

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	373
Land:	Uganda
Kilde:	Freedom House
Titel:	Freedom on the net 2020 – Uganda
Udgivet:	14. oktober 2020
Optaget på baggrundsmaterialet:	16. december 2020



Uganda

PARTLY FREE

56
/100

A. <u>Obstacles to Access</u>	15 /25
B. <u>Limits on Content</u>	21 /35
C. <u>Violations of User Rights</u>	20 /40

LAST YEAR'S SCORE & STATUS

56 /100 **Partly Free**

Scores are based on a scale of 0 (least free) to 100 (most free)



Overview

Internet freedom in Uganda did not change during the coverage period, though government expressed continued interest in controlling online

content and violated online rights through arrests and intimidation of users. The telecommunications regulator ordered several websites blocked and imposed new registration requirements on social media users with prominent online followings during the coverage period. Internet penetration rates continue to improve, according to government data, despite the continued enforcement of a tax on social media that increased the affordability barrier to access.

While Uganda holds regular elections, their credibility has deteriorated over time, and the country has been ruled by the same party and president since 1986. The ruling party, the National Resistance Movement (NRM), retains power through patronage, the manipulation of state resources, intimidation by security forces, and politicized prosecutions of opposition leaders.

Key Developments, June 1, 2019 - May 31, 2020

- The Uganda Communications Commission (UCC) revised the telecommunications license framework to ease market entry and enhance competition, though some companies raised concerns about the fee structure (see A4).
- The UCC ordered internet service providers (ISPs) to block Rwanda's *New Times* website and Igihe.com for two days in August 2019 amid tensions between the two countries, though the websites are still inaccessible on some ISPs as of May 2020 (see B1).
- The UCC required people with large followings on social media to register with the regulator, a process that includes an annual \$20 fee (see B6).
- Several people faced arrest on the basis of their online activities, including people detained on charges of spreading false information about the COVID-19 pandemic (see C3).
- Prominent activist and academic Stella Nyanzi was sentenced to eighteen months of imprisonment, including nine she had served

pre-trial, after a court found her guilty of insulting the president and his mother in a Facebook post (see C3).

- A news report revealed that the Ugandan government relied on Chinese technology company Huawei to surveil opposition figures and activists, including presidential candidate Robert Kyagulanyi, better known as Bobi Wine (see C5).

A. Obstacles to Access

Despite a daily tax on social media use that limits access to communication platforms, Ugandans returned to social media, sometimes evading the tax through technical means. A new telecommunications licensing framework intended to diversify the market may create barriers that limit the ability of providers to operate. The telecommunications regulator reported an internet penetration rate of over one-third of the population, a new milestone.

A1 0-6 pts

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

2 / 6

Internet penetration continues to improve, reaching an estimated 23 percent in 2017, according to the latest data from the International Telecommunication Union (ITU). ¹ The most recent government data from the UCC, the communications regulatory body, estimated internet penetration at approximately 16.9 million users in December 2019, ² reaching over one-third of the country, compared to 13.8 million in September 2018. ³ Telephone density stood at 66 per 100 inhabitants at the end of 2019. The UCC attributes the growth in internet penetration to increasing mobile data subscriptions, reporting 6.6 million monthly smartphone users and 17.2 million monthly users of feature phones with basic data connection capabilities as of December 2019. ⁴ Internet speeds remain very slow, averaging 3.2 Mbps (compared to a global average of 11.3 Mbps), according to a 2019 report from Cable, a UK-based telecommunications company. ⁵ However, the National

Broadband Policy adopted in September 2018 seeks to deliver a minimum speed of 4 Mbps nationwide. ⁶ Other obstacles to internet access include limited access to electricity in rural areas, low digital literacy levels, and affordability challenges for internet-enabled devices such as computers and smartphones (see A2). ⁷

New investments in Uganda's information and communications technology (ICT) infrastructure aim to improve connectivity, with some assistance coming from global technology companies. In December 2019, Loon, a subsidiary of Alphabet Inc, signed a deal with the Ugandan government to use high-altitude balloons in a bid to provide 4G coverage to underserved areas of the country. ⁸ In April 2019, Nokia and Liquid Telecom announced upgrades to their fiber-optic network in East Africa, including Uganda. ⁹ In 2017, Facebook partnered with Airtel Uganda and Bandwidth & Cloud Service (BCS) to build a 770-kilometer fiber backhaul network in northwestern Uganda as part of its Telecom Infra Project. ¹⁰ Additionally, Google launched its first Wi-Fi network in Kampala as part of Project Link in 2015. ¹¹ Meanwhile, the UCC reported 3.2 percent growth in both the number of Base Transceiver Stations, a key component of wireless networks, and the total number of towers from September 2018 to September 2019. ¹²

A2 0-3 pts

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

1 / 3

Score Change: The score improved from 0 to 1 as internet users returned to social media despite a daily tax on social media use that increased the cost of access to the internet, while some users evaded the tax through technical means.

