

GLOBAL INFORMATION SOCIETY WATCH 2009

*Focus on access to online information and knowledge
– advancing human rights and democracy*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

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*Dedicated to A.K. Mahan - an activist who valued
intellectual rigour and concrete outcomes.*

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Introduction

Information and communications technologies (ICTs) offer the promise of an information-rich society: one in which citizens have access to a wide range of information from a variety of sources; one in which every issue is extensively debated amongst citizens and policy makers through interactive media; and one in which participation in the political process is greatly increased.¹

The Ugandan government is increasingly adopting the internet for activities that have broader social applications for grassroots communities. Efforts include laying fibre-optic backbone infrastructure; e-governance infrastructure in 27 ministries; e-government programmes to improve the provision of public information; and a universal access fund, as part of the Rural Communications Development Fund (RCDF).

Access to the internet has continued to grow. A total of 214,293 active mobile wireless internet accounts was reported at the end of December 2008, compared to 166,621 in the previous quarter. Fixed-line internet subscriptions were estimated at 22,000. The number of internet users, on the other hand, was estimated to be 2.5 million – about 7% of the population – according to figures from the Uganda Communications Commission (UCC).²

Policy environment

A national ICT policy framework was set up in 2002 to ensure the optimum utilisation of information to enable socio-economic development. The policy focuses on three areas: information as a resource for development; mechanisms for accessing information; and ICTs as an industry, including e-business, software development and manufacturing. The policy recognises that the three areas are not mutually exclusive. Rather, new ICTs have led to convergence between the media and telecommunications.

The Telecommunications Sector Policy of 1996, meanwhile, is currently being reviewed to make it more responsive to emerging trends. The policy recognises that internet access is a critical sphere where the government, the regulator and the private sector need to take action. It emphasises the need to address the issue of access to the international fibre backbone to enable Ugandans to be part of the global knowledge society; the creation of relevant and accessible content; regional peering within first East Africa and then the whole of Africa; and the need for government to become the number one user and advocate of the internet in Uganda.

As key national strategic priorities, the Ugandan government and telecom companies (MTN and Uganda Telecom Limited) have been part of initiatives to develop the Eastern Africa Submarine Cable System (EASSy) and the East African Backhaul System, the terrestrial fibre network being developed to link Kenya, Uganda, Tanzania, Rwanda and Burundi. It is hoped that the national fibre backbone being built by the government will increase online access to information through making the internet affordable and easy to access. Efforts are also being made to enable the country to tap into the EASSy submarine cable when it lands at Mombasa, Kenya or Dar es Salaam, Tanzania.

The draft telecommunications sector policy review report notes that it is government policy to ensure equitable access to telecommunications services for all the citizens of Uganda through an enabled and competitive private sector. It also recognises that a purely commercial approach would marginalise the majority of citizens, and makes universal access, supported by appropriate public-private partnerships, a key objective.

The country's Rural Communications Development Policy mandated the establishment and implementation of the RCDF. The RCDF is meant to act as a means of intervention to ensure that basic communications services of acceptable quality are accessible at affordable prices and at reasonable distances by all people in Uganda. It aims to assist in areas where provision of commercial services is not feasible, provide basic universal access, and promote competition among operators. The fund is mostly the result of contributions from service providers and is meant to be used to leverage further investment rather than provide all the funding solutions.

The fund has been administered since 2002, and through the provision of subsidies it has supported the establishment of internet points of presence in twenty districts in the country, set up information portals in 54, internet cafés in 55, and ICT training centres in 30, as well as 316 public pay phones, two internet connectivity institutions and five telecentres.

Legislative environment

Uganda's Access to Information Act (2005) was formulated to:

- Promote an effective, transparent and accountable government.
- Give effect to Article 41 of the Constitution by providing the right to access information held by the state, other than exempt records and information (i.e., those that are likely to prejudice the security or sovereignty of the

1 Horrocks, I. and Pratchett, L. (1995) *Electronic Democracy: Central Themes and Issues*. www.clubofamsterdam.nl/content/articles/Democracy%20and%20New%20Technology.pdf

2 www.ucc.co.ug

state or interfere with the right to privacy of any other person).

- Promote transparency and accountability in all organs of the state with timely, accessible and accurate information.
- Empower the public to effectively scrutinise and participate in government decisions that affect them.
- Protect persons disclosing evidence of contravention of the law, maladministration or corruption in government.

A number of bills in relation to online access to information have been drafted. They include the Regulation of Interception of Communications Bill (2007) and bills dealing with e-signatures and e-transactions.

