

# Uganda

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	36.9 million
Obstacles to Access (0-25)	11	11	Internet Penetration 2013:	16 percent
Limits on Content (0-35)	8	7	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	15	16	Political/Social Content Blocked:	No
<b>TOTAL* (0-100)</b>	<b>34</b>	<b>34</b>	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Partly Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- The Uganda Communications Act 2013 created a new media regulatory body that has been criticized for its lack of independence from the government (see **Obstacles to Access**).
- There were no reports of internet content being blocked or filtered during the coverage period, though an Anti-Pornography Act signed into law by the president in February 2014 threatens to hold ISPs criminally liable for the dissemination of broadly defined pornographic material (see **Limits on Content**).
- In response to an increasing crackdown against traditional media in the past year, critical commentary and opposition voices have become more vibrant online, leading to a palpable sense of decreasing self-censorship among some online users (see **Limits on Content**).
- The Anti-Homosexuality Bill, enacted in February 2014, criminalized the use of electronic devices “for the purposes of homosexuality or promoting homosexuality” (see **Violations of User Rights**).
- SIM card and mobile internet registrations continued through August 2013 despite concerns that the registration requirements infringe on the right to privacy given the lack of a necessary data protection law (see **Violations of User Rights**).
- Suspicions of proactive government surveillance of online communications increased with reports that the government had begun importing surveillance equipment and setting up internet monitoring units among the various security agencies (see **Violations of User Rights**).

## Introduction

The internet has continued to proliferate 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 netizen community. Social media applications such as Facebook, WhatsApp, and Twitter have become significant platforms upon which Ugandans connect to each other, share information, and consume the news.

While traditional press freedom in Uganda is persistently under pressure from the government—deteriorating in 2013 due to a 10-day closure of two major media houses in May and other forms of harassment against print journalists—in general, internet freedom has not been subject to the same level of pressure or threat. There have been no reported incidents of government interference with the internet since April 2011, when the national regulator issued a directive to internet service providers (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. Instead, growing digital media activism in recent years has enabled civil society to push back on various government incursions, such as during the May 2013 shutdown of traditional media houses, which elicited widespread protests mobilized via Facebook and Twitter.

In more recent years, threats to internet freedom in Uganda have taken the form of legislative restrictions that significantly compromise access to information, freedom of expression, and rights to privacy online. In 2014, the government passed the Anti-Pornography Act, which can hold ISPs criminally liable for the dissemination of broadly defined pornographic material and require service providers to preemptively filter and block content. Another law enacted in February 2014 (but struck down in court in August), the Anti-Homosexuality Act, further threatened to restrict internet freedom by criminalizing the use of electronic devices “for the purposes of homosexuality or promoting homosexuality,” in addition to prescribing life sentences for homosexual “offenses.” LGBTI individuals were reportedly targeted for harassment on social media and attacked with technical malware throughout the year. As of fall 2014, advocates of the annulled law are working to reintroduce another version to impose the same harsh restrictions.

Meanwhile, in response to the growing threat of terrorism in the region—sparked by the 2010 Al-Shabab bombings in Kampala and heightened following the Al-Shabab gunmen siege on the Westgate mall in Nairobi, Kenya in September 2013—the government has ramped up its authority and capacity to monitor and intercept communications in the name of fighting terrorism. Reports during the coverage period documented the government's efforts to implement voice and data surveillance of mobile phones and computers without permission from service providers. In addition, government officials spoke openly about the need to monitor social media content while also requesting a supplementary budget of US\$80 million in March 2014 to procure surveillance equipment and establish a monitoring center.

## Obstacles to Access

ICTs continued to expand across Uganda over the past year, resulting in increasing access to both internet and mobile phone services. In 2013, Uganda's internet penetration rate stood at 16 percent, up from 15 percent in 2012 and just 4 percent in 2007, according to the International Telecommunication Union.<sup>1</sup> Nonetheless, access to broadband internet is still rare and available mostly in urban areas, with only 0.11 percent of the population estimated to have fixed-line broadband subscriptions in 2013.<sup>2</sup> Meanwhile, mobile phone penetration stood at 44 percent in 2013, a slight decrease from 45 percent in 2012.<sup>3</sup> Official government statistics from the Uganda Communications Commission (UCC) reported a teledensity of 52 percent as of December 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 devices is becoming increasingly popular due to the growing availability of cheap mobile internet bundles. The ITU estimates that 7.4 percent of Ugandans had access to mobile broadband services in 2013.<sup>5</sup> An hour of mobile web browsing (equating to approximately 20 Mb of data) costs UGX 500 (US\$0.20), while a limited monthly bundle of 1 Gb costs between UGX 35,000 and 42,000 (US\$12-16). Meanwhile, an unlimited mobile broadband connection can cost UGX 300,000 (US\$120) for one month and over US\$600 for six months.<sup>6</sup> Four service providers offer their subscribers free access to Facebook.<sup>7</sup>

Despite decreasing costs, internet speeds are still slow, averaging just over 1 Mbps (compared to a global average of 3.9 Mbps), according to May 2014 data from Akamai's "State of the Internet" report.<sup>8</sup> In addition, Uganda's broadband adoption (characterized by connection speeds greater than 4 Mbps) is about 2 percent of the internet population, while the country's narrowband adoption (connection speed below 256 kbps) is over 20 percent.<sup>9</sup>

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

1 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

2 International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions, 2000-2013."

3 International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2012."

4 UCC, "Status of Uganda's Communications Sector," April 30, 2014, <http://ucc.co.ug/data/qmenu/3/Facts-and-Figures.html>.

