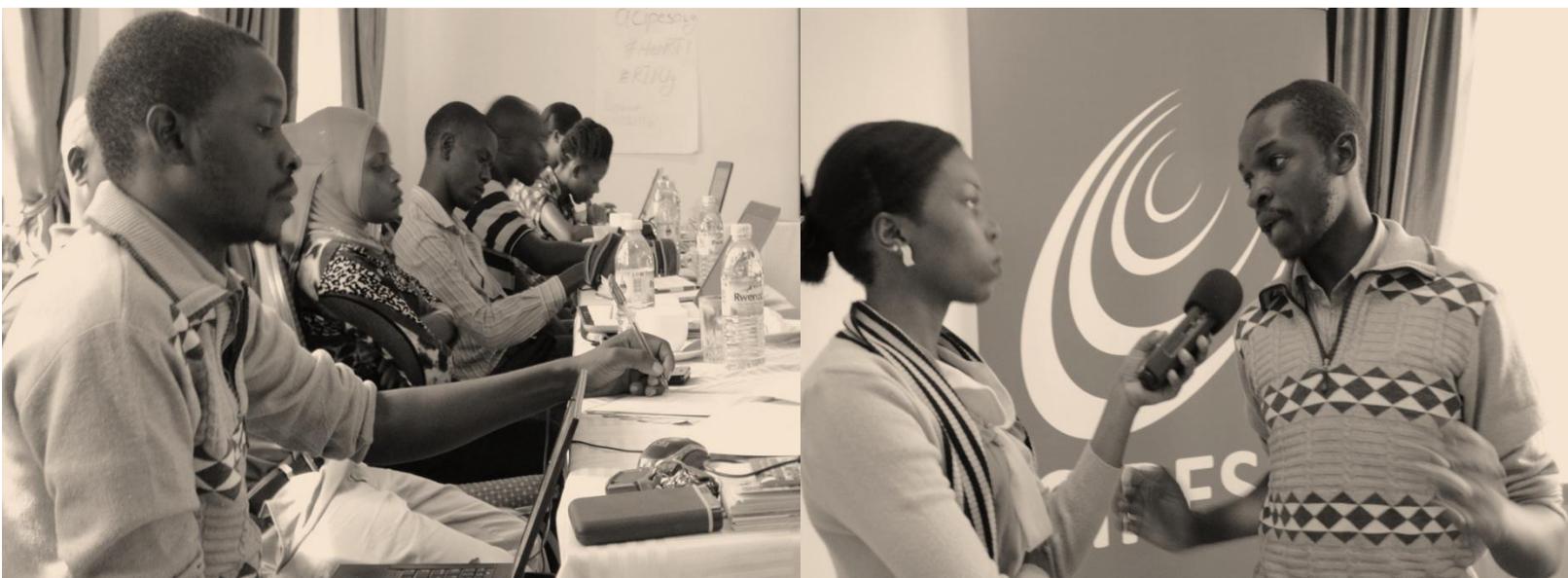




Advancing the Right to Information using ICT among Journalists Training Report



**November 23, 2016
Kampala, Uganda**

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1. Background

Access to information is essential for the functioning of democracy and is a prerequisite for transparency and accountability, as well as for citizens' participation in governance. Unfettered access to information can also contribute crucially to economic, social and political development.

At the global level, the right to access information is enshrined in the Universal Declaration of Human Rights. In Uganda, the right to access information is enshrined in Article 41 of the national constitution, which states: "Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person." Uganda was among the first African countries to enact a right to information law - the Access to Information Act, 2005. However, the law remains largely unimplemented despite the passing of its regulations in 2011.

Further, some provisions in this law make access costly and difficult and are not in the spirit of the strong right to information provision found in the constitution. This is undermining efforts to improve government transparency, the participation of citizens in governance, and availability of information needed for improving citizens' rights and livelihoods.

Uganda boasts a vibrant media landscape, with the liberalisation of broadcast media in 1993 having resulted into a proliferation of radio and television stations that, together with print media and increasingly, online news outlets serve Uganda's information and entertainment needs. Uganda's media is governed by various laws, including the Uganda Communications Act 2012, Press and Journalist Act CAP 105 and the Electronic Media Act of 1996, all of which bear provisions that both enable and restrict the media sector. The legal restrictions, coupled with problems of accessing information in government's hands, as well as challenges internal to the media, affect the way Ugandan journalists report on public interest issues such as women's rights.

