



JOINT CSO POSITION PAPER ON THE ELECTORAL COMMISSION REVISED ROAD MAP AND GUIDELINES FOR THE 2021 GENERAL ELECTIONS.

ACKNOWLEDGEMENT

This position paper was developed following a virtual CSO Stakeholder Discussion convened by the Uganda National NGO Forum on Monday 29th June 2020. The paper also draws on a press statement issued by the Uganda Women's Network. It builds on previous and ongoing efforts and contributions by other civil society groups and organizations. It is presented to the Electoral Commission and other stakeholders by the undersigned Non-Governmental Organizations.

INTRODUCTION

01

As provided for by Chapters One, Five, Six, and Seven of the 1995 Constitution, the electoral cycle makes a full rotation every five years. This is enabled by subsidiary legislation like the Electoral Commission Act Chapter 140, the Local Governments Act as amended in 2015, the Parliamentary Elections Act of 2005 as amended and the Presidential Elections Act of 2005 as amended. As a result, Uganda is scheduled to hold its fourth multiparty general elections in January and February 2021. However, although the Electoral Commission (EC) launched its 2021 Election Roadmap as early as 2018, the implementation of preparatory activities has been hampered by the outbreak of COVID-19 and the measures put in place to combat its spread.

In line with Government directives, the measures have expressively limited human-to-human interactions and imposed serious restrictions on public gatherings and free movement of people. The disruptions have inconvenienced various stakeholders in the electoral process, undermining the activities of political parties and organizations, civil society organizations as well as media.

In March 2020, when the government issued lockdown directives, the Electoral Commission was completing the public display of the national voters' register in preparation for Special Interest Group (SIG) Committees from Village to National Levels. This was to be followed by other preparatory activities for elections of Local Government Councils, Members of Parliament and the President. Several subsequent electoral activities, which were originally scheduled between March and May 2020 were postponed. Relatedly, internal political party candidates' identification processes (delegates conferences, party primary elections, etc.), political consultations for aspirants have also been affected.

ELEMENTS OF A FREE, FAIR AND CREDIBLE ELECTION:

02

The most fundamental principle defining credible elections is that they must reflect the free expression of the will of the people. To achieve this, elections should be transparent, inclusive, free, and fair. In principle, elections thrive on three (3) fundamental liberties:

- **Freedom of movement (mobility):** the right of individuals to travel from place to place within the territory of a country.
- **Freedom of assembly (meeting):** the right to hold public meetings without interference by the government.
- **Freedom of association** the individual's right to join or leave groups voluntarily, the right of the group to take collective action to pursue the interests of its members, and the right of an association to accept or decline membership based on certain criteria (this relates to the right to form political parties, organizations, formations, alliances, coalitions, pressure-groups).

“ elections should be transparent, inclusive, free, and fair. ”

These fundamental freedoms and liberties are guaranteed under Chapter four (4) of the Constitution of Uganda. Within the context of an electoral process, limitations on freedom of movement, assembly, and association inevitably compromises the very meaning of a democratic, free, and fair election

THE REVISED ELECTIONS' ROADMAP:

03

On 16th June 2020, the Electoral Commission launched the revised election roadmap and proposed 'digital' political campaigns ahead of the 2020/21 general elections. According to the Electoral Commission, the administrative changes announced were designed with a view of integrating amendments that promote health and safety measures to control the spread of Covid-19. The Electoral Commission states that all election campaigns will be conducted mainly through media while Election Day activities will be conducted with specific Standard Operating Procedures (SOPs) to facilitate safe participation by all stakeholders in Election Day activities.

These measures include;

- a) practicing social distancing
- b) wearing face masks in public and
- c) regular washing of hands.

Whereas the Commission demonstrated pro-activeness in proposing 'digital' campaigns, it did so with limited or no stakeholder consultations. This has resulted in a public discourse that characterizes the proposed digital campaigns as unfair. There are therefore key challenges that relate to the fairness, credibility, and inclusivity of the method of campaigns that EC seeks to embrace.

The Constitution and other related laws are designed to ensure that elections foster free physical interaction between voters and the voted as a basis for informed decision-making. The interaction between a candidate and the electorate ensures free and fair election based on the tenets of representative democracy. Direct interaction ensures information sharing and provides a feedback mechanism necessary to execute the social contract between leaders and voters.

The proposed 'digital' method of campaigns does not conform to provisions in Section 21 of the Presidential Elections Act, Section 20 of the Parliamentary Elections Act, and Section 122 of the Local Government Act on campaign meetings and rallies. A 'fair' electoral process is one where the 'playing field' is *reasonably* level and accessible to all electors, parties, and candidates.

