



Our Ref: NAB/UCC/2026-012

12th February 2026

The Executive Director

Uganda Communications Commission,
PLOT 42-44, Spring road, Bugoiobi,
P.O.BOX 7376,
Kampala, Uganda



*Received by MOICTING
12/02/25*

Dear Sir,

DIRECTIVE ON COVERAGE OF ELECTION DISPUTES; CONSTITUTIONAL AND DEMOCRATIC IMPLICATIONS

The above captioned matter refers.

We, the National Association of Broadcasters (NAB), acknowledge receipt of your directive, **Ref: UCC/LA/35, dated 10 February 2026** addressed to all television and radio broadcasters in Uganda.

As the umbrella body and duly mandated representative of all licensed broadcasters in Uganda, NAB writes to convey the collective position of our members. We affirm our shared commitment to lawful, ethical and professionally responsible broadcasting. We equally affirm our respect for the Commission's statutory mandate.

However, we must respectfully and firmly state that this directive, as drafted, sets a dangerous and unconstitutional precedent. It undermines the very democratic principles our regulatory framework exists to protect.

We outline our grounds for this position below and urgently request that the directive be withdrawn in favour of a consultative framework consistent with the Constitution and with established regulatory practice.

1. The Directive imposes prior restraint in violation of Article 29(1)(a) of the Constitution

Article 29(1)(a) guarantees every person the right to freedom of speech and expression, including freedom to hold opinions and to receive and impart ideas and information without interference. This right is not granted by the Commission. It is inherent and constitutionally entrenched. It extends equally to candidates, citizens and the media.

By prohibiting broadcast of any dispute regarding declared election results unless such dispute has first been adjudicated by a court of law, the Commission imposes a general, preemptive and content-based ban on an entire category of political speech. Such prior restraint is manifestly unconstitutional. It cannot be justified by reference to general concerns about public order where no specific, imminent threat is demonstrated. The directive presumes unlawfulness where none has been established and sanctions speech before it occurs. This is precisely what the constitutional guarantee was designed to prevent.

2. The Directive conflates legal adjudication with democratic discourse

We agree wholly with the Commission that media platforms are not courts of law. No responsible broadcaster claims otherwise. However, there exists a fundamental distinction between litigating an election petition and reporting on grievances, concerns or evidence raised by political actors in the public domain.

The directive collapses this distinction entirely. It treats any broadcast of a candidate disputing results as ipso facto unlawful, irrespective of whether the content is factual, verified, balanced and presented in good faith and in full



compliance with the Minimum Broadcasting Standards. This is neither legally accurate nor democratically defensible.

The media is not an alternative judicial forum. It is the principal arena for public discourse. To close that arena on the ground that a parallel legal process exists is to misunderstand both journalism and democracy. Citizens are entitled to hear from those who seek to lead them, including when those leaders challenge electoral outcomes. That entitlement does not dissolve upon the declaration of results.

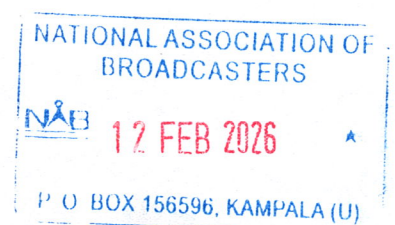
3. Candidates retain dominion over their choice of forum; The regulator or the State cannot compel silence

The directive proceeds from the premise that a candidate dissatisfied with election results must channel all grievances exclusively through election petitions. This premise has no constitutional foundation. A candidate may simultaneously pursue legal redress and exercise their right to address the electorate through the media. These are not mutually exclusive avenues. They are complementary expressions of democratic citizenship.

The characterization of such candidates as merely **“unsuccessful”** and their grievances as presumptively **“sensational, unverified and unsubstantiated”** is both gratuitous and prejudicial. Whether an allegation is substantiated is a question of evidence. The media’s constitutional and professional role is to test, verify and contextualize not to suppress. The Regulator cannot arrogate to itself the power to determine, in advance and without scrutiny, which grievances are worthy of public hearing.

