

AFRICAN UNION COMMISSION



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 18TH
FEBRUARY 2016 GENERAL ELECTIONS IN THE REPUBLIC OF UGANDA**

FINAL REPORT

JUNE 2016

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Finally, the AUEOM would not have succeeded without its observers, whose hard work and diligent reporting on the electoral process was crucial to the success of the Mission.

LIST OF ABBREVIATIONS

ACFIM	Alliance for Campaign Finance Monitoring
AU	African Union
AUC	African Union Commission
AUEOM	African Union Election Observation Mission
BVVK	Biometric Voter Verification Kit
CCEDU	Citizens Coalition for Electoral Democracy in Uganda
CEON-U	Citizens Election Observers Network-Uganda
CSOs	Civil Society Organisations
EC	Electoral Commission
EISA	Electoral Institute for Sustainable Democracy in Africa
EMBs	Election Management Bodies
ETDS	Electronic Results Transmission and Dissemination System
EU	European Community
FDC	Forum for Democratic Change
MP	Member of Parliament
PAP	Pan-African Parliament
PDP	People's Democratic Party
PEA	Parliamentary Elections Act
PRC	Permanent Representatives' Committee
STOs	Short Term Observers
UNDP	United Nations Development Programme

EXECUTIVE SUMMARY

The African Union Election Observation Mission (AUEOM) was deployed to the 18th February 2016 Presidential and Parliamentary Elections in Uganda, from 12th to 22nd February 2016¹, following an invitation from the Government of the Republic of Uganda and the Electoral Commission of Uganda. A total of 36 Short-Term Observers (STOs) were deployed to cover all the four regions of Uganda.

The objectives of the Mission were to: (a) provide an accurate and impartial reporting or assessment of the quality of the 18th February 2016 General Elections in Uganda, including the degree to which the conduct of the elections met regional, continental and international standards for democratic elections; (b) offer recommendations for improvement of future electoral processes in the country based on findings; and (c) demonstrate AU's solidarity and support for Uganda's elections and democratisation process to ensure that the conduct of genuine elections contributes to the consolidation of democratic governance, peace and stability in the country. To achieve these objectives, the African Union Election Observation Mission (AUEOM) closely followed the electoral process and held consultations with electoral stakeholders in the country.

Based on its observations and consultations held before, during and after the elections, the AUEOM made the following key findings:

- The elections took place against a backdrop of calls for electoral reforms in Uganda. Two groups, one spearheaded by a group of political parties and Non-Governmental Organisations (NGOs) and the other; the Inter-Party Coalition for Dialogue (IPOD) proposed 17 and 43 key areas of electoral and Constitutional reforms, respectively. 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.
- The pre-election and post-election periods were characterised by increased public concern about intimidation of President Museveni's opponents. The opposition candidates were in some instances prevented from addressing rallies due to what was seen as selective misinterpretation of the law by security forces. In particular, the main opposition leader, Dr. Kizza Besigye. Following the announcement of the results, the main opposition candidate Dr. Kizza Besigye was put under house arrest several times before and after the announcement of results, thus curtailing his freedom of movement.
- The elections marked the introduction of the Biometric Voter Verification System (BVVS)² aimed at improving the integrity of the electoral process through authentication of voter identity. The AUEOM noted that the system was largely functional and was successfully used in voter verification in a majority of polling stations visited.

¹. Actual deployment dates were 16th – 19th February 2016.

². The system basically uses fingerprints to match them with voter details which will help the election officer to confirm that the voter is on the voter register of that polling station.

- The people of Uganda largely demonstrated patience and resolve to have a peaceful democratic process, in spite of the delays that characterised the Election Day. Although most polling stations visited by AU observers opened late, in some instances for periods of up to four hours, mainly due to late arrival of election materials, there were long queues of voters patiently waiting to vote, thus manifesting the resolve to exercise their franchise.
- There were general concerns following the shutdown of social media platforms by the Uganda Communication Commission on Election Day and afterwards citing security concerns. This action was criticised by most national and international stakeholders and observers, including the AUEOM as an infringement of freedom of information.

The AUEOM also made recommendations for the improvement of future elections in the Republic of Uganda. These recommendations include:

- Development and enactment of a legislation to regulate political party and campaign finance to ensure fair access to public resources amongst political parties and independent candidates in the case of campaign finance.
- Calls for consideration in adopting voting booths that are conventionally used in the region and on the continent to protect the secrecy of the ballot.
- Calls for consideration in using indoor polling stations in order to create order around the stations and to protect the polling officials, voters and materials from weather elements.
- Timeous conclusion of electoral reforms, at least a year before elections, to allow for timely preparation and implementation.
- Adherence by the public broadcaster to the requirement for provision of equal coverage to all candidates as prescribed by law to ensure that each candidate is given an equal and fair chance to compete and express their views to the citizenry.

Based on its observations and findings, the AUEOM concluded that the 18th February 2016 General Elections in Uganda were relatively peaceful but not without shortcomings. In particular, the Mission noted that the late delivery of election materials on polling day led to more than four (4) hours of delays in the opening of polling stations. This impacted on the overall conduct of polling day operations and was in violation of the Electoral Act and not in line with international best practice. Despite the peaceful atmosphere during polling, the Mission noted the tense atmosphere during the tallying process compounded by heavy presence of armed security personnel especially in Kampala as well as the arrest of the main opposition leader Dr. Kizza Besigye. The AUEOM commended the people of Uganda for turning up in large numbers to perform their civic duty despite the experienced delays during opening of the polls.

