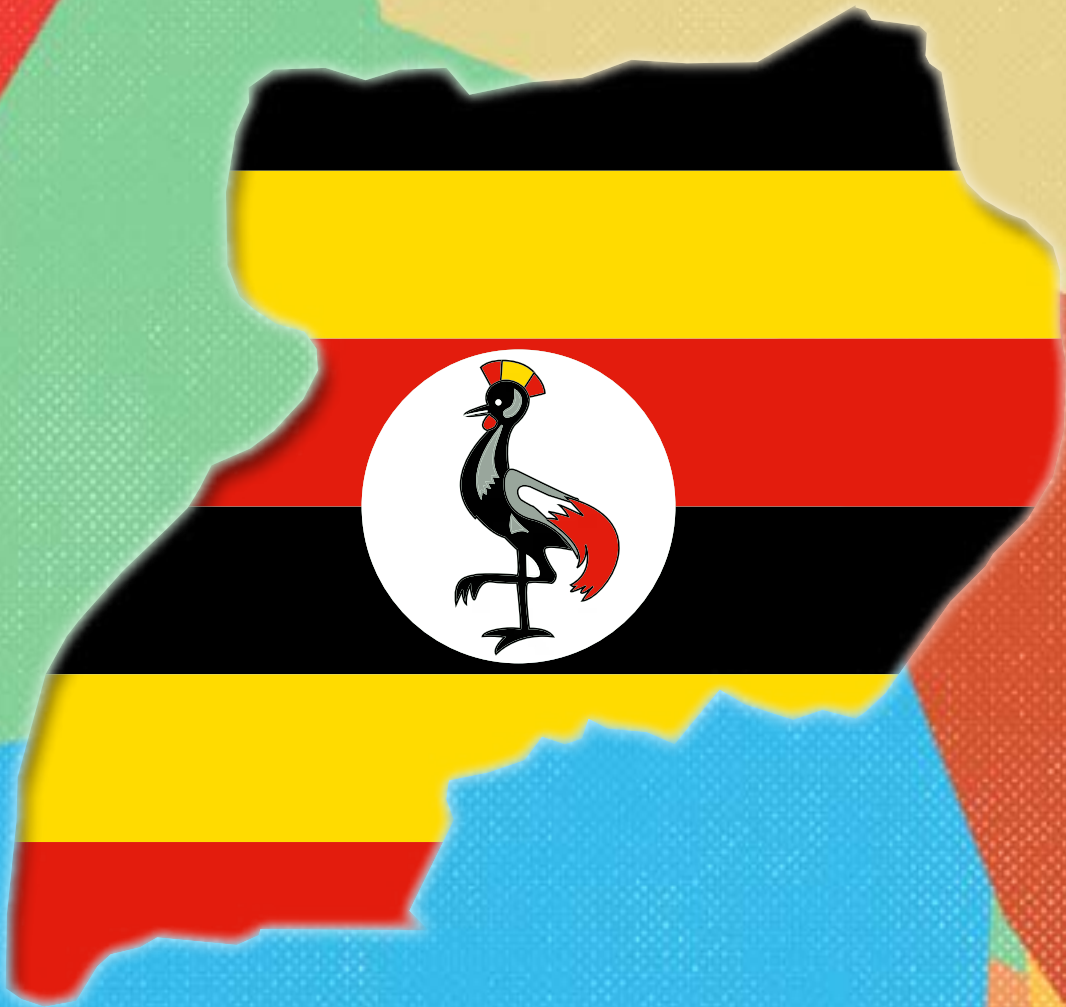


# LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



## UGANDA

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# Uganda

## EXECUTIVE SUMMARY

The 2023 Digital Rights and Inclusion report provides an in-depth analysis of the state of digital rights and inclusion in Uganda. It examines Internet Access and Disruptions, Online Freedom of Expression, Privacy and Surveillance, focusing on Gendered Disinformation and the Universal Service Fund, also known as the Uganda Communications Universal Service and Access Fund (UCUSAF). The report notes that access to the Internet is a basic human right,<sup>968</sup> but the cost of mobile internet in Uganda remains high. For instance, on average, one gigabyte (GB) of mobile internet costs around \$1.32, with the lowest price at 0.49 cents per 1GB for a 30-day plan.<sup>969</sup>

With a growing number of people relying on Information and Communication Technologies (ICTs) to access information, communicate, and mobilise for causes, limiting factors such as cost, high taxation, network disruption, digital divide, abuse, and gendered disinformation continue to affect freedom of expression and access

to information online. Moreover, the Anti-Homosexuality Act 2023 has led to increased censorship among LGBTQ groups, which is a setback towards progress in freedom of expression.

Despite the challenges, the report recommends establishing a national task force within the country to address gendered disinformation collaboratively with academia, women's rights organisations and technologists. The private sector is also urged to comply with ICT policies on digital rights and inclusion at the national, regional, and international levels. The government should align its national laws on privacy restrictions with regional instruments and international norms, ensuring that any interference in the right to privacy is strictly necessary, proportional, and legally regulated. The 2023 Digital Rights and Inclusion report recommends that the Ugandan government lift the ban on Facebook, as this will improve access to information, communication, and business opportunities for the people.

