



January 11, 2021

#KeepItOn: Uganda must #KeepItOn during the upcoming general election

Re: Internet access will ensure increased participation and transparency in Uganda's presidential elections

Your Excellency Yoweri Tibuhaburwa Kaguta Museveni, President of the United Republic of Uganda

CC: General Haji Abubaker Jeje Odongo, Minister of Internal Affairs;

Judith Nabakooba, Minister of Information ICT and Communications;

Irene Kagwa Sewankambo, Ag. Executive Director Uganda Communications Commission (UCC);

Sam Kahamba Kutesa, Minister of Foreign Affairs;

Hatwib Mugasa, Executive Director National Information Technology Authority – Uganda (NITA-U);

Wim Vanhellepute, Chief Executive Officer (CEO) MTN Uganda;

Tom Gutjahr, Managing Director Bharti Airtel;

Ruth Sebatindira, Administrator Uganda Telecom Limited;

Ziad Daoud, Chief Executive Officer Africell Uganda;

Ahmad Farroukh, Group Chief Executive Officer Smile Communications; and

Abdellatif Bouziani, Chief Executive Officer Smart Telecom Limited

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Fighting Internet Shutdowns around the World

We, the undersigned organizations and members of the #KeepItOn coalition¹ — a global network that unites over 220 organizations from 99 countries that work to end internet shutdowns globally — write to urgently **appeal to you, President Yoweri Tibuhaburwa Kaguta Museveni, to ensure that mobile money and social media platforms, the internet, and all other communication channels are open, secure, and accessible throughout the election period in the Republic of Uganda and thereafter.**

The internet and digital communications tools play a crucial role in enabling people's participation in the electoral process, and enhances their ability to access information and express themselves freely. The enjoyment of these fundamental rights of people contributes significantly to promoting the integrity and transparency of elections, which are important tenets of every democracy.

The #KeepItOn coalition is deeply concerned over the [ongoing crackdown](#) on the media and human rights defenders, and opposition politicians, in Uganda in the lead-up to the presidential elections scheduled for January 14, 2021. The recent request by the Uganda Communications Commission (UCC) to Google to shut down opposition-affiliated YouTube channels² further underscores the threat to the exercise of freedom of opinion and expression and access to information which are enshrined in the Constitution of The Republic of Uganda Articles 20 (1), 27 (2), 29 (1), 41 and 43 (1).

These actions are alarmingly similar to those tarnishing the 2016 elections, when the government of Uganda ordered telecommunications companies to block social media, cut voters off from vital resources, and block mobile money transactions which millions of citizens rely on daily. Civil society [sued the Ugandan government and telecom companies](#) involved in the 2016 shutdown. Unfortunately, courts delayed and ultimately never allowed open hearings, missing an opportunity to set a precedent and prevent further disruptions. We denounce the recently reported incidents of human rights violations including the use of arbitrary arrests³ and harassment⁴, and police-led

¹The #KeepItOn coalition unites over 220 organizations around the world working to end internet shutdowns through grassroots advocacy, policy-maker engagement, and legal intervention. See more at:

<<https://www.accessnow.org/keepiton/>>

²Quartz Africa, 'Uganda wants Google to shut anti-government YouTube channels ahead of its election'

< <https://qz.com/africa/1946889/uganda-asks-google-shut-anti-govt-youtube-channels-ahead-election/>>

³Journalists attacked, deported ahead of elections. Published December 11:

<https://cpj.org/2020/12/journalists-attacked-deported-ahead-of-january-elections-in-uganda/>

⁴Police beat, detain journalists covering opposition candidates ahead of Uganda elections. Published on January 07, 2021:

<https://cpj.org/2021/01/police-beat-detain-journalists-covering-opposition-candidates-ahead-of-uganda-elections/>



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violence and brutality,⁵ in order to quell protests and further intimidate journalists,⁶ human rights defenders, protesters, opposition politicians, and members of the electorate.

