Bridging the Digital Gender Gap in Uganda:

An Assessment of Women's Rights Online Based on the Principles of the African Declaration of Internet Rights and Freedoms
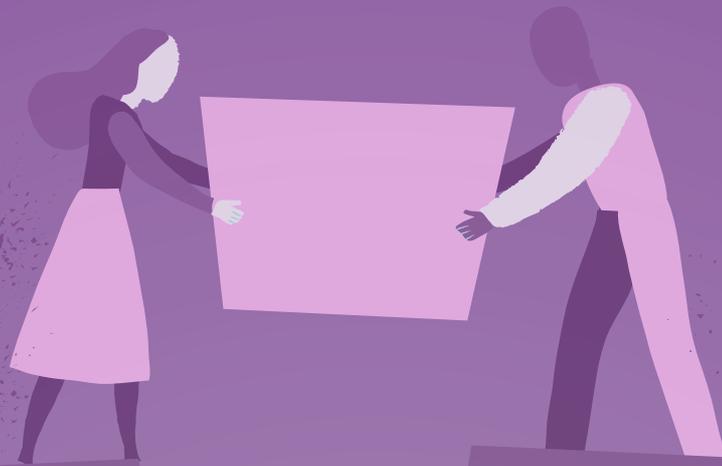
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WOMEN AND ICTS
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WOMEN OF UGANDA NETWORK

Table of Contents

Introduction

The digital gender divide has been recognized as a challenge to achieve gender equality for women, particularly as the 4th Industrial Revolution continues to increase the pace of change of information and communication technologies (ICTs).[1] As societies become increasingly dependent on digital technology, women, their broader communities and national economies are at risk of losing out on the positive promise of full participation in digital economies.

According to a 2019 report from the International Telecommunications Union (ITU) - *Measuring digital development: Facts and figures 2019;* women in most countries worldwide are still trailing men in benefiting from the transformational power of digital technologies.[2]

The report estimates that over half the total global female population (52 per cent) is still not using the Internet, compared to 42 per cent of all men.[3] And while the gender gap has narrowed in many regions of the world since 2013, it has widened in Africa.[4] As well as having the lowest rate of Internet penetration, the African region has the widest digital gender gap in the world with only 18.6 per cent of women using the Internet, compared with 24.9 per cent of men.[5]

In Uganda, according to a 2015 Uganda Communications Commission survey on Access and Usage of ICTs, only 44% of women owned and could use a phone at any time compared to 62% of the men. Additionally, only 15% of women had used a computer or the internet in the last three months prior to the survey compared to 21% of the men that were interviewed.[6]

Technology and the internet can be a great enabler for girls but a lack of opportunities, skills and a fear of discrimination prevent many from using and creating digital tools and online content.[7] And if the digital gender gap is not addressed, digital technologies may exacerbate gender inequalities rather than help to reduce them.[8] This is because, without equal access to technology and the internet, girls and women are not able to equally participate in our ever more digital societies.

There are several factors that impede women and girls' access to and using digital technologies, including their struggle to afford technology and internet access. In addition, stereotypes around technology being 'for boys' and fear of being discriminated against stop girls from using digital tools.[9]

1 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/02/Digital-Equity-Policy-Brief-W20-Japan.pdf
2 ITU (2019) Measuring digital development: Facts and figures 2019 at; https://www.itu.int/en/mediacentre/Pages/2019-PR19.aspx
3 Ibid
4 https://news.itu.int/itus-approach-bridge-gender-divide/
5 https://www.itu.int/en/mediacentre/Pages/2019-PR05.aspx
6 UCC (2015) Access and Usage of ICT across Uganda https://www.ucc.co.ug/files/downloads/20150130-UCC-access-usage-dissemination.pdf
7 https://plan-international.org/education/bridging-the-digital-divide
8 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/02/Digital-Equity-Policy-Brief-W20-Japan.pdf
9 Ibid

International Commitments to
Bridging the Gender Digital Gap

Although much progress was registered in advancing gender equality and women empowerment under the Millennium Development Goals, women and girls continue to suffer discrimination and violence in every part of the world. In order to leverage on these achievements, goal 5 of the Sustainable Development Goals (SDGs) set new targets that would achieve gender equality and empower all women, specifically, target 5B seeks to Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.[10]