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968 James Vincent, Jul 4, 2016. "UN condemns internet access disruption as a human rights violation", UNHRC (via Article 19) <https://www.theverge.com/2016/7/4/12092740/un-resolution-condemns-disrupting-internet-access> (accessed on 25 January, 2024)

969 Price for mobile data in Uganda as of 2022 (in U.S. dollars per gigabyte) <https://www.statista.com/statistics/1272796/price-for-mobile-data-in-uganda/> (accessed on 31 December 2023)

# Introduction

Uganda is a landlocked country located in East Africa. The country is enclosed by Kenya in the east, South Sudan in the north, the Democratic Republic of the Congo in the west, Rwanda in the southwest, and Tanzania in the south.<sup>970</sup> According to the United Nations Population Fund, the population of the country is around 48.6 million, with 8.5 million living in Kampala, the capital city of Uganda.<sup>971</sup> Uganda's president, who has been in power since 1986, remains President Yoweri Museveni under the National Resistance Movement (NRM). He was voted into the sixth term as President in January 2021 when the Uganda Communications Commission (UCC) ordered a five-day internet blackout during the election, and internet access was partly restored in Uganda by February 2021, with Facebook being blocked to date.<sup>972</sup>

Globally, more than 5.3 billion people actively use the Internet, accounting for 65.4% of the global population.<sup>973</sup> In Africa, 67% of the population remains unconnected.<sup>974</sup> As of December 2022, over 1 billion people in Africa, about 72% of the region's population, did not have access to mobile internet. This accounts for more than a quarter of the total number of unconnected people globally and demonstrates the scale of the challenge to realise universal connectivity in Africa.<sup>975</sup> In Uganda, according to the Digital 2023 report, there were 11.77 million internet users at the start of 2023, with internet penetration standing at 24.6%.<sup>976</sup> However, costs are still high for a large number of Ugandans, with the recent 12% tax on internet data as a part of a tax package under the [Excise Duty \(Amendment\) Act 2022](#) restricting online content publication. This is because not everyone has equal access to reliable and high-speed internet. The lack of proper infrastructure and geographical challenges have made it difficult for many Ugandans to connect to the Internet. There is a notable disparity in access between men and women based on the Inclusive Internet Index report,<sup>977</sup> which stated a 23.5% gender gap, representing a 10-percentage point increase from the 2021 report. Additionally, Facebook has been blocked for more than two years in Uganda since the January 14, 2021 elections. This continues to affect the business and entertainment community, with digital rights activists asking the government to lift the ban because of its adverse effect on businesses.

However, the general state of Uganda's internet freedom improved in 2023 with no reported cases of new network disruptions. The year 2023 saw an improvement in the implementation of the Universal Service and Access Fund by the Uganda Communications Commission (UCC) in terms of visibility and accountability compared to 2022. The Constitutional Court also nullified Section 25 of the Computer Misuse Act of 2011, which penalised offensive communication—with the dismissal of a case against two representatives of an online media company charged with offensive communication and cyberstalking. Unfortunately, gendered disinformation is massively increasing, and there is increased self-censorship among the LGBT+ community online following the passage of the Anti-Homosexuality Act 2023 in May. There has been increased monitoring and surveillance of social media platforms and other online spaces of journalists and activists, which violates Article 27 of the 1995 Constitution of Uganda. The number of industry players continues to grow, with the availability of competitive prices and technologies offered by 35 telecommunications service providers that offer both voice and data services.<sup>978</sup>

970 Uganda <https://en.wikipedia.org/wiki/Uganda> (accessed on 29 December 2023 at 9:10 pm EAT)  
971 World Population Dashboard Uganda <https://www.unfpa.org/data/world-population/UG> (accessed on 25 January, 2024)  
972 <https://freedomhouse.org/country/uganda/freedom-world/2023> (accessed on 29 December 2023)  
973 Rohit Shewale (December 26, 2023). "Internet User Statistics In 2024 — (Global Demographics)" <https://www.demandsage.com/internet-user-statistics/> (accessed on 29 December 2023)  
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975 GSMA Intelligence, "Universal service funds in Africa" <https://www.gsma.com/subsaharanafrika/wp-content/uploads/2023/10/USF-Africa.pdf> (accessed on 23 December 2023)  
976 DIGITAL 2023: UGANDA <https://datareportal.com/reports/digital-2023-uganda> (accessed on 22 December 2023).  
977 <https://impact.economist.com/projects/inclusive-internet-index/2022/country/Uganda> (accessed on 21 December 2023)  
978 The Kampala Post. "UCC Records 33 Telecom Operators in Uganda as of April 1st" (April 23, 2020)

# Country Analysis

## Internet Freedom

### Internet Access and Disruptions

The Internet remains a key avenue for individuals to exercise their fundamental rights as stated in Article 29 of the 1995 Uganda Constitution, Article 19 of The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>979</sup> However, Uganda's Internet penetration rate stood at 24.6% with 11.77 million internet users in Uganda at the start of 2023 based on the Digital 2023 Uganda report.<sup>980</sup> Based on an estimate from the International Telecommunication Union (ITU), the Internet penetration rate remains low in Uganda because only 10% of individuals are using the Internet<sup>981</sup> even though Uganda's population increased by 1.3 million (+2.9%) between 2022 and 2023<sup>982</sup> with 50.5% of Uganda's population made up of women and 49.5% men.<sup>983</sup>

The number of mobile internet users in Uganda is estimated at 2.9 million in 2023 and the number of households with internet access at home in Uganda is estimated at 1.53 million in 2023.<sup>984</sup> The number of mobile connections increased by 286,000 (+0.9%) between 2022 and 2023, according to Digital 2023 Uganda report<sup>985</sup>, with 30.55 million cellular mobile connections in Uganda at the start of 2023, according to data from GSMA Intelligence.<sup>986</sup> Hence, the number of internet users increased by one million (+9.4 per cent) between 2022 and 2023 based on Kepios analysis. The internet usage figures disclose that 36.15 million people in Uganda did not use the Internet at the start of 2023. This signifies that 75.4% of the population remained offline at the beginning of the year.<sup>987</sup> This is because not everyone has equal access to reliable and high-speed internet<sup>988</sup> although fixed internet connection speeds in Uganda increased by 1.47 Mbps (+15.9%) according to the 2023 Digital Report.<sup>989</sup> Additionally, the lack of proper infrastructure and geographical

