

**LACK OF PRESS FREEDOM AND HUMAN RIGHTS VIOLATION IN UGANDA,**

**A CASE OF KAMPALA CENTRAL REGION**

**FROM 2011-2018**

**BY**

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## DECLARATION

declare that this thesis/report is my own work and has not been submitted in any form for another degree or diploma at any university or other institution of tertiary education. Information derived from the published and unpublished work of others has been acknowledged in the text and a list of references is given.

  
.....

Date 13/10/2018.....

AYI SARAH ABUKI

## APPROVAL

I certify that the report entitled “lack of press freedom and Human Rights Violation in Uganda, a case of Kampala Central Region” done under my supervision and it is now 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.

  
.....

Date. 12-10-2018.....

DRS. MANSOUR ARBAB YOUNIS

## DEDICATION

I send my sincere dedication of this research to my dear Family and particularly my dear father Mr. Abuki Ambee for the financial and moral support given to me during my academic endeavours. May the almighty God bless you.

## ACKNOWLEDGEMENT

low unto the king eternal, immortal, invisible, the only wise God, be honour and glory forever and ever.  
men (1 Tim: 17)

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## TABLE OF CONTENTS

DECLARATION.....	i
APPROVAL.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT.....	iv
TABLE OF CONTENTS .....	v
LIST OF TABLES.....	ix
LIST OF FIGURES.....	x
ABBREVIATIONS.....	xi
DEFINITION OF KEY TERMS.....	xii
ABSTRACT.....	xiii
<b>HAPTER ONE .....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
0 Introduction .....	1
1 Background of the study.....	1
2 Statement of the problem.....	7
3 General objective.....	8
3.1 Specific objectives of the study.....	9
4 Research questions .....	9
5 Scope of the study.....	9
5.1 Content scope .....	9
5.2 Theoretical scope.....	9
5.3 Geographical scope.....	10

- .5.4 Time scope.....10
- .6 Significance of the study .....10
- .7 Definition of key terms..... xii
  
- CHAPTER TWO .....11**
- LITERATURE REVIEW .....11**
- 0 Introduction .....11
- 1 Theoretical Review.....11
- 1.1 Basic rights to security .....11
- 1.2 Categories of human rights.....12
- 1.3 Causes of violation of basic human rights.....13
- 2 Structure of the African charter .....16
- 3 Conceptual framework .....26
  
- CHAPTER THREE .....27**
- METHODOLOGY .....27**
- 0 Introduction .....27
- 1 Research Design .....27
- 2 Study population.....27
- 3 Sample size .....27
- 4 Data collection methods .....27
- 4.1 Interviews .....28
- 4.2 Observations .....28
- 5 Data collection instruments .....28

.6 Quality of data collection instruments:.....	28
.7 Procedure .....	28
.8 Data management .....	29
<b>CHAPTER FOUR.....</b>	<b>30</b>
<b>DATA PRESENTATION, ANALYSIS AND INTERPRETATION .....</b>	<b>30</b>
.0 Introduction .....	30
.1 Demographic characteristics of respondents .....	30
1.1 Gender of respondents.....	30
1.2 Age group of respondents.....	30
1.4 Education level of respondents.....	31
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. ....	32
2.1 Law protecting the right to freedom of expression; .....	32
<b>CHAPTER FIVE .....</b>	<b>34</b>
<b>SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>34</b>
.0 Introduction .....	34
.1 Summary of findings .....	34
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. ....	34
1.2 The impact and implications of failure to observe and respect of the right to freedom of expression .....	34
.3 Alternatives available and recommended suggestions in quest for respect for freedom of expression in Uganda.....	35



.2 Conclusions .....35

.3 Recommendations .....36

.4 Areas of further research .....38

REFERENCES .....39

APPENDICES .....40

APPENDIX 1: INTERVIEW GUIDE.....40

## LIST OF TABLES

Table 1: A table showing gender of respondents .....	30
Table 2: Showing religions of respondents .....	32
Table 3: Showing the efficacy of the Law protecting the right to freedom of expression .....	33

## LIST OF FIGURES

figure 1: Showing conceptual framework.....	27
figure 2: showing age group of respondents.....	31
figure 3 showing Occupation of respondents .....	31