Under the SGDs, Gender equality is not only considered a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.[11]

ITU's work on gender equality is guided by Resolution 70,[12] that calls upon member states "to consider developing, within their national legal frameworks, guidelines or other mechanisms to enhance the accessibility, compatibility and usability of telecommunication/ICT services, products and terminals." The ITU seeks to mainstreaming a gender perspective in ITU and promotion of gender equality and the empowerment of women through information and communication technologies.[13]

In 2018, ITU and UN Women, in collaboration with the African Union Commission, launched a new initiative to equip girls and young women in Africa with digital literacy skills. The four-year Girls Can CODE Initiative (AGCCI) aims to train and empower girls and young women aged 17 to 20 years old across Africa to become computer programmers, creators and designers – and in so doing, enable more girls and young women to take up studies and careers in the information and communication technology (ICT) sector.[14]

In 2016 the UN Human Rights Council passed a resolution[15] on the promotion, protection and enjoyment of human rights on the Internet, seeking to "bridge the gender digital divide and enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of all women and girls."[16]

In Uganda, although the country has in the last few decades enacted several laws and policies to promote gender equality, such as the Vision 2040, the National Development Plan, the Equal Opportunities Commission Act (2007) and the National Youth Policy, none of them are specific with clear provisions on reducing the gender digital divide. Uganda has also ratified international instruments such as Convention on the Elimination of Domestic Violence Against Women (CEDAW), the Maputo Declaration on Gender Mainstreaming (2003), the African Youth Charter (2006) and the Sustainable Development Goals.[17]

10 *SDG Goal 5: https://www.un.org/sustainabledevelopment/gender-equality/*

11 *Ibid*

12 *https://www.itu.int/en/ITU-T/wtsa12/Documents/resolutions/Resolution%2070.pdf*

13 *https://news.itu.int/itus-approach-bridge-gender-divide/*

14 *https://www.developmentaid.org/#!/news-stream/post/29543/new-initiative-launched-to-bridge-the-gender-digital-divide-in-africa*

15 *UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet : resolution / adopted by the Human Rights Council, 18 July 2016, A/HRC/RES/32/13, available at: https://www.refworld.org/docid/57e916464.html [accessed 27 January 2020]*

16 *Ibid, Article 6*

17 *A matrix and analysis of GENDER EQUALITY laws and policies in Uganda https://www.dgf.ug/sites/default/files/rescrc/A-Matrix-and-Analysis-of-the-Gender-Equality-Laws-and-Policies-in-Uganda.pdf*

About the African Declaration
on Internet Rights and Freedoms

The African Declaration on Internet Rights and Freedoms (AfDEC) is a Pan-African initiative to promote human rights standards and principles of openness in internet policy formulation and implementation on the continent. The Declaration is intended to elaborate on the principles which are necessary to uphold human and people's rights on the Internet, and to cultivate an Internet environment that can best meet Africa's social and economic development needs and goals.[18]

The Declaration has 13 key principles that include; Openness; Internet Access and Affordability; Freedom of Expression; Right to Information; Freedom of Assembly and Association on the Internet; Cultural and Linguistic Diversity; Right to Development and Access to Knowledge; Privacy and Personal Data Protection; Security, Stability, and Resilience of the Internet; Marginalised Groups at Risk; Due Process; Democratic Multi-stakeholder Internet Governance; and Gender Equity.[19]

According to its preamble, these 13 key principles are based on affirmation that the Internet is a vital tool for the realisation of the right of all people to participate freely in the governance of their country, and that it must be accessible, available and affordable for all persons in Africa in order for them to fully benefit from its development potential as well as.[20]

The AfDEC further notes that some individuals and groups – in particular women and girls, people with disabilities, ethnic, religious and sexual minorities, and people living in rural areas – are always threatened with exclusion and marginalisation in relation to exercising their human rights in relation to the Internet and digital technologies.[21]

This policy brief discusses the state of the digital gender divide and women's rights online in Uganda as provided for under 5 key principles of the AfDEC – Internet Access and Affordability; Marginalised Groups and Groups at Risk; Right of Access to Information; Right to Privacy and Data Protection; as well as Gender Equality.

