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Uganda Chapter

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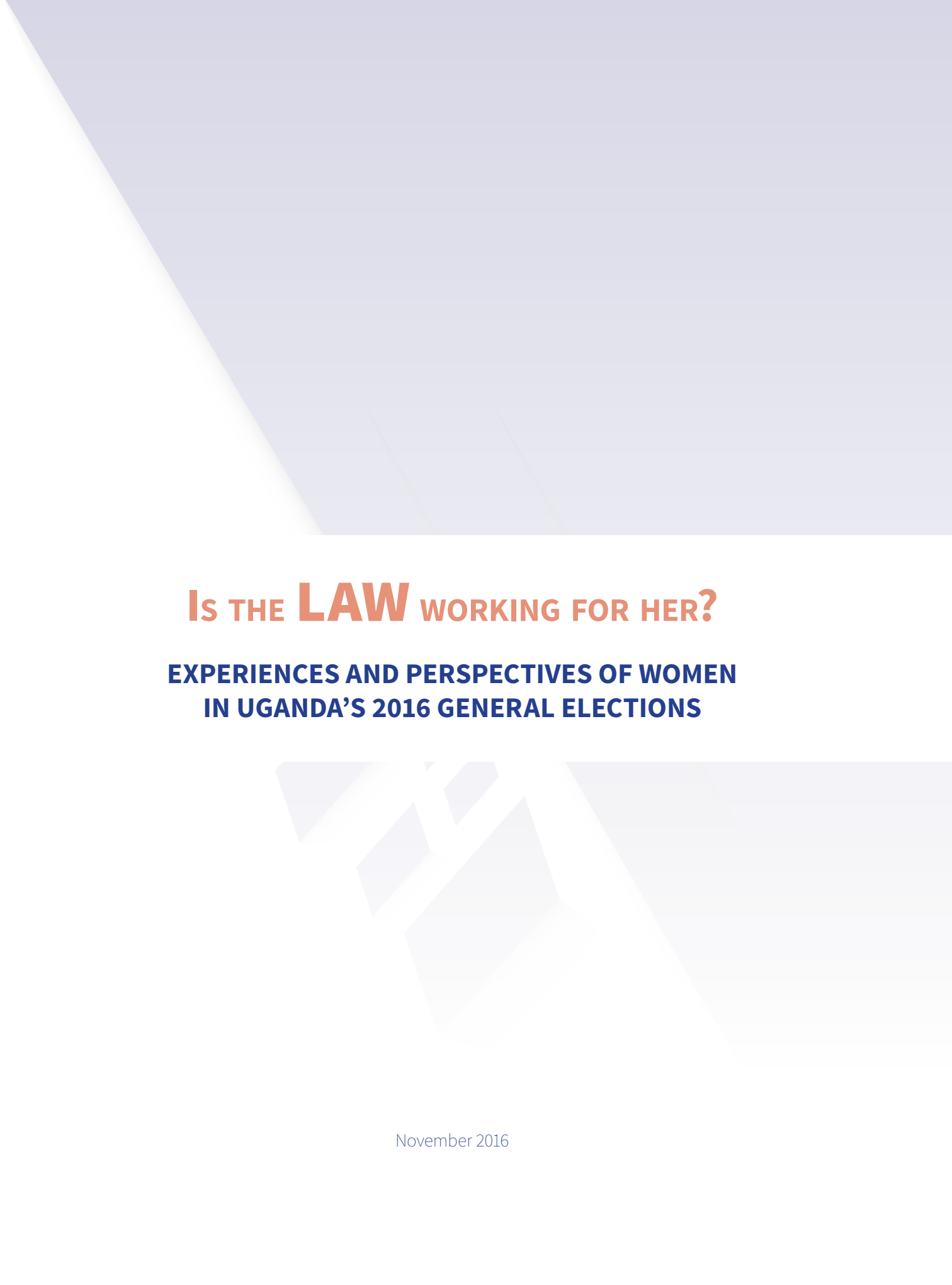

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FORUM FOR WOMEN IN DEMOCRACY



IS THE **LAW** WORKING FOR HER?

EXPERIENCES AND PERSPECTIVES
OF WOMEN IN UGANDA'S 2016
GENERAL ELECTIONS

November 2016



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Foreword

The election of women in Uganda's 2016 general election was played out within the context of a hotly contested Presidential Parliamentary and local council elections.

Women's participation in politics is highly political in itself because women's political legitimacy tends to be defined primarily on the basis of personal and private realms. The stories of the women who contested in the 2016 General Elections in Uganda highlight the complex and dynamic process created within formal politics and electoral context. Writing about the 1996 elections, Tamale observes that: "Women spent a great deal of campaign time convincing the electorate of their moral aptness to stand for political office rather than in the articulation of political issues ... Women ... encountered slurs regarding their marital status, sexuality and (in) fidelity. A married woman was penalised for neglecting her husband and family. A woman who was unattached "was put to task to prove that she was not a 'malaya' [prostitute].¹ The stories of women politicians below reflect that not much has changed for women.

Affirmative Action has had the adverse effect of reinforcing the view that the affirmative action seats are the only spaces for women to participate in politics. Women's participation is seen as outside mainstream politics and women end up "in a political ghetto." This puts women's political legitimacy as politicians worth their salt in jeopardy. This is perhaps especially evident in the roles they play in major political campaigns. From as far back as the 1996 elections women were generally seen as political *"cheerleaders"*.

There is gender politics at play when women politicians have to be seen publicly as not challenging the current social order although it is highly patriarchal and largely against women's interests. The individual woman candidate is, more often than not, driven to conform socially. This becomes especially obvious in the process of competing for the women's affirmative seats.

While women in politics are becoming more visible, women's concerns and issues are no longer the campaign issues at different levels. UWONET has consistently developed a Women's Agenda but few issues are picked up and subsequently dropped after elections. For example, promises in the campaign platforms of the major presidential candidates in the 2016 elections do not indicate serious consideration of women's issues. The 2016 electoral period saw Government developing a Women's Fund under the Uganda Women Entrepreneurship Programme (UWEP). While implementation especially success level is being awaited, it is worth noting that Government has had mixed success levels with previous funds designed for economic empowerment of the people of Uganda.

1 Tamale (1999) pp. 121–122

It is evident that while a political process plays out, there are always undercurrents that impact women's participation in the process. For instance, electoral violence has adverse effect on women's participation as candidates, voters and campaign agents. It is critical that women politicians are aware of these undercurrents that many times tend to undermine their participation and their political careers.

It is against this backdrop that UWONET together with the membership of WDG undertook this documentation to better understand the changing and emerging new dynamics for women, for better and informed intervention from a holistic point of view in an attempt to enhancing women's activity and influential leadership.

Rita .H. Aciro–Lakor

Executive Director

UWONET

Introduction

The right of every eligible citizen to determine who will represent them in government is a cornerstone of democracy and critical for social cohesion and solidarity. Elections are “... *Human rights events: first because they give voice to the political will of the people involved; and secondly, because, to be truly free and fair They must be conducted in an atmosphere which is respectful to human rights.*”¹

Women formally secured their place in Uganda’s political decision-making arena with constitutional provisions that entrench affirmative action seats at all elected levels—from Parliament to local councils. There were anticipated qualitative benefits to society resulting from increasing women’s representation in Parliament arising from the representative, oversight and law making mandates of Parliament. The logic and rationale of affirmative action in Parliament is to infuse the governance process with norms of equity and ensure gender perspectives and mainstreaming through the outputs of Parliament. Affirmative action over the years has resulted in increased numbers of women in Parliament, amounting to **35%** from the **2011 elections**. Since then, Ugandan women have been making incremental steps towards greater participation in democracy and politics, although their capacity to participate substantively is yet to be optimally developed or exploited.

Women participate in elections as candidates, voters, campaign agents, electoral officials etc. In Uganda, as per the provisional results of the 2014 census, women form a critical majority of the population, at the rate of **17.9 million** compared to **16.9 million men**. As such, the representation of women and gender issues, concerns and perspectives in all public spheres and governance processes, structures and institutions is crucial. **Drude (1997)** a political scientist in an extensive research on women’s participation quoted a respondent saying, “*Don’t expect us to make much difference as long as we are only a few in politics. It takes a critical mass of women to make a fundamental change in politics.*”

The focus of this documentation is on women’s participation in elections as candidates. For gender inequalities to be addressed, attention should be paid to how they are structurally embedded in social, economic, cultural and political norms and institutions. Consistent application of a gender equality perspective throughout the electoral process is critical when working towards the goal of enhancing women’s equal political participation. The quest of the women’s movement is a just and democratic society and as women participate in elections, electoral justice is critical to the realisation of this vision.

The concept of electoral justice is a significantly broader concept beyond embracing the outcome of an election conducted in accordance with legal provisions. It goes beyond the letter of the law to the integrity and legitimacy as well as fairness of the entire process. Therefore, electoral justice not only resolves electoral disputes but protects the political and electoral rights of citizens as well as promoting a truly democratic culture.

1 Centre for Human Rights (1994) Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections (United Nations: Geneva) at p. v.

“As long as women are bound by poverty and as long as they are looked down upon, human rights will lack substance.”
– **Nelson Rolihlahla Mandela**



The Contenders

SOME WOMEN POLITICIANS' EXPERIENCES AND PERSPECTIVES OF THE 2016 GENERAL ELECTIONS

Women participate throughout the electoral process in various ways—as candidates, as voters, as supporters, as electoral officials, as campaign managers and agents, as civic and voter educators, as media reporters, as election observers, as arbiters of electoral disputes to mention some means of participation. However, it is as candidates for electoral office that women are most visible. This documentation and section contains the stories from a cross-section of women who contested for various positions in the 2016 General Elections. It is important to present their perspectives as informed by their experiences garnered from participation.

Experience and Education are key—the story of Hon. Dr. Kitutu Mary Goretti



Mary contested and won the seat for Woman MP Manafwa district under the NRM banner. At the time of the interview the President had just announced his new cabinet and Mary had just been named Minister of State for Environment. This new role will be a breeze for Mary because before her entry into the political arena she was working with Uganda's National Environment Management Authority (NEMA). She opted to enter politics with six years left to her retirement from Uganda's Public Service because she

knew this was her chance to bring about change in her district.

Mary attributes her successful campaign largely to her educational background (because she holds a doctorate degree in her field) and also to her vast experience in education and environmental issues was crucial as she framed as her campaign issues. Mary's district is along the slopes of Mt. Elgon and is prone to mudslides as a result of environmental degradation. While working with NEMA she had interacted with many people in her district. Consequently when she went into politics her face was not new to many.

Mary does not take her leadership role lightly. She believes women should not make politics a career but rather a vocation where they go to serve others especially the less advantaged.

Another campaign issue that struck a positive cord with her electorate was her concern and proposals with regard to improving literacy rates in the districts. To her the high rate of school drop outs especially among girls was unacceptable and she set out to change this trend. She has personally supported a few girls to acquire a good education and her pride in one of the girls is evident. Like a proud mother she speaks with pride of one of the girls she supports who is currently in her second year at Busitema University. Knowing that the issue required that she do more than charity and do more at a policy level to reverse the negative trends in girl child education. She is without a doubt in position to do that as the area MP because she will be able to contribute to policy development at national level and influence district-level programs. Mary intends to continue lobbying for construction of more secondary schools within her district and scale up her efforts of keeping girls in school.

Mary further attributes her successful campaign to the team work among the party officials and candidates in her district. She says they developed and implemented joint campaign activities. Her knowledge of the rules governing elections was acquired from NRM party officials in her district and she was consequently able to run a clean campaign.

At first sight one can see Mary as a very serious and confident woman but she also has a sense of humour. She makes fun as she recounts how because of her title of doctor many of her constituents thought she had medical qualifications and expected that she could treat their sick people. She believes that there are people who elected her while not realising that her doctor title was a result of a doctoral qualification rather than medical qualification.

Mary does not take her leadership role lightly. She believes women should not make politics a career but rather a vocation where they go to serve others especially the less advantaged. She intends to use her leadership to mentor upcoming leaders within and outside of politics.

In her parting remarks Mary says education is the key to success and that a good education coupled with economic empowerment will propel women to greater heights.

Holding the Government accountable—the story of Alice Asianut Alaso



Alice Asianut Alaso's physical appearance belies her political influence. Alice is small bodied yet she has held and continues to hold very big political offices. Alice has been the Secretary General of the FDC and is currently a Vice President of that Party. In the 9th Parliament Alice chaired the Public Accounts Committee of Parliament. She was Chairperson of the East African Public Accounts Committee and Vice Chairperson of the Commonwealth Public Accounts Committee (PAC). For 15 years (that is until the 2016 elections) Alice was the District Woman MP for Serere District and she used her previous achievements and track record in holding government accountable as the lynchpin of her campaign.

During her campaign, Alice talked about the bills including private bills and motions that she had moved in Parliament including the work done in the Uganda Women Parliamentarians Association on curbing domestic violence and trafficking of persons. She amplified her track record of fighting corruption and promoting accountability in government by virtue of positions such as chairperson of the PAC and the regional and international PAC associations. She was able to also present her being rated by CSOs as a good legislator.

Being at the forefront of campaigns to promote integrity and accountability in public office, Alice says elections in Serere were not worth the name. Her challenges began with the party primaries which she describes as ***“a nasty experience.”*** Alice's support for one of the persons contesting for Party president pitched her against other influential members of the Party particularly from her region. These party officials and others from another party procured someone she had never known as a party member of FDC to contest against her in the party primaries. Alice believes that those who brought this ***“fake”*** contender into the party primaries knew she could not win but wanted to ensure that Alice wastes resources on campaigning during the primaries. According to Alice her opponent in the party primaries was well facilitated by those she calls her ***“detractors”***.

Alice says that as a party they had agreed to use consensus to determine and field the most suitable party candidates and ensure that the few resources harnessed by a candidate are effectively used in the main election instead of being wasted in the primaries. It was therefore disheartening to Alice to see that top party members did not follow that decision when it came to her. In her opinion she was better suited to contest for the position of Serere district Woman MP (because of her experience and track record highlighted above) and instead of brokering some form of consensus, party officials pushed Alice into the party primaries while insinuating that she if she did not participate it would indicate that she was afraid of her opponent. Alice was confident of victory because she had been responsible for setting up the party structures in Serere district. The party structures she had established did not disappoint her because even though she was not present at the time that the primaries were conducted she was able to

win with 97% of the vote even though she did not campaign. The only challenge she met with some of the party members was the expectation that she would “purchase” their votes since she had a challenger but she stood by her values and refused to bribe anyone.

Clearly when Alice stood her ground in the face of pressure from her own party members to break the law, she knew her rights and the law. This can be attributed not only to her 15-year Parliamentary experience but also to the fact that as a champion for the electoral reforms proposed in the Citizens' Compact for Free and Fair Elections she had to be conversant with the subject of electoral law. Alice said, “I know my rights and when I decide to make a complaint it means I have the evidence to prove it.” Therefore, throughout the election period she was filing complaints with the requisite agencies especially the Electoral Commission that culminated into an election petition when she lost to NRM party candidate. Her petition had several grounds including harassment of voters by her opponents' agents and government officials including the RDC; voter bribery; ballot stuffing; use of government resources such as vehicles. As she petitioned court to annul the election results, Alice complained about the army taking over the electoral process and also against the electoral commission for not addressing the complaints she had lodged. She won the election petition and Alice is now preparing for a by-election.

Although Alice won the election petition she says it came at a high financial cost because the legal process is too expensive. She paid one lawyer but was fortunate enough to have a friend who offered free legal services. She had to transport her witnesses back and forth as they swore affidavits and to keep them away from the constituency so ensure that they were not tampered with prior to the court hearing. She accordingly advises women politicians that, “a petition is very costly. Any woman going for it should have funds set aside for it.”

