

The African Media Barometer (AMB)

The Media Institute of Southern Africa (MISA) and the Friedrich-Ebert-Stiftung's Southern African Media Project took the initiative in April 2005 to start the African Media Barometer (AMB). The AMB is an assessment exercise done by Africans of their local media environment according to homegrown criteria. The project is the first in-depth and comprehensive description and measurement system for national media environments on the African continent. The benchmarks are to a large extent taken from the African Commission for Human and Peoples' Rights (ACHPR) "Declaration of Principles on Freedom of Expression in Africa", adopted in 2002. This declaration was largely inspired by the groundbreaking conferences in Windhoek, Namibia, on the "Independence of the Media" (1992) and the "African Charter on Broadcasting" (2001). By the end of 2006, MISA and FES together implemented the AMB in 11 countries in southern Africa. FES further implemented the AMB in another 10 sub-Saharan countries. In 2007 those countries which started the exercise in 2005, were revisited providing for the first time comparable data to measure developments in a country over a two-year period.

Methodology: A panel of experts is formed in each country and includes representatives of media and civil society at large in equal numbers. They serve as panel members in their personal capacities, not as representatives of their respective organisations. Effort is made to ensure gender equity and geographical representation.

The panel consists at most of ten members who will meet bi-annually for two-day retreats. During this time the panelists, through qualitative discussion, assess their local media environment according to predetermined indicators and as such determine (quantitative) scores for each indicator. A trained, independent consultant moderates the meetings to ensure comparable results. The resulting reports are made public.

Scoring system: Panel members are asked to allocate their individual scores to the respective indicators after the qualitative discussion in an anonymous vote according to the following scale:

- 1 Country does not meet indicator.
- 2 Country minimally meets aspects of the indicator.
- 3 Country meets many aspects of indicator but progress may be too recent to judge.
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator and has been doing so over time.

Scores for each sector are determined as follows: Members of the panel will, after a qualitative group discussion, attach their individual point-score (1 - 5) to each sub-indicator of a sector. The sum of all individual scores will be divided by the number of panel members. The result will then be considered the final score for the sub-indicator.

This qualitative report, including the scores, serves the purpose of measuring over time (based on bi-annual repetitions of the panel meetings) the progress or otherwise developments in the media landscape.



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AFRICAN MEDIA BAROMETER UGANDA 2007

Sector 1: 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 protected 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 43 (1) stipulates a general limitation on the fundamental and human rights guaranteed by the constitution. It says:

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 freedom of others or the public interest.

Section 43 2 (c) sets the test for the legitimacy of any limitation on rights and freedoms that might prejudice the public interest that 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.

Although it is clear from this provision that freedom of expression

as a basic right should not be undermined by limitations, the definition of a “democratic society” is not determined and the question of who is to decide what may be “acceptable” or “justifiable” remains unanswered.

Existing legislation neither guarantees nor protects freedom of expression. A few examples:

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 ...”. “Seditious intention” is defined in section 39 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.

The Press and Journalists Statute of 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 judgment in 2004, the Supreme Court annulled a provision in the Penal Code concerning the publication of “false news” as un-

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constitutional and suggested that other laws that infringe the freedom of the media could also be challenged.

SCORES:

Individual scores: 3, 4, 4, 2, 3, 4, 4, 3, 3, 3

Average: 3.3

1.2 *The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.*

ANALYSIS:

Since Yoweri Museveni was declared President of Uganda in 1986, the country was governed as a so-called one-party “democracy”. The first presidential elections were held under a “Movement” (or “No Party Democracy”) system in 1996. The ban on parties was lifted after a referendum held in 2005 and the first multiparty elections took place in 2006.

On a number of occasions, however, the police, exercising their powers under the Police Statute 1994, stopped press conferences and dispersed rallies of various political party leaders by force and the use of tear gas. For example, in April 2007 police broke up a press conference in Kampala called by opposition leaders. During the same month, a demonstration organised by environmentalists and opposition politicians ended in the death of three people shot dead by security operatives. Also during April 2007 the President met media owners and editors at State House and 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 put a Monitoring Team in place to check on radio programmes. After the meeting, some radio owners told their

producers not to allow certain people to appear on their talk shows any more.

