

Disrupting Harm

Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.

Detailed Analysis of Interviews with Government Duty Bearers
Uganda

Last updated 22/03/21

Introduction 3

Public awareness of the threat of OCSEA..... 5

Government Ministries/Agencies..... 10

 Capacity.....11

 Budget..... 15

 Good practices..... 17

Policies and Laws..... 18

 Assessment..... 18

 Challenges and limitations..... 21

 Future Developments..... 22

Law Enforcement..... 23

 Challenges and limitations..... 29

Successes..... 32

Challenges..... 32

This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

Introduction

Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA), is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found here.

This report is the preliminary analysis conducted by ECPAT International of interviews conducted with an identified sample of government duty bearers whose mandates include addressing online child sexual exploitation and abuse at a national level. The aim of interviews was to identify emerging issues and trends, recent progress and upcoming plans and priorities in Uganda’s current legislative and policy environment. In Uganda, 9 interviews with a total of 9 participants were conducted from April 2020 to September 2020.

ID Number	Ministry/Government Agency	Position
RA1-UG-01-A	UNICEF Uganda country office	Child Protection Specialist – Child Justice
RA1-UG-02-A	Office of the Director of Public Prosecutions	Assistant Director of Public Prosecutions
RA1-UG-03-A	Child Helpline Uganda, Ministry of Gender, Labour and Social Development	Counsellor OCSEA
RA1-UG-04-A	National Children’s Authority	Programme officer
RA1-UG-05-A	Ministry of Gender, Labour and Social Development	National Coordinator for the Uganda Child Helpline Sauti 116
RA1-UG-06-A	Ministry of Education and Sports	

RA1-UG-07-A	Office of the Director of Public Prosecutions	Assistant Director of Public Prosecutions
-------------	---	---

RA1-UG-08-A	Governance and Risk, Information Technology Authority	National Manager
-------------	---	------------------

RA1-UG-09-A	Uganda Law Reform Commission	Senior Legal Officer
-------------	------------------------------	----------------------

In Uganda, the interviews were conducted utilising a semi-structured interview schedule that allowed for exploration of emerging issues. Due to the COVID-19 pandemic, interviews were conducted both in-person and virtually. More information on the methodology and data analysis for this research activity can be found [here](#).

Public awareness of the threat of OCSEA

All nine interview respondents were in agreement that public awareness and understanding of OCSEA is low.

“It’s a very scanty level of knowledge. Very few people have an appreciation and understanding [of OCSEA]. This is something that is yet to be appreciated in our context” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission). *“There is very little information about the subject matter [OCSEA] within the public so we have had to do a lot of work which is still in progress in terms of changing the people’s mindset”* (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development). *“A big portion of the population is not aware of OCSEA. (...) They know mainstream child abuse like neglect but when it comes to OCSEA, the public has not yet appreciated the dangers of the crime”* (RA1-UG-04-A, Programme Officer-Capacity Building, National Children’s Authority).

Though the level of public awareness is generally low across the country, one respondent noted that some geographical areas, in particular urban centres, have received more information on OCSEA compared to other areas.

“Some areas are more saturated with information on OCSEA, especially urban centres” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Though respondents were aware of ongoing awareness raising initiatives on OCSEA, by either the government agencies or civil society organisations, they noted that these initiatives have certain limitations. For civil society organisations, one respondent noted that not very many organisations are focusing on OCSEA as yet, as it has not been well understood.

“It is very few organisations focusing on OCSEA. Like I said, people have not yet understood it” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Another respondent indicated that for the few civil society organisations involved in awareness raising on OCSEA, the majority do not communicate the message on OCSEA comprehensively. According to this respondent, the messages cover child online safety without providing details on OCSEA.

“The majority of civil society organisation programs do not bring out the issue of OCSEA properly. I think they stop at the Internet safety bit” (RA1-UG-03-A, Counsellor OCSEA, Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Due to this, a respondent from Uganda Child Helpline (RA1-UG-03-A) indicated that they have provided training to various national and international civil society organisations on OCSEA, including Plan International, Save the Children, and World Vision, so that these organisations can then train others. A

respondent from the Ministry of Gender, Labour and Social Development (RA1-UG-05-A) confirmed that some of these international organisations, such as World Vision and Save the Children, have shown interest in designing programmes on OCSEA. However, the respondent wasn't sure if they had developed and started implementing these programs. They did note that these agencies have been active in championing OCSEA in meetings.

“Save the Children and also World Vision they were asking [the Ministry of Gender, Labour and Social Development] about the subject matter [OCSEA]. I have seen them trying to design programs around that subject matter. I don't know how far they have gone in terms of implementation but at least I have seen them advocating for it” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

This is an indication, therefore, that awareness raising programs on OCSEA by civil society organisations are growing and are likely to improve due to the training undertaken by the Uganda Child Helpline and the growing interest in OCSEA by international civil society organisations.

Respondents also indicated that there are government awareness-raising interventions on OCSEA undertaken by the following agencies: National Information Technology Authority (NITA) Uganda, Uganda Communications Commission, Ministry of Internal Affairs, and Ministry of Gender, Labour and Social Development through the Uganda Child Helpline. One respondent (RA1-UG-01-A) pointed out that the National Information Technology Authority (NITA) and the Uganda Communications Commission and Ministry of Internal Affairs, write articles in newspapers on this issue and also produce posters that are displayed in public places, such as the courts and police stations. Another respondent (RA1-UG-08-A) indicated that Child Helpline is supported by UNICEF to undertake awareness raising activities.

“National Information Technology Authority, Uganda Communications Commission and the Ministry of Internal Affairs have done publications targeting the public on OCSEA in newspapers. They also sometimes put posters in courts and at the police stations” (Child Protection Specialist – Child Justice, UNICEF Uganda country office. RA1-UG-01-A, Uganda).

“Sauti, the child helpline, also do a lot of awareness. They were funded by UNICEF. And Uganda Communications Commission UCC does child online safety awareness also” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

According to a representative from the Ministry of Gender, Labour and Social Development, in 2018 and 2019, the ministry did television and radio programs specifically on OCSEA.

“We did have some awareness programs on radio and television just last year (2019) and even last year but one (2018) where it was just on online abuse. We had our commissioner attend the programs together with partners who are dealing with the subject [OCSEA]” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Due to the COVID-19 pandemic, the ministry has created media clips to raise awareness on OCSEA besides the programmes on radio and TV. *“Due to this COVID-19, we’ve been doing a lot of media engagements where we share with the general public about this kind of abuse, how it happens and how we protect the children. We did some clips and videos for the public to build that understanding”* (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development). According to one respondent (RA1-UG-03-A), the videos clips, developed by the Ministry of Gender, Labour and Social Development, were posted on various social media channels and their effectiveness was monitored. It was established that they were able to reach over 6000 people, had over 350 post clicks¹ and over 240 reactions to the posts. The respondent indicated that the video clips were more effective than the posts that had only images and text.

The respondent from National Information Technology Authority-Uganda also stated that they are working on a portal that will provide one single place where content on child online protection can be found. This they are doing in collaboration with other agencies.

“Currently, we are working on a portal (www.cop.ug) to provide one single place where anyone can find content on online protection for children, for schools and parents. It’s a work in progress. We’ve started and we are going to diversify further. We are doing this in collaboration with different partners” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

The limitations of the government initiatives were pointed out by respondents as follows:

One respondent noted that though the government is trying to create awareness, its biggest challenge is funding which then limits the geographical coverage of the initiatives.

