



Technology and Elections in Uganda

A Digital Rights View of the January 2021 General Elections

Policy Brief

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VOTE



Introduction

As Uganda heads to presidential and parliamentary elections in January 2021, digital communications have taken centre-stage and are playing a crucial role in how candidates and parties engage with citizens. The country's electoral body decreed in June 2020 that, due to social distancing required by COVID-19 standard operating procedures, no physical campaigns would take place so as to ensure a healthy and safe environment for all stakeholders.¹ Further, Parliament passed the Political Parties and Organisations (Conduct of Meetings and Elections) Regulations 2020,² which aim to safeguard public health and safety of political party activities in light of the COVID-19 pandemic and, under regulation 5, provide for holding of political meetings through virtual means. The maximum number of persons allowed to attend campaign meetings was later set at 70 and then raised to 200.³

The use of the internet and related technologies is growing steadily in Uganda with 18.9 million subscribers, or 46 internet connections for every 100 Ugandans.⁴ However, radio remains the most widely accessible and usable technology with a penetration of 45%, compared to television at 17%, and computers at 4%.⁵ For the majority of Ugandans, the internet remains out of reach, particularly in rural areas where 75.5% of Ugandans live. The current election guidelines mean that any election process that runs predominantly on the back of technology and minimal physical organising and interaction is wont to come upon considerable challenges. Given Uganda's history of curtailing usage of digital technologies during elections (including through websites blockage, SMS censorship, mobile money and social media shutdowns), and prosecution of various individuals that published opinions critical of the government, a level playing field for technologically-aided elections cannot be guaranteed.

Will the 2021 elections see government organs leverage incumbency to appropriate the power of technology to their self-serving interests? Or will they allow fair, meaningful, and transformative use of technology in the elections? This brief highlights the likely play-out of Uganda's so-called "scientific election" - one that is tech-based and honours the COVID-19 standard operating procedures (SOPs), and what it means for electoral democracy in the country.

¹ The Electoral Commission, *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections*, <https://www.ec.or.ug/news/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections>; Charles M. Mpagi, *2021 Election: Uganda Opts for Virtual Campaigns*, <https://tinyurl.com/ycqvcex5>

² See the regulations

<http://parliamentwatch.ug/wp-content/uploads/2020/07/The-Political-Parties-and-Organisations-Conduct-of-Meetings-and-Elections-Regulations-2020.pdf>

³ Mubiru Ivan, *Places of worship, political rallies can now accommodate 200 people, bars still closed- Health Ministry lifts some lockdown restrictions*, the Watch Dog, <https://www.watchdoguganda.com/news/20201109/104044/places-of-worship-political-rallies-can-now-accommodate-200-people-bars-still-closed-health-ministry-lifts-some-lockdown-restrictions.html>

⁴ Uganda Communication Commission, *Market Performance Report April-June, 2020*, <https://www.ucc.co.ug/wp-content/uploads/2020/10/Industry-Performance-report-Q2-20.pdf>

⁵ Uganda Bureau of Statistics, *Uganda National Household Survey 2016/17 Report*, https://www.ubos.org/wp-content/uploads/publications/03_20182016_UNHS_FINAL_REPORT.pdf

Why a Tech-Based 'Scientific Election'?

Following the outbreak of COVID-19, the Uganda government banned public gatherings, including political rallies, on March 18, 2020.⁶ The Electoral Commission subsequently determined that elections would go ahead in January 2021 as constitutionally required, but would rely on technology and uphold COVID-19 SOPs. President Yoweri Museveni noted in June 2020 that this was the most appropriate arrangement given the low risk of using radio, television, and online media in lieu of public rallies.⁷ The electoral body had considered whether the polls could be postponed without violating the constitution. Section 21 of the Presidential Elections Act, 2005 and section 2(1) of the Parliamentary Elections Act, 2005 give the Commission powers to determine the manner and the period during which campaigns shall take place.

