

Press Freedom and Human Rights Violation in Kampala District Uganda.

A case of Kampala Central Region

MUGABI TYSON
BPA/43923/143/DU

A research report submitted to the College of Humanities and Social Science
in partial fulfillment of the requirement for the
Award Bachelor Degree in

Public Administration and Management

of Kampala International University

AUGUST, 2017

DECLARATION

I Mugabi Tyson do hereby declare that this research report is entirely my original work and a result of my academic endeavor. To the best of my knowledge and belief, it has never been submitted to this University or any other Degree awarding institution for any academic award.

Signature:..........

Date:..27th-08-2017.....

MUGABI TYSON

APPROVAL

I certify that the report entitled "*Press Freedom and Human Rights in Kampala District*" is done under my supervision and it is now ready for submission to the college of Humanities and Social Sciences for the award of a Bachelor's Degree in Public Administration of Kampala International University with my approval.

Signature:..........

Date: 30/08/17.....

MRS. NAMAYENGO LYDIA

TABLE OF CONTENTS

DECLARATION.....	i
APPROVAL.....	ii
TABLE OF CONTENTS.....	iii
LIST OF TABLES.....	v
LIST OF FIGURE.....	vi
DEDICATION.....	vii
ACKNOWLEDGEMENT.....	viii
ABBREVIATIONS.....	ix
ABSTRACT.....	x
CHAPTER ONE.....	1
INTRODUCTION.....	1
1.1 Background.....	1
1.1.1 Historical perspective.....	1
1.2 Problem statement.....	7
1.3 Objectives.....	8
1.3.1 Specific objectives of the study.....	8
1.5 Research questions.....	8
1.6 Scope of the study.....	9
1.6.1 Geographical scope.....	9
1.6.3 Time scope.....	9
1.7 Significance of the study.....	9
2.2 Conceptual framework.....	10
Chapter two.....	11
Literature review.....	11
2.1 Theoretical Review.....	11
2.1.1 Basic right to security.....	11
2.1.2 Categories of human rights.....	12
CHAPTER THREE.....	26
METHODOLOGY.....	26
3.1 Design.....	26
3.2 Population.....	26
3.3 Sample.....	26
3.4 Data Collection method.....	26
3.4.1 Interviews.....	26
3.4.2 Questionnaires.....	26
3.4.3 Observations.....	27
3.5 Data collection instruments.....	27
3.6 Quality of Data collection instruments.....	27
3.8 Data management.....	28
CHAPTER FOUR.....	29
DATA PRESENTATION, ANALYSIS AND INTERPRETATION.....	29
4.0 Introduction.....	29
4.1 Demographic Characteristics of Respondents.....	29
4.1.1 Gender of respondents.....	29
4.1.2 Age Group of respondents.....	30

4.1.3 Occupation Of Respondents	30
4.1.4 Education Level of Respondents	31
4.1.5 Marital status of respondents	32
4.1.6 Religion of respondents.....	32
4.2 The efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression	33
4.2.1 Law protecting the right to freedom of expression:.....	33
4.2.2 Government of Uganda and its protection for the right to freedom of expression.....	34
4.2.3 Laws violating the right to freedom of expression	35
CHAPTER FIVE	37
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....	37
5.0 Introduction	37
5.1 Summary of findings.....	37
5.1.1 Efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression.	37
5.1.2. The impact and implications of failure to observe and respect of the right to freedom of expression.....	37
5.1.3 Alternatives available and recommended suggestions in quest for respect for freedom of expression in Uganda.....	38
5.2 Conclusions	38
5.3 Recommendations.....	39
5.4 Areas of further research	41
APPENDIXES.....	42
APPENDIX I: QUESTIONNAIRES.....	42
APPENDIX II.....	43
SAMPLE SIZE DETERMINATION MORGAN & KREJCIE (1970) TABLE FOR DETERMINING SAMPLE SIZE FROM A GIVEN POPULATION.....	43

LIST OF TABLES

Table 1: Showing Law protecting the right to freedom of expression	33
Table 2: Showing Government of Uganda and its protection for the right to freedom of expression.....	34
Table 3: Showing Laws violating the right to freedom of expression.....	36

LIST OF FIGURE

Figure 1: Showing a conceptual framework relating the variables in the study	10
Figure 1: A pie chart showing gender respondents	29
Figure 2: showing age group of respondents	30
Figure 3 showing occupations of respondents	31
Figure 4: Showing Education levels of respondents	31
Figure 5 : Showing marital status of respondents	32
Figure 6: Showing religions of respondents.....	33

DEDICATION

I also send my sincere dedication of this research to my brother Afande Asimwe Wilson who contributed financially towards my academics I know the almighty God has opened and will always open doors for you.

ACKNOWLEDGEMENT

I am grateful to Almighty God who has been with me throughout the whole period when pursuing the course.

I am so humbled to appreciate my mother Nabukenya Joyce for the wonderful work she has contributed towards my academics. Am sure God will reward her abundantly.

Special thanks to my brothers Tumushabe Jackson, Muhumuza Jorum, Baryaraha Perez, Ninsiima Eria, Taremwa Richard who have stood with me since I began my course up to now, am really blessed to have you, encouraged and chained me with Prayers.

I would also like to thank Mugalula George Rwanyarare over his support/ help towards the completion of this project.

Sincere thanks goes to the management of Kampala International University for having endeavored to put such course in place and enabled me to study.

Special thanks go to my supervisor Mrs. Namayengo Lydia who dedicated her precious time to direct me on how to write this research report.

Lastly I thank the staff members and the students for their precious time towards my research report.

ABBREVIATIONS

ACHR	American Convention on Human Rights
AU	African Union
CCEDU	Citizen Coalition For Electoral Democracy
CID	Criminal Intelligence Department
ECHR	European Convention on Human Rights
FDC	Forum for democratic change
ICCPL	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
LRA	Lords Resistance Army
UDHR	Universal Declaration of Human Rights
UMCAT	United Media Consultants and Trainers
UN	United Nations
UPC	Ugandan People's Congress
UPDF	Uganda Peoples Defence Forces

ABSTRACT

The study established the relation between press freedom and human rights by the researcher in the central region of Kampala district, Uganda. In this case the researcher addressed the problems that are encountered by press and human rights. This was manifested and detailed in the following research objectives;- to examine the factors leading to human rights violation in the central region, to establish the various categories and types of human rights and to establish the relationship between press freedom and human rights violation in the central region of Kampala district, Uganda. Freedom of the press is construed as an absence of interference by outside entities, such as a government or religious organization, rather than as a right for authors to have their works published by other people. On methodology; the study used descriptive research approach on press freedom and human rights in Uganda in Kampala district, specifically cross-sectional survey design using both the quantitative and qualitative methods of data collection. The sample size was determined by use of Morgan & Krejcie (1970) table for determining sample size from a given population. In the case the sample was derived from the given population of 45 and the sample according to the Morgan's Table was 40 respondents. The data for this research will collect using questionnaire and one-on-one interview with the journalists. Findings, the study findings established that the law protects this right; it reorganizes the right as an inherent right which is supposed to be enjoyed simply because they are human beings. It is provided for by the supreme law of Uganda which is the constitution. But this law is not absolute it has limitations as seen in the analysis. There may be certain extreme forms of expression which need to be curtailed for the protection of other human rights. Conclusion and recommendation, the study confirmed the freedom of expression is a right, which is provided for under the universally declared human rights, African charter on Human and Peoples rights and the 1995 constitution. There is need to nurture and support independent media bodies to champion the cause of press freedom amidst the many challenges facing the profession.

CHAPTER ONE

INTRODUCTION

1.1 Background

1.1.1 Historical perspective

Globally, the belief that everyone by virtue of his or her humanity is entitled to certain human rights is fairly new. Its origin, however lie in the earlier traditions and documents of many cultures. It was the World War II that propelled the issue of human rights to the stage of global conscience.

Historically, people acquired human rights and responsibilities in a group like family, indigenous nation, religion, class, community or state. Most societies have had traditions similar to the golden rule of, do unto others as would want them do unto you. This addressed people's rights, duties and responsibilities. Additionally, the INCA and AZTEC codes of conduct and justice and an IROQUOIS constitution were Native American sources that existed in the 18th century. In fact, all societies, whether in oral or written tradition have had systems of property and justice as well as ways of tending to the health and welfare of their members. Documents ascertaining individual rights such the MAGNA CARTA 1215, the English bill of rights 1689, the French declaration of the rights of man and citizen 1789, and the United States constitution and bill of rights 1791 are written precursors of many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of colour and members of political, social, religious, and economic groups. Nevertheless, oppressed people throughout the world have drawn on the principle these documents express to support revolutions that assert the rights of self determination.

Contemporary international human rights law and d the establishment of the United Nations have important historical antecedents. The 19th century prohibitions of slave trade and limit the horrors of war are prime examples. In 1919, countries established the international labour organisation ILO protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of First World War. However, this organization for international peace and cooperation created by the victorious European allies never achieved its goals. The idea of

human rights emerged stronger after World War II. The extermination by NAZI Germany of over six million Jews, sinti and homosexuals and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II and officials from the defeated countries were punished for committing war crimes and crimes against humanity and peace.

Governments then committed themselves to establishing the United Nations with the primary goal of bolstering international peace and preventing the conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter and nationality. The essence of these emerging human rights principles was captured in President Franklin Delnano Roosevelt's 1941 state of the union address when he spoke of a world founded on four essential freedoms; freedom of speech and religion, and freedom from want and fear. The calls come from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for their treatment of those living within their borders. This voice played a critical role in the San Francisco meeting that drafted the United Nations charter in 1945.

Member states of the United Nations pledge to promote respect for human rights of all. To advance this goal, the UN established a commission on human rights and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the charter. The commission, guided by Roosevelt's forceful leadership, captured the world's attention. On December 10th 1948, the universal declaration of human rights [UDHR] was promulgated and adopted by the 56 members of the United Nations. The vote was unanimous, although 8 nations chose to abstain. The UDHR commonly referred to as the international magna, extended the revolution in the international law ushered in by the united nations charter namely, that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are interdependent and indivisible. Its preamble eloquently asserts that; recognition of the inherent dignity and of equal and inalienable rights of all members of human rights family is the foundation of freedom of, justice and peace in the world.

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. Although a declaration is not a legally binding document, the universal declaration has achieved the status of customary international law because people regard it a common standard of achievement for all people and nations. With the goal of establishing mechanisms for enforcing the UDHR,

the UN commission on human rights proceeded to draft two treaties; the international covenant on civil and political rights ICCPR and the international covenant on economic, social and cultural rights ICESCR. The ICCPR focuses on issues like the right to life, freedom of speech, religion and voting. The ICESCR focuses on issue like food, education, health and shelter. Extending rights to all persons and prohibit discrimination.

In regards to freedom of the press as a human right, which is the freedom of communication and expression through mediums including various electronic media and published materials, whenever such freedom, implies the absence of interference from an over reaching state, its preservation may be sought through constitutional or legal protection. With respect to government information, any government may protect from disclosure due to relevance of the information to protecting national interest. The United Nations 1948 universal declaration of human rights; everyone has the freedom of opinion and expression, this right includes freedom to hold opinions without interference and impart information and ideas through any media regardless of frontiers.

