PROTECTION AND PROMOTION OF HUMAN RIGHTS IN ELECTORAL PROCESSES FOR THE 2016 GENERAL ELECTIONS

JUNE 2016
PROTECTION AND PROMOTION OF HUMAN RIGHTS IN ELECTORAL PROCESSES FOR THE 2016 GENERAL ELECTIONS

JUNE 2016
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Email: uhrcmbarara@uhrc.ug
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<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>4GC</td>
<td>4 God and My Country</td>
</tr>
<tr>
<td>ABETO</td>
<td>Always Be Tolerant</td>
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<tr>
<td>ACHPR</td>
<td>African Charter on Human and Peoples Rights</td>
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<tr>
<td>ACME</td>
<td>Africa Centre for Media Excellence</td>
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<tr>
<td>AG</td>
<td>Attorney General</td>
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<tr>
<td>ASP</td>
<td>Assistant Superintendent of Police</td>
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<tr>
<td>BVVS</td>
<td>Biometric Voter Verification System</td>
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<tr>
<td>CEC</td>
<td>Central Executive Committee</td>
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<tr>
<td>CEDAW</td>
<td>Convention on all forms of discrimination Against Women</td>
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<tr>
<td>CEDDU</td>
<td>Citizens Coalition on Electoral Democracy</td>
</tr>
<tr>
<td>CEON-U</td>
<td>Citizens Election Observers Network</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Racial Discrimination</td>
</tr>
<tr>
<td>CESCR</td>
<td>Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CID</td>
<td>Criminal Investigations Department</td>
</tr>
<tr>
<td>COMESA</td>
<td>Common Wealth Markets for East &amp; Southern Africa</td>
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<tr>
<td>COU</td>
<td>Church of Uganda</td>
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<tr>
<td>CPS</td>
<td>Central Police Station</td>
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<tr>
<td>CSOs</td>
<td>Civil Society Organisations</td>
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<tr>
<td>DISO</td>
<td>District Internal Security officer</td>
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<tr>
<td>DP</td>
<td>Democratic Party</td>
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<tr>
<td>DPC</td>
<td>District Police Commander</td>
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<tr>
<td>DRFS</td>
<td>Declaration of Results Form</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<td>EC</td>
<td>Electoral Commission</td>
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<tr>
<td>ED</td>
<td>Executive Director</td>
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<td>EISA</td>
<td>Electoral Institute for Sustainable Democracy</td>
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<td>EU EOM</td>
<td>European Union Election Observer Mission</td>
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<td>EWERP</td>
<td>Early Warning &amp; Early Response Project</td>
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<tr>
<td>FDC</td>
<td>Forum for Democratic Change</td>
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<tr>
<td>FHRI</td>
<td>Foundation for Human Rights Initiative</td>
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<tr>
<td>HCIII</td>
<td>Health Centre III</td>
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<td>HRBA</td>
<td>Human Rights Based Approach</td>
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<td>HRE</td>
<td>Human Rights Education</td>
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<td>HRNJ</td>
<td>Human Rights Network of Journalists-Uganda</td>
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<td>HURINET (U)</td>
<td>Human Rights Network Uganda</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICT</td>
<td>Information Communication Technology</td>
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<tr>
<td>ID</td>
<td>Identification</td>
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<td>IEBC</td>
<td>Independent Electoral and Boundaries Commission</td>
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<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<tr>
<td>IGP</td>
<td>Inspector General of Police</td>
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<td>IRCU</td>
<td>Inter religious Council of Uganda</td>
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<tr>
<td>ISO</td>
<td>Internal Security Organisation</td>
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<tr>
<td>KNCHR</td>
<td>Kenya National Commission of Human Rights</td>
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<tr>
<td>LC</td>
<td>Local Council</td>
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<td>LG</td>
<td>Local Government</td>
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<tr>
<td>MDAs</td>
<td>Ministries Departments &amp; Agencies</td>
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<tr>
<td>MOFA</td>
<td>Ministry of Foreign Affairs</td>
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<tr>
<td>MoJCA</td>
<td>Ministry of Justice &amp; Constitutional Affairs</td>
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<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>MPs</td>
<td>Members of Parliament</td>
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<td>NBS</td>
<td>Nabeta broadcasting Services</td>
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<td>NCC</td>
<td>National Coordination Committee</td>
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<td>NCIC</td>
<td>National Cohesion and Integration Commission</td>
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<tr>
<td>NEC</td>
<td>National Executive Committee</td>
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<tr>
<td>NHRI</td>
<td>National Human Rights Institution</td>
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<td>NRM</td>
<td>National Resistance Movement</td>
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<tr>
<td>NTV</td>
<td>Nation Television</td>
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<tr>
<td>O/C CID</td>
<td>Officer in Charge of Criminal Investigations Department</td>
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<tr>
<td>OAU/AU</td>
<td>Organization of African Unity/ African Union</td>
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<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<tr>
<td>PEA</td>
<td>Presidential Election Act</td>
</tr>
<tr>
<td>PO</td>
<td>Presiding Officer</td>
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<tr>
<td>POMA</td>
<td>Public Order Management Act</td>
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<tr>
<td>PPP</td>
<td>Peoples Progressive Party</td>
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<tr>
<td>PWDs</td>
<td>Persons With Disability</td>
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<tr>
<td>RDC</td>
<td>Resident District Commissioner</td>
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<tr>
<td>RDFs</td>
<td>Results Declaration Forms</td>
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<tr>
<td>RPC</td>
<td>Regional Police Commander</td>
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<tr>
<td>SIGs</td>
<td>Special Interest Groups</td>
</tr>
<tr>
<td>SIU</td>
<td>Special Investigations Unit</td>
</tr>
<tr>
<td>SMC</td>
<td>Strategic Management Committee</td>
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<tr>
<td>SMS</td>
<td>Short message send</td>
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<tr>
<td>SPCs</td>
<td>Special Police Constables</td>
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<tr>
<td>SR</td>
<td>Situation Room</td>
</tr>
<tr>
<td>TDA</td>
<td>The Democratic Alliance</td>
</tr>
<tr>
<td>TGNU</td>
<td>Transitional Government of National Unity</td>
</tr>
<tr>
<td>TIC</td>
<td>The Independent Coalition</td>
</tr>
<tr>
<td>UBC</td>
<td>Uganda Broadcasting Corporation</td>
</tr>
<tr>
<td>UCC</td>
<td>Uganda Communications Commission</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UHRC</td>
<td>Uganda Human Rights Commission</td>
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<tr>
<td>UJCC</td>
<td>Uganda Joint Christian Council</td>
</tr>
<tr>
<td>UMWA</td>
<td>Uganda Media Women’s Association</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UPC</td>
<td>Uganda People’s Congress</td>
</tr>
<tr>
<td>UPDF</td>
<td>Uganda Peoples Defence Forces</td>
</tr>
<tr>
<td>UPF</td>
<td>Uganda Police Force</td>
</tr>
<tr>
<td>UPS</td>
<td>Uganda Prison Service</td>
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</tbody>
</table>
About Uganda Human Rights Commission

The Uganda Human Rights Commission (UHRC) is an independent constitutional body set up under Article 51 of the 1995 Constitution to promote and protect human rights. It was established in November 1996 under the constitutional provisions which were operationalised by the Uganda Human Rights Commission Act 1997.

**Vision:** A society that respects human rights and fulfils civic obligations.

**Mission:** To protect and promote fundamental Human Rights and freedoms in Uganda for sustainable development

**Constitutional functions**
The functions of UHRC are stipulated under Article 52 of the Constitution as follows:

1. To investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right;
2. To visit jails, prisons, and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and make recommendations;
3. To establish continuing programme of research, education and information to enhance respect of human rights;
4. To recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;
5. To create and sustain within society the awareness of the provisions of this constitution as the fundamental law of the people of Uganda;
6. To formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;
7. To monitor Governments compliance with international treaty and convention obligations on human rights; and
8. To perform such other functions as may be provided by law.

UHRC is required to submit an annual report to Parliament on the State of Human Rights and Freedoms in the country and publish special and periodic reports on its findings.

**UHRC powers**
The Commission has the powers of a court:

- To issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigations by the Commission;
- To question any person in respect of any subject matter under investigation before the Commission;
- To require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission; and
- To commit persons for contempt of its orders.

If satisfied that there has been an infringement of a human right or freedom, UHRC may order:

- The release of a detained or restricted person;
- Payment of compensation or
- Any other legal remedy or redress.
UHRC has a Human Rights Tribunal, the decisions of which may be appealed to the High Court if any party is not satisfied with the outcome. Any person can lodge a complaint of human rights violations to UHRC even when they may not be the victim of the violation.

**UHRC independence**

Article 54 of the Constitution stipulates that the Commission shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

**Limitations on UHRC mandate**

UHRC is barred by the Constitution from investigating any matter pending before a court or judicial tribunal; a matter involving the relations or dealings between the Government and that of any foreign state or international organisation; and a matter relating to the prerogative of mercy. UHRC does not handle matters that occurred before 1995 when the Constitution that sets it up was promulgated.

**UHRC operations**

UHRC implements its mandate through directorates at head office and regional offices across the county. The five directorates include: Research, Education and Documentation; Monitoring and Inspections; Complaints, Investigation and Legal services; Regional Services; and Finance and Administration. The regional offices are responsible for implementing the programmes and activities of UHRC in their areas of jurisdiction.

The regional offices are located in: Arua serving the West Nile region; Central serving the central part of Buganda region including Kampala; Gulu covering the Acholi and Lango sub regions; Hoima serving the Bunyoro region; and Jinja covering the South Eastern part of the country. Other regional offices are in Soroti covering the Eastern region; in Moroto covering the Karamoja sub region; Mbarara covering the Southwestern region; Fort Portal covering the Western region; while Masaka covers the greater Buganda region. UHRC also has 10 field offices located in Moyo, Lira, Pader, Kitgum, Nakapiripirit, Kotido, Kaberamaido, Kapchorwa, Kalangala and Buvuma districts.
Acknowledgements

UHRC acknowledges the support of the Government of Uganda, Development Partners and the Civil Society in performing its role in the electoral process. UHRC appreciates financial support from the Government of Uganda and development partners. These include the Democratic Government Facility (DGF) and UN Office of the High Commissioner for Human Rights (UN OHCHR). Special gratitude goes to the Kenya National Commission For Human Rights (KNCHR) for the knowledge and expertise provided in setting up the Early Warning and Early Response Project.

UHRC acknowledges members of the Early Warning Strategic Management Committee; Mr. Gordon T. Mwesigye, Ms. Ruth N. Sekindi, Ms. Patricia Nduru, Mr. Kamadi Byonabye, Ms. Margaret L. Ejang, Ms. Ida Nakiganda, Mr. Charles Mukasa and Ms. Florence M. Munyirwa for providing strategic direction to the Early Warning and Early Response Project. Special thanks go to the members of the Situation Room Ms. Rose Mary Kemigisha, Ms. Dorcus Musiimenta, Ms. Freda Nalumansi-Mugambe, and Mr. Emmanuel Francis Osujo; and Ms. Florence M. Munyirwa and Mr. Wilfred Asiimwe for compiling and drafting this report. Special thanks also go to Ms. Winifred Logose Ndugwa for assisting in the setup of the internet-based Early Warning System.

UHRC acknowledges all members of the Commission, Staff and Regional Team Leaders that monitored the electoral process. UHRC appreciates the Chairperson Mr. Med S.K. Kaggwa, Members of the Commission, Hon. Retired Justice Gideon Tinyinondi, Dr. Katebalirwe Amooti Wa Irumba, Mr. Stephen Basaliza, Mr. Joseph A.A Etima, Mr. Meddie Mulumba and the Secretary to the Commission Mr. Gordon T. Mwesigye for their guidance and support in the compilation and production of the report. UHRC further acknowledges the Director Ms. Patricia Nduru and her team Ms. Priscilla Nyarugoye, Ms. Sarah Birungi, Ms. Diana Kobusinge, Ms. Dianah Akampereza for editing the report for final publication.
Executive Summary

The UHRC monitored the situation of human rights during electoral processes, focusing on the period before, during and after the 2016 General Elections. This report, which is a documentation of UHRC findings, is in fulfilment of the constitutional requirement to publish periodic reports on its findings on the state of human rights, as well as the legal obligation of all election observers to produce a report.

Through the Early Warning and Early Response Project UHRC was an observer at several levels of elections namely: Presidential and parliamentary; District Local Government; Mayoral, Local Council III, youth, to Persons With Disabilities. UHRC also monitored the implementation of the milestones on the EC election roadmap. The report highlights the situation of human rights during the electoral period; the extent to which the people in Uganda exercised and enjoyed their human rights and fulfilled their duties and responsibilities; as well as how the occurrences during the electoral period impacted on human rights or were influenced by human rights. Specifically, UHRC monitored the observance of the following rights and freedoms during the electoral processes:

i) The right to equality and non-discrimination;

ii) The right to join and form political organisations;

iii) The right to vote;

iv) The right to stand for political office;

v) Freedoms of expression including freedom of the media; association; movement; and assembly;

vi) The right of access to information;

vii) The rights related to election observation; and

viii) The right to effective legal redress for violations of electoral rights.

UHRC also monitored the promotion and protection of human rights on all polling days; as well as the role of security agencies. The specific actions undertaken by UHRC to ensure observance of human rights during the electoral processes were also highlighted.

The UHRC observed both positive developments and challenges in the preparedness for the 2016 general elections. UHRC noted the presence of structures and mechanisms in political parties that facilitated participation of members in party elections; deliberate efforts of security agencies to prepare for peaceful elections; coordinated participation of civil society in the electoral process; the peaceful atmosphere during the update and display of the voters register, nomination of presidential candidates and parliamentary, mayoral and LCIII elections.

The challenges observed by UHRC during the electoral processes centred on the lack of respect for human rights and freedoms related to elections. Specifically, UHRC noted, among other challenges, the failure to implement recommendations of the Supreme Court and election observers including UHRC regarding the past elections; inadequate electoral reforms; lacunas in the legal framework; inadequate funding for election administration; the wanting internal democracy of political parties; the negative impact of independent candidates on multiparty democracy; the inadequacy in policing elections; inadequate preparation for party primaries; perceived gerrymandering; inadequate civic and voter education; the disfranchisement of Ugandans in the diaspora, inmates, other vulnerable persons as well as voters in Kampala and Wakiso districts.

Others were: the participation of security agencies in partisan politics; use of excessive force by security agencies; irresponsible actions of citizens and politicians; unequal access to the private and public media; non-compliance with the Electoral Commission guidelines, irresponsible use of social media and turning off of the social media during and after elections; arrest of opposition candidates and supporters; and the use of ethnic tensions to trigger violence in Bundibugyo and Kasese districts.
In view of the findings, UHRC made recommendations to address the human rights concerns to ensure human rights observance in the next cycle of elections. The recommendations made to the Electoral Commission, Parliament and other specific government ministries, departments, agencies; political parties, non-state actors like civil society organisations, private sector and individuals, are outlined below.

1. **Electoral reforms**

   **Parliament, Ministry of Justice and Constitutional Affairs, Electoral Commission should:**
   - Ensure that proposals for electoral reforms from all stakeholders are considered and implemented early enough so that they are not left to last minute discussions which could adversely affect the smooth management of all electoral processes.

   **Parliament and the Ministry of Justice and Constitutional Affairs should:**
   - Review the process of appointing members of the Electoral Commission to ensure democracy and transparency in order to build public confidence in the election administration body.

2. **Party preparedness**

   **Political parties should:**
   - Endeavour to put in place mechanisms and structures for promoting internal democracy and transparency and clear guidelines on process of joining their organisations;
   - Facilitate access to their organisations by ensuring that they have permanent physical addresses; and
   - Address accountability for public funding.

   **District Internal Security Officers should:**
   - Desist from interfering in activities of political parties by remaining non-partisan.

3. **Update and display of voters register**

   **Electoral Commission should:**
   - Increase public sensitisation across the country on among others, the importance of and duty to register; the relationship between the two registration processes for the voters register on the one hand and the National ID on the other hand; and on the electoral processes generally;
   - Mobilise the public adequately and diversify avenues for public information include phone text messages, churches, education institutions, media, and cultural leaders among others. This should be done early enough and reach everywhere;
   - Issue appointment letters to the recruited officials, train them adequately to understand and appreciate among others the role of other stakeholders in the electoral processes and communicate to them their terms and conditions before they start work. Improve their welfare and facilitate them adequately with financial and logistical support in form of motorcycles and bicycles, airtime, umbrellas and timely allowances;
   - Provide the display officers with enough materials including Clean Forms that are used for purposes of applying for correction in a voter’s particulars, for reporting deceased persons, among others;
   - Recruit at least two officials to run the centres so that the process can be faster and when one is not around the other can hold fort. Officials should be provided lunch in order for them not to leave the centres and they should be allowed to go for prayers on Fridays and Sundays for Moslems and Christians respectively;
• Put in place special measures for vulnerable groups to access the centres and sensitise display officers on the needs of vulnerable persons so that they can ensure their equal access and participation;
• Extend the period of the display exercise beyond the stipulated minimum of 21 days to cater for students who may be still in boarding school or any other person that may need to travel far like upcountry to verify their particulars;
• Locate display centres at polling stations or LC 1 offices in order to save the voters long distances to the parishes and prevent low turn up;
• Endeavour to display voters’ names where the people registered. There should be a master register at the parish for reference for the people who do not find their names at centres where they registered; and
• Conduct continuous registration to cater for those clocking the voting age as well as make provisions for update and display of the voters registers annually.

The Uganda Police Force and EC should:
• Ensure that there is a constable at every centre. Where it is not possible, the Uganda Police Force (UPF) should put in place an arrangement that ensures effective coordination of security during the entire exercise, which stakeholders should be made aware of.

Civil Society should:
• Actively participate in the monitoring of processes before the general elections as part of the checks and balances to ensure free and fair elections.

Local Council leaders should:
• Should take particular interest in electoral processes in order to influence community members to also take interest and participate in them.

4. Nominations

Electoral Commission should:
• Invest in and conduct adequate voter education to enhance the understanding of the aspirants of the nomination requirements and processes to ensure effective participation;
• Increase the number of nomination centres and spread them to lower local government levels in order to address the challenge of availability and accessibility particularly for the vulnerable; and
• Align their guidelines on when the campaign rallies end to the provisions of the law, in this case, the Public Order Management Act 2013. The Act should take precedent over the guidelines.

Parliament and the Ministry of Finance, Planning and Economic Development should:
• Consciously support multiparty democracy so that it is nurtured and becomes a culture in Uganda, for instace through increasing funding for civic education to enable people fully appreciates the requirements of a multi-party dispensation, in order to forestall the impact of so many independent candidates.

Political parties should:
• Put in place strategies to enhance party internal democracy and manage party primaries well to ensure free, fair and transparent party primaries since they have a spillover effect on the national elections.
5. **UHRC polling day observation**

**Parliament and the Ministry of Finance, Planning and Economic Development should:**

- Invest appropriately and adequately in civic and voter education; and
- Provide adequate and timely funding to the Electoral Commission to enable it prepare for and manage the elections to expectation.

**Electoral Commission**

- Adequately train election officials on the basic requirements, procedures and standards for conducting the elections as well as the use of the equipment, particularly the Biometric Voter Verification System kit in addition to adequately equipping them including for harsh weather;
- Conduct intensive and adequate voter education in good time to ensure that voters are conversant with the voting procedures as well as prohibited conduct during the polling;
- Deliver election materials to the nearest polling station/post in time for polling stations to be set up on the eve of the elections. In urban areas, election materials should also be delivered to Divisions just as those in rural areas are delivered to sub counties. This will go a long way in addressing the issue of congestion and commotion at Electoral Commission offices in urban centres on the morning of elections and hence delays in opening of polls;
- Presiding officers should ascertain, preferably the day before elections, that the environment at the polling station meets the required standards; for instance, there should be no campaign posters in the vicinity of the polling stations;
- In cases where more than one polling station is located in the same area, they should be clearly marked to ease identification of each polling station. Voters and other stakeholders should be given prior information in case of merged polling stations;
- Review the maximum number of voters to be handled at each polling station to avoid imbalances in the workload and congestion at some of the polling stations;
- Make special arrangements to enable the vulnerable persons like the Persons With Disabilities, the elderly and the ill to easily access the polling stations and effectively exercise their rights.
- Conduct adequate voter education and sensitise the voters on the relevance of the Local Government elections to address the tendency of low turn up for the LC elections as well as the loss of interest in the electoral processes after the presidential and parliamentary elections;
- Organise general elections starting with the lower Local Council (LC) elections upwards and end with the presidential and parliamentary elections in order to sustain the voters’ interest in all levels of elections;
- Adequately equip and facilitate all their district offices for timely transmission of results to the tally centres and expeditious declaration of the winners in order to allay fears of rigging thereby safeguarding the credibility of the exercise.
- Organise elections for Persons With Disabilities in such a way that regional Members of Parliament are voted for by members of the Electoral College from that particular region; and
- Organise elections for Persons With Disabilities at regional level to minimise the inconvenience of voters with disabilities travelling all the way from their districts to Kampala.

**Electoral Commission and Uganda Police Force should:**

- Respect human rights at all times when policing elections, for instance employing crowd control methods that take into account the respect for human rights. Errant officers who violate human rights should be held to account and be punished in order to fight impunity.
Candidates’ agents should:

- Participate in awareness creation activities to understand the importance of the Results Declaration Forms and their role in signing it.

Media houses should:

- Comply with their duties and responsibility to promote free and equitable access to the media, to allow political contestants equal opportunity to convey messages to the public.

Ministry of Information Communications and Technology should:

- Enforce the constitutional requirement for the Uganda Broadcasting Corporation, as a public broadcaster, to provide equal access of all its outlets to all political parties to present their programmes to the citizenry.

Uganda Communications Commission and the Ministry of Information Communications and Technology should:

- Enforce regulations on media compliance with professional standards and fulfilment of responsibility; and

- Monitor and regulate the use of social media platforms in Uganda.

6. Law reform

The Ministry of Justice and Constitutional Affairs, Parliament and the Ministry of Finance, Planning and Economic Development should:

- Initiate and enact electoral laws well in time to allow the Electoral Commission plan and prepare adequately to conduct elections; and

- Review all laws relating to elections, including the Constitution of Uganda, the Public Order Management Act 2013, Police Act Cap 303, Presidential Election (Amendment) Act, 2015 and the Parliamentary Act, 2005 and amend where necessary to, among others:
  a) Address the lacuna for multiple interpretations of laws such as the definition of consultation meetings vis a vis rallies under the POMA.
  b) Provide interpretations of the provisions of the Acts which contradict the rights provided for in the Constitution of Uganda
  c) Provide fairer criteria for eligibility of political parties for statutory funding that is not based on representation in Parliament, as is the case currently.
  d) Regulate the use of money in politics
  e) Revised nomination fees to address their prohibitive nature and ensure enhanced political participation especially of the vulnerable
  f) Review the requirement for public servants to resign; which is discriminatory given that some categories of specified officers are not expected to resign. It also hinders interested contenders from contesting for elective office.
  g) Increase the number of days within which a petition challenging presidential elections can be filed. In the same spirit, the 30 days provided for within which to inquire and hear the petition should be increased given the nature of the petition and the evidence required to be presented before the Supreme Court.
  h) Provide a timeline with in which EC should determine the election complaints and disputes.
  i) Provide for all election petitions filed before the polling date to be heard and determined expeditiously.
  j) Provide for a clear definition of a national tally centre to avoid future conflicts regarding the transmission and declaration of result processes.
The Rt. Honourable Speaker
Parliament of Uganda
Kampala,
Uganda

The Chairperson
Electoral Commission
Kampala
Uganda

ELECTION OBSERVATION REPORT FOR THE 2016 GENERAL ELECTIONS

The Uganda Human Rights Commission has the pleasure and honour to present to the Parliament of Uganda and the Electoral Commission its observation report on the 2016 General Elections in accordance with its constitutional and legal obligations.

In line with its mandate under Article 52 of the Constitution, to protect and promote human rights in Uganda, the Commission observed the electoral processes before, during and after elections and documented the state of human rights in the period. Through its Early Warning and Early Response Project UHRC set up a Situation Room to receive, analyse and process election-related information for sharing with relevant authorities and partners in order to trigger timely action and response to ensure respect and observance of human rights. The Commission also continued receiving and investigating complaints of human rights violations, promoting dialogue for peaceful, free and fair elections, carrying out human rights education and monitoring the electoral processes to assess compliance with human rights standards.

This report highlights the Commission’s findings on the state of human rights before, during and after the 2016 general elections. Both the positive developments as well as the challenges are highlighted and recommendations addressed specifically to Parliament, the Electoral Commission and all other stakeholders for their prompt action in order to improve the next cycle of general elections.

Our prayer is that the recommendations are promptly acted on not only to address and redress the human rights violations that were observed during the 2016 electoral period but to ensure that respect for and observance of human rights are mainstreamed in all electoral processes for future elections in Uganda. Going by the recent experience, we pray that the necessary actions start right away rather than later which would be too close to the next elections to be effective.

For God and my country.

Med. S. K. Kaggwa
CHAIRPERSON, UGANDA HUMAN RIGHTS COMMISSION
CHAPTER ONE
General Introduction

1.1 Overview
UHRC is the National Human Rights Institution mandated to protect and promote human rights in the country. In this respect, UHRC has since its establishment in 1997 monitored the situation of human rights during electoral processes, focusing on the period before, during and after elections. UHRC has been an observer in all the election cycles in Uganda since 2001, including the elections of 2006 and 2011 under the multi-party political dispensation.

UHRC has produced this report in fulfilment of the requirement under Article 52 (2) of the Constitution of Uganda to publish periodic reports on its findings. In the same vein, UHRC is fulfilling the legal obligation of all election observers to produce a report “within six (6) months, after polling”. Having been an observer at several levels of elections from presidential and parliamentary; District Local Government; Mayoral, Local Council III, Youth, to Persons With Disabilities; as well as during implementation of the milestones on the EC election roadmap, UHRC was obliged to produce a report accordingly.

1.2 Objectives of the report
In compiling this report, UHRC aimed at documenting its findings during all its observation missions on the state of human rights before, during and after elections. Specifically, UHRC assessed the extent to which human rights were respected or violated; the level of compliance of the electoral processes with international and regional standards for democratic elections; challenges and concerns observed; and made recommendations to all stakeholders for adequate and appropriate action to improve the processes in the next electoral cycle.

UHRC expects that its findings and recommendations will inform government processes and actions by all stakeholders, state and non-state so that their concerted effort can contribute to improvement of electoral processes for the next cycle of elections, with immediate effect.

1.3 The scope of the report
The report focuses on the situation of human rights; the extent to which the people in Uganda exercised and enjoyed their human rights and fulfilled their duties and responsibilities; as well as how the occurrences during the electoral period impacted on human rights or were influenced by human rights. It covers the period before, during and after the 2016 general elections until May 2016. UHRC aimed at having a national focus by utilising its 10 regional offices and 10 field offices spread in all parts of the country.

Consideration was also made of the recommendations made in respect of the 2011 election cycle; as well as the election-related activities that UHRC and all other stakeholders implemented in the period since the 2011 elections until May 2016. UHRC focus on electoral processes was inline with its broad mandate as stipulated under Article 52 of the Constitution of Uganda.

Though UHRC was able to physically monitor and observe certain aspects of the electoral processes it was not able to observe all aspects due to human and financial resource constraints. Nevertheless, even where UHRC was not physically present, it was able to monitor and collect relevant data through its extensive network of international, regional and local partners in human rights protection and promotion, in accordance with the Principles relating to the Status of NHRIs (Paris Principles).
1.4 Methodology
In compiling this report, UHRC used primary and secondary data. Both qualitative and quantitative data was collected and analysed in deducing findings from monitoring of the electoral processes.

Primary data was collected through UHRC deploying observers to monitor selected milestones in the election cycle. In this regard, UHRC monitored operations of some political parties; the National Resistance Movement (NRM) political party primaries; delegates conferences for the NRM and the Forum for Democratic Change (FDC) as well as the party campaign rallies. Other key electoral activities monitored were: The update and display of the national voters register; nomination of candidates for all the different positions at all levels; campaign rallies of some of the candidates; as well as observing elections on polling days for the President and Parliament, the Local Government Councils from LC V to III, as well as MPs for Youth and PWDs. Information was also derived from UHRC engagements with different stakeholders on election-related matters.

Primary data was analysed electronically using an internet-based system to which all UHRC regional offices were networked; that enabled UHRC to generate reports as soon as an activity was implemented. The quantitative data was analysed using statistical package for social scientists (SPSS) and Ms Excel, while the qualitative data was extracted from the tools for discussion and human right analysis. The report presents, in a comprehensive way, the findings derived from primary data.

Secondary data was derived from information that came to the attention of UHRC through the Situation Room, information from concerned individuals, the Electoral Commission (EC), the media, international and local observers, other partners like Civil Society Organisations (CSOs) and donors, and other stakeholders. In addition, UHRC also obtained information from desk research; from existing literature, reports, legal and policy documents, guidelines and court judgements, among others.

1.5 Target of the report
UHRC is submitting this election report to the EC in fulfilment of the duty of election observers mentioned above, and to the Parliament of Uganda in accordance with the aforesaid constitutional obligation. The report however, is also beneficial to all stakeholders in the protection and promotion of human rights including government bodies and institutions such as the Judiciary, ministries, security organisations; political parties and politicians; CSOs and Faith-based organisations; the media and all Ugandans. These and others not mentioned constitute the duty bearers and rights holders and have a stake in the improvement of future electoral processes.

1.6 Expected outcome of the report
It is envisaged that the recommendations in the report will get immediate attention from the concerned stakeholders and prompt action action will be taken so that there is ample time to improve the preparations and management of the next cycle of the general elections slated for 2021. UHRC hopes that the the recommendations will be implemented promptly and the country will not wait until the last minute to implement the proposed actions as was the case previously, resulting into some avoidable challenges that the report points out.

1.7 Structure of the report
The report is divided into six chapters namely: The general introduction; the contextual background; preparedness for the 2016 general elections; the human rights situation in the 2016 general elections - focusing on specific human rights and freedoms in elections; highlights of UHRC actions on election-related issues; and finally, the recommendations which are categorised under specific key electoral
activities and are made to specified stakeholders. The sections on key electoral activities and incidents that UHRC specifically observed are presented more comprehensively than the aspects that were derived from secondary sources of information.

1.8 The 2016 General elections

In April 2015, the EC announced that the general elections of 2016, presidential and parliamentary polls, were to be held on 18th February 2016. These were to be followed by a series of other elections for positions in Local Government councils at all levels and for interest groups in Parliament and other LG levels. However, it is worth noting that the electoral period had started way back in May 2011 with the new term of the government. Respect for human rights and freedoms was a pertinent issue throughout that period in question and that is why the UHRC’s focus was beyond the respective polling days.

The report therefore covers the role of UHRC in elections; the situation of human rights during the electoral period and what UHRC did to effectively play its role.
CHAPTER TWO
Contextual Background

2.1 Human rights and elections

The right to vote is a constitutionally guaranteed human right. On the other hand, registering for electoral and other purposes is a duty of every citizen. This right and duty, provided for under Article 59 of the Constitution, are directly linked to the right to participate. Article 38(1) provides for the right of every Ugandan citizen to participate in the affairs of government, individually or through his or her representatives in accordance with the law. The same Constitution obliges Parliament to make laws to ensure that all these rights are realised for all including persons with disabilities.

Besides the Constitution, Uganda has also made commitments by signing and ratifying international and regional treaties including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples Rights (ACHPR), which broadly provide for the right to democratic elections. In so doing, Government has voluntarily assumed obligations to make the right to vote, among others, a reality for every eligible person in Uganda.

Human rights are interrelated and interconnected. In the electoral process, for example, a whole spectrum of human rights is critical for the enjoyment of peaceful, free and fair elections. These rights include:

- The right to vote or stand for elections
- The right to form or join a political party or organisation of choice
- Freedoms of conscience, expression, movement, association, assembly and peaceful demonstration
- The right to information
- Freedom from discrimination based on grounds such as race, sex, disability, language, political opinion, social status
- The right to equality before the law and equal protection of the law
- The right to effective legal redress

All these rights must be respected in totality for people to enjoy human rights in the electoral processes. This is not to say that other rights are not important. In view of this, undue curtailment of any rights related to electoral processes will invariably affect the others, ultimately defeating the aim of protection and promotion of human rights. It is a requirement that human rights principles and standards are consistently respected because the process is as critical as the outcome of the elections. Therefore, violation of some human rights in the quest to realise others is prohibited.

Elections are important as a means through which voters freely express their will on who governs them and in case of referenda, how they would be governed. This legitimacy has to be regularly determined, hence the need to hold elections periodically. Since participation in the affairs of government is a fundamental right, every person including the vulnerable and marginalised have to be empowered to effectively take part and realise this right.\(^1\) In this regard, civic education and access to information become critical for effective participation of all in elections since they are instrumental in empowering people to make informed decisions. In addition, the contesting sides in an election require an enabling environment to freely canvass for and get support. In view of the foregoing, human rights standards go beyond the individual’s action of voting or standing for elections to the requirement for periodic elections, universal suffrage, equal suffrage, secret ballot and redress mechanisms in case of any disputes in the electoral processes.

\(^1\) Article 38 of the 1995 Constitution and Article 21 of the Universal Declaration of Human Rights.
Since human rights and freedoms go hand in hand with duties and responsibilities on the part of the rights holder, it is imperative that measures are instituted to ensure that in the enjoyment of rights and freedoms, no person prejudices the rights and freedoms of others and the public interest. The measures may include limitations and restrictions on rights and freedoms which in any case must be proportional, legal, necessary and demonstrably justifiable in a democratic society. Any such measures during the electoral processes have to pass the test.

A critical issue in the electoral processes is disenfranchisement which refers to the denial or revocation of the right to vote of a person or group of people whereby the power or opportunity of an individual or group to vote is taken away. In Uganda, disenfranchisement has manifested both explicitly and implicitly through policy, law and practice. Some legal and policy provisions have expressly and deliberately disenfranchised some Ugandans on the one hand, while on the other hand, voters have been unintentionally denied the right to vote through the discriminatory application of law and policy or through practice; intimidation; and unreasonable requirements on voters for registration or voting.

The law in Uganda prescribes the minimum age of registration for the purpose of voting at 18 years. It also requires a voter to vote at his/her designated place (polling centre) of registration within the country. Even though Parliament is enjoined by the Constitution to make laws on voting by proxy where necessary, to date this has not happened. Consequently, some voters continue to be disenfranchised, notably, Ugandans in the diaspora, persons in detention at the time of voting, any persons away from their area of registration such as hospitalised people; public officials, security agents, journalists and observers on deployment; as well as ordinary voters who for one reason or another are not at their designated polling station.

The issue of disenfranchisement should be of particular interest to the election administration on the one hand as well as election monitors and observers including the NHRI. Election monitors and observers, both local and international, including political party agents assist in observing the electoral process, before, during and after polling to ensure that disenfranchisement is minimised and that elections are free, fair and genuine.

Given the strong nexus between elections and human rights, NHRIs now specifically focus on elections in a bid to enhance the observance of a broad range of human rights including the right to vote; and the wider ramifications of the electoral processes on human rights.

It is for this reason that during the electoral processes, UHRC paid attention to the realisation of the whole range of human rights not just those directly related to polling. UHRC is constitutionally mandated to protect and promote human rights, even during electoral processes. Article 52 (1) (h) of the Constitution mandates UHRC to monitor Government compliance with international treaty and convention obligations on human rights. Article 52(2) further obliges UHRC to publish periodic reports on its findings on the state of human rights and freedoms in the country. It is obliged to ensure that human rights are not violated in all the processes related to elections at all levels.

Since the last election cycle for the general elections of 2011, Uganda had been preparing for the next scheduled general Presidential, Parliamentary and Local Councils elections in 2016. In view of this, UHRC implemented programmes and projects with a special focus on the electoral process, monitoring the general human rights situation before, during and after the elections. UHRC monitored the situation and reported on emerging issues related to elections; advised Parliament on electoral laws; handled complaints related to elections; and conducted relevant civic education. All this was done to ensure that human rights were protected, promoted and respected before, during and after the elections.
2.2 Legal framework on elections

2.2.1 International and regional instruments

The Universal Declaration of Human Rights (UDHR) of 1948, the International Covenant on Civil and Political Rights (ICCPR) of 1966, the International Covenant on Economic, Social and Cultural Rights (CESCR) of 1966, the Convention on the Elimination of all Forms of Racial Discrimination (CERD) of 1979 and the African Charter on Human and Peoples Rights (ACHPR) of 1981 are some of the instruments ratified by Uganda which provide for political and civil rights and oblige state parties to hold free and fair elections. The above instruments provide basic human rights standards regarding elections in general. The right for everyone to participate in Government of his/her country (political participation), non-discrimination and self-determination are key elements of free and fair elections/electoral processes.

Article 21 of UDHR and Article 25 of the ICCPR provide for principles and standards for elections derived from the precept that citizens have a right to take part in government and public affairs. They have been further elaborated in numerous international and regional human rights instruments in which State parties have made a commitment to hold regular, transparent, free and fair elections. Article 21 of the UDHR provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives and that the will of the people shall be the basis of the authority of government. The will shall be expressed in periodic and genuine elections; by universal and equal suffrage; and by secret vote or equivalent free voting procedures.

Similarly, Article 25 of the ICCPR provides for the rights of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives; the right to vote and to be elected at genuine periodic elections. It equally provides for universal and equal suffrage, secret ballot that guarantees free expression of the will of the electors; and equal access to public service.

The CERD under Article 5 states that “…States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: …Political rights, in particular the rights to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; Other civil rights……”

Article 7 of the CEDAW obliges State Parties to take all appropriate measures to eliminate discrimination against women in political and public life; ensure on equal terms with men their right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. The said convention further guarantees women’s rights to participate in the formulation and implementation of government policy and hold public office and perform all public functions at all levels of government and political life of the country.

Article 29 of the CRPD provides that States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others and ensure that they effectively and fully participate in political and public life directly or through freely chosen representatives, including the right to vote and be elected.

The right to political participation is also provided for under Article 13 of ACHPR which guarantees the right of every citizen to participate freely in the government of his/her country, either directly or through freely chosen representatives in accordance with the provisions of the law. This is also provided for in the OAU/AU Declaration on Principles Governing Democratic Elections in Africa (2002) which also guarantees free association and assembly; freedom to establish or to be a member of a political party or Organisation, in accordance with the law.

The East African Community Treaty (EAC Treaty) Article 6(d) provides for the fundamental principles governing the Community specifically: “...good governance including adherence to the principles of democracy, the rule of
law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples’ rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights.”

2.2.2 The national legal framework


Article 61(1) of the Constitution mandates the EC to ensure that regular, free and fair elections are held; organise, conduct and supervise elections in accordance with the Constitution; ascertain, publish and declare in writing under its seal the results of the elections and referenda. The EC is also obliged to compile, maintain, revise and update the voters register; hear and determine election complaints arising before and during polling and formulate and implement voter education programmes. These are also provided for under Section 18 of The EC Act Cap 140.

The Presidential Elections Act of 2005 provides under Section 2(1) that the election of the president shall be by universal adult suffrage through a secret ballot using one box for all candidates at each polling station. The same Act provides under Sections 8 -20 for the nomination of candidates for election as president while section 21 -27 provides for the manner of campaigns and candidate meeting programme. Sections 28 -58 provide for the voting procedure, counting of votes and announcement of results while Sections 59 to 63 make provisions for the right to challenge presidential elections.

The Parliamentary Elections Act of 2005 under Section 2(1) provides that a general election of members of parliament shall be held in accordance with Article 61 of the Constitution. The same Act provides for the nomination of candidates for members of parliament, District Woman Representatives and Special Interest Groups under Sections 8-19 while the campaigning by candidates, voting procedure, counting of votes and announcement of results are covered under Sections 20 to 59.

The Local Governments Act Cap 243 provides under Section 101 that the EC shall organise, conduct and supervise elections of local councils. Section 21 of the Local Governments (Amendment) Act of 2005 provides that all elections at local government and administrative unit levels shall be by secret ballot using one ballot box for all candidates at each polling station. Section 119 of the same Act provides for the nomination of candidates for local council elections while Section 128 provides for the polling and voting procedure. Under Section 9 of the Kampala Capital City Act Authority of 2011 a Lord Mayor and a Deputy Lord Mayor of the Capital City are provided for. Section 1 (2) further provides that the Lord Mayor shall be elected by universal adult suffrage through a secret ballot at an election organised by the EC.

Other rights provided for include: The right of individuals or political parties to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land; and the right to be represented at polling and counting stations by duly designated agents or representatives. The national laws also contain provisions against illegal practices and election offences, as well as the penalties for such illegal practices and offences. They further provide for rights to challenge elections in a competent court; the right to appeal to competent judicial authorities and to obtain timely hearing against all proven electoral malpractices. The procedures for petitioning are provided for under the respective Statutory Instruments (Regulations).

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1 East African Community Treaty, 2007 (As amended).
2.3 The political context in Uganda

Uganda has been under a multiparty political system since 2005 when Ugandans determined their preferred system through a referendum. Article 71 of the Constitution requires that the multiparty political system conforms to the following principles:

a) Every political party shall have a national character;

b) Membership of a political party shall not be based on sex, ethnicity, religion or other sectional division;

c) The internal organisation of a political party shall conform to the democratic principles enshrined in the Constitution;

d) Members of the national organs of a political party shall be regularly elected from citizens of Uganda and with due consideration to gender;

e) Political parties shall be required by law to account for the sources and use of their funds and assets;

f) No person shall be compelled to join a particular party by virtue of belonging to an organisation or a particular group.

By 2015, as Uganda prepared to hold its third general elections under a multiparty political system as provided for under the 1995 Constitution, there were 29 political parties and organisations registered with the EC. Only six of these had representation in the 9th Parliament of Uganda: The Conservative Party (CP), Democratic Party (DP), Forum for Democratic Change (FDC), Justice Forum (Jeema), National Resistance Movement (NRM) and Uganda People’s Congress (UPC).

2.3.1 Election administration in Uganda

The EC has the mandate of election administration under Article 61 of the Constitution to ensure that regular, free and fair elections held. The EC is appointed by the President with approval of Parliament. The Constitution provides that in the performance of its functions it shall not be subject to the direction or control of any person or authority.

The EC is charged with organising, conducting and supervising various elections and referenda; compiling, maintaining, revising and updating the National Voters’ Register on a continuous basis as well as the various registers for Special Interest Groups; and ascertaining, publishing and declaring in writing under its seal the results of the elections and referenda. It also produces and issues voters’ cards; develops effective civic education programmes related to elections; and reviews all electoral laws in order to come up with appropriate recommendations on amendments. Other functions are: demarcating of constituencies and electoral areas; hearing and determining election complaints arising before and during polling and recruiting qualified personnel and training them in the management of elections.

The Constitution enjoins the EC to hold presidential, general parliamentary and local government council elections within the first 30 days of the last 90 days before the expiration of the term of the President. Therefore the timeframe within which the 5-year election cycle falls is a given, particularly, the deadline beyond which the EC would be in breach of the Constitution if it organised general elections past it.

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4As above 2, Article 61(1) of the 1995 Constitution.
5As above.
Presidential and general parliamentary elections in Uganda are held under universal adult suffrage based on the principle of one man-one-vote of equal value. Currently, universal adult suffrage by secret ballot apply to Presidential elections, directly elected Members of Parliament, District Woman Members of Parliament, Local Government Chairpersons, directly elected Councillors, and Women Councillors at the District, Municipality, and Sub County levels. On the other hand, elections for special interest groups such as: Workers and the Uganda Peoples Defence Force who are represented only in Parliament; as well as Persons With Disability and the Youth who are represented at all levels, are conducted through designated Electoral Colleges.

2.3.2 Critical considerations from the previous elections

2.3.2.1 Observations by courts of law

In the last two Presidential Petitions (2001 and 2006), the Supreme Court made important observations and recommendations with regard to the need for legal reforms in the area of elections generally and presidential elections particularly. Many of these recommendations and concerns remained unimplemented by the Executive and the Legislature even after previous petitions. The Supreme Court in Election Petition No.1 of 2006 noted that most of the Observers reports and the civil society Citizen Compact on Free and Fair Elections are directed at the need for structural and legal reforms that would create a more conducive atmosphere which would enable genuinely free and fair elections. The Supreme Court further recommended that the Executive and Legislature should think about the crucial need to address legal reforms in our electoral laws. 6

2.3.2.2 Previous recommendations from international observers

International election observers have in previous elections of 2006 and 2011 made recommendations to different stakeholders in the electoral processes, some of which have since been considered while others have remained unanswered.

The 2011 election observers from the Commonwealth Secretariat and the European Union made recommendations in relation to electoral framework and election administration. They expressed the need for EC to be independent in order to enjoy the confidence of all stakeholders and the need to review and ensure an accurate voters register and information. They also recommended for candidates to provide detailed accounts of funding and expenditure for campaigns to create a high level of transparency and accountability to address misuse of money on political campaigns.

Further in relation to election campaigns and media, the same observers recommended that the entitlements of every presidential candidates related to elections should be listed to increase transparency and spirit of law, and that public resources must not be used by the incumbent to the disadvantage of others. They also recommended that UBC and other state owned media should be made independent public service broadcasters for all candidates and that the EC should agree with UBC on specific times for free broadcasts for political parties to inform the people about their programmes and agendas during the campaigns.

The Commonwealth observers expressed the need for security agencies to avoid excessive display of power to avoid intimidation, and called for the immediate enactment of the Code of Conduct provisions for political parties and organisations. In relation to voting, counting and declaration of results, the same observers suggested that EC reviews both its training and operational plans, ensure voting materials are delivered on time to avoid delays in the polling opening and the need to provide sheltered location for polling and counting to avoid undue interference by the weather, among others. The European Union observers suggested that in determining valid votes, clear voter intention should be considered and ensure that those who have made efforts to vote have their votes counted. They added that reliable and secure means of transport for the results forms and materials to tally centres would provide additional guarantees against possible malpractices.

6 http://www.ugandonlinelawlibrary.net/judgements
In addition to the above, the European Union pointed out critical issues to address in regard to election administration systems and voters registration. They recommended creation of a legal basis for transparency, appointment of EC Commissioners, establishment of a joint panel of the Civil Service Commission and the Judicial Service Commission to draw a list of qualified persons, and also for the consideration to include members of the opposition and civil society voices in the appointment processes. They added that the law reforms should provide for security of tenure for Commissioners with set out criteria for nomination and precise terms of work. In relation to voters register, the European Union recommended the creation of a new national voters’ register to help increase public trust in the electoral process and the use of ID card system or voting documents. They also expressed the need for an amendment of the law to enable the registration of those who turn 18 before Election Day but after the close of the register, to ensure full enfranchisement during the election.

Whereas some of the above recommendations such as creation of a new voters register and use of National IDs were considered, the rest especially those requiring legal reforms and amendments of electoral laws were not taken up prior to the 2016 general elections. This was also emphasized by the Supreme Court in the Election Petition No.1 of 2016; earlier recommendations by election observers in relation to legal reforms have never been considered by the Executive and Legislature.

2.3.2.3 Previous UHRC recommendations on Elections

UHRC monitored previous general elections in the country; 2001, 2006 and 2011. Arising out of the monitoring, UHRC made a number of recommendations which have largely remained unimplemented over the years. These included:

1. Parliament should:
   - Review the process of appointing members of the Electoral Commission for greater consensus and acceptance;
   - Ratification of the African Charter on Democracy, Elections and Governance;
   - Urgently enact a law to effectively regulate campaign funding and empower the Electoral Commission to strictly monitor and enforce it; and
   - Fast track the amendment and enactment of electoral laws relating to registration of voters, treatment of candidates, campaigning, polling, counting, transmitting, tallying and announcement of results among others so that the Electoral Commission can do its work in time.

2. Parliament and Ministry of Justice and Constitutional Affairs should undertake necessary electoral reforms in good time in consultation with other stakeholders such as Civil Society Organisations and political parties and organisations.

3. Ministry of Finance, Planning and Economic Development should provide:
   - Funding for political parties as well as full enforcement of the financing regulations established by the Political Parties Organisation Act (2005) in order to address the recent trends of monetisation of elections.
   - Sufficient funds to UHRC and the Electoral Commission to effectively carryout civic and voter education.

4. Electoral Commission should:
   - Improve the electoral administration by among other things, ensuring transparency;
   - Review and update the national voters register in good time before the subsequent elections;
   - Avail adequate polling materials during polling day;
Train journalists from all media houses on conflict-sensitive reporting so that they can remain responsible even as they operate in the conflict-prone situation of elections.

- Adhere to the electoral legal framework;

5. Electoral Commission and Uganda Police Force should ensure sufficient security by avoiding unnecessary and unlawful interruption of the electoral process.

6. Media practitioners should:
   - Adhere to professionalism and responsible reporting practices; and
   - Facilitate freedom of speech and equal access to the media, especially the state media, by all political parties;

7. Political Parties/candidates should cooperate with and work closely with the Electoral Commission, police and other law enforcement agencies during the electoral process to ensure peaceful campaign meetings/rallies.

8. Ugandan citizens must fulfil their duties and responsibilities relating to elections including participating in all electoral processes like registration, nominations, campaigns, voting and maintaining peace.

9. Ministry of Internal Affairs and Ministry of Defence should strengthen the capacity of security agencies through among others, training to enable them effectively enforce the law.

It is against this background that the country conducted the 2016 general elections. It was evident that many human rights issues that had been flagged in previous election cycles by UHRC and other local and international observers were still pertinent and would certainly affect the electoral process. Some recommendations had been looked into and processes started to address them. Most recommendations however, were not effectively implemented so the issues they were meant to be address continued to surface in the electoral cycle of the 2016 general elections.
CHAPTER THREE
Preparedness for the 2016 General Elections

3.1 Introduction

Elections are generally a means through which people enjoy their human rights and freedoms, particularly by exercising their right to vote and to stand for elections. In this regard, whatever was done in preparation for the 2016 general elections was expected to be facilitating the realisation of human rights. However, the concerns that emerged in the preparations for the general elections inevitably impacted negatively on the realisation of human rights and freedoms.

Human rights standards require that all relevant authorities take the necessary steps to ensure that citizens are able to vote without discrimination or unreasonable restrictions. The standards also provide that all restrictions must be legitimate, legal and necessary to facilitate rather than hinder the enjoyment of the right to vote.

In accordance with the constitutional requirement of the EC to organise elections in the last term of the sitting president, the general elections, the third under the multiparty system, were scheduled for February 2016. Preparations for the elections kicked off in earnest when the EC announced the election road map in April 2015. Some processes however, had been on-going right from the last general elections held from 18th February 2011. In addition to the EC, all other stakeholders, both state and non-state made preparations to effectively play their respective roles to either organise, deliver, participate, or adjudicate in the electoral processes. The Chapter discusses the preparedness of the EC, the Parliament, the political parties, the security agencies and UHRC as key players in the general elections of 2006.

3.2 Election administration

UHRC assessed the various processes put in place by the EC to facilitate successful 2016 general elections including pre-election preparations and publishing of electoral areas; EC funding; voter and civic education; and accreditation.

In an effort to ensure that voting processes were easy to follow and did not discourage voter participation, the EC put in place mechanisms and structures for effective election management. These included planning and implementing communication campaigns; introducing new technologies and strategic innovations such as the voter location slips and the Biometric Voter Verification System (BVVS); procuring election materials and enforcing electoral guidelines, among others.

The EC endeavoured to be transparent by developing, publishing and reviewing the election roadmap and putting in place mechanisms to communicate electoral messages with the public, especially providing guidelines and regular updates of the on-going electoral processes. The EC also published the Media Guidelines Pocket Book for use by journalists and media houses during the electoral period. The EC consequently used various media to communicate election messages to stakeholders and the general public, including radio, television, outdoor signage posters, SMS messages and online systems. The EC created an online platform in an attempt to help registered voters to easily check and confirm their registration status. The exercise which took place from 22nd July to 11th August 2015 was used hand-in-hand with the traditional physical display of the voter register. The online register was on the website address www.ec.or.ug/register.7

7E. Ssekika, “Voters to check their registration on internet,” The Observer, 10th August 2015, 2.
Other election administration processes initiated by the EC included procurement and delivery of voter materials such as the voter location slips, biometric verification machines, ballot papers and ballot boxes, civic and voter education equipment and tools and drawing up and monitoring guidelines for political parties and candidates during election campaigns. The EC published Guidelines for Candidates Campaigning Meetings for General Elections, 2016 (EC Guidelines) to ensure smooth and coordinated electoral activities by all political players. The EC guidelines among others provided for the date of 9th November 2015 for commencement of presidential campaigns; prohibition of candidates and their agents from making statements threatening war or which are defamatory, insulting or inciting hatred and holding campaign rallies beyond 6:00pm. The guidelines also prohibited them from using symbols or colours with tribal or religious affiliations.8 The EC also drew and published guidelines for the election observers.

3.2.1 Electoral areas

The general elections of 2016 were held within the context of stipulated electoral areas as indicated in the Table 3.1 below, based on the official statistics published by the EC in 2016.

Table 3.1  Statistics on electoral areas

<table>
<thead>
<tr>
<th>No.</th>
<th>Electoral areas</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Districts</td>
<td>112</td>
</tr>
<tr>
<td>2.</td>
<td>Counties</td>
<td>249</td>
</tr>
<tr>
<td>3.</td>
<td>Constituencies</td>
<td>290</td>
</tr>
<tr>
<td>4.</td>
<td>Sub-counties</td>
<td>1,403</td>
</tr>
<tr>
<td>5.</td>
<td>Parishes</td>
<td>7,431</td>
</tr>
<tr>
<td>6.</td>
<td>Villages</td>
<td>57,843</td>
</tr>
<tr>
<td>7.</td>
<td>Polling stations</td>
<td>28,010</td>
</tr>
</tbody>
</table>

3.2.2 Constituency demarcation

Article 25 of the ICCPR provides for among others the right of every citizen to vote and to be elected. The principle of one-person-one-vote is fundamental under this provision and is a requirement in complying with the convention. General Comment No. 25 (57) on Article 25 of the ICCPR states that “the vote of one elector should be equal to that of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group...” In the run-up to the 2016 elections, Parliament increased the number of counties from 168 to 245 with effect from July 2015 amid controversy and as a result, the EC increased the number of constituencies from 238 to 290. This was in accordance with the constitutional requirement that “no constituency shall fall within more than one county”.

The Minister of Local Government who moved the motion in August 2015 proposing an amendment to increase the number of the earlier proposed new counties from 39 to 43 said government was responding to petitions and requests from various constituencies. He said the additional counties were created for effective representation, streamlining administration, internal emancipation and reduction of marginalisation. On the other hand, the move was opposed by some MPs, mainly from the Opposition, who accused the government of gerrymandering. They charged that some of the created counties were too sparsely populated to qualify ahead of other more viable ones that had been proposed but dropped. The Constitution requires that the number of inhabitants in a constituency is as nearly as possible, equal to the population quota. Article 63 (7) defines the population quota as “the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is to be divided under this article”. A member of the Parliamentary Committee on Local Government which considered the proposals even authored a minority report describing the government move as illegal.

3.2.3 Challenges in election administration

a) Perceived lack of transparency in procurement of election materials

The UHRC noted reports of suspicion especially by opposition parties and other stakeholders with the initial procurement and delivery of ballot materials by the EC. This was the case when the EC received the first consignment of ballot papers from South Africa on 28th January 2016 and the printing of extra ballot papers.

Another incident involved the EC procurement process for the results transmission kits which was questioned by donors before they withdrew their support to it citing suspicion and lack of transparency. The EC procured the kits from another service provider saying the contract of the original awardees had been cancelled because they did not follow the agreed procedures.

The UHRC noted that the EC subsequently made efforts to promote transparency in the process of procuring election materials by ensuring that the media and accredited election observers monitored their movement and storage. UHRC in its meetings with the EC and public statements underscored the need for the EC to maintain transparency about the movement and storage of election materials.

Other concerns were the delays in the procurement processes for electoral materials by the EC, especially the ballot papers and BVVS machines.

b) Lack of fairness in constituency demarcation

Concerns were expressed on population discrepancies in constituency demarcation. This arose over the motive of creating more constituencies out of those that already had the population quota (stipulated average number of people in a constituency). For instance, the Ik County in Kaabong District, which was formerly Kamion sub-county with 2051voters was elevated into a county and therefore became a constituency with the least population. This negated the principle of the equality of the vote as well as the “population quota” as stipulated in the Constitution of Uganda given that some heavily populated constituencies like Nakawa Division in Kampala with over 207,855 voters had not been demarcated. The concern was that given the stipulated population quota, if one candidate needed only 2051 votes to be an MP in Parliament and another needed 200,000 then the weight of the vote could not be the same. Therefore, one vote of someone in Ik County, for example, could not be perceived to be equal to the vote of a constituent in Nakawa Division.

3.3 EC funding for 2016 general elections

UHRC noted that the EC submitted its budget requirements to efficiently hold the 2016 general elections to government totalling to UGX 476,579,774,000. The EC however was allocated a total of UGX 366,794,014,985, which included a supplementary budget of UGX 47,155,974,000; leaving a shortfall of UGX 109,785,759,015.

3.3.1 Challenges in funding for the EC 2016 general elections

UHRC therefore observed that the inadequate budget allocated to the EC affected its ability to recruit adequate human resource and acquire adequate polling materials and equipment for the successful implementation of the various stages of the electoral process. UHRC also noted that inadequate resources also affected effectiveness of the EC’s election-related activities such as voter education.

3.4 Voter and Civic education

Voter education which squarely falls under the mandate of the EC is intended to disseminate information on how to vote. Voter education empowers the voter with information on where and when the voting will take place, what is required of the voter to become an eligible voter and how to cast the ballot among other guidelines.
The EC therefore carried out substantial voter education using outdoor banners, posters, flyers, SMS (phone text messages), newspaper announcements, Television infomercials, radio spot messages, talk shows on radio and television, social media platforms including its website. Efforts of the EC were complimented by election related campaigns carried out on radio and televisions by accredited civil society organisations such as CEDDU.

On the other hand, UHRC is constitutionally mandated to provide a continuous programme of civic education to the citizens. Civic education programmes provide citizens with information on why they should vote. Civic education awareness programmes empower a citizen to actively participate in the affairs of government, individually or through his or her representatives. Subsequently, UHRC carried out civic education under its Early Warning and Early Response (EW&ER) Project by focusing all its routine civic education efforts on contributing to a successful electoral process.