“Something is being done but it needs a lot of funding. The government agencies try to reach the communities. What happens deep in the villages, is that they publish materials in the local languages, they try to reach the communities, but I cannot say we are there 100%” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

The respondent from the National Information and Technology Authority (RA1-UG-08-A) confirmed that, due to funding challenges, the awareness raising carried out so far did not cut across all of the different sections of society. They recommended that the government assign resources for a national campaign on OCSEA.

“Awareness has not been done so much across different parts of society. The government needs to assign more resources to make sure that there is an awareness campaign around the country on OCSEA and how to report it” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority).

¹ Post clicks are the instances when people played the video fully.

A respondent from Child Helpline indicated that although initially the perception in the program was that OCSEA is an urban problem, there is now a growing realisation that even children in rural settings are also at risk and there is, therefore, a need to expand awareness raising initiatives to reach all sections of society.

“At first, we [Child Helpline] had thought that this [OCSEA] is an abuse that is rampant in the urban centres, then when we went to villages such as Abong, in Karamajong, the secondary school students told us, “You know we use FB, we use Whatsapp, we use the Internet.” This is how we came to learn that this is a program that must be done across the whole country” (RA1-UG-03-A, Counsellor OCSEA, Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Another challenge pointed out is the limitation in the coverage of radio programmes around the country. Even though some of the government institutions use radio to create awareness of OCSEA amongst the public, one respondent noted that there are parts of the country that do not receive radio frequencies from Uganda. This means that even when awareness raising activities are carried out using national radio, those specific areas do not get the message.

“In terms of radio coverage, we have parts of this country where if you go there, you get the frequencies of another country like, for example, Kenya so that section only gets their information from Kenya” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

From the interviews, it's clear that in most instances, the government agencies are using traditional approaches such as pamphlets and radio to create awareness even though those most at risk are online. Therefore, there is a need to diversify the awareness raising approaches by including more online awareness raising activities, such as the video clips posted on social media platforms by the Ministry of Gender, Labour and Social Development during the Covid19 lock down period in 2020. Since children are already active online, including in rural areas where adults might not be as active, there is a need to develop activities that are tailor-made to reach those populations that are marginalised by the traditional methods currently utilised. This could include developing and posting messages and video clips on the social media platforms most popular with children in Uganda, including those in rural areas. Despite using mostly traditional methods to raise awareness, it's important to note that these traditional methods have still had some impact. This is evident from a 2016 study on child online protection which noted that “reported increases in the number of calls [to the Child Helpline] related to aspects such as pornography indicates that its [Child Helpline] sensitisation programme is having a positive effect in relation to the raising of awareness on online abuse issues.”

In terms of awareness raising within educational settings, one gap that emerged is that child online protection has not yet been integrated into the Ministry of Education's programmes. A respondent from the Ministry of Education noted that OCSEA has not been prioritised in the ministries work although UNICEF has expressed interest to support the ministry in integrating OCSEA in education programmes.

“This issue of OCSEA has not been given importance for us [Ministry of Education]. It’s an emerging challenge that we need to think through. However, UNICEF is already getting on board and I think it’s one of the areas that they want to support to see how best we can be able to address OCSEA in education” (Representative, Ministry of Education and Sports, RA1-UG-06-A, Uganda).

Another respondent confirmed that the Ministry of Education has not included child online protection in existing ICT guidelines currently used in schools.

“The Ministry of Education has not yet integrated child online protection in the ICT guidelines. What they put in is just basic guidelines for usage of the different technologies within the school but the issue of online abuse as a subject, not yet” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

The respondent from the Ministry of Education explained that even though the ministry recently reviewed and launched the curriculum and as a result might not be able to review it again soon, there are other opportunities to include OCSEA.

“We have just reviewed, finalised and launched our curriculum. Having OCSEA into the curriculum might therefore take some time because a curriculum doesn’t take one day, but I have hope that the review of the different resource materials that we have would take care of it. We have analysed our sex education framework and we are supposed to start developing different materials in line with the work. We can be able to talk about these issues in the materials that we develop to be used in our schools. In 2013, we also developed a friendly version of the reporting and tracking and response guidelines for primary and secondary school learners on preventing different forms of violence. This issue of online violence was not considered so as we are thinking about bringing other areas of violence on board during the review, there is an opportunity to talk about online violence” (RA1-UG-06-A, Representative, Ministry of Education and Sports).

The respondents confirmed that funding was a key obstacle that has limited awareness raising initiatives to only a few areas. It is also clear that children from rural areas are also at risk of OCSEA yet they are currently not fully targeted. In order to raise awareness across all geographical locations in Uganda, there is a need for the government to allocate funding to the mandated government agencies in order to undertake a countrywide campaign on OCSEA.

Government Ministries/Agencies

The following are the mandated agencies for addressing OCSEA as pointed out by respondents:

- Ministry of Internal Affairs;
- Uganda Communications Commission (UCC);
- Ministry of Gender, Labour and Social Development under which Child Helpline Uganda falls;
- Ministry of Education and Sports;
- Office of the Directorate of Public Prosecutions;
- Ministry of Ethics and Integrity;
- National Information Technology Authority (NITA);
- Ministry of Foreign Affairs;
- Ministry of Justice.

Respondents were in agreement that the roles of the mandated government agencies in addressing OCSEA are clearly defined. At least two respondents linked the clarity of roles to the participation of the mandated agencies in the working group on prevention of online child sexual abuse and exploitation. *“Right now in Uganda, we have a working group on prevention of online child sexual abuse and exploitation that brings together different partners, ministries, departments and agencies. Each Ministry or department has a specific role in a place that prevents OCSEA”* (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

One respondent (RA1-UG-05-A), indicated that the working group is in the process of ensuring that OCSEA is anchored within the different agencies programmes. He indicated that, in the years previous, the focus was on ensuring that there was a working group, but that now there is an effort to move forward in having the agencies include OCSEA within their programmes. *“Initially, it was about setting up this working group so that we can have a response towards issues of online child sexual abuse and exploitation but now we are trying to go forward in ensuring that it (OCSEA) is anchored within the different agencies”* (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

To do this, the respondent explained that the working group on prevention of OCSEA has developed terms of reference (TORs) which outline what each agency is responsible for. This, he noted, can then help them plan and budget for OCSEA within their programmes. At the time of the interview, (August 2020), the TORs were already drafted and were awaiting approval by the different mandated government agencies (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

In addition, the respondent (RA1-UG-05-A) indicated that the National Plan of Action on Online Child Sexual Abuse and Exploitation is under development and will guide the different stakeholders on the

interventions and their roles. The respondent noted that a draft is ready and, at the time of the interview, the intention was to present it to policymakers in the different agencies for ownership.

In the absence of the TORs, it is also important to note that there is a child online protection safety handbook, which was developed by the working group to serve as the basic reference authority on issues of managing and preventing online child sexual abuse. Within this handbook, the roles of the mandated government agencies on how to address OCSEA are clearly outlined.² Though this handbook can be accessed on the NITA Uganda website and was mentioned by two out of the nine respondents, one respondent (RA1-UG-03-A) confirmed that the handbook had not been widely disseminated. According to this respondent, it was recommended that the handbook be reviewed and reprinted for dissemination. However, the process has not yet been initiated as a substantive working group is yet to convene (as of March 2021) to deliberate on changes.

