



AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



UGANDA 2012

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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on homegrown criteria derived from African Protocols and Declarations like the “Declaration of Principles on Freedom of Expression in Africa” (2002) by the “African Commission for Human and Peoples’ Rights” (ACHPR)¹. The instrument was jointly developed by *fesmedia Africa*, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

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

Methodology and Scoring System

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

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

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

¹ The ACHPR is the authoritative organ of the African Union (AU) mandated to interpret the African Charter on Human and Peoples’ Rights.

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

Outcome

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

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

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

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology².

By the end of 2012 the African Media Barometer had been held in 29 African countries, in some of them already for the fourth time.

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2 Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 29 AMB Countries (2005-2012)

African Media Barometer

UGANDA 2012

Summary

Uganda's Constitution guarantees freedom of expression, including freedom of the media. In addition, Article 14 (1) of the Constitution gives every citizen the right of access to information held by the state. However repressive laws such as the Anti-Terrorism Act (2002); Press and Journalist Act of 2000 and the Regulation of the Interception of Communications Act of 2010 negate these freedoms. Since the last AMB in 2010, a number of other restrictive laws have also been drafted such as the Public Order Management Bill (2011) which seeks to regulate the conduct of public meetings as well as discussion of issues at such meetings and the 2010 Press and Journalists Amendment Bill intended to enforce annual registration and licensing of newspapers by the statutory Media Council.

The above laws and other state measures continue to worsen the conditions necessary for the practice of freedom of speech and have had a great impact on journalistic practice in Uganda. State surveillance structures such as the Resident District Commissioners, Gombolola¹ Internal Security Officers (GISO's) and the District Internal Security Officers (DISOs) continue to create a climate of fear among journalists as well as potential information sources, resulting in increasing cases of self-censorship. A disturbing trend of self-censorship through reportage of social rather than political issues leading to the downplaying of important issues is emerging. For instance, the anti-government protests that took place towards the end of 2010 and in early 2011 were barely given ample airtime by some radio stations because of fear of victimization. However, at the same time there is seemingly a new-found boldness among the populace that has found expression in campaigns such as the May 2011 'Walk to Work' organised to protest the government's apparent inaction in the face of rising inflation, high youth unemployment, corruption and escalating food and fuel prices.

Government policy and regulations remain rigid with regards to expanding spaces for public deliberation. Both the Electronic Media Act of 1996 and the Uganda Communications Regulatory Authority Bill that looks set to replace it, focus on the mechanics of broadcasting regulation – the establishment and functions of the regulator and the issuing of licenses – and make little reference to the kind of media landscape regulation is supposed to create. The three tiers of broadcasting provided for in the 2002 *Declaration of Principles on Freedom of Expression in Africa* by the African Commission on Human and Peoples' Rights and developed by the erstwhile Broadcasting Council in 2004 are yet to be implemented. Despite

1 Gombolola means Sub County.

existence of 276 radio stations in the country, a number of them are owned by ruling party politicians who discourage broadcasting of news that is deemed critical of the government.

The national broadcaster, Uganda Broadcasting Corporation (UBC) is still state owned, and its board is appointed by the Minister of Information and National Guidance. This has lessened the independence and transparency of UBC and consequently, there is no accountability to the public. Also problematic is the silence of the UBC Act on issues of the political, financial and commercial interests of Board members. Prior to the suspension of the board in May 2011, board members included government representatives compromising the independence and transparency necessary for UBC to survive as a public broadcaster.

Community broadcasters in Uganda continue to operate in a vague policy and legal environment, thus exposing them to various forms of interference by the state. Although the existing Broadcasting Council's National Broadcasting Policy, drafted in 2004, recognises the role of community broadcasting, the policy is yet to be implemented. So far, the only positive action that has taken place is the lowering of fees for non-profit making broadcasters, but even this is not supported by any regulations.

One of the key developments in the Ugandan media landscape has been the development of a self-regulatory body, the Independent Media Council of Uganda (IMCU), which was established in 2008. This body has however remained dormant. Government, which established a statutory media council through the Press and Journalist Act of 1995, has also resisted the IMCU. The IMCU might not be operational, but its voluntary code of conduct remains in use. Media organisations such as *New Vision* and *The Daily Monitor*, for instance, also have their own in-house codes of conduct.

Activism around media reform has declined significantly. There have been few campaigns around media reform and freedom of expression. Media organisations and trade unions remain fragmented and the self-regulatory body mentioned above is in shambles.

There is also a worsening trend of corruption among journalists. Given the different working conditions of journalists across the media, there has been an inevitable increase in corruption. More affluent and well established media such as *The Daily Monitor* and *New Vision* provide better working conditions and therefore may not be greatly affected by this growing trend. However, journalists from less established media houses tend to charge civil society organisations and other organisations in order to have their issues covered.

The level of accuracy of reportage has also deteriorated, leading to decreasing levels of investigative journalism across many newsrooms. This in many ways

links to the increasing patterns of omission of political discussions in the media. Another factor affecting investigative journalism is the legal implications of reporting accurately. Often the media houses are not able to get the documentary evidence from state authorities, despite the existence of the Access to Information (ATI) Act of 2005. Moreover, prohibition of homosexuality by the Penal Code Act, in addition to a highly conservative society, continue to negatively influence the ability to report fairly on issues affecting the affecting lesbian, gay, bisexual and transgender people.

In spite of all the above negative incidents, there have been some positive aspects to the media since the last AMB. The law on sedition in the penal code was abolished following a constitutional ruling in August 2010. The victory followed a petition that media organisations filed in the Uganda Constitutional Court which challenged the legality of the law. This also led to the throwing out of a number of government cases against journalists and politicians who were charged under this law. This is seen as a positive factor, especially in the face of several other laws that continue to prohibit freedom of speech and press.

In April 2011, the government signed into law long-awaited regulations for implementing Uganda's Access to Information Act. The Act and the subsequent regulations are supposed to give effect to Article 41 of the Constitution, which 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".

There has been increased civic participation and consciousness brought on by poor governance that has been expressed through public discontent. In May 2011, a pressure group closely linked with opposition parties staged so called 'Walk to Work' protests to demonstrate against economic hardship in the country. The authorities were "caught off-guard" by the level of public support for the protest expressed by Ugandans on Facebook and Twitter.

Improved reporting of women/rural citizens in the two largest newspapers - *The Daily Monitor* and *New Vision* is also another positive development. *The Daily Monitor* newspaper, for example, has a regular column 'Full Woman' and the paper has been redesigned to include a section that reports on news in the peri-urban and rural areas.

As the country heads for elections in 2016, media reform efforts in the coming years need to focus on lobbying for the reform of the state broadcaster into a public broadcaster, the establishment of an independent broadcasting regulator and the repealing of repressive laws that hinder freedom of expression. The success of any lobbying efforts will depend on close coordination between media organisations and civil society organisations.

SECTOR 1:

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

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

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

The Constitutional guarantees remain the same as they were at the last AMB in 2010.

- Article 29 (1) (a) guarantees the right to free expression, which includes the freedom of the media.
- Article 41 (1) gives every citizen the right of access to information in the possession of the state.
- Article 43 (1) states that these and other fundamental rights shall be enjoyed as long as this does not prejudice the rights and freedoms of others, or the public interest.
- Article 43 (2) (c) goes on to say that any such limitations should only be those acceptable and demonstrably justifiable in a free and democratic society, or what is provided in the Constitution.

Some panellists felt that other constitutional provisions are also relevant to free expression. For example, Article 1.1 in Chapter 1 states, “all power belongs to the people who shall exercise their sovereignty in accordance with this Constitution”.

“The sanctity of this provision is, for me, very pronounced and should be highlighted”, said a panellist.

Similarly, the Constitution’s Objective II.1 states “the State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance”.

“There are so many provisions of the Constitution that support freedom of expression.”

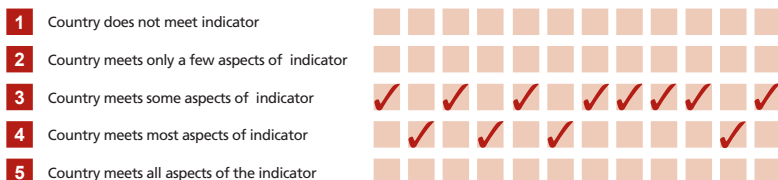
However, while the Constitution guarantees free expression and of the media, there are a plethora of laws that limit or take away this right. Since the last AMB, the Regulation of the Interception of Communications Act of 2010 has been added to a long list of restrictive laws. And a number of other restrictive laws have been drafted:

- Draft Press and Journalists Amendment Bill – This Bill requires print media to be annually registered and licensed by the statutory Media Council which is also given powers to revoke a licence in case of breach of licensing conditions. “No one has yet been bold enough to present this in Parliament.”
- Uganda Communications Regulatory Authority Bill – This has had its second reading in Parliament, and seeks to merge the Uganda Communications Commission and Broadcasting Council, which were established previously under separate laws. “This Bill will have implications for free expression in terms of the regulation and ownership of media. It was dressed up as legislation addressing the convergence of communications, but it is really about the merger of the two regulators, which has already happened in practice.”
- Public Order Management Bill (2011): The Bill seeks not only to regulate the conduct of public meetings but extends to regulate the content of the discussion of issues at such meetings, in contravention of the right to freedom of speech and expression.

When such laws have been tested in court, they have tended to be set aside or amended because the Constitutional guarantees are strong. Nonetheless, the authorities continue to enforce some of these repealed laws.

Scores:

Individual scores:



Average score:

3.3 (2010: 2.9; 2007: 3.3)

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

Citizens and journalists practice their right to free expression, but sometimes with a high level of fear. The majority of Ugandans (approx. 85 per cent) live in rural areas, where restrictions on what people dare to say are much greater than in urban areas.

“The fear manifests itself depending on the issue. Right now the issues of oil, land grabbing and presidential terms are the ones that elicit fear.”

Various levels of “media police” – state operatives and civil servants whose job it is to monitor and exert influence on the media are in place. “If the GISO² walks into your workplace and wants to know where you live, then you feel afraid. Journalists are summoned to the Resident District Commissioner’s office to account for their stories. Sometimes members of the public are called in to account for what they say on air.”

The authorities now put a great deal of effort into policing the media. This is done at a number of levels:

- The evidence collection department of the police, members of which carry cameras to gather evidence, mainly during riots and other disturbances, in order to make a case against troublemakers. However, the unit has also used its photographic evidence to counter media coverage of the same events.
- The Media Offences Unit of the Criminal Investigations Department (CID), which specifically analyses media reports and footage to see if media contravene laws and regulations.
- Resident District Commissioners (RDC’s) and Gombolola Internal Security Officers (GISO’s), who monitor media and keep tabs on journalists working in their respective areas.
- The Uganda Media Centre, which is the government’s information dissemination arm.

Those carrying out the surveillance show varying degrees of sophistication. “At the top, they will probably listen to your argument. In the villages, they have the attitude that ‘you are either with us or against us’.”

There is mounting peer pressure not to speak out. “Recently I was interviewed about the state of the roads”, said a panellist. “The moment you come out, particularly when your picture is in the media, people think you are going to be targeted.”

Since the riots that took place in 2011 and in early 2012, the topics of radio discussion programmes and phone-ins have shifted from politics to social issues. “That for me is definitely an issue of fear”, said a panellist.

Having said this, some panellists felt that direct intimidation of journalists is less now than it was a few years ago. Now, intimidation is more indirect. “This is more threatening because you do not know where the danger lies.” Civil society organisations are also being affected. One NGO representative on the panel said their organisation facilitated public discussions in rural areas, but there people had adopted the mind-set that “you don’t discuss politics”.

2 Gombolola Internal Security Officer. Gombolola is the name for an administrative area within Uganda.

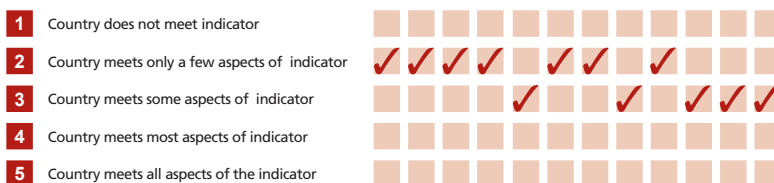
“If you look at the level of fear today compared with 2010, I think we have reached peak levels”, said a panellist. “People are paralysed. There is a sense of hopelessness, which turns to apathy. It is still expressed sometimes in spurts of anger.”

The number of violations of free expression and media freedom reported to the Uganda Human Rights Commission escalated in 2011. “Journalists are fearful to speak to even the Human Rights Commission. They are afraid of their bosses and their editors.”

The situation has reached a point that everything in Uganda has become politicised. “Even nodding disease³ is being politicised. People can’t even talk freely about it because it links back to the government’s inability to provide services that the people need. When you start talking about issues affecting women, the government knows that it has been deficient.”

Scores:

Individual scores:



Average score:

2.3 (2010: 1.8; 2007: 2.3)

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

Section 39 of the Penal Code, which outlawed “seditious intention”, and Section 40, which made it illegal to publish seditious materials were ruled unconstitutional in August 2010.⁴ However, panellists felt other sections of the Code continued to “impact quite seriously” on free expression. “Although some of these laws

³ A mysterious illness affecting children largely in the Northern parts of the country.

⁴ The challenge to the Penal Code was instituted in 2005 by the East African Media Institute, a Kenya-based media training college, and Andrew Mwenda, a Ugandan journalist charged with inciting public hatred against the person of the head of state. He stated on a live radio program that the Ugandan government was partly to blame for the death of the late Dr. John Garang, the leader of the Sudanese People’s Liberation Army. (http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205402196_text, accessed 18 June 2012). The State appealed in the Supreme Court, which is yet to pronounce itself on the matter.

have been struck by the courts, they are still being used.... District attorneys have retained the offences.”

