (MTOs) to the 2016 general elections in Uganda describe the role and responsibilities of MTOs during their deployment. They provide a summary of the Mission's objectives and outline the activities to be carried out by observers.

The Mission is in Kampala at the invitation of the government of Uganda. The Mission notes that the electoral processes is sovereign and it is owned by the Government and people of Uganda. As observers, the EISA EOM members are expected to assess these processes through observation, but not interfere in any way.

In line with its vision of an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment, EISA gives focus to the crucial role that election observation plays in promoting the transparency of electoral processes and lesson learning among nations. Consequently, EISA believes that international observers play a crucially supportive role in increasing public confidence and enhancing the credibility of the electoral process.

The deployment of this Mission is an integral part of EISA's larger elections programme. EISA has been followed the political context in Uganda since the 2011 elections when it deployed a technical assessment mission.

2. OBJECTIVES OF THE MISSION

The Mission seeks to contribute to EISA's mission of promoting credible elections, citizen participation and strengthening political institutions for sustainable democracy in Africa. Within the Ugandan context, the mission seeks to contribute to transparency and confidence building in the 2016

electoral process and provide a neutral assessment of the elections which could serve as a basis for possible reforms in the post-election phase.

Specifically, the Mission is deployed to:

- Contribute to the assessment of the integrity of the electoral process in Uganda through the observation and documentation of pre-election, Election Day and post-election activities.
- Ascertain whether the elections in Uganda meet international benchmarks set out in the African Charter for Democracy, Elections and Governance,¹ the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa,² the Declaration of Principles on International Election Observation and Code of Conduct for Observers³ and the Principles for Election Management, Monitoring and Observation (PEMMO)⁴.

The key outputs of the EISA EOM are:

- An arrival statement that announces the presence of the mission in Uganda
- A preliminary statement which provides the Mission's initial assessment of election day procedures
- A post-election statement that provides the Mission's assessment of the postelection phase and informs stakeholders of the close of the EISA Mission
- A final report which provides the Mission's overall assessment of the electoral process

3. STRUCTURE AND METHODOLOGY OF THE EISA EOM

The EOM will undertake an informed and objective assessment of the elections, through its consultations and interaction with stakeholders, media review, desktop research and direct observations.

EISA EOM will run from January 18th, 2016 to March 15th, 2016. It has two

1 <https://eisa.org.za/pdf/au2007charter.pdf>

2 <https://eisa.org.za/pdf/au2002declaration.pdf>

3 <https://eisa.org.za/pdf/ngo2005principles.pdf>

4 <https://eisa.org.za/pdf/pemmo.pdf>

components: one Medium term component that runs throughout the duration of the Mission and one Short term component.

The activities of the MTOs will be supervised by a core team based in Kampala and supported by a technical team based in the EISA Head Office in Johannesburg. The core team is led by the MTO Coordinator supported by a political analyst and a team of national experts and support staff. The MTO component of the EOM is under the direction of the MTO Coordinator who has oversight of MTOs and their activities.

The EOM is led by His Excellency, Rupiah Banda, former President of the Republic of Zambia who will be assisted by Denis Kadima, EISA's Executive Director as the Deputy Mission Leader.

The technical team from the EISA Head Office will also be present in Uganda to support the EOM during the deployment of observers. While the STO component is present in the country, the Deputy Mission Leader will oversee the Mission's activities.

On the ground in Uganda, the Mission will be supported by a team of interpreters/local guides who will accompany observers as they move across the country.

On arrival in Kampala, observers will undergo a briefing and orientation programme. These briefing sessions will serve the purpose of a refresher training session on the concept and methodology of election observation. During these sessions, observers will also receive briefings from election stakeholders in Uganda on the level of preparedness for the elections and on their different perspectives on the elections. Briefing and orientation sessions for Medium term observers (MTOs) will take place from 19th to 21st of January, 2016 while the briefing and orientation for short term observers (STOs) will take place on 14th and 15th February, 2016. Both programmes will take place at the Sheraton Kampala.

After the MTO briefing programme, MTOs will be deployed to the districts in teams comprised of two observers from 22nd of January to 27th of February, 2016. During this period, MTOs are expected to consult with electoral

stakeholders⁵ in their areas of deployment, attend campaign events, and observe the pre-election operations of the Election Commission. After the STO briefing programme, STOs will be deployed to the districts in teams comprised of two observers from February 16th to February 19th 2016. STOs and MTOs will observe the final day of the campaigns, final phase of election material distribution and deployment of polling staff.

On election day, observers are expected to observe all aspects of the process from the opening of the poll, to the voting processes, closing of the poll and the counting and aggregation processes at district level. While STOs return to Kampala on 22nd of February, MTOs will remain in the districts to continue observing the immediate post-election phase which includes but not limited to observation of district level aggregation, observation of complaints and appeals processes.

STOs will be returning to Kampala on February 22nd, 2016; followed by the MTOs teams on February 27th, 2016. After the departure of MTOs, two members of the core team will remain on the ground in Kampala until March 15th, 2016.

On election days, observer teams are required to do a phone check-in with the mission secretariat 3 times in the course of the day. Further details of the call-in procedures will be provided during the briefing session.

After deployment, observers are expected to return to Kampala for a debriefing session at which they will share their experiences and discuss their observations which will contribute to the formulation of the EOM's assessment of the elections. The debriefing session for STOs will be conducted telephonically on the 19th of February and next one will take place at the Sheraton Kampala, on 20th of February and the debriefing of MTOs on the will be on the 28th of November at the same venue.

The final report of the EOM will be published a month after the end of the Mission.

4. FORM OF ANALYSIS

The Mission's method of analysis is both qualitative and quantitative.

Observers will be required to complete checklists and reporting forms to capture information received from stakeholder consultations, media review and direct observation. To enable observers gather information in a systematic and standardised manner, checklists and reporting templates will be provided to guide observers in their documentation and assessment of different aspects of the electoral process.

MTOs will be provided with the following templates: a stakeholder consultation questionnaire; weekly report template; campaign report template; incidence report template and a post-election report template. On election day, all observer teams will be provided with five election day checklists covering the opening, voting, closing, counting and aggregation processes. Observer teams will also be provided with smart tablets with pre-loaded checklists to enable them to transmit their observations in real time. The content and method of completing these documents will be emphasized during the orientation sessions.

Cognisant that the election is not an event, EISA will ensure that all aspects of the electoral process are covered by the observers. The observers will need to take into account the various aspects of the electoral process including the legal and institutional framework, the political context of the elections, pre-polling activities, polling day activities and post-election activities.