On July 9, 2020, parliament passed the Political Parties and Organisations (Conduct of Meetings and Regulations) 2020 which empower political parties to, among others, hold virtual meetings.⁸ However, while technology complements physical campaigns, its adoption as a primary tool for soliciting political support may be ineffective in a country where most people cannot afford digital technology and its associated costs.⁹

Technology has the potential to enhance efficiency, cost effectiveness, and electoral transparency.¹⁰ Popular technology-enabled electoral processes include biometric voter registration, e-voting, malpractice monitoring, votes tallying and transmission of results - and these can build confidence in the legitimacy of elections. Furthermore, the use of technology in elections has been touted as inclusive for supporting the remote participation of marginalised groups including the elderly and persons with disabilities.¹¹

However, disparities in access to technology among the electorate and political parties, and privacy risks, are key concerns. Nevertheless, some African countries are adopting more sophisticated technologies in conducting elections.¹² In Uganda's case, the breadth of the technology used in elections is limited. For instance, there will not be e-voting or electronic tallying of results. Still, technology usage in canvassing support and biometric voter verification could provide interesting lessons, not least because the election will be held amidst social distancing protocols dictated by the COVID-19 pandemic.

⁶ John Bwire, *Museveni orders closure of schools, suspends religious gatherings over coronavirus*, <https://www.monitor.co.ug/News/National/Museveni-closes-schools-religious-gatherings-coronavirus/688334-5495888-srauuwz/index.html>

⁷ President Yoweri Museveni's Address to the Nation, June 22, 2020, <http://statehouse.go.ug/sites/default/files/attachments/speeches/address-corona-virus-22-june-2020-converted.pdf>

⁸ Parliament of the Republic of Uganda, *Parliament Approves political party guidelines*, <https://www.parliament.go.ug/news/4713/parliament-approves-political-party-guidelines>

⁹ *The Independent*, *2021 Elections: How practical are scientific campaigns for Uganda?*, <https://www.independent.co.ug/2021-elections-how-practical-are-scientific-campaigns-for-uganda/>

¹⁰ ACE Project, *Elections and Technology*, <https://aceproject.org/ace-en/topics/et/onePage>

¹¹ *Ibid.*

¹² Craig McIntosh, et. al, *Using Technology to Promote Electoral Participation in South Africa*, <https://www.povertyactionlab.org/evaluation/using-technology-promote-electoral-participation-south-africa>; Stephen Chan, *Africa leads the way in election technology, but there's a long way to go*, <https://theconversation.com/africa-leads-the-way-in-election-technology-but-theres-a-long-way-to-go-84925>; and Calestous Juma, *Somaliiland's voting technology shows how Africa can lead the world*, <https://theconversation.com/somaliland-voting-technology-shows-how-africa-can-lead-the-world-87311>

Fast Tracking the Role of Technology in Elections in Uganda

The media offers an important platform for bridging the physical gap between the electorate and candidates. In 2006, broadcast media and online media started to gain particular relevance in Uganda's electoral process. However, the 2015/2016 electioneering season set a precedent in candidates' use of technology to reach and engage with citizens. One of the aspirants announced his presidential candidature via YouTube.¹³ Social media platforms, particularly Facebook and Twitter, facilitated political campaigns for tech-savvy candidates, especially among the youth. Hashtags like #Ugandadecides, #UGDebate16, and #IchoosepeaceUG, trended on social media as voters engaged with candidates.¹⁴

Uganda held its first ever televised presidential debates in 2016. The debates aimed to help voters to better understand the presidential candidates' plans and promote a sense of tolerance and peaceful co-existence amongst citizens.¹⁵ Under the hashtag #UGDebate16, citizens shared their views and engaged candidates through Twitter. The television debates complemented physical campaigns, the use of radio, print media, and online campaigns.

In the 2020-2021 election period, limits on political rallies are hindering citizens' active participation in the electoral process.¹⁶ Those who lack access to phones, the internet, television or radio are likely to be left out of political processes. Moreover, the use of social media campaigns may not be as popular as it was in 2016, when it was cheaper for connected citizens to access social media.

On July 1, 2018, Uganda introduced a tax on "Over-the-Top" (OTT) services, which requires every user of social media to pay UGX 200 (USD 0.05) per day before accessing social media platforms.¹⁷ Such a service that requires consumers to pay an extra tax before gaining access means its use will be limited. Indeed, once the tax was implemented, over five million subscribers dropped off internet usage,¹⁸ and the stifling effect of the tax on internet access endures to-date.

As of June 2020, Uganda's telephone penetration stood at 61% (25.5 million subscriptions).¹⁹ These figures indicate relatively high penetration rates that can potentially support the conduct of the "scientific campaigns", yet these technologies clearly remain beyond the reach of most Ugandans.

Issues of access and affordability aside, given the National Resistance Movement (NRM) government's record of curtailing digital rights and, notably, stifling expression and the free flow of information at election times, will state agencies allow fair, meaningful, and transformative use of technology in the upcoming election? Or will state organs leverage incumbency to appropriate the power of technology to their self-serving interests? Below we explore some key issues to look out for in the tech-aided 2021 general election in Uganda.

