BREACH OF THE MINIMUM BROADCASTING STANDARDS

INVESTIGATION REPORT

October 2019
INVESTIGATION REPORT
ON ALLEGED BREACH OF THE
MINIMUM BROADCASTING STANDARDS
BY THIRTEEN (13) BROADCASTERS IN
UGANDA
INVESTIGATION REPORT
ON ALLEGED BREACH OF THE
MINIMUM BROADCASTING STANDARDS

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1.0 INTRODUCTION

On the 29th of April 2019, the Uganda Communications Commission (“the Commission”) received complaints from security agencies reporting that a section of broadcasters in Uganda were broadcasting content that was contrary to the Minimum Broadcasting Standards as provided in Section 31 and schedule 4 of the Uganda Communications Act, 2013.

Following the complaints, the Commission, in the exercise of its mandate under sections 5(1)( j), 27, 28, 29, 30, 31 and 32 of the Uganda Communications Commission Act 2013, made a decision to investigate the reports it had received.

The Commission, vide a letter dated 30th April 2019, notified 13 (thirteen) broadcasters of the said complaints made against them and informed them that an investigation had been instituted to ascertain the veracity of the complaints against the respective broadcasters.

To avoid interference with the investigations and to protect the public against the risk of further and repeated breach of the law and the standards, the Commission directed the subject broadcasters to have the producers, editors and heads of the impugned programmes take leave of their duties in order to pave the way for smooth investigations.

The affected broadcasters were: NBS TV, NTV, BBS TV, Salt TV, Bukeedde TV, Kingdom TV, Sapientia FM, Capital FM, Akaboozi FM, Radio Simba, CBS, Pearl FM and Beat FM.
2.0 NATURE OF COMPLAINT

The investigation was prompted by informal complaints from the Uganda Police Force and other security agencies, informing the commission that they had received intelligence information to the effect that:

a) Some personalities were mobilising members of the public to gang up against security agencies and force their way towards vital government installations to disrupt peace and security of the country.

b) That the continuous live coverage of exchanges between rioting crowds and security agencies, was creating the inaccurate impression that the country was descending into chaos, and the interviews conducted during many of the live broadcasts were unprofessional, partial and intended to rile up the emotions of the public against the lawful actions of the Police and other security agencies in carrying out their duties to maintain law and order.

Further, the unprofessional and biased mode of reporting riled up demonstrators who were being encouraged to confront, ignore and resist Police instructions. The security organs opined that this was likely to ignite countrywide demonstrations against security agencies and thereby compromise the security of the nation.

In addition to the reports from the security agencies, the Commission also received complaints from concerned members of the public over fears that the manner in which some broadcasters were repeatedly showing and reporting violent clashes between the Police and the rowdy crowds, was threatening their personal safety and the security of their businesses. Other members of the public raised concerns over the safety of their children.
The Commission had also observed a growing trend amongst some broadcasters neglecting their obligation to abide by the prescribed minimum broadcasting standards. This was demonstrated by the increasing number of live programmes, breaking news stories and prime news bulletins being dominated by:

a) Content that misrepresented information, views, facts and events in a manner likely to mislead or cause alarm to the public.

b) Content with extremist or anarchic messages, including incitement of violence for political and/or other purposes.

c) Unbalanced content that had the likelihood of inciting the public against other members of the public on the basis of their political, religious, cultural and tribal affiliations which is likely to create public insecurity and/or violence.

d) Content that was presented in a manner that was unbalanced, sensational and often gave undue prominence to specific individuals and/or groups of people.

e) Content that was likely to incite violence.

It was upon this background that the Commission exercised its mandate to investigate the veracity of the reports.
3.0 GENERAL MANDATE OF THE COMMISSION

The Commission was established by section 4 of the Uganda Communications Act 2013 and clothed with the mandate to regulate, control, monitor and license communication services in Uganda, including broadcasting.

Sections 5(1)(a), (j), (i), (h), m, (k), and (x) of the Uganda Communications Act, 2013 specifically mandates the Commission to among others:

i. Monitor, inspect, license, supervise, control and regulate communications services;

ii. receive, investigate and arbitrate complaints relating to communications services, and to take necessary action;

iii. coordinate and collaborate with the relevant national and international organisations in matters relating to communications;

iv. set national standards and ensure compliance with national and international standards and obligations laid down by international communications agreements and treaties to which Uganda is a party;

v. promote and safeguard the interests of consumers and operators as regards the quality of communications services and equipment;

vi. improve communications services generally and to ensure equitable distribution of services throughout the country; and

vii. set standards, monitor and enforce compliance relating to content.

It is in the exercise of the above mandate that the Commission instituted an investigation against the 13 (thirteen) media houses following reports/complaints that content that was being aired on their respective platforms violated among others, section 31 and Schedule 4 of the Uganda Communications Act, 2013.
3.1 INVESTIGATIVE MANDATE

The Commission derives its investigative mandate from sections 5(1)(j) and 45(1)(a) of the Uganda Communications Act 2013 and Regulation 28 of the Communications (Practice and Procedure) Regulations S.I No. 21 of 2005, which broadly empower the Commission to investigate any matter within its functions under the Act.

Section 5 (1)(j) of the Act provides that the Commission is mandated to receive, investigate and arbitrate complaints relating to communication services and take necessary action.

Section 45(1)(a) provides that the Commission may investigate any matter within its function under this Act which relates to communication services or apparatus provided or supplied in Uganda.

Considering the fact that the complaints in issue related to a matter that is core to the Commission’s routine mandate, the Investigation was undertaken by a team of internal Commission staff from the Directorates of Industrial and Content Affairs, Legal, Engineering and Corporate Affairs.

It is important to note that the mandate given to the Commission is in keeping with the constitutionally enshrined right to freedom of speech and all other rights associated with broadcasters. As with all other rights, these rights cannot be enjoyed at the expense of the law or the rights of others.

Article 29(1)(a) of the Constitution provides that every person shall have a right to freedom of speech and expression which shall include freedom of the press and other media.

However, Article 43 of the Constitution provides for a general limitation on fundamental and other human rights and freedoms. In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest.

Accordingly, the broadcasting standards set out under the law are aimed at ensuring that in exercising their own rights, broadcasters do not infringe upon the rights of others, break the law or compromise national security (public interest). This is an established norm the world over, and it was in this spirit that the Commission proceeded with the investigation following reports of a breach.
4.0 OBJECTIVES OF THE INVESTIGATION

The investigation sought to achieve the following objectives:

a) To determine whether the programmes that were aired by the respective broadcasters on the 29th of April 2019 complied with the Minimum Broadcasting Standards, but most specifically whether the impugned programmes:

   i. Misrepresented information, views, facts and events in a manner likely to mislead or cause alarm to the public;

   ii. Contained extremist or anarchic messages, including incitement of violence;

   iii. Sections of the public against other members of the public based on their political, religious, cultural and tribal affiliations that are likely to create public insecurity or violence; and

   iv. Were presented in a manner that was unbalanced, sensational and gave undue prominence to specific individuals and/or groups of people.

b) To establish whether the individual producers, Heads of News and Head(s) of programmes possess the requisite academic and professional qualifications for the roles and duties they discharge in the respective broadcasting entities as provided under the law.

c) To assess the general level of compliance by broadcasters and recommend measures to improve the sector.
5.0 APPROACH TO THE INVESTIGATIONS

To achieve the above objectives, the investigation team undertook the following activities:

i. Analysed the complaints raised and reports received.

ii. Obtained recordings of all the news programmes, current affairs shows and live broadcasts that were aired by the respective broadcasters on the 29th of April 2019.


iv. Reviewed the license terms and conditions for all radio and television operators.

v. Reviewed the written submissions made by the respective broadcasters, including their recordings.

vi. Visited the studios and broadcasting stations for the respective broadcasters and interfaced with staff found on duty.

vii. Conducted meetings with all the affected broadcasters, in the presence of the presenters, producers and other technical and management staff.

viii. Reviewed files of the respective operators to ascertain their previous compliance history.
In the course of the investigations, the National Association of Broadcasters (NAB) sought audience with the Commission regarding the directive to have the respective employees of the affected media houses step aside pending conclusion of the investigations. In its letter dated 2nd May 2019, NAB stated that the Commission’s directive would have adverse effects and that if implemented, it would:

a) Undermine the quality of journalism in Uganda by creating fear amongst individual journalists;
b) Weaken the standards and controls already established by the respective media houses and amplify the risk that led to the commission’s intervention; and

c) Compromise the opportunity for dialogue between the Commission and broadcasters based on the past relationship.

In the meeting of Tuesday 7th May 2019 between the Commission and NAB, the following positions were agreed upon:

a) That the Commission clarifies that “suspension of certain individuals by the Broadcasters” as captured in the letter of 30th April 2019, did not mean that the broadcasters should suspend the employment contracts of the respective staff.

b) That the directive meant that the producers, heads of news and editors of the respective programmes were only required to “step aside” from their roles in the impugned programmes. This was deemed necessary in order to avert the potential absurdity that could have arisen if the same staff, whose programmes were being investigated, continued to produce, edit and oversee further broadcasting of the same programmes. More breaches could have been occasioned;

c) That the directive to require the respective producers, editors and heads of news to step aside from their roles would take effect by the close of business on Tuesday 7th May 2019; and

d) That the personalities required to step aside were individuals acting in the respective capacities during the impugned programmes on the 29th of April 2019.

e) That the stepping aside was never intended to be permanent but only temporary during the period of the investigations.

It is also worth noting that following the commencement of the investigations, a number of media rights activists and members of the public filed four applications in the High Court Civil Division seeking for among others, interim orders to restrain the Commission from enforcing the directive to require producers, editors and heads of programmes to step aside from their respective roles. Others also sought orders to restrain the Commission from conducting the investigations, arguing that the Commission’s directive had the potential to affect the enjoyment of the freedom of the press in Uganda.

None of the broadcasters or their employees was a party to the court cases, and, after hearing the consolidated applications, Lady Justice Lydia Mugambe of the High Court (Civil Division) granted an interim order stopping the implementation of the directive to require the individual journalists to step aside from their roles. Court, however, made no orders regarding the investigations, and accordingly, the Commission continued with its investigations.
The Commission wishes to clarify that the purpose of the investigation and the directive to order individual producers, editors and heads of news to step aside was not intended to stifle any particular individual’s rights. This was a purely administrative measure that the Commission, in the exercise of its broad investigative mandate under the Uganda Communications Act, deemed necessary for purposes of addressing complaints that had been made to the commission, protecting the public against the potential continued risk of harmful content in the impugned broadcasts. The Commission requested the individual producers to step aside in order to prevent interference with its investigations and ensure a smooth process of the same.
6.0 REVIEW AND ANALYSIS OF THE IMPUGNED CONTENT.

In order to arrive at judicious conclusions, the Investigation team reviewed both visual and audio recordings of the content that was reported as having breached the Minimum Broadcasting standards. In reviewing the subject content, the investigation team measured the content that was aired by the respective Media houses against the requirements of the following laws:

1. The Uganda Communications Act, 2013 (The Act)
2. The Penal Code Cap 120(The PC)
3. The Press and Journalists Act, Cap. 105. (The PJA)
4. The Standards for General Broadcast programming in Uganda of 2016 (The SGBP).
5. Best Practice Guidelines for Electronic Media Broadcasters for Coverage and Broadcast of Live Events of 2011. (BPGEEMB)

The investigation team physically visited the premises of the respective broadcasters and had the opportunity to verify the responses and submissions, including the recordings and technical reports that were made by the respective broadcasters. The respective broadcasters’ premises were visited on the dates indicated in the table below:

<table>
<thead>
<tr>
<th>S/N</th>
<th>Station Name</th>
<th>Date of Visit</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>NTV</td>
<td>6/6/2019</td>
<td>09 am</td>
</tr>
<tr>
<td>2</td>
<td>NBS TV</td>
<td>6/6/2019</td>
<td>11 am</td>
</tr>
<tr>
<td>3</td>
<td>Capital FM</td>
<td>6/6/2019</td>
<td>02 pm</td>
</tr>
<tr>
<td>4</td>
<td>Beat FM</td>
<td>6/6/2019</td>
<td>03 pm</td>
</tr>
<tr>
<td>5</td>
<td>Simba FM</td>
<td>6/6/2019</td>
<td>04 pm</td>
</tr>
<tr>
<td>6</td>
<td>Radio Two (Akaboozi)</td>
<td>7/6/2019</td>
<td>09 am</td>
</tr>
<tr>
<td>7</td>
<td>BBS TV</td>
<td>7/6/2019</td>
<td>11 am</td>
</tr>
<tr>
<td>8</td>
<td>CBS FM</td>
<td>7/6/2019</td>
<td>12 noon</td>
</tr>
<tr>
<td>9</td>
<td>Salt TV</td>
<td>7/6/2019</td>
<td>02 pm</td>
</tr>
<tr>
<td>10</td>
<td>Pearl FM</td>
<td>7/6/2019</td>
<td>04 pm</td>
</tr>
<tr>
<td>11</td>
<td>Bukekde TV</td>
<td>20/06/2019</td>
<td>09 am</td>
</tr>
</tbody>
</table>

The investigation team did not physically visit Radio Sapientia and KTV premises because of failure to submit required information.
7.0 A SUMMARY OF THE LAWS AND STANDARDS REVIEWED TO ESTABLISH A BREACH

7.1 Laws Applicable.
7.1.1 Uganda Communications Act of 2013.

S. 31- A person shall not broadcast any program unless the content or program complies with schedule 4.

Schedule 4:

A broadcaster or video operator shall ensure that:-

A. Any programme which is broadcast-
   i. is not contrary to public morality.
   ii. does not promote a culture of violence or ethnical prejudice among the public, especially the children and the youth
   iii. in the case of a news broadcast, is free from distortions of facts
   iv. is not likely to create public insecurity or violence.
   v. Is in compliance with the existing law.

B. programmes that are broadcast are balanced to ensure harmony in such programmes.

C. adult-oriented programmes are appropriately scheduled.

D. where a programme that is broadcast is in respect to a contender for a public office, that each contender is given equal opportunity on such a programme;

E. where a broadcast relates to national security, the contents of the broadcast are verified before broadcasting.
7.1.2 Penal Code:

**Section 21. Incitement to commit an offence.**

1. When a person incites any other person to commit an offence punishable with death, whether or not any offence is committed in consequence of the incitement, and no express provision is made by this Code or any other law for the punishment of that incitement, he or she is liable to imprisonment for ten years.

2. When a person incites any other person to commit an offence punishable other than by death, whether or not any offence is committed in consequence of the incitement, and no express provision is made by this Code or any other law for the punishment of the incitement, he or she is liable to a term of imprisonment not exceeding one-fourth of the term of imprisonment provided for the offence which he or she incited the other person to commit or when the offence is punishable by a fine only by such fine as is provided for the offence or when the offence is punishable by both a fine and imprisonment by both one-fourth of the imprisonment provided for and the fine.

3. Notwithstanding subsection (2), if the person who incites the commission of an offence under that subsection is a public servant whose duty it is to prevent the commission of that offence, he or she is liable to a term of imprisonment not exceeding one-half of the term of imprisonment provided for the offence which he or she incited the other person to commit or when the offence is punishable by a fine only by such fine as is provided for the offence or when the offence is punishable by both a fine and imprisonment by both one-half of the imprisonment provided for and the fine.

**Section 51- Incitement to violence.**

1. Any person who, without lawful excuse, prints, publishes or to any assembly makes any statement indicating or implying that it would be incumbent or desirable—
   a) to do any acts calculated to bring death or physical injury to any person or to any class or community of persons, or
   b) to do any acts calculated to lead to destruction or damage to any property, commits an offence and is liable to imprisonment for three years.

2. A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

3. For the purpose of this section, “assembly” means a gathering of three or more persons.

**Section 83- Incitement to violence.**

1. Any person who incites any other person to do an act of violence against any person by reason of his or her race, place of origin, political opinions, colour, creed or sex or office commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

2. For the purposes of subsection (1), “office” means the office of a Minister of the Government, a member of Parliament or a councilor, a public office, employment in the service of the administration of a district or the council or board of a municipality or town, any religious office and employment as a director, officer or other official in or by anybody corporate established by or under the auspices of or controlled by the Government.
7.1.3 Standards for Broadcast Programmes in Uganda.

2.0 General Principles

1. Programmes should not undermine public security interest or public confidence in the law and its enforcement in Uganda.

3. Broadcasters should be vigilant against the likely effects of all television material on children. It is, therefore, necessary for broadcasters to exercise considered judgement on the capacity of children, in different age groups, to cope with the depiction and treatment of material which may not be suitable for them.

6. Broadcasters should provide advisory notices for programme content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.

9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.

3.0 Protection of Public and National Interest

1. Broadcasting programmes should not:

   ii. present information or events in a manner likely to mislead or cause alarm to the public;
   iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes; or
   v. Sensationalize the treatment of any issue whether local, nationalistic or foreign in nature.

9. Violence, Crime and Drug Use

   Violence

   1) Suggestions that justice can be achieved by violence, vigilante action or other means of taking law enforcement into one's own hands should be avoided. Any exceptions must take into account the context and redeeming values.

   2) The depiction of violence may frighten, unnerve, unsettle or invite imitation, especially from children. Therefore, only mild portrayals that are relevant to the plot may be allowed in programmes meant for children.

   3) The concerns in violence are:
   i. Depiction of graphic/gratuitous violence
   ii. Normalising the use of violence as a solution to resolve problems;
   iii. Depiction of violent gangster behaviour (e.g. self-mutilation rites);
   iv. Emphasis on violent techniques/acts (e.g. methods of torture, gang fights, combat techniques)
   v. Encouraging aggressive and sadistic attitudes towards infliction of pain and violence;
   vi. Explicit and prolonged sexual violence or erotic portrayal of sexual assault/coercion.
12. News, Current Affairs and Other Factual Programmes

The following rules shall apply to the treatment of all news and/or current affairs content.

Fairness, Objectivity and Impartiality -
6. Broadcasters shall ensure that morbid, sensational or alarming details not essential to factual reporting are avoided. Images that may seriously distress or offend like dead bodies should only be displayed in clear public interest.

10. The editing process shall not distort the context or meaning of the original interview.

11. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.

12. Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political, industrial controversy or matters pertaining to current public policy in all factual programmes. Undue prominence is a significant imbalance of views aired within the coverage of matters of political, industrial controversy or matters relating to current public policy.

18. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.

22. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

28. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

16.0 Presentation and Scheduling Of Programmes

1. Broadcasters must exercise particular care when putting 'live' calls on air, especially where topics involved are sensitive ones, and comments made may be derogatory or offensive.

2. Any presentation format which uses fictional personas (masqueraders) to voice distasteful and offensive viewpoints is not acceptable. Broadcasters who adopt such formats will be responsible for all comments made by the fictional personas.
5. Appropriate scheduling should be judged according to:
   i. the nature of the content;
   ii. The likely number and age range of children in the audience, taking into account school time, weekends and holidays;
   iii. the start time and finish time of the programme;
   iv. the nature of the channel or station and the particular programme; and
   v. The likely expectations of the audience for a particular channel or station at a particular time and on a particular day.

17.0 Programmes Schedule or Programme Line Ups and Log Books

1. A broadcaster shall forward to the Commission its quarterly programmes schedule/line up and synopses of new or repackaged programmes not less than one week before the beginning of the quarter.

2. A broadcaster shall adhere to its submitted programme schedule, in the event of a change, an adequate prior announcement shall be made.

3. A broadcaster shall maintain logbooks to record each day’s programmes; music; advertisement and sponsorships.

18.0 Broadcast Programmes Scripts

1. Every Scheduled broadcast item, including spot announcements, shall be scripted.

2. The scripts must be approved by the Head of programmes who will remain accountable for whatever is broadcast in that programme.

3. In case of a news broadcast, the Chief News Editor will be accountable to the Content in the News broadcast.

4. On-demand by the Commission, the Station shall produce any script or transcript of the programme.

19.0 Fairness

4. Broadcasters should ensure that the re-use of material, i.e. use of material filmed initially or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster’s own material.

5. If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.
8.0 FINDINGS IN RELATION TO INVESTIGATED CONTENT

A review of the recordings and the responses from the respective broadcasters revealed the following summary of findings against the respective broadcasters.

FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>Bukedde TV</th>
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<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that the manner in which Bukedde TV presented its news, specifically Agataliko mu ttuntu, Agabutikiidde and Agataliko nfuufu on 29th April 2019 was sensational, alarmist, was partial to specific politicians, and was likely to incite violence.</td>
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<tr>
<td><strong>Provisions of the law/standards</strong></td>
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<tr>
<td>i. <strong>SGBP- 2.9.</strong> Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
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<tr>
<td>ii. <strong>SGBP- 3.1.</strong> Broadcasting programmes should not:</td>
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<td>- present information or events in a manner likely to mislead or cause alarm to the public;</td>
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<tr>
<td>- contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes; or</td>
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<tr>
<td>- Sensationalize the treatment of any issue whether local, nationalistic or foreign in nature.</td>
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<td>iv. <strong>SGBP- 12.11.</strong> A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.</td>
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<tr>
<td>V. <strong>SGBP- 2.1</strong> Programmes should not undermine public security interest or public confidence in the law and its enforcement in Uganda.</td>
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<tr>
<td>Vi. <strong>SGBP- 1.</strong> Suggestions that justice can be achieved by violence, vigilante action or other means of taking law enforcement into one’s own hands should be avoided. Any exceptions must take into account the context and redeeming values.</td>
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<tr>
<td>S. 51, 83, 21 of PC – incitement to violence</td>
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<tr>
<td>vii. <strong>SGBP- 2.3</strong> Broadcasters should be vigilant against the likely effects of all television material on children. It is, therefore, necessary for broadcasters to exercise considered judgement on the capacity of children, in different age groups, to cope with the depiction and treatment of material which may not be suitable for them.</td>
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<thead>
<tr>
<th>Name of Broadcaster</th>
<th>Bukedde TV</th>
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<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings for all the news bulletins that were aired on Bukedde TV on 29th April 2019 and the written submissions made by Bukedde TV, the investigation found that</td>
</tr>
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</table>

1. The manner in which Bukedde TV presented its news bulletins of midday (Agataliiko mu Ttuntu) and Agataliiko Nfuufu (10 pm), were embellished and capable of causing needless worry or panic among members of the public. The content was presented in a way that was likely to create public agitation and indignation at the expense of accuracy.

2. None of the news clips involving the rowdy crowds contained an official comment from the security agencies or a qualifying statement that they had been reached and declined to comment. Neither the Police spokesperson nor other national security agencies were interviewed regarding the events that were being reported about, yet there were specific allegations made against them. In the absence of a rebuttal, such allegations would be deemed to be true by the broader public. Further, the clips were presented in such a way as to tell only one side to the story. For example the accused person’s lawyers were interviewed, but the prosecutor’s opinion was not sought. A man’s arrest is captured, but the officers are not given a chance to explain their actions.

3. Bukedde repeatedly used images from previous events as part of what they later explained to the commission as “the build-up” for the events that happened on 29th of April 2019, without adequately warning the public that the story contained historical events. As a result, the news created a narrative of constant and complete chaos which was not accurate. The news anchor in one of the bulletins stated that “this was the state of affairs in Kampala today”. This created the impression that Kampala as a whole was enveloped in chaos, yet clearly, only sections of the city were affected. On this day in question, this sort of reporting had the potential to mislead and inflame the already volatile situation.

4. Bukedde TV gave biased and extensive coverage of specific personalities, groups and events and did not give a chance to the personnel with whom they conflicted to respond and share their side of the story.

5. Bukedde TV news contained several clips of rowdy youths engaged in running battles with the Police, with others cheering on as riotous crowds challenged and defied Police orders. The repeated broadcasting of such violent images and stories had the potential to disorient the public into believing that it is acceptable to fight the Police and other security operatives, which can potentially cause a break down in law and order.

6. It was also observed that Bukedde TV covered several individuals who made inciting comments, calling upon the public to disregard the Police and encouraged resistance of lawful Police orders. This was manifested through continued and repeated broadcasting of images of beatings, tear-gassing, burning of tyres and the erection of barricades in roads. The broadcaster did not caution the public to maintain order nor condemn the incitement of violence in compliance with Minimum Broadcasting Standards.

7. Bukedde TV also showed content with violent pictures in its news bulletins, without taking adequate measures to protect children against the gruesome images; (such as blurring or warning for viewer discretion). This potentially exposed audiences especially children, to inappropriate content.

8. Bukedde TV failed to reasonably balance its news by ensuring that all key players are given due coverage. The news bulletin did not contain adequate and balanced response from security agencies to contextualise the day’s events.
BUKEDDE TV REPORT
Hon. Kyagulanyi on his way to Nagalama Police station 29th April 2019
## FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>Recommended action</th>
</tr>
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</table>
| Bukedde TV          | a) Considering the gravity of the breaches found, and the fact that Bukedde TV had previously been warned against similar breaches, it is recommended that Bukedde TV is given notice to show cause as to why the Commission should not invoke section 41 of the Uganda Communications Act 2013 against it.  

b) It is recommended that Bukedde TV be required to train all its news reporters, producers and editor in professional reporting, where key provisions of the law and the standards should be emphasised. |
## FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>NTV</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a)  It was reported that NTV gave biased and undue extensive coverage of personalities and events such as coverage of FDC and People Power activities instead of running approved programming schedules.</td>
</tr>
<tr>
<td></td>
<td>b)  It was further reported that NTV programmes such as NTV Akawungwezi and Live@9 sensationalised news stories in ways that were likely to incite violence.</td>
</tr>
<tr>
<td></td>
<td>c)  It was also reported that NTV was allowing members of its staff who were known persons of influence, to publicly declare their personal political views and allegiance to specific political parties.</td>
</tr>
</tbody>
</table>

### Provisions of the law/standards

- **SGBP- 12.12.** Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political, industrial controversy or matters pertaining to current public policy in all factual programmes. Undue prominence is a significant imbalance of views aired within coverage of matters of political, industrial controversy or matters relating to current public policy.

- **SGBP 2.6** Broadcasters should provide advisory notices for programme content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.

### Findings

After reviewing the recordings for all the news bulletins that were aired by NTV on 29th April 2019 and the written submissions made by NTV, the investigation found that:

1. NTV gave undue coverage and prominence to particular individuals and activities.

2. NTV sensationalised news stories concerning the confrontation between Police and the rowdy crowds.

3. NTV glorified the confrontation between the Police and the rowdy crowds, with the risk that continued broadcasting of such stories was likely to embolden other mobs to attack the Police and cause violence.

4. It was confirmed that NTV has members of staff who are persons of influence, and who have publicly declared their political views and allegiance to specific political parties. NTV has fallen short of ensuring that such employees’ political affiliations do not compromise the objectivity required by the Broadcasting standards while carrying out their duties.

For example, investigations confirm that prior to Joel Ssenyonyi’s reported departure from NTV, he had publically confirmed his political affiliation, and this was evident in the reports made, which is in breach of the Standards.
<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>NTV</th>
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</thead>
<tbody>
<tr>
<td><strong>Recommended action</strong></td>
<td></td>
</tr>
<tr>
<td>a) Considering the gravity of the breaches found, and the fact that NTV has previously been warned against similar breaches, it is recommended that NTV be given notice to show cause as to why the Commission should not invoke section 41 of the Uganda Communications Act 2013.</td>
<td></td>
</tr>
<tr>
<td>b) It is recommended that NTV be required to train all its news reporters, producers and editors in professional reporting, where key provisions of the law and the standards should be emphasised.</td>
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</tr>
<tr>
<td>c) It is recommended that NTV be required to exercise professionalism and demonstrate that it has adequate measures in place to ensure that news reporters, anchors, producers and editors remain impartial and non-partisan.</td>
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</tbody>
</table>
NTV REPORT; Hon. Kyagulanyi on his way to Nagalama Police station and Dr Besigye in Kasese 29th April 2019
# FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>BBS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation(s)</td>
<td>a) It was reported that the manner in which BBS TV presented its news and other live programmes on the 29th April 2019 was sensational, alarmist and gave undue prominence to specific individuals and activities. This was likely to incite violence.</td>
</tr>
<tr>
<td>Provisions of the law/standards</td>
<td>SGBP- 3.1 (v) Broadcasting programmes should not sensationalise the treatment of any issue whether local, nationalistic or foreign in nature.</td>
</tr>
<tr>
<td></td>
<td>SGBP- 12.12. Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political, industrial controversy or matters pertaining to current public policy in all factual programmes. Undue prominence is a significant imbalance of views aired within coverage of matters of political, industrial controversy or matters relating to current public policy.</td>
</tr>
<tr>
<td></td>
<td>SGBP- 2.9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
</tr>
<tr>
<td></td>
<td>SGBP 3.1- Broadcasting programmes should not: ii. present information or events in a manner likely to mislead or cause alarm to the public; iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes;</td>
</tr>
<tr>
<td></td>
<td>SGBP- 16.1. Broadcasters must exercise particular care when putting ‘live’ calls on air especially where topics involved are sensitive ones, and comments made may be derogatory or offensive.</td>
</tr>
<tr>
<td>Findings</td>
<td>After reviewing the recordings and written submission made by BBS Television, and after taking into account the responses provided by the management of BBS in the physical interaction with the investigation team, it was found that:</td>
</tr>
<tr>
<td></td>
<td>1. BBS TV sensationalised news stories concerning the confrontation between Police and the rowdy crowds.</td>
</tr>
<tr>
<td></td>
<td>2. BBS gave undue and biased extensive coverage of particular personalities and events. BBS also showed content with violent pictures such as news, without taking adequate measures to protect children against gruesome images, (such as blurring or warning for viewer discretion). This potentially exposes audiences especially children, to inappropriate content.</td>
</tr>
<tr>
<td></td>
<td>3. BBS failed to reasonably balance its news by ensuring that all key players are given due coverage. For example none of the news clips contained an official statement from the spokespersons of security agencies inspite of the fact that there were numerous allegations against them.</td>
</tr>
</tbody>
</table>
### FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>BBS</th>
</tr>
</thead>
</table>
| **Findings**        | 4. BBS video coverage particularly glorified and glamorised the actions of the rioters. There was coverage depicting motorcyclists showcasing their reckless riding skills, utterances to the effect that they were defeating the Police and that they were fighting for a cause. The coverage in its commentary supported the actions of the rioters and provided them with a platform to speak and propagate their message yet those against whom the allegations were made were not represented or given a similar platform. This was grossly below the standards required under the law.  
5. BBS conducted several interviews from members of the public and relayed the same without exercising any reasonable editorial controls to avoid broadcasting inciting and misleading commentaries. This resulted in the airing of unsubstantiated claims, hate speech and inciting content. For example during the programme aired between 12:45 to 12:50 pm, there was coverage of interviewees who called upon the masses to rally against the Police and disparaged the president and the government yet the broadcaster did not caution the viewers nor give the Police or any representative of government a chance to counter the allegations.  
6. BBS TV repeatedly aired images of beatings, teargassing, burning of tyres, erecting of barricades in roads and gruesome pictures of victims of violence, without a viewer’s advisory notice. |
| **Recommended action** | a) Considering the gravity of the breaches found, and the fact that BBS has previously been warned against similar breaches, it is recommended that BBS TV be given notice to show cause as to why the Commission should not invoke section 41 of the Uganda Communications Act 2013.  
b) It is recommended that BBS TV be required to train all its news reporters, producers and editors in professional reporting, where key provisions of the law and the standards should be emphasised. |
FINDINGS IN RELATION TO INVESTIGATED CONTENT - PICTORIAL

BBS TV REPORT; On 29th April 2019, Besigye in Kasese and Hon. Kyagulanyi on his way to Nagalama Police station 29th April 2019
## Findings in relation to investigated content

### Findings on the specific breaches

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>NBS TV</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that the manner in which NBS TV presented its news and other programmes on the 29th April 2019 was sensational, alarmist and gave undue coverage and prominence to specific individuals and events, likely to incite violence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provisions of the law/standards</th>
<th>SGBP 2.1 Programmes should not undermine public security interest or public confidence in the law and its enforcement in Uganda.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SGBP- 19.4. Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster’s own material.</td>
</tr>
<tr>
<td></td>
<td>SGBP - 2.6 Broadcasters should provide advisory notices for programme content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.</td>
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<td></td>
<td>SGBP- 2.3 Broadcasters should be vigilant against the likely effects of all television material on children. It is, therefore, necessary for broadcasters to exercise considered judgement on the capacity of children, in different age groups, to cope with the depiction and treatment of material which may not be suitable for them.</td>
</tr>
<tr>
<td></td>
<td>SGBP- 3.1. Broadcasting programmes should not:</td>
</tr>
<tr>
<td></td>
<td>ii. present information or events in a manner likely to mislead or cause alarm to the public;</td>
</tr>
<tr>
<td></td>
<td>iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes;</td>
</tr>
<tr>
<td></td>
<td>SGBP - 12.6. Broadcasters shall ensure that morbid, sensational or alarming details not essential to factual reporting are avoided. Images that may seriously distress or offend like dead bodies should only be displayed in clear public interest.</td>
</tr>
<tr>
<td></td>
<td>SGBP- 12. 28. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.</td>
</tr>
</tbody>
</table>
## FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>NBS TV</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Findings</strong></td>
<td></td>
</tr>
</tbody>
</table>

After reviewing the recordings and written submission made by NBS Television, and after taking into account the responses provided by the management of NBS in the physical interaction with the investigation team, it was found that:

a) NBS TV sensationalised the events of 29th April 2019. NBS dedicated an inordinate amount of the prime news time to broadcasting rowdy crowds engaged in running battles with the Police, which had the potential to embolden the public to engage in similar unlawful activities and thereby compromise public security.

b) NBS TV gave unwarranted and biased extensive coverage and prominence to individuals and events. It was found that although NBS TV had a duty to inform the public of what was happening, NBS TV failed in its duty to ensure responsible reporting by avoiding to include violent scenes involving Police and the rowdy crowds that were engaged in burning tyres and fighting the Police.

c) NBS TV failed to reasonably balance its news by ensuring that all key players are given due coverage. The news did not contain adequate and balanced response from security agencies to contextualise the day’s events.

d) NBS TV repeatedly aired images of beatings, teargassing, burning of tyres, erecting of barricades in roads and gruesome pictures of victims of violence, without a viewer’s advisory notice.

e) NBS TV newscasters, specifically Solomon Serwanjja and Mable Twegumye Zaake, aired their personal opinions into the news broadcast on the 29th of April 2019 contrary to the requirement that news should be factual and not include personal opinions of the news casters/readers.

