

THE AFRICAN MEDIA BAROMETER - UGANDA - 2010



AFRICAN MEDIA BAROMETER

The first home grown analysis of the media
landscape in Africa

UGANDA 2010

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AFRICAN
MEDIA
BAROMETER

ISBN No. 978-99916-863-6-3

The findings, interpretation and conclusions expressed in this report do not necessarily reflect the views of the Friedrich-Ebert-Stiftung or fesmedia Africa.

Published by:

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The African Media Barometer (AMB)

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on homegrown criteria derived from African Protocols and Declarations like the “Declaration of Principles on Freedom of Expression in Africa” (2002) by the “African Commission for Human and Peoples’ Rights”. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Foundation (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organizations like the Media Institute of Southern Africa.

Methodology and Scoring System:

Every two to three years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1 1/2 days they discuss the national media environment according to 45 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB- report.

After the discussion of one indicator panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of the indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome:

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and - in SADC countries the Media Institute of Southern Africa (MISA) - only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology.

By the end of 2009 the African Media Barometer had been held 46 times in 25 African countries, in some of them already for the third time.

Rolf Paasch
Head of fesmedia Africa
Friedrich-Ebert-Stiftung
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See above 25 AMB Countries (2005-2009)

AFRICAN MEDIA BAROMETER UGANDA 2010

Executive Summary

Uganda's 1995 constitution contains one of the best provisions on freedom of expression in Africa, guaranteeing "every person ... the right to freedom of speech and expression, which shall include freedom of the press and other media". This promise, however, has not been fulfilled. Since 2007, the year of the first African Media Barometer report on Uganda, the right to freedom of expression in the country has come under further pressure and the year 2010 is seen as a watershed in the history of media freedom in the country. In the run-up to elections in 2011, even more threats to this right are likely and expected.

The offices of the Resident District Commissioners have set up units to check on media with some of them registering personal details of journalists without their knowledge. They monitor political talk shows on private radio stations and file reports. Police have established a Media Offences Department. At the time of the panel meeting, 15 journalists were facing criminal charges, among them for sedition, incitement of violence, promoting sectarianism, and criminal defamation.

During riots in September 2009 the government, through the broadcasting regulator, closed down four radio stations for allegedly inciting violence, promoting sectarianism, campaigning against the government, and abusing the President. At the same time several journalists were barred from broadcasting, with some of them not having returned to their jobs months after the incident, and popular out-of-studio weekend discussions broadcast live on various FM stations were banned.

All these measures have sent a chilling effect through journalistic circles and the general public at large. On radio talk shows, very few journalists still host guests perceived to be critical of the government. There is self-censorship. Fear is present in all sections of society. People simply do not know what might happen when they speak freely.

The fear is heightened because of proposed legislation, which would allow the government to intercept and monitor phones, email, letters and other communications. The government is also planning to amend *The Press and Journalist Act 2000* to enable the statutory Media Council to license newspapers annually and to revoke a licence if licensing conditions have been breached. The proposed amendments if passed into law would give the Media Council powers to determine, for example, what amounts to "material that is prejudicial to national security, stability and unity".

The *Access to Information Act*, ten years in the making and finally promulgated in 2005, is still not being implemented because there seems to be no political will to do so. The government is yet to issue regulations to define which information can and cannot be released to the public.

There have been a few positive developments since the last media barometer report as well: the number of media outlets is growing, with more TV and radio stations being licensed and new print media on the market. Internet is increasingly more available with the estimated number of users standing at 2.8 million (9 per cent of the population) in 2009 compared to an estimated 1 million users in 2007. The government is seriously committed to implementing a programme that would reduce the percentage of Ugandans underserved by basic information and communications technologies. The Uganda Communications Commission has set up a number of tele-centres around the country.

A point of growing concern is that the Vision Group seems to be building up a powerful media conglomerate, adding local radio stations and a TV company to its newspapers. The Vision Group is still controlled by the government: although 47 per cent of previously state-owned shares were sold to private investors, the state still holds 53 per cent. In addition to the state-owned Uganda Broadcasting Corporation, it thus exercises power over one of the two major dailies, several regional newspapers, five radio stations, and one television station.

The Uganda Broadcasting Corporation (UBC), a public broadcaster in name only, is firmly under government control: the minister responsible for information appoints the board of directors and the corporation is still locked in the structures and mindsets of the old state broadcaster, with the minister interfering directly.

The same goes for the broadcasting regulator, the Broadcasting Council, which appears to be acting arbitrarily or even, some allege, on the instructions of the government, as evidenced during the closure of radio stations in September 2009.

A self-regulatory body for the media, the Independent Media Council of Uganda, has developed a Journalism Code of Ethics and was finally launched in December 2008. The Council is supposed to deal with complaints from the public but so far none has been received – obviously due to a lack of public awareness.

Many media do not live up to standards of accuracy and fairness, especially in radio journalism, as there are hardly any professional journalists working in the field. Self-censorship and corruption in newsrooms are common.

Media owners – apart from the state – are described as “the biggest obstacle to media freedom in Uganda”. Interventions in newsrooms occur regularly, especially at radio stations. In the aftermath of the September 2009 riots, owners of radio stations are said to have been “conspiring” with the state on their future and no media owner stood up to the threats against media freedom.

While at the time of the 2007 report media lobby groups were described as weak because of a lack of commitment, things appear to have changed slightly for the better. In February 2010, several media organisations and institutions launched the Article 29 Coalition (named after the article in the constitution which guarantees freedom of expression), a loose coalition of media groups seeking to speak with one voice.

As Uganda is approaching elections in 2011, it seems that the government is growing increasingly nervous. Its attempts to clamp down on free speech could well be a response to the citizens' increased awareness and assertion of their rights and the resilience of the media in the face of all odds.

BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
 DEGREE DOCUMENTS
 LEGISLATION
 QUESTIONS LAWS
 PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY
 HONESTY ACCESS

SECTOR 1:

Freedom of expression, including freedom of the media, are effectively protected and promoted.

PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY
 HONESTY ACCESS
 BOOKS TRANSLATION
 TRUTH POINT OF VIEWS
 INFORMATION COMMUNICATION
 CONSTITUTION TELEVISION
 BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
 DEGREE DOCUMENTS
 LEGISLATION
 QUESTIONS LAWS
 PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY

Freedom of expression, including freedom of the media, are effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Analysis:

Freedom of expression and the media is guaranteed in the 1995 Constitution of Uganda. Article 29 (1) (a) states:

- Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media.

Article 41 (1) gives every citizen the right of access to information in the possession of the state:

- Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.

Article 43 (1) stipulates a general limitation on the fundamental and human rights guaranteed by the constitution:

In the enjoyment of the rights and freedoms prescribed in this Chapter [on fundamental rights] no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest.

Article 43 (2) (c) sets the test for the legitimacy of any limitation on rights and freedoms that might prejudice the public interest by saying that this shall not permit

- any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution.

In principle, these constitutional provisions do guarantee freedom of expression (“they are as good as they can get”), but subsidiary legislation waters them down and does not support these standards – to the contrary: “The one hand (Constitution) gives, the other (laws) takes away” .

Section 40 of the Penal Code states that “any person who ... prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication ... commits an

offence and is liable on first conviction to imprisonment for a term not exceeding five years ...” Section 39 defines “seditious intention” as, among others, “to bring into hatred or contempt or to excite disaffection against the person of the President, the Government as by law established or the Constitution”.

The *Anti-Terrorism Act 2002*, under Section 9 (1), makes it a criminal offence, among others, to publish and disseminate news or materials “that promote terrorism” without precisely defining “terrorism”. A person convicted of this offence is “to suffer death” without the option of imprisonment. Also, Section 3 (1) c of the Third Schedule of the Act violates journalistic ethics by clearly excluding “journalistic material which a person holds in confidence and which consists of documents or of records other than documents” from the list of items that are subject to legal privilege during terrorist investigations.

The *Press and Journalist Act (Cap 105) 2000* (formerly Statute 1995) compels journalists to register with a statutory Media Council to get a “Practising Certificate” which has to be renewed every year. Section 28 (3) states that “no person shall practise journalism unless he is in possession of a valid practising certificate”. The certificate may be suspended for up to six months if a journalist is ‘guilty’ of “professional misconduct”. The Council is appointed by the minister responsible for information. Most journalists in Uganda, however, do not comply with this law and simply refuse to be registered.

In a judgement in 2004, the Supreme Court annulled a provision in the Penal Code concerning the publication of “false news” as unconstitutional and suggested that other laws that infringe the freedom of the media could also be challenged.

Despite this ruling, and since the 2007 African Media Barometer review, the government has become even tougher. It has proposed some draconian amendments to *The Press and Journalist Act 2000*. According to an advance copy¹ *The Press and Journalist (Amendment) Bill 2010* empowers the Media Council to license newspapers annually and to revoke the licence in case of breach of licensing conditions (more details under 1.5). The bill would give an inordinate amount of powers to the Media Council to determine, for example, what amounts to “material that is prejudicial to national security, stability and unity”. The entire licensing provision will likely be used to beat “offending” publications into line.

The government has also tabled before Parliament *The Regulation of Interception of Communications Bill 2007* to reinforce the provisions of Part VII (Interception of Communications and Surveillance) of the Anti-Terrorism Act”. Under the bill, an “interception warrant” may be issued by the minister responsible for security upon receipt of an oral application from selected government institutions if there are “reasonable grounds” for the minister to believe that:

1 This copy was in the possession of the panel. In early March 2010 the draft was presented to Cabinet, a step before going to Parliament

accused them of giving people room to abuse him. He reminded them of existing laws, warned that “I am going to shut down your radios”, and announced that he had established a Monitoring Team to keep an eye on radio programmes. After the meeting, some radio owners told their producers not to allow certain people to appear on their talk shows anymore.

*He [President] ...
warned that “I am
going to shut down your
radios”*

The right to free expression has since come under further pressure.

