



UGANDA HUMAN RIGHTS COMMISSION

HUMAN RIGHTS ADVISORY ON THE 2021 HYBRID DIGITAL GENERAL ELECTIONS

JULY 2020

1.1 BACKGROUND

Uganda will be conducting general elections for Presidential, Parliamentary and Local Councils in 2021. We note that the right to vote and the right to participate in the political affairs of one's country are fundamental in any democracy. Elections provide a means through which citizens assert their voices, opinions and choose leaders whose priorities and ideas match their expectations and whose views appeal to them. An election also provides a platform for the public to voice their frustrations and dissatisfaction towards the performance of a given candidate and gives them an opportunity to change their leaders.

Despite the fact that elections will be held in 2021, Uganda, just like the rest of the world continues to battle with the COVID-19 pandemic. The COVID-19 pandemic has placed unprecedented pressure on the country as to whether to hold or postpone the scheduled elections, amid controversies in either case. Striking a balance between these two choices has not been an easy call. Questions have been raised on whether the fulfillment of the social contract between a government and its citizens at the expense of endangering their health and lives, or whether concerns of exacerbating the outbreak as a result of the mass gatherings inherent to the societal ritual of voting prevail over other considerations.

Elections in ordinary times are critical building blocks for societies and a test for democracy with significant resources required in terms of time, finances and human labour. Voters, candidates, observers and electoral officials are all engaged in the electoral process, often in a highly charged context. The COVID-19 pandemic however poses an additional challenge to electoral processes in Uganda and raises concerns for the holding of free, fair, transparent and peaceful elections, all while ensuring the safety of citizens. The Commission notes that the COVID-19 effects have already had serious health, economic and social consequences around the world. With the universal threat of the pandemic, Government and the Electoral

Commission have been forced to evaluate whether Uganda is in a position to hold credible elections, a component of democratic governance, and at the same time, ensure not only peace, security and development but also effective protection of life amidst the Covid-19 pandemic. In this regard therefore, Government together with Parliament have decided for the country to have hybrid digital elections.

In view of the above, the Uganda Human Rights Commission with a constitutional mandate to protect and promote human rights in the country, as well as the mandate to advise Government and monitor the observance of human rights in the country is hereby presenting this Advisory to guide on the upcoming electoral processes, taking into consideration human rights based approaches and standards.

1.1 LEGAL FRAMEWORK ON ELECTIONS

1.1.1 National Legal Framework

Laws such as the 1995 Constitution of the Republic of Uganda, the Electoral Commission (Amendment) Act of 2010, the Electoral Commission Amendment Act, 2020 which provides for the use of technology in the management of elections, the Presidential Elections Act of 2005 as amended, the Political Parties and Organizations Act of 2005 as amended, and the Local Governments Act Cap 243 are among others the national legislations governing elections in Uganda. Section 1 of the Constitution Amendment Act No.1 of 2018, provides that the Electoral Commission shall hold presidential, general parliamentary and local government council elections within the first thirty days of the last one hundred and twenty-two days before the expiration of the term of the President, Parliament or local government council as the case may be. Article 61(1) of the Constitution also mandates the Electoral Commission to ensure that regular, free and fair elections are held, organized, conducted and supervised. The Electoral Commission 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 programs.

1.1.2 International and regional human rights instruments

Uganda has ratified a number of international and regional human rights instruments that provide for the right to vote and the right to participate in the political affairs of one's country. These instruments create obligations for State Parties to ensure that elections are held in an inclusive, secure and non-discriminative manner, taking into account the principles of democracy. These include: - the Universal Declaration of Human Rights (UDHR) of 1948¹; the International Covenant on Civil and Political Rights (ICCPR) of 1966²; the International Covenant on Economic Social and Cultural Rights (ICESCR) of 1966³; and the Convention on the Elimination of all forms of Racial Discrimination (CERD) of 1979⁴.

At the regional level, the African Charter on Human and Peoples Rights (ACHPR) of 1981 provides for the right to political participation.⁵ The African Union Declaration on Principles Governing Democratic Elections in Africa (2002) guarantees free association and assembly, freedom to establish or to be a member of a political party or Organisation in accordance with the law. Article 6 (d) of the East African Community Treaty (EAC Treaty) provides for the fundamental principles governing the Community specifically on good governance including the 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'

¹ Article 21 of UDHR

² Article 25 of the ICCPR

³ Article 25 of the ICESCR

⁴ Article 5 CERD

⁵ Article 13 of ACHPR

rights in accordance with the provisions of the African Charter on Human and Peoples' Rights⁶.