<table>
<thead>
<tr>
<th>Recommended action</th>
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<tbody>
<tr>
<td><strong>A.</strong> Considering the gravity of the breaches found, and the fact that NBS TV had previously been warned against similar breaches, it is recommended that NBS TV be given notice to show cause as to why the Commission should not invoke section 41 of the Uganda Communications Act 2013.</td>
<td></td>
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<tr>
<td><strong>B.</strong> It is recommended that NBS TV be required to train all its news reporters, producers and editors in professional reporting, where key provisions of the law and the standards should be emphasised.</td>
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<tr>
<td><strong>C.</strong> It is recommended that NBS TV be required to demonstrate that it has adequate measures in place to ensure that news reporters, anchors, producers and editors remain impartial and non-partisan in the course of their work.</td>
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</table>
NBS TV REPORT; On 29th April 2019, Dr Besigye in Kasese and Hon. Kyagulanyi
# FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>SALT TV</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that the manner in which Salt TV presented its news and other programmes on the 29th April 2019 was sensational, alarmist and gave undue prominence to specific individuals, and was likely to incite violence. It was further alleged that Salt TV did not provide any advisories to its viewers before broadcasting pictures and stories that contained violence and gruesome images.</td>
</tr>
<tr>
<td><strong>Provisions of the law/standards</strong></td>
<td><strong>SGBP - 12.12.</strong> Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political, industrial controversy or matters pertaining to current public policy in all factual programmes. Undue prominence is a significant imbalance of views aired within coverage of matters of political, industrial controversy or matters relating to current public policy. <strong>SGBP - 2.6</strong> Broadcasters should provide advisory notices for programme content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice. <strong>SGBP - 2.9.</strong> Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings and written submissions made by Salt TV, and after taking into account the responses provided by the management of Salt TV during the physical interaction with the investigation team, it was found that:</td>
</tr>
<tr>
<td></td>
<td>a) Salt TV sensationalised the events of 29th April 2019. Salt TV dedicated an inordinate amount of its prime news time to showing rowdy crowds engaged in running battles with the Police, which had the potential to embolden other youths to engage in similar unlawful activities and thereby compromise public security.</td>
</tr>
<tr>
<td></td>
<td>b) Salt TV gave unwarranted extensive coverage of individuals and events. It was found that although Salt TV had a duty to inform the public of what was happening, it failed in the duty to ensure responsible reporting by including violent scenes involving Police and the rowdy crowds that were engaged in burning tyres and confronting the Police without objectivity and viewer advisory.</td>
</tr>
<tr>
<td></td>
<td>c) Salt TV failed to balance its news by ensuring that all key players in the story are given due coverage. None of the news clips contained official statements from the spokespersons of any security agencies to contextualise the day’s events inspite of the allegations made against them.</td>
</tr>
<tr>
<td></td>
<td>d) Salt TV repeatedly aired images of beatings, teargassing, burning of tyres, erecting of barricades in roads and gruesome pictures of victims of violence, without a viewer’s advisory notice.</td>
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</table>
## FINDINGS IN RELATION TO INVESTIGATED CONTENT

### FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>SALT TV</th>
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<tbody>
<tr>
<td>Recommended action</td>
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</table>

A. A review of SALT TV’s file reveals that SALT TV has previously been largely compliant.

B. The management of SALT TV showed a lot of remorse for what happened on the 29th of April 2019 and undertook to put in place adequate measures to avoid a re-occurrence of similar breaches in future.

C. It is therefore recommended that SALT TV be cautioned.

D. It is recommended that the management of SALT TV be required to train all its news reporters, producers and editors in professional reporting, where key provisions of the law and the standards should be emphasised.
FINDINGS IN RELATION TO INVESTIGATED CONTENT - PICTORIAL

SALT TV REPORT; On 29th April 2019, Besigye in Kasese and Hon. Kyagulanyi on his way to Nagalama Police station 29th April 2019
<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th><strong>PEARL FM</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation(s)</td>
<td>It was reported that Pearl FM runs programmes that do not comply with the minimum broadcasting standards. It was further reported that Pearl FM broadcasts content that is likely to incite violence and destabilise the peace and security of the country.</td>
</tr>
</tbody>
</table>
| Provisions of the law/standards | **UCA, 2013** Schedule 4: (b) A broadcaster or video operator shall ensure that any programmes that are broadcast are balanced to ensure harmony in such programmes.  
UCA, 2013. Schedule 4:  
4(a) (ii) – programme does not promote a culture of violence or ethnical prejudice among the public  
(iv) – not likely to create public insecurity or violence  
**SGBP- 9.5** – Broadcaster should not broadcast any information from any source which could endanger lives.  
**SGBP- 17.** Programmes schedules, lineups and logbooks  
i. A broadcaster shall forward to the Commission its quarterly programmes schedule/line up and synopses of new or repackaged programmes not less than one week before the beginning of the quarter.  
ii. A broadcaster shall adhere to its submitted programme schedule, in the event of a change, an adequate prior announcement shall be made.  
iii. A broadcaster shall maintain logbooks to record each day’s programmes; music; advertisement and sponsorships.  
**18- Broadcast Programme Scripts.**  
i. Every Scheduled broadcast item, including spot announcements, shall be scripted.  
ii. The scripts must be approved by the Head of programmes who will remain accountable for whatever is broadcast in that programme.  
iii. In case of a news broadcast, the Chief News Editor will be accountable for the Content in the News broadcast.  
iv. On-demand by the Commission, the Station shall produce any script or transcript of the programme.  
(Note: Broadcasters’ stations are supposed to provide programme lineups indicating the type of programmes and the specific genres as well as the purpose).  
**SGBP- 2.9.** Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner. |
## FINDINGS IN RELATION TO INVESTIGATED CONTENT

### FINDINGS ON THE SPECIFIC BREACHES

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<thead>
<tr>
<th>Name of Broadcaster</th>
<th>PEARL FM</th>
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</thead>
<tbody>
<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings and written submissions made by Pearl FM, and after taking into account the responses provided by the management of Pearl FM during the physical interaction with the investigation team, it was found that:</td>
</tr>
<tr>
<td>       a)</td>
<td>That Pearl FM Programme “Inside Story” has no programme structure, no classification and no distinct genre. The programme is prone to misuse and abuse and is likely to incite violence because it lacks adequate control mechanisms.</td>
</tr>
<tr>
<td>       b)</td>
<td>It was further noted that the manner in which the said programme, “Inside Story” is presented is not well structured and the presenter does not seem to have credible sources for the information upon which the show is based. If the show is not redefined and adequate controls put in place, it is likely to alarm the public and become a platform for fuelling political propaganda, which can result in violence.</td>
</tr>
<tr>
<td>       c)</td>
<td>It was also found that Pearl FM does not follow the approved programme schedules and shows are often presented in an unstructured manner, with presenters left to run shows based on their perceptions and opinions during shows that are disguised to be factual.</td>
</tr>
<tr>
<td><strong>Recommended action</strong></td>
<td>Pearl FM has previously been warned about similar breaches and appeals to the management to improve its structure and programming have been ignored. Accordingly, it is recommended that:</td>
</tr>
<tr>
<td>       a)</td>
<td>The programme “Inside Story” be immediately suspended until after Pearl FM can demonstrate to the satisfaction of the Commission that it has instituted adequate measures to improve this show.</td>
</tr>
<tr>
<td>       b)</td>
<td>Pearl be required to train all its news reporters, producers and editors in professional reporting, where key provisions of the law and the standards should be emphasised.</td>
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</table>
## FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>CAPITAL FM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that Capital FM, through its morning breakfast show presented by Gaetano and Lucky incited violence when the presenters made statements calling upon all musicians to demonstrate because their fellow artist, ’Bobi Wine’ had been arrested by security forces. It was reported that Gaetano and Lucky’s statement had the potential to undermine public confidence in the law by calling for mass action.</td>
</tr>
</tbody>
</table>
| **Provisions of the law/standards** | SGBP- 3.1. Broadcasting programmes should not:  
   ii. present information or events in a manner likely to mislead or cause alarm to the public;  
   iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes; or  
   **UCA, 2013. SCHEDULE 4.**  
   4(a) (ii) – programme does not promote a culture of violence or ethnical prejudice among the public  
   (iv) – not likely to create public insecurity or violence  
   SGBP- 2.1 Programmes should not undermine public security interest or public confidence in the law and its enforcement in Uganda. |
| **Findings** | After reviewing the recordings and written submissions made by Capital FM, and after taking into account the responses provided by the management of Capital FM during the physical interaction with the investigation team, it was found that:  
   a) The programming of Capital FM of 29th April 2019 had not breached the minimum broadcasting standards.  
   b) Further review however, revealed that indeed, presenters of the Morning Breakfast show had on 23rd April 2019 made statements, which had the potential to incite musicians to engage in unlawful protests against the arrest of Hon. Kyagulanyi, aka Bobi Wine.  
   c) That the statements made by Gaetano and Lucky, however innocent, offended the minimum broadcasting standards in so far as the presenters encouraged musicians and members of the public to resort to violence rather than addressing whatever grievances they had through peaceful means. |
| **Recommended action** | A review of Capital FM’s file reveals that Capital FM has previously been mostly compliant.  
The management of Capital FM also showed a lot of remorse for content that was broadcast in that week specifically the breakfast show on the 23rd April 2019 and undertook to put in place adequate measures to avoid a re-occurrence of similar breaches in future.  
It is therefore recommended that Capital FM be cautioned.  
It is further recommended that the management of Capital FM be required to train all its reporters; news anchors show hosts, producers and editors about the broadcasting standards and other related laws. |
## FINDINGS ON THE SPECIFIC BREACHES

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<thead>
<tr>
<th>Name of Broadcaster</th>
<th>CBS FM</th>
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</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that CBS FM included in its news bulletins stories that were not directly attributed to any particular source.</td>
</tr>
<tr>
<td><strong>Provisions of the law/standards</strong></td>
<td>Reg. 4 of Journalists’ Code of Ethics- It is unacceptable for any journalist or editor to plagiarise the professional work of any person or expropriate the work of any person without acknowledging the contribution of the owner of the work and naming his or her sources of information.</td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings and the submissions made by CBS FM, it was found that: CBS FM had indeed aired some news stories and comments without adequately attributing them to any specific source. This practice not only offends that ethical code of journalists but may lead to misinterpretation of facts and may be misleading.</td>
</tr>
<tr>
<td><strong>Recommended action</strong></td>
<td>Considering the nature of breach found and the fact that the management of CBS acknowledged their mistake and undertook to improve the quality and style of their news reports, it is recommended that CBS should be cautioned against similar breaches.</td>
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<tr>
<th>Name of Broadcaster</th>
<th>RADIO SIMBA</th>
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</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that Radio Simba aired content that was likely to incite violence.</td>
</tr>
</tbody>
</table>
| **Provisions of the law/standards** | SGBP- 3.1. Broadcasting programmes should not:  
  ii. present information or events in a manner likely to mislead or cause alarm to the public;  
  iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes; or  
4(a) (ii) – programme does not promote a culture of violence or ethnical prejudice among the public  
(iv) – not likely to create public insecurity or violence |
| **Findings**         | After reviewing the recordings and the submissions made by Radio Simba, it was found that:  
a) Radio Simba had included in its news broadcasts of 29th April 2019, reports and audio recordings of gunshots that had allegedly happened during the exchanges between the Police and the rowdy supporters of the opposition leaders.  
b) By relaying such content, Radio Simba’s listeners could have easily believed that Police was shooting at demonstrators and this could have easily incited them to commit further violence. |
| **Recommended action** | Considering the nature of breach found and the fact that the management of Radio Simba acknowledged their mistake and undertook to improve the quality and style of their news reports, it is recommended that Radio Simba should be cautioned against similar breaches. |
# Findings in Relation to Investigated Content

## Findings on the Specific Breaches

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>RADIO TWO - AKABOOZI FM</th>
</tr>
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<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported that Akaboozi FM aired news about the events of the 29th of April 2019 in an unbalanced manner.</td>
</tr>
<tr>
<td><strong>Provisions of the law/standards</strong></td>
<td>SGBP- 2.9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings and the submissions by the management of Akaboozi FM, it was found that Akaboozi FM had been balanced in its reporting. No evidence was obtained to prove any breach by Akaboozi FM.</td>
</tr>
<tr>
<td><strong>Recommended action</strong></td>
<td>No action should be taken against Akaboozi FM since its content was found to have been in line with the law and standards.</td>
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<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>BEAT FM</th>
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</thead>
<tbody>
<tr>
<td><strong>Allegation(s)</strong></td>
<td>It was reported the manner in which Beat FM reported on the events of the 29th of April 2019 was unbalanced and contrary to the standards.</td>
</tr>
<tr>
<td><strong>Provisions of the law/standards</strong></td>
<td>SGBP- 2.9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
</tr>
<tr>
<td><strong>Findings</strong></td>
<td>After reviewing the recordings and the submissions made by the management of Beat FM, it was found that Beat FM was balanced in its reporting. No evidence was obtained to prove any breach by Beat FM.</td>
</tr>
<tr>
<td><strong>Recommended action</strong></td>
<td>No action should be taken against Beat FM since its content was found to have been in line with the law and the standards.</td>
</tr>
</tbody>
</table>
# FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>KINGDOM TV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation(s)</td>
<td>It was reported that the manner in which Kingdom TV reported on the events of the 29th of April 2019 was unbalanced and contrary to the standards.</td>
</tr>
<tr>
<td>Provisions of the law/standards</td>
<td>SGBP- 2.9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.</td>
</tr>
<tr>
<td>Findings</td>
<td>After receiving the letter of 30th April 2019, the management of Kingdom TV responded that on the 29th of April 2019, they did not broadcast any news because its news team was not on duty on that day. To confirm this claim by Kingdom TV, the investigation team reviewed the recordings from the Commission Digital logger and indeed confirmed that Kingdom TV had not broadcast news on the 29th of April 2019. It was therefore found that the reports against Kingdom TV were not backed by adequate evidence to warrant any further investigation.</td>
</tr>
<tr>
<td>Recommended action</td>
<td>It is recommended that Kingdom TV be reminded that under its license terms and conditions, it undertook to notify the Commission of any changes in its programming, including suspension of any programmes previously notified to the Commission. Kingdom TV should, therefore, in future, ensure that whenever any circumstances arise that render it unable to broadcast the approved programmes, the Commission is notified at least seven (7) days before suspension or change of the programmes schedule.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>RADIO SAPIENTIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation(s)</td>
<td>It was reported that the manner in which Radio Sapientia reported and presented its news and other programmes on the events of the 29th of April 2019 was unbalanced and contrary to the standards. It was further reported that Radio Sapientia broadcasts content that is likely to incite violence and destabilise the peace and security of the country.</td>
</tr>
</tbody>
</table>
| Provisions of the law/standards | SGBP- 2.9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner. SGBP- 17. Programmes schedules, lineups and logbooks  
  i. A broadcaster shall forward to the Commission its quarterly programmes schedule/line up and synopses of new or repackaged programmes not less than one week before the beginning of the quarter.  
  ii. A broadcaster shall adhere to its submitted programme schedule, in the event of a change, an adequate prior announcement shall be made. |
FINDINGS ON THE SPECIFIC BREACHES

<table>
<thead>
<tr>
<th>Name of Broadcaster</th>
<th>RADIO SAPIENTIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings</td>
<td>It was noted that whereas radio Sapientia was served with the Communication’s letters of 30th April and 13th May 2019, radio Sapientia responded on 17th May 2019 addressing four out of the eight requirements as required by the Commission. The management of Radio Sapientia never submitted the recordings for the impugned programs as required in the letter of 30th April 2019.</td>
</tr>
</tbody>
</table>

| Recommended action  | Since Radio Sapientia did not submit recordings as required and neither provided full information as expected, the Commission was not able to conclusive evaluate the allegations that had been made against the station. The Commission, therefore, recommends that Radio Sapientia should be given a notice to show cause why regulatory sanctions should not be imposed against it in accordance with Section 41 of the Uganda Communications Act. |
### 3.3.2. Findings on compliance with other relevant laws, license terms and conditions.

In addition to the breaches in respect to content that was allegedly aired on 29th April 2019, the investigation also revealed that some broadcasters had breached other related laws, license terms and conditions as summarised in the table below.

<table>
<thead>
<tr>
<th>S/N</th>
<th>STATION</th>
<th>IDENTIFIED COMPLIANCE GAPS</th>
<th>PROPOSED ACTION</th>
</tr>
</thead>
</table>
| 1   | NBS TV  | ✓ No proof of registration of Head of News, Head of Programmes and Producer with the Media Council Contrary to section 5 of the Press and Journalist Act.  
✓ No Proof of enrollment and certification of journalists contrary to section 26 and 27 of Press and Journalist Act.  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | NBS should address all the identified gaps before the Commission can renew its broadcast license. |
| 2   | NTV     | ✓ No proof of pre-listening and delay devices, contrary to the Directive issued earlier by the Commission.  
✓ No proof of enrollment and certification of journalists contrary to sections 26 and 27 of Press and Journalist Act.  
✓ No proof of registration of Head of News, Head of Programmes and Producer (contrary to section 5 of Press and Journalist Act)  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | NTV should address all the identified gaps before the Commission can renew its broadcast license. |
| 3   | BBS TV  | ✓ No proof of enrollment and certification of journalists (contrary to section 26 and 27 of Press and Journalist Act).  
✓ No proof of registration of Head of News, Head of Programmes and Producer (contrary to section 5 of the Press and Journalist Act).  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | BBS should address all the identified gaps before the Commission can renew its broadcast license. |
<table>
<thead>
<tr>
<th>S/N</th>
<th>STATION</th>
<th>IDENTIFIED COMPLIANCE GAPS</th>
<th>PROPOSED ACTION</th>
</tr>
</thead>
</table>
| 4   | Salt TV  | ✓ No proof of pre-listening and delay devices, contrary to a directive earlier issued by the Commission.  
✓ No proof of enrollment and certification of journalists (contrary to sections 26 and 27 of Press and Journalist Act).  
✓ No proof of registration of Head of News, Head of Programmes and Producer (Contrary to section 5 of the Press and Journalist Act)  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Salt TV should address all the identified gaps before the Commission can renew its broadcast license.                                                                                                                                                                                      |
| 5   | Bukedde TV | ✓ No proof of pre-listening and delay devices, contrary to a directive earlier issued by the Commission.  
✓ No proof of enrollment and certification of Journalists (Contrary to sections 26 and 27 of the Press and Journalist Act).  
✓ No proof of registration of Head of News, Head of Programmes and Producer (Contrary to section 5 of the Press and Journalist Act).  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Bukedde TV should address all the identified gaps before the Commission can renew its broadcast license.                                                                                                                                                                                      |
| 6   | Kingdom TV | Failed to comply with the Commission’s directive to submit the required documents; hence, no physical verification was carried out. This was under the pretext that KTV did not have any news and live programming.  
- No document submitted  
- No physical verification carried out.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Regulatory sanctions should be imposed on KTV for breaching License Condition Number 21 that requires all TV broadcasters to have not less than 2 hours of content daily as news.  
KTV should ensure that this breach is rectified before the Commission can renew its license.                                                                                                                                                                                                                                                  |
<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>7</td>
<td>Sapientia FM</td>
<td>Failed to comply with the Commission’s directive to submit the required documents; hence, no physical verification was carried out.</td>
<td>Regulatory sanctions should be imposed on Sapientia FM for not complying with lawful orders of the Commission in respect to investigations of the complaint as mandated under section 45 of the Uganda Communications Act, 2013.</td>
</tr>
</tbody>
</table>
| 8   | Pearl FM    | ✓ No proof of pre-listening and delay devices, contrary to an earlier directive by the Commission.  
✓ No proof of enrollment and certification of journalists (contrary to sections 26 and 27 of the Press and Journalist Act).  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | Pearl FM should address all the identified gaps before the Commission can renew its license and/or reinstate the suspended show “the inside story”. |
| 9   | Capital FM  | ✓ No proof of pre-listening and delay devices, contrary to an earlier directive by the Commission.  
✓ No proof of enrollment and certification of journalists (contrary to sections 26 and 27 of the Press and Journalist Act).  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | Capital FM should address all the identified gaps before its license can be renewed. |
| 10  | Beat FM     | ✓ No proof of pre-listening and delay devices, contrary to an earlier directive by the Commission.  
✓ No proof of enrollment and certification of journalists (contrary to sections 26 and 27 of the Press and Journalist Act).  
✓ The Programme Line up submitted was not in format as prescribed by the Commission.  
✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff. | Beat FM should address all the identified gaps before its license can be renewed. |
<table>
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</thead>
<tbody>
<tr>
<td>11</td>
<td>Akaboozi FM</td>
<td>✓ No proof of pre-listening and delay devices, contrary to an earlier directive by the Commission.</td>
<td>Radio Akaboozi FM should address all the identified gaps before its license can be renewed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ No proof of enrollment and certification of journalists (contrary to sections 26 and 27 of the Press and Journalist Act).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ The Programme Line up submitted was not in format as prescribed by the Commission.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Radio Simba</td>
<td>✓ No proof of pre-listening and delay devices</td>
<td>Radio Simba should address all the identified gaps before its license can be renewed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ No evidence of enrollment and certification of journalists (s. 26 and 27 of the Press and Journalist Act).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ The Programme Line up submitted was not in format as prescribed by the Commission.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>CBS FM</td>
<td>✓ No proof of pre-listening and delay devices, contrary to an earlier directive by the Commission.</td>
<td>CBS FM should address all the identified gaps before its license can be renewed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ No proof of enrollment and certification of journalists contrary to sections 26 and 27 of Press and Journalist Act).</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ The Programme Line up submitted was not in format as prescribed by the Commission.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ There are no sufficient safeguards in the editorial policies to address the conflict of interest of staff.</td>
<td></td>
</tr>
</tbody>
</table>
3.4. Requirements under the Press and Journalist Act Cap 105

It is worth noting that the mandate of the Commission in regulating broadcasters involves the broadcasters’ compliance with other laws. Sections 30, 31, and 32 of the Uganda Communications Act 2013 requires personnel running a licensed broadcast house to be in possession of qualifications required of them by the Media Council under the Press and Journalists Act Cap 105.

Section 30 of the Uganda Communications Act lucidly provides that a person shall not be appointed to be a producer of a broadcasting station if that person does not among others; possess the requisite qualifications prescribed by the Media Council.

Sections 5, 6, and 7 of the Press and Journalist Act Cap 105 provide that upon appointing an editor, a media house shall register such person with the Media council. This provision requires that such person shall have attained the requisite qualifications and experience to work in such a position for him/her to be successfully registered.

Further, sections 26 and 27 of the Press and Journalist Act Cap 105 provide for the registration and the issuance of practising certificates to journalists. Section 27 thereof stipulates that a person shall not practice journalism unless he or she is in possession of a valid practising certificate issued under the section. Practising as a journalist without a practising certificate issued by the Media council is an offence.

The policy objectives behind all the aforesaid professional requirements is to ensure that personnel running broadcast houses, especially in the roles of producer and editor, who are the gatekeepers for all content to be aired, are appropriately trained and adequately equipped with the requisite professional and academic skills to ensure responsible and ethical broadcasting. It, therefore, follows that it falls within the Commission’s mandate in regulating broadcasters to ensure that the individuals in their employment have qualifications required by law to carry out their functions.

The Commission notes with concern that many of the breaches that have been unveiled by this investigation are mainly attributable to the fact that an alarming number of individuals who are appointed to supervisory roles such as producers and editors in broadcast houses, do not have the requisite qualifications as required under the law and are not adequately trained or otherwise possessed with adequate professional commitment to good journalism.

Considering the critical role that is played by broadcasters in shaping the development and political agenda of any country, it is essential that players in the broadcasting sector rise to the occasion in ensuring compliance with the requirements under the Uganda Communications Act and the Press and Journalist Act Cap 105.

As the regulator of the communications sector in Uganda with the statutory duty to protect the public against offensive broadcasts which are often the result of bad journalism, the Commission shall, from now onwards, strictly enforce compliance with the law and the license terms and conditions of broadcasters by ensuring that all content broadcast to the public meets the required standards.
Contrary to arguments by a section of the public that the Commission’s regulatory mandate does not extend to personnel in broadcasting entities, section 32 of the Uganda Communications Act 2013, empowers the Commission to ensure that the Professional Code of Ethics contained in the Press and Journalists Act is adhered to. The same provision enables the Commission to modify the Professional Code of Ethics for journalists where deemed necessary to ensure that content carried on communication platforms complies with the Uganda Communications Act of 2013 and any other relevant law. Therefore any matter that pertains to broadcasting falls within the Commission’s regulatory mandate, and this includes individuals and actions while on air.

Further Section 39 (4)(a) of the Uganda Communications Act empowers the Commission to prescribe terms and conditions of all operators licensed under the Act including setting conditions for and circumstances in which persons may install or use in electronic communication platforms licensed and regulated by the Commission.

It is therefore manifest that the Commission is mandated with the power to regulate content and the persons in charge of producing and or making available such content to the public through regulated communication platforms.

Where the Commission believes that a particular individual in the broadcasting house is responsible for the identified breaches, the Commission may instead of ordering for the suspension or revocation of the broadcaster’s operations, direct the licensee to suspend or take other disciplinary actions against the errant individual journalist. This position was confirmed by Hon. Justice Benjamin Kabiito in the case of Kalundi Robert Serumaga and Godfrey Ssebagala v Broadcasting Council and Attorney General Misc. Cause No. 221 of 2009. (A copy of the judgement is annexed hereto)

The unfortunate coverage from the 29th April 2019 substantiates the Commission’s assertion that it is critical that all broadcasters employ qualified staff (as envisaged under the Uganda Communications Act and the Press and Journalists Act). This requirement is crucial because there are several standards applicable to various categories of content that have to be borne in mind by such journalists and producers during the course of their work. The duty borne by a producer/journalist/editor cannot be discharged successfully by individuals that do not have the stipulated training/qualifications and experience.
All broadcasters are therefore called upon to ensure compliance with all laws, most especially the requirements under the Press and Journalists Act and the Uganda Communications Act before the time comes for their current licenses to be renewed. This will not only ease compliance but also boost professionalism and accountability amongst all the players in the media ecosystem.

All stakeholders are called upon to work with the Commission in ensuring that our media is protected from unprofessional conduct by a few unethical characters who are exposing our country to unpalatable content.
4.1 Specific recommendations

With regards to the thirteen (13) broadcasters that were specifically investigated, it is recommended as follows:

(1) Bukedde TV

From the investigations, Bukedde TV has been found to have breached:

a) Section 31 and Schedule 4 (a) and (b) of the Uganda Communications Act 2013.

b) Standards 2.1, 2.3, 2.6, 2.9, 3.1, 9.3, 12, 16, 19.4, and 19.5 of the Standards for General Broadcast Programmes in Uganda, 2016:

c) Sections 21, 51, and 83 of the Penal Code Act Cap 120.

d) Bukedde TV has also been found to have defied the Commission’s directive to install pre-listening and delay devies in their systems to minimise the risk of live broadcasting of unintended content.

It is further noted that Bukedde TV has previously been warned for non-compliance with the Commission’s licensing requirements and failure to observe broadcasting standards vide letters dated 21st June 2011, 3rd July 2012, 10th September 2012, and 11th May 2015, hence being liable for repeated breach of its license terms and conditions.

WHEREFORE it is recommended that in addition to other remedial measures already recommended hereinbefore, Bukedde TV should be served a notice to show cause as to why regulatory sanctions should not be taken against Bukedde TV in accordance with section 41 of the Uganda Communications Act, 2013.

(2) NTV

From the investigations, NTV has been found to have breached:

i. Section 31 and Schedule 4 (a) and (b) of the Uganda Communications Act 2013.

ii. Standards 2.1, 2.6, 12.12, and 12.28 of the Standards for General Broadcast Programmes in Uganda, 2016.

iii. Sections 21, 51, and 83 of the Penal Code Act Cap 120.

iv. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

v. NTV has also been found to have defied the Commission’s directive to install pre-listening and delay devices in their systems to minimise the risk of live broadcasting of unintended content.

It has further been noted that NTV has previously, (vide a letter dated 18th January 2019 Reference Number CMM/181/25) been directed to rectify several areas of non-compliance, including the requirement to comply with sections 29, 30 and 31 of the Uganda Communications Act, 2013, and as observed from the findings of this investigation, NTV has repeatedly breached serious terms and conditions of its license obligations.

WHEREFORE, it is recommended that NTV should be served with a notice to show cause as to why regulatory sanctions should not be taken against NTV in accordance with section 41 of the Uganda Communications Act, 2013.
(3) NBS Television

From the investigations, NBS Television has been found to have breached:

  i. Section 31 and Schedule 4 (a) and (b) of the Uganda Communications Act 2013.
  
  ii. Standard 2.1, 2.3, 3.1, 12.6, 12.12, 12.28, and 19.4 of the Standards for General Broadcast Programmes in Uganda, 2016.

  iii. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

In addition, the investigation revealed that NBS TV has repeatedly breached serious terms and conditions of its licence. NBS has received several notices and cautions from the Commission regarding its repeated breaches. Particularly, NBS has in the recent past received letters dated 30th November 2015, 5th October 2016, 14th March 2017, 17th April 2018, 17th May 2018, and 26th June 2018, among others, all requiring NBS TV to rectify specific areas of non-compliance.

It was noted that on 24th October 2017, the Commission issued a final warning to NBS TV for breach of minimum broadcasting standards. NBS TV had also earlier on 15th May 2017, formally apologised and signed a formal commitment to upholding the broadcasting standards as enshrined in the law, which NBS TV again went against.

It is clear that breaching the standards and the license terms and condition has become a usual way of operation by NBS TV.

WHEREFORE, it is recommended that NBS TV should be served with a notice to show cause as to why regulatory sanctions should not be taken against NBS TV in accordance with section 41 of the Uganda Communications Act, 2013.

(4) BBS Television

From the investigations, BBS Television was found to have breached:

  i. Section 31 and Schedule 4 (a) and (b) of the Uganda Communications Act 2013.

  ii. Standards 2.1, 2.6, 12.12, and 12.28 of the Standards for General Broadcast Programmes in Uganda, 2016.

  iii. Sections 21, 51, and 83 of the Penal Code Act Cap 120.

  iv. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

The investigation, however, revealed that BBS Television is compliant with most of the technical requirements, and has already installed pre-listening and delay devices onto their systems.

The above notwithstanding, BBS Television's file contains evidence of previous breaches, which were communicated to BBS Television vide letters dated 24th October 2017, 31st January 2018, and 26th June 2018.

WHEREFORE, it is recommended that BBS TV should be served with a notice to show cause as to why regulatory sanctions should not be taken against BBS TV in accordance with section 41 of the Uganda Communications Act, 2013.
(5) Salt Television

From the investigations, Salt Television has been found to have breached:

i. Section 31 and Schedule 4 (a) and (b) of the Uganda Communications Act 2013.

ii. Standards 2.6, 2.9, and 12.12 of Standards for General Broadcast Programmes in Uganda, 2016

iii. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

Salt Television has also been found not to have complied with the Commission’s directive to install pre-listening and delay devices in its studios to minimise the risks associated with live broadcasting of unintended content.

A review of Salt Television’s file further revealed evidence that Salt TV has on several occasions been warned for breaching minimum broadcasting standards vide letters dated 10th August 2015, 17th August 2015, 5th October 2016, 14th July 2017, and 16th October 2018.

It is therefore recommended that Salt TV be cautioned for the content related breaches highlighted above. Salt TV is required to rectify all the identified technical breaches within 60 (sixty) days before its license can be renewed.

(6) Pearl FM

From the investigations, Pearl FM has been found to have breached:

i. Section 31 and Schedule 4 of the Uganda Communications Act 2013.

ii. Standards 2.9, 9.5, 17, and 18 of the standards for General Broadcast Programmes in Uganda, 2016:

iii. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

iv. Pearl FM has been found to have defied the Commission’s directive to install pre-listening and delay devices in their systems to minimise the risk of live broadcasting of unintended content.

Pearl FM’s file contains further evidence that it has repeatedly breached the minimum broadcasting standards and the Commission has vide letters dated 30th November, 3rd April 2018, and 17th October 2017 endeavoured to warn Pearl FM of its non-compliance, but no improvement has been witnessed.

It is therefore recommended that since the most recent incidents of non-compliance arose out of “the inside story” show, Pearl FM should be directed to immediately suspend broadcasting of the said show “the inside story” until such a time as the Commission shall be satisfied that the recommended corrective measures have been instituted to avert the risk of noncompliance.

As regards the other identified breaches, it is recommended that Pearl FM should be given sixty (60) days within which to remedy all the outstanding breaches failure of which shall attract additional regulatory sanctions, including but not limited to suspension of its broadcasting license and imposition of an appropriate fine in accordance with section sections 6(d) and 41(2)(b) of the Uganda Communications Act, 2013.
(7) Capital FM

From the investigations, Capital FM has been found to have breached:

i. Section 31 and Schedule 4 of the Uganda Communications Act 2013.


iii. Sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

iv. Capital FM has been found to have defied the Commission’s directive to install pre-listening and delay devices in their systems to minimise the risk of live broadcasting of unintended content.

Capital FM’s file further shows evidence of previous non-compliance with technical licence requirements (as evidenced in the letters dated 14th September 2018, 22nd and 25th January 2019, 20th February 2019, and 3rd April 2019). It is, however, worth noting that Capital FM has previously not had any recorded breach of the Minimum broadcasting standards.

It is recommended that Capital FM should be cautioned against any breach of the broadcasting standards and ensure that the identified technical compliance gaps are remedied within a period of sixty (60) days.

It is therefore recommended that Capital FM should be cautioned for the content related breaches highlighted above. Capital FM is required to rectify all the identified technical breaches within 60 (sixty) days before its license can be renewed.

(8) Beat FM

Whereas the investigations revealed that Beat FM’s programmes did not breach the Minimum Broadcasting Standards, the team made the following observations:

i. Beat FM operates in contravention of sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

ii. Beat FM has not implemented the Commission’s directive to all Broadcasters to install pre-listening and delay devices in their systems to minimise the risk of broadcasting unintended content.

The investigation has however revealed that Beat FM has previously breached the set broadcasting standards as evidenced in the Commission’s letters to Beat FM dated 25th July 2014, 4th November 2014, and 14th March 2017.