While internet access has become more affordable, particularly on mobile phones, costs are still expensive for many Ugandans. ¹ The cost of 1 GB of prepaid mobile data is on average 5,000 shillings (\$1.3), ² making it unaffordable to many. ³

The “over-the-top” (OTT) services tax, a daily 200-shilling (\$0.05) tax on social media use that is often called the social media tax, remains in effect since its introduction in July 2018. When it was passed, civil society groups raised concerns that the OTT tax would make access more expensive and restrict connectivity, especially for poor Ugandans,⁴ and they continued to criticize the tax during the coverage period.⁵ A May 2019 study from the Alliance for Affordable Internet found that women are the hardest-hit by this tax as it “poses an additional burden” to those without regular income and therefore affects “their ability to get online and benefit from the internet.”⁶ Though some Ugandan internet users turned to Virtual Private Networks (VPNs) to evade the tax, the heavy data use of such tools raises further affordability concerns.⁷

In July 2018, the social media tax was challenged in court by a group of tech leaders who claimed it violated principles of net neutrality.⁸ As of December 2019, a hearing date in the case had not been scheduled.⁹

According to UCC data, 8 million Ugandans paid the OTT tax in July 2018, the first month when it was imposed, and 6.8 million paid the tax in September 2018, likely reflecting a combination of a decline in social media use and an increase in the use of VPNs to evade the tax.¹⁰ The UCC reported 10.16 million OTT tax payers in December 2019, the most recent available data, a reversal of the decline.¹¹ (The UCC also reported a 30 percent decline in the number of internet users between July 2018 and September 2018, though that decline is inconsistent with other UCC data on internet subscriptions from the same period and in subsequent reports.¹²) Datareportal’s *Digital 2020* report showed an increase by 357,000 in the number of active social media users in Uganda between January 2019 and January 2020,¹³ a reversal of the 300,000-user decrease documented in the previous year’s report.¹⁴

Since the OTT tax’s introduction, mobile telecommunications companies have blocked access to social media platforms and VPNs to force customers to pay the tax (see B1).

The tax imposition followed a directive from the president instructing the Finance Ministry to introduce taxes on OTT services with the stated purpose of curbing “gossip” and improving the country’s tax base. ¹⁵

The Uganda Revenue Authority (URA) reported in July 2019 that it had collected 49.5 billion shillings (\$13.3 million), far short of its revenue target of 284 billion shillings (\$76.2 million). ¹⁶ The 83 percent shortfall is likely because users continue evading the tax through VPNs. ¹⁷ The URA has proposed removing the OTT tax and instead taxing mobile data to counteract the effects of OTT evasion. ¹⁸

Since 2007, Uganda’s ICT and National Guidance 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. ¹⁹ In 2016, the government began offering a free trial of wireless internet access in the Kampala Central Business District and parts of Entebbe. ²⁰

Only 24 percent of Ugandans live in urban areas ²¹ and access to electricity is limited in rural areas, resulting in a significant urban-rural divide in internet access. ²² There is also a notable gender gap in internet access: the Inclusive Internet Index notes a connectivity gap of approximately 16 percent between men and women. ²³

A3 0-6 pts

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

6 / 6

There were no reports of politically motivated interference in mobile or internet networks by the government during the coverage period, aside from during the implementation of the OTT tax.

Section 5(1) (b) and (x) of the 2013 Uganda Communications Commission Act permits the UCC to “monitor, inspect, license, supervise,

control, and regulate communications services” and to “set standards, monitor, and enforce compliance relating to content.” ¹ The clause has been used as the basis to order ISPs to block mobile internet users’ access to OTT services such as WhatsApp and Facebook (see B1). Separately, the government 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 Yoweri Museveni’s inauguration that year.