Given this background, citizens' fear to express themselves has grown. They fear losing their jobs or being labelled as "opposition" and thus looked upon as anti-government. This fear is present in all sections of society. It might be seen as paranoid but people simply do not know what could happen when they do speak freely. But they still talk - "we have not reached the level of whispering yet".

SCORES:

Individual scores: 3, 2, 2, 2, 2, 4, 2, 2, 2, 2

Average: 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 the media.*

ANALYSIS:

There are a number of laws that curtail freedom of expression and the media. The Uganda Human Rights Commission, a human rights watchdog, in its Annual Report 2000-2001 listed 20 pieces of such legislation that are unconstitutional. Among them are the Police Statute 1994, The Penal Code, The Press and Journalists Statute 1995 and The Emergency Power Act 1968 - see under 1.1.

Other provisions are Section 42 of the Penal Code which 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, ambas-

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sador 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 of the Penal Code 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.

SCORES:

Individual scores: 2, 2, 1, 1, 2, 2, 1, 1, 2, 1

Average: 1.5

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

ANALYSIS:

As outlined under 1.1. journalists must be registered under the Press and Journalists Statute 1995.

SCORES:

Individual scores: 1, 2, 1, 2, 1, 1, 1, 1, 1, 2

Average: 1.3

1.5 *Protection of confidential sources of information is guaranteed by law.*

ANALYSIS:

The Press and Journalists Statute 1995, 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 statute 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”.

Section 44 of the Access to Information Act 2005 protects “whistle-blowers” 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.

SCORES:

Individual scores: 4, 4, 4, 2, 4, 5, 4, 3, 3, 4

Average: 3.9

1.6 *Public information is easily accessible, guaranteed by law, to all citizens, including journalists.*

ANALYSIS:

The 1995 Constitution of Uganda in its article 41 guarantees citizens the “right to access information in 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” and enjoins parliament to develop appropriate legislation. It took lawmakers ten years to pass an Access to Information Act in 2005 after a member of parliament had tabled a private member bill forcing government to act. The law is being implemented very reluctantly because there seems to be no political will to do so. The Directorate in charge of its implementation lacks the required support and resources from government. 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: 2, 3, 3, 3, 2, 3, 3, 3, 2, 3

Average: 2.7

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

ANALYSIS:

Civil society groups play a very minimal role in advancing media freedom as they do not seem to understand the connection between their particular cause and that of media freedom and its importance and relevance for the country as a whole.

For example, when the Monitor newspaper was closed down for seven days in October 2002, or when radio stations time and again are being forced off air for periods of one to four months, no civil society group has ever tried to mobilize people against these actions, nor did the public protest.

Non Government Organisations fear to engage on matters which are

seen as “political” and therefore as “no-go areas”.

Media lobby groups are numerous but weak and lack a committed membership that takes the promotion of media freedom seriously. Members do not pay their annual subscription or make contributions. These groups include the Eastern Africa Media Institute Uganda Chapter (EAMI-U), the Uganda Journalists Association (UJA), the Uganda Journalists Union (UJU), the Masaka Journalists Association (MAJA), the Ankole Media Club (AMEC), the West Nile Journalists Association (WAJA), the Mid-North Press Club, the Northern Uganda Media Club (NUMEC), the Eastern Uganda Press Club, the Rwenzori Press Club, the Busoga Media Advocacy Group, the Uganda Media Development Foundation (UMDF), the Uganda Media Women’s Association, the Human Rights Journalists Network (HRJ), the Journalists Human Rights Forum, and the Uganda Journalists Safety Committee.

From time to time, media lobby groups do take action against violations of media freedom. For example, earlier this year, the Human Rights Journalists Network organized a demonstration against police harassment of journalists, and EAMI-U petitioned the Constitutional Court over sections of the Penal Code that curtail media freedom.

SCORES:

Individual scores: 2, 2, 2, 2, 2, 2, 2, 2, 2, 2

Average: 2.0

Overall score for sector 1: 2.4

Sector 2: The media landscape is characterised by diversity, independence and sustainability.