Additionally, UHRC carried out civic education through road shows, the election song, radio messages, radio talk shows and community meetings (baraza), sensitising partner institutions, the youth and the general public, on human rights and elections.

The UHRC, for instance, implemented civic education programmes with a wide range of stakeholders especially the police through regular training programmes. In preparation for the 2016 general elections, the Legal and Human Rights Directorate of the Uganda Police Force (UPF) held two-day training for 300 police commanders to equip them with skills in observing human rights and electoral laws.9

3.4.1 Challenges in voter and civic education

The UHRC informed the EC that mixed messages on who was eligible to vote were causing confusion among the voters. UHRC also raised other concerns with the EC including the fact that the voter display exercise, being a one-off event in the five-year electoral cycle period, was considered inadequate by the voters; mix-up of the voter display exercise with the National Identity Cards registration process by a number of voters; alleged registration of refugees for national ID; voter apathy leading to low turn up of voters to verify the voter register and allegations of the presence of non-Ugandans on the voter register, especially at the porous border stations.

UHRC also noted concerns raised by various stakeholders that voter education efforts by the EC and its partners were not adequate. A report by the Citizen’s Election Observers Network, Uganda (CEON-U) asserted that two months to polling day, a number of people did not have information on their polling station, the polling day and applicable legal framework.10

Another concern was delivery of inadequate voter and civic education which was raised by participants during UHRC security human rights training sessions in Mbale and Moroto on 14th and 15th December 2015, alleging that accredited CSOs did not carry out all the programmes as agreed with the EC. It was reported that the CSOs accredited to provide voter education appeared only once and did not cover significant areas or numbers of people in the districts.

Inadequate preparations for the electoral process by the EC also resulted into disagreements between them and Citizen’s Coalition for Electoral Democracy in Uganda (CCEDU) on the voter education messages; a CSO which had been accredited to compliment the EC in carrying out sensitisation of the public. The EC asked CCEDU to discontinue the ‘Topowa’ voter and civic education campaign alleging fears that the messages were misleading.11

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9 A. Bagala, ‘300 police Chiefs trained in elections and human rights,’ Daily Monitor, 10th December 2015, 5.
Other challenges noted included the inadequate funding to the EC that limited the delivery of adequate voter education and inadequate funds to UHRC to enable it carry out continuous civic education programmes to empower the citizens. Inadequate funding for voter and civic education was manifested in the high incidence of voter apathy during party primaries and the various local council elections. Another glaring effect of inadequate voter and civic education was the high number of invalid votes registered during the counting and tallying of polls. A case in point was the presidential and parliamentary elections in which the EC reported 477,319 invalid votes. The invalid votes accounted for 4.62% of the total votes cast.

3.5 Accreditation by the EC

In order to supplement its efforts in offering voter education to the citizens, the EC accredited CSOs and specifically CCEDU which carried out the “Topowa” campaign using various media. The EC accredited a total of forty six (46) Non-governmental and Civil Society Organisations (CSOs) in accordance with the provisions of the Electoral Commission Act.

The EC also carried out an accreditation exercise for both local and international election observers in order to promote transparency of the election processes. Accreditation by the EC also included the media, both local and international. A total of 3,363 observers including 220 from UHRC were accredited by the EC.

The EC organised a briefing meeting for both local and international election observers which was held on 15th February 2016 at Hotel Africana, Kampala. IEC materials including EC guidelines for various election key players such as the media and observers; information on polling stations; telephone contacts for key police and EC personnel in the various region across the country, were handed out.

3.5.1 Challenges in the EC Accreditation process

The process of accrediting election observers started late into the electoral cycle causing overcrowding at the Accreditation centre at the Ministry of Foreign Affairs.

The EC was not able to adequately monitor civic and voter education programmes of its accredited partners. As a result, some campaign messages were deemed controversial, leading to their suspension by the EC. This inevitably caused interruption in the delivery of civic and voter education to citizens by CSOs such as the Topowa campaign by CCEDU, which was viewed to have breached the EC accreditation guidelines.

3.6 The EC elections roadmap

Uganda held its third general election for presidential and parliamentary positions under the multiparty system on Thursday 18th February 2016. Other elections for local government and special interest groups under the same system were subsequently held through February until May 2016. However, elections for the newly created districts were scheduled for August 2016.

In preparation for the general elections, the EC issued a road map in April 2015, which it reviewed regularly to address the various unforeseen developments in the electoral cycle. The key areas of the electoral roadmap included the display of the national voter register; nomination of Presidential, Parliamentary and Local Government candidates; campaigns of presidential, parliamentary and Local Government candidates; and polling for Presidential and General Parliamentary and Local Government Elections.12

The UHRC noted that the EC roadmap adequately provided for the participation of vulnerable persons under elections for special interest groups that included the youth, Persons with Disabilities, Older Persons and Workers.

Table 3.2: The Electoral Commission Roadmap to the 2016 general elections

<table>
<thead>
<tr>
<th>S/no</th>
<th>Activity</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General update of the National Register in each parish</td>
<td>April 7 – 30, 2015</td>
</tr>
<tr>
<td>2</td>
<td>Cut-off of update of the National Register: Compilation of youth, PEDs and older persons register</td>
<td>April 30, 2015</td>
</tr>
<tr>
<td>3</td>
<td>Display of the National register at respective polling stations</td>
<td>June 2 – 22, 2015</td>
</tr>
<tr>
<td>4</td>
<td>Nomination of candidates for village youth, PWDs and older persons’ elections</td>
<td>June 5 – 16, 2015</td>
</tr>
<tr>
<td>5</td>
<td>Nomination of candidates for Presidential elections</td>
<td>October 5 – 6, 2015</td>
</tr>
<tr>
<td>6</td>
<td>Nomination of candidates for Parliamentary elections</td>
<td>November 9 – 10, 2015</td>
</tr>
<tr>
<td>8</td>
<td>Campaigns for general elections</td>
<td>October 12, 2015 – February 15, 2016</td>
</tr>
<tr>
<td>9</td>
<td>Polling period for general elections</td>
<td>February 12, 2016 – March 12, 2016</td>
</tr>
</tbody>
</table>

Source: Electoral Commission 2015

3.6.1 Challenges in implementing the EC Roadmap

The UHRC noted that whereas the EC had put in place an electoral roadmap, elections for presidential and parliamentary positions in some polling stations in Kampala and for Youth Member of Parliament for Central Region spilled into the following day, while others such as those for Youth Member of Parliament for Eastern Region and UPDF representatives in Parliament were subjected to postponements due to various reasons and did not therefore follow the EC roadmap. The elections for the Eastern Region Youth MP were postponed after one of the aspirants Isma Mafabi filed a suit in the Civil Division of the High Court in Kampala accusing the EC of disenfranchising him by striking his name off the voters’ register. The Court issued an injunction ordering a stay of the elections pending the resolution of the case. In addition, elections for UPDF representatives were postponed following a request by the Commander in Chief.

UHRC further noted that the EC’s initial election roadmap published in April 2015 and the subsequent revised roadmaps published by the EC did not provide for the election of Workers’ Members of Parliament due to absence of a legal framework for the positions at the time.

3.7 Preparations for policing elections

Security is paramount in ensuring free, fair and genuine elections. In this regard, the UPF is a critical institution during the electoral process given its mandate to keep law and order and fight crime. It was imperative that in addition to the EC, the political actors, CSOs and the voters, UPF had to be adequately prepared to take on the enormous task of securing the electoral processes for the people to enjoy their full rights. The section highlights the actions noted by UHRC which UPF took to ensure adequacy of funding and personnel; effectiveness of their operational strategies; and readiness of the commanders in order to ensure security during the elections. Some of the actions were highlighted by a HURINET report titled Security agencies and the electoral process in Uganda: A preliminary report for the 2015/2016 General Elections published in December 2015.

a) Funding

In June 2014, the Ministry of Finance, Planning and Economic Development announced the allocation of UGX 80bn to the UPF for recruitment and UGX 74bn to the Ministry of Internal Affairs for the
implementation of the National Security Information Systems Project (National ID) in preparation for the 2016 general elections.

In April 2015 UPF sought from Parliament a UGX 204b allocation for policing the polls, a request that was rejected. The police delegation led by the then Internal Affairs Minister, Gen. Aronda Nyakairima (RIP) tabled the request before the Defence and Internal Affairs Parliamentary Committee. The delegation said the funds would enable police start preparations for the elections. However, the UGX 204b was more than half the total budget for the EC for the financial year 2015/2016 and the EC that is mandated to organise elections already had a budget of UGX 376b which also included a budgetline for policing elections. Nevertheless, the funding that UPF received in FY 2015/16 was an increase from the previous FY. The UPF was able to secure additional funding for classified information and intelligence activities which was necessary for them to police an electoral period that was perceived by the people and the politicians to have the highest stakes compared to previous ones.

b) Additional personnel and equipment

The UPF was able to recruit more personnel and train them to equip them with the knowledge and skills for effective election policing including the more than 800 cadets and constables that beefed-up security during elections. In addition, the UPF procured substantial policing equipment ranging from motorcycles, vehicles, bicycles, communication gadgets and anti-riot equipment. The HURINET report indicated that each policing region was provided with “a minimum of 5 vehicles, 30 motorcycles, 20 bicycles and 5 radio calls with hope that these would adequately enable officers respond to any situation promptly”. It was noted that regions/districts considered to be hotspots were allocated more equipment.

c) Police zoning of the country

The UPF pledged and indeed increased visible police deployment throughout the country to reassure the people in Uganda and worldwide that Uganda was at peace and the situation under control. The UPF zoned the country into 34 operational areas for easy coordination of security during the 2016 general elections. The zones were determined based on what the police perceived as threats to security, the population in these areas, and the political activity that was happening there. Senior police officers were deployed country-wide to be in charge of the zones during the polling period. The UPF also announced a toll-free telephone hotline number 0800 100 912 for reporting electoral offences, in addition to 0718 441 081 and 0717 683 848. The IGP assured the country that police would be at each of the 28,010 polling stations on election day and would step up foot and motorised patrols. He further announced stand-by rapid response teams at all levels from the sub-county to the district and the region.

d) Cooperation with other security agencies

The UPF is obliged to fulfil its functions during the electoral period in close cooperation with other security agencies. The Constitution enjoins the UPF to cooperate with civilian authority and other security organs in performing its functions. In respect to elections, and in consideration of how big the critical task of policing elections was, the UPF established a joint operations command comprising the UPDF and the Uganda Prisons Service. Nonetheless, the UPF remained the lead agency as is required by law.

3.7.1 Challenges in preparations for policing elections

a) Inadequate manpower

The UPF did not have enough police personnel to effectively meet on its own all the security needs during elections. Due to financial constraints, it was not possible to recruit all the personnel required, for instance, to man the 28,010 polling stations countrywide and at the same time continue carrying out their routine functions. The UPF therefore had to invoke the relevant constitutional provision to call on other security agencies like the Uganda Prisons Service to provide personnel many of whom were deployed on polling days as polling constables.
b) **Inadequate training**

Despite the efforts to train police personnel in preparation for the elections, the training was inadequate. The UPF and the EC were unable to train adequately all the personnel that were to be deployed on election duty. The training programmes did not extensively cover the role of security agencies in protection and promotion of human rights during electoral processes to equip them to apply the human rights based approach to policing elections.

c) **Inadequate equipment**

The UPF was able to boost their fleet, increase their software and hardware logistics to prepare for the elections. However, there were concerns that the force was amassing mostly anti-riot hardware but was short on protective gear for its personnel who were more likely to get caught up in the anticipated confrontation with rioters. This was raised in a HURINET (U) report published in December 2015, titled *Security agencies and the electoral process in Uganda: A preliminary report for the 2015/2016 General Elections*, which observed that “most of the equipment procured are those meant to quell public demonstrations and less attention has been given to procuring protective gears for the police. As a result, a number of police personnel are injured while policing assemblies particularly riots”.

d) **Reliance on crime preventers**

There were concerns that in the face of manpower shortage the, UPF was heavily relying on crime preventers whose competence and status as police personnel was highly questionable. This controversy was further fuelled by the repeated denouncing of crime preventers by police whenever they faltered; even though there were no visible efforts by the UPF to arrest them and bring them to book. Stick-wielding men in civilian attire characterised many of the confrontations that police had with politicians and their supporters during party primaries before the first round of general elections. There was concern that the situation, if not well managed, could degenerate as the country moved closer to the polling days and the post-election period that was bound to have contestation of poll results at every level.

e) **Expressed public mistrust and suspicion of the police**

The UPF was accused a number of times by politicians, their supporters and the public of being partisan and partial in their work; and being sucked into political contests. The conduct and actions of some individual officers in some instances lent credence to this perception especially when they were not called to order or when disciplinary action was taken but was never made public to help build the confidence of the people in UPF. (Refer to Chapter 4 on the specific incidents). This perception, to an extent, had a negative impact on the credibility of the police.

### 3.8 Electoral reforms

The right to take part in government directly or through a nominated representative is a universal principle provided for by international and regional instruments as well as the Constitution and other electoral laws in Uganda. The enjoyment of this right requires that an enabling legal framework is put in place to regulate the electoral processes.

The UHRC noted that such a legal and administrative framework should ideally entail timely enacting and effective enforcement of laws and regulations that guarantee a free and fair electoral process; appointment of an impartial and transparent election body and the presence of effective mechanisms for election management.

The release of an electoral roadmap for the 2016 general elections by the EC in April 2015, before government presenting to Parliament the proposed electoral amendments intended to reform the country’s electoral laws raised concerns on its commitment to ensuring a smooth electoral process.
UHRC just like many other stakeholders including CSOs and observers called for electoral reforms and their timeliness during the period preceding the 2016 general elections, in the hope that such reforms would enhance the citizens’ enjoyment of the right to participate in government.

a) The Constitution (Amendment) Bill of 2015

The Constitution has so far been subjected to three amendments since its promulgation in 1995. Review of the Constitution is expected to be responsive to the current needs of the day and the changing aspirations of citizens. The first constitutional amendment in 2005 followed a referendum which brought about political pluralism, while the second amendment brought changes in presidential term limits and introduced the position of the Leader of Opposition in Parliament. The third constitutional amendment commenced in 2014 with a process led by the Ministry of Justice and Constitutional Affairs calling on the general public to make proposals for the amendment.

The proposals included changing the name of the electoral body from the EC to the Independent Electoral Commission (IEC); prescribing the procedure for removal of members of the electoral body and introduction of the requirement of at least 1,000 signatures of registered voters in a constituency for an independent candidate to contest in an election.

There were also constitutional proposals advocated for by a consortium of CSOs, opposition political parties, religious organisations as well as other stakeholders under the auspices of the Uganda Citizens’ Compact on Free and Fair Elections code named the ‘COMPACT,’ which sought to make changes in the electoral laws and administrative framework before the 2016 general elections. The COMPACT among other proposals called for a new transparent electoral body; compilation of a new voter register; reduction of the size of parliament; repealing of the Public Order Management Act (POMA), 2013 and amendment of the Police (Amendment) Act (2006) to guarantee freedoms to organize and assemble; a bi-partisan media and continuous civic education funded by government.

b) Passing of other electoral laws

UHRC further noted that Parliament passed other electoral laws for the youth, elderly and PWDs. These other laws passed included National Women’s Council (Amendment) Act, 2015; the National Youth Council (Amendment) Act, 2015; the National Council for Disability (Amendment), Act 2015 and the National Council for Older Persons (Amendment) Act, 2015. The Acts replaced election by secret ballot at the village, parish or ward, sub-county, division or town council level with lining up behind candidates, their representatives, portraits or symbols.

3.8.1 Challenges in implementing electoral reforms

The UHRC noted that the electoral reform processes over the years show a consistent trend of late presentations of proposed legislations to Parliament, limited public participation in the debates and commencement of the legislative debate just a few months to the elections. This was the case for the electoral reforms ahead of the 2006, 2011 and 2016 general elections.

UHRC noted that such last minute processes have often left out many proposals from various stakeholders. The 2016 general elections legal reforms for instance did not adequately prescribe for the independence of the electoral body in terms of credibility and transparency in the processes of appointment and removal of members of the EC.

UHRC further noted that electoral reforms proposed under the COMPACT by CSOs and opposition parties were not considered by Parliament.

13M. Karugaba and Mulondo, ‘House passes laws for PWDs, youth, elderly,’ New vision, Friday, 21st August, 2015.
3.9 Political parties

UHRC found that whereas there were 29 registered political parties in Uganda, it was able to visit only 6 of them mainly because it was not possible to get physical addresses for most of them, while the Democratic Party (DP) cancelled the appointment with UHRC.

UHRC realized the need to engage political parties early in the electoral cycle in order to assess to what extent their internal mechanisms facilitated the right of their members to participate in government either directly or through a nominated representative and the challenges they were facing. During the visits to the six political parties, UHRC made an assessment of mechanisms such as the provisions for registration of party members; availability of a party constitution and reviews, if any; the political and administrative structures in place; presence of a party roadmap for the forthcoming elections; existence of an electoral commission for the party and guidelines for internal elections; declaration of assets and liabilities to the EC as well as funding for party electoral activities.

UHRC subsequently monitored the preparedness of six political parties namely the Conservative Party (CP); Justice Forum (JEEMA); Forum for Democratic Change (FDC); People’s Progressive Party (PPP); Uganda People’s Congress (UPC) and the National Resistance Movement (NRM).

The UHRC found that the six political parties had put in place the necessary frameworks such as party constitution and structures including holding of delegates conferences. All parties visited also had mechanisms for reviewing their key documents such as party constitutions and conducting internal party elections. All the six parties had mechanisms for registering their members and issued party cards to their members. UHRC found that the NRM party for instance ran a parallel system of registering its members in the ‘Yellow Book’, while at the same time issuing party cards. Another finding was that political parties generated funds through members’ contributions and fundraising drives. All the political parties visited confirmed to UHRC that they were prepared to participate in the 2016 general elections.

3.9.1 Challenges for political party preparedness

Besides informing UHRC that parties got their financing from well-wishers and fundraising drives like the one carried out by the NRM, most of them did not have transparent mechanisms of managing their finances. This was exacerbated by the absence of a specific legislation in Uganda to regulate party financing.

Concerns raised by the six political parties included lack of rules to govern internal elections; interference from overzealous security personnel like the District Internal Security Organisation officers; monetization of elections; low funding and the need for electoral reforms. UHRC subsequently discussed the above concerns with various state agencies, including with the National Security Council.

In addition, UHRC noted that political parties such as UPC, DP, FDC and NRM faced splits in leadership due to internal disagreements over who should lead the parties. Inspite of efforts by NRM to develop a party register ahead of party primaries, there were internal divisions that escalated after the sacking of the former Secretary General Hon Amama Mbabazi. This development caused a setback in NRM’s party preparations and readiness for their primaries.

The UHRC also noted ambiguity in the registration process of NRM party members some of whom had only registered in the ‘Yellow Book’ and did not see the need to secure a party card. The lack of clarity created confusion for some polling officials in determining eligibility of voters during the NRM primary elections, which in some instances resulted into the disenfranchisement of some voters.
3.10  Participation of civil society

Civil Society Organisations (CSOs) like in previous elections, made preparations to actively participate in the electoral processes for the February 2016 General Elections. The CSOs carried out a number of trainings in the course of the electoral process. The trainings involved a number of aspects including pre-election Training of Trainers (ToT), refresher trainings on election observation, reporting and data entry. Preparations also involved application for accreditation of election observers. CSO observers in the central region and surrounding areas were accredited by officials from the EC Headquarters through, Ministry of Foreign Affairs (MoFA). While, upcountry observers were accredited by District based EC officials across the country.

Civil Society also deployed observers countrywide to observe the different electoral processes. This was done through Memorandums of Understanding (MoUs) and voluntary service contracts. Civil society preparations also embraced the use of ICT. Essential ICT and office hardware, software, and supplies were either procured or leased to cater for the information and data centres. Furthermore, Civil Society engaged with the media through press releases, press conferences, Twitter, Facebook, Whatsapp and interactive Websites to raise awareness on electoral processes and findings. Others made preparations to undertake specialised studies in selected areas relating to the integrity of the electoral processes.

CSOs formed coalitions for effective implementation of civic education and election observation missions. A number of organisations came together to exploit their synergies and do a more effective job that they would have done individually. Cases in point were the Civic Education Coalition in Uganda (CECU) of CSOs that produced civic education reference materials and manuals; the Citizens Coalition for Electoral Democracy (CCEDU) of over 600 CSOs and over 8000 individuals who advocated for electoral democracy in Uganda by promoting integrity, transparency and active citizen participation in Uganda's electoral process. They were actively engaged in civic and voter education. The Citizens Election Observers Network Coalition Uganda CEON-U which was a consortium of 18 CSOs conducted a unified and comprehensive election observation mission for the 2016 general elections.

CSOs equally, had prepared to actively participate and positively contribute to ensuring peaceful, free and fair elections. Particularly, Civil Society complemented the EC efforts to provide voter education through election-related communication campaigns in the media, specifically radio and television. Equally worth noting, was their contribution towards enhancing transparency of electoral processes through: deploying several electoral observers countrywide and initiatives in the form of situation rooms and command centres.

Platforms such as these were used by CSOs to position themselves to monitor various human rights issues including: gender and women participation; media freedoms; and respect for human rights by security agencies in the execution of their mandates. Civil Society also monitored the receipt and resolution of election-related complaints.

Civil Society engaged in advocacy in the post-election period, calling for a National Dialogue over several concerns that emerged from the concluded elections.

Other interventions by CSOs such as St John’s Ambulance and the Uganda Red Cross were the humanitarian services offered to citizens who fell victims of election related violence and advocacy in the post-election period by calling for a National Dialogue over several concerns that emerged from the concluded elections.

3.10.1  Challenges for civil society

However, CSOs also faced some challenges including the following:

- The on and off mobile phone network made it difficult to transmit data which led to delays in reporting; and the
- Delayed accreditation by the EC of some CSOs observers affecting their deployment for election observation;
3.11 The UHRC Early Warning and Early Response Project
The UHRC which is the NHRI mandated to protect and promote human rights in Uganda established an early warning mechanism implemented through the Early Warning Early and Response Project (EWERP) aimed at preventing violence during the 2016 general elections. UHRC was conscious of the need for a robust system to prevent and mitigate violence and human rights violations during the electoral processes.

This initiative commenced in April 2015, with support from the Democratic Governance Facility (DGF) to the tune of UGX 741,354,610. It focused on promoting and protecting the rights of all people throughout the electoral processes. This was in recognition of that fact that what happens before, during and after the polls is of utmost importance for the realisation of the right to vote and the right to participate in the affairs of government individually or through representation. Through the early warning mechanism, UHRC was protecting and promoting human rights as a pre-requisite to free and fair elections, which in turn are also a key tenet of democracy.

3.11.1 EWERP Objectives
Specifically the EWERP had the following objectives:

1. To establish an early warning and early response institutional framework
2. To provide human rights and civic education anchored on the 2016 general elections
3. To monitor the human rights situation in the country with a focus on the electoral process
4. To administer complaints arising out of election related processes
5. To observe the 2016 general elections
6. To create human rights awareness amongst newly elected political leaders

The aim of the EWERP was to ensure that stakeholders in the electoral process would be conscious of conducting a peaceful, free and fair election; the country would experience increased respect for human rights before, during and after elections; the 2016 elections would be peaceful, free and fair; and the elected leaders would be knowledgeable about human rights.

Some of the expected outputs were an early warning system facilitated by an operational Situation Room; trained personnel on early warning and election observation; production of election-related IEC materials; having a human rights compliant media ready to champion balanced and responsible reporting; human rights and civic education programmes on early warning and elections conducted; a complaints administration system on matters related to elections; and trained elected leaders on the Human Rights Based Approach (HRBA) to Development.

Through this project, UHRC identified issues of concern and brought them to the attention of the relevant stakeholders in good time so that violence or escalation of conflict could be forestalled. The specific activities that UHRC implemented under the EWERP included:

i. Development of a web based monitoring system
ii. Identification of data collection methods and data collection
iii. Capacity building of monitors
iv. Establishment and Operationalization of the Situation Room
v. Public dialogue with stakeholders in electoral process at National Level
vi. Radio Talk shows, spot messages and supplements in newspapers
vii. Signature election song
viii. Periodic Media briefs and advice to relevant stakeholders by UHRC
ix. Training of UHRC staff on Early Warning and their role in the 2016 general elections.
x. Training of security agencies in human rights and elections
xi. Road Shows using the Civic Education Vans
xii. Review of electoral reform bills tabled before parliament
xiii. Monitoring the registration of voters and the voter’s register
xiv. Monitoring of political party primary elections
xv. Monitoring of election campaigns
xvi. Complaints handling of election related cases
xvii. Monitoring of the General elections

3.11.2 Benchmarking

In preparation for the 2016 general elections UHRC had in 2015 sent a team on a benchmarking study to Kenya following the successful implementation of early warning system in the 2012 general elections by the Kenya National Commission of Human Rights (KNCHR).

The three-member team, headed by the Secretary to the Commission visited the KNCHR, USHAHIDI which monitors all potential areas of conflict and also monitors disease outbreaks, the Independent Electoral and Boundaries Commission (IEBC), the National Cohesion and Integration Commission (NCIC) and the Office of the President of Kenya.

The good practices UHRC learnt from the benchmarking study influenced and informed the establishment and implementation of the EWERP back home. Some of the good practices included monitoring of party primaries; developing a web based monitoring system; mapping hotspots where there could be likely occurrences of electoral violence. Key among the experiences was the early engaging of stakeholders, information sharing and strong coordination at the national level. The team also learnt that the NCIC signed memoranda of understanding (MOUs) with Telephone companies aimed at identifying hate speech.

3.11.3 Establishing the project

Subsequently, the Secretary to the Commission appointed a 7-member Strategic Management Committee (SMC) composed of all UHRC directors, i.e. Complaints, Investigations and Legal Services; Research Education and Documentation; Monitoring and Investigations; Regional Services; and Finance and Administration. The other SMC membership was the Public Affairs office and the Planning unit which was also the Secretariat of the EWERP; and the Systems unit. The Committee provided strategic direction to the project; received reports from the Situation Room and external stakeholders; offered timely advice to UHRC on matters of early warning and early response; and shared the reports on election-related issues with the relevant stakeholders to prompt quick action.

i) The development of an internet-based early warning system

A web based system to enable real time data entry and analysis was developed by a consultant from KNCHR and tailored to the needs of UHRC and the EWERP. UHRC trained 74 staff on how the system operates and its use for reports of election observation. Not only were the staff able to interact with and operate the online system, they were also able to identify and correct errors. UHRC was able to generate reports on monitoring election milestones soon after an activity was implemented.
ii) **Training of Staff on EWERP**

The UHRC members and staff underwent a series of trainings aimed at enhancing their understanding of the relationship between elections and human rights as well as the EWERP; empowering them with knowledge and practical tools and skills on their role in the 2016 general elections; and on election observation.

iii) **The UHRC Situation Room**

The UHRC established a Situation Room (SR) at UHRC Head Office in April 2015 with the appointment of the four staff to man it: A Senior Human Rights Officer who was the team leader; two Human Rights Officers; and a Data Analyst. It was equipped with laptops and desktop computers; a radio and a television set for effective information monitoring, data collection, analysis and dissemination. Each regional office was also equipped with laptops, cameras and voice recorders to ensure timely and effective linkage with the SR.

The SR was set up to receive raw data, analyse it on a daily basis and communicate to the relevant authorities for further management. Consequently, the SR had various sources of information including reports from UHRC Regional Offices, media reports, social media, reports from government officials, development partners and civil society, tips from stakeholders, concerned citizens and strategically placed personal contacts. UHRC endeavoured to verify, document and discuss the information with the relevant authorities.

The SR prepared several flash reports for consideration by the SMC as and when there were critical incidents that needed emergency attention. In the flash reports, the SR made proposals on possible actions to be taken to address the specific issues. The SR also compiled the reports on key electoral activities as detailed in the previous chapters. The SR regularly prepared briefs for the partners.

As a result of the SR reports, UHRC took various actions including calling press conferences and issuing public statements; holding strategic meetings with the concerned actors and authorities; holding meetings with the Electoral Commission, civic education activities like media programmes, barazas, among others.

3.11.4 **Partnership with the Electoral Commission**

The EC being the election management body in Uganda was a key partner in the EWERP. In view of this, UHRC held several meetings with the EC to establish a structured partnership; clarify mandate; harmonise the roadmaps of both institutions; share information; strategise on how to ensure the observance of human rights during the electoral processes and strengthen the partnership for collaboration and engagement throughout the electoral period and for future elections. Focal point persons were appointed in EC and UHRC for easy coordination, communication and liaison. The EC and UHRC signed an MoU to guide the partnership.
CHAPTER FOUR
The Human Rights Situation in the 2016 General Elections

Focus on specific human rights and freedoms in elections

4.1 Introduction

The essentials for free, fair and genuine elections are derived from international and regional standards. Article 21 of UDHR provides that everyone has the right to take part in the government of his or her country directly or through freely chosen representatives. Article 1 of the ICCPR and CESCR provide for the right to free self-determination and as such, international standards require political participation to be free in order to allow citizens to determine their political system. The international standards are spelt out in Articles 21 (3) and 25 of the UDHR to the effect that an election should be; free, fair, genuine, periodic, by universal suffrage, by secret ballot and must express the will of the people.

Free elections require ensuring that the environment facilitates the full expression of the will of the people, candidates and political parties without unreasonable restrictions. Free elections imply absence of intimidation, coercion, violence or any obstacle that may prevent people from participating and expressing their political opinion or choice without retribution. In a free election, there should be no disruption or frustration of political meetings, rallies, campaigns or gathering of any political party or candidate. The environment should favour free distribution of campaign posters, leaflets, manifestos and any other information to the citizens. The citizens also have the right to assemble and to freely attend political rallies, freedom of opinion, freedom of expression and freedom of movement.14

Fair elections should be free from any forms of discrimination; such as political opinion or affiliation, ensuring equitable access to information, media both state and private without unreasonable limitations.15 Ensuring fairness in elections requires implementation of appropriate legal administrative framework and effective management of elections. An election is genuine if it is conducted in accordance with the laws, following laid procedures and through a process that facilitates free will of the people. It is important to hold periodic elections to enable citizens to take part in their Government by regularly choosing leaders or representatives as required in a democratic society. The election management body (EC) is mandated to hold regular, free and fair elections and must do so in a manner that is transparent, professional, effective efficiency and independent.

Equal and universal suffrage demands that elections must be non-discriminatory, equal and universal where each vote must carry the same value or weight.16 Voting should be one person one vote and the procedure must be friendly as to encourage voter participation by every eligible adult citizen. The standards further require secrecy of the ballot to be guaranteed to ensure that it is not possible to see or identify who one votes for. No one should be compelled to disclose who he or she voted for and there should be no intimidation, bribery or undue influence at the polling station. The will of the people is expressed through their real choice.

The right to take part in the conduct of public affairs particularly through elections, requires the enjoyment of a number of other human rights and freedoms as indicated above. Under these rights and freedom, human rights standards require that political leaders have rights to freely compete for support and votes; citizens and candidates enjoy the right to seek, receive and impart information and can obtain information about the electoral process, their electoral rights and electoral contestants and their policy platforms. The human rights standards also provide for enjoyment of electoral rights without discrimination; equality before the law; equal protection of the law and self-determination of the citizens.17 The standards further guarantee the right of individuals or political parties to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.18

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14As above 5, Article 29 (1) (d) of the 1995 Constitution and Section 9(2) of the Public Order Management Act.
15As above, Article 21(2) of the 1995 Constitution.
16Democracyweb.org/node/23
17Article 19 of the Universal Declaration of Human Rights, General Comment No 25 of the International Covenant on Civil and Political Rights, para. 8.
18As above.
Based on the human rights obligations that the state assumed when it signed and ratified international and regional human rights instruments as well as domesticated them, UHRC monitored the electoral processes to establish the level of compliance. In this section UHRC discusses its observations regarding some specific human rights that have a direct relationship with elections. Apart from the state of a particular right during the electoral period, the challenges and the issues of concern are also highlighted.

4.2 The right to equality and non-discrimination
The right to equality and non-discrimination requires equal protection of the law and the state to enact laws prohibiting discrimination. The human rights standards also require the state to protect people from discrimination on grounds of race, colour, sex, language, religion, political opinion or other national, social, origin, birth or other status. The International and Regional instruments guarantee equal rights of men and women to the enjoyment of all civil and political rights. The state has the duty to prevent discrimination and any positive measures that are discriminatory are permissible if they are remedial or compensatory in nature. In relation to elections, the right to non-discrimination demands that all persons must be granted equal opportunity including equal access to the electoral events in order to ensure fairness.

The right to equality and non-discrimination is cross-cutting. Its observance was fundamental for every aspect and phase of the electoral process. In this regard, UHRC did not assess the extent to which this right was respected, protected and fulfilled as a stand-alone. In line with its cross-cutting nature, the assessment of this right was mainstreamed in the discussions on the specific rights focused on in this chapter.

4.3 The right to join and form political organisations
The right to join and form political organisations is guaranteed in the human rights standards and it entails the right for people to decide freely on how they want to be governed. The right enables people to enjoy freedom of association which is demonstrated by the right to join a formal or informal group to take collective action. It on the other hand underscores the right not to be compelled to join an association. Human rights standards therefore require that political parties must enjoy fundamental freedoms and rights to hold opinion, freedom of assembly, movement and association without interference. The right to join and form political parties is essential because it allows participation of people in the democratic process.

However, UHRC also noted that human rights standards require that limitations to enjoyment of these rights should be by law and permissible on grounds of national security, public safety, public order, the protection of public health, morals or rights and freedoms of others.

In monitoring the realization of the right to join and form political parties,UHRC examined a number of party electoral processes arising from its visits to six political parties; monitoring of party delegates conferences; party primaries; the question of independent candidates; consultations with the people and political party coalitions.

UHRC noted that the EC had registered a total of 29 political parties in Uganda, which confirmed that the enjoyment of the right to join and form political organizations in Uganda was unhindered. However,UHRC was in July 2015 able to visit only 6 political parties to assess their preparedness for the 2016 elections. UHRC was unable to visit the rest of the registered political parties because it was not possible to get physical addresses for most of them; while the Democratic Party (DP) cancelled the appointment with UHRC.
4.3.1 The situation of political parties

As earlier discussed under chapter 3 of this report, UHRC monitored the preparedness of political parties for the general elections between 18th June 2015 and 21st July 2015. It made visits to six political party offices and held discussions with the various party officials to assess the preparedness of their respective political parties for the forthcoming elections. Accordingly, UHRC made scheduled visits to the Conservative Party (CP); Justice Forum (JEEMA); Forum for Democratic Change (FDC); Uganda People’s Congress (UPC); People’s Progressive Party (PPP) and the National Resistance Movement (NRM). However, the visit to the Democratic Party (DP) headquarters on Johnson Street did not take place because DP cancelled the appointment.

UHRC engagement with political parties was specifically centered on assessing the internal democracy of parties and presence of structures and mechanisms that guarantee member participation in party election activities. It therefore examined parameters such as the existence of a party constitution; party constitution reviews if any; political and administrative structures; roadmap for elections; existence of a party electoral commission and guidelines for internal elections; declaration of party assets and liabilities to the EC; funding of party nominations and security arrangements. UHRC was assured by the political parties visited that they were ready and preparing and positioning themselves to fully participate in the national elections of 2016. Below are some of the salient issues observed by UHRC during the visits to the various political parties:

4.3.1.1 Conservative Party

The UHRC visited the CP headquarters in Nakulabye, Kampala on 18th June 2015 and held discussions with the National Chairman Mr. Simon Kasirye and the Youth Leader Ms. Phiona Aruho. UHRC learnt that CP was established in 1980 and had a party constitution which had never been reviewed. It had an electoral commission to guide internal elections and the party funding was from individual contributions and donors. The party Constitution provided for leaders to be elected in a delegates conference where each district is represented.

4.3.1.2 Justice Forum

On 19th June 2015, UHRC visited the JEEMA party headquarters in Mengo, Kampala and held discussions with the party IT Administrator Mr. Christopher Mwaka. He informed UHRC that the party was established in 1996 and had a constitution which is shared with members and stakeholders through their website. UHRC learnt that the party was in the process of reviewing its constitution and amendments had been proposed for approval by the delegates’ conference. The party official told UHRC that the party roadmap was in the process of being developed and that party guidelines were communicated through public notices and announcements. He said the party was funded from membership contributions.

4.3.1.3 Forum for Democratic Change

UHRC visited the FDC party headquarters in Najjanankumbi, a Kampala suburb, on 23rd June 2015. The Deputy Secretary General Mr. Harold Kaija informed UHRC that the party was established in 2004 and had a party constitution, a copy of which was availed to every party member. UHRC was given copies of the party constitution. It was also established that the party constitution had been reviewed on several occasions and party members were able to submit proposals which would then be reviewed by the legal team in line with their Constitution.

UHRC was also informed that the party was preparing to hold a women’s conference and later a youth conference. It found that FDC had an Independent Electoral Commission in place as well as guidelines on internal elections including the requirement to have 40% women in the party structure. UHRC noted FDC efforts of gender mainstreaming and the principle of equality.

It was further established that the party’s funding was from membership fees, sale of party cards, a few donations and the statutory UGX 1.1 billion from government which is based on the proportion of party representation in Parliament. UHRC was informed that the FDC party had declared its assets to the EC and had a roadmap...
in place which was communicated to members through district and stakeholder meetings. The party expressed its concern over the delayed consideration of the electoral reforms they had proposed for the 2016 general elections.

4.3.1.4 Uganda People’s Congress

UHRC visited the UPC at its party headquarters at Uganda House Kampala on 23rd June 2015. UHRC team met the Acting Chairperson Mr. Patrick Mwondha who said the party was established on 9th March 1960 and had a constitution which was reviewed in 2008 and in 2012 after countrywide consultations. UHRC learnt that the party had administrative structures from village, parish, Sub County, constituency, district and national levels and was in the process of establishing regional offices.

UPC had a roadmap which it had communicated through district conferences that were held at the end of May 2015. The party was planning its delegates conference on 10th July 2015. UHRC was informed that whereas the party did not have rules governing internal elections, it had an electoral commission appointed by the president and approved by the delegates conference. UHRC was informed that the party had received the statutory UGX 314 million from government and also received other funding from membership fees, party registration, calendars, party cards Milton Obote Foundation and rent from its buildings. UPC shared a concern of interference from security personnel especially the District Internal Security Officers (DISOs) and the issue of what was referred to as “bad money” during elections.

4.3.1.5 People’s Progressive Party

On 3rd July 2015, UHRC visited the PPP and met Dr. Dick Odur, a party official. A former Constituent Assembly delegate, Odur told UHRC team that the party was established in 2004 and was set to hold a delegates conference at the end of July, 2015. UHRC was informed that the PPP had a constitution which was reviewed in 2006 through a consultative process and shared with the party members. UHRC was further informed that the party had a roadmap which was shared through the coordinators. Dr. Odur said PPP had guidelines governing internal elections which were derived from the party constitution. Funding was cited as the biggest challenge that the party faced.

4.3.1.6 National Resistance Movement

UHRC visited the NRM party headquarters on Kyadondo Road, Nakasero, on 21st July 2015, where the team met the Deputy Secretary General Hon. Richard Todwong. He informed UHRC that NRM was established in 2000 after the Constitution amendment that brought in multi-party system of government. Hon. Todwong said the party would hold its delegates conference early September and availed the team with copies of the NRM election roadmap and the party constitution. He said the NRM party constitution had been reviewed several times and was available online.

The Deputy Secretary General informed UHRC that the NRM roadmap was developed based on the one for the EC. He said their party guidelines were well communicated to the party members through civic education, using key stakeholders right from the village, parish, Sub County, district, regional up to the national level. UHRC was also informed that the party had structures from village to the national level as well as an electoral commission of 3 members and district returning officers. The party official assured UHRC that the NRM party had adequate resources to run its activities, which it raised from donations from well-wishers and fundraising drives.

4.3.1.7 Observations on preparedness by political parties

From the discussions held with UHRC, it observed that the six political parties visited had exhibited readiness and had positioned themselves to participate fully in the forthcoming elections. UHRC noted that most of the parties visited had put in place the necessary infrastructure and framework for elections. Most were generating funds through member contributions and fundraisings. The parties with members in Parliament were the only ones eligible for the statutory funding from government.
4.3.1.8 Some concerns identified on party preparedness

- Some of the political parties did not have adequate mechanisms to guarantee internal democracy. Example was the UPC party which had no rules to govern internal elections even though it had an electoral commission. UHRC further noted that the Conservative Party which was established in 1980 had never reviewed its constitution.

- Many of the registered political parties did not have physical addresses, making it difficult for those interested to join such organisations.

- UPC alleged concerns of interference from security personnel especially the DISO’s and use of ‘bad money’ during elections.

- Political parties like the PPP complained of experiencing funding challenges.

- FDC expressed concern that electoral reforms had not been put in place.

4.3.2 Party delegates conferences

In an effort to assess the extent to which internal party mechanisms facilitated the rights and freedoms of party members, UHRC monitored the national delegates conferences of the Forum for Democratic Change (FDC) and the National Resistance Movement (NRM). The FDC held their Delegates Conference on 2nd September 2015 at Namboole National Stadium in Kampala while the NRM held theirs between 30th October and 2nd November 2015, still at the Namboole National Stadium in Kampala.

4.3.2.1 Forum for Democratic Change delegates conference

The UHRC observed the FDC delegates conference at Namboole National Stadium, Kampala at which the party Electoral Commission chairperson, Mr. Dan Mugarura presided over the party electoral activities.

The 18 FDC party executive positions were declared vacant by the party Electoral Commission which managed the subsequent election processes such as the nominations, campaigns, casting the vote and declaration of results. The party Election Commission read out the election guidelines to all the delegates present.

All the contenders for the different posts were nominated after meeting all the requirements and were issued with nomination certificates and were given some time to campaign and canvass for support from the delegates, save for the two un opposed.

The voting exercise was by secret ballot and with voters going through thorough scrutiny and verification, using party the register, before being allowed to vote. UHRC noted that all the candidates were represented by their agents at all the respective polling centres. The voting exercise was transparent and successfully ended at around 11:30pm. Counting of votes commenced immediately after closure of polls and the results were announced by the Chairperson FDC EC at around 12:20am, with Rtd. Col. Dr. Kizza Besigye emerging the winner for FDC presidential flag bearer. The loser Rtd. Maj. Gen. Mugisha Muntu conceded defeat and addressed the delegates thereafter.

The UHRC however, noted the practice of ring-fencing some of the party elective positions within the FDC which curtailed the right of other interested participants to contest for those positions.

4.3.2.2 The National Resistance Movement Delegates Conference

UHRC observed the election processes at the delegates conference for the NRM held at Namboole National Stadium on 30th October and 2nd November 2015. The Party Secretary General Ms. Justine Lumumba Kasule announced the conference programme which among others had the election of special interest group leaders and flag bearers; meetings for the Central Executive Committee and National Executive Committee; official
opening of the delegates’ conference; campaigns and voting for Central Executive Committee (CEC) and National Executive Committee (NEC) leaders.

The NRM EC chairperson Dr. Tanga Odoi presided over the electoral activities and read out the election guidelines and all the positions in the executive that were going to be filled. The positions to be filled included that of the National Party Chairperson; the National 1st Vice Chairpersons; the National 2nd Vice Chairpersons and the Vice Chairpersons for Kampala, Central, Western, Eastern and Northern Regions. Other positions announced for filling were the Chairpersons for special interest groups including that for the Women league, Entrepreneurs league, Veterans league, Youth league, Elderly and Persons with Disabilities (PWDs) and as well as their flag bearers.

All the contenders for the different posts were nominated after meeting all the requirements and were issued with nomination certificates and were given some time to campaign and canvass for support from the delegates, save for the unopposed.

The voting exercise which was by secret ballot with the voters going through thorough scrutiny and verification using party the register before being allowed to vote. UHRC noted that all the candidates were represented by their agents at all the respective polling centres. The voting exercise was transparent and went on for two days and ended on 1st November 2015. Invalid votes were also shown to the agents and the voters. Counting of votes commenced immediately after closure of polls and the results were announced by the Chairperson of the NRM electoral commission Dr. Tanga Odoi on 2nd November 2015. The incumbent National Chairperson of the NRM H.E Yoweri Kaguta Museveni was declared the unopposed National Chairperson and presidential flag bearer among 18 other winners.

UHRC noted that the process was transparent and there was live broadcast of the delegates conference by various media houses.

### 4.3.2.3 Concerns identified during the party delegates conferences

UHRC noted that most candidates on the positions of the Regional Chairpersons were compelled by the National Party Chairperson to step down leaving candidates unopposed. Some delegates complained about this appointive system claiming it was not good for democracy. UHRC noted the practice of ring-fencing some of the party elective positions within the NRM which curtailed the right of other interested participants to contest for those positions.

UHRC further noted that some candidates on the youth league who lost did not accept the results claiming that there were some irregularities and they threatened to petition.

In spite of fact that UHRC team was allowed into the venue, it did not achieve the anticipated level of cooperation on grounds that UHRC staff were not accredited by the NRM Electoral Commission to be part of the delegates conference.

Notwithstanding the above, the electoral process was peaceful and calm and majority of the candidates who lost elections for various posts conceded defeat and accepted the results. They also promised to work with the newly elected leaders towards the wellbeing of the NRM.

### 4.3.3 Party primaries

The right to join and form political parties is essential because it allows participation of people in the electoral process. This enables people to enjoy freedom of association which involves the right to join a formal or informal group to take collective action and to hold opinion. Party primary elections therefore fostered the right for citizens to join political organisations and participate in government.
4.3.3.1 NRM party primaries

UHRC noted that the NRM party primaries were one of the party electoral processes implemented to foster the rights to join and form political organisations; hold opinion, and test party internal democracy and mechanisms. UHRC noted that party primaries provided a platform for participation of citizens in party election processes.

The UHRC subsequently monitored party primary elections of the NRM which were held between 27th October and 18th November 2015, in fulfilment of its party constitution which provides for the election of flag bearers for various elective positions at all levels in the party. In addition, the NRM party primaries were part of its road map to prepare for its participation in the 2016 general elections. The NRM party primaries were therefore held for various elective positions, such as Members of Parliament including District Woman Members of Parliament, Local Government Chairpersons and Mayors.

UHRC deployed observers from its country-wide network to a total of 361 polling centres in 51 districts to monitor the NRM party primaries as shown in Table 4.1 below, to assess the observance of human rights in the polling process.

UHRC observers under its Central Regional Office monitored the voting process of the NRM primaries of selected polling stations covering the districts of Buvuma, Butambala, Gomba, Mpigi, Mubende, Mityana, Kiboga, Mukono, Kayunga, Buikwe, Nakaseke, Wakiso, Kampala, Luwero and Nakasongola, while UHRC Moroto Regional Office monitored selected polling centres in Moroto, Napak and Nakapiripirit districts.

The UHRC Fort Portal Regional Office monitored selected polling centres in Kasese, Ntoroko and Kabarole districts and the Arua Regional Office monitored selected polling centres in Nebbi, Arua, Koboko, Yumbe, Moyo and Adjumani districts. Other districts of Gulu, Lira, Agago and Pader were covered by the Gulu Regional Office, while Masaka Regional Office covered selected polling centres in Masaka and Sembabule districts (hot spot) and Jinja, Iganga and Kamuli districts were covered by the Jinja Regional Office.

The UHRC Mbarara Regional Office monitored selected polling centres in Rukungiri, Ibanda, Bushenyi, Isingiro, Mbarara and Kanungu districts; while UHRC Soroti Regional Office team monitored selected polling centres in Bukedea, Mbale, Amuria, Katauki, Kween and Kaberamaido districts and UHRC Hoima Regional Office monitored selected polling centres in Buliisa, Hoima and Masindi districts.

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Observers</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arua</td>
<td>77</td>
<td>21</td>
</tr>
<tr>
<td>Central</td>
<td>75</td>
<td>21</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td>Gulu</td>
<td>41</td>
<td>11</td>
</tr>
<tr>
<td>Hoima</td>
<td>26</td>
<td>7</td>
</tr>
<tr>
<td>Jinja</td>
<td>17</td>
<td>5</td>
</tr>
<tr>
<td>Masaka</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Mbarara</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Moroto</td>
<td>24</td>
<td>7</td>
</tr>
<tr>
<td>Soroti</td>
<td>52</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>361</td>
<td>100</td>
</tr>
</tbody>
</table>
4.3.3.2 UHRC findings during the NRM Primaries
The UHRC noted that the NRM primaries facilitated the right to join and form political parties and to participate in government. UHRC team noted that the voting process in the areas visited was largely free, fair, peaceful and transparent considering the following findings:

\[\text{i) Country-wide coverage of NRM Primaries}\]
The UHRC noted that the NRM Primaries were conducted country-wide which facilitated participation of all interested citizens and fostered their right to join political organisations and participate in government.

\[\text{ii) Presence of candidates’ agents}\]
Counting of votes was done in the open and in the presence of candidate’s agents and voters candidates’ agents at most polling stations were given copies of the declaration forms. Examples were Lusalira polling station Kasambya constituency in Kiboga district.

\[\text{iii) Counting and declaring of results}\]
Counting and announcing/declaring of results was generally transparent and orderly in most stations monitored by UHRC such as at Bamussuta, Kabankanjagala, Muzikiti, Bwizibwera B in Kiboga district.

\[\text{iv) Polling materials}\]
Most of the polling stations received polling materials such as ballot papers, ballot boxes and voter registers.

\[\text{v) Eligibility of voters}\]
UHRC team observed that voter eligibility was in most polling stations determined by use of NRM members’ registers (Yellow Book), while in others both the party register and party cards were used. The polling officials in some instances also allowed voters who presented the NRM membership cards and on identification by local leaders. In other instances, a written register was developed for such persons to facilitate their participation in the voting process.

\[\text{vi) Facilitation of vulnerable persons to vote}\]
The UHRC team observed that most of the vulnerable groups were able to access polling centres. At many of the polling centres, the illiterate, PWDs and older persons were free to choose people to assist them. For instance, at some of the polling centres in Kayunga district, UHRC saw vulnerable persons such as the PWDs and older persons (Special Interest Groups) being exempted from the long queues.

4.3.3.3 Concerns identified during the NRM Primaries
The above positive findings notwithstanding, UHRC noted a number of concerns during the NRM primaries that curtailed the full enjoyment of rights associated with citizen participation in government and the right to vote and be voted. Below are some of the concerns observed by UHRC:

4.3.3.4 Challenges in administration of NRM Primaries
UHRC team observed that the election administration measures in place were inadequate as exhibited by the widespread insufficient polling materials at polling centres on the voting day or their total absence. Whereas the NRM election guidelines provided that polling materials such as ballot papers, ballot boxes, indelible ink, basins, voters registers and declaration forms were expected to be delivered at each polling Centre in time for voting to commence at 8:00am, this was largely not achieved. UHRC noted the following concerns in the election administration process.
i) **Absence of polling materials**

UHRC noted that the standard requirement for the need to secure the vote with the use of seals was not met during the NRM primaries since all polling centres used buckets, or paper boxes in some extreme cases, as ballot boxes.

*The UHRC noted that some polling centres did not receive polling materials such as ballot boxes or basins, buckets or paper boxes, others like Ngetta Ginnery and Comboni Ward polling centres in Lira district did not receive ballot papers for the Woman Member of Parliament candidates. Some centres in Kampala and Wakiso districts did not have strings to demarcate the area and no seats/chairs and tables for agents.*

UHRC further observed that ballot papers for LC 5 chairman of Kiboga district were missing from the election kit envelope and some polling centres such as Nakigo II Polling Station, in Iganga District were not supplied with indelible ink to identify those who had already voted.

ii) **Insufficient polling materials**

UHRC observed that there were cases of delivery of insufficient polling materials which caused delays in commencement of polling and in some extreme cases postponement of polls. Delays in commencement of the voting exercise were observed at Methodox church polling centre, Warwanda polling station in Buvuma Islands, Ngangali village in Iganga District and Kayinja and Kibati polling centres in Mubende district where less ballot papers were delivered. It was also observed that most polling centres in Yumbe district received less ballot papers for the election of Woman Member of Parliament than the number of voters on the register. Shortage of ballot papers at Pakondo polling station in Adjumani district by 10:00am led to the suspension of polling which resumed only after the NRM Secretariat had sent more ballot papers.

Other cases of inadequate ballot boxes, ballot papers and basins led to postponement of elections in Masaka Municipality while the delivery of less ballot papers than the registered number of voters for Yumbe District Woman MP and at Amorongora Polling Station in Katakwi District, where only 85 ballot papers were delivered as opposed to the 211 registered voters resulted in the postponement of elections in those areas.

In other instances, insufficient polling materials in some polling centres at Rukungiri Stadium Polling Station in Rukungiri District and Nkanaga polling station in Mubende district resulted in the use of one bucket as a ballot box for voting for all the four elective positions (Member of Parliament, District Woman MP, LC V and Mayor), hence compromising the principle of secrecy of the vote and integrity of the process. This was also observed in other polling stations in Luwero and Butambala districts.

UHRC further noted insufficient polling materials at Ishongorero Trading Centre Polling Station in Ibanda District, such as basins and tables.

iii) **Frequent postponement of elections**

UHRC noted that the NRM primaries had to be postponed severally owing to non-delivery of voting materials. For instance party primaries for Municipality Mayors and L.C.5 councillors originally scheduled for 25th September 2015, were postponed to 5th October 2015, but finally held on 12th October 2015, while those for L.C.5 Chairpersons and Members of Parliament were postponed from 25th September 2015 to 6th October 2015 and voting finally took place on 27th October 2015.

UHRC observed that even on the new polling dates voting materials were not delivered on time. In some of the polling centres, materials were delivered as late as 11:00am and beyond, as was the case at Buduli zone polling centre in Kamuli District, Nkoma B polling Centre, Mbale District, most polling centres in Kampala and Wakiso districts. Consequently, the voting time was extended to late night in some polling centres.
In Yumbe District, UHRC noted that candidates’ names were missing on the ballot papers which led to postponement of the elections. In Gomba West Constituency elections were cancelled after realizing that a candidate’s name (Araali Muhirwa) had been misspelled on the ballot papers. Misspelling of names on the ballot paper also occurred in Masaka where the name of the Mayoral candidate for Masaka Municipality Kalumba William Ssalongo appeared as Kaluma Edward Ssalongo, while in Hoima District the name of Hon. Kajura Muganwa appeared on the ballot paper as Kajura Aganwa, leading to postponement of the elections in Hoima district.

The UHRC noted that the numerous postponements of the exercise on about six occasions led to voter apathy and ultimately low voter turnout and violence due to widespread suspicion of vote rigging.

iv) Errors on ballot papers

UHRC noted that ballot papers for some polling centres had a number of errors ranging from missing names of candidates; misspelt names; mix up of candidates’ names or electoral area and missing space for ticking. Lack of photographs of candidates on the ballot papers, as was observed at all polling stations, made it difficult for illiterate voters to know where to tick.

UHRC also noted that ballot papers for the Mayoral seat in Rukungiri and Ibanda districts did not have names of candidates, forcing polling officials to improvise by requiring voters to write the names of their preferred candidate on the ballot paper. This posed a challenge for illiterate voters and subsequently disenfranchised many of them. Names of one of the candidates for Woman MP were missing on the ballot paper in some polling stations in Lwemiyaga County, Sembabule District, leading to suspension of voting in some polling stations.

Cases of candidates’ names missing on the ballot paper led to postponement of elections. For instance, this happened in Arua (Ayivu County) where the names of four contesting candidates were missing on the ballot paper and in Mbarara district where the name of Hon. Medard Bitekyerezo was missing on the ballot paper.

Other cases of mix up of names of contestants and their electoral areas on the ballot papers and the inclusion of names of non-contestants was found in the case where Hon. Ronah Ninsiima’s name appeared on the ballot paper for Woman MP, Kabale District, yet she was not contesting, while the names of the actual contestants were missing.

The UHRC also noted some badly printed ballot papers such as the ones in Mwizi Health Centre IV and Ndeija I Cell, Rwampara County, in Mbarara district which had one check/ticking box for two candidates hence confusing the voter.

v) Mix up of electoral areas and wrong deliveries

It was observed that some of the polling materials especially ballot papers were delivered to the wrong electoral area. There was, for example, a mix up when ballot papers of Kibaale District were found in Luwero District while the ones for Moroto were left in Kampala. Ballot papers for two polling stations were also mixed up in one envelope found at Lufula polling station and Bamusuuta polling station in Kiboga District.

Some names of candidates appeared on ballot papers for the wrong electoral areas. For example, Beatrice Byenkya Nyakaisiki who was a candidate for Bugahya County, Hoima District erroneously appeared on the ballot paper for Hoima Municipality, leading to postponement of the exercise.

Another case involving such mix up was observed at Railway polling station in Kasese District, where the candidate who was seeking nomination for Woman MP found her name on both ballot papers for LC V Chairperson and Woman MP at the said polling station. It was further noted that the names that appeared...
on the ballot papers for the two posts slightly differed with the one for LC V bearing the name Masika Kateeba, while the one for Woman MP bore her full names of Masika Kateeba Jolly. The polling officials in consultation with the polling agents agreed to correct the name of the candidate on the LC V ballot paper and proceeded with the polling process.

The photographs above show Masika Kateeba Jolly’s name appearing on both the ballot paper for the Woman MP and LC V Chairperson.

vi) Inadequate Security at polling centres

UHRC noted that whereas the right to participate in the NRM primaries was enhanced by the security personnel present at most polling centres, participation by some people was hampered by instances of heavy deployment of security officers (UPDF) at some polling stations and in surrounding Trading Centres. Examples of cases of heavy deployment of UPDF were noted at Kamulikinzi and Railway Station polling centres in Kasene district, and at Karugutu Trading Centre polling centre along Ntoroko-Bundibugyo Road in Ntoroko District. This was attributed to earlier violence in the areas. However, in Ludara and Panyimur sub counties in Koboko district, the heavy deployment was attributed to the presence of a foreign registered vehicle number CE 852A whose unknown occupants were allegedly looking for one of the aspirants.

The UHRC also found cases of inadequate security deployment at some polling centres in Mbarara, Isingiro, Bushenyi, Ibanda, Mubende, Sembabule, Hoima, Buliisa, Iganga and Kamuli districts, while some polling centres like Nakigo II Polling Station in Iganga District as well as Market Square, Nyufira, Nyarilo, Rendra, Kiakumiri, Olaya, Ilale and Miringa polling centres in Yumbe District did not have any security personnel manning them.