It is therefore recommended that Beat FM should rectify all the identified technical breaches within 60 (sixty) days before its license can be renewed.
(9) Akaboozi FM (Radio Two Limited)

Whereas the investigations revealed that Akaboozi FM’s programmes did not breach the Minimum Broadcasting Standards through its programming of 29th April 2019, the investigation revealed that:

i. Akaboozi FM operates in contravention of sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

ii. Akaboozi FM has not implemented the Commission’s directive to all Broadcasters to install pre-listening and delay devices in their systems to minimise the risk of broadcasting unintended content.

Further that whereas Akaboozi FM’s file shows evidence of non-compliance with technical licence requirements (as evidenced in the letters from the Commission dated 28th December 2017, 31st May 2018, 4th September 2018, and 17th September 2018), there is no evidence of a repeated breach of minimum broadcasting standards.

It is therefore recommended that Akaboozi is required to rectify all the identified technical breaches within 60 (sixty) days before its license can be renewed.

(10) Central Broadcasting Services (CBS) FM

The Investigation has revealed that CBS FM has the following breaches:

i. Operating in contravention of Regulation 4 of the Journalists’ Code of Ethics;

ii. CBS has not yet implemented the Commission’s directive to all Broadcasters to install pre-listening and delay devices in their systems to minimise the risk of broadcasting unintended content.

iii. CBS FM operates in contravention of sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

The team has also observed that CBS FM has previously been notified about its breach of Minimum Broadcasting Standards vide letters dated: 3rd and 4th November 2014, 13th March 2015, and 17th March 2017.

Therefore, in order to improve compliance with the content and technical standards, it is recommended that CBS FM should be CAUTIONED against any further breach of the law and the standards and to ensure that all other identified technical standards are complied with within a period of sixty (60) days before its license can be renewed.
Specific recommendations

(11) Radio Simba FM

The Investigation has revealed that Simba FM had the following breaches:

i. Operating in contravention of section 31 and Schedule 4 (a)(iii) and (iv) of the Uganda Communications Act, 2013.

ii. Radio Simba FM has not yet implemented the Commission’s directive to all Broadcasters to install pre-listening and delay devices in their systems to minimise the risk of broadcasting unintended content.

iii. Radio Simba FM operates in contravention of sections 5, 26, and 27 of the Press and Journalist Act Cap 105.

The investigation further observed that Radio Simba FM has previously been notified about complaints regarding some of its programmes vide letter dated 4th May 2018.

Therefore, in order to improve compliance with the content and technical standards, it is recommended that Radio Simba FM should be CAUTIONED against any further breach of the law and the standards and to ensure that all other identified technical standards are complied with within a period of sixty (60) days before its license can be renewed.

(12) Kingdom Television

Whereas Kingdom Television was requested to submit information to facilitate the investigations, Kingdom TV noted that on the 29th of April 2019, it never aired any news programme since its news programming had been suspended.

The investigation, however, noted that Kingdom TV had not prior to the 29th of April 2019, given any notice to the Commission of its intention to suspend news programming, which is contrary to its license terms and conditions.

Therefore, whereas there was no evidence of the specific breach of the standards on the 29th of April 2019 as it had earlier been alleged, the investigation revealed that KTV had breached its license terms and conditions by stopping its approved programme without prior notification and approval of the Commission.

The investigation, however, also revealed that Kingdom TV had previously been notified of other breaches of the broadcasting standards vide letters dated 23rd March 2018, and 16th October 2018.

It is therefore recommended that Kingdom TV should be CAUTIONED against stopping the airing of approved programmes without prior notification to the Commission. Kingdom TV’s broadcasting license should not be renewed until the Commission’s officials have visited the station and satisfied themselves that the same is being operated within the required standards.
(13) Radio Sapientia

Whereas Radio Sapientia was requested to submit information with regards to the investigations, the operator did not provide all the information required by the Commission.

Furthermore, Radio Sapientia’s refusal to submit recordings of the programs and the information as required in the letters of 30th April 2019 and 13th May 2019, was a breach of its license terms and conditions.

It is therefore recommended that Radio Sapientia should show cause why regulatory sanctions should not be instituted against it in accordance with Section 41 of the Uganda Communications Act of 2013.
4.0 CONCLUSION AND RECOMMENDATIONS

From the foregoing analysis, it is evident that:

a) Majority of the broadcasters that were investigated were found to have breached different laws, standards and license terms and conditions.

b) Most of the breaches related to a failure by the respective broadcasters and their employees to adhere to the minimum broadcasting standards and the Standards for General Broadcast programming in Uganda.

c) The Commission noted that there is limited knowledge of the law and standards by individuals holding management and supervisory roles in broadcasting stations in Uganda.

d) Broadcasters have rendered themselves vulnerable by employing producers and editors who are not registered and certified according to the Press and Journalist Act.

It is therefore recommended that:

1) Management of broadcasting houses pay keen interest in the way producers, and editors discharge their duties. Incompetence and/or negligence by staff is directly attributed to the broadcaster, and this may expose the license to regulatory sanctions.

2) Broadcasters should invest in continuous training of their staff to continually remind them of the relevant laws and standards. There should be ongoing education, awareness and sensitisation about the Minimum Broadcasting Standards to the media house staff and the Professional Code of Ethics for Journalists and Editors and other applicable standards.

3) There is a need to ensure that all broadcasters employ qualified personnel, who must be given employment contracts and paid decent salaries. The investigation revealed that most of the employees of the affected media houses did not possess employment contracts, which partly explains the lack of commitment to their roles.

4) All broadcasters should ensure that they develop and update their editorial and social media policies. This is critical in self-regulation of the media houses and avoiding conflict of interest of their staff.

5) There is a need to hold periodical meetings between the broadcasters and other media regulators (the Commission, Media Council, and security organs) to address any issues that may arise from time to time.

6) The public should be encouraged to report all cases of unprofessionalism by broadcasters to the Uganda Communications Commission for appropriate regulatory interventions. This will improve accountability and responsible journalism.

The Commission would like to reiterate that it is mandated to regulate broadcasters and ensure that broadcasting standards are maintained. Broadcasting standards deal with the moral, ethical and legal implications of the programmes broadcast by a broadcaster.

They are meant to foster high standards, ethics and practices in broadcasting and the Commission may apply a wide range of sanctions for violations of these standards and practices. Such sanctions may include directives pertaining to the employees of the broadcasters if they violate the said standards.
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SCHEDULES
THE UGANDA COMMUNICATIONS ACT, 2013.

An Act to consolidate and harmonise the Uganda Communications Act and the Electronic Media Act; to dissolve the Uganda Communications Commission and the Broadcasting Council and reconstitute them as one body known as the Uganda Communications Commission; and to provide for related matters.


Date of Commencement: See section 1.

BE IT ENACTED By Parliament as follows:

PART I—PRELIMINARY.

1. Commencement.
   (1) Subject to subsection (2), this Act shall come into force upon the date of its publication in the Gazette.

   (2) Part X of this Act shall come into force within one year from the date of publication in the Gazette, on the date appointed by the Minister by statutory instrument.

2. Interpretation.
In this Act, unless the context otherwise requires—

   “authorised”, in relation to an officer or employee of the Commission, means authorised by the Executive Director to exercise the powers or perform the duties in respect of which an authorised person is required;

   “Board” means the Board established under section 9;
“broadcaster” means a licensed person who packages and distributes or distributes television or radio programmed services for reception by subscribers or the public, regardless of the technology;

“broadcasting” means the transmission of sound, video or data, intended for simultaneous reception by the public;

“cinematograph theatre” means any building, structure, tent or other erection of whatever nature or any place or land in or on which a cinematograph or video exhibition is presented to the public either gratuitously or for reward;

“Commission” means the Uganda Communications Commission established under section 4;

“communications” means telecommunications, data communication, radio communications, postal communications and includes broadcasting;

“communications services” means services performed consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communication, and includes broadcasting;

“content” means any sound, text, still picture, moving picture or other audiovisual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically;

“currency point” has the value assigned to it in Schedule 1;

“data” means electronic representations of information in any form;
“dominant position” means a position of market power enjoyed by an operator, which enables the operator to prevent effective competition being maintained in the relevant market by giving it the power to behave, to an appreciable extent, independently of its competitors and customers;

“Executive Director” means the Executive Director of the Commission appointed under section 16;

“eligible person” means a person who—

(a) has not been adjudged bankrupt or has not entered into a composition or a scheme of arrangement with his or her creditors; or

(b) has not been convicted of an offence whose penalty exceeds six months imprisonment or a fine exceeding twelve currency points or both;

“emission of electromagnetic energy” includes the deliberate radiation or reflection of electromagnetic energy by means of any apparatus designed or specially adapted for that purpose whether the reflection is continuous or intermittent;

“electronic media” means communication of any message to the public by means of any electronic apparatus;

“exhibition” means a display of art, video or data to the public, with or without sound by means of any electronic apparatus;

“franking machine” means a machine for the purposes of making impressions on postal articles to denote prepayment of postage and includes any metre or metres and any franking or date stamping dies or incidental dies;

“licence” means a licence issued under this Act;
“Minister” means the Minister responsible for information and communications technology;

“operator” means a person licensed to provide a communication or broadcasting service;

“person” includes any individual, company, association, or body of persons corporate or unincorporate;

“postal article” includes any letter, postcard, newspaper, book, document, pamphlet, pattern, sample packet, small packet, parcel package or other article tendered for dispatch or specified in the International Postal Union or in the licence of an operator;

“postal services” means the services performed and facilities provided in connection with—

(a) the collection, transmission and delivery by land, water or air of postal articles;

(b) the issue of postage stamps and the use of franking machines;

(c) the issue and payment of money from one place to another or address commonly referred to as money ordering;

“producer” includes a person who is at any given time, in charge of programme production and transmission to the public by means of any electronic apparatus;

“radio communication” means the transmitting or receiving over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megahertz being energy which either—

(a) serves for the conveyance of messages, sound or visual images, whether messages are actually received by any person or not, or for the actuation or control of machinery or apparatus; or
(b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or objects of any class;

“radio communications apparatus” or “radio communications station” means any apparatus or station, as the case may be, for transmitting or receiving of radio communication other than a domestic radio set and where—

(a) that radio communications apparatus or station cannot lawfully be used without a radio communications licence or without an exemption under section 23;

(b) radio communication in the form of messages, audio or visual images is received or transmitted by that apparatus or station;

(c) an apparatus is electrically coupled with another apparatus or station for the purpose of enabling any person to receive or transmit messages, sound or visual images;

“radio communications services” means services performed and the facilities provided in connection with communication by means of radio communications apparatus;

“telecommunication” means the emission, transmission or reception through the agency of electricity or electromagnetism of any sounds, signals, signs, writing, images or intelligence of any nature by wire, radio, optical or other electromagnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception;
“telecommunications apparatus” or “telecommunication station” means any apparatus or equipment used or intended to be used in connection with the transmission of communications by means of electricity from one place to another place either along a wire joining those two places or partly by wire from each of those two places and partly by radio communication;

“telecommunications line” means any wire, cable, equipment, tower, mast, antenna, tunnel, hole, pit trench, pole or other structure or thing used or intended to be used in connection with a telecommunications system;

“telecommunications service” means a service consisting of the conveyance or reception of any sounds, signs, signals, writing or images by wire, optical or other electronically guided media systems whether or not the signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other process by any means in the course of their transmission, emission or reception;

“telecommunications system” means a system for the conveyance through the agency of electric, magnetic, electromagnetic, electrochemical, electromechanical or light energy of—

(a) speech, music, data and other sounds;

(b) visual images;

(c) signals serving for the importance, whether as between persons and things, of any matter otherwise than in the form of sounds, visual images; or

(d) signals serving for the actuation or control of machinery or apparatus; and

including telecommunications apparatus situated in the Republic of Uganda;
“tribunal” means the Uganda Communications Tribunal established under section 60;

“wire” includes optical cable.

3. **Objectives of the Act.**
The objectives of this Act are to develop a modern communications sector, which includes telecommunications, broadcasting, radio communications, postal communications, data communication and infrastructure by—

(a) establishing one regulatory body for communications in accordance with international best practice;

(b) enhancing national coverage of communications services

(c) expanding the existing variety of communications services available in Uganda to include modern and innovative communications services;

(d) reducing the direct role of Government as an operator in the communications sector and minimising the subsidies paid by the Government to the communications sector;

(e) encouraging the participation of the private sector in the development of the communications sector;

(f) introducing, encouraging and enabling competition in the communications sector through regulation and licensing of competitive operators to achieve rapid network expansion, standardisation as well as operation of competitively priced and quality services; and

(g) establishing and administering a fund for the development of rural communications and information and communication technology in the country.
4. **Establishment of Uganda Communications Commission**
   (1) There is established the Uganda Communications Commission.

   (2) The Commission is a body corporate with perpetual succession and a common seal and may for the purposes of discharging its functions under this Act—

   (a) acquire, hold or dispose of movable and immovable property;

   (b) sue and be sued in its corporate name;

   (c) do all acts and things that a body corporate may lawfully do.

   (3) The seal of the Commission shall be authenticated in accordance with Schedule 2.

5. **Functions of the Commission**
   (1) The functions of the Commission are—

   (a) to implement the objectives of this Act;

   (b) to monitor, inspect, licence, supervise, control and regulate communications services;

   (c) to allocate, license, standardize and manage the use of the radio frequency spectrum resources in a manner that ensures widest variety of programming and optimal utilization of spectrum resources;

   (d) to process applications for the allocation of satellite orbital locations;
(e) to regulate rates and charges for communications services with a view to protecting consumers from excessive tariffs and to prevent unfair competitive practices.

(f) to establish, amend, administer and enforce a national numbering plan and electronic addresses plan; and assign numbers and electronic addresses;

(g) to conduct, or authorise any person to conduct, technical evaluations relating to communications services;

(h) to coordinate and collaborate with the relevant national and international organisations in matters relating to communications;

(i) to set national standards and ensure compliance with national and international standards and obligations laid down by international communication agreements and treaties to which Uganda is a party;

(j) to receive, investigate and arbitrate complaints relating to communications services, and take necessary action;

(k) to promote and safeguard the interests of consumers and operators as regards the quality of communications services and equipment;

(l) to promote research into the development and use of new communications techniques and technologies, including those which promote accessibility of persons with disability and other members of society to communications services;

(m) to improve communications services generally and to ensure equitable distribution of services throughout the country;
(n) to promote competition, including the protection of operators from acts and practices of other operators that are damaging to competition, and to facilitate the entry into markets of new and modern systems and services;

(o) to regulate interconnection and access systems between operators and users of telecommunications services;

(p) to advise the Government on communications policies and legislative measures in respect of providing and operating communications services;

(q) to represent Uganda’s communications sector at national and international fora and organizations relating to its functions and to coordinate the participation of any interested groups;

(r) to collaborate with educational institutions in order to promote specialised education in the field of communications;

(s) to establish and administer a fund for the development of rural communications and information and communication technology in the country;

(t) to advise the Minister on the administration of this Act;

(u) establish an intelligent network monitoring system to monitor traffic, revenue and quality of service of operators;

(v) to regulate value added services provided by communications operators;

(w) to operate and manage the Uganda Institute of Information and Communications Technology;

(x) to set standards, monitor and enforce compliance relating to content; and
(y) to encourage and promote infrastructure sharing amongst licensees and to provide regulatory guidelines

(z) to carry out any other function that is related to the functions of the Commission.

(2) The Commission shall submit to the Minister quarterly reports on the performance of its functions.

(3) The Minister may at any time request the Commission for a report of its performance.

(4) The Commission shall submit an annual performance report to the Minister within three months prior to the end of each year.

(5) The Minister shall lay the annual report of the Commission before Parliament.

6. **Powers of the Commission.**

(1) The Commission may in the exercise of its functions—

(a) charge fees for services provided by the Commission;

(b) institute a levy on the gross annual revenue from operators in accordance with section 68;

(c) collect the revenue determined by the Minister in respect of the international incoming telecommunications traffic;

(d) impose a fine on a person who unlawfully possesses, installs, connects or operates any communications equipment or apparatus, or unlawfully provides or performs any communications services;

(e) classify communications services and licenses.
(2) The Commission may in accordance with this Act, confiscate any apparatus which is possessed, installed, connected or operated unlawfully.

(3) The owner of an apparatus confiscated by the Commission may appeal to the tribunal against the confiscation.

7. **Powers of the Minister.**
   (1) The Minister may, in writing, give policy guidelines to the Commission regarding the performance of its functions.

   (2) The Commission shall comply with the policy guidelines given by the Minister under this section.

8. **Independence of the Commission.**
   Subject to this Act, the Commission shall exercise its functions independently of any person or body.

9. **Board of the Commission.**
   (1) The Commission shall be governed by a Board.

   (2) The Board shall consist of the following—

   (a) a person with experience and knowledge in telecommunications, broadcasting or postal communications, who shall be the chairperson;

   (b) a representative of professional engineers recommended by the Institute of Professional Engineers;

   (c) one prominent lawyer who is a member of the Uganda Law Society;

   (d) a person knowledgeable in the field of economics, financial management and public administration;
(e) a representative of the Ministry responsible for information and communications technology, who shall be an ex-officio member;

(f) the Executive Director;

(g) a representative of consumers recommended by the Uganda Consumers Association; and

(h) one eminent person of good repute and proven integrity representing the public.

(3) All members of the Board shall be appointed by the Minister with approval of Cabinet, one of whom shall be a person with disability and at least three of whom shall be women.

(4) A member of the Board shall hold office on the terms and conditions specified in the instrument of appointment.

(5) A member of the board shall hold office for three years and shall be eligible for reappointment for only one further term.

10. Disqualification from appointment.
A person shall not be appointed to the Board who—

(a) is engaged in an organization which operates or provides communications services, directly or indirectly, as owner, shareholder, partner or otherwise;

(b) is engaged in the manufacture or distribution of communications equipment in Uganda, directly or indirectly, as owner, shareholder, partner or otherwise;

(c) has a financial or proprietary interest in an organization referred to in paragraph(a) or (b);

(d) is insolvent;
(e) is incapacitated by mental or physical illness that renders the person incapable of performing the functions of a member of the Board;

(f) is otherwise unable or unfit to discharge the functions of a member of the Board.

11. **Vacating office of member of the Board.**

   (1) A member of the Board shall vacate office, if the member—

   (a) is declared insolvent;

   (b) is convicted of a criminal offence in respect of which a penalty of imprisonment of six months or more is imposed without the option of a fine;

   (c) is continuously and persistently unable to discharge the functions of the office of a member of the Board;

   (d) subsequently becomes disqualified from being a member under section 10.

   (e) fails to disclose to the Commission any interest that member has in a contract or proposed contract connected with the Commission or any other matter;

   (f) misbehaves or abuses the office of a member of the Board.

   (2) The Minister shall determine that a member vacates office under subsection (1).

   (3) A member of the Board may resign from office in writing to the Minister.
(4) Where a member resigns, dies or is removed from office under this section, the Minister shall within three months and in accordance with section 9, appoint another person to replace the member, and to hold office for the remainder of the term of that member.

12. Meetings of the Board.
(1) The Board shall meet at least once every three months for the purposes of discharging its functions.

(2) The meetings of the Board shall be conducted in accordance with Schedule 3.

13. Remuneration of members of the Board.
The members of the Board may be paid remuneration or allowances approved by the Minister in consultation with the Ministers responsible for public service and finance.

14. Committees of the Board.
(1) The Board may appoint committees—

(a) to inquire into and advise the Board on any matter concerning the functions of the Commission;

(b) to exercise the powers or perform a function of the Commission.

(2) The Board shall establish a contents committee to oversee content matters under the Act.

(3) A committee appointed under subsection (1) shall consist of a chairperson and other members of the Board, as the Board may determine.

(4) A committee may invite any person to attend any of its meetings and may co-opt any person to the committee but that person shall not vote on any matter before the committee.
(5) Members of a committee appointed under this section may be paid allowances as the Board may, with the written approval of the Minister, determine.

(6) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

PART III—SECRETARIAT AND STAFF OF THE COMMISSION

15. Secretariat of the Commission.
   (1) The Commission shall have a secretariat which shall be responsible for the day-to-day operations of the Commission and implementing the decisions of the Board.

   (2) The secretariat shall be headed by a full time Executive Director.

16. Executive Director.
   (1) The Executive Director shall be appointed by the Minister on the recommendation of the Board.

   (2) A person shall not be appointed executive director unless that person has relevant knowledge, qualification and considerable experience in either communications, economics, finance, law or administration.

   (3) The Executive Director shall hold office for five years, and shall be eligible for reappointment for only one further term.

   (4) A person shall cease to hold the office of Executive Director if that person—

       (a) resigns;

       (b) is declared insolvent;

       (c) is convicted of a criminal offence in respect of which a penalty of imprisonment of six months or more is imposed without the option of a fine;
(d) is removed from office by the Minister on the recommendation of the Board for—

(i) continuously and persistently being unable to discharge the functions of the office Executive Director;

(ii) failing to disclose to the Commission any interest in a contract or proposed contract or any other matter connected to the Commission; or

(iii) misbehavior or abuse of office.

17. Duties of the Executive Director.
   (1) Subject to this Act and to the general supervision of the Board, the Executive Director is the chief executive officer of the Commission and is responsible for—

   (a) implementing the policies and programmes agreed upon by the Commission;

   (b) managing the funds and property of the Commission;

   (c) administering, organizing and supervising the staff of the Commission;

   (d) keeping the Board informed of the activities of the Commission;

   (e) keeping record of all the transactions of the Commission.

   (2) In the performance of his or her duties, the Executive Director is answerable to the Board.

18. Secretary to the Commission.
   (1) There shall be a secretary to the Commission who shall be appointed by the Board on the terms and conditions specified in the instrument of appointment.
(2) The secretary shall be responsible for taking all the minutes of the meetings of the Board.

(3) The secretary shall perform all other duties and functions that the Board or the Executive Director may assign to the secretary.

(4) The secretary shall, in the discharge of his or her duties, be answerable to the Executive Director.

19. Other officers and staff of the Commission.
   (1) There shall be officers and staff of the Commission as may be necessary for the effective performance of the functions of the Commission.

   (2) The officers and staff of the Commission shall be appointed by the Board on such terms and conditions as the Board shall determine.

20. Protection of members of the Board and officers of the Commission.
A member of the Board or an officer of the Commission or a person acting on the directions of the Board or of an officer of the Commission is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of functions under this Act.

PART IV—LICENSING OF COMMUNICATIONS

Radio, telecommunications and other communications licences

21. Licence for radio communications
A person shall not, without a licence issued by the Commission—

   (a) establish or use any radio station or provide radio communication services;

   (b) sell, let, hire or otherwise dispose of any radio communications apparatus;
(c) manufacture, possess, install, connect or operate any radio communications apparatus or interference-causing apparatus.

22. Licence for telecommunications.  
A person shall not, establish a telecommunications station, provide telecommunications services or construct, maintain or operate telecommunications apparatus without a licence issued by the Commission.

23. Exemption from requirement for licence.  
Notwithstanding sections 21 and 22, a licence is not required for communications apparatus—

(a) exempted by regulations made under this Act;

(b) for use by the police, the armed forces or any other services directly used by the State in the performance of official functions, which comply with technical requirements specified by the Commission.

Management and use of frequency spectrum

24. Licence to use frequency spectrum.  
The Commission shall exclusively issue licences for—

(a) radio broadcasting or communications apparatus and spectrum use;

(b) possession and operation of radio broadcasting or communications apparatus;

(c) broadcasting and communications as the Commission may consider appropriate.
25. **Management of radio spectrum.**

(1) Notwithstanding any other law, the Commission is exclusively responsible for—

(a) planning, monitoring, managing and allocating the use of the radio spectrum;

(b) establishing technical requirements and standards in respect of—

(i) radio communications apparatus;

(ii) interference-causing apparatus or any class of that apparatus;

(c) negotiating with the International Telecommunications Union or its affiliated bodies on matters relating to radio spectrum.

(2) For the purposes of section 5(1)(c), the Commission may, through spectrum refarming, withdraw spectrum where the Commission is satisfied that the spectrum is not utilized optimally or efficiently.

*Installation of television and radio stations.*

26. **Installation of television and radio stations.**

(1) A person shall not install or operate a television station, radio station or any related broadcasting apparatus without a licence issued by the Commission.

(2) The Commission shall, before issuing a licence under this section, take into account—

(a) proof of existence of adequate technical facilities;

(b) the location of the station and geographical area to which broadcast is to be made;
(c) social, cultural and economic values; and

(d) the environmental impact assessment.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred currency points or imprisonment not exceeding five years or both.

(4) For the purposes of sub section (3), in the case of a corporate body, any or all the persons who are authorized to sign any document on behalf of the corporate body may be held liable for the contravention.

Broadcasting licence, right to broadcast and broadcasting standards

27. Broadcasting licence.

(1) A person shall not broadcast without a broadcasting license issued by the Commission.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty five currency points or imprisonment not exceeding one year or both.

28. Right to broadcast.

(1) A person shall not, take any action which is not authorized under this Act or other law, on account of the content of a programme, to prevent the broadcasting of a programme.

(2) Subsection (1) does not absolve a person from complying with any law which prohibits—

(a) the broadcasting of pornographic material and obscene publications; or

(b) any broadcasting which infringes upon the privacy of any
individual.

29. **Duties of a licensee and producer.**
The holder of a licence or a producer of a broadcasting station or disseminating apparatus shall—

   (a) ensure that what is broadcast is not contrary to public morality;

   (b) retain a record of all that is broadcast, for not less than sixty days.

30. **Disqualification of a producer.**
A person shall not be appointed a producer of a broadcasting station if that person—

   (a) is less than eighteen years of age;

   (b) is of unsound mind;

   (c) is not ordinarily resident in Uganda;

   (d) does not possess the requisite qualifications prescribed by the Media Council.

31. **Minimum broadcasting standards.**
A person shall not broadcast any programme unless the broadcast or programme complies with Schedule 4.

32. **Ethical broadcasting standards**
   (1) Subject to this Act, the ethical broadcasting standards which apply to broadcasters are the professional code of ethics specified in the First Schedule to the Press and Journalist Act.

   (2) The standards referred to in subsection (1) may be modified by the Commission to accord with this Act.

**PART V—POSTAL SERVICES**

33. **Licensing of postal services.**
   (1) A person shall not convey, deliver or distribute postal articles
without a licence issued under this Act.

(2) A person shall not require a licence to convey, deliver or distribute the following postal articles—

(a) articles for delivery to another person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;

(b) articles solely concerning goods or other property sent by land, water or air, and delivered with the goods or property to which the letters relate without hire, reward, profit or advantage for receiving them, and the articles are open to inspection and have subscribed on them the words “consignee’s articles” or other words to that effect.

34. **Subcontracting by a licensee.**

(1) In the case of postal services, a licensee may use a subcontractor to perform the services subject to the licensee’s responsibility to comply with all obligations and conditions under the licence and this Act.

(2) The liability of a subcontractor of a licensee under subsection (1) in the collection, transmission or delivery of any postal article or for loss or delay of or damage to the article or any other loss or damage in relation to the performance of postal services shall be the same as the liability of the licensee.

(3) Subsection (2) does not affect the liability of the subcontractor to the licensee.

35. **Protection of postal articles.**

(1) A person engaged in postal services shall protect any postal article and ensure that an employee of that person does not—

(a) open the article;
(b) know or disclose the contents of a postal article;
(c) deliver an article in the course of transmission to a person other than the addressee, without the consent of the addressee;
(d) permit that article to be opened or delivered to a person other than the addressee, without the consent of the addressee, or permit anyone other than the addressee to know or to disclose the contents of a postal article.

(2) Any person who negligently or knowingly fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment for a period not exceeding five years or both on the first conviction; and a fine not exceeding two hundred and forty currency points or imprisonment for a period not exceeding ten years or both on a subsequent conviction.

(3) Subsection (1) does not apply to an article opened or disposed of under—
(a) the law regulating customs;
(b) any other law prohibiting or regulating the importation or exportation of an article;
(c) any regulation permitting the opening of a postal article for the purposes of ascertaining details pertaining to the sender or addressee which are necessary in order to return or deliver the postal article.

36. **Limitation of liability of a licensee.**
(1) The liability of a holder of a licence for—
(a) the loss, misdelivery or delay of or damage to, any postal
article in the course of transmission by the licensee;

(b) the interception, detention or disposal of any postal article in accordance with this Act; or

(c) the wrong payment of a money order,

shall not exceed that provided for by regulations made by the Commission, the contract governing the service contracted or the Universal Postal Union.

(2) The holder of a licence shall give notice to the public regarding the type of liability under subsection (1) which applies to the licensee.

PART VI—VIDEO AND CINEMA OPERATORS

37. Licence for cinematograph theatre or video library.

(1) A person shall not operate a cinematograph theatre or a video or film library without a licence issued by the Commission.

(2) The Commission shall issue the licence on terms and conditions the Commission may consider necessary.

(3) The Commission shall, before issuing a licence under this section consider whether, at the place or premises of the applicant, there is adequate provision for the safety, health or convenience of the persons attending a video or cinematograph exhibition.

(4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding twelve months or both.

PART VII—GENERAL PROVISIONS RELATING TO LICENCES.

38. Application for a licence.
(1) An application for a licence under this Act shall be made to the Commission in the prescribed form.

(2) Before granting a licence, the Commission shall, take into account the following—

(a) whether the applicant is an eligible person;
(b) the capability of the applicant to operate a system or service for which a licence is sought;
(c) the objectives of this Act;
(d) whether the grant of the licence is in the public interest.

(3) A licence under this section shall—

(a) be issued upon payment of the fees prescribed for the licence;
(b) state the terms and conditions upon which it is granted;
(c) specify the services to be provided by the operator;
(d) where applicable, specify the network to be operated.

(4) The Commission shall grant the licence within sixty days from the date of application.

(5) Where the Commission refuses to grant the licence, it shall within fourteen days provide a written explanation to the applicant, giving reasons for the refusal.

39. **Terms and conditions of a licence.**

(1) The Commission shall prescribe the terms and conditions of all operators licensed under this Act.

(2) A licence may include the provision of services to rural or sparsely populated areas or other specified areas and other conditions specified in Schedule 6.
(3) An operator shall provide the service for which that operator has obtained a licence.

(4) For the purposes of this section, the conditions may include—

(a) in the case of a licence to establish a radio communication station, the specifications as to the positions and nature of the station, the purpose for and circumstances in which and the persons by whom the station may be installed or used;

(b) in the case of any other telecommunication licence, specifications as to the apparatus which may be installed or used, the places where, the purposes for, the circumstances in which and the persons by whom an apparatus may be used; and

(c) in the case of a postal services licence, specifications as to the services to be performed, the place of postal services and the geographical spread of the services and places.

40. Modification of licence.

(1) The Commission may, upon reasonable grounds, modify the conditions of any licence if the Commission considers it necessary to achieve the objectives of this Act, or is in the public interest, taking into account the justified interests of operators and the principles of fair competition and equality of treatment.

(2) Before modifying any condition of a licence, the Commission shall give the operator notice of not less than sixty days, stating the reasons for the intended modification and giving the operator an opportunity to make any representation.

(3) The Commission shall give an operator reasonable time within which to comply with the modification of the licence.
(4) A person aggrieved by a decision of the Commission may appeal to the tribunal.

41. **Suspension and revocation of licence.**

(1) The Commission may suspend or revoke a licence issued under this Act, on the following grounds—

(a) serious and repeated breach of the licence conditions;

(b) any fraud or intentional misrepresentation by the operator applying for the licence;

(c) where the operator is engaged in or is supporting activities amounting to a treasonable offence under the Penal Code Act; or

(d) where the operator has ceased to be an eligible person.

(2) After consideration of any representations by the operator, the Commission may—

(a) prescribe time during which the operator is required to remedy the offending act or conduct;

(b) require the operator to pay a fine not exceeding the equivalent of ten percent of its gross annual revenue.

(3) The Commission shall give the operator written notice of not less than sixty days specifying the reasons for the intended suspension or revocation, during which the operator may make representations to the Commission.

(4) Where the Commission is of the opinion that the measures under subsection (3) are not sufficient, the Commission may—

(a) suspend the licence for a specified period; or

(b) revoke the licence.

42. **Transfer of licence.**
(1) A licence issued by the Commission shall not be transferred without the written consent of the Commission.

(2) An operator may apply to the Commission in the prescribed manner for consent to transfer a licence.

(3) An application under subsection (2) shall be accompanied by an application for grant of a licence by the person to whom the operator intends to transfer the licence.

(4) The Commission shall in considering an application for the transfer of a licence have regard to the same terms and conditions as those that apply to the grant of a new licence, but the Commission may in its discretion refuse to grant the application under this section.

(5) For the purposes of this section—

(a) “transfer of licence” includes the acquisition of control of the licence holder;

(b) “control” as used with respect to any person shall mean the possession, directly or indirectly, of the power to direct or cause the direction of the management of that person, whether through the ownership of shares, voting, securities, partnership or other ownership interests, agreement or otherwise.

(6) The Commission shall grant its consent to transfer a licence within forty-five days from the date of application.

(7) Where consent is not granted under this section, the Commission shall within fourteen days provide a written explanation, giving reasons for the refusal.

### 43. Lapse and renewal of a licence.

(1) An application for the renewal of a licence shall be made at least two months before the expiration of the licence.

(2) In considering an application for a renewal of a licence, the
Commission shall have regard to the performance of the operator during the duration of the licence.

(3) The Commission shall renew a licence within thirty days from the date of application.

(4) Where a licence is not renewed under this section, the Commission shall within fourteen days, provide a written explanation, giving reasons for the refusal.

44. Annual report on operations of licensee.
Every licensee shall, at the end of each year of business, prepare and submit to the Commission in the prescribed form, a report on the operations and services of the licensee and the extent to which the conditions of the licence are followed.

PART VIII—INVESTIGATION AND INSPECTIONS.

45. Investigation of complaints.
The Commission may investigate any matter within its functions under this Act which relates to—

(a) communications services or apparatus provided or supplied in Uganda; and

(b) any representation made to the Commission by or on behalf of a person whom the Commission considers to have an interest in the matter which is the subject of the representation.

46. Power to institute inquiries.

(1) The Commission may appoint any person or committee to inquire into and report to the Commission on any matter pending before the Commission.

(2) The Commission shall institute an inquiry where the Commission is directed to do so by the Minister.

