2017

Child Online Safety Retreat

1st To 3rd June 2017

At Sawela Lodge, Naivasha

Contents

Background

The Internet is the most popular medium of communication today. According to Internet Live Stats, there are more than 3 billion Internet users globally, accounting for more than 40 percent of the total world population. The statistics website estimates that more than 80 percent of Kenya's population has access to the Internet, with the level of Internet penetration approaching 90 percent.

Due to rapid innovation in the global ICT sector, there is a wide variety of platforms online, ranging from social media sites to websites. The rise of mobile devices is a major contributor to the surging level of Internet access, which has altered the trends of content consumption. As a result, reliance on mainstream media for news has dwindled dramatically in the past decade, edged out by the more convenient social media platforms such as Facebook, Twitter, Instagram, among others.

Although this has enhanced the ease with which citizens enjoy their rights of access to information and expression, it has set up a dangerous minefield, which is particularly hazardous to children. In the current scheme of unregulated Internet, children are exposed to bullies, pornography, violent content, dangerous games, and pedophiles, committed by cyber criminals hiding under the convenient covers of anonymity.

In May 2017, for example, a suicidal online game called "The Blue Whale Challenge" raised concerns from parents. The game literally induced vulnerable teenagers to commit suicide after a completing a 50-day series of harrowing activities that were meant to increase susceptibility of the teenagers by clouding the ability to make good decisions. While one death was attributed to the game in Kenya, more than 100 cases of teenage suicides were directly attributed to the challenge. Prompted by a litany of public complaints and outrage from parents and other stakeholders in the education sector, KFCB banned the circulation of the game in Kenya on May 10th, 2017.

However, the Blue Whale Challenge was not the first concern KFCB was addressing. In 2016, KFCB raised alarm over an online invitation asking teenagers and children to participate in a gory party involving drugs and stark nudity. The party was publicized as Project X, drawing inspiration from a film by the same name. Since the banning of Project X, the Board has foiled several online parties designed and executed by unscrupulous people to exploit children through child pornography.

On this backdrop, the Board convened a forum with Internet Service Providers (ISPs), with the sole aim of seeking their input on ways by which KFCB could work with the companies to protect children from accessing harmful content. The focus of the meeting was a deliberation on global best practices in protecting children from harmful online content, culminating in a report detailing proposals to be forwarded to the Ministry of Information, Communication and Technology for support in implementation. Invited organizations included: Maverick Digital, the ICT Authority (ICTA), Kenya Network Information Centre (KeNIC), Liquid Telecoms, among others.

This report is an account of the meeting's discussions and recommendations on the way forward in protecting children from harmful content online.

Objectives

i. To understand the accessibility of child inappropriate online content

ii. To establish ways and strategies of enhancing child online safety in Kenya

iii. To prepare a policy document on Child Online Safety to be escalated to the Ministry of ICT

Participants

Participants in the forum included Mr. Jona Owitti (ISACA), Ms. Fiona Ongeso (KeNIC), Mr. George Kabugi (Maverick Digital), Mr. Moses Muoki (Capital FM) and KFCB team led by the Chief Executive Officer Dr. Ezekiel Mutua, MBS. Liquid Telecoms, Facebook and Google Kenya sent their apologies while the ICT Authority, though invited did not respond (*Appendix III – Retreat program*). The Chief Executive Officer (CEO) set the tone for the meeting by making reference to an article in the New York Times Issue No. 41,737 by David Streitfeld titled '*The internet is broken':@ev is trying to fix it* available: https://www.nytimes.com/2017/05/20/technology/evan-williams-medium-twitter-internet.html?_r=0.

In the report, Evans Williams – the founder of Twitter and co-creator of Blogger – lamented the rising misuse of online platforms of communication. Evans observed that people are using Facebook and Twitter to showcase suicides, beatings and murder in real time. Evans was quote saying Twitter is a hive of trolling and abuse that it seems unable to stop. Fake and worthless news whether created for ideology or profits are rampant, with 4 out of 10 adult Internet users reported to have been harassed in one way or another online. The CEO called on the participants to discuss the issues in a detailed manner, keeping in mind online child safety concerns are on the rise in the country.