Violation of electoral laws and regulations were not Alice's only challenge. On nomination day she broke her leg and got a clot. Consequently throughout the campaign she was either in a wheel chair or crutches yet her opponent was using this unfortunate accident against her by telling voters not to vote for a disabled person who would embarrass their district.

In the face of all these challenges one wonders how Alice was able to overcome and she said it was because of: “my very strong and complete trust in God. When you are rooted in God you are like a tree planted by the waterside.” Alice also talks of “the beauty of a supportive family. My husband, mother, children and friends were all very supportive.” She took all the setbacks in stride because, in her words, “I had complete trust in the people of Serere. If it was not for the work of the army, massive bribery and torture of my supporters, we would have carried the day.” The victory arising from her petition will give her an opportunity to contest again. In the meantime Alice says she is mobilising and rebuilding her campaign team in preparation for the yet to be scheduled by-election.

The key lesson Alice takes away from her participation in the 2016 elections is that when one is in the opposition, they are not only contesting against the ruling party candidate but rather against the entire state machinery and its money. She therefore recommends that, “there is need to revisit the role of government in elections and embrace electoral reforms so that the next elections are worth the label.”

A Teacher with a mission—the story of Hajat Sarah Kanyike Ssebagala

Hajat Sarah Kanyike Ssebagala is Kampala City's new Deputy Lord Mayor having contested and won the position of Makindye East Woman Councillor as a Democratic Party candidate. Sarah is qualified both in the fields of education and public administration. Sarah has held several leadership positions within her teaching profession including Deputy Head-teacher at Kibuli Senior Secondary School, one of Kampala's more highly performing schools as well as a Board member of Kampala University. In politics Sarah has held the positions of National Party Treasurer of the Democratic Party and DP's woman leader for Makindye East Constituency. Sarah is involved in voluntary work and has served as Chairperson of Kibuli Mosque Women's Association.

In her view once elected, a woman leader should be exemplary and keep in touch with the electorate. Sarah also thinks women should work hard to go occupy more than the one-third positions in Council if women's issues are to be addressed. This means more women ought to contest for the direct seats.

Sarah was born, went to school, got married and lives in the area she represents at the Council of the Kampala Capital City Authority. She also worked in the same area for many years teaching at schools. Because of this Sarah and her interaction with the parents of her students, she knows her constituency very well and feels very strongly about issues that are not being addressed by the leadership. The same factors gave her an edge over the other candidates that contested for the same position and gave her the confidence to run for political office. Sarah wants to see real change for the people in her area and she believes being Deputy Lord Mayor will give her the platform she needs. Her knowledge of the area and its people will also ease her mobilisation of the people for development.

Experience from participating in previous elections, Sarah knew she had to prepare herself well. She therefore made some savings and sought the support of her husband and family. Sarah had to be prepared financially because

Kampala City is not only big geographically but also population wise. She had to have many posters and leaflets for visibility.

Among the preparations Sarah made prior to contesting was trying to understand the rules governing the electoral process. She also read the Kampala Capital City Authority Act because like many other people she did not understand it well. The knowledge she gained enabled her to follow all the electoral laws right from the time of nominations and as she campaigned when she was fully aware of the circumstances that could lead to nullification of an election and all the laws that govern the voting process.

In the party primary when she declared the intention to stand for political office there was another member interested in the same position. Fortunately, she had done a lot of work for her party before, so the party officials held a meeting with both candidates and there was consensus that she contests on the Party ticket. Sarah is happy that she was successful so that the Party's efforts were not in vain. Having sorted out the Party primaries in the main election Sarah says she took a conscious decision not to insult her opponents.

On the whole Sarah's campaign run fairly smoothly save for a few challenges which included the extremely high expense of the campaign and the limited time women candidates are given to reach out to their constituents. Her main challenge was running her campaign alongside the FDC contender for the Constituency seat rather than her own Party's flag bearer for the same position. She took the path of explaining to the electorate that since FDC had a winning candidate for the constituency and she was the winning candidate at her level it was imperative that as opposition candidates they work together and deliver the constituency to the opposition.

From her experience so far, Sarah has learned that whereas people go to Council from different political parties, team work is the best way to deliver on their promises to the constituents that elected them. If one party works against another they will be politicking rather than working yet the voters will hold each one accountable and not the political party. As Deputy Lord Mayor she vows to be at the forefront of lobbying for improved service delivery in the critical areas of education, health, sanitation and others.

Sarah advises women in politics to apportion time for work and family appropriately because when their marriages breakdown under the weight of the responsibilities that come with serving the public the woman is always blamed. In her view once elected, a woman leader should be exemplary and keep in touch with the electorate. Sarah also thinks women should work hard to go occupy more than the one-third positions in Council if women's issues are to be addressed. This means more women ought to contest for the direct seats. However, Sarah holds the desire to run for the position of Kampala Woman Member of Parliament in future.



*"No country can ever truly flourish if it stifles the potential of its women
and deprives itself of the contributions of half of its citizens".*

– Michelle Obama

A Victory denied by blatant theft—the story of Hajat Fatuma Namugula



Fatuma says the last straw that broke the camel's back and caused her to file a court case was the blatant theft of her victory.

In the 2016 General Elections Hajat Fatuma Namugula contested for the position of district woman councillor in Sembabule district and was nominated by the NRM party. She began her political career as district woman councillor in Sembabule district in 2001, was returned unopposed in 2006 but was defeated in the 2011 elections. Since January 2011, she served as a member of the Buganda Kingdom's Great Lukiiko (Parliament) representing Mawogola County (which covers Sembabule district) until 2015 when she resigned to contest in the 2016 elections.

As she narrated her story, she said she had the worst possible experiences contesting this time around than she has had in the past. Her problems started right from the party primaries. Hajat Fatuma contested for the NRM party nomination with three other candidates. However, one of them despite being defeated in the primaries went ahead to contest in the general elections in violation of party regulations while the other two respected the people's decision and party regulations and did not continue with their campaigns. Throughout the campaign period Fatuma's opponent and her agents ignored the agreed campaign plan filed with the Electoral Commission's District Registrar, and instead of pursuing the campaign program filed with the Electoral Commission she followed Fatuma around causing disturbances to ensure that no one heard her message. Fatuma complained several times by

going in person to the Police and the Electoral Commission. These two institutions attempted to mediate between the two women candidates in vain because Fatuma's opponent did not desist from these blatant electoral campaign violations. At one point she went to Fatuma's home and although she remained outside the house, she told her to drop out of the campaign because she was poor and threatened to beat her up. So loud were her threats that even the neighbours heard her. When Hajat Fatuma reported the incident to Police, her opponent only received a warning.

Another incident happened on polling day itself, when the agents of Fatuma's opponent turned up at one of the polling stations with a booklet of 50 pre-ticked ballot papers and attempted to insert them into the ballot box. However, when Fatuma's agents intervened to stop the ballot box stuffing, which the polling officials did nothing to stop, her opponent's agents who had arrived at the polling station armed with sticks started beating up Fatuma's agents. During the fight that ensued someone called Fatuma and her opponent who arrived on the scene at the same time with police officials who had also been alerted. The police stopped the ballot stuffing amid insults from Fatuma's opponent but again they merely warned her against misbehaving. Fatuma says on her part she did not commit electoral offences and malpractice because of training on electoral laws that she had received from women's organisations in the past and her

avid following of election petitions which tend to bring out the nature of electoral law violations that cause candidates problems.

Fatuma says the last straw that broke the camel's back and caused her to file a court case was the blatant theft of her victory. She showed the study team Declaration of Results forms from two polling stations within her electoral area which had been altered and submitted to the District Returning Officer. She also showed the team the original forms that had been signed by electoral officials at the same polling stations and had been given to her agents. A comparison of the forms indicates that Fatuma's opponent had been declared the winner based on votes recorded in the altered forms. Although Fatuma attempted to stop the Returning Officer from announcing the winner, he ignored her appeal and went ahead to declare her opponent the winner. What makes Fatuma sad is that the conspiracy electoral officials who are supposed to be impartial. She suspects that the electoral officials were compromised by bribery.

Fatuma filed a petition for a re-count which was dismissed due to a mix-up with a similar petition filed outside the legally stipulated time by the County Member of Parliament. The Magistrate dismissed both re-count petitions and advised her to file a full petition. Despite the costly legal process she was determined to pursue justice and her supporters and friends helped her raise the funds necessary to file the petition. On her experience with the legal process she said;

"I have learnt that without money you cannot seek justice. At the end of the campaign my funds were exhausted and if it was not for supporters and friends I would not have been able to file the court case to regain my victory even though I had many people willing to give evidence on my behalf and also the documentation to prove my case. I found that I must pay filing fees, security for costs, fees to Commissioners for Oaths for every affidavit I had to file as evidence supporting my petition and fees to the court clerk to serve my documents on the electoral commission and my opponent. The lawyers' fees were also high yet one cannot do without lawyers due to the highly technical legal process. I realised that there is a time element involved in the filing of various legal documents. For instance, although we had served the District Returning Officer (who is an agent of the Electoral Commission in Sembabule) with the court documents within the stipulated period and later served the Electoral Commission in Kampala, Counsel for the Electoral Commission argued that we had served them outside the legally stipulated time and they asked the Court to dismiss my petition. The other expenses I had to bear was transportation of witnesses to the lawyer in order to prepare affidavits with their evidence and later to transport them several times to Masaka for the court hearings."

At the time of writing this report Hajat Fatuma still awaits the court's decision in her matter and recommends that technicalities should never be used to dismiss election matters because it would defeat the democratic principles of elections being the people's voice and means of determining their leaders. She further recommends that where there are only two candidates in an election and one is found to have acquired victory through such blatant alteration of results, the opponent should be declared the winner by court without further recourse to a by-election. This is because elections are expensive and to allow a by-election would increase the costs on the non-offending candidate. She recommends that where there are more than 2 candidates, the by-election should proceed without the participation of the offending candidate.

Never Giving Up—the story of Harriet Nalubega



Harriet Nalubega is a woman determined never to give up on pursuing her ambition of becoming a member of Parliament in order to promote gender-sensitive policies. Her attempts at representing her home district of Mpigi began in 2006 when she contested for Mpigi woman Member of Parliament against Hon. Geraldine Namirembe Bitamazire, then incumbent and Minister of Education. Nalubega contested as a DP nominee while Hon. Bitamazire contested as the NRM party nominee. In 2011, Harriet contested again as the DP nominee with a new NRM party nominee as Hon. Bitamazire retired from politics but she encountered defeat once again as the NRM party nominee was declared the winner of that contest.

In the 2016 elections, although she contested for the same constituency, Harriet did not contest under her usual political party banner and came as an independent associated with Presidential Candidate Amama Mbabazi's Go Forward campaign. When she was asked why, she explained thus:

"I chose not to participate in the DP primaries because I realised that they would not be free and fair. I had been informed that the incumbent Mpigi district woman MP (also NRM party nominee) had infiltrated the party and was set to bribe the entire Electoral College to ensure that she had a new and unknown candidate from the DP contesting against her to make it easier for her to win. In addition to this, I formally challenged the nomination of the other person who was contesting against me for the party nomination (on the basis of having not been a member of the party for at least five years prior to contesting as required by the party Constitution), and got no response from the Party's Legal Advisor."

Her coming as an independent had both negative and positive effects on Harriet's campaign which was set in a constituency where the hottest contest is usually between the NRM party and DP nominees. Some DP members refused to support her in 2016 although they had always supported her in the past saying that the shift from DP to independent candidacy was a sign of instability and insubordination. Her NRM supporters (die-hard President Museveni supporters) from previous campaigns refused to support her because of her decision to associate with Presidential candidate Mbabazi who was trying to oust President Museveni from power. On the other hand were people who had always refused to support her because of her being a DP nominee. These people welcomed her independent status saying it was more unifying. Harriet had expected some financial support from the Go Forward campaign that she had chosen to identify with but the only support she got was facilitation for polling agents on polling day.

According to Harriet, coming from the opposition is always a disadvantage especially when one is running for the district woman MP seat.¹ For instance, all opposition candidates in her constituency were contesting against an incumbent from the ruling party who had accumulated resources from five years in Parliament and who had received financial support from her party. For most opposition parties the most they could afford were a few posters for their candidates. In addition to the financial support, the nature of NRM primaries (using adult suffrage) means that NRM candidates start campaigns earlier than their opponents from the ruling party. Their posters go up earlier in the constituency and

¹ In Mpigi district there are 7 sub counties, 56 parishes and 221 polling stations

voter outreach starts at the time of primaries. The field is never level and winning becomes difficult for the opposition candidates.

When asked about the electoral violations she was able to observe during campaigns in her area, she said she observed voter bribery disguised as agent facilitation and campaigns beyond the stipulated time. She raised the complaint with the District Returning Officer who warned the offending candidates. However, in order to go around the time regulations one of the candidates used to have a vehicle with loud speakers moving around the constituency running her campaign video and audio messages at night. The law is not clear as to whether this is campaigning outside the stipulated time or not. Harriet also noted that voters demanded to be bribed in order to vote for candidates. After listening to the candidate, some would say, “tukuwulidde naye otulese otya?” literally meaning we have heard your message but what have you done for us? If a candidate was desperate for votes they could easily succumb to the pressure from the voters even though they know they are committing an electoral offence.

Despite experiencing electoral law violations, Harriet has never considered an election petition because of several factors—one is the expense involved; two is the unwillingness of people to step and give evidence against a ruling party candidate for fear of reprisals; and third she avoids getting into a situation of debt as a result of having high costs awarded against her in the event court decides against her. This time around she considered lodging a petition against her opponent when she was informed that her academic qualifications were lacking (because cases challenging academic qualifications appear to have a higher success rate than any others). However, on inquiry she found that she had to pay the Uganda National Examinations Board (UNEBC) a fee of 570,000/- yet there was no guarantee that she would get any damning evidence. She accordingly abandoned the idea.

Coming from a family of leaders including women leaders, she has had several role models and has been encouraged in her quest by her spouse and her family. Her work with a civil society organisation known as Women Together for Development (WOTODEV), gives her a firm foundation and awareness of women's development concerns and drives her parliamentary ambitions. Harriet has vowed to soldier on by contesting for an open seat rather than the District Woman MP seat in the next general election with God's grace. She expressed gratitude for the women's organisations that have committed themselves to equipping women with campaign skills because the skills she acquired from candidate training in 2006 have helped her throughout all her campaigns even though she did not get another opportunity prior to the elections of 2011 and 2016. She urges political parties especially those in the opposition to support women's candidature with extra facilitation when they are running for the district woman MP seats and to give women high profile positions in the party so as to make the party attractive for women to join. She further proposes that parties too should train their candidates.

Harriet recommends that women vying for the district woman MP seat should be given more campaign time (than the current one and a half months) to campaign because of the size of their constituencies. In the alternative she recommends that every district elect a man and a woman to represent it in Parliament (that is, similar constituencies for men and women to promote gender equity in political campaigns). She further recommended that the playing field for ruling party and opposition parties' candidates be levelled by making sure posters for all and public campaigns start at the same time.



"If your dreams don't scare, they're not big enough."

– Ellen Johnson Sirleaf

The Workers' Champion—the story of Margaret Namubiru Rwabushaija



Margaret says the keys to her success include her strong advocacy background in the trade union movement and exposure to workers' issues both nationally and globally; she is determined, resilient and puts her trust in God.

In the 2016 elections, Margaret Rwabushaija contested for one of the four (4) open seats for Workers' Member of Parliament and emerged third (3rd) out of a total of seventeen (17) candidates. Her election ensured that among the five (5) Workers' MPs in Parliament, there are at least two (2) women.