The government has put in place new control mechanisms:

(1) The offices of the Resident District Commissioners (RDCs) have set up units to monitor media. In districts such as Jinja and Soroti, RDCs have sent people from their offices to ask radio station managers to provide names, titles, phone numbers, and residential addresses of journalists under the guise of monitoring security. This is done, or is meant to be done, without the knowledge of the journalists. These same people also listen in to political talk shows in particular and file reports. Sometimes, they even prevent opponents of the government from speaking on radio. Main opposition leader Kizza Besigye was to appear on Kira FM in Jinja and the RDC called in to cancel the Q&A show. The RDC’s office told the station to refund the money Dr Besigye had paid for the show. If that were not possible, the same office was willing to compensate the station. Dr Besigye went to another station (Victoria FM) in the same town and paid US\$400,000 (US\$200) for a 2-hour show. The managers were then summoned to the RDC’s office to explain what Dr Besigye had said.

(2) The police have established a Media Offences Department. At one point this department submitted more than 100 cases against the media, mostly The Red Pepper tabloid, to the Directorate of Public Prosecutions in a single year. The DPP, however, declined to take them up. It is instructive that these cases were not brought before the regulatory bodies, the Media Council and/or the Broadcasting Council.

There is also a Cabinet sub-committee looking into ways of further regulation of the media. From 10-12 September 2009, riots broke out in Kampala following a stand-off between the central government led by President Yoweri Museveni and the authorities of the Kingdom of Buganda, Uganda’s most populous region.²

According to the official count, 27 people died, mainly from gunshot wounds. In the midst of the riots, the government, through the broadcasting regulator, the Broadcasting Council, shut down four FM radio stations. The stations –

² See endnote, p.73

Central Broadcasting Service (CBS), Suubi, Sapientia, and Akaboozi ku Bbiri – were accused of inciting violence, promoting sectarianism, campaigning against the government, and abusing the President. CBS, partly owned by the Buganda Kingdom and about whose broadcasts the President had complained for years, is still off the air, five months on. The other three were allowed back on air after several weeks, Radio Sapientia on condition that it would stick to religious programming only.

The government says to re-open, CBS must apologise for inciting violence and civil unrest, get its employees who have sued the government seeking compensation for loss of employment to withdraw the court case, relocate the radio studios from the seat of the kingdom government at Bulange-Mengo, drop programmes that incite violence and disorder, and adhere to broadcasting standards. “I will order the reopening of CBS when Mengo implements the conditions given by the government,” President Museveni told a rally at the end of January 2010.³

During the riots, several journalists were barred from broadcasting with some of them not having returned months after the incident.

At the same time that the radio stations were shut down, the government banned *ebimeeza*, the out-of-studio open-air weekend discussions broadcast live on various FM stations. The *ebimeeza*, started in the run-up to the 2001 elections, provided citizens the chance to debate public issues openly. The government’s first attempt to ban *ebimeeza*, arguing that radio licences allowed indoor and not outdoor broadcasting, was in December 2002. At that time, senior Cabinet ministers publicly opposed the idea, some 6,000 people signed a petition against the ban, and the Uganda Law Society said there was no legal or constitutional basis for the proposed ban.

The closure of radio stations, arrest, charging and suspension of journalists, banning of *ebimeeza*, and the stealth registration of journalists by RDCs have had a chilling effect in journalistic circles and the general public at large. On radio talk shows, very few journalists are hosting people perceived to be critical of the government. There is self-censorship. Sometimes, even when journalists are willing to take the risk and host critical voices, the owners of the radio stations will stop them for fear of antagonising the government which is one of the biggest advertisers on these media channels. Some owners reportedly listen in with a view to swiftly stopping a show from going forward once the guest gets overly critical of the government. Apart from losing business from government advertising, the stations fear closure.

This fear is present in all sections of society and, as one panellist put it, “since 2007, the threshold of fear is up.” It might be seen as paranoid but people

3 Three days after the panel meeting, on Wednesday, 17 February, the government sued the CBS for allegedly breaching the Electronic Media Act 2000. It wants the courts to order CBS to pay damages for allegedly mobilising and inciting the public into violence and rebelling against lawful authority.

simply do not know what could happen when they speak freely. This fear is heightened further because of proposed legislation such as *The Regulation of Interception of Communications Bill 2007*. This proposed law aims to permit the government to intercept and monitor phone calls, email, letters and any other such communications.

The government is also attempting to control the production of music and has named some musicians for allegedly inciting the public to violence during the September 2009 riots. In a proposed law on intellectual property rights, the government now seeks to license musicians. Already there is an element of censorship: before a song is released, it has to go through the censor's office.

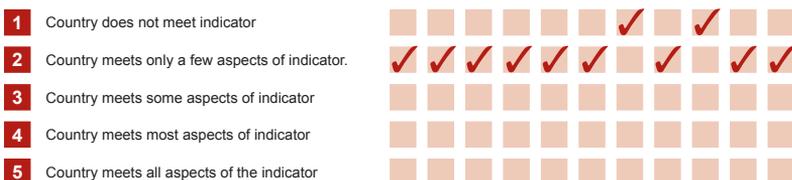
All these actions indicate that the government is growing increasingly nervous ahead of elections scheduled for 2011 and faced with opponents who are now even more outspoken than in the past.

The people, however, are still talking if only because they “have not reached the level of whispering yet”. The government's nervous reaction to free speech could well be a response to the citizens' increased assertion of their rights. Indeed, public debate has continued on the legitimacy of the government actions.

The people ,... “have not reached the level of whispering yet”.

Scores:

Individual scores:



Average score:

1.8 (2007: 2.3)

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Analysis:

There are a number of laws that curtail freedom of expression and the media. In its annual report for 2000-2001, the Uganda Human Rights Commission (UHRC) listed 20 pieces of legislation that are unconstitutional. Among them are the *Police Statute 1994*, *The Penal Code*, *The Press and Journalist Act 2000*, and *The Emergency Powers Act 1968* – see under 1.1.

The *Penal Code*, particularly, makes for sober reading. Section 42 allows the courts to confiscate a printing machine for one year and to ban a publication for the same period for publishing seditious material. Section 53 makes it a “misdemeanour” to “degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignity (sic) with intent to disturb peace and friendship between Uganda and the country to which such prince, potentate, ambassador or dignity (sic) belongs”.

Section 180 criminalises defamation, which is defined as any matter likely to injure the reputation of any person by exposing him/her to hatred, contempt and ridicule.

The *Police Statute 1994* empowers the Inspector General of Police to restrict people from exercising their right of freedom of expression and assembly as a group.

Nothing has changed since the 2000-2001 UHRC report. In its report for 2008, the UHRC called for the repeal of the laws on sedition, sectarianism, criminal libel, criminal trespass, some sections of the Penal Code Act (Cap 120), some sections of the Press and Journalist Act, the Official Secrets Act, and sections of the Anti-Terrorism Act. The report said that although many of these laws and sections were not invoked in 2008, they continue to be “an ever-present threat”. Said the report: “Some of these laws are archaic, having been inherited from the colonial administration. They have no place in a democracy as they prevent not only the media, but the citizens as well, from addressing controversial issues.”

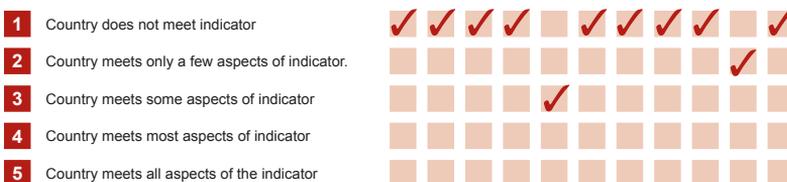
Two proposed laws, already mentioned in 1.1 above, are a source of concern. Amendments to *The Press and Journalist Act 2000* seek to create new offenses and penalties against media houses. *The Regulation of Interception of Communications Bill 2007* will not only likely make it impossible for journalists to protect confidential sources, it is already making government officials sound very guarded when talking with journalists on the telephone.

At the time of the panel meeting, 19 journalists had criminal charges pending against them before the courts with some facing more than one. These charges range from sedition, criminal libel, promoting sectarianism, to incitement of violence and forgery. Between 2007 and February 2010, 34 journalists had been summoned by the authorities on matters related to their work and 25 were charged.

The constitutionality of a number of the laws under which the journalists are charged is being challenged in the Constitutional Court and in the Supreme Court. The Supreme Court is the highest appellate court on all matters, including constitutional ones.

Scores:

Individual scores:



Average score:

1.3 (2007: 1.5)

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

Analysis:

Some of the regional and international instruments on freedom of expression and the media, relevant for Uganda, are:

Universal Declaration of Human Rights. Article 19 says:

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.

International Covenant on Civil and Political Rights. Article 19 states:

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.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others;
 - b) For the protection of national security or of public order, or of public health or morals.

African Charter on Human and Peoples' Rights. Its article 9 states:

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

Protocol on Management of Information and Communication, a protocol of the International Conference on the Great Lakes Region. Some of its objectives are to:

- Promote freedom of opinion and expression and the free exchange of ideas in the Great Lakes Region;
- Promote freedom of the media to receive and to impart information and ideas in the Great Lakes Region;
- Promote pluralistic media and the new information and communications technologies, and expand access to information in the Great Lakes Region;
- Foster the emergence of independent and responsible media in the Great Lakes Region, namely by promoting media regulation and self-regulation bodies ...

Declaration of Principles on Freedom of Expression in Africa, adopted by the African Union's Commission on Human and Peoples' Rights. Part I on *The Guarantee of Freedom of Expression states:*

1.5 Print publications are not required to obtain permission to publish from state authorities.

Analysis:

Print publications have to be registered with the General Post Office. This permission is a formality and cannot be denied.

The Press and Journalist (Amendment) Bill 2010, however, intends to empower the statutory Media Council to license newspapers annually and to revoke the license in case of breach of licensing conditions:

The Council shall before issuing a license under this section take in account (sic) the following ...

- (b) proof of existence of adequate technical facilities; and
- (c) social, cultural and economic values of the newspaper.

On revocation of the license, it says:

The Council may revoke a license issued under this section on the following grounds –

- (a) publishing material that is prejudicial to national security, stability and unity;
- (b) publishing any matter that is injurious to Uganda's relations with new (sic) neighbours or friendly countries;
- (c) publishing material that amounts to economic sabotage; and
- (d) contravention of any condition imposed in the license.

