



# MEDIA COLLOQUIM REPORT

THE OPEN SOCIETY INITIATIVE  
FOR EAST AFRICA





IMPERIAL ROYALE  
KAMPALA, UGANDA

## MEDIA COLLOQUIUM REPORT

**On 21 March 2009,**

the Open Society Initiative for East Africa (OSIEA) sponsored a national conference of journalists to assess the progress of press freedom and access to information in Uganda. At the conference held at the Imperial Royale in Kampala, local journalists, academics, activists, and human rights experts discussed the need to protect fundamental freedoms and expand the space for public debate in Uganda, especially in the lead-up to general elections in 2011. The conference focused on the need to expand access to independent and credible information and on defending journalists' rights. The conference also sought to encourage cooperation between media and civil society groups to increase government accountability and promote human rights.

### Background

The Ugandan media is confronted by government secrecy and increasing hostility. While the country has progressively enjoyed a vibrant print and electronic media in the past

decade, free speech faces serious constraints and access to information is limited. Journalists in Uganda increasingly find themselves subjected to arrest, violence, and harassment for critical reporting. Over the last decade, robust and critical journalism has rubbed those in power the wrong way. Media houses routinely receive censoring calls from the President's Office. Outspoken journalists are faced with termination from their work place. Journalists working for independent media regularly have politically motivated criminal charges made against them. While these charges are legally untenable, the state presses ahead to intimidate and discourage journalists, resulting in increased self-censorship. With elections slated for 2011, increasing government control over the press threatens democratic development. Prior to the conference, the Ugandan government had taken steps to limit press freedom dramatically. The government is pushing forward legislation that would allow state security agents to intercept mobile,

print, and electronic communications, which will severely limit journalists' ability to maintain confidentiality when gathering information. The government wants to make it mandatory for journalists to reveal their sources whenever challenged. In 2008, a cabinet subcommittee was formed to rein in the media, with plans to expunge press freedom provisions from the Ugandan constitution under discussion. In 2007, President Yoweri Museveni accused the media of being "saboteurs." It is against this background that the conference was convened.

The conference brought together 60 print and electronic media journalists, academics, activists, and human rights experts.

### Panel Discussions

**Bernard Tabaire,**  
Columnist and Media Trainer

**Press Freedom and Access to Information in Uganda- A Fallacy ahead of the 2011 elections?**

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Emphasizing on the importance of media's preparedness to deliver free and fair general elections in 2011, the panelist reminded the participants that press freedom and access to information are questions of power. In his opinion, free press will be determined by the ruling elite's assessment of their chances of retaining power after the upcoming 2011 general elections- the second multi-party elections in Uganda in 20 years. He stressed the importance of sustained advocacy for reforms long before the beginning of the campaign period. The panelist noted that Uganda continues to maintain restrictive freedom of information laws, including libel, sedition, obscenity, and invasion of privacy to limit press freedom. The Ugandan government enacted strict licensing laws that target the media and discourage citizen engagement, with jail terms for those who practice journalism without official registration. He condemned Uganda's recently enacted anti-terrorism laws that prescribe the death penalty for any journalist, who publishes a positive

- Uganda's government must recognize that state control of the media is unacceptable and review laws that restrict press freedom specifically laws on libel, sedition, obscenity, and invasion of privacy. Clauses that conflict with universally recognized human rights standards should be amended.

- To stem repression, intimidation and harassment by the state, the media should unite and establish an umbrella professional association to help protect press freedom and provide collective security for journalists threatened by the State.

- For the media to play a meaningful role in promoting democratic governance and truly serve the public interest, the industry must strive for greater openness. Journalists themselves must demand greater editorial independence and advocate for strong media institutions.

- The media must thus hone their skills in objective, ethical and investigative reporting and use of new technologies. Once established, the association of journalists should set ethical standards for journalism, rejecting self-censorship and encouraging objective, ethical reporting.

- Ugandans should demand professionalism from journalists, demand for a media that allows public participation, truly serves the public interest and demand that their government respect the public's right to freedom of information and expression.

# Recommendations

from the Media Colloquium Report



- The media and the civil society should strengthen their partnerships for strategic engagements as the two mutually reinforce each other.

- The Uganda Human Rights Commission (UHRC) should respond and redress violations of journalists' rights and work with the media to put pressure on the government to expand its mandate to directly provide redress for human rights violations.

- The media industry and interested parties should devote resources towards research, support research and training institutes, professional associations and think tanks to improve the quality of journalism in Uganda.

- The media should partner with civil society to organize for trainings in investigative journalism and reporting elections ahead of the general elections in 2011. The two should partner to advocate for electoral reforms long before the beginning of the campaign period, create awareness on journalists' rights and organize safety and security training for journalists ahead of 2011.

- For rapid responses to the safety and security of journalists at risk, the Ugandan media should strengthen networks with human rights protection groups locally and internationally.

- As gatekeepers of information and news and as shapers of the dominant socio-political narratives that eventually shape public perceptions, journalists should respect human dignity, adhere to professional ethics and social responsibility. Journalists should promote the respect of all human rights for all, including the rights of sexual minorities as human rights indivisible, interdependent and inalienable.

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story about an officially designated terrorist organization. He appealed to the Uganda parliament not to pass into law, the Interception of Communication bill that would allow state security agents to intercept mobile, print, and electronic communications, as this will severely limit journalists' ability to maintain confidentiality when gathering information. Assessing trends in the annual Worldwide Press Freedom Index, Tabaire pointed out that the country's performance had worsened. Uganda ranked 107th out of 173 countries in 2008 compared to 2007 when it ranked 96th out of 169. He urged journalists to establish a professional association to help protect media freedom and provide collective security for journalists

threatened by state action. The association would set ethical standards for journalism, rejecting self-censorship and encouraging objective, ethical reporting.

**Dr. George Lugalambi,  
Makerere University, Department of  
Mass Communications**

**A Historical Perspective of Obstacles  
to the Creation of Strong and Viable  
Media Organizations**

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In his presentation, Lugalambi noted that a strong media industry and professional network are essential

for securing the freedom of the press and access to information. He advised that in searching for ways to secure their freedom and to gain meaningful access to public information, journalists must pay as much attention to the external political environment. He argued that the political context has significant bearing on the prospects of creating and sustaining strong and viable media institutions. In his opinion, a crucial pre-requisite for creating strong media institutions is to ensure that media organizations are first and foremost competitive as businesses as this will increase their independence, reduce state interference and increase their ability to recruit, train and retain professional journalists. He opined



financial sustainability is the media's first bulwark against the pressures of doing journalism in a heavily circumscribed democratic environment such as Uganda's. Moreover, the industry is being shaken by the frequent departures of talented and experienced professionals. In his opinion, more competitive pay packages and ethical investment in the editorial product would improve staff retention rates and create an in-built premium on exceptional journalism.

