

EISA Pre-Election Assessment Mission Report



**REPUBLIC OF UGANDA
15 - 19 September 2015**

ABBREVIATIONS

CEON-U	Citizen Election Observer Network Uganda
CP	Conservative Party
DP	Democratic Party
EC	Electoral Commission
EISA	Electoral Institute for Sustainable Democracy in Africa
FDC	Forum for Democratic Change
IPOD	Inter-Party Coalition for Dialogue
JEEMA	Justice Forum
LTOs	Long Term Observers
NGOs	Non-Governmental Organisations
NRM	National Resistance Movement
PAM	Pre-election Assessment Mission
SMS	Short Message Service
STOs	Short Term Observers
TCC	The Carter Center
TDA	The Democratic Alliance
UPC	Uganda People's Congress
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UPDF	Uganda People's Defense Force

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EXECUTIVE SUMMARY

In line with its mission of promoting credible elections, citizen participation and strengthening political institutions for sustainable democracy in Africa, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a Pre-Election Assessment Mission (PAM) to Uganda from 15th – 19th September 2015. The purpose of the PAM was to assess the state of preparedness of the Electoral Commission of Uganda, political parties, Civil Society Organisations (CSOs) and other stakeholders for the forthcoming 18th February 2016 Presidential and Parliamentary elections.

The PAM was also tasked to undertake an assessment of the pre-election context of the election to ascertain whether conducive conditions exist for the conduct of credible elections in line with regional and international norms such as the African Charter on Democracy Elections and Governance; and the Principles for Election Management, Monitoring and Observation (PEMMO).

In fulfilment of its mandate, the Pre-Election Assessment Mission met with key stakeholders in the electoral process based in Kampala (See appendix 1). EISA wishes to thank these stakeholders for availing themselves to provide necessary information to the Mission.

The Pre-Election Assessment Mission noted that the 2016 parliamentary and presidential elections will take place against the backdrop of long term political dominance by the National Resistance Movement (NRM) under 30 years of President Museveni's leadership and that they will be contested by eight candidates, of which, only one is a woman.

The Mission also noted that the legal framework is quite limited in regulating campaign finance as it does not provide expenditure ceilings, nor does it provide for mandatory disclosure, thus leaving the process open to uncontrolled influence of money. The Mission further noted the existence of a vibrant civil society which is actively engaged in voter education as well as in training of both youth and women political aspirants.

Also noted was the violent and forceful behaviour of security forces, especially towards the opposition candidates. In particular, the PAM was informed that the security forces were using wrongful interpretation of the law to harass and restrict opposition candidates from holding rallies.

BACKGROUND AND CONTEXT OF THE 2015 ELECTIONS

Background and context of the 2016 elections in Uganda

Presidential and Parliamentary elections in Uganda are scheduled to take place on 18 February 2016. These will be the third multiparty elections since the return to multiparty politics in 2005. These elections take place against the backdrop of long term political dominance by the National Resistance Movement (NRM) under 30 years of President Museveni's leadership. Although Mr. Museveni has been in power since February 1986, the first elections under his regime were held in 1996. The elections were held under a 'no-party' system where Museveni defeated his opponents, Paul Ssemogerere and Mohamed Mayanja, by a landslide victory. The next presidential elections were held in 2001, which saw the entry of Dr. Besigye as Museveni's main opponent, and he has remained so to date. Dr. Besigye stood against Museveni in 2001, 2006 and 2011, gaining 27%, 39% and 32% of the votes respectively. The 2016 elections will record the entry of Amama Mbabazi, the former Prime Minister and former NRM Secretary General, who was a long-time ally of Museveni until his sacking in March 2015.

The 2016 presidential elections will be contested by eight candidates. It is however expected to be three-horse race between the incumbent President, Yoweri Museveni (NRM), and two candidates who have also had links to the NRM, namely Dr. Kizza Besigye of the Forum for Democratic Change (FDC) who was President Museveni's personal physician during the bush war, and Mr. Amama Mbabazi of the GoForward alliance, who was the Prime Minister of the Republic of Uganda. While President Museveni will be contesting for his fifth term, it will be the fourth presidential election contested by Dr. Besigye and the first contested by Mr. Mbabazi.

The pre-election period has been characterised by increasing public concern about intimidation of Museveni's opponents. The opposition candidates have in some instances been prevented from addressing rallies due to what has been seen as selective misinterpretation of the law by security forces.

