Press Freedom Index Report – 2019
Uganda

WATCHDOG
Braving Hostility To Serve

Cover photo:-
Daily monitor photo journalist Alex Esagala being man handled by Police during the journalists protest against police brutality. Photo by Kelvin Atuhaire of Daily Monitor
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<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
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<td>BBS</td>
<td>Buganda Broadcasting Service</td>
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<tr>
<td>CEPIL</td>
<td>Centre for Public Interest Law</td>
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<tr>
<td>CIPESA</td>
<td>Collaboration on International ICT Policy for East and Southern Africa</td>
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<tr>
<td>CMA</td>
<td>Computer Misuse Act</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>EAMI</td>
<td>East African Media Institute</td>
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<td>FDC</td>
<td>Forum for Democratic Change</td>
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<tr>
<td>HNRJ-Uganda</td>
<td>Human Rights Network for Journalists-Uganda</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>ISO</td>
<td>Internal Security Organisation</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MPL</td>
<td>Monitor Publications Limited</td>
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<td>NBS</td>
<td>Nile Broadcasting Service</td>
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<td>NIJU</td>
<td>National Institute for Journalists of Uganda</td>
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<td>NMG</td>
<td>Nation Media Group</td>
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<td>NRC</td>
<td>National Resistance Council</td>
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<td>NTV</td>
<td>Nation Television</td>
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<td>NUMEC</td>
<td>Northern Uganda Media Club</td>
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<td>PFI</td>
<td>Press Freedom Index</td>
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<td>POMA</td>
<td>Public Order Management Act</td>
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<td>RDC</td>
<td>Resident District Commissioner</td>
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<td>SoPs</td>
<td>Standard Operating Procedures</td>
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<td>UAE</td>
<td>United Arab Emirates</td>
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<td>UCA</td>
<td>Uganda Communications Act (2013)</td>
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<td>UCC</td>
<td>Uganda Communications Commission</td>
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<td>UPDF</td>
<td>Uganda People’s Defense Forces</td>
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<td>UPF</td>
<td>Uganda Police Force</td>
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Acknowledgement

Human Rights Network for Journalists-Uganda owes her profound appreciation to all those who made it possible for this research to come to fruition.

In a special way, we are grateful to our development partners; USAID/Rights and Rule of Law Activity (implemented by Freedom House) and Open Society Foundation (OSF) for the financial support towards the research, development and publication of the Press Freedom Index 2019.

We acknowledge and appreciate the enormous efforts of Mr. John Baptist Wasswa and Dr. Dan Ngabirano for compiling and editing this report respectively.

We also appreciate the HRNJ-Uganda staff and the peer review team for the invaluable criticism and support which led to the successful completion of this index.

Furthermore, we are grateful for the support extended to HRNJ-Uganda by the Democratic Governance Facility (DGF), International Freedom of Expression (IFEX), and National Endowment for Democracy.
Human Rights Network for Journalists-Uganda (HNRJ-Uganda) is pleased to present the 11th edition of the Press Freedom Index Report which outlines the state of media freedom in Uganda as of the year 2019.

Since its inception in 2009, the Press Freedom Index Report has consistently documented violations and abuses against individual journalists and media institutions, thereby contributing to a growing awareness of the existence of these evils and to the realization that they must not be allowed in a democratic dispensation. Indeed, the Constitution of the Republic of Uganda (1995) generously provides for the freedom of speech and freedom of expression as fundamental freedoms upon which many other freedoms hinge.

In 2019, HNRJ-Uganda documented at least 165 cases of violations and abuse, two cases higher than the previous year 2018 in which we recorded 163 cases. The increase may appear minimal, however, analysis of the statistics points at disturbing trends, especially in violations committed by the Police Force and by the Uganda Communications Commission, the Regulator of the broadcasting sector. These two have featured so prominently in the recent reports, which points to a bigger problem the media faces at their hands.

Unfortunately, violations and abuses have continued every year in changing forms and circumstances. Most often, those that perpetrate these acts are hardly brought to book leading to persistence of impunity –impunity is one of the key challenges that the media faces in Uganda.

As part of the network of human rights defenders, HRNJ-Uganda notes the successes so far registered such as the enactment of the Prevention and Prohibition of Torture Act (2012), the Access to Information Act (2005) and Access to Information Regulations of 2011, the Data Protection Act (2019) as well as the Human Rights Enforcement Act (2019). We also appreciate the contribution of the courts in expanding the space for enjoyment of freedom of expression through several landmark judgments.
This report shows that the environment for journalism practice has become increasingly precarious; the suffering of journalists is no longer limited to State actors alone but also non-state actors. In particular, the working conditions and terms of employment for most journalists are unjustifiable casual and their remuneration too little, if any at all. Broadcast regulatory climate has had moments that cause worry on the media industry and freedom of expression. The reports have clearly made specific recommendations to key actors on these pertinent issues.

The COVID-19 pandemic that struck the world early 2020 disrupted social and economic life. In Uganda the media has already felt the impact of this disturbance with suspension of some newspapers, downsizing in newsrooms, reductions in salaries and possible migration of audiences. A postscript to this Index Report discusses the future of journalism in Uganda in light of this pandemic.

We thank all persons that have continued to support HRNJ-Uganda in this endeavor. We wish you a happy reading.

ROBERT SSEMPALA
Executive Director
This is the 11th edition of the Annual Press Freedom Index Report. From 2009 when the first issue was published, the Index has grown to become an invaluable record of violations and abuses against journalists, media houses and freedom of the press in Uganda.

This issue focuses firstly on those violations and abuses that happened over the year 2019. Secondly, it examines the issues that characterized the practice of journalism during that period. HRNJ-Uganda compiles these Press Freedom Index Reports as a record of reference for people who want to seek justice; those interested in following the evolution of press freedom in Uganda and for researchers, policy makers and human rights activists.

In 2019, a total of 165 violations and abuses were reported to or recorded by HRNJ-Uganda. These included risks associated with Internet freedoms.

**Key observations**

- Uganda Police Force (UPF) was again the biggest single violator of media rights, contributing 60% of all violations. The Police beat up and ironically arrested journalists who were protesting against Police brutality. The Uganda Communications Commission (UCC) was the second biggest violator accounting for 22% in addition to its independence as a regulator being questioned. The Uganda People’s Defence Forces (UPDF) came a third at 3.6%. Abuse by mobs against journalists also stood at 3.6%.

- In terms of the nature of violations and abuses, the leading incidents were perpetrated by security officers, especially the Police who on several occasions were responsible for blocking journalists from accessing news scenes of crime and accessing sources. This kind of violations accounted for 27% of all incidents; UCC’s suspensions of editors and producers was in second place at 23% while arrests and assault followed in third(22%) and fourth positions(16%) respectively.
• Broadcasting and online media platforms suffered more violations and abuses, as compared to print media, which reported fewer cases. Detailed stories of all these violations are captured in the narratives.

• The number of cases involving RDCs (Resident District Commissioners) meddling in media freedoms increased from two in the previous year to six in 2019. Some RDCs raided radio stations, switched them off and forcefully removed opposition politicians who were participating in talk-shows from the studios.

• With regard to internet freedoms, it was observed that there is increased surveillance of online business which endangers the practice of journalism in the digital age. This is made worse by the fact that, many journalists lack digital security skills. This a direct threat to their safety and security.

• Journalists continue to work under unfavorable conditions that include being paid meagre salaries, temporary employment for many and lack of job security and social welfare. These challenges expose journalists to manipulation and unethical practices that greatly undermine their professional integrity and limit the exercise of their right to freedom of expression.

Key Recommendations

1. To the Government of Uganda

   a) Uganda Police Force
      i. It is recommended that the Uganda Police Force (UPF) develops standard operating procedures (SOPs) specifically to guide their officers when dealing with journalists during field operations.

      ii. The Police should consider developing and incorporating media law in their training schools for middle level officers.

      iii. The Police and other security agencies should demand individual accountability of officers implicated in the violation of media rights as
provided in the Human Rights (Enforcement) Act 2019. Disciplinary procedures for these errant officers should also be open and transparent.

b) The Ministry of Information and ICT

i. The new leadership at the Ministry of Information and ICT and at the Uganda Communication Commission should put more focus on media development and work on towards the relaxation of current media restrictions. The Ministry should also provide the lead in the following: Supporting efforts of the Uganda Human Rights Commission (UHRC) to develop a policy that recognizes public information as a public good.

ii. Undertaking a comprehensive review of the working conditions of journalists with particular reference to welfare, remuneration and social security benefits.

iii. Streamlining the regulatory mandates of UCC and the Media Council with respect to the media.

iv. Creation of a Tribunal to hear disputes in the sector as is provided for in Section 60 of the Uganda Communications Act 2013 (as amended).

v. Promotion of the enjoyment of Internet freedoms as a human right in accordance with the Constitution, Case law and regional and international human rights treaties that Uganda is party to.

c) RDCs

The Office of the President should enhance the capacity of RDCs to understand the media and their role in development.

d) The Judiciary

The Judiciary should expeditiously handle and dispose of all filed cases that relate to the media as well as constitutional petitions that have a bearing on freedom of expression.
e) Uganda Law Reform Commission (ULRC) should undertake regular reviews of laws that relate to the media for purposes of updating and harmonizing them.

2. Development Partners
Development partners are encouraged to support initiatives such as legal reform of laws that regulate the practice of journalism in Uganda, and the campaign to improve on the recognition of public information as a public good in Uganda.

3. Civil Society
CSOs involved in the defense of media freedoms should enhance the capacity of the Police on media rights and rules of engagement.

4. Media Fraternity

i. Journalists are encouraged to get more organized to avoid being manipulated.

ii. Media houses and journalists organisations should follow up on violations committed against fellow journalists so that they do not become mere Police statistics. They should also advocate for the Police to include violations against journalists as a category in annual Police Crime Reports.

iii. Journalists should work to revitalize key organs such as the National Institute of Journalism in Uganda (NIJU) and the Media Centre. These are recognised by law and mandated to organise journalists in practice of their profession.

iv. Media analysts, CSOs and academia: The media specialists, CSOs and scholars should have conversations about how the various laws that regulate the practice of journalism can be amended to reflect contemporary realities and fundamental rights.
Organisation of chapters

The Chapters in this edition are arranged as follows;
Chapter one explains the background and context in which journalism was practiced in 2019. It also gives the methodology used to compile this Index as well as the limitations to the study for this report.
Chapter Two provides the national and international legal frameworks for the enjoyment of the right to freedom of expression and of the media as well as access to information. It highlights both the progressive provisions as well as those laws that limit the enjoyment of these freedoms.

Chapter Three covers a discussion of the violations and abuses committed against journalists in the course of 2019. Using case studies, the Index explores the major categories of violations and abuse and what impact they had on journalism. These case studies are important in shaping emerging trends. Most notable are the attacks on investigative journalists; the attacks by RDCs on radio stations and violations resulting from the tendency of the Uganda Communication Commission to overstep their legal mandate.

Chapter Four discusses the main issues affecting Internet Freedoms in Uganda. The Chapter also explores the effect of cyber laws on journalists and newsrooms. It also questions the legality and constitutionality of such laws.

Chapter Five contains an analysis of the working conditions of journalists in Uganda. This is a theme of growing importance as stakeholders start brainstorming what needs to be done in order to improve the practice of journalism. The Index picks on this subject because the poor working conditions have a direct bearing on ethical standards and expose journalists to several insecurities.

Chapter Six is a summary of the overall discussion of the PFI 2019 and outlines a number of observations and recommendations.
Chapter One

Background and Methodology

1.0 Introduction

Press freedom cannot be enjoyed in the abstract and is greatly influenced by the socio-political context as well as the enjoyment of other rights and freedoms. Where citizens cannot enjoy other civil, political, economic and social freedoms, press freedom can only exist cosmetically. Press freedom is also severely limited where the political context is defined by growing intolerance towards the opposition and suppression of other political actors. For Ugandan journalists, 2019 started with the continuation of high levels of violence and abuse as the State clamped harder on opposition activities. As usual the media got caught in these battles.

The annual Press Freedom Index (PFI) captures the violations and abuses that journalists suffered from these encounters and from other contexts and situations across the country.

1.1 Objectives

The following objective guided this study:

a) To study and analyze quantitatively the data about violations and abuses of media freedoms over 2019 so as to establish main trends on press freedoms.

b) To identify and highlight key press freedom violations and abuses, their perpetrators as well as victims.

c) To show, through qualitative in-depth interviews and personal testimonies, the impact of violations and abuses on journalists and the practice of journalism.

d) To explore the working conditions of journalists as an emerging factor in the discourse on freedom of expression in Uganda.

e) To make recommendations to relevant stakeholders on the way forward.
The PFI catalogues violations and abuses that are reported to the Human Rights Network for Journalists-Uganda (HRNJ-Uganda) and those that are reflected in the media. In this edition, the PFI 2019 presents the data collected on abuses and violations that HRNJ-Uganda has documented through both of these reporting methods. But it is worth noting that there remains many abuses and violations in media houses that go unreported for many reasons. As a result, the research into these abuses also involves in-depth interviews with persons in the newsrooms and those in the academia that are deemed to have useful insights into threats to the practice of journalism in Uganda.

