



THE STATE OF DIGITAL RIGHTS AND GOVERNANCE IN UGANDA



HOW UNDEMOCRATIC PRACTICES SWAY DIGITAL RIGHTS ENJOYMENT & GOVERNANCE IN UGANDA



HOW UNDEMOCRATIC PRACTICES SWAY DIGITAL RIGHTS ENJOYMENT & GOVERNANCE IN UGANDA



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For God and My Country

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LIST OF ACRONYMS AND ABBREVIATIONS

Term	Description
MoICT & NG	Ministry of Information Communication and Technology and National Guidance
NITA-U	National Information Technology Authority – Uganda
UCC	Uganda Communication Commission
UN	United Nations
UW	Unwanted Witness
MDA	Ministries, Departments and Agencies
UHRC	Uganda Human Rights Commission
UDHR	Universal Declaration of Human Right
GoU	Government of Uganda
MoES	Ministry of Education and Sports
UPF	Uganda Police Force
ICT	Information Communication Technology
NGO	Non-Governmental Organization
OTT	Over the Top Tax
MTN	Mobile Telecom Network
WGIG	Working Group on Internet Governance

DEFINITION OF KEY TERMS AND CONCEPTS

Term	Description
Digital rights	<p>These are human rights and legal rights that allow individuals to access, use, create, and publish digital media or to access and use computers, other electronic devices, and telecommunications networks. The concept is particularly related to the protection and realization of existing rights, such as the right to privacy and freedom of expression, in the context of digital technologies, especially the Internet.¹ The laws of several countries recognize a right to Internet access.²</p>
Internet governance	<p>According to the Working Group on Internet Governance (WGIG) 2003, Internet governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the internet.</p> <p>In 2005, the UN-sponsored World Summit on the Information Society defined internet governance as «the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the internet.”</p>

EXECUTIVE SUMMARY

A number of studies continue to show that, if governments do not undermine internet access, citizens' knowledge and awareness about digital rights and violations would increase.

In Uganda, the use of internet has been critical in terms of accessing information but limited for certain issues bringing about the preposition for this study. This situation has ruined the enjoyment of human rights in Uganda over the years. This defines the aim of study which was to find out the ambiguities in the policies that limit the development of internet governance principles.

In line with the identified setbacks, Unwanted Witness (UW) Uganda commissioned this study as part of evidence based advocacy approach to strengthen the effectiveness and enjoyment of digital rights in Uganda. The study focused on addressing the following key objectives;

- Build on the existing knowledge about digital rights and Internet governance in Uganda.
- Investigate factors hindering the enjoyment of digital rights and Internet Freedoms in Uganda.
- Attain recommendations for policy formulation and review for digital rights enjoyment.

In terms of approach and methodology, the study was conducted using mixed methods approach of data collection and synthesis (qualitative and quantitative). The study followed a rigorous and systematic scientific inquiry along the processes of; facts determination, analysis and reporting.

The qualitative approaches included; key informant interviews, focus group discussions and explorative literature review. The quantitative methods used a survey questionnaire which was digitalized on a smart phone app, enabled with location services. The data was then cleaned, coded and analysed using a spreadsheet application. In order to validate the key findings, collaborative exploratory surveys through phone call interviews with key informants were conducted.

Of the 525 target respondents, 547 took part in the study of which; 451 citizens, 17 media, 41 state actors, and 17 special interest groups, women rights activists 9 and others 12. A total of 58% were male, while 41% were female and 1% indicated other. The results of the study reveal that 95% own/have access to a smart phone that is used for communication and entertainment, 68.7% own/have access to a computer/laptop that is used to conduct business activities. The named gadgets are used to access social media platforms with Whatsapp used most followed by Facebook, YouTube, Twitter, Snap chat, Pinterest, Instagram and LinkedIn.

In relation to knowledge about digital rights and Internet governance in Uganda, the study found that at least half of the respondents are aware of their digital rights especially the right to internet access and affordability. Most of the respondents have never been trained on cyber security, free access to internet and the use of social media for marketing.

The study investigated factors hindering the enjoyment of digital rights and Internet Freedoms in Uganda. The results show the following, failure to monitor set policies, failure to sensitize people on digital rights, limited knowledge on existence of digital rights, high charges on using social media, gender inequality and the establishment of the OTT tax. More challenges included lack of proper devices for use by people with disabilities, poor internet connection, increased rates of cyber bullying and the inability to afford platforms in terms of maintenance fees.

The study derived the following recommendations for policy formulation and review for digital rights enjoyment.

- Government through the human rights commission and ministry of justice should promote universal access to legal aid for all citizens regarding digital rights. These will ensure a just and fair due processes.
- Government through relevant arms like parliament, ministries and local governments should translate the laws and regulations into simple guidelines for citizens to read and understand. This is an empowerment tool for citizens to claim their digital rights.
- The government through parliament and the MoICT & NG should translate the laws into various local languages to improve their accessibility and understanding by the common man (ordinary citizens)
- The Uganda human rights commissions, MoICT & NG, Uganda Police human resource directorate, police professional standards unit and UCC should train

security officers in digital rights. Simplified legal guidelines on digital rights minimise misinterpretation of the laws.

- Private sector actor particularly in the ICT industry such as telecoms, broadcasters and value service providers should make their content universally accessible by all people including persons with disabilities.
- The Ministry of Education should integrate digital rights education into the curriculum of computer literacy at various level of education as a means of promoting responsible use of the internet and associated technologies.
- The government of Uganda through parliament and URA should scrap OTT and promote uptake of e-services.
- The government through agencies like NITA-U and UCC should extend internet access to all corners of the country to ensure universal coverage of the country.
- The government of Uganda through the ministry of education and sports should promote digital education in schools through introduction of internet use training sessions and short courses for the students to easily address the issues that arise from internet use.
- UCC should establish the communication tribunal as provided by the laws to enable arbitration of issues within the sector.
- The government through Ministry of ICT should establish policies and programmes that make Internet affordable to all citizens irrespective of economic and social status of the individual citizen.
- Civil society organizations should advocate for fair policies and equitable application of the laws, in conformity with international standards of human rights.
- Civil society organizations should invest more efforts in research to develop evidence for use in advocacy work.
- Civil society should expand the scope for advocacy to cover both state and none state actors.

INTRODUCTION AND BACKGROUND

Introduction

Information Communication Technologies like the Internet and Social media, have proliferated all aspects of human life; from education, health, business to entertainment. Given the unique position of ICTs in the current knowledge-based society, internet has become a pivotal tool in the enjoyment of human rights.

Internet and associated technologies provide opportunities for parties to interact and increase access to information, a key digital right¹. Furthermore, the internet continues to open up opportunities for interaction between right holders and duty bearers, granting the ordinary citizens a right to seek accountability from duty bearers (state and other agencies). The emergence of web 3.0 (the semantic web) driver by artificial intelligence, continues to narrow the digital divide among the disadvantaged communities like persons with disabilities².

Given the unique role of ICT like social media in increasing access to information and shaping opinion of citizens, many authoritarian governments around the world are taking steps aimed at undermining internet access³ and affordability, and weaken the potential of digital technologies to catalyse free expression and to drive innovation⁴.

The number of internet users in Uganda has grown exponentially from less than 40,000 around 2000 to slightly over 10 million in 2020, with social media penetration estimated at about 5.6% of the urban population. Currently, internet penetration per population size is around 24.5% in Uganda according to World Bank project⁵.

- 1 Drake Patrick Mirembe, Jude T. Lubega and Martha Kibukamusoke. Leveraging Social Media in Higher Education: A Case of Universities in Uganda. *European Journal of Open, Distance and E-learning* (2019). Vol. 22, Issue 1 March 2019. ISSN 1027-5207. Available at <http://www.eurodl.org/?p=current&sp=full&article=797>
- 2 Leona F. Fass. "The Semantic Web, E-Government and the Digital Divide " <https://www.aaai.org/Papers/Symposia/Spring/2006/SS-06-06/SS06-06-005.pdf>
- 3 <https://www.accessnow.org/internet-shutdowns-2020-elections/>
- 4 Human rights watch. (2020). Shutting Down the Internet to Shut Up Critics. Accessed on 2nd Dec, 2020. <https://www.hrw.org/world-report/2020/country-chapters/global-5>
- 5 <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=UG>

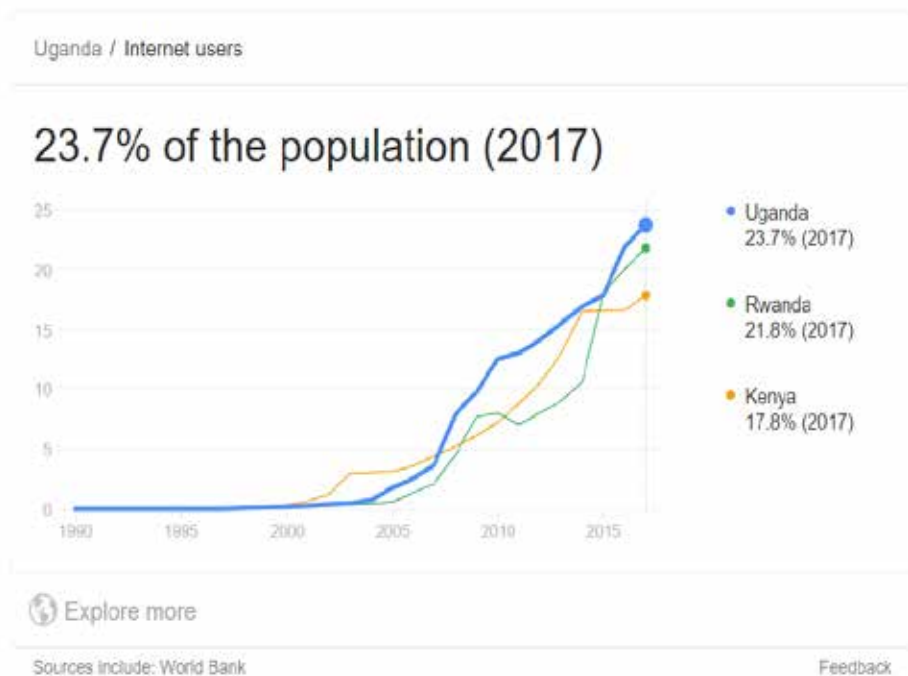


Figure 1: Internet Penetration Trends in key East African Countries over the years

However, the UCC sector report 2019⁶ indicates that Uganda internet penetration was at 37% with over 23million subscribers. The commission indicated that Uganda had about 5.5million active smart phones and the rest being feature phones.

As of November 2020, According to Global stats project, Uganda has over 6 million users of social media, with the top platforms being;



The figure 2 below shows the trends in the last one year;

6 <https://uccinfo.blog/2020/01/30/communication-sector-report-september-2019/>



Figure 2: Uganda social media trends for the last 10 years according to Global Stats

Uganda social media trends for the last 10 years according to Global Stats

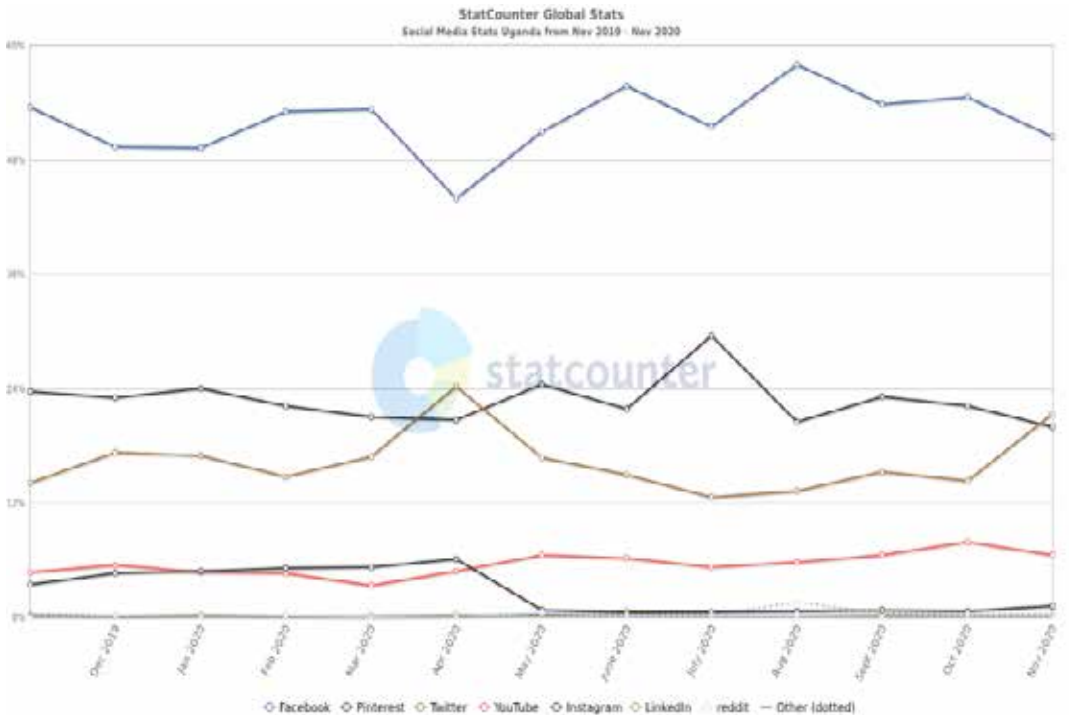


Figure 3: Social media trends in the last one year (2020) (Source: Global Stats)⁷

⁷ Uganda Social media Stats; <https://gs.statcounter.com/social-media-stats/all/uganda>

From the trend analysis it is very clear that, social media usage over the years has grown, providing an enabling environment for ordinary citizens to exercise their freedom of expression.

Furthermore, Uganda's ICT sector expanded rapidly with an internet penetration reaching at 42% as of November, 2020. The cost of international bandwidth has declined from 1300USD per month in 2011 to about 70 USD per month as of December 2019.

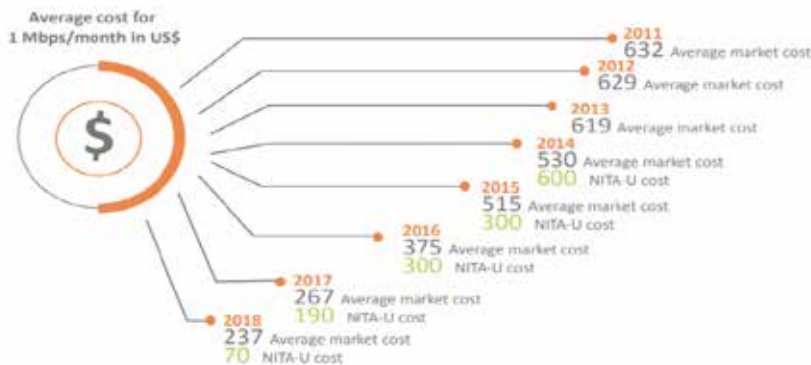


Figure 4: Uganda's Cost of internet trends 2011 to 2018 (Source: NITA-U Report⁸)

As of April 2020, Uganda had about 33 telecom operators under different licensing regimes, such as National Operator, Regional operator, infrastructure provider and others⁹. Of these, there are 4 dominant national operators that include the market leaders; MTN, Airtel, Africell and Uganda Telecom. All this has happened in the last 20 years, from a duopoly (MTN through GPRS and Orange using 3G connection) to 33 operators. Also access to the National Backbone Infrastructure (NBI) by Ministries Departments and Agencies (MDA) from 27 on 2011 to about 450 connections in 2020¹⁰. All these indicate an increasing access to e-services in the country and the associated challenges to digital rights enjoyment.

8 <https://www.nita.go.ug/sites/default/files/publications/National%20IT%20Survey%20April%2010th.pdf>

9 <https://www.ucc.co.ug/list-of-telecom-providers/>

10 <https://www.nita.go.ug/projects/national-backbone-infrastructure-project-nbiegi>

A number of studies by Human Right Watch¹¹, other scholars and journalists¹² continue to show an increase in digital rights violations, characterised by; arrests and intimidation of online users, internet blockages, and a proliferation of laws and regulations that undermine the potential of technology to drive socio-economic and political development worldwide.

The International Telecommunication Union (ITU), a global United Nations (UN) body responsible for ICT regulation and promotion, indicates that Africa has the lowest internet penetration compared to other regions with an entrenched digital divide. A significant number of African countries have weak democratic governance systems, instituting measures that hamper internet access and affordability.¹³

Uganda, Tanzania, Egypt, and Ethiopia¹⁴, have experienced internet shutdowns in the recent past, suffering communications disruptions on more than one occasion. There is an increasing use of data collection and surveillance tools such as; Spyware, CCTV camera, social media monitoring, regressive online content regulation and taxation.¹⁵ This is worrying because many governments are raising surveillance capacity even when there are insufficient independent legal safeguards.

1.2 Background and Context

Uganda's Internet usage has grown in recent years with over 10 million¹⁶ users providing a new digital landscape that facilitates the work of human rights defenders, activists, journalists, minority groups and citizens providing grounds for safer interactions or activism in Uganda.

11 Human rights watch. (2020). Shutting Down the Internet to Shut Up Critics. Accessed on 2nd Dec, 2020. <https://www.hrw.org/world-report/2020/country-chapters/global-5>

12 Juliet Nanfuka (July 16, 2020). Good News, Bad News: A Story of Internet Shutdowns in Togo and Ethiopia. <https://cipesa.org/2020/07/good-news-bad-news-a-story-of-internet-shut-downs-in-togo-and-ethiopia/>. Accessed on 5th Dec, 2020.