I. INTRODUCTION

1. At the invitation of the Government and the Electoral Commission of the Republic of Uganda, the Chairperson of the African Union Commission (AUC), Her Excellency Dr. Nkosazana Dlamini Zuma, deployed a short-term African Union Election Observation Mission (AUEOM) to the 18th February 2016 General Elections in the Republic of Uganda.
2. The Mission was headed by Her Ladyship Justice Sophia Akuffo, former President of the African Court on Human and Peoples' Rights, and Judge of the Supreme Court of Ghana. The Mission comprised 36 Short Term Observers (STOs), drawn from 22 African countries, representing institutions such as the Permanent Representatives' Committee (PRC), the Pan-African Parliament (PAP), Election Management Bodies (EMBs), Civil Society Organisations (CSOs) and independent elections experts from several African Countries³.
3. The AUEOM's derived its mandate from relevant provisions of the African Charter on Democracy, Elections and Governance (2007) which entered into force on 15th February 2012; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 (XXXVIII)); and the African Union Guidelines for Election Observation and Monitoring Missions both adopted by the Assembly of the African Union Heads of State in July 2002. The AUEOM's mandate was further strengthened by other relevant national, regional and international instruments for election observation such as the Declaration of Principles for International Election Observation and its accompanying Code of Conduct which the AU endorsed in 2005; the East African Community (EAC) Principles for Election Observation and Evaluation; and the legal framework governing the conduct of elections in Uganda.
4. This final report presents the AUEOM's overall assessment of the 18th February 2016 General Elections in Uganda and comprises details of the Mission's observations, findings and recommendations. The AUEOM's assessment of the elections is based on the principles and standards for the conduct of democratic, credible and transparent elections as enshrined in the aforementioned AU instruments.

³. Angola, Cameroon, Egypt, Ethiopia, Gambia, Ghana, Ivory Coast, Kenya, Lesotho, Liberia, Mauritania, Mauritius, Mozambique, Namibia, Nigeria, South Africa, Sierra Leone, Sudan, Tanzania, Tunisia, Zambia, and Zimbabwe.

II. OBJECTIVE AND METHODOLOGY

a. Objective

5. The objectives of the AUEOM were to:

- provide an accurate and impartial reporting or assessment of the quality of the 18th February 2016 General Elections in Uganda, including the degree to which the conduct of the elections met regional, continental and international standards for democratic elections;
- offer recommendations for improvement of future electoral processes in the country based on findings; and
- demonstrate AU's solidarity and support for Uganda's elections and democratisation process to ensure that the conduct of genuine elections contributes to the consolidation of democratic governance, peace and stability in the country.

b. Methodology

6. To achieve the above objectives, the AUEOM undertook the following activities:

- Conducted a three-day training and orientation programme for its observers, from 13th – 15th February 2016, on AU observation methodology, reporting through the use of tablets, as well as the AU code of conduct for observers. Various local stakeholders, among them the Electoral Commission, CSOs and the police, also briefed observers;⁴
- The AUEOM leadership further held extensive consultations with several stakeholders in Uganda, including the President of the Republic of Uganda, leaders of political parties, the Chief Justice, the Chairperson of the Electoral Commission (EC), the Inspector General of Police, and other heads of International Election Observation Missions present in Uganda;
- Deployed a team of 36 STOs from 16th February 2016 to 19th February 2016.⁵ The teams were deployed to 15 Districts, covering all four regions in Uganda. While on the ground, the observers consulted with provincial and district level stakeholders and observed the final preparations for the elections and Election Day procedures.
- On Election Day, the teams visited 148 polling stations in their areas of deployment where they observed the opening, voting, closing and counting procedures.

⁴. See Annex 1: AUEOM Briefing and Orientation Programme.

⁵. See Annex 2: AUEOM Deployment Plan.

- The observers returned to Kampala on 19th February 2016 for a debriefing on the findings and to compare notes. The debriefing presented an opportunity for the observers to adopt the AUEOM preliminary statement.
- The AUEOM issued a preliminary statement on its findings and recommendations, alongside other observer groups, at a press conference held at the Sheraton Hotel, Kampala on 20th February 2016;⁶ and
- After the election, the AUEOM continued to observe the post-election process including the vote tabulation and the announcement of provisional results.

⁶. See Annex 3: Preliminary Statement of AUEOM in Uganda 2015 General Elections.

