USING UNIVERSAL PERIODIC REVIEW MECHANISM OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL TO ADVANCE HUMAN RIGHTS SITUATION IN UGANDA

FREEDOM OF EXPRESSION AND INFORMATION ACTORS` ENGAGEMENT WITH THE UPR PROCESS IN UGANDA

Best practices and lessons; a stakeholders` perspective
Acknowledgement

Human Rights Network for Journalists- Uganda (HRNJ-Uganda) is deeply indebted to all individuals and organizations that contributed to this manual. Special thanks to the staff of HRNJ-U, HURINET-U and all members of the thematic cluster on freedom of expression and information (FOE-FOI).

We would like to thank our development partners particularly Freedom House for the support that has enabled HRNJ-U to meaningfully participate in the first ever review of Uganda’s human rights record by the Human Rights Council.
1.0 Introduction to the UN mechanism of the Universal Periodic review

The Universal Periodic Review (UPR) is a new state-led mechanism, under the auspices of the Human Rights Council (HRC). The opening set of reviews occurred in 2008 whereby all 192 UN member states were reviewed in the preceding to which Uganda fell in 2011. These reviews have become periodical looking into the human rights records in each country being conducted every after 41/2 years. The UPR is considered as perhaps the single most important innovation in the new UN human rights machinery. It is argued that it has the potential to provide a meaningful response to complaints about selectivity that tainted the previous Commission on Human Rights that had been in existence since 1948. The Universal Periodic Review (UPR) is considered as the only unique process that reviews all the UN members evenly.

The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

The UPR was established at the creation of the Human Rights Council on 15 March, 2006 by the UN General Assembly under resolution 60/251. This resolution mandated the HRC to “undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States”. On 18 June, 2007, one year after its first meeting, members of the new Council agreed to its institution-building package under HRC res 5/1 providing a road map guiding the future work of the Council. One of the key elements of this package was the new Universal Periodic Review.

The major objective of the UPR is to improve the human rights situation in every country with significant consequences for people around the globe. It was designed to prompt, support, and expand the promotion and protection of human rights on the ground. It also involves providing technical assistance to States and enhancing their capacity to deal effectively with human rights challenges and to share best practices among States and other stakeholders.

These reviews are conducted by the UPR Working Group consisting of 47 members of the Council. Any UN Member State can take part in the interactive dialogue. The review is moderated by a group of countries (Three) selected from the HRC members through drawing of lots, acting as “troikas”, / rapporteurs.

The UPR has been considered as the most unique human rights mechanism the world
has seen. High on the list of uniqueness is the format of submission of evidence. Three
documents are considered for the review viz:

1) A 20-page document containing information submitted by the State known as the
“national report”;
2) A 10-page document containing information submitted by the various UN country
teams and special procedures including treaty bodies and other UN entities;
3) A 10-page document submitted by ‘other’ stakeholders who including non-
governmental organizations and national human rights institutions.

The greatest key component of a successful UPR process is the involvement of civil
society\(^3\). The UPR mechanism is one that has been considered as most open and
transparent, as well as being all inclusive. The inclusiveness is drawn from the fact that
it encourages ‘civil society’ stakeholders to play important roles in the preparation of
information considered during the review.

The reports document the extent to which the state respects and promotes their human
rights obligations outlined in; a) the UN charter; b) the Universal Declaration of Human
Rights; c) human rights instruments ratified by the state; d) voluntary pledges and
commitments made, and e) international humanitarian law.

1.1 FOE-I actors in Uganda interface with the Universal Periodic
Review

The universal periodic review has been condensed into four (4) phases through which
the various actors working on freedom of expression and information in Uganda would
meaningfully engage. The four phases take the form of a cycle with various stages. Each
stage is crucial for engagement and it is argued that stakeholders must maximize their
potential in all the stages in order to positively influence the outcome of the process and
the implementation.

The phases that comprise of the UPR process thus include; Pre review, During review and
After review. At each of the above stages, CSOs play an important role to have the process
conducted meaningfully. Thus the process took stated the format below;

1.2 Before the review

It’s understood that the UPR process should be one of a national process. This denotes that,
it should be driven nationally by the various players in the national framework. National
consultations should not be conducted by the state alone. But all partners including
stakeholders and the national human rights institution should be part of the process. HRC
resolution 5/1 observes that reports should be developed through a national process with
all relevant stakeholders.

CSOs in Uganda seized this opportunity to conduct independent consultations in the

\(^3\) Commonwealth secretariat (2009); Universal Periodic Review of human rights. Towards best
practice
north, north eastern, north western, eastern, western and central regions under the coordination of the Human Rights Network-U (HURINET-U) with Human Rights Network for Journalists- Uganda (HRNJ-U) leading the thematic cluster on freedom of expression and information. The said consultations drew stakeholders from different thematic clusters including actors on freedom of expression and information. Consultations aim at obtaining credible and reliable information as it is a norm under the initiative that the OHCHR will only use ‘credible and reliable’ information coming from identified and trusted sources. The consultations involved the media too. Many of the consultative meetings were carried widely by the various regional and national media houses, with the sole purpose of popularizing the UPR initiative and bridging information gaps.

Submitting evidence on the situation of FOE-I in Uganda
In writing the reports, stakeholders are encouraged to strictly follow the general guidelines. Close to 12 thematic cluster reports originating from Uganda were drawn and submitted to the OHCHR in Geneva on or before the 14th March, 2011. Among these reports were three (3) reports submitted by stakeholders from Uganda on freedom of expression and information. These were later to form part of the 10 page stakeholders’ summary as information to be considered during the review. HRNJ-U submitted a five (5) page report to the OHCHR about six (6) months before the 12th session of the HRC. The information documented the plight of journalists in Uganda and the status of freedom of expression at the height of the standoff between the security organs and major opposition groups which saw a number of radio stations being closed and open public debates and discussions banned – this was in addition various media houses starting self-censorship to remain in business.

Stakeholders are encouraged to strictly follow the general recommendations especially on following the dates for submitting information as late submission are never considered.

Lobbying States

Upon submitting information, stakeholders then embark on engaging friendly states and members of the HRC with the aim of debriefing on the human rights situation in the country so as they may be in position to ask specific questions during the review and to offer succinct recommendations.

The above action can be termed or considered as lobbying. Lobbying is important as to bring to the attention of the state specific issues that may require closer scrutiny. Such issues are often never captured or reflected in the state report. In Uganda, stakeholders’ did have/ conduct in country meetings with various foreign missions in Uganda and the development partners in order to bring these issues to the missions/ HRC members and the ‘Troikas’.

The major aim for the debriefing and lobby meetings is to have these foreign missions pass on information to their representatives in Geneva to have these issues raised during the
interactive dialogue in the form of questions and/or recommendations. A lobby guide was developed by the stakeholders’ forum and was used to widely lobby for the inclusion of specific issues and asking specific question during the interactive dialogue.

**Summary role of stakeholders before the review**

- Lobby the Troika and forward specific questions in advance through their Geneva representatives.
- Lobby other members of the HRC on specific priority issues where there is no committal and ask specific questions to the government.
- Lobby the government on accepting issues raised by CSOs and recommendations.
- Ask the government to provide additional information and elaborate on key issues that are not conclusive in its report, for example, reports on prohibition of assembly, torture, the death penalty, media freedoms, etc.
- Submit written information to the government in order to have priority issues accepted.
- Lobby the government representatives/delegation particularly in accepting recommendations.
- Lobby the government to make voluntary commitments prior and during its presentation in of its report.
- Keep partner NGOs and contacts informed on the priority issues.
- Identify countries that are friendly with issues of our concern and have them influence the interactive dialogue.
- Participate in or organize CSO side events in Geneva highlighting the various concerns and the human rights situation on the ground.

**1.3 During the review**

Stakeholders may wish to attend the review sessions in Geneva. During the interactive dialogue, they are not allowed to take to the floor and thus cannot ask questions or make recommendations.

During the review of Uganda, stakeholders in attendance set up side events parallel to the interactive dialogue. The major aim of the side event was to highlight the human rights situation in Uganda and influence the asking of questions or making particular recommendations that are considered action-oriented.

In Uganda, HURINET-U organized a live web screening of the interactive dialogue. Many stakeholders were able to follow the sessions back home as it was web cast live at http://www.unmultimedia.org/tv/webcast/index.html. Many stakeholders who attended the review and those who followed the live web screening were not pleased/happy with the position of the government especially on extending an open invitation to the special rapportuer on freedom of expression.
1.4 After the review

After the review, it is advisable that stakeholders should make a honest assessment of the overall engagement. Specifically, evaluation of the number of recommendations that have been accepted by the state under review based on the number of issues that have been raised. At the review of Uganda, 171 recommendations were made during the interactive dialogue to which 110 were accepted, 42 reserved while 19 did not meet the support of the state.

Recommendations regarding media freedoms and especially on extending an open invitation to the special rapporteur on freedom of expression were reserved. The government noted that such an invitation had to be approved by cabinet following a particular procedure. Over six (6) recommendations on media freedoms and upholding/protecting freedom of expression were accepted.

At the adoption session, six (6) months after the review, which happened on the 16th March, 2012, the working group report on Uganda was formally adopted by the HRC. At this session, stakeholders were allowed to make comments before the outcome report is adopted.

This stage has been tedious to many actors in Uganda as most of them have no ECOSOC accreditation and relied on international organizations which had different agendas and often did not represent the views of the local actors. However, those which cannot make it to the floor are allowed to make written submissions which often become official UN documents.

