

PROTECTION OF CHILD RIGHTS IN RELATION TO THE DIGITAL AGE IN UGANDA

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DECLARATION

This report is the researchers' original work and has not been submitted for a similar or any other award at Uganda Christian University.

APPROVAL

This thesis titled “Child Rights in the Digital Age: protection of child rights in relation to the digital age in Uganda” has been written with my supervision and is submitted with my approval.

Mr. Albert Collins Kyeyune

..... Date.....

SUPERVISOR

DEDICATION

I dedicate this research to my parents Mrs. Acheng Anges, my siblings for both financial and mental support. I also dedicate this work to my friends Nakitende Alice, Wakabi Sanoni, Ipadut Mary, Mulabbi Emmanuel, Akinyi Brenda and Asimwe precious thank you all for the efforts made towards my academics .

I am also humbly obliged to my supervisor Kyeyune Albert Collins for the profession advise and the time given despite the busy schedule and guidance during the writing of this research project.

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Table of Contents

DECLARATION	2
APPROVAL	3
DEDICATION	4
ACKNOWLEDGMENT	5
ABSTRACT	8
CHAPTER ONE	9
INTRODUCTION	9
1.0 Introduction	9
1.1 Background of the study	9
1.2 Problem statement	11
1.3 General objective	11
1.4 Objectives of the study	11
1.5 Research questions	11
1.6 Significance of the study	12
1.6 Justification of the study	13
1.6 Scope of the Study	13
1.6.2 Geographical Scope	13
1.6.3 Subject Scope	14
1.7 Literature Review	14
1.8 Methodology	17
1.9 Outline of chapters	18
CHAPTER TWO	19
IMPACT OF DIGITAL TECHNOLOGIES ON CHILDREN'S RIGHTS IN UGANDA	19
2.0 INTRODUCTION	Error! Bookmark not defined.
2.1 CHILDREN'S RIGHTS AND PROTECTION ONLINE	19
2.2 RISKS ENCOUNTERED BY CHILDREN ONLINE	21
2.2.1 Online Grooming	22
2.2.2 Economic Exploitation	26
2.2.3 Child Pornography	27
2.2.4 Cyberbullying	30

2.3 THE IMPACT OF USING THE INTERNET ON CHILDREN	31
2.4 CONCLUSION.....	32
CHAPTER THREE	34
EVALUATE THE ADEQUACY OF EXISTING LAWS AND REGULATIONS AT THE NATIONAL AND INTERNATIONAL LEVELS IN PROTECTING CHILDREN'S RIGHTS IN THE DIGITAL ENVIRONMENT	34
3.0 INTRODUCTION.....	34
3.1 ANALYSIS OF THE INTERNATIONAL INSTRUMENTS.	34
3.1.1 The United Nations Convention on the Rights of a Child (UNCRC)	34
3.2 REGIONAL INSTRUMENTS ON THE PROTECTION OF CHILDREN’S RIGHTS IN THE DIGITAL AGE	37
3.2.1 The African Charter on the Rights and Welfare of the Child of 2012 (ACRWC)	37
3.2.2 The African Charter on Human and Peoples’ Rights (The Banjul Charter).	38
3.3 THE DOMESTIC LEGAL FRAMEWORK FOR THE PROTECTION OF CHILDREN’S RIGHTS IN THE DIGITAL AGE IN UGANDA.....	39
3.3.1 The Constitution of the Republic of Uganda 1995 as amended	39
3.3.2 The Children Act Cap 59 as amended	39
3.3.3 Computer Misuse Act 2011, as amended	40
3.3.4 The Anti-Terrorism Act 2002.....	40
3.3.5 The National Information Technology Authority Uganda Act, 2009	41
3.5 POLICY FRAMEWORKS ON THE PROTECTION OF CHILDREN’S RIGHTS IN THE DIGITAL AGE	42
3.5.1 The East African Community (EAC) Child Policy 2016.....	42
CHAPTER FOUR	44
POLICY RECOMMENDATIONS AND BEST PRACTICES FOR POLICYMAKERS, EDUCATORS, AND OTHER STAKEHOLDERS TO ENHANCE THE PROTECTION OF CHILDREN'S RIGHTS IN THE DIGITAL AGE	44
4.0 INTRODUCTION.....	44
4.1 CONCLUSION.....	44
4.2 RECOMMENDATIONS.....	45
Bibliography	49

ABSTRACT

Digital age with its unparalleled access to information, enhanced connections, and innovative communication techniques, the digital age has profoundly altered cultures all around the world. Though it presents countless opportunities for learning, self-expression, and fostering community, the transition to a digital age also presents unique difficulties, especially for the most defenceless members of society-children. This is the reason that several national, international laws and instruments seek to define, recognize, and safeguard their rights. But when new technologies are used more, particularly the internet, it opens new avenues for kid exploitation and injury.

The swift growth of internet technology and the widespread use of mobile devices by young people worldwide have raised serious worries about children's safety and well-being on the internet, both in Uganda and globally. Given how quickly technology is developing, it can be challenging for legislators, activists, parents, and other stakeholders to stay up to date on both legal and illegal protection strategies.

This paper provides an overview of children's rights in the modern digital environment by thoroughly reviewing the laws, policies, and literature that are in place both domestically and globally. It compares Uganda's legal and policy frameworks to those of more developed nations, in terms of children's digital rights and makes recommendations for improving awareness and digital literacy, fortifying legal frameworks, and encouraging joint efforts to reduce the risks that children face in the digital sphere.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

In this chapter, the researcher reflects on the background of the study, the problem statement, and objectives of the study, the research questions, Significance and justification of the study, scope of the study, literature review, methodology and outline of chapters. This research analyses the protection of child rights in relation to the digital age in Uganda.

1.1 Background of the study

According to the Constitution of the Republic of Uganda, a child is defined as any person under the age of 18 years. This definition aligns with the United Nations Convention on the Rights of the Child, Article 2 of the African Charter on the Rights and Welfare of the Child, and specifically, Article 257 (1) (C) of the 1995 Constitution of Uganda.¹ The Constitution and the Children Act, as amended in 2016, provide the legal framework for the rights, protection, and maintenance of children within the country.²

The Constitution of the Republic of Uganda does not explicitly address child rights in relation to the digital age. However, Uganda has adopted various laws and policies that touch upon the protection of children in the digital realm.

One of the key legal frameworks is the Children Act of 1997. While this act does not specifically mention the digital age, it outlines provisions for the protection of children's rights more broadly. Section 4 of the Children Act provides for the best interests of the child as a primary consideration in all actions concerning children. This can be interpreted to encompass protections in the digital sphere, ensuring that children's welfare and safety are prioritized.

Additionally, Uganda has ratified international treaties such as the United Nations Convention on the Rights of the Child (CRC), which obligates state parties to protect children from harm, including in the digital environment. While not explicitly part of the Constitution, these international agreements can influence domestic legislation and policy.

¹ Article 257 (1) (C) of the 1995 Constitution of Uganda.

² Article 2 of the African Charter

Furthermore, Uganda has enacted the Computer Misuse Act of 2011, which addresses various cybercrimes, including offenses related to child exploitation and abuse online. Section 13 of the Act criminalizes child pornography, which can help in safeguarding children from digital exploitation.³ The Act criminalizes a range of cyber offenses such as unauthorized access to computer systems, unauthorized interception of data, unauthorized disclosure of passwords,⁴ cyber harassment, identity theft, and computer fraud, among others. These offenses can potentially affect children when they are targeted or become victims of cybercrimes.

However, one criticism of the Act is that its language is broad and may not comprehensively address online child sexual abuse. Online child sexual abuse refers to the exploitation of children through the production, distribution, and consumption of child sexual abuse material, as well as online grooming and solicitation of children for sexual purposes.

Critics argue that the Act does not specifically focus on child protection measures and fails to adequately address the unique challenges posed by online child sexual abuse. It may lack specific provisions that target the grooming or solicitation of children, the possession and distribution of child sexual abuse material, or the facilitation of child exploitation through online platforms.

Efforts to tackle online child sexual abuse require comprehensive legislation that specifically addresses the issue, including provisions related to prevention, reporting, investigation, prosecution, and support for victims. Some argue that the existing Act may need further amendments or the introduction of specific legislation to effectively combat online child sexual abuse and ensure the safety of children in the digital realm.

Despite these legal frameworks, Uganda faces challenges in effectively protecting children in the digital age due to limited resources, lack of awareness, and gaps in enforcement mechanisms. Civil society organizations and government agencies are working to address these issues through awareness campaigns, capacity building, and advocacy for stronger legal protections.

³ Section 13 of Computer Misuse Act of 2011

⁴ Computer Misuse Act of 2011

1.2 Problem statement

In today's digital age, children are increasingly exposed to a wide array of online platforms and technologies, presenting both opportunities and challenges for their development and well-being. While the digital world offers avenues for learning, communication, and creativity, it also poses significant risks to children's rights, including privacy, safety, and access to harmful content. The Ugandan Constitution (Article 34) provides a general framework for child protection but lacks specific provisions regarding to the digital age. The Computer Misuse Act (2014) tackles cyber offences, but its broad language may not adequately address online child sexual abuse and exploitation. The Uganda Human Rights Commission report "Children's Rights & the Digital Sphere in Uganda" highlights the discrepancy between existing laws and the pressing need for more comprehensive measures to safeguard children online.⁵ Without clear legal guidelines and enforcement mechanisms, children in Uganda are at increased risk of online predators, cyberbullying, and exposure to harmful content. Fear of online dangers can discourage children from accessing the educational and social benefits the internet offers. Increased internet access and smartphone usage among Ugandan youth necessitate a legal framework that evolves alongside technology. Despite efforts to regulate the digital environment, gaps remain in ensuring comprehensive protection for children. This study aims to examine the effectiveness of existing legal frameworks and policy measures in safeguarding children's rights in the digital age.