Freedom of the press is construed as an absence of interference by outside entities, such as a government or religious organization, rather than as a right for authors to have their works published by other people. This idea was famously summarized by the 20th century American journalist, A.J. Liebling, who wrote 1; freedom of the press is guaranteed to only those who own one. One key measure of a country's levels of freedom and democracy is how government treats journalists and how they are to do their work. Sadly, based on a range of measures including number of deaths, detention, and government control of the media, the situation for journalists has worsened in the world. The three organisations that monitor press freedom across the world; committee to protect journalists, freedom house and reporters without borders, in 2015 they indicated that 72 journalists were killed across the world compared to 24 in 2000. In Africa Namibia tops the press freedom charts and Egypt is the worst country for journalists significantly.

Notorious performers, Ethiopia and Gambia are respectively homes to the African union and African commission for human and peoples' rights. Their bad scores on media freedom including detention and constraints on the ability of journalists to do their job, calls into question the AU's professed commitment to media freedom and freedom of information and expression. Although article 25 of the Gambian constitution provides for freedom of expression and press, the government does not respect these rights. Deformation and

dissemination of false information are criminal offences. The country's draconian information and communication act prescribes a 15 year jail term and a fine of 3 millions for anyone using the internet to spread false news, make derogatory statements, incite dissatisfaction or instigate violence against the government or public officials. Gambia stands in 81st position out of 100 in press freedom scores in the world.

In Africa, Namibia scores highest at number 17 and South Africa is 39th. Ethiopia has been ruled by the Ethiopian peoples' revolutionary democratic front for the past 23 years as progressively showing itself as to be a democratic state with a friendly environment for journalists. Generally in Africa it is reported that the situation of human rights is poor and seen as an area of concern and epidemic according to the UN governmental and non-governmental observers. Extensive human rights abuses still occur in several parts of Africa, often under the oversight of the government. Most of such violations can be attributed to political instability often as side effect of civil war. Notable countries with reported major violations include but not limited to the Sudan and Ivory Coast. Reported violations include; extrajudicial execution, mutilation and rape. Reproductive rights are limited in many countries by unavailability of family planning resources and restricted access to birth control in Africa. Basic universal rights for children include sanitation, clean water and basic education. However, most countries in sub Saharan region are far from providing all of its children these rights. Though several human rights documents have been adopted by the International organisations and member countries signed them of which Uganda is one, Uganda experiences difficulties in achievement of the international standards of human rights for all citizens. These difficulties centre upon the provision of proper sanitation facilities, internal displacement and adequate infrastructural development. Nonetheless, Uganda is as per the relief web sponsored humanitarian profile 2012 making considerable development in the area. For instance, after a heavily contested election campaign, president museveni was re-elected into office was even verified by amnesty international. Despite verification of the results, amnesty did express concerns over alleged election violence and freedom of press restriction.

Since 1986 august when the rebel groups started fighting the government of museveni, about 2 million people have been displaced and tens of thousands have been killed. An estimated 67000 children have been kidnapped by LRA rebels for use as children soldiers and slaves since 1987. This war has decimated the economy, retarded the development of affected areas

and led to numerous gross of human rights violation. In October 2009, a bill was tabled in the Uganda parliament entitled [the anti homosexuality bill] calling for harsher penalties for the homosexuals up to and including the death penalty. Even the person who suspects another of being a homosexual is required to report to police or they serve a sentence in prison. The bill further more forbids landlords from renting to a known homosexual and would ban public discussion of homosexuality. The international community was greatly opposed to the introduction of the bill.

Constant abuses of rights by security forces were registered in 2003 on 14th October where violent officers arrested Nsangi Murisidi aged 29 years on suspicion that he had facilitated friends to commit robbery and illegal possession of a gun. Relatives tried in vain to visit him in detention. On 18th June, the lawyer representing the family received confirmation of his death in custody while at VCCU headquarters at kireka, a suburb in Kampala. The death certificate established the cause of the death as extensive loss of fluid and blood, severe bleeding in the brain and extensive burns on the buttocks. The body also bore 14 deep wounds. In October, the minister internal affairs informed that an inquiry had been ordered but no progress was subsequently reported. As in many African countries, government agencies continue to impinge on the freedom of the press in Uganda. In late 2002, the independent monitor newspaper was temporarily closed by the army and police. Journalists from the paper continued to come under attacks in 2004, two of whom were publicly denounced as rebel collaborators by the spokes person for UPDF.

A one Lwanga Andrew a WBS journalist was tortured, by old Kampala district police commander for filming the arrest of a youth activist .He sustained several injuries and his camera was damaged and then kicked him all sides. Currently Andrew ended up a disabled to injuries he sustained and can no longer carry on his usual business as a journalist. According to US department of labor, Uganda has made significant advancement in eliminating the worst forms of child labor in 2013. However, underage children continue to engage in strenuous activities mostly in the agricultural sector and in commercial sexual exploitation. The department' findings on worst forms of child labor indicated that 30 percent of the children aged 5to4 are working children and 95 percent of them are working in agricultural sector picking coffee and tea, growing rice, herding cattle and fishing among other activities.

In report by the foundation of human rights initiative of 2016 about the presidential and parliamentary elections indicated that; Disenfranchisement of voters due to late delivery of

polling material in Kampala and wakiso, disenfranchisement of Ugandans in the Diaspora, detainees among others, Limited freedom of assembly especially for opposition candidates and supporters, Excessive use of force by security agencies. These and more were human rights abuse that restricted the full enjoyment of individual and civil liberties during an electoral period as the press was under restrictions and also individual candidates and supporters together with non government institutions like the CCEDU whose electoral education message was refuted by the electoral commission denying citizen a right to information as stated in chapter four of the constitution of the republic of Uganda.

Nationally, the Media in Uganda has been transformed with the ever changing political and economic landscape of the nation, and since the liberalization of the media in the early 1990s, the number of print and broadcast media outlets has rapidly increased. However, prior to media liberalization, Uganda experienced limited access to independent, privately-owned media outlets. Today, while freedom of expression is enshrined in the 1995 Constitution, it is still subject to statutory and regulatory restrictions as well as regular government sanctioned attacks and interference.

In 2006, Reporters without Borders ranked Uganda 116 out of 168 in its Annual Press Freedom Index. The 2006 ranking represents a sharp drop from the previous year when Uganda was ranked 80th (Reporters without Borders, Worldwide Press Freedom Index, 2006.) Similarly, Freedom House, in its 2007 Annual report on Press freedom ranked Uganda 116th out of 169 countries, a drop from 111th in 2006. While once heralded as one of Sub-Saharan Africa's freest countries for the press, Uganda has dropped in the ranks over the past couple of years following the enactment of the anti-terrorism legislation and the tightening of controls on the media, especially in the run up to the 2006 General elections (Freedom House, Freedom of the Press 2007, released May 1, 2007)

In Kampala, it is one of the fastest growing city on the planet, with an annual population growth rate of 4.03 percent, by City Mayors. Kampala has been ranked the best city to live in East Africa ahead of Nairobi and Kigali by Mercer, a global development consulting agency based in New York City, U.S. being the fact of the press freedom on an increase, journalist have been violated their rights for-example Jimmy Higenyi, a journalism student at the United Media Consultants and Trainers (UMCAT) school, was fatally shot in the back by police in Kampala on 12 January while covering an opposition demonstration as a course assignment. Overwhelmed by the size of the turnout, the police had opened fire in order to

disperse the crowd. Organised by the opposition Ugandan People's Congress (UPC), the march was banned by police under article 269 of the constitution forbidding political activity. It was the first time Higenyi had done field reporting as a journalist. At least three other reporters - Archie Luyimbazi and Andrew Mujema of the television channel WBS and James Akena of the daily New Vision - and several UPC leaders were detained for several hours by police. The police inspector-general, Maj. Gen. Katumba Wamala, announced a few days later that a ranking police officer and two other policemen had been arrested in connection with the death of Higenyi. "The police assume full responsibility," he said at a press conference.

1.2 Problem statement

Every individual by virtue of her or his humanity is entitled to certain human rights, basic or fundamental. This has been defined and provided in the international declaration of human rights which guarantees the respect, protection, and promotion of human rights. It is also provided in the constitutions of different international organisations and of individual countries. Uganda's constitution has a whole chapter four about human rights.

The importance of media as a forum for enhancing public participation in their governance and sharing information can not be over emphasized especially in a democratic dispensation. Freedom of expression includes a number of rights, including the right to hold opinions without interference, the right to impart, seek, and receive information and ideas, regardless of the form, content, or source. This applies to individual citizens as well as the media. The protection of these freedoms must include measures to prevent control of the media in ways that would interfere with individuals' right to freedom of expression.

If this right is not absolute, limitations to it must be those that are either in public interest or demonstrably justifiable in a free and democratic society. Freedom of the media promotes participation in governance and the general right to freedom of expression, all essential tenets of a democratic society, its regulation ought to be very carefully exercised so as not to defeat the core principle of the right. Traditionally, people acquired rights in groups like family, religion, class community or state. There was a tradition of do unto others as you would have them do unto you. This addressed peoples' rights. But as time went on, countries became more bellicose against others and also mistreating their individual citizens by denying them political rights, social rights, press freedom or right to information and other violations

including denial of right to life. The most disastrous moment was that of the world wars 1 and 2 which were characterized by all sorts of human rights violations leading to the formation of the united nations birthed from the league of nations which failed to avoid the outbreak of another world war after the first world war.

Civil rights have been also abused by oppressing opposition political party leaders like Besigye. Freedom of speech is no longer a free right to enjoy after the enactment of the public order management act. These and more human rights violation have affected the lives of people economically , socially, and financially and thus triggered me to carry out a research to critically examine and establish the state of such a phenomena in Uganda which has tainted its image globally.

1.3 Objectives

The purpose of the study will be to establish the relation between press freedom and human rights by the researcher in the central region of Kampala district, Uganda.

1.3.1 Specific objectives of the study

To examine the factors leading to human rights violation in the central region of Kampala district, Uganda.

To establish the various categories and types of human rights in the central region of Kampala district, Uganda.

To establish the relationship between press freedom and human rights violation in the central region of Kampala district, Uganda.

1.5 Research questions

What are the factors leading to human rights violation in the central region of Kampala district, Uganda?

What are the various categories and types of human rights in the central region of Kampala district, Uganda?

How does press freedom and human rights violation in the central region of Kampala district, Uganda?

1.6 Scope of the study

1.6.1 Geographical scope

Geographically, the study will be conducted in Kampala which is the capital and largest city of Uganda. The city is divided into five boroughs that oversee local planning: Kampala Central Division, Kawempe Division, Makindye Division, Nakawa Division, and Lubaga Division. The city is coterminous with Kampala District.

The division comprises the central business district of the largest city in Uganda and includes the areas of Old Kampala, Nakasero and Kololo. These areas are the most upscale business and residential neighborhoods in the city. The division also incorporates low income neighborhoods including Kamwookya, Kisenyi and Kampala's Industrial Area. The coordinates of the division are: 0°19'00.0"N, 32°35'00.0"E (Latitude: 0.316667; Longitude: 32.583333).

In the content, the study will be concrete on Freedom of expression is a cornerstone of democratic rights and freedoms. In its very first session in 1946, before any human rights declarations or treaties had been adopted, the UN General Assembly adopted resolution 59(I) stating "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated."

1.6.3 Time scope

The research will be conducted within a period of four months, from April to August.

