

**INTERNATIONAL PARTNERSHIP GROUP  
FREEDOM OF EXPRESSION MISSION TO UGANDA  
STATEMENT**

We, the members of the international joint partnership mission to Uganda on freedom of expression, release our findings from a four-day mission, during which we met with journalists and other media representatives, civil society activists, and government officials. The purpose of this mission was to examine the enabling environment for the media sector and to make specific recommendations for the Ugandan government and international assistance organizations to improve the environment. We are encouraged by the government's and officials' willingness to meet with the International Partnership Group and its pledges to consult stakeholders and consider their concerns.

The participating organisations were: the **African Centre for Media Excellence, Article 19, the Committee to Protect Journalists, Freedom House, the Media Foundation for Western Africa, and the Media Institute of Southern Africa.**

The main findings of the mission will be grouped into four categories: problems related to existing and proposed media laws, the issue of impunity related to violence against journalists, the lack of professional training for media practitioners, and economics.

## **FINDINGS**

### **Media Laws**

Despite having progressive constitutional provisions guaranteeing freedom of expression and media freedom, a number of retrogressive laws infringe on the spirit of these protections and violate Uganda's obligations under international law, including the International Covenant on Civil and Political Rights and African Charter. Examples include the Press and Journalist Act, the Electronic Media Act, the Anti-Terrorism Act, provisions of the penal code including criminal defamation and promotion of sectarianism. Uganda in the recent past (2 years) has continued to propose and pass laws that fundamentally threaten free expression, media freedom and access to information. The Press and Journalist Amendment Bill, the Regulation of Interception of Communications Act, and the Public Order Management Bill all further threaten freedom of expression and other fundamental liberties, contributing to an environment of self-censorship.

Application of these laws and regulations is often arbitrary and selective. The Electronic Media Act created the Broadcasting Council, providing it with excessively broad powers to grant or withhold licenses on the basis of an opaque set of conditions as well power to seize and confiscate transmission equipment without a hearing or other forms of due process.

Further, the Council does not follow its own policies in pursuing disciplinary action against media. For example, after the initial emergency closure of the four stations in September 2009, it did not follow its own policies of investigation of complaints nor did it resolve the cases in a timely manner. Incitement of violence was given as the reason to close the stations; however

no specific examples of incitement were provided to the mission by the Chair of the Broadcasting Council. Two of the stations remained closed long after the violence had subsided.

The regulatory structure is opaque and allows wide discretionary powers to the regulator. It is also susceptible to influence and manipulation by the executive. In fact, the President has in the last year said on numerous occasions that he had ordered the closure of CBS and that it could only be reopened on certain government terms, which brings into question the independence of the Broadcasting Council.

Self-regulation is largely lacking thus providing government with a rationale for imposing regulation.

Unfortunately, the **Access to Information Act** 2005 is not yet operational and requests for information are not granted. Furthermore, Parliament has not followed up on the requirements that each ministry submit required annual reports on the implementation status of the law. Journalists, NGOs and the public are unable to access vital information while the act is not implemented. We are encouraged that both the head of the Presidential Affairs Committee and a member of the Parliamentary Service Commission have pledged to bring the issue of non-implementation to the floor and express our hope that this is done in the current session of Parliament. The Minister of Information also assured the joint mission that her ministry would soon table a report and that the regulations were in the “pipeline.”

## **IMPUNITY**

There is an ongoing trend of impunity for perpetrators of violence against Ugandan journalists. In just the past month journalist Paul Kiggundu was killed in the line of duty and another journalist, Dickson Ssentongo, was killed on his way to work. Arthur Kintu, a reporter for the pro-government daily *New Vision* was beaten in September 2010 by an elected official while covering National Resistance Movement (NRM) primary elections. This mission received a number of first-hand reports of unsolved cases of journalists who have been kidnapped, beaten, assaulted or otherwise intimidated.

Resident District Commissioners (RDCs) regularly overstep their mandate and intimidate journalists. There is not a clear framework that defines their work or how to hold them accountable. This impunity has contributed to rising self-censorship, especially outside the capital, and fewer media outlets that are willing to engage in critical reporting.

## **CAPACITY AND PROFESSIONALISM**

The issues of ethics and journalism training remain key concerns for all stakeholders. There is a lack of professional development training programs for working journalists, not to mention specialized training.

The Makerere University Journalism and Mass Communications department does not offer sufficient journalistic training modules, although there are positive efforts underway to correct this.

Bribery and pay for stories are a concern, although the low pay in the media industry leaves media professionals susceptible to economic exploitation.

There is a shortage of skilled and experienced journalists, especially in the radio industry, where media outlets have difficulty retaining mid-level journalists.

### **MEDIA OWNERSHIP AND ECONOMICS**

Ownership of media outlets by politicians is problematic and presents a conflict of interest. The Mission heard differing figures of ownership statistics, with the Chair of the Broadcasting Council reporting that 10% of radio stations were owned by politicians whereas several media professionals reported the figure was closer to 70 to 75%. The ownership structure limits access to radio shows by people with divergent views, and the Mission heard of several examples where hosts were told not to allow particular guests to appear on air.

The sustainability of newspapers is compromised by declining circulation rates, which leaves outlets more dependent on advertising. This is compounded by cases of threatened or actual advertising boycotts by corporations and government, and is especially problematic for smaller media outlets. This threatens media diversity and pluralism.

### **RECOMMENDATIONS**

1. We are encouraged by the recent constitutional court decision overturning the sedition provision of the penal code and urge that other laws and provisions of the penal code, such as criminal defamation and promotion of sectarianism, that violate the spirit of the constitutional protections for freedom of expression be repealed.
2. We appreciate the oversight role played by parliament and urge that the Access to Information Act be immediately and fully operationalized and funded.
3. We recommend that the proposed Press and Journalist Amendment Bill should not be submitted to Parliament because most of the provisions impose onerous and undue restrictions on press freedom. We appreciate the official pledges from both the Minister of Information and relevant committee chairpersons that public hearing on the bill will be allowed and ample time given for debate should it be presented to Parliament.
4. We urge the relevant Parliament committees to set up a clear legal framework on the functions and accountability of RDCs and expedite the reform processes that the Speaker and the Chair of the Presidential Affairs Committee indicated were underway. This is particularly important in light of upcoming elections.

5. The authorities, in particular RDCs, should ensure the media are able to cover the upcoming presidential and parliamentary elections 2011 and safeguard their ability to operate freely.
6. We urge that the Broadcasting Council follows due process in sanctioning media outlets, and that CBS radio be re-opened without any further delay.
7. All pending cases against journalists should be carried out in accordance with due process and presumption of innocence.
8. Authorities should thoroughly and promptly investigate unresolved cases of murder and violence against journalists and bring those responsible to justice with particular reference to the two recent murder cases of journalists Paul Kiggundu and Dickson Ssentongo.
9. Journalists, media outlets and freedom of expression groups should make a more concerted effort to submit complaints and reports to the Human Rights Commission other redress mechanisms.
10. We urge journalists, media houses and associations to strengthen self-regulatory mechanisms as an alternative to the statutory regulatory regime.
11. The government must have an equitable advertising policy and not use the threat of advertising boycotts to punish or threaten to punish media outlets.
12. More funding should be provided to fund media training and exchange programs that increase journalistic professionalism, particularly in parliamentary and budgetary processes, investigative journalism, and election coverage.
13. Develop a policy on ownership structures to clarify and limit lawmakers and public officials to minimize editorial interference.