KFCB's Presentation
I. Mandate and Functions

The Kenya Film Classification Board is mandated by the Films and Stage Plays Act Cap 222 to regulate the creation, broadcasting, possession, distribution and exhibition of films, broadcast and online content in the country.

Promotion of national values and culture

i) The preamble of the Constitution acknowledges the supremacy of the Almighty God of all creation and states that the people of Kenya are committed to nurturing and protecting the well-being of the individual, the family, communities and nation.

ii) Article 10 on National values that binds all persons and includes patriotism, national unity, human rights and sustainable development

iii) Article 11 Culture – the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation

iv) Article 33 on freedom of expression and Article 34 on freedom of the media both with restrictions that the freedoms do not extend to incitement to violence

Protection of children from inappropriate content

Section 12 (2) of Cap 222 stipulates that No film or class of film shall be distributed, exhibited or broadcast, either publicly or privately, unless the Board has examined it and issued a certificate of approval in respect thereof.

Further, the Board is empowered by the Kenya Information and Communications Act of 1998, Cap 411A and as amended by the Kenya Information and Communications (Amendments) Act of 2013 and through the Kenya Communication (Broadcasting) regulations 2009 Section 34 (1) (a) to ensure content which depicts, contains scenes or are of the language intended for adult audience are not aired during the watershed period (5a.m. to 10 p.m.) The Programming Code for the free-to-air Radio and TV Services in Kenya requires KFCB to classify and rate all programme and non-programme matter to be aired during the watershed period.

In accordance with Section 15 of Cap 222 and in recognition that film, broadcast and online content has the power to influence children into making wrong choices and decisions, the Board regulates the creation, broadcasting, possession, distribution and exhibition of film, broadcast and online content, providing age-suitability ratings. The Board also performs the following functions:

- Protection of women and children against sexual exploitation or degradation in films and on the internet

- Classifying TV and radio programmes as stipulated in the Programming Code for free-to-air radio and TV services in Kenya

- Classifying all non-programme matter, namely commercials, infomercials, documentaries, programme promotions, programme listings, community service announcements and station identifications.

- Ensuring that content which depicts, contain scenes or are of the language intended for adult audience are not aired during the watershed period i.e. 5 a.m. to 10 p.m. (content that is age appropriate vs viewership timings)

- Rating films and approve posters for purposes of protecting children from harmful content.

- Licensing and issuing certificate to distributors and exhibitors of films.

- Impose age restriction on viewership.

- Register and license film agents, local and international filmmakers, distributors and exhibitors.

- Prescribe and develop regulations and guidelines on film and broadcast content regulation in the country.

- Regulate and license stage plays and theatres as recommended by the presidential taskforce on parastatal reforms, 2013.

The Board has rolled out the following programmes geared towards Child Online Safety

o Media literacy programme dubbed *You Are What You Consume* to inform and empower the children and the public at large on responsible media use and media content consumption

o Public sensitization – That informs the public on the Board's mandate and functions and the role of the stakeholders in execution of KFCB mandate

Fig 1 - Retreat Participants

Content Classification

The examination and classification process for media content is guided by the Classification Guidelines which contain six thematic areas, namely:

- Sex, obscenity and Nudity;
- Crime, violence and imitable behavior;
- Occult and horror;
- Drugs, alcohol and other related harmful substances;
- Religion and community; and
- Propaganda for war, hate speech and incitement.

Under each thematic area are classifiable elements (*see attached Appendix IV – KFCB Profile*). During examination the frequency and intensity of all the classifiable elements are put into a scale of   0 – 5 using a rating software. Based on the context and this scale the rating is given as indicated.

- 0 – 1: Low impact classifiable elements – General Exhibition (GE)
- 2:   Mild impact classifiable elements – Parental Guidance (PG)
- 3:   Moderate impact classifiable elements - 16
- 4:   Strong impact classifiable elements -18
- 5:   Extreme impact classifiable elements – Restricted.

NB: Due to their uniqueness, non-programme matter, namely commercials, infomercials, documentaries, programme promotions, programme listings, community service announcements and station identifications are rated as either suitable or not suitable for watershed period.

In aligning with the provisions of the Constitution and advancement in technology, KFCB has initiated the review of Cap 222 and proposes that no film should be banned but instead have a category for content restricted to adults only.