It is at this stage after the adoption of the outcome report that a road-map is drawn to monitor or follow up on the implementation of the recommendations.
2.0 THE FOE-I SITUATION SIX MONTHS AFTER THE REVIEW;

2.1 Continuous Brutality and Attacks on Journalists.

The last six months have witnessed notably increased attacks on frontline journalists in Uganda. Six months after Uganda’s review in October 2011, it was anticipated that the government would commence implementing the commitments it made. However, the same period has witnessed more than 20 documented cases of violence committed against journalists by law enforcement officers including, police. The attacks ranged from shooting, physical attack, unlawful arrest and detention/incarceration of journalists, denying access to news scenes, confiscation of equipment, defective and tramped up charges, to verbal threats.

Among the many victims include; Isaac Kasamani, a photographer with The Daily Monitor, who narrowly escaped death when a police officer shot at him on 24 January, 2012 at about 7:30 p.m., as he took photographs of a teargas canister thrown near opposition leader, Dr. Kizza Besigye’s car at the Gayaza Road roundabout in Kalerwe, on the outskirts of Kampala, as police dispersed a gathering of people. Michele Sibiloni, an AFP photographer, and Suleiman Mutebi, a Bukedde TV reporter, were also roughed up on the same day.

A journalist working with NBS TV, Ivan Kabaale was knocked down by a police vehicle as he covered the transfer of the Forum for Democratic Change leader Dr. Kizza Besigye from Kampala to Kasangati police on Saturday 31st March, 2012.

The situation has endangered many journalists, caused fear whose action has caused self-censorship and some fleeing the country for their own safety. These abuses have happened countrywide under different commands from within the various security forces. These attacks undermine the enjoyment of press freedoms which remains elusive to many journalists in their course of work.

2.2 Security of Refugee Journalists in Uganda.

Despite Uganda being a home to many forced migrants resulting from both international and national displacements but the responsibility to protect them is increasingly becoming an issue. Shortly after the review in 2011, an exiled Rwandan journalist was killed. Charles Ingabire was a political refugee in Uganda’s capital, Kampala and an editor of the Inyenyeri online News media. He was a prominent and vocal critic of Rwandan President Paul Kagame and met his death on the 1st December, 2011 in the suburbs of Kampala.

The motive of his shooting is still not established. It’s not clear if the police undertook to investigate the matter since the two suspects—a barmaid and security guard were released shortly after their arrest. The Rwandan government has since denied responsibility. This has caused immense fear to other refugee journalists in Uganda who are being hunted by their respective governments.
The attack was an indication that their governments continue to spy on them in Uganda. Information obtained by HRNJ-Uganda indicates that most refugees keep in-door for fear of arrest or kidnap. The Ugandan government has the obligation to protect these refugees including journalists and guarantee their security under international law that it has signed. It should therefore expeditiously investigate the murder of Ingabire and publish the findings in addition to taking action against his killers.

2.3 New Media Bills and Old Laws Narrowing Operating Space for Journalists

Whereas Uganda is ranked among the countries with a relatively free media, media freedoms have greatly and continuously been hindered by laws and policies that are maintained on the different statute books. On the positive side, media freedom is guaranteed under the Uganda constitution. Article 29(1) of the 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. Several laws have been made to enforce this article including the Press and Journalist Act; the Electronic Media Act, the Uganda Communications Commissions Act, among others. However, the same laws have provisions that aim at taking away the very rights they are meant to promote, through claw back clauses and/or clauses that give them excessive powers that have resulted in abuse of media freedoms.

Since the review, little or nothing has changed to review the said laws and bring them into compliance to international standards. Both penal laws and administrative (or laws meant to control media) are still in operation. These have hindered media freedoms. Several journalists have been charged and continue to answer charges under these laws, while other media houses remain in self-censorship for fear of being closed down using the same laws. Below is a review of some of the laws.

Restrictive Penal Laws

The Penal Code Act\(^5\) (PCA) still maintains laws restricting media freedoms. Whereas many of these provisions have been declared unconstitutional, police continues to arrest and charge journalists with offences that are restrictive to the enjoyment of media freedoms. S. 179 of the PCA creates an offence of criminal libel. Criminal libel has its history in the old English system where publishing false news against the crown was punishable\(^6\). This was exported to all common wealth countries, however, today more and more countries have dropped it for being unconstitutional and limiting press freedom\(^7\). That notwithstanding, criminal libel has been maintained as an offence in Uganda. There are pending charges against Henry Ochieng, Daily Monitor’s political editor and Angello Izama, a former

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5 Cap 120 Laws of Uganda
7 Ibid
journalist writer with the same paper, for writing an article considered to be against the president.

Sections 33 to 36 of the PCA prohibit importation of news items that are prejudicial to the state. The sections give police broad powers to inspect; confiscate and arrest publishers and importers of such materials. S. 33 in particular gives the minister absolute discretion to determine the kind of material that can be restricted. S. 35 seeks to punish any person who publishes, imports, sells, offers to sell or distributes materials restricted by the minister. In essence the section aims to punish the whole chain from the publisher to the reader of the newspaper. Much as this section has not been implemented it has a potential of undermining media freedom and the media industry in Uganda generally by limiting ‘foreign’ publications in the country.

S 41 of the PCA under the guise of preventing incitement to tribal segregation criminalizes speech and effectively bars the media and the public from questioning the imbalance in distribution of national resources. A media person can be punished if his/her publication is to the effect that resource distribution is along tribal or religious lines. In other words a person who complains for being discriminated against along tribal lines can be a victim of the offence of sectarianism. Victims of this law include; Opposition Presidential Candidate under the Uganda Federal Alliance (UFA) Ms. Betty Kamya, MP Betty Nambooze, Semujju Ibrahim Nganda, the former Political Editor of the Observer Newspaper and its managing editor James Tumusiime.

**Restrictive Administrative Laws**

Under the Electronic Media Act⁸, of 1996, the Broadcasting Council enjoys unprecedented powers of regulating media content. On several occasions the institution has abused its powers by closing down media houses, ban public debates and order the sacking of critical journalists. The Council continues to threaten media houses with closure as seen in the period where several media houses have been ordered to stop some broadcasts of demonstrations and internet providers ordered to block social networks as means of communication.

The Anti Terrorism Act 2002, under S. 9 prohibits publication of news or items that promote terrorism. However the Act does not define precisely ‘Acts that promote terrorism’ this vagueness puts media practitioners at risk of being charged with terrorism for publishing information about a group considered a terrorist. The fact that the definition of ‘terrorism’ in itself is vague⁹ increases the risk to journalists. Under the Act, a journalist can be forced to reveal his source of information and material in cases of investigations – a fact that is not only unethical to the profession but also will undermine the work of journalists.

In 2010, Government passed the Interception of Communications Act which gives powers

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⁸ Cap 104 laws of Uganda
⁹ The definition provides that an act of terror is any act or omission aimed at forcing government to change anything (policy, law practice etc) and through doing that act a person dies.
to the Minister of Security to tap all forms of communication in the country. Like the Anti-Terrorism Act, the Interception of communications act will inevitably lead journalists to revealing confidential information which is against their profession.

**Proposed Bills**

The Press and Journalists Amendment draft Bill, was passed by Cabinet and waiting to be tabled before parliament from the Attorney General where it was referred to for final legal opinion. The Bill has several restrictions on media freedoms including restriction of starting a newspaper, introduction of registration and licensing of newspapers, setting high capital requirements for the start of a newspaper including a condition that persons who want to start a newspaper must own printing press equipment capable of producing a newspaper, among others. The Bill also seeks to punish journalists for offences such as economic sabotage which is ambiguous and relative, but, only aimed to undermine media freedoms.

The Public Order Management Bill, 2010, challenges the enjoyment of freedom of expression, speech, and assembly which are fundamental freedoms and human rights guaranteed by the 1995 Constitution and in several regional and international human rights instruments, such as the African Charter on Human & Peoples Rights, the International Covenant on Civil & Political Rights, and the Universal Declaration of Human Rights. The proposed Bill Seeks to reintroduce the provisions of the Police Act, Cap 303 which were nullified by the Constitutional Court in the case of *Muwanga Kivumbi vs. The Attorney General of Uganda (Constitutional Petition No. 9/05)*; this is contrary to Article 92 of the 1995 Constitution of Uganda, which prohibits the enactment of legislation designed to defeat or overturn a judicial ruling; The bill gives the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary and unjustifiable powers over the management of public meetings, places extensive and impractical obligations on the organizers of public meetings, which are impossible to satisfy, and 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 thought.

The above laws and proposals greatly undermine media freedom in Uganda by punishing media practitioners for exercising their duties, setting stringent conditions to operate a media outlet as well as limiting the role of the public in the media. It is these laws and the conditions that have resulted into self-censure experienced in the media industry in Uganda today.

The government has introduced the registration of SIM cards whose action will continue to undermine majorly the right to privacy. The failure by government to enact a law to protect data and putting in place mechanism to regulate security forces to access information relating to armed terror groups witnessed the introduction of mandatory SIM registration in contravention of the right to privacy.