Section 9 (1) of the *Anti-Terrorism Act* (2002) still makes it a criminal offence to publish and disseminate news or materials “that promote terrorism”, without precisely defining “terrorism”. Anyone convicted of this and other offences under the Act can be sentenced to death.

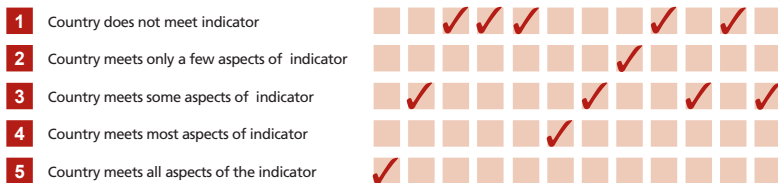
Other laws affecting free expression and media freedom are as follows:

- *Press and Journalist Act of 2000* – This compels journalists to register with the statutory Media Council. Section 27 (3) states that “no person shall practise journalism unless they are in possession of a valid practicing certificate”. The certificate may be suspended for up to six months if a journalist is ‘guilty’ of “professional misconduct”. The minister responsible for information appoints the Council.
- *Regulation of the Interception of Communications Act of 2010* – This limits journalists’ ability to gather information as it threatens the confidentiality of journalists’ sources. Similarly, the Computer Misuse Act, Electronic Transactions Act, Electronic Signatures Act all allow the authorities to seize electronic communication and thus could compromise journalists’ sources.
- *Electronic Media Act of 1996* – Establishes the Broadcasting Council to regulate broadcasters. The minister responsible for information appoints the Council. The Council has now been merged with the Uganda Communications Commission, which was established under the *Uganda Communications Act of 1997* to regulate post and telecommunications. However, the law governing this merged regulator - the *Uganda Communications Regulatory Authority Bill* – has still to be enacted. In terms of the Bill, the minister will continue to appoint the board of the merged regulator. The Bill also empowers the minister to issue policy directives that the regulator will have to follow.
- *Uganda Broadcasting Corporation Act of 2005* – Again, the minister appoints the board of the state broadcaster, the Uganda Broadcasting Corporation (UBC).

“We need to distinguish between the right of free expression and the exercise of this right. A lot of the laws we have include provisions that are unconstitutional. These are not invoked (but remain on the statute books). For example, many journalists have interviewed people who have been declared as terrorists, but they (the journalists) haven’t been arrested because the authorities know these (provisions of the law) are unconstitutional. If the government chose to follow the law, we would be in much bigger trouble than we are in now.”

Scores:

Individual scores:



Average score:

2.3 (2010: 1.3; 2007: 1.5)

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

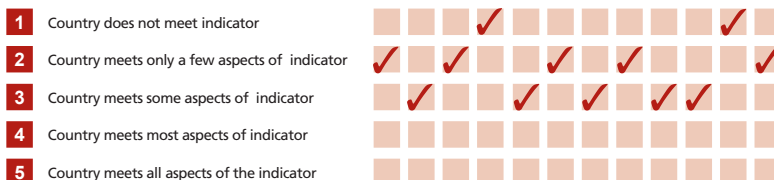
Uganda is a signatory to several major international human rights conventions, but the challenge lies in honouring these conventions/commitments. Panellists felt honouring entailed respecting and adhering to regional and international standards; ratifying them, ensuring that domestic laws comply with them, and then putting their provisions into practice. "If the country cannot respect its own Constitution, what about international instruments?"

Most Members of Parliament are not aware which regional and international standards the country has ratified, and therefore cannot pass and amend laws accordingly. All the laws that impact negatively on free expression – and thus contravene regional and international standards - have been passed by Parliament. "They have been Executive decisions implemented by Parliament."

While the Executive may not respect regional and international protocols and instruments, the Ugandan courts do. "Often they base their judgements on these instruments." Key issues are the domestication of these instruments (applying them in the country's laws) and their dissemination (making people aware of what they say and how they apply to the country).

Scores:

Individual scores:



Average score:

2.3 (2010: 1.5; 2007: n/a)

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

Uganda's laws governing the registration of publications are "a bit mixed up". "It's not clear what the situation is. Sometimes, the laws are not rigorously enforced, but they could still be invoked if the government was not keen on a certain publication."

The Press and Journalist Act (2000) permits anyone to publish a newspaper and simply requires the proprietor to lodge the following details about the editor with the Media Council:

- (a) his or her name and address;
- (b) certified copies of the relevant testimonials as proof of his or her qualifications and experience;
- (c) the name and address of the newspaper; and
- (d) such other particulars as may be prescribed by the council.

The Act defines a newspaper as "a publication which contains all or any of the following: news; articles; entertainment; advertisements; reports of occurrences; views; and comments or observations which are published for distribution to the public either daily or periodically".

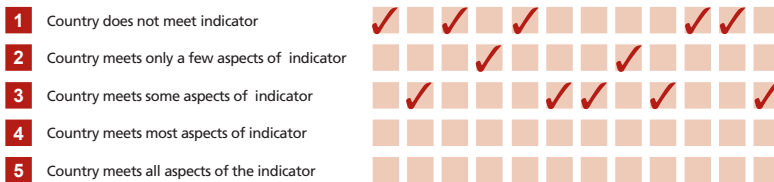
However, some panellists felt the law could still be used to restrict publications that "step on the wrong toes". "If we followed the law to the letter, many publications would not be on the streets." The panellist gave the example of *Rolling Stone*, a controversial publication that was forced to close because the editor had not registered with the Media Council. "Those kinds of things can be invoked. I'm sure most journalists don't submit their details to the media council. But they could stop you (practising) as a result. I think we are very casual about these things."

Another panellist said the key issue was what the publication covered. “Newspapers come up and die every day. There are two catchy issues in Uganda that people look for: politics and matters of the bedroom. If you publish everyday news about agriculture you can get your paper out, but no one will buy it. But if you touch anything that is politics, you will get phone calls, your calls will be tapped. I don’t think there is much restriction on starting a paper if you don’t touch politics.”

A Bill amending the *Press and Journalist Act* sought to empower the Statutory Media Council to license newspapers annually and to revoke the licenses of publications in breach of licensing conditions was introduced in 2010. However, this Press and Journalist (Amendment) Bill, proposed by the Ministry of Information and National Guidance, has yet to be tabled in Parliament.

Scores:

Individual scores:



Average score: 2.0 (2010: 4.4; 2007: n/a)

1.6 Entry into and practice of the journalistic profession is not restricted by law.

In terms of Section 16 (3) of the Press and Journalist Act (2000), “a person shall not be eligible for enrolment” as a journalist “unless that person has complied with such requirements, whether relating to instruction, examination or otherwise, as to the acquisition of professional skill and experience as may be specified in the by-laws made for that purpose by the (National) institute (of Journalists of Uganda)”. The Institute is set under the law in order to “establish and maintain professional standards for journalists”.

According to panellists, the National Institute of Journalists of Uganda (NIJU) requires that, to practice, a journalist must have either a university degree in journalism or mass communication, or a university degree plus a qualification in journalism or mass communication, and at least one year’s experience working as a journalist. Although there is no direct provision in the law that a journalist must have a University degree, one must have a degree to become a full member of the statutory NIJU. Therefore, indirectly since only people who are enrolled with

the NIJU can be issued with a practicing certificate, it can be concluded that one cannot practice journalism in Uganda without fulfilling these requirements.⁵

Journalists are required to register with the statutory Media Council and to renew their “practicing certificate” every year. Article 33 (b) of the Act states that the Council’s Disciplinary Committee can suspend a journalist’s practicing certificate for up to six months if the journalist concerned is found guilty of “professional misconduct”.

However, the Media Council has not enforced these provisions of the law since it first issued licenses to journalists. “The Media Council hasn’t stopped anyone without a degree from practising.”

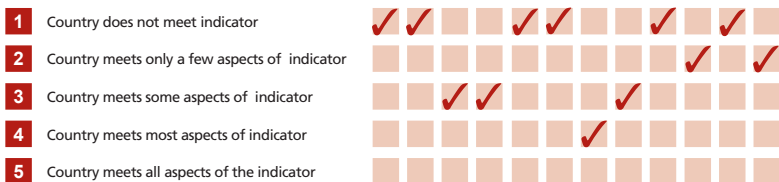
NGO panellists said journalists covering their events did not always have the qualifications specified in the law. Media workers on the panel explained that, as a matter of principle, you should not need to hold academic qualifications to practice journalism, as the right to free expression is universal. Good journalists do not always hold academic qualifications, but may be highly experienced.

“Yes, it is true that media houses employ journalists who, by law, would not be allowed to practice. But the risk is if that individual is involved in a court case, one of the issues the lawyers of the other party will seek to establish is whether by law the person who wrote the story is a bona fide journalist. The media house could lose a case on this basis.” Therefore, as long as the Press and Journalist Act is in place, the profession is restricted by law.

Meanwhile, foreign journalists wishing to work in the country first have to be accredited with the Statutory Media Council.

Scores:

Individual scores:



Average score:

1.9 (2010: 1.5; 2007: 1.3)

⁵ The Press and Journalism Act in Section 15 (3) provides that the National Institute of Journalists Union of Uganda General Assembly may set conditions for admission of associate members. It is possible that the General Assembly can set conditions lower than what is in the law.

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

Article 38 of the Press and Journalist Act states that “a journalist shall not be compelled to disclose the source of his or her information except with the consent of the person who gave him or her the information or on an order of a court of law”. Therefore, the law does provide some protection.

However, Article 39 of the Act makes provision for “seizure orders”. This section of the law says that:

- “(1) Whenever criminal proceedings have been instituted for an offence against the freedom of the press, the court may, on application to it for confiscation, order that the material involved in the offence be seized or issue a ban on the publication.
- (2) A seizure order shall be effected by the police and shall relate only to those copies which were intended for dissemination.
- (3) Any person aggrieved by the decision or order of the court may appeal to a higher court against the decision within thirty days from the date on which the seizure order was issued.”

Panellists pointed out that many people are in jobs that do not allow them to disclose information to the media, not even when disclosure is in the public interest. The authorities often want to know who leaked information to the media, even when the story based on this information is accurate.

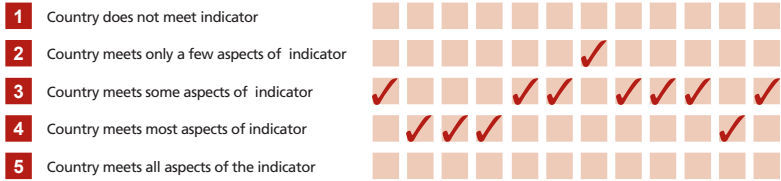
“The law gives and takes. The Access to Information Act says that any person can access any information. The Witness Protection Act protects witnesses (in criminal trials) from disclosure. The Press and Journalist Act gives the courts the discretion to order information to be produced. At the end of the day, it depends on the type of information you are talking about and what you are trying to protect.”

As far as the panel was aware, there have been no cases during the past two years of journalists being forced to reveal their sources. Some panellists felt the courts remain liberal and are unlikely to force journalists to reveal their sources.

Having said this, under the Electronic Transactions Act, the Computer Misuse Act and the Electronic Signatures Act, the authorities can access information stored electronically that may lead to a journalist’s source being revealed.

Scores:

Individual scores:



Average score:

3.3 (2010: 4.2; 2007:3.9)

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

In April 2011, the government signed into law long-awaited regulations for implementing Uganda's Access to Information (ATI) Act of 2005. The Act and the subsequent regulations are supposed to give effect to Article 41 of the Constitution, which 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".

The purpose of the 2005 ATI Act, outlined in Article 3, is to:

- Promote an efficient, effective, transparent and accountable Government;
- Give effect to article 41 of the Constitution by providing the right of access to information held by organs of the State, other than exempt records and information;
- Protect persons disclosing evidence of contravention of the law, maladministration or corruption in Government bodies;
- Promote transparency and accountability in all organs of the State by providing the public with timely, accessible and accurate information; and
- Empower the public to effectively scrutinise and participate in Government decisions that affect them.

However, Section 31 of the Act permits government to withhold information related to the operation of public bodies. Meanwhile, Section 27(1)(c)(i) permits the government to withhold commercial information that, if released, could put the third party "at a disadvantage in contractual or commercial negotiations". Both limitations are open to broad interpretation.

The 2011 Regulations establish procedures for citizens to request government-held information and for government to respond to such requests. But the Regulations also include a number of provisions that could make access costly and difficult for members of the public⁶. For example, the Regulations require individuals applying for information to pay a number of fees that go beyond the specific charges for copying and preparing information. These fees include an up-front, “non refundable access fee” of UGX 20 000 (USD 8).

Schedule 2 of the ATI Regulations lists 15 different forms to be used by individuals requesting information, third parties with an interest in the information, or public bodies granting or refusing an access request: an indication that requesting information could be a cumbersome, bureaucratic process. The regulations also give little guidance to civil servants on how to respond to information requests.

“We have a challenge defining accessibility”, said a panellist. “‘Easily accessible’ would be like what Kenya has done by putting all public information on-line. But documents in Uganda are not physically accessible: people act as if they own them. Therefore I wouldn’t say public information is ‘easily accessible’.”

Newly recruited civil servants undergo an induction process that does little to encourage you to release information, said another panellist. “You are more inclined to be secretive and very careful, even when sharing information with colleagues. That is why journalists have to use inducements to obtain information.”

