

# Uganda

	2014	2015		
<b>Internet Freedom Status</b>	Partly Free	Partly Free	<b>Population:</b>	38.8 million
Obstacles to Access (0-25)	11	11	<b>Internet Penetration 2014:</b>	18 percent
Limits on Content (0-35)	7	7	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	16	18	<b>Political/Social Content Blocked:</b>	No
<b>TOTAL* (0-100)</b>	<b>34</b>	<b>36</b>	<b>Bloggers/ICT Users Arrested:</b>	Yes
			<b>Press Freedom 2015 Status:</b>	Partly Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- Four individuals were arrested for their alleged involvement with Facebook pages known for critical commentary (see **Prosecutions and Detentions for Online Activities**).
- Government efforts to draft a Data Protection and Privacy Bill were seen as a positive step towards promoting the right to privacy, but the draft was later criticized for its broad and vague conditions in which personal data may be collected, thus leaving it open to misinterpretation and abuse (see **Surveillance, Privacy, and Anonymity**).
- Intimidation, threats of violence, and technical attacks against vulnerable groups and marginalized communities, particularly the LGBTI community, were frequent online (see **Intimidation and Violence and Technical Attacks**).

## Introduction

Internet penetration continues to grow in Uganda, connecting more citizens to new digital media tools and platforms, particularly on internet-enabled mobile devices, in urban and rural areas alike. In recognition of the internet's powerful potential to enhance economic growth, the government has invested considerable resources in the development of information and communications technology (ICT) infrastructure and networks, resulting in increasing access for a growing community of netizens. Social media applications such as Facebook, WhatsApp, and Twitter have become significant platforms on which Ugandans connect with each other, share information, and consume the news.

While traditional press freedom in Uganda is persistently under pressure from the government, internet freedom has not been subjected to the same level of pressure or threat. Instead, threats to internet freedom in Uganda during the coverage period took the form of increasing arrests of users for their online activities. In November 2014, three activists in western Uganda were arrested for allegedly inciting violence on the Masindi News Network (MANET) Facebook group, which disseminates information about the western region of the country to over 16,000 members and often posts demands for political accountability from the government. In February 2015, a man named Robert Shaka was summoned by police and subsequently arrested on suspicions of running the popular Facebook account called Tom Voltaire Okwalinga (TVO), which is well known for its politically charged posts that often accuse the Ugandan president and other senior leaders of corruption and incompetence. Shaka was arrested again in June 2015 on charges of disseminating "offensive communication" under the 2011 Computer Misuse Act for posts on the TVO Facebook page.

In mid-2015, the Uganda Police Force's Cyber Crimes Unit, established in 2014, publicly stated that its efforts to crack down on cybercrimes include "threats that could destabilize the country" committed on social media platforms. Observers noted the government's increased crackdown on online speech, particularly on social media platforms, in the past year may be an indication of restrictions to come in the lead up to the presidential election in 2016. Meanwhile, intimidation, threats of violence, and technical attacks against vulnerable groups and marginalized communities, particularly the LGBTI community, were frequently reported and remained a growing concern in Uganda in 2014-2015.

## Obstacles to Access

*ICTs continued to expand across Uganda over the past year, resulting in increased access to both internet and mobile phone services. Despite increased industry competition the cost of access remains relatively high for the majority of Ugandans, especially those in rural areas.*

## Availability and Ease of Access

In 2014-2015, internet access continued to grow in Uganda with a reported internet penetration rate of 18 percent, up from 16 percent in 2013, according to the International Telecommunication Union.<sup>1</sup> Nonetheless, access to broadband internet is still rare and available mostly in urban areas, with less than 1 percent of the population estimated to have fixed-line broadband subscriptions in 2014.<sup>2</sup> Internet speeds are still slow, averaging just over 1.5 Mbps (compared to a global average

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1 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2000-2014, <http://bit.ly/1FDwW9w>.

