

# LEGAL ACTION FOR PERSONS WITH DISABILITIES

## Baseline survey

Electoral system and processes in Uganda  
with specific reference to PWDs

Jackson Atria  
Sustain Africa  
P. O. Box 36111  
Kampala  
Tel: 0775936314  
E mail: Jackson.atria@yahoo.com

November 2010

# ELECTORAL SYSTEM AND PROCESSES IN UGANDA WITH SPECIFIC REFERENCE TO PWDS

## 1 INTRODUCTION

Legal Action for Persons with Disabilities Uganda (LAPD) a non-governmental and non-profit making organization, registered with the Non Governmental Organization Board in Kampala on the 27<sup>th</sup> November 2005, was formed by lawyers with disabilities with a principle purpose of dispensing legal duties to persons with disabilities through counseling, advice and representation in courts of judicature. LAPD also increases awareness about Human Rights and the law and advocates for better laws and policies for inclusion of people with disabilities in society and carries out research on legal and human rights issues in relation to people with disabilities, especially documentation of human rights abuses and violation.

The organisation builds capacities of key partners for human rights protection and provision of legal aid to persons with disabilities to ensure that the best mechanisms are used in dealing with the human rights and legal challenges faced by people with disabilities. Public interest litigations, a new area the organisation is aiming to address, will tackle human rights violation concerns for people with disabilities at macro rather than individual or personal level. This involves tackling issues like accessibility to public building and structures at a broader level, targeting policies, and plans and practices of specific institution for the benefit of all disabled people.

LAPD **visualises** a Uganda where Human Rights are actualised for all persons with disabilities (PWDs) with a **mission** of providing legal services and rights protection for indigent persons with disabilities in Uganda. LAPD is in the process of implementing a project on the protection and promotion of full and equal enjoyment of Human rights by PWDs in Uganda, especially in the northern region which was heavily affected the insurgency conducted by the rebel Lord's Resistance Army (LRA). This project will be implemented with partners and the study on the Human Rights of PWDs will provide evidence for the preparation of clear strategies for addressing human rights violations. The study is therefore core to the planning process and the analysis of the enjoyment of human rights by PWDs in the region. This will enhance ownership and opportunity for the implementing organizations to contribute to the development of actions that are reflective of their actual needs.

## 2. BACKGROUND AND PROBLEM STATEMENT

Uganda has made considerable progress, over the last two and a half decades, in terms of political and social stability and economic growth and development. Within the political scene a lot has changed since the 1980s when the National Resistance movement took over power. One of the key changes is the improvement in the democratic processes which has re-established the use of the ballot as a means of electing political leaders. There has also been increased participation of all, citizens including the weak and marginalised groups such as women, youth and the disabled, in governance through a process of affirmative action. From around 1987 Disabled People's Organisations (DPOs) began to emerge as a powerful voice and with constant lobbying and increase in disability awareness, government made concessions allowing the representation of people with disabilities (PWDs) in Parliament and at all Local Councils, from village to district levels. These positive political developments have empowered PWDs and have ensured that the voices of the disabled are heard at all major decision levels.

In 2006 Uganda took another bold step and introduced the multi party political dispensation allowing Ugandans to belong to and vote for parties of their own choice. This was a major challenge particularly for the disabled as in some cases it meant choosing between serving the interest of the party and the disability movement. National politics has divided the MPs, DPOs and disabled people to the extent that the disability movement is almost breaking apart. There are differences about whether disabled people should all belong to one political party or not. There are also differences about who should organise elections for disabled people and which system should be used for electing representatives of people with disabilities. Moreover, despite the affirmative action, many positions for disabled people on local councils remain vacant. Even where they are filled representatives are too weak and do not do their work yet for disabled people empowerment and participation are key aspects of inclusion.

The situation is exacerbated by the lack of effective civic education and citizen empowerment which leads to political manipulation and exploitation of various forms. Before elections people, especially the poor and the marginalised, are not helped to understand the root cause of their problems. They do not understand the link between democracy, good governance and development (poverty eradication). Because they do not understand these links many do not vote or condone malpractices thus electing wrong people for wrong reasons. After elections there is no accountability from the leaders and people have no means of ensuring that the leaders elected actually fulfill on the promises that they make during campaigns and in their manifestos. Ultimately it is the poor and marginalised groups that are most affected as they are rarely helped to understand issues of democratization and good governance which directly impact their own rights, development and welfare.

### **3. THE STUDY METHODOLOGY**

This was a baseline survey, on the electoral system and processes in Uganda, carried out in the districts of Masaka and Rakai to collect views of disabled people regarding the 2006 elections and their expectations for future elections. The outcome of the study will be used to improve electoral processes in the country, especially those for people with disabilities.

#### **3.1 OVERALL OBJECTIVE**

To increase understanding of the electoral system and processes in Uganda and their effects of the rights of persons with disabilities.

#### **3.2 SPECIFIC OBJECTIVES**

- To assess the processes of the 2006 national election and the effects of this on the rights of people with disabilities.
- To capture and document the experiences of people with disabilities with regard to the 2006 elections.
- To capture some of the challenges PWDs faced in the last election
- To ascertain the roles that Disabled People's Organisations play in improving the electoral processes and the participation of people with disabilities.
- To make recommendations for specific actions to be taken to ensure fair and democratic system and processes for the forthcoming and any future elections.

### 3.3. THE STUDY APPROACH AND METHODOLOGY

The assignment required the consulting team to undertake a baseline survey on the electoral system and processes in the country from the perspective of people with disabilities with specific reference to the 2006 multi party elections. The baseline survey which was carried out in the districts of Masaka and Rakai focused on getting views of disabled people regarding the 2006 elections and their expectations for future elections. The result of the study is expected to inform future electoral processes in the country, especially with regard to people with disabilities. The ultimate aim is to increase participation and inclusion of people with disabilities in socio-economic and political processes in the country. In that respect the consulting team covered the following key areas during the course of the study:

- a) Documenting personal experiences of persons with disabilities, including challenges faced, during the 2006 national elections.
- b) Assessing electoral process and how this affected outcomes and the participation of people with disabilities thus their rights.
- c) Documenting views on the electoral laws and policies generally, but more specifically on the election of PWDs, and how these could be more effectively used in inclusion of people with disabilities within electoral processes in the country.
- d) Assessing the roles that Disabled People's Organisations play in the electoral process and how this affects outcomes and effective participation of people with disabilities.
- f) Assessing views on the outcomes of the 2006 elections, including challenges and strategic gaps, and expectations of people with disabilities with regard to future elections.

### 3.4. APPROACH AND METHODOLOGY

A participatory and consultative approach involving stakeholders at all stages was adopted by the study team to ensure active involvement of all affected parties as this would enrich the design and enhance ownership of the end product. The study used mainly qualitative methodologies for data collection including literature Review, Focus group Discussions and Key informant interviews. These methodologies were considered by the study team to be the most suitable to comprehensively achieve the set objectives since the results obtained from the different approaches could be triangulated to provide a more thorough and accurate analysis. Literature review focused on; the situation of disabled people within the study area; existing legal and policy and programme documents; performance reports of the various institutions involved in political elections, research reports; internet and library searches. A review guide was developed to facilitate the process. The review report was used in the harmonization of data collection methods and tools for the primary data as well as generating an inventory of issues that needed further investigations/ verifications.

Key Informant interviews were conducted with leaders of disabled people at the various levels from LC1 and LC 5 in each of the 2 districts. Where possible we talked to Local Council chairmen and electoral officials in the targeted districts and sub counties. The interviews sought to collect expert information and experiences with regard to structures, procedures and processes used for elections, performance of PWDs and successes and challenges and lessons learnt. A key Informant interview guide was developed to guide the discussions. Focused Group Discussions (FGDs) were conducted with disabled people's groups in at least 1 sub county in each district. These FGDs were aimed at exploring information on their experiences and challenges with regard to electoral systems and

processes, especially the 2006 elections. We also used the FGDs to gather views on the laws, policies and processes and on the role of DPOs. Finally we, together with the PWDs, assess the outcomes, challenges and gaps, and expectations for the future.

A purposive sampling criterion was used to determine the sub counties to be visited in the 2 districts. In each district the study focus on DPOs and disabled people at district, sub county and village levels. We conducted FGDs in at least one village in each of the districts to ensure that perspectives from the various levels were reflected. The final decision on the actual sites was taken with the leaders of disabled people in the 2 districts. Content or discourse analysis techniques were used to analyze the data collected whereby analysis was done as the study progressed and issues which emerged influenced subsequent direction of the study report. Analysis was based on the study objectives where themes and sub-themes were generated for better interpretation and presentation.

Overall the study went on as planned and the study team was able to meet most of the respondents and a lot of useful information was collected. However language was the main limitation as the study team had to depend on interpreters particularly during the focus group discussions. The study was also conducted when political activities were already in full swing in both districts so people were a bit cautious in giving responses to the questions. They were not fully convinced that the study was being conducted by an NGO and for good reasons. Finally we had challenges in Rakai district as the contact person did not make arrangements as we had agreed. In many cases we had to look for the people we needed to speak to on arrival and this was both frustrating and time consuming. Even arrangements for the FGD had not been made and the LC 1 of the selected village had not been informed. Fortunately we were able to find some 8 PWDs on short notice for the FGD.

## 4 THE KEY FINDINGS

### 4.1 THE NATIONAL SOCIO-ECONOMIC AND POLITICAL CONTEXT

During the last two and a half decades Uganda has made considerable progress in terms of political and social stability and in terms of economic growth and development. This has provided the **enabling environment** within which different policies and programmes have been initiated, especially in areas of poverty, health, education and other sectors to improve the well being of citizens including the most vulnerable ones. The Poverty Eradication Action Plan (PEAP) (1997, 2003) was the strategic document in the area of socio-economic management and formed the basis for most of the policy interventions in the various sectors. It was anchored on five main pillars, including Human Development, which generically provided for a planning process that incorporated requirements, aspirations and sustenance of disabled people under the area of Social Protection for Vulnerable Groups. Indeed a number of strategic policies and plans were curved out of the PEAP, especially the Social Development Sector Investment Plan (SDIP), Education Sector Investment Plan (ESIP) and Health Sector Strategic Plan (HSSP), that incorporated needs and concerns of the vulnerable including people with disabilities.

