Press Freedom Index Report - 2020
Uganda

RESILIENCE
Media in the Face of COVID-19 and Elections
RESILIENCE

Media in the Face of COVID-19 and Elections
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Published by:
Human Rights Network for Journalists-Uganda (HRNJ-Uganda)
Plot No. 1304 Serumaga Road, Kalonda Zone Bukoto, Kampala.
P. O. Box 7472 Kampala Uganda
Tel.: +256 414 272937 | +256 414 667627
Hotline: +256 702 905566
Toll Free: 0800144155,
Email: info@hrnjuganda.org, Website:www.hrnjuganda.org

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“We have been beating journalists to restrain them from going where there is danger. Police beat journalists to help them…for their own safety. When a Police Officer tells you stop, you must stop for your own safety. I won’t apologize for police actions… We will continue beating you”.

Martin Okoth Ochola, Inspector General of Police
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<th>African Charter on Human and Peoples Rights</th>
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<td>ACME</td>
<td>African Center for Media Excellence</td>
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<td>ANT</td>
<td>Alliance for National Transformation</td>
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<td>AoIP</td>
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<td>Bugisu Cooperative Union</td>
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<td>Center for Public Interest law</td>
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<td>CIPESA</td>
<td>Collaboration on International ICT Policy in East and Southern Africa</td>
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<td>COVID-19</td>
<td>Corona Virus Disease</td>
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<td>DIGP</td>
<td>Deputy Inspector General of Police</td>
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<td>Democratic Party</td>
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<td>Forum for Democratic Change</td>
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<td>Intelligent Network Monitoring Verification System</td>
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<td>Kampala Capital City Authority</td>
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<td>Local Defense Unit</td>
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<td>National Unity Platform</td>
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In the same measure, HRNJ-Uganda wishes to appreciate its Executive Board and Staff especially those in the legal and IT departments for their relentless work in the investigation, and documentation of cases analyzed as part of the 2020 Press Freedom Index.

Finally, our sincere gratitude goes to International Freedom of Expression Exchange (IFEX), USAID/Rights and Rule of Law Activity (implemented by Freedom House), OXFAM for the support extended to HRNJ-Uganda and all media practitioners and media houses for exhibiting great courage amidst the storm.
Foreword

Human Rights Network for Journalists-Uganda (HRNJ-Uganda) is pleased to present the 12th edition of the Press Freedom Index Report which outlines the state of media freedom in Uganda in the year 2020.

Since 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 desecrations, and to the realization that they must not be allowed in a democratic dispensation. The 1995 Constitution of the Republic of Uganda (as amended) recognizes and protects press freedoms as part of the fundamental right to freedom of expression. It also protects the right of journalists to exercise their profession.

All this notwithstanding, the enjoyment of freedom of the press is far from becoming a true reality in Uganda. In 2020, HRNJ-Uganda documented 174 cases of violations and abuse, nine cases higher than the previous year 2019, and eleven more than those reported in 2018. The increase may appear minimal, however, an analysis of the statistics points to disturbing trends, especially in the gravity of violations perpetrated by security organisations against journalists. Secondly, despite the limited engagement and reduced activity of the media as a result of Corona Virus Disease (COVID-19) related restrictions, the number of violations has remained high. Thirdly, the Uganda Police Force has once again featured prominently on the list of press freedom perpetrators.

The report further shows that reporters were the most affected with 72.1% of the total number of violations and abuses which was an increase from 60% in 2019. The trend of attacking reporters became apparent in the context of reporting amidst COVID-19 related restriction and even more so during the heated electoral campaigns.

Despite changing forms, press freedoms and abuses continue to manifest. The challenge is that those who perpetrate these acts are hardly brought to book. This has resulted into a culture of impunity in respect of which this report offers several specific recommendations.

We thank all persons who have continuously and relentlessly supported HRNJ-Uganda in advocating for a free press in Uganda. In the same measure we salute all journalists and media practitioners who continue to endure violations and abuses in the exercise of their right to freedom of expression and in the practice of their profession.

I wish you a happy reading.

ROBERT SSEMPALA
Executive Summary

The year “tweny tweny” as pronounced in what became Ugandan lingua, will be remembered as one of the most brutal, and uncertain years in history. The year like many before it, opened with a lot of hope and promise for most people across the globe. This feeling was however short-lived and was instead quickly replaced with fear and panic as the corona virus i.e., COVID-19, reported to have first broken out in China, began to spread to other parts of the world including, the United States of America, South America, Europe, the United Kingdom, Russia, and parts of Asia. Like a wildfire, the virus spread with rage in the early months of 2020, challenging health systems and political leaderships of all countries alike, notwithstanding their development status. The failure to control the spread of the virus led the World Health Organisation (WHO) to declare COVID-19 first, as a public health emergency of international concern on January 30, 2020 and later as a global pandemic on March 11, 2020.

While Africa was among the last continents to be affected by COVID-19, the consequences of its spread in late 2020 have been debilitating. Uganda reported the first case of COVID-19 on March 21, 2020. From this time onwards, the number of confirmed cases and COVID-19 related deaths has risen sharply. According to the WHO, Uganda had as of December 30, 2020 registered 34, 281 confirmed cases of COVID-19 and 248 related death. Even then, these statistics only relate to reported cases and its possible that several more infections and deaths may have passed unnoticed. Besides, the COVID-19 pandemic has brought with it other social, economic, and political challenges. These have equally affected the exercise and enjoyment of press freedom, as well as the practice of journalism.

The 2020 Press Freedom Index shows that the exercise and enjoyment of press freedom was greatly affected by the COVID-19 restrictions imposed by the government of Uganda. The ban of public transportation on March 25, 2020 and subsequently the announcement of a nationwide lock down and curfew on March 30 -while well intended, it frustrated the work of the media in various ways. In the first days of the restrictions, journalists and other media practitioners were greatly restricted in their movements. Those who were caught up in the curfew were brutalized while others were expressly stopped from commuting to their work premises. This greatly affected the ability of media houses to function effectively.

The report also finds that while journalists and other media practitioners were eventually recognized as essential workers -a status that allowed them to move and operate outside curfew hours, they continued to endure acts of brutality in their work. The long-term economic effects of the lock down on media houses also rendered some journalists jobless while others had their employment terms varied to their detriment. As such, many were rendered economically vulnerable in the face of the pandemic -a situation that ultimately affected their ability to practice their profession ethically and efficiently. Despite these challenges, during all this time, the media became a reliable source of information and a platform for dissemination of public awareness messages on the prevention of corona virus.
Finally, in the context of electoral campaigns launched by Uganda’s Independent Electoral Commission (EC) in 2020, journalists and other media practitioners endured various forms of human rights abuses. The 2020 Press Freedom Index shows that several journalists were victims of arbitrary arrests and detentions, assaults, and torture in the hands of security agencies. There were also cases of violent attacks on journalists by mobs during political campaigns. The push back against these attacks and wanton human rights violations inspired a spirited campaign under the hashtag #JournalismIsNotACrime#. Secondly, there was a late attempt to restrict the right of the media to cover political campaigns. The Deputy Inspector General of Police (DIGP) in late 2020 stated that the police would only recognize and cooperate with journalists accredited by the Media Council— a body whose mandate has constantly been contested. Earlier, three international journalists were deported for not having work visas required to cover the electoral process, while other two were turned away upon arrival at the airport at Entebbe. The other press freedom threats took the form of unjustified and stringent directives issued by the Uganda Communications Commission (UCC) requiring online broadcasters to seek its clearance, and its attempts to block 14 You Tube Channels. Lastly, the 2020 report also takes note of the issue of political interference in the work of media houses that dared to host opposition candidates.

In total, the number of press freedom violations reported to HRNJ-Uganda in 2020 was 174. Of these, assaults were the highest at 69, followed by blocked access at 40 and arrests at 29 cases. In addition to this, there were a total of 36 other violations reported. While this represents what may appear as just but a slight increase from the 165 cases reported in 2019, it should be noted that the general state of media freedom deteriorated greatly in the year 2020. Considering the limited engagement and reduced activity of the media due to COVID-19 related restrictions, press freedom violations should ordinarily have dropped, but on the contrary, they increased.

Last but by no means least, in spite of manifest press freedom restrictions and abuses, as well as the challenges posed by the COVID-19 global pandemic, media houses and practitioners for the most part showed great resilience in the face of a difficult year. The media remained a dependable source of news during the pandemic as well as in the evolving political campaign processes. Nonetheless considering that many of the challenges and restrictions to press freedom in Uganda still abound, this report makes the following recommendations.

To Parliament of Uganda and the Uganda Law Reform Commission (ULRC)

Repeal current laws that impose Over the Top Taxes (OTT) on social media. OTT is a major barrier to the enjoyment of press freedom in as far as it restricts journalistic sources, information dissemination and access to information by members of the public. Moreover, ever since it was introduced, it has failed to achieve the set revenue targets but has instead gagged citizens’ access to information. The existence and reliance on Virtual Private Networks (VPNs) have also rendered the tax ineffective.
Set a minimum wage for all employees including those employed in the press and media. This will help to resolve economic exploitation of journalists that has rendered most of them vulnerable to unprofessional conduct and exploitative tendencies.

Pursue and implement urgent reform of obsolete laws that seek to restrict the enjoyment of press freedom such as the Penal Code Act cap. 120. In view of the decision of the court in Charles Onyango Obbo & Anor v. AG, any restriction on the exercise of press freedom should be demonstrably justifiable in a free and democratic society. Offences such as promotion of sectarianism, criminal libel and publication of statements likely to incite violence do not meet this test and should be struck out of Uganda’s penal laws.

Amend the Press and Journalist Act to remove current unrealistic qualification requirements for accreditation of journalists. The issue of accreditation should be left to the media itself as is the practice in most democratic countries.

To the Government of Uganda
Extend COVID-19 related support to media houses and deserving individual media practitioners affected by the pandemic.

To the President and Judicial Service Commission
Urgently establish the Communications Tribunal as directed by Part X of the Uganda Communications Act, 2013 (as amended). In the absence of such a Tribunal, the media has no avenue from which they can seek recourse against decisions of the Regulator that they consider arbitrary.

To the Uganda Communications Commission (UCC)
Work to promote and encourage internet freedoms rather than stifle them. In this regard, the UCC should urgently and immediately lift directives for registration of online broadcasts.

In the event that there are any communications violations committed by online broadcasters, they should be dealt with in accordance with the laws of Uganda rather than subject all of them to burdensome and unjustified registration procedures.

Prioritize and expedite the finalization of the Draft Uganda Communications Tribunal (Practice and Procedure) Regulations, 2020. These are urgent and necessary for the operationalization of the Tribunal established under the Uganda Communications Commission Act to exercise jurisdiction over all decisions related to and made in connection to communication services.
Allow the press and media to self-regulate and set their own standards including those related to online broadcasting. This promotes the spirit of self-regulation by the media – a common and encouraged practice in most democratic countries. Self-Regulation is one of the key principles enumerated in the Declaration of Principles on Freedom of Expression and Access to Information that were adopted by the African Commission on Human and Peoples Rights in late 2019.

Refrain from introducing unjustified restrictions with implications for the work of the media late in the electoral process. Most importantly, the UCC should consult with the media and other stakeholders before introducing onerous compliance requirements.

**Judiciary**

Expedite the hearing and determination of urgent press freedom related cases especially those that are timebound, as including pending constitutional challenges of restrictive media laws, media rights enforcement cases and criminal trials against journalists and other members of the press.

**Security Agencies**

Respect and uphold press freedom, and the right of the media to freely express itself. The right of journalists to practice their profession must at all times be respected and upheld by all including security agencies such as the police and the army.

Quickly investigate reported and all other cases of human rights violations committed against members of the press by members of security organs. All those found culpable must be subjected to the relevant disciplinary procedures and/or tried in accordance with the Human Rights (Enforcement) Act, 2019.

Introduce media rights related training in the curriculum of the police and other security agencies. This will go a long way to improve the human rights record of security agencies and hopefully improve the way that they treat journalists.

**Uganda Human Rights Commission (UHRC)**

Investigate all cases relating to violations of press freedoms especially those committed by the state and its agents. As part of this initiative, appropriate compensation should be provided to victims in deserving cases.

Exercise the mandate bestowed on the Commission by the Constitution to defend and promote citizen journalism and internet freedom both of which are an evolving and important component of freedom of the press and a necessity for any democratic society.
Independent Electoral Commission (IEC)
Make all future electoral processes more open and friendly for the media instead of imposing unjustified restrictions. Any form of accreditation requirements that subject the press to strenuous procedures before they can be permitted to cover the elections should be avoided and discouraged.

Facilitate the participation of the media and create a conducive environment for journalists to report freely and without harassment on electoral processes at all levels i.e., Presidential, Parliamentary and Local Council levels.

Uganda Journalists Union, Uganda Journalists Association & National Organisation of Trade Unions
Support members of the media to bring action for punishment, compensation, and personal responsibility against errant security officials responsible for violations committed against them.

Lobby workers representatives in Parliament to introduce a new Minimum wage Bill for all employees including journalists and other media practitioners. This will go a long way in improving the working conditions of journalists and other workers.

Media House Owners
Respect and uphold the labour rights of journalists, and other members of staff employed by media houses. This will go a long way in improving the welfare of journalists and their working environment. Above all it will help mitigate against unprofessional conduct of journalists that is often occasioned by their economic vulnerabilities.
CHAPTER ONE
INTRODUCTION & CONTEXT
INTRODUCTION & CONTEXT

1.0 Background

Press freedom entails the right to publish, circulate information, thoughts, and opinion without censorship. It is often used interchangeably with media freedom albeit the latter is much wider in the sense that it goes beyond print media i.e. newspapers, magazines and pamphlets, to include other forms of the media, such as those that involve electronic mediums of expression i.e. radio, television, and internet platforms such as blogs and social media sites. This said, both press and media freedoms are derived from the right to freedom of expression which itself entails the right to impart and receive information both of which are critical components of democracy.

The Press in Uganda has come a very long way i.e., over 130 years. In the 1890’s, the Mengo Notices became the first print media publication in the country’s history. This was followed by the introduction of two major newspapers in the 1900’s.

2 Ibid. Pg.3
In the 1990’s, the media registered even more exponential growth as a result of the introduction of liberal reforms which among others promoted private ownership of first the print media, and later broadcasting services. As of 2015, Uganda had slightly over forty newspapers (40). These include both public and privately owned newspapers. In terms of broadcasting media, the most recent media landscape report shows that as of February 2019, Uganda had nearly three hundred (300) and thirty (30) licensed radio and television stations, respectively. These are all positive developments, and indeed the media has played several political, social, and economic roles over the years. However, this has not been without its own challenges. For example, in the 1950’s, the media was harassed for its pro-nationalism stand against the British colonialists. As a result of this persecution several media practitioners were forced to flee to exile and others deported. In the post-independence period, the media faced the wrath of Idi Amin’s militarism and autocratic leadership. Several critical journalists disappeared in the hands of the State while others were forced to flee the country for their life. Post Amin, the media became a victim of the political instabilities faced by the country in the early 1980s. It is only at the coming into power of the National Resistance Movement (NRM) in 1986 that the media was able to enjoy some relative freedom. In 1995, the NRM oversaw the enactment of a new Constitution that among others recognized and strengthened protection of press freedoms, and other attendant rights. However subsequently the NRM’s long stay in power has created intolerance to political criticism, and divergent political views and opinions. Since the media is often a career of these opinions, it has become both a subject of restriction and target of regime persecution.