III. PRE-ELECTION FINDINGS

a. Political Context of the 2016 Elections

7. The 18 February 2016 General Elections were Uganda's seventh elections since its independence in 1962 and the third multi-party elections since the re-introduction of multi-party politics in 2005. Uganda's political landscape over the last three decades has been dominated by the National Resistance Movement (NRM) under the leadership of President Yoweri Museveni who came into power in 1986.
8. The first elections under the Museveni regime were held in 1996 under a 'no-party' system where he defeated his opponents, Paul Ssemogerere and Mohamed Mayanja by a landslide victory. The next presidential elections held in 2001 saw the entry of Dr. Kizza Besigye as Museveni's main opponent. Dr. Besigye stood against Museveni in the 2001, 2006 and 2011 polls, gaining 27%, 39% and 32% of the votes, respectively. Dr. Besigye has rejected all three previous election results and challenged them in court.
9. The 2016 elections were considered the most competitive in the country's multi-party era, with the incumbent seeking another term of office. The run up to the elections witnessed the splintering of the NRM led by its former Secretary General and State Prime Minister, Mr. Amama Mbabazi, who contested the presidency as an independent candidate. Dr. Besigye of the Forum for Democratic Change (FDC) also contested the 2016 presidential election for a fourth time. These two candidates and the incumbent appeared to dominate the political and campaign space in a contest, which attracted eight candidates. Other presidential contenders were: Gen. Benon Biraro from the Uganda Farmers Party (UFP); Dr. Abed Bwanika from the People's Development Party (PDP); and Mrs. Maureen Kyalya, the only female candidate, Prof. Venesius Bariyamureba, and Mr. Joseph Mabirizi who contested the elections as independent candidates.

b. Constitutional and Legal Framework

10. Uganda's legal framework provides for and guarantees the holding of regular elections in conformity with regional and international frameworks. There are six principal laws governing elections. These are: the Constitution of 1995 (amended); the Electoral Commission Act of 1997 (amended); the Presidential Elections Act of 2005 (amended); the Parliamentary Elections Act of 2005 (amended); the Political Parties and Organisations Act of 2005 (amended); and the Local Government Act (amended).
11. The Constitution guarantees the fundamental human rights of freedom of information, association and assembly. The supreme law also enshrines the rights of women, youth and persons with disabilities. Special seats have been created in Parliament to ensure the participation of these categories of the

population⁷. The Constitution also provides for the establishment of the Electoral Commission 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.

12. The Electoral Commission Act sets out the Commission's mandate and makes provisions for its financing and operations. The Presidential Elections Act and the Parliamentary Elections Act outline the procedures for the conduct of National Assembly and Presidential elections during all the stages of the electoral process from nomination of candidates to election petitions. The Political Parties and Organisations Act (PPOA) provides for the regulation, financing and functioning of political parties and organisations. The Local Government Act regulates the conduct of elections in municipal, county and sub-county councils held every five years.
13. The AUEOM observed that there was no legal framework for regulating political party campaign financing. Stakeholders consulted reported that consequently, there had been unprecedented increase in campaign spending. The Mission noted that the law expressly prohibits the use of Government resources for campaigning by all candidates and parties, except for the President, as stated in Article 27.1 of the Presidential Elections Act.

c. Electoral System

14. Uganda is a multiparty democracy and presidential republic in which the President is both the Head of State and Head of Government. Uganda's presidential election uses the Absolute Majority System with a 50% plus 1 vote threshold. In the event that none of the candidates reaches the threshold, a run-off between the top two candidates is held within 30 days from the official declaration of the results of the previous election on a simple majority basis.
15. The election of Members of the National Assembly for a five-year term follows the First-Past-the-Post (FPTP) electoral system. Uganda's national assembly is made up of Members of Parliament (MPs) who are directly elected to represent 290 constituencies; one woman representative for each of the 112 districts; and 'special interest' groups such as the youth and the defence forces. Individuals can contest elections either as party candidates or as independent candidates.

d. Election Management

16. Article 60 of the Constitution of Uganda establishes the Electoral Commission (EC) for the management of electoral processes. The EC comprises a Chairperson, Deputy Chairperson and five other Commissioners who are appointed by the President with the approval of Parliament. The tenure of office for each member is seven years and can be renewed for one more term. The functions of the EC are provided for under Article 61(a)–(h) of the Constitution.

⁷. Article 78(1)(b)(C) of the Constitution and Section 8(3) of the Parliamentary Elections Act, 2005 provide for the composition of parliament to include one woman representative for every district and the representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine.

17. The day-to-day execution of the Commission's mandate is carried out by a Secretariat headed by a Secretary who is a public officer appointed by the EC 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.
18. The government funds the Electoral Commission. According to Section 9 of the Electoral Commission Act (ECA), 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.

e. Voter Registration

19. In 2015, Uganda introduced a National Identity Card System, which required the conduct of a mass biometric registration of citizens aged 16 years and above. The EC extracted information of all registered citizens who were 18 years and above to compile a National Voters' Register. At the end of the National Voter Registration exercise, there were 15,277,198 registered voters. This Voters' Register was continuously updated until 11 May 2015 when the process was concluded in line with the electoral calendar.
20. According to the Commission, the register was displayed in all polling stations for a period of three weeks for verification by voters to ascertain the correctness of their particulars before its finalisation. This was done from 22 July 2015 to 11 August 2015. Another display of 11 days took place from 14 to 25 August 2015 in which the names of all persons recommended for deletion from the National Voters' Register were displayed. Further, presidential candidates were provided with hard and soft copies of the National Voters' Register.
21. The AUEOM noted that, whereas the use of data from the National Register ensured that all citizens aged 18 by the end of the mass registration exercise were registered, interlocutors expressed concern that the 11 May 2015 deadline for updating the Voters Roll left many potential voters who turned 18 after that date, disenfranchised.

f. Political Party and Candidate Registration

22. The EC is responsible for the registration and nomination of candidates. In order to qualify for nomination as a presidential candidate, according to the Presidential Elections Act, a person must be a Ugandan citizen of not less than 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 (MP) and must have completed a minimum formal education of Advanced Level Standard or its equivalent. The candidate must also obtain support from at least 100 registered voters from at least 2/3 of

all the districts of Uganda and pay nomination fees of UShs. 20,000,000 or an equivalent of USD 5,569.14, based on current international exchange rate.