Consequently, UHRC noted that in some polling centres such as Ntangiriza Primary school in Sembabule District, there were skirmishes between rowdy voters and the few security personnel deployed there while in Buzaaya subcounty in Kamuli District supporters of different candidates clashed before they were arrested and detained at Kamuli CPS. There were a few cases of violence in Buliisa District which led to several arrests.

4.3.3.5 Challenges in the voting process

The UHRC team monitored the process of voting in selected polling centres under its various regional offices. Although the process was generally free, fair and transparent, there were some challenges involving cases of voter disenfranchisement, attempts of multiple voting, logistical support, security at polling centres, the principle of secret ballot, voting by vulnerable persons, polling materials and polling officials availability and facilitation. Below are highlights of findings at various polling centres visited by UHRC monitoring team:
i) **Unclear criteria for eligibility to vote**

The NRM primaries lacked a harmonised position on the criteria for eligibility of members to vote. UHRC noted the use of party voters register commonly referred to as the Yellow Book, party cards and in some instances National IDs.

Whereas UHRC team observed that in most polling centres voter eligibility was determined by use of NRM members’ registers, some of the polling centres such as Kicucu polling station in Kabarole district, only the Yellow Book was used.

The ambiguity in the process of determining eligibility of voters inevitably created cases of disenfranchisement of voters some of whom were turned away by polling officials while others stayed away out of frustration with the process. Some voters indeed complained that despite having NRM party cards their names were missing from the register and they were denied their right to vote. Such cases were noted at Buduli zone in Nabwigulu sub-county, in Kamuli District, and at PMM Girls School polling centre in Jinja District.

UHRC observed that at Nakigo II polling centre, in Iganga District where the register was used to identify voters, some of those with missing names were allowed to vote as long as they were known to the agents and residents. Notably, the confusion over the register and party/identity cards caused violence at Lwemiyaga Sub county headquarters polling centre in Sembabule District.

ii) **Non display of voters registers**

UHRC noted that there was no display of voter registers prior to the voting exercise, which resulted into the widespread occurrence of some voters’ names missing from the register at almost all the polling stations.

iii) **Errors on the voters registers**

UHRC noted with concern voter registers in many of the polling centres that contained several errors ranging from; missing names, misspelt names and inflated numbers of voters. This happened in Buvuma Islands, Igorora Cell in Ibanda District and Bushenyi Town Council/Central Playground polling centre in Bushenyi District. This led to disenfranchisement.

At Logolei in Napak District, UHRC noted that names of children had appeared on the voters’ register but were not allowed to vote. It also received reports of cases of impersonation in Moroto District. It was also noted that the process in Bukedea District was susceptible to multiple voting, in cases where voters’ names appeared at more than one polling station.

4.3.3.6 **Offences or malpractices**

UHRC noted that although the voting process in the areas visited was largely free, fair, peaceful and transparent, there were a number of malpractices and anomalies witnessed or reported at some polling centres including:

i) **Secrecy of the ballot**

UHRC observed that handling of polling materials at most of the polling stations compromised the fairness of the process particularly where it observed the delivery of some unsealed envelopes containing ballot papers at polling centres. UHRC further observed that the buckets used as ballot boxes did not have seals, compromising the principle of secrecy of the ballot. Examples of polling centres with such anomalies were found at Kibati polling station in Mubende Municipality constituency.
The principle of secret ballot was violated in some polling centres in Kampala and Wakiso districts where UHRC observed inadequate or no materials to demarcate the polling area. UHRC further observed that all polling stations monitored did not have voters' booths and demarcation of some polling stations such as Lokwamor polling station Nakapiripirit District and Keto polling station in Gulu District was not done, compromising the principle of secret ballot.

Reports from Wabwoko A polling station in Kayunga indicated that the principle of secret ballot was violated by voters who claimed to be illiterate, and therefore sought assistance from the area Chairperson, who in turn demanded that they shout out loud the name of their preferred candidate. There were also cases of illiterate voters being assisted by polling agents to tick candidates of their choice in most of the polling centres in Moroto thereby compromising the principle of secret ballot. Secrecy of the ballot for illiterate voters in some polling centres in Rukungiri District was compromised when polling officials required voters to write the names of their preferred candidate on the ballot papers for the mayoral position, when it occurred that the ballot papers did not bear the names of candidates.

Other incidents that compromised voter secrecy involved the presence of more than one person at the voting area (basin), especially when polling got disrupted by rain forcing voters to crowd in the voting area.

UHRC noted allegations of cases of coercion and violation of the secret ballot principle in areas such as Entebbe Children's Park polling station, Wakiso District where names of contestants were written on a paper and sealed on the buckets (ballot box) and thus the polling assistant had to lift the bucket for the voters to view the names and announce the names for the voter to make their choice.

ii) Compliance with Party election regulations/guidelines

UHRC noted selective application of voting rules at Lusailira polling station in Kasambya constituency, Mubende District where it witnessed the closure of polling and turning away seven voters already in the queue contrary to Section 1.2 of the Parliamentary and LCS Primaries Elections Guidelines 2015; and five minutes later a police officer who had been assisting in the electoral process was allowed to vote after closure.

At Bulamagi Sub County Polling Station, in Iganga district, UHRC observed that the indelible ink was applied on those who were willing, thus making it optional since others simply walked away after casting their votes.

UHRC noted attempts by some polling officials to force polling agents to sit at a distant place from the voting area; causing disagreements and compromising the principle of transparency. This was witnessed at PMM Girls School Polling Centre (transferred to St. Peters High School) and in some polling centres in Mukono District. This was eventually resolved and the agents were allowed to sit in proximity to the polling station.

It was observed that contrary to election guidelines, open campaigning allegedly continued around some polling centres and campaign materials were displayed by agents at some polling stations such as Kamwokya Church Zone in Kampala District and Kadongo and Bulamu Deputy polling stations in Gayaza, and Katabi Namate, Entebbe in Wakiso District. Candidates’ party songs were played at Nakapelimen polling station in Moroto District, while posters of some candidates were particularly still being displayed at Ogengo polling station in Lira district. UHRC noted that voter education was being carried out during the polling exercise at Nakigo II polling station in Iganga district.

UHRC further noted that some presiding officers in Sembabule District violated rules of the NRM Party Voting Regulations, which prohibit agents to act as guides during the voting process, when they assisted illiterate and vulnerable voters to vote.

There was suspicion of vote rigging at Kireka B polling station in Wakiso District where voting was briefly disrupted when the Deputy Registrar Mr Ali Mukasa, in the company of Police Officers, carried away the ballot boxes claiming that they had received information that voting in Wakiso and other districts had been cancelled. The incident caused a lot of panic and discontent among the voters present at the polling centre.
UHRC received reports of allegations of attempts to include ineligible voters on the voters register such as children, but were not allowed to vote. Such cases were reported in at Logolei Napak district. Similar allegations of the underage being allowed to vote were also reported at Bulamagi sub county headquarters polling station in Iganga District where the polling official did not use the NRM register claiming that it was going to take a lot of time since the voting process had started late, and at St Peters High School polling station in Jinja District.

Allegations of ferrying of voters by candidates or their representatives were reported at Nakigo 1A and Nandekula A polling stations in Iganga District and at Bubaare Cell polling centre, Bufunda parish in Ibanda Town Council, Ibanda South constituency, in Ibanda District.

UHRC received reports that presiding officers at some polling centres in Iganga district flouted election procedures by allegedly ticking off names on the register without first identifying the voters. There were other reports of polling officials at Bulamagi Sub County in Iganga District allegedly failing to use the official voter register on account that the polling exercise had started late and use of the register would consume a lot of time. UHRC also received reports of sharing of NRM cards by some voters especially those who had not registered at some polling centres in Kiboga District.

Some polling officials at Lusalira polling station in Kasambya constituency, Mubende District stopped UHRC team from taking pictures.

**iii) Multiple voting**

UHRC received allegations of multiple voting at Mulago polling station in Mukono Municipality, Mukono District and in some centres in Kampala and Wakiso districts, and at at some polling stations in Kamuli, Iganga and Jinja districts. There were also allegations of multiple voting at Bubaare Cell polling centre, Bufunda parish in Ibanda Town Council, Ibanda South constituency, in Ibanda District. Cases of attempted multiple voting were reported at Ogengo polling station in Adekokwok sub county, Lira District. The polling process in Bukedea district was susceptible to multiple voting because voters’ names appeared at more than one polling station.

The lack of indelible ink at some of the polling centres opened the polling process to abuse, especially multiple voting. This was observed at Nakigo II Polling Station, in Iganga District.

**iv) Election Fraud**

UHRC learnt of the arrest of a one Ssenyange on allegations of stuffing pre-ticked ballots in favour of Hon Aidah Nantaba in Kayunga District. Hon. Aida Nantaba’s agents at Kyerima C, Kyerima parish, Kayunga District were alleged to have been seen with declaration forms while the voting exercise was still in progress.

Another case involved the cancellation of election results for allegedly taking long to arrive at the tally centre at Kayunga District from Galilaya Sub County on allegations that they had been high jacked and tampered with. Fresh elections were subsequently organized.

In some polling centres in Kampala there were allegations of newly issued cards being used by some voters towards the end of the voting process. Cases of impersonation were reported in some polling centres in Moroto region. In Arua region, in the border village of Dei B (Uganda-Congo), two women were arrested for being in possession of cards belonging to men/impersonation, while two persons were arrested at Central Cell Polling station in Masindi Municipality for alleged impersonation.

Other cases of alleged election fraud were in Fort portal where UHRC was informed that Bwambale David was arrested and detained at Base Camp polling station, Kasese District over allegations of being in possession of a forged NRM card (050134412). Hon Nusura Tiparu alleged, in a petition the NRM
Chairperson of Arua District, election malpractices in Ludara and Lima parishes in Koboko North Constituency, Koboko District citing the chasing away of her agents and inflating the number of votes in some polling stations.

Allegations of vote rigging were reported in some polling stations such as Kwesige and Hoima Public School in Hoima Municipality in Hoima district. Arrest and interrogation by police in Hoima of a person allegedly found in possession of posters of the incumbent Mayor of Hoima Municipality, Mary Mugasa and distributing over 200 NRM voters’ cards to students of Premier Secondary School Hoima to vote in the elections, was reportedly effected.

v) Cases of violence/Skirmishes/Arrests

UHRC noted incidents of misconduct and violence by voters in some polling stations monitored as highlighted below:

- A total of 11 persons were arrested in Buliisa District. Three of those detained were held at Bugoigo police post for burning ballot papers after a disagreement on the delivery of quantities that were less than the registered voters, while the remaining eight were held at Biiso police station for beating up the presiding officer and hurling stones at the police that had intervened and used tear gas to quell the violence. UHRC regional office in Hoima received and recorded human rights complaints from some residents of Buliisa District, who were involved in the above scuffle, about alleged use of excessive force by the police.

- Other incidents included a group of rowdy youth, allegedly supporters of Hon Aidah Nantaba, who were tear gassed and dispersed for fear of disrupting the elections. The contest between Salim Uhuru and Hajji Kibedi Nsegumire for the position of National NRM Chairperson in Kampala District was at some point characterized by hooliganism, demonstrations and insults.

- There were incidents of misconduct and violence by voters in several polling stations monitored in Iganga District and according to police, a total of 21 persons (all male) were arrested. In Kamuli District, a supporter of Hon Rebecca Kadaga, a one Kyakuwa Irene, was arrested for allegedly offering bribes at Bugombe polling station in Kitayunjwa Sub County. Other suspects detained at Kamuli Police Station included rival supporters Hon Isaac Musumba and Hon Martin Muzale who had clashed in Buzaya sub county. Another case of a one Gordon whose name was missing on the register was arrested from Rukindo COU Play Ground; Ishaka Municipality in Bushenyi District when he attempted to use force to cast his vote.

- Other cases of violence noted by UHRC included an incident at Patongo sub county, in Pader District where an ex-soldier who stoned the vehicle of an MP candidate Walter Ladwar was arrested, while an alleged case of violence was reported at St Mark College School polling station in Luwero District. Also reported was the presence of stick wielding Crime Preventers, in addition to heavy deployment of well-equipped police and UPDF personnel at Lwemiyaga sub county headquarters polling station Sembabule District.

- UHRC was also informed by the DPC Kasese, Godfrey Maate that a campaign agent of one of the candidates had allegedly been kidnapped from his home and dumped in Kyenjojo District.

- There were allegations of hate speech at some polling centres in Lira district, where supporters of rival candidates hurled insults at each other while threatening violence.

vi) Misuse of public resources

UHRC observed misuse of public resources at Kamulikinzi Cell Polling station in Kasese District where a white pickup truck UG 0022M belonging to Kasese Municipal Council Central Division was used to deliver voting materials.
Although most of the polling stations received polling materials such as ballot papers, ballot boxes and voter registers, the majority of polling centres visited did not receive adequate polling materials. The inadequacy of polling materials and misinformation contained in the available materials largely had the effect of having a big number of voters disenfranchised.

4.3.3.7 Counting of the votes
UHRC noted that counting of votes was done in the open and in the presence of candidate’s agents and interested voters at most polling stations and candidates’ agents were given copies of the declaration forms by the polling officials. It was also observed that counting and announcing/declaring of results was generally orderly in most of the polling stations monitored such as at Bamussuta, Kabakanjagala, Muzikiti, Bwizibwera B and Lusalira polling stations in Kiboga District.

4.3.3.8 Logistics at polling centres
Inadequate preparation for changes in weather such as rain disrupted the polling processes in some areas. UHRC noted that the Electoral Commission of the NRM did not provide for shelter for those polling stations that were on open ground in case of rain and did not also provide for protective gear such as gumboots, raincoats or umbrellas and tarpaulins for polling officials.

Consequently, the voting process and access to polling stations in some areas in Rukungiri, Bushenyi, Isingiro, Masaka and Sembabule districts as well as in Karamoja sub region were disrupted by a heavy down pour. At Bufaki polling station in Mbulamuti Sub County in Kamuli District, the rain hampered voters’ access to the polling stations inevitably leading to voter disenfranchisement of some people. UHRC also noted that disruption of the polling process by the heavy downpour almost caused violence of voters at Ntangiriza Primary school polling station in Lwemiyaga Sub County, Sembabule District whilein some of the areas, it led to voters seeking shelter in nearby buildings, some of which were inaccessible by some the vulnerable voters as was the case at Nakasero IV polling station where the centre was moved to the first floor of the market building to avoid the rain. UHRC further noted that inadequate preparedness for changes in weather disrupted tallying of results in some centres and also caused delays in turning in results at the tally centre from far areas. This led to delays in announcing/declaring results in the affected centers.

Additionally, UHRC noted that the lack of electricity and lack of an alternative source of power at the NRM General office on Lubas road in Jinja where tallying of final results took place and went on even at night, was a logistical oversight.

UHRC was also concerned with the inadequate logistical facilitation of polling officials in some polling stations such as Kassijagirwa, Kimanya parish in Masaka Municipality, which did not have seats for polling officials. It also received widespread reports of poor logistical facilitation of electoral officials who were not given lunch or transport to deliver electoral materials. At Bucence polling station in Mbarara district, the presiding officer delivered the polling materials on foot, while at Ruti Health Centre II Mbarara District they were delivered using boda bodas. Non-facilitation of election officials (no lunch and allowances) in Kitoba Sub County in Hoima District caused a sit-down strike and delays in voting in 30 polling stations, leading voter apathy and disenfranchisement.

Long queues of voters were still observed as late as the designated time for closing of polls (4:00pm). This was at some polling stations such as Nyagahaya polling station in Masindi District and Kwaresga Polling Station in Hoima District.

4.3.3.9 Facilitation of vulnerable persons to vote
Whereas UHRC observed that most of the vulnerable groups were able to access polling centres it noted that some of the polling stations in Kampala district such as those in Mutungo, Nakawa Division, were located in congested business areas which made accessibility especially for PWDs difficult.
In Sembabule District, UHRC noted that contrary to election guidelines, some illiterate and vulnerable voters were assisted to vote by candidates’ agents, while at Wabwoko A polling station in Kayunga district, there were numerous voters who claimed to be illiterate and were assisted by the area Chairperson who demanded that they shout the names of their preferred candidate out loud. UHRC noted that the principle of secret ballot and free expression of choice for some of the illiterate and vulnerable voters in the above instances was compromised.

There were cases of disenfranchisement of some vulnerable voters such as those with sight impairment and the illiterate who could not write being required to write names of their preferred candidates. This was reported at some polling stations which did not receive ballot papers for some positions. An example of such a case was at Wabuyinja Trading Centre and Kyetume C in Kayunga district where polling officials did not receive ballot papers for the position of LCV Chairperson, but improvised by using Manila paper cut into ballot papers.

Additionally, UHRC noted the absence of candidates’ pictures on some ballot papers which made it difficult for the illiterate voters to make a choice. This was found at some polling stations at Lopida A and Lopida B in Napak district and in Ibanda and Nakasongola districts.

**Conclusion on NRM party primaries**

UHRC observed voting for NRM primaries in 361 polling stations countrywide and noted that whereas there was high enthusiasm among majority of voters, the polling process was marred with irregularities ranging from inadequate administrative preparations; inadequate polling materials and logistical support; errors on ballot papers; skirmishes among rival camps; allegations of vote rigging and voter bribery.

4.3.4 **Independent candidates**

The idea that a person can contest for a political office independent of a political party or organisation was provided for in the constitution under Article 72 (4) and under the Parliamentary Elections (Amendment) Act, 2015.

UHRC noted the high number of MPs that came through the process of the 2016 general elections on the independent ticket. The numerous challenges observed in the internal party processes especially during party primaries, led to disagreements and accusations of unfair election processes which culminated into losers contesting as independents. It was also noted that the biggest number of independent candidates was from the NRM.

4.3.4.1 **Concerns in relation to independent candidates**

Whereas the provision for a person to stand as an independent candidate promotes the right for individuals to participate in government and to be voted, UHRC noted some concerns including the following:-

**a) Unfair and inadequate party internal processes**

The 2016 general elections registered the highest number of candidates who lost in the party primaries and decided to contest as independents. The emergence of big numbers of independent candidates was a sign the affected candidates did not have confidence in the party electoral processes and systems, thereby opting out of the party.

**b) Undermining of multiparty democracy**

UHRC noted that the common practice for candidates who lose in party primary elections opting to cross from party politics to standing as independents undermines the growth of multi party democracy in Uganda as it points more to opportunism than principle or difference of ideology for most of such candidates.
4.3.5 Consultations with the people

Free elections require ensuring that the environment facilitates the full expression of the will of the people, candidates and political parties without unreasonable restrictions. This human rights standard is achieved if there is no intimidation, coercion, violence or any obstacle that may prevent people from participating and expressing their political opinion or choice without retribution. This in essence therefore, underscores the need for an environment with no disruption or frustration of political meetings, rallies, campaigns or gathering of any political party or candidate, promoting the citizens’ right to assemble and to freely attend political rallies, freedom of opinion, freedom of expression and freedom of movement.

The principle of political aspirants consulting with the people during the electoral process is provided for in the Presidential Elections Act, 2005 (PEA), Public Order Management Act, 2013 (POMA) and other laws in Uganda. UHRC therefore noted that all presidential aspirants set out to hold country-wide consultation meetings in preparation for party nomination exercises.

Media reports indicated that presidential aspirants were in some instances able to hold peaceful consultation meetings with the people as was the case of Hon. Amama Mbabazi who addressed delegates of his party at Nile Village Hotel in Jinja District, and other scheduled consultation rallies on 7th September 2015 at Mbale Cricket Grounds in Mbale District as well as at Boma Grounds in Kapchorwa on 8th September 2015.

UHRC however, noted that the period of consultations was marred with incidents of curtailment of movement of particularly the opposition politicians by police. This was mainly due to unclear laws and their different interpretations by different stakeholders. UHRC also noted that at the beginning of the consultation period, there was lack of clarity of what this process entailed. This misunderstanding led to denial of aspirants’ access to the voters due to different interpretations of the POMA and the law on Political Parties.

UHRC for instance noted some incidents of curtailment of consultations such as on the 9th July 2015, when police arrested Hon. Amama Mbabazi in Njeru, on his way to hold consultations in Mbale and the arrest of Dr. Kizza Besigye at his home in Kasangati as he left to hold a rally. The other incident was the blockage of opposition officials on the Masaka-Mbarara highway who were on their way to Rukungiri for a consultation meeting on 10th October 2015 by police.19

It was also noted that some of the reasons cited for denying aspirants to hold consultation meetings were alleged measures to maintain security as was the case in Jinja where management of Travel Hotel declined to host a consultation meeting for Hon Amama Mbabazi on 10th September, 2015. Another incident was reported in Soroti where the RDC, Mr. William Komakech, barred a consultation rally by Hon Amama Mbabazi citing a directive by the EC for aspirants not to address the rallies but stick to the original plan of holding an indoor consultative meeting with their supporters.

As a way of clarification, the EC was reported to have said that aspirants needed to differentiate consultative meetings from distribution of campaign materials, campaigns, holding rallies and mass meetings and canvassing/soliciting. It advised all aspirants to comply with the requirements of the Presidential Elections (Amended) Act, 2015 and other applicable laws in regard to undertaking the consultative activities. According to EC, while Section 3 of the Presidential Elections (Amended) Act, 2015, provides for aspirants to consult in preparation for nominations, the aspirant is required to introduce himself or herself to the EC and notify the relevant Local Council and the Police of the area to which he or she goes. During the consultative meetings, the “aspirant may: (a) carry out nation-wide consultations; (b) prepare his or her manifesto and other campaign materials; (c) raise funds for his or her campaign through lawful means; (d) convene meetings of national delegates.” The EC guided that campaigns for the various elective positions; Presidential Elections inclusive, as guided by law would commence after the EC duly nominated candidates for the respective elective offices.

4.3.5.1 Challenges during consultations with the people

UHRC noted some challenges during the process of consultations including interference with the process by police and some cases of intimidation of service providers and aspirants by political actors such as the RDCs. Other challenges and curtailment of realisation of the freedoms to consult the people stemmed from misunderstanding of what consultations entailed and the different interpretations of the relevant laws such as the POMA and Presidential Elections (Amended) Act, 2015 by the different political actors.

The Police interfered with Hon. Amama Mbabazi’s consultation meetings in Njeru, Jinja, Soroti and Kapchorwa Districts and intercepted his convoy enroute to Mbale and detained him at Kiira Road Police Station. The Inspector General of Police, Gen Kale Kayihura further rejected Hon. Amama Mbabazi’s request to hold his second phase of consultation meetings in Northern Uganda.

In a letter dated, 11th September 2015, Hon. Amama Mbabazi wrote to the IGP requesting to hold his consultation and public meetings in Lira, Gulu and Arua, among others. However, in a letter dated September 12, Gen. Kayihura responded saying he would not grant Hon. Mbabazi’s request because his intended meetings contravene the provisions of the POMA and the PEA which regulate public rallies and consultation meetings. According to the IGP, holding public meetings is not allowed during consultation as provided for in the PEA. He claimed that when Hon. Amama Mbabazi asked to hold the first phase of the consultation meetings in Eastern Uganda, he allowed him but he deviated from what the law provides for. He went ahead and organised and held public rallies yet he is not a presidential candidate, thus provoking police to fire tear gas.

The EC Chairperson, Dr. Badru Kiggundu also warned Hon. Amama Mbabazi and other presidential aspirants against holding public rallies and campaigns instead of consultation meetings. He added that holding presidential campaigns and rallies is illegal given the fact that the aspirants are not nominated candidates.

Section 3 of the PEA provides that an aspirant may consult in preparation for his or her nomination as a presidential candidate within twelve months before the nomination date. It further provides that while consulting, a presidential aspirant may; carry out nation-wide consultations; prepare his or her manifesto and other campaign materials; raise funds for his or her campaign through lawful means; and convene meetings of national delegates. The section further requires the aspirant to introduce himself or herself to the EC and notify the relevant local council and the police of the area to which he or she goes.

Under Section 4 of the POMA a public meeting is defined to mean a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning or expressing views on a matter of public interest.

The Attorney General, Mr Fred Ruhindi also cautioned the aspirants against deviating from the law when holding their consultation meetings. According to the interpretation by the Attorney General, Section 3 of the PEA provided for preparatory activities in anticipation of one’s nominations. He further said that Sections 21 and 24 of the PEA clearly provide for campaigns and public rallies for duly nominated candidates. That consultation meetings, however, should be distinguished from distribution of campaign materials, campaigns, holding rallies and mass meetings and canvassing/soliciting for votes.

The EC and the police following the interpretation of the above provisions by AG claimed that consultation meetings should be indoors and not in form of public rallies. They further said that such meetings should not have big gatherings similar to campaign rallies. The EC basing on the above issued guidelines to all presidential aspirants and this compelled Hon. Amama Mbabazi to stop all the planned consultation meetings.
The PEA is ambiguous to the extent that it does not define “Consultation meetings” in terms of the form they should take and its composition. The Act does not describe where such meetings should be held, number of people to attend and the time. The POMA also never answered this question apart from defining what public meetings are.

The contradictions by the Attorney General in interpretation of the above sections confused the public. For the first phase of consultation meetings, the Attorney General said the meetings were lawful and within the provisions of the PEA. However, he later changed and said that the same were illegal and not within the ambit of the law. On the interference of the meetings, the IGP at first said that Hon. Amama Mbabazi was never cleared by NRM to start consultative meetings, however, he never cited provisions of the law which required an aspirant to get clearance from his political party before the consultative meetings.

The Attorney General, EC and IGP took advantage of the loopholes in the PEA and interpreted the provisions to make them render the activities by Hon. Amama Mbabazi illegal. This defeats the principle of law which stipulates that where ‘something” is not expressly prohibited by the law, it is allowed.

In the Election Petition No.1 of 2016, the Justices of the Supreme Court ruled that the interference of Hon. Amama Mbabazi, a presidential aspirant by then from having consultation meetings in Njeru, Jinja, Soroti and Kapchorwa and his interception while travelling to Mbale, plus his detention at Kiira Road Police Station was unjustified, highhanded and contrary to Section 3 of the PEA.20

20Amama Mbabazi versus Yoweri Museveni & Ors., Presidential Election Petition No.1 of 2016
It is worth noting that the decision did not address the contentions surrounding interpretation of Section 3 of the PEA and Section 4 of the POMA. UHRC also noted that the Constitutional Court has never disposed off the petition in which Hon. Amama Mbabazi sought interpretation of the above Sections.

4.3.6 Coalitions by Political Parties

The Constitution under Article 29 (1)(c) provides for freedom of association of every person and the enjoyment of this right involves freedom to form and join associations or unions including political and other civic organizations. In preparations for the 2016 elections, two political coalitions which include The Democratic Alliance (TDA) and The Independent Coalition (TIC) were formed. Forming a coalition involves individuals or groups of people who in solidarity agree to cooperate in joint action for a common cause irrespective of their own self-interest. Politically, opposition parties engage in coalition formation primarily to get into government. The two pre-election coalitions were indeed formed with the main objective of winning the 2016 elections. Each coalition aimed at unifying opposition political parties, activists and independent candidates to field a sole opposition presidential candidate to challenge the incumbent president, Yoweri Museveni, and his party, the National Resistance Movement (NRM).

4.3.6.1 The Independent Coalition

The Independent Coalition (TIC) is an alliance comprising of people with different professional backgrounds and has open membership. TIC was formed in September, 2015 after several aspirants had picked nomination forms from EC. By 2nd September, 2015, at least 40 aspirants had picked nomination forms to contest in the presidential elections in 2016. Mr. Elton Joseph Mabirizi, one of TIC members said that about 10,400 people subscribed to TIC. The main driving factor for establishing TIC was due to the fact that a sizeable section of Ugandans of voting age are not affiliated to any political party and those that are affiliated to political parties are undecided on whom to vote for, but clearly seeking to vote for more committed and serious leaders who are independent minded.21

The head of bureau of The Independent Coalition, Eng. Omar Kalinge-Nnyagoin an article in the New Vision said that on 27th September, 2015, TIC launched a rigorous consultation process, in which 23 independent presidential aspirants from many districts of Uganda, different political leanings and different professional backgrounds were involved. The presidential aspirants had picked nomination forms from EC and they were ready for a dialogue to choose a sole Candidate to represent all the Independent aspirants. In the consultation process, a resolution was passed and TIC nominated Mr. Elton Joseph Mabirizi as their Independent presidential flag bearer for the 2016 elections. A Memorandum of Understanding (MoU) was signed in which Mr. Mabirizi was bound to sell the TIC manifesto. The signatories to the TIC MoU automatically became members and voluntarily formed the TIC- Mabirizi National Task Force. TIC fielded the 40-year-old Elton Joseph Mabirizi as its flag bearer in response to the generation question in the 2016 elections since other frontrunners in the TIC primaries were largely above 50 years of age.

After TIC had selected Mr. Joseph Mabirizi, members escorted him to the EC head offices where his documents were accepted by EC officials. Mr. Mabirizi was on 4th November, 2015 successfully nominated by the EC as an Independent presidential candidate after complying with all the necessary requirements. On the same date, Ms. Maureen Faith Kyala Waluubewas also nominated by EC as an independent candidate.

TIC later on agreed to that its candidate jointly campaigns with the only female presidential candidate, Maureen Faith Kyala Waluube, 41 years old, in order to respond to the gender question. Sharing a single campaign platform was thought of as strange but the Electoral Commission permitted that two candidates with different manifestos could campaign using the same schedule.

21www.reuters.com/article/us-uganda-politics-idUSKBN.
Challenges in political party coalitions
Lack of resources to conduct the countrywide campaigns compelled Maureen Faith Kyalya to halt campaigns and went abroad to raise funds, as Mabirizi soldiered on with an inadequate budget.

For the first time since the 1996 elections, government facilitation to a presidential candidate was scrapped by the 9th Parliament. Instead, a presidential candidate was required to pay a non-refundable nomination fee of UGX 20 million (Twenty million shillings). This posed special difficulties for some candidates who had to compete with the incumbent, who was advantaged to use public resources.

TIC only nominated a presidential candidate but never considered other elective positions in its planning and implementation. TIC was also never joined by independent parliamentary and local government candidates to make the coalition stronger that it was.

This coalition was not widely known in the country probably due to lack of funds to disseminate its information.

4.3.6.2 The Democratic Alliance
The leaders of Uganda’s opposition political parties, several prominent political leaders and representatives of various Civil Society Organisations announced the formation of a grand coalition called The Democratic Alliance (TDA) on 10th June, 2015. The driving force for forming an alliance was largely to unify opposition political parties, activists and pressure groups to present a joint presidential candidate to challenge the incumbent President Yoweri Museveni and his party, NRM, in the 2016 polls.

TDA was formed by categories of members from registered political parties or organisations; recognised pressure groups and other citizens’ formations, eminent Ugandan men and women vetted and admitted. The members of TDA had to subscribe to the Protocol by the signature of an authorised representative. The members also signed a declaration in support of the Citizens Compact on Free and Fair Elections which provided for the aspects to consider in the electoral processes and advocated for electoral reforms among other issues.

The goals and objectives of TDA included; Building the necessary mobilization capabilities and organisational infrastructure of the alliance and its members in order to win power; Developing and presenting a common policy and governance agenda for elections; Ensuring the attainment of an electoral majority by fielding candidates for all electoral positions across the country; Fielding of joint candidates for electoral offices as set out in the Protocol; Constituting a Transitional Government of National Unity (TGNU) with the purpose of implementing appropriate political and economic reforms to build a strong and durable foundation for democracy, rule of law and economic justice.

The main governance organs to rule TDA were the Summit, the National Candidature Committee (NCC) and the Secretariat. The Summit was the highest decision-making organ responsible for policy agenda setting, the financial resources, admitting new members, settling conflicts between members and facilitating and coordinating the processes for selecting a joint presidential candidate.

The Democratic Alliance launched its program on 30th July, 2015 by signing of the protocol and the Ugandan Citizens’ Compact on Free and Fair Elections. TDA was chaired by Prof. Fredrick Ssempebwa and different political party’s representatives and eminent persons who signed the protocol of the alliance. The representatives were mainly from the Forum for Democratic Change, Democratic Party, Uganda Peoples’ Congress, Pressure for National Unity, Justice Forum, Conservative Party, Uganda Federal Alliance, Peoples Progressive Party, Civil Society and eminent persons who among others included the former Prime Minister and Secretary General NRM, Rt. Hon. Amama Mbabazi. The spokesperson of TDA Mr. Wafula Oguttu informed the public that a summit would be held to select a joint opposition presidential candidate to challenge the incumbent president Yoweri Kaguta Museveni in the 2016 general elections. The TDA had earlier nominated 10 potential members but later agreed that they should either endorse Hon. Amama Mbabazi or Dr. Kizza Besigye to be the opposition flag bearer.
However, in the summit held in September 2015, TDA failed to agree to a joint presidential candidate. Eventually, a number of private talks and meetings were held between the two candidates but yielded no fruits. Whereas some members of the TDA supported Hon. Amama Mbabazi to be the coalition presidential candidate, others who include Dr. Kizza Besigye’s supporters disagreed with this claiming that Hon. Amama Mbabazi was at the epicentre of the regime which had allegedly harassed and tortured opposition leaders and supporters with disregard to the rule of law. They added that the allegations of corruption stigma were still haunting him and had a lot to explain to the public if endorsed as the sole opposition candidate. They insisted that Dr. Kizza Besigye was the best opposition candidate since he had contested in previous elections. TDA failed to agree on a single opposition candidate for the presidential elections and as a result, both Hon. Amama Mbabazi and Dr. Kizza Besigye decided to contest against the incumbent President Yoweri Kaguta Museveni.

TDA did not select other candidates for other elective positions and never held any other summit to agree on any other joint opposition candidate. UHRC noted that the coalition submitted to parliament proposals for electoral reforms in the Citizens Compact on Free and Fair Elections, but these were not considered.

Challenges faced by TDA

TDA in its formation faced numerous challenges of internal fragmentation stemming partly from ideological differences and individual conflicts. For instance, whereas FDC’s Dr. Kizza Besigye argued that they should boycott elections if electoral reforms were not considered, other members disagreed claiming that they should not be seen dissuading citizens from participating in elections.

TDA was confronted with a challenge on implementing the criteria for selection of a joint candidate where some members accused NCC of not being fair and transparent in the selection process. One of the concerns was when the summit extended the date for nomination of a joint candidate to allow Hon. Amama Mbabazi, of the Go Forward pressure group, to consider joining the alliance. Indeed Hon. Mbabazi joined TDA one day after the deadline, he was admitted and later nominated as the joint candidate. To some members, this decision contradicted the rules of TDA and Professor Gilbert Bukenya broke away from TDA to rejoin President Museveni, while saying that TDA has selected a weak candidate. This U-turn showed how unstable the alliance was.

Other internal conflicts and disputes within political parties also contributed to the failure of TDA. The admission of Elias Lukwago, the leader of the DP splinter group was not warmly welcomed by the DP President Nobert Mao who threatened to walk out of the alliance. The conflict between UPC members, especially Hon. Jimmy Akena and Dr. Olara Otunu, as to who was the president of the party was also became problematic for the alliance. Whereas Dr. Olara Otunu joined TDA, Hon. Jimmy Akena vehemently refused to join or even support their ideas and preferred to support the NRM and President Museveni. Such divisions undermined the alliance, leading to its collapse.

The failure by other members of the alliance to agree on the choice of TDA Summit led to several private meetings and talks between Dr. Kizza Besigye and Hon. Amama Mbabazi with mediators. It was reported that meetings were held in Kenya and in London to ensure that the two aspirants agreed on one joint candidate. It was further reported that while in London, under the auspices of the Kofi Annan Foundation, an agreement was signed between the duo to consider having one candidate, but this did not yield any fruits since none of them was willing to step down due to their individual interests. Therefore, the common goal and mission of TDA was never realised.

The divisions between TDA members did not stop at the Summit but also throughout the campaign period. Whereas some members campaigned for Hon. Amama Mbabazi, others opted for Dr. Kizza Besigye, and this also put some opposition members, parliamentary candidates and supporters in a dilemma. As a result of the divisions, conflicts and failure to agree on joint candidates for all elective positions, the TDA mission to challenge the NRM government for power became a dream that was never realised.
4.4 The Right to vote

International standards require that elections should be free and fair and the voting procedures should be easy so as to encourage voter participation. All necessary steps should be taken by relevant authorities to ensure that citizens are able to register and vote without discrimination or unreasonable restrictions. Therefore, the registration procedure should be effective, accessible and inclusive, convenient and no eligible voter’s name should be deleted from the register illegally. All restrictions must be legitimate, legal and necessary to facilitate rather than hinder the enjoyment of the right to vote. Voting should be on a one-person-one-vote basis and the procedure must be friendly to encourage voter participation by every eligible adult citizen. Each vote must carry the same value and weight. The standards further require secrecy of the ballot to be guaranteed to ensure that it is not possible to see or identify who anyone has voted for. No one should be compelled to disclose who he or she voted for and there should be no intimidation, bribery or undue influence at the polling station.

4.4.1 Voter Registration

Under Article 61 of the Constitution of Uganda, the EC has the function of compiling, maintaining, revising and updating the national voters register. The processes involved in doing that are crucial in facilitating the right to vote and ultimately contributing meaningfully to institutionalisation of democracy. It is also a requirement that government ensures that all eligible citizens are able to register and vote without discrimination or unreasonable restrictions.

For voter registration to be effective, it requires that registration procedures are inclusive, accessible and convenient especially in terms of location of registration and polling centres. Voter registration processes should not only establish the eligibility of individuals to vote, but also prevent or minimise the exclusion of eligible voters. In general, voter registration provides citizens with an opportunity to exercise their democratic and constitutional rights and duties, like electing a leader of their choice; compete in elections; safeguard their rights and freedoms as provided in the constitution; and for political involvement. According to the EC, a registered voter may contest for any desired elective posts; is permitted to nominate or second a candidate of his/her choice or sign supporters list during nominations. A registered voter is also allowed to vote for a candidate of his/her choice; and to sign a petition to seek redress, in the event of any dispute of election results.

The voters register is a critical prerequisite for the exercise of the right to vote and to be voted. The voters register which must be comprehensive and inclusive has to be maintained and constantly updated to ensure that each eligible citizen is registered to vote. Voter registration brings eligible people into the election process, ensures the equality of the vote and prevents ineligible people from voting. The register can also be helpful for the EC to determine where polling centres are best located; the number of polling centres; the manpower needed to effectively man them; as well as the voter turnout. The national voter register is also useful for political parties and candidates for campaign-related activities as well as for verification during the polling exercise.

Voter registration in Uganda is conducted under Article 59(1) of the Constitution which makes it a duty of every citizen of Uganda of 18 years of age or above to register as a voter for public elections and referenda. According to section 19(1) of the EC Act (1997), a person aged at least 18 years and is a citizen of Uganda may register as a voter in a parish where he/she originates from or resides. The EC compiles a voters register for each polling station in a parish and only persons whose names appear on it are entitled to vote.

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22 General Comment, No.25 of the International Covenant on Civil and Political Rights, para 5.
23 As above, para 11.
24 As above para, 10.
For the 2016 general elections, the EC used a National Photo-Bearing Voters’ Register for the elections by universal adult suffrage while elections for special riding to the EC, the final voters register for the 2016 elections had 15,277,198 voters up from the 13,954,129 voters for the general elections of 2011. The EC reported that this was after 20,000 people had been legally removed from the voters register for 2016 general elections following the due processes after the display exercise.

The EC introduced a voter registration initiative of the Biometric Voter Verification System (BVVS) to improve the accuracy and inclusiveness of the voters register. The technology-based system was one of the new measures aimed at improving the management and conduct of elections in Uganda through authentication of voter identity. The system basically uses fingerprints to match voter details to help the election officer confirm that the voter is on the register of a particular polling station. The system was supposed to weed out the irregularity of having persons who were not on the voters register voting. It would also enable the EC to ensure that people did no vote more than once for the same election. The system would also assist the voter to locate his/her polling station within the district. In this regard, the EC imported 32,334 machines to cater for the 28,010 polling stations in Uganda as well as an additional two machines at each sub-county as back-up.

However, there were mixed reactions to this gadget, with some Ugandans welcoming it while others doubted its timing, applicability and its ability to ensure that there would be no disenfranchisement. The Speaker of Parliament Rt. Hon. Rebecca Kadaga expressed concern about the safety of the portable gadget saying government and EC needed to do more to build confidence in the biometric equipment. The UHRC, however, noted the significant efforts by the EC to popularize the importance/use of the Biometric Voter Verification Machine through the SMS and other media platforms.

Voter location slips were also produced and issued to voters nearly two weeks before the presidential elections to enable them conveniently locate their respective polling stations on the polling day. The voter location slips indicated the voter’s photograph, identification number, names, date of birth, district, constituency, sub-county, parish and polling station. It had a barcode that the biometric voter verification device could read. In producing the voter location slips the EC was responding to complaints in the past elections about voters failing to locate their polling stations.

UHRC monitored the situation pertaining to the voters register based on the importance of the voters register to the realisation of the right to vote. In particular, UHRC focused on two important milestones: The update of the voters register which the EC conducted from 16th to 30th April 2015 at all the 30,000 registration centres countrywide; and the display of the national voters register which the EC undertook from 22nd July 2015 to 11th August, 2015 at the various display centres countrywide. UHRC aimed at assessing whether the human rights standards on voter registration were complied with and that the EC was doing what was required to ensure that citizens would not be disenfranchised.

4.4.1.1 Update of the national voters register
Through its network of regional offices spread across the country, UHRC monitored the update of the national voters’ register in 384 update centres countrywide, located in 78 constituencies covering 50 districts as shown in Table 4.2.
The UHRC monitoring of the update exercise was based on five critical issues regarding the location of the update centre; the leadership at the centre; presence of stakeholders including government and non-government; the process of updating; as well as the general atmosphere at the update centre. These issues were analysed using a tool/checklist in which questions were asked and responses recorded from members of the public, EC officials, other central and local government officials to enable the quantitative and qualitative analysis.

In general, UHRC established that the update exercise was largely peaceful. However, there were concerns as summarised below:

a) Some people’s names did not appear on the voters register even when they had the National Identity Cards and yet the ID registration exercise was the basis upon which the update of the voters register was built.

b) Some people who had registered for national IDs had not yet received them, yet those that had registered after them already had their IDs.

c) There were instances of mixing up people’s particulars during registration

d) There was inadequate facilitation for the update officials.

e) The EC officials manning the update exercise did not have appointment letters.

f) Not all the people were fully informed about the exercise because the voter sensitisation about the entire exercise was inadequate. For instance, some persons with disabilities in some of the update centres were under the false impression that the voters register that was being updated was for the elections of PWDs. Consequently, they complained that most of the people on their register were not PWDs.

g) In certain areas like Mbarara public perception was that the exercise was a waste of time. This led to some people not verifying their particulars in the register claiming they would have to close their businesses to update their information and that they would not vote in 2016.

UHRC noted the need for adequate public sensitisation across the country on the electoral processes using different platforms. The EC was urged to adequately clarify to the public the circumstances under which the voters register update was based entirely on the National ID register; as well as give the update officials appointment letters and facilitate them adequately. The detailed findings according to the five critical issues are presented below in a statistical and narrative form.
i)  **Presence of EC officials /agents**

The findings reveal that at the time UHRC monitors visited the update centres, 95% of them had officials/agents of the EC present while 5% of the centres did not. The respondents attributed the absence of the update officials, in particular cases to the unfriendly weather (threats of rain) at the time as well as update officials having left for lunch. As a result, some of the people that had gone for the exercise at that particular time got demoralised. Nevertheless, it can be concluded that overall, the update exercise was on-going in most of the centres.

**Table 4.3: Presence of EC Officials/agents**

<table>
<thead>
<tr>
<th>Presence</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>364</td>
<td>95</td>
</tr>
<tr>
<td>No</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>384</td>
<td>100.0</td>
</tr>
</tbody>
</table>

ii)  **Availability of the voters register at the update centre**

From the responses, the National Voters register was available in 357 of the 384 update centres monitored; accounting for 98%.

iii)  **Designated times for the update**

On the time designated for the exercise, 63% of the respondents revealed that the time was not enough while 37% said it was adequate. The inadequacy was attributed to the interruptions due to rain and the absence of update officials in the centres.

**Table 4.4: Time designated for the update**

<table>
<thead>
<tr>
<th>Adequate</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>110</td>
<td>37</td>
</tr>
<tr>
<td>No</td>
<td>188</td>
<td>63</td>
</tr>
<tr>
<td>Total</td>
<td>298</td>
<td>100.0</td>
</tr>
</tbody>
</table>

iv)  **Opening and closing of the exercise**

The results showed that 2% of the update centres were open before 8 am; 87% were open at 8 am (the official opening time) and 11% were open after 8 am. UHRC noted that the majority of the update centres were open before or on time. In addition, the responses indicated that 17% of the update centres were closed before 6pm, the official closing time, 75% were closed at 6pm and 8% were closed after 6pm. This shows that a majority of the update centres closed on time.

**Table 4.5: Opening time**

<table>
<thead>
<tr>
<th>Time</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 8am</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>At 8am</td>
<td>294</td>
<td>87</td>
</tr>
<tr>
<td>After 8 am</td>
<td>36</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>338</td>
<td>100</td>
</tr>
</tbody>
</table>
There were however complaints from some stakeholders and members of the general public about the process starting/ending before the designated time. A total of 13% of respondents from the public complained that the exercise began before/after the designated time of 8:00am. The reasons they cited for the update exercise to begin before/after the designated time included:

- The heavy rains during the update exercise;
- To get people before they could go to their gardens where the update started before the designated time; and
- The update centres which were far from the public necessitating people to travel long distances to reach them.

According to 20% of the stakeholders, the exercise began before/after the designated time. This they attributed to:

- The poor turn up of members of the public for the update exercise;
- Disruptions due to heavy rains; and
- The delay of the update officials to pick materials from police.

The 16% of the respondents from the public who said the update exercise ended before the designated time attributed it to:

- The unfavourable rainy conditions which caused the exercise to end prematurely
- The update officers who left earlier because they were hungry
- The update centres which were far from where some voters came from.

Of the government officials interviewed, 18% reported that the exercise ended before/after the designated closing time of 6:00pm due to:

- The long queues towards the closing time which made the exercise go beyond 6:00pm
- Few or no people turning up from 5:00pm onwards causing the officials to close early.
- Allowing time for the update officials to travel back to the sub county headquarters to return the materials.
- Weather disruptions

v) **Medium/channel through which information was got**

UHRC sought to find out the medium through which information about the process of updating the national voters’ register was got. The responses showed that people got information from multiple media sources mainly radio, newspapers, neighbours, television and local councils, as indicated in the Tables 4.3 to 4.11 below.
Table 4.7: Radio

<table>
<thead>
<tr>
<th>Radio</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>256</td>
<td>83</td>
</tr>
<tr>
<td>No</td>
<td>54</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>310</td>
<td>100.0</td>
</tr>
</tbody>
</table>

According to 83% of the respondents, they got the information on the update exercise through radio programmes and messages.

Table 4.8: Newspaper

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>58</td>
<td>19</td>
</tr>
<tr>
<td>No</td>
<td>252</td>
<td>81</td>
</tr>
<tr>
<td>Total</td>
<td>310</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The respondents that revealed that they got information on the exercise through the newspapers constituted 19%.

Table 4.9: Neighbours

<table>
<thead>
<tr>
<th>Neighbours</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>132</td>
<td>42.6</td>
</tr>
<tr>
<td>No</td>
<td>178</td>
<td>57.4</td>
</tr>
<tr>
<td>Total</td>
<td>310</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Those who got information about the update exercise from their neighbours constituted 43% of the respondents.

Table 4.10: Television

<table>
<thead>
<tr>
<th>Television</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>57</td>
<td>18.5</td>
</tr>
<tr>
<td>No</td>
<td>251</td>
<td>81.5</td>
</tr>
<tr>
<td>Total</td>
<td>308</td>
<td>100.0</td>
</tr>
</tbody>
</table>

18% of the respondents revealed that it was through the television that they got information about the update exercise.

Table 4.11: Local Councils

<table>
<thead>
<tr>
<th>LCs</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>167</td>
<td>54.2</td>
</tr>
<tr>
<td>No</td>
<td>141</td>
<td>45.8</td>
</tr>
<tr>
<td>Total</td>
<td>308</td>
<td>100.0</td>
</tr>
</tbody>
</table>

54% of the respondents revealed that they got information about the update exercise from their Local Council (LCs) chairpersons.
Other Media
Some respondents constituting 25% revealed that they got information about the update exercise through other means. They cited churches, mosques, funerals and markets as the other means.

Table 4.12

<table>
<thead>
<tr>
<th>Others</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>78</td>
<td>25.4</td>
</tr>
<tr>
<td>No</td>
<td>229</td>
<td>74.6</td>
</tr>
<tr>
<td>Total</td>
<td>307</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 4.13: Mechanism of informing vulnerable persons

<table>
<thead>
<tr>
<th>Availability</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>278</td>
<td>85</td>
</tr>
<tr>
<td>No</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>328</td>
<td>100.0</td>
</tr>
</tbody>
</table>

From the above, it is clear that radio was the medium through which most people (83% of the respondents) got information about the update exercise; followed by the LCs at 54% and neighbours at 43%.

vi) Availability of mechanisms of informing vulnerable persons about the update exercise and accessing the register

UHRC established that the update officials and the relevant stakeholders had come up with mechanisms for informing vulnerable persons about the update exercise. This was evident in 85% of the update centres monitored.

The measures/mechanisms identified included:

- Door-to-door visits by the update officials
- Use of the LCs
- Use of relatives
The findings also showed that there were mechanisms instituted for the vulnerable persons to access the register in 82% of the update centres where this issue was raised. The mechanisms included following the vulnerable persons up in their homes to update their particulars as well as utilising their neighbours and relatives as well as the LCs.

**vii) Process of updating the National Voters Register**

UHRC assessed the process of updating the register considering whether there was transparency and impartiality or whether it was partisan. According to 98% of the respondents the process of updating the national voters register was largely transparent; 10% (33 update centres) reported partiality; while in 7 update centres (2%) respondents said the process was partisan.

<table>
<thead>
<tr>
<th>Table 4.14: Transparent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparent Frequency Per cent</td>
</tr>
<tr>
<td>Yes 322 97.6</td>
</tr>
<tr>
<td>No 7 2.1</td>
</tr>
<tr>
<td>Total 330 100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4.15: Partiality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partiality Frequency Per cent</td>
</tr>
<tr>
<td>Yes 33 10.0</td>
</tr>
<tr>
<td>No 297 90.0</td>
</tr>
<tr>
<td>Total 330 100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4.16: Partisan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partisan Frequency Per cent</td>
</tr>
<tr>
<td>Yes 7 2.2</td>
</tr>
<tr>
<td>No 314 97.8</td>
</tr>
<tr>
<td>Total 321 100.0</td>
</tr>
</tbody>
</table>

The overall picture regarding the process of updating the National Voters Register, according to the respondents was that the whole exercise was transparent. In places where respondents reported lack of transparency, they cited names missing from the register and the incidents of registration of non-Ugandans in the border towns.

**viii) Registration**

The findings showed that cases where eligible Ugandans above 18 were denied to register were few with just 3% (10 respondents) reporting that they were denied for the following reasons:

- Failure to verify that they were of voting age
- They did not have proper documentation
- Their nationalities were doubted.

<table>
<thead>
<tr>
<th>Table 4.17: Denial to register</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denial to Register Frequency Percent</td>
</tr>
<tr>
<td>Yes 10 3.0</td>
</tr>
<tr>
<td>No 319 97.0</td>
</tr>
<tr>
<td>Total 329 100.0</td>
</tr>
<tr>
<td>Total 384</td>
</tr>
</tbody>
</table>
Findings further revealed that 29% reported removal /deletion of names from the register during the process of updating. The cases cited were of deceased persons, those with double registration as well as those who failed to produce documents supporting their citizenship.

**Table 4.18: Removal from Register**

<table>
<thead>
<tr>
<th>Removed/Deleted</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>94</td>
<td>29.0</td>
</tr>
<tr>
<td>No</td>
<td>230</td>
<td>71.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>324</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

There were claims in 25 update centres of registration (8%) that non-Ugandan citizens appeared on the register. This was reported mostly in the border town of Busia where some Kenyans were reportedly registered. Some attributed this to political scheming but others reported that some had been included in the register pending clearance.

**Table 4.19: Registration of Non-Ugandans**

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>8</td>
</tr>
<tr>
<td>No</td>
<td>92</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The findings from the respondents also show that there were mechanisms to verify and deregister non-Ugandan citizens in 97% of the update centres.

**Table 4.20: Verifying and deregistering non-Ugandans**

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>97</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Table 4.21: Transfer of voter’s particulars**

<table>
<thead>
<tr>
<th>Transfer</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>309</td>
<td>97.2</td>
</tr>
<tr>
<td>No</td>
<td>9</td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>318</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

In most of the update centres voters could transfer their particulars to their preferred voting location. However, in some of them, there were no transfer forms and this explains why some voters could not transfer to their preferred polling stations.

**ix) Objections / complaints**

The monitoring findings show that there were complaints/objections raised in 21 update centres accounting for 11%.
Table 4.22: Objections/complaints raised

<table>
<thead>
<tr>
<th>Objections/Complaints</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>21</td>
<td>10.7</td>
</tr>
<tr>
<td>No</td>
<td>176</td>
<td>89.3</td>
</tr>
<tr>
<td>Total</td>
<td>197</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The complaints raised were regarding missing names on the register and people whose names had been transferred complained that the process was not automatic so they were worried that they could miss out on voting. Some people complained because they were denied a chance to transfer their details to their preferred polling stations.

The update exercise was generally peaceful apart from an isolated case in Kabarole District where three UPDF officers from Kavera UPDF barracks wanted to force the EC officers to register their Congolese wives. It took the intervention from Kagole Police Post and the district registrar to calm the situation.

4.4.1.2 Display of Voters Register

In order to ensure that eligible voters were not disenfranchised, the EC displayed the voters register for three weeks after duly updating it. The EC displayed the register at various polling centres and in all districts to enable voters check for the accuracy of their particulars on the register; confirm that their photographs appear against correct particulars; and report to the display officers if the register had particulars of those who had died; the non-citizens; those who were under 18 years of age; those who belonged to another parish; and those who appeared more than once. The display exercise was also to enable eligible voters who applied for registration but whose particulars were missing on the voters’ register to be able to present their cases for inclusion on the register.

Applying similar methodology that was used in monitoring the update of the voters register, UHRC also examined during the display exercise, critical issues regarding the location of the display centre; the leadership at the centre; presence of state and non-state stakeholders; and the general atmosphere. Through its 10 regional offices, UHRC monitored a total of 393 display centres countrywide as shown in the Table 4.23 below.

Table 4.23: Display centres monitored by region

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>No. of display centres</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arua</td>
<td>48</td>
<td>12</td>
</tr>
<tr>
<td>Central</td>
<td>54</td>
<td>14</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>43</td>
<td>11</td>
</tr>
<tr>
<td>Gulu</td>
<td>81</td>
<td>21</td>
</tr>
<tr>
<td>Hoima</td>
<td>31</td>
<td>8</td>
</tr>
<tr>
<td>Jinja</td>
<td>30</td>
<td>7</td>
</tr>
<tr>
<td>Masaka</td>
<td>23</td>
<td>6</td>
</tr>
<tr>
<td>Mbarara</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Moroto</td>
<td>34</td>
<td>9</td>
</tr>
<tr>
<td>Soroti</td>
<td>44</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>393</td>
<td>100</td>
</tr>
</tbody>
</table>

i) General atmosphere during the display exercise

The general atmosphere was peaceful. In all the display centres that UHRC monitored, there were no incidents of violence recorded during the exercise. However, only one incident of disorder was witnessed in Jinja at the
National Housing Display Centre in Jinja East Municipality, where drunkards caused disruption. This was resolved when the EC officers called in their supervisor who calmed the situation.

ii) Presence of EC officials /agents

At the time UHRC monitors visited the 370 centres, 97% of them had officials/agents of the EC present while 3% did not. At some of the centres the exercise had been concluded days before the deadline since all the registered voters had verified their particulars, for instance, in Luwero District at Bugema University and Busiika display centres in Kalagala sub county as well as Tongo display centre in Zirobwe Sub County in Luweero.

iii) The voters register at the display centre

From the responses given to UHRC from 157 centres, the national voters register was available in 150 display centres monitored. This accounted for 96% with the remaining 7(4%) representing the display centres that UHRC found closed.

iv) Designated time for the display

In the 128 centres in which this issue was put to members of the public, 83% of them revealed that the time designated for the exercise was adequate. Of the government stakeholders in 51 centres that were asked 73% the time designated for the exercise was adequate. Government stakeholders included EC officials, central and Local government officials among others. Those who indicated that the time was not adequate, cited the case of students who were in boarding school at the time and who would miss out. Respondents also said the time was inadequate for the voters who would have to travel long distances to their display centres to verify their particulars. They were also concerned that the display exercise was done only once as a one-off in the election cycle.

v) Opening and closing time

The results showed that 26% of the display centres were opened before 8 am; 72% of the centres were opened at 8 am (the official opening time) and 3% were opened after 8 am. In most display centres visited the process of displaying the national voters register begun at 8 am and ended at 6 pm, however, weather changes usually affected the opening and closing time. The respondents noted that 3% of the display centres were closed before 6pm, 97% were closed at 6pm and there was no centre open after 6pm.

<table>
<thead>
<tr>
<th>Time</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 8am</td>
<td>37</td>
<td>26</td>
</tr>
<tr>
<td>At 8am</td>
<td>103</td>
<td>72</td>
</tr>
<tr>
<td>After 8 am</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>144</td>
<td>100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 6pm</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>At 6pm</td>
<td>139</td>
<td>97</td>
</tr>
<tr>
<td>After 6pm</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
<td>100</td>
</tr>
</tbody>
</table>
vi) **Medium/channel through which information was got**

The EC publicised the display process through various media and so the respondents were required to name the media through which they got the information. The findings showed that 43% of the respondents got the information about the display exercise through radio; 10% through the newspapers; 18% from their neighbours; 7% through the television; and 22% from their LC chairpersons. The results are summarised in Table 4.26 to 4.30 and Figure 4.2.