13 <https://www.dw.com/en/digital-backlash-threatens-media-freedom-in-ghana/a-46602904>

14 Despots and Disruptions: Five Dimensions of internet shutdowns in Africa, February. 2019)

15 CIPESA (2019). Digital right in Africa: Challenges and Policy Options. https://cipesa.org/?wpfb_dl=287

16 <https://datareportal.com/reports/digitalG2020Guganda>

The growth in Internet usage has in equal measures attracted interest from the state to control monitor users' Internet activities using sophisticated technology and legal restrictions to control what citizens do or say online justifying the repression as necessary for public order, morality or security¹⁷. Although the Internet can be a powerful democratization tool but it can facilitate real time abuse of fundamental rights and freedoms.

As part of science led advocacy approach, Unwanted Witness has over the years documented trends and threats to digital rights and Internet freedoms in Uganda¹⁸. The work of Unwanted Witness and other studies continue to show the growing desire by the state to shrink access and enjoyment of digital rights in the name of maintaining public safety and order. Not surprising in October, 2020 Uganda Communications Commission (UCC), issued arbitrarily demands to online content producers including bloggers and others to registered and be licensed, a clear desire to contract freedom of expression on the internet. This was extended to the electoral process, during the recently concluded National general election, early 2021, scenes of human rights violations and shrinking democratic space online were visible to everyone.

Building upon our previous work in Uganda of defending digital human rights, Unwanted Witness undertook a research to explore the current state and development of digital rights and Internet governance in Uganda focusing on the state's obligation and responsibility under International law¹⁹ observing the fulfilled mandates in national legislation, practice, and Underscores through a comprehensive literature review which formed a baseline for the field research whose findings are documented in this report.

17 https://www.unwantedwitness.org/download/uploads/thestateofdigitalrightsginguganda_grepressionongtheginternetgsproutedging2018final.pdf

18 Unwanted Witness: Analyzed cyber laws of Uganda, 2016

19 <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>

1.3 Normative Overview of the Digital Rights of Interest

The field research focused on the following human rights;

No.	Digital Right	Normative Context
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulation, universal service requirements and licensing agreements.	<p>The 1995 Constitution of Uganda Article 29: This provision expresses the right of freedom of media and expression. Thus every Ugandan has a right to use internet either for expressing one's views or gathering information without any governmental interruptions.</p> <p>However, this right plays hand in hand with the Computer Misuse Act 2011.</p> <p>Accessibility to internet is not denied in Uganda however that access is greatly hindered by its affordability and restrictions on use of social media as witnessed during the January 14th 2021 general elections</p>
2	Right to access Information from both state and other agencies to be made publicly Available unless there are legitimate grounds for restriction.	<p>Access to Information Act 2005 Article 41: Sub Section 2: The right of every citizen of access to information in the possession of the State or any other organ or agency of the State; Every citizen of Uganda has a right to access information or records of the State or public body. However, this right will only be met if said information does not prejudice the state security.</p> <p>s.11 -Form of request to the information officer shall be submitted in writing in order to access that information.</p> <p>s.15 – the information officer may defer (refuse) giving access to some information where said information;</p> <p>i) is to be published</p> <p>ii) is yet to be published</p> <p>iii) has been prepared for submission to a public body</p> <p>Media houses are the major bodies that exercise this right due to their line of work however it is hard to gauge what information will actually affect state security or is merely being hidden from the public.</p>

<p>3</p>	<p>Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.</p>	<p>Data Protection and Privacy Article 27: section 24 an individual has a right to access their personal information once their identity has been confirmed.</p> <p>s.25 &26-An individual may write to the data controller to stop processing their personal data which can cause damage or if it is for marketing purposes.</p> <p>The data controller is obliged to respond within 14days.</p> <p>s.28 is to the effect that when the National Information Technology Authority is satisfied that the data is subjected to personal data, it may order that such information be rectified, blocked, erased or destroyed.</p> <p>Access to information Act 2005 section 29; This provision shows the power the information officer of a public body has in regards to protecting of persons and property by refusing access /disclosure of certain information. This is further envisaged under section 30, section 31, section 32 and section 33 of the same Act.</p> <p>s.35 protects third parties whose information is subject to disclosure for example trade secrets.</p> <p>The Electronic Transactions Act s.24 applies to suppliers or sellers online. They are obliged to provide consumers with all the necessary information in regards to the goods or services offered.</p> <p>This usually applies to certain companies or e-service providers such as telecommunication companies where for one to get a sim card, one has to provide personal information such as place of residence, address and so forth. Therefore, this Act estops data holders from releasing such information.</p>
<p>4</p>	<p>Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.</p>	<p>The 1995 Constitution of Uganda Article 21; All persons are equal before the law in all sphere of political, social and should enjoy equal protection of the law.</p> <p>Most of the mentioned groups create awareness through social media platforms or if developed through their websites.</p> <p>In Uganda there are no restrictions as to what group of persons can access internet.</p>

<p>5</p>	<p>Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.</p>	<p>The Computer Misuse Act Section 13; This provision makes it an offence to use internet with intent to commit further offences.</p> <p>The Act further envisages the offences that affect one's right to internet access from Section 18 – section 26.</p> <p>The offences fall under criminal law and offenders shall be punishable by paying a fine or imprisonment.</p> <p>Article 23(4) of the 1995 Constitution: However due process should not be subject to unreasonable delay. Once a person has been detained for more than 48 hours without being charged or brought to court, he/she should be released.</p> <p>This is a positive restriction to the right of internet access.</p>
<p>6</p>	<p>Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.</p>	<p>Whereas Multi-stakeholder involvement is a legal requirement, it is often times ignored by state powers in Uganda.</p>

7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	<p>The Constitution of Uganda of 1995 under Article 21 confirms the equal status of all citizens under the law and prohibits discrimination on a number of grounds, including sex (11). - Article 26(1) provides for every person, including women, the right to own property (11).</p> <p>The Constitution sets the minimum age for marriage at 18 and specifies that “men and women are entitled to equal rights in marriage, during marriage and at its dissolution” (Article 31). Article 33, entitled Rights of women, provides that “The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement”; “Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities”; and “Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution”</p>
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Table 1: Normative Context of the Seven Digital Rights

1.4 Study Rationale

According to Unwanted Witness’s 2015 analysis of Ugandan Cyber laws, violations of digital rights in Uganda stem from the existing legislative framework. The situation has since worsened with new policies enacted limiting internet access, free speech, promoting surveillance and censorship towards dissent. The state has intensified on the application of such laws that negate constitutional guarantees of Article 27 and Article 29 of the 1995 constitution of Uganda.

The rationale for the research was to explore the gaps within the national legal and policy framework which are; perpetrating surveillance, personal data and privacy intrusion, arrests, kidnaps, online Censorships that limit the development of good Internet governance principles. Human rights enjoyment benchmarked on International and Regional legal standards. The field study thought to establish the level of awareness about internet governance and digital rights by various categories of citizens.

1.5 Assignment Objective

The overall objective of the study is to strengthen effectiveness and enjoyment of human rights in Uganda through the use of digital infrastructure, through collection of

evidence on the level of awareness and enjoyment of digital rights. Six (6) regions of Uganda were selected focusing on specific Internet rights and freedoms below:

- Internet access and affordability
- Information access
- Privacy and Data Protection
- Marginalized groups and minorities
- Access to due processes
- Gender Equality
- Democratic Multi stakeholder
- Internet Governance

1.5.1 Specific Objectives

To build on the existing knowledge about digital rights and Internet governance in Uganda.

To investigate factors hindering the enjoyment of digital rights and Internet Freedoms in Uganda.

To attain recommendations for policy formulation and review for digital rights enjoyment.

1.5.2 Research questions

In order to achieve the desired objectives of the study, the following research questions were established to guide the execution of the assignment;

To what extent are people aware, about the existing digital rights and Internet governance in Uganda?

What factors are hindering the enjoyment of digital rights and Internet Freedom in Uganda?

What recommendations are key for policy formulation and review for digital rights enjoyment in the country?

1.6 Report Organization

The report is organized into four main Sections: Section 2 presents the methodology; Section 3 presents an overview of digital rights trends from selected countries as synthesized from literature; Section 4 details findings of the field study in general. Section 4.1 presents stakeholder demographics and segmentations, Section 4.2 presents a synthesis of the Legal Framework of digital human rights and internet governance in Uganda, Section 4.3 presents the knowledge about digital rights and internet governance in Uganda, Section 4.4 details the factors hindering the enjoyment of digital rights and internet freedoms in Uganda. Section 5 presents conclusions and emerging recommendations for various stakeholders, including policy recommendations.

METHODOLOGY AND APPROACH

The research team deployed mixed research methods approach incorporating both qualitative and quantitative methods in data collection and analysis. The team employed both primary and secondary information collection mechanisms (survey questionnaire, key informant interviews and explorative literature review). The sample size for the study was estimated using Cochran formula which allows user to calculate an ideal sample size given a desired level of precision, desired confidence level, and the estimated proportion of the attribute present in the population.

2.1 Selection of Respondents

Given the nature of the study, respondents to this study were selected using a purposive sampling technique. A purposive (judgment) sampling technique, is the selection of respondents to a study based on their unique qualities enabling them to provide the desired opinions and experiences about a given phenomenon under investigation (Mirembe, 2015).

By December, 2019, it was estimated that Uganda had about 24.8 million telecom subscribers with approximately 10 million internet users. (Digital, 2020). Taking 10 million internet users to represent the population size and the desired degree of precision (error margin) of 5% and confidence level of 95%, the estimated logical sample size is 385 respondents.

To ensure sufficient convergence given the data stratification per region and respondent demographics, a sample size of 525 respondents was therefore selected. Respondents were selected from 6 regions of Uganda; Eastern (Jinja, Iganga, Pallisa, Kamuli, Budaaka, Soroti, Busia, Tororo, and Mbale), Albertein (Buliisa, Kagadi, Hoima, Ntoroko, Masindi, Kibaale and Kiryandongo), West Nile and Northen (Arua, Koboko, Nebbi, Zombo, Pakwach, Yumbe, Pakwach, Lira, Karamoja), Central (Kampala, Wakiso, Mpigi, Mukono, Luwero, Kayunga, Mityana, Mubende, Kalangala, Kibogo, Kiboga and Nakasongola), Greater Masaka (Masaka, Kalungu, Bukomansimbi, Lwengo, Rakai, Kyazanga, Ssembabuule, Mbarara, Bushenyi, Kyotera) and Rwenzori (Kasese, Kabarole, Kyegegwa, Kyenjojo, Bundibugyo, Kasese, Bunyangabu).

The table below summarizes it.

No	Category of Respondents	Examples	Method of Soliciting Response	Region					Totals	
				Central	Albertine	Eastern	West Nile	Masaka		Rwenzori
1	Sector Opinion Leaders - Human right defenders	Leader, Researchers (e.g. FHRI, UGANET, KRC)	KII	10	2	2	2	2	2	20
2	Citizens	General public, students, youth	Mobile Survey Tool or phone calls	200	40	40	40	40	40	400
3	Media	Newspaper, online, radio	Literature, KII	10	4	4	4	4	4	30
4	Special interest groups	Disabled persons, marginalised groups	QS, KII	10	6	6	6	6	6	40
5	State Actors	Police, UHC, Judiciary	KII	10	5	5	5	5	5	35
	Total									525

Table 2: Study respondent Profile

2.2 Data Collection Methods

The following data collection methods were used.

Survey Questionnaires (SQ): Survey questionnaire was used to collect opinions from the citizens. The questionnaires included well explained questions and instructions with optional answers. The questionnaires were administered through one on one engagement to respondents by the researchers through a survey. The high response rate was largely due to the convening power of Unwanted Witness structures.

Key Informant Interviews (KII): KII were used to collect opinions from key sector opinion leaders, media houses, state actors and special interest groups. These were administered to at least one leader from the organisations identified in the regions. The responses from key informants were largely used to generate thematic issues in line with the objectives of the study.

Focus Group Discussions (FGDs): 2 FGD comprising of at least 7 participants each were carried out. The FGDs broadly discussed the knowledge about digital rights and factors influencing individuals to advocate for their rights in Uganda. A total of 18 people participated in these focus group discussions compared to the 16 people targeted, representing 100% response rate. These were people from the LGBT community and students from one university who were randomly selected from their organisation where the data collection engagement was taking place.

Literature Review: Besides primary data, the research team conducted a literature review mainly to deepen understanding on the state of digital rights and internet governance in Uganda, but also to establish trends in the 3 selected countries of; Kenya, Ghana and Estonia. The efforts largely focused on reviewing publications such as; the Global Innovation Index, Internet Usage Statistics, Annual Communication Reports from UCC, Global ICT Development Index, Reports on Estonia Digital right and ICT sector, women rights report and the state of digital rights.

To ensure that valid and quality data were collected, the data collection tools were tested for content validity. According to Mirembe, 2015²⁰ validating the content of a research instrument increases the reliability of results and the response rate of the tool. The instrument validity focused on clarity of statements and relevancy to the research objectives.

20 <http://www.drakemirembe.org/publication/the-threat-nets-approach-to-information-systems-security-risk-analysis-2/>

The study instruments were piloted using three experts who did not participate in the final study to assess the validity of the statements. Questions that were poorly phrased or found irrelevant for the study were corrected or deleted during this exercise, resulting into a valid tool. The tools were digitalized on the mobile app for efficient data collection.

2.3 Data Analysis

After the data was collected, it was cleaned, coded and analyzed. A spread sheet application was used as well. Data from the FGDs and KII was coded and thematic analysis done. The meanings and implications arising from study participants' responses were then explored and synthesized for presentation.

STATE OF DIGITAL RIGHTS FROM SELECTED COUNTRIES

Digital rights are human rights. In the internet era, the right to online privacy and freedom of expression are extensions of equal and inalienable rights laid out in the United Nation's Universal Declaration of Human Rights²¹.

The right to a private life and data protection are recognised as fundamental rights by Articles 7 and 8 of the EU Charter. Personal data is any information which could directly or indirectly identify individuals, including sensitive data, such as health records²².

In order to provide a wider context and appreciate the trends in Internet governance and digital rights, an explorative desk research was conducted in three (3) selected countries. Ghana and Kenya have similar development trends like Uganda. Estonia in Europe was selected because it is one of the most technologically advanced small nation in the world and leading proponent of internet freedom and digital rights. The country provides an excellent case study for best practices to learn from.

The countries are discussed along the following key parameters; per capital income, Global ICT Development Index (IDI) ²³, Global Innovation Index (GII)²⁴, E-governance Index (GEI)²⁵, system of governance, political will for internet freedom, legal and regulatory environment, maturity of the fourth estate, literacy levels, human rights record, degree of citizen awareness of digital rights and enjoyment of rights.