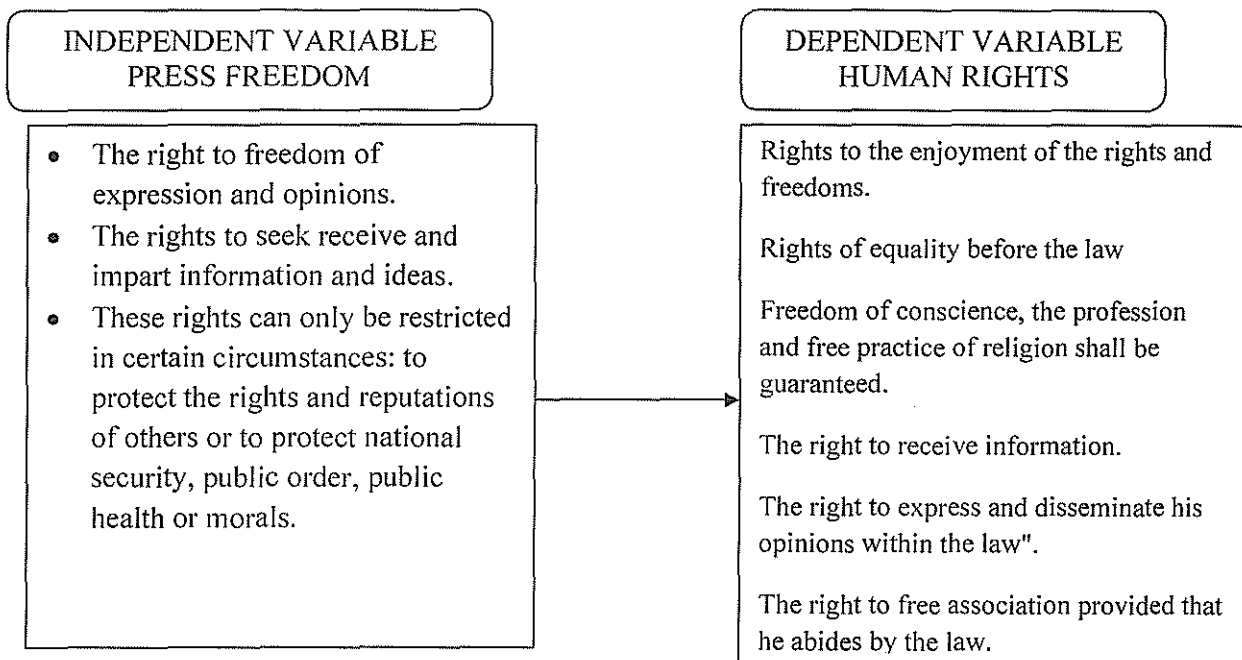
1.7 Significance of the study

The research will help establish causes of human rights violation in Uganda, that administrator and other stake holders can use to draw conclusions on how to attend to the situation so as to make all citizen of Uganda proud of their country. As a copy of this research will be kept in the university library, it will be used by other researchers for reference as secondary data in their research.

The research will help draw recommendations on how the issue of human rights can be handled by the government and other stakeholders. At the completion of this research will mark the fulfillment of one of the activities that lead to my award of a degree in public administration and management as an undergraduate student at Kampala International University.

2.2 Conceptual framework

Figure 1: Showing a conceptual framework relating the variables in the study



Source: *The Researcher Developer*, 2017

Chapter two

Literature review

Human rights are freedoms enjoyed by all people by virtue of the fact that they are all humans as stipulated in the universal declaration of human rights UDHR that all human beings are born equal. Implying that no individual or groups of people should be subjected to inhuman or discriminatory treatment irrespective of colour, gender, sex, age, nationality, tribe among others.

2.1 Theoretical Review

The theory of basic rights is as a framework of minimum defense for people who are weak and powerless. His argument lies on the fact that basic rights are everyone's minimum reasonable demands upon the rest of society. This is because these rights are a shield against the most common threats of life (Henry Shue). Basic rights are basic because they are the basis upon which all other rights and freedoms can be exercised. The theory categorises basic rights into two groups.

2.1.1 Basic right to security

Basic right to subsistence

The basic right to security provides the minimum protection against physical as well as mental insecurity. These rights pertain to physical existence and survival for example, the basic right to security includes the right to life and security of persons i.e. the right to freedom from torture including all other forms of physical assault among others.

The basic rights to subsistence are the kind of rights that pertain economic security including the right to adequate food, clothing, healthcare and housing among others. They pertain to a standard of living that is adequate for person's health and wellbeing.

The justification for these rights is that their recognition is a prerequisite for a health normal life without which we cannot conceive rights and freedoms. They are primary or basic rights that need to be respected before one can enjoy other rights like the civil rights and group rights. For example one has to be healthy to pursue education which education is important for one to participate qualitatively in the political affairs of society.

The principals of the theory of basic rights that include; promotion of the right to life , shelter, housing ,healthcare ,have a positive impact on my study is intended to assess the protection and promotion of human rights in Uganda . however such rights if protected and promoted or their recognition leads to a health living among Ugandans by creating a healthy environment for peoples participation in politics, access to good health services, quality education, Uganda still has a challenge to uphold these basic rights due to continuous abuses by individuals, groups, organisations and or government institutions creating a great impact to lives of the people.

2.1.2 Categories of human rights

Negative human rights

These are rights that follow the Anglo-American tradition, which the state can protect simply by taking no action or denote actions that government should take .civil and political rights are negative rights .They are cost free and can be provided by the state and their breach can be judged in the courts of law.

Positive rights

These are rights that the state is obliged to provide as opposed to only avoid their breach. These mainly follow the European legal traditions .they include; economic, social and cultural rights.

Legal rights

They are rights laid down in law and can be defended in the courts of law .most of these rights are written down and their penalties are awarded for breaking them they apply to all people regardless of their gender, religion, culture among others

Moral rights

These are rights based on the general principals of fairness and justice. They are principals or standards relating to right and wrong varying from tribe, beliefs of the family, culture, philosophy or religion. However there are principals that are considered to be general like telling the truth.

Civil and political rights

These rights concern a person's freedom to think, express oneself, have access to information, assembly, public, vote, practice one's religion and freedom of movement. They are stated in UDHR, ICCPR 1966, the United States Bill of Rights 1791, among other human rights documents.

Social and economic rights {ICESCR 1966}: they are security-oriented rights simply because they provide social and economic security. They allow people to live together as families, communities, production, development and management of material wealth or the necessities of life. They are concerned with people's survival and how they earn a living.

Group rights

Group rights include the freedom of a person's right to live in a safe, clean environment free of pollution and protected from destruction. They also recognize that groups of people have a right to cultural, political and development entitlement.

Derogable rights

Derogable rights that can be restricted such as freedom of speech, freedom of expression, freedom of association and assembly, freedom of movement and rights to liberty. However, they are restricted on specific grounds of the law provisions, for example, when the restriction is necessary in a democratic society to achieve the objective, when the restriction is not imposed in a discriminatory manner, among others.

Non- Derogable Rights

These are rights that cannot be restricted or are absolute. Their violation counts as a crime against humanity. They include; right against torture, inhuman and degrading treatment, and right to fair hearing, freedom against slavery and servitude and freedom from rape.

The constant violation of the basic human rights for people's health leaving is suggested to be due to a series of reasons but to mention a few below;

Ignorance

This is a condition of being uninformed or uneducated. This literally means that one lacks knowledge or information about particular agendas. It is perceived to be one of the reasons behind the violation of human simply because most of the Ugandans are illiterates and not enough sensitization has been made to create awareness about ones rights ,for example women who are usual victims of domestic violence mostly in rural areas . Such rights like freedom from inhuman treatment and freedom from torture are violated on advantage of their ignorance. A right like a right to quality education from the state is violated because people perceive it as a privilege and not a basic entitlement thus no cause for demanding for such rights. Therefore lack of information about human rights has escalated the abuse of the rights of many Ugandans today.

Corruption

Corruption and its forms like bribery, embezzlement, nepotism, has at several times been registered to be one of the major causes of human rights and press freedom violation in Uganda. This is simply because public funds are swindled by a few government officials which create a gap in the provision of social services to the people. Besides affecting the delivery of social services, it has also led to the abuse of rights like a right to a free and fair hearing hence denying justice to several individuals. According to the new vision news paper, a local paper in Uganda on Monday April 10th 2017 page three, the state minister for labour, employment, and industrial relations a one Herbert kabafunzaki was arrested over alleged soliciting of 10m from AYA group of companies whose image was at stake for alleged sexual assault cases to one of its workers by a boss and he had promised to clear the reputation of the company which was an attempt to deny justice to the lady who fell a victim. In same paper on page eight, it was reported that a Nakawa magistrate was also arrested over soliciting sh2m bribe to change the ruling of case that she had earlier decided its fate.

Power struggle

The fight for political power in Uganda that has existed for decades has also contributed to the violation of human rights in Uganda. During the Museveni bush war struggle that lasted for five good years from 1981 to 1985, a lot of lives were lost, displacement characterized the war that could not access their families and food, shelter which are everyone's fundamental entitlements. The same violation have existed or years in the northern region of Uganda due to LRA rebels led by Kony Joseph. Recently in 2016 during and after the electoral process,

the rights of several opposition leaders like freedom of movement and association were denied to them, there were constant unlawful detentions and imprisonments. People who fell victims included DR kizza Besigye, HON semujju Nganda the spokes person of FDC, Erias Lukwago the lord mayor of Kampala, the ex- prime minister of Uganda HON Amama Mbabazi among others. Several media houses like NBS television were put under restriction from broadcasting rallies of the opposition politicians. In 2009 radio CBS was censored due to its renowned program Mambo Baado a platform where several leaders like HON Betty Namboze hit on the atrocities of the government.

Culture, Uganda is one of countries endowed with a diversity of cultures. All cultures have their norms and values that they cherish and protect like bride price, male superiority and female inferiority, property inheritance and practices like female genital mutilation. All these have led to the violation of human rights. for example, bride price traditionally means that a man takes his wife as a personal property subjecting her to any kind of treatment because he paid the parents to take her home and therefore bears full responsibility and control over her. This practice is one of the causes of domestic violence in homes which at times leads to killing of partners because they can never go back to their parents. Property inheritance is a monopoly of the male children denying the girls from gaining a share from the properties of their parents and a right to property abused.

Poverty is a state of being poor or indigent, scarcity of means of substance. In Uganda today, most of its population lies below the poverty line and therefore difficult to access basic rights like food, shelter, sources of information, quality education and healthcare. This means that a society of man eat man will exist where by the poor will be aggressively looking for what to eat ending up in dubious means like theft, murder of the rich ,robbery among others . In such a society lives are taken, the little wealth land of the poor is stolen by the rich denying them ownership of property; the poor can barely find justice in the courts of law hence denying them a fair hearing and right to justice. Children are denied a right to a clean and health environment, political rights will be abused due the principal that that the poor cannot rule simply because they cannot think for the state or society as they cannot think for themselves to curb poverty.

Poor and delayed investigation, Government agencies like the police, CID which are responsible for investigating crime in Uganda, conduct poor investigations that at times they fail to come up with the cause of crime and the suspects so that to commit them to court. This

denies the victims timely justice and at times they never get justice due to lack of evidence to pin the perpetrators. A case in point was the murder of Joan Kagezi a prosecutor who was shot dead two years back and till today no suspect has been arrested. Such delays or poor investigation which don't cause a just end of the case, deny the victims a rights to justice.

Structure of the African Charter

The African Charter consists of 68 articles divided into three parts: Rights and duties (the substantive provisions); measures of safeguard (the implementation or enforcement mechanisms); and General provisions.

