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Freedom of the Press 2011 - Uganda

Status: Partly Free

Legal Environment: 19

Political Environment: 21

Economic Environment: 14

Total Score: 54

Although the country's constitution provides for freedom of expression and press freedom, several laws negate these guarantees, and the government continues to crack down on critical journalists and media houses using both subtle and blatant methods. However, in what lawyers and media groups described as a milestone in the enforcement of media freedom, in August 2010 Uganda's Constitutional Court unanimously ruled that sections of the penal code on sedition, which forbid journalists from publishing criticism of the government, were unconstitutional. The decision stemmed from a petition by Andrew Mwenda, managing editor of the *Independent*, and the East African Media Institute; Mwenda had been among a handful of journalists facing sedition charges. The court upheld other provisions of the penal code that criminalize publications promoting sectarianism. Clauses of the Antiterrorism Act of 2002 have also been used against journalists, especially those who cover security issues. Application of these laws and regulations is often arbitrary or selective, and the threat of legal action is used regularly to intimidate journalists.

In 2010, the government passed several laws that fundamentally threaten free expression and media freedom through potentially restricting content and access to information as well as contributing to an environment of self-censorship, including the Regulation of Interception of Communications Act. In addition, the proposed Press and Journalist Amendment Bill 2010 would enable manipulation of licensing and registration, although the amendments had not been brought before parliament by year's end. Uganda is among a handful of African countries with a freedom of information law, but the 2005 Access to Information Act exists only on paper, as no implementing mechanisms had been put into place by year's end, and the government still denies requests for information. Furthermore, Parliament has not followed up on the law's requirement that each ministry submit annual reports on the status of implementation. Other laws related to national security and confidentiality impede open access to information in practice. The Press and Journalist Act 2000 requires journalists to register with the government-affiliated National Institute of Journalists of Uganda (NIJU) and obtain a license from the Media Council, which has been criticized for lacking independence. Journalists must also meet certain standards, including the possession of a university degree, to be full members of NIJU. Although journalists are supposed to renew their licenses annually, this provision is frequently overlooked in practice.

The regulatory structure is not always transparent and grants broad discretionary powers to the regulator. The Electronic Media Act created the Broadcasting Council, which can grant or withhold licenses based on an opaque set of conditions, and confiscate transmission equipment without a hearing or other forms of due process. The regulator is also susceptible to influence and manipulation by the executive. Authorities have continued to interfere in private radio broadcasting, temporarily shutting down some stations in recent years. The Central Broadcasting Service (CBS), one of four stations closed down by the Broadcasting Council in September 2009 in response to an official directive, was reopened in October 2010. The three other stations – Ssuubi FM, Radio Two, and the Roman Catholic Church's Radio Sapientia – had reopened much sooner. The four outlets had been accused of promoting sectarianism and inciting violence that led to riots in Kampala. While they returned to the air, there were reports that the owners engaged in self-censorship to avoid renewed conflict with the Broadcasting Council and the government. Despite some nascent efforts, such as the formation of the Independent Media Council of Uganda, self-regulation by the media sector is lacking, providing the government with a rationale for imposing statutory controls.

Journalists face harassment, occasional violence, and various obstacles while attempting to cover the news. Many past cases of attacks or abductions aimed at journalists remain unresolved. In September 2010, journalists Paul Kiggundu and Dickson Ssentongo were killed in separate incidents in connection with their work, and Arthur Kintu of the *New Vision* was beaten by an elected official as he covered a ruling party conference. Eight journalists were assaulted or abducted by ruling party officials and supporters while covering opposition candidates during the year, according to the Committee to Project Journalists. Government officials and security agents in the countryside regularly intimidate journalists and attempt to influence media content by forbidding certain guests to appear on live radio programs.

There are more than two dozen daily and weekly newspapers and more than 150 private radio stations. Uganda's leading daily newspaper, the government-owned *New Vision*, shows some editorial independence. Other print outlets such as the *Monitor*, the *Observer*, and the *Independent* are generally critical of the government and offer a range of opposition views. Radio remains the most widely accessed news source. In recent years, the number of community stations has grown across the country, including in the north, where the threat of reprisals by the Lord's Resistance Army rebel group continues to fuel self-censorship. The Uganda Broadcasting Corporation, the country's public broadcaster, remains subservient to the interests of the ruling party and the government. A number of radio stations in Uganda are owned by ruling party politicians who discourage publication of news that is deemed critical of the government. During the election campaigns that began in late 2010, they denied opposition politicians access to their stations. Campaign coverage by the public broadcaster and the *New Vision* was biased in favor of the incumbent president and the ruling party.

Media owners are somewhat complicit in the erosion of press freedom in Uganda. To safeguard their investments, they reportedly comply with government requests, including onerous instructions as to which journalists they may employ. The sustainability of newspapers is compromised by declining circulation rates, which leave outlets more dependent on advertising. Threatened or actual advertising boycotts by corporations and the government, which are especially problematic for smaller media outlets, limit media diversity and pluralism.

There is unrestricted access to foreign news sources, and domestic outlets draw on and reference these sources in their own reporting. Internet penetration grew to nearly 12.5 percent of the population in 2010, and access is not officially restricted.