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

ANALYSIS:

Ugandans have different sources of information, both in print and broadcasting with radio being the most important one: 58 % of the population rely on radio. Many get their information itself by word of mouth.

There are two major English dailies: the state-owned New Vision and the private Daily Monitor, with a combined circulation of less than 100,000 copies a day, each copy being read by between 5 and ten people (the population stands at 26 million). There is one other daily, The Red Pepper (a tabloid), and a local daily called Bukedde, a sister paper to The New Vision. In addition there are weekly papers: The Weekly Observer, The East African, The Weekly Message, The East African Business Week, The Sunrise, The Guardian, Etop, Orumuri and Rupiny. A copy of a daily costs 1,000 shillings (0.80 US dollars), the price of a cassava meal for a family and therefore unaffordable to the majority of the people: "To buy a paper is a sacrifice". In any case, people in the rural areas are not really interested in print media because their main issues of coverage, those based in the capital Kampala, are not seen as affecting them. They prefer their (local) FM station.

Broadcast media are widely spread. The state broadcaster's signal covers the whole country but it is not reliable and breaks down frequently. Radio is received in all parts of the country. According to the Broadcasting Council, a statutory body in charge of licensing broadcasting media, there are 148 FM stations in Uganda with

the majority owned by commercial proprietors and located in the central part of the country. It is estimated that there are over 2.5 million radio sets and small radio sets are affordable to the majority of citizens.

There are about 20 television stations based in the Central region, and four in other regions. These are: WBS TV, Nile Broadcasting Services (NBS), Uganda Broadcasting Corporation (UBC), Record TV, Light TV (mainly Christian), Nation TV (NTV), Top TV, Nile TV and Open Gate TV. There are also two pay-TV services: DSTV and the new GTV. Very few people, however, do actually have access to TV because the majority can not afford a TV set.

Internet is available but very expensive (1,000 shillings for 10 minutes in an Internet café) and therefore urban based and not widely spread, with the number of users in fact going down. It is estimated that less than 1% of the population have access to internet.

SCORES

Individual scores: 3, 3, 3, 3, 2, 2, 2, 2, 3, 3

Average: 2.6

2.2 *Citizens' access to domestic and international media sources is not restricted by state authorities.*

ANALYSIS:

Citizens' access to international media is restricted by sections 33 to 38 of the Penal Code which empower the Minister to stop any international publication from entering the country and allow the authorities to confiscate such material. In practice, however, these powers have hardly ever been invoked. No publication has been stopped, apart from some posters that were confiscated dur-

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ing the presidential and parliamentary election campaigns of 2006. The posters were brought in by an international NGO and contained messages that the authorities deemed negative. Citizens have access to every radio or TV station they wish to tune into.

SCORES

Individual scores: 4, 4, 4, 4, 4, 4, 4, 4, 4, 4

Average: 4.0

2.3 *Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.*

ANALYSIS:

The two major dailies are trying to increase their circulation through fast delivery even to the most remote towns. But the majority of rural people simply cannot afford to buy papers and many copies are regularly returned. Newspapers, therefore, remain a predominantly urban medium despite all efforts such as attempts by The New Vision to expand its coverage to stories from different parts of the country in order to make people feel part of the news.

SCORES:

Individual scores: 2, 3, 3, 3, 2, 4, 2, 2, 3, 4

Average: 2.8

2.4 *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 Statute 1996 sets up the Broadcasting Council which is supposed "to co-ordinate and exercise control over and to supervise broadcasting activities". It is composed of five government officials, three representatives of broadcasting media, two members of the public and a lawyer. The chairman and all council members are appointed by the minister in charge.

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 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 Nation TV which was closed for a couple of months.

The Uganda Communications Act 1997 establishes the Uganda Communications Commission which is appointed by the minister responsible for communications. The minister himself, upon the recommendation of the commission, grants or refuses licenses to radio and TV (section 34 [1]). 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 opposition. Government politicians on the other hand are allowed to run FM stations.

The President announced in April 2007 that he had set up his own

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Media Monitoring Unit in the President's Office.

The Uganda Broadcasting Corporation Act, 2005, introduces a public broadcaster. However, this body falls short of meeting basic requirements for a public broadcaster, especially in regard to the nomination of the Board of Directors which is appointed by the Minister.