The Charter is prefaced by a Preamble. It then introduces the human and peoples' rights to be promoted and protected, and then lays out the individual's duties to his family and to society. Next, the Charter establishes the African Commission on Human and Peoples' Rights as a supervisory body to oversee the protection of the rights enumerated. The Charter then declares that the Commission shall draw inspiration from international law on human and peoples' rights. This means that the African Commission may in its interpretation of the Charter draw inspiration from the jurisprudence of United Nations treaty bodies such as the Human Rights Committee. Nothing bars the African Commission from drawing inspiration also from the works of the European Commission on Human Rights, the European Court of Human Rights, the Inter American Commission on Human Rights and the Inter American Court of Human Rights.

Substantive Content

The African Charter embodies a wide rang of rights which it aims to promote and protect. This includes individual human rights and also collective peoples' rights. Rights are often classified into 'generations'. The other regional instruments, the European Convention on Human Rights (ECHR) and the American Convention on Human Rights (ACHR) guarantee only civil and political rights, which constitute first generation rights. The African Charter however extends its protection to social and economic rights, which are second-generation rights, as well as to collective rights of people, which constitute third generation rights. However, the European Social Charter of 1960, the American Declaration on the Rights and Duties of Man, and the Additional Protocol to the ACHR in the area of Economic, Social and Cultural Rights of 1988 fill this gap in the European and Inter-American system. The different rights proclaimed by the African Charter will be examined.

Individual Rights

In the African Charter, individual rights are divided into civil and political rights on the one hand, and economic, social and cultural rights on the other. These are the rights and freedoms one enjoys as an individual, and not because one belongs to a particular community or social grouping or any other association. Hence, they are enjoyed in an individual capacity. This does not however mean that these rights may not be enjoyed in a group. For instance the right of association may only come into play if there are two or more persons. Individuality here means that these rights can be enjoyed by an individual regardless of whether he is in association with others or not.

Civil and political rights

Civil and political rights have been described most often as "negative" rights. This is because they often prohibit a State from carrying out certain acts for example, intervening in the enjoyment of rights. Hence the State should remain passive. This may be true with regards to some civil and political rights. For instance the right not to be subjected to torture, cruel and inhuman treatment require States and other persons to refrain from committing these acts. But then, it is not in all instances that States must remain passive in order to give effect to the enjoyment of civil and political rights. For example, the right to fair trial may require a State not only to provide the courts and judges, but also legal assistance to the indigent accused.

A broad non-discrimination clause begins the Charter's section on individual rights, which then continues with an equal protection clause. The Charter further guarantees the right to life and prohibits slavery as well as torture, cruel, inhuman or degrading treatment and punishment. It bars arbitrary arrest and detention, and protects the right to due process of law and fair hearing. It ensures freedom of religion, the right to receive information, to express one's opinions, freedom of association and assembly. It equally protects the right to movement and prohibits mass expulsion of non-nationals 'aimed at national, racial, and ethnic or religious groups'. It guarantees the right to participate in one's government.

These rights will be commented upon beginning with States obligation under article 1.

Article 1 provides that: "The Member States of the Organization of African Unity, parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them".

This provision puts any State that ratifies the Charter under obligation to respect all its provisions. This aspect brings out the difference between soft and hard law. Soft law refers to declaration, recommendation and resolution, while hard law refers to covenant, treaty, charter and convention. The difference between the two is that while soft law may be respected, they usually have no legal binding force. On the other hand, hard law are legally binding and imposes an obligation upon any State that ratifies it to give full effect to its provisions. This means therefore that all State Parties to the African Charter are under a legally binding obligation to implement the provisions of the Charter.

In Communication 129/94, *Civil Liberties Organisation v Nigeria*, the complaint alleged that various decrees by the Nigerian military government which, ousts the jurisdiction of the domestic courts, and specifically nullifies any domestic effect of the African Charter, were in violation of the Charter. The Commission held that the obligation under article 1 commences at ratification and that it will only cease when ratification is withdrawn through an international process involving notice. It also stated that a State cannot negate the effects of its ratification of the Charter through domestic action as it would constitute a serious irregularity, and as such Nigeria remained bound by its obligation under the Charter.

A State's duty to undertake measures implies that a State must also take pre-emptive steps to prevent human rights abuses. Even if State agents are not the immediate and direct cause of a violation, the State still has the duty to intervene in order to prevent such violation or investigate incidents.

In Communication 74/92, *Commission Nationale des Droits de l'Homme et des Libertes v Chad*, the African Commission held that a State will violate article 1 of the Charter if it neglects to ensure the rights guaranteed in the ACHPR, even if its agents are not the immediate cause of violation. It also stated that the failure of the Chadian government to secure the safety and the liberty of its citizens and to conduct investigations into murder, violated article 1 of the Charter.

Article 2 provides that:

"Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status".

Distinction in this provision refers to discrimination. Discrimination is a particular form of differentiation. Unlike 'mere differentiation' however, discrimination is differentiation on illegal grounds because it is based on very subjective criteria like those mention in the article. A law that differentiates between black and white people, and places a burden on one group and not the other is differentiation on the illegitimate ground of race and is therefore discriminatory. Any law that differentiates between men and women, the rich and the poor, people from different ethnic groups, different religion and political opinion is discriminatory. This article therefore provides that no one may be discriminated against on any of these grounds in the enjoyment of the rights and freedoms guaranteed in the Charter.

In Communication 71/92, *Rencontre Africaine pour la Defense des Droits de l'Homme v Zambia*, the Commission held that despite the fact that a State has the right to bring legal action against all persons illegally residing in its territory, the nature of the expulsion of non-nationals by the Zambian government in this case was discriminatory on national basis.

Communication 27/89, 46/91, 49/91, 99/93 *Organisation Mondiale Contre la Torture and Association Internationale des Juristes Democrates, Commission Internationale des Juristes, Union Interafricaine des Droits de l'Homme (OMCT, AIJD, CIJ, UIDH) v Rwanda*, alleged expulsion of Burundian refugees in Rwanda, massive human rights violations including arbitrary arrest, detention, and summary executions of Tutsis and political opponents in Rwanda. The Commission found that the violations of the rights of individuals in this case have occurred on the basis of their being Burundian nationals, members of the Tutsi ethnic group or members of opposition parties, and as such violated article 2 of the African Charter.

Article 3 provides that:

" 1. Every individual shall be equal before the law.

2. Every individual shall be entitled to equal protection of the law".

The equality clause is closely linked to the non-discrimination clause. The provision of this article is to the effect that people should be treated equally without any distinction. They should be regarded equally before the law and the law should protect them equally without discrimination.

In Communication 159/96, Union Interafricaine des Droits de l'Homme, Federation International des Ligues des Droits de l'Homme, Rencontre Africaine des Droits de l'Homme, Organisation Nationale des Droits de l'Homme au Senegal and Association Malienne des Droits de l'Homme (UIDH, FIDH, RADDHO, ONDH and AMDH) v Angola, the communication alleged the expulsion of West Africans from Angola without the opportunity to challenge the matter before the domestic courts. The Commission held that article 2 of the African Charter obligates States parties to ensure that persons living on their territory, whether nationals or non-nationals enjoy the rights guaranteed under the Charter. In this case the Commission found that the victim's rights to equality before the law were trampled on because of their origin, and constituted a violation of article 3 of the Charter.

Article 4 provides that:

"Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right".

The right to life is regarded as the most important of all human rights, and the source of all other personal rights. A person cannot claim any other right if his right to life has been violated. The right to life ranks supreme over all other rights and cannot be derogated from even in times of emergency. The Commission held in Communication No. 64/92, 68/92, 78/92, Krishna Achuthan (on behalf of Aleke Banda), Amnesty International (on behalf of Orton and Vera Chirwa v Malawi, that the shooting by police officers are a violation of the right to life.

Extra judicial killings are also a violation of article 4 of the African Charter. In Communication 27/89, 46/91, 49/91, 99/93 OMCT, AIJD, CIJ, UIDH v Rwanda the Commission held that massacre of large number of Rwandan villagers by the Rwandan armed forces and extra judicial killings carried out for ethnic and political reasons violated the right to life enshrined under article 4 of the Charter.

The African Commission at its 26th Session in November 1999 in Kigali issued Resolution AHG/222 (XXXVI), adopted by the General Assembly, urging the OAU member States to

envisage a moratorium on the Death penalty. The resolution provided inter alia that States parties that still maintain the death penalty should reflect on the possibilities of abolishing it.

Article 5 provides that:

"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited".

This article seeks to preserve the integrity and dignity of the human being and preventing his exploitation. Slavery is a dehumanising cultural practice that still persists in modern Africa; Benin, Ghana, Mauritania, Nigeria and Sudan are good examples. It involves the systematic exploitation of a person over whom any or all of the powers attaching to ownership are exercised. Slave trade on the other hand has been regarded as the greatest violation of human rights Europe ever committed on Africa. Slave trade involves the outright sale of human beings in the same way manufactured products may be sold. Slave trade and slavery in their contemporary form include sale and traffic in human beings, pledging of young girls for debts, forcing young girls into marriages in exchange of dowry payment to the girls' families, use of domestic servants for extremely low pay, child labour and forced labour.

Communication 198/97 S.O.S - *Esclaves v Mauritania* alleged that slavery still remained a common practice in Mauritania despite its being outlawed, and that the government in those cases occasionally supports the authors of those practices. Concrete examples cited in the communication included, ten Mauritanian adults sold and bought as slaves, children from four families enslaved by the masters of their parents, four other children sold as slaves, two Mauritanian women married to their masters against their will, six Mauritanians and their families disposed of their ancestral property by masters of their parents. Although the communication was held inadmissible for non-exhaustion of internal remedies, the Commission acknowledged that the complaint still enjoys the opportunity to seize the Commission after local remedies have been exhausted.

In as much as slave trade and slavery constitute torture, cruel inhuman or degrading treatment or punishment, this second ambit of the provision goes further to include beatings usually carried out by security forces, long period of detention without charge or trial, overcrowded detention cells and prisons, detention in solitary cell.

In Communication 64/92, 68/92, 78/92, Krishna Achuthan (on behalf of Aleke Banda), Amnesty International (on behalf of Orton and Vera Chirwa v Malawi, the Commission held that conditions of overcrowding and acts of beating and torture that took place in prisons in Malawi contravened article 5 of the African Charter. Also, maltreatment of prisoners in this case, excessive solitary confinement, shackling within cell and extremely poor quality food constituted a violation of article 5.

In Communication 137/94, 139/94, 156/96, 161/97, International PEN, Constitutional Rights Project, and Civil Liberties Organisation, Interights (on behalf of Ken Saro-Wiwa Jr.) v Nigeria, the Commission held that the holding of a prisoner in handcuffs, airless and dirty cells, chained by foot to the wall in the cell, and the denial of medical attention in situation of deteriorating health were all acts of torture, cruel, inhuman and degrading treatment, and violated article 5 of the Charter.

Article 6 provides that:

"Every individual shall have the right to liberty and to the security of this person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained".

The right to liberty is very important since in most cases it transcends to the violation of other rights. Arbitrary arrest and detention is a good example of violation of a person's liberty and in some instances have led to the violation of other human rights such as freedom from torture, freedom of expression and association, the right to fair trial and even the right to life. Liberty may imply that individuals should not have obstacles to possible choices and activities placed on their way. This right therefore requires the State to have justifiable grounds for depriving a person's freedom, and requires such deprivation in situations where they are justified, to take place in accordance with fair procedures.

The Commission held in Communication 103/93 Alhassan Abubaka v Ghana that the detention of the victim in this case for seven years without trial was arbitrary and a violation of article 6 of the African Charter.

