

chapter four

PROTECTING CIVIL LIBERTIES &
PROMOTING HUMAN RIGHTS **FOR ALL**

REPORTING HUMAN RIGHTS



A Handbook for Media Practitioners in Uganda



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Chapter Four Uganda
Plot 2 Wampewo Close, Kololo
P.O Box 33159 Kampala
Phone: +256 200 929990
Email: info@chapterfouruganda.org

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About Us

Chapter Four Uganda is an independent not-for-profit organisation dedicated to the protection of civil liberties and promotion of human rights for all. We provide bold and innovative legal response through strategic litigation, legal representation, general counsel for civil society organisations, legislative advocacy and human rights research, monitoring and documentation. We work with human rights defenders, including journalists and other media practitioners; pro-democracy actors and civil society organisations.

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Foreword

The Constitution of the Republic of Uganda provides for a generally progressive domestic Bill of Rights. Similar human rights guarantees are established under the international and regional Bill of Rights which Uganda has committed to uphold, protect and promote.

Despite these guarantees, the media is awash with reports of persistent incidents of human rights violations and abuses across the country. Rights holders and duty bearers often demonstrate limited appreciation of the concept of human rights, especially when it comes in conflict with their deeply held beliefs or political interests.

When violations and abuses occur, the perpetrators and abusers often escape accountability due to a myriad of factors.

In an effort to promote and protect human rights, journalists and media workers who practice human rights journalism – commonly known as “human rights reporting” – play a critical watchdog role. Human rights journalism model of reporting is distinguished by its diagnostic style, empathy, pro-active and interventionist approach, and elements of peace journalism.

Human rights journalism essentially focuses on three things – the role of journalists and media workers in exposing human rights violations and abuses, promoting accountability and reforms towards greater respect for human rights, and raising awareness among rights holders about human rights.

Journalists and media workers have the power to expose incidents of violations, ask questions that can support efforts to seek accountability to end impunity for more violations and abuses, and challenge the political, economic, cultural and social imbalances of society that facilitate domineering voices and power centres. This helps to deconstruct the underlying structural concerns that enable violations and the culture of impunity.

We pay tribute to the courage and dedication displayed by journalists and media workers who work under conditions of censorship, harassment, uncertainty and low remuneration. We recognise your selfless efforts towards a fairer and more just society.

We acknowledge Dr. Fredrick Sekindi for preparing the first draft of this handbook.

It is our hope that this publication will enhance the capacity of journalists and media workers to communicate human rights stories in ways that have the potential of illuminating the important place of human rights in building and sustaining fairer, more just and prosperous societies.

Anthony Masake

Ag. Executive Director

Introduction

This simplified handbook for media practitioners is intended for journalists and media workers working in Uganda. The term “media workers” includes all people who cover human rights stories for media houses – whether radio, print, online, photography or art – regardless of their academic qualifications.

The work of journalists and media workers has an impact on human rights. The impact can be positive or negative. Under the positive impact, the media plays a critical role in raising awareness about human rights and exposing incidents of human rights violations and abuses. This raises the likelihood that rights holders will take action to stand up for their rights.

Negatively, the media can create and spread harmful rhetoric or promote the impunity narrative of the perpetrator or abuser by failing to subject it to legal scrutiny through its reporting.

This handbook provides sections on why the media should be concerned with human rights, outlines the basic definition of human rights, emphasises the critical aspects of human rights as provided under the Constitution and explains why human rights matters.

This guide further lists the tools that journalists and media workers need to effectively report on human rights, the best practices on reporting human rights, among other important guides.

This handbook seeks to improve the capacity of journalists and media workers to report on events with a human rights lens.

This simplified handbook for media practitioners is intended for journalists and media workers working in Uganda. The term “media workers” includes all people who cover human rights stories for media houses – whether radio, print, online, photography or art – regardless of their academic qualifications.

Why the media should be concerned with human rights

Uganda's history has been characterised by political instability and human rights violations as well as struggles against forces of tyranny, oppression and exploitation. The Preamble of the Constitution is elaborate on the troubling past, particularly, it recalls Uganda's history which has been characterised by political and constitutional instability.

The quest to build a better future depends on establishing a political order based on peace, unity, equality, democracy, the rule of law, good governance, accountability and individual freedoms.

The media has a key role in building this future. For instance, journalists and media workers who report on the low wages paid to domestic workers seek to expose and end this practice that exploits vulnerable persons, with a view to contribute to building a better Uganda founded on social justice. Similarly, where the media shines a light on injustices and repression, they alert the public and shape narratives.

Responsible journalism must seek to question authorities in order to make them accountable to the public. The promotion and defence of human rights are important at this level. Human rights reporting is not only about exposing large-scale violations, but also about how people are treated in everyday life. Indeed, for journalists and media workers to educate the public, they need to apply a human rights agenda in their work. The media has three main interests in human rights.

First, as a **Watchdog** the media serves to sound the alarm when human rights are threatened or violated. To this end, the media exposes people in power who have abused their offices to account. It informs the public how power is used or abused. Human rights standards provide a broad criterion by which people in power should be judged. They also set objective minimum standards on how States should treat citizens, and by implication on how citizens should treat each other. Giving a human rights perspective to a story enables the reporter and the public to examine the situation from a different point of view, for instance the perspective of those affected or the impact of human rights violations and abuses.

Second, the media **facilitates the public to enjoy human rights**. Human rights standards provide individuals minimum guarantees on the rights to freedom of expression, belief and thought. In giving members of the public a platform to tell their stories, journalists and media workers facilitate the enjoyment of these rights. The rights of the media and the citizens are mutually supportive. Constriction of media freedom is often the starting point in attempts by States to violate human rights.

