



Reflections on COVID-19 policy responses in Uganda and the relevance of the African Declaration on Internet Rights and Freedoms for promoting women's rights online

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INTRODUCTION

The COVID-19 pandemic has shown why the protection of human rights online is more important now than ever before. The internet has been a gateway for access to critical information, services and opportunities available to many people for the first time, as noted by the GSMA mobile gender gap report.¹ With more than half of the world's population under lockdown conditions, more women and girls are using the internet with greater frequency, and actions must be taken to ensure that there are no limitations on women's access and use of the internet. The Africa Declaration on Internet Rights and Freedoms, a pan-African initiative, provides standard measures and guidelines which African governments must follow to avoid formulating and implementing policies that curtail internet rights and infringe freedoms.² This article provides a reflection on COVID-19 policy responses in Uganda and the relevance of the African Declaration in promoting women's rights online, with reference to 10 of the 13 principles contained in the Declaration.

CONTEXT

This year marks seven years since the African Declaration was agreed and drafted to promote human rights standards and principles of openness in internet policy formulation and implementation on the continent. However, with the outbreak

1 GSMA. (2020). *Connected Women: The Mobile Gender Gap Report 2020*. <https://www.gsma.com/mobilefor-development/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf>

2 <https://africaninternetrights.org>

of COVID-19 in December 2019, the achievements made over the years are predicted to be rolled back due to a myriad of policy responses aimed at containing the spread of the virus. By 1 July 2020, all 57 African countries and small states were affected by the pandemic, with Uganda's first confirmed case of COVID-19 reported on 21 March 2020.³



← Kampala International University students searching for COVID-19 information at the WOUGNET secretariat. Source: WOUGNET

THE SOCIAL, POLITICAL AND ECONOMIC POLICY RESPONSES TO CONTAIN THE SPREAD OF THE VIRUS IN UGANDA

The government of Uganda's first set of policy measures to contain the spread of the virus took effect on 18 March 2020. The measures instituted included closing all educational institutions, suspending all religious gatherings, banning all political and cultural gatherings, suspending all inbound and outbound movement of passengers by air, water and land except for cargo airplanes and trucks, restricting weddings to only 10 people, and allowing only close relatives to attend burials. Furthermore, discos, dances, bars, sports, music shows, cinemas and concerts were suspended. A temporary lockdown and a night curfew from 7:00 p.m. until 6:00 a.m. was also instituted. All citizens were advised to adhere to the guidelines issued by World Health Organization (WHO) and Ugandan Ministry of Health (MOH) to stay safe. Various traditional and modern information and communication technologies (ICTs) were used to sensitise the masses about COVID-19. These platforms include television, radio and social media platforms like Twitter and Facebook. The latest COVID-19 updates in English and more than 61 local languages in Uganda were also shared on the MOH website.

THE GENDER DIGITAL DIVIDE

The gender digital divide has been recognised as one of the major challenges in achieving gender equality in the Sustainable Development Goals (SDGs), particularly Target 5.b for enhancing the use of enabling technologies to promote women's empowerment.⁴ The International Telecommunication Union (ITU) indicates that women are still lagging behind men in their ability to take advantage of the

³ Biryabarema, E., & Obulutsa, G. (2020, 21 March). Uganda says has confirmed first coronavirus case. *Reuters*. <https://www.reuters.com/article/health-coronavirus-uganda/uganda-says-has-confirmed-first-coronavirus-case-idUSL8N2BE0XB>

⁴ <https://sdgs.un.org/goals/goal5>

power of digital technologies, with only 48% of women being online as compared to 58% of men globally, and in Africa with only 22.6% of women being online as compared to 33.8% of men.⁵ The Uganda Communication Commission (UCC) indicates that only 44% of women are online in Uganda, as compared to 62% of their male counterparts, further reflecting the gender digital gap.⁶

This gender digital gap, according to the Alliance for Affordable Internet and Web Foundation, has been exposed by COVID-19 across the globe, where billions of people are cut off from accessing vital information on health and safety, online learning, and the opportunity to voice their views and engage in commerce.⁷ Moreover, women's rights online, including freedom of expression, have been undermined by high levels of online violence, resulting in many of them resorting to self-censorship.⁸