Uganda’s backbone connection to the international internet is privately owned in a competitive market. ² The country’s national fiber backbone is connected to the EASSy international submarine fiber-optic cable system that runs along the eastern and southern coasts of Africa. ³ Telecommunications providers are also connected to TEAMS (The East African Marine System) and SEACOM marine fiber-optic cables through Kenya. As of May 2019, 28 ISPs were connected to the Uganda Internet Exchange Point (UIXP). ⁴

A4 0-6 pts

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

5 / 6

During the reporting period, the UCC sought to revise the telecommunications license framework, which has been in existence since 2006; the effect of the new framework on service provider diversity remains unclear, but the industry continues to grow.

The new framework seeks to ease market entry, enhance competition, and intensify the rollout of broadband internet. The framework also aims to enhance local ownership of telecom services by requiring national telecom operators to list at least 20% of their shares on the Uganda Securities Exchange within two years of acquiring a new license. ¹ The new framework introduces six new license types ² and requires telecoms to reapply for their licenses before the June 30, 2020, implementation date. ³ In July 2020, after the coverage period, MTN

Uganda was granted a 12-year license renewal, the first under the new framework. ⁴

Some pundits have raised concerns over the new licensing framework, noting that it may disrupt the sector, leading to overregulation, while others criticized new fees levied under the framework, arguing that many other levies and taxes already overburden the sector. The new framework requires applicants to pay separate fees for operating in different regions in addition to the mandatory application fees and 2 percent levy on gross annual earnings. ⁵ The previous framework did not require region-specific licensing. ⁶

In June 2020, after the coverage period, the UCC announced a revised radio licensing framework that includes, for the first time, a license for online radio broadcasters. ⁷

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), Africell Uganda (formerly Orange Uganda), Vodafone, Smart Telecom, and Afrimax,, ⁸ which all offer 4G/Long Term Evolution (LTE) network speeds. In January 2020, Lycamobile entered the Ugandan market seeking to roll out a 4G network across the country. ⁹ All service providers are privately owned except for UTL, which the government took full ownership of in 2017, following the withdrawal of 69 percent of the shares in the company by shareholders. ¹⁰

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?

1 / 4

Uganda's telecommunications regulator, the UCC, has been criticized for its failure to operate in a free, fair, and independent manner. ¹ The body is mandated to independently coordinate, facilitate, and promote the sustainable growth and development of ICTs in the country. The UCC

also provides information about the regulatory process and quality of service, and issues licenses for ICT infrastructure and service providers.

² The commission's funds derive mainly from operator license fees and a 2 percent annual levy on operator profits. ³

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. ⁴ 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. In February 2020, Godfrey Mutabazi ended his ten-year tenure as executive director of the UCC, with Irene Kaggwa Ssewankambo filling the role in an acting capacity. ⁵

B. Limits on Content

The UCC blocked two Rwandan media websites for two days as tensions between the countries heightened. In an improvement from previous years, there were no reports of forced content removals or administrative takedowns. The UCC announced that people with large followings on social media would be required to register and pay an annual fee.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?	4 / 6
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Score Change: The score declined from 5 to 4 after the UCC ordered the blocking of two Rwandan media websites amid tensions between Uganda and Rwanda.

Two new cases of content blocking were reported during the coverage period, and the government continues to block pornography sites. Communication platforms and VPNs are blocked under enforcement of the tax on OTT services (see A2).

In August 2019, the UCC ordered ISPs to block the websites of Rwanda's *New Times* and Igihe news publications amid tensions between the two countries. ¹ The websites were blocked for publishing “harmful propaganda that would endanger [Uganda’s] national security,” according to a UCC spokesperson. ² The government agreed to unblock the websites two days later, ³ but they were still inaccessible on some ISPs as of May 2020. ⁴

Since the OTT tax’s introduction in July 2018 (see A2), mobile telecommunications companies have blocked access to 58 social media platforms, including Facebook, Twitter, and WhatsApp, until customers pay the tax. ⁵ In July 2018, the then–executive director of the UCC instructed ISPs to either tax customers for the use of VPNs or block access to them. ⁶ The Opera web browser became the first VPN platform to be blocked under the policy, by MTN Uganda. ⁷

