



**UGANDA HUMAN RIGHTS COMMISSION**

**PRELIMINARY MEDIA STATEMENT ON THE HUMAN RIGHTS SITUATION OF  
THE 14<sup>TH</sup> JANUARY 2021 GENERAL ELECTIONS**

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**ACTING CHAIRPERSON**

**JANUARY, 2021**

## **Introduction**

Ladies and Gentlemen, before I make this media statement allow me to congratulate His Excellence Yoweri Tibuhaburwa Kaguta Museveni on his re-election as the President of the Republic of Uganda. I would also like to congratulate all the other candidates who were elected in the various positions, as well as all the candidates at Presidential and Parliamentary levels who participated in the elections for offering themselves to serve the people of Uganda. As you might all know, on 14<sup>th</sup> January, 2021, Uganda conducted the Presidential and Parliamentary Elections in fulfillment of the citizens' right to vote as provided for under Article 59 of the 1995 Constitution.

The Uganda Human Rights Commission therefore congratulates the people of Uganda for turning up in big numbers and actively participating in the electoral exercise. The Commission also appreciates the Electoral Commission for the great work done specifically in managing this noble task, as well as the role played by law enforcement institutions in working to keep law and order throughout the electoral period. I would like to also appreciate the contribution made by staff of the Electoral Commission, District Returning Officers, polling Assistants and all the people who managed or supported the polling exercise at different levels.

In fulfillment of its constitutional mandate to monitor the human rights situation in the country, the Commission sent out 183 election observers and monitored a total of 1,830 polling stations across the country. It should be noted that the Commission had been monitoring and observing the human rights situation during the previous stages of the electoral process starting from the launch of the EC Road Map in 2018. However, this media statement is limited to the polling day of 14<sup>th</sup> January 2021. The rest of the stages of the general election will be covered in the Commission's detailed report which will be released later on.

This preliminary media statement is therefore based on the Commission's observations from the polling stations visited countrywide, as well as the information gathered from the Commission's Situation Room from various sources, including verified information from the media, specifically radio, television and twitter (before it was switched off).

**i) Polling day observation**

The Commission observed that the general elections were peaceful in majority of the polling stations. Voter turn up was very high in many of the polling stations except in Gulu and Koboko districts where the turn up was low. The Commission therefore commends the government of Uganda, the Electoral Commission and the voters for maintaining peace and stability during this electoral period.

**ii) Temporary suspension of internet and social media**

On 13<sup>th</sup> January 2021, the Uganda Communications Commission issued a directive to all internet service providers in the country to immediately suspend access and use, direct or otherwise of all social media platforms and online messaging applications over all networks until further notice. The suspension of internet in the country affected access to information and freedom of expression and has affected at least 17.5 million internet subscribers around the country. The Commission would like to specifically note that social media is a highly interactive platform through which individuals and communities share, co-create, discuss and generate content, so that the people's right to effectively participate and interact during the voting period is realized.

Other than the disconnection of the internet affecting communication channel it also greatly affected people's livelihoods particularly banks, mobile money, the media, online education and others. On Saturday, 16<sup>th</sup> January 2021, the Government gave an explanation as to why the internet and social media was suspended. The reasons for the suspension or blockage included the following:

- a) It was a security measure that was taken following intelligence reports of possible security threats including terrorism, riots, outbreak of violence among others.
- b) To prevent or stem misinformation, disinformation, deliberate distortion, deliberate ill-intentional discrediting of opponents, incitement of riots and violence among others.

- c) It was in line with Article 41 and 43 of the Constitution of the Republic of Uganda which provide for general limitation on fundamental and other human rights and freedoms. Article 41 specifically stipulates that every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.

Government regretted the inconveniences caused to the public, including to government operations. The Government promised to systematically re-open the internet and this was done starting from 11am on Monday 18<sup>th</sup> January 2021 depending on the intelligence reports and audit of the actual security situation in Kampala City and other parts of the Country.

**iii) Late opening of polling stations and delivery of election material**

The Commission observed that there were delays in opening polling stations in some parts of the country. By 7:30am, some polling stations in Kampala, Masaka, Lyantonde, Mbarara, Jinja, Zombo, Kasese, Nakaseke, Mpigi, Gulu (Pece Grounds) and Mbale City had not yet been opened. To be more specific most polling stations in Gulu City East and West Constituency received voting materials between 9 -10 am. In particular at Vanguard O-OL polling station and indeed 5 other polling located within Pece stadium, polling materials were received at 9:45am and voting begun at 10:41am.