23. In order to qualify for nomination as an MP, 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 UShs. 3,000,000 or an equivalent of USD 890.792.
24. The nomination of presidential candidates took place on 3 and 4 November 2015, while the nomination of parliamentary candidates took place on 2 and 3 December 2015. The law allows for nomination of candidates either by a political party sponsoring a candidate or a registered member of the public without being sponsored by the party. A total of eight presidential candidates were nominated. Out of these, there were seven men and one woman.
25. The AUEOM noted that there were 29 legally registered political parties and organisations during the 2016 elections although only a few contested the elections.

Table 1: List of Presidential Candidates

Name	Political Party	Political history
Yoweri Kaguta Museveni	National Resistance Movement (NRM)	The incumbent. He won his first general election in 1996 and won all subsequent elections in Uganda. He was running for his 5 th term.
Dr. Kizza Bisigye	Forum For Democratic Change (FDC)	The main opposition leader. He has stood against Museveni in all three elections since 2001 and lost each time. Served as Museveni's personal physician in the early 1980s. He reneged on his support for Museveni in 2001, accusing the NRM of corruption.
Amama Mbabazi	Independent	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	A pastor and businessman

g. Party and Campaign finance

26. The legal framework in Uganda allows for government funding of political parties. Section 14A of the Political Parties and Organisations Act of 2005, (amended in 2010) mandates the government to fund political parties in respect for their normal day activities and for elections. This funding, however, applies to political parties represented in Parliament and independents duly elected. Amendments to the Electoral Commission Act of 1997 in 2015, however, removed a requirement for the government to facilitate presidential candidates for campaigns. 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 now requires the presidential candidates to fully finance their campaigns.
27. Section 25 of the Parliamentary Elections Act (PEA) restrains candidates from the use of government resources. However, while the 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. The AUEOM noted that this gives undue advantage to the incumbent during campaigns.
28. The AUEOM further noted that, while the various laws have some provisions for campaign financing, the same laws are not comprehensive as they lack provisions on donation limits and spending caps for campaign purposes. This opens the electoral process to the unregulated influence of money and gives undue advantage to the candidates who have resources and as such prevents potential candidates, especially women, from contesting.

h. Electoral Campaigns

29. As mandated in the Electoral Act, the EC set the campaign period from 9th November 2015 – 16th February 2016, which is 90 days ahead of the elections.
30. The Mission noted that the presidential candidates, upon nominations, signed a Memorandum of Understanding (MoU) committing to keep peace during the election period and to also adhere to the harmonised campaign schedules aimed at avoiding collision of political parties and candidates during campaigns. The Mission, however, noted that there were isolated cases of breach of the electoral campaign guidelines given by the EC mainly on parties and candidates going beyond the stipulated campaign timelines. The Mission also noted the electoral laws do not provide for a code of conduct for parties and candidates. These hinder the Commission from effectively enforcing campaign guidelines.
31. The AUEOM noted that while the campaigns were largely peaceful and conducted within the legal framework. The 15 February 2016 developments in Kampala, which led to the arrest of an opposition leader, thereby preventing him from addressing scheduled rallies in Kampala caused anxiety among opposition supporters.

32. The Mission however, noted with satisfaction that for the first time, two presidential debates were held in Kampala and broadcast live on television and radio. While 7 candidates attended the first debate, all 8 presidential candidates attended the second debate where they shared their manifestos with the voters for consideration.

i. Gender and minority participation

33. Active and equal participation of women, youth and civil society organisations in the electoral process is critical for the deepening of democracy and human rights. Recognising this fact, 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.

34. While the AUEOM commended the legal provision on affirmative action, it however noted that out of the 8 Presidential candidates, only one was a woman, and that out of the 1,343 nominated candidates for the constituency seats, only 88 (7%) were women. However, a total of 406 women contested the 112 district women special seats.

35. On Election Day, the AU observers reported that women were well represented in polling stations as polling officials, party agents and domestic observers.

36. The Mission took cognisance of the initiative taken by women in Uganda to actively participate in the electoral process. In particular, the Mission commends the role of the Women's Situation Room in promoting peaceful elections through violence monitoring and dialogue interventions before, during and after the elections.

37. The Mission noted that, although Uganda has ratified the UN Convention on Rights of Persons with Disabilities in 2008, there is lack of legislative provisions on voting by people with Disabilities in Uganda. For instance, Braille ballot papers. This implies that blind persons can only vote through the assistance of other persons.

j. Civic and voter education

38. According to Section 61 of the Constitution, the Electoral Commission is mandated to formulate and implement civic education. In accordance with this mandate, the EC developed voter education materials and shared with the various implementers.