5 International Telecommunication Union, "Uganda Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014, <http://www.itu.int/net4/itu-d/icteye/CountryProfileReport.aspx?countryID=8>.

6 On the Orange Uganda network.

7 MTN, "MTN Launches Facebook Zero, a Free Way to Access Facebook on your Mobile Phone," press release, May 18, 2010, [http://mtn.co.ug/About-MTN/News-Room/2010/May/MTN-launches-Facebook@-ZERO\\_-a.aspx](http://mtn.co.ug/About-MTN/News-Room/2010/May/MTN-launches-Facebook@-ZERO_-a.aspx); Orange, "Get Facebook Free on Your Mobile Phone," accessed August 8, 2013, <http://www.orange.ug/mobile-plans/facebook-for-free.php>; Uganda Telecom, "Facebook by SMS", accessed February 4, 2013, <http://www.utl.co.ug/personal/mobile/value-added-services/facebook-by-sms/>; "Enjoy Facebook For Free with Airtel Uganda," Big Eye Uganda, January 18, 2014, <http://bigeye.ug/enjoy-facebook-for-free-with-airtel-uganda/>.

8 Akamai, "Average Connection Speed: Uganda," map visualization, *The State of the Internet Q1 (2014)*, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

9 Akamai, "Broadband Adoption (connections to Akamai >4 Mbps): Uganda," map visualization, *The State of the Internet, Q1 2014*; Akamai, "Narrowband Adoption (connections to Akamai <256 kbps): Uganda," map visualization, *The State of the Internet, Q1 2014*, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

## Uganda

services.<sup>10</sup> Aside from the state-owned Uganda Electricity Transmission Company Ltd, which is a licensed public infrastructure provider that has part ownership of Uganda Telecom, all the licensed service providers are privately owned entities.

In March 2014, Smart Telecom launched in Uganda,<sup>11</sup> joining a competitive market dominated by bigger, well-established telecommunications brands, such as MTN Uganda, Uganda Telecom, Airtel, and Orange Uganda. Three 4G LTE network services were deployed in mid-2013.<sup>12</sup> The quality of both voice and data services improved during 2014,<sup>13</sup> but rumors of a possible exit by Orange Uganda from the Uganda market<sup>14</sup> and leadership wrangles within Uganda Telecom<sup>15</sup> in 2014 created insecurities among subscribers to these networks.

While increasing market competition has continued to drive down internet access rates,<sup>16</sup> particularly on mobile phones, the cost of internet-enabled devices is US\$80 on average, which is still high for the majority of Ugandans, whose median annual per-capita income is US\$296 and median annual household income is US\$1,775 (or \$148 per month), according to a 2013 Gallup poll on worldwide incomes.<sup>17</sup> The latest 2012/13 national household survey from the Uganda Bureau of Statistics reports an average monthly household income of UGX 223,000 (US\$85).<sup>18</sup>

Most recently in 2013, the government launched an effort to curb the importation of counterfeit mobile phones, which may further limit access to mobile technologies. All inactive fake phones with pre-existing subscriptions were disconnected as of July 1, 2013.<sup>19</sup> There are no figures to indicate how many users were affected by this initiative, but it is conceivable that the number was in the millions. In addition, a 2009 government ban on the importation of used computers remains in place.

Another impediment to increased internet usage is limited access to electricity. The national electricity distributor reports a customer base of just 458,000, most of whom are located in urban

10 Uganda Communications Commission, List of Licences in Uganda, available at <http://www.ucc.co.ug/files/downloads/licensedProviders.pdf>.

11 Faridah Kulabako, "New telecom launches with cheapest call rate," *Daily Monitor*, March 17, 2014 <http://www.monitor.co.ug/News/National/New-telecom-launches-with-cheapest-call-rate/-/688334/2247380/-/kp6hdhz/-/index.html>

12 Orange Uganda, "4G-LTE," <http://www.orange.ug/mobile-plans/orange-lte.php>; MTN Uganda, "MTN 4G," accessed February 4, 2014, <http://www.mtn.co.ug/MTN-Internet/MTN-4G-LTE.aspx>; Alcatel-Lucent, "Smile launches Uganda's first true 4G LTE mobile network," press release, June 10, 2013, <http://www.itweb.co.za/office/alcatel/PressRelease.php?StoryID=240168>,

13 "Quality of service performance report, February-June 2014," Uganda Communications Commission, accessed August 28, 2014, <http://ucc.co.ug/files/downloads/Quality%20of%20Service%20report%20for%20February-June%202014.pdf>.

