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STATEMENT

ABOUT

ABUSE OF MANDATE BY UGANDA COMMUNICATIONS COMMISSION (UCC)

We have convened this news conference to decry the latest attempt by the Uganda Communications Commission (UCC) at suppressing constitutionally protected freedoms and liberties on expressions and press.

The Commission appears to have a fondness for issuing regulations that curtail restrict and limit enjoyment of freedom of expressions and the press. .

As you are aware, UCC on 7th September 2020 issued a Public Notice reminding online date communication and broadcasters including blogger, online televisions online radio online newspaper audio over IPInternet protocol TV, Video on demand, Digital Audio Radio and Television, Internet /Web audio and Television to obtain authorization from UCC before providing such services to the public by 5th October 2020.

This notice is draconian, impracticable and unconstitutional design as its intended to control who uses and who shares information though online spaces. It will drastically affect online sharing of information especially on public policy and restrict voices of those critical to the excesses of the state; affect online activity and operation of several actors in the press media and the ordinary citizens,

Issuing such a notice three months to a scientific campaign for the national general elections, will deter many aspiring candidates from using online media space to share information with their would be electorates. In the end it will prevent citizens from access useful information that informs their choice on who to vote and thus prevent them from enjoying their right to vote.

The notice for seeking authorization, confirms our fears that legislation such as the Communications Act 2013 the Anti-Terrorism Act of 2002 and its subsequent incarnations, the Regulation of Interception of Communications Act of 2010, the Computer Misuse Act of 2011, the Public Order Management Act of 2013, the Anti-Money Laundering Act of 2013, the Anti-Pornography Act of 2014 and the Nongovernmental Organizations Act of 2016 serves to confirm our suspicions. Were enacted to control dialogue and criminalize dissent and restrict the enjoyment of freedoms of expressions and the media.

Such action by regulators undermine efforts to foster positive mutual and constructive relations between the regulator and those they regulate as required in the state and citizens relationship

We therefore would like to take exception to the regulator's Public Notice, for the following reasons:

- i) The Notice is inconsistent with the Objectives of the Uganda Communications Commission Act which established the Commission. Rather than nurture, facilitate and encourage the transition to

- modern, technology-based advancements, it seeks to keep Ugandans mired in primordial and backward forms of communication that have no place in a digitally changing world.
- ii) The Notice is broad, vague, unspecific and susceptible to multiple interpretations. This opens it up to abuse and misuse by public authorities and individuals.
 - iii) Thirdly, it worsens the already existing environment of censorship and self-censorship. Particularly affected are citizen journalists who may not necessarily belong to a media house or outlet. Their rights to generate, share and acquire information are just as protected by the Chapter Four of the Constitution will be curtailed.
 - iv) It is worth noting that the Notice will occasion the wastage of public funds during its implementation. At a time when government should be exercising frugality in light of the tough times occasioned by COVID 19 economic effects a regulation that seeks to unduly police and suppress the use of online media and internet does not bode well.
 - v) Ugandans are already over-governed and under-served. The laws we have mentioned above are just examples. This is in addition to strengthening regulations that is not commensurate to services the regulator is offering to sector actors. With the social media tax which crippled e-commerce and excluded more citizens from the internet, this Notice will only serves to worsen a bad situation. Citizens' enjoyment of digital rights freedoms and access to digital data and information.
 - vi) The Notice is against the Supreme Court decision in the landmark case of Charles Onyango Obbo and Andrew Mwenda v Attorney General¹ in which, amongst other things, held that given the important role of the media in democratic governance, a law that places it into such a dilemma, and leaves such unfettered discretion in the state prosecutor to determine, from time to time, what constitutes a criminal offence, cannot be acceptable and is not justifiable in a free and democratic society.

Key Asks

Ministry of ICT and Communications to suspend the adherence to this notice as we are going into a unique unprecedented scientific election the authorization envisaged in the notice will only disenfranchise political actors intending to use online media spaces and citizens from accessing information to increase their political participation.

UCC to halts this notice and its requirements to seek authorization to use online media spaces is a restrictive administrative restriction that will largely restrict access to information on public policy in the Scientific General Elections in February 2021.

Citizens

Accordingly and in conclusion, we invite democracy-loving Ugandans to join their online and offline efforts to:

- Speak out and amplify voices calling for suspension of this administrative requirement because it's against freedoms of expression and media and restricts citizens' rights to participate in political processes.

¹ Charles Onyango Obbo and Anor v Attorney General (Constitutional Appeal No.2 (2002, 2004) UGSC 1 (10 February 2004)

- Inform their workmates, friends and family about the democratic reversals that are inherent in this Notice and the effect it will have not only on their personal lives but on e-commerce and access to knowledge and information

PUBLIC NOTICE



UGANDA
COMMUNICATIONS
COMMISSION

REMINDER TO PROVIDERS OF ONLINE DATA COMMUNICATION AND BROADCASTING SERVICES TO OBTAIN AUTHORISATION

The Uganda Communication Commission (UCC) was established under section 4 of the Uganda Communications Act, 2013 (the Act) as the regulator in the development of a modern communications sector that includes telecommunications, broadcasting, radio communications, postal communications, data communication and infrastructure.

In accordance with sections 2, 5 and 27 of the Act and Regulation 5 of the Uganda Communications (Content) Regulations 2019, UCC is mandated to license, regulate and set standards for the provision of all communication services in Uganda, including radio communication and online broadcasting. Regulation of communication services is intended to promote and safeguard the interest of consumers, operators, viewers and listeners.

The purpose of this Public Notice, therefore, is to advise all persons currently offering or planning to commence the provision of online data communication and broadcasting services including but not limited to blogs, online televisions, online radios, online newspapers, audio over IP (AoIP), Internet Protocol TV (IPTV), Video on Demand (VoD), Digital Audio radios and televisions, internet/web radio and internet/web television, to obtain authorisation from UCC before providing such services to the public.

All persons engaged in the provision of the above services are accordingly advised to regularise their operations by obtaining the necessary authorisation from UCC by **5th of October 2020**.

For further information on this matter, please contact UCC located at UCC House, Plot 42-44 Spring Road Bugolobi Kampala and all UCC regional offices.

Dated this 7th Day of September 2020

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