In spite of the ATI Act, officials will still insist that only permanent secretaries can release information to the media. When even MPs are denied access to the agreement government signed with oil companies following the recent discovery of oil, journalists are unlikely to be granted access to such information.

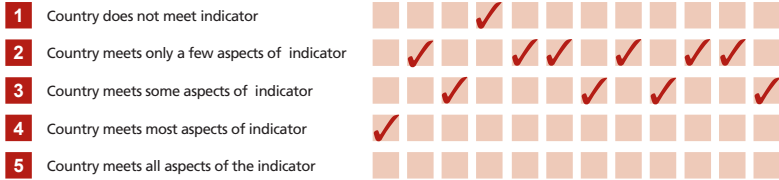
Government does not have the systems in place to make information easily available. Information is “scattered”, even in the urban centres, and those living in rural areas stand even less of a chance when trying to get hold of information. Local leaders hold public forums (*baraza*) in their communities “but the information that is disseminated is not necessary the correct information, rather what is politically correct”. Generally, the political will to make information accessible is not there.

Not all the panellists agreed: “Ugandan citizens don’t understand that they have the right to access information. We shouldn’t just blame the bureaucrats. The citizens do not know they have the right to information, nor where to find it. Accessing information using the right channels is very easy. Every government entity has a Public Relations department.”

⁶ For the World Resources Institute’s analysis of the 2011 ATI regulations, go to http://pdf.wri.org/uganda_access_to_information_regulations_2011-06-30.pdf

Scores:

Individual scores:



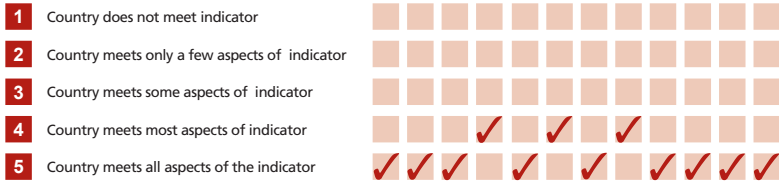
Average score: 2.4 (2010: 1.9; 2007: 2.7)

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

“All you just need is to be computer literate”, said one panellist, summing up the view that that there is little else to prevent anyone from putting up a website or a blog.

Scores:

Individual scores:



Average score: 4.8 (2010: 4.1; 2007: n/a)

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

In April and May 2011, a pressure group with close ties to opposition parties staged ‘Walk to Work’ protests against economic hardship in the country. The authorities were “caught off-guard” by the level of public support for the protest expressed by Ugandans on Facebook and Twitter. Therefore the head of ICT at

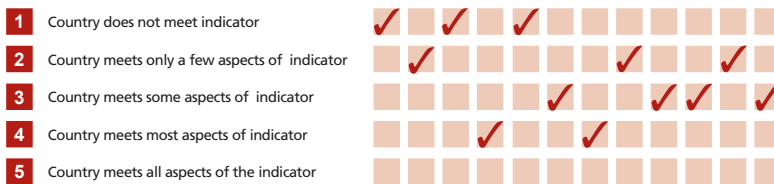
the communications regulator, the Uganda Communications Commission (UCC), wrote to all the major phone companies and internet service providers asking them to filter Internet traffic related to this and other protests taking place in the Arab world. As a result, the speed of Internet access in the country became extremely slow, and Ugandans were at times (?) unable to make effective use of social media during the time of the walk to work protests.

There are no laws permitting the UCC to act in this way. But the regulator was able to do so because of the authority it commands over the operators, which the UCC licenses. Thus the state is able to exploit the licensing regulations.

The State has set up a system to filter all electronic communication in and out of the country, a panellist said. This had been done in terms of the Interception of Electronic Information Act. However, the law only allows for the interception of electronic communication in order to prevent terrorism.

Scores:

Individual scores:



Average score:

2.4 (2010: 2.9; 2007: n/a)

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

In recent years, as freedom of expression has come under increasing attack, a number of civil society initiatives have sought to promote the cause of media freedom.

The Foundation for Human Rights Initiative and the Human Rights Network for Journalists-Uganda have recently published reports on the situation of media freedom in the country. A number of groups such as the Article 29 Coalition have been formed to advocate around freedom of expression issues. The NGO Forum has also focussed some attention on the role of the media.

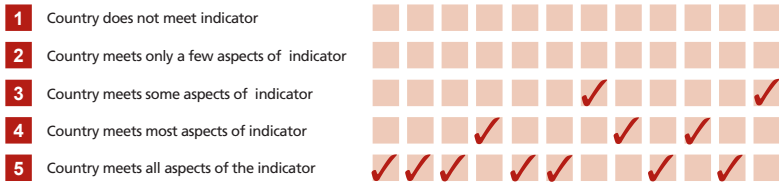
Meanwhile, the Uganda Human Rights Commission, a public body, has sought to take up cases of journalists who have been harassed. Protection Desk Uganda also seeks to defend journalists.

“You realise that they (journalists) have come together to promote free expression in a way they have not done before.” In the case of *Radio Rhino* journalist Augustine Okello, who police arbitrarily detained and held without charge, “the media came out strongly to petition the courts”. “Civil society is doing a good job, and the media realise they need to come together to promote their cause.”

“These organisations are very well intended and have good structures”, said another panellist. “Unfortunately these structures are not used effectively.” The Uganda Human Rights Commission has complained that journalists appear unwilling to fight for their own cause.

Scores:

Individual scores:



Average score:

4.4 (2010: 2.5; 2007: 2.4)

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

The consultation process is very selective. Those responsible for drafting laws⁷ decide with whom to consult, and often members of the public and certain sections of the media are left out. This is partly because no money is budgeted for consultations. “When the state has an interest in a particular bill, it is rushed through. There is consultation, but it is very selective and limited by resources. Sometimes, civil society does not take it (new legislation) up, and people don’t have a chance to discuss and debate bills.”

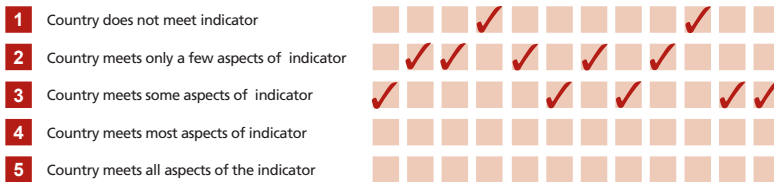
⁷ Legislation in Uganda is drafted by the First Parliamentary Counsel (FPC), Uganda Law Reform Commission and the process through a private members bill (initiated by a Member of Parliament).

The example was given of the recently tabled Uganda Communications Regulatory Authority Bill. There was a push from the private sector, the telecommunications companies in particular, for a one-stop regulator. Government consulted with the telecoms companies, but ignored broadcasters and other sections of the media. "They (government) found it convenient to consult with the telecoms companies but not the broadcasters. That is why broadcasters are asking for the law to be taken back."

Another panellist said: "I wouldn't say it is meaningful consultation. Bills come up out of the blue and it is not clear who has been consulted."

Scores:

Individual scores:



Average score:

2.3 (2010: 1.5; 2007: n/a)

Average score for sector 1:

2.8 (2010: 2.5)*

* The indicators were reviewed, changed and shifted in 2008/2009. Therefore the scores of some indicators and sector scores are not comparable to scores of previous AMBs.

SECTOR 2:

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

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

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

When assessing the accessibility of various media, panellists took into account cost, distance, the language media publish or broadcast in, as well as the extent to which media cater for people with disabilities.

With this in mind, print media is not particularly accessible. The cost of print media is still high bearing in mind that many Ugandans earn less than USD2 (UGX....) per day. Most newspapers cost in the region of UGX1500 (USD0.60), although the Luganda-language newspaper *Bukedde*, published by the *New Vision* group in which government is a majority shareholder, has a cover price of UGX800 (USD0.32). A loaf of bread costs around UGX 2000 (USD 0.80) and a litre of kerosene sells for about UGX2600 (USD 1.04).

In a bid to protect sales, newspapers have introduced measures that may further limit readership. Newspapers are now stapled in order to prevent vendors renting out copies at their newsstands, while some titles now limit the content available for free on their web sites or delay posting stories on the web. Having said this, *The Daily Monitor* and *New Vision* now post breaking news on their web sites. "What we publish (in the newspaper the following day) is a small bit of the actual story compared with what appears on-line." However, it was noted whereas *The Daily Monitor* faithfully publishes breaking news, this is not always the case with the *New Vision*, which publishes online news selectively. This is because the paper wants to increase its print sales.

Since the last AMB, two new titles – *The Sun* and *The Razor* – have appeared on the scene. However *The Razor* – was also launched, but has since folded. According to the Uganda All Media Products Survey (UAMPS) carried out in late 2011 by research company Ipsos / Synovate, *New Vision* is the country's most popular newspaper, with 64 per cent of readers surveyed, followed by *The Daily Monitor* (45 per cent) and *Bukedde* (44 per cent). The tabloid *Red Pepper* had a 33 per cent share of readers surveyed.

Panellists acknowledged that print media remains influential. "Most radio and television stations review the print media. Therefore newspapers become the main source of news for the whole country." However, some TV stations are

developing their own news-gathering operations, and television is becoming an increasingly popular source of news as a result.

The AfroBarometer opinion poll conducted in January 2011, in the run-up to the last general elections, found that 15 per cent of Ugandans got news from television on a daily basis. However, this figure jumped to 64 per cent in Kampala, and 47 per cent in all urban areas. The same survey found that, countrywide, 68 per cent of respondents tuned in daily to the radio for their news (77 per cent in urban areas, 66 per cent in rural areas), while nine per cent got news from newspapers on a daily basis (28 per cent in urban areas, 6 per cent in rural areas).

According to the UAMPS, Uganda had 276 radio stations and 72 television channels⁸ in late 2011. Most Ugandans own a radio - a cheap FM radio set costs about UGX 5000 (USD2). "It is difficult to find an area where you cannot pick up radio", said a panellist and another said: "People probably know me more for comments I make on the radio than for my articles in the newspaper."

The UCC puts the number of Internet users in Uganda at 3.5 million⁹ (roughly 10 per cent of the population). The 2011 UAMPS found that 55 per cent of Ugandans accessing the Internet did so at Internet cafes. However, the number of people accessing the Internet via mobile phones doubled between 2010 and 2011. Having said this, only 35 per cent of Ugandans have access to mobile phones, one of the lowest levels of penetration for mobile telephony in Africa. AMB panellists pointed out that, in Uganda, cell phones carry a 30 per cent tax.

Seventy-five per cent of Uganda's Internet users use the Internet for "chatting with friends", said the UAMPS, with Facebook being the Internet site most accessed in country. However, 35 per cent of Internet users said they used the Internet for news and current affairs, with the on-line editions of the *The Daily Monitor*, *New Vision* and *Red Pepper* being the most popular Ugandan sites.

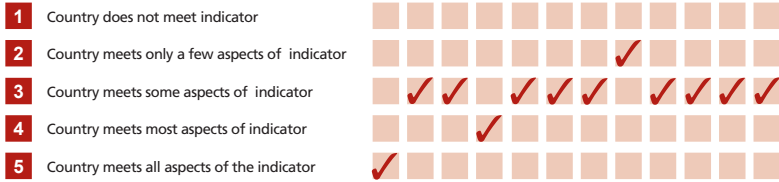
"We have to look at which media is imparting the information", said another panellist. "Ninety per cent of all homesteads throughout the country can access radio... For newspapers, it is usually the elite and urban centres who access them. Accessibility is limited to a certain class of people. Similarly, there is a lack of awareness about the Internet, and very few people have access to it."

8 Not all of the stations are in operation. It also should be noted that the Uganda Communications Commission (UCC) counting of TV channels for TV is based on the number of frequencies. So, for instance if a TV station has five frequencies, then these are recorded by the UCC as channels. This could explain the high number of TV channels in these statistics.

9 UCC 2009/10 Posts and Telecommunications Review, sourced from: www.ucc.co.ug/endOfFYReview2011.pdf

Scores:

Individual scores:



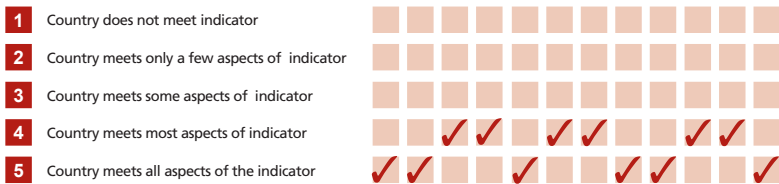
Average score: **3.2 (2010: 2.3; 2007: 2.6)**

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

Panellists said there are no restrictions on international media being brought into Uganda.¹⁰

Scores:

Individual scores:



Average score: **4.5 (2010: 4.3; 2007: 4.0)**

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

The Daily Monitor was re-designed in 2011 with a view to giving more space to stories from more rural parts of the country, thus making the newspaper more attractive to readers from these areas. “We have reporters in up-country¹¹ places

10 It should be noted that the 2010 AMB report said that: “Sections 33 to 38 of the Penal Code ... empowers the minister responsible for information to stop any international publication from entering the country and allow the authorities to confiscate such material.”

11 The term ‘upcountry’ is largely used for those areas of the country that are outside of Kampala.

who would not get their stories in the papers... This restricted circulation in those areas. Now we set aside space for stories from outlying regions." The newspaper also has supplements that try to feature up-country stories. On the back of this increase in regional coverage, the paper now has more delivery vehicles and distribution agents operating in these areas.