1.3 General objective

The objective of this research is to analyze the current state of child rights protection in the digital age in Uganda, identify the gaps in policy and practice, and propose evidence-based recommendations for strengthening the digital safety net for children.

1.4 Specific Objectives.

- i. To investigate the impact of the digital technologies on children's rights in Uganda.
- ii. To evaluate the adequacy of existing laws and regulations at the national and international levels in protecting children's rights in the digital environment.
- iii. To develop Policy recommendations and best practices for policymakers, educators, and

⁵ <https://uhrc.ug/childrens-rights-and-the-digital-sphere-in-uganda/>.

other stakeholders to enhance the protection of children's rights in the digital age.

1.5 Research questions

- i. What is the Impact of digital technologies on children's rights in Uganda?
- ii. To evaluate the adequacy of existing laws and regulations at the national and international levels in protecting children's rights in the digital environment?
- iii. To investigate Policy recommendations and best practices for policymakers, educators, and other stakeholders to enhance the protection of children's rights in the digital age?

1.6 Significance of the study

The research directly addresses the critical issue of safeguarding Ugandan children from the dangers of the online world. This includes cyberbullying, online predators, and exposure to inappropriate content. By identifying the gaps in the legal framework, the study paves the way for creating a safer digital space for Ugandan children.

The study's recommendations for a more robust legal framework can encourage a safer digital environment. This will empower children to reap the educational and social benefits the internet offers. With appropriate safeguards in place, children are less likely to be discouraged from using the internet due to safety fears.

The findings of this study can serve as a valuable resource for Ugandan policymakers. It can inform the development of effective legislation to address the evolving threats children face online. Clear and comprehensive laws are essential for ensuring children's safety and well-being in the digital age.

This study can contribute to a broader dialogue on child online safety. By sharing its findings and recommendations, the research can inspire collaboration between Uganda and other nations. This international cooperation can lead to the creation of a safer global digital space for children everywhere.

Addressing this issue is vital for ensuring that children can harness the benefits of the digital age while being shielded from its potential harms. It aligns with Uganda's commitment to upholding the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

1.6 Justification of the study

This study on child online protection in Uganda is warranted due to several compelling reasons:

The Ugandan Constitution offers a general framework for child protection (Article 34) but lacks specific provisions regarding the digital age. The Computer Misuse Act (2014) tackles cyber offenses, but its broad language might be insufficient to effectively address online child sexual abuse and exploitation (OCSAE). This ambiguity creates uncertainty for law enforcement and leaves children vulnerable.

Ugandan youth have increasing access to the internet and smartphones. This digital landscape exposes them to potential dangers like cyberbullying, online predators, and inappropriate content. A robust legal framework is essential to mitigate these risks and safeguard children in this evolving digital environment.

This study can identify the shortcomings of the current legal framework and propose effective solutions. The research findings can inform Ugandan policymakers in developing legislation that specifically addresses online child protection. Clear and comprehensive laws are crucial for deterring online crimes against children and ensuring their safety.

Child online safety is a universal concern. Every nation grapples with protecting children in the digital age. This study contributes to the conversation on child online safety in Uganda can inspire collaboration between Uganda and other countries. Sharing best practices and effective legal frameworks can lead to the creation of a safer online world for all children globally.

1.6 Scope of the Study

This section outlines the parameters of your research on child online protection in Uganda.

1.6.1 Time Scope

This study will focus on the current legal framework for child online protection in Uganda.

While historical context regarding Ugandan child protection laws might be briefly mentioned, the primary emphasis will be on existing laws and their effectiveness in the present digital age.

1.6.2 Geographical Scope

This study will specifically examine the legal framework for child online protection within Uganda.

References may be made to international laws or frameworks for comparison to highlight strengths or weaknesses in the Ugandan approach. However, the core focus will remain on the Ugandan context.

1.6.3 Subject Scope

This study will concentrate on the legal aspects of child online protection in Uganda.

It will examine relevant legislation, such as the Constitution and the Computer Misuse Act. The study will identify gaps and shortcomings in these laws and propose recommendations for improvement.

The study will not delve into the technical aspects of online safety or the social and psychological impacts of internet use on children. These areas could be the subject of separate studies.

1.7 Literature Review

According to Rogaway, Phillip he said that Shafi Goldwasser is a scholar whose research intersects with child rights in the digital age through her work in cryptography and cybersecurity. She explores how cryptographic techniques can be leveraged to enhance children's privacy and security online, particularly in the context of emerging technologies such as the Internet of Things (IoT) and artificial intelligence (AI).⁶ However, some critics argue that Goldwasser's focus on technical solutions overlooks the broader social, cultural, and economic factors that shape children's experiences online. To address this criticism, Goldwasser could collaborate with social scientists and policymakers to develop more holistic approaches to protecting children's rights in digital spaces.

Sonia Livingstone is a prominent scholar in the field of children's rights in the digital age. Her research often focuses on the intersection of children, media, and digital technologies.⁷ Livingstone has conducted extensive studies examining how children navigate online spaces, the risks they face, and the role of parents and policymakers in ensuring their safety. She advocates for a rights-

⁶ Rogaway, Phillip. "The moral character of cryptographic work." Cryptology ePrint Archive (2015).

⁷ Stoilova, Mariya, Sonia Livingstone, and Daniel Kardefelt-Winther. "Global Kids Online: Researching children's rights globally in the digital age." *Global studies of childhood* 6, no. 4 (2016): 455-466.

based approach to digital literacy and protection, emphasizing the importance of empowering children to engage safely and responsibly in the digital world. Livingstone's research provides valuable insights into the complexities of protecting child rights in the digital age. However, some critics argue that her emphasis on digital literacy and empowerment may overlook systemic issues such as inadequate legal protections and enforcement mechanisms.⁸ While empowering children is crucial, it should not absolve governments and other stakeholders of their responsibility to create and enforce robust regulatory frameworks to safeguard children online. Livingstone's work highlights the need for a multi-faceted approach to child protection in the digital age. Governments should prioritize both empowerment strategies and legal reforms to address systemic challenges. Collaboration between researchers, policymakers, and civil society organizations can ensure that interventions are evidence-based and responsive to the evolving digital landscape.

Robinson said that Amanda Third is known for her research on the digital rights of children, particularly in the context of marginalized communities. Her work sheds light on the differential impacts of digital technologies on children from diverse socio-economic backgrounds and underscores the importance of addressing inequalities in access, usage, and protection. Third's research often emphasizes the need for inclusive policies and interventions that consider the unique needs and perspectives of marginalized children.⁹ While Third's research contributes valuable insights into the intersectionality of digital rights and social inequalities, some critics argue that her work sometimes lacks actionable policy recommendations. While highlighting disparities is essential, more concrete proposals for policy reforms and interventions are needed to translate research findings into tangible improvements in child protection. Third's research can serve as a foundation for advocacy efforts aimed at promoting inclusive policies and programs. Collaborating with policymakers and advocacy groups can help bridge the gap between research and policy implementation, ensuring that marginalized children are not left behind in efforts to protect their rights in the digital age.

⁸ Livingstone, Sonia, and Monica Bulger. "A global research agenda for children's rights in the digital age." *Journal of Children and Media* 8, no. 4 (2014): 317-335.

⁹ Robinson, Laura, Jeremy Schulz, Aneka Khilnani, Hiroshi Ono, Shelia R. Cotten, Noah McClain, Lloyd Levine et al. "Digital inequalities in time of pandemic: COVID-19 exposure risk profiles and new forms of vulnerability." *First Monday* 25, no. 10 (2020).

Brian O'Neill is a researcher who has extensively studied children's online safety and digital literacy. His work often explores the effectiveness of various interventions and initiatives aimed at protecting children from online risks, such as cyberbullying, grooming, and exposure to harmful content. O'Neill's research provides valuable insights into the efficacy of parental controls, educational programs, and industry self-regulation in mitigating digital risks for children.¹⁰ While O'Neill's research offers valuable evidence on the effectiveness of different interventions, some critics argue that it may prioritize technological solutions over broader systemic reforms. While tools like parental controls and educational programs are important, they should complement, rather than substitute for, robust legal and regulatory frameworks to hold platforms and content providers accountable for child safety. O'Neill's research underscores the need for a balanced approach to child protection in the digital age, combining technological solutions with legal reforms and regulatory oversight.¹¹ Policymakers should draw on his research findings to inform evidence-based policies that address both immediate risks and underlying systemic issues.

Dafna Lemish is a scholar known for her research on children's media and communication, with a focus on gender, culture, and diversity. Her work explores how children's digital experiences are shaped by factors such as gender norms, cultural values, and media representations.¹² Lemish's research highlights the importance of promoting positive and inclusive digital environments that empower children to challenge stereotypes and discrimination.¹³ While Lemish's research offers valuable insights into the intersection of gender, culture, and digital media, some critics argue that it may overlook other dimensions of diversity, such as race, ethnicity, and disability. A more intersectional approach that considers the multiple identities and experiences of children is needed to ensure that digital rights protections are inclusive and equitable.

¹⁰ O'Neill, Brian, and Sonia Livingstone. "Promoting Children's Interests on the Internet: Regulation and the Emerging Evidence Base of Risk and Harm." (2010).

¹¹ Karim, Asim. "O'Neill's Treatment of Racism in All God's Chillum Got Wings and the Emperor Jones." *Current Research Journal of Social Sciences* 3, no. 4 (2011): 334-341.

¹² Lemish D. *Screening gender on children's television: the views of producers around the world*. Routledge; 2010 Apr 5.

¹³ Kolucki, Barbara, Barbara Kolucki, Dafna Lemish, and Dafna Lemish. *Communicating with children: Principles and practices to nurture, inspire, excite, educate and heal*. United Nations Children's Fund (UNICEF), 2011.