Capacity

At the level of the working group, one respondent (RA1-UG-05-A) indicated that the group has a work plan and under it, they have been able to undertake joint awareness raising activities in schools and communities and have developed a referral mechanism for cases of OCSEA.

“There is a work plan for the working group on prevention of online child sexual abuse and exploitation that the agencies are running with. They did do joint awareness programs in terms of going out to communities, to schools, to talk about online issues. There was also the creation of a referral system for cases so when the helpline for example receives a case of a child that has been abused online, they know how this case can go down to the police and then from the police to the cyber unit for investigations” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

At an institutional level, apart from the awareness raising efforts by the government agencies, in terms of response to OCSEA cases, all the respondents indicated the central role played by the Uganda Child Helpline under the Ministry Of Gender, Labour and Social Development. One respondent (RA1-UG-03-A) explained that, at the Uganda Child Helpline, there are two dedicated counsellors with a focus on OCSEA. The respondent explained that these counsellors not only support in the identification of cases, but also in rescuing and supporting victims.

“At Child Helpline, there are two dedicated counsellors, for the prevention of this crime. Their role is to identify and register the cases first of all, and also assess the relevant information once it's provided by the reporters. After that, we have the mandate of participating in rescuing the victim then, we take them through the process of counselling, psychosocial support, then also like I said, we do the awareness creation then make case follow-ups and support to victims by visiting them to track their recovery process”

² Government of Uganda, [Child Online Protection Safety Handbook](#). 8-9.

(RA1-UG-03-A, Counsellor OCSEA, Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Another respondent pointed out that the Child Helpline’s impact is limited due to a lack of financial and human resources.

“Child Helpline Uganda has financial issues so they can only reach a few people. There are only two counsellors and then remember, these two people are not exempted from handling other cases of child abuse so they are there, the staffing is small. Imagine two people handling cases from the whole country? It’s challenging” (RA1-UG-04-A, Programme Officer-Capacity Building, National Children’s Authority).

Based on the central role Uganda Child Helpline plays in addressing OCSEA, as confirmed by all nine respondents, it is clear that the two counsellors currently assigned to receive OCSEA reports and facilitate rescue of victims are not sufficient to effectively respond to OCSEA reports in a country with a population of approximately 44 million people, of which 22.8 million are children.³ This is especially true when considering that the number of OCSEA cases to the hotline were confirmed to be increasing due to Child Helplines ongoing awareness raising programme.⁴ This highlights the need for budget allocation from the government to strengthen the Uganda Child Helpline in addressing OCSEA. One respondent indicated that the support for Uganda Child Helpline so far has come from UNICEF as the government has no designated budget for it.

“UNICEF works with the government and is the main funder of the Uganda Child Helpline. They have invested by supporting the salaries of the counsellors who handle online sexual abuse. So that has made it easier for us to work although we have no budget” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

In terms of interventions by other government agencies, two respondents (RA1-UG-01-A, RA1-UG-10-A) noted that response interventions by the mandated government agencies have been minimal. One respondent (RA1-UG-01-A) indicated that some of the mandated ministries, such as the Ministry of Internal Affairs, have fulfilled their roles to a large extent but, generally, the interventions by government agencies are still minimal.

“Some of the mandated government agencies have to some extent fulfilled their roles for example the Ministry of Internal Affairs has been monitoring the crime of sexual exploitation of children both online and offline, they have publicised the crime in the media. The police criminal investigation department came up with posters and education materials informing the public on how to report cases of sexual abuse and exploitation both online and offline. I must however say the interventions by government agencies have been to a minimal extent” (RA1-UG-01-A, Child Protection Specialist – Child Justice, UNICEF Uganda country office).

³ United Nations DESA/Population Division (2019) [World Population Projections](#)

⁴ CJPC (2016) Uganda Child Online Protection Scoping Study page 61

At least two respondents were of the view that a lack of understanding of OCSEA by policymakers has contributed to the slow uptake of OCSEA interventions by government agencies. One respondent indicated that, due to this, government duty bearers are reluctant to take OCSEA on.

“Many people [policymakers] are still unaware. This (OCSEA) is a new subject to them, and most of the duty bearers are a bit averse to take this on” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

A respondent from the Uganda Law Reform Commission (RA1-UG-10-A) noted that, apart from the development of the child online protection safety handbook, they had not observed any other major interventions from the government to address OCSEA. They indicated that building an understanding of OCSEA among the policymakers was important in tackling it.

“In my research [research undertaken by the Uganda Law Reform Commission on grooming of children for sexual purposes], I established that OCSEA is something that a few technocrats appreciate. It is rather new. What I see as an advanced intervention is the development of a booklet- that is the child online protection guidelines. Other than that, I think a lot of institutions are still lagging. They may have the basic knowledge but as long as it is still abstract, and is something that has not been properly understood and discussed, then it remains a challenge. So knowledge must precede” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

In terms of the child protection workforce, the representative from the Ministry of Gender, Labour and Social Development indicated that there are probation and social welfare officers in each district and, although there are meant to be two officers per district, some districts are still recruiting the second officer. Besides this, there is also a high turnover of probation and social welfare officers.

“We have over one hundred and thirty-five districts and each district has two probation officers. Some districts are still recruiting the second ones. Every day we also have a serious turn over with some officers leaving for other things and others getting promotions to other positions” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

The Probation and Social Welfare Act 1974 provides for probation and social welfare officers (PSWOs) as the primary civil servant to handle matters affecting children.⁵ In line with this, probation and social welfare officers have an important role to play in supporting victims of OCSEA. According to a case management handbook, developed by the Ministry of Gender, Labour and Social Welfare, some of the key duties of probation and social welfare officers that relate to child victims of violence (including OCSEA) consist of: jointly assessing serious child protection violations (child sexual abuse/physical abuse/extreme neglect) with other institutions such as police, health facilities, schools and non-governmental organisations (NGOs); preparing and supporting child-survivors, witnesses and their families during legal proceedings and undertaking social inquiries about children who are at risk of harm and preparing the

⁵ Ministry of Gender, Labour and Social Development (2016) [A handbook for case management in child protection. A Resource Guide for Multi-sectoral Case Management Agencies in Uganda](#). 26

relevant social inquiry reports.⁶ Therefore, not having enough probation and social welfare officers means there is a gap in the support provided to victims of OCSEA. According to a recent study in Uganda, it was indicated that “aspects such as social work provision and the police, are currently under-capacitated in terms of the child protection caseload they face.”⁷ Based on this finding, the study noted the possibility of including child protection committees in addressing OCSEA. Further, it found that the committees provide the necessary support where the social welfare officers are overburdened with the caseload. The study also established that the child protection committees need further support, as some are not functioning and are not established in many areas.⁸

In terms of the capacity of frontline workers to tackle OCSEA, one respondent (RA1-UG-04-A) indicated that knowledge about OCSEA has remained mainly at the national level as there is no funding to roll out training to the lower levels.

“We do appreciate that OCSEA is a serious issue and it needs intervention and response. But as of now, this appreciation is still at the national level, but we want to roll it down towards the lower levels. The problem now is finances. If we get the budget then it will be easy” (RA1-UG-04-A, Programme Officer-Capacity Building, National Children’s Authority).