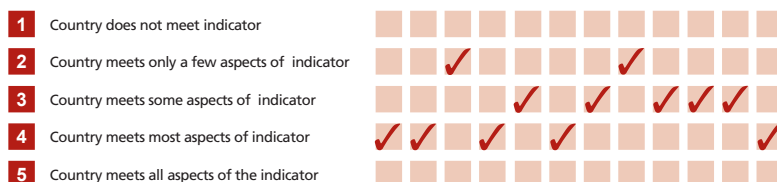
New Vision, on the other hand, has focussed on publishing regional newspapers in local languages, resulting in a growth in circulation of around 50 per cent, said another panellist.

NGOs have also tried to make newspapers more accessible in under-served areas by, for example, opening information centres where members of the public can come to read newspapers and other publications.

However, other panellists said there is still relatively little information coming from up-country. "Perhaps the newspapers don't have the money to pay to have journalists up-country."

Scores:

Individual scores:



Average score:

3.3 (2010: 2.8; 2007: 2.8)

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

The state owns a 53 per cent share in the *New Vision* publishing house. The rest of the company is listed on the country's stock exchange. Panellists said there are no regulations controlling the content of *New Vision* titles. But there is little protecting the titles from interference either. "You have something big happening in the country, but that story is hidden away inside the paper. This suggests that something is going on, that those inside the newspaper say: 'In order for us to be safe let's dumb this down.' I see this happening a lot these days."

The company's private shareholders also have interests to protect. "The attitude (within the company) is that publishing certain stories will damage government programmes, as well as the country's reputation, creditworthiness and investor confidence."

Another panellist said: "New Vision may not make stories prominent, but at least they have tried to cover them."

New Vision has to think about its majority shareholder when it comes to the stories it publishes. "But we also have to win the confidence of the audience we are serving otherwise they won't buy the publication. There are very few cases where the President (State President Yoweri Museveni) will take a personal interest in the paper's coverage. It doesn't mean we never receive calls from government. But what has shaped our policy of late is the fact that we are competing with the electronic media. Broadcasters have stories first, and therefore we won't focus on that story because we would be telling people something they know already. We try to focus on what people don't know about."

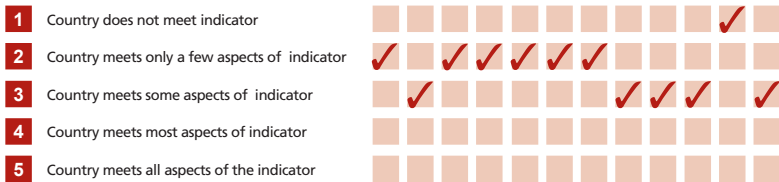
In which case, why do the President and his wife dominate the front pages of *New Vision* titles, other panellists wanted to know?

The State began taking a greater interest in *New Vision's* news coverage following the shift towards multi-party politics from 2000 onwards. Now there is a battle to succeed the current President. "This is being played out in the media. This is determining *New Vision's* agenda." As for the President's wife: "The First Lady loves to be in the media. She demands nothing less. Successive editors at *New Vision* have grappled with this."

However, the First Family exerts as much pressure on other publications as it does on *New Vision*. The only difference is that *New Vision's* editors are perhaps less equipped to stand up to this pressure. "There are many other people who attempt to behave like the President. Everyone thinks they have the right to use *New Vision* as their mouthpiece. *New Vision* doesn't have adequate safeguards to protect them adequately from interference from powerful people, but it still shines above other African state-owned publications."

Scores:

Individual scores:



Average score:

2.3 (2010: 1.9; 2007: 2.6)

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

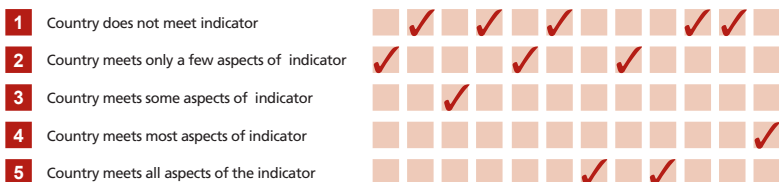
If practice is anything to go by, Uganda’s policy is to encourage rather than deter monopolies. Both *The Daily Monitor* and *New Vision* groups own newspapers as well as radio and television stations. “The Communications Act talks about fair competition, but there is a very limited understanding of competition and cross-media ownership.”

The owners of media houses opposed attempts to restrict cross-media ownership in a draft amendment to the Press and Journalist Act that surfaced in 2010. “There is a debate on these issues, but the people leading the debate are the media who...have an interest. Civil society is not doing enough to flag these issues.”

The draft Broadcasting Policy also addresses cross-media ownership, but this too has yet to be implemented. Section 4.10 of the draft policy seeks to “ensure effective regulation of media ownership in order to safeguard pluralism, diversity and the overall national interest”.

Scores:

Individual scores:



Average score:

2.3 (2010: 1.2; 2007 :1.3)

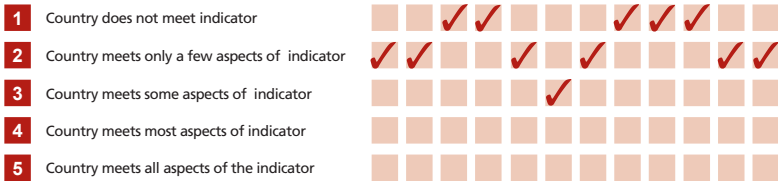
2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

There has been no deliberate effort by government to promote media diversity. Rather, the tendency in Uganda is to favour monopolies. For example, many broadcasters transmit from masts owned by the UBC, and have little protection from undue interference from a rival broadcaster. “Some stations were switched off because they hadn’t paid for rental”, said a panellist. “But broadcasting infrastructure shouldn’t be in the hands of a rival broadcaster in the first place.”

The objective of the Uganda Communications Regulatory Authority Bill is to “develop a modern communications sector and infrastructure” (Article 3). However, the Bill puts more emphasis on modernization and competition than it does on promoting diversity and free expression¹². Clause 4 of the Bill lists the functions of the Authority, and these include allocating, licensing and managing the use of the radio frequency spectrum “in a manner that ensures widest variety of programming and optimal utilization of resources” (subsection c); ensuring “equitable distribution of services throughout the country” (subsection m); promoting competition (subsection o); and ensuring that the standards it sets comply with international communication agreements and treaties to which Uganda is a party (subsection i).

Scores:

Individual scores:



Average score:

1.7 (2010: 1.8; 2007: n/a)

¹² For Article 19’s analysis of the Uganda Communications Regulatory Authority Bill, go to: www.article19.org/resources.php/resource/3048/en/uganda:-communications-regulatory-authority-bill

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

Since the last AMB, there has been an improvement in the media's coverage and portrayal of women. "I think there is a great improvement in the way women are represented, particularly women in leadership. That has a ripple effect in the way women are perceived as political actors. Women leaders are no longer trivialised."

Another panellist said: "From a civil society perspective, there has been some effort by the media to take a gender perspective. In both the main newspapers there are pullouts on women's issues, although these lean more towards entertainment. There is not much analysis."

Similarly, radio talk shows have attempted to broadcast gender issues, although some panellists felt talk shows were still dominated by men. "I think the problem is with the women. One radio station has a phone line reserved for women callers. But you will listen throughout the show, and there are perhaps one or two women who call."

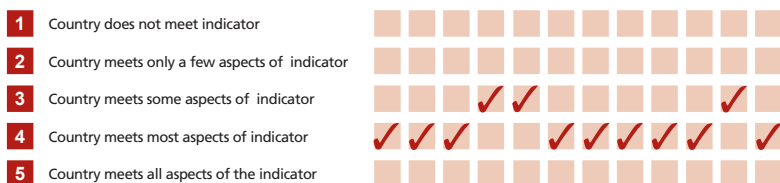
This was "a structural issue and not a problem just with the media". Many women do not have the time or the money to participate in or to buy media. "We use our time and money for other priorities."

Media houses have taken concrete steps to improve the coverage of women and women's issues. *The Daily Monitor* newspaper, for example, has a regular column 'Full Woman', while *KFM* radio has a weekly programme that invites a woman to discuss issues on gender and development. The television station *NTV* has a programme called 'Men', which looks at male issues from a male perspective, though once in a while, a woman is invited to attend the show and give a counter-perspective.

Meanwhile, *New Vision* has a policy that reporters should actively look for female sources for their stories. "But women shy away. There is an attitude that women tend to hide. Then we end up with the same women commenting time and again."

Scores:

Individual scores:



Average score:

3.8 (2010: 2.2; 2007: n/a)

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

In terms of ethnic, linguistic and even religious representation, “radio does a very good job”. The *New Vision* group has a number of titles published in indigenous languages, although most of the main newspapers are in English.

The same cannot be said for the media’s representation of “the destitute and those with different behaviour and different sexual orientation”. “There is homophobia in the media. If you belong to these groups, you are not going to get covered. Ten years ago you would see these groups in the papers, but not now.”

The fact that homosexuality is illegal deters some media houses from fairly reflecting the views of and issues affecting lesbian, gay, bisexual and transgender people.

“Our position at *New Vision* is that homosexuality is prohibited by the Penal Code and therefore you do not seek to provide a platform that will result in legal action. Also, our position is that we shall not provide a platform for a debate on homosexuality.”

“When you want to oppress someone, you will always use legal provisions”, another panellist responded. “We are all human. The media should look at everyone as human. These are human beings who should be treated with respect, and the media should be balanced.”

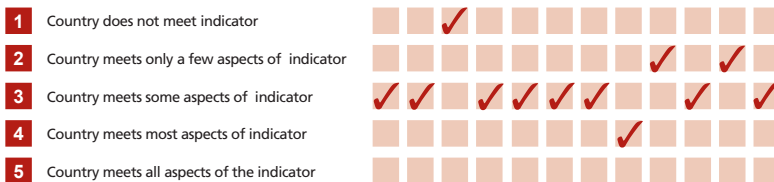
“You can’t help but be biased in a biased situation”, came the reply.

“At *The Daily Monitor* we have tried to provide a platform for marginalised groups. But sexual minorities will only express themselves in environments they feel safe. The problem is, because of the environment, many marginalised groups do not feel very comfortable bringing themselves forth to the media. I have attended many human rights conferences where I have heard the views of sexual minorities, but I have been asked not to publish these because people fear they will be arrested.”

Turning to political diversity, panellists said that the licensing of electronic media has favoured those aligned to the ruling party and active politicians, even though the Draft National Broadcasting policy seems to discourage this. Members of the opposition do not own anywhere as many media outlets as supporters of the regime. “The opposition has been denied a voice, particularly during the election period. The leader of the opposition paid for airtime, but arrived at the studio and was told he could not go on air. I wonder how it is going to play out in the next four years where there is even opposition within the ruling party?”

Scores:

Individual scores:



Average score:

2.8 (2010: 2.5; 2007: n/a)

2.9 The country has a coherent ICT policy or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

Uganda tends to have good policies “but the practice does not live up to them”.

The development of ICTs is one of the primary objectives of the National Development Plan launched in 2010. The Uganda Communications Commission (UCC) has tried to set up telecentres in areas ostensibly underserved by the telecommunications companies. But some panellists felt these were in places

where people already had access to the Internet and other ICTs. “Then so many telecentres have closed because of lack of money and electricity. So the policy is there, but the practice falls short.”

Other panellists disagreed. The policies were being implemented, they said. Rather it was the promotion of these efforts that fell short, and created the impression that nothing was being done. The UCC has erected masts across the country and given them to the telecoms providers. However, there has been little publicity about this.

The Rural Communications Development Fund supports the rollout of telecommunications to under serviced areas and each telecommunications company is supposed to allocate one per cent of their revenue to the fund. “There has been a deliberate effort, and perhaps it’s about civil society holding government accountable. The money and the policy instruments are there.”

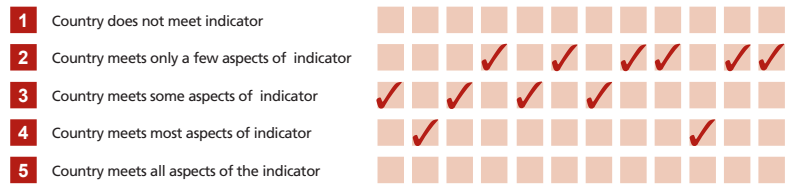
Meanwhile, the National Information Technology Authority has done a lot to develop a national telecommunications backbone and e-governance. “But we have serious problems in the laying of the national backbone: problems with the kinds of cable being laid, and how the cable is being laid. In the media we continue to show these things, but the government does not do anything to correct these things.”

“Even if ICTs are put in place, what assurance do we have that the marginalised can afford to use them?” another panellist asked. “Service providers have a monopoly and therefore services remain expensive.”

Little consideration has been given to the needs of blind people in both the policy and the application of ICTs.

Scores:

Individual scores:



Average score:

2.7 (2010: 4.2; 2007: n/a)

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

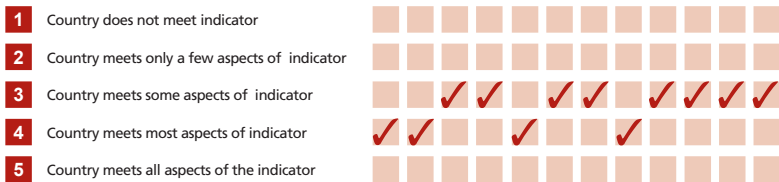
Panellists gave examples of individual government departments threatening to withdraw advertising from newspapers following the papers’ critical coverage of the departments concerned. “We may be about to face a problem from the Uganda Revenue Authority because we published an article that was critical.” The Prime Minister’s office has also threatened to withdraw its advertising.