He pointed to the importance of building strong linkages between training institutions and the corporate world, a trend he observed had worked well in ensuring that the learning institutions meets demands of the media industry in South Africa. Like Tabaire, Lugalambi emphasized the need for strong professional associations to promote and enforce ethical standards of journalism. He observed that the space and role played by the Uganda Journalists Association (previously a volunteer membership association of media professionals) had been hijacked by the arbitrary formation of statutory and regulatory government institutions. He called on the government to repeal laws that restrict press freedom, and on the media industry and interested parties to support research and training institutes, professional associations and think tanks to improve the quality of journalism in Uganda as a way of building strong and viable media institutions.

### **Dr. Sylvia Tamale, Faculty of Law: Media and Civil Society Partnerships**

#### **The way forward in expanding the democratic space, enhancing accountability and respect for human rights in Uganda**

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In her assessment of the extent to which the media opens up, nurtures and protects political spaces for activists to do emancipator work, Tamale both praised and criticized the media. She acknowledged that the media in Uganda has generally been at the vanguard of the democratic struggle but also highlighted the boundaries that confine their capacity to create an enabling environment for civil society actors to do their work

more effectively. For example, while the media is an important vehicle to promote and protect justice and human rights, it operates within a discriminatory and patriarchal context that hinders its effectiveness in playing the watchdog role. A number of reports in the media often reinforced gender stereotypes and increased marginalization of minority groups. Recognizing the media's role as gatekeepers of information and news and as shapers of the dominant socio-political narratives that shape public perceptions, Tamale called on journalists to respect human dignity, adhere to professional ethics and act responsibly. She noted that a number of reports in the media exacerbated discrimination of minority groups and put sexual minorities at risk. She cited the furore that followed the banning of the vagina monologues, (an interactive discussion) in Uganda due to sensational coverage by the media. Tamale advised the media to strengthen partnerships with the civil society as their relationship reinforces each other in a symbiotic fashion. She emphasized that in order for civil society to do its work effectively, they need a solid independent conduit to disseminate its views and information. Likewise, the legitimacy enjoyed by civil society in its pursuit of the common good and capacity for research is attractive to the media. The media depends on an active civil society to push for and maintain the conditions of an independent, open and free media. Tamale recommended that media actors need to be more reflexive, unlearn and reeducate themselves on minority issues and hold a better balance between their quest for profit and the protection of the public good. She advised that together, media and civil society groups can hold the government to account and protect human rights.

### **Rose Kemigisha (Uganda Human Rights Commission): Journalists as Human Rights Defenders– Safety and Security of Journalists ahead of the 2011 Elections**

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The panelist affirmed that journalists, by the nature of their work, conditions under which they work and the risks they face are human rights defenders.

She challenged public perception that only those in civil society were engaged in defending human rights hence are entitled to protections under the United Nations Declaration on the Situation of Human Rights Defenders. She emphasized that journalists like all human beings have rights enshrined in domestic laws, and international declarations and conventions. Urging journalists to maintain professional ethics and respect for human dignity, the panelist emphasized that all rights come with responsibilities. The panelist reminded participants that human rights are universal, interdependent, indivisible and inalienable-one would therefore not choose to defend the rights of one group at the expense of another. Outlining the available channels for redress of violations of journalists' rights, Kemigisha emphasized the importance the United Nations Declaration on the Situation of Human Rights Defenders as tool for the protection of journalists' rights. Other channels for redress include the tribunals at the Uganda Human Rights Commission and Courts. Kemigisha called on journalists to use the available channels to seek for redress of the violations of their rights. In her conclusion, she urged the media to work in close partnership with civil society on investigative reporting ahead of the general elections. She also stressed the need for the media in Uganda to strengthen networks with human rights protection groups locally and internationally.

### **Emerging issues**

Participants observed that the relationship between the media and the Ugandan Government has been utmost antagonistic. Noting that while in some societies, an antagonistic relationship between media and government represents a vital and healthy element of fully functioning democracies, in a nascent democracy such as Uganda, such tension-ridden relationship causes uncertainty and yields further repression. Participants acknowledged that the Ugandan Government's control of print and broadcast media in the country leaves little scope for dissenting opinions and hampers public debate. They noted that lack of a legal enabling environment and political will within the Ugandan government to support media

freedom limits the media's ability to contribute effectively to democratic governance. They also noted that the media industry's policy that emphasizes profits at the expense of professionalism; inadequate training resources and weak media research are the main contributors to its weak performance as a watchdog.

Key questions emerged on the media's preparedness to deliver free and fair general elections in 2011. Journalists raised concerns that in a situation of limited press freedom, the 2011 electoral process is likely to be manipulated and elections compromised. According to the participants, free and fair elections conducted through transparent process requires a media sector which gives candidates equal access, and reports the relevant issues in a timely, objective manner. Yet little is being done to prepare the media for this crucial process. The participants agreed with Tabaire's assessment that press freedom in Uganda will depend upon the current regime's assessment of its chances of retaining power in the 2011 election. If the chances do not look good, the media environment may get tougher irrespective of what the laws say. If the chances look promising, the media situation may not be any different than it is. According to the journalists, it is unclear whether the Ugandan media will be able to give political candidates equal access and report relevant issues in a timely,

objective manner. If the ruling party feels its power threatened, journalists fear a crackdown.

They cited an incident during the 2006 general elections in which a private radio station was pulled off air to prevent it from announcing parliamentary and presidential results. Panelists emphasized on the need to improve professionalism in reporting election results observing that most journalists are neither adequately trained nor do they have experience in election reporting. In such a situation, they are likely to make mistakes. Participants urged the media industry to put in place a standard professional code of conduct on reporting elections and partner with civil society to organize trainings on the same.

The participants observed that if the media is to play a meaningful role in promoting democratic governance and truly serve the public interest, the industry must strive for greater openness. Journalists themselves must demand greater editorial independence and advocate for strong media institutions, the association must set ethical standards for journalism, rejecting self-censorship and encouraging objective, ethical reporting, and media industries must invest in investigative reporting and encourage public participation in the media.

Participants called on media houses to address their high turnover that negatively impacted on professionalism and the quality of journalism in Uganda.

For a remedy in part, participants appealed to media houses for decent remuneration for journalists in addition to frequent training and mentorship programmes as incentive to retain quality writers and reduce incidences of corruption in the media.

Civil society urged the media to be more objective and responsive to the public to reduce fear and skepticism. Journalists were challenged to re-examine their values in order to have the moral authority to challenge and hold the government and the public accountable. Journalists on the other hand called for mutual respect for their contributions in society.

Participants expressed concern over the Uganda Human Rights Commission's slow response to violations of human rights in the county. Representing UHRC, Kemigisha, (a panelist) attributed this weakness to the Commission's limited mandate. As currently established, the UHRC reports to parliament and is not mandated to directly enforce redress to violations.