39. The AUEOM noted that, in preparation for the 2016 elections, civic education was also undertaken through the media and accredited CSOs among them the Citizens Coalition for Electoral Democracy in Uganda (CCEDU.)

k. Role of the Civil Society

40. The AUEOM noted the existence of a vibrant civil society that played various roles in the electoral process, including electoral reform advocacy, voter education and domestic election observation.
41. The AUEOM commended the deployment of both long term (223) and short term (900) observers by the Citizens Election Observers Network-Uganda (CEON-U) and the role the initiative played in enhancing confidence in the electoral process.
42. The AUEOM also noted the monitoring of campaign expenditure by the civil society spearheaded by the Alliance for Campaign Finance Monitoring (ACFIM), which produced periodic reports to the citizens on election related expenses. In the absence of a comprehensive legal framework regulating campaign financing, this played a critical role in enhancing the understanding of the electorate not only on the influence of money in elections but also on the approximate campaign expenditures by the candidates.
43. The Mission commended the establishment of a Women's Situation Room⁸, an early warning and rapid response mechanism against violence arising before, during and after elections, which deployed over 500 observers across 15 districts considered to be hotspots. The situation room provided an avenue for electoral stakeholders among them political parties, EC and police to consult and dialogue to ensure peaceful elections.

l. Role of the Media

44. Media freedom is fundamental in promoting political and civil rights and liberties. In Uganda, media freedom is enshrined in the Constitution and given effect through Acts of Parliament, namely: the Press and Journalist Act of 1995 and the Uganda Communications Act. The Electoral Act provides the regulatory framework for the conduct of the media in the electoral process. The PPEA and PEA grant presidential aspirants equal access to state media as well as a reasonable allocation of time to parliamentary candidates. Public media is required to allocate equal airtime for election campaign for parties and candidates.
45. The AUEOM noted that in compliance with these legal provisions, the media covered political parties and candidates' manifestos and campaigns. However, the Mission noted the concerns of consulted interlocutors who noted that the state media provided more coverage to the incumbent president and his party. This was at the expense of candidates from the opposition and independent candidates who received lesser coverage compared to the main opposition parties and candidates. It was further reported that private media provided a fairly balanced reporting on all parties and candidates.

⁸. The Women's Situation Room is spearheaded by three organization namely Isis-WICCE, Forum for Women in Democracy and the Institute for Social Transformation. It also has a team of selected Eminent Women from Uganda and other African countries, who are involved in advocacy for peace, observation of the polling process and mediation with political and legal experts.

46. Besides the mainstream print and electronic media, campaigning was carried out through social media platforms such as Twitter, Facebook and WhatsApp. The AUEOM noted general concerns following the shutdown of social media platforms by the Uganda Communication Commission on Election Day and afterwards citing security concerns. This action was criticised by most national and international stakeholders and observers, including the AUEOM as an infringement of freedom of information.
47. The AUEOM commended the initiative taken by the Inter-Religious Council of Uganda to organise, for the first time, two presidential debates, which were broadcasted live on several radio and television stations. This, the Mission noted, provided an opportunity for the candidates to share their manifestos with the electorate.

m. Security

48. The Uganda police are responsible for security during campaigns, elections and protection of elections materials at all the Electoral Commission warehouses. The Police are also responsible for the protection of the soft and hard election material during transportation to various election centers and polling stations countrywide.
49. The AUEOM was informed that the Uganda Police and other security agencies had set up Joint Operation Centers at the national, sub-county and district levels. These were chaired by senior police officers at the national and district levels, while the sub-county Joint Operation Centers were chaired by an elected official.
50. The AUEOM noted concerns raised by interlocutors with regard to the recruitment, training and deployment of community policing units called Crime Preventers, which they alleged were misused to intimidate opposition parties. The AUEOM was however informed by the police that these were purely crime prevention units at community level with no arresting powers. The Mission also noted the lack of trust in security agencies by some opposition parties, which were reported to have created counter units.
51. The AUEOM further noted that in the light of general security concerns due to terror threats in the East Africa region and due to internal political competition among political parties, the Uganda Police put in place intelligence gathering mechanisms to prevent potential criminal acts. The Police also deployed Standby Investigators and Mobile Crime Investigators in the 1398 Sub Counties across the country as well as in all the districts.
52. The AUEOM noted that there was a generally calm and peaceful pre-election environment with no major security incidents reported. The Mission further noted that sufficient security personnel were deployed to safeguard peace and security during elections.

n. Preparedness of the EC

53. The AUEOM noted with satisfaction that the EC was provided with a budget for the elections by the government in accordance with the Electoral Commission Act.⁹ The Commission also received support from the donor community, specifically the EU and UNDP in specific areas. Support from the EU was towards results transmission and from UNDP towards voter education.
54. The AUEOM also noted that the EC put in place the requisite logistics necessary for the conduct of the elections. In keeping with continental, regional and international benchmarks, and national laws, the EC established 28,010 polling stations across the country and successfully recruited and trained 140,050 polling officials.
55. The EC also trained accredited CSOs personnel to complement its voter education efforts across all the districts of Uganda.
56. The AUEOM however noted the late arrival of materials on Election Day in most polling stations despite previous assurances by the EC that it was logistically prepared for the elections.

⁹ .According to the Act (Section 9), 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.