Another respondent indicated that OCSEA is still viewed as a new kind of abuse by government stakeholders, mostly due to the small number of OCSEA cases reported. He emphasised the need for all government officials to undertake general training. Whilst addressing this issue does need some specialist human capacity, it also needs basic understanding of the issues right across the workforce.

“Generally, the challenge will be that this is an abuse that is still appearing to be a new type of abuse to some duty bearers because, in Uganda, there are not many OCSEA cases reported so there is a need for training and awareness at all levels of government” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Two other respondents (RA1-UG-05-A, RA1-UG-07-A) pointed out that very few officers at the lower levels have been trained. A respondent from the Ministry of Gender, Labour and Social Development indicated that the majority of probation and social welfare officers have not been trained. He further noted that, even for the few that were trained, the training was more of sensitisation as it did not go into details that would assist them to respond effectively.

“Some of the probation and social welfare officers have been privileged to get this training while others have not. (...) I would say it was more of a briefing [not a training], a kind of awareness that you know - there is this and that, but not in terms of understanding the different subjects, how to identify this, how to

⁶ Ministry of Gender, Labour and Social Development (2016) [A handbook for case management in child protection. A Resource Guide for Multi-sectoral Case Management Agencies in Uganda](#). 26

⁷ CJPC (2016) Uganda Child Online Protection Scoping Study page 61

⁸ CJPC (2016) Uganda Child Online Protection Scoping Study page 62

do this. This needs time which sometimes is not provided, so you find you have had time with them maybe three hours you know so someone may not get it” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

The respondent from the Ministry of Gender, Labour and Social Development highlighted the need for more in-depth training for the probation and social welfare officers in order to enable them to train others in their districts. Further, he emphasised the need for a designated budget to achieve this.

“We need the kind of training where you give emphasis and someone can become a trainer of trainers and so they can pass it [knowledge] on to others in their district as change agents that would take the subject matter forward. There is a need to have a budget line for that, just to have that kind of training for online as well as other forms of abuse” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Another respondent pointed out that, due to a lack of training, not all officials from mandated government agencies can respond to OCSEA as they should.

“Not all people who work in these institutions have been trained on responding to online sexual exploitation against children but some may comfortably identify the offence and refer for investigation while others may not” (Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions, RA1- UG- 07-A, Uganda).

Due to this lack of capacity on OCSEA at the district level, one respondent also pointed out that OCSEA cases are normally reported directly to the working group on prevention of online child sexual abuse and exploitation for support as opposed to being handled at the district level.

“Most of the time, the cases [of OCSEA] from the districts, have been reported directly to the working group because the people at the district have not been given that kind of training for handling this particular issue. So it has been when they get the case they inform the working group which then provides support” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Based on the above, capacity building amongst frontline workers appears to be ongoing but, due to insufficient funding, not to the required level. There is, therefore, a need for the government to allocate funding to train the frontline officers so the response mechanisms to address OCSEA at the district level can be strengthened.

Budget

Lack of funding to address OCSEA by the mandated government agencies was pointed out by at least 4 respondents as a major obstacle. All four respondents noted that the funding to undertake OCSEA activities has come from partners as the government has not allocated resources for it.

“We don't have a budget line for OCSEA. When it comes to the OCSEA budget, it's more donor-driven [supported by partners]. (..) Partners are the ones who have invested more directly” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

“You know the government has limited resources so the Ministry of Gender, Labour and Social Development had to talk to UNICEF and they had to get some little resources which can fund the operation of the two officers focusing on OCSEA in Child Helpline” (RA1-UG-04-A, Programme Officer-Capacity Building, National Children’s Authority).

“There is no government funding for this particular subject [OCSEA], you're talking about. So, for all the works that we've been able to do, we have had support from UNICEF. Where UNICEF goes quiet, then the whole process also goes quiet” (RA1- UG- 07-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

One respondent noted that budget allocation for OCSEA activities by the government is not a priority at the moment as OCSEA is still viewed as an emerging concern.

“Because it's something new that is just growing on us as a country, it's possible that identifying resources to commit to the cause may not be a priority but we do have our hearts in the right place” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

The respondent from the Ministry of Gender, Labour and Social Development noted that once duty bearers understand OCSEA, then budget allocation will follow.

“When the [government] duty bearers appreciate and understand this [OCSEA], then we will see the allocation of the resources” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Another respondent emphasised the need for funding for OCSEA programs, as the risk of children to OCSEA is growing in Uganda. The respondent indicated that children are increasingly using social media platforms, thereby increasing the risk. Further, they noted that if there are no programs to support children in staying safe online, OCSEA will continue growing in Uganda.

“If you look at ‘The End Violence against Children Fund’, this fund was very very important and it has helped us move forward as a country. If you look at where we started from in 2015, we would get one case in the year, but thanks to the funding, we have been able to scale up, and we can now receive 4 cases in a month so funding is very critical to enable the various stakeholders ably carry out their mandate in the prevention of OCSEA. Because what I am now seeing when we started, we had only WhatsApp, Twitter and Facebook. But now a lot of video applications are coming up and these are applications that the children like a lot, in that if they are not properly supervised and guided on how to use, then we are going to get a lot of cases to do with OCSEA” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Good practices

One respondent noted the formation of the national working group on prevention of online child sexual abuse and exploitation as a success mainly because it has created synergy between the different mandated government agencies and a referral pathway between the agencies when they receive OCSEA cases.

“One success is creating that national working group which means that even without a law, we are still able to work. So it forms the synergy of the referral system when cases are reported to the Child helpline. Each institution has a focal person. So if a person comes and they are speaking to me as a prosecutor, and I discover that a crime has been committed, I can initiate investigations. So we are all frontline officers for reporting purposes. So when you receive a complaint, you refer it to the police for investigations and Uganda Communication Commission has the mandate to pull down material as investigations are going on. And then when the investigations are done and the file is referred for prosecution, I can call our focal person at Uganda Communication Commission and the focal person at National Information Technology Authority and I'm able to receive the recordings and the publications from them.” (RA1- UG- 07-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Policies and Laws

The respondents identified the main pieces of legislation containing provisions relevant to OCSEA as:

- The Anti-Pornography Act No. 20 of 2014;⁹
- The Computer Misuse Act No. 2 of 2011;¹⁰
- The Prevention of Trafficking in Persons Act No. 7 of 2009;¹¹
- The Children Act No. 17 of 2016;¹²
- The Penal Code Act 1950.

Assessment

According to two respondents from the Office of the Director of Public Prosecution, there have been a few successful prosecutions that resulted in convictions of OCSEA perpetrators using the above laws.

“We have had cases of OCSEA that we have successfully prosecuted. Though I cannot give you statistics off-hand, we have had various successful prosecutions” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

“We have prosecuted quite a number [of OCSEA cases] though the number is not so big. We have prosecuted them and have had convictions” (RA4-UG-03-A, Prosecutor, Office of the Director of Public Prosecutions).

Though a few OCSEA cases have been successfully prosecuted, 90% of the respondents pointed out that not all OCSEA manifestations are defined in the existing laws. Currently, besides CSAM-related offences, other OCSEA offences such as online grooming, unwanted sexting or sexual extortion are not covered by the Ugandan legal framework.

