



ARTICLE 19

56th Ordinary Session of the Africa Commission on Human and Peoples' Rights

Delivered by Patrick Mutahi

ARTICLE 19

Madame Chair,

ARTICLE 19 notes with appreciation Uganda's 5th periodic report to the ACHPR covering the period from 2010 to 2012.

Article 29 of the Constitution of the Republic of Uganda provides that every person shall have the right to freedom of speech and expression. However, ARTICLE 19 has over the years noted that media practitioners, journalists, cartoonists, and activists in Uganda face grave and pervasive systemic and legal challenges and are forced, especially those in the countryside, to carry out their work in an environment of widespread impunity and under constant pressure from the authorities.

In 2014, Human Rights Network for Journalists recorded 124 cases of violations against journalists by both State and non-state actors. The Uganda Police, just like in previous years scored the highest number of cases of violations and abuses reported.

- On 20 May 2014 more than 50 uniformed police sealed off the premises of the Daily Monitor newspaper after it published a letter allegedly written by Uganda's coordinator of intelligence service. Two radio stations located in the same compound were also forced off air by the Uganda Communications Commission. The same day, police closed the Red Pepper newspaper on similar grounds. Two journalists and eight civil society members protesting the closures were arrested, beaten, and detained by police. They were charged with inciting violence before being released. (Their cases are still ongoing.)

- A number of judicial officers blocked journalists from covering public hearings with some ordering security officers to confiscate journalistic tools of trade and destroy materials. In extreme scenarios, journalists were detained for covering court proceedings.
- In March 2014, the Ministry of Information and National Guidance issued a ten point directive to all broadcasters in the country demanding free airtime for government programmes. The directives are a direct infringement to Press Freedom as it seems to seek to dictate editorial content.

The Ugandan Penal Code contains a number of offences that unjustly restrict the freedom of expression. The Code defines offences related to promotion of sectarianism, criminal defamation, and terrorism and has been used to unduly prosecute and jail journalists. For example CBS radio journalist, Ronald Ssembussi, was convicted of defamation for a story about the former chairman of Kalangala district being investigated in connection with the disappearance of solar panels donated by the African Development Bank to pump clean water in the area. These laws have continued to have a chilling effect on the media in Uganda and hinder freedom of expression.

The activities of NGOs are also restricted.

- For example, regulation 13 of the 2009 NGO Registration Regulations requires NGOs to provide 7 days' notice to local councils before making direct contact with the people in the region, and restricts NGOs from engaging in any act which is prejudicial to the 'national interest of Uganda'. There are no definitions on what constitutes 'national interest'.
- The 2006 Non-Governmental Organisations (Amendment) Registration Act increased administrative constraints in the registration of NGOs. Registration certificates are issued by the Non-Governmental Organisations National Board, which is composed of government representatives who are granted significant discretion in their decisions. This Act, and the discretion of the NGO National Board, degrades the autonomy and independence of NGOs.

- In May 2014, the Cabinet approved the Non-Governmental Organizations (NGOs) Registration (Amendment) Bill which further expands the Government's powers to monitor and dissolve NGOs, and could bar NGOs from engaging in political work.

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Madam Chair,

ARTICLE 19 notes with gratitude that in 2005, Uganda enacted Access to Information law making it among the first Africa countries to have such a comprehensive law. The Act reaffirms the constitutional right of every Ugandan to access information from organs of the State and accordingly prescribes the processes by which anyone can obtain such information. In 2011, government passed the Access to information regulations to aid the operationalization of the Act. Nevertheless, the government and most of its agencies and departments are still in the habit of concealing public information. The law on secrecy still exists on the statutes and has proved a big hindrance to full implementation of Access to Information law.

We therefore urge the Uganda government to:

- Ensure that all those who violate rights journalists are held accountable
- Remove the undue restrictions on NGOs
- Amend the Penal code to repeal the laws on defamation, secrecy, sectarianism.
- Invite the Special Rapporteur on Freedom of Expression as a sign of our country's commitment to promoting this right.

Thank you