It has thus been observed that the status of press freedoms in Uganda is one that is full of unique contradictions. On the one hand, there is relative recognition and protection of media freedoms, and on the other hand restrictions, threats, abuse and violations of media rights by both public and private actors still prevails. It is against this background that, the Human Rights Network for Journalists-Uganda (HRNJ-Uganda) was established in 2005. The mandate of the organisation involves the promotion, protection, respect and defence of press freedoms in Uganda. In this endeavor, HRNJ-Uganda monitors, conducts research and documentation of the state of press freedom in Uganda. In particular, HRNJ-Uganda produces a Press Freedom Index every year.

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2 Juuko, The 4th Estate, Pg. 3
The 2019 Press Freedom Index Report is the most recent of these reports. According to this report, in 2019 the media was faced with multiple challenges, restrictions and press freedom. These took the form of acts of brutality committed against media practitioners by security agencies most especially the police. The report also shows that most of the media violations targeted broadcasting and online platforms. The other forms of violations reported include the unjustified suspension of editors and producers by the Uganda Communications Commission (UCC), unjustified meddling into the affairs of media houses by especially Resident District Commissioners, unreasonable surveillance of online businesses, and the prevalence of unfavorable working conditions for journalists. Regrettably, all these violations greatly impacted the enjoyment of press freedoms and the practice of journalism in the country. Finally, according to the report, the police was responsible for 60% of all reported violations, UCC for 22% while the Uganda Peoples Defence Forces (UPDF) and mobs were each responsible for 3.6% of the total reported violations.6

Flowing from this, the 2020 Press Freedom Index Report is the twelfth edition and, seeks to build on previous findings, establish trends, and to report on the general state of press freedom in the country during the year 2020. In this respect, the report has the following specific objectives.

1.1 Specific Objectives of the 2020 Press Freedom Index

- To provide credible evidence for advocacy on safety of journalists and identify priority and/or emerging media safety needs for intervention by relevant stakeholders.

- To study and analyse quantitatively the data about violations and abuses of media freedoms for the year 2020 so as to establish main trends on press freedoms by looking at political, social, technological and economic factors.

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

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

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

• To make recommendations to relevant stakeholders on the way forward.

1.2 Methodology
The development and compilation of the 2020 Press Freedom Index Report relied on a combination of research methods. Initially, a desk review of primary sources of literature was undertaken mainly to understand the laws and regulations relating to the exercise and protection of press freedoms in Uganda. Some of the laws reviewed in this respect include the Constitution of the Republic of Uganda, 1995 (as amended), Press and Journalists Act, Penal Code Act cap 120 and Uganda Communications Act, 2013 (as amended). The various Regulations passed under each of these laws were also considered in the review. In this same measure, the review took into consideration regional and international human rights instruments that Uganda is party to. These include the International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples Rights (ACHPR)

Still as part of methodology, secondary sources of literature constituting of newspaper articles and press freedom reports were reviewed to provide context and understanding of the exercise and enjoyment of press freedoms in practice. For this same reason, in-depth interviews were conducted with key individual members of the media fraternity, industry regulators, owners of media houses, individual journalists and media rights practitioners, media rights promoters and defenders, politicians, academia, and members of the greater public.

More importantly, the compilation of the report greatly relied on the database of press freedom violations reported and documented by the Human Rights Network for Journalists Uganda during the year.

1.3 Structure of the Report
The report is structured into five chapters as explained below.

Chapter 1 constitutes of the introduction and context to the study. It provides the background to press freedom rights in Uganda and clarifies on both the methodology and objectives of the 2020 Press Freedom Index Report.

Chapter 2 looks at the legal and institutional framework for Press Freedom in Uganda. In this respect the chapter explores national and international legal and policy frameworks for the exercise of press freedom both as a civil right, and as an economic right. The Chapter also outlines the laws that seek to regulate the practice of
journalism in Uganda, and the extent to which each of these advances press freedoms in practice. Importantly, the laws reviewed in this chapter provide a basis for the subsequent one on the status of press freedom as gauged from the number of reported violations.

Chapter 3 looks at the status of enjoyment of the Right to Freedom of the Press in Uganda. In this respect the Chapter documents the manifestation of human rights violations and abuses committed against journalists and media houses in the year 2020. It also considers the emerging and persistent trends of threats to the practice of journalism in Uganda over the years.

Chapter 4 looks at the state of internet freedoms in Uganda. It briefly highlights the legal framework for the enjoyment of internet freedoms. It also explores implications of the UCC Directive to all Online Data Communication Service Providers to register and obtain licences before they engage in any form of operation. The Chapter also assesses the implications of the government of Uganda move to block YouTube channels.

Chapter 5 constitutes of the conclusion and the list of recommendations.
CHAPTER TWO
LEGAL FRAMEWORK FOR PRESS FREEDOM IN UGANDA
2.0 Introduction

Press freedom may be broadly defined as the right to publish, circulate information, thoughts, and opinion without censorship. The United Nations Human Rights Committee (HRC) has opined that freedom of the media is part and parcel of the freedom of expression and in this respect it “implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.”7 To this, the committee has added that the public has “a corresponding right to receive media output.”8 In this sense, freedom of the press is a right that belongs to everyone and not just the press and/or the media. This is also reflected in the legal and policy framework for press freedom in Uganda.

Moreover, legal and policy framework for press freedom in Uganda may be classified into three broad and often contradicting categories. The first category relates to national, regional, and international legal frameworks which provide for the recognition, promotion, and enjoyment of press freedoms as both civil and economic rights. The second category constitutes of domestic laws that seek to regulate the practice of journalism, and by implication the enjoyment of press freedoms in Uganda.

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7 UN Human Rights Committee (HRC), General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34, Para. 13. available at: https://www.refworld.org/docid/4ed34b562.html
8 Ibid.
The third and last category relates to laws that manifestly criminalize the work of journalists and other media practitioners.

2.1 Recognition and Protection of Press Freedoms
Press freedoms are recognized and protected in a plethora of international and regional human rights instruments several of which are binding on Uganda, as well as under the country’s national laws. The extent to which each of these laws and instruments protects press freedoms is elaborated further below with specific emphasis being placed on those that had the greatest impact on the status of press and media freedoms in Uganda, in 2020.

2.1.1 International Treaties
A. Universal Declaration of Human Rights (UDHR)
At the international level, press freedoms were first recognized by the Universal Declaration on Human Rights (UDHR). Article 19 of the Declaration recognizes that freedom of expression includes press and media freedom. It provides to the effect that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Although the UDHR is not binding on states, it has inspired the formulation of other binding human rights treaties.

B. International Covenant on Civil Political Rights (ICCPR)
Uganda is a state party to the International Covenant on Civil Political Rights (ICCPR) of 1966 having acceded the treaty on June 21, 1995. The ICCPR recognizes the right of everyone to freedom of expression which includes the right to seek, receive and impart information and ideas. Article 19 of the ICCPR states thus:

1. Everyone shall have the right to hold opinions without interference.

2. 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.

In 2011, the United Nations Human Rights Committee (UNHRC)- a body established to oversee the implementation of the Treaty by the State Parties adopted General Comment No.34 for purposes of providing an interpretation guideline in respect to the meaning of the rights protected in Article 19 of the ICCPR. In respect to press and media freedoms, the Committee observed that.

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11 Ibid, Article 19.
12 General Comment No. 34 on Article 19 of the International Covenant on Civil Political Rights Available at https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf.
A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society. The Covenant embraces a right whereby the media may receive information on the basis of which it can carry out its function. The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output.\textsuperscript{13}

Paragraph 15 of the United Nations Human Rights Committee General Comment No. 34 states further;

State parties should take into account of the extent to which developments in the information and technologies, such as the internet and mobile based electronic information dissemination systems, have substantially changed communication practices around the world. There is now a global network to exchange ideas and opinions that does not necessarily rely on the traditional media intermediaries. State parties should take all necessary steps to foster the independence of the new media and to ensure access of individuals thereto.\textsuperscript{14}

In summary, Article 19 of the ICCPR creates binding obligations on Uganda as a state party, to respect, protect, fulfill and promote press and media freedoms as part of the right to freedom of expression. The provision equally recognizes that press freedoms are not restricted to traditional media. For this reason, the protection and enjoyment of press freedoms extends to evolving developments in the media, such as internet and mobile based electronic information dissemination systems. It is partly on this basis, that the United Nations pronounced the right to the internet as a human right in 2016.\textsuperscript{15} Third and last, press freedoms are not a preserve of the media but extend to the general public which has a corresponding right to receive media output. This goes to show that press freedom is fundamentally a civil and political right.

\textbf{C. International Covenant on Economic Social and Cultural Rights (ICESCR)}

Besides the fact that press freedom should be protected as a fundamental civil political right for all, there are other important rights that must exist for the state to function effectively. These are referred to as rights in the media and constitute of largely social economic rights.\textsuperscript{16} In this context the International Covenant on Economic, Social and Cultural Rights (ICESCR) which Uganda acceded to in 1987 becomes an important mechanism for guaranteeing those rights.\textsuperscript{17}

\textsuperscript{13} Ibid
\textsuperscript{14} Ibid. para 15.
\textsuperscript{16} Jjuuko, The 4th Estate, pg. 20
The ICESCR protects and promotes media rights in as far as it guarantees the right to work. This right extends to and is critical for the media to function effectively. Journalists and other media practitioners and professionals should be afforded a free and conducive working environment, if the media is to flourish as an independent and professional entity. Similarly, media practitioners should be allowed to practice their chosen profession without interference from the state and other actors. Article 6 of the ICESCR is instructive in this respect. It states as follows.

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

### 2.1.2 Regional Treaties

#### A. African Charter on Human and Peoples Rights (Banjul Charter) 1981

At the regional level, there exists several instruments for the protection and promotion of press and media freedoms. The most fundamental of these is the African Charter on Human and Peoples Rights (ACHPR) ratified by Uganda on May 10, 1986. The charter recognizes and expressly protects press freedom as a key component of the civil political right to freedom of expression. Article 9 of the Charter 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.

Being one of the few human rights treaties that combines civil political rights on the one hand and economic social cultural rights on the other, in one single document, the ACHPR also makes recognition of economic rights in the press. Article 15 of the Charter is to the effect that “Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.” This right applies to journalists and other media practitioners in equal measure.

#### B. Declaration of Principles of Freedom of Expression and Access to Information, 2020

The African Commission on Human and Peoples Rights which is charged with the task of overseeing the enforcement of the Banjul Charter has expounded on the provisions of the Charter.
Article 9 in its Resolution 62 of 2002. The Resolution recognized “the key role of the media and other forms of communication in ensuring full respect for freedom of expression, in promoting the flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy.” In this regard and as part of the Resolution, the African Commission on Human and Peoples Rights adopted the Declaration of Principles of Freedom of Expression, 2002.

After eighteen years since these Principles were first adopted, the Commission published a revised and more comprehensive version of the Declaration in 2020. The revised Declaration reiterates most of the earlier principles and rights such as, the right to express oneself through the media by practicing journalism, protection and safety of journalists, protection of journalistic sources, media independence and self-regulation, the right not to be subjected to undue legal restrictions, the right of the media to organize itself into associations, and the obligation of states to put in place a conducive economic environment for the media to flourish.

Over and above, the 2020 Declaration recognizes freedom of information as an important aspect of press freedoms while at the same time taking into consideration of recent developments impacting media freedoms. In this sense, the Declaration specifically provides for the protection of rights of freedom of expression and access to information online. The other press freedoms recognized relate to access to the internet and equal access to internet traffic, proactive and maximum disclosure of information, whistle blower protection, privacy protections, media diversity and pluralism.

Needless to note that while Declaration of Principles of Freedom of Expression and Access to Information in Africa, 2020 may not be legally binding, they provide an instructive guideline for states in fulfillment of their obligation to protect press freedoms. For this reason, the Principles have become an important and common reference both to the African Commission on Human and Peoples Rights, and national courts when deciding on state obligations and the limits of the right to freedom of expression and access to information both of which are fundamental for the media to thrive.

The African Charter on Democracy, Elections and Governance (ADEG) is a major treaty that sets standards for good governance, democracy, and human rights in Africa. It was adopted by the African Union on January 30, 2007 but only came into force on February 15, 2012.
Although Uganda signed the treaty on December 16, 2008 it is yet to ratify it. Nonetheless, Article 27 (8) of Charter provides to the effect that “In order to advance political, economic and social governance, State Parties shall commit themselves to promoting freedom of expression, in particular freedom of the press and fostering a professional media.” This provision greatly underlines the importance of media freedoms in electoral and democratic processes.

2.1.3 National Laws
At the national level, there exists three categories of laws i.e., those that advance the enjoyment of media freedoms, those that seek to regulate the media and, those with criminal implications for the media.

2.1.3.1 Laws that promote Freedom of the Media.
A. Constitution of the Republic of Uganda, 1995 (as amended)
The Constitution which is the supreme law of the land guarantees media freedoms in three major ways. First, it makes express recognition of the civil political right of the press and other media. The right is protected as part of the broader right to freedom of expression. In this regard, Article 29 of the Constitution provides to the effect that “Every Person shall have the right to freedom of speech and expression which shall include freedom of the press and other media.”

Secondly and critical for the full exercise and enjoyment of media freedoms is the right of access to information. Under Article 41 of the Constitution, every citizen has the right to access information in the possession of the State or any other organ or agency of the State. This right is only subject to two exceptions i.e., where the release of information is likely to prejudice the security or sovereignty of the state or interfere with the right to privacy of any other person. It should be noted that besides the constitutional right, freedom of information is firmly protected under the Access to Information Act, 2005. The Act was made pursuant to the provisions of Article 41 (2) wherein Parliament was enjoined to pass a law prescribing the procedure for obtaining access to information in possession of the state and its agencies.

The Constitution also makes provision for other rights that are key in the exercise of media freedoms (sometimes referred to as rights in the media). These include the right to work and to practice one’s profession. Article 40 (2) provides thus “Every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business.” This right undoubtedly extends to the practice of journalism. The other rights recognized under the Constitution which have implications for the exercise of media freedoms include freedom from torture, cruel and degrading punishment, freedoms of conscience and thought, association and movement.
Moreover, the Constitution contains a general provision as to what constitutes acceptable limitations on the enjoyment of fundamental rights and freedoms guaranteed under it.\textsuperscript{31} In the context of media freedoms, it was held in the case of Charles Onyango Obbo & Anor. Vs AG, Constitutional Petition No. 2 of 2002 that any limitation to be imposed on the enjoyment of the right to freedom of the press and the media must be demonstrably justifiable in a free and democratic society.\textsuperscript{32} The court went ahead to apply this reasoning to strike down the offence of publication of false news since it unjustifiably criminalized freedom of expression.

2.1.3.2 Laws that seek to Regulate the Media in Uganda
There are two major laws that seek to regulate the media in Uganda. These include the Press and Journalists Act, 1995 and the Uganda Communications Act, 2013 (as amended). The former is more tilted towards regulation of print media while the latter concerns itself with the regulation of broadcasting.