In the 2016 presidential elections petition, the Supreme Court observed that while the introduction of technology in the election process should be encouraged, it should be done well within time to train the officials and sensitize voters and other stakeholders. An amendment to the Electoral Commission Act, Cap 140 was made in March 2020 to allow for the integration and use of technology in Uganda's electoral process, however, the provision remains largely generic and does not offer a threshold to hold the implementer accountable.

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COMPARATIVE ANALYSIS; ELECTIONS HELD UNDER COVID-19

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From 21st February 2020 until 28th June 2020, at least 39 countries and territories have held national and subnational elections as originally planned in spite of the Covid-19 pandemic. Of these countries, Malawi gives us a practical prototype of what political campaigns should look like during Covid-19. Malawi had its elections on 23rd June 2020. The polls were preceded by vibrant political campaigns that integrated health and safety measures. There were no limitations on numbers of attendees of campaign rallies, however, organizers of rallies and other political meetings had to mandatorily ensure::

- Availability of handwashing/hand sanitizing/sanitary facilities at each rally or political gathering;
- Each attendee had to wear a face mask;

- Rallies had to be open-air events with sufficient space to allow for social/physical distancing;
- The government-provided ambulance and other standby emergency health services including infrared temperature checkpoints for rally attendees;
- All ministry of health and population of malawi health and safety guidelines had to be adhered to.

Zambia has conducted five (5) regional elections during Covid-19. The Electoral Commission of Zambia instituted guidelines to ensure the health and safety of the attendees of political meetings. These guidelines restricted the number of attendees of political meetings that were in enclosed venues. Only 50 people or less were allowed to attend a political meeting in an enclosed venue. No specific limitations were placed on open-air meetings where social distancing could be practiced. Open-air meetings had to be subject to regular health and safety measures. Both Malawi and Zambia's Covid-19 rates of infection have not significantly changed due to electoral gatherings.

CHALLENGES PRESENTED BY THE REVISED ROADMAP & DIGITAL CAMPAIGNS:

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The digital campaigning method proposed in the framework of the revised roadmap lacks a supportive legislative framework as well as the required infrastructure to guarantee a free, fair, inclusive, and credible electoral process..

The insufficient legislative framework for the Electoral Commission's Standard Operating Procedures: Currently, the law does not support the commission's proposed digital campaigns. Both the Constitution and subsidiary election laws envisage physical campaigns. Whereas the campaigns are envisaged mainly on radio and television stations, public media in Uganda only accounts

for less than 10% of the media channels. At present, there is no legislative framework that would make private media houses legally bound to provide equal and equitable media space to all political candidates.

Inadequate media infrastructure in Uganda and unequal access to media: Some regions in Uganda do not have access to radio network. Some regions in Uganda do not have access to radio networks. Districts like Amudat, Madi Okollo, Terego, and Obongi have no single radio stations. More so, in 2015, the BBC World Service's nationally representative survey found that only a third of Ugandans had a working TV (34%) and only 13% of the adult population had access to the internet within their household. Only 16% of Ugandans who owned a mobile phone, owned a smartphone which is critical to accessing the internet and social media platforms. The Uganda National Household Survey 2016/17 found great variation in television ownership across regions with Kampala having the most households (42%) while only 3% of households owned a television individually in Kigezi and (2%) in Teso, Bukedi and Acholi regions. This situation is worse for West Nile, which reported 1% and almost 0% in Karamoja regions.

Even for households that have radio sets, access is often limited to men in the family, which disproportionately affects women. Additionally, the continued under-representation of female voices in media platforms as is evidenced by the dominance of all-male panels in both traditional and social media raises concern on the likelihood that women will have a level playground in the event of digital campaigns. During the 2016 campaigns, women comprised only 14% of the sources of campaign stories in the media. What this means is that the limiting of campaigns to digital platforms would greatly affect citizens' participation in electoral processes and several citizens especially women may be disenfranchised out of participation in the 2020/21 electoral process.

Besides, Uganda's electoral processes have previously been characterized by unequal access to media houses with the incumbent often enjoying unfettered access to state-owned media. In 2016, media monitoring reports by African Center for Media Excellence revealed that incumbent President Yoweri Museveni received

Television ownership by household across regions.