This Chapter presents background factors that shaped the practice of journalism practice in and the major contexts in which press violations and abuses happened in 2019. The Chapter ends with a summary of the methodology used to compile this Index and the objectives for this specific edition.

1.2 Background

In 2018, the media operated in a climate of fear occasioned by unexplained killings of prominent people including senior police officers, Muslim clerics and politicians; a police force characterized by an all-powerful Inspector General of Police (IGP) and a raft of criminal elements within the Police force. At the same time new factions were emerging within the opposition energizing anti-government rallies and protests that the State sought to quell with maximum force.

In one of the major crackdowns on the opposition involving the hotly contested Arua Municipality bye election, one person was killed, scores of opposition MPs and supporters were arrested, beaten and injured. In the end over 30 supporters were charged with treason.

The actions of the police and security agents who included the presidential guard mainly targeted Kyaddondo East Constituency MP Robert Kyagulanyi alias Bobi Wine, who earlier in the year had launched a youth led opposition movement called People Power. Following its launch, the movement attracted many young people and politicians dissatisfied with their own parties. In

Reports on the Arua incident were very controversial with both sides of the political divide accusing each other. The People Power movement placed the
blame squarely on security forces for among others unleashing excessive force and shooting the driver of Hon. Kyagulanyi. The ruling government on the other hand defended the acts of the security agencies on the basis that the shooting was a response to the stoning of the president’s car by agents of the People Power movement hence endangering the life of the president. Unfortunately given the stakes, the media was also prevented from providing a true account. Nonetheless, the Arua incident greatly shaped the political context for the year 2019 and in many ways had implications for press freedom.

1.3 The Political Context

For much of 2019 therefore, opposition rallies were blocked by Police, except indoor party meetings. Bobi Wine’s musical concerts were always blocked over a range of reasons. In total, over 120 planned music performances were blocked by the Police since Bobi Wine joined politics in 2017.¹ He could not even stage shows at his private beach on Lake Victoria. The reporting of news about Bobi Wine provided one of the biggest contexts for violation of press freedom in Uganda in 2019.

The Regulator, Uganda Communication Commission, warned the media against giving live coverage to Bobi Wine’s events. Broadcast stations were also cautioned against playing some of Bobi Wine’s songs that contained political messages. Radio stations went into self-censorship avoiding to host outspoken opposition politicians for talk-shows. [See Chapter three]

The Uganda Communication Commission ordered a total of 13 radio and television stations to each suspend the news editor, programs director and producers on grounds of using their frequency to give live coverage to opposition events, particularly those of Bobi Wine. The stations have since challenged this order in the courts of law.

In a related development, in April 2019 six radio stations in Kabale, Jinja and Mubende, Mbarara, Adjumani and Mbale municipalities were raided and closed for hosting or preparing to host Dr Kizza Besigye for political talk shows. At some of these radio stations, police stormed the studios and dragged out Dr Kizza

¹ Museveni wants to ruin me financially: Bobi Wine (2019, May 17).
https://www.africanews.com/2019/05/17/museveni-wants-to-ruin-me-financially-bobi-wine//
Besigye and FDC president Patrick Amuriat. In 2019, the media continued to suffer challenges in relation to the enjoyment of Internet freedoms. Cyber laws that curtail freedoms of speech and expression remained in place. These include; the Computer Misuse Act (2011), The Uganda Communications Act (2013 As Amended in 2016) and the Regulation of Interception of Communications Act (2010).

In Uganda politics, 2019 was also the defining year when politicians and political organisations were due to start mobilization work ahead of 2020, which is effectively the campaign year considering that general elections are due in February 2021. So 2019 was expected to have been a politically vibrant year with considerable political activities.

1.4 Economic Context

The Ugandan economy reported an estimated strong growth of 6.3% in 2019 largely driven by the expansion of services. Services growth averaged 7.6% and industrial growth 6.2%, driven by construction and mining. Agriculture grew at just 3.8%. Retail, construction and telecommunications were also key economic drivers. Inflation was expected to remain below 5%, strengthening the domestic economy. This was great improvement from an average of 4.5% registered during FY15/16 and FY17/18. However, these high economic growth rates were not matched with high growth in jobs, according to an analysis by PwC. The economy was not inclusive enough as it did not translate into job creation, poverty reduction, and significant wealth creation for Ugandans.

According to the PwC forecast, “One of the main reasons why the growth in the economy has not translated in massive growth in jobs is because, in the past ten years the growth has been originating mainly from investments in public infrastructure as well as the mining and oil and gas both of which are capital intensive sectors as opposed to the traditional labor intensive sectors such as agriculture, manufacturing and tourism.”

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4 As above
The performance of the economy impacts the media in several ways. People do not have enough purchasing power to spend on media products; advertising expenditure is reduced as advertisers look for easier and cheaper outlets on internet based platforms. The net result is reduced earning for media institutions, which inevitably forces the media to look to government and its institutions for advertising. This often comes with compromises to media independence.

Related to the above, a significant majority of journalists in 2019 continued to work under unfavorable conditions. Many did not have work contracts, were either under paid or not paid regularly. In 2018, UCC revealed that there were 292 licensed FM radio stations in Uganda; 30 TV channels including six pay-tv service providers. This creates tough competition which leads to advertisers having to choose to pay low rates for advertising space, and owners of media houses to pay journalists very little and to employ cheap unqualified labor. These repressive working conditions tempt journalists to engage in unethical conduct to get obtain a living.

1.5 The Social Context

The following aspects shaped the social context in which journalism was practiced in Uganda in 2019. Uganda’s population is estimated at 39m people, a quarter of whom (24.4%) live in urban areas. The rate of urbanization stood at 5.7% for the period 2015-2020 according to the second National Development Plan (NDP II). Several surveys have given interesting characteristics of the urban population in Uganda which have implications for media consumption in the country. It is in urban centres that most newspapers are read; that is where ownership of television sets is highest; and most mobile phones are concentrated.

Radio as a media platform has expanded in its reach with close to 300 licensed FM radio station in the country (See above). This is a positive development in that the entire country can have access to vital information thus bridging the

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information divide between urban and rural areas. There is, however, a flip side to it. The existence of so many radio stations creates very stiff competition for both advertising and audience attention. As a result many rural and even urban radio stations do not generate enough revenue to break even; they employ underqualified people who impact on the quality and credibility of journalism.

Internet users are estimated at 19m with Internet penetration (percentage of the population) standing at 42.9%. The new technologies have enabled the growth of citizen-journalism, where ordinary people report and share news, pictures and events, formerly a domain of mainstream media. Social media platforms WhatsApp, Facebook, Twitter and others now drive the sharing of both news and entertainment. These netizens (the Internet community) now form a strong force in the demand for Internet freedoms. For the journalists and media in general, new technologies and social media brought the challenges of fake news; cyber security and increased government attempts to control online spaces.

1.6 Ethical concerns for journalists

A baseline study conducted by HRNJ-Uganda in 2015 showed that unethical behavior and lack of professionalism had led many journalists to suffer violations and abuse.8 So pronounced are the challenges with work ethics in newsrooms that in February 2019, the president of the Uganda Parliamentary Press Association (UPPA) petitioned the Speaker of Parliament Rebecca Kadaga to provide monthly allowances for parliamentary reporters.9 They also asked that Parliament authorities also provide seed funding for the UPPA’s savings and cooperative society. The petition prompted criticism as a breach of ethical conduct, an abandonment of the watchdog role and walking directly into the path of media capture by Parliament.10

The 2018 PFI discussed in detail the threat of media being captured by powerful forces mainly as a result of harsh economic realities, business interests by media owners and their failure to pay journalists a living wage.

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9https://ugandaradi network.net/story/journalists-ask-parliament-for-monthly-allowance
10https://www.independent.co.uk/mixed-reactions-on-proposal-to-parliament-to-pay-journalists-monthly-allowances/
The petition by parliament reporters brought to the fore the poor working conditions of journalists as a human rights issue. It also prompted various stakeholders in the media industry to start discussions on ways causes and possible solutions to this problem. HRNJ-Uganda for instance, made presentations to Parliament in July 2019 asking Parliament to intervene in the working conditions of journalists. A separate chapter discusses in detail the concerns of working conditions, professionalization and human rights for journalists.

1.7 Methodology

This 2019 Press Freedom Index documents violations and abuses against journalists and media houses as reported to HRNJ-Uganda. This year these cases topped 165, which is two cases higher than the previous year 2018.

The Index is compiled through various stages that include both quantitative and qualitative methods of data collection, investigation and verification. These stages are summarized below.

The management of HRNJ-Uganda meets with selected experts in media and human rights to discuss possible themes and objectives for the Index. This is mainly to identify areas of focus for the in-depth interviews and analysis.

From the beginning of the 2019 the data collection office at HRNJ-Uganda received and documented cases reported of abuses and violations against journalists and media houses from across the country. Violations and abuses are documented and coded according to the following variables: type of abuse, the context, perpetrators and the institutions to which they belong. A number of cases are also reported through toll free lines. These toll free lines are especially helpful in cases of people who report but want to remain anonymous and for whistleblowers.

Violations and abuses were reported by individual journalists, media houses and a network of human rights monitors spread throughout the country and who are trained to identify, document and report incidents of abuse and violations. The HRNJ-Uganda legal team followed up each case to establish the accuracy of information and whether any further action, such as litigation, was needed. The usual method of verification is through field trips to ascertain facts from the
ground and to conduct interviews with persons with knowledge of the incident. When the information is verified, then it is entered into a database where the statistical information is analysed.

In addition to the above methods, HRNJ-Uganda staff also scanned the daily press and websites of major media houses for stories that report incidents, administrative actions, policy statements and actions by government and other actors that have potential to affect the enjoyment of freedoms of expression and of the press as well as access to information.

When a violation or abuse is reported, HRNJ-Uganda posts an alert to an international subscriber base of about 200 individuals and organisations to draw their attention to such a violation. The alerts are important to generate reaction, support and advocacy actions against abuses as well as suggestions and tips for follow-up.

1.8 **Limitations**

In compiling the Index, HRNJ-Uganda limits itself to two sets of data: cases that are reported to it and which are subsequently followed up by its legal department; and cases and incidents that arise from in-depth interviews with key respondents.

1.9 **Ethical Considerations**

In compiling this Index, all efforts were made to get the consent of persons whose names appear in the report. But other names and identities of persons were withheld in some sensitive situations to protect them.

1.10 **Postscript**

In between the writing of this report and its launch, the world was hit by the COVID-19 pandemic that disrupted life across the globe. Governments placed entire communities under lockdown; businesses closed except for essential services. In Uganda, the government named the media among the essential service providers.

This Index has added a Postscript at the end that examines the impact of COVID-19 pandemic on the media in Uganda, and what it holds for the future.
Chapter Two
Legal Framework for Freedom of Expression

2.0 Introduction

Uganda is party to several international and regional human rights instruments that guarantee the right to freedom of expression. These international standards form part of Uganda’s legal framework on freedom of expression and the attendant media rights there under. In assessing the level of enjoyment of the right to freedom of expression for the media in Uganda in 2018, HNRJ- Uganda benchmarked these national, regional and international standards. These standards provide a yardstick against which these violations and abuses are evaluated.

2.1 International Instruments

The international instruments include the following:
The Universal Declaration for Human Rights (UDHR); The International Covenant Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) all collectively constituting the International Bill of Rights.  

The International Covenant on Civil and Political Rights (ICCPR), under Article 19 guarantees the right to freedom of expression. It states that;

(a) Everyone shall have the right to freedom of opinion.

(b) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

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The UN Human Rights Committee, the oversight body for the implementation of ICCPR by State parties, adopted General Comment 34, which is an additional interpretation guideline of the freedoms of opinion and expression guaranteed by Article 19 among other provisions. Uganda acceded to the Covenant on 21st January 1987.

2.1.1 The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) (1984)

The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, defines torture as "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

2.1.2 Continental and Regional Standards and Instruments

The African Charter on Human and Peoples’ Rights (ACHPR) guarantees the right to freedom of expression. These guarantees are largely similar to those found in the ICCPR. The Charter under Article 9 states:

(1) Every individual shall have the right to receive information.
(2) Every individual shall have the right to express and disseminate his opinions within the law.

Additionally, the African Commission on Human and People’s Rights in its 32nd Ordinary Session meeting held between 17th - 23rd October, 2002 adopted the Declaration of Principles on Freedom of Expression in Africa. According to the Declaration, freedom of expression is ‘…an individual human right… a cornerstone of democracy and… a means of ensuring respect for all human rights and freedoms …’. Principle 1 of the Declaration is to the effect that:

13https://www.achpr.org/legalinstruments/detail?id=49
(a) Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.

(b) Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

The Declaration elaborates a number of principles and standards on freedom of expression and enjoins State parties to the African Charter on Human and Peoples’ Rights to make every effort to give practical effect to these principles. This Declaration was, however, overtaken by developments prompting its revision and replacement by another one as explained below.

2.1.3 The Revised Declaration of the Principles of Freedom of Expression and Access to Information in Africa

The African Commission on Human and Peoples’ Rights in November 2019 adopted the revised Declaration of Principles of Freedom of Expression and Access to Information in Africa during its 65th Ordinary Session which was held in Banjul, The Gambia. The revised Declaration replaces the 2002 Declaration of Principles of Freedom of Expression in Africa, referred to above. This declaration had not been launched due to the Covid-19 pandemic. However, it drastically revises Article 9 of the ACHPR that related to Freedom of Expression and Access to Information. The new declaration greatly improves the normative standard for freedom of expression, access to information and digital rights in Africa, in line with international human rights standards.