Late delivery of voting materials was not only registered in Gulu. In Alebtong district, at Olaromoo Polling station in Moroto County in Alebtong district, voting started at 11:10am after materials were delivered at 10am; similarly in Lira district, Bardyang polling station in Alebere parish in Itek sub-county in Erute South Constituency in Lira district, voting materials were received at 11:40 am and voting started at 12:20 pm. Furthermore at Aminnyang Poling station, Amucha Parish, in Lira City West Division, voting materials were delivered at 11am. Other Polling stations where late delivery of voting materials were registered were: Ambalal Primary School in Lira City at 8:34am, Aminnyang Polling

stations in Amuca Ward, and Kichope Al-AZ where voting started 11am due to late delivery of voting materials.

It was also noted that in some of the polling stations across the country where voting materials were delivered in time, voting was still delayed because of lack of quorum for the required 10 voters. Procedurally, for voting process to commence at any polling station, there must be at least 10 registered voters present to witness and verify the voting materials delivered at the polling station. For example, at Dogtochi Market Polling station in Tochi constituency in Omoro district, voting had not yet started by 12:00pm, because there was no such quorum.

The Commission also observed that the biometric voter verification system did not work properly in some of the polling stations around the country. In other areas the biometric machines were also noted to have been very slow. As a result, there were delays in opening polling stations and voting. The non-functionality of the biometric voter verification system therefore caused a lot of anxiety among voters as they waited in long queues. However, it was later made clear that the biometric machines failed to function because of limited information on how to operate them and lack of passwords and other technical challenges. The Chairperson of the Electoral Commission further guided on the necessary interventions to guide on the use of the registers. In other areas, the biometric machines were very slow and this was seen at Namugongo polling station in Kampala.

Rains also disrupted voting at a number of polling stations particularly in Mbarara, Kasese, Jinja, Mityana, Mubende, Buikwe, Kyotera, Ssembabule, Rakai and Masaka districts. The rains however did not stop the exercise from taking place. However, despite the late opening of some polling stations, the challenges brought about by the biometric machines were resolved and voting went on smoothly.

#### **iv) Non adherence to COVID-19 Guidelines**

The Commission noted that while EC had provided hand sanitizer and hand washing points, many of the voters did not adhere to the COVID-19 guidelines issued by the

Ministry of Health. While the majority people wore masks, social distancing was not observed at most polling stations with people standing very close to each other in long queues.

The Commission further noted that after using the biometric machines, voters were not sanitizing and neither did they wash hands on their way out of the polling stations. The Commission also noted that some election officers were not provided with temperature guns for use during the voting exercise. As a result, voters remained at a high risk of contracting and spreading COVID-19. The Commission also noted overcrowding in many polling stations due to the late start of voting which was an additional threat to the spread of COVID-19.

**v) Inclusion of the most vulnerable persons**

Uganda is a signatory to international and regional human rights instruments that contain provisions for the facilitation of all persons of voting age to participate in electoral processes at all political levels and specifically, Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD) requires State Parties to guarantee persons with disabilities with political rights and the opportunity to enjoy them on an equal basis with others.

However, the Commission noted that there were several barriers that hindered effective participation of persons with disabilities in the electoral process. Some of these challenges included: lack of access to information (Braille and large print material), inadequate voter education, communication barriers which included the absence of sign language interpreters and other election procedures as well as discrimination of PWDs and poor infrastructure which did not provide reasonable access to PWDs.

In Zombo District at Pidar Compound Polling station, the Commission noted that the designated area was not easily accessible by older persons, expectant mothers, breast feeding mothers and PWDs due to the high terrain. The elderly were also reported to have faced challenges with voting and many were seen getting stuck at the basins due to lack of guidance and effective voter education.

The Commission however appreciates the efforts made by the Electoral Commission in ensuring that majority of the polling stations were designated in open spaces with flat ground to enable persons with disabilities and other vulnerable persons to access them. The Commission calls upon the Electoral Commission to put more effort in voter education which should be inclusive for all, including persons with disabilities, the elderly and ethnic minorities.