### **Closing Remarks by Richard Mugisha, OSIEA Uganda Country Manager**

In his closing statement, OSIEA Country Manager, Richard Mugisha reiterated the power dynamics that affect discussions on human rights, freedom of expression and access to information. He explained that the media wields tremendous power and this should be harnessed to hold leaders to account. Mugisha challenged the media and civil society groups in Uganda to explore new strategies for mobilization and engagement, and urged them to move beyond the commonly held fallacy of journalism as a neutral and non-political profession. He reiterated that all journalists are human rights defenders and thus need protection from potential threats.



# ANNEXES

## Ahead of 2011 General Elections: Press Freedom and Access to Information, a Fallacy in Uganda?

By Bernard Tabaire

*(Columnist and media trainer; former co-managing editor of the Daily Monitor in Kampala)*

21 March 2009

Two months before independence, Milton Obote addressed his party's delegates' conference in a speech titled, "A Plan for Nationhood". He said in part: "...every human being is free to seek the truth and to express the truth as he may understand it ..." [1] That was an obvious allusion to Article 19 of the Universal Declaration of Human Rights. That was impressive, coming from a soon-to-be leader of the nation.

Well, Obote in power was a different animal altogether, just like the rest of them. Following the deportation of Ted Jones of the "Kenya Weekly News" and "The Reporter" and Billy Chibber, a Daily Nation reporter, in 1966 and the banning of Ssekanyolya, the feisty Luganda-language daily, Daniel Nelson, editor of the ruling UPC weekly newspaper, The People, was prompted to write (in 1968): "For it is a brave man, indeed a reckless one, who will publicly doubt what Government says, even if he knows it is wrong and is designed as a cover-up operation. Government's word is becoming infallible, and that is disturbing." [2]

I bring up these representative quotes to make two general points from the outset: one, that what some leaders say is one thing and what they actually do is another and we should always be alert to this dishonest behavior; two, that questions of press freedom and access to information are political questions and therefore questions of power. People who wield power are necessarily uncomfortable with lots of information flying about because in the process their failings may be discovered and they could lose their power. You do not gain power to lose it so cheaply

– unless you are Marc Ravalomanana in Madagascar. But the rest of us, whether we want power or not, we want to be free to seek and share the truth, as we understand it. One way of doing it could be by raising questions about how we are governed. But this, logically, leads to tension between those with political power and those without it. How that tension is managed determines the fortunes of a country.

I thought I would create some context for this discussion with that.

Now, a fallacy is "a mistaken belief". In other words the use of the word "fallacy" in the title of my topic implies that talk of there being freedom of expression and easy access to information in Uganda is mistaken; it is a myth.

Maybe. Maybe not.

According to Reporters without Borders' annual Worldwide Press Freedom Index, Uganda ranked No. 107 out of 173 countries in 2008. In 2007, it was 96th out of 169 countries. We performed worse in 2008 compared to 2007, the Commonwealth Head of Government's Meeting, Chogm year. With the Freedom House rankings, though, Uganda improved marginally. It ranked No. 114 of 195 countries in 2007 and No. 110 out of 195 in 2008.)

Anyhow, Uganda has never lacked for laws regulating the media. [3] Possibly, the oldest and most significant of these laws is the plainly named Press Censorship and Correction Act of 1915 – happily repealed by The Press and Journalist Statute of 1995. (But did the Press Censorship Act have to do with the First World War and the need to check some of the debate in The Uganda Herald, a newspaper founded in 1912 by the colonial types living here? Just wondering, but it could well be.)

What is for sure is that that 1915 law, and related laws, was used to rein in Sekanyolya, the first Ugandan-owned independent newspaper founded in 1920 and edited by the Daudi Basudde. Others who felt the sting included people like Yusufu Bamutta of Edobozi

lya Buganda, founded in 1928.

In Uganda today, the complement of media laws is impressive indeed. We have the Constitution (articles 29, 41 and 43); The Press and Journalist Statute, 1995; The Electronic Media Statute, 1996; and The Access to Information Act, 2005. On top of this, we have legislation that touches on the media in some direct ways. We have The Anti-Terrorism Act, 2002 and the anti-sectarian law, plus election-related laws that also say something about the media. Then there are The Penal Code Act provisions relating to sedition; promotion of sectarianism; and criminal defamation.

Let me say something about these laws. The Press and Journalist Statute (Section 20:3) requires journalists to get practicing licences annually or else they face jail time of up to 3 months. ("No person shall practice journalism unless he is in possession of a valid practicing certificate".) That requirement should be repealed. The Media Council has been reluctant to enforce it – I guess because of lack of capacity not necessarily goodwill toward journalists – but we must not take comfort in that fact. The clause could be invoked any time to deny anyone of us the right to practice. Related to this is the requirement by The Electronic Media Statute that radio and TV stations must register yearly for a licence to operate. I suggest that should be changed to registration every 3 years especially because the electronic media regulator, the Broadcasting Council, has been wont to issue a lot of threats to stations wielding the licence weapon.

The Anti-Terrorism Act provides for death for any journalist who writes what the State may consider positive stories by an officially designated terrorist organization such as the Lord's Resistance Army. This is excessive punishment and must be removed or otherwise amended to lessen the possible penalty.

As for the anti-sectarian law, it should simply be done away with. So far it has been used against journalists and politicians critical of the President, saying he favors his sub-ethnic group in national

job allocation. Whether the allegation is true or not, the President should respond with facts, not litigation. The present approach does not make any sense to me. It is yet another weapon being used to check dissent.

With The Access to Information Act, let's test the law. Let's demand documents and if we can't get them, having exhausted the procedure as laid out in the law, we go to court. It is encouraging that two Daily Monitor journalists, acting on their own as private citizens, have just filed a petition in the courts demanding that the government releases the oil production sharing agreements. We wait to see how that pans out.

Writing in the December 2008 issue of the Defender, a publication of the Foundation for Human Rights Initiative, Vincent Babalanda says that "in Uganda we do not have legal protection of journalists' sources, beyond being mentioned in one of the schedules of the Press and Journalist Statute". He thus argues for a reporters' shield law, adding that it is not enough to have a whistleblowers protection law, now making its way through Parliament. I agree.

Then we should push for the consolidation of all the media laws, possibly into one comprehensive statute. Things are way too scattered at present.

Everything must be properly codified or we will be depending on the goodwill of the authorities.

While in Kampala, let's not forget about the journalists and media houses up-country. They get harassed quite a bit – especially by members of the security services, local officials and even national officials who come from those places - but do not tend to get much publicity. There is a case during the last campaigns when the police ordered Radio Pacis in Arua to "stop broadcasting a paid-for talk show by candidates, without any apparent reason".[5] There have been cases, election-related and not, involving Choice FM in Gulu, Open Gate FM in Mbale and Life FM in Fort Portal. Hosting opponents of the regime can especially invite hardship for some of these stations.

How should we go about ensuring that

we get the changes we need?

The most enlightened thing Ugandan journalism is doing for itself is to challenge the bad laws on the statute books. We saw an opportunity in the Constitution and are using it. The best result so far has been the Supreme Court's unanimous decision in February 2004 striking down Section 50 of the Penal Code Act that criminalized publication of false news. Because of that landmark decision, the East African Media Institute, Daily Monitor and others have a joint petition before the Constitutional Court challenging sedition, criminal defamation, and promotion of sectarianism. This is one way to go.