Over the last 20 years, several other important developments have changed media and communication ecosystems that rendered the earlier Declaration outdated. Among these developments were the adoption of the Model Law on Access to Information for Africa (2013) and the Guidelines on Access to Information.

Information and Elections in Africa (2017). Developments in information and communication technologies (ICTs) have also significantly transformed the rights to freedom of expression and access to information. The revised Declaration attests to considerable milestones in the Continent’s struggle to achieve international standards on freedom of expression and access to information in the digital age. The analysis of Uganda’s performance in media freedoms shall thus be made against these new standards).

2.2 Uganda’s Domestic Framework

These international instruments became part of the Ugandan legal system when they were domesticated by the legislature through enacting of relevant Acts of Parliament. As such they should be respected just like any other laws of the land. The Constitution of Uganda (1995) also contains several provisions relating to respect for international obligations and commitments that the country has entered since Independence in 1962.

i. National Objective and Directive Principle of State Policy No. XXVIII b is to the effect that Uganda’s foreign policy is to be based on principles of respect for international law and treaty obligations.

ii. Article 287 adopted all conventions that previous governments had entered with any country or international organisation since Independence Day October 9th 1962 and were still running when this Constitution came into force.

iii. Articles 119 (4); 123(1) 123(2) all give different perspectives on the accession to, domestication, and execution of international conventions.

It is therefore important for State actors to appreciate the international obligations on freedom of expression and the press that Uganda has committed itself to under the range of international instruments that it has domesticated.


The Constitution of the Republic of Uganda elaborately provides for freedom of opinion, expression and access to information.
Article 29(1a) provides that everyone shall have the right to freedom of speech and expression which shall include freedom of the press and other media. Article 41(1) says that everyone shall have the right of access to information in possession of the State.

Article 20 guarantees that the freedoms of expression and of access to information are inherent and not granted by the State.

These Constitutional provisions and international instruments discussed earlier provide the framework for the enjoyment of freedoms of expression and of the media. It is against these standards that this Index, like those before it, is holding violators of media freedoms accountable; that provisions of subsequent laws that limit fundamental freedoms of expression and the media are flagged and critiqued; that recommendations for improvement will be later made.

### 2.2.2 Access to information Act 2005

Article 41 of the Constitution enjoined Parliament to pass a law prescribing the categories of information that may be accessible and the procedure for accessing such information. The law was only passed by Parliament ten years later in form of the Access to Information Act, 2005. By guaranteeing the right of access to information, the law makes it possible for media practitioners to obtain critical information from government and its agencies. This is information that would otherwise not be easily accessible save for the law. It should be further noted that the law is complemented by the Access to Information Regulations of 2011. These contain the forms and procedures required to file an access to information request.

### 2.2.3 Prevention and Prohibition of Torture Act (2012).

The Prevention and Prohibition of Torture Act (2012) was passed to domesticate the UN Convention against Torture (See 2.1.1 above). It was also an enabling law to actualize Article 24 of the 1995 Constitution of Uganda, which states that, “no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment” Article 44 of the Constitution also makes the right to protection against torture, cruel, inhuman or degrading treatment or punishment a non-derogable right meaning that it cannot be taken away or disregarded by the State under any circumstances. The Act widens the definition
of torture to include torture occasioned by private individuals, inadmissibility of evidence obtained by means of torture except in instances where such evidence is being used against the alleged perpetrator of torture, punishment for the offence of torture up for 15 years imprisonment, amongst many. Public officers are punished in their individual capacity. This law is very relevant to the media because journalists have in many instances been subjected to many forms of torture, including psychological torture.

2.3 Legitimate limitations to freedom of expression

While granting and guaranteeing freedoms including the freedom of expression and of the press (including other media), the Constitution of Uganda 1995 also provides for instances for limitation of the enjoyment of the prescribed rights to freedoms.

According to Article 43 (1) of the Constitution of the Republic of Uganda, 1995, during the enjoyment of the rights and freedoms prescribed in the Constitution, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest. Public interest shall not permit any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution under Article 43 (2) (c).

2.3.1 The Three-Part Test

Article 19, an international civil society organisation that advocates for media rights, has developed a three-part test which any limitation must meet before it is considered legitimate;

a) The limitation must be provided for by the law, and not made at the whims of a State official; it should be anchored in a known law made by Parliament or any forum representing the people; must be precise and clear so that they are well understood by all.

b) There must be a legitimate aim for such limitation. The legitimate aims are respect for the rights and reputations of others, and protection of national security, public order, public health or morals'.
c) Limitation must be made out of real necessity. Even if a limitation is in accordance with a clear law and serves a legitimate aim, it will only pass the test if it is truly necessary for the protection of that legitimate aim.

2.4 Legal provisions that limit freedoms of expression in Uganda

There are a number of laws that contain provisions that limit the enjoyment of media freedoms. However, in 2019 the following featured prominently, as is explained in Chapter Three.

2.4.1 The Penal Code Act, Cap 120 (as amended)

This basic criminal compendium has several sections that undermine freedom of expression. For instance, Sections 53 and 179 criminalise defamation. Section 41 criminalises sectarian speech and forbids talk along tribal, religious, ethnic or other lines of differences among people. It thus criminalises media scrutiny of demographic imbalances in the sharing of the national cake.

Sections 49, 51 and 52 criminalise what authorities might interpret as inducing a boycott, incitement to violence and incitement to refuse or delay payment of tax. As such this law restricts free debate on matters of public interest and undermines public affairs journalism.

- The Public Order Management Act 2013 (POMA)\(^{15}\)
- Uganda Communications Act 2013 (As amended in 2016)
- Computer Misuse Act 2011

2.4.2 The Press and Journalist Act 2000

This law is mentioned here because it is at the centre of the debate in Chapter Five about the professionalization of journalism and questions around the rights and welfare of journalists.

This law was enacted in 1995 by the National Resistance Council (NRC) that acted as the National Assembly of the Republic of Uganda. In 2000, it was

\(^{15}\)Constitutional Petition No 56 Of 2013 Human Rights Network Uganda and Others vs Attorney General. The Court of Appeal nullified Section 8 of the Public Order Management Act (2013) that required people to get Police permission before holding a public meeting.

proclaimed an Act of Parliament. Its commencement on 28 July 1995 repealed the Newspaper and Publications Act Cap 305 and the Press Censorship and Correction Act Cap 306 both of which were colonial laws.

Many critics of this law argue that it contains numerous provisions that limit freedom of expression and of the media in unnecessary ways. It defines who a journalist is and it limits persons authorised to practice journalism; it imposes a requirement on journalists to register before practicing; to have an annual practicing certificate; and to register editors and forces journalists to belong to the government sanctioned National Institute for Journalists of Uganda (NIJU).

In 2014, this law was challenged in the Constitutional Court by leading civil society organisations including the East African Media Institute (EAMI), Centre for Public Interest Law (CEPIL), and HRNJ-Uganda. Several years down the road, the case is yet to be heard. However, there is a new thinking among journalism stakeholders to review the law that for 25 years has never been fully implemented, with the purpose of proposing amendments to bring it in line with contemporary realities in journalism practice in Uganda. This topic is discussed in greater detail later in Chapter Five of this Index.

Other restrictive laws are listed here below.

a) The Anti-Terrorism Act 2002
b) Uganda Communications Act of 2013 as amended
c) Regulation of Interception of Communication Act 2010
d) Presidential Elections Act 2005
e) Referendum and Other Provisions Act 2005
f) Parliamentary Elections Act 2005

Conclusion

This chapter discussed the legal framework for the right to freedom of expression in Uganda. In summary, the laws that govern freedom of expression for media arise from international, continental and regional conventions as well as from the Constitution of the Republic of Uganda (1995) and other national laws. Protection of these freedoms is an international obligation and their violation is more than a domestic issue. These standards constituted the reference point when HRNJ-Uganda was assessing the state of media freedoms in Uganda in 2019.
3.0 Introduction

In this Chapter, we explore how the violations and abuses against journalists were manifested in 2019. Several case studies are used to enable analysis of cases and trends that deserve examination. In some situations, a comparison is made between the incidents of 2019 and the previous years.

3.1 Case Studies

**Threat Scenario: Attack on Investigative Journalism**

**Case Study 1: The arrest of Solomon Serwanjja and BBC crew**

On February 7th 2019, men from the Internal Security Organisation (ISO) surrounded the home of Solomon Serwanjja, an investigative journalist and news anchor at NBS Television. Serwanjja was not at home at the time. Acting on a tip off, he went into hiding. The security men arrested his wife. Serwanjja was at the time working on an investigative documentary for NBS in collaboration with the BBC on the theft of drugs from government facilities in Uganda.

The Government of Uganda buys many drugs, including essential drugs which the National Medical Stores stocks and distributes throughout government hospitals and other health units in the country. Drugs, however, are often stolen and smuggled to neighboring countries, particularly South Sudan, DR Congo and Burundi using networks of people including some in the government health service. Some of the stolen drugs are sold to private clinics within Uganda.

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17[https://ugandaradionet.com/story/nbs-arrested-journalists-were-investigating-sale-of-government-drugs](https://ugandaradionet.com/story/nbs-arrested-journalists-were-investigating-sale-of-government-drugs)


Drug theft deprives government health units of essential drugs and the Government has tried to fight the vice without much success.

Serwanjja was recording a documentary with a team that comprised Kassim Muhammed, a full time BBC staff from Nairobi, Kenya; Rashid Kaweesa, a fixer; Godfrey Badebye, cameraman and their driver Shardak Kisaame.

They had been working on the documentary for three weeks as undercover journalists pretending to be dealers in drugs to sell to neighboring countries. The top officials in the Ministry of Health were aware of and had blessed the documentary project, as were a few other high officers in government. The documentary crew had already bought 14 boxes of drugs when the team ran into trouble. Some elements in the drugs smuggling cartel were tipped that these were not real drugs dealers but journalists working on an investigative story. So a trap was set for the crew to go and buy more drugs, if they so wanted. Kassim Muhammed, and Badebye went to Makindye suburb in to meet two medical officers for negotiations on the type, quantity and price of drugs. That is when security men pounced on them and arrested them. The two journalists were interrogated. Soon after, Kaweesi the fixer was also arrested.

They were accused of attempting to steal government drugs but the crew explained that they were just recording a documentary on the rampant theft of drugs from government health facilities. Also arrested was their driver. The security men were led to Serwanjja's home but did not find him. They searched the home and found 14 boxes of drugs containing government drugs for malaria and Hepatitis vaccines, which are always custom labelled. They arrested Serwanjja's wife Vivian, who was also a communications officer in the Ministry of Health. The following day, Serwanjja surrendered to the Police in Kampala. He was interrogated for several hours at the Central Police Station. Serwanjja and his crew were later released on Police bond.

His employer, Next Media Services which owns NBS, explained in a statement that they had commissioned the investigative story on theft of drugs in conjunction with the BBC and that the crew had already succeeded in buying 14 boxes of drugs as part of the documentary story. The boxes were stored at Serwanjja's home as part of the plan.
The case of Sserwanjja and the BBC/NBS has significant aspects. First, although senior officers in the Ministry of Health had blessed the investigative documentary project, some powerful people used security officers to attack the investigative crew in an attempt to foil the project. Several government officers had, however, come out in support of the journalists. Secondly, one of the medical officers implicated in the theft of drugs soon after committed suicide. Thirdly, the documentary “Stealing from the Sick” was eventually completed and it was broadcast on the BBC. It also was the winning entry for the BBC Komla Dumor Award. Following the story, the government took steps to plug holes in the drugs supply chain and accountability systems.
The violations against the journalists included arrests and being released without charge; obstruction and being prevented from accessing news sources and psychological torture that involved arrest of Sserwanja’s wife.

These developments also pointed to the fact that the journalists were targeted because they were following up on social accountability related to corruption in the medical world, against which local and civil society organisations such as the Anti-Corruption Coalition (ACCU) had severally spoken out.

**Case study 2: The arrest of Pidson Kareire of Drone Media**

On 12th June 2019, Pidson Kareire, owner and editor of online publication, Drone Media, was arrested by unidentified people in the presence of Old Kampala Police officers. He was taken to Katwe Police Station, another police jurisdiction where men from a labour exporting company Middle East Consultants had filed a case of criminal defamation.\(^\text{20}\)

Kareire had published a series of stories that exposed how a specific company exploited people whom it exported to the United Arab Emirates. The firm was

\(^{20}\) Middle East Consultants v Pidson Kareire. Makindye Chief Magistrates Court. Miscellaneous Cause No 55 of 2019
only giving a fraction of the money they were supposed to remit to the exported workers.

In an interview for this report, Kareire explained: “Some people contacted me earlier this year that this company Middle East Consultants was exploiting the people it exported to the Middle East. They said the company had promised them a monthly pay equivalent to Ug. Shs 3 (Three) million (about US$810). However, they were actually being paid the equivalent of Shs 700,000 (about US $190) per month.”

According to government guidelines, labour exporting companies can only charge applicants Shs. 50,000 placement fees and nothing else.

