



## Interim Statement

Chairperson of the Commonwealth Observer Group  
His Excellency Olusegun Obasanjo

*Kampala, 20 February 2016*

This is the Interim Statement of the Commonwealth Observer Group, and is issued with the results process yet to be formally completed. The Group has been in Uganda since 11 February 2016. During our time here, we have met with the Electoral Commission, political party representatives, civil society organisations, media, security agencies, Commonwealth High Commissioners, and other international and citizen observers.

Our teams were based in eight districts. We observed the voting, counting and results aggregation, and met with electoral officials, citizen and international observers, and other stakeholders at the local level to build up a broader picture on the conduct of the electoral process.

We will issue a final report at a later stage, containing our detailed conclusions on the entire process.

### Key findings:

- The 18 February Presidential and Parliamentary Elections in Uganda were the country's third elections held since the reintroduction of multi party politics. Once again, these elections fell short of meeting some key democratic benchmarks.
- Certain key concerns remain, which mirror those of the Commonwealth Observer Groups to the 2006 and 2011 elections. Namely, the increased prevalence of money in politics, the misuse of state resources - which led to significant advantages for the incumbent - and the competence, credibility and ability of the Electoral Commission to manage the process effectively and impartially.
- While the presidential elections were competitive with regard to the number of candidates, practical restrictions on basic freedoms of assembly and movement affected the fairness of the campaign, particularly for opposition candidates. Moreover, the overall competitiveness of the campaign was compromised by a lack of transparency with regard to campaign financing. The Group noted with concern that the fusing of the state and ruling party in Uganda - highlighted by previous Commonwealth observers - had deepened, with a consequent adverse impact on political



freedoms and further undermining any efforts to level the playing field for these elections.

- The election campaign was relatively peaceful, fiercely contested, and marked by extensive use of social media. However, opposition parties and candidates faced significant disadvantages in campaigning on an equitable basis and in accessing the media.
- Given that there are reserved seats for women, and that there was a civil society campaign to increase the number of women competing for directly elected seats, it was disappointing that only one of the eight presidential candidates was a woman. We note that a substantial increase in nomination fees for these elections deterred many aspirants, particularly women and youth, from nomination.
- The Group commends the Women's Situation Room, a valuable mechanism to monitor potential hotspots, incidents of violence, harassment and intimidation. Women are our natural peacemakers, and I commend the eminent women observers from across the African continent and all Ugandans involved for undertaking this important task.
- Media coverage of the elections requires particular highlighting. The state owned broadcaster, the Uganda Broadcasting Corporation (UBC), did not meet its responsibility to treat all candidates equally. Given its reach throughout the country and across many platforms, including 11 radio stations broadcasting in 53 languages, UBC's overwhelming bias towards the incumbent candidate and ruling party was of concern to us.
- The Group heard that journalists in Uganda faced huge challenges in the course of their work, and this election brought many of these challenges to the fore. Local stakeholders reported how journalists are severely restricted on what they can and cannot cover, owing to government controls, pressure from party officials, proprietorial influence, intimidation and, in some cases acts of violence. This often resulted in self-censorship.
- Previous Commonwealth Observer Groups to Uganda have urged that the independence of the Electoral Commission be enhanced through strengthened legal provisions. It is regrettable that civil society and political party initiatives to garner Parliamentary support for such reforms before these elections were unsuccessful.
- The Electoral Commission established a new Voters Register for these elections, following a national ID registration exercise conducted by the government and an updating of the register. At the conclusion of those exercises, all previous registers were retired. Some concerns were expressed to the Observer Group regarding this decision, which was claimed



had not been communicated effectively and adequately to voters. According to some reports, this resulted in the unfortunate disenfranchisement of some voters.

