



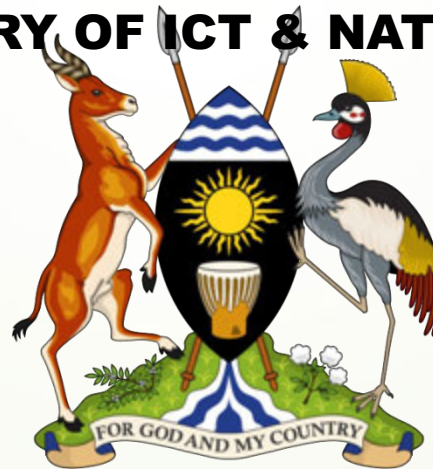
LEGAL FRAMEWORK FOR MEDIA COVERAGE IN UGANDA: THE RIGHTS AND RESPONSIBILITIES OF JOURNALISTS

Presentation to environmental journalists from
Selected Media Houses Across the Country

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1. CONSTITUTION OF THE REPUBLIC OF UGANDA, 1995

Guarantees free speech and freedom of the press;

- Article 29(1) (a): Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media;
- Art. 41: Every citizen has a right of access to information except where the release of the information is likely to prejudice State security, sovereignty or interfere with the right to the privacy;
- Art. 43: In the enjoyment of the rights and freedoms, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest;
- Public interest shall not permit political persecution, detention without trial, any limitation of the enjoyment of the prescribed rights & freedoms beyond what is acceptable and demonstrably justifiable in a free and democratic society.





2. PRESS AND JOURNALIST ACT, CAP 105

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Ensure freedom of the press, provide for a Council responsible for regulation of mass media & establish an institute for journalists.

- **S. 5. Registration of particulars of an editor.**
- In contravention, liable to a fine not exceeding UGX300,000 and, in case of failure to pay the fine, to imprisonment for a term not exceeding three months.





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S. 26. Registration of journalists

- NIJU certificate of enrolment;
- Registration by Media Council;
- In contravention, one is liable to a fine not exceeding UGX300,000;
- Failure to pay the fine, imprisonment for a term not exceeding three months.





S. 31. Complaint against a journalist

A complaint or an allegation against a journalist, which if proved would constitute professional misconduct, may be made to the disciplinary committee by any person in writing;

- The secretary shall, upon receipt of a complaint, within 30 days refer the matter to the committee which shall fix a date for the hearing of the complaint.

3. OFFICIAL SECRETS ACT, CAP 302 (1964)

- Public officials swear an oath of secrecy on appointment to the civil service;
- Can release information after seeking authorization/consent of the chief executive of a public institution;
- The Act was established to protect state Secrets and security.
- Prohibits the media from accessing government documents which are withheld for national security reasons.





4. PENAL CODE ACT, CAP 120 (AMENDED 2007)

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- Establishes and defines offences on promotion of sectarianism, criminal libel, defamation and terrorism.
- Provides for prohibition of importation of some publications by the media.

S. 23. Treason and offences against the State

- (3) Any person who advisedly attempts to incite any person to:
 - (a) commit an act of mutiny or any treacherous or mutinous act; or
 - (b) make or endeavour to make a mutinous assembly, commits an offence and is liable to suffer death.

S. 37. Publication of information prejudicial to security

- (1) Publishing or causing publication of information regarding military operations, strategies, troop location or movement, location of military supplies or equipment of the armed forces or of the enemy, commits an offence;
- Liable to imprisonment for a term not exceeding seven years.





PENAL CODE ACT (Cont'd)

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S. 41. Promoting sectarianism

- (1) A person who prints, publishes, makes or utters any statement or does any act which is likely to:
 - (a) degrade, revile or expose to hatred or contempt;
 - (b) alienate or create despondency of;
 - (c) raise discontent or disaffection among; or
 - (d) promote, in any other way, feelings of ill will or hostility among or against, any group of persons on account of religion, tribe or ethnic or regional origin, commits an offence;
- Liable to imprisonment for a term not exceeding five years.