In Communication 39/90 Annette Pagnouille (on behalf of Abdoulaye Mazou) v Cameroon, the Commission held that the continuous detention of a prisoner beyond the expiry of his sentence constitutes a violation of article 6.

Article 7 provides that:

"1. Every individual shall have the right to have his cause heard. This comprises:

(a) the right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;

(b) the right to be presumed innocent until proved guilty by a competent court or tribunal;

(c) the right to defence, including the right to be defended by counsel of his choice;

(d) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender".

Under this article an individual has the right to seek redress in court for the violation of his right.

The Commission held in *Communication 71/92 Rencontre Interafricaine pour la Defense des Droits de l'Homme v Zambia* that, the deportation of foreigners from Zambia without giving them the opportunity to be heard by the national judicial authorities violated article 7 (1) of the African Charter.

Also, only qualified judges must try a person and the court must be impartial, independent and separate from the other branches of government. In *Communication 87/93, Constitutional Rights Project (in respect of Zamani Lekwot and 6 Others) v Nigeria*, the Commission held that Decree 2 of 1987 in Nigeria which prohibited any judicial review of a special tribunal, and lacked judicial appeal violated article 7 (1) (a) of the Charter. It also found that the judges of the tribunal composed of members of the armed forces and police in addition to the judges created the appearance of lack of impartiality and violates article 7 (1) (d).

The presumption of innocence clause requires that it is not the duty of an accused person to prove his innocence. Rather, the burden rests on the prosecution to prove the accused's guilt. The right to defence and defence counsel implies that an accused person must be given the opportunity to be heard. He must have a chance of putting forward his own side of the case and if necessary with the assistance of a legal practitioner of his choice. The implication of a

defence counsel is that States should provide State-funded counsels to accused persons for necessity of fair trial. Most African countries have not been able to meet up with this requirement due to their weak financial situations; Rwanda is a good example.

Moreover, accused persons should be tried within a reasonable time. The essence of this provision is that accused persons should not be kept in detention for unreasonably long periods without trial. The Commission held in Communication 103/93 Alhassan Abubakar v Ghana that the detention of the victim for seven years without trial violated the right to be tried within a reasonable time under article 7 (1) (d).

Sub-paragraph two is to prohibit the application of ex post facto laws. This implies that laws should not have retrospective character. A person can therefore only be punished if there was a law criminalising his/her act at the time he/she committed that act. If a person's act did not constitute a crime at the time of commission, then no law passed thereafter should have the effect of holding him criminally responsible. Under the CCPR, law in this regard refers to both domestic and international law. Thus an accused will be held responsible for an international offence punishable under international law at the time of commission even if there was no domestic legislation punishing that act. This provision was invoked in Rwanda to try the 1994 genocide suspects under the Organic Law of 1996.

In Communication 105/93, 129/94, 130/94, 152/96 Media Rights Agenda Constitutional Rights project, Media Rights Agenda v Nigeria, a decree was passed in 1993 requiring the registration of every newspaper or magazine. It was given a retrospective effect and all existing newspapers were declared illegal; their owners and publishers were therefore liable. The Commission held that in this case article 7 (2) must be read to prohibit not only condemnation and infliction of punishment for acts which did not constitute crimes at the time they were committed, but retroactivity itself. That if laws change with retroactive effect, the rule of law is undermined since individuals cannot know at any moment if their actions are legal. That the situation creates a terrible uncertainty and violates article 7 (2) of the African Charter.

Unlike the CCPR, the ECHR and the ACHR, the ACHPR does not guarantee the right to a public hearing. The Human Rights Committee has pointed out in its General Comment 13 (21) that public hearings is an important safeguard in the interest of the individual and society, and even where the trial proceeding is not open (to protect the interest of justice), the judgment should be made public.

Article 7 of the African Charter was strengthened by a resolution of the African Commission on fair trial adopted by the OAU General Assembly in 1992, which guarantee the right to legal aid for indigent persons, the right to interpreters, the right to appeal to a higher court. This resolution however does not totally solve the problem as it does not make mention of the right to compensation for the miscarriage of justice, freedom from double jeopardy, and self-incrimination.

Article 8 provides that:

"Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms".

This article can be broken into two arms, freedom of conscience and freedom of religion. Freedom of conscience ties up with various provisions of the Charter including freedom of association, freedom of assembly and even freedom of religion. Freedom of conscience is a general right to have a belief or conviction, be it cultural, religious or political participation. Individuals are therefore free to associate with persons of the same ideology such as political parties and churches. Freedom of conscience is however allowed to the extent that it abides by the law.

In Communication 25/89, 47/90, 56/91, 100/93 Free Legal Assistance Group, Lawyers' Committee for Human Rights, Union Inter africaine des Droits de l'Homme, Les Temoins de Jehovah v Zaire, the Commission held that the persecution of the Jehovah's Witnesses, including arbitrary arrests, appropriation of church property and exclusion from access to education violated article 8 since the government of Zaire has presented no evidence that the practice of their religion in any way threatened law and order.

The second arm, freedom of religion is more specific and relates to a belief in God. Freedom of religion ties up with other rights in the Charter including the freedom of association, assembly, expression and also freedom of conscience. This right includes the right to declare religious beliefs openly without fear of hindrance or reprisal, and the right to manifest religious worship and practice and also by teaching and dissemination. It involves the freedom to change one's religion. It is important to note however that in some African States, freedom of religion is not allowed. An example is Libya where Islam has been proclaimed to be State religion, and the Koran part of the Libyan laws.

CHAPTER THREE

METHODOLOGY

3.1 Design

The study seeks to use descriptive research approach on press freedom and human rights in Uganda in Kampala district, specifically cross-sectional survey design using both the quantitative and qualitative methods of data collection. Descriptive study enables the researcher to collect information from a cross-section of a given population. This study design will be used because it is the most commonly used research method in social research. This is because results from such a survey are easily extrapolated to the entire population.

3.2 Population

This study will contain 45 in Total of the 80 among the human rights initiative. The researcher intends to select data from the different categories of respondents.

3.3 Sample

The sample size will be determined by use of Morgan & Krejcie (1970) table for determining sample size from a given population. In the case the sample was derived from the given population of 45 and the sample according to the Morgan's Table was 40 respondents.

3.4 Data Collection method

The researcher will use interviews, questionnaires, and observation as methods of data to collect information from respondents.

3.4.1 Interviews

The researcher will gather information through verbal interaction with the participants which derived from the sampling techniques used by the researcher.

3.4.2 Questionnaires

A written set of questions will give to respondents to record their answers as far as the topic is concerned. Questionnaires were paramount because the respondents were in position to

answer according to what they think about the particular issue of concern. These questionnaires were used in order to gain more creative ideas as far as the research was concerned.

3.4.3 Observations

In this method, the researcher took the initiative to observe what really happened on the scene. In this method, direct information will obtain and the researcher keenly observation of what takes place and draw clear recommendations. This method will be helpful in a way that “what you see is what you get”.

3.5 Data collection instruments

Validity: To ensure the validity of the questionnaire, the research supervisor will act as an expert to assess the validity of the research instruments, in this regard. After constructing the questionnaires; they will be submitted to her to ensure their validity through their duties basis.

Reliability: reliability will be tested using Cronbach’s coefficient alpha (α). Specifically, coefficient alpha is typically used during scale development with items that have several response options (i.e. 1=strongly disagree to 5=strongly agree and responding in Yes or No).

3.6 Quality of Data collection instruments

The study will explain, describe and present the study findings basing on the specific objectives of the study, and research questions where data analysis will first be done through sketchy and generalized summaries of the findings such as observation and conclusions in the process of data collection. Data analysis will be done using Morgan’s Table and presented in table or charts.

3.7 Procedure

The processing of data will be done after the collection of data for verification of the information gathered and for attainment of completeness, accuracy and uniformity. Data editing will involve checking the information for errors which is advantageous because it will enable the researcher to delete and eliminate possible errors traced that can manipulate the

results of the study. Data will be analyzed concurrently to avoid duplication thereby guiding the entire study for balanced and critical analysis. The researcher will use hypothesis based on the questionnaire and for other items, tabulation pie-charts and percentage methods will be used for data presentation, analysis and qualification.

3.8 Data management

The data for this research will collect using questionnaire and one-on-one interview with the journalists. The questionnaire will be created using suitable questions formed by the researcher. After the supervisor validating the questionnaire and interview guide, the researcher will seek authorization letter from the research coordinator to go to the field for data collection.

After data collection, the researcher will compile the findings and continue with the write up of complete research. Data will be presented in descriptive form, statistical in tables and graphs where possible.

To ensure moral justification of the study, the following strategies will be adopted, the researcher will first of all obtain a letter of introduction from the university, assigning her to the field which he will use to erase suspicion by the respondents, the researcher thereafter shall go ahead to book respondents, after which she will deliver/pick the questionnaires or conduct interviews on agreed upon dates and the researcher will also have the task of assuring the respondents of utmost confidentiality in the process of coding data.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 Introduction

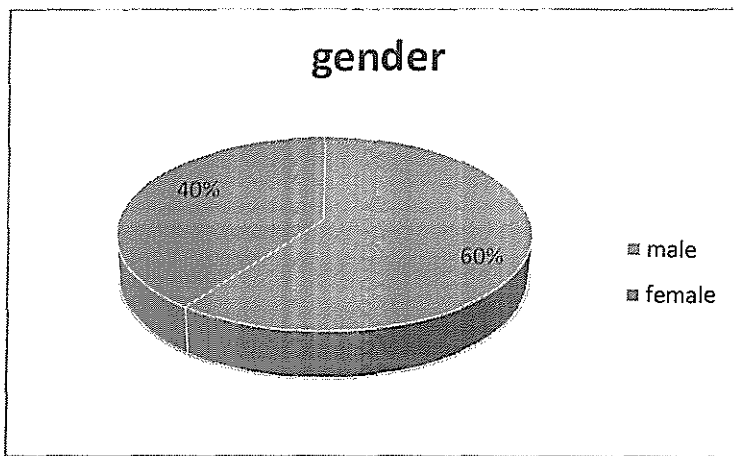
This chapter presents the results analyzed from the raw data collected from the field. Primary data was collected using questionnaires, coded, edited and put into SPSS Version 16 in that frequency tables and percentages were obtained to present the findings which also included graphs. From the 70 questionnaires given out only 40 were returned for analysis.

4.1 Demographic Characteristics of Respondents

4.1.1 Gender of respondents

The study found that 24(60%) of the total respondents were male, while 16(40%) were female as shown in figure 4.1 below. This implies that men participated in giving information on this study more than women. The cause for this is that there are more men than women participating in Human Rights enforcement in Uganda.

Figure 2: A pie chart showing gender respondents

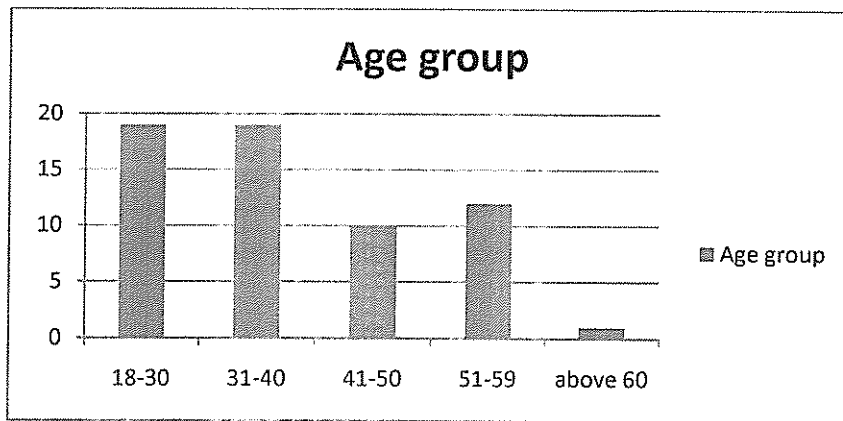


4.1.2 Age Group of respondents

From figure 4.2 below indicates that 19(31.1%) of the total respondents were 18-30 years of age, 19(31.1%) were 31-40 years, 10(16.4%) were 41-50, 12(9.7%) were 51-59, and only 10.6%) were above 60 years of age. This implies that all the key informants were mature and experienced. This added value to the responses given that they were all in position to understand and answer the questions put before them.