IV. ELECTION DAY OBSERVATIONS

57. The AUEOM deployed 18 observer teams comprising 36 observers in all the four regions of Uganda (Central, Eastern, Western, and Northern) to observe Election Day activities. The 18 teams observed the opening, polling, closing and counting processes in a total of 148 polling stations in the 15 districts where they were deployed. In addition, the teams observed the general environment within which polling was taking place.
58. The AUEOM however regrettably noted the shutdown of the social media platforms on Election Day as well as the detention and eventual release of the opposition candidate Dr. Besigye and some of his party members on Election Day and the day after.

a. Opening Procedures

59. The AUEOM teams observed opening procedures in 18 polling stations that covered the four regions of Uganda. The teams observed that the environment outside the stations was peaceful and that all authorised personnel were granted access before the official opening time.
60. The AUEOM teams reported that 16 of the polling stations observed did not open at 7 o'clock, which is the official opening time with delays of more than one hour reported in 11 polling stations. The delays were attributed to late arrival of polling officials in 10 stations and late arrival of polling materials in 14. Reports of insufficient materials at the time of opening were made in 5 of the polling stations. The insufficient materials included basins¹⁰, ballot boxes, ballot papers, Biometric Voter Verification Kit (BVVK), voters' register and seals.
61. The AUEOM observers reported that in 6 polling stations, the Presiding Officers did not demonstrate to the people present that the ballot boxes were empty as prescribed in the Electoral Act.
62. The Mission further observed that in 7 polling stations, opening procedures pertaining to sealing of ballot boxes were not followed. These included the sealing of ballot boxes before voting commenced and recording of the serial numbers of the seals.
63. The AUEOM noted with satisfaction that the country introduced, for the first time, the Biometric Voter Verification System (BVVS)¹¹, which aims at improving the integrity of the electoral process through authentication of voter identity. The Mission further noted that the system was largely functional and was successfully used in voter verification in majority of the visited polling stations.

¹⁰. Voters in Uganda mark their ballots in a basin which serves as a polling booth.

¹¹. The system basically uses fingerprints to match them with voter details which will help the election officer to confirm that the voter is on the voter register of that polling station.

b. Polling Procedures

64. AUEOM teams visited a total of 148 polling stations in the four regions of the country as follows: Central 55, Eastern 35, Northern 18 and Western 40. 89 (60%) of these stations were located in urban areas and 59 (40%) in rural areas.
65. In all the visited polling stations, polling took place in a largely peaceful environment except for isolated incidences of violence and intimidation reported due to lack of polling materials at the stations.¹²
66. Observers reported that 144 (97%) of the visited polling stations were accessible to voters including people with disabilities. The polling stations were also well laid out and ballot boxes were visible.
67. As per the laid down procedure, voters were asked for identification and their names checked against the register before voting. Only a few were turned away due to the following reasons: they did not have the required identification, were not on the voters' register, were at the wrong polling station or were rejected by the Biometric Voter Verification Kit (BVVK).
68. With regards to the BVVK, the AUEOM observed that in some polling stations, the kits worked well, hence hastening the verification process. While in some stations, the machines were not used because they were either not working or the Election Personnel did not have access to the pass codes for the machines.
69. The Mission observed that ballot boxes were sealed properly in 126 of the 148 visited polling stations, while they were not sealed properly in 22 stations.
70. As an additional identification and voting facilitation measure, it was observed that voters' slips were used to direct voters to the right voting station within a voting center.
71. Voter processing times were reasonable and mostly ranged from no more than 3 minutes in 54% of the polling stations visited and between 3-6 minutes in 39% of visited polling station stations.
72. The required number of 5 polling officials was present and identifiable in 141 out of the 148 visited polling stations. Security personnel were also present in almost all stations visited and conducted themselves professionally.
73. The AUEOM noted the presence of accredited citizen and international observers as well as party agents at all visited polling stations. The Mission noted that in many instances, party agents were not easily identifiable. However, they seemed to be familiar with the electoral procedures and they were working closely with the polling staff to identify voters.

¹². Reports of violence were reported in Nansana East Polling Center in Wakiso District, Bugiza Polling Center in Kampala and Ggaba polling center in Kampala.

74. The AUEOM commended the commitment shown by the voters despite the delays in opening of the polling stations. The Mission further noted that, despite the late start, once the voting commenced, it proceeded peacefully.

c. Closing and Counting Procedures

75. The AUEOM teams observed closing in 18 polling stations. Majority (17) of the AU observer teams reported that the polling stations closed at 4:00pm as stipulated in the electoral procedures. Voters who were on the queue at this time were allowed to vote. However, in some areas, polling was extended because of late opening.

76. It was observed that majority of polling stations visited had the presence of party/candidate agents, citizen observers, international observers and police at closing.

77. All 18 teams reported that the Presiding Officers verified that the seals were not tampered with prior to opening them, that the number of ballots in the box matched the number of used ballots in the polling station, and that the results were immediately announced at the polling station.

78. Seventeen (17) teams reported that the ballot boxes were emptied prior to counting; that the number of ballots issued tallied with the number of voters ticked off on the voter list; that results forms were completed by an election official; and that party/candidate's agents signed the results form.

79. The Mission reported that in some polling stations, counting was disrupted by voters who encroached into the polling area, in contravention of the 100-meter legally prescribed parameter.