PENAL CODE ACT (Cont'd)

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S. 50. Publication of false news

- (1) Publish any false statement, rumour or report likely to cause fear and alarm to the public or to disturb the public peace commits a misdemeanor;
- (2) Defence to a charge under subsection (1) if the accused proves that prior to publication, he or she took measures to verify the accuracy of such statement, rumour or report as to lead him or her reasonably to believe that it was true.

S. 122. Writing or uttering words with intent to wound religious feelings

- Deliberate intention of wounding the religious feelings of any other person, write any word, commits a misdemeanor;
- Liable to imprisonment for one year.



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The singer-turned-legislator Bobi Wine disappeared into government custody...





S. 179. Definition of libel

Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, commits the misdemeanour termed libel.

5. UGANDA COMMUNICATIONS ACT, 2013

- Consolidated and harmonised the Uganda Communications Act and the Electronic Media Act; merged UCC and Broadcasting Council into one body known as UCC; and provides for related matters;
- UCC is charged with regulating the communication industry, through issuing of radio, TV and telephone frequencies, licensing telephone operators, monitoring the use of frequencies and generally regulating the communication sector.

6. ACCESS TO INFORMATION ACT, 2005

- Provide for the right to access information pursuant to article 41 of the Constitution;
- Prescribe the classes of information referred to in Art. 41; the procedure for obtaining access to that information, and for related matters;
- It applies to all information and records of MDAs & LGs, unless specifically exempted by this Act;
- It does not apply to (a) Cabinet records and those of its committees; (b) records of court proceedings before the conclusion of the case.

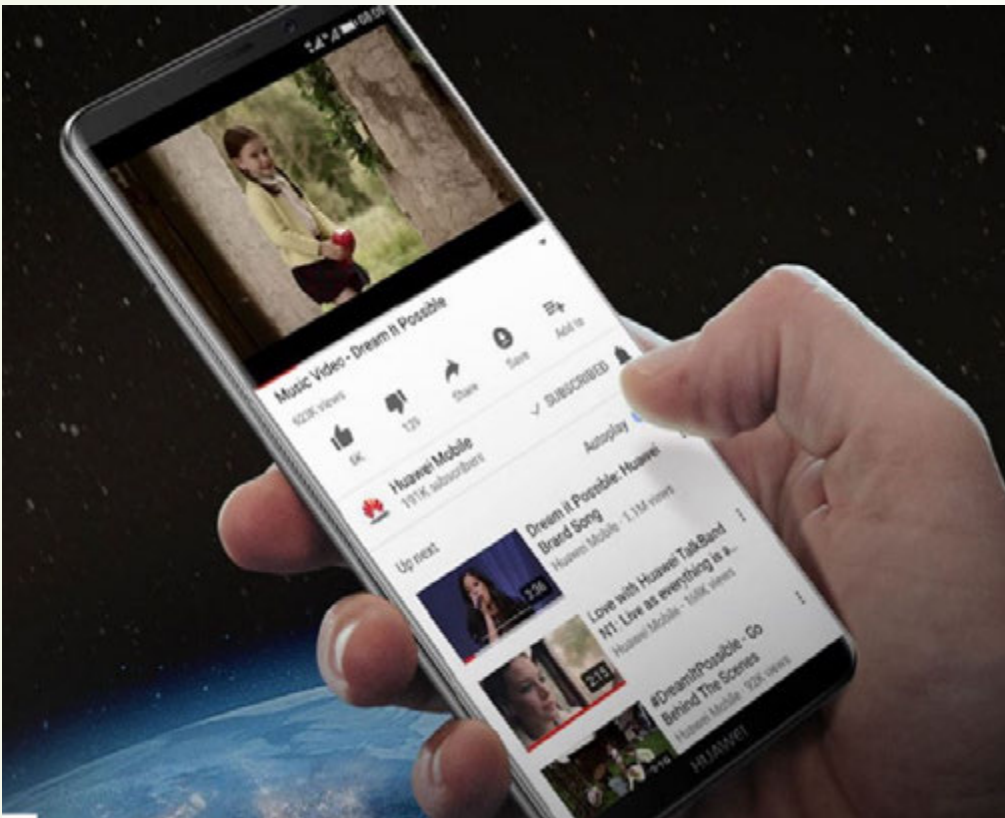




10 ACCESS TO INFORMATION ACT (Cont'd)

S. 5. Right of access

- (1) Guaranteed right of access to state information and records, except where the release of the information is likely to prejudice State security or sovereignty or interfere with the right to privacy.
- A person's right of access is not affected by:
- (a) any reason the person gives for requesting access; or
- (b) the information officer's belief as to what the person's reasons are for requesting access.





