

BROADCASTING POLICY AND REGULATION IN UGANDA: KEY LAWS AND THEIR IMPLICATIONS FOR MEDIA FREEDOM



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Charity boasts of experience on advocacy, communications, and human rights. She has worked with CSOs, media houses and literary associations, to influence change in society. Her roles, over the years, have revolved around community mobilization, advocacy, offering legal aid to the poor, implementing projects and reporting stories. She has written and published research papers, creative stories, interviews, and articles.

Executive Summary

Uganda's broadcasting sector has expanded rapidly since the liberalization of airwaves in 1993, but its growth is constrained by restrictive laws and regulatory practices that undermine media independence and freedom of expression. Although the 1995 Constitution guarantees these rights, vague legal provisions and broad discretionary powers granted to regulators have created an unpredictable environment marked by censorship, harassment, and self-censorship.

Civil society organizations have worked to defend press freedom, and courts have struck down some unconstitutional provisions, but significant gaps remain. This brief provides policy direction and practical actions necessary for reforming Uganda's broadcasting framework in order to strengthen independent regulation, revise restrictive laws, and align broadcasting policy with constitutional guarantees and international human rights standards.

has occurred within a restrictive regulatory framework that prioritizes political control over media independence (ACME, 2024).

Although the 1995 Constitution guarantees freedom of speech and expression in Article 29 and access to information in Article 41, these rights are curtailed by Article 43, which permits restrictions based on vaguely defined notions of public interest and morality (Republic of Uganda, 1995). This uncertainty has provided the basis for a series of laws and regulatory measures that limit broadcasting freedoms. The Computer Misuse Act of 2011 has been used to prosecute government critics, the Uganda Communications Commission Act of 2013 grants broad discretionary powers to suspend licenses, while the Penal Code and Anti-Terrorism Act criminalize defamation and other vaguely defined offences (Asasira & Kwizera, 2018; Kimumwe, 2020). These provisions have created a climate of fear, harassment, and self-censorship that weakens media independence and narrows democratic space.

Introduction

Uganda's broadcasting sector has expanded significantly since liberalization in 1993, with the number of radio and television stations multiplying and providing diverse platforms for communication (Cohen & McIntyre, 2020; Selnes, 2020). Broadcasting has become an essential tool for citizen participation in governance, dissemination of development information, and promotion of accountability. However, this growth

Policy Options

→ Over the years, some efforts have been made to safeguard freedom of expression and media independence. Civil society organizations such as the African Centre for Media Excellence (ACME, 2024) and the Human Rights Network for Journalists (HRNJ-U) have documented media repression, trained journalists on safety mechanisms, provided legal support, and challenged restrictive provisions in courts.

- Judicial interventions, such as the Constitutional Court's nullification of Section 25 of the Computer Misuse Act in 2023, demonstrate progress in aligning domestic law with constitutional guarantees (Nanfuka, 2023). International partners such as the European Union and UNESCO have supported media freedom initiatives in Uganda, thereby reinforcing advocacy efforts (European External Action Service, 2021).
- Nevertheless, key gaps persist. The Uganda Communications Commission continues to exercise sweeping regulatory powers under Section 5 of the Communications Act, 2013 suspending or penalizing broadcasters without transparent procedures (Kimumwe, 2020).
- The Access to Information Act of 2005 remains ineffective due to high access fees, broad exemptions, and long delays in information release, limiting its use for investigative journalism (Kimumwe, 2020).
- Broad provisions in the Anti-Terrorism Act, 2002 and Anti-Pornography Act, 2014 enable arbitrary prosecutions, while the Penal Code's defamation provisions have been weaponized to silence journalists and encourage self-censorship (Nassanga & Tayeebwa, 2018). Despite the constitutional framework, Uganda's regulatory environment remains unpredictable, politically influenced, and detrimental to independent broadcasting.
- Parliament of Uganda should amend or repeal overly broad provisions in the Computer Misuse Act, Penal Code, Anti-Terrorism Act, and Anti-Pornography Act that criminalize legitimate expression (Asasira & Kwizera, 2018).
- Parliament, together with Ministry of ICT and National Guidance, should revise the Access to Information Act, 2005 to reduce fees, shorten response timelines, and limit exemptions, making it a more effective tool for accountability.
- Judiciary of Uganda should exercise oversight in determining whether broadcasts threaten national security, public order, or morality, replacing discretionary executive control to ensure impartial adjudication and protection of freedom of expression.
- Civil society should be empowered to continue advocacy, national dialogues, and awareness-raising to reinforce freedom of expression as a cornerstone of democracy and development.