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<https://kampalapost.com/content/ucc-records-33-telecom-operators-uganda-april-1st> (accessed on 23 December 2023)

979 Internet Barriers constrain the work of Uganda HRDs amidst COVID-19 Pandemic <https://www.unwantedwitness.org/internet-barriers-constrain-the-work-of-uganda-hrds-amidst-covid-19-pandemic/> (accessed on 22 December 2023)

980 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 22 December 2023)

981 ITU statistics <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx> (accessed on 22 December 2023)

982 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 23 December 2023)

983 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 23 December 2023)

984 Digital Connectivity Indicators Internet Uganda <https://www.statista.com/outlook/co/digital-connectivity-indicators/internet/uganda> (accessed on 22 December 2023)

985 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 23 December 2023)

986 GSMA Intelligence [https://www.gsmaintelligence.com/?utm\\_source=DataReportal&utm\\_medium=article&utm\\_campaign=State\\_Internet\\_Connectivity](https://www.gsmaintelligence.com/?utm_source=DataReportal&utm_medium=article&utm_campaign=State_Internet_Connectivity) (accessed on 25 January 2024)

987 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 23 December 2023)

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989 SIMON KEMP, 'DIGITAL 2023: UGANDA' 14 FEBRUARY 2023 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 22 December 2023)

challenges have made it difficult for many Ugandans to connect to the Internet<sup>990</sup> and there is a notable disparity in access between men and women based on the Inclusive Internet Index report, which stated a 23.5% gender gap, representing a 10 percentage point increase from the 2021 report.<sup>991</sup> Besides, Facebook has remained blocked since the January 14, 2021 elections. This continues to affect the business and entertainment community, with digital rights activists asking the government to lift the ban because of its adverse effect on businesses.<sup>992</sup> Costs are still high for a large number of Ugandans, with the recent 12% tax on internet data under the [Excise Duty \(Amendment\) Bill 2022](#) restricting online content publication. In March 2023, the government introduced the Income Tax (Amendment) Bill 2023 aimed at taxing nonresidents making income from providing digital services to customers in Uganda at a rate of 5% t.<sup>993</sup> Research on the 12 % Internet tax found that it disproportionately affected women’s access to the Internet.<sup>994</sup>

Given the growing number of people who rely on ICT to access information, communicate and mobilise for a cause,<sup>995</sup> there have been some significant developments in Uganda. In January 2023, MTN Uganda signed a five-year partnership with Chinese technology company, Huawei, to modernise its network towards a Cloud-native 5G Capable Core network.<sup>996</sup> In February 2023, Airtel Uganda announced that it was ready to deploy 5G technology following the completion of network tests at 11 sites in Kampala.<sup>997</sup> Currently, 31% of Uganda’s population resides within the range of fourth-generation (4G) service, according to the Inclusive Internet Index.<sup>998</sup> In 2023, civil society organisations began lobbying the government to reduce the Internet tax in the 2024 fiscal year<sup>999</sup>. As of May 2023, 32 ISPs were connected to the Uganda Internet Exchange Point (UIXP).<sup>1000</sup> 35 telecommunications service providers now offer both voice and data services, including MTN Uganda, Airtel Uganda, Uganda Telecom Limited (UTL), Vodafone, Smart Telecom, and Afrimax,<sup>1001</sup> all of which employ long-term evolution (LTE) technology which shows increased growth in the industry players in terms of available competitive prices and technologies.

## Universal Service Fund

In Uganda, mobile telecommunications are increasingly becoming a critical socio-economic enabler<sup>1002</sup> and the government, through the Uganda Communications Commission, has tried

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- 990 The future of Internet Connectivity in Uganda <https://ts2.space/en/the-future-of-internet-connectivity-in-uganda-star-links-satellite-network/#gsc.tab=0> (accessed on 23 December 2023)
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- 1000 The Uganda Internet eXchange Point <https://www.uixp.co.ug/networks> (accessed on 22 December 2023)
- 1001 FREEDOM ON THE NET 2023 Uganda <https://freedomhouse.org/country/uganda/freedom-net/2023> (accessed on 22 December 2023)
- 1002 Emmanuel Ogiemwonyi Arakpogun, Jason Whalley, et la. ‘Bridging the digital divide in Africa via universal service funds: an institutional theory perspective’ (9 May 2023)

to address inequalities through several initiatives.<sup>1003</sup> For instance, in June 2021, the World Bank gave money to the government to expand access to high-speed and affordable internet, improve the efficiency of digitally enabled public service delivery, and strengthen digital inclusion in the country.<sup>1004</sup> However, two years have passed and Uganda is still facing challenges in providing affordable and high-quality internet connectivity, which is especially prevalent in rural areas. This issue is particularly affecting women and marginalised groups such as persons living with disabilities, widening the digital divide. As of the beginning of 2023, 26.4% of Uganda's population resided in urban areas, while 73.6% lived in rural regions.<sup>1005</sup>