The above, coupled with the tabling of the Uganda Communication Authority Bill, 2012, which seek to re-introduce the offence relating to publication of false news, a law which was nullified by the Supreme Court in 2004. The Bill also seeks to merge both the Broadcasting Council and Uganda Communication Commission, into one authority.
## 2.4 Table of cases that have been registered since October 2011

<table>
<thead>
<tr>
<th>Date</th>
<th>Victim</th>
<th>Media House</th>
<th>Violation</th>
<th>Location</th>
<th>Perpetrator</th>
<th>Institution</th>
<th>Date of Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>05th/10/2011</td>
<td>Samwel Kajumba aka Lucky Sam</td>
<td>Kitara FM</td>
<td>Sacking from work as talk show host. Degrading treatment and punishment.</td>
<td>Masindi district</td>
<td>Resident District Commissioner Maj. David Matovu</td>
<td>Office of the President</td>
<td>08th/ Sept/2011</td>
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<tr>
<td>Date</td>
<td>Name</td>
<td>Media</td>
<td>Location</td>
<td>Incident Description</td>
<td>Suspect(s)</td>
<td>Investigation Authority</td>
<td>Date</td>
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<tr>
<td>03rd/01/2012</td>
<td>Emmanuel Opio</td>
<td>Daily Monitor</td>
<td>Deprivation of property, Camera confiscated and assaulted</td>
<td>Lira Municipality</td>
<td>D/RPC Tumure Alfred</td>
<td>Uganda Police Force</td>
<td>17th/Dec/2011</td>
</tr>
<tr>
<td>3rd/01/2012</td>
<td>Stanley Okello</td>
<td>Kyoga Veritas FM</td>
<td>Stormed studios ‘Teso na Ikoto’ (The Teso we want) program and pronounced all in studios arrested. It was live on air.</td>
<td>Teso district</td>
<td>Musa Ecweru-State minister for disaster preparedness (MP).</td>
<td>Minister</td>
<td>31st/Dec/2011</td>
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<tr>
<td>Date</td>
<td>Name</td>
<td>Radio/Network</td>
<td>Incident Description</td>
<td>Location</td>
<td>Police Force</td>
<td>Date</td>
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<tr>
<td>12th/01/2012</td>
<td>Franklin Ezaluku</td>
<td>Uganda Radio Network</td>
<td>Camera confiscated, photographs deleted, assaulted, arrested and detained</td>
<td>Manilamintwia, Turanta S/C, Pader district</td>
<td>OC Operations Onek Romeo Ojara, DPC Sabiiti Ambrose.</td>
<td>11th/ Jan/2012</td>
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<tr>
<td>20th/01/2012</td>
<td>Nasser Kayanja</td>
<td>Radio Simba</td>
<td>Stoned on the leg</td>
<td>Katwe –a Kampala suburb</td>
<td>Nabbilah supporters</td>
<td>19th/ Jan/2012</td>
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<tr>
<td>20th/01/2012</td>
<td>Hadijah Mwanje</td>
<td>K-FM radio</td>
<td>Temporary arrest</td>
<td>Ssezi-bwa road around A4C offices in Kampala</td>
<td>Unidentified security man in civilian and a policeman</td>
<td>19th/ Jan/2012</td>
<td></td>
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<tr>
<td>20th/01/2012</td>
<td>Micheal Kigozi</td>
<td>Radio One/ Aka-boozi</td>
<td>Beaten by three policemen with a baton. Was chased away.</td>
<td>Kira road police station</td>
<td>Unidentified policemen</td>
<td>19th/ Jan/2012</td>
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<tr>
<td>23rd/01/2012</td>
<td>Tugume Gideon</td>
<td>Capital FM/Beat FM</td>
<td>Attacked by four armed men, they crashed his car.</td>
<td>Kenjoy supermarket in Bukoto-Kampala.</td>
<td>Four armed men in civilian attires.</td>
<td>20th/ Jan/2012</td>
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<tr>
<td>24th/01/2012</td>
<td>Isaac Kasamani</td>
<td>Daily Monitor</td>
<td>Assassination attempt</td>
<td>Gayaza road round about at Kalewre.</td>
<td>Unidentified policemen</td>
<td>24th/ Jan/2012</td>
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<td>Date</td>
<td>Name</td>
<td>Source/Agency</td>
<td>Action</td>
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<td>Police Force</td>
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<td>24th/01/2012</td>
<td>Michele Sibiloni</td>
<td>AFP News Agency</td>
<td>Grabbed still camera.</td>
<td>Gayaza road round about at Kalerwe</td>
<td>Unidentified police men</td>
<td>24th/Jan/2012</td>
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<td>Suleiman Mutebi</td>
<td>Bukedde Television</td>
<td>Grabbed video camera.</td>
<td>Gayaza road round about at Kalerwe</td>
<td>Unidentified police men</td>
<td>24th/Jan/2012</td>
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<tr>
<td>13th/02/2012</td>
<td>Yasin Kintu</td>
<td>New Vision</td>
<td>Thrown out of Courtroom and session</td>
<td>Entebbe High Court Circuit</td>
<td>Justice Faith Mwonda</td>
<td>10th/Feb/2012</td>
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<td>13th/02/2012</td>
<td>Tony Muyanja</td>
<td>Red Pepper</td>
<td>Thrown out of Courtroom and session</td>
<td>Entebbe High Court Circuit</td>
<td>Justice Faith Mwonda</td>
<td>10th/Feb/2012</td>
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<td>Kigongo Ssebalamu</td>
<td>Bukedde Television/Paper</td>
<td>Denied access to Courtroom and session</td>
<td>Entebbe High Court Circuit</td>
<td>Justice Faith Mwonda/ Entebbe DPC Edgar Nyabongo/Zziwa No.32916/</td>
<td>10th/Feb/2012</td>
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<td>Henry Oketch</td>
<td>Radio Simba</td>
<td>Denied access to Courtroom and session</td>
<td>Entebbe</td>
<td>Justice Faith Mwonda/Entebbe</td>
<td>Judiciary/Uganda Police Force</td>
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<td>16th/03/2012</td>
<td>Mulindwa Mukasa</td>
<td>WBS TV</td>
<td>Arrested at news scene/Death threats.</td>
<td>Nabweru in Nansana Town Council, Wakiso district.</td>
<td>Headmistress Mrs. Ddamulira/Managing Director Ronald Ddamulira</td>
<td>Nabweru Parents Primary School</td>
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<td>21st/03/2012</td>
<td>Edward Echwalu</td>
<td>The Observer/Reuters</td>
<td>Physical attack (beating)</td>
<td>Kira Road police in Kampala</td>
<td>Police officers on duty.</td>
<td>Uganda Police Force</td>
<td>21st/ Mar/2012</td>
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<td>21st/03/2012</td>
<td>Anatoli Luswa</td>
<td>Eddo-boozi newspaper</td>
<td>Physical attack (beating)</td>
<td>Central Police station (CPS)</td>
<td>Police officers on duty.</td>
<td>Uganda Police Force</td>
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<td>Name</td>
<td>Publication</td>
<td>Type</td>
<td>Location</td>
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<td>28th/03/2012</td>
<td>Siraje Lubwama</td>
<td>The Observer Newspaper</td>
<td>Physical attack (Beating)</td>
<td>Kampala next to the High Court</td>
<td>Lawrence Niwabinine-The Regional Traffic Commander for Kampala Metropolitan police and others policemen at CPS</td>
<td>Uganda Police Force</td>
<td>28th/03/2012</td>
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<td>28th/03/2012</td>
<td>Joseph Mutebi</td>
<td>Bukedde TV (Vision Group)</td>
<td>Physical attack (Beating)</td>
<td>Kampala next to the High Court</td>
<td>Lawrence Niwabinine-The Regional Traffic Commander for Kampala Metropolitan police and others policemen at CPS</td>
<td>Uganda Police Force</td>
<td>28th/03/2012</td>
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<tr>
<td>Date</td>
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<td>Victim</td>
<td>Name</td>
<td>Organization</td>
<td>Place</td>
<td>Weapons / Actions</td>
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<tr>
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<td>Kampala</td>
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<td>警察</td>
<td>Kanyanya</td>
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<td>物理攻击(Beating)</td>
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<td>Police and army dispersing Besigye supporters.</td>
<td>Lute</td>
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<td>警察</td>
<td>Gayaza road</td>
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<td>物理攻击(Beating)</td>
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<td>Gayaza road</td>
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<td>Police and army dispersing Besigye supporters.</td>
<td>Lugazi</td>
<td>物理攻击(Beating)</td>
<td>警察</td>
<td>Gayaza road</td>
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<td>Lugazi</td>
<td>物理攻击(Beating)</td>
<td>警察</td>
<td>Gayaza road</td>
<td>Police dispersing Besigye supporters.</td>
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<tr>
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<td>Police and army dispersing Besigye supporters.</td>
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<td>物理攻击(Beating)</td>
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<td>Gayaza road</td>
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<td>Police and army dispersing Besigye supporters.</td>
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<td>警察</td>
<td>Gayaza road</td>
<td>Police dispersing Besigye supporters.</td>
<td></td>
</tr>
</tbody>
</table>

**Victims:**
- Hasifah Wanyana
- Ivan Kabale
- Diego Nsubuga
- Emmanuel Ndugga
- Bahati Remmy
- Mubiru Ali
2.5 Follow up of implementation

It is the primary responsibility of the state to implement the recommendations they have accepted and the voluntary pledges they have made as the second review is dependent on the level of implementation of the said recommendations.

Stakeholders are encouraged to play an active role during the follow up phase. Actors are encouraged to be part of the development of a national action plan that will act as a road map to implement the recommendations.

Equally important is the submission by the stakeholders of periodic/ yearly shadow reports to the HRC on the extent of implementation. Stakeholders are encouraged to develop thematic work plans and where possible incorporate the recommendations in to organizational work plans to make informed monitoring of state compliance.