## ABBREVIATIONS

ACHR:	American Convention Of Human Rights
AU:	African Union
CD:	Criminal Intelligence Department
ECCHR:	European Convention Of Human Rights
ICCPR:	International Covenant Of Civil And Political Rights
ILO:	International Labour Organization
ISE:	Universal Secondary Education
ISE:	Universal Secondary Education
OTC:	Department Of Training Colleges
ICESCR:	International Covenant Economic, Social And Cultural RIGHTS
GER:	Gross Enrolment Ratio
FDS:	Focus Discussion Groups
NCHHE:	National Council For Higher Education
EPRC:	Economic Policy Research Centre
NGOS:	Non: Government Organizations
UNDP:	United Nations Development Program
PPS:	Public Private Partnerships
ICT:	Information Communication And Technology
FDC:	Forum Of Democratic Change
UPC:	Uganda People's Congress
UPDF:	Uganda People's Defence Forces
NRM:	National Resistance Movement
NRM:	National Resistance Movement
DP:	Democratic Party
CCEDU:	Citizen Coalition Of Electoral Democracy.

## DEFINITION OF KEY TERMS

ress freedom; Freedom of the press or freedom of the media is the principle that communication and expression through various media, including printed and electronic media, especially published materials, should be considered a right to be exercised freely.

uman rights; Are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, nguage, religion or any other status. Human rights include the right to life and liberty, freedom from avery and torture, freedom of opinion and expression, the right to work and education and many more.

uman rights are moral principles or norms that describe certain standards of human behaviour and are gularly protected as natural and legal rights in municipal and international law.

uman rights violation; is the situation where individuals are denied their fundamental moral itlements.

## ABSTRACT

The study established the relation between lack of press freedom and human rights by the researcher in the central region of Uganda, Kampala district. In this case, the researcher addressed the problems that is 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 Uganda, Kampala district. Freedom of the press is construed as an absence of interference by outside entities, such as a government or religious organisation, 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 and Krejcie (1970) table for determining sample size for 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 reorganises the right as an inherent right which is supposed to be enjoyed simply because they are human beings. It is provided for in 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 Universal Declaration of 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

#### 0 Introduction

This chapter, discusses the background of the study, statement of the problem, purpose of the study, objectives of the study, research questions, justification of the study, significance of the study, definition of key terms, and conceptual frame work.

#### 1 Background of the study

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 age 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 18<sup>th</sup> century. In fact, all societies, whether in oral or written society 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 man and citizen 1789, and the United States constitution and bill of rights 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. Never the less, oppressed people throughout the world have drawn on the principle these documents express to support revolutions that assert the rights of self-determination. (The English Bill of Rights, 1689), (United States Constitution and Bill of Rights, 1791), (The French Declaration of the Rights of man and citizen, 1789)."

Contemporary international human rights law on the establishment of the United Nations have important historical antecedents. The 19<sup>th</sup> 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 the First World War. However, this organisation for international peace and cooperation created by victorious European allies never achieved its goals. The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany over six million Jews, Gypsies 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. (H.L. Peacock, 1789 to 1981)

Governments then committed themselves to establishing the United Nations with the primary goal of restoring 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 this emerging human rights principles was captured in President Franklin

Dwight D. Eisenhower'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 cause came 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. (Dwight D. Eisenhower's state of the union address Speech, 1941)

Member states of the United Nations pledged 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 10<sup>th</sup> 1948, the universal declaration of human rights (UDHR) was promulgated and adopted by the fifty six members of the United Nations. The vote was anonymous, although eight nations chose to abstain. The UDHR commonly referred to as the international MAGNA, extended the revolution in 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 affirms 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 the human family is the foundation of freedom, justice and peace in the world. (Universal declaration of human rights, 1948)

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitution 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 proceeds to draft two treaties, the international covenant on civil and political rights ICCPR and the international covenant on human rights ICESCR. The ICCPR focuses on issues like the right to life, freedom of speech, religion and voting. The ICESCR focuses on issues like food, education, health and shelter. Extending rights to all persons and prohibit discrimination. (United Nations commission on human rights)

Freedom of the press as a human right, which is the freedom of communication and expression through media including various electronic media and published materials whenever such freedom, implies the absence of interference from an overreaching 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 protect national interests. 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. (Universal declaration of human rights, 1948)

Freedom of the press is construed as an absence of interference by outside entities, such as a government or religious organisation, rather than as a right for authors to have their works published by other people. This idea was famously summarised by the 20<sup>th</sup> century American journalist, A.J. Liebling, who wrote 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; commit to protect journalists, freedom house and reporters without

orders, In 2015 they indicated that 72 journalists were killed across the world compared to 24 in 2000. Africa Namibia tops the press freedom charts and Egypt is the worst country for journalists significantly.(Liebling)

