



Internet Rights in Uganda: Challenges and Prospects
Workshop Report
November 28, 2013
Kampala

Introduction

The Collaboration on International ICT Policy in East and Southern Africa (CIPESA, www.cipesa.org) in conjunction with Unwanted Witness Uganda (www.unwantedwitness.or.ug) on November 28, 2013 organised a workshop on promoting internet rights in Uganda. The workshop aimed to create awareness among civil society, netizens, and the media in Uganda on how policy and practice affect internet freedoms in the country. The workshop also sought to draw up strategies for network building and advocacy to promote and protect online freedoms in Uganda.

Background to the workshop

The internet has become an important domain for citizen participation in democratic processes, as well for increased scrutiny of government actions. In turn, there is recognition at the global level¹ that the rights citizens enjoy online need to be protected as much as the human rights that are enjoyed in the physical world. In Uganda, however, there are few conversations on the need to promote online freedoms (also referred to as internet rights). Informed, sustained, and inclusive debate about the need to preserve the privacy of individuals as well as the need for persons and organisations to enjoy the breadth of rights of expression that are enabled by ICTs, is often lacking. Similarly, there is a paucity of information on the state of online freedoms in the country, a mapping of actors in this sphere, and advocacy positions and resources that can be utilised in creating awareness and lobbying for the protection and promotion of internet freedoms.

This creates the need for: understanding how policy and practice affect internet freedoms in the Uganda, forming a network of national and regional actors involved in the promotion of internet freedoms, raising awareness and spurring multi-stakeholder conversations on the importance of protecting internet rights the way human rights have always been protected and

¹See, for instance, Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, May 26, 2011;
http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27_en.pdf

promoted. Equally important is for users to know that as much as the internet gives seemingly unlimited freedoms, their actions online can have negative consequences on society and direct repercussions on themselves. This calls for responsible online actions, including an awareness of the law but also having safety skills.

Uganda has an estimated 6.2 million internet users and according to Alexa.com², social media sites – Facebook, Youtube, Twitter and blogspot are among the top ten most visited sites in the country. On May 30, 2013, the Uganda government announced that it would form a social media monitoring centre “to weed out those who use this media to damage the government and people’s reputations” and also targeted at those “bent to cause a security threat to the nation.” In recent years, some government departments have ordered curtails on the citizens’ right to seek, receive, and impart information through digital technologies, including ordering a temporary shutdown of some services such as SMS, and instructing internet service providers to block access to some websites. Uganda is also among six African countries that asked Facebook to disclose users’ details, according to the organisation’s transparency report for the first six months of 2013.

While the legislation in Uganda states the circumstances under which an order may be made for online content to be taken down or blocked, recent years have seen instances of takedowns that have not followed the law. There have been orders to take down or block access to certain websites, with at least one court case against an online journalist.³ One journalist is on trial over an article published online in 2010. He was initially charged with “intent to defame the person of the President.”

On April 14, 2011, the regulator – the Uganda Communications Commission (UCC) – instructed ISPs to block access to Facebook and Twitter for 24 hours “to eliminate the connection and sharing of information that incites the public” in the face of opposition protests.”⁴ Uganda passed an interception of communications law in 2010 to give effect to aspects of an anti-terrorism law of 2002 under which journalists who “promote terrorism” can be liable to capital punishment. A registration of all SIM card owners in Uganda exercise concluded on May 31, 2013, which could make the monitoring easier.

Accordingly, the workshop addressed issues such as:

- 1) What are online freedoms and why do they need to be protected?
- 2) Status of online freedoms in Uganda.
- 3) Threats and challenges to online freedoms in Uganda
- 4) Strategising and network building for promoting and protecting online freedoms and online expression in Uganda.

² Top Sites in Uganda <http://www.alexa.com/topsites/countries/UG>

³ See CIPESA, Uganda’s Assurances on Social Media Monitoring Ring Hollow, June 10, 2013, <http://www.cipesa.org/2013/06/ugandas-assurances-on-social-media-monitoring-ring-hollow/>

⁴ CIPESA/ APC, Intermediary Liability in Uganda, April 2012, http://www.cipesa.org/?wpfb_dl=58

Workshop Presentations

Uganda Freedom on the Net Report 2013, Grace Natabaalo, Programme Associate, African Centre for Media Excellence

According to a 2013 report on the state of online freedom for Uganda⁵, which the presenter co-authored, there were no reports of internet content being blocked or filtered during 2012 and in the first quarter of 2013, although various government officials publicly expressed the “need” to police online discussions. The Uganda Communications Act 2012 was passed in September, creating a new media regulatory body that has been criticised for its lack of independence from the government. Meanwhile, SIM card and mobile internet registrations continued through early 2013 amid concerns that the registration requirements infringed on the right to privacy given the lack of a necessary data protection law. Overall, she said, government harassment for online writing was documented, while suspicions of proactive government surveillance of online communications increased in the past year.