3.0 How FOE actors utilized the UPR mechanism – Field findings

HRC resolution 5/1 provides a framework in which NGOs could engage with the UPR. One of the general principles of the resolution is to ‘ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions,’ in accordance with General assembly resolution 60/251 of 15 March, 2006 and the Economic and Social council resolution 1996/31 of 25 July 1996, as well as any decisions that the council may take in this regard.

This accords NGOs an opportunity to interface with the UPR mechanism. NGOs can submit information which can be added to the “other stakeholders” report which is considered during the review. The technical characteristics stipulated in Resolution 5/1 called for a comprehensive process both in relation to member states and to the rights covered by under the mechanism. The unique feature of the UPR that considered information provided by national human rights institutions and non-governmental organizations makes it an unprecedented system of monitoring compliance with human rights obligations\textsuperscript{10}.

Actors on freedom of expression and information in Uganda have interfaced with the UPR since 2010. As required by HRC res 5/1, they are considered as stakeholders who contribute information to the process. Information they provided was useful to the States taking part in the interactive dialogue.

Over four reports containing information on freedom of expression and information were submitted. The submitting organizations included HRNJ-U, COFI, Article 19 and HURINET-U.
This was after wide spread consultations being done in Uganda among civil society actors that took the form of capacity building initiatives on the UPR. The reports were also validated by various actors which outlined the importance of the mechanism. Equally conducted were advocacy initiatives that were carried on major television and radio stations. It is noted however, that these initiatives were not adequate to close the information gaps.

The discussions during the review at the Working Group meeting were conducted with references being made to all the reports that were submitted including the 10 page stakeholders’ summary to which actors do contribute. Civil society participation is crucial in every phase of the UPR. The UPR can only be successful if it is seen as an ongoing national process with permanent consequences and not as a national obligation.

HRNJ-U as an NGO with the objective to support FOE-I actors engagement with the UPR by suggesting actions and strategies to be carried out in each phase of review, together with HURINET-U, coordinated a number of activities regional and nationally in all the three cycles of the process.

Many actors in Uganda were interfacing with the UPR for the first time. Thus the UPR being a new mechanism not fully known by many stakeholders' in Uganda, this hampered their full participation in the review process. HRNJ-U conducted a study among organizations that were engaged in the UPR mechanism with the aim of determining their level of participation, knowledge of the mechanism and challenges they faced in the review process as NGOs.

The study sought to seek to determine the legal status of the organization, its particulars and the programs or activities that it is involved in. Equally important, to find out was whether the organizations were engaged in human rights monitoring and reporting to international bodies, and whether the organizations knew their roles, and if they think the UPR tackled issues affecting freedom of expression and information and how important were these shadow reports in improving the status and enjoyment of freedom of expressions and information. It also determined the level of government participation in the process and whether considering the recommendations and voluntary pledges made, there was any that has since been implanted.
3.1 Stakeholders` experience;

It was noted from the 25 organizations that were sampled that all were legally operating in Uganda having been registered and issued with an operating license by the National NGO board. Notwithstanding their legal personality, many noted that they were experiencing uneasy times in their work as a result of continued state interference. A number of them have had their organizational security compromised by agents that are considered to be working for the state. This is reinforced by the desire by the state using draconian laws especially the NGO (Amendment) Act which prohibits organizations from accessing rural communities without the express permission from the local authorities.

These organizations were engaged in monitoring and reporting on human rights under various international instruments and mechanisms especially treaty bodies like the CEDAW, CRC, and CAT. Often, they have submitted shadow reports on the situation in Uganda to these treaty bodies highlighting the challenges faced by both rights’ holders and duty bearers in realizing their mandates. At the same time many of the proposals that they forwarded in form of recommendations have not been implemented as many did not make it to the priority list of government.

These organizations, it was found, some partially or fully engaged with Uganda’s UPR process and had submitted reports for consideration at the review under different thematic clusters with succinct recommendations.

3.2 Stakeholders` Voices on engaging with the UPR;

A stakeholder from HRNJ-U was excited by this new UN initiative. He observed, ‘the UPR has come at a time when human rights in Uganda especially media freedoms have been constantly coming under attack. Specifically actors on FOE-I have witnessed continued harassment from especially state actors through malicious prosecution over tramped up charges and the use of draconian laws to intimidate and close down media houses. Thus, the UPR offers an avenue to stakeholders from all the regions in Uganda to unite and bring to the fore front the plight of journalists and issues affecting the enjoyment of freedoms of expression and information in Uganda. It will outlive undemocratic regimes whenever they truthfully implement all the recommendations.’

Another stakeholders saw the UPR as a mechanism that has managed to break the government’s tradition of not reporting timely under its international obligations. ‘That the fact that the state had to submit a report on a specific date, as pressure enough to make it respect its international obligations and highlight what it has done to improve the human rights situation on the ground.’
3.3 Challenges faced by actors while engaging with the UPR

They observed that in their interaction with the UPR process, they experienced a number of challenges throughout the process as listed below;

• They were faced with interacting with the new UN mechanism for the first time with a lot of information gaps and a very short time;
• At the time of the review, Uganda was engaged in the election process that preoccupied most of the stakeholders that the UPR was not a priority area;
• The wide geographical coverage especially in conducting national consultative meetings made the process tedious and expensive;
• The limitation in pages to be submitted i.e. single organizations submitted a 5 page document while coalitions 10 page document, reduced on the issues that were to be reported on;
• Many of the organizations lacked the ECOSOC accreditation to engage especially in the adoption of the country report as only organizations with ECOSOC status can take to the floor and address the HRC;
• The failure by the government to accept many of the recommendations especially on extending and open invitation to all mandate holders was seen as a challenge that the recommendations that had been submitted, whereas they were succinct, they never enjoyed the state`s support and thus demoralizing;
• Many of the legal provisions on freedom of expression that were worth report about were undergoing amendment and thus it was uncertain if the government would appreciate the spirit in which they were made and accept them;

It is also noted that there were areas in which stakeholders` at the follow up level would engage with the UPR process. The follow up process gives civil society various avenues through which they can influence the implementation processes of the UPR recommendations. This opportunity is intended to see to it that the UPR recommendations are implemented to improve the human rights situation on the ground. Not like the treaty body recommendations that are really implemented, the UPR recommendations must be implemented as they form the basis of the next review. Thus civil society at the implementation level can do any of the following:

• Translate the UPR recommendations and disseminate them after the review
• Work with all the agencies of the SUR to realize the implementation of the recommendations
• Coordinate with government in drawing a work plan/ a plan of action to implement the recommendations which CSOs can use in monitoring implementation
• Identify which recommendations your organization can address and how especially you can engage the state in addressing those that were rejected during the review
• Promote de-briefing & consultations with the other CSOs and state actors on plans of Implementation of the recommendations
• Report back to the HRC on the implementation process through submitting yearly periodic reports
• Commence activities for the next review through collecting information and submitting on the extent of implementation of action plans
3.4 Cluster summary of issues considered for review

It`s argued that political dissent amounts to a form of expression in disagreement with the status quo. The Human Rights Council has decided at the panel discussion on freedom of expression that the right extends to protests against the political establishment. Actors on freedom of expression and information did submit information on the status of freedoms of speech, expression, media rights, information, together with the freedoms of association, and assembly.

1. Concerns were raised over the continued enforcement of obsolete laws by the security agencies. The constitutional court\textsuperscript{11} ruled that section 32 (2) of the police act which requires persons in Uganda to get permission from the police before they demonstrate, was contrary to Article 29 of the 1995 Constitution of Uganda, however security agencies notably the police has continuously enforced the Public Order management Bill with the aim to reverse the court ruling. The enforcement of such law is contrary to the right to assemble and associate. Continuous government blockade of various political parties from assembling and demonstrating. The police oftentimes uses excessive force to quell riots resulting into grave violations of human rights in violation of international human rights standards.

2. Provisions of the NGO Registration (Amendment) Act are considered to be draconian. The Act aims at controlling the operating environment for NGOs thus controlling instead of regulating. This Law has a great effect on freedom of association in Uganda generally.

3. Freedom of expression and more particularly freedom of the media is progressively being eroded through draconian laws. The press and journalists (amendment) Bill 2010, seeks to increase state control over media houses through setting up regulatory mechanisms which aim at muzzling the operation of print media in Uganda and the Electronic Media Act directly affect press freedom. Several provisions of the penal code such as criminal libel, promotion of sectarianism, unlawful publications, false news and deformation limit free media in Uganda. In 2009 Uganda witnessed arbitrary close down of media houses considered to be anti government, 4 radio stations were closed, the state ordered for the dismissal of several journalists considered critical to the state. Resident District Commissioners (RDCs) in many parts of the country have forced media houses not to host opposition leaders.

4. Actors commended the state for enacting the access to information Act which came into force in 2005 to give effect to Article 41 of the Constitution. However, they recognize that there still exist impediments to citizens accessing the sought information as the state has failed to pass the regulations that were meant to operationalize the Act.

\textsuperscript{11} Muwanga Kivumbi vs. The Attorney General of Uganda (Constitutional Petition No. 9/05)
5. The State and its agencies have continued to threaten HRDs. Such threats to HRDs have been in form of direct attacks on the individual, family, business or friends, threat to close business interests, actual closure of such interest, arbitrary arrests and detention, and torture. HRDs have been associated with political opposition and rebel groups as an attempt to discredit them.