Presentation by Kenya Network Information Centre (KeNIC)

The Kenya Network Information Centre (KENIC) was established through the facilitation of the Communications Authority of Kenya (CA). KENIC is charged with the management and the administration of the dot ke Country Code Top-Level Domain (.ke ccTLD) name. It was established as a non-profit organization aimed at managing and operating the .KE ccTLD after intensive consultations with the Local Internet Community. This public-private partnership was therefore the initial step in facilitating the growth and uptake of the Internet sub-sector ICT in Kenya. KeNIC is the registry in charge of managing Kenya code Top Level Domain (ccTLD) that includes:- .co.ke, .go.ke, .me.ke, .ac.ke, .sc.ke, .or.ke, .mobi.ke.

KeNIC role in child online safety

- Managing the .ke domain to ensure that the content hosted in this domain is suitable for general public irrespective of their age.
- Restricting/Prohibiting the registration of pornographic sites or domains
- Mediation - In case of offending content hosted at .ke domain and KeNIC receives complaint on the same mediation is done through the established Active ADRP (Alternate Dispute Resolution Process). The domain owner (registrar) is summoned to KeNIC and informed of the offending content and requested to delete. If the registrar continues to host the reported offending content, KeNIC deregisters the domain from its registry.
- The community on the role of KeNIC in ensuring .ke is clean of offending content through partnerships with academic institutions and Communication Authority of Kenya through in Child Online Protection programs such as Chukua Hatua, Kikao Kikuu.
- Globally KeNIC work with ICANN (Internet Corporation for Assigned Names and Numbers) through Government Advisory Committee (GAC) that has a special working group called Public Safety Working Group.

Other institutions in Kenya involved in child protection issues

- Child Line Kenya, hotline number to report any abuse is116
- Children Foundation
- Kenya Association of Professional Counsellors
- Department of Children Services

Inappropriate Online Content

Participants were informed that the Internet is open and without regulation. Inappropriate content could have different meanings to different people, from swear words to pornographic images or videos, and what is inappropriate to a child keep changing as they grow and develop. It was discussed that there is a lot of content online that might upset children. Inappropriate online content was associated with pornographic content, besides other content such as xenophobia, pedophilia and gambling sites. The accessibility to inappropriate online content to children was linked to following factors:

i. Ease of access to explicit content

The content is readily available and can be accessed within three button clicks. An illustration used was the search on any browser of the X videos. With two clicks various pornographic websites opened up with graphic images and videos. A sample of the sites identified included porn hub, porndig.com, superpornhq.com among others.

ii. Availability of channels of accessing online content

There is a wide range of channels of accessing online content available to children. They include computers, iPads, tablets and smart phones. These devices use various applications such as messaging applications such as Whatsapp, Twitter, Facebook, Instagram, and Snapchat.

iii. Downloading sites

Besides the factors identified above, there are numerous sites with downloadable content. There are also sites that host or provide links to content that has been restricted in different jurisdictions including torrents such as Piratebay, EtraTorrent and RARBG. A torrent is a meta-search engine that uses the Internet to connect and as a medium of transporting data to a private network. It provides online user anonymity. Project free TV, for instance, offers free access to film and TV programs that have been restricted in any country globally.

Child Online Safety in Other Jurisdictions

In August, 2016, the Kenya Film Classification Board conducted a successful exchange program with the Films and Publications Board (FBP) of South Africa. The exercise involved experiences sharing that consisted of visits to the respective countries by both organizations. It was during this exercise that the Kenya Film Classification Board interacted with tools used by the FPB in Child Online Monitoring. The FPB uses tools provided by INHOPE, an active and collaborative global network of Hotlines, dealing with illegal content online and committed to stamping out child sexual abuse from the Internet. It is recognized as a global centre of expertise on Notice and takedown procedures. It engages a community of tech, legal, psychological and child protection experts.