Margaret was not new to politics having been a woman councillor in Kampala's Nakawa Division and consequently served as Vice Chairperson of Nakawa Division (1998–2002). Her candidature was rooted in several years of service and leadership in the education sector and being a founder member of Uganda National Teachers Union (UNATU). For several years she was a voter while growing the UNATU to its current membership of 162,000 members. Knowing that the membership size of a Union determines the number of delegates who cast votes for MPs, Margaret was confident of victory given that her Union boasted of the largest numbers. However, the rule that the bigger the Union the greater the number of delegates, was altered to provide for equal representation no matter the size of the Union. This was done inspite of international labour union standards which determine representation in accordance with the membership of a given trade union. Suddenly, Margaret's candidacy hang in the balance as a result of what she says was manipulation of the Constitution of the National Organisation of Trade Unions (NOTU).

Margaret has always subscribed to the NRM Party, however she contested as an independent again because of the political dynamics of the NOTU. She started off in NRM election primaries but later pulled out because the Party primaries were carried out at the same time as Party Workers' League elections. Because Margaret was contesting for the party ticket as a workers' MP and a colleague from the same Union was contesting for Chairperson of the Party League, UNATU was being accused of being greedy. Therefore, rather than abandon

her ambition of becoming a MP, Margaret opted to pull out of the party primaries and run as an independent candidate.

Although voters demanded money from her in contravention of electoral rules, one of the critical challenges Margaret encountered was the abrupt changes in the law as well as the Constitution of the NOTU (The Electoral College for Workers' MPs). She said that when the rules of the game change suddenly one must be flexible enough to adapt. Parliament passed the electoral legislation for election of workers hurriedly without giving it sufficient consideration because it was passed when the electoral process for constituency MPs had begun. This resulted in poor management of the workers' election and an election petition being lodged by six (6) members from various trade unions against the Electoral Commission and the five (5) Workers' MPs. Among the grounds given was failure of the EC to gazette a road map for election of workers' representatives and failure to display the voters' register. The petition was dismissed with costs against the petitioners but they have appealed the decision. She takes issue with the sleepless nights she has because a petition has been lodged against her as well as having to spend money on legal representation when the problem was caused by the Electoral Commission.

Margaret says the keys to her success include her strong advocacy background in the trade union movement and exposure to workers' issues both nationally and globally; she is determined, resilient and puts her trust in God. Because of the acrimonious nature of the political campaign she is worried that the few MPs that the workers have in Parliament may fail to work together. At the time of the interview she was hopeful that the 5 Workers' MPs would overcome their differences and worker together to ensure that the workers' voices are heard because they had all agreed to meet that week.

The Old Schoolmates Network pays off—the story of Jovrine Kaliisa Kyomukama

“as a leader when you are close to your people and articulate their needs they will always treasure you and this translates into votes.”

Jovrine Kaliisa contested for and won the position of Ibanda district Woman MP under the banner of the ruling NRM party. Although her formal training is in Mass Communication, Jovrine is in the business of transporting people as the Director of Crane Coaches. Her first political leadership position is the one she currently holds although she was previously involved in politics as Hon. Byabagambi's political assistant.

Talking about the factors to which she attributes her successful campaign she describes herself as articulate and assertive both of which facilitated effective delivery of her campaign message. She based her campaign message on the critical issues affecting her community in the areas of health and education. As a child of a nurse and a teacher Jovrine describes her background as humble yet it played a major role in boosting her campaign. Her father is a seasoned teacher and her mother is widely known as the first nurse in Ibanda district. This enabled Jovrine gain public confidence as she addressed issues flowing from her parents' professional backgrounds rather than from her own. Her work as a Rotarian and as Director of Crane Coaches gave her immense opportunities to interact with her constituents. Her success was also driven by the fact that she had gone to school and worked in Ibanda district. Consequently, wherever she went around the district she found people she had been to school with and most of them held influential positions. Her Old schoolmates were very happy to campaign for her. Jovrine believes that this network of old schoolmates around the district that played a major role in her success.

Jovrine is one of the few candidates interviewed that found minimal challenges both in the party primary elections and the main election. The few challenges she found her age as well as her marital status. As a contender for the position of woman MP the community wanted to see an older married woman

yet Jovrine is single and was perceived as too young for the position. She found the campaign process very expensive because previous leaders in the district had introduced the practice of monetising elections. She also encountered some isolated incidents of ballot stuffing. Jovrine says she overcame these few challenges because of the overwhelming support she had and the support of her role Model in the person of Hon. Byabagambi who has been instrumental in encouraging and inspiring young people to join politics. Although Jovrine did not have knowledge about the laws governing elections, she is grateful to her political party for at least educating her on the “dos” and “don’ts” of elections which helped her avoid committing electoral offences and malpractice.

Jovrine’s leadership is guided by the Rotary motto of “Service above self.” She believes that her exposure from Rotary’s projects particularly in health and education will give her the critical edge in turning around the education and health systems in her district. On the issue of leadership Jovrine says that, “as a leader when you are close to your people and articulate their needs they will always treasure you and this translates into votes.” Being a young unmarried woman herself, Jovrine’s advice to young women aspiring to join politics is that they should not to fear politics because of their age and single marital status. She advises, “believe in yourself and be confident, do not be worried whether you are single or married as long as you have the requisite qualifications you should be able to run for political office.”

Having successfully concluded her campaigns, Jovrine says that politicking is over and she is now set to work. She intends to advocate for safe water sources which are scarce in Ibanda district and promote the establishment of model homes to enhance food security and sanitation. Jovrine is also set on improving the economic status of women in Ibanda without adding to their daily labour burden as well as advocate for improved literacy because she believes that women’s education and economic empowerment is the key to their enhanced political participation.

Realising her potential to lead—the story of Molly Lanyero



“without Affirmative Action I would not be a Member of Parliament. As women who have benefitted from affirmative action, we owe it to our fellow women to keep it going until we realise the critical mass necessary to bring about real transformation of women’s lives. As women MPs we have a duty to women and the vulnerable. We should stand with the voiceless despite our party affiliations.”

Molly Lanyero is the woman MP Lamwo District having contested the seat as the NRM party candidate. Molly’s leadership goes back to her years as a student in a tertiary institution in western Uganda where she was studying to become a teacher. She was very surprised when her fellow students requested her to run for the position of Students’ Guild Women Affairs representative. Her surprise came from the fact that she was not from western Uganda. Instead she was from war-torn Northern Uganda where her family was living in a camp and as a result she hardly had resources to expend on nominations let alone campaigns. Molly’s fellow students raised the funds and she was able to run a successful campaign. After this Molly went on to be elected as the Woman Representative on the executive of the Uganda National Students’ Association. This is how Molly began her political life.

As she completed her tertiary studies the Principal and lecturers encouraged her to participate in the national youth elections contesting for the position of Youth MP for Northern Uganda. Molly opted not to participate because she had to find a job quickly so that she could take on the responsibility of moving her siblings out of the camps and getting them an education. Six months into her teaching job at an international school based in Kampala Molly was elevated to Deputy Headteacher. It was at this time that she realised that while she was unaware of her potential other people saw a leader in her.

In 2009 when her younger brother fell into a rebel ambush she realised that she had to do more than move her siblings out of the camp for them to get an education. She realised that not everyone had been as fortunate as her family to have someone outside the camp to help in the education of children away from the camp. She further realised that if nothing was done to provide quality formal education to children in the camps they would not only have an illiterate generation but also a war-traumatised one. Molly travelled to her home district mobilised opinion leaders and the camp commandant and together as a community developed the idea of an Early Childhood Education and Development Centre. Although the idea was community-driven, the camp community lacked the resources to keep it alive so Molly had it registered as a non-governmental organisation so that she could solicit funds for this innovative initiative as well as scale it up to cover the entire war-torn region. This innovation although appreciated was unable to attract donor funding as had been expected. As Molly prayed

to God for guidance on how to take the initiative forward she was inspired to contest the district Woman MP position.

Molly run in the 2011 elections as an independent candidate having been rigged out in the party primaries. At that time Molly was unaware of the undercurrents of male patronage determining who could contest the Woman MP seat until she found herself being asked by different people on separate occasions, "who mentored you?" Finding that she did not have a patron within the district's party structures she was advised to wait and contest in the next election because her opponent had indicated interest long before her. She realised that her convictions and her passion for the issues in her campaign platform had no place in the process if she did not have a male mentor. However, even if she had no patron and had contested as an independent her opponent had to resort to electoral malpractice to win the election. The win was not accepted and several people camped at her home pushing her to lodge an electoral petition. She did so and she won it at the High Court level. However, Molly's opponent appealed to the Court of Appeal and the decision of the High Court in favour of Molly was overturned. Since an aggrieved party in an election cannot go beyond the Court of Appeal, she had to sit out the 5 years of the last term.

However, court awarded her opponent costs worth 40 million which was a challenge to her given that she was unemployed at the time. She says: ***"When court awarded by opponent 40 million shillings in costs, I didn't know what to do. I had noone to support me. Not even my political party since I had run as an independent in contravention of party rules. I just walked to FOWODE offices at 3 p.m. one morning and asked Patricia to guide me in my political career. I narrated my story included the debt of 40 million shillings which I now had as a result of pursuing justice. I left Patricia's office with no money to pay the debt but a new hope that this was not the end of my nascent political dreams. I was pleasantly surprised when she called me the following day at around 8.30 a.m. to tell me that someone had given me 3 million shillings towards my court bill. No matter what people say, I am living testimony that there is a women's movement in Uganda that truly cares for us women."***

This time around, in 2016, Molly was prepared because she remained a strong candidate. Her opponents in the party primaries used a lot of money buying voters and even attempted to bribe her agents. The male patronage system was weakened by divisions and could therefore not work against her. Molly carried out more civic education than articulating the party's campaign platform because she wanted the people to honour and protect their votes. She also trained her agents to prevent rigging and although the constituency's geographical size presented a major challenge she was able to minimise rigging and win both the party primaries and the main election.

Molly's interaction with FOWODE had a significant impact on her because she realised that women's organisations are doing a lot for women but are not appreciated. Molly was inspired to mentor young women aspiring for leadership and is now a strong advocate for affirmative action. She said, "without Affirmative Action I would not be a Member of Parliament. As women who have benefitted from affirmative action, we owe it to our fellow women to keep it going until we realise the critical mass necessary to bring about real transformation of women's lives. As women MPs we have a duty to women and the vulnerable. We should stand with the voiceless despite our party affiliations." She women's organisations to mentor young women leaders and motivate young girls with school outreach programs.



*"The most noble cause known to man is the liberation of
human mind and spirit".*
– **Maya Angelou**

Finally made it!—the story of Evelyn Chemutai



Evelyn's campaign faced more issues particularly with the high expense of running both a primary and main campaign. The terrain was particularly perilous because of the rains the mountain roads were un-navigable with vehicles or motorcycles and she had to campaign on foot, which was very tiring and stressful. Her electorate has such high expectations of MPs beyond their mandate because no civic education has been done in Bukwo.

Evelyn Chemutai is from one of the remotest districts in Uganda called Bukwo. She contested to represent Bukwo district as Woman MP for the third time in a row as the NRM flag bearer since 2006. She finally made it ten years later in the 2016 elections. However, Evelyn's leadership career did not start with her contesting for woman MP. It started with student leadership and she later became active in NRM party politics starting in 1998 as a party mobiliser.

In 2006, Evelyn contested for the first time as woman MP for Bukwo district. She did not make it because of electoral malpractice in the party primaries where her opponent bribed the entire Electoral College. She tried again in 2011 and again the party primaries were riddled with electoral malpractice. So serious were the electoral issues in her area they spent 5 days voting because electoral materials did not arrive and in some areas such as where she was due to vote, the materials did not arrive at all. Evelyn could not even give herself a vote! Despite complaints to the party electoral body the problems were not rectified. She gave the process one more try in 2016 following assurances from party headquarters that the electoral system for party primaries had been streamlined and she finally made it! After winning the primaries she became the NRM flag bearer contesting for the position of Woman MP Bukwo district and went on to win the main elections as well.

Throughout her attempts to become a member of parliament, Evelyn's challenges did not come from the party alone. She encountered social criticism for marrying outside her tribe and because of her youthful appearance was discouraged from standing because of her "young age". Clearly her community was biased against a young woman standing for the position of woman MP contrary to the provisions of the law which permitted her to stand. Because of her marriage to a man outside her tribe she was told to go and contest where she got married. She could not contest in Abim district where her husband was from because she neither spoke nor understood the local language. Her marriage broke down because of all the pressure she was under. The irony of the situation came as she contested in 2011 and 2016 and she was

constantly asked to show her electorate her husband. She turned the tables on the community and asked them, “who marries who? Is it the woman or the man?” She reminded them that no matter where she got married she would always be a daughter of that community. They finally seemed to come around and accept that message. She was then able to get beyond the social issues and focus on her campaign issues.

Evelyn attributes her successful campaign in part to her work within her community advocating for women and children's issues (particularly widows, orphans, child mothers and the elderly who are usually abandoned by their kin) and her evangelism ministry. Using her religious beliefs she was able to differentiate herself from the politicians that had gone before her. During the 2016 campaign Evelyn was expected to show that she had a house in the area to assure the electorate that she would not get votes and disappear. She faced a dilemma on this because the same community did not expect a woman to own a house personally otherwise she would be viewed as an “impossible woman”. Being divorced hers is a personal house but could she risk declaring this and losing out on the votes? She took the risk and told the truth believing in the saying that “the truth shall set you free.” Her community was fed up of lying politicians and she told them she could not hold a Bible in one hand while telling lies. Her integrity must have won them over because they gave her the votes despite all the “negatives” against her.

Evelyn's campaign faced more issues particularly with the high expense of running both a primary and main campaign. The terrain was particularly perilous because of the rains the mountain roads were un-navigable with vehicles or motorcycles and she had to campaign on foot, which was very tiring and stressful. Her electorate has such high expectations of MPs beyond their mandate because no civic education has been done in Bukwo.

As her campaign came to an end and she now has to focus on the work ahead of her to deliver on her promises, Evelyn learned a lot and says women seeking political office should be aware of. For instance, she learned that education empowers a woman but she also needs to be economically empowered. She also learned that although a woman's social status is very important to the electorate, if one is focussed, it may not pose as big a challenge. Finally she learned that one should never give up even when they lose and that we must lean on God and trust Him to deliver victory.

A contest of religious affiliations—the story of Aisha Waliggo

Aisha Waliggo contested for the position of Woman MP Kalungu district as a candidate for the Democratic Party. Aisha is a teacher by profession and is a member of the Uganda Muslim Teachers' Association. Aisha is currently the DP Woman Leader for Kalungu West constituency.

Aisha decided to contest for the Kalungu Woman MP seat because she noted that the vulnerable people in her constituency and in Uganda as a whole were neglected particularly the widows, the elderly, and the children, among others. She also realised that women's concerns were not being addressed by the MPs representing her district. Aisha wanted to get a platform where she could be the voice for

the vulnerable so that their issues are addressed.

In the DP primaries, Aisha had the challenge of supporting the establishment of party structures that would give her the mandate to campaign as a DP candidate. Delegates had to be identified and transported to the district delegates' conference where party candidates were to be nominated. Following a heated primary election Aisha had to re-unite party members so that they could mount a successful campaign in the main election. This posed a serious challenge because she had limited time between the party primaries and the campaign period to carry out this task. It was during the DP primaries, Aisha first had the unfortunate experience of discrimination based on religious grounds. Aisha is a Muslim who contested against a Catholic candidate for the party in a constituency where the population is largely Catholic. She was able to surmount this challenge and convince the party delegates that she was the best candidate the party could present for the position her religion notwithstanding.

