



POLICY BRIEF **2021**

Cyber Policies Protecting Women and Children Online:
Handling the Bull by the Horns



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a Civic-tech and Digital Rights Advocacy organization that was established to provide digital literacy skills to women and girls both in urban and rural areas, preparing them to be competitive and self-sustaining in the digital world, advocate for the rights of women and girls in accessing and using the internet and other digital tools to benefit equally from opportunities provided by the new digital tools in this digital world.

To read more, visit: <https://www.digitalwomanuganda.org/>

Table of Contents

Title	1
The Issue:	1
Audience and Actors.....	1
Policy implications & Gaps	2
Recommendations.....	4
Conclusions.....	5

Title

Cyber Policies Protecting Women and Children Online: Handling the Bull by the Horns.

The Issue: Context and importance of the problem:

Through computers, smartphones and other online gadgets, women and children are spending more time online than ever before. This has increased with COVID-19 lockdown. The opportunities are limitless: education, marketing, social networking, and many more. But with these opportunities come serious risks: cyber stalking, trolling, hate speech, public shaming, doxing, cyber bullying, threats and intimidation.

Several governments have set up legal frameworks and policies with attached penalties for persons using online platforms irresponsibly, abusively and unfairly. However, these do not explicitly address the challenges that women and children face while using the internet.

Uganda had a population of 46.43 million in January 2021. Of these, 12.16 million are internet users as per January 2021 statistics. The number of internet users increased by 1.5 million (+14%) between 2020 and 2021. The internet penetration stood at 26.2% in January 2021.¹

With increasing users, addressing this kind of violence is critical because the protection of these vulnerable groups has been at a low and real abuses of freedoms are increasing.

This kind of intimidation undermines countrywide socioeconomic and political development. The victims tend to shy away from use of the internet; thereby, miss out on the opportunities presented.



*Some **80%** children in **25** countries report feeling in danger of sexual abuse or exploitation online.*

...UNICEF: Violence against children online

Audience and Actors

Our primary target group are the policy makers. It is they that have the decision-making authority to sign policy documents, or allocate funds at the national level.

¹Digital 2021:Uganda

<https://datareportal.com/reports/digital-2021-uganda>

Policy implications & Gaps

There is no specific instrument focusing on all forms of cyber violence online against women.

Many European Parliament resolutions though call for the recognition of cyber violence and hate speech online against women and children.

The forms of violence are growing. There is need to revise the Statutory Instruments more regularly. For instance, The General Data Protection Regulation (EU GDPR) and e-Commerce Directive as well as the directives on victim's rights, trafficking and exploitation of children online cover some but not all of these forms of violence.

Everyone must be protected and able to express themselves online. The UN General Assembly's resolution on the right to privacy in the digital age (2016) recalls that violations and abuses of the right to privacy in the digital age may affect all individuals, including with particular effects on women, as well as children and those who are vulnerable or marginalized (UNGA 2016).

The UN General Assembly resolution on protecting women human rights defenders (2013) recalls that "information-technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyber stalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights" (UNGA 2013).

Article 8 of the Universal Declaration of Human Rights emphasizes that everyone has access to

justice where one has the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted to him/her by the constitution or by law. The issue of justice to the online perpetrators is still questionable.



"Online crimes are sophisticated"

*...Yona Okoth Gongo,
Head of Secretariat,
Technical Policy Forum,
Ministry of ICT and
National Guidance,
Uganda*

Sometimes the crimes online may involve offenders who perpetrate them in locations thousands of miles away from the victims. It then makes it more challenging for government to follow-up.

More, what constitutes a 'pornographic' image of a woman or child in one country does not imply in another.

These are genuine challenges and fears within this industry. Several reports indicate the increase in the crime rates, with women and children being the hardest hit.

Uganda on her part has tackled online related sexual exploitation and abuse with an emphasis

on building the 'architecture' to protect or rescue women and children through establishing legislation, pursuing and prosecuting abusers, raising awareness, reducing access to harm and supporting children to recover from abuse or exploitation. These are essential components of a protection response. However, like in other countries, keen steps are not taken to those who destabilize the ability for others to enjoy internet freedoms.

In 2006 the government of Uganda initiated the Uganda Internet Governance Forum for the purpose of improving data transmission and e- government infrastructure within Uganda for both governmental and non-governmental entities.



However, as more Ugandans started accessing the internet, the government enacted more laws to govern internet usage and protection of various groups like women and children in Uganda. Although there are no specific laws focusing on fighting violence against women online, the National Action Plan on Women, the Gender Policy Act, the Domestic Violence Act and the Female Genital Mutilation Act aim to

advance women's rights in Uganda. However, they need to be conscientiously enforced and implemented for gender equality and the empowerment of women to be fully realized. The Uganda National Parenting Guidelines 2018 by Ministry of Gender, Labour and Social Development places the responsibility of protection of children against sexual predators on parents and is silent about the perpetrators.

The implication is that the parent has the sole role of controlling when, how and what the child does on the internet.