Pornography is illegal in Uganda and is a regular target for online censorship. In July 2018, the communications regulator directed ISPs to block a list of 27 websites for “streaming pornographic content;” the list was reportedly supplied by the Pornography Control Committee. ⁸ The 27 sites remain blocked, though porn sites not on the Pornography Control Committee’s list remain accessible. ⁹ The committee was established in 2017 and was reportedly allocated 2 billion shillings (\$540,000) for new technologies that can monitor and intercept pornographic material. ¹⁰ The 2014 Anti-Pornography Law holds service providers criminally liable for the uploading or downloading of vaguely defined pornographic material on their systems, ¹¹ with penalties of up to five years in prison and fines of 5 million shillings (\$1,400). ¹²

The government has a history of blocking access to social media and communications platforms altogether during politically sensitive moments. During the last general elections, in 2016, Facebook, Twitter, WhatsApp, Instagram, and mobile money services were blocked for four days. ¹³ President Museveni declared the blocks a necessary measure to prevent people from using the platforms to “tell lies.” ¹⁴ Access to the platforms was restored three days after the elections, but was obstructed again for

“security reasons” the day before Museveni’s inauguration to another contested five-year term in office ¹⁵

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?

2 / 4

In this coverage period, there were no known cases of measures taken by state or nonstate actors to remove legitimate digital content. However, such cases have been reported in the past.

In February 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 made due to an unflattering story about the speaker of Parliament published on the website, which elicited complaints from the speaker. ¹ The website ultimately remained accessible, but the controversial story was taken down.

Online users have been forced to remove content from their social media pages, and the practice is likely underreported. In an anonymous interview in May 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. ² 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, or an independent appeals process?

2 / 4

Restrictions on internet and digital content frequently lack proportionality to the stated aims. Service providers are governed under several

frameworks that require them to filter, remove, and block content considered illegal by authorities. These include the 2013 UCC Act, ¹ the 2010 Regulation of Interception of Communication (RIC) Act, ² and the 2014 Anti-Pornography Act, ³ among others.

In July 2018, the government ordered ISPs to block dozens of social media and communications platforms as a means of enforcing the new tax on OTT services (see A2). The tax and the means of enforcement are disproportionate to the stated goals of curbing gossip and increasing tax revenue. UCC figures released after the tax was implemented confirmed fears that the tax would negatively impact internet access and affordability (see A2). ⁴

In 2017, Parliament passed the much-criticized 2016 Uganda Communications (Amendment) Bill, ⁵ 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. ⁶ 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. ⁷

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 body issued a second directive in April ordering ISPs to block access to unregistered sites (see B6). ⁸ There were no updates on the number of websites registered or the number blocked for failing to register.

In 2017, the digital rights and free expression groups Unwanted Witness Uganda and Article 19 sued the Ugandan government and service providers for the social media blocks during the 2016 election period, contending that the blocks violated citizens' fundamental rights. ⁹ The case was ongoing as of March, 2020. ¹⁰

B4 0-4 pts

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

The Ugandan government continued curtailing press and online freedoms during the coverage period, resulting in increased self-censorship among both online journalists and ordinary users.

Social media users are increasingly setting up pseudonymous accounts to protect their anonymity and avoid harassment. ¹ 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 boldly taken to the internet to report candidly on controversial issues such as good governance and corruption. ² According to 2016 research by the Africa Media Barometer, Ugandans "practice their freedom of expression, but not without fear."

The government's August 2019 attempt to control online content by calling for all 'data communicators' with large followings (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 actors to advance a particular political interest?
3 / 4

The online information landscape remains generally free from overt government manipulation or control. However, the government continued to focus on regulating social media content following the implementation of the OTT tax in July 2018 to "curb" online gossip.

Additionally, 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 avoid “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.” ¹ The notice continued the government’s practice of attempting to control and constrain social and political discourse on social media platforms.

In the past, the UCC has also banned media outlets from live-broadcasting parliamentary proceedings. In 2017, for example, the UCC banned live broadcasts of debates on the constitutional amendment bill that sought to lift the presidential age limit of 75; the amendment would potentially allow President Museveni to remain in office for life. The UCC claimed that the broadcasts were likely to incite violence. ² However, some media outlets bypassed the ban and live-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.” ³

Online disinformation campaigns are a growing issue in Uganda, though their influence has not been as pervasive as in other countries in the region. Research on social media trends during the 2016 elections found that automatically generated Twitter bots mimicking human users worked to manipulate online conversations by skewing discussions in favor of the incumbent candidate, Museveni, leading to suspicions of paid pro-government trolling. ⁴

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?	1 / 3
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Score Change: The score declined from 2 to 1 because the UCC now requires social media users with large followings to request authorization to operate and pay a \$20 annual fee.