The country has registered some progress in promoting access to information amongst citizens and the media. There has been progress on advancing women's rights and gender equality, such as the adoption and implementation of affirmative action related policies and frameworks, including the Uganda Gender Policy, the Uganda Vision 2040, and the National Development Plan.

Despite these legal pronouncements, there remains several impediments to the attainment of information openness and gender equality and women empowerment in Uganda. The media continues to report on these issues including unequal access for women to education and jobs, their continued marginalisation in access to family estates and land as well as the challenges faced in accessing suitable maternal health services. These inequalities contribute towards low participation in decision making processes, limited access to and control of economic resources, limited access to ICT, low access to formal credit sources such as bank loans, and in general lack of access to information on economic opportunities. Access to information, especially information on economic, social and cultural rights, including sexual and reproductive health rights, right to own property, right to equal work and pay, business opportunities and prices of goods and services, education opportunities, among others, is fundamental in the advancement of women's participation in the development process.

Information and Communication Technologies (ICT) have the potential to transform how society accesses and shares information and to advance freedom of expression for marginalised groups in society. By promoting access to information through ICT use, this training aimed to contribute towards the achievement of Sustainable Development Goal 5: Achieve gender equality and empower all women and girls targeting enhanced use of technology in particular ICT to promote empowerment of women.

Therefore, this workshop trained journalists on sourcing the relevant information in addition to questioning the role that government plays in addressing the gender inequality gap in Uganda. The right to information was used as the basis to address these issues while exploring the role that ICT plays in advancing access to information relevant to women's rights and development.

On 23 November, 2016, CIPESA held a workshop on Advancing the Right to Information using ICT among Journalists in Kampala, Uganda. The workshop included 12 journalists (2 male, 10 female) from a range of media houses. The purpose of the workshop was to equip Ugandan journalists with knowledge on the right to information, the laws that supports this right and the use of an online platform through which to exercise this right, and the role of that ICT can play in facilitating access to information and freedom of expression.

2. RTI legal and regulatory frameworks in Uganda

Edrine Wanyama, a lawyer with the Human Rights Network (Uganda) presented on the RTI legal and regulatory frameworks in Uganda. In his presentation, Wanyama focused on the regulatory frameworks from an international level through to a national level. He went on to focus on various clauses within the Access to Information Act including the extent of its scope of the Act which allows access to information and records of Government, Ministries Departments and Agencies (MDAs), local governments, statutory corporations and bodies, commissions and other Government organs. The Act excludes access to Cabinet records and those of its committees as well as records of court proceedings before the conclusion of the case.

It was also stressed that a weakness of the Act in its current form is that it only advocates for access to information held by the state yet citizen information is increasingly held by the private sector as well – citizens should be in a position to demand this information as well.

The contradiction of the Act with the constitution was also mentioned. Where the constitution makes provisions for only two exclusions (personal privacy and national security concerns), the Act makes multiple exclusions for information requests which are both vague and far reaching. Following this discussion, participants were asked to deliberate on the gaps and opportunities found in the Act. They were also asked to mention some of the types of questions that the law enabled them to ask. There was a shared interest in investigating and reporting on the public health system. One participant went on to query the extent of research conducted by the national referral hospital - Mulago Hospital – which does not get published or made easily available. The issue of payment for information was also raised with participants pointing out that the cost is prohibitive. “If it is my right to access info then why am I paying for it?” asked Regina Nassanga of Mama FM who also queried whether the money is refundable when information is not refunded. It was noted that there is no refund even though there is no information provided.

Journalists also queried the extent of public participation in the law development process. “Is the public consulted when acts are developed? Are citizens involved?” asked Henry Lutaaya of Sunrise.

3. Women and the Right to Information: Challenges and Opportunities

This session was facilitated by Loyce Kyogabirwe, an independent consultant on women's rights in Uganda. The discussion focused on the relationship between RTI and women in Uganda. The need to advocate for and strengthen this relationship was emphasized as according to a report by the African Women's Development and Communications Network (FEMNET) on [Freedom of Information and women's rights in Africa](#), it was

indicated that the “advancement of African women has been affected by lack of access to vital information that relates to their rights.”

To gauge their level of awareness, participants were asked to list laws that are specifically aimed at promoting women’s rights in Uganda. The below were listed):

- Equal Opportunities Act (2007)
- Prohibition of Female Genital Mutilation Act, 2010
- Land Act (2010)
- Domestic Violence Act (2010)
- National Gender Policy (1997)

Kyogabirwe presented that women often have lesser opportunities to access information than their male counterparts due to issues of lower literacy levels, control of devices eg radio, finance, and even gender assigned roles.

