

# **Intersection Between Women's Rights and Internet Governance in Uganda**

**Policy Brief, 2016**

**By Godfrey Kayoby<sup>1</sup>, Peter Fuuna<sup>2</sup>, Moses Owiny<sup>3</sup>, Zavuga Amuriat<sup>3</sup>**

<sup>1</sup>Consultant working with Nkoola Institutional Development Associates and trainer on the Gender Responsive Researchers Equipped for Agricultural Transformation

<sup>2</sup>Lecturer in Department of Gender and Women Studies Makerere University

<sup>3</sup>WOUGNET staff

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# 1.0 INTRODUCTION

## 1.1 Genesis of the issues paper

The UNWomen Fund for Gender Equality Project implemented by WOUGNET and WomensNet in South Africa entitled “**Increasing women’s decision making and influence in Internet Governance and ICT policy for the realization of women’s rights in Africa**” was conceived with the aim of i) increasing the capacity of women in the two countries to discuss, analyse, respond to and influence policy on gender and internet governance more effectively; and ii) increase the knowledge-base on how internet governance and ICT laws and policies can incorporate a women’s rights perspective in order to substantially and materially improve the lives of women specifically in Uganda and South Africa, and in the region more broadly. **The project is implemented by Women of Uganda Network (WOUGNET) in Uganda, and the WomensNet in South Africa.**

The internet is recognized as a potentially transformative space. However, lack of integration of women’s rights and sexual rights perspectives in internet governance conversations and processes was identified as a key factor limiting the internet to fulfill its potential as transformative space for all. Policy processes should not only ensure equal participation of women and girls from different stakeholder groups, but also ensure that this has impact in the substance of the discussions and

can be seen in the outcomes. Avri Doria 2015,<sup>1</sup> notes that one has to search far and wide to find substantive outcomes that relate to gender, women’s rights and the governance of the Internet. Discussion of gender in Internet governance often occurs as a set of stand-alone topics<sup>2</sup> rarely discussed in terms of their intersections and their interrelated nature.

## 1.2 Definition of key concepts.

**It’s vital to define the key concepts in the title of this paper.**

**Women’s rights** are human rights. This is confirmed and detailed in the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women: Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth

<sup>1</sup>Avri Doria 2015: Association for Progressive Communication Issues Paper; Women’s rights, gender and Internet governance October 2015

<sup>2</sup> There are not enough women on the board! Women are subjected to violence online! Women’s lives as presented online are minimised, stigmatised and fetishised!

therein, without distinction of any kind, including distinction based on sex.

**Gender** refers to the socially constructed identities, attributes, roles and responsibilities of men and women. The concept of gender also includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). These roles and expectations vary across time, economies and societies. Like race, ethnicity, and class, gender is a social category that often establishes one's life chances, influencing one's participation in society and in the economy. Gender ideologies, norms and rules have material consequences and determine women and men's relative access to, utilization, and control/ claims over different processes, structures, resources, opportunities for education, decision making, politics, leadership and management; all of which influence household economic and social wellbeing; sustainable livelihood and economic development<sup>3</sup>(World Bank, 2001).

**Internet Governance.** The Internet is a unique global resource and one of the largest cooperative efforts ever undertaken by humankind. Driven from the onset by a shared aspiration toward global connectivity, this intricate network of networks currently connects nearly three billion users and facilitates much of the world's communications and commerce. For many people the Internet has become a fundamental part of everyday life.

As the Internet continues to expand, the majority of the next billion users will come from developing and less-developed countries. Internet governance (IG) must evolve to meet the changing needs of

<sup>3</sup>The World Bank, FAO and IFAD, 2009, *Gender and Agriculture: A Source Book, Washington DC*

Internet users, ensuring that Internet openness, inclusivity, and accessibility are promoted and delivered in emerging regions.

