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Freedom on the Net 2021 - Uganda

Partly Free
49
/ 100

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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 declined significantly during the coverage period, as the government imposed sweeping digital restrictions during the contested January 2021 general elections. As President Yoweri Museveni faced a serious challenge from opposition candidate Robert Kyagulanyi, better known as Bobi Wine, the government restricted internet connectivity, blocked social media platforms and circumvention tools, and sought to manipulate the online information environment. During the campaign period, security forces physically attacked online journalists covering opposition campaigns and continued to arrest people who criticized Museveni online.

Museveni won his sixth term in office after 35 years in power. The polls, which were held amidst COVID-19 pandemic restrictions, were marred by excessive violence towards the opposition and election irregularities. 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 National Resistance Movement (NRM) retains power 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 suffer from legal and extralegal harassment and state violence.

Key Developments, June 1, 2020 – May 31, 2021

- In April 2021, the government replaced the over-the-top (OTT) services tax, under which Ugandan internet users had to pay a daily fee to access social media sites, with a 12 percent tax on internet data, sharply raising the cost of internet access see A2).

- The Uganda Communications Commission (UCC) ordered a five-day internet shutdown the day before polls closed in January 2021 (see A3).

- Two days before the polls, the government blocked major social media platforms, as well as roughly a hundred circumvention tools; while most sites were unblocked after a month, Facebook remained inaccessible in Uganda as of August 2021 (see A3 and B1).

- In January 2021, Facebook and Twitter removed a network of government-linked social media accounts seeking to shape online opinions in favor of President Museveni and the ruling NRM ahead of the elections (see B5).

- People who criticized the government and President Museveni on social media faced arrest and criminal charges during the coverage period, while online journalists covering opposition campaigns were attacked by security forces (see C3 and C7).

- New regulations were promulgated in March 2021 to implement the Data Protection and Privacy Act 2019, a key step in ensuring the protection of Ugandans' data (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**

Score Change: The score declined from 2 to 1 in order to correct for a methodology error in one of the sources used to calculate internet penetration in previous years; the score decline does not reflect a change in infrastructural limits to internet access, speed, or quality in Uganda.

Internet penetration continues to improve, reaching an estimated 24 percent in 2017 according to the latest data from the International Telecommunication Union (ITU).[1] The Digital in 2021 report indicates an internet penetration of 26.2 percent as of January 2021.[2] In contrast, the UCC, the communications regulatory body, reports 21.4 million internet subscriptions as of December 2020, reflecting an internet penetration of 51.9 percent,[3] an increase from the approximately 16.9 million users reported in December 2019.[4] Telephone density stood at 67 lines per 100 inhabitants as of December 2020, an increase from 64 lines per 100 inhabitants in September 2020.[5]

According to internet speeds aggregator Ookla, Uganda averaged download speeds of 16.65 Mbps and upload speeds of 6.26 Mbps on mobile internet as of June 2021, and download speeds of 17.01 Mbps and upload speeds of 16.93 Mbps on fixed broadband.[6] The National Broadband Policy adopted in September 2018 seeks to deliver a minimum speed of 4 Mbps nationwide.[7] 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).[8]

New investments in Uganda's information and communications technology (ICT) infrastructure aim to improve connectivity, with some assistance coming from global technology companies. 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]

In October 2020, the Ministry of ICT and National Guidance (ICT Ministry) released its Fourth Industrial Revolution strategy that prioritizes the development of fifth-generation (5G) wireless and other emerging technologies.[10] In January 2020, efforts to deploy 5G technology commenced with service provider MTN Uganda partnering with ZTE, a Chinese 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 holding company that includes Google, announced 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 April 2019, Nokia and Liquid Telecom announced upgrades to their fiber-optic network in East Africa, including Uganda.[14] 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.[15]

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**

While internet access has become more affordable, particularly on mobile phones, costs are still high for many Ugandans.[16] The cost of 1 GB of prepaid mobile data on many mobile networks is 5,000 shillings ($1.35),[17] making it unaffordable to many.[18]

In April 2021, the government instituted a new 12 percent tax on internet data as a part of a new tax package passed under the Excise Duty (Amendment) Act 2021.[19] The new tax, which will take effect on July 1, 2021, after the coverage period, exempts data used for medical and education services.[20]