The Core Team in Kampala is responsible for synthesising and analysing the content of observer reports. To ensure that their analysis is accurate, it is important that observers complete the checklists and forms as accurately as possible.

5. MISSION FINDINGS AND REPORTS

The EOM's findings will be based on inputs from observers and it will reflect the facts of their observations. These findings will be disseminated in the following formats:

a) Arrival statement

The Mission will issue an arrival statement the day after its arrival in Uganda. The purpose of the arrival statement is to create an awareness of the Mission's presence in Uganda and encourage stakeholders to communicate with the EOM.

b) Preliminary statement

The preliminary statement presents the EOM's initial observations and assessment of the elections up to the close of polls. The statement will be presented to the public at a press conference on February 20th, 2014. The preliminary statement will be circulated to within and outside Uganda.

c) Post-election statement

The EOM will present a final statement on the elections after the release of the final official results of the elections. Through this statement, the EOM will make public its findings on the immediate post-election context. The date of release of this statement will depend on the date of release of the final election results.

d) Final EOM Report

The detailed findings of the EOM will be presented in a final report that will include recommendations for future elections. The Final Report will present the cumulative findings of the EOM. It will assess and evaluate whether:

- The purpose of the Mission has been achieved
- The legal framework for the conduct of elections in Uganda has been adhered to
- The will of the people have been demonstrated and respected

The Final Report will be released after the end of the mission

6. MTO RESPONSIBILITIES

Reporting to the MTO coordinator, MTOs are required to:

- Sign a pledge to adhere to the Code of Conduct for Observers.
- Reside in the districts where they have been deployed with possible trips outside to cover additional districts that fall within their area of responsibility.
- Consult with electoral stakeholders, including the electoral authorities, representatives of political parties, security agencies, CSOs and academic institutions ahead of the elections at governorate and district levels.
- Participate at briefing and debriefing sessions for observers. Attend campaign activities.

- Assess the state of readiness and preparedness for the election by stakeholders.
- Prepare and present a briefing on the political peculiarities of their areas of deployment to be included in the briefing packs for STOs.
- Submit a weekly report to the core team.
- Call-in daily to provide a brief to the security officer
- Respond to all queries from the core team.
- Observe the opening of the poll, the voting process, the end of voting, closing of the poll, and counting processes at the polling stations on polling day.
- Observe the aggregation of the votes at the district and governorate levels and follow up on the complaints and appeal processes.
- Contribute to the pre-election and final reports.

7. CODE OF CONDUCT FOR ELECTION OBSERVERS:

See Declaration of Principles on International Election Observation

8. KEY QUESTIONS FOR OBSERVERS TO ASK

The overarching question that the Mission seeks to answer is: *have the general elections been conducted in accordance with the legal framework for elections in Uganda and international election benchmarks?*

To enable the Mission to respond to this question effectively, it would seek to respond to the following specific questions:⁵

The Legal framework

- Does the legal framework guarantee fundamental rights and freedoms?
- Does it provide for resolution of conflicts in the electoral process?
- Does it provide for participation of women and minorities?
- Is the legal framework contested by major segments of the society?
- Does the framework provide for the establishment of an independent election management body?
- Does the legal framework provide for the resolution of disputes arising from the electoral process?

5 These questions are set out in line with PEMMO.

- Does the legal framework provide adequate guarantees against the undue influence of money in the electoral process?
- How has the recent legal reforms impacted on the Voter registration
- Was the voter register recently updated for the 2016 elections?
- Was the registration process open to verification or audit by independent observers and party representatives?
- Is the voter register made available to political parties before election day?
- Was the provisional register displayed for claims and objections?
- Is the register disputed by electoral stakeholders?

Political Parties (campaigns)

- Have the campaigns been undertaken in compliance with the legal provisions on campaigning in the electoral law?
- Have campaigns been carried out in an atmosphere devoid of violence and intimidation?
- Is there a code of conduct for political parties?

Media

- Is there an enforceable code of conduct for the media?
- Do all parties have free and equitable access to the media?
- Is the media able to operate freely without intimidation or coercion?

Civic and voter education

- Have NGOs been involved in civic and voter education?
- Was civic and voter education conducted in a non-partisan and impartial manner?
- How far reaching were the civic and voter education initiatives?

Polling stations

- Has there been a review of polling station allocation?
- Were the polling stations clearly marked?
- Were the stations easily accessible to all voters including voters with disability?
- Did the layout facilitate an easy flow of voters?
- Was it laid out in a manner that guaranteed the secrecy of the ballot?
- Were election personnel well aware of their responsibilities?

Ballot paper, ballot boxes and election materials

- Where materials delivered in the governorate and district levels in a timely manner?
- Where materials available in adequate quantity throughout election day?
- Was the design of the ballot consistent and user-friendly?
- Was there provision for security of sensitive election materials at the point of delivery, storage and on election day?

Counting

- Did the counting take place at the polling station?
- Was the process open to political parties' monitoring?
- Were the election personnel well trained for the process?

Announcement of results

- Were the results released in accordance with stipulated legal provisions?
- Was the result posted at the polling station?

Security and safety

- How was the security situation in your area of deployment?
- Were security agents present at polling stations?
- Did the presence of security agents interfere with the process in any way?

Independent observers and party agents

- Did the mission encounter citizen election observation groups on election day?
- Were independent observers and party agents allowed to access to all aspects of election day procedures?
- Were party agents present at polling stations?
- Were party agents aware of their responsibilities in the process?
- Were independent observers allowed to conduct their duties without interference?