(3) The Commission may give to a person or committee
appointed under this section, directions regarding the procedures for conducting the inquiry.

47. **Report on investigations.**

   (1) A person or committee appointed to carry out inquiries under section 46 shall submit a report to the Commission in a form and manner that the Commission may direct.

   (2) Where an inquiry is instituted in accordance with the direction of the Minister, the Commission shall submit a copy of the report to the Minister.

48. **Directions to remedy breach.**

   Where as a result of an investigation the Commission is satisfied that an operator has breached a condition of a licence or an obligation under this Act, it may direct the operator in writing to remedy the breach or to do such act or acts as the Commission may specify in the direction, in accordance with the procedures specified in section 41.

49. **Appointment of inspectors.**

   (1) The Commission may appoint inspectors for the purposes of verifying compliance with this Act and the decisions of the Commission.

   (2) An inspector shall, when exercising powers under this Act, produce the instrument of appointment and identification when required to do so by any person.

50. **Powers of an inspector.**

   (1) Subject to subsection (3), an inspector may—

   (a) enter and inspect at any reasonable time any place owned by or under the control of an operator in which the inspector believes on reasonable grounds to be any document, information or apparatus relevant to the enforcement of this Act and examine the document,
information or apparatus or remove it for examination or reproduction;
(b) enter any place in which the inspector believes that there is radio apparatus or interference-causing apparatus, and examine any radio apparatus, logs, books, reports, data, records, documents or other information, and remove the information, document, apparatus or equipment for examination or reproduction;
(c) make reasonable use of any copying equipment or means of communication located at the place.

(2) The inspector shall sign for any information, document, article, apparatus or equipment removed by the inspector under this section and shall leave a copy of the signed record with the operator.

(3) Where a place referred to under subsection (1) is a dwelling house, an inspector shall not enter that dwelling house without the consent of the occupant, unless—

(a) under the commission of a warrant issued under section 51; or

(b) where by reason of exigent circumstances, it would not be practical for the inspector to obtain a warrant.

(4) For the purposes of subsection (3)(b), “exigent circumstances” include circumstances in which the delay arising from obtaining a warrant would result in danger to human life or safety, loss or destruction of evidence.

(5) The owner or person in charge of a place entered by an inspector shall give the inspector all reasonable assistance to enable the inspector to carry out the inspector’s duties under this Act.

51. Search warrant.
(1) Where on application, a magistrate is satisfied by information on oath that—
   (a) entry to a dwelling house is necessary for the purpose of performing any duty of an inspector under this Act; and
   (b) entry to a dwelling house has been refused or is likely to be refused,
the magistrate may issue a warrant authorising the inspector named in the warrant to enter that dwelling house, subject to conditions specified in the warrant.

(2) In executing a warrant issued under this section, an inspector shall not use force unless accompanied by a police officer, and unless the use of force is specifically authorised in the warrant.

(3) For the purposes of this section, "magistrate" means a Magistrate not below a Magistrate Grade I.

PART IX—FAIR COMPETITION AND EQUALITY OF TREATMENT.

52. Commission to promote fair competition. The Commission shall, in the performance of its functions under this Act, promote, develop and enforce fair competition and equality of treatment among all operators in any business or service relating to communication.

53. Unfair competition prohibited.
   (1) An operator shall not engage in any activities, which have, or are intended or are likely to have, the effect of unfairly preventing, restricting or distorting competition in relation to any business activity relating to communications services.
   
   (2) For the purposes of subsection (1) the acts or omissions include—
   
   (a) any abuse by an operator, independently or with others, of
a dominant position which unfairly excludes or limits competition between the operator and any other party;

(b) entering into an agreement or engaging in any concerted practice with any other party, which unfairly prevents, restricts or distorts competition; or

(c) effecting anticompetitive changes in the market structure and, in particular, anticompetitive mergers and acquisitions in the communications sector.

54. Exceptions to fair competition.
The Commission may, in writing, allow an operator to carry on any act or omission prohibited under section 53 where the Commission is satisfied that, the act or omission—

(a) contributes to—

(ii) the promotion of communications services in Uganda in accordance with this Act; and

(b) does not—

(i) impose on the parties restrictions which are not indispensable to attaining the objective specified under paragraph (a); and

(ii) give the parties the ability to substantially reduce competition in respect of the goods or services in question.

55. Breach of fair competition.

(1) The Commission may, by its own motion, investigate any operator who commits any act or omission in breach of fair competition.
(2) A person may complain to the Commission against a breach of fair competition by an operator.

(3) The Commission shall, if it appears that a breach of competition has been committed, investigate the act or omission and give written notice to the operator stating—

(a) that the Commission is investigating a possible breach of fair competition;

(b) the reasons for the suspicion of a contravention or breach, including any matter of facts or law which are relevant to the investigation;

(c) further information required from the operator in order to complete the investigation; and

(d) where appropriate, the steps to be taken in order to remedy the breach.

(4) The operator may, within thirty days from the date of the notice, make representations in response to the notice.

(5) Any person affected by the contravention or breach of fair competition may make a representation to the Commission in relation to the contravention or breach.

(6) The Commission shall, after considering any representations of the operator or any other person, fix a date on which to make a decision on the matter.

(7) The Commission may, upon satisfaction that an operator is competing unfairly—

(a) order the operator to stop the unfair competition;

(b) require the operator to pay a fine not exceeding ten percent of the annual turnover of the operator;
(c) declare any anticompetitive agreements or contracts null and void.

(8) Subsection (6) shall not affect in any way the right of a person to take any other action against the operator under this Act or any other law.

(9) Any person aggrieved by the decision of the Commission under this section may appeal to the tribunal.

(10) This section shall not limit or in any way affect the obligations of an operator under any condition of a licence.

56. Denial of access or service.
An operator shall not deny access or service to a customer except for nonpayment of dues or for any other just cause.

An operator shall provide equal opportunity for access to the same type and quality of service to all customers in a given area at substantially the same rates, limiting variations to available or appropriate technologies required to serve specific subscribers.

58. Interconnection of network facilities.

(1) A telecommunications operator may, with the approval of the Commission, enter into an agreement with any other operator for the purpose of connecting its network facilities with the network facilities of that other operator on terms and conditions that the operators may agree.

(2) The operators referred to in subsection (1) shall submit to the Commission an application for approval of an interconnection agreement accompanied by a copy of the proposed interconnection agreement.

(3) Upon receipt of the application and proposed interconnection
agreement, the Commission shall within thirty days respond to the application in writing.

(4) Where the Commission does not respond to the application in the time specified in subsection (3), the Commission shall be taken to have approved the application.

(5) The Commission—

(a) shall, within ninety days from the receipt of an application of an operator or within such other reasonable period in the circumstances; or

(b) may, on its own motion,

impose an interconnection agreement on two operators if a negotiated agreement is not possible or if the Commission determines that such agreement promotes fair competition.

(6) Before imposing an interconnection agreement between two or more operators, the Commission shall give each operator thirty days’ notice stating the reasons for the intended imposition, and giving the operators opportunity to make representations.

(7) The Commission shall issue minimum guidelines in accordance with which telecommunications operators shall negotiate interconnection agreements.

59. Maximum interconnection rates.

(1) Notwithstanding section 58, the Commission may fix maximum interconnection rates.

(2) For the purposes of determining the rate under subsection (1), the Commission shall take into account—

(a) accessibility and affordability of the communications
services to all parts of the society;

(b) fair treatment and competition among the operators

PART X—UGANDA COMMUNICATIONS TRIBUNAL.

60. Establishment of Uganda Communications Tribunal.

   (1) There is established a tribunal known as the Uganda Communications Tribunal.

   (2) The tribunal shall consist of a judge and two other persons appointed by the President on the recommendation of the Judicial Service Commission.

   (3) The judge shall be the chairperson of the tribunal.

   (4) The chairperson or a member of the tribunal shall hold office for four years, and shall be eligible for reappointment.

   (5) The tribunal may, in the discharge of its functions, be assisted by not more than four technical advisers appointed by the tribunal from technical persons identified by the Minister.

   (6) A technical adviser shall be appointed for a specific assignment after which the appointment shall lapse.

61. Funds of the tribunal.

The funds of the tribunal shall consist of—

   (a) money appropriated by Parliament from time to time for enabling the tribunal to perform its functions;

   (b) grants, gifts or donations from the Government or other sources acceptable to the Minister and the Minister responsible for finance; or

   (c) funds provided to the tribunal by the Commission under section 71.
62. **Disqualification from appointment to the tribunal.**
A person shall not be appointed to the tribunal or as a technical adviser who—

(a) is engaged in a communications company or organisation which operates communications systems or provides services or is engaged in the manufacture or distribution of communications equipment in Uganda, as an owner, shareholder, partner or otherwise, whether directly or indirectly;

(b) has a financial or proprietary interest in an organisation referred to in paragraph (a) or in the manufacture or distribution of communications apparatus anywhere in Uganda;

(c) is an undischarged bankrupt or has made any arrangement with creditors;

(d) is incapacitated by mental or physical illness; or

(e) is otherwise unable or unfit to discharge the functions of office of a member of the tribunal or technical adviser.

63. **Vacating office of member of the tribunal.**
(1) The office of a member of the tribunal shall fall vacant if—

(a) the member is continuously and persistently unable to perform the functions of the office;

(b) the member engages in misbehaviour or abuse of office;

(c) the member is subsequently disqualified from membership in accordance with section 62;

(d) the member fails to disclose to the tribunal any interest in a contract or proposed contract or any other matter before the tribunal.
(2) A vacancy under subsection (1)(a) shall be determined by the President on the recommendation of the Minister.

(3) A member of the tribunal may resign office by notification in writing to the President.

(4) A technical adviser shall cease to be a technical adviser if he or she—

(a) is subsequently disqualified from appointment in accordance with this section;

(b) fails to disclose to the tribunal any interest in the communications sector or in a contract or other matter before the Commission or the tribunal;

(c) subsequently acquires any material interest in the communications sector.

(5) A vacancy under sub-section (4) shall be determined by the Minister on the recommendation of the Commission.

(6) A technical advisor may resign office by notification in writing to the Minister.

64. Jurisdiction of the tribunal.

(1) The tribunal shall have jurisdiction to hear and determine all matters relating to communications services arising from decisions made by the Commission or the Minister under this Act.

(2) For the avoidance of doubt, the jurisdiction of the tribunal does not include the trial of any criminal offence.

65. Powers of the tribunal.

(1) The tribunal shall in the exercise of its jurisdiction under this Act have all powers of the High Court.
(2) For the purposes of this section the law applicable to a civil action in the High Court shall, with the necessary modifications, apply to proceedings before the tribunal.

(3) Judgments and orders of the tribunal shall be executed and enforced in the same manner as judgments and orders of the High Court.

(4) Any person aggrieved by a decision of the tribunal may within thirty days from the date of the decision or order appeal to the Court of Appeal.

(5) The law applicable to appeals from the High Court in civil matters shall, with the necessary modifications or the written adjustments as the Chief Justice may direct, apply to appeals from the Commission to the tribunal and from the tribunal to the Court of Appeal.

PART XI—UGANDA POST LIMITED


(1) Uganda Post Limited shall provide reserved postal services, exclusively and the postal services that the company is required to provide, as mandatory postal services, at uniform prices and conditions.

(2) The Uganda Post Limited shall, exclusively, be responsible for producing and issuing postage stamps, prestamped envelopes, aerograms and international reply coupons bearing the official national coat of arms or the words “Republic of Uganda”, “Uganda” or “Uganda Post”.

(3) The Uganda Post Limited may, subject to such conditions as it may determine and without prejudice to the provisions of this Act or any regulations made under this Act, license the use by any person of franking machines.

PART XII—FINANCIAL PROVISIONS
67. **Funds of the Commission.**

(1) The funds of the Commission shall consist of—

(a) money appropriated by Parliament for the purposes of the Commission;

(b) licence fees and money paid to the Commission for services rendered;

(c) money collected from the levy on the gross annual revenue of operators charged in accordance with section 68;

(d) revenue collected from license in respects of international incoming telecommunications traffic;

(e) money borrowed by the Commission;

(f) loans, grants, gifts or donations from Government and other sources made with the approval of the Minister, the Minister responsible for finance and Parliament.

(2) The Minister shall by statutory instrument determine the percentage of revenue received by operators from international incoming telecommunications traffic to be collected by the Commission.

68. **Levy on gross annual revenue of operators**

(1) The Commission may levy a charge on the gross annual revenue of operators licenced under this Act.

(2) The levy in subsection (1) shall be the percentage specified in schedule 5.

(3) For avoidance of doubt, the levy in subsection (2) shall not be less than two percent.
(4) The levy shall be shared between information and communication technology development and rural communication in the ratio of one to one.

69. **Power to open and operate bank accounts**

   (1) The Commission shall open and maintain bank accounts as are necessary for the performance of the functions of the Commission.

   (2) The bank accounts shall be operated in a manner determined by the Board.

70. **Estimates of income and expenditure**

   (1) The Board shall, not less than two months before the beginning of each financial year, prepare and submit to the Minister for approval, a budget containing the estimates of income and expenditure of the Commission for the next financial year.

   (2) The Commission shall not incur any expenditure exceeding the budget without the approval of the Minister.

71. **Application of Commission funds**

Subject to section 70 (2), the funds of the Commission may be applied to the payment—

   (a) or discharge of expenses, obligations, including international obligations, or liabilities incurred in connection with the performance of the functions or exercise of the powers of the Commission;

   (b) of any remuneration or allowances payable under this Act.

72. **Investment of surplus funds**

   (1) The Board shall declare to the Minister any surplus funds that the Commission may have at the end of the financial year.

   (2) Any funds of the Commission not immediately required for
any purpose under this Act, may be invested—

(a) on a fixed deposit account with a bank approved by the Board;
(b) in treasury bills and securities of the Government;
(c) in any other manner determined by the Board with the approval of the Minister, other than in the business licensed under this Act.

73. Financial year of Commission.
The financial year of the Commission is the period of twelve months beginning on the 1st day of July in each year, and ending on the 30th day of June in the next calendar year.

74. Accounts.
The Commission shall—

(a) keep proper books of accounts and all records relating to the transactions and affairs of the Commission;
(b) within three months after the end of the financial year, prepare annual financial statements for the preceding financial year; and
(c) within three months after the end of each financial year, submit the annual accounts to the Auditor General.

75. Audit.

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Commission.

(2) The Auditor General or an auditor appointed by the Auditor General shall within three months after receipt of the accounts submit to the Minister and Parliament a report on the audited accounts of the Commission.
PART XIII—OFFENCES AND PENALTIES.

76. Unlawful opening of postal article.
A person who—

(a) opens or permits to be opened any postal article otherwise than in accordance with this Act or any other law;

(b) knowingly reveals, discloses or in any way makes known the content of information in relation to a postal article opened under this Act or otherwise than in accordance with this Act or any other law;

(c) knowingly destroys, detains or secrets any mail bag or postal article otherwise than in accordance with this Act or any other law;

(d) knowingly permits any unauthorised person to interfere with any mail bag or postal article;

(e) fraudulently or with intent to deceive, prepares, alters, secrets or destroys any document used for the purposes of postal services,

commits an offence and is liable to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

77. Issuing money order with fraudulent intent.
A person who with intent to defraud or without a licence under this Act issues any money order or valuable security commits an offence and is liable on conviction to a fine not exceeding twelve currency points or to imprisonment not exceeding six months or both.

78. Offences and penalties for unlicensed persons.
Any person who establishes, installs, maintains, provides or operates—
(a) a radio communication station;

(b) a telecommunications system or service; or

(c) a postal service,

without a licence issued under this Act, commits an offence and is liable on conviction to a fine not exceeding ninety six currency points and in the case of a continuing offence, to a further fine not exceeding fifteen currency points for each day or part of a day during which the offence continues after conviction.

79. **Interception and disclosure of communication.**

(1) Any operator of a communications service or system, or employee of an operator of a communications service or system who—

(a) unlawfully intercepts any communication between other persons sent by means of that service or system;

(b) unlawfully interferes with or obstructs any radio communication; or

(c) unlawfully discloses any information in relation to a communication of which that operator or employee is aware,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(2) Any person who without lawful excuse, intercepts, makes use of or divulges any communication except where permitted by the originator of the communication, commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.
(3) For the purpose of sub-clause (2) where the conviction is a subsequent conviction, the person shall on conviction be liable to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both.

80. Interception of Government communication.

An operator of communications services or employee of an operator who intentionally intercepts, disrupts, denies accessibility to or diverts government communication commits an offence and is liable on conviction to a fine not exceeding ninety six currency points or imprisonment not exceeding forty eight months or both.

81. Sending false distress signals.

Any person who knowingly sends, transmits or causes to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram of any kind commits an offence and is liable on conviction to a fine not exceeding thirty currency points and in the case of a second conviction to a fine not exceeding ninety six currency points, or to imprisonment not exceeding forty eight months or both.

82. Offences in respect of radio communications.

A person who—

(a) installs, operates or possesses a radio communications apparatus except in accordance with this Act; or

(b) without lawful excuse manufactures, imports, distributes, leases, offers for sale, sells, installs, modifies, operates or possesses any apparatus or device or its component under circumstances that give rise to a reasonable interference to another apparatus, device or component or if that apparatus device or component has been used, or is or was intended to be used, for the purposes of contravening this Act,

commits an offence and is liable on conviction to a fine not exceeding
one hundred and twenty currency points or imprisonment not exceeding five years or both and on a subsequent conviction to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years.

83. Protection of telecommunication installations.

(1) A person who—

(a) prevents or obstructs the transmission or delivery of any message; or

(b) damages, removes or tampers with any installation or plant or any part of it belonging to an operator,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both and on a subsequent conviction to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both.

(2) In addition to the penalty under subsection (1), the court may order the person convicted to make good any damage occasioned.

84. False advertisement.

A person who, without a licence, advertises or places a notice, mark or word at any place which notice, advertisement, mark or word signifies, implies or may reasonably lead the public to believe that the advertiser or other person is a holder of a licence under this Act commits an offence and is liable on conviction to a fine not exceeding ninety six currency points or imprisonment not exceeding four years or both and in case of a continuing offence, to a further fine not exceeding forty eight currency points for each day during which the offence continues after conviction.

85. General penalty.

Any person convicted of an offence under this Act for which no penalty is expressly provided is liable to a fine not exceeding ninety six currency points or imprisonment not exceeding four years or both.
86. **Powers of the Commission in a state of emergency.**

   (1) The Commission may, during a state of emergency in the interest of public safety—

   (a) direct any operator to operate a network in a specified manner in order to alleviate the state of emergency;

   (b) take temporary possession of any communication station within Uganda, and any apparatus which may be installed and used in the station, for a specified period not exceeding six months;

   (c) in writing direct a licensed person, to intercept or detain a postal article, class or description of postal articles in the course of transmission within Uganda and deliver it to an officer specified in the order.

   (2) The officer to whom the article is delivered under subsection (1)(c) shall dispose of the article in the manner specified by the Commission.

   (3) A proclamation by the President under article 110 of the Constitution is conclusive proof of the existence of a state of emergency.

87. **Transfer of assets and liabilities.**

   All assets, rights and liabilities relating to communications services to which Uganda Communications Commission or Broadcasting Council were entitled or subject, before the commencement of this Act, shall vest in the Commission.

88. **Transfer of service contracts.**

   Employees of Uganda Communications Commission and
Broadcasting Council immediately before the commencement of this Act whose services are transferred to the Commission shall transfer to the Commission on similar or better terms than those enjoyed by those employees before the transfer.

89. Pension fund and retired and redundant employees.

(1) All former employees of the Uganda Communications Commission or Broadcasting Council who at the commencement of this Act are receiving retirement benefits and pensions from the Uganda Communications Commission or Broadcasting Council shall continue to be paid by the Commission.

(2) All employees of Uganda Communications Commission or Broadcasting Council who become redundant as a result of the implementation of section 88 shall be paid the calculated and ascertained retirement benefits and pension due to them under the Uganda Communications Act or the Electronic Media Act respectively.

(3) The contributory pension fund established under the Uganda Communications Act shall continue in force in accordance with this Act.

90. Agreements and licences by the Commission or Broadcasting Council.

All valid—

(a) licences issued by Uganda Communications Commission or Broadcasting Council before the commencement of this Act; and

(b) any other agreements entered into by Uganda Communications Commission or Broadcasting Council before the commencement of this Act,
shall remain valid and only be modified by the Commission within one year from the time the Commission commences operations to the extent that any provisions of the agreements or licences are inconsistent with this Act.

91. **Pending court proceedings or orders of court.**

   (1) Any pending court proceedings, court actions, judgments or court orders which were enforceable by or against Uganda Communications Commission immediately before the commencement of this Act, and are connected with the assets vested in the Commission or the functions of the Commission, shall be enforceable by or against the Commission as they would have been enforced by or against the Uganda Communications Commission, immediately before the commencement of this Act.

   (2) Any pending court proceedings, judgment or order against the Attorney General arising out of matters connected with the Broadcasting Council, shall continue against the Attorney General until they are disposed of or satisfied.

92. **Service of notices on the Commission.**

Any notice or other document required to be served on the Commission may be served by—

   (a) delivery to the Executive Director or any authorised employee;

   (b) delivery at the office of the Executive Director and obtaining evidence of receipt; or

   (c) courier delivery to the Executive Director.

93. **Regulations.**

   (1) The Minister may, after consultation with the Commission and with the approval of Parliament, by statutory instrument, make regulations for better carrying into effect the provisions of this Act.

   (2) Without prejudice to subsection (1) the Minister may make
regulations relating to—

(a) fees payable upon the grant or renewal of a licence;
(b) the classification or categories of licences;
(c) the use of any communications station, apparatus or licence;
(d) obligations for permitting and facilitating the inspection of any communications station, apparatus or licence;
(e) anti competitive practices;
(f) energy regulation requirements to be complied with by any person who uses, sells, other than for export, or lets on hire any apparatus generating, designed to generate or liable to generate, fortuitous electromagnetic energy at frequencies that may be specified;
(g) the exhibition at any communications station of notices that may be specified in the regulations;
(h) the use on board any vessel or aircraft other than a vessel or aircraft registered or licensed in Uganda, within the limits of Uganda and the territorial waters adjacent to Uganda, of communications apparatus on that vessel or aircraft, and the importation, acquisition, manufacture, sale, letting on hire or other disposition of communications apparatus of any kind, or the use or installation of that apparatus;
(i) the requirements of the communications services to be provided by a licensee, in terms of quantitative and quality criteria;
(j) the specifications of reserved and mandatory services to be provided for by an operator under this Act;
(k) the way the consumer will be informed about the range of
commercial services and the conditions under which they are provided;

(l) prescribing conditions to be observed in the erection, alteration or equipment of cinematograph theatres;

(m) prescribing conditions to be observed in relation to safety from fire or otherwise of any cinematograph theatre or the control of person attending the theatre;

(n) the conditions under which a licensee can apply for compensation for loss-incurring operations as the result of the operator’s obligation imposed on the operator by the Commission regarding the provision of uneconomic services in pursuance of the objectives of this Act;

(o) the retention of records relating to programmes or broadcasts;

(p) the obligations of proprietors, producers or broadcaster in respect of public broadcasts;

(q) the licensing and management of telecommunication numbering and orbital slots;

(r) the regulation of community broadcasting.

(3) Regulations made shall be laid before Parliament.

(4) Regulations made under this section may provide in respect of any contravention of the regulations for the imposition of a fine not exceeding forty eight currency points or imprisonment not exceeding twenty four months or both.

(5) The Executive Director may by notice require anybody who, in his or her opinion is not complying with the regulations made under this section, to discontinue the use, sale or letting on hire, as the
case may be, the apparatus in question, or to use, sell or let on hire the apparatus subject to conditions that may be specified in the notice.

94. Amendment of Cap. 49
The Stage Plays and Public Entertainment Act is amended—
   (a) in section 1 by substituting for paragraph (a) the following—

   “(a) Commission means the Uganda Communications Commission established under the Uganda Communications Act, 2013.”;

   (b) by substituting for any reference to “council” in that Act, a reference to “Commission”.

95. Amendment of Schedules.
The Minister may, with the approval of Cabinet, by statutory instrument amend the Schedules to this Act.

96. Repeal and saving.
   (1) The Electronic Media Act, Cap. 104 and the Uganda Communications Act, Cap. 106 are repealed.

   (2) Notwithstanding subsection (1), any statutory instrument made under the Electronic Media Act or the Uganda Communications Act which is in force immediately before the commencement of this Act, shall remain in force until revoked under this Act.
SCHEDULES

SCHEDULE 1.

Section 2

Currency point

One currency point is equivalent to twenty thousand shillings
SCHEDULE 2

Section 4

Seal of the Commission.

1. The common seal of the Commission shall be determined by the Commission and shall be kept in the custody of the Executive Director.

2. The common seal shall, when affixed to any document, be authenticated by the signatures of the chairperson and the Executive Director.

3. In the absence of the chairperson or when the chairperson is unable to perform this function, two other members of the Commission appointed for that purpose shall sign in the place of the chairperson.

4. A person performing the functions of Executive Director shall sign in the absence of the Executive Director.

5. A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the Commission by the Executive Director or any other person authorised in that behalf by the Commission.

6. Every document purporting to be—

   (a)  an instrument issued by the Commission and sealed with the common seal of the Commission and authenticated in the manner prescribed in paragraphs 2 to 4; or

   (b)  a contract or instrument entered into or executed under paragraph
shall be received in evidence as such an instrument without further proof unless the contrary is proved.

SCHEDULE 3

Meetings of the Board.

1. Meetings of the Board.
   (1) Meetings of the Board shall be convened by the chairperson, and the Commission shall meet for the transaction of business at such places and times as may be decided upon by the Board but in any case shall meet at least once every three months.

   (2) The chairperson or, in the absence of the chairperson, a member appointed by the Board to act in the chairperson’s place may at any time call a special meeting of the Board and shall call a special meeting upon a written request by a majority of the members of the Board.

   (3) The chairperson shall preside at every meeting of the Board.

   (4) In the absence of the chairperson, the members present may appoint a member from among themselves to preside at that meeting.

2. Quorum.
The quorum at a meeting of the Board shall be four members.

3. Decisions of the Board.
   (1) All questions proposed at a meeting of the Board shall be decided by a simple majority of the votes of the members present and voting; and in case of an equality of votes, the person presiding shall have a casting vote in addition to that person’s deliberative vote.

   (2) A decision may be made by the Board without meetings but by circulation of the relevant papers among the members and by the expression of the views of the majority of the members in writing; however, any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Board.
4. **Board may co-opt members.**
The Board may invite any person to attend any of its meetings as a consultant and may co-opt any person to the Board but that person shall not vote on any matter before the Board.

5. **Declaration of interest.**
   (1) Any member of the Board having pecuniary or other interest, directly or indirectly in any contract or proposed contract or other matter before the Board shall, at that meeting, declare the nature of such interest and shall not take part in any discussion or vote on that matter; and if the chairperson directs, the person shall withdraw from that meeting.

   (2) The failure of any member of the Board to disclose an interest in any contract or proposed contract or any other matter before the Board will cause the decision of the Board to be voidable at the instance of the other members of the Board, and that member shall be liable to be relieved of his or her duties.

   (3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part under subparagraph (1) shall be treated as being present.

6. **Board may regulate its procedure.**
Subject to this Act, the Board may regulate its own procedure and may make rules regarding the holding of meetings, notice to be given, the keeping of minutes or any other matter relating to its meetings.
SCHEDULE 4

Section 31

Minimum broadcasting standards.

A broadcaster or video operator shall ensure that—

(a) any programme which is broadcast—

(i) is not contrary to public morality;

(ii) does not promote the culture of violence or ethnical prejudice among the public, especially the children and the youth;

(iii) in the case of a news broadcast, is free from distortion of facts;

(iv) is not likely to create public insecurity or violence;

(v) is in compliance with the existing law;

(b) programmes that are broadcast are balanced to ensure harmony in such programmes;

(c) adult-oriented programmes are appropriately scheduled;

(d) where a programme that is broadcast is in respect to a contender for a public office, that each contender is given equal opportunity on such a programme;
where a broadcast relates to national security, the contents of the broadcast are verified before broadcasting.

SCHEDULE 5

Section 68

Rate of percentage of gross annual revenue payable by operators

The rate of gross annual revenue payable by an operator to the Commission under section 68 shall not be less than 2 percent and shall not exceed 2.5 percent.
SCHEDULE 6

Section 39

Conditions of a licence.

1. A licence issued under this Act may include the following conditions—

(a) the payment of sums of money calculated as a proportion of the rate of the annual turnover of the operator’s licensed system or otherwise;

(b) the payment by the operator of a contribution toward any loss incurred by another operator as a result of such other operator’s obligation imposed on the operator by the Commission regarding the provision of uneconomic service in pursuance of the objectives of this Act;

(c) the provision of services to disadvantaged persons;

(d) interconnection of an operator’s telecommunications system with any other system and permitting the connection of telecommunications apparatus to an operator’s system;

(e) prohibiting an operator from giving undue preference to or from exercising undue discrimination against any particular person or class of persons, including any operator;

(f) furnishing the Commission with such documents, accounts, returns or such other information as the Commission may require for the performance of its functions under this Act;
(g) requiring an operator to publish in such manner as may be specified in the licence a notice stating the charges and terms and conditions that are to be applicable to facilities and services provided;

(h) provision of service on priority service to the Government or specified organisations;

(i) requiring an operator to ensure that an adequate and satisfactory information system, including billing, tariff, directory information and directory inquiry services, is provided to customers;

(j) conditions specifying the criteria for setting tariffs;

(k) requiring an operator to comply with such technical standards or requirements, including service performance standards, as may be specified in the licence;

(l) any other condition as the Commission may consider appropriate or expedient.

2. It is a condition of every licence issued under this Act that the licensee shall—

   (a) comply with all relevant international conventions or instruments to which Uganda is a party;

   (b) in the case of a broadcaster, allocate time for the coverage of national events and functions.

3. A licence shall not be used for a purpose other than that for which it is issued.
Cross References
Electronic Media Act, Cap. 104.
Uganda Communications Act, Cap. 106.
The Stage Plays and Public Entertainments Act, Cap. 49.
Press and Journalist Act, Cap. 105.
THE PRESS AND JOURNALIST ACT 1994
CHAPTER 105

THE PRESS AND JOURNALIST ACT.

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CHAPTER 105

THE PRESS AND JOURNALIST ACT.


An Act to ensure the freedom of the press, to provide for a council responsible for the regulation of mass media and to establish and institute of journalists of Uganda.
PART 1 – INTERPRETATION

1. Interpretation.

In this Act, unless the context otherwise requires –
(a) “chairperson” means the chairperson of the council;
(b) “council” means the council established under section 8;
(c) “editor” includes a person who is, at any given time, in charge of Programme production at a radio or television station;
(d) “Electronic media” means communication of any message to The public by television, radio, video, cinema or by any other Electronic apparatus;
(e) “Executive committee” means the executive committee of the Institute established under section 18;
(f) “Exhibition” means an exhibition of art, film or videotape with Or without sound effects, made by means of cinematography or Other means for public consumption;
(g) “general assembly” means the general assembly of the institute;
(h) “journalist” means a person who is enrolled as a journalist under This Act;
(i) “Mass media” includes newspapers, posters, banners and Electronic media published for public consumption;
(j) “Minister” means the Minister responsible for information;
(k) “newspaper” means a publication which contains all or any of the following-
(i) News
(ii) Articles;
(iii) Entertainment;
(iv) Advertisements;
(v) Reports of occurrences;
(vi) Views; and
(vii) Comments or observations which are published for distribution to the public either daily or periodically;
(l) “Roll” means the roll of journalists;
(m) “Secretary” means secretary to the council.

PART II – MASS MEDIA

2. Right to publish a newspaper.

(1) A person may, subject to this Act, publish a newspaper.

(2) No person or authority shall, on grounds of the content of a publication, Take any action not authorized under this Act or any other law to prevent the-
(a) Printing;
(b) Publication; or
(c) Circulation among the public, of a newspaper.
3. **Compliance with other laws.**

Nothing contained in section 2 absolves any person from compliance with any law-
(a) Prohibiting the publication of pornographic matters and obscene publications
    Insofar as they tend to offend or corrupt public morals;
(b) Prohibiting any publication which improperly infringes on the privacy of an
    Individual or which contains false information.

4. **Access to official information.**

A person may have access to official information subject to any law in force relating to
National security, secrecy or confidentiality of information.

5. **Registration of particulars relating to an editor.**

(1) A proprietor of a mass media organization shall, on appointing an editor,
    Register with the council the following particulars in relation to the editor-
    (a) his or her name and address;
    (b) certified copies of the relevant testimonials as proof of his or her qualifications
        And experience;
    (c) the name and address of the newspaper; and
    (d) Such other particulars as may be prescribed by the council.

(2) The proprietor shall notify the council within thirty days of its coming to his
    Or her notice of any change in any of the particulars referred to in subsection (1).

(3) Any person who contravenes this section commits an offence and is liable
    On conviction to a fine not exceeding three hundred thousand shillings and, in
    Case of failure to pay the fine, to imprisonment for a term not exceeding three
    Months.

6. **Functions of an editor.**

A proprietor and editor of a mass media organization shall –

(a) ensure that what is published is not contrary to public morality;
(b) retain a copy of each newspaper published by the organization and a copy
    Of each supplement to it for not less than ten years;
(c) In the case of electronic medial, retain a record of all that is broadcast by a
    Radio or television station for not less than thirty days.

7. **Disqualification of an editor.**

A person shall not be appointed an editor of a mass media organization if-
(a) He or she is less than eighteen years of age;
(b) He or she is of unsound mind;
(c) He or she is an undischarged bankrupt or insolvent;
(d) He or she is not ordinarily resident in Uganda;
(e) He or she does not possess the requisite qualifications prescribed
    Council
PART III – MEDIA COUNCIL


(1) There is established a council to be known as the Media Council.

(2) The council shall consist of -
   (a) The director of information or a senior officer from the Ministry responsible for
       information who shall be the secretary to the council.
   (b) Two distinguished scholars in mass communication appointed by the Minister
       in consultation with the National Institute of Journalist of Uganda.
   (c) A representative nominated by the Uganda Newspapers Editors and Proprietors
       Association;
   (d) Four representatives of whom-
       (i) Two shall represent electronic media; and
       (ii) Two shall represent the National Institute of Journalists of Uganda;
   (e) Four members of the public not being journalists, who shall be persons of
       Proven integrity and good repute of whom-
       (i) two shall be nominated by the Minister; and
       (ii) One shall be nominated by the Uganda Newspaper Editors and
            Proprietors Association.
       (iii) One shall be nominated by the journalists; and
   (f) a distinguished practising lawyer nominated by the Uganda Law Society.