2.0 HUMAN RIGHTS CONCERNS AND ADVISORY

2.1 CONCERNS ON HOLDING HYBRID DIGITAL ELECTIONS

Section 1 of the Constitution Amendment Act No. 1 of 2018, mandates the Electoral Commission to hold Presidential, Parliamentary and local government council elections within the first thirty days of the last one hundred and twenty-two days before the expiration of the term of the President, Parliament and local government council as the case may be. However due to the pandemic, Government considered different options on whether to postpone the general elections or hold hybrid digital elections. Digital campaigns will include a process of candidates for President, Parliament and Local Governments soliciting for support majorly through televisions and radio stations, as well as via social media platforms.

Article 77(4) of the Constitution provides that 'where there exists a state of war or a state of emergency which would prevent a normal general election from being held, Parliament may, by resolution supported by not less than two-thirds of all members of Parliament, extend the life of Parliament for a period not exceeding six months at a time. Similarly, in Article 110 of the Constitution, the President may in consultation with the Cabinet, declare that a state of emergency exists in Uganda. Currently, Uganda has not declared any state of emergency. On 9th July 2020, Parliament passed the political parties' and organizations' regulations on conducting digital elections and meetings. This in effect means that the country will have digital elections, where campaigns will be made through different media and communication platforms, given the fact that political rallies and gatherings were banned, save for meetings with a limited number of participants who should observe Social operational procedures. In the same vein, gathering of people at the polling stations at the time of counting votes were also

⁶ The East African Community Treaty, 2007 (as amended).

banned. All electoral processes will follow set down procedures, taking into account the health guidelines to prevent the spread of the virus.

The UHRC notes that the international human rights law guarantees everyone the right to the highest attainable standard of health and obligates governments to take steps to prevent threats to public health and to provide medical care to those who need it. Article 19(3) of the Covenant on Civil and Political Rights provides that certain rights may be restricted where it's necessary and lawful. However, such restrictions on some rights can only be justified when they have a legal basis, are strictly necessary, based on scientific evidence and are neither arbitrary nor discriminatory in application. They should also be of a limited duration, respectful of human dignity, subject to review, and proportionate to achieve the objective⁷. In this case therefore, the COVID-19 pandemic is a public health situation which justifies limitations on certain human rights, freedoms and liberties during the electoral process. These rights include freedom of association which allows candidates and voters to gather during campaigns, mass rallies and restrictions on movement.

The UHRC therefore recommends that: -

- 1) The Electoral Commission should issue human rights-based guidelines to ensure that elections are free and fair, the threat of COVID-19 notwithstanding.
- 2) The Electoral Commission should issue comprehensive health and safety guidelines to all candidates and voters during the electoral process, to curb the spread of COVID-19;
- 3) The Electoral Commission should carry out continuous voter education on all media platforms to inform candidates and voters about the new measures in place to safeguard them during the electoral processes.
- 4) All Political Parties and Organisations should issue health guidelines to ensure that campaigns and party primaries are held in a safe manner;

⁷ <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response>

2.2 USING MEDIA PLATFORMS TO CAMPAIGN

On 16th June 2020, the Electoral Commission launched a revised roadmap for the 2020/2021 General Elections and also gave guidelines in the conduct of nominations and campaigns for candidates. The Electoral Commission stated that campaigns would be held using media platforms such as televisions, radios and social media platforms as a way of combating the spread of COVID-19. On 9th July 2020, Parliament also endorsed the mode of having digital elections by passing the Political Parties and Organisations (Conduct of Meetings and Elections) Regulations, 2020⁸ which guide political parties or Organisations that intend to conduct a meeting or election during a period when public restrictions exist in Uganda. The purpose of the Regulations is to safeguard the health and lives of candidates and members of the public when conducting activities.

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.⁹ Access to media facilitates and 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. The 2021 General Election will be the first of its kind. It will be the first time that Uganda will be holding digital campaigns and elections. The Electoral Commission in its guidelines also mentioned that campaigns will be carried out digitally through the media, and that Government will provide radios to Ugandans who cannot afford them, in order to access campaign messages and any other related information.