Founded in 1999, the International Association of Internet Hotlines coordinate a global network of Internet Hotlines, supporting them in responding to reports of illegal content to make the Internet safer. It is present in 42 countries globally and in Africa, S. Africa is a Hotline. Its cooperation and strategic partnerships include:
-   Joining forces with law enforcement

-   Working in tandem with the industry

-   Providing evidence based knowledge to decision makers

According to INHOPE SWOT analysis the threat to child online safety include:

-   Higher levels of demand for new abuse material

-   Greater internet adoption rates world wide

-   Offenders seek out environment popular with children and young people

-   Dealing with highly skilled criminality encrypting and anonymizing activities online

According to INHOPE's annual report 2013/14, 97% of all reported child inappropriate content online was reported to law enforcement within a day and 93% was removed from the internet within a week. The same report indicate that the girl child is the major target of the internet abusers at 81%. The targets in regard to their age were as follows; infants 10%, pre-pubescent 71% and pubescent at 19%, statistics that are very alarming.

INHOPE Hotlines offer the public a way of anonymously reporting of inappropriate Internet material including child sexual abuse material they suspect to be illegal. The Hotline will ensure that the matter is investigated and if found to be illegal the information will be passed to the relevant Law Enforcement Agency and in many cases the Internet Service Provider hosting the content. INHOPE focuses on responding to criminally illegal content and activity on the Internet, which include:

Child Sexual Abuse Material (Child Pornography)

Child pornography has different legal definitions in different countries. The minimum defines child pornography as a picture that shows a person who is a child and engaged in or is depicted as being engaged in explicit sexual activity. One of the contentious issues is that the age of consent to sexual relations differs from country to country. In addition, legislation differs on whether possession of child pornography is a crime, whether an actual child had to be involved and whether artificially created images constitute child pornography

How Child Online exploitation is propagated

i)   Pedophilia Rings

A pedophile ring is a group of persons working together across the Internet in different countries and jurisdictions to collect and distribute child sexual abuse material for their own gratification. This can also involve sharing expertise and experiences on avoiding detection and planning criminal activities against children. There is a strong perception that the Internet has become a major factor in the development of pedophile rings worldwide. Recent convictions around the world have supported this perception and the dissemination of child pornography is causing major concern to the International Agencies engaged in the protection of minors. As these pedophile rings increasingly use advanced telecommunications technologies such as encryption and they have become more and more difficult to uncover.

ii)   Sexual Abuse Material Websites

Until recently child sexual abuse web sites were rarely commercial in nature and are motivated by personal gratification and the need to seek out like-minded persons. However, there is a worrying trend in the growth of commercial websites where fees are charged via a variety of online payment methods. These sites tend to be located in legal jurisdictions which are not sufficiently up-to-date with regulations governing such activity, often in lower economic areas. It is possible to have password or controlled access to websites. These access passwords are sold on the Internet with a subscription fee. Passwords can be purchased remotely using credit cards for remote access. Once the password is available, the website can be accessed in the normal way from any Internet connected machine in the world.

Websites can be hosted anywhere in the world making international co-operation all the more crucial when dealing with these websites. Recent progress has been made in this area through the European Financial Coalition & Financial Coalition Against Child Pornography. These bring the financial sector together with Hotlines and child welfare groups to combat commercial child sexual abuse material on the Internet.

iii) Peer-to-Peer (P2P) File Sharing Networks

The INHOPE Association is committed to fighting child sexual abuse material on the Internet including that distributed over peer-to-peer networks and encourages the public to report such activity to national hotlines.

iv) Online Grooming by Pedophiles

Grooming is defined as "actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for sexual activity with the child". To "groom" a child a pedophile must have a way of communicating with a child effectively in private. To do this they are exploiting the popularity with children of chat rooms and social networking websites.

Social networking websites are very popular on the Internet and can be accessed by anyone from anywhere in the world. This combined with VOIP systems (e.g. SKYPE) allow voice, video and text based communication which in turn allows for the potential of full unrestricted communication access to children.

Because communications on the Internet are public and perceived as anonymous, children often feel they are safe. One of the dangers however is that children don't know who they are talking to. Pedophiles use social networking websites and chat rooms (sometimes posing as children or teenagers themselves) to initiate conversations with likely victims. They can be skilled at eliciting as much information as possible about location, interests and even sexual experiences from children. The next step for the pedophile may be to show examples of pornography, both adult and child. This is then used to undermine the reluctance of children to participate in a sexual encounter or other activities. It is also used to prevent the victim from seeking protection from their parents and teachers.