Participants noted that “Women have unique needs” which are not fully met or addressed in the law. It was noted that women are multipliers of information in the home but remain secondary targets of information. They added that the media is also at fault for not developing enough news content that meets the needs of women which one stating that, “Much of this (media) information is given by men targeting men.” That is a gap that has not been tackled.”

Kyogabirwe ended the discussion noting that, “If information is a cornerstone of accountability, participation and citizen voice, then women are in great need of it.” She added, “With more equitable access to information, a greater number of women would be aware of and be able to protect their other fundamental rights – to live free from violence, to make informed health decisions, and to advocate for the protection of their rights.”

Participants discussed the limited access levels of the internet in Uganda and queried how it is used by those who do indeed access, “once you’re on the internet, what are you using it for?” They also noted that online platforms that are used to disseminate information do not favor women all the time such as the language used and the cost of access. Despite this, there was consensus that accessing information in any media form served to advance women’s rights and independence. Further, they pointed out that the economic empowerment of women can also support the advancement of RTI.

4. ICT as an enabler of RTI in Uganda

The session on ICT as an enabler of RTI in Uganda was facilitated by Juliet Nanfuka from CIPESA.

Participants were taken through the challenges faced by women online who are vocal online – including those who aren’t – such as online gender based violence, patriarchy online, threats and the belittlement of their views expressed online. Combined, these threaten the capacity of women to enjoy their rights and presence online and consequently limit the extent to which women use online platforms to voice out social concerns and to indeed demand information.

When queried whether the RTI law is gender sensitive, participants concluded that it was not as it assumed that women and men have equal opportunity to pursue this right both online and offline. They noted that the

law assumes women have equal levels of access to the prescribed fee to make an information request, adding that literacy levels also differed. It is not “gender mainstreamed.”

5. Group Discussions and Practical on AYG portal including story ideas development

The online portal www.askyourgov.ug was introduced to the participants as an avenue for citizen’s and the media alike to exercise their right to access public information held by the state.

Participants noted that questions and information requests submitted on the portal are not answered-both simple and complex questions. The below queries on the site were referred to by participants for their lack of response.

- A query to the Ministry of Education on student [enrolment](#) was had not been responded to.
- A query on [annual crime and traffic reports](#) had also received no response
- “The arrogance of the Ministry of Education to this question” is noted in the response given following a query on the closure of Bridge schools. The information provider simply states “[Which syllabus](#)” as an initial response to the query instead of elaborating on the query.
- Queries on the [Gulu remand home](#) including its budget allocation and whether it [falls](#) under the Ministry of Gender, Labour and Social Development or under local government have not received responses Iso not responded to yet it was straight forward in its requirement.
- [Waste Management license recipients](#) were requested in 2014 and to date the query remains unanswered. The journalist has interest in this question to gauge how the city and different municipalities are addressing waste.
- The [percentage](#) of health centre fours that have maternity wards in Uganda was queried and to date remained with no response. (This query was made during a previous CIPESA led workshop – 11 November 2016 - with women’s rights organisations on RTI) The journalist wanted to understand whether the availability of these centres correlated with child mortality rates as well as to see the number of centres that have the capacity to handle maternity cases.
- There was interest in looking at queries submitted to the National water Service Commission but it is not registered on the portal. There was also interest in UMEME but there was insufficient information to due to the failure of the information request to be successfully delivered. There was reference made to a [non-compliance](#) by UMEME submitted to the Uganda Revenue Authority.

Participants noted that the portal is being used to “ask important questions” and that every question is valid” even though information may be available on other platforms or in the media. It is noted that that the law assumes that “one is ignorant of information, and public officials have an obligation to release information. They also wondered if information submitted by an organisation were more likely to receive a response pointing out a [query submitted](#) to the Uganda AIDS Commission on the availability of grants aimed at “addressing HIV in Mental health service users” by an organisation - Community Mental Health Initiative (CoMHI) Uganda that had received no response to date.

While some journalists noted the lack of motivation due to the absence of requests to key information requests, they were encouraged to continue using the portal and to support the documentation of information requests made as lack of response could be due to various circumstances like the absence of an information officer or even bureaucratic processes that hinder the willingness to release information.

Participants went on to identify information requests that had received responses on the portal.