“The laws do not come out clearly to explain the issue at hand (OCSEA), so there is still more emphasis that needs to be put there. (...) We don't have any specific law that says this is online child sexual abuse and exploitation. Just child pornography is included in the law” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

“There are some aspects that are not coming out properly in the laws, including grooming of children, streaming of child images” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

“We don't have this specific law that says if you do A, B, C, D it is called online sexual exploitation and therefore you will be liable to this kind of punishment. We don't have such a provision. So technically speaking, it [what is not defined] is not an offence in our country” (RA1-UG-07-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

⁹ Republic of Uganda. (2014). [The Anti-Pornography Act No. 20 of 2014, Section 14\(2\)](#).

¹⁰ Republic of Uganda. (2011). [The Computer Misuse Act No. 2 of 2011](#) Section 23(3).

¹¹ Republic of Uganda. (2009). [The Prevention of Trafficking in Persons Act No. 7 of 2009](#), Section 3.

¹² Republic of Uganda. (2016). [The Children Act \[as amended by the Children \(Amendment\) Act No. 17 of 2016\]](#), Section 42A(1).

“The laws are not so clear. (..) so even with the police, when we tell them this is a crime, they will say - show me where in the law it is a crime. (..) Even them they want something that they can easily use to arrest or explain why they arrested the person” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Despite these limitations in the law, two respondents from the Office of the Director of Public Prosecutions explained that, depending on the offence in question, prosecutors refer to the various statutes to determine the best provisions to use in charging the offence.

“If the offence involves child sexual abuse materials, we charge under the Computer Misuse Act. If at the end of the day, the child has been defiled then we'll go to the Penal Code Act and we charge with defilement. If it has other issues of other forms of exploitation then I'll go to the Trafficking Act and charge the offender with trafficking in persons” (RA1-UG-07-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent (RA1-UG-02-A) indicated that it is a challenge for prosecutors to search through the various statutes to determine which legal provisions to use to charge OCSEA. She noted that it is especially difficult for prosecutors in rural settings, given that they might not have a team to assist with this process.

“When we are faced with an offence, we have to keep looking at the various acts, the Penal Code, The Computer Misuse Act, The Anti-Pornography Act, the Trafficking in Persons Act, Children's Act, to determine which is best. I am looking at a prosecutor in Karamoja, who is faced with this offence, do they have access to all this, do they have the time to make all this research to come up with the best prosecution strategy, I am based in Kampala and can easily look at the various laws. I have a team we put together to do research and get all this done but I am sympathising with a prosecutor far away and is faced with this. That is a challenge we have” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent indicated that for online grooming specifically, law enforcement agencies are using existing law on defilement to charge the physical sexual abuse but not the online grooming process.

“Right now we are using the existing legislation, defilement, to charge online grooming of children for sexual purposes, which is after the fact not that process of getting these children to this level” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

A respondent noted that OCSEA cases are also either charged as stand-alone offences or as other offences, for example, child trafficking, depending on the statute under which proceedings are initiated.

“Sometimes OCSEA is handled under trafficking in persons, and sometimes it can be handled as a stand-alone offence” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

The views of the respondents are in line with the findings of the scoping study on child sexual abuse undertaken in Uganda. This study found that many cases of OCSEA have been categorised as defilement cases and prosecuted and reported under the Penal Code Act rather than the Computer Misuse Act,

despite these cases having elements of OCSEA. Given the blurred lines, as many cases that include ‘online’ elements also have ‘offline’ abuse, this is an understandable approach to attempt to prosecute such offences. However, it does mean that certain elements of the offences (the grooming, sharing of images etc.) are not really being addressed in law, only the physical abuse is. Problems establishing the required evidence for online abuse was provided as the reason, as it is normally more straightforward to develop an evidence base for the more traditional, well-understood offences.¹³

A respondent (RA1-UG-02-A) also noted that because there are no specific provisions of all OCSEA manifestations, sometimes offences are wrongly charged. Therefore, they called for specialised training for police, prosecutors and judges.

“They may be charged but not correctly charged. So those are the challenges faced in court. When can we charge through the Computer Misuse Act? There is a need for more specialised training for us to equip the investigators, the prosecutors as well as the judges. They need to understand the kind of offence that we are dealing with, it’s a bit complex, it’s fairly new, the trends keep changing” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

This respondent (RA1-UG-02-A) indicated that, although there are laws that prosecutors currently use to charge OCSEA offences, it would be helpful if there could be one comprehensive statute on OCSEA.

“We are lucky we have charging Acts. Acts we can run to, but if we had a specific act, to deal with OCSEA, then we can master it very well, it would be easier for us as prosecutors” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Two respondents indicated that there is acknowledgement within the working group on prevention of online child sexual abuse and exploitation that the current laws need to be amended to include OCSEA manifestations that are currently not defined or criminalised.

“There have been discussions actually after we saw the challenge in terms of addressing the issue of online child sexual abuse and exploitation. It is really clear that we need to amend the laws to put in some of those issues that might have been left out” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Another respondent pointed out that the draft Action Plan on the Prevention of OCSEA has included the development of a specific law for OCSEA.

“I would say there are discussions to amend the laws (..) In the draft Action Plan on the Prevention of the OCSEA, there is a recommendation to have a specific law on OCSEA” (RA1-UG-03-A, Counsellor OCSEA-Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

A respondent from the Uganda Law Reform Commission also indicated the need to update the law to comprehensively capture OCSEA manifestations.

¹³ CJCP (2016) Uganda Child Online Protection Scoping Study Page 59.

“We need to update our legislation. In the first instance, we have a challenge with the kind of laws that we are relying on. Many other things can happen to a child other than child sexual abuse materials. So, some of these things are not defined in the law but they need to be defined because, for criminal acts, you have to define them specifically. Right now, we are limited to child sexual abuse materials and then we have defilement. We are also looking at face-to-face sort of interactions and yet some can happen online. So, these are the kind of things that we need to clearly and comprehensively define” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

With special reference to the offence of grooming, in 2016, the Law Reform Commission of Uganda had observed that the present laws do not sufficiently address the problem of grooming. In the opinion of the Ugandan Law Reform Commission: *“This is because the sanctions prescribed in the laws are available upon proof of the occurrence of certain overt acts like rape, defilement or possession of pornographic materials of children. The unique nature of grooming that involves the element of subtle, progressive enticement and desensitisation of a child into sexual activity that may not involve overt acts or crimes in some cases is not provided for. In this regard, the offence of grooming may be miscategorised by law enforcers as an act preliminary to the commission of a sexual offence and thereby disregarded”*.¹⁴ Therefore, the Law Reform Commission had recommended that the legislature explore the possibility of developing specific legislation criminalising the offence of sexual grooming, to cater for issues of reporting, investigation and prosecution of perpetrators who commit grooming offences against children, as well as the appropriate regulation of Internet use by children and specific penal provisions for the offender.¹⁵

A representative from the Uganda Law Reform Commission indicated that the law review process that will look at online grooming will have a broader focus that will include all emerging forms of OCSEA.