The legislation also repealed the OTT services tax, a daily 200 shilling ($0.05) tax on social media use that is often called the social media tax, as of July 1, 2021.[21] When the tax was first introduced in 2018, civil society groups raised concerns that it would make access more expensive and restrict connectivity, especially for poor Ugandans,[22] and continued to criticize the tax after its introduction.[23] A May 2019 study from the Alliance for Affordable Internet found that women were most affected by the 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."[24] 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.[25]

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.[26] The UCC reported 10.2 million OTT taxpayers in December 2019, the most recent available data, a reversal of the decline.[27] (The UCC also reported a 30 percent decline in the number of internet users between July and

September 2018, though that decline is inconsistent with other UCC data on internet subscriptions from the same period and in subsequent reports.[28]) The UCC has not reported on OTT tax payment in recent reports.[29]

During the coverage period, mobile service providers continued to block access to social media platforms and VPNs to force customers to pay the OTT tax (see B1).

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.[30] In 2016, the government began offering a free trial of wireless internet access in the Kampala Central Business District and parts of Entebbe.[31]

Only 25 percent of Ugandans live in urban areas[32] and access to electricity is limited in rural areas, resulting in a significant urban-rural divide in internet access.[33] There is also a notable gender gap in internet access: the 2021 edition of the Inclusive Internet Index reported a 13 percent gap in this category.[34]

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?   **3 / 6**

Score Change: The score declined from 6 to 3 after the government imposed a five-day internet shutdown during the January 2021 elections and blocked major social media platforms for one month, with Facebook still inaccessible as of August 2021.

During the contested January 2021 elections, the Ugandan government restricted access to 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.[35] 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."[36] According to data from the Center for Applied Internet Data Analysis, access to the internet was restored on January 18.[37]

On January 12, 2021, access to Facebook, Twitter, Instagram, WhatsApp, Telegram, other social media platforms, and roughly 100 VPNs was restricted (see B1).[38] Some internet users also reported difficulty accessing the Google Play Store and Apple App Store starting on January 9.[39] The government restored access to all websites except Facebook on February 10, 2021.[40] Facebook remains inaccessible in Uganda except by VPN as of August 2021.[41]

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 international internet is privately owned in a competitive market.[42] 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.[43] Telecommunications providers are also connected to TEAMS (The East African Marine System) and SEACOM marine fiber-optic cables through Kenya. As of April 2021, 29 ISPs were connected to the Uganda Internet Exchange Point (UIXP).[44]

A4 0-6 pts

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

The UCC implemented a revised telecommunications license framework during the coverage period, though the effect of the new framework on service provider diversity remains unclear.

The new framework seeks to ease market entry, enhance competition, and intensify the rollout of broadband services. The framework also aims 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.[45] The new framework six new license types[46] and required operators to reapply for their licenses before the June 2020 implementation date.[47] In July 2020, MTN Uganda was granted a 12-year license renewal, the first under the new framework.[48]

In March 2021, the UCC granted Lycamobile a National Telecommunication Operator (NTO) license, the third company to receive such a license alongside 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.[49]

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.[50] The previous framework did not require region-specific licensing.[51] In June 2020, the UCC announced a revised radio licensing framework that includes, for the first time, a license for online radio broadcasters, effective as of July 2021.[52]

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,[53] which all offer long term evolution (LTE) services. In January 2020, Lycamobile entered the Ugandan market seeking to roll out a 4G network across the country.[54] 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.[55]

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**

The UCC has been criticized for its failure to operate in a free, fair, and independent manner.[56] 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.[57] The commission's funds derive mainly from operator license fees and a 2 percent annual levy on gross annual revenue.[58]

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.[59] 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 10-year tenure as executive director, with Irene Kaggwa Sewankambo filling the role in an acting capacity.[60]

In January 2021, the UCC issued a call for comments on the 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 composition of the tribunal includes a High Court judge and two people appointed by the president, as well as technical advisers appointed by the ICT minister.[61] In a brief addressing the draft regulations, the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) noted concerns that the composition of the tribunal would undermine its impartiality, particularly with the appointment of members by the government.[62]

B Limits on Content

B1 0-6 pts

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

Score Change: The score declined from 4 to 3 as the government blocked access to major social media platforms and roughly 100 VPNs for about a month, with Facebook still blocked as of August 2021.