“As soon as the story came out, the manager of the company called and intimidated me. He said I was tarnishing their company and its business. I published a second story that included the threats he had issued to me. I even published more stories. These managers at Middle East Consultants went to a nearby police station to have me arrested. But I live in another police district. They went to the Uganda Communication Commission to have my website shut down; they tried to use thugs to intimidate me.

Eventually a big group of people who said they were from Kabalagala police raided my home in Old Kampala to arrest me bypassing established Police procedures. I resisted until they started pulling out doors from the house, that’s when I surrendered. In the process, I lost my camera and laptop.”

“I was detained in Kabalagala police post cells, in another division of Kampala. I was beaten at night by inmates I found in the cell; beaten again in front of my mother who had come to visit me the following day. I was charged in Makindye Magistrates court in the afternoon and remanded to Luzira prison until the following day when the magistrate released me on a non-cash bail. In September, the magistrate dismissed the case.”
However soon after, some people working with security agents reinstated the case and this time before a different magistrate but in the same court. From that time I have been in and out of court. Pidson was charged with several offences under the Computer Misuse Act.

“These are private individuals connected to security agencies, abusing state institutions for private gain. I went to several government offices but I was not helped. Imagine if HRNJ had not come to my defence, I would perhaps be in Luzira Prison,” Kareire said.

In February 2020, the Government suspended five labour exporting companies, including Middle East Consultants for fraud after it failed to honour a government directive to refund all money they had illegally charged Ugandans they had exported to the Middle East.21

“Press freedom has been abused. People misuse public officers and public institutions to block investigative stories for private and selfish ends. It can be scary. I was scared when I was in the police cells; when officers asked other inmates to beat me. But I knew I was basing my stories on facts. Journalists who do investigative journalism must always base themselves on facts and must act transparently in order not to be compromised,” said Kareire.

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Case study 3: Threats and arrest by the UPDF Fish Protection Unit

On October 17th 2019, the Fish Protection Unit of the UPDF Marines arrested Aloysius Ssengendo and detained him at Buwama Police Station over stories he was following about allegations of brutality, torture and other human rights abuses by the Fisheries Protection Unit. Ssengendo is a correspondent for Radio Simba and BBS Television. This is his story which he gave in an interview for this Index;

“There were numerous reports of acts of brutality by units of UPDF Fisheries Protection Units on various lakes across the country. President Yoweri Museveni established these units in February 2017 to curb excessive harvesting of immature fish and use of illegal fishing nets. The vice had reduced fish stocks in lakes forcing the number of authorised fishing companies to reduce from 44 to 27 by 2017. The UPDF unit is credited with curbing the illegal practices. However, in doing so, the soldiers also committed many human rights abuses against fishing communities.

I had been following up the story of abuse by the UPDF Fish Protection Unit in areas of Bunjako Island and landing sites on Lake Victoria in Mpigi District. The soldiers had confiscated fishing nets, captured boats and set them ablaze. Locals alleged that the soldiers also tortured those arrested to the extent that some victims reportedly died as a result. In all their operations, the UPDF unit did not allow journalists. This in itself was a violation of blocking access to news sites. The acts of brutality attracted complaints and criticism from the area MPs and the Resident District Commissioner.

I spoke to many people from the fishing communities who recounted harrowing stories of torture and brutality by this UPDF unit, whose commander was fond of saying that he reported only to the President and to God. People in the area filed more complaints and planned to demonstrate against the UPDF Fishing unit. The RDC arranged a meeting with the UPDF and other civic leaders who included the area MP. At this meeting the Commandant of the unit warned me to stop following activities of the unit, and that the unit would deal with me if I ever aired those stories. I was also ordered to delete any footage I had that related to the fishing operations of the UPDF unit. I did not comply but instead I filed a story that was aired on BBS TV. The following day, the army commandant
caused my arrest and detention at Buwama Police Station. The army had also threatened to arrest the area MP but she managed to escape return to Kampala.

I managed to speak to Radio Simba using a phone smuggled into the cell. The sound bite played on Radio Simba alerted senior Police and army officers who ordered for my immediate release.” But his arrest added to a catalogue of abuses by Fishing Units of the UPDF reported from across the country.22

On December 19th 2019, in a stormy session, Parliament ordered that the UPDF Fisheries Protection Units cease operation until their abuses had been investigated.23

The Speaker, Rebecca Kadaga said that she had personally reported the atrocities committed by officers and men in the UPDF to President Museveni several times but nothing had been done. “The Impunity with which the head of the UPDF

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Fisheries Protection Unit is speaking makes him behave as if he is the king of Uganda,” declared the Speaker on the floor of Parliament. In January 2020, Cabinet ordered an investigation into the UPDF Fisheries Units and it was revealed that so far 43 soldiers had been expelled from the unit for acts of indiscipline and torture. The investigative story prompted the Army leadership to transfer the command of this UPDF unit from Buwama. The violations against the journalists included arrests, orders to delete footage, intimidation and blocking access to sources of information as well as muzzling the journalist’s freedom of expression and the press.

**Threat Scenario:** The Regulator, UCC, clamps down on media

**Case Study 4:** The Closure of the Monitor Website

On February 7th 2019, Uganda Communication Commission ordered The Monitor Publications to immediately shut down its website because it had not been registered with UCC as required by the regulations issued in 2018.

The then Managing Director of UCC, Godfrey Mutabaazi told the Daily Monitor managers to take down the website. The order followed a complaint by the Speaker of Parliament Rebecca Kadaga, to UCC against the Monitor Publications. The Monitor newspaper had published on its online edition a story about a witchdoctor who had launched a legal case in January 2019 in which he alleged that almost 30 years ago, Kadaga had used the traditional healer’s services to boost her political career, but she had never paid him the agreed fee. Kadaga complained to UCC that the story was fake and that it was tantamount to defamation.

UCC’s spokesperson Ibrahim Bbosa said that while UCC was investigating Kadaga’s complaint, it realized that the Monitor website had not been registered as is required by law. But he denied that the closure was linked to Kadaga’s complaint.

This is yet another example of how UCC uses laws and regulations elastically to clamp down on media houses that publish material senior government officials find unpleasant. Government has on different occasions before closed the Monitor Publications over articles it deemed not pleasant. UCC did not focus on


the merits of the complaint by Speaker Kadaga, rather it just punished the media house by closing the website. The revised Declaration of Principles of Freedom of Expression and Access to Information stress the need for State parties to protect the rights to freedom of expression and access to information online.

In a separate development, Police in June arrested a website designer and charged him with criminal libel. The Electronic Counter Measures Unit of the Uganda police on June 18, arrested and detained a website developer Ison Rocky after the police’s criminal investigations department failed to technically identify the owner, manager and content author of Buganda Today, a website that had carried an article about a city lawyer Apollo Makubuya, who deemed it defamatory. When Police failed to identify the website owner, they arrested the designer Mr. Ison Rocky. According to his recorded statement, Rocky was contracted to design the news website Buganda Today early in the year and handed it over to its owner, little did he know that the content on the site, which he neither authored nor uploaded would land him into trouble. The contested content posted on Buganda Today allegedly defamed the Buganda Kingdom loyalist Apollo Makubuya who filed a complaint at police in April, tasking the investigators to establish the author of the content and managers of the website. Ison was detained overnight and charged with defamation together with workmates, Mike Ssegawa and Moses Buule.

Case Study 5: **UCC orders for suspension of 39 broadcast journalists**

The media fraternity went into shock on May 1st 2019, when Uganda Communications Commission (UCC) ordered 13 broadcast stations to each suspend three of their top newsroom staff over alleged broadcast of material that fell below minimum broadcasting standards. The affected stations were Akaboozi ku Bbiri FM, Beat FM, CBS Radio, Pearl FM, Radio Sapientia, and Radio Simba. Television stations affected were BBS, Bukedde, Kingdom, NBS, NTV, Capital Radio and Salt TV.

UCC did not immediately explain what the stations had done. However, online news outlets quickly reported that senior security officers had ordered UCC to suspend the managers of news, programs and production at each of the 13 media houses for carrying sound bites and live feed of Opposition MP Robert Kyagulanyi, also known as Bobi Wine. The MP for Kyaddondo East Constituency and also leader of the People Power movement was heard criticizing President Museveni and his son Gen. Muuhozi Kainerugaba.

UCC spokesperson Ibrahim Bbosa defended the UCC action in a World Press Freedom Day press conference of 2019 saying that the Regulator has mandate to act in circumstances where disseminated information is misleading. “Although the offence of false news was outlawed by courts, UCC can use other laws to intervene.”

The order to suspend was quickly challenged by several quarters including Parliament, leading media houses, journalists’ organisations and lawyers. Initially, the affected broadcasting houses refused to suspend their journalists but after a May 9th meeting with UCC, the broadcasters were reported to have agreed not to suspend but to let the managers step aside while UCC conducted its investigations.

Meanwhile two human rights activists Arnold Bwire and Henry Byansi went to court to seek an injunction against the suspension of the journalists. High Court judge Justice Lydia Mugambe issued a landmark injunction stopping media houses from implementing a directive from UCC to suspend 39 journalists until further determination of the case. Justice Mugambe argued as below:

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• That the suspension would impact on journalists’ right to freedom of expression.
• That UCC’s regulatory mandate and issues of national security cannot be used to tramp upon human rights and freedoms of the media.
• That the issues and allegations of alleged incitement of the public by media houses should have been addressed to the Directorate of Criminal Intelligence of the Police and not to UCC.
• The judge also dismissed the UCC order and the subsequent resolutions reached in a meeting with broadcasters.

UCC lawyers Abdul Waiswa and Matsiko had argued that a court injunction would undermine the authority of UCC to regulate the media.

**Question of UCC overreach**

This case study raised interesting points pertinent to the broad theme of freedom of expressions and of speech. First, the Uganda Law Society (ULS), submitted that UCC was acting outside its mandate and applying regulatory powers illegally. ULS President Simon Peter Kinobe argued as below:28

“Disciplinary action against journalists is the mandate of the Media Council whose functions are clearly articulated in the Press and Journalists Act (2000) Cap. 105. The directive of UCC is null and void for violating the due process and fair hearing principles enshrined in the Constitution of Uganda as amended. The directive is prejudicial and an affront to media freedom and it is intended to muzzle journalistic expression and access to information such as live coverage of political events, contrary to Article 29 of the Constitution.”29

Secondly, media stakeholders have on many occasions blamed UCC for regulatory over-reach, and some of these accusations were captured in previous PFI editions. But the guidance by the Uganda Law Society also begs an important question: **“If UCC is repeatedly encroaching on the mandate of the Media Council, where is this Council and the other organs legally mandated to manage these aspects of media regulation?”**

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29 Article 29 of the Constitution of the Republic of Uganda 1995, guarantees protection of these individual rights—which include freedom of the press, media practitioners, civil society organizations (CSOs) and all political groupings.
The question points to the concern about the media’s ability for self-organisation, which is the main thrust of Chapter Five in this edition.

Why the UCC suspension order is problematic

UCC, in its October 2019 investigative report cites Sections 21, 51 and 83 of the Penal Code Act Cap 120 as one of the provisions reviewed to establish whether there had been a breach of the minimum broadcasting standards. Section 21 provides for incitement to commit an offence while Sections 51 and 83 provide for incitement to violence. Other laws included the Uganda Communications Act (2013) as amended and the Press and Journalists Act.

However, only a court of law can establish whether a person has been in breach of a penal provision. The use of the provisions of the Penal Code to establish...
whether there has been a breach of minimum broadcasting standards is a usurpation of powers of the judiciary.

UCC as of now exercises powers to investigate, license, regulate and penalize. There needs to be a separation of these powers. The framers of the UCC Act 2013 provided for the establishment of the Uganda Communication Tribunal (UCT) under Section 60. The tribunal shall consist of a judge and two other persons appointed by the president on the recommendation of the Judicial Service Commission. In discharging its functions, the tribunal can be assisted by not more than four technical advisors.

Section 64 of the UCC Act 2013 is to the effect that the Communications Tribunal shall have jurisdiction to hear all matters relating to communication services arising from decisions made by the commission. Under section 65, the Tribunal shall have all powers of the High Court.

The establishment of a tribunal is to ensure impartial decisions in respect to complaints about communication services. It is supposed to be staffed by members of the judiciary to ensure independence and fairness.

An examination of the persons that conducted the UCC investigations into the 13 media houses shows a lack of impartiality. UCC states that the investigative team consisted of internal commission staff from its Directorate of Industrial and Content Affairs, Legal, Engineering and Corporate Affairs. Thus, UCC acted as the complainant, the investigator, the jury and the executioner, against democratic principles.

Whereas UCC is competent in matters of broadcasting telecommunications, the framers of the law invested the competence to arbitrate content and professionalism of journalism matters in the Media Council under Section 9 of the Press and Journalist Act (PJA) Cap 105. The PJA mandates the Media Council to investigate and deal with matters relating to editors, journalists and producers. This is the same position that the Uganda Law Society president took. The Media Council has the duty to arbitrate disputes between the public and media as well as between the media and the State. It is also mandated to exercise disciplinary control over editors, journalists and publishers.
Secondly, in one of the communications to the National Association of Broadcasters (NAB), UCC clarified that the affected journalists would not be suspended but that they should step aside or even be redeployed in other sections as investigations went on.\textsuperscript{31} Whereas NAB agreed to this position, it is not in the mandate of UCC take over roles of management to force internal human resource transfers. In effect where UCC feels there is a beach of standards, it should only forward that complaint to the Media Council which has the mandate to arbitrate matters of journalists and the media.

