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Election Observation Quick Guide

2011 Presidential and Parliamentary Elections in Uganda



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER





Why observe elections?

Democratic elections are celebrations of citizen's political rights; election observation, therefore, contributes to the promotion and protection of civil and political rights.

As election observers we gather information on the electoral process and make informed judgments on the conduct of such processes. By observing elections we play an important role in promoting transparency and accountability, assist in ensuring the integrity of the election process, as well as enhancing public confidence in the electoral process. Following elections, the reports and recommendations we produce can lead to the correction of errors or weak practices, deter manipulation and fraud, or expose such problems if they do occur, leading to changes and improvements in national law and practice.

Why observe human rights during elections?

The right of everyone to participate in his or her government through free and fair elections is a fundamental human right to be enjoyed without discrimination.



International standards on elections and human rights

The degree to which an election complies with internationally agreed standards provides a clear benchmark for election observers.

- The right to vote. Art. 25 of the International Covenant of Civil and Political Rights (ICCPR) and related to it:
- The right to freedom of opinion and expression (ICCPR, Art. 19, 20)
- The right to peaceful assembly (ICCPR, Art. 21)
- The right to freedom of association (ICCPR Art. 22)
- The right to an effective legal remedy (ICCPR Art.2)
- The right to freedom of movement (ICCPR Art. 2)
- Non-discrimination and equal rights for all citizens, including those belonging to minority groups (ICCPR Art. 2, ICERD Art. 5, CEDAW Art. 7)

During elections we need to know whether:

- Freedom of movement, assembly, association and expression have been respected throughout the election period.
- All parties have conducted their political activities within the law.
- Any arbitrary and unnecessary restrictions regarding access to the media have occurred.
- The secrecy of the ballot has been maintained.
- The conduct of the ballot avoids fraud and illegality.
- Voters have been able to vote freely, without interference, fear, undue influence, bribery or intimidation.
- Adherence to the rule of law has been observed, including access to an effective remedy.



Use of national standards in assessing elections

Remember to assess compliance of the election with the constitution and domestic legislation including:

- The Constitution of the Republic of Uganda, 1995
- The Electoral Commission Act, Cap. 140
- The Political Parties and Organizations Act, 18 of 2005
- The Presidential Elections Act, 16 of 2005
- The Parliamentary Elections Act, 17 of 2005
- The Local Governments Act, Cap 243
- The National Youth Council Act, Cap 319
- The National Women Council Act, Cap 318
- The Referendum and Other Provisions Act, 1 of 2005

What are electoral offences?

- Voting more than once.
- Bribery.
- Carrying arms during any part of polling day.
- Use of loudspeakers/similar communication device prohibited within hearing distance of polling station.
- Display and posting campaign emblems, labels, posters, by a person intended to distinguish the person as a supporter of a given candidate.
- Procuring of prohibited persons to vote.
- Obstruction of voters.
- Forging and/or destruction of election materials.
- Making wrong returns (election officers).



General code of conduct for election observers

A code of conduct ensures that observers conduct themselves according to the highest professional and personal standards and behave in a manner consistent with the role of an independent and impartial observer.

DO!

- Be neutral, impartial, objective and unbiased.
- Wear the Electoral Commission accreditation badge.
- Respect national laws and the authority of the EC.
- Maintain a respectful attitude toward electoral officials and other national authorities.
- Introduce yourself to the Presiding Officer, and present your accreditation upon request.
- Do not interfere with the electoral process in any way.
- Respect the secrecy of the ballot, including by not entering the voting booth.
- Maintain accuracy of observations and professionalism.
- Base all conclusions on factual and verifiable evidence.
- Interview several witnesses should an incident occur.
- Keep a well documented record of where you observed, the observations made and other relevant information.
- Keep confidentiality.
- Report all significant incidences to your supervisor and record all irregularities and violations when they occur.
- Remember to vote early.



General code of conduct for election observers

DON'T!

- Indicate, or be seen as indicating partisan support for a candidate, political party, or political actor.
- Wear, carry or display any party symbols, names, banners, colours or symbols.
- Obstruct election processes.
- Accept any gift or favours.
- Express an opinion that can affect the outcome of the election.
- Express a view on a subject that is likely to be an issue in the election.
- Show observation notes to polling station officials, or other parties.
- Carry any weapons.
- Consume alcoholic beverages.
- Take over the role of the police constable if there is an emergency.
- Transport electoral material.
- Make personal comments about observations or conclusions to the news media or members of the public.
- Ask people who they voted for or stand beside people when they are voting.
- Communicate with voters with a view to influencing how they vote.
- Interfere on polling day with the secrecy or orderly conduct of the voting.
- Celebrate the outcome of the elections.