3.5 Cluster summary of recommendations

At the submission of information to the OHCHR for consideration during the review, stakeholders are required to include succinct recommendations that may be proposed to the state under review. It is argued that these recommendations if accepted by the state and implemented under a national action plan for human rights, will attain legitimacy because they emanate from the grass roots through CSOs consultations. Recommendations accepted at the UPR enjoy the support of the state, which is thereby tasked with implementation. These recommendations have the political support for follow-through is a strength here and it is reasonable to hope for the progress on them. Thus in the reports that were submitted, a number of recommendations were made to which include among others;

- The government of Uganda should withdraw the proposed amendment to the Press and Journalist Act since these constitute additional threats to media freedom in Uganda.
- All state agencies should respect freedom of speech and withdraw the closure of open space debates.
- GoU, Civil Society Organizations and the Media should work together to develop self-regulatory systems for the media industry to promote a free and profession media in Uganda.
- Parliament of Uganda should Repeal and amend laws that are inconsistent with media freedom.
- GoU should extend and open invitation to all special rapportuers to facilitate their visits in the country.
- GoU set up a body to monitor the implementation of the Access to information act and/or Give the Uganda Human rights Commission the mandate to monitor the implementation and enforcement of the Act in the alternative.
- GoU should amend all such laws that are in conflict with the access to information Act to give the Act effect.
- GoU should create and facilitate an enabling environment for the operation of human rights defenders to operate freely.
- GoU should investigate and hold accountable officers who attack human rights defenders.

12 Commonwealth Secretariat (2011); Universal Periodic Review Lessons, Hopes and Expectations
3.6 Importance of the UPR to FOE-I actors

- The UPR is and continues to offer an opportunity for Uganda to declare what actions it has taken to improve the enjoyment of freedoms of expression and information and to overcome challenges the limit their enjoyment.
- The UPR includes the sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists. Thus, it offers the exchange of best practices and ideas on human rights among countries.
- The UPR is designed to prompt, support, and expand the promotion and protection of human rights on the ground. This is due to the fact that annual periodic reports highlighting the human rights situation and the level of implementation of the UPR recommendations.
- It aims at helping Uganda in assessing human rights including media rights records and addressing violations whenever they occur.
- It aims at providing technical assistance to Uganda and enhancing its capacity to effectively deal with human rights challenges and to share best practices in the field of human rights among states and stakeholders.

3.7 Challenges faced by stakeholders in the review process

- Timing and predictability of the consultation process as it was over taken/shadowed by events in Uganda, for example, national and regional consultations coincided with the presidential and parliamentary elections 2011.
- Limit of pages of the report which affected its content (5 page report by individual CSO). This comes from the backdrop that there were many documented human rights abuses that had been meted on FOE-I actors in Uganda. That notwithstanding, the reporting period was limited to only four year to the review and also to a few pages thus leading to submission of little evidence.
- Throughout the process, actors faced strong resilience from the government. This was especially manifested in the many draconian laws and proposed Bills that were introduced by the government with the aim of controlling the media and freedom of expression and information in Uganda. High on the list was the Press and Journalist Act of 2010, the interception of communication Act 2010, the Anti Terrorism (Amendment)Act;
- Actors throughout the process continued to face intimidation, and sometimes individual violence meted by state agencies. Many at the time of the review were still facing criminal charges in the various courts while others were holed in jail or on the run on trumped up charges including sectarianism, criminal libel, publication of false news, among others notwithstanding that the constitutional court had long ruled that these charges were unconstitutional;
- The ever narrowing operating space for stakeholders in Uganda and the east African region. Many actors feared engaging with the initiative for security of person and business interests. Many actors believed that the various state agencies were not pleased with stakeholders making scrutiny reports to the OHCHR and thus this affected their
meaningful engagement;

- The universal periodic review is essentially a new mechanism on the international human rights scene. It is argued by many actors that little time was given for everyone to first appreciate it before it commences in application. Thus, this came with voluminous information and practices not known in the world of human rights before and thus, instead caused more confusion among state parties and stakeholders. For the first time the UN had a mechanism that emphasized all parties to work together - this was never before! This, thus, was received with suspicion in many of the different forums stakeholders held with the government.

- In the wake of the review, there was growing and unabated impunity by many state actors especially after the highly disputed general elections. This high level of impunity conducted by state actors with the failure by the state to reign over perpetrators of human rights abuses especially during the ‘Walk to Work’ protests that saw many individual journalists beaten by police officers, their gadgets confiscated and prohibited from accessing certain areas was facilitative in delimiting the enjoyment of freedom of expression.

- Discrepancies between the reality and what the SUR reported and how to deal with them. The national report was often not realistic to the existing trends in the country. Whereas the state emphasized on the existing legal framework it was considered that it too had many loopholes especially regarding the many draconian laws that prohibited, instead of facilitating the enjoyment of media freedoms.

3.8 Follow up modalities

One of the tenets of the UPR is the emphasis of the state’s primary duty to implement the recommendations of the UPR including the voluntary pledge made by the state at the review. Stakeholders’ have a big role to play and this role should be recognized and actively engage or be involved in the development of the national action plan.

3.9 What steps are taken as follow up to the review?

- Stakeholders are encouraged to link the UPR recommendations to their organizational strategic plans in order to made continued monitoring and interventions smooth;
- Stakeholders are also encouraged to develop individual action plan or in concert with the state. This aims at making innovative interventions and developing strategic partnerships with particular state agencies whose role would be to implement the said recommendations;
- Through making linkages with regional, national and community based organizations, stakeholders may translate the recommendations and help in raising awareness of the UPR recommendations regarding the states’ commitments;
- Stakeholders should endeavor to make and publish periodic reports to the HRC on the status of implementation of the UPR recommendations and also linking treaty body recommendations with UPR implementation;
3.10 The making of a cluster action plan

The State has the primary responsibility to implement the recommendations contained in the final outcomes report. The UPR ensures that all countries are accountable to progress or failure in implementing these recommendations. When time comes for the second review of a State, they must provide information on what they have been doing to implement the recommendations made during the 1st review, four year’s earlier. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with the country concerned. If necessary, the Council will address cases where States are not cooperating. Noted, however, is that stakeholders are encouraged to develop organizational or coalitional action plans. These action plans may aim at monitoring the state compliance on the recommendations. The action plans often have the themes; i.e. issues for consideration, the form of intervention by the agency under the state; the varying timelines needed in seeing that the said intervention is to be implemented in time and the role of stakeholders in the process.
### 4.0 Action Plan for UPR thematic cluster Follow-Up and Implementation – FOE-I

<table>
<thead>
<tr>
<th>Theme</th>
<th>Recommendations</th>
<th>Challenge (s)</th>
<th>Key Implementers</th>
<th>Timeline</th>
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</thead>
<tbody>
<tr>
<td><strong>National Human Rights Institution/ Promotion of Human Rights</strong></td>
<td>Put in Place National Plan of Action (NAP) for the implementation of UPR recommendations.</td>
<td>-Agreement on Home for NAP -Financial &amp; Human Resources - Getting national consensus on ownership of NAP</td>
<td>-Inter Departmental Committee at National and District level, -Individual institutions(UHRC, MoJ&amp;CA, NGOs</td>
<td>Immediate &amp; Continuous</td>
</tr>
<tr>
<td><strong>Legal framework</strong></td>
<td>Amend or repeal all draconian laws that are contrary to FOE &amp; I</td>
<td>lack of political will to promote media freedoms</td>
<td>MoFA, MoJ&amp;CA parliament, UHRC</td>
<td>On going</td>
</tr>
<tr>
<td><strong>Special Rapportuer</strong></td>
<td>Extend an invitation to the special rapportuer of freedom of expression</td>
<td>recommendation was rejected and government observed that all mandate holders will be considered on a case by case basis</td>
<td>MOFA, UHRC, OHCHR; HRNJ-Uganda Thematic cluster</td>
<td>2013</td>
</tr>
<tr>
<td><strong>State forces</strong></td>
<td>Prosecute all perpetrators of media freedoms sensitise security forces on human rights especially media freedoms</td>
<td>Lack of political will to curb perpetrators</td>
<td>Police Parliament Media Council Broadcasting Council HRNJ-Uganda</td>
<td>On going</td>
</tr>
<tr>
<td><strong>Security of Journalists</strong></td>
<td>Develop a security plan for the thematic cluster members and all journalists in Uganda Streamline the provision of legal aid to all journalists facing tramped up charges Investigate and prosecute actors who perpetuate impunity</td>
<td>Lack of political will to investigate and prosecute perpetrators Media owners have not invested in protective gears for their employees</td>
<td>Media Council Police Army Thematic cluster HRNJ-Uganda</td>
<td>On going</td>
</tr>
<tr>
<td><strong>Periodic Report</strong></td>
<td>Submit annual reports on the status of implementation of the UPR recommendations on FOE-I</td>
<td>Failure by the state to implement any recommendations</td>
<td>HRNJ-Uganda Thematic cluster MOFA</td>
<td>Annually</td>
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</table>
4.1 The role of the media under the UPR

The media can play an effective role in the UPR process. As stakeholders, actors under freedom of expression and information are expected to be part of the entire UPR process together and in support of other stakeholders. The media can play among others the following roles;

- The media plays an important role in the promotion and protection of human rights. By highlighting and educating the public about human rights and the UPR;
- The media is an effective medium to expose human rights violations when they occur and call upon the authorities to address all violations that have been brought to their attention;
- Plays the role of dissemination of human rights information. Through dissemination drives and providing information platforms to the public about the various human rights mechanisms like the UPR;
- Emancipates citizens through providing human rights education and information;
- Act as a link between local CSOs to international media under the UPR framework;
- Lobby other members of the HRC on specific priority issues where there is no committal and ask them to engage the state through highlighting the reports;
- Ask the state to provide additional information and elaborate on key issues that are not conclusive in its report e.g. reports on prohibition of assembly, media freedoms, etc;
- Relay updates on the process during the review and adoption processes by engaging in live web casting or telecasting UPR events;
- Influence the State to take the UPR as a priority mechanism to address human rights issues through constantly highlighting these concerns and demanding action;
- Support CSO to engage with the review and after the review process of the UPR, follow up by constantly or periodically providing advocacy platforms for actors to brief the public on the process;

4.2 Recommendations

The relationship between the UN states that make up the HRC and the role of diplomacy at the various human rights mechanisms has rendered the UPR a system that will entrench the old human rights system into the new UPR mechanism. Many NGOs/ stakeholders are yet to fully appreciate the mechanism. The interplay between international politics and diplomacy has made the UPR vulnerable to hijack especially by countries that are anti reform or which consistently violate human rights. Many have built strategies to fail constructive criticism. Many countries give positive remarks to fellow peers even in the face of highly manifested human rights abuses that are highlighted in the review documents.