The religious discrimination followed Aisha throughout to the main campaign. According to Aisha Kalungu district demographics indicate that 70% of the population is Christian. Unfortunately for Aisha there were three Muslim candidates in the main election and so she could not claim the Muslim population as a stronghold yet there was only one Christian candidate who was able to claim the Christian population as a stronghold. She therefore had to somehow make inroads into the Christian bloc. The other challenges Aisha encountered included massive voter bribery by the NRM candidate and knowing that this was an electoral offence she attempted to convince the electorate to reject the candidate in vain. Her supporters and agents were always involved in fights because they were being attacked by her opponents' supporters including the use of guns. Aisha had limited funding for her campaign yet her posters were being torn down by her opponents' supporters. Aisha did not go with her family when she went into full time campaigns for three months prior to the election. Aisha missed them so much.

Aisha had prepared well for her campaign by reading the electoral law and some decided election petitions from the 2011 election. Armed with this legal knowledge Aisha talked to people with confidence because she was talking from an informed point of view. She was able

to make complaints to the electoral commission officials in her district about the violence, harassment of her agents and the tearing of her posters during the campaign. The EC officials did attempt to mediate in vain although they issued what turned out to be an empty threat to remove Aisha's opponent from the race if the indiscipline persisted.

Aisha subsequently lost the election due to electoral malpractice and she decided to lodge an election petition. She based her petition on four grounds including: that her opponent lacked the requisite academic qualifications to contest for the position of MP; that she did not present a valid certificate of equivalence from the NHCE; voter bribery and intimidation of her agents. On the whole she complained about non-compliance with various aspects of the electoral laws. Aisha's petition did not succeed and overall her experience with the legal process left her with a feeling that justice in Uganda is costly and that courts are not always fair. As she set about trying to find a lawyer to handle her petition she found that instruction fees for experienced lawyers ranged between UGX. 25,000,000/- to UGX. 40,000,000/- yet one had to pay the lawyer UGX. 1,500,000/- every time they appeared in court whether the case was heard that day or not. Sometimes Aisha had to get involved and draft court documents for herself then have the lawyer edit them because in the election petition period lawyers are very busy. Aisha also found that some institutions are hesitant in providing information that a petitioner may need to challenge the academic qualifications of her opponent.

Despite all the challenges Aisha has not given up because she says the campaigns helped her discover her hidden potential for public speaking and gave her exposure to politics in Uganda. She believes that her voicing of the concerns of the vulnerable on her campaign trail may influence some government officials to address their issues. She was also happy to meet many people and expand her networks. Aisha says she will contest again in 2021 God willing and she plans to study law so she is better equipped to handle electoral malpractice next time around. Although she did not compete for the "open seat" Aisha would like to see more women compete for those seats. Aisha hopes that the candidates who win should always look at the manifestos of their opponents and pick out the good things and implement them for the good of the people they serve. She would like to see women's CSOs supporting women on the Affirmative Action seats because they have very big electoral areas.

Committed to Community Development—the story of Sylvia Akello

"I am a very prayerful person who is true to myself, I did not give any empty promises, remained with the people throughout the five year term and participated in activities normally as I used to do before. Having worked with communities in my district, I was very well known to my people. When I lost elections in 2011, I reached out to make peace with all the people I had contested with. I am also a good time manager and I am always appropriately dressed."

Hon. Sylvia Akello contested for and won the position of Otuke district Woman MP as the NRM flag bearer. Sylvia realised early on that she wanted to be a politician and so built her competencies around the issues of democracy and development. In the political arena Sylvia has been a Youth Councillor and District Woman Councillor. In the area of community development, Sylvia has been involved in UWONET programs around Gender Based Violence in Oyam district; she has been a Project Officer for an SNV partnership with Faith-based organisations; a project coordinator for the Lango cultural institution; and a trainer with Save the Children in Karamoja.

Sylvia's work with communities brought her to the realisation that community problems are usually the result of critical leadership gaps. The community work Sylvia did in resettling and rehabilitation of the vulnerable members of war camp communities in Lango and Acholi sub-regions such as widows, the elderly and others gave her the requisite community contact and experience that made her an ideal candidate for leadership. Sylvia says, "I love politics and for me I believe it's a calling."

Sylvia's campaign suffered a setback when, during campaigns, she got involved in a near-fatal accident where she, her driver and campaign manager suffered severe injuries. All three had to be hospitalised thereby losing precious campaign time and her absence from the campaign trail had her opponents declaring her dead. Realising that such messages would destabilise the voters she had managed to acquire Sylvia decided to get back on the campaign trail with her broken leg still in the cast instead of allowing herself to rest and recover. Unfortunately she slipped on a tiled floor and had to be hospitalised again because she had hurt herself. However, Sylvia praises her campaign team for being innovative and enabling her to campaign from her hospital bed. The campaign team remained on the campaign trail and when the time came for the candidate to speak they would call her, put the phone on loudspeaker and amplify Sylvia's voice through

the microphones. In this way Sylvia was able to maintain contact with the voters throughout the campaign period without compromising her health.

Besides the accident there are several things that presented Sylvia with challenges throughout her campaign. She describes the party primaries as “rather unpleasant.” For instance the party had stipulated that the aspiring candidates hold joint campaigns and sent UGX. 3,000,000/- to facilitate the process. She observed some members of the party distributing money to voters yet the facilitation sent by the party was not put to its intended use. She learned that UGX. 150,000/- had been distributed to each village as inducement for them to vote against her. Sylvia says the campaign process as a whole from the primaries to the main election was highly monetized and yet she did not have funds to give out to the electorate.

During the party primaries, the ballot paper on which Sylvia appeared had her picture but did not provide space for voters to tick against her name and picture. Upon making a complaint to the party's electoral officials the issue was resolved and Sylvia won the party primary. Her opponent was not satisfied with the result and she too raised a complaint. The Party's Electoral body ordered a re-run which Sylvia also won.

Explaining the factors that helped her succeed, Sylvia says; “I am a very prayerful person who is true to myself, I did not give any empty promises, remained with the people throughout the five year term and participated in activities normally as I used to do before. Having worked with communities in my district, I was very well known to my people. When I lost elections in 2011, I reached out to make peace with all the people I had contested with. I am also a good time manager and I am always appropriately dressed.” The other factors to which she attributes her successful campaign include; providing civic education to the electorate; ensuring that her agents were well facilitated so that they did not betray her and organised a team of motorcyclists (with her supporters) to escort the sealed ballot boxes from all the polling stations to the tally centre to ensure that results were not altered along the way. Sylvia also ensured that she complied with the electoral rules and regulations to avoid an election petition.

The campaign experience taught Sylvia that a leader must be assertive and involved. According to her a leader must have a strong desire to serve because leadership involves sacrifices sometimes including one's own life. She also learned that a leader must have a big heart that is ready to forgive because sometimes the people closest to you may betray you. For her experiences Sylvia advises women seeking leadership to know that victory must be earned not acquired on a silver platter. She further advises that in a campaign you must be creative and turn the tables on negative messages about the candidate. For instance, she was labelled as a person suffering from HIV/AIDS because of the community outreach work she used to do with the development-focussed organisations she worked with. She used this negative publicity to encourage her voters to get tested for HIV and if found positive they should seek treatment early.

Going forward, Sylvia hopes to mentor many young women leaders because she believes there should be smooth transition from one leader to another when the time comes.



"At present, our country needs women's idealism and determination, perhaps more in politics than anywhere else."

– Shirley Chisholm

Making difficult decisions—the story of Margaret Pauline Namagembe

Margaret Pauline Namagembe contested for the Woman MP seat for Wakiso district as a flag bearer for Forum for Democratic Change (FDC) for the first time in 2016. Previously Margaret was a district woman councillor in Wakiso district under the Democratic Party banner.

Margaret has held various positions within her profession and while she served on Wakiso District Council she was the Chairperson of the District Finance Committee; Chairperson of the district Health and Education Committee and while a sub-county councillor she was also Chairperson the sub-county General Duties Committee.

Margaret is ambitious and confident. Having mentored women that she believed were capable of taking over from her, she left the councillor position to make room for them to compete for it. Knowing that the incumbent had been in office for 15 years she believed that it was time for new ideas at that level. Margaret underwent leadership training from various women's organisations under the Women's Democracy Group. Inspired by this training Margaret attained the confidence to run against the incumbent Woman MP (Hon. Sseninde has been the Woman MP for Wakiso district since the establishment of the district in 2000) who was ruling NRM party flag bearer.

The party primaries were a sail through for Margaret because the one person who had expressed interest withdrew and she was therefore unopposed as FDC Candidate for woman MP Wakiso district. This surprised many given that previously Margaret had been running for Woman Councillor as a DP flag bearer. Explaining why she crossed from DP to FDC, Margaret explained that the internal party conflicts were beginning to affect local politics especially for people like Margaret who took a contrary position on which presidential candidate the party should align to given that the party had opted not to field a presidential candidate. She was among those that wanted the joint opposition candidate to be one that had been tried and tested rather than someone who had recently crossed from the ruling NRM party. She said that among the opposition parties that she could have crossed over to, FDC had the best platform addressing women's issues. Margaret said the FDC had supported their candidates with nomination fees and posters—something other political parties did not do. The decision to cross from DP to FDC was a difficult one but Margaret believes she made the right choice.

The challenges Margaret had survived in the Party primaries awaited her in the main campaign. Her opponent from the ruling NRM party had a lot of money and distributed it in the guise of facilitating party officials with Party funds. Margaret was challenged by the geographical size. She says the district has 4 municipalities (with 12 divisions), 8 Town Councils and 7 sub-counties. The district has a population of over 2 million people who expected to see and hear from her in person if she was to get their votes. She found it too costly to try to cover every village especially within the limited time given for campaigns because the cost of fuel alone was prohibitive. Margaret says some candidates used abusive language against her and telling lies to the electorate in order to win votes.

She also found challenges in being invited to fundraising functions of institutions and women's groups that she would have supported but because she did not want to be accused of voter

bribery she would not support them. She says she encountered the phenomenon of witchcraft which most candidates encounter but do not talk about for fear of being called crazy. Wakiso district is one of the districts where voting began late because electoral materials were delivered late (at 2.30p.m) and yet polling stations were supposed to close at 4.00p.m. There were people who did not vote. It was teamwork within the Party that had other candidates reaching out to the voters on behalf of Margaret in places where she could not be and her faith which helped her overcome most of the challenges.

Margaret encountered electoral malpractices throughout the electoral period. She had lodged an election petition because the results of about 138 polling stations with over 90,000 voters had not been tallied. All these in addition to the voter bribery allegations she had against the incumbent Margaret believed she had grounds for a successful election petition. Margaret later withdrew her petition because of the high costs involved starting with instructing lawyers and compiling affidavits.

It was during the process of finding people who had witnessed various acts of electoral malpractice that she realised that she was going to have problems with producing evidence to support her petition. In the first instance those who had witnessed electoral malpractice and were willing to swear affidavits wanted money in order to give their testimonies. Her opinion such people could switch alliances and go to the highest bidder. Margaret found that some Declaration of Results forms from polling stations could not be found even with the EC officials. Those that were with FDC officials had been taken to the Party headquarters and were taken by police when they raided the party headquarters. She was likely to fail in her quest for justice and face high costs.

Margaret learned some critical lessons from this experience one being that it is important to take certificates for verification to the NCHE early enough to avoid the disappointment of contesting without the requisite qualifications and then being taken out of Parliament through a successful election petition. Margaret advises a candidate to move with a video camera and a still photo camera to take pictures because it may help in providing evidence for an election petition.

The Women's Agenda 2016–2021 provided Margaret with campaign issues because many women in her constituency could relate to the issues in the agenda. The agenda greatly eased Margaret's work in developing her campaign platform. Because she knew the area very well from her work as a district councillor and also because of the training she has received from various CSOs Margaret was able to articulate issues in a manner that resonated with her electorate.

Margaret is one of those women in political leadership that advocates for term limits for all Affirmative Action seats to increase the number of women in political spaces. This would ensure that they mentor their successors and expose more women to leadership and decision making. She would like CSOs to support women contesting for political office.

Margaret intends to pursue the objects of reducing maternal deaths in Uganda but particularly in Wakiso district and establishing projects that promote the economic empowerment of women in Wakiso district.

Against all Odds –the story of Nabagabe Kalule Flavia



"I'm convinced that without women's voices in spaces crucial for decision making, our needs/ concerns are hardly addressed thus we need to empower more women with skills and knowledge to enable them be able to identify and articulate women's concerns in positions they can attain."

Flavia contested the Woman MP seat for Mubende district as an independent. Flavia is a product of the youth and women's movements in Uganda and has through her work at FOWODE been able to interact with women across the leadership spectrum in Uganda and beyond. Without a doubt this is where Flavia draws her inspiration, role models and networks.

Flavia is a member of the Uganda Youth Leaders Think Tank for Policy Alternatives, an initiative by KAS that enhances youth participation in governance/ policy formulation in Uganda and is also a member of the Uganda Women's Think Tank by FOWODE. She is a member of the Uganda Feminist Forum and has been its coordinator. While keeping herself rooted in her teaching profession as a member of the Literature Teachers Association (LITTA), Flavia is a member of the National Technical Working Committee on Civic Education. Flavia has been and continues to be Coordinator of the FOWODE Civic Education Program in 15 districts of Uganda including: Gulu, Amuru, Amuria, Napak, Abim, Kibale, Kabale, Lyantonde, Rukungiri, Mityana, Wakiso, Luweero, Masindi, Busia and Kotido.

Flavia's previous leadership roles in the Church (as Patron of the Youth Alive Club, the Prefecture and Patriotic Club) and in school (as Chairperson of the Complex Hall Students' Common Room; head of the University Students' Guild Representative Council; General Secretary of the University's debating club and Complex Hall's representative to the Baganda Nkobazambogo Association to mention a few) led her to contest for a seat in Uganda's highest legislative organ. Having worked with FOWODE for three years advocating for increased women's political participation, Flavia decided to move from rhetoric to action and ran for elective office. She embarked on a journey of voicing and enhancing women and girls' issues in the health, education and agriculture sectors. Flavia says she especially wanted to augment critical governance issues affecting many women in Uganda particularly in Mubende district.

Throughout her electoral campaign Flavia began on the critical path she had chosen by sensitizing and creating more civic awareness and competence among communities in her constituency about national advocacy campaigns and laws. All through this she was critically aware that she had to be the change that she wanted to see. Flavia believes that the empowerment of women as a whole calls for the empowerment of individual women. She is one woman who determined to take her leadership career to another level especially in to key decision making positions that contribute to her personal empowerment and through that for the empowerment of women generally.

Flavia says that although she did not succeed in her quest to represent her district and the women in Parliament, her campaign was not in vain. Her campaign had a lasting impact on her constituency and among the achievements of her campaign was a community more aware about their civic rights and duties. Of particular impact was the empowerment of the rural communities to demand for social accountability and better service delivery. At a personal level her network expanded in various directions including among community leadership at various levels in the district, the media, influential women and youth among others. Being city-based getting involved in the campaign exposed her to the beauty of her home district and enabled her to appreciate issues of diversity and the need for tolerance.

Asked how she came by the knowledge that enabled her to carry out civic awareness for her electorate, Flavia said that it was through her work with FOWODE and interaction with various women's CSOs. She says it was her knowledge that protected her from being undermined and manipulated. It also guided her in her interaction with the electoral officials based in Mubende. Although Flavia was aware about the electoral law and she witnessed various incidents of electoral malpractice she neither formally complained to the Electoral Commission nor filed an electoral petition. She said; ***“There was a lot of voter bribery: voter buying and selling during the campaigns. There is a huge lack of knowledge on why people need to vote and how valuable their votes are so several kept selling their votes for as low as 500/-.”***

Flavia says she did not make any complaint to the election administration body or court although she encountered electoral malpractice in form of voter bribery and rigging of votes. She says it's because she had lost too much time away from the campaign when she was hospitalised to pursue complaints yet she had a wide area to cover. She also believes that people with more money win court cases yet she had limited resources.

