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Freedom on the Net 2022 - Uganda

PARTLY FREE

50

/ 100

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LAST YEAR'S SCORE & STATUS

49 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

Overview

Internet freedom in Uganda improved slightly during the coverage period, as the government lifted sweeping digital restrictions that had been imposed during the disputed January 2021 general elections. Self-censorship is increasingly common online, with journalists and activists who criticize the president and his family continuing to face arrest and physical violence in retaliation for their online activities. Recent evidence further implicated Ugandan authorities in the use of commercial surveillance tools against journalists and opposition leaders.

President Yoweri Museveni and his National Resistance Movement (NRM) have retained power since 1986 through patronage, the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders. Ugandan civil society groups and independent media outlets similarly suffer from legal and extralegal harassment and state violence. While Uganda holds regular elections, their credibility has deteriorated over time. The 2021 balloting was held amid COVID-19 pandemic restrictions and featured electoral irregularities as well as violence toward the opposition.

Key Developments, June 1, 2021 – May 31, 2022

- In April 2021, the government repealed the over-the-top (OTT) services tax and adopted a new 12 percent tax on internet data, which sharply raised the cost of internet access during the coverage period (see A2).
- There were no reported connectivity restrictions similar to those imposed by the Uganda Communications Commission (UCC) during the contentious January 2021 elections in the previous coverage period. The government continued to officially block Facebook, though users were able to access the platform through some Wi-Fi networks or via virtual private networks (VPNs) (see A3 and B1).
- Journalists, activists, and ordinary users who criticized the president and his family online remained subject to arrests, detentions, and physical violence (see C3 and C7).
- Government-sponsored surveillance of journalists and opposition leaders continued during the coverage period. In December 2021, two prominent Ugandan journalists and an opposition leader were notified by Apple that their iPhones may have been targeted by Pegasus, a spyware product developed by the Israeli company NSO Group (see C6).

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 1 / 6

Internet penetration continues to improve, reaching an estimated 24 percent in 2017, according to the latest data from the International Telecommunication Union (ITU).¹ According to the Digital 2022 Report, Uganda’s internet penetration rate was 29.1 percent as of January 2022;² Kepios found that the number of internet users had increased by 1.8 million between 2021 and 2022.³ The communications regulator UCC, meanwhile, reported 22 million internet subscriptions and an internet penetration rate of 54 percent as of December 2021.⁴

According to internet speeds aggregator Ookla, as of July 2022, Uganda had a median download speed of 19.40 Mbps and a median upload speed of 8.22 Mbps on mobile connections, and a median download speed of 9.85 Mbps and a median upload speed of 10.20 Mbps on fixed-line broadband connections.⁵ The National Broadband Policy adopted in 2018 seeks to deliver a minimum speed of 4 Mbps nationwide.⁶ Other obstacles to internet usage include limited access to electricity in rural areas, low digital literacy levels, and affordability challenges with respect to internet-enabled devices such as computers and smartphones (see A2).⁷

Overall, the information and communication technology (ICT) sector continues to grow, with reported investments and improvements in the performance of government-controlled electronic systems.⁸ In November 2020, Roke Telkom, partnering with Facebook, launched the Roke Express Wi-Fi initiative, aiming to provide low-cost, high-speed internet access.⁹ The Uganda Fourth Industrial Revolution strategy prioritizes the development of fifth-generation (5G) wireless networks and other emerging technologies.¹⁰ Efforts to deploy 5G technology commenced in January 2020, through a partnership between service provider MTN Uganda and ZTE, a Chinese telecommunications firm.¹¹ Some 57 percent of the population currently resides within range of 4G service, according to the Inclusive Internet Index.¹² In January 2021, Alphabet, the parent company of Google, announced that it would dissolve its subsidiary Loon, only a year after Loon signed a deal with the Ugandan government to use high-altitude balloons to provide 4G coverage to underserved areas.¹³ In 2019, Nokia and Liquid Telecom announced upgrades to their fiber-optic network in East Africa, including Uganda.¹⁴

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 1 / population for geographical, social, or other reasons? **3**

While internet access has become more affordable, particularly on mobile phones, costs are still high for large numbers of Ugandans.¹⁵ The cost of 1 GB of prepaid mobile data on mobile networks is approximately 5,000 shillings (\$1.40),¹⁶ making it unaffordable to many.¹⁷

In July 2021, the government began implementing a new 12 percent tax on internet data as a part of a tax package adopted under the Excise Duty (Amendment) Act 2021.¹⁸ The new tax exempts data used for medical and education services.¹⁹ The same legislation repealed the OTT services tax, a daily 200 shilling (\$0.06) tax on social media usage.²⁰ That tax, first introduced in 2018, drew criticism from civil society groups on the grounds that it would make access more expensive and restrict connectivity, especially for poor Ugandans.²¹ A May 2019 study from the Alliance for Affordable Internet found that the OTT services tax particularly affected women’s access to the internet.²²

Only 25 percent of Ugandans live in urban areas,²³ and access to electricity is limited in rural areas, resulting in a significant urban-rural divide in internet access.²⁴ There is also a notable disparity in access between men and women: the 2021 edition of the Inclusive Internet Index reported a 13 percent gender gap for Uganda.²⁵

The government has tried to address these inequalities through several initiatives. In June 2021, the government received funding from the World Bank to expand access to high-speed and affordable internet, improve the efficiency of digitally enabled public-service delivery, and strengthen digital inclusion in the country.²⁶

Since 2007, the ICT Ministry, through the National Information Technology Authority–Uganda (NITA-U), has been developing the National Data Transmission Backbone Infrastructure and e-Government Infrastructure Project, which aims to ensure the availability of high-bandwidth data connections in all major towns at reasonable prices.²⁷ In 2016, the government began offering a free trial of wireless internet access in the Kampala Central Business District and parts of Entebbe.²⁸

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 4 / restricting connectivity? **6**

Score Change: The score improved from 3 to 4 because there was no repetition of the government’s attempts to restrict internet connectivity, social media platforms, and communication applications during the previous coverage period.