National statistics on poverty reduction were impressive especially since income poverty fell from 56% in 1992 through 44% in 1997 to 35% in 2000. This trend has however reversed and over the last 7 years there have been reports of increasing absolute poverty. At least 38% of the population now lives below the poverty line, with significantly higher figures for the northern region (63%) and eastern region (46%) due to the insecurity that affected these regions for over 20 or so years. Consequently, people living in abject poverty remain a substantial proportion of the population. A majority of the people with disabilities come from these poor families, yet providing for their rehabilitation needs

consumes a large percentage of the household resources. This exerts a lot of pressure on the already fragile household incomes in most cases leaving them more impoverished. This situation has been exacerbated by the chronic corruption at all levels of governance which has stifled socio-economic growth and transformation. The health system has virtually collapsed as most health units are understaffed and have perennial shortage of drugs and other essential requirements. Within the education sector, the programme of universal primary education (UPE) has increased enrolment in most primary schools, but there are serious questions about the quality of education provided. Indeed in most other sectors, including the directly productive sectors, quality of service delivery is, by and large, compromised by the rampant corruption among government officials. Most depressing to most citizens is the impunity with which this is done and the total lack of accountability and the lack of action to reprimand culprits. Generally, therefore, many citizens have lost the sense of nationalism and patriotism as leaders are seen to be self seekers and there is an acute feeling of unfair distribution of the national cake with some regions and groups overtly doing well while others, including the marginalised groups, virtually neglected.

This unfortunate situation has a historical context and is, to a large extent, a result of the poor democratization process and lack of good governance in the country. For many years the gun, rather than the ballot, was the main means of achieving regime change and attaining political power. Because it happened so often many people began to accept it as a legitimate way of doing things and saw nothing wrong with it. As a result the country went through one political instability after another causing many citizens, including marginalised groups, untold suffering. Even with the political stability the country now enjoys and use of the ballot paper to elect political leaders, money has replaced the gun as means of attaining political power. There is heavy use of money and other material gifts to influence and induce voters and in the process undeserving people are elected into political positions. Once elected the leaders have no commitment to the people and use the opportunity to make as much money as possible because there is no guarantee of re-election. Attainment of political power is therefore seen as source of wealth and many people join politics not to serve but to make money and get wealth through corrupt and other selfish means. The situation is exacerbated by the lack of accountability to the people right from the highest to the lowest level of governance. Infact many Ugandans now praise corruption arguing that it enables them to get services faster as long as there is money. This is in complete disregard of the poor, and the marginalised, who cannot afford to pay for such services. So leaders come and leaders go but the problems of the poor and marginalised remain and, in many cases, are compounded due to lack of action.

The majority of the people of this country, especially the marginalised, have not been helped to understand these issues that touch on democratization and good governance and which directly affect their own development and welfare. It is the lack of effective civic education and citizen empowerment which have lead to political manipulation and exploitation of various forms. Before elections people are not helped to understand the root cause of their problems. They do not understand the link between democracy, good governance and development (poverty eradication). Because they do not understand these links, during election, many do not vote or condone malpractices thus electing wrong people for wrong reasons. After elections there is no accountability from the leaders and people have no means of ensuring that the leaders elected actually fulfill on the promises that they make during campaigns and in their manifestos.

To change this situation, persons with disabilities and other marginalised groups, needed to be empowered to participate and play their part more actively in political and decision making processes in the country. Emphasis was laid on establishing an appropriate policy and legislative framework to

enable this to happen. Indeed from the late 90s there was a realisation, at international and national levels, that not much would be achieved for disabled people, in terms of their development, unless policy was affected. Disability needed to become part of the policy process at all levels if the concerns of disabled people were to be concretely addressed. The ratification by Uganda of the various international conventions on human rights gives them the status of international law, implying obligations and responsibilities on part of Uganda Government. The most important international convention currently being the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is a powerful instrument in the struggle for access to equal rights and will enhance the dignity of persons with disabilities. In addition it will prove to be a valuable instrument for mainstreaming disability from a rights perspective. According to the Convention, governments all over the world have to make the inclusion of disabled persons in society an integrated part of their development cooperation policy. This is so because disabled persons worldwide have the same rights as other people. This obligation asks for enforceable disability measures worldwide and NGOs, including other lobby-organisations, are to empower disabled people to make use of their rights.

The constitution of Uganda (1995) provides legal protection for a wide range of civil and political rights, and also for many social, cultural and economic rights. The persons with disability Act provides a comprehensive legal protection for persons with disabilities in accordance with Article 23 and 35 of the Constitution; to make provisions for the elimination of all forms of discrimination against persons with disabilities towards equalization of opportunities. Indeed there are several other important and legally binding Acts and policies passed by the Ugandan Parliament that have had a direct bearing on the realisation of the rights of disabled people.

One key result of all this, within the national context, has been the policy and legal concession made by the government of Uganda allowing the representation of people with disabilities (PWDs) in Parliament and at all Local Councils, from village to district levels. This positive political environment has empowered people with disabilities not only to participate in politics but has increased their voices within key national decision making processes. Indeed from 1996, following the promulgation of the 1995 constitution, people with disabilities have been actively participating in political processes in the country, including election of their own representatives at the various levels of governance and on all statutory bodies at national and district levels. The 2006 elections were however the first opportunity for PWDs to participate in elections under a multi-party political dispensation. This study was therefore meant to assess how far PWDs have been empowered politically, what challenges still remain and what more needed to be done to enhance their effective participation in national development and achieve full inclusion of PWDs in society, especially within a multi party political system.

#### 4.2 THE 2006 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

On Thursday 23 February 2006 Ugandan voters decided who would govern them for the next five years. These were the first multi-party elections in the country since 1980 and marked the end of 20 years of “no-party democracy resulting from the revision of the Constitution following a referendum in July 2005. It was also the first tripartite elections, with voters electing the President and parliamentary representatives, including special seats for women, on the same day. Prior to that there had been elections in Uganda, but political parties, which existed to a limited extent, were not allowed to contest these elections. In 2004 the NRM government, which had been in power since 1986, agreed to permit multiparty elections, but at the same time introduced provisions removing the limitation on the number of times that the president could stand for election (since 1986 multiparty elections had not been permitted on the grounds that they were divisive and that Uganda, with its history of instability and civil strife, needed unity and stability above all else).

In the period after 1986 the National Resistance Movement (NRM, or "the Movement") developed a network of organs from village to national level through which government was effectively exercised. The movement's organs were participatory, and enabled grass-roots involvement in local government and politics. Every Ugandan was deemed to be a member of the Movement. Political parties (the Movement was not regarded as a political party) could not open branches outside Kampala; neither could they hold national party conferences. Elections for Parliament were based on "individual merit", meaning that all candidates were members of the Movement and, in elections, stood against other candidates who were also members of the Movement.

This system was initially acceptable to the Ugandan people as the old political parties, notably the Democratic Party (DP) and Ugandan People's Congress (UPC), were largely discredited. In fact NRM government brought stability, and major market-led reforms which led to economic growth. However, with time, pressure started mounting from within the country and externally for opening political space and allowing multi-party democracy to take root in the country. Many people started arguing that NRM was not a movement but a political system since it had structures, implying that Uganda was being ruled under a one party system. In 2005 therefore government made concession and allowed Ugandans to decide through a referendum how they would want to be ruled. The result of the vote was overwhelmingly in favour of multi party democracy and that formed the basis for the 2006 Presidential and Parliamentary elections.

Elections were held at 3 main levels i.e. Presidential, Parliamentary and local government levels. For the presidential election the entire country voted directly by universal adult's suffrage. For the parliamentary elections, three categories of MPs are elected. 215 are directly elected to represent single member constituencies in a 'first past the post' system. There were also 69 women representatives, one for each of the country's districts. In addition there were 25 'special interest groups' representatives, 10 from the army (of whom at least one must be a woman), 5 representing the workers (at least one woman), 5 representing youth (at least one woman) and 5 representing persons with disabilities (at least one woman). Whereas the 215 constituency representatives and the 69 women were elected through universal adult suffrage, the special interest group representatives were elected through special electoral colleges.

The elections were administered by the Election Commission (EC) composed of 7 commissioners appointed by the President and confirmed by the Parliament. Voter education was almost entirely left in the hands of civil society organisations and the media. Generally speaking the campaigns were well conducted in an open environment in which freedom of expression; assembly and association were largely respected. The number of violent incidence was limited. The presidential and parliamentary elections were well administered, transparent and relatively peaceful. On Election Day voters turned out in large numbers despite rain in some parts of the country (polling stations were in the open air). Voting procedures were on the whole correctly adhered to, as were counting procedures in the polling stations.

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#### 4.3 THE ELECTION PROCESS; PWDS EXPECTATIONS AND EXPERIENCES



The credibility and competence of the electoral administration is crucial to the integrity of any election and to the legitimacy of the results. In this section we present the views and experiences of persons with disabilities in relation to the various stages in the election process.

#### 4.3.1 The electoral Commission

Uganda's Electoral Commission (EC) is created by law, The Electoral Commission Act 1997, under Chapter 5 of the Constitution of Uganda. Under article 62 of the Constitution, the EC shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority. This article is the basis upon which the EC claims its authority and independence as the sole organisation responsible for conducting and managing elections in the country. In terms of its appointment and constitution, the EC is constituted by seven persons, including the chairperson and deputy chairperson, all appointed by the President and approved by the parliament. The members are supposed to be people of high moral and social standing and integrity.

In the 2006 elections, building legitimacy and credibility and allaying the suspicion of government bias were major challenges for the EC. The present Commission was appointed in 2002 – by President Museveni under the movement system – and the opposition remained convinced that the EC was a protégé of the government, unable to execute its functions impartially and judiciously in the new multi-party dispensation. The commissioners were referred to as “the President's People”, alluding to their appointment and dismissal at the President's will, and the likelihood that they would favour the incumbent President and his party. Constitutional guarantees of independence were deemed insufficiently backed by institutional arrangements, and the appointment procedures unable to guard against executive influence. The new EC also faced the challenge of ensuring a conducive environment for elections as violence had been rampant in the 2001 elections. In addition the new commission also inherited operational challenges as the former commission had failed to produce a reliable, computerized voters' register.

With few exceptions, PWDs said that the election officials did a commendable job in difficult circumstances. In most places the elections passed smoothly without any major incidences. In Masaka and Rakai where the study was carried out PWDs said that they did not see any major cases of electoral violence. The police was heavily deployed to deal with incidents of violence or insecurity. Voting was done out in the open where everyone saw what was happening and the transparent ballot boxes eliminated suspicions of ballot stuffing. Vote counting was also done in the open in the presence of agents of the various parties and citizens who chose to wait for the results.

However, the Electoral Commission was blamed; first and foremost, for the poor management of the voter's register. Many PWDs claimed that not enough time was given to people to check their names and to register. Many people, including PWDs did not have their names in the register and did not vote. *“For PWDs the other problem was the places where the voter's names were displayed. These were at the sub county headquarters and therefore too far for people with mobility problems. Many chose not to bother to go there and struggle with others to check their names”* said a physically disabled lady in Rakai. For the blind it was a waste of time since the register was in print and not Braille so they could not know if they were registered or not. PWDs also claimed that many people's names appeared in the wrong polling stations and this meant people checking at several polling stations before they could find their names. Many including the PWDs gave up and just went home without voting. Many claimed it was possible that other people voted using their names since they did not vote.

