

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

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**UGANDA CHRISTIAN  
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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 mother Mrs. Achange d nm,./ Agnes Mukupe, my sibling's thank you so much for both financial and mental support .I also dedicate this work to my friends Nakitende Alice, Wakabi Sanoni, Ipadut Mary, Mulabbi Emanuel, Akinyi Brendah and Asimwe Precious thank you all for the efforts made towards my academics.

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

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## **ABSTRACT**

The emergence of the digital age has significantly changed societies around the globe, offering unmatched access to information, improved connections, and novel communication methods. Yet, this shift to a digital world, while opening vast avenues for education, self-expression, and community building, also brings forth distinct challenges, particularly for the most vulnerable in society children. It is with this in mind that several instruments and legislations, both national and international, serve to outline and acknowledge their rights and protect them from harm. However, the ever-expanding use of emerging technologies, most notably the internet, creates another sphere wherein children may be exploited and harmed. In Uganda, and the world at large, the rapid expansion of internet technology and the prevalent use of mobile devices among the youth have ignited profound concerns about children's safety and well-being in the online space. Considering the rapid pace at which this technology evolves, it is difficult for lawmakers, activists, parents, and other stakeholders to keep up in terms of legal and non-legal methods of protection.

This report, through a comprehensive review of the existing policies, legislation, and literature, both locally and internationally, presents the state of children's rights in the current digital landscape. It considers the Ugandan jurisdiction vis a vis more comparatively advanced ones in terms of children's digital rights, and propose recommendations for the strengthening of legal and policy frameworks in Uganda, enhancing awareness and digital literacy, and fostering collaborative efforts to mitigate the risks faced by children in the digital realm.

## **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.<sup>1</sup> 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.<sup>2</sup>

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<sup>3</sup>.

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<sup>4</sup>. 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 states parties to protect children from harm,

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<sup>1</sup> Article 257 (1) (C) of the 1995 Constitution of Uganda.

<sup>2</sup> Article 2 of the African Charter

<sup>3</sup> Keller, Linda M. "Achieving peace with justice: the international criminal court and Ugandan alternative justice mechanisms." *Conn. J. Int'l L.* 23 (2007): 209.

<sup>4</sup> Freeman MD. *The moral status of children: Essays on the rights of the children.* Martinus Nijhoff Publishers; 1997 Aug 28.

including in the digital environment. While not explicitly part of the Constitution, these international agreements can influence domestic legislation and policy.

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.<sup>5</sup> The Act criminalizes a range of cyber offenses such as unauthorized access to computer systems, unauthorized interception of data, unauthorized disclosure of passwords,<sup>6</sup> 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<sup>7</sup>.

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<sup>8</sup>.

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

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<sup>5</sup> Section 13 of Computer Misuse Act of 2011

<sup>6</sup> Computer Misuse Act of 2011

<sup>7</sup> Hare, R.M., 1970. Meaning and speech acts. *The Philosophical Review*, 79(1), pp.3-24.

<sup>8</sup> Finkelhor, David. "The prevention of childhood sexual abuse." *The future of children* (2009): 169-194.

society organizations and government agencies are working to address these issues through awareness campaigns, capacity building, and advocacy for stronger legal protections<sup>9</sup>.

## **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 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.<sup>10</sup> 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 Objectives of the study**

- i. To analyze 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.

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<sup>9</sup> Renzaho, Andre MN, Joseph Kihika Kamara, Brian Stout, and Gilbert Kamanga. "Child rights and protection in slum settlements of Kampala, Uganda: A qualitative study." *Journal of Human rights* 17, no. 3 (2018): 303-321.

<sup>10</sup> <https://uhrc.ug/childrens-rights-and-the-digital-sphere-in-uganda/>.

- iii. To suggest Policy recommendations and best practices for policymakers, educators, and 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 suggest 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's contribution 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).<sup>11</sup> 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.<sup>12</sup> 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

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<sup>11</sup> Rogaway, Phillip. "The moral character of cryptographic work." Cryptology ePrint Archive (2015).

<sup>12</sup> 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.

for a rights-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.<sup>13</sup> 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.<sup>14</sup> 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.

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<sup>13</sup> 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.

<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> Lemish's research highlights the importance of promoting positive and inclusive digital environments that empower children to challenge stereotypes and discrimination.<sup>18</sup> 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.

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<sup>15</sup> O'Neill, Brian, and Sonia Livingstone. "Promoting Children's Interests on the Internet: Regulation and the Emerging Evidence Base of Risk and Harm." (2010).

<sup>16</sup> 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.

<sup>17</sup> Lemish D. *Screening gender on children's television: the views of producers around the world*. Routledge; 2010 Apr 5.

<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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.

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<sup>19</sup> Perouli, Christina. "Digital storytelling in the museum: Bringing cultural heritage to life." *Crossing Conceptual Boundaries* 11, no. 1 (2021): 34-46.

<sup>20</sup> 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.

## **1.8 Methodology**

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 visited 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 identified the out prevalent online risks faced by children in Uganda

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

Chapter four analyzed the perceptions and concerns of stakeholders regarding child safety online

Chapter five suggested 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**

In today's digital age, children are growing up surrounded by technology that shapes nearly every aspect of their lives. From social media and online gaming to educational tools and virtual communication, the digital landscape presents both opportunities and challenges for the rights of children. 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.<sup>21</sup> As researchers delve into the legal implications of children's online activities, it is equally important to consider the non-legal issues that impact their well-being and development in this increasingly digital world. This research aims to explore the risks and various social, psychological, and ethical factors that influence how children navigate the digital space, and how these risks shape the rights of children in the digital age.

#### **2.1 CHILDREN'S RIGHTS AND PROTECTION ONLINE**

Majority of children dedicate a significant portion of their time to the internet, primarily through diverse social media platforms that have evolved into pivotal tools for education and learning. This increased internet engagement by children introduces associated risks and an uptick in violations of their rights. Institutions dedicated to child welfare struggle with the challenge of upholding the rights enshrined in the Convention on the Rights of the Child. This study primarily focusses on the key aspects of rights of children in the online sphere, threats, and harm to children's rights.<sup>22</sup> Notably, the freedom of expression and information, privacy and data protection, as well as overall protection and safety. Considering the current legal framework of Uganda, in many instances, children's rights are not comprehensively safeguarded in the online sphere.<sup>23</sup> The children enjoy the following rights;

##### **Right to access to information.**

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<sup>21</sup> 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.

<sup>22</sup> Buck, T., 2010. International child law. Routledge.

<sup>23</sup> Dr. Patricia Achan Okiria (n 30)

Access to information for children in the digital age in Uganda is influenced by various non-legal factors, including socioeconomic disparities, digital literacy levels, and internet connectivity. Recent statistics shed light on the current state of children's access to information in Uganda:

**Internet Penetration:** According to the Uganda Communications Commission children Online survey report as of 2021, internet penetration in Uganda stood at around 41%, with a significant urban-rural divide. While urban areas have higher internet access rates, rural areas, where a significant portion of the population resides, face challenges in accessing the internet. The research indicated that about 8 in 10 children interviewed had digital literacy or knew how to use the internet, with 22% in rural areas and 68% in urban areas. 9 out of 10 children had used the Internet in the previous year.<sup>24</sup>

The level of digital literacy among children in Uganda varies, with disparities based on factors such as socioeconomic status and geographic location. Children in urban areas and those from higher-income households tend to have better access to digital devices and internet connectivity, which can impact their ability to access information online<sup>25</sup>.