2 International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions," 2000-2014, <http://bit.ly/1FDwW9w>.

## Uganda

of 4.5 Mbps), according to data from Akamai's "State of the Internet" 2014 fourth quarter report.<sup>3</sup> Meanwhile, mobile phone penetration stood at 52 percent in 2014, a slight increase from 48 percent in 2013.<sup>4</sup>

Many Ugandans access the internet at cybercafes where it costs less than US\$1 for an hour of browsing. Internet access via mobile broadband is also becoming increasingly popular—reaching 12 percent of the population in 2014—due to the growing availability of cheap mobile internet bundles.<sup>5</sup> An hour of mobile web browsing (equating to approximately 10 Mb of data) costs UGX 300 (US\$0.10), while a limited monthly bundle of 1 GB costs between UGX 35,000 and 42,000 (US\$12-16). Meanwhile, 10 GB of an unlimited mobile broadband connection can cost UGX 125,000 (US\$43) for one month and over US\$259 for six months.<sup>6</sup>

While increasing market competition has continued to drive down costs,<sup>7</sup> particularly on mobile phones, internet-enabled devices cost an average of US\$50, which is still high for the majority of Ugandans. A January 2015 survey by the regulator found internet access is still very expensive for both rural and urban users.<sup>8</sup>

Limited access to electricity further impedes access to ICTs. The national electricity distributor reports a customer base of just over 650,000, most of whom are located in urban areas,<sup>9</sup> and alternative power sources, such as fuel-powered generators and solar energy, are very costly. Meanwhile, only 18 percent of Ugandans live in urban areas,<sup>10</sup> resulting in a significant urban-rural divide in access.<sup>11</sup>

The government, through the Rural Communications Development Fund (RCDF), aims to establish computer centers in all of its educational institutions across the country, provide access to basic communications services to all Ugandans, leverage investments for rural communications, and promote overall ICT usage.<sup>12</sup> The fund further supports the establishment of internet cafes, internet points of presence (which are rural wireless connectivity networks with a 5 to 10 km radius with costs, speeds and types of services comparable to those in the capital city, Kampala), ICT training centers, and web portals for local government districts. By the end of 2014, 100 school ICT laboratories had been established.<sup>13</sup>

## Restrictions on Connectivity

There were no reported disruptions in ICT connectivity during the coverage period.

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3 Akamai, "Average Connection Speed: Uganda," map visualization, *The State of the Internet Q4* (2014), <http://akamai.me/1gSQoz7>.

4 International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions," 2000-2014, <http://bit.ly/1FDwW9w>.

5 Cartesian, *Broadband Internet Access from a Mobile Terminal*, January 30, 2014, <http://bit.ly/1Gn0Vmp>.

6 On the Vodafone Uganda Network.

7 Cartesian, *Broadband Internet Access from a Mobile Terminal*.

8 Uganda Communications Commission (UCC), "UCC Access and Usage Survey 2014," January 30, 2015, <http://bit.ly/1OOQ5ah>.

9 Umeme, *Annual Report 2014*, <http://bit.ly/1kxIP7>.

10 Uganda Bureau of Statistics, "2014 Statistical Abstract," June 2014, <http://bit.ly/1EclASb>.

11 Uganda's national literacy rate stands at 71 percent among persons aged 10 years and above. See: Uganda Bureau of Statistics, "2014 Statistical Abstract."

12 UCC, *Rural Communications Development Policy for Uganda*, January 2009, <http://bit.ly/1GeOBVy>.

13 UCC, *Rural Communication Development Fund, Results and Impact 2013/2014*, <http://bit.ly/1Lkxmkz>.

## Uganda

Uganda's backbone connection to the international internet is privately owned in a competitive market.<sup>14</sup> The country's national fiber backbone is connected to the EASSy international submarine fiber-optic cable system that runs along the east and southern coasts of Africa.<sup>15</sup> Telecommunications providers are also hooked to TEAMS (The East African Marine System) and SEACOM marine fibers through Kenya.

Since 2007, Uganda's ICT ministry through the National Information Technology Authority – Uganda (NITA –U) has been developing the National Data Transmission Backbone Infrastructure, which aims to ensure the availability of high bandwidth data connections in all major towns at reasonable prices.<sup>16</sup> As of early 2015, the project has completed the installation of 1,400 kilometers connecting 27 district headquarters.<sup>17</sup>

### ICT Market

The number of industry players has grown over the years, and many now offer comparable prices and technologies. There are no known obstacles or licensing restrictions placed by the government on entry into the ICT sector, and new players have entered the market with ease in recent years. Currently, there are 34 telecommunications service providers that offer both voice and data services.<sup>18</sup> Aside from the state-owned Uganda Electricity Transmission Company Limited, which is a licensed public infrastructure provider that has part ownership of Uganda Telecom, all of the licensed service providers are privately owned.