**Table 4.26: Radio**

<table>
<thead>
<tr>
<th>Radio</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>90</td>
<td>43</td>
</tr>
<tr>
<td>No</td>
<td>117</td>
<td>57</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>

**Table 4.27: Newspaper**

<table>
<thead>
<tr>
<th>Newspapers</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>No</td>
<td>187</td>
<td>90</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>

**Table 4.28: Neighbours**

<table>
<thead>
<tr>
<th>Neighbours</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>38</td>
<td>18</td>
</tr>
<tr>
<td>No</td>
<td>169</td>
<td>82</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>

**Table 4.29: Television**

<table>
<thead>
<tr>
<th>Television</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>No</td>
<td>193</td>
<td>93</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>

**Table 4.30: Local Councils**

<table>
<thead>
<tr>
<th>LCs</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>45</td>
<td>22</td>
</tr>
<tr>
<td>No</td>
<td>162</td>
<td>78</td>
</tr>
<tr>
<td>Total</td>
<td>207</td>
<td>100</td>
</tr>
</tbody>
</table>
From the above chart, it is clear that radio was the medium through which most people received information about the display exercise. This was followed by the LCs, neighbours and the newspapers. The least number of respondents sampled received the information from television.

The District Registrars confirmed that they had placed various announcements and had appeared on several radio stations informing the local population about the display exercise. In KabaroleUHRC monitors saw some posters pinned at various display centres through which the EC educated the public about the process.

vii) **Availability of mechanisms of informing vulnerable persons about the display exercise and accessing the register**

UHRC established that 98% of the display centres monitored had come up with mechanisms for informing the vulnerable persons about the display exercise. In 2% of the centres, there were no mechanisms. At most of the display centres visited, EC had not put in place special measures to inform the vulnerable groups about the process or enable them access the voters registers. Other measures included assistance by the LC I Chairpersons and relatives of the vulnerable persons who were seen helping to verify the particulars of the vulnerable persons that had not reached the display centres. The leaders of the vulnerable groups also helped to inform them of the display exercise.

<table>
<thead>
<tr>
<th>Were there measures to inform vulnerable persons?</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>154</td>
<td>98</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>157</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

The findings showed that there were mechanisms instituted for the vulnerable persons to access the register in 74% of the monitored display centres monitored. In 26% of the display centres there no such mechanisms.
In most of the display centres monitored by UHRC, access of vulnerable persons to the voter register was facilitated by local council leaders and relatives of vulnerable persons who helped to crosscheck and verify their details on the register upon presentation of enrolment forms and/or other forms of identification including National Identity Cards.

Table 4.32: Mechanisms of ensuring that the vulnerable persons access the register

<table>
<thead>
<tr>
<th>Were there measures put in place to ensure that vulnerable persons can access the voters register</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>114</td>
<td>74</td>
</tr>
<tr>
<td>No</td>
<td>40</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>154</td>
<td>100</td>
</tr>
</tbody>
</table>

However, in some of the display centres monitored by Moroto regional office, there was a Special Interest Group register managed by a different team of display officers. The special teams moved from village to village in order to enable the vulnerable persons access and verify their details on the registers. In Hoima Town Council, Hoima District, the voters register was taken by the parish supervisors to the residences of vulnerable persons with the assistance of the LC1 chairman. It was also reported that at Bukuuku display centre in Kabarole District, special display officers went door to door to verify the particulars of the vulnerable persons. Other display centres where display officials reached out to the vulnerable in their homes, making their accessibility to the exercise possible were noted in Jinja, Gulu, Nwoya and Amuru districts.

viii) Verifying dates of birth

The findings show that the youth and older persons were able to verify their dates of birth in 93% of the display centres. However, in 7% of the display centres the youth and older persons were unable to verify their dates of birth as witnessed at Lobulio display centre in Nakapiripirit Town Council, Nakapiripirit District. In some instances, the youth and older persons who verified their particulars were assisted.

Table 4.33: Youth and older persons verifying dates of birth

<table>
<thead>
<tr>
<th>Have the youth and older persons been able to verify their dates of birth are correct</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>142</td>
<td>93</td>
</tr>
<tr>
<td>No</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>152</td>
<td>100</td>
</tr>
</tbody>
</table>

ix) Transparency in the display process

The findings showed that the display exercise was conducted in a transparent manner in all the display centres monitored. Nevertheless, there were isolated incidents of officials not displaying the voters registers as was observed in Avengepuwa display centre in Lopee Trading Centre, Lopee subcounty in Napak District. At Parak Primary School, Gulu District the display official kept the register in his bag and only pulled it out whenever a voter came to the centre. It was common to find voters registers displayed on tables or pinned on tree trunks for public viewing. Display officials helped the voters to verify and correct their particulars on the voters register in all the display centres monitored.

x) Deceased persons, non-citizens and those belonging to other parishes appearing on the register at a specific parish

In 63% of the 152 display centres where this issues was raised, there were cases where deceased persons, non-citizens and those belonging to other parishes appeared on the voters register. In the case of deceased persons,
it was attributed to a general lack of documentary proof of death. It was the relatives, neighbours and local leaders that were assisting in the verification of deaths. In some other instances, persons below 18 years of age also appeared.

xi) Objectives/Complaints
The monitoring findings showed that there were complaints/objections raised in 21% of the 150 display centres whereas 79% did not have. At Walukuba Masese Sub County in Jinja District for instance, an LC Chairman complained of being left out of the general mobilisation process. There was a complaint regarding the existence of an additional area not gazetted under Kobulin centre in Moroto District. There were also reports of shortage of Clean Form 6 (on which to file a complaint) at some display centres in Nwoya and Amuru districts.

xii) Awareness about dispute resolution Tribunals
From the findings, respondents in 122 (88%) display centres were aware of the existence of parish/ward tribunals for dispute resolution. In 12% of the display centres, the respondents were not aware of them.

4.4.1.3 Concerns on voter registration
i) Low turn up
It was noted in a number of places monitored that the turn up for voter update and display was low. In some places, it was observed that it was as low as 40%. This was attributed to factors such as little or no sensitisation and communication about the exercises by the responsible offices. Some of the LC officials who essentially should have supplemented such government mobilisation also intimated to UHRC that they had themselves not been fully mobilised and facilitated to participate.

ii) Inadequate awareness about the update and display of the voters register
A number of people interviewed noted that they were not sure and clear about the voters update and display exercises. The main medium of communication, mobilisation and sensitisation was the electronic media mainly radio and television through spot messages and announcements. However, television had challenges of limited geographical coverage and associated costs of access and maintenance thus making it difficult for larger sections of the communities to access. Even then, the use of radio for dissemination of information on these exercises was not entirely effective especially to the rural people some of whom did not own a radio set and those who could not tune in all the time. So it was likely that they could have missed such important announcements.

iii) The confusion between the national ID and the voters register processes
A number of voters were mistaking the display exercise as the time for picking national identity cards, to the extent that those who had already picked their cards thought it was not necessary to go back. This was exacerbated by some level of voter apathy among the population who perceived these electoral processes as a waste of time since they had no intentions to take part in the elections.

iv) Location of update and display centres
The location of some of the centres posed challenges to the whole process. UHRC noted that some of the centres were newly created by the EC and had not been previously used, so they were not known by some community members. This arose from the fact that EC had created new polling stations as mandated by law when voters on an existing polling station exceeded the maximum number required. Many people tried to verify their particulars at places where they registered only to find they had been transferred to newly created polling stations so they ended up moving from centre to centre thereby getting inconvenienced. Some people who were moving back and forth from place to place trying to locate their particulars eventually lost hope.
Some display centres were located on verandas of shops and other commercial businesses, some under trees and yet others in open space making them susceptible to harsh weather conditions such as rain or the scorching sun in addition to posing a security risk to the display officials and the display materials/kits.

There were also centres located in very distant locations from the voters. UHRC observed that some were located as far as two or more kilometres away from where voters lived. This was a challenge for certain categories of people especially the older person, PWDs and those who lived by themselves without any one to leave in charge of their residences. Farmers also faced a challenge since they had to attend to their animals and gardens at the time of update. The issue of location was made more challenging by lack of or no proper signage or directions to some of the centres. Regular relocation of centres from place to place aggravated the problem.

The EC also located update and similar centres in urban or peri-urban places, mainly trading centres. This ideally excluded certain categories of communities including the vulnerable older persons and farmers who lived away from these centres; or had no means of transport there considering that some could not walk there. There were certain categories that had to attend to their businesses or to their daily chores instead as well as those simply shied away.

v) **Missing or mismatched particulars**

Some people even with evidence of earlier registration had to move from centre to centre because their particulars were missing or mismatched. Some photographs were not very clear, some faint and others lacking some features.

vi) **Limited time for update and display**

The timeframe that the update and display exercises lasted was inadequate. Even though the EC was operating on a tight programme, given that it had a constitutional deadline for conducting the general elections, some voters were disadvantaged most especially those that were not able to travel to their areas of registration within the two weeks of update and three weeks of display.

vii) **Human resource problems**

Each of the centres was manned by not more than two persons. At some centres, for example in Busika in Kalagala Sub county Luwero District, one person was manning two centres with more than one register, making it difficult for him to manage especially when many voters arrive at a go. The officials were thin on ground and could visibly be seen to be overworked. The assignment was tiresome as the officials had to work for long hours without any rest, or even time for meals.

viii) **Harsh weather**

The display process took place at a time when it was a rainy season especially in Central Uganda so the rain kept disrupting the process where the centres were located in open places.

ix) **Provisions for the vulnerable and illiterate persons**

There were no visible provisions for vulnerable persons such as the older persons, PWDs and the illiterate. These faced the problem of identifying and correcting their particulars that were misspelt.

x) **Limited presence of security personnel**

In most of the centres visited there were no visible security personnel. It was however clarified by police that they could not raise enough personnel for each centre but had deployed on standby in case there was need for response.

xi) **Inadequate involvement of LCs**

Inadequate sensitisation was a major concern of the LC officials who were reluctant to mobilise the communities because they had not been facilitated or involved in the display process. This resulted in the low turn up and lack of information about the exercises.
xii) **Apathy**
A number of people were not interested in the update and display exercises because their major interest was to pick their national identity cards. Others were confused or had misconceptions about the different processes.

xiii) **Poor facilitation for the update and display officials**
Update and display officials were poorly facilitated with no transport for self and equipment/kits; no operational allowances; and lacking logistics such as stationery and ink plus ink pads. Some told UHRC they were reportedly being paid as low as UGX 10,000 (Ten thousand shillings) per day for the entire exercise. Many grappled with challenges of transport and feeding. Apart from having no appointment letters stipulating their entitlements, the officials worked long hours; some without logistics and equipment such as furniture, bags, umbrellas or jackets.

4.4.1.4 Other concerns on the right to vote

i) **Disenfranchisement of youth**
The National Identification Registration process that was undertaken by the Ministry of Internal Affairs since 2014 was the source of data that the EC used for the national voters register. The ID process was registering people who were 16 years old and above, while the voters register had people who were 18 years old and above. Apart from the confusion that arose from the merging of the two processes, the registration process for voters had a cut-off date of 11th May 2015. As a result, the youths that turned 18 years between 11th May 2015 and the polling day of 18th February 2016 were disenfranchised. These were some of the youth who had National IDs, had clocked 18 years but were not allowed to vote as they were not on the voters register.

ii) **Persons with Disabilities**
Under the CRPD which Uganda has ratified government assumed obligations to guarantee political rights and the opportunity for all people with disabilities to enjoy those rights on an equal basis and with the rest of the people in the country. Under Article 59 (4) the Constitution mandates Parliament to enact laws to provide for the facilitation of citizens with disabilities to register and vote. The electoral laws recognise electoral rights for all including PWDs, not only by providing for affirmative action for PWDs in terms of including them among the interest groups, but also providing for how they can be assisted to realise the rights.

The guidelines state that for voters with disabilities such as blindness or any other disability that may hinder one from physically voting or in case of illiteracy, old age or any other disability, the voter should report to the polling station accompanied by a person of his or her choice for assistance, or request any other person at the polling station for the same purpose. Nevertheless, UHRC noted that contrary to Article 29 of the CRPD which requires that voting procedures, facilities and materials that are appropriate, accessible and easy to understand for PWDs, there were still issues of physical accessibility of venues for registration, update, display and polling exercises. People with visual impairment were disadvantaged since the election materials were not translated into braille even though the EC had earlier promised to do that.

iii) **Detainees**
Detainees including suspects in police cells were another category of disenfranchised people. Even though the constitution provides the right to vote to every eligible Ugandan, prisoners in Uganda were not facilitated to register or vote in 2016. Infact they have been disenfranchised in all elections in Uganda. Considering the statistics on the prison population as at 31st December 2015, whereby more than 45,527 people were detained (24,803 on remand and 20,424 convicts and 300 civil debtors) the level of disenfranchisement every election cycle is significant. This is precarious considering that there is no law that expressly bars
detainees from voting. UHRC has raised this issue time and again but the EC has to date not made any special arrangements to have prisoners register and vote, which violates their constitutional rights. However, the EC has argued that a law needs to be made to clearly define this issue and how it can be addressed.

iv) Ugandans in the diaspora
Ugandans in the diaspora have never had any opportunity to vote in national elections as long as they were not in the country and at the polling stations where they could have registered to vote. Unlike some countries which have made arrangements for their citizens in the diaspora to vote at the embassies, such as Rwanda and Kenya whose nationals living in Uganda were able to vote at their respective embassies, Ugandans in the diaspora are always disenfranchised. Other African countries that have enabled their citizens in the diaspora to vote include Burkina Faso, Mali, South Africa, Cape Verde, Angola, Senegal, Cameroon, Mozambique. In Uganda, Parliament has not made any laws providing for such an arrangement, and as such the EC could not organise for Ugandans in the diaspora to register and vote in the 2016 general elections.

v) Other disenfranchised voters
A number of voters were disenfranchised owing to the confusion within the public and political actors on how data for the national ID registration would be converted for the national voters register. Some did not participate in the update and display of the voters register thinking the conversion of data from ID database to the Voters register was automatic. Consequently, some people who had registered for IDs did not appear on the voters register. There were some others who registered in the required window period but the registration process did not succeed and so their particulars were never captured on the central server of the National ID. They were required to re-register for National ID but it was too late for their particulars to be captured on voters register for the 2016 elections.

4.4.1.5 Participation in partisan politics by legally barred categories
The Constitution requires serving police and military officers and cultural leaders to be non-partisan. UPF and UPDF are national institutions serving the interest of all Ugandans without bias or discrimination and as such officers of the forces are barred from participating in partisan politics. Cultural leaders are also barred by law from engaging in politics.

The Inter-Religious Council of Uganda developed a Code of Conduct for their members barring them from participating in partisan politics. Although the law does not expressly bar religious leaders from engaging in partisan politics, their leadership role in society as a symbol of unity, morally obliges them to desist from political actions that could divide their flock.

However, there were incidents in the electoral period when members of these categories engaged in politicking. During the NRM party primaries, a police officer Inspector Morris Latigo was seen and recorded in the media voting in full uniform at Police primary school polling station in Gulu Municipality, Gulu district. He was subsequently suspended by the UPF pending investigations into his conduct. However, Latigo told the media that he did not know it was wrong to vote in a party election while in police uniform. He wondered why the NRM electoral officials and the police officers around did not stop him if it was wrong.
On the eve of the 18th February 2016 presidential elections the UPDF held a prayer service at the Ministry of Defence headquarters to pray for peace during elections. The army prayers, fully covered by the media were said for the incumbent President Museveni (the Commander in Chief) to have a peaceful victory. The Chief of Defence Forces who advised the officers to vote wisely made assurances that the country was not going to experience any political upheaval, neither would there be post-election violence. A number of other police and military officers were also sighted participating in partisan politics, openly campaigning for candidates. Cases in point were two UPDF officers, Gen David Sejusa former coordinator of Intelligence organs and Captain Emmy Katabaazi, an aide to the former Prime Minister and Presidential aspirant Hon. Amama Mbabazi, who were eventually charged before the General Court Martial with offences related to their being involved in politics.

In December 2015, some politicians in Masaka District accused Anglican and Born-Again church leaders of using their pulpits to campaign for their preferred presidential candidate and openly taking political sides, contrary to the IRCU Code of Conduct. In the same area, two Catholic priests openly declared support to a Parliamentary candidate at a rally in Masaka District, an act that caused their Bishop to summon them for disciplinary action. Another priest in Kabale was seen blessing a presidential candidate at a rally after having done the same to another presidential candidate at another rally weeks before. A Bishop in Kanungu was arrested by police allegedly for organising to burn campaign materials of the NRM party. The IRCU Secretary General, however, admitted that they had no powers to penalise religious leaders who breach the Code even though campaigning for candidates was not allowed under their Code of Conduct.

In the aftermath of the presidential elections that FDC was disputing, the party started weekly prayers as part of their defiance campaign. Consequently, the FDC leaders and supporters had several run-ins with the police in Kampala and upcountry, as the police attempted to stop the prayers or disperse the people participating in them. Pastor Happy David Ngabo who had become the lead minister in the FDC prayers was arrested in May 2016 together with other people at the FDC headquarters during a similar gathering.
Police had warned that the FDC weekly prayers were a way of mobilising people to demonstrate and that freedom of worship was not absolute. This was after the Court injunction stopping the prayers.

4.4.1.6 Alleged registration of refugees

There were expressed fears of non-Ugandans voting since politicians had alleged that refugees and non-Ugandans were holding Ugandan National Identity Cards and could participate in voting. At a public dialogue that UHRC organised to discuss elections, the issue was raised with the EC. However, the EC was optimistic that persons who qualified for registration for National Identity Cards had been verified by Village Local Councils and other structures at sub county level.

The EC needed to allay the fears of some sections of the country by stating the measures it will take to identify alleged cases of non-Ugandans who may have been included onto the register or who erroneously possess Ugandan national IDs in order to ensure the credibility of the voting process.

4.5 The right to stand for political office

International standards require that every person who wishes to contest for any elective position should not be restricted or prevented from doing so and any restrictions should be legitimate, legal and necessary to facilitate rather than hinder the enjoyment of this right.\(^{27}\) The requirements for one to stand for a political office such as age, academic qualifications and criminal record among others must be based on reasonable and justifiable criteria. The state must facilitate this right by embracing the enjoyment of the right to access to public service, access to information from the electorate body and availing them with relevant documents, programme and any other information regarding the electoral processes. There should be equal treatment of all candidates irrespective of their political affiliations or opinion. Candidates and political parties must not be denied opportunity to be on the ballot, neither must they be denied the right to vote.\(^{28}\)

The Constitution guarantees the right to stand for election as it provides for the qualifications of standing for Member of Parliament, President and District Local Government Chairperson. The Constitution further provides the grounds for removal of holders of these positions.\(^{29}\) Nevertheless, there have been arguments that the qualifications are too restrictive and limit the enjoyment of the right to stand. Sections of the youth have previously spoken out against the minimum age limit (35 years) to stand for presidency arguing that it was locking them out yet at 18 years old they are certified adults. Other conditions that are prescribed in the election legislation like nomination fees, citizenship, securing of a specific number of signatures of registered voters, minimum academic qualifications were also raised as restrictive issues that discriminate against some Ugandans who would otherwise be interested.

For the 2016 general elections, there were a total of 427 elective positions at the parliamentary level and 28,510 at the Local Government level (district/city, municipality/city division, sub county/town/municipal division), according to the EC.

\(^{27}\)As above 17, Article 21 (1) of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights.

\(^{28}\)General Comment No.25, para 17.

\(^{29}\)As above 5, Article 81 of the 1995 Constitution.
Table 4.34: Summary of elective positions at the different levels of Local Government

<table>
<thead>
<tr>
<th>Local Government</th>
<th>Chairpersons</th>
<th>Directly elected Councillors</th>
<th>Councillors (forming 1/3 of Councils)</th>
<th>Representing Special Interest Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>District/City</td>
<td>112</td>
<td>1,406</td>
<td>957</td>
<td>672</td>
</tr>
<tr>
<td>Municipality/City Division</td>
<td>39</td>
<td>578</td>
<td>373</td>
<td>234</td>
</tr>
<tr>
<td>Sub County, Town/ Municipal Division</td>
<td>1,392</td>
<td>7,528</td>
<td>6,867</td>
<td>8,352</td>
</tr>
</tbody>
</table>

Table 4.35: The summary of elective positions for different categories represented in Parliament

<table>
<thead>
<tr>
<th>No</th>
<th>Category</th>
<th>Number of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Directly elected Members of Parliament</td>
<td>290</td>
</tr>
<tr>
<td>2.</td>
<td>District Women Representatives to Parliament</td>
<td>112</td>
</tr>
<tr>
<td>3.</td>
<td>Members of Parliament Representing Special Interest Groups</td>
<td>25</td>
</tr>
</tbody>
</table>

EC statistics indicate that a total of 1,749 candidates contested for Parliamentary seats of which 909 were independents, while the rest were sponsored by 13 out of the 29 registered political parties. The NRM party Secretary General Justine Kasule Lumumba indicated that the NRM political party had their candidates unopposed for nine seats namely; Eastern region PWD representative, Buyaga West in Kibaale district, Bududa district Woman MP, Bugahya County, Ruhinda North, Gomba County, Koboko Woman MP, Adjumani Woman MP and Nyabushozi County.30

Whereas the NRM party fielded candidates in all the available elective position, it was reported that the opposition did not have any candidates for 91 parliamentary seats; that is, 51 of the 290 directly-elected parliamentary constituencies and 40 out of the 112 women seats.31 In fact for more than 80 seats the NRM flag bearers were competing against NRM party members who had lost in the primaries and stood on the independent ticket.

Among the opposition, the FDC party had the highest number of nominated parliamentary candidates fielding in 262 constituencies (203 for the directly elected MP seats and 59 for the district woman MP seats). This was followed by DP with 103 candidates, of which 85 were competing for direct seats and 18 for district woman MP. UPC had 32 candidates while Jeema had 11. The rest of the opposition parties that sponsored candidates had less than five.

4.5.1 Nominations for all elective positions

The process of nomination is important in the enjoyment of the right to stand for political office. In Uganda’s political system, candidates for political positions have to be nominated in order to be on the ballot papers. During the electoral process, nominations were made for positions at all level from the presidency up to the Local Council III. There were conditions stipulated in the laws and in the EC guidelines issues from time to time, for any interested aspirant to present himself or herself to the EC for nomination. Out of the 29 registered political parties, only 13 nominated candidates. UHRC was an observer in the nomination process of aspirants for the presidency as well as the Parliament and Local Councils as presented in detail below.

30http://ugandaradionetwork.com/story/9-nrm-flag-bearers-unopposed#ixzz4GRIVIGUS.
31Observer newspaper January 2016.
4.5.1.1 Presidential Nominations

The nomination of presidential candidates took place on 3rd and 4th November 2015 at Mandela National Stadium Namboole. UHRC team of observers who had been duly accredited the previous day were able to access the nomination centre without hindrance including access through the restricted roads that had been designated for specific traffic.

The nomination centre was well organised. The protocol was properly managed such that the arrangements were clear to aspirants and other stakeholders as well as what was expected of them as clearly communicated by the EC throughout the exercise.

Requirements for nomination

Prior to nomination days, the EC set a number of requirements for aspirants as guided by the law they included to:

- Book his or appropriate time for nomination depending on whether that time had not been earlier booked by another aspirant
- Come to the nomination centre with only two seconders all of whom had to be dully registered Uganda citizens. The aspirants were also required to come to the nomination centre with not more than twenty people.
- Arrive in an entourage of not more than two motor vehicles
- Provide proof of payment of UGX 20,000,000 (Twenty million shillings) as nomination fees.
- Show proof that they have attained the equivalent of Advanced Certificate of Education.
- Prove to the EC that he was in the required age bracket of 35 – 75 years.
- Present to the EC a number of signatures collected from one third of the districts in Uganda.

1) Findings

The EC successfully nominated and issued certificates to eight candidates. One aspirant was disqualified having failed to fulfil the necessary requirements. Specifically, the disqualified candidate failed to show proof of payment of the required nomination fees and instead of presenting a post card, the aspirant tendered in a passport size photograph. One other aspirant that had booked time for nomination withdrew and officially informed the EC of his decision to withdraw from the exercise. They are as follows;

Table 4.36: Status of nomination of presidential candidates

<table>
<thead>
<tr>
<th>S/N</th>
<th>Name of candidate</th>
<th>Date nominated</th>
<th>Party</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yoweri Kaguta Museveni</td>
<td>3rd November 2015</td>
<td>National Resistance Movement</td>
<td>Nominated</td>
</tr>
<tr>
<td>2</td>
<td>John Patrick Amama Mbabazi</td>
<td>3rd November 2015</td>
<td>Independent</td>
<td>Nominated</td>
</tr>
<tr>
<td>3</td>
<td>Venansius Baryamureba</td>
<td>3rd November 2015</td>
<td>Independent</td>
<td>Nominated</td>
</tr>
<tr>
<td>4</td>
<td>Charles Lwanga Bbale</td>
<td>3rd November 2015</td>
<td>Independent</td>
<td>Not nominated</td>
</tr>
<tr>
<td>5</td>
<td>Faith Maureen Kyalya Walube</td>
<td>4th November 2015</td>
<td>Independent</td>
<td>Nominated</td>
</tr>
<tr>
<td>6</td>
<td>Abed Bwanika</td>
<td>4th November 2015</td>
<td>People’s Development Party</td>
<td>Nominated</td>
</tr>
</tbody>
</table>
Protection and Promotion of Human Rights in Electoral Processes for the 2016 General Elections

a) Compliance with the regulations and guidelines

i) Time

The exercise was largely successful with no incidents of violence. Most of the aspirants were well prepared and this facilitated the exercise to go smoothly as each aspirant would be fully nominated in the stipulated time. Another notable aspect was time keeping. All the aspirants kept and managed their time well as there were no cases of late coming or rescheduling. This also provided an opportunity to candidates Bbale Charles and Maureen Kyalya whose documents were not complete at their first presentation to find time and sort out whatever was missing. Though Maureen Kyalya was finally nominated at the second attempt, Bbale Charles still failed to acquire all that was necessary. There was enough time for each of the aspirants to organise and present their credentials for EC.

ii) Nomination fees

Each aspirant was also required to provide proof of payment of UGX 20,000,000 (Twenty million Uganda shillings) as nomination fees. Though eight aspirants were able to provide proof of payment of the fees as a requirement for nomination, one aspirant Charles Lwanga Bbale failed to meet the requirement. He did not show proof that he had deposited the money as required but rather presented a cheque which was rejected. There were also concerns from other aspirants even when they met the requirement. Aspirant Maureen Kyalya raised concerns relating to the fact that the EC had raised the nomination fee on short notice and she argued that aspirants needed to have been informed about the increment well in time for them to prepare accordingly. She also argued that it was too high for ordinary Ugandans with a desire to lead as presidents. (The fee was a result of the amendment of the law that was done a few weeks to nomination). In the same vein, aspirant Venansius Baryamureba complained of the mode of payment. He argued that what was stated in the nomination papers issued was different from what was required of the aspirants.

iii) Entourage

Each aspirant was also required to come to the nomination centre with only two seconders all of whom had to be duly registered Uganda citizens. The aspirants were also required to come to the nomination centre with not more than twenty people. It was further an EC requirement that each aspirant comes in an entourage of not more than two motor vehicles. All the aspirants complied with these requirements with the exception of the NRM aspirant who doubled as head of state and sitting president and he has certain entitlements which he enjoys at all times. Although aspirant Benon Buta Biraaro also complied with the regulations limiting the vehicles to two, UHRC observed that one of the vehicles in his convoy had concealed number plates, which is a breach of traffic laws.

---

<table>
<thead>
<tr>
<th>S/N</th>
<th>Name of candidate</th>
<th>Date nominated</th>
<th>Party</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Kizza Besigye</td>
<td>4th November 2015</td>
<td>Forum for Democratic Change</td>
<td>Nominated</td>
</tr>
<tr>
<td>8</td>
<td>Joseph Elton Mabirizi</td>
<td>4th November 2015</td>
<td>Independent</td>
<td>Nominated</td>
</tr>
<tr>
<td>9</td>
<td>Benon Buta Biraaro</td>
<td>4th December 2015</td>
<td>Farmers Party of Uganda</td>
<td>Nominated</td>
</tr>
<tr>
<td>10</td>
<td>Nasser Ntege Ssebagala</td>
<td></td>
<td></td>
<td>Withdraw</td>
</tr>
</tbody>
</table>

32 Aspirant Nasser Ntege Ssebagala withdrew from the race and duly informed the EC of his decision on 4th November 2015.
iv) **Academic qualifications, age and signatures**

All the aspirants provided proof of attainment of the equivalent of Advanced Certificate of Education; that they were in the required age bracket of 35 – 75 years; and they had presented the required signatures collected from various districts.

2) **Other considerations**

i) **Nomination process**

The actual nomination process was managed by the EC which was led by the Chairperson, members and technical staff. They appeared well prepared for the task ahead. With the help of their well assembled technology, they were able to verify all the information relating to the aspirants and their seconders instantly and this facilitated the process to make quick and instant decisions. The official returning officer was able to issue instant nomination certificates to all successful candidates making them eligible to start the process of campaigning just as immediately as they left the nomination centre.

The EC provided a press centre for each nominated candidate to address the media after which they were free to address nomination rallies. The EC also used the opportunity to issue guidelines and timeframe of the campaign process at that very time.

The EC also provided an opportunity for successful independent candidates to identify and pick symbols that would be used alongside their names on ballot paper for ease of identification by voters.

The EC duly informed each candidate after nominations of their entitlements including twentyfour hour security detail comprising police personnel and a fuelled pick up. Unlike the previous elections, the amended electoral laws did not provide for financial facilitation for the candidates. In this regard candidates Maureen Kyalya, Joseph Elton Mabirizi and Venansius Baryamureeba expressed dissatisfaction, during their maiden press conference, about the unfairness of this amendment.
The EC further provided a platform for each candidate to interact with Always Be Tolerant (ABETO) a nonorganisation that promotes peace as a sign of promoting peace in the campaign process. Each candidate was offered a flag as a symbol of promotion of peace.

The key process of preparedness started even before the nomination days as evidenced from the requirement for all participants including the EC officials and observers to undergo an accreditation process to avoid last minute rush and confusion.

ii) Prior engagement of EC and the aspirants

The UHRC Observers also learnt from the EC that the nomination days went smoothly because the EC had prior to the nomination days maintained interaction with the aspirants to guide them on what was required to comply with the regulations. This explained the high rate of compliance where only one out of eight aspirants did not meet the requirements for nomination. The EC had held a meeting on 14th October 2015 with the aspirants in which they discussed the guidelines and requirements and heard their concerns. Thereafter the EC kept their door open for the aspirants to consult.

iii) Security

The security agencies deployed effectively in and around the nomination centre including the roads and ways leading to the nomination centre. This could also explain the remarkable time management by all aspirants. It terms of the security environment at the centre, the mood was calm throughout the exercise with no reported incident of violence. The security agencies present at the nomination centre included UPF and UPDF. UPF was the lead agency in charge of the whole process.

It was also observed that when the two of the aspirants namely Yoweri Kaguta Museveni of the NRM and Dr. Kizza Besigye of FDC arrived there was increased presence of security agents. In the case of Yoweri Kaguta Museveni, security in the nomination centre was beefed up by SFC. Being the incumbent president the electoral law allows him to maintain his security detail. Section 27(2) of Presidential Elections Act of 2005 provides that “... a candidate who holds the office of the president may continue to use government facilities during the campaign, but shall only use those government facilities which are ordinarily attached to and utilised by the holder of that office”. In the case of Dr. Kizza Besigye of FDC there was visible increase in the presence of police personnel at the centre on arrival and during his nomination.

iv) Media

Media houses were free to cover the exercise and for the first time in the history of Uganda some relayed the proceedings live. This provided an opportunity to Ugandans with access to the media, especially television, to follow the process. However UHRC observers noted the absence of the major international media, even though the EC said that invitations had been extended to them.

The EC provided an opportunity to the media to interact with each of the successfully nominated candidates at an arranged press centre which created a platform for freedom of expression and access to information. Nonetheless even aspirant Charles Lwanga Bbale who did not qualify for nomination and therefore could not access the press centre, had the opportunity to interact with the media outside the nomination centre.

v) Observers

The nomination exercise was witnessed and monitored by different categories of observers from national to international organisations, from government to non-governmental organisations, diplomatic corps and political parties including those that had not fielded aspirants. The observers were accorded appropriate opportunities to carry on their mandate without any limitations or hassle from either the EC or security agencies.

The UHRC commends the EC for a well-organised and successful presidential nomination exercise. In particular, UHRC would like to acknowledge the impact the interaction of the EC with the aspirants in the run up to the nomination, as well as the setup of the nomination centre had on the success of the nomination exercise. UHRC therefore recommends that the EC maintains these good practices.
4.5.1.2 Nominations of Parliamentary and Local Council candidates

Candidates for the different Local Government positions including special interest groups were nominated from 16th – 20th November 2015 while, candidates for the Parliamentary elections were nominated from 2nd – 3rd December 2015. The UHRC observed the nomination exercise countrywide as shown in Table 4.37 and Figure 4.3 below.

Table 4.37: Nomination centres monitored by region

<table>
<thead>
<tr>
<th>Name of party/coalition/individual to be nominated</th>
<th>Seat/Electoral Position</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Member of Parliament</td>
<td></td>
</tr>
<tr>
<td>Democratic Party</td>
<td>18</td>
<td>26</td>
</tr>
<tr>
<td>Forum for Democratic Change</td>
<td>58</td>
<td>95</td>
</tr>
<tr>
<td>Uganda People’s Congress</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>National Resistance Movement</td>
<td>89</td>
<td>277</td>
</tr>
<tr>
<td>Independent</td>
<td>148</td>
<td>237</td>
</tr>
<tr>
<td>JEEMA</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>322</strong></td>
<td><strong>648</strong></td>
</tr>
</tbody>
</table>

Figure 4.3: Electoral Positions
1) UHRC findings on nominations of the different candidates

The findings cover UHRC monitoring of nominations of candidates for the 2016 parliamentary elections, local government and special interest groups. Monitoring of the nomination exercise was based on four critical issues relating to: the seat being vied for; arrival time at the nomination centres; compliance with regulations; the process of nominating in light of the principles of participation, transparency and accountability as well as the general atmosphere at the nomination centre. These issues were examined using a tool/checklist in which questions were asked and responses recorded from members of the public, EC officials, other central and local government officials to facilitate a quantitative and qualitative analysis. These are discussed in detail below.

a) Nomination of candidates for Parliamentary elections

i) Reception and presence of EC officials/agents at Nomination Centres

The nomination exercise conducted by the EC started in the morning at 9:00 am until 5:00 pm in the evening. The findings reveal that at the time UHRC monitors visited the nomination centres, the officers in charge at the respective nomination venues were the District Registrars of the respective districts. These received candidates who had vied for positions of either Member of Parliament or Woman Member of Parliament.

The candidates varied from independents to those standing on a party ticket. Overall, the nomination exercise was on-going in most of the centres in the country.

ii) Compliance with legal requirements and EC Regulations

Candidates presenting themselves for nominations at parliamentary level had to comply with a number of EC regulations. Some of these included; a limit of two vehicles and 10 nominators/seconders, to mention but a few. All the candidates who appeared for the nomination process were duly nominated after complying with the requirements. There were cases of intending candidates who were not nominated, for instance 2 aspirants in Kasese District had booked for nomination but for various reasons could not be nominated. Mr. Thembo Exewa of Uganda Federal Alliance could not be nominated because he could not raise the three million shillings needed as nomination fee. Ms. Loice Bwambale also changed her mind at the eleventh hour and withdrew, although the reason for the withdrawal was never given. Mr. Nobert Mao aspirant for Gulu Municipality MP could not be nominated because he was not on the National Voters Register and was replaced by Mr Komakech Lyandro.

Nevertheless, in Kaabong district, Mr. Ngorok Pasquale an aspirant for the Dodoth East Constituency on an independent ticket nearly failed to get nominated after submitting poor quality passport photographs which were rejected.

Table 4.38: Status of nominated Candidates

<table>
<thead>
<tr>
<th>Nominated</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>706</td>
<td>99</td>
</tr>
<tr>
<td>No</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>716</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 4.38 above shows that the majority (99%) of the aspirants that UHRC observed during the exercise were nominated since they had met all the requirements for nomination.

Each candidate was required to use not more than 2 vehicles to the nomination centre and each not to carry more than 10 people. The majority of the aspiring parliamentary candidates complied with the regulations save for two aspirants who came in with more than 2 vehicles. These were: Hon. Chrispus Kiyonga, the Defence Minister who came in with more than 20 vehicles and Mbahimba James of Kasese District, an independent candidate who had 4 vehicles.
iii) Mood at the time of Nominations

The general mood at all nomination centres visited was calm with no instances of disorderly conduct. The aspiring candidates, their seconders and supporters were very peaceful. The professional and courteous nature in which candidates were handled by the EC staff explains the calmness that was witnessed at all nomination venues monitored in the 6 districts. At some of the nomination venues, there was a lot of excitement by supporters following the successful nomination of the respective candidates.

The whole exercise was peaceful. The findings reveal that the mood was calm in 74.9% of the nomination centres and there was excitement in 24.8% of the nomination centres.

The EC staff handled the nomination exercise transparently and even where there were mistakes for example in the nomination requirements of the aspirant such an aspirant was assisted by the EC staff to have them corrected. In case of missing requirements, the aspirants were given time to bring them before they were nominated. There were also no delays by the EC staff at the nomination centres which contributed to the calmness, aspirants were taking on average 10 minutes to be nominated. Some aspirants had also booked with the EC the nomination time which quickened the exercise.

iv) Presence of Security Personnel at the Nomination Centres

At all nomination centres visited, there was presence of police personnel to maintain law and order. For example, at Kyegegwa and Kyenjojo nomination venues there were two police officers present while at Bundibugyo Community Hall and Karugutu Town Council Hall there was a police officer present at each. At Kasese District multipurpose hall, there were 4 police officers maintaining order. Given the fact that the candidates, nominators and supporters were peaceful, no single incident was recorded at the nomination centres. The presence of the security personnel at the nomination venues was rather assuring than intimidating.

Table 4.39: Presence of Security Agencies

<table>
<thead>
<tr>
<th>Presence of Security Agencies</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Police</td>
<td>658</td>
</tr>
<tr>
<td>Military Police</td>
<td>3</td>
</tr>
<tr>
<td>Soldiers</td>
<td>11</td>
</tr>
<tr>
<td>Crime preventers</td>
<td>16</td>
</tr>
<tr>
<td>Private Security</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>21</td>
</tr>
<tr>
<td>Total</td>
<td>710</td>
</tr>
</tbody>
</table>

a. Dichotomy group tabulated at value 1.

The findings show that the police had a bigger presence compared to the rest of the security agencies. 92.7% of the nomination centres had the presence of police. They were followed by the crime preventers who had a presence in 2.3% of the nomination centres.

v) Presence of the Media

There were local media present at most of the nomination centres. At the Regional Elections Office for example where nominations for Kabarole District took place, there were journalists from Voice of Tooro, Jubilee Radio and Life FM while at Bundibugyo Town Council Hall there was local media from UBC and Voice of Bundibugyo). However, at Karugutu Town Council Hall and Kyegegwa District Council Hall, there was no media present. The EC staff were also welcoming to the media in all the districts monitored.

Some of the security agents present were specifically identified as crime preventers. Ordinarily crime preventers are part of the Uganda Police Force.
The nomination process was covered by various media. The findings show that the private media covered the most compared to others. 67.4% of the media were private, 32.4% were state and 0.2% international. Compared to the number of nomination centres, this coverage was not wide.

vi) **Observers at the Nomination Centre**

Some nomination centres had observers from CSOs who were allowed access to all the information needed. This was the case in Kasese District where the CSO observers were well received and accessed all the needed information. In Kotido District other than UHRC observers, there were also observers from the NRM EC and spouses of candidates observing independently. There was a FHRI observer at the Adjumani nomination centre. In Dodoth West Constituency in Kaabong District, the EC Registrar demanded for an introduction letter from UHRC observer, Mr Obura Francis especially during the nomination of Rev. Fr. Simon Lokodo. The findings however also reveal that there were nomination centres without other observers other than those from the UHRC. This was the case with nomination centres in the districts of Jinja, Tororo, Butaleja, kamuli, Iganga, Busia, Gulu, Mbarara, Hoima and many more.

Table 4.41: Presence of Observers

<table>
<thead>
<tr>
<th>Presence of Observers</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>State</td>
<td>18</td>
</tr>
<tr>
<td>Non-state</td>
<td>19</td>
</tr>
<tr>
<td>Civil society</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>97</td>
</tr>
</tbody>
</table>

Besides UHRC observers, there were other observers during the nomination process. Of the other observers, civil society had the highest number with 62%. State and non-state actors each accounted for 19%. However, compared to the number of nomination centres, the election observers were few. Thus, only a few of the nomination centres had election observers.

vii) **Issuance of Nomination Certificates**

All candidates who were duly nominated were generally give copies of the verified nomination forms by the respective District Registrars and not nomination certificates.
viii) **Offences or Malpractices**

Generally, there were no malpractices during the nomination exercise except for a few isolated cases in some incidents. For instance, a woman MP candidate for Kole District who appeared with her team in NRM party colours in contravention of Section 23(2) of the Parliamentary Elections Act. In the District of Pader one of the candidates - Mr Odongo Otto disappeared with the District Registrar in one of the EC rooms close to 1½ hours when Mr Okeny Benard Obina previously also known as Akamba was to be nominated. The discussions between the dual that were not known to the public delayed the nomination of Akamba from 2pm to 5 pm.

4.5.1.3 **Nomination of candidates for Local Government Positions**

i) **Reception and presence of EC officials /agents at Nomination Centres**

EC Officials were present at all nomination centres visited and the exercise started at 9:00am and would end at 5:00pm from 16th to 20th November, 2015. However, Kasangati Main Hall, in Wakiso District had only one EC Officer who seemed to be overwhelmed by the number of candidates to be nominated.

ii) **Compliance with the legal requirements and EC guidelines**

All the candidates who appeared for the nomination process were duly nominated after complying with the requirements. Some of the requirements included submitting a fully filled nomination form, receipt as proof of payment of nomination fees, National Identification card or proof of being a registered voter, academic documents, 3 passport size photographs and having two registered voters to second the nomination among others.

Candidates who belonged to parties were required by their respective constitutions to be seconded by their Party District Chairpersons. Some aspirants however did not comply with this which caused delay in the process. This was reported in Mukono District when the candidates contesting under the Democratic Party has not got any endorsement from their District Party leadership.

Candidates were not allowed to come to the nomination centre with more than 10 supporters, however, in some districts it was observed that some candidates brought more than 10 supporters. This was observed in Mukono District at the Office of the District Registrar and Wakiso District at Kasangati Community Main Hall where many people were found.
The EC Officers were seen guiding those candidates who had not filled their forms properly to ensure that all those who qualified were duly nominated.

The isolated case of those who were not nominated include one Abudu Kayinza in Butambala District who had not paid the nomination fees and at the same time he was not a registered voter. Otherwise on the whole, all candidates who met the requirements were duly nominated.

iii) Mood at the time of Nominations
The general mood at all nomination centres was calm and peaceful. The EC officials came across as professional, fair and transparent throughout the nomination exercise. Candidates who appeared for the nominations were also peaceful and there were no cases of havoc or chaos registered at all nomination centres monitored.

iv) Presence of Security Personnel at the Nomination Centres
There was presence of security personnel especially police officers at all nomination centres visited whose role was to maintain law and order.

v) Presence of the Media
There was local media present at some of the nomination centres. For example, a journalist from Endigito Radio was found at Ibanda South Nomination Centre. The media were also present in Jinja, Tororo, Iganga and Butaleja districts majority of who were local media personnel from local radio stations. The media were allowed to take pictures and interview candidates outside the nomination hall after the nominations. At other nomination centres, however no media personnel were present, and these included; Mbarara Town Council Hall, Bwizibwera Town Board Offices, Isingiro District Council Hall, Kabale District Council Hall, Kanungu District Headquarters to mention but a few.

vi) Observers at the Nomination Centre
Apart from UHRC staff, no other observers were found at nomination centres monitored. UHRC staff were welcomed by the EC and they cooperated in providing all the relevant information or clarifications apart from Buikwe District where UHRC staff was not allowed to enter the nomination hall for lack of accreditation by the EC. UHRC was therefore not able to fill in checklists or talk to the candidates since there was confusion, congestion and lack of order in conducting the exercise.

vii) Issuance of Nomination Certificates
All candidates who were duly nominated were given copies of the verified nomination forms by the respective District Registrars. There was no issuance of nomination certificates since this is not a requirement under the Local Government Act and regulation.

viii) Offences or Disputes
There were no reported disputes, cases or offences relating to the nomination exercise. All candidates were treated cordially and fairly, thus chances of having any violent or grievances were minimised.

4.5.1.4 Special Interest Groups (SIGs) (Youth, elderly persons and Persons with Disabilities)
Special Interest Groups (SIGs) comprising youth, elderly persons and Persons with Disabilities were nominated on the same dates as other Local Government aspirants. Therefore, the findings on local government nominations as detailed above were equally applicable.

Just as was the case with local government nominations, the EC officials were at hand to assist those that had not filled in their nomination forms properly to ensure they got nominated.
However, one candidate identified as Ntuyo Anthony, contesting for Kamuli Youth Councillorship, was not nominated because the District Registrar said that at 30 years and 4 months he was above the youth age bracket.

In Kayunga and Wakiso districts, UHRC observed that some of the nomination venues were not favourable for the PWDs. Kasangati Main Hall in Wakiso District has stairs and no special arrangements were made to enable persons with physical disability to easily access it. Similarly, the Kayunga District Council Hall had no ramps for easy accessibility of PWDs.

PWDs and the elderly in some districts including Kayunga, Iganga and Kamuli had to endure the long queues that characterised the exercise given that the nomination centres were few and no special consideration was made for them. In Kayunga, Abim, Mukono and Ntungamo districts UHRC noted that the weather was not favourable especially for PWDs and the elderly considering that it rained and they had to struggle to get to the nomination centres.

4.5.1.5 Concerns during the nominations
The UHRC observers noted that the nomination exercise was generally conducted well. There were however a number of concerns as highlighted below;

1. Generally, there was over crowding as well as delays at the nomination centres especially with Local Government nominations. Unlike the parliamentary nominations where majority of the aspirants had booked nomination time, the Local Government nominations did not strictly observe the bookings. Similarly, poor time management in Soroti District was noted as the exercise kicked off on the second day after 10:00am when the District Returning Officer arrived.

2. There were delays in the verification of the documentation presented by aspirants as in the case of uncertified academic documents, poor quality passport photos and the lack of a national ID.

3. Most candidates in Kaabong District did not have adequate understanding of the requirements for nomination, leading to delays in the process.

4. Many of the nominated candidates did not have a prepared campaign programme as was the case with all the candidates in Karamoja region.

5. In some districts the unfavourable weather not only affected the nomination exercise but also jeopardised the participation of the vulnerable persons including PWDs and the elderly.

6. The two nomination centres provided for per district were not sufficient given the long distances aspirants had to travel and the costs they incurred. This was worsened by the fact that some districts had only one nomination centre. Consequently, the nomination exercise was characterised by congestion and delays most especially at the Local Government and SIGs levels.

7. Many aspirants complained about the high nomination fees amounting to UGX 20,000,000 (Twenty million shillings) for presidential aspirants and UGX 3,000,000 (Three million shillings) for parliamentary aspirants. In addition, aspirants were concerned about the timing of the amendments that raised the nomination fees as the amended laws were finally passed just weeks before the nomination. Consequently, the nomination exercise was characterised by congestion and delays most especially at the Local Government and SIGs levels.

8. There is an ongoing debate about the potential of restrictions such as academic qualifications closing out some deserving aspirants particularly at the local government level. The unprecedented
court nullification of elections which has characterised the post-election period due to lack of minimum academic qualifications could be a pointer to this. Human rights standards require that “persons who are otherwise eligible should not be excluded by unreasonable or discriminatory requirements such as education…”

The nomination exercise in areas monitored by UHRC was generally calm and successful save for the concerns pointed out. UHRC urges all stakeholders to take appropriate action on the recommendations to improve the management of the electoral processes so as to enhance the rights of all Ugandans to effectively participate in their governance.

4.5.1.6 Other concerns reported relating to the right to stand for political positions

a) **Discriminatory requirement for public officers to resign before nomination**

   Article 80 (4) of the Constitution a public officer or a person employed in any government department or agency of the government or an employee of a local government or anybody in which government has a controlling interest who wishes to stand in a general election as an MP shall resign at least 90 days before nomination day.

   This requirement for public officers to resign, while exempting certain offices, including members of commissions, authorities or councils as defined in Article 257 of the Constitution, the Parliamentary Election Act, 2005 and the Local Government, who are only required to obtain leave of absence from office, is discriminatory. UHRC noted that such provisions did not comply with the principle of equitable treatment of all before the law. UHRC received concerns on these legal provisions, which, according to human rights principles, were discriminatory and did not promote equity.

b) **Arrest of presidential aspirants**

   On 9th July 2015, Hon. Amama Mbabazi, former Prime Minister who had declared his interest to stand for presidency was arrested in Njeru, Jinja District on his way to hold consultations in Mbale as a presidential aspirant. He was detained at Kiira Road Police Station in Kampala. Dr. Kizza Besigye was arrested at his home in Kasangati as he left to hold a rally and he was detained at Naggalama Police Station in Kayunga District. These were stemming from the different interpretation of sections of the electoral laws by the aspirants, the EC and the Police. UHRC noted the need to review and harmonise the legal framework so that it leaves no lacuna or room for multiple interpretation or abuse.

c) **Blocking and dispersing of Hon. Amama Mbabazi’s consultative meetings**

   In July 2015, presidential aspirant Hon. Mbabazi’s scheduled consultative meetings at Kakindu Stadium and Kazimingi area in Jinja. There was heavy security deployment at Kazimingi with a few policemen deployed at Kakindu Stadium that was locked throughout the day. Upon his arrival at Kazimingi, Police engaged his entourage, police violently dispersed the crowd with batons, tear gas and live ammunition. The crowd responded by pelting stones at police officers for about 20 minutes until the police operations boss arrived with re-enforcement of more officers and riot gear. Some protesters would pick the yet-to-explode teargas canisters and throw them back at police. The tear gas affected Main Street Primary School in Jinja Town. A police officer who was seen firing live bullets was accosted by Hon. Amama Mbabazi’s security detail before a Senior Police Officer eventually led him away. The bullets however did not harm anyone.

   Hon. Amama Mbabazi’s attempt to hold the meeting at Travel Hotel also failed because hotel management declined to host him citing political and security reasons. He then proceeded to Nile Village Hotel where he first had a meeting with his delegates and at 6.40pm started addressing a small gathering at the hotel gardens. Hon. Amama Mbabazi’s consultative meetings on 9th September 2015 in Soroti at Independence
Square was similarly foiled by police although he addressed his scheduled rallies at Mbale Cricket Grounds on 7th September 2015 and another at Boma Grounds in Kapchorwa on 8th September 2015. The RDC Soroti District, Mr. William Komakech said the EC had issued them with a directive not to allow Hon. Amam Mbabazi Mbabazi as an aspiring candidate to address the rally. He said Hon. Amama Mbabazi was advised to stick to the original plan of holding an indoor consultative meeting with his supporters.

A crowd of people waiting for Hon. Mbabazi to address them at the junction towards Travel Hotel, Jinja

Hon. Amama Mbabazi maintained that it was his constitutional right to consult as an aspirant and that he did not have to belong to any party to consult. He insisted that the law permitted him to consult. On the question of the venues for his consultations being already occupied, as Police was arguing, Hon. Amama Mbabazi said they paid for the venue and if it had been pre-booked the management would not have received their money.

However, the EC said aspirants needed to differentiate consultative meetings from distribution of campaign materials, campaigns, holding rallies and mass meetings and canvassing/soliciting. It advised all aspirants to comply with the requirements of the PEA and other applicable laws in regard to undertaking the consultative activities. According to EC, while Section 3 of the PEA, provides for aspirants to consult in preparation for nominations, the aspirant is required to introduce himself or herself to the EC and notify the relevant Local Council and the Police of the area to which he or she goes. During the consultative meetings, the “aspirant may: (a) carry out nation-wide consultations; (b) prepare his or her manifesto and other campaign materials; (c) raise funds for his or her campaign through lawful means; (d) convene meetings of national delegates.” The EC said campaigns for the various elective positions, Presidential Elections inclusive, as guided by law would commence after the EC duly nominated candidates for the respective elective offices. UHRC was concerned about the following issues:

1. The continued use of preventive arrest by police to curtail the movement of especially opposition politicians in view of an existing court ruling against its use. UHRC had raised in its 16th Annual Report to Parliament the issue of the continued use of preventive arrest as a human rights concern. The Minister of Justice and Constitutional Affairs was quoted in the media on 10th July 2015 as having condemned as illegal the use of preventive arrest.

2. In Mbale, where Hon. Amama Mbabazi was expected, police was reported to have confiscated a journalist’s camera and phone as he covered the happenings at the venue.

3. The Executive Director of the UCC issued a letter to all media houses communicating the threats to withdraw licenses for “negative and unprofessional trends such as lack of balance, sensationalism, incitement, abusive language and relying on unauthorised and unreliable sources.
of information”. The ED said this was in response to misuse of the media by presidential aspirants, particularly Mbabazi whom he accused of funding media houses “to spread falsehoods” that the incumbent Yoweri Kaguta Museveni had cleared his nationwide consultation tours. However, he was quoted saying: “When we get any kind of complaint, it is within the law for us to issue a cautionary message to the media houses. We wrote a letter during the terrorism alert; so, it’s routine and we are not intimidating anybody.”

4. The opposition accused the police over selective application of the law whereby the opposition consultations were disallowed or dispersed but the NRM demonstrations were allowed. They also accused police of differential treatment of suspects by police referring to the VIP treatment accorded to Hon. Amama Mbabazi when he was arrested and the violent way his supporters or those of Dr. Kizza Besigye were treated.

5. A staff member of UHRC was denied access to the suspect Hon. Amama Mbabazi when he was in custody at Kiira Road Police Station, contrary to Article 53 of the Constitution of Uganda.

d) **Alleged abduction of Presidential candidate**

Presidential candidate Joseph Mabirizi reported to UHRC head office on 19th and 20th November to lodge a complaint about his alleged abduction in Iganga the previous week. He felt his rights were violated and expected UHRC as a NHRI to handle the matter to its logical conclusion. His complaint was registered.

e) **The disappearance of FDC supporters**

FDC members led by the FDC chairman Mbarara District one Mr. Stanley Katembeya approached UHRC Mbarara offices on 23rd and 24th November with a written complaint and requested UHRC to intervene and establish the whereabouts of three FDC supporters who had been arrested 2 weeks before by police. Matsiko Yassin, Mayanja Michael and Mpagi Abudul were arrested from Mbarara on 15th and 16th November 2015 by Police on allegations that were never explained to them. They were taken to Mbarara Police Station and later to an unknown place where they were being held at the time of the complaint. The FDC officials had on 18th November 2015, approached the RPC Rwizi Region to find out the whereabouts of their people and he had informed them that they were held for questioning at the Police Special Investigations Unit, Kireka. The FDC officials said they had been to SIU Kireka but did not find them. They further claimed that one of the people arrested was going to be nominated and that he had missed out. They requested UHRC to intervene in the matter claiming they were being harassed on political grounds. This complaint was registered.

f) **Defacing of campaign materials**

According to the law, during campaigns any candidate may publish campaign materials that may include posters to enable him/her solicit for votes from voters and that such materials have to be identifiable as his/hers. Posters were the most common campaign materials that most candidates in the 2016 elections used. There were however many complaints about defacing of posters by rival candidates or their supporters. This was either by tearing off posters from where they had been pinned or placing posters of rival candidates on top of those that were already pinned up.

In most of such complaints candidates in the opposition were the main victims and they claimed that the Police was not interested in assisting them on this matter. In some instances, the police and crime preventers were accused of being involved in defacing posters or looking on as it happened. Police in Mbarara and Fort Portal were accused of not making any arrests when Hon. Amama Mbabazi’s supporters reported the defacing of his posters in November 2015 claiming that the complainants did not take the suspects to the station, yet in Arua 7 supporters of Hon. Amama Mbabazi were detained on 23rd November, 2015 for allegedly defacing Museveni’s posters ahead of Hon. Amama Mbabazi’s rally at Arua Hill Grounds in Arua Municipality.
4.6 Freedoms of expression, association, movement, assembly; access to information and the right to alternative sources of information

The section examines the extent to which the above freedoms and rights were enjoyed by the citizens before, during and after the electoral period. Freedoms of expression, association, movement, assembly; access to information and the right to alternative sources of information are critical in the electoral process and human rights standards require that citizens are facilitated to enjoy all of them in order to ensure meaningful elections. Below are highlights of the provisions of human rights standards on each of the freedoms and rights under this category:-

1. Freedom of opinion and expression

Freedom of opinion and expression requires that anyone whether a voter or candidates who wishes to express his views or political opinion to do so without interference or unnecessary restrictions. Human rights standards demand that all candidates should be given equitable access to media, be treated equally by state media and no unreasonable limitations on the use of either private or state media. The right to freedom of opinion is an essential right in the context of elections because it is impossible to assert genuine popular will in an environment where this right is not enjoyed. The right to freedom of expression guarantees every form of subjective idea or opinion capable of being disseminated. The right to express partisan ideas or opinion is a must for a genuine, free and fair election because its enjoyment allows people to express their political will.

The standards and laws of Uganda also require that no one should be discriminated against on the basis of his or her political opinion. However, the right to freedom of expression and opinion carries with it special duties and responsibilities and these are provided for under Article 19(3) of the ICCPR which partially limits the enjoyment of this right. It provides that the right to freedom of opinion and expression can be restricted only where such provisions are provided and are necessary for; the respect of the rights or reputation of others, for the protection of national security or for public order, health or morals. Article 20(1) further provides that freedom of expression does not include propaganda for war. The expression should not include any advocacy for national, racial, religious hatred, incitement to discrimination, hostility or violence. Therefore, states should not interfere with this right unless it is provided for in the laws and any limitation must be necessary to protect fundamental human rights. The rationale for the protection of this right is that people should feel free to express themselves, free to impart without fear, all legitimate political messages for an election to be a true manifestation of the will of the people.

2. Freedom of association

Freedom of association envisages the right of people to form, join or leave a political organization without coercion, intimidation or fear of recrimination. There should be no discrimination based on one’s political affiliation and no one should be prevented from enjoying this right.

3. Freedom of movement

The right to freedom of movement is enshrined in human rights standards and requires that all persons on an equal basis retain the liberty to move within or between countries. There are three components to the freedom of movement: movement and residency within a country, exiting and entering a country, and terms of entry and stay related to another country.