A. Press and Journalists Act, cap.105
The objective of the Press and Journalists Act is stated to be “to ensure the freedom of the press, to provide for a council responsible for the regulation of mass media and to establish an institute of journalists of Uganda.”\textsuperscript{33} In 2010 there were proposals to amend the law to introduce even more stringent provisions for the practice of journalism, but these were met with a lot of resistance from the media fraternity.\textsuperscript{34} In the end these proposals were shelved. However, in yet another maneuver three years later, the law was amended to include a more detailed code of ethics for journalists.\textsuperscript{35} In the circumstances, the major motivation of current provisions in the law is professionalization of the practice of journalism. In this regard, the law establishes the National Institute of Journalists of Uganda (NIJU) whose core mandate is to uphold professional standards of journalism.\textsuperscript{36} An additional body i.e., Media Council is established to regulate the conduct and promote good ethical standards and discipline of journalists.\textsuperscript{37}

The challenge with the approach taken in the law, is that it looks at journalism as any other traditional profession and does not recognize other forms of evolving journalism especially those championed by individual citizens. It should be recalled that in General Comment No. 34, the United Nations Human Rights Committee has observed that “Journalism is a societal function that is shared by wide range of actors, including professional fulltime reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere, and general state systems of registration

\textsuperscript{31} Ibid, Article 45
\textsuperscript{34} Press And Journalist (amendment) Bill, 2010
\textsuperscript{36} Ibid, Section 13
\textsuperscript{37} Ibid, Section 8
or licensing of journalists are incompatible with Paragraph 3. Given this challenge, the constitutionality of the Press and Journalists Act is one that is constantly challenged. Instead of advancing press freedoms, the law stifles its enjoyment by especially citizens and other non-traditional members of the media.

**B. Uganda Communications Act, 2013 (as amended)**
The main purpose of the law as stated in its long title was to consolidate and harmonize, the Uganda Communications Act and the Electronic Media Act. The law also sought to dissolve the Uganda Communications Commission and the Broadcasting Council, and to reconstitute them as one body known as the Uganda Communications Commission (UCC).

The functions of the UCC as established under the law are stated to include among others, monitoring licensing and supervision of communication services, allocation and management of frequency spectrum resources, and the investigation and arbitration of complaints relating to communication services. The law also establishes a Communication Tribunal with jurisdiction to determine over all matters relating to and arising to decisions made in connection to communication services. Finally but of equal importance, the law provides for separate minimum broadcasting and ethical standards. The former are designed to regulate the content of programmes while the latter are applicable in regulation of the conduct of broadcasters.

**2.1.3.3 Criminal Laws with Implications for the Media**

**A. The Penal Code Act, Cap 120 (as amended)**
The Penal Code Act defines the general rules applicable in the establishment of criminal responsibility. As part of this, the law also defines the different forms of offences that attract sanctions under Ugandan law. Broadly, these include offences committed against the state and/or any other lawful authority, those against public order and health as well those committed against the individual person and property. Although as stated above the Penal Code is largely concerned with the general spectrum of public offences, some of its provisions have implications for the exercise and enjoyment of press freedoms. These include provisions relating to criminal libel, publication of information prejudicial to the security of the state, publication of statements intended to incite violence, and the promotion of sectarianism.

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38 United Nations Human Rights Committee, General Comment No. 34 on Article 19 of the ICCPR, Para.44.
39 Long Title, Uganda Communications Commission Act, 2013.
40 ibid, Section 5.
41 ibid, Section 64
42 Section 31 and Schedule 4 on Minimum Broadcasting Standards. See also Section 32 and Schedule 1 on Ethical Broadcasting Standards.
44 ibid, Sections 41, 51 and 179-186,
It should be noted that earlier on, the law also criminalized the publication of false news and sedition, but these have since been struck out by the courts on the basis that they were unconstitutional.\textsuperscript{45}

Lastly, criminal provisions with implications for the exercise and enjoyment of press freedoms also exist in some media specific laws. The Press and Journalists Act for example makes it an offence to practice journalism without a Practicing Certificate.\textsuperscript{46} The failure to provide particulars of the editor of any mass media to the Media Council is also an offence.\textsuperscript{47} On its part, the Uganda Communications Act, 2013 (as amended) also establishes several offences in relation to broadcasting. Just as an example, it is an offence to broadcast without a broadcasting licence under the law.\textsuperscript{48}


\textsuperscript{46} Section 27, Press and Journalists Act cap 105

\textsuperscript{47} \textit{Ibid}, Section 5.

\textsuperscript{48} Section 27, Uganda Communications Commission Act, 2013.
CHAPTER THREE

RIGHTS AND FREEDOMS OF THE PRESS IN UGANDA
3.0 Introduction

“Our journalism has stopped being discerning journalism. Our journalism has been mostly journalism that records. We have done a good job reporting events, figures as they are read out by government officials, but we have not done a good job asking questions and also bringing perspective to the public.”

This Chapter will consider the status of enjoyment of the right to freedom of the press in Uganda. In this respect the chapter documents the manifestations of human rights violations and abuses committed against journalists and media houses in the course of the year 2020. It also considers the emerging and persistent trends of threats to the practice of journalism in Uganda over the years.

3.1 Violations and Abuses

In total One Hundred Seventy-Four (174) cases of human rights violations and abuses against journalists and media practitioners were reported to HRNJ-Uganda in 2020. This was an increase from the 165 (One Hundred and Sixty-Five) cases reported in 2019, and eleven cases more than the 163 (One Hundred and Sixty-Three) cases reported in 2018.
3.1.1 Assaults
Assaults were the highest number of all the total cases reported at 71. This was a drastic increase from 26 and 37 reported assaults in 2019 and 2018, respectively. Of the total of 71 assault cases, 42 emanated from election campaigns, 15 were committed during the implementation of the Presidential Directive of a national lockdown and curfew as part of the measures to limit the spread of COVID-19. The rest of the 14 were from other isolated incidences. It is reported that most of the journalists suffered injuries while covering stories during the national lockdown and in the course of the campaign period. These assaults were perpetrated by both state and non-state actors.

3.1.2 Blocking Access
Cases involving the blockage of access to media houses, and for journalists to news sources constituted the second most violated right in 2020. In total, 40 cases were reported which was slightly less than the 44 in 2019 and the same as was reported in 2018. The cases entailed blocking candidates from accessing media outlets and journalists from covering events. Examples of these include the December 30th arrest of Presidential Candidate Kyagulanyi Ssentamu Robert in Kalangala District where the Uganda Peoples Defence Forces (UPDF) blocked Abubaker Lubowa a photojournalist with Daily Monitor, Jonah Atusingwire a Reporter with Pearl FM and Ali Mivule a Reporter with NTV among others from covering the arrest. On the same day, three journalists to wit: Richard Kalema of Ghetto TV, Geoffrey Mutanya a freelance journalist and Mulimira Musa also a freelance journalist were arrested and are currently remanded at Kitalya government prison. The matter is before the General Court Martial.

3.1.3 Arrests
These were the third highest violations with 29 reported cases. However, the number of arrests registered a decrease from the 36 and 31 cases reported in 2019 and in 2018 respectively. Most of the arrests were conducted in the course of the electoral processes as journalists were covering events of the campaigns of candidates.

3.1.4 Other Violations
In addition to the above stated specific violations, 4 journalists were charged with

Table 1: Nature & Number of Human Rights Abuses and Violations Reported in 2020

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<thead>
<tr>
<th>Violation or Abuse</th>
<th>No. of Violations or Abuses</th>
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<tbody>
<tr>
<td>Assaults</td>
<td>71</td>
</tr>
<tr>
<td>Arrests</td>
<td>29</td>
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<tr>
<td>Blocking Access</td>
<td>40</td>
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<tr>
<td>Charged with obsolete offences</td>
<td>4</td>
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<tr>
<td>Confiscation of gadgets</td>
<td>3</td>
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<td>Damage of Equipment</td>
<td>8</td>
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<td>Deportation</td>
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<tr>
<td>Fired</td>
<td>1</td>
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<td>Footage Deletion</td>
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<tr>
<td>Shot at</td>
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<tr>
<td>Switched off</td>
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<tr>
<td>Pepper Sprayed</td>
<td>2</td>
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<tr>
<td>Attacked</td>
<td>1</td>
</tr>
<tr>
<td>Threatened</td>
<td>5</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>174</strong></td>
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promoting sectarianism; at least 2 cameras of journalists who were covering the campaign trails of Presidential candidates Patrick Obboi Amuriat of the Forum for Democratic Change (FDC) and Kyagulanyi Ssentamu Robert of the National Unity Platform (NUP) were confiscated by security personnel, 1 journalist’s camera was confiscated during the lockdown, 8 equipment belonging to journalists were damaged by the police, 2 journalists were pepper sprayed at, 1 journalist was shot at while covering the campaign trail of Kyagulanyi Sentamu Robert; 3 foreign Canadian journalists were deported; 1 journalist was fired for writing pro opposition messages; 4 journalists were ordered by the police to delete their footages; 1 journalist was attacked; 5 were threatened, and 2 radio stations that had hosted opposition presidential candidates were switched off on orders from security personnel.

3.2 Nature of violations and abuses
The practice of journalism in Uganda was characterized with challenges, risks and threats arising from the outbreak of COVID-19 global pandemic, electioneering period and attempts to revise the Radio licensing framework. These made the practice of journalism during the year highly unfavorable.

3.2.1 Violations and abuses in the context of the COVID-19 global pandemic
The outbreak of COVID-19 challenged mainstream journalism to step out of its comfort zone and embrace the new normal of working remotely, embrace new alternatives and strategies of investigative reporting and the need for the media to run without necessarily relying on advertisements. The Public Editor of Nation Media Group Uganda Charles Bichachi observed that “Our journalism has stopped being discerning journalism. Our journalism has been mostly journalism that records. We have done a good job reporting events, figures as they are read out by government officials, but we have not done a good job asking questions and also bringing perspective to the public.”

In the same measure, 26 young Ugandan Journalists undertook a training on fact checking and digital verification of information on the COVID-19 pandemic where they were equipped with skills of reporting and investigating stories.

In the Postscript of the 2019 Press Freedom Index, the initial implications of the pandemic to the media fraternity were highlighted which entailed suspension of the local print media by media companies like the New Vision; pay cuts for Staff and laying off of staff; and merging of media outlets among others.

Despite these challenges, the key role of journalists in helping to curb the spread of the pandemic throughout the year 2020 cannot go without recognition. The media created

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49 Clare Muhindo. COVID-19 forces Ugandan media to face its weaknesses and prioritize its roles. ACME May 5, 2020. Available at: https://acme-ug.org/2020/05/05/covid-19-has-forced-uganda-media-to-face-its-weaknesses-and-prioritise-its-role/
awareness by relaying messages to the public on COVID-19 and the need to safeguard against its spread. Journalists acted as informants and first responders to the fight against the pandemic in far to reach areas and vulnerable societies. A case in point was Spice FM a local radio station in Hoima District where the Kyangwali Refugee settlement is hosted. The journalists at Spice FM played a key role in disseminating and translating the information on COVID-19 into local languages as well as combating the myths on the pandemic.51 But in doing so, journalists put their health at risk. Sarah Biryomumaisho a multimedia journalist observed that “In Uganda, I have seen many journalists put their health at risk to cover stories. I know of journalists who, without any help from their media houses, have risked it all to cover these stories. This pandemic has shown me that journalists are the least cared-for people in Uganda. No one has thought of testing journalists who have been covering stories for COVID-19.”52

Despite these huddles, the media houses under the National Association of Broadcasters (NAB) called upon government to facilitate the awareness messages and campaigns (through a contribution of 15 billion shillings per month) that media houses would be running on COVID-19 for the months of April, May and June 2020 but this fell on deaf ears.53 HRNJ-Uganda also called upon the President of Uganda to enforce the safety of journalists.54 Aside from the role of journalists in controlling the spread of the virus, the outbreak of COVID-19 also created a number of challenges and obstacles to the practice of journalism. These are highlighted below to include:

### 3.2.1.1 Banning of Journalists.

The media was banned by the Arua district COVID-19 task force from attending its weekly meetings where they were soliciting for funds for the support of their operations to fight the spread of the pandemic. The then Arua Resident District Commissioner (RDC) Nahori Oya who was also Chairperson of the Task force informed the Red Pepper publication that “We have decided that the media should not be part of our meetings because they may distort our discussions. Now what was agreed upon is that I will address the media after meetings myself” In response to the ban, the Chairperson of West Nile Press Association Clement Aluma noted that “The decision to ban the media from Arua District Task force meetings was very unfortunate. In any case, journalists in West Nile and Arua in particular have been doing their work professionally enough and as a result, their day-to-day operations don’t warrant any fear of distorting of information at all. We are mandated to inform the public on facts and that is what we have been doing. We are all aware that individuals, NGOs and other organizations are raising funds and other material support to the task force through their weekly meetings. Now how will the accountability of these funds reach the public if journalists are banned from covering the meetings?”

Earlier on, Sabir Musa and Kevin Vusia reporters with Radio Pacis, Candia Stephen a Bureau Chief with URN, Robert Ariaka a reporter with New Vision, Edna Piyic a reporter with Arua One Radio, Warom Felix a reporter with Daily Monitor, Pamela Atim and Dramadri Fredrick all reporters with Radio Pacis, Balinda Jeremiah a reporter with Access FM, Amvesi Andrew Cohen a reporter with Red Pepper, Tony Ezekiel and Franco Anwangkani Reporters with Voice of Life FM were thrown out of the meeting by the LC 5 Chairman Sam Nyakua, Assistant Chief Administrative Officer, Sandra Ewacabo and Paul Drileba, the District Health Officer and COVID 19 Focal Point Person on grounds that journalists were biased on reporting negative outcomes of the meetings.

In a related incident, the then Deputy Resident District Commissioner (RDC) for Arua Alice Akello, and the District Health Officer Paul Drileba threatened to arrest and sue Warom Felix Okello, Bureau Chief of Daily Monitor, Ariaka Robert of New Vision and Nyakuni Alfred a presenter of Radio Pacis for publishing the story of the nurse Doris Okudinia who wheeled a patient from Ediofe Mission Health Centre III to Arua Regional Referral Hospital due to failure by the district task force to provide an ambulance in time to save the life of the patient. Unfortunately, the patient later died after being wheeled for two kilometers to the hospital. Akello accused the journalists of tarnishing the name of the district COVID 19 task force and the government.

3.2.1.2 Threats to Media Houses.

On March 20, 2020 the Uganda Communications Commission (UCC) issued a letter to radio, television and online broadcasters to caution them on their obligation to ensure the truthfulness of the information that they disseminate.55 Two days later on March 22, 2020 UCC again issued another public advisory notice warning the public to desist from spreading false and unverified information.56 It was alleged that in contravention of these obligations, NTV on its morning programme of March 26, 2020 hosted a one Simon Senyonga who made questionable statements in relation to COVID-19. In the same vein Spark TV on March 27, 2020 hosted the late Pastor Augustine Iga of the Revival Church Kawala on its Live Wire Programme where he made statements questioning the presence of COVID-19 in Uganda. Another TV station BBS TV was accused of broadcasting misleading statements made by the late Pastor Augustine Iga on COVID-19 on its Programme “Ebyokya Ku Wiikendi” which was broadcast on March 28, 2020.