14 "Orange hires adviser for Uganda exit," *New Vision Uganda*, March 4, 2014, <http://www.newvision.co.ug/news/653271-orange-hires-adviser-for-uganda-exit.html>

15 Gareth Van Zyl, "Embattled Uganda Telecom announces new chairman," *ITWeb Africa*, March 13, 2014, <http://www.itwebafrica.com/telecommunications/347-uganda/232574-embattled-uganda-telecom-announces-new-chairman>

16 Nicholas Kalungi, "Competition Bringing Internet Rates Down," *Daily Monitor*, November 9, 2012, <http://www.monitor.co.ug/Business/Technology/Competition-bringing-Internet-rates-down/-/688612/1616104/-/38omqaz/-/index.html>.

17 Glenn Phelps and Steve Crabtree, "Worldwide, Median Household Income About \$10,000," *Gallup World*, December 16, 2013, <http://www.gallup.com/poll/166211/worldwide-median-household-income-000.aspx#1>.

18 Uganda Bureau of Statistics, *The Uganda National Household Survey 2012/13*, December 3, 2013, accessed August 19, 2014, [http://www.ubos.org/onlinefiles/uploads/ubos/UNHS\\_12\\_13/UNHS-2012-131.zip](http://www.ubos.org/onlinefiles/uploads/ubos/UNHS_12_13/UNHS-2012-131.zip).

19 Uganda Communications Commission, "Elimination of Counterfeit Mobile Phones," December 19, 2012, <http://www.ucc.co.ug/data/mreports/18/0/ELIMINATION%20OF%20COUNTERFEIT%20MOBILE%20PHONES%20.html>; Nicholas Kalungi, "Blocking of Inactive Fake Phones Starts Today," *Daily Monitor*, February 1, 2013, <http://www.monitor.co.ug/Business/Blocking-inactive-fake-phones-starts-today--UCC-says/-/688322/1680796/-/rdjdqez/-/index.html>.

## Uganda

areas,<sup>20</sup> and alternative power sources, such as fuel-powered generators and solar energy, are very costly. Furthermore, with only about 15 percent of Ugandans living in urban areas,<sup>21</sup> the divide between rural and urban access to the internet is very high due to low literacy rates, including computer literacy.<sup>22</sup>

Uganda'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>23</sup> Telecommunications providers are also hooked to TEAMS (The East African Marine System) and SEACOM marine fibers through Kenya. Connection to these cables has led to an exponential growth in Uganda's international bandwidth, which has decreased the costs of internet access alongside an increasing demand for data services and high speed internet. Service disruptions and slow internet speeds are still common, however, due to frequent repairs.<sup>24</sup>

Over the past few years, the government has embarked on initiatives to improve rural connectivity, and a national ICT policy was finalized in 2010 to facilitate the proliferation of ICTs across the country in both rural and urban areas.<sup>25</sup> Nonetheless, the national ICT sector budget allocation comprises less than one percent of the national budget.<sup>26</sup> Since 2007, Uganda's ICT ministry has been developing the National Data Transmission Backbone Infrastructure, which aims to ensure the availability of high bandwidth data connection in all major towns at reasonable prices.<sup>27</sup> The project, now under the provision of the National Information Technology Authority (NITA-U), involves the installation of over 1,536 kilometers of fiber-optic cable and related equipment.<sup>28</sup> As of April 2014, roughly 1,400 kilometers had been installed to connect 22 district headquarters.<sup>29</sup>

The government, through the Rural Communications Development Fund (RCDF), also aims to establish computer centers in all of its educational institutions across the country, provide access to

20 Umeme "Annual Report 2011," <http://www.umeme.co.ug/resources/files/Umeme%20Annual%202011%20b.pdf>.

21 Uganda Bureau of Statistics, "2012 Statistical Abstract," June 2012, <http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/2012StatisticalAbstract.pdf>.

22 Uganda's national literacy rate stands at 73 percent among persons aged 10 years and above. See: Uganda Bureau of Statistics, "2012 Statistical Abstract."

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

24 Nicolas Kalungi, "Internet Speed Slows Down Due to Repairs at Mombasa," *Daily Monitor*, January 10, 2013, <http://www.monitor.co.ug/Business/Internet-speed-slows-down-due-to-repairs-at-Mombasa/-/688322/1661636/-/jntm8y/-/index.html>; "Massive Internet outage in Uganda as Under Sea Cable is Chopped," *Guide2Uganda*, February 29, 2012, <http://www.guide2uganda.com/news/415/Massive-Internet-outage-in-Uganda-as-undersea-cable-is-chopped>.

25 Ministry of Information and Communications Technology, "Information Technology Policy for Uganda," Republic of Uganda, February 2010, [http://ict.go.ug/index.php?option=com\\_docman&task=doc\\_details&gid=48&Itemid=61](http://ict.go.ug/index.php?option=com_docman&task=doc_details&gid=48&Itemid=61).