No restrictions on connectivity were reported in Uganda during this coverage period. During the previous coverage period, surrounding the January 2021 elections, the government had restricted connectivity and blocked access to social media platforms and communication apps, which are heavily used by many Ugandans.

On January 13, 2021, the day before polls opened, the UCC ordered internet service providers (ISPs) to enforce a “temporary suspension of the operation of Internet gateways and associated access points,” citing Sections 5(1) and 56 of the Uganda Communications Act 2013.²⁹ The act authorizes the UCC to “monitor, inspect, license, supervise, control, and regulate communications services” and to “set standards, monitor, and enforce compliance relating to content.”³⁰ According to data from the Center for Applied Internet Data Analysis, access to the internet was restored a few days later, on January 18.³¹

On January 12, 2021, access to Facebook, Twitter, Instagram, WhatsApp, Telegram, other social media platforms, and roughly 100 VPN services was restricted.³² The government restored access to all websites except Facebook on February 10 of that year.³³ Facebook remained restricted as of May 2022 (see B1).

Previously, the government had ordered the shutdown of Facebook, Twitter, WhatsApp, and mobile money services for four days in the run-up to the 2016 elections and again ahead of President Museveni’s inauguration that year.

Uganda’s backbone connection to the global internet is privately owned in a competitive market.³⁴ The national fiber-optic backbone is connected to the EASSy international submarine cable system, which runs along the eastern and southern coasts of Africa.³⁵ Telecommunications providers are also connected to the TEAMS (The East African Marine System) and SEACOM submarine fiber-optic cables through Kenya. As of March 2022, 29 ISPs were connected to the Uganda Internet Exchange Point (UIXP).³⁶

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 5 / 6

The UCC continued to implement a revised regulatory framework for telecommunications during the coverage period. The effect of this framework on service provider diversity remains unclear.

The framework, first introduced in the previous coverage period, is meant to ease market entry, enhance competition, and accelerate the rollout of broadband services. It is also intended to enhance local ownership of telecommunications services by requiring national telecommunications operators to list at least 20 percent of their shares on the Uganda Securities Exchange within two years of acquiring a new license.³⁷ The framework designated six new license types,³⁸ and existing operators were required to reapply for their licenses before the June 2020 implementation date.³⁹

In March 2021, the UCC granted Lycamobile a National Telecommunication Operator (NTO) license, making it the third company to receive such a license, after MTN Uganda and Airtel Uganda. According to the UCC, Lycamobile is required to expand its network coverage to 90 percent of Ugandan territory within five years under the NTO license’s terms.⁴⁰

Some observers warned that the new licensing framework may lead to overregulation in the sector, while others argued that its new fees would overburden licensees. The framework requires applicants to pay separate fees for operating in different regions, in addition to the mandatory application fees and a 2 percent levy on gross annual earnings.⁴¹ The previous framework did not require region-specific licensing.⁴² As of July 2021, the UCC’s radio licensing framework included, for the first time, a license for online radio broadcasters.⁴³

The number of industry players continues to grow, with many now offering competitive prices and technologies. Currently, there are 33 telecommunications service providers that offer both voice and data services, including MTN Uganda, Airtel Uganda, Uganda Telecom Limited (UTL), Vodafone, Smart Telecom, and Afrimax.⁴⁴ all of which employ long-term evolution (LTE) technology. In January 2020, Lycamobile entered the Ugandan market, seeking to roll out a 4G network across the country.⁴⁵ All service providers are privately owned except for UTL, which has been fully owned by the government since 2017.⁴⁶

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? 4

The UCC has been criticized for its failure to operate in a free, fair, and independent manner.⁴⁷ The body has a mandate to independently coordinate, facilitate, and promote the sustainable growth and development of ICTs in the country. It also provides information about the regulatory process and the quality of service, and issues licenses for ICT infrastructure and service providers.⁴⁸ The commission’s funds derive mainly from license fees and a 2 percent annual levy on the gross annual revenue of licensees.⁴⁹

There is a general perception that comprehensive and coherent information about the commission’s operations is not always accessible, and that the body is not entirely independent from the executive branch of the government.⁵⁰ For example, the ICT minister has the authority to approve the UCC’s budget and appoint members of its board with approval from the cabinet. There are no independent mechanisms in place to hold the UCC accountable to the public.⁵¹

In January 2021, the UCC issued a call for comments on the proposed Uganda Communications Tribunal (Practice and Procedure) Regulations 2020, which would create a tribunal with jurisdiction over “all matters relating to communication services arising from decisions” made by the UCC and ICT minister. The tribunal would include a High Court judge and two people appointed by the president, as well as technical advisers appointed by the ICT minister.⁵² In a brief addressing the draft regulations, the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) noted concerns that the government’s ability to appoint the tribunal’s members would undermine its impartiality.⁵³ The regulations had not been passed at the end of the coverage period.

