

## Situation Analysis Uganda: Election 2016

### Summary

*This is a situation analysis aimed at giving a brief background and context to Uganda's fifth presidential and parliamentary elections. It explores the concerns and existing conditions influencing the electoral process leading up to February 18, 2016 and beyond. Given the fast changing developments surrounding the elections, some of the information included here might have changed at publication. The East and Horn of Africa Programme at Civil Rights Defenders compiled the analysis.*

Uganda will hold its fifth presidential and parliamentary election on February 18, 2016. Around half of Uganda's population, 15 million in total are registered to cast their votes, according to the Electoral Commission. The atmosphere is a mixture of fear of election-related violence coupled with the fear that civil and political rights will be further eroded. Reports of irregularities and election-related violence continue to surface. This has prompted local and international stakeholders to call for immediate reconciliatory measures to ease the situation.

Uganda's President Yoweri Kaguta Museveni has been in power for three decades, and is running for office for a consecutive fifth time. Ironically, in a book entitled "[What is Africa's Problem?](#)" published in the same year that he came to power in 1986, Museveni opined that the key problem in Africa is leaders overstaying in power.

Museveni has been hailed a hero for stabilising the country, which has witnessed unprecedented economic growth under his leadership. His successful campaign to curb the HIV/AIDS epidemic has also bought him worldwide recognition and support both at home and abroad. In the early 1990s, Bill Clinton called him one of "the new breeds of African leaders." These narratives seemed to have run their course as the economy slows, unemployment rises and corruption has deepened, while the population suffers from extreme poverty and is heavily dependent on international aid. Last year, Uganda was ranked 139 out of 168 countries on Transparency International's corruption perception index, and corruption is seen as one of the greatest obstacles to development in the country.

Nonetheless, Museveni is expected to win the election despite a dwindling popular support base. Two separate polls conducted by local firms indicated that Museveni held a comfortable lead of 51% and 59% over his potential rivals. This however is much less than his approval rate during previous elections<sup>1</sup>.

Seven other candidates are challenging the incumbent. Only two of them are expected to pose a considerable challenge to Museveni. Dr. Kizza Besigye, long time rival and Museveni's former personal doctor, is the candidate for the Forum for Democratic Change (FDC). For many, Besigye has the experience and organisation capabilities to run as a presidential candidate. The second, who is running as an independent candidate, is Amama Mbabazi, former Prime Minister and close associate of Museveni before their

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<sup>1</sup> <http://www.monitor.co.ug/News/National/Museveni-lead-drops-to-51-per-cent-in-new-poll/-/688334/3042196/-/t678nez/-/index.html>

fallout in 2014. The two could not agree on a highly anticipated consensus candidate where either Dr. Kizza Besigye or Amama Mbabazi would run as the flag bearer of the opposition to challenge President Museveni. Observers saw this as a failure that boosted the incumbent's campaign.

Emphasising the limited space available for political activism, some groups warned that there is not a level playing field in Uganda to conduct free and fair election. For many, the most critical source of worry is the possibility of serious violence during the electoral cycle. Such concerns has led the US State Department to issue a security alert warning citizens residing in and traveling to Uganda of possible violence during the election period.

### **Electoral violence in Uganda**

Elections turn violent about 25% of the time in Africa, according to a research.<sup>2</sup> Consequently, election related discussions and debates through media sources hardly ever pass without mentioning the fear of electoral violence on the continent. At the centre of electoral violence is the intention of actors to influence the electoral process towards a given outcome. Researches suggest that electoral violence is enabled by the nature of politics, the competitive nature of elections, electoral mechanisms and institutions. In practice, this often means that electoral violence is more likely if economic growth is weak, in particular if there is, a perception or realisation of, unequal distribution of a limited set of resources. The distribution of these resources made on the basis of ethnicity and/or patron-client relationships can also increase the risk of violence.