The second challenge PWDs noted with regard to the Commission was the lack of control over security agencies, use of government resources and money to bribe voters, negative politics and

uneveled playing field. *“The day before the elections we saw so many security people moving up and down in the village and that was intimidating to the voters. We all felt that if the opposition won there would be violence in the country and that affected the way people voted”* said one disabled person in Masaka. We could also see people using government vehicles to do campaigns in the various sub counties and nobody did anything about it. Candidates turned the campaign rallies into opportunities for trading insults and abuses instead of focusing on the issues. The opposition candidates, in their view were harassed by security agents and not given enough time to present their cases as compared to the NRM candidates.

#### 4.3.2 Setting the rules

Parliament played a pivotal role in setting and changing the rules of the political game that formed the playing field in which electoral contestation unfolded. The legal framework for the 2006 elections consisted of a range of legislative instruments as outlined in tabled 1 below.

**Table 1: The legal framework of the 2006 elections**

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| <ul style="list-style-type: none"> <li>• The 1995 Constitution (as amended in 2005) establishes the Electoral Commission (EC) and mandates it to organize, conduct and supervise regular, free and fair elections and referenda in accordance with the constitution (Article 60, 61). The Constitution provides for the election of the president by adult suffrage through a secret ballot and no longer restricts the number of terms a president can serve. It also provides for the election of members of parliament through election of candidates by plurality vote in single member constituencies, as well as by special elections for particular groups (women, the army, workers, youth and people with disabilities) and for the election of local government councils and officials.</li> <li>• The Presidential Elections Act (No. 16 of 2005) is largely similar to the Presidential Elections Act for the 2001 elections, but was amended to provide for the election of a president through multi party elections. It provides rules regarding the qualifications of presidential candidates, and procedures for their nomination, campaigning, polling, counting and tallying. Significantly, to win the Presidency the successful candidate must garner a majority of the votes cast. If none of the contestants secures 50 per cent or more in the first round, a run-off election is required between the two candidates who got most votes in the first round.</li> <li>• The Parliamentary Elections Act (No. 17 of 2005) provides a detailed framework for the organisation and conduct of parliamentary elections in a multiparty setting, including criteria for the nomination of candidates. There was debate on whether it should provide for the representation of special groups (women; army; workers; youth; and people with disabilities) but the arrangement was retained.</li> <li>• The Electoral Commission Act (Cap. 140) provides for the organisation and general set-up of the Uganda Electoral Commission. The composition of the EC, and the role of the executive in appointing commissioners, has been subject to much criticism.</li> <li>• The Political Parties and Organisations Act (No. 18 of 2005) operationalises the multiparty system of government in Uganda. It allows registered parties to organise and mobilise voters throughout the country; shifts responsibility for party registration to the Electoral Commission; provides rules for party leadership elections and party funding; and a code of conduct for political parties.</li> <li>• The Local Government Act (Cap 243 as amended) regulates and governs the conduct of local government elections.</li> <li>• The Press and Journalists Act (Cap 105, 2000), the Electronic Media Act (Cap 104, 1996) and the Access to Information Act (2005) regulates the role of the media in the electoral process. Their ability to report on state institutions is, however, limited by the Penal Code (Cap 120) and to some extent the Anti Terrorism Act (2003).</li> </ul> |
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The Electoral Commission also issued several guidelines, including *Campaign Guidelines for Presidential Elections*, which regulated the use of government resources, candidates’ rights, security, protection and facilitation of candidates and their meetings; and *Nomination Guidelines for Members of Parliament*, clarifying and providing for the qualifications for members of parliament, the nomination procedures, factors which may invalidate a nomination, inspection of nomination papers and offences related to the nomination process. Together these laws and regulations provided a comprehensive – and

complex – framework for the organisation and conduct of the presidential, parliamentary and local elections.

On the whole however, PWDs said they were not aware of these legal provisions and would not understand them any way. *“All these laws do not mean much to us. All we wanted was civic education to help us to understand the electoral processes so that we are able to vote properly and are not cheated”* said a disabled woman in Rakai district. This is not true only of the disabled, because of the illiteracy levels in the country most people do not read let alone understand legal and policy provisions. This is the reason why many people are manipulated and exploited by leaders. There is almost total lack of awareness and ignorance about different laws and policies even among people who are supposed implement the laws and policies and more so among the people who are affected. Civic education needs to incorporate public awareness about laws and policies that regulate elections and indeed other policy actions in this country.

### **4.3.3 Registration of political parties**

The registration of political parties was an important part of the electoral process. This registration was regulated by the Political Parties and Organisations Act (PPOA). Provided that they were registered, parties could now open offices throughout the country, organise meetings and rallies and nominate candidates for offices. The act also regulated internal party affairs. Parties were required to consider gender equity when electing members of the executive committee and such elections were to be held at *“regular intervals not exceeding five years.”* The parties were also required to document all contributions, financial and otherwise, including those provided by the party founders. Parties based on sex, race, colour, ethnic origin or religion, were not allowed and all parties had to have *“a national character”*.

Non-Ugandans were not to be elected to office in a party, and a party was not allowed to accept more than 20,000 currency points (at that time an equivalent of Ushs 400 million) annually from a single non-Ugandan contributor or more than 200,000 currency points (Ushs 4 billion) in total from foreign contributors. Military, police and prison personnel, traditional leaders, and employees in government companies, are not permitted to be members of parties. A national consultative forum for parties was established with a representative for each registered party with the purpose of discussing matters, as they arose, with the Electoral Commission.

PWDs interviewed in Masaka and Rakai did not hear or know about this process. All they knew was that the NRM government had stopped political parties from operating in the districts. But with return of multi-party politics, after the referendum in 2005, they became active again. In terms of challenges in this area, in their view, they were mainly internal party politics and problems caused by many years of inactivity. *“One challenge we can note here is that the political parties were not given enough time to reorganize themselves for the presidential and parliamentary elections in 2006. That is why many of them faired very badly in the elections”* Said a disabled youth in Rakai.

### **3.3.4 Registration of voters**

The voters' register forms a centerpiece of election management and process. In 2000 the EC undertook to make a photograph-bearing voters' register in preparation for the 2001 elections. This could not be finalised and voters were allowed to vote with neither cards nor photographs on the register. The register, the basis on which more than 11 million people voted, was widely criticized as inflated with duplicate registrations, ghost voters, the underage and non-citizens, opening for possibilities of vote rigging. In March and April 2005, the EC carried out a voters' register update

exercise where 680,611 new voters were registered, bringing the number of registered voters to 8.52 million. The Commission displayed the voters' register between 24 May and 13 June and by the time of the 28 July 2005 referendum 8.54 million voters were registered. After the referendum, the EC initiated a new registration exercise. They set aside the existing register, which was deemed unworthy of archival storage and destroyed. In the 30 days from 29 September to 28 October 2005 they carried out what was termed *Update of the Photograph-Bearing Voters' Register and Issuance of Photograph-Bearing Voters' Cards*. Everyone was required to update their particulars in the register. New voters were registered and transfers, deletions, recording of missing and mismatched particulars, retaking of missing photographs and other improvements were undertaken. By the end of the exercise a total of 10.6 million voters had been registered for 2006 elections.

PWDs interviewed said that there were a lot of problems with the voter's register in many places. *"There were some people who had registered in areas where they did not reside and therefore were not known. Said a disabled woman in Rakai Many other people who registered late towards the end of the registration exercise did not also find their names in the voters' register, or had their particulars mismatched and/or their photograph missing. Problems were also caused by the late gazetting of new polling stations by the Electoral Commission to which voters were moved after registration. Whereas this may have been aimed at reducing the numbers of people voting at a particular station, it in the end denied thousands of people their right to vote. "Voters would come to places where they had registered but would be told that their particulars were not there. They would then try other polling stations with the hope of finding their names there, sometimes traveling several miles."* Many never did according to the PWDs interviewed. Moreover to hold a voter's card was not enough to allow one to vote, the particulars had to be in the register. Many people, especially those with disabilities therefore missed the opportunity of voting and participating in the process of electing leaders for this country, which is their right.

#### **4.3.5 Nomination of candidates**

This was another important step in the 2006 election process. From October 2005, the parties held conferences to elect new office bearers and candidates. Nomination dates for presidential candidates were 14–15 December 2005, while parliamentary candidates were nominated on 12–13 January. The law requires that nominees must be Ugandan citizens of good standing and must have the required academic qualifications (Advanced Level certificate or equivalent); and must resign from public positions prior to nomination. Presidential nominees must present sworn nomination papers signed by 100 supporters in each of at least two thirds of the districts, and pay the UGX 8 million nomination fees.

In both Masaka and Rakai districts PWDs said that the nomination process passed very well without any serious problems. *"At least in the districts we did not have any serious problems though we heard that in Kampala during the Presidential nominations there were problems. One of the candidates was nominated in absentia while detained in prison but the good thing is that he was nominated"* said a disabled man in Masaka. There were some complaints from candidates regarding academic credentials of their opponents but most of them were dealt with by the Electoral Commission. So on the whole this area did not present any major challenges.

#### **4.3.6 The campaign period**

The presidential campaign commenced on the 16 December, a day after the closure of the nominations. The parliamentary campaign started on 14 January and both the presidential and parliamentary campaigns were scheduled to end on the 21 February 2006, two days before the elections. The EC issued campaign guidelines for the presidential elections, for local government council elections and for the parliamentary elections. The presidential guidelines stated that no

candidate could hold a public meeting except in accordance with a programme of meetings submitted by the candidate to the electoral commission and a national presidential campaign programme was launched on the EC webpage in December 2005. For security reasons parties and candidates were restricted to conduct their campaigns between 7 a.m. and 6 p.m.

*a) The campaign playing field*

The incumbent party's unhindered access to government funds, its use of government assets and the fact that it received more TV coverage than the opposition, were some of the issues raised by PWDs. *"There were no riots but the ruling party took advantage of using resources of the government. For example, during the campaigns the president who was in power used to move in a big convoy which brought fear to voters that if that president did not go through those guns could be turned against them"* said an LC 1 chairman in one of the villages visited. Another query was on the cars which moved throughout the night on the eve of the Election Day. *"The question people had in our minds was whether they were bribing voters or they were carrying weapons. This also put citizens on tension"* said the chairman.