The proposals give an inordinate amount of powers to the Media Council to determine, for example, what amounts to “material that is prejudicial to national security, stability and unity”. The licensing terms essentially provide a mechanism for bringing what the government may consider stubborn publications into line. If the bill becomes law, the Media Council will have powers similar to those of the Broadcasting Council under the Electronic Media Act (Cap 104) 2000 – which it used to shut down radio stations and to suspend journalists as happened during the September 2009 riots.

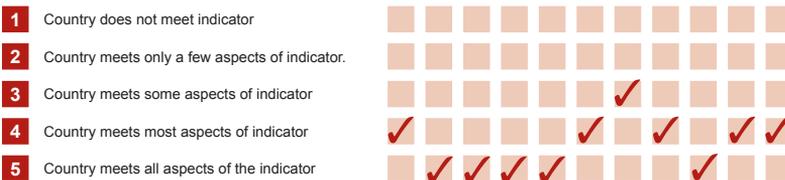
The proposed changes contravene Article 29 (1) (a) of the constitution and fall short of best practice standards outlined in the Declaration of Principles on Freedom of Expression in Africa. Section 8 (1) of the Declaration says:

Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.

The scoring was done on the basis of the status quo without taking the above bill into account.

Scores:

Individual scores:



Average score:

4.4 (2007: n/a)

1.6 Entry into and practice of the journalistic profession is legally unrestricted.

Analysis:

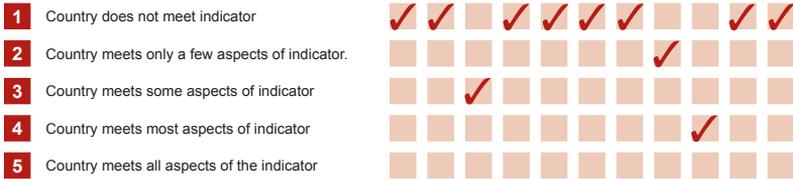
Under the *Press and Journalist Act 2000*, journalists must have minimum qualifications to work. Section 16 (2) says that to practise, a journalist must have either a university degree in journalism or mass communication, or a university degree plus a qualification in journalism or mass communication and have practised journalism for at least one year. The same law demands registration of journalists. It compels journalists to register with the statutory Media Council to get a “practising certificate” which has to be renewed every year after journalists have been enrolled as members of the National Institute of Journalists of Uganda. Section 28 (3) states that “no person shall practise journalism unless he is in possession of a valid practising certificate”. The certificate may be suspended for up to six months if a journalist is ‘guilty’ of “professional misconduct”.

This provision was initially a compromise between senior journalists and the government to avoid more draconian measures. But once the government started arresting journalists, media houses quietly stopped paying for their journalists to get certificates. There is a fine of 200 currency points (US\$2,000) for failure to fulfil conditions.

For the last 10 years or so, there has been no effort by the Media Council to require practising journalists to have certificates although the Council warned in 2008 that journalists needed to have the certificates. In court cases, however, the fact that an accused journalist does not have a “practising certificate” may count against him/her.

Scores:

Individual scores:



Average score: 1.5 (2007: 1.3)

1.7 Confidential sources of information are protected by law and/or the courts.

Analysis:

The Press and Journalist Act 2000, in its Section 39, states that “a journalist shall not be compelled to disclose the source of information except with the consent of the person who gave him the information or on an order of a court of law”. Section 2 of a “Professional Code of Ethics” in the First Schedule of the same Act says that “no journalist shall disclose the source of his information and shall only divulge them in the event of an overriding consideration of public interest and within the framework of the law of Uganda”.

Although the civilian courts are yet to compel a journalist to disclose his or her confidential source of information, they do have that power and can use it any time, thus opening defendants up to contempt of court charges.

Section 44 of the *Access to Information Act 2005* protects “whistleblowers” by guaranteeing that persons who release information “on wrongdoing” – which is defined as the “commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or maladministration regarding a public body” – should not be subject to any sanction.

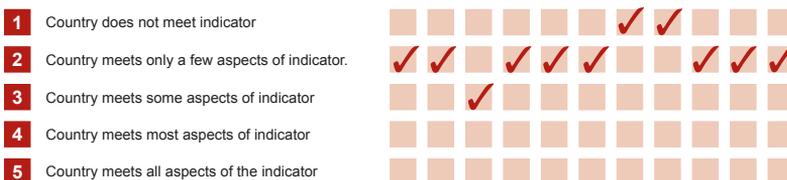
The Regulation of Interception of Communications Bill 2007 will, however, when it becomes law, make it nearly impossible for journalists to protect their confidential sources when they communicate through phones, letters or via e-mail. Even now the impending law is already making especially government officials sound very guarded while talking on the telephone with journalists.

The long-ingrained culture of secrecy still exists and civil servants still need to be educated on the fact that they are holding official information on behalf of the citizens.

Even if information is available, it is not accessible to the majority of the people because most documents are in English.

Scores:

Individual scores:



Average score: 1.9 (2007: 2.7)

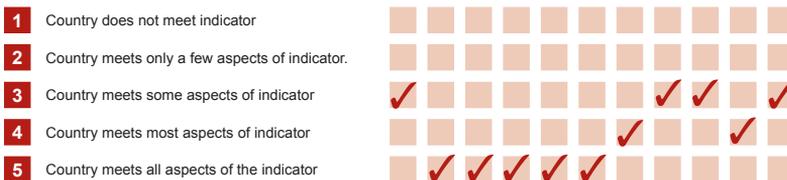
1.9 Websites and blogs are not required to register with, or obtain permission, from state authorities.

Analysis:

The Information and Communication Technologies (ICT) Policy requires registration of Internet Service Providers (ISP) only, not websites and blogs.

Scores:

Individual scores:



Average score: 4.1 (2007: n/a)

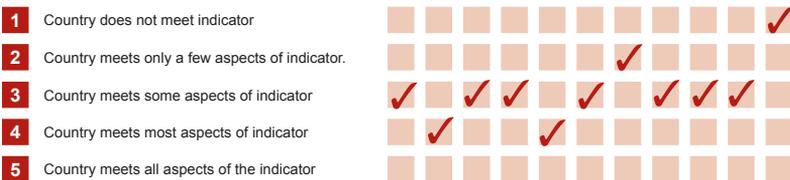
1.10 The state does not seek to block or filter internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Analysis:

The panel felt there was not enough information or instances of any attempt to interfere with internet content to come to any firm conclusion on this indicator. With *The Regulation of Interception of Communications Bill*, and with more Ugandans using the Internet, however, the State may get interested in online content.

Scores:

Individual scores:



Average score:

2.9 (2007: n/a)

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Analysis:

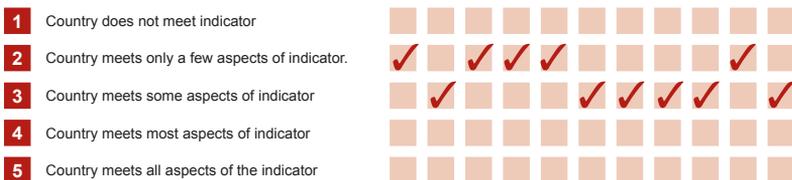
In 2007, the report noted that civil society groups played a minimal role in advancing media freedom because they do not seem to appreciate the connection between their particular cause and that of media freedom. Media lobby groups, in particular, came in for criticism for being numerous but weak because of lack of a committed membership – not paying membership fees, for example – that would take the promotion of media freedom seriously. At last count, in 2006, there were 56 media associations in Uganda, some of them just funds-driven groups – they come up when there is an opportunity to tap some donor money.

Things appear to have improved slightly and there is now better advocacy on media issues. There have been representations to parliament and demonstrations to highlight media freedom issues on World Press Freedom Day, the Foundation for Human Rights Initiative compiled a document titled “State of Media Freedom in Uganda”, and the Human Rights Network for Journalists released a report on the number of journalists beaten up in the course of their work. After the September 2009 riots, a range of groups came together to issue a statement condemning the government’s clampdown on the broadcast media.

In August 2009, 13 media organisations and institutions, among them the Uganda Journalists Association (UJA), Uganda Media Development Foundation (UMDF), Uganda Radio Network, and Makerere University’s Department of Mass Communication, formed the Article 29 Coalition (named after the article in the constitution which guarantees freedom of expression), a loose coalition of media groups seeking to speak with one voice. Its number one project is to challenge the media legal framework which does not guarantee freedom of expression, including the proposed amendments to the *Press and Journalist Act 2000*.

Scores:

Individual scores:



Average score: 2.5 (2007: 2.4)

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Analysis:

Consultations with various stakeholders do take place although it is not clear how meaningful they really are.

Civil society got involved in the development of the Access to Information Act, but this Act, in place since 2005, is not being implemented yet. In 2004, the public was involved in the formulation of a Broadcasting Policy through one well attended public hearing in the capital, but the present status of the policy is not known.

The proposed changes to the Press and Journalist Act 2000 offer a fresh opportunity to gauge the seriousness of the consultations.

Scores:

Individual scores:

1	Country does not meet indicator	✓										✓	✓		✓	✓
2	Country meets only a few aspects of indicator.		✓	✓	✓	✓	✓						✓			
3	Country meets some aspects of indicator															
4	Country meets most aspects of indicator															
5	Country meets all aspects of the indicator															

Average score: 1.5 (2007: n/a)

Average score for sector 1: 2.5 (2007: 2.4)*

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability

2.1 A wide range of sources of information (print, broadcasting, internet) is accessible and affordable to citizens.

Analysis:

Ugandans have different sources of information, both in print and in broadcasting, with radio being the most important one: according to an audience study undertaken by the Kampala-based Steadman Group, now Synovate, in 2009, 89 per cent of all households own a radio set.

Broadcast media are widely spread. The state broadcaster's TV signal covers 60% of the country while radio reaches 80%. The signal, however, is not reliable and breaks down frequently. In addition there are private FM radio stations in almost all parts of the country. According to the Uganda Communications Commission's *A Review of the Post and Telecommunications Market 2008/09*, there were 202 FM stations on air as of June 2009 compared to 166 in June 2008. The majority are owned by commercial proprietors and are located in the central part of the country because it is the wealthiest.