In February 2015, Vodafone launched in Uganda,<sup>19</sup> joining a competitive market dominated by bigger, well-established telecommunications brands, such as MTN Uganda, Uganda Telecom, Airtel, Smart Telecom, and Africell Uganda (former Orange Uganda). All of these telecoms offer 4G LTE network speeds. Meanwhile, 17 ISPs were connected to the Uganda Internet Exchange Point (UIXP) as of mid-2015.<sup>20</sup>

### Regulatory Bodies

Uganda's telecommunications sector is regulated by the Uganda Communications Commission (UCC), which 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.<sup>21</sup>

14 Econ One Research, "A Case Study in the Private Provision of Rural Infrastructure," July 30, 2002, <http://bit.ly/1jxsMXc>.

15 Eassy maps, accessed August 28, 2014, <http://www.eassy.org/map.html#>.

16 Ministry of Information and Communications Technology, "National Data Transmission Backbone and e-Government Infrastructure Project," Republic of Uganda, accessed June 29, 2012, <http://bit.ly/1OEBpMj>.

17 "The Nation Backbone Infrastructure Project (NBI/EGI)," National Information Technology Authority – Uganda, accessed March 16, 2015, <http://bit.ly/1RSwiGj>.

18 UCC, "Licences in Uganda," <http://www.ucc.co.ug/files/downloads/licensedProviders.pdf>.

19 Ali Twaha, "Vodafone launches data services," *The Observer*, February 13, 2015, <http://bit.ly/1W1frSF>.

20 The Uganda Internet eXchange Point, "Connected Networks," <http://uixp.co.ug/networks>.

21 UCC, "Approved STB Operators and Vendors for Digital Broadcasting," accessed July 31, 2013, <http://bit.ly/1NkEeix>.

Pursuant to the telecommunications (licensing) regulations 2005, UCC issues two types of licences: Public Service Provider (PSP) and Public Infrastructure Provider (PIP). The application fee for both license types is \$2,500 dollars (a PIP license requires a one-off initial fee of \$100,000), and annual fees range from \$3,000-\$10,000. These licenses allow holders to either set up telecommunications infrastructure or provide telecommunications services. The UCC levies a 1 percent charge on providers' annual revenue. (<http://ucc.co.ug/files/downloads/fees%20structure.pdf>)

## Uganda

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

There is a general perception, however, 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. For example, the ICT minister has the authority to approve the new regulator's budget and appoint members of its board with approval from the cabinet. There are no independent mechanisms in place to hold the regulator accountable to the public.

## Limits on Content

*There were no reported incidents of direct government interference with internet content during the coverage period, though the government indicated its intent to shut down certain platforms in the face of growing criticism disseminated online. A popular opposition Facebook page was taken down in January 2015 for breaching Facebook's terms of service; its members suspect government trolls may have been responsible.*

## Blocking and Filtering

There have been no reported incidents of government efforts to block or filter internet content since April 2011, when the national regulator issued a directive to ISPs to temporarily block citizens' access to Facebook and Twitter in response to the "walk to work" protests over rising food and fuel prices. According to news reports, most ISPs did not comply with the directive. Online content remains uncensored in Uganda as of 2015, and social media and blogging platforms are freely available.

Nevertheless, with the growing popularity of social media and communications applications for critical commentary, the government has periodically indicated intentions to block certain web platforms. Most recently in 2015, the government issued threats to shut down social media tools such as WhatsApp and Facebook in response to social media debates over the issue of revenge pornography and other forms of "computer misuse."<sup>22</sup>

## Content Removal

To date, there have been no known instances of takedown notices issued for the removal of online content and no problematic issues of intermediary liability for service or content providers.<sup>23</sup> In January 2015, however, the popular "Ugandans At Heart" Facebook page known for its political activism and criticisms of the government was taken down for allegedly breaching Facebook's terms of service. The "Ugandans At Heart" administrator suspected the government's hand behind the takedown, which would have required a coordinated effort by progovernment users to report the Facebook page as abusive.<sup>24</sup> While denying involvement, anonymous government officials reportedly de-

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22 Sylvia Tamale, "Sex tapes are part of pervasive levels of violence against women," *The Daily Monitor*, February 10, 2015, <http://bit.ly/17e3Ldj>; Moses Ndhaye, "UCC threatens to shut down social media platforms over abuse," *The Daily Monitor*, February 10 2015, <http://bit.ly/1CemC2i>.