Meanwhile, a directive was issued to all government departments requiring them to submit their adverts to the National Media Centre for vetting prior to them being placed in the media. “We feared that this might result in selective placement.”

“A lot of media owners, especially small media houses, are afraid of antagonising government and losing advertising. And some companies fear to put adverts with media houses that government continuously attacks.”

Scores:

Individual scores:



Average score:

3.3 (2010: 2.2; 2007: 2.0)

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

Panellists felt the advertising market is very small, and the rates charged for advertising are relatively high. “The cost of advertising in *New Vision* goes up every year, and all the other media follow suit.” A full-page advert in *New Vision* costs around UGX 7m (USD 2800). A poor rural district council with a total budget of UGX 2 billion (USD80 000) may take out advertising in an attempt to highlight its work. “I wonder if there is value for money in that?”

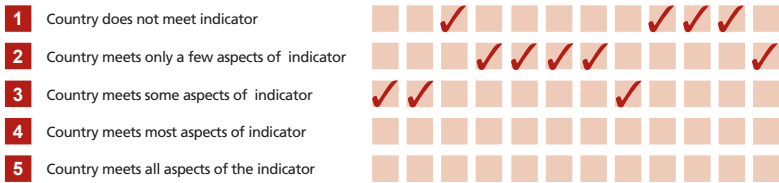
While standard rates appear high, media houses offer significant discounts in an attempt to woo advertisers. “You would be amazed at some of the discounts offered. Sometimes they sell the adverts at half the formal price.” Advertising rates were kept artificially high by government advertising agents looking to protect their commissions.

In the 2011/12 financial year, government cut its advertising budget by 30 per cent, and private companies have also cut their ad spend.

“Market analysts felt the country does not have the marketing base to support the 200-plus radio stations that are on air throughout the country”, a panellist said. “This is likely to bring about a conglomeration of stations in future.”

Scores:

Individual scores:



Average score:

1.9 (2010: 2.0; 2007: 2.4)

Average score for sector 2:

2.9 (2010: 2.5)*

* The indicators were reviewed, changed and shifted in 2008/2009. Therefore the scores of some indicators and sector scores are not comparable to scores of previous AMBs.

SECTOR 3:

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

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

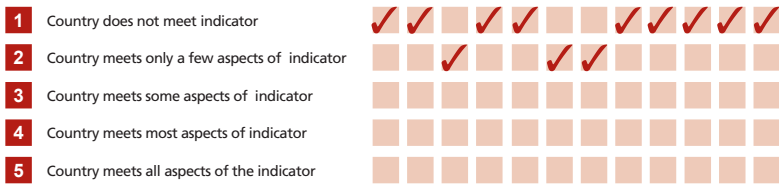
3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Both the Electronic Media Act of 1996 and the Uganda Communications Regulatory Authority Bill that looks set to replace it focus on the mechanics of broadcasting regulation – the establishment and functions of the regulator and the issuing of licenses – and make little reference to the kind of media landscape regulation is supposed to create.

Neither the existing law nor the new bill mention the three tiers of broadcasting provided for in the 2002 *Declaration of Principles on Freedom of Expression in Africa* by the African Commission on Human and Peoples’ Rights: public, commercial and community. Panellists said these three tiers were referred to in the Broadcasting Policy developed by the erstwhile Broadcasting Council in 2004. However, this policy has not been implemented.

Scores:

Individual scores:



Average score:

1.3 (2010: 1.8; 2007: 2.6)

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

In terms of existing laws, two bodies regulate broadcasters:

- The Broadcasting Council, established by the Electronic Media Act of 1996, which oversees the broadcasting sector; and
- The Uganda Communications Commission (UCC), established by the Uganda Communications Act of 1997, which is responsible for allocating and licensing the use of the radio frequency spectrum.

Broadcasters are also accountable to the statutory Media Council, established by the Press and Journalist Act of 2000, which licenses journalists and is responsible for overseeing the ethical standards of the media. The Boards of all three regulators are appointed by and accountable to the minister responsible for information.

In 2010, the government merged the Broadcasting Council and UCC into one body. The boards of the two bodies were dissolved and replaced with an interim board, appointed by the information minister. The Law Society, which was represented on the dissolved UCC Board, has challenged the merger, arguing that the interim board has no legal mandate from the existing laws, the Electronic Media Act and the Uganda Communications Act.

Draft legislation governing the merged body, the Uganda Communications Regulatory Authority Bill, was tabled in Parliament in March 2012. While Article 7 of the Bill says that the new Uganda Communications Regulatory Authority shall “exercise its functions independently of any person or body”, its board will still be appointed by the minister with the approval of Cabinet (Article 8.3). Meanwhile, Article 6 states that:

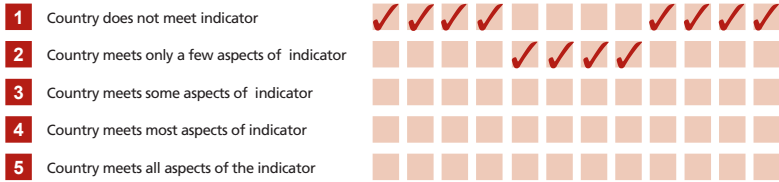
- (1) “The Minister may, in writing, give policy guidelines to the Authority regarding the performance of its functions.”
- (2) “The Authority shall comply with the policy guidelines given by the Minister under this section.”

The new regulator would continue to report to the minister and the minister would in turn present its annual report to Parliament (Article 4.2).

Therefore, the law - existing and proposed - does not protect the broadcasting regulator from interference, the panel concluded.

Scores:

Individual scores:



Average score:

1.3 (2010: 1.0; 2007: n/a)

3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Politicians and business people associated with the ruling National Resistance Movement (NRM) own most of the country’s radio stations. “These stations play a very important role during elections.”

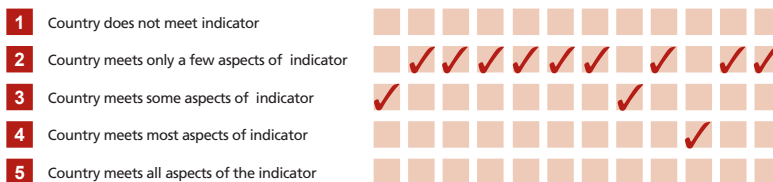
In the run-up to national elections held in February 2011, opposition leader Kizza Besigye was blocked from going on air at a privately owned radio station, even though his party had paid for airtime. “If the opposition had their own radio station, perhaps they would be more effective in getting their message across.”

A broadcaster on the panel said he found getting a license for an opposition politician was not difficult. “Issues arose at the Broadcasting Council (BC), but that was more to do with the way the office was run. First you had to go to the BC (for a broadcasting license) and then UCC (for a frequency license). The UCC struck me as the most efficient government department. Everything was straightforward. Yet you have instances where stations have been denied a license. Politicians try to block some licenses.”

Government agencies are often selective in their application of the country’s laws.

Scores:

Individual scores:



Average score:

2.3 (2010: 1.4; 2007: 1.7)

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

The Uganda Broadcasting Corporation Act of 2005 sought to establish a “public national broadcasting centre of excellence” (Article 4.a), and to “achieve and sustain comprehensive national radio and television coverage” (Article 4.b). However, the law also states that the UBC is “wholly owned by the government” (Article 3.3), while the information minister directly appoints the UBC’s Board (Article 7.1). Those Board members appointed by the minister should be “prominent Ugandans of proven integrity by virtue of their qualifications, expertise and experience in the fields of broadcasting, technology, media law, business management, finance, and journalism” (Article 7.2). The Board appoints the corporation’s Managing Director, but only with the minister’s approval (Article 11.2). The Board reports annually to the minister, who tables the report in Parliament (Article 24). When it comes to its editorial content, the UBC is accountable to the government-appointed Broadcasting Council (Article 22.g).

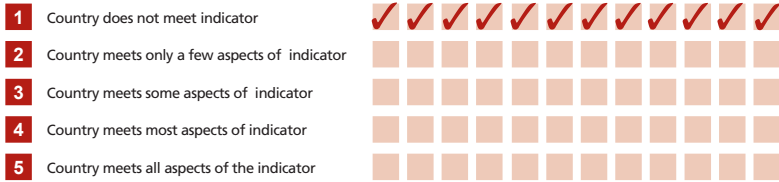
Therefore, the UBC is “a de facto state broadcaster” that is not independent of government.

The minister suspended the UBC Board and Managing Director in May 2011 to pave the way for investigations into alleged corruption. A commissioner from the Gender and Social Development Ministry was appointed Acting Managing Director, and he reports to the Permanent Secretary in the Office of the Prime Minister¹³. Since then the UBC has been running without a board.

¹³ ‘Uganda Broadcasting Corporation Managing Director sacked’, New Vision, May 21, 2011 (sourced from: <http://allafrica.com/stories/201105230067.html>)

Scores:

Individual scores:



Average score: 1.0 (2010: 1.1; 2007: 1.0)

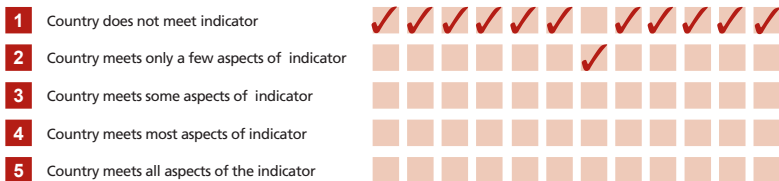
3.5 Office bearers with the State and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

The UBC Act is silent on issues of the political, financial and commercial interests of Board members. Article 4 (2) simply states that Board members “shall be appointed by the Minister from among prominent Ugandans of proven integrity by virtue of their qualifications, expertise and experience in the fields of broadcasting, technology, media law, business management, finance, and journalism”.

Prior to their suspension in May 2011, Board members included government representatives.

Scores:

Individual scores:



Average score: 1.1 (2010:1.1; 2007:1.2)

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

Article 22 of the UBC Act states that “the Board shall in particular, have as its editorial policy to:

- (a) establish effective machinery for a wide coverage of events all-over the world and Uganda in particular;
- (b) voice public opinion and criticism of a given public policy in a fair and objective manner;
- (c) uphold the integrity of the Republic of Uganda and promote harmonious relationships among its people, its neighbours and the world at large;
- (d) collect, process, analyse and propagate news and comment truthfully, honestly, and fairly without jeopardizing peace and harmony in the country;
- (e) respect and uphold the sovereignty and unity of Uganda and to come out firmly on the side of Uganda in matters affecting such sovereignty and unity without affecting the truth, which must at all times be the guiding line and governing principle of the television and radio services;
- (f) ensure that the Corporation does not broadcast any material, which is indecent, obscene or offensive to public morals religious convictions or is likely to prejudice the safety of the State or public order between sections of the population;
- (g) ensure that the Corporation’s broadcasting is in line with the code of conduct prescribed by the Broadcasting Council.”

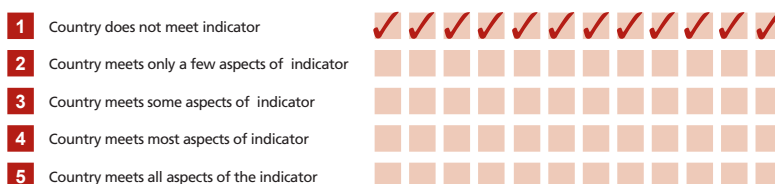
“One of the main reasons why the Board was suspended was the UBC’s apparent apathy towards the government”, said a panellist. “The UBC broadcast live pictures of the riots that took place in September 2009, and the station’s Managing Editor was dismissed.” At the beginning of 2011, the UBC was stopped from showing coverage of the uprisings that were taking place in parts of the Arab world, panellists said.

Meanwhile, during the run-up to the national elections held in February 2011, the UBC invited the president of one of the small opposition parties onto one of its shows. This led to the dismissal the station’s news editor. “The UBC tried to balance political news, but the minister gave instructions that the opposition should not be covered. When the Commonwealth (election) observer mission complained about bias, the news editor was made the scapegoat.”

The UBC has tried in the past to provide balanced coverage. “It is like jogging on a treadmill. You put in a lot of work but you don’t get anywhere.”

Scores:

Individual scores:



Average score:

1.0 (2010: 1.1; 2007: n/a)

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

According to Article 14 (1) of the UBC Act, the Corporation's funds shall consist of

- (a) any grant of a capital nature from the Government;
- (b) any loan from the Government, organisations or any person;
- (c) any moneys that may become payable to the Corporation in the discharge of its functions and commercial activities;
- (d) donations that may be made to the Corporation;
- (e) television viewing licence fees and advertising revenue.

However, President Museveni subsequently halted the collection of TV licenses ahead of the 2006 elections, as the TV license was unpopular on account of the UBC's pro-government bias¹⁴. Since then the bulk of the UBC's funds have come from advertising and the leasing out its masts to telecom companies and other broadcasters. Government grants account for less than 20 per cent of the UBC's income.

"One of the concerns that the supporters of public broadcasting have is that the UBC competes directly with commercial broadcasters and puts itself under pressure to do commercially-viable programming that may detract from its public service mandate."

But other panellists warned against increasing government funding. "If UBC was fully funded by the government, what type of information would it be able to put out? Yes, the UBC is funded (by government), but even when they are funded, the quality is still lacking. Therefore, wouldn't it be better if it wasn't funded and had to compete commercially?"