(42%)

Within Kampala regions

(03%)

In Kigezi

(01%)

In West Nile

(02%)

In Teso, Bukedi and Acholi regions

(00%)

In Karamoja regions.

an unfair advantage of 67.5% of coverage compared to 11.3% for Amama Mbabazi who received the second-highest coverage on the UBC – the state media television. Journalists, have also reported entrenched patterns of threats and harassment by local government officials and, in some instances, police, particularly after hosting the opposition or criticizing government programs. In July 2015, some Radio stations were switched off at the main transmitter while Dr. Kiiza Besigye was a guest. As such, limiting campaigns to media platforms will inadvertently give unfair advantages to incumbents.

The prohibitive cost of media: On average, Radio Stations in Kampala and Wakiso Districts charge UGX 4.5 million for an hour's program during prime time, while other radio stations across the country charge between UGX 700,000 to UGX 2 million. With no regulation, these prices are set to go up due to an increase in demand during the campaign period. Unfortunately, the alternative to Traditional Media – Social Media is equally expensive and is only accessible to a small percentage of Ugandans. Uganda's Internet Cost, for example, is the highest in East Africa. A recent study by Uganda Communications Commission (UCC) put the cost of acquiring 1 gigabyte of the internet in Uganda at UGX 9,819, compared to Kenya, Tanzania, and Rwanda at UGX 8,863, UGX 8,017 and UGX 8,017 respectively. The likelihood that the average Ugandan will afford the cost of sustaining a digital campaign is very low. 34.6% of the Ugandan population live on \$1.90 PPP per day or less, and the median wage of Uganda's working population in urban areas is UGX 220,000 and UGX 120,000 in rural areas. For women, the median nominal monthly earnings are estimated to be UGX. 110,000 which is half the median nominal monthly earnings for men UGX. 220,000

Limited movement of people: Currently, nine (9) districts in Uganda are still under lockdown with no public transport and limited movement of essential workers. The rest of the country is under curfew with free movement of persons limited from 6.30 am to 7:00 pm. This situation of limited mobility cannot enable candidates and their agents to freely attend radio and TV programs and other campaign schedules.

All these issues, especially around access to media platforms have a significant on the inclusivity, freeness, and fairness of the electoral process. An election that will be conducted under the proposed framework will inevitably disfranchise women, youth, and rural populations from participating in the forthcoming elections. This will compromise the credibility and legitimacy of the election

RECOMMENDATIONS FOR CONSIDERATION:

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The need for wide stakeholder consultations and a national consensus: It is imperative to note that the outcome of an election is as credible as the process itself. While it is the mandate of the Electoral Commission to develop the roadmap, the Commission should carry out wide stakeholder consultations in the development of its roadmap. While this has been the case in the past, presently, it appears that the Commission has not involved stakeholders like political parties, civil society, and potential candidates in revising its roadmap. It is therefore not surprising that some stakeholders dismissed the roadmap, just hours after its launch. This is because the change in the rules of the game including nature and substance of the campaigns affects political actors significantly. The Electoral Commission, therefore, must make

sure that the process of revising the roadmap and setting the standard operating procedures is inclusive, participatory, and transparent. The outcomes of the consultations should allow for credible, free, and fair elections.

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The Electoral Commission should, therefore, develop a robust digital infrastructure that allows for online voter registration, voter verification, and electronic voting.

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Given the disproportionate effect, the proposed guidelines have on inclusivity the Electoral Commission to take a keen interest in the gender, rural-urban, and age dynamics as well as the existing social-economic inequalities that might hinder equal participation of women, youth and citizens in rural areas.

Ensure inclusion of citizens originally left out of the voter registration process: By the time of the COVID-19 lockdown guidelines, Parliament had directed the EC to ensure they register the more than one million voters that had been left out of the voter register because of the unrealistic timelines originally set by the Electoral Commission. From the recent developments, it seems that the Commission is using these Covid-19 disruptions of its calendar to release itself from its obligation to ensure a comprehensive credible voter register for the 2021 election. It is therefore highly imperative that the Electoral Commission ensures that it registers Ugandans that have been left out of this

registration process. The Electoral Commission needs to take advantage of the advancement in technology to collect details of voters who had been left out. Even in the absence of this technology, the Electoral Commission can set up registration centers and issue robust Standard Operating Procedures to register Ugandans.

Invest in the digitization of the electoral system: The disruptions caused by the COVID-19 pandemic have reignited the discourse on digitization and how technology is helping societies to cope. It is indubitable that technology will provide a pathway out of disruptive crises like the COVID-19 pandemic. Today, corporations, government departments, and Parliament are turning to technology to ensure the continuity of their businesses and work during the lockdown period. The Electoral Commission should, therefore, develop a robust digital infrastructure that allows for online voter registration, voter verification, and electronic voting.