New economic and regulatory constraints negatively affected users' ability to publish content online. The OTT tax instituted in July 2018 continued to act as a barrier for those seeking to publish on social media or other communications platforms (see A2).

In March 2018, the UCC issued a directive requiring “all online data communication service providers, including online publishers, online news platforms, online radio and television operators” to obtain the UCC’s authorization to operate. ¹ As part of the registration requirements, online publishers are required to pay \$20 per year. ² Only 14 local blogs and news sites had registered by the deadline originally set for April 2018, prompting the UCC to issue another directive that same month. The registration regulation was the justification for the UCC’s attempt to shut down the Daily Monitor’s website in February 2019 (see B3). ³ In August 2019, the UCC moved forward with enforcing the registration program. ⁴

In August 2019, the UCC extended the registration directive, including the annual fee, to cover social media influencers, politicians, and celebrities with large followings on social media. ⁵

The UCC stated in July 2019 that its focus was on the 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.” ⁶ Observers noted that the directive strengthened the UCC’s powers to limit online speech, though it remains unclear how it will apply to content hosted outside Uganda.

B7 0-4 pts

Does the online information landscape lack diversity?

3 / 4

Content available online in Uganda is diverse, though news websites published by the Vision Group, a media company that is partly owned by the government, are only available in four local languages (out of 40 languages and 56 indigenous dialects). Newspapers such as *Bukedde*,

Etop, *Rupiny*, and *Orumuri* have created online platforms. 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, ¹ while the Firefox web browser was accessible in Luganda and Acholi in 2014. ² Wikipedia can be accessed in Luganda, with approximately 1,000 articles translated as of 2016. ³

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	4 / 6
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Vibrant digital activism continued to help raise awareness and mobilize citizens on issues including cybercrime, social injustices, and violations of internet freedom during the reporting period. Online mobilization tools are freely available to users.

In August 2019, the UCC extended a directive that requires online publishers to pay an annual \$20 registration fee to apply to social media influencers, politicians, and celebrities with large followings on social media (see B6). Civil society members raised concerns that the fee structure would make it unaffordable and frightening to engage on social media. ¹

The hashtags #FreeStellaNyanzi and #PushForStellaNyanzi were widely used to call for the release of Stella Nyanzi, a prominent academic who was arrested for social media posts criticizing the government in November 2018. Nyanzi's troubles began in 2017, when she attracted national and international attention by launching a campaign calling for free sanitary pads for girls using the hashtag #pads4Girls, putting her in direct conflict with the Ugandan president and the first lady, who is also the education minister. Since her release from prison, Nyanzi has continued to use her Facebook page to publicly criticize the current regime. ² The UCC directive on the registration of social media

influencers in August 2019 was believed to be targeted at controlling social media users like Nyanzi.

Ugandans have in the past used social media platforms, especially Twitter, to mobilize around political and social injustices in the country. In August 2018, the #FreeBobiWine social media campaign drew international attention following the arrest of Robert Kyagulanyi (better known as Bobi Wine), an opposition member of Parliament, along with fellow opposition Parliament member Kassiano Wadri and 32 others, while the group was campaigning for Wadri in Arua. ³ Wine and Wadri were later released, but still faced criminal charges at the end of the reporting period. ⁴

In July 2018, following the introduction of the social media tax, Ugandans took to social media using the hashtags #SocialMediaTax, #MobileMoneyTax, and #ThisTaxMustGo to urge the government to abolish the tax. The social media tax also attracted international attention, mobilizing internet stakeholders around the #NoToSocialMediaTax campaign to place further pressure on the government. Despite significant activism against it, the tax remained in effect at the end of the coverage period. ⁵

In March 2018, the Nation Media Group–Uganda launched the online campaign #StayinYourLane, which published photographs and videos of errant drivers to curb unsafe driving. ⁶ The campaign led to the arrest of a police officer for violating traffic laws. ⁷

C. Violations of User Rights

A news report revealed that the Ugandan government relied on Huawei to surveil opposition figures and activists, including Bobi Wine. Stella Nyanzi was sentenced to a total of eighteen months in prison, including time served, and numerous other Ugandans were arrested for their online activities. There have been no reported cases of physical violence or harassment against a person for their online activities since 2017.

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 and speech, in addition to the right to access information and the right to privacy. However, several laws undermine these protections.