Social and cultural norms in Uganda can also influence children's access to information in the digital age. For example, gender stereotypes may limit girls' access to certain types of information online, while traditional beliefs and taboos may restrict the topics children can explore online.

To address these non-legal aspects and ensure children's right to access to information in the digital age in Uganda, efforts are being made to bridge the digital divide, promote digital literacy, and raise awareness about online safety. Initiatives such as the Safer Internet Day campaign and educational programs on digital skills, as highlighted by the children online survey, aim to empower children with the knowledge and tools to navigate the digital landscape safely and responsibly. By addressing these non-legal factors, Uganda can work towards ensuring that all children have equal opportunities to access information in the digital age.

## **The Right to Privacy**

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<sup>24</sup> 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](https://www.ucc.co.ug/wp-content/uploads/2023/10/Final_Report_Child-Online-Survey.pdf)

<sup>25</sup> Nascimbeni, Fabio, and Steven Vosloo. "Digital literacy for children: Exploring definitions and frameworks." Scoping Paper 1 (2019).

Children have the right to privacy and their personal information should be safeguarded in the digital environment.<sup>26</sup> Striking a balance between protecting children's privacy and ensuring their safety is essential.<sup>27</sup> Strict data protection regulations and parental consent mechanisms can play a pivotal role in safeguarding children's personal information online.<sup>28</sup>

### **Freedom of Expression Online**

Children must be shielded from harmful content, cyber bullying, and exploitation in the digital space. Governments, organizations, and parents must collaborate to implement effective measures such as age-appropriate content filters, online safety education, and robust legal frameworks to prevent and address online abuse. Encouraging responsible digital citizenship can empower children to make informed decisions online.

### **The right to protection from any form of harm**

Uganda ranks fourth in the Inclusive Digital Economy Scorecard (IDES), with 33% in skills, 77% in policy and regulation, 42% in innovation, and 51% in infrastructure, among 24 countries evaluated for fostering an inclusive digital economy.<sup>29</sup>

The right to protection from harm, including online harm, is a fundamental human right in Uganda. The government has implemented measures to protect citizens from cyberbullying, harassment, identity theft, and fraud. The Uganda Communications Commission (UCC) oversees the telecommunications sector. Statistics analysis helps identify and address online harm, enabling policymakers and law enforcement to develop targeted interventions. This right is essential for the safety and well-being of Ugandans.

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<sup>26</sup> 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].

<sup>27</sup> 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].

<sup>28</sup> 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](http://link.springer.com/10.1007/978-3-319-47317-8_6)> [accessed 23 January 2024].

<sup>29</sup> Ronald Kakungulu-Mayambala (n 35).

## 2.2 RISKS ENCOUNTERED BY CHILDREN ONLINE

On a global scale, the risks encountered by children online include a wide range corresponding to their varied Internet activities. Various risk classifications have been established by entities such as the US Internet Safety Technical Task Force (ISTTF), the US Online Safety and Technology Working Group (OSTWG), EU Kids Online, the European Youth Protection Roundtable Toolkit (YPRT), and the International Telecommunications Union (ITU) Guidelines for Policy Makers of Child Online Protection (2009).<sup>30</sup> These classifications, while distinct in their approaches, universally differentiate between risks associated with harmful content and those related to harmful interactions.<sup>31</sup> Nevertheless, divergent criteria are evident in certain classifications; for instance, the EU Kids Online report employs a multifaceted risk matrix considering the child's role as the initiator and the nature of the risk.<sup>32</sup> In Uganda, the online threats are concerning over 44.6% of children not knowing how to act in different situations, and 85.3% never contacting parents about issues. Most children have not personally been bothered, but those who have faced issues either do nothing or sort out the issue themselves.<sup>33</sup>

It is therefore important to note that with the recent rigorous digital revolution, children have faced different forms of harm while accessing the digital space and these are discussed below;

### 2.2.1 Online Grooming

Online grooming is where someone befriends a child online and builds up their trust with the intention of exploiting them and causing them harm. Online grooming-related harm can include sexual abuse, both in person and online, as well as exploitation to obtain sexually explicit pictures and recordings of children. Any child can be at risk of being groomed, regardless of age, gender, race or location.

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<sup>30</sup> 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].

<sup>31</sup> 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](http://link.springer.com/10.1007/978-94-6300-648-4_11)> [accessed 14 January 2024].

<sup>32</sup> 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].

<sup>33</sup> 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](https://www.ucc.co.ug/wp-content/uploads/2023/10/Final_Report_Child-Online-Survey.pdf)>

Technology did not create grooming as the process has existed in offline abuse but the variety of platforms in existence, and the prominence of digital environments in our lives, has increased abusers' reach and opportunity.<sup>34</sup>

Online grooming is an attempt to lower a child's defenses gradually. Adult predators looking to groom children online often visit social media websites that are popular with young people and will pretend to be their age. The adult may try to secure their trust with fake profile pictures, by pretending to share similar interests, by offering gifts to the child or by complimenting the child.<sup>35</sup>

The interactions with a child may seem innocent at first but progressively become inappropriately intimate or familiar.<sup>36</sup> Once they have the child's trust, the groomer often steers the conversation towards their sexual experiences, going so far as to ask them to send sexual photographs or videos of themselves.<sup>37</sup> The child may be pressured to take explicit photos or videos of themselves and send them to the groomer. In over a quarter of all reported exploitation incidents, the online predator will ask a child for sexually explicit photos of themselves.<sup>38</sup> In a household survey conducted in Uganda, approximately one in every ten children reported being propositioned with money or gifts in exchange for sexual images or videos within the preceding year.<sup>39</sup> This occurrence was slightly more prevalent among girls than boys. In the most extreme cases, the groomer will pressure the child to meet in person and may even fly in to meet the child.<sup>40</sup>

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<sup>34</sup> 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/>> [accessed 22 January 2024].

<sup>35</sup> Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators' <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>> [accessed 22 January 2024].

<sup>36</sup> Social Media Victims Law Center, 'Social Media and Online Grooming' <<https://socialmediavictims.org/sexual-violence/online-grooming/>> [accessed 22 January 2024].

<sup>37</sup> Internet matters. Org, 'Learn about online grooming' <<https://www.internetmatters.org/issues/online-grooming/learn-about-it/>> [accessed 22 January 2024]

<sup>38</sup> Michael E Kraut, 'Children and Grooming/ Online Predators', <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>> [accessed 20 February 2024]

<sup>39</sup> Suton, 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]

<sup>40</sup> Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators' <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html>> [accessed 22 January 2024]

In a recent report about grooming, Thorn discovered that nearly half of all kids online (40%) have been approached by someone who they thought was attempting to “befriend and manipulate” them.<sup>41</sup> Specifically in Uganda, a survey found that 1,016 internet-using children are subjected to differing forms of online child sexual exploitation and abuse, such as grooming or being offered gifts or money in exchange for sexual images or videos.<sup>42</sup>

### **a) How social media facilitates grooming**

Online grooming is on a rapid increase due to the rise and popularity of social media platforms. Grooming can occur on any platform that allows individuals to communicate with one another.<sup>43</sup> This includes platforms such as Instagram, WhatsApp, TikTok, Snapchat, gaming sites, among others. Therefore, any child that has access to tablets, phones, computers or gaming systems can fall victim to online grooming. According to the Disrupting Harm household survey carried out in Uganda involving 216 children, 32% were requested to discuss sex through social media, with 8% encountering such requests while engaged in online gaming.<sup>44</sup> Primarily, these requests originated from Facebook (including Messenger), followed by WhatsApp, the two most prevalent social media platforms among Ugandan children.<sup>45</sup>

