

Shadow Report on the State of Freedom of Expression in Uganda



Submitted by: International Press Institute, Small Media Foundation, Freedom of Expression Hub, and Africa Freedom of Information Centre

Date: September 20, 2023

For consideration at the 77th African Commission session | Arusha, Tanzania | October 20- November 9, 2023.

About the organisations:

The International Press Institute (IPI) is a global network of editors, media executives, and leading journalists who share a common dedication to quality, independent journalism. The IPI Africa Program supports and advances press freedom and independent journalism in Africa. Through this program, IPI monitors and collects data on press freedom threats and violations across the continent, including threats to journalists' safety and gendered attacks against journalists both online and offline. IPI uses this data to carry out evidence-based advocacy to hold states and other duty-bearers accountable for their responsibilities to protect press freedom and ensure that journalists can carry out their work freely, independently, and safely.

Small Media is a London-based organisation that works to support freedom of expression and access to information globally. We work with our global partners to develop strategies and tools that can support human rights defenders, activists and journalists to work. In line with Small Media's goals we realised an opportunity to engage in the UPR, and in 2018, we decided to set up the Uproar programme to amplify digital rights across Africa, the MENA region and central Asia.

The Freedom of Expression Hub (FOE-HUB) is a not-for-profit organisation registered in Uganda that strives to promote and defend freedom of expression within and beyond East Africa. Its establishment was inspired by the apparent closing space for the enjoyment and exercise of freedom of expression within the East African region. Our goal is to augment freedom of expression as a means to good governance through breaking barriers that hinder free expression

The Africa Freedom of Information Centre is a Pan -African, membership-based civil society network and resource center promoting the right of access to information, transparency, and accountability across Africa. The network comprises of 51 CSOs and think tanks across 27 countries. AFIC's vision is an Africa where all citizens can exercise their right of access to information. AFIC has an Observer Status with ACHPR under Ref. No. 434.

Introduction

1. In conformity with Article 62 of the African Charter on Human and Peoples' Rights (the African Charter), which requires all States Parties to the African Charter to submit after every two years, reports on legislative or other measures taken to effect human rights guaranteed under the Charter, Uganda submitted its periodic reports for the period 2013 to 2022 on August 24, 2023.¹
2. The aforementioned organizations are pleased to submit a shadow report to the 77th Ordinary session of the African Commission² focusing on Uganda's compliance with Article 9 of the African Charter which provides every individual with the right to receive information and to express and disseminate opinions within the law.
3. This report highlights several developments that have impacted the exercise of freedom of expression, the media, and access to information both on and offline in Uganda between 2013 and 2022. This includes the introduction of new legal, policy, and regulatory frameworks; and the media operational environment, specifically, media threats and violations that have occurred in the period under review.
4. The report further assesses the government's commitment to the principles laid out in the African Charter for Human and People's Rights, under Article 9 which provides that "every individual shall have the right to receive information and the right to express and disseminate his opinions within the law," and other international normative instruments that stipulate standards on freedom of expression as enunciated under Article 60 of the African Charter. It also highlights the failures of Uganda's government to promote these fundamental rights in line with national, regional, and international normative standards.
5. We provide the African Commission with impartial information regarding Uganda's state of freedom of expression, access to information and digital rights in general and make recommendations for the enhancement of these rights.

Executive Summary

6. In 2022, the World Press Freedom Index ranked Uganda 132 out of 180 countries assessed, citing widespread intimidation, harassment, and persecution of journalists,³ a significant decline from the 104th position in 2013⁴. Most recently in 2023, it has been reported by Reporters Without Borders that journalists in Uganda face intimidation and violence on a nearly daily basis and are targeted by security services who are the leading perpetrators of attacks. This has further led to Uganda's global ranking to the 133rd position.⁵ Similarly, Freedom House's "Freedom on the Net" report, which assesses global online freedom trends, rated Uganda as partly free.⁶
7. The Human Rights Network for Journalists (HRNJ-Uganda) has recorded hundreds of cases of arrests, detentions, destruction of journalistic tools and trumped-up charges against journalists. In 2022 alone, 94 violations were recorded, in comparison to 131 in 2021, 174 in 2020, 165 in 2019, 163 in 2018, 113 in 2017, 135 in 2016, 143 in 2015, 124 in 2014 and 124 in 2013.⁷ Furthermore, the Reporters without Borders has documented some 40 press freedom violations

¹ See; <https://achpr.au.int/en/state-reports/uganda-sixth-periodic-report-2013-2022>

² See; <https://achpr.au.int/en/sessions/overview>

³ Reporters Without Borders, '2022 World Press Freedom Index: Uganda' <https://rsf.org/en/index?year=2022>

⁴ Id, <https://rsf.org/en/index?year=2013>

⁵ Id. <https://rsf.org/en/index>

⁶ Freedom House, 'Freedom on the Net 2023 Uganda' <https://freedomhouse.org/countries/freedom-net/scores>

⁷ HRNJ-Uganda, see all Press indices here 2013-2022

<https://hrnjuganda.org/?wpdmp=press-freedom-index-2022-uncertain-future-for-the-media>

in Uganda since the start of November 2020, including eight arbitrary arrests of journalists and 21 acts of aggression against them.