No legislation has been passed in relation to community broadcasting.

License fees for urban and rural stations are the same. As a result the generally poorer operators in rural areas are being disadvantaged.

SCORES

Individual scores: 2, 2, 2, 2, 3, 2, 4, 3, 2, 4

Average: 2.6

2.5 *Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.*

ANALYSIS:

Community broadcasting does not enjoy any promotion and has no legal backing.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average: 1.0

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

ANALYSIS:

The daily New Vision was set up by the New Vision Printing and Publishing Act which guarantees its independence. Government through the Ministry of Finance owns 80% of shares of the daily New Vision and the general public (including President Museveni) the remaining 20%. The board of the newspaper is appointed by the minister of finance as the majority shareholder, and in turn appoints the editor and decides on the editorial policy.

Despite the legal guarantee of independence, the majority shareholder's interests override all others. Its interference is quite obvious, with the President himself calling the editor regularly to express his dissatisfaction with certain stories. From time to time the President even threatens the newspaper publicly: "We are going to sort them out". Such interference does, of course, have a chilling effect on editors and reporters.

Despite all this, the New Vision is not simply perceived as a government mouthpiece but as a respectable paper which is relatively free to carry stories critical of government to a certain degree.

SCORES:

Individual scores: 1, 1, 2, 2, 2, 1, 1, 1, 2, 2

Average: 1.5

2.7 *Local or regional independent news agencies gather and distribute information for all media.*

ANALYSIS:

Uganda has a broadcast news agency Uganda Radio Network (URN) which gathers and distributes news to interested radio stations and newspapers. It has correspondents in various parts of the country and is 100 % funded by the international donor community. There is also a print news agency Ultimate Media, which is seen as not very effective.

SCORES:

Individual scores: 3, 3, 3, 4, 3, 4, 2, 3, 3, 3

Average: 3.1

2.8 *Media diversity is promoted through adequate competition regulation/legislation.*

ANALYSIS:

Uganda has neither competition legislation nor a policy to ensure media diversity. A draft Information Policy set out to regulate cross-media ownership but it was not implemented. The Uganda Communications Act 1997 empowers the Communications Commission to promote, develop and enforce fair competition. This applies to all players in the communication industry including telephone service providers.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 1, 1, 1, 2, 2

Average: 1.3

2.9 *Government promotes a political and economic environment, which allows for a diverse media landscape.*

ANALYSIS:

Media legislation in its entirety suggests that government is not seeking to promote a favourable environment for the media. Since 1995, a number of pieces of legislation like the Press and Journalist Statute, 1995, the Electronic Media Statute, the Anti Terrorism Act 2002, Sections within the Presidential Elections Act 2005, the Parliamentary Elections Act 2005, have been passed which, in addition to sections of the Penal Code like sedition, are all geared towards control instead of the promotion of a diverse media landscape.

Proposals to introduce tax incentives for newspapers or to deliver them without charge through the Post Office have been rejected.

SCORES:

Individual scores: 1, 1, 2, 2, 2, 2, 2, 2, 2, 2

Average: 1.8

2.10 *Private media outlets operate as efficient and professional businesses.*

ANALYSIS:

The Daily Monitor, The Weekly Observer, Red Pepper and other private print media continue to survive - an indication that they are run efficiently and professionally. Broadcasting media, however, often lack clear structures and policies and many are run as family businesses. Some of them charge different rates for advertisements during election campaigns according to their political leanings; others have no rate chart at all.

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SCORES:

Individual scores: 2, 2, 2, 2, 3, 2, 1, 2, 2, 2

Average: 2.0

2.11 *State print media are not subsidised with taxpayers' money.*

ANALYSIS:

The New Vision and its subsidiaries are not subsidised with taxpayers' money. They are run as businesses and pay dividends to government.

SCORES:

Individual scores: 5, 5, 5, 5, 5, 4, 4, 5, 5, 4

Average: 4.7

2.12 *Government does not use its power over the placement of advertisements as a means to interfere with media content.*

ANALYSIS:

Because Uganda's economy is small, the government is the biggest advertiser (overall 40 % of all ads, 60 % in print). On a number of occasions this power has been used to tame critical media. In the 1990's Government put an advertising ban on the private newspaper The Daily Monitor following stories and opinion pieces that were viewed as critical to government. This was interpreted by government officials as a ban on all private media considered to be anti-government, like The Shariat.