PWDs argued that during the campaigns, all candidates were not treated equally with the incumbent President enjoying many more privileges because he remains in power. *"Even the president should leave the president's chair during the campaigns. If he moves in a convoy with so many guns this causes voters to fear and they give him votes because they feel if he is defeated wars can come back"* said a disabled man in Masaka They said that the military presence was noticeable, and cases of intimidation were frequently reported in the press. Intimidation through the use of the military and the deaths of participants in rallies were also cited.

While the newspapers, tried to give close to equal coverage of the opposition and the incumbent's campaigns, the Uganda Broadcasting Corporation's TV coverage was highly imbalanced, with a lot of time given to the NRM and its presidential candidate. The UBC radio coverage also gave more time to the incumbent while private radio stations showed an approximately equal coverage of the opposition and the incumbent.

According to the PWDs, generally, all the presidential candidates were able to conduct their campaigns without hindrances. Besigye however spend the first weeks of the campaign period in jail, and, later was forced to divide his time between court hearings and campaigns. This affected his ability to campaign effectively throughout the country. He was also consistently portrayed in a negative light in the news media; as an HIV-positive rapist and adulterer, as a traitor and terrorist, and as a forger of school certificates. In most areas the campaign was peaceful because all presidential and parliamentary candidates were able to campaign freely and that there were few incidences of violence. But there were a few cases of violence between NRM and FDC supporters in some parts of the districts, especially as the date for the elections drew near.

*b) Election complaints and complaints handling*

The Electoral Commission received a large number of complaints during the campaign period, many of which were solved at the district level through committee meetings (referred to either as District Liaison Committees or Peace Liaison Committees). Substantial number of complaints concerned candidates' academic qualifications, others related to issues of double registration and others yet to the use of public resources.

According to the respondents there were many instances of candidates and parties offering money gifts and food at centres of worship and other social functions but nobody took action even when the

matter was reported to the electoral commission officials. Disabled people said that it was mainly the NRM government that gave out money and other material gifts. NRM also took full advantage of the Local Council (LC) structure to recruit support and to finance the elections. *“All LCs were given 100,000/= half for the committee and another half for village members. This motivated them to vote for the NRM”* said an LC 1 chairman.

There were also some government or public officials who got involved in politics and campaigns which is against the law. Resident District Commissioners (RDCs) and District Security Officers (DSOs) were actively involved in campaigning for the NRM party. Some people were scared that they would lose their jobs if they did not campaign for NRM because the incumbent president kept saying that in his next government, only people who supported the NRM would get government jobs. President Museveni and the NRM used popular policy announcement as part of their campaign strategy. Museveni ordered local governments to stop collection of revenue from market vendors; he ordered urban authorities to stop collection of property tax from house owners who live in their houses; and he ordered the Uganda Forestry Authority not to evict encroachers on the forests. He stopped city authorities from collecting taxes from Boda Boda riders. These populist orders potentially gave Museveni an advantage over his opponents.

#### **4.3.7 Voting and announcement of results**

##### **a) Actual voting process**

March 23<sup>rd</sup> 2006 was the day for the Presidential and Parliamentary elections. Election materials were transported to the respective districts on 22 February 2006 for further distribution during the night and early hours of Election Day to the various polling stations. The ballot boxes for the presidential and parliamentary ballot papers were transparent, whereas the one for the woman MPs was not. Before voting could start the presiding officers demonstrated that the ballot boxes were empty.

PWDs noted that all people were given freedom to vote without any discrimination. There was however, special consideration given for PWDs to vote without following the queue. In most places the election materials were brought in time and voting started promptly as people were very eager to elect their leaders. However, a few polling stations opened late due to late arrival of election materials or failure by election officials to turn up on time. This according to the PWDs could have reduced the turn-out rate among PWDs as they feared the queues that would ensure. *“In some places materials for voting came late and this disorganized the process. People were not contented, this means that the electoral commission did not plan well”* said an LC 1 official in one of the target villages. In some places people were beaten up because of causing electoral disturbances but in most places the voting passed smoothly without any serious problems.

The polling process was generally peaceful, smooth and orderly. Most voters seemed to know how to vote although a number of them were insecure about how to go about it, probably because voter education was inadequate. *“Voting in time and counting the votes when all people are seeing clears all the doubts about the results got”* said a disabled man in the FGD in Masaka. *“I voted and looked for President’s votes from PWDs and this duty was given to me by the chairperson of PWDs group of the Sub-county. I think the elections were fair because at the polling station from where I voted, there was no cheating but peace only”* said another PWD.

In some parts of the districts voting was interrupted by rainfall. Though non disabled people were able to defy the rain and remained in the queues as an expression of determination, for PWDs this was not possible and many PWDs actually did not vote. After the rain there was a rush to vote and many PWDs could not handle the pushing and jolting.

Apart from minor logistical problems in some locations, the main problem was the failure by a number of voters to find their names on the voters' register, despite carrying voter registration cards. The problem, according to the PWDs, was caused by the relocation or splitting of polling stations and transfer of voters' names. Many voters had to walk to and queue at several polling stations before (sometimes) finding their names and being allowed to vote. This was obviously a big challenge for many PWDs particularly those who have mobility problems. Many of them gave up voting purely on account of not finding their names where they expected to vote. PWDs were not sure if these were logistical problems or if this was a systematic bias in favour of any particular party with regard to the voters who were turned away.

PWDs also said that adequate security was provided at most polling stations and this was in the hands of the police and the measures taken seemed adequate. Elections constables at polling stations were drawn from the regular police force, the local administrative police and the prison service. In Masaka District there were allegations of intimidation and bribery, especially by NRM agents, as well as the buying of voter cards. PWDs claimed that at some polling stations money, soap and sugar were distributed. But according to them this did not significantly influence the way people voted.

**b) *Counting, tallying and announcement of results***

Counting took place at the polling stations. Where polling was completed by 5 p.m counting followed immediately while at other stations the queue of voters had to be cleared. Presidential ballots were counted first, then parliamentary, and finally the woman MP of the district. PWDs noted that, on the whole, the counting process was transparent and efficient. The presiding officers would show each ballot paper to the party agents, observers, polling assistants and spectators and announce the candidate whose name had been ticked off. Once the ballots had been sorted by candidate, each batch was counted and the results announced. Sometimes the spectators would count in unison with the presiding officer.

In some places the number of invalidated ballot papers was very high which was attributed to poor civic education. There were also disagreements at some polling stations regarding the criteria for rejecting ballot papers that had not been properly marked. At some polling stations vote counting started late or at stations where the number of votes cast was high, the counting proceeded after dark under torches or other forms of artificial lamplight. But on the whole the results declared at polling stations were acceptable to agents and people who waited to hear the results.

The problems according to respondents started at district tallying level and onwards. In some districts this was slow and in some districts went on until late the next day, with EC officials and tally clerks working through the night to meet the constitutional deadline of announcing presidential results within 48 hours of the closing of the polling. The most serious challenges, they said, could have occurred at national level with many opposition members being suspicious of the EC's impartiality. For example, they claim, the EC did not allow FM radio stations to announce unofficial results when the results at polling stations could not be disputed.

For example there was confusion surrounding the result for woman MP Bukoto central "*Confusion was on the Woman MP of Bukoto Central, after elections all results from various constituencies were declared except that of Bukoto Central. Later on instead of declaring the one who had won as the MP, the Electoral Commission announced the loser as the winner. They went to court but she stayed in Parliament to date. Citizens were not happy and satisfied with this*" said a disabled person in Masaka.

#### 4.3.8 Post-election Conflict Resolution

##### a) *The presidential election petition*

Many respondents noted that the ruling by the Supreme Court regarding the petition lodged by Kiiza Besigye was not very convincing. Though the Supreme Court found many irregularities with the process of elections, they upheld the provision that petitioners had to prove that irregularities substantially affected the results to provide a basis for overturning an election. In the end it was a majority of four of the seven judges who dismissed the petition. They found that “it was not proved to the satisfaction of the Court, that the failure to comply with the provisions and principles ... affected the results of the presidential election in a substantial manner”. Four against three, according to PWDs was a very fine line and could have gone either way.

##### b) *Parliamentary election petitions*

Following the announcement of the winners of the parliamentary elections, several of the losing candidates filed petitions in the Magistrates’ courts alleging that they were victims of irregularities. Unlike in the pre-election period, where the EC handled the bulk of complaints, the post-election petitions went to the Magistrates’ Court and on appeal to the High Court or to the Constitutional Court. The Parliamentary Elections Act of 2005 provides that a petitioner who wants to petition the Magistrates’ courts should do so within thirty days after the EC has gazetted the results of a parliamentary election. PWDs said that there were many petitions from the various constituencies but they took too long to be resolved in courts of law. In most cases by the time the cases were resolved people would have forgotten about them and moved on.

### 3 ELECTION OF PWD REPRESENTATIVES

Whereas this study was aimed at gathering views of PWDs on the 2006 Presidential and Parliamentary elections generally, for PWDs the focus was on election of their own representatives at all levels. They said that as far as participation in national elections in concerned Persons with Disabilities started becoming active in from 1996 (after promulgation of the 1995 Constitution) when provisions were made for election of their representatives from village up to national levels. However, throughout this period they have been more interested in electing their own leaders or representatives and less in other leaders. This is so because they think their representatives may respond better to their needs than the other leaders. *“We have been voting but after election nobody comes back to us. It all ends there with elections. On many occasions we were even transported up to the district level to vote for district and national leaders but nobody came back to us to talk about our problems. Not even a single loan was given to us. Now we elect our own leaders and if they do not come back to us we follow them where they are. They have to listen to us because next time they will still need our votes”* said a disabled woman in Rakai.

#### 3.1 Appreciation for affirmative action

In all the places visited PWDs expressed appreciation to government for opening the space and providing them opportunity to participate not only in elections but decision taking generally in the country. According to them disabled people’s participation in decisions and elections has improved considerably since 1995 because of a number of reasons:

- Previously disabled people were not recognised in community as they are today and this has opened up a number of opportunities for them. *“In the past we were not respected and each time people saw a disabled person they would despise him or her saying that person is useless. However, as a result of provisions made in the 1995 constitution and the other laws regarding PWDs, as well as the awareness and sensitisation in the communities, people now respect us and treat us with dignity”* said a disabled man in Masaka district.



*“Some negative cultural beliefs have been dropped. For instance thinking that disabled people have nothing to offer is a thing of the past. These days it is disability is not inability”* said another PWD in Masaka district.