8. The enjoyment of freedom of expression and media rights in Uganda continues to be inhibited by the authorities through the implementation of obstructive laws, policies, and arbitrary actions against media workers and citizens. Despite the country's constitutional guarantees under Article 29 of the Constitution and international obligations on freedom of expression, particularly the press, Uganda has maintained a plethora of laws that criminalise and unfairly restrict and inhibit expression and the media. The policy and legislative framework is often applied against media through regulatory overreach.
9. Media regulators have over the period frequently issued regulations, guidelines, and policies that seriously undermine media rights and interfere with journalism including eroding editorial independence.⁸
10. The National security agencies including the Uganda Police Force and Uganda People's Defence have on several occasions harassed, arrested, and sometimes detained media practitioners without justifiable cause. President Yoweri Museveni has also repeatedly referred to some media organisations as "evil" giving impetus to his representatives to exercise undue control over media, especially at the district and local governance levels.⁹
11. The review period has also been marred by internet freedom curtailments, including internet shutdowns and social media blockages especially during the 2016 and 2021 presidential elections;¹⁰ and an introduction of an over-the-top social media tax¹¹ which has currently been replaced by a 12% levy on internet data which increased the cost of internet access.¹² The Uganda Communications Commission also introduced 18 regulations in 2019 that put in place stringent measures including fees, licensing regimes for broadcasters and artists, and content restrictions among others.¹³

Uganda's Periodic Report (2013-2022)

12. In its sixth periodic report to the Commission, the government of Uganda barely made any references to freedom of expression and the media, both on and offline. Under Article 9 of the Charter, the government referenced legislative measures on access to information, stating that it "continues to respect existing legislations that protect the right to access as contained in the laws that were enumerated in our previous reports." Further, the government highlighted that the Ministry of Information and National Guidance issued guidelines under the Access to Information Act to ease access to information in Uganda and also cited the enactment of the Data Protection and Privacy Act which was passed in February 2019 to protect the privacy of the individual and of personal data by regulating the collection and processing of personal information.

⁸ <https://acme-ug.org/2017/10/02/ugandan-journalists-push-back-against-regulator/>

⁹ <http://cpu.org.uk/intimidation-harassment/president-museveni-of-uganda-hurls-insults-at-the-media/>

¹⁰ Daily Monitor, 'Govt lifts internet shutdown imposed over election'

<https://www.monitor.co.ug/uganda/news/national/govt-lifts-internet-shutdown-imposed-over-election-3286184>;

also see; <https://cipesa.org/2016/05/uganda-again-blocks-social-media-to-stifle-anti-museveni-protests/>

¹¹ Benson Tumusiime, "OTT tax stops today," Daily Monitor, June 30, 2021,

<https://www.monitor.co.ug/uganda/news/national/ott-tax-stops-today-3455434>

¹² See,

<https://www.reuters.com/world/africa/uganda-introduces-12-internet-data-levy-critics-say-move-will-stifle-online-2021-04-30/>

¹³ See for instance Uganda Communications Commission Blog, 'New Communications Regulations Have Been Gazzetted' <https://uccinfo.blog/2019/11/13/new-communications-regulations-have-been-gazzetted/>

13. Finally, the state report highlights that “Uganda’s liberalised private media has exponentially grown over the years with an increase in private radio and television stations, that serve as a major medium of mass communication...the emergence and extensive use of social media platforms for communication by both public institutions and the general public has enhanced access and use of public information.”¹⁴
14. Freedom of expression is the cornerstone of any democratic state, and in this regard, it is commendable that Uganda has taken some steps to liberalise the media. However, there is an exponential increase in restrictive legal provisions inhibiting the enjoyment of freedom of expression, including digital rights during the period of review. This report highlights the restrictive operational framework that has constrained the enjoyment of these rights.

Freedom of expression and opinion

15. Article 29(1) (a) of Uganda’s 1995 Constitution provides that; “Every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media”. Uganda is also bound by regional and international instruments that guarantee freedom of expression including Article 9 of the African Charter on Human and Peoples Rights (ACHPR), article 19 of the Universal Declaration of Human Rights (UDHR), and Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Despite these guarantees, several actions including legislative measures continue to undermine freedom of expression in the country.

a) **The Penal Code Act** unnecessarily criminalises expression; several sections¹⁵ of the 1950 law stipulate custodial sentences for breaches. Section 179 and 180 specifically provide for the offence of criminal defamation as follows, “Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, commits the misdemeanour termed libel.” We contend that criminal defamation laws impose unnecessary restrictions and limitations to freedom of expression and the media. Charges have an enormous impact on journalists and other critics, causing a chilling effect to the practice of journalism through self-censorship for fear of sanctions, especially for exposing suspected wrongdoing of public officials and politicians.

