Children Online Safety: An Insight into Legal, Regulatory and Practices in Uganda

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Executive Summary

The report surveys the legal and regulatory frameworks affecting Child Online Protection in Uganda. Despite the growing use of internet by children, the notion to protect children online is new in Uganda and Africa as a whole. As such, there is little or no documented evidence on online behaviour for young children on the continent. Although legal and regulatory frameworks have been adopted, these too are inadequate in addressing child online safety.

This study shows that majority of the young people are accessing the internet from their schools, cyber cafes, and homes - through use of personal mobile phones and their parents devices. Further the study acknowledges cyberstalking, cyber bullying and cyber harassment as the top most challenges faced by the children while using the internet. Thus it recommends the need to adopt a unified law that strictly addresses child online protection in Uganda; the restriction of accessing online pornography especially in public places; massive awareness about the dangers of the internet especially by educating children about responsible use of the internet.

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Introduction

Internet usage in Uganda continues to grow, with an estimate 8.5 million internet users nationwide and 53% teledensity.[1] This has been fueled by greater availability of fibre optics, affordability of internet-enabled mobile phones, and a growth in service providers. Although it is hard to determine what percentage of children aged between 13-18 years are internet users, the Uganda government is making striding efforts to ensure internet access in all schools in the country.

The Rural Communications Development Fund report 2013/2014 highlights a drastic increase in the number of school teaching as well as number of students taking up Computer Studies as a subject at Ordinary level from 1,400 to 18,000.[2] Further, according to this report, 1,000 school Information Technology labs have been implemented across the country. With such initiatives in place, it is certain that the number of young people connecting online is on the rise in Uganda especially with the increased popularity of social media tools like Facebook, YouTube, twitter and Myspace. Facebook penetration in Uganda is estimated at 3.6%, with 66.5% male and 33.5% female using the platform.[3] In 2012, Socialbakers reported 1.6% penetration with age groups 13-15 and 16-17 have minimal representation - at 3% and 5% respectively.

However, there is little or no documented evidence on the online behaviour for young children in Uganda. Further, there is no provision in place for Uganda citizens to report cases of online child sexual abuse material hosted globally.[4] Besides no reports of illegal child sexual abuse material hosted on Uganda servers have been recorded.[5]

In 2012, it emerged that there is an urgent need to create awareness among young children on the dangers of the internet in Uganda.[6] Mixed reactions were drawn from participants, with some noting the urgency of the need to promote and protect children online while others felt that it was not an urgent matter since few children are connecting online in Uganda.

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[1] UCC, (2014), Telecom subscribers & Penetration Data, June 2014, http://ucc.co.ug/data/qmenu/3/Facts-and-Figures.html
[2] UCC (2014), Results and Impact, RCDF, 2013/2014, http://ucc.co.ug/files/downloads/RCDF%20Annual%20Report%20201314%20Abridged.pdf
[3] Facebook statistics for Uganda, http://www.allin1social.com/facebook/country_stats/
[4] IWF (2013) ITU/IWF Country Readiness Assessment to establish Hotline provision for reporting online child sexual abuse content (CSAC) – Uganda
[5] Ibid. 1
[6] Uganda Internet Governance Online Discussion Report 2012, http://www.cipesa.org/?wpfb_dl=52

Legal and Regulatory Frameworks

However, the notion to protect children online is new in Uganda and a few citizens are certainly not taking precautionary steps to provide safe online spaces for children. The legal and regulatory frameworks that exist are inadequate in addressing children online safety. Below we look into the current highlights under the current structures -

Although the **Computer Misuse Act (2011)** proposes tough measures for anyone who indulges in child pornography. According to Section 23,

> *A person who—(a) produces child pornography for the purposes of its distribution through a computer; (b) offers or makes available child pornography through a computer; (c) distributes or transmits child pornography through a computer; (d) procures child pornography through a computer for himself or herself or another person; or (e) unlawfully possesses child pornography on a computer, commits an offence.*

Further, persons who avail pornographic materials to a child commit an offence as per sub section 2. Those found guilty of possession, procurement or distribution of child pornography are liable on conviction to a fine not exceeding Seven Million and Two Hundred Thousand Uganda Shillings (approx.2,500 USD) or imprisonment not exceeding fifteen years or both.