Currently, pressure is not exercised officially any more, but in a more subtle way. Companies who are doing business with government do not want to be seen to be associated with newspapers regarded as “enemies” by placing adverts in them.

SCORES:

Individual scores: 1, 2, 2, 2, 3, 1, 2, 2, 2, 3

Average: 2.0

2.13 *The advertising market is large enough to maintain a diversity of media outlets.*

ANALYSIS:

“The cake is very small” - too small, in fact, to sustain a diversity of media outlets. It is feared that many, if not most FM stations might collapse in the foreseeable future due to a lack of revenue.

SCORES:

Individual scores: 2, 1, 2, 2, 2, 1, 1, 1, 1, 1

Average: 1.4

Overall score for sector 2: 2.4

Sector 3: Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster

3.1 *Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.*

ANALYSIS:

Broadcasting is regulated by two bodies: the Broadcasting Council, created by the Electronic Media Statute 1996, and the Uganda Communications Commission established by the Uganda Communications Act 1997.

The Electronic Media Statute 1996 gives the minister responsible for information the power to appoint the Broadcasting Council and out of its 11 members, five are government representatives from different ministries. 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”.

The Uganda Communications Commission is supposed “to monitor, inspect, license and regulate communication services”. 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).

In 2005, a prominent businessman and opposition supporter was denied a radio licence for his home district whereas a government minister from the same area had earlier been granted one.

In July 2007, while addressing Members of Parliament of his party at Kyankwanzi Political Education School, President Museveni complained that radio stations that supported their opponents were the ones with frequencies that could be received in public buses. “This must change, so that radios which support us can be picked up in public buses”.

SCORES

Individual scores: 1, 1, 1, 2, 1, 1, 1, 1, 1, 2

Average: 1.2

3.2 *The appointments procedure for members of the regulatory body is open and transparent and involves civil society.*

ANALYSIS:

Appointment procedures for the Broadcasting Council and the Uganda Communications Commission are neither open nor transparent and civil society is not involved.

The Communications Commission consists of a representative of professional engineers recommended by the Institution of Professional Engineers, a prominent lawyer recommended by the Uganda Law Society, a member of the Broadcasting Council, the Commission’s Executive Director and two “eminent persons of good repute from the public”, selected by the minister responsible for communications who appoints the entire Commission with approval by cabinet.

The Broadcasting Council has representatives from Radio and TV, video and cinema operators, a distinguished lawyer and two members of the public “of proven integrity and good repute”. All of them are appointed by the minister in charge of information.

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SCORES:

Individual scores: 1, 1, 2, 1, 1, 1, 1, 1, 1

Average: 1.1

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

ANALYSIS:

The two regulatory bodies operate under a legal system that ties them to government. They shut down radio and/or TV stations regularly (at least once a year) under the - patently unfounded - pretext of acting in the “public interest”.

For example, KFM radio was put off air in August 2005 after running a programme considered to be unfavourable to the government. Prior to this another regional FM Station, Kyoga Veritas, was closed for one month for running a story that was deemed to be “alarming”, and Choice FM in Northern Uganda was closed down for four months after hosting a programme that discussed land issues in the region.

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 who do not have political protection.

SCORES:

Individual scores: 2, 1, 2, 2, 1, 2, 1, 2, 2, 2

Average: 1.7

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- 3.4 *The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.*
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ANALYSIS:

Currently there is no publicly known broadcasting policy that would influence the decisions of the Broadcasting Council and the Uganda Communications Commission. There were efforts by the Broadcasting Council to develop a Broadcasting Policy in 2004 when a draft was presented to stakeholders in two public hearings. The draft was sent to the minister of information and passed by Cabinet but has never been made public.

Licensing of radio and TV stations is selective. Even when the regulatory bodies have claimed that there are no additional frequencies available, new stations are still coming up run by people with the right political connections.