HRNJ-U thus recommends the following for future meaningful engagements by
For future reviews, government should make the process more meaningful and engaging in future reviews. This can be achieved through undertaking collective national consultations and in the development of a national action plan;

For timely and meaningful follow up, the government should set up a standing committee on Human Rights in parliament that will regularly debate and scrutinize the UHRC annual reports in order to make prompt interventions;

In the implementation of the HRC recommendations, especially on extending an open invitation to the special rapporteur on freedom of expression. This aims at seeking urgent action points and technical support in improving the situation of media freedoms in Uganda;

In the course of implementation the recommendations, government should aim at protecting and promoting media freedoms including ensuring the safety of individual journalists that have often fallen victims of tramped up charges, individual assaults and hold perpetrators accountable;

The state should review and amend all draconian laws that are inconsistent with Article 29 and 41 of the constitution and its international obligations. The state has of late been using the legal framework to control instead of facilitating the enjoyment of media freedoms;

Government should ensure and guarantee the independence and integrity of all state media and give equal access to all Ugandans while protecting the individual journalists working in these institutions;
4.3 Annexes

About HRNJ-Uganda
Human Rights Network for Journalists- Uganda (HRNJ-U) is a network of human rights journalists in Uganda working towards enhancing the promotion, protection and respect of human rights through defending and building capacities of journalists to effectively exercise their constitutional rights and fundamental freedoms for collective campaigning through the media.

We research, monitor and document attacks and threats aimed at journalists as well as abuses of press freedoms in Uganda. We endeavor to offer legal support to journalists who are in need of these services in course of their work.

HRNJ-U does provide medical and psycho-social support to media practitioners injured in the course of their duty. HRNJ-U also trains and educates journalists on various thematic issues in order to enhance their competence and capacities on human rights and good governance.
5.0 FOE-I UPR reports -HRNJ-Uganda;

5.1 Introduction:

Human Rights Network for Journalists-Uganda (HRNJ-Uganda) is a membership Non-Profit making organization founded in 2006 by 11 dedicated journalists to address increasing human rights abuses and violations facing journalists in Uganda. At the time, several journalists were faced with state orchestrated violations and the scale of social injustices was on the rise. The widespread outcry propelled the birth of the initiative.

The HRNJ-Uganda’s main activity is defending press freedom and freedom of expression and information in Uganda. Currently, HRNJ-Uganda is recognized under Uganda law and its mandate is among others; Litigation, Capacity building and Outreach, Advocacy and Networking and Institutional Development. HRNJ-Uganda’s membership stands at 230 organizations and individuals. It is also a member to several International and national human rights bodies such as; International Freedom of eXpression (IFEX) at the International level and the Ugandan Coalition on Freedom of Information (COFI), Citizen’s Coalition for Electoral Democracy (CCEDU), locally.

This report highlights numerous excesses committed by the state on journalists and several other human rights abuses. It underscores the failure by the Government of Uganda to comply with its obligations to protect, promote and uphold the rights of Journalists and media freedoms. These include; Limitation of Freedom through Defamation Laws; Restrictive Legislation of the Media; Lack of Independence and Pluralism of the Media and safety and security of Journalists.

5.2 Safety and Security of Journalists

The safety and security of journalists in Uganda remains frail with many murdered, subjected to arbitrary arrests and torture, intimidation and harassment, among other untold suffering at the hands of the authorities. According to HRNJ press index report; there is an increase in cases of violence meted against journalists as indicated by demographics here to:

In 2009, 35 cases of violence were reported and over 50 cases in 2010.

1. On September 10, 2009, a renowned journalist Mr. Kalundi Sserumaga was kidnapped by security operatives at night after attending a talk show on WBS TV and was tortured at an un-gazzetted center in Kireka. Arafat Nzito of Simba FM 97.3 on November 3, 2010 was also kidnapped by security personnel, kept incommunicado for eight days at Kololo under the orders of the Chieftaincy of Military Intelligence (CMI). He was released upon filing a habeas- Corpus in court while Patrick Otim, who worked with a government owned Mega FM, based in Gulu, was kidnapped from his residence in Pader and held incommunicado for six (6) weeks in May, 2009. He
was taken to court after filing a habeas corpus charged with treason and concealment to treason and was committed to the high court for trial – he still languishes in prison without court hearing.

2. The period under review has seen several journalists murdered with killers still at large. They include:

- Wilbroad Kasujja, a journalist for Buwama community radio in the Mpigi district. She was raped and killed on her way to work.
- Paul Kiggundu, a reporter with Masaka-based Top radio, was murdered while on duty.
- Prime radio, news anchor Dickson Ssentongo was murdered on his way to work.

3. In 2008, government established the Media Offences Department within the Uganda Police Force to monitor media output on a daily basis. The department interrogates activists, supporters of the opposition political parties, journalists and media managers or owners over releases from their media houses, majority of the victims have kept reporting to police for years with no resolution. These include: Timothy Kalyegira, Daniel Kalinaki, Angello Izama and Henry Ochieng (Daily Monitor).

4. Journalists face criminal charges including criminal defamation, sedition (despite being nullified by the constitutional court), treason, forgery and uttering false documents, promoting sectarianism, and publishing false news. These journalists include: Andrew Mwenda, Richard Tumusiime, Charles Bichachi, Otim Patrick, Daniel Kalinaki, James Tumusiime and John Njoroge, among others.

5. On March 24, 2010, Bukedde Photo Journalist Moses Lemisa was admitted in hospital after being assaulted by the Presidential Guard Brigade (PGB), after he took pictures of people killed by the presidential guard just before the president visited the razed national monument, the Kasubi tombs in September 2009. Police in Lira Northern Uganda, arrested Voice of Lira presenters for hosting president of Uganda People’s Congress (UPC) Olara Otunnu. Patrick Ronex Akena and Joe Orech were accused of hosting Dr. Olara who claimed on air that the NRM was solely responsible for the 20 year war in Northern Uganda. The Broadcasting Council later ordered radio management to suspend the two journalists. October 1, 2010, the police interrogated Richard Mivule of Radio Two (Akaboozi) for over five hours for inciting violence during the September 2009 riots when he hosted Opposition MP for Kampala Central, Erias Lukwago.

5.3 Limits on Freedom of Expression through Defamation Laws

Nonetheless, several journalists and activists still face sedition charges even though the court found this law in contravention of Article 29 of the Ugandan Constitution, which guarantees freedom of expression, opinion, and conscience. The court nullified section 39 and 40 of the Penal Code, Cap 120 which defined and established the law on sedition. However, such recommendations have not been implemented. Individuals charged under the nullified law include: Andrew Mwenda, Charles Bichachi, Siraje Lubwama, John Njoroge and Musa Kigongo.

7. Section 41 of the Penal Code of Uganda (Cap. 120), under the guise of preventing incitement to tribal segregation, criminalizes speech and effectively bars the media and the public from questioning the imbalance in distribution of national resources. The law contravenes Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights, to which Uganda is a party. Victims of this law include; Opposition Presidential Candidate under the Uganda Federal Alliance (UFA) Ms. Betty Kamya, MP Betty Nambooze, MP Semujju Ibrahim Nganda, the former Political Editor of the Observer Newspaper and his managing editor James Tumusiime.

8. Penal Code section 179 establishes charges of criminal libel for releasing defamatory stories. Despite efforts across the world to abolish such criminal defamation rules, the law stands in Uganda and has resulted in self censorship for most private individuals and journalists. Henry Ochieng, political editor of Daily Monitor and Angello Izama, a former journalist with the same paper, were charged with criminal libel at the Makindye Chief Magistrates Court over an article the state claims defamed President Museveni. Individuals like Radio One’s former talk-show host Kalundi Robert Sserumaga was denied serving in private owned radios and print media by Government. There are several other journalists who have lost their jobs under duress.

5.4 Restrictive Legislation on media

9. Uganda has a number of restrictive laws that have made it difficult for media owners, journalists, human rights activists and the public to enjoy fundamental media freedoms;

10. Under the Electronic Media Act, Cap 104 of 1996, the Broadcasting Council enjoys unprecedented powers of regulating media content. On several occasions the institution has abused its powers by closing down media houses, ban public debates and order the sacking of critical journalists. As witnessed in September 2009, the Broadcasting Council arbitrarily closed down five (5) private radio stations namely: Central Broadcasting Service (CBS) 88.8FM and 89.2FM, Radio 2 (Akaboozi FM), a Catholic Church run FM station Sapientia, and Suubi FM.
11. The Press and Journalists Amendment Bill 2010, that is under cabinet scrutiny seeks to control media outlets. The law gained momentum in the wake of the September 2009 riots that saw several media houses shut down.