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, 3 / particularly material that is protected by international human rights standards? 6

Government-imposed restrictions on social media platforms were mostly lifted during the coverage period, though Facebook was reportedly still restricted.

On January 12, 2021, two days before the general elections, access to Facebook, Twitter, Instagram, WhatsApp, Telegram, other social media platforms was restricted. The blocking came after Facebook and Twitter removed pro-NRM accounts that the companies identified as a government-affiliated network seeking to manipulate public debate during the electoral period (see B5).⁵⁴ The government also ordered the restriction of roughly 100 VPN services, and some internet users reported difficulty accessing the Google Play Store and the Apple App Store starting on January 9.⁵⁵ The government restored access to all blocked services except Facebook on February 10, 2021.⁵⁶ As of May 2022, Facebook was still officially restricted, though some users reported being able to access the platform on select Wi-Fi networks and via VPN.⁵⁷ Overall, VPNs have become more accessible than they were during 2021.

The government had previously blocked access to Facebook, Twitter, WhatsApp, Instagram, and mobile money services for four days during the 2016 general elections.⁵⁸ Museveni said that blocking was necessary to prevent people from using the platforms to “tell lies.”⁵⁹ Access was restored three days after the elections, then obstructed again for “security reasons” on the day before the longtime president’s inauguration later that year.⁶⁰

In August 2019, the UCC ordered ISPs to block the websites of Rwanda’s *New Times* and another Rwandan outlet, Igihe.com, amid tensions between the two countries.⁶¹ The sites were blocked for publishing “harmful propaganda that would endanger [Uganda’s] national security,” according to a UCC spokesperson.⁶² The government agreed to unblock the websites two days later.⁶³

Pornography has been a regular target for online censorship. In July 2018, ISPs began blocking 27 websites for “streaming pornographic content”; the list of targeted sites was reportedly supplied by the Pornography Control Committee (PCC).⁶⁴ The committee was established in 2017 and was reportedly allocated 2 billion shillings (\$560,000) for new technologies that can monitor and intercept pornographic material.⁶⁵ In August 2021, however, the Constitutional Court declared that Section 2 (on the definition of pornography) and Section 13 (on the prohibition of pornography) of the Anti-Pornography Act 2014 were unconstitutional.⁶⁶ The 2014 law held service providers criminally liable for the uploading or downloading of vaguely defined pornographic material on their systems,⁶⁷ with penalties of up to five years in prison and 5 million shillings (\$1,400) in fines.⁶⁸

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards? 2 / 4

There were no known cases during the coverage period in which state or nonstate actors successfully removed legitimate digital content, though the authorities have pressed for such removals in recent years.

In December 2020, the UCC called on Google to block at least 14 YouTube channels that the commission claimed were used to mobilize riots in November.⁶⁹ The riots, which resulted in the deaths of more than 50 people as well as destruction of property, began in Kampala and spread to other parts of the country following the arrest of opposition leader Robert Kyagulanyi Ssentamu—better known as Bobi Wine. Google declined the request, citing the government’s lack of a court order.⁷⁰

In 2019, the UCC instructed the *Daily Monitor* to suspend its website, ostensibly for failing to register the site as required by a 2018 government regulation. However, analysts contend that the order was issued due to the website’s publication of an unflattering story about the speaker of Parliament, which elicited complaints from the speaker.⁷¹ The site ultimately remained accessible, but the controversial story was taken down.

Social media users have been forced to remove content from their pages, and the practice is likely underreported. In an anonymous interview in 2018, a blogger claimed that he had been approached by security operatives and offered a bribe to remove content from his blog that was deemed “defamatory” toward the government.⁷² Although the blogger did not take the bribe or remove the content, he expressed fear for his life, which compelled him to cease writing about certain sensitive topics.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 2 / or an independent appeals process? 4

Restrictions on content frequently lack proportionality to the stated aims, including the restrictions on internet connectivity and access to social media platforms that were imposed during the previous coverage period. Service providers are governed by several legal and regulatory frameworks that require them to filter, remove, and block content that is considered illegal by authorities. These include the Uganda Communications Act 2013 and the Regulation of Interception of Communication (RIC) Act 2010.⁷³

In March 2021, the East Africa Law Society (EALS) challenged the January 2021 internet shutdown in a petition filed at the East African Court of Justice (EACJ). The EALS claimed that the shutdown violated the rule of law and human rights, sought a declaration that the shutdown was illegal, and called for affected users to be compensated.⁷⁴ This case was still pending at the end of the coverage period.