(3) The persons referred to in subsection (2)(c), (d), (e) and (f) shall be appointed
    by the Minister.

(4) The chairperson of the council shall be elected by the members from among
    their number.

(5) Members of the council shall hold office for a period of three years upon such
    Terms and conditions as may be specified in the instruments of appointment
    And shall be eligible for reappointment.

(6) A member of the council may resign his or her office in writing, addressed to
    The chairperson and in case of the chairperson to the Minister.

9. Functions of the council.

(1) The functions of the council shall be-
   (a) to regulate the conduct and promote good ethical standards and discipline of
       Journalists;
   (b) to arbitrate disputes between-
       (j) the public and the media; and
       (ii) the State and the media;
   (c) to exercise disciplinary control over journalists, editors and publishers;
   (d) to promote, generally, the flow of information;
(e) to censor films, videotapes, plays and other related apparatuses for public Consumption; and  
(f) to exercise any function that may be authorized or required by any law.  

(2) In carrying out its functions under subsection (1)(e), the council may refuse a film, videotape or apparatus to be shown, exhibited or acted for public consumption.

10. Meeting, etc. of the council.  

(1) The First Schedule to this Act shall apply to meetings and other matters of Council specified in that Schedule.  

(2) The Minister may, by statutory instrument and after consultation with the Council, amend the First Schedule to this Act.

11. Remuneration of members of the council.  

Members of the council may be paid such remuneration or allowances as may be Approved by the Minister.


The council shall, within three months after the end of each year, submit to the Minister an annual report on all its activities; and the Minister shall lay the report Before Parliament within three months after receiving it.

PART IV – THE NATIONAL INSTITUTE OF JOURNALISTS OF UGANDA.


(1) There is established an institute to be known as the National Institute of Journalists of Uganda.  

(2) The institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.  

(3) The institute may, subject to any limitations conferred in this Act, acquire, Hold, manage and dispose of any property, movable or immovable, and Enter into any contract or other transaction and do anything which may in law Be entered into or done by a body corporate.

14. Objects of the institute.  

(1) The objects of the institute are-  
(a) To establish and maintain professional standards for journalists;  
(b) To foster the spirit of professional fellowship among journalists;  
(c) To encourage, train, equip and enable journalists to play their part in society;  
(d) To establish and maintain a mutual relationship with international journalists
Organizations and other organizations with a view to enhancing the objectives of the institute;

(e) To carry on such activities as are incidental or conductive to the attainment of the objects specified in paragraphs (a), (b), (c) and (d) of this subsection.

(2) Without prejudice to the general effect of subsection (1), the institute shall have the following functions-

(a) To advise on courses of study, the conduct of qualifying examinations and generally on matters related to professional education for journalists in Uganda;
(b) To ensure the maintenance of professional education for journalists;
(c) To promote the usage of journalism which is not contrary to public morality;
(d) To encourage research in journalism for the advancement of professionalism;
(e) To make byelaws of the institute.

15. Membership of the institute.

(1) Membership of the institute shall be of the following categories-
(a) Full membership;
(b) Associate membership; and
(c) Honorary membership.

(2) A person shall be eligible for full membership of the institute if-
(a) He or she is a holder of university degree in journalism or mass communication; or
(b) He or she is a holder of a university degree plus a qualification in journalism or mass communication, and has practised journalism for at least one year.

(3) The general assembly may set qualifications for associate membership of the Institute or may provide that a specified class of members of a society or Institute may qualify for associate membership of the institute.

(4) The general assembly may award honorary membership to a person who has made an outstanding contribution towards the realization of the objects of the Institute, except that no honorary member shall be liable to pay any subscription fee.

(5) An associate or honorary member shall not be eligible to vote.

16. Application for membership of the institute.

(1) A person may apply to the executive committee for full membership or associate membership, and the committee shall if it is satisfied that the Applicant is an eligible person, inform the general assembly to approve the enrollment of the applicant as a full member or associate member of the Institute on payment of the prescribed fee.

(2) Upon the enrollment of a person under subsection (1), the general secretary shall cause to be issued to him or her certificate of enrollment.
(3) A person shall not be eligible for enrollment under this Act, unless that person
Has complied with such requirements, whether relating to instruction, examination or
otherwise, as to the acquisition of professional skill and experience as may be
specified in the byelaws made for that purpose by the institute.

17. Disqualification from membership of the institute.

A person shall not be enrolled or continue to be a member of the institute if-
(a) He or she is of unsound mind;
(b) He or she is an undischarged bankrupt or insolvent; or
(c) He or she is convicted of an offence under this Act or an offence involving
Moral turpitude; but this paragraph shall cease to apply two years after the
Completion of the sentence.

18. Executive committee.

For the proper management of the affairs of the institute, there shall be an executive
Committee consisting of a president, a vice president, a general secretary, a treasurer, an assistant
general secretary and three other members, all of whom shall be elected annually by the institute
at a general meeting.

19. Functions of the executive committee shall be-
(a) To maintain and publish the roll of members of the institute;
(b) To secure international recognition of the institute;
(c) To ensure the maintenance of professional standards among members of
Institute.
(c) To promote the publication of journal of the institute;
(d) To do anything that is incidental to the functions of the council or for the furtherance
of the objects of the institute.

20. Meetings of the committee and of the general assembly.

The Second and Third Schedules to this Act shall apply to meetings of the executive committee
and the general assembly.

PART V – FINANCIAL PROVISIONS.

21. Funds of the institute.

(1) The funds of the institute shall consist of-
(a) Grants from the Government;
(b) Annual subscription fees from members;
(c) Fees and other monies paid for services rendered by the institute;
(d) Grants, gifts or donations from sources acceptable to the institute; and
(e) Monies borrowed by the institute for the performance of it’s functions.

(2) All monies of the institute shall be managed through a fund to be established
by the general assembly.
(3) The institute may operate a bank account in a bank determined by the Executive committee and the bank account shall be operated in a manner decided by the general assembly.

22. **Borrowing powers.**

The executive committee may borrow money on terms that may be agreed upon the Government for the performance of the functions of the institute.

23. **Investment.**

The executive committee may invest monies of the institute in a securities issued or guaranteed by the Government or in any other projects approved by the Government.

24. **Financial year.**

The financial year of the institute shall be the calendar year that is twelve months beginning from the 1st day of January and ending on the 31st day of December each year.

25. **Accounts and audit.**

(1) The institute shall keep proper books of account and prepare an annual Financial statement of account for the preceding financial year not later than the 31st day of March in the following year.

(2) The books and account of the institute shall be submitted within three months after the end of each financial year to the Auditor General to be audited by him or her or by an auditor appointed by him or her.

(3) The Auditor General shall report annually to the Minister, as soon as is Practicable after auditing the accounts of the institute, the result of his or Her examination and the report shall state his or her opinion.

(4) The Minister shall, within three months after receipt of the report referred to In subsection (3), lay the report before Parliament.

PART VI – REGULATION OF PUBLIC PRACTICE

26. **Registration of journalists.**

The name and particulars of a person enrolled under this Act shall, on presentation of the certificate of enrollment to the council, be entered on the register of journalists of Uganda.

27. **Practising certificate.**

(1) The council shall, upon payment of the prescribed fees, issue a practising certificate to a person who is enrolled under this Act.

(2) The practising certificate shall be valid for one year and is renewable upon
payment of the prescribed fee.

(3) No person shall practise journalism unless he or she is in possession of a valid Practising certificate issued under this section.

(4) A person who contravenes subsection (3) commits an offence and is liable on Conviction to a fine not exceeding three hundred thousand shillings and in Case of failure to pay the fine to imprisonment for a period not exceeding Three months.

(5) In this section, a person is deemed to practice journalism if he or she is paid For the gathering, processing, publication or dissemination of information; and Such person includes a freelance journalist.

28. Refusal to grant a practising certificate.

No person shall be granted a practising certificate by the council if-
(a) he or she is not enrolled; or
(b) He or she has failed to comply with any order made under this Act.

29. Accreditation card.

(1) No person being an employee of a foreign mass media organization or working as a freelancer for that mass media shall practise journalism in Uganda unless he or she is in possession of an accreditation card issued by the council.

(2) The accreditation card referred to in this section shall be issued upon payment of fees and upon such terms as may be prescribed by the council.

PART VII – DISPLINARY COMMITTEE AND INQUIRIES.

30 Disciplinary committee.

(1) There is established a disciplinary committee consisting of-
(a) The chairperson of the council, who shall be the chairperson of the committee;
(b) The secretary to the council, who shall be the secretary to the committee;
(c) Four members elected by the council from among their number.

(2) The council shall, when hearing disciplinary cases, appoint an advocate of not less than five years’ standing to advise the disciplinary committee.

(3) Four members of the committee shall form a quorum.

31. Complaints against a journalist.

(1) A Complaint or an allegation against a journalist, which if proved would constitute professional misconduct, may be made to the disciplinary committee by any person, and the complaint or allegation shall be reduced into writing.
(2) The secretary shall, upon receipt of a complaint, within thirty days refer the matter to the committee which shall fix a date for the hearing of the complaint.

(3) The committee shall give the journalist against whom the complaint or allegation is made an opportunity to be heard and shall furnish him or her with a copy of the complaint and any other relevant document at least fourteen days before the date fixed for the hearing.

32. **Procedure of the committee.**

The procedure to be followed by the committee in the hearing of complaint shall be as provided in the First Schedule to this Act.

33. **Committee’s decision**

After hearing the journalist to whom the complaint relates and after considering the evidence adduced, the committee may dismiss the complaint if no ground for a disciplinary action is proved, or if a ground for a disciplinary action is proved, impose any or combination of the following penalties-

(a) That the journalist be admonished or be required to apologize to the aggrieved Party in the manner specified by the committee, including the dame boldness of Lettering on the page where the article appeared in the newspaper;
(b) That the practising certificate of the journalist be suspended for a specified Period not exceeding six months;
(c) That the media organizations which published the matter that led to the complain Pay compensation to a person who suffered loss or injury as a result of the misconduct.

34. **Appeal to the High Court.**

(1) A journalist or complainant aggrieved by the decision or order of the committee may appeal against the decision or order to the High Court within fourteen days from the date on which he report of the committee was delivered to that journalist or complainant.

(2) An appeal made under this section shall be-
(a) Made by petition in writing under the hand of the journalist or complainant, And
(b) Heard and decided upon by a judge of the High Court after summary hearing.

(3) Where the council suspends a journalist, the journalist shall not, while an appeal is pending under this section, be entitled to practice.

35. **Implementation of the committee’s orders.**

(1) The council shall be responsible for the implementation of the committee’s orders.
(2) The secretary shall ensure that an order of the committee is noted in the register against the name of the affected journalist and shall send a certified copy of the committee’s decision to the National Institute of Journalists of Uganda.

36. **Revocation of suspension of a journalist.**

The council may, on receiving new facts relating to a case of a journalist on suspension, revoke the suspension.

**PART VIII – MISCELLANEOUS AND TRANSITIONAL PROVISIONS.**

37. **Report, etc. to be received in evidence.**

A report or order made by the council and signed by the chairperson and the secretary shall be received in any legal proceedings and shall be taken to be that particular report or order without further proof of its contents unless the contrary is shown.

38. **Protection of source of information.**

A journalist shall not be compelled to disclose the source of his or her information except with the consent of the person who gave him the information or on an order of a court of law.

39. **Seizure order.**

   (1) Whenever criminal proceedings have been instituted for an offence against the freedom of the press, the court may, on application to it for confiscation, order that the material involved in the offence be seized or issue a ban on the publication.

   (2) A seizure order shall be affected by the police and shall relate only to those copies which were intended for dissemination.

   (3) Any person aggrieved by the decision or order of the court may appeal to a higher court against the decision within thirty days from the date on which the seizure order was issued.

40. **Professional code of ethics.**

   (1) A journalist enrolled under this Act shall be subjected to the professional code of ethics provided in the Fourth Schedule to this Act.

   (2) A person who contravenes any provision of the professional code of ethics commits professional misconduct and shall be dealt with by the disciplinary committee.

   (3) The Minister may, by statutory instrument and after consultation with the council, amend the Fourth Schedule to this Act.

41. **Practising journalists prior to commencement of this Act to continue to practise.**

A person who is practicing journalism immediately prior to the commencement of this Act may continue to practice journalism until he or she is duly enrolled as a journalist in accordance with this Act.
42. **Regulations.**

(1) The Minister may, on the advice of the council, make regulations for better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under it prescribing-
   (a) The particulars and other matters to be entered in the register;
   (b) The fees to be paid under this Act;
   (c) The procedure of the disciplinary committee and manner of lodging a complaint; And
   (d) Anything which under this Act is to be or may be prescribed.

(4) Notwithstanding the Interpretation Act, the Minister may, with the approval of Parliament, by statutory instrument, increase any fines specified in this Act.

**SCHEDULES**

*First Schedule.*

**Meeting of the council and other miscellaneous matters.**

1. **Meetings of the council.**

   (1) The council shall meet for the discharge of its duties at least once every two months or upon a request in writing to the chairperson by at least one-third of the members of the council at such time and place as the chairperson may appoint.

   (2) A meeting of the council shall be convened by a notice issued under the signature of the secretary to the council at least fourteen days before the meeting; except that in the case of an emergency, a shorter notice may be given.

   (3) The chairperson shall preside at all meetings of the council; and in his or her absence, a person elected by the members present shall preside.

   (4) Seven members shall form a quorum at a meeting of the council.

   (5) Any decision at a meeting of the council may be determined by simple majority of the members present.

   (6) A member of the council shall have one vote; and in the event of equality of votes, the chairperson or person presiding at the meeting shall have a casting vote.

   (7) The council may invite any person to any of its meetings, but that person shall not have a voting right.

   (8) Subject to this Schedule, the council may regulate its own procedure.

2. **Minutes.**
(1) The secretary to the council shall cause to be recorded and kept minutes of all meetings of the council in a form approved by the council.

(2) The minutes recorded under this paragraph shall be submitted to the council for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the chairperson and the secretary in the presence of the other members present at the latter meeting.

3. **Validity of proceedings not affected by any vacancy.**

The validity of any proceedings of the council shall not be affected by any vacancy among its members or by any reason only of the fact that any person not entitled to vote at any meeting attended or voted.

4. **Disclosure to interest.**

(1) If a person is present at a meeting of the council at which a matter is the subject of consideration and in which matter that person or his or her spouse is directly or indirectly interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the council directs otherwise, take part in any consideration or discussion or vote on any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

5. **Committee of the council.**

The council may establish committees as may be required for the efficient discharge of its functions.

6. **Proceedings of the disciplinary committee.**

(1) For the purpose of any complaint, the disciplinary committee may administer oaths or affirmations.

(2) A person appearing as a party before the disciplinary committee may, at any stage of the proceedings, appoint an advocate to represent him or her or otherwise to assist the disciplinary committee.

(3) For the purpose of carrying out its duties, the disciplinary committee may interview and correspond with any person as it may deem necessary.

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Second Schedule.

Meetings of the executive committee.
1. The executive committee shall meet as often as the business of the executive committee requires, but the executive committee shall meet at least once in three months.

2. The president shall convene a meeting of the executive committee if a request for a meeting in writing addressed to the general secretary is received by him or her, signed by at least three members of the executive committee.

3. The executive committee shall meet at a time and place that may be determined by the president.

4. Notice in writing of a meeting of the executive committee shall be given to each member of the committee at least seven clear days before the date of the meeting.

5. The notice under paragraph 4 shall include, as far as practicable, a statement of the business to be transacted at the meeting.

6. The non-receipt of a notice by any member shall not affect the validity of the proceedings of the meeting.

7. Five members of the executive committee shall form a quorum.

8. No notice shall be given of an adjourned meeting unless the meeting resolved otherwise.

9. In case of emergency and with approval of the president, or the vice president in the absence of the president, a notice calling the meeting may be given to the members at least one clear day before the date of the meeting; and the nonexistence of the emergency shall not affect the validity of the proceedings of the meeting.

10. The president or, in the absence of the president, the vice president shall preside at any meeting of the general assembly.

11. The person presiding at a meeting may, with consent of the meeting, adjourn the meeting of the executive committee to a place that may be determined by the president.

12. Questions proposed at a meeting of the executive committee shall be determined by a majority of the votes of the members present; and in case of equality of votes, the person presiding shall have a casting vote.

13. Proper minutes of the deliberations of the meeting shall be recorded and issued by the person presiding at that meeting, and those records shall be sufficient evidence of that meeting.

14. Subject to this Schedule, the executive committee may regulate its own procedure.

Third Schedule.

Meetings of the institute.

1. Annual general meeting.
(1) The institute shall hold an annual general meeting which shall be held before the 30th of June in each financial year of the institute, at a time and place that may be determined by the chairperson.

(2) The following business shall be transacted at the annual general meeting -
(a) reception and consideration of the accounts of the institute and the auditor’s Report;
(b) Election of members of the executive committee; and
(c) Any other business.

2. **A special general meeting.**

The president may convene a special general meeting of the institute whenever he or she considers it necessary and shall convene such meeting within fourteen days of giving notice of the meeting.

3. **Notice of motion.**

(1) A member writing to bring a motion not related to the ordinary business of the annual general meeting before the meeting may give notice to the general secretary to reach him or her at least five weeks before the date of the annual general meeting.

(2) The motion must relate to the matters of the institute or to the profession.

4. **Notice of motion.**

(1) The secretary shall send to each member of the institute notice of the meeting and the agenda for the meeting not less than fourteen days and not more than twenty-one days before the date of the meeting.

(2) In the case of the annual general meeting, the secretary shall send with the notice-
(a) A copy of the annual report of the executive committee;
(b) A copy of the accounts of the institute together with the auditor’s report;
(c) A list of persons nominated or proposed for election to the executive Committee or as auditors; and
(d) A list of persons proposed for admission to membership of the institute.

(3) The non-receipt by any member of the institute of a notice of the meeting or Any relevant document shall not invalidate the proceedings of the meeting to which they relate.

5. **Associate member.**

Associate members shall be entitled to notice and shall speak during a meeting but shall not be entitled to a vote.

6. **Chairperson of the meeting.**

(1) The president or, in the absence of the president, the vice president shall preside at all meetings of the institute.
(2) In the absence of both the president and the vice president, the members present shall elect one of the members to preside at the meeting.

7. **Quorum of meetings.**

(1) At the annual general meeting the quorum shall be one-third of the voting members of the institute; and if after fifteen minutes from the time appointed for the meeting the quorum is not met, the meeting shall stand adjourned to that day a fortnight later the same time and place.

(2) On the date to which the meeting is adjourned, the meeting shall proceed to business notwithstanding that there may be less than one-third of the enrolled members.

(3) At a special general meeting the quorum shall be one-half of the enrolled members; and if after fifteen minutes from the appointed time for the meeting the quorum is not met, the meeting shall stand dissolved.

8. **Adjournments.**

(1) A person presiding at any meeting may adjourn the meeting from time to time from place to place.

(2) Only the business left unfinished at the meeting from which the adjournment took place shall be transacted at the adjourned meeting.

(3) No notice shall be given of an adjourned meeting unless the meeting resolved so.

9. **Voting at a meeting.**

(1) Every question proposed at any meeting of the institute shall be determined by a simple majority of the members present and voting; and in case of equality of votes, the chairperson shall have a casting vote,

(2) Voting shall be by secret ballot.

10. **Minutes of meetings.**

Minutes of the meetings of the institute shall be properly recorded and shall be confirmed by the subsequent meeting and signed by the chairperson and the secretary of the meeting, and that shall be sufficient evidence of the meeting.

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_Fourth Schedule._

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**Professional code of ethics.**

1. No journalist shall disseminate information or an allegation without establishing its correctness or truth.
2. No journalist shall disclose the source of his or her information; he or she shall only divulge the source in the event of an overriding consideration of public interest and within the framework of the law of Uganda.

3. No journalist shall solicit or accept bribes in attempt to publish or suppress the publication of a story.

4. A journalist shall not plagiarize the professional work of others or expropriate works or results of research by scholars without acknowledging their contribution and naming his or her sources of information.

5. A journalist shall obtain his or her information through the skillful application of application of journalistic principles and shall never bribe or offer inducements to his or her source.

6. No journalist shall deny any person with legitimate claim a right to reply to a statement. Corrections and rejoinders are to be published in appropriate form without delay and in a way that they will be noticed by those who have received the original information.

7. A journalist shall at all times strive to separate his or her own opinions from factual news. Where personal opinions are expressed, the public shall be made to know.

8. A journalist shall take the necessary steps to correct any damaging report he or she has made on any individual or organization.

9. A journalist shall originate or encourage the dissemination of information designed to promote or which may have the effect of promoting tribalism, racism or any other form of discrimination.


Cross Reference

Interpretation Act, Cap.3.
JOURNALISTS CODE OF CONDUCT - SI-2014-5
IN EXERCISE of the powers conferred on the Minister by section 40(3) of the Press and Journalist Act, and after consultation with the council this Instrument is made this 21st day of January, 2014.

1. Title.
This Instrument may be cited as the Press and Journalist (Amendment of Fourth Schedule) Instrument, 2014.

2. Amendment of Fourth Schedule to Press and Journalist Act.
For the Fourth Schedule to the Press and Journalist Act, there is substituted the following—

"Fourth Schedule.
ss. 40(3), 42.

Professional code of ethics for journalists and editors

1. Application of code.
This professional code of ethics applies to all persons practicing journalism and for the purposes of this code a person practices journalism if he or she is paid for the gathering, processing, publication or dissemination of information; and such person includes a freelance journalist.

2. Accuracy.
(1) Journalists and editors must take care not to publish inaccurate, misleading or distorted information, including pictures.

(2) Any significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and, where appropriate, an apology should be published.

(3) A journalist or editor must distinguish clearly between comment, conjecture and fact.

(4) Journalists and editors must afford a fair opportunity for reply to inaccuracies when reasonably required.

3. Privacy.
(1) Journalists and editors shall respect the constitutional right to privacy of
(2) A journalist or editor must not photograph a person in a private place without that person’s consent.

(3) A journalist or editor shall not unlawfully search the person, home or property of any person or unlawfully enter the premises of any person.

(4) For the purposes of this paragraph, a private place is a public or private property where there is a reasonable expectation of privacy.

4. Plagiarism.
It is unacceptable for any journalist or editor to plagiarise the professional work of any person or expropriate the work of any person without acknowledging the contribution of the owner of the work and naming his or her sources of information.

5. Harassment.
(1) It is unethical for a journalist or editor to engage in intimidation, harassment or corruption.

(2) It is unacceptable for a journalist or editor to unreasonably persist in questioning, telephoning, pursuing or photographing a person who has asked the journalist or editor to desist from such acts.

(3) A journalist or editor shall not enter the property of another without consent, and where a journalist is granted permission to enter a person’s property, the journalist must not remain on the property if asked to leave the property.

6. Journalist to identify himself or herself.
A journalist or editor must identify himself or herself and the media organisation he or she represents when requested to do so.

7. Grotesque and gruesome pictures.
(1) It is unacceptable for a journalist or an editor to publish any material which is grotesque or gruesome in nature.

(2) A journalist or editor may publish a grotesque or gruesome in the public interest but should demonstrate the public interest that justifies the publication of such a grotesque or gruesome picture and
must in any case warn the public that the material to be published is grotesque or gruesome.

8. Obscene publications.
(1) Journalists and editors must not publish obscene material including writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematography films or any other obscene objects, or any other object tending to corrupt morals.

(2) Obscenity shall be construed in its ordinary meaning.

9. Intrusion into grief or shock.
(1) In a case involving personal grief or shock, any enquiry, approach or publication by a journalist or editor in regard such a case must be made with sympathy and discretion and publication of such a case must be handled with sensitivity.

(2) This paragraph should not be taken to restrict the right of the journalist or editor to report legal proceedings including inquests.

(3) Where a journalist or editor is reporting suicide or any other death, care should be taken to protect the dignity of the person and the sensibilities of the relatives and public.

10. Children.
(1) A journalist or editor must not unnecessarily intrude on the learning environment of a child.

(2) A journalist or editor must not interview or photograph a child on any issue involving the child or another child unless the parent, guardian or any person having custody of a child consents.

(3) A journalist must not approach or photograph a child at school without the permission of the school authorities.

(4) For the purposes of this regulation, the fame, notoriety or position of a parent or guardian is not justification for publishing details of a child’s private life.

(5) A journalist must not identify a child who is a victim or witness in a case relating to a sex offence.

(6) In a case relating to a sex offence, a journalist must not use the word “incest” where a child victim may reasonably be identified from use of such word.
(7) A journalist must take care that his or her report relating to a sex offence does not imply a relationship between the accused and the child.

11. Reporting of crime.
Stories, pictures or information, which seek to exploit a particular crime or to glorify or glamourise crime in general, must not be published.

12. Clandestine devices and subterfuge.
(1) A journalist or editor must not intercept the communications of any person without the required legal authorization.

(2) Engaging in misrepresentation or subterfuge by a journalist or editor, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

13. Victims of sexual assault.
A journalist or editor must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

(1) Journalists and editors must not use for their own profit financial information they receive in advance of its general publication nor should they pass such information to others.

(2) Journalists and editors must not write or publish stories about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

15. Confidential sources.
Journalists and editors have a moral obligation to protect confidential sources of information and shall not disclose the source of information; but they may only divulge the source in the event of an overriding consideration of public interest and within the framework of the law.”

NAMAYANJA
ROSE NSEREKO, MP
Minister for Information and National Guidance.

Media Council of Uganda
STANDARDS FOR GENERAL BROADCAST PROGRAMMING IN UGANDA
STANDARDS FOR GENERAL BROADCAST PROGRAMMING IN UGANDA
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STANDARDS FOR GENERAL PROGRAMMING IN UGANDA

1.0  INTRODUCTION

The Standard outlines the general standards to be observed for broadcasting in the Republic of Uganda. It is the responsibility of broadcasters to ensure that their programmes and services (whether analogue or digital) comply fully with the Standard. The provisions set out in this Standard have to be applied in spirit and should be read in conjunction with applicable legislation and license conditions especially the Minimum Broadcasting Standards as laid out in section 31 of the Uganda Communications Act 2013, Schedule 4.
2.0 GENERAL PRINCIPLES

1. Programmes should not undermine public security interest or public confidence in the law and its enforcement in Uganda.
2. Matters pertaining to race and religion should be handled sensitively.
3. Broadcasters should be vigilant against the likely effects of all television material on children. It is therefore necessary for broadcasters to exercise considered judgement on the capacity of children, in different age groups, to cope with the depiction and treatment of material which may not be suitable for them.
4. Children’s programmes should be wide-ranging in genre and content, but should avoid gratuitous scenes of violence, horror or sex. There should be a balanced mix of programmes to cater for the needs of children of different age groups.
5. Programmes with horror and supernatural content should be broadcast in timeslots that are less accessible to children.
6. Broadcasters should provide advisory notices for programme content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.
7. Programmes on crime and violence should not be treated in a cynical, frivolous or callous manner. Such programmes should not incite, glamorize or in any way promote violence or other types of anti-social behavior.
8. Content pertaining to sex and nudity (including programmes on AIDS, sex education, childbirth, etc.) should be treated with discretion and due consideration so as not to offend against good taste and decency.
9. Factual programmes such as news, current affairs or documentary programmes should present information in an objective, accurate and balanced manner.
3.0 PROTECTION OF PUBLIC AND NATIONAL INTEREST

1. Broadcasting programmes should not:
   i. promote values and attitudes which are contrary to national interest;
   ii. present information or events in a manner likely to mislead or cause alarm to the public;
   iii. contain propagandist and ideological messages on behalf of any, group, organization or foreign country;
   iv. contain extremist or anarchic messages, including the incitement of violence for political ends or other purposes; or
   v. Sensationalize the treatment of any issue whether local, nationalistic or foreign in nature.

2. Broadcasters must ensure that due impartiality is observed in programmes dealing with matters of public policy or controversial issues of public importance in Uganda.

3. Broadcasters must ensure that where a broadcast relates to national security, the contents of the broadcast are verified before broadcasting.
4.0 FAMILY VIEWING POLICY

It is the Commission’s aim to ensure that unsuitable material for children is not broadcast at times when there may be a large audience of young viewers.

Family Viewing Policies

1. All programmes broadcast between 6am and 10pm must be suitable for family audiences. The transition from family-oriented to more adult programming after the watershed period (time after 10pm) should also be executed gradually.

2. The transition to more adult material must not be unduly abrupt at the watershed (in the case of television) or after the time when children are particularly likely to be listening (in the case of radio). For television, the strongest material should appear later in the schedule.

3. Consumer advice like warnings, labelling, classification details and other information announcements should be sufficient and reliable and given prior to telecast of the programme or its trailer. However, this does not diminish the licensee’s responsibility for sensitive scheduling of programmes to reduce the risk of causing offence.

Programmes requiring Parental Guidance

4. Programmes that are rated PG usually contain themes and content which may not be suitable for children. These programmes should only be aired between 10pm and 6am. PG-rated programmes, may be aired before 10pm, but should be scheduled in appropriate timeslots. In addition, programmes rated PG should also be accompanied on screen before the start of the programme by a viewing advisory describing the principal elements which have contributed to the rating, including their intensity and/or frequency (e.g. “Due to strong violence/frequent horror scenes etc, parental guidance is advised.”). This description should be clearly worded and displayed in a readily legible typeface that should remain visible for at least 5 seconds.

5. For all PG rated programmes, a warning indicator should be superimposed at the top left-hand corner of the screen at the beginning of the programme and after every commercial break for one minute.

6. To provide more information to viewers, broadcasters are encouraged to include the relevant viewing advisory beside programmes rated PG in publicity materials (like the TV page in newspapers and TV guides), such as: PG13 [Mature Themes] PG13 [Horror] PG13 [Violence] Trailers and Programme Promotions.

7. Trailers of programmes should be prepared with care and sensitivity based on target audience and broadcast time, and in compliance with the guidelines stipulated in the Advertising standard.
5.0 CHILDREN’S PROGRAMMES
Children may not be able to distinguish real life from fiction, and are likely to be disturbed by the realistic portrayal of violence, horror etc. They are also more predisposed to imitative behaviour. As such, no advantage should be taken of children’s natural credulity.
For the purpose of this section, “children” refers to persons aged 18 years and below.

Range and Quality of Children’s Programmes
1. Children’s programmes should be wholesome and in general designed to impart a broader knowledge of the world around them, and to promote appreciation of good social and moral values. Stories must generally reflect respect for law and order, parents, elders and fellow human beings. Stories should clearly portray good morals e.g. heroic and villainous characters must be distinguishable, and the lifestyles of gangs and gangsters should not be portrayed as desirable.
2. Programmes should not contain scenes depicting the consumption of liquor or tobacco products unless an educational point is being made, or in very exceptional cases if the dramatic context makes it absolutely necessary.
3. The portrayal of any dangerous or harmful behaviour easily imitated by children should be avoided. Swear words should also not be used in such programmes.
4. Animated programmes must avoid excessive violence, especially those featuring humans and life-like characters and depicting realistic story lines. While it is accepted that stylised violence can be entertaining and often humorous in comedy and in animation, more serious representation, for example, in children’s drama, should always be editorially justified and should ensure that the consequences of violence are treated appropriately.
5. Programmes should not be presented in a manner which may be disturbing or distressing to children or which may in any way adversely affect their general wellbeing.
6. Programmes for younger children require special care as they may find violence and horror scenes/programmes in both realistic and fantasy settings to be disturbing. For programmes which may be frightening to preschoolers, broadcasters should provide an advisory to alert parents.
6.0  PUBLIC MORALS & SOCIAL VALUES
1. Broadcasters should bear in mind the importance of the family as the basic unit of society in Uganda. The sanctity of marriage should be respected, and divorce should not be treated casually or in a frivolous manner. Adultery, cohabitation and promiscuity should not be endorsed, glamorized or encouraged.

2. Programmes should not make careless references to any class or group of persons as being inherently inferior. Programmes should not encourage or in any way discriminate against any section of the community on account of gender, age, disability or occupational status.

3. Behaviour such as smoking and alcoholism should not be presented as glamorous or desirable, especially in local programmes.

4. Broadcasters should be mindful of social and cultural sensitivities.

5. Information, themes or subplots on lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism, transvestism, pedophilia and incest should be treated with utmost caution. Their treatment should not in any way promote, justify or glamorize such lifestyles. Explicit dialogue or information concerning the above topics should not be broadcast.
7.0 THEMES

1. The theme (subject matter or topic) and message are important in the classification of a programme. The acceptability of a theme is determined by its suitability and treatment, i.e. the way it is presented and the context in which scenes are presented. Suitability and treatment of a theme is especially important for the lower classification ratings as they have an impact on the young
8.0 SEX AND NUDITY

Sex
1. The level of sexual activity allowed in a programme depends on the explicitness and frequency of the activity, its relevance to the storyline and the target audience. Generally, depictions of sexual activity are not allowed for G, and PG-rated programmes, while for other programmes may contain implied sexual activity, but should be infrequent and brief.
2. Programmes likely to encourage deviant sexual activities such as pedophilia, bestiality and necrophilia are not allowed for all ratings.
3. Content considered to be pornographic or obscene in nature is not allowed for all ratings.
4. The inclusion of sexual matters in programmes must be defensible in context and presented with tact and discretion. Sexually suggestive or lewd dialogue and innuendoes should not be broadcast. Sexual stereotyping which can be hurtful and / or demeaning must be avoided.
5. The broadcast of topics related to sex should be targeted at appropriate audiences and scheduled accordingly to reach its intended listeners.
6. Programmes on sex education should be mindful of the target audience. They should not be presented in a sensational or exploitative manner, nor should they encourage or promote sexual permissiveness, promiscuity or unnatural sex acts.

The coverage of sexual and other offences involving Children
7. Where statutory or other legal restrictions apply preventing personal identification, broadcasters should also be particularly careful not to provide clues which may lead to the identification of those who are not yet and who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual offences featured in criminal, civil or family court proceedings:
   i. by reporting limited information which may be pieced together with other information available elsewhere, for example in newspaper reports (the ‘jigsaw effect’);
   ii. inadvertently, for example by describing an offence as “incest”; or
   iii. in any other indirect way.

