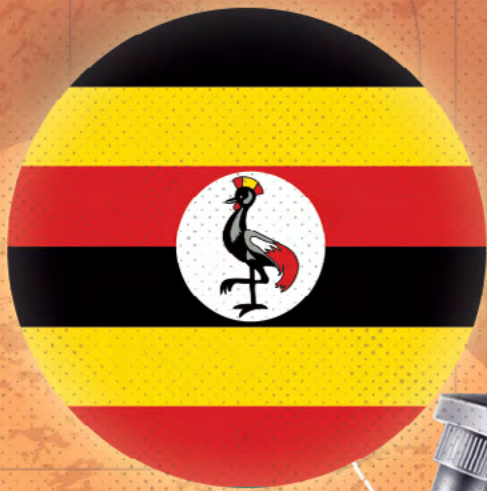


# LONDA

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

UGANDA





2022

# LONDA

**Digital Rights and Inclusion in Africa Report 2022**

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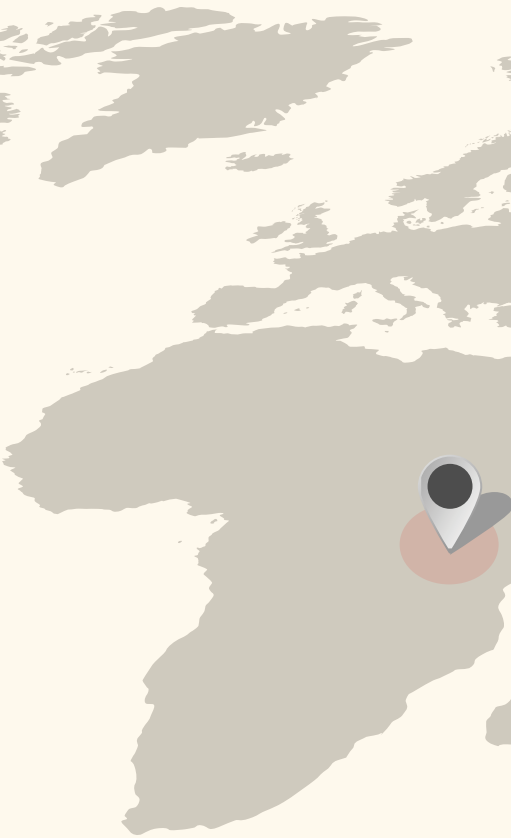
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# Uganda



## ► Executive Summary

Uganda is one of the African countries with the highest mobile data costs, with 1GB of data which cost up to 16.2 per cent of an average Ugandan's monthly income compared to the Sub-Saharan average of 9.3 per cent.<sup>1</sup> With the recent increase in internet users in Uganda, there are still several factors that limit internet access such as the 12 per cent tax directly imposed on internet data which makes data bundle quite expensive and continues to limit internet access in Uganda. Facebook still remains blocked in Uganda and while there has been no report on the disruption of other forms of connectivity in 2022, increasing threats, harassment, and targeted commercial surveillance tools against journalists and activists by the government continue.

In September 2022, Uganda amended the Computer Misuse Act 2011 in order to prohibit the sharing of information that promotes hate speech, prevent the sharing of false information, and enhance protections against cybercrimes. The Uganda Communications Commission (UCC) also introduced a new licensing framework for telecommunications that industry watchers worry may lead to overregulation in the sector. A new licensing framework with unclear effects in the sector can lead to restriction of operation by service providers and monitoring of activities by State actors.

Personal and employee data has been collected, stored, and managed, however, data has been transferred in the territorial scope which has led to breach response, and sanctions. Although, there is little evidence that policymakers revise data governance policies in response to public concerns and response.

This report recommends that the government should establish the Universal Service Funds as a separate, and independent entity free from political interference in order to achieve its purpose of promoting accessibility and inclusion in Uganda. While [recommending that] civil society builds the capacity of grassroots communities to push back against and advocate for a free and open internet from digital exclusion, the report further calls for the private sector to harness technology for innovation, economic production, and service delivery.

<sup>1</sup> CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hinderance-to-Access-and-Use-of-ICTS.pdf> (accessed on December 30, 2022).



## Introduction

Uganda is a landlocked country in East Africa bordered by Kenya, South Sudan, the Democratic Republic of the Congo, Rwanda, and Tanzania.<sup>2</sup> Uganda has a population of around 49 million according to the Worldometer elaboration of the latest United Nations data<sup>3</sup> with Yoweri Kaguta Museveni being its current president. Out of Uganda's estimated population, about 19 per cent of the population lack access to basic telephony services, and 73 per cent of the population lack access to broadband.<sup>4</sup> Additionally, about 57 districts out of 113, and over 1,000 sub-counties out of 1,386 lack any fibre connectivity.<sup>5</sup> The actual population that uses the internet is still much lower even though many users have multiple subscriptions. For instance, internet subscriptions stood at 22 million, or a penetration of 52 per cent.<sup>6</sup>

In 2021, the Network Readiness Index, which assesses the application and impact of technology in economies around the world, ranked Uganda 116 out of 130 countries.<sup>7</sup> Uganda scored lowest on GSMA's Mobile Connectivity Index, which measures key enablers of mobile internet adoption such as infrastructure, affordability, content, and services.