Lobbying is another way. As media we need to learn how to lobby Parliament, lobby civil society and others to join in our cause. Lobbying is generally a new, if not non-existent, practice in this country. Maybe OSIEA may want to look into sponsoring a training of media organizations here in the art of lobbying.

Unity is paramount. Disunity amongst Ugandan journalists has led to the formation of splinter groups, all of them weak. It is time that changed.

And, if I may ask, what is the fate of the independent media council that some journalists have pushed for to ensure self-regulation instead of using the present statutory Media Council, whose work, anyway, has been hijacked by the dubiously established Media Centre?

Freedom to do what as professional journalists?

Actually, we need to ask ourselves a series of questions. What did the early Ugandan journalists I referred to near the beginning of my talk want? What did they stand for? What inspired and motivated them? Answer: They questioned the "logic of colonial rule and especially the discrimination, oppression and exploitation of the African. They questioned the logic of restricting Africans from carrying out the lucrative import and export trade; the middleman's role of Asian traders... and land grants to white settlers in Uganda." [6] The relationship between Baganda chiefs and the

colonial regime was also questioned. In other words, their journalism was about concrete issues, concrete problems they sought resolved for a better life for all.

Now, for us Ugandan journalists of today, what is the ultimate purpose of the robust constitutional and statutory protections that we are demanding? I know, of course, it is an inherent right to be able to speak freely. But as professionals acting as professionals with ethics and standards, what do we want to do with the wide-ranging freedoms that we desire? What responsibilities do we have in terms of helping improve our society? Generally, the unfettered freedom we want is so we can hold authorities accountable and help make the government conduct our business in a transparent and responsive manner. Of course, there are those with the freedom to write about the length of ministers' sexual organs. I defend their freedom to write such material but I am not terribly sure that is good use of the freedom we are hankering after as people generally engaged in public affairs journalism.

In the context of the 2011 general elections, we demand freedom to be able to assess the candidates: their track records, their views, their plans. In short, we need the freedom to critically engage with candidates for elective office across the board. This way, we get to pass on comprehensive information to our viewers, listeners, and readers so they can make informed decisions. According to the Final Report of the EU Election Observation Mission of the last election, "The tone of editorial coverage was largely positive or neutral overall across media and the only station to critically engage with candidates was KFM." [7] We need more critical engagement. Of course, we cannot forget to provide our audiences with the platform for them to debate the issues as well.

Let me also make a journalistically selfish suggestion. To help enhance press freedom, we could ask each presidential and parliamentary candidate to state his/her position on freedom of expression generally and freedom of the press in particular.



This would force all these politicians to think through the matter and go on the record. Not a bad thing, if you ask me.

But even before the campaigns begin, we need to help push for reforms that will allow the Electoral Commission deliver a free and fair process to the extent possible. The EC has demanded a series of reforms[8] well in time for the next election. How is the government responding? Do EC officials have the money to do the preparations? If they have the money, how well are they carrying out the preparations?

Let's also remember that the 2011 elections will only be the second multi-party elections in Uganda in the last 30 years. We are all learning: the media, the politicians, civil society, the EC. We can cut ourselves some slack as a country. But that goes only so far for the media. Here is Ofwono Opondo, a former journalist and now one of those who

## Things to watch out for

Let's beware of the proposed wiretapping law, formally known as The Regulation of Interception of Communications Bill now before Parliament. There is too much power vested in the minister of security. That is power that one who wields it could be easily tempted to abuse.

Let's keep our eye on the Cabinet sub-committee formed in May last year essentially to figure out how to rein in the media. The Weekly Observer reported that one of the things the committee is considering is deleting from the Constitution the phrase "freedom of the press" (Article 29:1:a) That is a key phrase because the present Constitution is the first to expressly provide for freedom of the press and other media. The previous three Constitutions only spoke generally of freedom of expression.

Watch out for the role of the Media Centre – remember it was created just months before the 2006 elections "on a rather questionable basis".[4] You just never know which restrictions it might spring on journalists ahead of 2011.

speak for the regime. Writing in the December 2008 issue of the Defender, with characteristic pugnacity and not without some exaggeration, Opondo observes: "Arguably the only serious threat to media freedom and credibility in Uganda today is lack of professionalism which breeds incompetence and unfairness within the media to the public. Commercial, business and corporate interests, media idiocy and unfairness, rather than the 'dictatorial' state are greater threats to a free and independent media in Uganda today. Many of the journalists don't qualify to work in serious organizations and therein lies a big problem. Most media organizations pay peanut salary ... lending their journalists to corrupt practices." Quite controversial but it is difficult to disagree. We simply have to up our game over and above crying foul against the regime all the time.

### Conclusion

It is my contention that we cannot think of press freedom independent of broader freedoms and rights like freedom from hunger, freedom from torture, the right to equal protection before the law, etc. In short, we have to think press freedom in Uganda in the context of the wider push for democracy – however you define democracy. It is indeed a cliché to say democracy is good for free expression. But it is not by accident that more democratic countries have a much freer media environment.

Let me end where I started, fallacies or no fallacies, by once again relating the issue of free expression to the issue of political power. The level of press freedom will depend upon the regime's assessment of its chances of retaining power in the 2011 election. If the chances do not look good, the media environment may get tougher irrespective of what the laws say. If the chances look promising, the media situation may not be any different than it is as we speak here today. Either way, it is safer to have media-friendly laws.

## Strong and Vibrant Media Institutions and Networks in Uganda

By George W. Lugalambi, PhD

Thank you all.

*Senior Lecturer and Head Department of Mass Communication, Makerere University*

### Introduction

This paper outlines my brief thoughts about the opportunities and challenges of building strong, vibrant, and sustainable media institutions and networks in Uganda. I presented an outline of these thoughts in a panel presentation at the OSIEA media colloquium in Kampala on 21st March 2009. I take this opportunity to expound these thoughts.

A strong media industry and professional network are essential for securing the freedom of the press and access to information. Yet, as Uganda's history suggests, the political context has significant bearing on the prospects of creating and sustaining strong and viable media institutions. This implies that in searching for ways to secure their freedom and to gain meaningful access to public information, journalists must pay as much attention to the external political environment as to the conditions within the industry and the profession.

### Strong and vibrant media institutions

A crucial pre-requisite for creating strong media institutions is to ensure that media organizations are first and foremost competitive as businesses. They have to be profitable and efficient in their operations in order to solidify their foundations as commercial enterprises. The idea that media organizations must strive to be successful at business may sound like a no-brainer especially to those groomed in the traditions of market-driven journalism. However, this idea frequently comes up against the stance of those who argue that it is the very bare-knuckled obsession with the bottom-line that has undermined the capability of media organizations to work in the public interest. These are legitimate concerns



and they should not be papered over.