In April 2021, the Constitutional Court dismissed a case brought by the free expression groups Unwanted Witness Uganda and Article 19 against the Ugandan government and service providers for the social media blocks that were imposed during the 2016 election period. The court held that the restrictions were permissible under Article 43 of the Ugandan constitution, which allows the limitation, in the public interest, of constitutionally protected fundamental rights and freedoms.⁷⁵

In 2017, Parliament passed the much-criticized Uganda Communications (Amendment) Act 2016,⁷⁶ which amended Section 93(1) of the 2013 Uganda Communications Act to eliminate the system of checks and balances on the ICT minister’s supervision of the communications sector by removing requirements for parliamentary approval of regulations proposed by the ICT Ministry.⁷⁷ The ICT minister’s increased power was on display when he ignored Parliament’s motion to extend the deadline for SIM-card reregistration and instead directed the UCC to switch off all unverified cards in 2017.⁷⁸

After only 14 entities complied with new requirements instituted in March 2018 for news sites and blogs to register and obtain authorization from the UCC, the commission issued a second directive that April, ordering ISPs to block access to unregistered sites (see B6).⁷⁹ It remained unclear how many websites registered or were blocked for failing to register.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 2 / 4

A number of journalists were arrested and prosecuted over allegations of misinformation and disinformation during the January 2021 general elections.⁸⁰ contributing to a broader fear of arrest, detention, and prosecution and an increased practice of self-censorship among journalists working both online and offline. The UCC’s continued efforts to require online content producers to apply for licenses also drives self-censorship, due to the risk that criticism of the government might result in the withdrawal of licenses or even prosecution.

Social media users have increasingly resorted to pseudonymous accounts to avoid harassment and other repercussions for their online speech.⁸¹ Taboo topics include the military, the president’s family, the oil sector, land grabs, and presidential term limits. Nonetheless, blogging continues to be popular among young Ugandans and journalists who have reported candidly on controversial issues such as good governance and corruption.⁸²

The government’s 2019 attempt to control online content by calling for all “data communicators” with large followings—including prominent activists, bloggers, politicians, socialites, musicians, and journalists—to register with the UCC has been criticized for fueling online self-censorship (see B6).

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful 2 / actors to advance a particular political interest? 4

Ahead of the disputed January 2021 elections, the government manipulated online content to shift opinions in favor of the NRM. In December 2020, the Digital Forensics Research Lab uncovered a network of social media accounts engaged in a coordinated campaign to promote President Museveni and the Ugandan government while attacking the opposition National Unity Platform (NUP) and its leader, Bobi Wine. The network included accounts that appeared to be linked to the *Kampala Times* news site and journalist Dickens Okello.⁸³ It was associated with a group inside the ICT Ministry, according to a subsequent investigation conducted by Facebook.⁸⁴ The accounts were removed by Facebook on January 8 and Twitter on January 10, 2021.⁸⁵

In 2017, the UCC issued a public notice advising the “general public against irresponsible and/or illegal use of all communication platforms.” The notice also called for users, administrators, and account managers to refrain from “authoring, posting, receiving, and sharing or forwarding any forms of communication containing and/or referring to illegal and/or offensive content to avoid the risk of being investigated and/or prosecuted for aiding and abetting the commission of any resultant offenses.”⁸⁶ The notice continued the government’s practice of attempting to control and constrain social and political discourse on social media platforms.

The UCC has at times barred media outlets from broadcasting parliamentary proceedings live. In 2017, for example, the UCC banned live broadcasts of debates on a proposed constitutional amendment that would lift the presidential age limit of 75, effectively allowing President Museveni to remain in office after 2019. The UCC claimed that the broadcasts were likely to incite violence.⁸⁷ However, some media outlets bypassed the ban and broadcast the proceedings via Twitter’s Periscope. The ban was lifted later in 2017, but with the condition that participating media outlets possess “live broadcasting preediting software.”⁸⁸ The constitutional amendment was eventually adopted.

Research on social media trends during the 2016 elections found that automated “bot” accounts mimicking human users on Twitter worked to manipulate online conversations by skewing discussions in favor of President Museveni, leading to suspicions of paid progovernment trolling.⁸⁹

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 1 / online? 3

New economic and regulatory constraints continue to negatively affect users’ ability to publish content online. Ongoing restrictions on Facebook and the 12 percent internet tax that took effect in July 2021 served as barriers to users’ ability to publish content online during the coverage period (see A2, A3, and B1).

In previous years, the UCC has taken stringent measures aimed at regulating online media. In September 2020, the commission issued a reminder calling on all online publishers to seek authorization for their provision of services. In particular, authorization was required for “blogs, online televisions, online radios, online newspapers, audio over IP (AoIP), Internet Protocol TV (IPTV), Video on Demand (VoD), Digital Audio radios and televisions, internet/web radio and internet/web television.”⁹⁰ The regulator cited Sections 2, 5, and 27 of the Uganda Communications Act 2013 and Regulation 5 of the Uganda Communications (Content) Regulations 2019, which empowers the UCC to license, regulate, and set standards for the provision of all communication services in Uganda, including radio communication and online broadcasting.⁹¹ Noting the announcement’s proximity to the January 2021 elections and the law barring in-person campaigning (see B8), civil society organizations accused the UCC of seeking to control online information ahead of the vote.⁹²

In August 2019, the UCC began enforcing a directive requiring “all online data communication service providers, including online publishers, online news platforms, online radio and television operators,” to obtain its authorization to operate.⁹³ As part of the registration requirements, online publishers are obliged to pay \$20 per year.⁹⁴ Alleged failure to comply with the registration rules was the UCC’s stated justification for its attempt to shut down the *Daily Monitor*’s website in February 2019 (see B3).⁹⁵ Also in August 2019, the UCC extended the registration directive, including the annual fee, to cover influencers, politicians, and celebrities with large followings on social media.⁹⁶

The UCC stated in July 2019 that its mandate covered content transmitted over social media platforms and that it could therefore “require ISPs to filter/block/take down websites with specified content, e.g. child pornography, terrorism, hate speech, incitement of violence, breach of any law or as per the minimum broadcasting standards, over their networks.”⁹⁷ Observers noted that the directive strengthened the UCC’s powers to limit online speech, though it remained unclear how it would apply to content hosted outside Uganda.