Internet shutdowns harm human rights, disrupt emergency services, and harm economies

Research has shown that internet shutdowns and violence go hand in hand.⁷ & ⁸ Shutting down the internet during elections limits citizens' participation in the electoral process. By disrupting the free flow of information, shutdowns only serve to heighten existing tensions in the society and negatively affect reporting capacity with regard to human rights violations. In addition, without access to communication tools, journalists, media workers, and human rights defenders are unable to monitor and report on the election process.⁹ Internet shutdowns also affect people's ability to access key information at a crucial moment in a democracy, damaging their capacity to make informed choices. The spread of misinformation may grow, as there are fewer reliable channels for fact-checking during a shutdown. Although governments attempt to justify network disruptions for various reasons, in reality, internet shutdowns cut off access to vital, timely, and life-saving information, as well as to emergency services, plunging whole communities into fear and confusion.

The Information and Communication Technology (ICT) sector in Uganda has shown extreme resilience during the COVID-19 pandemic and benefited economically due to the increased dependence on digital communications across more sectors of the economy. Given this context, deliberate disruption to digital communications platforms such as Instagram, Facebook, Twitter, and WhatsApp as well as mobile money transactions could cost the state billions in losses per day of disruption. Further, these economic impacts could persist far beyond the days on which the

⁵Washington Post, '37 dead in Uganda protests after arrest of presidential candidate Bobi Wine'

<https://www.washingtonpost.com/world/africa/uganda-protests-bobi-wine/2020/11/20/efe106ec-2aa6-11eb-9c21-3cc501d0981f_story.html>

⁶ Reporters Without Borders, 'Uganda: Crackdown on reporters threatens Ugandan election's credibility'

<<https://rsf.org/en/news/uganda-crackdown-reporters-threatens-ugandan-elections-credibility>>

⁷An internet shutdown is defined as an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information. See more at:

<<https://www.accessnow.org/keepiton-faq/#Shutdowns-and-impact>>

⁸Anita R. Gohdes, 'Pulling the Plug: Network Disruptions and Violence in the Syrian Conflict' (Journal of Peace Research: 31 January 2014)

<http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes_synetworkaug14.pdf>

⁹Jonathan Rozen, 'Journalists under duress: Internet shutdowns in Africa are stifling press freedom' (Africa Portal: 17 August 2017)

<<https://www.africaportal.org/features/journalists-under-duress-internet-shutdowns-africa-are-stifling-press-freedom/>>



disruption occurs.¹⁰

Internet shutdowns contravene international laws

Uganda has ratified regional and international frameworks such as the legally-binding International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and People's Rights, which provide for the protection and promotion of the rights of freedom of opinion and expression, assembly, and access to information, both offline and online.

The African Commission on Human and Peoples' Rights (ACHPR) Resolution from 2016 recognizes the "importance of the internet in advancing human and people's rights in Africa, particularly the right to freedom of information and expression." The ACHPR/Res. 362 (LIX) 2016 also condemns the "emerging practice of State Parties interrupting or limiting access to telecommunication services such as the internet, social media, and messaging services."¹¹ Research indicates that there is no evidence that shutdowns are effective at achieving a legitimate aim; if anything, by trying to achieve their ends, the government will often block their own channels of information.¹² Additionally, UN experts and high-level officials -- including the UN Secretary-General -- formally affirm that, "blanket Internet shutdowns and generic blocking and filtering of services are considered by United Nations human rights mechanisms to be in violation of international human rights law."¹³

Telecom companies must respect human rights

Telecom companies and businesses have a responsibility under the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises* to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to.¹⁴ In the case of enterprises like Uganda Telecom Limited with state investment, "states should take

¹⁰CIPESA, 'A Framework for Calculating the Economic Impact of Internet Disruptions in Sub-Saharan Africa' <https://cipesa.org/?wpfb_dl=252>

¹¹African Commission on Human and Peoples' Rights, (November 2016) '362: Resolution on the Right to Freedom of Information and Expression on the Internet in Africa – ACHPR/Res. 362(LIX) 2016' <<http://www.achpr.org/sessions/59th/resolutions/362/>>

¹²Anita R. Ghodes, 'Repression Technology: Internet Accessibility and State Violence' (American Journal of Political Science) <<https://onlinelibrary-wiley-com.ezproxy.cul.columbia.edu/doi/full/10.1111/ajps.12509>>