Thirdly, by ordering the suspension of the 39 broadcast managers without hearing their side of the story, UCC violated the journalists' right to a fair hearing. Article 44 of the Constitution of the Republic of Uganda states;

"Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms:

(a) freedom from torture, cruel, inhuman or degrading treatment or punishment;
(b) freedom from slavery or servitude; (c) the right to fair hearing; (d) the right to an order of habeas corpus."

Therefore, by the very order to have the 39 journalists suspended unheard, UCC violated their right to a fair hearing.

Lastly, this case study and the earlier one about the closure of the Monitor Publications website call to question the independence of the Regulator. On April 6\textsuperscript{th} 2017, Parliament passed an amendment to the Uganda Communications Act (2013) removing Section 93(1) that made it obligatory for any regulations made by the Minister in charge of communications to have approval of Parliament. The amendment reduced further the freedom of journalists to practice in broadcasting and online platform. HRNJ-Uganda petitioned Court to have several directives made by the then Executive Director of UCC, Godfrey Mutabazi to several media houses to be declared as an affront to different constitutional rights and to be quashed.\textsuperscript{32}

\textsuperscript{31} See Annex 3
\textsuperscript{32}HRNJ-Uganda V UCC in High Court of Kampala Miscellaneous Cause No 129 of 2019
Threat Scenario: The Return of Intolerant RDCs

Case Study 6: Raid and Closure of radio stations

In April 2019, Resident District Commissioners and Police raided and closed three radio stations in three different towns for hosting opposition FDC leader Dr. Kizza Besigye and his team on talk shows. This marked a return of attacks by RDCs on radio stations, a practice that had reduced.

Hope Radio in Kabale Municipality was closed on 4th April 2019 while Kiira FM in Jinja was raided and closed on 13th April 2019. Both were switched off a few minutes to the show. Police did not refer to any authoritative statement from the Uganda Communication Commission or cite any relevant law under which the radio stations were being closed. Orders to close came from the RDCs.

In Jinja, Police fired tear gas at a shopping mall where the studios of Kiira FM are located. Police broke windows before flushing Dr. Besigye out of the studios. Other radio stations that were raided were Awologo FM in Adjumani, Glory FM in Mbarara and Mbale FM in Mbale.

Police fires tear gass near Kiira FM Radio Station
In Jinja on the day Dr. Kizza Besigye and Honorable Patrick Amuriat were hosted in the Studio

Tear gas seen outside kiira FM Radio Station which had hosted Dr. Kizza Besigye. He was later forced out of the studio by Police
HRNJ-Uganda and other human rights agencies expressed their discontent at these attacks. HRNJ-Uganda Executive Director, Robert Ssempala noted: “The acts by the security to storm radio stations and subsequently switch them off with total disregard of the law is arbitrary, illegal and an affront to freedom of the media, expression and speech, all of which are key tenets of democracy. Such acts will be challenged in courts of law as they are a direct interference with the media as provided for under Article 29(i)(a), Article 41(i) and Article 20 in the Constitution of the Republic of Uganda and other regional and international instruments to which Uganda is a signatory. Under a multiparty political dispensation in Uganda, the media is free to host all political views, so the police should desist from attacking media houses for giving space to the political opposition.”

A few days later, Police in Mubende led by District Police Commander Martin Okoyo and RDCMs Mary Nyakwera Baguma stormed Mubende FM radio and switched it off in a bid to stop a talk show in which the former Forum for Democratic Change President, Dr. Kizza Besigye had been hosted. They entered the studios 10 minutes into the show and stopped it. Other police agents climbed the radio mast and disabled the antenna. The Police fired tear gas at Besigye’s supporters gathered outside Pride Travelers Hotel and arrested them before whisking Besigye away.

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*Article 41(1) says that everyone shall have the right of access to information in possession of the state. Article 20 guarantees that the freedoms of expression and of access to information are inherent and not granted by the State. Article 29(1a) provides that everyone shall have the right to freedom of speech and expression which shall include freedom of the press and other media.*
President Museveni’s reaction to RDCs

This attack on radio stations to stop an opposition politician provoked widespread condemnation in and outside Uganda. Cases of RDCs storming radio stations had reduced considerably with only one case reported the previous year 2018. The return of aggressive and intolerant RDCs was therefore quite worrying.

Mr. Ofwono Opondo, head of the government Media Centre and a former journalist at two separate meetings of media stakeholders reiterated that President Yoweri Museveni had in May 2019 directed RDCs and Police not to raid radio stations or switch them off when opposition politicians appear for talk shows. “The President directed the RDCs to instead join the radio talk shows and exchange ideas with the opposition leaders instead of attacking freedom of the press,” said Ofwono Opondo. For the rest of 2019, there was no other case involving RDCs and Police raiding radio stations.

These raids on radio stations are arbitrary acts by over-zealous RDCs and the Police and constitute violations of the constitutional rights to freedoms of expression, speech and of the media as well as the freedom of assembly.

3.2 Analysis of the data

There were 165 cases of violations and abuse against journalists reported in 2019. This was a slight increase from 163 reported cases in 2018. These are cases reported to HRNJ-Uganda, however, it should be noted that there are cases that actually happen but are never reported. Figure 1 below shows the type of violations and abuses occasioned to journalist in 2019.

Figure 1: Nature of violations and abuse in 2019

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34 Speech during the May 3 2019, World Press Freedom Day event organised by HRNJ-Uganda. He repeated the statement in August 2019 during a UNESCO Study Preparatory meeting at Africa Centre for Media Excellence (ACME).
3.2.1  **Blocking Access**

The most recurrent violation or abuse in 2019 was blocking access to news scenes and news sources. These cases stood at 44 in 2019 as opposed to 40 in 2018 when it was again the leading offence. It should be noted that Police and other security agencies have increasingly tended to use blocking access to news scenes and sources as a prohibitive measure. Police blocks access, preventing journalists from reaching the scenes where real activity happens especially where opposition politicians are involved. Blocking access contravenes Article 41(i) of the Constitution.

3.2.2  **Order to suspend 39 editors**

Violations by the Uganda Communications Commission (UCC) came in second place when it ordered for the suspension of 39 managers from 13 broadcast stations. The suspension was blocked by court. The UCC’s order to suspend journalists was a major escalation of regulatory over-reach from two incidents in 2018. UCC also caused the closure of the Monitor Group website as well other threats to broadcast stations. Other notable violations include the switching off of three radio stations discussed earlier; police vandalizing equipment of journalists and in other incidents deleting footage from TV cameras.

3.2.3  **Assault**

Cases of assault reduced to 26 down from 37 in 2018 when assault was the second most recurrent violation against the media. Majority of the offence cases happened during mass activity like the coverage of student riots against fees increment at Makerere University in October and November. Many journalists suffered injuries after being assaulted by Police. Many students were also injured in the process.
Military and regular police raided Uganda’s biggest university in October 2019 at night to beat up students who were protesting and striking against increments in tuition and other charges. Many students were injured in the night raid including students with disabilities. The police remained at the university for several days fighting pitched battles with students. All media outlets splashed the harrowing scenes of police brutality against students. In retaliation, Police beat up journalists covering the riots, destroyed equipment such as cameras, deleted footage and images and tried to prevent journalists from accessing the university.

The violence provoked sharp reactions from diplomatic missions, human rights organisations and media institutions. HRNJ-Uganda and scores of other journalists marched to the Police Headquarters and to the Central Police Station on 4th November 2019 to protest the violence against journalists who were suffering violence by Police while covering the Makerere riots. In a surprising turn of events, the Police fired tear gas and beat up journalists who were protesting against Police brutality. Others were arrested but later released without charge, which is a violation. Offences of assault are punishable under the Uganda Penal Code Act Cap 23.
Journalists demonstrate as they head to the police headquarters to deliver their petition on heightened police brutality against the media. They were later intercepted by police.

### 3.2.4 Arrests

Arrests were the third most recurrent violation with cases rising from 31 in 2018 to 36 in 2019. Like assault, arrests mainly occurred during mass action such as demonstrations or covering student fees strike at Makerere. Other arrests, however, happened under special circumstances, such as when individuals used Police and security personnel from other agencies to arrest investigative journalists as highlighted earlier in this chapter.

Daily Monitor photo journalist Alex Essagala being manhandled by Police during the journalists’ protest against Police brutality.
3.3  Victims of violations and abuse by category

The majority of victims of violence and abuse were reporters accounting for 60% of all cases. This has been the trend over the years. Middle level managers, who included producers, heads of programs and news managers featured prominently among victims (each category accounting for 7.2%) because of the suspension they suffered, however briefly, at the hands of UCC. The bloggers were mainly from media houses in Gulu Municipality, northern Uganda, who were blocked several times from accessing the disputed Apaa swamp claimed by two tribal communities. The majority of writers who were victims write for online news outlets. These online news outlets are becoming increasingly bolder and venturing into journalism genre that mainstream fear to undertake. In 2019, some of these online writers were charged with criminal libel and offensive communication under the Computer Misuse Act. The bloggers were from Black Star online news site and Northern Uganda Media Club (NUMEC).
3.4 Analysis of victims by media platform

The expansion of radio and mobile phone penetration in Uganda changed dynamics in media consumption. More people in Uganda now depend on television and mobile Internet for their information needs and less on the printed media. As a result, broadcast journalists suffer more violations and abuses compared to their print counterparts. As Figure 3 shows, television and radio platforms took the largest share of violence and abuse in 2019.

In the competitive television age, journalists from these platforms suffer violations and abuses most as they struggle to bring news and images to the audience in real time. A number of TV stations now possess light equipment for live telecasting. TV share of violence stood at 46%, nearly half of all violations. Radio journalists as victims made up 31% while online journalists stood at 16%. Print journalists were least affected as they made up only 7%.

The figures represent interesting patterns in media vibrancy in Uganda. In 2018, television as a platform suffered most but with a lower share of the violence at 42% but in 2019 its share of violence rose to 46%. In 2018, radio and print media platforms shared equally the violence and abuse at 25% of all cases. Online media suffered least at 8% of all cases. In 2019, however, print share fell to a 7% low while radio’s share of violence rose to 31% and online media’s share also doubled to 16%.

Figure 3: Comparison of violations and abuses suffered by media platforms in 2018 and 2019

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The figures point to changed dynamics in media environment in Uganda and they lend to different interpretations. Whereas print media is still strong and a point of reference, broadcasting has emerged as the channels for breaking news and developing stories, while online publications print bolder, though not entirely risk free stories.

3.5 Who are the perpetrators?

3.5.1 Uganda Police

The Uganda Police Force was the leading violator of journalists’ rights and freedoms, accounting for 60% of all violations and abuses committed against the media in 2019. This is the seventh time that the Police are topping the list of violators. Reported cases attributed to the Police rose from 87(53%) in 2018 to 101(60%) in 2019 (See Figure 4).

Table 1: Share of violations and abuses by media platform over three year period

<table>
<thead>
<tr>
<th>PLATFORM</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television</td>
<td>39%</td>
<td>42%</td>
<td>46%</td>
</tr>
<tr>
<td>Radio</td>
<td>22%</td>
<td>25%</td>
<td>31%</td>
</tr>
<tr>
<td>Print</td>
<td>31%</td>
<td>25%</td>
<td>7%</td>
</tr>
<tr>
<td>Online</td>
<td>8%</td>
<td>8%</td>
<td>16%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Figure 4: The groups that account for violence and abuses against journalists
Violations by the Police occurred in different contexts but mainly during protests, like the case of Makerere University student riots against fees increases; arresting and beating journalists demonstrating against brutality by the Police itself; and in situations involving opposition politicians. These violations included arrests, confiscation of cameras and other equipment, vandalizing equipment, assault, deleting footage, raiding broadcast studios and interrupting programs, blocking journalists from accessing news scenes and sources.

The PFI 2018 elaborated on the extent of Police brutality and abuse of press rights and freedoms, as well as the high level of impunity. A strong recommendation was made to the Police and Military authorities to develop rules of engagement or standard operating procedures for field officers relating to journalists caught up in situations when doing their work. As was noted in the PFI 2018, the senior command of the Police comprises quite refined officers who extol virtues of human rights. However, the conduct of men on the ground during operations does not often reflect presence of or adherence to rules of engagement that respect press freedoms.

One of the positive developments was the passing of the Human Rights (Enforcement Act) 2019 under which police officers can be charged personally for human rights violations.
3.5.2 Uganda Communications Commission

Uganda Communications Commission also featured prominently as accounting for the second highest number of violations. UCC is the Regulator of communications and broadcasting. The body had in the past issued orders to close radio stations; sending tough warning to broadcast stations against broadcasting certain content that it described as falling below minimum standards, and ordering managers to dismiss or suspend staff. As explained earlier in Case Study 5, UCC ordered the suspension of 39 broadcast managers because their stations had used sound bites of opposition MP Robert Kyagulanyi who was criticizing President Yoweri Museveni and his son, Gen Muhoosi Kainerugaba. The order was halted by Court. UCC has also been accused of lacking independence. Case Study 4 also discussed how UCC forced the Daily Monitor to shut down its website over non-registration but soon after the Speaker of Parliament, Rebecca Kadaga had complained to the Regulator about an article on the Monitor’s website.