Some of the challenges faced by Flavia during her campaign included;

- ✱ In the community she found an apathetic citizenry which was very hard to convince that there are good transformational leaders. The community was also highly illiterate and ignorant of the basic functions of their leaders and how they can demand for better service delivery. Flavia encountered a community that believes that in order to win an election, you must worship and make sacrifices to the traditional gods, 'balubaale' to get their blessings. During her campaigns the community's conservative outlook her being "young" and unmarried did not make her a viable candidate to represent women.

- ✱ Flavia found the campaign very expensive and in most cases had to move around with another candidate running for district chairperson because the constituency size is the same.
- ✱ Government shutdown of all social media and mobile money services rendered Flavia without financial resources at a critical time of the campaign. It affected her GOTV (Get Out the Vote) activities and also unable to facilitate the distribution of agents' letters and payment of polling agents.

Flavia's greatest setback during campaigns was her involvement in a motor accident during the campaigns in which she lost two friends. This had her hospitalised and out of action for six months. Consequently, she was physically impaired because even after she left the hospital she had to use crutches. She got back on the campaign trail two months to elections. Flavia was therefore unable to reach all parts of her constituency in the limited time left. She kept in the race against all odds because she didn't want to let down the people whose cause she was fighting—the youth, women and girls. The campaign was all the better for her participation because she has not given up. Flavia decided to treat this first foray into politics as a learning experience. She learned that being passionate about the people and issues is more than intelligence. Legal awareness is necessary tool against unscrupulous electoral officials, candidates and their agents.

As the interview comes to an end Flavia says; ***"I'm convinced that without women's voices in spaces crucial for decision making, our needs/ concerns are hardly addressed thus we need to empower more women with skills and knowledge to enable them be able to identify and articulate women's concerns in positions they can attain."*** She accordingly recommends that women's NGOs should support women candidates financially and in any other way possible, especially women who active within the women's movement, to further the women's agenda.

Called to lead—the story of Ann Adeke



Ann has a keen interest in empowering the young people of her age and one of critical lessons she learnt in the election is that it is very important to have a manifesto which is suitable to the group of people one intends to represent.

Ann Adeke began to show her ability to lead others in Kireka Grammar School as she was elected to be a class prefect in primary five. After completing her primary education, she went to Our Lady of Good Council –Gayaza where she was elected as the School Head girl. While at Makerere University, where she became the Guild President 2013/ 2014. She enrolled for the bachelor's degree in law.

Ann contested as an independent candidate because she realised that contesting as an independent candidate, would get her support from youths of all political parties' country wide. Secondly, she wanted to avoid misunderstandings and confusion which would have come up as a result of holding party primary elections in her party.

Being a Lawyer by profession, Ann had read a lot of literature on the electoral laws, she had read many election petitions, the Parliamentary Act, which helped her to minimise the electoral offences and also to protect her election results. In addition having been in leadership positions during her teenage, especially the Makerere University Guild Presidential race which was so competitive, Ann had garnered a lot of experience and she know what to do.

The youth representatives are among the Special Interest Groups (SIGs) that are elected through the Electoral College system. She had some challenges because they took long to know the date and the venue of the youth elections and when she reported the matter to the electoral commission it was not considered as an important issue. ***“Electoral College elections are not considered to be a priority,”*** said Ann.

The race for national youth representative was so tight that she won by only nine votes. This narrow difference attracted an application for a re-count by the runner-up candidate. Fortunately, her application was dismissed because she failed to turn up in court.

The position Ann contested for required her to canvass for votes from youth countrywide. Her campaign was very expensive. Despite all this she picked courage and contested, making use of the vast leadership experience

which she had acquired leading her peers and her multi-lingual skills. Ann says her campaign helped her appreciate the challenges faced by the youth from all regions of the country as well as the young people from all walks of life.

Ann has a keen interest in empowering the young people of her age and one of critical lessons she learnt in the election is that it is very important to have a manifesto which is suitable to the group of people one intends to represent. As a young woman, she advises fellow young women to believe in themselves and take a keen interest in governance issues at various levels, because governance issues affect them. Those who are interested in politics should also pick courage and vie for the directly elected positions. Ann's surprise (at how under-represented women are in the open seat contests) was evident as she asked, "can you imagine in Uganda we have more than 100 constituencies but only 19 women contested for open seats?"

One of her future plans is to grow her legal career so that she could serve her people and the entire country with a firm legal mind both in politics and charity. Since by November 2021, would have made 30 years of age and cease to be a youth, she will be vying for leadership at another level. Ann recommends that women contest for the directly elected seats in order to ease the pressure on the affirmative seats. She further advised that the more women get involved in local council leadership the easier it will be for them to win the higher political positions.

Contesting a “Men’s seat”—the story of Judith Matovu



“I do not regret standing in Nakifuma County even though I lost because I was able to resurrect my party's structures in that part of Mukono district. I realise that in areas where the party structures are functional and vibrant the party candidate does not struggle with the campaign. I am sure this will ease my campaign in future since I have hopes of standing again. Even though I do not stand again another party member would benefit from the work I have done in reviving the party.”

Judith Matovu is affiliated to the Democratic Party (DP). She started her political journey way back in 2001 when she stood as a Councillor representing Kamwokya Parish at Kampala Central Division Local Council. In 2011, having seen a lot of confusion in her party's primary elections, she contested as an independent candidate for Woman Member of Parliament representing Kampala district, but she lost to FDC's Nabilah Naggayi Ssempala. Judith is one of the few women in the opposition that contested the “open” seat where she contested against men. She faced opposition from both men and women and was consistently being told to contest the women's seat and leave the “men's seat” for men. However, there are those who viewed it positively and encouraged her in her rural constituency where gender stereotyping is the norm.

Although Judith has been contesting for political positions in Kampala, in the 2016 general elections she contested in rural Nakifuma County in Mukono district. She opted to contest a rural constituency following her party's request to its members to contest rural constituencies in order to make party structures in the rural areas more vibrant. Judith said, “I do not regret standing in Nakifuma County even though I lost because I was able to resurrect my party's structures in that part of Mukono district. I realise that in areas where the party structures are functional and vibrant the party candidate does not struggle with the campaign. I am sure this will ease my campaign in future since I have hopes of standing again. Even though I do not stand again another party member would benefit from the work I have done in reviving the party.”

The Democratic Party did not hold party primaries for Nakifuma County. Explaining why Judith said that whereas they were four people who expressed interest in contesting the constituency on the DP ticket, they dropped out one by one. The first one got a job outside the country, the second one simply stepped down for Judith and the third one opted to contest as an independent candidate. Judith's campaign was not as smooth sailing as the primaries had been. Whereas she complied with electoral laws, she witnessed a lot of electoral malpractices that she recognised because of electoral and leadership training received from a CSO known as Women Together for Development (WOTODEV) and Mukono Electoral

Commission officials. For instance, she was informed by various people that the successful candidate from the NRM party (current Member of Parliament) was observed distributing sugar, soap and money to voters as inducement to vote for him. At some polling stations her NRM opponent's agents were observed ferrying people who are not ordinarily resident in the area to the polling stations to vote and giving voters money while urging them to vote for him. In addition, the District Returning Officer ordered that Declaration of Results (DR) forms should not be released to anyone at 7 polling stations which is contrary to the law.

Asked why she did not lodge an election petition against her opponent and the Electoral Commission for clearly observed electoral malpractice, she said that from what she had observed throughout her political career it was difficult for opposition candidates to win election petitions except in matters of lack of academic qualifications. She had also observed that when opposition candidates lose election petitions the costs awarded by courts against them tend to be very high usually having the effect of driving them completely out of politics. As an example of the ruling party's unfairness she gave the example of an NRM-heavy Parliament passing a law literally at the last minute raising the nomination fees of MPs from 200,000/- to 3,000,000/-. According to Judith, this move was calculated to drive opposition candidates away because unlike the NRM Party, most opposition parties cannot afford to pay nomination fees for their candidates. She said, ***"I was relieved when my party paid my nomination fees. I am sure there are people who did not stand because of the selfish act of MPs in abruptly raising the nomination fee."***

Judith encountered several challenges throughout her campaign including the geographical size of her constituency that prevented her from reaching all corners of the constituency canvassing for votes; limitation in campaign funds that prevented her from having polling agents at all polling stations; weak party structures that were not able to adequately support her campaign; low political awareness among voters that enabled her opponent to get away with electoral offences among others. The challenges notwithstanding Judith learnt a few lessons from her foray into rural politics. She said rural constituencies require a lot of money because of they tend to be sparsely populated and the infrastructure (especially the road and transport system) very poor. She learnt that although one may not be contesting for the women's seat, women need fellow women, so any woman candidate no matter the seat she is contesting for needs women's networks. She learnt that flexibility and innovation are critical when one faces challenges. For instance, because she was unable to reach all areas of the constituency she used community "radios" to play a recorded message from her and engaged other structures other than the party structure. She further said, "if you do not have money and you are going into a new constituency you must start not less than two-years prior to the elections."

Judith is planning to properly settle in the constituency before the 2021 general elections so that she strengthen her links with youth and women groups in the constituency since they are quick in carrying messages. According to Judith, in order to enhance women's participation in politics, parties must encourage women's participation at all levels of the party structures up to 40% in party leadership. Parties should be compelled to adopt a quota system that they should allow at least 40% to be women at all elective level. Furthermore, local party leaders be encouraged to make it a must to canvas support for their flag-bearer.



"Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing ." – **Arundhati Roy**

From Law Enforcer to Law Maker—the story of Judith Nabakooba

Prior to running for political office Judith Nabakooba was a highly ranked Police officer and had served as the Uganda Police Force's Spokesperson. Her role as Police Spokesperson raised her public profile and quite possibly played a role in her success at the polls. Judith found that one of the critical problems facing her electoral was unlawful evictions and her service in the Uganda Police Force became handy. Her electorate was looking for someone with legal knowledge and the ability to protect them from unlawful evictions and her background was a critical selling point.

Judith had always dreamed of becoming a law maker and her successful bid for the Mityana district women MP seat was a dream come true. Judith entered a high stakes game because she had to run against the incumbent who had represented that constituency for three consecutive terms and was still popular in some areas. Knowing this, Judith started her campaigns early enough as far back as 2011. In her own words she quoted the famous saying goes that: A “stitch in time saves nine.” This strategy helped her to reduce her campaign expenses and gave her sufficient time to sell herself to the electorate.

Judith began her political journey at a local level when she was elected as the NRM party chairperson for Kalangalo Sub County where she hails from. This position gave her a firm platform to contest for the post of district woman MP. Judith ensured that she could also draw strength from affiliation to other civil society organisations such as the Uganda Media Women's Association (UMWA). She also had the solidarity former colleagues in the Uganda Police Force during the campaigns.

Her work as the Police spokesperson brought her into contact with the Electoral Commission in collaborative initiatives particularly during electoral campaigns. This gave her an edge since it built her knowledge of the laws governing elections. The knowledge she gleaned from her collaborative work with the EC, helped her to know the dos and don'ts that ensured she avoided an election petition arising from her conduct as a candidate.

She advised her fellow women that they should do proper ground work before standing for any political offices. She also advised them that their mind should not be locked on contesting for affirmative seats only they can ably compete for the “men's seat” a position which she is ready to compete for in the forthcoming election 2021. Lastly, recommended that senior political women should not look at young people joining politics as competitors but they should groom them. More important she requested that success stories for the long serving politicians to be documented to inspire women to join and participate in politics.

A narrow escape—the story of Veronica Bitechero Eragu



“The electorates did not demand money from me since I had sensitised them about the electoral laws governing elections on bribery which helped me not to spend much money” says Veronica about some of the achievements of her public awareness campaign.

Veronica Bitechero Eragu, the NRM candidate for Kaberamaido county seat, is one of the few women who contested the open seats. **“God is so merciful! I competed with 6 men and I was able to win them”** said Veronica as she narrated her campaign experience. Veronica is a lawyer by profession and attributes her victory to God. Having the experience in International Conflict Mediation and Peace building it also helped her to minimise conflicts during her campaigns.

As she began campaigns for the party primaries Veronica realised that the EC had not fulfilled its role of sensitising the people on the electoral law. Her entire campaign from, the party primaries to the general elections, therefore took on the public sensitisation role which helped Veronica minimise electoral malpractices and offences. In her words, “The electorates did not demand money from me since I had sensitised them about the electoral laws governing elections on bribery which helped me not to spend much money” says Veronica about some of the achievements of her public awareness campaign. The sensitisation campaign was critical for Veronica’s success because many people in her constituency were telling her to leave the contest for the “men’s seat” to men and that she should contest the “women’s seat.” One man bluntly told her, **“You woman why don’t you go for your seat which is reserved for you and leave this seat because it is for men”**. Veronica’s successful campaign for the open seat is a step in the right direction because it challenges widely held perceptions about the affirmative and “open” seats.

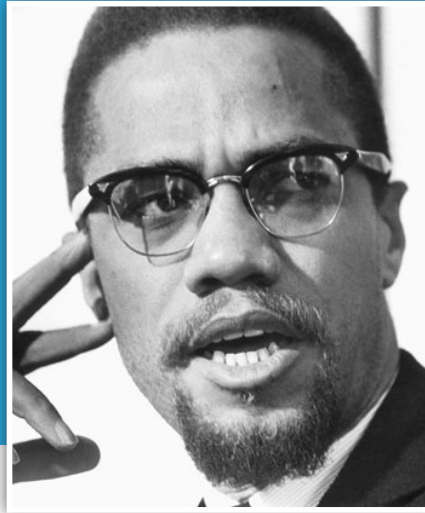
Being a lawyer, Veronica’s ambition was to make pro-people laws and it was only by going to Parliament and by representing the people would she realise her dream. She felt driven to fight for gender equity because of the discrimination she experienced during the primary elections. As a MP she would have the platform to work towards mitigating gender imbalances particularly in her area and the country at large.

Although her political party provided campaign funding for flag bearers, Veronica still had financial challenges. The funds she received from her party was insufficient to cover the six sub-counties that make up her constituency. Despite the

challenges she faced, Veronica learned that people power is real and it's important to know the main problems the people in the constituency face. According to Veronica knowledge of these problems helps the candidate craft a message that resonates with the people's aspirations.

She strongly encouraged women to vie for direct seats and battle it with men since the affirmative action seat is temporary and is supposed to be subjected to review every few years. She said that if one day affirmative action is scrapped then there will be very few women in meaningful leadership. She also urged women to vie for other non-political spaces so that they can help more women to come up and to advocate for other women in all those various spaces.

Veronica comes from an area where they grow a lot of fruits especially oranges, she has a dream of lobbying the government to establish small scale industries so that people can add value to their products which could also bring job creation in areas like hers. Veronica had various recommendations on what should be done to enhance women's participation in politics including: ensuring that girls are educated to at least tertiary or university levels; give women leadership training; and women to occupy key leadership positions in their parties that should result in transformation of the political space for women.



*"As long as someone is giving you something,
they can always take it back." – Malcolm X*

Living up to her Family's Political Roots—the story of Teddy Namboze

Teddy Namboze contested the Woman MP seat of Mpigi district as Democratic Party flag bearer. Teddy was born into a family with strong roots in the Democratic Party and actively involved in political campaigns of party candidates in their home district of Mpigi. Her family gave Mpigi district a District Chairman and she got involved in his campaigns as her first encounter with politics. Despite this Teddy's earlier leadership was not in politics. She participated in student leadership particularly in sports; she was in the youth leadership of the Catholic Church as well as in a cultural oriented organisation found in tertiary institutions known as Nkobazambogo. She was propelled into politics out of anger when as a student she

witnessed an incident where the state denied the Kabaka of Buganda access to his subjects in a part of his kingdom known as Bugerere. This incident brought out how powerless she was to fight the violation of the rights of her King. She had no platform so she entered into service of Buganda Kingdom as the woman youth leader. Teddy became more active in the party of her family as a polling agent for Democratic Party candidates in her area and later was elected as the Party's Woman Leader for Mpigi district.

