

**HARNESSING KNOWLEDGE-BASED JOURNALISM, DATA AND ICT TO PROMOTE  
ACCESS TO JUSTICE**

**A PRESENTATION FOR THE 19<sup>TH</sup> ANNUAL JUDGES CONFERENCE ON THE PANEL,  
STRENGTHENING PARTNERSHIPS BETWEEN THE JUDICIARY AND THE MEDIA TO  
ENHANCE ACCESS TO JUSTICE FOR ALL**

**SPEKE RESORT CONFERENCE CENTRE, MUNYONYO**

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I am very honored to speak at this conference.

I was asked to focus on “harnessing access to justice by way of exploring the media and ICT channels available”. “Particular emphasis,” I was told “should be put on responsible reporting and accessibility of information online, and the media demystifying the court processes to enhance the rule of law.”

African Centre for Media Excellence (ACME), which I co-founded about eight years ago, is a non-profit media support organization that strategically occupies the space between the media industry and academic institutions that train journalists. The centre is committed to excellence in journalism and mass communication in Africa, starting at home in Uganda. Our main goal is to make the media a more effective platform for the provision of information on public affairs, a tool for monitoring official power, and a forum for vibrant public debate. ACME’s work revolves around:

- mid-career training for journalists;
- media relations training and communication support (for benefit of civil society organisations, businesses, government entities);
- media literacy training for the youth;
- media monitoring and research;
- excellence awards and grants;
- convening of public dialogues, workshops and symposia;
- running an active online operation (website, online resource centre, social media) to share information and debate media performance; and
- freedom of expression advocacy.

At ACME we are driven by the conviction that the media have a critical role to play in fostering accountability and transparency in national affairs as well as active citizenship. They can be an effective channel for the voice of the people in demanding accountability from agencies whose decisions affect their lives—government, civil society and the private sector.

A more informed and engaged citizenry is more likely to demand transparency and to hold those in positions of power accountable.

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I am usually nervous about the expression “responsible reporting” because in many parts of the world it has been used to emasculate the critical and bold journalism that democracy demands of the media.

I am more comfortable with expressions such as “quality journalism” or “good journalism”.

Such journalism, imbued with public interest values, provides information that is significant and relevant. It offers context and perspective; it explains issues and helps to educate and enlighten audiences; it offers analysis and depth; it provides a civic forum that

both informs and engages; it drives public debate on the issues of the day, including rarely discussed subjects that affect people's lives; it asks the right questions and provides a forum through which they can be answered; it is credible and authoritative; it upholds the value of diversity; it is truthful and accurate; it is fair and impartial; it is independent (from vested interests, be they political or commercial); it is enterprising; and it is interesting.<sup>1</sup>

At any rate, it is very important for us to remember even as we champion excellence in journalism that for the most part "irresponsible reporting" or "poor journalism" is also part of protected speech. We shouldn't criminalize it.

And I think in that regard our Supreme Court has done very well. For me the words of the Justice Joseph Mulenga (RIP) in his 2004 lead judgment in the Supreme Court decision on the Penal Code provision on "false news" will remain memorable forever.

He said:

*It is evident that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories, such as correct opinions, sound ideas or truthful information. Subject to the limitation under Article 43, a person's expression or statement is not precluded from the constitutional protection simply because it is thought by another or others to be false, erroneous, controversial or unpleasant. Everyone is free to express his or her views. Indeed, the protection is most relevant and required where a person's views are opposed or objected to by society or any part thereof, as "false" or "wrong".*

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Going back to our broader theme, we can't talk about access to justice without talking about access to information, another fundamental right guaranteed by our Constitution.

The NEWS MEDIA, and these days, we must add, SOCIAL MEDIA, play a key role in promoting both the right to freedom of expression as well as access to information.

They play the following key roles:

- Providing information;
- Facilitating public dialogue and debate;
- Monitoring the use and abuse of power;
- Serving as guardians of political norms/values and agents of political socialization;
- Building and setting the public agenda;
- Gauging and reflecting public opinion;
- Mobilizing citizens to participation and action;
- Facilitating citizen feedback to the political system;
- Providing a platform for self expression.