⁸ <http://parliamentwatch.ug/wp-content/uploads/2020/07/The-Political-Parties-and-Organisations-Conduct-of-Meetings-and-Elections-Regulations-2020.pdf>

⁹ Article 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 Constitution of the Republic of Uganda.

Whereas the proposed provision of radios by the government is a good step towards ensuring access to information as provided for under Article 41 of the Constitution, the UHRC is however concerned that this type of campaigning of using the internet and media might leave out a number of people especially the poor, marginalised and vulnerable persons who lack electricity or lack access to radios, televisions or phones. The Commission also notes that the other drawback towards media-centered campaigns is the absence of face to face interactions, which is very important in getting to know political candidates. Some media platforms especially television and radio stations are privately owned by politicians which puts their opponents at a disadvantage when accessing them.

It is also important to note that some areas of the country do not have FM radio stations to enable candidates' campaign, while other remote areas do not receive radio waves or frequency. The UHRC further notes the challenge of availability and accessibility of radios and batteries for rural and poor communities as well as timely distribution of these items before serious campaigns start. With all these challenges, the idea of holding digital campaigns and elections needs critical consideration and decisions should be made taking into consideration issues of media platform accessibility by all candidates and the electorate.

The UHRC recommends that: -

- 1) The Uganda Communications Commission should issue clear guidelines to all media houses to ensure free and equitable access by all candidates, to enable them campaign and convey their messages through different media houses including those privately owned. Adherence to these guidelines should be strictly enforced;
- 2) The Uganda Communications Commission and Ministry of ICT and National Guidance should enforce the regulations on media compliance with professional standards and should monitor and regulate the use of all media platforms in the country;

- 3) Government should ensure that radios and batteries are procured and availed in goodtime, and also that they equitably distributed to the most vulnerable persons such as the poor, elderly, persons with disabilities, ethnic minorities, persons in remote areas and other vulnerable communities

2.3 CAMPAIGNS VIA SOCIAL MEDIA

Among the media fora anticipated to be used in the upcoming 2021 elections is social media. The effects of social media are not only positive but also negative. The UHRC notes that social media is prone to abuse by users who sometimes publish 'fake news', hate messages, xenophobic and tribalistic messages, sensational messages, misinformation, harassment and discrimination under the guise of freedom of speech and expression. Such false information may be used to unfairly discredit candidates during political campaigns. This would in turn undermine the essence of a fair and credible election which is a very important feature of democracy. There is also concern about the role that social media platforms play in making biased, alarmist and inaccurate reports, use of hate speech, abusive and incisive language which is against the tenets of professionalism and freedom of the media. The Commission is concerned that there is no control of content shared on social media platforms since there are no editors or 'gate keepers' to verify stories and yet regulation is difficult due to the common use of fake/pseudo accounts.

The Commission further notes that while social media is a highly interactive platform through which individuals and communities share, co-create, discuss and generate content, it also depends on mobile, web-based technologies and payment of Over The Top (OTT) tax which may not be affordable to majority of persons. The imposition of Over the Top (OTT) tax on social media such as Facebook, WhatsApp, Instagram, podcasts, Twitter which candidates may use is expensive for the average Ugandan and may affect the flow and receipt of information on such platforms.

UHRC therefore recommends that: -

- 1) Government should consider amending the appropriate law in order to temporarily suspend OTT during the campaigns and election period so as to enable Ugandans to receive candidates' messages online and for candidates to campaign without exorbitant costs;
- 2) The Uganda Communications Commission should issue guidelines to candidates and the electorate on the responsible use of social media and to desist from spreading harmful and 'fake' information;
- 3) Government should deliberately and expeditiously step up measures to expand the internet network within the country by increasing internet coverage to the all areas of the country to enable access for all Ugandans;
- 4) Government should discuss with the relevant service providers with a view of exploring the possibilities and benefits of revising the cost of internet in Uganda to make it more affordable for majority of the citizens.

2.4 OWNERSHIP OF RADIO AND TELEVISION STATIONS, AND THE ENFORCEMENT OF COMPLIANCE WITH ELECTORAL REGULATIONS

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 observance, 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 persons make informed decisions on all governance issues in the country. The Electoral Commission has provided guidelines that candidates should use media platforms for campaigns. Currently, there are 292 licenced radio

stations and 33 operational television stations in the country.¹⁰ However, the UHRC notes with concern that majority of these radio and television stations are owned by some proprietors with strong or overt vested political interests and biases, which would inadvertently put the candidates without ownership at a disadvantage of not receiving airtime on those particular radio and television stations.