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 3 / 4

The content available online in Uganda is diverse, though news sites published by the Vision Group, a media company that is partly owned by the government, are only available in four local languages in a country with 40 languages and 56 Indigenous dialects. Newspapers such as *Bukedde*, *Etop*, *Rupiny*, and *Orumuri* have created online platforms. The websites of other major privately owned newspapers are only accessible in English, which is not widely spoken across Uganda. The Google Uganda domain was available in five local languages as of 2010,⁹⁸ while the Firefox web browser was accessible in Luganda and Acholi as of 2014.⁹⁹ Wikipedia can be accessed in Luganda, with approximately 1,382 articles translated as of March 2022.¹⁰⁰

The reliability of online information worsened during the COVID-19 pandemic and the January 2021 general elections. False claims about candidates and endorsements proliferated online during the electoral period, though fact-checkers mobilized to combat misinformation, even during the internet shutdown.¹⁰¹ Government bodies, including the UCC, also worked to limit the spread of misinformation during the pandemic and during postelection protests.¹⁰²

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 4 / political and social issues? 6

Social media platforms were increasingly used as alternative spaces to demand social and political justice during the coverage period.¹⁰³ However, the government’s ongoing efforts to restrict and regulate social media platforms continued to temper digital activism.

Ugandans use social media platforms, especially Twitter, to mobilize in response to political and social injustices in the country. The #FreeKakwenza hashtag was used by several activists and international partners to demand the release of author Kakwenza Rukirabashaija following his detention in December 2021.¹⁰⁴ Similarly, the #FreeLumbuye hashtag was used to demand the release of blogger Fred Lumbuye from detention in Turkey, where he was being held under unclear circumstances (see C7). In previous years, the hashtags #FreeStellaNyanzi and #PushForStellaNyanzi were widely used to call for the release of Stella Nyanzi, a prominent academic who had been arrested for social media posts criticizing the government in November 2018. The UCC directive on the registration of social media influencers in August 2019 was believed to have been designed to target social media users like Nyanzi (see B6).

In April 2021, after three years of online protests against the social media tax, the government replaced it with a 12 percent tax on internet data, which took effect in July of that year (see A2). Users began protesting the social media tax in July 2018, using the hashtags #SocialMediaTax, #MobileMoneyTax, and #ThisTaxMustGo to urge the government to abolish it. The social media tax also attracted international attention, mobilizing internet stakeholders around the #NoToSocialMediaTax campaign to place further pressure on the Ugandan government.

During the 2021 election period, both the ruling NRM and the opposition NUP adopted online campaigning tools. In early January, the government launched the Uchaguzi platform, which was aimed at bridging the electoral knowledge gap, while the NUP launched UVote, an application intended to monitor election results across the country.¹⁰⁵ Major social media platforms like Facebook, Twitter, and WhatsApp were widely used for campaigning; for instance, the NUP often streamed video of Bobi Wine’s campaign events on Facebook Live.

Parliamentary candidates communicated with their supporters and potential constituents on WhatsApp.¹⁰⁶ On Twitter, users shared posts with the hashtags #KyagulanyiForPresident and #WeAreRemovingADictator to support Bobi Wine’s candidacy, while pro-Museveni hashtags included #M7UGsChoice and #SecuringYourFuture.¹⁰⁷

The Independent Electoral Commission banned public rallies in June 2020 and suspended physical campaigns in 16 districts in December 2020, citing the coronavirus for both measures. The restrictions were seen as privileging the NRM, which had unrestricted access to media in Uganda, while opposition candidates had limited means of communicating with the electorate both online and offline. Security forces primarily enforced the restrictions against members of the NUP, who experienced intimidation and arrest for in-person campaigning.¹⁰⁸ The hashtags #UgandaIsBleeding, #FreePoliticalPrisonersInUganda, #FreeBobiWine, and #StopPoliceBrutalityInUganda were created in response to increased police brutality and political abductions, especially during the campaigning period.

Civil society members have previously raised concerns that the government directive imposing annual fees on influencers, politicians, and celebrities with large followings on social media could effectively deter engagement on the platforms (see B6).¹⁰⁹

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence? 2 / 6

The Ugandan constitution provides for freedom of expression, freedom of speech, media freedom, and the right to access state information.¹¹⁰ However, several laws undermine these protections.

Laws including the Press and Journalist Act 2000, sections of the Penal Code Act 1950, and the Anti-Terrorism Act 2002 appear to contradict the constitutional guarantees of freedom of expression. For example, the Press and Journalist Act requires journalists to register with the statutory Media Council, whose independence is believed to be compromised by the government’s influence over its composition.

