



JANUARY 24, 2017

PRESS STATEMENT

THE RESPONSIBILITY TO PROTECT THE RIGHTS OF CITIZENS IN EVERY ELECTION LIES WITH THE STATE (Article 20(2) 1995 Constitution of the Republic of Uganda)

Local Council (LC) 1 and 11 are administrative units in the Local Government structure with no right to sue or be sued.

Ugandans in 2017 will after a period of fifteen years (2001-2017) yet again, go to the polls to elect Local Council 1 and 11s. The Constitution of Uganda 1995 in Article 181(4) states that local government elections will be held every five years. Despite this provision, the Electoral Commission last held elections for LC1 and 11s in 2001. The term of office of the leaders at the two LC levels expired on May 12 2001 when Uganda was still under the Movement system of government where all candidates contested on the principle of individual merit.

The elections at these two LC levels could not be held partly due to lack of a law to hold elections at these two levels under the multiparty system of governance that was ushered in following a referendum in 2005 that led to a return to multiparty political system of governance in Uganda. In 2014, the Executive introduced the Local Government (Amendment) Bill 2014 to enable the LC elections at the level of LC1¹ and 11 to be held under a multiparty political system of governance. In addition, the Bill introduced lining up as the system for electing leaders at these two levels and argued that lining up behind candidates of choice in the elections at

¹ At LC 2 level elections will be held for 7,409 candidates while at LC1 elections will be held for 57,792 candidates

LC 1 and 11 would reduce the cost of holding these elections from UGX 505 billion to UGX 35 billion.

In January 2017, Parliament amended the Local Government Act Cap 243 and passed the Local Government (Amendment) Bill 2016 to reduce the time for display of the voters' rolls in respect to the LC1 and II elections; to provide for the Electoral Commission to determine objections arising from the display of the voters' roll and to reduce the time of campaigns and for related matters.

The Non-Financial Costs that may affect the LCI and 11 elections

Social cohesion in a society is critical for peace and development. Elections by secret ballot ensure that voters exercise their right to elect a candidate of choice without fear that their choice will be known and that they may face consequences for their choice. In a multiparty system, social cohesion is even more critical due to the emotions political party differences can bring.

The Convention on the Standards of Democratic Elections, Electoral rights and Freedoms of Member States of Common Wealth and Independent States 2007, spells out the standards for free and fair elections.

Secret balloting is one of the acceptable standards for holding a free and fair election. The right to a secret ballot should according to the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms of Member States of Common Wealth and Independent States 2007, not be limited in any way and by whatsoever.

What Does a Free Election Mean?

Article 62 (a) of the Constitution of Uganda states that: *"The Electoral Commission shall ensure that regular, free and fair elections are held"*.

The Convention of Standards for Democratic Elections Electoral Rights and Freedoms of Member States of Common Wealth and Independent states the following principles must apply during elections:

- The citizens should be allowed to make their choice without influence, violence, threat to apply violence or illegal coercion, not being afraid of penalty or influence.
- Nobody should force another person to vote for a candidate or against a candidate. Nobody should exert influence upon a citizen in order to force him/her to take part in or abstain from elections as well as upon their free expression of will.
- No one voter may be forced by whomever to declare how s/he is going to vote or how s/he voted.

Bearing in mind the above standards and experiences of Ugandans with regard to multiparty system of governance and previous elections held under open voting, we the women gathered here today on behalf of the larger women's organizing are deeply concerned about the following:

Ugandan citizens and institutions with a mandate to enhance multiparty democracy are yet to fully appreciate the principles of multiparty system of governance. Intolerance, abuse of the right to associate with a candidate or party of choice, infringement of the right to assemble, disregard for the rights of one to support a candidate of choice are still challenges that affect the holding of free elections in Uganda, even, when using the acceptable secret balloting procedure of voting in Uganda. The open voting procedure adopted for the LC1 and 11 elections is therefore contrary to the acceptable international standards for holding elections and may affect social cohesion which is critical for peace and development of Uganda.

Though cheaper, previous elections that were held by lining up behind a candidate of one's choice resulted into violence especially against women who supported

candidates who were not the choice of their partners. The same concerns were voiced in an article in the Daily Monitor newspaper of March 24, 2016².

We are further concerned that fear, intimidation, persecution, and intrigue will affect the holding of free and fair LC1 and 11 elections in 2017 due to the method of lining up behind one's candidate of choice.

The disadvantages of using lining up to elect candidates of choice have been raised by religious leaders, civil society actors, citizens, media and some members of Parliament.

Proposed alternative ways of holding LC1 and 11 elections at a cheaper cost but using secret balloting

It is important to find cheaper but effective ways of holding elections by secret ballot at LC1 and 11. For instance, during the NRM primary elections of 2015, ballot papers did not have pictures of the candidates and elections were held by secret ballot.

Cheaper ballot papers with no pictures of candidates but with names of candidates arranged in alphabetical order with the party symbols or in the case of independents with their respective symbols should be used once the law is amended in the future to revert to the secret ballot voting system.

The Parliament prior to passing the amendments to the Local Government Act should have ensured that the holding of LC 1 and 11 elections conform to acceptable international standards for holding free and fair elections. In addition, Parliament should have taken cognizance of other factors that affect open voting system instead of only considering financial costs involved in secret balloting.

² Mercy Nalugo (2016)

Bearing the aforementioned reservations in mind with regard to open voting, WDG recommends the following:

- Women in particular should stand for election as chairpersons for LCI and II because of their importance in service delivery and social justice. LC I and II are the nearest local government units to citizens and if transformative leaders are elected at these two levels, they can make a difference in the lives of their respective localities.
- Bearing in mind previous negative experiences of holding LCI elections by lining up behind a candidate of choice, the state should guarantee that citizen's rights to exercise their rights during and after the election will be protected. In this regard, Uganda Police and Electoral Commission in each district should share with citizens' telephone numbers they can call if their rights are abused.
- The Electoral Commission and partners including: CSOs, religious leaders, media and political parties should intensify gender responsive voter education on the importance of the LC Elections to encourage voter turn up. In this regard, the President should assent to the Local Government (Amendment) Bill 2016 to enable the Electoral Commission to develop Guidelines for the LCI and II elections to among others aid voter education.
- Women and men should insist on maintenance of the principle of gender parity of the executive committees as the LCI and II chairpersons appoint their executive committees. This is in line with the Africa Charter on Democracy, Elections and Governance. Uganda signed the African Charter on Democracy, Elections and Governance on December 16, 2008. Article 29 (3) of the Charter states that: State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

- It is important for citizens to appreciate the importance of using peaceful means to persuade one another to support candidates of their choice. Every human being has a right to think differently and should not be forced to support a candidate who is not of his/her choice.
- Parliament should in the future amend the Local Government (Amendment) Act 2014 and revert to the secret ballot in line with international standards for holding free and fair elections.

FOR GOD AND MY COUNTRY

UNITED WOMEN CAN