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34As above 27, Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights.
36As above 34, Article 19 of the Universal Declaration of Human Rights, Article 26 of the the International Covenant on Civil and Political Rights, Article 2 of the African Charter on Human and Peoples’ Rights, Article 21(2) of the 1995 Constitution
37As above 35, Article 22 of the International Covenant of Civil and Political Rights, Article 29 (1) (a) of the Constitution.
38As above, Article 12 of the International Covenant of Civil and Political Rights, Article 12 of the African Charter on Human and Peoples’ Rights and Article 29(2) of the 1995 Constitution.
Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. It stresses the equity of this right, that no person’s movement should be restricted on the basis of prejudice. State parties are required to guarantee equality in the enjoyment of this freedom and ensure the prohibition of discrimination related to racism, color, ethnicity, and nationality.

However, human rights standards place a caveat that this right is only to be limited by restrictions of law, protection of national security, keeping of public order or public health, and measures to protect the rights of others. Freedom of movement stresses the interconnectivity of rights and the fact that this right is related to many others when it is curtailed. Human rights standards therefore reiterate that restrictions on movement by a State should only be made under “exceptional circumstances”.

4. Freedom of assembly

The right to peaceful assembly requires freedom to hold and peacefully participate in political rallies, meetings, demonstrations and events without unnecessary restrictions or fear of recriminations. All political parties and candidates should have the opportunity to organize political rallies and assemblies or events without disruption or frustrations. There should be no prevention of people or arbitrary interference with those attending political events of any candidate. The state at the same time is mandated to facilitate peaceful assemblies, rallies and political events through use of security personnel who should be seen keeping law and order as opposed to intimidating or causing fear to the people attending. This right is very vital because it is through these rallies and assemblies that political leaders enjoy the right to compete for support and votes and people enjoy, the right to express their opinion and citizens get to enjoy the rights to access information and choose the political parties they wish to join. The enjoyment of this right also enables the citizens to form their own decision on who to vote for.

5. The right to access to information and the right to alternative sources of information/Social media

The right to access information requires that voters should have information about the electoral processes, parties, candidates and their political messages, posters, articles, manifestoes, songs and programs, access to unbiased voter information and comprehensive non-partisan civic education. Candidates also have the right to access information on the electoral processes, requirements and free access to relevant documents without unreasonable delay or restrictions upon request. The right to access information is vital in facilitating a genuine election since voters are able to make an informed choice.

Below, the report makes an analysis on the extent to which the above freedoms and rights were realised in the period before, during and after the 2016 general elections with particular focus on the delivery of civic and voter education; political party activities; campaign rallies, access to media; media coverage of political party activities; treatment of media practitioners and use of the social media.

39As above, Article 13 (2) of the Universal Declaration of Human Rights, Article 12(3) of the International Covenant of Civil and Political Rights, Article 12(2) of the African Charter on Human and Peoples’ Rights and Article 47 of the 1995 Constitution.
42Section 5 and Section 9 of the Public Order Management Act 2013.
43As above 41, Article 19 of the Universal Declaration of Human Rights, Article 19(2) of the the International Covenant of Civil and Political Rights, Article 9 of the African Charter on Human and Peoples’ Rights and Article 61 (g) of the 1995 Constitution.
4.6.1 Civic and voter education

In order to facilitate the enjoyment of the right to access information during elections, human rights standards require that voters should have information about the electoral processes, parties, candidates and their political messages, posters, articles, manifestoes, songs and programs, access to unbiased voter information and comprehensive non-partisan civic education. On the other hand, candidates should also have the right to access information on the electoral processes, requirements and free access to relevant documents without unreasonable delay or restrictions upon request. The right to access information is vital in facilitating a genuine election because voters are empowered to make an informed choice and can be realised through the provision of civic and voter education to the citizens.

UHRC therefore, noted efforts by the EC and CSOs to provide voter education to the citizens as well as civic education by itself using various media such as radio, television, newspapers, posters, flyers, handbooks, pamphlets, road shows, workshops and songs. Voter civic education was also provided using the various social media platforms, SMS messages and other online platforms among others. (Refer to Section 3.4 for details).

4.6.1.1 Concerns noted under civic and voter education

UHRC noted that the voter and civic education provided for the 2016 elections was inadequate, leading to a number of concerns that hindered the enjoyment of the requisite rights and freedoms such as access to information; freedoms of expression, association and movement of both candidates and citizens and the ability of voters to exercise self-determination among others.

a) Large number of invalid votes

UHRC noted that the lack of adequate voter and civic education resulted in a number of concerns including the high number of invalid votes during the voting process especially during the local government elections.

b) Clashes between supporters of rival candidates

There were reports of widespread clashes between supporters of rival candidates during elections. A case in point was the clash reported in Ntungamo between NRM and Go Forward supporters.

c) Voter apathy

UHRC noted high levels of voter apathy especially for the local government elections.

d) Election malpractices

There were reports of election malpractices arising from lack of empowerment of voters through effective voter and civic education. Examples of cases reported in the media and noted by UHRC that pointed to lack of sufficient civic and voter education included that of a woman killed by her husband for being a strong supporter of the NRM and going to vote in the Local Council NRM primaries in Isingiro District against his orders. UHRC verified the incident with the Resident District Commissioner (RDC), the District Police Commander (DPC) and the District Internal Security Officer (DISO) of Isingiro District who all confirmed the incident. UHRC noted the incident manifested interference by the husband in freedom of opinion and expression of the woman, which pointed to lack of appreciation that his wife too was entitled to her rights and freedoms.

In another election-related incident on 11th September 2015, in Kashari, Mbarara District, a long serving NRM Chairman at the LC I level intimidated his opponent, who happened to be his son in law, by threatening to get his daughter to divorce him (the opponent), claiming that the son in-law had disrespected him by contesting against him. The young man who was the winner was so intimidated by how bitter his father-in-law opponent was that he let the election officials announce the old man as the winner.
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e) **Unclear EC guidelines for accredited providers of voter education**

As earlier noted that the right to access unbiased voter information and comprehensive non-partisan civic education was challenged by EC’s assertion that one of the CSOs accredited to provide voter and civic education CCEDU under the “Topowa” campaign had sent out biased messages. The EC consequently threatened to suspend the campaign which it said was in breach of the agreed accreditation guidelines, denying the voters access to the information from the campaign.

4.6.2 **Political party activities**

The fulfilment of freedom of association during elections is realised when citizens actively participate in political party activities. Human rights standards under freedom of association envisage the right of people to form join or leave a political organization without coercion, intimidation or fear of recrimination. The standards also require that there should be no discrimination based on one’s political affiliation and no one should be prevented from enjoying this right.

4.6.2.1 **Positive development in political party activities**

UHRC noted that NRM, FDC and DP political parties as well as the GO Forward pressure group made efforts to create party structures by opening party offices at the district and other lower levels; compiled party registers to register their party members; held party primaries; party delegates conferences and nominated party candidates for the various elective positions.

It also noted that the FDC party was able to put in place an elaborate programme involving countrywide campaigns for its presidential flag bearer. UHRC noted further that the FDC countrywide consultation campaigns for its presidential candidate were carried out peacefully and with no interruption.

As previously pointed out opposition political parties were also able to form coalitions such as the TDA and held consultative meetings without hindrance.

UHRC further observed that all activities of the various parties and coalitions were accorded media coverage in different media outlets. All political parties actively used the various social media platforms to disseminate their electoral messages to the voters including twitter, face book, whatapp among many others. The presidential candidate for the Go Forward party launched his bid using the social media (You Tube).

4.6.2.2 **Concerns during political party activities**

Whereas UHRC noted some progress under political party activities to achieve the enjoyment of rights and freedoms by all key players such as attempts to have mechanisms for internal democracy; party structures; transparency; consultations with voters and among themselves; there were also issues of concern that curtailed the full enjoyment of particularly the freedom of expression, association, movement, assembly and access to information as well as other election related rights. UHRC therefore noted the following concerns:-.

a) **Interference with party activities**

There were incidents of interference in political parties’ activities such as when police blocked FDC party activities including opening of party branches in Mukono and Jinja which was scheduled to take place on 15th October 2015. The police cited information it had received that Besigye’s activities for the day would endanger the safety of people on the road and their property. This incident also led to the arrest of Dr. Kizza Besigye the FDC presidential flag bearer and the FDC publicity Secretary Hon. Ssemuju Nganda from their homes. UHRC noted further that police also closed the new FDC offices in Kireka ahead of the planned opening of the new offices.

44As above, Article 72(1) of the 1995 Constitution.

Another incident of interference with political party activities was reported on 9th July 2015, when the aspiring presidential candidate Hon. Amama Mbabazi, was arrested in Njeru, Jinja District on his way to hold consultations in Mbale.

Other such incidents were noted on 10th October 2015, when the FDC party members including their presidential party flag bearer Dr. Kizza Besigye were stopped by police on the Masaka-Mbarara highway from proceeding Rukungiri in Western Uganda to hold a national launch of their party primaries according to what they told police. Police insisted that Dr Besigye was going to address a campaign rally in Rukungiri which was illegal according to POMA and the Presidential Elections (Amended) Act, 2015. Police was also reported to have pulled down posters, banners and banana trees that had been put up in Rukungiri town by FDC supporters.

UHRC noted that all the above incidents curtailed the enjoyment of the rights and freedoms stipulated above by both the candidates and their supporters or interested citizens.

b) Challenges in party internal democracy

UHRC noted concerns in the way some of the parties conducted their party activities especially the disagreements that mainly arose from the NRM party primaries processes, leading to a big number of disgruntled members standing on the independent ticket. They were reports that members of other political parties such as DP and FDC also raised similar concerns about their primaries and the lack of such a process by some parties. UHRC also noted that the party delegates’ conferences for both NRM and FDC raised concerns with the internal democratic processes when some elective positions were ring-fenced. It also noted reports of splits and factions in some parties such as DP, FDC and failed attempts to form coalitions like the TDA.

UHRC observed that the shortcomings noted in internal party democracy curtailed a number of freedoms and rights particularly the freedom of opinion and expression.

4.6.3 Campaign rallies

Campaign rallies provide one of the political platforms through which candidates and voters interface during an election. Human rights standards therefore provide for the right to peaceful assembly the right to peaceful assembly which requires the freedom to hold and peacefully participate in political rallies, meetings, demonstrations and events without unnecessary restrictions or fear of recriminations. Human rights standards further provide that all political parties and candidates should have the opportunity to organize political rallies and assemblies or events without disruption or frustrations. There should be no prevention of people or arbitrary interference with those attending political events of any candidate. Human rights standards on freedom of association envisage the right of people to form, join or leave a political organization without coercion, intimidation or fear of recrimination; while the right to freedom of expression guarantees the ability to disseminate every form of subjective idea or opinion.

Human rights standards also require governments to facilitate peaceful assemblies, rallies and political events through use of security mechanisms that emphasize keeping law and order as opposed to intimidating or causing fear among the people attending. This right is very vital because it is through rallies or campaigns and assemblies that political leaders enjoy the right to compete for support and votes and people enjoy the right to express their opinion. The right to peaceful assembly facilitates an environment in which citizens enjoy the right to access information on the different party policies and programmes to ultimately make informed choices on which political parties they wish to join and who to vote for.

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46As above, Article 20 of the Universal Declaration of Human Rights, Article 21 of the International Covenant on Civil and Political Rights, Article 29(1)(d) of the 1995 Constitution.
47As above and Article 11 of the African Charter on Human and Peoples’ Rights.
49As above 46, Article 21 of the ICCPR, Article 29(1)(d) of the Constitution, Section 9(2) of the Public Order Management Act, 2103
Human rights standards however provide that the right to freedom of expression and opinion can be limited in special and justifiable circumstances provided for in the laws and any such limitation must be necessary to protect fundamental human rights.

a) General observations during the campaign period

UHRC noted that the period of election campaigns in Uganda which commenced in November 2015 was generally peaceful. In addition to implementing provisions of the available electoral laws, the EC put in place election guidelines that were agreed upon by all candidates and political parties. EC election guidelines included an agreed schedule for consultations and campaigns by various candidates in order to avoid clashes as well as setting 6:00pm as the official time for all candidates to end campaign rallies. The EC also issued guidelines for the media, CSOs, election observers and security agencies.

However, notable during the campaign period was that the FDC presidential flag bearer Dr. Kizza Besigye carried the message of defiance throughout the campaign period and even during the post-election period, asserting that he and his supporters would defy unlawful orders.

UHRC noted that government, the EC and the police were of the view that the FDC defiance campaign had the potential of inciting the public and causing lawlessness. Accordingly, on 5th May 2016, the Minister of Information and National Guidance issued a directive from Cabinet banning all live coverage of the defiance campaign activities in the electronic media and a warning to revoke the broadcasting licences of media houses which would not adhere to the order. In addition, Cabinet had directed the Police to ensure that the interim order was strictly adhered to citing security concerns and government duty to ensure stability and order in the country. Below are some of the concerns noted by UHRC during the campaign period:

b) Campaign resources

As noted earlier under Section 4.6.2 on party activities, political parties were obliged to raise funding for their political activities with campaign rallies being one of the most critical items to be funded. Most of the political parties raised funds through membership fees, fundraising activities, donations, sale of party materials and the statutory contribution from government for the eligible political parties. The ability of political parties to raise funding for their parties also determined the ability to hold campaign rallies across the country to canvass for support and similarly impacted on their ability to produce and circulate their political messages using posters, manifestoes, newspapers, radio or television pragmas and songs, among other media.

UHRC noted that big political parties such as the NRM were in addition to other fundraising efforts able to raise funding through mandatory contributions from their MPs who also constituted the biggest number in Parliament compared to other political parties. It was further noted that the NRM also enjoyed the position of incumbency by its presidential flag bearer who is also the current President of the country and was therefore still entitled to the benefits of the office of the President, making the issue of resources to make country-wide travels to hold campaign rallies much easier.

c) Adequacy of campaign period

The time available for political parties to conduct campaign rallies to convince citizens of their political programmes was determined by the EC roadmap under which campaign rallies for presidential and parliamentary positions lasted for about 3 months. (November 2015 to 16th February 2016). Political parties made efforts to hold campaign rallies in as many constituencies and other grass root levels as their resources could handle. The country witnessed daily marathon rallies and focus group meetings by some political parties during the campaign period that tried to cover as much ground as possible.
4.6.3.1 Concerns during the campaign period

UHRC noted that the period of campaign rallies had a number of incidents that curtailed the realisation of some freedoms ranging from freedom of opinion, expression, association, movement and assembly and the right to personal liberty. There were also concerns about internal capacities within political parties and gaps in the EC electoral guidelines and some legal provisions.

a) Inadequate resources available to political parties

UHRC noted that the lack of adequate funds available to political parties to hold campaign rallies curtailed the dissemination of political messages by some of them and hence denied citizens the right to access such information and to use it to make informed decisions on who to vote. This state of affairs was exacerbated by the uneven playing field for all presidential candidates which gave the NRM party presidential candidate an advantage over the others since he was still holding political office and still enjoyed all the privileges, compared to his counterparts who were not in that privileged position.

There were constraints of time available for campaigns which only lasted 3 months. This was exacerbated by the limited resources available to most of the political parties which made it difficult for them to traverse the whole country in such a short period given the poor state of roads in most parts of the country which slowed down their movement.

b) Undue interference in the campaign process

UHRC noted some cases of interference, restriction of movement and denial of access to some places which was especially experienced by candidates from opposition parties.

UHRC also noted cases of disruption of campaign rallies by supporters of rival candidates despite the presence of laws prohibiting it and the standing guidelines from EC banning clashes in rallies or presidential candidates interfering with each other’s rallies. Examples of such incidents were reported in Mukono, Masaka, Mbarara and Fort Portal, where supporters of the incumbent president Yoweri Kaguta Museveni allegedly in yellow T-shirts attempted to disrupt Hon. Amama Mbabazi’s scheduled rallies by pulling down candidate Hon. Amama Mbabazi’s posters, defacing them or having incumbent president Yoweri Kaguta Museveni’s posters placed on top of them. Another incident of disruption reported in the media was the alleged yellow NRM campaign helicopter landing at the venue of Hon. Amama Mbabazi’s rally in Fort Portal on 17th November 2015 and retired Lt. Gen Henry Tumukunde emerging from it as well as the alleged intimidation of people to keep away from some rallies as it was observed in Mbarara and Fort Portal.

UHRC noted reports of the continued harassment of supporters of the opposition candidates by UPF. A case in point was the arrest of FDC officials and supporters who were found on Nasser Road printing and photocopying the FDC manifesto and the confiscation of all the copies of the publication. There were however media reports indicating that the IGP had intervened, released the suspects and suspended the errant Officer in Charge of Central Police Station (CPS) Ronald Mugabe who carried out the raid. The matter was investigated by the Professional Standards Unit.

The campaign period also had reports of alleged abduction of a Presidential candidate Mr. Joseph Mabirizi in Iganga on 19th November 2015. As earlier noted Mr. Joseph Mabirizi reported a complaint to UHRC head office on 20th November 2015 alleging violation of his rights and his complaint was registered at UHRC and investigations to establish the facts are still ongoing.

c) Loss of life and clashes between supporters and police during restriction of Besigye’s campaign rallies by police

UHRC noted the incident that happened on 15th February 2015, in which there was loss of life, injury to persons and destroying of property in Wandegeya, a suburb of Kampala. The incident involved UPF in Kampala firing teargas on two occasions to disperse FDC presidential candidate Dr. Kizza Besigye and his supporters as he
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proceeded for his scheduled rallies in Central Kampala. The rallies had been planned for Kamwokya, Makerere University, Kisekka Market on Kafumbe Mukasa Road and Nakivubo Stadium. This happened when Dr. Kizza Besigye and his supporters defied police guidance to use an alternative route through Mukwano road to access the city and forced their way into Nasser road after addressing an earlier rally in Kamwokya when he later attempted to proceed with his rally at Makerere University but was barred by police at Wandegeya from using the Makerere University Main Gate to access the venue of his rally.

UHRC noted that the incidents of that day attracted different accounts from both the police and the FDC spokespersons with police accusing Dr. Kizza Besigye of refusing to follow police orders which prompted them to restrain him in order to avoid disruption of business in the busy city centre which would put people's property at risk. On the other hand, the FDC claimed that it was left with no option but to address voters on the streets and roads since its rallies had been blocked by police.

UHRC observed that these incidents led to gross human rights violations including the indiscriminate use of tear gas which affected many other people not in the fracas including children as seen on TV; disrespect for religious values by a senior male police officer who sat on the lap of a woman Hon. Nabila Naggayi (Muslim) in the police truck which was used to whisk her and Besigye from CPS to Kiira Road Police Station; the emergence of stick-wielding men in civilian clothes who were seen at Wandegeya whipping people; the excessive force that was used to arrest people in Wandegeya by pushing them under the police truck and the death of one person shot during the clashes in Wandegeya.

On the other hand, media reports showed some FDC supporters pelting stones at police and burning tyres and campaign posters in the middle of the road in Wandegeya.

d) Non-compliance with EC electoral guidelines/laws and their selective application

Other concerns noted during the campaign period included campaign rallies by the big parties such as the NRM and FDC as well the Go Forward pressure group that commonly went beyond the closing time of 6:00pm stipulated by the EC guidelines. However, in the preceding period, candidates Hon. Amama Mbabazi and Dr. Kizza Besigye's rallies had been either dispersed with tear gas or the two candidates prevented from continuing to address rallies on account of the time being past 6.00pm.

The opposition also accused the police of selective application of the law when consultations by the opposition were disallowed or dispersed but the NRM demonstrations were allowed. They also accused police of differential treatment of suspects by police referring to the VIP treatment accorded to Hon. Amama Mbabazi when he was arrested from Njeru in Jinja on his way to Mbale and detained at Kiira Road Police station where he was given a chair to sit on and the undignified way in which Dr Besigye was treated on the same day when he was arrested and detained at Nagalama police station where he was made to sit down on the floor.

e) Contradictory statements on EC guidelines for candidates

During the campaign periods the EC issued contrary guidelines on visiting hospitals or other public places. Following the incident in which Dr Besigye visited Abim Hospital in the company of the media that exposed the sorry state in which it was, the EC through its spokesperson said presidential candidates were free to visit hospitals, or any other public places. Weeks later on 30th December 2015, the EC issued a contrary guideline barring them from hospitals and schools and the EC spokesperson told the media that the ban included churches and markets which he said were not campaign places. However, according to media reports, the selective application of guidelines continued with the incumbent president going to 6 churches on New Year’s night without any questions.50

f) The controversy surrounding crime preventers

The issue of crime preventers became contentious during the campaign period especially when they were allegedly passed out in yellow T-shirts bearing the incumbent president Yoweri Kaguta Museveni’s portrait, following media reports that UPF maintained that they were lawful and non-partisan.

There was also contention over their recruitment and their alleged links to NRM. The recruitment of polling constables (Special Police Constables) from these crime preventers as confirmed by the Police Spokesperson was a cause of concern.

The concern of the country over Crime Preventers was heightened when they were cited on local media beating up people, in the company of police officers and accusations of defacing Hon. Amama Mbabazi’s posters as well as television reports of them allegedly being ferried to incumbent president Yoweri Kaguat Museveni’s campaign rallies. UHRC called on all concerned to urgently define the status of Crime Preventers and their role in the 2016 elections.

g) Cases of violence during campaigns

UHRC noted reports of some incidents of hooliganism and intolerance by some supporters of rival camps; alarmist statements by some political leaders and accusations and counter accusations of election rigging by the different parties.

Examples of such incidents included the incident in Ntungamo on December 14th, 2015 when NRM and Go Forward supporters clashed. Another incident was on 27th September 2015, when Ms. Nabanja Robinah an aspiring candidate for Woman MP Kibaale District, hosted a rally for her supporters at Bwikara playground and supports held a dance that went on up to 10.00 p.m, prompting police intervention to stop the rally and dance. In reaction, the crowd turned rowdy and pelted stones at the police which then fired in the air to disperse the crowd. However, during the fracas, two police officers shot and killed a one Katusabe Annette, 28 years old, a resident of Aribaki village, Bwikara Sub county in Kibaale District. UHRC however learnt that the errant police officers were arrested, charged with murder and remanded to Kibaale Government Prison.

h) Clashes between supporters of rival candidates

UHRC continued to receive reports of clashes between supporters in which several people were reported to have been injured and in some cases arrested. Cases in point were reported in Mitooma when on 21st January, 2016 when a yellow vehicle bearing posters of incumbent president Yoweri Kaguta Museveni and Rtd. Major General Kahinda Otafiire caused an accident allegedly in a fracas in which supporters of other candidates attacked it and chaos ensued. There were also reports of clashes by supporters of rival MP candidates in Ibanda North, during which property of one of the candidates was reportedly destroyed, leading to some arrests by police. In Rwampara, there were reports of an independent MP candidate who attempted to open an office in a stronghold of his rival and was assaulted and his vehicle damaged.

i) Controversial statements from leaders

The UHRC noted reports of some unfortunate incidents where leaders were reported to have made statements that caused anxiety among the citizens after they were interpreted or misinterpreted to be outrageous, inciting or out rightly irresponsible. Below are some of such statements:-

- In another unexpected incident, the EC Chairperson during a public TV interview in February 2016 said that he regretted nominating Dr. Kizza Besigye to run for president. “If I had a strong law, I would have refused to nominate Dr Besigye as a candidate because of his defiance message, but the law didn’t give me that extra muscle”, Kiggundu said. Media reports also indicated that he had earlier in December 2015 confirmed that if government requested him, he would not hesitate to authorise the deployment of the military to counter presidential candidate Dr. Kizza Besigye’s defiance campaign.
• UHRC noted other unfortunate remarks by the NRM Secretary General who was reported to have warned parents in Uganda that their children would be shot dead by government if they dared go on the streets to protest the election results. When the statement caused an uproar and a video clip of that statement went viral on social media, she came out to clarify that it had been taken out of context since what she had said before had been conveniently edited out by people with ill intentions. It was also noted that similar strong statements were allegedly made by some senior army officers and the IGP who said the army would be used to quell unruly demonstrations by the opposition; crime preventers would be armed with guns; and protesters would be shot.

UHRC observed that such statements intimidated voters, and caused unnecessary fear and anxiety among the people about their safety as well as the willingness of government to conduct free and fair elections. UHRC urged all political leaders to exercise caution and good judgment while issuing statements that could instead be taken out of context and cause unnecessary alarm, anxiety and suspicion among the population.

j) Government ban on live coverage of FDC defiance campaign on 5th May 2016

As mentioned earlier, the FDC presidential flag bearer Dr. Kizza Besigye carried the message of conducting a defiance campaign during and after the campaign period asserting that him and his supporters would defy unlawful orders. However, government, the EC and the police contended that the defiance campaign had the potential of inciting the public and causing lawlessness. Accordingly, on 5th May 2016, the Minister of Information and National Guidance issued a directive from Cabinet banning all live coverage of the defiance campaign activities in the electronic media and a warning to revoke the broadcasting licences of media houses which would not adhere to the order. In addition, Cabinet, had directed the Police to ensure that the interim order was strictly adhered to citing security concerns and government duty to ensure stability and order in the country.

UHRC was concerned about the mixed messages sent out by government officials on the interpretation of the Constitutional Court Interim Order issued on 29th April 2016. It noted that the media fraternity also interpreted the court order in its own way, fearing that the ban was a move to gag the media.

UHRC however noted that the interpretation of the interim order had been given a scope wider than what it spelled out. The court interim order was issued against the first and second respondents who in this case were FDC and Dr. Kizza Besigye, their agents, officials, supporters or any other person acting under their authority from engaging in demonstrations, processions, other public meetings, media campaigns or pronouncements. UHRC learnt that the media ban according to AG and his deputy had been given effect by the Constitutional Court Interim Order banning live coverage of defiance campaigns by FDC and Dr Kizza Besigye issued on 29th April 2016. The Deputy AG told a press conference that the ban did not apply to FDC and Besigye alone but to the whole world including the media. He guided further that the ban did not extend to coverage of defiance campaign activities in news bulletins as long as the content was censored to get rid of any material that may incite the public.

The UHRC therefore noted that whereas the order limited activities related to the FDC defiance campaign, it did not in itself take away all media freedoms. The blanket ban on the media violates provisions on limitations to human rights and freedoms which are provided for by the Constitution and other human rights instruments.

UHRC also expressed its reservations about the decision by the Constitutional Court to hear the Application from the AG banning activities of the FDC defiance campaign ex parte (in the absence of the respondents) as negating the right to a fair hearing as required under Article 28(1) of the Constitution. It therefore called for the need to uphold the principle of natural justice in order for all parties to be heard.
It was further concerned about the alleged assertion by the Deputy AG that Uganda was not bound by international treaties which is a departure from government’s commitments when it ratified them.

4.6.4 Access to media

International standards require that all candidates should be given equitable access to all media; treated equally by state media and should not be subjected to unreasonable limitations on the use of either private or state media. Access to media facilitates the enjoyment of freedom of opinion and expression requires that anyone whether a voter or candidate who wishes to express his or her views or political opinion, does so without interference or unnecessary restrictions.

As earlier pointed out, the right to freedom of opinion and expression is an essential right in the context of elections as it guarantees the dissemination of every form of subjective idea or opinion because its enjoyment allows people to express their political will. Human rights standards as well as the laws of Uganda also require that no one should be discriminated against on the basis of his or her political opinion. The rationale for the protection of this right therefore, is that people should feel free to express themselves, free to impart information on all legitimate political messages for an election without fear, thereby ultimately becoming a true manifestation of the will of the people.

UHRC noted that the right to access media was formalized and is embedded in the country’s legal framework under the Access to information Act, 2005.

Again as earlier stated, human rights standards provide that the right to freedom of expression and opinion can be limited in special and justifiable circumstances provided for in the laws and any such limitation must be necessary to protect fundamental human rights.

Accordingly, UHRC observed that the media was very instrumental in imparting election-related information for the benefit of stakeholders during the electoral period, using the traditional electronic and print media channels as well as the new social media platforms. Election related paid radio and television campaigns were also carried out without any hindrance by various key actors in the electoral process who included UHRC and Civil Society Organisations such as CEDDU, CEON-U.

UHRC further observed the role played by the Uganda Joint Religious Council (UJRC) in partnership with the Elders’ Forum Uganda, the National Consultative Forum as well as the media in facilitating the right of political parties to impart information and citizens to seek and receive election related information by organising the two presidential public debates that were broadcast live on major television stations in Uganda on Friday January 15th 2016 for the first debate and Saturday 13th February 2016 for the second one.

Media organisations such as ACME updated the country on the extent to which the right to access to media was being achieved by closely monitoring the performance of the media during the election period and issuing periodic election media analysis reports. Such reports gave the country insights into the role of the media in receiving and imparting election related information and assessing the extent to which political parties and leaders had been given equitable access to both private and state media and reports of unreasonable limitations on the use of either private or state media by political parties. For example, findings published in the ACME media monitoring report for the period September 2015 to February 2016 indicated that whereas the incumbent president Yoweri Kaguta Museveni was the most covered presidential candidate by newspapers (38.8%), television (45%) and radio stations (41%), Benon Biraro and Abed Bwanika were the least covered by newspapers (2%); Faith Maureen Kyalya Walube and Benon Buta Biraro (2%) and Joseph Mabirirzi on radio (1.9%).

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51Article 19 of the Universal Declaration of Human Rights, Article 19(2) of the International Covenant on Civil and Political Rights, Article 29(1)(a) of the 1995 Constitution.
52As above, Article 2 of the of the Universal Declaration of Human Rights, Article 26 of the International Covenant on Civil and Political Rights, Article 2 of the African Charter on Human and Peoples’ Rights and Article 21(3) of the 1995 Constitution.
Media monitoring by ACME also revealed that in spite of being the state-owned media with legal obligations to provide equal access to the media by all political players, UBC television dedicated its highest coverage of candidate Museveni at 72.6% with the balance of 27.4% shared among the remaining seven presidential candidates. The report also showed that daily monitor newspaper at 26% published the highest number of election stories while Rupiny at 1.7% published the least despite being a state-owned media.54

4.6.4.1 Concerns on access to media
Whereas human rights standards as well as the national constitution and other laws require all actors in an election to facilitate the right of access to media as a way of fostering meaningful elections, UHRC noted some concerns that curtailed the full realisation of this right in the period preceding, during and after the 2016 elections.

a) Unequal access to the media
UHRC noted reports of unequal access to both state and privately owned media by political party representatives and candidates during the election period. This was revealed by reports published periodically by media monitoring CSOs that deal with media matters such as ACME and Freedom House. ACME media monitoring report for the period from November 2015 to February 2016 revealed that UBC radios and televisions as well as newspaper publications under the New Vision Group had accorded the highest percentage of media access to the ruling NRM party’s presidential candidate at 49% while the rest of the opposition candidates had insignificant percentages of access to the media.55 UHRC noted reports of violations of freedom of access to media during the electoral period when some opposition leaders were denied access to media space or air time as was the case of 5th January 2016, when presidential candidate Hon. Amama Mbabazi was denied access to Voice of Karamoja FM in Kotido to conduct a radio talk show which his party had already paid for. The money was refunded two days later.

b) Non-compliance with legal provisions on access to media by state-owned media
The same ACME report also indicated that state owned media such as the UBC and Vision Group did not comply with the legal requirement to facilitate access to the media to all political parties without discrimination. UHRC additionally noted that although most media houses in Uganda are privately owned, good practice demands of them to provide their platforms to all political leaders to pass on information to the electorate especially during the election period basing on the principle that information is a ‘public good’ which the media among other actors is obliged to facilitate. However, reports indicated that even private media houses such as the case of Voice of Karamoja also denied access of their media to opposition leaders.

4.6.5 Media coverage of political party activities
The media promotes the right to freedom of speech, expression and opinion under Article 29 of the Constitution and is a platform for advancing democracy, good governance, human rights, transparency, development and accountability in Uganda. It plays a fundamental role in informing and educating the public about issues that affect them so as to enable them to take informed decisions on all governance issues in the country and the voting day in particular.

UHRC also recognized the presence of the Access to Information Act, 2005 which law provides a framework and guidelines for the media in Uganda. Additionally, the EC issued guidelines for the media to facilitate and streamline its work during the election period. In Uganda, the media was liberalized in 1994 and therefore the market became dominated by the private media. However, the government maintained a few media houses namely the Vision Group for newspapers and UBC for the electronic media. In Uganda, therefore media coverage is carried out by both state and private media.

54 As above.
The right to access information requires that voters should have information about the electoral processes, parties, candidates and their political messages, posters, articles, manifestoes, songs and programs, access to unbiased voter information and comprehensive non-partisan civic education. Candidates also have the right to access information on the electoral processes, requirements and free access to relevant documents without unreasonable delay or restrictions upon request. The right to access information is vital in facilitating a genuine election since voters are able to make an informed choice.

UHRC noted that the media was very vibrant during the electoral period using the traditional electronic and print media channels as well as the new social media platforms. Election related campaigns were also broadcast on radio and televisions by civil society organisations such as CCEDU. The media offered country wide coverage of activities by all political parties including milestones in the electoral process such as parties’ member registration; party primaries; party nominations, party delegates’ conferences; presidential nominations, campaign rallies, polling day and post-election developments.

ACME issued periodic election media analysis reports giving insights into the role of the media in receiving and imparting election related information. For example, findings published in the ACME media monitoring report for the period September 2015 to February 2016 indicated that for all the three media types it monitored namely newspapers, television and radio, all of them accorded the highest percentages of coverage to presidential elections with newspapers at 65%; television at 70.8% and radio at 53.8%, while radio covered the parliamentary elections more than newspapers and television.

UHRC therefore advocated for equitable, accurate and balanced reporting of the election process by both the private and public media and facilitation of unlimited accessibility to the media by the various candidates and their political organizations to sell their manifestos and policies to the public.

4.6.5.1 Concerns in media coverage during the election period

UHRC noted that whereas the media ably and extensively covered activities of the various political parties, there were some concerns observed which curtailed the full enjoyment of the benefits of this endeavour. Such concerns were in some instances as a result of flaws in the process of imparting information; expressing opinions; packaging of messages while others were occasioned by factors that were external to the process. Some of the concerns therefore included the following:-

a) Unequal coverage of political parties/candidate by the media

As already discussed above under ‘Access to Media’, some media monitoring reports revealed cases of unequal access to the media by some political leaders, indicating incidents where some opposition political leaders were denied access to media space and subsequently coverage.

Regarding gender equality considerations by the media in covering women affairs during the election period, findings contained in the report on monitoring media coverage by the print media carried out by Uganda Media Women’s Association (UMWA) revealed that although women constitute 50% of Uganda’s population, they account for less than 25% of the media content/space out of the 2,624 news stories analysed. With regard to coverage of female candidates, according to the report, the Red pepper newspaper published the biggest number of election-related stories covering the women (44%), while the Observer had the least number of stories focusing on women (10%). UMWA report also noted that the only female presidential candidate Maureen Kyalya rarely featured in the print media and never appeared on the front page of all five newspapers monitored, but only appeared on page 20 of the News vision of Monday January 11, 2016. The report on the other hand showed that her male counterparts namely the incumbent President Yoweri Kaguta Museveni and Hon. Kizza Besigye enjoyed front page coverage in the five newspapers monitored.

57As above, 18
b) **Threats to media houses from government institutions**

UHRC noted that the Inspector General of Police, Gen Kale Kayihura was reported to have accused the media of irresponsible reporting warning them against live coverage of opposition events. Kale Kayihura singled out NTV and NBS televisions which he accused of being partisan because of their continuous coverage of opposition events. The IGP said he would take action against these stations for what he considered to be unethical media behaviour.

c) **Targeted harassment of media practitioners**

There were also allegations of some media practitioners being targeted for harassment by mainly the security agencies, public officials, politicians and some members of the public. Some journalists in Kampala, Mbarara, Arua, Karamoja were allegedly victims of this vice and they reported loss of their equipment as human rights violations to UHRC. Examples of such human rights violations were the two complaints filed at UHRC Mbarara regional office by a journalist which are still under investigation. However, even though the UPF was reported to have apologized for some of the incidents of harassment and pledged to restore the journalists’ equipment that had been destroyed, UHRC noted the targeting of media practitioners who were carrying out their duty, violated their right to non-discrimination and curtailed their right to impart information as well the right of citizens to know.

d) **Irresponsible media reports**

Whereas UHRC recognises the crucial role that the media play in information and education of the citizens as well as mobilising people especially during the electoral process, there was a concern about the growing tendency by some media houses to make biased, alarmist and inaccurate reports. UHRC observed that some media houses had programmes that sometimes engaged in the use of hate speech, misinformation, outright abusive and inciting language which was against the tenets of the right of access to media and their code of conduct. UHRC noted that such irresponsible application of rights and freedoms by some journalists or media houses is a threat to the full enjoyment of the rights as it can be used by the state to justify limitations of the rights and freedoms.

### 4.6.6 Treatment of media practitioners

UHRC noted that the work of the media in Uganda is regulated by a number of legal provisions as well as being guaranteed under the constitution. The media played a critical role of imparting information and providing a platform for debate during the electoral period. It offered country-wide coverage to activities by all political parties, candidates and other stakeholders in the election process.

On the other hand, the law on access to information stipulates the role of media practitioners in imparting information to the public as well as guidelines on their professional activities. Other rules and guidelines for media practitioners are enforced by their professional associations as guided by their code of conduct.

#### 4.6.6.1 Concerns in the treatment of media practitioners

UHRC however noted incidents that hindered the full realisation of the rights and freedoms by the media which subsequently hindered them from effectively playing their rightful role during the election period. These included allegations of some media practitioners being targeted for harassment by mainly the security agencies, public officials, politicians and by even some members of the public as earlier pointed out.

a) **Harassment of journalists covering opposition activities**

In Mbale, where Hon. Amama Mbabazi was expected, police was reported to have confiscated a journalist’s camera and phone as he covered the happenings at the venue. A photo journalist with the Observer newspaper Alfred Ochwo was also arrested for covering Ssemujju’s arrest and detained at Naggalama Police Station. He was released hours later after being cautioned about his future conduct. At Kiira Road
Police Station, journalists were manhandled by police trying to prevent them from covering the detention of Dr Kizza Besigye; in the process an NBS TV journalist’s cameras was hit by a police officer. In Jinja, 2 journalists were among those shot at the venue of a scheduled FDC rally.

b) Backlash on Baaba FM Jinja journalists for hosting opposition politicians
UHRC established from media reports and its own investigations that media practitioners had lost their jobs on account of hosting opposition politicians. UHRC learnt from Mr. Innocent Anyole the then Programmes Director with BAABA (BasogaBaino) FM situated in Bugembe Town Council, Jinja Municipality, that on 21st July 2015 at 8:00pm he hosted Dr. Kizza Besigye the FDC presidential flag bearer for 2016 presidential elections as well as Hon Dr. Francis Epetait, Hon Ekanya Geoffrey (MP Tororo County), Hon Taaka Sarah (Busia Woman District MP) and Hon Sasaga (MP Budadiir East) in a radio talk show at the station. Mr. Anyole revealed that 15 minutes into the programme he realised that the transmitter had been switched off because they were not on air. This occurred just after he had asked the first question to Dr. Kizza Besigye. The transmitter remained off until 10:05pm. There was however no explanation from the station technician the next day when he tried to inquire what had happened.

The UHRC established that on 22nd July 2015, Mr. Anyole and the News Editor Mr. Isabiryе David were dismissed by the Managing Director Hon Moses Balyeku who was also the MP Jinja Municipality West and a member of the NRM party, for hosting opposition leaders on his radio. Also dismissed was a presenter Mr. Kasolo Alton for posting information on his Facebook wall that was purportedly not good according to Hon Balyeku. Subsequently, on 27th July, youths in Jinja Municipality demonstrated against the sacking of the three.

c) Harassment of a journalist in Mbarara district
On 17th September 2015, a journalist Agaba Leonard who works with Red Pepper in Mbarara district reported to UHRC that he was assaulted, tortured and inhumanly treated on 15th September 2015 by the incumbent Hon. MP of Kashari County Hon. Wilberforce Yaguma Rutashokwa claiming that he was following him around as he gave out cash to voters. Agaba said the MP did not give him a chance to explain but ordered his body guards to arrest, tie him up and bundle him in the boot of his car where he stayed the whole day as the MP traversed his constituency. The journalist reported that at 10:30 p.m. the MP drove him to Mbarara Police Station and dumped him there while still tied with a rope. He said the police officers at the station intervened and recovered his phones and a camera that had been confiscated by the MP. The journalist reported a case against the MP at Mbarara Police station under Ref: SD/45/15/9/15 but felt that nothing much had been done on his file thus bringing the matter before UHRC. The RPC-Rwizi Region, the DPC and O.C CID confirmed the matter to UHRC and promised to handle it.

d) Violence against journalists in Rwampara country, Mbarara District
A journalist with Vision Group one Michael Tumwakiire and five other colleagues complained to UHRC Mbarara Office against the former MP for Rwampara county one Charles Ngabirano and his supporters who allegedly beat them up as they covered the NRM party primaries of Rwampara County on 19th November 2015. Their equipment was allegedly destroyed. They reported the case at Mbarara Police Station but they toldUHRC that they did trust the Police to handle the matter and wantedUHRC to intervene so that they could be treated and their property replaced. The complainat withdrew the complaint on ground of job security.

e) Police harassment of NTV and Daily Monitor Journalists and damaging the equipment
The DPC of Moroto SP George Obia was reported to have erected a roadblock on 10th January 2016 along Kitale-Moroto road allegedly to block Dr. Kizza Besigye’s supporters from attending his rally at Moroto Boma Grounds. The journalists who covered the heavy military hardware mounted at the roadblock were accosted by police and their equipment damaged. The Daily Monitor’s Ariong Stephen who was with NTV’s Solomon Serwanja told UHRC that the roadblock was meant to stop Dr. Kizza Besigye from going to Napak where marble stones are collected and taken to Tororo Cement because his schedule did not include campaigning in Napak.
He said guns were mounted on the road and when they started filming, the Moroto DPC ordered them to stop because they were not permitted to do so. The DPC warned them that failure to adhere would lead to the destruction of their equipment. A scuffle ensued in which the Camera was destroyed.

UHRC established from the Regional CID officer ASP Moses Obaro that a General Inquiry file had been opened against the Moroto DPC and 13 junior police officers for malicious damage of a Sony Video Camera, the property of NTV, costing about UGX 35,000,000 (ThirtyFive Million Shillings.) UHRC established that five of these officers including the DPC had already recorded statements and the camera in question was tendered as an exhibit. The RPC confirmed to UHRC that the intention of the roadblock was to block presidential candidate Dr. Besigye from travelling to Kosiroi in Tapac Sub County because he was not supposed to campaign there. He said police would to take punitive actions against the DPC.

f) **Arrests of journalists**

A photo journalist with the Observer newspaper Alfred Ochwo was also arrested for covering the arrest of Hon Ssemujju Nganda's arrest and detained at Naggalama Police Station. He was released hours later after being cautioned about his future conduct. At Kiira Road Police Station, journalists were manhandled by police trying to prevent them from covering the detention of Dr. Besigye; in the process an NBS TV journalist’s cameras was hit by a police officer. In Jinja, two journalists were among those shot at, while at the venue of a scheduled FDC rally.

Another incident involving the arrest of Remmy Bahati, a journalist working with NBS Television who was arrested on 1st March 2016 by the Uganda Police Force as she relayed live coverage of events that were unfolding at the road leading to Dr. Besigye’s home, who had been kept in his home in Kasangati under preventive arrest.

The journalist who later filed a formal complaint with UHRC alleged that four police officers and men in civilian clothes chased after, manhandled and arrested her for covering a story at the home of Dr Besigye. She was treated in an inhumane manner even when she offered herself to be arrested, when policemen beat and pulled her hair before being pushed into a tinted police van parked on the scene. She alleged that while in the police van, she was beaten and her hair pulled by police officers inside the van. She also reported that the cameraman Badebye Godfrey was also hit on the head and was in severe pain. She was detained at Kasangati police station for 30 minutes from where she was released without charge by Andrew Felix Kaweesi who sternly warned the journalist to desist from camping at the road heading to Besigye’s home.

g) **Post-election harassment and arrest of media practitioners**

UHRC noted media monitoring reports by the Human Rights Network of Journalists-Uganda (HRNJ) that documented issues of safety of journalists, highlighting incidents that occurred during the post-election period. HRNJ reports revealed that 15 journalists had been arrested and manhandled in a period of two weeks from Saturday 27th February 2016, prompting the Network to assert that “the media is evidently under attack by the state”.

The HRNJ report revealed allegations that 6 journalists were on 27th February 2016 arrested by Police, for covering the opposition Forum for Democratic Change (FDC)’ Rtd Col. Dr. Kizza Besigye. It further said that the journalists were bundled into a police van, driven away and later released without charge. The journalists alleged being assaulted aboard the police van. UHRC however noted that police cited security in the area as the reason for their arrest. The Police Human Resource Director, Andrew Felix Kaweesi who ordered their release told HRNJ-Uganda that “the journalists will be called by police in case of any news.”
4.6.7 Alternative Media (Social media)

Social media is a group of internet based applications used extensively to create and exchange information among users. It depends mostly on mobile and web-based technologies to create highly interactive platforms through which individuals and communities share, co-create, discuss, and modify user-generated contents. It has currently taken over from the traditional or industrial modes of communication and has greatly improved the communication field in terms of quality, frequency, usability, immediacy, and performance.

According to the 2015 Afrobarometer report 6% of Ugandans get their news from social media channels and the majority use Face book as their main news channel. The ACME media monitoring report of November 2015 to February 2016 revealed that the three presidential candidates namely Yoweri Kaguta Museveni, Dr. Kizza Besigye and Hon. Amama Mbabazi used twitter to mobilise support during elections. The report pointed out that all the three candidates had a steady increase in the number of followers on twitter each month. It showed that in relative terms Dr. Kizza Besigye’s following grew the most by 20.8% in January compared to Hon. Amama Mbabazi (7.2%) and Yoweri Kaguta Museveni (10.6%).

UHRC noted that social media was one of the commonly used channels to communicate electoral messages by the EC, political parties and individual candidates. UHRC also noted that whereas many of the presidential and parliamentary candidates to some extent used the social media platforms to send out election messages, one of the presidential candidates Hon. Amama Mbabazi used the social media to launch his bid for presidency using the You tube platform which excited many Ugandans especially the youth.

Social media is one of the alternative media and just like the right of access to media, it compliments enjoyment of the rights to seek, receive and impart information using social platforms such as twitter, Facebook, Instagram, podcasts, Whatsapp, You tube and websites among others. Social media platforms are a recent development that are commonly and effectively used globally by the youth, business entities and organisations as they can facilitate information sharing and expeditious mobilisation of people for a good cause. However, social media platforms are becoming increasingly used even by the middle aged and older generation owing to its versatility and ability to achieve instant and global communication networks just by click of a button or touch of a screen.

4.6.7.1 Concerns regarding the use of social media

UHRC noted that whereas social media had the power and versatility for the instant exchange of election related information locally and globally and recognised that it was becoming the preferred mode of communication by especially the youth, it had equally raised some concerns that threatened to impinge on some of the rights and freedoms of some individuals. Below are some of the concerns:

a) Lack of accountability

Social media was in some instances misused and abused by its ardent users, who sometimes posted inaccurate information, propaganda, hate speech, insults and smear campaigns. The sometimes-reckless use of these platforms and ability to keep the source anonymous, disregards the principle of accountability and in some instances, violates the right to privacy and dignity of the person.

b) Generation of misleading messages

UHRC noted the ability of social media users to use technology to generate scenes that are not authentic. For instance, whereas the use of modern technology such as photo shopping to use images to generate scenes could be a great innovation if used for a good cause, but can be misleading and alarming when used negatively.
c) **Interference by the regulatory body and or government**

UHRC was concerned by the decision of government to shut down social media and other online facilities on 18th February 2016 citing security reasons. It noted that although social media access was restored on Saturday 20th February 2016, such a move was a curtailment of the citizens’ freedoms of opinion and expression and the right of access to information that are enshrined in the human rights standards as well as in the Constitution of Uganda. It further noted that the shutting down of Mobile Money for all that long and without prior warning jeopardised people's livelihoods especially those for whom it is a source of income; those that were preparing for the opening of schools who needed to transact; and the rest of the people who needed to access mobile money for one reason or another. On 11th May 2016, the eve of the swearing in of President Elect, Yoweri Museveni UHRC noted social media was again switched off and restored days later.

UHRC learnt that following the media ban announced by the Minister of Information and National Guidance on 5th May 2016, and the assertion by the AG and his deputy that it had been given effect by the Constitutional Court Interim Order banning live coverage of defiance campaigns by FDC and Dr. Kizza Besigye issued on 29th April 2016, the UCC Executive Director also warned that the ban on the media could be extended to social media if it is used as an alternative tool for propagating the defiance campaign.

4.6.8 **Frequent arrests/ Preventive arrests**

Reports of frequent arrests of opposition leaders particularly the FDC presidential flag bearer Dr. Kizza Besigye by police citing the principle of preventive arrest was noted to have curtailed freedom of expression, association and movement. Such actions were also seen to be discriminative given that they allegedly targeted people in the opposition.

The rights to freedom of opinion and expression are essential in the context of elections as they guarantee the dissemination of every form of subjective idea or opinion because its enjoyment allows people to express their political will. Human rights standards as well as the laws of Uganda also require that no one should be discriminated against on the basis of his or her political opinion. However, the right to freedom of expression and opinion carries with it special duties and responsibilities and can be restricted within the law. Therefore, states are urged not to interfere with this right except under circumstances provided for in the laws and any such limitation must be necessary to protect fundamental human rights.

4.6.8.1 **Concerns of frequent arrests and the use of Preventive Arrest**

a) **Selective application of the law by police**

As earlier noted that the election period involves consultations by aspiring candidates and campaign rallies. However, this was characterised by frequent arrests of opposition politicians, which led to the violation of various rights especially the right to personal liberty and freedoms such as movement, expression and association. The frequent arrests of opposition leaders during the consultations was mainly a result of the lack of clarity in the laws on PEA and POMA that led to different interpretations by different actors on the form of consultation. UHRC noted the need to review and harmonise the legal framework so that it leaves no lacuna or room for multiple interpretation or abuse.

b) **Continued use of preventive arrest**

UHRC also noted the continued use of preventive arrest by police to curtail the movement of especially opposition politicians in view of an existing court ruling against its use. A case in point was Dr. Kizza Besigye who was time and again arrested, detained briefly in police cells and later released. Eventually Dr. Kizza Besigye was held for months in his home in Kasangati in Wakiso District. UHRC had in its 16th Annual Report to Parliament raised the issue of the continued use of preventive arrest as a human rights concern.
Though the Minister of Justice and Constitutional Affairs was quoted in the media on 10th July 2015 as having condemned preventive arrest as illegal, on 15th October 2015 Hon. Ssemujju Ibrahim Nganda the FDC publicist was arrested as a preventive measure. Hon. Ssemujju was later produced in Nakawa Chief Magistrates Court; charged with disobedience of lawful orders and released on a non-cash bond.

4.7 Rights related to Election observation
Citizens, political parties and agents of candidates have a right to observe the electoral processes. Election observation ultimately contributes to the observance of human rights and in effect the growth of democracy of the particular country. It is a common practice now to have international, regional and local observers during elections to verify whether national and international standards have been complied with at various stages of the electoral cycle in order to ensure free, fair and genuine elections. Election observers are required to be accredited and observe election withou tinterfering. They have to raise any issues of concern to the electoral officials rather than attempt address them and they make recommendations for improvement of the processes. They are required to produce a report within a specified time.

4.7.1 Role of election observers
The role of election observers is very critical since it contributes to the overall promotion and protection of human rights. The presence of election observers can prevent violations of human rights associated with the election process; combat disenfranchisement; facilitate the prevention/minimising of fraud; build confidence among voters and the competing political actors; promote, transparency and accountability; as well as enhance the integrity and credibility of the process.

4.7.2 The role of the EC
The EC issued guidelines requiring foreign observers (international and regional) to apply through the Ministry of Foreign Affairs while local observers in upcountry districts applied through the district. Observers from Wakiso, Mukono and Kampala district applied to the EC headquarters. The district vetting committees comprised officials from the EC, Ministry of Internal Affairs, District Internal Security Officers, among others. The EC did not limit observers to NGOs, but encouraged whoever was interested, be they churches, academia, and all other groups to apply if they so wished. The EC started receiving applications for accreditation for both local and international observers in July 2015.

In January 2016, the EC issued a General Elections Handbook for Observers, in which the guidelines were stated and the importance of election observation was recognised as important since it:

a) “Enhances public confidence in the electoral process;

b) Encourages the Electoral Commission to be independent and maintain a good reputation;

c) Promotes accountability and transparency;

d) Eases political tensions;

e) Deters improper practices;

f) Enhances credibility of the electoral process;

g) Assesses the legitimacy of the electoral process and the outcome in accordance with the national laws and internationally accepted standards; and

h) Contributes to resolution of conflict between parties”.

Section 16 of the Electoral Commission Act Cap 140.
General Elections Handbook for Observers Page 8
The rights and responsibilities of the election observers were spelt out in the Handbook as was a Code of conduct, in addition to the obligation for them to deliver a report to the EC “within six (6) months, after polling”. The guidelines expressly barred the election observers from declaring the election valid or invalid. Offences and penalties including fines and prison sentences of up to six months were stipulated in case of breach of the electoral laws.

On 12th February 2016, EC announced that 1,800 local and International observers including the media had been accredited to observe the polling processes. However, the accreditation process was still open as the EC’s briefing session for all observers was scheduled for 15th February 2016. According to the EC, the accreditation was to make sure that the elections were transparent and done in accordance with the international rules and regulations. In addition, all polling officials were trained and briefed on the rights and responsibilities of the election observers in order to ensure their guaranteed access to electoral processes. The guidelines on how polling officials were to relate and treat observers were expressly stated in the training and reference materials given to them.

The UHRC members and staff were duly accredited by the EC as Election Observers initially to observe pre-election activities and on polling day. UHRC observers unlike other observers were accredited nation-wide. Other accredited local observers included the Citizen’s Election Observers Network-Uganda (CEON-U) a consortium of 18 CSOs that deployed more than 1270 observers on Election Day to all 290 constituencies in all the 112 districts of Uganda and the Uganda Joint Christian Council (UJCC) which through its existing infrastructure deployed 700 observers throughout the country. International observers included EU Election Observer Mission, Commonwealth Observer Group, International Election Observer Missions African Union Election Observer Mission, East African Community, Common Wealth Markets for East & Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD) and Electoral Institute For Sustainable Development (EISA).

4.7.3 Concerns regarding election observers

UHRC did not get many reports or complaints related to election observation. In fact, it was noted that the EC officials were cooperative and duly attended to the observers. Nevertheless, there were a few concerns which are highlighted below.

a) Delay in accreditation

There were complaints from CSOs about the delay to accredit some of their observers, particularly based in the districts which they said caused uncertainty about their deployment to observe the elections.

b) Cumbersome accreditation process

Local CSO observers who were accredited from the districts were required to first get security clearance from the District Security Committee in order to be accredited. Given the uneasy relationship between the Resident District Commissioners (RDCs) and some CSOs, and the fact that the RDCs chair the security committees, the discomfort of the election observers was not unfounded. There was no observer who complained to UHRC about being denied this security clearance, however, the EU Observer Mission raised it as an issue of concern and recommended a review of this requirement.

c) Safety of observers

UHRC noted reports confirmed by a CEON (U) observer that their members were beaten in the chaos during the Ntungamo Municipality presidential and parliamentary election on polling day. UHRC observer had to flee for his life after men in police and army uniform stormed the Catholic Social Centre polling station, cocked guns and took away the ballot boxes and declaration forms. Elsewhere on polling day, clearly identifiable UHRC observers were threatened with being torched in their vehicle at Naluvule, Nansana in Wakiso District and they had to temporarily withdraw from the area. This is after voters had turned unruly when materials had not been delivered by midday.
d)  **Stretching the mandate**

Despite the requirement that election observers do not interfere or act as polling officials, UHRC witnessed an incident in Ibanda District whereby an observer was referred to in settling a disagreement on the tally when a disparity arose in the numbers recorded by the agents of the different candidates and those of the presiding officer. The dispute in the tally was settled when voters decided to use the observer’s record whose tally matched that of the presiding officer. St Aloysius Primary School polling station Hoima District observers were also asked for their opinion on whether a ballot paper was invalid before declaring it so.

4.7.4  **Agents of candidates**

Agents enjoyed the right to observe elections since they are an accredited representative of a candidate or political party authorised to witness the electoral processes. Suffice it to say that all processes observed by election observers are open to be witnessed by agents from the pre-election events, during and post-election period. Agents observe the electionsto ensure that processes are conducted in compliance with the minimum standards and to protect the interest of their parties or candidates. In case of a breach agents raise an objection to the presiding officer or higher supervisors. It is worth noting that the absence of an agent cannot prevent the polling processes from proceeding.

CEON (U) which had observers in each district in Uganda observed that the NRM party fielded the highest number of agents. UHRC and other observers noted that not all parties and candidates were represented at all polling stations. Some candidates or political parties did not have any agent at some polling stations. It was noticeable that most agents were for NRM, FDC and Go Forward candidates. A summary of the CEON (U) findings on the presence of agents of the three contestants at polling stations at the opening, closure and during the polling is shown below:

**Table 4.44: At the opening and setting-up of the polling station**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yoweri Kaguta Museveni</td>
<td>85%</td>
</tr>
<tr>
<td>Dr. Kizza Besigye</td>
<td>79%</td>
</tr>
<tr>
<td>Amama Mbabazi</td>
<td>39%</td>
</tr>
</tbody>
</table>

4% of polling stations had no presidential candidate agents present.

**Table 4.45: During voting**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yoweri Kaguta Museveni</td>
<td>95%</td>
</tr>
<tr>
<td>Dr. Kizza Besigye</td>
<td>84%</td>
</tr>
<tr>
<td>Amama Mbabazi</td>
<td>41%</td>
</tr>
</tbody>
</table>

**Table 4.46: During counting**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yoweri Kaguta Museveni</td>
<td>98%</td>
</tr>
<tr>
<td>Dr. Kizza Besigye</td>
<td>93%</td>
</tr>
<tr>
<td>Amama Mbabazi</td>
<td>45%</td>
</tr>
</tbody>
</table>
4.7.5 Concerns regarding party agents

On Election Day, media reports indicated that some of the agents of especially the opposition had either been bought off or had been chased from some polling stations. A case in point was the news report on NBS TV that agents of the opposition had been chased from polling stations in Kiruhura District and some detained. However, when asked by UHRC to confirm this, UPF denied having any opposition agent in its custody and clarified instead that where agents had been turned away was because their party or candidate already had one present at that polling station. A statement issued on 4th April by the FDC party president calling for an independent audit of the presidential election results claimed that “polling agents deployed at various stations were not only chased away during polling but many were arrested”.