26 CIPESA (2013); "A Peek into the East African ICT Sector Budget Allocations and Priorities for 2012/2013," Collaboration on International ICT Policy in East and Southern Africa, ICT Policy Briefing Series, June 2012, [http://www.cipesa.org/?wpfb\\_dl=41](http://www.cipesa.org/?wpfb_dl=41); Edris Kisambira, "East African Countries Put IT Spending On Back Burner," *Computer World*, July 16, 2012; PC Tech Magazine, "Uganda Cuts ICT Budget by Shs 200million," June 14, 2013, <http://pctechmag.com/2013/06/uganda-cuts-ict-budget-by-shs-200million/>; <http://news.idg.no/cw/art.cfm?id=A95D59B0-CC4C-DC2F-8368A85290AE888>.

27 Ministry of Information and Communications Technology, "National Data Transmission Backbone and e-Government Infrastructure Project," Republic of Uganda, accessed June 29, 2012, [http://www.ict.go.ug/index.php?option=com\\_content&view=article&id=69:national-data-transmission-backbone-and-e-government-infrastructure-project&catid=25:the-project&Itemid=93](http://www.ict.go.ug/index.php?option=com_content&view=article&id=69:national-data-transmission-backbone-and-e-government-infrastructure-project&catid=25:the-project&Itemid=93).

28 Such as switches, optical transmission, data communication, fixed network, and video equipment, as well as computers and servers. See: "NBI/EGI Project," National Information Technology Authority – Uganda, accessed August 19, 2014, <http://www.nita.go.ug/projects/nbiegi-project>.

29 "NBI/EGI Project," National Information Technology Authority – Uganda, accessed August 19, 2014, <http://www.nita.go.ug/projects/nbiegi-project>.

basic communications services to all Ugandans, leverage investments for rural communications, and promote overall ICT usage.<sup>30</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 early 2014, 708 school ICT laboratories had been established.<sup>31</sup>

The Uganda Communications Commission (UCC), Uganda's telecommunications sector regulator, 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>32</sup> 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. In addition, the UCC's current executive director has been regarded as overzealous in his efforts to police and rein in operators, illustrating how the personal character of the regulatory authority's leadership can in large measure determine its activities and regulations.

The Uganda Communications Act, 2013,<sup>33</sup> which was passed by parliament in September 2012<sup>34</sup> and signed by the president in December 2012, consolidated the provisions of the 1996 Electronic Media Act and 2000 Uganda Communications Act, and merged the old UCC and Uganda Broadcasting Council into a new Uganda Communications Commission. The new regulatory body has been criticized for its lack of independence from the government. In particular, the law places disproportionate power in the hands of the ICT minister, who 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. While the new law provides for the creation of the Uganda Communications Tribunal, which is an appeals body with powers of the High Court, its membership and advisors are appointed by the president and ICT minister.

---

30 Uganda Communications Commission, "Rural Communications Development Policy for Uganda," January 2009, <http://www.researchictafrica.net/countries/uganda/Uganda%20Rural%20Communication%202009.pdf>.

31 UCC, (2014), "Rural Communication Development Fund Statistics," <http://www.ucc.co.ug/data/smenu/71/Rural-Communications-Development-Fund---RCDF.html>

32 Uganda Communications Commission, "UCC Licensing Regime," accessed July 31, 2013, <http://www.ucc.co.ug/data/qmenu/11/Licensing.html>; 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.

33 UCC (2013), "Uganda Communications Act, 2013," <http://www.ucc.co.ug/files/downloads/UCC%20Act%202013.pdf>

34 Sheila Naturinda and Mercy Nalugo, "Parliament Adopts Media Regulatory Law," *Daily Monitor*, September 7, 2012, <http://www.monitor.co.ug/News/National/Parliament-adopts-media-regulatory-law/-/688334/1498374/-/gntq4/-/index.html>.

## Limits on Content

There were no reported incidents of government interference with the internet during the coverage period. In response to an increasing crackdown against traditional media in the past year, critical commentary and opposition voices have become more vibrant online, leading to a palpable sense of decreasing self-censorship among some online users.

To date, there have also been no known instances of takedown notices issued for the removal of online content, as well as no problematic issues of intermediary liability for service or content providers, though a new Anti-Pornography Law enacted in February 2014 will hold service providers criminally liable for vaguely defined pornographic content (see “Violations of User Rights”).<sup>35</sup>

Social media and blogging platforms are freely available in Uganda, with Facebook, Twitter, LinkedIn, YouTube, and Blogger ranking among the top 15 websites in the country, according to the web analytics company Alexa.<sup>36</sup> The government has continued to embrace social media platforms as a channel for public engagement, as illustrated by Uganda’s Prime Minister, Amama Mbabazi, who interacts with citizens on Twitter using the hashtag #AskthePM.<sup>37</sup> In November 2013, the government developed social media guidelines to assist government agencies in improving citizen engagement online.<sup>38</sup>

Further, the Google Uganda domain is available in five local languages, making the popular browser available to over seven million Ugandan internet users.<sup>39</sup> However, news websites provided by Vision Group, a media company that is partly owned by the government, are only available in three local languages (out of 40 languages and 56 native dialects). The web versions of the newspapers include *Bukedde*, *Etop* and *Orumuri*. Other news sites of major privately owned newspapers are only accessible in English, which is not widely spoken across Uganda. Moreover, the diversity of online content and the economic viability of independent outlets are constrained by advertising revenue from both government and private sources, which is generally withheld from news outlets that publish critical content.<sup>40</sup>