As of June 2020, President Museveni had declined to respond to the coronavirus pandemic by imposing a state of emergency as provided for under the Constitution. ¹ Instead, the Ministry of Health issued a series of orders between March and May 2020 to enforce a lockdown and curfew, restricting several rights but not freedom of expression, access to information, or press freedom. ²

Laws including the 2000 Press and Journalist Act, sections of the 1950 Penal Code Act, and the 2002 Anti-Terrorism Act 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.

Several court cases related to online freedom of expression are still open with no known hearing dates set, with the lead plaintiffs expressing frustration about the neglect of the cases by the judiciary. ³

The independence of the Ugandan judiciary has become more tenuous in recent years. ⁴ 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 of new judges. ⁵

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?

2 / 4

Several laws criminalize legitimate online expression and activities, including the Penal Code, the 2011 Computer Misuse Act, the 2014 Anti-Pornography Act, and the Anti-Terrorism Act.

The Penal Code contains provisions on criminal libel and the promotion of sectarianism, which are punishable with lengthy prison terms. While none of these laws contain specific provisions on online expression, they could be invoked against digital communications.

The 2011 Computer Misuse Act includes provisions that can specifically limit freedom of expression online. Under Section 25 of the law, the dissemination of “offensive communication” is prohibited alongside child pornography and cyber harassment, and is vaguely defined as the use of “electronic communication to disturb or attempts 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. ¹ In 2017, Unwanted Witness Uganda and the Uganda Human Rights Enforcement Foundation petitioned the Constitutional Court to challenge the constitutionality of Section 25 and “its failure to meet regional and international human rights norms and standards.” ² As of May 2020, the case was still ongoing. ³

The 2002 Anti-Terrorism Act criminalizes the publication and dissemination of content that promotes terrorism, which is vaguely defined, and convictions can carry the death sentence. ⁴ Amendments to the act adopted in 2015 may impact internet freedom in their broad criminalization of the “indirect” involvement in terrorist activities and the “unlawful possession of materials for promoting terrorism, such as audio or videotapes or written or electronic literature.” ⁵

The 2014 Anti-Pornography Law threatens to hold service providers criminally liable for the uploading or downloading of vaguely defined pornographic material on their systems, ⁶ with penalties of up to five years in prison and fines of \$4,000.

C3 0-6 pts

Are individuals penalized for online activities?

3 / 6

During the coverage period, the government continued to curtail free speech online by prosecuting voices of dissent; several individuals who criticized the government and President Museveni on social media faced criminal charges.

In July 2019, police arrested Joseph Kabuleta, a pastor and former journalist, for allegedly posting “offensive communication against the person of the President.” The post in question was on Facebook and concerned an alleged succession battle within the ruling party, National Resistance (NRM). ¹ Kabuleta was released on bond four days later and charged with violating Section 25 of the Computer Misuse Act, which prohibits the use of electronic communication to “disturb or attempt to disturb the peace, quiet, or right of privacy of any person with no purpose of legitimate communication.” ²

Similarly, in June 2019, Pidson Kareire, the managing editor of the privately owned news website The Drone Media, was arrested and charged on counts of criminal libel under section 179 of the Penal Code and “offensive communication” under section 25 of the Computer Misuse Act. The case was brought as a private criminal prosecution by Middle East Consultants Limited, which alleged that Kareire’s reporting on the company was untrue, defamatory, and intended to “disturb the peace” and the company’s right to privacy. ³ The case was dismissed in September 2019. ⁴

There were a number of arrests for online activity related to COVID-19 during the coverage period:

- On April 20, 2020, Kakwenza Rukira Bashaija, a writer, was arrested and charged with committing an act that could spread the virus, based on an April 6 Facebook post about people failing to follow social distancing guidelines. ⁵ Bashaija was released on bail of 10 million shillings (\$2,700) on May 6. ⁶
- TV anchor Samson Kasumba was arrested on April 20. Authorities did not immediately clarify the reason for his arrest, but said it was unrelated to his work as a journalist and involved other allegedly

“subversive” activities. There are concerns that the arrest was related to a Facebook post by Kasumba about the coronavirus. ⁷

- Adam Obec, a former employee of Kampala Capital City Authority (KCCA), was arrested on April 13, 2020, for allegedly disseminating false information on Facebook about COVID-19 claiming that Uganda had recorded its first COVID-19 death the previous week. ⁸