Challenges with policy and legislation

While the above policies and legislation have been put in place, gaps exist when considering access to information broadly. The RCDF, for example, is not funding broadband access, and it has largely offered subsidies for the establishment of services at district headquarters – which are mostly urban or semi-urban – ignoring the needs of the rural and unserved populations who are its primary constituency. The RCDF's failure to help devise sustainability plans for its grantees, its offer of huge subsidies to national telecom operators, and its failure to align some of its programmes to the government's poverty reduction strategy in rural areas have been criticised.³ The fund also lacks a gender-sensitive approach. This has limited the number of women benefiting from the fund compared to men.⁴

Concerns have been raised about the Regulation of Interception of Communications Bill (2007). Amongst other things, the bill provides for the lawful interception and monitoring of communications, and establishes a monitoring centre. If passed into law, internet service providers (ISPs) will be obliged to give the government access to email accounts on request.

The Constitution of Uganda guarantees the rights to privacy, freedom of expression and the freedom of the media. The constitution sets the standard of derogation by providing that any limitations to the enjoyment of rights must be those that are acceptable and demonstrably justifiable in a free and democratic society. However, views from civil society organisations such as the Uganda Women's Network (UWONET)⁵ and online discussions (on i-Network and

WOUGNET mailing lists) indicate that the bill is a serious invasion of an individual's privacy and susceptible to abuse.

While the bill may be a means of protection for the public good, it could unjustifiably and irregularly restrict the exercise of the right to privacy and freedom of expression. This concern is especially warranted given precedents of the government blocking access to a website called Radio Katwe, as well as criminal cases brought against journalists and their media houses for supposedly publishing "wrong" or "misleading" information.

Reaching marginalised groups and communities

Many civil society organisations in Uganda have embraced the potential of ICTs for advocacy through the dissemination of information. They include, among others, WOUGNET, I-Network, Raising Voices, Isis-Women's International Cross Cultural Exchange (Isis-WICCE)⁶ and the Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI).⁷

WOUGNET uses online forums to provide and share relevant information targeting urban and rural women for the purposes of improving their quality of life. The WOUGNET website⁸ is an interactive site that enables network members to share information on ICT for development issues, gender issues, actions taken by the government and other agencies, news from its network members, and current events, among others.

WOUGNET administers discussion lists to which one can subscribe and contribute free of charge. Some of the discussion lists are administered by WOUGNET members and are used for advocacy purposes. This includes a women's movement list and a list for the African Protocol on Women's Rights task force. Both discussion lists share and discuss gender and rights-related issues. The WOUGNET mailing lists stimulate debate and are accessed by a wide audience including policy makers, parliamentarians, civil society actors and bilateral and multilateral donor agencies.

WOUGNET also uses short message service (SMS) to support online discussions, enabling its members without email and internet access to participate in discussions. This even gives people in rural areas a chance to speak out on issues related to their development.

The I-Network mailing list⁹ is another online platform for sharing knowledge and information on ICTs for development. Emails sent to this platform go to over 1,000 registered members in the private sector, government, academia and civil society, including community-based organisations. On average three major topics are discussed per month. Discussions have been held on internet governance, the Uganda country code top level domain (ccTLD), the Regulation of Interception of Communications Bill, the Computer Misuse

3 CIPESA (2009) *The Telecommunications Reform Process in Uganda: A Research Report and Policy Narrative*.

4 WOUGNET (2007) *An assessment of the Rural Communications Development Fund (RCDF) from a gender perspective*.

5 In its recommendations submitted to the parliamentary committee, UWONET noted that the right to privacy is part of the right to life and personal liberty enshrined under Articles 27 and 29(1)(a) of the Constitution of Uganda. The right to privacy is also guaranteed under the International Covenant on Civil and Political Rights (ICCPR). UWONET (www.uwonet.or.ug) is an advocacy and lobbying network of national women's NGOs and individuals. It deals with issues of gender-based violence and discrimination, while WOUGNET deals with ICTs and women, reaching marginalised groups and communities.

6 www.isis.or.ug

7 www.eassi.org

8 www.wougnet.org

9 i-network@dggroups.org, www.i-network.or.ug

Bill, and ongoing consumer issues, among others. Vital information arising from discussions may be compiled and published elsewhere or shared with the authorities concerned. Face-to-face discussions are also arranged when necessary.