80. AUEOM teams also observed inconsistencies in the determination of what constituted invalid votes.

81. The AUEOM noted with satisfaction that the counting process was largely transparent in all the visited polling stations.

V. POST ELECTION OBSERVATION

a. Tabulation of Results

82. The Presidential Act (amended) 2005¹³ outlines the various stages for tallying, announcement and transmission of the election results from the polling station to the national tally center. At the first instance, the counting of votes and declaration of the results takes place at each polling station after the close of polls. The results are then forwarded to the sub county headquarters for onward transmission to the District Tallying Center where officers tally and declare results of directly elected members of Parliament. The district level results are then transmitted to the national tally center for final tallying and declaration of final results. For the 2016 general elections, the EC used Electronic Results Transmission and Dissemination System (ETDS) to transmit results from the District Tally Centers to the National Tally Center.
83. The AUEOM observers witnessed the tallying process both at the local (polling station and district tally center) and national (national tally center) levels. They noted that while tallying at the local level was largely peaceful with the set procedures generally adhered to, tallying at the national level was held amid a tensed environment with isolated cases of violence.
84. The observers further noted the tense atmosphere while awaiting the announcement of presidential results with the deployment of heavily armed police and army personnel around the country.
85. The AUEOM also noted with concern the numerous arrests, including preventive house arrest, of the FDC presidential candidate, which further heightened the tense atmosphere in the country during the tallying process.

b. Announcement of Results

86. The Constitution of Uganda and the Presidential Act (amended) 2005¹⁴ provide for the declaration of results of presidential election. On 20th February 2016, and in compliance with the legal framework, the EC Chairman, Dr. Badru Kiggundu declared Yoweri Museveni winner of the February 18, 2016 presidential elections. The table below shows the final tallied results for the parliamentary and presidential elections:

Table 1: Final Parliamentary Election Results

Political Candidate	Party/Independent	Number of Seats won
National Resistance Movement (NRM)		199

¹³.Section 54 – 56 of the PEA (amended), 2005.

¹⁴.Section 57 (1) of the PEA (amended), 2005 and Section 103 (7) of the Constitution.

Independent Candidates	44
Forum for Democratic Change (FDC)	29
Democratic Party (DP)	13
Uganda People's Congress (UPC)	4
TOTAL	289

Source: Website of the Electoral Commission of Uganda: www.ec.org.ug.

Table 2: Final Presidential Election Results

Presidential candidate	Political Party/Organization/Independent	Number of valid votes Polled by each candidate	Percentage of total valid votes cast.
Dr. Abed Bwanika	People's Development Party (PDP)	89,005	0.90%
Amama Mbabazi	Independent	136,519	1.39%
Prof. Venesius Bariyamureba	Independent	52,798	0.54%
Gen. Benon Biraro	Farmers Party of Uganda (FPU)	25,600	0.26%
Dr. Kizza Bisigye	Forum for Democratic Change (FDP)	3,508,687	35.61%
Mr. Joseph Mabirizi	Independent	24,498	0.25%
Mrs. Maureen Kyalya	Independent	42,833	0.43%
Yoweri Museveni	National Resistance Movement (NRM)	5,971,872	60.62%

Valid votes	9,851,812	
Invalid Votes	477,319	4.62% of total votes cast
Total votes	10,329,131	67.61% of total registered votes
Spoilt votes	29,005	

Source: Website of the Electoral Commission of Uganda: www.ec.org.ug.

87. The AUEOM commended the EC for the timely announcement of the final results, which was done within 48 hours of the close of poll, as provided in the law.

c. Election Disputes Resolution

88. The AUEOM noted that election related disputes are settled through the court system. In the case of a presidential election dispute, cases are lodged in the Supreme Court, which is the final arbiter on such cases. On the other hand, the law provides for the aggrieved party in parliamentary elections, to file petitions with the High Court with recourse in the Court of Appeal in case of dissatisfaction with the decision of the High Court. The Appeal Court decisions are also appealable in the Supreme Court, which is the last court of resort in election related disputes.
89. The AUEOM also noted that there were alternative dispute resolution mechanisms in place, in the form of District Liaison Committees established by the Electoral Commission to deal with campaign related conflicts. Where cases are not solved, they are referred to the Electoral Commission Headquarters for intervention.
90. The AUEOM noted with satisfaction the resolve for some opposition political parties to pursue complaints through legally provided channels after the rejection of the results. Following the announcement of the results, FDC presidential candidate Dr. Kizza Besigye, Go Forward candidate Amama Mbabazi, and PDP leader Dr Abed Bwanika, rejected the election and contested the poll results. This, the Mission noted, is in line with Article 104 of the Constitution of Uganda, which provides for legal redress in instances of election challenge.