SCORES:

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average: 1.1

- 3.5 *The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.*
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ANALYSIS:

The Uganda Broadcasting Corporation Act 2005 establishes the Uganda Broadcasting Corporation as a “public broadcaster”. The Board of Directors is appointed by the minister in charge of information and broadcasting, and the selection is at his/her discretion

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(section 7 [2]).

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average: 1.0

3.6 *Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with state and political parties as well as those with a financial interest in the broadcasting industry.*

ANALYSIS:

The Uganda Broadcasting Corporation Act 2005 is silent on these principles. The Minister of Information has the sole and unrestricted authority to appoint UBC Board members.

SCORES

Individual scores: 1, 1, 1, 1, 2, 2, 1, 1, 1, 1

Average: 1.2

3.7. *The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practiced.*

ANALYSIS:

The Uganda Broadcasting Corporation Act 2005 mandates UBC in section 5 (1)(h) to “maintain a responsible editorial independence” (emphasis by rapporteur). “Responsible” could be interpreted as

journalism which does not antagonize 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.

However, the UBC editorial staff have been trying to be independent in their coverage although they are sensitive on political matters. They have also been described as people still suffering from the past when they were obliged to cover the President and ministers exclusively. The transition from a state to a “public broadcaster” was not systematic: the corporation is still locked in the structures of the old state broadcaster, with the minister interfering directly, and staff have never been prepared for the supposed change. Recently, UBC experienced various readjustments in its administration, starting with top management, which have cast additional doubt on its independence. - The law may have changed, but UBC has remained the same. In the view of the public, public broadcasting is still part of the state.

SCORES

Individual scores: 2, 1, 1, 2, 2, 2, 1, 1, 2, 2

Average: 1.6

3.8 *The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.*

ANALYSIS:

According to the Uganda Broadcasting Corporation Act 2005, funding for the public broadcaster consists of grants from government, loans from government, organisations or any person, revenue generated in the discharge of its duties, donations, advertising revenue

and TV viewing licence fees. The TV licence then was resisted by the public and thus cancelled by the President during the last election year.

Despite these provisions, there has been no public funding given to the broadcaster and its operations are being crippled because of the lack of necessary capital: “UBC is broke”. Equipment is obsolete and the main TV control room is housed in an OB van donated in the early 70s. There is no standardised remuneration system for staff. UBC’s operations were further affected when the government sold the premises it was occupying in a top location to an investor to build a hotel.

SCORES

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average: 1.1

3.9 *The public broadcaster is technically accessible in the entire country.*

ANALYSIS:

UBC television reaches an estimated 70 % of the country but transmission is not reliable. Even in urban centres it is sometimes difficult to receive its signals or to get a clear picture. In some areas UBC TV can only be viewed through the subscription Pay-TV service DSTV.

Radio covers 80 % of the country, mainly in the Central and Eastern parts.

SCORES

Individual scores: 4, 3, 3, 3, 2, 4, 3, 4, 3, 3

Average: 3.2

3.10 *The public broadcaster offers diverse programming for all interests.*

ANALYSIS:

UBC offers three radio channels: Star FM, Channel Blue and Channel Red. 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 all interests.

UBC’s one TV channel offers children’s programmes, sports, talk shows, religious broadcasts, business slots and local and foreign soap operas. Due to a lack of funds, however, these and older programmes have to be recycled quite a lot to fill in time.

SCORES:

Individual scores: 5, 3, 4, 3, 4, 2, 3, 3, 3, 4

Average: 3.4

3.11 *The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.*

ANALYSIS:

UBC still places great emphasis on the government side of stories in

all spheres of social life, be they political or cultural. The news follow 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 a special Presidential and Vice Presidential Press Unit. Obviously, editors do not distinguish between public interest and government interest. In addition, UBC is constrained by the lack of funds 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). Talk shows, on the other hand, do present diverse views on topical issues.

SCORES:

Individual scores: 4, 2, 2, 1, 2, 2, 2, 2, 2

Average: 2.1

3.12 *The public broadcaster offers as much diverse and creative local content as economically achievable.*

ANALYSIS:

UBC claims that 50% of its programming is local content, aiming to educate, entertain and inform the public. There are indeed local musicians' shows, children's programmes, and local magazines - but no local drama - on TV. UBC cannot compete with the commercial services because its salaries are too low and it lacks creativity and reliability.