UCC alleged that these programmes were undermining the efforts by the Government of Uganda to fight the rampant spread of COVID-19.57 The Acting Executive Director of UCC Eng. Irene Kaggwa Sewankambo stated that “the concerned broadcasters had aired material that had the potential to confuse, divert and mislead unsuspecting members of the public against complying with the guidelines issued by the government authorities on the Corona virus.” UCC therefore issued a notice to the three TV stations to show cause

55 Available at: https://www.ucc.co.ug/advisory-letter-to-broadcasters/
56 Public Advisory Notice on Circulation of Fake Information. Available at: Uganda Communications Commission Blog https://www.uccinfo.blog
57 Ibid
why regulatory sanctions (suspension of their licenses) should not be taken against them in addition to charges and prosecution under Section 171 of the Penal Code Act cap120. The TV stations were given only five (5) days within which to provide explanations to the said allegations. This tantamount to threats against media houses by the UCC and a way of silencing them.

3.2.1.3 Other incidences of violations and abuses

Arrests

Gwebayanga Tom a Reporter with the New Vision was arrested and detained for two nights for a story that was published in the New Vision on 21st April 2020. Tom noted that “I wrote a story in the New Vision talking about theft of money that was donated by the International Development Institute to fight COVID-19. The organization gave 80 million shillings to the district COVID-19 task force in cash, but they decided to share the money. The RDC got to know and wasn’t happy with the decision”. Tom was interrogated by the Vice Chairperson of Kamuli district Vincent Galisansana and asked to reveal his source of information. Tom further notes that “They asked me where I got the information and I refused to disclose, they took me in another room and forced me to apologize in the presence of a police officer who had a gun”.

Assaults

Approximately 15 journalists were assaulted while covering the campaign on COVID-19. Julius Ocungi, a Reporter with the Uganda Radio Network (URN) was assaulted by policemen attached to Kitgum Central Police Station on March 19, 2020. Ocungi was covering an operation to close down bars by the Kitgum Resident District Commissioner (RDC) William Komakech and the police as part of President Museveni’ directives to curb the spread of COVID-19. Ocungi sustained injuries on the left eye, thighs and the right ankle. His efforts to open up a case file proved futile as police officers in the area were not willing to do so.

Richard Odong, a Reporter with Radio Wa was assaulted on March 26, 2020 by the defense secretary of Acini village, Menye Sub county, Oyam District Opio Fedil while covering a story about the implementation of the presidential directive barring social gatherings of more than ten people. He said that people had gathered in a room at Acini village Menye sub-county on a normal working day which generated interest of getting there to find out who these people were given that the President had banned social gatherings of more than ten people. When he got to the venue, Opio Fidel and another Obote Patrick started punching him because they feared that he was going to report them on radio.

Okello Dennis, a Manager with Radio Apac was badly beaten by plain clothed men presumed to be army officers in front of the radio station just near the reception on March 30, 2020. The men had just chased away locals from a bar that is near the radio station. Okello was saved by the Apac District Resident District Commissioner Beatrice Akello who

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58 Ibid
was called by the Station Manager Ongom Kenneth. He sustained serious head injuries and was admitted at Florence Nightingale hospital in Apac district and discharged on 2 April 2020.

Daniel Mwesigwa, a Reporter with NTV based in Mukono was assaulted by the bodyguard of Mukono RDC Mr. Fred Bamwine on March 31, 2020. He had gone to the RDC’s office to seek for permission to go about his work during the lockdown period. Daniel sustained injuries around the neck and the back.

Perez Rumanzi, a Reporter with Daily Monitor was on April 1, 2020 assaulted by security officials while reporting stories about the curfew that was then running from 7:00pm to 6:30am as imposed by the President. On October 22, 2020, he was again severely beaten by joint security forces that were enforcing the Curfew as directed by President in Ntungamo Municipality. He was hit with a baton and long sticks on the whole body especially his arms, back and legs. He was then rushed to the Municipal Health Clinic for treatment. This happened after he was forced to delete all the pictures on the camera to which he objected, upon which they started beating him forcing him to surrender his camera to them.

Dalton Iga, a Reporter with Radio Simba was on April 1, 2020 assaulted by the Local Defense Unit (LDU) personnel as he was reporting to the newsroom the response of the people to the curfew in Mukono district. Despite presenting his work Identity Card they went ahead to assault him. He also lost seventy thousand shillings (UGX 70,000) and his phone during the attack.

David Musisi Karyankolo, a journalist with Bukedde Television in Mukono district was on April 2, 2020 assaulted by police officers while on the verandah of his house for allegedly violating the restrictions on movement imposed by the government. He was admitted to the local hospital in a serious condition.

Still in April, Chipo Brenda Mariam a journalist attached to Top Media was assaulted for allegedly violating the presidential directive on curfew hours.

Benjamin Epeduno and Richard Onapatum a Producer and Reporter of Joshua FM respectively were on May 20, 2020 assaulted by Okello Andrew, a police officer attached to Katakwi CPS and Olore Fred, a prison warder attached to Katakwi prison while returning from work at about 7:45pm on allegations of violating the presidential directive on curfew hours. As a result, Richards's smart phone which he uses in the field to cover stories was damaged by Olore Fred when he hit him with a gun butt. On the same day, Fortunate Katungi, a Reporter with Jubilee FM was also assaulted by army officers under the command of the Kabarole District Police Commander Faustine Oese for violating curfew hours.

Agatha Addiouz, a Reporter with Kyoga FM in Amolatar District was on August 13, 2020 assaulted by a one Okello James Patrick, a police officer attached to Anyangoga Police Post.
where she had been assigned by her editor to cover a story of alleged extortion by the 
Officer in Charge of the police post. It is claimed that the officer was extorting money from 
traders to allow them to operate on Thursdays at Anyangoga trading centre contrary to 
the Presidential Directive that banned “mobile markets” as part of the measures to prevent 
the spread of COVID-19. Before she could begin interviewing the local people, she was 
attacked by the said police officer, who ordered her to surrender the gadgets she had in 
her possession while slapping and boxing her on the head and the stomach. She was later 
rushed to Amolatar Health Centre IV where she got medical support. She opened up a 
case of assault at Amolatar Central Police Station.

Godfrey Kakungulu a Presenter with BCU FM was on December 29, 2020 beaten by police 
officers as he was returning home after hosting the presidential address. He was accused 
of violating the presidential directive of curfew hours.

3.3 Violations and abuses during the electioneering/campaign period
The year 2020 was the campaign year for the forthcoming General Elections that were 
scheduled to take place in the months of January and February 2021. But before the 
campaign period could even commence, police blocked several opposition rallies 
and processions. The journalists and media houses that covered the campaign trails of 
opposition candidates were caught in these scuffles between security operatives and the 
candidates.

Dennis Okello, a Reporter with Voice of Lango, Bismark Olang a Reporter with Unity FM, 
Augustine Okello a Reporter with Rhino FM, Oyugi Frank, a Reporter with Unity FM and 
Joseph Ekol Ekol, a Reporter with New Vision were barred from covering Kyagulanyi’s 
planned public meetings in Lira District.
The meetings were part of a planned series of public consultations that Kyagulanyi had announced in his bid to run for presidency in Uganda’s 2021 elections. But with the outbreak of COVID-19, it was decided by the Independent Electoral Commission that scientific campaigns would be more adequate in order to curb the spread of the pandemic. To this end, a Press Release was issued by the Electoral Commission on June 16, 2020 banning public rallies. This only meant that media outlets (radios, televisions, newspapers, and the internet) and journalists would be at the forefront of covering the campaigns and passing on the messages to the voters.

However, for the greatest time, journalists and media platforms faced a lot of resistance and interference from government organs. This poses the question as to whether their rights and freedoms in the electioneering period were properly upheld? This question is answered in the contrary considering the hostilities, arrests, assaults, and many other atrocities that journalists and media platforms encountered while covering the electioneering period. For instance, on the day of nomination of the NUP presidential candidate Kyagulanyi Ssentamu Robert, journalists that were covering the proceedings were pepper sprayed in Nakawa enroute to the nomination venue in Kyambogo. On the same day, a Vision Group journalist Ronald Kakooza was arrested while covering the fracas at FDC headquarters in Najjanankumbi. His camera was confiscated by the OC Station of Katwe Police Station on November 3, 2020 while covering Amuriat’s procession to Kyambogo ahead of his nomination as presidential aspirant. He was also ordered to delete the footage.

Importantly during the November 18, 2020 riots when Kyagulanyi was arrested by security personnel in Luuka district, there was a media gag. Media houses like NBS TV only concentrated on broadcasting President Museveni’s campaigns in Moroto instead of the live feeds of the brutal arrest and assault of Kyagulanyi and the country wide protests where some people lost their lives.

The HRNJ-Uganda Executive Director Robert Ssempala cautioned the security forces to act with self-restraint when handling journalists covering campaigns. Equally Peter Mwesige the Executive Director of the African Center for Media Excellence (ACME) noted that “These actions are not only threatening journalists but also the free flow of information, which is especially vital during this election period.”

3.3.1 Blocking Access to Radio Stations and other media platforms

The Uganda Electoral Commission issued a directive that campaigns for General Election would be conducted scientifically on radio, television and online because of COVID-19. Radio stations were required to submit a list of the guests to be hosted beforehand to the police most especially politicians and the date and time they were to be hosted. However, the security forces used this notification as a means of blocking several opposition candidates from accessing the media platforms most especially radios. In the same measure, some radio stations were blocked from hosting opposition candidates. A case in point was BCU FM which was blocked from hosting Kyagulanyi aka Bobi Wine on December 29, 2020 claiming that he was a security threat. The radio stations cited intimidation from government and fear for cancellation of their licenses if they hosted
opposition candidates. The Coordinator of Alliance for National Transformation (ANT) Alice Alaso noted that “We have always said that the use of radio for campaigns disadvantages both the voter and the candidate…”

Nobert Mao, the presidential candidate on the Democratic Party (DP) ticket was blocked by the police from accessing Victoria Broad Link Radio in Jinja City on claims that it would be illegal since the Electoral Commission had not yet permitted the carrying out of campaigns.60

The other presidential candidate Kyagulanyi Ssentamu Robert was on several occasions blocked from accessing radios like NBS FM in Jinja City, Bugisu Cooperative Union (BCU) Radio in Mbale, Spice FM in Hoima City and Eastern Voice Radio in Bugiri District.61

At NBS FM Michael Muwanguzi affirmed that “The police entered the newsroom and went to the studio where we were hosting Hon Kyagulanyi but because we have security locks on the door to the studio, they could not access him”.

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Source: Mulengera News
At Spice FM Kyagulanyi Ssentamu Robert was forced out of the studio a few minutes into the talk show. Despite efforts to schedule another time for him to address his supporters on the same Radio station, the police ensured that he does not achieve this by blocking him at the hotel where he was residing. The General Manager Spice FM Andre Mega Kaahwa after receiving instructions from the Resident District Commissioner to block Kyagulanyi Ssentamu Robert from accessing Spice FM stated that “He cleared his money for one hour but just after he had talked for three minutes, the police and army raided the studios and threw him out. The RDC had called, telling me not to host Kyagulanyi but because I knew that there is no law that prevents someone from appearing on radio, I went on to host him.”

In the same vein, the manager of BCU Radio Station in Mbale City Kakungulu Godfrey stated that after the security personnel were tipped off that Kyagulanyi Ssentamu Robert was to be hosted at the Radio Station they warned him of the implications of hosting Kyagulanyi Ssentamu Robert. He averred that “They asked me about Kyagulanyi’s coming here. I said yes we are going to host him but they said no, we can’t allow you to host him because Kyagulanyi would cause commotion in the city.”

Source: Daily Monitor
Patrick Oboi Amuriat the FDC presidential candidate was denied radio airtime on Etop, Delta and Kyoga Radio stations in Teso Sub region despite having earlier booked for the talk shows. In the same month, a radio station was switched off in Agago District on instructions of the District Police Commandant while Amuriat was addressing the electorates in a talk show where he ended up speaking for close to 30 minutes while off air and without his knowledge.

Additionally, on December 21, 2020, Dedan Kimathi a Reporter with Chimp Reports, Bakabulindi Paul, a Reporter with KTV, Shamira a Reporter with STV, Simeon Masaba a Reporter with New Vision, Racheal Mabala and Franklin Draku Reporters with Daily Monitor, Onyango Jackson and Juma Kirya Reporters with NTV, Stuart Iga a Reporter with Bukedde TV, Hellen Barbara and Nanfuka Faridah Reporters with UBC TV were blocked from covering Patrick Oboi’s campaign rally in Kyegegwa District.

In December, KRC radio station in Fort Portal was switched off after hosting Independent Presidential Candidate Joseph Kabuleeta and in the same week, Voice of Tooro (VOT) was also switched off for hosting Sylvia Rwabwogo (the current woman Member of Parliament Kabarole District) an independent Parliamentary Candidate in Fort Portal City under unclear circumstances.

Human rights activists, journalists and other personnel have called upon government to respect the right to freedom of expression and assembly. The government through its security forces have been admonished to desist from intimidating radio stations that host opposition candidates and personnel that are anti-government because they have a right to host whoever books and pays for radio airtime as long as the programs and issues discussed are not against government policy.

In addition to this, it is reported that opposition candidates were not accorded equal access to the national broadcaster during the campaign period i.e. the Uganda Broadcasting Corporation (UBC). The Supreme Court of the land has severally noted that unequal access to public media, and the interference with activities of private media houses that host opposition candidates greatly undermine the practice of democracy and the exercise and enjoyment of press and media freedoms.

65 Electoral Commission has failed to manage elections – FDC. The Independent November 19, 2020. Available at: https:// www.independent.co.ug/electoral-commission-has-failed-to-manage-elections-fdc/
3.3.2. Registration and Accreditation of Journalists

A sample of the new accredited cards

On December 10, 2020, the Media Council of Uganda issued a directive to all journalists desirous of covering the electioneering period and other State events to register. The Media Council directive stated that journalists and media houses who would not have adhered to this call would be subjected to criminal charges. The registration process was to take place within seven (7) days. The Editors’ Guild Uganda Limited - a professional association of Editors advised the Media Council to halt its demands until consultations had been held with the different stakeholders. However, the Media Council only extended the deadline to December 30, 2020 without consulting the stakeholders. Flowing from this, on December 30, 2020, the Deputy Inspector General of Police issued a press statement to all journalists reminding them of the deadline and the enforcement of the Media Council Guidelines.
This move by the Media Council of Uganda was criticized by many stakeholders who saw it as a means of restraining media houses and journalists that are presumed anti-government from covering the electoral process. The registration process was also plagued by several loopholes. The short duration within which to re-register and the composition of the Media Council in absence of representatives from a yet to be constituted National Institutes of Journalists in Uganda (NIJU) were just but a few of these loopholes.69

This Directive was subsequently challenged by the Editors’ Guild of Uganda Limited together with the Center for Public Interest Law (CEPIL) in the courts of law under Misc. Cause No. 400 of 2020. The applicants averred among others that; the guidelines for registration do not state the prerequisite procedure documents and requirements for registration, the directive is contrary and ultra vires to the Press and Journalists Act, the directive is irrational and would fuel the brutality of security forces against journalists. Before judgment on the application could be delivered, the Electoral Commission annulled the directive of the Media Council and allowed all journalists to cover the electioneering period with only a presentation of an identification from a media house.70

70 Journalists won’t require media council accreditation to cover polls-EC. The Independent January 10, 2020. Available at: https://www.independent.co.ug/journalists-wont-require-media-council-accreditation-to-cover-polls-ec/
The court subsequently delivered its judgement on January 18, 2021 which was after the presidential and parliamentary general election. It quashed the directives of the Media Council by issuing an order of certiorari against the illegal registration and accreditation of journalists to cover the 2021 general elections and other state events. It should be noted that in addition to the High Court Application, the HRNJ-Uganda, East African Media Institute and CEPII together had filed a Misc. Application No. 01 of 2021 in the Constitutional Court and a certificate of urgency for the matter to be heard expeditiously before the 2021 general elections. However, up to date, this matter has not been heard by the Constitutional court and has been already overtaken by events.