Several journalists have been charged and prosecuted for criminal defamation under this provision. In June 2019, Pidson Kareire, a journalist with The Drone, an online publication, was charged and prosecuted for criminal defamation for a series of stories alleging that a labour recruiting company was cheating people by promising them jobs abroad.¹⁶ In August 2018, two NTV journalists, Herbert Ziwa and Ronald Muwanga were arrested while covering live political activities in West Nile and charged with incitement to violence under section 51 of the Penal Code Act. They were later released on Police bond.¹⁷ Ronald Ssemuusi (RIP) was also sentenced

¹⁴ Uganda’s periodic report 2013-2022, Pages 37-38,

<https://achpr.au.int/en/state-reports/uganda-sixth-periodic-report-2013-2022>

¹⁵ Penal Code Act sections 35, 37, 41, 49, 51, 52, 53, 83, 115, 179

¹⁶ Ugandan editor charged with criminal libel and ‘offensive communication’

<https://cpj.org/2019/06/ugandan-editor-charged-with-criminal-libel-and-off/> .

¹⁷ Arua: Arrested NTV journalists charged with inciting violence, malicious damage.

<https://www.softpower ug/aru a-arrested-ntv-journalists-charged-with-inciting-violence-malicious-damage/>

to jail on criminal defamation charges in 2014 and efforts to challenge the law were futile in the East African Court of Justice.

- b) **The Computer Misuse Act of 2011** has also been invoked to undermine freedom of expression and media rights. In October 2017, New Vision Editor, Felix Osike, was charged with offensive communication under section 25 of the Act for publishing a story about the then Inspector General of Police, titled “Kayihura Security Beefed Up’ which was deemed displeasurable.¹⁸ This Act has also been used to deter online communication. For example in August 2019, Dr Stella Nyanzi, a renowned government critic was found guilty of cyber harassment of the President and imprisoned under section 24.¹⁹ In June 2019, similar charges were brought against the editor of Drone Media.²⁰ Novelist Norman Tumuhimbise and journalist Farida Bikobere – were charged with offensive communication and cyberstalking of President Museveni, contrary to sections 25 and 26 of the Computer Misuse Act, respectively. They were accused of using their online platform with the intention “to disturb the peace and quiet of the President of the Republic of Uganda”.²¹
- c) **The Press and Journalist Act** has also been arbitrarily used to undermine media rights. The Act requires all journalists to be licensed and accredited by the Media Council and stipulates that a journalist who practises without a practising certificate issued by the council is treated as a criminal. During the 2021 presidential elections, the Council issued directives stopping all those without accreditation to desist from reporting electoral affairs and state events. In December 2020,²² It further required foreign correspondents and freelancers intending to cover elections to “obtain a Special Media Pass from the Council indicating particular geographical or thematic areas of intended media coverage.”

In January 2021, Solomon Kaweesa, an NTV reporter stated that the Uganda Media Council rejected his application for accreditation. Journalists working with Radio Simba also had their applications for accreditation delayed until after the elections for unclear reasons.²³ In January 2021, the Editor’s Guild of Uganda challenged the Media Council directives in court for being irregular and illegal.²⁴ Four days after the Presidential and Parliamentary elections, the court nullified the directives as illegal, irrational, and procedurally irregular. The Court further ordered the Media Council, state regulatory bodies, and security agencies to cease their illegal and irrational acts of curtailing media from doing its work.²⁵

- d) **The Uganda Communications Commission** established by the Uganda Communications Act of 2013, continues to exercise unjustified and unnecessary control over broadcast and online media

¹⁸ Vision Editor charged over Kayihura story

<https://archives.visiongroup.co.ug/vision/NewVisionaApi/v1/uploads/NV011117pg04.pdf>

¹⁹ Uganda: Freedom of expression takes a knock as Stella Nyanzi found guilty of cyber harassment

<https://www.amnesty.org/en/latest/news/2019/08/uganda-freedom-of-expression-takes-a-knock-as-stella-nyanzi-found-guilty-of-cyber-harassment/>

²⁰ HRNJ, “Drone Media Journalist Charged, Released on Bail,” June 14, 2019, <https://www.hrnuj.org/5311/>

²¹ <https://www.amnesty.org/en/latest/news/2022/10/uganda-scraps-draconian-law/>

²² See: Press Statement by the Media Council of Uganda “GUIDELINES FOR MEDIA COUNCIL OF UGANDA ACCREDITATION OF JOURNALISTS FOR COVERAGE OF 2021 ELECTIONS”, December 10, 2020

²³ Interview with Radio Simba journalist in January.

²⁴ See: Editors Guild Sues Gov’t Over Registration of Journalists.