3.5.3 UPDF

The Uganda People’s Defence Force also features among violators of media freedoms. Some of these officers and men belong to the Fishing Protection Unit, which gained notoriety in different parts of Uganda for abuses against the fishing communities. As reported in Case Study 3, the Force has already dismissed 43 soldiers from this unit over human rights abuses and indiscipline.

3.5.4 Resident District Commissioners

Resident District Commissioners again featured among lead violators. Three RDCs in different parts of Uganda stormed radio stations, switched them off and forced opposition Politician Dr. Kizza Besigye of the Forum for Democratic Change (FDC) out of the studios. These extremist actions even forced President Yoweri Museveni to order RDCs not to interfere with radio programs again. Just like the Police, RDCs do not have rules of engagement when dealing with the media but they often exercise unlimited power.

3.5.5 Members of the public

Groups of individuals within the public have over the last few years committed abuses against journalists. The increase in abuses by these private individuals is
worrying. In 2019, these individuals included taxi drivers and brokers, an MP belonging to the FDC party as well as journalists from two faith based media houses who pounced on colleagues in media-on-media violence.

3.5.6 Abuses by media persons

This new type of abuse needs to be discussed further. In one incident, Pastor Augustine Iga of Revival Church, based in a Kampala suburb and owner of ABS Television was embroiled in paternity controversies and was arrested. His staff pounced on Bukedde TV journalists covering the story. In another incident, Pastor Aloysius Bugingo of House of Prayer Ministries and owner of Salt Media (radio and TV station) was embroiled in a divorce fight with his wife. He had used the church pulpit and his media platforms to abuse and embarrass his wife over her health complications. He also introduced to the church another woman, something that angered other church leaders, women groups and human right activist. Women organisations staged a big protest outside Pastor Bugingo’s Salt Media offices that attracted journalists from other TV stations. In the process, groups of Salt Media journalists and other staff engaged colleagues from other media beat them and chased them from the story.
3.6 Gender perspective

Just under 10% of victims were female journalists. In the previous three years, the percentage of women suffering violations and abuse had stood at 12%.36

3.7 Location of abuses and violations

Majority of the reported cases of violations and abuse happened in Central Uganda that also includes Kampala and surrounding districts of Wakiso.

Figure 5: Violations and abuses by region

36 See Press Freedom Indexes for 2016, 2017 and 2018
Scuffle between journalists and police on the day they were delivering their petition to the police headquarters

Journalists resisting the forceful arrest of UJA President Kazibwe Bashir Mbaziira

HRNJ-Uganda Executive Director Robert Ssempala being apprehended by police while delivering the petition to police headquarters in Naguruu
4.0 Introduction

Internet freedoms are fundamental human right. This chapter looks at developments, and challenges that defined the state of Internet freedoms in Uganda in 2019.

The Press Freedom Index puts focus on freedom of expression and speech as well as access to information in the context of media practice. These are all together grouped as media freedoms. However, with respect to Internet freedoms, it is prudent to also look at activities of some other actors in cyberspace and their plight in as far as the state of freedom of the expression and the press is concerned.

Some of the international instruments that guarantee freedom of expression and of the press have been elaborated in Chapter Two. The African Charter for Human and People’s Rights (ACHPR) states that every individual has a right to receive information and to express and disseminate opinions within the law.\(^{37}\) Under international law, freedom of expression over the Internet and in the use of mobile devices is equally protected. It is also understood that the same rights enjoyed offline should be enjoyed online.

Whereas the Constitution of the Republic of Uganda guarantees freedom of expression among the fundamental rights, it does not elaborate the definition of this right.\(^{38}\) However, Kakungulu Mayambala and Rukundo observe that, Uganda courts have expanded the definition of this right, through landmark rulings over a time.\(^{39}\) In Onyango Obbo Vs AG (2004) the Supreme Court ruled that freedom of expression means ‘freedom to hold opinions and to receive and impart ideas and information without interference ….and that the right to freedom of expression was not confined to categories, such as correct opinions,

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sound ideas or truthful information’. The Court ruled that all speech and expression must be protected by law and not merely dismissed because of what others think of it:

A person’s expression or statement is not precluded from the constitutional protection simply because it is thought by another or others to be false, erroneous, controversial or unpleasant. Everyone is free to express his or her views.

When Andrew Mwenda challenged as unconstitutional the crime of sedition, the Constitutional Court observed that ‘people express their thoughts differently depending on the environment of their birth, upbringing and education. That leaders should have thick skin to accept criticism because people have the right to criticize their leaders.’

The Court had earlier in 2002 ruled to expand freedom of speech and expression to new forms of technology (such as Internet). In Rwanyarare V Attorney General, the Constitutional Court struck out a controversial clause in the Referendum Act of 2002. The Act was to allow Ugandans decide on whether to adopt a multiparty political system or to retain the no-party system. The controversial clause had prohibited the use of the following:

- Electronic media (defined as radio, television, internet, email and similar media) to make false, malicious, sectarian and derogatory statements
- Exaggerations or using caricatures
- Derisive or mudslinging words.

The Court ruled that this provision was unconstitutional. This ruling therefore expanded within Uganda case law, the protection of the freedom of expression and speech to new forms of technology and media platforms.

4.1 Internet freedom and journalistic practice

In the current interconnected world, most of the communication and debates now happen in cyberspace. In countries where governments restrict freedoms of

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41 As above.

42 Andrew Mujuni Mwenda & another V Attorney-General Constitutional Petition 12 of 2005 para 78.

43 Rwanyarare V Attorney-General Constitutional Petition 5 of 1999.
the press in mainstream media and freedom to associate, the internet and social media platforms in particular have become the new public sphere. It is there that debates on social and political issues happen; that is where citizens criticize their leaders and hold them to account.

For journalists whose duty is to hold leaders accountable, cyberspace should provide opportunity to do so where mainstream media would be quite often more reserved. The court actions discussed above in reality reinforced free speech, the right to for citizens to critique their leaders and to use not only traditional media but also new and social media.

Internet freedom, however, is still not a reality in Uganda. The government has over the last ten years enacted several laws to stifle free speech on the internet; created institutions and structures for surveillance of citizen communication, and the state has cracked down on citizens who criticize the President and other leaders on the Internet.

Some of the major cyber laws have been listed in Chapter Two. The most relevant here are the Computer Misuse Act (2011); the Uganda Communications Act 2013 (as amended), the Regulation of Interception of Communication Act (RICA) 2010 and the Anti-Terrorism Act 2002.

The Computer Misuse Act, for instance, provides for the offences of Cyber Harassment and Offensive Communication. Both charges have been preferred against bloggers, politicians, human rights activists and journalists. Below are some of the key developments related to Internet freedoms in 2019:

- Order to close The Daily Monitor website. As explained in Case Study 4 in Chapter Four, the Uganda Communications Commission ordered the Daily Monitor to close its website because it had not been registered with the Regulator as required by the 2018 Directives. But the order to close came after the Speaker of Parliament, Rebecca Kadaga had complained to UCC about an article critical of her published on the newspaper’s website. This points to recurrent observation that the proposed Communication and Broadcasting Tribunal has never been established to hear disputes in the sector.

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44 The Computer Misuse Act (2011). Section 24 and 25. The willful and repeated use of electronic communication to disturb the peace, quiet or right to privacy of any person without purpose of legitimate communication.
• In February 2019, several journalists working with online news outlets were charged with criminal libel for writing about the wealth of Bank of Uganda deputy governor, who was one of the central bank’s top officials under parliamentary investigation.

• In July 2019, former sports journalist Joseph Kabuleta turned blogger was arrested over his WhatsApp posts “Kabuleta's Rants”. In the post just before his arrest, Kabuleta who is now a pastor, criticized Gen. Muhoozi Kainerugaba, son of President Yoweri Museveni. He said after his release that he had been beaten, tortured and drenched in freezing water. Police denied Kabuleta’s accusations.

• In August 2019, Dr. Stella Nyanzi, a Makerere University researcher was jailed for 18 months for cyber harassment of President Yoweri Museveni. Although Stella Nyanzi is not from the media, her daring criticism of President Museveni and his wife, Janet Museveni using the internet and other social media platforms were a yardstick for online journalists and bloggers to test how tolerant to criticism the government was. During the qualitative interviews for this study, editors and senior journalists at selected media houses pointed out that the Computer Misuse Act instills fear among journalists, and impacts on journalistic ability to think independently. The net effect is a continuing slide into self-censorship.

• Soon after the conviction of Dr. Stella Nyanzi, UCC ordered that all social media ‘influencers’ would register with the Commission at a fee of US$20 (about Shs 80,000). UCC added that these measures would later be extended to all people with a sizeable following on social media platforms.

The above developments all point to a campaign to clamp down on digital activism, and a threat to internet freedoms for the media. Many journalists are now digital natives, with active social media accounts that attract many followers. Because of their mainstream journalistic activities, the journalists become influencers in their own right. A clampdown on digital activism is therefore a real threat to internet freedom for the media.

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45 Digital activism is advocacy and mobilization for social or political causes using digital tools and platforms.
4.2 Challenges

CIPESA 2019 report on Internet Freedoms in Africa highlights several common challenges across Africa.\(^\text{46}\) These include network disruptions and internal shutdowns, the rise of digital taxation, increased surveillance through telecommunication companies and artificial intelligence closed circuit television cameras for facial recognition and the rise of big data. Some of these have been more pronounced than others in Uganda.

4.2.1 The OTT Tax

The PFI 2018 elaborated on the OTT (Over the Top) tax imposed to access certain social media platforms such as Facebook, WhatsApp, Twitter and others. The tax was introduced in 2018 but by the end of that year, it had failed to meet the expected revenues. On the other hand, the tax drove a third of Internet subscribers away. Many Ugandans resorted to use of VPNs. President Yoweri Museveni had justified the tax saying it would curb gossip. However, gossip is part of freedom of speech. This trend of poor performance of OTT (of Shs200 per day) continued into 2019. The Commissioner General of the Uganda Revenue Authority suggested in January 2020 that the tax be dropped and another one introduced to be imposed on each data bundle purchased.\(^\text{47}\) By publication time, no decision had been made, and the Commissioner General Doris Akol had been replaced.

4.2.2 Increased surveillance

There were fears of increased state surveillance of individuals’ privacy when the Washington Post published a story in August 2019 to the effect that a Chinese telecommunications company Huawei had helped the Uganda Police and other security agents to hack into social media accounts of Robert Kyagulanyi also known as Bobi Wine. The accounts hacked were on WhatsApp and Skype. Police denied as did Huawei and the Chinese Embassy.\(^\text{48}\) The revelation that security


operators could crack into WhatsApp accounts was worrisome because thousands of Ugandans use it for all sorts of communication including political talk. The State’s capacity for surveillance increased with the installation of thousands of CCTV cameras in Kampala city and neighboring district as well as some cities upcountry. Interviews with journalists in newsrooms around Kampala revealed that they feared that the State was monitoring their communication and activities through interception and infiltration by spy-journalists.

4.2.3 Low digital security skills

A common problem with journalists and media houses is the low skills in safety and security, especially digital security. Many journalists do not know security skills beyond the password. HRNJ-Uganda is one of few organisations that conducts training sessions in digital security for journalists. Some media houses such as The Observer, The Independent, and the Vision Group have all suffered digital security breaches at one time.49

4.2.4 Fake news and the challenge of verification

Related to the above issue of skilling journalists in digital security, is the ability within newsrooms to deal with fake news. The internet is inundated with all types of fake news comprising of misinformation, disinformation and deliberate distortions. Tech-savvy people can create deep fakes that might not be easy to discern. Misinformation is the spreading of false information without the intention to cause harm while disinformation involves the intentional spread of lies with the objective of influencing people.50 In order to enjoy internet freedom and to promote the safety of journalists in cyberspace, media houses must invest in periodic skilling in verification, fact-checking and ability to identify fakes.

4.2.5 Managing the alter ego

Another growing concern is how journalists in mainstream media should manage their online presence. Admittedly, journalists acquire considerable

49 Interviews with editors at the New Vision, Observer and the Independent.
50 https://www.theguardian.com/technology/2020/jan/13/what-are-deepfakes-and-how-can-you-spot-them
online following from their popularity on air or in print. The social media platforms allow them to extend their journalistic work to wider, more liberal and diversified audiences online. The challenge comes with separating the two identities without compromising both the integrity of the employer and the journalist’s freedom of expression on the internet. Some media organisations impose strict guidelines that determine how far the journalists can engage on social media platforms.

4.3 Positive Developments

There have been positive developments too. First the Data Protection and Privacy Act (2019) became law after the President of Uganda assented to it on 28th February 2019. The law was long overdue to protect the privacy of individual’s details at a time when the State has collected huge amounts of personal data from the public.

Secondly, there is an increase in the number and vibrancy of civil society organisations that are engaged in policy advocacy efforts for internet freedoms and media freedoms in general.

There is increased internet penetration from 31% of the population in 2015 to 37% in 2019. But apart from the penetration, there is a marked uptake of social media by Uganda’s leadership including President Yoweri Museveni, First Lady and Minister for Education, Janet Museveni and many younger ministers, army commanders and police chiefs. Most of their communication with the public is now done on Twitter and Facebook.