Recommendations

- Parliament of Uganda, in collaboration with the Ministry of ICT and National Guidance, should undertake legal reforms to strengthen Uganda's broadcasting framework by aligning laws with constitutional and international standards. The institutional separation of policy-making and regulation should be prioritized to prevent political capture of regulatory bodies.
- The Uganda Communications Commission (UCC) should operate independently, with transparent appointment processes overseen by Parliament, and be provided with adequate resources to function credibly and regulate broadcasting effectively.

Conclusion

The growth of Uganda's broadcasting sector presents opportunities for strengthening democracy and development, yet restrictive laws and political interference continue to undermine its potential. To ensure broadcasting contributes to national progress, Uganda can build a regulatory environment that guarantees independence, protects media freedoms, and upholds citizens' right to information. Achieving this requires decisive reforms that repeal restrictive provisions, align laws with international human rights standards, and foster transparency and accountability. With such commitment, broadcasting can become a driver of democratic governance, citizen participation, and inclusive development.

References

- ACME. (2024). Report on the state of Uganda's media landscape, 2023. African Centre for Media Excellence. <https://acme-ug.org/2024/08/12/report-on-the-state-of-ugandas-media-landscape-2023/>
- Cohen, M. S., & McIntyre, K. (2020). The State of Press Freedom in Uganda. *International Journal of Communication*, 14, 649–668.

Fredrich-Ebert-Stiftung (FES). (2022). AFRICAN MEDIA BAROMETER. A home-grown analysis of the media landscape in Africa. Uganda 2022.

Republic of Uganda. (1995). The Constitution of the Republic of Uganda, 1995. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/consolidated-act/0>

Republic of Uganda. (2005). The Access to Information Act, 2005. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/act/2005/6>

Republic of Uganda. (2013). The Uganda Communications Commission Act, 2013. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/act/2013/1>

Republic of Uganda. (Cap. 120). The Penal Code Act. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/consolidated-act/120>

Republic of Uganda. (2011). The Computer Misuse Act, 2011. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/act/2011/2>

Republic of Uganda. (2014). The Anti-Pornography Act, 2014. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/act/2014/3>

Republic of Uganda. (2002, amended 2017). The Anti-Terrorism Act, 2002. Uganda Printing and Publishing Corporation. <https://ulii.org/ug/legislation/act/2002/14>

Republic of Uganda. (1996). The Broadcasting Policy. Government of Uganda

Selnes, F. N. (2020). Safety and self-censorship. In A. L. Grøndahl, I. Fadnes, & R. Krøvel (Eds.), *Journalist Safety and Self-Censorship* (1st ed., pp. 164–180). Routledge. <https://doi.org/10.4324/9780367810139-11>

The National Information Technology Survey 2017/18, The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) Sample of 2,400 individuals Accessed at: <https://www.nita.go.ug/sites/default/files/publications/National%20IT%20Survey%20April%2010th.pdf>

Uganda Bureau of Statistics. (2018). Uganda National Household Survey 2016/2017 report. Government of Uganda. https://www.ubos.org/wp-content/uploads/publications/03_20182016_UNHS_FINAL_REPORT.pdf

Uganda Communications Commission (UCC), Post, Broadcasting and Telecommunications Market & Industry Q2 Report, 2018. Report available online: <https://www.ucc.co.ug/wp-content/uploads/2017/09/Communication-Sector-Performance-for-the-Quarter-ending-June-2018.pdf>