<https://ugandaradionetwork.net/story/editors-guild-sues-govt-over-registration-of-journalists->

²⁵ See: Editors Guild Uganda Limited, Center for Public Interest Law Vs. Attorney General of Uganda.

https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2021/02/Editors-Guild-_CEPIL-v-AG-Ruling.pdf

based on powers granted by the law. In May 2019, the Commission directed the suspension of Producers, Head of News, and Head of Programmes of 13 radio and TV stations following “concerns over the nature of content aired” particularly during live coverage, news bulletins, and breaking news.²⁶

In 2017, UCC pushed for the amendments of the law to remove a section that required Parliament to approve regulations made by it.²⁷ The amendment paved the way for UCC to make regulations that negatively impact media rights, infringe on editorial independence, and impose criminal sanctions on broadcasters.²⁸ The Commission in 2019, put in place more regulations re-introducing the offence of publication of false news which was annulled by the Constitutional court.²⁹ The Commission, acting on these Regulations, continues to interfere with the running of media houses and broadcast journalists. In August 2020 the Commission’s Executive Director, based on Regulation No. 7 of The Uganda Communications (Content) Regulations 2019, wrote to managers of media houses instructing them to ensure that their staff sign a commitment to ‘adhere to the law’ and submit this signed commitment to UCC.³⁰ The Commission, in the exercise of its unfettered powers, has closed down without a properly known process of closure and opening of stations. In May 2017, UCC closed down Hoima Radio for airing “unprofessional” programmes.³¹ In January 2021, Baba FM and Busoga One FM were switched off by UCC allegedly at the request of the security forces for inciting violence.³² However, the procedure for reopening a closed station is unclear.

16. Other laws such as the Anti-Terrorism Act continue to pose a threat to journalists. The law under section 9 imposes a death sentence on journalists found guilty of publicising material deemed to be promoting terrorism.

Crackdown on Journalists and Media Houses

17. Uganda currently boasts of a vibrant press with hundreds of private radio stations and independent newspapers. For example, the total number of licensed radio stations as of November 20, 2022 was 218.³³ In the exercise of the watchdog function, the media is often critical of government practices and actions. This role is however met with confrontation from the government with wide intimidation, harassment, arbitrary arrests, detentions, persecution, and prosecution of media practitioners.

²⁶Suspended repeated breach of minimum broadcasting standards

<https://uccinfo.blog/2019/05/01/suspended-repeated-breach-of-minimum-broadcasting-standards/>

²⁷<https://chapterfouruganda.org/sites/default/files/downloads/Uganda-Communications-%28Amendment%29-Act-2017.pdf>

²⁸ Article 19 Memorandum on the Uganda Communications Commission Broadcasting Standards, April 2017

²⁹ Regulation 110 of the Uganda Communications (Licensing) Regulations 2019, See also: S.I No. 83 of 2019: The Uganda Communications (Text and Multimedia Messaging) Regulations 2019, S.1 No 91 of 2019 The Uganda Communications (Content) Regulations 2019.

³⁰ Irene Kaggwa Sewankambo August 2020 letter to Managing Directors of Broadcasting media titled: COMPLIANCE WITH MINIMUM BROADCASTING STANDARDS AND PROFESSIONAL CODE OF ETHICS FOR JOURNALIST IN UGANDA.

³¹Radio Hoima closed down by UCC

<https://www.monitor.co.ug/uganda/news/national/-radio-hoima-closed-down-by-ucc-170330>

³² Two Ugandan radio stations in Jinja shut down following elections.

<https://ifex.org/two-ugandan-radio-stations-in-jinja-shut-down-following-elections/>

³³ UCC, List of Authorised Radio Broadcasters as at 20 November 2022

<https://www.ucc.co.ug/list-of-approved-radio-broadcasters/>

18. During the 2021 electoral period, police and other government agencies, such as the Uganda Communications Commission (UCC)-the broadcasting regulator, Resident District Commissioners (RDC) blatantly violated acceptable standards of free expression and the media. In April 2019, the police raided Mubende FM, and switched off the radio in an attempt to stop Col. Besigye- a leading opposition figure from appearing for a radio talk show.³⁴ Throughout 2020, journalists covering the campaign events of Robert Kyagulanyi were harassed, assaulted, and detained, on various charges. Africa Centre of Media Excellence (ACME) reported that at least 15 journalists were attacked, injured, and or arrested as they covered campaigns for the 2021 presidential elections.³⁵
19. Several journalists covering opposition politicians were beaten and injured. On December 27, 2020 journalists were arrested and detained before release without charges as they followed presidential candidate, Robert Kyagulanyi. Derrick Wandera of the Daily Monitor had his phone smashed by soldiers who accused him of communicating live. His colleague was also arrested on similar accusations.³⁶ On January 1, 2021, Dedan Kimathi, a reporter for the online publication, *Chimpreports*, was beaten by soldiers and police in Northern Uganda as he attempted to take pictures. He sustained injuries on his face. The soldiers ordered him to delete materials they suspected he had captured. He was rushed to the hospital where he received treatment.³⁷
20. On February 17, 2021, several journalists were unjustifiably assaulted by UPDF soldiers, as they covered former presidential candidate Robert Kyagulanyi presenting a petition to the Office of the United Nations High Commissioner for Human Rights (OHCHR), in Kampala , over the abduction and disappearance of his NUP supporters.³⁸ Between March and May 2021, the police arrested and assaulted at least 10 journalists while enforcing COVID-19-related restrictions.
21. Journalists were among the top four victims of electoral violence during the 2021 elections. The Uganda Police, military and paramilitary groups were leading perpetrators. To date, no meaningful investigation and prosecution of perpetrators has been done.³⁹
22. On April 4, 2020 police arrested Rogers Asiimwe of Freedom Radio, raided his office, and questioned him about his discussion of the coronavirus, its origins, and the lockdown measures instituted by the Ugandan government.⁴⁰ According to Committee to Protect Journalists (CPJ) he