Routine threats from the government—such as recent shut downs of media houses perceived to be too critical of the government and reports of police attacks on journalists<sup>41</sup>—have engendered a culture of self-censorship among journalists both off and online. Taboo topics include the military, the president’s family, issues of oil, land-grabbing, and presidential terms. In response to the increasing crackdown against traditional media in the past year, however, critical commentary and opposition voices have become more vibrant online, leading to a palpable sense of decreasing self-

---

35 Ashnah Kalemera, Lillian Nalwoga and Wairagala Wakabi, “Intermediary Liability in Uganda,” Intermediary Liability Africa Research Papers 5, Association for Progressive Communications, accessed August 28, 2014, [http://www.apc.org/en/system/files/Intermediary\\_Liability\\_in\\_Uganda.pdf](http://www.apc.org/en/system/files/Intermediary_Liability_in_Uganda.pdf).

36 “Top Sites in Uganda,” accessed August 28, 2014, [www.alexa.com/topsites/countries/UG](http://www.alexa.com/topsites/countries/UG).

37 Amana Mbabazi’s Twitter page, accessed August 8, 2013, <https://twitter.com/AmamaMbabazi>.

38 “Q&A: Uganda Government Develops Social Media Guidelines,” OpenNet Africa, December 23, 2013, <http://opennet.africa.org/qa-uganda-government-develops-social-media-guidelines/>.

39 Tabitha Wambui, “Google Uganda Launches Two New Local Language Domains,” *Daily Monitor*, August 4, 2010, <http://www.monitor.co.ug/Business/Technology/-/688612/970404/-/uithj9/-/index.html>.

40 “Uganda 2012,” *African Media Barometer* (Windhoek: Friedrich-Ebert-Stiftung, 2012).

41 Freedom House, “Uganda,” *Freedom of the Press 2013*, <http://www.freedomhouse.org/report/freedom-press/2013/uganda>.

ensorship among some internet users. According to a small survey of internet users in Uganda from December 2013, 77 percent of respondents noted feeling free and safe to express themselves online, with some threats from state agents reported.<sup>42</sup>

While there is no evidence of government efforts to influence or manipulate online content, there have been increasing indications that the government seeks to proactively monitor online discussions. In May 2013, for example, Cabinet Minister of Security Mulira Mukasa announced intentions to set up a social media monitoring center with the aim of monitoring social media users' behavior in Uganda, stating that the center would target "social media users who are bent to cause a security threat to the nation."<sup>43</sup> There are some reports that such monitoring units already exist within various government agencies tasked with the responsibility of conducting online surveillance (see "Violations of User Rights").

Nonetheless, internet use is steadily enhancing citizen participation in democratic processes as well as increasing public scrutiny of government actions. Crowdsourcing and crowd-mapping tools have given citizens the ability to monitor elections, and a diversity of civil society groups are increasingly using SMS platforms and social media for advocacy and to call for protests. Additionally, blogging is continuing to rise among young Ugandans who are boldly using the internet to push the boundaries on controversial issues such as good governance and corruption.<sup>44</sup> For example, the passage of the controversial Anti-Homosexuality Act in February 2014 drew vehement online criticism from human rights activists who vowed to challenge the law at the constitutional court.<sup>45</sup>

Digital media activism also played a significant role in condemning the police shutdown of several print media houses for their reports on a classified government letter in May 2013, which allegedly contained the succession plans of the Ugandan president.<sup>46</sup> Using the Twitter hashtags, #Monitorsiege, #RedPepperSiege, and #MediaSiege, journalists and media activists were able to draw widespread attention to the government's infringements on press freedom, placing unprecedented pressure on the government to respond.<sup>47</sup> The media houses were reopened 10 days later on May 30, 2014.

---

42 Rosebell Kagumire, "Report on internet freedom and online safety in Uganda," Speak Out Uganda, February 2014, <http://ugandaspeaks.com/2014/03/report-on-internet-freedom-and-online-safety-in-uganda/>.

43 Francis Emorut, "Gov't plans to monitor social media," *New Vision*, May 31, 2013, <http://www.newvision.co.ug/news/643403-gov-t-plans-to-monitor-social-media.html>.

44 Joseph Elunya, "Controversial Ugandan Blogger Won't Budge," *Radio Netherlands Worldwide*, August 26, 2012, <http://allafrica.com/stories/201208260215.html>.

45 Christine Hauser, "Reaction to Uganda Antigay Law," *The New York Times*, February 24, 2014, <http://thelede.blogs.nytimes.com/2014/02/24/reaction-to-uganda-antigay-law/>.

46 "Uganda's Daily Monitor raided over Museveni 'plot,'" *BBC News*, May 20, 2013, <http://www.bbc.com/news/world-africa-22599347>; Grace Natabalo, "Ugandan police shut down papers over 'plot,'" *Al Jazeera*, May 26, 2013, <http://www.aljazeera.com/indepth/features/2013/05/2013525131824505686.html>; Red Pepper UG Facebook page, post on May 28, 2013, [https://www.facebook.com/REDPEPPERUG/posts/611371998880743?stream\\_ref=5](https://www.facebook.com/REDPEPPERUG/posts/611371998880743?stream_ref=5).