Third, journalists and media workers have a **personal interest in human rights**. Human rights provide the basic minimum guarantees that allow journalists and media workers as well as their families and community to live free from fear and oppression and in freedom. Thus, in giving a human rights perspective to a story, they advocate for causes that affect them, their families and communities.



Media toolkit for effective human rights reporting

Working human rights knowledge

Journalists and media workers need to comprehensively understand what human rights means and appreciate the characteristics / principles of human rights. They also need to know the main human rights instruments and laws at the national, regional and international levels and have the ability to easily find them offline or online if there is need to analyse them further.

Enforcement of human rights

Human rights instrument and the law provide mechanisms for enforcing human rights. For effective reporting on human rights, journalists and media workers need to know in general terms how persons can complain and seek effective redress in case of human rights violations or abuses. Some of the national level mechanisms include the police, courts of law and the Uganda Human Rights Commission.

Gathering and stating the facts

Effective human rights reporting depends on active monitoring of the human rights situation and gathering of credible and verifiable information about the incident. This helps to avoid sensationalism, misinformation and disinformation, which can discredit the story. Understanding the facts is also important in helping the journalist or media worker to pick the best angle to present the story.

Access to special knowledge / experts

Journalists and media workers should consistently seek quick access to professionals, experts or persons with human rights specialist knowledge. Experts include the local residents who understand the context. During the interviews with professionals, present the facts of the stories and ask questions that seek two things – the position of the law and the opinion of the expert. Ask for supporting information where necessary.

Social-contextual factors

Effective human rights reporting requires that journalists and media workers pay attention to the social-contextual factors of the human rights story. Women, young people, persons with disabilities, indigenous communities and minority groups et cetera face many challenges that are socially constructed. This includes norms, behaviours, roles and beliefs that disadvantage them. Reporting without considering these factors may perpetuate harmful rhetoric and do more harm.

Specialist human rights reporters

Where possible, developing specialist human rights reporters in media houses may be essential as an alternative to building the knowledge of all journalists and media workers on human rights. This would allow specialist reporters with the required networks, knowledge and context to engage in investigating and reporting on human rights issues.

Networking and solidarity

The mutual support that journalists and media workers give to each other, for instance in building capacity, sharing leads and resisting restrictions to media freedoms is important for the survival of press freedom – which is critical for effective human rights reporting. Journalists and media workers should establish strong unions and networks and actively defend colleagues under attack.

Human rights-friendly agenda setters

Directors, managers, editors, heads of news and others in leadership at the media houses determine whether or not a story will be published or broadcasted. Their support is critical in effective human rights reporting at the media house level. Journalists and media workers are encouraged to document human rights stories and share with other partners.

Using anonymous sources

When using anonymous sources, it is important to ensure that the information is not an opinion or speculation and that the source is reliable and has the connection to have had credible access to the information. Understand the degree of anonymity requested. Explain whether it is an ‘on the record’, ‘off the record’ and ‘deep background’ interview for clarity.

Digital security for journalists

It is important for journalists and media workers to have secure means of digital communications to protect their communications and identity of sources of their information. As standard practice, they should have the means to use virtual private networks (VPNs), data calls and secure messaging platforms such as Signal. They should ensure data safety and security.

Physical security for journalists

Human rights journalists and media workers often suffer from the risks that human rights defenders face. It is therefore important for them to know how to conduct context analysis to know the operating environment, how to identify security incidents, threats, analyse threats and risks and identifying the appropriate security and protection strategies.

Protection support for journalists

Journalists and media workers are human rights defenders by virtue of their work. Because of this, they are entitled to digital and physical protection support provided to defenders who are at risk. A number of NGOs offer a range of protection support to journalists including relocation support, legal support, replacement of equipment, security training, etc.

What are human rights?

Human rights are the entitlements that we have simply because we are human beings.

The concept of “human rights” is based on the fact that all human beings are born free and equal in dignity and rights.

Kofi Annan, the 7th Secretary-General of the United Nations said this in defining human rights:

“Human rights are the foundation of human existence and coexistence. Human rights are universal, indivisible, and interdependent. Human rights are what make us human. They are the principles by which we create the sacred home for human dignity... It is the universality of human rights that gives them their strength. It endows them with the power to cross any border, climb any wall, defy any force.”
(Human Rights Day, 1997)

Human rights set a framework for the rights and freedoms of individuals, and the rights of communities and societies. They protect individuals, allow communities to live in peace and take some control over their destinies. They protect individuals from unfair treatment, and they put all people in an equal position before the law.

Uganda’s Constitution, in line with the Universal Declaration of Human Rights (UDHR), provides for fundamental and other human rights and freedoms. Fundamental rights and freedoms, which are recognised as inherent and therefore not granted by the State, include:

- Right to life.
- Personal liberty.
- Respect for human dignity and protection from inhuman treatment.
- Freedom from slavery and servitude.
- Freedom from torture and other cruel, inhuman or degrading treatment or punishment.
- Freedom from arbitrary arrest and detention, including enforced disappearance.
- Right to a fair and public hearing.
- Right to due process of the law.
- Right to privacy.
- Equality and freedom from discrimination.
- Right to freedom of conscience, expression, movement, religion, assembly and association.
- Civic rights and activities.

What are the characteristics of human rights?