The definition of Internet governance has been contested by differing groups across political and ideological lines. One of the main debates concerns the authority and participation of certain actors, such as national governments, corporate entities and civil society, to play a role in the Internet's governance. Defining it was important to governments during the World Summit on the Information Society (WSIS), and a United Nations Working Group on Internet Governance (WGIG) established after the summit produced a working definition that was included its June 2005 final report of the WSIS, the Tunis Agenda for the Information Society. Over the years this definition has become standard in the field. *Internet governance is defined as the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.*<sup>4</sup>

Internet governance should not be confused with E-Governance, which refers to governments' use of technology to carry out their governing duties. Shortcomings in promoting a gender specific perspective on governing the Internet are seen as an opportunity for reinventing women's inclusion at the global level. This view stems from the realization that, in a multistakeholder arrangement, only stakeholders that ground their participation in the equal-status right can count on the benefits of the collaborative process. In other words, to 'share power' with other participants

<sup>4</sup> Tunis Agenda for the Information Society (WSIS-05/TUNIS/DOC/6(Rev.1)- E, 18 November 2005, para. 34.

requires certain efforts in identity building, coalition building, and strategy building. To be recognized as a legitimate stakeholder group, women's organizations must insist on their right to be proportionally represented at the leadership level, to participate in agenda setting and consensus building, to propose policy recommendations supported by the consensus of broad constituencies, and to require accountability from the executive governance bodies (national governments and international organizations) for the implementation of those decisions.

### **1.3 Gender dimension of ICTs**

Technologies are socially constructed and thus have different impacts on women and men. Women's capacity to exploit the potential of the new ICT as tools for empowerment is constrained in different ways. Some constraints are linked to factors that affect both women and men, including technical infrastructure, connection costs, computer literacy and language skills. These overall constraints are, however, exacerbated in many cases by gender based determinants which particularly disadvantage women.

Most poor women in developing countries are further removed from the information age than the men whose poverty they share. Women need ICT for the same reasons as men; to access information of importance to their productive, reproductive and community roles and to obtain additional resources. Access to ICT can enable women and men to gain a stronger voice in their communities, their Government and at the global level. ICT also offers women flexibility in time and space and can be of particular value to women who face social isolation, including many women

in developing countries.

More and more women across the developing world are gaining access to the Internet and mobile phones, and there are high hopes that this could accelerate progress against gender inequality – progress that has otherwise been frustratingly slow. However recent work by Web Foundation 2015, revealed that although women are almost as likely as men to own a mobile phone of their own, they are a third less likely than men of similar age, education level and economic status to use their phones to access the Internet. The most important socio-economic drivers of the gender gap in ICT access are education and age. Controlling for income, women who have some secondary education or have completed secondary school are six times more likely to be online than women with primary school or less.

### **1.4 Technology-related Violence Against Women On-Line**

ICT use can be considered a gendered issue, as technology-related violence against women (tech-related VAW) has become prevalent. Such forms of female-targeted violence “include cyber stalking, sexual harassment, surveillance, and unauthorized use and manipulation of personal information, including image and video format.” Technology related violence acts as a significant barrier to women's meaningful engagement with the internet. Cyber stalking, online sexual harassment, blackmail through the use of private and often sexualized information, photographs and videos, and the forwarding of content that depicts, promotes and normalizes violence against women are becoming increasingly documented and faced by women and girls who

use the internet in Uganda (WOUGNET “Take Back Tech! campaign; CIPESA 2015; Mandada et al 2009<sup>5</sup>). According to World Web Foundation 2016; 45% of female internet users in Kampala reported having experienced on-line threats.

Intimidation, threats of violence, and technical attacks against vulnerable groups and marginalized communities, particularly the LGBTI community, were frequently reported and remained a growing concern in Uganda in 2014-2015<sup>6</sup>. LGBTI activists, in particular, have reported increasing harassment, both offline and online, in recent years, with hate messages often pervading targets’ Facebook walls. In July 2014, Magembe Norma, an individual who created a petition on Change.org for the prosecution of Uganda’s top three leaders behind the anti-homosexuality movement in the country, reported that his life was in danger as a result of his online petition and activism. Also, increased cases of revenge pornography against female celebrities were reported in 2014-2015<sup>7</sup>

Sexualized violence against women in Uganda, with their nude pictures circulated on social media platforms without their consent, is another issue that the Ugandan government must address to prevent violence against women online. In 2015, there were several cases of the non-consensual transmission of intimate videos and photos. However, instead of the authorities punishing the perpetrators, it was the victims who were harassed and the government even threatened the shutdown