Elections in Uganda since 1996 have witnessed a drop in voter turnout. The 1996 and 2001 elections had the highest level of voter turnout at 72.6% and 70.3% respectively. In 2006 and 2011 voter turnout dropped to 69.7% and 59.3% respectively. There are 15,277,196 registered voters in Uganda and the elections will be conducted in 28,010 polling stations in Uganda.¹

Table 1:
Uganda 2011 Presidential Election Results

Candidate	Party	Number of Votes	% Votes
Yoweri Kaguta Museveni	NRM	5,428,369	68.38%
Kizza Bisigye	FDC	2,064,963	26.01%
Norbert Mao	DP	147,917	1.86%
Olara Otunnu	UPC	125,059	1.58%
Beti Kamywa	UFA	52,782	0.66%
Abed Bwanika	PDP	51,708	0.65%
Jaberi Bidandi Ssali	PPP	34,688	0.44%
Samuel Lubega		32,726	0.41%

Source: http://www.ec.or.ug/sites/Elec_results/2011_Pres_dis.pdf

Table 2:
Uganda 2011 Parliamentary Election Results and Seat Allocation

Party	Directly-elected Seats		Indirectly-elected Seats		National Total
	Constituency	District Women Representatives	Special Interest Groups	UPDF	
National Resistance Movement (NRM)	164	86	13	-	263
Forum for Democratic Change (FDC)	23	11	-	-	34
Democratic Party (DP)	11	1	-	-	12
Uganda People's Congress (UPC)	7	3	-	-	10
Conservative Party (CP)	1	-	-	-	1
Justice Forum (JEEMA)	1	-	-	-	1
Independents	30	11	2	-	43
Vacant	1	-	-	-	1
Uganda People's Defense Force (UPDF)	-	-	-	10	10
Total Seats	238	112	15	10	375

Source: http://www.ec.or.ug/sites/Elec_results/Elected%20MPs%202011%20General%20Elections.pdf

¹ <http://www.ec.or.ug/?q=content/election-results>

THE LEGAL AND INSTITUTIONAL FRAMEWORK

The legal framework governing elections in Uganda has six principal pieces of legislation. These are the Constitution of 1995, (amended), the Presidential Elections Act 2005 (amended), the Parliamentary Elections Acts 2005, (amended), the Electoral Commission Act of 1997, (amended), the Political Parties and Organizations Act of 2005, (amended in 2010) and the Local Government Act (amended 2005, 2006 and 2010).

The Constitution and Electoral framework

The Constitution of Uganda sets the legal framework for the conduct of elections. It guarantees fundamental freedoms and human rights as it provides for freedom of information, freedom of association and freedom of assembly as well as the right to form political associations and parties.

Affirmative action for the rights of women, youth and persons with disabilities is also enshrined in the Ugandan Constitution. Specifically, there are special seats established within Parliament to ensure the participation of women, youth and persons with disabilities, labour unions and the Uganda People's Defense Force (UPDF).

The Constitution also provides for the establishment of the Electoral Commission of Uganda (EC) as the legally mandated body responsible for the conduct of elections, the management of the voter register, delimitation of electoral districts and the registration of political parties. The 2005 referendum saw the removal of presidential term limits from the constitution.

The Electoral Commissions Act (Cap 140) of 1997, as amended, provides for the establishment of the EC and sets out its mandate and responsibilities. It also makes provisions for its financing and functions.

The Local Government Act (Cap 243) of 1997, as amended, regulates the conduct of elections of local government councils. The Act mandates the EC to

organise local government elections every five years. In regards to settlement of election disputes, the Act grants the right to challenge electoral outcomes to candidates and voters that participated in an election. The Act mandates the High Court to hear petitions arising from local government elections.

The Presidential Elections Act and the Parliamentary Elections Acts of 2005, as amended, provide details of the procedures for the conduct of National Assembly and Presidential elections. The Acts provide the procedures for the nomination of candidates, political campaigns, polling, counting, tallying, declaration of election results, and election petitions in presidential and parliamentary elections. It mandates the EC to conduct presidential and parliamentary elections within the first 30 days of the last 90 days of the tenure of the incumbent president.

Political Parties and Organisations Act (PPOA) 2005 is an Act of Parliament that seeks to provide for the regulation, financing and functioning of political parties and organisations.