As Teddy became politically immersed in the politics of the opposition she became increasingly upset over what she calls, "Museveni's dictatorship" and violation of human rights with impunity. She decided to contest in 2011 for the position of Woman MP in recently created district of Butambala which had been severed off her home district of Mpigi. Later assessing her candidature she realised that she had joined the race too late to make significant inroads into the constituency and she had not effectively studied the demographics of her constituency. The constituency was largely Muslim and she was a Catholic which operated against her. The male MP from her own party abandoned joint campaigns with her because her opponent was Muslim like he was.

When Teddy lost elections in 2012 she drew knowledge from her training in Microfinance and her experience as manager of Hunger Project's Mpigi Epicentre and founded a community-based organisation known as Trust Rural Development Initiative SACCO. Through this SACCO she began running a village bank to empower rural communities economically especially the women and youth. Her work with the SACCO, her leadership roles within the Buganda Kingdom structure and the Catholic Church gave her unfettered access to various sections of the community. By the time she ran in the 2016 elections her face was not new to the constituents. Members of the SACCO got actively involved in canvassing for votes. Teddy had gone to great lengths to entrench herself in the constituency. She says, "No wind will fell a deeply rooted tree."

For the 2016 elections Teddy decided to contest the Mpigi woman MP seat instead of the one of Butambala. Four women, including Teddy, wanted to carry the Democratic Party flag as Mpigi Woman MP. One opted not to participate in the primaries, choosing instead to campaign under the Go Forward symbol. The other two participated in the party primaries and lost. However, the two women also ran in the main elections (one as a Truth & Justice candidate and the other as an independent) thereby dividing the Democratic Party leaning voters among four.

Teddy complained to the Party's National Legal Advisor and was informed that following a recent Supreme Court ruling in what was dubbed as the "Rebel MPs" case which in effect ruled that the Constitutions of Political Parties could not override the National Constitution which gives all Ugandan citizens a right to stand for political office if they meet the requirements of that office. The National Legal Advisor of the Party further informed Teddy that she could not stop her opponents from wearing party colours but they could not use the hoe as a symbol for their campaign. He advised her to focus on canvassing for votes which she did. She physically carried her party symbol of the hoe with her wherever she went to campaign to differentiate herself from DP leaning independents.

Teddy's challenges during campaigns was her opponent, incumbent Woman MP and candidate for the ruling NRM party was campaigning beyond the stipulated time and was engaged in bribing voters in disguised donations. Because of the large geographical size of her constituency she would not be able to travel immediately upon hearing news of her opponent being engaged in electoral malpractice. Her only option was to call and complain to the Police or District Returning Officer but all was in vain.

When Teddy lost to incumbent woman MP she decided to lodge an electoral petition. She had evidence from her agents of voter bribery, ballot stuffing and intimidation of her agents. Her petition was dismissed early because of several factors including fixing of all the petitions too closely together that it was difficult to get experienced lawyers to argue the petition. Teddy's affidavits were not filed in time and when her lawyer went to court to argue an application for review he was ordered by the judge to proceed with the petition which he was not prepared for. According to Teddy conducting election petitions too close to the elections although it has advantages tends to be too costly because witnesses have to be brought to court daily at the candidate's expense even though the petition may not be heard. She was not supported in her quest for justice by her political party yet together with her DP opponents they had expended money to ensure there were party structures throughout the district.

Analysing the election, Teddy said, the opposition could not win against incumbent the Woman MP because they fielded too many candidates having failed to agree. The campaign agents encourage everyone who expresses interest in a position because they get opportunities to fleece them of funds. Teddy says campaign costs were too high this time around due to increasing monetisation of politics especially by the ruling NRM party.

Teddy learned several lessons from her participation in this election. She found that a candidate needs to provide her agents with equipment to enable them record electoral malpractice. She also learned that communities need to be sensitised on how to identify the right leaders and not to be swayed by petty gifts of sugar, soap or money no matter how poor they may be. She had the following recommendations to make:

- ✱ Women's CSOs should support women in politics by sensitising communities to make them more receptive towards women's leadership;
- ✱ Successful women politicians should inspire, mentor and support other women especially within their political parties. She does not expect a woman MP in her party to ask her for fuel when she invites her to help her with mobilisation in her constituency.

- ✱ The ruling NRM party should desist from using national resources to influence voters in favour of their party's candidate because according to Teddy, "we all party taxes".
- ✱ In order to provide a level playing field, candidates should not contest against candidates holding high political offices such as that of Minister. If one holds such a position they should either resign or take leave so that the resources ordinarily attached to that office are not used in campaigns.

Standing her ground—the story of Lina Zedriga Waru



Lina Zedriga Waru is one of the few women who run for the "open seat". Very confident of her strengths and abilities, Lina contested for Vurra Constituency (in Arua district) parliamentary seat as a Democratic Party candidate against the State Minister for Investment who carried the ruling NRM party flag. All the opposition parties in her area adopted her candidature and did not front other opposition party candidates.

Lina is a seasoned lawyer and human rights activist particularly for women's rights as her organisational membership indicates. She is a member of the Uganda Law Society, the Uganda Association of Women Lawyers–FIDA (U), Forum for Women in Democracy (FOWODE) and Uganda Women's Network (UWONET). Lina has held leadership positions within CSOs (as Vice Chairperson of the FOWODE Board) and within her political party (as a member of the Project Advisory Committee).

Lina's decision to contest was very manifest in her campaign slogan of Visibility, Voice and Action (VIVA). Vurra had never had a woman contest for the "open seat" so Lina took up the opportunity to show her community that women could contest for this seat. Lina was also very concerned about the poor provision of public services and the poor state of public institutions in Vurra. She wanted to raise the profile of her area, to be the voice of her people and to ensure action to address the needs of her community.

Being a seasoned lawyer and former judicial officer worked well for Lina during campaigns because it enabled her to create some civic awareness during her campaign and it minimised electoral malpractice. Her legal and human rights activist background earned Lina the confidence of her campaign team. She says that when her opponent was asked to give inducements to voters he would tell the voters that he could not do so because he was being watched by a lawyer. However, there were incidents of electoral malpractice that Lina chose not to pursue because according to her: ***"I did not believe that I would get justice. I had no faith in the system and actually I feared that should I lose an election petition the costs eventually slammed on me would derail me forever as well as waste my time. I wanted to put all that behind me like a bad accident."***

Despite all her outstanding capabilities, Lina's first attempt at running for political office was not without challenges. Lina had limited campaign funds and Parliament hiked the nomination fees across the board suddenly during the immediate pre-campaign period. MPs' nomination fees were raised by over 1,000% from UGX. 200,000/- to UGX. 3,000,000/-. The electorate

had expectations of being given money or other material things as they had in the past and expected the candidates to support them financially for funerals, weddings and various other personal problems. She would receive unending calls with such requests even after campaigns. Her opponent was a government minister who had a huge resource envelope while Lina was expecting funds from the Go Forward Campaign (whom she was representing in her area) which did not materialise.

It was Lina's strong values and her firm resolve that kept her from bowing to public pressure to bribe voters during her campaigns even though it meant she would lose the election. She managed her few resources effectively by keeping her campaign team lean but effective. She was able to complete her campaign successfully because she had a passionate and experienced campaign manager; got her sons on to her campaign team and managed to get some financial and material support from friends. She was honest with a campaign team about the extent of her resources and they helped in utilising their few resources in the most effective way.

Lina's wealth of learning that she thought would help other women running for political office was couched in the following words: ***"You must be very prepared mentally, emotionally, and have clear well planned campaign agenda, manifesto, personal resources and a campaign team you can rely on. Some people can deceive you claiming to be your supporters yet they just want to get something from you or they are spying for the opposite camp. Learn to trust yourself. Have a core team that is trust worthy including friends in the media, research widely about issues in key campaign locations. Have your own identity and learn to say no to certain demands. Take decisions in your favor and state what you stand for in very clear terms. Team work from the bottom to the top of the campaign team is critical. If you want to move fast go alone but if you want to go far go with others. Have your own initial source of money and stay true to your budget. Know the provisions of the law, befriend the media. Having friends in the media was a plus for me because I was sought after by the radio stations and did not have to pay for airtime. Belong to a number of networks. Run your campaign at your pace"***

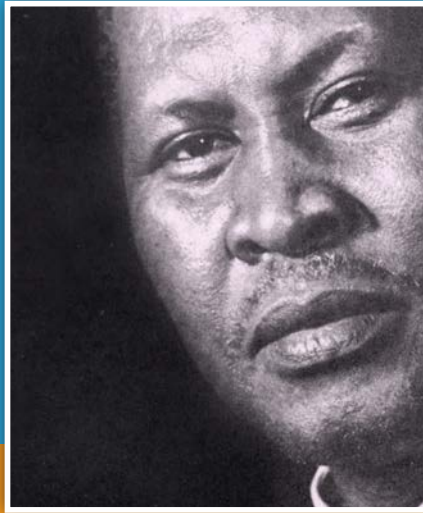
Looking forward, Lina says she is available for a second try only if the electoral reforms are carried out otherwise she will concentrate on her career, family and work. She would like to see the Ugandan Women's movement in Uganda emulate or adopt something similar to EMILY's LIST to support women's political candidature especially women who are prepared to stand up for women's rights. Lina believes that such women should be identified, profiled and meaningfully supported.

Summary

The narratives from the women contenders indicate that women continue to face the same hurdles today as they did in the past regarding their quest for political leadership. The community appears to have accepted their presence in the political space but insists on limiting them to the affirmative action seats. Internal conflict within political parties adversely affected women's participation with some women opting to either join other political parties or contest as independent candidates to improve their chances of winning the elections. Clearly, women contesting under the ruling party banner stood a better chance for political success because

of the facilitation from their party (which is better resourced than the opposition parties) and the existence of nationwide party structures.

The party nomination of women to run on the “open” constituency seat is a positive pointer although the numbers of women in this category still remain small. The “affirmative action” seat has tended to create a ghetto for women and there had been a fear that the move to multi-party politics would worsen the situation of women. The success rates of women who stood on the “open” constituency seats also indicates a move in the right direction. Only two of the women who contested in the 2016 elections reported using the “Women’s Agenda” to inform their campaign platforms. Clearly it was because of their active participation in the Women’s CSOs that developed the document.



"When the women begin to take an active part in the struggle as they are doing now, no power on earth can stop us from achieving freedom in our lifetime." – **Chief Albert Luthuli**

The Arbiters

The Complaints and Dispute Resolution Framework for Elections

The competitive and politically divisive nature of elections and their technical complexity make them vulnerable to abuse, fraud or perceptions of malpractice. However, elections are able to provide legitimacy to the government if they are fully trusted and perceived to be impartial and fair. This establishes the need for an effective mechanism to prevent, mitigate or resolve disputes that are likely to arise during the electoral process. Without a system to mitigate and manage inequality or perceptions of inequality, even the best management of an electoral process may lead to mistrust in the legitimacy of electoral outcomes. An efficient and effective electoral justice system is therefore fundamental to securing and entrenching democratic values. Also of critical importance is the perceived objectivity and impartiality of the EDR because it upholds one of the keystones of good governance—the Rule of Law.

In most jurisdictions, the Judiciary is considered the right arbiter of electoral disputes because of its role as the final interpreter of the Constitution. In Uganda, the Electoral Commission is constitutionally mandated to receive and determine complaints during the electoral process. However, once the Returning Officer declares the winner of an election she/he becomes *functus official* and all other disputes must be referred to courts of law. Political parties must have dispute resolution mechanisms entrenched in their constitutions especially in relation to electoral processes. In Uganda there is the Centre for Arbitration and Dispute Resolution (CADER) that is established by the Arbitration and Conciliation Act² but is never utilised in handling electoral disputes.

The Electoral Commission

The Electoral Commission is an independent and autonomous institution designed to monitor and ensure that a free and fair electoral process (before, during and after the actual election itself) takes place. Their mandate covers issues surrounding voter and candidate registration, constituency boundaries, voter lists, ballot counting and announcing election results. However, under the Constitution, the Electoral Commission is given the further mandate “to hear and determine election complaints arising before and during polling.” In 2006 international development partners provided support for the establishment of the first national and district-level complaints desk run by the Electoral Commission. In 2006 the complaints desk received at least 2,031 complaints nationwide. Many of those complaints alleged criminal activity, while others involved disputes over campaigning, such as scheduling of campaign events. Electoral Commission reports on the general elections do not reflect complaints made to and handled by the electoral body yet the institutionalisation of such a mechanism is critical for dispute resolution. Most of the women candidates interviewed did not get redress when they raised

2 CAP. 4.

complaints with institutions at first instance. On 29 February 2016, three nationally influential women's organisations, The Uganda Association of Women Lawyers (FIDA), Uganda Women's Network (UWONET) and Akina Mama wa Afrika and some individual women activists filed an official request with the EC, requesting the EC to release the Declaration of Results Forms from 23 districts, where results contained features characteristic of electoral malpractice, (for instance having turnout close to 100%). The EC was yet to respond to this request at the time of writing this report. One possible explanation for this is the post-election atmosphere that was tense and dominated by repressive actions by security forces aimed at subduing critical voices.

Provisions for the complaints and appeals process largely respect the right to effective remedy as enshrined in the ICCPR. However, a lack of procedures for the EC's activities and the absence of specific timelines for issuing decisions undermined the timely and effective remedy of electoral disputes by the EC.

Table 4: Cases reported to the Electoral Commission and Police (at National Level)

Institution	Number of Complaints	Nature of Complaints
The Electoral Commission	160	✱ Nonappearance on the voters register by potential candidates and voters; ✱ Lack of academic qualifications by candidates or possession of forged academic papers; ✱ Non-resignation by aspirants holding public office; ✱ Complaints related to payment of nomination fees (payment of fees to wrong accounts and late payments); ✱ Failure to present adequately completed nomination papers; ✱ Non-compliance with the age requirement where the law has stipulated the minimum and maximum ages; ✱ Disruption of public rallies by opponents; ✱ Holding campaigns outside the time allocated by the EC; ✱ Use of prohibited language and statements during the campaign
The Uganda Police Force	102	✱ Assault; ✱ Bribery; ✱ Malicious damage to property; ✱ Incitement to violence; ✱ 1 case of murder

Source: EU EOM Report On 2016 Elections

The Judiciary

Courts have frequently been called upon by candidates to determine the integrity of the electoral process and potentially set aside election results via rulings on electoral petitions. Electoral petitions have become an integral and highly publicized aspect of elections in Uganda. It is important to highlight the various courts that exist, and the different cases that they hear. The level at which the election occurred determines in which court an election petition is heard. Election petitions against the election of parliamentarians and the president are heard in the High Court as the court of first instance and are appealed in the Court of Appeal. No appeals lie with the Supreme Court. Election petitions under the Local Government Act lie with the Chief Magistrates' Courts as courts of first instance and are appealed in the High Court. Presidential election petitions are heard by the Supreme Court as the court of first instance and its decision is final and cannot be appealed.

By law, the courts have an important role to play in flagging criminal wrongdoing stemming from elections. In a trial on an electoral petition, if the High Court finds that criminal acts took place, the judge must submit a report to the Directorate of Public Prosecutions recommending action, but this has not regularly taken place. Rather, crimes committed during elections are treated as flaws to the electoral process that can be remedied by conducting a by-election and without punishing the offenders beyond the award of costs. This has encouraged repeated bouts of criminal activity by candidates and supporters that have gone unaddressed by state institutions tasked with upholding the rule of law.