<sup>5</sup>Aramanzan Madanda, Berna Ngolobe and Goretti Zavuga Amuriat 2009; Uganda: Violence against Women and Information and Communication Technologies

<sup>6</sup><https://freedomhouse.org/report/freedom-net/2015/Uganda>; and Second Muse; CIPESA and i Freedom Network of Uganda May 2016: Understanding Internet Freedom: Uganda’s LGBT Human Rights Defenders

<sup>7</sup> <https://freedomhouse.org/report/freedom-net/2015/Uganda>

of social media platforms involved. Gender experts note that many cases go unreported due to a culture of silence and limited legal recourse or resources to seek justice.

## 1.5 Participation of Women in Internet Governance

Increasingly women are represented in fora that discuss internet governance issues. The representative for the Uganda Ministry of ICT to the International Committee Assign Names and Numbers is a woman; both the President and Secretary General of Internet Society Uganda chapter are women. Women are active in the annual events of the Uganda Internet Governance Forum. The UIGF events which are organized by the Internet Society Uganda chapter in partnership with CIPESA bring together representatives from government- UCC, NITA-U, Ministry of ICT, I-Network, LUG, Members of Parliament, Uganda Police-, civil society, academia, private sector, entities and individuals interested in Internet Governance (IG) issues.

Since inauguration of UIGF in 2006, 10 forums have been held to discuss and address Internet Policy issues in Uganda and East Africa with each addressing different thematic areas. Key areas addressed over the years include: - Status of implementation of the Universal Service Fund; Internet cost/bundling; extent of Uganda’s compliance with regional legislative and regulatory frameworks; Cyber security/ safety especially among vulnerable users including VAW online; Data protection and privacy in the new era of internet; review of the Data protection and privacy bill, Child Online Protection; Status on the operations of the Uganda Internet Exchange

Point, Internet censorship and surveillance; Net neutrality implications for Uganda internet users; Internet and business innovation; Internet and big data; Internet and e-government; among others.

At the national level the ICT Association of Uganda brings together different stakeholders to discuss issues pertaining to the sector. Women organizations also participate in consultative meetings organized by NITA Uganda to engage stakeholders on policy; though agenda setting and taking on board stakeholder views remains firmly at the discretion of the NITA U.

At the regional level, the Forum on Internet Freedom in East Africa has organized panel discussion on women's rights on line. The East African Governance Forum brings together Kenya, Uganda, Burundi and Rwanda. Ugandan women also participate in the African Internet Governance Forum that is committed to advancing an understanding and upholding of internet freedoms and how they impact media freedom, free expression, and privacy for a range of civic actors such as journalists, human rights defenders, sexual minorities, women, political actors, and bloggers. Three African Internet Governance Forum events have been organized to date and Uganda has participated in all of them. The 2015 forum brought together 200 human rights defenders, journalists, government officials, bloggers, developers, and representatives from academia, the arts community, law enforcement agencies, and communication regulators from 18 countries while the inaugural 2014 forum, hosted 85 participants from six countries.

The above notwithstanding, there is still little representation of women in ICT policy and decision-making bodies. Only by integrating

representatives of women who understand gender-sensitive ICT issues into the policy-making process will it be possible to address crucial development opportunities and infrastructural gaps. Broadening the conception of who has a stake in ICT policy will inevitably produce a more robust and prosperous future for Uganda (World Web Foundation 2016; WOUGNET Policy Brief 2016; CIPESA 2016).

## 1.6 Recommendations

Women in general and especially women with a gender oriented agenda need to get involved with the Internet governance institution of their choice and need to look toward leadership. Given cultural barriers and the difficulty most new participants, especially women, have with asserting themselves. The best method for bringing people into the organization is to use trailblazers or mentorship systems that can help guide and assist with the organizational web and the young women on board. In terms of getting gender issues into the agendas, there are two problems that need to be overcome, (1) the fact that the other stakeholders, including many from civil society, do not recognize the problems as existing and (2) that finding the appropriate venue can be challenging. Currently, women's issues get mentioned once or twice in every major meeting but they are neither explored nor discussed in any detail. The solution to this problem involves educating the other stakeholders of the critical nature of gender issues. This cannot be done solely through well-spoken representatives. Rather gender experts need to be persistent in submitting comments on varied and sundry topics under discussion, presenting gender analysis of the situation, whether it is public and privacy or

cyber security and women's rights.