During the January 2021 elections, the Ugandan government imposed widespread restrictions on social media platforms and circumvention tools. The government continues to block pornography sites, while a Rwandan news site is reportedly inaccessible on some networks. Communication platforms and VPNs have been blocked for some users under enforcement of the tax on OTT services (see A2).

On January 12, 2021, two days before the election, access to Facebook, Twitter, Instagram, WhatsApp, Telegram, other social media platforms, and roughly 100 VPNs was restricted.[63] Some internet users also reported difficulty accessing the Google Play Store and Apple App Store starting on January 9.[64] The government restored access to all blocked services except Facebook on February 10, 2021.[65] Facebook remains inaccessible in Uganda except by VPN as of August 2021.[66] The blocks were accompanied by a five-day internet shutdown (see A3).

President Museveni imposed the blocks after Facebook and Twitter removed pro-NRM accounts that the social media companies identified as a government-affiliated network seeking to manipulate public debate during the electoral period (see B5). The president characterized the companies' actions as "arrogance," stating "if you want to take sides against the NRM, then that group should not operate in Uganda."[67]

The government also blocked access to Facebook, Twitter, WhatsApp, Instagram, and mobile money services for four days during the 2016 general elections.[68] Museveni declared the blocks a necessary measure to prevent people from using the platforms to "tell lies."[69] 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.[70]

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.[71] The websites were blocked for publishing "harmful propaganda that would endanger [Uganda's] national security," according to a UCC spokesperson.[72] The government agreed to unblock the websites two days later.[73]

Following the OTT tax's introduction in July 2018 (see A2), mobile telecommunications companies blocked access to 58 social media platforms, including Facebook, Twitter, and WhatsApp, until customers paid the tax.[74] In July 2018, the then UCC executive director instructed ISPs to either tax customers for the use of VPNs or block access to them.[75] The Opera web browser became the first VPN platform to be blocked under the policy, by MTN Uganda.[76]

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 (PCC).[77] The 27 sites remain blocked, though other sites that are not listed by the PCC remain accessible.[78] 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.[79] The Anti-Pornography Act 2014 holds service providers criminally liable for the uploading or downloading of vaguely defined pornographic material on their systems,[80] with penalties of up to five years in prison and fines of 5 million shillings ($1,400).[81]

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

In this coverage period, there were no known cases where state or nonstate actors successfully removed legitimate digital content, though the UCC sought to pressure Google to do so.

In December 2020, the UCC called on Google to block at least 14 YouTube channels that the UCC claimed were used to mobilize riots that resulted into the death of over 50 people and destruction of property in November.[82] The riots began in Kampala and spread to other parts of the country following the arrest of Bobi Wine. Google declined the request, citing the government's lack of a court order. [83]

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.[84] 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.[85] 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, including the restrictions on internet connectivity, social media sites, and circumvention tools imposed during the coverage period. Service providers are governed under several frameworks that require them to filter, remove, and block content considered illegal by authorities. These include the Uganda Communications Act, 2013,[86] the Regulation of Interception of Communication (RIC) Act, 2010,[87] and the Anti-Pornography Act, 2014,[88] among others.

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 the shutdown violated the rule of law and violated human rights, seeks a declaration that the shutdown was illegal, and calls for affected users to be compensated.[89] A hearing was scheduled for June 2021.[90]

In April 2021, the Constitutional Court dismissed a case brought by Unwanted Witness Uganda, a digital-rights and free expression group, and Article 19 against the Ugandan government and service providers for social media blocks during the 2016 election period. The court held that the restrictions were permissible under Article 43 of the Ugandan constitution, which permits the limitation of constitutionally protected fundamental rights and freedoms.[91]

ISPs continued to block dozens of social media and communications platforms as a means of enforcing the 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).[92]

In 2017, Parliament passed the much-criticized Uganda Communications (Amendment) Bill, 2016,[93] 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.[94] The ICT minister's increased power was displayed 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.[95]

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 that April ordering ISPs to block access to unregistered sites (see B6).[96] There were no updates on the number of websites registered or the number blocked for failing to register.

B4 0-4 pts

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

The January 2021 general elections were marred by a crackdown on journalists both offline and online over allegations of misinformation and disinformation.[97] This created fear of arrest, detention, and prosecution, increasing self-censorship among journalists both online and offline. The UCC's continued efforts to require online content producers to apply for licenses also drives self-censorship, with some worried criticism of the government might cause licenses to be withdrawn or even prosecution.