23 Ashnah Kalemera, Lillian Nalwoga and Wairagala Wakabi, "Intermediary Liability in Uganda," (research paper, Association for Progressive Communications) accessed August 28, 2014, <http://bit.ly/1jxtXpz>.

24 Semuwemba A, Kibirege, "UAH Closure: 30 Seconds Of The Elephant In The Room!" *Semuwemba* (blog), January 7, 2015, <http://bit.ly/1MzODnv>.

## Uganda

scribed the takedown as “good news.”<sup>25</sup> The page was eventually restored. Later in April, the group’s Google forum was shut down after being flagged for “containing spam, malware, or other malicious content,” which forum moderators believe may also have been due to government interference.<sup>26</sup>

Meanwhile, the Anti-Pornography Law enacted in February 2014 threatens to hold service providers criminally liable for uploading or downloading vaguely defined pornographic material on their systems,<sup>27</sup> with penalties of up to five years in prison and fines of US\$4,000. The law also establishes a Pornography Control Committee tasked with developing blocking software, which, once procured, service providers must install to preemptively filter and block “pornographic” content.<sup>28</sup> Increasing government interest in curbing pornography and prostitution in the past year could further place intermediaries in a tough position over content hosted on their networks.

## Media, Diversity, and Content Manipulation

Content available online in Uganda is somewhat diverse, though news websites provided 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 native dialects). Newspapers such as *Bukedde*, *Etop*, *Rupiny* and *Orumuri* have created online platforms. Other news sites of major privately owned newspapers are only accessible in English, which is not widely spoken across Uganda. The Google Uganda domain is available in five local languages,<sup>29</sup> while the Firefox web browser can be accessed in two languages, Luganda and Acholi.<sup>30</sup> Blogging continues to be popular among young Ugandans who have boldly taken to the internet to push the boundaries on controversial issues such as good governance and corruption.<sup>31</sup>

Routine crackdowns and threats from the government—such as shutting down media houses perceived to be too critical of the government and reported police attacks on journalists<sup>32</sup>—have engendered a culture of self-censorship among journalists both off and online. Taboo topics include the military, the president’s family, the oil sector, land-grabs, and presidential terms. Nonetheless, critical commentary and opposition voices have become more vibrant online in recent years.

## Digital Activism

Internet use is steadily enhancing citizen participation in democratic processes as well as increasing

25 Giles Muhame, “Facebook Shuts Down ‘Ugandans at Heart’ Page,” *Chimp Reports*, December 02, 2014, <http://bit.ly/1RSya2t>; Unwanted Witness, “Facebook succumbs to pressure and endlessly closes Ugandans At Heart page,” January 14, 2015, <http://bit.ly/1Gn4Yij>.

26 Google Product Forums, April 28, 2015, <http://bit.ly/1jQAsDk>.

27 “Pornography” defined in the law as “any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual excitement.” The Anti-Homosexuality Act, 2014, <http://bit.ly/PeaDyk>.

28 James Wire, “Brace yourselves Ugandan Internet Users,” *The New Vision*, February 24, 2014, <http://bit.ly/1W2sJUd>; Association for Progressive Communications, “New laws in Uganda make internet providers more vulnerable to liability and state intervention,” May 19, 2014, <http://bit.ly/1LzrH8c>; CIPESA, *State of Internet Freedoms in East Africa 2014*, [http://www.cipesa.org/?wpfb\\_dl=76](http://www.cipesa.org/?wpfb_dl=76).

29 Tabitha Wambui, “Google Uganda Launches Two New Local Language Domains,” *The Daily Monitor*, August 4, 2010, <http://bit.ly/1QMW3Yk>.

30 Mozilla, “Interview: Mozilla Uganda translates Firefox into Acholi,” February 16, 2013, <http://mozilla-uganda.org/?p=173>.

31 Joseph Elunya, “Controversial Ugandan Blogger Won’t Budge,” *All Africa*, August 26, 2012, <http://bit.ly/1W2t7Cb>.

32 Freedom House, “Uganda,” *Freedom of the Press 2013*, <http://bit.ly/1M2mL0W>.

## Uganda

public scrutiny of government actions. Crowdsourcing and crowd-mapping tools have given citizens the ability to monitor elections, and a number of civil society groups are increasingly using SMS platforms and social media for advocacy and to call for protests. Nevertheless, digital media activism did not result in any largescale social or political change in Uganda during the coverage period.