As the virus continues to rapidly spread in Africa, where Uganda is no exception, misinformation and disinformation continue to spread faster than the virus, causing negative impacts on public health and safety. Women are the most affected by this as they lack access to credible information.⁹

In Uganda, access to the internet continues to grow rapidly, with 18.8 million people using digital platforms and social media to engage in politics, governance and socioeconomic development.¹⁰ However, the existing policies do not take into consideration the needs and challenges faced by women while accessing and using the web. The Women of Uganda Network (WOUGNET)¹¹ therefore conducted an assessment in Uganda during the period of the COVID-19 pandemic to explore and document government policy responses and how the African Declaration can be used to promote women's rights online. The findings of this assessment indicate that many women could not afford to access and use the internet on a regular basis due to high costs and, in some places, poor internet connectivity. Furthermore, many women reported having experienced more online threats and attacks from men for expressing their views online during the pandemic, which undermines their opportunities to enjoy their full rights online.

5 ITU. (2019). *Measuring digital development: Facts and figures 2019*. <https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2019.pdf>

6 UCC. (2015). *Access and use of communication services*. <https://www.ucc.co.ug>

7 Jorge, S., Sarpong, E., & Nakagaki, M. (2020). *Covid-19 Policy Brief: Internet Access & Affordability*. Alliance for Affordable Internet and Web Foundation. <https://docs.google.com/document/d/1b4G6kBtK3saFNTSqYnhhxWYeh17WN3b8jNlcBoIrt4/edit>

8 UN Women. (2020). *Online and ICT-facilitated violence against women and girls during COVID-19*. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en.pdf?la=en&vs=2519>

9 Sharpe, E. (2020). *Covid-19 Policy Brief: Misinformation & Freedom of Expression*. World Wide Web Foundation. https://docs.google.com/document/d/1XwcQDtr_aSYbL7mU2biLt9cqwTzZdoDElia5knO2on0/edit

10 See the "ICTs at a Glance" section on the home page of the Ministry of ICT & National Guidance website: <https://ict.go.ug>

11 <https://www.wougnnet.org>

WOMEN'S RIGHTS ONLINE IN UGANDA

The African Declaration is more relevant today than ever to uphold and promote fundamental human rights, particularly women's rights online,¹² because it advocates for the creation of a favourable internet policy environment for more women to enjoy their full rights and freedoms online. The relevant principles are discussed below.

OPENNESS

Principle 1 requires that the internet should enable a common exchange of information and knowledge for everyone. A female representative from the National Organization of Peer Educators (NOPE) Uganda¹³ noted that she has been spending more time on the internet during the pandemic than ever before to access information about the virus, complete her office work remotely, learn new ideas and keep in touch with her family and friends. However, the nationwide lockdown led to the closure of many businesses in the informal sector that are primarily run by women, which affected their sources of income to enable them to access and use the internet.

Another daunting challenge during this pandemic is a lack of electricity needed for connecting devices in the rural areas of Uganda, where the majority of women and young girls live, as noted by students from Kampala International University to whom WOUNET spoke. Research ICT Africa noted that the urban-rural electrification divide in Uganda is high, with only 7% of households in rural areas connected to the main electricity grid, as compared to 48% in urban areas. This partly explains why only 9% of Ugandans living in rural areas have access to the internet and about a third (30%) of urban dwellers are using the internet.¹⁴

ACCESS AND AFFORDABILITY

Principle 2 requires the internet to be available and affordable to all persons in Africa without discrimination. In this pandemic, a female programme officer from Kubere Information Centre (KIC)¹⁵ reported having spent a lot of money to purchase the data bundles that she could not afford on a regular basis because her business was closed. Further, a sales representative from MTN Uganda reported that she was able to use the internet regularly because the company

12 African Declaration on Internet Rights and Freedoms Coalition. (2020). *Position paper in response to the COVID-19 pandemic*. https://africaninternetrights.org/sites/default/files/AfDec_COVID-19_Position-paper_Eng.pdf

13 <https://www.betterplace.org/en/organisations/24252-nope-uganda>

14 Gillwald, A., Mothobi, O., Tusubira, F., & Ndiwalana, A. (2019). *After Access: The State of ICT in Uganda*. Research ICT Africa. https://researchictafrica.net/wp/wp-content/uploads/2019/05/2019_After-Access-The-State-of-ICT-in-Uganda.pdf

15 <https://www.wougnnet.org/project/kubere-information-center>

provided free data bundles to enable her to keep in touch with customers while at home. While internet access has become more affordable, particularly on mobile phones, costs are still expensive for many Ugandans.¹⁶ Moreover, structural inequalities, such as women's low levels of income, education and employment opportunities, limit their internet access and use.