Figure 3: showing age group of respondents

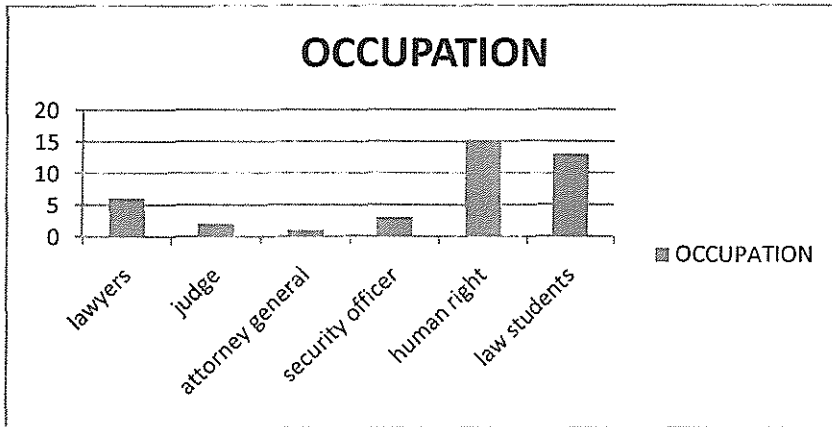
Age group



4.1.3 Occupation Of Respondents

The study found that 6(15.0%) of the total respondents were lawyers from different law firms 2(5%) were judges, 1 (1.5%) an attorney general, 3(7.5%) security officers from different security units such as police and UPDF, 15(37.5%) were human rights activists and 13(32.5%) were law students in law schools in Uganda as shown in figure 4.3 below. This implies that human rights activists and law student in different tertiary institution participated in giving information on this study more than others.

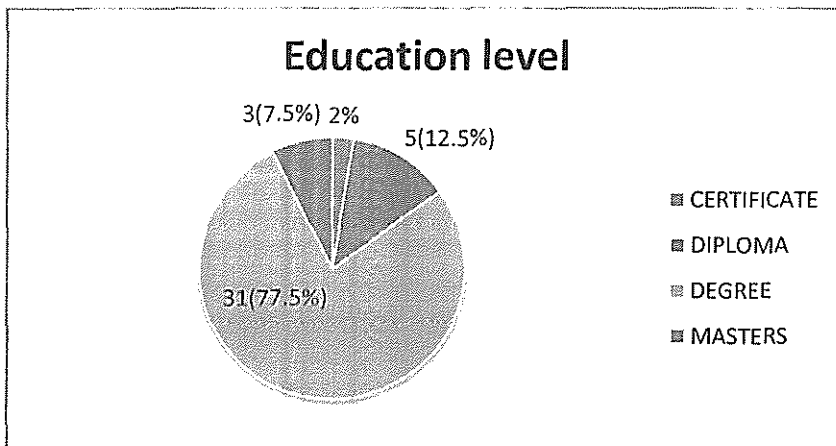
Figure 4 showing occupations of respondents



4.1.4 Education Level of Respondents

In figure 4.4 below, results reveals that 1(2.5%) had acquired certificate, 5(12.5%) had acquired diploma, 31(77.5%) had acquired bachelors degree and 3(7.5%) had masters from different universities in Uganda and outside Uganda. This implies that the respondents were able to read and understand the questions in the questionnaire and give appropriate answers.

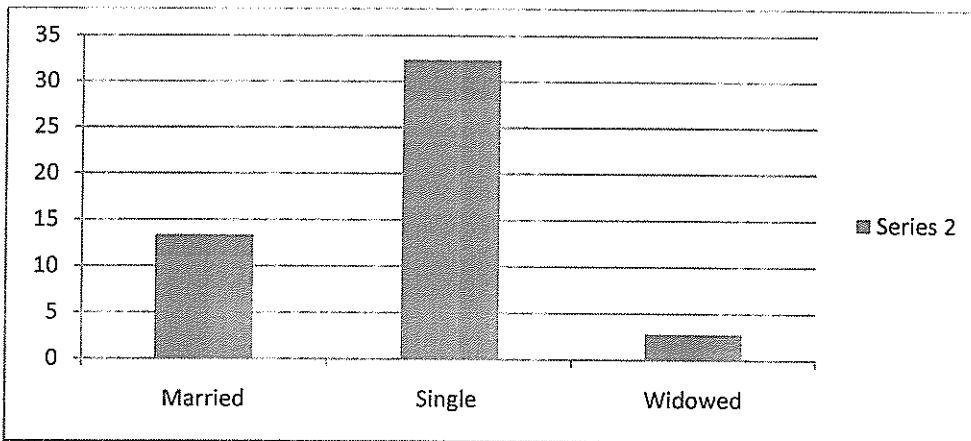
Figure 5: Showing Education levels of respondents



4.1.5 Marital status of respondents

The marital status of the respondents was purposely divided into married, single and divorced basing on participation in human right activities, 11(27.5%) were married, 28(70.0%) were single, and 1(2.5%) is widowed. This implies that majority of the respondents were single followed by married ones. Thus single people are more in the enforcing right to freedom of expression in Uganda than married and the widowed.

Figure 6 : Showing marital status of respondents

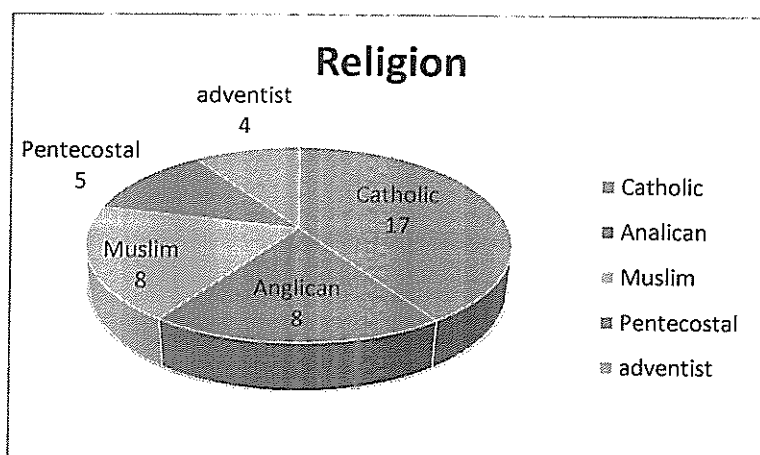


Marital status

4.1.6 Religion of respondents

From figure 4.6 below, 5(12.5%) of the total respondents were Pentecostal, 17(42.2%) were Catholics, 8(20%) were Anglicans, 8(20%) were Muslims, and only 4(10%) were Adventist. This implies that all the key informants were at least religious people who were giving honest answers to the questions put to them. This added value to the responses given that they were all in position to answer questions according to their honest understanding.

Figure 7: Showing religions of respondents



4.2 The efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression

This section focuses on the results of the first objective which sought to examine the efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression, descriptive statistics is used as explained below.

4.2.1 Law protecting the right to freedom of expression:

Respondents were asked whether the law in Uganda protects the right to freedom of expression. Their responses were: 3(7.5%) strongly disagreed, 5(12.5%) disagreed, 2(5%) were not sure, 24(60%) agreed and 6(15%) strongly agreed as indicated in the 4.1 below.

Table 1: Showing Law protecting the right to freedom of expression

	Frequency	percent	Valid percent	Cumulative percent
Valid strongly disagree	3	7.5	7.5	7.5
Disagree	5	12.5	12.5	20.0
Not sure	2	5.0	5.0	25.0
Agree	24	60.0	60.0	85.0
Strongly agree	6	15.0	15.0	100.0
Total	40	100.0	100.0	

Source: *Primary Data, 2017*

From table 4.1 indicates that 30(75%) of the total respondents were in agreement that law in Uganda protects the right to freedom of expression. This implies that the law is there and the respondents are aware of this law. This is true basing on the fact that under article 29 of the 1995 constitution of Uganda, it is indicated that every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media. The constitution as a supreme law governing Uganda provides for this right and states “Shall” an indication that this right must be there, this gives protection to this right. However, 8(20%) of the respondents were in disagreement, this reveals that they are not aware that this law exists. 2(5%) were not sure whether the law protects freedom of expression. These people need to be made aware that in Uganda there is a law that protects the right to freedom of expression and this can be done through sensitizing people about this law and also educating these people about this law.

4.2.2 Government of Uganda and its protection for the right to freedom of expression

When respondents were asked whether the Government of Uganda protects the right to freedom of expression, their responses were: 8(20%) strongly disagreed, 18(45%) disagreed, 3(7.5%) were not sure, 9(22.5%) agreed and 2(5%) strongly agreed. Table 4.2 below presents the findings.

Table 2: Showing Government of Uganda and its protection for the right to freedom of expression

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid strongly disagree	8	20.0	20.0	20.0
Disagree	18	45.0	45.0	65.0
not sure	3	7.5	7.5	72.5
Agree	9	22.5	22.5	95.0
strongly agree	2	5.0	5.0	100.0
Total	40	100.0	100.0	

Source: *Primary Data, 2017*

Considering the data from the table above, it is indicated that 26(65%) disagreed that the government protects the right to freedom of expression this can be considered basing on the fact that we have witnessed government instead of protecting this right, it engages in

activities violating this right as witnessed on 12th December 2003 the late who was the then information minister Mr. Basoga Nsadhuh announced at a weekly cabinet press briefing in Nakasero that radio stations can only broadcast "Ebimezza" after getting out side broadcasting license from the communication commission or risks prosecution as well as canceling the license , contradiction of that attracted a fine of 500,000 Ugandan shillings.

Ebimezza was a program aired out on radio stations like CBS and Simba, where people had opportunity to evaluate government's successes and failures, hoping what they said would benefit the country but government felt the criticisms were offensive and thus should be done away with (The defender, 2003). However, it also indicated that 11(27.5%) agree that the government protects this right, this is true basing on the fact that the judiciary as an organ of the government has held freedom of expression to be a right that should be respected and protected.

This was clearly stated by J C Mulenga in *Onyango Obbo and Andrew Mwenda Vs A.G* in a constitution Appeal, 2002 that. *"A democratic society respects and promotes the citizens individual rights to freedom of expression, because it drives benefit for the exercise of that freedom by its citizens. In order to maintain that benefit, a democratic society chooses to tolerate the exercise of freedom even in respect of demons ably untrue and alarming statements"*. 3(7.5%) are not sure meaning they are not aware whether government has protected this right or not. In respect of the above I recommend that government should do more with protecting this right especially by not engaging in any act which is contrary to the protection of this right, government should respect rule of law and in this way it will protect this right.