- Increased opportunities to access formal education has given disabled people the confidence to come out and participate more actively in politics. *“Before 1995 only a few disabled children would be allowed to go to school. These days there are various schools and opportunities for disabled children to learn and they can now go to school like any other persons. Many have completed University education and this has given them opportunity to join politics”* said a PWD in Rakai district.
- Increased opportunities for deaf people to communicate with others who are not deaf. *“In the past I used to communicate only with my mother and in case she moved away I would stay all quiet and to myself. But now many more people speak my language even in my own village so communication is OK”* said a deaf woman in Rakai district.
- Increased rehabilitation of disabled people has made it possible for them to participate in politics. *“Mobility has been simplified of late. The blind have been offered white canes and the physically handicapped have increased access to mobility aids and medical rehabilitation programmes which have enhanced their participation in various activities”* said a disabled man in Masaka district.

Most importantly however PWDs emphasised the issue of affirmative action by government to allow disabled people to elect their own representatives at all levels of governance from village up to the national level as the key factor that has opened the space for them. This has gradually increased opportunities for disabled people to engage and participate in politics. Now there are even disabled people competing for positions with non disabled people at all levels. Disabled people are also represented on the main statutory organs e.g. district service Committees, the district land Boards etc at the district level.

### **3.2 Awareness and information**

Many disabled people interviewed were appreciative of the awareness that has been created regarding issues of PWDs including elections. When it is election time all members of the community, including disabled people, are targeted. *“In as far as information about elections is concerned everyone in the village is informed and in fact the disabled people in most times get to know before some non disabled people because they always want to know what is happening in the community”* said a disabled man in Masaka. At campaign time the village is a very busy place to the extent that the disabled people, even when not targeted directly by the campaigns, get to know what is happening and are drawn in. The blind would usually come for the campaign meetings, with the help of guides (anyone in the community would offer to guide a blind person), because they can hear and contribute. The deaf would only come when there is someone to translate for them in sign language (normally a family member) otherwise they would not come. Those with mental health problems, except those with epilepsy, normally would not come because they are considered to be of unsound mind. The physically handicapped who have mild disabilities or those with mobility aids would normally attend but those with severe handicaps who do not have mobility aids would find it unnecessary bother and remain at home.

But more specifically NUDIPU and its branches at district and sub County levels are usually active in ensuring that disabled people get to know what is happening and are prepared to participate actively in elections. *“Usually during time of election I move around the sub county sensitising disabled people about their rights, especially the right to participate in elections”* said a Councillor for PWDs at LC 3 level. *“NUDIPU has*

*been sensitising disabled people in the district about their rights and to build the confidence of disabled people to demand for their rights including the right to choose their own leaders” said NUDIPU development worker Rakai*

However despite this awareness and sensitisation work done in the communities, many disabled felt that the information provided was limited. Many disabled people, especially the blind and the deaf, are unable to access the information provided because of the format and the language in which it is provided. The blind and those with severe physical disabilities also miss campaigns because of mobility problems. So their choice of a candidate in the end depends on the choice of the household members i.e. what they hear at home. Particularly for the blind they even assisted to vote so they can never be sure they have voted for the candidate of their choice.

In both Rakai and Masaka districts most people were not even aware that there are supposed to be 2 representatives, male and female, of PWDs at each LC level. For example the LC1 Chairman of one of the villages had this to say *“According to government policy PWDs are supposed to have only one representative on that council, and we have one”*. According to him all PWDs of the LC 1 geographical area usually come together and form a committee of five members whereby the chairperson of that committee automatically becomes a member of the LC I council.

There were many PWDs who did not participate in the elections 2006 elections because they were not informed about what to do. Of the 8 PWDs who participated in the Focused Group Discussion in Rakai district only one participated in the elections. Many of them said that they did not understand what they were expected to do and the importance of voting since they see no change in their lives at the end of it all. Sensitizing PWDs about the value or importance of participating in election is therefore crucial. *“We need to be educated and empowered to stand and compete for all positions available on the councils at the various levels, not only those reserved for PWDs”* said a disabled man in Rakai district.. Politics involves competition and Persons with Disabilities are sometimes not well placed to face the competition from non disabled people unless they are assisted to do so through sensitisation and other empowerment programmes *“Disabled people rarely contest for positions other than those reserved for them (representatives of disabled people on councils at all levels). This is both a misconception among disabled persons that these are the only positions open to them and a deliberate ploy by the non disabled to exclude disabled people from the other positions”* said a former councillor for PWDs. Their empowerment could take the form of grooming or mentoring for future leaders while the actual election process could be eased for Persons with Disabilities by offering means of transport and providing for guides to assist them at the polling stations.

### **3.3 Free and fair electoral process?**

Most disabled people interviewed said that the election process generally was free and fair at all levels including election of PWDs. Anyone, male or female, above 18 years of age was free to contest for any position at LC1 up to LC 5 level as long as he or she fulfilled the requirements at those levels. Any person above 18 years who is duly registered as a voter is also entitled to vote in the elections of leaders at the various levels. *“There is no discrimination in registering voters and in casting votes though some community members, especially the lazy ones and drunkards, rarely bother about registration and voting”*. Time for voting and elections everyone is involved and people with disabilities also participate fully even those who cannot move easily to polling stations ask others to carry them on bicycles to the polling stations in order to vote. *“Here we do not segregate anybody especially on issues of governance everyone is considered although one has to be intelligent and of a sound mind. Our LC 1 chairman is a person with some physical disability. Physical appearance is not considered but intelligence”* said a disabled man in the FGD in Rakai. Still stressing the point of persons with disabilities being actively involved in local governance, one elderly woman said *“Persons*

*with disabilities are very good at mobilizing and they are even better than the TABs (Temporarily Able Bodied persons). Our chairman is disabled but a very good mobiliser, the same goes for the secretary for defence, he is also a person with a disability (physical)” said an elderly disabled woman in Rakai FGD.*

They further argued that election of leaders through universal adult suffrage was a free system as all citizens regardless of any differences have a right to vote and all votes have the same value. It promoted the participation of marginalized groups and this gave them a voice. They said that the system was fair because all PWDs were able to participate as polling stations were within their respective villages, and therefore easy to reach. It also gave PWD and other voters the opportunity to elect leaders and representative of their own choice.

### 3.3.1 Use of electoral colleges for PWD elections

With specific reference to the election of PWD representatives, many respondents argued that the use of Electoral Colleges in electing representatives of PWDs was a fair system because it would not be easy and fair to expect PWDs to look for votes from all people. If PWDs vote through electoral colleges not much money is spent, they can easily be transported because they are few people on the electoral colleges. The small number also eases the flow of information and manpower needed to manage elections is small and affordable. All the respondents said that the electoral colleges were fairly constituted and elections fairly organized because there were no conflicts and confusion during the elections at all levels.

Moreover these electoral colleges were constituted and elections organised within the structures of NUDIPU and the polling stations were known. Announcements were made through radio and news papers, and through Disabled People’s Organisations in the districts. NUDIPU also sent messages through its structures. The use of NUDIPU structures and Electoral Colleges ensured that all leaders at all levels were elected peacefully. PWDs further argued that at the time of the 2006 elections the structures of the National Council for Disability were not yet firmly on ground. Therefore the Council could not get directly involved in the elections but worked through the structure of NUDIPU. *“The leaders at all levels were elected and all levels elections were free and fair because most went through unopposed even those who competed did it well”* said the Chairman District Council for Disability Masaka.

The District Council for Disability did not interfere in the elections but observed what NUDIPU and the government were doing. In their view the PWD representatives were elected and they are at all local council levels right from village up to district levels. The elections were also properly done but PWDs were not given transport to get to the voting places which were at the Sub county headquarters. Most of the representatives elected through the Electoral Colleges were physically disabled. While other categories of disability wanted to be elected, they were denied the chances because they were not registered as members of NUDIPU. The election of representatives in the parliament of Uganda was also done through electoral colleges but in Kampala with representatives drawn from all the districts of Uganda.

The District Council for Disability was instead involved in mobilising PWDs to actively participate in the elections. The Chairman of the council visited most of the counties and sub counties during the period. He visited Kalungu, Kyamulibwa, Buwunga counties and out of the 23 sub counties he visited 15 sub-counties i.e. Bukakata, Lwabenge, Kibinge, Kabonera, Lwengo, Kyazanga, Malongo, Kkingo, Kyanamukaaka, Bigasa, Kitanda, Butenga, Katwe/Butego, Nyendo-Ssenyange and Kimanya Kyabakuza- Municipality. It is assumed that the National Council for Disability did the monitoring at the national level for election of Parliamentarians.

### 3.3.2 *Transportation a major factor in the elections*

Elections done through electoral colleges meant that all members of the electoral colleges had to come to a designated location to cast their votes. In most districts this meant moving to sub county headquarters or the district headquarters while at national level all the selected representatives had to come to Kampala to vote. While the elections were free and fair, the biggest challenge in the process was transport for members of electoral colleges especially so in the districts. This factor meant that some PWDs could not participate in election of their leaders at Sub-county and district levels because some parishes could not afford to send their members to elect their LCIII and LC V councilors.

One PWD had this to say about the electoral process *“There were some loop holes. All PWDs have a right to participate in all government activities including elections, but at the time of casting the vote some failed to reach the polling stations due to mobility problems which were not looked into by the electoral commission. Other members of the electoral colleges were transported by candidates, implying that by all means they had to vote for that candidate who provided them with transport.”*

PWDs also argued that they all participated at the village level but when it got to the higher LC levels others did not reach due to lack of transport. *At lower level it went well but transport problem kept some PWDs out of the system at higher levels”.*

### 3.3.3 *PWDs given opportunity to vote without lining*

Some respondents said that in their polling stations PWDs were considered and respected and given opportunity of voting without lining. *“For me when I reached the polling station, I did not make a line but was just given a chance to go direct and cast the vote and I went back home to do other things. This was very helpful and encouraged me to participate in all electoral processes”* said one disabled man in Rakai FGD. This was said to have happened at a number of other polling stations too. *“Where we were when PWDs reached the polling station they were considered and respected by not making them line but they went straight to the boxes for casting the vote”* said another disabled person in the same FGD.

However, there were some other PWDs who said that their disability was not recognised and they were made to line just like other people. *“I promised myself that I would never vote again given the experience I had. I spent the whole morning in the queue struggling to vote but in the end I just felt it was not worth it and went home without voting”* said a disabled lady in the FGD.

## 3.4 **Nature of representation and effects**

For the majority of PWDs, despite the flows related to limited awareness and information and the use of electoral colleges, the most important thing was that PWDs were represented at all levels from LC 1 to LC 5. They however raised specific issues related to the nature of representation and the implications of this for the PWDs and the electoral process.

### 3.4.1 *Dominance by physical disabilities:*

At all the various levels representation was dominated by people with physical disabilities and to a lesser extent by those with visual problems. According to the male councillor representing PWDs at LC 5 level in Masaka district, the majority of elected representatives of PWDs have physical disabilities.