Uganda is not unfamiliar to electoral violence. A recent report concluded that “election violence has been very much a part of all four presidential and parliamentary elections held since 1995.”<sup>3</sup> In the past the majority of election-related violent incidents reportedly committed were by members or supporters of the ruling NRM and security personnel. This includes arbitrary arrests, harassment, denial of services, disruption of political gatherings and rallies, physical attacks and killings. However, rights groups have documented that opposition supporters have also committed “acts of harassment and violence.”

There has been a number of disconcerting violent incidents recorded in the run up to this year's election. The recent disappearance of Christopher Aine, a senior aid to the independent presidential candidate Mbabazi, is one of them. Aine's whereabouts is not known since he was reportedly taken from his home by security operatives in December 2015. His family believe he is dead; whereas police have denied the accusation that he was murdered in their custody and have claimed that Aine is on the run from the law. An online reporter, Charles Rwomushana, has been barred from reporting and released on a bond for publishing an alleged photo showing the corpse of Aine.

On a number of other occasions, rallies and public gatherings organised by the two main opposition presidential candidates, Mbabazi and Kizza Besigye, have been banned,

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<sup>2</sup> <http://www.usip.org/events/preventing-electoral-violence-in-africa-tools-policymakers>

<sup>3</sup> <http://www.gliss.org/storage/app/media/Mitigating%20Incidences%20of%20Violence.pdf>

dispersed or broken up by members of the security/police force and NRM supporters. The ruling National Resistance Movement (NRM) is repeatedly accused of using the state apparatus and village vigilantes to intimidate members and supporters of other candidates.

On December 31 last year, members of Mbabazi security team attacked people dressed in NRM T-shirts who were chanting slogans in support of Museveni. Though Mbabazi's team accused their opponents of provoking the incident, it marked a high point in tensions and increased the potential for violent confrontations between supporters of different candidates.

Rights groups have accused both the ruling NRM and opposition groups of recruiting 'youth militia' to drive the election campaign. The most popular of these groups is known as the "crime preventers" which according to the government are used to ensure local security. However, many members of this group are all NRM supporters who are very active in the election campaign especially when it comes to intimidating opposition supporters.

In a conflict-ridden society where the government is the principal agent of human rights violations and in a culture of impunity, the potential for electoral violence has further aggravated existing fault lines adding to the risk of more violence. If the political and economic stakes of being in the government are very high while the chances of improvements are low, the cost for the opposition is reduced and so they become more militant and use violent methods for gains. The same goes for the government, which is under pressure not to lose power under these circumstances.<sup>4</sup>

The Public Order Management Act (POMA) of 2013 requires groups and organisations to register with the local police before engaging in any public gathering that addresses political issues before they can take place.

## **Main Parties and Developments in Uganda**

Although multi-party politics was reintroduced in Uganda in 2005, the time limits for being in office as President was removed. Under the existing arrangement, it is possible to have a president for life and the 71-year-old Museveni is now running for a fifth term since coming to power in 1986.<sup>5</sup>

The Democratic Alliance (TDA) created in June 2015 is aimed at uniting the opposition around one presidential candidate; but despite this negotiations have failed and so this was not achieved. In this year's election there are eight presidential candidates.

The main opposition party is the Forum for Democratic Change (FDC) led by Besigye who has challenged Museveni during the last three elections. The former Prime Minister Mbabazi who left the ruling party NRM in 2014 is now an independent candidate for his party, Go Forward.

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<sup>4</sup> Höglund, Electoral Violence in Conflict-Ridden Societies, 2009

<sup>5</sup> <http://allafrica.com/stories/201601112328.html>

In the 2011 election, the opposition candidate Besigye lost 26% to Museveni's 68%.<sup>6</sup> Soon after the election, Besigye launched the now famous 'Walk to Work' demonstration to protest against the election result and increasing costs of living. Police and the military have used excessive force leading to several killings, injuries and multiple arrests of Besigye himself.