In my view, it is by no means arguable that only media institutions that are economically viable in their own right will be able to stick it out in the market and to withstand the vagaries of politics in Uganda. A number of vital points come to mind when we think about why it is absolutely imperative for media organizations to perform well as businesses. As I will go on to submit, sturdy commercial performance by media organizations can give them a platform to excel in their journalism but only if media managers have a sound grasp of the essential linkages. This point needs underlining because editorial managers are not always present at the table when business decisions that will impact their work are being made; which probably explains why in many instances impressive business balance sheets do not necessarily tally with editorial balance sheets.

The most pressing need for media organizations today is to attract and retain good journalists. The industry appears to be struggling to do just that. Competing industries and businesses are draining the media of some of its best brains as well as its most feisty and experienced talent. A few short years ago, managers at The New Vision newspaper were in all likelihood most worried about their talent 'defecting' to Daily Monitor and vice-versa. Lately, the pattern of talent migration has been completely altered. Journalists are more likely to relocate to other industries or sectors altogether than to change addresses within the media industry. Clearly, where talent is concerned, competition is no longer between Nation TV and Wavah Broadcasting Service TV but between the media and the telecommunications sector, for example.

This trend has left behind a disturbing portrait of the demographic composition of the human resource pool available in the journalism profession. Newsrooms are bottom-heavy because they are largely populated by young professionals. Judging from the reporting and writing they sometimes deliver, you get the impression that rigorous adult editorial supervision would help their work. This observation is not meant to discredit the journalism of many committed young professionals pounding away at keyboards in our newsrooms, and those out in the field

flexing their muscles with cameras and recorders. It is only to suggest that a certain balance has been lost and that it needs to be restored.

More research needs to be done to better inform us of why newsrooms are constantly losing journalists. What are the push and pull factors at play? Whereas my primal instinct tells me that it all has to do with the money, I concede that there could be a lot more than meets the eye. "Show me the money!" some journalists might be screaming; but many others have had their passion burn out for lack of the support they need to do excellent journalism. Some journalists feel that media managers and proprietors are assigning the editorial team less priority than the marketing gang. Again, a better sense of balance needs to be brought into the equation.

To bring my basic contention back into focus, I should be excused for stressing the obvious: that it costs substantial amounts of money to produce and keep reproducing good journalism. Some might of course see a bit of the chicken-and-egg factor here. Does money follow good journalism or is good journalism a by-product of strong financial facilitation?

Whichever way this issue is debated, there is no doubt that media organisations need financial resources to invest in technology and infrastructure that would make their operations efficient and raise their overall competitiveness as commercial enterprises. Media firms need money to invest in market and audience research to be able to design, target and deliver their product effectively. When financial gains are ultimately realised, the editorial product and the journalists who deliver this product deserve a fair share of the takings.

Time, which is another important yet scarce resource for journalists, costs money too. There is nothing that an investigative reporter needs more than time. Investigative journalists need to devote time to incubating ideas, researching the facts, checking out sources, and thinking carefully through their evidence as well as the consequences of their reporting. This might mean long periods away from

the newsroom and of no tangible output. To the finance department it may look like no value for money. Only media organisations that are financially sound can sustain this kind of journalism. Most media observers say investigative reporting is the weakest link in Uganda's journalism, yet it is also the most costly and therefore the most at risk of being downgraded on the priority lists of media managers.

Strong and vibrant media network

Ugandan journalism today suffers from the conspicuous absence of a solid and all-embracing voluntary professional association that is credible, independent and accountable to its members. While several genre-specific networks of journalists do exist (e.g. in the areas of sports, health, business, environment, science and human rights), there is really no substitute for a professional organisation that provides a broad-based platform for sharing common experiences and advancing collective interests.

In the old days, the Uganda Journalists Association (UJA) served such a function. For all its weaknesses in leadership and mutual suspicions among members, it had a presence that could not be ignored and was the public face and voice of the profession. The demise of the National Institute of Journalists of Uganda (NIJU) as a statutory experiment in building a professional fellowship is testimony to the persistence of a gap that cries out to be filled. NIJU started with enthusiasm even from journalists who were otherwise acutely skeptical of official interventions in journalism. Operational obstacles have no doubt contributed considerably to the demise of NIJU, but there remains a sneaking feeling that its founding premise was fatally flawed. There are fledgling efforts to resuscitate UJA. However, it has much work to do to warm its way into the mainstream of the profession.

Evidently, Ugandan journalism could benefit from a voluntary and member-driven professional association. Such an association would have to emerge from the ground up, and it should be one that

is sustained primarily by journalists individually and media houses through membership and subscription fees as well as other material and financial contributions. It could certainly raise funds from private and public donors to run its activities and programmes. An independent association of journalists, working on a peer review model, would be more credible and persuasive in compelling its members to observe the ethical codes of the profession, among other functions.

## Conclusion

One of the central points of this discussion has been the idea that media organisations need to become savvy at business in order to grow into strong and viable institutions. Financial sustainability is the media's first bulwark against the pressures of doing journalism in a heavily circumscribed democratic environment such as Uganda's. Moreover, the industry is being shaken by the frequent departures of talented and experienced professionals. More competitive pay packages and ethical investment in the editorial product would improve staff retention rates and create an in-built premium on exceptional journalism.

Over the last decades, we have seen that robust and critical journalism has an inexorable tendency to rub those in power the wrong way. Journalists working for independent media regularly have charges preferred against them for alleged offences that simply cannot stand up to the constitution. One suspects that such charges are brought in the full knowledge that they are legally untenable; but the state nonetheless presses ahead to intimidate journalists and to push them down the slippery road of self-censorship. These relentless brushes with the state can take an emotional toll on journalists by making their professional lives insecure. On the other hand, the attendant legal bills can drive media houses to back away from asking tough questions of those in power. To some degree, economically viable media organisations are less likely to buckle under political pressure than those with weak financial prospects.

Finally, the presence of a formidable professional association would ensure

that the media confront the attempts to undermine their freedom as a common threat rather than as a matter for individual journalists and media houses. One of the greatest threats to media freedom in Uganda today is the creeping sentiment in the public that journalists deserve what they are getting. The unprofessional behaviour of some journalists has contributed to this perception. With journalism facing such a grave credibility problem, a well-organised professional association would be able to lead the battle to mobilise the citizens and civil society behind the industry.

## The way forward in expanding the democratic space, enhancing accountability and respect for human rights in Uganda

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By Sylvia Tamale

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*Faculty of Law: Media and Civil Society Partnerships*

I understand civil society here to comprise a network of formal and informal bottom-up groups that work outside the state and business to better the lives of ordinary citizens.

I am not going to rehash the debate over whether the media (fact that it is profit-oriented) is part of civil society or not. For purposes of this discussion, I view the media as being separate from civil society BUT see it as a vital building block in constructing a conducive, enabling environment for civil society organizations and activists to do their work more effectively.

Hence, what I am going to do this afternoon is provide a broad assessment of the extent to which the media in Uganda opens up, nurtures and protects political spaces for activists to do emancipatory work successfully.