Nudity
8. Nudity is not allowed for a G rating. Rear nudity is allowed in PG-rated programmes if it is discreet, justified by context and not meant to titillate. Side nudity in a non-sexual context is allowed under PG13.
9. Nudity featured in health programmes such as breast-feeding can be rated PG depending on its portrayal and treatment. Top frontal nudity may be allowed only under exceptional circumstances and in a non-sexual context. For example, some nudity may be appropriate and may be shown in programmes which feature historical or dramatised events such as the World
War II Holocaust, tribal ways of life, or health programmes on breast feeding and breast cancer
9.0 VIOLENCE, CRIME & DRUG USE

Violence
1. Suggestions that justice can be achieved by violence, vigilante action or other means of taking law enforcement into one’s own hands should be avoided. Any exceptions must take into account the context and redeeming values.
2. The depiction of violence may frighten, unnerve, unsettle or invite imitation, especially from children. Therefore, only mild portrayals that are relevant to the plot may be allowed in programmes meant for children.
3. The concerns in violence are:
   i. Depiction of graphic/gratuitous violence
   ii. Normalising the use of violence as a solution to resolve problems;
   iii. Depiction of violent gangster behaviour (e.g. self-mutilation rites);
   iv. Emphasis on violent techniques/acts (e.g. methods of torture, gangfights, combat techniques)
   v. Encouraging aggressive and sadistic attitudes towards infliction of pain and violence;
   vi. Explicit and prolonged sexual violence or erotic portrayal of sexual assault /coercion.
4. Mild portrayals of violence are allowed for a G rating, provided the portrayal does not include dangerous or harmful behaviour that can be easily imitated by children. Moderate portrayals of violence without detail are allowed in PG-rated programmes if justified by context, and if the portrayals of violence do not dwell on cruelty, infliction of pain or torture of any kind. The portrayals of violence can include some infliction of pain and injury but should not be detailed, intense or prolonged.

Crime
5. Programmes should not glamorise or in any way promote persons (e.g. gangsters, vandals, delinquents etc.) groups or organisations who use or advocate the use of violence or engage in any criminal activity within Uganda or elsewhere.
6. Broadcasters should not broadcast any information from any source which could endanger lives or prejudice the success of attempts to deal with any crime such as hijacking or kidnapping.
7. In programmes dealing with criminal activities, whether in fiction or a documentary, there may be conflict between the demands of realism and the risk of unintentionally assisting the criminally inclined. Careful thought should be given and, where appropriate, advice taken from the police, before information is given about law-breaking or methods/techniques countering law enforcement or other security measures.
8. Care needs to be taken in programmes to avoid any impression that illegal drugs and substance abuse are socially acceptable, glamorous, or harmless. Detailed depiction of methods of illegal drug-taking should be avoided.
9. No payment, promise of payment, or payment in kind, may be made to convicted or confessed criminals whether directly or indirectly for a
programme contribution by the criminal (or any other person) relating to his/her crime/s. The only exception is where it is in the public interest

**Drug Use**

10. Clear, instructive details are not allowed in G, and PG content as they can be imitated by the younger audience. Portrayals glamorising or encouraging the use of illegal drugs are not allowed for all ratings.
10.0 GAMBLING & ANTI-SOCIAL BEHAVIOUR

Broadcasters must take into account the potential cumulative effect of programme content normalising anti-social behaviour of gambling, as regular and recurrent portrayals of such content may lead viewers to become more callous about anti-social behaviour of gambling.

Gambling
1. Programmes depicting gambling or the use of gambling devices should be presented with discretion and in a manner that does not encourage or offer instruction to viewers. Gambling programmes/segments are acceptable only if it is relevant to the development of the plot or as an appropriate background to the story.
2. The broadcast of all forms of gambling tips is strictly prohibited. No programme should encourage, promote or in any way offer instruction on gambling even with regard to legitimate forms of gambling.

Anti-Social Behaviour
3. Glorification of gangs and secret societies should be avoided.
4. Hooliganism, vandalism, juvenile delinquency and the lifestyle of deviant subcultures should not be glamorised or presented in a favourable light.
11.0 HORROR, SUPERNATURAL, FORTUNE TELLING & OTHER BELIEFS

1. Classification of programmes with horror elements should take into consideration the impact and shock effect of such films to ensure that younger audiences are protected from disturbing materials.

2. The treatment of horror for G-rated content should not be too realistic or threatening, and such scenes should also be mild and not psychologically disturbing. PG-rated programmes should not contain frightening sequences that are prolonged or intense. Belief in superstition should not be promoted.

Occult and ‘Psychic’ Practices

3. Programmes exploring occult or ‘psychic’ practices, particularly those with actual demonstrations of exorcisms and occult practices involving supposed contact with spirits or the dead, should be treated with caution.

4. Broadcasters should exercise caution when scheduling fiction programmes which focus on ‘psychic’ or supernatural phenomena. Programmes of this nature should be scheduled after 10pm, especially in instances where the treatment or presentation of such themes is dark and frightening for younger viewers.

Fortune Telling & Other Beliefs

5. Programmes based on or pertaining to fortune-telling, palm reading, numerology, mind-reading, astrology, new age healing and the like should not give the impression that these practices are exact sciences.
12.0 NEWS, CURRENT AFFAIRS AND OTHER FACTUAL PROGRAMMES

1. The following rules shall apply to the treatment of all news and/or current affairs content.

   **Fairness, Objectivity and Impartiality** -

   i. Every broadcaster shall ensure that—

      (a) all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

      (b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other,

   ii. A broadcaster shall ensure that the broadcast treatment of any proposal, being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate, which is being considered by the Government or the Minister, shall be reported and presented in an objective and impartial manner.

   iii. A right of reply or an opportunity to respond shall be granted to the Government or its agencies, to correct mistakes, wrongful reporting or misrepresentations. For private individuals and groups, an opportunity to respond should be considered on the merits of each case. The Commission shall direct a broadcaster to give an aggrieved party the opportunity to respond over an appropriate medium.

   iv. Significant errors in factual programmes such as news, current affairs and documentary programmes should be corrected and broadcast at the earliest opportunity.

2. In their treatment of news and current affairs content broadcasters shall comply with the following principles as articulated in this standard:
- Fairness;
- Objectivity & Impartiality;
- Accuracy & Responsiveness;
- Transparency & Accountability.

3. A broadcaster shall deal fairly with contributors to current affairs content or with persons or organizations referred to in that content.

4. In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.

5. A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.

6. Broadcasters shall ensure that morbid, sensational or alarming details not essential to factual reporting are avoided. Images that may seriously distress or offend like dead bodies should only be displayed in clear public interest.

7. Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the overriding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.

8. Where a person or organization refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organization’s explanation for declining to participate, where not to do so could be deemed unfair.

9. The refusal of a person or organization to participate will not preclude the broadcast of news and current affairs content.
However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.

10. The editing process shall not distort the context or meaning of the original interview.

11. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.

12. Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political, industrial controversy or matters pertaining to current public policy in all factual programmes. Undue prominence is a significant imbalance of views aired within coverage of matters of political, industrial controversy or matters relating to current public policy.

13. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.

14. Dramatized reconstructions in factual programmes that seek to reconstruct actual events as a means of obtaining greater authenticity should not distort key reality issues or lead to fictional elements being misleadingly presented as fact.

15. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorization of such recordings at the most senior editorial level. Such authorization shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;

- The co-operation of the subject is unlikely to be forthcoming;

- There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.
16. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

17. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:

- The item being covered is demonstrably in the public interest;
- The interviewee is unlikely to co-operate if approached in the normal way, and;
- The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.

18. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.

19. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honored. Any associated audio-visual techniques utilized in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honored.

20. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

21. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

22. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

23. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time
and circumstances of the original broadcast.

24. A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.

25. It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors’ opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

26. ‘Personal view’ or ‘authored’ current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an “authored” item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.

27. A ‘personal view’ or ‘authored’ programme or segment shall be clearly signaled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.

28. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

29. Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end, broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would
warrant the withdrawal of any person from further involvement in the item or programme

30. Broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.
13.0 REALITY, MUSICAL & VARIETY PROGRAMMES

Reality TV
1. As Reality TV may involve the filming of ordinary individuals with or without their consent or in set-up situations, complaints about programme invasion of privacy can arise from the gathering of material or from the way an individual is treated in such programmes. Broadcasters shall only collect material for broadcast purpose by means which are lawful and fair in the circumstances of the case.

Musical & Variety Programmes
2. Films and music videos disallowed under the laws of Uganda should generally not be broadcast. However, if suitable edits can be made, such content may be deemed passable for broadcast. Songs disallowed or otherwise prohibited under the applicable laws and regulations in Uganda must not be aired. Music associated with drugs, alternative lifestyles (e.g. homosexuality) or the worship of the occult or the devil should not be broadcast.

3. Broadcasters must exercise sensitivity and avoid humour which offends good taste and decency. Examples include jokes based on race, gender, disability, as such humour (even without malicious intent) can easily cause hurt or humiliation.

4. It is the responsibility of the broadcaster to ensure that choreographed dance sequences and the appearance of artists should be in good taste and not offend any religion, race or culture. Specifically, entertainment programmes involving children should not be exploitative or distasteful. Care must be taken to ensure that children performing in entertainment programmes are not made to behave inappropriately (e.g. stripping and wearing skimpy clothing).

5. Where a contest is included in a programme, references to prizes must not be made in such a way as to amount to advertising. Aural or visual references to prizes or acknowledgement of the source of prizes are allowed in contests provided that they are not excessive. The presentation of tobacco products as prizes or gifts for contests is not permitted.
14.0 INTERACTIVE SERVICE
Broadcast Competition and Voting

1. **Meaning of “broadcast competition”:** A competition or free prize draw featured in a programme in which viewers or listeners are invited to enter by any means for the opportunity to win a prize.

**Meaning of “voting”:**

2. **Features in a programme in which viewers or listeners are invited to register a vote by any means to decide or influence, at any stage, the outcome of a contest.**

3. Broadcast competitions and voting must be conducted fairly.

4. Broadcasters must ensure that viewers and listeners are not materially misled about any broadcast competition or voting.

5. Broadcasters must draw up rules for a broadcast competition or vote. These rules must be clear and appropriately made known. In particular, significant conditions that may affect a viewer’s or listener’s decision to participate must be stated at the time an invitation to participate is broadcast.

6. Broadcast competition prizes must be described accurately

**Contests & Premium Charge Telephone Services**

7. If, during a program or program promotion, viewers are invited to use a premium charge telephone service (including SMS) to obtain information, register a view on a matter or participate in a competition, the broadcaster must provide clearly readable information about the cost of the call. If the programme is one that has a substantial child audience, information about the cost of the call must be in a form which children can understand, and must be presented visually and orally. Children must be asked to seek parental permission before calling.

**SMS, MMS & Other Interactive Services**

8. Locally produced or packaged programmes which allow viewers to interact on-air via short messaging service (SMS) or multimedia messaging service (MMS) are subject to the guidelines in this standard and the following conditions:
   
i. All SMS/MMS should be screened and moderated before broadcast and be in accordance with the guidelines in this standard.

   ii. The provision, promotion or facilitation of anonymous private chat services or options is not allowed. Even if the broadcaster does not offer an actual private chat service or option, the moderator must screen out all SMS/MMS that solicit private chat among users (e.g., messages that provide users’ personal contact details must be screened out). The programme should also not
be used as a means for soliciting dates among users (e.g., strangers arranging to meet each other at an agreed public place).
15.0 STIMULI BEYOND NORMAL PERCEPTUAL THRESHOLD

Subliminal Messages
1. Broadcasters should not employ the process known as “subliminal perception” or any other techniques or devices (e.g. by using images of very brief duration) which attempts to convey information to the viewer by transmitting messages beyond the normal threshold of awareness.
2. Broadcasters must not use techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds without their being aware, or fully aware, of what has occurred.

Flashing Images and Regular Patterns
3. Flashing lights and certain types of regular visual patterns can cause problems for some viewers who have photosensitive epilepsy. Care must be taken to minimize these risks in all programmes, but especially those where young people are likely to be watching as they could be more susceptible.
4. Television broadcasters must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy. Where it is not reasonably practicable to follow this guidance, and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item.

Hypnotism
5. For any broadcast on demonstration of hypnotism for entertainment, care must be taken to minimize the risk of hypnosis being induced in susceptible viewers. In particular, the hypnotist must not be shown performing straight into the camera.
6. When broadcasting material featuring demonstrations of hypnotic techniques, broadcasters must exercise a proper degree of responsibility in order to prevent hypnosis and/or adverse reactions in viewers and listeners. The hypnotist must not broadcast his/her full verbal routine or be shown performing straight to camera.
16.0 PRESENTATION AND SCHEDULING OF PROGRAMMES

1. Broadcasters must exercise particular care when putting 'live' calls on air especially where topics involved are sensitive ones, and comments made may be derogatory or offensive.

2. Any presentation format which uses fictional personas (masqueraders) to voice distasteful and offensive viewpoints is not acceptable. Broadcasters who adopt such formats will be responsible for all comments made by the fictional personas.

3. Broadcasters should exercise due caution when accepting on-air calls seeking advice. This is especially so when callers seek advice on emotional problems and matters requiring professional assistance since providing the wrong advice may have serious consequences. Broadcasters should refer such callers to the appropriate persons or bodies such as professional counsellors, lawyers and consumers’ association advisors.

4. Broadcasters must exercise care and sensitivity when scheduling programmes containing adult content. Such programmes should be placed in timeslots where younger listeners are less likely to be listening.

5. Appropriate scheduling should be judged according to:
   i. the nature of the content;
   ii. the likely number and age range of children in the audience, taking into account school time, weekends and holidays;
   iii. the start time and finish time of the programme;
   iv. the nature of the channel or station and the particular programme; and
   v. The likely expectations of the audience for a particular channel or station at a particular time and on a particular day.
17.0 PROGRAMMES SCHEDULE OR PROGRAM LINE UPS AND LOG BOOKS

1. A broadcaster shall forward to the Commission its quarterly programmes schedule/line up and synopses of new or repackaged programmes not less than one week before the beginning of the quarter.

2. A broadcaster shall adhere to its submitted program schedule, in the event of change, adequate prior announcement shall be made.

3. A broadcaster shall maintain log books to record each day’s programmes; music; advertisement and sponsorships.
18.0 **BROADCAST PROGRAMS SCRIPTS**

1. Every Scheduled broadcast item, including spot announcements shall be scripted.

2. The scripts must be approved by the Head of programs who will remain accountable for whatever is broadcast in that program.

3. In case of a news broadcast, the Chief News Editor will be accountable to the Content in the News broadcast.

4. On demand by the Commission, the Station shall produce any script or transcript of the programme.
19.0 FAIRNESS

1. This applies to how broadcasters treat the individuals or organisations directly affected by programmes, rather than to what the general public sees and/or hears as viewers and listeners. This is to ensure that broadcasters avoid unjust or unfair treatment of individuals or organisations in programmes.

Dealing fairly with contributors and obtaining informed consent

2. Broadcasters and programme makers should normally be fair in their dealings with potential contributors to programmes unless, exceptionally, it is justified to do otherwise.

3. Where a person is invited to make a contribution to a programme they should normally, at an appropriate stage;

   i. Be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast.

   ii. Be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc.

   iii. Be informed about the areas of questioning and, wherever possible, the nature of other likely contributions.

   iv. Be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness.

   v. Be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution; and

   vi. Be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it.

4. Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster’s own material.

5. If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

6. Where a person approached to contribute to a programme chooses to make no comment or refuses to appear in a broadcast, the broadcast should make clear that the individual concerned has chosen not to appear and should give their explanation if it would be unfair not to do so.
7. Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.
20.0 OBSERVING THE WATERSHED PERIOD ON TELEVISION
The watershed period means the period of time during which programmes which might be unsuitable for children or contain adult content may be broadcast. In Uganda the watershed period is the time between 10:00pm and 5:00am. Television broadcasters must comply with rules relating to pre-watershed content particularly material broadcast before and soon after the watershed; and music videos broadcast before the watershed.

Family shows
8. Broadcasters should take particular care when broadcasting pre-watershed programmes broadly identified as “family shows” – whether live or pre-recorded. Whereas some these programmes are not made for children, they nevertheless tend to attract a significant child audience and therefore broadcasters should ensure that the content is suitable for family viewing throughout the duration of the programme. Particular caution should be applied should the programme continue past the watershed as the family audience is still likely to remain viewing the programme.

Trailers
9. Broadcasters should therefore ensure trailers for post-watershed content scheduled pre-watershed include only content that is appropriate for a pre-watershed audience. Broadcasters should also consider whether the content of a trailer is suitable to be shown pre-watershed if it includes the same images that may warrant a pre-programme warning to viewers before the programme is shown post-watershed.

Soaps
While soaps are not aimed at young people, they are scheduled pre-watershed and often attract a significant child audience.
10. Broadcasters should therefore ensure that material that may be unsuitable for children is appropriately scheduled for the time of broadcast - including any subsequent repeats during the daytime when children may view without a parent or other adult.

11. Broadcasters of pre-watershed soaps should therefore take account of the concerns on violence, sexual content, or offensive language in pre-watershed television programmes when considering whether content is suitable for broadcast before, and/or immediately after, the watershed.

Post-watershed content edited for pre-watershed transmission
Broadcasters should take particular care if they wish to show before the watershed content originally produced for a post-watershed audience. In principle, material which has been previously shown after the watershed can be broadcast during the day and comply with the standards, provided all necessary edits have been made or other necessary measures taken to ensure it is
appropriate for a daytime audience, which may include children. Some programmes or content, however, even if rigorously edited or carefully scheduled, may not be suitable for broadcast pre-watershed because of their adult themes or repeated offensive language (even if ‘bleeped’).

12. **Offensive language**: masking offensive language is one way in which broadcasters may edit post-watershed material to make it suitable for broadcast pre-watershed. If the use of the masked offensive language in a programme is frequent, such that the programme requires multiple instances of bleeping, there can be a cumulative effect on viewers similar to that of the offence caused by repeated broadcast of the unedited offensive language. In programmes where there is frequent use of offensive, broadcasters may need either to edit the programmes more rigorously for pre-watershed transmission to take account of this cumulative effect, or consider whether the programme is in fact appropriate for pre-watershed broadcast at all.

13. **Violence**: broadcasters editing post-watershed drama material including violent scenes for pre-watershed transmission should ensure that such scenes are appropriately limited. Particular attention should be paid to scheduling of material in slots when children may reasonably be expected to have returned from school.

**Transition to more adult material**

14. Broadcasters should take particular care to ensure that material scheduled to start before, but continue past, 10:00pm or 05:30am does not abruptly become unsuitable.

15. Content that commences after the watershed should observe a smooth transition to more adult content. It should not commence with the strongest material.

**Music Videos**

**Appropriate scheduling and context**

16. Broadcasters to ensure that children are protected by appropriate scheduling from material that is unsuitable for them. Appropriate scheduling means taking into account as relevant:

   i. the nature of the content;

   ii. the likely number and age range of children in the audience, taking into account school time, weekends and holidays;

   iii. the start time and finish time of the programme;
iv. the nature of the channel or station and the particular programme; and

v. the likely expectations of the audience for a particular channel or station at a particular time and on a particular day.

**Sexual images**

17. Broadcasters should take care to avoid any explicit images of sexual behaviour, or images that inappropriately convey a sexualized theme, or any inappropriate cumulative effect resulting from the repetition of these types of images that are unsuitable for children and likely to cause concern to parents.

18. The Commission understands that music videos will rarely contain sexually explicit images, but the cumulative effect of certain images or combination of images can result in material of a sexualised nature in music videos which is unsuitable for child viewers and could cause offence. Intrusive and/or prolonged shots of body parts are likely to increase the overall sexual impact. Any images of this nature broadcast before the watershed in music videos must be editorially justified and appropriately limited.

**Clothing**

19. It is important to note that in pre-watershed content, viewers would not expect to see singers and dancers wearing clothing that does not adequately cover their bodies (in particular their breasts, genital area and buttocks). Similarly, skimpy clothing while dancing provocatively or adopting a sexual position is likely to offend viewers.

20. Broadcasters should consider whether this kind of clothing, combined with sexual behaviour, results in a strong sexualised theme that may be understood by children or cause concern to parents. Broadcasters should consider the length of shots used and the overriding theme of the music video.

**Lyrics**

21. Sexual lyrics broadcast in music videos, and such material must be appropriately scheduled. Before the watershed broadcasters should avoid broadcasting lyrics in music videos that clearly focus on sex or convey a clearly sexualised theme.

**Dancing**

22. Images of provocative or sexualised dancing should be appropriately limited before the watershed.

23. Broadcasters are reminded that intrusive and/or prolonged shots of body parts are likely to increase the overall sexual impact of a music video.
Broadcasters are advised that the cumulative effect of the repeated close-up images of the female dancers’ buttocks, together with provocative dancing and actions in the video, usually result in the video’s imagery conveying a highly sexualised theme.
BEST PRACTISE GUIDELINES FOR ELECTRONIC MEDIA BROADCAST
BEST PRACTISE GUIDELINES FOR ELECTRONIC MEDIA BROADCASTERS

For:

COVERAGE AND BROADCAST OF LIVE EVENTS

AGREED AND PREPARED JOINTLY BY THE UGANDA COMMUNICATIONS COMMISSION, THE BROADCASTING COUNCIL AND THE NATIONAL ASSOCIATION OF BROADCASTERS
BEST PRACTISE GUIDELINES FOR ELECTRONIC MEDIA
COVERAGE/REPORTING AND BROADCASTING OF LIVE EVENTS

TAKING into consideration the importance and sensitivity of the electronic media for the promotion of freedom of expression, democracy, national culture, as well as social and economic development;

COGNISANT of the provisions of the Constitution of the Republic of Uganda in particular Articles 24 for the respect of human dignity and protection from inhuman treatment; Article 29 for the protection of freedom of conscience, expression movement, religion and association; Article 43 restricting such freedoms;

STRIVING to achieve and promote independent and professional journalism in our beloved Country;

ACKNOWLEDGING the right of the people of Uganda to information on events shaping their history, including emergencies, disasters, protests, demonstrations and riots;

WE the electronic media houses represented by National Association of Broadcasters (NAB) together with the Regulators of the media industry, do hereby agree that the following guidelines shall apply in the presentation and transmission of broadcasts of live events:

1. THE cardinal and cherished journalistic principles of balance, fairness and accuracy should at all times be taken into account when carrying out live reports for broadcasting, webcasting and group SMS media to ensure that the developing situation is truthfully and correctly conveyed.

   (i) In the case of radio or audio stories, reporters at the scene are to describe what they are seeing and hearing and should desist from giving explanations to avoid introducing their personal opinions into the stories.

   (ii) Reporters at the scene should at all times endeavor to cover all sides in the developing event/story.

   (iii) Reporters at the scene and producers/editors are expected to use their judgment to avoid airing scenes that are not appropriate, in particular to minors, women and the elderly albeit if necessary a warning should be given immediately before focusing the cameras to the particular scene.

   NOTE: It is common practice for media houses to avoid showing pictures that are considered gross, such as showing mutilated bodies etc. A decision to air such material is taken if the pictures will help clarify facts that are difficult to put forward. A media house should give prior notice indicating that the pictures they are about to show are disturbing.

   (iv) In the case of Television, there should always be at least one reporter and a camera man. The role of the camera men is to capture pictures that seek to cover all sides to the story. The reporter’s role is to identify key factors and actors in the developing story to get their views as footage or in the form of notes. In the event that it is difficult to get all the relevant views, footage should be captured to tell the story in balanced, accurate manner.

   NOTE: The preferred option is to always have all sides of the story come out of the actor’s or “horses” mouth, but this may not always possible and a media house should accordingly indicate this situation.
(v) Reporters at the scene and on air personnel should remain objective at all times and avoid becoming part of the story by using terms as “we”, “us”, “them”, “those people” or any such terms that may indicate a bias on the reporter’s coverage.

(vi) Any story that is aired should have a lead or a cue to give purpose and direction to it.

(vii) A factual narrative should be provided to give background to the just aired story. The background should be balanced, fair and accurate. Always avoid conveying opinions from the reporters.

(viii) A Journalist or Reporter with a known personal involvement and/or known position in/on the developing situation should be advised not to cover the story or be cautioned before deployment to avoid letting his or her personal experience or position convey a biased broadcast, if it is deemed that his or her known position will bias or blur the truth.

2. Media houses should ensure that Producers/Editors of material to be broadcast have full supervision of their news and programming teams to minimize errors.

3. The Regulator(s) shall not without good and lawful cause inhibit and/or prohibit the broadcast of live events.

4. The personnel of Security Agencies of Government at all levels should be advised, cautioned and sensitized by all parties to these guidelines on the relevance, need and importance of the media in covering live events.

**NOTE:** This engagement should be before, during and after the event to promote and ensure that the Agencies engage in their constitutional duties of providing protection to all including Journalists and Reporters.

5. Journalist and Reporters at the scene should at all times endeavour to wear protective gear and clothing that also clearly identifies them as Journalists or members of the Press. The idea is for the journalist to live to tell the story.

**NOTE:** Media houses should endeavour to provide all possible safety equipment/measures to their journalists while in the field.

6. Media Houses, individual Journalists and Reporters and on air personnel are expected to adhere to the provisions of the Electronic Media Act and the Press and Journalists Act as a primary obligation in any broadcast or reporting.

DATED at Kampala this ............... day of ............................................................... 2011

______________________________
EXECUTIVE DIRECTOR
BROADCASTING COUNCIL/UGANDA COMMUNICATIONS COMMISSION

______________________________
CHAIRMAN
NATIONAL ASSOCIATION OF BROADCASTERS
THE PUBLIC SERVICE PROVIDER LICENCE AGREEMENT
THE REPUBLIC OF UGANDA

THE PUBLIC SERVICE PROVIDER LICENCE AGREEMENT
(Under Part IV of the Uganda Communications Act, 2013)

LICENCE NO.: UCC/PSP/....../......

This Licence Agreement is made on the ............ day of ............2018 and is entered into by and between the UGANDA COMMUNICATIONS COMMISSION, a body corporate established under the provisions of the Uganda Communications Act, 2013, of P. O. Box 7376 Kampala (hereinafter called the LICENSOR which expression shall unless repugnant to the context, include its successors in business, administrators, liquidators and assignees or legal representatives) of the ONE PART

AND

M/s.............................................................., a limited liability company, duly incorporated/registered under the Companies Act, 2012, of P. O. Box 7526 Kampala and having its registered office at............................P.O.BOX....... (hereinafter called the LICENSEE, which expression shall unless repugnant to the context, include its successors in business, administrators, liquidators and assignees or legal representatives) of the OTHER PART.

WITNESSETH THAT;

1. Definitions.

In this Agreement, all technical terms will have the same meaning as that assigned to them in Schedule A.

2. Scope of the Licence

Subject to the terms and conditions of this licence, the Licensee is licensed and authorised to establish, maintain, operate and provide services as specified in Schedule B, within the national boundaries of the Republic of Uganda.

Any rendering of the services described in this licence, outside the territory of the Republic of Uganda must be done after acquiring the relevant permission and authorisation from the countries involved.
3. Grant of the Licence

(a) In consideration of the commitment to observe the mutual covenants contained herein as well as payment of the licence fee payable in accordance with Schedule C and due performance of the terms and conditions on the part of the Licensee, the Licensor hereby grants on a non-exclusive basis, a licence to establish and operate services as detailed in Schedule B. The Licensee shall operate the said services within Uganda and the Licensee is obligated to provide continuous services throughout the licence term and any renewal term.

(b) In this regard, the Licensee shall not cease operations before notifying the Licensor at least ninety (90) days before the actual date of cessation of operations.

(c) Unless otherwise stated, all the schedules annexed hereto will form part and parcel of this Agreement, PROVIDED ALWAYS that whenever there shall be any conflict between the provisions in the main body of the Agreement and the schedules, the terms set out in the main body shall prevail over what is contained in the schedules.


(a) The Licensee shall ensure that the provision of services under this Licence Agreement is commenced within twelve (12) months from the date of execution of this Licence Agreement.

(b) Non commencement of provision of services within the period above shall lead to cancellation of this licence.

(c) Within sixty (60) days of signing the Licence Agreement, the Licensee shall submit to the Licensor an Implementation Plan for the realisation of the Licensee’s plans as set out in the Licensee’s Technical Plan attached hereto and marked as Schedule D.

5. Conditions for Effectiveness of this Licence

(a) Payment of Entry Fee and Annual License fees

Prior to the issuance of the License, the Licensee shall pay to the Licensor an Entry fee and the Annual license fees in the amount specified in Schedule C.
(b) Accuracy of representations and Warranties

Prior to the issuance of the license, the Licensee shall submit to the licensor a Certificate of accuracy, signed by a duly authorised representative of the Licensee, certifying that all representations made by the Licensee are true and correct. This shall be in the form specified in schedule E.

6. Licence Term and Obligation to obtain Annual Compliance Certificate

(a) The Licensor hereby grants a Licence to the Licensee for the provision of the aforesaid services for a period of five (5) years commencing from the date of this Agreement.

(b) Notwithstanding Clause 6(a) above, the Licensee shall, during the term of its license, be required to apply for a Compliance Certificate from the Licensor for each year of operation. The Licensor shall only issue the Annual Compliance Certificate to a licensee who has been fully compliant with all its licence obligations, including payment of all the fees due to the Licensor as specified in Schedule C and this Agreement.

(c) The Licensee shall apply for the Annual Compliance Certificate at least two (2) months before the anniversary of its license. The application shall be in a form to be prescribed by the Licensor and the same shall be accompanied by all the requisite reports showing the extent to which the Licensee has complied with the terms and conditions of the licence during the ending year of operation.

(d) Failure by the Licensee to apply for and to comply with any obligation(s) to be imposed by the Licensor before issuance of the Annual Compliance Certificate shall, ipso facto automatically be proof of breach of the license condition and the Licensor shall, in accordance with section 41 of the Act be entitled to commence proceedings for the revocation of this license.

(e) The Annual Compliance Certificate shall always be conspicuously displayed at the Licensee’s business premises.

7. Renewal of License

(a) In accordance with Section 43 of the Act, the Licensee shall, if desirous of renewing its license, apply for its renewal at least two (2) months before the expiry of the license term. The application shall be made in a form to be prescribed by the licensor.
(b) In considering an application for renewal of the license, the Licensor shall be guided by the overall level of compliance with the terms and conditions of the ending license.

(c) Notwithstanding the foregoing clauses, where the Licensor does not renew an expired Licence, the licensor shall provide a written explanation to the licensee of its refusal.

(d) Where the licensee is not desirous of renewing its license, or fails to apply for renewal, the provision on cessation of business in clause 3(b) shall apply.

8. Breach of License Terms and Conditions.

(a) The Licensee shall at all times abide by the terms and conditions of this Agreement. In the event of failure and/or refusal by the Licensee to do so, the Licensor may in accordance with its statutory powers under the Act and the Regulations, impose on the licensee any or a combination of the following sanctions;

(i) Fine of up to 10% of the gross annual revenue of the licensee for any breach. In determining the gross annual revenue of a licensee for purposes of this clause, the Licensor shall be guided by the last financial reports submitted by the licensee during the period immediately preceding the breach.

(ii) Direct the operator to immediately shut down operations

(iii) Commence proceedings for the suspension or revocation of the License.

9. Governing Law

The Licensee shall comply with all conditions stipulated in this License and other regulatory requirements provided under the laws of Uganda generally and specifically the Act, Regulations and guidelines promulgated under the Act.

10. Service Technology, Equipment Interface and Type Approval

(a) The Licensee shall ensure that all equipment, apparatus or devices to be installed and used in providing services are technically compatible with
the public networks, and shall have been granted type approval by the Licensor as well as conforming to the Licensor’s Regulations, ITU standards and such other internationally recognized standards for such equipment or devices.

(b) The Licensee shall whenever there is anticipated change of equipment, submit documents with technical specifications to the Licensor, describing in detail, characteristics of the equipment, and any facilities intended for provision of the authorised service. The Licensor shall review the documents and may grant its approvals if the equipment or devices meet the standards set herein above.

(c) The Licensor may request the Licensee to modify or make changes necessary to ensure that the equipment or facilities intended for use meets the standards set herein above.

11. Quality of Service

(a) The Licensee shall ensure that its services meet the Quality of Service standards as specified in Schedule F, and other standards as the Licensor shall determine from time to time.

The Licensor reserves the right to inspect the Licensee’s premises and facilities to ensure that the Licensee’s services meet the required standards.

(b) The Licensee shall from time to time submit to the Licensor, records and statistics relating to the quality of service as shall be determined by the Licensor.

12. Area of Coverage

The Licensee shall cover the area specified in Schedule B. The provision of services shall be in accordance with the Licensee’s business plan and technical plan, and shall be responsive to UCC regulatory objectives.

13. Interconnection with other Licensees and Sharing of Facilities

(a) Where applicable, the Licensee shall have an obligation to interconnect its system(s) with other licensed Public Infrastructure providers and licensed Public Service Providers through a suitable interconnection and access Agreement that shall be approved by the Licensor.

(b) The Licensee shall have an obligation to share its facilities and provide access to all the other providers that may have been or may be licensed by
the Licensor through a suitable Agreement approved by the licensor. All such Agreements shall be in writing and shall be copied to the Licensor.

(c) The Licensee shall abide by the Act and the Licensor’s Regulations regarding interconnection and access applicable to the services licensed herein.

14. **Pricing**

(a) The Licensee shall within fourteen (14) days after execution of this Licence Agreement, provide to the Licensor a copy of its charges for all licensed services for approval. The submission shall be filled together with such calculation, information and documentation as are necessary to support the pricing.

(b) Save for what is stated in Clause 14(c) hereunder, the Licensee shall thereafter notify the Commission whenever it proposes any changes in the tariffs. The notification shall be sent at least seven (7) working days prior to the application of the new rates.

(c) The Commission reserves the right not to approve any rates proposed or imposed by the licensee where, the Licensor finds that such rates or charges are in breach of the set Regulations or are deemed anti-competitive.

(d) Promotional tariffs lasting less than one month duration are excluded from this procedure. The Licensor may, however intervene in such promotional tariffs where it is of the opinion that a promotional offer impinges negatively on competition or consumer interests.