**vi) Presence of the army and other security agencies**

The Commission noted heavy deployment of the army, police, crime preventers and other security agencies during the 14<sup>th</sup> January elections. In areas of Kampala Central, Kamwokya, Ntinda and districts of Arua, Bundibugyo, Buikwe (Lugazi), Gulu, Obongi, Nebbi, Jinja and Zombo, there was heavy presence of the army, police, crime preventers and Prison warders. In Nebbi District and Obongi districts, there was heavy deployment and presence of security personnel after voting, which was mainly prompted by the youths that had started gathering in groups. The Commission however notes that although some voters allegedly felt intimidated by the presence of the army and security agencies, on the whole, the heavy deployment of the army and security agencies did not cause any inconveniences to the voters in exercising their right to vote. In fact, many felt secure due to their presence. In majority of the areas where the army and security agencies were deployed, the security agencies remained disciplined, orderly and executed their duties professionally.

**vii) Presence of candidates' agents**

The Commission observed that in many of the polling stations, some presidential candidates did not have agents at polling stations. The Commission noted that candidates' agents were mainly from NRM, NUP, FDC and DP. It was however noted that candidates' agents who were present at the polling stations were respected by polling officials as stipulated under the law. The Commission further noted that although candidates' agents were absent, this did not in any way affect the voting exercise or the counting of votes. However the Commission notes that the presence of candidates' agents is very crucial during the voting exercise particularly at the counting of votes and the signing of declaration forms. The Commission

therefore calls upon all candidates to ensure that their agents are present at all polling stations to ensure transparency in all the electoral processes.

#### **viii) Arrests and detention**

On the polling day, the Commission received reports of the arrest and detention of 27 people in Kampala for allegedly setting up a tally center at Hotel Africana from Civil Society Organisations including: Alliance for Finance Monitoring, Women's Democracy Network, and Centre for Constitutional Democracy and NGO Forum. The arrested persons were first detained at Kibuli Police Station and thereafter transferred to Jinja Road police station (17) and Kabalagala police stations (10) respectively. While the CSOs allege that the center was for the purpose of data collection, the police suspected it to be a tally center. According to Article 61(1) (d) of the Constitution, the Electoral Commission is the only institution with the powers of ascertaining, publishing and declaring the final results of the elections and referenda. The Commission therefore followed up on this matter and at the moment, the arrested persons have been released on police bond.

The Commission also noted other arrests at polling stations in Manafwa District where a driver of one of the contestants for Member of Parliament was arrested for allegedly bribing and influencing voters; while in Hoima city, an agent of one of the contestants for Member of Parliament was also arrested for allegedly bribing voters by issuing them with money. A similar incident was reported in Makindye East where Mr. Mike Mabikke, one of the contestants was arrested for allegedly bribing voters on the eve of the election. He was later released on police bond. In Namutumba-Bukono constituency, one candidate was arrested for allegedly bribing voters and in Kayunga District, Hon. Ida Nantaba's agents were arrested on the eve of the elections prompting her to request the Electoral Commission to cancel the election. The Commission commends the interventions that were made to prevent breach of the relevant laws in these respects.



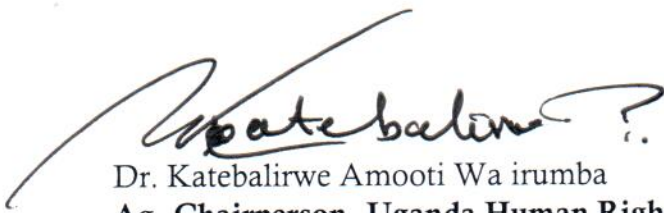
**ix) Adequacy and efficiency of the polling officials**

The Commission noted that the EC officials were understaffed in many polling centers and as such, did not have adequate capacity to deal with the challenges arising from observing the SOPs and the non-functionality of the biometric machines. The Commission however notes that although the number of election officials was inadequate, this did not affect the voting exercise.

**Conclusion**

Based on the extensive observation of the polling exercise that was done country-wide, as well as the verified reports that were received from the media, contacts with other election observers both nationally and outside the country and other sources, the Commission has concluded that on the whole, the Presidential and Parliamentary polling exercise was carried out within a secure, peaceful and tranquil atmosphere which enabled a fair process of voting and the fulfillment of the freedom of choice by the voters of their leaders and representatives. I therefore wish to conclude by commending Ugandans for turning up in big numbers to exercise their right to vote and for maintaining peace and stability during the voting exercise. I would also like to encourage those not satisfied with the results to use the law for redress. The Commission therefore calls upon everyone to continue maintaining peace after this period and accept the results of the vote as declared for the good of our country. The Commission will issue a detailed report on its findings for the entire electoral period.

**FOR GOD AND MY COUNTRY**



Dr. Katebalirwe Amooti Wa irumba  
**Ag. Chairperson, Uganda Human Rights Commission**