It is important for us to acknowledge how far both the Media and the struggle for democracy have come in the country today.

I would say that generally the vibrant print and electronic media in Uganda has been at the vanguard of the democratic struggle in this country since the 1950s. They have done quite a commendable job of opening up spaces for the voices of civil society and for the ordinary Ugandan to be heard.

I have personally used the media extensively in putting my views and messages across and appreciate this medium as a powerful platform for engendering social change.

Backdrop: Context in relation to partnerships—(i) Patriarchal society (i.e., male dominated) with clear masculinist structures to prop up its ideology e.g., religion, capitalism, the law, culture, and yes... mainstream media outlets. (ii) Historical context: the media has historically been male-dominated with

men firmly holding the reigns of authority and primarily acting (either purposely or inadvertently) for self-preservation as a patriarchal institution.

As gate-keepers of information and news and as shapers of the dominant socio-political narratives, the media wields tremendous power.

We must note though that the relationship between the media and civil society is a symbiotic one: they depend on each other to promote democracy, human rights observance and good governance. Civil society uses the media and the media also uses civil society—but only and only when it suits its interests (sales). The legitimacy enjoyed by civil society in its pursuit of the common good and capacity for research is attractive to the media and will be variously used, exploited, appropriated by it. Moreover, the media depends on an active civil society to push for and maintain the conditions of an independent, open and free media.

Likewise, in order for civil society to do its work effectively, they need a solid independent conduit to disseminate its views and information. Hence, the media and civil society mutually reinforce each other.

Now, in discussing the relationship between the media and civil society I wish to focus on that section of civil society that I am most familiar with, that is, groups and actors that are involved in the movement to close the gap of gender inequalities in our society (including women's rights and sexual minorities).

Unfortunately, given the patriarchal, masculinist context within which the media works, it means that more times than not, it reinforces gender inequalities, stereotypes and the disempowerment of minority groups. For example, the way in which articles, cartoons, editorials, and opinion or think pieces are written generally reflect a stereotypical view of women as domesticated and subordinate, e.g. Women-specific sections of the print media, and women-focused electronic (TV and radio) programming (beauty, recipes, gardening, home keeping, etc.). This has the serious effect of undermining development efforts undertaken by women's rights groups.

As we all know the media plays a very important role in the shaping of public

perceptions. So, the way they report news and disseminate information is key. For example, reports on violence against women – good for highlighting issue but the way it is reported is devoid of any activist angle. There is a need to move away from the uncritical reflection of what the Media considers as public opinion; need to empathize with groups that society pushes to the margins, e.g. on prostitutes (as immoral, nymphomaniacs, vectors of diseases), gays and lesbians (as sick, pathological, immoral) etc.

I must also comment on the nature of reporting that highlights gruesome pictures of mutilated and violated bodies. Offensive and unethical. Height of insensitivity. While such images may boost sales, they not only violate the human rights of family members, they also breach the dignity of the deceased.

There is also a tendency for the media to paint actors of this section of civil society as “un-civil,” radical and even irrational. Examples: when the Media Council banned the staging of Vagina Monologues (reporters were more excited with the word “vagina” than the content or purpose of the play), Bukedde story that deliberately misrepresented my position on sex workers’ representation in parliament.

All in all, I want to emphasize that the Media has played a critical role in fostering democracy and improving the conditions in which civil society operates. BUT, there is a need for more:

- Sensitization, re-education, unlearning and re-learning among journalists and other Media actors on issues relating to gender, sexuality, and the rights of minorities;
- the Media needs to read, read, and read...
- More critical reflection on the impact of the stories that they cover, and the angle/slant that they give to those stories;
- More serious engagement with civil society actors, in a bid to highlight the concerns, challenges and the successes of these institutions in the struggle for democracy; and
- A better balance between the quest for profit and the protection of the public good and positive values.

Thank you very much.

## Q & A Session:

**Won't the media be doing civil society work if they report critically? Aren't they supposed to just report what they see?**

*Answer:* An insult to the intelligence of journalists. Journalist vs. Reporter. Issue of media role in social transformation. Journalists need to think about the consequences of what/how they are reporting, be reflexive. Press freedom goes hand-in-hand with responsibility. Fairness and accuracy important.

**What specific strategies for the symbiotic relationship?**

*Answer:* Civil society stops viewing themselves as apolitical. Thus engage the state e.g. to uphold conditions that enhance media freedom. Likewise media advocate for the freedom of expression for civil society e.g., vagina monologues. Joint forums e.g., workshops to educate each other, share research findings, conceptual issues underlying what is perceived as “news”. Have mutual respect e.g., avoid misrepresenting, return calls from journalists.

**What about “brief case” NGOs that simply want to use the media to attract donor money?**

*Answer:* See my definition of civil society above.

Two important issues: Not for profit  
For social transformation

**The media is part of society. Our society has values, how do you expect us to report against such values?**

*Answer:* Whose values? Look at them critically.

**What purpose are these values pursuing?**

Unlearn these values. Look at the hypocrisy surrounding these values. Ask yourself how come the countries from where we imported these values have reversed them.

Example of a young underprivileged woman trying to further her studies and has to “choose” between several bad employment choices.



# Journalists as Human Rights Defenders– Safety and Security of Journalists ahead of the 2011 Election

By Rose Mary Kemigisha

*Uganda Human Rights Commission*

## Human Rights Defenders

'Human rights defender' is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders can be individuals, groups and associations contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. Human rights defenders may be operate through professional activities – paid or voluntary or outside any professional or employment context.

No 'qualification' is required to be a human rights defender, and the Declaration on the Right and Responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms also known as the Declaration on human rights defenders, makes it clear, that we can all be defenders of human rights if we choose to be.

Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. This will also help us to determine whether journalists can be human rights defenders.

### 1. Address all human rights for all

To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights and group rights. A common misconception is that human rights are about civil and political rights only, but human rights defenders address any human rights concerns, for example,

summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment etc. They address human rights for all people without discrimination.

### 2. Human rights everywhere

Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed.

### 3. Local, national, regional and international action

The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. However, some defenders act at the regional or international level. Increasingly, the work of human rights defenders is a mixture of both.

### 4. Collecting and disseminating information on violations

Human rights defenders investigate, gather information regarding and report on human rights violations. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse. Since journalists' work is basically collecting and disseminating information, journalists engaged in investigative journalism on human rights issues become human rights defenders.

### 6. Action to secure accountability and to end impunity

Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might

involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by ratification of international treaties. Journalists can hold duty bearers to account through expositions and investigative work in the media, thereby breaking patterns of impunity and preventing future violations.

### 7. Supporting better governance and government policy

Some human rights defenders focus on encouraging a Government as a whole to fulfill its human rights obligations, for example by publicizing information on the Government's record of implementation of human rights standards and monitoring progress made. Some defenders focus on good governance, advocating in support of democratization and an end to corruption and the abuse of power, and providing training to a population on how to vote and why their participation in elections is important.

