

ACTS SUPPLEMENT

to The Uganda Gazette No. 44, Volume CXIII, dated 27th July, 2020

Printed by UPPC, Entebbe, by Order of the Government.

Act 10 *Political Parties and Organisations (Amendment) Act* **2020**

**THE POLITICAL PARTIES AND ORGANISATIONS
(AMENDMENT) ACT, 2020**

ARRANGEMENT OF SECTIONS

Section

1. Amendment of the Political Parties and Organisations Act, 2005.
2. Insertion of Fourth Schedule to principal Act.

**THE POLITICAL PARTIES AND ORGANISATIONS
(AMENDMENT) ACT, 2020**

An Act to amend the Political Parties and Organisations Act, 2005 to remove the powers given to the Minister to prescribe a code of conduct for political parties and organisations and to prescribe a code of conduct for political parties and organisations as required by article 71(2) of the Constitution.

DATE OF ASSENT: 17th June, 2020.

Date of Commencement: 27th July, 2020.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Political Parties and Organisations Act, 2005.

The Political Parties and Organisations Act, 2005, in this Act referred to as the principal Act is amended by substituting for section 19 the following—

“19. Code of Conduct for Political Parties and Organisations.
A political party or organisation, a leader, official, candidate, member, agent or representative of a political party or organisation shall adhere to the Code of Conduct for Political Parties and Organisations set out in the Fourth Schedule to this Act.”

2. Insertion of Fourth Schedule to principal Act.

The principal Act is amended by inserting immediately after the Third Schedule, the following Schedule—

“Fourth Schedule

Section 19

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

1. Objective of code of conduct.

The objective of this code is to prescribe a code of conduct for political parties and organisations for purposes of promoting—

- (a) tolerance, peaceful co-existence and democratic principles between and among different political parties, organisations and their members and supporters;
- (b) free and fair political campaigns and open public debates;
- (c) substantive contributions by parties to governance through periodic elections of office bearers, internal democracy and policy development;
- (d) fair and proper conduct of leaders and members of political parties and organisations; and
- (e) compliance by political parties and organisations, their members and supporters, with all the laws relating to elections.

2. Principles of code of conduct.

(1) The code of conduct is based on the following principles—

- (a) the legitimacy of a government chosen through regular free and fair elections; and

- (b) the creation of an enabling environment which ensures that citizens are informed of the policies and qualities of all political parties and candidates and to ensure that voters are able to make an informed choice.

(2) The code of conduct is the ethical standard of conduct for political parties and organisations.

3. Role of political party or organisation.

Every political party or organisation shall—

- (a) respect, uphold and defend the constitution, rules and regulations of its political party or political organisation developed and agreed upon in accordance with this code of conduct;
- (b) have a national character and promote inclusiveness, patriotism and national unity;
- (c) respect, uphold and promote democratic values and principles, performing inclusive participation of members of the political party or political organisation and accountable representation in governance for the development of the country;
- (d) work with the Electoral Commission to promote transparency, impartiality and confidence in the electoral processes;
- (e) obey any lawful directive, instruction or order of the Electoral Commission;
- (f) establish and maintain effective lines of communication with—
 - (i) the Electoral Commission;
 - (ii) the National Consultative Forum; and
 - (iii) other registered political parties and organisations;

- (g) cooperate in any lawful investigation by the Electoral Commission; and
- (h) respect, uphold and promote good governance, integrity, respect, tolerance, peaceful co-existence, transparency and accountability.

4. Compliance with the code.

(1) All political parties and organisations, in collaboration with the Electoral Commission and other relevant agencies shall ensure that this code of conduct is well publicised and fully observed by its members and supporters.

(2) For purposes of subparagraph (1), a political party or organisation shall—

- (a) prohibit its leaders, officials, candidates, agents and members from infringing the provisions of this code;
- (b) discourage any type of conduct by its supporters which would, if undertaken by a political party official, candidate or member, be in breach of this code; and
- (c) promote, uphold and support efforts towards voter education on a peaceful, free and fair electoral process.

5. Rule of law.

(1) A political party or organisation shall ensure that its leaders, members and supporters and candidates comply with this Act and with all laws relating to elections and the conduct of political parties and organisations, and shall not individually or collectively, undermine, flout, disrespect or circumvent the law.

(2) A political party or organisation shall—

- (a) make provision for equal opportunity for qualified persons to participate in elections and election activities within their governing constitution, rules or regulations; and

- (b) practice internal party democracy by adhering to the provisions of its party constitution and guidelines.