### 3.3.3 Deportation and Revocation of Press Credentials of Foreign Journalists

As a way of further curtailing the freedom of press, on November 27, 2020, three (3) foreign Canadian journalists (Lily Martins, J F Bisson and Margaret Evans) were deported for allegedly being in breach of their Visas restrictions. The government asserted that the deported journalists were granted tourist visas and accredited to cover COVID-19 and Tourism in Bwindi Forest, but they instead illegally diverted the accreditation to cover the electoral process. Ofwono Opondo the Director Uganda Media Center averred on his Twitter handle @OfwonoOpondo that “You don’t apply for tourist visa only to be found working as a journalist. You broke your own terms of stay in Uganda. Nevertheless, you can reapply and will be accredited if you want to work as a journalist in Uganda”. In addition Kyetume Kasanga Secretary of the Media Council averred that “We accredited them because we thought these stories would be in our interest, but in the end, they didn’t do what they applied to do. If you come and expressly tell us that you are going to document gorillas in Bwindi, and then you end up in Mbuya Barracks photographing military installation, that becomes a problem”.

These assertions were watered down by the deported journalists and other stakeholders who noted that the government wanted to not only silence journalists and media houses in general but, to also close out the rest of the world from following the entire electoral process in Uganda. Margaret Evans, one of the deported journalists who is a CBC Europe correspondent stated that “Before entering the country, we applied for and were issued with accreditation from the Media Council of Uganda…we also sought advice from the Ugandan High Commission in London on proper visa requirements prior to the trip. They advised that we enter Uganda on an ‘ordinary,’ or tourist visa which is a long-established practice for foreign journalists… five government agents arrived at their hotel in Kampala on Thursday. They said we were breaking the law by having

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73 Uganda deports Canadian Journalists. The Independent December 1, 2020. Available at: https://www.independent.co.uk/elections-uganda-deports-canadian-journalists/
arrived in the country on a tourist visa and then performing business activities.\textsuperscript{74} Margret Evans also stated on her Twitter handle @mevanscbc on November 29, 2020 that “Ugandan gov’t avoiding outside scrutiny of Jan elections already. We were deported Friday even though we had official media credentials. Here @lily_martin & @JF_BISSON 10hours into detention before being put on a plane…” In response to this Tweet Ofwono Opondo noted that “Do we really need you to scrutinize our electoral process to qualify as credible…Uganda reserves the right to admit foreign persons including journalists. Good stay where you are” which was more less a confirmation that they were deported to silence the outside world on Uganda’s electoral process.\textsuperscript{75} Flowing from these events, the government revoked the accreditation of all foreign journalists in Uganda and issued new directives to all journalists working for foreign media outlets to re-apply within seven (7) days.\textsuperscript{76} The Media Council in support of the directive stated that the directive was to "ensure the industry is well-monitored and sanitized from quacks".\textsuperscript{77} These violations forced some of the foreign media platforms to reconsider the plans of covering and reporting on the forth coming elections in Uganda. A journalist from Europe who was supposed to travel to Uganda in early December to cover the electoral process illustrated that his media house was frustrated with the violations of journalists' rights and called off the trip. 

\textsuperscript{74} CBC News journalists deported from Uganda, despite having press credentials. CBC. Available at: https://www.cbc.ca/news/world/cbc-news-journalists-deported-uganda-1.5821367
\textsuperscript{75} Andrew Bagala. Uganda deports foreign journalists over elections. Daily Monitor December 1, 2020. Available at: https://www.monitor.co.ug/uganda/special-reports/elections/uganda-deports-foreign-journalists-over-elections-3214960
\textsuperscript{76} Halima Authmani. Uganda issues new directives for foreign journalists. VOA December 11, 2020. Available at: https://www.voanews.com/africa/uganda-issues-new-directives-foreign-journalists
3.3.4. Other incidences of violations and abuses

**Arrests**

City FM Radio Reporter Balikowa Samuel was arrested on November 18, 2020 while covering the arrest of Presidential candidate Kyagulanyi Ssentamu Robert. Balikowa was detained in the police van for close to thirty (30) minutes and released unconditionally.

David Tamale, a Reporter with Bukeede TV was arrested on December 27, 2020 by men in army uniform as he covered the developments at Rubaga hospital where Presidential candidate Kyagulanyi’s bodyguard and journalist Ashraf Kasirye were brought for further treatment.

Calton Scovia, a freelance reporter with BBS TV, Dorothy Nalumansi, Richard Kalema a Reporter with Ghetto TV/Bwiino, Godfrey Mutalya, Mulimira Musa both freelance journalists and Derrick Wandera a Reporter with Daily Monitor were arrested on December 30, 2020 in Kalangala while covering Presidential candidate Kyagulanyi. They were arrested at the time of the besiege of Kyagulanyi Ssentamu Robert and his bodyguards by police at Kalangala. On the same day, Abubaker Lubowa a photojournalist with Daily Monitor, Jona Atusigwize a reporter with Pearl FM and Ali Mivule a reporter with NTV were blocked by UPDF officers while covering the arrest of presidential candidate Kyagulanyi Ssentamu Robert in Kalangala. The video recording device of Derrick Wandera was in the process damage by UPDF officers. The picture below shows Derrick being led into a police vehicle by a police officer.

![Source: Daily Monitor](image)

**Assaults**

Miracle Ibrahim, a Top TV & Top Radio correspondent in Lwengo district was assaulted by supporters of Hajji Abdul Kiyimba on August 27, 2020 and his camera destroyed in the process. Hajji Abdul Kiyimba was contesting for Member of Parliament for Bukoto South.

Jonah Atusingwize a reporter with Pearl FM, Kalema Richard a Ghetto TV journalist,
Shamim Nabakooza a reporter with Record TV, Moses Bwayo an Online Videographer, Ronald Mugenyi a Ghetto TV journalist, Ssematimba Bwegire a reporter with Radio Simba, Moses Waiswa a reporter with Busoga One and Stuart Iga a reporter with the New Vision were on November 3, 2020 beaten by police while covering Kyagulanyi Ssentamu Robert on his way to be nominated as a Presidential Candidate.

Moses Bwayo an Online Videographer was on November 5, 2020 shot with a rubber bullet by a policeman while filming Presidential Candidate Kyagulanyi Ssentamu Robert who was headed to the National Unity Platform (NUP) party headquarters in Kamwokya. Moses stated that “I couldn’t really process at the moment what was going on. I just heard one police commander say ‘shoot them, kill them all!’ and then a policeman shot me in my face”.

Daniel Lutaaya and Kitimbo Thomas reporter and camera man with NBS TV respectively were on November 12, 2020 attacked by goons in Lira town while covering the campaign trail of Presidential Candidate Kyagulanyi Ssentamu Robert. The vehicle was vandalized, and the team was injured. Daniel Lutaaya in his remarks stated that;

“We were following the convoy of Kyagulanyi Sentamu Robert at the back and when we reached Lira town bullets were flying and there was tear gas everywhere… the video that we recorded was a riot in the making. Some of the youth had blocked the road with burnt tyres and they had put stones in the middle of the road so we thought this could be something to capture and we got a phone and started capturing these moments, but the situation kept escalating so fast…we reached these boys and they were asking for money. Our car was fully branded…one of the blockages let us through but the second ones were simply just thugs because the first words they said give us money we want money, they got into the vehicle there was a female social media journalist in the car hitching a ride. She was hurt in the process, my cameraman was also hurt because he was trying to protect his camera. They tried to get the camera off him, and he fended them off and they hit him on the head with a stone and then we managed to drive through…we lost a bag that contained some of our equipment’s, laptops, phones, chargers…”
Mukama Moses, a reporter with Baba FM was on November 15, 2020 assaulted by supporters of Engineer Moses Magogo, who was aspiring for Member of Parliament Budiope East Constituency. Mukama was covering Magogo’s campaign rally convened at Gumpi Primary School, Gumpi Sub County in Buyende district, Eastern Uganda. The supporters were accusing Mukama for allegedly supporting Magogo’s competitor for the same race, Honorable Dhamuzungu Geoffrey who was the incumbent. Mukama lost his phone, camera and other items. He sustained injuries on the head, chest and back.

Kirinya Ayub a reporter with IUIU FM was on November 16, 2020 assaulted by police and his laptop broken while covering Kyagulanyi Ssentamu Robert’s campaign trail in Busia district.

Lubowa David a reporter with Daily Monitor was on November 17, 2020 injured by a tear gas canister and Hakim Kanyere a reporter with NBS TV was assaulted by police while covering the campaign trail of presidential Candidate Kyagulanyi Ssentamu Robert in Jinja District.

Kasirye Ashraf, a reporter with Ghetto TV (YouTube news outlet) was on November 18, 2020 pepper sprayed by police officers in Luuka district while he was filming the arrest of Presidential Candidate Kyagulanyi Ssentamu Robert. Kasirye stated that “It felt like my intestines were being chopped into pieces and my eyes were falling out.” At the same venue, Balikowa Samuel a reporter with City FM was also hit with a baton and shields on his right leg while trying to resist his arrest. He was eventually arrested and detained in a mobile police van where he was pepper sprayed. On the same day, a group of people attacked (kicked, punched, and beat with sticks) Arthur Wadero a Reporter with the Daily Monitor while he was interviewing a protestor who was challenging the arrest of Kyagulanyi Ssentamu Robert. They accused Arthur of being an informant for a security personnel.
David Tamale a Reporter with Bukedde TV, Ssesanga Batte a Reporter with BBS TV, John Cliff Wamala a Reporter with NTV, Moses Waiswa a Reporter with Busoga One FM, Ronald Mugenyi, Kasiyre Ashraf both Reporters with Ghetto TV and Jona Atusingwire a Reporter with Pearl FM were on December 12, 2020 beaten by police officers while covering a standoff between Presidential candidate Kyagulanyi Ssentamu Robert and police in Lira District. Ssesanga Batte stated that “We were covering a standoff between Bobi Wine and police. Suddenly, men dressed in counter-terrorism uniform with masks on their faces started beating us. Their uniforms had no name tags, their faces were covered, and we could only see their eyes. I was beaten with a baton on the head, left elbow, and the right hand”. On the same day, Richard Kalema a Ghetto TV journalist’s voice recorder was damaged by a police officer while recording on the campaign trail of Kyagulanyi Ssentamu Robert in Lira.

Stephen Otage a journalist with the Daily Monitor was on December 15, 2020 assaulted by soldiers while covering the proceedings of Kyagulanyi Ssentamu’s visit to the Electoral Commission. Stephen narrates that “Tuesday morning at about 9:30am, as police deployed their officers at the precincts of Electoral Commission (EC), two pick-up trucks with soldiers from Military Police arrived at Wampewo Round about Police Post. As I photographed the deployment as always during such situations, I was summoned by a soldier in the military pick-up to explain why I was photographing their vehicles instead of being at the Electoral Commission where National Unity Platform presidential candidate Robert Kyagulanyi, alias Bobi Wine, and Forum for Democratic Change’s Patrick Amuriat were expected. Despite identifying myself as a journalist, the soldier instructed me to surrender my camera to him and show him the photographs I had taken. When he saw those of two military vehicles in the photos, I was bundled into the pick-up and taken to the EC gate where the other security personnel were. After explaining to the colleagues my crime and showing them my identity card, my mobile
phone was confiscated, and I was questioned whether I had a voice recorder on me. A two-star police officer with the name Musani inscribed on his uniform, listened in to their conversation and advised them to let me delete the photos and release me, but the soldiers declined. The one who arrested me kept saying he was taking me to Mbuya to explain why I photographed numberless security vehicles. As we drove to Mbuya, I was slapped by a soldier and driven to the UPDF fuel stations in Mbuya blindfolded using my own facemask amid interrogation of how long I have been a journalist, the number of children I have, my age, my marital status and my place of residence. When we arrived, I was led into an office blindfolded where the same officer read my crime to the person whom he found in the office…My arrester returned to the vehicle and started lecturing me how I should do my job to avoid problems in future. He ordered one of his men to delete the photographs from my camera, and just to confirm I did not have any recorder, he ordered soldiers whom he had deployed to sandwich me in the vehicle, to search my bag…”

A UPDF pick-up (right) truck in which Stephen Otage (inset) was held captive as he covered the deployment around the Electoral Commission offices ahead of Bobi Wine’s visit: Source Daily Monitor
3.4. Experience of Daily Monitor Journalists on the campaign trail

1. ALEX ESAGALA

I contracted COVID-19 on the trail

“On a sad note, I contracted Covid-19 after the campaign trail. We were teargassed for the two weeks I covered the Forum for Democratic Change presidential candidate, Mr Patrick Amuriat in Lango, Acholi and West Nile sub-regions. Covering Mr Amuriat was very interesting and dramatic because of his barefoot campaign. He could sit on top of his car while showing swollen legs, and in fact I thought that he was not going to make it up to the end, but he is a very strong man. I came to realize that he is a man of the people, always smiling and at times tough when he is facing it rough with police. What I remember during the trail, we used to have breakfast in the morning and then at around 9pm we could have supper, meaning only one meal per day. In the process, I lost weight. Mr Amuriat’s team was cooperative; whenever police attacked journalists, they could defend us. My worst moment was when we were heading to Obongi District from Moyo. Along the way, we found a flooded section of the road in a swamp, and most cars could not cross. Since we were using a small car, we had to jump into a Toyota V8 belonging to Obongi Member of Parliament Kaps Fungaroo in order to access the district where the rally was to take place. However, we arrived in Obongi at 7:30pm past the campaign time. When Mr Amuriat started waving at the people in Obongi Town, police started shooting live bullets and teargas. On a sad note, when I came back home from the trail, I developed cough, flu, high fever, difficulty in breathing, headache, loss of appetite and taste. Doctors and my colleagues advised me to test for Covid-19. The following day, the results returned and I was positive. This was a very tough time for me but I remained with a positive attitude and was started on treatment. I eventually recovered. But all in all, the campaign trail was a learning experience for me.”
2. DAMALI MUKHAYE
Tear Gas became my daily meal

“Covering Mr Patrick Amuriat, the presidential candidate of the Forum for Democratic Change (FDC), was a tough assignment. Unlike colleagues who covered President Museveni, those of us covering the Opposition candidate had to contend with teargas on a daily basis. One day, a picture of me and my colleague Alex Esagala went viral on social media with both our eyes red with tears rolling due to impact of teargas. I got a call from my husband ordering me to return home or get another husband in Northern Uganda. I was torn between choosing my family and my job. It took me two days to convince my family that I was going to be safe. Feeding and finding accommodation was the hardest on the campaign trail. Mr Amuriat always campaigned deep in villages where roads were impassable, and sometimes were flooded by water. I never had lunch for the three weeks I spent on the trail. We could wake up at 6am every day, those who were strategic enough would grab heavy breakfast and that was all we could have for the day. This was because it was very difficult to find a restaurant or a decent eatery in the villages. We could only have supper at 10pm. I cannot recall how many times our car got stuck and we had to get out to push. As a result of this tight schedule, I fell sick in Yumbe and did not adequate treatment there. The situation became worse in Nebbi where we made our next stop. Here I was admitted for a night after being diagnosed with anaemia, bacterial infection and ulcers. Mr Julius Peter Okure, the driver of NTV, our sister media company, became my father during this time. He took care of me, brought me food, and often took me to hospital for my next dose. The worst moment was when my colleague, Esagala, tested positive for Covid-19. We drove in the same car for two weeks but lucky enough, I and Okure turned out to be negative. Accommodation was also very tricky. Sometimes we could arrive when all hotels had been booked while the remaining ones were dirty. Despite the bad side, I gained more experience in my political reporting and visited districts I had never been to.”

