

THE ENGAGEMENT OF TELEVISION IN CURBING DOWN JOURNALISTS RIGHTS ABUSE. CASE STUDY OF NBS TV

BY

Mugere Tonny (2020)

CHAPTER ONE:

GENERAL INTRODUCTION

1.0 Introduction

This chapter presents the background of the study, problem statement, objectives of the study, research questions, and scope of the study, justifications and significance of the study

1.1 Background to the study

Globally, Television as an electronic medium has transformed mass media and its main traditional functions of information, education and entertainment. There is no gain saying that in the 20th and the 21st centuries, it has become one of the best media with potential of sight and sound; it has dramatic and demonstrative powers which has made it able to hold its audience spellbound and take them on a 'roller coaster' into its world.

In Africa, Television has become a part of everyday life which was not the case between the 1920's when it was invented and the 1960's when it lost its novelty. It became commercial and there is no doubt that the number of Television stations have greatly increased, so also the number of Television sets available in homes. Television as a mass medium has tremendous influence on modern society. No mass medium has ever dominated people's lives as television did. Today television has replaced the film industry to emerge as the most popular and powerful medium of mass communication..

Under every Ugandan government since 1962, journalists who have spoken out against government policies have faced physical violence, criminal charges, threats, and imprisonment. H.E President Museveni of the republic of Uganda and

the ruling National Resistance Movement (NRM) came to power in 1986 and instituted the "Movement" system, which denied other political parties the right to operate for almost 20 years as stated in the Human Rights Watch report of 2010.

The Ugandan government uses its national laws to bring charges against journalists, restrict the number of people who can rightfully be journalists, revoke broadcasting licenses without due process of law, and practice other forms of repression. Similar laws and procedures exist in other countries, but in Uganda, the government uses the laws in partisan ways to create a minefield for media owners and reporters who speak or write about issues that the government deems politically sensitive or controversial. Several government-controlled bodies, including the Broadcasting Council, the Media Council, and the Uganda Communications Commission (UCC) ill-defined, and unchecked powers to regulate the media. Many of the sanctions they levy have been determined to be in violation of freedom of expression by international experts.

Despite the increased level of media freedom that has led to increase of media stations in Uganda over the last decade, there are still calls for more action from government by journalists and media houses to let the media express themselves freely. Media rights are still being pressed for by a few active media activists. The recent cases of when CBS radio and NTV to mention but a few where shut down by government from the grounds of dissent are primary examples of government pressure on media. Criticisms against the media by the administration are still in existent in all leading media bodies, especially the private & state media houses.

1.2. Statement of the problem

According to the Press and Journalist Act of 1995, Chapter 105, Part 2 Section over mass media in Uganda, it provides the rights over the journalist which includes right to publish newspapers, compliance with other laws, access to official information and many others. In addition to this,

the Constitution of Uganda of 1995 also in chapter 4 provides the protection and promotion of fundamental and other human rights and freedom. In this way, article 20 in this chapter part (A) says fundamental rights and freedoms of these individuals are inherent and not granted by the state. This indicated that journalists shall be allowed to exercise their rights over their work in support with the press and journalists act of 1995, of recent it's a total mess in the country because political shows on different televisions have not been allowed to be broadcasted, some journalists have been intimidated and tortured for example Kazibwe Bashir of NBS TV. This has led some journalists to attain serious injuries while doing their work, and in Uganda many prominent people like Dr. Kiiza Besigye, Hon Robert Kyagulanyi Ssentamu and many others have not been allowed to access media interviews for instance on CBS FM and many media platforms in the bid to prevent the public from getting informed over the current situations from these people in Uganda. All these totally indicates that the press has not been given equal rights and freedoms to exercise their rights as being entitled too by the constitution of 1995 and the Press Journalist Act 1995. Therefore this research study will seek to investigate the engagement of television in curbing down journalist's human right abuse at NBS television

Objective of the study

1.3.1 General objective

To assess the engagement of television in curbing down journalists human rights abuse.

1.3.2 Specific Objectives

- i. To find out the causes of journalist's rights abuse in Uganda
- ii. To find out what has been done by television to promote journalist's rights in Uganda.
- iii. To establish the possible solutions to the causes of brutal harassment of journalists of NBS TV

1.4 Research Questions

- i. What are the causes of journalist's rights abuse in Uganda?
- ii. What has been done by television to promote journalist's rights in Uganda?
- iii. What could be the solutions to the causes of journalist's rights abuse of NBS TV?

1.5 Scope of the study

1.5.1 Content Scope

The study will consider the causes of journalist's rights abuse in Uganda, What has been done by television station to promote journalist's rights in Uganda and what could be the solutions to the causes of journalist's rights abuse.

1.5.2 Geographical scope

The study will be conducted at NBS TV because it's the main and authorized umbrella that carry all the professional journalists in the country thus leading it to be the valid source of effective and relevant information towards our research study.

1.5.3 Time scope

This research study is going to be conducted in 6 months. In addition, it will focus on the last decade respectively because there were brutal harassment of journalists in Uganda for instance during the general elections in 2016 and the current protest of free Bobi Wine in 2018 thus leading us to stage up a research study to investigate root cause of the problem.

1.6 Significance of the study

To the policy makers in the country, my research will help the policy makers in the country for drafting and gathering new facts which they may use in the formulation of other new laws.

To the researchers and academicians, my research study will help them for further references in the academic fraternity and also for the fact of

gathering new ideas to their research academic studies.

To the journalists, it will help the upcoming journalists in the country to become aware of how they are being treated in the country so that they become sensitized on how they will carry out their daily work.