¹³ CIPESA, *Analysis of Twitter Activity on Election Eve and Election Day in Uganda*, https://cipesa.org/?wpfb_dl=216 ; VoA, *Social Media Offers Young Voices a Platform During Uganda Election*, <https://www.voanews.com/africa/social-media-offers-young-voices-platform-during-uganda-election>

¹⁴ Serginho Roosblad, *Social Media Offers Young Voices a Platform During Uganda Election*, <https://www.voanews.com/africa/social-media-offers-young-voices-platform-during-uganda-election>

¹⁵ UNDP, *Press release: Uganda to hold first televised Presidential Debate of the 2016 general election today #UGDebate16*, <https://tinyurl.com/y989bcc7> ; UNDP, *Press release: Uganda to hold second televised Presidential Debate for the 2016 general election #UGDebate16*, <https://tinyurl.com/ycx9uko5>

¹⁶ Baker Batte, 2021: candidates to campaign from radio, TV as EC bans rallies, <https://observer.ug/news/headlines/65276-ec-bans-presidential-election-campaign-rallies>

¹⁷ Yasiin Mugerwa and Tom Malaba, *Museveni slaps new taxes on social media platforms*, <https://www.monitor.co.ug/News/National/Museveni-taxes-social-media-users-Twitter-Skype/688334-4366608-oilivjz/index.html>

¹⁸ Juliet Nanfuka, *Social Media Tax Cuts Ugandan Internet Users by Five Million, Penetration Down From 47% to 35%*, <https://cipesa.org/2019/01/%EF%BB%BFsocial-media-tax-cuts-ugandan-internet-users-by-five-million-penetration-down-from-47-to-35/>

¹⁹ Uganda Communication Commission, "Market Performance Report April - June, 2020," *supra*.

Data Protection and Privacy

Data protection and privacy is a fundamental right that needs to be observed by campaigners, candidates and political parties. Personal data collected for electoral purposes before, during and after elections needs to be respected by those who gather it, as they must abide by their responsibilities as “controllers” of that data under the data protection law.

In 2019, Uganda enacted the Data Protection and Privacy Act to protect the privacy of the individual and of data. The Act gives effect to article 27 of the constitution, which provides for the right to privacy. However, the regulations to guide the implementation of the Act are still in draft form. In 2010, a new voter registration system was launched to capture and store voters’ fingerprints²⁰ with the hope that the system would weed out voter fraud.²¹ Using the Biometric Voter Verification System (BVVS), finger prints and images of all registered voters were captured to update the national voters’ register. Records of voters were obtained from the National Security Information System, of which 15,277,198 were confirmed as registered voters.²² The BVVS uses fingerprints to match voter details to confirm that the voter is on the voters’ roll for a given polling station. The data in the BVVs includes the name, place and date of birth, location of the polling station and fingerprints of the voter.²³ The system entailed mass collection and processing of the data of individual voters, whose security was not guaranteed. For instance, one could obtain the personal details of any registered voter including voting location by sending their voter numbers in form of a short message (SMS) through a mobile phone. Yet there was no means to verify that personal details did not go to wrong persons or unscrupulous individuals.

Prior to holding the February 2016 elections, the Registration of Persons Act was passed in 2015. The Act establishes the National Registration and Identification Authority (NIRA), and requires all persons in Uganda to register, save for refugees and non-residents who are staying in the country for not more than 90 days. In section 65(2), the Act provides that the Electoral Commission “may use the information contained in the register to compile, maintain, revise and update the voters’ register.” Indeed, the NIRA register served as the voters’ register in 2016 and the electoral body continues to use NIRA data to update its register.²⁴

It had been hoped that using NIRA data would ensure a clean voters’ register in comparison to the previous elections where voters missed out on casting their votes due to data errors.²⁵ The use of NIRA data, however, raised fears that many would miss out on voting due to failure to register for the national identity (ID) cards.²⁶ Worse still, those who turned 18 years between May 2015 and February 18, 2016 were left out as a result of relying on the NIRA database.²⁷

The BVVS will be used in 2021 and could potentially disenfranchise citizens who do not possess national IDs.²⁸ Additionally, given previous experiences of using personal data during elections while not adhering to privacy requirements, the situation may not be any better with the upcoming election since regulations to guide implementation and enforcement of the data protection law are yet to be issued. Violation of the rights of data subjects including unlawful data usage by political actors who have control over state institutions and resources, including the BVVS, in their search for voters’ support might get worse during this electoral period. The possibility to use individuals’ credentials in tallying votes even where they did not cast votes cannot be underestimated.