However, it is important to note that the 2022 state of internet freedom in Uganda improved slightly because there were no reported connectivity disruptions, although Facebook is still restricted in Uganda. Additionally, self-censorship continues to occur among journalists and digital rights activists, and their family or relatives continue to face physical violence and threats coupled with constant monitoring of opposition leaders and journalists who are critical of the state's wrongdoings.<sup>8</sup> In a nutshell, the information and communication technology (ICT) sector continues to grow, with reported investments and improvements in the performance of government-controlled electronic systems.<sup>9</sup> The Uganda digital rights and inclusion report for 2022 aims at conducting an in-depth analysis of the state of digital rights and inclusion as well as offering key recommendations for advancing digital rights and inclusion in Uganda.

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2 The Common Wealth <https://thecommonwealth.org/our-member-countries/uganda> (accessed on January 18, 2023).

3 Uganda Population <https://www.worldometers.info/world-population/uganda-population/#:~:text=The%20current%20population%20of%20Uganda,year%20according%20to%20UN%20data>. (accessed on Tuesday, January 17, 2023)

4 Uganda Communications Commission 'RCDF Policy 2017/18–2021/22 (RCDF III) Stakeholder Validation Workshop March 2017' [http://ucc.co.ug/files/downloads/RCDF\\_Policy\\_2017\\_18\\_to\\_202\\_22\\_Stakeholders\\_Validation\\_Report\\_March\\_10\\_2017.pdf](http://ucc.co.ug/files/downloads/RCDF_Policy_2017_18_to_202_22_Stakeholders_Validation_Report_March_10_2017.pdf) (accessed on December 28, 2022).

5 Uganda Communications Commission 'RCDF Policy 2017/18–2021/22 (RCDF III) Stakeholder Validation Workshop March 2017' [http://ucc.co.ug/files/downloads/RCDF\\_Policy\\_2017\\_18\\_to\\_202\\_22\\_Stakeholders\\_Validation\\_Report\\_March\\_10\\_2017.pdf](http://ucc.co.ug/files/downloads/RCDF_Policy_2017_18_to_202_22_Stakeholders_Validation_Report_March_10_2017.pdf) (accessed on December 28, 2022).

6 CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hindrance-to-Access-and-Use-of-ICTS.pdf> (accessed on December 28, 2022).

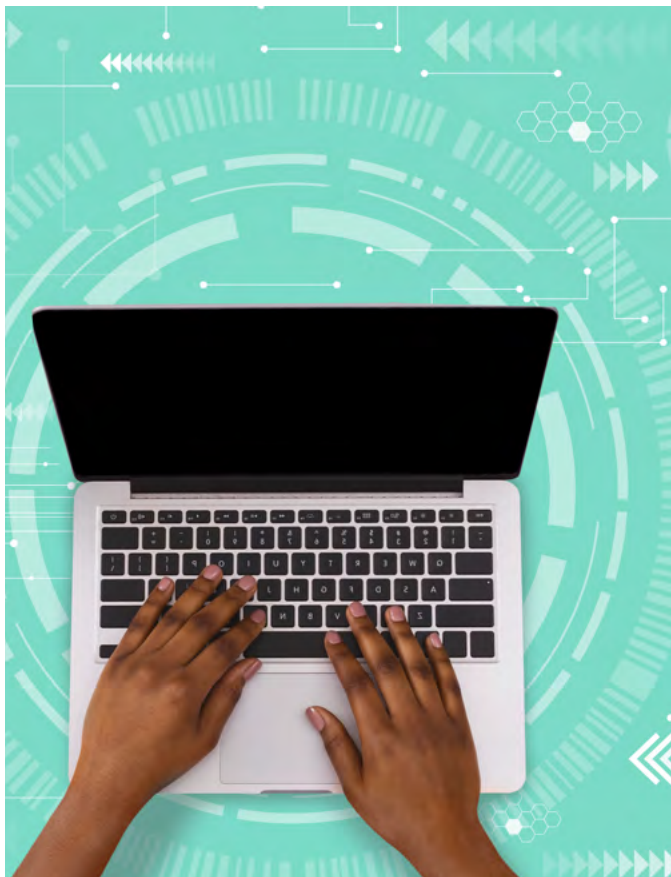
7 CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hindrance-to-Access-and-Use-of-ICTS.pdf> (accessed on December 28, 2022).