VI. CONCLUSION AND RECOMMENDATIONS

a. Conclusion

91. Based on its observations and findings, the AUEOM concluded that the 18th February 2016 General Elections in Uganda were relatively peaceful with isolated cases of violence, but not without shortcomings. In particular, the Mission noted that the late delivery of election materials on polling day impacted on the overall conduct of polling day operations and was in violation of the Electoral Act and not in line with international best practice. Despite the generally peaceful atmosphere during polling, the Mission noted the tense atmosphere during the tallying process, compounded by heavy presence of armed security personnel, especially in Kampala, as well as the arrest of the main opposition leader Dr. Kizza Besigye. The Mission encourages the government to commit to legal reforms aimed at enhancing transparency and credibility of the electoral process. The AUEOM commended the people of Uganda for turning up in large numbers to perform their civic duty despite the experienced delays during opening of the polls.

b. Recommendations

92. In light of the shortcomings noted in its observation, the AUEOM offered the following recommendations for improvement of electoral process in future:

To the Government:

- Provide adequate resources to enable the Electoral Commission to conduct continuous procurement of election materials, conduct continuous voter registration and voter education.

To Parliament:

- Develop legislation to regulate political party and campaign finance to ensure fair access to public resources amongst political parties and independent candidates in the case of campaign finance.
- Conclude electoral reforms at least a year before elections to allow for timely preparation and implementation.

To the Electoral Commission:

- Consider using indoor polling stations in order to create order around the stations and to protect the polling officials, voters and materials from weather elements.
- Adhere to the prescribed 48-hour time frame for delivery of materials as provided in the Electoral Act, when distributing polling materials to polling stations.

- Conduct continuous voter education to address the issue of low voter turnout and invalid and spoilt votes as well as ensure fulfilment of universal suffrage by the citizens.
- Conduct continuous voter registration, which provides for a more cost effective registration process.
- Strengthen training for polling personnel to avoid inconsistencies in implementation of polling procedures.
- Consider adopting voting booths that are conventionally used in the region and continent, to protect the secrecy of the ballot.
- Make provision for recording names of people who have been turned away to enhance transparency and openness in the polling process.

To the Media:

- The public broadcaster should provide equal coverage to all candidates as prescribed by law to ensure that each candidate is given an equal and fair chance to compete and express their views to the citizenry.

To Political parties:

- Avoid the usage of inflammatory language during campaigns and inciting supporters to prevent political and election related violence.

To Security Forces:

- Enforce the law equally on all parties and candidates to ensure that all candidates compete on equal footing as well as ensure fulfilment of the right to security of the person.

To the International Community:

- Provide support to the government and the electoral commission to strengthen and enhance credibility of electoral processes in Uganda.

Annex 1: AUEOM Deployment Plan

Team No.	Name	Nationality	Deployment Region	Area of Responsibility/District
1	Her Ladyship Justice Sophia Akuffo - Head of Mission	Ghanaian	Central Region	Kampala District - Central Division
	H.E. Naimi Sweetie H. Aziz	Tanzanian		
2	H.E. Ndumiso Ndima Ntshinga	South African	Central Region	Kampala District - Rubaga Division
	H.E. Usman A. Baraya	Nigerian		
3	H.E. Amos M. Musonda	Zambia	Central Region	Kampala District - Nakawa Division
	H.E. Arcanjo Maria Do Nascimento	Angola		
4	Hon. Bakary Outtara	Ivorian	Central Region	Kampala District - Makindye Division
	Hon. Fidel Rwigamba	Rwandan		
5	Dr. Victor Shale	South African	Central Region	Kampala District - Kawempe Division
	Dr. Catherine Kamindo	Kenyan		
6	Mr. Tegene Getaneh Kifle	Ethiopian	Central Region	Wakiso District
	Dr. Fatoumata J. Ceessay	Gambian		
7	Hon. Tebbini Faycal	Tunisian	Western Region	Hoima District
	Amb. Mohamed Yousif Abdalla	Sudanese		
8	Hon. Nian Aminata	Mauritania	Eastern Region	Tororo District
	Ms. Davidetta Browne Lansanah	Liberian		
9	Hon. Alex Chersia Grant	Liberian	Northern Region	Arua District
	Hon. Roy Akajuwe Kachale Banda	Malawian		
10	Hon. Patrice Kursley Armance	Mauritius	Western Region	Kabale District
	Dr. Kelechi Akubueze	Nigerian		
11	Mrs. Gloria Chingota	Malawian	Western Region	Mbarara District
	Dr. Thaddeus Menang	Cameroonian		
12	Mrs Pons'o Mamatlere Matete	Lesotho	Eastern Region	Jinja District
	Mr. Abdullahi Garba Faskari	Nigerian		
13	Mr. Maximillian Kolbe Domapielle	Ghananaian	Eastern Region	Mbale District
	Ms. Iye Musa	Sierra Leonean		
14	Mr. Paulo Cuinica	Mozambican	Western Region	Kibaale District Mukono District
	Mr. Fortune Nhengu	Zimbabwean		
15	Prof. Paul John Isaak	Namibian	Central Region	Kibaale District Mukono District
	Dr. Atta Alla Hamad Bashir	Sudanese		
16	Dweba Andile	South African	Eastern Region	Soroti District
	Kingsley K. Godwin Ogbonna	Nigerian		
17	Prof. Kealegboga Johnny Maphunye	South African	Northern Region	Lira District
	Mr. Ahmed Samih	Egyptian		
18	Mr. Frederick Tetteh	Ghananaian	Central Region	Mubende District
	Ms. Rindai Chpfunde Vava	Zimbabwean		
19	Mr. Ifeanyi Agoha	Nigerian	Western Region	Kasese District
	Mr. Peter Swaray	Sierra		

		Leonean		
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