According to the Communications Commission there were 40 television stations licensed in June 2009 compared to 26 in June 2008. Most, like radio, are based in the central region, and four in other regions. These include: WBS TV, Nile Broadcasting Services (NBS), Uganda Broadcasting Corporation (UBC), Record TV, Light TV (mainly Christian), Nation TV (NTV), Top TV, Nile TV, Open Gate TV, EATV, which beams in from Dar es Salaam and a new station, Bukedde TV, an affiliate of the daily *The New Vision*. DStv is a pay-TV provider. Very few people, however, do actually have access to TV services because the majority cannot afford a set. (According to the 2006 Uganda Demographic and Household Survey by the Uganda Bureau of Statistics only 6.2 per cent of Ugandan households own a TV set.)

There are two major English-language dailies: the state-owned *The New Vision* and the privately owned *Daily Monitor*, with a combined circulation of less than 70,000 copies a day, each copy being read by between five and 10 people (Uganda's total population stands at 31 million). There are three other dailies, *The Red Pepper* (a tabloid), its sister paper *Kamunye*, a Luganda-language publication, and

Bukedde, a sister paper of *The New Vision*. In addition, there are weekly papers: *The East African*, *The Weekly Message*, *The East African Business Week*, *The Sunrise*, *Etop*, *Orumuri*, *Rupiny*, *The Independent*, and two others affiliated with the Buganda Kingdom – *Ggwanga* (meaning ‘nation’), and *Eddoboози* (meaning ‘the voice’). *The Weekly Observer* went biweekly to become, simply, *The Observer*. There are two other occasional papers: *The Movement Times* and *The Onion*.

A copy of a daily costs Shs1,200 - in a country where 31 per cent of the people live on less than a dollar (Shs2,100) a day. “To buy a paper is a sacrifice”. People in the rural areas are not really interested in print media because their main issues of coverage, which revolve around happenings in the capital Kampala, are not seen as affecting them. They prefer their (local) FM station.

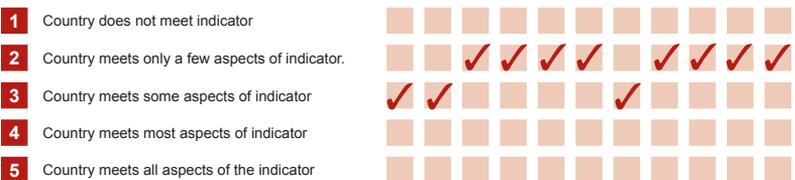
“To buy a paper is a sacrifice”.

Internet is increasingly more available and prices are coming down. For Shs1,000 one gets 30 minutes in an Internet café compared to 10 minutes in 2007. And more people are using the Internet. As of June 2009, according to the Communications Commission review, there were 12 Internet and data service providers in Uganda. There were 27,590 Internet subscriptions, with the estimated number of users standing at 2.8 million (9 per cent of the population) in 2009 compared to 15,500 subscriptions and an estimated 1 million users in 2007. There is shared usage at work places, education institutions, and public cafes.

Accessibility of information is, however, also dependent upon access to electricity with only 10 per cent of Ugandans being connected to the national electricity grid. There are disparities based on wealth as well – the richer (and there are not so many) enjoy a much wider range of sources of information.

Scores:

Individual scores:

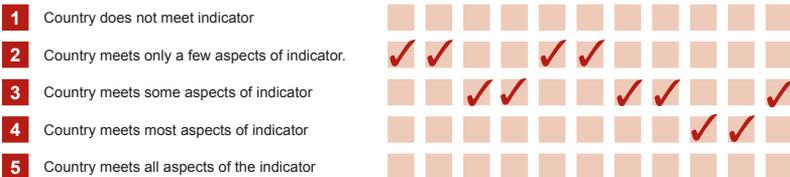


Average score: 2.3 (2007: 2.6)

Etop, Rupiny, and Bukedde - are growing in circulation. One reason could be that a copy of *Daily Monitor* or *New Vision* goes for Shs1,200 compared to, for example, *Bukedde*, which sells for Shs800.

Scores:

Individual scores:



Average score: 2.8 (2007: 2.8)

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

Analysis:

Section 18 (b) of the *New Vision Printing and Publishing Corporation Statute 1987* says:

In the carrying out of its functions and in particular the function of publishing the Government Newspapers, the board shall have as its editorial policy ... to voice public opinion and criticisms of a given Government policy in a fair and objective manner without becoming an institutional opponent to the Government or its interests.

This statute was drawn up when the government was still the sole owner of *The New Vision*. While it is no longer a corporation but a company listed on the stock exchange, with the government owning 53 percent of shares and the rest being in public hands, the statute still holds. This means Section 18 (b) could be invoked any time if the government saw fit to do so – even if the statute also makes some provision for editorial independence.

In fact, there is undue political interference in the *New Vision's* work even without referring to the statute as the majority shareholder's interests override those of

others. The President himself has at times called the editors to complain about certain stories. Such interference does, of course, have a chilling effect on editors and reporters. Human rights reporting, for example, is weak in the paper because the “big man does not want such stories”.

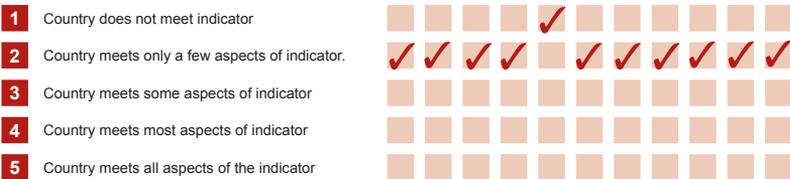
*Human rights reporting....
the “big man does not want such stories”.*

The minister of finance, as the majority shareholder on behalf of the government, appoints the board of the newspaper, which in turn appoints the editor and decides on the editorial policy. Sometimes the board, which has two members representing minority shareholders, cannot do much to ensure a level of editorial independence. It is to be expected that the space for such independence will narrow even more as Uganda is heading for elections in 2011.

For all the pressures *New Vision* faces, it is still a more credible and respectable newspaper than most government-owned papers in Africa. It keeps publishing some hard-hitting editorials, say against corruption. One editorial in February 2010, for example, said the country was sinking under the weight of corruption.

Scores:

Individual scores:



Average score: **1.9** (2007: 2.6)

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies

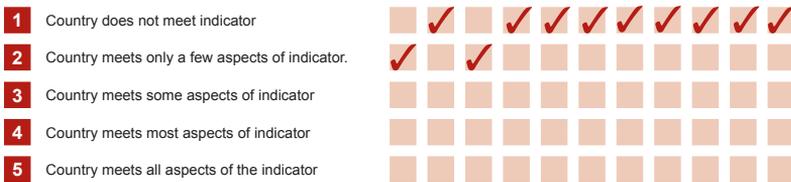
Analysis:

The New Vision has acquired and set up new FM radio stations, and has now rebranded itself as The Vision Group. It bought *Radio West*, the largest station in western Uganda based in Mbarara. It set up *Vision FM* and *Bukedde FM* based in Kampala; *Radio Etop* based in Soroti, eastern Uganda; and *Radio Rupiny* based in Gulu, northern Uganda. In addition, it started Bukedde TV, completing its multi-media “empire”.

This was possible because there is no anti-monopoly legislation in the country. The proposed Broadcasting Policy, whose status (as pointed out under 1.12) is still unclear, seeks to limit concentration in ownership, and encourage diversity and competition in media.

Scores:

Individual scores:



Average score: 1.2 (2007: 1.3)

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

Analysis:

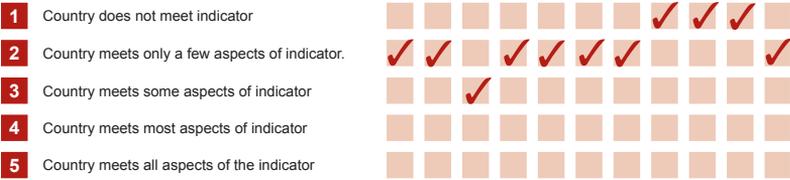
Media legislation in its entirety suggests that the government is not seeking to promote a favourable environment for a diverse media landscape.

In practice, the government is building up a media conglomerate which it controls. In addition to the state-owned Uganda Broadcasting Corporation, it now –

through the New Vision Group – has power over one of the two major dailies, several regional newspapers, five radio stations, and one television station.

Scores:

Individual scores:



Average score: 1.8 (2007: n/a)

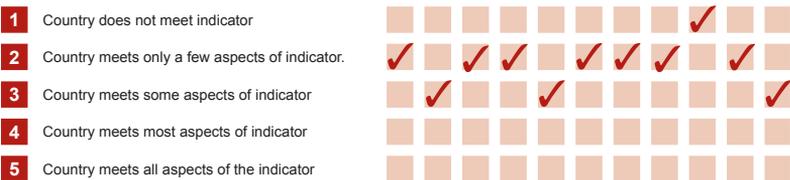
2.7 All media fairly reflect the voices of both women and men.

Analysis:

Although there is no conscious discrimination against women in the media, trivialisation is an issue and it appears to be structural. This reflects the power dynamics in a patriarchal society. For example, very few women call in to talk shows on radio or TV although some media outlets make an effort to encourage women to participate. At the Uganda Radio Network, over a four-month period during a recent semi-formal assessment, only 3 per cent of the stories had female voices in them, yet the number of female and male reporters is about equal. Quite surprisingly, male reporters quoted women more often as sources in their stories.

Scores:

Individual scores:



Average score: 2.2 (2007: n/a)

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Analysis:

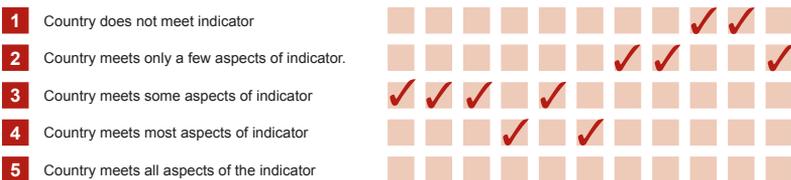
There is ethnic and linguistic representation in the specific sense that almost every district of Uganda has an FM radio station located there and most use the area's local languages.