Electoral reforms:

There have been calls for electoral reforms in Uganda since 2006. Some of the proposed amendments to the various electoral laws have been enacted while some amendments were postponed to subsequent elections. For instance, the following laws have been amended over the years: The Electoral Commissions Act (of 1997) was amended in 2010; the Local Government Act (of 1997) was amended in 2005 and 2010; the Presidential and Parliamentary Elections Act (of 2005) was amended in 2010 and 2015; and the Political Parties and Organisations Act (of 2005) was amended twice in 2010.

In 2013, political parties and Non-Governmental Organisations (NGOs) launched a national campaign, whose main thrust was to generate a consensus on the electoral reforms that would engender free and fair elections. The consultations were held in each of the 15 regions of the country. A national consultation was held in November 2014 at which 17 salient points, regarded

as essential to guarantee free and fair elections, were agreed upon. The consultations culminated into the signing of 'The Uganda Citizens' Compact on Free and Fair Elections' by the participating political parties and NGOs.² The compact highlighted the 17 key areas of reforms. Some of the proposed reforms in the compact included: registration and voting for Ugandans living in the diaspora; and a proposal for review of the recruitment and identification process for members of the Electoral Commission through engagement of the Judicial Service Commission and in consultation with political parties.

There were also proposals for electoral reforms presented by the Inter-Party Coalition for Dialogue (IPOD). The Coalition tabled 43 Electoral and Constitutional reforms, which also seek to improve the conduct of the 2016 elections. Some of the proposed reforms include: review of the selection and tenure of office of members of the Electoral Commission; a ban on election of special interest groups like the army, youth and workers to parliament; re-instatement of Presidential term limits and the introduction of proportional representation as an electoral system for Uganda.

In response to the call for reforms, the Presidential Elections Amendment Bill, 2015 and the Parliamentary Elections (Amendment) Bill, 2015 were both passed by Parliament on the 30th September, 2015 and assented to by the President of Uganda on the 1st October, 2015. Some of the reforms in the Bill include:

- Providing for polling to close at 4:00pm on polling day. Polling initially closed at 5.00pm.
- Revision of the nomination fees payable by a parliamentary and presidential candidate. Nomination fees payable by parliamentary aspirants were increased from Shs. 200,000 to Shs. 3,000,000 while nomination fees payable by a presidential candidate were increased from Shs. 8,000,000 to Shs. 20,000,000.
- Revision of the facilitation provided to a presidential candidate under the Act. The amendment scrapped government's contribution to presidential candidates.

The candidates will be required to fully fund their campaigns.

- Removal of the requirement for a candidate to campaign in every district of Uganda. The removal of this requirement was mainly due to the constantly increasing number of districts in the country.

Most of the consulted stakeholders raised concerns about the pending amendment proposals, noting that they are likely to influence the process and outcome of the 2016 elections if not effected. These pending amendments include the EC amendment bill 2015 that was not passed.

The Electoral System

Uganda is a presidential republic where the President serves as the Head of State and Head of Government. The Head of State is elected by popular vote for a five-year term. The current President, Yoweri Kaguta Museveni, is also the Head of the Armed Forces. The vice president, Edward Ssekandi, is the second-highest executive official in the Ugandan government. The cabinet is appointed by the President from among the elected legislators. The Prime Minister, currently Ruhakana Rugunda, assists the President in the supervision of the cabinet. The current cabinet was reconstituted on 1st March 2015.

The National Assembly consists of members directly elected to represent constituencies and includes: one woman representative for every district, representatives from four categories of Special Interest Groups (SIG) namely the army, youth, workers and persons with disabilities; and the Vice-president and Ministers who, if not already elected Members of Parliament, shall be ex-officio members without the right to vote on any issue requiring a vote in Parliament. The current parliament (9th) comprises 238 Constituency Representatives; 112 District Woman Representatives; 10 Uganda People's Defence Forces Representative; and 5 representatives from the youth, workers and persons with disabilities. There are also 13 Ex-officio Members. Parliament is presided over by the Speaker, and in his absence, the Deputy Speaker both of whom are elected by Members

² <http://ngoforum.or.ug/wp-content/uploads/downloads/2015/01/Citizens-Compact-on-free-and-fair-elections-2-1.pdf>

of Parliament from their number (See table 2).

Uganda is divided into 112 districts, spread across four administrative regions: Northern; Eastern; Central (Kingdom of Buganda); and Western. The districts are subdivided into counties. Each district is divided into sub-districts, counties, sub-counties, parishes and villages.