## Violations of User Rights

*The number of individuals arrested for their online activities in Uganda increased in 2014-2015, compared to the previous coverage period. Government efforts to draft a Data Protection and Privacy Bill were initially seen as a positive step towards promoting the right to privacy, though the bill was later criticized for its overly broad and vague conditions in which personal data may be collected. Intimidation, threats of violence, and technical attacks against vulnerable groups and marginalized communities, particularly the LGBTI community, remained a growing concern.*

## Legal Environment

The Ugandan Constitution provides for freedom of expression and speech, in addition to the right to access information. However, several laws—including the Press and Journalist Act, sections of the penal code, and the Anti-Terrorism Act—appear to negate these constitutional guarantees for freedom of expression. For example, the Press and Journalist Act of 2000 requires journalists to register with the statutory Media Council, whose independence is believed to be compromised by the government's influence over its composition. The penal code contains provisions on criminal libel and the promotion of sectarianism, imposing penalties that entail lengthy jail terms. While none of these laws contain specific provisions on online modes of expression, they could arguably be invoked for digital communications and generally create a “chilling effect” on freedom of expression both online and offline.

Meanwhile, the 2002 Anti-Terrorism Act criminalizes the publication and dissemination of content that promotes terrorism, vaguely defined, and convictions can carry the death sentence.<sup>33</sup> Amendments to the act were passed by parliament in June 2015 and are currently awaiting the president's signature. These proposed updates to the antiterrorism law include broadly defined provisions criminalizing the “indirect” involvement in terrorist activists and the “unlawful possession of materials for promoting terrorism, such as audio or video tapes or written or electronic literature.”<sup>34</sup>

The 2011 Computer Misuse Act includes provisions that can specifically limit freedom of expression online. Under Act 2 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 subject to fines, imprisonment of up to one year, or both.<sup>35</sup>

Persistent government efforts to criminalize homosexuality in Uganda further threaten to restrict internet freedom. The now nullified Anti-Homosexuality Act enacted in February 2014 prescribed up to life imprisonment for committing the “offense of homosexuality,” putting the lives of countless

33 Art.9 (b), The Anti-Terrorism Act, 2002, <http://bit.ly/1ZRELPH>.

34 Anti-Terrorism Amendment Bill (2015), <http://bit.ly/1MzIQOV>.

35 Computer Misuse Act, 2011, <http://www.ulii.org/content/computer-misuse-act>.

## Uganda

Ugandan LGBTI individuals at risk of discrimination, persecution, and violence.<sup>36</sup> Pertinent to internet freedom, Article 13 of the law criminalizes the use of electronic devices—including “internet, films, and mobile phones—for the purposes of homosexuality or promoting homosexuality.” A person or entity convicted under this offence could be subject to a fine of UGX 100 million (approximately US\$40,000), imprisonment of five to seven years, or both.<sup>37</sup> A judicial ruling struck down the law in August 2014 based on an administrative technicality, which enabled the law’s ardent advocates to reintroduce the law in November 2014,<sup>38</sup> though as of mid-2015, it is unclear when it would be presented to Parliament for adoption.<sup>39</sup>

The Ugandan judiciary has been known uphold press freedom and freedom of expression. In 2004, for example, the Supreme Court struck down a provision in the penal code criminalized the publication of false news, and in 2010, the Constitutional Court quashed the law on sedition.

### Prosecutions and Detentions for Online Activities

The number of individuals arrested for their online activities in Uganda increased in 2014-2015, compared to the previous coverage period when no arrests or prosecutions were reported. In November 2014, three activists in western Uganda were arrested for allegedly inciting violence with posts written in the Facebook group the Masindi News Network (MANET),<sup>40</sup> which disseminates information about the western region of the country to over 16,000 members and often posts demands for political accountability from the government. The Facebook group had recently sought to collect one million signatures for a petition urging Parliament to investigate the alleged mismanagement of funds for the construction of a major road in the region.<sup>41</sup> The three activists were released three days later in response to the demands of hundreds of people who demonstrated in front of the police station,<sup>42</sup> though their case is still being investigated as of mid-2015.