This issue was one of the grounds advanced in the presidential election petition that Amama Mbabazi filed in March 2016 at the Supreme Court. He claimed his agents and supporters were abducted and some arrested by some elements of the security forces to prevail upon them to vote for the NRM candidate Yoweri Museveni or to refrain from voting; and that they were chased away from the polling stations in many districts and as a result his interests at those polling stations could not be safeguarded. The Supreme Court did not find any evidence supporting the two claims; however, the justices found that Mbabazi’s polling agents were denied information concerning the counting and tallying processes since this was not refuted by the respondents.60

4.7.6 Parallel tally centres

The electoral laws mandate the EC to declare the winner of national elections.61 The Chairperson of EC is the only legally mandated official to declare a presidential candidate the winner within 48 hours from the close of polling, while for parliamentary and LG positions, the Returning Officers have the authority to declare elected, the candidate who has obtained the largest number of votes immediately after the addition of the votes or after any recount by completing a return in the prescribed form.62 As such the EC has to have a tally centre at the national and district level.

The UHRC noted that the EC national tally centre at Mandela National Stadium, Namboole in Kampala was open to party agents, observers, and the media. UHRC also noted that the district tally centres were also generally accessible to observers, candidates, agents and the media. The national tally centre was fed from the returns from the District registrars who were required to announce the results of each presidential candidate at the district level, fill in the tally sheet before transmission to Namboole.

In the period before polling day on 18th February 2016, there were arguments and counter arguments between the EC on the one hand and political parties, candidates and observers on the other hand concerning the setting up of parallel tally centres and announcing results from the said centres. The EC was resolute in emphasising that it was the only one with the mandate to declare the eventual winner though it had allowed political parties, individuals and observer groups to set up parallel tally centres.

Independent observers like UJCC established its situation room which would also be its tally centre and CEON-U launched its own to receive all the information from their extensive network of observers in the field. Government however expressed discomfort about the independent tally centres. Its spokesperson, Ofwono Opondo accused the EU EOM of setting up a tally centre “to undermine the credibility of the official results that will be coming out of the EC”, according to what he called an assessment of threats that had been done. The EU EOM however, denied any claims of a tally centre on Entebbe Road.

Nevertheless, the major concern expressed by observers, candidates and party agents was the manner in which results were released on polling day from the national tally centre. CEON-U expressed concern that the presidential elections results were released in “an aggregated manner, which does not give the opportunity to the public to verify the results at the primary level. This lack of transparency created uncertainty, which undermined public confidence in the results.

60Amama Mbabazi versus Yoweri Museveni & Ors., Presidential Election Petition No.1 of 2016, para 25.
61As above 51, Article 61 (1) (d) of the 1995 Constitution.
62As above, Article 68 (2) of the 1995 Constitution.
This is compounded by the EC’s restriction on observers from stating any quantitative results information.” A national TV channel NBS that had been announcing results live from its journalists based at polling stations abandoned the exercise after a while allegedly under pressure and started relaying the results from the Namboole national tally centre.

UHRC also noted that the day after the polls, the FDC headquarters in Najjanankumbi were raided by police firing tear gas and water cannon before bursting in and arresting top party officials including the party president. The cause was said to be a planned news conference in which the FDC top officials were to release their own version of presidential election results. The FDC had reportedly been releasing results from its own tally centre based at its headquarters, through social media. A senior police officer Andrew Felix Kaweesi was quoted by the media (AFP) saying “some reasonable measures have been applied to rein in on FDC supporters who wanted to disturb the peace and the on-going exercise” by publishing results from their own tally centre which was illegal as “the mandate to declare electoral results lies with the Electoral Commission”.

### 4.8 Promotion and protection of human rights on polling days

In accordance with its constitutional mandate, UHRC played an instrumental role in observing elections on polling days for positions of all levels of government. UHRC aimed at assessing the extent to which human rights were respected on those days.

The findings from the observation of elections for President and Parliament, the Local Government Councils from LC V to III, as well as for the Interest Groups in Parliament are presented in detail below.

#### 4.8.1 Presidential and Parliamentary elections

Presidential and Parliamentary elections were held in Uganda on 18\textsuperscript{th} February 2016 in accordance with the requirements of the Constitution of Uganda. The EC scheduled the elections on its roadmap in fulfilment of Article 61 (2), (3) and (4) of the Constitution which obliges the EC to hold presidential, parliamentary and local government council elections within the first 30 days of the last 90 days before the expiration of the term of the President. The presidential term was due to expire on 12\textsuperscript{th} May 2016, so elections had to be held not later than 12\textsuperscript{th} March 2016. Accordingly, the EC conducted elections to enable registered citizens of Uganda participate in voting.

The official results of the presidential elections announced by the EC on 20\textsuperscript{th} February 2016 indicated the following:

**Table 4.47: Results for presidential elections announced by the EC**

<table>
<thead>
<tr>
<th>Candidates</th>
<th>Party</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abed Bwanika</td>
<td>PDP</td>
<td>89,005</td>
<td>0.90%</td>
</tr>
<tr>
<td>Amama Mbabazi</td>
<td>Independent</td>
<td>136,519</td>
<td>1.39%</td>
</tr>
<tr>
<td>Baryamureeba Venansius</td>
<td>Independent</td>
<td>52,798</td>
<td>0.54%</td>
</tr>
<tr>
<td>Benon Buta Biraaro</td>
<td>FPU</td>
<td>25,600</td>
<td>0.26%</td>
</tr>
<tr>
<td>Kizza Besigye Kifefe</td>
<td>FDC</td>
<td>3,508,687</td>
<td>35.61%</td>
</tr>
<tr>
<td>Mabirizi Joseph</td>
<td>Independent</td>
<td>24,498</td>
<td>0.25%</td>
</tr>
<tr>
<td>Maureen Faith Kyalya Waluube</td>
<td>Independent</td>
<td>42,833</td>
<td>0.43%</td>
</tr>
<tr>
<td>Yoweri Kaguta Museveni</td>
<td>NRM</td>
<td>5,971,872</td>
<td>60.62%</td>
</tr>
<tr>
<td><strong>Valid Votes</strong></td>
<td></td>
<td>9,851,812</td>
<td></td>
</tr>
<tr>
<td><strong>Invalid Votes</strong></td>
<td></td>
<td>477,319</td>
<td>4.62%</td>
</tr>
<tr>
<td><strong>Total Votes Cast</strong></td>
<td></td>
<td>10,329,131</td>
<td>67.61%</td>
</tr>
<tr>
<td>spoilt votes</td>
<td></td>
<td>29,005</td>
<td></td>
</tr>
</tbody>
</table>

| Polling Stations Received | | 27,881 | 99.54% of polling stations |

*Source: Extracted from Electoral Commission Data*
Protection and Promotion of Human Rights in Electoral Processes for the 2016 General Elections

Figure 4.4: Party Representation in the 10th Parliament of Uganda

Source: Extracted from Electoral Commission data

Table 4.48: Political Party Composition of the 10th Parliament

<table>
<thead>
<tr>
<th>Political Party/Independent</th>
<th>Number of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic Party</td>
<td>15</td>
</tr>
<tr>
<td>Forum for Democratic Change</td>
<td>36</td>
</tr>
<tr>
<td>Independent</td>
<td>66</td>
</tr>
<tr>
<td>National Resistance Movement</td>
<td>293</td>
</tr>
<tr>
<td>UPC</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>416</td>
</tr>
</tbody>
</table>

Source: Electoral Commission

NB: There are 10 representatives of UPDF which by constitutional requirement are supposed to be non-partisan.

Table 4.49: Constituency and Special Interest Group MPs in the 10th Parliament based on Party affiliation/ independent

<table>
<thead>
<tr>
<th>Political Party/ Independent</th>
<th>Members of Parliament</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Constituency</td>
<td>Woman</td>
</tr>
<tr>
<td>Democratic Party</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>Forum for Democratic Change</td>
<td>29</td>
<td>7</td>
</tr>
<tr>
<td>Independent</td>
<td>44</td>
<td>17</td>
</tr>
<tr>
<td>National Resistance Movement</td>
<td>199</td>
<td>84</td>
</tr>
<tr>
<td>UPC</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>299</td>
<td>112</td>
</tr>
</tbody>
</table>

NB: There are 10 representatives of UPDF which by constitutional requirement are supposed to be non-partisan.
1. **Election observation by UHRC**

On Thursday 18th and Friday 19th February 2016 UHRC observed elections in a total of 1,903 polling stations spread over 93 out of 112 districts in Uganda. This was made possible through deployment of 220 staff including 6 Members of the Commission who covered all regions under the UHRC’s regional offices located in Arua, Central, Gulu, Fort Portal, Hoima, Jinja, Masaka, Mbarara, Moroto and Soroti as indicated in Table 4.50 below:

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>No. Districts</th>
<th>No. Polling Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arua</td>
<td>8</td>
<td>180</td>
</tr>
<tr>
<td>Central</td>
<td>13</td>
<td>214</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>7</td>
<td>171</td>
</tr>
<tr>
<td>Gulu</td>
<td>10</td>
<td>182</td>
</tr>
<tr>
<td>Hoima</td>
<td>6</td>
<td>179</td>
</tr>
<tr>
<td>Jinja</td>
<td>10</td>
<td>187</td>
</tr>
<tr>
<td>Masaka</td>
<td>7</td>
<td>118</td>
</tr>
<tr>
<td>Mbarara</td>
<td>11</td>
<td>169</td>
</tr>
<tr>
<td>Moroto</td>
<td>7</td>
<td>110</td>
</tr>
<tr>
<td>Soroti</td>
<td>13</td>
<td>202</td>
</tr>
<tr>
<td><em>Kampala</em></td>
<td>01</td>
<td>191</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>93</strong></td>
<td><strong>1,903</strong></td>
</tr>
</tbody>
</table>

*Kampala is ordinarily under the Central Regional Office; but for purposes of election observation it was considered as a distinct region.

**Fig 4.6: The number of polling stations observed by UHRC**

The Commission further observed elections in 16 polling centres (5 in Ggaba and 11 in Nansana) on 19th February 2016 where the elections had been postponed due to late delivery of polling materials. UHRC observed that the elections proceeded smoothly. The exception was Ssebugawo Secondary School in Ggaba where the elections had been cancelled because materials had been burnt up which disenfranchised voters particularly those that did not participate in the burning of the elections materials.
a) **Findings from UHRC election observation**

The key issues which guided the observers were: The opening and closing of the polls, the location and lay out of the polling stations, the presence and disposition of the polling officials, security, election materials, and

i) **Opening Time**

UHRC observed that although the official opening time for polling stations set by the EC was 7:00am, only a few of them opened on time. UHRC was able to observe the opening of polls in 1359 polling stations of which 11% of the polling stations opened on time.

<table>
<thead>
<tr>
<th>Polling Stations open on time</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>152</td>
<td>11</td>
</tr>
<tr>
<td>No</td>
<td>1207</td>
<td>89</td>
</tr>
<tr>
<td>Total</td>
<td>1359</td>
<td>100</td>
</tr>
</tbody>
</table>

Figure 4.7 Opening of Polls

There were unprecedented delays in Wakiso and Kampala where most polling stations opened late with some such as Kajansi Dispensary and Seguku PS opening at 2:00pm. Other polling stations in Upper Madi Constituency in Arua district and others in Bwijanga Constituency in Masindi District opened at noon. At Kigwiga polling station in Kyegegwa District, polling opened at 10:00am. Other polling stations that opened late were in Bundibugyo, Kamwenge, Kasese, Kyenjojo, Ntoroko and Kabarole districts. In polling stations within Oyam Town Council, voting started late owing to a shooting incident at Oyam Government Prison. Prison warders shot one inmate dead and injured five others when prisoners attempted to escape.

The delays in opening were mainly as a result of late delivery of polling materials by the EC. The EC is on record as having apologized for the delays in Kampala and Wakiso Districts and announced an extension of closing polling time from 5:00pm to 7:00pm and postponed others to the following day.

The polling official at Abim Court Hall Polling station, Abim District did not show the empty ballot boxes to the voters present as required while at Kakyeka Stadium Polling Station-South, Mbarara district the
presiding officer seemed not to be well versed with the procedure. It is the people who had arrived to vote that
gave some guidance to him. However, he did not show the empty ballot boxes to the people present.

**ii) Polling Stations with ballot boxes correctly sealed before voting**

UHRC established that of the 1359 polling stations where opening of polls was observed, 241 ballot boxes were
not correctly sealed as shown in Fig 4.8. This was observed at Ofaka, Oliepe and Vurra in Arua District; Kyarusozi
and Burahaija Primary Schools and Rwakiraita Catholic Church in Kyenjojo District; Kagando Primary School
(A-L and M-Z) as well as Kyabikere in Kasese District; Odokolo and Oteno in Gulu district. UHRC noted similar
cases in Mbarara, Soroti and Moroto districts, among others.

Figure 4.8: Polling stations with ballot boxes correctly sealed

At Olwor-guu (A-A) polling station in Gulu District polling officials cited the need to quickly commence voting
following the late delivery of voting materials as the reason for not sealing the ballot boxes. At Kasanvu Junior
Academy polling station in Rakai district ballot boxes did not have seals. At Sembabule Parents Primary School
and Sembabule Church of Uganda polling stations ballot boxes were delivered without covers and polling
officials improvised with grocery boxes to cover them.
### Table 4.52: Observations at the Polling Stations (PS)

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes Freq</th>
<th>Yes Per cent (%)</th>
<th>No Freq</th>
<th>No Per cent (%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS with outer perimeter not clearly marked</td>
<td>8</td>
<td>0.2</td>
<td>1895</td>
<td>99.8</td>
<td>1903</td>
</tr>
<tr>
<td>PS with party posters or propaganda</td>
<td>18</td>
<td>1</td>
<td>1885</td>
<td>92</td>
<td>1903</td>
</tr>
<tr>
<td>PS without a polling constable</td>
<td>120</td>
<td>6</td>
<td>1783</td>
<td>94</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations with security personnel along the way to polling station</td>
<td>14</td>
<td>1</td>
<td>1889</td>
<td>99</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations with ballot boxes not sealed correctly</td>
<td>72</td>
<td>4</td>
<td>1831</td>
<td>96</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations without good lay out for easy flow</td>
<td>35</td>
<td>2</td>
<td>1868</td>
<td>98</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations without sufficient election materials</td>
<td>17</td>
<td>1</td>
<td>1886</td>
<td>99</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations with challenges for vulnerable persons e.g. PWDs, elderly, pregnant women, the ill etc.</td>
<td>76</td>
<td>4</td>
<td>1827</td>
<td>96</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations without provisions for changes in weather</td>
<td>1350</td>
<td>71</td>
<td>553</td>
<td>29</td>
<td>1903</td>
</tr>
<tr>
<td>Polling stations where voters were allowed to stay around after voting</td>
<td>1658</td>
<td>87</td>
<td>245</td>
<td>13</td>
<td>1903</td>
</tr>
</tbody>
</table>

#### iii) Polling stations without a Polling constable

Out of the 1,903 polling stations monitored, 120 did not have polling constables to manage security. Some of these were Kakoma polling station in Sembabule District, Kikukumbi and Kidokolo polling stations in Kalungu District. At Buwenda polling station in Bugiri District, the polling constable never turned up while at Mulamba Mvule Tree polling station in Kamuli district the polling constable was reported to have arrived late and left early. Therefore, he did not witness the opening and closing of the polls. In all the above instances, the polling stations were subsequently manned by civilians or crime preventers.

#### iv) Heavy deployment of security along the way to the polling stations

The UHRC team did not find many polling stations with security deployed along the way to the station except 14 polling stations in Oli Division, Arua District; Kawempe Division in Kampala District; Butambala, Kayunga and Gomba and Wakiso districts; Abako Sub county in Alebtong District and Kyanamukaka sub county in Masaka District. Other security deployments were in the vicinity of the following polling stations: Amugu P7 school in Alebtong District, Apaa Market in Amuru District and Nabitende in Iganga District.

UHRC observers learnt that security deployment was either in response to incidents of pre-election violence or in areas that had a history of violence such as hotspot areas of Isingiro, Ibanda, and Mbarara districts. UHRC also learnt that in other instances it was because of the scuffles between voters and polling officials or among the voters such as happened in Iganga, Mayuge, Tororo and Busia towns. UHRC observers saw the presence of police patrols in these towns.

#### v) Polling stations with no perimeter demarcation

Whereas the majority of polling stations monitored by UHRC during the Presidential and Member of Parliament elections were well demarcated and cordoned off with tapes provided by the EC, eight (08) did not. Three of these were found in Gulu district, three in Kampala district, one in Jinja district and one in Lwengo district.
vi) **Polling Stations with insufficient election materials**

Out of the 1,903 polling stations, 17 polling stations did not have sufficient election materials. These included Ofaka Sub-county in Arua District which had no ballot box for District Woman MP; Kyengeza in Lwengo District which did not have cordon tape and Ntuusi Primary School in Ssembabule District which did not receive ballot papers for directly elected MPs. Kikeleye polling station in Luweero District did not receive basins and borrowed from the community members while Abdallah Grounds (B-Z) polling station in Oyam district received less basins than required. At Papaa Primary School polling station in the same district, UHRC noted that the election materials did not include EC guiding posters. St Aloysius Katikamu in Luweero District did not have a fourth polling official and the Presiding Officer intervened and appointed one from the community.

vii) **Polling Stations where voters with cameras and phones were allowed**

The UHRC observers noted that there were generally no restrictions on the use of cameras and phones by voters and election observers both within and outside the polling area. In a few instances where permission was sought from the polling officials it was granted.

viii) **Polling Stations without provisions for change in weather**

It was noted that the EC did not make provisions for change in weather. However, 553 polling stations out of 1903 visited were located near buildings to which people could take shelter from the scorching sun or in case it rained. Some polling officials used their own umbrellas.

ix) **Polling Stations which allowed voters to stay around after voting**

The UHRC team noted that there were voters who stayed around in 1658 polling stations visited and they were not barred.

x) **Polling Stations with accessibility problems for PWDs and Elderly**

It was observed that most polling stations were located in open grounds, so they were easily accessible to PWDs and other vulnerable persons. However, the challenges in 76 polling stations were caused by the lack of sign language interpreters, guides for persons with visual impairments; and polling stations on verandas without ramps. UHRC noted that at Aminit polling station in Soroti District and in Mwizi and Booma in Mbarara District there were no special arrangements for PWDS so they ended up staying in the long queues. Musa’s Foot at Mt Moroto and Lorukumo polling stations in Moroto District were located very far from the surrounding villages making it difficult for the PWDs to access them.

xi) **Polling Stations without good layout for easy flow**

It was noted that 1868 out of the 1903 polling stations observed had a good lay out for easy flow of voters. Among the 35 that did not have were polling stations in Oli Division, Arua Municipality, in Soroti, Masaka, Alebtong, Gulu and Moroto districts were set up in limited space for instance where a polling station was between houses. Another case was Buyinja HCIII polling station in Namayingo District which was located near a borehole, hence people who were going to fetch water kept disrupting the voters’ queues and vice versa.

There were a number of polling stations where the layout as stipulated in the EC guidelines was violated. The EC had stipulated three ballot issuing tables; whereby a voter would first be verified and issued a ballot paper for the president and complete the voting before being issued another ballot paper for the constituency parliamentary candidate; and finally getting the ballot paper for the woman MP after voting for the constituency MP. Instead, at some polling stations all the three ballot papers were issued at once at Table 1 after voter verification. This was more pronounced where the polling station had space constraints. Cases in point were at St. Aloysius Primary School Polling Station in Hoima District and at Nabweru playground polling station in Wakiso District. This anomaly was mainly attributed to inadequate manpower to man the three tables; as well as the inadequate knowledge of the polling officials on how to layout the polling station in compliance with the guidelines. As a result, there was a mixed-up of ballot papers in the three ballot boxes, with some voters throwing all their ticked ballot papers in the first ballot box.
xii) **Polling Stations with party posters or propaganda**

The majority of polling stations did not have party/candidates posters and other propaganda. At 18 polling stations however UHRC observed some voters wearing party or candidates’ T-shirts and some posters displayed. Some of the polling stations were Nadunget County Headquarters in Moroto District, Apaa Market in Gulu District and Massode Primary School in Kyankwanzi District. At Kasijjagirwa Playground polling station in Masaka District the incumbent MP turned up with posters on her vehicle while at Water O-Z polling station in Jinja district a gentleman who was campaigning for a candidate was called to order by the Presiding Officer. In Iganga and Tororo districts posters of candidates were removed from the polling stations following complaints.

![A presidential candidate's posters inside Kihamy Polling Station in Bufunjo Sub County in Kyenjojo District](image)

xiii) **Secrecy of the ballot**

The UHRC monitored the layout of polling stations, the verification of voters on the register including the Biometric Voter Verification System (BVVS), irregularities in the voting process, interruptions and disenfranchisement of voters to establish the secrecy and fairness of the ballot. Table 4.53 below shows the findings.
### Table 4.53: Secrecy of the Ballot

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq</td>
<td>per cent (%)</td>
<td>Freq</td>
</tr>
<tr>
<td>Polling stations with a layout which undermines the secrecy of the ballot</td>
<td>114</td>
<td>6</td>
<td>1789</td>
</tr>
<tr>
<td>Polling stations with voters whose particulars are in the BVVS but not on the register</td>
<td>473</td>
<td>25</td>
<td>1430</td>
</tr>
<tr>
<td>Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers</td>
<td>11</td>
<td>1</td>
<td>1892</td>
</tr>
<tr>
<td>Polling station with voters not appearing on the voters register/ BVVS</td>
<td>453</td>
<td>24</td>
<td>1450</td>
</tr>
<tr>
<td>Polling Stations with incidents of overt voter intimidation</td>
<td>36</td>
<td>2</td>
<td>1867</td>
</tr>
<tr>
<td>Polling stations with incidents of chaos/ violence</td>
<td>59</td>
<td>3</td>
<td>1844</td>
</tr>
<tr>
<td>Polling Stations with voters voting more than once</td>
<td>3</td>
<td>0.2</td>
<td>1900</td>
</tr>
<tr>
<td>Polling Stations with incidents of ballot stuffing</td>
<td>0</td>
<td>0</td>
<td>1903</td>
</tr>
<tr>
<td>Polling Stations where voting stopped at some stage and why</td>
<td>52</td>
<td>3</td>
<td>1481</td>
</tr>
<tr>
<td>Polling Stations with ballot boxes not kept sealed throughout voting</td>
<td>13</td>
<td>1</td>
<td>1719</td>
</tr>
<tr>
<td>Number of polling stations where voters were turned away and why</td>
<td>270</td>
<td>20</td>
<td>1053</td>
</tr>
</tbody>
</table>

#### xiv) Polling stations with a layout which undermines the secrecy of the ballot

In 114 of the 1903 polling stations observed by UHRC, the layout affected the secrecy of the ballot. The location of the polling stations in limited spaces and the placement of the voting basin compromised secrecy of the ballot. In Kampala and Wakiso districts there was more than one polling station in one place; for instance, there were more than 10 polling stations at Nabweru play ground with long queues stretching into each other.
Congestion and long queues at Nabweru playground which had more 10 polling stations

Secrecy was also compromised at Kitumba Zone A polling station in Kabarole District, where polling officials had no furniture and remained standing while basins used for voting were placed on the ground; as well as Kalungu Catholic Church in Kalungu District and Mutukula Primary School A-MI, in Rakai District
where the basin was close to where candidates’ agents were seated. In Gulu District at Paicho P.7 School the rain disrupted the exercise and the station was relocated to a small classroom while at Odolokwon polling station, the entire layout was confined within a radius of 4 metres. At Buwenda Trading Centre and Matovu mosque polling stations in Bugiri district, the polling area was so small that the different polling tables were close to each other. Similar cases were observed in Moyo, Iganga, Arua, Kyankwanzi and Kiryandongo districts.

**xv) Use of the Biometric Voter Verification System (BVVS)**

The BVVS was used in verifying voters’ particulars. UHRC however noted that the BVVS was not effective owing to the inability of some polling officials to operate it as well as the confusion created by the discrepancy in the data on the BVVS and the voters register. In some instances, the BVVS was slow and could not handle simultaneous instructions which would leave it hanging and this slowed down the exercise. Consequently, part of the delay in the exercise was caused by the BVVS.

At Kiguli Mango Tree–Kisenyi polling station in Kampala Central Division, the two biometric gadgets were abandoned after they failed to work and so voters were verified using the voters register. The biometric gadget was problematic for polling officials at Lokoreti polling station in Moroto District, Buhugu Social Centre polling station in Sironko District, although it eventually worked after several attempts. At Alanyi PDW polling station in Gulu District the polling official could not log in until a technician was brought after 15 minutes. The BVVS challenges were also witnessed in Nakapiripirit District.

At some polling stations, the BVVS retrieved voters’ details but whose names were missing on the register for those particular polling stations having registered to vote at other stations. The BVVS would show the appropriate stations and polling officers would advise them accordingly. Such cases were found at Abim court hall, Oyar and Arembwola polling stations in Abim District; Nawaikorot polling station in Napak District; Namalu and Namatat polling stations Nakapiripirit District and Nadunget Sub-County Headquarters polling station in Moroto District.

However, in Buluguyi polling station in Bugiri District and Mutumba polling station in Namayingo District, voters whose particulars were in the BVVS but not on the voters register were not allowed to vote. However, in Jinja District such voters were allowed to vote.

**xvi) Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers**

In 99% of the polling stations observed, verification of voters was done using the BVVS and the voters register on presentation of either the National Identification Card or Voters location slips. The voters who complied were issued with ballot papers while, those that did not were turned away. At Kidandala Nsambya Primary School polling station in Sembabule District, the presiding officer issued ballot papers without checking the register as long as the voter’s details were verified with the BVVS machine. However, at Rwabagabo polling station in Mubende District, towards 4:00 pm, the official closing time, the presiding officer started calling out names from the voters register and whoever was already in the queue was issued with a ballot paper to vote without further verification.

**xvii) Polling Stations with incidents of voter intimidation**

The UHRC noted that there were no cases of voter intimidation in 98% of the polling stations observed. A few cases however, were reported at polling stations in Nabweru Playground in Wakiso District where there was UPDF deployment which could have scared away some voters. While, at Kajjansi Dispensary polling station in Wakiso District, the confrontation between voters and a driver of a private car suspected to be carrying ballot papers made some people flee the polling station. At Abako sub-county and Amugu P.7 School polling stations in Alebtong District the presence of uniformed security personnel, some armed (Regional Prisons Commander, Regional Internal Security Officer and Resident District Commissioner) could have intimidated voters.
In Rwampara county in Mbarara District, some voters were intimated by the heavy deployment especially in Mwizi sub-county where all agents of MP independent candidate Hon. Kyamadidi were sent away on the pretext that they were neither voters nor residents in the sub-county. In Ibanda District, some people complained that the heavy presence of security personnel was intimidating them. Intimidation was also observed in Pire and Kololo ECD polling stations in Kaabong District; Ariamaoi and Natengerebet polling stations in Nakapiripirit District; and in Old Camp Swahili Chini polling station in Moroto District.

**Polling stations with incidents of chaos/violence**

The UHRC noted that there were some skirmishes between supporters of different candidates; and between party supporters, agents and polling officials.

On polling day there were clashes resulting from accusations of vote rigging. In Jinja Municipality supporters of incumbent MP FDC’s Paul Mwiru clashed with those of NRM’s Nathan Nabeta while in Tororo Municipality, the chaos was between supporters of the Independent candidate Sanjay Tanna and NRM candidate Yeri Ofwono.

Police used tear gas to disperse rowdy voters at Kajjansi Dispensary polling station in Wakiso District where a private car with alleged pre-ticked ballots was intercepted and damaged. At Nabweru Play Ground, in Wakiso District, rowdy voters damaged a car suspected to be having pre-ticked ballot papers.

In other instances, voters became rowdy due to late delivery of or insufficient voting materials. At Naluvule and Wakiso town along Hoima road in Wakiso District, voters from Busiro East and Busiro North constituencies mounted road blocks around midday protesting the delay of voting materials. Similar protests were noted at Social Centre Mengo (N-Z) and Luzira Prison polling stations in Kampala District. At Ntusisi Primary School polling station in Sembabule District, voters became rowdy when they discovered that ballot papers for constituency MPs had not been delivered to the polling station.

Violence erupted in Isingiro District when agents of some candidates suspected polling officials to be conspiring to rig elections. As a result, supporters of the different camps clashed. At Kihihi Polling Station in Kanungu district, chaos ensued after the presiding officer and his polling assistants voted when their names were not in the register. It took the intervention of the DPC for the situation to calm down.

UHRC found injured people at Ntungamo Police Station who had reported a case of having been allegedly beaten by supporters of Yona Musinguzi but the police had not yet made any arrests. UHRC witnessed chaos at Catholic Social Centre Polling Station in Ntungamo District after the tallying of votes when incumbent MP Hon Yona Musinguzi, policemen and soldiers stormed the polling station, cocked guns and took away the ballot boxes and declaration forms. They were travelling in a dark grey Land Cruiser Registration Number UAM 893J. Civil Society observers also alleged that 2 of their colleagues had been beaten in the chaos in Ntungamo Municipality and others had run away for their safety.

Incidents of violence also occurred in other polling stations such as Kasokoso St Peters church of Uganda in Iganga District; Kasooli, Aguru A and Bison in Tororo District, Kigandalo sub county headquarters, Matovu trading centre, Namadhi in Mayuge District; and Main street in Jinja District where supporters of different candidates fought each other over allegations of voter bribery and suspicion of multiple voting.

In Kyebando Katale zone and Gaz Kanyanya in Kampala District, voters became rowdy and erected blockades in the roads protesting the delay in commencement of voting at Holy Family Primary School and Mirembe Community Polling Stations because election materials had not been delivered. The police as well as the military police intervened and calmed down the situation.

In Kasese District, a 13-year-old boy Mohammad Kule was confirmed dead after being shot by a police officer during skirmishes between the FDC supporters and the security personnel at the Kasese district
tallying centre on 19th February 2016 the day after polling. Police confirmed the incident, apologised and provided some assistance to the family towards the burial arrangements.

xxix) Multiple voting
The UHRC encountered minimal cases of multiple voting. At Kisita polling station in Kibale district, for example, a voter who attempted to vote for the second time was arrested. In two other instances UHRC noted that multiple voting was attempted under the guise of assisting illiterate people or sick relatives. At Rwibogo Primary School polling Station in Mbarara District polling officials had to intervene, after complaints, to stop a one Nicholas Kamugisha from assisting a voter for the 5th time. He had earlier assisted 4 voters who he claimed were his relatives and was found with 5 more voter location slips for the people he intended to assist. Another case was at Bulambuli Catholic church polling station in Mbale District where an elderly lady was found in possession of many voter location slips which she said she was going to use to cast the ballot on behalf of her sick relatives. However, polling officials advised her accordingly.

xx) Ballot stuffing
UHRC did not observe any case of ballot stuffing at all polling stations visited.

xxi) Pre-ticked ballots
There were allegations of pre-ticked ballot papers found in private vehicles which voters discovered. At Nabweru playground and Kajjansi Dispensary polling stations in Wakiso District, angry voters damaged vehicles suspected of transporting pre-ticked ballots. Vehicle number UAH 545L at Nabweru playground polling station and a black Mercedes Benz Registration number UAN 522H at Kajjansi Dispensary polling station were damaged.

The UHRC also confirmed with police an incident at Kihanga Playground polling station in Kabale District where the Presiding Officer, Friday Justus Twesigye handed a voter two pre-ticked ballot papers in favour of the NRM Presidential candidate Yoweri Kaguta Museveni. The voter on realising the anomaly, reportedly returned the ballot papers to the issuance table which drew the attention of the FDC agents. The agents then searched the presiding officer and found him in possession of four pre-ticked ballot papers and this angered the voters who attempted to Lynch him but were restrained by the FDC agents. He confessed to have issued only those two pre-ticked ballot papers and apologised. The chaos halted the voting for about 40 minutes. Police confirmed that the matter was resolved locally when the aggrieved people accepted the presiding officer’s apology and that no arrest was made.

xxii) Polling Stations where voting stopped at some stage and why
Out of the 1903 polling stations observed, 52 experienced disruption in the voting exercise. The reasons ranged from failure of the BVVS, rain, chaos, change of names, insufficient polling materials to errors on the ballot papers. At Ofaka and Vurra polling stations in Arua District; Obongi polling station in Moyo District; as well as Koboko, Masindi, Hoima and Buliisa districts rain disrupted the exercise. At Ntuusi Primary School polling station in Ssembabule District voting was discontinued when polling officials realised that ballot papers for constituency MPs had not been delivered.

The malfunctioning of the BVVS interrupted polling at Kigayaza polling station in Rakai District; Kabulasoke polling station in Lwengo District; and Kabaale LC1 Play ground polling station in Bukomansimbi District while in some polling stations in Kamuli District the BVVS battery ran low. At Matovu trading centre polling station in Mayuge District voting was halted due to violence among the voters. Errors on the ballot papers affected all polling stations in Dokolo South Constituency in Dokolo District as well as Upper Madi constituency in Arua District. One of the candidates for Member of Parliament for Upper Madi was missing from the ballot paper causing confusion since some voters were told not to vote on grounds that elections had been postponed because of this.
Polling Stations with unsealed ballot boxes

The UHRC noted that in 13% of the polling stations observed voting went on with unsealed ballot boxes. These included; Loputuk, Lokorote and Lorukumo in Moroto District, Wilela and Odonyokec in Abim District, Community hall and Achorichor in Amudat District, Nadunget Headquarters in Moroto District, Kasanvu Junior Academy in Rakai district. At Odolokwon and Oteno market polling stations in Amugu, Alebtong districts the polling officials did not know how to seal the ballot boxes. As indicated earlier at Sembabule Parents primary school and Sembabule church of Uganda polling stations, polling officials used improvised seals.

Polling Stations where voters were turned away

The UHRC observed that in 20% of the polling stations observed some voters were turned away. The reasons ranged from not being registered at that particular polling station, not being eligible to vote due to drunkenness. In Bujenje County in Masindi District a drunkard who turned up with a bottle of alcohol was sent away.

In a few cases some voters who had national Identity Cards but whose particulars were missing in both the BVVS and the National Voters Register were turned away. These included: Musoke Geoffrey NIN CM970101009CL CH, who was turned away at Kitumba Catholic Church Polling Station and Twinomugisha Deo NIN CM79048104Z23L who was turned away from Kiko Trading Centre polling station in Kabarole District. UHRC found similar cases in Mbarara, Isingiro, Ibanda and Bushenyi districts.

However, Ogwete Augustine, voter number 6263938 was erroneously turned away from Kitumba Catholic Church polling station in Kabarole District for not being in the register even though he had been verified by the BVVS. By the time his particulars were located by the Go Forward agent in the copy of the national voters register that he had, Ogwete had already left the polling station and could not vote.

 Closing of polls, counting and tallying

UHRC was able to observe the closing of polls in 607 polling stations. The official time provided by the EC for the closure of polls was 4:00 pm save for those that opened very late for which the EC extended the time to 7:00 pm, particularly in Kampala and Wakiso districts.

At the close of polls the polling constable was required to stand behind the last voter in the queue so that late comers do not join. After everyone in the queue had voted the presiding officer was required to declare the polling closed before unsealing and emptying the ballot boxes to count in the open the votes cast for each candidate. The counting had to be done in the presence of the candidates, their representatives or polling agents to safeguard the interest of the candidates.

The Presiding Officer (PO) had to fill the required number of copies of the results declaration forms (RDFs) after which the candidates’ representatives or polling agents would countersign before the PO announced the results. Each candidate’s representative had to be given a copy of the RDFs. A copy of the RDF was to be displayed at the polling station while another was to be sealed by the PO in the EC tamper-proof envelope and delivered to the nearest result collection centre. Another copy of the RDF had to be sealed in the ballot box (black box) together with separate bundles of ballot papers for votes received by each candidate, spoilt, invalid and unused ballot papers respectively; and the voters register, for delivery to the Returning Officer.

• Closing of Polls

The majority of the polling stations observed (99.5%) closed polls at 4:00 pm when the polling constable stood at the end of the queue. UHRC noted that voting continued even after the official closing time due to the large number of voters already in the queue. For some polling stations, voting went on way past 10:00 pm.

A number of UHRC observers were able to witness the closing of polls in more than one polling station especially where several were in the same venue and where stations closed at different times.

Section 48 of the Presidential Elections Act 2005.

As above, Section 51 of the Presidential Elections Act 2005.
The UHRC found that only 3 polling stations (0.5%) closed after 4:00 pm. These polling stations were Kihii town council in Kanungu District, Community Centre in Kaabong District and Acholi Inn in Moroto District.

At Alanyi PWD polling station in Gulu District voting was extended due to interruption by rain and closed at 5:34pm. In a few polling stations, particularly in Wakiso and Kampala districts, closing time had been officially extended to 7:00 pm by the EC due to late opening. However, at St. Aloysius Primary School Polling Station in Hoima District, the polling constable allowed 8 voters who were allegedly known to him to join the queue as and when they arrived after the closing time.

- **Tallying, Transmission and Announcement of Results**

Counting at all polling stations whose closing UHRC observed was done according to procedure. UHRC noted cases of spoilt ballot papers as a result of: Being torn out poorly from the ballot booklet; voters having a change of mind after ticking the ballot paper; ink splashing on them; and being damaged by rain. Such instances were observed in Hoima, Gulu and Nakasongola districts.

The UHRC noted with concern significant cases of invalid votes. Ballot papers were declared invalid for reasons such as: voters making multiple choices; double marking; mark extending beyond the box; using unauthorised marks (drawing pictures and using signatures) and others did not make any choices. This was the case in Kampala and Gulu districts as well as West Nile, Karamoja, Acholi, Lango, Bunyoro and Eastern regions. In particular, invalid ballot papers were 43 at Alanyi PWD polling station in Gulu District; 612 in 15 polling stations in the Eastern region; 374 in 110 polling stations observed in Karamoja sub-region; and 180 in 180 polling stations observed in West Nile region.

In the polling stations UHRC observed, it was noted that the signing, posting and sealing of results declaration forms in tamperproof envelopes and black boxes was generally done according to procedure. However, there were concerns in some polling stations such as Osman mosque A-M polling station in Busia District, where one agent refused to sign the RDF alleging voter bribery and claiming that the black box was not sealed by the presiding officer after the tallying. At Bufunda polling station in Ibanda District, a disagreement arose over the tally when the records of the agents of different candidates differed from that of the presiding officer. This was resolved when the record of the observer from Inter Religious Council of Uganda corroborated that of the presiding officer. At Kagogo Catholic Church polling station in Bukomansimbi District, the sub county supervisor took away a signed copy of the RDF after the tallying leaving behind other copies as they were being signed and counter signed by the agents.

The UHRC noted that the results were mainly transported from the polling stations using vehicles provided by the EC. However, in other instances, the presiding officers transported the results using police and observers’ vehicles, motor cycles (also known as boda boda) and bicycles, escorted by the polling constables. UHRC noted with concern cases where some presiding officers transported the results on foot carrying the black boxes on their heads. These modes of transport were observed in Karamoja, Eastern, West Nile and Central regions.

**4.8.1.1 Other critical observations**

- **EC information flow to the public on Election Day**

The EC kept engaging with the public through the media throughout the day holding press conferences and press interviews in which vital information was disseminated except in communicating the time of extension of closing time to 7:00pm.

The EC Chairman for instance, apologised for the delays in delivery of election materials in Wakiso and Kampala districts. At a mid-morning press conference, he announced that materials were being delivered at that time and polling was commencing in many polling stations that had delayed. At another press conference, the EC announced the polling stations in Wakiso and Kampala districts where polling would be held on Friday 19th February 2016 because the materials had arrived extremely late or not at all.
The EC Chairperson also made an announcement in the media extending the closing time of polling from 4:00pm to 7:00pm in Kampala and Wakiso districts where election materials arrived extremely late. However, most of the polling stations that UHRC observed in those areas closed at 4:00pm even when they opened very late. UHRC established that the EC directive on extension of the closing time of polling to 7:00 pm in Wakiso and Kampala did not effectively trickle down. The District Returning Officer Wakiso was not aware about it when UHRC inquired from her. The Assistant Registrar Entebbe managed to inform presiding officers of polling stations that had started after 2:00pm, but most polling stations had closed at 4pm.

b) **Inadequate capacity of some polling officials**
The UHRC observers noted with concern that a number of polling officials manning the polling stations were not up to the task. UHRC also observed that some of the polling officials did not have the technical capability to operate the BVVS creating unnecessary delays and also causing unrest among some voters.

c) **The shutting down of social media and mobile money service**
As earlier noted that UCC shut down Facebook, Twitter, WhatsApp and Mobile Money of all telecommunications for security reasons. However, UHRC noted with concern that the shutting down of Mobile Money services without prior warning jeopardised people’s livelihoods especially those for whom it is a source of earning; those that were preparing for the opening of schools who needed to transact; and the rest of the people who needed to access mobile money for one reason or another. It was also noted that government restored the facilities on Saturday 20th February 2016. UHRC continued to call for responsible use of the social media by all concerned.

d) **Arrest of FDC Presidential Candidate**
Dr. Kizza Besigye was arrested in Naguru when he went to a house alleging it was being used for rigging the presidential elections. He was eventually driven back to his home in Kasangati. Police claimed that it was their facility and not a rigging place. Police spokesperson Patrick Onyango said the Naguru house was a security installation; a call centre for police to receive calls and information from people who have problems and the facility was to help in establishing the location of the callers.

Dr. Kizza Besigye was again arrested on Friday 19th February 2016 together with other FDC officials from the FDC offices in Najjanankumbi but they were later released. He was taken to his home in Kasangati and was kept by police under Preventative arrest. The Prime Minister explained that these measures were as a result of information received that the plans of the opposition posed a security threat and therefore government had to secure the people of Uganda and their property.

e) **Police occupation of the FDC party offices**
Joint forces of UPF and UPDF officers stormed the FDC headquarters in Najjanankumbi Kampala and party offices in Mbarara and stayed on for days after elections arresting party officials indiscriminately. This disrupted party activities and caused fear among party supporters. The FDC officials complained that their members were being harassed especially those that had declaration forms of the presidential elections.

f) **Merging of polling stations without prior information to voters and observers**
The UHRC found that some polling stations that appeared in the gazetted list of the EC had been merged with others and therefore were either not operational or had shifted to location away from where they were in the last elections. This was observed in Bwaise II, Kawempe South, Kawempe Division where the LC 1 Office (A-L) Polling station and Yiga’s Parking Yard (A-K) polling stations had been merged with others. Mawanda road polling station was also shifted to Mulago Doctors’ Club polling station in Kawempe Division. As a result a number of voters were frustrated because they could not locate the polling stations and they were disenfranchised.
g) Disenfranchisement of voters
Related to the abnormally late start of polls in Kampala and Wakiso districts and some other parts of the country, UHRC observers witnessed some voters who walked away from the polling stations visited due to the frustration of waiting in the scorching sun and some never came back to vote. This led to the disenfranchisement of the voters affected. As was earlier noted the incident at Ggaba Polling station where voting materials were burnt also led to disenfranchisement as voters in that areas never got to exercise their right to vote at all.

h) Congestion at some polling stations
The UHRC observers noted that some of the areas had a high voter population, particularly areas in the suburbs of Kampala and Wakiso districts. Highly populated areas in these two districts that were noted by UHRC observers include Kyebando, Mpererwe, Bwaise, Mulago and Mengo where the polling stations had big numbers of voters which led to congestion and created long queues. In some cases such long queues made some voters to give up on voting and they walked away.

Other concerns were on issues as already discussed in Section 4.6 including police use of live ammunition to quell public demonstrations as it happened in Wandegeya and Najjanankumbi, Kampala;

i) Incidents of violence during elections
Incidents of violence were observed by UHRC during the pre-polling day, the polling day itself and post polling day. UHRC noted that some of the skirmishes were between supporters of different candidates while others were between party supporters and the police. UHRC particularly noted the following:

- In Mukono Municipality on 17th February 2016, the eve of elections, there were clashes between supporters of incumbent DP MP Mukono Municipality Betty Nambooze and her rival. The arrest of Nambooze supporters and the vandalisation of her car were confirmed by Police. According to Police, the matter was under investigations.
- In Jinja Municipality in the morning of polling day there were clashes between supporters of FDC’s Paul Mwiru the incumbent MP for Jinja Municipality and NRM’s Nathan Nabeta. The people were protesting what they alleged were rigged results.
- In Tororo Municipality, supporters of the Independent candidate Sanjay Tanna and NRM candidate Yeri Ofwono clashed on polling day over allegations of vote rigging.
- In Kasese district, a 13 year-old boy Mohammad Kule was confirmed dead after being shot by a police officer during skirmishes between the FDC supporters and the security personnel at the Kasese district tallying centre on Friday. Police confirmed the incident, apologised and even provided some assistance to the family towards the burial arrangements.

4.8.1.2 Concluding Observation on the polling
Overall, at the polling stations where UHRC was an observer, the exercise was generally peaceful and calm with the majority of the people freely exercising their right to vote and to be voted, save for the few isolated setbacks.

The UHRC observer team noted that there was generally a lot of interest by citizens and political players as the turn up of voters at every polling station was quite overwhelming. Voters were peaceful and orderly and the mood was generally calm with occasional excitement when results were announced at the polling station.

The major challenges were the delayed start of voting; the lack of knowledge on the voting process by some voters which could also explain the reason for a large number of invalid votes; the vagaries of weather that in some places disrupted the voting; pockets of violence in central, eastern and western Uganda.

The UHRC noted with concern the omissions and commissions as well as the regrettable incidents that led to violation of human rights. The Government and the EC in particular were urged to take note of the challenges
and recommendations so that appropriate action could be taken early enough to improve the organisation of the next round of elections in 2021.

4.8.2 Local Council V elections

Elections for Local Council V (L.C V) Chairpersons and councillors were held nationally on 24th February 2016. UHRC monitored a total of 321 polling stations in 19 districts. UHRC noted that there were no elections for L.C V Chairperson Kabarole District as he was unopposed. Table 4.54 and Figure 4.9 below show the districts and polling stations covered.

Table 4.54: Polling Stations Monitored per Regional Office

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>Districts Monitored</th>
<th>Polling Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arua</td>
<td>Arua and Moyo</td>
<td>36</td>
</tr>
<tr>
<td>Central</td>
<td>Kampala, Wakiso, Buvuma and Luweero</td>
<td>104</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>Kabarole</td>
<td>30</td>
</tr>
<tr>
<td>Gulu</td>
<td>Gulu, Amuru, Pader and Lira</td>
<td>43</td>
</tr>
<tr>
<td>Hoima</td>
<td>Hoima</td>
<td>17</td>
</tr>
<tr>
<td>Jinja</td>
<td>Jinja</td>
<td>24</td>
</tr>
<tr>
<td>Masaka</td>
<td>Masaka</td>
<td>10</td>
</tr>
<tr>
<td>Moroto</td>
<td>Moroto, Kotido and Nakapiripirit</td>
<td>28</td>
</tr>
<tr>
<td>Soroti</td>
<td>Soroti and Kapchorwa</td>
<td>29</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>321</strong></td>
</tr>
</tbody>
</table>

Figure 4.9: Number of polling stations monitored per regional office

i) Opening Time

UHRC observed that 100 (31%) polling stations opened at 7:00am which was the official opening time and 221(69%) did not. Most of the polling stations did not open on time due to the late arrival of voters five of whom were required to witness the opening of the black sealed boxes. This was in spite of the fact that voting materials had arrived early and election officials were ready to open by latest by 7:15am. Other
reasons for late opening included errors on some ballot papers; failure to get five voters in time to witness the official opening; failure of the BVVS machine; missing ballot papers; mismatch in ballot paper design; delayed delivery of polling materials and late set up of polling stations.

Delayed opening of polling stations was observed at Kaswa Trading Centre B in Kabarole District. At Kaladima P.7 School Polling station in Amuru District, the BVVS machine failed to operate because of a wrong pin code.

Voting started at 10:14 am with voters being verified from the voters register only, until 10:45 am when the correct pin code was obtained. Voting started as late as 2:00 pm in Arua Municipality and other parts of the district due to absence of the voters register which was later delivered from Kampala by the UPF chopper. At Arua Hill and Oli Divisions in Arua District voting started between 1:00 and 2:00pm. There were also delays in opening of some polling stations in Central region.

Table 4.54: Opening Time of the Polling Stations

<table>
<thead>
<tr>
<th>Polling Stations open on time</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>100</td>
<td>31</td>
</tr>
<tr>
<td>No</td>
<td>221</td>
<td>69</td>
</tr>
<tr>
<td>Total</td>
<td>321</td>
<td>100</td>
</tr>
</tbody>
</table>

ii) **Polling Stations with Empty ballot box shown to those present (at least 5 voters)**

The UHRC noted that the empty ballot boxes were displayed to voters by the polling officials at all the polling stations observed. However, the procedural requirement of 5 persons present to witness the opening caused delay at some polling stations such as Kasubi Masilo in Rubaga Division, Nakasero II in Central Division, Kampala District; as well as Jokolera COU and Kito Town Centre in Wakiso District.

iii) **Polling Stations with ballot boxes correctly sealed before voting**

The UHRC observed that ballot boxes in 12 polling stations were not correctly sealed with some having no covers while others were sealed after commencement of the voting process. This was observed at Layibi Central AA-AL, Cubu A-B, Pece Pawel P7 School, Acoyo P7 School, Anywee A-A and Vanguard AA-AK polling stations in Gulu District; Restore Academy, Pagak P7 School B and Kaladima P7 School PS in Amuru District and Junior Quarters A, Kakoge C and Kakoge B III Polling Stations in Lira District.

iv) **Observations at the Polling Stations**

The UHRC observed the set-up of polling stations including demarcation, surrounding environment, presence of polling constables, availability and state of polling materials, accessibility of polling stations, presence of party/candidates’ agents and compliance of voters to the guidelines.

Some polling stations did not have the required number of polling officials. At Suuna II Mosque in Nabweru, Wakiso District, there were 3 instead of 5 while at Kulambiro COU, Nakawa Division, Kampala District there were 4 instead of 5; and at RTC Polling Station in Moroto District 3 polling assistants never turned up hence only 2 polling officials did the work. A number of polling officials had challenges in proper management of the process as was witnessed at Bat Valley PS, Nakasero II, All Saints B in Kampala District where ballot papers for the three elective positions were being issued at once.
Table 4.56: Observations at the Polling Stations

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polling Stations with outer perimeter not clearly marked</td>
<td>4</td>
<td>317</td>
<td>321</td>
</tr>
<tr>
<td>Polling Stations with party posters or propaganda</td>
<td>18</td>
<td>303</td>
<td>321</td>
</tr>
<tr>
<td>Polling Stations without a polling constable</td>
<td>4</td>
<td>317</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations with security personnel along the way to polling station</td>
<td>8</td>
<td>313</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations with ballot boxes not sealed correctly</td>
<td>12</td>
<td>309</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations without good lay out for easy flow</td>
<td>8</td>
<td>313</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations without sufficient election materials</td>
<td>50</td>
<td>271</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations with challenges for vulnerable persons e.g. PWDs, elderly, pregnant women, the ill etc.</td>
<td>5</td>
<td>316</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations without provisions for changes in weather</td>
<td>232</td>
<td>89</td>
<td>321</td>
</tr>
</tbody>
</table>

v) **Polling stations without a Polling constable**

The UHRC noted that there were polling constables in 317 (99%) polling stations. However, four (1%) polling stations did not have polling constables and these were RTC in Moroto District and three polling stations at Namugongo in Wakiso district. In the case of Wakiso District, UHRC noted that the absence of polling constables was due to shortage of manpower.

vi) **Polling stations with security personnel along the way**

The UHRC observed that 313 (98%) polling stations did not have security personnel deployed along the way. However, in eight polling stations at Kireka and Bweyogerere in Wakiso District patrol vehicles were parked near the polling stations. There was also deployment of security at Jinja tally centre where there were tensions due to delayed announcement of the winner of the LCV election which took two days.

vii) **Polling stations with no demarcation perimeter**

In 317 polling stations, UHRC found perimeter demarcations as required by the law. UHRC noted that four polling stations did not have demarcation perimeters. These were Nabuin in Moroto district; Pece Pawel P7 School in Gulu District; Pagak P7 School A and B and Lamogi subcounty in Amuru District.

viii) **Polling Stations with insufficient election materials**

The UHRC observed that 50 out of 321 polling stations did not have sufficient or lacked election materials. The insufficient or unavailable polling materials included voter registers; aprons for polling officials; indelible ink; basins; demarcation tapes; ballot papers; declaration forms; statement of ballot forms; chairs and tables. Polling stations where this was observed included Boma grounds and Katanga, Baazar in Moroto District; Holy Rosary O-Z, St Joe P7 School and Pagak P7 School A and B polling stations in Gulu District; and Kaswa Trading Centre B, Kitumba Zonal Office B, Nyabinamba in Kabarole District.
UHRC also noted that in Jinja district some polling officials had to meet the cost of hiring tables and chairs that were unavailable at their polling stations. Other instances of insufficient or unavailable polling materials were observed in some polling stations in West Nile and Central regions.

ix) **Polling Stations without provisions for changes in weather**
It was noted that the EC did not make provisions for change in weather. Most of the polling stations were located in open grounds which made the polling officials and voters susceptible to the scorching sun or rain during the exercise. UHRC observed that 89 out of 321 polling stations were under trees or near buildings which provided shelter during harsh weather conditions while in others, polling officials improvised with their own umbrellas. However, at Lokorote Polling Station in Moroto District, the polling officials suffered under the scorching sun and the dust from road construction work.

x) **Polling Stations which allowed voters to stay around after voting**
The UHRC team noted that voters stayed around in 129 polling stations visited and they were not barred. However, in 192 polling stations, voters were not allowed to stay inside the stipulated 100 meters distance from the polling station.

xi) **Polling Stations with accessibility problems for vulnerable groups**
UHRC observed that in 316 polling stations, vulnerable groups such as; PWDs, the elderly persons, the ill and pregnant women did not have challenges of accessibility. This was because the majority of the polling stations were set up in open space areas. However, UHRC noted that accessibility was inhibited in some polling stations in Kampala and Wakiso districts due to the presence of stairs and steep slopes.

xii) **Layout of polling stations**
The UHRC noted that 313 out of 321 polling stations had a good lay out which facilitated easy flow of voters. Poor lay out of some polling stations was due to limited space and locations in storeyed buildings and near public facilities like roads. These were at Eternal Church (L0-ZO) in Kabarole District and Forkland Cell B, in Masaka District. Other instances were observed in Soroti and Kampala districts.

xiii) **Polling Stations with party posters or propaganda**
UHRC noted that 303 out of 321 polling stations did not have party posters or propaganda during the exercise. There were posters of candidates and loud campaigns at some of the polling stations. This was observed at Old Campswahilli in Moroto District as well as Holy Rosary A-AK and Forest B-Z in Gulu District. Other cases were observed in polling stations in Kampala, Wakiso, Buvuma and Luweero districts.

xiv) **Secrecy of the ballot**
The UHRC monitored the layout of polling stations, the verification of voters on the register and the Biometric Voter Verification System (BVVS), irregularities in the voting process, interruptions in the voting process and disenfranchisement of voters to establish the secrecy and fairness of the ballot. Table 4.57 below shows the findings:

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq</td>
<td>Per cent (%)</td>
<td>Freq</td>
</tr>
<tr>
<td>Polling stations with a layout which undermines the secrecy of the ballot</td>
<td>14</td>
<td>4</td>
<td>307</td>
</tr>
<tr>
<td>Polling stations with voters whose particulars are in the BVVS but not on the register</td>
<td>6</td>
<td>2</td>
<td>315</td>
</tr>
</tbody>
</table>
Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq</td>
<td>Per cent (%)</td>
</tr>
<tr>
<td>Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Polling station with voters not appearing on the voters register/ BVVS</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Polling Stations with incidents of overt voter intimidation</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Polling stations with incidents of chaos/violence</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>Polling Stations with voters voting more than once</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Polling Stations with incidents of ballot stuffing</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Polling Stations where voting stopped at some stage and why</td>
<td>2</td>
<td>0.6</td>
</tr>
<tr>
<td>Polling Stations with ballot boxes not kept sealed throughout voting</td>
<td>2</td>
<td>0.6</td>
</tr>
<tr>
<td>Polling Stations with voting in groups</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of polling stations where voters were turned away and why</td>
<td>28</td>
<td></td>
</tr>
</tbody>
</table>

**Polling stations with a lay out which undermined the secrecy of the ballot**

In 96% of the polling stations observed, the layout facilitated secrecy of the ballot. The voting basins were placed in a manner that guaranteed secrecy. However, there were instances where aspects such as location of the polling stations on the road; lack of and/or inappropriate furniture as a result of which voting basins were placed on the ground; lack of voting basins; and non-compliance with the prescribed distances within the polling station.

UHRC found that Eternal Church (L-Z) polling station in Kabarole District was located on a busy road where passers-by could easily see the voter’s choice and voting basins were placed on the ground. At St. Joe P.7 School, Holy Rosary O-Z and Laroo Division Headquarters A-A polling stations in Gulu District, voters marked their choices in the open on a desk until the Assistant District Registrar was notified and basins were provided. The electoral officials at these polling stations informed UHRC observers that they had raised the complaint with the Assistant District Registrar who asked them to improvise. The basins and seals were later delivered to the polling stations, though a cross-section of voters had voted without them. At Cubu (A-B) and Vanguard (AA-Ak) Polling Stations in Gulu District, agents were seated right next to the voting basins which were placed on the ground. At Boma ground polling station in Moroto District, the agents were seated close to the basin so they could see the voter’s choice.
xvi) **Polling stations with voters whose particulars are not in the BVVS and on the register**
Cases of voters whose particulars were not in the BVVS and on the register were found in 4% of the polling stations observed while voters whose particulars were in the BVVS but not on the register were observed in 2% of the polling stations. Those who did not appear on the voters register and the BVVS machine either had not registered, or were under age or had registered but not at the particular polling stations where their names were not. At Railway A polling station in Gulu District and Kilak P.7 School polling station in Pader District there were cases of the underage who thought being in possession of National Identity cards they had been registered to vote. At Urban AM-AZ polling station in Gulu District, it was difficult to establish whether or not one’s particulars on the register were also in the BVVS because its pin code was not provided.

xvii) **Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers**
At all polling stations observed, voters were checked and verified using either the BVVS or voters register or both before they were issued with ballot papers. The use of the BVVS and the indelible ink was optional in some polling stations particularly in Central region where the BVVS gadget was put aside the whole day.

xviii) **Polling Stations with incidents of overt voter intimidation**
The UHRC did not observe any incidents of overt intimidation. In all the polling stations monitored, there were no attempts to influence the voters on how to vote and the right of candidates’ agents to obtain information from the presiding officer was respected.
Polling stations with incidents of chaos

All polling stations observed were peaceful save for some commotion at Restore academy polling station in Amuru District when a voter attempted to canvass for votes before he was restrained by the polling constable, the presiding officer and the DPC.