Elections in Uganda are conducted by universal adult suffrage and they follow different variants of the first-past-the-post (FPTP) electoral system. The presidential elections follow a two-round variant of the FPTP system. According to this system, in order to be elected, a presidential candidate requires more than 50 per cent of the valid votes cast. Where no candidate obtains this percentage, a second round (run-off) should be held between the two candidates who garnered the highest number of votes within thirty days of the declaration of the results of the first round.

Parliamentary elections are conducted by the simple majority First Past the Post (FPTP) system and aimed at electing three categories of representatives. These are directly elected MPs (each representing an electoral constituency); directly elected district women representatives (represent each administrative district); and 25 Special Interest representatives. The first two categories aim at electing a total of 238 MPs. A plurality single-member FPTP system is used for the election of directly elected MPs (the constituency representative and the woman MP). Specifically, for the election of constituencies MPs, the districts are divided into electoral constituencies that elect a single MP. For the election of district women representatives, each district in Uganda is taken as one constituency and elects one representative (single-member constituencies). The winner of the seat in parliament is the candidate with the highest number of valid votes cast in the constituency.

The categories for Special Interest Groups (SIG) are youth, workers, persons with disabilities and the Ugandan People's Defence Force (UPDF). The election of SIG representatives is done through electoral colleges. These colleges are constituted by the leadership of the

SIG at regional and local levels. For the election of youth representatives, the regional electoral colleges are composed of district youth councils within the regions and a national youth council conference. For the election of the UPDF representatives, the electoral college comprises members of the Military (UPDF) council. For representatives of workers, the college comprises representatives from the National Organisation of Trade Unions and the Confederation of Free Trade Unions. For the elections of persons with disabilities, members of the electoral college are delegates with disabilities from the districts. Allocation of seats to the SIG is according to the Parliamentary Elections Act of 2005. The Act specifies that each SIG shall be allocated five seats in parliament, with the exception of the military, which is granted 10 seats. The dates for nominations and elections for the SIGs are set by the EC.

Party and campaign finance

Political parties in Uganda are funded by the government. The funding is however provided only to political parties represented in parliament and independents duly elected. Uganda does not have a dedicated law that regulates campaign financing. However, there are provisions for managing party and campaign finance. Campaign expenditure is therefore not strictly regulated as there are no caps on how much one may raise or spend or the sources of campaign finances. This gives undue advantage to the candidates who have resources and as such prevents potential candidates, especially women, from contesting. This has been further compounded by the changes in the Electoral Commission Act in 2015. Initially, the law provided for the EC to offer every candidate the sum of 1,000 currency points and such other facilities as Parliament may approve. The amended law requires the presidential candidates to fully finance their campaigns.

Section 27 and Section 25 of the Presidential Elections Act (as amended) 2005, and Parliamentary Elections Act (as amended) 2005, respectively restrain candidates from the use of government resources. A person who contravenes any provision of these sections commits an offence and is liable on conviction to a fine not exceeding

24 currency points or imprisonment not exceeding one year or both. However while the two law prohibits the use of government resources for both presidential and parliamentary campaigns, it allows the President to use the government facilities attached to his office. Section 27 (2) of the Presidential Elections Act states that, “a candidate who holds the office of 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.” The PAM noted the concerns of consulted stakeholders regarding the blurred distinction between state apparatus and the ruling party, raising fears of the misuse of state resources by the party in the election campaigns.

Commercialisation of politics in Uganda was also reported to the PAM. Specifically, incidents of vote-buying and bribery were reported by some of the consulted stakeholders..

Election Management

The Electoral Commission is established in the Constitution of Uganda (Article 60) and the Electoral Commission Act, 1997, as amended. It consists of the six Commissioners led by a Chairperson. The Commission is appointed by the President with the approval of Parliament. The power to remove members of the Commission is also vested in the President, who

can remove members on the basis of incompetence, misconduct and incapacity. The members serve for a renewable tenure of seven years.

The Electoral Commission Act, 1997 provides for the office of the Secretary of the Commission, who is a public officer appointed by the Electoral Commission in consultation with the Public Service Commission. The terms and conditions for holding office are determined by the appointing authority. The Secretary serves as the accounting officer and is in charge of the day-to-day running of the commission.