Notorious performers, Ethiopia and Gambia are respectively homes to the African union and African Commission for human and people's 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 exercise these rights. Dissemination and dissemination of false information are criminal offenses. The country's draconian information and communication Act prescribes a 15 year jail term and a fine of 3 million for anyone using their internet to spread false news, make derogatory statements, incite dissatisfaction or instigate violence against the government or public officials. Gambia stands in 81<sup>st</sup> position out of 100 in press freedom scores in the world.(Article 25 of the Gambian constitution, Gambian draconian information and communication act)

Africa, Namibia scores highest at Number 17 and South Africa is 39<sup>th</sup>, Ethiopia has been ruled by the Ethiopian People's Revolutionary Democratic Front for the past 23 years as progressively showing itself to be a democratic state with friendly environments 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 over sake of the government. Most of such violations can be attributed to political instability often a side effect of civil war. Notable countries with reported major violations include but not limited to the Sudan and Ivory Coast. Reported violations include; extra judicial 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. None the less, 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.(New vision newspaper, 26th February 2011)

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 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 could ban public discussion of homosexuality. The International community was greatly opposed to the introduction of the Bill.(The Daily Monitor , 14th October 2009)

Constant abuses of rights by security forces were registered in 2003 on 14<sup>th</sup> October where violent officers arrested Nsangi Murisid 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 18<sup>th</sup> June, the lawyer representing the family received confirmation of his death in custody while at VCCU headquarters in 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 wounds. In October, the Minister Internal affairs informed that an injury 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 temporary closed by the army and police. Journalists from the paper continued to come under attacks in 2004, two of whom were publically denounced as rebel collaborators by the spokesperson for UPDF.(Newvision , 29th June 2003)

The commission is concerned that despite its repeated calls for the respect of the rights and freedom of journalists and its constant reminders to security agencies to desist from holding suspects communicado, such reports have persisted. The police flogged journalists who scampered for life

While being chased and blocked from covering news of the court proceedings at police headquarters in Laguru against Assistant superintendent of police Mohammed Kirumira, the former DPC of Buyende district who was facing a number of charges. Some journalists were reportedly picked and there were reports that they remain unknown for long periods of time, in total disregard of provisions under Article 23 of the Constitution.

Two National Television journalists (NTV), Herbert Zziwa and Robert Munangwa went missing while covering a rally in Arua area that was organised by a member of parliament for Kyadondo East area, Robert Kyagulanyi, also known as Bobi Wine and independent candidate Kassiano Wadri. The rally which was a campaign for Arua bye election, also left several journalists attacked and injured and their equipment including cameras either destroyed or confiscated. Among the injured were NBS camera person Yiga Julius Bakabaage who was hospitalised and an NTV driver who was also assaulted, in the attacks that have been blamed on Uganda security forces. In solidarity, the Kenya Correspondents Association (KCA) has demanded of the Ugandan Government to reveal the whereabouts of the two journalists and stop the affront of the media.

A 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 materials in Kampala and Wakiso, this 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 citizens a right to formation as stated in chapter four of the constitution of the Republic of Uganda.

Traditionally the media in Uganda has been transformed with the ever changing political; and economic landscape of the nation, and since the liberalisation of the media in the early 1990s, the number of print and broadcast updates has rapidly increased. However, prior to media liberalisation, 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 80<sup>th</sup> (Reporters without borders, Worldwide Press Freedom Index, 2006.) Similarly, Freedom House, in its 2007 Annual report on Press freedom ranked Uganda 116<sup>th</sup> out of 169 countries, a drop from 111<sup>th</sup> in 2006. While once heralded as one of Sub Saharan Africa's freest countries for the press, Uganda had 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)

Kampala, it is one of the fastest growing city on the planet, with an annual population growth rate of 10.3 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. Despite the fact of the press freedom on an increase, journalists 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 Nyimbari 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.

## **2 Statement of the problem**

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 cannot 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, and 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 characterised 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.

### **3 General objective**

The general objective of the study is to establish the relation between press freedom and human rights.

### **.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 of human rights violations 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.

### **4 Research questions**

- What are the factors leading to human rights violation in the central region of Kampala district, Uganda?
- What are the various categories of human rights in the central region of Kampala district, Uganda?
- How does press freedom and human rights violation affect people in the central region of Kampala district, Uganda?