> *Child pornography according to the act is defined to include- pornographic material that depicts— (a) a child engaged in sexually suggestive or explicit conduct; (b) a person appearing to be a child engaged in sexually suggestive or explicit conduct; or realistic images representing children engaged in sexually suggestive or explicit conduct.*

The act defines a child as "a person under the age of eighteen years"

Other areas concerning child online safety like cyber stalking, cyber harassment and offensive communication are also addressed in the act but offences are generalized, which leaves perpetrators to prey on children both online and offline. Those found guilty of cyber harassment are liable on conviction to a fine not exceeding One Million Four Hundred and Forty Thousand Uganda Shillings (approx. 500 USD).

Cyber harassment according to the Act is the use of a computer for any of the following purposes— (a) making any request, suggestion or proposal which is obscene, lewd, lascivious or indecent; (b) threatening to inflict injury or physical harm to the person or property of any person; or (c) knowingly permits any electronic communications device to be used for any of the purposes mentioned in this section.[7]

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[7] Computer Misuse Act, 2011 - Section 24 (2)

Seemingly, persons who indulge in 'Offensive communication' are liable upon conviction to a fine not exceeding Four Hundred Eighty Thousand Uganda Shilling (approx. 167 USD) or imprisonment not exceeding one year or both. Offensive communication according to this act is the willingly and repeated used of electronic communication to disturb or attempts to disturb the peace, quiet or right of privacy of any person with no purpose of legitimate communication whether or not a conversation ensues.[8] The act further criminalises the use of electronic communications to harass another person or make a threat with the intent to place that person in reasonable fear for his or her safety or to member of that person's immediate family under Section 26. *Those found guilty of this offence are liable conviction to a fine not exceeding Two Million and Four Hundred Thousand Uganda Shillings (approx. 800 USD) or imprisonment not exceeding five years or both.*

However, penalties are deemed lenient as evidenced in 2012 when a court case that saw a tourist charged for committing offences under the Computer Misuse Act (2011).[9]

Meanwhile the ***Anti-Pornography Act, 2014[10]*** proposes even tougher penalties for perpetrators of child pornography. Section 14 (1) states that '*A person who produces, participates in the production of, traffics in, publishes, broadcasts, procures, imports, exports or in any way abets pornography depicting images of children, commits an offence and is liable on conviction to a fine not exceeding seven hundred and fifty currency points **(Fifteen Million Uganda Shillings (approx. 5,000 USD))** or imprisonment not exceeding fifteen years or both.*'

It is therefore important to conduct a thorough research into the aspects of online safety in Uganda, understand the key players in this field while clearly mapping out a comprehensive strategy on how to ensure that the young generation connects responsibly. It's from these reactions that the project seeks to undertake research into online behaviour in a few pilot schools. The findings of this research will be used for capacity building and awareness creation for the targeted population.

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[8] Computer Misuse Act, 2011 – Section 25
[9] Kigongo. J, Bagala. J & Croome P (2012), Sex tourist pays Shs6 million fine, walks free, The Daily Monitor, March 29, 2012, http://www.monitor.co.ug/News/National/-/688334/1375704/-/awpbihz/-/index.html
[10] THE ANTI-PORNOGRAPHY ACT, 2014, http://www.ug-cert.ug/files/downloads/The-Anti-pornography-act-2014

Child Online Protection – The Practice

Between August – September 2014, the Internet Society Uganda Chapter conducted a survey to establish the status of online safety in selected schools in Uganda. The survey was conducted as part of the project on promoting Children online protection in Uganda. Five schools were purposely selected to participate in this survey - these were Nabisunsa Girls School, City Parents Primary School, Mackay Secondary School, Gayaza Girls School and Ambrosoli International School. The latter two schools participated in focus group discussions that built on the recommendations.