Multiple voting, ballot stuffing and stopping voting

There were no cases of multiple voting at the polling stations observed; and UHRC observers did not witness any incident of ballot stuffing. They also did not observe any polling station where voting stopped at some stage.

Polling Stations with ballot boxes not kept sealed throughout voting

Two out of the 321 polling stations did not have sealed ballot boxes. The ballot boxes at Kahinju SS School and Rwenkuba Polling stations in Kabarole District were not sealed during the voting process.

Polling Stations with people voting in groups

There were no cases witnessed of people voting in groups.

Number of voters turned away and why

The UHRC observed that 28 voters were turned away because they were neither in BVVS nor on the voters register while others were underage, thus not eligible to vote. In Gulu District, a voter was turned away at Green Valley A Polling Station because he arrived 2 minutes past the closing hour of 4:00pm.

Closing of polls, counting and tallying

UHRC was able to observe the closing of polls in 74 polling stations in order to; monitor the time of closure, compliance with closing, counting, tallying and transmission of results.

Table 4.58: Findings on closure of polls

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freq</td>
<td>Per cent (%)</td>
<td>Freq</td>
<td>Per cent (%)</td>
<td></td>
</tr>
<tr>
<td>Polling stations that closed at 4:00 pm</td>
<td>71</td>
<td>96</td>
<td>3</td>
<td>4</td>
<td>74</td>
</tr>
<tr>
<td>Polling stations where counting was not conducted according to procedure</td>
<td>0</td>
<td>0</td>
<td>74</td>
<td>100</td>
<td>74</td>
</tr>
<tr>
<td>Polling stations with spoilt ballot papers and the reasons</td>
<td>60</td>
<td>81</td>
<td>14</td>
<td>19</td>
<td>74</td>
</tr>
</tbody>
</table>

• Closing of Polls

The majority (96%) of the polling stations observed, closed polls at 4:00 pm with the polling constable standing at the end of the queue. UHRC noted that voting continued for those who were already in the queue.

The UHRC found that only 3 polling stations (4%) closed after 4:00 pm. These were Layibi Central (O-Z) in Gulu District, St. Stephens Primary School at Kireka in Wakiso District where the presiding officer extended the time to allow more people to vote given the low turn up. At Arua Hill and Oli polling stations in Arua District UHRC found that the District Registrar had extended the closing time to 6:00 pm since voting had begun late due to the missing voters register.

• Tallying, Transmission and Announcement of Results

Counting was done according to procedure at the polling stations at which UHRC observed the closure.
The UHRC noted cases of spoilt ballot papers as a result of being torn out poorly from the ballot booklet and voters having a change of mind after ticking the ballot paper. Such instances were observed at Restore Academy polling station in Amuru District and Mayor's Garden A-K polling station in Pader District.

The UHRC noted with concern some cases of invalid votes. Ballot papers were declared invalid for reasons such as: double marking; mark extending beyond the box; using unauthorised marks and leaving the ballot paper blank. This was the case in Northern, Karamoja and West Nile regions.

In the polling stations UHRC observed, the signing, posting and sealing of DRFs in tamperproof envelopes and black boxes was generally done according to procedure. However, at Kito trading centre polling station in Wakiso District the black box was damaged on one side. In other polling stations some candidates did not have agents to sign the DRFs, particularly in the central region.

The winner for the position of Bundibugyo LCV chairperson was declared two days after voting and this caused some tension as supporters of different candidates kept nearby the tally awaiting the final declaration amid heavy deployment of security.
4.8.2.1 Concluding Observation on polling

In general, there was low turn up attributed to inadequate civic and voter education given that some people claimed they were not aware of the elections for Local Councils; neither the positions being contested for nor the contestants. Some people said they had no confidence in the EC while others had been frustrated by their experiences of disenfranchisement during presidential and parliamentary elections.

Overall, the elections were generally peaceful and the voting environment calm. However, the very low voter turn up was a serious human rights concern as well as the violence that broke out in Bundibugyo district immediately after the declaration of the results of the LC V elections held on 24th February 2016. The election-related violence between the Bakonjo and Bamba/Babwisi ethnic groups resulted in loss of lives, destruction of property, injuries, internal displacement and deprivation of the right to liberty. UHRC undertook a special investigation into this incident as reported in Chapter Five.

4.8.3 The mayoral elections

Elections for Mayoral and Municipal councillors were held nationally on 2nd March 2016. UHRC monitored a total of 172 polling stations in 15 districts. However, UHRC noted that elections at Walukuba polling station in Jinja District were postponed because the voters rejected the EC officials that had been deployed there. Table 4.58 and Figure 4.10 below show the districts and polling stations covered.

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>Districts</th>
<th>Polling Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arua</td>
<td>Arua</td>
<td>14</td>
</tr>
<tr>
<td>Central</td>
<td>Kampala and Wakiso</td>
<td>36</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>Kabarole</td>
<td>6</td>
</tr>
<tr>
<td>Gulu</td>
<td>Gulu, Lira and Kitgum</td>
<td>42</td>
</tr>
<tr>
<td>Hoima</td>
<td>Hoima</td>
<td>13</td>
</tr>
<tr>
<td>Jinja</td>
<td>Jinja</td>
<td>16</td>
</tr>
<tr>
<td>Masaka</td>
<td>Masaka</td>
<td>3</td>
</tr>
<tr>
<td>Mbarara</td>
<td>Mbarara</td>
<td>10</td>
</tr>
<tr>
<td>Moroto</td>
<td>Moroto</td>
<td>8</td>
</tr>
<tr>
<td>Soroti</td>
<td>Soroti, Kumi and Kapchorwa</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>15 172</strong></td>
</tr>
</tbody>
</table>

Figure 4.10: Polling stations observed
i) **Opening Time**

UHRC noted that 111 out of 172 polling stations observed opened late. The main reasons for the delay in opening were the late arrival of the 5 voters required to witness opening of the polling station, late delivery of voting materials and technical problems with the BVVS machine. Delays due to late arrival of voters were noted at Layibi Central O-Z Polling Station in Gulu District and at Eternal Church (L-Z), Bus Park and Public Library polling stations in Kabarole District. Late arrival of voting materials was observed in 6 polling stations in Kitgum District. The voter turn up was again low due to voter apathy. It was so low that the KCC office polling station in Bukoto registered as low as less than 60 voters in total. This could also be attributed to the fact that the day was not a public holiday.

**Table 4.59: Opening time**

<table>
<thead>
<tr>
<th>Polling Stations open on time</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>61</td>
<td>35</td>
</tr>
<tr>
<td>No</td>
<td>111</td>
<td>65</td>
</tr>
<tr>
<td>Total</td>
<td>172</td>
<td>100</td>
</tr>
</tbody>
</table>

ii) **Observations at the Polling Stations**

The UHRC observation of polling stations covered the clear demarcation of the voting area, security, presence of agents, and the condition of polling materials, among others, as shown in the Table 4.60 below.

**Table 4.60: Observations on Polling Station**

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freq</td>
<td>Per cent (%)</td>
<td>Freq</td>
<td>Per cent (%)</td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>------</td>
<td>---------------</td>
</tr>
<tr>
<td>Polling Stations with outer perimeter not clearly marked</td>
<td>1 1</td>
<td>171 99</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with party posters or propaganda</td>
<td>7 4</td>
<td>165 96</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations without a polling constable</td>
<td>3 2</td>
<td>169 98</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations with security personnel along the way to polling station</td>
<td>18 10</td>
<td>154 90</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations with ballot boxes not sealed correctly</td>
<td>8 5</td>
<td>164 95</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations without good lay out for easy flow</td>
<td>6 3</td>
<td>166 97</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations without sufficient election materials</td>
<td>8 5</td>
<td>164 95</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations with challenges for vulnerable persons e.g. PWDs, elderly, pregnant women, the ill etc.</td>
<td>1 1</td>
<td>171 99</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations without provisions for changes in weather</td>
<td>110 64</td>
<td>62 36</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations where voters were allowed to stay around after voting</td>
<td>111 65</td>
<td>61 35</td>
<td>172</td>
</tr>
</tbody>
</table>
Some polling officials were not conversant with the polling regulations. An example was the polling official at Kisementi polling station in Kampala District who insisted that candidate’s agents must stay away more than five meters from her desk. Some polling officials at Najeera High School Polling Station in Wakiso District and Bagala’s place polling station in Banda Kampala District adamantly refused to wear the aprons provided by the EC. This made easy identification of the polling officials difficult.

iii) **Polling stations without a Polling constable**

All the 172 polling stations monitored by UHRC had a polling constable except at three polling stations in Lira and Kampala districts. At Holy Rosary polling station in Lira District, UHRC noted that the polling constable had not reported while at Baronger polling station in Lira District, the polling constable had left the polling station without the knowledge of the Presiding Officer. At Bagala’s Place B11 Banda polling station in Kampala District, the polling constable had not reported.

iv) **Polling stations with security deployed along the way**

UHRC found that 18 polling stations had security personnel deployed along the way. UHRC learnt that this was a result of the history of violence in those areas. Examples of such cases were observed at UCTU Grounds and Waka Millers Place (N-Z) in Kampala District where foot soldiers patrolled areas surrounding the polling stations.

v) **Polling stations with no demarcation perimeter**

All polling stations monitored by UHRC had demarcation perimeters except Ggaba Secondary School (K-L) polling station in Kampala District which did not receive the demarcation tapes from the EC.

vi) **Polling Stations with insufficient election materials**

A total of 164 out of 172 polling stations observed by UHRC had sufficient polling materials. However, UHRC observed insufficient or lack of polling materials in eight polling stations which included aprons for polling officials; basins; demarcation tapes and ballot papers. These were for example found at the following polling stations; Lira in Lira District, Ayul A South Tecwa in Kitgum District, Nalufenya A (A-K) in Jinja District, Kiwatule Electricity Corridor (A-M) in Kampala District and Kazo Central in Wakiso District.

In an unprecedented development, polling officials at 3 polling stations in Gulu District informed UHRC that they had received excess un-serialised ballot papers for the position of Woman Councillor. Even though each booklet is supposed to have 50 ballot papers, for this position some in Gulu District had 53. At Forest A-A and Forest B-Z polling stations three booklets had 3 excess ballot papers each and this was realised after some un-serialised papers had been issued out to voters. At Acholi-in A-A, one booklet had excess ballot papers.

In addition to insufficient election material, it was also observed that in some polling stations the number of officials was not enough for the tasks. While they should have been five, in some places there were three and others four. This was particularly conspicuous when the constables were seen participating in the process especially manning the indelible ink desk as was witnessed at Kisementi B PS and Muyembe PS Mawanda Road polling stations in Kampala District.

vii) **Polling Stations with ballot boxes not sealed correctly**

UHRC observed that 164 out of 172 polling stations had ballot boxes correctly sealed. In the eight polling stations where inappropriately sealed ballot boxes were found; UHRC noted that there were instances of ballot boxes that had no covers and spoilt seals. These were at Layibi P7 School, Layibi Central (O-Z), Pece Pawel P7 School and Cubu Acoyo P7 School polling stations in Gulu District; Holy Rosary Church and Acancoo polling stations in Lira District; and Nalufenya A (A-K) Crested Crane Hotel polling station in Jinja District.
viii) **Polling Stations allowing voters with cameras and phones**

The UHRC observers noted that in all the 172 polling stations monitored, there was no restriction to the use of cameras and phones by voters and election observers both within and outside the polling area.

ix) **Polling Stations without provisions for changes in weather**

It was noted that the EC did not make provisions for change in weather. Most of the polling stations were located in open grounds which made the polling officials and voters susceptible to the scorching sun or rain during the exercise. Polling officials in some polling stations were seen improvising with their own umbrellas during extreme weather conditions, while others sought shelter form the scorching sun in nearby buildings. However, UHRC found that 110 of the 172 polling stations were located in open grounds.

x) **Polling Stations which allowed voters to stay around after voting**

The UHRC team noted that there were voters who stayed around in 111 polling stations visited and they were not barred. However, in 61 polling stations, voters were not allowed to stay around as was observed at Alidina (A-L) Gokhale Road, Alidina (M-NAK) and Alidina (NAL-Z) Nizam Road polling stations in Jinja District.

xi) **Polling Stations with accessibility problems for vulnerable groups**

UHRC observed that in 171 polling stations, vulnerable groups such as; PWDs, the elderly persons, the ill and pregnant women did not have challenges of accessibility. This was because they were set up in open space areas. However, UHRC noted that Kirombe P7 School (A-A) polling station in Gulu district was placed on a raised veranda with no ramp making accessibility for the vulnerable persons difficult.

xii) **Layout of polling stations**

The UHRC noted that 166 out of 172 polling stations had a good lay out which facilitated easy flow of voters. Poor lay out of some polling stations was due to limited space, same provision for entry and exit, and location on a veranda with no ramp. These were at Layibi P7 School, Kirombe P7 (A-A) and Vanguard (OL-Z) polling stations in Gulu District; Eternal Church (LO-ZO) in Kabarole District; Sserwadda Primary School Buziga (A-NAM) polling station in Kampala District.

xiii) **Polling Stations with party posters or propaganda**

UHRC noted that 165 out of 172 polling stations did not have party posters or propaganda during the exercise. There were posters of candidates and agents campaigning at some of the polling stations. This was observed at Kiira Road Police playground, Kitante Courts and Kitante Primary School polling stations in Kampala District; Najeera B SDA church Kiira polling station in Wakiso District and Okole polling station in Lira District.

xiv) **Secrecy of the ballot**

The UHRC monitored the layout of polling stations, the verification of voters on the register and the Biometric Voter Verification System (BVVS), irregularities in the voting process, interruptions in the voting process and disenfranchisement of voters to establish the secrecy and fairness of the ballot. Table 4.61 below shows the findings;
Table 4.61 Observations on polling station

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polling stations with a layout which undermines the secrecy of the ballot</td>
<td>4</td>
<td>168</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations with voters whose particulars are in the BVVS but not on the register</td>
<td>6</td>
<td>172</td>
<td>321</td>
</tr>
<tr>
<td>Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers</td>
<td>0</td>
<td>172</td>
<td>321</td>
</tr>
<tr>
<td>Polling station with voters not appearing on the voters register/BVVS</td>
<td>9</td>
<td>163</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with incidents of overt voter intimidation</td>
<td>3</td>
<td>169</td>
<td>172</td>
</tr>
<tr>
<td>Polling stations with incidents of chaos/violence</td>
<td>3</td>
<td>169</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with voters voting more than once</td>
<td>0</td>
<td>172</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with incidents of ballot stuffing</td>
<td>0</td>
<td>172</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations where voting stopped at some stage and why</td>
<td>1</td>
<td>171</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with ballot boxes not kept sealed throughout voting</td>
<td>3</td>
<td>169</td>
<td>172</td>
</tr>
<tr>
<td>Polling Stations with voting in groups</td>
<td>0</td>
<td>172</td>
<td>172</td>
</tr>
<tr>
<td>Number of polling stations where voters were turned away and why</td>
<td>13</td>
<td>159</td>
<td>172</td>
</tr>
</tbody>
</table>

xv) **Polling stations with a layout which undermines the secrecy of the ballot**

The UHRC observed that 168 out of 172 of the polling stations provided adequate layout for easy and orderly flow of voters, as well as ensuring the secrecy of the ballot. The voting basins were placed in a manner that guaranteed secrecy. There were however instances where aspects such as location of the polling stations on the road and in busy areas and non-compliance with the prescribed distances within the polling station undermined the secrecy of the ballot. This was found at Eternal Church L-Z polling station in Kabarole District, Layibi P7 School (A-A) Polling Station in Gulu District, Sserwadda and UCTU grounds (A - MUF) polling stations in Kampala District.

xvi) **Polling stations with voters whose particulars are not in the BVVS and on the register**

Cases of voters whose particulars were not in the BVVS and on the register were found at 5% of the polling stations observed, while voters whose particulars were in the BVVS but not on the register were observed in 3% of the polling stations. This was observed at Holy Rosary A-AK and Layibi Central O-Z polling station in Gulu District and Kitante Courts Polling Station in Kampala District.
xvii) **Polling stations with voters not verified in the voters register/ BVVS before being issued with ballot papers**

All voters at the polling stations observed were verified using either the BVVS machine or voters register before being issued with ballot papers. The voter would present his/her National Identity Card or voter location slip which would enable the polling officers to easily verify the voter. However, at Kiira Court grounds Polling Station in Wakiso District, all voters were verified using the BVVS because the voters register was incomplete. At Holy Rosary Church polling station in Lira District, voters were only verified using the voters register because the BVVS machine failed to work as it rejected the pin provided.

xviii) **Polling Station with incidents of overt voter intimidation**

The UHRC observed that 3 out of 172 polling stations had incidents of heavy deployment of security personnel. This was at Allidina (A-L), Alidina M-NAK, Alidina NAL-Z polling stations in Jinja District, where there was deployment of over 40 Policemen and 5 UPDF officers.

(xix) **Polling stations with incidents of chaos/violence**

The UHRC observed that only 3 out of 172 polling stations had incidents of chaos. There were clashes between supporters of different candidates and disagreement between polling officials and agents in regard to the sitting arrangement, particularly the distance between the voting basin and where the agents wanted to sit.

Chaos was observed at Ayago Polling Station in Lira District, Gabula A-N Polling station in Jinja District and Kisementi B polling station in Kampala District.

xx) **Polling Station with voters voting more than once**

There were no cases of multiple voting at the polling stations observed.

xxi) **Polling Station with incidents of ballot stuffing**

The UHRC observers did not witness incidents of ballot stuffing.

xxii) **Polling Station where voting stopped at some stage and why**

The UHRC noted that voting did not stop at some stage in 171 polling stations except at Sserwadda polling station in Kampala District. In particular, voting at this polling station stopped for some time due to a disagreement over the eligibility of the candidate’s agent which was resolved by identifying another agent.

xxiii) **Polling Stations with ballot boxes not kept sealed throughout voting**

The ballot boxes at 3 out of 172 polling stations were not sealed throughout the voting process.UHRC observed that ballot boxes at Layibi P7 school (A-A) polling station in Gulu District were not sealed throughout the voting process while at Nalufenya A (A-K) polling station in Jinja District, two had no covers and a green polythene bag was improvised.

xxiv) **Polling Station with voting in groups**

There were no cases of people voting in groups at polling stations observed.

xxv) **Number of voters turned away and why**

The UHRC noted that 13 voters were turned away because they were neither in BVVS nor in the voters register while others were under age. These were at Kitante Courts Polling Station in Kampala District, Holy Rosary A-K and Layibu Central O-Z polling stations in Gulu District and Ayago Polling Station in Lira District.

xxvi) **Closing of poll, counting and tallying**

The procedure for closing of poll, counting and tallying was the same as described under the Presidential elections as already stated in Section 4.8.1 above.

UHRC was able to observe the closing of polls in 72 polling stations; monitoring the time of closure, compliance with closing, counting, tallying and transmission of results.
• **Closing of Polls**

All the 72 polling stations observed by UHRC closed polls at 4:00 pm with the polling constable standing at the end of the queue. However, UHRC noted that voting continued for those who were already in the queue.

• **Tallying, Transmission and Announcement of Results**

Counting was done according to procedure at the polling stations at which UHRC observed the closure. The UHRC noted cases of spoilt ballot papers in 25 out of 72 polling stations as a result of being torn out poorly from the ballot booklet and voters having a change of mind after ticking the ballot paper. Such instances were observed at polling stations in Bunyoro and Northern regions. In particular, these were at Commercial Road Polling station in Gulu District as well as Ayago and Junior quarters ‘A’ in Lira District.

The UHRC noted with concern some cases of invalid votes. Ballot papers were declared invalid for reasons such as: double marking; mark extending beyond the box; using unauthorised marks and leaving the ballot paper blank. This was the case in Jinja District as well as Bunyoro and Eastern regions. In particular, nine invalid ballot papers were found in 13 polling stations in Bunyoro region; 10 were at Gabula (N-Z) Kakindu Stadium West and 6 were at Gabula (A-N) Kakindu Stadium West in Jinja District.

### Table 4.62: Findings on closure of polls

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>Per cent (%)</th>
<th>No</th>
<th>Per cent (%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polling stations that closed at 4:00 pm</td>
<td>72</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>72</td>
</tr>
<tr>
<td>Polling stations where counting was not conducted according to procedure</td>
<td>0</td>
<td>0</td>
<td>72</td>
<td>100</td>
<td>72</td>
</tr>
<tr>
<td>Polling stations with spoilt ballot papers and the reasons</td>
<td>25</td>
<td>35</td>
<td>47</td>
<td>65</td>
<td>72</td>
</tr>
</tbody>
</table>

An invalid ballot paper during the counting and tallying process at Virika Polling station in Kabalore District
In all the polling stations observed by the UHRC, it was noted that the signing, posting and sealing of results declaration forms in tamperproof envelopes and black boxes was done according to procedure.

The UHRC noted that the results were mainly transported from the polling stations using vehicles provided by the EC. However, in other instances, the presiding officers transported the results using motor cycles (also known as boda boda) and bicycles, escorted by the polling constables. These modes of transport were observed in Northern, Eastern, West and Central regions. UHRC noted that at Kakiika Sub County Polling Station the presiding officer had personally cater for the costs of transporting the voting materials.

4.8.3.1 Concluding Observations on polling

Generally, the elections at the polling stations observed were peaceful and the voting environment calm and free of intimidation. The polling officials largely followed procedure. Nevertheless, the voter turn up was very poor compared to earlier elections. Some voters attributed this to the fact that those whose Presidential or Parliamentary candidate did not go through had been demoralised while those whose candidates won did not care to vote for other positions so they had kept away. Generally, the LG elections did not elicit as much enthusiasm as did the Presidential and Parliamentary elections.

4.8.4 The LC III elections

Elections for Local Council III (L.C III) Chairpersons and councillors were held nationally on 9th March 2016. UHRC monitored a total of 113 polling stations in 8 districts using its four regional offices namely Jinja, Fort Portal, Masaka, Moroto and Central. Table 4.63 and Figure 4.11 below show the districts and polling stations covered.

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>Districts Monitored</th>
<th>Polling Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>Wakiso, Butambala, Mpigi and Buvuma</td>
<td>70</td>
</tr>
<tr>
<td>Fort Portal</td>
<td>Kabarole</td>
<td>10</td>
</tr>
<tr>
<td>Jinja</td>
<td>Jinja</td>
<td>12</td>
</tr>
<tr>
<td>Masaka</td>
<td>Masaka</td>
<td>12</td>
</tr>
<tr>
<td>Moroto</td>
<td>Nakapiripirit</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>113</strong></td>
</tr>
</tbody>
</table>

Figure 4.11: Polling Stations monitored
i) **Opening Time**

UHRC established that 97 of the 113 polling stations opened late. This was due to late delivery, mix up of and inadequate voting materials. The late delivery of voting materials was partly due to the heavy rains in some areas. In other instances, the late arrival of the 5 voters required for the polling station to open caused the delay.

<table>
<thead>
<tr>
<th>Polling Stations open on time</th>
<th>Frequency</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>No</td>
<td>97</td>
<td>86</td>
</tr>
<tr>
<td>Total</td>
<td>113</td>
<td>100</td>
</tr>
</tbody>
</table>

In 110 of the 113 polling stations observed, UHRC found that at the start of the polling process the empty ballot boxes were shown to at least 5 voters present. UHRC further noted that ballot boxes were properly sealed with ballot seals before voting in all the polling stations.

ii) **Observations at the Polling Stations**

The UHRC observed the set-up of polling stations including demarcation, surrounding environment, presence of polling constables, availability and state of polling materials, accessibility of polling stations, presence of party/candidates’ agents and compliance of voters to the guidelines.

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Observations at the Polling Stations</td>
<td>Freq</td>
<td>Per cent (%)</td>
<td>Freq</td>
</tr>
<tr>
<td>Polling Stations with outer perimeter not clearly marked</td>
<td>1</td>
<td>0</td>
<td>112</td>
</tr>
<tr>
<td>Polling Stations with party posters or propaganda</td>
<td>4</td>
<td>4</td>
<td>109</td>
</tr>
<tr>
<td>Polling Stations without a polling constable</td>
<td>3</td>
<td>3</td>
<td>110</td>
</tr>
<tr>
<td>Polling stations with security personnel along the way to polling station</td>
<td>0</td>
<td>0</td>
<td>113</td>
</tr>
<tr>
<td>Polling stations with ballot boxes not sealed correctly</td>
<td>0</td>
<td>0</td>
<td>113</td>
</tr>
<tr>
<td>Polling stations without all party/candidates agents</td>
<td>19</td>
<td>17</td>
<td>94</td>
</tr>
<tr>
<td>Polling stations without good lay out for easy flow</td>
<td>1</td>
<td>1</td>
<td>112</td>
</tr>
<tr>
<td>Polling stations without sufficient election materials</td>
<td>2</td>
<td>2</td>
<td>111</td>
</tr>
<tr>
<td>Polling stations with challenges for vulnerable persons e.g. PWDS, elderly, pregnant women, the ill etc.</td>
<td>1</td>
<td>1</td>
<td>112</td>
</tr>
<tr>
<td>Polling stations without provisions for changes in weather</td>
<td>113</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Polling stations where voters were allowed to stay around after voting</td>
<td>113</td>
<td>100</td>
<td>0</td>
</tr>
</tbody>
</table>
iii) **Polling stations without a Polling constable**
Out of the 113 polling stations monitored by UHRC, only 3 located at Kyaliwajala UMEA in Wakiso District, Township in Nakapiripirit District and Bukula Pentecostal Church in Buvuma did not have a polling constable.

iv) **Heavy Deployment of security along the way to the Polling stations**
There was heavy deployment of security near 3 polling stations at Main Street, Aldina M-NAK and Aldina A-L in Jinja District due to a standoff between polling officials and voters because of delivery of inadequate polling materials.

v) **Polling stations with no perimeter demarcation**
Only Nangoromit/Lobuli in Nakapiripirit District out of 113 polling stations monitored by UHRC did not have a clearly marked perimeter demarcation.

vi) **Polling Stations with insufficient election materials**
There were two polling stations out of 113 that did not have sufficient election materials. At Main Street polling station in Jinja district and at Market Cell polling station in Masaka district, there were no aprons for polling officials. At Township polling station in Nakapiripirit District the polling officials did not have furniture.

vii) **Polling stations with ballot boxes not sealed correctly**
All the 113 polling stations had ballot boxes correctly sealed.

viii) **Polling Stations allowing voters with cameras and phones**
The UHRC observers noted that in all the polling stations monitored there was no restriction on the use of cameras and phones by voters and election observers both within and outside the polling area.

ix) **Polling Stations without provisions for change in weather**
UHRC observers noted that the EC did not make provisions for change in weather at all polling stations where they were. Most of the polling stations were located in open grounds which made the polling officials and voters susceptible to the scorching sun or rain during the exercise. Polling officials in some polling stations were seen using their own umbrellas during extreme weather conditions.

x) **Polling Stations which allowed voters to stay around after voting**
The UHRC team noted that there were voters who stayed around the polling stations and were not barred.

xi) **Polling Stations with accessibility problems for Vulnerable Groups**
UHRC team noted that 04 polling stations had problems affecting the vulnerable groups. At Crested Crane Nadiope(A-K) polling station in Jinja District a PWD was observed voting without assistance. At Virika, Nyaburara and Mucwa polling stations in Kabarole District, the absence of photographs on the ballot papers made it difficult for illiterate voters to identify the candidates of their choice.

xii) **Polling Stations without all candidates’ agents**
UHRC noted that agents for all candidates were not present at 19 polling stations.

xiii) **Polling Stations without good lay out for easy flow**
Apart from 1 polling station in Kampala District which had limited space the rest were properly laid out and facilitated easy flow of voters.

xiv) **Polling Stations with party posters or propaganda**
Out of the 113 polling stations monitored by UHRC, four had posters and other election propaganda in their vicinity. At Public Library polling station in Kabarole District,UHRC saw agents adorning name tags of their candidate. Campaign posters were also found at some polling stations in Kampala and Wakiso districts.
xv) Secrecy and fairness of the ballot

The UHRC monitored the layout of polling stations, the verification of voters on the register including the Biometric Voter Verification System (BVVS), irregularities in the voting process, interruptions and disenfranchisement of voters to establish the secrecy and fairness of the ballot. Table 4.66 below shows the findings.

Table 4.66: Observations at the Polling stations

<table>
<thead>
<tr>
<th>Observation</th>
<th>Yes</th>
<th>Freq</th>
<th>Per cent (%)</th>
<th>No</th>
<th>Freq</th>
<th>Per cent (%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polling stations with a layout which undermines the secrecy of the ballot</td>
<td>2</td>
<td>2</td>
<td>98</td>
<td>111</td>
<td></td>
<td></td>
<td>113</td>
</tr>
<tr>
<td>Polling stations with voters whose particulars are in the BVVS but not on the register</td>
<td>2</td>
<td>2</td>
<td>98</td>
<td>111</td>
<td></td>
<td></td>
<td>113</td>
</tr>
<tr>
<td>Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers</td>
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<td>0</td>
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<td>Polling Stations where voting stopped at some stage and why</td>
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<td>Number of polling stations where voters were turned away and why</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
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</table>

xvi) Polling stations with a layout which undermines the secrecy of the ballot

The UHRC observed that the layout at all polling stations did not undermine the secrecy of the ballot.

xvii) Polling stations with voters not checked in the voters register/ BVVS before being issued with ballot papers

All voters at the polling stations observed were verified using either the BVVS machine or voters register before being issued with ballot papers.

xviii) Polling stations with voters not appearing on the voters register/BVVS

Instances where voters’ particulars were found on the BVVS but not on the voters register were found at Aliaina Nizam Road (N-Z) and Gabula (N-Z) Kakindu Stadium West polling stations in Jinja District.
The BVVS machine was not used at all at polling stations observed by Central regional office.

**xiv) Polling Stations with incidents of overt voter intimidation**

Generally, UHRC did not observe cases of voter intimidation save for one incident at Township polling station in Nakapiripirit District.

**xx) Polling stations with incidents of chaos/violence**

The UHRC observed that the election process was generally calm at all polling stations, however there was a standoff and commotion at Jinja Main Street due to provision of inadequate voting materials by the EC.

**xxi) Polling Station with cases of multiple voting**

There were no cases of multiple voting at the polling stations observed.

**xxii) Polling Station with incidents of ballot stuffing**

The UHRC observers did not witness any incident of ballot stuffing.

**xxiii) Polling Stations where voting stopped at some stage and why**

The UHRC noted that voting stopped temporarily at Kijjabwemi Primary School (NAK-NAM) polling station in Masaka District when one of the candidates for the position of LC councillor, Mr. Kayabula Abdallah complained that the symbol appearing against his name on the ballot papers was wrong. After discussions with the polling officials and establishing that the candidate had changed the symbol but could not remember the exact one he had presented, it was resolved that the exercise resumes. At Nadiope A-K polling station in Jinja District, voting was briefly disrupted by the rain. In all the five polling stations observed in Nakapiripirit District and five in Central Region, voting was disrupted by the rain.

Voting for the directly elected woman councillor for Kimaka Ward was stopped mid-way due to mismatch in symbols on the ballot papers. This was observed at Kimaka Health Centre (A-J), Kimaka Health Centre (K-M), ISS Training Wing and Kimaka Guardian Primary School polling stations in Jinja District.

**xxiv) Polling stations with ballot boxes not sealed throughout voting**

The UHRC did not observe any cases of unsealed ballot boxes throughout the voting process.

**xxv) Polling Station with voting in groups**

There were no cases of people voting in groups at polling stations observed.

**xxvi) Number of voters turned away and why**

The UHRC noted that 29 voters were turned away because they did not appear on the voters register.

**xxvii) Closing of polls, counting and tallying**

The procedure for closing of poll, counting and tallying was the same as described under the Presidential elections as already stated in Section 4.8.1 above. UHRC was able to observe the closing of polls in 35 polling stations; monitoring the time of closure, compliance with closing, counting, tallying and transmission of results.

Table 4.67: Findings on closure of polls

<table>
<thead>
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<th>Observation</th>
<th>Yes</th>
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<th>Total</th>
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<td>Polling stations that closed at 4:00 pm</td>
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<td>Polling stations with spoilt ballot papers and the reasons</td>
<td>3</td>
<td>32</td>
<td>35</td>
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</table>
Protection and Promotion of Human Rights in Electoral Processes for the 2016 General Elections

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• Closing of Polls
All the 35 polling stations observed by the UHRC, closed polls at 4:00 pm with the polling constable standing at the end of the queue. UHRC however, noted that voting continued for those who were already in the queue.

• Tallying, Transmission and Announcement of Results
Counting was done according to procedure at the polling stations at which UHRC observed the closure.

The UHRC noted cases of spoilt ballot papers in three out of 33 polling stations as a result of: Being torn out poorly from the ballot booklet and voters having a change of mind after ticking the ballot paper.

The UHRC noted with concern some cases of invalid votes. Ballot papers were declared invalid for reasons such as: double marking; mark extending beyond the box; using unauthorised marks and leaving the ballot paper blank. This was the case in Jinja District where 27 invalid ballot papers were found in 16 polling stations.

In the majority of polling stations observed by the UHRC, it was noted that the signing, posting and sealing of results declaration forms in tamperproof envelopes and black boxes was done according to procedure.

The UHRC noted that the results were mainly transported from the polling stations using vehicles provided by the EC. However, in other instances, the presiding officers transported the results using motor cycles (also known as boda boda) and bicycles, escorted by the polling constables. These modes of transport were observed in Northern, Eastern, Western and Central regions.

4.8.5 Elections for Youth Members of Parliament
Youth are one of the interest groups represented in Parliament as provided for under Article 78 (1) (c) of the Constitution of Uganda. The youth in Uganda are represented in total by five Youth MPs. They include one national female youth who is elected by an electoral college consisting of members of the National Youth Council. The other 4 regional Youth MPs are elected by electoral colleges consisting of all the members of the District Youth Councils within each region.

The UHRC observed the elections for youth representatives to the 10th Parliament for two of the five designated slots for youth which were held on the 29th February 2016. The elections for the Youth MP representing Central Region were held at Patel Shamji Hotel in Masaka Municipality, Masaka District while the Western Region poll was at Kagote SDA Hall in Kabarole District.

The central region is composed of the following districts: Buikwe, Mukono, Buvuma, Kayunga, Kampala, Luwero, Nakasongola, Kyankwanzi, Kiboga, Wakiso, Mityana, Mubende, Mpigi, Gomba, Masaka, Kalangala, Kalungu, Bukomansimbi, Sembabule, Lwengo, Lyantonde and Rakai. The Western region is composed of Bundibugyo, Ntoroko, Kasese, Hoima, Bulisa, Kibale, Kiryandongo, Masindi, Kabarole, Kamwenge, Kyegegwa, Kyenjojo, Bushenyi, Mitooma, Rubirizi, Sheema, Ibanda, Isingiro, Kiruhuura, Mbarara, Ntungamo, Buhweju, Kabale, Kanungu, Kisoro and Rukungiri districts.

The findings from UHRC observation of the two elections are presented below.

4.8.5.1 Elections for Central Region Youth MP at Patel Shamji Hotel Masaka
The registration of all delegates from the participating districts began on 28th and spilled over to the election day 29th February 2016. The delegates were registered so that non-delegates would not take part in the elections. Nomination of candidates was done on the election day and the nominees were allowed 10 minutes each to address the electorate, and thereafter respond to some questions from the audience. As required by procedure each nominee had to have two delegates; one to nominate and the other to second the aspirant. Three candidates were nominated namely: Mr. Arthur Katongole who stood as an
Independent, Ms. Sarah Babirye Kityo (NRM) and Mr. Thomas Kayanja (FDC). Ms. Sarah Babirye Kityo was eventually declared the winner of the Central Youth MP for the 10th Parliament.

i) Delay in opening of polls
The voting which had been slated to begin at 2pm and end at 4pm, however started at 6.45pm. This was because of controversies surrounding the facilitation of the delegates.

The delegates claimed they had been underpaid their allowances alleging that their colleagues in other regions, including the delegates for PWDs who had had their elections earlier, had been paid more than what EC was paying them. UHRC learnt from the EC officials that the delegates were entitled to UGX 400,000 each to cater for three nights’ accommodation, meals and transport to and fro their areas of residence. The disgruntled youth vowed not to vote unless their allowance was topped up.

When the polling station opened at 3pm, the delegates refused to vote and became rowdy, heckling whoever attempted to address them. Efforts by EC officials and Police to persuade them to calm down and vote went unheeded. Left with no option, the Police reinforced by the UPDF, deployed in and around the hotel premises and dispersed all delegates from inside the hotel premises. After hours, delegates were rescreened and allowed back in the hotel and voting started at 6.45 pm. This was done to ensure that delegates did not have any items like trumpets (vuvuzelas) or any other that would disrupt the elections. All delegates who returned and went through check-ups were allowed in the line and they voted.

ii) Campaign activities within the vicinity of the polling station
The youth elections were such that the campaigns were part of the polling day activities. As already stated, the nominated candidates were allowed 10 minutes each to address the electorate. It was therefore observed that candidates were campaigning at and around the polling station. Nonetheless, UHRC observed that there was equal treatment of all candidates in terms of time allocated to them to campaign.

In addition, election materials in form of campaign posters were visible around the hotel premises. There were no loud speakers within the vicinity of the polling station but UHRC noted that supporters of various candidates had carried trumpets (vuvuzelas) and had been drumming up support for their respective candidates. UHRC noted that the vuvuzelas made the polling station very noisy and were irritating, although the election officials appeared unbothered by the noise. It was only after the youth turned rowdy due to the controversy over facilitation that as security agents intervened, they confiscated some of the vuvuzelas.

iii) Intimidation at the polling station
UHRC observed no case of intimidation of any particular group during the polling process. Even with the heavy police and UPDF deployment to restore order after voters became unruly over allowances, no intimidation or violence was observed.

iv) Security at the polling station
Ahead of the elections, Police deployed adequately to guarantee security of the process.

v) Location of polling station
The polling station was located in an open space in the compound of Hotel Shamji. The compound was spacious enough to allow easy flow of and access by voters.

vi) Election materials
All the essential election materials such as the ballot box, ballot papers, voters register, indelible ink, among others, were available. As was characteristic of youth elections whereby candidates were nominated on polling day, the ballot papers were printed and stamped with serialised numbers at the polling station on the day of voting. No cases of pre-ticked ballot papers or ballot stuffing were observed.
vii) **Commencement of polling**
As already explained above, polling started at 6.45pm. All the procedures relating to voting were explained to the candidates and the voters. Identification of voters was done by verifying their details in the voters register.

viii) **Secrecy of the ballot**
UHRC observed that secrecy of the ballot was observed throughout the process. The election was conducted in an open place in full view of all those present. UHRC observed that election materials were not tampered with since the ballot box was opened and sealed while everyone observed. There were neither cases of multiple or proxy voting nor any case of voting in groups.

ix) **Counting, tallying and announcement of results**
The UHRC was unable to observe the counting, tallying and announcement of results since it happened in the wee hours of the morning of 1st March 2016 at around 3am. However, UHRC observer got the information from other observers and journalists.

**General observation**
Save for the initial standoff over facilitation, the polling exercise was generally conducted properly in a peaceful and violence-free manner. All the procedural issues to guarantee a free and fair election were complied with by the EC polling officials. It was commendable that Police acted professionally in managing the standoff.

4.8.5.2 **Elections for Western Region Youth MP at Kagote SDA Hall Fort Portal**
Three candidates were nominated namely: Mwine Mpaka (NRM), Niwasasira Fortunate (Go Forward), and Tumukunde Amanya (Independent). Eventually, the winner was declared to be Mwine Mpaka.

i) **Campaign activities/materials within the vicinity of the polling station**
During the polling process, certain activities were prohibited within and outside the polling station such as solicitation of votes and display of campaign poster with the vicinity of the polling station. UHRC however noted that agents of both Mwine Mpaka and Tumukunde Amanya were actively carrying out electioneering activities such as active campaigning, displaying campaign posters, canvassing for votes outside and inside the polling place when the voting was being conducted. These were all intended to influence the voters’ choice.
In addition, in the polling hall UHRC observed that there were groups of various agents and some plain-clothed security personnel especially from Chieftaincy of Military Intelligence (CMI) soliciting votes from the voters who were either in the queue or had been issued with ballot papers. Later in the night it was observed that due to the overcrowding in the polling station, some agents had taken advantage and placed their seats near the polling buckets where they would solicit for votes from those approaching to cast their ballots.

ii) **Layout of the polling station and secrecy of the ballot**

The polling process was seriously hampered by overcrowding and disorganisation within the polling station which in some instances led to disruption by the youth. The polling station was set up in a hall without adequate space for a layout that would facilitate easy and orderly flow of voters. Due to this, the voting buckets were placed in a limited space which in some instances compromised the secrecy of the ballot. UHRC observed more than one voter queuing at the ballot box.
iii) **Commencement of polls**

The voting scheduled to start at 12:00pm did not until 3:58 pm; two minutes to 4:00 pm the official closing time of polling. Due to this delay, polling continued late into the night. Prior to the first voters casting their ballots, the ballot boxes were shown to all those present by the Returning Officer to confirm that they were empty, after which he explained the voting process to the voters before the voting commenced.

![The returning officer showing the voters the empty ballot box prior to voting](image)

iv) **Verification of voters**

The polling assistants verified the particulars of the voters on the National Youth Register. There were however many reported cases of some of the eligible voters that had been verified for voting the previous day missing on the register.

![Polling assistants and agents of different candidates verifying the particulars of voters on the register at night](image)
Once the person was confirmed as a registered voter, a polling assistant issued a printed but not stamped ballot paper to him/her and guided him/her on which ballot box to put the vote in. After casting their ballots, voters had indelible ink applied to their finger by a police officer who had been positioned at the exit of the polling station. This procedure was largely followed.

v) **Agents and observers**

During the voting process, the agents of the different candidates were able to monitor the verification of the voters and the issuance of ballot papers to the verified voters. In addition, there were observers from other civil society organisations such as Kabarole Research Centre, Uganda Youth Network, Students for Global Democracy Uganda and Human Rights Network Uganda.

vi) **Incidents of voter bribery and intimidation**

The election was characterised by allegations and counter-allegations of voter bribery and intimidation. One candidate Mwine Mpaka during his campaigning time alleged that his supporters had been intimidated by his opponent. Some of the delegates told UHRC that they had been given money the previous day to vote for Tumukunde Amany. In addition, there was commotion when during the voting supporters of Mwine Mpaka stopped Lt Gen Henry Tumukunde (father of Tumukunde Amany) when he tried to force his way into the polling station. UHRC witnessed the chaos as the rowdy youth threatened to vandalise the car they alleged was used to bring money to bribe some of the delegates to vote for his son. They also alleged that some of the agents belonging to Tumukunde Amany had money which was being distributed outside the polling station. Owing to the chaos prevailing at the time, UHRC was not able to put the allegations to the Tumukunde Amany camp; however, he and his supporters denied them later before the media.

vii) **Security arrangements**

During the polling process there was heavy deployment of uniformed and plain-clothed security personnel especially police. UHRC noted that at the beginning of the polling some plain clothed security officers had taken positions inside the polling station. However, these were later ordered out of the polling station by the RPC Rwenzori West, SSP Denis Namuwoza. UHRC observed that the plain clothed security officers later returned into the polling station and one of them introduced himself to a UHRC observer as an officer from CMI.

viii) **Instances of violence at or in the vicinity of the Polling Station**

The election was generally held in a tense atmosphere. Outside the polling station there were intermittent clashes between supporters of Mwine Mpaka and Tumukunde Amany which raged on until night when the final results were announced. On numerous occasions during the day, the police with the help of military police had to calm down the situation. UHRC noted that earlier in the afternoon, prior to the commencement of voting, Lt Gen. Tumukunde was able to access the polling station and leave; although he tried to force his way back later in the afternoon after voting had commenced only to be blocked by supporters of Mwine Mpaka. Military police and police officers surrounded his vehicle to protect him from the rowdy youths who were threatening to vandalise it.
ix) **Counting, tallying and announcement of results**

The voting ended late at night after all the district delegates had been called upon to cast their ballots and counting commenced. The tense situation turned unpleasant during the counting of votes when Lt Gen Tumukunde and some of the supporters of Tumukunde Amanya tried to force their way into the tally centre. Anti-riot police together with the military police fired tear gas to disperse them, in the process of which Lt Gen Tumukunde sustained injuries. Lt. Gen. Tumukunde later spoke to the media and refuted the UPDF spokesperson’s explanation that it was a tear gas canister that had injured him not a live bullet. He insisted he was shot by a live bullet on the orders of the Chief of Defence Forces Gen. Katumba Wamala.
Upon completion of the counting, the returning officer announced the official results and declared the winner Mwine Mpaka who polled 660 votes against 463 for Tumukunde Amanya and 10 for Niwasasira Fortunate. According to the returning officer, 1133 votes were cast of which 2 were rejected as invalid.

Overall assessment
The various incidents of chaos and the irregularities observed had a significant effect on the integrity of the process. The allegations of voter intimidation, bribery and chaotic scenes which had a significant effect on the integrity of the process. Even though the voters were able to vote in person, the general election climate in and around the polling station was tense.

4.8.6 Elections for MP for Persons With Disabilities at Colline Hotel Mukono
Under Article 78 (1) (c) of the Constitution, PWDs are another interest group that is represented in Parliament. PWDs have five seats in Parliament namely: The directly elected National Member of Parliament and four other regional MPs for Western, Central, Northern and Eastern regions. They are all elected by an electoral College.

Elections for the MPs for PWDS were held on 22rd February 2016, at Colline Hotel in Mukono town, Mukono district. The Electoral College consisted of PWDs drawn from District Committees of five (Chairperson, the Vice Chairperson, General Secretary, Secretary for Finance and Publicity Secretary) from each of the 112 districts in Uganda.UHRC was an observer at these elections and established that the Electoral College according to the voters register had 560 voters. Below are the findings.

i) Layout of the polling station
The polling station could easily be accessed by persons with physical disabilities since there were ramps for them to use as they went to vote. There were interpreters for the people with hearing and speech disabilities and the PWDs with visual disabilities had assistants to guide and update them on the process. Therefore, the voters effectively participated and followed the entire polling process up to the end.
Voters were however not happy with the policy of letting the entire electoral college from all over the country vote for the regional MPs. This meant that voters were electing people who were not going to represent them in their regions. They suggested that the voting centres should be region-based and only voters from a particular region should elect their regional MP.

**ii) Verification of voters**

UHRC observed that all voters present were allowed to vote for all the contesting candidates regardless of the region they were coming from. However, there were complaints from some candidates that the EC did not avail them copies of the voters register for their own verification.

**iii) Agents and observers**

The polling exercise was dominated by the NRM political party with very little representation from the other political parties. Out of seven candidates who contested, only two were from FDC. Even the independent candidates, the majority of whom had lost in the NRM primaries and decided to contest as independents, said they had a leaning to the NRM.

**iv) Campaign activities/materials within the vicinity of the polling station**

UHRC noted that campaigning was taking place in the vicinity of the polling area as candidates’ campaigning agents asked voters who they were voting for. Campaign materials like posters of the candidates had been hanged all over the place and some voters were clad in T-shirts of a particular political party. UHRC also noted that the polling area was covered in yellow which is also the colour for the NRM party.

**v) Incidents of voter bribery and intimidation**

UHRC learnt of allegations of voter bribery by the various candidates the previous night in the form of money and gifts like blankets among others. This disadvantaged the candidates who did not have money to give to the voters and hence the ground was not level for all the candidates as the rules provides for equal participation.

4.8.6.1 **General observation on PWDs elections**

UHRC observed that there was inadequate voter education for elections of PWDs. It was also noted that all the candidates who were elected were incumbents who were in the 9th Parliament.

4.8.7 **General challenges in respect to all elections observed**

**Electoral Commission**

1. Most of the polling officials were not aware of the basic polling procedures, found difficulty in operating the BVVS kit and fixing of seals. They also did not have adequate capacity to resolve the complaints raised by candidates’ agents and voters. Many of them kept referring to the Sub County Supervisors for guidance.

2. Some of the EC officials did not seem confident of themselves. At Kajjansi A-M and N-Z, in Wakiso District, Kisementi I and Kisementi II Polling Stations in Kampala District, the presiding officers and their staff when faced with slow BVVS gadgets seemed to be intimidated by the voters since they kept giving in to the conflicting demands of the voters. At some point, they were cowed into abandoning the gadgets but when other voters demanded that they use it, they resumed.

3. Polling officials were not adequately facilitated with transport for polling materials before and after voting. In some places the community members helped in transportation of election materials by means such as bodaboda (commercial motorcycle), bicycles and carrying them on the head. This would not only cause delays but also posed a security risk.
4. Polling officials were not paid their subsistence allowance prior to polling day (meals, transport and incidentals). Consequently, some went without meals while others were seen leaving the polling station to look for meals.

5. There were no arrangements to relieve polling officials, so some had their meals as the voting was going on thereby causing delays in the exercise.

6. Lack of security personnel in some polling stations, which was partly attributed to lack of facilitation for polling constables, was a security risk.

7. The location of some polling stations was not conducive for vulnerable persons like PWDs especially those with physical and visual impairments; the elderly; pregnant women and the ill.

8. In many places especially in urban centres, the EC gazetted more than one polling station in one location with some areas having as many as ten. Consequently, the large number of people caused congestion, long queues and confusion which also compromised the secrecy of the vote.

9. In areas where there were many polling stations, they were not clearly marked so the voters stood in long queues only to be told by the polling officials that they were not registered to vote at that particular polling station. Therefore, they had to re-join long queues that had already formed at the neighbouring polling stations where they were referred to. For some people this was frustrating especially when they were redirected to another polling station more than once. Some left without voting.

10. Since there were five polling stations within the vicinity Kijjabwemi Primary school, the school had to close yet the day was not an official public holiday. This was noted as a concern as the voting rights affected the right of the learners to learn. In another case, Lions Nursery school declined to host polling activity within their vicinity. Consequently, two polling stations were squeezed in a very small area outside the school gate and near a road. This affected traffic, caused congestion and was a major hindrance to the easy flow of the polling process.

11. A number of voters found that their names did not appear on the voters register including some that had the voter location slips or were verified in the BVVS. This disenfranchised them.

12. In the process of reorganizing the polling stations, the EC transferred some to other locations. This affected some voters since some of the new locations were in a distance of two to three kilometers or more from the original one. The transfer of polling stations also contributed to some voters’ confusion about where they were supposed to vote from.

13. The long queues and the slow pace of the exercise frustrated some voters and in some polling stations this resulted into bitter exchanges between polling officials and voters and in some extreme circumstances the voters became rowdy.

14. Voter education was not adequate as shown by the high number of invalid votes. A number of voters were seen asking polling officials to help them to mark their choices on the ballot paper.

4.9 The role of security agencies

The Constitution of Uganda mandates the UPF to protect life and property, preserve law and order as well as prevent and detect crime in the country. The role of police was very crucial throughout the electoral period and in all electoral processes and that was why it was the lead agency even when beefed up by other sister forces. Article 221 enjoins all security organisations, armed forces and police forces among others to observe and respect human rights and freedoms in the performance of their functions. The police is key before, during and after elections to prevent electoral offences and irregularities such as bribery, impersonation, intimidation and fraud among others which would undermine the integrity of an election.
The need for security and observance of law in all the electoral processes, including public rallies, assemblies, demonstrations and polling, cannot be over-emphasized. Human rights standards require that security agencies remain non-partisan during the electoral process and desist from partisan interference with election rights under the guise of maintaining security, law and order. Security forces must, therefore, respect and protect human dignity and maintain and uphold human rights of all persons, including election-related rights.

a) Deployment of the UPF

The police presence was meant to ensure maintenance of law and order and reassure the public that their rights would be safeguarded during the electoral period. UHRC noted that on polling days the police was handy in preserving law and order through the polling constables deployed at all polling stations in the country. UHRC observed that polling constables were present and indeed ensured peaceful and orderly elections.

The EC whose mandate also covers security during elections had a close working relationship with security agencies both at the national and local government level. UHRC noted that UPF, which is the lead agency in keeping law and order during the electoral process, had prepared well for the task; was better facilitated than in previous elections; and cooperated effectively with other security agencies when the need arose in the electoral period. Indeed, the heavy deployment which tremendously increased visibility of the security agencies was not in question. Some people appreciated it saying it built the confidence of the people that peace would be assured in the highly charged electoral contests.

b) Establishment of a communication system

The police established an elaborate communication system with its personnel, not just spokespersons, at hand to respond to the media, observers and whoever else sought information on the events of the polling day. UHRC noted that all the issues that were raised with police officers were immediately responded to, and where it was possible at the time, some action was taken and if not promises were made to forward the matters to appropriate levels. The UPF’s effort to hold regular briefing sessions alone or with EC on the election-related security situation pertaining in the country was commendable.

c) Facilitation of rallies after nomination

The successful policing of the after-nomination rallies in Kampala which had massive crowds of excited supporters was commendable. The opposition rallies especially of FDC presidential candidate both in Kampala and Mbarara saw police exercise unprecedented restraint given that previously opposition gatherings had been characterised by chaotic scenes of police clashing with supporters. UPFs also recognised for their role in ensuring that most of the campaign rallies that were held countrywide were largely peaceful save for the incidents discussed in detail in this report.

UHRC observers however noted that for some people the heavy deployment of armed UPDF soldiers may have intimidated some voters especially after threats had been made regarding the extent to which the security agencies could go to quell post-election protests. Furthermore, there were some incidents in which UPF reneged on their role. the UPF was accused of being partisan and favouring the NRM candidates and supporters to the disadvantage of the opposition members and supporters. UHRC noted the involvement of security agencies especially UPF and UPDF in election malpractices during NRM primary elections. As earlier noted one of the officers in UPF uniform voted in NRM party primary elections in Gulu District contrary to the requirements of the law not to be partisan.

Several arrests were made especially of opposition candidates, members and their supporters. Journalists covering opposition activities and events were often arrested and released without any charge; or harassed and their property confiscated or destroyed.

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66As above 60, Article 208 of the 1995 Constitution.
The UHRC noted instances where the police dispersed supporters of candidate Hon. Amama Mbabazi in Soroti District and prevented him from proceeding with other consultation meeting in Mbale and other places in the country.

The Supreme Court in Election Petition No. 1 of 2016 held that the police actions of arresting and detaining Hon. Amama Mbabazi were unjustified, high handed and contrary to the provisions of the PEA. UHRC further noted instances where the UPF used unreasonable force, indiscriminate use of tear gas to disperse opposition supporters especially of Dr. Kizza Besigye which in a way discredited their professionalism. Not only did lives get lost as a result of use of live bullets in the confrontation, many innocent bystanders were beaten or affected by tear gas. Some of the specific incidents that called to question the compliance of police with human rights standards are summarised below:

i) **Use of excessive force in arresting opposition politicians**

On 10th October 2015, the FDC party members including the Leader of the Opposition, the party flag bearer, and MPs were proceeding from Kampala to Rukungiri in Western Uganda to hold a national launch of their party primaries according to what they told police. The UPF however insisted that Dr. Kizza Besigye was going to address a campaign rally in Rukungiri which was illegal according to the POMA and the PEA. The media reports showed that the police violently reacted by:

- Trying to prevent the FDC convoy from proceeding to Rukungiri by throwing police spikes in the road in Masaka after the vehicle of the Leader of Opposition had passed. This caused a multiple car pile-up accident in which 6 vehicles in the convoy including one for (media) NTV were badly damaged. There were no reported injuries to the occupants.
- Intercepting and violently arresting FDC members including MPs along the Masaka-Mbarara Highway and in Rukungiri. An MP was slapped by a policeman on camera while an FDC official Ms. Zaina Fatuma was arrested in a humiliating, inhuman, degrading manner. The officers dragged her on the road, pulled off her trousers exposing her nakedness and held her in such a way that her breasts were exposed under the glare of the media, before violently pushing her under the police pick-up seats.
- Pulling down posters, banners and banana trees that had been put up in Rukungiri town.

UHRC was notified on 14th October 2015 about a police siege of the official premises of For God and My Country (4GC) along Katonga Road in Kampala, to quell a demonstration by FDC women protesting the brutal arrest of Ms. Zaina Fatuma. UHRC learnt that a group of 50 women met at the 4GC offices and addressed the press expressing their discontent over the UPF actions of humiliating women in Uganda, in particular the incident of 10th October 2015 where Ms. Zaina Fatuma was brutally arrested and undressed in public in the full view of cameras which offended the modesty of women and their cultural values as mothers.

The women asserted that the actions of UPF were intended to humiliate and bar women from freely participating in politics. The demonstration was therefore to show the public that such actions were unconstitutional and should be deterred.

After the media briefing at 11.00 am, the women attempted to proceed to Parliament to attend the parliamentary debate on the same subject matter, but were intercepted by heavily deployed Police who declared that the women were holding an unlawful procession. UPF dispersed them with tear gas, arrested two: Hadijja Nalwanga and Namusoke Viola and the rest ran back to the 4GC premises. One Aikol Abigail was admitted at Mayo Clinic, Namabaliirwa Olivia suffocated and was compelled to open her dress buttons for fresh air and Asiimwe Jolly was undressed.