Tips on Protecting Children Online

Recent studies have estimated that almost two thirds of content on the Internet is user generated through blogs, discussion forums, newsgroups etc. Some of these sites may contain content that could be harmful for children such as promotion of suicide, bulimia or anorexia. Like any other public place, parents and guardians can take steps to protect children on the Internet and the following tips offer a good starting point.

- ✓ Keep your computer in a family room for ease of supervision

- ✓ Interact and communicate with your child while they are on the Internet - expressing an interest can be both informative and reassuring.

- ✓ Use your children's expertise and learn from them.

- ✓ Encourage children to show you anything that makes them uncomfortable.

- ✓ Ask your ISP about special filtering programs that can be used to help protect your child.

- ✓ If your child has a Social Networking profile you should also create a profile for yourself and make sure that your child makes you a "friend" so as a parent you can monitor it from a distance.

Child Online Safety: The Family Perspective

The presentation was anchored on the Bible verse, "Train up a child in the way he should go, And when he is old he will not depart from it" - Prov. 22:6 (NKJV). The right values and morals must be given to the child right from when they are born. The right values and morals equip them to safely navigate their environment knowing that there are parameters. In Child Online safety the Triangle analogy is applicable.

The content regulator (KFCB) and other regulatory agencies in the broadcast subsector, the parent and the child must all work in harmony for a safe environment to be achieved. Parents have somehow failed in their role to have quality time to impart their children with the right values and morals by over delegating to the house helps. According to *Heather C. Dahl, CEO of CynjaTech*, parents begin teaching children to read and count before they go to school, equally learning how to be safe online should start just as early. If children are taught digital

survival skills early enough, they will become second nature, just like adding two plus two and therefore the next generation of cyber education should begin at home. Our children need to be protected in the digital world as much as they do in the physical world. If children are equipped with the information they need to be cyber--savvy, they will be safer and as a result a cyber-security culture for the generations to come will be built (*ISACA Board Chair Christos Dimitriadis, Ph.D., CISA, CISM, CRISC*).

Internet provides many enriching experiences for children. However, there are also risks such as (a) potential exposure to inappropriate content, (b) contact with bullies or strangers, and (c) loss of privacy.

Inappropriate Content	Inappropriate Conduct	Inappropriate Contact
• Child stumbles upon questionable content, while searching for something else	Child may use the Internet to harass or exploit other people Child may broadcast hurtful, bullying comments, or embarrassing images	An adult can use the Internet to find or approach vulnerable youth Adult's goal is to develop what youth believes to be meaningful online relationships

ISACA has collaborated with CynjaTech in the development of Cutting Edge Cyber Education Game for children Featuring ISACA's Cybersecurity Guidance. CynjaTech adapted ISACA's content in the CynjaSpace App called Dojo which is a powerful resource for parents and a digital training ground to start children on a path to leading a smart, safe digital life.

Global Internet Policies on Child Online Protection

The following are the policies that KeNIC has adopted;

- Dispute Resolution Policy used by ccTLD's and gTLDs

- Whois Policy used by ccTLDs and gTLDs. This ensures Registrars and owners of domains give their contacts and details

- Currently KeNIC is working with ICANN through the Government Advisory Committee. They created a special work group called Public Safety Working group.

- ITU (International Telecommunication Union) Global Cyber Security Agenda (GCA) has fostered Child Online Protection under one of its pillars with the support of leading global internet Players. It is made up of 153 countries. Global Child online Policy guidelines can be found on the below links:-

  www.itu.int/en/cop/Pages/guidelines.aspx

  www.itu.int/en/cop/Documents/guidelines-

Other global internet players that can be used are

- John Carr as one of the leading authorities on children's and young people's use of the internet and associated technologies

- European NGO Alliance for Child Safety Online (eNACSO)

- The UK's Children Charities Coalition on Internet Safety (CHIS)

According to ITU child online report extracts as captured below Kenya received a very poor score in efforts towards child online safety.