The anonymous nature of the internet has allowed offenders to masquerade as children in cyberspace to gain the confidence and trust of their victims over a period of time before introducing a sexual element into the online conversation and eventually arranging a physical meeting.<sup>46</sup> The lack of visual cues in cyberspace that may assist child victims in making judgments about the suitability, trustworthiness and sincerity of others with whom they communicate also facilitates the grooming process for offenders. For most social media platforms, the minimum age requirement is 13; however, our research showed that 42% of children under the minimum age requirement (that is, aged between 5 and 12 years old) used social media; the study showed that nine in ten parents are aware of the

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<sup>41</sup> 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]

<sup>42</sup> Sutton, ECPAT, INTERPOL and UNICEF (n 47)

<sup>43</sup> Innocent Lives Foundation, <<https://www.innocentlivesfoundation.org/everything-you-need-to-know-about-online-grooming/>> accessed 22 January 2024

<sup>44</sup> Sutton, ECPAT, INTERPOL and UNICEF (n 47)

<sup>45</sup> Sutton, ECPAT, INTERPOL and UNICEF (n 47)

<sup>46</sup> Choo 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]

age limit; however, only three could accurately state what that is. It also showed that three in ten parents were willing to let their children use the social media platforms despite not meeting the minimum age requirement.<sup>47</sup> In addition, while using social media, 40% of children remove privacy settings in order to attract more friends or followers.<sup>48</sup> This makes it easier for the online predators to interact with them.

As the utilization of social media continues to surge at a staggering pace, so does the alarming proliferation of predators to prey on unsuspecting children within these online platforms. It has been estimated that about 500,000 online predators are active each day<sup>49</sup>, and according to the F.B.I., over 50% of the victims of online sexual exploitation are between the ages of 12 and 15.<sup>50</sup> Ugandan law does not specifically criminalize the grooming of children for sexual purposes; although in 2016, the Uganda Law Reform Commission recommended that the legislature explore the possibility of specific legislation criminalizing sexual grooming.<sup>51</sup> A legal officer clarified that the current approach involves utilizing existing legislation, such as defilement laws, to prosecute cases of online grooming of children for sexual purposes. However, this method addresses the situation after the fact rather than preventing the grooming process itself.<sup>52</sup> Consequently, cases of online grooming that do not escalate to in-person meetings involving physical abuse may not be brought to court. Therefore, this unsettling trend underscores the urgent need for heightened awareness and robust safeguards in law to protect young users from potential exploitation and harm in the digital realm.

### **2.2.2 Economic Exploitation**

Children have a legal right, in international and most domestic laws, to be safe guarded from all forms of exploitation including economic exploitation. The International Journal of Children's Rights noted that children face significant consumer risks embedded advertisements and privacy

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<sup>47</sup> Ofcom, Children and Parents: media use and attitudes report, 2020/21

<sup>48</sup> Michael E Kraut, 'Children and Grooming/ Online Predators', <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html> >, Published 2023 [accessed 20 February 2024]

<sup>49</sup> Michael E Kraut (n 56)

<sup>50</sup> Children Crime Prevention & Safety, 'Children and Online Grooming/ Online Predators' <<https://childsafety.losangelescriminallawyer.pro/children-and-grooming-online-predators.html> > [accessed 22 January 2024]

<sup>51</sup> Uganda Law Reform Commission, 'Draft Issue Paper on Grooming for Sexual Conduct', 2016 <<https://ulrc.go.ug/node/186>> [accessed on 23rd February 2024]

<sup>52</sup> Sutton, ECPAT, INTERPOL and UNICEF (n 47)

invasive practices, as well as exploitation of their incredulity and inexperience resulting in overspending or online fraudulent transactions.<sup>53</sup>

According to the United Nations Committee on the Rights of the Child, economic exploitation means the taking of unjust advantage of another for one's economic advantage or benefit. Children are often taken advantage of in various ways by online traders due to their naivety, despite their right to protection from such exploitation. A child's right to protection against economic exploitation is enshrined in the United Nations Convention on the Rights of the Child.<sup>54</sup> Children should be protected from such exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education and well-being<sup>55</sup>

The digital world in which children grow up offers great opportunities for children to learn, socialize and play but are also increasingly commercialized and tend to economically exploit children online in the following ways;

- i. **Children are exploited through stealth advertising tactics such as product placement, sponsorship of streams.** This form of advertisement tampers with the judgment of children, hence their economic exploitation.<sup>56</sup> Online traders use trigger words such as "JOIN NOW", "DOSH TOP UP", which are found to put pressure on children to buy membership subscriptions and in- game currency.
- ii. **Children are exploited through deceptive practices related to the collection and use of their personal data.** This also includes permitting others acting in the same businesses to engage in deceptive, misleading fraudulent or unfair practices that affect children using the internet.<sup>57</sup> Online traders do not often comply with data protection, privacy, consumer protection and other relevant laws and standards while trading online especially those that relate to children since they are conceived to be naive.

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<sup>53</sup> 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](https://brill.com/view/journals/chil/28/4/article-p833_833.xml?language=en)> accessed on 20th February 2024

<sup>54</sup> Article 32 of the United Nations Convention on the Rights of the child.

<sup>55</sup> UNICEF, 'United Nations Convention on the Rights of the Child' < <https://www.unicef.org/child-rights-convention>> [accessed on 21st March, 2024].

<sup>56</sup> UNICEF, 'Children's Rights and businesses in Digital world (2019)'

<sup>57</sup> OECD 2016 <<https://www.oecd.org/digital/children-digital-environment/>> [accessed on 10th March,2024]

- iii. **Exploitation of their personal data**, using it for economic purposes such as developing new products, marketing and advertising unfairly, in a way that children don't reasonably expect to know about what happens to their data. There has not been any sensitization of the online stakeholders to ensure that their relationship with children is fair, and that children are aware of the risks associated with online commercial practices, in order for them to know how they can seek for help or exercise their rights.
- iv. More so, children are exploited through **exposure to inappropriate forms of advertising, and marketing or unfair commercial practices**. This includes hiding crucial information, setting default choices that do not reflect the user's preference, or exploit attention being drawn to certain products.<sup>58</sup> For example, designs of products and services are done in ways that aggravate risk for different vulnerable groups of children by taking advantage of their cognitive ability.

The above point to some of the ways in which children have been economically exploited online. However, children should be protected from all forms of exploitation prejudicial to any aspects of their welfare in relation to the digital environment.

### 2.2.3 Child Pornography

Child sexual abuse material is defined in the Budapest Convention 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

*representing a minor engaged in sexually explicit conduct*”.<sup>59</sup> For the material to be considered child pornography under the convention,<sup>60</sup> it is clear that a real child does not have to be involved, it is sufficient that the material represents a minor. The reasoning behind this provision is that even if there is no real harm caused to a child in the process of producing the material, it can be used to encourage or seduce children into participating in such acts.<sup>61</sup>

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<sup>58</sup> CMA, 'Online choice architecture: How digital design harms competition and consumers' <<https://home.crin.org/issues/digital-rights/childrens-right-digital-age>> [accessed on 10th March,2024]

<sup>59</sup> Article 9 of the Budapest Convention.

<sup>60</sup> Article 9 (n 67).