47 Media Literacy Project, "Social Media Provides Outlet for Seized Ugandan Press and Media Activists," May 21, 2013, <http://medialiteracyproject.org/news/pressroom/social-media-provides-outlet-seized-ugandan-press-and-media-activists>.

## Violations of User Rights

The Anti-Homosexuality Bill, enacted in February 2014, criminalized the use of electronic devices “for the purposes of homosexuality or promoting homosexuality.” SIM card and mobile internet registrations continued through mid-2013 amid concerns that the registration requirements infringe on the right to privacy given the lack of a necessary data protection law. Suspicions of proactive government surveillance of online communications were strengthened in the past year with reports that the government had begun importing surveillance equipment and setting up internet monitoring units among the various security agencies.

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, the Anti-Terrorism Act, and sections of the Penal Code—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 2002 Anti-Terrorism Act criminalizes the publication and dissemination of content that promotes terrorism, vaguely defined, and guilty convictions can carry the death sentence.<sup>48</sup> 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.

Persistent government efforts to criminalize homosexuality in Uganda further threaten to restrict internet freedom. In February, the president signed the 2014 Anti-Homosexuality Act, which prescribed up to life imprisonment for committing the “offense of homosexuality,” putting the lives of countless Ugandan LGBTI individuals at risk of discrimination, persecution, and violence.<sup>49</sup> Pertinent to internet freedom, article 13 of the law criminalized the use of electronic devices, which include “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>50</sup> In a positive step, a judicial ruling struck down the law in August 2014 (after this report’s coverage period) based on an administrative technicality; the technicality, however, gives the law’s ardent advocates the ability to reintroduce the law, which they reportedly intend to do.<sup>51</sup>

Also in February 2014, the president signed the Anti-Pornography Act, which threatens to hold ISPs criminally liable for uploading or downloading vaguely defined pornographic material on their

---

48 Article 9 (b), The Anti-Terrorism Act, 2002, [http://www.vertic.org/media/National%20Legislation/Uganda/UG\\_Anti-Terrorism\\_Act\\_2002.pdf](http://www.vertic.org/media/National%20Legislation/Uganda/UG_Anti-Terrorism_Act_2002.pdf).

49 Isaac Imaka & Mercy Nalugo, “Gays to spend life in jail as MPs pass Anti-Homosexuality Bill,” *The Daily Monitor*, December 20, 2013, <http://www.monitor.co.ug/News/National/Parliament-passes-Anti-Homosexuality-Bill/-/688334/2119844/-/864354z/-/index.html>.

50 Anti-Homosexuality Act, 2014, <http://cryptome.org/2014/02/uganda-anti-gay.pdf>.

51 Frederick Golooba-Mutebi, “Why was Uganda’s anti-homosexuality law struck down?” *Al Jazeera*, August 15, 2014, <http://www.aljazeera.com/indepth/opinion/2014/08/why-was-uganda-anti-homosexuali-201481194426136709.html>.

## Uganda

systems,<sup>52</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>53</sup> No intermediaries were prosecuted under the new law during the coverage period.

In response to growing concerns over infringements on users’ right to privacy in Uganda, civil society pushed for the passage of data protection legislation,<sup>54</sup> leading the government to state intentions to draft a bill in 2014.<sup>55</sup> According to the information minister, the proposed bill will “give effect to Article 27 (2) of the Constitution<sup>56</sup> and ensure that the rights of individuals during data collection and processing are upheld against the threats and attacks capable of compromising the rights of information.”<sup>57</sup>

In the meantime, the Ugandan judiciary has been known to rule progressively in cases involving press freedom and freedom of expression. In 2004, for example, the Supreme Court struck down a Penal Code provision that criminalized the publication of false news, and in 2010, the Constitutional Court quashed the law on sedition. While judicial rulings protecting constitutional guarantees for free expression have not prevented the government from taking action against fundamental rights, prosecutions against journalists and citizens for online expression remain rare. There were no reports of online users or journalists being detained or prosecuted during the coverage period.

In general, 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 terrorist threat in the region. 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>58</sup> Not surprisingly, Uganda was among the five African countries between July and December 2013 that sent a request to Facebook seeking details on one of its users. The single request was filed under the category of “cybercrime” and was ultimately turned down by Facebook.<sup>59</sup>

---

52 “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://wp.patheos.com.s3.amazonaws.com/blogs/warrenthrockmorton/files/2014/02/Anti-Homosexuality-Act-2014.pdf>.

53 James Wire, “Brace yourselves Ugandan Internet Users,” *The New Vision*, February 24, 2014, <http://www.newvision.co.ug/news/293-blogger-brace-yourselfes-ugandan-internet-users.aspx>; “New laws in Uganda make internet providers more vulnerable to liability and state intervention,” *APCNews*, May 19, 2014, <http://www.apc.org/en/news/new-laws-uganda-make-internet-providers-more-vulne>.