18   AfDEC https://africaninternetrights.org/about/
19   Ibid
20   https://africaninternetrights.org/articles/
21   National Housing and Population Census 2014 https://www.ubos.org/wp-content/uploads/publications/03_20182014_National_Census_Main_Report.pdf

Policy **Issues**

Internet Access and Affordability

The AfDEC Principle on Access and Affordability states that; "Access to the Internet should be available and affordable to all persons in Africa without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Indeed, access to and affordability of the internet and other digital technologies is critical in achieving digital inclusion. The internet as a source of information has also grown tremendously, from a 0.6% in 2002 to 7.3% in 2014, according to the Uganda National Population and Housing Census. Unfortunately, like in many countries, structural inequalities such as those in income, education and employment opportunities increase barriers to access and use, which women are likely to experience more severely.[22]

In Uganda, despite the increase in access to and use of the internet and ICTs across the board, access and affordability is still a challenge for large sections of the population especially the poor, rural populations, women, and persons with disabilities. According to a 2015 Uganda Communications Commission survey on Access and Usage of ICTs, only 44% of women owned and could use a phone at any time compared to 62% of the men. Additionally, only 15% of women had used a computer or the internet in the last three months prior to the survey compared to 21% of the men that were interviewed.[23] Compared to the other cities, Kampala has the largest gender gap in Internet access with only 21% of women reported having used the Internet, versus 61% of men, according to a 2016 survey report by the World Wide Web Foundation.[24] This is because while internet access has become more affordable, particularly on mobile phones, costs are still expensive for many Ugandans, especially the women who have no significant sources of income.[25] Figures from the 2014 Uganda National Population and Housing Survey indicate that 32% of women were not involved in any economic activities, compared to only 26% of the men.[26]

However, beyond having access to and affording the costs of the internet, utilisation of these digital technologies requires the right skills, knowledge and tools. Unfortunately, majority of women also lack the skills and confidence to engage with digital technologies effectively at every level, starting from basic usage. According to the World Wide Web Foundation report, A third of women surveyed in poor areas in Kampala, Uganda's capital city, say the lack of digital know-how stops them from using the Internet. In Uganda, there are high illiteracy levels among women, which impedes their access to and use of digital technologies. The 2014 shows that literacy levels among females was lower at, 68% compared to that of males, which stood at 77%.[27]

While there has been significant increase in the number of women that have attained secondary and post-secondary levels of education, overall, female educational attainment remains lower than that of males.[28] Moreover, with regard to gross enrolment from 2007 to 2012, while female enrolment improved for lower levels, it reduced for tertiary level education.[29]

22 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/02/Digital-Equity-Policy-Brief-W20-Japan.pdf
23 UCC (2015) Access and Usage of ICT across Uganda https://www.ucc.co.ug/files/downloads/20150130-UCC-access-usage-dissemination.pdf
24 Web Foundation (2016) Women's Rights Online Scorecard Uganda
25 Freedom House (2018) Freedom on the Net/Uganda at https://freedomhouse.org/report/freedom-net/2018/uganda
26 National Housing and Population Census 2014 https://www.ubos.org/wp-content/uploads/publications/03_20182014_National_Census_Main_Report.pdf
27 Ibid
28 A matrix and analysis of GENDER EQUALITY laws and policies in
Uganda https://www.dgf.ug/sites/default/files/rescrc/A-Matrix-and-Analysis-of-the-Gender-Equality-Laws-and-Policies-in-Uganda.pdf
29 Ibid

Marginalised Groups and Groups at Risk

Related to the issues raised under the *Access and Affordability of the Internet* principle, AfDEC's principle on *Marginalised Groups And Groups At Risk*, requires States and non-state actors to respect and protect the right of all individuals to have access to and use the Internet, with special attention being paid to the needs of groups at risk of discrimination in the enjoyment of their human rights, including women, the elderly, young people and children; and other marginalised groups such as indigenous people, persons with disabilities, and rural communities/people living in rural areas.