In February 2015, a man named Robert Shaka was summoned by police and subsequently arrested on suspicions of running the popular Facebook account called Tom Voltaire Okwalinga (TVO),<sup>43</sup> which is well known for its politically charged posts that often accuse the Ugandan president and other senior leaders of corruption and incompetence.<sup>44</sup> While in detention, the police searched Shaka’s home without a search warrant and confiscated some of his electronic devices. He was released on bond shortly thereafter but arrested again in June 2015 on charges of disseminating “offensive communication” under the 2011 Computer Misuse Act, charges Shaka denied.<sup>45</sup> Shaka was later released on bail and awaits trial as of mid-2015.<sup>46</sup>

Meanwhile, in May 2015, President Yoweri Museveni called for the arrest of three individuals whose

36 Isaac Imaka & Mercy Nalugo, “Gays to spend life in jail as MPs pass Anti-Homosexuality Bill,” *The Daily Monitor*, December 20, 2013, <http://bit.ly/1fKPXWF>.

37 Anti-Homosexuality Act, 2014, <http://bit.ly/1Gnd8YI>.

38 The Prohibition of Promotion of Unnatural Sexual Practices, 2014, <http://bit.ly/1jxw0Kp>.

39 AFP, “New anti-gay bill drawn up in Uganda,” *Aljazeera*, November 20, 2014, <http://bit.ly/1r0LbbR>.

40 Masindi News Network, <https://www.facebook.com/groups/masindinewsnetwork/>

41 Joseph Elunya, “Crackdown on Facebook in Uganda,” *Waza Online*, December 19, 2014, <http://bit.ly/1v6RzzP>.

42 Unwanted Witness, “Over 10,000 Online Activists Petition Parliament,” February 2, 2015, <http://bit.ly/1RkDYRs>; “100 people raid, force Police to free MANET scribes,” *The Insider*, November 10, 2014, <http://bit.ly/1MzJHPz>.

43 Tom Voltaire Okwalinga, Facebook Page, <https://www.facebook.com/tom.okwalinga>.

44 Douglas Mpuga, “Social Media Critic Arrested in Uganda,” *Voice of America*, June 13, 2015, <http://bit.ly/1RkEaQx>.

45 Joseph Kimbowa, “Uganda: Who’s Tom Voltarie Okwalinga – TVO?” *All Africa*, June 10, 2015, <http://bit.ly/1OEIug0>.

46 Tony Bath, “Social Media Critic Robert Shaka Released on Bail,” Uganda Radio Network, June 15, 2015, <http://bit.ly/1RSBOcG>.



## Uganda

voices were heard in an audio clip disseminated widely via WhatsApp that reportedly contained abusive and sectarian language.<sup>47</sup> According to observers, the government's increased crackdown on online speech, particularly on social media platforms, in the past year may be an indication of restrictions to come in the lead up to the presidential election in 2016.<sup>48</sup>

In 2014, the Uganda Police Force established a Cyber Crimes Unit to fight malicious technical attacks<sup>49</sup> but was criticized by observers as an effort to intimidate users and encourage self-censorship "given the shifting trends from the use of traditional media to online."<sup>50</sup> According to research by Unwanted Witness Uganda, the unit has profiled "dozens of internet users particularly those deemed to be opponents of the government,"<sup>51</sup> which is a worrisome trend as the country gears up for general elections in 2016. In mid-2015, the Cyber Crimes Unit publicly stated its mandate includes "threats that could destabilize the country" committed on social media platforms.<sup>52</sup>

## Surveillance, Privacy, and Anonymity

There is strong sense that government surveillance of citizens' communications has heightened in recent years, particularly in response to increasing government activity to address the threat of terrorism in the region. In July 2015, email leaks from the Italian surveillance firm Hacking Team revealed that the Ugandan government began talks in April 2015 with the company to purchase its sophisticated spyware known as Remote Control System (RCS).<sup>53</sup> While the leaked emails did not confirm the sale, they point to the government's intent to acquire such technologies that can monitor and intercept user communications.