The UHRC recommends that: -

- 1) The Ministry of ICT and National Guidance should issue and enforce further guidelines on the usage of the media platforms for all candidates without discrimination;
- 2) The Electoral Commission should also issue and enforce further guidelines on how campaigns will be run since the candidates will be campaigning at the same time;
- 3) All media houses should promote free and equitable access to the media, to allow all candidates equal opportunity to convey messages to the public;
- 4) Uganda Communications Commission and the Ministry of ICT and National Guidance should monitor and regulate the use of media platforms to guide contestants from using hate speech and spreading harmful propaganda.

2.5 DURATION OF THE VOTING PERIOD

In the 2016 general elections, the voter turn-up was 63.5%¹¹ with many voters complaining of late deliveries of voting material and being caught up by time. The UHRC notes that if the country is to put in place all the required Ministry of Health Guidelines/ Social Operational Procedures (SOP) such as social distancing, washing

¹⁰ Uganda Communication Sector at a Glance, Uganda Communications Communication Page 4 available at <https://www.ucc.co.ug/wp-content/uploads/2017/09/Communication-Sector-Performance-for-the-Quarter-ending-June-2018.pdf>

¹¹ <https://www.ifes.org/news/taking-stock-ugandas-2016-general-elections>

hands and regular disinfection of surfaces to curb the spread of COVID-19 and the fact that many people travel long distances to access polling stations and with the curfew in place, it may be a challenge for many voters to wait for long hours in queues and also get to their homes before curfew time. All this may affect voter turn-up and the voting time may not be sufficient for persons to vote within the stipulated time.

In minimizing the spread of COVID-19 during the elections, Government and the Electoral Commission should also avoid acting in an arbitrary and unfair manner. The Constitutional Court in the case of *Rubaramira Ruranga vs Electoral Commission & Attorney General, Constitutional Petition No. 21 of 2006* ruled that 'to ensure that elections are free and fair, there should be sufficient time given for all stages of elections, nominations, campaigns, voting and counting of votes.' In this case, the Court quashed EC guidelines that sought to limit candidates' campaigns in local council, women's council and youth council elections to just five minutes. The decision in this case points to the fact that where the political environment is likely to cause unfair elections, the EC should take all reasonable steps to ensure that a reasonable amount of time is given for campaigns to take place and for the electorate to vote freely. Whereas the COVID-19 pandemic has altered the normal flow of elections, the EC should explore the possibility of extending the time for elections and campaigns. This will ensure that candidates and the voters are not unfairly disadvantaged in the electoral process.

The UHRC recommends that: -

- 1) The Electoral Commission should deliver election materials to all polling stations on time including health related facilities. These should be delivered on the eve of elections to allow adequate preparations which will in turn ensure that polling stations open and close on time;
- 2) The Ministry of Health and the Electoral Commission should ensure that all polling stations should be sanitized and well equipped with health supplies to ensure the safety of voters and polling agents.

2.6 INCLUSION OF PERSONS WITH DISABILITIES AND OTHER 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 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.

States are also required to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected. However, there are several barriers that hinder effective participation of persons with disabilities in electoral processes. Some of these challenges include; lack of access to information (Braille and large print), voter education, communication barriers (lack of sign language interpreters) and election procedures, discrimination of PWDs and poor infrastructure which does not provide reasonable accommodation to PWDs.

With the upcoming digital campaigns and elections, the UHRC is concerned that there could be a risk of leaving PWDs behind when it comes to accessing information and communication from all candidates who may not be sensitive to the needs of PWDs. The UHRC further notes that many PWDs lack radios and televisions in their homes and may find challenges accessing locations where communal radios will be placed. All this may then affect the meaningful participation of persons with disabilities in the electoral process.