Country	Legislation Specific to Child Pornography	"Child Pornography" Defined	Computer-Facilitated Offenses	Simple Possession	ISP Reporting
Jordan	✗	✗	✗	✗	✗
Kazakhstan	✓	✗	✗	✗	✗
Kenya	✗	✗	✗	✗	✗
Korea	✓	✓	✓	✗	✗
Kuwait	✗	✗	✗	✗	✗
Kyrgyzstan	✓	✗	✗	✗	✗
Laos	✗	✗	✗	✗	✗
Latvia	✓	✗	✓[52]	✗	✗
Lebanon	✗	✗	✗	✗	✗
Lesotho	✗	✗	✗	✗	✗
Liberia	✗	✗	✗	✗	✗
Libya	✗	✗	✗	✗	✗

[52] Article 166(2) of the Criminal Law of Latvia criminalizes "the importation, production, public demonstration, advertising, or other distribution of such pornographic... materials as relate or portray the sexual abuse of children." *Emphasis added.*

Conclusion

Arising from the discussions, the following conclusions were drawn;

▶ The growth of ICTs has created numerous opportunities for all including the children (their vulnerability not withstanding) to communicate, interact, share and access information.

▶ Wider and easily available access to the Internet and mobile technology though good has the flipside that can easily expose the children to harmful content.

▶ To enable the children navigate the digital world safely, the government, civil society, internet service providers, and caregivers must work together. Empowering children with knowledge and skills to stay safe in the digital environment should be given a priority and start early in life

▶ The technology service providers (ISPs) have a very critical role to play in ensuring that children are kept safe in the digital environment.

Way Forward

The following recommendations were made:

i. ISPs should provide filters in the country to ensure that inappropriate content is not readily available over their infrastructure – restriction on accessibility.

ii. ICT device manufacturers should assist in restricting access to undesirable content because it is possible as demonstrated by internetwork operating system (IOS) that Apple uses which restricts access to sites that have been identified as pornographic sites unlike Android.

iii. A survey should be conducted to establish the extent of the proliferation of inappropriate content in the country and also identify the sites which host the content so that action is taken from a point of information.

iv. KFCB should partner with ISPs in Kenya to come up with methods of monitoring and reporting of inappropriate online content for such content to be blocked.

v. Given its role as a content regulator in Kenya, KFCB should negotiate with the ISPs so that they recognize the Board as a lead flagger

vi. The Child Online safety materials should be included in the KFCB Media Literacy Program.

vii. KFCB and other stakeholders concerned with Child Online Safety should seek partnerships with other countries that have managed to address the issue of Child Online safety

viii. The Board should pursue the possibility of becoming the Kenya's Hotline in INHOPE so as to create a platform for monitoring and reporting child pornography.

ix. The Board should set up a toll free hotline for members of the public to report cases of child online abuse. The Board should also come up with an application that enables users to report any form of child pornography.

x. The Board should create capacity by training the KFCB child online safety team on how to advice the public and to handle complaints on different platforms such as Facebook, twitter, What Sapp etc.

xi. The Board should make a follow up and reach out to the other critical stakeholders in child online safety who were not in the retreat and incorporate them in the partnership

xii. The Board will enter in to a working partnership with KeNIC in ensuring that content hosted in the .ke domain is appropriate for all consumers irrespective of their age

xiii. A Media Literacy Program committee to be formed soonest to carry the agenda forward. The coordinator is Emmah Irungu of KFCB.

Press Conference

The stakeholders and members of the public were briefed of the meeting's discussions and way forward in a press conference that was held at the venue and widely covered in the media including during prime time.

Fig 2 - Press conference coverage by Citizen TV

The reportage by MediaMax available on www.mediamaxnetwork.co.ke

Kenya lacks child online safety laws, report reveals, By Kirera Mwiti, Date: June 05, 2017

Kenya does not have any policy on child online safety and has been ranked as one of the worst performers in the continent in the sector. According to a report by the International Telecommunication Union (ITU), the country has not achieved anything in the protection of the minors. Report shows, Kenya, despite been one of the leading users of internet in the continent, has scored zero in child protection. Addressing the press during the retreat in Sawela Lodge in Naivasha, the Board CEO Ezekiel Mutua said cases of internet abuse were on the rise. "The report that we have done nothing is worrying and as one of the leading users of internet we should act," he said.

Compiled by Paul Ng'ang'a and Emmah Irungu