Remember! Key human rights monitoring principles:

- Do no harm.
- Respect the Mandate.
- Know the standards.
- Exercise good judgment.
- Seek consultation.
- Respect the authorities.
- Credibility.
- Transparency.
- Confidentiality & security.
- Understand the context.
- Consistency, accuracy and precision.
- Impartiality and objectivity.
- Sensitivity.
- Integrity and professionalism.
- Visibility.

Some security tips!

- Always be alert and aware of your surroundings.
- Be visible - make sure you wear your EC accreditation at all times.
- Avoid the display of political symbols / signs/ memorabilia on yourself, office, residence and car.
- Don't flash any party sign, even when tempted to do so.
- Don't underestimate any situation involving crowds moving for political purposes. If you encounter spontaneous protests or demonstrations act fast. If possible, divert and move to the nearest point of safety. Do not oppose the demonstrators in any way.
- Maintain regular communications. Report progress every 1 HR or as required. Keep your communication equipment serviced and handy.
- Keep a list of emergency contacts and stay in touch with colleagues and any designated security person.



Key contacts:

Based on where you are observing elections, it is useful to compile a list of key contacts, including the Uganda Police Force Zonal Commander, District Police Commander and OC station, the Electoral Commission Returning Officer & Presiding Officer and the Ugandan Human Rights Commission regional officers:

Electoral Commission:

Ph: 0414 337509

Email: secretary@ec.or.ug

Ugandan Human Rights Commission:

UHRC main office. Ph 0414 348007/8

Email: uhrc@uhrc.ug

Uganda Police Force:

UPF Election Observer central focal point. Rwego Francis.

Ph: 0712 745010



What happens on polling day?

- Voter reports for identification (table 1); particulars are checked against the voters' register.
- ID can be voter card or any other means of proof that he/she is on the voters' register.
- Issued with ballot paper upon certification by the Presiding Officer (PO).
- Process is witnessed by agents present/observers.
- Polling commences at 7 am and closes at 5.00p.m. The PO has no discretion to extend polling time save that which is allowed under the law.
- Polling station (PS) remains open after official closing time for qualified voters in the line in the PS, to vote.
- Persons who are not actually present at the PS or in the line of voters at the official closing time shall not be allowed to vote.
- After close of voting, counting of votes is done in full view/presence of voters, agents, and/or observers present.
- PO opens ballot box and empties its contents on the polling table/polythene sheet and separates the votes polled by each candidate.
- The votes polled by each candidate are recorded in both figures and words and countersigned by polling agents before announcing the result.
- Refusal to sign by agents is to be recorded (also applies to absence of agents).



What happens on polling day?

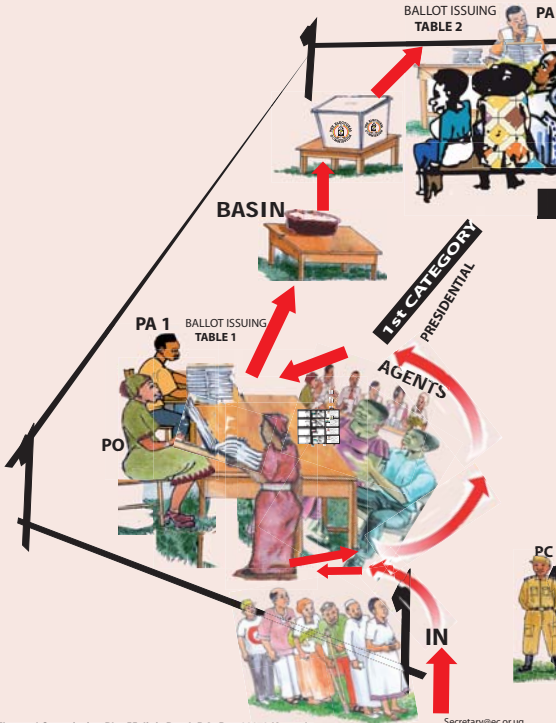
- PO submits results to the designated collection centre.
- All results at the collection centre are transmitted to the designated tallying venue (ROs office).
- Tallying is conducted by the ROs and declared accordingly.
- Recounts on application (mandatory recounts on tie of vote; and where number of votes between winner and any other candidate is less than 50).
- This is done before declaration of results at Local Government Councils & Parliamentary elections.