The UHRC recommends that: -

- 1) The Electoral Commission should make special arrangements for PWDs and all other vulnerable persons to easily access polling stations and effectively exercise their right. For instance, voters with visual impairment should be allowed to

access the polling stations with their assistants/aids as long as they follow the health guidelines;

- 2) Political parties' manifestos should include provisions for PWDs and other vulnerable persons to take up leadership positions;
- 3) The Electoral Commission should consult on all decisions that affect elections of persons with disabilities;
- 4) The Electoral Commission and other bodies accredited to offer voter education should provide voter education to persons with disabilities in accessible formats such as Braille;

2.7 GENDER INEQUALITY AND ITS IMPACT ON HYBRID DIGITAL ELECTIONS

Article 33 (4) of the Constitution of the Republic of Uganda provides that women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. It is however a fact that the COVID-19 pandemic has inflamed and exacerbated the already existing inequalities that often leaves women out of decision-making processes. The Commission notes that men in most communities are the owners or the ones in charge of technology and electronic gadgets such as radios and televisions. Many families and communities also still believe that technology is a male preserve.

UHRC further notes that women's already disproportionate share of care responsibilities has become particularly heavier during the pandemic, with risks of serious consequences on their physical and mental health. The cultural construction of gender imposes certain roles to women and girls within the family to caring for children and other dependent family members as well as providing for basic needs such as domestic work, food, hygiene and education for children. The burden is now heavier on them to

fulfill these needs due to a significant increase in the care needs of children, elderly and the sick that are at home during this pandemic.

The Commission is therefore concerned that with women having a heavy burden on care responsibilities and their inability to access technology and electronic gadgets, this might deny them the opportunity to access information related to elections and other pertinent health programs and this will in essence affect women's effective participation during elections.

The UHRC therefore recommends that: -

- 1) The Government should ensure that women be especially considered during the distribution radio sets and female candidates should be provided platforms to use media to campaign favourably with their male counterparts;
- 2) The Electoral Commission should aim at making the electoral process more responsive to the needs of vulnerable groups such as pregnant women, the elderly and other marginalised persons to enable them participate in electoral processes at all levels;

2.8 COST OF CONDUCTING ELECTIONS

The COVID-19 pandemic will impact the costs of elections in a multitude of ways. Increased costs include personal protective equipment, such as hand sanitizer and face masks which will have to be procured and distributed to polling stations. Election training materials also need to adopt provisions around health measures and time needed to sensitise the electorate. Additional costs will have to be incurred to sensitize voters, encouraging them to vote and assuring them of the safety of the process. Disrupted supply chains and the complexities of delivering bulk electoral materials in a safe and timely manner will also add to the costs of elections.

Elections also risk lower voter turnout during the pandemic, due to fears or uncertainties about the effects of the pandemic. With fewer voters to cast their votes,

the cost of elections increases while the same service needs to be provided regardless of the voter turnout.

The UHRC therefore recommends that: -

- 1) Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the Electoral Commission and Ministry of Health to factor in additional costs for managing elections and health requirements throughout the electoral process.

2.9 NOMINATION OF PRESIDENTIAL, PARLIAMENTARY AND LOCAL COUNCIL CANDIDATES

The Electoral Commission provided guidelines on nomination of candidates where the nomination forms will be availed to all candidates on the Electoral Commission website and for those without access to internet, the forms will be picked from the Electoral Commission offices across the country by the candidate, accompanied by only two people; the nominator and the seconder.

The UHRC commends the Electoral Commission for these measures and further advises that: -

- 1) The Electoral Commission should 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 persons;
- 2) All political parties should put in place health guidelines to ensure that candidates are safeguarded. Strategies to enhance democracy and management of party primaries should also be enhanced to ensure free, fair and transparent party primaries.

2.10 UGANDANS IN THE DIASPORA AND IN DETENTION FACILITIES

Article 59 of the Constitution accords the right to vote to all Ugandan citizens of eighteen years and above and the government is obliged to ensure that all necessary steps are taken to ensure that all citizens qualified to vote register and exercise this right. UHRC notes that the Electoral Commission has not been providing mechanisms for Ugandans in the diaspora and those in detention facilities the right to vote. According to Ministry of Foreign Affairs, there are about 1.5 million Ugandans in the diaspora¹², majority of whom are eligible to vote, whereas 55,229 persons detained in Uganda's prisons¹³ facilities are also eligible to vote.

In the case of *Kalali Steven Vs Electoral Commission Misc. Cause No. 35 of 2018*, Lady Justice Lydia Mugambe who restored the right of prisoners and Ugandans in the diaspora to vote observed that; "for the right to vote to be meaningful, there must be information regarding who is standing, for what position, their manifestos and other information relevant to the voting." She mentioned that persons in detention facilities and Ugandans in the diaspora who are entitled to vote should not be deprived of that right because denying them that right is outright discrimination. She considered countries like Kenya, Nigeria, Zambia, South Africa and Ghana which have put mechanisms in place for persons in detention facilities to vote.