Ownership of FM radio stations is fairly diverse ethnically but not politically – because most owners are in one way or the other affiliated with the ruling party. There are a number of faith-based radios: Catholic, Protestant, Pentecostals and Muslim institutions all own FM stations.

Most print media, on the other hand, are published in English, although the overwhelming majority of citizens speak home languages other than English.

Scores:

Individual scores:



Average score:

2.5 (2007: n/a)

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

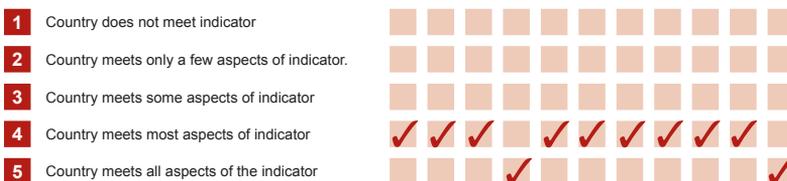
Analysis:

The Second Rural Communications Development Policy (2009) outlines an information and communication technologies policy which aims at reducing “the percentage of Ugandans that are underserved and thus attain the WSIS [World Summit on the Information Society] target for access to basic information and communications services”. The policy defines “rural and underserved” as “those communities that are not able to have access to information and communications services as well as those that are underserved either due to geographical isolation, poverty or any social exclusion factor such as gender, disability or age”.

The government is seriously committed to implementing this programme. The Uganda Communications Commission has some tele-centres around the country, and actively encourages women to participate.

Scores:

Individual scores:



Average score:

4.2 (2007: n/a)

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Analysis:

Because Uganda's economy is small, the government is the biggest advertiser. Government advertising constitutes about 70 per cent of the market, with the Ministry of Health being crucial because it spends a lot on all sorts of public health campaigns.

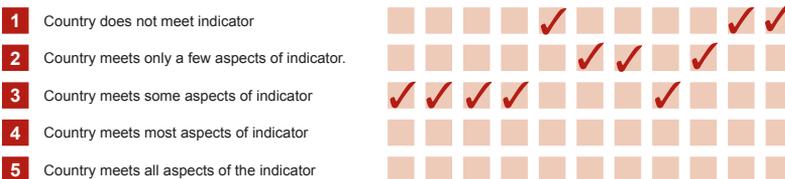
On a number of occasions this economic clout has been used to tame critical media. In the 1990s the government imposed an advertising ban on the privately owned *Daily Monitor* newspaper following news stories and opinion pieces that were viewed as critical of the state.

In recent years, the pressure has not been applied officially but in a more subtle way. Companies doing business with the government do not want to be seen to be associated with newspapers regarded as "enemies" by placing adverts in them.

After the re-opening of Radio Sapientia, one of four stations closed during the September 2009 riots, the management of the station was asked to sign a declaration that political ('anti-government') programming would not be put around Ministry of Gender adverts.

Scores:

Individual scores:



Average score:

2.2 (2007: 2.0)

2.11 The advertisement market is large enough to support a diversity of media outlets.

Analysis:

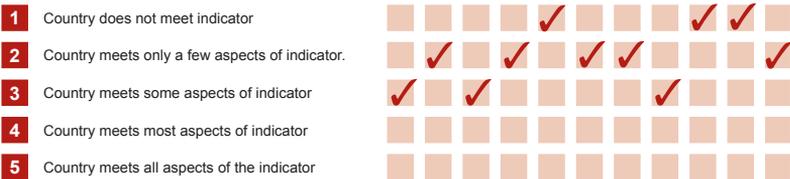
“The cake is shrinking”. This is possibly because of the international economic downturn. Another problem is the fact that so many competitors are fighting for a piece of that cake. Even if its overall advertising budget has decreased, telecom company MTN, for example, can still get the same amount of airplay and space because advertisers are demanding and getting bigger discounts.



Advertisers can easily make the demand because there are so many FM stations. Newspapers are also forced to give generous discounts.

Scores:

Individual scores:



Average score: 2.0 (2007: 2.4)

Average score for sector 2: 2.5 (2007: 2.4)*

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Analysis:

Broadcasting legislation has been passed and implemented. However, it falls short of providing a conducive environment for public, commercial and community broadcasting.

The Electronic Media Act 2000 sets up the Broadcasting Council, which is supposed “to co-ordinate and exercise control over and to supervise broadcasting activities”. The chairman and all council members are appointed by the minister responsible for information.

The minister has the power to give “directives of a policy nature to the Council regarding the performance of its functions and the Council shall comply with the directions”. This provision and others, such as those on “minimum broadcasting standards”, have been used to take private radio and TV stations off-air. A recent example is the closure of four FM stations during the September 2009 riots (see indicator 1.2).

The Electronic Media Act 2000 regulates commercial broadcasting but not the other two sectors – public and community (see indicator 3.12). The National Broadcasting Policy 2004 recognises all these three tiers of broadcasting, but its status remains unclear.

The *Uganda Communications Act 1997* establishes the Uganda Communications Commission, whose members are appointed by the minister responsible for communications. The minister himself/herself, upon the recommendation of the Commission, grants or refuses licences to “a radio communications station” (Section 34 [1] of the Act). There are allegations that the quality of the frequency allocated depends on bribes and political connections. Licences are said to be declined if there is a suspicion that the radio/TV station could be used by the

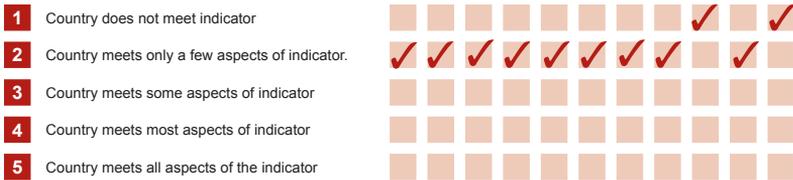
political opposition. Government politicians on the other hand are allowed to run FM stations.

The Uganda Broadcasting Corporation Act 2005 introduces a public broadcaster, the Uganda Broadcasting Corporation (UBC), which runs a TV station and several radio stations. However, this body falls short of meeting basic requirements for a public broadcaster, especially in regard to the unrepresentative nomination of the board of directors, appointed by the minister responsible for information.

The President announced in April 2007 that he had set up his own Media Monitoring Unit in the President’s Office.

Scores:

Individual scores:



Average score: 1.8 (2007: 2.6)

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed - in an open way - involving civil society and not dominated by any particular political party.

Analysis:

Broadcasting is regulated by two bodies⁴: the Broadcasting Council, created by the Electronic Media Act 2000, and the Uganda Communications Commission (UCC), established by the *Uganda Communications Act 1997*.

The Electronic Media Act gives the minister responsible for information the power to appoint the Broadcasting Council. The Council is composed of five government

⁴ After the AMB reunion, the two regulatory bodies were merged into one regulatory body that is to oversee broadcasting and communication issues in the country (reported in The New Vision <http://www.newvision.co.ug/D/8/12/715389>, accessed 06.04.2010).

officials from different ministries, three representatives of broadcasting media, two members of the public, and a lawyer, all appointed by the minister responsible for information. Section 10(5) of the law says: “The Minister may give directions of a policy nature to the Council regarding the performance of its functions and the Council shall comply with the directions”.

As things stand, the Council is not accountable to the public. In practice, although not provided for by law, the chairperson of the Council is not accountable to the Council either. The current chairman insists he is not acting on the instructions of the government. However, President Museveni himself has said he ordered the closure of CBS radio station and that he would order its re-opening when it agreed to meet stringent conditions set by his Cabinet. The President had repeatedly warned FM stations, especially CBS, against undermining government programmes and telling lies about his policies.

The UCC is supposed “to monitor, inspect, license and regulate communication services” generally, while the Broadcasting Council is tasked to plan and manage the “frequency spectrum dedicated to broadcasting”. The members of the Commission are appointed by the minister responsible for communications with the approval of the Cabinet. Although the law says the Commission “shall exercise its functions independent of any person or body”, it is the minister who grants licences for broadcasters “upon the recommendation of the Commission” (Section 34 [1] of the Act).

Scores:

Individual scores:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator.	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

Average score: 1.0 (2007: n/a)

3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Analysis:

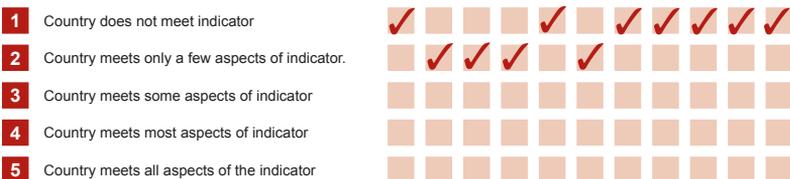
The two regulatory bodies – the Broadcasting Council and the Uganda Communications Commission – operate under a legal system that ties them to the government. The Broadcasting Council often shuts down critical radio and/or TV stations arbitrarily, purportedly acting in the “public interest”. The closure of the four FM stations already mentioned, the latest such act, was justified along the same lines. While addressing a roundtable discussion on public broadcasting in Kampala in December 2009, the minister responsible for information said the government’s closure of the stations was “appropriate and justified for the good of all”.

If radio stations fail to pay their annual licence fees, the regulatory bodies do not move against those owned by government politicians, but come down firmly on those that do not have political protection.

People who bought frequencies years ago are now selling them at astronomical rates. Such sales can only be valid with the approval of the Council. In other countries, if you do not use your frequency, you return it to the regulator because the frequency spectrum is public property.

Scores:

Individual scores:



Average score:

1.4 (2007: 1.7)

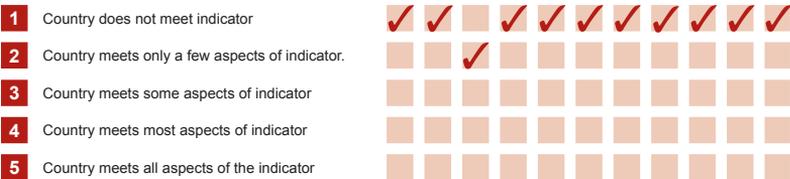
3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

Analysis:

The Uganda Broadcasting Corporation Act 2005 establishes the Uganda Broadcasting Corporation as a “public broadcaster”. The minister responsible for information appoints the board of directors, “from among prominent Ugandans of proven integrity by virtue of their qualifications, expertise and experience in the fields of broadcasting, technology, media law, business management, finance, and journalism” (Section 7 [2]). The selection is at the minister’s discretion and the procedure of the actual appointments is not publicly known.