ACCESS TO INFORMATION ACT (Cont'd)

S. 21. Access to health or other records

- An information officer shall refuse access to health records, the disclosure of which would constitute an invasion of personal privacy.

S. 27. Protection of commercial information of third party

- (1) The information officer shall refuse a request for access to a record if the record contains:
 - (a) proprietary information as defined in Section 4;
 - (b) scientific or technical information whose disclosure is likely to cause harm to the interests or proper functioning of institutions; or
 - (c) information supplied in confidence by a third party.

S. 30. Protection of law enforcement and legal proceedings

- (1) An information officer
 - (a) shall refuse a request for access to a record if access to that record would deprive a person of a right to a fair trial;





ACCESS TO INFORMATION ACT (Cont'd)

S. 32. Defence, security and international relations

- (1) An information officer may refuse a request for access to a record if its disclosure is likely to prejudice the defence, security or sovereignty and international relations of Uganda;

S. 37. Complaints to Chief Magistrate

- Lodge a complaint against the decision of an IO to refuse access.

7. COMPUTER MISUSE ACT, 2011

- Provides for the safety and security of electronic transactions and information systems; sentences range from 2 to 15 years.

S. 12. Unauthorised access

- (1) Intentional access or intercept any program or data without authority or permission is an offence.
- (3) An offence to unlawfully produce, sell, offer to sell, procure for use, design, adapt for use, distribute or possess any device, including a computer programme or component that compromises cybersecurity.
- (5) Denial of access to any information systems is an offence.





COMPUTER MISUSE ACT, 2011 (Cont'd)

14. Unauthorised modification of computer material

- (6) Liable to a fine not exceeding 360 currency points or imprisonment not exceeding 15 years or both.

15. Unauthorised use or interception of computer service

- (1) A person who knowingly:
 - (a) secures access to any computer without authority for the purpose of obtaining, directly or indirectly, any computer service;

S. 16. Unauthorised obstruction of use of computer

S. 17. Unauthorised disclosure of access code

S. 18. Unauthorised disclosure of information

S. 23. Child pornography





COMPUTER MISUSE ACT, 2011 (Cont'd)

S. 24. Cyber harassment

- Use of a computer for:
 - (a) making any obscene, lewd, lascivious or indecent request, suggestion, proposal;
 - (b) threatening to inflict injury or physical harm to the person or property of any person; or
 - (c) knowingly permits any electronic communications device to be used for any of the purposes mentioned above.

S. 25. Offensive communication

- Any person who willfully and repeatedly uses electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate communication whether or not a conversation ensues commits a misdemeanor and is liable to a fine not exceeding 24 currency points or imprisonment not exceeding one year or both.

S. 26. Cyber stalking

- Any person who willfully, maliciously, and repeatedly uses electronic communication to harass another person and makes a threat with the intent to place that person in reasonable fear for his or her safety or to a member of that person's immediate family.





8. ANTI-TERRORISM ACT, 2002

- Criminalises publication and dissemination of news materials that promote terrorism.
- S. 9 (1): Any person, who establishes, runs or supports any institution for publishing and disseminating news or materials that promote terrorism...commits an offence.
- S. 9(2): Any person who establishes, runs or supports an institution for publishing and disseminating news or materials that promote terrorism...commits an offence and shall be liable on conviction to suffer death.

9. POLICE ACT, CAP 303 (Amended in 2005)

- Mandates the police to protect life, property and other rights of the individual; maintain security and enforce law within Uganda; ensure public safety and order; detect and prevent crime in; perform the services of a military force when empowered to do so and perform any other functions assigned to it under the Act.