- A request for information on KCCA [Expenditure on Roads](#) received what participants perceived as a “bureaucratic response” and which defeated the purpose of the portal as the information requester was advised to, “write a formal letter to the Executive Director KCCA asking for the information.”
- A query submitted on whether the Ministry of Education can assist in [attaining Masters scholarship](#) for studies within Africa received a response indicating that the information requester should refer to news paper wherein such announcements are made over the course of the year. Participants thought the response was valid.
- A query on the [Bridge School closure](#) received a response that participants thought was “arrogant” and not suitable engagement on such a platform.
- A query submitted to the Office of the Auditor General on [Umeme Yaka VAT non-compliance](#) was met with an apology for delay in response and with information on which authority to direct such questions to. Participants noted that this is the caliber of engagement they would expect from the portal.
- The response to a query directed to the Uganda National Roads Authority by a journalist received attention due to the amount that the [authority cited](#) (“On average it costs \$750,000 to build a km of a highway in Uganda depending on terrain etc”) but with no supporting documents to validate this statement. When queried whether there is a story in this response, participants noted that a breakdown detailing where costs go and the potential amount that would benefit women are potential stories.
- A query on [internship placement](#) at the Uganda Revenue Authority received a response following an absence of responses on the same query by previous information requesters. This was seen as unusual.
- One of the participants indicated that he had [previously made an information request](#) on the portal to the Ministry of Energy and Mineral Development, for the MOU between Uganda And China on the development of Phosphates. His first request was in December 2014 and a reminder was sent in February 2015 but to date has received no response.

6. Journalists Information Requests via the AskYourGov Online Portal

Participants created their own questions to submit on the portal in alignment with the requirements of an information query including specific information such as time frames and locations. They also had to indicate which MDA the query would be directed at. Below are some of the queries that emerged from the exercise.

Ministry	Question/Information request
Ministry of Finance	What are the budgetary allocations for that Mulambira - Kabale roads?
Kampala City Council Authority	What are the measures and procedures for handling vendor properties after confiscation- is there a policy to guide this?
Ministry of Health/trade	What are the safety measures put in place to protect workers such as those at the Royal Van Zanten farm? (See: 80 workers poisoned at flower farm - Daily Monitor) Are there regulations that investors can be held accountable to? <i>(Ministry yet to respond to this questioned upon which the former query is based)</i>
Uganda Bureau of Statistics	What are the statistics of girl child school dropouts for the period 2015/16?
Office of the Prime Minister	Does having more MPs result in more impact on service delivery? Is it value for money? Where is the evidence?

Uganda Police	What happens with the registration plate plucked off a vehicle by a traffic officer? What happens in the instance that the same vehicle is involved in a misdemeanor but cannot be identified due to the absence of a number plate? What are the regulations for this activity?
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7. Conclusion

Suggestions upon conclusion of the workshop included the presence of Ministry Officials to explain their own challenges or opinions on the release of information using the portal. The request for additional workshops for journalists was made to increase the level of awareness in the sector. Participants indicated an appreciation of the law despite the existence of hindrances including negative attitudes from leaders/duty bearers and the culture of resistance to release information.



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November 23, 2016
Casa Miltu Hotel, Ntinda
Agenda

Time	Activity	Responsible
8:00 - 8:30	Arrival and registration	CIPESA
8:30 - 9:00	Introductions and Expectations	Juliet Nanfuka
9:00 - 9:30	Overview of Training	Ashnah Kalemera
9:30 - 10:30	Introduction to Freedom of Information and RTI	Edrine Wanyama
10:30 - 11:45	Health Break	
11:45 - 12:15	RTI legal and regulatory frameworks in Uganda	Edrine Wanyama
12: 15 - 13:00	Women and the Right to Information: Challenges and Opportunities	Loyce Kyogabirwe
13:00 - 14:00	Lunch	
14:00 - 14:30	ICT as an enabler of RTI in Uganda	Juliet Nanfuka
14:30 - 16:45 (Working tea included)	Group Discussions and Practical on AYG portal including story ideas development	Juliet Nanfuka
16:45 - 17:00	Feedback, way forward and close of training	CIPESA



Advancing the Right to Information using ICT among Journalists

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Attendance

	Name	Gender	Media House
1	Gillian Nantume	F	Daily Monitor
2	Gloria Nakajubi	F	New Vision
3	Prisca Baike	F	Observer
4	Henry Lutaaya	M	The Sunrise
5	Regina Nassanga	F	Mama FM
6	Prudence Nyamishana	F	Blogger
7	Olive Nakatudde	F	Uganda Radio Network
8	Umar Weswala	M	Blogger
9	Flora Aduk	F	Daily Monitor
10	Flavia Nassaka	F	The Independent
12	Evelyn Lirri	F	Health Journalists Network