However to him this is not a major problem because the process of electing representatives of PWDs was free and fair. All PWDs were given equal chances to contest but only that many of the other categories have inferiority complex and did not want to come up. This was also true of the female PWDs who shy away and do not want to come up for election on PWD ticket. He says he was elected by all PWDs in his area and he went through unopposed. *“I have absolutely nothing to regret because the Electoral College approach which was used gave every PWD an opportunity to contest and to vote and there were no complaints regarding the outcome”* said the Councillor.

That the election of PWDs was well done and the two representatives of PWDs at LC 5 level are there and have physical disabilities. At LC 3 level we have one councillor with physical disability and another one with visual impairment. The majority of representatives have physical disabilities followed by the blind but there are no deaf representatives because of the communication barrier. The other challenge the blind and the deaf have is that the councils do not have money to pay for guides for the deaf and sign language interpreters for the deaf. It is therefore difficult for them to contest for electoral offices because even though they are elected it would be difficult for them to do their work

#### *3.4.2 Same people every term and unopposed:*

The other issue with representation of PWDs is that the same people get elected each time and in most cases unopposed. One of the councillors we interviewed said that she was serving the 4<sup>th</sup> term and could not remember which year she started. *“I am also the campaigner for the male and female councilors of PWDs at LC 5 level”* said the councillor. What seems to happen is that since the NUDIPU structure is used for the elections, councillors at higher levels support those at lower levels in the campaigns while those at lower levels campaigned for those at higher levels. You also have to be a registered member of NUDIPU to participate. The same people in the electoral colleges vote for the same people so the same people remain in office for ever. When the Councillors at LC 5 level were challenged they said that for them it was very okay because they went through unopposed.

#### *3.4.3 All forced into the movement party:*

The LC 3 Chairman in one of the sub counties had this to say *“As regards elections of PWDs, I did not follow much but I know that their representatives were elected through electoral colleges. Representatives at all levels were elected and they are all on NRM ticket as myself”*. He was alluding to the fact that PWDs were not allowed to belong to any other party. Most leaders of PWDs at the national level have literally stopped PWDs from belonging to other parties. They claim it is only NRM that has changed their lives and has allowed them to participate in elections through the affirmative action. They deceive the PWDs that they would lose the affirmative action if NRM were to be voted out of power. This does not give the PWDs the freedom of choice and freedom to belong. Anyone who associates with the opposition parties is fought vehemently and excluded from the disability movement. This view has brought disagreements within the disability movement especially at the national level as PWDs now pay more allegiance to their political party than to the disability movement.

#### *3.4.4 Representation not on committees at all levels*

Whereas in most districts PWDs have representation at LC 5 and LC 3 levels, LC 1 level seems to be a major challenge. In most places LC 1 Councils have either one representative or none. **The respondents argued that politics requires confidence but there are many disabled people who fear to contest because they feel they will not manage.** One of the biggest challenges is lack of education. Many disabled people are not educated so they cannot participate actively and effectively in

governance issues. *“This lack of education has denied disabled people in many districts the opportunities for representation on some local councils, especially LC 1 level”* said a disabled woman in Masaka. The lack of education combined with the low self esteem means that most disabled people cannot cope with the bullying at the campaign meetings, especially from the non disabled. One has to be really strong and believing in one self so as to be able to raise their issues. The problem of lack of education also affects the quality of their debates as most would not be able to express themselves fully in English language and the debates are sometimes way beyond their level of understanding.

### **3.5 Level of empowerment**

According to Councillors for PWDs interviewed the electoral process is good because it empowers PWDs councillors to present their issues confidently and firmly, reason being that PWDs and non-PWDs all have to go through the same process implying that they are equal. It gives all PWDs the opportunity to contest for all posts but many PWDs still have inferiority complex and do not want to come up.

There are still negative attitudes towards disabled people from people who think they can do nothing. Disabled people are denied opportunity to stand for posts other than those for disabled people. *“They think we are not worth their votes. In the last elections I wanted to represent the people of my sub county in the district council but they told me go and represent disabled people”* Councillor for disabled people LC3 Masaka. Partly because of this intimidation but also because of low self esteem many disabled people are interested only in electing their own leaders as they expect results. Even once they are elected disabled people continue facing problems of attitudes in the councils. They are a minority and most other councillors, and the technical people, think their issues are not a priority.

There is one disabled person who said that he contested with the non disabled people for the position of LC 5 Coucillor for his Sub-county. He had to campaign in the whole Sub-county and went through beating many non disabled people and has been LC 5 councillor for Kyebe Sub-county on the district council since 1998. In 2006 he assisted many PWDs to participate in elections by giving them information. He also provided transport for them right from village to district level.

## **4 POSITIVE EXPERIENCES AND CHALLENGES**

Whereas PWDs were able to identify some positive experiences in relation to the 2006 elections, on the whole they felt that not much has changed for the ordinary disabled person in terms of the electoral process but also in terms of improvement of well being. In terms of the process PWDs identified the opportunity given to all without discrimination and the openness in the way the elections were conducted as some positive aspects. They also praised the recognition of PWDs and special provisions made for them at polling stations during voting time. However, in terms of improvements in well being most PWDs noted that it is only their leaders who benefitted from the participation in governance through the allowances they get once elected into office. Although some few disabled people in the urban areas claimed that their well being has improved, the numbers are still too small and many of these happen to be leaders of organisations and educated disabled people. A majority of the disabled who have benefitted are also the physically handicapped as they tend to monopolise leadership at all levels.

## 4.1 Positive experiences

### 4.1.1 Recognition and increased opportunities to participate in national processes

Many PWDs interviewed considered the mere fact of their participation in election without discrimination as a very positive experience. According to them this may sound insignificant to many people after all as citizens they have a right to participate in elections just like other citizens. But looking at this from a background of many years of exclusion and marginalisation of PWDs this was a huge change in the right direction. Now PWDs not only participate freely in electing leaders generally, but they also elect their own leaders whose responsibility is to ensure equalisation of opportunities for them and ultimately make inclusion of PWDs a reality. *“In the past we were not recognised and respected and each time people saw a disabled person they would despise him or her saying that the person is useless. However, as a result of sensitisation participation in national activities such as elections people have come to accept us and now respect us”* said a disabled man in Rakai. In Masaka an elderly disabled woman said *“Many negative cultural beliefs have been dropped. For instance, thinking that disabled people have nothing to offer is a thing of the past because there are now many leaders who are disabled and are doing well if not better than the non disabled. These days it is disability is not inability”* According to a disabled woman in Masaka the most exciting experience for her was being there with the rest of her community members lining up and voting for her leaders. *“I did not just sit at home to wait for others to come back and tell me what happened but I was there, I voted and saw the whole process. This was the most exciting thing for me and for many other disabled people”* said a disabled woman in Masaka. This according to them has opened up a number of opportunities for them in different areas.

### 4.1.2 Transparency and well organised elections

Many PWDs noted that the elections were transparent, free and fair, as casting the vote was done while other people were seeing and this eliminated any doubt that could arise. *“Government also provided adequate security to ensure that the whole exercise was peaceful and without any security concerns”* said a disabled lady. Many argued that casting the vote from outside in the open was good because it minimized cheating as all people saw what was taking place right from the beginning up to declaration of results at polling stations. Having registers at the polling station also ensure double voting was minimized if not eliminated. Opening the boxes before starting the voting process eliminated doubts regarding stuffing of ballot boxes prior to the commencement of the process.

The Councillor of PWDs at LC 3 level in Masaka said that the elections were fairly organized because all people participated and there were no conflicts in her area. She mobilized PWDs to participate in the elections which they did very well. *“The system which was used gave citizens and PWDs opportunity to elect representatives whom they knew and had confidence in. Registers with photographs of voters prevented people from electing in more than one polling stations”* said the councillor. Candidates for the various special interest groups i.e. women, youth and PWDs were all registered at the same time and they started campaigning at once which was good. *“All candidates of special groups got registered on the same day at the same time in the same place and this limited unnecessary suffering, in terms of movement up and down, by PWDs with severe disabilities”* said the same councillor.

The arrangement made during elections enabled the process to move quickly and peacefully. Making provisions for marginalized groups to elect their leaders separately simplified the task for PWDs and also promoted fair representation. This gave freedom to people with disabilities to elect leaders of their choice. Many PWDs said they supported the use of Electoral College for electing representatives of PWDs because the people concerned are few; however there was a problem with transportation of

voters to the designated polling stations. They argued that electoral commission should have looked into the matter of transportation of PWDs or DPOs should have refunded the money the PWDs representative used to transport PWDs during the election process.

#### 4.1.3 *Mobilisation and awareness*

Many PWDs appreciated the efforts made at mobilisation of people in the communities, including PWDs, and sensitisation about the elections. According to them information was disseminated through radio, poster, newspapers and sensitisation meetings organised by various groups including religious organisations. Specifically for PWDs, they said that PWD councillors managed to lobby NUDIPU to go down to parish levels and sensitized PWDs on various issues related to the elections. The national Council for Disability also visited various sub counties to educate PWDs and to monitor the elections. The NUDIPU structures were powerful and effective in communicating to PWDs. Outreaches were organised and run by NUDIPU and partners to provide civic education to PWDs in the various sub counties. They however said that in the process PWDs focus was more on NUDIPU but not on politics or elections. *“NUDIPU controls the process so much that the elections end up being about NUDIPU and not PWDs and their representation and welfare”* said a disabled person in Rakai district. According to some PWDs Legal Action for PWDs needs to engage with NUDIPU on the issue of elections for PWDs, carry out a thorough research or study on how best to improve the election of PWDs up to the grassroots level. LAPD has, according to them, started addressing the challenges from the National level instead of starting from the lowest level.

Besides sensitisation PWDs were given trainings before they participated in elections. Civic educators went up to the village level to train PWDs and encourage PWDs to participate in elections. They informed PWDs that it was their right to vote and their mandate to choose their own leaders. One PWD in Rakai noted that *“If a person does not participate in election she/he is always the one who grumbles that we have bad leaders. Whenever you do not engage in voting you make your area lag behind because without good leader the whole nation would be destroyed”* said a concerned PWD. They added that candidates and councillors moved to various villages and schools to encourage PWDs to go out and register for elections and to participate in the elections by standing for elective positions and by casting their votes. Indeed PWDs participated actively in the electoral process in electing both the general leaders and their own leaders. They are now recognised as human beings who have potential by their local community members.