Findings

A total of 110 students were surveyed aged between 8 – 21 years, with majority – 40% aged between 15 -18 years while 11% of the respondents were aged less than 11 years. Out of the surveyed students, 71% were male while 39% were female.
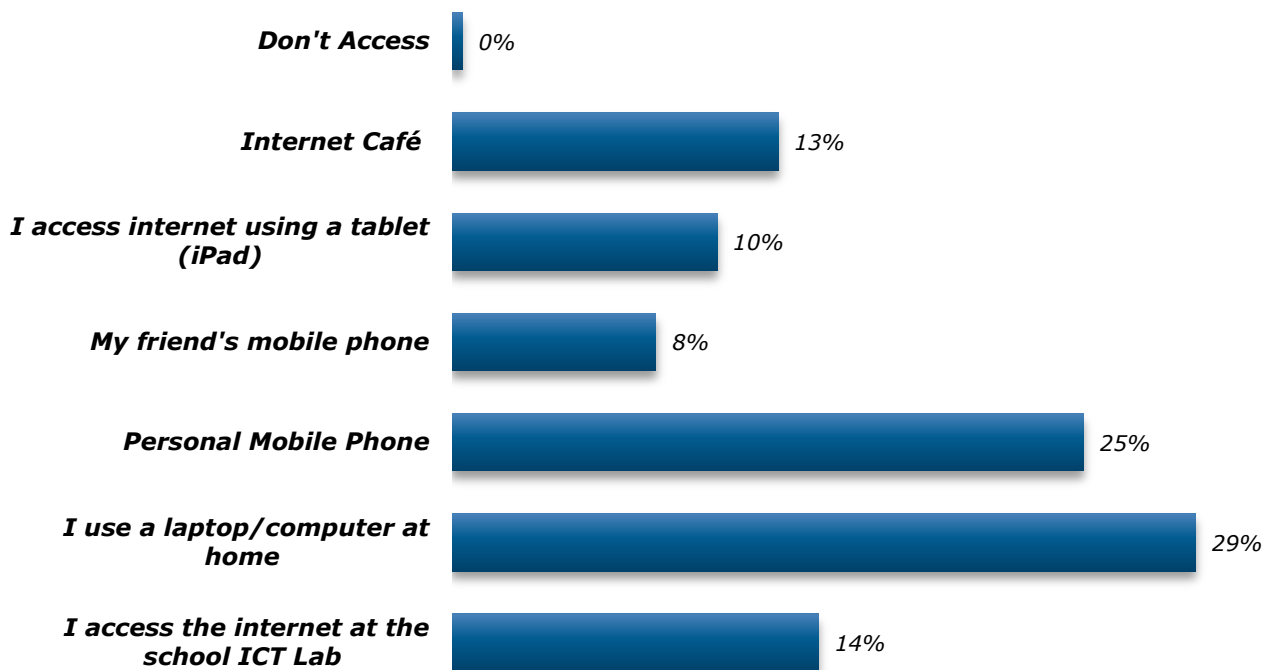
Age Variation of Respondents
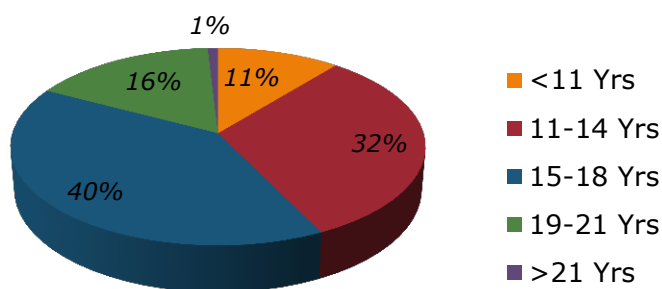
Use and Access to the Internet

Out of the surveyed 110 students, 99% responded positively to using the internet. Asked on how they accessed the internet, majority of the children (29%) accessed the internet from a computer at home while 25% accessed using a personal mobile phone.

How do you access the internet?

Category	Percentage
Don't Access	0%
Internet Café	13%
I access internet using a tablet (iPad)	10%
My friend's mobile phone	8%
Personal Mobile Phone	25%
I use a laptop/computer at home	29%
I access the internet at the school ICT Lab	14%

Use of the Internet

"Researching about homework" and "chatting with my friends" drew the most scores for using the internet at 31% and 30% respectively. This was followed with "watching/downloading movies" at 22% and playing video games at 16%. Other identified uses were –

What do you use the Internet for?