Ms. Natabaalo said internet penetration was growing but there were hindrances to use, including poor infrastructure, prohibitive costs, and poor quality of service. Social media and blogging platforms were freely available in Uganda and they were among the most visited websites. In the past, however, there were incidents when the government directed Internet Service Providers to block access to certain services and sites. She noted that the Uganda police chief had recently called for policing of social media, and that there were several laws that appeared to negate constitutional guarantees for freedom of expression. She said Ugandans online were becoming more open but were often subjected to threats from government functionaries. She also mentioned that there was self-censorship online, with matters of the president’s family and many issues related to the military considered taboo topics. Overall, Uganda was categorised by freedom House as ‘Partly Free’.

The Ugandan blogosphere, privacy and threats to expression, Esther Nakkazi, a blogger and journalist: According to Ms. Nakkazi, the use of technology can have positive and negative impacts. Citing a report by the Swedish Programme for ICTs in Developing Regions (Spider) she said technology allows people to connect with one another at a speed and scale unimaginable and with a degree of anonymity. However, what we do now to preserve privacy and fundamental freedom online will have a profound effect on the next generation of users: either the number will grow or shrink. In Uganda, the number of users is growing but there is a need to ponder privacy considerations. As has been noted by Spider, privacy is a right and human rights are universal. As such, behaviour that is unacceptable offline is unacceptable online, whether by governments or individuals. Therefore, users of social media and other ICTs need to be aware that the responsible behaviour expected in the offline world is also expected in the online world.

⁵ Freedom House, Freedom on the Net 2013 Report, <http://www.freedomhouse.org/report/freedom-net/freedom-net-2013>

She stated that the internet is a key means by which individuals can exercise their right to freedom of opinion and expression, as guaranteed by Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. But there are many other uses to which Ugandans are putting the internet, with blogs, twitter and Facebook among the prominent platforms used. These include: for 'exhibitions' (pictures and videos) of their social lives, or to converse. There is also discussion of politics and news; monitoring of services delivery, searching for funding, doing business, sports betting, participation in interest groups, marketing and many more.

However, there are threats to privacy and free expression for Ugandan internet users. Access to at least one site was blocked (Radio Katwe), journalist Timothy Kalyegira was charged over an article he published online, local princess Ruth Komuntale had her privacy severely invaded during a break-up of her marriage, and there are indications of government agencies intending to monitor what citizens are doing online. There is also a lot of false unchecked information online.

This raises some questions: Who are the people who are under threat? And if we want to protect internet rights, how do we promote responsible behaviour? Are there existing systems with models we can build on? How can anonymity be secured in situations when anonymous submissions and leaks of sensitive information are communicated? Are there circumstances in which we need to adjust these concerns? Who needs to have oversight? Who needs to be involved? What external expertise do we need to have?

Introduction to the OpenNet Africa Initiative – Ashnah Kalemera, Programmes Associate, CIPESA

The OpenNet Africa⁶ Initiative aims to promote and monitor internet freedoms in East and Southern Africa, with the focus countries being Burundi, Ethiopia, Kenya, Rwanda, South Africa, Tanzania, and Uganda. Why OpenNet Africa? Because there are few conversations in African countries on online matters; and where these conversations related to internet freedoms are taking place, they are often not informed by research, nor are they driven by an agenda that seeks to educate citizens and promote liberal regimes of online rights. And yet if digital technologies can promote democracy, there is need to protect individuals and organisations that use these technologies. The OpenNet Africa portal contains primary and secondary data, including:

- Information on African internet freedoms and cyber security
- Research Materials
- Censorship incidents
- African Initiatives promoting internet rights
- Policy and advocacy material.

⁶OpenNet Africa, www.opennetafrika.org

Defending Digital Rights in Uganda, Godfrey Wokulira Ssebagala, Director, Unwanted Witness Uganda⁷.