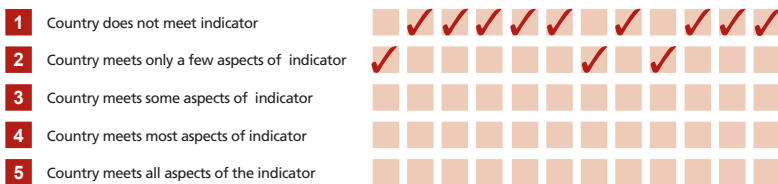
¹⁴ p99 in 'Uganda', part of the Public Broadcasting in Africa Series by AfriMAP, OSIEA and OSMP (sourced from: www.afriMAP.org/english/.../OSI-Uganda--Public-Broadcasting.pdf)

The UBC's lack of resources makes it vulnerable to interference, which should not be the case for a broadcaster that is providing a public service and which should therefore be widely accessible.

"My concern is that, from the onset, the UBC is state run and owned, and therefore this level of independence is not there. For me it's not an issue about funding."

Scores:

Individual scores:



Average score:

1.3 (2010: 1.3; 2007: n/a)

3.8 The state/public broadcaster is technically accessible in the entire country.

The UBC's radio transmitters cover at least 80 per cent of the country, while its land-based television transmitters cover at least 60 per cent of the country, giving the UBC the widest geographical coverage of all the country's terrestrial broadcasters¹⁵. Uganda Television (UTV) is also available via the pay-TV service Multichoice, whose satellite transmissions cover the whole country, although these satellite broadcasts can only be picked-up by paid-up subscribers to Multichoice who can afford a satellite dish and a set-top decoder. An estimated 50 000 people subscribed to Multichoice in Uganda in 2010¹⁶.

Panellists complained of poor UBC reception in many parts of the country, and suggested that this may partly be a consequence of the UBC's technicians also working for private broadcasters.

"The signal coverage is decreasing. Many up-country places don't receive UBC." In the past the UBC's transmitters would reach far, but the broadcaster was becoming increasingly reliant on privately owned transmitters, including satellite broadcasters, to carry their signal to far-flung places. "The UBC is banking on people buying (satellite) dishes."

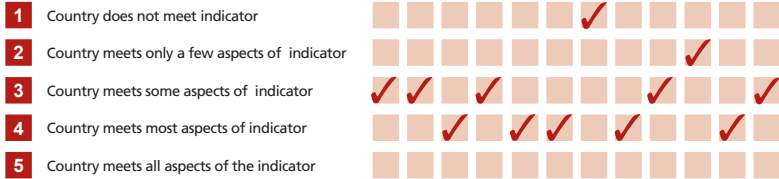
¹⁵ p44 in 'Uganda', part of the Public Broadcasting in Africa Series by AfriMAP, OSIEA and OSMP (sourced from: www.afriMAP.org/english/.../OSI-Uganda--Public-Broadcasting.pdf)

¹⁶ p57 in Ibid.

Other panellists mentioned that the reach of UTV's signal has improved in some areas as new transmitters have been installed. "I think there have been some backward steps in some areas and some forward steps in others."

Scores:

Individual scores:



Average score: 3.2 (2010: 2.5; 2007: 3.2)

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

UBC radio stations broadcast in most of the country's various languages. Meanwhile, UTV broadcasts in Swahili, English and Luganda.

"The UBC radio stations have much greater diversity (of programming) than commercial radio stations. And UBC is the only station in Uganda that consistently broadcasts live debates from Parliament."

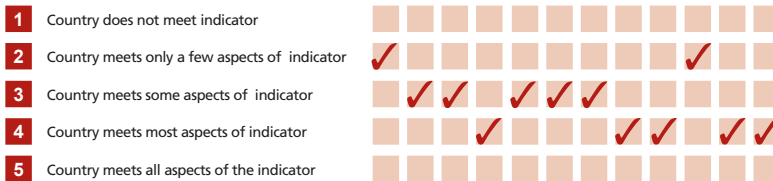
However, UBC struggles to retain its staff, many of whom tend to move on to commercial broadcasters once they have been trained. This is partly a result of weak management and a lack of quality assurance.

Few panellists watch UTV. "Most of us have made the shift to other channels. That says a lot on the quality of programming." Those who continue to watch UTV said there has been considerable improvement in the channel in recent years. "But it still has a long way to go before it meets the standards of the other stations." For example, the technical quality of some UTV's broadcasts still had plenty of room for improvement.

Another panellist said: "I want to commend it because it is the only TV that has helped the Human Rights Commission to broadcast human rights issues. It is UBC that is consistent in covering agriculture, parliament, and local sports. They are the ones that cover programmes that affect ordinary people."

Scores:

Individual scores:



Average score:

3.3 (2010: 3.5; 2007:3.4)

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

There is a great deal of coverage of the President's activities on the UBC news and current affairs programmes. "Now there is the focus on the Prime Minister as well!"

"UBC may be able to provide some diversity in terms of topics and regions covered, but at the political level it doesn't have much room to manoeuvre."

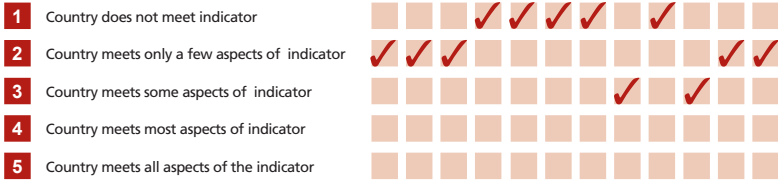
At least *New Vision*, the newspaper group that is majority-owned by government, has some leeway, panellists said. "UBC doesn't have that. Its coverage has to be politically correct. For example, journalists at UBC were hauled over the coals for covering the release from prison of (opposition leader and presidential contender) Besigye. I'm not sure there is policy forbidding them to cover these issues, but journalists feel these stories should not be covered." If they do cover them, UBC employees risk losing their jobs.

As a result, the UBC did not cover the 'Walk to Work' – a civil society-organised protest against the government's handling of the economy, which started in April 2011. "It (the 'Walk to Work') happened when they had just fired their news editor for trying to give some coverage to opposition parties during the elections. It was too close for the new people to risk covering the protests. My own sense is that they wouldn't necessarily get into trouble for covering some of these stories, but they self-censor."

Another example was the UBC's coverage of sexual minorities. "If government says this issue should not be covered, journalists will steer clear of it."

Scores:

Individual scores:



Average score:

1.8 (2010: 1.9; 2007: 2.1)

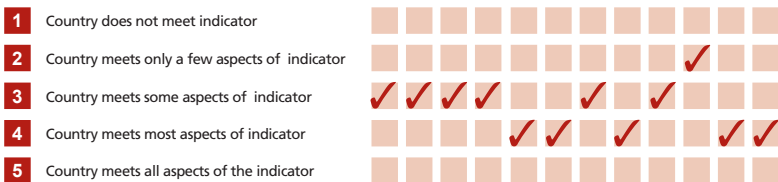
3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

In its editorial policy, the UBC strives to produce 60 per cent of its programming, panellists said. During prime-time broadcasts, UBC has more locally produced programmes than commercial stations. "There are a lot of local music programmes, some local drama programmes, local sports, and a lot of agricultural programmes." However, programmes tend to be repeated frequently.

"If I was a farmer I would enjoy some of these programmes. Creativity is defined by who is watching." The UBC makes an effort to cover different parts of the country in its programming.

Scores:

Individual scores:



Average score:

3.3 (2010: 1.9; 2007: 1.8)

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

Community broadcasting is not recognised in any of the laws governing the media. At the request of the broadcasters' association, the Broadcasting Council introduced lower fees for non-profit making broadcasters, but these are not supported by any regulations.

The Broadcasting Council's National Broadcasting Policy, drafted in 2004, set the following objectives for community broadcasting:

- (i) To provide citizens with a platform to articulate their local issues;
- (ii) To provide more opportunities for programming in the indigenous Ugandan languages;
- (iii) To provide indigenous programmes relevant to development at the grassroots;
- (iv) To reduce the gap between urban and rural communities in accessing communication for development;
- (v) To encourage members of the community to participate in the planning, production and presentation of programmes;
- (vi) To promote ownership of media by low income groups of society i.e. the poor and vulnerable.

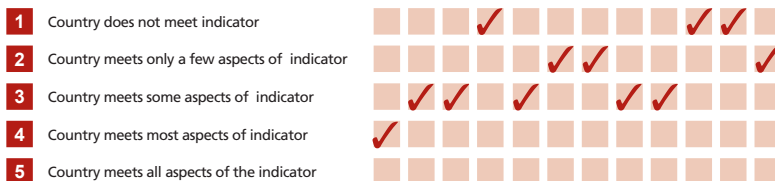
However, panellists said the government has not formally adopted this policy. As a result, community-orientated broadcasters operate in a policy as well as a legal vacuum. Most consider themselves community stations by virtue of their location in rural areas, or their non-profit nature, but fall short of being owned and run by the communities they serve¹⁷. Meanwhile, there are a number of Christian radio stations, which serve communities of religious interest.

Radio Sapientia which is owned by the Catholic Church, was one of five radio stations forced to close in 2009. Justifying the closure, the Broadcasting Council said *Radio Sapientia* had been licensed to broadcast religion and had gone beyond this mandate. "When the station opened again (in October 2010), they had to give an undertaking that they would focus only on their initial religious mandate."

17 See p49 in 'Uganda', part of the Public Broadcasting in Africa Series by AfriMAP, OSIEA and OSMP (sourced from: www.afriMAP.org/english/.../OSI-Uganda--Public-Broadcasting.pdf)

Scores:

Individual scores:



Average score:

2.3 (2010: 1.4; 2007: 1.0)

Average score for sector 3:

1.9 (2010: 1.6)*

* The indicators were reviewed, changed and shifted in 2008/2009. Therefore the sector scores are not comparable to scores of previous AMBs.

SECTOR 4:

The media practice high levels of professional standards.

The media practice high levels of professional standards.

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

A self-regulatory body, the Independent Media Council of Uganda (IMCU), was established in 2008, but is currently dormant. Sensitisation is needed to ensure buy-in from the media, the public and the government. "There is a problem with the media houses themselves. They have to voluntarily accept to be part of this (the media council). It cannot be imposed. Some media houses don't want to join."

Government, which established a Statutory Media Council through the Press and Journalist Act of 1995, has also resisted the IMCU. Panellists said the country's Chief Justice was supposed to preside over the launch of the IMCU, but pulled out when he became aware of the government's reticence. Subsequent Ministers of Information have opposed the IMCU. "They don't see how a body that is voluntary can impose discipline. For the time being, the self-regulatory media council should focus on sensitisation to bring everyone on board before it can take cases. To date it hasn't taken a single case."

The IMCU was supported as a project of Panos East Africa, panellists said. Panos has since pulled out. "For more than six months, the office has been closed because of lack of funding." This happened just as the organisation was about to start on a sensitisation campaign. UNESCO (the United Nations Educational Scientific and Cultural Organisation) has now agreed to support an education project around self-regulation through Makerere University.

The IMCU might not be operational, but its voluntary code of conduct remains in use. *New Vision*, for example, has it displayed in the newsroom. Both *New Vision* and *The Daily Monitor* also have their own, in-house codes of conduct. "*The Daily Monitor* has...a written code of conduct that is given to every journalist as soon as you are employed by the newspaper. This includes the paper's editorial policy. It is mandatory." *New Vision's* Managing Editor "closely monitors how we adhere to ethical issues and guides journalists". The paper is the process of reviewing its code of conduct.

"My assessment is that some media houses attempt to follow voluntary codes. They are not really enforced by self-regulatory bodies, and they don't deal with complaints from the public."

Meanwhile, the Statutory Media Council was established under Article 8 of the Press and Journalist Act, which states that the Council be formed of the following people:

- (a) the director of information or a senior officer from the ministry responsible for information;
- (b) two distinguished scholars in mass communication appointed by the Minister in consultation with the National Institute of Journalists of Uganda;
- (c) a representative nominated by the Uganda Newspapers Editors and Proprietors Association;
- (d) four representatives of whom—
 - (i) two shall represent electronic media; and
 - (ii) two shall represent the National Institute of Journalists of Uganda;
- (e) four members of the public not being journalists, who shall be persons of proven integrity and good repute of whom—
 - (i) two shall be nominated by the Minister;
 - (ii) and one shall be nominated by the Uganda Newspapers Editors and Proprietors Association;
 - (iii) one shall be nominated by the journalists; and
- (f) a distinguished practising lawyer nominated by the Uganda Law Society.

The Information Minister effectively has the final say in the composition of the entire council in terms of Article 8 (3), which states that “the persons referred to in paragraphs (c), (d), (e) and (f) shall be appointed by the Minister”.

In terms of the law (Part VII), the Statutory Media Council appoints a disciplinary committee that has the power to suspend a journalist from work for up to six months and to fine an offending media house.

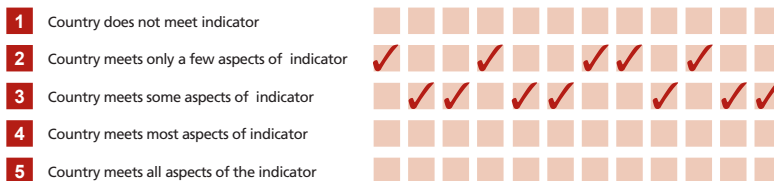
Besides exercising “disciplinary control over journalists, editors and publishers” (Article 9.c), the statutory media council also has the power to “censor films, videotapes, plays and other related apparatuses for public consumption” (Article 9.e).