“I know the law review process that will be looking at online grooming will be a little bit broader because of all these issues. We don't have the resources to go and do a sexting study, sextortion study and stuff like that. We're trying to include as much as possible in our amendment proposals when we come up with them and broaden the scope so that other things can be taken care of” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

The respondent explained that the Commission has already undertaken a grooming study which is almost finalised and was not available at the time of writing the report. *“We did finish the grooming study, and it is going through the final approvals”* (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

Challenges and limitations

At least three respondents pointed out that the laws are not widely known by both the public and stakeholders, thus limiting their implementation due to low levels of reporting.

“Because the law is mainly for punishing offenders, for it to work there has to be quite a big level of awareness, so people can be able to report these issues and then for the statutes to also get used by law

¹⁴ Uganda Law Reform Commission. (2016). [Draft Issue Paper on Grooming for Sexual Conduct](#), P. 8.

¹⁵ Uganda Law Reform Commission. (2016). [Draft Issue Paper on Grooming for Sexual Conduct](#), P. 34.

enforcement and judiciary. So, there is a need for awareness across the country” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

“There is a low level of awareness of these laws as they are not disseminated widely, hence leading to lack of reporting of these cases” (RA1-UG-01-A, Child Protection Specialist – Child Justice, UNICEF Uganda country office).

“Stakeholders may not be conversant with most of these laws. Especially when you talk about the Computer Misuse Act, some of the police officers may not be aware of it” (RA1-UG-04-A, Programme Officer-Capacity Building, National Children’s Authority).

The views of the respondents are in line with the findings of the recent scoping study on child online protection. One finding from the study highlighted that there is a lack of awareness and understanding of the legal provisions of the Computer Misuse Act and other laws amongst children, parents and other community members and actors who are part of the criminal justice system (police, prosecutors etc.). The study noted that the lack of awareness amongst the public is leading to a lack of reporting of some types of cases.¹⁶

Future Developments

At least two respondents (RA1-UG-03-A, RA1-UG-05-A) indicated that the National Plan of Action on Online Child Sexual Abuse and Exploitation is under development at the time of interviewing in August 2020. As of March 2021, this is still in progress.

“We have a draft National Action Plan to Prevent and Respond to Online Child Sexual Abuse and Exploitation. (..) It’s still in draft. We wanted it presented to the senior management of the different agencies just for ownership so that everyone knows it’s their role. So that is the status” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

As of March 2021, the Sexual Offences Bill has not yet been enacted. The respondent from the Uganda Law Reform Commission explained that a number of contentious clauses has led to the bill taking so long to be enacted.

“There are some contentious clauses that some people do not appreciate. The things about sex and legislation have their own intricate challenges. When it comes to parliament, issues of bodily autonomy and women, issues of marital rape, - its laden with what do they call explosive content. So, it’s taken with a pinch of salt and people approach it cautiously” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

¹⁶ CJCP (2016) Uganda Child Online Protection Scoping Study page 59

Law Enforcement

According to respondents, the law enforcement units that respond to OCSEA in Uganda include Child and Family Protection Units, the Criminal Investigation Department, the Cybercrime Unit, the ICT Unit of the police, and the community policing department.

One respondent indicated that there is no law enforcement unit dedicated solely to OCSEA. However, the cybercrime unit handles all cybercrime investigations including OCSEA. This respondent confirmed that the unit has received training on this.

“Now we don't have a dedicated unit just for only online child sexual abuse but we have a cyber-unit. It's a unit that investigates any crime related to cyberspace and they have teams that are perfectly trained in handling child sexual abuse. So there's law enforcement dedicated to cybersecurity which includes both child online abuse and every other cybercrime” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

In terms of reporting, all respondents highlighted the central role played by Uganda Child Helpline as a reporting channel for OCSEA. A counsellor from the Child Helpline confirmed that OCSEA cases are reported through 116.

“We have been creating massive awareness on OCSEA, and we have had people reporting cases of OCSEA on 116” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

At least three respondents also noted that, during awareness creation sessions carried out by Uganda Child Helpline staff, some of the children realise that they have been involved in OCSEA and subsequently report cases.

“The Child Helpline counsellors talk to children and sometimes, it's only when the child helpline comes to explain to them that they understand that they were involved in abuse and report. That is when some of these cases have entered into the system.” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

“When we create awareness in schools, that is when some children come and tell us that - you know, this happened to me but I did not know it was this serious” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

A respondent (RA1-UG-05-A) also noted that there is an SMS platform (U- Report) where issues of OCSEA can be reported to Uganda Child Helpline. He noted that the Uganda Child Helpline counsellors have a dashboard on the SMS platform enabling them to note and respond to an OCSEA issues coming up on the platform.

“We have the U-report platform which is an SMS platform where the issues of online child sexual abuse are shared from across the whole country. Our counsellors at the helpline have a dashboard on that SMS platform so whenever an issue comes that pertains to online child abuse and exploitation, it comes to us very fast so we respond” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Three respondents identified other reporting channels as the National Cert under the National Information Technology Authority and the IWF reporting portal.

“Other departments like National Cert under the National Information Technology Authority have the National CERT where also they have access to a hotline, where people can also report, and there is also the sexual abuse reporting page [Internet Watch Foundation Reporting portal] that has a link whereby you can copy the link to that page and they can respond” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

One respondent noted that cases can also be reported to the police stations. He noted that the challenge with this is that cases might not proceed to prosecution where the report is made to an officer who is not sensitised on OCSEA.

“There might be an issue of a case reaching the point of prosecution depending on the police station that the person has gone to report [an OCSEA case]. If there is someone who has been trained on issues of online child sexual abuse like maybe they have someone from the cyber unit police cyber unit, it is easier to have the case entered into the system” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Though the above reporting mechanisms exist, one respondent noted that OCSEA cases are not commonly reported to criminal justice actors.

“These OCSEA cases are rare, they are not common. I was looking at the judiciary report and could not see OCSEA cases that have been reported. I am however aware of a few of them reported through the child helpline, under the Ministry of Gender” (RA1-UG-01-A, Child Protection Specialist – Child Justice, UNICEF Uganda country office).

In terms of the number of OCSEA cases reported to the Child Helpline, a UNICEF respondent (RA1-UG-01-A) indicated that in the Child Helpline annual reports, there is no separate category for online cases, instead including all sexual abuse and exploitation cases, both offline and online together. In the last annual report (2019), the offline and online sexual cases and abuse represented 0.3% of the total number of cases handled by Child Helpline that year.

The respondent from the National Information Technology Authority (RA1-UG-08-A) indicated that there have been 33 reports made to the IWF reporting portal from 2015, when the portal was launched, up until the time of the interview (August 2020). Out of these 33 reports, only one image was categorised as CSAM by IWF analysts.

Respondents provided various reasons for low levels of reporting of OCSEA cases. One respondent indicated the low levels of public awareness on OCSEA as one reason.

“We realised that not many OCSEA cases are reported because of the level of awareness of OCSEA” (RA1-UG-01-A, Child Protection Specialist – Child Justice, UNICEF Uganda country office).

A respondent from Child Helpline also noted that, from their experience, although most cases of OCSEA are reported to the helpline by children themselves, many find it uncomfortable to seek justice in the criminal justice system due to fear of re-victimisation. For this reason, some children only seek rehabilitation and recovery services.