The start of the election period led to the so-called "preventive arrest" of both Besigye and Mbabazi. The separate arrests were conducted on the same day, 9 July 2015. This effectively put an end to their participation in the first separately planned events of the presidential candidates. Mbabazi was detained while travelling to a consultative meeting in eastern Uganda. He had informed the Independent Electoral Commission (IEC), whereas Besigye was detained outside his home, despite informing the police under the POMA of his campaign as FDC's presidential candidate. Both were released without charges later the same day.<sup>7</sup>

In early December 2014 Besigye visited a dilapidated health centre, which led government officials to suspend the nurses that showed him around. Since then, there are reports that opposition candidates who have tried to visit state-run hospitals have been hindered by the police from entering so as to prevent them revealing the poor conditions in order to humiliate the government.<sup>8</sup>

In October last year, Besigye and some of his followers were detained on their way to an FDC rally. During the arrest, the shadow secretary for environment was stripped of her clothes and thrown in the back of a pickup truck. According to Besigye, similar strategies aimed at brutalising women are frequently used by police forces to discourage women from becoming political activists<sup>9</sup>.

Opposition candidate Mbabazi condemned the event in a public statement. At previous campaign rallies organised by Mbabazi the police have used tear gas to break them up, deeming the gatherings as illegal.<sup>10</sup> There are also accounts of the police indiscriminately firing rubber bullets at the crowd.

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, the general rule is that no force should be used at peaceful demonstrations. Any use of force must be strictly necessary and proportional regarding law enforcement objectives.<sup>11</sup>

The African Commission on Human and Peoples' Rights on Freedom of Association and Assembly in Africa further state that: "States should only disperse public assemblies in

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<sup>6</sup> <http://www.voanews.com/content/uganda-begins-election-campaign-amid-call-for-level-playing-field/3049633.html>

<sup>7</sup> <http://d20tdhwx2i89n1.cloudfront.net/image/upload/asb1sxx9g5m6kvlfwyfe.pdf>

<sup>8</sup> <http://allafrica.com/stories/201601112328.html>

<sup>9</sup> <http://www.voanews.com/content/main-opposition-leader-accuses-ugandan-police-of-brutality/3003592.html>

<sup>10</sup> <http://www.voanews.com/content/main-opposition-leader-accuses-ugandan-police-of-brutality/3003592.html>

<sup>11</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, adopted September 1990, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

rare and lawfully prescribed circumstances and as a last resort, and only where there is violence or an imminent threat of violence”.<sup>12</sup>

During December 2015, at least 17 people were injured in an incident between supporters of the President Museveni and a group of youth supporters of Mbabazi. Later, twenty people were arrested at a raid at the headquarters of the opposition party Go Forward’s.<sup>13</sup>

The arrest of former intelligence chief and outspoken critic of president Yoweri Museveni in early February, General David Sejusa, was the latest addition. He was brought before a military court marshal on charges of, “actively engaging in partisan politics” in his role as a serving military officer. Sejusa’s lawyers dismissed this allegation citing that their client had retired from his military service. The General recently endorsed the candidacy of Besigye, and advised the two main opposition candidates.

## **Civil Society**

At the forefront of voter education during this election period is the Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU), an umbrella of over 600 civil society organisation established in 2009. CCEDU launched the voter education and mobilisation campaign last April. The consortium dubbed this years theme as “Topowa, Honour Your Vote” highlighting the risk of voter apathy and the potential for electoral violence in its campaign messages. Around 5 million eligible voters didn’t take part in the 2011 election, according to the group. The group is calling for Ugandans to participate in the election, to uphold voter integrity and ensure the peacefulness of the electoral process.

CCEDU has found itself in conflict with the Uganda Electoral Commission on the “interpretations’ of its campaign messages back in December. The electoral body accused the consortium of bias in some of the campaign messages against the ruling NRM and suspended the airing of these messages. The consortium rejected the allegations and stood by the positive tones of their messages.