One of the panellists said their organisation took a case - concerning Red Pepper newspaper’s degrading portrayal of women - to the Statutory Media Council in 2010 and won. But the newspaper “behaved just like: ‘Who is this media council?’ The council awarded us UGX 3m (USD 1200) as damages. Red Pepper keeps saying it is organising payment. Therefore we decided to take out another case.”

A nine-point professional code of ethics forms part of the Press and Journalist Act (Fourth Schedule). “There is no way we can run away from the statutory code”, said a panellist.

Scores:

Individual scores:



Average score:

2.6 (2010: 2.2; 2007: 2.1)

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

The discussion of this indicator began with panellists from civil society giving their views, to which panellists from the media then responded.

Civil society

The standard of reporting has been “a mixed bag” since the last AMB.

“When you read the newspapers, you don’t come across stories that have been investigated thoroughly. In the past they used to do this. This did help government because many of the stories revolved around corruption. This is what I’m really, really missing.”

In the past, journalists tried to do investigative journalism. “No one could take them on because it was accurate, and it was fair because they tried to get comment.” Today, many top stories are not balanced. “They say the subject of the story was not available for comment. I don’t know if this is because of lazy journalism?”

An example was given of a story about increasing levels of poverty that, the panellist said, could have done a lot of damage because the journalists had not checked their facts. “The government came out very strongly and said that figures should only come from official sources.”

To a certain extent the media is accurate and fair, said another panellist. “But there are a number of slip-ups, and these are so annoying you forget the other efforts to be accurate and fair. Those slip-ups diminish the credibility of the media and I think many times it tends to occur in the print media.”

Accuracy and fairness are determined by the topic. On the whole, journalists are accurate. “But fairness and objectivity is another matter. Different media take

different angles. Fairness and objectivity are compromised by who is the main shareholder." When it comes to covering issues such as human rights, the problem is more journalists' lack of understanding of the subject. "But they try to be accurate as much as their understanding of the topic can be."

Non-media panellists also questioned the media's news values. Civil society organisations try to provide journalists with information, "but they end up writing their own thing". "So you ask yourself: How much can we work together with the media towards portraying something that is accurate? When you invite journalists there is always that worry of: will we get what we want? Is it (reporting) about selling a paper with the editor deciding the news angle, or is it about conveying what we (civil society) want? Because we also have an agenda. How do we harmonise the media's agenda and ours? That's where we really knock heads."

In an attempt to get their message across, civil society organisations have tried paying journalists financial incentives. "They will only cover you depending on how much facilitation you give them. What we have seen is that, the moment you pay, the more likely you will be covered."

"You need to have a lot of money to have a story published accurately. Small organisations don't have enough money to influence coverage."

Another panellist responded: "But these stories can't be accurate because they are backed by payment!"

In this respect, there has been "a total distortion between the role of a journalist and an information officer". "Because a journalist has been paid, you expect the information to be reproduced word for word."

There is a need for NGOs and media to come together to see how the two parties can work together.

Media

Some of the panellists from the media accepted the criticism of their civil society colleagues. But circumstances often dictate how a story comes out. "When a story comes to a newspaper there are several things you must consider: The reporter, the source and the editor who is going to handle this story. By the time you have the story published, the editor must trust the information the reporter has provided. Correct information is sometimes very elusive. Every day we receive complaints. But I can assure you when it comes to issues of governance and human rights, there will always be a guilty person in every story. You are not going to give the same right of reply to a torturer as you do to someone else."

It is often difficult to get comment from those featured in a story. "For some time we have been trying to get comment from the Attorney-General, and every time

he will say he's in a meeting with the President. Every day. What do you do? You have tried. You have gone to his office. There are stories that can't wait forever."

Journalists try to be accurate and fair. "But a lot of stories hurt people. Take people involved in corruption, for example. Even if you quote them, most likely they won't feel you are fair or accurate. There have been instances where we have got things wrong. We have a column which we run on page 4 with corrections and apologies."

It has become increasingly difficult for journalists to investigate stories. "There are a lot of legal implications. Often the media houses are not able to get the documentary evidence. Therefore you may not publish a story simply because one critical fact is missing. If you try to go ahead with it you could end up in deep trouble. We have done investigations. Our reporters went through hell to piece together the facts on a story about losses incurred by (cell phone company) MTN. We published the story despite the risk: MTN is a big advertiser."

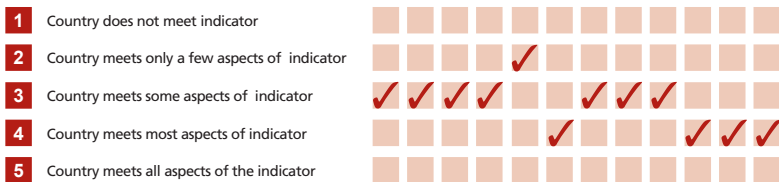
At *New Vision* there are staff specifically assigned to investigative stories. "But the company in the past has faced a lot of legal cases and judges are never on our side and tend to be more sympathetic to complainants."

People need to understand that media is also a business, with limited space and time in which to convey information. This makes the way civil society organisations package their information to the media very important.

Furthermore, statistics don't tell the whole story. Government officials are annoyed when the media get comment from alternative sources that "brings out the reality" about government-sanctioned statistics, one panellist noted. Media members of the panel took issue with civil society organisations for providing journalists with incentives. "On my newspaper, if a journalist gets money for writing a story, that person is fired. We don't compromise. All our reporters are paid and have allowances. You are not supposed to pay a journalist to cover a story." If a journalist is not convinced about the newsworthiness of a story, "then your job is to convince them".

Scores:

Individual scores:



Average score:

3.3 (2010: 2.7; 2007: 2.4)

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

Given the constraints placed on the media, their coverage is relatively broad.

“I want to give credit to *New Vision*. They really have improved, although it is verging on being a tabloid. When you go through the newspaper, there are new developments in everything from ICTs to gardening. They cover the whole spectrum of topics. They also use lots of photos. I understand that is because they are trying to attract younger viewers.”

Similarly, *The Daily Monitor* tries to cover a wide range of issues. The paper’s recent re-design “was geared towards creating more space in order to cover more topics.

However, investigative journalism remains a challenge. “If I compare with South Africa, where the electronic media – even the public broadcaster – also do some investigative stories. Here the electronic media seems to put little effort into this.”

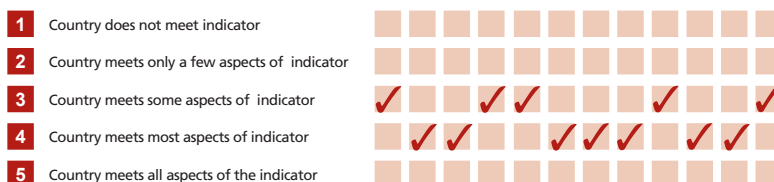
“Internal mechanisms” sometimes frustrate journalists trying to do investigative stories. “At the moment I have 11 investigative stories ready, but they have not been run because... senior editors say they have to talk to our headquarters in Nairobi and someone in management, and to make phone calls to people in government.” Money is also a constraint. “If you want to do a good story you must use some money. It also takes time. Good stories are very expensive to do in Uganda.” Nonetheless, media houses are doing their best with limited resources to conduct investigative journalism.

The electronic media - radio in particular - try to cover the rural areas. However, the rural issues they cover do not always make it into the national media. Furthermore, some panellists felt radio and television stations tend to focus on light entertainment – “trivial issues”. “I think this has gotten worse.”

The *Uganda Radio Network* produces a programme called *Uganda Perspective*, which assigns reporters in various part of the country to provide different perspectives on a topical issue. “We spend a lot of money on that programme, but only about 10 stations use it. Private stations look at everything in terms of money and are reluctant to pay for programmes.”

Scores:

Individual scores:



Average score:

3.6 (2010:2.8; 2007:3.7)

4.4 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Uganda fared well in the 2011 *Global Report on the Status of Women in the News Media*, published by the International Women's Media Foundation, which surveyed eight Ugandan media houses – two newspapers, two television stations and four radio stations¹⁸.

"Though women are slightly outnumbered by men in Ugandan newsrooms surveyed, they have managed to secure moderate to excellent access to all occupational levels", the study said. "Women are half of those in top management and nearly half (48.4%) of those in governance. They are similarly well represented in middle and top level management and in the journalistic ranks of junior and senior professional levels."

However, the survey found that men in high earning, decision-making positions were paid significantly more than their female counterparts. Meanwhile, "most Ugandan news companies surveyed have adopted a range of policies to advance gender equality".

The issue of opportunities for sexual minorities is less straightforward. "Recently our boss created a stir by asking how we would feel if we hired a lesbian or gay. People protested. But it is in our policy, and we have to deal with it."

The Daily Monitor, *KFM*, and *MTV* "have no segregation". "We have openly gay reporters. We do not discriminate. At *The Daily Monitor* we have one female editor out of five editors, and four female sub-editors out of seven subs. There is a balance of male and female reporters. The HR department does have a policy to promote equal opportunities."

18 Sourced from: <http://iwmf.org/pioneering-change/global-research-on-women-in-the-news-media.aspx>

The Daily Monitor group of companies, which is majority-owned by Kenya's Nation Media Group (NMG), had also begun to 'Ugandanise' its management. "We now have a Ugandan MD, and MTV is in the process of getting a Ugandan General Manager." Ugandans are now going to work for NMG's other media outlets in Kenya and Tanzania.

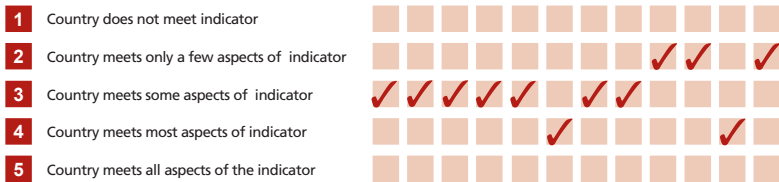
Meanwhile, at New Vision, "my editor-in-chief and her deputy are ladies. Across all platforms there are high numbers of women. I have never heard anyone saying they have been discriminated against... We also have one journalist with a hearing impairment". The company has clear policies on equal opportunities, the panellist said.

However, some panellists felt that any equality that exists within Uganda's newsrooms "is by default". "Do they specifically have a non-discriminatory policy that addresses gender, disability and the like? If you have an advert for a driver, do you say: 'Women are encouraged to apply'? It is as if it (equality) is by the way."

Many of the country's 200 or-so radio stations do not have policies on anything, let alone gender policies. "Some of them have editorial policies that are just three paragraphs long. The media that are represented here are major media houses, and we have to think about media outside the mainstream."

Scores:

Individual scores:



Average score:

2.9 (2010: 3.6; 2007: n/a)

4.5 Journalists and editors do not practice self-censorship.

Self-censorship is a problem across the media. "We are dealing with powerful forces in government and business. And media houses are not keen to take on these forces." For example, government is "extremely touchy" about the 'Walk to Work' protests. "Their argument was that the 'Walk to Work' was aggravating the economic crisis. Journalists were wondering if they wanted to aggravate the crisis. As a result, perhaps we didn't highlight police brutality as much as we should have done."

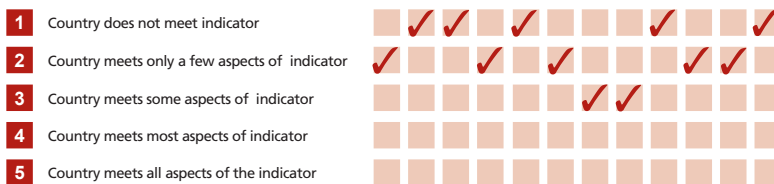
Similarly, business interests are “put on the backs of editors”, who routinely censor themselves as a result. For example, *The Daily Monitor* group – whose majority shareholder is the Nation Media Group owned by the Agha Khan, a principle shareholder in the Group - has done away with stories that may affect advertising, said a panellist. “You get calls from Nairobi or Paris, and stories are killed at that point.”

Journalists in Kampala work under very different conditions to those outside the capital. When a journalist “up-country” was arrested, it took 24 hours before the newspaper’s lawyers reached him. “In that time he felt as if he had been abandoned because he was up-country. Up-country journalists face more constraints that force them to practice more self-censorship than urban journalists.”

One panellist wondered if there was also positive self-censorship, giving the example of a newspaper deciding not to publish a photograph of a naked woman. “In the bigger picture, self-censorship is a bad thing”, another panellist explained. “It is about not publishing something out of fear. Concern around pornography is more to do with news judgement, ethics and responsibility. Journalists are avoiding or toning down newsworthy stories for fear of hurting someone or losing advertising, and that is self-censorship.”

Scores:

Individual scores:



Average score:

1.8 (2010: 2.0; 2007: 2.0)

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

The consensus of the panel was that there is a lot of interference by owners. “We very openly get people from head office coming down here to breath down our senior editors’ necks to get them to tone down or do away with negative stories, because our owner also does business with government.”

Meanwhile, many of those who own radio stations have an affiliation to the government. “The main purpose of them owning media outlets is not necessarily to disseminate news but to promote the ‘correct’ political line. The owners

determine who goes on air and who does not. I don't think this interference is going to change much in this current dispensation."

Not everyone agreed. The more the media grows, the more the media will generate revenue from multiple sources, reducing the scope for interference. As it is, "editors don't just cave in" to pressure. "They defend their actions and their choices", although this is less likely to happen at smaller media houses. "There are very few small media houses that have the editorial clout to stand up to interference from an owner. That distinction between the big boys and the smaller media houses is very important."