²⁰ Sheila Naturinda, 2011 elections: New voter registration system launched, <https://www.monitor.co.ug/News/National/688334-895308-c7iibfz/index.html>

²¹ Ibid.

²² Electoral Commission: 2015/2016 General Elections, <https://www.ec.or.ug/docs/Report%20on%20the%202015-2016%20General%20Elections.pdf>

²³ Uganda Electoral Commission, 19/1/2016: Biometric Voter Verification System (BVVS), <https://tinyurl.com/ybvhxksp>

²⁴ Patience Ahimbisibwe and Franklin Draku Ezaruku, New voter registration will breed election chaos - EC boss, <https://www.monitor.co.ug/News/National/We-can-t-reopen-voter-registration-EC-boss/688334-5477230-1285xb7/index.html>

²⁵ Crispy Kaheru, Data from national ID register can make voters' role much better, <https://www.newvision.co.ug/news/1323425/national-id-register-voters-role>

²⁶ Nelson Wesonga, Millions May Miss Voting Over National IDs - EC, <https://www.monitor.co.ug/SpecialReports/Elections/Millions-may-miss-voting-over-national-IDs---EC/-/859108/2983320/-/13im600/-/index.html>

²⁷ Biometric voter registration: Lessons from Ugandan polls, <https://www.independent.co.ug/biometric-voter-registration-lessons-from-ugandan-polls/>

²⁸ The Independent, EC seeks UGX 100b for biometric voter verification machines, <https://www.independent.co.ug/ec-seeks-ugx-100b-for-biometric-voter-verification-machines/>

Use of Social Media Bots and Disinformation

During the 2016 electioneering period, the incumbent Yoweri Museveni, who has been Uganda's president for 34 years and is standing for re-election, heavily used social media bots and robocalls to try to influence and dominate online narratives. Bots were also used by at least one opposition candidate's team.

Bots are computer software programmes designed to perform automated tasks that are majorly repetitive.²⁹ In the 2016 presidential elections debates (#UgDebate16), at least 5,000 bots were used to tweet in favour of popularising Museveni's content during the second presidential debate.³⁰

Earlier in 2011, Museveni employed robocalls to solicit voters' support. Robocalls are automated phone calls that deliver pre-recorded messages to a large number of people.³¹ In the automated calls, Museveni reminded voters of his distinct symbol of a hat and asked them to vote for him.³² Notably, Museveni's use of robocalls indicated unauthorised access to the mobile subscribers' registries held by telephone service providers.³³ These past experiences show that the ruling party and other contenders use automated methods to influence narratives during the elections. These could potentially shape media debates and influence voters to make choices of candidates on the basis of biased and misleading information.

Disinformation and misinformation are also common features in the electoral process. Disinformation refers to information which is false, such as propaganda, which is deliberately intended to mislead. The source of disinformation may be individuals or groups of individuals, organisations, or governments. On the other hand, misinformation is false or incorrect information which is deliberately shared whether there is intent to mislead or not.

In the ongoing 2020-2021 general elections, analysis of social media shows the existence of accounts centred on promoting particular candidates ideologies, or quoting dubious statistics purporting to show that particular candidates' were so popular that they were sure to win the presidential poll. Indeed there are many fake social media accounts that have been tagged to many presidential candidates, including Museveni, Henry Tumukunde, and Norbert Mao, to promote the respective candidates as the voters' favourite.³⁴ Fake social media accounts are a duplication of accounts that aim to manipulate or attack individuals.

²⁹ Cloudflare, *What Is a Bot? | Bot Definition*, <https://www.cloudflare.com/learning/bots/what-is-a-bot/>

³⁰ CIPESA, *Analysis of Twitter Activity on Election Eve and Election Day in Uganda: Monitoring Uganda Elections Series 02, April 2016*, https://cipesa.org/?wpfb_dl=216

³¹ Merriam Webster, *robocall*, <https://www.merriam-webster.com/dictionary/robocall>

³² *Ugandan leader Stuns Voters with Robocalls*, <https://www.reuters.com/article/us-uganda-election-robocalls/ugandan-leader-stuns-voters-with-robocalls-idUSTRE71F5NR20110216>