Civil society organisations continue to participate in voters’ education by organising public discussions and monitoring the election process. However, many of them have expressing concerns regarding the role of the security operators and so called ‘crime preventer’ groups. They are also concerned about the bribing of voters from the side of presidential candidates and their parties.

Uganda has a relatively thriving civil society, with thousands of Non-Governmental Organisations (NGOs) operating in the country. Despite this, these organisations are

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<sup>12</sup> African Commission on Human and Peoples’ Rights, Report of the Study Group on Freedom of Association & Assembly in Africa, 2014, p. 66,

<http://www.icnl.org/research/resources/ACHPR%20English%20REPORT%2021.05.2015.pdf>

<sup>13</sup> <http://www.thestar.com.my/news/world/2015/12/22/ugandan-police-arrest-supporters-of-opposition-presidential-candidate/>

susceptible to legal and operational restrictions. Current legislation requires all NGOs to register with the state, a provision that has been utilised by the government to delay or hinder the work being done by these organisations.

Hostility towards civil society in the country has worsened, with an increase in government crackdowns recorded under the Public Order Management Act (POMA). This has extended the powers of the police and other security forces and has resulted in the growing trend of violence and intimidation directed at political opponents, activists and journalists as previously mentioned. Likewise, peaceful protests held by students and youths have ended in mass arrests and detentions by the police, who have deemed the gatherings as unlawful under POMA.

The Uganda Human Rights Commission (UHRC) consisting of representatives from civil society, lawyers, journalists and political activists is a constitutionally mandated body of the Uganda Human Rights Act from 1997. However, its mandate expired in April 2015. The UHRC was initially engaged in the operationalisation of the POMA of 2013, but the rights group is now expressing concerns about the current selective implementation of the law.<sup>14</sup>

The Anti Terrorism Act, which was amended in June 2015, is criticized for widening the mandate of the police without setting proper mechanism to ensure transparency and judicial oversight. There are reports that it is currently being used for surveillance of political opponents and human rights defenders. There are also concerns that the government now seeks to amend the Act again with more stringent repercussions that would target foreign donations to civil society organisations.<sup>15</sup>

Recently a Non-Governmental Organisation Act was passed by the parliament. This contains vaguely defined provisions that could be again used in order to shrink the space that civil society can operate in. In effect, these new bills would severely restrict the independence and the very purpose of civil society organizations. However, the President has not yet signed it into law at the time of writing.

## **Media**

It has been reported that the media is increasingly targeted as the election draws nearer. Government, party officials and vigilante groups have in particular targeted journalists working in local languages to inform rural voters through radio stations, with threats and harassment. 30 men attacked two journalists in Western Uganda in January. In a surprising turn of events, when one of the journalists tried to file a complaint the next day, the police refused to file it. A journalist covering a peaceful rally led by the mayor of Kampala, sustained injury in November during a confrontation between police and the mayor's supporters.

Reports indicate that the police are often one of the biggest violators of media freedom in the country. Journalists perceived as being critical of the government face

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<sup>14</sup> <http://www.uhrc.ug/uhrc-mandate>

<sup>15</sup> <https://unwantedwitness.or.ug/shrinking-civic-political-space-government-seeks-to-amend-the-anti-terrorism-act-to-target-civil-society-foreign-funding/>

harassment, intimidation and physical abuse. Attacks on journalists are very rarely investigated as the police are generally protected from prosecution by other state agencies.

Threats are usually in response to criticism of the current government. This can include hosting oppositional parties as guests on radio or TV programs. At the same time there has been reports that journalists have sometimes been offered benefits for favourable coverage of the ruling party.<sup>16</sup> The Uganda Communications Commission (UCC) revoked the licences and confiscated broadcasting equipment of Endigyti FM radio a day after they later aired an interview with opposition candidate Mbabazi. The UCC later claimed that the suspension was due to unpaid licence fees.