21 <https://www.weforum.org/agenda/2015/11/what-are-your-digital-rights-explainer/>.
 22 (https://edri.org/wp-content/uploads/2014/06/EDRi_DigitalRightsCharter_web.pdf)
 23 <https://www.itu.int/en/ITU-D/Statistics/Pages/publications/mis/methodology.aspx>
 24 <https://www.globalinnovationindex.org/Home>
 25 <https://publicadministration.un.org/egovkb/en-us/About/Overview/-E-Government-Development-Index>

3.1 Overview of Ghana Digital Rights and Internet Governance

The matrix below summarises key observation about Ghana as far as the state of internet governance and digital rights is concerned

Element	Status	Observations and remarks
Per capital income	Stands at 1700.00 USD by Nov, 2020	Above average of most of African countries. Meaning citizen could spend more on internet and ICT services
Digital Rights and Internet Governance in Ghana	<p>Although internet access is substantially cheap, communication in Ghana is constrained by the country's low Per capital income, the scarcity of computers, and limited Internet connections that drive up the price of Internet access the single underwater fibre-optic cable (called SAT-3) that supplies land-based Internet access.</p> <p>This single source of connectivity to high-speed Internet has rendered the market basically uncompetitive. (There is a fixed cost for getting the Internet into Ghana and there is no real alternative to that method.) Put another way, there has been a single wire that connected Ghana to the Internet. Since most of the content Ghanaians seek lies outside of their country, that link to the Internet is crucial.</p>	<p>Although Ghana is among the top 15 countries with Internet connectivity in Africa, The high cost of Internet access and its effect on access has driven it to seek cheaper access to high bandwidth, set aside specifically for them on the SAT-3.</p>

Data protection and privacy	Through the Constitution of the Republic of Ghana the Data Protection Act of 2012 protects data privacy and to establishes a Data Protection Commission ('DPC'), to protect individuals' privacy and personal data by regulating the processing of personal information, to outline the process to obtain, hold, use or disclose personal information, and related matters. It provides key definitions for different areas of individual data privacy like the Ministry of Communications has the power to specify actions which constitute assessable processing if the Minister considers the assessable processing likely to: cause substantial damage or substantial distress to a data subject; or otherwise significantly prejudice the privacy rights of a data subject. It also allows the creation of a register of data controllers to keep and maintain the Register.	The Data Protection Act provides for the use of subsidiary legislation to further deepen the effective application of the principles and objects of privacy and Data protection.
Global ICT Development Index (IDI),	Ghana's IDI rank in 2017 was 116 globally with a value of 4.05. Its mobile cellular subscriptions per 100 inhabitants was 139.13 as compared to the rest of Africa at 74.60.	Having the highest international internet bandwidth per internet user at 9850.94 bit/s, Ghana seems to have an increase in active mobile broadband subscriptions.
Access to internet (Internet penetration level)	From 2017 to date, the internet penetration rate in Ghana reached 48 percent, up from 35 percent in the same month in the precedent year. The indicator expresses the percentage of the total population that uses the internet. In the last years, the number of registered internet users has been increasing rapidly in the West African country.	Access to internet in Ghana has over the years improved as compared to countries in Africa. Resulting into increase consumption of ICT services

Percentage of population using the top 5 social media platforms	Ghana's 49.2% of the population use Facebook, 25.96% twitter, 17.15% Pinterest, 5.8% Youtube, 1.27% Instagram and 0.19% Tumblr	The use of various social media platforms is an indicator that there is enjoyment of digital rights.
Global Innovation Index (GII) rank	Ghana is among the top 120 countries in the world with high levels of innovations in the areas of business growth.	This is an indicator of expanding ICT services and hence, digital rights
E-governance Index (GEI) rank	Ghana's government has come to realize the benefits of e-government and how its utilization could improve service delivery to its citizens whose requirements are satisfied and bringing businesses closer to their governments as an important feature of e-government.	Ghana has embraced e-governance through citizen involvement with government activities.
System of governance, e.g federal or unitary presidential system	<p>Politics of Ghana takes place in a framework of a presidential representative democratic republic, whereby the President of Ghana is both head of state and head of government, and of a two party system. The seat of government is at Golden Jubilee House. Executive power is exercised by the government.</p> <p>The International Covenant on Civil and Political Rights (ICCPR) expands on this freedom under article 19 by, including how information can be sought, received and imparted. It provides, inter alia, that this process of seeking, receiving and imparting information can be done "either orally, in writing or in print, in the form of art, or through any other media of his choice."</p>	enjoyment of freedom of expression has been created by governments

Political stability rank	Political Stability and Absence of Violence/Terrorism: Percentile Rank in Ghana was reported at 50.48 % in 2019 World Bank collection of development indicators.	Ghana has been reference as a model democracy for Africa, with regular change of government and stable systems and structures of governance. The absence of violence in government transitions and improved access to e-service means citizens of Ghana enjoy digital rights, more than majority of African countries
Political will for internet freedom	The government pursues freedom of expression and digital rights, however, Section 60 of the Data Protection Act 2012 allows government to access personal data of individuals even without a warrant or judicial approval	The Data Protection Act 2012 can be abused by the government who alone determines what constitutes a threat to national security. Various governments of Ghana have all demonstrate willingness to support internet freedoms and advancement of ICT innovations.
Legal and regulatory environment (key laws and regulator reputation)	The main regulatory bodies for the ICT sector are the Technical Regulatory Authority (TRA) and the Competition Authority.	It is hard for the government to have control over the media in terms of content. However, there is no documented systematic abuse of these laws by the authorities

<p>Maturity of the fourth estate, literacy levels (Media, Diversity, and Content Manipulation)</p>	<p>Ghana has 11 televisions, 21 radio stations, and 40 newspapers of which the government funds 4 newspapers. The media has excellent relationship with the state and its one of the pillars of the Morden Ghana.</p> <p>The archaic laws still exist in the statute books; and huge court fines which cripples media outlets.</p>	<p>The phasing out of government monopolies ushered in a new era of free expression. Providing citizen with diversity of content and context. While archaic laws remain on the statute books, the government does not enforce them.</p>
<p>Human right record</p>	<p>There are a number of cases that show the abuse of human rights and these include; harsh and life-threatening prison conditions; violence against journalists including assaults, death threats and one journalist shot and killed; censorship of a free press including arrests and the closure of two radio stations for ostensible licensing irregularities; corruption in all branches of government.</p>	<p>Steps were taken to address corruption and abuse by officials, whether in the security forces or elsewhere in the government</p>
<p>Degree of citizen awareness of digital rights and enjoyment of rights and level of literacy (prosecutions and illegal Detentions for Online Activities</p>	<p>There is public awareness of human rights among citizens in Ghana. There were no government-imposed restrictions or disruptions to internet access. Ghana has 64.5% Literacy rate, which measure the percentage of population with basic formal education. Access to formal education is often linked to increased awareness of rights as formal education provides basic civil education.</p> <p>No reported cases of prosecutions or illegal detentions for legitimate online activities in the country. However, the emergence of fake news and sensationalism is driving the need to regulate social media³</p>	<p>The citizens' rights are not violated</p>

Reflection on key digital rights status in Ghana

No.	Digital Right	Key observation
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulation, universal service requirements and licensing agreements.	The government of Ghana has established an enabling environment to accelerate internet access by citizens, internet costs are relatively affordable and still coming down and their existing fair and transparent market regulations.
2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction.	The government established a legal framework on the right to access information from public actors, but its enforcement is still weak. For non-state actors information can be accessed through the judicial process.
3	Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.	While the law exists, people are not informed on who accesses their data and who is using it. This is still a big concern.
4	Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.	In principle, Ghana promotes open internet access, however the overall practices of how internet is used is governed by the broad laws in the penal code.

5	Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.	The state of Ghana has well defined laws to guide enjoyment of rights, however many of these laws have provisions which has broader interpretation. However, their minimal case of illegal detentions and arbitrary arrests for internet usage
6	Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.	Ghana's democracy has been applauded as a model for Africa. Their policy formulation does involve a consultative processes, however a few observers note, the consultative process needs to be improved to enable broader and effective participation
7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	Ghanaian actors continue to promote equitable access of the internet and reduce the digital divide

In conclusion, we observe that Ghana is relatively politically stable nation characterised by growing democracy with regular change of government through popular vote. The political stability of Ghana has attracted global attention and has made Ghana one of the top destinations for large multinational technology companies like Google, Microsoft and others to establish operational offices in the country.

The level of literacy is generally high comparable to Uganda and media has significant freedoms compared to majority of African countries. The above average per capital income means Ghanaian can spend more on internet and e-services.

The rapid penetration of Internet and the rise of fake news threatens the existing harmony of the state and citizens and is rising call for more human rights approach to regulating social media.

3.2 Overview of Estonia Digital Rights and Internet Governance

The matrix below summarises key observation about Estonia as far as the state of internet governance and digital rights is concerned.

Element	Status	Observations and remarks
Per capital income,	Estonian economic growth was about 7% per year between 2000 and 2008, which placed it amongst the top three fastest growing economies in EU (increasing GDP per capita from 45% of the EU27 average in 2000 to 67% in 2008). As of 2020, Estonia is considered a high-income country by the World Bank, and it is a member of the EU and the Eurozone. Estonia is ranked among the top countries in terms of economic freedom. It has per capital income of 23,755.007 USD in Dec 2019	The high per capital income means citizens have more to spend of ICT services.
Data protection and privacy	Estonia has strong privacy protections for its citizens. The Personal Data Protection Act (PDPA), in force since January 2008. Personal information that is considered sensitive – such as political opinions, religious or philosophical beliefs, ethnic or racial origin, sexual behaviour, health, or criminal convictions – can not be processed without the consent of the individual. The Data Protection Inspectorate (DPI) is the supervisory authority for the PDPA. As a member of EU, the EU data protection and regulations do apply	Estonian citizens are protected against exploitation of their personal information being processed without permission

Global ICT Development Index (IDI),	ICT development index (IDI) - rank of Estonia increased from 6.7 scale, 1-10 in 2010 to 8.14 scale, 1-10 in 2017 growing at an average annual rate of 3.38%.	Estonia's position in the world's leading indices of the information and communication technologies (ICT) is surprisingly low, if taking account the diversity and level of the ICT solutions.
Access to internet (Internet penetration level)	In 2020, Estonia have about 76.58% internet penetration. This project to hit 85.30% of the total population by 2025. Estonia has almost the most developed telecom markets in Europe with high internet usage. They use internet banking and high broad band penetration.	Estonia has become a model for free and open internet access
Percentage of population using the top 5 social media platforms	The most popular social media websites in Estonia are Facebook, YouTube, Twitter, MySpace, Orkut, Hot.ee and Rate.ee	
Global Innovation Index (GII) rank	Estonia's strengths lie in the fields of creativity, knowledge and technology. Estonia's GII is at 25 in 2020 from 24 in 2018 and 2019.	Estonia performs better in innovation outputs than innovation inputs in 2020.
E-governance Index (GEI) rank	"The 2020 ranking of the 193 UN Member States in terms of digital government – capturing the scope and quality of online services, status of telecommunication infrastructure and existing human capacity – is led by Denmark, the Republic of Korea, and Estonia" ⁴	Estonia understands the advantages that go hand in hand with a truly digital society but is also building up the groundwork to actually getting there one day.
System of governance, e.g. federal or unitary presidential system	Politics in Estonia takes place in a framework of a parliamentary representative democratic republic, whereby the Prime Minister of Estonia is the head of government, and of a multi-party system	Access to information is well promoted and the political systems promotes diversity and human rights

Political stability rank	The latest value from 2019 is 0.64 points. For comparison, the world average in 2019 based on 195 countries is -0.05 points.	Estonia is considered one of the most politically stable countries in the world. There is freedom of expression that allows people to enjoy their digital rights
Political will for internet freedom	The government pursue freedom of expression and digital rights	Access to information is provided, and regulation is not abused by state actors. Estonia has a sound judiciary system
Legal and regulatory environment (key laws and regulator reputation)	The main regulatory bodies for the ICT sector are the Technical Regulatory Authority (TRA) and the Competition Authority.	Estonian law today is increasingly influenced by European Union as member of EU.
Maturity of the fourth estate, literacy levels (Media, Diversity, and Content Manipulation)	Estonians have access to a wide array of content online, and there are few economic or political barriers to posting diverse types of content, including different types of news and opinions. Estonians use a large variety of internet applications, with the most popular site being Google (Google.ee in first and Google.com in fourth place), followed by YouTube, and Facebook. etc	Media diversity and access to unfiltered content
Human right record	There have been no cases of government interference with the telecommunications sector through regulatory bodies, or of regulators abusing their powers.	Estonia prioritises respect of human rights and the preservation of integrity of persons

Degree of citizen awareness of digital rights and enjoyment of rights (prosecutions and illegal Detentions for Online Activities)	There were no government-imposed restrictions or disruptions to internet access. No reported cases of prosecutions or illegal detentions for legitimate online activities in the country	Stories emerging about citizens being prosecuted may not exist.
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Reflection on key digital rights

No.	Digital Right	Normative Context
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulation, universal service requirements and licensing agreements.	Estonia has one of the most defined ICT enabling environment which has propelled the country to near universal access to internet access for citizens. The internet costs are affordable and it is a number one country with the freest internet in the world, Estonia has become a model for free and open internet access. There existing fair and transparent market regulations.
2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction.	The government established a legal framework on the right to access information from public actors and none state actors. There is small transparency and accountability by state actors on the right to access information.

3	Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.	There are clear laws on the right to privacy and data protection, as reinforced by the European Union legal framework on data protection and privacy. Estonian citizens are protected against manipulation of their personal information. To access e-services, an Estonian citizen uses their government issued ID card with a microchip containing encrypted personal information
4	Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.	In principle Estonia is secular country that promotes the rights of every group and individual. Estonia declared internet access as a human right, allowing marginalised groups with access to internet “obtain information, assert their rights such as rural and indigenous women. The country promotes inclusive internet access through numerous initiatives
5	Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.	Estonia has well defined laws to guide enjoyment of rights and these are duly followed and implemented

6	Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.	Policy formulation in Estonia follows a rigorous consultative process involving all key stakeholders in a transparent manner
7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	Estonia promotes universal internet access as a human right.

In conclusion, we observe that Estonia is a politically very stable nation characterised by growing democracy with regular change of government through popular vote. What is very clear from Estonia is the demonstration that successful enjoyment of human rights depends on; political stability, progressive regulatory environment, citizen literacy and culture of respect, and overall social economic progress.

Estonia is one of the countries in the world promoting free internet access as a human right. Today Estonia is often referenced as a model country as far as digital rights and internet governance is concerned.

3.3 Overview of Kenya Digital Rights and Internet Governance

Kenya was selected as a case study because it provides a comparative social and economic context to that of Uganda. Kenya is multi-ethnic with an agriculture based economy. Kenya has a stronger economy, rapidly expanding the ICT sector, revamped education sector, and a young democracy making it an idea case study. The matrix below summarises key observation about Kenya as far as the state of internet governance and digital rights is concerned

Element	Status	Observations and remarks
Per capital income	According to Trading Economics global macro models, Kenya GDP per capita is expected to reach 1090.00 USD by the end of 2020.	The growing economy is critical catalyst of the rapid expanding ICT sector.
Data protection and privacy	Kenya's data protection policy prohibits data transfer outside Kenya unless there is proof of adequate data protection safeguards or consent from the data subject. Other duties are to keep the data anonymous and to exercise privacy by design in their data processing systems.	The existence of the Kenyan Data Protection Bill permits effective application of ways to protect data.
Global ICT Development Index (IDI),	Kenya achieved an improvement in its IDI score by 0.21 up from 2.78 in 2015 to 2.99 in 2016.	Kenya is considered to have one of the fastest growing ICT sector in East Africa, and this has attracted a number of multi-national corporates including Microsoft, Google, HP, Cisco etc. to set up region headquarters in Nairobi.
Access to internet (Internet penetration level)	Internet penetration in Kenya has rapidly grown and was reported to have reached 87.9% in 2020. The rapid expansion was aided by the arrival of a number of sea cables at the coastline of the country	While the internet coverage has grown, the cost of access still remains relatively high.
Percentage of population using the top 5 social media platforms	Kenyan almost equally use WhatsApp (88.6%) and Facebook (88.5%). The third most used social media apps are YouTube (51.2%) followed by Google+ (41.3%). Both LinkedIn and Snapchat are the least popular in Kenya at 9.3% and 9.0% respectively.	There is enjoyment of digital rights

Global Innovation Index (GII) rank	Kenya has been ranked 86 global, and is considered one of the countries having exceptional performance on ICD development	Kenya is known as one of the most innovative countries in the world. ICT innovation thrive, where there is freedom and appreciation of human rights.
E-governance Index (GEI) rank	Kenya's GEI is 0.5326 with a ranking of 116 of 193	At regional level, Kenya embraces eLearning and e-governance, which inherently promotes open government and digital rights
System of governance, e.g federal or unitary presidential system	Kenya is a multi-party democracy with strong decentralisation of power at the counties. However, the central government still remains very powerful especially in the enforcement of human right. The government has embraces a number of ICT application as part of the e-government initiative.	This has revolutionised service delivery by partly promoting government efficiency
Political stability rank	Kenya has remained relatively stable ever since President Uhuru Kenyatta faced charges against crimes against humanity at the International Criminal Court (ICC), The ensuing political stalemate was characterised by the spread of hate speech and fake news online. The government reacted by enacting the controversial Computer Misuse and Cybercrimes Act, 2018, deemed as a weapon for targeting its critics including journalists and bloggers.	Kenya has relatively given freedom of expression and allowed some form of stability in relation to people enjoying digital rights.

Political will for internet freedom	Kenya has endeavoured to enhance security and government service delivery, to enhance surveillance capacity which in turn affects citizens' digital rights such as privacy, expression and access to information.	One can say that Kenya's approach is a mix bag, with the desire to improve internet freedom on one hand and enhance state ability to watch over citizens on the other hand. The ethnic nature of politics in Kenya are still areas of concern
Legal and regulatory environment (key laws and regulator reputation)	The absence or poor implementation of laws such as on cyber security, data protection and privacy, slows down the momentum of Kenya's digital economic growth. Kenya has used the need to control "fake news" as an excuse to introduce restrictive laws,	The need to review and update existing regulatory frameworks to deal with emerging issues and new technologies
Maturity of the fourth estate, literacy levels (Media, Diversity, and Content Manipulation)	Kenya has over 91 FM radio stations, over 64 free to view TV stations, and numerous number of print newspapers and magazines. Kenyans have access to a wide array of content online, and there are few economic or political barriers to posting diverse types of content, including different types of news and opinions.	Media houses have a diversified range of options to media diversity. The media is relatively mature with professional journalist, strength ethical code of conduct and self-censorship
Human right record	There have been no cases of government interference with the telecommunications sector through regulatory bodies, or of regulators abusing their powers.	Rights violation is managed through set of policies without restrictions from social media platforms
Degree of citizen awareness of digital rights and enjoyment of rights (prosecutions and illigal Detentions for Online Activities)	There were no government-imposed restrictions or disruptions to internet access. No reported cases of prosecutions or illegal detentions for legitimate online activities in the country	The issues raised about lack of knowledge on digital rights are always handled through set policies.

Key digital rights observations		
No.	Digital Right	Key observations
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulation, universal service requirements and licensing agreements.	The Constitution of Kenya 2010 (CoK, 2010) provides for freedom of expression in Article 31 and the right to access information in Article 35. ... It is premised on the idea that access to information is a right and the importance of technology to support the enhancement and enjoyment of the right. Accordingly, the government has established an enabling environment to accelerate internet access by citizens, internet costs are relatively affordable and still coming down and their existing fair and transparent market regulations.
2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction.	The government established a legal framework on the right to access information from public actors, but its enforcement is still weak. For non-state actors information can be accessed through the judicial process.
3	Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.	While the law exists, people are not informed on who accesses their data and who is using it. This is still a big concern.