“Because the cases we handle are mainly reported by the children themselves, sometimes don't find it comfortable to report such cases to the criminal justice system, especially if they want to move forward from their past online experiences. Some feel that the criminal justice system will re-victimise them in the process. They feel the services provided by rehabilitation and recovery centres are the only services that they feel comfortable pursuing” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

A respondent from Child Helpline also stated that other reasons why child victims are reluctant to report their cases to criminal justice actors include the fear of retaliation from the perpetrators, not knowing the perpetrators, or not considering what happened to them as abuse as they see the perpetrators as their boyfriends or girlfriends.

“The problem is that some of them [child victims of OCSEA] are saying that these are anonymous people that they do not know, then some of the child victims fear that these offenders might retaliate against them, then others are saying that it is kind of a personal matter, and then sometimes, as I said relationships they are saying that this is like my boyfriend or my girlfriend I cannot do this or that, I just want to recover from this abuse” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Concerning the trends in manifestations of OCSEA reported to the Child Helpline, the Child Helpline counsellor noted that reports included offences relating to online grooming, unwanted sexting and child sexual abuse materials. The respondent also noted that the majority of cases they receive involve the exposure of children to adult pornography.

“The majority [of cases we receive] are exposure to adult pornography, then also online grooming for sexual purposes, whereby someone is grooming this child into the habit of sharing their naked pictures, making them feel like it is normal, but to meet them later, or maybe abusing them physically. Unwanted sexting is also quite significant, whereby people are sexting them. (..) also there are cases where a child has been sexually abused but in the process, the abuser is recording whatever has been taking place” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Another respondent noted that cases involving online grooming and live streaming of child sexual abuse are also increasingly prevalent.

“Online grooming is kind of coming up, but increasingly we see a lot of live streaming, but the challenge is that we are still getting challenges getting the proper evidence for it. But online grooming is also on the increase. I think child sexual abuse materials is a lot of it” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

In terms of the geographical locations in which such cases are evident, the Child Helpline respondent noted that most come from the urban areas. This was based on the areas where awareness raising has been carried out.

“I will base this on the areas where the awareness has been done- you find the urban centres have a lot of cases due to the children's access to the Internet, they have phones. Like I said the majority are age 12 and 17. These children have a lot of apps they use and they connect to a lot of people. I will say cases mostly come from urban centres as compared to rural settings” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

The Child Helpline respondent also noted that reports made to the helpline indicated that both boys and girls are victims of OCSEA, with girls being more affected.

“The trend according to the Child Helpline data and data we collect about the crime mainly the girl child is affected, I would say on a percentage of 60%, we have the girl child victim, then 40 as the male victim. These are children between the age of 12 and 17, and when you look mostly, these are contacted via social media platforms like Facebook and Whatsapp” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

One respondent noted that their analysis showed that the trends of OCSEA keep changing. They highlighted that there are cases that come about as a result of child trafficking. Further, although past cases of OCSEA were associated with child adoption, this legal loophole has now been tightened. They noted that cases of OCSEA are also connected to charitable organisations operated by civil society organisations, where particular children are targeted and exploited sexually online.

“From my analysis, I realise that the trends keep changing. (...) In the past, we had been getting cases of adoption for this purpose of abusing children sexually online. But now in Uganda, the law on adoption has changed, and I think you can only get a guardianship order or foster care order, so that has been kind of tightened. Now we are seeing increasingly that these NGOs that come up sponsoring children, like the cases I told you in Iganga, you open up an NGO you are getting orphans, targeting particular sex, maybe girls and yet the purpose is to exploit them, sexually online. As I said there was live streaming, so you realise there is a need to check into these various NGOs, as not all of them have good intentions” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

In regard to collaboration between law enforcement agencies in addressing OCSEA, one respondent indicated that the police and the prosecutor’s office work hand in hand on OCSEA cases in undertaking prosecution-led investigations.

“When the police identify a case, they call the Office of the Director of Public Prosecutions and then we conduct prosecution led investigations with them, such that by the time the file is compiled, we know we have not lost any evidence because we have done it as a team with the police (...) so we emphasise

prosecution led prosecution so we work hand in hand with the police” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Prosecution led investigations are consistent with the Child Online Protection Handbook of NITA-U which states that the DPP/Resident State Attorney “should develop deliberate collaborative relationships to promote prosecution led investigations”.¹⁷ Accordingly, the main agency for investigation is the Ugandan Police supported by the Directorate of Public Prosecutions (DPP).¹⁸

For collaboration with other law enforcement agencies in other countries, respondents pointed out that this is facilitated through INTERPOL as well as the Ministry of Foreign Affairs who are also part of the working group on OCSEA.

“Regarding collaboration of Uganda Law Enforcement and other law enforcement bodies outside the country, this would mainly be through INTERPOL Uganda who works with other INTERPOL agencies across the border” (RA1-UG-01-A, Child Protection Specialist – Child Justice, UNICEF Uganda country office).

“International cooperation is mainly through INTERPOL” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

“The working group also has a membership of INTERPOL to facilitate the international exchange of related data concerning OCSEA and to support the rescue of victim and search of perpetrators” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

However, one respondent noted that there are many OCSEA cases involving a cross border element that have been lost due to the challenge of not having mutual legal assistance agreements.

“From my experience, we have lost many cases because they are cross border. The investigations are expensive and also where in most countries where this crime is prevalent, we don't have many bilateral agreements with them. So even if we go to foreign affairs to help us conduct extraditions, to help us with mutual legal assistance, it may be hard” (RA1-UG- 02-A Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

One respondent indicated that collaboration between Internet Service Providers and law enforcement is adequate when the proper legal procedures are followed. However, challenges arise when the legal process is not conducted fast enough, leading to the loss of valuable evidence.

“The collaboration between law enforcement officers and the Internet Service Providers is not bad, it's there and it's OK, as long as the law enforcement agencies know what to do. (...)We have not come across a case where if the necessary steps have been taken and followed, where the ISPs have refused to cooperate. The only challenge may be is that we may get court orders, and by the time we get them, we have lost valuable evidence. If we don't move fast, we lose the evidence, especially if these people know we are investigating them” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

¹⁷ National Information Technology Authority Uganda. (n.d.). [Child Online Protection Handbook](#), page 10

¹⁸ National Information Technology Authority Uganda. (n.d.). [Child Online Protection Handbook](#), page 10.

In regard to cooperation between law enforcement agencies and civil society organisations, respondents indicated that NGOs step in to provide services such as psychosocial support, shelter and legal aid for victims. A respondent from UNICEF (RA1-UG-01-A) noted that they were not aware of any NGO with a standalone program on OCSEA but that NGOs offer services to victims of OCSEA within their violence against children programs. Another respondent (RA1-UG-02-A) also mentioned that NGOs offer support to victims by complementing the services offered by the government.

“We also work hand in hand with civil society organisations because as you know the government is not in a position to do everything. (...) the government funding is insufficient so we find that many international and local civil society organisations supporting projects related to sexual exploitation and abuse, and they come in to help us” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Regarding the issue of safeguarding the right to privacy when doing investigations, the respondent from the National Information Technology Authority-Uganda indicated that in 2018, Uganda passed the Data Protection and Privacy Act which safeguards the privacy of suspects during investigations. Further, they shared that NITA Uganda provided training on the provisions of the Data Protection and Privacy Act for the relevant law enforcement units.