The Children's Act 2016 CAP 59 as amended has not come out strongly with punitive action against culprits, 100 currency points which only comes to 2,000,000 Uganda shillings is too low for the perpetrators. Besides the Act has not come strongly specifically on online child sexual abuse and exploitation which is one of the contentious issues to be included in the proposed amendments.

The Uganda National Child Policy 2020 indicates the increase in online child sexual exploitation which includes child sexual abuse/ exploitation material. But the gravity of online abuse seems to be under looked even by the new policy that was recently launched by the government that has not come out strongly to speak about the vice despite the numerous reports on the increase of online sexual and harassments.

There is a lack of awareness or discomfort among parents and agencies with child protection responsibilities about the real nature of hazards or effective protection strategies. Several of the government organs shy away when approached to respond to protection of women and children from online violence. Many persons are not aware of the existence of the policies thus not reporting any violations.

There are several laws in Uganda that severely infringe on internet rights and have been used to either prosecute or intimidate internet users. These laws include the Regulation of Interception

of Communication Act (2010), the Computer Misuse Act (2011), the Anti-Pornography Act (2014), and the Uganda Communications Act, (2013). These laws have been widely criticized for violating individuals' right to privacy on the internet.

As a result, most online violations go undisclosed. Victims can end up depressed, humiliated and even commit suicide if such disregard to privacy and protection is ignored. Victims end up being isolated with little or no social support and less likely to report to authorities. The disclosure of the abuse may often be underestimated and misunderstood.

Recommendations

Protecting women and children online is a global challenge, and it is a collective responsibility.

Internationally:

- There is a need to adopt and enact an international human rights law framework that will hold countries accountable if they do not adhere to the rules and regulations of the framework. This will guide individuals, social media users, the private and public sector to develop plans through which organizations within the country can ensure the strategies are adopted to end violence against women and children.
- The media can also use such a platform to advocate for the protection of women and children by reporting through their free online channels.
- There is need for a specific law on "Tech related Violence against women". This law should trickle down to all countries; and they subscribe to it.

Government of Uganda:

- Currently, what Uganda has is scattered in various Acts and not specific to the more vulnerable gender. This makes referral more tedious and especially to a lay man and other gender positive institutions. By making it a law, it will be exhaustive and referral easier to all persons.
- The Government of Uganda should make sure that the telephone companies register their users attaching copies of their national ID. This data should be availed in case of need to identify those who violate the rights of women and children..
- OTT tax has been scrapped but data costs greatly increased; they should also be reduced to help in the monitoring of those who violate rights and thus stopping it through implementation of the laws.
- Government needs to invest in wide dissemination of laws and policies against cybercrimes for the masses to understand and be protected against online violence.
- There is a need to enact a comprehensive law on women and children's online safety to provide a legal framework for protecting them while they are on line. This should mandatorily be related in school to the teachers and children, their parents inclusive.
- Strengthening legal and policy frameworks against cybercrimes should also be prioritized. Uganda has good laws but there is a need to strengthen their implementation through the various channels and referral pathways in handling cyber-crimes.

- Ensure that the law enforcement agencies are trained to investigate cases of abuse of children online, the prosecutors are trained to successfully prosecute the cases, and judicial officers are sensitized on the delivery of justice in such cases without causing more harm.
- The government should adopt cyber-crime legal rights and support services.
- Preventive measures should also be developed to include the ICT sector to regulate standards to avoid harmful gender stereotyping messages that harm women and children.

Civil Society and Private Sector Actors:

- They should make sure that policies are easily accessible to the public and implementation clear and fair. They should be in a language easily understood. They should use practical methods to reach up to the grassroots persons. This can be done with support from UCC, mobile telecom companies like MTN, AIRTEL, AFRICEL and others.
- Review the policies. They should get feedback from the people on the loopholes. With the continuous changing environment, they should frequently review them and seek adjustments appropriately
- The need to ensure awareness among both non state actors and state agencies for literacy campaigns and increased use of tools of anonymization and circumvention.

Internet Service Providers

- There is a need for cooperation between internet providers not just the

regulators but other stakeholders to prevent and censor online content and limit sexual extortion opportunities which in the long run would support safer internet usage.

- More, under their internet services providers' Corporate Social Responsibility, they should include teaming with other players to educate the masses on how to use the internet safely, the dos and don'ts

Parents and Children

- Parents and teachers should encourage children to pay attention and follow online safety guidelines issued by your parents, older siblings, teachers and schools.
- The children should understand that the controls and restrictions are for their good by showing the pitfalls of not regulating their activities online. The Ministry of Education and Sports can make this mandatory in the syllabus for all institutions; both local and international.
- Parents, teachers and children should be furnished with information of how to identify an abuse and where report in case of an eventuality. They should also be taught how to monitor online activity, for instance using 'SafeView' links.

Conclusions

The internet should be free for all to use peacefully. Each country should have a strict policy(ies) in the case of perpetrators. For cases of cross border crime, the international community should adhere similarly.