Alicia Blum-Ross is known for her research on children's media literacy and digital citizenship, exploring how young people navigate and make sense of online information and interactions. Her work often advocates for empowering children with the skills and knowledge they need to engage critically and responsibly in digital environments. However, some scholars argue that Blum-Ross's focus on individual agency overlooks the structural inequalities that limit children's access to information and opportunities online. To address this critique, Blum-Ross could integrate a more systemic analysis into her research, examining the broader social, economic, and political factors that shape children's digital experiences.

Perouli, Christina said that Amanda Lenhart conducted research on various aspects of children's digital lives, including their use of social media, mobile technology, and online gaming. Her work often emphasizes the need for nuanced approaches that recognize the diversity of children's experiences and identities online.¹⁴ However, some critics argue that Lenhart's research may reinforce stereotypes about digital natives and digital immigrants, overlooking the complexity of intergenerational relationships and power dynamics in digital spaces. To address this critique, Lenhart could adopt a more intersectional approach that considers how factors such as race, class, gender, and sexuality intersect with children's digital rights and experiences.

Livingstone, Sonia, and Monica Bulger said that John Palfrey conducted extensive research on children's rights in the digital age, with a focus on the legal and policy frameworks governing online behavior and content.¹⁵ His work often emphasizes the need for a balanced approach that protects children from harm while also respecting their rights to privacy, freedom of expression, and access to information. However, some critics argue that Palfrey's advocacy for self-regulation by industry may not go far enough in addressing systemic issues such as online harassment and exploitation. To address this critique, Palfrey could explore alternative regulatory models that prioritize children's rights and well-being.

1.8 Methodology

¹⁴ Perouli, Christina. "Digital storytelling in the museum: Bringing cultural heritage to life." *Crossing Conceptual Boundaries* 11, no. 1 (2021): 34-46.

¹⁵ Livingstone, Sonia, and Monica Bulger. "A global research agenda for children's rights in the digital age." *Journal of Children and Media* 8, no. 4 (2014): 317-335.

This study basically employs doctrinal legal research which comprises the qualitative approach. The design is appropriate because it generate in-depth information through the interviews with the respondents. This design is commonly used in legal research because its data is collected in non-numerical form. The researcher will visit different libraries and enough information was got from there through reading textbooks, research books, law journals, statutes, international instruments and dissertations.

1.9 Outline of chapters

Chapter one introduces the study highlighting the background of the study, problem statement, objectives and research questions, scope and significance of the study, literature review, methodology and outlines of chapters.

Chapter two will identify the out prevalent online risks faced by children in Uganda.

Chapter three will critique the existing child protection policies, address the challenges of the digital age.

Chapter four will analyze the perceptions and concerns of stakeholders regarding child safety online.

Chapter five will suggest the recommendations and conclusions in relation to the study findings.

CHAPTER TWO

IMPACT OF DIGITAL TECHNOLOGIES ON CHILDREN'S RIGHTS IN UGANDA

2.0 INTRODUCTION

Children are growing up in a digital world when technology is influencing almost every part of their life. The digital ecosystem offers opportunities and problems for children's rights, ranging from social media and online gaming to virtual communication and educational resources. The outbreak of COVID-19 impacted the teaching of children wherein it necessitated new modes of education including online learning, conducting research, and submitting assignments.¹⁶ The non-legal concerns that affect children's growth and well-being in this increasingly digital world should also be considered as researchers explore the legal ramifications of children's online activities. This study is to investigate the hazards and different social, psychological, and ethical elements that affect children's digital space navigation and how these elements impact children's rights in the digital era.

2.1 CHILDREN'S RIGHTS AND PROTECTION ONLINE

Most kids spend a good deal of time online, mostly on various social media sites that have developed into essential resources for learning and education. Children are using the internet more frequently, which increases the hazards involved and the number of times their rights are violated. Respecting the rights outlined in the Convention on the Rights of the Child is a difficult task for organizations devoted to childcare. The main areas of concern for this study include children's rights in the online environment, as well as risks and violations of those rights.

¹⁶ Dr Patricia Achan Okiria, Children's rights and the digital sphere in Uganda, Published on March 1, 2021, | by UHRC <<https://uhrc.ug/childrens-rifgts-and-the-digital-sphere-in-uganda/>> accessed on 22nd /02/2024.

Particularly, the rights to privacy and data protection, freedom of speech and information, and general security and safety. Considering the current legal framework of Uganda, in many instances, children's rights are not comprehensively safeguarded in the online sphere.¹⁷ The children enjoy the following rights.

1. Entitlement to information access.

Several non-legal issues, such as socioeconomic inequality, internet accessibility, and digital literacy levels, affect children's access to information in Uganda throughout the digital age. The current situation of Ugandan children's information access is illuminated by recent figures.

Online Infiltration: The Uganda Communications Commission's children Online survey report from 2021 states that as of that year, 41% of Ugandans were online, with a substantial urban-rural gap. Although internet access rates are greater in urban regions, many people live in rural locations where internet connectivity is more difficult to get by. The investigation showed that 8 out of 10 kids surveyed, with 22% living in rural and 68% in urban regions, were digitally literate or knew how to use the internet. Nineteen percent of kids reported using the Internet in the preceding year.¹⁸ Children in Uganda exhibit varying degrees of digital literacy, with differences depending on variables including location and socioeconomic class. Children who grow up in metropolitan areas or in households with higher incomes typically have better access to digital gadgets and internet connectivity, which may influence their capacity to find information online.

In Uganda, social and cultural norms have the potential to impact children's digital age information access. Gender stereotypes have the potential to restrict girls' access to specific internet information sources, while traditional beliefs and taboos may limit the online topics that youngsters can study.

In Uganda, initiatives to close the digital divide, advance digital literacy, and increase public knowledge of online safety are being undertaken in order to address these non-legal issues and guarantee children's right to information access in the digital era. Efforts to equip kids with the knowledge and abilities they need to use the internet safely and responsibly, like the Safer Internet Day campaign and digital skills education initiatives that the kids online survey

¹⁷ Dr. Patricia Achan Okiria (n 30)

¹⁸ Uganda Communications Commission, 'The Division of Research and Service Development Department of ICT and Research: Uganda's children online survey 2020' accessed via <https://www.ucc.co.ug/wp-content/uploads/2023/10/Final_Report_Child-Online-Survey.pdf

identified, are aimed at empowering children. Uganda may strive to guarantee that every child has equitable access to information in the digital era by tackling these extra-legal issues.

2. Privacy Rights

Children should have their right to privacy respected, and their personal data should be protected online.¹⁹ It's crucial to strike a balance between safeguarding children's safety and privacy.²⁰ Ensuring the privacy of children's personal information online can be greatly aided by strict data protection laws and parental approval procedures.²¹

3. Internet Expression Rights

It is imperative to protect children from inappropriate content, cyberbullying, and online exploitation. Effective measures like age-appropriate content filters, internet safety education, and strong regulatory frameworks require cooperation from governments, organizations, and parents. structures to stop and deal with internet harassment. It is possible to equip kids to make wise judgments on the internet by promoting responsible digital citizenship.

4. The Right to be shielded from harm in whatever way.

Uganda is ranked fourth out of 24 nations evaluated for creating an equitable digital economy by the equitable Digital Economy Scorecard (IDES), with 33% in skills, 77% in policy and regulation, 42% in innovation, and 51% in infrastructure.²²

In Uganda, the right to be shielded from harm—including harm received online—is an essential human right. The government has put policies in place to shield its residents from fraud, identity theft, harassment, and cyberbullying. The telecommunications industry is governed by the Uganda Communications Commission (UCC). By identifying and addressing internet harm, statistics analysis helps legislators and law enforcement create focused interventions. The security and welfare of Ugandans depend on this right.

¹⁹ Xiaofeng Lu and others, 'Privacy Information Security Classification for Internet of Things Based on Internet Data' (2015) 11 *International Journal of Distributed Sensor Networks* 932941 <<http://journals.sagepub.com/doi/10.1155/2015/932941>> [accessed 13 January 2024].

²⁰ Alex B Makulilo, 'Ugandan Privacy Bill: A Cosmetic Tokenism?' [2015] *International Data Privacy Law* ipv027 <<https://academic.oup.com/idpl/article-lookup/doi/10.1093/idpl/ipv027>> [accessed 23 January 2024].

²¹ Ronald Kakungulu-Mayambala, 'Privacy and Data Protection in Uganda' in Alex B Makulilo (ed), *African Data Privacy Laws*, vol 33 (Springer International Publishing 2016) <http://link.springer.com/10.1007/978-3-319-47317-8_6> [accessed 23 January 2024].

²² Ronald Kakungulu-Mayambala (n 35).

2.2 ADVERSE RISKS THAT KIDS FACE ONLINE

Children face a wide range of risks when using the Internet, which is in accordance with their diverse range of online activities. Organizations like EU Kids Online, the European Youth Protection Roundtable Toolkit (YPRT), the US Internet Safety Technical Task Force (ISTTF), the US Online Safety and Technology Working Group (OSTWG), and the International Telecommunications Union (ITU) Guidelines for Policy Makers of Child Online Protection (2009) have all established different risk classifications.²³ These categories, albeit differing in methodology, consistently distinguish between hazards linked to detrimental interactions and those linked to detrimental content.²⁴ However, different standards are apparent in some categories; for example, the EU Kids Online study uses a complex risk matrix that takes into account the child's position as the starter and the type of danger.²⁵ Online dangers are alarming over 44.6% of Ugandan youngsters who do not know how to act in different situations and 85.3% of children who never contact their parents about problems. Most kids haven't experienced harassment directly, but those who have either take no action or resolve the problem on their own.²⁶

It is important to keep in mind that children have suffered from a variety of harms when utilizing the digital sphere because of the recent and intense digital revolution; they are discussed below.