- Chatting with my friends
- Researching about homework
- Others (News)
- Watching/downloading movies
- Playing video games
- Don't Use
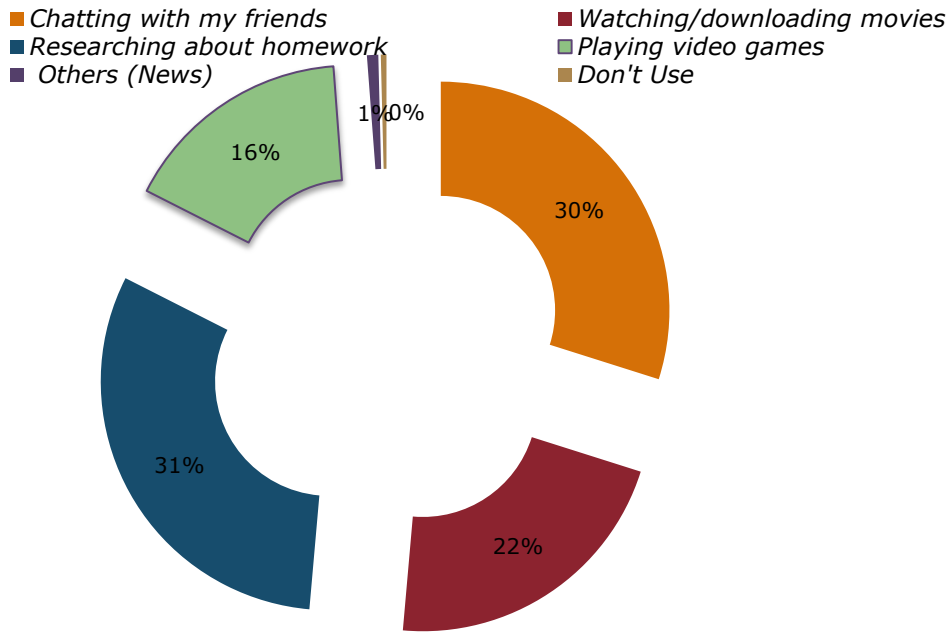
Social Networking Sites Visited

A large number (39%) of the students mentioned facebook as the most visited social networking site. This was followed by YouTube (25%), twitter (15%), google plus (7%) and Whatsapp (6%). Only one respondent acknowledged using viber. Tango,wapkid, yahoo messenger


Which of these social networking sites do you visit?
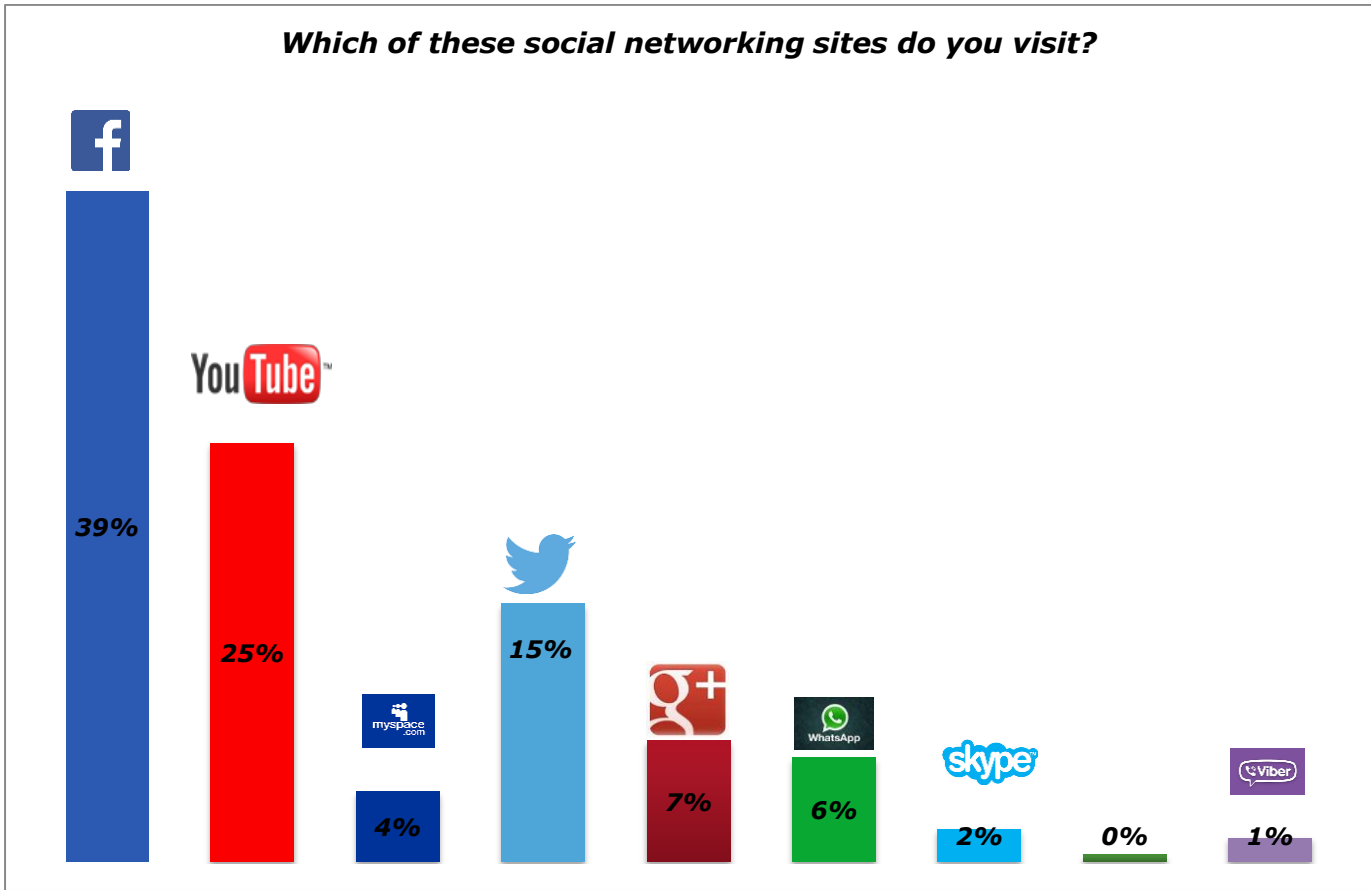
Challenges Experienced in Accessing Internet