### **5 Scope of the study**

#### **5.1 Content scope**

The study focused on lack of press freedom and human rights violation in Uganda using a case of Kampala Central region. This study is limited on how press freedom and human rights are violated.

#### **5.2 Theoretical scope**

Theories are formulated to explain, predict, and understand phenomena and, in many cases, to challenge and extend existing knowledge within the critical bounding assumptions. The theoretical framework introduces and describes the theory that explains why the research problem under this study exists.

### **5.3 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 neighbourhoods in the city. The division also incorporates low income neighbourhoods including Namuwaka, 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 freedom. 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."

### **5.4 Time scope**

The research was conducted within a period of four months, from June to September 2018.

## **6 Significance of the study**

The study will help establish causes of human rights violation in Uganda, that administrators and other stakeholders can use to draw conclusions on how to attend to the situation so as to make all citizens 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. The completion of this research will mark the fulfilment of one of the activities that will lead to my award of a degree in public administration and management as an undergraduate student at Kampala International University.



## CHAPTER TWO

### LITERATURE REVIEW

#### 0 Introduction

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.

#### 1 Theoretical Review

The theory of basic rights is a framework of minimum defence for people who are weak and powerless. The 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 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 Hue). Basic rights are basic because they are the basis upon which all other rights and freedom can be exercised. The theory categorises basic rights into two groups shown below;

##### 1.1 Basic rights to security

###### Basic rights to substance

The basic right to security provides the minimum protection against physical as well as mental security. 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 justification for these rights is their recognition is a prerequisite for 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 the society.

The principle of the theory of basic rights that include; promotion of the right to life, shelter, housing, health care, 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 people's 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.

## **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 the agenda, religion, and culture among others.

**Moral rights;** These are rights based on the general principles of fairness and justice. They are principles or standards relating to right and wrong varying from tribe, beliefs of the family, culture, philosophy or religion. However, these are principles 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 assembling in public, vote, and practice one's religion and freedom of movement. They are stated in UDHR, ICCRC 1966, and the United States bureau of rights in 1971 among other human rights documents.

**Social and economic rights (ICESRC) 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;** These include the freedom of person's right to live in a safe, clean environment free of pollution and protected from destruction. They also recognise that groups of people have a right to cultural, political and development entitlement.

**Derogable rights;** Derogable, are rights that can be restricted such as freedom of speech, freedom of expression, freedom of association and assembly, freedom of movement and right 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 can be restricted or are absolute. Their violation counts to crime against humanity. They include; right against torture, inhuman and degrading treatment and a right to fair hearing, freedom against slavery and servitude and freedom from rape.

(Universal declaration of human rights, 1948)

### **1.3 Causes of violation of basic human rights**

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

#### **1.3.1 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 rights simply because most of the Ugandans are illiterate and not enough sensitization has been made to create awareness about one's rights for example women who are usual victims of domestic violence mostly in rural areas. Such rights like freedom from any human treatment and freedom from torture are violated on the advantage of their ignorance. A right like a right to quality education from the

ate is violated because people perceive it as a privileged and not 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.

### **3.1.2 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. The state minister for labour, employment and industrial relations a one Herbert Kabafunzaki was arrested over alleged soliciting of 10 million 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. (New vision newspaper Uganda, Monday April 10th 2017)

### **3.1.3 Power struggle**

The fight for political power in Uganda that has existed for decades have also contributed to the violation of human rights in Uganda. During the Museveni bush war struggle that lasted for 5 good years from 1981 to 1985, a lot of lives were lost, displacement characterised the war that could not access their families and food, shelter which are everyone's fundamental entitlement. The same violation have existed for 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 from them, there were constant unlawful detentions and imprisonments. People who fell victims include Dr.Kizza Besigye, Hon Semujju Nganda the spokesperson for FDC, EriasLukwago the Lord Mayor of Kampala, the ex-Prime minister of Uganda Hon. Amama Mbabazi among others. This year 2018 still many rights have been violated and many have been arrested including Hon Kyagulanyi Ssentamu and Hon Zaake of Mityana municipality and 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 renewed program Mambo Bado a

platform where several leaders like Betty Nambooze hit on the atrocities of the government. (The Observer, 31st August 2018)

#### **3.1.4 Culture**

Uganda is one of the 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 as it sometimes leads to the killing of partners because they can never go back to their parents. Property inheritance is a monopoly of the male children denying the rights of females from gaining a share from the properties of their parents and a right to property abused.