<sup>61</sup> Council For Europe, 'Hand Book For Policy Makers on The Rights of The Child in The Digital Environment' <The digital environment - Children's Rights (coe.int)>

The definition of child pornography in Lanzarote Convention <sup>62</sup>is inspired by the Budapest Convention,<sup>63</sup> but covers all forms of material, and not only material produced through computer systems. All actions concerning child pornography such as production, offering of child pornography, distribution or transmission, procurement and possession of child pornography are criminalized in the Budapest Convention and the Lanzarote Convention. Sexual exploitation of children on the Internet includes a range of criminal activities, such as sexual abuse and exploitation of children via Internet, production and distribution of pornographic content, online inducement of children for sexual exploitation and “live” abuse of children at a distance. Modern technologies create new and unimaginable possibilities, but also open new dangers and have consequences for the psychophysical development of children. Namely, changes can be considered in a positive and negative context.<sup>64</sup>

Today's generations use high technologies for communication, grow up with the use of digital devices and consumption of Internet content, certainly including well-known social networks (YouTube, Facebook, Instagram, TikTok and others).<sup>65</sup> Therefore, today, children are growing up using multifunctional technological devices from the earliest stages of childhood. The internet and ICTs both facilitate existing forms of Commercial Sexual Exploitation of Children (CSEC) and have caused the creation of entirely new forms. ICT has increased the pool of potential victims of CSEC considerably and enhanced access to children by sex offenders. The internet provides a space for child sex offenders to exchange information but also to distribute and store child sexual abuse materials (through file sharing, websites, live streaming, cloud technology, among others).

Platforms and channels such as chat rooms, dating websites, mobile phones with internet access, and peer-to-peer networks allow adults to easily contact and solicit boys and girls, especially those most vulnerable, such as children not well supervised by guardians or who are particularly defenseless due to feelings of low self-esteem and inadequacy. A new form of CSEC created through the use of digital technologies is, for example, the live streaming of child sexual abuse via

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<sup>62</sup> <[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]

<sup>63</sup> The Lanzarote Convention, Article 20.

<sup>64</sup> Article 9 (n 67)

<sup>65</sup> Nicolaou, Constantinos. "Generations and branded content from and through the internet and social media: modern communication strategic techniques and practices for brand sustainability—the Greek case study of LACTA chocolate." *Sustainability* 15, no. 1 (2022): 584.

webcam or smartphone cameras in exchange for money or other forms of compensation. Technological advancements offer perpetrators anonymity or false identities for financial transactions or accessing child abuse material.<sup>66</sup>

The scale of incidents that young people face by engaging in insidious online interactions is slowly becoming apparent. A study conducted in Cameroon, The Gambia, Kenya, Togo and Uganda showed that 54% of children had seen someone of their age in pornographic materials online, and about 10% of children had been approached by online contacts to share sexualized images.<sup>67</sup>

The illegal nature and complexities surrounding any manifestation of sexual exploitation of children (and related forms of sexual abuse) means that it is often hidden, disguised and misunderstood, and it remains difficult to research and establish accurate data on the numbers of victims in any context. Recent studies in Kenya, Tanzania and Uganda confirm that CSEC itself is a growing, regional issue. In Kenya, seven per cent of females aged 18 to 24 who experienced sexual violence as children had received money for sex.<sup>68</sup> Likewise, in Tanzania, at least four per cent of girls had received money or goods in exchange for sex.<sup>69</sup> In Uganda, the number of victims of CSEC had increased from 12,000 in 2004 to an estimated 18,000 in 2011.<sup>70</sup>

#### **2.2.4 Cyberbullying**

Cyberbullying 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.<sup>71</sup> 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

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<sup>66</sup> 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]

<sup>67</sup> 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]

<sup>68</sup> UNICEF (2012), 'Violence Against Children in Kenya: Findings from a 2010 National Survey'

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

<sup>70</sup> 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]

<sup>71</sup> 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]

messages or threats via messaging platforms, impersonating someone and sending mean messages to others on their behalf among others.<sup>72</sup>

A study by the Uganda Communication Commission in collaboration with Internet Society Uganda chapter shows that children in Uganda use 30% of the internet for chatting with friends, 22% for watching and downloading movies, 16% for playing video games, and 31% for homework related research.<sup>74</sup> On 30th August 2019, UNICEF carried out a youth engagement UN Report among 4057 U-Reporters aged 15-24 years across Uganda, and 40% of these reported to have experienced online bullying while 61% said that the online abuse happened on social networks, especially through Facebook.

Cyberbullying usually occurs on social media platforms such as Instagram, Facebook, TikTok, X (formerly Twitter) among others. One Laura Blessing while in her senior six vacation, turned down advances of a boy who later added her to a WhatsApp group with his friends and was body shamed. Catherine Ntabadde Makumbi, a Communication specialist at UNICEF, added that most children tend to miss school as a result of online bullying.<sup>75</sup> Furthermore, a one Emmanuella Musiimenta also known as Pretty Nicole aged 15 recently had her unclothed photos and videos recently leaked on various social media platforms such as twitter, TikTok and Facebook. As a result, the young girl has since been receiving harsh and backlash comments from netzines like a one Ronaldo tweeted “*pretty Nicole videos ehhhh!!!! And someone is out there still forcing her to go to school...*” this implied that she is a lost cause that does not need education as a child.<sup>76</sup>

Whereas different stakeholders, such as the Government, have set up legal regimes and policies aimed at protecting children online, including *inter alia* the Computer Misuse Act of 2011 and the

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<sup>72</sup> ‘Cyberbullying - an Overview | ScienceDirect Topics’ <<https://www.sciencedirect.com/topics/computer-science/cyberbullying>> accessed 21 February 2024.

<sup>73</sup> 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.]

<sup>74</sup> ‘Promoting Child Online Safety In Uganda – Digital Grassroots’ <<https://digitalgrassroots.org/promoting-child-online-safety-in-uganda.html>> [accessed 21 February 2024.]

<sup>75</sup> 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.]

<sup>76</sup> ‘Pretty Nicole’s Private Photos/Videos Leak on Social Media - Campus Bee’ <<https://campusbee.ug/news/pretty-nicoles-private-photos-leak-on-social-media/>> [accessed 21 February 2024.]

Children Act Cap 59 as amended, there is need for rigorous community outreaches to teach children how to adopt healthy online practices. These practices include desisting from posting any personal information online like physical addresses, email addresses, or mobile numbers; thinking carefully before posting pictures or videos of themselves; keeping privacy settings as high as possible; never giving out their passwords; and speaking to their parents or a trusted adult if they see something online that makes them feel uncomfortable, unsafe or worried.<sup>77</sup>

### **2.3 THE IMPACT OF USING THE INTERNET ON CHILDREN**

Freedom of expression online has resulted into children exposing themselves to unregulated use of internet. This freedom has led to children getting involved in many internet activities, among which is playing video games, and these have been associated with increased mean diffusivity in the cortical and subcortical areas. That is, prolonged video game use was associated with negative consequences, as it can directly or indirectly interrupt the development of neural systems and cause unfavorable neurocognitive development, especially when it comes to verbal intelligence.<sup>78</sup>

Freedom of expression online has increased internet use among children; and this has in turn led to digital addiction which affects them psychologically and physically with such conditions as vision loss, hearing impairment, and obesity.<sup>79</sup> More to that is the fact that the worldwide lockdowns during the COVID-19 pandemic resulted in a sharp increase in the cases of digital addictions, especially in children and young adolescents. This is because most schools, and colleges switched to home-based online teaching and learning, and hundreds of millions of children worldwide were transformed into “online learners”. Take India as an example, where during the lockdowns, primary and middle school students used digital devices for an average of 11 hours per day, with a 28.1% incidence rate of digital addiction.<sup>80</sup>

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<sup>77</sup> ‘Promoting Child Online Safety in Uganda – Digital Grassroots’ (n 3).