(e) The Licensee shall display clearly or make public at each of the Licensee’s places of operation, the name and business address of the Licensee and a list of all applicable tariffs for the services provided. Thereafter, the Licensee shall seek approval of the Licensor seven (7) days prior to changing prices.

15. **Prohibition of Cross-Subsidization**

(a) The Licensee shall not subsidise or cross-subsidise, permit itself to be subsidised or cross-subsidised, or give or receive undue preference to or from any of its associated businesses or persons as concerns the provision
of the Licensed Services and/or any other licences granted to the Licensee by the Commission.

(b) The Licensee shall maintain necessary records to evidence resource transfers between its associated businesses or persons. The Commission may at its discretion request the licensee to submit this or other information related to the licensed businesses to satisfy the Commission that no cross-subsidy is taking place.

(c) In the event that the Commission determines that cross-subsidisation has occurred, the Commission shall give written notice to the licensee setting out the steps the Licensee should take in order to remedy the alleged breach and giving the Licensee reasonable time in which to correct the alleged breach. The Commission shall allow the Licensee thirty (30) days from the date of the notice to make representations to the Commission, before the Commission takes further action.

(d) The Licensee shall keep separate accounts for different business segments.

16. Protection of other Public Operators’ Facilities

(a) The Licensee shall ensure that its equipment, facilities or systems do not damage, interfere or in any way harm the installations, facilities or operations of other Licensees.

(b) Where such damage, harm or interference shall occur, the Licensee shall immediately switch off its offending equipment, facilities or operations and inform the Licensor and the affected operator as a matter of urgency.

17. Inspection

(a) The Licensee shall comply with inspection procedures and reporting requirements established or as shall be established by the Licensor.

(b) The Licensor reserves the right to inspect the Licensee’s equipment, installations or facilities to ensure that they conform to the requirements of this Licence, the Act and the Regulations. Failure to allow access or denial of access to the Licensor shall automatically lead to issuance of a fine in accordance with the provisions of the Regulations.

18. Impounding of Communications Apparatus
The Licensor has the power to confiscate any communications apparatus possessed, installed, connected, or operated unlawfully. This includes all instances where the Licensee fails to comply with the terms and conditions of this license, guidelines and directives of the Licensor.

19. Authorisations for Essential Resources and Facilities

(a) Where the Licensee intends to use Essential Resources and Facilities to facilitate provision of licensed services, the Licensee shall in accordance with the Licensor Guidelines apply to the Licensor for the necessary resource authorisation.

(b) Authorisation for use of resources shall be subject to terms and conditions as specified by the Licensor.

20. Record Keeping and Reporting Requirements

(a) The Licensee shall submit to the Licensor, quarterly reports relating to the operation of its network in a format contained in Schedule G. This schedule shall be revised from time to time by the Licensor.

(b) The Licensee shall establish and maintain adequate records, as may from time to time be specified by the Licensor, on time, to permit the effective monitoring and enforcement of the terms of this Licence.

(c) The Licensor shall have the right to request the Licensee to submit periodic reports, statistics and other data as well as request additional information with a view to supervise and enforce effectively the terms of this Licence.

(d) Within ninety (90) days before the end of each fiscal year, the Licensee shall deliver to the Licensor an annual Report on its operations as licensed in this license. The Reports shall be submitted to the Licensor in the format specified in Schedule G.

(e) Within one hundred and twenty (120) days of the end of each fiscal year, the Licensee shall deliver to the Licensor its Audited Financial statements and related statements of operation, equity and cash flows of the Licensee in each case accompanied by a report thereon of independent public accountants stating that such financial statements fairly represent a true and fair view of the financial position of the Licensee at the dates indicated and were prepared in accordance with International Financial Reporting Standards.
21. Transfer of the Licence

(a) The Licensee shall not without the prior written consent of the Licensor, either directly or indirectly transfer its rights under this license, in any manner whatsoever, to any other party or enter into any Agreement for sub-licence and/or partnership relating to any subject matter of the Licence.

(b) The Licensee shall be required to pay fees in respect of transfer of license as contained in Schedule C.

22. Emergency Services and Disasters

(a) The Licensee shall in the interest of public safety operate its networks in such a manner as to alleviate a state of emergency. The Licensee further agrees to provide access to emergency services within its operating areas, free of charge to the public. The access to emergency services shall be specified by the Licensor from time to time.

(b) During the period of Government-declared disasters, the Licensee shall operate its networks in such a manner as may be directed by the Licensor.

23. Consumer Complaints Handling Mechanism

(a) The Licensee shall be required to submit to the Licensor within sixty (60) days of being granted a licence, a document detailing the Licensee’s Consumer Complaints Handling mechanism.

(b) The Licensee shall maintain a database of all consumer complaints received and handled capturing the following key information:
   i) Date of complaint,
   ii) Complainant’s name and full contact address,
   iii) Brief Description of the Complaint,
   iv) Action taken to resolve the complaint and the date when the said action was taken,
   v) And any other relevant information.

(c) The Licensor reserves the right to review the database as and when required.

(d) The Licensee shall submit to the Licensor a monthly or quarterly report summarising the complaints received and handled.
24. **Investigation and Resolution of Complaints**

(a) Where the complaint cannot be resolved using the complaint handling mechanism in **Section 24** above, the Licensor shall investigate the complaint and direct where necessary the Licensee to take the necessary remedial action.

(b) Where the Licensee is dissatisfied with the decision of the Licensor, the matter may be referred to the Tribunal established under S. 60 of the Act.

25. **Confidentiality**

(a) The Licensee shall ensure and maintain the confidentiality of the content of all communications, whether data or any information that it may obtain as a result of serving a Customer or interconnecting to public networks. This content shall be treated in confidence and shall not be divulged or disclosed to any third party without a warrant from Court.

(b) The Licensee shall be required to submit a document containing measures put in place to ensure confidentiality not later than sixty (60) working days after signing of this Agreement, and such document shall be binding upon them.

26. **General Provisions**

Notwithstanding anything contained hereinbefore, the Licensor and Licensee further agree that;

(a) The Licence is issued on a nonexclusive basis.

(b) The Licensor reserves the right to modify the schedules to this Licence at any time if in the opinion of the Licensor it is deemed necessary or in the interest of the general public to do so.

(c) The Licensor further reserves the right to review the terms of this Licence Agreement in the event of change of Government Policy relating to the communications sector.

(d) The Licensee shall conform to the National development goals as may be advised from time to time by the Licensor.

(e) The Licensee shall conform to ITU and other standards for services licensed herein.
(f) The Licensee shall ensure that its operations conform to the laws of the Republic of Uganda.

27. Amendment of the Licence
(a) The Licensor may amend or vary this Licence Agreement and the Licensee shall sign the amendment hereto, and such signed amendment shall form part and parcel of this Licence Agreement.

(b) Before proposing an amendment, as per the provisions of Section 40 of the Act, the Licensor shall give written notice of sixty (60) days to the Licensee.

(c) The Licensee can request for the license to be amended by making its request to the Licensor in writing.

(d) The request by the Licensee must indicate the clauses being proposed for amendment and the corresponding proposals to amend them.

(e) The Licensor will be required to respond to the request within sixty (60) days, stating whether the request is acceptable or not or how it will carry out the amendment process.

28. Licence Suspension and Revocation
The Licensor may in accordance with the provisions of S.41 of the Act, suspend or revoke the licence by giving a written notice of not less than sixty (60) days to the Licensee.

29. Notices
All notices required under this Licence Agreement shall be in writing and shall be delivered by courier or registered mail to the respective parties at their aforementioned addresses.
IN WITNESS WHEREOF the Parties hereto do subscribe their hands the day of the Month of the Year first above mentioned.

SIGNED for and on behalf of the:

----------------------------------
EXECUTIVE DIRECTOR (LICENSOR)  In the presence of
Uganda Communications Commission (Witness)

SIGNED for and on behalf of the LICENSEE:

____________________________
MANAGING DIRECTOR
AUGER REVIVAL MINISTRIES  Witness
SCHEDULE A – DEFINITIONS

In this Licence Agreement, unless the context otherwise requires, the following words have the following meanings ascribed to them;

“Act” means the Uganda Communications Act, 2013.

“Broadcasting services” means the transmission of sound, video or data intended for simultaneous reception by the public;

“Capacity Resale service” means a service of reselling leased communications service.

“Commission” means the Uganda Communications Commission established under section 4 of the Uganda Communications Act, 2013.

“Commission Regulations” means the rules promulgated from time to time by the Commission pursuant to the authority granted to it under the Uganda Communications Act, 2013.

“Contract” means any agreement, arrangement, bond, commitment, indemnity, instrument, lease, concession, licence or understanding whether or not in writing.

“Customer” means any person who is, or has indicated a willingness to be, provided with any relevant communications service by a licensee.

“Data” means the use of binary signals to transmit information from computer or apparatus to another; typically anything other than voice.

“Essential Resources and Facilities” refers to those resources or facilities which are considered necessary for use in communication service provision but are limited in availability or are scarce.

The Commission shall determine and then declare the resources and facilities that belong to this Essential Resources and Facilities category.

Currently VSATs, Spectrum and Numbering Resources belong to this category.
“Free to Air” describes television (TV) and radio services broadcast in unencrypted form, allowing any person with the appropriate receiving equipment to receive the signal and view or listen to the content without requiring subscription.

“Executive Director” means the Executive Director as established under section 16 of the Uganda Communications Act, 2013.

“Licensee” means any Company authorised to provide communications services under the Uganda Communications Act, 2013.

“Person” means any individual, firm, corporation, partnership, trust, limited liability Company, joint venture, Governmental entity or other entity.

“Public Service Provider” means a licensee designated who is authorised to offer services, for payment to the public and other licensees.

“Rates” means the charges by a Communications Service Licensee to its Customers.

“Tariffs” means the usage conditions, usually in the form of a contract, under which a Customer may utilise the Communications System.

‘Pay TV’ refers to a television service that is broadcast in encrypted format, meaning that the service can ONLY be viewed after payment of a subscription fee and using only authenticated receiving equipment.

“Permanent service” means a service that runs on a signal distributor platform for the duration of the licensing period.

“Signal distributor” means the signal distributor duly licensed to provide signal distribution services;

“Service” means a sequence of programmes under the control of a broadcaster which can be broadcast as part of a schedule. There can be visible (displayable) or invisible (non-displayable) services as well as temporary or permanent services.

‘Stream’ refers to audio, video or data content continuously transmitted over a broadcast platform.
“Temporary Service” means a service that runs for a period of not less than three months and not more than six months on the signal distributor platform.

“Tribunal” means the Uganda Communications Tribunal established pursuant to Section 60 of the Uganda Communications Act.

“Working Day” means any day between the hours 08:00 and 17:00 which is not a Saturday, Sunday or official public holiday in the Republic of Uganda.
SCHEDULE B: SCOPE

CONTENT SERVICE PROVIDER – HYBRID TELEVISION BROADCASTING

1. SCOPE OF THE LICENSE.

(i) Subject to the terms and conditions of this license, the Licensee is licensed to provide television broadcasting services as a HYBRID Content Service Provider, operating only a Single stream/Channel in the area specified in 1(ii). The Licensee’s call sign shall be ................

(ii) The Licensee shall be a NATIONAL service provider, providing service within the Republic of Uganda as specified in Schedule H of this agreement.

(iii) The Licensee’s channel or stream shall be freely available as a Free to Air channel on the Free to Air platforms, and also as an encrypted channel on the Pay platforms.

(iv) The Licensee shall broadcast the approved content on the Free to Air platform using the Logical Channel Number (LCN) assigned by the Licensor.

(v) The Licensee shall be responsible for any programme or content broadcast on its channel and all liabilities and obligations directly or indirectly, arising from such broadcasts.

(vi) The Licensee shall provide digital content to be carried as free to air for only Cable and Terrestrial television broadcasting platform. The Licencee shall not be eligible to be carried on the Satellite and IP Platforms.

(vii) The Licensee shall provide the service authorized by this License for a period of 24 hours per day.

2. NAME AND STATION IDENTIFICATION

(i) The Licensee shall provide to the Licensor the station’s identification and or call sign as duly registered under the Laws of Uganda.

(ii) The Licensee shall not change its station identification, name or call sign without having obtained the Licensor’s prior written consent, which consent shall not be withheld unreasonably.
(iii) The Licensee shall clearly identify itself by its call sign at its premises and regularly during the broadcasting period.

3. PROVISION OF CONTENT SERVICES

(i) The Licensee shall provide content services in accordance with all the laws of Uganda.
(ii) The Licensee shall comply with the terms and conditions of the use of the Logical Channel Number that shall be provided by the licensor.

(iii) The Licensee shall comply with the following:
   a. Minimum Broadcasting Standards
   b. The Advertising Standards,
   c. The Standards for Religious Broadcasting
   d. The Best Practice Guidelines for Electronic Media Coverage/Reporting and Broadcasting of Live Events
   e. The Programming Standards
   f. All regulations, guidelines, codes, standards, and directives that shall be developed and issued by the Licensor from time to time.

4. INTERCONNECTION WITH OTHER LICENCEES, PROVISION OF ACCESS AND SHARING OF FACILITIES

   Clause 13 of the main body of the License agreement is inapplicable in the circumstances, and hereby replaced with the following clause;

   “Where the licensee negotiates for signal distribution or channel carriage with another licensee or share facilities with other licensees, the parties shall formally record the terms of carriage through a suitable agreement and submit a copy of the same to the Licensor.”

5. PROGRAMMES SCHEDULE OR PROGRAM LINE UPS AND LOG BOOKS

(i) A broadcaster shall forward to the Licensor its quarterly programmes schedule/line up and synopses of new or repackaged programmes not less than one week before the beginning of the quarter.

(ii) A broadcaster shall adhere to its submitted program schedule, and in the event of change, adequate prior announcement shall be made.

(iii) A broadcaster shall maintain log books to record each day’s programmes, music, advertisement and sponsorships.
6. BROADCAST PROGRAMS SCRIPTS

(i) Every scheduled broadcast item, including spot announcements shall be scripted.

(ii) The scripts must be approved by the Producer/Head of programs who will remain accountable for whatever is broadcast in that program.

(iii) In case of a news broadcast, the Producer or Chief News Editor will be accountable for the Content in the News broadcast.

(iv) On demand by the Licensor, the Station shall produce any script or transcript of the programme.

7. PRE LISTENING MECHANISMS

(i) The Licensee shall install pre listening devices and time delay equipment in the studios and broadcasting systems.

(ii) The Licensee shall ensure that a minimum delay of thirty (30) seconds is incorporated in its system when airing live events to prevent unintended airing of undesirable material.

(iii) Broadcasters must exercise particular care when putting 'live' calls on air especially where topics involved are sensitive, controversial and comments made may be derogatory or offensive.

(iv) Broadcasters shall submit to the Licensor for approval the appropriate policies and procedures for moderating content received via multimedia.

8. RESPECT FOR COMMUNITY STANDARDS

(i) The Licensee shall take due care in broadcasting depictions and/or descriptions of violence in programme material.

(ii) The Licensee shall take due care in broadcasting depictions and/or descriptions of sexual content in programme material.

(iii) The Licensee shall have due regard to the appropriateness of, and/or justification for, the inclusion of coarse and/or offensive language in programming especially in live programming and, where such incidents occur, take timely steps to minimise any offence caused, such as, acknowledging, clarifying and/or apologising for the language used.

9. IMPORTANCE OF CONTEXT AND SCHEDULING OF PROGRAMMES
(i) The Licensee shall schedule appropriately, taking into account, amongst other things, the nature of the programme material, the likely age range of the audience, the nature of the broadcast service, the particular programme and the time of day when children are likely to be watching or listening to programme material and, on television services, the use of the watershed, which operates or starts after 11:00 pm.

(ii) Programs transmitted during the watershed period shall not be repeated outside the watershed period.

(iii) Excessive and gross offensive language shall not be used in content transmitted.

(iv) Use prior warnings and/or include a visual symbol where programme material is likely to offend or cause distress to a significant number of viewers.

(v) Ensure all audience information and guidance mechanisms are provided in a manner which is clearly audible for radio audiences and clearly visible and audible for television audiences.

10. PROTECTION FROM HARM AND OFFENCE

(i) The Licensee shall take due care when broadcasting programme material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress, particularly in relation to content such as sexual violence, self-harm or suicide, reconstructions of factual events and archive footage. Programme material of this nature shall be accompanied by some form of audience information or guidance, such as prior warnings and help line contact details.

(ii) The Licensee shall not encourage or favourably present the abuse of drugs, alcohol, or solvents or the use of illegal drugs. Depictions and/or descriptions of detailed methods and techniques for administering illegal drugs must have strong editorial justification for their inclusion.

(iii) The Licensee shall not broadcast material that encourages people to imitate acts which are damaging to the health and safety of themselves or others or grossly prejudicial to the protection of the environment.
11. PROTECTION OF CHILDREN

(i) The Licensee shall ensure that programme material that might seriously impair the physical, mental or moral development of children is not broadcast when children are likely to be viewing, in particular, programmes that include pornography or gratuitous violence.

(ii) The Licensee shall take particular care when broadcasting programme material to children or at times when children may be watching or listening. This will include, in particular, programme material broadcast before the watershed period.

(iii) The Licensee shall take particular care when scheduling programming material that is broadcast either side of programmes that are likely to be watched or listened to by children, such as after the watershed, during school runs, and during school holidays.

(iv) The Licensee shall take particular care to ensure that trailers and promotions for programming not reasonably regarded as suitable for children shall not be shown immediately before, during or after children’s programming or before the watershed period.

(v) The Licensee shall obtain consent where programme material, or the means of making programme material, directly involves a vulnerable person or a child less than 18 years of age.

12. RESPECT FOR GROUPS AND PERSONS IN SOCIETY

(i) The Licensee shall not broadcast material involving threatening, abusive or insulting visual images or sounds with the intent to stir up hatred or where it is likely that hatred will be stirred up as a result against persons or groups in society, including on the grounds of race, religion, sex, ethnicity, sexual orientation or nationality.

(ii) The Licensee shall recognise that the use of terms, references and images that could be considered offensive to persons and groups in society and associated colloquial terms of abuse aimed at any group requires editorial justification for their inclusion in programming.

(iii) The Licensee shall show due respect for religious views, images, practices and beliefs in programme material. This is not intended to prevent the critical scrutiny of religion by means of information, drama or other programming.
13. **ACCESSIBILITY TO PERSONS WITH DISABILITIES (PWDs)**

The licensee shall:

(i) Take specific steps as provided for in the Constitution to promote the understanding and enjoyment of its programmes by Persons with Disabilities and in particular, persons who are deaf or hard of hearing, or who are blind or partially sighted.

(ii) Provide sign language insert or subtitles in its programming

(iii) Ensure accessibility to those with disabilities by using ‘audio descriptions’

(iv) Ensure incorporation of accessibility features for PWDs as an integral part of their broadcast system and programmes. Activation of accessibility to PWDs features especially on programmes carried on digital platform shall be by use of a button on the remote control or embedded in the programme

(v) Be sensitive to the rights and dignity of people who are mentally or physically challenged.

14. **PROTECTION OF THE PUBLIC INTEREST**

(i) The Licensee shall not broadcast material likely to promote, or to incite violence, crime or as tending to undermine the authority of the State.

(ii) The Licensee shall protect the interests of the audience where the provision of a broadcasting service having one of its objectives, the promotion of the interests of any organisation.

(iii) The Licensee shall ensure competitions and voting created and broadcasted by the Licencee are conducted fairly under rules made known to the audience so as not to mislead the audience.

15. **RESPECT FOR PRIVACY**
(i) The Licensee shall ensure that any encroachment on the privacy of an individual in a programme or in the means of making a programme is not unwarranted, having regard to in particular, the protection of the right to privacy. Any such encroachment must be proportionate and limited to the degree that is required to inform the audience in the public interest.

(ii) the Licensee shall have due regard to the concept of individual consent and ensure that participants in a broadcast are generally aware of the subject matter, context and the nature and format of their contribution so that their agreement to participate constitutes informed consent.

(iii) the licensee shall have due regard to the particular considerations that apply in the case of a vulnerable person or a child under 18 years of age, to ensure that the privacy of such persons is never unreasonably encroached upon.

(iv) The Licensee shall have due regard for the particular considerations that apply when filming in situations of emergency or when filming victims of accidents or those suffering personal tragedy, in order to ensure that the privacy of such persons is not unreasonably encroached upon.

(v) The Licensee shall have due regard to the impact that coverage and repeated coverage of death may have on the families and friends of the deceased.

(vi) The licensee shall ensure that the re-use of material, for use in different programme material or for another purpose, does not unreasonably encroach on the privacy of an individual.

16. LOCAL CONTENT
The Licensee shall comply with the local content obligations as stipulated in the regulations, guidelines and standards as shall be set by the Licensor.

17. RE-TRANSMISSION CONTRACTS/EXCLUSIVE CONTENT
Subject to any Regulations and Guidelines on live broadcasts and exclusive rights issued by the Commission, the Licensee may enter into re-transmission contracts with other content providers.
18. TYPES OF RECORDS TO BE KEPT BY THE LICENSEE

The Licensee shall be required to establish and maintain the following:

(i) Reports as guided by the template provided Schedule G shall be submitted by the licensor as determined by the licensor from time to time

(ii) Rights obtained for programming that requires acquisition of;

(a) Copyrights;
(b) Broadcasting rights (Exclusive or otherwise); an
(c) Translation rights.

(d) Clearance of advertisements in accordance with the Advertising Code or any other regulations.

(e) Service level agreement signed with the Signal Distributor.

(f) Programming Register for all programming schedules at the end of every quarter.

(g) Proof of Censorship and Classification by the Agency of the Government mandated to censor and classify all films and video tapes that form part of the content to be aired.

Register of Prerequisite authorisation of the producers in accordance with the law.

19. HUMAN RESOURCE DEVELOPMENT

(i) The Licensee shall annually submit to the Commission the Human Resource Development Plan outlining strategic succession plan on empowerment of local staff.

(ii) The Licensee shall annually furnish the Commission with a report of implementation of human resource planning.

(iii) The Licensee shall facilitate participation of its staff in training to build/enhance their skills.
## SCHEDULE C: FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Application Fee</td>
<td>N/A</td>
</tr>
<tr>
<td>One-time Entry Fee</td>
<td>N/A</td>
</tr>
<tr>
<td>Annual License Fees</td>
<td>$18,900</td>
</tr>
<tr>
<td>Fees for Essential Resources</td>
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</tr>
</tbody>
</table>
SCHEDULE D: TECHNICAL PLAN

In line with the technical plan submitted by the Licensee at the time of application for the license, which plan has been duly approved by the Licensor, the Licensee shall at all times maintain the following:

1. Disaster recovery measures that will ensure continuity of the company in the event that a disaster occurs. It should include acquisition of insurance cover for station.

2. Backup measures that will ensure continuity in case of data losses.

3. Redundancy measures that will ensure that the company can seamlessly continue offering a service in the event of equipment failure.

4. Quality assurance measures that will ensure that the company provides high quality services to the customers’ satisfaction

5. Electro-mechanical safety measures such as surge suppressors, stabilizes, Automatic Voltage Regulators, good Earthing, etc.

6. Security measures, electromechanical safety measures and public safety measures at the production and aggregation facilities.

7. Use of licensed Public Infrastructure Providers (PIPs) for signal distribution within Uganda.
THE REPUBLIC OF UGANDA


AND

IN THE MATTER OF A STATUTORY DECLARATION IN CERTIFICATION OF THE TRUTH AND CORRECTNESS OF REPRESENTATIONS MADE BY

..............................................................

“THE COMPANY”

AND

IN THE MATTER OF ..............................................................

STATUTORY DECLARATION

I, .............................................................. Of .............................................................. do solemnly make at and state as follows:

1. THAT I am a (Male/ Female) Adult Ugandan of Sound mind and ...................(position)........................ of .........................(company name)........................ (“the company”)

2. THAT ...............(company name) ......... was incorporated on ...................(date)......................

3. THAT a Public Service Provider License Agreement was duly executed and signed between Uganda Communications Commission and .................(company name)......................

4. THAT Clause .5 (iii) of the aforementioned Agreement requires “the company” to certify that all representations made by “the company” are true and correct.

5. THAT as ............(position)........., I make this solemn Declaration certifying the truth and correctness of the representations made by the “the company” to Uganda Communications Commission.

6. THAT whatever is stated herein above is true and correct to the best of my knowledge.

7. THAT I make this solemn Declaration to be true and correct to the best of my knowledge and within the meaning of Statutory Declarations Act Cap 22.
DECLARED at ..........(location)..........this]
......................................................
By the said......................................

_____________________________
DEPONENT

BEFORE ME

_____________________________
A COMMISSIONER FOR OATHS
SCHEDULE F: QUALITY OF SERVICE

The licensee shall be required to comply with quality of service requirements and other performance requirements as prescribed by the Commission from time to time.

The quality of service requirements include but are not limited to the following:

a) Conformity to video production standards for both SD and HD;
b) Conformity to the video, audio and data quality standards as set by the licensor from time to time.
c) Availability and reliability of service (Details of the definitions are provided in the Broadcasting QoS framework document);
d) Fault repair time of customer premise equipment; **
e) Complaints’ resolution.

**This applies to subscription services.
## QUATERLY REPORTING FORMAT

<table>
<thead>
<tr>
<th>SECTION 01: GENERAL INFORMATION</th>
</tr>
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<tbody>
<tr>
<td><strong>Date:</strong></td>
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<th><strong>Company Name</strong> (as licensed)</th>
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<thead>
<tr>
<th><strong>License Type</strong> (tick appropriate)</th>
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<tbody>
<tr>
<td>□ PSP – CSP Single Stream - National</td>
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<tr>
<td>□ PSP – CSP Single Stream - Regional</td>
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<tr>
<td>□ PSP – CSP Multiple Stream</td>
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<th><strong>Period under review</strong> (tick appropriate)</th>
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<tr>
<td>□ Quarter 01 (1st January – 31st March)</td>
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<tr>
<td>□ Quarter 02 (1st April – 30th June)</td>
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<tr>
<td>□ Quarter 03 (1st July – 30th September)</td>
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<td>□ Quarter 04 (1st October – 31st December)</td>
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<tr>
<th><strong>Company Address</strong></th>
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<th><strong>Contact Persons</strong></th>
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<tr>
<td><strong>Technical Representative:</strong></td>
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<tr>
<td>Name: .................................................................</td>
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<tr>
<td>Contact: ...............................................................</td>
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<tr>
<td><strong>Legal Representative:</strong></td>
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<tr>
<td>Name: .................................................................</td>
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<td>Contact: ...............................................................</td>
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<tr>
<td><strong>Administrative Contact:</strong></td>
</tr>
<tr>
<td>Name: .................................................................</td>
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<tr>
<td>Contact: ...............................................................</td>
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### SECTION 04: INFORMATION ON THE HOISING PIP PLATFORMS

<table>
<thead>
<tr>
<th>NO.</th>
<th>MUX ID.</th>
<th>Logical Channel Number (LCN) – as assigned by the commission</th>
<th>Stream Call Sign</th>
<th>Encrypted Stream or Non-Encrypted Channel</th>
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</table>
SECTION 09: COMMENTS/ SUGGESTIONS

Please indicate challenges and suggestions to improve the regulatory environment

_________________________________________

_________________________________________

_________________________________________

SECTION 09: DECLARATION

I ....................................................... Declare that the information provided herein is accurate to the best of my knowledge, and provides an accurate account of the status of ......................................................... duly licensed by the Uganda Communications Commission.

Signed.................................................................

Name.................................................................

Title.................................................................

Company Stamp Here
SCHEDULE G: REPORTING FORMAT (PIP - BROADCASTING SERVICES)

ANNUAL REPORTING FORMAT
(Information to be submitted at end of the calendar year)

<table>
<thead>
<tr>
<th>SECTION 01: GENERAL INFORMATION</th>
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<tbody>
<tr>
<td>Date:</td>
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### SECTION 04: INFORMATION ON THE HOISING PIP PLATFORMS

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<th>Stream Call Sign</th>
<th>Encrypted Stream or Non-Encrypted Channel</th>
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### SECTION 05: ANNUAL REVENUE

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<th>Yr. ___________</th>
<th>Yr. ___________</th>
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<tr>
<td></td>
<td>Revenue</td>
<td>Investment</td>
<td>Revenue</td>
<td>Investment</td>
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</table>

### SECTION 06: SHAREHOLDING

Please attach a copy of the current certificate of shareholding.

### SECTION 07: STAFFING

<table>
<thead>
<tr>
<th>Staff Category</th>
<th>Employment Type</th>
<th>Local (Ugandan Citizens)</th>
<th>Expatriates</th>
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<tbody>
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<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Technical</td>
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<td>Contract</td>
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<td>Contract</td>
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### SECTION 08: TALENT DEVELOPMENT

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<th>Type of training course</th>
<th>Number of persons trained within the country</th>
<th>Number of persons trained outside country</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

### SECTION 09: COMMENTS/ SUGGESTIONS

Please indicate challenges and suggestions to improve the regulatory environment

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

### SECTION 09: DECLARATION

I ....................................................... Declare that the information provided herein is accurate to the best of my knowledge, and provides an accurate account of the status of ....................................................... duly licensed by the Uganda Communications Commission.

Signed.................................................................

Name.................................................................

Title.................................................................

Date.................................................................

Company Stamp Here
SCHEDULE H

BROADCASTING REGIONS

<table>
<thead>
<tr>
<th>Region 1- Arua Region</th>
<th>Region 8- Jinja Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 2- Gulu Region</td>
<td>Region 9- Kampala Region</td>
</tr>
<tr>
<td>Region 3- Kitgum Region</td>
<td>Region 10- Masindi Region</td>
</tr>
<tr>
<td>Region 4- Lira Region</td>
<td>Region 11- Mubende Region</td>
</tr>
<tr>
<td>Region 5- Moroto Region</td>
<td>Region 12- Masaka Region</td>
</tr>
<tr>
<td>Region 6- Soroti Region</td>
<td>Region 13- Fort Portal Region</td>
</tr>
<tr>
<td>Region 7- Mbale Region</td>
<td>Region 14- South West Region</td>
</tr>
</tbody>
</table>
KALUNDI ROBERT SERUMAGA AND GODFREY SSEBAGALA V BROADCASTING COUNCIL AND ATTORNEY GENERAL
THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(CIVIL DIVISION)
MISC CAUSE NO. 221 OF 2009

1. KALUNDI ROBERT SERUMAGA
2. GEDFREY SSEBAGALA........................................APPLICANTS

VERSUS
1. BROADCASTING COUNCIL
2. ATTORNEY GENERAL........................................RESPONDENTS

BEFORE: HON: JUSTICE BENJAMIN KABIITO

RULING

The Applicants have brought this application by Notice of Motion under Section 3(1)(e)(2), 3(a) (b) Judicature Act and Rules 3(2),(a),(b) and (c) and 8(1) (a) and (b) Judicature (Judicial Review) Rules, 2009 for the following orders of this court.

A. A writ of Certiorari to issue to the effect that the purported decision of Godfrey Mutabazi the chairperson of the Broadcasting Council, the 1st respondent herein suspending the 1st applicant from broadcasting as evidenced in a copy of the letter herewith attached and marked "A", be quashed for being contrary to the law and being issued without authority.

B. An Order of prohibition to be granted to the effect that the purported decision of Godfrey Mutabazi the chairperson of the
1st respondent suspending the 1st applicant from broadcasting be prohibited from taking effect.

C. A declaration to be made that the purported decision of Godfrey Mutabazi in suspending the 1st applicant from broadcasting was an act of abuse of office and contrary to the Leadership Code Act.

D. A declaration to be made that the act of the chairperson of the 1st respondent in suspending the 1st applicant from broadcasting was an act in purported discipline of a journalist and therefore was an act done without authority.

E. A declaration to be made that the 1st applicant does not have powers to discipline journalists.

F. A declaration to be made that the act of the 1st respondent in suspending or causing the suspension of the applicants from their employment in their respective media houses is illegal and unconstitutional for failure to accord the applicants an opportunity to be heard.

G. A declaration to be made that the suspension of the applicants by the 1st respondent has caused the applicants loss and benefits of employment.

H. A declaration to be made that the suspension of the journalists by the 1st respondent is a breach of the freedom of expression guaranteed in Article 29 of the Constitution.

I. That this Honourable court awards general damages to the applicants.

J. That the applicants be awarded costs of this application.

The application is supported by an affidavit of Kalundi Robert Serumaga, the 1st Applicant dated 2nd December 2009 and another of Geoffrey Ssebagala dated the 2nd day of December 2009.
The affidavit in support by the 1st applicant had one annexure attached to it, to wit, a letter from the Broadcasting Council addressed to the General Manager Radio One, Suspension of Presenters, dated the 14th day of September 2009.

The 2nd Respondent filed an affidavit in reply of one Patricia Mutesi, dated 15th March 2010 which were all read out and relied upon at the hearing of the application.

PARTIES

The applicants were at all material times professional journalists working as radio host presenters where the 1st applicant was working with Radio One and was a host presenter of Spectrum, programme aired from 7:00pm every day of the week. The 2nd applicant was working with Radio Sapientia as the moderator of programs during which topical issues were discussed.

The 1st respondent is a Council set up under section 9 of the Electronic Media Act, (chap 104) of the Laws of Uganda, with its functions set out in section 10 thereof, which include but are not limited to being responsible for coordinating and exercising control over and supervising broadcasting activities, and to set ethical broadcasting standards, in this country.

The 2nd respondent is the Attorney General of the Republic of Uganda, joined in this action as the legal representative of the Government of Uganda.

BACKGROUND OF THE CASE

The background to this application is set out in the affidavits that were filed in respect to this application.
1. On the night of Friday 11th September 2009, the 1st applicant participated in a live television talk show hosted by Peter Kibazo wherein they discussed the cause of the conflict between the kingdom of Buganda and the Central government.

2. The 1st applicant expressed the view on (or during) the show that President Museveni was causing conflict between people who had hitherto co-existed peacefully, so that he can distract them from the illegalities attendant to the exploration of oil taking place in Western Uganda and the attendant land grabbing.

3. Immediately after the talk show, the 1st applicant was arrested and detained for four days and later charged with sedition and released on bail.

4. Upon release, the 1st applicant went to his workplace at Radio One where he was given a copy of a letter from the chairman of the Broadcasting Council written to the General Manager directing that he should not be allowed to host, present or moderate any programme because of the charges of incitement of violence pending before me.