What does a polling station look like?

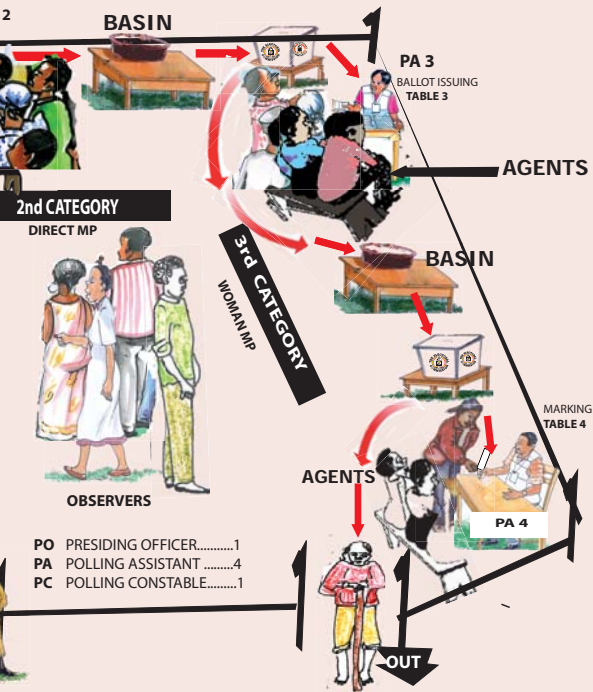
- Polling stations are located in open ground or large premises with convenient access.
- Condoned off for polling purpose, they should have an open entrance and exit and allow access by PWD's.
- Typically they should have - 1st table for identification and collection of ballot paper.
- 2nd table about 15m away from 1st table with ink pad, 2 pens attached to the table for ticking and thumb marking ballot paper.
- 3rd table 10m away from 2nd table, upon which rests the ballot box.
- 4th table for the indelible inking process.



POLLING STATION 2011 GENERAL



ION LAYOUT FOR L ELECTIONS



- PO PRESIDING OFFICER.....1
- PA POLLING ASSISTANT4
- PC POLLING CONSTABLE.....1



What to observe on Polling Day?

Your checklist has a detailed list of all issues to observe. However, below are some guiding questions for you to consider.

The Polling Station:

- Was the necessary staff (Presiding Officer, Polling Assistants, Election Constable etc) present throughout the voting process?
- Was the Polling Station easily accessible?
- Were campaign materials visible inside the Polling Station?
- Did you directly observe any intimidation inside the Polling Station?

Voting Procedures:

- Did voting at this Polling Station commence at 7 am?
- Were voters' names crossed out in the voter list after voting?
- Were ballot papers stamped before being issued to voters?
- Were voters marking their ballot in secret?
- Are voters queuing 20 m from the voting table?
- Did voting close at 5 pm?
- Were all persons waiting in line to vote at the close of day able to vote?

Technical Issues:

- Did the Presiding Officer demonstrate the ballot box was empty at the start of the process?
- Did you observe any problems with the ballot box seals?
- Were voters with disability provided with assistance?
- Was the secrecy of the vote breached at any point?
- Did you observe any ballot stuffing?
- During your visit, was any person refused from voting for any reason?



What to observe on Polling Day?

Below are some guiding questions for you to consider.

Tabulation & Announcement:

- Were all unused ballots tallied and sealed?
- Did the Returning Officer tally the results in the presence of candidates or a suitable representative?
- Were invalid ballots sorted and sealed as required?
- Was the declaration of result form filed by the Presiding Officer?
- Did the candidates receive a copy of the results declaration form?
- Was the ballot box returned to the office of the Returning Officer?

General Electoral Atmosphere:

- Have there been any instances of political intimidation?
- Is there a visible security presence?
- Have there been any politically motivated clashes?
- Have there been any infringements on freedom of assembly?
- Have there been any infringements on freedom of expression?
- Has there been any use of force by the police/army during Election Day?
- Have there been any arbitrary arrests?
- Has there been any unlawful detention?