One of the major issues that hinder marginalized groups such as women is the high costs of accessing the digital technologies, as well as the high illiteracy levels. The high costs of data keep women, who generally earn less than men, offline. Additionally, time poverty, the gender pay gap and unpaid labour create economic obstacles for women to engage with digital technology.[30]

However, the introduction of the OTT tax is reported to have widen the digital divide gap by raising the internet connection costs by 10% for Uganda's poorest residents, and in turn left them with less access to information.[31]

The government has made some policy commitment to integrate the aspects of gender, youth, PWDs and marginalized groups in ICT programs and interventions within the 2014 National ICT Policy, including the implementation of special ICT training programs for women, youth and PWDs[32] as well as putting emphasis on efforts geared at keeping girls in school and improving their completion rates through addressing both institutional, gender and cultural barriers in collaboration with social, cultural and community groups under the country's Vision 2040.[33]

Security, Stability and Resilience of the Internet

The AfDEC Principle on security, stability and resilience emphasizes that; "Everyone has the right to benefit from security, stability and resilience of the Internet. And that unlawful surveillance, monitoring and interception of users' online communications by state or non-state actors fundamentally undermine the security and trustworthiness of the Internet."

Unfortunately, the growths of the internet and other digital technologies has raised new human rights and safety concerns. Cyberbullying, online harassment and cyberstalking have become too common, as part of a wider variety of violent behaviors that occur in digital spaces and disproportionately affect women and girls.[34] In many countries, women have experienced online abuse – from petty harassment and trolling to stalking and sexual intimidation.[35]

In Uganda, the number of women whose nude pictures or videos have been shared online without their consent has been increasing over the years. In the last five year, up to at least 8 Ugandan celebrities, including Judith Heard, Fabiola Anita, Martha Kay, Cindy Sanyu, Sanyu Robina Mweruka, Desire Luzida, Zari Hassan, and Maama Fina have fallen victims to this behavior, allegedly by their ex-boyfriends or people out to blackmail the victims for money.[36] And the 2016 Web Foundation survey, a shocking 45% of female Internet users in Kampala report having experienced online threats. Women's online expression is also being restricted by frequent Internet shutdowns and mass surveillance.[37]

30 *Web Foundation (2018) Is Open Data Working for Women in Africa? https://webfoundation.org/research/datawomen/*
31 *Global Voices (2018) Access denied:*
 https://advox.globalvoices.org/2018/07/19/access-denied-how-ugandas-social-media-tax-is-turning-news-and-information-into-luxury-goods/
32 *Uganda National ICT Policy 2014*
33 *Uganda Vision 2040*
34 *ICRW, Defining And Measuring Technology-Facilitated Gender-Based Violence*
 https://www.icrw.org/wp-content/uploads/2019/03/ICRW_TFGBVMarketing_Brief_v4_WebReady.pdf
35 *The Digital Gender Gap https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/02/Digital-Equity-Policy-Brief-W20-Japan.pdf*
36 *Watchdog (2019) List: 8 Ugandan female celebrities whose nudes have leaked*
 https://www.watchdoguganda.com/entertainment/showbiz/20190614/70395/list-8-ugandan-female-celebrities-whose-nudes-have-leaked.html
37 *Web Foundation (2016) Women's Rights Online Scorecard Uganda*

While section 13(1) of the Anti-Pornography Act[38] criminalises the production, trafficking in, publication, broadcasting, procuring, importing, exporting, selling or abetting any form of pornography, only in one case, (that of Martha Kay) have other individuals (outside the victim) been charged for cybercrime related to the leaking of the nude pictures and videos. In August 2019, two individuals, Herbert Arinaitwe alias John Paul, 27, a business man in Rubaga division and Farid Mukiibi, 34, were charged at Buganda Road Chief Magistrate's Court by Chief Magistrate Ms. Miriam Okello with aggravated robbery and cyber-crime in connection to leaking nude photos of socialite Martha Kagimba, aka Martha.[39]

The impact of these cyberbullying and harassment is further compounded by the fact that authorities are always on hand to arrest and or seek to prosecute the victims. In 2019, one of the victims, Judith Heard told the BBC how she was arrested and shamed for the leaked nudes.[40] According to human rights activists and academic, Prof. Sylvia Tamale, the acts of leaking nudes and sex tapes of women are part of pervasive levels of violence against women.[41]