Currently, the UCC oversees the Rural Communications Development Fund (RCDF), which is now called the Uganda Communications Universal Access and Service Fund (UCUSAF). The fund promotes access to the Internet and phone services in rural communities by connecting rural schools and building centres for ICT access.<sup>1006</sup> The UCUSAF was established in 2001 and is currently implementing its fourth strategic cycle, which seeks to achieve digital inclusivity through sustainable interventions and impactful collaborations.<sup>1007</sup> The fund is guided by Section 3(g) of the Uganda Communications Act, 2013, which directs the UCC to create and manage the fund dedicated to the development of Rural Communications and Information and Communication Technology in Uganda.<sup>1008</sup>

Overall, 2023 saw an improvement in the implementation of the fund by the UCC in terms of visibility and accountability compared to 2022. However, taxation is still a huge obstruction to the achievement of universal access to communication in Uganda, especially in rural areas where household incomes are very low alongside limited digital literacy skills.<sup>1009</sup> The number of internet users in Uganda is estimated at 6.47 million in 2023.<sup>1010</sup>

The cost of devices is highly influenced by high taxation with a prolonged ban on internet use, such as the Facebook ban which is the main engine utilised by young people and structurally or historically silenced groups for information including the poor network coverage which also remains a barrier.<sup>1011</sup>

Connectivity is a necessity in today's world<sup>1012</sup>, and the Internet is an enabler, used for a wide variety of activities<sup>1013</sup> The allocation of the funds to be used towards internet connectivity in schools is a progressive step towards universal connectivity in Uganda's social sector.<sup>1014</sup> The Third National

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<https://www.emerald.com/insight/content/doi/10.1108/ITP-01-2023-0042/full/html> (accessed on 23 December 2023)

1003 <https://www.ucc.co.ug/rcdf/> (accessed on 24 December 2023)

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1005 <https://datareportal.com/reports/digital-2023-uganda> (accessed on 23 December 2023)

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1009 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (Tuesday 03 October, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 23 December, 2023)

1010 Internet - Uganda <https://www.statista.com/outlook/co/digital-connectivity-indicators/internet/uganda> (accessed on 24 December, 2023)

1011 Parliament of Uganda 'Lift the ban on Facebook and widen phone coverage' (24 Sep 2021) <https://www.parliament.go.ug/news/5281/%E2%80%99lift-ban-facebook-and-widen-phone-coverage%E2%80%99> (accessed on 26 December 2023)

1012 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (Tuesday 03 October, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 26 December 2023).

1013 Emmanuel Ogjemwonyi Arakpogun, Jason Whalley, Roseline Wanjiru, et la., 'Bridging the digital divide in Africa via universal service funds: an institutional theory perspective' (9 May 2023) <https://www.emerald.com/insight/content/doi/10.1108/ITP-01-2023-0042/full/html> (accessed on 26 December 2023).

1014 New Vision 'Provision of internet services to 50 schools' (January 03, 2024) <https://www.newvision.co.ug/opportunities/>



Development Plan (NDP III) will adopt a Human Rights Based Approach (HRBA), focusing on human rights principles such as equality and non-discrimination, empowerment and participation, and special attention to vulnerable groups.<sup>1015</sup> With the fund allocation, the NDPIII and Digital Uganda Vision framework provides a solid foundation for ICT policy and planning in Uganda, with a focus on integrating ICT with various vertical industries and promoting digital transformation in trade, government, education, health, and other areas to promote employment opportunities and sustainable development in the country.<sup>1016</sup> The development of internet connectivity and the resilience of such networks can boost related opportunities to contribute to sustainable social and economic development.

The Commission has an ongoing program which gives one tablet per household to people in rural areas to enable accessibility and enjoyment of the benefits that come with connectivity.<sup>1017</sup> The government has established computer labs in 1,300 secondary schools and distributed 4,000 mobile phone devices to vulnerable households. The UCC Q2 2022 market performance report indicates that the total number of connected mobile phone devices increased from 35 million in April to 36.1 million in June 2022.<sup>1018</sup> The total number of broadband connections stood at 23.7 million subscriptions, with digital financial services of 40.7 million Uganda shillings.<sup>1019</sup> The digital divide between individuals, households, businesses, and geographical areas with different socio-economic levels remains a significant challenge, leading to unequal opportunities to access ICTs and use the Internet for various activities. Despite efforts to improve internet penetration, high costs, limited infrastructure, and geographical barriers continue to hinder access to reliable and high-speed internet, especially for underserved communities.

On May 29, 2023, MTN Uganda boosted the UCUSAF with 36 billion Uganda Shillings for the year 2023 to expand coverage of communications services to underserved and unserved areas.<sup>1020</sup> All licensed telecom operators in Uganda must pay a 2% levy on their annual gross revenues to the fund administered aimed at deepening digital services in Uganda.<sup>1021</sup> Part of the money will be used to expand ICT services and deepen the uptake of communication services in Uganda.<sup>1022</sup>

On June 26, 2023, UCC also launched a project in partnership with Makerere University Business School (MUBS) to support ICT solutions that address societal challenges in unserved and underserved areas of Uganda in line with UCC's mission of inclusive access to communication

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tenders-1208 (accessed on 23 December 2023).

1015 Government of Uganda and ITU joint project on "Technical assistance and training to Uganda on National ICT development strategy (<https://www.itu.int/en/ITU-D/Regional-Presence/Africa/Pages/projects/2023/uganda-digital-transformation.aspx> (accessed on 26 December 2023)).

1016 Government of Uganda and ITU joint project on "Technical assistance and training to Uganda on National ICT development strategy <https://www.itu.int/en/ITU-D/Regional-Presence/Africa/Pages/projects/2023/uganda-digital-transformation.aspx> (accessed on 26 December 2023).