³⁴ Daily Monitor, "Police, RDC switch off radio station in attempt to stop Besigye talk show," <https://www.monitor.co.ug/uganda/news/national/police-rdc-switch-off-radio-station-in-attempt-to-stop-besigye-talk-show-1820692>

³⁵ ACME, "STATEMENT – Attacks on independent media and civic space must stop." December 27, 2020, <https://acme-ug.org/2020/12/27/news-release-attacks-on-independent-media-and-civic-space-must-stop/>

³⁶ Daily Monitor journalist on Bobi Wine campaign trail arrested in Kalangala <https://www.monitor.co.ug/uganda/news/national/daily-monitor-journalist-on-bobi-wine-campaign-trail-arrested-in-kalangala-3243258>

³⁷<https://chimpreports.com/security-forces-assault-chimpreports-journalist-dedan-kimathi-on-amuriat-campaign-trail/>

³⁸ Military police beat up journalists covering Bobi Wine petition to UN <https://www.monitor.co.ug/uganda/news/national/military-police-beat-up-journalists-covering-bobi-wine-petition-to-un-3294654>

³⁹https://public.tableau.com/app/profile/africa.freedom.of.information.centre/viz/ElectionViolenceDashboard_16698267844440/Story1&sa=D&source=docs&ust=1695285852090607&usg=AOvVaw1htJPUJiapJ9fzxfgrlDte

⁴⁰ Committee to Protect Journalist, "Local officials arrested, attacked and confiscated equipment of radio journalist in western Uganda"

was arrested for “spreading harmful propaganda and sabotaging the government’s move to curb COVID-19”.

23. Security forces continue to act in a manner that is detrimental to the enjoyment of media rights, making journalism practice extremely difficult. The Uganda Police Force and Uganda People’s Defence Forces have severally shot at journalists, beaten, harassed, detained, and smashed their gadgets with impunity.
24. On December 30 2020, the Deputy Inspector General of the Uganda Police Force, Maj. Gen. Paul Lokech (RIP), issued a statement that “with effect from December 31 2020, police will “only recognize journalists and media practitioners who are accredited by the Media Council, during the coverage of political campaigns and other electoral events.⁴¹ Journalists without press tags were deemed criminal.
25. Prior to the Police’s statement, Ashraf Kasirye, a journalist working with Ghetto online TV was on December 27, 2020 shot on the head while covering presidential candidate Robert Kyagulanyi and seriously injured. He was rushed to hospital in critical condition.⁴² On the same day, two other journalists working for NTV and NBS were seriously injured when police deliberately shot at them while they covered elections.⁴³ Police said that the journalists were “regrettably caught up during the process of dispersing violent groups.”⁴⁴
26. The Inspector-General of Police (IGP) of the Uganda Police Force (UPF) justified the assault on the journalists as necessary for “their own safety”.⁴⁵ The statement came in the wake of increased police brutality against journalists covering opposition candidates. Earlier that month, the police beat up six journalists who were covering Kyagulanyi in Lira town in northern Uganda.⁴⁶
27. The assault on media freedom was further highlighted when the statutory regulator for journalists, the Media Council issued directives in December of 2020 for journalists to register with the Council to cover the elections⁴⁷ and threatened criminal charges against any media houses, both local and international, including freelance journalists, who failed to register. The

<https://cpj.org/2020/06/local-officials-arrested-attacked-and-confiscated-equipment-of-radio-journalists-in-western-uganda/>

⁴¹ See Press Statement: Enforcement of the Media Council guidelines.

<https://www.upf.go.ug/enforcement-of-the-media-council-guidelines/>

⁴² Ghetto Media Cameraman Ashraf Kasirye Shot in Masaka.