The government expanded its surveillance powers with the hurried passage of the 2010 Regulation of Interception of Communication (RIC) Act following the July 2010 Al-Shabaab terrorist attack in Kampala. Under the RIC, telecommunication companies are required to install equipment that enables real-time electronic surveillance of suspected terrorists. The RIC Act also gives the government permission to tap into personal communications for national security concerns,<sup>54</sup> which can be requested by the security minister and granted after an order by a High Court judge.<sup>55</sup> Service providers are further required to disclose the personal information of individuals suspected of terrorism to the authorities upon issuance of a court warrant or notice from the security minister on matters

47 Kim Aine, "Museveni Orders WhatsApp Audio Probe" *Chimp Reports*, May 30, 2015, <http://bit.ly/1NkGd6w>.

48 Lizabeth Paulat, "Uganda President Challenges Free Speech on Social Media," *Voice of America*, June 4, 2015, <http://bit.ly/1HQh26u>. CIPESA, "Hunting Down Social Media 'Abusers' in Uganda as Elections Near," July 2015, [http://www.cipesa.org/?wpfb\\_dl=190](http://www.cipesa.org/?wpfb_dl=190).

49 Taddeo Bwambale and Raymon Baguma, "Uganda sets up unit to fight cyber crime," *The New Vision Uganda*, August 6, 2013, <http://bit.ly/1kkHaSA>.

50 Andrew Bagala, "Activists cry foul as police set up cyber crime unit," *The Daily Monitor*, March 19, 2014, <http://bit.ly/1KkCzom>; Unwanted Witness, "Police establishes cyber crimes unit to curtail online freedoms," March 18, 2014, <http://bit.ly/1rDT1uz>.

51 Unwanted Witness Uganda, *The Internet: They Are Coming For It Too*, January 17, 2014, 38, <http://bit.ly/1fTb1rH>.

52 Bagala Andrew, "Crackdown on social media crime starts," *The Daily Monitor*, June 22, 2015, <http://bit.ly/1LGN76A>.

53 Mujuni Raymond Qatahar, "Wikileaks Emails: Uganda To Buy 3bn Surveillance Equipment," *Qatahararray* (blog), July 21, 2015, <http://bit.ly/1XfOAok>; Wikileaks, "Hacking Team," July 8, 2015, <http://bit.ly/1jQARWv>; Sadab Kitatta Kaaya, "Police in Shs 5bn spy deal," *The Observer*, July 22, 2015, <http://bit.ly/1NR8x3t>.

54 Amnesty International, "Uganda: Amnesty International Memorandum on the Regulation of Interception of Communications Act, 2010," December 14, 2010, <http://bit.ly/1MPUDx8>.

55 Lawful interception is granted after issuance of a warrant by a judge if "there is an actual threat to national security or to any national economic interest, a potential threat to public safety, national security or any national economic interest, or if there is a threat to the national interest involving the State's international relations or obligations." See , Regulation of Interception of Communications Act, 2010 Section 5, September 3, 2010, <http://bit.ly/1jQAVpl>.

## Uganda

related to national security, national economic interests, and public safety.<sup>56</sup> Failure to comply with the provisions in the RIC Act can entail penalties of up to five years in prison for intermediaries, in addition to license revocations.<sup>57</sup> While it is not clear the extent to which the 2010 RIC Act has been implemented or operationalized, in March 2014, the government requested a supplementary budget of UGX 200 billion (over US\$80 million) through 2019 to procure surveillance equipment and establish a monitoring center in accordance with the RIC Act.<sup>58</sup>

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 them under surveillance, without judicial oversight.<sup>59</sup>

Telephone companies reportedly “face undue influence and pressure from [the] government demanding for print-outs of phone calls made by any citizen without court orders... [which] have been used against activists or human rights defenders to justify their arrests, arbitrary detention or at times used as evidence in courts of law.”<sup>60</sup> Nonetheless, telecom industry observers have noted that vibrant competition between service providers makes them reluctant to hand over information to the government without going through legal channels. However, observers do not rule out the possibility that some companies may cooperate quietly with government requests.<sup>61</sup>

Anonymous communication is compromised by mandatory registration for mobile phone SIM cards and mobile internet subscriptions. Launched in March 2012, the process requires subscribers to provide a passport photo and ID, both residence and workplace addresses, and next of kin, among other personal details.<sup>62</sup> Civil society groups cited concerns that “the mandatory SIM card registration was carried out to enable the use of surveillance equipment purchased and installed by telecom companies.”<sup>63</sup>

In response to growing concerns over infringements on users’ right to privacy in Uganda, civil society pushed for data protection legislation in 2014,<sup>64</sup> which led to the drafting of the Data Protection and Privacy Bill by year’s end.<sup>65</sup> While the bill was initially well received, it was later criticized for being open to misinterpretation due to the broad and vague conditions in which personal data may be collected, such as for “national security” reasons.<sup>66</sup> As of March 2015, reports emerged that the government lacks the funds needed to enact the data protection law,<sup>67</sup> leaving user data without safeguards from unnecessary intrusion.