1017 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (TUE 03 OCT, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 26 December 2023).

1018 MTN Uganda 'MTN Uganda boosts the Uganda Communications Universal Service and Access Fund with UGX 36 billion for the year 2023' (29 May 2023) <https://www.mtn.co.ug/newsabout/mtn-uganda-boosts-the-uganda-communications-universal-service-and-access-fund-with-ugx-36-billion-for-the-year-2023/> (accessed on 26 December 2023)

1019 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (TUE 03 OCT, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 26 December 2023).

1020 MTN Uganda 'MTN Uganda boosts the Uganda Communications Universal Service and Access Fund with UGX 36 billion for the year 2023' (29 May 2023) <https://www.mtn.co.ug/newsabout/mtn-uganda-boosts-the-uganda-communications-universal-service-and-access-fund-with-ugx-36-billion-for-the-year-2023/> (accessed on 26 December 2023).

1021 MTN Uganda boosts the Uganda Communications Universal Service and Access Fund with UGX 36 billion for the year 2023 <https://www.mtn.co.ug/newsabout/mtn-uganda-boosts-the-uganda-communications-universal-service-and-access-fund-with-ugx-36-billion-for-the-year-2023/> (accessed on 25 January 2024)

1022 ISMAIL LADU 'UCC to invest in expanding digital economy' (Thursday, June 01, 2023) <https://www.monitor.co.ug/uganda/business/markets/ucc-to-invest-in-expanding-digital-economy--4252760> (accessed on 26 December 2023).

services and infrastructure.

The projects implemented under UCUSAF include 76 internet points of presence (POP), 106 internet cafes, 78 ICT training centres, 4,099 public payphones, 78 district web portals, 13 Multipurpose Community Tele-centres (MCT), 45 postal projects, 708 school ICT laboratories, 174 Health ICT facilities, 90 voice network sites, 106 content development projects, two local governance projects, and 31 other unique projects.<sup>1023</sup> The direct impact realised out of the projects implemented includes 100% voice coverage at the sub-county level, 100% data coverage for every district town of Uganda, as well as the teaching of Computer Studies as a subject in at least 50% of government secondary schools and basic ICT equipment in all district government hospitals.<sup>1024</sup>

Despite this progress made and initiatives availed, in 2023, Uganda's progress on the Sustainable Development Goals (SDGs) was ranked 141 out of 166 countries with a global index score of 55%, with a spillover score of 99.3%, showing a 19.7% SDGs worsening in Uganda, and 54.1 per cent limited progress with only 26.2 per cent achieved or on track.<sup>1025</sup> To overcome the obstacles and bridge the digital divide in Uganda, there is a need for a clear redefinition of UCUSAF policies, restructuring the governance, encouraging cross-sectoral collaborations, and bottom-up initiatives to bridge the digital divide in the country.

## Online Freedom of Expression

On May 26, 2023, the President signed the Anti-Homosexuality Bill 2023 into law, imposing severe penalties for same-sex conduct.<sup>1026</sup> The law includes life imprisonment for engaging in homosexuality and the death penalty for "aggravated homosexuality." Section 4(4)(c) prohibits the promotion of homosexuality through various means, including electronic devices, with potential imprisonment of up to 20 years. Legal entities promoting homosexuality may face fines of up to 1 billion Ugandan Shillings and license suspension or cancellation for up to 10 years.<sup>1027</sup> The law has led to increased self-censorship within the LGBT+ community online, with individuals and organisations altering their online presence to avoid harassment or prosecution. This legislation intensifies penalties for homosexuality in Uganda, previously illegal, and criminalises speech about LGBTQI+ rights.<sup>1028</sup> The National Prayer Breakfast included religious and radical individuals making hate speeches.<sup>1029</sup>

The Constitutional Court nullified Section 25 of the Computer Misuse Act of 2011, which penalised "offensive communication." The court also stopped its execution. The courts dismissed a case against two representatives of an online media company charged with offensive communication and cyberstalking for the State's failure to present enough evidence.

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1023 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (TUE 03 OCT, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 26 December 2023).

1024 Andrew Bugembe 'OPINION: The quest of delivering the benefits of a modern connected life to all Ugandans' (TUE 03 OCT, 2023) <https://nilepost.co.ug/opinions/173401/opinion-the-quest-of-delivering-the-benefits-of-a-modern-connected-life-to-all-ugandans> (accessed on 26 December 2023).

1025 <https://dashboards.sdgindex.org/profiles/uganda> (accessed on 25 January 2024)

1026 The Anti-Homosexuality Bill 2023 (3rd March, 2023) <https://www.jurist.org/news/wp-content/uploads/sites/4/2023/03/Anti-Homosexuality-Bill-2023.pdf> (accessed on 26 December 2023).

1027 Khatondi Soita Wepukhulu 'Queer Ugandans reveal devastating impact of anti-gay law' (4 July 2023) <https://www.opendemocracy.net/en/5050/uganda-anti-homosexuality-act-gay-law-impact-month/> (accessed on 26 December 2023).

1028 Ayesha Khan, Emilie Tant and Caroline Harper 'Facing the backlash: what is fuelling anti-feminist and anti-democratic forces?' (July 2023) <https://www.alignplatform.org/sites/default/files/2023-07/align-framingpaper-backlash-web.pdf> (accessed on 24 December 2023).