<https://ugandaradionetwork.net/story/gheto-media-camera-man-ashraf-kasirye-shot-in-masaka>

⁴³ Clare Muhindo, “Journalists injured as police turn guns on the media,” ACME, December 28, 2020,

<https://acme-ug.org/2020/12/28/journalists-injured-as-police-turn-guns-on-the-media/>

⁴⁴ Uganda Police Force, “Statement on violent fracas at Kyabakuzi,”

<https://www.upf.go.ug/statement-on-violent-fracas-at-kyabakuzi/>

⁴⁵ Job Bwire, “Police will beat you for own safety, IGP Ochola tells journalists,” Daily Monitor, February 17, 2021,

<https://www.monitor.co.ug/uganda/news/national/police-will-beat-you-for-own-safety-igp-ochola-tells-journalists-3251102>

⁴⁶ Job Bwire, “Police beat up journalists covering Bobi Wine campaign trail,” Daily Monitor, December 12, 2020,

<https://www.monitor.co.ug/uganda/news/national/police-beat-up-journalists-covering-bobi-wine-campaign-trail-3226432>

⁴⁷ Human Rights Network for Journalists, “Press freedom index -2020”

<https://www.hrnjuganda.org/download/reports/Press-Freedom-Index-Report-2020.pdf> .

requirement for payment of two hundred thousand shillings for registration (USD 56)⁴⁸ at short notice was an extra limitation for poorly paid journalists. The timing of the directives was suspicious as the election was a few weeks away. This is believed to have been a well calculated means of curtailing media coverage of elections. The registration and accreditation of journalists was challenged by the Editors Guild as illegal and irrational, and was quashed by court.⁴⁹

28. On November 29, 2020, three foreign journalists including Margaret Evans, Producer Lily Martin and Videographer Jean-François Bisson were deported by the Government of Uganda including three Canadian journalists with CBC News who had come to cover campaigns were deported.⁵⁰ The government spokesperson, Mr. Ofwono Opondo in a Twitter response justified the deportation stating that; “You don’t apply for a tourist visa only to be found working as a journalist you broke your own terms of stay in Uganda. Nevertheless, you can reapply and will be accredited if you want to work as a journalist in Uganda,”
29. The failure by the Ugandan government to investigate, prosecute and convict those responsible for the murder of journalists is also another ongoing violation of freedom of expression and media freedom. To date, four cases of journalists that were murdered between 2010 and 2013 are still unresolved which invokes fear in members of the media and also limits their confidence in the government’s capacity to address impunity for crimes against journalists.⁵¹ In June 2013, Thomas Pere, a journalist with New Vision Newspaper was murdered in unclear circumstances and his body was found dumped at a piece of land outside Uganda’s capital, Kampala.⁵² The perpetrators of this murder are yet to be held accountable.

Access to Information and Censorship

30. The right of access to information is guaranteed by Article 41 of the 1995 Constitution and the Access to Information Act of 2005 which gave effect to the access to information regulations of 2011 that provide for the procedures to be followed for processing information including fees to be paid before access is granted. The Access to information Act however exempts a wide range of information from public access. Under section 24, access is subject to conditions which must be fulfilled by the applicant. The exempted information under the Act includes information relating to records of cabinet and its committees, confidential information, commercial information of third parties, information relating to the protection of safety of persons and property, information relating to legal proceedings, privileged information, operations of public bodies. The exempted information is wide and literally covers very important information that can be used to hold the government accountable.
31. Although Uganda has an enabling access to information law, practice has revealed gaps in the implementation of the law. Government agencies, ministries and departments are usually in the habit of rejecting information requests. For example, the Hub for Investigative Media has made

⁴⁸ Exchange rate as at 31 December 2020

<https://www.exchange-rates.org/exchange-rate-history/ugx-usd-2020-12-31> accessed 20 September 2023

⁴⁹ ACME, “FULL RULING: Editors Guild, CEPIL V Attorney General,” January 19, 2021,

<https://ugandajournalistsresourcecentre.com/full-ruling-editors-guild-cepil-v-attorney-general/>

⁵⁰ CBC News, “CBC News journalists deported from Uganda, despite having press credentials,” November 30, 2020, <https://www.cbc.ca/news/world/cbc-news-journalists-deported-uganda-1.5821367>

⁵¹ UNESCO database of killed journalists, accessed 19 September 2023

<https://www.unesco.org/en/safety-journalists/observatory/grid?hub=72609>

⁵²<https://www.unesco.org/en/articles/unesco-director-general-condemns-killing-ugandan-journalist-thomas-pere>

several attempts to access information. The majority of the requests are not processed⁵³ while those rejected⁵⁴ greatly outnumber those that are granted.⁵⁵