In July 2022, the government proposed amendments to the Computer Misuse Act 2011. The stated aims of the amendments are to prohibit the sharing of information that promotes hate speech, prevent the sharing of false information, and enhance protections against cybercrimes. CIPESA, a civil society organization focused on ICT policy in East and Southern Africa, voiced concerns that provisions related to the spread of unsolicited or malicious information could be used by the government to limit free speech and impose heavy penalties on individuals.¹¹¹

Several court cases related to online freedom of expression are still open, with no known hearing dates set, leading the parties involved to air frustrations about the judiciary’s neglect of the disputes.¹¹²

The independence of the Ugandan judiciary has become more tenuous in recent years.¹¹³ After losing his January 2021 presidential bid, Bobi Wine withdrew his petition against the election results, citing the judges’ lack of independence.¹¹⁴ In 2015, as part of his efforts to consolidate power in the run-up to the 2016 elections, Museveni promoted new judges to both the Constitutional Court and the Supreme Court. The process was criticized for lacking transparency and undermining judicial independence, and critics called for more public scrutiny in the appointment process for new judges.¹¹⁵

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards? 2 / 4

Several laws criminalize legitimate online expression and activities, including the penal code, the Computer Misuse Act 2011, and the Anti-Terrorism Act.

The penal code contains provisions that criminalize libel and the promotion of sectarianism, which are punishable with lengthy prison terms. While these provisions do not specifically refer to online expression, they could be applied to digital communications.

The Computer Misuse Act 2011 includes provisions that can specifically limit freedom of expression online. Under Section 25 of the law, which also bans child sexual abuse images and online harassment, the dissemination of “offensive communication” is prohibited and vaguely defined as the use of “electronic communication to disturb or attempt to disturb the peace, quiet, or right of privacy of any person.” Offenses under this provision of the act are considered misdemeanors, and those convicted are subject to fines, imprisonment of up to one year, or both.¹¹⁶ In 2017, Unwanted Witness Uganda and the Uganda Human Rights Enforcement Foundation petitioned the Constitutional Court to review the constitutionality of Section 25, citing “its failure to meet regional and international human rights norms and standards.”¹¹⁷ As of May 2022, the case was still pending.¹¹⁸

Amendments to the Computer Misuse Act that were proposed after the coverage period in 2022 would prescribe a penalty of imprisonment not exceeding seven years for sharing unsolicited information or misleading or malicious information. In addition, the proposed amendments would bar persons convicted under the act from holding public office for 10 years.¹¹⁹

The Anti-Terrorism Act criminalizes the publication and dissemination of content that promotes terrorism, which is vaguely defined, and convictions can carry the death sentence.¹²⁰ Amendments to the act adopted in 2015 may impact internet freedom in their broad criminalization of “indirect” involvement in terrorist activities and the “unlawful possession of materials for promoting terrorism, such as audio or videotapes or written or electronic literature.”¹²¹

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards? 3 / 6

During the coverage period, the government continued to curtail free speech online by prosecuting individuals for voicing dissent. Several people who criticized the government or President Museveni and his family on social media faced criminal charges.

In March 2022, two representatives of the online television channel Alternative Digitalk TV—executive director Norman Tumuhimbise and presenter Farida Bikobere—were charged with offensive communication and cyberstalking directed at the president.¹²² Both were arrested and remanded for publicizing books written by Tumuhimbise that examine Museveni’s policies since he became president in 1986. The two were granted bail and released nine days later.¹²³ Seven other journalists with the channel were also arrested but released on bail shortly thereafter.

Separately that month, prominent lawyer and government critic Isaac Semakadde was charged with offensive communication for posts on Twitter in which he used vulgar language against High Court justice Musa Sekaana, who had ordered the imprisonment of a colleague, lawyer Male Mabirizi.¹²⁴ The prosecution alleged that Semakadde aimed to embarrass and defame Sekaana. Semakadde had previously been arrested on similar charges for allegedly insulting the director of public prosecutions.

In December 2021, author Kakwenza Rukirabashaija stated on Twitter that he was under house arrest after gunmen visited his house and entered by force.¹²⁵ He had previously published a series of posts about Museveni in which he called the president a thief and his son “an incompetent pig-headed curmudgeon.” He was held in detention until he was charged in January 2022 with “offensive communication.” In February 2022, two days after a court denied his application to have his passport returned, Rukirabashaija said he had fled the country (see C7).

In November 2021, blogger Ibrahim Tusbira, also known as Isma Olaxess, was arrested and charged with inciting the public to commit terrorism and promoting sectarianism under Sections 41(1) (a) and (d) of the penal code.¹²⁶ He was arrested after posting a video on social media in which he stated that Muslims are profiled and arrested after every terrorist attack. The blogger had previously faced charges of offensive communication and criminal libel owing to his repeated criticism of a musician on national television.¹²⁷

In August 2021, Turkey-based Ugandan vlogger, government critic, and renowned Bobi Wine supporter Fred Kajjubi, also known as Lumbuye, was arrested and detained in Turkey at the request of the Ugandan government. Lumbuye faced up to 15 charges, including spreading harmful propaganda, incitement of violence, and offensive communication.¹²⁸ He was released from detention in Turkey in October 2021 and reportedly went into hiding to avoid arrest by Ugandan security operatives.¹²⁹

In early July 2021, Jamil Ssekyondwa was arrested and charged with offensive communication under Section 25 of the Computer Misuse Act for a WhatsApp message in which he falsely announced President Museveni’s death and called him a dog.¹³⁰ The detention came after Museveni ordered security operatives to arrest people who were circulating news of his supposed death on social media.¹³¹ Initially denied bail, Ssekyondwa was released from detention in March 2022 after the court dismissed his case, rebuking the state for failing to provide sufficient evidence that he had violated Museveni’s right to privacy.¹³²

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 2 / 4

There are no known restrictions on data encryption in Uganda. However, anonymous communication is compromised by mandatory registration for SIM cards and mobile internet subscriptions.