10. REGULATION OF INTERCEPTION OF COMMUNICATIONS ACT, 2012

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- Legalises state interception and monitoring particular communication in telecommunications, postal or any other related system as a means of detecting and combating the coordination of international terrorism;
- Mandates the Minister of Security to establish a Monitoring Centre.

11. ANTI-PORNOGRAPHY ACT, 2014

- Prohibits the media from production and distribution of pornographic materials.
- S.3(1): A person shall not produce, traffic in, publish, broadcast, procure, import, export, sell any form of pornography.

12. COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 2006

- Provides for the protection of literary, scientific and artistic intellectual works and their neighbouring rights.





13. PUBLIC ORDER MANAGEMENT ACT, 2013

Establishes an authorization procedure for peaceful assemblies, duties and responsibilities of the organisers, the police and the public.

- Ensures that public speech and statements made to the media and public by the organiser do not conflict with any law.

14. UGANDA BROADCASTING CORPORATION ACT, 2005

- Develops the broadcasting bodies into a national broadcasting centre of excellence,
- For the purpose of providing electronic media and consultancy services that educate and guide.

15. REFERENDUM AND OTHER PROVISIONS ACT, 2005

- Concerns the use and access to state-owned media by respective sides during referendum campaigns.
- S. 23(1) requires agents of each side to be given equal access and opportunity to use state-owned communication media.





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PRESIDENTIAL ELECTIONS ACT, 2005

- Candidates are entitled to equal treatment on state-owned media;
- Allowed to use private electronic media for their campaigns;
- Prohibits insults or and abusive language against candidates;
- Media proprietors and practitioners required not to allow candidates use their media to insult and abuse others;
- Journalists prohibited from publication of false statements of illness, death or withdrawal of a candidate at a given election as well as personal character of a candidate;
- The purpose of promoting or procuring election of another candidate knowing that statement to be false or not knowing or believing it on reasonable grounds to be true.





17. PARLIAMENTARY ELECTIONS ACT, 2005

- The Act guarantees candidates the right to unhindered freedom of expression and access to information;
- Reasonable access to and use of state-owned communication media.
- Permitted to use private electronic media during their campaigns.





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RIGHTS OF JOURNALISTS





- Protection by international instruments;
- Free access to all sources of information;
- To investigate without impediment anything that is in the public interest.
- A journalist gathers information, writes pieces and presents the news in an honest and balanced manner.
- Not to act in any way nor express any opinion that is contrary to professional rules or personal conscience.
- Refuse directives or interference that are contrary to the general policy of your media house.
- To benefit from work conditions guaranteed by a collective agreement, including employment contract, material and moral security of employment.





DUTIES OF JOURNALISTS/PROFESSIONAL CODE OF ETHICS

Establish correctness or truth of information or allegation before disseminating it.

- Non-disclosure of the source of information; only divulge the source if there is an overriding consideration of public interest and within the framework of the law of Uganda.
- No journalist shall solicit or accept bribes in order to publish or suppress the publication of a story.
- No plagiarism of the professional work of others or expropriate works or results of research by scholars without acknowledging their contribution and naming his or her sources of information.
- A journalist shall obtain his or her information through the skillful application of journalistic principles and shall never bribe or offer inducements to his or her source.





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PROFESSIONAL CODE OF ETHICS (Cont'd)

- No journalist shall deny any person with legitimate claim a right to reply to a statement;
- Corrections and rejoinders are to be published in appropriate form without delay and in a way that they will be noticed easily;
- Separate your own opinions from factual news. Where personal opinions are expressed, let the public know;
- Take the necessary steps to correct any damaging report that you have made on any individual or organisation;
- Not originate or encourage the dissemination of information designed to promote or which may have the effect of promoting tribalism, racism or any other form of discrimination; and
- Respect privacy where there is no overriding public interest.





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Conclusion



*Thank you for
listening to me*

**FOR GOD
AND MY
COUNTRY**