12. The Public Order Management Bill, 2009 challenges the enjoyment of freedom of expression, speech, and assembly which are fundamental freedoms and human rights guaranteed by the 1995 Constitution and in several regional and international human rights instruments, such as the African Charter on Human & Peoples Rights, the International Covenant on Civil & Political Rights, and the Universal Declaration of Human Rights. The proposed Bill Seeks to reintroduce the provisions of the Police Act, Cap 303 which were nullified by the Constitutional Court in the case of Muwanga Kivumbi vs. The Attorney General of Uganda (Constitutional Petition No. 9/05); Is contrary to Article 92 of the 1995 Constitution of Uganda, which prohibits the enactment of legislation designed to defeat or overturn a judicial ruling; Grants the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary and unjustifiable powers over the management of public meetings, Places extensive and impractical obligations on the organizers of public meetings, which are impossible to satisfy, and 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.

13. In 2010, Government passed the Interception of Communications Act. The law permits the Minister of Security to tap all forms of communication in the country. The law violates the right to privacy as enshrined in the 1995 Constitution and other treaties (IICPR, UDHR). It grants overreaching powers to the Minister of Security who is the government official charged with providing oversight for its enforcement and effecting penalties for any breaches as opposed to courts of law.

14. The 1958 Secrecy Act bars public officials from releasing classified information of government. However, this contradicts the 2005 Access to Information Act (ATIA) which provides for free and easy access of information from public bodies. The continued existence of the conflicting Secrecy Act has enabled some officials of government to deliberately classify information demanded for by public members thus contravening the ATIA Act and Article 41 of the Ugandan Constitution.

5.5 Lack of Independence and Pluralism of Media

15. Restrictive Media regulations and other occasional repressive tendencies of government continue to affect media operations. Media practitioners operate under tension and wide-spread self-censorship conditions.
16. Media regulation bodies are operating under oversight by the Cabinet Ministers of Security, Information, and ICT. These ministers have assumed and applied excessive powers in controlling these institutions which are supposed to be independent from government. Regulatory bodies too in turn have imposed stringent controls over media houses to the extent of directing recruitments, interfering with the media contents to suit interests of the government. The regulatory bodies have disregarded the enforcement of license regulations on the side of pro-government owned media. A number of incidents denying opposition political supporters access to media platforms have been reported and there’s never been an intervention from the Broadcasting Council like in the case of Bunyoro region in 2010 during presidential and parliamentary campaigns on Radio Kitara, Spice FM, Radio Hoima, Kings Radio and Bunyoro Broadcasting Service radios, and in Nakaseke district community radio, where Dr. Kiiza Besigye paid for airtime but was locked out of the radio building by staff and the premises were cordoned off by anti-riot police.

17. In the aftermath of the September 2009 riots, government affected new media control measures. But this was done at the expense of the critical media that had grown to unprecedented levels as required in a free, democratic and open society. The closure of the media houses has caused a resurgence of the state monopolized media environment.

18. In addition, critical journalists, or those who provide a platform for voices of opposition parties are facing censorship, threats and detention. Journalist James Kasirivu was suspended in December 2010 by the Mbarara-based Edigito Radio for reporting on an opinion poll that suggested a clear victory for the FDC presidential candidate Dr. Kiiza Besigye. Mustapha Mugisa and Samuel Ssejjaaka, the chief executive officer and editor of the “Summit Business Review” magazine, respectively were arrested on 11 January 2011 by security operatives and detained by police in relation to their publication of a cartoon of President Museveni on the magazine cover.
Recommendations:

1. All laws that criminalise freedom of speech must be repealed.
2. New and amendment bills that contravene the Constitution and international treaties should be stayed.
3. Government should quickly investigate attacks against journalists and prosecute their attackers.
4. Government should stop interfering with the work of regulatory bodies and support self-regulation by the media.
5. Review the system of media regulation and repeal all provisions that interfere with freedom of the media, and create as well as maintain an environment in which the media can operate freely and independent from political interference.
6. Government should implement the decision by the Constitutional Court overturning the sedition provision and should immediately dismiss all sedition charges against journalists and politicians.
7. All suspects who are on committal and in prison should have their cases heard expeditiously.
8. Investigations of murdered journalists should be made public and those involved brought to justice.
7.0 COFI & A19 reports to the OHCHR for consideration at the review

REPUBLIC OF UGANDA

ARTICLE 19 AND COALITION FOR THE FREEDOM OF INFORMATION (COFI) SUBMISSION TO THE OFFICE OF THE HIGHER COMMISSIONER FOR HUMAN RIGHTS ON THE OCCASION OF THE UNIVERSAL PERIODIC REVIEW FOR UGANDA

7.1 Introduction

1. The submission is a result of participatory meetings with stakeholders, Civil Society and media agencies and it focuses on Uganda’s compliance with its international human rights obligations with regard to the freedom of expression and information in the period of 2007-2011.

2. ARTICLE 19 together with the Coalition on Freedom of Information (COFI) brought together organizations and individuals that promote the right of access to information and freedom of expression in Uganda in the frame work of Article 41 of the 1995 Constitution and the Access to Information Act, 2005. The Coalition currently has a membership of 87, and a working group made up of seven organizations.

7.2 Freedom of Information

3. The Access to Information Act, 2005 (herein after referred to as “ATIA”) was enacted to operationalize Article 41 of the Constitution of Uganda which guarantees citizens’ right to information held by state bodies on behalf of citizens. This guarantees the right of access to information to all citizens and applies to all information and records in possession of government agencies. However, a number of issues show the inherent lack of commitment by ensuring that citizens enjoy this right.

7.3 Compilation of functions and index of records of public bodies

4. Section 7 of the Act requires information officers to compile and disseminate a manual of functions and index of records. Six years after the passing of the law, only seven out of 21 government ministries have come up with the required manuals.

7.4 Annual Reports to Parliament

5. Section 43 of the Act requires each minister to report to Parliament on the implementation
of the Act and where information requests are denied, to explain circumstances for such denial. No minister in the country has ever reported to Parliament in compliance with this requirement of the law.

7.5 Regulations

6. The Minister responsible for information is under Section 47 of the Information Act required to develop and issue statutory regulations to govern the implementation of the Access to Information Act. To date this instrument is not in place and thus has greatly retarded the implementation process.

7.6 Wide Scope of exemptions

7. Besides lack of implementation, stakeholders are also concerned about the wide scope of exemptions provided for under article 41 of the Constitution. The categories of information that an officer may refuse or grant under section 27, 29, 30, 32, and 33 of the Access to Information Act are numerous and in many cases ambiguous. This kind of ambiguity causes the state to over play the state security and confidentiality card thus denying the citizens information. A case in reference is that of the two Daily Monitor journalists who were denied access to oil production sharing agreements between the government and the oil production companies arguing that the contracts contained confidentiality clauses.

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7.8 Lack of clear internal complaints mechanisms

8. In spite of the relevance the FOI law, the complaints and appeals mechanism under section 37, 38, and 39 of the ATIA 14 is tedious. An information requestor has to go through the long court procedures in cases where access to information has been denied, and in the case of media practitioners’ information ceases to be relevant if not provided in a timely manner. The existing provisions on appeal that provide for courts of law to intervene have not been effective due to the citizen’s lack of access to courts, cost of lodging appeals in courts and the many information gaps that exist as the Government is yet to create awareness on the relevance of the Act.

13 Charles Mwanguhya Mpagi and Izama Angelo V Attorney General Miscellaneous Case No. 751 of 2009

14 Section 38 of the ATIA, 2005 : The chief Magistrate’s decision may also be appealed to the high court within 21 days in case of dissatisfaction
7.9 Laws in conflict with FREEDOM OF INFORMATION

9. The realization of the freedom of information in Uganda is frustrated by the existence of archaic laws in the statute books that inhibit access to information. One of such laws is the Official Secrets Act that makes it an offense to “obtain, collect, record, publish or communicate in whatever manner to any person” what is deemed to be an official secret as vaguely interpreted by the government.

7.10 Limited access to information for People with Disability (PWDs)

10. Despite the fact that section 20(6) of the Access to information Act, 2005 and other enabling laws provide for persons with a disability to request for information in an alternative format, the government has not put in place mechanisms for PWDS to the access information in the required form. For instance persons with visual impairment cannot receive information in Braille form from most public offices in the country.

7.11 Freedom of expression

7.12 Limits on Freedom of Expression

11. Despite the nullification of the sedition law by the Constitutional Court on August 25th 2010, a number of journalists, human rights defenders and political activities are still facing charges under this law. The court nullified section 39 and 40 of the Penal Code, Cap 120 which defines and establish the law on sedition. However, court decisions have not been implemented. Currently, many individuals are still facing charges under the nullified law including; Andrew Mwenda, Charles Bichachi, Siraje Lubwama, John Njoroge and Musa Kigongo. In addition, opposition politicians including Democratic Party (DP)’s Betty Nambooze, Uganda People’s Congress (UPC)’s Robert Kanusu face similar charges.