³³ John Semakula, *How did NRM win over the youth?* <https://www.newvision.co.ug/news/1014250/nrm-win-youth>

³⁴ Christopher Kisekka, *Fake social media accounts threaten virtual campaigns – Experts*, <https://ugandaradionetwork.net/story/fake-social-media-accounts-threaten-virtual-campaigns-experts->

Network Disruptions

During the 2006 elections, the Daily Monitor newspaper website was temporarily blocked for publishing electoral results directly from polling stations.³⁵ During the same period, critical online news website Radio Katwe was blocked for being critical of the ruling party and its presidential candidate.³⁶

In 2011, the communications regulator, Uganda Communications Commission (UCC), ordered internet service providers to block SMS messages that contained the words “Egypt”, “bullet,” “people power”, “Tunisia”, “Mubarak”, “dictator”, “teargas”, “army”, “police”, “gun”, “Ben Ali” and “UPDF”³⁷ in fear that the elections would turn violent under the influence of the Arab Spring pro-democracy movement that swept across North Africa, largely influenced by social media.³⁸ In the aftermath of the general election, when opposition leader Kizza Besigye organised the “Walk to Work” protests, UCC ordered the blocking of social media.³⁹

The year 2016 saw the role of technology in electoral processes face greater threats when social media and mobile money services were blocked during the general elections over “national security” reasons.⁴⁰ Further, during the swearing-in of the incumbent, who had been re-elected in a poll whose results were contested by opponents, social media access was once again restricted.⁴¹ The temporary shutdown of social media was enabled by section 5(1) (b) and (x) of the 2013 Uganda Communications Commission Act which permits the communications regulator to “monitor, inspect, license, supervise, control, and regulate communications services” and to “set standards, monitor, and enforce compliance relating to content.”⁴² Given the past repeated experiences with network disruptions, there is potential recurrence of similar measures in the upcoming elections. This would curtail citizens’ freedom of expression and access to information, undermine electoral transparency, and place the legitimacy of the poll results into question.

³⁵ Committee to Protect Journalists, *Attacks on the Press in 2006 - Uganda*, <https://www.refworld.org/docid/47c5674727.html>

³⁶ Richard Komakech, *UCC ordered blocking Radio Katwe* https://www.newvision.co.ug/new_vision/news/1154037/ucc-blocking-radio-katwe-eur-mtn

³⁷ Elias Biryaberema, *Uganda bans SMS texting of key words during poll*, <https://www.reuters.com/article/ozatp-uganda-election-telecoms-idAFJ0E71G0M520110217>

³⁸ Idris, I., *Analysis of the Arab Spring*, <https://gsdrc.org/wp-content/uploads/2016/04/HDQ1350.pdf>

³⁹ African Centre for Media Excellence, *In Face of Unrest, Uganda Seeks to Block Social Media Websites*, <https://acme-ug.org/2011/04/19/in-face-of-unrest-uganda-seeks-to-block-social-media-websites/>

⁴⁰ Frederic Musisi, *Social media, Mobile Money switched off over national security concerns*, <https://www.monitor.co.ug/News/National/Social-media-Mobile-Money-switched-off-over/688334-3082556-fnl4xjz/index.html>

⁴¹ Frederic Musisi, *Government shuts down social media again*, <https://www.monitor.co.ug/News/National/Government-shuts-down-social-media-again/688334-3201024-qxvhrxz/index.html>

⁴² *Uganda Communications Act, 2013*, <http://ucc.co.ug/files/downloads/UCC%20Act%202013.pdf>.

Unbalanced Access to Media

Access to print, visual, audio and audio-visual media is important as a tool for reaching voters and for soliciting support. The 2016 general election was characterised by unbalanced access to the media, with the incumbent being favoured over his opponents. For presidential elections, Museveni enjoyed a lion's share of the total media coverage of 45% on television, 39% in newspapers and 41% on radio.⁴³ Amama Mbabazi of Go Forward had a coverage share of 19% on television, 29% in newspapers and 24% on radio; while Kiiza Besigye of Forum for Democratic Change had 22% on television, 21% in newspapers, and 23% on radio.⁴⁴

Unbalanced access to state-owned media runs contrary to article 67(3) of the Constitution and Section 24(1) of the Presidential Elections Act which provide that all presidential candidates shall be given equal time and space on state-owned media to present their programmes to the people. Further, section 23(2) of the Presidential Elections Act provides for unhindered freedom of expression and access to information during campaigns. Further, imbalance in access is contrary to section 22(1) of the Parliamentary Elections Act which states that "a candidate in an election shall not be denied reasonable access to and use of, state-owned communication media."