2.2.1 INTERNET PERSONAL CARE

²³ Alisdair A Gillespie, 'Cyber-bullying and Harassment of Teenagers: The Legal Response' (2006) 28 *Journal of Social Welfare and Family Law* 123 <<https://www.tandfonline.com/doi/full/10.1080/09649060600973772>> [accessed 14 January 2024].

²⁴ Gunstein Egeberg, Steinar Thorvaldsen and John a Rønning, 'The Impact of Cyberbullying and Cyber Harassment on Academic Achievement' in Eyvind Elstad (ed), *Digital Expectations and Experiences in Education* (SensePublishers 2016) <http://link.springer.com/10.1007/978-94-6300-648-4_11> [accessed 14 January 2024].

²⁵ Simone Fischer-Hübner, 'Privacy and Security at Risk in the Global Information Society' (1998) 1 *Information, Communication & Society* 420 <<http://www.tandfonline.com/doi/abs/10.1080/13691189809358981>> [accessed 13 January 2024].

²⁶ Uganda Communications Commission, 'The Division of Research and Service Development Department of ICT and Research: Uganda's children online survey 2020' accessed via <https://www.ucc.co.ug/wp-content/uploads/2023/10/Final_Report_Child-Online-Survey.pdf>

When someone establishes a friendship with a youngster online with the goal of abusing and harming them, this is known as online grooming. Harm associated with internet grooming can involve offline and online sexual abuse, as well as child exploitation for the purpose of obtaining explicit images and videos. Regardless of age, gender, ethnicity, or geography, any child may be at danger of being educated.

The prevalence of digital settings in our lives and the diversity of platforms available have expanded the reach and opportunities for abusers, but technology did not invent grooming as the practice has existed in offline abuse.²⁷

An attempt is made to progressively weaken a child's defences through online grooming. When adult predators seek to manipulate minors through the internet, they frequently go to prominent youth social media platforms and pose as teenagers. The adult may attempt to gain the child's trust by showing them phony profile photos, acting as though they have similar interests, bringing gifts, or giving them compliments.²⁸

At first, relationships with children may appear innocent, but over time, they may become unduly familiar or intimate.²⁹ Once the child has given them their trust, the groomer will frequently ask them about their sex lives and even ask them to email them explicit pictures or videos.³⁰ The young person can face coercion to snap or record explicit images of oneself and forward them to a groomer. An internet predator will solicit a youngster for sexually explicit images of themselves in more than 25% of all cases of child exploitation that are reported.³¹ Approximately one in ten youngsters reported being approached with presents or money in exchange for sexual photographs or films within the previous year, according to a household

²⁷ Thorn, 'Online grooming: What it is, how it happens, and how to defend children' (Thorn, 11 April 2023)<[https://www.thorn.org/blog/online-grooming-what-it-is-how-it-happens-and-how-to-defend- children/](https://www.thorn.org/blog/online-grooming-what-it-is-how-it-happens-and-how-to-defend-children/)> [accessed 22 January 2024].

²⁸ Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators'

²⁹ <<https://chilfsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html> > [accessed 22 January 2024]

³⁰ Internet matters. Org, 'Learn about online grooming' <<https://www.internetmatters.org/issues/online-grooming/learn-about-it/> > [accessed 22 January 2024]

³¹ Michael E Kraut, 'Children and Grooming/ Online Predators', < <https://chilfsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>> [accessed 20 February 2024]

survey carried out in Uganda.³² Girls experienced this phenomenon somewhat more frequently than boys. In the worst situations, the groomer would threaten to fly in to meet the youngster and will put pressure on the child to meet in person.³³ According to a recent grooming research by Thorn, 40% of children had been approached online by someone they believed was trying to "befriend and manipulate" them.³⁴ A survey conducted in Uganda revealed that 1,016 children who use the internet are victims of various sorts of online child sexual exploitation and abuse. These include being groomed or being offered gifts or money in exchange for sexually suggestive photographs or videos.³⁵

a) How training is facilitated by social media

The popularity and growth of social media platforms have led to a sharp surge in online training. Training can take place on any platform that facilitates communication between people.³⁶ This covers, among other things, websites that offer gaming and apps like Instagram, WhatsApp, TikTok, and Snapchat. Consequently, any youngster who has access to game consoles, computers, phones, or tablets may become a target of online grooming. In Uganda, 216 children participated in the Disrupting Harm home survey. Of these, 32% reported receiving requests to talk about sex on social media, and 8% reported receiving these requests while playing online games.³⁷ These requests primarily came from Facebook (including Messenger) and WhatsApp, the two social media sites that Ugandan children use the most.³⁸ Because online conversations can be anonymous, perpetrators might pose as minors to win over their victims' trust and confidence. After a while, they can then bring up sexual topics in the chat room and set up a

³² Sutton, ECPAT, INTERPOL and UNICEF, "Disrupting Harm in Uganda: Evidence on online child sexual exploitation and abuse. Global Partnership to End Violence against Children" (2021) <<https://journals.sagepub.com/doi/abs/10.1177/15248380231194072>> [accessed on 24th March 2024]

³³ Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators' <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html> > [accessed 22 January 2024]

³⁴ Thorn, 'Online grooming: What it is, how it happens, and how to defend children' (Thorn, 11 April 2023) <[https://www.thorn.org/blog/online-grooming-what-it-is-how-it-happens-and-how-to-defend- children/](https://www.thorn.org/blog/online-grooming-what-it-is-how-it-happens-and-how-to-defend-children/)> [accessed 22 January 2024]

³⁵ Sutton, ECPAT, INTERPOL and UNICEF (n 47)

³⁶ Innocent Lives Foundation, <<https://www.innocentlivesfoundation.org/everything-you-need-to-know-about-online-grooming/>> accessed 22 January 2024

³⁷ Sutton, ECPAT, INTERPOL and UNICEF (n 47)

³⁸ Sutton, ECPAT, INTERPOL and UNICEF (n 47)

face-to-face meeting.³⁹ The absence of visual clues in cyberspace that could help juvenile victims assess the suitability, reliability, and sincerity of people they communicate with also makes it easier for criminals to groom victims. The minimum age requirement for most social media platforms is 13, but according to our research, 42% of children under that age—that is, those between the ages of 5 and 12—used social media. The study also revealed that while 90% of parents are aware of the age limit, only 3 could correctly identify it. Additionally, it revealed that even though their children did not match the minimum age requirement, three out of ten parents were still prepared to allow them to use social networking platforms.⁴⁰ Furthermore, 40% of kids alter their privacy settings on social media to gain more followers or friends.⁴¹ This facilitates communication between them and online predators.

The startling increase in the number of predators preying on gullible children on social media platforms coincides with the astounding growth in the use of these platforms.

It has been estimated that about 500,000 online predators are active each day⁴²,, and more than half of those who fall prey to internet sexual exploitation are between the ages of 12 and 15, according to the FBI.⁴³ The grooming of minors for sex is not technically illegal in Uganda, however the Uganda Law Reform Commission suggested in 2016 that the government investigate the prospect of passing legislation specifically making sexual training illegal.⁴⁴ A legal officer explained that the present strategy is using already-existing laws, such as defilement statutes, to prosecute cases of youngsters being groomed online for sex. However, instead of stopping the grooming process from occurring, this approach deals with the issue after it has

³⁹Choo Kim Kwang, 'Online child grooming: a literature review on the misuse of social networking sites for grooming children for sexual offences', <<https://www.aic.gov.au/publications/rpp/rpp103>> [accessed 16 February 2024]

⁴⁰ Ofcom, Children and Parents: media use and attitudes report, 2020/21

⁴¹ Michael E Kraut, 'Children and Grooming/ Online Predators', <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>>, Published 2023 [accessed 20 February 2024]

⁴² Michael E Kraut (n 56)

⁴³ Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators' <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>> [accessed 22 January 2024]

⁴⁴Uganda Law Reform Commission, 'Draft Issue Paper on Grooming for Sexual Conduct', 2016 <<https://ulrc.go.ug/node/186>> [accessed on 23rd February 2024]

already occurred.⁴⁵ As such, instances of cyberstalking that do not progress to face-to-face encounters involving physical violence might not be prosecuted. As a result, this concerning trend emphasizes the critical need for increased awareness and strong legal protections to shield young users from potential exploitation and harm in the digital sphere.

2.2.2 Financial Abuse

According to international and most of the national legislation, children have a legal right to be protected from all forms of exploitation, including economic abuse. According to the International Journal of Children's Rights, children are particularly vulnerable to privacy-invading tactics, embedded adverts, and being taken advantage of because of their lack of experience and gullibility, which can lead to overspending or fraudulent online transactions.⁴⁶ The unfair use of another person for one's own financial gain or advantage is known as economic exploitation, according to the United Nations Committee on the Rights of the Child. Due of their innocence, children are frequently exploited in many ways by internet traders, even though they have a legal right to be shielded from this kind of abuse. The United Nations Convention on the Rights of the Child guarantees a child's protection from economic exploitation. Children ought to be shielded from this kind of abuse as well as from working in any jobs that could endanger them or interfere with their schooling and general wellbeing.⁴⁷ Although children's growing up in a digital age has many chances for learning, socialization, and play, these opportunities are also highly marketed and sometimes involve the following forms of online child exploitation:

Product placement and stream sponsorship are examples of covert advertising strategies that exploit children. Children's judgment is tampered with by this type of advertising, which leads to their financial exploitation.⁴⁸ Trigger words used by online dealers, including "JOIN NOW" and "DOSH TOP UP," have been shown to compel minors to purchase in-game cash and membership subscriptions.