54 Unwanted Witness Uganda, “Phone Users Demand for Data Protection Law,” March 21, 2014, <https://unwantedwitness.org/ug/phone-users-demand-for-data-protection-law/>.

55 Frederic Musisi, “Cabinet approves Bill to protect phone records,” *The Daily Monitor*, January 24, 2014, <http://www.monitor.co.ug/News/National/Cabinet-approves-Bill-to-protect-phone-records/-/688334/2158008/-/159t075z/-/index.html>.

56 Constitution of Uganda Article 27 (2) states: “No person shall be subjected to interference with the of that person’s home, correspondence, communication or other property.”

57 Frederic Musisi, “Cabinet approves Bill to protect phone records,” *The Daily Monitor*, January 24, 2014.

58 Part VII—Interception of Communications, The Anti-Terrorism Act, 2002, [http://www.vertic.org/media/National%20Legislation/Uganda/UG\\_Anti-Terrorism\\_Act\\_2002.pdf](http://www.vertic.org/media/National%20Legislation/Uganda/UG_Anti-Terrorism_Act_2002.pdf).

59 “Facebook: Uganda requests for user account information,” *The Daily Monitor*, August 28, 2013, <http://www.monitor.co.ug/News/National/Facebook--Uganda-requests-for-user-account-information/-/688334/1971230/-/x7my2kz/-/index.html>; Facebook, “Global Government Requests Report,” accessed October 1, 2014, <https://govtrequests.facebook.com/country/Uganda/2013-H2/>.

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>60</sup> The deadline to register existing SIM cards was extended to August 2013, after which point unregistered cards were deactivated. 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>61</sup>

The 2010 Regulation of Interception of Communication (RIC) Act, which was hurriedly passed by parliament following the July 2010 Al Shabab terrorist attack in Kampala, requires telecommunication companies to install equipment that enables real-time electronic surveillance of suspected terrorists. The RIC also gives the government permission to tap into personal communications based on national security concerns,<sup>62</sup> which can be requested by the security minister and granted after an order by a High Court judge.<sup>63</sup> Telecommunications 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 related to national security, national economic interests, and public safety.<sup>64</sup> Failure to comply with the provisions in the RIC can entail penalties of up to five years in prison for intermediaries, in addition to license revocations.<sup>65</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) to procure surveillance equipment and establish a monitoring center in accordance with the RIC Act.<sup>66</sup>

Meanwhile, telecom industry observers have noted that vibrant competition between service providers makes them to hand over information to the government requires providers without going through legal channels, though the observers also do not rule out the possibility that some companies may cooperate quietly with government requests. The research and advocacy organization, Unwanted Witness Uganda, contends that providers “have faced 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>67</sup> The security minister

60 Unwanted Witness Uganda, “The Internet: They Are Coming For It Too,” January 17, 2014, <https://www.unwantedwitness.or.ug/wp-content/uploads/2014/01/internet-they-are-coming-for-it-too.pdf>.

61 Unwanted Witness Uganda, “The Internet: They Are Coming For It Too,” January 17, 2014.

62 Amnesty International, “Uganda: Amnesty International Memorandum on the Regulation of Interception of Communications Act, 2010,” December 14, 2010, <http://www.amnesty.org/en/library/asset/AFR59/016/2010/en/4144d548-bd2a-4fed-b5c6-993138c7e496/afr590162010en.pdf>.

63 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 Section 5 of the Regulation of Interception of Communications Act, 2010; <http://www.ulii.org/content/regulation-interception-communications-act-2010>.

64 The Regulation of Interception of Communications Act, 2010; Section 8.

65 Ibid. 71.

66 “The Unwanted Witness (UW) News Brief: Government of Uganda is procuring surveillance equipment to spy on citizens,” Unwanted Witness, May 19, 2014, <https://unwantedwitness.or.ug/the-unwanted-witness-uw-news-brief-state-house-is-procuring-surveillance-equipment/>; “National Budget Framework Paper for Financial Year (FY) 2014 / 15 – FY 2018/19,” Republic of Uganda, March 2014, p.833, [www.budget.go.ug/budget/sites/default/files/National\\_Budget\\_docs/National\\_Budget\\_Framework\\_Paper\\_14\\_15.pdf](http://www.budget.go.ug/budget/sites/default/files/National_Budget_docs/National_Budget_Framework_Paper_14_15.pdf).

67 Unwanted Witness Uganda, “The Internet: They Are Coming For It Too,” January 17, 2014, page 39.

denied these allegations, claiming 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.<sup>68</sup>

A local news report published in December 2013 documented allegations from civil society that the government had partnered with two foreign firms for assistance with voice and data surveillance of mobile phones and computers without permission from service providers.<sup>69</sup> According to the report’s source, the surveillance activity is facilitated through malware sent to individual citizens’ computers and phones, which can track user activity. Though no further details have surfaced as of mid-2014, the alleged development may indicate that the government has acquired sophisticated spyware technology such as FinSpy, which has recently been discovered in a few other African countries, including Nigeria and Ethiopia.