- We laud the adoption of a National Identification Card as a tool for identification at polling stations, and that the Electoral Commission sought to ensure that no voter was disenfranchised by not making it a mandatory requirement for voting. We also note the innovation of voter location slips to assist voters in locating their polling stations, however, some confusion existed as to whether these documents were mandatory. This was attributed in part to insufficient voter education. Concerns were also expressed about the late introduction of the voter location slips, with claims that there was insufficient time to sensitise voters.
- Despite initial concerns about potential operational challenges with the inclusion of the biometric voter verification system, our Group observed that in most cases they were utilised effectively. There were a few reports of machine failure in some areas. In other areas, due to uncertainty among some polling officials on how to operate the Biometric Voter Verification Kits, this slowed down the process.
- On Election Day, our teams reported delays in the delivery of voting materials, which subsequently delayed the voting process across the country. There were varying periods of delays, with the most significant delays occurring in Kampala and its adjacent districts. This raised serious questions about the competence and commitment of the Electoral Commission to deliver a competitive and impartial process.
- In Kampala, the Group observed voting delayed by as much as two to four hours and received reports of voting delayed by as much as six to nine hours, which were verified to be correct. This understandably led to a tense atmosphere outside those polling stations where voters had begun queuing up at 0600 hours. Despite these developments, a reasonably calm atmosphere prevailed. Some incidents of violence were reported, when incomplete materials were added to long delays. These led to elections going into a second day in parts of Kampala, and consequent poor turnout. Despite these challenges, the determination of voters to exercise their franchise was notable.
- The Group commends the Electoral Commission for extending the hours of voting following the delays. However, the lack of clear, consistent and extensive messaging on the extension and other issues was another area of concern for the Group.
- Inadequate facilities for extreme weather and temperatures, poor signage, inconsistent application of procedures by polling officials, instances of



voters being at the wrong polling station after waiting in a long queue, the scale of which varied, inadequate preparation for voting and counting into the night all point to deficiencies that could have been easily avoided.

- Displaying the Register in a polling station for voters to check their names on the list would have obviated voters standing in the queue for hours, and then being told when it was their time to vote that their name was at a polling station elsewhere.
- The open layout generally provided for transparency, but it was also apparent that the continued use of the voting basin compromised the secrecy of the ballot in more confined polling locations.
- Overall, the polling station count process was transparent, and our teams followed the process at several polling stations in a number of constituencies. However, inconsistencies were observed with the reconciliation process and, notably, in the completion of documentation.
- In addition to the participation of older voters, we welcome and commend the large numbers of women and youth who participated in the electoral process, not only as voters, but also as polling staff and party agents.
- We heard many concerns regarding the use of so-called ‘crime preventers’ during the electoral process, and that many of them would support the police as election constables at polling stations. We have heard the reasons given by the authorities for the existence of such a force, but do not believe that there is any place for such a state-sanctioned militia. The absence of a clear legal framework governing their establishment and role, and the consequent lack of accountability are of concern to us. On Election Day, we observed and received reports of some instances where election constables sought to influence the work of polling officials.
- I issued a joint statement with other heads of international observer missions, in which we called for all participants in the electoral process to refrain from any acts or statement that could cause tension or intimidation, and adversely affect the peaceful and orderly conduct of the elections. Despite the regrettable incidents of violence that have been reported, I reiterate my call to all Ugandans to allow the process to conclude in an atmosphere of peace, and urge that any challenges should be conducted through legal and lawful process.
- The arrests over the past few days of some leaders of the opposition have been seen as unnecessary intimidation that could intensify tensions.



- We will continue to follow the process. Our Final Report containing our detailed conclusions and recommendations will be made public in a few weeks time.
- For now, it suffices to state that the inexcusable delays of supply of materials to polling stations, particularly in Kampala and its environs, and other deficiencies in the process to and conduct of the elections, would have seriously detracted from the fairness and credibility of the results of the elections.

## **Electoral Framework and Election Administration**

The legal framework provides the basic conditions for a competitive election. However, concerns about the independence, credibility and ability of the electoral management body to manage the process plagued these elections. Despite support and calls from many national and international stakeholders, no substantive electoral reforms were adopted in advance of these elections. The Electoral Commission is still appointed by the President, though subject to Parliamentary confirmation. The integrity of the Register remained an issue of concern up to the eve of elections. The secrecy of the ballot is still not adequately provided for. The results tally and reconciliation process remains ambiguous and therefore of concern. The transmission from the polling station to the National Tally Centre is not adequately protected. The figures from each polling station are not being disaggregated at the National Tally Centre.

It is noted that for these elections the Electoral Commission undertook efforts to improve the quality of the Register with the use of data from the government's national ID registration process, an update, inclusion of the National ID and innovations such as the Voter Location Slips and the Biometric Voter Verification Kits. Overall the Register showed improvement, but it is clear that it remains a work-in-progress.