The functions of the EC as specified in the Constitution and Electoral Commission Act are to;

- Organise, conduct and supervise elections and referenda
- Compile, maintain, revise and update the voters’ register
- Demarcate constituencies
- Promote and regulate appropriate voter education
- Regulate the campaign process
- Hear and determine election complaints arising before and during polling
- Ascertain, publish and declare in writing under its seal, the results of the elections and referenda
- Accredite observers and party agents

The current Chair and members of the Commission are indicated in table 3:

Table 3:
Members of the Electoral Commission

Name	Designation	Area of Responsibility
Eng. Dr. Badru M. Kiggundu	Chairperson	Near East districts
Joseph Biribonwa	Deputy Chairperson	Central North Region
Tom Burukut	Commissioner	Far East Region
Dr. Jenny Okello	Commissioner	Central South region
Stephen Ongaria	Commissioner	North Region
Mugambi Justin Ahabwe (Mrs)	Commissioner	Mid-West Region

Source: www.ec.or.ug

The Electoral Commission is funded by the government in accordance with the Electoral Commission Act. Section 9 of the Act states that, “all monies required to defray all expenses that may be incurred in the discharge of the functions of the commission or in carrying out the purposes of this Act are charged on the Consolidated Fund.” The Act further provides that, “the funds of the commission may, with the prior approval of the Minister responsible for finance, include grants and donations from sources within or outside Uganda to enable the commission to discharge its functions”. Apart from the government support, the Commission is also receiving support from the donor community (EU and UNDP) in specific areas. Support from the EU is towards results transmission and from the UNDP towards voter education and Public Relations (PR).

KEY FINDINGS ON THE PRE-ELECTION PHASE

Constituency Delimitation

Article 61(c) of the Constitution of the Republic of Uganda bestows the mandate for constituency delimitation on the Electoral Commission. Demarcation should be in accordance with the size of the population and the geographical area. In demarcating the constituencies, the EC is supposed to ensure that each county has at least one MP. The Constitution also stipulates that, as far as possible, the number of inhabitants in each constituency should be as equal as possible to the population quota.

One of the key issues ahead of the elections was the creation of new districts to bring the total number of districts for the 2016 elections to 112. In 2010, 25 new districts were created. The concerns raised by stakeholders were that these districts were created with political inclinations, as the new districts meant new parliamentary seats, which they interpreted as more seats for the ruling party. The government however maintained that districts were created to improve service delivery.

There are currently 112 districts and 238 constituencies

in Uganda. The constituencies act as administrative units whereby directly elected MPs are elected by a simple majority. The districts act as electoral units for the election of the women MPs. The 112 women MPs are thus elected district wide.

Voter Registration

A credible voter registration is a key element of free and fair elections and is the basis for the exercise of a person’s right to participate in an election. In Uganda, the right to vote is guaranteed in the Constitution. According to Article 59, every citizen of Uganda of 18 years of age or above has a right to vote. It is however the duty of the citizen to register as a voter for public elections and referenda. A person can only register in a parish or ward where he or she originates or resides.

The voter register for 2016 was extracted from the national civil registry data and resulted in 15,277,196m eligible voters, up from 13,954,129 voters registered in 2011. A new development in the updated register is that it is supposed to include photographs and biometric details for all voters.

In accordance with Section 25 of the Electoral Commissions Act, 1997 (Cap 140), before any election is held the voters register must be displayed to the public in order to ensure accuracy of the register. In line with this provision, the National Voters’ Register was displayed in all polling stations from 22 July to 11 August 2015. The purpose of the display was to enable voters to check the correctness of their particulars on the register, confirm that their photographs appear against correct particulars on the Voters’ Register, and report to the display officer anomalies in the register. This was to allow for necessary changes and corrections to be made, including deleting the names of persons who have died or those who are no longer eligible to vote, such as under-aged, fictitious persons and persons who have moved to another area.

The display was followed by another period of 11 days, from 14 to 24 August 2015, in which the lists of all persons recommended for deletion from the

National Voters' Register were displayed for a period. "The purpose of this supplementary display exercise was to enable any person who may have been wrongly recommended for deletion to raise an objection to the Parish/Ward Tribunal." After nominations, each political party with a presidential candidate is entitled to a copy of the voter register, as well as the list of all polling stations as gazetted.

Section 18A of the Electoral Commission Act 1997 (as amended) mandates the Electoral Commission to issue a complete set of photo-bearing National Voter' Register to each of the candidates contesting in the 2016 Presidential Elections. In line with this, the register was presented to the contestants on 14 December 2015.