4	Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.	In principle, Kenya promotes open internet access, however the overall practices of how internet is used is governed by the broad laws in the penal code.
5	Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.	The state of Kenya has well defined laws to guide enjoyment of rights, however many of these laws have provisions with broader interpretation. However, there are reports of illegal detentions and arbitrary arrests for internet usage
6	Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.	Kenya democracy has been applauded as the instability of 2007 which led to the drafting of a new constitution. The policy formulation in Kenya does involve a well-defined consultative processes.
7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	Gender equality on internet is strongly emphasised by the state.

In conclusion, we observe that of recent, Kenya is a stabilising nation characterised by a growing democracy with regular change of government through popular vote. The level of literacy is generally comparable to Uganda and media has significant freedoms compared to majority of African countries

3.4 Overview of Uganda Digital Rights and Internet Governance

The enjoyment of digital rights in Uganda can well be summarised as a mix bag, on one side the government through the legislative arm (the parliament) has passed a number of laws and regulations to promote digital rights and good internet governance, on the other hand state actors especially security agencies and the regulator of communication sector continue to enforce restrictions and curtail digital freedoms of citizens. The matrix below summarises key observation about Uganda's digital rights and internet governance. The assessment is based on a number of parameters including; per capital income, international development indices, among others.

Element	Status	Observations and remarks
Per capital income	Stands at 860.00 USD by Nov, 2020 with one of top ten fastest growing economies in Africa at an average annual rate of 6.3%	Having one of the fastest growing economies means citizen could spend more in internet and ICT services. This partly explain the rapid growth of ICT sector and Internet penetration which stands at 49% as of December 2020 according to Uganda Communications Commission (UCC)
Digital Rights and Internet Governance in Uganda.	Although internet access and penetration has over the years substantially grown, communication in Uganda is constrained by the country's; income inequity, higher costs of access to devices, regressive regulations like OTT, limited Internet coverage especially in rural areas, limited access to electricity among other factors.	Although Uganda is among the top 15 countries with Internet connectivity in Factors such as; OTT, high cost of Internet bundle, low levels of digital literacy, poor internet coverage especially in rural areas where majority of people live continue to posse challenges to enjoyment of digital rights. Furthermore, the regular unilateral directives from UCC, which are not grounded in human rights and other provisions on internet service shutdowns affect citizens' rights to information, online associations and other internet freedoms.

<p>Data protection and privacy Act 2019</p>	<p>Through the Constitution of the Republic of Uganda and through a number of regulatory instruments such as; NITA-U 2009 Act, the Data Privacy and Protection Act, 2019, Computer Misuse Act 2011.</p>	<p>The Data Protection Act provides for the use of subsidiary legislation to further deepen the effective application of the principles and objects of Privacy and Data protection. However, the broad interpretation of provisions has potential of abuse as has been the case with the application of the Computer Misuse Act 2011. In addition, there is lack of a public accessible register for individuals to track who has access or requested access to their data the purpose for access from data service providers like NIRA, Telecoms, utility providers, banks among others.</p>
<p>Global ICT Development Index (IDI),</p>	<p>As of September 2020, nationwide telephone penetration of 64 lines for every 100 Ugandans, while still growing, it is well below the average in Africa of 74.60 per 100 inhabitants. And on the global connectivity index Uganda stands at 77 position of the 79 countries profiles, behind Kenya at 70 and Ghana at position 72.</p>	<p>Uganda has one of the fastest expanding ICT sector, signalling the increasing access to the internet and associated services, critical in the enjoyment of digital rights.</p>

<p>Access to internet (Internet penetration level)</p>	<p>Uganda's internet penetration rate of between 37-49%, is below that of Estonia, 76.58%, Ghana 48% and that of Kenya at 87.9%. The indicator expresses the percentage of the total population that uses the internet. In the last years, the number of registered internet users has been rapidly increased in Uganda to 20million in September 2020, steered by COVID 19 demands for online services and expansion of access to sea cables, growing ICT services and lowering costs of international bandwidth</p>	<p>It is evident that access to internet in Uganda has over the years improved as compared to countries in Africa. Although regressive regulations such as introduction of OTT saw about 3 million subscribers become inactive between 2018 and 2019.</p>
<p>Percentage of population using the top 5 social media platforms</p>	<p>Social media penetration in Uganda is estimated at 5.6% of the population. The most popular social media is Facebook and WhatsApp. Access and use of social media in Uganda continue to be a hot topic with government on one side focusing on stifling freedom of experience, and implement numerous arbitrary directives on social media shut downs and need to register all social media users and bloggers.</p>	<p>There is a growing trend in Uganda by the State to stiff social media usage with the increasing erosion of civil liberties, restriction of operational of civil society organizations and operations of media houses as witnessed in the Jan 14, 2021 election cycle. In a country where freedom of assembly and associations are greatly constrained, social media has been a blessing for those whose voices could not be heard.</p>

Global Innovation Index (GII) rank	Uganda ranked 114 in the world, behind Kenya, Tanzania and Rwanda. It is also ranked among the top 10 in the category of least developed countries, performing above expectation in the areas of ICT innovations	This is an indicator of expanding ICT services (development and consumption) hence enjoy of digital rights like access to information and internet.
E-governance Index (EGI) rank	Uganda's government has come to realize the benefits of e-government and how its utilization could improve service delivery to its citizens whose requirements are satisfied and bringing businesses closer to their governments as an important feature of e-government. EGI as of 2018 was 41% an improvement from 36%	Uganda has embraced e-governance to improve service delivery to the citizens enable citizen involvement with state actors. A number of e-services have been rolled out including; e-procurement portal, e-passport system, e-receipting, IFMS, IPPS among other
System of governance, e.g. federal or unitary presidential system	Politics of Uganda takes place in a framework of a presidential representative democratic republic, whereby the President of Uganda is both head of state and head of government. Much as Uganda has had regular elections, there has not been a peaceful transfer of power from one leader to another, a critical test of Uganda's youthful democracy	The current political climate has continued to stifle opposition, constrain media operation, greatly limited civil society operations and limit citizens' freedoms of assembly, expression among others. The state of affairs has resulted into increasing restriction on internet freedoms and digital rights enjoyment as the State struggles to contain growing social discontent about human rights and quality of government services

Political stability rank	Political Stability and Absence of Violence/Terrorism. On the stability index scale of -2.5 weak to 2.5 strong. Uganda is rated -0.57 from -1.9 over 15 years ago. This indicates the Uganda stability has improved over the year, but regime entrenchment risks to alienate many youth who have lost hope in their country.	Many international commentators continue to caution that the stability of Uganda is on shaky ground given the emerging acts of security forces and state actors to meant violence on ordinary citizens. The government growing intolerance of opposition is creating a climate of fear and anger, a real concern for the republic
Political will for internet freedom	While Uganda has passed a number of laws and programmes to promote internet access and usage, it is very evidence from various state actors, internet freedom exists if you support the regime. There is minimal political will to expand internet freedoms	The Data Protection Act 2019, the computer misuse act 2011 and others continue to be abused by government to harass citizens into submission.
Legal and regulatory environment (key laws and regulator reputation)	The main regulatory bodies for the ICT sector are the Uganda Communication Commission and NITA-U.	The regulatory framework is well articulated in other sections
Maturity of the fourth estate, literacy levels (Media, Diversity, and Content Manipulation)	Uganda has one of the most liberalised media in Africa with over 200 radio stations, 40 local televisions and a host of print media. However, the media has borne the brunt of security forces who constrain objective coverage. The professionalism in the fourth estate is still lower.	Government has continued to shrink the media space, through intimidation, arrests and brutalization of journalists. Furthermore, authoritarian regulations are being passed to continue shrink the media independence.

<p>Human right record</p>	<p>There are a number of cases that show the abuse of human rights and these include; harsh and life-threatening prison conditions; violence against journalists including assaults, death threats and one journalist shot and killed; censorship of a free press including arrests and the closure of two radio stations for ostensible licensing irregularities; corruption in all branches of government.</p>	<p>There's is a growing abuse of human rights in Uganda with input especially by state actors like security forces. In recent years, hundreds of Ugandans have lost their lives by action of security forces shooting unarmed citizens who are demanding their rights. The space for civil society is shrinking and civil liberties greatly being constrained as the earlier democratic gains are slowly being eroded.</p>
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Degree of citizen awareness of digital rights and enjoyment of rights and level of literacy (prosecutions and illegal Detentions for Online Activities)	<p>There is low public awareness of human rights among citizens in Uganda, more so awareness of digital rights. Government-imposed restrictions or disruptions to internet access, through regulation like Over The Top tax. Uganda has a literacy level of 76.5% compared to Ghana at 64.5%, which measure the percentage of population with basic formal education. Access to formal education is often linked to increased awareness of rights as formal education provides basic civil education.</p> <p>There are several reported cases of prosecutions or illegal detentions for legitimate online activities in the country. However, the emergence of fake news, hate speech and sensationalism reporting is driving the need to regulate social media⁵</p>	The citizens' rights are being violated with impunity characterised by illegal detentions, denial of access to lawyers, prosecutions among others
No.	Digital Right	Key observations
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulations, universal service requirements and licensing agreements.	The government of Uganda has established an enabling environment to accelerate internet access by citizens, internet costs are relatively affordable and still coming down. One key areas of improvement is definition of standards for universal service requirements and establishment of the telecommunication tribunal to address dispute as provided by law

2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction.	The government established a legal framework on the right to access information from public actors through numerous provisions including the information access Act 2005 Article 41(1). However, enforcement of these provisions are still weak due to the fusion of government and the state. The fact that the Uganda government shut down internet access for the whole country during the 2021 presidential elections denied citizens access to information. Therefore the law should be modified to be independent of the government directives.
3	Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.	A number of laws exist including the Privacy and Data protection Act 2019 which provide a clear framework on how citizen information should be managed. However, there is need to establish regulations and guidelines to operationalize the provisions of the law.
4	Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.	In principle, Uganda promotes open internet access, however the overall practices of how internet is used is governed by the broad laws in the penal code.

5	<p>Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.</p>	<p>The state of Uganda has well defined laws to guide enjoyment of rights, however many of these laws have provisions which has broader interpretation. The Constitution of Uganda which is the supreme law of the land clearly and unequivocally provides for the universal enjoyment of fundamental human rights, including the right to due process of the laws, with the principle that “someone is innocent until proven guilty by the competent court of law”. However, these provisions continue to be grossly undermined by the State, in addition the state has continued to inert laws to curtail freedoms of assembly, expressions among others such as the recently struck down law on Public Order Management Act.</p>
6	<p>Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.</p>	<p>It is standard practices by government to conduct stakeholder consultation when developing a law or policy. The process should be made more transparent and interactive, requiring the provision of feedback to stakeholder inputs and publishing of process flows and outputs. Also time provided to stakeholders to make inputs must be sufficient by government to promote broader participation.</p>

7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	The right to equitable access to internet is provided for in a numerous instruments, including Digital Vision Uganda, The Equal Opportunities Commission Act, and The Constitution of the Republic of Uganda, The UCC Rural Communication Development Fund, and The NITA-U NBI initiative among others. Uganda is one of the few African continues which continue to promote equitable access of the internet and reduce the digital divide
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In conclusion, Uganda has been relatively a politically stable nation however all international and national governance experts observe there is the growing weakening of the democratic institutions, impunity, shrinking of freedoms and civil liberties, operation of media and civil society among others. This twitter below of 12th December 2020 highlights the true state of Uganda civil liberties and media freedom



Figure 5: Tweet on Media Harassment in Uganda, 13th December, 2020:

The 2021 general election environment summarises the states of affairs of Uganda's internet freedoms and digital rights, where the government shut down the internet and social media without due consideration of the overall impact on the economy as most corporate organizations and government agencies have invested heavily to move services online. Furthermore, majority of Ugandan use mobile banking services

for their daily lives. The unilateral actions by the executive arms of government without involving the judiciary sets a bad precedence for the country as far as guarantees for human rights are concerned. These action are now rising concerns about the stability of the country as destination for investment as the rule of law is replace by “rule by law” as classic approach in most none-democratic societies. The image below highlights how the BBC new reflected on the events of internet shut down in Uganda

Uganda social media ban raises questions over regulation in Africa

15 January



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Uganda cuts internet hours before election

UGANDA

By Ronald Lwera Kato Last updated: 12/01 - 13:57

The Ugandan government, through its communications regulator, has ordered service providers to cut internet access just hours before voting starts.

In a letter to telecoms, the head of Uganda Communications Commission Irene Ssewankambo ordered service providers to 'implement a temporary suspension of the operation of all your internet gateways and associated access points'.

She said the shutdown was to take effect at 7pm local time (16:00 GMT) Wednesday 'and continue until otherwise directed'.

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The political stability of Uganda has attracted global attention, given the strategic role the nation plays as far as regional stability is concerned. The level of literacy is good at 76% of the population, which make it easy to mount civil education programmes. The growing economy and expanding ICT sector means Uganda can spend more in internet and access the various e-services. The figure below summarizes Uganda's position on key indicators by BTI transformation Index.



Figure 6: Uganda's key indicators according to the BTI Transformation Index 2020⁶

Like in most countries, including developed countries, the rapid penetration of Internet and the rise of fake news threaten the existing harmony of the state and citizens, rising calls for more inclusive regulation of social media. The issues most civil society organizations observe will drive the state into curtailing freedom of expressions and civil liberties in the name of preserving public order and stability.

3.5 Lessons, Conclusions and Recommendations

The rights (freedom of expression) as enshrined in the Universal Declaration of Human Rights (UDHR) are to be enjoyed by all people, in all places, and at all times. Technological progress will always change how people enjoy their fundamental rights, and require governments and people to reaffirm the inseparability rights, and the methods of enjoyment of those rights²⁶. South Korea is a highly wired country with one of world's fastest Internet speeds. However, South Korea is also on the list of "*countries under surveillance*" for Internet censorship, which means that while citizens do have freedom of speech, they do not necessarily have well developed privacy right²⁷.

When it comes to the information society, Saudi Arabia is a place of contradictions. The Saudi Arabian government has been spending heavily on the ICT sector but it has restrictive internet access policies²⁸

In March 2007, Saudi Arabia's legislative body, the Council of Ministers, issued a set of laws affecting policy and regulations for internet users in the kingdom. The new policy measures and regulations prohibited internet users from publishing data or information that could contain anything contravening the Saudi interpretation of Islamic principles (directly or implicitly) or infringing the sanctity of Islam and its benevolent Sharia law.

The propagation of subversive ideas or the disruption of public order or disputes among citizens and anything liable to promote or incite crime, or advocate violence against others in any shape or form among many other things²⁹.

While it has become common practice across Africa to pass laws and restrict online content, these have undermined public confidence in the use of online platforms and could lead to increasing online self-censorship.

26 (<https://www.amnestyusa.org/is-internet-access-a-human-right/>)

27 (<https://jsis.washington.edu/news/south-korea-internet-censorship/>).

28 (<https://www.giswatch.org/en/country-report/internet-rights/securing-internet-rights-saudi-arabia>)

29 (<https://www.giswatch.org/en/country-report/internet-rights/securing-internet-rights-saudi-arabia>).

In October 2020, the Uganda Communications Commission (UCC) issued a notice to all online data communication service providers, including online publishers, bloggers, online news platforms and online radio and television operators advising them to apply and obtain authorisation from the commission within a period of one month or risk having their websites and/or streaming services being blocked by Internet Service Providers (ISPs). The directive, instantaneously received a backlash from ICT experts, civil society and other actors as it appeared to be intended to shrink cyber space for journalists, civil society and political opposition during the scientific election.

In the same month, the Tanzania Communications Regulatory Authority (TCRA) introduced a new regulation which requires online content creators to pay application fees of US\$ 43.7, initial three-year license fees of US\$ 437 and renewal fees of a similar amount. The penalty for non-compliance is a fine of US\$ 2,186. The licensing requirements under the Electronic and Postal Communications (Online Content) Regulations are vague, the fees prohibitive, and the fines for non-compliance equally stiff. As of November 2018, the TCRA had issued 224 licences under these regulations. However, many independent bloggers, who cannot afford the licence fees and other stringent licencing requirements have ceased operations altogether. Under the regulations, content providers must “have in place mechanisms to identify source of content” and are required to swiftly terminate or suspend subscriber accounts and remove content if found in contravention of the regulations, if directed by TCRA or by an affected person.

In Kenya, a cybercrimes law was enacted in May 2018, which human rights defenders say contravenes rights to freedom of expression, privacy and association. The Act introduced offences such as publication of false information, cyber harassment, unauthorised interference and unauthorised interception, which “are phrased so vaguely that it is impossible to tell the conduct targeted by these sections.”

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 tools³⁰.