⁴⁵ Sutton, ECPAT, INTERPOL and UNICEF (n 47)

⁴⁶ Brill, Simeon Van der Holf, 'The International Journal of Children's Rights' Economic Exploitation of Children in the Datafied World' (2020) <https://brill.com/view/journals/chil/28/4/article-p833_833.xml?language=en> accessed on 20th February 2024

⁴⁷ UNICEF, 'United Nations Convention on the Rights of the Child' < <https://www.unicef.org/child-rights-convention> > [accessed on 21st March, 2024].

⁴⁸ UNICEF, 'Children's Rights and businesses in Digital world (2019)'

Children are taken advantage of by means of dishonest methods for gathering and utilizing their personal information. This also includes allowing people operating under the same companies to participate in dishonest, false, fraudulent, or unfair commercial practices that have an impact on children who use the internet.⁴⁹ Since children are thought to be innocent, internet traders frequently disregard data protection, privacy, consumer protection, and other pertinent laws and regulations when transacting. This is especially true when dealing with minors.

i. **Misuse of their private information.** The online stakeholders have not been sensitized to ensure that their relationship with children is fair and that children are aware of the risks associated with online commercial practices, so that they can know how to exercise their rights or seek help. Instead, they are using it for economic purposes, such as creating new products, unfair marketing, and advertising in a way that children don't reasonably expect to know about what happens to their data.

Exposure to deceptive marketing, unsuitable advertising, and unethical business practices.

The illustrates a few ways in which children have been exploited for financial gain on the internet; nonetheless, children should be shielded from any kind of exploitation that jeopardizes any aspect of their welfare in connection to the digital world. Examples of such practices include concealing important information, establishing default choices that do not represent the user's preferences, or taking advantage of customer attention being drawn to products.

Child-oriented Visual Content

2.2.3 Child oriented Visual Content

The Budapest Convention defines sexual abuse as "pornographic material that visually depicts a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; and realistic images" any media that shows child sexual abuse.

⁴⁹ OECD 2016 <<https://www.oecd.org/digital/children-digital-environment/>> [accessed on 10th March,2024]

depicting a minor involved in sexually suggestive behaviour".⁵⁰ In order for the content to meet the convention's definition of child pornography,⁵¹ The idea behind this clause is that even in cases where no actual harm is done to children during the creation of the material, it can still be used to entice or encourage kids to engage in such behaviours. It is evident that a real child does not need to be involved; it is sufficient that the material depicts a minor.⁵²

The definition of child pornography in Lanzarote Convention⁵³ is inspired by the Budapest Convention,⁵⁴ but encompasses all types of content, not just content generated by computer systems. The Budapest Convention and the Lanzarote Convention outlaw all activities related to child pornography, including its creation, offering, distribution, transmission, acquisition, and possession. A variety of illegal actions are included in the sexual exploitation of minors on the Internet, including the creation and dissemination of pornographic material, the online coercion of minors for the purpose of sexual exploitation, and the "live" abuse of minors from a distance. In addition to opening previously unthinkable opportunities, modern technologies also pose new risks and have an impact on children's psychophysical development. Specifically, modifications can be viewed both favourably and unfavourably.⁵⁵

The current generation was raised with digital gadgets and has grown up consuming content from the Internet, including popular social networks like Facebook, Instagram, TikTok, and YouTube. They also use advanced technologies for communication. Consequently, children nowadays are utilizing multipurpose technology gadgets from an early age. ICTs and the internet allow for the continuation of current forms of commercial sexual exploitation of children (CSEC) as well as the emergence of completely new ones. ICT has provided sex offenders with easier access to youngsters and expanded the pool of possible victims of CSEC. In addition to providing a forum for information exchange, the internet allows child sex offenders to share and preserve materials related to child sexual abuse (via file sharing, websites, live streaming, cloud technologies, among others).

⁵⁰ Article 9 of the Budapest Convention.

⁵¹ Article 9 (n 67).

⁵² Council For Europe, 'Handbook For Policy Makers on The Rights of The Child in The Digital Environment' <The digital environment - Children's Rights (coe.int)

⁵³ <[https://www.coe.int/en/web/children/the-digital-environment#{%2212440617%22:\[6\]}](https://www.coe.int/en/web/children/the-digital-environment#{%2212440617%22:[6]}) > [accessed on 19th February 2024]

⁵⁴ The Lanzarote Convention, Article 20.

⁵⁵ Article 9 (n 67)

Chat rooms, dating websites, internet-connected mobile phones, peer-to-peer networks, and other platforms and channels make it simple for adults to get in touch with and pursue boys and girls, particularly the most vulnerable ones. These include children who are not well watched over by their guardians or who are especially helpless because they feel inadequate and low in self-worth. For instance, live broadcasting child sexual abuse using a webcam or a smartphone camera in exchange for cash or other rewards is a new kind of child sexual exploitation and counselling (CSEC) made possible using modern technologies. Technological developments provide offenders with false identities or anonymity while conducting financial transactions or gaining access to child abuse materials.⁵⁶

It is gradually becoming clear how many occurrences young people encounter because of participating in harmful internet exchanges. 54% of children had seen someone their age in pornographic materials online, according to a survey done in Cameroon, The Gambia, Kenya, Togo, and Uganda. Approximately 10% of youngsters had also been asked by online connections to submit sexualized photographs.⁵⁷

It is still challenging to conduct thorough research and compile reliable statistics on the number of victims in any given situation due to the illegality and complexity of child sexual exploitation and related forms of sexual abuse, which frequently result in their being hidden, misinterpreted, and disguised. The CSEC itself is a developing regional issue, according to recent research conducted in Kenya, Tanzania, and Uganda. In Kenya, 7% of women between the ages of 18 and 24 who had been sexually abused as kids had been paid for their sex.⁵⁸ Similar to this, at least 4% of females in Tanzania reported receiving products or cash in exchange for having sex.⁵⁹ The anticipated number of CSEC victims in Uganda climbed from 12,000 in 2004 to 18,000 in 2011.⁶⁰

⁵⁶ Council of Europe. (2021) Declaration by the Committee of Ministers on the need to protect children's privacy in the digital environment (Adopted by the Committee of Ministers on 28 April 2021 at the 1402nd meeting of the Ministers' Deputies). <<https://www.linkedin.com/pulse/impact-digital-environment-children-respond-socially-behavior>.> [Accessed on 26th February 2024 at 6:30pm]

⁵⁷ ECPAT International (2013), 'Understanding African Children's use of ICT; A youth-lead survey to prevent sexual exploitation' <<https://ecpat.org/wp-content/uploads/2021/05/ICT-Research-in-AFRICA.pdf>.> [Accessed on 26th February, 2024]

⁵⁸ UNICEF (2012), 'Violence Against Children in Kenya: Findings from a 2010 National Survey'

⁵⁹ <<https://resourcecentre.savethechildren.net/document/>> available at. [Accessed on 26th February, 2024]

⁶⁰ UNICEF (2011), 'Violence Against Children in Tanzania: Findings from a National Survey 2009' <<https://reliefweb.int/report/united-republic-tanzania/violence-against-children-tanzania-findings-national-survey-2009>.> [Accessed on 26th February, 2024]

2.2.4 Internet harassment

Internet harassment includes cyber bullying and it is defined as an aggressive intentional act carried out by a group or individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself.⁶¹ According to UNICEF, cyber bullying manifests in different ways such as spreading lies about or posting embarrassing photos of someone on social media, sending hurtful messages or threats via messaging platforms, impersonating someone and sending mean messages to others on their behalf among others.⁶²

According to research conducted by the Internet Society Uganda chapter and the Uganda Communication Commission, youngsters in Uganda utilize 30% of the internet for friend chats.⁶³ 22% for downloading and viewing movies, 16% for engaging in video games, and 31% for conducting research for their schoolwork.⁶⁴ In Uganda, 4057 U-Reporters between the ages of 15 and 24 participated in a UNICEF youth participation UN Report on August 30, 2019. Of these, 40% reported having experienced online bullying, and 61% claimed that the abuse had occurred on social networks, particularly Facebook.

Internet harassment takes place on social networking sites including Facebook, Instagram, TikTok, and X (previously Twitter), among others. When Laura Blessing declined a boy's advances during her senior six holiday, he later added her to a WhatsApp group with his pals and body shamed her. A UNICEF communication specialist named Catherine Ntabadde Makumbi said that most kids miss school because of cyberbullying.⁶⁵ Additionally, Emmanuella Musiimenta, better known as Pretty Nicole, is a 15-year-old girl whose naked pictures and videos were published on Facebook, Twitter, and TikTok. The little girl has thus been subjected to

⁶¹ Uganda Youth Development Link (2011), 'Commercial Sexual Exploitation of Children in Uganda: A critical review of efforts to address' CSEC 2005 – 2011. <<https://ecpat-france.fr/www.ecpat-france/wp-content/uploads/2018/10/commercial-sexuel-exploitation-of-children-in-uganda-2005-2011-english-ilovepdf-compressed.pdf>> [Accessed on 26th February, 2024]

⁶² 'Cyberbullying - an Overview | ScienceDirect Topics' <<https://www.sciencedirect.com/topics/computer-science/cyberbullying>> accessed 21 February 2024.

⁶³ The independent, 'Online Bullying on the Rise among Teens- UNICEF' (The Independent Uganda:, 6 September 2019) <<https://www.independent.co.ug/online-bullying-on-the-rise-among-teens- unicef/>> [accessed 21 February 2024.]

⁶⁴ 'Promoting Child Online Safety In Uganda – Digital Grassroots' <<https://digitalgrassroots.org/promoting-child-online-safety-in-uganda.html> [accessed 21 February 2024.]