#### **3.1.5 Poverty**

Poverty is a state of being poor or indigent, scarcity of means of subsistence. In Uganda today, most of its population lies below the poverty line and therefore finds it difficult to access basic rights like food, shelter, source of information, quality education and health care. This means that a society of man exists whereby the poor will be aggressively looking for what to eat ending up in dubious means like theft, disorder of the rich, robbery among others. In such a society lives are taken, the little wealth i.e. 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 to the principle that the poor cannot vote simply because they cannot think for the state or society as they cannot think for themselves to curb poverty.

#### **3.1.6 Poor and delayed investigations**

Government agencies like the police, CID which are responsible for investigating crimes in Uganda conduct poor investigations that at times they fail to come up with the cause of crime and the suspect so that they cannot commit them in 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 until today no suspect has been arrested. Such delays and poor investigations which don't cause a just end of the case deny the victims a right to justice.

## **2 Structure of the African charter**

The African charter consists of 68 Articles divided into three parts; rights and duties (the substantive provisions); measures of safe guard (the implementation or enforcement mechanisms); and general provisions.

The charter is prefaced by a preamble. It then introduces the human and people's rights to be promoted and protected, and then lays out the individual's duties to his family and society. Next, the charter establishes the African commission on human and people's 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 people's 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 and the inter-American court of human rights.

### **2.1 Substantive Content**

The African charter embodies a wide range of rights which it aims to promote and protect. This includes individual human rights and also collective people's 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 generational rights, as well as to collective rights of people, which constitute 3<sup>rd</sup> generation rights. However, the European social charter of 1960, the American declaration of the rights and duties of man, and the additional protocol to the ACHR in the area of Economic, social and cultural rights of 1988 filled this gap in the European and inter American system. The different rights proclaimed by the charter will be examined.

## **.2.2 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 freedom 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 doesn't however mean that these rights might 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.

## **2.3 Civil and political rights**

These 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 instances to the indigent accused.

The broad non-discrimination clause begins the charters 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 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 one.

Article 1 provides that "The member state of the organisation of African unity, parties to the present charter shall recognise 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 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 legal 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 domestic courts, and specifically nullifies any domestic effect of the African charter, were in violation of the charter. The Commissioner held that the obligation under Article 1 commences at ratification and that it will only cease when ratification is drawn through an international process involving notes. 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 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 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 Libertés 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 recognised 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".

The 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's based on very subjective criteria than those mentioned in the article. A law that differentiates between black and white people, and places a burden in one group and not the other is differentiation on the illegitimate ground of race and is therefore 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, *RecontreAfricaine 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 legally residing in its territory, the nature of the expulsion of non-nationals by the Zambian government in this case was discriminatory on national basis.

Article 3 provides that “ i) Every individual is equal before the law, ii) 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 Droits de l'Homme, RecontreAfricaine des Droits de l'Homme, Organisation Nationale des Droits de l'Homme au Senegal and Association Malienne des Droits de l'Homme (UIDH, FIDH, ADDHO, 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 state parties to ensure that persons living in their territory, whether nationals or non-nationals enjoy the rights guaranteed under the charter. In this case the commission found that the victim's right to equality before the law were trampled 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

ommunication number 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, 6/91, 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 26<sup>th</sup> session in November 1999 in Kigali issued resolution AHG/222 (XXXVI), adopted by the general Assembly arguing 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 for dignity, inherent in a human being and to the recognition of his legal status". All forms of exploitation and degradation of man particularly slavery, torture, cruel, inhumane or degrading punishment and treatment shall be prohibited.

The 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 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 sell 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, abducting of younger girls for dates, forcing young girls into marriage in exchange of dowry payment to the girls families, use of domestic servants for extremely low pay, child and forced labour.

In 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, 10 Mauritanian adults sold and bought as slaves, children from 4 families enslaved by the masters of their

rents, four other children sold as slaves, 2 Mauritanian women married to their masters against their will, 6 Mauritians 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.

As much as slave trade and slavery constitute torture, cruel inhuman or degradation treatment or punishment, this second ambit of the provision goes further to include beatings 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 Achutha (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, packing within cell and extremely poor quality food constituted violation of article 5.

