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### **DEMGroup Long Term Observation Finds Elections Mostly Free but not Fair**

The Democracy Monitoring Group (DEMGroup) has been observing the electoral process since April 2011 when it deployed 22 regional coordinators to observe the voter registration, display, natural justice, and candidate selection processes. In October DEMGroup added 215 constituency supervisors to observe the nominations and campaign period as well as recruit and train 6000 Election Day observers. This report draws upon the direct observation of the DEMGroup Secretariat and observers, interviews, public opinion research, media reports, and citizen reports to [www.Ugandawatch2011.org](http://www.Ugandawatch2011.org) to provide conclusions about the quality of the electoral process thus far.

On the eve of the election DEMGroup concludes that the election process to date has been mostly free but not fair. When coming to this conclusion, DEMGroup reviewed the following building blocks of the electoral process: the legal framework, election management conducted by the electoral commission, and the behavior of stakeholders including political parties, government, security services, the media, and civil society.

DEMGroup finds that the quality of the legal framework, improved election management, mostly free access to the media, and reduced rates of violence contributed to a freer political environment. However, changes to, and the expansion of, security services in the pre-election period; attempts by Resident District Commissioners to curtail the campaign activities and media coverage of opposition candidates; and a marked uptick of citizen reports of intimidation in the final weeks of the campaign are impediments to full enjoyment of freedom of expression and assembly. The key findings with respect to how free the electoral process has been to date include:

- The legal framework for freedom of assembly has been respected in most constituencies. This is evident because there are more candidates and they are more free to campaign in most constituencies than in previous elections. In its gender study DEMGroup also found that there are more women candidates participating in the electoral process which connotes some improvement in domestic freedom compared to 2006 elections. EC nomination returns show that NRM had the highest percentage of women candidates among the candidates they submitted with 43%, UPC had 32%, DP and FDC both had 31%, PPP and UFA have 16% of their candidates being women.
- The electoral commission has largely performed its mandate transparently and neutrally. In 89% of DEMGroup's weekly observer reports, local electoral commission officials were assessed to be knowledgeable, neutral and independent.
- Overall there are few reported incidents of violence. Candidates, candidates' agents and

voters have mostly restrained themselves except in a few districts for example Arua, Bushenyi, Butaleja, Lira, Luwero, Masaka, Nebbi, and Sembabule. DEMGroup's weekly political environment reports which draw upon direct observation, media reports and interviews, contained 3% incidents of violence while 90% have no incidents and 6% did not report.

- Though there are fewer incidents of violence exceptions exist such as in Erute South agents of FDC and UPC joined together to clash with agents of NRM. Over 50 people were involved. On February 14 there were reports of candidate's agents being ambushed in Insingiro North constituency. This was reported by a DEMGroup observer as well on Ugandawatch2011.org. In addition to localized violence, the role of security services within elections remains unclear. This is particularly the case with new government sponsored security structures and militias. Government security structures include the Police, the Army, the Internal Security Officers, Resident District Commissioners and the recently added crime preventers. The timing of their formation, the selection process, command structure, training, and mandate is unclear and causes fear among citizens. DEMgroup has also observed that security groups have been formed by political parties and independent candidates. Groups such as the DP youth brigade, FDCs Red and Black Brigade, and NRMs Kiboko squad worry the public. Local groups which have been formed include the Fanya fujo Uwone in Ruhama and Kajara counties in Ntungamo district, and Bei Kaali operating in Kashari Mbarara District, the Youth group in Buzaaya Constituency.

The lack of fairness is driven by unequal access to resources which impact the level of competition as well as women's ability to participate. Monetization of politics within Uganda has eroded the overall fairness of the campaign process, impacting political parties' ability to compete effectively, candidates ability to communicate, and citizens ability to assess candidates based on the quality of their programs and abilities. Though public resources for Presidential campaigns were distributed equally in accordance with the law, these resources are inadequate to the task of campaigning in 112 districts. All candidates for Presidential, parliamentary, and local government elections must raise their own funds. However, the ability to fund raise varies due to the structure of Uganda's economy and the capacity of parties and candidates to identify and persuade willing donors. Some parties have been more successful in amassing campaign resources than others. It is clear that the significant resource imbalances have impacted the ability of parties and individual candidates to compete at all levels. The Key findings with respect to fairness:

- DEMGroup's focus group research showed that many citizens will not consider candidates that do not give them something. For example, In Buganda and Busoga regions, respondents quoted a Luganda saying that: "*Oluganda kulya. Orugenda Enjala terudda*", translated as: "*friendship is about eating. If a friend visits your house and goes without food, she/he will not come back*". Though respondents in this and the Afrobarometer survey were mixed about whether they would vote for someone that bribed them, the trend of both amounts of money used to bribe and the universal expectation by citizens that it will happen is a concern. In the January 2011 Afrobarometer survey, respondents who say that they had been offered money to buy their vote increased from 14% in December 2010 to 17% in January 2011. This constitutes over 3,000,000 voters over one month before elections. The majority (just over half) of offers made, were of money; rising from 53% to 57%). Vote buying offers have shifted away from household items (27% to 7%) to jobs/ food/ alcohol/ clothing (20

to 36%). Of those offered, the majority of the offers are coming from the NRM (80%) followed by FDC (9%), UPC (1%) and the rest of the political parties less than 1%.

- DEMGroup observers note the disparities in campaign paraphernalia and presence of parties on paid media. There are significant differences between the visible presence of NRM campaign materials compared to the other parties. FDC's campaign materials is also significantly more than other opposition parties.
- The media is mostly fair and balanced in its coverage of political parties and candidates. In 63% of reports media is accessed equally while 28% reported that political parties do not have equal access to press and radio. Seventy percent of DEMGroup reports say that media does unfairly diminish any political party while 14% percent of reports show that they do.
- Though the number of women candidates has increased, competition outside the affirmative action seats remains very low. Women's ability to be supported by and participate within political parties remains limited.

This summary of findings compiled from the long term observation conducted by 237 observers since October 2010. A sample of DEMGroup's recommendations contained within the report includes:

- 1. The police must take an active role in leading security and law enforcement for elections, this includes investigating and making arrests around allegations of bribery, the formation of illegal security groups, violence and intimidation.**
- 2. It is crucial that the political party consultative forum is implemented and that the Parliament passes the code of conduct for elections for future elections. The appointment process for the Electoral Commission must also be reviewed and reconsidered.**
- 3. The role of government security services should be clarified, with respect to elections particularly new branches of security services.**
- 4. The legal framework must be reviewed with respect to access to financial resources as well as spending of resources during campaigns. It is worth revisiting and adding detail to the Political Parties and Organizations Act (PPOA) with respect to public financing and investigating whether implementing caps on spending could reduce the monetization of politics. Amending this legislation would assist in leveling the playing field and also improve women's access to the electoral process as candidates and voters.**
- 5. The PPOA should be amended to promote affirmative action for women within political parties as it is done in the Constitution, Local government Act and Parliamentary Elections Act.**

DEMGroup notes that the pre-election process sets the stage for the legitimacy and the outcome of elections. In many cases election stakeholders have performed admirably. However, the use of resources and the anxiety created by the increased visibility of both formal and informal security organizations could cast a pall on polling day. Finally, DEMGroup would like to urge citizens to vote on Election Day and contribute to a peaceful election environment.

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