## Responsibilities of human rights defenders

### *Accepting the universality of human rights*

Human rights defenders must accept the universality, interdependence and interrelatedness of human rights as defined in the Universal Declaration of Human Rights. A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights. Journalists must be ready to defend all rights because they cannot be enjoyed in isolation of each other. Journalists do not have the luxury of selecting to promote some rights while suppressing others.

### *Who is right and who is wrong – does it make a difference?*

A second important issue concerns the validity of the arguments being presented. It is not essential for a human rights defender to be correct in his or her arguments in order to be

a genuine defender. The critical test is whether or not the person is defending a human right. For example, a group of defenders may advocate for the rights of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all of the land in the area. They may or may not be correct about who owns the land. However, whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders. The key issue is whether or not their concerns fall within the scope of human rights.

This is a very important issue because, in many countries, human rights defenders are often perceived by the State, or even the public, as being in the wrong because they are seen as supporting one side of an argument. Similarly, defenders who act in defence of the rights of political prisoners or persons from armed opposition groups are often described by State authorities as being supporters of such parties or groups, simply because they defend the rights of the people concerned.

*Why a journalist would be considered as a human rights defender?*

In view of the above, journalists who effectively play their role in promotion and protection of human rights can be considered human rights defenders. Journalists act as facilitators or collaborators for people to organize themselves and act. The role of the journalist is to facilitate the empowerment of an individual or community to effectively participate in their own governance and in fostering development.

Journalists should therefore be a reliable source of information: gathering, generating, and analyzing it to synthesize, simplify and contextualize it for their readers and audiences. They provide the information link between the people at the grassroots and those in positions of authority, power and decision-making. They have a duty to promote information equity, to respect human dignity, and protect relevant democratic public spheres. Journalists who are human rights defenders must be prepared to go beyond their traditional role of informing, educating and entertaining. They have of necessity to:

- Monitor, investigate and criticize public

policies and actions designed for development

- Provide a platform for dialogue, discussion and debate, and allow various viewpoints to flourish
- Report on all aspects of the decision-making processes and give stakeholders a voice in those processes
- Increase awareness of the citizens of their rights by exposing, reporting on and denouncing instances of human rights violations, while promoting respect for human rights and remedies for violation.
- Promote vigilance towards the respect for human rights and the rule of law through fostering investigative journalism, promoting the openness of courts, tribunals and other arbitrators through coverage of legislative and administrative proceedings
- Cover government transactions with a view of fostering transparency and accountability among its representatives and act as a watchdog against corruption
- Enhance the realization of the people's right and access to information particularly the poor and marginalized
- Advocate for greater importance to human development issues in allocation of resources
- Advocate for inclusive policies and action that denounce exclusion and marginalization of sections of society
- Cover electoral and other democratic processes giving equal attention to all the parties in the contest, while empowering the voters to make informed choices.
- Empower citizens through educational and public health programmes
- Promote social responsibility and the public good.

*Rights and freedoms that journalists should claim as human rights defenders*

- Provisions of the Declaration on the Right and Responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (The Declaration on Human Rights Defenders)

- Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including the rights:
- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide professionally qualified legal assistance or other advice and assistance in defense of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To unhindered access to and communication with non-governmental and intergovernmental organizations;
- To benefit from an effective remedy;
- To the lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilize

resources for the purpose of protecting human rights (including the receipt of funds from abroad).

However it is critical to note that all human rights go hand in hand with responsibilities. Enjoyment of human rights cannot and should never be separated from fulfillment of duties and responsibilities among which is the duty to respect the rights of others.

In the same vein journalists as human rights defenders have to avoid actions or campaigns that:

- Maintain the domination by the powerful few of the majority or marginalized individuals or groups
- Perpetuate inequitable positions, powerlessness and neglect of the needs of the poor and marginalized.
- Stifle the voices of the poor and marginalized, the masses, the ruled, thereby blocking participation of the beneficiaries of public policy and actions.
- Discourage diversity and plurality in the media landscape particularly blocking unpopular viewpoints of the opposition or contributions from the less powerful and marginalized.

Therefore, journalists as human rights defenders must bear in mind their duties and responsibilities.

## **Risks and threats faced by human rights defenders including journalists**

Not all human rights work places human rights defenders at risk. However, some defenders are at risk of reprisals while others do actually experience actions intended to punish, retaliate or deter them from pursuing the promotion and protection of human rights. Some of these threats and actions may be direct, or subtle, they may be from individuals, organizations, private interests, the state and its agencies, among others.

Many human rights defenders, in every region of the world, have been subject to violations of their human rights in the following ways:

- Targets of executions
- Torture

- Beatings
- Arbitrary arrest and detention
- Death threats
- Harassment and defamation
- Restrictions on their freedoms of movement, expression, association and assembly
- Labeling, false accusations and unfair trial and conviction
- Sanctions on business leading to economic / commercial pressure

Violations most commonly target either human rights defenders themselves or the organizations and mechanisms through which they work.

Occasionally, violations target members of defenders' families, as a means of applying pressure to the defender.

Some human rights defenders are at greater risk because of the nature of the rights they seek to protect; particularly civil and political rights in pseudo-democracies; economic rights against international and multinational interests; women's rights in societies rooted in culture and some religions, etc.

In most cases, acts committed against human rights defenders are in violation of both international and national law. In some countries, however, domestic legislation which itself contravenes international human rights law is used against defenders. This has been witnessed in Uganda with the state invoking some repressive laws like the law on sedition, sectarianism, criminal trespass, and criminal defamation among others, to harass journalists

## **How human rights defenders can overcome the challenges**

- Networking and joining forces with other organizations
- Lobbying for legal reform
- Peaceful demonstrations
- Media campaigns and responses to all attacks and false accusations
- Mobilizing action at national, regional and international levels
- Building alliances
- Negotiations with authorities
- Legal action against authorities for all forms of harassment

- Going underground and carrying out activities in secret

## **How the media can use the Declaration**

The Declaration is not a legally binding instrument and therefore it cannot be applied as a hard law to hold the state accountable. However, it contains principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding – in particular the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT). Journalists can use creatively provisions of the International Bill of Rights and other International Human rights Treaties to claim their rights enshrined in the Declaration on Human Rights Defenders.

### *International Treaty mechanisms*

Journalists or their lawyers can invoke articles of these Covenants and conventions to hold the states accountable through the Optional Protocols on Individual Complaints Procedures or country visits.

### *Other special mechanisms*

The Special Rapporteur on the situation of Human Rights Defenders, who seeks, receives, examines and responds to information on the situation of human rights defenders. The Special Rapporteur on the situation of Human Rights Defenders presents annual reports to the Human Rights Council and the General Assembly on particular topics or situations of special importance regarding the promotion and protection of the rights of human rights defender, undertakes country visits and takes up individual cases of concern with Governments.

### *Regional mechanisms*

There is an opportunity to defend freedom of speech and expression through the African regional mechanism: the African Commission on Human Rights as well as its African Court on Human and Peoples Rights.