<sup>78</sup> 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

<sup>79</sup> 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]

<sup>80</sup> 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]

Discussions regarding children's privacy rights in social media center around two ideas: protecting children from online predators and the right of older children to interact online free from parental intrusion. Scholars have addressed the question of whether parents have a right to monitor their children's activity online, and many advocate that doing so protects children's safety.<sup>81</sup> Some argue for increased protection of the right of parents to raise their children, free from unnecessary state intervention that results when law enforcement agents or government officers discover questionable photos posted online and take them out of context. Numerous resources promote increased parental responsibility and restraint in what their children post online to protect them from online predators.<sup>82</sup> Therefore the right to privacy has increased the parental responsibilities, however this has increased pornography among the children since parents cannot fully monitor children to know all they do on the internet.

Associations of electronic media use with psychosocial development and the executive function among 3- and 5-year-olds, particularly related to total screen time, TV shows viewing, and application use, were assessed by the authors, who concluded that cognitive and psychosocial development in children 12 months later was positive when exposure to these media lasted less than 30 minutes a day.<sup>83</sup>

## **2.4 CONCLUSION**

This chapter has dealt with the non-legal aspects of how the digital revolution has impacted the children's rights and how those rights can be protected in the current era. The present evolution of the digital space across the world, and in Uganda in particular, has greatly impacted the different rights of children that have access to the internet. The different rights of children in the digital space that have been put in place by the regulatory frameworks and policies have been tested as to their effectiveness in protection of such rights, but loopholes have been exposed as children have greatly suffered different forms of online harm, which has negatively impacted their lives in the long run as portrayed in this chapter.

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<sup>81</sup> Benjamin Shmueli & Ayelet Blecher-Prigat, *Privacyfor Children*, 42 COLUM. HUM. RTS. L. REV. 759, 759- 60 (2011) [hereinafter Shmueli & Blecher-Prigat].

<sup>82</sup> 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);

<sup>83</sup> 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]

## CHAPTER THREE

### LEGAL AND REGULATORY FRAMEWORK GOVERNING THE PROTECTION OF CHILDREN RIGHTS IN THE DIGITAL ENVIRONMENT

#### 3.0 INTRODUCTION

The discourse in this chapter reflects on the legal and policy framework governing the well-being and rights of children in the digital sphere, through the lens of international, regional, and domestic laws (as applicable in Uganda). The researchers also analyze the success and short falls of the legal and regulatory policy frame work in terms of enforce- ability in the protection of children’s rights and welfare on the various digital platforms within the Ugandan Jurisdiction.

#### 3.1 ANALYSIS OF THE INTERNATIONAL INSTRUMENTS.

The genesis of legal protection accorded to children’s rights in the international community dates all the way back to 1924 with the *Declaration of Geneva on Children’s rights*,<sup>84</sup> which paved the way for other instruments such as the *Universal declaration of Human Rights*,<sup>85</sup> *The United Nations International Children’s Emergency Fund (UNICEF)*<sup>86</sup> 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 UNCRC is the most widely ratified human rights international instrument, which has transformed children’s rights across the globe.<sup>87</sup> Uganda ratified The United Nations Convention on the Rights of a Child without reservations in 1990,<sup>88</sup> and has made a commendable realization of the convention by enacting *The Children’s Act [Cap 59]* and the subsequent amendments thereto, among other legal and policy enforcement mechanisms.

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<sup>84</sup> 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]

<sup>85</sup> The United Nations General Assembly adopted the instrument on 10th December, 1948.

<sup>86</sup> UNICEF was established in 1946, after World War II <<https://www.unicef.org/>> [accessed on 03rd March 2024]

<sup>87</sup> 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](http://www.unicef.org); <https://www.unicef.org/child-rights-convention>> [Accessed on 25th February 2024]

<sup>88</sup> Implementation of the optional protocol to the convention on the rights of the children, child prostitution band 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).

While this convention has aided member states in realizing the rights of children, efforts to realize the welfare of children in the digital space are still wanting. As Fabiola Bas Palomares, a lead policy and advocacy officer on Online Safety in the European Union, notes;

*“...the reality is that children are growing up in an environment that was not designed with their needs and vulnerabilities in mind. Similarly to how we design parks in a way that is safe, inclusive and child friendly, online platforms must be designed to fulfill children’s rights and needs...”*<sup>89</sup>

The Convention provides for the right of all children to be protected from all forms of abuse, and rightly so, envisioned the rights of children in the digital realm; however, it is now a question of enforceability and applicability to realize these rights for the children in Uganda.

### ***3.1.1.1 The rights of a child under the UNCRC.***

The convention spells out a number of the rights of a child, many of which, if read and interpreted with the purposive approach of interpretation, apply to the digital realm as well, and these include;

#### **(i) The right to access to information and material**

The Convention spells out the right to access to information and material from a diversity of national and international sources aimed at the promotion of the well-being of the child.<sup>90</sup> Clause (a) of this article particularly enjoins member states to encourage mass media, including the electronic media, to disseminate such information with the intent to protect a child from harm and promote their well-being. Five years after ratifying the convention, Uganda promulgated the 1995 Constitution of the Republic of Uganda, which encourages the dissemination of information by providing for freedom of speech and expression, extending to the press and other media.<sup>91</sup> This has encouraged international and national electronic media dissemination of information on social media platforms such as X(formerly Twitter) and TikTok, among others, which has been material in the protection of children’s rights in the digital realm.

The Convention further requires member states to encourage the development of appropriate guidelines for protecting the child from information injurious to their well- being, with regard to

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<sup>89</sup> Fabiola Bas Palomares: Protecting Children’s rights Online is a strategic Choice. [6th February, 2024.]

<sup>90</sup> UNCRC 1989, Article 17

<sup>91</sup> The Constitution of the Republic of Uganda 1995, as amended, Article 29[1] [A]

Article 13 and 18 of the Convention.<sup>92</sup>We intend to assess Uganda’s compliance with the same at the end of the chapter.

## **(ii) The right to privacy**

The convention prohibits arbitrary and unlawful interference with a child’s right to privacy and unlawful attacks on his or her honour and reputation.<sup>93</sup>This right imposes a duty on online service providers to keep certain information private, such as their name, age, personal interests and, other information as circumstances may prescribe.

Uganda has partly realized this right, especially in circumstances involving juvenile offenders. The Children’s Act Cap 59, as amended, upholds the right to privacy throughout the court proceedings and prohibits undue publicity of any information that may lead to the identification of the child, save for where permission for the same is granted by the court.

The Act prohibits publication of the name or address of the child and their school, photographs, and any other leads to the child’s identification.<sup>94</sup>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 stake holders 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.<sup>95</sup>

## **(iii) The right to protection from any form of harm**

This right is conceivable from the preamble of the UNCRC, that children must be protected from any form of harm that they may interface, In part, the preamble states that; “*Bearing in mind, as indicated in the declaration of the rights of the child, “the child is by reason of his or her physical*

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<sup>92</sup> UNCRC 1989, Article 17 (e)

<sup>93</sup> UNCRC 1989, Article 16[1]

<sup>94</sup> Children’s Act Cap 59, as amended, Section 102[1] and [2]

<sup>95</sup> In the matter of Juvenile offenders (criminal Division) HCT-00-CR-SC-0294-2020.