In communication 137/94, 139/94, 161/97, International PEN, constitutional rights projects, and civil liberty organisation inter rights (On behalf of Ken Saro Wiwa Jr) v Nigeria. The Commission held that the binding 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 a 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 the violation of other rights. Arbitrary arrest and detention is a good example of violation of person's liberty and in some instances it has 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 face obstacles to possible choices and activities placed on their way. This right therefore requires the

ate 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.

he commission held in communication 103/93 *Al Hassan Abubakar v Ghana* that the detention of the victim in this case for 7 years without trial was arbitrary and a violation of article 6 of the African Charter.

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 "Every individual shall have the right to have his cause heard. This comprises; i) the right to an appeal to competent national organs against acts violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force, ii) The right to be presumed innocent until proved guilty by a competent court of tribunal. iii) The right to defence, including the right to be defended by counsel of his choice. iv) The right to be tried within a reasonable time by an impartial court of tribunal)".

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 *Rencotre 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.

so, 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 six 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) )

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 of 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 7 years without trial violated the right to be tried within a reasonable time under article 7 (1) (d)

Paragraph 2 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 or 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 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 retro activity itself. That if laws change with retrospective effects, the rule of law is undermined since individuals cannot know at any moment if their

ctions 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 judgement should be made public. Article 7 of the African Charter was strengthened by 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, and 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.

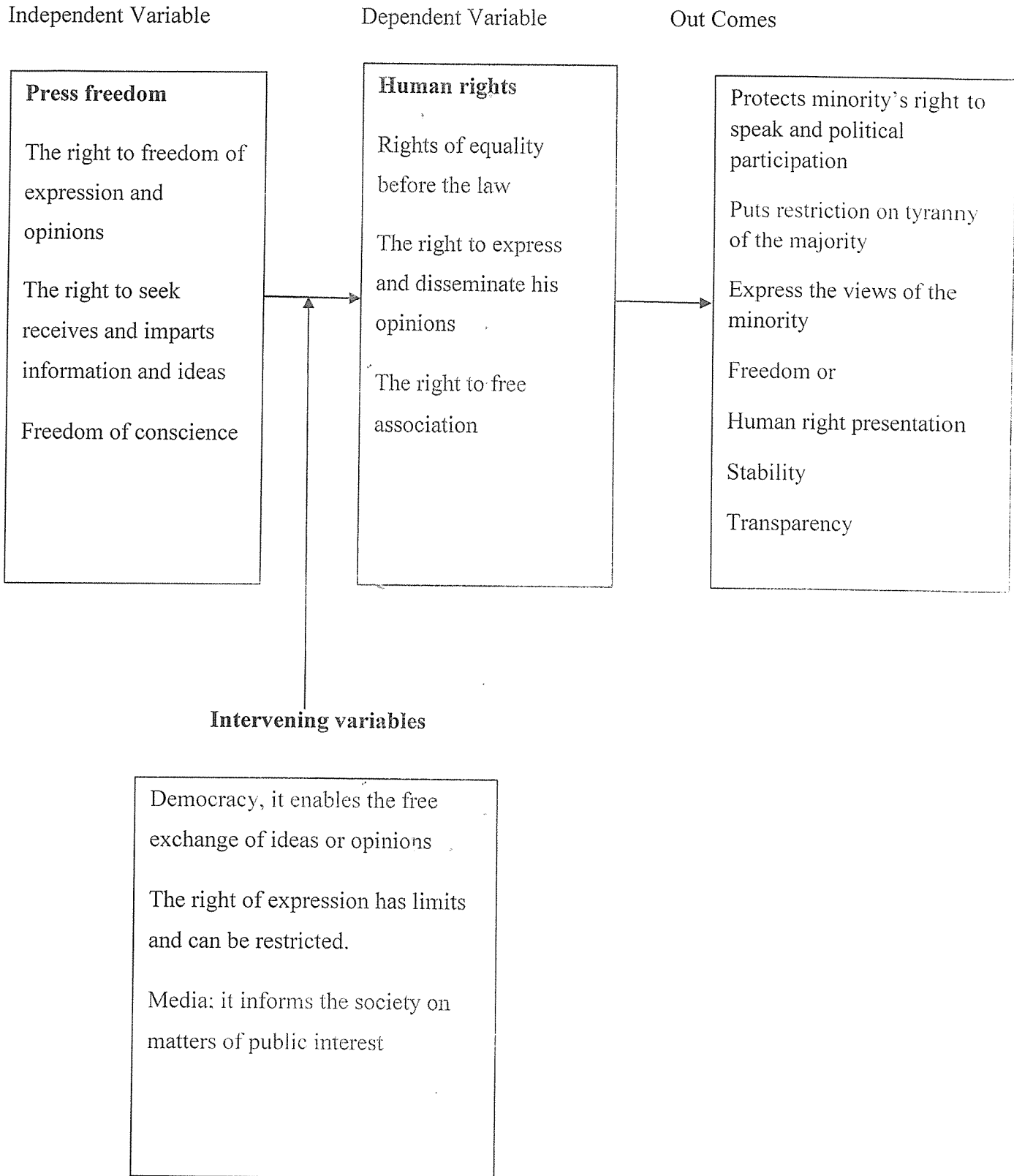
In communication 25/89, 47/90, 56/91, 100/93 free legal assistance group, lawyers committee for human rights, interafricaine des Drois de l'Homme, Les Temoins de Jehovah v Zaire, the commission held that the prosecution of the Jehovah's witness including arbitrary arrests, appropriation of church property and exclusion from access to education violated article 8 since the government of Zaire has prevented 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, and 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