1029 Khatondi Soita Wepukhulu 'Christian fundamentalism lies behind harsh new anti-LGBTIQ bill in Uganda' (23 March 2023, 6.19pm) <https://www.opendemocracy.net/en/5050/uganda-anti-homosexuality-bill-church-us-england-odoi-oywelowo/> (accessed on 24 December 2023).

Social media users have increasingly resorted to pseudonymous accounts to avoid harassment and other repercussions for their online speech.<sup>1030</sup> Journalists and commentators who cover the opposition or make critical statements about the president have faced physical violence. In December 2022, President Museveni's son accused journalists at the Daily Monitor of being terrorists and threatened to "crush" journalists who "abuse" him in tweets that were later deleted.<sup>1031</sup> In May 2023, blogger Isma Lubega Tusubira, also known as Isma Olaxess, was shot and killed by an unknown attacker while travelling in his private vehicle in Kampala.<sup>1032</sup> The attacker's motivations were unclear, according to the police, but there has been speculation that Tusubira's murder was connected to his divisive remarks and aggressive online presence.<sup>1033</sup> In November 2023, Musamali, commonly known as Freeman, was arrested by plain cloth security officers from his home in Nabumali, Mbale district. He was charged with computer misuse and cyber harassment and detained at Mbale Central Police Station (CPS). He was released after being kept in police custody for over 48 hours without a court appearance which is a violation of the 48-hour rule of the Constitution of the Republic of Uganda.<sup>1034</sup> The hostile environment for journalists leads many to practice self-censorship due to fears of being harassed or arrested.<sup>1035</sup>

The 1995 Ugandan Constitution provides for freedom of expression, freedom of speech, media freedom, and the right to access state information.<sup>1036</sup> However, several laws undermine these protections with constant stringent measures taken by the UCC to regulate online media in the previous years. For example, the Press and Journalist Act requires journalists to register with the statutory Media Council, whose independence is believed to be compromised due to the government's influence over its composition. The Access to Information Act 2005 provides for the right of access to information.<sup>1037</sup> In practice, however, accessing official information is a challenge for citizens.<sup>1038</sup>

## Gendered Disinformation

In Uganda, there has been a notable increase in gendered disinformation, with targeted attacks directed towards organisations and activists working on sexual and reproductive rights. For instance, in August 2022, there were deferment operations of Sexual Minorities Uganda (SMUG) on allegations that they had failed to register with the National Bureau for Non-Governmental Organisations.<sup>1039</sup> Gendered disinformation is not a new phenomenon; it sits at the intersection of propaganda and gender-based violence aided by online platforms or digital communication.<sup>1040</sup>

1030 <https://library.fes.de/pdf-files/bueros/africa-media/13547.pdf> (accessed on 27 December 2023).

1031 Sadibou Marong "We will crush you," Ugandan president's son warns journalists' <https://rsf.org/en/we-will-crush-you-ugandan-president-s-son-warns-journalists> (accessed on 27 December 2023)

1032 Controversial blogger Isma Olaxess, Has been shot dead (7 May 2023) <https://pluggedaily.com/2023/05/07/controversial-blogger-isma-olaxess-has-been-shot-dead/> (accessed on 26 December 2023).

1033 DAVID VOSH AJUNA 'Jjaja Iculi': Who was Isma Olaxess in the public eye? (May 13, 2023) <https://www.monitor.co.ug/uganda/news/national/-jjaja-iculi-who-was-isma-olaxess-in-the-public-eye--4226330> (accessed on 27 December 2023).

1034 East African Gazette 'Uganda Journalist body demand for un conditional release of Musamali, the CEO of Free Man News' (November 12, 2023) <https://eastafricangazette.com/index.php/2023/11/12/uganda-journalist-body-demand-for-un-conditional-release-of-musamali-the-ceo-of-free-man-news/> (accessed on 26 December 2023)

1035 Halima Athumani 'Ugandan Activists Say Future of Media Uncertain' (May 23, 2023) <https://www.voanews.com/a/ugandan-activists-say-future-of-media-uncertain-/7105670.html> (accessed on 28 December 2023)

1036 The Constitution of the Republic of Uganda, 1995 <https://washington.mofa.go.ug/uganda/constitution-republic-uganda-1995> (accessed on 31 December 2023).

1037 Access to Information Act 2005 (19th July 2005) <https://chapterfouruganda.org/sites/default/files/downloads/The-Access-to-Information-Act-2005.pdf> (accessed on 28 December 2023)

1038 Hillary Turyansingura 'Government Committed to Citizen's Access to Information' (May 10, 2021) <https://ict.go.ug/2021/05/10/government-committed-to-citizens-access-to-information/> (accessed on 24 December 2023)

1039 Loyce Kyogabirwe 'Pushing Back Against Gendered Disinformation in Uganda' (February 6, 2023) <https://cipesa.org/2023/02/pushing-back-against-gendered-disinformation-in-uganda/> (accessed on 28 December 2023)

1040 Demos 'Submission on opportunities, challenges and threats to media in the digital age: gendered disinformation' (January

Social media is a powerful tool for mobilising social justice, but it's now being used to spread gendered disinformation to shame and discredit women.<sup>1041</sup> The hashtag #FearWomen, is one example of how gendered disinformation is used to reinforce patriarchal norms further and affect the dignity of women.<sup>1042</sup>

Disinformation campaigns that target feminist struggles and gendered discourse in an attempt to silence women, push them to self-censorship, and restrict their civic space. These campaigns are a direct attack not only against specific women but against gender justice.<sup>1043</sup> Apart from the immediate harm inflicted on victims—ranging from psychological distress and trauma to enduring mental health effects, physical and sexual violence—these narratives extend to threats of violence and rape.<sup>1044</sup>

In Uganda, there are also several examples of persons who are perceived queer being evicted by their landlords from their homes, denials of HIV medicines and other sexual and reproductive health services at hospitals, among many other undocumented horrors started by the disinformation. The LGBTQIA+ community in Uganda continue to have their rights suppressed through anti-LGBTQ legislation.