3. DERICK WANDERA
My arrest was the turning point

“My arrest on December 30 in Kalangala District proved to me the saying that a dead journalist cannot tell a story. It was sad seeing my story being told by someone else even after I had followed up the details for more than 11 hours. That was my worst experience on the campaign trail with National Unity Platform (NUP) presidential candidate Robert Kyagulanyi, alias Bobi Wine. I joined the campaign trail after four days in Katakwi District. However, from the onset, it was clear that we were
headed for a chaotic tour across the country as Bobi Wine met his supporters. Teargas and live bullets became the order of the day and for the next 62 days on the campaign trail, we wore bullet-proof vests and helmets. Our day often started at 6am and if you did not pack a meal or snack for yourself, you would have to wait until after 8pm when you have submitted the story to the editor. I also slept on the road for two nights; at Migyeera Trading Centre in Nakasongola District and in Pader District when security blocked Bobi Wine from accessing any hotel.”

4. ABUBAKER LUBOWA
I passed out over inadequate meals

“It has been quite tough covering National Unity Platform presidential candidate Robert Kyagulanyi. I have been living in fear because of what has been happening to our colleagues on the campaign trail. Personally, my wife was often living in fear; always scared of what would happen to me, especially given that many journalists were targeted by security agencies during campaigns. For almost all the days on the campaign trail, it was teargas from morning to evening as security agencies sought to block Bobi Wine and his team from campaigning in particular districts. If you did not have heavy breakfast, you just knew you were to spend a full day on an empty stomach. One day while in Buikwe District, I almost passed out because the sugar levels had gone low due to hunger. I could not buy anything to eat because everywhere we reached, we found military had condoned off the areas, forcing the people to close their shops. From this moment, we learnt to move with water and biscuits but still, you could not have time to eat. The other thing was the risk of catching Covid-19. I made it a point to wear a facemask, but whenever they teargased, you had to remove it. People also labelled us partisan and that we were fighting government, but this did not stop us from doing our job.”

5. DAVID LUBOWA
Security lobbed tear gas canister in my face

“Covering the NUP presidential flag bearer, Mr Robert Kyagulanyi, alias Bobi Wine, came with both good and bad moments. The good moments were that I got firsthand exposure to the rough environment that came with the campaigns. I also got chance to travel to various places in the countryside and above all made new friends and bonded with many other journalists. Then the bad moments set in dominated by arrests and teargas. I still remember the evening of December 6 2020 when security operatives roughed me up in Jinja District as police blocked Bobi Wine from campaigning in the area. I sustained injuries from an explosion of a teargas canister lobbed at us by security operatives.”
I eventually ceased to worry about the armed forces because teargas and bullets became the order of the day. The biggest threat to me was contracting the deadly coronavirus since we mixed with countless crowds all through the campaign trail. The other challenge was accessing food and accommodation. For some days, we went without food and in most cases spent nights in our cars by the roadside as security agencies blocked Bobi Wine from campaigning or even spending a night in hotels in certain towns.”

6. MICHAEL KAKUMIRIZA

"Covering the 2021 presidential campaigns has been an exciting transition from the normal press conferences and workshops in Kampala. It has been a real experience covering the campaigns of different presidential candidates, including Bobi Wine, Gen Mugisha Muntu of Alliance for National Transformation (ANT), FDC’s Patrick Oboi Amuriat and independent candidate John Katumba. It was on November 9, when I hit the campaign trail of Mr Kyagulanyi. He started with a press conference at the party headquarters in Kamwokya before heading to Arua, where he officially launched his campaigns. He was warmly welcomed by both the supporters and heavy rain, which he braved. Later, I was assigned to cover Gen Muntu. For all the period I covered his campaign trail, it was peace without security confrontations and violence. Later, I was assigned to cover Mr Amuriat in West Nile. Mr Amuriat’s campaign trail was marked by confrontation with security agencies. One time in Arua District, he abandoned his vehicle and jumped on a boda boda to dodge police officers who wanted to block him from accessing the town. On November 24, Mr Amuriat suspended campaign activities after two of his supporters died in a car accident at Ganda village, Panyimur Town Council, Pakwach District. He resumed his campaigns in Kiryandongo District the following day where he was refused to make stopovers at the roadside by police. When he defied the police orders, he was pepper sprayed and his supporters teargassed. On November 30, the FDC presidential candidate with other party officials were blocked from reaching Kyanka border with Rwanda in Kisoro District. They decided to sit in the middle of the road. On December 3, Mr Amuriat engaged the police with other security agencies in a cat and mouse race in Mbarara City. The following day, he was arrested and arraigned in court for disobeying lawful orders. On December 4, presidential candidate Katumba campaigned in Mbarara and was given a coin of Shs500 by one of his supporters and he gracefully accepted it.”
7. RACHEL MABALA

Police Officer punched me for filming arrest of Amuriat

“I was part of the Forum for Democratic Change (FDC) campaign trail for the last six weeks. It has been eventful with daily doses of teargas, bullets, punches and grenades. Most recently on January 10, I witnessed Mr Elias Twesigye from Mpigi Central Police Station punch Mr Patrick Amuriat in the abdomen. As I filmed the incident, I was punched in the face by another police officer. I have also witnessed many innocent people getting injured as police and the army sought to block Mr Amuriat’s campaign. For instance, in Pallisa District, a young girl was peeling sweet potatoes in front of their home when she was hit by a grenade hurled by security agencies. She sustained serious injuries. In one incident, in Iganga District, Mr Amuriat was blocked by police and military from campaigning at his scheduled venue. I had not experienced teargas in a long time but on this day (December 6), I lost breath as police officers kept firing teargas canisters nonstop. As I looked for an escape route, I looked around and saw a young man aged between 13 and 16 years engulfed in white smoke from the teargas canister. He fell to the ground and dropped his phone. I rushed towards him and gave him water. No sooner had he drank some water than another canister was fired in our direction. My colleague, Juma Kirya of NTV, came to pull me out of the area. Police later ordered the candidate to leave Iganga Town without him speaking to anyone, yet he had a crowd of less than 150 people. As we walked ahead to the venue, we found an NRM candidate, Mr Peter Mugema, aka Panadol, with huge crowds in a procession and being protected by police. And in all the districts that Mr Amuriat campaigned, he was teargased. I also noticed that many men in civilian attire often commanded the actions against the FDC candidate - they would say; ‘let’s arrest him, lets teargas him, just pepper spray him’ and the men in uniform would follow their orders. For instance, in Kamwenge District, one man in civilian clothes who stood next to the area police commander kept giving orders to beat Mr Amuriat but the candidate heard him and his security detail arrested him. One time as I captured images of the scuffle between police and the FDC candidate, a man in civilian clothes came and blocked my camera. This was during the time when security officers were openly attacking journalists. One time, police and the army blocked Mr Amuriat’s campaign in Napak District, arguing that the candidate and his supporters at the venue had no facemasks. This was despite the military and police officers having no masks themselves.”
8. MISAIRI THEMBO KAHUNGU
I had to present COVID results at each meeting

“I started off the coverage of candidate Museveni from Gulu when he addressed the first meeting of the National Resistance Movement (NRM) leaders and flag bearers in Acholi Sub-region on November 16. The next day we travelled to Kitgum where another meeting was held and we would connect to Moroto for the start of campaigns in Karamoja the next day. What was intriguing was how best we could cross to Karamoja from Kitgum, a neighbouring district. The only way was drive back to Lira through a junction at Acholi Burr through a bumpy murram road via Pader District. The road was so bad so that we took more than four hours to make it to Lira. From Lira City, our driver, John Bosco Tumwebaze, would have some relief to drive on tarmac to Soroti and then lead us to Moroto. Because we joined the NRM camp having returned negative results of a Covid-19 test, each journalist watched the other by ensuring facemasks were won all the time and washing hands with a sanitizer at every given opportunity. You would produce a Covid-19 negative result document at every other venue where Mr Museveni held a meeting. At each of the venues, standard operating procedures (SOPs) were strictly followed. Local journalists would not be allowed to mix with those from Kampala that were protected as a bubble under the watchful eye of Maj Jimmy Omara, the public relations officer of the Special Forces Command (SFC). The President usually arrived between 4pm and 5pm save for Mbale when he arrived at around midday, hence catching most of the journalist unawares as they roamed about town to photograph or film the processions of NRM supporters. Having been elected in since 1996, Mr Museveni this time round did not outrightly campaign by asking for votes through outlining what the manifesto had for every area. This he only did during radio/television addresses. Instead, the President would give a historical perspective of what makes the NRM different from other political parties. To me, Mr Museveni’s campaigns have been peaceful because of the manner in which the meetings were organised. What was only challenging for me as a journalist was get a new story angle every other day because the message remained the same. You only had to depend on a few jibes he or his party leaders threw at the Opposition candidates.”
3.5 Introduction of the Revised Radio Network Licensing Framework by Uganda Communications Commission

In June 2020, the government issued an order to all radio stations to reapply for licenses to enable it roll out a new license regime. Uganda has a total of 309 Radio stations. The UCC Ag. Executive Director Eng. Irene Kagwah Sewankambo observed that the new license regime was to “foster a more enabling environment for the provision of radio broadcasting services in Uganda in accordance with Sections 5 (1) (b), 6(1) (e) and 39 of the Uganda Communications Act 2013”. The deadline for reapplication was July 31, 2020 and all radio stations that would not have adhered to the call were to lose their frequencies to other operators.

By December 11, 2020 UCC listed a total of 199 radio stations that had complied with the order and authorized to carry out radio broadcasting services in Uganda. On January 21, 2021 in the Daily Monitor, UCC issued a list of broadcasters who were classified into four categories to wit; authorized radio broadcasters as of 31st December 2020 (202), broadcasters that are conditionally authorized to provide radio broadcasting services up to 31st January 2021 (44), broadcasters whose licenses expired (38) and unlicensed radio broadcasters as of 31st December 2020 (07).

The National Association of Broadcasters (NAB) Secretary General, although in support of the directive, called upon UCC to relax on the deadline since the process of reapplying was tedious and costly to be met in the short time that was provided but this was not adhered to. This directive by UCC was also viewed by many as a way of controlling the media and also a means of gagging radio stations which are thought to be anti-government. The Executive Director of the HRNJ-Uganda noted that “the regulation came shortly after President Museveni’s complaints that radio stations were giving the opposition party, People Power, too much airtime... this radio registration requirement was no different from past UCC interferences and was politically motivated and intended to undermine media houses.”

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81 UCC to revoke licenses of Radios that fail to beat the deadline for re-application. The Independent July 28, 2020. Available at: https://www.independent.co.ug/ucc-to-revoke-licenses-for-radios-that-fail-to-beat-deadline-for-re-application/
83 Ibid.
84 UCC asks all radio stations to re-apply for licenses. NTV July 26, 2020. Available at: https://www.ntv.co.ug/ug/news/national/ucc-asks-all-radio-stations-asked-to-re-apply-for-licenses--2446348
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Source: Daily Monitor
3.6 Victims of violations and abuse by category

Figure 1: Victims of violations and abuse by category of journalists in 2020

Reporters accounted for the highest number of victims of violations and abuses with 72.1%. Majority of these together with videographers and photojournalists were covering the electioneering period and the implementation of the COVID-19 measures by the Ministry of Health. This was a significant increase in the number of violations and abuses against reporters from 60% reported in 2019. Blocking media houses was the second highest mainly during the election campaigns when media houses were blocked by security forces from hosting opposition members. Presenters were the least affected, four of them were arrested and charged on allegations of promoting sectarianism.

3.7 Analysis of victims by media platform

Figure 2: Share of violations and abuses suffered by media platforms over a three-year period.
As earlier observed, the outbreak of COVID-19 and the electioneering period saw a reliance on media platforms most especially radios and televisions. The Guidelines by the Electoral Commission to candidates to rely on media platforms to campaign (scientific campaigns) increased on the number of violations on journalists who were used as a source of deliverance of the messages to the voters and on COVID-19 awareness.

A total of 68 (39.1%) violations and abuses were recorded against radio stations, 59 (33.9%) were against television stations, 25 (14.4%) against Print media, 20 (11.5%) against Online media and 2 (1.1%) against freelancers. In comparison, in 2019 the reported violations stood at 46% for Television stations, 31% for Radio stations, 16% for Online media and 7% for Print media. In 2018 the violations against Television stations were at 42%, 25% for both Radio and Print media and 8% for Online media. Despite the advance impacts of COVID-19 on Print media in 2020, the violations recorded were more than those of 2019.

3.8 Perpetrators

Figure 3: The Perpetrators of Press Freedom 2020

3.8.1 Uganda Police

The Uganda Police has for the twelfth year emerged as the leading violator of press freedom in Uganda. Approximately 104 cases out of 174 violations and abuses were recorded to having been caused by members of the Uganda Police. Many journalists while covering the campaign trails of especially opposition political candidates were arrested, assaulted, teargassed at even in branded vehicles and while wearing press jackets, manhandled and tortured by the Uganda Police.
The gravity of the violations committed by the Uganda Police is also rapidly increasing. A case in point was on December 27, 2020 when Kasirye Ashraf a Ghetto TV journalist was shot at by police officers and suffered serious head injuries as a result. Ali Mivule a journalist with NTV Uganda was also hit with a tear gas cannister as police tried to disperse a crowd in Masaka on presidential candidate Kyagulanyi’s campaign trail.

Journalist Kasirye Ashraf being carried after he was shot at by the Police in Masaka: Source: Daily Monitor

Journalist Ali Mivule after he was shot in the thigh. Source: Daily Monitor:
Ali Mivule admitted at Masaka Regional Referral Hospital after he was shot in the thigh:
Source: Daily Monitor

**Figure 4:** Comparison of Police Violations in the last five years
3.8.2 Uganda Peoples Defence Forces

*Figure 5: Comparison of UPDF Violations in the last four years*

The UPDF came second in violations of rights and freedom of journalists and media houses. A total of 31 violations were recorded which was higher than those recorded in the preceding four years. Most of the violations by the army were as a result of implementation of COVID-19 directives on observance of curfew where journalists were caught up in the confusion of arresting persons not observing the directives; blocking journalists from filming people who were ferrying logs from Bugoma Forest Reserve; and the blocking and arrest of journalists who were covering the arrest of Kyagulanyi Ssentamu Robert and his campaign team in Kalangala on December 30, 2020.