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67 As above, para 25.
Together with officials from the UN Office of the High Commissioner for Human Rights (OHCHR), UHRC held a meeting with the leaders of the FDC Women League. The women alleged that they were manhandled and arrested by male Police officers; and kept hostage since the man who had brought them food, Arinitwe Richard was also arrested. UHRC also held a meeting with senior Police officers who were in command and pointed out the need for a better approach that would respect human rights. The lengthy discussion UHRC and OHCHR had with the Leader of Opposition Hon. Wafula Ogutu, the women leaders, Police command including DPC Kampala Central Police Station, RPC Kampala Metropolitan Police – South and Kampala Metropolitan spokesperson yielded an agreement to release the women.

UHRC noted that Police closed the new FDC offices in Kireka ahead of the planned opening of the new offices while in Jinja, five FDC youth activists were seriously injured during arrest by police who reportedly used both live and rubber bullets.

**ii) Beating up of suspected Besigye supporters**

People suspected to be supporters of Dr. Kizza Besigye were on 14th April 2016 beaten up by masked men that were with UPF. Media reports indicated that masked men driving in numberless vehicles that were escorted by several police patrols vehicles sprayed pepper on motorcyclists who were suspected to be supporters of Dr Besigye as he was returning from prayers at FDC headquarters in Kampala. After blinding the motorcyclists, the masked men would beat them up using electric cables and clubs as police officers looked. The UPF disowned them and commissioned an investigation into the matter. The FDC spokesperson said the party did not have faith in the police investigations. UHRC had often spoken out against use of stick-wielding men in civilian attire by police.

**iii) Police meeting with a criminal gang (Kifeesi)**

Officers of the UPF organised and held a meeting on 26th April 2016 with members of a criminal gang also known as kifeesi to woo them from crime. According to the Community Liaison Officer Katwe Police Station, UPF held the meeting with over 200 members of the notorious kifeesi gang “to find ways of turning its members into good people and that they were willing to become good citizens”. The kifeesi members reportedly requested government to give them jobs so that they could stop robbing people. The self-confessed commander of the gang had appeared in a televised footage on TV and explained how they operate.

According to UPF, they could not arrest the gang members at the time of the meeting “because they had not committed any crime. There was no evidence linking each suspect to a crime by the time of the meeting”. The meeting however raised concerns since it sent out the wrong signals and put police credibility at stake given their continuous denial of any knowledge of the masked goons that were operating alongside them when the media published photographs and footage of this. There were fears that the police could have been resorting to extra-judicial means as they tried to contain the challenge of managing Dr. Kizza Besigye, his supporters and the defiance campaign since the elections. An expert psychologist was quoted saying such engagements between police and criminals promote criminality and so it needed to be discouraged in order not to entice people especially youths into criminality with the hope that it pays.

**iv) The holding of Gen David Sejusa incommunicado at Makindye Military Barracks**

Gen. David Sejusa was arrested from his home on 31st January 2016 and detained in Makindye Military Barracks. He was arraigned in the General Court Martial on 24th February 2016 and charged with five counts, ranging from participating in political party activities, insubordination, and conduct prejudicial to good order and discipline of the UPDF pursuant to the UPDF Act 2005. Specifically, he was accused of attending and campaigning for Dr. Kizza Besigye, the FDC presidential candidate at his nomination rally at Nakivubo stadium in November 2015, as well as canvassing support for the DP at a meeting organised at the party’s headquarters on Luwum street in Kampala, an act which contravenes the Political Parties and Organisations Act. It was highly commendable of the UPDF to strive to produce him in court before
the expiry of 48 hours. However, holding him incommunicado with no access to his lawyers, next of kin and personal doctor as well as not being told the reason for arrest as provided for in Article 23 of the Constitution raised human rights concerns.

v) **The overzealousness of the Police officers**

UHRC established from records at Kotido CPS on 8th January 2016 that three of Mbabazi’s supporters from Bugisu Sub Region namely: Mr. Ali Kasibante, Mr. Zemuba and Mr Wanyama were arrested and detained on charges of causing public nuisance as per SD Ref 64/05/01/2015. The particular offence was dancing Kadodi traditional dance of Bagishu in Dodoth College village in Kotido town as they waited for Hon. Amama Mbabazi’s rally of the next day. They were accused of dancing on a day Hon. Amama Mbabazi was not supposed to address the public in Kotido and therefore they were being a public nuisance. The trio were later released on police bond the day UHRC was at the police station. However, it should be noted that Hon. Amama Mbabazi had earlier been hosted on another radio Neenah 104.7Fm in Moroto a day before his rally and nothing had happened to him. There was concern that this contributed to the perception among the opposition and a cross-section of the public that the UPF was exhibiting partisan tendencies in favour of the NRM party.

Several other incidents regarding the continued use of preventive arrest on opposition politicians, harassment of media practitioners and the controversy over crime preventers were covered in detail in Section 4.6. The fears over crime preventers were compounded when UPF announced that it was recruiting them as Special Police Constables (SPCs). This was because a section of Ugandans believed that crime preventers were linked to the NRM party and were feared to be potentially disruptive and a source of violence. Their recruitment as SPCs who were expected to be polling constables as confirmed by the Police Spokesperson was a cause of concern.

vi) **The emergence of militias and vigilante groups**

The period before elections saw the emergence of some groups affiliated to individuals or parties which the sponsors attempted to justify with an array of reasons. UHRC noted with concern the emergence of such groups propagated under the pretext of guarding their votes, particularly their potential to turn into instruments of hooliganism and public disorder. The claims for the necessity of these groups ranged from the need to mobilise votes for the preferred candidates; to counter the threats of attack and harassment from national security agents and other groups; as well as to protect the votes.

According to the HURINET (U) report: *Security agencies and the electoral process in Uganda: A preliminary report for the 2015/2016 General Elections*, “the continued existence of militia/vigilante groups was a threat to the peacefulness of 2016 elections. They intimidate and harass people not to vote for candidates of given political parties while during NRM primaries some militia groups supported a section of candidates in the party and were responsible for the violence in some constituencies such as Butalejja, Katikamu South, Ssembabule among others.”

The concerns raised over such militia were that they were always emerging during elections; the police had not done enough to investigate these groups; and that there seemed to be no one concerned about the effect these groups were likely to have on the electoral process and its legitimacy. HURINET identified a number of them as shown in the table below:
Another controversial group that the EC and the UPF raised a red flag on was the Power 10 (P10) which the FDC political party launched in November 2015 in Rukungiri when their presidential candidate unveiled it as a network that would be used to bring supporters together to fight for their power. The P10 was a grouping of 10 people per village, which the party said would mobilise support for its candidate and protect votes on election day. It would have a parish coordinator for all the groups. The UPF and the EC called for the disbandment of P10 which they described as a militia, but FDC officials in a meeting with Gen. Kayihura and EC officials in February 2015 declined saying police had no evidence that P10 had any criminal motives.

UHRC continued to urge political leaders to urgently disband the militias belonging to their political organisations as these were illegal groups exposing the country to hooliganism and lawlessness. Political leaders were asked to instead mobilise the youth to apply their energies into more useful ventures such as income generating ventures.

### 4.10 The right to effective legal redress for violations of electoral rights

The right to legal redress in any Government is universally guaranteed by the international and regional instruments, as well as the Constitution and other electoral laws in Uganda. In every democratic country, there must be appropriate and effective administrative or judicial mechanisms to resolve election disputes, complaints and violations of electoral rights. This is particularly important to ensure that contestants have a fair and equal chance, and affirm peaceful settlement of disputes. Elements of effective redress include: Address or remedy of harm; guarantee of compliance and timeliness.

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**Table 4.68: A list of documented militia groups**

<table>
<thead>
<tr>
<th>Name of the Militia group</th>
<th>District</th>
<th>Political Party/Institution/Individuals to which they are Affiliated</th>
<th>Numbers trained</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRM High Command</td>
<td>Across the country</td>
<td>NRM</td>
<td>Unknown</td>
</tr>
<tr>
<td>B13</td>
<td>Kireka</td>
<td>Ssemujju Nganda</td>
<td>Unknown</td>
</tr>
<tr>
<td>TJ Solida</td>
<td>Rubaga</td>
<td>Platform For Truth and Justice</td>
<td>Over 70 youths</td>
</tr>
<tr>
<td>NRM 24/7 Youth Group</td>
<td>Kampala</td>
<td>NRM</td>
<td>Unknown</td>
</tr>
<tr>
<td>The Unemployed youth</td>
<td>Kampala</td>
<td>FDC</td>
<td>Unknown</td>
</tr>
<tr>
<td>Kalangala Action Plan</td>
<td>Luwero</td>
<td>NRM</td>
<td>500</td>
</tr>
<tr>
<td>The Red Belts</td>
<td>Kawempe</td>
<td>(Mubarak) Munyagwa</td>
<td>Unknown</td>
</tr>
<tr>
<td>The poor youth</td>
<td>Kampala</td>
<td>Amama Mbabazi</td>
<td>Unknown</td>
</tr>
<tr>
<td>Forty Five and Funguwa Barabara</td>
<td>Iganga– Kigulu South</td>
<td>Hon. Muwuma Milton</td>
<td>Over 80</td>
</tr>
<tr>
<td>Name unknown but led by Nkonge &amp; Bitamanya Jorum</td>
<td>Kabarole</td>
<td>Tom Butiime</td>
<td>Unknown</td>
</tr>
<tr>
<td>Buikwe North NRM Brigade</td>
<td>Buikwe</td>
<td>NRM</td>
<td>Unknown</td>
</tr>
<tr>
<td>Youth No Sleep</td>
<td>Isingiro</td>
<td>Hon. Kangwangye</td>
<td>Unknown</td>
</tr>
<tr>
<td>44 U</td>
<td>Masaka</td>
<td>Hon. Mathias Mpuuga</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

**Source:** HURINET(U)

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68As above 51, Article 14 of the International Covenant on Civil and Political Rights, Article 7 of the African Charter on Human and Rights, Article 50 of the 1995 Constitution.
4.10.1 Judicial redress mechanism

The judiciary or tribunal or administrative body determining election disputes should be independent, competent and be able to facilitate peaceful settlement or timely determination after which effective remedies should be considered.

Article 61(1)f mandates the EC to hear and determine election complaints arising before and during polling. Article 64 (1) further provides for the right of anyone aggrieved by the decision of EC to appeal to High Court. Article 104 provides that any aggrieved candidate has the right to petition to the Supreme Court for an order that a candidate declared by the EC as the president was not validly elected. The same Article provides that the said petition has to be lodged in the Supreme Court registry within ten days after the declaration of results after which the Supreme Court is to inquire into the petition and determine it expeditiously in not later than 30 days from the date of filing.

The PEA and the Local Government Act and regulations made there under provide for the right of an aggrieved candidate to petition High Court for an order that the candidate declared elected was not validly elected.69 Whereas the decision by the Supreme Court is final, the ones made by the high court are appealable in Court of Appeal whose decision is final.

The Supreme Court decision of 2016 pointed out a number of concerns that seem to come up at every Presidential Elections, and these include; an incumbent’s use of his position to the disadvantage of other candidates, use of state resources, unequal use of state owned media and late enactment of relevant legislations among others.70

4.10.2 EC redress mechanisms

The UHRC noted the EC mechanism for dealing with complaints and disputes during election period by the National Liaison Committee and EC Head office and District Liaison Committees at district level. However, these mechanisms were not widely known by candidates, parties, agents and the populace. There were also allegations of failure by EC to reprimand some political candidates when they failed to comply with election guidelines. UHRC further noted that the attempt by the Government of Uganda and UJCC to establish a joint and independent election conflict resolution body to handle election disputes failed because the resolutions made had not yet been passed by the end of 2015.

4.10.3 Complaints before elections

Whereas some of the complaints were lodged with the EC, others were filed in ordinary courts of law. UHRC also received and investigated complaints on human rights violations occurring in the electoral processes. A number of petitions with different grounds were filed in the Constitutional Court of Uganda to interpret different provisions of the electoral laws. A one Alipanga petitioned the Constitutional Court with over 40 issues challenging among others, the changes in the NRM Constitution and the endorsement of the sole candidature of President Museveni by the NRM caucus in Kyankwanzi.71 The Petitioner contended that the changes by NRM were illegal and not compatible with the democratic values cherished in the Constitution of Uganda.

Another petition was filed after Hon. Amama Mbabazi, a presidential aspirant who had been stopped for holding consultative meetings across the country on grounds that he needed to first seek clearance from the NRM party secretariat. The EC Chairperson and the IGP also urged that Hon. Mbabazi needed to first harmonize his position with the NRM party before allowing him to hold meetings which they said were supposed to be indoors as opposed to public places. Hon. Amama Mbabazi did not proceed with the meeting and went to the NRM to pick nomination forms only to be informed that he needed to first pay UGX 20,000,000 (Twenty million shillings) and also sign a memorandum agreeing that he would not contest as an independent candidate in case he lost in NRM primary elections. This compelled Hon. Amama Mbabazi to petition the Constitutional Court challenging the new NRM rules which he alleged were targeting him as an individual to prevent him from contesting against Candidate President Yoweri Kaguta Museveni.72 Hon. Amama Mbabazi said he lost confidence in the NRM Electoral Commission to organise free and fair elections and as such, he did not pay the nominations fees and never picked the nominations forms for NRM.

69Section 138 of the Local Government Act and Article 59 (1) of the Presidential Elections Act 2005.
70As above 65, para 20.
71Benjamin Alipanga CPC No. 41 of 2014.
72Para 15, Page 10, of the Amama Mbabazi Vs Yoweri Kaguta Museveni Presidential Election Petition No. 1 of 2016
The Democratic Party president Nobert Mao was not nominated as Member of Parliament for Gulu Municipality on grounds that he was not appearing on the voters register. As a result, his lawyers filed a petition in the Constitutional Court challenging the decision by the EC contending that failure to nominate him denies him his constitutional rights. He said that having failed to register for the National Identification card should not be a reason for refusing him from contesting and voting since his name was in the previous voters register. The Electoral Commission claimed that the old register was retired thus anyone who was registered earlier but missed out on the new one ceases to be a voter.

The UHRC noted with concern that the above petitions were never determined by the courts of law and are still pending undecided yet the issues being raised needed to be decided on before the polling date of 18th February 2016. UHRC notes that priority was never given to election related disputes prior to the polling date unlike after elections where the Chief Justice put in place special arrangements for Courts to give priority and special sessions for election petitions.

4.10.4 Complaints after elections
Over 100 petitions were reported to have been filed in courts of law challenging the February general elections on different grounds ranging from; election malpractices, election offences and noncompliance with the laws by EC among others. It was worth noting that many of the post-election disputes arose from disagreements over declaration of results and announcement of winners. Therefore, any effective redress mechanism had to pay attention to the issue of declaration of results.

a) Parliament and Local Government elections
The UHRC noted that over 100 petitions were also filed by candidates for members of parliament and Local Government who lost the elections and majority have been decided upon expeditiously since special arrangements were made to give them priority over other cases already filed before court. The procedure for declaring results is such that the EC District Registrars after receiving results from different polling stations at the District Tally Centre add votes for all aspirants and declare the candidate with the majority votes as the winner. This is supposed to be done in a transparent manner in presence of candidates who wish to be present and agents. UHRC noted that the district tally centres were open for observers and candidates or agents thus ensuring transparency in the process of tallying and declaration of results at district levels. Candidates who were not satisfied with the results or any process were aware of the right to petition to high court for redress

b) Presidential elections
Article 103(7) of the Constitution provides that the EC shall ascertain, publish and declare in writing under its seal the results of the presidential elections within 48 hours from the close of polls. Article 103 (4) further provides that a candidate cannot be declared as president unless the number of votes cast in his/her favour is more than 50 per cent of valid votes. UHRC noted that the process of counting votes was done at each polling station and consolidating them was done at the different district tally centres. It was further noted that the returning Officer who is the District registrar would announce what each presidential candidate got in the district, fill in the tally sheet and transmit the results to the National Tally centre in Kampala.UHRC noted that the National Tally Centre was at Mandela National Stadium, Namboole where the Chairperson, Commissioners and staff of the EC, election observers, candidates’ agents, accredited people and media houses were in appearance.

On 20th February, 2016, the EC Chairperson Eng. Badru Kiggundu announced and declared NRM candidate Yoweri Museveni the winner with 60% of the valid votes. Museveni’s challengers, who included FDC’s Kizza Besigye, Hon. Amama Mbabazi, Prof. Venansius Baryamureeba, PDP’s Abed Bwanika, Maureen Kyalya Walube, Maj. Gen. Benon Biraaro and Elton Joseph Mabirizi lost the race.

73Norbert Mao & Another Vs Attorney General & Another CA)-00-CV-CPC-0004-2016.
The Electoral Commission members before the declaration of the final presidential results on 20th February, 2016 at the national tally centre at Namboole (by new vision)

UHRC noted that the results, however, did not contain data from 1,787 polling stations, affecting 43 districts. Some of the missing polling stations included 388 out of 399 in Jinja, 273 out of 276 in Rukungiri, 277 out of 337 in Kyenjojo, 190 out of 478 in Kabale, 162 out of 1,338 in Kampala, 119 out of 1,359 in Wakiso and 88 PS out of 385 in Isingiro among others. The EC eventually updated the final result on 22 February, adding the results from 1,658 polling stations. The EC also nullified results from 129 polling stations in 34 districts due to various malpractices, including disruptions during voting and where the number of votes cast exceeded that of registered voters. The list of affected polling stations was not published and the reasons why other polling stations delayed to transmit results to the tally centre were not given.

There were several allegations of tampering with results in the process of transmission, and lack of transparency in this process. These among others compromised the EC’s accountability and effectiveness as far as tallying, announcement and declaration of results are concerned. The Electronic Result and Transmission System (ERTS) used to transmit the collated results from districts to the EC at the National Tally Centre did not contain key anti-fraud measures. In some districts, the electronic transfer was not used and hard copies of the results were taken to the tally centre which further undermined effectiveness of the process.

The UHRC noted that one of the candidates Hon. Amama Mbabazi petitioned the Supreme Court challenging the declaration of President Museveni as the winner, and among many grounds were concerns pertaining the tallying and declaration of results processes.

The petitioner alleged that his agents were chased away from polling stations and others denied access to information. He added that absence of his agents during counting and tallying of results and their mode of transmission amounted to non-compliance of the laws by the EC. He further challenged the use of the Electronic Transmission of Results from districts to the National Tally Centre was unlawful since results were declared before receiving the hard copies of the requisite documents such as the District return forms and district tally sheets. The Petitioner also alleged lack of transparency in the declaration of result process and that it was unlawful for EC to declare a winner without results from 1787 polling stations.

This petition was duly heard and decided by all the 9 justices of the Supreme Court with in the required 30 days. The Supreme Court held that the 1st Respondent, Yoweri Kaguta Museveni was validly elected as president in accordance with Article 104 of the Constitution and Section 59 of the PEA, and the petition was dismissed with no orders to costs. The Supreme Court ruled on each of the above issues stating that there was compliance with the law by the EC, however, several observations and gaps were also identified. The Supreme Court noted that EC did not provide credible explanation why the results of 1787 polling stations had not been received within 48 hours yet some were near Kampala. Court noted that most of the missing results in the tally sheets
were from Jinja, Wakiso, Kampala, Rukungiri, Kyenjojo and Kabale and found it inexcusable for returning officers not to have transmitted the results. Court also noted that EC should have done more to ensure that all candidates and their agents were properly briefed on the mode of transmission of results both at the district and national tally centres.

c) The role of CSO’s and Academia

In the preliminary stages of the hearing of Election Petition No.1 of 2016, the Supreme Court received two applications for leave to intervene as \textit{amicus curiae} in the petition. The first one Professor Oloka Onyango & Ors (MA No.2 2016) was jointly brought by lecturers from Makerere University Law School, and this application was allowed because court was satisfied that the applicants raised relevant points of law and will benefit court in the hearing. The Court was also satisfied that the applicants are quite competent, experienced in the field of law and human rights.

The second one, Foundation for Human Rights Initiative & Ors, (MA No.3 of 2016) was lodged by CSO’s, which included Foundation for Human Rights Initiative (FHRI), The Association of Women Lawyers, Chapter Four Uganda, Human Rights Network Uganda, Centre for Constitutional Governance, Kituo Cha Katiba Eastern African, Legal Aid Service Providers Network Uganda and Transparency International – Uganda. This application was however dismissed on grounds that the applicants did not have exceptional expertise to contribute to court. In the ruling read by Justice Stella Amoko, Court said that CSOs had not met requirements to be admitted as amici curiae, arguing that the expertise of Mr Crispy Kaheru, which they relied on to justify its application was not enough. In further rejecting the CSOs, the justices ruled that having already issued Court their reports regarding the conduct of the elections as election observers, allowing them to be joined onto the petition would be prejudicial.

The lecturers whose application was allowed filed their \textit{amicus} brief on 17th March, 2016 and were in appearance at the court hearings until the petition was disposed of. It should however be noted that court is not bound by the opinion of the \textit{amicus curiae} and as such, it is not clear whether the issues raised by the lecturers were considered in the hearing of the petition.

4.10.5 Challenges in resolution of election disputes and petitions

1. The failure by Government to establish an independent election conflict resolution mechanism to handle election disputes could have hampered the right to effective redress especially complaints which arose before polling dates.

2. Lack of knowledge about the EC National Liaison Committee at Head office and District Liaison Committees at district level hindered the right to access justice.

3. The failure by the Constitutional Court to give priority to election dispute related petitions filed prior to the polling date depicts weaknesses in the Judiciary and a violation to a speedy and fair hearing. This is because the ruling on some of the issues and grounds of the petitions could have helped to answer questions relating to the on the outcome of the elections.

4. The mode of transmission of results was disputed because of lack of clear provisions on the law. The law requires that the returning officer transmits the documents but the mode of transmission is not specifically provided for.

5. The UHRC also noted the disputes which surrounded what a National Tally Centre is or should be. The laws of Uganda do not provide where the tally centre should be, its set up and how it should operate.

6. The criticisms and allegations surrounding the tallying, transmission and declaration of results compromise EC’s effectiveness and transparency in managing elections. Failure of some returning officers to transmit results on time, and cancellation of polling stations where votes exceeded the number of registered voters is an indicator of inefficiency and malpractices which occurred however isolated the cases may be.
4.10.6 Conduct and treatment of losers
Whereas other presidential candidates conceded defeat, Hon. Amama Mbabazi and Dr. Kizza Besigye were not satisfied with the electoral processes and the declaration of President Museveni as the winner. Hon. Amama Mbabazi petitioned the Supreme Court challenging the validity of Museveni’s election. Dr. Kizza Besigye said his confinement denied him a chance to petition even though he had previously said he had no trust in the judicial system of Uganda. He subsequently demanded and advocated for an independent audit of the presidential election results. The FDC and other opposition members also resorted to prayers every Tuesday at the FDC head offices in Najjanankumbi, where they prayed that God should intervene into transforming Uganda. The police eventually started guarding FDC offices and prevented supporters from holding prayers in premises not gazette by the law.

The UHRC noted the several arrests and detention of Dr. Kizza Besigye who kept emphasizing the defiance campaign and the security agencies deemed him a threat to the country thus putting him under preventive house arrest at his home in Kasangati which was heavily guarded day and night. UHRC noted that a video in which Dr. Kizza Besigye was seen being sworn in as president of Uganda went viral and as a result, he was arrested, taken to Jinja from where he was airlifted and detained in Moroto District on charges of treason.

Dr. Kizza Besigye was later produced in court and remanded to Luzira Prison on the same charges. UHRC noted all the above and in a press conference recommended for a fair and speedy trial of the suspect.

Challenges
The preventive arrest of Dr. Kizza Besigye could have hindered him from petitioning the Supreme Court within 10 days in case he wished to do so, thus a threat to access to justice.

The action of air lifting Dr. Kizza Besigye to Moroto District which is far away from Kampala where the alleged treason offence could have occurred amounted to the violation of several rights, including the right to personal liberty, the right to access his lawyers and next of kin, thus hampering effective redress and access to justice.

4.10.7 The role of security agencies in complaints handling
As far as access to remedy is concerned, the UPF established a department to deal with electoral and political offences and other related cases. A report on cases handled had not yet been published to establish how many complaints or cases were registered and investigated.

The UHRC received a complaint from Mr. Mabirizi Joseph, one of the Presidential candidates who alleged that he lodged a complaint of kidnap and torture with the police but never received any help. He further alleged that the police claimed that he had kidnapped himself. UHRC followed up this complaint in a meeting with police but it did not yield any positive fruits.

The role of the police was also observed in Ntungamo District when they arrested the supporters of Hon. Amama Mbabazi who allegedly beat NRM supporters. The injured were airlifted to Kampala for treatment and the police informed the public that those who beat NRM supporter would be produced and court on charges of assault.

Challenge
The Uganda Police was often accused of being partisan and in some instances seemed to be, in favour of the NRM candidates and supporters to the disadvantage of the opposition members when it came to treatment and complaint management.
CHAPTER FIVE
Highlights of UHRC actions on election-related issues

The Uganda government has committed itself to genuine, periodic elections which are an essential element in ensuring accountability of representatives in the way they exercise legislative, executive and judicial powers vested in them. In line with the mandate to promote and protect human rights, UHRC played an important role in the 2016 General Elections as it has done in previous elections. UHRC made interventions regarding the respect of human rights and compliance with human rights standards before, during and after elections. This chapter highlights UHRC response actions in line with the EWERP project.

The UHRC focused all its interventions on ensuring that people enjoy their right to vote and to stand for political office. In this regard, UHRC had specific, quick and strategic responses to all election-related concerns that were brought to its attention before, during and after elections. UHRC action included: Human rights education for security agencies; high level strategic meetings with key stakeholders; media programmes; review of bills, special inspection of detention facilities, special investigations and management of election-related complaints received. UHRC drew attention to human rights concerns and called for appropriate actions from key stakeholders.

5.1 Actions undertaken by the UHRC

5.1.1 Human rights Education

a) Human Rights Education for security agencies

Security agencies have a constitutional obligation to respect human rights and freedoms in the performance of their mandate-keeping law and order and protecting people with their property. Security agencies were among the groups targeted by UHRC in the human rights programme. A total of 2532 members of the UPDF, UPF, UPS and the Internal Security Organisation (ISO) were trained by the UHRC. The intervention was a proactive component under UHRC Early Warning and Early Response mechanism to the 2016 general elections basically focused at building their capacities to uphold human rights standards during the electoral processes and increase their knowledge on the critical role they played in ensuring peaceful and violence-free electoral processes.

b) Special community meetings

UHRC undertook special community meetings (baraza) as a platform for creating awareness, sharing vital information and providing citizens with an opportunity to discuss human rights issues relevant to their context. UHRC conducted community baraza in 72 districts countrywide in areas that were considered hot spots with regard to conflict and violence. UHRC particularly, organised a special community meeting for the communities in Buhweju District to quell tension among the people resulting from threats of violence among supporters and candidates.

The people were sensitised on issues relevant to the electoral process, including the role of the security agencies; rights and obligations of voters and political candidates; electoral offences; importance of observing the rule of law during the electoral process.

During the interaction with UHRC, the people raised several human rights concerns that they wanted addressed by the relevant authorities. These were:

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74 Article 221 of the 1995 Constitution.
• How effective will the biometric system operate to avoid breaking down before end of polling day?
• That it was observed from the presentation by UHRC that most people are ignorant about the Constitution although it is the supreme law of the land. How can a person get a copy of the constitution of the Republic of Uganda?
• That in Buhweju as a district, people have started promoting sectarianism based on religion and ethnicity which is against the law. If a leader/ a person promotes such acts, which office should one report to?
• That in NRM primaries, some people were missing in the register hence their right to vote was denied. If someone finds his name not in the register yet he registered, where can he/she report to?
• That in Buhweju District, Police announced that no religious seminars/night prayers should be held without informing the Police and wondered whether it was a human rights violation in regard to Article 29 (1) (c) of the Constitution of the Republic of Uganda.
• Wanted the telephone contacts of UHRC, EC and Police to enable the people to call these institutions in case of need especially during elections
• Is it in order for a civil servant to campaign for a certain candidate/party?
• What will be the maximum number of security personnel at each polling station?
• How can for example a Presiding Officer or a Polling Assistant know that a voter is pretending to drunk or mad in order to be voted for?

UHRC had conducted the community meeting in collaboration with the District Police Commander, EC District Assistant Registrar and the LCV Chairperson. They were able to respond to some of the issues raised by the people. Through the community meeting, UHRC enhanced awareness and positively influence attitudes; something that was confirmed by testimonies of some members and the peaceful electoral processes witnessed in the district.

5.1.2 Public dialogue on election-related issues

UHRC engaged with the public at a dialogue that was organised to share strategies of how UHRC had positioned itself to contribute to interventions that were on-going to ensure that the general elections would be peaceful, free and fair. The EWERP initiative was shared and the public encouraged to participate in it in whatever way was possible to ensure peaceful elections.

The key issues that were flagged by the keynote speaker and the participants during the dialogue were: The perception that was creating fertile ground for conflict, particularly that elections were a do-or-die affair where defeat was unacceptable; that political opponents were enemies with whom one was at war; that leadership was about self-aggrandisement not service; and that voters were only important during elections. Challenges were raised of inadequate awareness of citizens about their rights, duties and their role in the electoral processes and the need for massive public education; how to handle or resolve the tensions, disagreements and conflicts that arise due to the highly competitive nature of elections; and developing strategies to nurture and enhance the culture of tolerance among the people especially of other people’s views, choices and perceptions.

Some of the risk factors raised for the attention of UHRC, EC and other stakeholders included:

• The politicking on social media;
• The divisive campaign messages;
• Inability to adhere to the campaign MoU by the different political parties;
The Attorney General pledged government commitment to an informed citizenry participating effectively in the civil, political, economic, social and cultural processes for sustainable development, hence his appeal for adequate Government support to civic education which would address many of the risk factors.

**Launch of civic education vans and election song**

During the dialogue, UHRC launched tools that it would use in implementation of the EWERP. These included two customised vans for reaching out to the public in various areas to mobilise and sensitise them about their rights and duties, particularly those related to the electoral processes. UHRC staff moved in the vans from village to village or from one trading centre to another conducting HRE. This was an interactive and animated way of conducting civic education through screening of videos, drama shows and conducting quizzes. Ultimately, through the use of the civic education vans, UHRC enhanced its grassroots engagement by reaching never-before-reached rural and urban areas.

UHRC also launched an election song which it had earlier commissioned to be able to convey the message of peaceful elections. The song urged citizens to exercise their right to vote and to be voted, and to respect the election outcomes. It was targeting especially the youth who were vulnerable to being used for good and bad intentions during the electoral processes. Titled ‘Obululu Tebutwawula’ (elections should not divide us), and sang by Ugandan artistes Ray Signature and Fille the song was a mixture of Luganda and English. It urged the specifically targeted youth and other Ugandans generally to exercise their civic duty to vote. It preached tolerance among people with divergent political allegiances during the electoral process. The song was played on radio stations countrywide and during community meetings and village road shows staged using the civic education vans and targeting grassroots communities countrywide. In some instances, the song was translated into the local dialect to enable the listeners appreciate its message.

5.1.3 **Management of election-related complaints**

Investigation and resolution of complaints arising out of human rights violations is one of the core functions of the UHRC. In the electoral period up until 12th April 2016, UHRC received 19 election-related complaints. These were mainly about violations of the freedom from torture, cruel, inhuman and degrading treatment, freedom from enforced disappearance, the right to personal liberty, the right to privacy, the right to fair hearing, right to property and freedom of conscience, expression, movement, assembly and association.
5.1.4 High level strategic meetings

UHRC undertook high level strategic meetings to discuss different issues of concern with key stakeholders namely: The EC, UPF, UCC and the National Security Council.

5.1.4.1 Meeting between UHRC and Electoral Commission

UHRC highlighted a number of concerns informed by the information received and analysed on a daily basis by UHRC Situation Room. The concerns were about:

a) The confusion over eligibility to vote using the national IDs vis a vis the voters register;

b) The alleged registration of refugees for national ID and their likelihood of voting in the elections;

c) Clashes between supporters of rival candidates;

d) Overzealousness of Police Officers;

e) Targeting of media practitioners;

f) Hate speech; and

g) Contradictory statements on guidelines for candidates

In response, the EC clarified that the primary document for determining eligibility to vote would be the voters register and even if one does not have a national ID but appeared on the voter register, he or she would be able to vote. Possession of a National ID would assist in the identification process in addition to the voter slip and the use of the biometric system. UHRC urged EC to disseminate this clarification widely.

Concerning refugees, the EC clarified that the voters register comprised of people that had been vetted by village local councils and structures at sub county level. As such, all the people on the register were Ugandans. Alleged possession of national IDs by refugees, did not imply that they were on the voters register to earn them voting rights.

The EC also pledged to continue to intensify engagement with the police on the dos and don’ts and with support from UNDP, was developing a pocket handbook of the code of conduct for police during elections. The EC promised to invite UHRC to their engagements with the police leadership to discuss the human rights implications of police’s excesses among other things.

The EC also expressed concern over inability to access some police detention facilities for routine inspections including lockup registers of some facilities; excessive use of force; as well as complaints of alleged human rights violations against the security agencies despite the various trainings and human rights programmes conducted amongst the security officers by UHRC.
Accordingly, UPF agreed to put in place a legal framework that would regulate and harmonise the operations of crime preventers; ensure peaceful elections; to take appropriate steps for UHRC to access Nalufenya Police Station and other inaccessible police detention facilities; to provide UHRC with an updated status of complaints handled by PSU concerning errant police officers; and conduct regular meetings to discuss emerging human rights issues in relation to UPF mandate between the two institutions. UPF also committed to continue involving UHRC in training programmes at Kabalye police training school in Masindi District.

5.1.4.3 Meeting between UHRC and Uganda Communications Commission

UHRC engaged with the UCC and raised concerns about the unprecedented abuse of the social media platforms by some people; hate speech; biased reporting by some media houses and unequal access to state media. UCC pledged to address the issues of concern raised by UHRC.

5.1.4.4 Meeting between UHRC and the National Security Council

Security is indispensable to the conduct of free, fair, peaceful and credible elections.

UHRC engage with the Council on:

a) The preparedness of security agencies for the general elections;

b) The recruitment of crime preventers and their methods of work in the absence of a regulatory framework for them;

c) The continued talk of violence and threat of war which had instilled fear in the public;

d) The disappearance of opposition supporters particularly, 28 supporters of Go Forward and three FDC supporters.

e) The use of excessive force by security agencies when conducting arrests;

f) The involvement of traditional leaders, religious leaders and security officers in politics who should be non-partisan; and

g) The likely delays caused by use of the biometric machine, affecting the voting process; which could trigger violence.

The National Security Council pledged to address the issues of concern raised by UHRC.

5.1.5 Media Programmes

UHRC raised awareness on various human rights and electoral issues through the use of media. Media programmes included radio talk-shows, radio spot messages, media briefs and newspaper supplements.

5.1.5.1 Radio talk-shows

UHRC conducted 160 live phone-in radio talk-shows on various radio stations countrywide in 2015. The talk-shows were conducted in various languages, including English, Runyankore-Rukiga, Runyoro-Rutooro, Luganda, Lugbara, Alur, Madi, Rukonzo, Kiswahili, Luo, Ng’akarimojong, Kupsabiny and Ateso. The figure below shows radio talk-shows conducted in each of UHRC regional offices.
A total of 810 listeners called into the interactive talk-shows to contribute to the discussion on the various human rights topics. The choice of topics was influenced by prevalent human rights issues in a particular region, as well as the electoral process.

The callers discussed several human rights including: challenges in accessing justice; the need for the EC to clarify on the method of voter verification; alleged commercialisation of politics and voter bribery; alleged use of hate speech by both candidates and their supporters during campaign rallies and concerns over inadequate voter education by the EC.

Through the radio talk-shows, UHRC was able to raise awareness on key human rights issues and disseminate information that was relevant to the electoral process. The talk-shows further enhanced visibility for UHRC, which contributed to the 4,227 people who sought UHRC services in 2015.

5.1.5.2 Radio spot messages
UHRC aired radio spot messages in English, Luganda, Runyoro-Rutooro, Rukonzo, Luo, Japadhola, Ateso, Ng’akarimojong and Lusoga. A total of 5,599 radio spot messages and 400 jingles on radio stations countrywide. Through these, listeners gained knowledge on various human rights issues including the right to vote, the duty and obligation of citizens to ensure peaceful and violence-free elections, and the importance of co-existence and tolerance during the electoral process. Others were the rights of vulnerable persons as well as mob action as a human rights violation.

5.1.5.3 Newspaper supplements / adverts
A total of 15 newspaper supplements, advertorials and commentaries on specific human rights themes by UHRC. They were published in seven local newspapers namely; the New Vision, Daily Monitor, Red Pepper, Bukedde, Orumuri, Etop and Rupiny. Through these, readers gained knowledge on a number of human rights issues including; the EWERP as an advocacy programme for peaceful general elections.

5.1.5.4 Press statements/conferences
UHRC continued to offer guidance to government, other stakeholders and the public on emerging human rights issues in the country through periodic media briefings. Accordingly, UHRC held eight formal press conferences to make pronouncements on various incidents that had an impact on the enjoyment of human rights.

The incidents that were addressed in the press conferences were: The escalating incidence of police brutality against journalists and members of the public; police use of excessive force against a lady who was allegedly undressed and other politicians along the Masaka-Mbarara highway; and the continued use of live ammunition in crowd control and public order management. Other issues were: Post-election violence; and the ambiguity of certain provisions of electoral laws that resulted into multiple interpretation and/or abuse. UHRC raised the red flag on issues; created awareness; called for action by the relevant stakeholders; and informed the media coverage of human rights issues.

5.1.6 Special inspection of places of detention
UHRC in fulfilment of its Constitutional mandate, visited selected detention facilities and other related facilities. This was as a result of the public outcry on arbitrary arrests and detention of opposition supporters that were in violation of their freedom of movement and personal liberty. Inspections were conducted to ascertain the alleged detainees, assess their human rights situation and release as part of UHRC early warning and early response mechanism.

5.1.6.1 The Special Investigations Division of Police
UHRC visited and inspected the detention facility at the Special Investigations Division (SIU) at Kireka in Kampala. A total of 36 suspects were in custody at the time of the visit. Out of the 36 suspects, eight had been arrested on 31 December 2015 on allegations of assault and causing violence after elections in Gomba District. It was observed by UHRC that the general living conditions of the suspects and sanitation was good with adequate food being served, accessed clean water and pit latrines. Interviews with the suspects revealed also that the incidences of torture, cruel, inhuman, degrading treatment or punishment were not common at the facility.

UHRC noted from the lockup register with concern that detention beyond 48 hours was still a common practice. This and other human rights concerns were brought to the attention of the authorities which led to the release of the eight suspects. The Eight suspects arrested on allegations of assault and causing violence after elections in Gomba District were released on police bond following UHRC visit on 6th January 2016. This was established by UHRC in a follow up visit and seven other suspects arrested on New Year’s Eve on different offences had been transferred back to Wandegeya Police Station on 10th January 2016 and produced in Court on 11th January 2016. UHRC urged SIU to speed up investigations for the remaining suspects to be either produced before courts of law or released on police bond.

5.1.6.2 Police National Centre for Special Operations Base at Nalufenya
UHRC noted complaints highlighted in media reports over missing persons from the opposition camp involved in election related aspects. Consequently, UHRC undertook to visit the police detention facility at Nalufenya in Jinja to establish whether the allegedly missing Go Forward supporters had been detained there. A total of 15 male offenders were in detention on charges that ranged from terrorism, murder and criminal trespass.

Though UHRC did not find the alleged missing persons, it established that the detention facility had been upgraded to a police base to handle national special operations of the police. UHRC was able to assess the conditions of the detainees found. They had a number of concerns which were relayed to the management of the facility. These included: accessing only one meal a day; offenders from Mbale District complained of allegedly being tortured close to a month, denial of access to family and lawyers. Other concerns related to inadequate medical care with the offenders only accessing anti-malarials and pain killers in the form of Panadol; staying indoor for about three months and irregularly being produced in court.
5.1.6.3 Release of supporters

a) Release of supporters on police bond in Ibanda District
Through UHRC Situation room, UHRC noted with concern the clashes between the supporters of the former NRM MP Hon. Xavier Kyomya and those of the incumbent NRM candidate Hon. Guma Gumisiriza vying for the position of MP Ibanda North constituency in Ibanda District. The clashes between the supporters of the two candidates resulted into the arrest of some of them. UHRC undertook to inspect Ibanda police station to assess the conditions of those that had been detained. Following UHRC inspection, the detained supporters were released on police bond two days later after spending a week in custody.

b) Release of Go-forward supporters detained at Ntungamo Prison
UHRC attention was drawn in a letter dated; 21st December, 2015 in which the Independent Presidential candidate of Go Forward complained about the detention of his supporters. The letter recounts incidents in which Go Forward supporters were arrested, harassed and detained. Particularly, the letter noted the clash between the Go Forward supporters and a group of stick-wielding men in yellow T-shirts on 13th December, 2015 in Ntungamo District which resulted in some of them being arrested. Consequently, UHRC undertook to inspect Ntungamo Prison to establish whether Go Forward supporters had been allegedly detained there. Through the inspection, UHRC established 11 detainees including a TV reporter in Kampala who were subsequently released.

5.1.7 UHRC fact-finding mission to Dr Kizza Besigye’s residence in Kasangati, Wakiso District.
UHRC noted the use of preventive arrest by police to curtail the movement of opposition politicians and its implications on the right to free movement and liberty.

Out of concern on the state of human rights of a restricted person, UHRC had a fact-finding mission to Dr Besigye’s home on 10th March 2016 where he had been detained for 23 days at the time, to assess his human rights situation.

UHRC observed with concern the heavy deployment of police officers; the unclear charges and offence he had committed; and the unlawful detention of Dr Besigye in his home. The continued detention was inconsistent with the Constitution and internationally acceptable human rights principles underpinning the right to freedom of movement and personal liberty. UHRC also urged the UPF to withdraw the police officers that had camped in Dr Besigye’s compound especially given that they had no toilet facilities.

Consequent to the visit, Dr Besigye lodged a formal complaint of human rights violations with the UHRC. UHRC also engaged with the police leadership, the president and other concerned officials; and advocated for either his release or detention in a gazetted detention facility or police preferring charges against him and taking him to court.

5.1.8 Special investigation of post-election violence in Bundibugyo and Kasese districts
At the beginning of March 2016, UHRC conducted preliminary investigations into post-election violence in Bundibugyo and Kasese districts to establish the root causes of the election violence and the human rights implications and to propose a way forward. The findings and recommendations were shared with the relevant authorities including His Excellency President Yoweri Kaguta Museveni, government officials and security organisations. Below are the highlights of the incidents and recommendations made by UHRC.

5.1.8.1 Bundibugyo District
Violence broke out following the announcement of the results of the LCV elections that were held on 24th February 2016 by the Bundibugyo District Returning Officer. Violence broke out in the wee hours of the morning of 27th February 2016 between Bakonjo and Bamba/ Babwisi ethnic groups. It caused among
other things loss of 12 lives, destruction of property, injuries, internal displacement and deprivation of the right to liberty. UHRC went to the affected areas of Busaru, Kirumya and Kasitu sub counties in Bundibugyo district and engaged local leaders, security officers, affected populations and displaced people in the reception camps of Bubukwanga and Bukonjo.

Findings

- The announcement of results only sparked off a long standing conflict between the Bakonjo and Bamba. Despite the fact that the two tribes have lived together in the same district for a long time, there had been simmering ethnic tensions characterised by hatred, bad neighbourhood and land conflicts.
- Bundibugyo district was one of the places earmarked as a hotspot not only by UHRC but also by security agencies that had deployed there appropriately.
- Owing to the long standing ethnic differences, the two tribes rarely support the same candidate especially at local government levels.
- The Bundibugyo Returning Officer had announced that one candidate of the LCV race had won but later in the evening he had declared another candidate the winner. This inevitably sparked off the violent clashes between the supporters.
- The incident affected the rights to life and property; the right to safe and clean water since the water mains supplying water to Bundibugyo town had been cut by unknown people thus disconnecting water supply; close to 10,000 people had been displaced to 4 reception camps located in Bubukwanga, Harugari, Banguha and Kyamukube without basic necessities.
- The right to personal liberty was at stake as UHRC found the cells at Bundibugyo Police Station filled to capacity with 70 inmates some of whom were kept in the toilets. The suspects had overstayed in the cells, some for up to three weeks and police said the situation was compounded by the fact that judicial officers had fled the area due to insecurity.

One of the houses burnt in Kyamukube Village, Bukonjo Sub County (above)
5.1.8.2 Kasese District
From 13th – 14th March 2016 UHRC investigated post-election clashes that broke out in Buhuhura and Kikongo villages in Hima Town Council, Kasese District on the 10th March 2016, causing loss of lives and widespread destruction of property. UHRC went to Hima Town Council and Kithoma Sub County and engaged with security agencies, local leaders and affected community members.

Findings
- There had been a long-standing conflict and on numerous occasions in the recent past deadly clashes between the Bakonzo and the Basongora in Kasese District have occurred leading to loss of lives. The pre-election climate in the district was already tense.
- The clashes were between supporters of the different camps in the LC III elections on the one hand, and between security agencies and community member on the other hand.
- Police had tightened security as this area was considered a hot spot and there had been several attempts to attack Buhuhuria Police Post. Police said their efforts to carry out community policing prior to the elections to promote peace had been futile since most of the community members had not turned up for the meetings.
- Some of the politicians in the district had taken advantage of the elections to incite the illiterate people and use them for their own political gain and personal agendas.
- UHRC learnt from security officials that some sections of the Bakonzo community harboured the idea of seceding from Uganda and creating their own state known as the Yiira Republic involving the Bakonzo of Congo and the Bakonzo of Uganda. In this regard, some youths within Buhuhira Sub County had wanted to begin a rebellion in order to realise this dream of secession. There were claims of on-going recruitment and training of such youth.
In view of the findings of the preliminary investigations into post-election violence in Bundibugyo and Kasese districts, UHRC realised the need for a more comprehensive study into the underlying causes of the conflicts; the conduct of all stakeholders involved; the circumstances under which lives were lost, among others. A comprehensive investigation was subsequently undertaken by UHRC in April and May 2016, the findings of which will be shared with all the relevant stakeholders so that recommendations made are implemented.

5.1.9 Review of the Constitution Amendment Bill, 2015

UHRC has the responsibility, as a NHRI to review and analyse bills before Parliament to ensure they are in compliance with human rights obligations and standards. It is on this basis that UHRC reviewed the Constitution Amendment Bill, 2015 among others and presented to Parliament its position. Apart from pointing out the human rights concerns, UHRC made appropriate recommendations. The position of UHRC was submitted to the Legal and Parliamentary Affairs Committee of Parliament on 22nd July 2015.

On the Constitutional Amendment Bill, 2015, UHRC made proposals particularly on the independence of the EC; procedure for the appointment and removal of the members of the EC and non-discrimination of independent candidates during nominations for the provision required them to obtain 1000 signatures of registered voters in the constituency to be able to stand for elections. UHRC recommendation to delete the requirement for independent candidates to get 1000 signatures was adopted and the clause was excluded in the Constitution (Amendment) Act 2015.

5.2 Challenges

UHRC experienced challenges in responding to the human rights concerns during the electoral processes as highlighted below:

1. The absence of the Chairperson and four members of the Commission whose term of office had expired in April 2015 generally constrained the operations of the UHRC, particularly regarding actions that required the authority of the Commission. The Chairperson and four members were eventually appointed in February 2016.

2. The UHRC was unable to acquire an official map showing all the constituencies for more specific hotspot mapping.

3. The limited internet connectivity sometimes affected the internet-based early warning system of the UHRC, particularly data input and analysis.

4. The UHRC experienced constraints caused by inadequate funds and personnel to undertake prompt investigations and verification of information in all the regions at all times when a critical issue emerged.

5. The planned UHRC civic education programmes were not effectively implemented because they remained grossly underfunded. No funds were received by the government to implement them.
CHAPTER SIX
Recommendations

UHRC monitored directly or through secondary data all the rights associated with elections and the electoral processes before, during and after elections. Through implementing the EWERP, UHRC was able to identify areas where compliance with human rights standards had been achieved and where challenges still hindered the realisation of the rights in question.

In view of this, UHRC made general and specific recommendations to several stakeholders on how to address the concerns that emerged in the electoral period for the 2016 general elections. All duty bearers, stakeholders and citizens are urged to take up the recommendations and act to address or redress the concerns. UHRC particularly calls for urgent, adequate and appropriate action without waiting for the end-tail of the next cycle of elections as has been the case previously when certain actions were too little too late. UHRC made recommendations based on the election milestones monitored and the human rights issues analysed. The following are all the recommendations UHRC made in respect of the electoral processes, before, during and after elections.

6.1 Electoral reforms

*Parliament, Ministry of Justice and Constitutional Affairs, Electoral Commission should:*

1. Ensure that proposals for electoral reforms from all stakeholders are considered and implemented early enough so that they are not left to last minute discussions which could adversely affect the smooth management of all electoral processes.

*Parliament and the Ministry of Justice and Constitutional Affairs should:*

2. Review the process of appointing members of the Electoral Commission to ensure democracy and transparency in order to build public confidence in the election administration body.

6.2 Party preparedness

*Political parties should:*

1. Endeavour to put in place mechanisms and structures for promoting internal democracy and transparency and clear guidelines on process of joining their organisations
2. Facilitate access to their organisations by ensuring that they have permanent physical addresses
3. Accountability for public funding

*District Internal Security Officers should:*

4. Desist from interfering in activities of political parties by remaining non-partisan

6.3 Update and display of voters register

*Electoral Commission should:*

1. Increase public sensitisation across the country on among others, the importance of and duty to register; the relationship between the two registration processes for the voters register on the one hand and the National ID on the other hand; and on the electoral processes generally.
2. Mobilise the public adequately and diversify avenues for public information include phone text messages, churches, education institutions, media, and cultural leaders among others. This should be done early enough and reach everywhere.
3. Issue appointment letters to the recruited officials, train them adequately to understand and appreciate among others the role of other stakeholders in the electoral processes and communicate to them their terms and conditions before they start work. Improve their welfare
and facilitate them adequately with financial and logistical support in form of motorcycles and bicycles, airtime, umbrellas and timely allowances.

4. Provide the display officers with enough materials including Clean Forms that are used for purposes of applying for correction in a voter’s particulars, for reporting deceased persons, among others.

5. Recruit at least two officials to run the centres so that the process can be faster and when one is not around the other can hold fort. Officials should be provided lunch in order for them not to leave the centres and they should be allowed to go for prayers on Fridays and Sundays for Moslems and Christians respectively.

6. Put in place special measures for vulnerable groups to access the centres and sensitise display officers on the needs of vulnerable persons so that they can ensure their equal access and participation.

7. Extend the period of the display exercise beyond the stipulated minimum of 21 days to cater for students who may be still in boarding school or any other person that may need to travel far like upcountry to verify their particulars.

8. Locate display centres at polling stations or LC 1 offices in order to save the voters long distances to the parishes and prevent low turn up.

9. Endeavour to display voters’ names where the people registered. There should be a master register at the parish for reference for the people who do not find their names at centres where they registered.

10. Conduct continuous registration to cater for those clocking the voting age as well as make provisions for update and display of the voters registers annually.

**The Uganda Police Force and EC should**

11. Ensure that there is a constable at every centre. Where it is not possible, the UPF should put in place an arrangement that ensures effective coordination of security during the entire exercise, which stakeholders should be made aware of.

**Civil Society should:**

12. Actively participate in the monitoring of processes before the general elections as part of the checks and balances to ensure free and fair elections.

**Local Council leaders should:**

13. Should take particular interest in electoral processes in order to influence community members to also take interest and participate in them.

### 6.4 Nominations

**Electoral Commission should:**

1. Invest in and conduct adequate voter education to enhance the understanding of the aspirants of the nomination requirements and processes to ensure effective participation.

2. Increase the number of nomination centres and spread them to lower local government levels in order to address the challenge of availability and accessibility particularly for the vulnerable.

3. Align their guidelines on when the campaign rallies end to the provisions of the law, in this case, the Public Order Management Act 2013. The Act should take precedent over the guidelines.
Parliament and the Ministry of Finance, Planning and Economic Development should:

4. Consciously support multiparty democracy so that it is nurtured and becomes a culture in Uganda, for instance through increasing funding for civic education to enable people fully appreciate the requirements of a multi-party dispensation, in order to forestall the impact of so many independent candidates.

Political parties should:

5. Put in place strategies to enhance party internal democracy and manage party primaries well to ensure free, fair and transparent party primaries since they have a spill over effect on the national elections.

6.5 UHRC polling day observation

Parliament and the Ministry of Finance, Planning and Economic Development should:

1. Invest appropriately and adequately in civic and voter education.

2. Provide adequate and timely funding to the Electoral Commission to enable it prepare for and manage the elections to expectation.

Electoral Commission

3. Adequately train election officials on the basic requirements, procedures and standards for conducting the elections as well as the use of the equipment, particularly the Biometric Voter Verification System kit in addition to adequately equipping them including for harsh weather.

4. Conduct intensive and adequate voter education in good time to ensure that voters are conversant with the voting procedures as well as prohibited conduct during the polling.

5. Deliver election materials to the nearest polling station/post in time for polling stations to be set up on the eve of the elections. In urban areas, election materials should also be delivered to Divisions just as those in rural areas are delivered to sub counties. This will go a long way in addressing the issue of congestion and commotion at EC offices in urban centres on the morning of elections and hence delays in opening of polls.

6. Presiding officers should ascertain, preferably the day before elections, that the environment at the polling station meets the required standards; for instance, there should be no campaign posters in the vicinity of the polling stations.

7. In cases where more than one polling station is located in the same area, they should be clearly marked to ease identification of each polling station. Voters and other stakeholders should be given prior information in case of merged polling stations.

8. Review the maximum number of voters to be handled at each polling station to avoid imbalances in the workload and congestion at some of the polling stations.

9. Make special arrangements to enable the vulnerable persons like the PWDs, the elderly and the ill to easily access the polling stations and effectively exercise their rights.

10. Conduct adequate voter education and sensitise the voters on the relevance of the Local Government elections to address the tendency of low turn up for the LC elections as well as the loss of interest in the electoral processes after the presidential and parliamentary elections.

11. Organise general elections starting with the lower LG elections upwards and end with the presidential and parliamentary elections in order to sustain the voters’ interest in all levels of elections.
12. Adequately equip and facilitate all their district offices for timely transmission of results to the tally centres and expeditious declaration of the winners in order to allay fears of rigging thereby safeguarding the credibility of the exercise.

13. Organise elections for Persons With Disabilities in such a way that regional Members of Parliament are voted for by members of the Electoral College from that particular region.

14. Organise Persons With Disabilities elections at regional level to minimise the inconvenience of voters with disabilities travelling all the way from their districts to Kampala.

**Electoral Commission and Uganda Police Force should:**

15. Respect human rights at all times when policing elections, for instance employing crowd control methods that take into account the respect for human rights. Errant officers who violate human rights should be held to account and be punished in order to fight impunity.

**Candidates’ agents should:**

16. Participate in awareness creation activities to understand the importance of the Results Declaration Forms and their role in signing it.

**Media houses should:**

17. Comply with their duties and responsibility to promote free and equitable access to the media, to allow political contestants equal opportunity to convey messages to the public.

**Ministry of Information Communications and Technology should:**

18. Enforce the constitutional requirement for the Uganda Broadcasting Corporation, as a public broadcaster, to provide equal access of all its outlets to all political parties to present their programmes to the citizenry.

**Uganda Communications Commission and the Ministry of InformationCommunications and Technology should:**

19. Enforce regulations on media compliance with professional standards and fulfilment of responsibility.

20. Monitor and regulate the use of social media platforms in Uganda.

### 6.6 Law reform

**The Ministry of Justice and Constitutional Affairs, Parliament and the Ministry of Finance, Planning and Economic Development should:**

1. Initiate and enact electoral laws well in time to allow the Electoral Commission plan and prepare adequately to conduct elections.

2. Review all laws relating to elections, including the Constitution of Uganda, the Public Order Management Act 2013, Police Act Cap 303, Presidential Election (Amendment) Act, 2015 and the Parliamentary Act, 2005 and amend where necessary to, among others:
   a) Address the lacuna for multiple interpretations of laws such as the definition of consultation meetings vis-à-vis rallies under the POMA.
   b) Provide interpretations of the provisions of the Acts which contradict the rights provided for in the Constitution of Uganda
   c) Provide fairer criteria for eligibility of political parties for statutory funding that is not based on representation in Parliament, as is the case currently.
d) Regulate the use of money in politics

e) Revised nomination fees to address their prohibitive nature and ensure enhanced political participation especially of the vulnerable

f) Review the requirement for public servants to resign; which is discriminatory given that some categories of specified officers are not expected to resign. It also hinders interested contenders from contesting for elective office.

g) Increase the number of days within which a petition challenging presidential elections can be filed. In the same spirit, the 30 days provided for within which to inquire and hear the petition should be increased given the nature of the petition and the evidence required to be presented before the Supreme Court.

h) Provide a timeline within which EC should determine the election complaints and disputes.

i) Provide for all election petitions filed before the polling date to be heard and determined expeditiously.

j) Provide for a clear definition of a national tally centre to avoid future conflicts regarding the transmission and declaration of result processes.

Conclusion
The UHRC played a key role before, during and after the general elections of 2016. The aim of the interventions of UHRC was to ensure government compliance with human rights standards in international and regional instruments that the state has signed and ratified as well as in the Constitution of Uganda. It is a constitutional duty of all organs and agencies of government, security organisations and all persons to respect, uphold and promote rights and freedom of the individual and groups. Therefore the responsibility to ensure peaceful, free and fair elections was not just on the electoral body, the EC, but also all rights holders who had a duty to register and vote, among all other duties related to the range of human rights and freedoms that facilitate the right to vote as discussed in this report.

There were commendable achievements of all stakeholders in instances when human rights were observed and respected as already expounded on in detail in the report. However, there were also instances where human rights and freedoms were unduly limited or violated. As it were, the violation of one right or violation of the rights of one person is just unacceptable. Like any other election observer’s report this one is not intended to show whether the elections were free or fair; or to express an opinion on the validity of the elections. Instead, it draws attention to how human rights were respected and realised during the electoral processes and vice versa; and how people enjoyed their human rights or they were violated. A number of human rights concerns were raised and even specific incidents of human rights violations cited. This is what UHRC would like to draw attention to so that action can be taken in good time to rectify processes for the next round of elections.

In view of this, UHRC calls on the Executive, Parliament and the Judiciary; all government MDAs particularly the EC and all other key stakeholders, including the general public to pay adequate attention to the findings and recommendations made in this report so that the human rights situation can be improved in the next cycle of elections.
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