Although the government enacted the 2011 Computer Misuse Act[42] to criminalise cyber harassment (section 24), offensive communication (section 25) and cyber stalking (section 26), it has not been used to protect women, who are the biggest victim of these crimes. In 2018, a then 25-year-old man, Isiko Brian, was charged and convicted of cybercrime and offensive communication for sending unsolicited text messages to women member of parliament Sylvia Rwabwogo. He was sentenced to jail for two years.[43] The case however generated a lot of debate, with many commenters, including media reporting that Mr. Isiko was being charged for expressing love to the MP.[44] Others praised the sentencing noting that it will send a precedent that stalking is not love.[45] The same provisions have however been used to charge and sentence individuals who have been critical of the president, such as Joseph Kabuleta and Dr. Stella Nyanzi.[46]

Privacy and Personal Data Protection

One of the biggest human rights concerns in this digital age has been unlimited ability and the massive collection and preservation of biometric data.[47] The growth in mobile subscriptions, increased use of smartphones, mandatory SIM card registration have resulted in increased collection, processing and sharing of personal data making it increasingly prone to abuse by both state and non-state actors. Unfortunately, many internet users are not aware of the implications of their use of the web and how their rights are compromised by their internet usage or how their data is automatically gathered or processed without their knowledge and sold or linked with other sources to produce a complex record of several aspects of their lives.[48]

The AfDEC Principle on Privacy and Data Protection requires that "Personal data or information shall only be collected and/or processed by states and non-state actors such as access providers, mail providers, hosts, and other intermediaries, in compliance with well-established data protection principles.

38 The Anti-Pornography Act https://ulii.org/system/files/legislation/act/2014/1/Anti%20Pornography%20Act%20of%202014.pdf
39 PMDaily (2019) Two charged over leaking Martha Kay's nudeshttps://www.pmldaily.com/news/2019/08/two-charged-over-leaking-martha-kays-nudes.html
40 BBC (2019) 'I was arrested and shamed for leaked nudes': Ugandan model Judith Heard,
    https://www.bbc.com/news/av/world-africa-47612896/i-was-arrested-and-shamed-for-leaked-nudes-ugandan-model-judith-heard
41 Daily Monitor (2015) Sex tapes are part of pervasive levels of violence against women
    https://www.monitor.co.ug/OpEd/Commentary/Sex-tapes-are-part-of-pervasive-levels-of-violence-against-women/689364-2618598-13vi71d/index.html
42 Uganda Computer Misuse Act 2011 https://ulii.org/ug/legislation/act/2015/2-6
43 A 25-year-old Brian Isiko To Serve 2 Years In Prison For Sweet-Talking An MP https://newslexpoint.com/brian-isiko-serve-prison-sweet/
44 Brian Isiko charged afresh over sending love messages to MP
    https://www.newvision.co.ug/new_vision/news/1487052/brian-isiko-charged-afresh-sending-love-messages-mp
45 Stalking women is not love https://www.dandc.eu/en/article/court-sentence-uganda-shows-cyber-harassment-and-stalking-women-not-be-confused-love
46 Misusing computer misuse law https://www.independent.co.ug/misusing-computer-misuse-law/
47 The Right to Privacy in the Digital Age, https://www.ohchr.org/Documents/Issues/DigitalAge/ReportPrivacyinDigitalAge/PiratePartiesInternational.pdf
48 CIPESA (2018) State of Internet Freedom in Africa at https://cipesa.org/?wpfb_dl=278

In December 2018, Uganda parliament finally passed the Privacy and Data Protection Act,[49] that was assented to by the President in 2019. It is important to note that the Act applies to collection, processing, holding or using of personal data within Uganda in respect to persons in or outside Uganda, in respect to Ugandan citizens. This means that both automated and physical data collection, processing and storage is covered within the scope of the Act.[50] As discussed earlier under the safety and stability, a number of women have had their personal data, mostly pictures and video leaked by non-state actors, compromising their right to privacy and data protection. Most of the personal data are obtained and shared without the consent of the victims in acts of revenge porn or black mail in order to extort money from the victims, amounting to cyber harassment and stalking.