8 Simon Kemp 'Digital 2022: Uganda' February 15, 2022 <https://datareportal.com/reports/digital-2022-uganda> (accessed on December 12, 2022).

9 Information and Communication Technology Sector 'Semi-Annual Budget Monitoring Report Financial Year 2020/21' (April 2021) <https://www.finance.go.ug/sites/default/files/Publications/ICT%20Sector%20Semi-Annual%20Monitoring%20Report%20FY2020-21.pdf> (accessed December 29, 2022).

# Country Analysis

## INTERNET FREEDOM



## INTERNET ACCESS AND DISRUPTIONS

Uganda has witnessed a significant increase in penetration, internet access, and usage with a 1.8 million increase in internet users between 2021 and 2022 and an internet penetration rate of 54 per cent as of December 2021.<sup>10</sup> According to the *Digital 2022 Report*, in January 2022, Uganda's internet penetration rate was 29.1 per cent, even though Uganda's population increased by 1.3 million (+2.9 per cent) between 2021 and 2022.<sup>11</sup> Some

50.7 per cent of Uganda's population is female, while 49.3 per cent is male.<sup>12</sup> In 2022, 62 per cent of men were using the internet compared to 57 per cent of women. Hence, the global internet use gender gap still stands at eight percent due to high internet costs, limited access to electricity in rural areas, limited digital literacy, network disruptions, gender disparities, and affordability challenges with respect to internet-enabled devices such as computers and smartphones.<sup>13</sup>

Internet costs still remain unaffordable for the majority of Ugandans. For example, the number of mobile connections in Uganda decreased by 698,000 (-2.5 per cent) between 2021 and 2022.<sup>14</sup> Kepios analysis indicates that internet users in Uganda increased by 1.8 million (+15.1 per cent) between 2021 and 2022. However, "these user figures reveal that 33.85 million people in Uganda did not use the internet at the start of 2022, meaning that 70.9 per cent of the population remained offline at the beginning of the year".<sup>15</sup> Also, the 12 per cent taxation directly imposed on internet data makes internet purchase quite expensive and continues to limit internet access in Uganda.

There is a direct relationship between high taxes and low uptake of the internet. A survey by the National Information Technology Authority (NITA-U) found that 76.6 per cent of respondents named high data costs as the main reason why their use of the internet was limited.

In Uganda, 1GB of data still costs up to 16.2

10 Freedom House 'Freedom On The Net 2022 Uganda' <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022)

11 Simon Kemp 'Digital 2022: Uganda' February 15, 2022 <https://datareportal.com/reports/digital-2022-uganda> (accessed on December 12, 2022).

12 Simon Kemp 'Digital 2022: Uganda' February 15, 2022 <https://datareportal.com/reports/digital-2022-uganda> (accessed on December 12, 2022).

13 International Telecommunication Union (ITU) 'Bridging the gender divide' <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx> (accessed on December 29, 2022).

14 <https://datareportal.com/reports/digital-2022-uganda> (accessed on December 12, 2022).

15 <https://datareportal.com/reports/digital-2022-uganda> (accessed on January 18, 2023)



per cent of an average Ugandan's monthly income compared to the Sub-Saharan average of 9.3 per cent.<sup>16</sup> Facebook, with more than 3,328,000 million local subscribers,<sup>17</sup> still remains blocked in Uganda from the 2021 Uganda national elections for more than a year now.<sup>18</sup> However, internet users continue to access Facebook using "some" Wi-Fi networks or via virtual private networks (VPNs).<sup>19</sup> Its blockage in Uganda has affected the business and entertainment community who have repeatedly asked the government to lift the ban because of its adverse effect on businesses.<sup>20</sup>

There has been no report on disruption of internet connectivity in 2022, however, Uganda's backbone connection to the global internet is privately owned in a competitive market. According to *Freedom on the Net Report 2022*, 29 ISPs were connected to the Uganda Internet Exchange Point (UIXP) as of March 2022.<sup>21</sup>

### **FREE SPEECH AND MEDIA FREEDOMS**

In September 2022, Uganda amended the Computer Misuse Act 2011 in order to prohibit the sharing of information that promotes hate speech, prevent the sharing of false information, and enhance protections against cybercrimes. Critics say the law came to restrict individuals that don't shy away from critiquing Museveni's

authoritarian regime online including the opposition politicians.<sup>22</sup> In 2020, during the protest that followed the arrest of Robert Kyagulanyi Ssentamu (Bobi Wine), in which 50 civilians were killed, Teddy Nalubowa, a Ugandan TikToker, was remanded in prison for recording and sharing a video that celebrated the death of a former security minister who led the troops that killed 50 civilians during the protest. She was charged with offensive communication and infringement of the Computer Misuse Act 2011 amidst public uproar over the harassment and intimidation of dissidents.<sup>23</sup> There are several neglected court cases on online freedom of expression which leaves the individuals involved frustrated.<sup>24</sup>