(3) A political party or organisation shall ensure the promotion of active and equal participation of women, youth and persons with disabilities and other vulnerable groups in all political activities and in the electoral processes.

6. Abuse of position.

(1) A political party or organisation shall not—

- (a) abuse a position of power, privilege or influence for a political purpose, by offering a reward, threatening a penalty, or by any other means; or
- (b) use Government, local government or other public resources for campaign purposes, subject to existing laws.

(2) In this paragraph, “a position of power, privilege or influence” includes a position of parental, religious, patriarchal, governmental, police, military or traditional authority.

7. Intimidation and violence.

(1) A political party or organisation is prohibited from using intimidation or violence, in any form.

(2) For the purposes of subparagraph (1), a political party or organisation shall not—

- (a) engage in or encourage violence by its members, supporters or other persons affiliated to it;
- (b) engage in or encourage any kind of intimidation of any member or supporter of, or other person affiliated to, any other political party or organisation;
- (c) advocate for hatred, ethnic incitement, racial incitement, vilification of others or incitement to cause harm;

- (d) obstruct, disrupt, break-up or in any other way interfere with a meeting, rally or demonstration of another political party or organisation; or
- (e) establish or maintain a para-military force, militia or similar organisation or have any links with such an organisation.

(3) Every political party or organisation shall—

- (a) issue guidelines, expressly forbidding its officials, candidates, members and supporters from intimidating any person at any time;
- (b) campaign against violence or threats of violence, and against any acts of vandalism or public disorder committed or threatened by their officials, candidates, members or supporters;
- (c) promote national interest, peace and security irrespective of political ideology; and
- (d) respect other political parties or organisations, persons, and their property.

8. Influence peddling.

A political party or organisation shall not—

- (a) engage in influence peddling, bribery or any other form of corruption; or
- (b) accept or use public resources, other than those allocated to the political party.

9. Language.

(1) A member of a political party or organisation shall not use language that—

- (a) is inflammatory or defamatory; or

- (b) threatens or incites violence in any form against any person or group of persons.

(2) For the purposes of this paragraph, a political party or organisation shall not—

- (a) use abusive, insulting or demeaning language that provokes or is likely to provoke violence or intimidation of a member, representative or agent of a political party or organisation; or
- (b) issue pamphlets, newsletters or posters containing language or material that threatens or incites violence.

10. Relationship between political parties and organisations and the Electoral Commission.

Every political party or organisation shall—

- (a) recognise the authority of the Electoral Commission in the conduct of elections;
- (b) bring to the attention of the Electoral Commission any areas where the impartiality of the Electoral Commission may be called into question;
- (c) abide by any lawful direction, instruction or order of the Electoral Commission, issued by a member, employee or officer of the Electoral Commission, or any election official authorised by the Electoral Commission;
- (d) allow the access of members, employees and officers of the Electoral Commission to public meetings, demonstrations, rallies or other public political events of the political party or organisation during elections;
- (e) cooperate with the Electoral Commission in investigating any matter under this Act or any allegation of electoral malpractice;

- (f) take all reasonable steps to ensure—
 - (i) the safety of members, employees and officers of the Electoral Commission in the exercise of any power or the performance of any duty conferred on or assigned to the Electoral Commission under any electoral law;
 - (ii) that persons referred to in subparagraph (i) are not subjected to insult, danger or threat by representatives, agents, members or supporters of a political party or organisation; and
 - (iii) that representatives or agents of the political party or organisation or candidate attend meetings of the National Liaison Committee or other fora convened by the Electoral Commission or its agents.

11. Relationship between political parties or organisations and the media.

Every political party or organisation shall—

- (a) recognise and respect the role of the media before, during and after an election;
- (b) allow access by members of the media to public political meetings, marches, demonstrations and rallies; and
- (c) take all reasonable steps to ensure that members of the media are not subjected to harassment, intimidation, danger, threat or physical assault by their representatives or agents.

12. Relationship between political parties or organisations and the Uganda Police Force.

(1) A political party or organisation shall assist the Uganda Police Force in apprehending its members who attempt to, or violate the provisions of any law relating to elections and political activities.