In June 2020, after the coverage period, Ronald Nahabwe, a journalist with the online newspaper The Capital Times, was reportedly arrested in relation to his reporting on corruption within the government’s Rural Electrification Agency (REA). ⁹ As of June 25, Nahabwe had been detained for three days and remained in custody. ¹⁰ The same month, Hannington Mbazazi, also a Capital Times journalist, was reportedly arrested, detained overnight, and tortured for information on the REA publications. ¹¹

In October 2018, Suzan Namata was arrested and charged under the Computer Misuse Act for offensive communication and harassing the president, for posting a video that circulated on social media condemning the continued detention of an opposition leader. Namata’s case was ongoing at the end of the reporting period. In February 2019, the police interrogated well-known socialite Shanita Namuyimbwa, better known as Bad Black, for insulting a senior government official in a video shared in August 2018, which criticized the arrest and detention of Bobi Wine. ¹² The socialite was investigated for offensive communication and criminal libel under the Computer Misuse Act and the Penal Code Act, respectively.

In August 2019, Stella Nyanzi, who had already been jailed for nine months pre-trial, was sentenced to an additional nine months in prison after being found guilty by a court of insulting the president and his mother in a Facebook post. ¹³ Nyanzi was arrested and jailed on separate charges of cyberharassment and offensive communication in November 2018. ¹⁴

Users have also been penalized for pornographic content, which is illegal in Uganda. In June 2018, the Pornography Control Committee announced

that it would arrest six individuals for sharing pornography. ¹⁵ Among those arrested were Lillian Rukundo, a 23-year-old student who was charged with 10 counts of broadcasting pornographic material and jailed in July 2018, ¹⁶ and Judith Heard, a model who was charged after nude photographs of her were shared online without her consent. ¹⁷

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 2015 Registration of Persons Act requires all citizens to use national identification cards for SIM card registration. In March 2019, the UCC directed all mobile providers to reregister SIM cards. This followed a large-scale registration exercise carried out in March 2018, when the UCC directed telecommunications companies to cease the sale of SIM cards until it could directly access the National Identification and Registration Authority (NIRA) database. ¹ The directive was ostensibly aimed at curbing crime being perpetrated using unregistered SIM cards. The ban on selling new SIM cards was lifted in May 2018, with stricter guidelines for registering, upgrading, or replacing a SIM card. 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. ² 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. ³

The UCC's requirement for online publishers, vaguely defined as "data communicators," to register raises concerns about anonymity, as it 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 suspicions that the government has increased monitoring and surveillance of social media platforms and other online spaces in recent years. The 2019 Data Protection and Privacy Act

¹ was signed by President Museveni in February 2019, following civil society advocacy. The law provides for the protection of privacy and the security of personal data by regulating the collection and processing of personal information.

Despite the law, significant concerns about government surveillance persist. ² State authorities have admitted to monitoring social media posts. In March 2019, during Stella Nyanzi's trial, a security officer testified about actively monitoring her Facebook page. ³ In 2017, the Uganda Media Centre, the government-appointed media regulatory body, publicly announced that it had assembled a new social media monitoring unit that scans the profiles of users to find critical posts. ⁴

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 Ugandan 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. In July 2018, construction began on Huawei's "safe city" project in Uganda, which includes the installation of CCTV cameras across the country and the implementation of a facial recognition surveillance system. The project raises further concerns about government surveillance and Huawei's role in aiding government monitoring of Ugandan citizens. ⁵

The government's surveillance powers are governed by the 2010 RIC Act, which was hurriedly passed following the 2010 al-Shabaab terrorist attack in Kampala, Uganda. Under the RIC 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; ⁶ such access can be granted following an order by a High Court judge. ⁷

In addition to the RIC Act, clauses in the 2002 Anti-Terrorism Act give security officers appointed by the interior minister the power to intercept communications of individuals suspected of terrorism and to keep the individuals under surveillance without judicial oversight. ⁸

In a 2018 report by Citizen Lab, a Canadian internet watchdog, Uganda is listed as one of 45 countries worldwide using Pegasus, a targeted spyware software developed by the Israeli technology firm NSO. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and the opposition. ⁹

In 2017, the *Daily Monitor* reported on a new deal between the governments of China and Uganda, in which the Chinese government would provide assistance in developing a comprehensive cybersecurity strategy for Uganda, including the “technical capacity to monitor and prevent social media abuse.” ¹⁰ No further information about the technology and its potential implementation has surfaced to date.