We observe that generally the enjoyment of various digital rights depends on a number of actors as including those highlighted in the matrix below;

30 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

No.	Digital Right	Dependence factors
1	Right to Internet access and affordability to foster universal and equal access to the Internet, including fair and transparent market regulation, universal service requirements and licensing agreements.	Existence of enabling regulatory environment, per capital income, political stability and political will.
2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction.	Existence of enabling regulatory environment, political stability political will, level of literacy, Maturity of the media,
3	Right to Privacy and protection of Personal Data emphasizing a transparent privacy policy that allows people to know all what concerns their data.	Existence of enabling regulatory environment, political stability political will and level of literacy
4	Rights of the Marginalized groups and Groups at Risk relationships all individuals have a right to have and use the Internet.	Existence of enabling regulatory environment, political will, level of literacy and maturity of the media
5	Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.	Existence of enabling regulatory environment, political stability political will, level of literacy and system of governance
6	Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.	Existence of enabling regulatory environment, political stability political will, level of literacy and system of governance
7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration the underrepresentation, exclusion of women in relation to the Internet and digital technologies.	Existence of enabling regulatory environment, political stability political will, per capital income, system of governance

Table 3: Right and Factor Dependence mapping

The following conclusions are emerging from case study analysis of some selected countries as far as digital rights and internet governance is concerned.

- The observance of digital rights by the state and none state actors is directly linked to; existence of political will, political stability and digital maturity of state. This often results into increased tolerance of diverging views.
- The growing integration digital skills training within the law and order enforcement mechanisms on how to manage tech related violence/crimes that infringe on citizens' right to privacy.
- It is also very clear that, there is limited accountability by the state and other agencies to the citizens on how their data is managed, shared and utilized.
- It is also clearly the emergence of fake news and sensational reporting, which could result into civil unrest are motivating countries to take more interest in regulation of internet and associated technologies.
- Most countries analysed to have a consultative processes of drafting laws and policies, however there are key issues with transparency and accountability in implementation. Estonia as a model country has a standardised process model of consultation.
- It is therefore, very evident that both state and none-state actors have a critical role to play in the promotion of digital rights.
- All countries that have better digital rights record than Uganda have regular change of governments, an indicator of a mature democracy and the separation of the state and government.
- States that are using national security connotations to increase citizen surveillance with intrusive technologies are detrimental to privacy.

PRESENTATION AND DISCUSSION OF FIELD STUDY FINDINGS

This section presents the key findings of the field study with respondent demographics, synthesis of the digital human rights legal framework, the knowledge about digital rights and dissection of factors hindering the enjoyment of digital rights and internet freedoms in Uganda.

4.1 Respondent Demographics

For this study, respondents' demographics was defined as "the profile of the respondents". These were identified as: The citizens were represented by the general public and key informants represented by; state actors, media, women rights activists, policy makers, minority groups and community leaders that regulate and govern digital rights in Uganda.

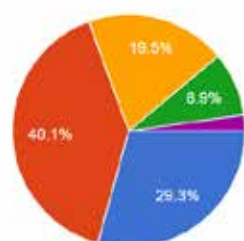
A total of 547 participants responded to the study as follows: (451 citizens and 96 key informants) from the six selected regions representing an 104.19% response rate, which is scientifically acceptable as representative for the target population and can be relied on to make sound conclusions from the study.

Variable name	Group	Number	Percentage (%)
Gender	Male	264	58.5
	Female	186	41.2
	Others	1	0.3
	Total	451	100
Marital status	Married	164	36.4
	Single	239	53
	Separated	30	6.7
	Divorced	18	4
	Total	451	100
Age	15-25	132	29.3
	26-35	181	40.1
	36-45	88	19.5
	46-55	40	8.9
	>55	10	2.2
	Total	451	100

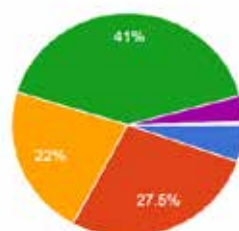
Education level	Primary	24	5.3
	Secondary	124	27.5
	Tertiary	99	22
	University	185	41
	Certificate	1	0.2
	Diploma	1	0.2
	None	17	3.8
	Total	451	100
Region	Eastern	69	15.3
	Albertain	46	10.2
	West Nile	39	8.6
	Greater Masaka	52	11.5
	Rwenzori	54	12
	Central	191	42.4
	Total	451	100

Table 4: Summary of Respondent Demographics

Of the 451 citizens that responded to the study, (59%) were male and the rest (41%) female. In terms of age group; 181(40.1%) of the respondents were aged 26-35, 132(29.3%) between 15-25 years, 88(19.5%) between 36-45 years, and 40(8.9%) were in the age group of 46-55 of these. Of the 451 citizens; 239(53%) were single, 164(36.4%) were married, 30(6.7%) separated and the rest 18(4%) Divorced. It was further established that 185(41%) of the citizen had attained University level of education, 124(27.5%) attained secondary level, 99(22%) attained tertiary education, 24(5.3%) attained primary and 17(3.8%) none.



Respondent age groups



Respondent level of education





Figure 7: Summary of Respondents Profile

The profile analysis of the key informants revealed that; Of the 96, (54)56.3% who responded to the study were male and (40.6%) female. In terms of age group; 43(44.8%) indicated the age group of 26-35, 34(35.4%) were between 36-45 years, 11(11.5%) were between 46-55 years, 8(8.3%) were between 15-25 years. Among the key informants; 57(59.4%) were married, 34(35.4%) were single, 4(4.2%) separated and the remaining 1 (1%) divorced. It was further established that 41(42.7%) of the key informant had attained University level of education, 26(27.1%) attained tertiary level, 22(22.9%) attained secondary level education, 3(3.1%) attained primary and none.

In terms of key informant stratification; 17.7% from media, 28.1% from state actors, 24% from civic society, and 17.7% were from minority groups



Figure 8: Summary of Key informant Profile

Accordingly, the respondent profile is a fair representation of the internet users and actors in Uganda and can be relied on to inform opinions aligned to the objectives of the study. The map below highlights the GPS coordinates of the places where the data was collected from.

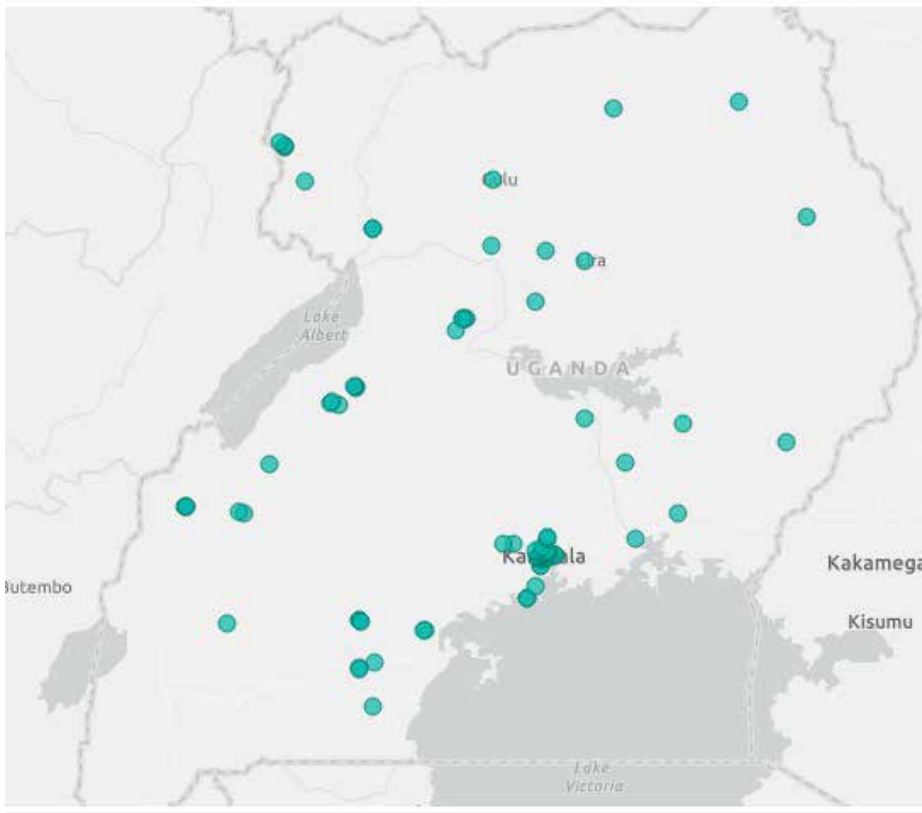


Figure 9: GPS Locations of where data was collected

Comparison between the age of the respondents and their gender

Below is a comparison of the number of respondents and their gender per a particular age group. In order to establish the gender responsiveness to the study per age group refer to figure 10.

Figure 10 describes that there were more males (59%) than females (41%) reached during the study and the age group of 26-35 years was most represented for both genders followed by the age group between 15-25 this was attributed to the fact that more males own mobile phones than the females.

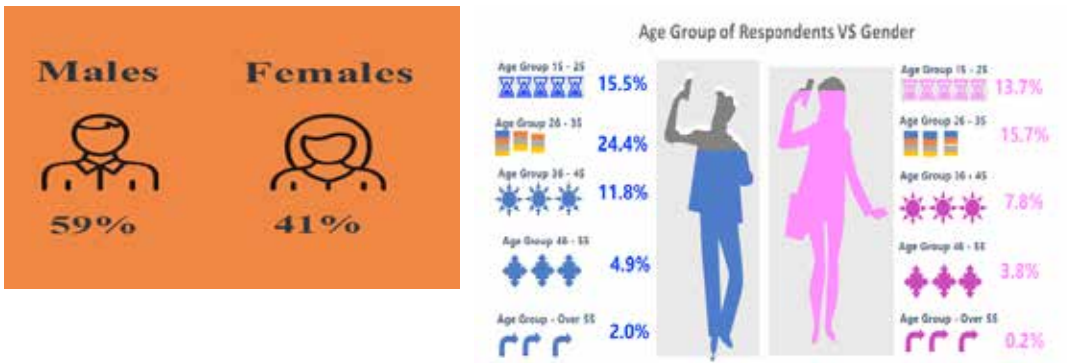


Figure 10: Comparison between gender and age group of respondents

Comparison between the age of the respondents, their gender and respective regions

The study also captured information concerning the regions where the participants in the research came from and are described in the figure 11 below.

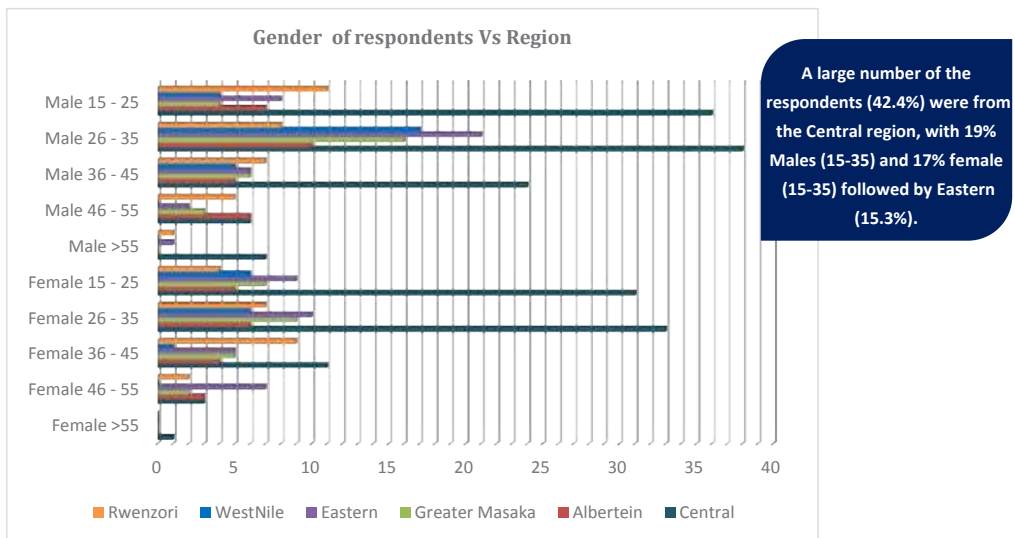
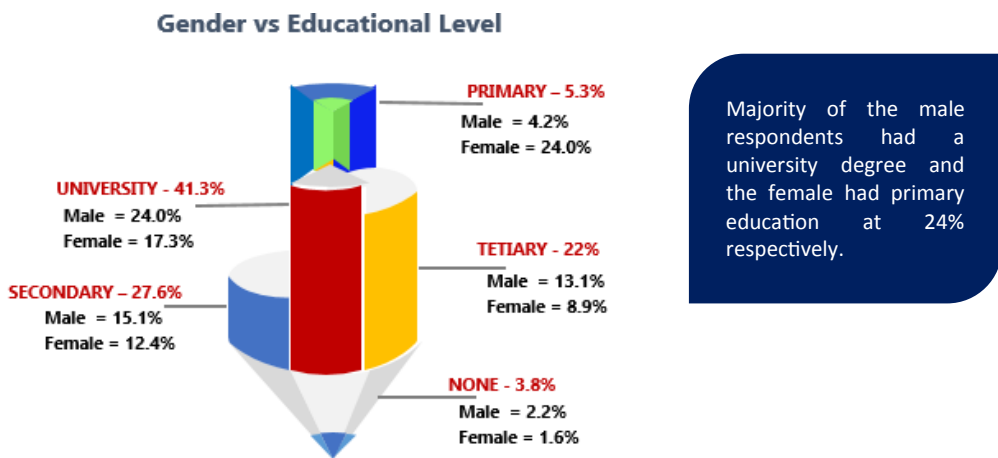


Figure 11: Comparison between the age of the respondents, their gender and respective regions

The results further revealed that West Nile region (8.6%) had the least participants followed by Albertine region (10.2%) of Uganda. The eastern and Albertine region of Uganda had the oldest group of respondents within the study hence had the oldest group of internet users as compared to the other regions. Comparison between the age of the respondents, their gender and highest level of education

From the study, it was important to understand the levels of education for all the participants and hence data was collected correlated and presented in the figure 12 below.



Majority of the respondents who had lower education levels were from females aged 15-35 the most educated were from Male aged 26-35 respectively. However, it should be noted that this is the same age group that had the majority of the respondents to the study. Deducing further these statistics, lower levels of education have been found to adopt less of technology in other researches undertaken across the world.

Comparison between the age of the respondents, their gender and marital status

	Divorced		Married		Separated		Single	
	Number	%	Number	%	Number	%	Number	%
Female >55	0	0	1	0.2	0	0	0	0
Female 46-55	3	0.7	27	6	8	1.7	2	0.4
Female 36 -45	3	0.7	0	0	5	1.1	4	0.9
Female 26 -35	0	0	38	8.4	0	0	33	7.9
Female 15 -25	2	0.4	0	0	0	0	60	13.3
Male >55	5	1.1	3	0.7	1	0.2	0	0
Male 46 – 55	4	0.9	11	2.4	5	1.1	2	0.4
Male 36 – 45	3	0.7	42	9.3	7	1.6	1	0.2
Male 26 – 35	0	0	37	8.2	4	0.9	69	15.3
Male 15 – 25	0	0	2	0.4	0	0	68	15.1

Table 6: Comparison between the age of the respondents, their gender and marital status

4.2 Respondent Ownership, Access and Usage of ICT Devices

As a means to establish the respondent's worthiness to participate in this research, the research sought to establish the ownership/access of internet enabled devices, examples of social media platforms used and the purposes for use of these devices and the results are highlighted below.

In terms of ownership and access to ICT devices, majority of the respondents (95.1%) owned or had access to a smart phone, and 68.7% owned or had access to an internet enabled computer (Figure 13). The findings are backed up by a survey done by online retailer Jumia, which indicate the increasing penetration of smart phones across the country fuelled by the decreasing prices and availability of e-service especially in financial, education, and trade. It is project that by 2025, Africa will have over 690

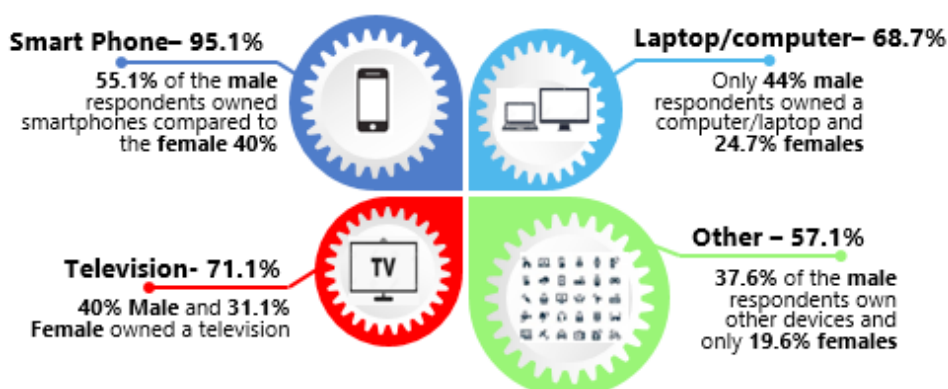


Figure 13: Ownership and Access to Digital Devices

million smart phone users³¹.

It is worth noting that ICT device ownership for all varies greatly between the men and the women, the male respondents indicated a high rate of ownership for the ICT devices in this study compared to the female thus Women are currently less likely than men to use or own digital technologies, with gaps larger among youth and those over 45 years old³².

According to the National ICT survey 2017/18, at the individual level, 70.9% own a mobile phone. There is a location bias with more urban individuals owning mobile phones compared to rural counterparts (78.5% vs 65.7% respectively) and a gender bias with more males owning mobile phones compared to females (81.6% vs. 63.2%). From interviews and discussions, stakeholders attribute this to the fact that urban and male individuals have more economic opportunity and tend to have higher incomes compared to rural and female counterparts³³.

It was important to establish the respondents main use of the ICT devices.