*and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,”*

It is on this basis that a child has multiple protectable rights in all forms of environments, including digital platforms. These rights have been captured in The Constitution of the Republic of Uganda, 1995 as amended, the Children’s Act Cap 59, as amended, among others, which the researchers shall analyse herein.

*General Comment No.25 (2021) on Children’s Rights in Relation to the Digital Environment*, further supplements the rights of the child in relation to the digital environment and emphasizes what steps member states should take to realize these rights and protect children from online Harm. Part II of this instrument indicates that its objective is to explain to the member states how to implement the convention in relation to the digital environment and provide guidance on the legislative and policy measures relevant to realize these rights. Above all, it puts the best interest principle at the forefront as a paramount consideration in the enactment and implementation of the laws and policies.

### **3.2 REGIONAL INSTRUMENTS ON THE PROTECTION OF CHILDREN’S RIGHTS IN THE DIGITAL AGE**

#### **3.2.1 The African Charter on the Rights and Welfare of the Child of 2012 (ACRWC)**

This Charter was adopted during the 26th Ordinary Session of the Assembly of Heads of State and Government of the OAU on 11 July 1990. It was signed by Uganda in February 1992, ratified on 17th August 1994, and entered into force on the 29th November, 1999.

The Charter provides an almost comprehensive guide to African countries on the promotion of rights and the welfare of children, specifically recognizing the fact that the situation of most African children, remains critical due to the unique factors of their socioeconomic, cultural, traditional and developmental circumstances.<sup>96</sup>

The ACRWC requires member states of the Organization of African Unity (now the African Union) to recognize the rights, freedoms, and duties enshrined in the Charter and to undertake such necessary steps in accordance with their constitutional processes and with the provisions of the Charter to adopt such legislation or other measures.<sup>97</sup>

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<sup>96</sup> ACRWC 2012, Preamble

<sup>97</sup> ACRWC 2012, Article 1(1)

Pursuant to Article 1(1) of the Charter, Uganda has domesticated this Charter by enacting laws that protect the rights and welfare of children, including the Children Act Cap 59 and the amendments thereto, which protect such rights in both the physical and digital spaces.

The ACRWC also requires that the protection of these rights is to be done without discrimination based on the child's or their parents' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status,<sup>98</sup> which ensures that all children equally enjoy the protections it provides.

The ACRWC specifically provides for the privacy rights of children and prohibits arbitrary or unlawful interference with their privacy, family homes, or correspondences, or attacks on their honor or reputation.<sup>99</sup> However, recognizing the vulnerable state of children, the Charter also provides that parents 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,<sup>100</sup> furthering children's rights in the digital age.

The ACRWC further protects children from all forms of sexual exploitation,<sup>101</sup> sale, trafficking, and abduction,<sup>102</sup> as well as their use in the production and trafficking of narcotics,<sup>103</sup> which may all happen online, protecting the rights of children in the digital space.

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

Uganda ratified the Banjul Charter on the 21st day of October, 1986. This instrument provides for a range of human rights that states parties are required to recognize, protect and promote,<sup>104</sup> and to which all persons, including children, are to be entitled without distinction of any kind.<sup>105</sup>

This Charter has been domesticated in Uganda through Chapter Four of the Constitution of the Republic of Uganda, 1995, as amended. This chapter provides for the "Bill of Rights" which, inter

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<sup>98</sup> ACRWC 2012, Article 3

<sup>99</sup> ACRWC, Article 10

<sup>100</sup> ACRWC 2012, Article 10

<sup>101</sup> ACRWC 2012, Article 27

<sup>102</sup> ACRWC 2012, Article 29.

<sup>103</sup> ACRWC 2012, Article 28.

<sup>104</sup> ACHPR 1987, Article 1.

<sup>105</sup> ACHPR 1987, Article 2.

alia, recognizes the rights of children and offers various provisions for the protection of human rights, extending to children, thus furthering the protection of their rights in the digital space.

### **3.3 THE DOMESTIC LEGAL FRAMEWORK FOR THE PROTECTION OF CHILDREN'S RIGHTS IN THE DIGITAL AGE IN UGANDA**

#### **3.3.1 The Constitution of the Republic of Uganda 1995 as amended**

The Constitution is the supreme law in Uganda, and all power, including the protection and promotion of rights, derives from it.<sup>106</sup>In its Fourth Chapter, the Constitution provides for the Bill of Rights, which creates a range of fundamental human rights inherent in all persons, including children, and not granted by the State.<sup>107</sup>

The Constitution further provides for the specific rights of children, in addition to those laid out in Chapter Four.<sup>108</sup>It further provides for the protection of children from social and economic exploitation,<sup>109</sup> which occurs both online and in the physical spaces. Additionally, the Constitution protects digital rights by safeguarding the right to privacy of all persons and prohibiting all interference with the privacy of any person.<sup>110</sup>These protections are meant to protect and further the rights of children in Uganda in both physical and digital spaces.

#### **3.3.2 The Children Act Cap 59 as amended**

The Children Act provides for the rights of children, which include the right to safety, privacy, information, and access to basic social services. The Act further provides for the right to leisure, which isn't morally harmful. However, this right has been misused by most parents and children. Children have been granted the freedom to access various internet websites that contain harmful content, such as pornographic and propagandist material, thus violating their rights.<sup>111</sup> Although the Government of Uganda, through its institutional, policy, and legal framework, has tried to protect the rights of children, such as the right not to gain access to such immoral content, there is still much that needs to be done to reduce the availability of this harmful content. This may include

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<sup>106</sup> Constitution, Article 2(1).

<sup>107</sup> Constitution, Article 20(1).

<sup>108</sup> Constitution, Article 34.

<sup>109</sup> Constitution, Article 34(4).

<sup>110</sup> Constitution Article 27.

<sup>111</sup> Parti, Katalin, and Luisa Marin. "Ensuring freedoms and protecting rights in the governance of the Internet: a comparative analysis of blocking measures of illegal Internet content and the liability of ISPs." *Journal of Contemporary European Research* 9, no. 1 (2013): 138-159.

the establishment of policies and training for various officers to filter and encrypt the different content available on the internet within Uganda's jurisdiction.

### **3.3.3 Computer Misuse Act 2011, as amended**

The Computer Misuse Act (CMA) aims to enhance provisions on unauthorized access to information or data, prohibiting the public unlawful sharing of any information relating to a child, prohibiting hate speech, and regulating the sending or sharing of malicious or unsolicited information, as well as regulating the use of social media and other related matters.<sup>112</sup>

The CMA creates liability for offenses related to computers, including child pornography,<sup>113</sup> cyber harassment,<sup>114</sup> offensive communication,<sup>115</sup> and cyber stalking,<sup>116</sup> all of which are punishable offenses. Thus, the CMA is particularly instrumental in furthering the protection and promotion of the rights of children as it provides protections in the digital space.

### **3.3.4 The Anti-Terrorism Act 2002**

The Anti-Terrorism Act (ATA) came into force in 2002 and includes, inter alia, provisions that provide for obtaining information regarding acts of terrorism.<sup>117</sup> The Act also allows for the authorization of interception of correspondences and surveillance of persons suspected of playing to or being involved in acts of terrorism<sup>118</sup>.