Scores:

Individual scores:



Average score: 1.1 (2007: 1.0)

3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

Analysis:

The UBC Act 2005 is silent on these principles. The minister responsible for information has the sole and unrestricted authority to appoint UBC board members.

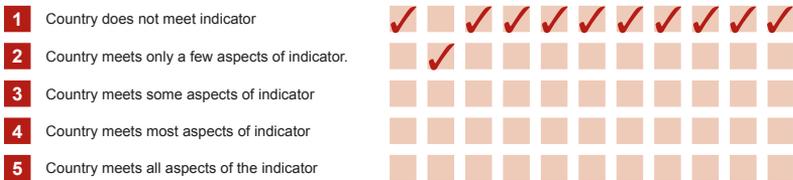
Section 9 (6) of the UBC Act determines that

... any Director who has any personal interest in any transaction of the Board or any matter before the Board shall disclose the nature of his or her interest to the Board, and shall be disqualified from taking part in the deliberations of the Board

with respect to that transaction or matter.

Scores:

Individual scores:



Average score: 1.1 (2007: 1.2)

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

Analysis:

Section 5 (1)(h) of the UBC Act 2005 mandates UBC to “maintain a responsible editorial independence”. “Responsible”, in the Ugandan context, could be interpreted as journalism that does not antagonise the government. The same law says that the minister “may ... make Regulations generally for the better carrying out of the provisions” of the Act. This could include editorial policies.

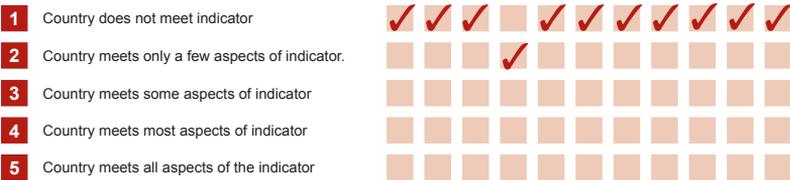
UBC journalists have been described as people still susceptible to the mind-set of the past when they were obliged to cover the President and ministers exclusively. The transition from a state to a “public broadcaster” has not been systematic: the corporation is still locked in the structures of the old state broadcaster, with the minister interfering directly. While addressing a roundtable discussion on a study on public broadcasting in Uganda in December 2009, the minister for

information and national guidance said: “The research report categorises UBC as pro-government. If you are not pro-government, are you against it? There is no such thing as independent media. UBC is autonomous but it is a government parastatal that must defend the national interest.”

Nevertheless, UBC journalists have been trying to be independent in their coverage although they treat political matters with caution. Some human rights groups like the Foundation for Human Rights Initiative have discussed rights abuses by state authorities on UBC outlets. During the September 2009 riots, however, UBC TV was compelled to drop footage showing the security services clobbering and shooting at rioters in Kampala. So, while the law guarantees the editorial independence of UBC, it is largely not practised.

Scores:

Individual scores:



Average score: 1.1 (2007: n/a)

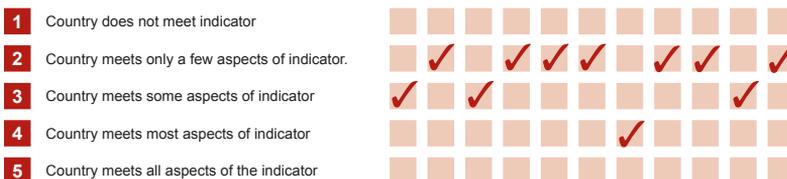
3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

Analysis:

According to the UBC Act 2005, funding for UBC consists of grants from the government; loans from the government, organisations or any person; revenue generated in the discharge of its duties; donations; advertising revenue; and TV licence fees. The licence fee was resisted by the public and cancelled by the President during the campaign for the 2006 elections.

Scores:

Individual scores:



Average score: 2.5 (2007: 3.2)

3.9 The state/public broadcaster offers diverse programming formats for all interests.

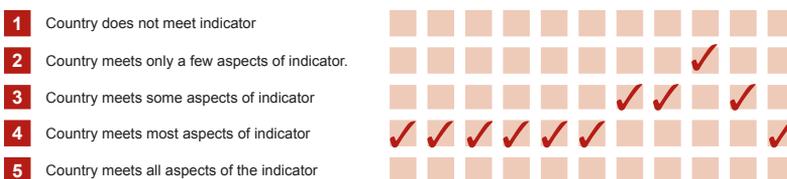
Analysis:

UBC offers five radio channels (two more than at the time of the 2007 report): Star FM, Magic FM, Red Channel, Blue Channel, and Radio Butebo. In addition, UBC runs a network of semi-autonomous “community” radio stations under the label Mega FM. These stations, viewed collectively, serve the audience in all major languages and offer content for all interests.

UBC’s one TV channel airs children’s programmes, sports, talk shows, religious broadcasts, business slots, and local and foreign soap operas. Due to a lack of adequate funding, however, these and older programmes have to be recycled quite a lot to fill time. Most of the local content programmes are paid-for by government agencies and non-governmental organisations. Coverage of presidential visits takes up a lot of airtime.

Scores:

Individual scores:



Average score: 3.5 (2007: 3.4)

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

Analysis:

UBC is still very statist – placing emphasis on the government side of stories in all spheres be they political, economic, or cultural. Press releases from the government are read more or less verbatim. The news follows prevailing orthodoxies, with items lined up in accordance with state hierarchies. The President and the vice president enjoy the biggest coverage. Whenever the President travels, a certain amount of airtime is dedicated to him, with material produced by the Presidential Press Unit. UBC does not distinguish between public interest and government interest.

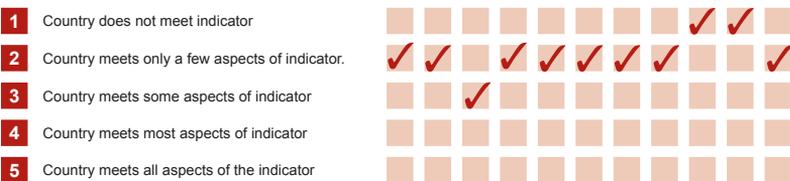
When it comes to elections, UBC shows its pro-ruling party bias. A study titled *Uganda Media Coverage of the 2006 Elections* by the Democracy Monitoring Group found that UBC TV gave the incumbent, President Museveni, nearly 90% of the prime news time, and UBC Radio favoured Museveni with 61% of coverage time.

There are, however, slow steps towards change and more professional judgement of news. Talk shows, for example, generally present diverse views on topical issues.

UBC is constrained by the lack of resources from going out and looking for stories in order to provide balanced and fair information. There is also a policy that whoever wants to be covered by UBC News has to pay for expenses (commercialised news).

Scores:

Individual scores:



Average score: 1.9 (2007: 2.1)

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

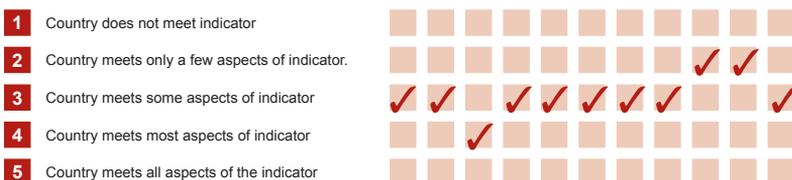
Analysis:

UBC TV claims that 50 per cent of its programming is local content, aiming to educate, entertain and inform the public. There are local musicians' shows, children's programmes, and local magazines on TV, but there is no local drama.

UBC spends 40 per cent of its budget on "technical" areas, 35 per cent on administration, 15 per cent on programming in general and only 10 per cent on local programmes.

Scores:

Individual scores:



Average score:

1.9 (2007: 1.8)

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Analysis:

The Electronic Media Act 2000 regulates only commercial but not public or community broadcasting (see indicator 3.1). As a result, community broadcasters are treated as commercial operators and are supposed to pay the same licence fees as the profit-oriented broadcasters. To rectify this unfair treatment, the National Association of Broadcasters (NAB) intervened with the Broadcasting Council on behalf of two community radio stations – Mama FM (run by the Uganda Media Women's Association) and Kagadi-Kibaale Community Radio. The Council

halved the fee for the two stations from Shs6 million to Shs3 million per year (US\$1,500). It must be emphasised that this decision was not based on the law but on the Council's discretion and can hardly serve as an indication of a conducive environment for community broadcasting to thrive. The NAB got involved on behalf of the two stations because licence fees for urban and rural stations are the same, meaning that the poorer operators in rural areas are generally disadvantaged.

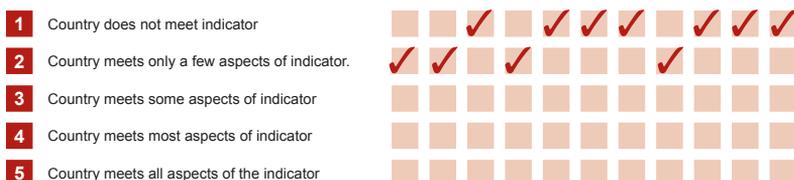
Without legislation governing community broadcasting, the status quo will remain and community stations will always have to defend their "community-ness".

Mama FM and Kagadi-Kibaale Community Radio are the only community radio stations that are truly run by communities. Anyone is free to walk in and share information on air about the community. For personal announcements, Kagadi charges the least of any radio station in Uganda – Shs1,000 (US\$0.50) apiece. Other stations count words and each word is Shs50, meaning on average each personal announcement goes for Shs3,000.

Community stations depend on donor funding.

Scores:

Individual scores:



Average score: 1.4 (2007: 1.0)

Average score for sector 3: 1.6 (2007 : 1.9)*

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

SECTOR 4:

The media practice high levels of professional standards.