The concept of “human rights” is fortified by a set of values that form the characteristics of rights and freedoms. The characteristics are:

Universality: Human rights are universal. This is the cornerstone of international human rights law because it provides for a principle that transcends boundaries. All human beings are entitled to same rights regardless of where they are in the world. For example, human beings in Moroto, Kampala and other parts of the world are entitled to the same fundamental rights and freedoms because they are all human.

Inalienable: This principle means that human rights should not be taken away, except in very specific situations and that the restriction is provided for in law and there is due process in imposing the restriction. For example, the right to liberty can only be restricted if there is evidence that a person has committed an offence or been found guilty of an offence.

Indivisible: This principle means that human rights cannot be separated. For example, the right to life is as important as the right to food, the freedom from torture, freedom of expression and association. No single or set of rights can be said to be more important than the other.

Interdependent: This means that human rights complement one another. One set of rights cannot be enjoyed fully without the exercise of other rights. For example, it is impossible for one to enjoy the right to life without the right to food, clean environment and access to clean drinking water.

Equality and Non-Discrimination: This principle is a central theme of human rights. It requires that all people are treated equally, without any form of discrimination. Article 1 of the UDHR states that, “All human beings are born free and equal in dignity and rights.” For example, any form of discrimination on the basis of gender, race, age, social status or any other form is unacceptable because it undermines human rights.

What are the sources of human rights?

Human rights law in Uganda is provided for under a range of human rights instruments and laws. These are usually classified along international, regional and national standards. In case you are covering a story that has a human rights angle, it is encouraged that you find these sources, which are readily available online, and understand the text of the law or provision for accurate reporting.

An overview of international human rights law

The United Nations Charter (UN Charter) is the founding document of the United Nations. It was signed on 26 June 1945. The UN Charter states that the functions of the United Nations include:

“To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (Article 1 (3)).

The Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations in 1948, affirms in its Preamble that, *“the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”*.

The UDHR further notes that, *“disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people”*,

Part of the Preamble of the UDHR notes that, *“it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,”*

Thus, Member States pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, based on a common understanding of these rights and freedoms as the greatest importance for the full realization of this pledge. (Preamble, UN Charter summarised)

The UDHR lists 30 Articles that are regarded as essential rights and freedoms.

The UDHR is not a treaty, but it forms part of customary international law thus all States are required to follow its provisions. The UDHR led to the adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The International Covenant on Civil and Political Rights (ICCPR) came into force on 23 March 1976. Uganda signed the ICCPR on 21 June 1995. This means that the rights protected under the ICCPR are enforceable in Uganda. The first 27 of the ICCPR's 53 articles set out rights and freedoms.

While some rights contained in the ICCPR can be suspended or limited, certain rights cannot. Rights that can never be suspended or limited, even in emergencies are the right to life, freedom from torture, inhuman and degrading treatment or punishment, freedom from enslavement or servitude, protection from imprisonment for debt, freedom from retrospective penal laws, the right to be recognised as a person before the law and freedom of thought, conscience, and religion.

The UN Human Rights Committee (HRC) is the supervisory body of the implementation of the ICCPR mandated to consider and comment on reports from States on measures they have adopted to give effect to the ICCPR rights, and the progress they have made. It also receives '*shadow*' reports from civil society organisations in each country. The media can use this forum to report on shortcomings in Uganda's implementation of human rights contained in the ICCPR. HRC country reports can be influential when a country is trying to meet international standards or is concerned about its own reputation and standing.

It also makes interpretation notes, commonly known as General Comments, of the articles of the ICCPR that become part of human rights rules. For example, HRC stipulated in General Comment No. 20 of 1992; that a person cannot claim in their defence that they were following orders if they are accused of violating Article 7 of the ICCPR which forbids torture and cruel, inhuman, or degrading treatment.

There are two Optional Protocols to the ICCPR. The First Optional Protocol allows the HRC to hear complaints from individuals. 104 States, that do not include Uganda, have signed the First Protocol. The Second Optional Protocol prohibits the use of the death penalty as a punishment for crime. As of March 2022, 90 States, not including Uganda have signed the Second Optional Protocol.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) entered into force on 3 January 1976. It was signed by Uganda on 21 January 1987. This means that the rights provided for under the ICESCR are recognised in Uganda. The first 15 of 31 articles of the ICESCR set out rights and freedoms, and the final 16 provide details of reporting procedures and the supervisory role of the Committee on Economic, Social, and Cultural Rights (CESCR).

Unlike the rights contained in the ICCPR, economic, social, and cultural rights do not all have to be achieved immediately. Under the ICESCR, each States undertakes to take steps "to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights".

However, the principles and basic rights are non-negotiable. States are obliged to seek to fulfil these rights. Although some rights are conditional on 'available resources' the principles are non-negotiable. States undertake to progressively achieve these rights, by all appropriate means and to the maximum of their available resources. This can take a long

time, as illustrated by the fact that “the progressive introduction of free education” is still being pursued in Uganda. Developing countries may determine to what extent they guarantee economic rights to non-nationals.

The Committee on Economic, Social, and Cultural Rights (CESCR) has a supervisory role. The CESCR also makes interpretations notes, commonly known as general Comments, of the articles of the ICESCR that become part of human rights rules. For instance, in General Comment No.18 regarding article 6 on the right to work, the CESCR has stated that the right to work includes the right of everyone to form trade unions and join the trade union of his or her choice as well as the right of trade unions to function freely. The ICESCR imposes an obligation on States to ensure the satisfaction of minimum essential rights.

To this end, States fail in their obligations, for instance, if a significant number of individuals do not have enough essential foods or primary health care, do not have basic shelter and housing, or do not have basic forms of education. Although some rights may be delayed in poor countries, this cannot be used as an excuse if funds can be found from somewhere. If necessary, the ICESCR requires States to co-operate with the international community to receive aid.