The UHRC recommends that: -

- 1) In regard to this landmark ruling, UHRC notes that it may not be realistic to implement this court ruling during these upcoming 2021 elections. However, the UHRC advises that for the next elections, the Electoral Commission should deliberately work towards setting up guidelines for the participation of detainees and Ugandans in the diaspora, to enable them vote in the next electorates.

¹² Ministry of Foreign Affairs: Diaspora Overview, available at <https://www.mofa.go.ug/data/smenu/16/Overview%20and%20Mandate.html>

¹³<https://www.prisonstudies.org/country/uganda>

- 2) The Electoral Commission should work hand in hand with the Ministry of Foreign Affairs and Ugandan Embassies to put in place electoral materials to ensure that eligible voters in the diaspora are able to register as voters online and able to vote at the different Ugandan Embassies.

2.11 EFFECTIVE VOTER EDUCATION

The Electoral Commission is constitutionally mandated to conduct voter education. Voter education is particularly important because it entails providing citizens with basic information about participating in elections. The UHRC notes that with the current situation, many people are scared of contracting the Covid-19 virus during the electoral processes, while others have questions on how the electoral processes will be conducted.

The UHRC therefore recommends that: -

- 1) The Electoral Commission should identify and use innovative voter education strategies and methods geared towards achieving effective appreciation among voters, candidates, agents and supporters, of the absolute necessity for adherence to the Ministry of Health guidelines, and the Social Operating Procedures within the current situation of life and death.
- 2) The Electoral Commission should ensure that voter education stimulates voter participation and should be inclusive for all adult Ugandans, particularly vulnerable persons.

2.12 MEASURES TO CURB THE SPREAD OF COVID-19

Article 50(1) of the Electoral Commission Act grants the Electoral Commission powers to issue particular or general instructions to meet the exigencies of an emergency or unusual or unforeseen circumstance during the electoral process, such as the COVID-19 pandemic. UHRC notes that credible elections should be characterised by fairness,

transparency and freedom of speech and expression which also includes freedom of the press and other media.

Uganda has adopted measures to curb the spread of the COVID-19 ranging from social distancing to bans on mass gatherings, stay-at-home orders and lock-downs. However, the Commission notes that while these measures are useful, many people are still not well informed about them while others have not appreciated them or have adamantly refused to adhere to them, which may put many voters at risk.

The UHRC therefore recommends that should: -

- 3) The Electoral Commission should adopt measures to fight COVID-19 as an additional health safeguard to make voting and observing of elections safe. In particular, they should ensure that there is no congestion at polling stations; should prevent or mitigate person-to-person interaction during electoral activities; should prevent or mitigate the contamination of common surfaces and objects by infected individuals; and should prevent or mitigate individuals' exposure to contaminated surfaces and objects during the electoral process;
- 4) The Electoral Commission should communicate and coordinate with competent public health authorities and experts in the different communities, to advise on appropriate ways of handling difficult health related concerns and situations.
- 5) The Electoral Commission should identify all persons under quarantine and send out a notice to those interested in voting to be allowed to vote from a polling station nearest to them, preferably after all the other voters at those polling stations have finished casting their votes. This will prevent persons in quarantine from crossing paths with the other voters. The polling stations should thereafter be disinfected.
- 6) All election officials and members of the public should be cautioned to also safeguard their own safety while fulfilling their right to vote.

CONCLUSION

As Uganda prepares for the hybrid 2021 General Elections, a number of new measures have to be put in place by the Government, the Electoral Commission and other relevant agencies to ensure a safe, free and fair election. This is the first time that Uganda is holding digital campaigns and as such, the electorate and all Ugandans should not only be protected from the pandemic but also from human rights violations that lie thereunder. In this regard, whatever is to be done in preparation for the 2021 general elections is expected to be facilitating the realization of human rights. The principles of democracy and respect for human rights should therefore be upheld throughout the electoral process to ensure that all citizens of Uganda are given equal opportunities to participate in the political affairs of their country. It our hope that this Advisory will be taken into consideration to enable a safe and human rights complaint electoral process.