The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Analysis:

The *Press and Journalist Act 2000* sets up a statutory Media Council. The membership of the council is diverse – lawyers, publishers, journalists, members of the general public (nominated by various interest groups), academics and government representatives, all of them appointed by the minister responsible for information. The Council's functions are, among others:

to regulate the conduct and promote good ethical standards and discipline of journalists; arbitrate disputes between the public and the media and between the state and the media; exercise disciplinary control over journalists, editors and publishers; promote the flow of information; and censor films, video tapes, plays and other related apparatuses for public consumption.

The Act also provides for a Professional Code of Ethics. This was 'borrowed' in its entirety from a code of conduct previously developed by media organisations. The Council deals with complaints on alleged breaches of this code and could potentially be used to stifle the press as the Broadcasting Council does with the electronic media. From 2008 to 2009 the state referred to the Media Council a number of cases that were filed by the police, but the Council dismissed them on technical grounds. A few other cases were brought by government ministers or private individuals. Most disputes are still taken to the courts of law because they are more visible and able to award damages to winning complainants.

Because the media are opposed to such statutory regulation, 42 media associations and institutions came together in February 2006 and formed the Independent Media Council of Uganda (IMCU). The IMCU is registered as a non-governmental organisation and non-profit company. It aims primarily to promote ethics in media and resolve disputes between media houses and the public. Its membership is made up of media houses and/or outlets, national professional journalists' associations, journalists' training institutions, press clubs or regional journalists' associations, and any other media organisations whose activities contribute substantially to the objectives of the Council. A governing board, whose chairperson is elected by the

National Convention, the IMCU's apex body, oversees the work of the secretariat and other activities of the IMCU. The board is made up of 14 members, eight of whom are from the media, and five from the public, plus the chairperson. And 30 per cent of the seats on the governing board are reserved for women. The board's seven-member ethics committee handles complaints filed against the media. The committee's hearings are open to the public. The ethics committee is answerable to the board, which in turn is answerable to the National Convention. There is also a finance and administration committee, and a secretariat.

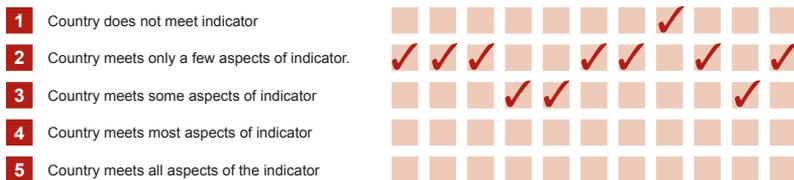
The Independent Media Council was officially launched on 5 December 2008 after developing a Journalism Code of Ethics, a guide to professional and ethical conduct by media practitioners. The code was circulated to training institutions and media houses. *Daily Monitor* and *New Vision* have displayed it in their newsrooms, even as they have their own in-house guidelines. *The Vision* has made it a point to give a copy to each of its journalists. Kagadi-Kibaale Community Radio has asked for more copies. There has since been some noticeable change especially in the way NTV covers children, and gross stories. Not so for *Bukedde* newspaper which, for example, continues to brand suspects 'thieves' before trial in court and covers the gory and the macabre as it has always done – putting the stuff right there in the readers' faces. Generally the code has been welcomed by the media but compliance is minimal.

With the code in place, the IMCU secretariat is ready for people to register complaints but so far has not received any from either the media or the public. This is possibly because enough has not been done to make the public aware that one can file a complaint with the IMCU over any media issue. To change this, the IMCU could consider doing a number of things:

- Organise a big bang public relations campaign, targeting especially the media and public outside the capital.
- Start monitoring media houses and issuing quarterly reports on professional and ethical failings.
- Lobby media houses to publish regular boxes next to their imprint and broadcasting stations to run regular slots informing the public that they are members of the Independent Media Council and that readers/listeners/viewers can lodge grievances with that body: if you have complaints, write to the IMCU.

Scores:

Individual scores:



Average score: 2.2 (2007: 2.1)

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

Analysis:

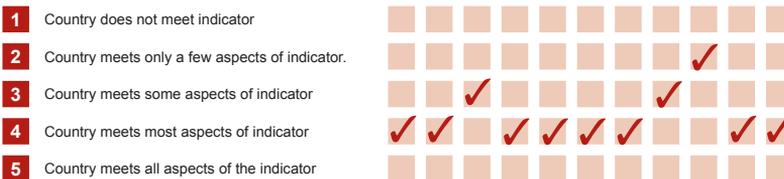
Many media outlets have problems with both accuracy and fairness, with mainstream media scoring higher on fairness because they are trying to give all sides of the story.

Inaccuracies are often a result of the general inaccessibility of information held by government officials. More often than not, headlines promise more than is delivered in the body of the story. In many cases news stories are based on pure perception and opinion pieces sold as hard news. Due to a certain lack of knowledge, many stories are not contextualised, for example those on human rights issues. Also, the President's views, even when he is attacking political opponents at public functions, are carried without any attempt to get a response from those so attacked. *The New Vision* and *Daily Monitor* have introduced regular "Corrections" boxes in order to get stories right and to increase credibility with their readers.

Radio journalism leaves a lot to be desired as there are hardly any professional journalists working in the field. The most important requirement for reporters at most FM stations (and sometimes the only one) is for them to be able to speak a local language. They are sent to events without any or only little understanding of the concept of accuracy. In many cases, radio newsrooms pick their stories from newspapers without any effort to confirm the accuracy of the information. One of the reasons is that in most cases, newsrooms have no budget for telephone calls – an essential precondition for any checking of stories.

Scores:

Individual scores:



Average score: 3.6 (2007: n/a)

4.5 Journalists and editors do not practice self-censorship.

Analysis:

Some self-censorship is part of journalistic life. The question is over degree and context. Sometimes story conceptualisation is the beginning of self-censorship, then how the story is played. This goes beyond declining to run a story that is watertight out of some fear or other. But what may appear to be self-censorship could simply also be the result of a difference in approach to news judgement.

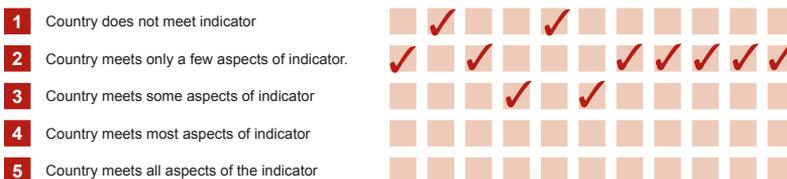
There are many cases where there is no doubt what is going on. A panellist recounted how, when he was a radio station manager and editor, the owner handed down a guiding principle: “We are not anti-government, we are not anti-business.” That was the owner’s pithy way of telling his manager/editor not to run stories likely to antagonise the government and key advertisers: “You are panel-beaten into subservience”. All stories relating in any way to the station’s top four advertisers had to go through the owner. Otherwise, the editor simply had to drop them, especially if they contained anything likely to be disagreeable to the boss or the advertisers.

“You are panel-beaten into subservience”.

The space for editorial independent judgements will decrease and self-censorship increase as the date for elections in 2011 approaches.

Scores:

Individual scores:



Average score: 2.0 (2007: 2.0)

4.6 Owners of established mainstream private media do not interfere with editorial independence.

Analysis:

There is a considerable degree of interference by owners of private media with editorial independence, and nothing has changed since 2007:

“Media owners – apart from the state – are the biggest obstacle to media freedom in Uganda”.

“Media owners – apart from the state – are the biggest obstacle to media freedom in Uganda”.

Interventions can take the form of direct meddling by the owner: do not run this story, take this aspect as the lead. At radio stations it is possible that an owner will give directions to the presenter by phone during a live discussion to make him or her pursue a specific line or to be hard or soft on certain people, especially politicians and advertisers. Some even demand to go on air themselves. Also, owners of a station in their home area will be particularly sensitive to stories from that area and seek to meddle directly in such stories.

In the aftermath of the September 2009 riots, owners of radio stations were “conspiring” with the state on their future. After the radio station closures, media owners did not sue the government but rather negotiated and supplicated behind closed doors. It is employees of CBS and some individual journalists who are suing

– but over loss of income, not on more fundamental issues such as press freedom. “Not a single media owner stood up to the threats against press freedom.”

“Not a single media owner stood up to the threats against press freedom.”

Too often radio owners tend to disown employees in trouble as they negotiate with the government, a reaction which damages individual journalists’ careers. On the other hand, small radio stations simply do not have any power at all to stand up against outside interferences.

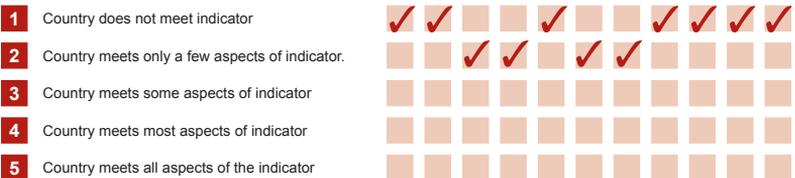
It is not just owners of small stations who meddle editorially. There have been some cases where the Nation Media Group (NMG), the owner of the *Daily Monitor*, tried to come down on editors over a story the paper was pursuing. Mostly, however, the management of NMG gets involved only after stories have run and the government has complained. On many occasions, *Daily Monitor* editors have put up a spirited fight in defence of their stories and professionalism and in

most cases NMG has backed them in the end. “But over time, you ask yourself: is it worth it?”

The difference between the bigger print media and others is that the bigger boys can at least start to work on stories; for radio stations, you will probably be stopped in your tracks right away: “You proceed, you have no job.”

Scores:

Individual scores:



Average score: 1.4 (2007: 1.4)

4.7 Journalists and media have integrity and are not corrupt.

Analysis:

There is corruption in Ugandan newsrooms, and some media houses acknowledge as much. *Daily Monitor* and *New Vision* have recently been placing notices in their papers warning the public and providing telephone hotlines and email addresses through which to report any offending journalist. On 12 February 2010, *Daily Monitor* put out a full-page notice titled “Protecting the Integrity of Our Journalism”. It said in part:

Widespread corruption within some newsrooms appears to be a major aspect of the perceived erosion of journalistic integrity ... We would like to emphasise, in particular, that our editors, reporters/correspondents and photographers are expressly barred from soliciting, accepting money or any form of payment or inducement for publication of news, opinion, or feature in any of our media. Such content is free of charge and is published purely on merit.