3.8.3 Community/ Mob

The community/mob are also one of the perpetrators of press freedom in Uganda. In 2020, some of the perpetrators included the youths in Lira district that vandalized a branded vehicle of NBS TV and injured NBS journalists. Journalists covering campaign trails of different candidates were attacked by mobs under the pretext that they did not support their preferred candidates. A journalist with Biiso FM was attacked by a group of men while he was coming from the field while another journalist with the Daily Monitor was attacked by goons who threw stones at his vehicle as he headed home. This new trend of perpetrators is fast growing as observed in the preceding years. There is a need to devise means to curtail its rapid growth.
3.8.4 Immigration
The Uganda Immigration deported 3 foreign journalists without according them the right to be heard on allegations of illegally covering the electioneering period without obtaining the appropriate VISAs.

3.8.5 Resident District Commissioners (RDCs)
RDCs were also reported among the major perpetrators of press freedom in 2020. Approximately 3 cases were recorded of violations committed on orders of RDCs including switching off Busoga One Radio, instructing Spice FM not to host Kyagulanyi Ssentamu Robert and assaulting of journalists. In relation to this, 13 violations and abuses were committed.

3.9 Gender perspective

Figure 6: Comparison of violations and abuses against female journalists in the last three years

Approximately nineteen (19) cases of violations and abuses (10.9%) against female journalists were recorded in 2020. This is slightly higher than number of violations (10%) committed against female journalists in 2019. It is however slightly lower than the 12% violations against female journalists in 2018.
3.10 Location of abuses and violations

*Figure 7: Distribution of Violations and Abuses by Regions*

Most of the violations were recorded in the districts of Kampala (40), Lira (24), Arua (15), Jinja (12), Luuka and Kalangala (10 each). These were all attributed to the actions of dispersing crowds by the security forces mainly on the campaign trail of presidential candidate Kyagulanyi Ssentamu Robert.

In terms of regions, the Central region recorded the most violations and abuses with approximately 69 cases, Eastern with 30 cases, Northern region with 22 cases, Western region with 28 cases and West Nile with 25 cases.

3.11 Conclusion

This increased violence and abuse of press and media freedom in 2020 most especially by security organs forced journalists to walk out of a security press conference on 28th December 2020. One of the journalists Gabriel Buule of the Daily Monitor observed that “*We have resolved to stop covering security agencies and the Uganda Media Centre, which is the center for journalists in Uganda. Reason: these guys are continuing to beat us, harass us in the name of telling us to be patriotic, which is a partisan move.*”

Although it could be argued the number of press freedom violations and abuses in 2020 represented just but a slight increase from those reported in 2019, it is important to note that in a democratic society all human rights and freedoms matter. Whether the number of violations is more or even less, they should not exist in the first place.
CHAPTER FOUR

THE STATE OF INTERNET FREEDOM IN UGANDA
4.0 Introduction

“the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with Article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights.”

This Chapter looks at the state of internet freedoms in Uganda. It briefly highlights the legal framework for the enjoyment of internet freedoms. It also explores the implications of UCC’s directive to all Online Data Communication Service Providers to register and obtain licenses before they engage in any form of operation. Finally, the chapter assesses the implications of the Government of Uganda’s move to block YouTube Channels.

4.1 Internet Freedom as a Human Right

Internet freedom is an umbrella term used to refer to a bundle of rights that include digital rights, freedom of information, right to internet access, freedom from internet censorship and net neutrality. Although most of these rights are well entrenched in existing human rights instruments, internet freedom was only formally recognized as a key human right in a Resolution adopted by the United Nations Human Rights Council – an intergovernmental body that is responsible for the promotion of human rights, in June 2016. In passing the Resolution, the Human Rights Committee affirmed “that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with Article 19 of the Universal

86 See Definition of Internet Freedom, available on https://en.wikipedia.org/wiki/Internet_freedom
Declaration of Human Rights and of the International Covenant on Civil and Political Rights.\textsuperscript{88} This position has been reaffirmed in a Resolution passed by the Human Rights Council in July 2018.

The Resolution of the Human Rights Council builds on the work of the Human Rights Committee which earlier on defined freedom of expression to include the right to seek, receive and impart information and ideas of all kinds regardless of frontiers.\textsuperscript{89} The committee also clarified on the various means of expression to include traditional means such as books and newspapers, but most importantly, it stated that these include all forms of audio-visual as well as electronic and internet-based modes of expression.\textsuperscript{90} In this respect, the Committee stated thus;

\begin{quote}
State parties should take into account of the extent to which developments in the information and technologies, such as the internet and mobile based electronic information dissemination systems, have substantially changed communication practices around the world. There is now a global network to exchange ideas and opinions that does not necessarily rely on the traditional media intermediaries. State parties should take all necessary steps to foster the independence of the new media and to ensure access of individuals thereto.\textsuperscript{91}
\end{quote}

Most recently, internet rights were recognized as part of the Declaration of Principles on Freedom of Expression and Access to Information in Africa.\textsuperscript{92} The Principles which were adopted by the African Commission on Human and Peoples Rights in 2020, enjoin state parties to the Banjul Charter to “facilitate the rights to freedom of expression and access to information online and the means necessary to exercise these rights.” In this regard it is emphasized that “States shall recognise that universal, equitable, affordable and meaningful access to the internet is necessary for the realisation of freedom of expression, access to information and the exercise of other human rights.”\textsuperscript{93} The pronouncements on internet freedom at the international and regional level go to show its inextricable link with the right to freedom of expression which is expressly protected in several human rights treaties as well as the 1995 Uganda Constitution. The internet is also recognized as an important medium for the protection and promotion of all other rights and freedoms.

\textbf{4.1.1 State of Internet Freedoms in Uganda}

Although internet rights are firmly protected as part of freedom of expression under the Constitution, the experience over the years shows that in the face of growing political intolerance by the ruling government, these rights have become some of the most curtailed. This is largely so because the internet provides an alternative platform for

\textsuperscript{88} \textit{Ibid}
\textsuperscript{89} UN Human Rights Committee General Comment No. 34 of 2011, para.11
\textsuperscript{90} \textit{Ibid}, Para 12.
\textsuperscript{91} General Comment No. 34 (2011) para 15.
\textsuperscript{93} \textit{Ibid}, Principle 37.
channeling critical views and opinions that are often not welcome to the state. For this reason, the state has on more than one occasion deployed its might to restrict the full enjoyment and exercise of internet rights. In 2006 for instance, a critical online blog i.e. Radio Katwe was blocked for publishing information critical of the NRM government. In the wake of the 2011 Walk to Work opposition protests against the NRM, the government directed Mobile Network Operators to block Twitter and Facebook sites. During the 2016 Presidential elections, the government ordered for the shutdown of social media platforms. This move was seen as part of a deliberate effort by the state to restrict political mobilization and avoid scrutiny of the electoral process by the opposition.94

Still in 2016, internet freedom was curtailed by a social media shutdown at the time of the presidential swearing in ceremony on grounds of national security.95 In 2018, the Over The Top (OTT) Services Tax was introduced on the use of social media i.e. Facebook, Twitter and WhatsApp. The introduction of the tax followed Presidential criticism of social media as a source of “lugambo” i.e rumours.96 In the same year, the UCC issued a Directive to all Online Data Communication Service Providers to register with the UCC within a period of one month. In addition to this, the providers were required to pay an annual fee of 20 USD.97 In the same vein, the state has enacted a number of laws with the effect of restricting the enjoyment and exercise of internet freedoms. These include,

- The Anti-Terrorism Act No. 14 of 2002 that introduced the interception of communication on grounds of safeguarding public interest.98

- Computer Misuse Act that introduced offences of cyber harassment and offensive communication.99

- Uganda Communications Act 2013 (as amended) that introduced a number of offences relating to broadcasting.


95 Omar Mohammed. Twitter and Facebook are blocked in Uganda as the country goes to the polls. Quartz Africa February 18, 2016. Available at: https://qz.com/africa/619188/ugandan-citizens-say-twitter-and-facebook-have-been-blocked-as-the-election-gets-underway/


98 Section 19 Anti-Terrorism Act

99 Sections 24 and 25 Computer Misuse Act
• Regulation of Interception of Communication Act, 2010 that provide for lawful interception and monitoring of communication therefore restricting privacy of communication and security of personal data.¹⁰⁰

All these developments have become a major hinderance to Internet freedom in Uganda over the years. However, in some respects, there have been attempts to broadly safeguard some internet rights. In the year 2019 for example, Parliament enacted a data protection law i.e. The Data Protection and Privacy Act in 2019.¹⁰¹ The challenge is that the provisions of the law have taken long to be operationalized largely due to the absence of Regulations necessary for its implementation.

Be that as it may, the year 2020 was one of unprecedented demand and dependence on the internet. First, as part of the measures to control the spread of COVID-19, the government of Uganda ordered for a national lockdown and imposed a curfew on all movements from dusk to dawn in March 2020. This had the effect of moving most of the official and formal business online. The internet also became a critical facilitator of commerce, major medium for transmission of information related to COVID-19 and creation of public awareness.

In response to the times and amidst growing internet demand, telecom service providers such as MTN introduced the work from home data bundle. These efforts saw an increase in the number of Internet Users from 16.9 million in December 2019 to 18.8 million in the period between January-March 2020.¹⁰² As of June 2020, the number of internet users had risen further to 18.9 million.¹⁰³ In addition, because of the increase in the number of Internet Users, the Over-the-top Services Tax (OTT) that was paid in June 2020 increased by 7%.¹⁰⁴

In the sense that both individuals and organisations including the media were able to rely on the internet as alternative medium during the national lockdown and curfew, internet freedom can be said to have been upheld to a larger extent. This should however not blind us from the reality that users still had to pay OTT in order to access social media sites even if as a means of survival and obtaining critical needs. Secondly, it is notable that the increase in the number of positive cases of COVID-19 rendered persons returning from

¹⁰⁰ Section 3 and 11 RICA.
¹⁰¹ 1.8 million new subscribers go mobile in 3 months-between January and March 2020, the latest communications sector market performance report indicates. Uganda Communications Commission Blog. Available at: https://uccinfo.blog/2020/08/19/1-8-million-new-subscribers-go-mobile-in-3-months-between-january-and-march-2020-the-latest-communications-sector-market-performance-report-indicates/
¹⁰³ Ibid
¹⁰⁴ Ibid
countries considered to be at higher risk such as Dubai vulnerable to ostracization and hate. Individuals started using their social media platforms to expose and threaten returnees with grave measures on the basis that they had failed to adhere to the Government call to test for COVID-19 and other control measures such as self-quarantine requirements. Such acts constituted a clear manifestation of the abuse of internet freedoms and the associated right to privacy.

Another key development that had the effect of driving internet use and dependence levels was the notion of scientific campaigns (use of online and media campaigns). The Independent Electoral Commission announced that the electoral process would be conducted in accordance with the Guidelines set by the Ministry of Health (observance of SOPs). For this reason and in order to curb the spread of the virus, the Commission banned all forms of mass gatherings during campaigns. Initially, the ban only permitted gatherings of not more than 70 attendees, but this was later increased to 200 people. Candidates were however encouraged to utilize the mainstream and online media as a medium for campaigning to the masses.

On its part, the Uganda Communications Commission issued Guidelines on the Use of Media during the General Elections and Campaigns 2021. Although this move was welcomed by both mainstream and online media because of its financial benefits, the government later sought to curtail online campaigning by among others introducing onerous registration requirements for online publishers and broadcasters and threatening to close YouTube accounts of critical bloggers.

4.1.2 Internet Freedom and Journalism in Uganda

Although traditional or print media has over the years been the main source of information in Uganda, the development and evolution of the digital platform in form of social media has in some cases substituted information gathering and sharing. Journalists are increasingly reliant on social media as a form of research and source of information. Mainstream media groups such as NBS, NTV, New Vision and Daily Monitor have also established social media pages (Facebook and Twitter) and websites where they monitor, interact and obtain feedback from their audiences. Some media houses have gone ahead to develop policies, ethics and professional norms that their journalists are supposed to

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105 Ibid
110 Most Journalists use social media such as Twitter and Facebook as a Source. The Guardian. Available at: https://www.theguardian.com/media/pda/2010/feb/15/journalists-social-music-twitter-facebook
follow when engaging with social media as a source of information. All this notwithstanding, the media is still faced with challenges of ethical concerns that arise from the use of the internet and social media. Such concerns include plagiarism, using information from sources without their consent, infringement of the right to privacy, and the inability to verify sources of information. 

Importantly, the evolution of the digital world has enabled individuals who are not necessarily professional journalists, to share information within their reach. Majority of Ugandans have now turned to social media and other digital platforms to freely express themselves on different issues. There are also several established Bloggers that earn from online activities. In addition, there is an exponential increase in the number of online radio platforms. However, the utilization of online platforms to source for and disseminate information has been viewed both positively and negatively. On the one hand it has contributed to the notion of freedom of expression and increased on the number of the media. In turn some of these players and other internet users depend on the internet for a living. However, on the other hand, there are growing concerns over the rise in unprofessional conduct, information distortion and abuse of internet freedoms by individuals.

These concerns notwithstanding, the greatest culprit of internet freedom abuses during 2020 was the state. In this regard, the next sections highlight specific instances of internet freedom abuse and threats by state actors.

4.1.2.1 UCC Directive to all Online Data Communication Service Providers to register and obtain authorisation.

Online service providers include blogs, online televisions, online radios, online newspapers, Audio Over Internet Protocol (AoIP), Internet Protocol TV (IPTV), Video on Demand (VoD), Digital Audio radios and televisions, internet radio and televisions. On September 7, 2020, the UCC issued a Public Notice reminding all Online Data Communication Service Providers to register and obtain licences before they engage in any form of operation. The notice was viewed by several stakeholders as a hinderance to freedom of expression and not in line with international human rights standards. The Regional Director at Article 19 Eastern Africa Mugambi Kiasi cautioned UCC against the requirement of all online data communication and broadcasting service providers to obtain prior authorization before providing such services to the public. He observed that “This notice restricts the use of
the Internet to exercise the rights to freedom of assembly, expression and association. In addition to the heavy restrictions imposed on players in online media, reports from sources on the ground indicate that the opposition is having narrower platforms and space to mobilize the electorate and deliver its message online.\textsuperscript{116}

The Regional Director of East and Southern Africa at Amnesty International Deprose Muchena also observed that “The requirement for people to seek authorization before posting information online is retrogressive and a blatant violation of the right to freedom of expression and access to information…Freedom of expression does not need a license. The Communications Commission cited Section 27 of the 2013 Uganda Communications Act, among others, which prohibits broadcasting content without a broadcasting license. By applying this law to those sharing content on the internet and on social media platforms, the authorities are effectively criminalizing the right to freedom of expression online. These vague regulations will turn social media into minefield, with users likely to find themselves on the wrong side of the law and may face prosecution simply for expressing their views…”\textsuperscript{117}

A few days following the reminder notice, the Directive requiring Online Data Communication Service Providers to register and obtain licences from the UCC was challenged before the courts of law on the basis that it was unconstitutional.\textsuperscript{118} By the end of 2020 the matter was still pending the courts determination.