The Registration of Persons Act 2015 requires all citizens to use national identification cards for SIM-card registration. Between March and May 2018, the UCC instructed mobile providers to stop selling SIM cards, purportedly to curb crime perpetrated by users of unregistered SIM cards. The UCC subsequently imposed stricter guidelines for registering, replacing, or upgrading SIM cards. In March 2019, it directed all mobile service providers to reregister SIM cards.¹³³ SIM-card applicants are now required to physically present an original national identification card, or for non-Ugandans, a passport, to an operator’s designated customer-care agent.¹³⁴ The operator is then required to verify the authenticity of the national identification card using an electronic biometric card reader and obtain real-time verification using the NIRA database. If operators fail to conduct online real-time verification, they are required to deny the issuance, upgrade, or replacement of SIM cards.¹³⁵

The UCC’s requirement for online publishers, vaguely defined as “data communicators,” to register may limit the anonymity of bloggers and social media influencers (see B6).

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

Many activists have expressed suspicion that the government has increased monitoring and surveillance of social media platforms and other online spaces in recent years. Article 27 of the constitution prohibits interference with the privacy of a person's “home, correspondence, communication or other property.”¹³⁶ Privacy protections are also enshrined in the Data Protection and Privacy Act 2019 and accompanying regulations, which came into force in April 2021 (see C6). However, ensuring compliance with the act remains a challenge.¹³⁷

In December 2021, Apple sent notices to two prominent Ugandan journalists and an opposition leader, warning them that their iPhones may have been hacked by Pegasus, the commercial spyware product developed by Israel's NSO Group.¹³⁸ Both journalists said they had received phishing messages in the weeks before the Apple notices, and one stated that his phone showed unsuccessful attempts to access his location data using food-delivery or ride-hailing applications. Uganda was listed in a 2018 report by Citizen Lab, a Canadian internet watchdog, as one of 45 countries worldwide in which devices were likely breached by Pegasus. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and opposition politicians.¹³⁹

According to an August 2022 report by the Israeli newspaper *Haaretz*, the Ugandan police has purchased UFED, a technology developed by the Israeli firm Cellebrite that enables authorities to hack into password-protected smartphones.¹⁴⁰

State authorities have admitted to monitoring social media posts in the past. In March 2019, during academic Stella Nyanzi's trial over critical social media posts, a security officer testified about actively monitoring her Facebook page.¹⁴¹ In 2017, the Uganda Media Centre, the government-appointed media regulatory body, announced that it had assembled a new social media monitoring unit tasked with scanning the profiles of users to find critical posts.¹⁴²

An article published by the *Wall Street Journal* in August 2019 revealed close cooperation between the Ugandan government and Huawei, a Chinese technology company, to surveil opposition figures and government critics. The government confirmed that the police and intelligence services work with Huawei on national security issues, including by using spyware against “security threats and political enemies.” Huawei employees working in Kampala's police headquarters allegedly helped the Ugandan police surveil Bobi Wine by using spyware to access a WhatsApp chat group. The project raised further concerns about government surveillance and Huawei's role in aiding government monitoring of Ugandan citizens.¹⁴³

The government's surveillance powers are laid out in the RIC Act, which was hurriedly passed following a 2010 terrorist attack in Kampala. Under the act, telecommunications companies are required to install equipment that enables real-time electronic surveillance of suspected terrorists. The RIC Act also gives the security minister the ability to request access to personal communications based on national security concerns;¹⁴⁴ such access can be granted following an order by a High Court judge.¹⁴⁵

In addition to the RIC Act, clauses in the Anti-Terrorism Act 2002 give security officers appointed by the interior minister the power to intercept the communications of individuals suspected of terrorism and to keep the individuals under surveillance without judicial oversight.¹⁴⁶

The government has used older forms of spyware against critics and opponents in the past. A 2015 report by Privacy International (PI) detailed a secret government operation that involved implanting FinFisher intrusion software on the Wi-Fi networks of several hotels in Kampala, Entebbe, and Masaka to illegally spy on targeted activists, opposition politicians, and journalists between 2011 and 2013.¹⁴⁷ It is unclear whether FinFisher was still being deployed during this report's coverage period.

A July 2018 raid on MTN Uganda's offices by the Internal Security Organization, a domestic intelligence unit, raised concerns about the security of user data.¹⁴⁸

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies 3 / infringe on users' right to privacy? 6

Service providers and other technology companies are required to retain metadata for an unspecified amount of time.¹⁴⁹ Under the RIC Act, providers are also required upon issuance of a warrant or notice from the security minister to disclose to the authorities the personal information of individuals who are suspected of terrorism or considered a threat to national security, public safety, or national economic interests.¹⁵⁰ Failure to comply with the provisions in the RIC Act can result in five years in prison for intermediaries, in addition to license revocations.¹⁵¹ It is unclear to what extent these provisions have been implemented or operationalized.