Indeed, the Supreme Court alluded to this in its finding in the presidential election petition filed by Amama Mbabazi, in which it stated that the public broadcaster, Uganda Broadcasting Corporation (UBC), had failed in the duty to accord equal time and space to candidates.⁴⁵ The court recommended that the electoral law should be amended to provide for sanctions against any state organ or officer who violates this constitutional duty.⁴⁶ Section 27 of the Presidential Elections Act allows the president holding office to use state resources for campaigns. In essence, during the campaign period the sitting president has control over state resources including state-owned media.

According to the National Population and Housing Census of 2014, radio was found to be the main source of information at 55%, followed by word of mouth at 19.6%, television at 7.2%, internet at 7.3%, and print media at 2.1%.⁴⁷ It remains to be seen whether in the 2021 general elections, the media, including state-owned platforms, will offer equal space and time to all candidates. Besides, warning signs have already been manifested in various ways including directives to media platforms to suspend staff over alleged unbalanced reporting in favour of the political opposition,⁴⁸ blocking opposition press conferences coupled with arrests of leaders⁴⁹ and journalists,⁵⁰ as well as blocking access to media.⁵¹

Moreover, privately owned media is profit-oriented and could potentially be interested in covering events of those who pay for their service, with those who offer higher fees enjoying wider coverage. There are doubts therefore as to whether candidates will be able to reach the electorate, which could leave individuals devoid of information and meaningful participation in the elections.

⁴³ ACME, *Mixed report card for Ugandan media on coverage of 2016 election*, <https://acme-ug.org/2016/06/22/acme-report-gives-media-a-mixed-report-card-for-coverage-of-2016-election/>

⁴⁴ *Ibid.*

⁴⁵ *Presidential Election Petition No. 01 of 2016*, <https://ulii.org/ug/judgment/supreme-court/2016/4>

⁴⁶ *Ibid.*

⁴⁷ Uganda Bureau of Statistics (UBOS), *The National Population and Housing Census 2014 – Main Report*, https://www.ubos.org/wp-content/uploads/publications/03_20182014_National_Census_Main_Report.pdf

⁴⁸ *Bobi Wine: UCC orders suspension of 39 journalists at 13 media houses*, <https://observer.ug/news/headlines/60575-ucc-orders-suspension-of-39-journalists-at-13-media-houses>

⁴⁹ *Bobi Wine arrested in Uganda – VIDEO*, <https://citizentv.co.ke/news/bobi-wine-arrested-in-uganda-video-242022/>

⁵⁰ HRNJ, *Ugandan police harass and detain journalists covering opposition politician Bobi Wine*, <https://www.hrnjuganda.org/ugandan-police-harass-and-detain-journalists-covering-opposition-politician-bobi-wine/>

⁵¹ Denis Edema, *Police disperse Bobi Wine supporters in Jinja*, <https://www.monitor.co.ug/News/National/Police-disperse-Bobi-Wine-supporters-in-Jinja/688334-5591690-p7arlsz/index.html>

Increased Surveillance

State surveillance - the state measures to monitor and supervise citizens' activities - is on the rise in Uganda. Some of the mostly affected categories include human rights defenders (HRDs), journalists, activists and political opposition leaders. Harassment, intimidation, arrests, detentions and prosecution of political critics are common.⁵²

However, the nature and scope of surveillance by the Uganda government still remains uncertain. Due to its secret nature there is no transparency and accountability by private entities and government bodies involved in surveillance. The electronic surveillance in Uganda includes the interception of digital communications, use of spyware, video surveillance and the use of facial recognition technology. Physical surveillance is prevalent too and often entails security agents monitoring the activities and movements of targeted individuals, who are often opposition leaders or human rights activists.

The Regulation of Interception of Communications Act (RICA) 2010 allows for interception of communications. To give effect to the surveillance, a monitoring centre for intercepting communications is established by section 3 of the law. Furthermore, section 11 requires telecom providers to make their services capable of being intercepted.