- (2) Every political party or organisation shall—
- (a) recognise the constitutional functions of the Uganda Police Force;
 - (b) cooperate with the Uganda Police Force in exercise of its constitutional functions under article 212 of the Constitution;
 - (c) give effect to any lawful direction, instruction or order of the Uganda Police Force; and
 - (d) allow any police officer to have access to a public meeting, march, demonstration, rally or other public political event of the political party or organisation for purposes of keeping law and order.

13. Conduct during campaigns.

- (1) Every political party or organisation shall—
- (a) respect the right and freedom of all other political parties or organisations or candidates to campaign and to disseminate their political ideas and principles without fear;
 - (b) conduct itself in a manner that respects the rights of other parties, and respects the rights of voters and other members of the community; and
 - (c) respect the freedom of the press.
- (2) A political party or organisation shall not—
- (a) disrupt, destroy or frustrate the campaign efforts of another political party or organisation or candidate;
 - (b) prevent the distribution of election campaign materials, or the display of posters of other political parties or organisation or candidate;

- (c) deface or destroy the posters of another political party or candidate;
- (d) imitate the symbols of another political party or organisation;
- (e) prevent any other political party, organisation or candidate from holding rallies, meetings, marches or demonstrations;
or
- (f) hinder reasonable freedom of access by another political party, organisation or candidate to potential voters for purposes of voter education, collecting signatures, recruiting members, raising funds or canvassing support for a candidate or political party or organisation.

(3) Every political party or organisation shall—

- (a) organise and conduct its election campaign in a manner that promotes a hospitable and peaceful atmosphere during the campaign period, the polling process, and the post-election period; and
- (b) act with a sense of responsibility and dignity befitting the status of the political party or organisation.

(4) A political party or organisation shall take necessary steps to coordinate its campaign activities in such a way as to avoid holding rallies, meetings, marches or demonstrations close to one another at the same time.

(5) A political party or organisation shall not protect or exercise undue influence for the release of persons arrested for carrying prohibited material, in violation of any electoral law, regulations or guidelines issued by the Electoral Commission.

14. Conduct during the polling process.

(1) Every political party, organisation or candidate shall—

(a) cooperate with election officials in order to ensure—

(i) peaceful and orderly polling;

(ii) freedom for voters to exercise their right to vote without being subjected to any annoyance, coercion or obstruction;

(b) respect and cooperate with accredited election observers; and

(c) respect the secrecy of the voting.

(2) A political party, organisation or candidate shall not—

(a) procure votes by forcible occupation of polling stations or through illegal activities in and around the polling stations; or

(b) interfere with the duties of election officials or disturb the electoral process.

(3) A political party or organisation shall ensure that its polling agents and officials are trained to adequately represent the party or organisation to ensure that the electoral process is free and fair.

(4) A political party or organisation shall cooperate with the Uganda Police Force and any other law enforcement agency to ensure the safety and security of election materials, election officials, party agents and the electorate on polling day.

15. Role of election monitors and observers.

(1) Every political party or organisation shall—

- (a) recognise and respect the role of election monitors and observers before, during and after an election;
- (b) allow access by election monitors and observers to public political meetings, demonstrations, rallies and any other election related events; and
- (c) take all reasonable steps to ensure that election monitors and observers are not subject to harassment, intimidation, danger or threat of physical assault by any of their representatives, agents or supporters.

(2) For the purposes of this code, an election observer is a person accredited by the Electoral Commission to observe an election.

16. National Consultative Forum to enforce code.

(1) The National Consultative Forum established by section 20 of the Act, shall be responsible for implementing and enforcing this code.

(2) Where there is a breach of any of the provisions of this code, the aggrieved political party or organisation or person shall, in writing, report the breach to the National Consultative Forum.

(3) A political party or organisation shall cooperate with the National Consultative Forum on matters pertaining to the enforcement of this code.

(4) For the avoidance of doubt, the National Consultative Forum may, on its own motion inquire into or investigate any breach of this code.

(5) In the case of a breach of this code where there is no specific punishment, the National Consultative Forum may impose any of the following sanctions—

- (a) a caution;
 - (b) a warning accompanied with a requirement to comply with the code within thirty days;
 - (c) make a recommendation to the respective political party or organisation to take disciplinary action against a member, agent or representative of a political party or organisation if the breach was as a result of the actions of a member, agent or representative of a political party or organisation, within thirty days; or
 - (d) make a recommendation to the Electoral Commission to exercise its powers under section 21 of the Act to apply to the High Court for an order winding up the political party or organisation.
- (6) A political party or organisation shall explore alternative dispute resolution mechanisms in resolving disputes.”