⁶⁵ Cyber-Bullying on the Rise among Young People - UNICEF (Directed by NTV Uganda, 2019) <<https://www.youtube.com/watch?v=QkcWiLXO9K0>> [accessed 21 February 2024.]

critical remarks and backlash from social media users. Ronaldo, for example, wrote, "pretty Nicole videos. Additionally, she is still being forced to attend school by someone. this said that she is a lost cause and didn't require early education"⁶⁶While the government and other stakeholders have established laws and policies to protect children online, such as the Children Act Cap 59 as amended and the Computer Misuse Act of 2011, there is still a need for extensive community outreach programs to teach kids how to use the internet safely. These practices include not sharing any personal information, such as email addresses, phone numbers, or physical addresses, online; posting photos or videos of oneself only after careful consideration; setting privacy settings as high as possible; never disclosing passwords; and talking to parents or other trusted adults if they see anything online that makes them feel uneasy, unsafe, or concerned.⁶⁷

2.3 CHILDREN'S REACTION TO INTERNET USE

Children are now subjecting themselves to unrestricted internet use because of online freedom of expression. Due to their newfound freedom, kids are engaging in a variety of online activities, including playing video games, which has been linked to higher mean diffusivity in the cortical and subcortical regions. That instance, extended usage of video games has been linked to adverse effects because it can disrupt neural systems' development and lead to a neurocognitive trajectory that is not favourable, particularly for verbal intelligence.⁶⁸

Children's internet use has increased due to freedom of expression online, and this has resulted in digital addiction, which has an impact on their mental and physical health and can cause illnesses including obesity, hearing impairment, and eyesight loss.⁶⁹ Adding to that is the fact that a significant rise in cases of digital addiction, particularly among children and young adolescents, was caused by the global lockdowns during the COVID-19 epidemic. This is because hundreds

⁶⁶ Pretty Nicole's Private Photos/Videos Leak on Social Media - Campus Bee'

⁶⁷ <<https://campusbee.ug/news/pretty-nicoles-private-photos-leak-on-social-media/>> [accessed 21 February 2024.]

⁶⁸ Takeuchi H, Taki Y, Hashizume H, Asano K, Asano M, Sassa Y, et al., 'Impact of videogame play on the brain's microstructural properties: cross-sectional and longitudinal analyses', *Mol Psychiatry*. 2016; 21:1781–1789. Doi: 10.1038/mp.2015

⁶⁹ Kabali H.K., Irigoyen M.M., Nunez-Davis R., Budacki J.G., Mohanty S.H., Leister K.P., "Exposure and use of mobile media devices by young children". *Pediatrics*. 2015; 136:1044–1050. Doi: 10.1542/peds.2015-2151. [PubMed] [CrossRef] [Google Scholar]

of millions of kids worldwide became "online learners" when most schools and institutions shifted to home-based online instruction.

Consider India as an example. During the lockdowns, there was an average of 11 hours per day of digital device use by primary and middle school children, with a 28.1% incidence rate of digital addiction.⁷⁰

Protecting children from online predators and allowing older children to communicate online without parental interference are the two main topics of discussion when it comes to children's privacy rights on social media. The issue of whether parents have the right to keep an eye on their kids' internet activities has been studied by academics, and many of them contend that doing so safeguards kids' safety.⁷¹ There are many who advocate for heightened safeguards for parents' rights to raise their children, free from needless state interference that arises when government or law enforcement officials find dubious photographs online and misrepresent them. To shield their children from internet predators, several resources encourage parents to take on more responsibility and exercise restriction over what their kids post.⁷² Because parents cannot fully monitor their children to know everything they do on the internet, the right to privacy has increased parental responsibility. However, this has also boosted the use of pornography among minors.

The authors evaluated the relationships between electronic media use and psychosocial development as well as executive function in 3- and 5-year-olds. They found that when children were exposed to electronic media for less than 30 minutes a day, there was a positive impact on cognitive and psychosocial development 12 months later. This was especially true when it came to total screen time, watching TV shows, and using applications.⁷³

2.4 CONCLUSION

⁷⁰ Anitha F.S., Narasimhan U., Janakiraman A., Janakarajan N., Tamilselvan P. 'Association of digital media exposure and addiction with child development and behavior: A cross-sectional study'. *Ind. Psychiatry J.* 2021;30:265. Doi: 10.4103/ipj.ipj_157_20. [PMC free article] [PubMed] [CrossRef] [Google Scholar]

⁷¹ Benjamin Shmueli & Ayelet Blecher-Prigat, *Privacy for Children*, 42 *COLUM. HUM. RTS. L. REV.* 759, 759- 60 (2011) [hereinafter Shmueli & Blecher-Prigat].

⁷² INTERNETSAFETY101.ORG, <http://www.internetsafety101.org> (last visited March 24, 2024) (this website lists the dangers of the Internet for children as including pornography, predators, and cyber bullying);

⁷³ McNeill J, Howard SJ, Vella SA, Cliff DP., 'Longitudinal associations of electronic application use and media program viewing with cognitive and psychosocial development in preschoolers', *Acad Pediatr.* 2019; 19:520–528. Doi: 10.1016/j.acap.2019.02.010. [PubMed] [CrossRef] [Google Scholar]

The non-legal aspects of how children's rights have been affected by the digital revolution and how those rights can be preserved in the modern day have been covered in this chapter. The current global and Ugandan developments in the digital sphere have had a significant impact on the many rights of children who have internet access. Children have experienced a variety of online harms that have severely impacted their lives over time, as this chapter illustrates. Regulatory frameworks and policies pertaining to the various rights of children in the digital space have been tested for their effectiveness in protecting these rights, but loopholes have been revealed.

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CHAPTER THREE

EVALUATE THE ADEQUACY OF EXISTING LAWS AND REGULATIONS AT THE NATIONAL AND INTERNATIONAL LEVELS IN PROTECTING CHILDREN'S RIGHTS IN THE DIGITAL ENVIRONMENT

3.0 INTRODUCTION

This chapter's discussion examines the legal and policy framework that regulates children's rights and well-being in the digital realm via the prism of national, international, and regional laws (as they apply to Uganda). To defend children's rights and welfare on the many digital platforms under Ugandan jurisdiction, the researchers also evaluate the advantages and disadvantages of the legal and regulatory policy framework.

3.1 An Examination of the Global Instruments.

The initial legislative safeguards for children's rights *in the global society date back to 1924 with the Declaration of Geneva on Children's rights*,⁷⁴ This made other instruments, like the Universal Declaration of Human Rights, possible.⁷⁵ The United Nations International Children's Emergency Fund (UNICEF)⁷⁶ and The United Nations Convention on The Rights of Children of 1989 as adopted by world leaders in November 1989.

3.1.1 The United Nations Convention on the Rights of a Child (UNCRC)

The most extensively ratified international human rights document, the UNCRC, has revolutionized children's rights across the world.⁷⁷ In 1990, Uganda ratified the UN Convention

⁷⁴ Humanium, 'The declaration of the Rights of Children, the first international treaty touching the rights of children, was adopted by the League of Nations on September 16th, 1924. <

<https://www.humanium.org/en/geneva-declaration/>> [accessed on 03rd March 2024]

⁷⁵ The United Nations General Assembly adopted the instrument on 10th December, 1948.

⁷⁶ UNICEF was established in 1946, after World War II <<https://www.unicef.org/>> [accessed on 03rd March 2024]

⁷⁷ UNICEF, 'Convention on the Rights of the Child' find out about the world's most widely ratified human rights treaty in history <www.unicef.org; <https://www.unicef.org/child-rights-convention>> [Accessed on 25th February 2024]

on the Rights of the Child without objection,⁷⁸ and, among other legislative and policy enforcement measures, has enacted The Children's Act [Cap 59] and the ensuing revisions, making a praiseworthy realization of the convention.

Although member states have benefited from this agreement in achieving children's rights, more must be done to ensure children's wellbeing in the digital sphere. The truth is that kids are growing up in a world that was not made with their needs and vulnerabilities in mind, as noted by Fabiola Bas Palomares, the lead policy and advocacy officer for online safety in the European Union. The design of internet platforms must consider the needs and rights of children, just as parks must be made safe, inclusive, and kid-friendly.⁷⁹

It is now a matter of enforcement and applicability to fulfill these rights for the children in Uganda. The Convention envisions the rights of children in the digital sphere and guarantees the right of all children to be safeguarded from all forms of abuse.

3.1.1.1 A child's rights as outlined in the UNCRC.

The treaty outlines certain child rights, many of which, when read and interpreted using the purposeful approach of interpretation, also apply in the digital sphere. These rights include:

(i) The freedom to get data and materials.

The Convention outlines the right to obtain data and materials from a variety of domestic and foreign sources with the intention of advancing the child's well-being.⁸⁰ Clause (a) of this article specifically instructs member states to support the dissemination of such information by mass media, including electronic media, with the goal of shielding children from harm and advancing their wellbeing. Uganda ratified the convention five years later, and the Republic of Uganda's 1995 Constitution, which guarantees freedom of speech and expression to the press and other media, promotes the spread of information.⁸¹ This has aided in the spread of information via national and international electronic media on social media sites like TikTok and X

⁷⁸ Implementation of the optional protocol to the convention on the rights of the children, child prostitution and child pornography; report of the government of Uganda to the United Nations Committee on the Rights of the children by ministry of gender labor and social development (2006).

⁷⁹ Fabiola Bas Palomares: Protecting Children's rights Online is a strategic Choice. [6th February, 2024.]

⁸⁰ UNCRC 1989, Article 17

⁸¹ The Constitution of the Republic of Uganda 1995, as amended, Article 29[1] [A]

(previously Twitter), among others, which has been crucial in defending children's rights online. In accordance with Articles 13 and 18 of the Convention, member states are also required by the Convention to promote the creation of suitable guidelines for shielding children from information that could be harmful to their wellbeing.⁸² At the conclusion of the chapter, I plan to evaluate Uganda's adherence to the same.

(ii) The privacy right.