Privacy International released a report stating that the government has installed surveillance software in hotels and government buildings to spy on journalists and political opponents in the run up to this year's election.

In 2013 several media houses were shut down for a period after reporting on allegations that President Museveni was grooming his son for succession in political office. These reprisals have led to a situation where media outlets live in fear of state repercussions and underline the deterioration of press freedom and expression in the country.

### **Human rights**

People working as human rights defenders are increasingly targeted for their work on human rights such as voter education and journalism. By limiting the space for HRDs and threatening them with the closure of critical media and organisations, the government violates the right to freedom of association.

The arbitrary arrests and crackdown on political gatherings does not only harm the right to liberty and security of the person, freedom of assembly and expression. It also obstructs the ability to receive information and claim political rights by engaging with different political parties.

The Ugandan Human Rights Commission (UHRC) reported that in 2014 the highest number of human rights complaints were reported against the Ugandan Police Force, a trend that has also been evident in previous years. Similarly, the number of complaints reported against the Ugandan People's Defence Forces (UPDF) more than doubled between 2013 and 2014.<sup>17</sup>

There have also been reports of torture and degrading treatment in detention facilities. Documentation has appeared in recent reports with interviews of the victims of detention. In one of the cases, the government's unwillingness to reveal the location of the victim led international rights groups to raise concerns about an alleged enforced disappearance.<sup>18</sup> This is prohibited under the International Convention for the Protection of All Persons from Enforced Disappearances to which Uganda is a signatory, but has still not ratified.

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<sup>16</sup> <https://www.hrw.org/news/2016/01/10/uganda-intimidation-media-civic-groups>

<sup>17</sup> <http://www.uhrc.ug/uganda-human-rights-commission-uhrc-officially-launches-its-17th-annual-report>

<sup>18</sup> <http://d20tdhwx2i89n1.cloudfront.net/image/upload/asb1sxh9g5m6kvlfwyfe.pdf>

Several NGOs and other organisations report receiving threats and have had their offices broken into. The break-ins appear to have been attempts to obtain information that organisations had compiled regarding human rights abuses.

### **Regional Factors**

Uganda has had a troublesome past of violent internal and regional conflicts. The most recent is the Lord's Resistance Army (LRA) based in northern Uganda. LRA started as a rebel group among the ethnic Acholis it turned into a violent regional troublemaker terrorising civilians, abducting children and women to use them as militias and sex slaves. LRA spread terror in northern Uganda, Central Africa Republic, South Sudan, and Democratic Republic of Congo (DRC).

The International Criminal Courts (ICC) arrest warrants from 2005 remain in force against the leader of LRA, Joseph Kony and three other commanders. This has helped initiate talks between Uganda's government and the LRA in 2006, and an agreement on a ceasefire was reached 2008 in Juba, Southern Sudan.<sup>19</sup> However, the peace talks broke down after Kony failed to meet the deadline of signing the agreement and his militia even stepped up attacks in neighbouring countries later in 2008.<sup>20</sup>

In December 2008 the joint operation 'Lightning Thunder' was launched by the armed forces of Uganda (UPDF), the Democratic Republic of Congo (FARDC) and Southern Sudan (SPLA) against the LRA. However the rebel group remains a dispersed regional threat. Following LRA's weakening influence, northern Uganda underwent a constructive transformation in the past few years. Northern Uganda is expected to have no special security situation.

Uganda shares borders with the Democratic Republic of Congo (DRC), South Sudan, Kenya, Tanzania and Rwanda. Uganda has been accused of participating in conflicts in neighbouring countries since the 1960s. This is particularly true when it comes to the role of Ugandan military forces in the DRC, Rwanda and Burundi conflicts. A UN report accused Uganda of its involvement as an arms supplier in the DRC conflict and also facilitation by sending troops. Some even accuse Uganda of being involved in the illegal trade of minerals during the conflict.