“So before 2018, we didn't have the Data Protection and Privacy Act but in 2018 we got it in place, and it requires a balance of privacy when investigating a crime. The privacy of a suspect has to be preserved and this is a new law. Somewhere around February before COVID hit we carried out training for law enforcement at the cyber unit again on privacy while carrying out their investigations” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

It was indicated that the removal of offensive content was the mandate of the Uganda Communication Commission.

“We have the Uganda Communications Commission. It is mandated to identify offensive content hosted locally in Uganda and make sure that this is also inaccessible to the public. It reviews and registers complaints of reported offensive content by the general public and works with the respective service providers to ensure that the content is inaccessible” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Despite several attempts, the DH research team was not successful in securing an interview with a representative from the Uganda Communication Commission during the data collection process. Therefore, it was not possible to gather information as to how the process of removing offence content works in Uganda.

The respondent from the National Information Technology Authority-Uganda indicated that law enforcement agencies have the relevant equipment to conduct investigations of OCSEA.

“On equipment, we have adequate forensic labs. Police have the labs, Uganda Communication Commission has the digital labs also National Information Technology Authority-Uganda has a fully-

fledged national lab, digital forensics lab now fully equipped and licensed” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

Challenges and limitations

Three respondents indicated a lack of funding for the investigation and prosecution of OCSEA as a challenge for law enforcement agencies. One respondent indicated that OCSEA is handled as a general crime and has not been prioritised. They pointed out that, without a budget, investigations don’t move as fast as they could with the proper funding.

“There is no funding or general budget allocated to OCSEA as such, so it is handled as a general crime. That means that it has not been well prioritised. To us sometimes, the investigations may not move as fast as we want because you control no budget, you have to keep relying on someone else - to you know, who is going to help us to do this, is UNICEF going to help us. And these investigations are rather expensive and they call for high IT expertise and so I think that is a major area of improvement” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions, Uganda).

Another respondent emphasised that investigating online crimes is more costly compared to other crimes and requires human and financial resources. Therefore, OCSEA has not been a priority in allocating these necessary resources.

“In terms of enforcing the law, there is a cost attached to doing an investigation online. The cost that is attached to it is not the same as when you do an investigation on a physical offence. It requires to track perpetrators and to find out if it's possible to trace where the child victim is. So, to follow up on that process we will require manpower and also require funding, which we may or may not have. Priority has not been to OCSEA” (RA1-UG-07-A Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent confirmed that resources for investigation are a challenge.

“Resources for investigation and follow up are a challenge” (RA1-UG-10-A, Senior Legal Officer, Uganda Law Reform Commission).

Another challenge mentioned by two respondents is the lack of mutual legal assistance agreements where an OCSEA crime is cross border, which results in difficulties obtaining information to prosecute the case.

“Where the offence is cross-border and you find that probably Uganda doesn't have a mutual legal assistance or an extradition agreement with those States it'll be difficult to recover all the necessary evidence that you need from another jurisdiction” (RA1-UG-07-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

One of the respondents noted that cross border OCSEA cases are sometimes lost in court because of the lack of mutual legal assistance agreements.

“From my experience, we have lost many cases because they are cross border. The investigations are expensive and also where in most countries where this crime is prevalent, we don't have many bilateral agreements with them. So even if we go to foreign affairs to help us conduct extraditions, to help us with mutual legal assistance, it may be hard” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another gap pointed out by at least half of the respondents is the lack of training for general law enforcement officers on OCSEA. One respondent noted that OCSEA is new to law enforcement officers and so there is a need for more training.

“OCSEA is fairly a new matter, to investigators, to prosecutors, to us generally. And this calls for a lot of training and awareness throughout. It looks like it's an imported crime we have tried to copy and yet it's there, we have had successful prosecutions of the same, so we need to do a lot of sensitisation and training because as I said the trend keeps changing” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent indicated that whilst training has been provided for senior officers who are now familiar with OCSEA, it is not certain that this knowledge had trickled down to the junior officers.

“Some police officers especially the seniors have been trained on OCSEA in Uganda and many of them are conversant with the issue, but the problem now lies on whether the junior officers now know what online abuse is” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Another respondent confirmed that only a small number of criminal justice actors have been trained.

“For police, judges and prosecutors, I think it is quite a small number that has been trained including state attorneys and judges” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

One respondent highlighted that the lack of awareness of OCSEA was a hindrance to the prosecution of cases. This is due to the fact that not all justice actors have the relevant knowledge yet they play an important role in ensuring that victims access justice.

“You might find a police officer who receives the case knows what online child sexual abuse and exploitation is but then the state attorney going to prosecute may have no clue or the probation officers might not understand. Yet, these people are supposed to support the victims in courts of law. Now that becomes a bit of a challenge on having this case move from the police into the courts” (RA1-UG-05-A, National Coordinator for the Uganda Child Helpline Sauti 116, Ministry of Gender, Labour and Social Development).

Another challenge that was indicated by two respondents is the lack of clear policy guidelines for criminal justice actors in handling OCSEA. A participant explained that due to the uniqueness of this phenomenon, there is a need for guidelines on this for prosecutors, investigators and judges.

“We also don't have clear policy guidelines on how to handle the various aspects of the offence. How we handle victims for instance. Because if you find a law enforcement officer who is not well informed about the uniqueness of the offence, they will even start, asking a 15-year-old, why did you allow to do this, why are you doing? (...) We need proper and clear guidelines for prosecutors, investigators, and then also the judge” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent stated the need for new policy guidelines, for example on how to manage offenders and the victims.

“And also there are no clear policy guidelines on how to management of the offenders and also the victims” (RA1-UG-03-A, Counsellor OCSEA- Child Helpline Uganda, Ministry of Gender, Labour and Social Development).

Obtaining evidence to support prosecution was also mentioned as a challenge by at least three respondents. They added that this has hindered the prosecution of some cases.

“We have also failed to take some case to court simply because we have failed to get that evidence, especially for live streaming. We know it has happened; the children have told us but again getting that evidence is a challenge. Because most times it will just be through the WIFI or something like that. You can get the computer, but you can't get that evidence” (RA1-UG-02-A, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions).

Another respondent highlighted that due to encryptions on platforms such as WhatsApp and Telegram, investigations for child sexual abuse materials that are shared on such platforms is hindered where the providers of these services do not collaborate with law enforcement agencies.

“For content that runs on platforms like WhatsApp or Telegram, it's very hard to find the origin and the person involved in the sharing. All that is not tracked if you don't have collaboration with such players who provide these apps. I think that's one of the challenges” (RA1-UG-08-A, Manager, Government and Risk, National Information Technology Authority- NITA).

Successes

The formation of the Working Group on prevention of online child sexual abuse and exploitation is one of the successes for Uganda as it has managed to bring together the various mandated agencies. Though they have funding challenges, it has created a platform through which the agencies can discuss OCSEA at the national level. Although not much has been done by the different agencies, the working group has brought a level of consciousness of the role of the various mandated government agencies in addressing OCSEA.

Challenges

The biggest challenge in Uganda is the lack of funding for OCSEA. This has affected awareness raising, training and sensitisation for policymakers and government officials as well as the investigation and prosecution of cases. So far, there is no government funding, with all resources coming from partners such as UNICEF. Therefore, this has slowed down prevention and response for OCSEA in Uganda though the working group has managed to bring together the mandated government agencies.