Section 8 states that any person who aids, abets, finances, harbors, or renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of acts related to terrorism, commits an offence and shall on conviction be liable to suffer death.

The Act deters individuals from associating themselves with any sorts of acts that can constitute terrorist-related activities in Uganda. These include financing terrorist activities, which can be done on the internet, hindering authorized officers from intercepting any form of communications

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<sup>112</sup> Computer Misuse Act 2011 (CMA) 2011, Long title

<sup>113</sup> Computer Misuse Act 2011, Section 23

<sup>114</sup> Computer Misuse Act 2011, Section 24

<sup>115</sup> Computer Misuse Act 2011, Section 25

<sup>116</sup> Computer Misuse Act 2011, Section 26

<sup>117</sup> Anti-Terrorism Act 2002 (ATA), Long Title

<sup>118</sup> Anti-Terrorism Act 2002, Part VI.

relating to terrorist activities, conspiracies, attempts, accessories, and failure to disclose any information related to terrorism, all of which are strongly prohibited and punishable under the Act.

The Act, however, does not draw special attention and concern on how children can be protected from being indoctrinated and recruited into several terrorist-related activities. This is because the Act has failed to address how best it can best deal with online platforms such as You Tube, X (formerly Twitter), and Telegram, which are owned by different private companies and are in different jurisdictions. This factor has enabled different terrorist groups to promote their message through magazines and video games and recruit the new members, with the children in Uganda being at great risks of falling victim to these activities.

The Act also does not address the position adopted by terrorist groups, which have used advancements in technology to sophisticate their propaganda materials, enabling them to manage their brands both globally and locally, with children being possible targets of these recruitment programs. Terrorists have continued to make vast amounts of material available to the public, including children, through high-end encryption software, which the government and its authorities have failed to track and decrypt.

To effectively control and prevent radicalization on social media, the government must establish a policy and legal framework with the primary aim of blocking content and access to social media platforms, filtering, and removing terrorist content from platforms.

### **3.3.5 The National Information Technology Authority Uganda Act, 2009**

The Act establishes the National Information Technology Authority Uganda (NITA-U), a government agency under the direct supervision of the Minister responsible for information and technology. Section 4 of the Act outlines the objectives of the Act, which include, *inter alia*, promoting standardization in planning, acquisition, implementation, delivery, support and maintenance of technology equipment services to ensure uniformity in quality, adequacy and reliability of Information Technology usage throughout Uganda and these objectives are highly commendable.<sup>119</sup>

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<sup>119</sup> STATISTICS, UGANDA BUREAU OF. "UGANDA BUREAU OF STATISTICS SECTOR STRATEGIC PLAN FOR STATISTICS." (2008).

Section 5 of the Act delineates the functions of the Authority, which has a core function to set, monitor and regulate standards for Information Technology planning, acquisition, implementation, delivery, support, organization, sustenance,<sup>120</sup> disposal, risk management, data protection, security and contingency planning. However, despite this mandate, the Authority has failed to install any new technologies statistically and technically to prevent children from potential increases in online harm in Uganda.

### **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 policy document is a culmination of various processes geared towards the harmonization of standards and approaches to the implementation of child rights in the East African Community, pursuant to Article 120(c) of the EAC Treaty, under which the partner states undertook to cooperate in the field of social welfare, particularly with respect to the development and adoption of a common approach towards disadvantaged and marginalized groups, including children.<sup>121</sup>

It was passed in 2016 and enjoins party states to ensure proper legislation and protection of the rights of children. It aims to provide a functional regional framework to facilitate the development, coordination, and strengthening of national efforts geared towards the realization of children's well-being.<sup>122</sup>

The priority areas under this policy that relate to the protection of children's rights in the digital age include the provision of a regional approach to ratification, domestication, and implementation of international instruments, the harmonization of national laws and policies with the African Charter and the UNCRC and other key international child rights instruments, and the strengthening of national child protection mechanisms. It provides an integrated approach to providing quality education, health, and social protection to children, as well as regional mechanisms for monitoring, evaluation, and reporting of children's rights.<sup>123</sup> In response to this, in May 2016, Uganda amended the Children Act Cap. 59 to increase the protections available to children, which apply in both the

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<sup>120</sup> Nengomasha, Cathrine T. "A study of electronic record management in the Namibian Public Service in the context of e-government." PhD diss., 2009.

<sup>121</sup> The East African Community (EAC) Child Policy 2016 (EAC Child Policy), p.1

<sup>122</sup> EAC Child Policy, p.12.

<sup>123</sup> EAC Policy, pp.14-16.

physical and digital spaces, furthering the protection of children's rights in the digital age. **The Uganda National Child Policy of 2020 (NCP)**

The National Child Policy was established in fulfillment of the Government of Uganda's constitutional mandate on the welfare of children. The National Child Policy (NCP) demonstrates the commitment by the Government of Uganda to ensure, among others, the protection of children from all forms of violence, abuse, neglect, and exploitation.<sup>124</sup>

The policy provides various strategies for child survival and health,<sup>125</sup> education and development of children,<sup>126</sup> child care and protection,<sup>2</sup> child participation in the promotion and protection of their rights, and other matters that concern them,<sup>127</sup> as well as strengthening the systems for planning, programming, and delivery of quality child rights- friendly and comprehensive services to children to ensure their growth and development to full potential.<sup>128</sup>

Although the NCP was ambitiously intended to achieve these objectives, this goal has fallen short of achievement. This is because children have been exposed to several online harms and risks, including cyber bullying, cyber harassment, and access to pornographic content, which have become total violations of their rights.

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<sup>124</sup> The National Child Policy 2020 (NCP), P. 28.

<sup>125</sup> NCP, PP.31-34.

<sup>126</sup> NCP, PP. 35-37.

<sup>127</sup> NCP, PP.43-46.

<sup>128</sup> NCP, PP. 46-49

## **CHAPTER FOUR MAJOR FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

### **5.0 INTRODUCTION**

The aim of this chapter is to draw conclusions from the study's findings and offer corresponding recommendations for enhancing child protection measures in the digital realm.

### **5.1 MAJOR FINDINGS**

Many children in Uganda are exposed to inappropriate and harmful content online, including violence, pornography, hate speech, and graphic imagery. This exposure can have negative impacts on their mental and emotional well-being.

Cyberbullying is a significant concern among children in Uganda, with many experiencing harassment, intimidation, and humiliation online. Cyberbullying can lead to psychological distress, social isolation, and even suicide among victims.

Children in Uganda are at risk of encountering online predators who groom them for sexual exploitation, trafficking, or other forms of abuse. These predators often use social media platforms, chat rooms, and online gaming platforms to target and manipulate vulnerable children.

Children's privacy is often compromised online through data breaches, identity theft, and unauthorized access to personal information. This can lead to stalking, harassment, and other forms of online exploitation.

Excessive use of digital devices and online platforms can lead to addiction and negative health outcomes among children, including sleep disturbances, poor academic performance, and social withdrawal.

Existing child protection policies in Uganda may not adequately address the unique challenges posed by the digital age, such as cyberbullying, online grooming, and data privacy violations. There is a need for comprehensive legislation that explicitly addresses these issues and provides clear guidelines for enforcement.

Even when relevant laws and policies exist, enforcement mechanisms are often weak or ineffective. This allows perpetrators of online abuse and exploitation to act with impunity, undermining efforts to protect children in the digital space.