However, beyond the online harassment and cyberstalking by non-state actors, Uganda's legal environment doesn't promote a conducive environment as it provides for surveillance, and lawful interception and monitoring of communications in the course of their transmission through telecommunications, postal or any other related services or systems in Uganda. Specifically, Section 8 of this Act requires service providers to ensure that their telecommunication systems are always technically capable of supporting lawful interception of communication. This provision greatly undermines the ability and desire of the online community to have secure and private communication.

The right to privacy and personal data is further limited by the Anti-Terrorism Act, 2002, which provides for interception of communications, specifically, section 19 (1) which states that "… an authorized officer shall have the right to intercept the communications of a person and otherwise conduct surveillance of a person under this Act."

In 2017, the National Information Technology Authority – Uganda (NITA-U) in collaboration with the Internet Society Uganda Chapter led to the development of an Online Safety Education Toolkit as a useful and convenient learning resource for children and youth, including girls, on how best to stay safe online in their daily use of the internet – especially in the protecting their personal data.[51]

Gender Equality

Aside from addressing the gender digital divide, the AfDEC principle on Gender Equality requires the creation and promotion of online content that reflects women's voices and needs and promotes and supports women's rights. Unfortunately, the massive presence of online sexy contents, pornography, or contents objectifying women and the "consumption of such material facilitates further acts of violence against women.[52]

The AfDEC principle on gender equity calls upon key stakeholders to ensure that the processes and mechanisms that enable the full, active and equal participation of women and girls in decision making about how the Internet is shaped and governed are developed and strengthened. In January 2020, president Yoweri Museveni appointed Hon. Judith Nabakoba the cabinet minister for ICT and National Guidance.[53] Prior to her appointment, the ministry had another woman, as the junior minister, Hon. Ida Nantaba[54] who was not re-appointed in the recent reshuffle.

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49 Data Protection Act https://ulii.org/ug/legislation/act/2019/1
50 TMT Alert: Do you collect personal data in the operation of your business? The Data Protection & Privacy Act, 2019, decoded
    https://www.kats.co.ug/2019/06/19/tmt-alert-deal-in-personal-data-in-running-your-business-the-data-protection-privacy-act-2019-decoded/
51 Ibid
52 http://fowode.blogspot.ug/2015_02_01_archive.html
53 Frank Tumwebaze hands over ICT Minister's office to Judith Nabakooba
    https://www.ntv.co.ug/news/national/Frank-Tumwebaze-hands-over-ICT-Ministry/4522324-5417472-7la7q5z/index.html
54 Profile: Aidah Nantaba; Museveni's 'untouchable' Minister
    https://www.watchdoguganda.com/news/20170628/22250/profile-aidah-nantaba-musevenis-untouchable-minister.html
55 UCC 's gender empowerment https://www.independent.co.ug/ucc-s-gender-empowerment/

Conclusion and
Recommendations

Conclusion

It is evident that the gender digital divide has increased over the last few years, with more women and girls, being left behind. Factors such as the high costs of data, digital illiteracy, as well as online based violence has forced many women and girls off the internet. Although Uganda has several laws and policies that provide for gender equality, none of them is specific about the digital gender divide, including the ICT Policy and Vision 2040.

In order to bridge the digital gender gap, government leaders, and all other relevant stakeholders must get to understand the barriers to access and develop the public policies, tools and interventions that promote more gender inclusivity.

Recommendations

- Government should ensure that the policy framework have women's unique perspectives and views integrated in order to produce a robust law that is gender-sensitive
- Government should work with telecommunication service providers to improve access and affordability by lowering the cost associated with internet data and other digital technologies for women and girls in order to enhance affordability.
- Enhance the ability of the police and judiciary to fight online gender-based violence through training and capacity building
- Government together with civil society and telecommunication service provides should build the capacity of the women and girls to improve their skills to access and use digital technologies
- The Ministry of ICT, and NITA-U should populate and the expedite the implementation of the Data protection Act by passing the required regulations and setting up relevant offices.
- The media should strive to inform, educate and mobilise the public to respect and promote women' rights online
- The media should also improve on their professionalism in reporting about cases of online violence against women
- Civil society organisations should seek to build stronger multi-stakeholder coalitions to advance and promote women's rights online