The amended Computer Misuse Act is likely to be used to silence dissenting voices online by limiting their writing or sharing of content on online platforms.<sup>25</sup> In March 2022, the executive director of Alternative Digitalk TV – an online television channel, Norman Tumuhimbise, and presenter, Farida Bikobere, were charged with offensive communication and cyberstalking directed at the president, for publicising books written by Tumuhimbise that examine Museveni's policies since he became president in 1986. They were granted bail and released nine days later, along with seven other journalists from the same channel.<sup>26</sup>

16 CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hindrance-to-Access-and-Use-of-ICTS.pdf> (accessed on December 28, 2022).

17 CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hindrance-to-Access-and-Use-of-ICTS.pdf> (accessed on December 28, 2022).

18 Sandra Aceng 'The Impact of Internet Shutdowns on Women in Uganda' (2021) <https://preparepreventresist.org/wp-content/uploads/2022/07/Impact-of-Shutdowns-on-Women-in-Uganda.pdf> (accessed on December 30, 2022).

19 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

20 CIPESA 'Digital Taxation in Uganda: A Hindrance to Inclusive Access and Use of Digital Technologies' (March 2022) <https://cipesa.org/wp-content/files/briefs/Digital-Taxation-in-Uganda-A-Hindrance-to-Access-and-Use-of-ICTS.pdf> (accessed on 28 December 2022).

21 Freedom House 'Freedom On The Net 2022 Uganda' [https://freedomhouse.org/country/uganda/freedom-net/2022#footnote8\\_9skyp7o](https://freedomhouse.org/country/uganda/freedom-net/2022#footnote8_9skyp7o) (accessed on December 10, 2022)

22 Uganda Communications Commission 'Uganda's Changes On Computer Misuse Law Spark Fears It Will Be Used To Silence Dissidents' (October 15, 2022) <https://cipesa.org/2022/10/ugandas-changes-o-n-computer-misuse-law-spark-fears-it-will-be-used-to-silence-dissidents-2/> (accessed on December 30, 2022)

23 Uganda Communications Commission 'Uganda's Changes On Computer Misuse Law Spark Fears It Will Be Used To Silence Dissidents' (October 15, 2022) <https://cipesa.org/2022/10/ugandas-changes-o-n-computer-misuse-law-spark-fears-it-will-be-used-to-silence-dissidents-2/> (accessed on December 29, 2022).

24 Freedom House 'Freedom On The Net 2022 Uganda' <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

25 <https://cipesa.org/2022/10/ugandas-changes-o-n-computer-misuse-law-spark-fears-it-will-be-used-to-silence-dissidents-2/> (accessed on December 29, 2022).

26 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

Journalists and digital rights activists who are critical of the State by reporting wrongdoings still continue to face self-censorship as well as arrest and harassment of their relatives and family members due to continued activism online.<sup>27</sup> For instance, in late September 2022, the home of journalist Remmy Bahati, based in Fort Portal City was raided amid fears over the growing crackdown on dissent in Uganda. Robert Kyagulanyi, commonly known as Bobi Wine, said that Bahati may have been targeted for speaking out against government excesses, including human rights abuses.<sup>28</sup>

Additionally, Ugandan author Kakwenza Rukirabashaija, fled the country after his release from jail in late January 2022 after his arrest in December 2021 related to tweets about President Yoweri Museveni and his son, Muhoozi Kainerugaba, which were treated as offensive communications.<sup>29</sup> He was tortured while in detention, his passport taken away and was on constant surveillance.<sup>30</sup>

There has been the introduction of a new licensing framework by the Uganda Communications Commission for telecommunications which has been alleged may lead to overregulation in the sector. For instance, in July 2021, for the first time, the UCC's radio licensing framework included a licence for online radio broadcasters.<sup>31</sup> Service providers are governed by several legal and regulatory frameworks that require them to filter, remove, and block any content that is considered illegal by authorities.

Several other laws undermine free speech and media freedom even though the Uganda Constitution provides for them. For instance, Press and Journalist Act 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.

### **PRIVACY AND SURVEILLANCE**

Targeted commercial surveillance tools have been used against journalists and activists by the government.<sup>32</sup> For example, two prominent Ugandan journalists and an opposition leader were notified by Apple that their iPhones may have been targeted by Pegasus in December 2021. Pegasus is a spyware product developed by the Israeli company, NSO Group.<sup>33</sup> This is in violation of Article 27 of the Constitution



which prohibits interference with the

27 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

28 Opio Mike 'Who is next? Home of journalist Remmy Bahati raided amid fears over growing crackdown on dissent in Uganda' (October 2, 2022) <https://www.thekampalareport.com/latest/2022100219890/who-is-next-home-of-journalist-remmy-bahati-raided-amid-fears-over-growing-crackdown-on-dissent-in-uganda.html> (accessed on December 28, 2022).