Political party registration and candidate nomination

It is the mandate of the EC to undertake both party registration and nomination of candidates. There are 26 registered political parties in Uganda. Application for registration of a political party follows the following procedure:

- Make a formal request (in writing) to the Electoral Commission expressing intention and making reservations of the Name, Symbol, Slogans and Colours of your Political Party
- Obtain from the Electoral Commission an Application Form (Form 1 in the Third Schedule of the PPOA, 2005).
- Obtain from the Electoral Commission a Declaration of Assets and Liabilities and Particulars of the Political Party or Organization (Form 2 in the Third Schedule of the PPOA, 2005).
- Submit Forms 1 and 2 duly filled by the Applicant and endorsed by a Commissioner for Oaths/Notary Public.
- Submit two copies of the Party Constitution, duly signed by authorized officials of the organization together with proof of payment of Deed fee as prescribed in the Regulations.
- Submit a list of the full names and addresses of at least fifty members of the organization from each of at least two thirds of all the districts of each of

the traditional geographical regions of Uganda and who must be resident or registered voters in the district.

- Provide a full description of the identifying Symbols, Slogans, and Colours of the Organization or Political Party and after approval, pay the prescribed registration fee.
- On receipt of the Application the Commission will embark on the registration process and may cause independent inquiries to be made to ascertain the truth or correctness of particulars submitted with the Application. The Electoral Commission shall process the application within six months.
- The Electoral Commission shall not register any political party or Organisation whose name, slogan or colour resembles that of a Political Party that has already been registered or whose aims and objectives or Constitution contravenes any law.

The Presidential Elections Act, 2005 outlines the requirements for qualification as a presidential candidate. According to the Act, in order to qualify for nomination as a presidential candidate a person must be a citizen of Uganda of 35 years of age and not more than 75 years of age. He or she must also be qualified to be elected a Member of Parliament and must have completed a minimum formal education of Advanced Level Standard or its equivalent. The candidate must also obtain support from at least one hundred (100) registered voters from at least 2/3 of all the districts of Uganda and pay nomination fees of Shs. 20,000,000.

In order to qualify for a Member of Parliament, a person must be a citizen of Uganda and a registered voter. He or she must have completed a minimum formal education of Advanced Level standard or its equivalent. The candidates must raise signatures of registered voters to support their nominations and pay nomination fees of Shs. 3,000,000.

Nominations for the candidates for the presidential elections were held on 3 and 4 November 2015 while nominations for the parliamentary elections were held on 2 and 3 December 2015. The nominations for the presidential elections had initially been scheduled

for 5 and 6 October 2015 but were rescheduled due to amendments to the Presidential Elections Act, 2005 and the Parliamentary Elections Act, 2005. The following amendments to the laws were effected: a nomination fee for Presidential candidates was revised from Shs.8, 000,000 to Shs. 20,000,000, and from Shs. 200,000 to Shs. 3,000,000 in the case of candidates for

Parliamentary Elections. The rescheduling was to allow for the candidates to comply with the amendments.

The nomination for presidential elections attracted a total of 12 applications with eight candidates being cleared to run for the election.

Table 4:
Presidential Candidates for the 2016 elections in Uganda

Name	Political Party	Political history
Yoweri Kaguta Museveni	National Resistance Movement (NRM)	The incumbent. He won his first general election in 1996 and has won all subsequent elections in Uganda. He will be running for his 5th term.
Dr. Kizza Bisigye	Forum For Democratic Change (FDC)	The main opposition leader. He has stood against Museveni in the past three elections and lost each time. Served as Museveni's personal physician in the early 1980s. He withdrew his support for Museveni in 2001, accusing the NRM of corruption. He ran against the President for the first time in 2001.
Amama Mbabazi	Go Forward	Served in Museveni's government for more than 20 years. Was an NRM Secretary General and former Prime Minister between 2011 and 2014, when he was sacked by the President.
Abed Bwanika	People's Development Party	Running for the third time
Benon Biraaro	Farmers Party of Uganda	Retired Major General
Faith Maureen Kyalya Walube	Independent	She is the only female candidate in the presidential race. She is Museveni's former presidential advisor on poverty alleviation in the Busoga sub-region.
Prof. Venansius Baryamureeba	Independent	A former Vice Chancellor at Makerere University
Joseph Mbirizi	Independent	

Conflict Management

The Electoral Commission Act, 1997 gives the Electoral Commission the mandate to resolve low level electoral disputes with any appeals taken to the High Court. According to section 15 of the Act, "any complaint submitted in writing alleging any irregularity with any aspect of the electoral process at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided by the commission; and where the irregularity is confirmed, the commission shall take necessary action to correct the irregularity and any effects it may have caused. An appeal shall lie to the High Court against a decision of the commission confirming or rejecting the existence of an irregularity".