aching 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.

### 2.3 Conceptual frame work

Figure 1: showing conceptual framework





## CHAPTER THREE

### METHODOLOGY

#### 0 Introduction

This chapter explains the approach and methods used in executing this study. It presents, among others, the research design, the study population, sample size, selection procedures, data collection methods and tools and ethical considerations.

#### 1 Research Design

The study seeks to use descriptive research approach on press freedom and human rights in Uganda in Mpala 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.

#### Study population

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

#### Sample size

The sample size will be determined by use of Morgan and 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.

#### Data collection methods

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

#### **4.1 Interviews**

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

#### **4.2 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 do ear recommendations. This method will be helpful in a way that “what you see is what you get”.

#### **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 interviewing the respondents, the researcher will submit the responses to the supervisor to ensure their validity through their duties basis.

Reliability; This will be tested using Cronbach’s coefficient alpha (A). Specifically, coefficient Alpha is typically used during scale development with items that several response options (i.e. 1 = strongly disagree to, 5 = strongly agree and responding in yes or no)

#### **5 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 generalised 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.

#### **6 Procedure**

The processing of data will be done after the collection of data for verification and 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 analysed

concurrently to avoid duplication thereby guiding the entire study for balanced and critical analysis. The researcher will use hypothesis based on the interview and for their items, tabulation pie charts and percentage methods will be used for data presentation, analysis and qualification.

### **8 Data management**

The data for this research will collect using one on one interviews with the journalists. After the supervisor validating the interview guide, the researcher will seek authorisation 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, statically in tables and graphs where possible.

To ensure moral justification of the study the following strategies will be adapted, the researcher will first of all obtain a letter from the University, assigning her to the field which he will use to erase suspicion by the respondents. The researcher there after shall go ahead to book respondents, after which she will conduct interviews on agreed upon dates and the researcher will also have to task of assuring respondents of utmost confidentiality in the process of coding data. (Kampala International University, research Guide)

## CHAPTER FOUR

### DATA PRESENTATION, ANALYSIS AND INTERPRETATION

#### 4.0 Introduction

This chapter presents the results analysed from the raw data collected from the field. Primary data was collected using interviews, 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 respondents interviewed.

#### 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 participating in human rights enforcement in Uganda.

Table 1: A table showing gender of respondents

Gender	Frequency	Percentage (%)
Females	24	60
Males	16	40
Total	40	100

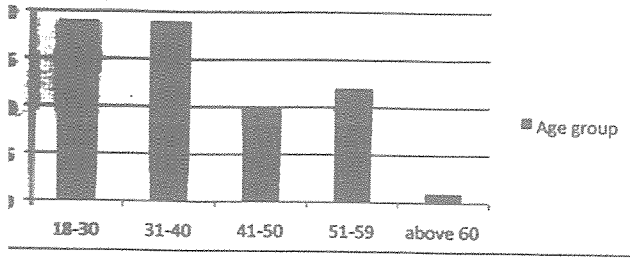
(Primary data, 2018)

##### 4.1.2 Age group of respondents

From figure 3 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 years, 12 (9.7%) were 51-59 years 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 2: showing age group of respondents

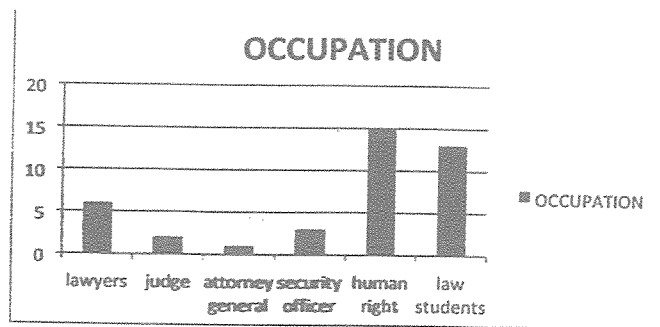
Age group



### 3.3 Occupation of the 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 3 below. This implies that human rights activists and law students from different tertiary institutions participated in giving information on this study more than others.