#### 4.1.4 *Unity for a purpose*

PWDs also argued that participation in the electoral process was a unifying factor for many people with disabilities. According to them this was unity for a purpose. *“The positive aspect of the elections was the togetherness as all PWDs worked together to ensure their leaders were elected. PWDs were interested in the elections and participated fully”* said a young man with disability in Masaka district. They also said that this unity ensured that nobody was left behind, the women and the youth were all brought on board and participated in the exercise. *“Being gender sensitive has helped development to take place without anybody being left behind. Bringing the youth in the system has helped them to know that they are also important and considered.”*

For all of us to stand together and speak with one voice during the elections was a big positive aspect of the elections. If a PWD is part of the electoral process she/he gets to know other colleagues and their concerns and it becomes easy for us to push forward our issues as a team. All of us also agreed that we would stand with the NRM party as this is the party that has done a lot for PWDs in this



country. Many PWDs gained strength through meeting other PWDs during the electoral period and process.

#### *4.1.5 Representation of PWDs at all levels:*

Because of participating in the electoral process, PWDs now have representatives right from LC I to parliament and this has enabled PWDs to benefit from various government programs. The fact that we have people who can speak on our behalf at all levels of governance makes us feel part of society. In many communities, for example, children with disabilities are going to school because of the work done by the representatives of PWDs. In Kyanamukaaka, Masaka District, there is even a student who is being sponsored by the LC 3 Council and is now at University and recently the council bought for him a Braille machine. *“There is representation of PWDs at all levels and this enables our concerns to be addressed. I have even learnt that people who were considered to be helpless now have the potential to serve others. This is a big positive change for all people with disabilities in the country”* said a disabled woman in Rakai. PWDs have become known in government and through political participation many elected leaders of PWDs will get the opportunity to attend various trainings thus building their capacity to deliver to their constituents.

The provision for marginalized groups to have representation at all levels of governance has brought all people on board. Where PWDs are not represented, at any level, the affected people or area gets problems because it will always be forgotten.

#### *4.1.6 Increased voices and improvement in the welfare of PWDs*

Many PWDs claimed that they have got raised voices as a result of participation in elections particularly the election of their own representatives. Through participation, PWDs are also given opportunity to expose their talents i.e. there are people who were thought to be incapable but have proved to be more capable than even the so called TABs. After elections, policies in favour of PWDs have been effected e.g. when constructing public buildings accessibility for PWDs is being considered. In Masaka district the representatives at LC 5 have influenced the district council to make an order or bye law requiring every public building being constructed in their district to have provisions for accessibility to all users including wheel chair users and people with other disabilities who have problems using stairs. Another important change has been the extra points which are given to students with disabilities when joining tertiary institutions (actually it is not extra points but places allocated for PWDs).

Elections form a basis of empowerment through fair representation. PWDs have special capabilities which enable them to serve like others. PWDs have learnt that they can deliver when given responsibility unlike in the past when PWDs were not supposed to sit on the executive. Now in one of the Sub Counties the female councillor is the vice chairperson and also secretary for production. The provision for marginalized groups to elect their own representatives at all levels has empowered them to speak with confidence regarding their concerns and their voices are being heard by policy implementers at all levels. PWDs can now sit with all categories of people without fear or segregation and can engage freely with people or leaders at all levels.

The good leadership has enabled various trainings to take place and this has empowered PWDs to help themselves and their colleagues. PWDs have children who are being assisted by UPE and many are now getting appliances and can easily participate in various activities. This process has brought development in general because PWDs now also benefit from government programs like NAADs. They have developed and because of the fair representation at all levels changes can be seen in some areas such as:

- A special grant being provided for PWDs in all the districts by government.
- Accessibility of buildings is being worked on at all levels.
- Increased awareness and consciousness about PWDs and their rights.
- PWDs are now in big posts because of affirmative action.
- PWDs participate and compete with able bodied for electoral positions.

## 4.2 Negative experiences and challenges

Whereas the electoral process had some positive aspects, a large number of PWDs felt there were still many challenges that needed to be addressed if PWDs were to participate more effectively in the process. Many of these have got to do with the process as well as the outcomes

### 4.2.1 Electoral process not fair and transparent in all cases and areas:

For many PWDs the main challenge had to do with the election process for PWDs. They said that while the Electoral College is a good system easier and less expensive to organise, it is not a fair process. It gives powers to a few disabled people to decide their representation on behalf of the majority of the people and that is not fair. But more damning is the fact that the process is not transparent and open as it seems to be. *“Through the Electoral College process the same people get elected and most times unopposed. Some Councillors have served as many as 4 terms and still want to continue, when shall we ever get new ideas”* said a frustrated disabled youth. As far as PWDs are concerned there are a number of reasons for this unacceptable scenario:

Firstly the process is firmly controlled by NUDIPU, which is an NGO, with members who have vested many of who actually aspire for political positions. How can such people be expected to be fair in organising elections when they have conflict of interest. Such people use the NUDIPU structures to ensure that they are always elected. Since there are few people in electoral colleges and most of them are known it is easy to bribe all of them since the leaders have already accumulated money over the years. Secondly leaders at the higher levels use NUDIPU structures further down to campaign for them. In return they support the lower leaders in their campaigns and ensure they are elected many times unopposed. Thirdly the leaders who have been in power use the money they would have accumulated to transport members of the electoral colleges to the polling stations. In that way they capture the votes of all the people they would have transported. Many times they accommodate the people they would have transported in places where the other candidates would not have access to them until the time of voting. In that way they unfairly secure all the votes and end up being elected unopposed.

Voters also complained that the use of the electoral colleges prevents people who are not members of NUDIPU from contesting for positions on the Local Councils. Because of this reason most of the people elected are physically disabled people at the expense of the other disabilities. *Election through electoral colleges is not fair while the representatives of PWDs are there, they are both physically disabled. Both Councillors went through unopposed because there was no provision of transporting voters. The contesting councillors had to transport the five voters from each sub-county and by then there were 28 sub-counties. All these councillors voted for them so transportation of voters by candidates promoted corruption”*

Many voters also claimed that candidates are not given enough time to address voters which could also be part of the overall strategy to ensure that people who are supposed to be elected actually go through. *“NUDIPU’s chosen candidates would have transported the voters, accommodated them and influenced them so limited opportunity was given to confuse them”* said a disabled man in Rakai. So while all PWDs know that

it is their right to vote, many did not get the leaders they deserve due to some of the challenges mentioned above which resulted into poor representation for them. *“All these issues have caused a lot of disaffection within the disability movement and now we feel the affirmative action has been of no use to us”* said a disabled woman in Masaka.

#### *4.2.2 PWDs suffered in process of elections*

Many voters claimed that not appropriate consideration was given to PWDs during election time and this affected voting or caused some PWDs to miss casting their votes altogether. Some PWDs claimed that polling stations were within their villages and majority of the people reached them easily. They also said that PWDs were given special considerations and did not have to line up during the voting exercise. Majority of the PWDs however said that polling stations were too far away from home for many PWDs and this gave them hard time to reach there. Moreover they were made to line up at the polling stations, which was unfair. Many people with disabilities are illiterate and therefore did not mark the ballot papers properly and this led to many invalid ballot papers. Candidates transporting voters was not fair

#### *4.2.3 Limited awareness and civic education for PWDs*

Elected leaders of PWDs argued that the electoral process was fine and that civic education was very much conducted through radios so PWDs were well informed. Moreover generally PWD candidates were all from the same party so there was not be much competition and this did not put voters on tension. They also argued that some PWDs came from NUDIPU and gave civic education to fellow PWDs at LC 1, Sub-county and district levels and there were interpreters for the deaf.

However the voters argued that most PWDs were not made aware as there was very limited civic education and little information was given to PWDs on the process. Whereas some general awareness was done the Electoral commission did not involve PWDs or persons who are knowledgeable on PWDs concerns in the whole process and this denied chances to deaf and the blind people to get proper civic education. The language used on posters and cards was not understood by all the people.

Infact many PWDs said that claimed that the electoral commission did not provide any civic education to PWDs, instead it was done by PWDs themselves. They argued that civic education for PWDs should have been offered by the DPOs but most of them never did anything. Generally therefore:

- The civic education was not enough and as a result many PWDs did not go to check their names in registers. The deaf and the blind persons did not also benefit from civic education as no special provisions were made to reach them.
- During civic education deaf and blind persons are not considered, this makes them loose interest in elections. PWDs are always discriminated against in one way or the other.
- Some PWDs did not participate in the elections because they did not know whether there was provision for categories of disabilities in the voters’ registers in order to make proper arrangement for them throughout the whole process of election.
- PWDs did not have timely civic education. The NUDIPU structure used did not have capacity to reach all PWDs. Registers of PWDs were not up to date. There were no interpreters/ guides for the deaf/ blind even the relevant materials were not provided.

#### 4.2.4 *Limited participation by marginalised disabilities*

Some PWDs felt they were denied opportunity to participate in the elections because of their disabilities. This was particularly so for the deaf and the blind who did not benefit effectively from the civic education because of the manner in which information was presented and were not properly guided during the voting time. *“Deaf and blind persons did not benefit from civic education thus did not participate during the election process. Only PWDs with physical disabilities participated and majority of the representatives of PWDs thus have physical disabilities which means that the concerns of the deaf and the blind may not be addressed equally. In my view the fact that some PWDs were not enabled to participate in the elections is a violation of their rights”* said a blind lady in Masaka district.

There were no interpreters for the deaf and blind had no brailled material and this affected their voting and their campaigns for those who presented themselves as candidates. In most places therefore the representation of disabled people on local councils is dominated by those with physical disabilities who may not effectively address the needs of the other disabilities. The other reason why the deaf and the blind have difficulties representing PWDs is the inability of councils to pay for sign language interpreters and guides for them. *“Most councillors of disabled people are physically disabled. The deaf cannot represent disabled people because the councils cannot pay sign language interpreters the same applies to guides for the blind”* said a disabled man in Masaka district.

PWDs interviewed claimed that the Electoral College system favoured a few lucky PWDs, especially those who are members of NUDIPU. Many women and youths with disabilities who were not members of NUDIPU did not receive civic education. Only those who were already members of NUDIPU benefitted and participated in the elections while those who were not were left out and had no opportunity of competing for electoral places.

#### 4.2.5 *Challenges of multi party politics*

Multi-party politics has become a major challenge for PWDs as political differences prevented PWDs from getting together for a common voice. Those disabled people who supported opposition parties were shunned and treated as if they were not disabled. This was because many leaders of PWDs advised the masses not to support opposition parties. Their argument was that NRM is the party that brought them out of where they were and if the party lost they would go back to where they came from. *“Therefore in most places there were no party opponents because NRM candidates competed among themselves and this simplified the work of candidates plus the entire society as they were speaking the same language and no one was put on tension”* said one leader of PWDs in Masaka.