ANNEXURE 2

EISA EOM Deployment Plans and Maps

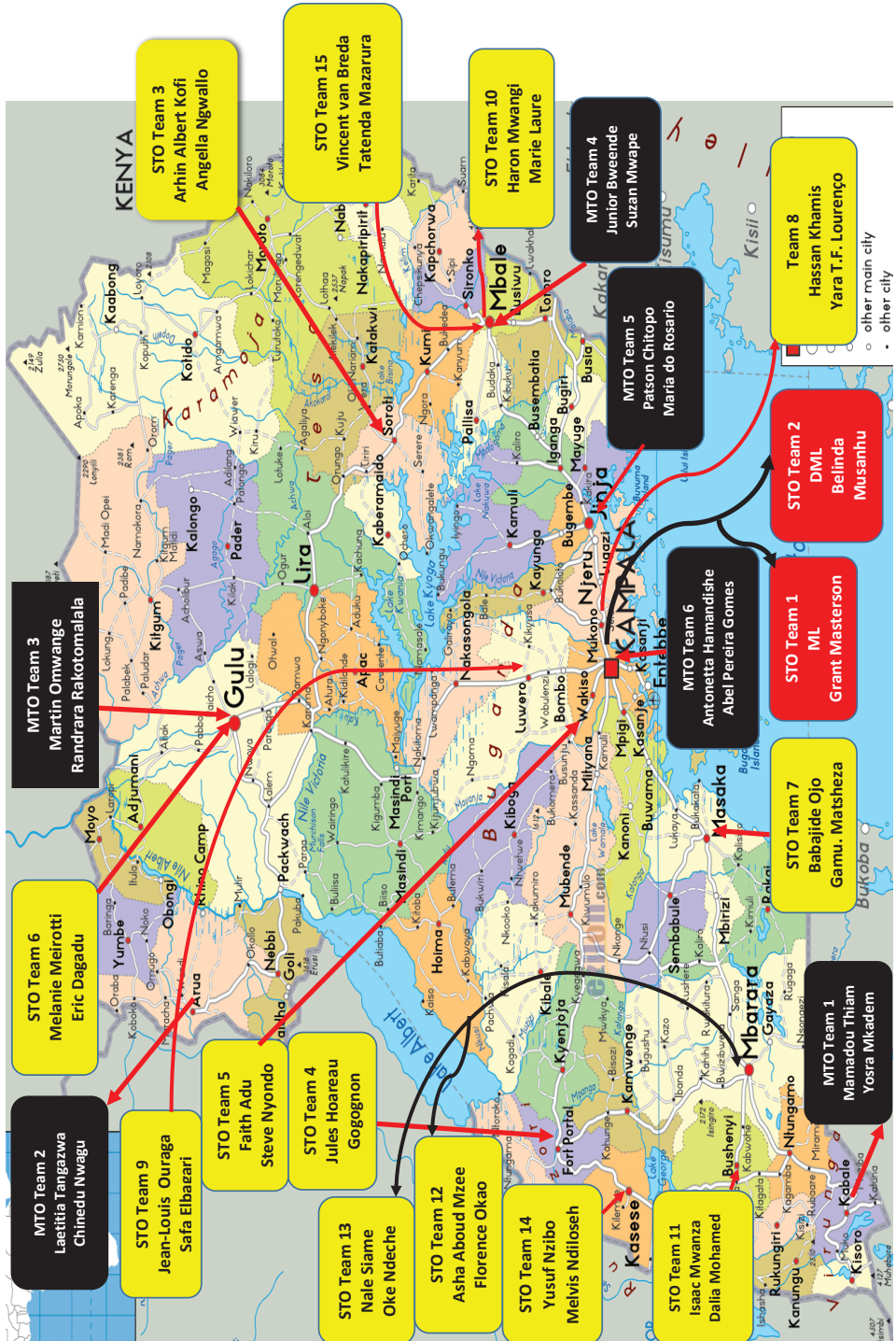
EISA EOM-UGANDA MTO DEPLOYMENT PLAN						
Team No.	Name	Region	City/ base of the team	Other areas of priority	If able to	Email
1.	Mamadou Thiam (M) Guinea	South west	Kabale	Ntun- gamo, Kanungu, Rukungiri	Kisoro	eisa.observer21@gmail.com
	Yosra Mkadem (F) Tunisia					
2.	Laetitia Petro Ntan- gazwa (F) Tanzania	West Nile	Arua	Nebbi and koboko		eisa.observer24@gmail.com
	Chinedu Nwagu (M) Nigeria					
3.	Martin Omwange (M) Kenya	Acholi	Gulu	Amoru, kitugnm,	Kole and Pader	eisa.observer25@gmail.com
	Randrara Rakoto- malala (F) Madagascar					
4.	Bweenda Junior (M) DRC	Bugiso	Mbale	Sironko, Busia and Tororo	Kumi, Buke- dea	eisa.observer27@gmail.com
	Susan Mwape (F) Zambia					
5.	Patson Chitopo (M) Zimbabwe	Busoga	Jinja	Kamuli, Iganga and Ma- yuge		eisa.observer28@gmail.com
	Maria do Rosario Almeida Brito (F) Cape Verde					

6.	Antonneta Haman-dishe (F) Zimbabwe	Kam-pala	Kam-pala	Mityan and Mubende		eisa.observer29@gmail.com
	Abel Pereira Gomes (M) Guinea Bis-sau					
Core team	Belinda Mu-sanhu (F) Zimbabwe		Kam-pala	belinda@eisa.org.za eisa.observer22@gmail.com		
	Sa’adatu Bowsan (F) Nigeria			saadatu@eisa.org.za eisa.observer23@gmail.com		

EISA EOM- UGANDA ELECTION DAY DEPLOYMENT PLAN							
S/N	Region	District covered	Base	Name	Nationality	Gender	Email
1	Central	Kampala central	Kampala	His Excellency, Rupiah Banda	Zambian	M	
				Grant Masterson	South African	M	
2	Central	Kampala central	Kampala	Denis Kadima	Congolese	M	
				Belinda Musanhu	Zimbabwean		
3	Eastern	Soroti	Soroti	Arhin Albert Kofi	Ghanaian	M	eisa.observer5@gmail.com
				Angela Ngwallo	Malawian	F	
4	Western	Fort Portal	Fort Portal	Jules Hoareau	Seychellois	M	eisa.observer8@gmail.com
				Zano Gogognon André	Ivorian	M	
5	Central	Wakiso	Kampala	Faith Titia Adu	Kenyan	F	eisa.observer13@gmail.com
				Steve Nyondo	Zambian	M	
6	North-ern	Kitgum	Gulu	Eric Dagadu	Ghanaian	M	eisa.observer11@gmail.com
				Melanie Meirotti	South African	F	
7	Central	Mukono	Kampala	Hassan Khamis	Tanzanian	M	eisa.observer2@gmail.com
				Yara Tatiana Fernandes Lourenço	Angolan	F	