4. The Directive creates an ambiguous, strict liability regime that invites arbitrary enforcement

The directive threatens **“immediate and decisive enforcement action”** against broadcasters who air content **“disputing declared election results.”** It



does not define “disputing.” It does not define “unverified.” It does not define “sensational.” It provides no criteria, no threshold, no defence of professional editorial judgment and no due process.

This ambiguity is not accidental. It is the mechanism by which broad prohibitions are rendered maximal. Broadcasters are left with no choice but to self-censor not only election disputes but any content touching upon electoral integrity, for fear that a regulator’s ex post characterization may differ from an editor’s ex ante judgment. This chilling effect is immediate, profound and incompatible with the constitutional guarantee of media freedom.

Regulation must be precise, proportionate and predictable. The directive is none of these. It is, in substance and effect, an abridgment of fundamental rights by an administrative circular.

5. The Directive contradicts and undermines the commission’s own minimum broadcasting standards

The **Minimum Broadcasting Standards** already provide a comprehensive, professionally sound framework for responsible election coverage. Broadcasters are required to verify facts, distinguish between verified information, opinion and allegation, present balanced perspectives and afford a right of reply. These standards are enforced through established processes, including warnings, notices and, where warranted, sanctions applied with due process.

The directive does not supplement these standards. It suspends them. It replaces professional editorial discretion with a blanket prohibition. It communicates to broadcasters that compliance with the minimum broadcasting standards is insufficient; what is now required is silence on a designated category of public affairs.

We submit that the proper regulatory response to concerns about election coverage is vigorous, consistent and transparent enforcement of existing



standards, not the issuance of extraordinary directives that bypass those very standards.

6. The Directive undermines democratic integrity and damages Uganda's reputation

Democracy does not require citizens to remain silent about disputed elections. Democracy requires institutions including independent regulators and a free media to facilitate robust, informed and responsible debate. The directive communicates, to Uganda and to the international community, that grievance against official outcomes must be suppressed until a court permits its expression.

This is not a hallmark of democratic maturity. It invites adverse scrutiny from multilateral bodies, development partners and international press freedom monitors. It undermines the very national cohesion and democratic integrity the directive purports to protect.

7. The proper path is consultation NOT imposition

NAB has repeatedly expressed willingness to engage the Commission in developing practical, lawful and effective frameworks for election coverage. Our members possess substantial professional expertise in this area. We are not opponents of regulation. We are partners in its responsible implementation.

We therefore request, on behalf of all member broadcasters;

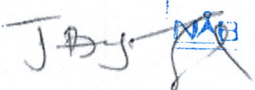
- i. The immediate withdrawal of Directive Ref: UCC/LA/35 dated 10th February 2026.
- ii. An urgent consultative meeting between the Commission and NAB to develop clear, precise and constitutionally compliant guidance on election dispute coverage, rooted in the existing Minimum Broadcasting Standards and respecting editorial independence.



iii. An express commitment that no enforcement action will be taken against any broadcaster for coverage of election-related matters occurring between the date of the directive and the conclusion of such consultative process, provided such coverage complies with the Minimum Broadcasting Standards.

The National Association of Broadcasters as an Advocate and voice of the free and independent media does not seek confrontation with the regulator. We seek coherence between regulatory power and constitutional principle. We seek clarity, not ambiguity. We seek partnership, not imposition.

We are confident that the Commission, as an institution established by law and bound by the Constitution, shares these objectives. We therefore look forward to your urgent and favourable response.

Yours faithfully, NATIONAL ASSOCIATION OF
BROADCASTERS

12 FEB 2026
P O BOX 156596, KAMPALA (U)

Chief Executive Officer

National Association of Broadcasters (NAB)

On behalf of all member broadcasters

CC

- The Hon. Minister of ICT and National Guidance
- The Permanent Secretary, Ministry of ICT and National Guidance
- Members, National Association of Broadcasters

· The Chairperson, Independent Online Journalist Association (INDOJA)