Social media users are increasingly setting up pseudonymous accounts to protect their anonymity and avoid harassment.[98] 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.[99] 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? 2 / 4

Score Change: The score declined from 3 to 2 because a network of social media accounts—likely linked to the government—sought to spread a pro-Museveni narrative ahead of the January 2021 elections.

Ahead of the contested January 2021 elections, the government manipulated online content to shift opinions favorably for 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 in the lead up to elections, while targeting the opposition National Unity Platform (NUP) and Bobi Wine. The network included accounts that appeared to be linked to the Kampala Times news site and journalist Dickens Okello.[100] The network was linked to a group within the ICT Ministry, according to a subsequent investigation conducted by Facebook.[101] The accounts were removed by Facebook on January 8 and Twitter on January 10.[102]

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."[103] 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 broadcasting parliamentary proceedings live. 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.[104] 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."[105]

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 President Museveni, leading to suspicions of paid progovernment trolling.[106]

B6 0-3 pts

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

New economic and regulatory constraints continue to negatively affect users' ability to publish content online. The internet shutdown, social media blocks, and OTT tax all served as barriers to those seeking to publish on social media or other communications platforms (see A2, A3, and B1).

In September 2020, the UCC issued a reminder calling for all online publishers to seek authorization for providing such 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."[107] 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 mandates the UCC to license, regulate, and set standards for the provision of all communication services in Uganda, including radio communication and online broadcasting.[108] Noting the announcement's proximity to the January 2021 elections and the law barring in-person campaigning (see B8), civil society organizations criticized the UCC as seeking to control online information ahead of the vote.[109]

Previously, 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 its authorization to operate.[110] As part of the registration requirements, online publishers are required to pay $20 per year.[111] 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 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).[112] In August 2019, the UCC moved forward with enforcing the registration program.[113]

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.[114]

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."[115] 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 and reliability? 3 / 4

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 (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,[116] while the Firefox web browser was accessible in Luganda and Acholi in 2014.[117] Wikipedia can be accessed in Luganda, with approximately 1,315 articles translated as of August 2021.[118]

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.119 Government bodies, including the UCC, also worked to limit the spread misinformation during the pandemic and during postelection protests.120

B8 0-6 pts

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

Vibrant digital activism suffered a huge setback with the network disruptions experienced in this reporting period. After the Electoral Commission (EC) banned in-person campaigning in key districts in an effort to contain the spread of COVID-19, online platforms were more heavily used for campaign purposes.

Both the NRM and the opposition NUP launched online-campaigning tools during the electoral period. In early January, the government launched the Uchaguzi online platform, aimed at bridging the electoral knowledge gap, while the NUP launched UVote, an app to monitor election results across the country.121 Social media platforms like Facebook, Twitter, and WhatsApp were widely used for campaigning during the electoral period; for instance, the NUP often used Facebook Live to livestream Bobi Wine's campaign events. Parliamentary candidates also used WhatsApp to communicate with their supporters and potential constituents.122 On Twitter, users shared posts with the hashtags #KyagulanyiForPresident and #WeAreRemovingADictator to support Bobi Wine's candidacy and pro-Museveni hashtags like #M7UGsChoice and #SecuringYourFuture.123

The EC 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 to privilege the ruling NRM, which has unrestricted access to media in Uganda, while opposition candidates had limited resources to communicate 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.124 As such, the hashtags #UgandaIsBleeding, #FreePoliticoalPrisonersInUganda, #FreeBobiWine, and #StopPoliceBrutalityInUganda were used in response to increased police brutality and political abductions, especially during the campaigning period.

In September 2020, the UCC issued a reminder requiring online publishers to register with the regulator, prompting concerns that the government sought to control online spaces ahead of the campaign period (see B6).125 The reminder follows an August 2019 directive requiring online publishers to pay an annual $20 registration; the fee applied 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.126

Ugandans have in the past used social media platforms, especially Twitter, to mobilize around political and social injustices in the country. 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 President Museveni and wife Janet Kataaha Museveni, who also serves as education minister. Since her release from prison, Nyanzi has continued to use her Facebook page to publicly criticize the current regime.127 The UCC directive on the registration of social media influencers in August 2019 was believed to target social media users like Nyanzi.