Many children in Uganda lack access to support services such as counseling, legal aid, and crisis intervention to address online risks and violations of their rights. There is a need to expand and strengthen support services to ensure that children have access to timely and appropriate assistance.

Both children and caregivers may lack awareness and understanding of the risks associated with digital technologies and how to mitigate them. There is a need for comprehensive education and awareness-raising campaigns to promote online safety and responsible digital citizenship among children, parents, teachers, and other stakeholders.

Stakeholders, including government officials, civil society organizations, educators, parents, and children themselves, express significant concerns about the safety of children online. These concerns include exposure to harmful content, cyberbullying, online grooming, and privacy violations.

Many stakeholders emphasize the need for stronger regulation and enforcement mechanisms to protect children online. This includes enacting and enforcing laws and policies that address online risks, as well as holding perpetrators accountable for their actions.

Stakeholders recognize the importance of education and awareness-raising initiatives to promote online safety and digital literacy among children and caregivers. They emphasize the need for ongoing education and training programs in schools, communities, and online platforms.

There is widespread recognition of the need for multi-stakeholder collaboration to address the complex challenges of child safety online. Stakeholders highlight the importance of partnerships between government, civil society, industry, and other actors to develop and implement effective strategies for child online protection.

## 5.2 CONCLUSION.

The comparative analysis conducted across various jurisdictions underscores the critical importance of comprehensive legal frameworks, robust enforcement mechanisms, and proactive policy interventions in safeguarding children from online digital harm.<sup>129</sup> The examination of legislative measures, enforcement strategies, and technological innovations reveals both similarities and distinctions among different countries' approaches to addressing the complex challenges posed by the digital landscape.<sup>130</sup>

From Norway's innovative initiatives to Nigeria's comprehensive legal provisions, and from Rwanda's proactive policy measures to Switzerland's stringent enforcement mechanisms, it is evident that protecting children in the digital age requires a multifaceted approach that encompasses legal, technological, and societal dimensions. Moreover, the ratification of international conventions such as the UNCRC, and active participation in regional initiatives, further highlight the global commitment to prioritizing children's rights online.<sup>131</sup>

However, despite notable progress, gaps and challenges persist, ranging from the need for enhanced stakeholder collaboration and capacity building to the imperative of balancing children's rights with parental supervision and societal responsibilities. Moving forward, concerted efforts are required to bridge these gaps, foster greater awareness and digital literacy, and promote a culture of online safety and responsibility among children, parents, educators, policymakers, and technology providers.

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

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<sup>129</sup> Cullen, Olivia, Keri Zug Ernst, Natalie Dawes, Warren Binford, and Gina Dimitropoulos. "Our laws have not caught up with the technology": Understanding challenges and facilitators in investigating and prosecuting child sexual abuse materials in the United States." *Laws* 9, no. 4 (2020): 28.

<sup>130</sup> Hagemann, Ryan, Jennifer Huddleston Skees, and Adam Thierer. "Soft law for hard problems: The governance of emerging technologies in an uncertain future." *Colo. Tech. LJ* 17 (2018): 37.

<sup>131</sup> Livingstone, Sonia, Jasmina Byrne, and Monica Bulger. "Researching children's rights globally in the digital age." (2015).

societal obligation that demands collective action and unwavering commitment from all stakeholders.

### **5.3 RECOMMENDATIONS.**

#### **Stakeholder Engagement**

We uphold the importance of Foster collaboration among Government agencies such as the Uganda Communications Commission (UCC), Ministry of Gender, Labour, and Social Development, civil society organizations, including child rights advocacy groups, educators, parents, and children to understand challenges and gaps in online child safety. This collaboration brings together diverse perspectives, expertise, and experiences, leading to a more thorough analysis of the issues at hand. By gaining a comprehensive understanding, stakeholders can develop more effective and targeted strategies to address online child safety, ensuring that interventions are evidence-based, relevant, and impactful.<sup>132</sup>

#### **Strengthening of the National Children Authority**

We advance the idea of the establishment of a dedicated authority, with representation from Government agencies such as the Ministry of Gender, Labour, and Social Development, the Uganda Communications Commission (UCC), and civil society organizations, tasked with enforcing regulations to ensure online platforms comply with child protection standards.

#### **Technological Landscape Assessment:**

We propose the implementation of continuous assessment by government agencies such as the Uganda Communications Commission (UCC) and relevant research institutions to evaluate the evolving technological landscape and identify potential risks posed by new technologies and online trends.

#### **Capacity Building Needs**

We suggest exploring options for collaboration with government agencies such as the Ministry of Education and Sports, Ministry of Internal Affairs, and internet service providers to identify

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<sup>132</sup> Green, Amy E., Elise Trott, Cathleen E. Willging, Natalie K. Finn, Mark G. Ehrhart, and Gregory A. Aarons. "The role of collaborations in sustaining an evidence-based intervention to reduce child neglect." *Child Abuse & Neglect* 53 (2016): 4-16.

capacity building needs among relevant stakeholders, including law enforcement agencies, educators, and internet service providers.

### **Community Engagement Strategies**

We champion for the need of collaboration with local government authorities, for example community leaders, and civil society organizations to develop community-based engagement strategies to raise awareness and promote responsible digital citizenship among children, parents, educators, and community leaders.

### **Policy and Program Recommendations:**

We encourage the development of evidence-based policy recommendations and programmatic interventions by government agencies such as the Ministry of Gender, Labour, and Social Development and relevant stakeholders to enhance child protection in the digital sphere. Program recommendations can advocate for the establishment of regulatory standards and guidelines for online platforms, service providers, and content creators. These standards may include requirements for age verification, moderation of user-generated content, encryption of personal data, and reporting mechanisms for harmful content. By setting clear expectations and accountability mechanisms, regulators can promote safer online environments for children.

### **Provision of Support and Resources**

We propose for the provision of appropriate support and resources by government agencies such as the Ministry of Gender, Labour and Social Development and relevant stakeholders to enable all children to navigate the digital environment safely. Providing children with access to technology tools and safety features, such as parental control software, content filtering tools, and privacy settings, enhances their ability to protect themselves online. These tools enable children to manage their online activities, control their exposure to inappropriate content, and safeguard their personal information, reducing their vulnerability to online harm.

### **Empowerment of Educators**

We urge for the empowerment of educators through training programs and curriculum development initiatives led by government agencies such as the Ministry of Education and Sports

to support digital literacy and responsible online behavior among young people. By incorporating these topics into the curriculum, educators can help children develop the skills to navigate the online world safely and critically evaluate online content and interactions.

### **Enhancement of Children’s Participation Rights**

We support the integration of initiatives led by government agencies such as the Ministry of Gender, Labour, and Social Development to foster opportunities for children to participate in online spaces safely and meaningfully. By encouraging children to express their opinions, preferences, and concerns about online safety, we empower them to take ownership of their digital experiences and make informed decisions to protect themselves from harm.

### **Balancing Rights with Responsibilities**

We recommend considering the allocation of resources by government agencies such as the Ministry of Gender, Labour, and Social Development to ensure a balance between children’s rights and responsibilities online. By allocating resources strategically, we can strengthen prevention efforts, provide timely support to children in need, and hold perpetrators of online harm accountable.

By implementing these recommendations, Uganda can make significant strides in protecting children from online harm, fostering a safer and more inclusive digital environment for all children in the country and by further specifying responsible stakeholders in each recommendation, we are providing clear guidance on who should take action to address online child safety challenges in Uganda.

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