Uganda repainted a kids' playground because it had a rainbow on it. The banning of watches and repainting of playgrounds, for example, also indicates how public opinion and perspectives are becoming increasingly extremist. This example highlights the urgent need for strategies that specifically address gendered disinformation which can also translate to online platforms, considering the unique vulnerabilities and roles of women in the community. Continuous experience sharing can contribute to a more nuanced and effective approach to combating disinformation at the grassroots level.

## Privacy and Surveillance

As Uganda's elections draw closer, many activists have suspected that the government has increased monitoring and surveillance of social media platforms and other online spaces. Article 27 of the Constitution prohibits interference with the privacy of a person's "home, correspondence, communication or other property."<sup>1045</sup>

In November 2023, Uganda launched a new vehicle tracking system that allows the government to track the real-time location of all vehicles. The launch of the Intelligent Transport Monitoring System (ITMS) mandate is to reduce vehicle theft, improve road safety, computerise policing and simplify the identification of criminals or traffic violators. However, installing license plates incorporating cutting-edge technology on all vehicles in the country will expand to unchecked mass

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2022)

<https://www.ohchr.org/sites/default/files/documents/issues/expression/cfis/threats-digital-age/csos/2023-01-26/Submission-SR%20freedex-hrc50-Demos.pdf> (accessed on 28 December 2023).

1041 Act Alliance 'ACT Alliance's Input for the report on gendered disinformation: Submitted to the UN Special Rapporteur on Freedom of Expression and Opinion' (7th July 2023)

<https://www.ohchr.org/sites/default/files/documents/issues/expression/cfis/gender-justice/subm-a78288-gendered-disinformation-cso-act-alliance.pdf> (accessed on 26 December 2023).

1042 Act Alliance 'ACT Alliance's Input for the report on gendered disinformation: Submitted to the UN Special Rapporteur on Freedom of Expression and Opinion' (7th July 2023) <https://www.ohchr.org/sites/default/files/documents/issues/expression/cfis/gender-justice/subm-a78288-gendered-disinformation-cso-act-alliance.pdf> (accessed on 26 December 2023).

1043 Association for Progressive Communications 'Placing the gendered in disinformation' (20 September 2023) <https://www.apc.org/en/project/placing-gendered-disinformation> (accessed on 26 December 2023).

1044 U.S State Department of State 'Gendered Disinformation: Tactics, Themes, and Trends by Foreign Malign Actors' (MARCH 27, 2023) <https://www.state.gov/gendered-disinformation-tactics-themes-and-trends-by-foreign-malign-actors/> (accessed on 27 December 2023)

1045 Constitution <https://www.parliament.go.ug/documents/1240/constitution> (accessed on 31 December 2023)

surveillance of citizens coupled with mandated cell phone registration, which is a huge destabiliser to privacy rights, hence creating severe risks to the rights to freedom of association and expression. ITMS is part of Uganda's '9 Point Strategy' to end insecurity.<sup>1046</sup> After February 1, 2024, all vehicle owners will be required to pay between 50,000 Ugandan Shillings (\$18.57) and 714,300 Ugandan Shillings (\$189.47) to register for new plates of their vehicles with an attached sim-card-equipped device provided by the state-owned telecommunications company, Uganda Telecommunications Corporation Ltd (UTL).<sup>1047</sup> Foreign vehicles temporarily in Uganda will also be required to install the tracking devices for the time they are in the country. The system will collect data from UTL's telecommunications network, as well as the network of a privately owned telecommunications company, increasing the number of private corporate actors with potential access to the real-time location of all vehicles in Uganda.<sup>1048</sup>

Unfortunately, Uganda's government has limited public scrutiny of the technical system, including its capabilities and the contract with the Russian company delivering the project. Also, there is no accountability in terms of publicly available published plans for oversight and human rights mitigation around the project.<sup>1049</sup>

Uganda already collects and stores vast personal information, including names, signatures, photos, and fingerprints of nationals to register SIM cards and national identity cards.<sup>1050</sup> In the past, the government has used surveillance technology to track and arrest government opponents and critics.<sup>1051</sup> Other government-sponsored initiatives include fingerprinting all privately owned firearms, banning cyclists from wearing hoodies and creating a national DNA database. The existing traffic surveillance system is being expanded by introducing surveillance cameras and mandatory mobile network-connected tracking devices in all vehicles. This unrestricted mass surveillance undermines millions of Ugandans' right to privacy. The government should prioritise protecting the rights of its citizens rather than abusing them.<sup>1052</sup>

Privacy protections are enshrined in the Data Protection and Privacy Act 2019 including its regulations, which came into force in April 2021. However, ensuring compliance with the Act remains a challenge, although an independent office oversees the implementation of and the enforcement of the Data Protection and Privacy Act, 2019.<sup>1053</sup> The Regulation of Interception of Communications Act (RICA) 2010 allows the government to conduct real-time electronic surveillance of suspected terrorists by installing equipment in telecommunication companies. The Act also grants the Security Minister the power to access personal communications in case of national security concerns upon obtaining a court order from a High Court judge. The Act was passed after a terrorist attack in Kampala in 2010.<sup>1054</sup> The clauses in the Anti-Terrorism Act 2002 give security officers appointed by the Interior Minister the power to intercept the communications of individuals suspected of