Several international instruments have been developed by the United Nations. The most significant ones include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD).

An overview of regional human rights law

The African Charter on Human and People Rights (ACHPR) was adopted by the Organisation of African Union (now the African Union or AU) on 1 June 1981 to protect the human rights and basic freedoms of people living on the African Continent. It came into force on 21 October 1986. It has been ratified by 54 members of the AU, including Uganda, thus its provisions are enforceable in Uganda.

In a unique way, the ACHPR juxtaposes previously compartmentalised rights; on one hand, civil and political rights are brought together with economic, social, and cultural rights, and, on the other hand, individual and collective rights are viewed in tandem.

The original organ charged with enforcement of the ACHPR is the African Commission on Human and People Rights (the Commission). The Commission has a twofold human rights mandate, that is promotion and protection. Promotion entails advocating for human rights in Africa and ensuring that the instrument and its provisions are well known. The Protective mandate is implemented through the reporting regime and the communication practice.

Several human rights related treaties have been developed under African Union. Key among these is the Charter on Democracy, Elections and Governance (CDEG) and the African Convention for the Protection and Assistance of Internally Displaced Persons in Africa (CPAIDPA).

An overview of national human rights law

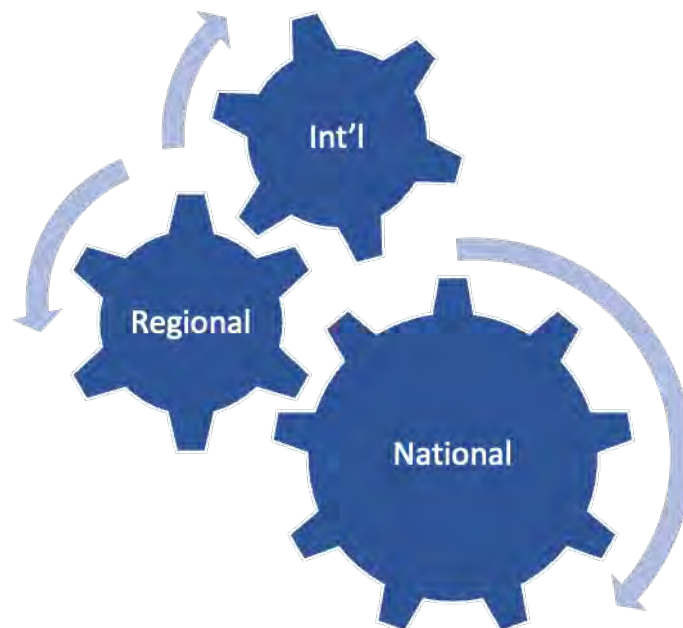
The Constitution of the Republic of Uganda (the 1995 Constitution) came into force 8 October 1995. It was adopted following a popular countrywide consultative process. Chapter Four of the 1995 Constitution provides for a Bill of Rights in articles 20-58.

The Bill of Rights includes civil and political rights, as well as social economic, and cultural rights. These include the right to freedom from torture, cruel, inhuman, and degrading treatment, or punishment; the right to a fair trial; and the right to a clean and healthy environment; among others. Everyone, including government ministries, departments, and agencies must respect, promote, and uphold the rights protected under Chapter Four.

Where any of the rights and freedoms contained under Chapter Four has been violated, the individual or group can complain to the courts or to the Uganda Human Rights Commission.

The other notable human rights laws in Uganda include the Prevention of Trafficking in Persons Act (PTPA); the Prevention and Prohibition of Torture Act (PPTA); and the Human Rights (Enforcement) Act (HREA).

Human Rights Enforcement Linkages



Human rights obligations and duties

Under human rights law, States and individuals have specific obligations.

The government of Uganda has the following obligations and duties under human rights law:

- **Obligation to Respect:** The government has an obligation to refrain from interfering with or obstructing the enjoyment of human rights. For example, if people are exercising their right to peaceful assembly, the police and other authorities have no powers to block or disperse the demonstrators as long as their conduct is peaceful.
- **Obligation to Protect:** The government has an obligation to protect individuals and groups against human rights abuses. For example, the police have an obligation to maintain law and order to ensure that people in Uganda are able to enjoy the right of life, right to property among other rights.
- **Obligation to Fulfil:** Under this, the government has a duty to take positive action to facilitate the enjoyment of basic human rights. For example, court has ruled in the past that the government has a duty to invest in healthcare to ensure that maternal health is protected. The government also has an obligation to ensure that schools are available for children to access the right to education.

Individuals on the other hand have two core duties under human rights law:

- **Respect the rights of others:** In the exercise and enjoyment of your individual rights, you have a duty to respect the rights and freedoms of others. For example, if you decide to peacefully demonstrate, you have a duty to respect the rights of other road users who do not want to be a part of the demonstration.
- **Stand up for human rights of others:** Individuals further have an obligation to stand up for the human rights of others. For example, if you see a person being beaten, you have a duty to take all necessary and appropriate measures to either stop the violation or abuse or to support efforts to bring the perpetrator or abuser to account. This may include recording the incident and reporting it to the police or any other relevant authority for action.

Reporting on limitations of human rights: What should journalists look out for?

On many occasions, journalists and media workers find themselves in situations where they have to report on restrictions or limitations of human rights and freedoms such as the freedom of peaceful assembly, association and expression. It is therefore important that they understand the classifications of absolute and non-absolute rights and the strict criteria that must be adhered to in any restriction of non-absolute rights.