In August 2018, the #FreeBobiWine social media campaign drew international attention following the arrest of Bobi Wine, then an opposition member of Parliament, along with fellow opposition member Kassiano Wadri and 32 others, while the group was campaigning for Wadri in Arua.128 Wine and Wadri were later released.129

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 it. 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.130

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 and speech, in addition to the right to access information and freedom of the media.131 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.

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.132

The independence of the Ugandan judiciary has become more tenuous in recent years.133 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.134

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, the Anti-Pornography Act, 2014, 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 Computer Misuse Act, 2011 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 cyberharassment 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.135 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."136 As of May 2020, the case was still ongoing.137

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.138 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."139

The Anti-Pornography Act, 2014 threatens to hold service providers criminally liable for the uploading or downloading of vaguely defined pornographic material on their systems,140 with penalties of up to five years in prison and fines of $4,000.

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 voices of dissent; several individuals who criticized the government and President Museveni on social media faced criminal charges.

In May 2021, law student Michael Muhima was charged with offensive communication under the Computer Misuse Act for a tweet parodying a police spokesman in November 2020. He was detained for five days before being released on bail. Previously, Muhima was arrested in February 2021 for the same tweet, and denied access to his family and lawyers for five days before being released on bond.141

Also in May, two journalists, Pidson Kareire of news site Drone Media and Darious Magara of news site East Africa Watch, were detained on criminal libel charges under Section 179 of the Penal Code Act.[142] The charges cited reports investigating Dott Services, a construction company, published by the outlets in 2020. The two journalists were released on bail three weeks later and their case was adjourned to July 2021.[143]

In March 2021, four comedians from the Bizonto Comedy Group were arrested for a YouTube video satirizing government appointments. The comedians—Julius Sserwanja, Mbabaali Maliseeri, Gold Ki Matono, and Sssaabakaaki Peter—were charged with promoting sectarianism and offensive communications, and later released on bond.[144] Ugandan police previously arrested the four comedians in July 2020 for the same video, and they were detained for several days on similar charges before they were released.[145]

On November 12, 2020, police arrested Tony Lule, a YouTuber and editor for Bukedde Television, reportedly for comments Lule made criticizing Muhoozi Kainerugaba, President Museveni's son, on Facebook and YouTube.[146] Lule was charged with cyberharassment under the Computer Misuse Act on November 24 and was released on bail on December 3.[147]

In July 2020, police arrested Baba Television journalist and government critic Abbey Ssewakiryanga, who is also known as Basajja Mivule, for promoting sectarianism through his television and social media content.[148] Mivule was later released and apologized for his statements in August.[149]

In June 2020, Ronald Nahabwe, a journalist with news site the Capital Times, was reportedly arrested in relation to his reporting on corruption within the Rural Electrification Agency (REA).[150] He was later bailed, after being detained for three days.[151] The same month, Hannington Mbabazi, also a Capital Times journalist, was reportedly arrested, detained overnight, and tortured for information on the outlet's sources.[152]

In early July 2021, after the coverage period, Jamil Ssekyondwa was arrested and charged with offensive communication contrary to Section 25 of the Computer Misuse Act for a WhatsApp message announcing President Museveni's death and calling him a dog. Ssekyondwa was denied bail and further remanded until August 2021.[153] His arrest came after Museveni ordered security operatives to arrest people circulating news about his alleged death on social media.[154]

There were several arrests for online activity related to COVID-19 during the previous coverage period. In April 2020, writer Kakwenza Rukirabashaija was arrested and charged with committing an act that could spread the virus, based on a Facebook post about people failing to follow social distancing guidelines made that month.[155] He was released on bail of 10 million shillings ($2,700) in early May.[156]

Television anchor Samson Kasumba was also arrested in April 2020. 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.[157] He was released without charge.

Adam Obec, a former employee of Kampala Capital City Authority, was arrested in April 2020 for allegedly disseminating false COVID-19-related information on Facebook, that Uganda had recorded its first COVID-19 death the previous week.[158] He was released on bail.

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. 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.[159] 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.[160] 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.[161]

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. Article 27 of the constitution prohibits "interference with the privacy of that person's home, correspondence, communication or other property."162 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).