32. The threats to access to information have been shown in the government directives to censor the media. The UCC in May 2019 ordered 13 broadcast media houses (six television stations and seven radio stations) to suspend 39 producers, heads of programming, and heads of news over alleged production of substandard content after they covered a protest sparked by the arrest and respective detention of Robert Kyagulanyi who had shown interests in vying for presidency in the country.⁵⁶ The affected television stations included BBS TV, Bukedde TV, Kingdom TV, NBS TV, NTV, and Salt TV while radio stations included; Akaboozi, Beat FM, Capital FM, Pearl FM, Radio Simba and Sapientia FM. This was a move to silence critical voices and dissemination of information to the public.
33. In 2013, the government suspended the operations of the Monitor Newspaper, Red Pepper publication, and KFM radio.⁵⁷ Cases of harassment, threats, and intimidation of journalists have been reported with indications that journalists are afraid to report critically of individuals perceived to be powerful and subsequently shy away from reporting issues of public interest.⁵⁸
34. In 2013, the Parliamentary Commission barred two journalists from reporting at Parliament following the publication of articles on an alleged altercation between the Speaker of Parliament and his deputy. An attempt to challenge this decision before the courts was not successful. In 2016, Parliament also introduced a discriminatory approach to media coverage at Parliament by issuing new accreditation requirements which required only journalists with academic degrees to undertake Parliamentary coverage.

Digital Rights and Freedoms

35. Uganda has over the years grown its online sector. As regards internet penetration, in its Q1 2022 Market Performance Report, the Uganda Communications Commission highlighted that there were 1.9 million new active internet connections in March 2022 and there are 53 connections per 100 Ugandans.⁵⁹ Fixed and mobile phones are estimated at 26.6 Million subscriptions.⁶⁰
36. There have been legal and policy frameworks to promote the sector. For instance, the Data Protection and Privacy Act was enacted in 2019 and the Data Protection and Privacy Regulations were adopted in March 2021.⁶¹ However, other laws like the Computer Misuse Act 2011 and the Regulation of Interception of Communications Act 2010 (RICA) are manipulated by the state apparatus to suppress citizens' digital rights. Government agencies have relied on some unclear

⁵³ Hub for Investigative Media, "Pending Requests," <http://him-ug.org/pending-requests/>

⁵⁴ Hub for Investigative Media, "Denied Requests," <http://him-ug.org/denied-requests-2/>

⁵⁵ Hub for Investigative Media, "Granted Requests," <http://him-ug.org/pending-requests-2/>

⁵⁶ The Observer, 'Bobi Wine: UCC orders suspension of 39 journalists at 13 media houses'

<https://observer.ug/news/headlines/60575-ucc-orders-suspension-of-39-journalists-at-13-media-houses>

⁵⁷ <https://ipi.media/ipi-demands-end-to-police-siege-of-ugandan-newspaper/>

⁵⁸ <https://akademie.dw.com/en/media-journalists-under-threat/a-43432600>

⁵⁹ Uganda Communications Commission, Q1 2022 Market Performance Report

<https://www.ucc.co.ug/wp-content/uploads/2022/07/UCC-1Q22-Market-Performance-Report-1-compressed.pdf&sa=D&source=docs&ust=1695225499632693&usg=AOvVaw1DT-I -wqCfmEOa84qQPeO>

⁶⁰ Ibid., 13.

⁶¹ https://www.dataguidance.com/sites/default/files/uganda_data_protection_regulations_small.pdf

provisions of the law to seek to muzzle online criticism of actions of government departments, agencies, and individuals in government.

37. On February 12, 2021, the Ugandan authorities shut down the internet and blocked access to all social media platforms.⁶² In a January 12, 2021 letter, the Uganda Communications Commission ordered internet service providers in the country to “immediately suspend any access and use” of all messaging apps and social media platforms until further notice.⁶³ This action is against the commitments made by Uganda to adhere to Article 9 of the African Charter and international standards under Article 60 of the Charter.
38. The government increased its crackdown on social media as online activists were targeted for posting information that the government perceived was aimed at destabilising the country. In August 2019, the Uganda Communication Commission (UCC) issued an order requiring all social media bloggers, YouTubers, and online influencers to be registered.⁶⁴ In September 2020, the UCC announced that all online content creators must register by October 5. The registration process includes a \$27 fee; applicants must provide their passport, national identification information, and contact information.
39. The UCC in December 2020 asked Google to block 14 YouTube channels including Bobi Wine 2021, Busesa Media Updates, TMO online, Lumbuye Fred, Uganda Yaffe, Uganda News Updates, Ghetto TV, Uganda Empya, KK TV, Ekyooto TV, Namungo Media, JB Muwonge 2, Map Mediya TV and Trending Channel Ug sympathetic to opposition candidate Robert Kyagulanyi.⁶⁵ The UCC said the channels were misleading the public and inciting violence. UCC argued that these channels were used to mobilise protests in November 2020 that left more than 50 people dead. However, it is through these channels that repeated cases of blatant police and army brutality against critics were documented and reported. Google declined to consider the blockage request since a court order did not accompany it.⁶⁶
40. The government of Uganda continues to conduct communication and open surveillance using the Regulation of Communication Act, 2010. In August 2019, an investigative report by the Wall Street Journal revealed how Huawei technicians had assisted Uganda police personnel to break into encrypted communication for opposition member of parliament Robert Kyagulanyi, also known as Bobi Wine.⁶⁷ However, the police and Huawei denied the allegations in the report.