While gender equality advocates are making use of online forums to discuss issues such as legal rights, sexual and reproductive rights, and women's human rights,¹⁰ access to new ICTs is limited for the majority of women. Reasons include a lack of access to infrastructure, culture and language. According to Anita Gurumurthy, while it may be necessary for the progressive elite to mediate information dissemination, real democratisation of information depends on making new ICTs relevant to the majority and accessible to every woman.¹¹

The initiatives mentioned above are commonly faced with challenges of limited membership and the fact that participants are more or less confined to urban centres. Network members also do not use email as effectively as they should. There is a tardiness in obtaining information on a regular basis and the email list subscribers are mostly recipients and not active enough.

In efforts to improve the provision of public information to promote democracy, the Ugandan government has embarked on laying optical fibre. This will be done in three phases. The first, connecting districts in Kampala, Entebbe, Bombo and Jinja, has been completed. The second is expected to connect sixteen districts, and the third the rest of the country. Its e-governance infrastructure also connects 27 ministries with voice, data and video services. E-government programmes include DistrictNet, set up to enable data and voice communication between the district headquarters and sub-counties; the introduction of an integrated information system for storing, analysing and managing financial information; a portal for the central government; district portals developed to provide comprehensive information about public institutions, infrastructure and opportunities in each particular district; an integrated financial management system; electronic voting; and an information flow management and networking project under the Ministry of Tourism and Trade. However, limitations such as a lack of relevant content, lack of access to internet facilities by most rural populations, and a lack of capacity to use ICTs make using the internet by the majority of the population difficult.

As argued by Sanjana Hattotuwa, "e-government is a cruel joke for someone without clean drinking water and digitising government forms and putting them on the internet is meaningless for those who do not have the language skills and computer literacy to use this information. While this alone does not belittle the potential of ICT, one must also recognise that ICTs can help only if the necessary under-pinning

for social reform is present – the respect for human rights, democracy and equitable distribution of technology."¹²

New trends

The internet is increasingly being used as a platform for people to give their views and petition policy makers. The media have also started using the internet to share information on people's rights (for example, an e-paper¹³ published by the *Daily Monitor*), and blogging is becoming common practice among civil society organisations and the general public. It is hoped that the internet will thrive as a platform where people can participate in democracy and civic life.

Spam and pornography are some of the challenges that have come along with the increased use of the internet. In internet cafés – and apparently even some school computer labs – porn sites are said to be a favourite online destination. This raises the issue of content blocking. ISPs and network administrators may need to work on filtering networks. However, the issue of spam remains difficult to control given the state of international law on this issue.¹⁴

Cyber crime, including e-fraud, is also reported to be on the increase in Uganda. It is important for the government to enact cyber laws to curb these malpractices and establish legislation on electronic commerce and other online transactions. The Electronic Transactions Bill, Digital Signatures Bill and Computer Misuse Bill are pending approval by parliament.

Action steps

The following action steps are needed in Uganda:

- The government needs to continue developing ICT infrastructure to increase the penetration of ICTs among citizens, especially in rural areas.
- Uganda has a range of auxiliary regulations on telecoms which ideally aim to make the sector competitive and telecom services affordable. The challenge has been implementing these regulations on such issues as tariffs and accounting, interconnection, fair competition, and universal service obligations.
- There is a need to build capacity for people to be able to use the internet and other ICTs.
- There is a need to develop local content in local languages and applications with a high utility value for the community in areas such as health, education, market information, agriculture, and local administration.

12 Hattotuwa, S. (2003) Online Advocacy Principles and Case Studies within the Context of ICT and Conflict Transformation, discussion paper written for the OneWorld South Asia Partners Meeting, Delhi, India, 3-4 February 2003. www.opalanka.org/page.php?id=0&pubid=174&key=9bdd5f06c37bdab66735ca41a9457925

13 The *Daily Monitor* e-paper is a digital version of the *Daily*, *Saturday* and *Sunday Monitor* with the same "look and feel" as its print editions. The e-paper comes with built-in features that can allow readers to easily access information in a number of formats like RSS feeds, PDF and audio.

14 See "Uganda's Key Internet Governance Issues", an online discussion report compiled by I-Network in 2008.

10 For example, Raising Voices (www.raisingvoices.org) has used online open chatting and blogging to discuss issues such as HIV/AIDS and other gender issues.

11 Gurumurthy, A. (2006) Promoting gender equality? Some development-related uses of ICTs by women, *Development in Practice*, 16 (6), p. 611-616. www.siyanda.org/docs/gurumurthy_icts.pdf

- There is a need to devise sustainability plans for RCDF grantees and align some of its programmes to the government's poverty reduction programmes.
- The government needs to enact cyber laws to curb malpractices and to increase confidence in e-business and other online transactions. ■

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GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels
- **Encouraging** critical debate
- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy.* It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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2009 Report

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