The agreement forbids unlawful attacks on a child's honour and reputation, as well as arbitrary and unlawful interference with their right to privacy.⁸³ Online service providers are required by this right to maintain the privacy of specific information about their users, including name, age, and personal interests, among other information that may be necessary.

Uganda has made some progress toward realizing this right, particularly when it comes to juvenile offenders. The right to privacy is protected in court under the Children's Act, Cap. 59, as amended.

procedures and forbids the undue disclosure of any material that could be used to identify the child unless the court gives its consent.

The Act forbids publishing the child's name, residence, school, photo, or any other information that could be used to identify them.⁸⁴ This explains why cases involving juvenile offenders uploaded on the Uganda Legal Information Institute (ULII) online platform do not disclose the identity of the child and merely appear as “*Uganda Versus I.S. (a juvenile).*”

Hon. Lady Justice Margaret Mutonyi in *the matter of Uganda versus I.S. (Juvenile)* emphasized that.

“*There is need for all the criminal justice system stakeholders to support children alleged to be in conflict with the law,*” this extends to their duty to respect the juvenile’s right to privacy online.⁸⁵

(iii) The privilege of being shielded from injury of any kind.

⁸² UNCRC 1989, Article 17 (e)

⁸³ UNCRC 1989, Article 16[1]

⁸⁴ Children’s Act Cap 59, as amended, Section 102[1] and [2]

⁸⁵ In the matter of Juvenile offenders (criminal Division) HCT-00-CR-SC-0294-2020.

Given that children must be shielded from harm in all forms, the UNCRC's preamble makes this right possible. Specifically, it states that "the child is by reason of his or her physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth," as stated in the declaration of the rights of the child.

A child has numerous rights that are protected on this basis in all settings, including digital ones. The Children's Act, Cap. 59, as modified, and the Republic of Uganda, 1995 Constitution, among other documents, have provisions pertaining to these rights, which the researcher will examine in both the constitution and the Act

General Comment No.25 (2021) on Children's Rights in respect to the Digital Environment highlights the actions member states should take to fulfill these rights and shield kids from harm they may suffer online. It also adds to the existing rights of children in respect to the digital environment. The purpose of Part II of this instrument is to guide member states on how to implement the convention concerning the digital environment and to explain to them the essential legislative and policy actions that can be taken to realize these rights. Above all, it prioritizes the best interest concept and makes it a top priority when laws and policies are being enacted and carried out.

3.2 REGIONAL GUIDELINES FOR THE DEFENSE OF CHILDREN'S RIGHTS IN THE DIGITAL AGE

3.2.1 The African Charter on the Rights and Welfare of the Child (ACRWC) which was established in 2012.

On July 11, 1990, at the 26th Ordinary Session of the OAU Assembly of Heads of State and Government, this Charter was adopted. Uganda ratified it on August 17, 1994, and on November 29, 1999, it came into effect after being signed in February 1992.

The Charter offers African nations a nearly all-inclusive manual for advancing children's rights and welfare, acknowledging that most African children continue to live in precarious situations because of their distinct socioeconomic, cultural, traditional, and developmental circumstances.⁸⁶

⁸⁶ ACRWC 2012, Preamble

To adopt such legislation or other measures, member states of the Organization of African Unity (now the African Union) are required by the ACRWC to acknowledge the rights, freedoms, and duties enshrined in the Charter and to take the necessary actions in accordance with their constitutional processes and the provisions of the Charter.⁸⁷

Uganda has domesticated this Charter in accordance with Article 1(1) of the Charter by passing legislation that safeguard children's rights and welfare, such as the Children Act Cap 59 and its revisions, which safeguard children's rights in both digital and physical areas.

In addition, the ACRWC mandates that the protection of these rights be provided without regard to the race, ethnicity, gender, colour, sex, language, religion, political opinion, national and social origin, wealth, place of birth, or any other status of the child or their parents.

,⁸⁸this means that all children are equal and have to equally enjoy the protections it provides.

Children's right to privacy is explicitly protected by the ACRWC, which also forbids any arbitrary or illegal interference with their family residences, correspondence, or privacy, as well as attacks on their honour or reputation.

.⁸⁹Parents or legal guardians shall have the right to exercise reasonable supervision over the conduct of their children and have the right to the protection of the law against such interference or attacks as it is provided in the charter,⁹⁰ promoting children's rights in the era of digitalization.

Additionally, minors are shielded by the ACRWC from all types of sexual exploitation, trafficking, sale, and kidnapping,⁹¹ in addition to their role in the manufacture and distribution of drugs,⁹² it might all take place online, defending children's rights in the digital sphere.

3.2.2 The African Charter on Human and Peoples' Rights (The Banjul Charter).

⁸⁷ ACRWC 2012, Article 1(1)

⁸⁸ ACRWC 2012, Article 3

⁸⁹ ACRWC, Article 10

⁹⁰ ACRWC 2012, Article 10

⁹¹ ACRWC 2012, Article 29.

⁹² ACRWC 2012, Article 28.

The Banjul Charter was approved by Uganda on October 21, 1986. This agreement stipulates several human rights that states parties must acknowledge, defend, and advance,⁹³ to which everyone, without exception, including children, is to have equal access.⁹⁴

The Republic of Uganda, 1995, as amended, contains a chapter called "Bill of Rights" that, among other things, recognizes children's rights and offers various provisions for the protection of human rights, which extend to children, thereby furthering the protection of children's rights in the digital space. This chapter serves as Uganda's domestication of the Charter.

3.3 THE DOMESTIC LEGAL FRAMEWORK IN UGANDA FOR THE DEFENCE OF CHILDREN'S RIGHTS IN THE DIGITAL ECONOMY

3.3.1 The Constitution of the Republic of Uganda 1995 as amended. All authority, including that which pertains to defending and advancing human rights, originates from the Constitution, which is Uganda's ultimate legislation.

⁹⁵ The Bill of Rights, which establishes several fundamental human rights that are inherent in all people, including children, and not bestowed by the State, is covered in the Fourth Chapter of the Constitutions.⁹⁶

The Constitution guarantees children's particular rights in addition to those outlined in Chapter Four.⁹⁷ Additionally, it offers safeguards against the exploitation of minors in social and commercial contexts.⁹⁸ This takes place in real settings as well as online. The Constitution also defends digital rights by forbidding any interference with an individual's private and upholding their right to privacy.⁹⁹ The goals of these safeguards are to uphold and advance Ugandan children's rights in both real and virtual environments.

3.3.2 The Children Act Cap 59 as amended.

⁹³ ACHPR 1987, Article 1.

⁹⁴ ACHPR 1987, Article 2.

⁹⁵ Constitution, Article 2(1).

⁹⁶ Constitution, Article 20(1).

⁹⁷ Constitution, Article 34.

⁹⁸ Constitution, Article 34(4).

⁹⁹ Constitution Article 27.

Children's rights are outlined in the Children Act and include access to fundamental social services, safety, privacy, and information. The Act also guarantees the right to leisure, which is not immoral. Unfortunately, most parents and kids have abused this right. Children's rights have been violated by allowing them to freely access a variety of websites on the internet that contain harmful content, such as propaganda and pornographic material. There is still more work to be done to lessen the availability of this damaging content, even though the Ugandan government has attempted to defend children's rights—such as the right to be shielded from such immoral content—through its institutional, policy, and legal framework. The Children Act protects children's rights, which may involve developing guidelines and providing training to different officials so they can filter and encrypt the many types of content that are accessible on the internet within Uganda's borders.

3.3.3 Computer Misuse Act 2011, as amended.

The goal of the Computer Misuse Act (CMA) is to improve the laws pertaining to illegal access to data and information, the public dissemination of any information about a child, hate speech, and the sending and sharing of malicious or unsolicited material. It also seeks to regulate social media use and other relevant issues.¹⁰⁰

Liability for computer-related offenses, such as child pornography, is established by the CMA,¹⁰¹ cyber harassment,¹⁰² offensive communication,¹⁰³ and cyber stalking,¹⁰⁴ Those are all crimes that carry penalties. Since the CMA offers safeguards in the digital sphere, it plays a special role in advancing the defence and advancement of children's rights.

3.3.4 The Anti-Terrorism Act 2002

The Anti-Terrorism Act (ATA), which went into effect in 2002, has measures for gathering information on terrorist acts among other things.¹⁰⁵ The Act also permits the monitoring of individuals who may be complicit in or playing a role in terrorist activities, as well as the interception of communications.¹⁰⁶

¹⁰⁰ Computer Misuse Act 2011 (CMA) 2011, Long title

¹⁰¹ Computer Misuse Act 2011, Section 23

¹⁰² Computer Misuse Act 2011, Section 24

¹⁰³ Computer Misuse Act 2011, Section 25

¹⁰⁴ Computer Misuse Act 2011, Section 26

¹⁰⁵ Anti-Terrorism Act 2002 (ATA), Long Title

¹⁰⁶ Anti-Terrorism Act 2002, Part VI.

According to Section 8, anyone who harbors, finances, helps, or assists someone else with the knowledge or suspicion that the support will be used for, in connection with, the planning, carrying out, or inciting of acts related to terrorism, is guilty of a crime and faces the death penalty if found guilty.

The Act prohibits people in Uganda from connecting themselves to any kind of activity that can be considered terrorist related. These include conspiracies, attempts, accessories, financing terrorist activities—which can be done online—obstructing authorized officers from intercepting communications related to terrorist activities, and withholding information related to terrorism, all of which are strictly forbidden and subject to legal penalties under the Act.

However, the Act does not specifically address the issue of how to prevent youngsters from being enlisted and brainwashed into engaging in various terrorist-related acts. This is due to the Act's failure to explain how it should deal with online platforms that are under multiple jurisdictions and are owned by separate private firms, such as Telegram, X (previously Twitter), and YouTube. Due to this issue, various terrorist organizations can recruit new members and spread their message through periodicals and video games, putting Ugandan children at serious risk of being victims of these actions.