Uganda is reportedly equipped with Fin Fisher spyware which enables the surveillance of political opposition activities.⁵³ Further, in 2017 there were reports of government setting up a monitoring centre to spy on social media activists,⁵⁴ while in 2019 the Uganda government allegedly used expertise from a Chinese technology company Huawei to spy on opposition politicians including People Power leader Robert Kyagulanyi a.k.a. Bobi Wine.⁵⁵ Since July 2019, Huawei has been installing a closed-circuit television (CCTV) system whose command centre is at the police headquarters in Kampala, initially with 83 monitoring centres and 522 operators, and with facial recognition capabilities.⁵⁶

The increased surveillance has had a chilling effect on freedom of expression and could potentially lead to self-censorship and curtailment of access to information, freedom of assembly and association. The fear of surveillance will likely hinder some voters from expressing their views and identifying with issues and groups which the government is cagey about. This will affect voter choices and the ability of candidates to engage with voters.

⁵² Amnesty International, Uganda Overview, <https://www.amnesty.org/en/countries/africa/uganda/>

⁵³ Benon Herbert Oluka, Govt Spends Shs 200bn on Spying Gadgets, <https://www.observer.ug/news-headlines/40521-govt-spends-shs-200bn-on-spying-gadgets>

⁵⁴ Gov't plans to monitor social media" May 31, 2013, https://www.newvision.co.ug/new_vision/news/1321505/gov-plans-monitor-social-media

⁵⁵ Joe Parkinson, Nicholas Bariyo and Josh Chin, Huawei Technicians Helped African Governments Spy on Political Opponents, <https://www.wsj.com/articles/huawei-technicians-helped-african-governments-spy-on-political-opponents-11565793017>

⁵⁶ Quartz, Uganda is using Huawei's facial recognition tech to crack down on dissent after anti-government protests, <https://tribunecontentagency.com/article/uganda-is-using-huaweis-facial-recognition-tech-to-crack-down-on-dissent-after-anti-government-protests/>

Crackdown on Dissenters

The Uganda Communications Commission (UCC) regulates the publication and sharing of information on broadcast and online platforms. The commission's mandate over broadcast media and the ICT sector is well articulated in the country's legislation, but less so its oversight over social networking platforms. Section 5 (1) (a), (b), (k), (x) and (z) of the Uganda Communications Act empowers the UCC to licence and regulate standards for the communications sector. Further, the UCC Act under section 31 read together with the fourth schedule sets the minimum broadcasting standards, hence prohibiting the publication of content that offends public morality, promotes violence, is distorted or creates public insecurity or violence.

In fact, the UCC has been accused of overreach in its decision to register and licence online content creators that include social media users. Nonetheless, the commission continues to invoke its overly broad powers and to issue regulations to govern online content creators. In 2018, the UCC through a public notice instructed all online data communication service providers, including online publishers, online news platforms, online radio and television operators to immediately apply and obtain its authorisation. The public notice was reinforced in 2020 and October 5, 2020 set as the deadline for compliance.⁵⁷ In 2019, UCC announced that social media users including politicians who have huge followings on social media, news, radio and television should register and pay an amount of USD20 (74017.3) before obtaining licence to publish content online.⁵⁸ More recently, UCC has written to Google to block up to 14 YouTube channels which the regulator accuses of broadcasting information that potentially compromises national security. They include Ghetto TV, Bobi Wine, 2021KKTv, JB Muwonge 2, Ekyooto TV, Uganda Empya, Busesa Media Updates, Map Mediya TV, Uganda Yaffe, Trending Channel UG, Lumbuye Fred and TMO online, Namungo Media and Uganda News Updates.⁵⁹ Google has responded that closure of a YouTube Channel requires a court order.⁶⁰

These moves by the regulator are generally regarded as following in a pattern of repressive UCC oversight over the broadcasting and online publishing sector. The measures, under which UCC has ordered all persons who provide online data communication and broadcasting services including blogs, online televisions, online radios, and online newspapers to obtain its authorisation, curtail online expression and the free flow of information. They promote self-censorship due to fear of easy identification, arrest, and prosecution, thereby putting a chill on the enjoyment of digital rights.⁶¹ These punitive measures also mirror a pattern of arrests of individuals for publishing on online mediums "false information" or "annoying the person of the president."