President Museveni, in particular has endeared the young generation, mainly because of the pressure from youthful opposition politicians who are attracting the youths. But it is also true that the President and other leaders are finding social media more relevant to reach the masses than legacy media. The President is using the internet to connect to young people. He calls them Bazukkulu (grandchildren); they refer to him as jjajja (grandpa). They post and some tag him in their posts. Museveni has a social media team which combs issues in the public domain and they brief him. He responds periodically,

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51Africa Internet Stats https://www.internetworldstats.com/stats1.htm
although using press conferences. This is a positive change in attitude; some slow steps but in the right direction.

Finally, there are major changes in the Information and ICT Sector which, hopefully, will lead to significant changes for journalism practice. Ms. Judith Nabakooba, trained journalist and former Police Spokesperson was named Minister for Information and ICT; Eng. Irene Kaggwa Ssewankambo became Ag. Executive Director of UCC and Mr. Kyetume Kasanga, also a professional journalist was named new head of the Media Council.
5.0 Introduction

Journalists have faced increased risks to their safety and security from factors within their work places. The majority of journalists work in precarious conditions. Many work on casual terms: no contract, no regular pay, some even work without any identification document. With the proliferation of media houses, owners hire cheap labour, often under qualified whom they also fire at will.

This Chapter looks at the conditions in which the bulk of journalists work. It explores the causes but also ventures into asking what can be done to make the journalism profession better.

5.1 The media landscape

With just under thirty years since broadcasting was liberalized in 1992, there are close to 300 radio stations, 30 local TV channels and five pay-TV services. The print media has also expanded a little with the two major media groups: The Vision Group and the Nation Media Group-Uganda each owning a string of media platforms. Today, online news outlets are increasing in number as well. The majority of journalists, however, work on freelance basis although they are normally attached to one media house most of the time. There is no single register for freelance journalists but they form the bulk of the workforce in most media houses especially broadcast stations. Only established bigger media houses such as the Vision Group, the Nation Media Group (which includes the Daily Monitor, and NTV among its stable) and NBS TV give contracts to freelance journalists. Most of the other media companies do not. Even then, the contracts limit the obligations and liability of the media company to the freelance journalists. A conservative estimate would put the freelance journalists in Uganda at about 1000.

Uganda liberalized broadcasting long before it could develop a national broadcasting policy, which did not come into place until 2004. This left the emerging private broadcasting sector to develop without well thought out regulation. Journalists increased in number with the expansion of broadcasting. Soon government was faced with the challenge of how to regulate the media, which suffered from lack of professional organisation. After three failed attempts, government enacted the Press and Journalists Statute in 1995 amidst considerable protests by journalists. This was the first time Government was imposing order on the journalists. The highlights of that law were:

- It recognized journalism as a profession.
- It defined who a journalist is and who qualifies to practice journalism.
- It established a university degree as the minimum entry requirement for one to practice journalism.
- It created an elite directorate, the Media Council, to act as the internal regulatory body and also tribunal which would be the first port of call for those aggrieved with any media infractions before they could go to civil courts.
- It created a body, the National Institute for Journalists of Uganda (NIJU) that would be the legally recognized professional body, charged with media development, approving journalism training schools and other duties.
- It also developed and instituted a Code of Conduct for journalists.
- It required journalists to register and to renew practicing certificates every year.

Journalists generally rejected the Press and Journalists’ Act (2000), although many went back to university to acquire the necessary qualifications. But on the whole, they rejected the requirement for mandatory licensing and also refused to register with NIJU. For 25 years, the Press and Journalists Act has been in force but idle.

Media experts differ in their appreciation of that law. Former senior journalist-turned-lawyer, Peter Okello Jabwelli submits that journalists should agree to some of form of regulation if their trade is to be respected as a profession. Okello

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53 The Broadcasting Policy was passed by Cabinet in 2006
also sits on the Media Council. On the other hand, Rosemary Kemigisha, former Editor of the Sunday Vision but now an editor with the Uganda Human Rights Commission (UHRC), says that the Press and Journalists Act was brought in bad faith with the intention of controlling the media. Kemigisha spoke in her personal capacity as a senior journalist and former editor.

“Take the example of licensing and annual registration that was prohibitive. Press freedom is part of the freedom of speech which is a fundamental right. You cannot legislate against a fundamental right. Those structures and institutions created in the Press and Journalists Act look innocent but the State can occasionally invoke sections of it when it wants to pin journalists,” says Kemigisha. Indeed, there are many within the industry who share this view that journalists must not be licensed; that you cannot impose minimum academic qualifications for people to exercise their right to free speech.

That argumentation would imply that anyone can be a journalist. Perhaps that is the reason many newsrooms are served by people who have never been to college or even a journalism school.

Some media observers make the argument that journalists wasted the opportunity to utilize the law to develop their profession like is the case with law and medicine; and that in rejecting the law for 25 years, the journalists ceded ground to other agencies to opportunistically encroach on media spaces.

In 2005 Parliament passed the Uganda Broadcasting Corporation Act. It merged Radio Uganda and Uganda Television into the Uganda Broadcasting Corporation. This Act provided for the setting up of a broadcasting council to licence and regulate radio and television stations. The Broadcasting Council would be the broadcast equivalent of the Media Council. However, all regulatory functions were passed on to the Uganda Communication Act after it was created.

5.2 Crisis of self-organization in media

Lack of self organisation among journalists has left them at the mercy of their employers both in the public and private sectors and to the vagaries of the marketplace. Private media owners are business people interested in profit. When they cut costs, it is often the newsrooms to suffer. Journalists are paid
poorly, or not paid. They do not have a union to speak for them; they end up into unethical practices such as being spies for security agencies; selling stories; blackmailing people, taking money to kill stories so that they are not published; and outright begging.

Worse still, newsrooms do not invest in even the minimum basic training for their workers but only depend on occasional training opportunities from media development organisations within civil society.

A baseline study conducted by HRNJ-Uganda in 2014 established that many journalists get into trouble because of weaknesses in ethical practice and low educational standards. The study showed that journalists often do things they should not be doing out of ignorance or lack of professional development. When many journalists routinely act unprofessionally, it creates a negative public perception.

The PFI 2019 highlighted the concern that Ugandan media and media workers were slowly getting captured by powerful political and economic forces rendering the media to do things that undermine its independence.

5.3 Journalists ask Parliament for monthly allowances

On 15th May 2019, a group of reporters who report from Parliament, the Uganda Parliamentary Press Association (UPPA) led by its leader Moses Mulondo, visited the Speaker Rebecca Kadaga and requested her that Parliament starts paying the group a monthly allowance. Mulondo also told the Speaker that many of their members earn very little and that the allowance would improve their welfare. The journalists also asked the Speaker that the Parliamentary Commission should inject some money into their savings, cooperative and credit organisation. The Speaker replied that she would study how Parliament in Sweden supports their media.

The UPPA meeting with Kadaga stirred debated in media circles. Many worried over the ethical implication of UPPA’s requests; others said the journalists had betrayed the professional norms and compromised the journalistic cardinal principle of watching over the leaders on behalf of the masses. ‘How would the

55HRNJ-Uganda https://hrnjuganda.org/?wpfb_dl=33
56https://ugandaradionetwork.net/story/journalists-ask-parliament-for-monthly-allowances
parliamentary reporters then hold MPs to account once they start receiving allowance from Parliament?'

UPPA had, however, managed to raise the plight of journalists’ working conditions to the corridors of power and to the media agenda. The essence of Mulondo’s proposition is that there must be a mechanism for State assistance to the media because the industry deals in public information, which is a public good. A series of interventions followed.

HRNJ-Uganda in July 2019 requested Parliament to take seriously the working conditions of journalists and how broadcasters, who use public frequency, treated their staffs. HRNJ-Uganda’s Executive Director, Robert Ssempele while appearing before the Parliamentary Committee on Human Rights Committee chair Florence Engunyu, said that the unfavorable working conditions of journalists constituted a human rights issue that needed to be addressed since it had led journalists into many unethical practices.

The Uganda Human Rights Commission (UHRC) also took interest in the welfare of journalists as a human right. The Commission is of the view that the issue of public information has become a commodity left to market forces. Because of
this, private media owners need to make profits and cut costs. The newsrooms are always the first to suffer these cuts while journalists and journalism are condemned to the periphery of the media business.

“There isn’t enough appreciation of the role of journalism in facilitating freedom of expression and access to information and this is very unfortunate,” Kemigisha says.

The UHRC is developing a policy brief, following discussions with journalists and media owners. The brief to government will seek to have public information recognized as a public good in order to ring fence it. This means that government will be compelled to review all media related policies in that light. All offices and departments will have to provide information and ensure that it reaches the public.

Also government should develop policies that compel media houses to prioritize public information, the journalistic function in media houses and create funding mechanisms to cushion those media houses against sacrificing the journalistic function of providing information.

5.4 Expert views of media professionalism

5.4.1 Rosemary Kemigisha (Former Sunday Vision Editor, Now Editor at UHRC)

“Journalism in the media business should be protected through specific clauses in the licensing of media institutions; government investment in media development and government actively supporting the media business through creative schemes. “The Press and Journalists’ Act 2000 should be reviewed to bring it in line with modern times. Now we have many radios and TV, we have internet and online media. We need to review the whole problem of regulation. We need a law that addresses all that plus some degree of self-regulation.”

5.4.2 Okello Jabwelli (Former journalist and Advocate)

“Take a firm stand towards professionalizing journalism by e.g. standardizing the curriculum and setting entry requirements for one to practice journalism in
Uganda. Review the licensing framework of radio stations with a view to reclaiming broadcast frequencies from those organisations/individuals who neither appreciate journalism nor are willing to remunerate journalists. Following from two above, introduce subsidies for public service/ community media. Strengthen journalists associations and unions.”

5.4.3 Dr. Adolf Mbaine (Journalism and Communication lecturer, Makerere University)

“We have quite some challenges. The threats from the State and from UCC aside, we have some engrained problems. The high turn-over of young and talented people from newsrooms is worrying. Then the increased juniorisation of the newsrooms. People as new as five years old in newsrooms are now the senior editors. Media houses are struggling everywhere. In Uganda many media companies are depending on government advertising to survive and as such they are limited in how far they can go to criticize government and hold it to account. That’s a huge problem; that’s media capture. The media must embrace collective self organisation and also strive to improve on quality of journalism through education and training.”

5.4.4 Haruna Kanaabi (Veteran Journalist)

“People who are managing media houses are more inclined to profits than to freedoms of the media. When they feel that profits are threatened, they bend rules and sacrifice freedoms. There a shortage of refresher courses for journalists to improve themselves. We can also talk about our own failure to stick to the Code of Conduct. Increasingly you find journalists falling in problems because they consume and reproduce WhatsApp content without thorough verification. We have to interrogate the role of journalists in their own misery.”
Chapter Six
Observations and Recommendations

This Chapter summarizes the observations made during the analysis of data collected on cases of violations and abuse that were reported to HRNJ-Uganda in 2019. A few observations are made within 2020 but with a background in 2019.

a) The Uganda Police once again was the lead violator of media rights in Uganda. Police featured in many incidents of violations especially beating and arresting journalists who were covering the Makerere University student strike against fees increments. A journalists’ demonstration against Police brutality at Makerere was also crushed brutally.

However, because of a Police crackdown on Opposition meetings and rallies, there were fewer political contexts for Police violence against the media. Security agencies, including the Police appeared to have changed tactics, from direct confrontation to blocking journalists from accessing news sites and sources.

b) It is also observed that persons who are subject of media scrutiny used Police and other security agencies to arrest and sanction both journalists and media houses involved in investigative journalism to expose possible wrongdoing. Examples are the BBC/NBS investigation into illegal sale of essential drugs from government health units; the Drone Media investigation of gross fraud involving a labour export company as well as the exposure by some online publications of the massive property and land owner by Bank of Uganda top executives who were under parliamentary probe. In all these cases, individuals used the Police to trump charges against journalists in order to disrupt media exposure. However, in all these incidents, the journalists managed to get the stories published.

c) The Uganda Communication Commission was the second biggest violator of media rights. UCC is the regulator of telecommunications and
broadcasting services in Uganda. It is observed that whereas UCC is mandated to regulate spectrum, the duty of disciplining journalists and media houses falls under the mandate of the Media Council. UCC, however, has over the years been extending its reach to sanction media houses and order the disciplining of journalists, which is outside its mandate.

It is also observed that whereas UCC is supposed to be independent in execution of its work, much of that independence was lost when the Uganda Communications Act was amended in 2016 to allow the Minister in charge of ICT and Communication to make regulations without seeking Parliamentary approval. UCC also issued controversial orders such as the suspension of 39 middle level media managers from 13 broadcast stations over spurious charges of breaching minimum broadcasting standards. As noted in the previous Index, UCC acted as the complainant, the judge and the executor in clear breach of democratic practice. This creates fear among journalists and harms the practice of journalism.

d) Arising from the above, it is also observed that while UCC is usurping the powers of the Media Council as provided for in the Press and Journalists Act (2000) Cap 105, the Media Council itself and media institutions do not come out to fight for their space. Only a few media support CSOs and Uganda Law Society speak out.

e) Media platforms whose journalists suffered most were television, radio and online platforms in that order. Journalists from the print media suffered least. This is a fair representation of the reality on the ground where broadcasting and online platforms are the predominant forums for breaking news. Interviews with print journalists however also indicated undocumented fears and pressures from people linked to the State, resulting in self-censorship.