The decision of the High Court in this regard is considered final making the judiciary the final arbiter of electoral disputes. The High Court is expected to deal with any appeals of such a nature as expeditiously as possible, even if it implies suspension of other matters pending before it.

The PAM noted the existence of alternative dispute resolution mechanisms including a dialogue forum for political parties. This is a national consultative forum for political parties and organisations aimed at promoting dialogue between political parties, resolving conflicts within and between political parties and to promote interaction of political parties with the EC. The forum consists of one member per political party and the Chair of the EC is an official. The structure is replicated at the district level.

Civic and voter education

The Electoral Commission has a mandate to educate and inform voters about the electoral process, and has carried out that mandate. In addition to the Electoral Commission, civil society organisations are accredited to do civic and voter education. The Civil Society Consortium (CCEDU) participated in voter education through a voter mobilisation campaign dubbed “Votability”. The campaign aimed at mobilising all Ugandan citizens of voting age to participate in the electoral process and empower them to make informed choices. The first phase of the campaign was in April – May 2015, with the second scheduled from September–April 2016. CCEDU also undertook training for aspiring youth and women leaders on electoral issues.

The Media

The right to freedom of expression is enshrined in a number of declarations and treaties and regional conventions, primarily in Article 19 of the International Covenant on Civil and Political Rights, which echoes the words of the corresponding Article in the Universal Declaration of Human Rights.

The PAM noted the vibrancy of the Uganda media in election reporting. For instance, it was noted that the both the National Broadcaster and private radio stations were running public debate series through the situation room as part of the election reporting. In order to ensure effective media reporting during the election period, trainings for the media were carried out by various institutions among them the Media Focus on Africa, Uganda Media Development Foundation as well as United Nations Educational, Scientific, and Cultural Organisation (UNESCO).

The law mandates equal treatment of presidential candidates on the state owned media to present their programmes to the people. Contrary to this provision, consulted stakeholders noted that the opposition was

not accorded as much space and time as the ruling party in the state owned media.

Reporting by the media is governed by the EC developed guidelines for media and the code of conduct signed by accredited media/ reporters.

Civil Society

Uganda has a vibrant civil society. The Civil Society Organisations (CSOs) have participated in voter education programmes country wide, electoral reform advocacy as well as pre-election observation. They have also been engaged in training both youth and women political aspirants on key governance issues as well as training the media in electoral reporting. The organisations are also facilitating political dialogue through the situation room which aims at promoting issue based dialogues on the election.

Citizen observation in Uganda is steered by the Citizen Election Observer Network – Uganda (CEON-U), a consortium of 18 national and 23 sub national CSOs and three associate members, which have agreed to conduct a unified, comprehensive and effective domestic election observation mission for the 2016 general elections. It plans to deploy 200 Long Term Observers (LTOs) from 1 October 2015 to 30 March 2016 in all 112 districts of Uganda. They also plan to deploy 700 STOs at sampled polling stations on election day. The observers will be expected to report through a short message service (SMS) platform to a National Information Center (NIC) set up by CEON-U³.

Through the constituent members, the consortium plans to cover specific aspects of the elections including campaign financing and transparency, women and youth participation in the electoral process, media reporting and security.

Concerns were raised about the introduction of stringent guidelines by the Electoral Commission for monitors

³ Data entry clerks and a press unit will be stationed at the National Information center to analyse data and issue reports on election day.

and observers which requires them to be accredited in person. It is also mandatory for citizen observers to be accredited at the district headquarters.⁴

Effective democratic participation of civil societies is however under threat from the Non-Governmental Organisation Bill, which is pending enactment, which, for instance, contains undefined criminal offences which may result in a jail term for NGO employees.

Gender and minority rights

The Constitution of Uganda, Article 33(4), guarantees equal rights for women and men and equal opportunities in political, economic and social activities. Article 33(5) further recognises the right to affirmative action for women in order to address imbalances created by history, tradition or custom.

Despite representing 51% of the total population, women's participation and representation in Ugandan public and political life remains limited. For instance, of the eight presidential candidates, only one is a woman and of the six Electoral Commissioners, only two are women. A factor raised by the consulted stakeholders as a contributing factor to the limited participation of women is the commercialisation of politics in Uganda. The lack of resources by female candidates, coupled with the unending demands by citizens to be given money during campaigns, have made women shy away from participating in the political and electoral process.

