

STRENGTHENING THE RECOGNITION, PROTECTION, AND PROMOTION OF DIGITAL HUMAN RIGHTS IN THE DIGITAL ERA IN UGANDA



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Ruth was part of the Rule of Law Champions initiative organized by Center for Public interest law (CEPIL) in 2019 and was a program mentor in 2021. She is also a member of the Network of Public Interest Lawyers (NETPIL). Ruth is committed to promoting civic awareness and participation through the work she does.

Executive Summary

The digital age has opened powerful spaces for economic growth, education, innovation, access to information, and social interaction. In Uganda, however, digital platforms are increasingly associated with human rights violations, including cyber harassment, surveillance, fraud, offensive communication, and online gender-based violence.

Over the past three decades, Uganda has made notable progress in digital transformation through policies such as the National ICT Policy, establishment of the National Information Technology Authority, and laws including the Computer Misuse Act, 2011 and the Data Protection and Privacy Act, 2019. Internet use expanded rapidly during the COVID-19 pandemic, but gaps in legal and policy frameworks continue to undermine the recognition, protection, and promotion of digital human rights. This brief provides policy direction and practical actions to reform laws, raise awareness of existing protections, and increase investment in the digital sector.

discourse into the digital sphere (United Nations Human Rights Council, 2021). The COVID-19 pandemic further accelerated digital adoption, with restrictions such as lockdowns and remote work making online platforms central to daily life (WHO, 2020). In Uganda, internet penetration grew rapidly during the pandemic, rising from 37.9% in January 2020 to 48.3% by January 2022 (UCC, 2022). Mobile money transactions increased by more than 20% in value in 2020 (GSMA, 2021), while e-commerce and online services such as Jumia and SafeBoda expanded their reach (World Bank, 2021). Despite these gains, the recognition and enforcement of digital human rights remain weak. Unlike physical rights enshrined in treaties, the Constitution, and national laws, digital rights are often selectively enforced. Rising abuses particularly OGBV, cyber fraud, and surveillance have not been matched with strong legal remedies or enforcement mechanisms. Women and girls are disproportionately affected. They face barriers to accessing digital opportunities and protecting themselves online due to economic inequality, cultural norms, and lower levels of digital literacy (UN Women, 2022).

Introduction

Globally, digital transformation has reshaped how people access services, trade, and exercise their rights. This has expanded the human rights

Policy Options

- Uganda is party to international and regional human rights instruments such as the International Covenant on Civil and Political Rights, the Maputo Protocol among others. Domestically, Article 20 and Chapter Four of

the 1995 Constitution guarantee fundamental rights including freedom of expression, association, property, education, privacy, and liberty. While digital rights are not explicitly defined in law, many of these constitutional rights extend to the digital space.

- Since the introduction of the internet in 1993, Uganda has progressively developed ICT policies and institutions. The milestones include the National ICT Policy (2003), the Rural Communications Development Policy, the establishment of NITA-U (2009), the Electronic Transactions Act (2011), the Computer Misuse Act (2011), and the Data Protection and Privacy Act (2019), which created the Personal Data Protection Office. These frameworks collectively regulate online interactions and digital commerce.
- Despite this progress, major shortcomings persist in the protection of digital human rights in Uganda. One of the most pressing concerns is the overbroad criminalization of online expression. Provisions in the Computer Misuse Act and related laws have been used to suppress dissent and restrict freedom of expression, with Section 25 controversially applied in the prosecution of Dr. Stella Nyanzi. While intended to curb harmful speech, its selective enforcement has overshadowed other human rights concerns such as cyber fraud, hate speech, and bullying.
- Weak safeguards against surveillance also remain a challenge, as ICT and e-government instruments have prioritized service delivery and security but lack enforceable checks on state surveillance. Although the Data Protection and Privacy Act (2019) introduced important data protection obligations, oversight is still weak and vulnerable to executive overreach.
- Equally important is the issue of inadequate funding. Budget allocations to the digital sector continue to prioritize infrastructure, leaving limited resources for protecting digital human rights. In this gap, civil society organizations such as CIPESA, Defenders Protection Initiative, and Unwanted Witnesses have taken on much of the responsibility for advancing digital rights advocacy, though their efforts cannot substitute for comprehensive state-led investment and enforcement.

Policy Recommendations

- Reform and enforce digital rights legislation. The judiciary, Parliament, Uganda Law Reform Commission, and Ministry of ICT should review and amend ambiguous provisions of laws such as the Computer Misuse Act. Reforms should balance enforcement with rights protection and establish transparent procedures for state access to communications, backed by independent oversight.
- Bridge the awareness gap. Institutions like the Uganda Human Rights Commission, UCC, NITA-U, and ISPs should conduct nationwide campaigns to increase awareness of digital rights. Legal information should be simplified and disseminated through social media, community forums, and public service announcements. Empowering citizens with knowledge will promote safe and responsible digital engagement.
- Increase budgetary support. The Ministry of ICT should advocate for greater allocations from the Ministry of Finance. Although Ushs 245.9 billion was allocated for digital transformation in FY 2025/26, much of it targeted infrastructure rather than rights protection. Increased investment is needed to support oversight bodies, awareness campaigns, and capacity building.

Conclusion

Uganda has made important strides in developing ICT laws and institutions, but the recognition and enforcement of digital human rights remain inadequate. Legal reforms, stronger safeguards against surveillance, citizen awareness campaigns, and increased budgetary allocations are essential to bridge this gap. Through adopting these measures, Uganda can foster a secure and inclusive digital environment that protects rights, enhances trust, and empowers citizens to fully participate in the digital economy.

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