What are absolute and non-absolute rights?

Human rights are divided into absolute and non-absolute rights. Absolute rights cannot be limited for any reason. On the other hand, non-absolute rights may be restricted under justifiable circumstances.

The Constitution of Uganda, under Article 44, lists the following rights and freedoms as absolute rights, and therefore cannot be infringed upon whether there is a pandemic, war, state of emergency or any other circumstance:

- Freedom from torture and cruel, inhuman or degrading treatment or punishment.
- Freedom from slavery or servitude.
- The right to fair hearing.
- The right to an order of habeas corpus.

This means that any other human right or freedom that is not listed above may be restricted on various applicable grounds, including national security, public order, public health, public morals, rights and freedoms of others, interest of justice and public safety.

Criteria for restricting rights and freedoms

In the restriction of derogable rights and freedoms, the law requires that very specific standards are adhered to, otherwise the restriction will be unjustified and therefore illegal.

- **Prescribed by law:** This principle requires that any limitation of rights and freedoms must have a clear legal basis. The law authorising the limitation must be *publicly accessible* so that people know about the existence of the law and that the law is *sufficiently precise* in its language to enable people to regulate their behaviour and know clearly what amounts to a crime and the sanction for the offence. This means that all vague and ambiguous laws would fail this test.
- **Legitimate objective, be reasonable, necessary and proportionate:** This means that the limitation must be necessary to achieve a *legitimate objective*, it must adopt an approach that *rationaly connects* to that objective, and the approach *must not be too restrictive* beyond what is required to achieve the intended purpose of the justified limitation.

In the case of *Charles Onyango Obbo and Anor v Attorney General (Constitutional Appeal No. 2 of 2002)*, Justice Mulenga, then Justice of the Supreme Court, noted;

“The yardstick is that the limitation must be acceptable and demonstrably justifiable in a free and democratic society. This is what I have referred to as “a limitation upon the limitation”. The limitation on the enjoyment of a protected in defence of public interest is in turn limited to the measure of that yardstick. In other words, such limitation, however otherwise rationalised, is not valid unless its restriction on a protected right is acceptable and demonstrably justifiable in a free and democratic society... Protection of the guaranteed rights is a primary objective of the Constitution. Limiting their enjoyment is an exception to their protection, and is therefore a secondary objective. Although the Constitution provides for both, it is obvious that the primary objective must be dominant. It can be overridden only in the exceptional circumstances that give rise to that secondary objective. In that eventuality, only minimal impairment of enjoyment of the right, strictly warranted by the exceptional circumstance is permissible.”

‘Do No Harm’ principle

Journalists and media workers should seek to prevent or minimise any intended or unintended negative effects of their reporting activities on others and themselves.

Media reporting should always be conducted in the best interest of providing information to the general public and to draw attention to the issue faced by any other person involved in the reporting process. The security, physical and psychological well-being, and privacy of all persons involved in the media activities should be prioritised.

Activities or approaches that expose persons to a risk of harm or further harm should be avoided. For instance, while reporting on women rights, a journalist or media worker needs to understand the gender social construct and patriarchal beliefs and practices that may trigger further harm for victims or survivors of gender-based violence. If the story is about a child, a journalist or media worker should exercise good judgment on whether or not to disclose the identity of the child. Disclosing the identity of the parents or family of a child may lead to the disclosure of the child’s identity, at least to the people within the community, which may trigger further harm.

To avoid causing harm entails conducting several actions, such as carrying out risk assessment trainings and selecting staff to ensure professional standards of conduct, obtaining informed consent, protecting sources, respecting confidentiality, setting up referral support systems, and paying particular attention to and applying specific measures when dealing with vulnerable and marginalised persons.

Media activities should be carried out in a manner that contributes to and does not negatively impact future evidence collection or accountability efforts, including the eventual prosecution of perpetrators of human rights violations.

Do no harm	<ul style="list-style-type: none">➤ Report in the best interest of providing information to the public, and any other person involved in the documentation process.➤ Assess and mitigate any potential negative impact.➤ Prioritise security, physical/psychological wellbeing and privacy of the person.➤ Do not undertake activities that expose any person involved to any risk that might cause harm or compromise future evidence.
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Tips for journalists on identifying human rights stories

Human rights reporting can be applied in to a number of topics. In deciding what makes human rights news, journalists and media workers could be guided by:

- Whether the story is a matter of public interest?
- The group of persons affected by the story.
- How the story affects a person or people's lives.
- Whether the story relates to access to justice?
- Who are the people concerned with story?
- Who else could be affected?
- Who would be interested in the story?

Human rights reporting can be applied in relation to a few topics. Some of the issues that constitute human rights stories are the stories on insecurity, state brutality, people in detention, stories on cases in the courts of law and the Uganda Human Rights Commission, gender-based violence, people with disabilities, progressive realisation of social, economic, and cultural rights, reporting on conflicts, mistreatment of minority groups, child abuse, election fraud and violence, refugees and internally displaced persons (IDPs), degradation of environment, war and conflict, access to food, education, health, water and decent housing.

Below is the guidance on reporting on some of the above topic with a human rights lens.

Brutality by police or the military

In the course of their duty, which essentially entails the protection of human rights, police and other law enforcement agencies may violate the rights of some people.

Cases of brutality (such as the beating of persons, using tear gas against peaceful protestors, use of excessive force to effect an arrest); unlawful detention (such as detention beyond 48 hours at the police and holding arrested persons at places unauthorised under the law), should be investigated carefully and details brought out without sensationalising them.