The Computer Misuse Act, 2011 under section 25 prohibits wilfully and repeated use of electronic communication to disturb or attempt to disturb the peace, quiet or right of privacy of any person. Further still, section 3(b) of the Press and Journalists Act⁶² and the Professional code of ethics for journalists and editors under paragraph 2 prohibit publication of false news. False news has been used to arrest, detain and prosecute individuals using the Computer Misuse Act as earlier mentioned. There are also early warning signs that the aforementioned provisions and laws will be widely used to persecute and prosecute those found to be in the offensive.⁶³

⁵⁷ *Reminder to Providers of Online Data Communication and Broadcasting Services to Obtain Authorisation*, <https://www.ucc.co.ug/reminder-to-providers-of-online-data-communication-and-broadcasting-services-to-obtain-authorisation/>

⁵⁸ *Apollo Mubiru, UCC registers online publishers and influencers*, <https://www.newvision.co.ug/news/1504833/ucc-registers-online-publishers-influencers>

⁵⁹ *Alex Otto, UCC Asks Google to Block Pro-Bobi Wine YouTube Channels*, URN, <https://ugandaradionetwork.net/story/ucc-asks-google-to-block-pro-bobi-wine-youtube-channels>

⁶⁰ *Joan Banura Follow on Twitter, Google Responds To UCC Over Closure of YouTube Channels*, <https://pctechmag.com/2020/12/google-responds-to-ucc-over-closure-of-youtube-channels/>

⁶¹ *Edrine Wanyama, Registration of Online Publishers and Broadcasters Threatens Free Expression in Uganda*, <https://cipesa.org/2020/09/registration-of-online-publishers-and-broadcasters-threatens-free-expression-in-uganda/>

⁶² *Chapter 105*, <https://www.parliament.go.ug/cmis/browser?id=f6852c88-0d0a-4b7b-ad9c-c9c4579f786f%3B1.0>

⁶³ *Uganda Communications Commission, Public Advisory Notice on Circulation of Fake Information*, <https://uccinfo.blog/2020/03/22/public-advisory-notice-on-circulation-of-fake-information/>

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The law specifically the Computer Misuse Act has been used severally to arrest and prosecute individuals over their online communications, and appears to be the primary law used by Ugandan authorities to control online expression. For instance, some critics in the country such as Stella Nyanzi,⁶⁴ Kakwenza Rukirabashaija,⁶⁵ Bizonto comedy group,⁶⁶ and Lt Gen (rtd) Henry Tumukunde⁶⁷ have already fallen victim to persecution through arrest, detention and prosecution over fake news.

The gravity of repression is felt in Uganda's poor performance in the World Press Freedom Index of 2020 where it ranks 125 of 180 countries.⁶⁸ The report highlights intimidation, persecution and arbitrary detention as some of the attacks on the media. Further the 2020 Freedom on the Net index by Freedom House categorises Uganda as partly free.⁶⁹

In the wake of the 2021 general elections, there is likely to be an increased crackdown on online activists, journalists and editors over what is allegedly false information or disinformation so as to silence critics and dissenting voices. The fear of arrests, detentions and prosecution will likely result in increased self-censorship by journalists, activists, political candidates and ordinary citizens that use digital platforms. The registration of online content producers, whose licences can be rescinded by UCC, also suggests that they will avoid being critical of government positions lest their licences are withdrawn or their owners - whose particulars the commission holds - are prosecuted.

⁶⁴ Amnesty International, Uganda: Freedom of expression takes a knock as Stella Nyanzi found guilty of cyber harassment,

<https://www.amnesty.org/en/latest/news/2019/08/uganda-freedom-of-expression-takes-a-knock-as-stella-nyanzi-found-guilty-of-cyber-harassment/>

⁶⁵ Amnesty International, Uganda: Activist Arrested for Criticising the President: Kakwenza Rukirabashaija, <https://www.amnesty.org/en/documents/afr59/2158/2020/en/>

⁶⁶ Damned if you perform, damned if you don't, <https://www.newvision.co.ug/news/1523511/damned-perform-damned>

⁶⁷ Arrests disrupted my political plans, says Tumukunde, <https://www.newvision.co.ug/news/1522127/arrests-disrupted-political-plans-tumukunde>

⁶⁸ Reporters Without Borders, 2020 World Press Freedom Index: Uganda, <https://rsf.org/en/ranking>

⁶⁹ Freedom House, Freedom on the Net 2020 Uganda, <https://freedomhouse.org/country/uganda/freedom-net/2020>

Conclusion

Technology has the capacity to transform electoral processes by improving their efficiency and effectiveness. However, the use of technology in electoral processes in Uganda is undermined by low levels of ICT accessibility and affordability. This has been worsened by the incumbent government's determination to deny its opponents and citizen free use of the internet. As has already been witnessed, government organs are steadily leveraging incumbency to appropriate the power of technology to their self-serving interests, denying voters access to candidates' manifestos, stifling citizens' rights to free expression, and undermining the ability of opponents to canvass support through technology.

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