Additionally, the Act does not address the stance taken by terrorist organizations, who have sophisticated their propaganda materials through technological improvements, allowing them to manage their brands both locally and globally—with minors being potential targets of these recruitment campaigns. Through sophisticated encryption software, terrorists have persisted in making copious amounts of content accessible to the public, including minors, which the government and its authorities have been unable to locate and decode.

The government must create a regulatory and legislative framework with the primary goal of restricting material and access to social media platforms, screening, and eliminating terrorist content from platforms to successfully regulate and prevent radicalization on social media.

3.3.5 The National Information Technology Authority Uganda Act, 2009

The National Information Technology Authority Uganda (NITA-U), a government organization overseen directly by the information and technology minister, is established by the Act. The Act's objectives are outlined in Section 4 and are quite admirable. Among other things, they include encouraging standardization in the planning, acquisition, implementation, delivery, support, and maintenance of technology equipment services to guarantee consistency in the calibre, sufficiency, and dependability of information technology usage throughout Uganda. The Authority's primary responsibilities include setting, overseeing, and enforcing standards for information technology planning, acquisition, implementation, delivery, support, organization, sustenance, disposal, risk management, data protection, security, and contingency planning. These responsibilities are outlined in Section 5 of the Act. Nevertheless, despite this duty, the Authority has not implemented any new technological or statistical measures to shield Ugandan children from future rises in online harm.

3.5 POLICY FRAMEWORKS ON THE PROTECTION OF CHILDREN'S RIGHTS IN THE DIGITAL AGE

3.5.1 The East African Community (EAC) Child Policy 2016

The EAC Treaty's Article 120(c) requires the partner states to collaborate in social welfare, particularly regarding the creation and adoption of a shared strategy for disadvantaged and marginalized groups, including children. The policy document is the result of these processes coming together to harmonize standards and approaches to the implementation of child rights in the East African Community.¹⁰⁷

It was enacted in 2016 and requires party states to guarantee appropriate laws and the defence of children's rights. Its goal is to offer a workable regional framework that will make it easier for national initiatives aimed at achieving children's well-being to be developed, coordinated, and strengthened.¹⁰⁸

In order to protect children's rights in the digital age, this policy prioritizes the following areas: strengthening national child protection mechanisms; harmonizing national laws and policies with the UNCRC, African Charter, and other important international instruments on children's rights; and providing a regional approach to the ratification, domestication, and implementation of

¹⁰⁷ The East African Community (EAC) Child Policy 2016 (EAC Child Policy), p.1

¹⁰⁸ EAC Child Policy, p.12.

international instruments. Along with regional procedures for the monitoring, assessment, and reporting of children's rights, it offers an integrated strategy to providing children with high-quality health care, education, and social protection.¹⁰⁹ Uganda increased the safeguards accessible to children in May 2016 in reaction to this, amending the Children Act Cap. 59 to apply in both physical and digital areas. This move advanced the protection of children's rights in the digital age. The 2020 National Child Policy (NCP) for Uganda

To meet the government of Uganda's constitutional obligation for the welfare of children, the National Child Policy was created. The National Child Policy (NCP) is evidence of Uganda's government's commitment to protecting children from abuse, exploitation, neglect, and violence in all its manifestations.¹¹⁰

The strategy offers several tactics for promoting children's growth, education, and well-being,¹¹¹ child safety and care,² children's involvement in the advancement and defence of their rights, and other issues that affect them.

¹¹² a broad range of comprehensive services to fully guarantee children's growth and development possible.¹¹³ In addition to fortifying the frameworks for organizing, executing, and providing high-quality child rights-for

Even though the NCP was designed with high ambitions to accomplish these goals, this aim has not been met. This is a result of the various hazards and damages that children have been exposed to when using the internet, such as access to pornographic content, cyberbullying, and harassment, all of which have completely violated their rights.

¹⁰⁹ EAC Policy, pp.14-16.

¹¹⁰ The National Child Policy 2020 (NCP), P. 28.

¹¹¹ NCP, PP. 35-37.

¹¹² NCP, PP.43-46.

¹¹³ NCP, PP. 46-49

CHAPTER FOUR

POLICY RECOMMENDATIONS AND BEST PRACTICES FOR POLICYMAKERS, EDUCATORS, AND OTHER STAKEHOLDERS TO ENHANCE THE PROTECTION OF CHILDREN'S RIGHTS IN THE DIGITAL AGE

4.0 INTRODUCTION

This chapter's objective is to make inferences from the study's findings and provide suggestions for improving child safety precautions online.

4.1 CONCLUSION.

The vital necessity of comprehensive legal frameworks, strong enforcement mechanisms, and proactive policy initiatives in protecting children from online digital harm is shown by the comparative analysis carried out across different jurisdictions.

Analysing laws, enforcement tactics, and technical advancements shows that various nations approach resolving the intricate problems presented by the digital landscape in ways that are like and distinct from one another.

Protecting children in the digital age necessitates a multifaceted approach that considers legal, technological, and societal dimensions from Norway's creative initiatives to Nigeria's extensive legal provisions and from Rwanda's proactive policy measures to Switzerland's strict enforcement mechanisms. Further demonstrating the worldwide commitment to putting children's rights first online are the ratification of international treaties like the UNCRC and active involvement in regional initiatives.

Though there has been significant progress, there are still gaps and difficulties. These include the necessity of improving stakeholder collaboration and capacity building as well as the necessity of striking a balance between children's rights, parental supervision, and society obligations. Efforts must be made in concert to close these gaps, increase awareness and digital literacy, and encourage a culture of online safety and accountability among kids, parents, teachers, legislators, and tech companies.

By embracing evidence-based interventions, promoting cross-border cooperation, and prioritizing children's well-being in the digital realm, stakeholders can work towards creating a safer, more inclusive, and empowering online environment for children worldwide. Ultimately, the protection of children from online digital harm is not just a legal or technological imperative but a moral and societal obligation that demands collective action and unwavering commitment from all stakeholders.

4.2 RECOMMENDATIONS.

Participation of Stakeholders

Fostering collaboration among government agencies, such as the Uganda Communications Commission (UCC) and the Ministry of Gender, Labour, and Social Development, as well as civil society organizations, educators, parents, and children, is crucial in understanding the obstacles and shortcomings in online child safety. This partnership brings together a range of viewpoints, specialties, and life experiences, resulting in a deeper examination of the problems at hand. Stakeholders may establish more focused and efficient approaches to online kid safety by obtaining a thorough knowledge, ensuring that initiatives are impactful, relevant, and supported by evidence.

Fortification of the National Children Authorities

To ensure that online platforms adhere to child protection standards, we propose the creation of a specialized authority that would be represented by government agencies like the Ministry of Gender, Labour, and Social Development, the Uganda Communications Commission (UCC), and civil society organizations.

An evaluation of the technological landscape

To examine the rapidly changing technical landscape and pinpoint potential dangers presented by new technologies and online trends, we suggest that government organizations like the Uganda Communications Commission (UCC) and pertinent academic institutions adopt a continuous assessment program.

Building Capacity Requirements:

We recommend looking into possibilities for working together with government organizations like the Ministry of Education and Sports, the Ministry of Internal Affairs, and internet service providers to determine the needs of relevant stakeholders—law enforcement, education, and internet service providers—in terms of capacity building.

Strategies for Community Engagement

To create community-based engagement strategies that raise awareness and encourage responsible digital citizenship among children, parents, educators, and community leaders, we advocate for the necessity of working in partnership with local government authorities, such as community leaders, and civil society organizations.

Ideas for Policies and Programs:

To improve child safety in the digital realm, I urge government organizations like the Ministry of Gender, Labor, and Social Development, as well as other stakeholders, to create evidence-based policy recommendations and programmatic actions. The creation of legal requirements and policies for online retailers, service providers, and content producers can be supported by program suggestions. Verification of age, user-generated content moderation, personal data

encryption, and reporting procedures for offensive information are a few examples of these protocols. Regulators can encourage more secure internet environments for kids by establishing clear standards and accountability procedures.

Availability of Resources and Assistance

I suggest that government organizations like the Ministry of Gender, Labor, and Social Development, along with pertinent parties, offer suitable assistance and materials so that every youngster can securely use the internet. Children's capacity to stay safe online is improved when they have access to technology tools and safety features including parental control software, content screening tools, and privacy settings. These technologies lessen children's susceptibility to online harm by letting them take control of their online behaviour, limit their exposure to inappropriate content, and protect their personal information.

Encouraging Educators:

In order to promote digital literacy and appropriate online conduct among youth, we call for the empowerment of educators through training programs and curriculum development projects spearheaded by government bodies like the Ministry of Education and Sports. By include these subjects in the curriculum, teachers may assist students in learning how to properly browse the internet and assess interactions and information there.

Improvement of Children's Rights to Participation:

To provide possibilities for children to engage in meaningful and secure online activities, I am in favour of integrating projects run by government organizations like the Ministry of Gender, Labour, and Social Development. We provide children the tools they need to take charge of their digital lives and make wise decisions to keep themselves safe online by encouraging them to voice their preferences, ideas, and concerns.

Juggling Rights and Obligations:

To guarantee that children's rights and obligations are balanced online, I advise considering how government organizations like the Ministry of Gender, Labour, and Social Development allocate their resources.

I can increase preventative efforts, help children in need promptly, and hold people who abuse children online accountable by wisely spending resources.

By putting these recommendations into practice, Uganda can make great progress in preventing child abuse online and creating a more secure and welcoming digital environment for all kids.

Additionally, by clearly outlining the responsible parties for each recommendation, we are giving guidance on who needs to do what to address Uganda's challenges with online child safety.

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