FREEDOM OF EXPRESSION

Principle 3 provides for the right to freedom of opinion and expression for all citizens. Indeed, citizens' right to freedom of speech and expression, both online and offline, is protected in Uganda through the country's constitution,¹⁷ but online threats and restrictions from governments and individuals based on suspicions continue to be the major limiting factor to the full enjoyment of these rights among women, as noted by a female city lawyer during a phone interview. Furthermore, WOUGNET spoke to the research and communication officer at the Centre for Multilateral Affairs,¹⁸ who mentioned that many women have been threatened and attacked online during this pandemic by male individuals and government officials. However, few people realise that this undermines the rights of women.

RIGHT TO INFORMATION

Principle 4 requires everyone to have access to information on the internet. In Uganda, every citizen has the right to access information and records in the possession of the state or any other public body, except where the release of the information is likely to prejudice the security of the state or interfere with the right to the privacy of any other person.¹⁹ While speaking to the research and communication officer at the Centre for Multilateral Affairs, it was noted that the MOH has provided adequate information about COVID-19, regularly engaged with citizens, and run the state virtually. This was done in response to the WHO's call for governments to establish transparent and understandable communication lines of dialogue with citizens and stakeholders to build trust and deliver advice on protective behaviours that individuals can adopt to bring the spread of the virus under control. The majority of women and persons with disabilities have been excluded from accessing this information, since it has not been conveyed in the local languages and sign language to ensure that all members of the population are appropriately informed and empowered by the information being communicated by the government. Moreover, the latest updates and statistics on COVID-19 were being conveyed largely through social

16 WOUGNET. (2020). *Bridging the Digital Gender Gap in Uganda: An assessment of women's rights online based on the principles of the African Declaration on Internet Rights and Freedoms*. <https://africaninternetrights.org/en/resource/bridging-digital-gender-gap-uganda-assessment-women%E2%80%99s-rights-online-based-principles>

17 Constitution of the Republic of Uganda. <https://www.statehouse.go.ug/government/constitution>

18 <https://thecfma.org>

19 Access to Information Act of 2005, Article 5. <http://judiciary.go.ug>

media, which the majority of women and persons with disabilities have no access to because of barriers such as lack of affordability, digital illiteracy, concerns around online safety and security, and lack of relevant content. This situation obviously poses obstacles to their enjoyment of human rights online.

CULTURE AND LINGUISTIC DIVERSITY

Principle 6 states that individuals and communities must have the right to use their own language or any language of their choice to create, share and disseminate information and knowledge through the internet. A monitoring and evaluation associate at NOPE Uganda noted that local radio and television stations have played a key role in sharing COVID-19 information in local languages. However, most of these stations are profit-oriented, and only share updates at specific times of the day, unlike the internet. The majority of women and young girls were not able to access credible and updated information because the government has been using television and social media technologies, which do not reach all 45 million Ugandans due to limited access and coverage in the rural areas where the majority of women and young girls live.

RIGHT TO DEVELOPMENT AND ACCESS TO KNOWLEDGE

Principle 7 states that every individual and community has the right to development, and the internet has a vital role to play in helping to achieve the full realisation of nationally and internationally agreed sustainable development goals. The internet has provided new opportunities during this period of the pandemic for more women to attend webinars and learn new skills at no cost in their areas of specialisation. However, schoolchildren and other learners have lost this opportunity during the pandemic due to limited access to internet and ICTs as schools started to use online platforms to carry out lessons. Online studying has also been affected by the high cost of internet bundles coupled with over the top (OTT) tax, which has put women and young girls at a disadvantage. This high cost of the internet has impacted negatively on social networking use for women because the majority could not afford to buy the data packages of their choice.²⁰

PRIVACY AND DATA PROTECTION

Principle 8 requires everyone to have the right to privacy online and protection of personal data concerning him or her. Appropriate technology should be used to communicate on the internet, and the collection or processing of personal data should be transparent and in compliance with well-established laws. The Data Protection and Privacy Act, 2019 protects the privacy of the individual and of personal data by regulating the collection and processing of personal