Campaign meetings should observe all the ministry of health guidelines: Guidelines around political campaigns should be revised to allow for socially distanced campaign meetings and rallies while observing all other SOPs issued by the Ministry of Health including wearing masks and washing hands with soap. This recommendation is made bearing in mind the limited access to media for the majority of Ugandans especially women due to marginalization, bias to incumbents on State media, high costs to access media and security concerns for women candidates especially, during night hours when many media talk shows and programs are held.

Security agents should act impartially and professionally: Security operatives and Resident District Commissioners (RDCs) who have in previous elections participated in banning certain political candidates from being hosted on radio stations should be disciplined by both the Electoral Commission and their leadership to enhance access to media for all candidates.

Lifting of the night curfew: The government should lift the night curfew in districts that are no longer under lockdown to enable free mobility of candidates and their agents during the election period.

CONCLUSION:

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The Covid-19 Pandemic presents an unprecedented challenge for electoral processes in Uganda. The success of the 2020/21 electoral activities will heavily depend on the ability of the electoral commission to generate the requisite consensus amongst all stakeholders. The Electoral Commission should, therefore, continue to make decisions informed by dialogue and consensus-building with political parties, candidates, civil society organizations, and citizen groups. Doing so will build trust and confidence in the Electoral Commission which are important for credibility and respect for the outcomes of the 2021 elections.

List of Organisations Endorsing the Joint CSO Position Paper

No	Name of Organisation	Organisation Representative
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2	Uganda National NGO Forum (UNNGOF)	Richard Ssewakiryanga
3	Women's International Peace Centre (The Peace Centre)	Helen Kezie-Nwoha
4	Youth Coalition for Electoral Democracy	Otim Ivan
5	Citizens Watch - IT	Emmanuel Oluka
6	Kick Corruption Out Of Uganda	Kakuru B Robert
7	Midwestern Regional Centre for Democracy and Human Rights (MICOD)	Kangula Lawrence
8	World Voices Uganda (WVU)	Gard Benda
9	Hub for Investigative Media (HIM)	Edward Ronald Sekyewa
10	Bugisu NGO Forum (BUNGOF) - Mbale	Ibrahim Magomu
11	Kabarole NGOs/CBOs Association (KANCA)	Itoote Edward
12	Alliance for Campaign Finance Monitoring (ACFIM)	Henry Muguzi
13	Kapchorwa Civil Society Organizations Alliance (KACSOA)	Kiprotich George

14	Human Rights Network Uganda (HURINET-U)	Godfrey Twesigye
15	Uganda Youth Network	Ronald Otim
16	Mid-western Region Anti Corruption Coalition (MIRAC)	Kusemererwa Ismail
17	Pallisa Civil Society Organisations Network	Kosa Paul
18	Center for Constitutional Governance	Sarah Bireete
19	Lira NGO Forum	Claudia Apio
20	Centre for Basic Research	Dr. Frank Emmanuel Muhereza
21	Forum for Women in Democracy	Patricia Munabi Babiiha
22	Transparency International Uganda	Peter Wandera
23	ActionAid International Uganda	Xavier Ejoyi
24	Citizen Initiative for Democracy and Development-Uganda (CIDD-UG)	Fred Ejautene
25	Creations Forum Afrika (CAF)	Johncation Muhindo
26	Community Development and Child Welfare Initiatives (CODI)	John Segujja
27	Agency for Development of Young Farmers in Uganda (ADYOFU)	Simon Peter Olum
28	Riamiriam Civil Society Network Karamoja (RCSNK)	Richard Omoding
29	The Human Rights Centre Uganda (HRCU)	Margaret Sekaggya
30	Uganda Media Women's Association	Margaret Sentamu Masagazi
31	Kabarole NGOs/CBOs Association (KANCA)	Byakuyamba Peter
32	Uganda Women's Network	Ritah Aciro
33	Anti Corruption Coalition Uganda	Cissy Kagaba
34	Local Sustainable Communities Organisation (LOSCO)	Ngabirano Betty
35	First African Bicycle Information Organisation (FABIO)	Najjiba Katesi
36	Integrated Community Resilient and Development	Kaberinde Fiona
37	West Nile Youth Network (WYNet)	Moses Akuma Odims
38	Arua District NGO Network	Feni Twaib
39	Kitara Civil Society Organisations' Network	Paul Mulindwa
40	Western Ankole Civil Society Forum (WACSOFF)	Apollo Lee Kakonge
41	Innovations for Democratic Engagement and Action (IDEA)	Job Kijja
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