Unwanted Witness was founded to defend digital rights and to join hands with other organisations working to promote digital freedoms and the use of modern technologies to change lives. With the proliferating use of ICT tools, it was realised that there were opportunities, threats and challenges.

The presenter stated that secret surveillance was going on in Uganda, with security services spying on unsuspecting citizens. He said telecom providers were accomplices in the government-run surveillance. According to him, there are three pieces of legislation in Uganda – all passed in the last three years – on interception of communications, computer misuse, and the communication regulatory authority – which could be used to deny citizens their internet rights. He regretted that the policymaking process related to these policies was not participatory.

Threats and Challenges to Online Rights; Strategies for Network Building and Advocacy - Lillian Nalwoga, Policy Officer, CIPESA.

This session focused on prevalent threats and challenges to online freedoms in Uganda, and drew up some advocacy and network building possibilities. Below is a summary.

Threats to online freedoms in Uganda	Challenges to online freedoms in Uganda	Actions needed
Limited skills/ awareness of internet usage	Low digital literacy levels	Increase public awareness through sensitisation both online and offline
Low internet penetration in the country	Limited accessibility & affordability of internet	Train users, civil society in online etiquette
Hackers' intrusion into users' private information	Low access to electricity	Train police/ security agents on online freedoms
High data prices online	Strict policies/laws on internet usage/online freedom	Advocate increased awareness of/ affordability of internet
Conservatism, religion and culture	Uganda's capacity to monitor online freedom	Advocate for Uganda govt. to respect online freedoms
Government surveillance on online freedom	Surveillance by government	Cyber laws should be changed to respect online freedoms

⁷ Unwanted Witness, <https://unwantedwitness.or.ug>

Discussions

There were questions on the methodology of the Freedom House report, specifically what issues are evaluated to determine whether the country is free or not free as far as freedom on the net was concerned. There was also debate on whether these evaluation criteria added up to the state of democracy in a country. It was widely held that a country where there was no online freedom was unlikely to be democratic.

It was pointed out that in Uganda, journalists plus all people who are active users of social media, as well as activists – for human rights, environmental protection, or gay rights – are potentially under threat. There was therefore need to protect the internet rights of a broad category of users but also to make them responsible while they communicate and engage via digital technologies. Social media users were also advised to use as many channels as possible, rather than relying on one to avoid being shut down completely if one of their platforms was interfered with.

There were concerns about the possibility that Huawei, the Chinese company installing a fibre backbone for the Uganda government, could carry out surveillance on users. The media was challenged to educate the public on the importance of protecting internet freedoms, while government was challenged to do more to increase internet access and use. However, there was need to create awareness about online freedoms-related legislations among not only ordinary citizens but also the media and legislators.

Participants also regretted that few Ugandans take part in policy making processes, even in instances where parliamentary committees call for public input. Concern was also expressed that the country's laws, including those that were ICT-related, seemed to be mainly concerned with controlling citizens rather than assuring their privacy and giving them space for free expression.

Furthermore, civil society was challenged to keep an eye out on the data protection bill which cabinet had debated and which might soon be in parliament. It was also noted that if government officials were not engaged in dialogues and awareness raising activities on internet rights, little might be achieved in promoting progressive policies and practices on online freedoms.

Finally, civil society was advised not to campaign for “rogue freedom”. In other words, civil society should promote responsible use of ICTs, with users educated on legal and legitimate limits to their freedoms, otherwise irresponsible behaviour might give the government an excuse to clamp down on citizens' freedoms.

Media Coverage

The Daily Monitor, Government tapping phone calls illegally, say rights bodies, December 3, 2013, <http://www.monitor.co.ug/News/National/Government-tapping-phone-calls-illegally--say-rights-bodies/-/688334/2096244/-/142nai0/-/index.html>

Video Footage

1. <http://www.youtube.com/watch?v=0O-TieP4P8Y&feature=youtu.be>
2. <http://www.youtube.com/watch?v=1rKXQQjBxR4>
3. <http://www.youtube.com/watch?v=E7frR97fhd8&feature=youtu.be>
4. <http://youtu.be/ODBb7rCZLIs>

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This workshop was carried out with support from the Web We Want campaign. CIPESA's work on promoting online freedoms in Africa, which includes the OpenNet Africa initiative (www.opennetafrika.org), is also supported by HIVOS and the International Development Research Centre (IDRC), Ottawa, Canada.