## **Election Campaign and Media**

The Group was told that the commercialisation of elections and politics generally was at a level that should concern everyone. Previous Commonwealth observers have commented strongly on the lack of a level electoral playing field in Uganda, caused by the abuse of incumbency and the widespread use of money to buy votes.

This election was no different. We were told that the sums involved in buying votes and support had increased significantly. The lack of transparency in campaign financing is of significant concern to us, and we repeat the recommendation of previous Commonwealth observers that existing legislation prohibiting vote buying should be enforced, and that explicit regulations limiting the use of state resources for campaigning, including greater clarity on the



entitlements of the President during election time, should be introduced. We urge that regulations on expenditure ceilings be adopted, and neutrally and vigorously supervised to enhance accountability in the process.

We were told of an amendment to the Public Finance Management Act 2015, which enables the Executive to access supplementary financing without parliamentary approval. Concerns were expressed that these funds could have potentially ended up financing the incumbent's campaign.

The use of public resources, including cash, vehicles and officials in support of the incumbent, has become more pervasive. This has had a deleterious effect on public confidence in governance institutions.

Despite the challenges faced by journalists, there was a genuine effort by many to cover the election in a balanced way. Many media outlets fulfilled an important duty in helping to educate and inform voters on the electoral process.

It is disappointing that despite clear media guidelines urging broadcasters to be balanced, UBC flouted these professional ethical principles. We therefore reiterate the recommendation of the 2011 Commonwealth Observer Group that UBC should be transformed into an independent public service broadcaster. In addition, the Electoral Commission should agree with UBC dedicated free-time broadcasts for political parties on an equitable basis on radio and television at election time.

Media ownership is a major issue which needs to be addressed. Aside from state-controlled media which were clearly partisan, private radio stations also carry enormous influence, with a majority of Ugandans relying on radio for their news. However, with many radio stations owned by individuals affiliated to political parties, employed journalists were inhibited from providing balanced political news coverage and commentary.

Across all media, there is a worrying blurring of the line between editorial content and advertising. The Group heard reports that political parties and their affiliates routinely pay for airtime and space, but that viewers and readers are not always informed that they are consuming paid political advertising. Journalists for smaller outlets are often poorly paid, and have little or no formal training, and no contract or guarantee of work; some of these journalists were sometimes paid a stipend by candidates to, in effect, provide propaganda.

It was clear to the Group that regulatory authorities the Media Council and Uganda Communications Commission are not fully trusted by the media, who believe them to be politicised. On Election Day, the Uganda Communications Commission imposed a block on social media communications platforms including Twitter, Whatsapp and Facebook, apparently at the behest of the Government. We believe this decision to restrict freedom of speech and information was ill-advised and unwarranted.



Overall, despite the best efforts of many committed journalists, the general media environment in Uganda had a negative effect on the campaign. Opposition candidates did not receive fair and balanced coverage. Much of the voting public did not receive the quality news and information they deserved during the electoral campaign.

## **Voting, Counting and Results**

The turnout of voters was reasonably high, with long queues at many polling places prior to the opening of polls at 07.00 hours. However, the delays in the delivery of voting materials, which subsequently led to delays in voting, generated a tense atmosphere outside those polling stations where voters had been queuing for many hours. It also reduced the number of voters, as some went home and chose not to return to vote.

However, in other places, a reasonably calm atmosphere prevailed. Once polling commenced, it was conducted in an orderly manner, with agents and observers present. Most polling officials worked hard under trying conditions.

The open layout provided for transparency, but it was also apparent that the secrecy of the ballot was not always guaranteed and that polling officials had different and varying levels of understanding of procedures. For instance, in a few instances ballot boxes were not sealed properly, and indelible ink was applied in different manners.

Our teams followed the count at polling stations and tabulation in a number of districts. The method of counting votes in front of a crowd provides for a high level of transparency. However, while poll officials undoubtedly worked hard over a long period, the manner in which the paperwork from the polling station count was completed was inconsistent and lax.

The security presence around polling stations was visible. Given concerns expressed to the Group on the politicisation of the police and army, we believe that there is scope to review their role and engagement on Election Day.

ENDS