They further argued that if you are against the government election is not easy. In their view since all the LCs and chiefs were pro government there was no way you could stand against government and expect to win. Disabled people were therefore not allowed the freedom to choose where to belong but all of them had to belong to NRM party. Anyone who went against this was fought vehemently to the extent that some PWDs felt their leaders were more concerned about the NRM than the disability movement. *“If we are all fighting to equalize opportunities for PWDs how can you fight a fellow disabled person like an enemy”* asked a disabled man in Masaka. *“The disability movement needs to be saved by removing the management of political elections from NUDIPU”* he added.

#### 4.2.6 *Lack of education a major barrier*

Politics requires confidence, according to many PWDs interviewed. But in their view there are many disabled people who fear to contest because they feel they will not manage. One of the biggest

challenges is lack of education and many disabled people are not educated so they cannot participate actively in governance. This lack of education denied many disabled people in different districts the opportunity of representation on some local councils. *“The lack of education combined with the low self esteem meant that many disabled people could not cope with the bullying at campaign meetings, especially from the non disabled”* said a disabled man in Rakai. One had to be really strong and had to believe in himself to be able to raise the concerns of PWDs in the campaigns. The issue of education has also affected the representation of disabled people on many statutory bodies in the districts. In some districts PWDs have failed to find people to represent them on such bodies because there are no disabled persons with the required qualifications. The problem of lack of education further affects the quality of their debates as most would not be able to express themselves fully in English language and the level of debate is sometimes way beyond their level of understanding.

#### 4.2.7 *The higher you go the more unreliable it becomes*

Many PWDs felt that elections at LC 1 level were very transparent and free and fair as everyone was there to witness the process but all this changes as went up the ladder. At sub county and district levels it was a few voters from the village level and sub county level that constituted the electoral colleges respectively. The few people could be easily manipulated and that is why the elections at those levels were felt to be unreliable. It was even worse when it came to the national level for election of Members of Parliament. At the village level it was fair but at the Sub-county and district levels it was a different story all together. *“The representatives at Sub-county and district levels are not even trustworthy. For example, all leaders of PWDs in the various sub counties were requested to mobilize funds from PWDs for opening up a bank account for them. Money was collected but it was a struggle getting the bank account opened”* said a disabled person in Masaka district.

#### 4.2.8 *Presentation of PWDs meaningless*

Many PWDs argued that the representation of PWDs at the various levels of governance is meaningless because PWDs at grass roots have not benefited from any government programmes. Most PWDs interviewed said that so far nothing positive has been realized besides a few wheel chairs supplied to some PWDs. Local leaders on their part argued that they cannot serve PWDs due to the fact that there is no money or local revenue since graduated tax was abandoned. There is resource limitation particularly at the lower council levels (from sub county level downwards). The budgets are so small that even if all the money was allocated to disabled people it would not make any significant change in their well being. *“The only way we are going to change or improve the well being of disabled people is through projects funded by donors but in the sub county there is nothing. There is no money and that is why my focus is elsewhere”* said a councillor at LC 3 level. But PWDs insisted that during the campaigns PWD leaders went down to the villages soliciting for votes but after voting them in they no longer get there. The councillors are weak and lack the capacity to effectively represent their constituents. *“In our opinion the councillors are not doing their work well. They could have done better but always blame government. They always tell us that the problem is government what about NGOs? Why are NGOs not doing much for disabled people?”* Infact too many PWDs it is only leader who are elected to represent them who benefit from the electoral process as they earn allowances when they get to the Councils and forget about the people they are supposed to represent.

Many said that to them having representatives is meaningless as their leaders at the various levels are not listened to during council meeting therefore they cannot come down to help their constituents. Eventually PWDs will lose interest in elections since they do not gain any benefits. The ultimate result is that PWDs do not engage in any developmental activities and their children are not helped to go to school. Even CWDs have not been assisted in any way to go to school and all these have kept PWDs way behind the rest.

#### **Limited funding let to electoral frauds:**

If the election of PWDs is to be properly and fairly organised then more resources need to be put into the process according to the PWDs interviewed. Their reasoning was that PWDs candidates would require financial facilitation right from the time of registration, campaigns and even on the Election Day because many of them are not economically empowered yet many of them cannot move alone on their own due to the nature of their disabilities. They need guides, interpreters and carers to enable them cope and all this requires money.

Under funding the whole process also means that PWDs, most of who ignorant and illiterate, cannot receive adequate civic education leading to having many invalid votes. Transportation is another challenge that needs to be considered. Since the electoral commission did not provide PWDs with transport, they were instead transported by the candidates. This obviously meant that they gave their votes to the master or boss who assisted them with transport whether she/he was suitable or not as they had no other choice. Infact some PWDs were kept in unknown places by these bosses and only brought out at the time of casting the vote. This denied other candidates a chance of speaking to these voters.

#### **5 ROLE PLAYED BY CSOs AND DISABLED PEOPLE’S ORGANISATIONS.**

The main role for CSOs and Disabled People’s Organisations (DPOs) should have been civic education to educate and guide PWDs about the elections. They should also have trained and supported the elected councillors to perform their roles at the various levels. Instead however, NUDIPU and its branches at district and sub County levels were involved in conducting the actually elections on behalf of the electoral commission. They had to ensure that the elections for disabled people were successfully conducted right from village level up to the national level. Since 1996 NUDIPU has been responsible for organising elections for disabled people at the national level, the district level and sub county and lower levels under the affirmative action scheme. *“Unfortunately these structures have not, for one reason or the other, assisted the process of civic education or elected representatives, through capacity building programmes, to perform their roles at the various levels”* said a disabled man in Rakai. *Instead of educating PWDs to vote properly they were busy mobilising them to vote for the movement party”* said another PWD in Rakai.

#### **6 CONCLUSIONS AND RECOMMENDATIONS.**

##### **Increased civic education and awareness**

Civic and human rights, issues of equality, restoring hope in PWDs should be considered seriously by providing education to PWDs. The electoral commission should financially support aspiring PWD candidates as it does for presidential elections regarding the specific disabilities in campaign trail. This will give all potential candidates to contest rather than letting only those who are economically empowered to participate in elective positions.

Organize more civic education, provide transport to PWDs, bring interpreters and inform PWDs representatives about forthcoming programmes in time so that they can also mobilize their people early enough. The concerns of all disabilities should be taken into consideration when planning and executing the awareness and sensitisation programmes.

The government should get fully involved by providing civic education, giving funds and over see the entire process. The government should work together with NUDIPU and other DPOs because they have the experience and skills among in addressing concerns of PWDs.

Sensitization of all people including PWDs from LC I to district and involvement of PWDs at all levels, making friends. Other stake holders ie service providers like religious leaders, police officers etc are brought on board for issues of PWDs.

Posters/ illustrations showing how elections will be done should be brought early enough and they need to be in local languages as well as in Braille because many people do not have/ listen to radios and TVs which are commonly used. Use local languages on posters and other materials used throughout the process.

Civic education needs to incorporate public awareness about laws and policies that regulate elections and indeed other policy actions in this country.

### **Use of Electoral College to be reviewed**

The use of Electoral Colleges in electing PWD representatives needs to be reviewed as it is not a transparent and free and fair process. It has been found to be prone to manipulation by some leaders of the movement to remain in elective positions for ever. It also tends to exclude marginalised disabilities including women and the youth.

The mandate given to NUDIPU to conduct elections for PWDs needs to be reviewed given that the National Council for Disability (NCD) Act gives that power to the NCD. But more importantly NUDIPU members have interest in participating in the elections as candidates and voters and therefore cannot continue organizing the elections as this leads to conflict of interest.

If electoral colleges will continue to be used then the electoral commission should consider providing transport for the voters to avoid them being manipulated by candidates for their own benefits to the detriment of the majority of PWDs. The electoral Commission should also look into concerns barriers faced by the different disability so that everybody is given opportunities to fully participate in the electoral process on the same footing.

In the electoral colleges, especially for Members of parliament (MPs), regional representatives should be elected only by members of the Electoral College from their respective regions where they come from but not by delegates from the whole country.

### **Addressing the challenges of multi party politics**

The challenges posed by multi party elections need to be addressed so that PWDs are given the freedom to choose to belong without being treated as outcasts. In 2006, for example, Hon. James Mwanda who had represented PWDs very well was thrown out because he chose to represent PWDs on opposition ticket. Proper way of dealing with this challenge needs to be found to avoid breaking

the disability movement apart in the long run. Multi-party politics is now a reality and it will gradually affect the involvement of PWDs in politics. For effectiveness PWDs should be in the ruling party but on the other hand they should not be scared that if the opposition takes over PWDs will necessarily face it rough.

### **Responsibility for organisation of election should be clarified:**

An appropriate system and process for electing representatives of PWDs needs to be found urgently. All organs and bodies concerned with issues of PWDs need to sit down to chart out a workable way forward. There are some key areas that need to be carefully considered by such a meeting:

- Electoral college versus Universal Adult Suffrage
- Use of structures provided for in the NCD Act versus NUDIPU structures to manage the elections
- PWDs should be counted right from the grass root so that the government can know the number of people to deal with and how they can elect their leaders. Registers of PWDs should be updated because there are always new PWDs joining the voter's age bracket but currently they just replace those who die. Registers of PWDs should be in place and well updated.
- More study to scrutinize how PWDs have been conducting their elections and this needs to be compared with what is taking place in other countries.
- Monitoring all possible ways used to see to it that PWDs are fully represented and they fully participate. Each district should have an office or a desk specifically for PWDs to work on their concerns.
- Election should be done right from the village up to region and they go to parliament but PWDs should elect themselves because they are the ones who know their problems.
- PWDs should not only be represented in the parliament but the government should also support organizations working for PWDs so that they are able to organise proper elections.
- That since NUDIPU is a NGO; Disability council which is a government structure should take that responsibility. Another reason is that because NUDIPU does not have the capacity to facilitate all PWDs right from the grass root to parliament and this can make some PWDs miss out.

### **Including marginalised disabilities**

That in future, let those people concerned with elections think of providing PWDs with guide and also give them transport worth return journeys to their respective polling stations.

Electoral Commission should provide guides and carers for PWDs who need them, organizing trainings in sign languages and polling stations put in short distances.

Government should carry out a study to assess the barriers to participation by the various disabilities so the appropriate measures can be taken to address them.

Guides and interpreters where necessary need to be provided, together with their materials they need to assist the affected PWDs. If not that let electoral commission officials be equipped with skills of assisting the affected PWDs.

### **Others**



Make proper arrangements to ensure that voting materials reach in time.

Security officers especially armies should not move around during election time

To create more polling stations for purposes of reducing distances for PWDs who cannot move easily.

PWDs should continue being given chance not to make lines during election process. Given opportunity to participate in voting and being presiding officers.

That the government should ensure that during campaigns, abusive languages on opponents is not used and also giving money to voters should be abolished.

Urge people to check their names in registers or else to carry registers in homes where there are needy PWDs.