5. As at the 2nd day of December 2009, the 1st applicant was still under suspension.

6. Between the months of May and August 2008, the 2nd Applicant, hosted Mary Bwogi, a former employee of the president’s office as a presidential mobilizer, who repeatedly, made allegations, during the talk shows, that Mrs. Amelia Kyambadde the then president’s private secretary had embezzled money meant for the 2006 general elections.

7. The 2nd applicant claimed that in early August while hosting the said Mary Bwogi, he called Mrs. Amelia Kyambadde and requested her to give her side of the story about the allegations
made by Mary Bwogi. Mrs. Amelia Kyambadde instead threatened to sue radio sapientia.

8. The 2nd applicant also called Mr. Tamale Mirundi the president's press secretary in the same programme to give his views about the allegations made by Mary Bwogi.

9. Mr. Tamale Mirundi threatened that they will ask the 1st respondent to close the radio or cause his firing from my job.

10. Three days after the show the 2nd applicant was told by the then Managing Director Sr. Sanyu that the 2nd respondent had asked her to suspend him from hosting programmes on radio sapientia.

11. On the 11th day of August 2008, the 2nd applicant was given a letter terminating him from his employment but the letter stated no reasons.

ISSUES FOR DETERMINATION.

The parties raised three issues for the determination of this court and these are:

1. Whether the applicants' application discloses a cause of action.
2. Whether the 1st respondent acted within the law when it ordered the suspension of the applicants.
3. What remedies are available if any.

Subsequently the parties filed written submissions to the court.

1. Applicants' written submissions were filed on the 1st day of July 2014.
2. Respondents' submissions were filed on the 29th July 2014.
A PRELIMINARY POINT OF LAW IN RESPECT TO THE APPLICATION BY 2ND APPLICANT.

In the submissions of the respondents, a preliminary point of law was raised to the effect that the 2nd applicant's application for judicial review was brought after the lapse of the time (three months) as required by the Judicature (Judicial Review) Rules, 2009.

The legal position on a preliminary point of law was settled by;


Law JA on Page 700 had this to say;

"So far as I am aware, a preliminary objection consists of a point of law which has been pleaded or which arises by clear implication out of the pleadings, and which if argued as a preliminary objection may dispose of the Suit. Examples are an objection to Jurisdiction of the Court or a plea of (time) Limitation or a submission that the parties are bound by the Contract giving to the Suit to refer the dispute to Arbitration."

SUBMISSIONS ON OBJECTION RAISED.

The 2nd applicant in paragraph 14 of his affidavit in support of the application states and I quote;

"That on the 11th August 2008, I was given a letter terminating me from my employment but the letter stated no reasons."
I will first consider when the cause of action in this matter first arose to ascertain whether this application was brought promptly and within the time stipulated by the rules. From 2nd Applicant's own averment, on this point, it is clear that the 2nd applicant's grounds in this matter, first arose on the 11th day of August 2008, when he received the letter of termination of employment.

In the circumstances, the three months runs from the 11th day of August 2008 to the 11th day of December 2008.

Rule 5(1) Judicature (Judicial Review) Rules, 2009, provides, that:

"An application for judicial review shall be made promptly and in any event within three months from the date when the grounds of the application first arose....."

Accordingly, the filing of the application for judicial review by the 2nd applicant on the 2nd day of December 2009 was way out of time and contravenes the provisions of Rule 5(1) of the Judicature (Judicial Review) Rules, 2009.

It is also noted that the 2nd applicant did not make an application for extension of time as required by law.

Time limit clauses leave the courts with jurisdiction to inquire into complaints or disputes for a limited period of time.

As such time limit clauses resolve the suspense, or anxiety in which bodies engaged with public functions would be left without knowing whether to proceed with particular functions, without fear of court action.
Adinani Kawooya Versus Jinja Municipal Council Mis Cause No. 0056 of 2011 it was held;

"It is not disputed that under Rule 5(1) of the Judicature (Judicial Review) Rules of 2009, it is mandatory that an application for Judicial Review be made promptly and in any event within 3 months from the date when the grounds of the application "first arose" unless court considers there is good reason for extending the period within which the application shall be made......"

Emily Rose Hilton Versus Sutton Steam Laundry (1945) 2 ALLER 425, Lord Green M.R noted that,

"The Statute of limitation is not concerned with the merits. Once the axe falls it falls, and a defendant who is fortunate enough to have acquired the benefit of the statutory limitation is entitled to insist upon his strict rights."

In the result and for the reasons stated, I uphold the preliminary objection and I dismiss the 2nd applicants' application with costs to the respondents in equal measure.

I will now proceed to consider the merits of the 1st applicant's application in respect to the issues raised for determination.

I shall consider all the issues concurrently as framed.

It is noted that the 1st applicant in his affidavit in support of the application, paragraph 14 avers;

"That upon release, I went to my workplace at Radio One where I was given a copy of a letter from the chairman of the broadcasting
council written to my employer directing that I would not be allowed to present, host or moderate any programme because of charges of incitement to violence pending before me."

The letter in question reads as follows:

"The General Manager,  
Radio One,  
Kampala.  

RE: SUSPENSION OF PRESENTERS
The above subject refers.

In accordance with section 10(a) of the Electronic Media Act, the Broadcasting Council hereby directs that Mr Robert Kalundi Serumaga, who is a presenter and moderator at Radio One, be suspended from hosting any programmes on the Radio One, as the Council awaits the outcome of Police investigations into allegations of inciting the public to violence. These utterances were made by Mr Kalundi, on a Program on Wavah Broadcasting Services. (WBS).

Godfrey Mufabazi
CHAIRMAN"

It is submitted that the application does not disclose a cause of action against the respondents for the following reasons.

1) The letter was written to the General Manager, Radio One, who had the choice to make as to whether or not to suspend the applicant.
2) By so doing, the Broadcasting council was merely carrying out its mandate of controlling and supervising broadcast activities under the law.

3) The Respondents were not privy to the contract of employment between the 1st Applicant and his employer's, M/s Radio one, in respect to the suspension.

The orders and declarations sought under this application, question the propriety and legality of the directive made by the Chairman, Broadcasting Council, to the General Manager, Radio One, to suspend the 1st Applicant, from his position as a presenter and moderator of any programme, on Radio One, pending police investigations on an allegation of incitement to violence.

It is necessary to review the pertinent provisions of the Electronic Media Act, in respect to this matter.

**Section 9(1) of the Electronic Media Act** Cap 104 provides for the establishment of the broadcasting council.

**Section 10 of the Electronic Media Act** provides for the functions of the council and it states:

1) The functions of the council are-

   a) To coordinate and exercise control over and to supervise broadcasting activities;

   b) To be responsible for standardization, planning and management of the frequency spectrum dedicated to broadcasting and to allocate those spectrum resources in such manner as to ensure the widest possible variety on programming and optimal utilization of those spectrum resources.
(c) To coordinate communication on electronic media with the relevant national and international organizations.
(d) To receive and consider applications made to it under this Act;
(e) To set ethical broadcasting standards;
(f) To arbitrate in consultation with the media council on disputes between-
   (i) Operators of broadcasting stations; and
   (ii) The public and operators of the broadcasting stations
(g) To advise government on all matter relating to broadcasting policy; and
(h) To carry out other function that is incidental to any of the foregoing functions.

Section 8 of the Electronic Media Act sets out the minimum broadcasting standards and it provides;

"A person shall not carry out any broadcasting or operate a cinematograph theatre unless what is to be broadcast or exhibited is in compliance with the provisions of the first schedule to this Act."

The first schedule to the Act provides for minimum broadcasting standards.

"A broadcaster or video operator shall ensure that,
(a) Any programme which is broadcast;
   (i) Is not contrary to public morality;
   (ii) Does not promote the culture of violence or ethical prejudice among the public, especially the children and the youth;
   (iii) In the case of a news broadcast, is free from distortion of facts;
   (iv) Is not likely to create public insecurity or violence.
   (v) Is in compliance with the existing laws."
It is noted from the above provisions of the law that the 1st respondent has the mandate of coordinating and exercising control and to supervise broadcasting activities of radio stations.

The 1st Applicant does concede that he participated at a radio talk show at WBS, on 11th September 2009, wherein the cause of the conflict between the Government of Uganda and Kingdom of Buganda, was discussed.

It is conceded further by the 1st Applicant, that he was arrested immediately after the television talk show and detained for four days and later charged with sedition.

It is following the said discussion that the 1st respondent wrote to the General Manager, Radio one, directing for the suspension of the 1st applicant until the police investigation into the allegation of inciting the public to violence were concluded.

The actions of the 1st respondent in relation to the directive for the suspension of the 1st applicant were done in conformity to the provisions of the law as the 1st respondent had the powers to make such a directive to the proprietor of the radio station in question if the circumstances so required.

The utterance of words that could have a seditious intent and the incitement to violence especially if communicated on the air waves of a radio station that has the capacity to reach a large section of the population, of this country, is a serious matter for national security, public order and tranquility, and it would be a matter that had to be investigated in the public interest by the security agencies.
In my view the 1st Respondent was justified to direct the Radio station that employed the 1st Applicant to suspend him pending police investigations into the allegation of incitement made.

R Versus Secretary of State exparte Hosenball (1977) 3 ALLER 452, Lord Denning MR, noted thus in a matter of similar circumstances.

"But this is no ordinary case. It is a case in which national security is involved, and our history shows that, when the state itself is endangered, our cherished freedoms may have to take a second place. Even natural justice itself may suffer a setback."

Another aspect to this application concerns the rights of the 1st Applicant as an employee of Radio One.

Without Radio One being joined as a party, to this application, there is no indication as to how they reacted to the letter as a radio station that is bound to operate in terms of the Electronic Media Act. All that the 1st Applicant states in paragraph 15 of his affidavit is that;

"I continue to be under suspension until now though the charges against me are for sedition and not incitement to violence."

Whereas, the General Manager of Radio One may have been directed to suspend the 1st Applicant, such suspension could only have implemented and enforced in terms of the subsisting terms of Employment that existed between Radio One and the 1st Applicant and in terms of the Employment Act of the Laws of Uganda.

As it is the actual suspension cannot be investigated without the participation of Radio One.
In the result, this application stands dismissed with costs to the respondents in equal measure.

BENJAMIN KABIITO
JUDGE
31/10/2014
CORRESPONDENCES ON THE MATTER
Our Ref: UCC/OED/02/17

29th April 2019

All Broadcasters,

COMPLIANCE WITH THE MINIMUM BROADCASTING STANDARDS

Reference is made to our letter dated 27th December 2017, with reference UCC/OED/02/17 wherein the Uganda Communications Commission (The Commission) warned and reminded all Broadcasters of the need to comply with Section 31 and Schedule 4 of the Uganda Communications Act 2013, that requires all broadcasters to comply with the Minimum Broadcasting Standards.

In the said communication, the Commission reminded and warned all Broadcasters that all content especially news broadcasts should be factual, balanced and free from all kinds of distortions and insinuations. News and current affairs programs should present information in an objective, accurate, impartial, balanced and non-partisan manner.

The Commission has noted with concern that despite the various engagements and warnings, broadcasters have continued to breach the minimum broadcasting standards by airing content that:

1. Misrepresents information, views, facts and events in a manner likely to mislead or cause alarm to the public;
2. Contains propagandist and/or ideological messages on behalf of partisan groups or organisations;
3. Contains extremist or anarchic messages, including the incitement of violence for political ends or other purposes;

[Signature]

Communication for All
4. Incites the public against other members of the public on the basis of their political, religious, cultural and tribal affiliations which is likely to create public insecurity or violence.

The Commission reminds broadcasters of their statutory and license obligations to review all content before it is aired as they are individually liable for any and/or all content carried on all communication channels including online media platforms like YOU TUBE, FACEBOOK, TWITTER and all other social media platforms.

WHEREFORE, the Uganda Communications Commission warns all broadcasters to STRICTLY adhere and comply with the Minimum Broadcasting Standards, and all other laws of Uganda, failure of which the Commission shall invoke regulatory sanctions as provided for under section 41 of the Uganda Communications Act 2013 and/or institute criminal proceedings against errant broadcasters at their own peril.

Godfrey Mutabazi
EXECUTIVE DIRECTOR
Our Ref: CMM/39

03rd May 2019

The Chairman
National Association of Broadcasters, NAB,
KAMPALA

Dear Sir,

REPEATED BREACH OF THE MINIMUM BROADCASTING STANDARDS

Reference is made to the above captioned subject and your letter dated 2nd May 2019 in which you requested for a meeting with Uganda Communications Commission (UCC).

The Commission agrees to meet the executive members of NAB and hereby invites you for the meeting on Tuesday, 7th May 2019 at 10:00 AM at UCC House Bugolobi.

Yours sincerely,

Godfrey Mutabazi
EXECUTIVE DIRECTOR
DIRECTIVE TO SOME BROADCASTERS ABOUT BREACH OF MINIMUM BROADCASTING STANDARDS

Reference is made to the above subject and a letter dated 3rd May 2019 from NAB requesting for a meeting with the Commission.

Following a meeting held between members of NAB and the Commission on Tuesday 7th May 2019 at UCC House Bugolobi, it was agreed as follows:

1. The Commission clarified that “suspension of certain individuals by the Broadcasters” meant that the Commission has directed that the affected staff for each Broadcaster should not be suspended from their employment at the media house but rather be requested to step aside to pave way for investigations into the alleged breach of minimum broadcasting standards.

For the avoidance of doubt, these employees of the Broadcaster who have been requested to step aside shall be allowed to continue working with the Broadcaster/Operator in another capacity which is not the subject of this investigation. The request to step aside takes effect by close of business on Tuesday 7th May 2019.

2. The investigation into alleged breach of minimum broadcasting standards shall take a period of 30 (thirty) working days’ subject to the full cooperation by the Broadcasters affected.

3. The Commission is open to ensuring continued dialogue between the National Association of Broadcasters and the individual Broadcasters with the aim of ensuring seamless operations in the Broadcasting industry and conformity with the Laws, Regulations and guidelines governing the industry.
Our Ref: LA/J03
7th May 2019

DIRECTIVE TO SOME BROADCASTERS ABOUT BREACH OF MINIMUM BROADCASTING STANDARDS

4. Each individual Broadcaster who was affected by the directives in the Commissions' letter dated 30th April 2019 should seek individual clarity of its breaches should it require the said clarity.

5. With regard to the personalities to be affected by the investigations into breach of minimum broadcasting standards, it was agreed that whoever was acting in the capacity of editor and producer on 29th May 2019 should be the member of staff to be requested to step aside.

The purpose of this letter therefore is to communicate the resolutions of this meeting and to pave way for the formal investigation into the breach of minimum broadcasting standards by some broadcasters.

Godfrey Mutabazi
EXECUTIVE DIRECTOR
Executive Director,
Uganda Communications Commission,
UCC House, Plot 42-44,
Spring Road Bugolobi,
P.O. Box 7376,
Kampala, Uganda

Dear Eng. Mutabazi,

RE: REPEATED BREACH OF MINIMUM BROADCASTING STANDARDS:

The above matter refers.

National Association of Broadcasters (NAB) has received complaints from its members about the harsh reaction of Uganda Communications Commission (UCC) towards coverage of some news events, especially those of political nature. It is concerning that some media houses have been instructed to immediately suspend their key staff, specifically heads of Programming, Production and News.

NAB and its members believe that media plays a key role in shaping a healthy democracy by exposing loopholes in the democratic system which ultimately help government in filling them and making the system more accountable, responsive and citizen-friendly.

Abrupt suspension of key staff on orders of UCC will have adverse consequences of:

- Undermining the quality of journalism by creating an environment of fear.
- Weakening standards and controls already established at the media houses and amplify the risk that led to UCC's intervention in the first place.
- Compromising the opportunity for dialogue between UCC and broadcasters based on past relationship.

National Association of Broadcasters hereby recommends that UCC rescinds the order, to suspend media staff, pending an urgent meeting between the two parties at your call.

Looking forward to your cooperation.

Yours Sincerely

Kin Kariisa
Chairman

cc. Minister of ICT&NG
TERMS AND CONDITIONS FOR OPERATING A BROADCASTING LICENSE IN UGANDA
UGANDA COMMUNICATIONS COMMISSION

Terms and conditions for operating a Broadcasting License in Uganda

The Undersigned Licensee undertakes to be bound by the following conditions for operating a broadcasting license:

1. The licensee undertakes to abide at all times by the provisions of the Uganda Communications Act 2013 and its regulations made thereto, Guidelines and Standards issued by the Commission and amended from time to time and all other laws governing broadcasting in Uganda. (Copies of the Guidelines and Standards are available on the Commission Website or may be provided upon request).

2. The licensee acknowledges that the license allocated remains public property indefinitely and undertakes not to sell, pledge, transfer, assign or deal with the license allocated without the prior approval of the Commission.

3. The licensee shall ensure full and extensive disclosure of the shareholding and financial structures as provided in the application form and shall ensure that this status is adhered to throughout the operation of the license.
4. The licensee undertakes to put in place facilities to enable the licensee to receive as appropriate a live signal feed from the national broadcaster for re-broadcasting at the same time of as the national broadcaster of: any address by the President issued to the nation in his or her capacity as Head of State or at a national celebration; national events/program; moments of national emergency or disaster; security threat or any event of national character that necessitates the entire viewing public to have access to the same information at the same time from one source.

5. From time to time the licensee shall be obliged to allocate time to promote government programmes.

6. The license issued to the licensee shall be restricted to the undersigned and shall not be transferred except with a prior written consent of the Commission.

7. The licensee undertakes to ensure that all employees are given contracts of employment clearly specifying the terms and conditions of their employment.

8. The licensee undertakes to ensure that all that is broadcast is in conformity with the code of conduct for broadcasters.

9. The broadcaster must ensure that what is broadcast is not pornographic in nature.

10. The licensee shall have a public interest obligation to:
    a) uphold and promote sovereignty, national unity and national security of Uganda.
    b) promote public interest programmes;
c) promote local content and diversity in program content;

d) deliver educational services;

e) safeguard, enrich and strengthen the cultural, social and economic fabric of Uganda;

f) ensure pluralism in the provision of news, views and information, giving wide and enlighten choices to citizens and contribute significantly to an effective and vibrant democracy

g) provide a balanced and wide variety of points of view on matters of public concern;

h) contribute to the development of pro-social values by-

i. providing programmes of specific interest to all ethnic groups, men, women, and persons with disabilities and portraying them in an accurate and fair manner; and

ii. broadcasting high quality domestic and international programmes for children and youth at times that are appropriate for them; and

i) balance public interest goals against the profit motivation;

11. The licensee undertakes to maintain the character of the broadcast as issued in the beginning and promises to show good stewardship during the usage of the assigned license. The licensee undertakes to ensure that any programme which is broadcast-

i. is not contrary to the public morality;

ii. doesn’t promote the culture of violence or ethnical prejudice among the public;

iii. in the case of a news broadcast is free from distortion of facts;

iv. is not likely to create public insecurity or violence

v. is in compliance with all the existing laws;

vi. is not pornographic in nature;
vii. programmes that are broadcast are balanced to ensure harmony in such programmes

viii. adult-oriented programmes are appropriately scheduled;

ix. where a program that is broadcast is in respect to a contender for a public office, then other contenders for the same office are given equal opportunity on such a program.

x. Protects the right to individual privacy unless compelled by the existing laws.

xi. Protects the identity of minors, rape victims during broadcasting.

xii. Carrying classifications and advisories as approved by the relevant authorities.

xiii. In the case of News, the content carries sign language interpretations to cater for the interests of the people with special needs.

12. The licensee shall ensure that what is broadcast is retained for not less than thirty days and make it available to the Commission immediately on demand.

13. The Licensee shall clearly identify itself by its station identification regularly every hour or as directed by the Commission during provision of the content to the public.

14. The Licensee shall ensure that it marches all the applicable technical standards as directed by the Commission including installation and operating of pre-hearing devices and delay machines for live broadcasts.

15. The Licensee shall put in place a dispute handling mechanism approved by the Commission.

16. The licensee irrevocably undertakes that the Commission may cancel this license by notice in writing for breach of any of the above
provisions in which case the licensee thereupon will cease broadcasting immediately.

Signed by:  
.................................................................  .................................................................  
(Name & Signature of the Proprietor)  

For .................................................................  .................................................................  
(Name of Television/ Radio Station/ LICENEE)  

Signed for the Uganda Communications Commission  

........................................  ........................................  
SECRETARY  EXECUTIVE DIRECTOR
ATTENDANCE LISTS OF MEETINGS IN THE INVESTIGATION INTO BREACH OF THE MINIMUM BROADCASTING STANDARDS
**Attendance List**

**Meeting:** UCC and Next Media (NBS TV)

**Venue:** UCC House Bugolobi

**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.

**Date:** 13/06/2019

**Time:** 9.00 am.

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<td>15.</td>
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## Attendance List

### Meeting:
UCC and BBS TV

### Venue:
UCC House Bugolobi

### Main Agenda:
Investigation into Breach of the Minimum Broadcasting Standards.

### Date:
13/06/2019

### Time:
12 noon.

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<td>0700381663</td>
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<td>Haggana Meddy</td>
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<td>Paul Musinga</td>
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<td>Ruth Kibwuka</td>
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<td><a href="mailto:Ruthwa@gmail.com">Ruthwa@gmail.com</a></td>
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<td>Peter Leonard Selcette</td>
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<td><a href="mailto:Selcette@uc.ac.zm">Selcette@uc.ac.zm</a></td>
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<td>Leonard Amuya</td>
<td>UCC</td>
<td>0712412412</td>
<td><a href="mailto:Amuya@uc.ac.zm">Amuya@uc.ac.zm</a></td>
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<td>Daniel Kanimba</td>
<td>UCC</td>
<td>0782028785</td>
<td><a href="mailto:Kanimba@uc.ac.zm">Kanimba@uc.ac.zm</a></td>
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## Attendance List

**Meeting:** UCC and BUKedde TV  
**Venue:** UCC House Bugolobi  
**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.  
**Date:** 25/06/2019  
**Time:** 09:00 am

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<td>1.</td>
<td>Charlotte Kapingi</td>
<td>Vision Group</td>
<td>0708411847</td>
<td>kapingi@newvision ug.co.ug</td>
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<tr>
<td>2.</td>
<td>David Mukuho</td>
<td>Vision Group</td>
<td>070521341</td>
<td>mukuho@newvision ug.co.ug</td>
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<tr>
<td>3.</td>
<td>Mary Nakayimba</td>
<td>Vision Group</td>
<td>0702621660</td>
<td>nakayimba@newvision ug.co.ug</td>
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<td>4.</td>
<td>Brenda Akre Akko</td>
<td>Vision Group</td>
<td>0702729232</td>
<td>akreakko@newvision ug.co.ug</td>
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<td>5.</td>
<td>Paul Muhoo</td>
<td>UCC</td>
<td>0742645446</td>
<td><a href="mailto:muhoo@ucc.co.ug">muhoo@ucc.co.ug</a></td>
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<td>Ruth Kiruruka</td>
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<td>0702563870</td>
<td><a href="mailto:kiruruka@ucc.co.ug">kiruruka@ucc.co.ug</a></td>
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<td>Kagina Meddy</td>
<td>UCC</td>
<td>0772482167</td>
<td><a href="mailto:meddy@ucc.co.ug">meddy@ucc.co.ug</a></td>
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<td>Nonahin Bressa</td>
<td>UCC</td>
<td>0703879972</td>
<td><a href="mailto:bressa@ucc.co.ug">bressa@ucc.co.ug</a></td>
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<td>Hizuma Josep</td>
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<td>Daniel Siebecks</td>
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<td>Rita Zavamba</td>
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**Attendance List**

Meeting: UCC and NTV  
Venue: UCC House Bugolobi  
Main Agenda: Investigation into Breach of the Minimum Broadcasting Standards.  
Date: 18/06/2019  
Time: 11 am

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<tr>
<td>1.</td>
<td>Charles Ham kiimas</td>
<td>NTV</td>
<td>0707480144</td>
<td><a href="mailto:chamkiimas@ntv.co.ug">chamkiimas@ntv.co.ug</a></td>
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<td>2.</td>
<td>Monyere Robert</td>
<td>NTV</td>
<td>0754763364</td>
<td><a href="mailto:monyere@ntv.co.ug">monyere@ntv.co.ug</a></td>
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<td>3.</td>
<td>Joseph Kavuma</td>
<td>NTV</td>
<td>0707292419</td>
<td><a href="mailto:joseph@ntv.co.ug">joseph@ntv.co.ug</a></td>
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<td>Jackie Semanyendo</td>
<td>NTV</td>
<td>0704147864</td>
<td><a href="mailto:jackie@ntv.co.ug">jackie@ntv.co.ug</a></td>
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<td>5.</td>
<td>Johnson Omona</td>
<td>NTV</td>
<td>0717615286</td>
<td><a href="mailto:jomon@ntv.co.ug">jomon@ntv.co.ug</a></td>
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<td>Huguma Jimmy</td>
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<td>Kenneth Seery</td>
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<td>ATENUGU MUGOBE</td>
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<td>Namagasa Maria Theresa</td>
<td>MPE/NTV</td>
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<td><a href="mailto:marinadem@uganda.com">marinadem@uganda.com</a></td>
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<td>Stacey K. Muhumuza</td>
<td>KMG</td>
<td>0312301100</td>
<td>stanlady <a href="mailto:egun@kmg.com">egun@kmg.com</a></td>
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**Attendance List**

**Meeting:** UCC and Salt TV  
**Venue:** UCC House Bugolobi  
**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.  
**Date:** 13/06/2019  
**Time:** 2 pm.

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<td>Ruhakana Kamya</td>
<td>Salt Media</td>
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<td>Enkukuwe C J</td>
<td>Salt Media</td>
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<td>Kibungo C J</td>
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<td>Leonard Amara</td>
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## Attendance List

**Meeting:** UCC and Radio Two (Akaboozi FM)  
**Venue:** UCC House Bugolobi  
**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.  
**Date:** 17/06/2019  
**Time:** 11am.

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<td>1.</td>
<td>Tamale Attu</td>
<td>Radio Two</td>
<td>0712347890</td>
<td><a href="mailto:tech@radioonefm.com">tech@radioonefm.com</a></td>
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<tr>
<td>2.</td>
<td>Kissengi Michael</td>
<td>Akaboozi FM</td>
<td>0772644195</td>
<td><a href="mailto:nick.kissengi@yahoo.com">nick.kissengi@yahoo.com</a></td>
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<td>3.</td>
<td>Mulinde Geoffrey</td>
<td>Radio Two</td>
<td>0772584154</td>
<td><a href="mailto:kwambwa.jeffrey@gmail.com">kwambwa.jeffrey@gmail.com</a></td>
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<td>Paul Mukasa</td>
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<td><a href="mailto:pmukasa@ucc.org">pmukasa@ucc.org</a></td>
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<td>Leonard Momya</td>
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<td>0702442960</td>
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**Attendance List**

**Meeting:** UCC and Capital/Beat FM  
**Venue:** UCC House Bugolobi  
**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.  
**Date:** 17/06/2019  
**Time:** 3pm.

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<tr>
<td>1.</td>
<td>George M.</td>
<td>Capital</td>
<td>0775 803 906</td>
<td><a href="mailto:gomplee@capitalfm.co.ug">gomplee@capitalfm.co.ug</a></td>
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<tr>
<td>2.</td>
<td>Vincent K.</td>
<td></td>
<td>0772 771 882</td>
<td><a href="mailto:vkiira@capitalfm.co.ug">vkiira@capitalfm.co.ug</a></td>
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<tr>
<td>3.</td>
<td>Ageria N.</td>
<td></td>
<td>0773 383 873</td>
<td><a href="mailto:aanjimbe@capitalfm.co.ug">aanjimbe@capitalfm.co.ug</a></td>
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<tr>
<td>4.</td>
<td>Daniel K.</td>
<td></td>
<td>0773 331 021</td>
<td><a href="mailto:dkiira@capitalfm.co.ug">dkiira@capitalfm.co.ug</a></td>
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<tr>
<td>5.</td>
<td>Rida J. S.</td>
<td>UCC</td>
<td>0772 1203 0</td>
<td><a href="mailto:rida@ucc.co.ug">rida@ucc.co.ug</a></td>
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<td>6.</td>
<td>Kaggwa M.</td>
<td>UCC</td>
<td>0772 421 67</td>
<td><a href="mailto:mbkaggwa@ucc.co.ug">mbkaggwa@ucc.co.ug</a></td>
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<td>7.</td>
<td>Frighasa J.</td>
<td>UCC</td>
<td>0776 372 50</td>
<td><a href="mailto:jfrighasa@ucc.co.ug">jfrighasa@ucc.co.ug</a></td>
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<td>8.</td>
<td>Leonard L.</td>
<td>UCC</td>
<td>0773 454 20</td>
<td><a href="mailto:lknkagga@ucc.co.ug">lknkagga@ucc.co.ug</a></td>
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<td>9.</td>
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<td>UCC</td>
<td>0773 545 90</td>
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<td>10.</td>
<td>Pencal M.</td>
<td>UCC</td>
<td>0752 645 80</td>
<td><a href="mailto:pmekutu@ucc.co.ug">pmekutu@ucc.co.ug</a></td>
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# Attendance List

**Meeting:** UCC and CBS FM  
**Venue:** UCC House Bugolobi  
**Main Agenda:** Investigation into Breach of the Minimum Broadcasting Standards.  
**Date:** 17/06/2019  
**Time:** 12 noon.

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<td>1.</td>
<td>Abbey Kibuuka</td>
<td>CBS FM</td>
<td>0703910823</td>
<td><a href="mailto:abuawo@ugwac.com">abuawo@ugwac.com</a></td>
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<tr>
<td>2.</td>
<td>C. Nkata</td>
<td>CBS FM</td>
<td>0772426940</td>
<td><a href="mailto:ginenkata@ugwac.com">ginenkata@ugwac.com</a></td>
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<tr>
<td>3.</td>
<td>Michael Kaserauga</td>
<td>CBS FM</td>
<td>0708307070</td>
<td><a href="mailto:madockerfa@ugwac.com">madockerfa@ugwac.com</a></td>
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<td>4.</td>
<td>Alex Nkabanza</td>
<td>CBS FM</td>
<td>0701232108</td>
<td><a href="mailto:mnkabza79@ugwac.com">mnkabza79@ugwac.com</a></td>
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<tr>
<td>5.</td>
<td>Paul Mukasa</td>
<td>UCC</td>
<td>0752645450</td>
<td><a href="mailto:pmukasa@ucc.com">pmukasa@ucc.com</a></td>
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<tr>
<td>6.</td>
<td>Freda Jinj</td>
<td>UCC</td>
<td>0776727220</td>
<td><a href="mailto:fjinj@ucc.com">fjinj@ucc.com</a></td>
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<tr>
<td>7.</td>
<td>Kagga Muddly</td>
<td>UCC</td>
<td>0772452167</td>
<td><a href="mailto:mkagga@ucc.com">mkagga@ucc.com</a></td>
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<tr>
<td>8.</td>
<td>Anita L. Ssebullo</td>
<td>UCC</td>
<td>0791208010</td>
<td><a href="mailto:assebullo@ucc.com">assebullo@ucc.com</a></td>
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<tr>
<td>9</td>
<td>Leonard Amona</td>
<td>UCC</td>
<td>+254254246</td>
<td><a href="mailto:leonard@ucc.edu">leonard@ucc.edu</a></td>
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Attendance List

Meeting: UCC and Pearl FM 107.9
Venue: UCC House Bugolobi
Main Agenda: Investigation into Breach of the Minimum Broadcasting Standards.
Date: 17/06/2019
Time: 2pm.

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<td>1.</td>
<td>SSEMBUYA ABDURRAHMAN</td>
<td>PEARL FM</td>
<td>0701694227</td>
<td><a href="mailto:sssembuya@gmail.com">sssembuya@gmail.com</a></td>
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<td>2.</td>
<td>S. M. Mohamed H.</td>
<td>Pearl FM</td>
<td>0752211622</td>
<td><a href="mailto:mohamedmatic@gmail.com">mohamedmatic@gmail.com</a></td>
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<td>3.</td>
<td>Nakumwa Hannah J.</td>
<td>Pearl FM</td>
<td>0755322354</td>
<td><a href="mailto:nakukumwa@gmail.com">nakukumwa@gmail.com</a></td>
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<td>4.</td>
<td>WATAGARA E. HARRY</td>
<td>Pearl FM</td>
<td>0703666660</td>
<td><a href="mailto:hemmyh@email.com">hemmyh@email.com</a></td>
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<td>5.</td>
<td>Leonard Amanyi</td>
<td>UCC</td>
<td>0745414146</td>
<td><a href="mailto:lamanya@ucc.ug">lamanya@ucc.ug</a></td>
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<td>Riku Zarumba Sekadde</td>
<td>UCC</td>
<td>0772120340</td>
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<td>Kagumi Jimmy</td>
<td>UCC</td>
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<td>Byenakanye Alex</td>
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<td>10.</td>
<td>Paul Mucagga</td>
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<td>0752465485</td>
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<tr>
<td>11.</td>
<td>Ibrahim Bwam</td>
<td>UCC</td>
<td>0774319792</td>
<td><a href="mailto:i.bwam@ucc.com">i.bwam@ucc.com</a></td>
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Attendance List

Meeting: UCC and Radio Simba FM
Venue: UCC House Bugolobi
Main Agenda: Investigation into Breach of the Minimum Broadcasting Standards.
Date: 17/06/2019
Time: 10am.

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<td>1.</td>
<td>Mandeke Kabugaza</td>
<td>R. Simba</td>
<td>0701976514</td>
<td><a href="mailto:madondek2012@gmail.com">madondek2012@gmail.com</a></td>
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<tr>
<td>2.</td>
<td>Muwando Collins</td>
<td>R. Simba</td>
<td>0772401174</td>
<td>collinsradio simba.uy</td>
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<tr>
<td>3.</td>
<td>Emmanuel Okella</td>
<td>R. Simba</td>
<td>0772341081</td>
<td><a href="mailto:empire@gmail.com">empire@gmail.com</a></td>
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<td>4.</td>
<td>Ekiha Francis</td>
<td>R. Simba</td>
<td>0775227061</td>
<td><a href="mailto:ekiha@msn.com">ekiha@msn.com</a></td>
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<td>5.</td>
<td>Rite Lacadio Selcado</td>
<td>UCC</td>
<td>0772120310</td>
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<td>Haguma Jimmy</td>
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