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.163 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.164

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. In July 2018, construction began on Huawei's "safe city" project in Uganda, which includes the installation of closed-circuit television (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.165

The government's surveillance powers are governed by the RIC Act, which was hurriedly passed following the 2010 al-Shabaab terrorist attack in Kampala. 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;166 such access can be granted following an order by a High Court judge.167

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 communications of individuals suspected of terrorism and to keep the individuals under surveillance without judicial oversight.168

In a 2018 report by Citizen Lab, a Canadian internet watchdog, Uganda is listed as one of 45 countries worldwide in which devices were likely breached by Pegasus, a targeted spyware software developed by the NSO Group, an Israeli technology firm. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and the opposition.169

In 2017, the *Daily Monitor* reported on a new deal between the Chinese and Ugandan governments, in which the Chinese government would aid in developing a comprehensive cybersecurity strategy for Uganda, including the "technical capacity to monitor and prevent social media abuse."170 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 2013.171 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.172

C6 0-6 pts

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

Service providers and other technology companies are required to retain metadata for an unspecified amount of time.173 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.[174] Failure to comply with the provisions in the RIC Act can result in five years in prison for intermediaries, in addition to license revocations.[175] 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 limited impact in mitigating the coronavirus's spread.[176] In March 2021, MTN Uganda and NITA-U released the E-pass system, by which health officials will loan smartphones equipped with a location-tracking app to COVID-19 patients recuperating at home in order to monitor their compliance with quarantine requirements.[177] In November 2020, the government rolled out a mobile app to monitor truck drivers crossing the border for compliance with COVID-19 protocols.[178]

In March 2021, the government promulgated implementing regulations for the Data Protection and Privacy Act 2019, signed by President Museveni in February 2019. The regulations, which took effect in April 2021, establish the data protection authority as an office within NITA-U.[179] 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.[180] The Data Protection and Privacy Act provides for the protection of privacy and the security of personal data by regulating the collection and processing of personal information.[181]

Between July and December 2020, Uganda requested user data from Facebook once, with a standard legal process regarding three accounts total. Facebook did not produce data responsive to the request.[182]

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

Score Change: The score declined from 4 to 3 because online journalists, particularly those covering Bobi Wine's presidential campaign, experienced harassment, intimidation, and physical attacks, often at the hands of security forces.

During the January 2021 electoral period, cases of physical violence towards both offline and online journalists especially those covering opposition were observed.

Journalists, including online journalists, reporting on the elections faced harassment and physical violence during their work, particularly those covering Bobi Wine's campaign. For instance, Ashraf Kasirye, a journalist with the online broadcaster Ghetto TV, was shot in the head by security forces while reporting on a NUP campaign event in December 2020. In November 2020, police forced Kasirye out of a car and pepper-sprayed him, also while he was reporting on the election. Kasirye filed a lawsuit against the police for the earlier incident in December 2020 and was allowed to file new allegations by the Kampala High Court in March 2021.[183] In January 2021, police assaulted Dedan Kimathi, a journalist with news site ChimpReports, while he was covering the campaign of Patrick Amuriat, the presidential candidate of the opposition Forum for Democratic Change party.[184]

In February 2019, the UCC issued a warning that threatened prosecution for online publishers of purportedly false news.[185] 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.

Women are frequently harassed online in Uganda, particularly women who are journalists[186] or politicians.[187] 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, cyberstalking, and pornography, which includes the non-consensual sharing of revealing or explicit photographs.[188] 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.[189]

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

In this reporting period, cyberattacks targeting government and private entities were cited.

On January 18, 2021, hackers affiliated with the loose hacking collective Anonymous breached the websites of the Ugandan 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 internet shutdown (see A3).[190] The hackers also claim to have brought the TechRafiki website offline in retaliation for TechRafiki journalist Sasha Nannyange's reporting on the hack.[191]

Hackers affiliated with Anonymous also brought down the Ministry of Gender, Labor and Social Development's website in April 2021 after the minister tweeted approvingly of the government's cybersecurity in relation to the January cyberattacks.[192] Previously, 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.[193]

Government websites have been subjected to cyberattacks in the past. In January 2019, the Ministry of Labor's external recruitment database was hacked and sensitive external recruitment data was stolen.[194] 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).[195] 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.[196] 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.[197]

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