8	Central	Masaka	Masaka	Babajide Ojo	Nigerian	M	eisa.observer31@gmail.com
				Gamuchirai Matsheza	Zimbabwean	F	
9	Central	Luwero	Kampala	Jean-Louis Ouraga	Ivorian	M	eisa.observer1@gmail.com
				Safa Ibrahim Elbagari	Sudanese	F	
10	Eastern	Bulambuli	Sironko/ Mbale	Haron Mwangi	Kenyan	M	eisa.observer7@gmail.com
				Marie Laure Digbeu	Senegalese	F	
11	Western	Mitooma	Bushenyi	Isaac Mwanza	Zambian	M	eisa.observer9@gmail.com
				Dalia Abuelhassan Eissa Mohamed	Sudanese	F	
12	Western	Mbarara	Mbarara	Asha Aboud Mzee	Tanzanian	F	eisa.observer12@gmail.com
				Florence Kwamboka Okao	Kenyan	M	
13	Western	Kiruhura	Mbarara	Nale Longwe Sim-wanza Siame	Zambian	F	eisa.observer6@gmail.com
				Okechukwu Fintas Ndeche	Nigerian	M	
14	Western	Kasese	Kasese	Yusuf Nzibo	Kenyan	M	eisa.observer4@gmail.com
				Melvis Ndiloseh	Cameroonian	F	
15	Eastern	Kapochorwa	Mbale/ Sironko	Vincent van Breda	South African	M	eisa.observer3@gmail.com
				Tatenda Mazarura	Zimbabwean	F	

ELECTION DEPLOYMENT MAP



ANNEXURE 3

EISA EOM ARRIVAL STATEMENT

'The EISA Medium Term Observers are deployed to contribute to an independent assessment of the integrity of the electoral process in Uganda through the observation and documentation of pre-election, Election Day and post-election activities'

ARRIVAL STATEMENT OF THE EISA ELECTION OBSERVATION MISSION TO THE 2016 GENERAL ELECTIONS IN THE REPUBLIC OF UGANDA

Kampala, 18 January 2016

The Electoral Institute for Sustainable Democracy in Africa (EISA) announces the arrival of its election observation mission (EOM) in Kampala. The EISA EOM is in Uganda at the invitation of the Ministry of Foreign Affairs (MFA) and the Ugandan Electoral Commission (EC) to observe the General Elections, scheduled to take place on 18 February 2016. Members of the EOM core team arrived in Kampala on 12 January and observers started arriving in Kampala on 18 January 2016.

The Mission consists of 12 medium term observers (MTOs) and 26 short term observers (STOs). These observers are drawn from civil society organisations (CSOs) and election management bodies (EMBs) across the continent. The Mission will make an impartial and independent assessment of the electoral process based on international standards and obligations stipulated in the African Charter on Democracy, Elections and Governance, the Principles for Election Management, Monitoring and Observation (PEMMO) and the Declaration of Principles for International Election Observation.

The EISA Medium Term Observers are deployed to contribute to an independent assessment of the integrity of the electoral process in Uganda through the observation and documentation of pre-election, Election Day and post-election activities. The Mission will also ascertain whether the elections meet the international obligations subscribed to by Uganda and international election standards. EISA has been involved in the Ugandan

electoral process since 2011 when it deployed a technical assessment mission to the general elections. In August 2015, EISA also deployed a pre-election assessment mission to this country.

The MTOs will be deployed to the following districts: Arua, Gulu, Jinja, Kabale, Kampala and Mbale. During their deployment, MTOs will consult with various electoral stakeholders including the EC, political parties, media and CSOs. They will also observe the campaign processes, election day procedures and the post-election period. MTOs will remain in the country until 29 of February 2016, while the core team will remain until 15 March 2016. The EISA EOM will issue a preliminary statement on its findings on the electoral process within 48 hours of the close of polling. The Mission will also issue a post-election statement on the immediate conclusion of the electoral process and a final narrative report detailing the Mission's findings on the entire electoral process a few months after the polls.

EISA Short Term Observers are expected to arrive Kampala from 12 February 2016.

The EISA EOM office is located on the 7th Floor, Course View Towers, Plot 21, Yusuf Lule Road, Kampala. For further information please contact: Sa'adatu Bowsan, Phone: +256 7754 60879; Email: saadatu@eisa.org.za

ANNEXURE 4

EISA EOM PRESS RELEASE

EISA ELECTION OBSERVATION MISSION TO THE 2016 GENERAL ELECTIONS IN THE REPUBLIC OF UGANDA PRESS RELEASE

Kampala, 14 February 2016

'EISA has deployed a full-fledged election observation mission comprised of 41 observers. The Institute considers the deployment of its Election Observation Mission as significant in contributing to building public confidence in the electoral process.'

The Electoral Institute for Sustainable Democracy in Africa (EISA) announces the arrival its short-term observers (STOs) to the 18 February 2016 general elections in the Republic of Uganda. EISA has deployed a full-fledged election observation mission comprised of 41 observers. The Institute considers the deployment of its Election Observation Mission as significant in contributing to building public confidence in the electoral process.

A team of 12 medium term observers (MTOs) arrived in the country on 18 January. The MTOs are now joined by 29 STOs to constitute a full-fledged election observation mission. Members of the Mission are drawn from civil society organisations and election management bodies from across the continent. The Mission is led by His Excellency Rupiah Banda, former President of the Republic of Zambia, deputised by Mr. Denis Kadima, EISA's Executive Director.

Since their deployment, the MTOs have covered 25 districts of the country where they observed key pre-election activities including, the demonstration of the Biometric Voter Verification System (BVVS), the distribution of Voter Location Slips (VLS), packing and distribution of election materials, training of electoral staff, campaigning by political parties and candidates and other election related activities. They will remain on the ground until 29 February 2016.

The STOs will be deployed to 13 districts across the country where they will observe the final stages of the campaigns, election day procedures and results aggregation process. The STOs will remain in the country until 22 February 2016.

The Mission's assessment of the electoral process is based on the principles and obligations set out in the African Charter on Democracy, Elections and Governance; the African Union Declaration on the Principles Governing Democratic Elections in Africa; the Declaration of Principles on International Election Observation; and the Principles for Election Management, Monitoring and Observation (PEMMO) as well as the legal framework governing the elections in Uganda.

The EISA EOM will issue a preliminary statement on its findings at a press conference on 20 February 2016.

The EISA EOM office is located on the 1st Floor, Meeting Room, Serena Kampala Hotel, Kintu Road, Kampala. For further information please contact: Sa'adatu Bowsan, Phone: +256 7754 60879; Email: saadatu@eisa.org.za

ANNEXURE 5

EISA EOM PRELIMINARY STATEMENT

EISA ELECTION OBSERVATION MISSION TO THE 2016 GENERAL ELECTIONS IN THE REPUBLIC OF UGANDA

Preliminary Statement

20 February 2016

'Based on its direct observation of key processes and consultations with Ugandan electoral stakeholders at national and sub-national levels up until 19 February 2016; the EISA EOM concludes that the elections were largely peaceful but with shortcomings. These shortcomings were inconsistent with the requirements stipulated in the legal framework for elections in Uganda and continental and international principles and obligations for democratic elections; thus undermining essential aspects of electoral integrity.'

