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JOINT STATEMENT

UCC’S STRANGLEHOLD ON FREEDOM OF EXPRESSION IS ILLEGITIMATE ***Reject communication regulator’s call to suspend 39 journalists from work***

(2 May 2019 / Kampala, Uganda) The Uganda Communications Commission (UCC) must desist from its illegitimate restrictions on freedom of expression and latest imperious calls to suspend at least 39 journalists, the undersigned organisations said today. [The Freedom of Expression Hub](#), [Chapter Four Uganda](#), and the Legal Aid Service Providers Network ([LASPNET](#)) strongly condemn continued unlawful and highhanded actions by UCC to intimidate, harass and narrow expression freedoms by targeting 13 media houses and at least 39 individual journalists.

As Uganda joins the world to celebrate the fundamental principles of press freedom, it is very concerning that Uganda’s communication regulator is taking further steps to increase its grip on the media. These developments come on the backdrop of a spate of threats from government officials and errant switch-offs of radio stations upcountry for hosting opposition political leaders.

On 30 April 2019, the UCC issued worrisome [directives](#) to seven radio stations and six television stations ordering management of the media houses to immediately suspend Producers, Heads of News, and Heads of Programmes, pending investigations of alleged “repeated breach of the minimum broadcasting standards.”

The fundamental right to freedom of expression is recognized under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples’ Rights (ACHPR). At the national level, the freedom is guaranteed under the Constitution of the Republic of Uganda 1995. The freedom of expression has three fundamental aspects – the right to seek, receive and impart information regardless of frontiers. The right is exercised through free speech, press freedom and access to information.

Although the Uganda Communications Act of 2013¹ empowers the UCC to regulate broadcast media, over the years, we are concerned that it has become a controller rather than a regulator, more

¹ The Uganda Communications Act, 2013: <http://chapterfouruganda.com/resources/acts-bills/uganda-communications-act-2013>

specifically towards broadcasters perceived to be airing opposition views. Directives to broadcast media to suspend programmes or staff negates the international principle of editorial independence which stipulates that programming decisions are made by broadcasters on the basis of professional criteria and the public's right to know.

It is therefore not legitimate for the government or the regulator to unnecessarily interfere or to prescribe how broadcasters should report. UCC's actions continue to cause a chilling effect amongst many broadcasters who for fear of losing their licenses bow to the pressures of unfairly terminating programmes and/or their employees.

The Minimum Broadcasting Standards under schedule 4 of the Uganda Communications Act fall short of constitutional and internationally accepted broadcast, freedom of expression and access to information standards and best practices. The provisions are exceedingly restrictive, vague, imprecise and overly zealous which does not meet the required legal parameters for restricting expression and information flow. UCC's interference with operations of media houses and legitimate activities of journalists do not pursue a legitimate aim, and neither is it necessary in a democratic society.

Broadcasters must be legally protected against any liability by third party actions or statements especially during live transmissions due to the simple reason of unforeseeability of such actions or utterances and secondly, the public interest in transmitting live broadcasts, which resonates with the citizens constitutional right to know.

It should also be noted that under the Press and Journalists Act², the duty to enforce professionalism practice for journalists lies with the Media Council and not the UCC.

Accordingly, we note that the Executive Director's orders to immediately suspend the staff of the various broadcast media houses is illegal and beyond his powers and scope of his duties as provided under the Uganda Communications Act. We note that the removal of the requirement for parliamentary approval for the minister's regulations to come into force is major concern.

In light of the above, we therefore demand;

- The Board of Directors of UCC to immediately stop the Executive Director from exercising powers beyond his statutory scope and that the contents committee of the Board takes over its oversight role in matters pertaining content.
- The Executive Director to immediately withdraw his orders to all the affected media houses directing them to suspend their staff.

² The Press and Journalist Act: <https://ulii.org/ug/legislation/consolidated-act/105>

- UCC stops usurping the Media Council's powers to resolve issues of journalistic practice and ethics.
- The Parliament of Uganda should prevail over the excesses of the UCC to ensure transparent, accountable and non-partisan exercise of mandate. Further, Parliament should amend the Uganda Communications Act to restore the requirement for parliamentary approval for regulations proposed by the minister.
- The Minister of ICT should immediately constitute a tribunal as stipulated under Sections 1 and part X of the Uganda Communications Act to hear and determine all matters arising from decisions made by the Commission or the Minister under the UCC Act.
- The Minister of ICT to convene a meeting with broadcasters, journalists, media stakeholders and the Uganda Communications Commission to resolve the current impasse.

As civil society organisations working in a consortium to defend and advance the freedom of expression in Uganda, we affirm our commitment to protecting press freedom, free speech and access to information. We shall continue to engage the different stakeholders and use any legal means to ensure a safe and enabling environment for journalists and media houses to carry out their activities without fear of reprisals.

Signatory organisations:

- [Freedom of Expression Hub.](#)
- [Chapter Four Uganda.](#)
- [The Legal Aid Service Providers' Network \(LASPNET\).](#)

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