The independence of the judiciary is linked to two fundamental principles: the separation of powers and the rule of law. These two principles are essential components of a democracy, and based on the premise that decisions made by the executive, legislature (parliament) and judiciary are independent from one another, and that the decisions by one branch are respected and upheld by the others. In order to explore these concepts with respect to the judiciary, this paper examines election petitions that were placed before the Ugandan courts following the 2011 parliamentary elections, and considers whether the Ugandan justice system allows for independent redress when election malpractice and irregularities have occurred.

There were also perceptions obtained on the role the Judiciary has played. The Judiciary is perceived to have made proposals for the improvement of the electoral laws. There are perceptions that the Uganda Judiciary has faced a number of challenges, ranging logistical and human resource challenges. For these reasons, preparedness of the Judiciary to adjudicate electoral disputes in 2016 was doubted, with respondents pointing not only to the questionable independence of the Judiciary but also to its capacity in terms of human resource.

Electoral Offences, Election Petitions and Vote Re-counts

The various laws on the electoral process contain about 49 election offences. However, the EC by law does not enjoy a referral power to submit cases for prosecution and reportedly the effective sanctioning of relevant offences is very low. Numerous offences are related to the campaign period and election day. The prosecution of those offences requires the consent of the Director of Public Prosecution. The prosecution must commence within three months of the commission of the offence. The prescribed punishments for these offences range from

monetary fines to up to 10 years imprisonment. However, we are yet to see electoral offences being prosecuted by courts of law.

Election petitions, on the other hand, are the tail end of the electoral process but electoral disputes arise throughout the electoral process. For instance a nomination challenge was presented in the case of Nabasirye K. Margaret & Kasumba Bruhan vs the Electoral Commission & Nantaba Idah a.k.a Nantaba Idah Erios³ in which an application was brought seeking court orders restraining the EC and their agents from nominating Hon. Nantaba as a candidate for Woman MP for Kayunga district pending a decision in a matter challenging her academic qualifications before court.

The law provides for a detailed framework for dispute resolution in the electoral process. In preparation for resolving disputes in the 2016 general elections, the judiciary undertook measures to train judicial officers so as to effectively and expeditiously determine election petitions.

With regard to presidential elections, any aggrieved candidate may petition the Supreme Court within ten (10) days. The court is required to make a determination and issue findings not later than thirty (30) days from the date the petition is filed. However, in the in the Mbabazi vs Museveni, the AG & the EC,⁴ the Supreme Court ruled against an application for a vote recount in 45 districts where massive rigged was suspected. It was held that the law does not give vote recount as a preliminary relief. The court quoted section 59(8) of the Presidential Elections Act which provides that court, upon hearing the petition ad before coming to a decision, if it is satisfied a recount is necessary and practical may, whether prayed for or not order a recount of votes cast.

For Parliamentary petitions, the law vests the High Court with jurisdiction to determine disputes. An election petition has to be filed within thirty days after the winner is published in the Gazette and concluded within six months. Any candidate aggrieved by the decision of the High court has a right of appeal only to the Court of appeal. Where there is a tie in votes cast for winning candidates or a candidate wins with a margin of less than 50 votes, there is a mandatory vote recount process before the candidate is declared the winner. However a losing candidate may apply to the Chief Magistrate's court within which the electoral area lies for a vote re-count within 7 days of declaration of the winner by the Returning Officer. If a candidate fails in their application for a recount they may lodge an election petition instead.

There were several applications filed by and against women around the country for vote re-counts. Ms. Hanifa Nabukeera who contested the Mukono woman MP seat filed a vote re-count application before Kampala High Court⁵ but it was dismissed with costs because the judge found that she did not provide the necessary evidence to prove her allegations of vote rigging. In Bugabula North constituency in Kamuli district Ms. Anita Flavia Omondi, one of the seven candidates who lost to NRM flag bearer Moses Kizige, requested a vote re-count alleging ballot box stuffing.⁶ It was however reported that she lost interest in the matter and did not pursue it.

3 Misc. Application No. 456/2015 arising out of Civil Suit No. 245/2015)

4 Presidential Election Petition No. 1 of 2016

5 It is reported that Ms. Nabukeera polled 55,655 votes to NRM's Kusasira's 61, 519 votes.

6 It was reported that Omondi polled 7,220 votes compared to NRM's Kizige who polled 9,984 votes

Former State Minister for Northern Uganda, Hon. Rebecca Otengo applied for a vote recount against Independent candidate Samuel Okwir on grounds of missing declaration of results forms at the time the Returning Officer declared the winner.⁷ She requested for a vote recount 3 sub-counties in Moroto County in Alebtong district.

In Bukoto East constituency in Masaka district NRM flag bearer, Dr. Abdallah Nkoyoyo petitioned the Chief Magistrate's Court for a vote re-count against DP's Hon. Florence Namayanja who had defeated him by 300 votes. His application was dismissed with costs because it was filed outside the permitted period. In Iganga district Ms. Barbara Asinde applied to court for a vote recount against NRM's Magumba Kawudha with whom she contested for the Woman MP seat. She was forced to withdraw the application because it was time barred. NRM's Aisha Kabanda who contested the Woman MP seat of Butambala district applied for a recount in Kampala High Court at Nakawa having been defeated by independent Hon. Lydia Mirembe with 67 votes. When her application was dismissed by the High Court, Ms. Kabanda attempted to re-apply in Mpigi Chief Magistrates' Court and the matter was dismissed.

A review of the Judiciary's allocation of election petitions at the High Court, it was established that out of a total of 118 election petitions arising from Parliamentary Elections filed, 32 were petitions involving women (representing approximately 27% of total election petitions filed). The 32 Election Petitions involving women are listed in Table 4 below. At the time of compiling this report not many election petitions had been conclusively heard and were at various stages of hearing. It should also be noted that the 118 Election Petitions were heard by a total of 26 judges, 10 of whom were women judges.⁸

Table 5: Election Petitions involving women arising from 2016 Parliamentary Elections

No.	Petitioner	Respondent(s)	Court Record #	Status (at time of writing the report)
	Teddy Namboozee	Electoral Commission Sarah Nakawunde	HCT-00-CV-EP-0015-2016	Petition dismissed with costs
	Brenda Nabukenya	Nakate Lillian Ssegujja & Another	HCT-00-CV-EP-0026-2016	Petition allowed with costs
	Aisha Kabanda Nalule	Electoral Commission & 2 others	HCT-00-CV-EP-0007-2016	
	Iriama Rose Narothe	Anyakun Esther Davina & Another	HCT-09-EP-004-2016	

⁷ NRM's Hon. Otengo is reported to have polled 11,966 votes to independent Okwir's 14,463 votes

⁸ Women judges who heard the 2016 parliamentary election petitions included: Lady Justice Lydia Mugambe, Lady Justice Patricia Basaza Wasswa, Lady Justice Oguli Oumo, Lady Justice Alexandra Nkonge, Lady Justice Margaret Mutonyi, Lady Justice Margaret Tibulya, Lady Justice Elizabeth Nahamya, Lady Justice Henrietta Wolayo, Lady Justice E. K. Kabanda, and Lady Justice Night Percy Tuhaise.

No.	Petitioner	Respondent(s)	Court Record #	Status (at time of writing the report)
	Hon. Alice Asianut Alaso	Electoral Commission & Another	HCT-09-EP-005-2016	Petition allowed
	Apolot Stella Isodo	Hon. Jackine Amongin & Electoral Commission	HCT-09-EP-006-2016	
	Akello Rose Lilly	Tubo Christine Nakwang & Another	HCT-09-EP-007-2016	
	Omoding Grace	Electoral Commission	HCT-09-CS-04-2016	
	Achola Catherine Osupelem	Ameede Agnes & Another	HCT-EP-05-2016	
	Achola Catherine Osupelem	Ameede Agnes & Another	HCT-MA-61-2016	
	Nabweire Annet Oundo	Electoral Commission	HCT-EP-03-2016	
	Hon. Muloni Irene Margaret	Electoral Commission & Another	HCT-EP-06-2016	
	Nabukeera Hanifah	Kusasira Peace Kanyesigye Mubiri & Electoral Commission	HCT-03-EP-013-2016	
	Kakembo Michael	Tumusiime Rosemary Bikaako & Electoral Commission	HCT-00-CV-0009-2016	
	Okila James	Akurut Violet Adome & Another	HCT-09-EP-001-2016	
	Isah Ntumwa	Anifa Kawooya Bangirana & 3 Others	HCT-06-CV-EP-019-2016	
	Katongole Arthur	Babirye Kityo Sarah & Another	HCT-06-CV-EP-0003-2016	
	Amina Lukanga	Electoral Commission & Another	HCT-00-CV-EP-00128-2016	
	Lugudde Katwe Elizabeth	Returning Officer Buikwe	HCT-03-EP-12-2016	
	Kirya Grace Wanzala	Nelson Lufafa & 2 others	HCT-03-EP-16-2016	
	Hon. Proscovia Salamu Musumba	Watongola Rehema & 3 others	HCT-03-EP-014-2016	

No.	Petitioner	Respondent(s)	Court Record #	Status (at time of writing the report)
	Nakato Mary Annet	Babirye Veronica Kadogo & Electoral Commission	HCT-03-EP- 018-2016	
	Deborah Mwesigwa Mugerwa	Alitwala Rebecca Kadaga & Electoral Commission	HCT-03-EP- 015-2016	
	Juliet B. Agasha	Electoral Commission & Jovia Kamateeka	HCT-05-EP- 004-2016	
	Sentongo Robina Nakasirye	Electoral Commission & Another	HCT-06-CV- EP-0007-2016	
	Joy Kafura Kabatsi	Electoral Commission & 2 Others	HCT-06-CV- EP-0002-2016	
	Waliggo Aisha Nuluyati	Sekindi Aisha & Another	HCT-06-CV- EP-0004-2016	
	Betty M. Bamukwasa	Matsiko Winfred Komuhangi & 2 Others	HCT-EP-0003- 2016	
	Ninsiima Grace	Hon. Azairwe Dorothy & Another	HCT-01-CV- EP-0005-2016	
	Dr. Atim Agnes Apea	Amuke Doreen Ruth & Electoral Commission	HCT-EP-007- 2016	
	Hon. Beatrice Barumba Rusamya	Electoral Commission & 2 Others	HCT-05-EP- 001-2016	
	Kabakumba Labwoni Matsiko	Ernest Kiiza & Electoral Commission	HCT-12-CV- EP-0002-2016	

Part X of the Parliamentary Elections Act governs election petitions while parts XI and XII elaborate illegal practices and election offences. Election petitions can only be filed by a losing candidate or a person in the constituency supported by signatures of not less than 500 voters in the constituency.⁹ The grounds¹⁰ provided by the Act upon which court may set aside an election of a Member of Parliament are as follows:

- a. Non-compliance with the provisions of the Act and that such non-compliance affected the election in a substantial manner;
- b. Another person other than the one elected won the election;

⁹ Section 60 (2) of the Parliamentary Elections Act

¹⁰ Section 61 (1) of the Parliamentary Elections Act provides for the grounds for setting aside an election for a Member of Parliament

- c. An illegal practice or other offence under the Act was committed by the candidate or with the candidate's knowledge or approval;
- d. The candidate was at the time of the election not qualified or was disqualified for election as a Member of Parliament

Many election petitions based on non-compliance with the provisions of the Parliamentary Elections Act fail when the substantiality test is applied. However, among the first decisions rendered on this issue among election petitions lodged after the 2016 elections, was the decision by Justice N.D.A. Batema in the case of Nabukenya Brenda vs Nakate Lillian Segujja & the Electoral Commission.¹¹ He ruled thus:

"I have already ruled that the quality of organizing the election process, the management of polling stations and the credibility of this election had gone to the lowest of expectations. The non-compliance affected the quality of not only the election exercise but the credibility of the results in terms of quality. In terms of quantity Counsel for the 1st Respondent submitted that the Petitioner complained of only 4 polling stations out of 382 polling stations and this did not have a substantial effect on the results. Both Counsel for the 1st and 2nd Respondents were of the view that the malpractices of improper vote counting at Galikwoleka did not substantially affect the results. That even if we got 109 votes and added the invalid votes there would not be a substantial effect on Nakate's results who got 297 votes at Galikwoleka. I do not agree with that logic. Once the Electoral Commission lost control of the polling station and the vote counting went into the hands of hooligans led by Mugwanya Tofiri, these ceased being credible election results worth talking about. With a winning margin of 1,311 votes anything substantial could have happened for either candidate.

The effect of bribery during elections cannot be underestimated. It is the duty of this court to condemn any single act of corruption and bribery because it has a substantial effect on the results not only in the ballot boxes but also in the mind and hearts of the voters. It is against our national interest and against democratic principles that we hold undemocratic elections. One soiled finger soils all the others. A single incident of bribery may have a far reaching effect on elections compared to validating a few invalid votes. The substantial effect depends on the type of non-compliance or illegal practice complained of. In the instant case bribery and intimidation of Presiding Officers and unruly citizens voting more than once and hijacking the vote counting exercise are proven complaints that affected the elections in a substantial manner. The Electoral Commission and the 1st Respondent are guilty of non-compliance with the electoral laws and principles of holding a free and fair election. To that extent this court is satisfied that there was no validly elected Woman Member of Parliament for Luwero District."

¹¹ EP. 026/2016

The provisions on the time frame within which election petitions should be lodged presents problems to some candidates and results in some election petitions not being heard on their merits. It should be noted from the stories of women who faced electoral malpractice and decided not to lodge petitions that many did not trust the courts and others lacked the finances required to file an election petition. Some of the candidates could not collect the evidence in time to beat the petition filing deadline while others feared the financial repercussions (in terms of high awards of costs) should court decide against them. The few women who were able to file election petitions must have overcome several obstacles and could not have lodged frivolous suits. Hearing all election petitions on their merits is critical in establishing the important democratic principles of Justice and the Rule of Law.

In *Waliggo Aisha Nuluyati vs Sekindi Aisha & the Electoral Commission*,¹² Justice Elubu, while considering an application to add the NCHE as a party to the proceedings, found that rule 19 on extension of time in the Parliamentary Election Petition Rules applies to time limits set in the Rules but not the parent Act. He held: "The period of 30 days within which to file a petition is set by Statute and this court has no residual power or inherent jurisdiction to enlarge a period laid down by Statute..." Citing with approval the decision of Fuad J. in the case of *Gulamabbas v. Ebrahimji & Others*¹³ where an order had been made substituting one of the parties with another 6 months after the order appealed from was made. Court held inter alia, "the order substituting the present appellant as respondent for the Minister in the High Court was made after the period of limitation had expired..." and could not stand. Guided by this decision Justice Elubu found that court had no power to grant the petitioner leave to add the NCHE as a respondent more than 30 days after the limitation period set by section 60(3) of the Parliamentary Elections Act had expired.

Diminishing public confidence in the courts as an impartial arbiter of electoral disputes means there is need for reforms in the electoral dispute management system. According to Prof. Joseph Oloka Onyango, there remains "the larger question of the place of the judiciary within the governance struggle in Uganda as we move on from 2016. Ugandans do not place a great deal of confidence in the courts of law and the Amama petition in certain respects dealt the judiciary an even more significant blow to its standing in the eyes of most citizens. However, both a review of the jurisprudence over the last 20 years (since the enactment of the 1995 Constitution) as well as consideration of some of the major governance issues which are certain to arise as we head on to 2021 suggest that the Judiciary is going to be an extremely important arena in which many of the future governance battles are going to be played out."¹⁴

12 Misc. Application No. 70/2016 arising from EP. 004/2016

13 [1971]1 EA 22

14 Oloka-Onyango J., paper presented at the Oxford University workshop on The NRM Regime in the 2016 Ugandan Elections; April 22, 2016, and "Beyond the Ivory Tower," presented at the PILAC Public Dialogue, Makerere University; April 20, 2016.