Purpose	Devices Used			
	Smart phone	Internet Computer	Television	Other
Entertainment	415	303	502	15
Communication	439	148	33	17
Activism and advocacy	83	41	16	1
Education	197	154	38	4
Business	269	176	35	6
Other	188	243	135	68

Table 7: Showing respondents ownership of ICT devices and their main purpose

The results show that, Of the 451 citizens that responded to the study, the most used ICT device by these respondents is the smart phone and it is main used for; communication by (439), entertainment (415) and business (269). The smart phone was followed by the internet enabled computer which is mainly used for entertainment (303), business (176), education (154) and communication (148) respectively. From table 7 above, it is worth noting that the least number of respondents were observed on the none-used of devices for activism and advocacy which limits people's freedom of expression on the internet and enjoy digital rights.

31 <https://www.newvision.co.ug/news/1517233/-uganda-population-connected-internet>

32 <https://iccwbo.org/media-wall/news-speeches/3-reasons-ict-matters-gender-equality/>

33 <https://www.nita.go.ug/sites/default/files/publications/National%20IT%20Survey%20April%2010th.pdf>

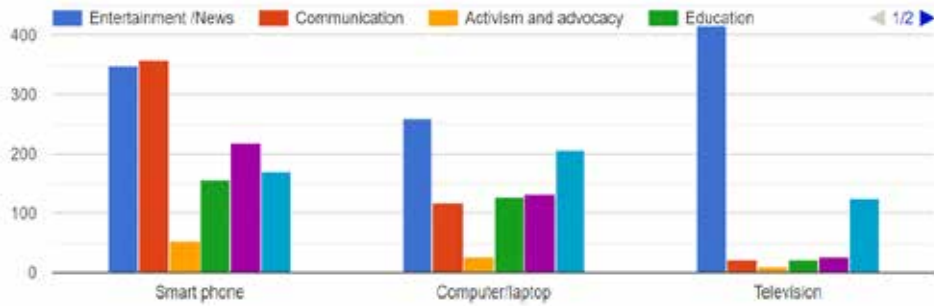


Figure 14: ICT Device Usage Purpose

Given the level of access and purpose of device usage, the respondents presented a perfect sample, which provided opinions on the state of internet governance and digital rights in Uganda.

a) Social media use among the respondents

In terms of social media platforms used by the respondents, the results indicated that majority of the respondents use; WhatsApp (~90%), Facebook (~86%) and YouTube (71%) in that order. Furthermore, the results showed that 43.5% of the respondents use Twitter while only 31.6% use SnapChat refer to Figure 15.

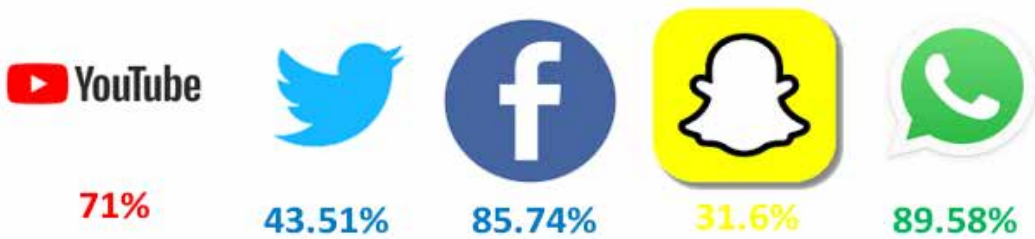


Figure 15: Type of Social Media Platforms Used

The use of WhatApp was evenly spread across; gender, age group, respondent category, region, marital status and highest level of education. However, Twitter was largely being used by people in the age groups of 35 years (26%) and above, while majority of Facebook users were below 35 years (62.6%).

University graduates are more likely to use twitter (28%) compared to Facebook (32%). These results are further backed up by the Digital 2020 report that states that “there are approximately 10.67 Million internet users in Uganda, of these (2.5million) are social media users in as of January 2020 representing a 5.6% penetration across the country

which is still low compared to the 17% average usage across various countries on the continent.

According to the Social Media statistics for the month of April 2020 released by Global Stats³⁴, Facebook is the most used platform in Uganda accounting for 53.87%, with Pinterest following in at 23.03%. While social media platforms most used by corporate classes like; Twitter account for 15.31%, YouTube 6.36%, and Integram had only 0.69%.

It emerged from the study that, majority of the Facebook users access the platform via their mobile phones (64.76%), while 35.24% access the platform via desktop computers. On the other hand, there are more Pinterest, Twitter, and YouTube users via desktops than those that use their mobiles to access the services³⁵.

As noted by one key informant

“*Twitter is largely used by middle class corporates, while Facebook is for teenagers and University students. I have a Facebook account which I hardly update, I can spend 5-7 months without logging in*”

4.3 Knowledge about Digital Rights and Internet Governance in Uganda

The study sought to establish the level of awareness of internet governance and digital rights among respondents, since the level of awareness has a direct correlation on the individual's ability to demand, assert and enjoy their digital rights.

a) Awareness of Digital Rights

In terms of awareness of the digital rights among the respondents, almost ½ (49%) of the citizens who responded through the question were aware of digital rights and 56.3% of the key informant too indicated they were aware of digital rights as illustrated

34 <https://gs.statcounter.com/social-media-stats/all/uganda>

35 <https://techjaja.com/ugandans-use-facebook-more-than-twitter>

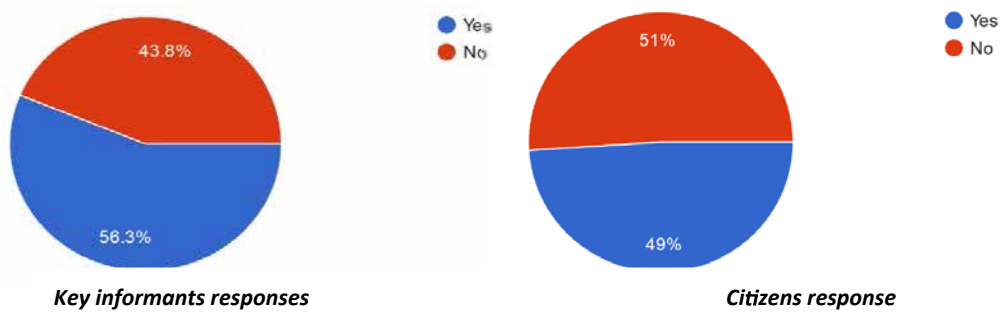


Figure 16: Awareness of digital rights among respondents

A deeper synthesis of awareness levels is summarised in the figure below;

AWARENESS OF DIGITAL RIGHTS IN TERMS OF RESPONDENTS DEMOGRAPHICS

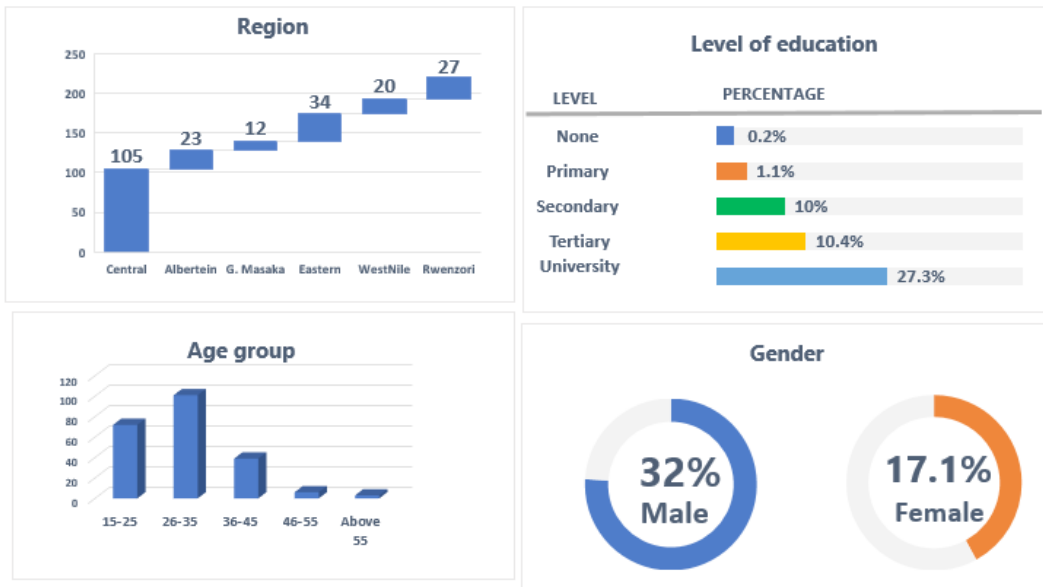


Figure 17: Digital Rights level of Awareness by region, gender, level of education and age

From figure 17 above, it was observed that citizens from the central region with a university degree between the ages of 26-35 and were male were more aware of the digital rights.

It was noted by one local journalist that;

“Most Ugandans do not give attention to the digital rights and they do not know them because there is limited civic education around digital rights, these are new things in the society. Therefore, most people cannot claim what they don't know it belongs to them”

As noted by Selemani, et al. (2018), Lack of knowledge of digital rights is one key hindrance in claiming and enjoy individual digital right.

This was well represented by a state actor in Masaka area, who indicated that;

“As the law enforcement officers, we have limited refresh training on digital right since we're often in operations addressing insecurity in the community. The limited understanding and appreciation of these right often results into operation mistakes, especially when handling digital crimes.”

b) Knowledge of each Individual Digital Right

The research thought to establish the extent of awareness of seven (7) digital rights among respondent. Respondents were asked on the rank on a scale of 1-5: None (1), smaller (2), small (3), great (4), and greater (5) measuring the level of awareness for particular selected right.

Right Code	Right description
Right 1	Right to Internet access and affordability meaning universal and equal access through transparent market regulations
Right 2	Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction
Right 3	Right to Privacy and protection of Personal Data with an enabling privacy policy that allows people to know all what concerns their data
Right 4	Rights of the Marginalized groups and Groups at Risk relationships groups meaning that all individuals have a right to use the Internet
Right 5	Right to Due process. No one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet
Right 6	Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties
Right 7	Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration under representation and exclusion of women

Analysis of the survey data among respondents revealed that 33.3%, 32.4% and 29.7% of the citizens had greater awareness (Greater) of; Right 7, Right 3 and Right 1 respectively.

Those that had very limited knowledge (None) constituted 43.9%, 36.6%, 33.3%, 27.5% about Right 6, Right 5, Right 4, and Right 2 respectively.

The focus group discussion with LGBT community and their key informants revealed that majority of their members (~90%) are aware about their digitals in descending order for; Right 4, Right 1, Right 3 and Right 5. The least known right within the community is Right 6. The high level of awareness about digital rights among this community is attributed to inclusive peer mentoring and education on human right, given the risk of state and none state actor persecutions.

As observed by one key informant;

“The digital rights of marginalized groups and groups at risk relationships such as LGBT community have been greatly violated by many people including state and non-state actors. The police and religious fanatics continue to harass and erode rights of these communities. He further added that there is no gender equality in Uganda as the laws of society practices recognised only two genders “male” and “female, leaving out the transgender who have no right to freely express themselves since they are always judged by the public.”

It is well documented that Uganda, has regressive laws, policies and regulations implemented in the disfavour of the LGBT communities with extremist penal sanctions.

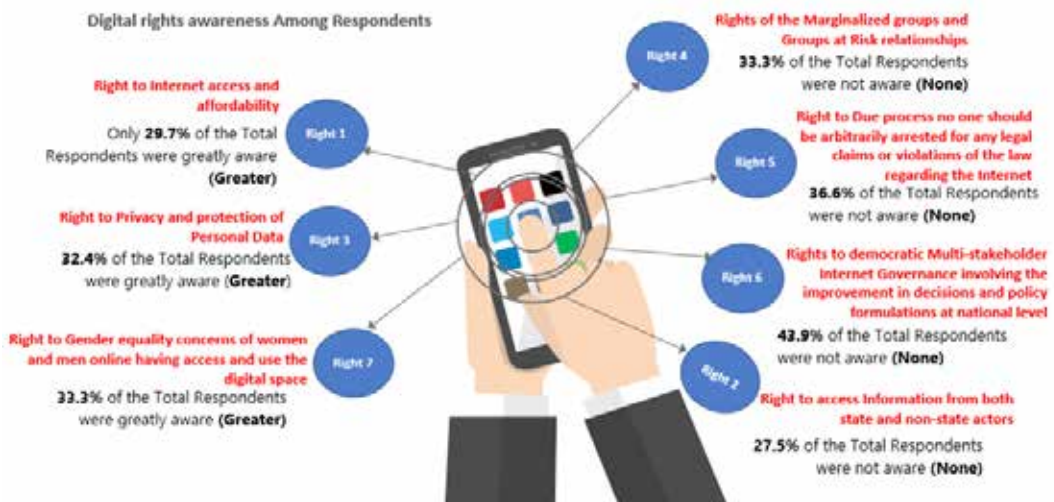


Figure 18: Respondents Degree of Awareness of Selected Digital Rights

It was also noted by one human rights defender that,

“Generally there is limited awareness of human right among ordinary citizens let alone digital rights, this is in part due to limited civic education on digital rights in the country. Given the fact that government is pre-occupied with self-preservation amidst growing demands for change among the population especially the youth, government is less interested in empowering citizens to demand their rights. Therefore, civil society organization, cultural institutions and religious institutions need to lead in providing civic education on digital rights and human rights in general”

c) Knowledge of individual Digital Rights in terms of age group, gender, marriage and level of education

- Right to Internet access and affordability meaning universal and equal access through transparent market regulations

Right 1: Right to Internet access and affordability meaning universal and equal access through transparent market regulations

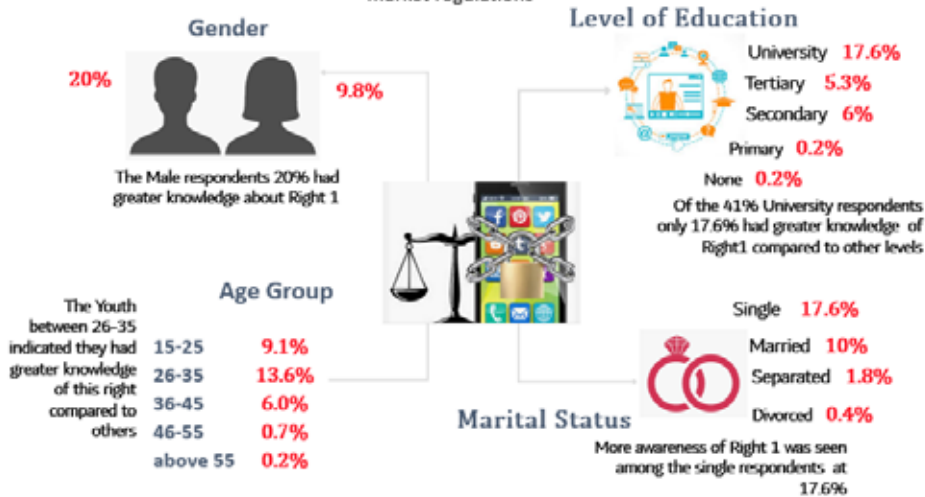


Figure 19: Knowledge levels for Right 1 in terms of the demographics

Male, university graduates, singles and the age group of 26-35 are most aware of the right to Internet access and affordability because these are majority of the internet users.

- Right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction

Right 2: Right to access Information from both state and non-state actors to be made publicly available unless there are legitimate grounds for restriction

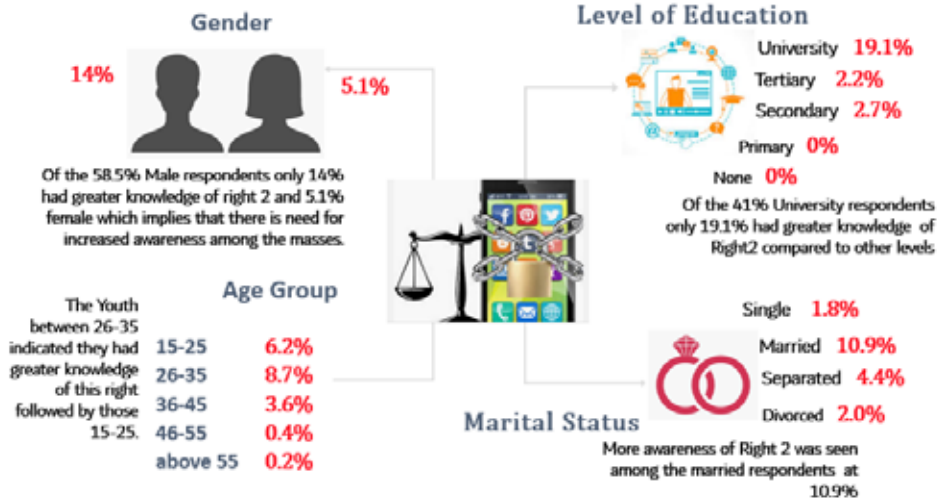


Figure 20: Knowledge levels for Right 2 in terms of the demographics

From figure 20 above, very few citizens were aware of the right to access Information from state and other agencies to be made publicly available unless there are legitimate grounds for restriction this is backed up by the fact that the state restricts information from individuals and strict laws on the spread of this information³⁶.

- Right to Privacy and protection of Personal Data with an enabling privacy policy that allows people to know all what concerns their data.