I. INTRODUCTION

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observation Mission to the 2016 general elections in Uganda. The Mission is in Uganda at the invitation of the Ministry of Foreign Affairs. The Mission is comprised of 42 observers from 20 countries and is led by His Excellency Rupiah Banda, former President of Zambia, with Denis Kadima, EISA's Executive Director as the Deputy Mission Leader.

Following the conduct of a pre-election assessment mission in August 2015, EISA deployed 12 medium term observers (MTOs) who arrived in the country on 18 January 2016 and were deployed on 22 January 2016. During their deployment the MTOs visited 28 districts⁶ to observe key pre-election activities. The MTOs were joined by 30 short term observers (STOs) who arrived in the country on 12 February 2016 and were deployed to 13 other districts⁷ to observe election day and district aggregation procedures. EISA MTOs will remain in the country until 29 February 2016.

6 Iganga, Mayunge, Kitgum, Amuru, Lira, Kole, Kanungu, Bukedea, Bududa, Soroti, Manafwa, Mubende and Mityana. Ntungamo, Rukungiri, Kamuli, Nebbi, Koboko, Kole, Sironko, Busia Tororo, Arua, Gulu, Jinja, Kampala, Kabale, Mbale.

7 These districts include Kampala, Soroti, Fort Portal, Wakiso, Kitgum, Mukono, Masaka, Luwero, Bulambuli, Mitooma, Mbarara, Kiruhura, Kasese, and Kaporchorwa.

EISA's assessment of the electoral process is based on the Ugandan legal framework for elections and the principles and obligations set out in the African Charter on Democracy, Elections and Governance, the African Union Declaration of the Principles Governing Democratic Elections in Africa, the Declaration of Principles for International Observation of Elections, and its respective Code of Conduct, and the Principles for Election Management, Monitoring and Observation (PEMMO).

This statement presents EISA's preliminary findings, recommendations and conclusions on the 2016 electoral process in Uganda. Cognisant of the fact that the national and district aggregation of results is ongoing, this statement reflects the Mission's observations up to 19 February 2016. A final report covering the entire process will be issued by EISA within three months of the declaration of the results.

2. PRELIMINARY FINDINGS

2.1 Political Environment

The 2016 elections were the third elections since Uganda returned to multiparty politics in 2005. The outcomes of elections held in 2006 and 2011 were contested and rejected by the opposition, alleging the manipulation of the process and its lack of integrity and credibility. The general elections were conducted within a context characterised by increased protests and demands for reforms. Noteworthy as well is the emergence of a new opposition force which is a faction of the ruling National Resistance Movement (NRM). The elections took place against a backdrop of incidents of violence and verbal intimidation that increased towards the election day.

The demand for reforms after the 2011 elections led to the emergence of '*The Free and Fair Election Alliance*' which was initiated by civil society groups. This civil society movement culminated in the *Citizens Compact for Free and Fair Elections* where over 3,000 community leaders and groups made proposals for electoral and institutional reform.

Out of the *Free and Fair Election Alliance* there also emerged a coalition of opposition parties called *The Democratic Alliance (TDA)* which initially set out to sponsor a single opposition candidate in the 2016 presidential elections.

Although the alliance failed to field a consensus candidate, its emergence was indicative of a more organised and unified opposition. Within the ruling NRM, unresolved succession issues led to the exit of Amama Mbabazi, the NRM Secretary General and Prime Minister of the Republic from the party to join the TDA platform. The emergence of the former Prime Minister as a presidential candidate introduced a new level of political competition in the 2016 electoral process.

The 2016 presidential elections are considered the most competitive elections since 2006. They were contested by eight candidates, of which three were considered the strongest. The incumbent, Yoweri Museveni contested for a fifth term, alongside fourth-time aspirant, Dr. Kizza Besigye, and Mr. Amama Mbabazi, the former Prime Minister. The EISA EOM also noted the fractures within the ruling party as many of its senior members who lost in the party primaries choose to stand as independents in open defiance of the party's rules and procedures. These factors meant that at both Presidential and Parliamentary levels, the stakes were high, and competition was strong, thus making for tense campaigning, polling and results announcement periods.

2.2 Constitutional and Legal Framework

The constitutional and legal framework for elections in Uganda is comprehensive and is based on the Constitution of 1995 (as amended in 2005), and the following pieces of legislation:

- The Presidential Elections Act (2005) as amended
- The Parliamentary Elections Act as amended
- The Electoral Commission Act of 1997, as amended
- The Political Parties and Organisations Act of 2005, as amended
- Public Order Management Act (1997) as amended
- The Local Government Act as amended
- Access to Information Act (No 6/2005)

The constitution of Uganda recognises that all power belongs to the people who through voting also convey the State with the authority to govern. This authority comes from the expression of the will and consent of the people through regular, free and fair elections of their representatives or through

referenda.⁸ The right to vote is guaranteed in Article 59 for persons who are 18 years and above and registered for that purpose. The Constitution guarantees fundamental freedoms and civil and political rights including freedom from discrimination, freedom of speech and of expression, which encompasses free press and other media.

Furthermore, in spite of the guarantees of civil and political rights in the constitution, the EISA Mission noted and received complaints that the Public Order Management Act (POMA) has been selectively enforced to prevent assembling and protests by civil society and political actors. This was specifically noted in the run up to the elections when consultation rallies by opposition figures were either not permitted or violently broken by the Police.

2.3 Electoral Dispute Mechanisms

Article 61 of the constitution empowers the Electoral Commission (EC) to hear and determine complaints arising from the electoral process. The EC's decisions are subject to appeal at the High Court. Presidential election disputes can be commenced in and resolved by the Supreme Court only. Disputes arising from parliamentary elections can be filed at the High Court with the right of Appeal. The mission noted however that resolving electoral complaints through the normal channels may be delayed due to backlogs in the courts. The EISA EOM also noted that key opposition candidate in the 2016 presidential election stated his mistrust of the judiciary and his intent to address challenges through other means.