²⁰ Gillwald, A., Mothobi, O., Tusubira, F., & Ndiwalana, A. (2019). Op. cit.

information in Uganda. However, during this pandemic, there has been significant collection and processing of personal information. Article 13 of the Public Health (Control of COVID-19) Order, 2020 contravenes the right to privacy and personal data protection by granting the MOH powers to collect personal data and monitor all persons residing in a declared infected area under medical inspection or examination. The Ministry has been using mobile phones to track and monitor people who have been under mandatory institutional quarantine, which has affected their online freedom of expression and privacy, as noted by a representative of Barefoot Law Uganda.²¹

SECURITY, STABILITY AND RESILIENCE OF THE INTERNET

In terms of principle 9, all citizens have the right to benefit from security, stability and resilience of the internet. The Declaration calls on governments to formulate and implement standardised policies that promote a secure, stable, resilient, reliable and trustworthy network for their citizens. However, this right has been curtailed by Public Health (Control of COVID-19) Order, which allows observation or surveillance of citizens by the medical officer both offline and online. Furthermore, there has been a surge in misinformation and disinformation, which has caused panic and fear among the population. Women are the most affected group, because many have been forced by COVID-19 policy responses to stay at home where they do not have access to timely and credible information about the virus, while those who are able to be online lack skills on how to browse the internet, making them vulnerable to misinformation and its associated effects.

MARGINALISED GROUPS AND GROUPS AT RISK

In terms of principle 10, everyone is entitled to use the internet to exercise and enjoy their human rights, and for participation in social and cultural life, without discrimination of any kind. During the pandemic, women and persons with disabilities remain forgotten when it comes to online rights and freedoms. They have been particularly affected because most of them earn daily incomes, and live in rural areas with limited access to mobile phones and internet connectivity. Furthermore, COVID-19 policy measures have not been inclusive for persons with disabilities, since most of them need assistive technologies to have access to information, which the majority in Uganda cannot afford.

GENDER EQUALITY

in order to address gender digital divide, principle 13 of the Declaration calls for the formulation of gender-sensitive internet policies to eliminate all forms of discrimination on the basis of gender. A fact that threatens to deepen the existing inequalities and undermine global development is the persistent gender

²¹ <https://barefootlaw.org>

digital divide.²² WOUGNET's assessment of women's rights online in Uganda, based on the Declaration, indicates that the gender digital divide has increased over the years due to the high cost of data, lack of digital skills, and online gender-based violence, which all undermine women's access to and use of the internet.²³ The pandemic has shown that the existing discrimination in policy making has restricted and limited women's internet rights and freedoms over the years, which has been exacerbated by the current context. The majority of women still largely depend on their husbands to buy their mobile phones and data, and their husbands consequently dictate what women should do with them. Women's digital rights and safety are also being compromised by increased threats of violence and attacks from men, which often prevents women from freely expressing themselves online.

CONCLUSION

The African Declaration on Internet Rights and Freedoms is a prime document for African states to adopt in order to promote digital human rights, specifically women's rights online, during the COVID-19 pandemic. It is evident that the women and girls who have access to the internet are using the internet more than ever before to access information about the pandemic, do school assignments, conduct research, carry out digital transactions, attend meetings, work remotely and participate in developmental conversations in online spaces. However, this does not translate to gender digital equality in Uganda and some parts of Sub-Saharan Africa, because the majority of women and girls do not have access to fast and unlimited broadband connections at their home, work place or place of study on a regular basis using the appropriate devices. The factors that contribute to the ongoing gender digital divide in general are lack of access and affordability, restrictions on freedom of expression from government and individuals, the linguistic monopoly of English on the internet as the major medium of communication, and indiscriminate surveillance of individuals or the monitoring of their communications. We call upon the government, private sector and all citizens to collaborate and embrace the Declaration in order to bridge the gender digital divide and enhance women's rights online.

22 Sambuli, N., Brandusescu, A., & Brudvig, I. (2018). *Advancing Women's Rights Online: Gaps and Opportunities in Research and Advocacy*. World Wide Web Foundation. http://webfoundation.org/docs/2018/08/Advancing-Womens-Rights-Online_Gaps-and-Opportunities-in-Policy-and-Research.pdf

23 WOUGNET. (2020). Op. cit.