Civil society organizations have raised concerns about the limited oversight of COVID-19 data collection practices and the use of tracking apps, which they contend have had a limited impact in mitigating the coronavirus's spread.¹⁵² In March 2021, MTN Uganda and NITA-U rolled out the E-pass system, under which health officials would loan smartphones equipped with a location-tracking app to COVID-19 patients who are recuperating at home in order to monitor their compliance with quarantine requirements.¹⁵³ In November 2020, the government issued a mobile app to monitor truck drivers crossing the border for compliance with COVID-19 protocols.¹⁵⁴

In September 2021, Uganda's data protection authority, established under the Data Protection and Privacy Act 2019, was officially launched. The authority is an office within NITA-U, and its head directly reports to the NITA-U board.¹⁵⁵ Members of civil society questioned the arrangement, which may present a barrier to the new authority's

independence, since NITA-U is supervised by the ICT Ministry. Critics also noted that NITA-U has failed to publish guidelines for the collection, use, and processing of COVID-19 data.¹⁵⁶ The Data Protection and Privacy Act ostensibly provides for the protection of privacy and the security of personal data by regulating the collection and processing of such information.¹⁵⁷

There were no known government requests for user data held by social media platforms in this reporting period. Between July and December 2020, Uganda asked Facebook for user data on only one occasion, employing a standard legal process to seek information regarding a total of three accounts. Facebook did not produce data in response to the request.¹⁵⁸

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities? 3 / 5

Journalists and commentators who cover the opposition or make critical statements about the president have faced physical violence.

In December 2021, author Kakwenza Rukirabashaija claimed that he was tortured by police while in detention, having been arrested in connection with his online posts criticizing the president and his son (see C3). In February 2022, two days after a court denied his application to have his passport returned, Rukirabashaija allegedly fled the country to seek medical treatment for injuries he sustained in detention.¹⁵⁹

Journalists who reported on the January 2021 elections, including those working for online outlets, faced harassment and physical violence. For instance, police assaulted Dedan Kimathi, a journalist with the news site ChimpReports, while he was covering the campaign of Patrick Amuriat, the presidential candidate of the opposition Forum for Democratic Change party, in early January.¹⁶⁰ In December 2020, Ashraf Kasirye, a journalist with the online broadcaster Ghetto TV, was shot in the head by security forces while reporting on an NUP campaign event. In November 2020, police forced Kasirye out of a car and used pepper spray on him, also while he was reporting on the election.¹⁶¹

In February 2019, the UCC issued a warning that threatened prosecution for online publishers of purportedly false news.¹⁶² The warning followed a widely circulated post on social media that attributed a call for the ban of a politically controversial song to the executive director of the UCC.

Women are frequently harassed online in Uganda, particularly those who are journalists or politicians.¹⁶³ A report on technology-related violence against women released in January 2019 found that Ugandan women experience various forms of online harassment, including sexual harassment in messages and posts, cyberstalking, and nonconsensual sharing of intimate images.¹⁶⁴ A study on the 2021 elections conducted by Pollicy, a technology consulting firm, found that 50 percent of female candidates experienced online trolling and 18 percent experienced sexual violence online during the election period.¹⁶⁵ In another report released by Pollicy in August 2019, almost a third of the 702 Ugandan women surveyed reported experiencing online gender-based violence.¹⁶⁶

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 2 / widespread hacking and other forms of cyberattack? 3

In March 2022, administrators of the Uganda Government Citizens Interaction Centre's Twitter account were unable to access the account. Hackers reportedly took down government information and replaced it with antiwar messages against the Russian invasion of Ukraine. The hack was allegedly in retaliation for the government's decision to abstain from condemning Moscow as an aggressor in a UN Security Council vote.¹⁶⁷

On January 18, 2021, hackers affiliated with the loose hacking collective Anonymous breached the websites of Parliament, the UCC, and the broadcaster NBS, briefly disabling the websites and apparently exfiltrating data that included government documents and personal information. The attack immediately followed the end of the election-related internet shutdown (see A3).¹⁶⁸ The hackers also claimed to have brought the TechRafiki website offline in retaliation for TechRafiki journalist Sasha Nannyange's reporting on the hack.¹⁶⁹

Hackers affiliated with Anonymous brought down the Ministry of Gender, Labor and Social Development's website in April 2021 after the minister used social media to express approval of the government's cybersecurity in relation to the January cyberattacks.¹⁷⁰ In an earlier attack, the hackers took down the website of the Uganda Police Force in November 2020 in retribution for police killings of protesters following that month's arrest of Bobi Wine.¹⁷¹

The state has been known to target critics and opponents with surveillance malware, according to research published by PI in 2015. The report detailed a secret government operation that implanted FinFisher intrusion malware on the Wi-Fi networks of several hotels to illegally spy on activists, opposition politicians, and journalists between 2011 and 2013 (see C5).¹⁷² It is unclear whether these tactics were still being employed during the coverage period.

Vulnerable populations and marginalized communities, particularly the LGBT+ community, have been the target of regular technical attacks in recent years. In 2016, the email and Facebook accounts of a social worker at the Most at Risk Populations Initiative were hijacked.¹⁷³ Activists believe that the attack may have been perpetrated by the government, given the wealth of information the social worker possessed about the LGBT+ community through their

work and private communications. Hacking attacks against gay individuals for the purpose of extortion have also been reported. In one incident detailed in a 2016 interview, after the Facebook account of a closeted gay celebrity was hacked, screenshots of private messages pointing to his sexual orientation were used to blackmail him.¹⁷⁴

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