29 Aljazeera 'Ugandan author Kakwenza Rukirabashaija flees the country: Lawyer' (February 9, 2022) <https://www.aljazeera.com/news/2022/2/9/ugandan-author-flees-after-alleged-torture-says-lawyer> (accessed on December 29, 2022).

30 Aljazeera 'Detained Ugandan satirical novelist tortured in custody: Lawyer' (January 5, 2022) <https://www.aljazeera.com/news/2022/1/5/detained-ugandan-satirical-novelist-tortured-in-custody-lawyer> (accessed on December 29, 2022).

31 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

32 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

33 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

privacy of a person's home, correspondence, communication, or other property. This is also enshrined in the Data Protection and Privacy Act 2019 and accompanying regulations, which came into force in April 2021. Pegasus is commonly used by about 45 governments to spy on journalists, human rights defenders, and opposition politicians and this makes compliance with this act very challenging.

The Ugandan police purchased UFED, a technology developed by the Israeli firm, Cellebrite, that enables authorities to hack into password-protected smartphones according to an August 2022 report by the Israeli newspaper, *Haaretz*.<sup>34</sup>

The RIC Act has given the government absolute surveillance power requiring telecommunications companies to install equipment that enables real-time electronic surveillance of suspected terrorists. This Act also gives the Security Minister the ability to request access to personal communications based on national security concerns following an order granted by a High Court judge.<sup>35</sup>

## **DATA GOVERNANCE IN UGANDA**

### **UGANDA'S POLICIES AND LAWS ON DATA GOVERNANCE**

An analysis of the data governance in Uganda including the current laws and policies in place such as the privacy laws and regulations that are also applied across the world, the open data policy 2017; and other related policies and laws such as the Constitution of Uganda, Computer Misuse (Amendment) Act 2022, the launch of the National Data Transmission Backbone Infrastructure (NBI) Optic Fiber Network; National Development Plan III (NDP III); the National ICT Policy (2014) including other related guidelines and mapping on

data governance in Uganda shows how data including both personal and employee data has been transferred in territorial scope, and direct marketing, breach response, and sanctions.

Although Uganda usually seeks public comment on proposed laws and regulations related to data, there is little evidence that policymakers revise their data governance policies in response to public concerns, despite the fact that data governance, just like the data-driven economy, is constantly evolving, reflecting changes in technology, society, and policymakers' will and expertise.<sup>36</sup> This can affect how private and often public entities are required to treat personal information when these entities collect, store, utilise and monetise personal data.<sup>37</sup>

However, key policy developments include Open Data Policy 2017 which focuses on making all public sector data open by default with the exception of personally identifiable information and data with security or commercial or intellectual property rights or environmental restrictions. This is expected to help improve the transparency and accountability of the government.<sup>38</sup> The Data Protection and Privacy Act, 2019 is also regulating the collection, use or disclosure, and processing of personal data, provides for the rights of the persons whose data is collected, and the obligations of data collectors, data processors, and data controllers.

The Personal Data Protection Office (PDPO) was established in 2021 in order to oversee the implementation of and enforcement of the Data Protection and Privacy Act, 2019 independently.

### **DIGITAL IDS**

Uganda is in the process of implementing an

34 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

35 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

36 Thomas Struett, Adam Zable, and Susan Ariel Aaronson, Ph.D. 'Global Data Governance Mapping Project Year Two Report' <https://globaldatagovernancemapping.org/images/DataGov-Year-2/year-two-mapping-report-1.pdf> (accessed on December 26, 2022).

37 <https://globaldatagovernancemapping.org/images/DataGov-Year-2/year-two-mapping-report-1.pdf> (accessed on December 26, 2022).

38 Open Data Policy (May 2017) <https://www.ict.go.ug/wp-content/uploads/2018/06/Open-Data-Policy-First-Draft-vX.pdf> (accessed on November 30, 2022).



upgrade of the national identification system to include DNA, palm print, and eye scan data to the details of the individual in the national register from 2024 to eliminate crime in the country.<sup>39</sup> The national identity card has been issued to 26 million people to enable them access a wide variety of services; individuals who lack the card will be excluded from some services. The digital ID programme can entrench digital exclusion and discrimination of vulnerable groups from accessing government services.<sup>40</sup> The centralised biometric databases can potentially face increased cybersecurity risks and can be vulnerable to attacks and loss yet biometrics cannot be easily replaced like passwords and tokens.<sup>41</sup> There are no known restrictions on encrypted communication.<sup>42</sup> The system can also be used for surveillance, especially biometric systems with facial recognition capability. This eliminates the requirement for consent because it can be used without the knowledge or participation of the data subject.<sup>43</sup> It is also limiting the anonymity of social media users, and bloggers.<sup>44</sup> Data subjects are not utilising the existing laws such as The Registration of Persons Act 2015 and Data Protection and Privacy Act 2019 to question the state of data collection and misuse in Uganda.