## 1.7 Network disruptions in Uganda

When considering the internet and human rights context in Uganda, it is critical to mention that during the 2016 general elections, the government blocked access to social media platforms – Facebook, WhatsApp, Twitter and mobile money services. The blockade was confirmed by one of the service providers, MTN Uganda, which stated that it had been instructed by the regulatory authority to block access to the platforms due to “security concerns”.<sup>40</sup> Further confirming the blockade, President Museveni said that it was a temporary measure to stop people from using the platforms for “telling lies”.<sup>41</sup> The Uganda Communications Commission (UCC) officials stated that the decision to block access to the platforms was in line with Section 5(1) (b) and (x) of the Uganda Communications Act, 2013.<sup>42</sup> It should be recalled that in 2013, the national regulator issued a directive to internet service providers (ISPs) instructing them to temporarily block access to Facebook and Twitter in response to the “walk to work” protests over rising food and fuel prices.<sup>43</sup>

These actions by the government to block access to the internet are a violation of human rights such as access to information, freedom of expression and the right to participate in public life, including by voting. A 2015 joint statement by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the

African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, condemns “kill switches” (i.e. shutting down entire parts of communications systems) and the physical takeover of broadcasting stations, and asserts that they are measures which can never be justified under human rights law.<sup>44</sup> In situations such as election processes where citizens get the opportunity to exercise their democratic right to freely elect leaders, they need access to platforms that can enhance this right. Today the internet provides such a platform, and when access to it is blocked, citizens may not be able to access the information that they need to inform their decision to exercise their right to vote. The declaration condemns “systematic or targeted attacks on freedom of expression aimed at silencing certain perspectives or voices, whether internationally, nationally or locally, and State responses to such attacks.”

## 1.8 What the Government of Uganda should do:

- Facilitate women's acquisition of skills and abilities, including with regard to ICTs, that meet their specific development needs. In this regard, the Government of Uganda should work towards eliminating gender disparities with targeted measures, such as creating scholarships for girls, setting up special times in internet access centers to allow women to become familiar with the internet, increasing the number of female teachers, promoting continuing training opportunities for women, and taking steps to encourage their entry into the

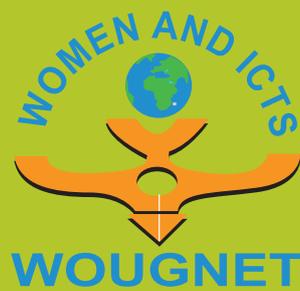
fields of scientific research, technology and engineering.

- Implement the National Action Plan on Women and gender-sensitive poverty reduction and development programmes.
- Call for the immediate enactment of the Privacy and Data Protection Bill 2014, as the Bill seeks to protect the enjoyment of the right to privacy, including online privacy, and to curb targeted surveillance.
- Revise existing legislation, such as the Regulations on the Interception of Communications Act, so that they are consistent with Uganda's domestic and international human rights commitments, in particular the right to privacy. The term "national security", should not be used to trigger violation of internet rights.
- Promote measures to advance women's

and girl's participation in the knowledge society, including by promoting public education and awareness against negative cultural norms that hinder their participation; and encouraging all students, girls as well as boys, to take on science and technology- related subjects so as to compete in ICT related fields.

- Take measures to reduce the cost of data bundles by Internet Service Providers, so that women and girls are encouraged to participate online.
- Investigate how technology-related violence against women is affecting women's participation online and develop holistic approaches to address this issue, which may include reviewing existing legislation, training of law enforcement/ police to be able to deal with cases of tech-related VAW, and enhancing digital literacy training in schools





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Published by Women of Uganda Network, Plot 360, Ggaba Road, Kiuliriza Zone, Kansanga

Tel: +256414532035, Fax: +256 414 530474, Email: [info@woungnet.org](mailto:info@woungnet.org). Website: [www.woungnet.org](http://www.woungnet.org)