Although most of the respondents noted to not have experienced any challenges while using the internet, Cyberstalking and cyber bullying where acknowledged as the top most challenges faced by the children while using the internet. This was followed by cyber harassment with 11% of the children mentioning to having experienced this problem. Others noted were – "not finding information they needed on the internet", "slow internet" and "online abusing."

Have you experienced any of the following problems while using the internet?

Bullying
20%

None
36%

Stalking
33%

Harassment
11%
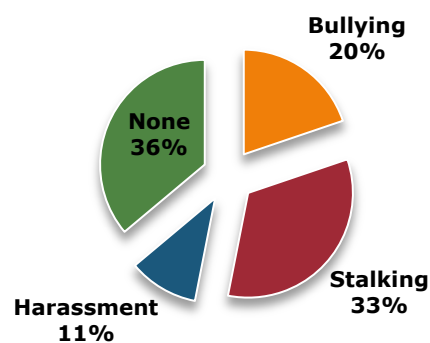
Conclusions and Recommendations

From the research findings, it's evident that children are indeed knowledgeable about the internet, its use and some of the dangers they are most likely to encounter while using this tool. Students who participated in the survey highlighted the following as the way forward in improving child online safety:-

- Need to provide affordable and fast internet especially in schools
- More social networks to be designed for all age groups
- Children should be allowed to access internet at school
- Need to design social networks specially targeting children
- Need to develop "good" internet policies
- Internet bullying should be stopped
- "Porn websites" should be banned
- Educative apps and portals for online safety should be developed for children
- People should be taught on how to use the internet

Further to the above recommendations, it was observed that although child pornography is addressed in the Uganda legislation, there is need to adopt a unified law that strictly addresses child online protection.

Even though this was a pilot study with a few participating schools, as assumption is made that the findings might be similar if the study was to be

deployed across the country. Therefore it becomes important to conduct a wider national study to access the state of internet access - including the knowledge, attitudes and perceptions of children towards internet use and access.

Annex 1: Survey Tool

Survey on online safety practice is Uganda schools

The Internet Society Uganda Chapter is an organizations based in Uganda with the aim of promoting the open and transparent development on the internet. We are currently undertaking a project on promoting Child Online Protection in Uganda. As part of this, we are conducting research to establish the status of online safety in selected schools in Uganda.

We kindly request your input to the questions below by ticking or writing your responses in the gaps provided. **Your response will be considered confidential.**

Thank you for your cooperation!

1. What is your Age: _____

2. Gender:☐ **Male**   ☐ **Female**

3. Do you use the internet?☐ **Yes** ☐   **No**

4. ***How do you access the internet? (Please tick all that apply)***

   ➢ I access the internet at the school ICT Lab

   ➢ I use a laptop/computer at home

   ➢ Personal mobile phone

   ➢ My friend's mobile phone

   ➢ I access internet using tablet (iPad)

   ➢ Internet café

   ➢ Other, please specify _____

5. ***What do you use the internet for?***

   ➢ Chatting with my friends

   ➢ Watching /downloading movies

   ➢ Researching about homework

   ➢ Playing video games

   ➢ Other, please specify _____

6. Which of these social networking sites do you visit?

   ➢ Facebook

   ➢ Youtube

   ➢ Myspace

   ➢ Twitter

   ➢ Others, please specify _____

7. Have you experienced any of the following problems while using the internet

   ➢ Bullying

   ➢ Stalking

   ➢ Harassment

   ➢ Others, please specify _____

Please suggest ways in which you would like to see the internet improved to meet your needs?

_____

_____

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Thank you!