## THE UNIVERSAL SERVICE FUND

In Uganda, the Universal Service Fund is the Rural Communications Development Fund (RCDF) whose major areas of focus include access, connectivity, affordability, and equity.

The RCDF was established in 2003 and is managed by the UCC.<sup>45</sup> Uganda is currently implementing the RCDF Policy 2017/18 – 2021/22 (RCDF III).<sup>46</sup> Some of the national policy and legal documents which were the source of both the general guidance and specific objectives to be pursued by RCDF III include the Uganda Vision 2040, the National ICT Policy (2014), the ICT Sector Strategy and Investment Plan (2015 – 2020) and the Uganda Communications Act (2013).<sup>47</sup>

There is a lack of evidence of a systematic impact of universal access and service funds activities especially at lower administrative levels such as the villages and parishes<sup>48</sup> because rural penetration remains very low and most people in rural areas still do not have access to basic communications.<sup>49</sup> There are extremely limited examples of best practices with respect to Universal Service Fund management and even those that can be cited as being best practice examples have their individual drawbacks and shortcomings. The RCDF over the years between 2009 and 2015 managed to publish annual reports with an integrated minimal summary of how finances has been managed, but some annual reports missed financial reports with both annual reports and financial reports between 2015 and 2022 not accessible online. However, the RCDF Operational Guidelines 2017/18–2021/22 was developed to guide its implementation between 2017/18 and 2021/22.<sup>50</sup>

39 State of Internet Freedom in Africa 2022 [https://cipesa.org/wp-content/files/reports/State\\_of\\_Internet\\_Freedom\\_in\\_Africa\\_2022.pdf](https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_2022.pdf) (accessed on December 29, 2022).

40 [https://cipesa.org/wp-content/files/reports/State\\_of\\_Internet\\_Freedom\\_in\\_Africa\\_2022.pdf](https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_2022.pdf) (accessed on December 29, 2022).

41 [https://cipesa.org/wp-content/files/reports/State\\_of\\_Internet\\_Freedom\\_in\\_Africa\\_2022.pdf](https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_2022.pdf) (accessed on December 29, 2022).

42 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on December 10, 2022).

43 [https://cipesa.org/wp-content/files/reports/State\\_of\\_Internet\\_Freedom\\_in\\_Africa\\_2022.pdf](https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_2022.pdf) (accessed on December 10, 2022).

44 <https://freedomhouse.org/country/uganda/freedom-net/2022> (accessed on 10 December 2022).

45 <https://www.ucc.co.ug/reports-and-publications/> (accessed on December 30, 2022).

46 Uganda Communications Commission 'RCDF Operational Guidelines 2017/18–2021/22 (RCDF III)' <https://www.ucc.co.ug/wp-content/uploads/2017/09/RCDF-Operational-Guidelines.pdf> (accessed on December 19, 2022).

47 <https://www.ucc.co.ug/wp-content/uploads/2017/09/RCDF-Operational-Guidelines.pdf> (accessed on December 19, 2022).

48 <https://www.ucc.co.ug/files/downloads/10%20YEARS%20OF%20RCDF.pdf> (accessed on February 4, 2022).

49 GSMA 'Sub-Saharan Africa – Universal Service Fund study' (September 2014) [https://www.gsma.com/publicpolicy/wp-content/uploads/2016/09/GSMA2014\\_Report\\_SubSaharanAfricaUniversalServiceFundStudy.pdf](https://www.gsma.com/publicpolicy/wp-content/uploads/2016/09/GSMA2014_Report_SubSaharanAfricaUniversalServiceFundStudy.pdf) (accessed on December 26, 2022).

50 Reports and Publications <https://www.ucc.co.ug/reports-and-publications/> (accessed on February 5, 2023).

Digital inclusion has been overlooked because the funds in theory now support the creation of telecentres, but either the policy or the defined targets for telecentres have not considered the accessibility, and assistance that persons with disabilities need, including the target and direct support services for girls and women.<sup>51</sup> For example, there are 4,511 secondary schools in Uganda. However, out of these, 903 of them are supported by the government while 3,608 are private or



community-owned. Assuming that 50 per cent of these already own ICT labs either from previous RCDF interventions or through private investment would leave the UCC with 2,256 schools to equip with an estimated US\$20,000 needed to equip each school with ICT tools.<sup>52</sup> The Uganda Communications (Universal

Services and Access Fund) Regulations, 2019 say in section 13 (2) that “The Commission shall monitor internally and externally funded projects to ensure that funds are utilised in accordance with the terms of disbursement and the Uganda Communications (Universal Service) Regulations, 2019.”<sup>53</sup>

However, there is no transparency in how much is accounted for, its availability, and whether it is serving a legitimate purpose. Even though the fund has been established to address the connectivity needs of some of the unconnected communities, a lot remains to be done in scaling its work and delivering impact.