2.4 Electoral System

The electoral system in Uganda is governed by the Constitution and other relevant laws. The president is elected through a two-round system, while members of parliament are elected through a simple majoritarian system. The Mission noted as good practice the affirmative action system that provides reserved seats in Parliament for vulnerable and disadvantaged groups such as women, youth and persons with disabilities (PWD). The EISA EOM however noted with concern that the provision of reserved seats for members of the Uganda Peoples Defence Force (UPDF) in Parliament entrenches the involvement of the military in politics.

8 See, Article 1 (4) of the Constitution.

2.5 Political Parties

The EISA EOM noted with satisfaction that from the no-party movement system that existed before 2005, there are now 29 parties registered in Uganda and that 28 of these contested in the 2016 polls and that the election gave voters a wide range of options in the different elections that were held. There was also a high number of independent candidates in the elections.

2.6 Nomination of Candidates

The EISA EOM considered the legal requirements to qualify for nomination as presidential and parliamentary candidates are sufficient and non-restrictive.⁹ The Mission however observed that presidential and parliamentary election nomination fees were increased just two months before the start of the 2016 electoral process. The increase in fees coming as late as it did not give all prospective candidates the time to marshal enough funding for their nomination fees.

The nomination processes also revealed internal problems in a number of parties as some candidates who lost the primaries contested as independents. This suggests the need to build internal democracy and discipline within political parties.

2.7 Electoral Management

The Electoral Commission (EC) is established by Article 60 of the constitution and operates within the framework of the Constitution and the Electoral Commission Act of 1997. The commissioners are appointed by the President, with the approval by the Parliament. The EISA EOM found that the mode of appointment of the EC has been on the agenda for electoral reform since the 2006 elections. Stakeholders consulted by the EISA EOM expressed their lack of trust in the Commission because it is appointed by the President. The Mission noted with satisfaction that the EC developed an elections roadmap 36 months before the polls and released voters' roll to presidential candidates free of charge and to the voters on its website, a full two months before the polls. The EC also made efforts to distribute voter location slips

⁹ To qualify for nomination as a presidential candidate, a person must be a citizen of Uganda of between 35-75 years of age, be a registered voter and show support of at least 100 registered voters from at least 2/3 (or 75) of Uganda's 112 districts. For a member of parliament, a person must be a citizen of Uganda and a registered voter. He or she must have completed a minimum formal education of Advanced Level standard or its equivalent.

(VLS) aimed at assisting voters to locate their polling stations. The Mission however noted that the exercise was conducted rather late in the election process, with limited information to voters and insufficient resources for parish supervisors who had to distribute the slips. This minimised the effectiveness of these efforts.

Article 62 of the constitution and section 13 of the Electoral Commission Act provide for the independence of the EC in its operations. The EISA Mission noted that key decisions on important elements of the electoral process such as the delimitation of additional districts were not taken by the EC which is inconsistent with the law.

2.8 Voter Registration

In fulfilment of its duty to prepare and maintain a voters' roll, the EC extracted the 2016 voters' roll using data that was collected by the Ministry of Internal Affairs during the National Security Information System [National ID] project. Further to this, the EC reviewed and updated the roll initially from 7 to 30 April which was extended due to public demand to 4 May. The updated roll was displayed from 22 July to 11 August 2015 when names recommended for deletion from the national voter register were displayed. While the EISA EOM considers the extraction of the voter register from the national civic registry as a cost effective good practice, it also noted the concerns raised by stakeholders about insufficient information provided to citizens regarding the connection between registering for the national I.D and the voter register. As a result of the lack of clarity on the link between these registration processes, political parties felt disadvantaged, as they did not engage in effective voter mobilisation during the national ID registration process.

The EISA EOM viewed the introduction of the Biometric Voter Verification System (BVVS) as a fraud prevention and identity verification mechanism as a positive measure. It however noted that the late introduction of the system, with limited time to test and pilot them contributed to the uncertainty and suspicions in the days before the elections. For instance, there were speculations that the machines were vote-rigging devices that could be used to track the voter's choice. The EISA EOM is of the view that in future, introduction of electoral technology should be done with enough time to test and pilot such in by-elections and also gain the trust of stakeholders. Despite

the late introduction of the BVVS, the Mission noted with satisfaction that it worked satisfactorily on election day.

2.9 Campaign Finance

The EISA Mission noted provisions in the Ugandan law for the financing of political parties that are represented in the Parliament. The law also provides for mandatory disclosure by political parties through the submission of annual audited accounts to the EC. The EISA EOM however noted that the regulatory framework for party and campaign finance does not provide for the following important regulatory aspects: campaign spending limits, mandatory disclosure of sources of funding and contribution limits to campaigns. These gaps in the framework have contributed to the undue influence of money in Ugandan politics.

2.10 Electoral Campaign

The 2016 elections were very competitive and campaigning at all levels was vibrant, colourful and animated. It is the mission's observation that candidates were given enough time to share their manifestoes with the electorate.

The 2016 elections were conducted without an agreed and enforceable code of conduct for political parties, which left the campaigns as an unregulated process. The Mission identified the initiative taken by the EC to develop a campaigning schedule developed for all political parties as a good practice. The EOM however observed that the schedule was not always respected by all candidates and there were clashes between supporters of parties in some places.

The EISA EOM also noted the following violations of the campaign regulations:

- Some candidates defied the directive to stop campaigning after 18:00hrs yet, no sanctions were applied
- Incidents of hate speech against other candidates were recorded
- As campaigns progressed candidates and senior party officials and leaders at national level made very intimidating statements with

regard to the election and these statements created panic, alarm and despondency in the public.¹⁰

- Although the campaigns were relatively peaceful, incidents of violence, with serious injuries to candidates and supporters, blemished the campaigns.¹¹

2.11 The Role of the Media

The media environment in Uganda is vibrant and coverage of the elections was comprehensive. Although the EISA EOM did not conduct a systematic monitoring of the media, it was observed however, that coverage by the state-owned print media, particularly the public broadcaster which is obliged by law to give equitable coverage to all candidates, tended to give greater advantage the ruling party at the expense of the other parties and candidates. However most private media outlets made attempts to cover each candidate equitably.

The mission observed that different stakeholders used social media to conduct their activities. For instance many candidates used Twitter, Facebook and WhatsApp as platforms to reach voters. The EC also used these platforms to disseminate voter education and voter information messages. Of concern to the Mission however was the circulation of messages which could have misinformed voters and created confusion. The EISA EOM encourages Ugandan citizens to use these platforms responsibly to avoid fanning the flames of potential conflict.