¹³UN Secretary-General's 'Digital Cooperation Roadmap, (May 2020)' <<https://undocs.org/A/74/821>> See also Organization for Security and Co-operation in Europe (OSCE), 'Joint declaration by the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, on Freedom of Expression and Responses to Conflict Situations' (4 May 2015) <<https://www.osce.org/fom/154846>>

¹⁴OHCHR, 'OECD Guiding Principles on Business and Human Rights' <https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf>

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additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State.”¹⁵

Moreover, telecom service providers operating in Uganda have a responsibility to uphold and respect human rights by ensuring that the people of Uganda have access to quality, open, and secure internet and digital communication tools throughout the elections and beyond. Internet shutdowns — whether in Uganda or other countries — must never be allowed to become the new normal, and we encourage Uganda enterprises to integrate these practices for responding to censorship and network disruption requests in all markets where you operate.

As organizations that believe in the power of the internet as an enabler of all other human rights, we are confident that access to the internet, social media, mobile money platforms during the elections in Uganda has the potential to foster transparency around the upcoming elections and ensure active citizen and other stakeholder participation.

We respectfully request that you use the important positions of your good offices to:

- Ensure that the internet, including social media and other digital communication platforms, remains open, accessible, and secure across Uganda throughout the election and inauguration;
- Ensure that mobile money, banking, and other financial avenues for transactions remain accessible and secure across Uganda throughout the election;
- Order internet service providers operating in Uganda to provide everyone with high-quality, secure, and unrestricted internet access throughout the election period and thereafter; and
- Order internet service providers operating in the country to inform internet users of any potential disruptions and to take all reasonable steps to fix any identified disruptions likely to impact the quality of service they receive.

Kindly let us know in what way we can assist in ensuring the same.

Sincerely,

Access Now
Advocacy Initiative for Development (AID)

¹⁵The OECD guidelines also advance that enterprises are encouraged to “support, as appropriate to their circumstances, cooperative efforts in the appropriate fora to promote Internet Freedom through respect of freedom of expression, assembly and association online.” See ‘OECD Guidelines for Multinational Enterprises’ <<http://www.oecd.org/daf/inv/mne/48004323.pdf>>

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AFCOD-Uganda

Africa Cybersecurity and Digital Rights Organization (ACDRO)

African Freedom of Expression Exchange (AFEX)

Africa Freedom of Information Centre (AFIC)

Africa Open Data and Internet Research Foundation (AODIRF)

AfricTivistes

AfroLeadership

Afrotribune

Alliance for Affordable Internet — A4AI

ARTICLE 19

Ask Your Government

Association for Media Development in South Sudan (AMDISS)

Bareedo Platform Somalia

Bloggers of Zambia

Centre for Media Studies and Peacebuilding (CEMESP)

Centre for Multilateral Affairs (CfMA)

Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

Committee to Protect Journalists (CPJ)

DefendDefenders

Freedom House

Freedom of Expression Hub

Front Line Defenders

Give1Project GAMBIA

Human Rights Network for Journalists — Uganda (HRNJ-U)

ICT For Democracy in East Africa (ICT4DemEA)

Innovation For Change (I4C) South Asia

Incarner l'Espoir

Internet Policy Observatory Pakistan

International Press Centre (IPC)

Internet Sans Frontières

Kenya ICT Action Network (KICTANet)

Liberia Information Technology Student Union (LITSU)

Media Foundation for West Africa (MFWA)

Media Institute for Southern Africa — Zimbabwe Chapter (MISA Zimbabwe)

Media Rights Agenda (MRA)

Observatory of Network Interference (OONI)

OpenNet AfricaOpen

Organization of the Justice Campaign

Paradigm Initiative (PIN)

PEN America

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Reporters Without Borders (RSF)

RNW Media

Sassoufit Collective

Securing Organizations through Automated Policybuilding (SOAP)

Software Freedom Law Center, India (SFLCin)

Small Media Foundation

SMEX

The Tor Project

UBUNTEAM

Unwanted Witness Uganda

World Wide Web Foundation

Women of Uganda Network (WOUGNET)

Women ICT Advocacy Group (WIAG)

Zaina Foundation