## DEVELOPMENTS IN ICT AND EMERGING TECHNOLOGIES

### AI STRATEGIES

The rapid evolution of ICT has led to an increase in the development of new or emerging technologies which can lead to increased level of remote control through software updates, including the collection of data about users without the users’ knowledge which may lead to security and privacy concerns.<sup>54</sup>

National AI strategies are very important in achieving sustainable development goals. However, it is important to understand how societies are transformed by disruptive technology. The logic of social media business models and AI ranking systems has had a harmful impact on the news media, further weakening press freedom and the rights to freedom of expression and access to information.<sup>55</sup>

Uganda has set up a national task force to advise the government on domesticating technological advances from the fourth

51 [https://www.gsma.com/publicpolicy/wp-content/uploads/2016/09/GSMA2014\\_Report\\_SubSaharanAfricaUniversalServiceFundStudy.pdf](https://www.gsma.com/publicpolicy/wp-content/uploads/2016/09/GSMA2014_Report_SubSaharanAfricaUniversalServiceFundStudy.pdf) (accessed on December 26, 2022).

52 <https://www.ucc.co.ug/wp-content/uploads/2017/09/RCDF-Operational-Guidelines.pdf> (accessed on December 19, 2022).

53 Universal Services and Access Fund 2019 <https://www.ucc.co.ug/wp-content/uploads/2021/10/Universal-Services-and-Access-Fund-2019.pdf> (accessed on December 29, 2022).

54 <https://www.ucc.co.ug/wp-content/uploads/2017/09/RCDF-Operational-Guidelines.pdf> (accessed on December 19, 2022).

55 Resource Guide on AI Strategies (June 2021) [https://sdgs.un.org/sites/default/files/2021-06/Resource%20Guide%20on%20AI%20Strategies\\_June%202021.pdf](https://sdgs.un.org/sites/default/files/2021-06/Resource%20Guide%20on%20AI%20Strategies_June%202021.pdf) (accessed on 29 December 2022).

industrial revolution to fast-track the country's economic development.<sup>56</sup> Besides this, Uganda is also partnering with China technology giant, Huawei, to launch a facial recognition surveillance system that uses AI to identify and log the identities of people walking around in public spaces to fight crime.<sup>57</sup>

In 2018, Uganda established the National Expert Taskforce on the Fourth Industrial Revolution which has also incorporated the findings from the opportunities and readiness assessment, peer country assessment, and a broad process of local stakeholder consultation to reflect the country's developmental objectives. The Uganda National 4IR Strategy identifies key opportunity areas where 4IR technology can contribute to concrete gains in Uganda's development objectives.<sup>58</sup> Achieving the vision of 4IR by 2040 would require that strategies support wealth creation and the emergence of globally competitive industries.<sup>59</sup> However, in the country's development policies, including Vision 2040, the third national development plan (NDP III), and the Digital Uganda Vision, a clear vision has been identified for the future.<sup>60</sup> AI ethical framework should focus most importantly on the pace of technological innovation on the digital divide; the risks of creating new forms of exclusions; biases embedded within algorithms, including gender biases; the protection of privacy and personal data; the disruption of governance models; the issues of just distribution of benefits and risks; impacts on employment and the future of

work; human rights and dignity; transparency, accountability, responsibility; security and risks arising out of dual-use of technology. For instance, the use of AI to profile people based on their personal information is a central feature of surveillance capitalism, and yet mostly masked in clandestineness.<sup>61</sup>

### **INCLUSION OF ICTS IN NATIONAL ACTION PLANS OR STRATEGIES**

Uganda adopted its third National Action Plan (NAP) in 2021 for the period 2021-2025.<sup>62</sup> However, the government developed the digital government strategy as a follow-up project on the development of a Government Enterprise Architecture (GEA) and e-Government Interoperability Framework (eGIF) for Uganda.<sup>63</sup> The strategy represents the vision for the Government of Uganda and its needs to work for Ugandan citizens and businesses during the next five years.<sup>64</sup>

56 Government of Uganda-Huawei Facial Recognition System (October 24, 2022) <https://oecd.ai/en/dashboards/policy-initiatives/http:%2F%2Faipo.oecd.org%2F2021-data-policyInitiatives-27386> (accessed on December 24, 2022).

57 <https://oecd.ai/en/dashboards/policy-initiatives/http:%2F%2Faipo.oecd.org%2F2021-data-policyInitiatives-27386> (accessed on December 24, 2022).