SCORES:

Individual scores: 3, 2, 2, 2, 2, 5, 3, 2, 3, 2

Average: 2.6

Overall score for sector 3: 1.9

ANALYSIS:

Because of the Council's inefficiency and because media organisations are opposed to such statutory regulation, they formed an Independent Media Council in February 2006 which is registered as an NGO and a non-profit company. A draft code of professional standards still needs to be adopted by all members of the council before the media will be able to regulate themselves.

SCORES:

Average: 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 both sides of the story. Inaccuracies are often a result of the general inaccessibility of information held by government. The New Vision has introduced a regular box “Corrections” in order to get stories right and to increase credibility with its readers. Certain tabloids such as the Red Pepper are seen to be “full of lies”.

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 FM station is for them to be able to speak a vernacular 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. Television services are in the main more accurate and fair.

Increasingly, the borders between advertorial and editorial content are getting blurred - leaving the audience in the dark about how to distinguish between paid for and genuine information.

SCORES:

Individual scores: 2, 4, 3, 2, 2, 2, 2, 2, 3, 2

Average: 2.4

4.3 *The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.*

ANALYSIS:

Generally, media coverage is broad and diverse (one panelist called it “amazing”), even though it is urban based. There are quite a number of investigative stories in the print media with The Weekly Observer singled out as the best in this regard. There are some attempts to broadcast investigative stories by TV stations, especially WBS. Radio, on the other hand, is mainly driven by commercial/advertisers’ interests and would not be able to survive on cultural, human rights or environmental programmes which do not attract advertisers or sponsors.

SCORES:

Individual scores: 4, 4, 4, 4, 3, 3, 3, 3, 4, 5

Average: 3.7

4.4 *Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.*

ANALYSIS:

There are no deliberate efforts by media companies towards gender mainstreaming. Currently, a third of media practitioners are women. The news editors of the two most important radio stations - Radio 1 and Capital - are female, as are the editor-in-chief and the deputy editor of New Vision.

There is still a long way to go to achieve equal participation of both sexes in the media. Media trainers observe that quite a number of

female students attend universities and other institutions to study media related subjects but only a few actually take up the profession. Many of those who join the media leave after a short while, often for jobs in public relations. Reasons suggested for this phenomenon are problems with coping with a dual job (mother/profession), cultural taboos which limit mobility, and prejudice which drives women away from reporting hard news.

SCORES:

Individual scores: 2, 2, 2, 1, 1, 3, 3, 2, 3, 1

Average: 2.0

4.5 *Gender mainstreaming is reflected in the editorial content.*

ANALYSIS:

Gender mainstreaming is not understood in Ugandan media - which reflects the attitudes of society in general. Female news sources are very few, partly because female members of parliament do not speak out on controversial issues. On the other hand, women are portrayed as sex objects.

The two major dailies, The New Vision and The Daily Mirror, try to be more pro-active by producing pull-outs which concentrate on women's issues. Critics, however, say that such efforts could lead to a compartmentalisation of news.

SCORES:

Individual scores: 3, 3, 3, 2, 3, 3, 4, 2, 3, 2

Average: 2.8

4.6 *Journalists and editors do not practice self-censorship.*

ANALYSIS:

Self-censorship is usually exercised when it comes to stories relating to government operations. A reporter will be cautious if a source criticises the president and worry whether the story will be published at all. The situation is complicated by the fact that a freelance reporter is paid per story and even the performance of employed journalists is judged by their story count. An editor will be conscious of political consequences and “at times it takes a heart to run a story”.

At FM stations self-censorship is even more pronounced as editors and owners fear commercial consequences and a possible backlash in terms of advertisements. Many such stations are owned by politicians and/or business people with links to politicians or the ruling class. There the editor has to keep the interests of his/her owner in mind. The situation is even worse up-country where more than 20 politicians own FM stations.