Asking for a comment from persons of authority in law enforcement, the responsible minister, a member of parliament and human rights lawyer can improve a story from a mere report of what happened to one that provides sufficient context.

Story	Issues
Brutality by the police or military	<ul style="list-style-type: none"> ➤ Which law enforcement agency was involved? ➤ What powers and mandate do they have under the law? ➤ Who are they answerable to? ➤ How can they be held to account? ➤ Was the case reported to the leadership of the law enforcement agency? ➤ Was the case and booked in the official records? ➤ Have the victims taken legal action against the law enforcement officer / agency? ➤ Were the officers punished? ➤ Was there a public inquiry / investigation? ➤ Are there independent reports / records of the brutality, such medical reports? ➤ Are police officers also faced with situations where their rights are violated? ➤ How many people were affected?

Rights of people in detention

In most societies, there is little concern about people who are being held in prisons, however, human rights are concerned with the plight of the most vulnerable or marginalised. According to the Uganda Prison Service Lockup Status Report of June 2022, 51% of inmates in prisons across Uganda, are suspects who have not been convicted by a court of law. The JLOS's Access to Justice Report 2021-22 indicates that suspects wait for long periods, in some cases 2-3 years before their trial starts, and a good number are found not guilty.

Article 23 (6) (a)(b) of the 1995 Constitution requires that a person held in prison while awaiting trial must be granted bail after 2 months in case of a non-capital offense and 6 months in case of a capital offense, while Article 23(4) (b) requires that suspects held at police stations must be produced before court within 48 hours of being arrested. In case this is not possible, they must be realised on police bond which is free.

These legal requirements in practice are not observed. Section 48 of the Trial on Indictment Act, 1971, and Section 113 of the Magistrates' Court Act, 1971, grant the minister powers to determine whether a person who has been found not guilty by reason of insanity may be confined in a mental hospital, prison, or other suitable places of custody or be discharged. These powers have not been exercised by a minister in more than 30 years, thus many mentally unwell persons who should be in hospitals remain in prison.

Detention facilities are overcrowded, and torture is also prevalent in these places because inmates are completely isolated, lacking even minimum standards. In 2012, the Supreme Court held in the case of *Attorney General -vs- Susan Kigula* that for some serious crimes such as murder, treason, and terrorism, courts have the power to decide whether or not to

hand down the death penalty. The Supreme Court went on to state that where a person has been on death row for 3 years, that person's sentenced to death should be commuted as prolonged death row amount to torture inhuman, and degrading treatment or punishment.

These issues are the concern of human right. Journalists and media workers should question these practices more regularly and comprehensively. Where a detainee displays wounds or any other signs of torture, they should ask how they were sustained.

It is also important for journalists to distinguish persons who are in detention at police (suspect), a person who is before the court to face trial (accused) and a person who have been found guilty and sentenced for the crime committed (convict). They all have different rights and should be respected.

Story	Issues
People in detention	<ul style="list-style-type: none"> ➤ Was the arrest violent? ➤ Did the suspect attempt to resist arrest? ➤ Was the suspect arrested for a reasoned authorised by the law? ➤ Was the arrest carried out in accordance with the law? If no, how was it carried out? ➤ Does the suspect know the reason/s for his/her arrest? ➤ Was the suspect subjected to a media parade while at police? ➤ Is the suspect detained in a place authorised by the law? ➤ Is the suspect detained within a period authorised by the law? ➤ Is the suspect entitled to be realised on bond or bail? ➤ Has the suspect/convict been tortured or subjected to cruel, inhuman or degrading treatment or punishment? ➤ Has the suspect been allowed to access a lawyer/doctor/next of kin? ➤ Is the person subjected to forced labour while in detention? ➤ What are the living conditions in the detention facility (occupancy levels, toilet/washing or bathing facilities, running water, bedding)?

Covering proceedings in courts of law

Courts are a key source of human rights news for journalists and media workers. This is because they are an arena for legal contestations as they deal with crime, adjudicate over disputes and therefore, attract audiences. More importantly, courts of law are important sites for adjudicating the competition between rights claims.

However, journalists need to be alert to the human rights issues that play out in courts. In reporting about courts, journalists should consider the following: How fair is the trial? Did the court pay attention to the rights of the parties? Was the accused tortured during arrest or interrogation? Is the accused accorded the presumption of innocence? Is the case conducted in a language that the defendant understands? How are power relations playing out in court? How long has the case take – and has this timeline had an impact on the case? Are there frequent adjournments that prolong the court case? Are there legitimate corruption and bribery claims? What decision did the courts make? Do they serve to promote human rights?

Journalists and media workers are independent scrutineers of the performance of the courts and the judges. They need to have regular access to courts, and to be able to cite, and write about the procedure and rights of all parties involved.

Journalists and media workers should also consider whether in their reporting they might damage the ongoing case. They should also be concerned with what they need to print or televise while a trial is in process. The court may order that certain information should not be made public or that persons in attendance in court refrain from behaving in a certain way. Failure to abide by these orders of the court may lead to being held in contempt of court.

Fair reporting is part of a fair system of justice. Journalists should investigate how judges are recruited, how they guard themselves against bias, the extent of their knowledge in key emerging human rights areas such as online gender-based violence and their attitude to defendants and to the police.