58 Uganda's National 4IR Strategy <https://ict.go.ug/wp-content/uploads/2020/10/Executive-Summary-Ugandas-National-4IR-Strategy.pdf> (accessed on December 29, 2022).

59 Uganda's National 4IR Strategy <https://ict.go.ug/wp-content/uploads/2020/10/Executive-Summary-Ugandas-National-4IR-Strategy.pdf> (accessed on December 29, 2022).

60 Uganda's National 4IR Strategy <https://ict.go.ug/wp-content/uploads/2020/10/Executive-Summary-Ugandas-National-4IR-Strategy.pdf> (accessed on December 29, 2022).

61 Tara Davis & Murray Hunter 'What Companies and Government Bodies Aren't Telling You About AI Profiling' (October 6, 2022) <https://cipesa.org/2022/10/opinion-what-companies-and-government-bodies-arent-telling-you-about-ai-profiling/> (accessed December 29, 2022).

62 [http://1325naps.peacewomen.org/index.php/uganda/#:~:text=Uganda%20adopted%20its%20third%20National,National%20Action%20Plan%20\(NAP\)](http://1325naps.peacewomen.org/index.php/uganda/#:~:text=Uganda%20adopted%20its%20third%20National,National%20Action%20Plan%20(NAP)) (accessed on December 30, 2022).

63 Digital Government Strategy <https://www.nita.go.ug/sites/default/files/2022-02/Digital%20Government%20Strategy%20-%20Draft.pdf> (accessed on December 29, 2022).

64 <https://www.nita.go.ug/sites/default/files/2022-02/Digital%20Government%20Strategy%20-%20Draft.pdf> (accessed on December 29, 2022).



# Conclusion and Recommendations

Access to the internet is a basic human right. The Ugandan government still continues to stifle press freedom, the rights to freedom of expression, and access to information through imposing unfavorable government policies, target of regular technical attacks, arresting and raiding of homes of journalists, target of critics and opposition leaders with surveillance, torture, and detention. Although there have been no reported connectivity disruptions, freedom of expression still continues to be violated in various ways.

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
<p><i>To the Government</i></p> <ul style="list-style-type: none"> <li>• There is a need to reform the Universal Service Fund and make it a separate, and independent entity free from political interference in order to achieve its purpose of promoting accessibility and inclusion in Uganda.</li> <li>• Strengthen institutional coordination across concerned public sector entities in order to meet demand and supply requirements of digital rights in Uganda.</li> <li>• The government must conduct a study on AI and assess how the AI field has evolved and its implications for the future in order to ensure a human rights-based approach to the use of AI in Uganda.</li> <li>• The government should come up with a national AI strategy to ensure human rights protection in the</li> </ul>	<p><i>To the private sector</i></p> <ul style="list-style-type: none"> <li>• Harness technology for innovation, economic production, and service delivery.</li> <li>• The need to encourage publishing transparency reports by telecommunication sectors for the public to discern what private information the government has gained access to.</li> <li>• There is a need for data controllers to comply with Section 29 of the Data Protection and Privacy Act, 2019 by registering with the Personal Data Protection Office.</li> <li>• Conduct a review of internal practices to ensure adherence to the ICT and internet related laws and produce an annual analysis report on the state or impact of the private sector operations on digital rights in Uganda.</li> </ul>	<p><i>To the Civil Society</i></p> <ul style="list-style-type: none"> <li>• Create a national reference guide on digital rights strategies in Uganda to discuss digital rights-related issues in order to promote more meaningful deliberations on digital rights-related resolutions.</li> <li>• Advocate for an inclusive, free, open, safe, and secure (FOSS) internet for all and build the capacity of grassroots communities to push back against and advocate for a free and open internet from digital exclusion.</li> <li>• Active participation in all review processes of the government of Uganda by the UN Human Rights Council and the African Commission on Human and Peoples' Rights to ensure honest reporting by the government on their</li> </ul>

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
<p>deployment of tech locally.</p> <ul style="list-style-type: none"> <li>• There is a need to ensure inclusion, security, privacy, and data ownership in digital identity systems, and to support the interoperability and neutrality of digital identity systems as part of its transformation agenda.</li> <li>• Public engagement or awareness campaigns on digital rights and inclusion in Uganda.</li> <li>• The UCC should collaborate with civil society in efforts to promote digital literacy and innovation.</li> <li>• Adopt a multi-stakeholder approach that encourages the understanding of internet governance locally, especially by key policymakers.</li> <li>• Reduction of taxation levied on devices and internet connectivity to enhance the affordability of devices and internet data bundles.</li> </ul>		<p>performance and to call for the protection of freedom of expression, access to information, data protection, and privacy that have been guaranteed in international and regional instruments to which Uganda is a party.</p> <ul style="list-style-type: none"> <li>• Continue to advocate for ICT policy development and implementation that promotes freedom of expression</li> </ul>





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