2.12 Participation of Women

The mission found that numerically there is a high level of female participation in Ugandan politics. At 52%, women make up more than half the voting age population in Uganda. Thanks to its commendable affirmative action measures Uganda is ranked the 24th in the world with 35% female representation in its parliament¹² The Speaker of the Parliament is a woman and the Secretary General of the ruling party is also a woman. It is however important to note the following for improvement:

10 This violation was noted in the campaigns of the three major parties.

11 For instance clashes between supporters of the FDC and NRM at Karume Bridge in Lalogi Sub-County in January and another clash between FDC and NRM supported in Terego area of Arua district were reported to EISA MTOs.

12 <http://ipu.org/wmn-e/classif.htm>

- Out of 8 presidential candidates, there was only one woman.
- The majority of women in Parliament have come through affirmative action. In the 2016 elections only 5.5% of candidates in the direct elections for President, Member of Parliament and District or City chairperson were women who ventured to compete directly against their male counterparts.
- The EOM noted from its consultations that these shortcomings were attributed to entrenched gender stereotypes and it is also partly due to traditional and customary stereotypes and practices as well as political parties' inadequate commitment to gender parity.

2.13 The Role of the Security forces

An election is a competition and at times can become chaotic and violent. Therefore the security forces have a role to play in maintaining law and order in the electoral process. By the same token however the participation of security forces should not influence the electoral process or create fear.

The mission noted with concern the level of public mistrust of the security forces as they were accused of showing favour to the NRM, to the disadvantage of other parties. Senior members of the army and police also made partisan statements against the opposition during the election period. This impacted negatively on public confidence in their impartiality and conflict resolution capacity. To show their distrust of the security agencies, Dr. Besigye on the one hand, launched a 'defiance' campaign while Mr. Mbabazi on the other recruited 'vote protection taskforces'. These groups mobilised by the three major presidential candidates contributed to the tensions that characterised the pre-election period.

The lack of clarity about the role of the crime preventers¹³ in the electoral process contributed to fear and apprehension ahead of the elections. This was regrettable, particularly given the perception of some members of the public who saw the crime preventers as a militia group established to favour the incumbent over his opponents.

13 The crime preventers initiative was established as a community policing and neighbourhood watch to contribute to crime prevention through intelligence gathering and liaison with the police.

2.14 Civil Society

Ugandan civil society groups participated in the election with vigour and with commitment. Through monitoring and observation, civic education, voter mobilisation, research and lobbying, hundreds of organisations played a key watchdog and advocacy role in the electoral process and for this they should be commended. The Mission did note however that groups lacked financial resources that would have enabled them to carry out all their desired activities more effectively. For example the mission learnt that due to funding constraints, only 10 of the 66 groups accredited by the Electoral Commission to undertake voter education were able to do so. This situation should be improved and increase in funding civil society groups will go a long to improving their participation in elections.

The EISA EOM commends the initiative taken by the Inter-Religious Council of Uganda to organise two presidential debates that provided a platform for all presidential candidates to engage the public on their different programmes and manifestoes.

2.15 Civic and Voter Education

The Electoral commission is mandated by Section 61 of the constitution to formulate and implement civic education. For the 2016 elections, voter education carried out through the media, accredited CSOs and three private firms. However the mission observed that throughout the entire process voter education was insufficient and poorly coordinated. Insufficient or late information marred public participation in voter registration, in the demonstrations of the BVVS and collection of voter location slips. Access to information is an important aspect of an electoral process that could impact on the level and quality of voter participation.

Electoral Commission officials themselves indicated that they were underfunded and depended on goodwill of radio stations, for example, to broadcast vote education messages. The mission found however that the EC did take measures to correct this as the election campaigns proceeded, by using text messages and WhatsApp messages with information for the voters.

2.16 Polling Day Observations

EISA teams observed election day procedures including opening, voting, closing and counting in a total of 228 polling stations in the 20 districts where

they were deployed on election day. The EOM regards the decision to shut down important social media platforms on election day by the Ugandan authorities as ill-advised because these platforms had contributed positively to the process during the pre-election period. The EISA EOM also regrettably noted the detention and eventual release of Dr. Besigye and some of his party members on election day and the day after.

Opening the Poll

The atmosphere outside the polling stations was peaceful and the stations were accessible to all voters including those with disability. Of concern however was that, due to the late arrival of polling materials and polling officials as well as poor preparation by the polling officials, all the polling stations where EISA observers were deployed, voting started at least 15 minutes late and at 32% of the stations visited, the voting commenced over an hour late. The mission noted with satisfaction that the voting hours in some stations were extended to accommodate voters who may have been disadvantaged by the late start of the voting. However the decision to extend the polls were made late and was not always communicated effectively.

At 15% of the polling stations observed campaign activities and materials such as campaign posters were visible. There was a visible security presence at 93% of the polling stations and in most cases the security presence was described as discreet.

Voting

The voting process went smoothly in most polling stations. However at some polling stations the atmosphere became agitated due to the late start to the voting. At 7 of the 51 polling stations where EISA observers witnessed persons being denied access to the polling process, these persons were turned away because they were not eligible or their eligibility was challenged. At 32% of the polling stations visited by EISA EOM observers, voters requiring assistance did not receive it. Despite the late start, once the voting commenced, it proceeded satisfactorily.

Closing and Counting

EISA observers observed closing at 19 polling stations. Voting ended late due to the extended voting time as well as to accommodate those who were still

in the queue at 4pm. At seven of the stations where EISA teams observed the closing, citizen observers were not allowed to observe the closing.

EISA teams observed the counting of votes in 18 stations across the country. Voters were present at the count in 17 of the stations. The EOM considers this as a good sign of citizen participation. In few of the polling stations, the lighting was poor and could not ensure a smooth counting process. Although results were announced at 94% of the stations, there were only posted outside at 56% of the stations visited.

2.17 Tallying and Announcement of Results

EISA teams observed the aggregation process at 12 District Tally Centres. Most tallying centres opened later than expected due to the late closing of voting. As a result observers found that at 20% of the stations visits, the atmosphere was not peaceful as people who wanted to hear the results became agitated when results were not announced. Further that in one of the tally centres, the process stopped as people were becoming impatient. In addition to the police presence at all the stations, the military was also present at the 88% of the tally centres. Additionally 20% of the centres were also guarded by private security firms. At four of the centres observers reported cases where some results were invalidated due to discrepancies.

3. RECOMMENDATIONS

Based on its findings and observations, the EOM offers the following preliminary recommendations.

The EC should:

- Prioritise and better coordinate civic and voter education initiatives.
- Improve on election day planning and operations to avoid delays and logistical lapses that negatively impacted on election day proceedings.