Story	Issues
Courts	<ul style="list-style-type: none"> ➤ All persons are equal before the law. ➤ Everyone is entitled to a fair and public hearing. ➤ Everyone charged with a criminal offence is presumed innocent until proven guilty according to the law. ➤ Everyone must be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against them. ➤ Everyone must have adequate time and facilities to prepare their defence and to communicate with their lawyer. ➤ Everyone should be tried without undue delay. ➤ Everyone should be tried in their presence, and be allowed to defend themselves in person or through legal assistance of their choosing, and should be informed, if they do not have legal assistance, of their right; and to have legal assistance assigned to them, in any case where the interests of justice so require, and without payment by them in any such case if they do not have sufficient means to pay for it.

	<ul style="list-style-type: none"> ➤ Everyone is entitled to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them. ➤ Everyone is entitled to have the free assistance of an interpreter if they cannot understand or speak the language used in court. ➤ Everyone is entitled not to be compelled to testify against themselves or to confess guilt. ➤ In the case of juvenile persons, the court proceedings should take account of their age and the desirability of promoting their rehabilitation. ➤ Everyone convicted of a crime has the right to have their conviction and sentence reviewed by a higher court. ➤ A person who was convicted of a criminal offence which is later reversed or who is pardoned on the ground that newly discovered fact shows conclusively that there has been a miscarriage of justice, is entitled to compensation for the punishment served, unless where the non-disclosure of the fact was wholly or partly attributable to that person. ➤ No one should be tried or punished again for an offence for which they have already been convicted or acquitted.
	<ul style="list-style-type: none"> ➤ Ensure that reporting does not damage the principles of a fair trial. ➤ Avoid conduct that may lead you to being held in contempt of court. ➤ Observe the attitude of the judicial officer towards parties to the proceedings.

Covering gender-based violence

Gender is the social construction of men’s and women’s roles in a culture or location. Media transmits social and cultural values. The controversy about media and gender reporting is that men receive preferential treatment in the media compared to women. For instance, men are projected in the media as endowed with authority and knowledge, that are not questionable. Thus, the language used in the media gives them an elevated position and conversely undermines women and girls.

Moreover, men are more likely to occupy most top positions in media organisations and, as such, they make decisions on what stories to publish or broadcast and the way in which they are presented.

The human rights approach to reporting recognises the need for equal treatment of men and women as news subjects and sources of information as well as consumers. Language, pictures and graphics should be neutral and avoid perpetuating existing stereotypes in society.

Journalists and media workers should pay attention to violence against women and girls, which is rampant in our communities. Violence against women and girls occurs in different forms. These include physical abuse (beatings), rape, emotional and verbal abuse, psychological abuse, economic abuse, intimidation, female genital mutilation, domestic violence and disclosure of non-consensual intimate images / videos.

UNESCO's *Handbook for Journalist on Reporting on Violence Against Women and Girls* lists 14 tips that journalists and media workers should adopt while covering violence against women, that is:

- Talk about it! Don't keep quiet when cases of gender violence are reported to you.
- Treat gender-based violence as a violation of human rights and not as an isolated incident.
- Explain the context – put events in perspectives and provide insights for understanding the phenomenon of gender violence against women and girls.
- Be careful with vocabulary – choose words appropriately and avoid expressions that cause more injury to the victims.
- Pay attention to headings – avoid sensational headlines that send wrong signals to the audiences.
- Analyse statistics and surveys with caution and put them in context.
- Describe reality while avoiding sensationalism Limit the use of hidden cameras and other undercover method.
- Reject language that 'lectures' or could incite judgment.
- Avoid secondary victimisation and portray survivors as resilient.
- Think about the order of topics, links and context.
- Practise service and solutions journalism.
- Take enough time before, during and after reporting to heal.
- Gain an understanding to help others understand.
- Rebalance information to improve gender equality.

It is unacceptable to reveal the name or publish the photograph of a victim of a sexual assault unless the victim or survivor has freely agreed to wave anonymity. The names of victims should be protected in court hearings about rape or sexual assault. The identity of persons charged with rape or sexual assault should be protected until such time as they are convicted.

Story	Issues
Gender	<ul style="list-style-type: none"> ➤ Ensure equal treatment or balanced reporting on issues relating to women and men. ➤ Explain the context – put events in perspectives and provide insights for understanding the phenomenon of gender violence against women and girls. ➤ Promote equal treatment of men and women as news subjects and sources of information as well as consumers. ➤ Language, pictures, and graphics should be neutral and avoid perpetuating existing stereotypes in society. ➤ Pay attention to violence against women and girls (abuse, beatings, rape, emotional and verbal abuse, psychological abuse, economic abuse, intimidation). ➤ Monitor, challenge, and report how State authorities and community respond to gender-based violence. ➤ Put events in perspective and provide insights for

	<p>understanding the phenomenon of gender violence against women and girls.</p> <ul style="list-style-type: none"> ➤ Use human rights-friendly vocabulary – choose words appropriately and avoid expressions that cause more harm to the victims or survivor. ➤ Rebalance information to improve gender equality.
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Progressive realisation of social, economic, and cultural rights

Reporting on rights that may not be fulfilled in one go but are implemented within a given period. Progressive realisation for instance of the rights to quality healthcare and universal education, et cetera. requires understanding of the benchmarks and timelines that the government has put in place in place, or what the courts have ordered the government to put in place towards realising them.

The Bill of Rights in the 1995 Constitution of Uganda provides for these rights. Further, Uganda has pledged commitment to fulfilling these rights through various declarations by signing the International Covenant on Social and Economic Rights. When reporting on social, economic and cultural rights, journalists and media workers should avoid:

- Use of unsubstantiated information and data Propaganda.
- Sensationalism and negativity.
- Intrusion into privacy.