57HRNJ-Uganda. Analysis of the Uganda Communications (Amendment) Bill 2016 https://hrnjuganda.org/?page_id=2639
f) The threat of overzealous Resident District Commissioners has not gone away. They raid radio stations and force opposition politicians out of studios. As the country moves towards general elections early 2021, these RDCs will continue to violate media freedoms unless the government takes tough measures.

g) The conditions in which journalists work are alarmingly arbitrary: poor pay, no contracts and no benefits. Under these conditions, many journalists get involved in unethical practices that demean the profession. It is, however, noted that the issues journalists’ welfare and rights is a complex one that will take a combination of interventions.

Recommendations

1. To the Government of Uganda

   a) Uganda Police Force

   - It is recommended that the Uganda Police Force develops standard operating procedures (SOPs) to guide their officers when dealing with journalists during field operations.
   - The Police should consider developing and incorporating media law in their training schools for especially middle level officers.
   - The Police and other security agencies should demand individual accountability of officers implicated in the violation of media rights as provided in the Human Rights (Enforcement) Act 2019. Disciplinary procedures for these errant officers should also be open and transparent.

   b) The Ministry of Information and ICT

   The new leadership at the Ministry of Information and ICT and at the Uganda Communication Commission should focus more on media development and work towards the relaxation of current media restrictions. The Ministry should also lead the way in the following:
   - Supporting efforts of the Uganda Human Rights Commission to develop a policy that recognises public information as a public good.
• Undertaking a comprehensive review of the working conditions of journalists with particular reference to welfare, remuneration and social security benefits.
• Streamlining the regulatory mandates of UCC and the Media Council with respect to the media.
• Creation of a Tribunal to hear disputes in the sector as is provided for in Section 60 of the Uganda Communications Act, 2013(as amended).
• Promotion of the enjoyment of Internet freedoms as a human right in accordance with the Constitution, Case law and regional and international human rights treaties that Uganda is party to.

c) RDCs
The Office of the President should enhance the capacity of RDCs to understand the media and their role in development.

d) The Judiciary
The Judiciary should expeditiously handle and dispose of all filed cases that relate to the media as well as the constitutional petitions that have a bearing on freedom of expression.

e) Uganda Law Reform Commission (ULRC) should undertake regular reviews of laws that relate to the media for the purposes of updating and harmonising them.

2.0 Development Partners
Development partners are encouraged to support initiatives such as; legal reform of laws that regulate the practice of journalism in Uganda, and the campaign to improve on the recognition of public information as a public good in Uganda.

3.0 Civil Society
CSOs involved in the defense of media freedoms should enhance the capacity of the Police on media rights and rules of engagement.
4.0 **Media Fraternity**

a. Journalists are encouraged to get more organized in order to avoid being manipulated.

b. Media houses and journalist’s organisations should follow up on violations committed against fellow journalists so that they do not become mere Police statistics. They should also advocate for the Police to include violations against journalists as a category in annual Police Crime Reports.

c. Journalists should work to revitalize key organs such as NIJU and the Media Centre. These are recognized by law and mandated to organise journalists in the practice of their profession.

d. Media analysts, CSOs and academia: The media specialists, CSOs and scholars should have conversations about how the various laws that regulate the practice of journalism can be amended to reflect contemporary realities and fundamental rights.
Postscript
The COVID-19 Pandemic and the future of journalism in Uganda

Introduction

The 2019 new Corona Virus Disease (COVID-19) outbreak started in January and it spread very quickly around the world. In March 2020, the World Health Organisation declared COVID 19 a global pandemic. Many countries including Uganda have taken measures to curb the spread of the corona virus such as imposing total lockdowns, suspension of travel, public gatherings, congregation in places of worship, schools, and closing down almost all economic activities except those characterized as essential service providers. It is not time now to assess the level of success of these measures but at least they have affected economies, industry, jobs and community life is profound ways.

The COVID-19 Pandemic and the Media

The pandemic happened before HRNJ-Uganda could launch this Press Freedom Index Report for 2019. The launch was postponed to a later more appropriate time. The lockdown has provided the time also to reflect on the impact of the COVID-19 pandemic on journalism and the media industry in Uganda.

It should be noted that the Government of Uganda declared the media one of the essential services that had to continue operating during the lockdown of the country alongside medical, security, relief, banking, utilities and telecommunication services among others. Indeed most of the media outlets kept updating the country on all developments about the pandemic from around the world, and from the Government.

COVID-19 has also had some immediate impact on the industry. The Vision Group, the biggest media house in Uganda announced suspension of all rural newspapers except the BUKEDDE newspaper which is a Luganda language daily. The suspended weekly newspapers were ORUMURI (in Runyakitara published in Mbarara Municipality, western Uganda; ETOP in Iteso language published in Soroti Municipality, eastern Uganda and RUPINY, published in Luo in Gulu.
Municipality in northern Uganda. Soon after, the Vision Group also announced categories of pay-cuts for most staff for the duration of the lockdown. Later, the Vision Group laid off an unspecified number of staff. It also merged media outlets such as BukeeddeTV1 and 2, Bukeedde FM and Bukeedde newspaper under the newspaper editorship.60

The Nation Media Group-Uganda announced salary cuts for staff across its different media platforms. The Group owns the Daily Monitor, Kfm, Ddembe Fm, Akadirisa Sports Weekly, the East African newspaper and NTV. But the Group did not announce any job losses.

Buganda Kingdom which owns CBS FM 1 and 2 and BBS Television also warned of possible salary reductions in months ahead if the lockdown continued.61 Many other media houses instituted belt-tightening measures during this time. Sports journalism was one of the biggest casualties because all local and foreign sporting activities were suspended. Radio Sanyu, the oldest FM radio station slashed staff salaries by half, which led to a general strike. Management immediately dismissed all staff, including those that had served for over 20 years.

Media firms largely depend on advertising and sponsorship revenue, which happens during normal times. But when the country is locked down, there is hardly any advertising and sponsorship. The suspension of public transportation also forced a number of media houses to use skeleton staff.

The Uganda Journalists Association was among groups of people that appealed for food aid to its members at a time when the Government was distributing free humanitarian food packages to the most vulnerable around the country. Several well-wishers donated to the UJA journalists as well.

Keeping the Audience

Some media houses came up with quick innovations to keep the audience and also cash in on any available advertising revenue. The Vision Group benefitted from a Shs5bn government project to print and insert educational materials for

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students’ self-study during the lockdown. The education inserts, all in English, drove up the sales of Bukedde and the New Vision. BBS TV pioneered sponsored TV lessons for students at home for an average of four hours a day. Several other TV stations followed suit and the Government also announced TV and radio lessons for students on UBC TV and Radio as well as other private radio stations across the country.

**Music Parades**

Another innovation was the introduction of studio based televised dance parties to entertain people in their homes. The dance parades especially between NBS TV and NTV were a show of stiff competition for audience attention. Several other TV stations such as BBS, Urban TV and radio stations such KFM also held night long dance parties, which not only kept home audiences entertained but were also a source of sponsorship and advertising revenue during the hard times.

**Religious services**

Radio and TV stations also filled in the gaps of closed places of worship by providing live and recorded transmission as well as streaming of religious services to followers.

**The future of journalism and the media**

Several media experts were asked for their opinion on how the COVID-19 pandemic will impact on journalism and media practice in Uganda. Below are some of their views:

**Sam Apedel (Corporate Affairs Manager, National Water and Sewerage Corporation)**

“The economic disruption is certainly affecting jobs in media houses like the Vision Group. During economic downturns headlines are not always decided based on the best journalism practices but rather on the economic imperative for the business to survive. Advertisers are going to get more power as media businesses struggle to survive.”
Apedel adds that the media should expect more advertising pressure. “COVID-19 has come with the necessity for lockdowns and encroachment on individual freedoms. Journalists will be victims if they do not pay special attention to privacy issues. We shall also witness the rise of new media platforms for isolated, individual and work at home journalism. There is need for new business models. Newspapers that rely on display advertising and street sales will fold.

There will be a proliferation of citizen journalism with easy to deploy, edit and own online websites. Professional, peer reviewed, gatekeeping journalism will be decline. TV stations are already popularizing virtual concerts and entertainment. News outlets must learn to monetize the new social and online media. Someone has to pay for good journalism. Good journalism thrives under sustainable economic models. The biggest fight for journalism is to save the business. Who will pay for good journalism?”

Paul Kimumwe (Program Officer at CIPESA)

“The media industry will take time to recover from this pandemic. Majority rely on advertising revenue to run, which has taken a hit given the slowdown in economic activities elsewhere. Both government and the private sector have scaled down on their operations, which means that few will actually advertise for their services or programs.

When government departments and private sectors are not working, sources of news also reduce and this affects journalists that rely purely on the number of stories they write. Many media houses will think deep about resurrecting their products that have been suspended for example the Vision Group regional newspapers. Journalists that were working on those products might find it difficult to regain their jobs. The audience might also shift in this competitive environment. Journalists need to ask themselves very hard questions. Do I have enough skills set to bounce back as a journalist or a communications expert somewhere else?”

Peter Okello Jabweli (Advocate and former journalist)

“Well ....if we consider what is happening at the major media houses then Covid-19 has already had the most profound negative influence on journalism perhaps since the time of Idi Amin. Media houses are having to down size, shut down
some brands or business streams such as vernacular papers, lay off workers and restructure in ways not previously thought off.”

**John Baptist Imokola (Journalism Lecturer, Makerere University)**

“I am concerned about journalists receiving food handouts from people and institutions they are supposed to report on. This will affect their independence and objectivity more. The media industry will get smaller, and many media houses will struggle to survive. I suspect some more will close in the coming days, or at least sell out, or in the case of television, even change their programming to more music and movies in attempting to cut down costs of production.”

**Denis Jjuuko (Media, Communications and Visibility Consultant)**

“The job losses and pay-cuts we have seen in NMG and Vision Group and perhaps in smaller media outlets, will affect the quality of journalism. So we shall continue to see an increase in microwave journalism of he-said, she-said. Drop in revenue. With the economy in free fall, the first thing companies cut down besides salaries is advertising—the major source of revenue for the media. But we are also seeing decreasing circulation figures due to lockdown. Most people read newspapers at work and with lockdown, it means few people are buying. On a positive note, technology enabled meeting platform like Zoom and Skype etc. will enable journalists to do much more than before given that multiple sources are now available from anywhere.”

**Some important themes emerge from the preceding comments which call for a little more analysis.**

First the brave new world of **virtual reality**. When countries closed down during the pandemic, many business and services switched to virtual options for meetings, religious services, banking, learning and many more. The future of journalism will depend a lot on how media houses harness the power of virtual platforms and create business models around it.

Secondly, education journalism and media-enabled learning is likely to stay as a genre. Those media houses that refine and innovate around education journalism will reap the benefits.
Thirdly, job losses and pay-cuts will prompt journalists to reskill themselves to meet the challenges of modern times. Newsrooms will become smaller and sensitive to bottom-lines.

Fourthly, related to the above is the whole question of journalists’ rights, welfare and ethics. Whereas, as discussed in Chapter Five, there is debate around questions of rights and welfare for journalists, the impact of COVID-19 on work places recasts the context of whole debate.

Fifth, the Uganda media dedicated time and space to disseminating public information about the pandemic, including the mandatory relaying of presidential addresses on the COVID-19 pandemic. Although the pandemic was big news value in itself, all media especially private media were offering an essential public service. It should be noted that indeed many private broadcast stations offer programs that are of a public service nature. Many of these programs are far richer in quality and creativity than what UBC, the public broadcaster can offer.

The government should consider a stimulus package for the media along the suggestions below:

**De-institutionalize public broadcasting**

The Government of Uganda should change policy and allow private stations offer public broadcasting services at a fee instead of limiting it to UBC. As a way to support the media, and also to develop the media industry including independent media producers, the Government of Uganda should establish an annual competitive (contestable) fund which private media and independent producers can compete for through proposals to produce a range of public service content and air it.
Asking the hard questions

The COVID-19 pandemic has enabled the population to ask many questions about the disease, the response by governments and other actors. The media has the task of asking the hard questions about these and other issues:

- The Response by government
- Measures by relevant government departments
- The reaction of the security forces
- The collective response by East African community (EAC) countries
- The local and international donations to the government COVID-19 fund
- The state of health system post-COVID-19
- Lessons learned

For journalists to ask these hard questions about health service delivery, newsrooms and journalism training schools will have to invest data and science journalism programs, particularly health reporting and writing. Not many newsrooms have these people but they will be key in communicating the complex information around the pandemic.

Safety and Security of journalism

Finally, safety and security of journalists must remain an important factor. Responses to pandemics tend to come with stiff restrictions. Journalists must be enabled to operate in a safe and secure environment as per Principle 20 of the Revised Declaration of Principles of AFCHPR. The Corona virus is an invisible enemy, and media managers should equip their journalists with tools of the trade and the right protective gear during the pandemic.
Journalists hold placards in protest against police brutality.

Police blocks journalists from entering police headquarters in Naguru, Kampala.

Journalists leaders addressing the press immediately after petitioning police leadership over police brutality against the media at Police headquarters in Naguru, Kampala.