The legal framework should be amended to give consideration to the following issues:

- Give effect to the legal framework by guaranteeing guarantee the right of citizens to public assembly and holding security personnel accountable for excessive use of force on peaceful gatherings.

- Removal of reserved seats for UPDF in the parliament to ensure that the defence forces are not involved in partisan politics and focus on their primary role which is national security in any democracy.
- Provision for mandatory disclosure of sources of campaign funding and campaign contribution ceilings.
- Stronger provisions to guard against the use of inflammatory and intimidating language during campaigns.
- Strengthening of the regulatory powers of the EC to hold political parties accountable for infringement of campaign guidelines such as contravention of the campaign schedule and the use of inflammatory language.

Election dispute resolution:

- Consideration should be given to the creation of an Electoral Court that operates at the level of the High Court during the election period to specifically to address election-related petitions.

The international community and donors:

- Donor agencies should consider a cycle-based approach to electoral support programmes to enable CSOs to engage the electoral process in a comprehensive manner through advocacy, civic education and election monitoring and observation.

CONCLUSION

Based on its direct observation of key processes and consultations with Ugandan electoral stakeholders at national and sub-national levels up until 19 February 2016 whilst the national tally process was on-going; the EISA EOM notes with satisfaction the following: the largely peaceful conduct of the Ugandan electorate; the opportunity for issue-based election campaigns through the convening of presidential debates; and the experience of the biometric voter verification system which exceeded the performance of such systems in other African countries.

The EISA EOM however noted with concern that the culture of political intolerance as well as limitations placed on the freedom of movement and assembly undermined the openness of the electoral process. On Election Day,

the Mission observed several challenges including widespread delays in the opening of polling stations largely related to the late delivery of polling materials. These delays necessitated extensions of voting hours in two districts which was not consistently communicated to the polling staff, thus denying some voters the opportunity to cast their ballot. An open, democratic society embraces access to information; and as a result, the shutdown of social media platforms around election day fails to embrace this ideal.

The EISA EOM therefore concludes that the observed shortcomings were inconsistent with the requirements of the legal framework for elections in Uganda and international and continental principles and obligations for democratic elections; thus undermining essential aspects of electoral integrity. The EOM commends Ugandans for their patience and commitment during the process despite the challenges experienced, and encourages Ugandans to carry on in the same spirit as they await the results of the elections. The EOM calls on candidates and parties to seek address disputes to the appropriate channels in the coming days and refrain from unconstitutional means of seeking redress. The mission also encourages the security forces to refrain from the excessive use of force in their engagement with citizens during this period of heightened tensions and expectations.

ANNEXURE 6

EISA EOM POST-ELECTION STATEMENT

EISA ELECTION OBSERVATION MISSION TO THE 2016 GENERAL ELECTIONS IN THE REPUBLIC OF UGANDA

Post-Election Statement

**Kampala
29 February 2016**

Since the end of the voting and counting period for the presidential and parliamentary elections, medium term observers deployed by the Electoral Institute for Sustainable Democracy in Africa (EISA) continued to assess the post-election environment. The observers followed closely the aggregation process and declaration of results. The observation covers the final tallying and announcement of results, reception of the results and disputes emanating from the process.

The Mission notes that the post-election context remains uncertain as election results were questioned by some voters and opposition candidates. In this context of mistrust, tensions have also arisen due to the detentions and restrictions on the movement of members and leaders of the opposition which regrettably, continue unabated a week after the announcement of results.

The post-election environment has been characterised by continued detention and arrests of the leading opposition candidates, opposition party members and journalists. Specifically, the Mission notes the continued inhibition of the freedom of movement of Dr. Kizza Besigye, the candidate of the FDC. These detentions and arrests have contributed to the increased level of mistrust among voters and various electoral stakeholders. The heightened security surveillance and heavy security deployment observed in the run up to election day continued during the results tallying process and announcement of results. The Mission notes that rather than the security presence to serve the purpose of protection and reassurance, it has served more to intimidate and repress the opposition and the public.

There were challenges observed during the results tallying and transmission process which further contributed to the uncertainty and suspicions that greeted the announcement of the final results. The Mission noted that the tallying process was not peaceful and orderly in most of the district tally centres it visited. Specifically there were challenges associated with the Electronic Results Transmission and Dissemination Systems (ERTDS) that necessitated physical transportation of the results from the following districts: Iganga, Mayunge, Jinja, Kamuli, Mbale, Bududa, Gulu and Kabale. The fact that most of the returning officers travelled unaccompanied by party agents raises questions about the transparency of the process and the efficacy of the results transmission system. The Mission also noted instances in Arua district where party agents signed blank results forms that were completed after the fact at the district tally centre.

The election results have been rejected and challenged in various electoral areas¹⁴ due to alleged ballot stuffing, alteration of results forms, intimidation and announcement of wrong results amongst others. These accusations unfortunately cast doubt on the integrity of the process which may be allayed in the courts. The EISA EOM urges the national authorities to desist from activities that could impede the process of evidence gathering and filing of complaints and appeal by aggrieved parties.

As election petitions are filed and processed by the Electoral Commission and the Judiciary, EISA urges all Ugandans to conduct themselves in a manner that protects civil and political rights and freedoms; promotes peace and security and respects due process and rule of law.

14 These include Upper Madi constituency, Arua municipality, Jonan Constituency, Koboko East, Omoro Consituecy, Ntungamo Municipality, Rukungiri District woman MP, Ndorwa East constituency, Bungokho North, Bungokho south, Budiope West, and Nakakulwe , Bugaluba.

ABOUT EISA



EISA was established on 28 June 1996 as the Electoral Institute for South Africa. EISA extended its area of work to the Southern African Development Community (SADC) region and changed its name to reflect its outreach to the SADC region on 15 December 2000. EISA undertook a further name change to reflect its extended geographic outreach to the entire African continent on 23 April 2010 when it registered the name “The Electoral Institute for the Sustainability of Democracy in Africa” and in 2011 amended its name to the “Electoral Institute Sustainable Democracy in Africa”. The acronym EISA has been used throughout.

EISA envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. It strives for excellence in the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa.

EISA has deployed continental observer missions for the past ten years including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014, 2015), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (2004, 2009), Mauritius (2000, 2005, 2010), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014), Tanzania (2005, 2010), Uganda (2011), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015), and Zimbabwe (2000, 2002, 2008). Reports on these missions can also be found on its website www.eisa.org.za

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