It should however be noted that decisions from petitions so far heard involving women in the 2016 General Election cycle have had some positive results for electoral jurisprudence as follows:

1. Upholding the importance of elections to democracy

The case of **Katongole Arthur vs Babirye Kityo Sarah & the Electoral Commission**¹⁵ arose from Youth MP Elections held under the National Youth Council Act. In determining an application for extension of time to serve the petition and notice Justice Michael Elubu held inter alia that: *"I am also mindful that electoral petitions are matters of great public importance and vital to the building of democracy and good governance of a nation"* In **Okwir Samuel vs Amuge Rebecca Otengo & the Electoral Commission**,¹⁶ the appellant Okwir Samuel was aggrieved by the decision of the learned Chief Magistrate of Lira for ordering a recount of ballot papers of all polling stations in 3 sub-counties of Moroto County in Alebtong district. In allowing the appeal and quashing the orders of the Chief Magistrate, Lady Justice Margaret Mutonyi held inter alia that: *"... It is widely recognised that the electoral process must be fair to three categories of parties to wit the nation, candidates and the electorate. Judiciary as an institution is to provide a ray of hope where there is injustice and a ray of hope where true democracy has been buried..."*

2. Recognizing the public interest nature of election petitions

Lady Justice Margaret Tibulya also held thus in **Martin Kizito Serwanga vs Namujju Dionizia Cissy & the Electoral Commission**¹⁷: *"All these arguments are aimed at having the petition struck out at the preliminary stage. I however don't think that the ends of justice will be met by striking out the petition on the basis of preliminary points of law. The allegations in the petition centre on issues of illegality of elections by reason of presentation of false documents. It would be a travesty and an affront to justice for the court to strike out the petition without inquiring into such serious allegations..... This petition raises issues relating to the authenticity of the academic credentials of a Member of Parliament. It is in the public interest that such allegation be investigated and fully inquired into considering the nature of office of an MP and responsibilities attached to it* While agreeing that procedural requirements were not fulfilled in the presentation of the petition, the omissions are not sufficient grounds for striking out the petition in the circumstances of this case. I therefore overrule the objections."

Potential Use of Amicus Curiae in Election Petitions in Uganda

Women's organisations could pick lessons from another positive development from election petitions during the 2016 General Election cycle. The use of Amicus Curiae (Friend of Court) in the Presidential Election Petition¹⁸ opens doors for experts and organisations involved in the promotion of women's political rights to apply to be joined as Amicus Curiae in election petitions involving women so as promote the development of positive jurisprudence for women. As originally conceived amicus curiae, acted as a friend of the court and was seen as a bystander

15 EP. 03/2016

16 Civil Appeal No. 002/2016 arising from Misc. Application No. 006/2016

17 EP. 0005/2016

18 Presidential Election Petition No.1/2016

without an interest in the case before the Court. All they sought was to share their experience on either the law or fact to help the Court arrive at an informed decision. However, as several scholars have argued, this concept has gone through developments and innovations across the world. Hellen Anderson categorizes the many facets of *amicus curiae* into five.¹⁹ These include: lawyers appointed to argue a particular issue; groups or persons invited by the court to provide their perspective; those who advocate for one side of the dispute; those who support neither party; and those who just missed qualifying as interveners yet have a stake in the outcome.

Amicus Curiae participation is important for several reasons. It sensitizes the Court in its decision-making process ensuring that a court is better informed when making its decision. *Amicus* also bring new and different perspectives to matters before a court. They help to not only develop jurisprudence but also create awareness on the jurisprudence of the courts due to their focus on wider jurisprudential aspects of a case and its public impacts. *Amicus Curiae* also acts as an avenue of representation and ventilation of wider societal impacts of a case.

19 H Anderson, "Frenemies of the Court: The Many Faces of *Amicus Curiae*" (2014–2015) 49 *University of Richmond Law Review* 361

Conclusions and Recommendations

The 2016 General Elections in Uganda were the country's third elections held following the re-introduction of multi-party politics. Overall, as reported by all election observers, these elections fell far short of meeting several democratic benchmarks relating to the conduct of free, fair and credible elections including improving the political participation of women. The Electoral Commission and various other stakeholders failed to meet their obligations to the voters of Uganda during this electoral process. This adversely affected the participation of women generally but had significant impact on women politicians as narrated by them in their stories.

Conclusions

1. The Politics. The nature of Ugandan politics does not support issue-based engagement. Consequently, the questions women contesting political office are confronted with include: whether one is married or not and whether they are contesting areas in which they are married or were born. All these and many other personal or family background issues are used to assess whether women are viable candidates to support, and such issues may be seen to divide women as they seek to conform to the electorate's notion of an ideal political representative. Political opponents are thus able to use such characteristics to reduce women's chances of winning political office.
2. Affirmative action has changed the face of political representation by making presence of marginalized groups in the political arena possible. Women in leadership are more visible as a result. Affirmative action is a tool with great potential and yet at the same time has potential pitfalls and women leaders' opinions on affirmative action are divided. It is the one of the most contentious issues around women's political leadership. Men are the self-appointed gatekeepers determining which women are nominated and elected to the affirmative action seat. In spite of the progress in enhancing women's participation in politics, challenges remain. Women largely continue to reside in the margins of decision making processes because they tend to confront some women-specific hurdles thus making the election ground unlevelled for women and men. For women, there are critical social, cultural, economic and political factors that impact on their election journey in a unique manner hence creating persistent deficits.
3. The Law. The various international and regional instruments indicate a steady shift towards acceptance of democratic values and gender equality principles. However, the regional and sub-regional instruments fail to provide a binding normative framework that goes beyond the stipulation of desired standards to enforcement. The gaps in the instruments and the continuing problems with elections on the African continent are testament to the fact that these documents lack the force of law.

4. The electoral legal framework that was in place for the 2016 general elections largely complied with international norms, but there are still gaps, weaknesses and failures in implementation that have significant impact. The government is largely at fault for the failure to enact the requisite electoral reforms that would have substantially improved the qualitative outcomes of the elections. Uganda's electoral legal framework requires reform to be fully in line with her international, regional and constitutional commitments and obligations. Whereas there is legislation to facilitate the electoral process in Uganda, there is also legislation restricting people's enjoyment of their civil and political rights. It is also clear that legislation has been enforced in a manner that suppresses the opposition and gives advantage to the ruling party candidates.
5. Despite the legislative provisions, women continue to face a number of structural, socio-economic and political constraints that limit their full political participation. Poverty, lack of education, insufficient access to information and political parties' reluctance to place women in leadership positions, among others, are the key impediments for full enjoyment of equal rights. The increased level of political violence further hampered the participation of women in these elections.
6. Whereas the terminology of the legislation is gender neutral, it is critical that implementation and enforcement be gender sensitive. This calls for the development and adoption of electoral guidelines that ensure gender sensitive application of the law. Reform of the electoral law and process is the only way to restore credibility to the process and legitimise the results of that process.
7. The Facilitators. The key Government agency with the mandate to organize elections lacks public confidence. However, the legitimacy issues facing the EC are mostly the result of the appointment process that does not assure its autonomy and independence, and the overall political environment. The competency of the EC's district-level officials and polling station Presiding Officials has been questioned by many stakeholders including the Judiciary that has been called upon to determine electoral disputes. Some of the challenges that adversely affected the polling process in the 2016 elections were the result of delays by the Legislature in enacting electoral laws and appropriating sufficient funds for the electoral exercise.
8. The Contenders. The nomination process for all elective positions in the 2016 elections was not inclusive especially the manner in which the nomination fees were suddenly increased. The new amendments that Parliament passed at the last minute negatively affected the elections. A judicial decision affecting the election of special interest groups and the new legislative amendments created a great deal of confusion as they were formulated in haste and in a manner that gave the Electoral Commission no time to internalize, publicise, and explain the implementation and its implications on the electoral process. All these adversely affected women's political participation.
9. Despite the various challenges women face in participating in politics especially given the political terrain in Uganda, women in the 10th Parliament, make up 35% of the total number

of members of parliament with a total of 129 seats (112 elected through affirmative action seats and 17 through the open seats). The proportion of women elected is just slightly above the 30% Beijing Declaration target but below the gender parity mark of 50:50 recommended by the Millennium Declaration.

10. The Arbiters. Disputes may arise at any stage in the electoral process and the effective resolution of these disputes is critical to electoral integrity. The aggrieved choose the law as their arbiter and put their hope in the law. Therefore, various institutions involved in electoral dispute resolution play a very critical role in safeguarding the ongoing democratisation process in Uganda by ensuring credibility in the adjudication of electoral disputes. The resort to courts of law for adjudication of electoral disputes serves to entrench democratic principles, the rule of law and constitutionalism. There are however, there have been doubts about the outcome of judicial adjudication of these electoral disputes. The number of electoral disputes that wind up in the courts of law is very low because of several factors, however the critical ones include the perception of judicial bias favoring ruling party candidates, corruption, and overwhelming political influence of the judiciary leading to lack of confidence in the process. The law being implemented by the Judiciary has some flaws and would require judicial activism on the part of the Judiciary where there is failure on the part of the Legislature to enact relevant laws or reform existing laws that conform to Uganda's international obligations and international best practice. The electoral Road Map drawn up by the EC did not make time provision for resolution of complaints and disputes. Access to justice for women involved in electoral disputes is hampered by the high cost of litigation. This calls for the incorporation of Alternative Dispute Resolution in resolving electoral disputes for those with limited funds. Criminal activity should be prosecuted to reduce electoral offending.

Recommendations

1. Inclusive elections, where all those eligible have the opportunity to vote, to choose their elected representatives, are central to democracy. Ensuring that women and men can and do participate without unfair barriers is a core component of delivering an inclusive election. The recommendations that follow are geared towards ensuring that Uganda can have a gender inclusive election in 2021 because the beginning of this new electoral cycle presents an opportunities for review and reform.
2. Assessment and Review of the 2016 General Elections. The stakeholders should undertake a gender assessment of the 2016 electoral cycle and map the gender issues throughout the electoral cycle. The results of these two exercises should feed into the roadmap of the next electoral cycle. This will ensure that gender is taken into account in the next cycle and improve women's participation in politics in Uganda. The assessment, mapping and planning should make provision for ensuring the collection of sex disaggregated data throughout the whole cycle leading up to the 2021 General Elections.

3. Electoral Reform. The Electoral system in Uganda requires reform starting with the political environment within which elections are conducted; to administrative processes of the major government agencies involved in the conduct and management of elections; to legislative reform. Consequently, the several reforms that were proposed in the Citizens' Compact and by the Women's organizations that were not passed by Parliament in the previous electoral cycle remain valid and will not be repeated here. However it is recommended that all stakeholders continue advocacy efforts to realize the electoral reform sought. The UHRC, the EOC and the Inspectorate of Government should play critical roles in the electoral process based on their constitutional mandates.
4. Engendering the Electoral Commission. The Electoral Commission should show commitment to gender inclusiveness by having an institutional gender policy and action plan. The Commission should strive for gender parity in its recruitment of both permanent and temporary staff. It is also imperative that it reviews its guidelines and voter education materials to ensure that women's concerns are mainstreamed. The EC should ensure that gender constitutes part of the training of its electoral officials.
5. Civic and Voter Education. The positions of Speaker and Leader of the Opposition that are currently held by women is a result of the cumulative effect of women's representation in Parliament. Both are an indicator of women's ability to attain principal leadership positions despite the opposition to women's leadership because of patriarchal attitudes. Civic and voter education should therefore address the negative perceptions around affirmative action in the communities. Sensitization of women as voters needs to focus on demystifying the use of money in political campaigns and other related activities and emphasize the importance of issue-based politics. This will build their capacity to demand action and accountability on issues of concern to women. The crosscutting nature of gender in regards to national policy must be appreciated by the electorate through an inclusive civic education programme.
6. Creating a powerful women constituency. Women constitute over 51% of the population in Uganda yet politicians do not recognize them as a viable constituency whose issues must be addressed. It is imperative that women utilize the power of numbers to form a constituency whose concerns must be addressed. Women in Uganda should move away from being perceived as a reliable vote bank for the ruling party. The women's movement, must play a critical role in enhancing women's political participation and leadership in Uganda by mobilizing women into a viable constituency. There is need to focus on women as citizens, voters and as candidates.
7. Ideological grounding of women politicians. Women must appreciate and embrace their right to participate in politics, especially contesting the so-called 'men's seats.' Because in many countries women politicians tend to provide leadership to the women's movement, they must be ideologically grounded in the women's movement so as to advance women's issues when they enter the political arena. They must specifically be made aware of the

challenges they will face as women in leadership, such as patronage, sexual harassment,²⁰ invisibility in the media etc. that tend to hamper their progress so that they can devise strategies against them.

8. Research and documentation. This should be a continuous processes during and after the elections. The results of research and documentation processes should have a direct input into policy and decision-making processes by arming women leaders with evidence and analytical frameworks to facilitate informed debates. Track political party activities with regard to promoting gender equity including manifestos, party leadership, sponsoring women candidates for political leadership etc.
9. Women CSOs Engagement with Political Parties. The failure of political parties to nominate women especially for the “open” seats means that women as a social group remain largely excluded from the political mainstream in Uganda. As the gatekeepers who determine accessibility to political leadership of women, it is imperative that women CSOs engage them in critical discussions around improving women’s participation in politics especially by ensuring they live up to the gender principles in their policy documents, national legislation and international conventions to which Uganda is a signatory.
10. Identify, mentor and support women in politics. Women CSOs should participate in the identification of women within the women’s movement who could run for political office. They should then encourage and support them with financial and other assistance such as towards nomination fees, capacity-building, poster production and constituency outreach efforts.
11. Positive media coverage of women in politics. There is need to sensitise the media to ensure positive coverage of women in politics and have more women represented in the media houses at field and senior management levels. The Uganda Media Women’s Association Awards for women journalists involved in the coverage of the 2016 General Elections should be enhanced to ensure journalists who report positively on women are rewarded and recognised.
12. Electoral Dispute Resolution. Women’s experiences and concerns should inform the electoral dispute resolution system and processes. The Political Parties and the Electoral Commission should exercise their mandate to handle some electoral disputes so as to restore credibility and legitimacy to the electoral process. Women find the judicial process both daunting and expensive. Therefore, introducing Alternative Dispute Resolution methods to the electoral dispute resolution process would greatly enhance women’s access to electoral justice.
13. Navigating a hostile political environment. Inter and intra-party conflicts as well as the determination of the ruling party to retain one person in power has created a hostile political environment especially for women who are not aligned to the ruling party. Consequently these deficits within Uganda’s political parties deter women from joining political parties especially opposition political parties. A grim view of opposition politics deters women

20 According to a study conducted by ISIS-WICCE, the over sexualisation of political space is a major obstacle to women’s substantive engagement in politics.

from joining politics, which translates into a low number of female representatives in parties other than the ruling party. The women in the ruling party generally adhere to the dominant political culture, which is reportedly characterized by suppression and intimidation. Consequently, there is limited effort on their part to advance a gender equality agenda. Women must learn to act in unison and solidarity to overcome the impact of the hostile political environment.

14. A Role for the International Community. The international community should play a more effective role in holding the Ugandan government to commitments it has made to good governance, multiparty democracy, and respect for human rights at international level including under the International Covenants to ensure the right of women to participate freely as citizens, on equal terms with men, in choosing their government.

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