The PAM noted that there will be a women's situation room on election day which will monitor and facilitate dialogue on women participation in the electoral process.

Security

The National Police will provide security during the election period. The PAM noted concerns by the

consulted stakeholders of the existence of militia groups formed by political parties in preparation for the 2016 elections. Notably, there were concerns about the Kapoza Mutale militia and crime preventers. The crime preventers (formed to provide community policing to maintain law and order during elections) are reported to be recruited, trained and armed by the police. The lack of a clear strategy regarding their recruitment and engagement leaves room for manipulation and misuse by politicians.

Also noted was the violent and forceful behaviour of security forces, especially towards the opposition candidates. In particular, the PAM was advised that the security forces were using wrongful interpretation of the law to harass and restrict opposition candidates from holding rallies.

Election Campaigns:

Campaign schedules for the presidential and parliamentary elections are determined by the Electoral Commission. Every presidential candidate is entitled to hold individual campaign meetings in any part of Uganda. A candidate's agent may also carry out campaign meetings or hold consultative meetings on behalf of the candidate. One or more joint candidates' campaign meetings may also be organised by the Electoral Commission for candidates who consent to participate in such meetings. Every parliamentary candidate is required to give his or her programme to the returning officer who is supposed to ensure that campaign meetings by different candidates do not coincide.

The Presidential Elections Act, 2000 prohibits the holding of campaign meetings 24 hours before polling day. It also prohibits any person from using words, songs, signs or any other representation that is calculated to excite or promote disharmony, enmity or hatred against another person on grounds of sex, race, colour, ethnic

⁴ While the accreditation of international observers will be processed through the Ministry of Foreign Affairs, interested monitors and observers from all districts except Wakiso, Mukono and Kampala (which will be handled at the EC headquarters) will be handled at the respective district headquarters. District vetting committees will comprise of EC officials, Ministry of Internal Affairs officers, and some internal security officials

origin, tribe, birth, creed or religion. The Act prohibits campaigning at late hours beyond 18.00hrs. It further prohibits unauthorised use of Government resources for the purpose of campaigning for elections. The PAM noted concerns raised by consulted stakeholders of the abuse of state resources. In particular, concerns were raised about the use of state resources by the ruling party through the use of civil servants, diplomats and police, in campaigning for the party.

The law gives an obligation to the EC to ensure that adequate security is provided by relevant organs of the State for all presidential candidates. It also mandates public authorities to give equal treatment to all candidates during the campaign period.

APPENDICES

Appendix 1: List of stakeholders consulted

NO.	NAME	INSTITUTION
1.	Joseph Munyangabo	The International Republican Institute (IRI) (Technical Advisor)
2.	Crispy Kaheru	Citizens' Coalition for Electoral Democracy in Uganda (CCEDU) (Coordinator)
3.	Henry A. Muguzi	Alliance for Election Campaign Finance Monitoring (ACFIM) (National Coordinator)
4.	Eddie Kayinda	Alliance for Election Campaign Finance Monitoring (ACFIM) (Technical Support)
5.	Simon Osborn	National Democratic Institute NDI-Uganda (Country Director)
6.	Peter Wandera	Transparency International-Uganda (Executive director)
7.	Padde Gerald Auku	Transparency International Uganda (Programs Officer)
8.	Justine Ahabwe Mugabi	The Electoral Commission (Commissioner)
9.	Joseph N. Biribonwa	The Electoral Commission (Deputy Chairperson)
10.	Andrew Lentz	U.S Embassy-Kampala (Counselor For Economic and Political Affairs)
11.	Carla Benini	U.S Embassy, Kampala (Deputy Counselor Political and Economic Affairs)
12.	Joseph Bolton	British High Commission Kampala (Second Secretary-political)
13.	Joyce Kokuteta Ngaiza	Department for International Development-UKaid (Governance Adviser)
14.	Sabrina Bazzanella	European Union (Operations Adviser Governancy Democracy and Human Rights)
15.	Hellen Mealins	Democratic Governance Facility–DGF (Head of Programme)

ABOUT EISA

INSTITUTIONAL BACKGROUND

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

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has just signed an MOU with the Economic Community of Central African States (ECCAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Central African Republic, Democratic Republic of Congo, Kenya, Madagascar, Mozambique, Somalia, Zambia and Zimbabwe, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

Election observation activities

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



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About EISA

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Central African Republic, Gabon, Kenya, Madagascar, Mali, Mozambique and Somalia.

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EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

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