Figure 3 showing Occupation of respondents



### 4 Education level of respondents

Figure 4 below, results reveal that 1 (2.5%) had acquired certificate, 5 (12.5%) had acquired diploma, 15 (37.5%) had acquired bachelor's degree and 3 (7.5%) had masters from different universities in Uganda and outside Uganda. This implies that respondents were able to understand the questions asked by the researcher and give appropriate answers.

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.

**Table 2: Showing religions of respondents**

Religion	Frequency	Percentage (%)
Anglican	9	22.5
Muslim	7	17.5
Catholic	15	37.5
Baptist	4	10
Presbyterian	5	12.5
<b>Total</b>	<b>40</b>	<b>100</b>

(Primary data, 2018)

## 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 the right to freedom of expression and how government has used the law to curb freedom of expression, descriptive statistics as shown below.

### 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 table below;

**Table 3: Showing the efficacy of the Law protecting the right to freedom of expression**

<b>Opinion</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Strongly disagreed	3	7.5
Disagreed	5	12.5
Not sure	2	5
Agreed	24	60
Strongly agreed	6	15
<b>Total</b>	<b>40</b>	<b>100</b>

(Primary data, 2018)

## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### 0 Introduction

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

#### 1 Summary of findings

##### 1.1 Efficacy of the law on the protection of right to freedom of expression and how government is 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 prime 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 is observed that government uses the law to put limitations which are beyond the accepted legal limitations to restrain people from exercising this right.

It was concluded that the law plays a big role in 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

##### 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 mechanisms. 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 the first objective showed that the Government bodies such as the police are the biggest violators of this



ght 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.

### **3.3 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 could 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 everyone 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 because it places a legal obligation on Uganda to observe the right to freedom of expression. These were recommendations agreed upon in the study.

### **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 who is 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 makes 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 sensitising 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.

### **3 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 freedom, intimidating journalists, and threatening them with criminal prosecutions;

The people 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.

Human rights activists and NGOs which are in charge of foresee that human rights are protected and assist 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 freedom.

Media houses should put in place measures that will ensure the safety and security of their employees, journalists 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 victim. 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 fore front of demanding for freedom of expression.

The government of Uganda plus other NGOs like Human Rights Network for Journalists in Uganda, and a 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 rallies, literally known as “Ebimeeza” to enable that people in Uganda are allowed to exercise their rights to freedom of expression line with Uganda’s international human rights obligations and commitments. And it should withdraw all criminal charges levelled against journalists and political activists and their supporters solely on the basis of their legitimate exercise of their rights of freedom of expression.

Conduct prompt 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 defer from the violation of human rights.

ws which are believed to violate right to freedom of expression should be amended or abolished for simple 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 safe guards against human rights violations, and has the scope for illegitimate suppression of the rights to freedom of expression.

#### **Areas of further research**

Research has focused on the right to freedom of expression, the extent to which this right has been protected 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.

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## APPENDICES

### APPENDIX 1: INTERVIEW GUIDE

This research is meant for academic purpose. You are kindly requested to respond to the questions asked honestly and precisely as possible. Response to these questions will be treated as confidential.

- 1) What is your name?
- 2) May I know your level of education?
- 3) What is your marital status?
- 4) What is your Nationality?
- 5) Have you ever heard about press freedom and human rights violation?
- 6) What do you know about press freedom and human rights violation in Uganda?
- 7) What do you think is the level of human rights violation in Uganda today?
- 8) Have your rights been violated before?
- 9) What was your immediate reaction when your right was violated?
- 10) Do you know any factors leading to human rights violation in the central region of Kampala district?
- 11) Imagine you are a human rights activist, what measures can you take against acts of human rights violation and violation of press freedom?
- 12) What advice can you give to the Government to curb human rights violation?
- 13) How can you help people get to know their rights and prevent them from being violated?
- 14) Do you think the government of Uganda and the Security organs have contributed to the violation of Human Rights?
- 15) What advice would you give to someone who violates another person's rights?