4.2.3 Laws violating the right to freedom of expression

When asked whether the Government of Uganda makes laws which violate the right to freedom of expression, their responses were: 6(15%) strongly disagreed, 11(27.5%) disagreed, 4(10%) were not sure, 15(37.5%) agreed and 4(10%) strongly agreed. Table 4.3 below presents the findings

Table 3: Showing Laws violating the right to freedom of expression

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid strongly disagree	6	15.0	15.0	15.0
Disagree	11	27.5	27.5	42.5
not sure	4	10.0	10.0	52.5
Agree	15	37.5	37.5	90.0
strongly agree	4	10.0	10.0	100.0
Total	40	100.0	100.0	

Source: *Primary Data, 2017*

From the above table 17(42.5%) disagreed , this is implied from the fact that government as a body protecting its citizens cannot use laws against them to strip way there rights , the laws they make are believed to be for the public good and interest. However 19(47.5%) agree that the government actually does make laws violating the right to freedom of expression. This can be implied from section 11(1) of the terrorism act (2002) which states that “any person who establishes, runs or supports any institution for promoting terrorism, publishing news or other material likely to promote terrorism or mobilizing funds for the purpose of terrorism, commits an offence and is liable for conviction to imprisonment not exceeding ten years or a fine”.

Such laws can easily be used to target journalists as they publish news on terrorist acts. Under section 34 of the Penal Code Act Cap 120, the minister is granted power to prohibit publication and importation of publication by statutory order in consideration of public interest. It is upon the minister to decide in his discretion what is against public order, any person who contradicts this law is liable to suffer imprisonment for a year or pay fine. This law restricts journalist to publish certain important news which may be prohibited by the minister, the government can use this law

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter provides the summary of findings, conclusions and recommendations. The presentation was guided by three study objectives.

5.1 Summary of findings

5.1.1 Efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression.

The study findings established that the law protects this right; it reorganizes the right as an inherent right which is supposed to be enjoyed simply because they are human beings. It is provided for by the supreme law of Uganda which is the constitution. But this law is not absolute it has limitations as seen in the analysis. There may be certain extreme forms of expression which need to be curtailed for the protection of other human rights. Limiting freedom of expression in such situations is always a fine balancing act. One particular form of expression which is banned in some countries is "hate speech. It was also observed that government uses the law to put limitations which a beyond the accepted legal limitations to restrain people from exercising this right.

It was concluded that the law plays a big role in the protecting the right to freedom of expression since it clearly brings out this law and also clearly indicates the limitation in regard to this right

5.1.2. The impact and implications of failure to observe and respect of the right to freedom of expression

The findings showed that freedom of expression promotes democracy, it helps also to realize the other human rights as well, and the study showed that people are free to express themselves within the acceptable limits of law. Freedom of expression is a cornerstone of democratic rights and Freedom of expression is essential in enabling democracy to work and public participation in decision-making freedoms. By expressing themselves, the government should embrace and learn from the critics in order to use them to improve their role on

governing the state. Freedom of expression is thus not only important for individual dignity but also to participation, accountability and democracy. The study under this objective showed that the government bodies such the police are the biggest violators of this right and the executive poses a big threat to the people enjoying this right especially the media. Press freedom in Uganda remains fragile as journalists continue to be attacked by security agencies mainly the Uganda police and verbal threats of arrest and closure of media houses which “sabotage development” continue, according to the Press Freedom Index 2012 report released by Human Rights Network for Journalists- Uganda on Tuesday, 5 February in Kampala.

In addition, the right to freedom of expression upholds the rights of all to express their views and opinions freely. It is essentially a right which should be promoted to the maximum extent possible given its critical role in democracy and public participation in political life.

5.1.3 Alternatives available and recommended suggestions in quest for respect for freedom of expression in Uganda

The study showed that education of people about this right, showing them what it is and how they should use it will help in adding to its protection. The same study showed that government should be held responsible for its acts violating this right so as to deter it from further violations. At the same time it was also observed that the respect for rule of law is a tool for protecting this right since this law provides for this right and every one must respect the law because no one is above or under the law. Observation of International Covenants in Uganda was also considered a tool of protection of this right since it places a legal obligation on Uganda to observe the right to freedom of expression. These were the recommendations agreed upon in the study.

5.2 Conclusions

The study confirmed the freedom of expression is a right, which is provided for under the universally declared human rights, African charter on Human and Peoples rights and the 1995 constitution. This right is not granted by the state and the state cannot take it away from the people it governs, it is an inherent right people have by the mere fact that they are human beings. However this right is not absolute it is limited in the situations of public interest, national security and to prevent prejudice of other persons right by one whose using this right.

The law has been used to violate this right and more law is being suggested yet it is violating this right such as the public order management Bill which if passed into law will hold persons who criticize government liable to prosecution. Many other laws like the Terrorist Act hold persons who publish anything likely to promote terrorism liable to prosecution; such laws can be used to arrest journalists who report on any terrorist aspect that the government considers to be promoting terrorism.

The right to freedom of expression is important to the political growth of the country like Uganda, it promotes democracy in the state, it make people be part of the decision making in the country, it gives the governed a chance to receive accountability from the leaders about the decision they make. One should not be prosecuted for expressing themselves, giving their opinions or for what they want other people to hear.

And in order to realize the fruits of this right, people must know about it. This can only be done through sensitizing people and educating them about this right. The rule of law should be protected at the same time legal obligations placed upon government in international conventions and the constitution should be observed by Uganda, failure to do so by the government, should lead to facing the law in full force by holding the people responsible liable and punishing them for their acts.

Recommendations

Uganda Government should denounce all actions by the various state agencies that undermine freedom of expression and information particularly those actions that aim at stifling media freedoms, intimidating journalists, and threatening them with criminal prosecutions;

The persons in the police force should be trained on how to handle matters to deal with this right. Police Professional Standards Unit (PSU) should reign over the errant officers who have entrenched a culture of impunity and continuously orchestrated attacks against journalists who are utilizing this right.

All Human rights activists and NGO which are in charge of foresee that human rights are protected and victim journalists plus other persons affected by the violation of this right, should prioritize the achievement and exercise of full media freedoms and Freedom of expression without wishing to settle for petty hand outs from violators of fundamental rights and freedoms;

All media houses should put in place measures that will ensure the safety and security of their employees! journalists while on duty. Such measures should include among others provision of legal advice and representation whenever criminal charges arising from the course of employment have been instituted by the state machinery. The respective media houses to stand in solidarity with their employees who have fallen victims. Government should ensure and guarantee the independence and integrity of all state media and give equal access to all Ugandans while protecting the individual journalists working in these institutions against attacks at the hands of the state and non-state actors to make sure that they get timely justice.

There is no doubt that the media fraternity needs reorganization. There is need to nurture and support independent media bodies to champion the cause of press freedom amidst the many challenges facing the profession. The journalists have to commit themselves to professional reporting as they keep the public informed about the various issues affecting them. The journalists need the professional independence as they report about human rights violations and abuse of power. This can only be possible if journalists are trained to strengthen their professional and ethical standards. Journalists should be at the forefront of demanding for freedom of expression

The government of Uganda plus other NGOs like Human Rights Network for Journalists in Uganda, Uganda human rights commission of Uganda should work together to promote and protect this right. Civil society should play an active role in supporting awareness raising, training and monitoring activities of government bodies on how to observe the right to freedom of expression. In the context of Uganda, the Uganda Human Rights Commission would be best suited for this role since Article 52 of the 1995 Constitution of the Republic of Uganda and the Uganda Human Rights Commission Act clearly outlines the functions of the Commission to include the protection and promotion of human rights to protect the human rights. This right and its concept should also be translated in different local languages so as to enable a wide section of the society to appreciate and use it.

The government should end the ban on public rallies and assemblies and other meetings like political talk shows, literally known as “Ebimezza” to enable that people in Uganda are allowed to exercise the rights to freedom of expression line with Uganda’s international human rights obligations and commitments. And it should withdraw all criminal charges

leveled against journalists and political leaders and their Supporters solely on the basis of their legitimate exercise of their rights of freedom of Expression

Carry out independent, full, effective, and transparent investigations into unlawful killings and other human rights violations committed and bring to justice any persons found responsible for committing human rights violations. Hold to account public and security officials implicated in incidents of threats, intimidation and harassment against journalists, human rights defenders, opposition politicians and civil society activists. In this way people will deter from the violation of human rights.

Laws which are believed to violate right to freedom of expression should be amended or abolished for example provisions of the Penal Code Act, the Press and Journalists Act, the Electronic Media Act, the Anti-Terrorism Act and the Regulation of Interception of Communications Act which are vaguely and loosely defined and likely to be implemented to suppress the rights to freedom of expression, and to deny people their basic due process and fair trial rights. The government should withdraw the Public Order Management Bill which lacks adequate legal safeguards against human rights violations, and has wide scope for illegitimate suppression of the rights to freedom of expression.

5.4 Areas of further research

This research has focused on the right to freedom of expression, the extent to which this right has been respected and observed in Uganda. It has looked at the laws concerning this right, the people responsible for protecting this right like the government, the people who have violated this right and the people entitled to this right. However more research and clarity needs to be done on the legally acceptable limitations on this right and the test the limitations need to meet to be considered reasonable and justified to limit this right.

REFERENCE

- 24 BARENDT, ERIC: Freedom of assembly. In JACK BEATSON – YVONNE CRIPPS (szerk.): Freedom of expression and freedom of information. Essays in honour of Sir David Williams. Oxford, New York: Oxford University Press, 2000. 161-176.
- Addo, M. ed., (1999) Human rights standards and responsibility of transnational corporations, The Hague: kluwer Law International
- Alder, E. and R. Clark (2008) How it is done: an imitation to social research, third edition. Belmont: Thomson Wadsworth
- Altheide, D. ((2008) „Reflections: Ethnographic Content Analysis“, in Hansen, A. (ed) Mass Communication research methods, Los-Angeles: Sage publications Ltd
- Apodaca, C. (2007) „The whole world could be watching: Human rights and the media“, Journal of Human rights, 6: 147-164
- Arat, Z. (2006) „Looking beyond the state but not ignoring it: a framework of analysis for non state actors and human rights“, in Andreopoulos, G. Kabasakal, Z. and P. Juliver Non state actors in the human rights universe, Bloomfield: Kumarian Press Inc.
- BBC (2005) Review of the BBC's Royal Charter: BBC response to a strong BBC, independent of government.
- Bentham, M. Davenport & J. Cecil, N. (2011) “16 more set to sue over hacking as scale of phone scandal grows“, The London evening standard [internet] 24 January Available at: <http://www.thisislondon.co.uk/standard/article-23916602-met-under-pressure-over-phone-hacking-as-gordon-brown-says-messages-may-have-been-tapped.do> (accessed 07/01/11)
- Branigan, T. (2011) „China tightens grip on press freedom“, Guardian [internet] 27 January Available at: <http://www.guardian.co.uk/world/2011/jan/27/china-press-freedom> (accessed 17 /04/2011]
- Brown, N. and C. Deegan, (1998) „The public disclosure of environmental performance information-a dual test of media agenda-setting theory and legitimacy theory Accounting and Business Research, vol. 29, issue 1 p. 21-41