56 The Regulation of Interception of Communications Act, 2010, Section 8.

57 The Regulation of Interception of Communications Act, 2010, Section 62.

58 Unwanted Witness, “The Unwanted Witness (UW) News Brief: Government of Uganda is procuring surveillance equipment to spy on citizens,” news release, May 19, 2014, <http://bit.ly/1LkClrR>; “National Budget Framework Paper for FY 2014 / 15 – FY 2018/19,” Republic of Uganda, March 2014, 833, <http://bit.ly/1Gbnfuz>.

59 The Anti-Terrorism Act, 2002, Part VII—Interception of Communications.

60 Unwanted Witness Uganda, *The Internet: They Are Coming For It Too*, January 17, 2014, 39, <http://bit.ly/1fTb1rH>. These allegations were denied by the security minister, who claimed that any phone tapping is done in compliance with the law, upon issuance of a court order, and for a limited period against users suspected of “subversive activities” and criminal activity. See: Deo Walusimbi, “Muruli Mukasa: I replace Sejusa,” *The Observer*, March 5, 2014, <http://bit.ly/1kkKQUB>.

61 Freedom House interviews.

62 Unwanted Witness Uganda, *The Internet: They Are Coming For It Too*.

63 Unwanted Witness Uganda, *The Internet: They Are Coming For It Too*.

64 Solomon Lubumbula, “Phone users demand for Data Protection law,” Unwanted Witness, March 21, 2014, <http://bit.ly/1MPWxh6>.

65 Government of Uganda, The Data Protection and Privacy Bill, 2014, <http://bit.ly/1GM36LD>.

66 CIPESA, “Reflections on Uganda’s Draft Data Protection and Privacy Bill, 2014,” February, 2015, <http://bit.ly/1KkFgXg>.

67 Unwanted Witness, “Uganda government is lacking funds to enact a law on Data Protection and Privacy,” March 13, 2015,

## Intimidation and Violence

While print journalists have long faced a high degree of harassment and occasional violence for their reporting, these types of violations have begun to seep into the online sphere as well.

LGBTI activists, in particular, have reported increasing harassment, both offline and online, in recent years, with hate messages often pervading targets' Facebook walls.<sup>68</sup> In July 2014, Magembe Norma, an individual who created a petition on Change.org for the prosecution of Uganda's top three leaders behind the anti-homosexuality movement in the country,<sup>69</sup> reported that his life was in danger as a result of his online petition and activism.<sup>70</sup> Also, increased cases of revenge pornography against female celebrities were reported in 2014-2015.<sup>71</sup>

## Technical Attacks

In addition to intimidation and threats of violence, technical attacks against vulnerable groups and marginalized communities remained a growing concern in Uganda in 2014-2015. According to an LGBTI individual in Uganda,<sup>72</sup> a Ugandan gay rights activist had his Yahoo email taken over by unknown person(s) and all of his emails forwarded to a local mail host in 2014, though he was able to contact Yahoo and regain control over his email. Cases of blackmail were also reported, involving threats to expose the identities of several LGBTI individuals due to their perceived or real sexual orientation. In some cases, the blackmailers requested for money in exchange for their silence.

In addition, there were numerous reports of spyware and phishing attacks against several LGBTI individuals who received a large number of suspicious emails from familiar contacts. In another incident, one gay rights organization was hacked and defaced by unknown persons.

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<http://bit.ly/1CIVeRR>.

68 Spyros E. Monastiriotes, "For LGBT Ugandans, physical security threats often translate into digital threats and vice versa," Security in A Box (blog), March 13, 2015, <http://bit.ly/1MzO7pE>.

69 Norman Mugambe, "Petitioning Prosecutor Fatou Bensouda, 'International Criminal Court: Investigate and Prosecute The Top 3 Homophobic Ugandans For Crimes Against Humanity,'" <http://chn.ge/1jQBIMI>.

70 Norman Mugambe, "Security Concern," July 18, 2014, <http://chn.ge/1GPy45d>.

71 Robert Mugabe (2014)

72 Anonymous interview with Freedom House in early 2015.