⁶² Reporters Without Borders, “Uganda blocks social media and messaging apps, isolating election,” January 13, 2021, <https://rsf.org/en/news/uganda-blocks-social-media-and-messaging-apps-isolating-election>

⁶³ Reuters, “Uganda orders all social media to be blocked – letter,” January 12, 2021, <https://www.reuters.com/article/uk-uganda-election-social-media-idUSKBN29H1EB>

⁶⁴ ACME, “Storm brews over UCC online and social media registration rules,” August 22, 2019, <https://acme-ug.org/2019/08/22/storm-brews-over-ucc-online-and-social-media-registration-rules/>

⁶⁵ Daily Monitor, ‘Government wants Google to close 14 Ugandan YouTube channels’ <https://www.monitor.co.ug/uganda/news/national/government-wants-google-to-close-14-ugandan-youtube-channels-3229752>,

⁶⁶ The Independent, ‘Google tells Uganda to go to court’ <https://www.independent.co.ug/google-tells-uganda-to-go-to-court/>,

⁶⁷ Joe Parkinson, Nicholas Bariyo and Josh Chin, ‘Huawei Technicians Helped African Governments Spy on Political Opponents’ *The Wall Street Journal*, August 15, 2019, <https://www.wsj.com/articles/huawei-technicians-helped-african-governments-spy-on-political-opponents-11565793017>,

41. In 2017, the Ugandan government set up a team of security and IT professionals to monitor special media platforms.⁶⁸ The government reported that this was necessitated by the need to monitor social networks especially Facebook to find posts of those critical of the government. This not only increases mass surveillance in Uganda but also impacts freedom of expression out of fear.
42. The UCC in September 2020 issued an order requiring all online publishers and broadcasters to apply and get authorisation before they operate.⁶⁹ On March 6, 2018, UCC issued a directive demanding that all online data communication service providers, online news publishers, online radio and Television service providers to apply and obtain authorisation from the commission.⁷⁰ This directive strips the anonymity of content producers and has led to increasing online self-censorship.⁷¹ In line with the directive, in February 2019, UCC ordered the Daily Monitor newspaper to cease publication of content on its website, pending clearance from the Commission.⁷² The Daily Monitor was accused of being non-compliant with a directive issued in March and April 2018 that required online newspapers to register

Recommendations

1. Stop intimidation, harassment, arbitrary arrests and prosecution of journalists, critics and activists exercising their right to free expression on and offline and hold to account those that violate journalists' rights. In this regard, conduct investigations into cases of use of excessive force and attacks by the Police towards journalists and ensure these cases are brought to a logical conclusion and perpetrators are held accountable.
 - Ensure that journalists can operate freely without fear of reprisals
 - Create an enabling environment for media coverage of public interest matters both online and offline. Coverage of the judiciary and parliamentary proceedings are paramount.
2. Revise laws that unnecessarily inhibit freedom of expression, media, access to information and digital rights in general. These include;
 - The Press and Journalists Act to ensure that it is in line with the Constitution and International Standards specifically removing provisions on onerous registration processes for journalists;
 - The Penal Code Act by decriminalising provisions on criminal defamation, specifically sections 179 and 180.

⁶⁸ <https://rsf.org/en/uganda-creates-unit-spy-social-networks>

⁶⁹ Uganda Communications Commission, 'Reminders to providers of online data communication and broadcasting services to obtain authorisation'
<https://www.ucc.co.ug/reminder-to-providers-of-online-data-communication-and-broadcasting-services-to-obtain-authorisation/>..

⁷⁰ Uganda Communications Commission, "ONLINE DATA COMMUNICATION SERVICES"
https://www.ucc.co.ug/wp-content/uploads/2018/03/UCC_ONLINE-DATA-COMMUNICATIONS-SERVICES.pdf

⁷¹ Freedom House, "Freedom on the net 2018" <https://freedomhouse.org/country/uganda/freedom-net/2018>

⁷² The Independent, 'UCC orders Daily Monitor to shut website'
<https://www.independent.co.ug/ucc-orders-daily-monitor-to-shut-their-website/> ; see also African Centre for Media Excellence, "UCC threatens to shut Monitor Website"
<https://acme-ug.org/2019/02/08/ucc-threatens-to-shut-down-monitor-website/>

- Adhering to the Constitutional Court decisions decriminalising sections 24 and 25 of the Computer Misuse Act that provide for cyber harassment and offensive communication respectively; and section 50 of the Penal Code on false information.
3. Stop implementing internet shutdowns and any other arbitrary actions that limit access to, and use of the internet, and restore all digital networks including social media, and ensure that any limitations conform to the established regional and international standards.