This study seeks to draw the attention of media practitioners and owners (especially television station) to the vital role television plays as an agent of socialization

CHAPTER TWO; LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of related literature that is owned by other Researchers and Authors in line with the journalist rights abuse and television's role.

The Press and Journalist Act established a Media Council responsible for the regulation of media. The Media Council regulates the conduct of journalists; arbitrates disputes between the public and media or the state and the media; disciplines journalists, editors, and publishers; and censors films, videotapes, and plays. The Minister of Information has the power to appoint a majority of members, and to write regulations for the statute. The law requires the editor in charge of any mass media organization to register with the Media Council and to provide "such other particulars as may be prescribed by the Council," in effect an unlimited amount of information.

It cannot be over emphasized that the television media have taken a center stage in our daily activities especially in the 21st Century with the emergence and consolidation of different television stations and service providers (Usaini, 2010).

Human rights are generally moral rights claimed by everyone and held against everyone, especially against those who run social institutions" (Orend,

2002:37). With the advent of the United Nations (UN) and the subsequent adoption of The Universal Declaration of Human Rights (UDHR) in 1948, the concept of human rights has turned out to be one of the most contemporary issues across the globe. The UN Charter, which was adopted in 1945, was the first international document to recognize the protection and promotion of human rights as an obligation to be carried out by individual, as well as collective states (Langley, 1999). The main reason behind the adoption of the charter was, according to Smith (2007) to forestall the reoccurrence of the horrible events caused by two devastating world wars which were caused by massive violations of human rights and unbridled breach of territorial integrity.

The freedom of the press is an important concept in considering the role of the media in all aspects of the society. It is a necessary condition for the media to be effective in carrying out their functions. The right to press freedom warrants the media the right to determine the form which their programmes will assume, as well as the appropriate form of reporting (Jacobsen, 2008). Article 19 guarantees press freedom, but, authors such as Becker and Vlad (2009:65) argue that the concept of press freedom is controversial because it is unclear to ascertain the meaning of press freedom in terms of „freedom from what and freedom for whom?“

2.2 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.

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-gazetted 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.

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).

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.

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 burnt 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.

2.3 Limits on Freedom of Expression through Defamation Laws

The Constitutional Court nullified Uganda's sedition law on August 25, 2010. 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.

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, Semujju Ibrahim Nganda, the former Political Editor of the *Observer Newspaper* and his managing editor James Tumusiime.

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, *Sunday Monitor* editor and Angello Izama, a staff writer, were charged with criminal libel at the Makindye Chief Magistrates Court over an article the state claims defamed President Museveni. Individuals like Radio One 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.

2.4 Restrictive Legislation on Journalist and Media

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;

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.

The Press and Journalists Amendment Bill 2010, that is under cabinet scrutiny seeks to control media outlets. The law gained momentum in the awake of the September 2009 riots that saw several media houses shut down.

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,

REFERENCES

Addo, MK “Practice of United Nations human rights treaty bodies in the reconciliation of cultural diversity with universal respect for human rights” (2010) 32 Human Rights Quarterly 601.

Ankumah, E (1996) *The African Commission on Human and Peoples’ Rights practice and procedure* MartinusNijhoff Publishers.

Ansah, P A W (1985) *the Role of the State in Broadcasting in Africa’ in Media and Development* No. 2.

Ansah, P.A.W. (1991) *The Legal and Political Framework for a Free and Pluralistic Press in Africa*, background paper prepared for the seminar on the African Press, 29 April 3 May, 1991, University of Oslo: Oslo.

Balikuddembe, B. K. (1992) *Broadcasting Media Policy in Uganda: An Investigation into Performance and Prospects*. City University: London.

Barker, J, M. (2000) *Media Institute of Southern Africa, Campaign for the Liberalisation of Broadcasting*. Windhoek, Namibia. BBC Charter (1927), Paragraph 3a.

Bennet, T. (1982) “Theories of the Media, Theories of Society” (eds), Gurevitch, M., Bennet, T., Curran, J. and Wollacott, J. in *Culture, Society and the Media*. Routledge: London.

Blumler 3, G. (1992) *Television and the Public Interest: Values in Western Europe Broadcasting*. Sage Publications: London.

Cameron E ‘Constitution Protection of sexual orientation and African conception of humanity’ in (2001) *The South African Law Journal* 41

Cameron, E ‘Sexual Orientation and the Constitution: a Test case for Human Rights’ *South African Law Journal*, vol. 110, issue 3 (1993) 450.

Cameron, E “Constitutional protection of sexual orientation and African concepts of humanity” (2001) *118 South African Law Journal* 642

Cameron, E “Sexual orientation and the constitution: a test case for human rights” (1993) *110 South African LawJournal* 450

Cern a, CM “Universality of human rights and cultural diversity: implementation of human rights in different socio-cultural contexts” (1994) 46

Human Rights Quarterly 740 Chilisa, MM “Two steps back for human rights: a critique of the

Kananecase’(2007) 1 The Botswana Review of Ethics, Law and HIV/AIDS 45 Cooper, D and Herman, D ‘Getting the family right: Legislating heterosexuality in Britain’, 1986-1991 (1991) 10 Canadian Journal of Family Law 41. In

Quansah E, ‘Same-sex relationships in Botswana: Current perspectives and future prospects’ (2004) 4 African Human Rights Law Journal 202.

De Vos, P “On the legal construction of gay and lesbian identity and South Africans transitional constitution” (1996) 12 South African Journal on Human Rights 26