1046 Sean Beeghly. 'HRW: Uganda surveillance system threatens rights to privacy, expression and association'. U. Pittsburgh School of Law, US (NOVEMBER 14, 2023) <https://www.jurist.org/news/2023/11/hrw-uganda-surveillance-system-threatens-rights-to-privacy-expression-and-association/> (accessed on December 31, 2023)

1047 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastafrican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

1048 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastafrican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

1049 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastafrican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

1050 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastafrican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

1051 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastafrican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

1052 <https://www.iot-mesh.io/human-rights-watch-uganda-real-time-location-system/> (accessed on 30 December 2023)

1053 Unwanted Witness 'Privacy-Scorecard-Report-2021' (November 2021) <https://www.unwantedwitness.org/wp-content/uploads/2021/11/Privacy-Scorecard-Report-2021.pdf> (accessed on 24 December 2023).

1054 Chapter Four Uganda 'The Regulation of Interception of Communications Act, 2010' (August 5, 2010) <https://chapterfouruganda.org/resources/acts-bills/regulation-interception-communications-act-2010> (accessed on 26 December 2023).

terrorism and to keep the individuals under surveillance without judicial oversight.<sup>1055</sup>

These provisions are broad and contrary to international law, which requires that any intrusion on the right to privacy, including gathering metadata or surveillance of communications content, must be strictly necessary and proportionate to the protection of a specified state interest and regulated in law on a non-discriminatory basis.<sup>1056</sup> Although Uganda is a signatory to several international conventions with privacy provisions, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the African Charter on Human and Peoples' Rights; the Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child. The 1995 Ugandan Constitution explicitly recognises the right to privacy and calls for its protection in Article 27.

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1055 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) (accessed on 27 December 2023).

1056 The East African 'Scrap new surveillance system, HRW tells Uganda' (Tuesday, November 14 2023) <https://www.theeastaf-rican.co.ke/tea/news/east-africa/scrap-new-surveillance-system-hrw-tells-uganda-4433356> (accessed on 30 December 2023)

# ▶ Conclusion & Recommendations

## Conclusion

Access to the Internet is a powerful tool that can be used by both state and non-state actors to influence the social and economic development of Uganda. To ensure that Uganda can make a positive impact on freedom of expression, press freedom, access to information, and government ICT policies without resorting to continuous targeted surveillance, notable disparities in internet access between men and women, directed and targeted hate speech, privacy violations, and data mismanagement, a genuine multi-stakeholder approach focused on prevention is required. However, online freedom of expression continues to be undermined in Uganda due to the absence of any action to unban Facebook.

## Recommendations

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### Government

- » Implement the National Broadband Policy 2018 to reduce internet data prices in Uganda
- » Put in place an appropriate implementation framework to address the infrastructure development gaps, legal and regulatory environment and capacity gaps of the citizens to exploit ICT in the country productively.
- » Use a data-led approach to select Universal Service and Access Fund projects and apply relevant insights to project selection to form part of the operational reform of Universal Service and Access Fund.
- » Ensure regular performance monitoring and reporting to provide visibility and accountability of digital rights and inclusion in Uganda.
- » Build capacity and develop skills within the Universal Service Fund with a specific focus on reskilling and upskilling existing personnel, recruiting new people and retaining qualified staff at the Universal Service and Access Fund authority.
- » The government should align its national laws on privacy restrictions with international laws, ensuring that any interference in the right to privacy is strictly necessary, proportional, and legally regulated.
- » Uganda Communications Commission should be intentional in celebrating International Day for Universal Access to Information annually and provide critical analysis of Uganda Communications Universal Access and Service fund to the consumers.
- » The government is also urged to desist from future clampdowns on digital access and ensure that digital rights and inclusion policies are implemented to promote a free, open, and safe online environment for all Ugandans.

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- » Uphold and reinforce the Data Protection and Privacy Act of 2019, ensuring strict compliance with regulations. The government should prioritise protecting citizens' privacy rights, aligning all initiatives with international privacy standards.
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### **Civil Society**

- » There is a need to set up an in-country national task force on gendered disinformation, working with academia, women's rights organisations and technologists to map disinformation campaigns and their connection to online abuse of women in politics and journalists and must ensure the representation of women's perspectives and lived experiences.
  - » Invest in strengthening research, including local actors at country and regional levels on gender disinformation, to better understand the contexts, root causes and prevalence.
  - » There is a need to push back against gendered disinformation to combat online harms against women and attain gender equity.
  - » Furthering understanding of communications responses and interventions that can be used to counter gendered disinformation.
  - » There should be the involvement of civil society and local media who can raise early warnings about gendered disinformation campaigns which may be triggered or are beginning to evolve.
  - » Conduct public consultations to gauge citizen sentiment and concerns regarding the ITMS project. Encourage citizen participation in decision-making processes related to surveillance technologies that impact their rights.
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### **Private Sector**

- » Tools developed to combat the dissemination of disinformation through technology must be guided by unambiguous processes and comply with ethical standards.
  - » Comply with rights-respecting ICT policies at the national, regional and international levels on digital rights and inclusion.
  - » Collaborate with industry associations to advocate for tax reforms that reduce the burden on internet users. Engage with policymakers to ensure that tax structures are conducive to fostering digital inclusion and economic growth.
  - » Actively participate in policy discussions and advocacy efforts to reduce barriers to internet access. Specifically, work towards the reduction of taxes on internet services and engage with the government to lift restrictions on platforms like Facebook, considering their impact on businesses and the wider community.
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