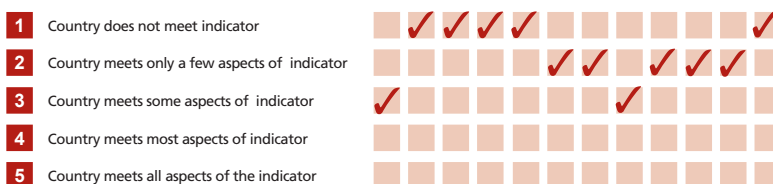
The finance minister, for example, owns two radio stations but does not interfere to the level of deciding who sits on panel discussions. Nonetheless, she has said on record that her media businesses still need to make money and will not risk this by going out on a limb. Since the riots, Akaboozi Ku Bbiri, one of the stations owned by the finance minister, has steered clear of politics.

Similarly, the Agha Khan has business interests other than those he has in media, and these are "quickly put in front" when it comes to what his media companies do and do not cover. "You have to strike a compromise: how much money is he investing in Uganda and how much is a story in the media worth."

Each politician wants to survive politically, and they establish their own radio stations as part of this survival strategy, causing a mushrooming in private radio stations in the process. Those broadcasting in indigenous languages have wide listenership and generate a lot of political debate. "Some of this debate is not backed by hard evidence and, at a certain point, cannot be controlled." It is necessary for these stations to be accountable to "rigorous editorial policies".

Scores:

Individual scores:



Average score:

1.8 (2010: 1.4; 2007: 1.4)

4.7 Journalists and media houses have integrity and are not corrupt.

Journalists are poorly paid. Furthermore, because of media houses' "budgetary constraints", journalists often lack money for transport and accommodation that they need to cover stories. "This makes journalists corrupt. And a big number of our journalists are corrupt. They take inducements and bribes."

"We as journalists have the responsibility to choose between being influenced and doing the right thing. That distinction is sometimes blurry under the economic circumstances." For example, Parliament has opened a room from where journalists can file their stories. This has laid the journalists open to being influenced or paid-off by MPs. "Parliamentary reporters won't always bring you the whole story."

However, the most poorly paid journalists are not the most corrupt. "Those who do the most damage are those sitting in air conditioned offices who can influence decisions. A reporter may be given a ride to a story and is selective about what information they include as a result. But this is not as damaging as an editor sitting on a corruption story because of political influence. This has become a problem because some sources do not want to provide confidential information because they suspect journalists are going to trade this information." According to one panellist, editors now demand bribes in hard currency, starting at around USD15 000.

"In court, a client comes to me and says a journalist has taken their son's picture and wants UGX 1 million (USD 400) not to publish the picture."

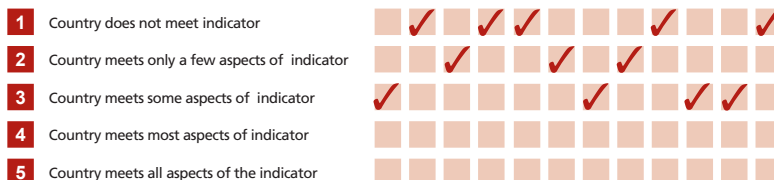
This is the exception rather than the rule, and not all media coverage is shaped by corruption. It is more common for journalists to insist that news sources pay them allowances. "If you don't give them transport 'refund' they really put up a fight."

This has created a climate of suspicion in which no one's opinion is trusted. A panellist recalled writing a letter to a newspaper for publication, which challenged the paper's angle on a corruption story. The newspaper refused to publish the story because the editor thought the panellist was paid to write the letter.

"Your level of integrity determines your level of corruption. As a journalist I was told that I should be impartial, but what is facilitating corruption in my newsroom is that journalists have decided to start taking sides, to belong to certain political corridors. They are facilitated to run these stories. That is what is fuelling this wave of corruption."

Scores:

Individual scores:



Average score:

1.9 (2010: 2.6; 2007: n/a)

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

Working conditions in radio are harsher than those in the major newspaper groups. Most people working in radio do not have contracts, and broadcasters rely on poorly paid freelance contributors for their news.

Journalists tend not to be paid overtime on the grounds that journalists' pay is higher than that for other professions such as accountants.

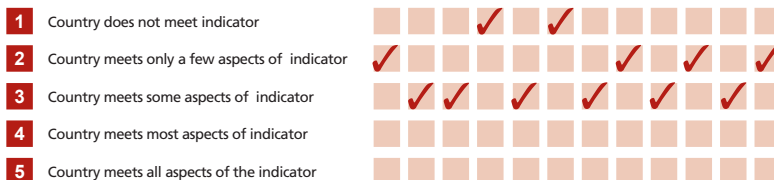
Panellists working for the major newspaper companies, *The Daily Monitor* and *New Vision*, were relatively satisfied with their working conditions. "There are the tools I need as a journalist: sufficient computers, recorders, and I am facilitated adequately when I am going to the field." If journalists work late, there is usually a car available to take them home.

Nonetheless, allowances vary between media houses. *The Daily Monitor* pays its journalists USD50 per day when in Somalia, while *New Vision* pays an allowance of USD150 per day for the same assignment.

"Salary levels will always be debated. This year we didn't have a salary increment because of the economic situation. It was adequately discussed. But that is us. For others, the working conditions go from bad to worse to pathetic."

Scores:

Individual scores:



Average score:

2.3 (2010: 1.5; 2007: n/a)

4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

There are now a number of tertiary institutions offering diploma courses in media related subjects although, currently, the national examinations board has only certified one of these programmes. All diplomas in journalism are supposed to follow a National Curriculum Development Centre approved curriculum that was developed in consultation with the training institutions. Each institution must also meet some quality standards prescribed by the National Council for Higher Education (NCHE) for the diplomas they award to be accepted by NCHE accredited universities.

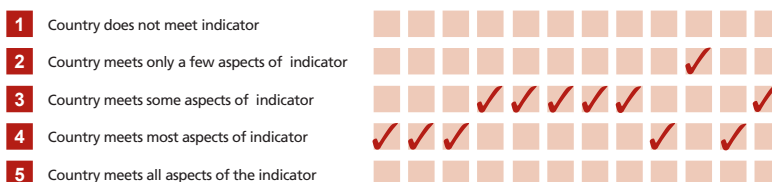
“Therefore many of the diplomas are not universally accepted. Students find that the paper they are carrying is not recognised.”

Both *New Vision* and *The Daily Monitor* have in-house training programmes that provide regular refresher courses for staff. Meanwhile, the African Centre for Media Excellence offers short courses to working journalists. Recent courses include covering the oil industry and reporting from hazardous situations.

“There is a belief that training is when you fly to South Africa. We are saying that we have many resource people here in the country.”

Scores:

Individual scores:



Average score:

3.3 (2010: 2.5; 2007: 3.7)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

Journalists are spoiled for choice, there are so many unions and professional bodies. “The problem is they are operating as factions.” So much so, organisations defending the rights of journalists have ended up fighting over the people they are supposed to protect. Meanwhile, associations claiming to represent rural media are based in the capital Kampala. “You really don’t know what they are doing for journalists.”

“I don’t think the principle of trade unionism has been accepted by the media profession. I suspect employers are not keen to encourage their journalists to join a union. Yes, the union is there, but they are not there in the newsrooms.”

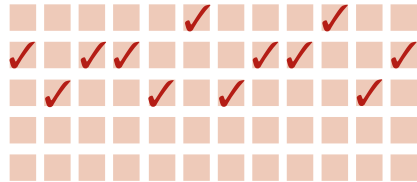
Media associations only become active when there is a crisis, said one panellist. “Therefore, most of these media organisations are really inactive and don’t have stable funding.” Not everyone agreed with this scenario. In the past, journalists were not united. “But since 2010 there have been more joint efforts to fight for their issues.” However, a lot more could be done. “They (the media) need to work together. At the end of the day they are all pushing for free expression.”

The Article 29 Coalition, formed in 2010 to campaign for media law reform, has “crumbled because of in-fighting.” One of the most active media bodies is the sports journalists association, because it receives funding from the private sector.

Scores:

Individual scores:

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



Average score:

2.2 (2010: 2.4; 2007: 2.8)

Average score for sector 4:

2.6 (2010: 2.4)*

Overall Country Score:

2.6 (2010: 2.3)

* The indicators were reviewed, changed and shifted in 2008/2009. Therefore the scores of some indicators and sector scores are not comparable to scores of previous AMBs.

The way forward

1. What were the developments in the media environment in the last two /three years?

Panellists were asked to highlight the main developments – both positive and negative - since the last AMB report.

Positive developments

1. *Internet access is improving*: The speed of connectivity has improved and people are less reliant on Internet cafés for their Internet connection. The sector has become more competitive, prices have come down and infrastructure has improved. Phase 1 of the country's Internet backbone is in place.
2. *Media audiences are growing*: More people are listening to radio and television. And the circulations for indigenous-language newspapers are growing. The latest media market survey showed that television viewership has shown the greatest growth of all media sectors. There are a lot more pay-TV channels, although most do not cover beyond the capital Kampala.
3. *More people are using social media*: According to panellists, 415,260 Ugandans had social media accounts by beginning of 2012. During the "Arab Spring", Facebook usage in Uganda increased by 100 000 people.¹⁹ Mobile phone providers are now offering Internet packages that allow people to access social media.
4. *More publications*: New publications keep popping up. Some die, some survive. New entrants include *The Sun*, *The Movement Times*, and *Farmers News*.
5. *The National Development Plan*: Access to ICTs is one of the main pillars of the National Development Plan (NDP). This is significant not least because government expenditure is determined by the NDP. However, some panellists felt there was a lack of government buy-in to the plan.
6. *No more sedition*: The law outlawing sedition was abolished in August 2010.
7. *Convergence of media regulators*: The merger of the Uganda Communications Commission and Broadcasting Council should pave the way for more effective regulation. However, the law that, once passed, will define the work of the regulator, the Uganda Communications Regulatory Authority Bill, does little to transform either the broadcasting sector or the regulator (see 'Negative' below).
8. *Less space but louder voices*: Citizens are still using the media to express their opinions on issues of the day, no matter how controversial these issues are. The print media is the main vehicle for this, although some radio and television talk shows also make a significant contribution.

¹⁹ <http://www.socialbakers.com/facebook-statistics/uganda>

“And there are journalists still willing to bring us these stories. They are trying.” The ‘Walk to Work’ protests showed a side of Uganda that the authorities had not seen before. “As much as space for freedom narrows, we are seeing increasingly more and more people coming out to express themselves. This shows the level of consciousness among the citizens has increased. This can be attributed to what the media is doing.”

Negative developments

1. *More harassment:* In the past two years, many journalists have found themselves being shot at, beaten, arrested or otherwise harassed by state agents. This is indicative of increased harassment of journalists, particularly those covering protests, which dates back to the return of opposition leader Kizza Besigye from exile. “It is a deliberate targeting of journalists.” As a result, media refused to cover police activities, forcing the Inspector General of Police to promise that the targeting of journalists would stop. “But it hasn’t.”²⁰
2. *More self-censorship:* As the authorities have clamped-down further on the media, journalists and media houses have become more prone to self-censorship.
3. *A missed opportunity for regulatory reform:* The Uganda Communications Regulatory Authority Bill does little to address issues raised by media freedom advocates over the past four years, not least the independence of the regulator itself which, in terms of the Bill, will continue to be government-appointed. “To come up with something (a Bill) that is the same as the past is an insult, a missed opportunity.”
4. *State broadcaster going backwards:* The government’s suspension of the Board and General Manager of the UBC showed that things have deteriorated at the state-broadcaster. This is in spite of all the efforts that have gone into trying to persuade government to convert the UBC into a public service broadcaster.
5. *Declining integrity of the media:* Corruption in the media has increased.

2. What kinds of activities are needed over the next two years?

With these developments in mind, panellists prioritised the following activities for the coming two years:

Media literacy: There remains a lot of public misunderstanding about the role of the media. Therefore media organisations need to work hand in hand with their civil society counterparts to help civil society organisations and their constituents understand how the media works, and to increase awareness within the media

²⁰ Shortly after the AMB, the police commissioner Simon Kuteesa announced the formation of a Press Unit, which will investigate attacks on media workers and other violations of media freedom (<http://www.article19.org/resources.php/resource/3326/en/uganda:-police-establish-unit-to-investigate-violations-of-press-freedom>).

of what civil society is looking for in terms of media coverage. Ultimately, the practice by civil society organisations of paying journalists to cover their stories should stop.

Closer co-ordination between media organisations: There is a need to strengthen journalists associations and trade unions. These bodies should work more closely together to limit the harassment of media workers. Media protection is a priority for the Ugandan Human Rights Commission. But the media need to identify a common agenda that is shared by everyone in the sector. In so doing, media have to focus on advocating for media law reforms.

The panel meeting took place at Lake Victoria Hotel, Entebbe, from 1 to 3 June 2012.

Panellists:

Media:

1. Dr. Peter Mwesige, Media Trainer
2. Mr John Kakande, Editor
3. Mr Ahmed Wetaka, Rural broadcasting journalist
4. Dr. Monica Chibita, Academic
5. Mr John Njoroge, Senior Journalist

Civil Society:

6. Ms Ruth Ssekindi Nalugo, Human Rights Lawyer
7. Ms Maria Nassali, Academic and Women's activist
8. Ms Judy Kamanyi, Independent Consultant
9. Mr Edgar Muvunyi Tabaro, Lawyer
10. Mr Sam Stewart Mutabaazi, Civil Society representative
11. Ms Flavia Waighala, Civil Society representative
12. Ms Deborah Ossiya, Civil Society representative

Rapporteur:

David Lush

Moderator:

Sarah Chiumbu