\textsuperscript{116} Uganda: Online media should not be restricted prior to 2021 elections. Article 19 September 21, 2020. Available at: https://www.article19.org/resources/uganda-online-media-restricted/


\textsuperscript{118} Kenneth Kazibwe, UCC Dragged to Court over mandatory Registration of Online Media, Nile Post, Available on https://nilepost.co.ug/2020/09/10/ucc-dragged-to-court-over-mandatory-registration-of-online-media/
4.1.2.2 Government Move to Block You Tube Channels

On December 9, 2020, the Uganda Communications Commission wrote a letter to the Chief Executive Officer Google Inc. requesting him to block a total of 14 You-Tube channels for violating Ugandan laws. The Channels included Ghetto TV, KKTV, Bobi Wine 2021, JB Muwonge 2, Namungo Media, Ekyooto TV, Map Mediya TV, Uganda Empya, Busesa Media Updates, Uganda News Updates, Uganda Yaffe, Trending Channel UG, Lumbuye Fred and TMO online. UCC claimed that these channels had been used to mobilize the November 18, riots where dozens of people lost their lives following the arrest of Presidential Candidate Kyagulanyi Ssentamu Robert.

UCC alleged that the channels above had published, disseminated and broadcast content without following minimum standards specified under the law i.e. the Uganda Communications Act 2013 and Regulation 8 (2) of the Uganda Communications (Content) Regulations 2019. They also accused the channels of misrepresenting information, views, facts and events in a manner likely to mislead the public and incite violence against sections of the public on account of their tribe and political opinions, compromise national security, and cause economic sabotage. On this basis the UCC urged google to immediately block the said channels. It was stated that by continuing to allow the channels to use their platform, Google was aiding and abetting commission of offences and acting contrary to Ugandan regulatory and penal laws.

In response to the claims by UCC to Google, A Digital Media Expert with Collaboration on International ICT Policy for East and Southern Africa (CIPESA-Uganda), Juliet Nanfuka, observed that “independent content producers of legitimate information and different narratives need not to be threatened by such actions because this can hamper legitimate opinions. This can also introduce a culture of self-censorship and affect the expansion of the media avenues...the key emerging questions are whether social media users should be treated as journalists or a broadcast house...why out of the hundreds of independent content producers is the government targeting the listed channels.? Google will undertake due diligence and require UCC to produce more evidence before any action can be taken on the said pages. This isn’t the first time; the independence of an online platform is being challenged”.

Human Rights Lawyer Nicholas Opiyo also observed that “First of all the Uganda Communications Commission demonstrates a sincere lack of knowledge of how social

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media platforms and digital companies work. Digital companies do not enforce Ugandan laws, you cannot cite the UCC Act and claim that these digital companies are in violation of those laws. Digital companies work on the basis of legitimate court orders. In other words, there has to be due process to make the point of breach of the law. UCC has neither subjected Managers of these companies to due process, they have condemned them without hearing. So, no digital company is going to take such letter seriously. It will be put in the dustbin immediately… so I think the actions of UCC …intended to intimidate to restrict both the popular platform for alternative organized for political formations who are denied mainstream space…”

In response to the letter, Google through its Head of Communication and Public Affairs for Africa Dorothy Ooko tasked the UCC to produce a Ugandan court order authorizing Google to block the channels. Dorothy noted that “we always follow local law, but it would have to be a valid court order.”

In the absence of a court order, the UCC could not compel Google to enforce its directives. Nonetheless the UCC letter was seen as yet another means by the NRM government to gag internet freedom and to restrict the rights of online broadcasters and journalism generally.

4.1.2.3 Other incidents of abuses and violations on Internet Freedom

The other incidents of internet freedom violations reported in the course of the year 2020 include the following.

The arrest of a New Vision Journalist James Odongo Akia. James was arrested on Thursday March 5, 2020 and briefly taken to East Kyoga Regional Police Headquarters in Soroti before being transferred to Kumi Police station where he was charged with cyber harassment. It was alleged that Odongo attacked and defamed Dr. Ekure using a pseudo-Facebook account in the name of Charles Okou.

Arrest of a writer and journalist following a Corona virus related post. Kakwenza Rukirabashaija the author of a book titled The Greedy Barbarian (which is believed to be a mockery of President Museveni) went missing on Easter Monday. It was later discovered that he had been arrested by security operatives for posting a picture on his Facebook timeline allegedly urging the public not to observe SOPs for the prevention of COVID-19. He was detained for 7 days and only produced before court after his lawyers had obtained a writ of a habeas corpus from the court. In the charge sheet brought before the court,
it was stated that on April 6, 2020, the accused person while at Busei A village in Iganga district using a mini-Lenovo laptop unlawfully and negligently posted messages on his Facebook account mobilizing the public against complying with the directives and public health guidelines issued to prevent the spread of COVID-19 knowing that such actions would lead to the further spread of COVID-19 which is dangerous to human life. He was charged for committing an act likely to spread an infectious disease contrary to Section 171 of the Penal Code Act. Subsequently he was remanded to Busesa Prison from where he was later released on bail.123

On April 13, 2020, a Payroll Officer at the Kampala Capital City Authority (KCCA) was arrested and charged of spreading false information having posted on his Facebook timeline that Uganda had recorded its first COVID-19 death in Koboko District.124

On April 20, 2020, the NBS News Anchor Samson Kasumba was arrested immediately after leaving the station.125 The Police stated that his arrest was not in any way related to his work, but that he was subject to an investigation of alleged subversive activities. However earlier on, Kasumba had made a post on his Facebook timeline questioning the high number of reported COVID-19 recoveries. He scornfully wondered how Uganda could have such remarkable results.

On June 22, 2020, an Online journalist and reporter with Capital Times News Website Ronald Nahabwe was arrested by detectives from the Criminal Investigations Department (CID) at Kibuli.126 Although the reasons for his arrest were not stated, Capital Times believed that his arrest was attributed to his investigative reporting on the multi-billion scandals in the Rural Electrification Agency (REA). The Ugandan Online journalists who also condemned the arrest and attributed it to a confidential letter authored by a Church Leader to the President of Uganda.127

Rearrest of a writer and journalist of controversial book.128 Kakweza Rukirabashaija was arrested again on September 18, 2020 from his home in Iganga by officials from the Chieftaincy of Military Intelligence (CMI).

125 Supra Note 123
They detained him for 3 days before he was produced in Court. The charges of his second arrest were related to inciting violence and promoting sectarianism with his continued writings. Tony Lule, a Video Editor with Bukedde TV was arrested by plain clothed men on November 12, 2020. It was alleged that Lule attacked the first son, General Muhoozi Kainerugaba on his Facebook account. However, the arrest was deemed a mistaken identity by Tony’s colleagues who stated that the Facebook page did not belong to Tony but to another person with whom he shared names. Tony was however charged at Buganda Road Court and released on bail.
CHAPTER FIVE

CONCLUSIONS & RECOMMENDATIONS
5.0 CONCLUSIONS

in the context of electoral campaigns launched by Uganda’s Independent Electoral Commission (IEC) in 2020, journalists and other media practitioners endured various forms of human rights violations in the hands of security agencies. The 2020 Press Freedom Index shows that several journalists were victims of arbitrary arrests and detentions, assaults and torture in the hands of security agencies.

The 2020 Press Freedom Index report shows that while Uganda has one of the most progressive laws in terms of recognition, protection, and promotion of press freedoms, challenges still abound in the exercise and enjoyment of these rights. Laws that seek to restrict the enjoyment of press freedoms and the practice of journalism present an enduring challenge even when they have been constitutionally challenged.

Moreover, the 2020 Press Freedom Index shows that the exercise and enjoyment of press freedom was greatly affected by the COVID-19 restrictions imposed by the government of Uganda. The ban of public transportation and the announcement of a nationwide lock down and curfew on March 30 while well intended, frustrated the work of the media in various ways. Journalists and other media practitioners were greatly restricted in their movements while those caught up in the curfew hours were brutalized by security agents. While journalists and other media practitioners were eventually recognized as essential workers -a status that allowed them to move and operate outside curfew hours, the long-term economic effects of the lock down on media houses rendered a number of them unemployed while others had
their employment terms varied to their detriment. Despite these challenges, during all this time, the media became a reliable source of information and a platform for COVID-19 public messages designed to help control the spread of the virus.

Finally, in the context of electoral campaigns launched by Uganda’s Independent Electoral Commission (IEC) in 2020, journalists and other media practitioners endured various forms of human rights violations in the hands of security agencies. The 2020 Press Freedom Index shows that several journalists were victims of arbitrary arrests and detentions, assaults and torture in the hands of security agencies. There were also cases of violent attacks on journalists by mobs during political campaigns. Related to this, there was a late attempt to restrict the right of the media to cover political campaigns and the general elections. Journalists were required to obtain accreditation from the Media Council- a body whose role has constantly been contested, before they could be allowed to cover the elections. Although this requirement was later rescinded, it had implications for the exercise of press freedom. Earlier, three international journalists were deported for not having proper work visas for them to cover the electoral process. The other press freedom threats took the form of unjustified and stringent directives issued by the Uganda Communications Commission (UCC) requiring online broadcasters to seek its clearance, and its attempts to block 14 You Tube Channels. Lastly, the 2020 report also takes note of the issue of political interference in the work of media houses that dared to host opposition candidates.

In total, the number of press freedom violations reported to HRNJ-Uganda in 2020 was 174. Of these, assaults were the highest at 69, followed by blocked access and arrests at 40 and 29 respectively. In addition to this, there were a total of 36 other violations reported. While this represents what may appear as just but a slight increase from the 165 cases reported in 2019, it should be noted that the general state of media freedom deteriorated greatly in the year 2020. Considering the limited engagement and reduced activity of the media due to COVID-19 related restrictions, press freedom violations should ordinarily have dropped. Last but by no means least, in spite of manifest press freedom restrictions and abuses, as well as the challenges posed by the COVID-19 global pandemic, media houses and practitioners for the most part showed great resilience in the face of a difficult year. The media remained a dependable source of news during the pandemic as well as in the evolving political processes. Nonetheless considering that many of the challenges and restrictions to press freedom in Uganda still abound, this report makes the following recommendations.

**To Parliament of Uganda and the Uganda Law Reform Commission (ULRC)**

- Repeal current laws that impose Over the Top Taxes (OTT) on social media. OTT is a major barrier to the enjoyment of press freedom in as far as it restricts journalistic sources, information dissemination and access to information by members of the public. Moreover, ever since it was introduced, the OTT has failed to achieve the set revenue targets but has instead gagged citizens access to information. The existence and reliance on VPNs have also rendered the tax ineffective.
• Set a minimum wage for all employees including those employed in the press and media industry. This will help to resolve economic exploitation of journalists that has rendered most of them vulnerable to unprofessional exploitative conduct.

• Pursue and implement urgent reform of obsolete laws that seek to restrict the enjoyment of press freedom such as the Penal Code Act cap. 120. In view of the decision of the court in Charles Onyango Obbo & Anor v. AG, any restriction on the exercise of press freedom should be demonstrably justifiable in a free and democratic society. Offences such as promotion of sectarianism, criminal libel and publication of statements likely to incite violence do not meet this test and should be struck out of Uganda’s penal laws.

• Amend the Press and Journalist Act to remove current unrealistic qualification requirements for accreditation of journalists. The issue of accreditation should be left to the media itself as is the practice in most democratic countries.

To the Government of Uganda

• Extend COVID-19 related support to media houses and deserving individual media practitioners affected by the pandemic.

To the President and Judicial Service Commission

• Urgently establish the Communications Tribunal as directed by Part X of the Uganda Communications Act, 2013 (as amended). In the absence of such a Tribunal, the media has no avenue from which they can seek recourse against decisions of the Regulator that they consider arbitrary.

To the Uganda Communications Commission (UCC)

• Work to promote and encourage internet freedoms rather than stifle them. In this regard, the UCC should urgently and immediately lift directives for registration of online broadcasts.

• In the event that there are any communications violations committed by online broadcasters, they should be dealt with in accordance with the laws of Uganda rather than subject all of them to burdensome and unjustified registration procedures.

• Prioritize and expedite the finalization of the Draft Uganda Communications Tribunal (Practice and Procedure) Regulations, 2020. These are urgent and necessary for the operationalization of the Tribunal established under the Uganda Communications Act to exercise jurisdiction over all decisions related to and made in connection to communication services.
• Allow the press and media to self-regulate and set their own standards including those related to online broadcasting. This promotes the spirit of self-regulation by the media – a common and encouraged practice in most democratic countries. Self-Regulation is one of the key principles enumerated in the Declaration of Principles on Freedom of Expression and Access to Information that were adopted by the African Commission on Human and Peoples Rights in late 2019.

• Refrain from introducing unjustified restrictions with implications for the work of the media late in the electoral process. Most importantly, the UCC should consult with the media and other stakeholders before introducing onerous compliance requirements.

Judiciary

Expedite the hearing and determination of urgent press freedom related cases especially those that are timebound, as including pending constitutional challenges of restrictive media laws, media rights enforcement cases and criminal trials against journalists and other members of the press.

Security Agencies

• Respect and uphold press freedom, and the right of the media to freely express itself. The right of journalists to practice their profession must at all times be respected and upheld by all including security agencies such as the police and the army.

• Quickly investigate reported and all other cases of human rights violations committed against members of the press by members of security organs. All those found culpable must be subjected to the relevant disciplinary procedures and/or tried in accordance with the Human Rights (Enforcement) Act, 2019.

• Introduce media rights related training in the curriculum of the police and other security agencies. This will go a long way to improve the human rights record of security agencies and hopefully improve the way that they treat journalists.

Uganda Human Rights Commission (UHRC)

• Investigate all cases relating to violations of press freedoms especially those committed by the state and its agents. As part of this initiative, appropriate compensation should be provided to victims in deserving cases.

• Exercise the mandate bestowed on the Commission by the Constitution to defend and promote citizen journalism and internet freedom both of which are an evolving and important component of freedom of the press and a necessity for any democratic society.
Independent Electoral Commission (IEC)

- Make all future electoral processes more open and friendly for the media instead of imposing unjustified restrictions. Any form of accreditation requirements that subject the press to strenuous procedures before they can be permitted to cover the elections should be avoided and discouraged.

- Facilitate the participation of the media and create a conducive environment for journalists to report freely and without harassment on electoral processes at all levels i.e., Presidential, Parliamentary and Local Council levels.

Uganda Journalists Union, Uganda Journalists Association & National Organisation of Trade Unions

- Support members of the media to bring action for punishment, compensation, and personal responsibility against errant security officials responsible for violations committed against them.

- Lobby workers representatives in Parliament to introduce a new Bill setting the minimum wage for all employees including journalists. This will go a long way in improving the working conditions of journalists and other workers.

Media House Owners

Respect and uphold the labour rights of journalists, and other members of staff employed by media houses. This will go a long way in improving the welfare of journalists and their working environment. Above all it will help mitigate against unprofessional conduct of journalists that is often occasioned by their economic vulnerabilities.