36 Access to Information Act 2005

Right 3: Right to Privacy and protection of Personal Data with an enabling privacy policy that allows people to know all what concerns their data

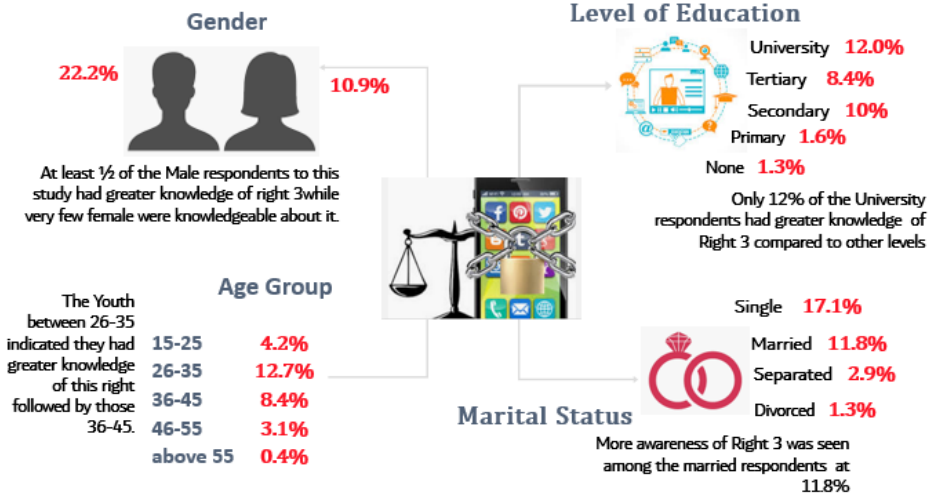


Figure 21: Knowledge levels for Right 3 in terms of the demographics

Male, university graduates, those single and in the age group of 26-35 are most aware of the Right to Privacy and protection of Personal Data with an enabling privacy policy that allows people to know all what concerns their data this is because people are very protective of their information although they don't have the right skills and approaches to secure their information.

- Rights of the Marginalized groups and Groups at Risk relationships, meaning that all individuals have a right to use the Internet.

Right 4: Rights of the Marginalized groups and Groups at Risk relationships groups meaning that all individuals have a right to use the Internet

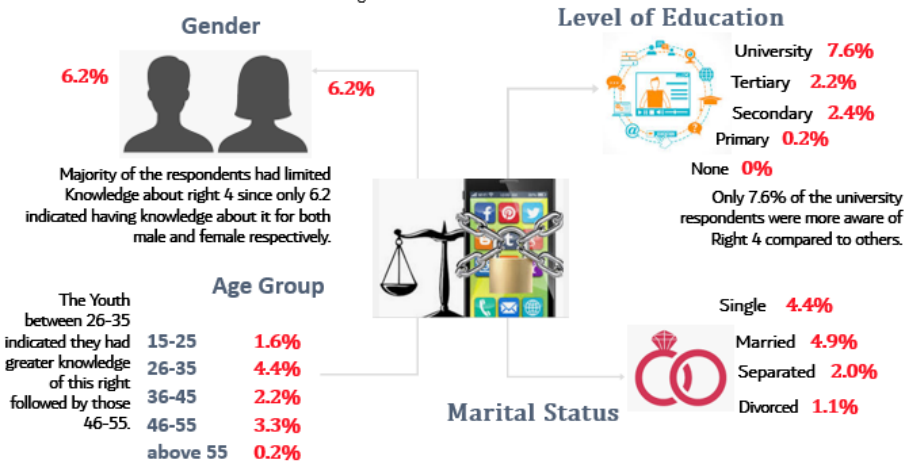


Figure 22: Knowledge levels for Right 4 in terms of the demographics

University graduates, those married and in the age group of 26-35 are most aware of the right marginalised groups

- Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet.

Right 5: Right to Due process no one should be arbitrarily arrested, detained or punished for any legal claims or violations of the law regarding the Internet

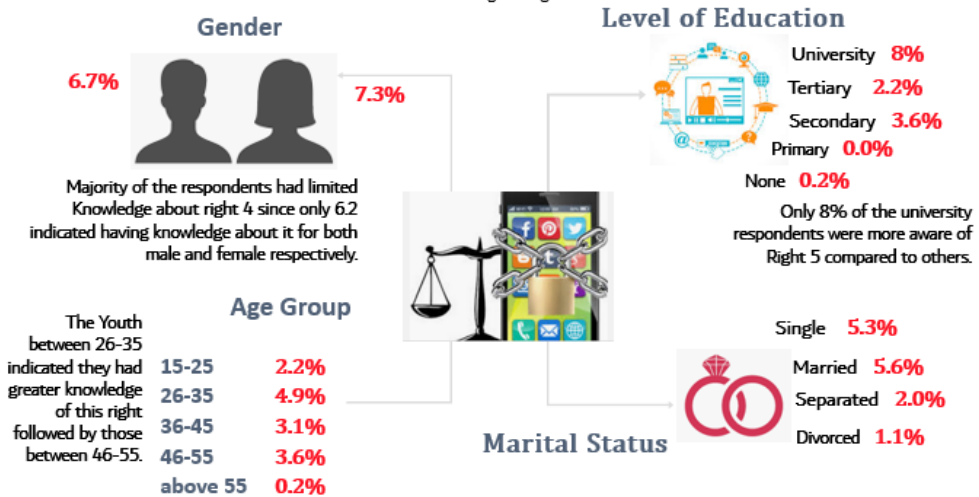


Figure 23: Knowledge levels for Right 5 in terms of the demographics

From the figure above, very few male, university graduates, those married and in the age group of 26-35 are most aware of the right to due process

- Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties.

Right 6: Rights to democratic Multi-stakeholder Internet Governance involving the improvement in decisions and policy formulations at national level to ensure full participation of all interested parties

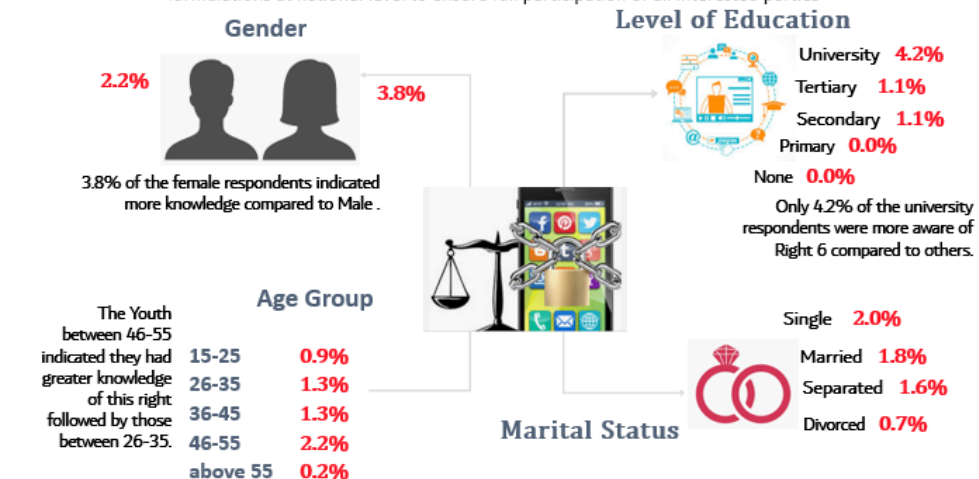


Figure 24: Knowledge levels for Right 6 in terms of the demographics

Female, university graduates, those single and in the age group of 26-45 are most aware of the right to democratic multi-stakeholder internet governance

- Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration under representation and exclusion of women.

Right 7: Right to Gender equality concerns of women and men online having access and use the digital space taking into consideration under representation and exclusion of women

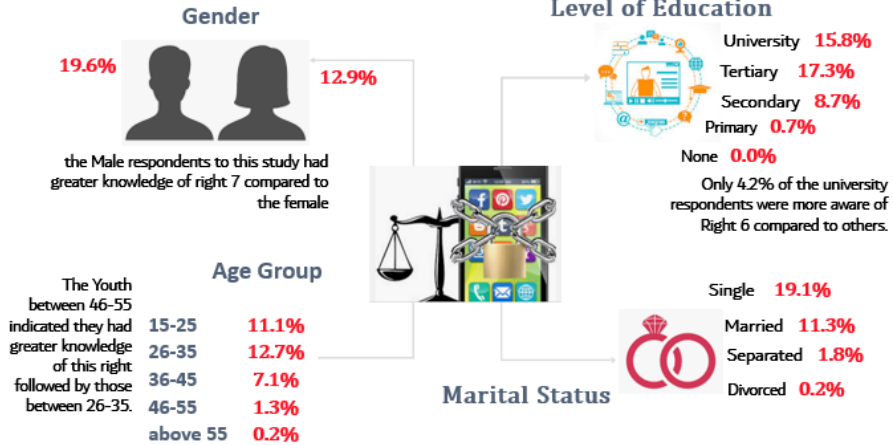


Figure 25: Knowledge levels for Right 7 in terms of the demographics

Male, tertiary graduates, those single and in the age group of 26-35 are most aware of the right to gender equality.

This research further sought to find out the respondents understanding and perception towards the digital rights. They were asked to rank the level of truth of these statement in their opinions in the chronological ranks of: 1-5: none (Rank 1), smaller (Rank 2), small (Rank 3), great (Rank 4), and greater (Rank 5). These follow the statement codes of A, B,C,D,E,F,G,H,I the graphic representation to indicate the rights.

Statement code	Statement
A	I access internet easily anytime
B	Internet is affordable
C	Information on internet is easily accessible
D	I feel secure when using internet because of privacy and Data Protection
E	I am aware of processes to take to ensure digital rights
F	There is gender equality when realizing digital rights
G	There are many digital rights democratic Multi stakeholders
H	I am aware of the internet governance systems in Uganda
I	Police interprets the laws on internet censorship correctly like the Computer Misuse Act

The findings show that Internet remains unaffordable for most of the respondent a reason that could attributed to the high prices of data bundles and OTT tax. The respondents strongly disagree that police interprets the laws on internet censorship correctly.

One journalist observed that;



Police either by omission or commission deliberately interprets laws on context basis, especially when enforcing public order management. They will observe the human rights if the event is concerning the ruling party and they will disperse people when the event involves citizens demanding accountability or change from government. We have witnessed many journalists beaten and harassed in the name of preventing them to incite violence, yet they are covering police brutality against unarmed citizens”

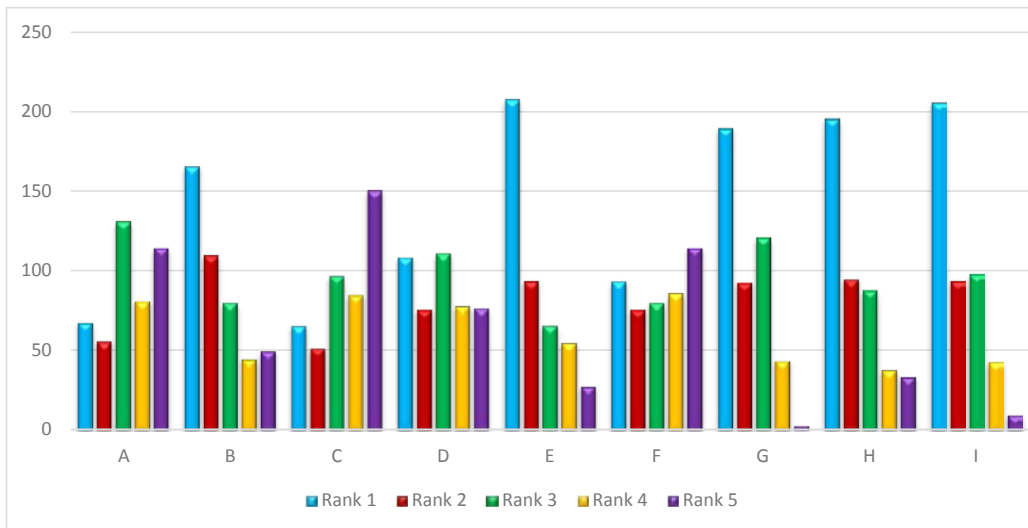


Figure 26: Agreement on Rights Enjoyment statement

The analysis of responses reveal that, significant number of the respondents agree that information on the internet is easily accessible (151), internet can easily be accessed, while majority disagree that internet is affordable, individuals feel secure when using internet because of privacy and data protection and there is gender equality when realising digital rights. Signification number of the respondent (208) indicate that they're not aware of process to take to ensure enjoyment of digital rights. A good number of respondent (196) are not aware of internet governance systems in Uganda, a critical finding, since you cannot claim what you don't know.

In terms of awareness of the regulators of the sectors, majority of the respondents both citizens and key informant (67%) correctly indicated Uganda Communications Commission as the regulator although some made a mention of Ministry of ICT and National Guidance and The NRM government. However, none mentioned the role of the National Information Technology Authority (NITA-U) as one of the sector regulators.

In terms of awareness of laws and regulations that govern internet in Uganda, majority of the respondents (59%) indicated they did not know any laws, the most frequently cited laws were; Computer Misuse Act, Ant-pornography Act, OTT regulation, Data Protection Act, Electronic to transaction Act, The tax law, Regulation of interception of communication Act, Patent Act, and Copyright Act in the order of prominence.

d) Capacity Building on Digital rights

Capacity building among individuals in the community is great factor that helps build skills and knowledge in the various areas of interest. Therefore, this research sought to establish whether the respondent's capacity in digital rights has been built in terms of trainings or sensitization on the digital right and others. The results indicated that; Majority of the citizens 87.8% have never acquired any training in digital rights awareness and only 12.2% have acquired training (Refer to Figure 27)). These respondents were further asked which areas of digital rights did they acquire training in and the responses include cyber security, free access to the internet, training in the use of social media platforms especially for marketing, basic computer skills, introduction to digital right, privacy and data protection through using passwords and not sharing them among others.

On the other hand, the key informants result on the training in digital rights capacity building revealed that majority 71.9% have never acquired any training and only 28.1% of the them have acquired the training (Refer to Figure 27).

This was backed by a key informant from the CIPSEA who indicated that

“Ugandans do not take digital rights seriously thus are not mindful of any of the trainings that exist therefore having limited knowledge in that area”

This is supported by CIPESA (2019)³⁷ who highlighted that poor dissemination of research results to relevant audiences including policy makers and human rights defender organisations. Failure to make research part and parcel of digital rights advocacy work and training deters citizens from acquiring knowledge on the subject matter.

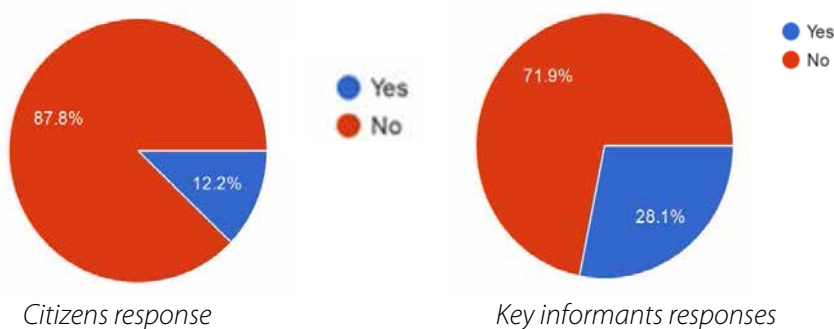


Figure 27: Responses on Whether Respondent has a capacity building in Digital Rights

The study further investigated the respondents understanding of the digital rights and how they relate to them in their way of life and internet use through the following statements in chronological ranks of: 1-5: none (Rank 1), smaller (Rank 2), small (Rank 3), great (Rank 4), and greater (Rank 5).

	Statement	Rank 1	Rank 2	Rank 3	Rank 4	Rank 5
A	I have received formal training in digital rights	295	66	45	29	17
B	My community members are aware of digital rights	123	199	101	26	0
C	State actors like police observe digital rights	127	154	102	55	15
D	I have experienced cyber bullying, stalking or phishing	213	90	65	50	35
E	It is easy to access justice on digital rights	206	140	71	28	6

37 <https://cipesa.org/2019/10/building-capacity-and-collaborations-for-digital-rights-research-in-africa/>

F	Duty bears and leaders are aware of digital rights	142	120	100	65	25
G	Duty bears and leaders observe digital rights	157	133	105	51	6
H	Citizens have capacity to claim their digital rights	179	123	81	47	24
I	Citizen lack skills to enjoy digital rights	101	50	87	93	121
J	Misinterpretation of internet governance laws by security agencies	156	93	114	52	36
K	Do you practise self-censorship on the internet	187	84	111	38	36

Table 8: Knowledge Assessment of respondents experience, skills and opinions

The results in Figure 28 indicate that; majority of the respondents (295) have not received any formal training in digital rights. Clearly for people to adapt these technologies, there is need to scale up civil education on digital rights to promote responsible use of the platforms. Not surprising a significant number of respondents (303) indicated not to have received any cyber bullying or stalking. More significantly, the results show that majority of the respondents (346) believe that it is not easy to access justice on digital rights. Another critical result this that about 50% of the respondents (214) did indicate that citizen lack skills to enjoy digital rights and significant number (271) don't practice self-censorship on internet (refer to Figure 28).