Additionally, a January 2014 research report indicated that the government had begun importing surveillance equipment and setting up internet monitoring units among various security agencies.<sup>70</sup> According to the report, the State House in Entebbe has a counter intelligence desk with the primary responsibility of monitoring social media and has allegedly imported technology from China that allows the desk to simultaneously monitor ten phone calls at a time. The government has not confirmed the procurement of this technology.

Further, a Cyber Crimes Unit established in early 2014 by the Uganda Police Force to fight malicious technical attacks<sup>71</sup> was criticized by observers as an effort to “scare off online expression given the shifting trends from the use of traditional media to online.”<sup>72</sup> According to research by Unwanted Witness Uganda, the unit had profiled “dozens of internet users particularly those deemed to be opponents of the government” in the past year,<sup>73</sup> which is a worrisome trend as the country gears up for general elections in 2016. The government did not respond to these allegations.

In addition to potential widespread surveillance, journalists in the traditional media face a high degree of harassment and occasional violence for their reporting in print news outlets. In May 2013, journalists and media activists protesting the government shutdown of several print media houses were beaten and arrested.<sup>74</sup> These types of violations are slowly beginning to seep into the online sphere. LGBTI activists, in particular, reported increasing harassment, both offline and online, with the passage of the Anti-Homosexuality Act in February 2014, with hate messages pervading targets’

68 Walusimbi D., Muruli Mukasa, “I replace Sejusa,” *The Observer*, March 5, 2014, [http://www.observer.ug/index.php?option=com\\_content&view=article&id=30889:-muruli-mukasa-i-replaced-sejusa&catid=53:interview&Itemid=67](http://www.observer.ug/index.php?option=com_content&view=article&id=30889:-muruli-mukasa-i-replaced-sejusa&catid=53:interview&Itemid=67).

69 E. Kasozi & J.Kigongo, “Government tapping phone calls illegally, say rights bodies,” *Daily Monitor*, December 3, 2013, <http://www.monitor.co.ug/News/National/Government-tapping-phone-calls-illegally--say-rights-bodies/-/688334/2096244/-/142nai0/-/index.html>.

70 Unwanted Witness Uganda, “The Internet: They Are Coming For It Too,” January 17, 2014.

71 Taddeo Bwambale and Raymon Baguma, “Uganda sets up unit to fight cyber crime,” *The New Vision Uganda*, August 6, 2013, <http://www.newvision.co.ug/news/645810-uganda-sets-up-unit-to-fight-cyber-crime.html>.

72 Andrew Bagala, “Activists cry foul as police set up cyber crime unit,” *Daily Monitor*, March 19, 2014, <http://www.monitor.co.ug/News/National/Activists-cry-foul-as-police-set-up-cyber-crime-unit/-/688334/2249294/-/xu1hcl/-/index.html>; Unwanted Witness, “Police establishes cyber crimes unit to curtail online freedoms,” March 18, 2014, <https://unwantedwitness.org/police-establishes-cyber-crimes-unit-to-curtail-online-freedoms/>.

73 Unwanted Witness Uganda, “The Internet: They Are Coming For It Too,” January 17, 2014, Page 38.

74 Amnesty International, “Uganda: Activists arrested as disturbing crackdown on media continues,” May 24, 2013, <https://www.amnesty.org/en/news/uganda-crackdown-newspapers-continues-2013-05-24>; Human Rights Watch, “Uganda: Stop Harassing the Media,” May 20, 2013, <http://www.hrw.org/news/2013/05/20/uganda-stop-harassing-media>.

## Uganda

walls on Facebook.<sup>75</sup> Meanwhile, hacking attacks are also a growing concern in Uganda. In April 2014, numerous members of the LGBT-I community in Uganda reported receiving email spyware known as “Zeus malware” that sought to access the contact details and confidential information from a compromised computer.<sup>76</sup>

Ugandan government websites are also frequent targets of attacks coming from actors outside the country. For example, in May 2013, over 40 government websites were hacked by a group known as the “Islamic Ghosts Team” for unknown reasons.<sup>77</sup> In January 2014, reports emerged that security agencies in the United States and United Kingdom had remotely hacked into the Uganda Telecom network to access data and conversations of high profile individuals in Uganda.<sup>78</sup>

---

75 Andrea Peterson, “The Internet is both a blessing and a curse for Uganda’s LGBTI activists,” *Washington Post*, March 5, 2014, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/03/05/the-internet-is-both-a-blessing-and-a-curse-for-ugandas-lgbti-activists/>.

76 “Unwanted Witness (UW) News Brief: LGBTI online community experiencing ‘Zeus malware,’” Unwanted Witness, April 25, 2014, <https://unwantedwitness.or.ug/unwanted-witness-uw-news-brief-lgbti-online-community-experiencing-zeus-malware/>.

77 Ephraim Batambuze, “Over 40 Uganda Government Websites Hacked By Islamic Ghosts Team,” *PC Tech Magazine*, May 29, 2013, <http://pctechmag.com/2013/05/over-40-uganda-government-websites-hacked-by-islamic-ghosts-team/>.

78 “UK, US ‘hacked into Uganda’s phone network,” *The New Vision*, January 7, 2014, <http://www.newvision.co.ug/news/651180-uk-us-hacked-into-uganda-s-phone-network.html>.