SCORES:

Individual scores: 1, 2, 3, 2, 2, 3, 1, 2, 2, 2

Average: 2.0

4.7 *Owners of private media do not interfere with editorial independence.*

ANALYSIS:

There is a considerable degree of interference by owners of private media with editorial independence. Such interventions can take the form of direct meddling by the owner: Do not run this story, take this aspect as a lead. In FM stations it is possible that an owner will

give directions to the presenter by phone during a live discussion to make him/her pursue a specific line or to be hard or soft on certain people. Some even demand to go on-air themselves.

At the Monitor the Executive Editor has the final say and in most cases this arrangement works. He might be called to explain certain decisions after a story is published.

Government makes it increasingly difficult for owners not to interfere because of regular threats in particular from the President. For example, he met media owners and managers in April 2007 and complained about the media being used by “saboteurs”: “There are now 140 radio stations and 20 TV stations. I am happy about all this. I am, however, disappointed about the irresponsibility, irrationality of the use of your media houses and propensity to allow your media houses to be used by saboteurs of Uganda’s and Africa’s future. A media house is licensed to inform, educate and entertain. It is not licensed to misinform, sabotage and annoy sections of the public without good reason.” After this meeting some radio owners gave instructions to presenters not to allow certain people as guests on talk shows any more.

SCORES:

Individual scores: 1, 1, 1, 2, 1, 2, 2, 2, 1, 1

Average: 1.4

4.8 *Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.*

ANALYSIS:

The salary of staff reporters varies between 300.000 and 500.000

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shillings while contract freelancers earn 200.000 on average (a teacher, by comparison, earns 220.000, a junior lecturer at university 900.000). At FM stations, the situation is worse: there a story pays 500 shillings (with sound-bite 700).

There are reports on corruption among media practitioners, with the highly paid tending to be more corrupt: “They will take the envelope but will not fight for it”. Sometimes sources are paying bribes so as to prevent publication of a certain story or a reporter might extort money from a person for suppressing a negative story. Some members of parliaments are said to have their own ‘personal reporters’.

Increasingly there is the phenomenon of ‘official’ corruption which has started with the President paying reporters during his election campaign. Now there is a tendency towards all organisations, non-governmental bodies included, having to pay a certain amount to ensure that their event is covered.

SCORES:

Individual scores: 2, 2, 3, 2, 3, 2, 2, 2, 2

Average: 2.2

4.9 *Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.*

ANALYSIS:

Media training facilities exist but they are not well equipped. A number of universities offer degree courses in journalism, such as Makerere University which now also offers a masters programme. In 2002, the Eastern Africa Media Institute - Uganda Chapter de-

veloped a National Diploma in Journalism, which has been adopted nationally by all tertiary institutions.

There is no adequate specialised training for radio and television. Private training facilities are taking advantage of this fact and offer fly-by-night training courses.

There are not enough courses to upgrade skills of mid-career practitioners, with only the two major dailies offering such opportunities.

Some media associations organise short (two to three days) courses on specialised topics.

SCORES:

Individual scores: 4, 4, 4, 4, 4, 3, 4, 3, 4, 3

Average: 3.7

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

ANALYSIS:

There are a number of media associations and one trade union which has not taken off officially yet. In every region there is a press club. On a national level, there are the Eastern Africa Media Institute-Uganda, Uganda Journalists Association, Uganda Journalists Union, Uganda Media Development Foundation, Human Rights Journalists Network, Uganda Media Women's Association, Ankole Media Club and many others.

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SCORES:

Individual scores: 4, 4, 2, 1, 3, 3, 3, 3, 2, 3

Average: 2.6

Overall score for sector 4: 2.5

OVERALL COUNTRY SCORE 2.3

The panel meeting took place at The Ankrah Foundation Ltd. Besania Hill in Mukono from 14 to 15 July 2007.

The panel:

Nathan Byamukama, Human Rights Activist, Vumiria Collins, Radio and News Editor, John Kakande, Journalist and News Editor, Judy Kamanyi, Lawyer and Researcher, Rose Mary Kemigisha, [WHO IS SHE???](#), Peace J. Kyamureku, Gender Activist, John Bosco Mayiga, Media Analyst and trainer, Francis Mutazindwa, Media Owner, Peter Mwesige, media university lecturer, Livingstone Sewannyana, Lawyer and Human Rights Activist

Rapporteur

Haruna Kanaabi

Facilitator

Hendrik Bussiek