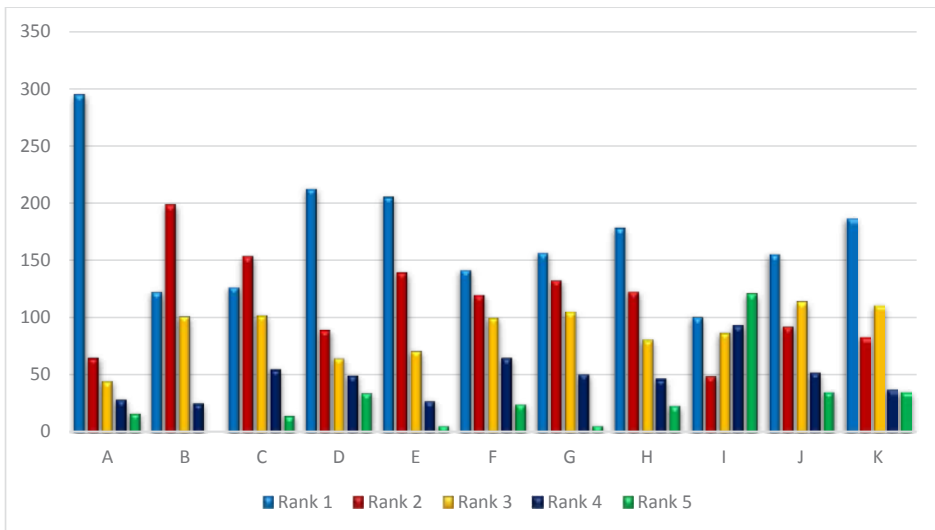


Figure 28: Citizen Opinion on Enjoy of Digital Rights

In order to evaluate the digital skills and knowledge level of the respondents, participants to the study were asked probing questions on their depth of knowledge. The results show that; majority of the respondents were; unaware of the internet use rights for example the existence of the User Experience platforms and the use of adware, spyware and malware (145).

The United Nations (UN) states that disconnecting people from the internet without their knowledge violates the international human rights law. A significant number of respondents (205) indicated that they're not aware of the Uganda Internet exchange a critical infrastructure in enforcement of digital rights.

Generally, about (211) of the respondent either could not identify cookies or were completely unaware about them. Critical piece of knowledge in enjoyment of digital rights and internet freedom. Many people don't bother to look at the reams of small print when they first use an online service. This creates lack of knowledge of a number of issues in relation to digital rights (Refer to figure 29).

Chronological ranks of: 1-5: none (Rank 1), smaller (Rank 2), small (Rank 3), great (Rank 4), and greater (Rank 5).

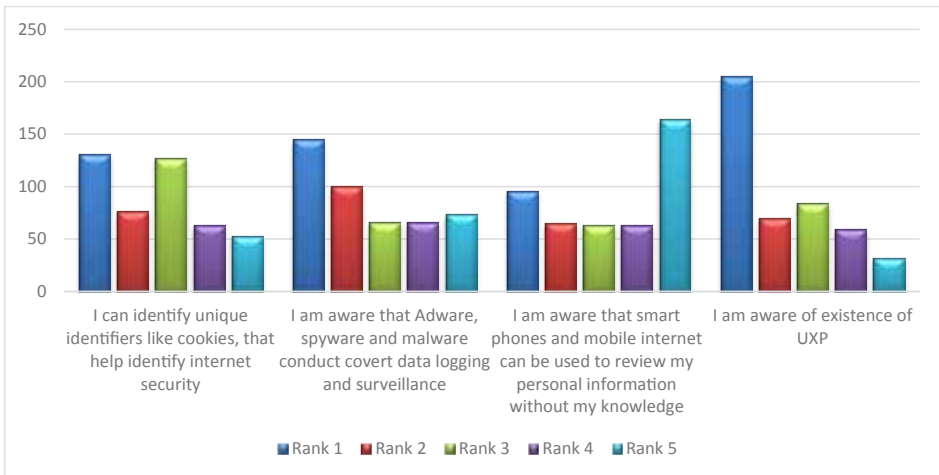


Figure 29: Knowledge and Skills for Online Platforms

4.4 Factors hindering the enjoyment of digital rights and internet freedoms in Uganda

This research sought to establish digital rights limiting factors by state actors and none state actors. The results of the opinions are summaries in the following text.

How state actors are hindering the enjoyment of digital rights

The respondents indicated the various ways through which Ministries, Departments and Agencies are limiting citizen enjoyment of digital rights.

- Introduction of the OTT tax for all internet users that has made internet experience to become very expensive for ordinary citizens. Research conducted by Facebook around 2017 indicate that Ugandans spend an average of 9000 shillings per month on internet. The introduction of 6000/= OTT per month eroded a number of users.
- There is inadequate public consideration in the cyber laws formulations which hinders effective implementation and entrenchment of these rights to marginalised groups and People with Disabilities.
- Failure to monitor the set policies towards internet use, there is limited awareness of government policies especially in the rural and upcountry town on ICT governance in the country. For example, most of the government ICT initiatives are in urban areas, like the ICT innovation hubs, MyUG wire among others.
- Failure to provide reliable internet service connectivity to the people, most parts of the country are still underserved, especially rural areas where majority of the population live.
- Denial of freedom of speech on social media, through regressive regulations and intimidation by state actions like police and the ICT regulator.
- There are no clear laws set to address the issues that arise from internet use such as cyber bullying, hacking among others.
- Gender inequality towards internet use especially for the women, PWD and LGBT.
- High cost access devices (phone and computers) this limits the number of people who can afford these devices and be connected online.
- Intimidation and arbitrary arrests.
- Passing of laws that curtail freedoms of expression like the public order management Act which was successfully challenged in court.
- Passing of regulations that limit the use of internet and associated applications. Like the recent UCC's demand for all social media users to be registered and content posted to be regulated.

Non-State actors' limitation of the enjoyment of digital rights

1. Using personal data submitted for private activities without owners' consent.
2. Failure to advocate for human rights and gender equality for internet use by a number of actors like civil society organizations.
3. Over exploitation of internet users especially from the internet service providers that charge high internet and data costs.
4. High costs charged for the purchase of ICT devices for example telephones, laptops, computers among others.
5. Use of non-consensual sharing of intimate images, especially for women.

4.5 Regulatory framework for internet governance in Uganda

The regulatory framework for internet governance in Uganda consists of laws, regulations, policies and guidelines which are aimed at creating an enabling environment for responsible use of internet for social and economic development of the state of Uganda.

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 in Uganda.

Internet regulatory environment is briefly synthesized against the international human rights law framework which states that, all restrictions of freedom of expression and right to privacy on the Internet must conform to three key principles³⁸; a) predictability and transparency, b) legitimacy and c) necessity and proportionality.

The first principle emphasizes the need to have laws which are clear and accessible to everyone so that individuals governed by the laws may make fair decisions in observance of restrictions. The second principle focuses on the protection of third party rights such as national security or of public order, or of public health or morals of the society. The last principle focuses on optimality of the provisions balancing the need for the regulation and the desire to protect human rights.

The figure below highlights the longitudinal view of the evaluation of Uganda's ICT sector regulation³⁹.

38 As summarized by the UN Special Rapporteur on Freedom of Expression (SR) in A/HRC/17/27 (24)

39 https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2019/03/GSMA_Connected_Society_Uganda_Overview.pdf

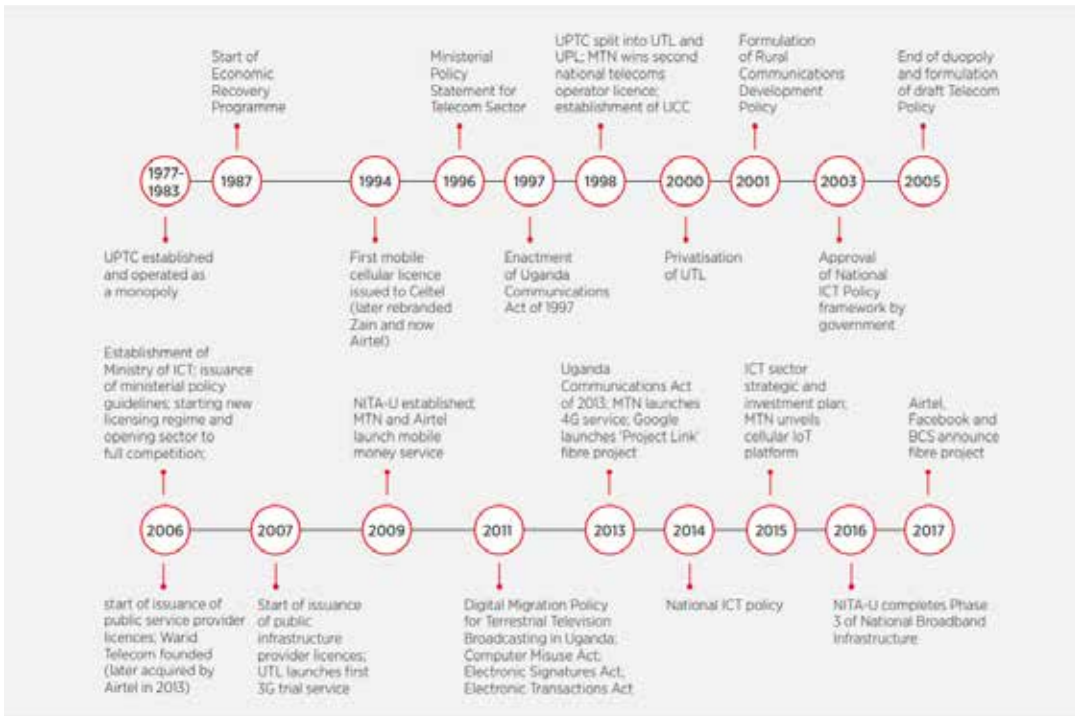


Figure 30: Uganda’s ICT regulatory Journey over the years

The matrix below provides a summary of legal instruments and their possible impact on enjoyment of digital rights;

Legal Instrument	Summary of observations
The National Information Technology Authority, Uganda Act, 2009	Section 5 (3) of NITA-U action which gives them powers to; co-ordinate, supervise and monitor the utilization of information Technology in the public and private sectors. Has a wider scope of interpretation and can be easily abused.
The Electronic Signatures Act, 2011	The Act under various sections (e.g. 88 & 91) gives NITA-U far-reaching search powers as regards the activities of service providers. These include e.g. an unlimited access to computerized data and the right to inspect, examine and copy computerized data kept by licensed certifications service providers. These powers can easily be abused by the officers in charge

The Computer Misuse Act, 2011	The Act gives far-reaching powers to state actors especially officers of NITA-U and police to search and seizure with a very low threshold of evidence required, these powers as have been witness many times constitute a threat to privacy and freedom of expression. A number of individual have suffered arrests and harassment from state Actor from a mere suspicion of their activities.
The Anti-Terrorism Act, 2002	The most problematic sections are that provide for obtaining information in respect of acts of terrorism and interpretation in incitement. The act has been broadly used to curtail media freedom especially when covering protests and police brutality.
The Regulation of Interception of Communications Act, 2010	<p>This is one of my most concerning instrument as, its scope and interpretations of various sections are deliberately broader. For example section 3 of the regulations provides for the establishment of a Monitoring Centre for the interception of communications under the act, and places all powers to run the center in the hands of the minister responsible for</p> <p>Security who does not have a clear supervisor to regulate his action except the president, to a less extent parliament.</p>
The Anti-Pornography Act, 2014	Women including Desire Luzinda have suffered online bullying and harassment as a result of this act.
The Uganda Communications Act, 2013	<p>The Action which established the commission provide the commission under various sections to; License, supervise, control and regulate communications services, establish an intelligent network monitoring system, arbitrate complaints relating to communications services and enforce compliance relating to content. The act gives UCC broad powers and various varying angles of interpretation. For example, the interpretation of what amounts to minimal broadcasting standards as far as content is concerned remain an area of debate.</p> <p>As witnessed with numerous regulations from UCC, which focus on curtailing freedoms of expression and promoting single party views , with harassment of media who provide platform for alternative views on governance and freedoms.</p>

The Electronic Transactions Act, 2011	This mention to be a good law, however a quick scan show that some provisions are weak for example Section 30, remove any liable to a service provider damage incurred by a user for referring or linking users to a data. The limitation of the liability is not defined.
Public Service Standing Orders, 2018	These regulations restrict public servants who are domain experts to speak freely about the areas of duty, in term denies the citizen right correct and timely information as provided for under the freedom of information act. (The Access to Information Act (2005)
Anti-Money Laundering (Amendment) Act, 2017	Sections (2 & 4) gives sweeping powers to an account holder of the citizen to access a lot of privacy data, with minimal protection of this data from leakage.
The Anti-Money Laundering (Exchange of Information) Regulations 2018	Makes it every easy for authorities to share information of the citizens within minimal safe guards on the side of the entity which receives the information.
The Access to Information Act, 2005	The spirit of the laws was to make government more accountable to the citizens. It is a very good piece of law, but it does not provide enough punitive actions for state actors who fail to provide the information with reasonable justification. A classic example is the refusal by the Electoral commission to provide the academic records for the NRM candidate for 2021 elections and yet they were quick to release those of NUP candidate in record time.
Data Protection and Privacy Act, 2019	Generally, it is a good law aiming at streamlining data collection processing and protection. However, it can be abused in case where NITA-U can withhold authority to enable someone collect the data. The corrective measures are not well defined. However, a number of provisions need to be aligned with other actions like the Access to information Act, 2005 and Anti-Money Laundering (Amendment) Act, 2017
Excise Duty Amendment Act commonly known as OTT	The problem with act is that it increases the cost of internet, hence forcing a number of users off the service.

Restrictions to enjoyment of digital rights

There are several loopholes that restrict the enjoyment of digital rights among the respondents and this research sought to establish some of them which included;

- Limited knowledge about the existence of the digital rights.
- High charges imposed on the cost of internet bundles.
- Gender inequality issues that arise due to the use of internet especially for the LGBT community where the transgender women are not considered and given attention to express and freely use internet.
- Establishment of OTT tax in 2018 that was imposed on internet users via the use of different social media platforms; this was found to be expensive to handle by the people.
- In ability to afford these platforms because of the expensive tags on them. These range from prices of the devices, maintenance fees etc. Many women can't afford and those who can find a difficult time maintaining them.
- Lack of proper devices for use by the People with Disabilities depending on their disability.
- Poor internet connectivity in most parts of the country which hinders the proper use.
- Increased rates of cyber bullying most especially through the use of social media platforms.
- The set laws and policies governing digital rights are not put into use.

POLICY FORMULATION RECOMMENDATION FOR DIGITAL RIGHTS ENJOYMENT IN UGANDA

From the study findings; the following recommendations are proposed to the different stake holders;

1. Government through relevant arms like parliament, ministries and local government should translate the laws and regulations into simple guidelines for citizens to read and understand, as a means to empowering them to claim their digital rights.
2. The government through parliament and the MoICT & NG should translate the laws into various local languages to improve comprehension by the common man (ordinary citizens).
3. The Uganda human rights commissions, MoICT & NG, Uganda Police human resource directorate, police professional standards unit and UCC should equip security officers with digital rights skills to minimise misinterpretation of the laws by the different officers.
4. Various government arms should make moderation policies better known to the public and implement them judiciously. If private actors have fair and widely known policies, it will reduce the need for governments to promulgate regressive laws and regulations to address what they see as ills of use of ICT.
5. The Ministry of Education in collaboration with the Ministry of ICT should integrate digital rights education into the curriculum of computer literacy at various levels of education as a means of promoting responsible use of the internet and associated technologies.
6. Parliament should scrap OTT tax and promote uptake of e-services.
7. The government through agencies like NITA-U should extend internet access to all corners of the country to ensure universal coverage of the country.
8. UCC should establish the arbitration tribunal as provided by the laws to enable an enabling environment for conflict resolution within the sector.
9. Civil society should enhance mechanisms that support digital security.
10. Private sector actors should support initiatives that promote digital rights, speak out about any licencing obligations and government practices that undermine privacy and freedom of expression, protect users' data, and align with initiatives that grow access, affordability, and innovative use of digital technology.
11. MDA and non-state actors who process citizen information such as telecom operation should regularly issue periodic transparency reports on government shutdown orders, demands for users' data, and requests for interception of communications support. Presently, the largest telecom operators in Africa, such

as MTN and Airtel, do not issue transparency reports with any such information. Multinationals, such as Africel, UTL, MTN and Airtel – they are often heavily redacted, making it difficult to see how they are protecting the privacy of their users and promoting freedom of expression.

12. Government through the human rights commission and ministry of justice should promote universal access of legal aid for all citizens. These will ensure every citizen has a legal representation before a competent court of law, hence improving the enjoyment of rights.
13. Given the critical role of Internet in the current digital age the covers provision of services in all sectors such as transport, health education, agriculture among others. Internet shutdown or denial of access to internet and associated technologies to an individual or group of individuals should be through a court order NOT arbitrary decisions of UCC or individual state actors who might not always act in the good interest of everyone affected by their actions.

(Footnotes)

- 1 "Digital freedom: the case for civil liberties on the Net". BBC News. 1999-03-04. Retrieved 2010-05-01.
- 2 Lucchi, Nicola (2011-02-06). "Access to Network Services and Protection of Constitutional Rights: Recognizing the Essential Role of Internet Access for the Freedom of Expression". Rochester, NY.
- 3 <https://www.dw.com/en/digital-backlash-threatens-media-freedom-in-ghana/a-46602904>
- 4 <https://www.un.org/development/desa/publications/publication/2020-united-nations-e-government-survey>
- 5 <https://www.dw.com/en/digital-backlash-threatens-media-freedom-in-ghana/a-46602904>
- 6 <https://www.bti-project.org/en/reports/country-report-UGA-2020.html>

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