12. Section 41 of the Penal Code Act (Cap. 120) prohibits members of the public and the media from discussing the ills in society and governance accountability issues. This section of the law has causing fear in the general public and self-censorship among individuals and journalists who attempt to unravel the truth behind the dominant tribal political class that has emerged under the National Resistance Movement (NRM) regime. Individuals including; Opposition presidential candidate under the Uganda Federal Alliance (UFA) Ms. Betty Kamya, MP Betty Nambooze, Semujju Ibrahim Nganda former Political Editor of the Observer Newspaper and James Tumusiime the

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16 Official secrets Act, Cap. 311
Managing Editor of the Observer Newspaper have pending court cases under this law until today.

13. The Penal Code section 179 establishes charges of criminal libel for releasing defamatory stories. A number of journalists face court cases courtesy of this law. Henry Ochieng, Monitor’s political editor and Angello Izama, a former journalist with the paper, were charged with criminal libel at the Makindye Chief Magistrates Court over an article the state claims defamed president Museveni.

7.13 Restrictive Legislation

14. Uganda has a number of restrictive laws that have made it difficult for media owners, journalists, human rights activists and the public to enjoy fundamental freedoms; Under the Electronic Media Act, Cap 104 of 1996, the Broadcasting Council enjoys unprecedented powers of regulating media content. On several occasions the institution has misused such powers to close down media houses, ban public debates and order the sacking of journalists who are critical of the government. For example, in September 2009, the Broadcasting Council excessively and arbitrarily closed down five (5) private radio stations after the Buganda riots after the Kabaka of Buganda, was blocked from visiting Kayunga, a region in his territory.

15. There is concern about the narrowing space for non-governmental organizations operations as stimulated by the NGO Amendment Act, 2006 which is used by the state to limit their freedom of association contrary to article 29(1) (e) of the constitution and the enjoyment of autonomy in pursuit of their declared objectives stipulated by Principles II (IV) of the National Objectives and Directive Principles of state Policy. Regulation 12 (a) of the NGO Registration Amendment Act, 2006 requires an NGO to give “seven days notice in writing” of its intention “to make any direct contact with people in any rural area of Uganda”. The Act gives powers to 10 government officials who constitute the board to monitor NGO functions and makes registration and filing of returns mandatory. Additionally, persons working in an organisation are held liable for the offenses of the organisation.

16. The Press and Journalists Amendment Bill 2010, that awaits Cabinet approval seeks to effect overzealous control on media outlets in Uganda. The law gained momentum in the awake of the September 2009 riots that saw several media houses shut down. The government moved to amend the 1995 law as a response mechanism to the growing media strength and power in the country.

17. The Public Order Management Bill, 2009 poses serious challenges to enjoyment of freedom of expression, speech, and assembly which are fundamental freedoms and human rights. The proposed Bill raises grave concerns about the situation of human rights and the rule of law in Uganda insofar as it; Seeks to reintroduce the provisions of the Police Act, Cap 303 which were nullified by the Constitutional Court in the case of
Muwanga Kivumbi vs. The Attorney General of Uganda (Constitutional Petition No. 9/05); Is contrary to Article 92 of the 1995 Constitution of Uganda, which prohibits the enactment of legislation designed to defeat or overturn a judicial ruling; the Bill grants the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary and unjustifiable powers over the management of public meetings, and places numerous extensive and impractical obligations on the organizers of public meetings, which are impossible to satisfy, and 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.

Our concern is that whereas the Public Order Management Bill is not yet passed into law, the Police is already applying certain sections of the bill to clamp down demonstrators as was seen during the elections in February, 2011.

18. Government passed the Interception of Communications Act in 2010, which violates the right to privacy as enshrined in the 1995 Constitution and other internationally treaties Uganda is party to. The Act, grants overstated powers to the Minister in charge of Security who is expected to provide oversight for its enforcement and effecting penalties for any breaches as opposed to courts of law. The challenge here is that the minister is already a member of the Government and could selectively enforce the law to please the Government as opposed to its neutral application.

7.14 Lack of Independence and Pluralism of Media

19. Restrictive Media regulations and other occasional repressive tendencies by government continue to affect media operations in a manner that limits media pluralism. Media practitioners operate under tension and widespread self-censorship conditions due to draconian laws, arbitrary arrests, and detention, and police harassment especially the private media outlets.

20. Opposition political party members are often denied the opportunity to participate in media debates even when such spaces are paid for. The case in point is FDC leader Dr. Kiiza Besigye who has faced numerous obstacles accessing the media. In addition, journalists writing and broadcasting stories perceived to be critical of the government or those who provide a platform for voices of opposition parties face censorship, threats and arrest. James Kasirivu was suspended in December 2010 by the Mbarara-based Edigito Radio for reporting on an opinion poll that suggested a clear victory for the FDC presidential candidate Dr. Kiiza Besigye. Mustapha Mugisa and Samuel Sseijaaka, respectively the chief executive officer and editor of the “Summit Business Review” magazine, were arrested on 11 January, 2011 by security operatives and detained by police in relation to their publication of a cartoon image of President Museveni.
7.15 Harassment and intimidation of Journalists

21. The government in 2008 established the Media Offences Department within the Uganda Police Force to monitor the media on a daily basis and prefer charges against journalists or people voicing divergent views on national issues. This is another example of how the government has placed limitations on the media by regulating freedom of expression, right to opinion and conscience. The department keeps on interrogating activists, opposition political parties’ supporters and media practitioners in relation to stories which have continuously infringed on freedom of expression. A majority of the victims (journalists) have been perpetually kept at reporting to police for years. These include; Timothy Kalyegira who has reported to police more than 15 times, Angello Izama and Henry Ochieng both have reported more than seven (7) times, among others, within the reporting period.

22. The number of journalists facing criminal charges has significantly increased with charges that range from criminal defamation, sedition, treason, forgery and uttering false statements, promoting sectarianism, to publishing false news. Victims include; Andrew Mwenda, Richard Tumusiime, Charles Bichachi, Otim Patrick, Daniel Kalinaki, James Tumusiime and John Njoroge, among others.

23. A number of cases on recurring assaults on journalists have been noted. On March 24, 2010, Bukedde Photo Journalist Moses Lemisa was admitted in hospital after being attacked by the Presidential Guard Brigade (PGB). He continued to receive intimidating calls from members of the suspected brigade after he took pictures of people killed by the presidential guard just before President Yoweri Museveni visited Kasubi tombs site in September 2009. Police in Lira Northern Uganda, arrested Voice of Lira presenters for hosting opposition Uganda People’s Congress (UPC) president Olara Otunnu, Patrick Ronex Akena, and Joe Orech were accused of hosting Dr. Olara who claimed on air that the National Resistance Movement was solely responsible for the 20 year war in Northern Uganda. The police have occasionally interrogated journalists on orders of the Broadcasting Council that has seen two journalists summoned by the police on the 1st October, 2010. A journalist from, Radio Two (Akaboozi) Richard Mivule was summoned to the police for interrogation for over five hours for inciting violence during the September 2009 riots when he hosted Opposition Member of Parliament for Kampala Central Erias Lukwago.

24. The government banned open air talk shows commonly referred to as “Bimeza”- an action that infringed on people’s enjoyment of the freedom of expression, opinion, conscious, and citizen participation in governance and accountability in 2009.
7.16 Recommendations for Freedom of Information (FOI)

1. The Government should actively implement the existing Access to Information Act by practicing pro-active information disclosure.

2. The Government of Uganda should without delay amend the Access to Information Act, 2007 (Section 27, 29, 30, 32, and 33) to clearly define the scope of exemptions in line with the Declaration of Principles on Freedom of Expression in Africa adopted by the African Commission on Human and Peoples’ Rights as well as the Universal Declaration on Human Rights.

3. Section 37 and 38 of the Access to Information Act, 2005 should be amended to provide for an independent Information Commission which will be able to adjudicate between information requesters and public bodies.

4. All government agencies should consistently implement provisions of the Access to Information Act including those on development and dissemination of manual of index, production of regulations and reporting to Parliament.

5. Government should create public awareness about the population’s constitutional right to access information held on their behalf as well as the provisions of the law on how information can be requested and received.

6. Uganda should repeal the Official Secrets Act and amend The Evidence Act (Cap 6), The Oaths Act (Cap 19), and Parliament (Powers and Privileges) Act (Cap 258) as well as other legislations which contradict the Access to Information Act and the Constitution.

7. The state should implement the provisions of section 20(6) of the ATIA and put in place mechanisms to foster access to information for persons with disability.
Recommendations for Freedom of Expression (FOE)

1. Regulation 12 (a) of the NGO Registration Amendment Act, 2006 should be amended and the composition of the NGO board be reviewed to provide for a representative from civil society.

2. The state should not pass the Press and Journalists Amendment Bill, 2010 in its current form.

3. Government should refrain from enacting laws that infringe on freedom of expression, assembly, information, association and the right to demonstrate as required by international best practices. Such laws include; Public Order Management Bill, 2009 and the Press and Journalist amendment Bill, 2009

4. The state should recognize and fulfill its obligation in upholding and promoting fundamental freedoms and human rights including the right to privacy and amend the Interception of Communications Act, 2010 (section (6)) to vest powers to issue warrant of interception in courts of law.

5. The government should reinstate open air talk shows “Bimeza” in respect to article 29 of the Republic of Uganda constitution.

6. All laws that criminalize freedom of speech should be repealed or amended to conform to international standards and best practice.

7. Government should quickly investigate and make public the attacks on journalists and prosecute the perpetrators under relevant laws.

8. Government should review the system of media regulation and repeal all provisions that interfere with media freedom, create external regulation and move to create and maintain an environment in which the media can operate freely and independent from interference.

9. Government should implement the decision of the constitutional court and should dismiss all sedition charges against journalists and politicians.