While corruption takes many forms, the most obvious is of journalists asking someone they are writing about for money to kill the story, especially if the story does not cast the subject in a good light. There are also journalists who routinely ask for facilitation fees from organisations, especially civil society organisations, whose events and functions they go to cover. Civil society groups have obliged and in the process may have contributed to institutionalising this form of corruption. Big media houses do provide cars or money for transport to their journalists, so there is no justification for any ‘facilitation fees’. Smaller media outlets, however, rarely offer that support, leaving their reporters open to temptation.

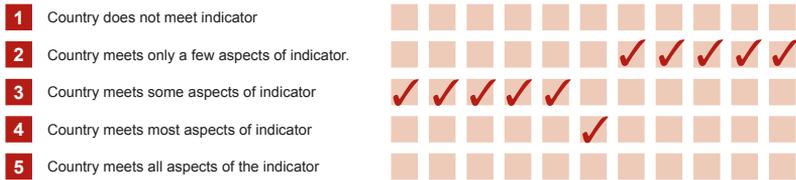
Staff turnovers have not helped. When such bad habits are dropped as people mature in the profession, they leave for other things and then a new lot comes in and continues with the same old bad behaviour. UTV (now UBC TV) started the practice of asking different government departments to pay for coverage costs because the station had for long had funding problems. But what started as a government department-to-government department practice quickly became standard operating procedure for other (private) media houses as well.

There have also been cases of people who masquerade as journalists to cheat the public and thus give the media a bad name. In early February 2010, *New Vision* publicly exposed three such imposters.

Also, some members of the public make false accusations against journalists as a way to kill unfavourable stories.

Scores:

Individual scores:



Average score:

2.6 (2007: n/a)

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Analysis:

The net monthly income for a junior reporter in the private media is slightly above Shs500,000 (US\$250), for senior reporters between Shs1 million (US\$500) and Shs2 million (US\$1000). At the state broadcaster, UBC, reporters earn anything between Shs300,000 (US\$150) and Shs900,000 (US\$450), while managers get paid Shs3.5 million (US\$1750) to Shs5 million (US\$2500).

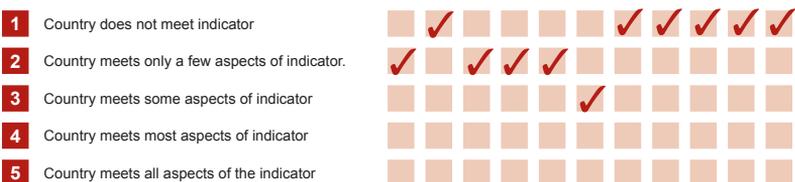
Freelancers earn between Shs100,000 (US\$50) and Shs300,000 (US\$150). Rural reporters get paid Shs1,000 (US\$0.50) per story, and Shs2,000 (US\$1.00) is the average across the board in radio stations. A radio news manager in northern Uganda, for example, earns Shs200,000 (US\$100) a month.

By comparison, a primary school teacher earns Shs220,000 (US\$110) a month and a junior university lecturer Shs900,000 (US\$450).

General working conditions, especially for radio reporters, are bad. In most cases they work without basic facilities like transport and even broadcast essentials such as recorders. Many who are based upcountry work without contracts – they have no protection.

Scores:

Individual scores:



Average score: 1.5 (2007 n/a)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

Analysis:

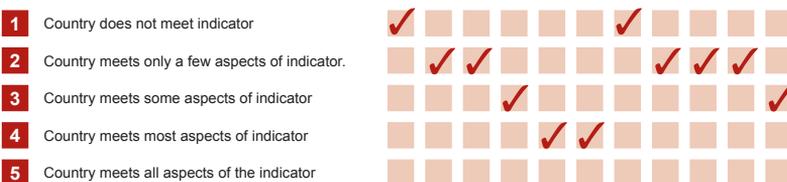
There are a number of media associations (at one point they numbered 56) and one trade union, the Uganda Journalists' Union.

In every region there is a press club. At national level, there are the Eastern Africa Media Institute-Uganda, Uganda Journalists Association, Uganda Journalists Union, Human Rights Network for Journalists, Uganda Media Women's Association, and many others. All these organisations exist but are journalists really organised in them? Do they pay membership fees? Are they active in them?

The answer is: not quite. And the panel was fairly divided in its judgement.

Scores:

Individual scores:



Average score: 2.4 (2007: 2.8)

Average score for sector 4: 2.4 (2007: 2.5)*

OVERALL COUNTRY SCORE: 2.3 (2007: 2.3)

* For 2009 the indicators were reviewed, amended and some new indicators such as those addressing Information Communication Technology (ICT) were added. Consequently, the comparison of some indicators of the 2005 and 2007 report is not applicable (n/a) in some instances in which the indicator is new or has been amended. Evidently, this has to be taken into account too, when the overall sector scores are compared.

Developments since 2007 and the way forward

Positive developments in the media environment:

- Launch of the Independent Media Council as a self-regulatory body
- Launch of Article 29 Coalition, a new lobby group formed by the most important media bodies
- Growth in number of media outlets both print and electronic
- Increasing Internet penetration
- Sale of 27 per cent of previously state-owned shares in The Vision Group on the stock market
- Efforts by the media industry to reach many more areas by opening more distribution outlets as the national road network improves
- Resilience of the media industry and journalists despite political and economic pressures
- The courts' willingness to hear cases challenging sedition, criminal defamation, promotion of sectarianism laws – all impinging free expression

Negative developments in the media environment:

- Narrowing of space: September 2009 riots leading to banning of ebimeeza (outside broadcast talk shows), closure of some radio stations, of which one – Central Broadcasting Service – remains closed five months on
- Planned amendments to the Press and Journalist Act to introduce, for example, the annual licensing of newspapers
- Tabling of The Regulation of Interception of Communications Bill, 2007 in parliament
- Media concentration, especially by the Vision Group (New Vision)
- Many media owners not defending media freedom

- Increasing self-censorship in newsrooms
- Lack of complaints to the Independent Media Council
- Journalists' working conditions continuing to be poor
- Rapid turnover of staff, robbing newsrooms of experience and institutional memory

Activities needed over the next few years:

- To put up a determined fight against the retrogressive legal framework and a number of even more suppressive bills being planned, media bodies should join hands to lobby and also submit researched memoranda to Parliament.
- To broaden and intensify advocacy work. At least two options are possible:
 - Explore the idea of a media platform to bring together senior journalists, media owners, and possibly some government representatives.
 - Strengthen the lobbying power of journalists rather than conflating their interests with those of already powerful government officials and media owners.
- In any case, there is need for an efficient secretariat to coordinate activities.
- Initiate a consistent broadcasting reform campaign to establish an independent broadcasting regulator and to transform the Uganda Broadcasting Corporation into a truly public broadcaster.
- The Independent Media Council should involve media owners and get their buy-in, so that they will be prepared to comply with rulings of the council and to pay subscription fees. The Council should urgently embark on a public awareness campaign to encourage the public to lodge complaints.
- Do a mapping study to establish which media organisation is doing what already.
- Undertake annual surveys on various media issues, for example circulation or staff turnover trends, so that there is concrete information to build on at subsequent panel meetings.

Endnote:

²Uganda's constitution recognises kingdoms, which had been abolished in the mid-1960s, as cultural institutions and their leaders as cultural heads without "political" authority. Ever since the kingdoms were reinstated in 1993, Buganda has been pushing for a federal form of government under which the Kabaka (king) would have political authority over his kingdom. The government has resisted this campaign and entrenched in the constitution a provision creating "a regional tier of government", a much watered down form of federalism which Buganda opposes.

On 12 September 2009 the Kabaka had been scheduled to visit the Buganda district of Kayunga where the kingdom was to hold Youth Day celebrations. The police and the central government had warned that the king should not travel to the area as his security could not be guaranteed. This was because the Banyala, a minority group living in Kayunga, do not recognise the Kabaka of Buganda but pay allegiance to their own cultural leader, called Sabanyala, installed with support from President Museveni.

The Buganda government insisted that the Kabaka would travel to Kayunga as scheduled. The political opposition condemned the government for violating the right to freedom of movement and accused the President of attempting to undermine the Buganda king's authority. The standoff over the Kabaka's travel to Kayunga was therefore every inch a political fight between Buganda and the central government.

In the run-up to the disputed event, some airwaves were filled with calls (mainly on talk shows and call-back programmes as well as personal announcements) for the Kabaka to stand his ground and travel to Kayunga as well as attacks on the President and central government. These calls were mostly aired on the Central Broadcasting Service (CBS) – an FM radio station owned by the Buganda government and private shareholders – and other Luganda language radio stations.

On 10 September, the prime minister of the Buganda Kingdom and his entourage, who were travelling to Kayunga to ensure that preparations for the Youth Day celebrations were proceeding smoothly, were stopped by a heavy police and army deployment on the major roads leading to the area. The police maintained that the king would not be allowed to travel to Kayunga. The same day riots broke out in the city and in other towns in Buganda.

(quoted from: George W. Lugalmbe et al., Public Broadcasting in Africa Series: Uganda, Johannesburg 2010)

The panel meeting took place at Lake Victoria Hotel, Entebbe, from 12 to 14 February 2010.

The panel

Dr Monica Chibita, senior university lecturer in journalism;
Ms Collins Vumiria, radio journalist in rural Uganda;
Mr Sam Gummah, director, Uganda Radio Network;
Mr John Kakande, news editor at New Vision;
Ms Judy Kamanyi, social development and governance specialist;
Mr Haruna Kanaabi, journalist and media activist;
Ms Rosemary Kemigisha, human rights activist;
Mr John Bosco Mayiga, media analyst and trainer;
Dr Peter Mwesige, media consultant;
Ms Zahara Nampewo, law lecturer at university;
Mr Livingstone Sewanyana, lawyer and human rights activist.

Rapporteur

Mr Bernard Tabaire

Facilitator

Mr Hendrik Bussiek