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<sup>1</sup> ACME "On Good Journalism." <http://www.acme-ug.org/about-us>

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Early on in ACME's work, we realized that one of the biggest challenges that stood in the way of journalistic excellence in Uganda was journalists' lack of sufficient knowledge of the institutions and issues they covered. The more complex a sector, the harder it is for news coverage to make sense of what is going on.

The American political communication scholar Thomas Patterson has rightly argued that "the surest way to improve the accuracy of news" and "heighten its contribution to the public understanding of public affairs" is "for journalists to make fuller use of knowledge". Indeed, knowledge is a key to strengthening story context. "For almost any development of even modest complexity, journalists cannot be counted upon to construct 'a comprehensive and intelligent account' unless they are knowledgeable of the underlying factors."<sup>2</sup>

My first proposal to you, therefore, would be to explore the possibility of more partnerships with media support organizations such as ACME, and in some cases direct partnerships with media houses, to pass on knowledge about the judiciary and the whole justice law and order sector. I want to believe the Judicial Studies Institute is well positioned to take a lead on this. Possibilities include:

- Short courses for practicing journalists
- Facilitating the employment of judicial officers as guest lectures at newsroom and offsite training workshops for journalists.
- Publication of easy-to-use handbooks that demystify court processes.

Whereas many good journalists will seek knowledge on their own, experience has taught us that a good number need to be pushed by friendly forces.

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Related to knowledge is the question of access to data. The judiciary, like other government branches, has invested lots of resources in acquiring data on access to justice etc. The recent National Court Case Census is a case in point. Unfortunately, the data generated from such exercises very often suffer a short and obscure shelf life. Once condensed into research reports the data are easily forgotten, yet the media could use the information more routinely to continue the conversation on service delivery (or access to justice in the case of the judiciary) and accountability.

Again, through partnerships with media support organizations or with credible media houses, the judiciary can share the raw data (datasets) from some of this major research so that journalists can use it (analyze it independently) to produce more in-depth and analytical stories at all levels without necessarily doing expensive primary research themselves. This emerging journalistic genre has come to be called data journalism.

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<sup>2</sup>Thomas Patterson (2013) "Informing the News: the need for knowledge-based reporting." Downloaded from <http://journalistsresource.org/skills/research/knowledge-based-reporting> on October 9, 2013.

Sharing the raw data with the journalists offers some other advantages that may not be so obvious. It is much easier for the media to report good news (e.g. positive outcomes from a judicial intervention such as plea bargaining) if journalists were involved in the analysis that established the *good* results. On the other hand, if the judiciary decides to do its own analysis and simply share a final report with journalists, they could easily dismiss it as PR (Public Relations) or self-promotion.

I would also like to propose that data collection need not be a major one-off activity every year. Lots of data can be collected and entered on appropriate systems in real time. For instance, at the adjournment or close of every court case every day a relevant judicial officer could be required to enter whatever decision was reached, reason for adjournment, etc. If this happened in every court, you wouldn't have to wait for the National Court Case Census report to establish, for example, the main causes of adjournment of court cases. The Judicial Information Management System should be exploited more.

If this happened, we would be in position to answer basic and interesting questions such as the following:

- What courts (e.g. Anti corruption, civil, commercial, constitutional, criminal, execution/bailiffs, family, international crimes, land) perform best in timely completion of cases? On average, how many cases do they complete a year?
- What offences (e.g. arson, fraud, forgery, extortion, embezzlement, manslaughter, murder, etc) attract the highest number of cases?
- On average, how long does it take to complete cases under these different offences?
- Which judges appear to be doing a decent job disposing off cases?

More independent analysis of the raw data by the media and civil society would help the Judiciary in the administration of justice by, among other things, shining the torchlight on lines of inquiry that could easily have been ignored.