- Burns, J. (2010) „Scotland Yard move stirs questions on phone-hacking case“. The New York Times [internet] 12 November
- Burns, L. (2002) Understanding Journalism, London: Sage Publications
- Burton, G. (2005) Media and society: Critical perspectives, 2nd ed. Berkshire: Open University Press
- Byrne, B. (2004) „Qualitative interviewing“, in Seale, D. (Ed.) Researching society and culture, London: Sage Publications Ltd.
- Calmorin, L and M. Calmorin (2007) Research methods and thesis writing, second edition. Quezon: Rex Books Store Inc.
- Caplan, G. (2007) „Walking the Road to Genocide“, in A. Thompson, (ed) The media and the Rwandan Genocide [e-book] London: Pluto Press Available at: <http://idl-bnc.idrc.ca/dspace/bitstream/10625/30283/9/123840.pdf> [Accessed 21/04/11]
- Cecil, D. (no date)“ From health to mean girls: An examination of Relational Aggression in film“ [online] Journal of Criminal Justice and Popular Culture, volume 15, issue 3
- Chambers, D (2000) „Critical approaches to the media: The changing context for investigative journalism“ in de Burgh, H (ed) Investigative journalism: context and practice, New York: Routledge
- Cohen et al (2007) Research methods in education, New York: Routledge
- Cohen-Almagor, R. (2001) Speech, media and ethics: the limits of free expression, New York: Palgrave
- Coleman et al (2009) „Agenda Setting“, in Wahl-Jorgensen, K. and T. Hanitzsch, (Eds) The handbook of journalism studies New York: Routledge
- Convention on the Rights of the Child (CRC)
- D J Moore, ‘Privacy : The Press and The Law’ (Palladian Law: Bembridge, Isle of Wight 2003)
- Dainton, M. and E. Zelly (2011) Applying communication theory for professional life: a practical introduction, 2nd ed. California: Sage Publications

- Dallaire, R. (2007) „The Media Dichotomy“, in A. Thompson, (ed) *The media and the Rwandan Genocide* [e-book] London: Pluto Press
- Defleur, M. (2010) *Mass Communication theories: explaining origins, processes, and effects*, Boston: Allyn & Bacon
- Des Forges, A. (2007) „Call to Genocide: Radio in Rwanda, 1994“, in A. Thompson, (ed) *The media and the Rwandan Genocide* [e-book] London: Pluto Press.
- Dey, I. (1993) *Qualitative data analysis: A user-friendly guide for Social Scientists*, London: Routledge
- Ellinas, A. (2010) *The media and the far right in Western Europe: Playing the nationalist card*, New York: Cambridge University press
- Elliot, D. (2009) „Essential shared values and the 21st century journalism“, in Wilkins, L. Christians, G. (eds) *The handbook of mass media ethics*, New York: Routledge
- Erni, J. (2009) *War, incendiary media and International human rights law, Media, culture and society* (31) 6, Sage publications
- Fourie, P. (2001) *Media studies: Institutions, theories and issues, volume one*. Lansdowne: Juta Education
- Freeman, M. (2002) *Human rights*, Cambridge: Polity Press
- Frey et al (1990) „Applied communication theory“, in O’Hair, D. Kreps, G. (Eds) *Applied communication theory and research*, New Jersey: Lawrence Erlbaum Associates Inc.
- Frohardt, M. and T. Temin (2007) „The use and abuse of media in vulnerable societies“, in A. Thompson, (ed) *The media and the Rwandan Genocide* [e-book] London: Pluto Press
- Gerring, J. (2007) *Case study research: Principles and practices*, Cambridge: Cambridge University Press
- Goodwin, L. and L. Goodwin (1996) *Understanding quantitative and qualitative research in early childhood education*, New York: Teachers College Press

- Green, J. (2005) „Analysing qualitative data“, in Green, J. and Browne, J. (Eds) Principles of social research, New York: Open University Press.
- H Tomlinson and R Clayton, ‘Privacy and Freedom of Expression’; (2nd ed OUP: Oxford 2010)
- Hakemulder, J. Ac de Jonge, F & Singh, P.(1998) Mass media, New Delhi: Ammol Publications
- Hart, C. (2008) Doing your masters dissertation, London: Sage Publications Ltd
- Heagreves, I. (2005) Journalism: A very short introduction, Oxford: Oxford University Press
- Heinze, E. and R. Freedman (2010) Public awareness of human rights: distortions in the mass media
- Henny, L. (1997) „Human rights of Indigenous Peoples in the media: The Amerindian, Pacific and Artic Peoples“ video project“, Visual Anthropology, vol. 9, pp. 335-337
- Herdís, T. (2003) Journalism worthy of the name: A human rights perspective on freedom within the press, Ph.D. Lund: Lund University
- J Rozenberg, ‘Privacy and The Press’ (OUP: Oxford 2005)
- KARST, KENNETH L.: Equality as a central principle in the First Amendment. University of Chicago Law Review, 1975. 20-68.
- M Colvin, ‘Developing Key Privacy Rights’ (Hart: Oxford 2002)
- M Tugendhat and I Christie, ‘The Law of Privacy and The Media’ (OUP: Oxford 2002)
- MONROE E. PRICE: An Access Taxonomy. In SAJÓ ANDRÁS – MONROE E. PRICE (eds.): Rights of Access to the Media. Boston: Kluwer Law International, 1996. 1., at 3.
- R Wacks, ‘Privacy and Freedom of Expression’ (Blackstone : London 1995)
- SCHAUER, FREDERICK: The First Amendment as ideology. William and Mary Law Review, Spring 1992. 853-869.

TAYLOR, PAUL M.: Freedom of religion – UN and European human rights law and practice. Cambridge: Cambridge University Press, 2005.

The journal of human rights [online] 14:4, 491-523

This is the famous aphorism of A. J. Liebling, see LIEBLING: The press. New York: Ballantine Books, 1964. 30-31.

W R Snyder and D W Robert, 'Media and Democracy' New Brunswick, N.J. ; London : Transaction 1997

Westin, Alan F. (Alan Furman), ' Privacy and Freedom' (Boldley Head: London1970)

APPENDIXES

APPENDIX I: QUESTIONNAIRES

This research is meant for academic purpose. You are kindly requested to provide answers to these questions as honestly and precisely as possible. Responses to these questions will be treated as confidential. Please tick where appropriate or fill in the required information on the spaces provided.

SECTION A: SOCIO-DEMOGRAPHICS

1. Gender of the respondent,

Male

Female

2. Indicate your Age group

25 years or less

26-35 years

36-45 years

46-55 years

With 55 years and above

3. Education Level

Diploma.....

Undergraduate Degree.....

Postgraduate Degree.....

SECTION B

The efficacy of the law on the protection of right to freedom of expression and how government has used the law to curb freedom of expression

Statement	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
Law protecting the right to freedom of expression					
Government of Uganda and its protection for the right to freedom of expression					
Laws violating the right to freedom of expression					

APPENDIX II

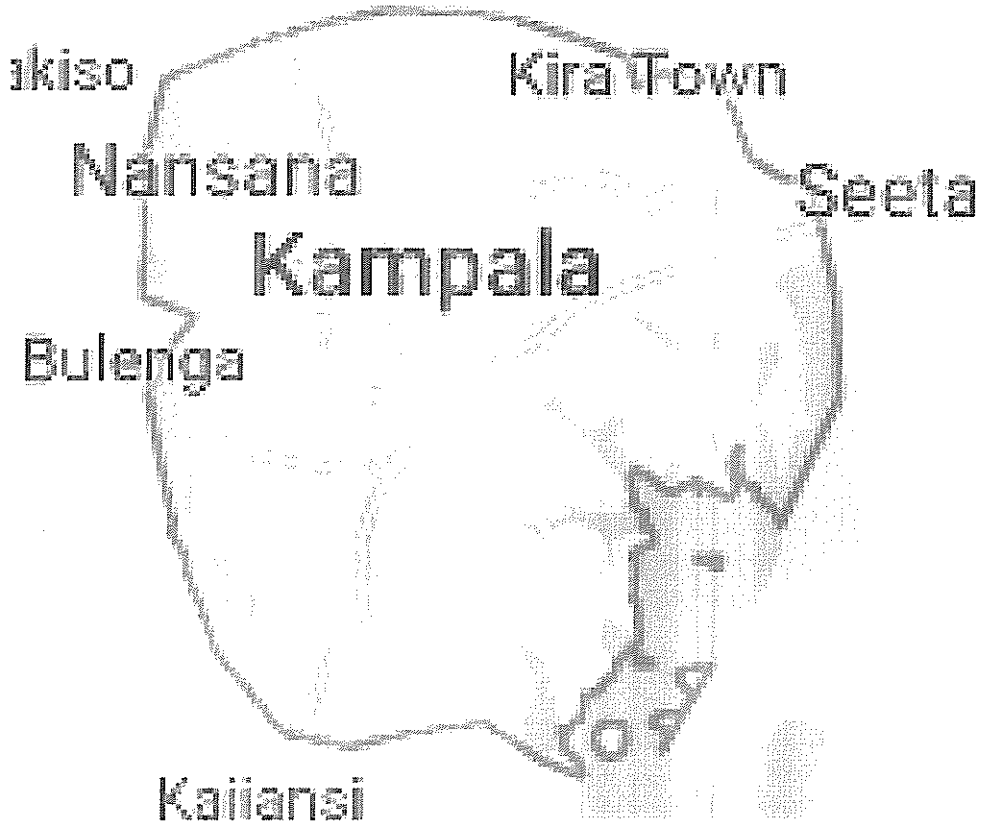
SAMPLE SIZE DETERMINATION MORGAN & KREJCIE (1970) TABLE FOR DETERMINING SAMPLE SIZE FROM A GIVEN POPULATION

N	S	N	S	N	S
10	10	220	140	1200	291
15	14	230	144	1300	297
20	19	240	148	1400	302
25	24	250	152	1500	306
30	28	260	155	1600	310
35	32	270	159	1700	313
40	36	280	162	1800	317
45	40	290	165	1900	320
50	44	300	169	2000	322
55	48	320	175	2200	327
60	52	340	181	2400	331
65	56	360	186	2600	335
70	59	380	191	2800	338
75	63	400	196	3000	341
80	66	420	201	3500	346
85	70	440	205	4000	351
90	73	460	210	4500	354
95	76	480	214	5000	357
100	80	500	217	6000	361
110	86	550	226	7000	364
120	92	600	234	8000	367
130	97	650	242	9000	368
140	103	700	248	10000	370
150	108	750	254	15000	371
160	113	800	260	20000	377
170	118	850	265	30000	379
180	123	900	269	40000	380
190	127	950	274	50000	381
200	132	1000	278	75000	382
210	136	1100	285	100000	384

S= Sample size & N= population

APPENDIX III

A MAP SHOWING KAMPALA CENTRAL REGION



APPENDIX IV

INTRODUCTION LETTER



**KAMPALA
INTERNATIONAL
UNIVERSITY**

Ggaba Road, Kansanga* PO BOX 20000 Kampala, Uganda
Tel: +256 701 665 699 Fax: +256 (0) 41 501 974
E-mail: admin@kiu.ac.ug * Website: <http://www.kiu.ac.ug>

**COLLEGE OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF POLITICAL AND ADMINISTRATIVE STUDIES**

05/07/2017

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

RE: INTRODUCTION LETTER FOR MUGABI TYSON
REG NO. BPA/43923/143/DU

The above mentioned candidate is a bonafide student of Kampala International University pursuing a Bachelor's Degree in Public Administration.


He is currently conducting a field research for her dissertation entitled, "Press Freedom and Human Rights Violation in Kampala District Uganda. A Case Study of Kampala Central Region."

Your organisation has been identified as a valuable source of information pertaining to his Research Project. The purpose of this letter then is to request you to accept and avail him with the pertinent information he may need.

Any data shared with him will be used for academic purposes only and shall be kept with utmost confidentiality.

Any assistance rendered to him will be highly appreciated.

Yours faithfully,


Gerald Muzape

HOD, Political and Administrative Studies

"Exploring the Heights"