### *Local Remedies*

Judicial action by the journalists under threat or their sympathizers or groups and civil society – Constitutional petitions



in court (like the Supreme Court ruling of 2003 that declared unconstitutional the offence of publication of false news), and serious follow up on jurisprudence from decided cases in favor of freedom of expression and press freedom.

#### *National Human Rights Protection Mechanisms*

Journalists can utilize the complaints mechanism of the National Human Rights Institution i.e. the Uganda Human Rights Commission.

Strengthening the journalists' capacities for investigative journalism. The more thorough the media expositions on human rights violations are, the less likely is the State to be convincing on the need to clamp down on the "errant, irresponsible" media as they are frequently labeled.

Strengthening media associations and groupings. Journalists should strengthen the mechanisms through which they can amplify their voices of concern. They need to have strong associations and groups to enhance their advocacy and lobbying capacity.

Strengthening networks with civil society to enhance the voices for freedom of expression. Issues of freedom of speech, expression and press freedom are not exclusive to the media fraternity. It is time that the civil society realized that what affects freedom of speech, expression and press freedom does not affect the media alone but the civil society as well and the people they represent. Civil society need to add their voices to the media fraternity when the battle for press freedom is on. This is a two-way traffic and likewise, the media need to support the civil society when they too are battling to minimize state control and constriction of their space.

Lobbying MPs and other government centers of power and influence. MPs may be preoccupied with many state matters, some of questionable priority. This coupled with the lack of awareness of some of the concerns regarding freedom of speech, expression and press freedom does require serious lobbying to bring these issues to their attention and educate them on some of the implications that may not be apparent.

Strengthening networks and linkages, and information flow with international and regional organizations for

the protection of journalists. In some circumstances external pressure may pay off better than internal pressure.

#### *Safety and security of journalists*

Any electioneering period would bring uncertainty because by its nature it entails a victor and the vanquished. The journalists therefore find themselves in the unenviable position of trying to maintain level-headedness in the circumstances. Given the immature politics that Uganda is still grappling with where a contest is regarded as a war between parallel interests; any opposition is regarded as enmity; and the attitude is: "you are either with us or against us", journalists will inevitably find themselves at the receiving end of all contestants and will be made the eventual scapegoats. However, human rights defenders are brave and focused on human rights. Journalists need to keep sight of their goal of promoting and protecting human rights and as all human rights defenders, be prepared for the consequences.

Safety and security is in numbers. Can the media practitioners really come together on one cause? Experience has shown that when one media house is in trouble, or when one journalist is under fire, there is a tendency for the rival media to keep a deaf ear and a blind eye. This is probably why when media houses were shut down by security agents there was no outcry from the media fraternity.

The media need to engage in civic education that empowers the populace to begin demanding for conditions that would guarantee free and fair elections. An empowered population would be able to demand from the duty bearers a conducive framework in which every Ugandan can freely participate effectively, where their freedom of choice, expression, and security is guaranteed, and where they can speak up against any violations. The media would no doubt also benefit from such a framework.

The media fraternity in Uganda needs to make the improvement of the practicing environment their business. Campaigns of legal reform against bad laws should be launched and embraced by all, journalists should demand opportunities to participate or contribute to mechanisms

designed to legislate or regulate them. This needs to be started right away without first waiting for the bad laws to be applied during elections before the media fraternity reacts.

The media need to explore how they can partner with other human rights defenders. There is no formal subsisting partnership between the media and other human rights defenders. The existing relationship simply does not go beyond the need of the human rights defenders to get airtime and space from the media on the one hand and the media regarding them simply as news sources. The two need to cultivate and sustain a partnership that bonds them together as human rights defenders and prompt them to stand up for each other.

Journalists who are human rights defenders in Uganda need to strengthen their relationships with other protection organizations in the region or at the international level. They can benefit from the constant spotlight and monitoring of the protection organizations such as: Reporters without borders, IFJ, Article 19, The International Covenant for the Protection of journalists, ICRC, Amnesty Committee, Human Rights Watch etc. Conclusion

Freedom of expression and media freedom are guaranteed by the legal framework in Uganda, particularly the Constitution

Uganda has voluntarily signed and ratified international human rights instruments for freedom of expression, press freedom, media freedom and access to information.

Freedom of expression and press freedom is a human right that can and should be claimed

The State is always tempted to control the media and it has the weapon in outdated and repressive laws which are still on the statute books as well as underhand tactics.

Practitioners can advocate legal reform to improve their operating environment

Practitioners have a duty to be responsible, uphold professionalism and respect human rights.

## REFERENCES

- [1] A. Milton Obote, "A Plan for Nationhood," *Transition* No. 6/7, Oct. 1967: 18.
- [2] Daniel Nelson, "Newspapers in Uganda," *Transition* No. 35, Feb.-Mar. 1968: 30.
- [3] Uganda has a pretty active media scene with about 12 to 15 newspapers both daily and weekly. As of 2008, more than 160 FM radio stations, most private/independent, were on air; so were 13 TV stations.
- [4] European Union Election Observation Mission (Final Report), "Uganda: Presidential and Parliamentary Elections, 23 February 2006": 30
- [5] European Union Election Observation Mission (Final Report), "Uganda: Presidential and Parliamentary Elections, 23 February 2006": 29
- [6] Zie Gariyo, "The Press and Democratic Struggles in Uganda, 1900-1962," Centre for Basic Research [Kampala], Working Paper No. 24, 1992: 7
- [7] According to the Final Report of the EU Election Observation Mission, UBC TV, state broadcaster supposed to give all presidential candidates an equal platform as per Article 24 (1) of the Presidential Elections Act, gave President Museveni 80% election-related coverage to challenger Kizza Besigye's 11.5%. The privately owned WBS TV "granted an almost equal balance" between President Museveni and Dr Besigye. CBS Radio (private) favored Besigye at 41% to Museveni's 26%; Radio One (private) favoured Besigye giving him 52% of coverage to President Museveni's 41%; KFM (private) gave President Museveni 50% to Besigye's 42%.
- Newspapers: *Weekly Observer* – Museveni (43%), Besigye (28%); *Daily Monitor* - Museveni (45%), Besigye (35%); *New Vision* (government owned) – Museveni (53%), Besigye (30%)
- [8] Require national media to allocate sufficient time and space for registered political parties; require organizations to periodically conduct voter education; modify the Local Government Act to determine the role and participation of political parties and organizations in the electoral process; modify the Local Government Act to establish a cut-off date for the creation of new districts at least one year before the elections; amend laws to fill the lacunas created by the Constitutional Court in Petition No. 8 of 2006; amend the Electoral Commission Act to enable the EC's deference of the implementation of any electoral laws passed less than one year prior to the election date; and, consolidate the various electoral laws
- [9] Rose Mary Kemigisha is a professional journalist working with the Uganda Human Rights Commission in Kampala as Senior Human Rights Officer/Editor.