The government has been known to surveil critics and opponents in the past, according to research by Privacy International (PI). In a 2015 report, PI detailed a secret government operation that involved implanting FinFisher intrusion malware 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. ¹¹ It is unclear whether FinFisher was still being deployed during this report's coverage period.

A July 2018 raid on MTN's offices by Uganda's Internal Security Organization, a domestic intelligence unit, raised concerns about the security of user data. ¹²

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?	3 / 6
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Service providers and other technology companies are required to retain metadata for an unspecified amount of time. ¹ 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 suspected of terrorism or considered a threat to national security, public safety, or national economic interests. ² Failure to comply with the provisions in the RIC Act can result in five years in prison for intermediaries, in addition to license revocations. ³ It is unclear to what extent these provisions have been implemented or operationalized.

Between July and December 2019, Uganda requested user data from Facebook twice, once with a standard legal process and once with an emergency request, regarding two accounts total. Facebook did not produce data in either case. ⁴

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?	4 / 5
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Score Change: The score improved from 3 to 4 as there have been no reported cases of physical violence or harassment in retribution for online activity since 2017.

There have been no known cases of extralegal intimidation or physical violence against individuals for their web activity in the coverage period. But the situation could change given the government's ongoing interest in

curbing hate speech, which is reportedly on the rise as the country heads toward the electioneering period in advance of the 2021 general elections.

In February 2019, the UCC issued a warning that threatened prosecution for online publishers of fake news. ¹ The warning followed a post widely circulated on social media that attributed a call for the ban of a politically controversial song to the executive director of the UCC.

The last reported instance of violence for online activities occurred in 2017, when NTV Uganda news anchor Gertrude Uwitware was abducted by unknown assailants and badly beaten following posts she made on her blog defending Stella Nyanzi's criticisms of the current regime (see C3). The government is known to bar media outlets from reporting on opposition activities and harass journalists believed to be reporting for the opposition. ² The government has also been accused of "fostering a climate of fear and paranoia" among journalists for failing to investigate a series of break-ins of media houses, which resulted in the theft of journalists' computers in 2017. ³

Women are frequently harassed online in Uganda, particularly women who are journalists ⁴ or politicians. ⁵ A report on technology-related violence against women released in January 2019 found that Ugandan women experience a variety of online harassment, including sexual harassment in messages and posts, cyber stalking, and pornography, which includes the non-consensual sharing of revealing or explicit photographs. ⁶ Almost one-third of the 702 Ugandan women in a survey reported experiencing online gender based violence, according to a report released August 2019 by Pollicy, a technology consulting firm. ⁷

C8 0-3 pts

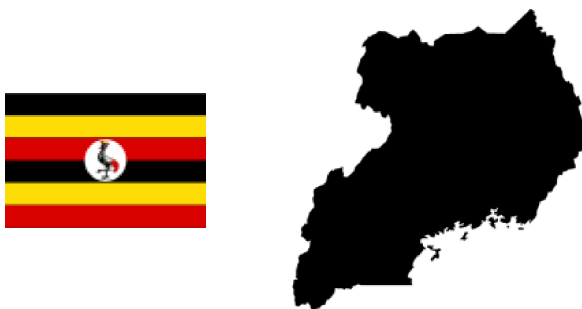
Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	2 / 3
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There were no reported cases of hacking and cyberattacks on government entities during this coverage period.

In January 2019, the Ministry of Labor external recruitment database was hacked and sensitive external recruitment data stolen. ¹ The hack was purportedly perpetrated by a ministry official who, according to the Daily Monitor, worked in “collusion with unscrupulous labor recruitment agencies to get undue clearance for their domestic workers.”

The state has been known to target critics and opponents with surveillance malware, according to research published by Privacy International 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). ² It is unclear whether these technical attacks were still being deployed during the coverage period.

Vulnerable populations and marginalized communities, particularly the LGBT+ community, have also been the target of regular technical attacks over the past few years. In 2016, the email and Facebook accounts of a social worker at the Most at Risk Populations Initiative were hijacked. ³ Activists believe 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 blackmail 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. ⁴



On Uganda

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Country Facts

Global Freedom Score

34/100 Not Free

Internet Freedom Score

56/100 Partly Free

Freedom in the World Status

Not Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

Yes

Pro-government Commentators

No

Users Arrested

Yes***In Other Reports***[Freedom in the World 2020](#)***Other Years***

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