Museveni has also been accused of creating a regional network of alliances among armed and ethnic groups even before he came to power. These networks link groups in Rwanda, DRC, Burundi and Uganda. His influence also extended to South Sudan since the world's newest nation gained independence 2011. Uganda deployed its soldiers to South Sudan during the 2013 split of government and ethnic strife, which has plagued Africa's newest nation. Museveni sided with President Salva Kiir, according to some observers by annihilating the group led by former Prime Minister Riek Machar. There are currently no indications that developments in neighbouring countries and Museveni's involvement have influenced the Ugandan election in any meaningful way.

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<sup>19</sup> <http://www.ucdp.uu.se/gpdatabase/peace/UGA%2020080223.pdf>

<sup>20</sup> [http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=160&regionSelect=2-Southern\\_Africa](http://www.ucdp.uu.se/gpdatabase/gpcountry.php?id=160&regionSelect=2-Southern_Africa)



Uganda was the first country to deploy troops into Somalia under the Africa Union Mission in Somalia (AMISOM) in 2007<sup>21</sup>. Uganda's involvement became a security priority for the country following Al-Shabaab's terrorist attack in Kampala in July 2010. Uganda remains one of the main contributors of troops to AMISOM's with a 20,000 plus strong force in Somalia. This involvement puts Museveni as one of the leaders in the region in the fight against terrorism and at the forefront of the campaign against Al-Shabaab, terrorism in general.

At the end of October last year it was estimated that Uganda played host to over half a million refugees from the DRC, South Sudan, Somalia and Burundi as a result of ever growing tensions in the region.<sup>22</sup> On-going tensions in South Sudan and Burundi have also led to an increased involvement for Uganda.

### **International Community**

Despite reports of human rights infringements, and the deteriorating state of democracy, relations with the international community are often dominated by local stability and regional terrorist threats.

The European Union is among several international observers invited to monitor the elections. The mission will deploy 130 observers throughout the country. The mission that observed the 2011 election reported that, "the electoral process was marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised. Furthermore, the power of incumbency was exercised to such an extent as to compromise severely the level playing field between the competing candidates and political parties."<sup>23</sup> Ugandans will see if any of the recommendation made by the previous mission have been taken seriously in the five years leading to the 2016 election.

The government of Uganda, to its credit, has also invited the Commonwealth, The African Union (AU), the International Conference of the Great Lakes Region (ICGLR), the Inter-Governmental Authority on Draught (IGAD), the Common Market for Eastern and Southern Africa (COMESA), and the East African Community (EAC) to observe the elections. All of them are expected to send their missions.

### **Civil Rights Defenders**

While the role of Civil Rights Defenders is limited in Uganda, we have taken progressive steps in establishing strong local partnerships. Civil Rights Defenders works closely with the East and Horn of Africa Human Rights Defenders Project (EHAHRDP), Unwanted Witness Uganda, the Coalition of Human Rights Defenders Uganda (CHRDU), Sexual Minority Uganda (SMUG) and others to empower HRDs and create enabling environment for them.

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<sup>21</sup> <http://amisom-au.org/uganda-updf/>

<sup>22</sup> <http://data.unhcr.org/burundi/country.php?id=229>

<sup>23</sup> [www.eods.eu/library/PS\\_UGANDA\\_20.02.2011\\_en.pdf](http://www.eods.eu/library/PS_UGANDA_20.02.2011_en.pdf)

Civil Rights Defenders has been monitoring the human rights situation in the country and organising trainings on digital security and advocacy on regional and international human rights instruments. We foresee to increase the number of HRDs included in the Natalia Project the worlds first security alarm system for human rights defenders at risk. The goal is also to develop long term partnerships in order to provide support to HRD's in Uganda and the wider region.

We uphold the importance of HRDs and respect for civil and political rights to create enabling environment to conduct free and fair election.