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On harnessing ICT channels available, the Judiciary could do a much better job. I am not sure that you're fully exploiting the opportunities offered by social media such as Twitter, Facebook and YouTube as well as the now more traditional platforms such as websites and portals. It is telling that no hashtag related to this 19<sup>th</sup> Annual Judges Conference was trending on Twitter on Friday when the conference was opened. I am not even sure if the Conference has a hashtag. Millions or at least hundreds of thousands of Ugandans who don't read newspapers or listen to public affairs programming on radio are getting their news from these social media platforms. If the Judiciary does not use them, you are denying them access to information.

As for the web, I have been visiting the Judiciary's website multiple times the last few days and I observed that although there are several improvements around the display and timeliness of information, a lot more can be done to help journalists and citizens access information, and for the latter, ultimately justice. In today's ICT age, as much information as

possible should be available on a mouse click. Here are some areas where improvements should be considered:

- Cause Lists: They don't appear to be exhaustive. Many judges/cases are not listed.
- FAQs: These are not populated. This is a very important feature for demystifying court processes.
- Judgments: They are not uploaded in a timely manner.
- Press summaries: In other jurisdictions, major judgments are accompanied by press summaries, which are "provided to assist in understanding the Court's decision".
- Graphs on Court performance: The information provided under each year is not sufficient to help a citizen make sense of it. The information presented includes (i) cases brought forward (ii) cases registered (iii) cases completed (iv) cases pending. The way it is presented is not very meaningful, as one can't easily figure out whether there is progress, stagnation, or retrogression.

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Perhaps, this is an appropriate place for me to share with you what lies inside the mind of a journalist.

The reason I am going down this route is because I meet very many public officials and even colleagues in civil society who believe their work speaks for itself and are therefore saddened that the media is not paying (enough) attention to it.

On the other hand, public officials and others who take an interest in understanding the dynamics of media production tend to have far more of their work or issues covered in the media.

In deciding what to cover, journalists usually look out for NEW developments and/or CHANGE.

[Like the Supreme Court and other courts] they want claims to be backed up by EVIDENCE.

Journalists are also trained and socialized to evaluate newsworthiness based on factors that are sometimes called news values. They include the following:

- *Impact or consequence*: Is the event or issue likely to have a major impact on a great number in the community or country?
- *Relevance*: This is in some ways related to consequence, but has more to do with significance. The key question that journalists will (or should) ask is "so what?" So what if you have completed a census of court cases? Why should the media care? Why should the public care? How does the topic concern or touch them?
- *Proximity*: Does the event relate to a development that is close to the audience geographically? Additionally, or alternatively, is it about people that the audience

can identify with in some way? Issues that are closer to the community's concerns or issues that the community is grappling with are more likely to attract coverage than those that appear peripheral or distant.

- *Prominence*: Does the event or issue revolve around well-known personalities or groups? Prominent people or those who work with well known and organisations are more likely to attract coverage than "lesser souls."
- *Conflict*: Does the event or issue involve controversy? Does it pit one or more sides against another or others? Is it likely to generate heated arguments for and against?
- *Timeliness*: Is the event or issue recent?
- *The Unusual/bizarre*: Does the event or issue involve something bizarre or out-of-the- ordinary? Does it involve a disruption to the norm? Oddities such as the now hackneyed example of a man biting a dog attract media coverage.
- *Drama*: Does the event or issue contain elements of excitement, spectacle or crisis?
- *Human Interest*: Does the event or issue have elements that will touch people's emotions?

Judicial officers, especially those involved in projects and outreach, need to appreciate these values and learn how to make pitches for stories about the Judiciary or JLOS that the media should cover.

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Finally, let me say something briefly about the relationship between judicial officers and the media. There is a widespread feeling among journalists, especially upcountry, that judicial officers are hostile to them. Some judges throw out journalists from courtrooms without bothering to explain their decisions. Sometimes this hostility appears to be informed by the lack of trust in the ability of local reporters to cover issues accurately. In a few other cases, however, the hostility and resulting darkness that it generates is calculated to benefit certain parties involved in cases.

Either way, judicial officers should treat journalists with respect, regardless of the media's shortcomings.

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