Journalist and media workers should aim to report on the efforts that the State has taken to realise social, economic, and cultural rights while highlighting the importance of increased investment. They can also focus on the impact of corruption, absenteeism and abuse of office on service delivery.

Story	Issues
Progressive realisation of social, economic and cultural rights	<ul style="list-style-type: none"> ➤ Explain that these rights must be realised progressively. ➤ Use substantiated data to report efforts taken by the State to realise these rights. ➤ Avoid reporting on these rights as less important or significant than civil and political rights.

Use of language in human rights reporting

Reporting on human rights is about education, advocacy, and relevance. Core to this is the use of language, especially words and expressions, sentence construction, and style. The appropriate language when used can draw the attention of the public and policymakers to the plight of a specific group. Derogatory language can inflame tensions and hate against individuals and groups. Below is the list of recommended description or language to use when reporting on human rights issues.

Commonly used language/Description	Recommended language
Actions or omissions prohibited by criminal law committed by individuals	Crimes
Actions or omissions forbidden by human rights instruments committed by State Agents or persons acting under State authority	Human rights violations
Actions or omissions forbidden by human rights instruments committed by Non-State Agents (International Cooperations / Individuals / Armed Groups, etc)	Human rights abuses
Arrest not carried out according to law	Unlawful arrest
Arrest of a person without basis or justifiable reason	Arbitrary arrest
Arrest, detention or abduction by agents of the State followed by refusal to acknowledge or concealment of the whereabouts of the disappeared person	Enforced disappearance
Communities that are small in numbers	Minorities
Deaf	Disabled / Hearing disability
Detention centres for young people	Juvenile holding facilities
Indigents	Poor people / People with a low income
Insane	Mental disability
Lame	Disabled / Physical disability
Mad	Mental disability
Peaceful procession	Demonstration
Persons arrested, detained at police but yet to be produced in court	Suspects
Person produced in court to answer a criminal case	Accused
Persons in prison serving a sentence following their conviction	Convicts
Revenge porn	Non-consensual image sharing
Prostitutes	Sex workers
Reasons given for arresting a person	Allegation(s) / Accusation(s)
Rioters	Demonstrators (where no violence is involved)
Violent demonstrators	Rioters
Safehouse	Unlawful detention facility

10 best practices in human rights reporting

In addition to the above, there are several best practices that journalists and media workers need to increasingly pay attention to and practice. They include the following:

Accurate reporting

As presented in this handbook above, there are various sources of human rights. It is encouraged that when journalists are covering a human rights story, they state the facts and list the human rights in issue. Explicit mentioning of the human rights violation, abuse or issue is important for accurate reporting and builds the body of stories about that specific issue.

Power of storytelling

Storytelling gives a journalist or media worker an opportunity to tell the experiences of a victim or survivor in a compelling manner that will arouse the public and duty bearers' emotions, attention and prompt possible action. It connects people to the deeper issues of the story. Journalists are encouraged to enhance their skills in storytelling and use it in human rights reporting.

Victim/survivor-centred reporting

While covering human rights stories, journalists and media workers can tell powerful stories if they centre their report on the substantiated lived experiences of the victim or survivor. It is important to avoid unfair representation of stories in favour of the perpetrators or abusers or government agencies. External views should be subjected to critical scrutiny to ensure that they are not peddled to water down the ordeal of the victim or survivor.

Don't search for the "truth"

Journalists and media workers are not in the "truth" business. Their role is to collect the facts, analyse to determine the angle of covering the story, research on the position of the law, seek expert opinions and apply the information on the story to ensure a balanced story. While considering opinions for your story, pay attention to harmful narratives / rhetoric that do not fit to be carried as "opinions".

Avoid blinders

We all live in communities that have diverse social constructs. It is important that journalists and media workers pay attention to the blinders that can obstruct or limit their awareness or sensitivity on critical aspects of gender, culture, religious beliefs and partisan political affiliation. Words and beliefs that perpetuate harmful practices should not be considered in human rights stories.

Investigative journalism

This is critical for effective human rights reporting. It helps a journalist or media worker to go behind the headlines or common narratives to dig up new information, context and unpack a story in a way that cannot be done in ordinary coverage of news. Whenever journalists and media workers have the resources to do, they should invest in investigative journalism and work with human rights organisations to scale impact.

Power of images

Images and videos tell powerful stories. If a journalist or media worker can take or access a photo or video, it is important that it is used in the story. The media should also increasingly find innovative ways of using CCTV cameras to reconstruct events, where the infrastructure is in place.

Seek expert voices, comments

As a standard practice, a human rights story should not be filed without making an effort to get an expert opinion on the subject. The media is awash with stories that did not have expert opinions and the statements by spokespersons of government agencies went unchallenged as gospel truth. This practice perpetuates narratives that negatively affect human rights and defeat accountability.

Ask the right questions, research

It is important for journalists and media workers to find the right angle of a human rights story and carry out research on the subject and the relevant context. This helps to ensure that the questions that are developed are the right ones. Preparation and finding the right approach will make it easy for a journalist or media worker to come up with a comprehensive and powerful human rights story.

Avoid pitfalls of “false balance”

If a journalist or media worker is covering a human rights story on a subject that is presumably well known or extensively covered by credible media and other organisations, do you need to provide an opposing point of view to ensure “balance” of the story? Certain facts are obvious or notable that it is not necessary to provide a balance. Doing so is likely to be counterproductive to human rights and may do more harm.



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Plot 2 Wampewo Close, Kololo

P.O. Box 33159 Kampala, Uganda

E: info@chapterfouruganda.org

T: +256 200 929990

URL: www.chapterfouruganda.org

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